

U. S. Congress.

Congressional Record

PROCEEDINGS AND DEBATES

OF THE

FIRST SESSION OF THE
SIXTY-EIGHTH CONGRESS

OF

THE UNITED STATES
OF AMERICA

AND INDEX

VOLUME LXV—PART 5

MARCH 15 TO MARCH 31, 1924

(Pages 4229-5322)



WASHINGTON
GOVERNMENT PRINTING OFFICE
1924

Congressional Record

PROCEEDINGS AND DEBATES

First Session of the
Sixty-Eighth Congress



THE RECORD
OF THE

HOUSE OF REPRESENTATIVES

VOLUME LXV—PART 2

MAINTAINED BY THE

GOVERNMENT PRINTING OFFICE



GOVERNMENT PRINTING OFFICE
WASHINGTON, D. C.

U. S. Govt.
7-17-1924

Congressional Record.

PROCEEDINGS AND DEBATES OF THE SIXTY-EIGHTH CONGRESS FIRST SESSION.

SENATE.

SATURDAY, March 15, 1924.

(Legislative day of Friday, March 14, 1924.)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Mr. LODGE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CURTIS in the chair). The Secretary will call the roll.

The principal clerk called the roll, and the following Senators answered to their names:

Adams	Fess	Ladd	Robinson
Ball	Fletcher	Lodge	Sheppard
Bayard	Frazier	McKellar	Shields
Borah	George	McKinley	Shipstead
Brandegee	Gerry	McNary	Shortridge
Broussard	Glass	Mayfield	Simmons
Bursum	Gooding	Neely	Smith
Cameron	Hale	Norris	Smoot
Capper	Harrell	Oddie	Spencer
Caraway	Harris	Overman	Stanfield
Colt	Harrison	Owen	Stephens
Couzens	Howell	Phipps	Trammell
Curtis	Johnson, Minn.	Pittman	Walsh, Mass.
Dale	Jones, N. Mex.	Ralston	Warren
Dill	Kendrick	Ransdell	Weller
Ernst	Keyes	Reed, Mo.	Willis
Ferris	King	Reed, Pa.	

The PRESIDING OFFICER. The Chair announces that the Senator from Iowa [Mr. BROOKHART], the Senator from Washington [Mr. JONES], the Senator from New Hampshire [Mr. MOSES], the Senator from Arizona [Mr. ASHURST], and the Senator from Montana [Mr. WHEELER] are engaged in a committee hearing. Sixty-seven Senators having answered to their names, a quorum is present.

INTERIOR DEPARTMENT APPROPRIATIONS—CONFERENCE REPORT.

Mr. SMOOT. Mr. President, I ask leave to submit a conference report on House bill 5078, the Interior Department appropriation bill.

Mr. ROBINSON. The Senator does not desire to take it up for consideration at this time?

Mr. SMOOT. If it leads to any lengthy discussion I shall not press it unduly.

Mr. ROBINSON. I will say that a Senator who can not be on the floor just at this moment asked that it be not taken up in his absence. I refer to the Senator from Arizona [Mr. ASHURST] who will be here in a few minutes. He is now engaged on the business of the Senate outside the Chamber in a committee hearing. The report can be submitted and lie upon the table to be taken up later.

Mr. SMOOT. I will withdraw my request for the present and submit the report later.

The PRESIDING OFFICER. The Senator from Utah withdraws his request.

SUPPLEMENTAL ESTIMATES OF APPROPRIATION.

The PRESIDING OFFICER (Mr. JONES of Washington in the chair) laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation pertaining to the legislative establishment, fiscal year 1924, contingent expenses, United States Senate, for payment of expenses incurred by the Sergeant at Arms of the Senate on account of attendance of Senators at the funeral of the late President, Warren G. Harding, \$5,000; for purchase of furniture, \$5,000, in total amount \$10,000, which was referred to the Committee on Appropriations and ordered to be printed. (S. Doc. No. 65.)

He also laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation pertaining to the legislative establish-

ment, fiscal year 1924, maintenance, Senate Office Building, for an extension of a freight elevator to the attic story of the Senate Office Building, including a new pent house, wiring, and new concrete floor in the entire attic story of this building, also one new revolving door on the ground floor at the southwest corner of the building, \$23,558, which was referred to the Committee on Appropriations and ordered to be printed. (S. Doc. No. 66.)

PETITIONS AND MEMORIALS.

Mr. WARREN presented a telegram in the nature of a petition of the Lions Club of Rawlins, Wyo., praying for the passage of the so-called Capper truth in fabric bill, which was referred to the Committee on Interstate Commerce.

Mr. FLETCHER presented a petition of members of the Milton Women's Club, of Milton, Fla., praying for the passage of legislation creating a Federal department of education, which was referred to the Committee on Education and Labor.

Mr. WILLIS presented a petition of sundry citizens of Columbus, Ohio, praying an amendment to the Constitution regulating child labor, which was referred to the Committee on the Judiciary.

He also presented a petition of members of Pride of Columbus Council, No. 207, Daughters of America, of Columbus, Ohio., praying for the passage of the so-called Johnson selective immigration bill, which was referred to the Committee on Immigration.

He also presented resolutions adopted by the lodges of the S. N. P. J. (fraternal organization of Yugoslav people), of Cleveland and Neff, Ohio, protesting against the passage of selective immigration legislation, and especially against the proposal to register, photograph, and finger-print immigrants, which were referred to the Committee on Immigration.

Mr. CAPPER presented the petition of the Board of County Commissioners of Crawford County, Kans., praying for the passage of legislation authorizing the Secretary of War to transfer certain materials, machinery, and equipment to the Department of Agriculture for road building purposes, which was referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of Newton, Kans., praying for the passage of legislation creating a Federal department of education, which was referred to the Committee on Education and Labor.

He also presented a memorial of sundry citizens of Newton, Kans., remonstrating against the participation of the United States in the League of Nations or the Permanent Court of International Justice, which was referred to the Committee on Foreign Relations.

He also presented petitions of sundry citizens of Saffordville and Newton, in the State of Kansas, praying for the passage of the so-called Johnson selective immigration bill, which were referred to the Committee on Immigration.

He also presented the petition of L. C. Weeks, as local secretary of the Federated Shop Crafts and of the Brotherhood Railway Carmen of America, of Osawatomie, Kans., praying for a repeal of the so-called Esch-Cummins transportation act, which was referred to the Committee on Interstate Commerce.

He also presented a memorial of sundry employees of the Kansas City Southern Railway Co., of Pittsburg, Kans., remonstrating against amendment of the transportation act of 1920, which was referred to the Committee on Interstate Commerce.

Mr. FESS presented a resolution adopted by the Ohio Horticultural Society, at Columbus, Ohio, favoring the passage of the so-called Purnell bill, relative to more complete endowment of agricultural experiment stations, which was referred to the Committee on Agriculture and Forestry.

He also presented a resolution of the Springfield (Ohio) Chamber of Commerce, favoring the passage of the so-called Lucretia Mott amendment to the Constitution, providing that men and women shall have equal rights throughout the United

States and all territory subject to its jurisdiction, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Orrville, Ohio, praying for the passage of the so-called Brookhart-Hull bill, requiring that all strictly military supplies be manufactured in Government-owned navy yards and arsenals, etc., which was referred to the Committee on Military Affairs.

He also presented resolutions of the Trades and Labor Council of Lima and of teachers of the public schools of Delphos, both in the State of Ohio, favoring the restriction of the traffic in narcotics, which were referred to the Committee on Foreign Relations.

He also presented a resolution of the Akron (Ohio) Bar Association, favoring the passage of legislation exempting from taxation \$5,000 of personal income, which was referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. NORRIS, from the Committee on Agriculture and Forestry, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 2146) to amend section 84 of the Penal Code of the United States (Rept. No. 256);

A bill (S. 2147) to complete the construction of the Willow Creek ranger station, Montana (Rept. No. 257);

A bill (S. 2148) to empower certain officers, agents, or employees of the Department of Agriculture to administer and take oaths, affirmations, and affidavits in certain cases (Rept. No. 258);

A bill (S. 2149) to facilitate and simplify the work of the Forest Service, United States Department of Agriculture, and to promote reforestation (Rept. No. 259);

A bill (S. 2150) to authorize arrests by officers and employees of the Department of Agriculture in certain cases and to amend section 62 of the act of March 4, 1909, entitled "An act to codify, revise, and amend the penal laws of the United States" (Rept. No. 260);

A bill (S. 2151) to increase the subsistence and per diem allowances of certain officers and employees of the Department of Agriculture (Rept. No. 261);

A bill (S. 2164) to repeal that part of an act entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1912," approved March 4, 1911, relating to the admission of tick-infested cattle from Mexico into Texas (Rept. No. 262);

A bill (S. 2316) to allow credit in the accounts of A. W. Smith (Rept. No. 263); and

A bill (S. 2711) for the relief of the Pitt River Power Co. (Rept. No. 264).

Mr. HARRELD, from the Committee on Indian Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 1174) authorizing the Secretary of the Interior to consider, ascertain, adjust, and determine claims of certain members of the Sioux Nation of Indians for damages occasioned by the destruction of their horses (Rept. No. 265); and

A bill (H. R. 4161) authorizing the Commissioner of Indian Affairs to acquire necessary rights of way across private lands, by purchase or condemnation proceedings, needed in constructing a spillway and drainage ditch to lower and maintain the level of Lake Andes, in South Dakota (Rept. No. 266).

Mr. BALL, from the Committee on the District of Columbia, to which was referred the bill (H. R. 655) to provide for a tax on motor-vehicle fuels sold within the District of Columbia, and for other purposes, reported it with amendments and submitted a report (No. 267) thereon.

Mr. DILL, from the Committee on Public Lands and Surveys, to which was referred the joint resolution (S. J. Res. 64) to change the name of "Mount Rainier" to "Mount Tacoma," and for other purposes, reported it without amendment and submitted a report (No. 268) thereon.

ENROLLED BILL PRESENTED.

Mr. WATSON, from the Committee on Enrolled Bills, reported that on yesterday they presented to the President the enrolled bill (S. 684) to authorize the coinage of 50-cent pieces in commemoration of the commencement on June 18, 1923, of the work of carving on Stone Mountain, in the State of Georgia, a monument to the valor of the soldiers of the South, which was the inspiration of their sons and daughters and grandsons and granddaughters in the Spanish-American and World Wars, and in memory of Warren G. Harding, President of the United States of America, in whose administration the work was begun.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HARRELD:

A bill (S. 2838) to provide for expenditure of tribal funds of Indians for construction, repair, and rental of agency buildings, and related purposes; to the Committee on Indian Affairs.

By Mr. JONES of Washington:

A bill (S. 2839) for the relief of George Turner; to the Committee on Foreign Relations.

By Mr. SPENCER:

A bill (S. 2840) for the relief of C. C. Carson; to the Committee on Claims.

By Mr. FLETCHER:

A bill (S. 2841) for the relief of Wesley Mathis; to the Committee on Military Affairs.

By Mr. CAPPER:

A bill (S. 2842) to provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

A bill (S. 2843) to enable persons in the United States to engage in cooperative purchasing, for importation into the United States, of raw commodities which are produced principally in foreign countries; to the Committee on Commerce.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed bills of the following titles, in which it requested the concurrence of the Senate:

H. R. 6426. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 6941. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 7449. An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1924, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1924, and for other purposes;

H. R. 7783. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows of such soldiers and sailors; and

H. R. 7816. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House of Representatives, had signed the enrolled bill (H. R. 7039) to amend section 72 of chapter 23, printing act approved January 12, 1895, relative to the allotment of public documents.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed the following joint resolution and act:

On March 12, 1924:

S. J. Res. 57. Joint Resolution authorizing the erection on public grounds in the District of Columbia of a statue by Jose Clara personifying "Serenity."

On March 14, 1924:

S. 2014. An act to authorize the Park-Wood Lumber Co. to construct two bridges across the United States Canal which connects Apalachicola River and St. Andrews Bay, Fla.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred as indicated below:

H. R. 7449. An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1924, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1924, and for other purposes; to the Committee on Appropriations.

H. R. 6426. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 6941. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain

widows and dependent children of soldiers and sailors of said war;

H. R. 7783. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; and

H. R. 7816. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; to the Committee on Pensions.

CHANGE OF DATE OF INAUGURATION.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 22) proposing an amendment to the Constitution of the United States fixing the commencement of the terms of President and Vice President and Members of Congress, and fixing the time of the assembling of Congress.

The PRESIDING OFFICER (Mr. CURTIS in the chair). The question is upon the amendment submitted by the Senator from Georgia [Mr. HARRIS].

Mr. WILLIS. Mr. President, I move to amend the amendment offered by the Senator from Georgia by striking out in line 3 the word "six" and inserting in lieu thereof the word "four," so that the amendment as amended would read:

The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years; and no person hereafter elected shall be eligible to reelection.

I desire to say just a word on the amendment. I have been impressed by the arguments that have been made, particularly by the junior Senator from Massachusetts [Mr. WALSH], to the effect that six years is too long a time for which to elect an Executive, particularly if it should develop that a serious mistake had been made by the people in that choice. It seems to me that four years is a sufficiently long term.

I have also been impressed by arguments that have been urged by various Senators that it is a misfortune to the country that the Executive of any party is bound inevitably by the exigencies of party politics to give more or less of his attention during his first term to the matter of his reelection. I believe in the long run the country would get better service if we should make the President ineligible for a second term and confine his term to four years. It seems to me that is a sufficiently long time to enable a Chief Executive fairly to work out the policies which he has promised to work out, and if it develops that the people were not satisfied with those policies they ought to have the right to change at the end of four years rather than at the end of a longer period such as six years. By adopting the amendment which I suggest to the amendment proposed by the Senator from Georgia we would get the advantage of having an Executive chosen for a definite term with definite knowledge beforehand that he could not be a candidate for reelection. He must then know that whatever record he makes he must make within the four years.

Mr. ROBINSON. Mr. President, will the Senator from Ohio yield?

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Arkansas?

Mr. WILLIS. I yield to the Senator from Arkansas.

Mr. ROBINSON. Mr. President, of course, there is much which can be said both in favor of and against the proposal to limit public officers to one term, but what is the distinction, in the opinion of the Senator from Ohio, proper to be made between the terms of executive officers and the terms of legislative officers? If executive officers should be denied the privilege of being reelected, if they should be limited to a single term, why should not the same principle be applied to members of the legislative branch of the Government?

I take it that the principal purpose of denying an executive officer the right to succeed himself is to remove him from the temptation of acting in the performance of his duty in a way to incur public favor. If it is right and proper that an executive officer should be removed from influences which tend to make him conform toward public sentiment in the performance of his duties, why is not the same principle applicable, for instance, to Members of Congress, to those who serve in the legislative department? Is not the argument which can legitimately be advanced in favor of single terms for executive officers quite as strong, if not stronger, in favor of single terms for legislative officers?

When the whole argument has been summed up, is it desirable that either executive or legislative officers should be

placed above or below the reasonable influences which are exerted on both executive and legislative servants of the people naturally arising from what they believe to be the state of public opinion as it relates to the performance of their respective duties? In a Government such as ours, where all authority rests finally upon mature public opinion, do we desire to say that the public officers shall be placed in a position where indifference to public sentiment shall be premIALIZED? I think it worth while to remember that it might be subversive of the public interest to place either legislative or executive officers in a position where they would naturally be indifferent to the influences which gave them power.

I know there has been in progress throughout the country during recent months a campaign of education or propaganda—you may name it whichever you please—in favor of a single term of six years for the President. So far as my information goes, it is based solely on the theory that the Chief Executive, out of a desire to succeed himself in office, might render decisions and take action which would be subversive of the public interest, and that if we should remove him from that motive there would naturally result a temperament and a disposition which would make the Executive always conform to his convictions of the public interest, uninfluenced by his own ambitions. Every Executive, however, in the natural course, becomes surrounded by powerful and designing influences. I do not need to recall to the Senate instances where the Chief Executive has been regarded as subject to unofficial influences of men in private life. When the argument is summed up, I believe it will be found that the condition is better under the present system than it would be under the proposed system, where either Executive or legislative officers would be independent of the influences that gave them their power and position.

Mr. WILLIS. Mr. President, I think the observations of the Senator from Arkansas are pertinent and proper, and, as his observations always are, they are well worthy of most careful consideration. It seems to me, however, that the argument which the Senator has so ingeniously and ably made is directed at the amendment offered by the Senator from Georgia [Mr. HARRIS] rather than to the amendment to the amendment which I have proposed.

Mr. ROBINSON. That is entirely true.

Mr. WILLIS. I think, however, the Senator's questions are perfectly proper and fair, and I wish to answer them as best I can.

In the first place, I think there is a vast difference between the execution and administration of laws on the one hand and the enactment of laws on the other hand.

I think I can see several very good reasons why it might be desirable to limit the term of the Executive that would not be applicable at all to the case of a Representative in Congress or a Senator. I think the President occupies a relationship to the people, and ought to occupy a relationship to the people, quite different from that which obtains between a Representative or a Senator on the one hand and the people on the other. The people generally look to the Chief Executive as the personification of national sovereignty. It will be remembered by those familiar with the great classic of the history of government, Guizot's History of Civilization, that he points out that the Executive is in a sense the personification of the sovereignty of the people, and that is why all of us, no matter what the stress of party contest or bitterness may be, have a respect for the office entirely separate and apart from the personality of the individual who temporarily happens to occupy it. Because that is true, because the Executive is the personification, in a sense, of the sovereignty of the Nation, I believe that in the long run the people will get better service and the Executive himself will be in a position to have his service better understood if it is known beforehand that he can not be a candidate for reelection.

Mr. BORAH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Idaho?

Mr. WILLIS. I yield.

Mr. BORAH. Mr. President, the argument of the Senator, it seems to me, is answered by recurring to two or three particular crises in American history when it would have been almost disastrous if the people had not been permitted to reelect such men as Washington and Lincoln. That is particularly true with reference to Lincoln. It is said, and I imagine it is true, that some friends of Lincoln came to Washington from Springfield, Ill., prior to the commencement of the campaign in 1864 and went to a Member of the House and asked him to introduce them to Lincoln friends in the House and the Senate; that they were naturally anxious about his politi-

cal future, and were desirous of getting in touch with them. The gentleman to whom they spoke took them over and introduced them to a Representative from Illinois, and said that if Lincoln had any other friends in the House he did not know who they were. It is a notorious fact that what we might call the "organization," or the leaders of the party, were practically unanimous against Lincoln's renomination; but the people thought otherwise and, as usual, they were ahead of their leaders. I think it would have been a disaster if he had not been reelected. It was almost a disaster when he was assassinated, and it would have been worse if he had not been reelected.

Mr. WILLIS. Mr. President, I think the Senator from Idaho is quite correct in the observation that it would have been an unspeakable calamity if President Lincoln had not been reelected, but, on the other hand, if we should adopt the amendment of the Senator from Georgia without the amendment which I am now proposing it would have been an equally unspeakable calamity, speaking with great respect to the then Chief Executive—it would have been a calamity indescribable if the predecessor of Mr. Lincoln had had two more years in which to serve. That, to me, is the answer, or an answer to the argument in favor of a six-year term. I quite agree that it would have been a tremendous misfortune if President Lincoln had not been reelected or if President Washington had not been reelected, and yet I can easily conceive of circumstances in which it might be a calamity if a President were reelected. We have to work out those things according to the doctrine of chance.

Mr. BORAH. That is true, but I think there is a difference between denying the people the right to exercise their judgment and relying upon that judgment when they do exercise it. I do not think there is a great deal of danger after a President has been in office for four years if he submits himself again to the electorate and the electorate approves of him. There is not a great deal of danger in that reelection. Does the Senator think there is?

Mr. WILLIS. No. Frankly, I say I do not think there is a great deal of danger in that respect; I agree with the Senator as to that.

Mr. BORAH. If we believe in representative government, it is fundamental that the ultimate judgment of the people must be the basis of our faith. There is just one feature of the situation which is disturbing to me, and if I knew how to control it I should be glad to do so. I do think that Presidents ordinarily devote too much time during the first four years to the effort to be reelected for a second term.

Mr. WILLIS. Undoubtedly.

Mr. HARRELD. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Oklahoma?

Mr. WILLIS. I yield.

Mr. HARRELD. I should like to ask the Senator from Idaho this question: Suppose that after Mr. Lincoln had been renominated the will of the leaders to whom the Senator referred as being opposed to him had prevailed and Mr. Lincoln had been defeated, can the Senator not conceive that there might have been complications arising from that which would have been avoided if it had been known from the beginning that he would not succeed himself, thereby affording an opportunity to provide against that contingency?

Mr. BORAH. Well, no; I think the disaster which would have resulted would have been the same whether the leaders had prevailed or whether the Constitution had made it impossible. We would have been deprived of Lincoln in either case, and it would have been a disaster.

Mr. HARRELD. I think that is true.

Mr. BORAH. But there is one thing about the leaders in American politics—that after they find out what the people really want, they generally accede to it.

Mr. HARRELD. That is true.

Mr. WILLIS. Mr. President, I want to suggest one other thing for the consideration of the able Senator from Idaho, and that is this: The adoption of this amendment, in my judgment, would make out of the Presidency an office that is more directly the servant of the people and very much less an office that is devoted to political leadership. As long as you have it in the Constitution so provided that the President is eligible for reelection it is absolutely inevitable that he will be looked upon as, and to some extent he will be, a leader of his party. Political considerations are going to have large effect. On the other hand, if you provide in the fundamental law that the Chief Executive can not be reelected, you have very largely removed him from the influence of mere political considerations and have brought him face to face with the sense of his respon-

sibility to the people. He knows that, politically, when he is elected to the Presidency his career is finished, and whatever he is to accomplish for the benefit of his country he must accomplish in the four years. I think it will place the Presidency upon a higher level and will bring to any man who is elevated to that great office a greater sense of his responsibility to the people.

Mr. BORAH. Certainly you would not want the President to cease playing politics and have the Senate playing politics; so we ought to limit the service of Senators to one term also.

Mr. WILLIS. That might be desirable, but I think it is unwise to undertake to doctor all the different departments of the Government at once.

Mr. BORAH. So we will begin with the other fellow's department.

Mr. WILLIS. We will begin with the proposition that is before us.

Here is another consideration: I submit this without any reference to the turbulent times through which we have recently passed in this body and perhaps in which we are. I am not thinking particularly about that, though it affords an illustration. I have never known of any President of the United States whose motives were very seriously misjudged.

Going back no further than the administration of President Wilson—and I can speak of that very freely, because I chance to belong to the opposite party—we could multiply illustrations where undoubtedly the motives of the President were misunderstood. It was said that he did thus and so because he was shaping affairs so that he and his party might win in the next election. Sensible and thoughtful men can give numerous illustrations of that sort of thing, and I have no doubt that that has been true of every President we have ever had. I think no doubt it is true in the instant case that the motives of the Chief Executive are misunderstood and misinterpreted. I do not complain about that. It is one of the things that is inevitable in politics, because we are looking all the time to the next election; but if there were a provision in the fundamental law that the Chief Executive should be elected for four years, and four years only, then he would be looked upon as he ought to be, as the representative of the sovereignty of the Nation and not as a political leader.

I therefore believe that the amendment I have suggested ought to be adopted, so that this proposed amendment will provide for a four-year term instead of a six years, and then that the President shall be ineligible for reelection.

Mr. DILL. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Washington?

Mr. WILLIS. I yield to the Senator from Washington.

Mr. DILL. I think the Senator has finished his remarks on that phase of the matter; and if so, I desire to ask him a question.

The purpose of this amendment, as I take it, is to change the date of inauguration and the ending of the terms of Members of Congress, so that we will not have a "lame-duck" situation in the United States in the future.

Mr. WILLIS. That is the purpose of the amendment offered by the Senator from Nebraska [Mr. NORRIS]; yes.

Mr. DILL. That being the purpose, does the Senator think it is a wise thing to do to mix with that purpose the question of how long a President shall serve? In other words, waving aside the arguments for or against a single term, if the Senator is for the amendment as it now stands, does he not think it endangers the ratification of the amendment to put into it another proposition, and one that is entirely different, namely, the length of time that a man can be President?

Mr. WILLIS. Mr. President, I think that is a very proper question, too; and if I had my way about it, I quite agree with the Senator from Washington that I should rather consider the propositions separately. We have to deal, however, with things as they come before us. Here is an amendment proposed by the Senator from Georgia [Mr. HARRIS], and the Senate is bound to vote upon it. Since it is before us, I can see no objection to acting upon the matter now, and therefore I have offered my amendment.

Mr. DILL. I want to say to the Senator that I shall vote against this amendment and the amendment of the Senator from Georgia also, because I do not want to mix the two propositions.

Mr. NORRIS. Mr. President, I want to appeal to the Senator from Georgia [Mr. HARRIS] to withdraw his amendment, regardless of the merits of the amendment to it offered by the Senator from Ohio [Mr. WILLIS]; and it is immaterial, as I look at it, whether the latter amendment is agreed to or not. I should like to have the amendment offered by the Senator

from Georgia defeated, for the reasons that were so well stated by the Senator from Washington [Mr. DILL]. I am not sure but that upon full debate and discussion I should vote for the Senator's amendment. The Senator, however, ought to see now, immediately when it is suggested, what a controversy of opinion arises at once as to whether that ought to be put in the Constitution. If that amendment should be put on the one I have proposed, it would couple with a proposition that has but little or no opposition one that would lead to endless controversy, and might bring about the defeat of the whole thing.

I appeal to the Senator from Georgia, under the circumstances, to withdraw his amendment. If a vote is taken on it, his amendment will not get the support of many Senators who are in favor of it, so that it would be an injustice even to the amendment to make the record that we are about to make. I do not want to vote against it myself, but I should have to vote against it. I should plead with the Members of the Senate, the friends of the original joint resolution that has been reported from the committee and is before us now, if they want that idea enacted into law and want the legislatures to approve it, not to couple with it another proposition upon which probably the people are practically equally divided.

It seems to me, under the circumstances, that the Senator from Georgia ought to withdraw his amendment.

Mr. FESS. Mr. President, I think with some sympathy of the suggestion made by the Senator from Nebraska [Mr. NORRIS], but it strikes me that this is a very important proposal. It is one about which I have thought for many years. This is the first time in my experience that it has ever come before a legislative body in a form where we can vote for or against it, and for that reason I should like to have just a moment to consider it, whatever may be the attitude of the Senator from Georgia [Mr. HARRIS] as to withdrawing it.

I have listened to the comment for and against the amendment. I am thoroughly convinced that this is not a matter that is impulsive, not a matter that has come without long consideration, that we ought to write into the organic law the ineligibility for reelection of the Chief Executive.

I fully appreciate the one outstanding objection that was raised a moment ago by the Senator from Idaho [Mr. BORAH], in which he referred to the possible danger of failure to reelect in the midst of war, speaking especially of the reelection of Lincoln in 1864. I admit that that is a contingency that might arise, but it is not very apt to embarrass us greatly. I admit that in the progress of a great conflict, where the entire policy has been under the direction of an Executive, the change of that Executive in the midst of it might present some danger. I also recognize the argument of Hamilton that was made in the Constitutional Convention, and later in his argument in the Federalist, that reeligibility is an invitation to do a real service and is a suggestion against doing anything that might meet with the disapproval of the public. All of those items I have thought of at other times, but I do not believe that they overbalance the value of writing the ineligibility for reelection into the Constitution.

In the first place, the President must be, in the nature of our institutions, the party leader. It does not mean that he wants to be; it means that he must inevitably be the party leader. I know, as other Members sitting here know, that our late President would not have turned over his hand for a reelection. Those of you who knew him as well as some of us did, who have talked over matters with him as we did, know that what he was compelled to do that appeared to be directed by considerations of party welfare was not so much of his choice as it was by reason of his being the head of the Nation and the head of a political party. In other words, this requirement of being a party leader is not necessarily from choice; it is from the stress of the situation. A man at the head of the Nation in a country like ours, which is party governed, could not, if he wanted to, free himself from the obligations of party leadership; and the President of the United States, under the stress of party leadership, is compelled to devote most of his time not so much to issues of statesmanship as to the party interests. I repeat that that grows out of our organization, and I am convinced that it is better for the country, and especially better for the incumbent, that the length of his service should be definitely fixed and that there should be an inhibition to his succeeding himself, not so much because his conduct would not warrant it but because it is not for the welfare of the Government that it should be done.

I think four years is too short a period, I would say to my colleague from Ohio. Six years would be too long for a bad man, as would four years be too long for a bad man. Under our system of government we are not apt to elect as the head

of the Nation a man who would prove to be a detriment to the Nation; and if we assume that the length of time should be shorter, or even fixed, because of that danger, then four years would be just as objectionable, or in a degree it would be, as six. Four years is not time enough for an Executive to outline a well-defined, constructive policy. That is too short a time. Even at the present time, when a President standing for reelection is defeated, there is a period of time from the election until the end of his term which is absolutely useless so far as constructive legislation goes, for an Executive who is a candidate and is not elected to succeed himself is wholly without confidence and without spirit. That is a period of time that is almost an interregnum; that is without any force whatever. Ineligibility would correct this situation. It strikes me that four years is too short; six years will not be too long, and the provision as to ineligibility is of so great value to relieve the country from too much partisanship and at the same time relieve the President from the oppressive demands of party leaders which are so weighty that no man can bear up under the details which require him to devote most of his first term to looking after his election for a second term. All of these things strongly argue to me that we should make the President ineligible, but not limit the term to a shorter period than six years.

The provisions throughout many of the States limiting the governors to one term have not shown that such a practice is dangerous. The terms are not short where the governor is limited to one term. Where there is a provision for a succession of terms the terms will be short. In my own State the governor's term is for two years. One election is always suggestive of a second election, provided the governor can get the approval of the people. Therefore four years, as a rule, is the limit in Ohio, although we have had two cases where there were three terms instead of two. So in practice we have four years in two terms. I do not see that there would be any danger in making that four years in one term and making the incumbent ineligible to election to succeed himself.

The same is true in Pennsylvania and is true in a great many other States. I do not think any State which has a provision making the incumbent of the office ineligible, and limiting him to one term, has found that there is any inconvenience or danger connected with that practice, and for the same reason I think such a practice would be of value in our Federal Government.

As Senators know, it has been the practice for Presidents to stand for reelection, or renomination, for the Presidency. The first President of this Republic served two terms. While it is true that the second President had only one term, he was a candidate for election to a second term. Likewise the third, fourth, and fifth Presidents served for two terms. The sixth President served only one term. Jackson served two terms. Then for a long period the rule was only one term, but Senators will note that, beginning with the Civil War, the rule became two terms. Lincoln served two terms, and Grant two terms. True, Hayes served only one term, but in the campaign, in his letter of acceptance, Hayes announced that he would not stand for a second term and was against the practice of a President succeeding himself. But not so with other Presidents who were alive at the time the first term expired. In other words, since the Civil War the practice has been for a President to seek a second term. While not every one has been reelected, almost every President has stood as a candidate for a second term. In practice, therefore, we have eight years as the tenure of the presidential office. Eight years is not too much. But it involves the exigencies of reelection with all the confusion and liability incident to it. Six years would be better, especially if we limit it to one term. I am convinced that the better plan, judged by public welfare as well as integrity of leadership, argues strongly for one term of six years and ineligibility to a reelection.

So, Senators, whatever be the attitude of the Senator from Georgia [Mr. HARRIS] about withdrawing his amendment, I hope the time will come when the Congress will favorably consider making the term of the presidential office six years and making the President ineligible for reelection. I am for the joint resolution offered by the Senator from Nebraska [Mr. NORRIS] proposing a constitutional amendment fixing the commencement of the term of President and the time of assembling Congress. I will vote for the amendment of the Senator from Georgia to this joint resolution, and if it is not agreed to at this time I hope further consideration will be given to the subject at some time when we can have fuller consideration and secure a vote in the Senate upon it.

Mr. HARRISON obtained the floor.

Mr. SPENCER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Missouri?

Mr. HARRISON. I yield, if the Senator wants to make a request.

Mr. SPENCER. If the Senator will yield to me for a moment, I ask unanimous consent to have printed in the RECORD the address of ex-Secretary of the Navy Denby which was delivered at Detroit yesterday, and following it—

Mr. REED of Missouri. I object.

Mr. HARRISON. It has already been placed in the RECORD, I think.

The PRESIDING OFFICER. Objection is made. The Senator from Mississippi has the floor.

Mr. SPENCER. The Senator from Mississippi yielded to me. I thank him.

Mr. HARRISON. I made no objection to the Senator's request.

Mr. SPENCER. I know the Senator did not.

Mr. HARRISON. I made the observation that I thought some one had already placed that speech in the RECORD.

Mr. SPENCER. The objection was made by my colleague. I will not trespass upon the Senator's time now.

Mr. HARRISON. Mr. President, I thoroughly agree with the remarks made by the Senator from Idaho [Mr. BORAH], that "sometimes the Senate plays politics," and that when it does, "the President is justified in playing politics." I agree also with the proposition advanced by the Senator from Ohio [Mr. WILLIS] that "sensible and thoughtful men everywhere know that Presidents give much time to efforts to secure their reelection." I want to substantiate that by a statement of some recent facts.

The other day we defeated the so-called Norbeck bill, which, it was alleged, sought to give some relief to the farmers in the wheat area. I noticed in the press this morning an article regarding the action of the Senate on that bill, in Ned McLean's paper, the official organ of the Republican Party, an inspired article, coming from the White House, because they seem to speak by the cards in this article. I shall not read it all, but only those lines that are pertinent to the issue. It is quite remarkable. The article reads:

President Coolidge was disappointed at the defeat of the Norbeck-Burness bill providing a fund of \$50,000,000 to encourage diversification in farming, it was made known at the White House yesterday.

That fact was made known yesterday at the White House.

The President had thought the bill had a great deal of merit and that it would be helpful in the present distressing conditions in the agricultural regions. It was in harmony, it was said, with the President's recommendations in his message to Congress.

I do not think there is any doubt about that. That is the one and only farm-relief measure he has indorsed. The article continues:

The defeat of the Norbeck-Burness measure leaves only the McNary-Haugen bill before Congress to provide relief for the farmers of the wheat sections. This bill in no manner conflicted with the Norbeck-Burness bill, but is looked upon as a measure that would virtually fix prices and, it is understood, does not fully meet the views of Mr. Coolidge.

Of course, in his New York speech the President came out against the McNary bill, not in name, but in substance. He said he was against all price-fixing measures; but he was for the Norbeck bill. The article continues:

Among friends of the President defeat of the Norbeck-Burness bill is attributed largely to the absence from the Senate of its author, Senator NORBECK, who is campaigning in South Dakota for Senator HIRAM JOHNSON. Had he been present—

Says this inspired article—

they said yesterday, the bill might have been passed. Commissioner of Indian Affairs Burke—

Mr. Burke comes from South Dakota, I may say. He is an appointee of the present administration, a nice gentleman, with whom I served in the House—

asserted that Senator NORBECK's presence was vital to the success of the bill, but that he chose rather to go campaigning in South Dakota in the hope of beating the President in the primary campaign. Senator NORBECK has been canvassing the State for several days, and will remain there probably until the election on March 25.

Confidence that President Coolidge will carry South Dakota, notwithstanding the vigorous campaign that is being waged for Senator JOHNSON, was expressed by the Coolidge managers yesterday. They realize that the contest is close, but all reports from there indicate that the President is holding his own.

So, Mr. President, in the list voting against the bill that was indorsed by the President, the so-called Norbeck bill, which even the gentlemen from the wheat areas said would not meet all of the situation—they voted for it only as a part of a general program—I find the names of some of the President's closest friends, men, may I say, to whom the President had only to whisper and they would have turned tumblersaults. Evidently the President did not take very much interest in the Norbeck bill. He just said he was for it and wanted it passed. But the leaders here, the men closest to him, voted against it. I find in this list BALL of Delaware. He can be said to be a pretty strong friend of the present administration and of President Coolidge.

BORAH! He has recently been a very great friend of the President, because the President has sought his advice on numerous occasions, but unfortunately has not accepted his advice. If he had, the President would be in a better fix than he now finds himself.

BRANDEGEE! A very close friend of the President, who wants to help him carry out all of his measures.

COUZENS! I had better pass that Senator's name, since he got into a controversy with the Secretary of the Treasury, who is the President's man Friday.

DALE! There is no closer friend of President Coolidge in this body than the new Senator from Vermont, Mr. DALE.

Mr. EDGE, who is seeking reelection, and who on all occasions, when he can stretch his conscience a little bit, votes with the President.

ERNST, of Kentucky! Always to be relied upon in administration matters.

GOODING! A recent convert. He showed a good deal of courage when he voted against the Norbeck measure the other day. He said he voted against it because he wanted a broader measure passed—one like the McNary bill. I believe, as he termed it. Some one suggests the Norbeck bill provided nothing about sheep. It only mentioned poultry.

LODGE! The President never had a better and closer friend and greater champion than the distinguished leader on the other side—Mr. LODGE. When some one criticizes the President, after he incubates it in his mind for two or three hours and hastens to the White House to find an explanation, he comes back and defends the President most eloquently. He is always on the watchtower to defend the President. He voted against the bill.

McLEAN! Another one who can be relied upon.

MOSES! The election had not been held in New Hampshire at the time MOSES voted on this proposition.

PEPPER! PEPPER! The President has no warmer friend here. He does not take his advice. He treats the senior Senator from Pennsylvania as he does my friend from Idaho [Mr. BORAH] at times, especially when the recommendation comes to demand the resignation of the Attorney General.

REED of Pennsylvania! Another who is the mouthpiece at times for the administration, especially when the Treasury Department is criticized.

SMOOT! He can always be relied upon, and he voted against the proposition.

WADSWORTH is another, and WATSON, "JIM" WATSON, may I be allowed to call him.

That is the crowd on the other side which voted against the measure, the President's closest and warmest political friends. Yet in this inspired article we read that the President is very much disturbed—hurt, may I say—because the Norbeck-Burness bill did not pass, and lays it to NORBECK's absence, because NORBECK was over in South Dakota pleading that the delegation from that State go instructed for HIRAM JOHNSON.

Mr. GLASS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Virginia?

Mr. HARRISON. I yield.

Mr. GLASS. It may be that these Senators in voting against the bill took the message of the President of December 6 last at its face value when the President said:

No complicated scheme of relief, * * * no resort to the Public Treasury will be of any permanent value in establishing agriculture. Simple and direct methods put into operation by the farmer himself are the only real sources for restoration.

Mr. HARRISON. Absolutely; but at that time perhaps he did not know that the vote in South Dakota and North Dakota, in the wheat area, was going to be so close. HIRAM JOHNSON at that time had not got busy out there. Although the President has come out against the McNary bill, as this inspired article supposes and as is generally understood, the pressure will be brought on him, especially as the Republican convention ap-

proaches, and he will turn around and indorse the McNary bill in the end.

There is another proof. Let me say that the absence of the Senator from South Dakota [Mr. NORBECK] did not defeat the bill. The Senator from South Dakota was paired on the measure. His vote was counted. He even went to the extent, as shown by the CONGRESSIONAL RECORD, of arranging a pair with the Senator from Maryland [Mr. WELLER], a Republican Senator. The bill would have been defeated whether its distinguished author was here or not. They are trying to prejudice his cause in South Dakota because he had taken up the cudgels of the opponent of the President of the United States.

Of course everyone knew when the President a few days ago, on last Saturday, in fact, raised the tariff on wheat 12 cents a bushel, from 30 cents to 42 cents a bushel, that he was playing politics, that he was trying to bring into his camp the great wheat areas of the country. He was attempting to deceive the farmers, as the Republican Party in the past had deceived them. But there have been some leaders in the ranks of the Republican Party that have not attempted to deceive them on the question of the tariff on wheat. I have before me here utterances by the distinguished President pro tempore of the Senate, the senior Senator from Iowa [Mr. CUMMINS], who has studied the tariff question as few men have and who comes from the great Middle West. In a speech which he made in 1909, in discussing the question, this is what he said as to the tariff on wheat:

I want Senators to remember that I come from a State which probably puts more in value into the channels of trade every year than any other State in the Union in agricultural products. We will this year supply the people of the United States and the people of the world with products that will surpass the value of \$700,000,000, and—

He said further—and this is the President of the Senate talking—

It is idle for even an enthusiast to assert that the price of those products is directly affected by the protective tariff.

Let me get closer to some of you. I want to read from another speech made by one who made a great reputation in this body, who came from the great Middle West and who is gone now, the late Senator Nelson, from Minnesota. Here is what that distinguished Senator said in speaking on the question of the tariff on wheat. This was in May, 1909, when the Payne-Aldrich bill was before the Senate:

I do not recall—

Said Senator Nelson—

the millions of bushels produced by the State of Minnesota, but I desire to tell the Senator that the tariff on wheat which is on the statute books has not done us a particle of good. It would be like a tariff on cotton, because up to this time we have been exporting from 150,000,000 to 250,000,000 bushels of wheat a year. The price of our wheat is fixed by the Liverpool price—the export price—and no duty up to this time has helped us.

I could read to you, Mr. President, from a report made by a commission composed of Republican and Democratic Senators some time ago. Upon that commission was the distinguished leader upon the Republican side, Mr. LODGE. The commission was appointed to look into the question of how the tariff on agricultural products affected the price. They said "the price of wheat was fixed in the world market and that the tariff had no effect."

But since this plea to the voters of the Middle West by the President raising the tariff on wheat from 30 to 42 cents a bushel, what are the results? How did it affect the price? Here are the facts. The increased duty was fixed on March 7, just a week ago. I read to you from a morning paper, the Washington Herald. Some of you might not want to accept that because it is not Ed McLean's paper, but it is a pretty reliable paper. The item is dated Chicago:

The farmer has been given more protection. The result is a drop in the price of wheat on the board of trade market of 8 cents a bushel. More than 7 cents slumped off yesterday and to-day. Soon after President Coolidge acted to protect the wheat farmer by raising the flexible tariff on Canadian wheat from 30 to 42 cents a bushel, the troubles of the wheat farmer began.

In less than a week's time wheat has gone down in price, as this paper said, 7 cents a bushel.

Mr. NORRIS. Mr. President, I did not intend to divert the discussion from the resolution that is pending here, and I should not say a word with reference to anything the Senator from Mississippi has said if I did not feel that in fairness to one of our colleagues, the Senator from South Dakota [Mr. NORBECK], I ought to speak, because otherwise the criti-

cism that was read from the newspaper, which I had not read myself, but which was read by the Senator from Mississippi, might be misunderstood.

As to how much time a Senator or a Member of the House should devote outside of the Congress to campaigns that are going on in his State is a question upon which men may very fairly and honestly disagree. I dislike very much to have come out from the White House what appears to have come in the way of criticism upon the Senator from South Dakota, and the statement made that if that Senator had been here the bill which bears his name would have passed.

I was not the author of the bill. As I have said before, when we began the hearings I was opposed to it myself, but I was there all the time. The Senator from South Dakota devoted more time to the consideration of the questions there involved than any other Member of this body, in my judgment. He was conscientious in regard to it. He worked early and late in regard to it. He felt as though it was his duty to go to his home State and participate in the campaign. He was careful to see before he went away that he was paired, so that his vote was not lost. He made a speech, a very able analysis of the bill, before he left the Senate.

It never has been my intention to say anything in regard to the matter. I have not participated, and would not have participated even if I could, in the contest that has come on in South Dakota, but the Senator from South Dakota had a right to participate in it. It happened to come at a time when his bill was coming on for a vote. He guarded himself and protected himself all the way through. There is not a Senator here but knows that I speak the absolute truth when I say that if the Senator from South Dakota had remained the bill would have been defeated just the same. I think it is very unjust for a statement of that kind to come out at this time in regard to the Senator from South Dakota, intended, I presume, to affect the result in South Dakota. It may be said that his colleague, the senior Senator from South Dakota [Mr. STERLING], is also in South Dakota; and I mention that without any criticism of Senator STERLING. He has been there much longer than Senator NORBECK, participating in the contest.

Mr. ROBINSON. Which side of the campaign is he taking?

Mr. NORRIS. I am not authorized to speak for Senator STERLING, but I understand that he is for a delegation in South Dakota in favor of the renomination of Mr. Coolidge.

Mr. ROBINSON. If that be true it throws a very interesting light on the criticism that has been made of the junior Senator from South Dakota [Mr. NORBECK].

Mr. NORRIS. I have never been told that that is a fact, but that is my understanding. It does not seem to me that a statement of that kind comes with good grace from the White House. I dislike that it is necessary for me to mention it. I have not participated in the campaign and have not done a thing in the world, and could not if I wanted to, that would influence a single vote in South Dakota; but in the interest of absolute fairness it seemed to me that somebody was called upon to say as much as I have said, at least.

Mr. WILLIS. Mr. President, I do not desire to prolong the discussion of the joint resolution which is pending. I simply want to say a word in response to what the Senator from Nebraska said when he was on his feet before, that he feared the adoption of the amendment offered by the Senator from Georgia, if it shall be amended in the way I have suggested, would endanger his resolution. If I shared that opinion, I would vote against the amendment offered by the Senator from Georgia and against my own amendment, because, as the Senator from Nebraska knows, I am cordially and heartily in favor of his amendment. But I do not share that feeling. I think the Senator will find that there is a very strong sentiment in the country in favor of the limitation of the executive office to a single term. At all events, as my colleague has pointed out, the question is before us now. There is no probability that we shall have another opportunity to vote upon the question of the presidential term, and I therefore trust that the Senator from Georgia will not withdraw his amendment. There is no pride of opinion about this. I think we ought to have a yea-and-nay vote to take the sense of the Senate.

Mr. REED of Missouri. Mr. President, I want to say a few words touching the pending amendment to the proposed constitutional amendment, and also concerning the proposed amendment itself.

A few Senators, and only a few, remain in the Chamber and listen to these debates, and yet one would imagine that when we are asked to change the fundamental law of the land it would call for the presence of every Member of this body. On

yesterday I counted, and I think there were but seven Members of the Senate present while the debate was going on. If we had a dispute here involving some slight political question we should speedily find these chairs filled. If there is no other reason why this joint resolution should be defeated, it is because it has not been considered by the Senate. It has been nominally before the Senate, but the Senate has been actually absent.

The old Constitution was written by some very wise men. It has served this country marvelously well. There has been no emergency in the life of the Nation or in the condition of the people which it has not been found adequate to meet. When we propose to change such a Constitution, it should be done only in the presence of some great and commanding reason.

I know this is the period of change, of alteration. The idea of progress seems to be that if you change a thing you have progressed, and hence to be progressive you must insist on change; but, Mr. President, putrefaction is change, but it is hardly progress in the right direction. It is the progress toward death and dissolution. If we were to amend the Constitution of the United States and destroy the Supreme Court, it would be a change, but it would be retrogression, not progression. If we were to change the Constitution of the United States and provide for the election of a king, it would be a change, but it would be a change that would destroy the Republic. So I beg to say in the inception of my remarks that those who confuse change with progress, and who believe that they can only occupy an exalted place in the forward march of progressivism by proposing changes frequently make the mistake of thinking that everything ought to be changed and confuse that with real progress.

There has been no system of government ever conceived in the brain of man that will not at times be found to fail to meet every possible exigency; and when some obstruction is met with there is in these modern days always some well-intentioned gentleman ready to come forward and propose a new system. He invariably proceeds in this wise: There are certain defects discovered in the present system; therefore it should be altered or destroyed, and there should be substituted for it a new system which its proponents solemnly assert will work perfectly; and yet when the new system is tried it almost invariably develops defects worse than those of the old and tried system. So we go on following this will-o'-the-wisp that is labeled "progress," and in many instances we find that instead of making progress we are making trouble.

The spirit of change broods over the land. If the Ten Commandments had not been written upon tables of stone the modern progressive gentlemen would have moved an amendment, and if any of them had existed in the days of Moses they would have insisted within 30 days on changing at least one-half of those immortal mandates.

Mr. KING. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WILLS in the chair). The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Adams	Fletcher	Ladd	Robinson
Ashurst	Frazier	Lodge	Sheppard
Ball	George	McKellar	Shields
Bayard	Glass	McKinley	Shipstead
Borah	Gooding	McNary	Shortridge
Brandegee	Hale	Mayfield	Simmons
Broussard	Harrell	Neely	Smith
Bursum	Harris	Norris	Smoot
Cameron	Harrison	Oddie	Spencer
Capper	Howell	Overman	Stanfield
Caraway	Johnson, Minn.	Owen	Trammell
Couzens	Jones, N. Mex.	Phipps	Walsh, Mass.
Curtis	Jones, Wash.	Pittman	Warren
Dale	Kendrick	Ralston	Wills
Ferris	Keyes	Reed, Mo.	
Fess	King	Reed, Pa.	

The PRESIDING OFFICER. Sixty-two Senators have answered to their names. A quorum is present. The Senator from Missouri is entitled to the floor.

INTERIOR DEPARTMENT APPROPRIATIONS—CONFERENCE REPORT.

Mr. SMOOT. Mr. President—

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Utah?

Mr. REED of Missouri. I do.

Mr. SMOOT. Will the Senator yield for me to present a conference report and ask for its consideration?

Mr. REED of Missouri. I yield.

Mr. SMOOT. I submit the conference report on House bill 5078, the Interior Department appropriation bill, and ask for its consideration.

The PRESIDING OFFICER. The Senator from Utah submits the conference report designated by him and asks for its immediate consideration. Is there objection?

There being no objection, the Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 5078) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1925, and for other purposes.

Mr. SMOOT. I move the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the report.

Mr. CAMERON. Mr. President—

Mr. SMOOT. Perhaps I had better make a statement before the Senator from Arizona proceeds.

The item in the appropriation bill about which the Senator from Arizona desires to make statements is amendment numbered 47, known as the Bright Angel Trail appropriation. In the case of that amendment the House insisted upon its disagreement with an amendment, and at the proper time I shall move to agree to the amendment of the House to the amendment of the Senate numbered 47, as well as the amendment numbered 60. Amendment numbered 60 is the Howard University item, in which the appropriation for the medical building is eliminated.

Now, if the Senator from Arizona desires to speak upon amendment numbered 47, he may do so.

Mr. CAMERON. Mr. President, I will read for the benefit of the Senate the amendment as printed in the Record in a letter from me which was introduced yesterday:

On March 11 the House receded from its disagreement to the Senate amendment No. 47 and concurred therein with an amendment, as follows:

"In lieu of the matter proposed to be stricken out by said amendment insert: 'For the construction of trails within the Grand Canyon National Park, \$100,000, to be immediately available and to remain available until expended; *Provided*, That said sum may be used by the Secretary of the Interior for the purchase from the county of Coconino, Ariz., of the Bright Angel Toll Road and Trail within said park, under such terms and conditions as he may deem proper; and the Secretary of the Interior is authorized to construct an approach road from the National Old Trails Highway to the south boundary of said park.'"

That is the question that I wish to take up in my remarks.

The amendment is objectionable on the following grounds:

1. Under the statutes of the State of Arizona the said Bright Angel Toll Road and Trail can not be purchased by the Secretary of the Interior for the United States from the county of Coconino and any negotiations between the Secretary of the Interior and the county of Coconino would be futile.

2. A new trail from the rim to the bottom of the canyon is not necessary for the reason that there are three accessible trails from the rim to the bottom of the canyon at the present time, two of which are in use, of which one belongs to the National Park Service, and the third, belonging to the National Park Service, is available for use if necessary.

3. There is no paramount necessity for appropriating this sum for a duplication of a road or trail for public use which is being adequately served at the present time, and the capacity of the present road or trails will serve the public for many years to come.

The legal objections to the original item were clearly pointed out to the Secretary of the Interior in a letter addressed to him under date of July 16, 1923 (see CONGRESSIONAL RECORD, March 11, 1924, p. 4063); but notwithstanding such objections the board of supervisors entered into such illegal contract "in accordance with the letter dictated by Government officials and others while in conference," and these facts were withheld by these Government officials from the Congress when the original item in the appropriation bill was presented.

The report of the Secretary of the Interior stated: "No part of this sum will be paid over to the county until a satisfactory deed has been executed and delivered, vesting full and complete title in the trail in the United States." This statement was clearly intended to convey the idea that the county of Coconino was to receive the \$100,000 provided for in the bill, whereas as a matter of fact there was no intention on the part of the Government to pay the county of Coconino one cent, and the only thing the county was to receive was an indefinite promise that the Government would spend \$100,000 on a road some time in the remote future.

The objections to the original item can be applied to the amendment, as above stated, and in addition thereto it is to be pointed out that the said item was not included in the Budget as recommended by the Bureau of the Budget.

Mr. President, this controversy has been up before Congress for some little time.

First, I want to state that under the existing laws of the State of Arizona the trail can not be purchased and can not be sold by the board of supervisors to the Government or anyone else unless the State legislature amends the present law governing toll roads and trails. There are already three trails in existence from the rim to the bottom of the canyon, serving all present needs, and they will serve all future needs for many years to come.

By the following evidence it will be seen that the county of Coconino, Ariz., does not desire to sell the Bright Angel Trail. On March 14, 1924, the board of supervisors of Coconino County, by unanimous vote, passed a resolution opposing the sale of the trail as provided under this item.

I have here a telegram from Williams, Ariz., which I wish to read into the RECORD.

WILLIAMS, ARIZ., March 15, 1924.

Senator RALPH H. CAMERON,

Washington, D. C.:

Board of supervisors in meeting March 10 unanimously declared themselves opposed to sale of Bright Angel Trail as outlined in Hayden bill.

W. C. RITTENHOUSE,

Chairman Board of Supervisors, Coconino County.

To make sure that they had been kept informed and knew of the new proposals, I will read a telegram received from Flagstaff, dated March 13, sent on March 12:

FLAGSTAFF, ARIZ., March 13, 1924.

R. H. CAMERON,

127 Senate Office Building, Washington, D. C.:

Board of supervisors received the following message from HAYDEN:

"House has adopted the following provisions in place of Hayden amendment to which the board of supervisors objected:

"For the construction of trails within the Grand Canyon National Park, \$100,000, to be immediately available and to remain available until expended, provided that said sum may be used by the Secretary of the Interior for the purchase from the county of Coconino, Ariz., of the Bright Angel Toll Road and Trail within said park under such terms and conditions as he may deem proper, and the Secretary of the Interior is authorized to construct an approach road from the National Old Trails Highway to the south boundary of said park."

Advise your action.

BURT.

This morning I received a telegram from the clerk of the board of supervisors of Flagstaff, dated Flagstaff, Ariz., Coconino County, March 14:

FLAGSTAFF, ARIZ., March 14, 1924.

Hon. RALPH CAMERON,

United States Senate, Washington, D. C.:

By resolution adopted this day the board of supervisors of Coconino County have declared themselves opposed to the sale of the Bright Angel Trail and Toll Road on the terms as outlined by the Hayden bill.

J. B. RICKEL, Clerk.

By the Hayden bill they mean the amendment that is now pending before the Senate.

The Senate, I believe, has been misled as to why this controversy came up. I read from a copy of a letter which I received from the Secretary of the Interior:

NATIONAL PARK SERVICE,
GRAND CANYON NATIONAL PARK,
Grand Canyon, Ariz., April 4, 1923.

The DIRECTOR NATIONAL PARK SERVICE,
Washington, D. C.

DEAR SIR: This is a brief report on my trip with the Appropriations Committee members, CRAMTON and CARTER, and Congressman HAYDEN, from Grand Canyon through the Navajo country to the Petrified Forest National Monument. Taking up this report where I ended my report of March 31, you will be interested to know that on the evening of the 31st the conference was held at El Tovar on the Grand Canyon road problem and particularly on the proposition of our taking over the road from Maine to the park and expending on that road money to be appropriated by Congress for the Bright Angel Trail. The following were present at the conference:

Congressmen: Hon. L. C. CRAMTON, Hon. C. D. CARTER, and Hon. CARL HAYDEN.

State officers: E. B. Goodman, State engineer.

County officers: Board of supervisors—R. E. Taylor and W. C. Rittenhouse (John Loy was absent); Frank Harrison, county attorney.

National Park Service officials: H. M. Albright, G. C. Bolton, and I. I. Harrison.

Fred Harvey Co.: R. Hunter Clarkson.

I will merely state the conclusions arrived at in this conference, giving you a full report later.

It was agreed finally by the board of supervisors that the county of Coconino would sell the trail for \$100,000, this money to be expended by the Federal Government in the construction of a road from Maine to the south boundary of Grand Canyon National Park. It was recognized by all present that the figure of \$100,000 represents a little more than the trail is worth, figuring the value on the basis of capitalizing an annual net return to the county of \$4,000 or \$5,000. We all agreed that inasmuch as Coconino County is the second largest county in the United States with an area of 18,623 square miles, only 11.1 per cent of which is in private hands and therefore taxable, the Federal Government should be very liberal in the matter of purchasing the trail. While, of course, the Members of Congress could not make any commitments for Congress, they feel that the park should take over the road from Maine to the park boundary and reconstruct it and maintain it just as we do the Cody and Jackson Hole projects to Yellowstone.

The first \$100,000 appropriation will largely rebuild the very bad stretches of this road, particularly in Spring Valley, north of Maine. I believe that before we are through with the reconstruction of this road we will have to have a total of \$250,000. County supervisors will very shortly answer Secretary Fall's letter of July 6, 1922, setting forth the proposal that Congress appropriate not less than \$100,000, to be expended on the construction of the Maine road, and upon the appropriation of this sum the county will execute and deliver a deed to the Bright Angel Trail. All present at the conference expressed themselves as well pleased with the outcome thereof. An extra copy of this letter is inclosed for the records relating to the purchase of the Bright Angel Trail.

Cordially yours,

HORACE M. ALBRIGHT,

Field Assistant to the Director.

Thus it will be seen, Mr. President, that the park officials themselves admit secretly that it will take \$250,000, but the Congress was led to believe \$100,000 was ample. This is just another instance of the deception used in these negotiations. When the real facts came to light, as the result of the wrangle here in Congress, the board of supervisors officially decline to be bound.

I now read a telegram received from Williams, Ariz., March 5, directed to Senator RALPH H. CAMERON, Washington, D. C.:

WILLIAMS, ARIZ., March 5, 1924.

Senator RALPH H. CAMERON,

Washington, D. C.:

I attended meeting with Crumpton and others at Grand Canyon; tentative agreement was drawn there as a basis of which to work. I am opposed to sale of Bright Angel Trail under the terms of that agreement.

R. C. RITTENHOUSE,

Chairman Board of Supervisors, Coconino County.

It has been said here in Congress that there was a unanimous agreement of the board at that meeting, but, as stated in the message I have just read, one member of the board out of three was absent, was not there at all. Mr. Rittenhouse, chairman of the board, never subscribed to the agreement.

A report of Secretary of the Interior Work appears in the CONGRESSIONAL RECORD of February 25, 1924, at page 3053, and quoting from the statement, the senior Senator from Arizona [Mr. ASHURST] proceeds:

Mr. President, I have heretofore stated that the title of Coconino County in and to the trail has been recognized by the courts and by legislative construction. The county's title can not be disputed. The \$100,000 proposed to be paid to Coconino County for the trail is to be expended in constructing, under the supervision of the National Park Service, a road from Maine, a village in Arizona, to the southern boundary of the Grand Canyon National Park, or to the upper or northern terminus of the trail. In other words, the \$100,000 proposed to be appropriated is not to be paid into the treasury of the county to become cash at its of the county; the \$100,000 will be expended, I repeat, under the supervision of the National Park Service for the construction of a road, some 62 or 63 miles in length, to the national park from the main artery of auto traffic, the Santa Fe Trail to the Grand Canyon.

I have a telegram, dated February 8 last, from Flagstaff, Ariz. Flagstaff is the county seat of the county of Coconino, the county in which is located the national park, and in which, of course, the trail is located and which is, of course, the same county in which the road proposed to be constructed from the Santa Fe Trail to the Grand Canyon is located.

Mr. BURSUM. Mr. President—

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from New Mexico?

Mr. CAMERON. I yield.

Mr. BURSUM. Do I understand that the county authorities are opposed to this appropriation?

Mr. CAMERON. Absolutely. The board of supervisors, at a meeting on March 10, unanimously declared themselves opposed to the sale of the Bright Angel Trail, as outlined in the Hayden bill, as they called it, but they meant the first Hayden amendment, which we refused to accept, and which went back to the House, but in the place of which a new amendment has now been proposed, which is now before the Senate.

Mr. BURSUM. The county has title to this trail?

Mr. CAMERON. Absolutely.

Mr. BURSUM. Is there any need for another trail?

Mr. CAMERON. I will state, for the benefit of the Senator and the Senate, that there are now three trails going from the south rim to the bottom of the canyon. One is known as the Grand View Trail, one is known as the Bright Angel Trail, and one is known as Hermit Basin Trail—three wonderful trails. There are trails enough in the Grand Canyon National Park to take care of the needs for scores of years to come.

Mr. BURSUM. If that be the case, what would the effect of this appropriation be; to coerce and browbeat the county authorities into selling their rights in order to give title to the trail to the National Park Service or to the Federal Government?

Mr. CAMERON. That is just what this legislation will amount to.

Mr. BURSUM. And in that way deprive the county of Coconino of larger revenue?

Mr. CAMERON. Last year they received from the trail something between seven and eight thousand dollars, probably a net to the county of between four and five thousand dollars. I say that the county can not sell this trail; but suppose it can, which I deny, then if this amendment is passed it will be used as a club to coerce or browbeat the county into the sale, because everyone knows the park management will exert to the fullest the pressure this amendment provides through threats to build a parallel trail, with the design, of course, to purchase Bright Angel Trail. The park management, already a monopoly-controlled institution, knows that by such threats they can coerce the county, and that is the joker in this latest amendment, which is a substitute to the other effort on their part to consummate an illegal act.

Mr. BURSUM. What is the proportion of public land and forest reserves and national parks to the whole area of Coconino County?

Mr. CAMERON. More than 85 per cent of the area of Coconino County, one of the largest counties in the United States, has been withdrawn, either for a national park, a national monument, a forest reserve, a game preserve, or some other reserve.

I dislike to take up so much time of the Senate in the discussion of this matter, but I believe it is my duty to discuss it fully. For that reason I shall ask the indulgence of the Senate, and I want to quote the record, so that there will be no misunderstanding.

Under date of February 2 I called the Cameron case to the attention of the Secretary of the Interior, contained in the following letter, which appears on page 3497 of the CONGRESSIONAL RECORD of March 3, 1924:

MY DEAR MR. SECRETARY: With reference to the rights asserted by RALPH CAMERON in certain lands within the Grand Canyon National Park, I have noted the decision of the Supreme Court of the United States affirming the decree in favor of the Government dispossessing CAMERON of certain lands claimed by him that are highly essential to the proper development of the Grand Canyon National Park.

Mr. BURSUM. Mr. President, would it not be feasible to modify the appropriation and give authority to the Secretary of the Interior to negotiate for a lease from the county so as not to deprive the county of its revenue, if it is desirable that the road be under the supervision of the Government?

Mr. CAMERON. I think they have that power now. I continue reading from this letter:

Being under the impression that the matter of actual dispossession of CAMERON was pending in the Department of Justice, I addressed an inquiry under date of January 13 to the Attorney General asking what action had been taken by that department. In reply I have a letter under date of January 25 from the Attorney General in which he recites the status of the litigation and then states:

"Since the entry of these decrees no further action has been taken by this department, nor has any further request been received from the Interior Department for action by us. I presume that if any additional proceedings by this department are desired request therefor will be made by the Secretary of the Interior, under whose supervision the Grand Canyon Park is administered."

I want to say again to the Senate that a great many years ago I built the Bright Angel Trail and also blazed the wagon roads into what is now the Grand Canyon National Park and around the rim for mining purposes. I will further state that for 13 years my associates and I packed ore out of the Grand Canyon and hauled it from the south rim of the Grand Canyon to Flagstaff and shipped it to the nearest smelter at that time, at El Paso, something like a thousand miles away.

I did not go into the Grand Canyon for the purpose of exploring it for a tourist proposition. I went there to seek a fortune, which all prospectors expect to make. I put my hard-earned money into the canyon mines, developed the trails, developed the wagon roads, and helped promote what is now the only railroad there, which extends from Williams, Ariz., the main line of the Santa Fe, into the Grand Canyon National Park.

Mr. President, my motive has been questioned by a Member of the House of Representatives in leading the opposition to this proposed sale, and I want the people of the United States to know, and I want the Senate of the United States to know, that I never had a motive in my life that was not honorable and aboveboard. I stand here to-day and defy any man within the confines of the United States to say otherwise, and especially do I denounce the tactics, the innuendo, the desired implication and inferences made on the floor of the lower House as to my standing, my motives, my every act in connection with this matter.

I have done as much to develop the West, possibly, as any other individual. I was exploring the Grand Canyon and pioneering the West, preaching to the world its possibilities before some of these men, so vicious in their attacks on me, ever knew there was a Grand Canyon, and when any man will go out into the country, representing the Government, and go into a meeting on the south rim of the Grand Canyon and go into collusion to try to beat a county out of its just assets and then come down here to Washington and place the matter before Congress, putting it in the light of a great public policy, clothing it with a sugar coating, it is about time that we had another investigation, to find out what is going on, and I say here to-day that if this matter goes on any further I will offer a resolution in the Senate and have this fully investigated, and I will show up the methods behind this kind of legislative procedure. It is about time that some action was taken when such a thing is attempted toward a man who has been elected by the people of his State to represent them, a man who has lived in the State for 41 years. I had the privilege of representing my State in the Congress when the forty-eighth star was put in the American flag, as the distinguished Senator from Ohio (Mr. WILLIS), now presiding over the Senate, knows, since he was a Member of Congress at that time.

I have been elected by the people of my State to the United States Senate. I was not elected by Republicans, because there are not enough Republicans down in Arizona to elect a man to the United States Senate. I was elected by the people—Democrats, Republicans, Socialists, or whoever chose to vote for me. I am here, elected by the people of my State, and I reluctantly referred to the vicious attacks made on me and my motives in the other House, which was carried in glaring headlines in the press.

I say that my personal privilege permits me to denounce these attacks as wholly untrue and unwarranted. I helped create the county of Coconino, where I lived many years. I spent my hard-earned money and went to the legislature. I went down there as an honest citizen and had a bill passed creating the county of Coconino. The county seat was placed at Flagstaff, and I was appointed by the governor as the first sheriff of that county. Afterwards I was elected twice, and served that county, and after having served three times I was elected chairman of the board of supervisors for four years, and while I was still serving as a member of the board of supervisors I was elected on the Republican ticket as the last Delegate to Congress.

Yet when a man stands upon the floor of the Senate or the floor of the House and asks, "Who is RALPH CAMERON," with caustic gestures, desiring to have the country know me in the wrong light, I tell you it is going too far. I never intend to make a statement on the floor of the Senate that will hurt the name or character of any man or even make a suggestion that

any Member of the other body of Congress is not entitled to his views or his own ideas about any piece of legislation and entitled to fair play; entitled to the treatment that they will get from me, which will always be on the square.

I am in earnest about this matter. This \$100,000 item was knocked out, and now they come back with what I call a blanket amendment. It does not specify anything in particular. The only purpose in it is to put a club over the board of supervisors of Coconino County, in the State of Arizona. I ask every Senator, why do you want to throw away the people's money? We tried here the other day to help the farmers of the Northwest, but the bill was voted down. I am asking you to-day not to appropriate the people's money and throw it away in this manner. It is the first time, I believe, that a Senator ever had to stand on the floor of the Senate and beg the Senate not to appropriate money to be used in his own State, but I do it because the money is not needed. The money should not be appropriated, and every Member of the Senate before he votes for it I hope will give it the due consideration which I know it deserves.

I know what is behind this matter and an investigation of it would result in proving my contention, and the Senate and the people of the United States would then realize that I know whereof I speak to-day. I dislike very much to have to stand up here and make this kind of a statement to the Senate on a proposition that is so unjust. We are not legally or morally justified in appropriating one 10-cent piece of this money, and if it is appropriated and the item goes into the bill, and the bill becomes a law, I shall fight it in the courts as long as I live. I am right about this matter. The people of Arizona are behind me. The people of Coconino County are behind me. The people of the United States, when I get through, will say that I have done well; that I have done a good job. I am going to keep on fighting until I know that I am vindicated from these slurs and insinuations that have been heaped upon me without any justification whatsoever. Senators, read the Record of the 3d of March, pages 3489 and 3494, and you will see what a well-thought-out distortion of facts has done to my character and integrity. It had the desired effect, in fact, to color the issue. I am made out as a carpetbagger, an interloper, a meddling somebody trying to block a great Government policy just because I raised my voice in protest and said it shall not be done, because the proposition is illegal, unwarranted, unjustified, and I shall never subscribe to it.

The PRESIDING OFFICER. The question is on agreeing to the conference report, which will be read.

Mr. ASHURST. Does the Senator desire to have the report read?

Mr. SMOOT. The report merely carries those items on which there is an agreement.

Mr. ASHURST. It carries simply the items about which there is no dispute?

Mr. SMOOT. That is all.

Mr. ASHURST. Then I ask that the motion be put.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5078) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1925, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 6, 10, 34, 40, 52, 53, 54, 55, 56, 57, and 59.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 5, 7, 8, 9, 11, 12, 13, 21, 22, 24, 25, 26, 28, 29, 30, 31, 32, 33, 37, 41, 42, 43, 45, 46, 48, 49, 50, 51, 61, and 62, and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: "\$9,000: *Provided*, That the four inspectors shall not receive per diem in lieu of subsistence for a longer period than 30 days at any one time at the seat of government"; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "and each of said tribal attorneys: *Provided further*, That the Commissioner of Indian Affairs shall dispense with the attor-

ney for the Creek Tribe not later than September 1, 1924, and the commissioner shall dispense with any other tribal attorneys at any time their services are no longer needed"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "\$7,500"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: "*Provided*, That except upon the individual order of the Secretary of the Interior, no part of this appropriation shall be used for the support or education at said school of any native pupil brought from Alaska who enters after January 1, 1925"; and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$160,000"; and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: "*Provided further*, That no part of the money appropriated under this paragraph shall be expended for the development of electric power until the Secretary of the Interior shall have secured, subject to the needs of the Boise project, a contract with the Gem Irrigation district, providing for the purchase by that district, for a period to be determined by the Secretary of the Interior, of the electric power necessary for the irrigation of the lands of said district: *And provided further*, That the rates in such contract shall be sufficient to include interest at 5 per cent per annum on the cost of such power development plus a reasonable depreciation on the power plant, as found by the Secretary of the Interior, and that the contract shall provide that before delivery of power in any season the district shall furnish security satisfactory to the Secretary of the Interior to insure payment to the Government of the power charges for such season, and that such contract shall be entered into only in the event that the holders of not less than 90 per cent of the face value of the bonded and warrant indebtedness of the district shall subordinate their claims to the obligations of the district to the Government under such contract: *And provided further*, That in the event power is furnished from the said power plant to more than one contractor, then the rates for power shall be fixed so that each such contractor, including said district, shall pay only its proper proportionate share of said interest and depreciation, as found by the Secretary of the Interior"; and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$1,706,482"; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 1, 15, 16, 17, 18, 19, 36, 38, 39, 47, 58, and 60.

REED SMOOT,
CHARLES CURTIS,
WM. J. HARRIS,

Managers on the part of the Senate.

LOUIS C. CRAMTON,
FRANK MURPHY,
C. D. CARTER,

Managers on the part of the House.

The PRESIDING OFFICER. The Chair lays before the Senate the action of the House of Representatives on certain amendments of the Senate to the bill, which will be read.

The reading clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, U. S.

March 13, 1924.

Resolved, That the House recedes from its disagreement to the amendments of the Senate Nos. 1, 36, and 58 to the bill H. R. 5078, entitled "An act making appropriations for the Department of the Interior for the fiscal year ending June 30, 1925, and for other purposes," and concurs therein:

That the House recedes from its disagreement to the amendment of the Senate No. 47, and concurs therein with an amendment, as follows:

In lieu of the matter proposed to be stricken out by said amendment insert: "For the construction of trails within the Grand Canyon

National Park, \$100,000, to be immediately available and to remain available until expended: *Provided*, That said sum may be used by the Secretary of the Interior for the purchase from the county of Coconino, Ariz., of the Bright Angel Toll Road and Trail within said park under such terms and conditions as he may deem proper, and the Secretary of the Interior is authorized to construct an approach road from the National Old Trails Highway to the south boundary of said park."

That the House recedes from its disagreement to the amendment of the Senate No. 60, and concurs therein with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: "\$365,000."

That the House insists upon its disagreement to the amendments of the Senate Nos. 15, 16, 17, 18, 19, 38, and 39, and asks a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. CHAMTON, Mr. MURPHY, and Mr. CARTER be the managers of the conference on the part of the House.

Mr. NORRIS. Mr. President, is this matter going to be taken up in further detail at this time?

Mr. ASHURST. I shall only want a few minutes.

Mr. NORRIS. I do not want to be discourteous to Senators, but I do not want to have the joint resolution laid aside for the day.

Mr. ASHURST. I think we can dispose of the item in 10 or 15 minutes.

Mr. SMOOT. I move that the Senate agree to the amendment of the House to the amendment of the Senate numbered 47.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Utah.

Mr. SMOOT. Now the subject matter is before the Senate for discussion.

Mr. ASHURST. Mr. President, the motion of the Senator from Utah [Mr. SMOOT] is, if I correctly apprehend it, that Senate amendment numbered 47 be agreed to as amended by the conferees on the disagreeing votes of the two Houses.

Mr. SMOOT. In order that the Senator may know the situation that has just developed I will state that there is one other Senator who desires to speak upon the subject. If the Senator from Arizona desires to conclude his remarks at this time, well and good, he may proceed, but when he gets through with his remarks I shall then have to ask that the conference report be laid aside so as to proceed with the unfinished business.

Mr. ASHURST. Is there another Senator who wants to speak on the same amendment?

Mr. SMOOT. Yes. So if the Senator from Arizona wants to proceed with his remarks now, there is no objection, but I shall have to ask that the conference report be laid aside at the conclusion of the Senator's remarks.

Mr. ASHURST. I assure the Senator that I shall be very brief. My remarks may be deep, but they will not be long.

Mr. SMOOT. Very well.

Mr. NORRIS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Nebraska?

Mr. ASHURST. I yield.

Mr. NORRIS. I wish to submit a request for unanimous consent if the Senator will yield.

Mr. ASHURST. I yield the floor.

Mr. NORRIS. I should like to have the unfinished business laid before the Senate.

Mr. SMOOT. I ask that the conference report be temporarily laid aside. There are other Senators who desire to speak upon it, and I promised the Senator from Nebraska that I would not take a longer time than has already been consumed.

Mr. ASHURST. When will the able Senator from Utah bring up the conference report again?

Mr. SMOOT. At the very first opportunity.

Mr. ASHURST. Will that be this afternoon?

Mr. SMOOT. No; but I shall endeavor to call it up on Monday next.

Mr. NORRIS. I do not desire that the unfinished business shall be laid aside again this afternoon for the conference report. I will say to the Senator. If we can complete the consideration of the joint resolution to-day, then, of course, the conference report may come up; but I think we have already laid aside the unfinished business too long.

The PRESIDING OFFICER. In the absence of objection, the conference report will be temporarily laid aside, and the unfinished business will be proceeded with.

CHANGE OF DATE OF INAUGURATION.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 22) proposing an

amendment to the Constitution of the United States fixing the commencement of the terms of President and Vice President, and Members of Congress, and fixing the time of the assembling of Congress.

The PRESIDING OFFICER. The question is upon agreeing to the amendment offered by the Senator from Ohio [Mr. WILLIS] to the amendment of the Senator from Georgia [Mr. HARRIS].

Mr. KING. Mr. President, the senior Senator from Ohio [Mr. WILLIS] is absent from the Chamber. I promised to protect him during his absence. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The principal clerk called the roll, and the following Senators answered to their names:

Adams	Fess	McKinley	Shields
Ashurst	Fletcher	McNary	Shipstead
Ball	Frazier	Mayfield	Simmons
Bayard	George	Moses	Smith
Borah	Gerry	Neely	Smoot
Brandegee	Hale	Norris	Stephens
Brookhart	Harris	Oddie	Swanson
Broussard	Harrison	Overman	Trammell
Bursum	Howell	Owen	Underwood
Cameron	Jones, N. Mex.	Phipps	Warren
Capper	Jones, Wash.	Pittman	Weller
Caraway	Kendrick	Ralston	Wheeler
Couzens	King	Reed, Mo.	Willis
Curtis	Ladd	Reed, Pa.	
Dill	Lodge	Robinson	
Ferris	McKellar	Sheppard	

The PRESIDING OFFICER. Sixty-one Senators have answered to their names. A quorum is present. The question is upon agreeing to the amendment of the Senator from Ohio [Mr. WILLIS] to the amendment of the Senator from Georgia [Mr. HARRIS]. The Senator from Missouri [Mr. REED] is entitled to the floor.

Mr. REED of Missouri. Mr. President, when I gave way to the Senator from Utah [Mr. SMOOT] to present the conference report I had remarked that not all change is progress, and that there is a good deal of confusion in the minds of legislators and in the minds of the country over that proposition.

Just as soon as somebody becomes a little bit dissatisfied because he finds that the weather, for instance, is not really congenial on the 4th of March, he starts an agitation to change the Constitution of the United States. Always there can be found somebody to second the motion. As it is a change, and as change seems to be the order of the day, we speedily find some ambitious gentleman in one or the other of the Houses who wants to be regarded as really progressive, and not only in advance of public opinion but a mile in advance of everybody else, rushing in with a proposition to change the Constitution. I undertake to say that about two-thirds of the agitation back of the proposition to change the time for the beginning of the presidential term has been occasioned by a few bad storms about the 4th day of March.

Now, we are asked to change to January. One good sleet storm in January on the day of inauguration and the cry will go forth again for another change. If we put the date over into the summer time, when the flowers are blooming and the air is balmy, if we happen to have a thunderstorm there will be another agitation for a change. And so the cry is for change, change, change.

Some man has a fight with his wife. He gets a divorce. Then somebody wants to change all the divorce laws of the country. Along comes another crowd of people who want to abolish the marital relation altogether. I have forgotten the name by which they call themselves, but they have some adherents in this country. Of course, there is an innumerable multitude of people who have always wanted to change the Bible. Now, we have some other gentlemen who want to change the rules or the discoveries of science. The old maxim that existed before Voltaire wrote one of his satires was that "everything that is right." We now have reversed that and have adopted, instead of it, "everything that is wrong."

Of course I agree, and everybody agrees, that if in the lapse of time and experience it has been found that there is some provision of the Constitution which seriously impedes the progress of the country, which constitutes an embargo upon the advancement of the country, after mature and serious consideration and an absolute determination that we are right as to our facts and that the new remedy does not carry within its womb greater evils than the provision we are about to change, then change, of course, is permissible. Here, however, is a proposition brought to us, and its nonutility and its mistake is well illustrated by the pending amendment to the proposition, which is that a President shall be elected for six years, and shall thereafter be ineligible for reelection.

What is the argument that is advanced? Let us weigh it for just a minute.

We are told that the President, when he takes his seat, becomes the head of a political party. The intimation is that he plays politics all through his first term in order that he may be elected a second time, and that this is a very bad and wicked thing; that there is something terrible about a President trying to conduct himself in the first term of his office so that the people may reelect him. Using the term "politics" in its offensive sense, and applying that to the acts of the President, they declare that we ought to have a man who, by virtue of the impossibility of his reelection, is lifted into that pure and exalted atmosphere where he will pay no attention whatever to politics.

Mr. President, if that were to be the result, if the premise is correct, then you could do nothing more undemocratic, more unrepulic, more opposed to human liberty than to carry out that particular scheme.

For my part, as long as I live in this country I want no man to hold a legislative or executive office who does not know that if he misbehaves himself he shall answer to the people by a defeat at the next election. If he has no further ambition for himself, I want him to know that he will defeat in the next election the party and the people who advanced him to power.

What are the evils springing from a President playing politics? Let us reduce the question to what it really is. It means that in the conduct of his office the President has so conducted himself as to commend himself and his administration and his party to the good will of the people of the United States. Take that incentive away from him, and you have set up a man who will or who may proceed without regard to the opinion of the people of the United States, without regard to the wishes of others. He will follow the bent of his own mind; will gratify, if you please, his own prejudices; will satisfy, if you please, his own peculiar ambitions. Knowing that he is at the end of his road anyway, he will then proceed to set up an executive department dominated by the will of one man and responsible to nobody. That is a distinct step back toward tyranny, and the only two things which relieve it from a condition of absolute tyranny are the shortness of the term and the fact that the power of impeachment rests in Congress.

But, sirs, if you would have this office entirely independent, so that nobody's opinion is to be considered except that of the particular individual who happens to be President, why not further amend the Constitution and take away the power of impeachment? Then you would have a man who could sit in that pure, white light of selfishness and self-interest, responsible to nobody, the pure, white light wherein you are beyond anybody's touch or responsibility to anybody. A proposition of that kind answers itself. It is a monstrous thing to contemplate.

Who are these Presidents we elect? Are they supermen, are they demigods, that they should work their will unchallenged, and be responsible to no one? For the most part—indeed, I may say as to all of them—they have been men who have, I think, tried to do their duty as God gave them the light. But they have only been men. Nothing is so much to be deplored in American life as the adoration of a man who happens to get to be President of the United States. I respect that great position; but I respect the position. I do not fall down and worship the individual. I do not subordinate my judgment to his because he happened to be elected President any more than I would subordinate my judgment to that of one of my colleagues here whose opinions I respect. It is mere slavishness for any man to do that. It is contrary to the spirit of our Government. It is utterly contemptible. It does not belong under the American flag.

Let us take two examples, and let us take them in as kindly a spirit as we ought to entertain for those whom we respect. President Harding was a Member of this body for four years. He was a man of good mind, good impulses, good purposes; but did any Member of this body, or any considerable number of the people of the United States, accept a proposition as a verity, or a philosophy as the embodiment of all wisdom, because Senator Harding happened to adhere to that particular view? On the contrary, we challenged his opinions, as we did the opinions of any other Member of this body. We did not find him invincible in debate, insurmountable in logic, unconquerable, or omnipotent. He passed in and out of this Chamber as unobserved as the other Members.

The day after his election to the Presidency, however, he was followed through the streets of the city as a Roman conqueror in his march of triumph. But he was the same man;

good, amiable, honest, fair, but just a human being. The election had not changed him a bit. It had not added one cubit to his stature.

That was followed by a sentiment in this country in which the press joined, in which the pulpit sometimes joined, and in which the people joined, that the President had said this thing or taken certain positions, and it was a "Thus saith the Lord," and everybody was to accept it. But the President was just as likely to be mistaken as the Senator had been.

We had another amiable gentleman who presided over this body. We all liked him just about as we liked each other. We would not accept his ipse dixit on a point of order. We unhesitatingly challenged his rulings on points of order, and he was generally wrong. By the accident of death, a most unfortunate and deplorable accident, he became the President of the United States. Again he did not add one cubit to his stature.

What has this to do with the case? Everything. The man who happens to be President of the United States is just as selfish, just as circumscribed, just as human, just as dangerous, just as safe the day after he is elected as he was the day before, except that now he is given a very much greater power. The checks upon that power are threefold—the independence of Congress, which can always control in great emergencies; the right of appeal to the courts, and the power of impeachment. These checks in practical application do not half so well restrain the ambition or the prejudices of an Executive as the fact that there is a great and watchful constituency to whom at the end of his term of office he must report, and whose approval he must gain if he be reelected to office. If the principle now demanded as to the Executive be correct, it should be applied equally to Senators and Members of the House. The cry should go forth that these men should legislate without responsibility, because they would have no chance to continue in office by demeaning themselves in a manner suitable to the office.

So the argument would proceed, that you are playing politics constantly in the Senate, and therefore that incentive should be taken away from you, and when you are once elected here, you should be elected for a fixed term, and at the end of that term retire to private life, and thus you would be placed in a condition of independence. That argument has been made. It was urged that Senators should be elected for life, but that was defeated, for the wise framers of the Constitution knew that any body of men not responsible to a constituency might become a tyrannical body of men, and that any body of men responsible to a constituency would play politics—that is to say, they would try to so deport themselves that their people would approve of their conduct at the polls—and the wise fathers chose the latter alternative.

But if it be true that the President could be placed in a position of nonresponsibility to a constituency, if the fear of defeat or the hope of reward by a reelection should be taken away from him, and because of that condition he could rise at once to superior heights; if that be a sound argument as to the Executive, it is equally sound as to both branches of Congress. But we did not adopt that theory. We adopted the theory of direct responsibility, and, if you want to use the term, we adopted the theory that was intended to make every man who holds a public office, outside of the Federal judiciary, constantly play politics, play politics in the broad, the comprehensive, and the high sense of endeavoring to conduct himself so that he will meet the approval of his constituency at the oncoming election.

Moreover, if it be true that the President has played politics in the vile sense, not in the sense in which I just used the term, if he has in the composition of his nature that element which leads him to play cheap and vile politics in the great office to which he has been elevated—if there be such a man as that, unrestrained by the hope of reward, by the hope of reelection—he is exactly the kind of man who would abuse those powers the moment the restraint was taken off.

Mr. President, one ought not to have to talk a great while on a question of this kind. There is not much use of talking about it. The Senate is not considering it. I would say that the Senate was absent this afternoon largely because it does not want to hear me talk, but the Senate has been equally absent when other Senators have talked on the question.

Mr. FLETCHER. Mr. President—

The PRESIDING OFFICER (Mr. Jones of Washington in the chair). Does the Senator from Missouri yield to the Senator from Florida?

Mr. REED of Missouri. I yield.

Mr. FLETCHER. The Senator will have to keep in mind that there are four or five special investigations going on, I

do not know but what we will have to provide for a special investigation in each of the four corners of the Senate Chamber and let them be conducted here, where we can have Senators close at hand.

Mr. REED of Missouri. I understand that is the reason; but we are not considering the pending question. There is no personal reflection upon myself. There is a better attendance now than we have had during the day. The same thing has occurred when other Senators have tried to discuss the matter, and I am not criticizing my fellow Senators for not being here. The fact is we are about to act upon a very important question, and when the bell rings and the roll call begins our fellow Members will come in and vote.

There is another proposition to which I desire very briefly to advert—that a man can not under any circumstances succeed himself. Now, think of that. It is easy enough to imagine a great war at its very flood height, the White House occupied by the wisest and greatest man of the day, whose hand is upon the helm of the ship, guiding her through the storms and the dangers, when the unanimous voice of the American people would demand his retention in office, when there is no one to take his place; in the face of that emergency the people would find their hands tied by this constitutional amendment.

Imagine, if you please, a condition similar to that which existed in revolutionary days. Suppose some reformer had put through a resolution that a man could only command the Continental Army for four years and should be ineligible to succeed himself, and suppose in the height of that struggle George Washington's term had expired? Nor does the six-year term lessen it, because a man might be in the last year of that term when the war occurred, and there might lie ahead five or six dark and bloody years when the one great mind, best capable, not alone capable, but best capable of meeting the emergency would be relegated out of office and some inferior man placed in his stead because the Senator from Georgia had some years before offered a resolution and it had been adopted as a part of the Constitution.

I am in favor of rotation in office, but I am not in favor of saying to any man who is President that accession to the Presidency is the end of his ambition, but to hold before him every possible reward which comes from good conduct, and the ignominy and disappointment of defeat as the penalty for failure to conduct himself as best suits the American people. That is the whole theory of our Government—that the American people are capable of self-government, that this is their Government, and that it is safe to refer every question back to them frequently, and so when it is proposed that a man in office shall not play politics, by which I mean conduct himself so that he will meet with the approval of the American people, it is proposed in the same breath to say that the American people are incapable of passing upon the conduct of their officers. If that be true, then democratic government is a failure. So, Mr. President, I hope the amendment to the resolution will be defeated.

I desire now to give a few moments attention to the resolution itself. In the first place, if it be any part of the reason for the introduction of the resolution, we get very little better weather in January than we do in March; and I do not mean to say that is the reason which impelled the author of the resolution, but that is the biggest reason for the agitation. Washington wants every four years a great gala week. It wants parades, large congregations of people from different parts of the Nation. It loves the sound of brass bands. The hotel keepers love the sound of the shekels that are piled down on their counters to pay the outrageous prices which they extort from the pilgrims who journey to the Capital of the Nation. The whole performance ought to be abolished. The President of the United States ought to walk into the Supreme Court as a private citizen and hold up his hand and take the oath of office and go back to the White House, and that ought to be the end of the business; or he might appear in this Chamber or in the House of Representatives or even take the oath in the White House itself.

We instinctively run to the old aristocratic and kingly form. They once had in the early days a procession of the President down to the Capitol. Washington wore his sword and carried his cocked hat. It was a cheap imitation of the courts of kings and the parade of monarchs that even Washington had not been able to get away from. But it had no business in a republic, and Jefferson abolished it. While the thing itself is trifling, the effect of example is often far-reaching; and I question whether Mr. Jefferson ever did any other thing—save the four or five mighty projects which came from his brain—that had a more beneficial effect than when he offered the example to the great democracy of this country of a simple

private citizen taking his oath of office in a quiet and unostentatious manner and assuming the powers of that office as an officer of a republic and not as one possessed of some sort of kingly prerogative. He furnished an example, and it was adhered to until recent years. He sent his messages to the House and to the Senate in writing.

Did they lose any virility or force by virtue of that? Whose learning, whose wisdom, has been the better stamped upon the history of the country? That of the simple citizen who served his people and who retired from that service the same simple citizen.

But we have had all that changed. Now we must parade to the other end of this Capitol with form and ceremony. The two Houses of Congress must be called to order. Committees must be appointed to wait upon the great man who is about to appear. The gavel falls; a hush settles over the assembly; and a little fellow, with a piping voice, rushes up the aisle as excitedly as though he was about to announce the presence of a new god, and exclaims, "The President of the United States!"—an exact reproduction of the sickening performance that has taken place in every kingly court since medieval days and before. Then the great man appears—this ordinary man. He may be a wiser man than most people, but he is just a man. He reads his impressive document. Then the committee forms, solemnly escorts him into the corridors, where he vanishes from sight, and one would think the sun and all the stars had disappeared, and that hope for human beings had died out because the demigod had left us.

Mr. President, it may not be poetical, and it may be bad taste, to use the expression, but I want to remark, in the vernacular of old Missouri, that "it makes me tired," this tinsel and this fustian, this disposition to put on parades, to make displays, to try to elevate an ordinary man into a sort of imperial personage, whose little finger is thicker than other men's loins, whose spear is a hundredweight, when, as a matter of fact, he is just an ordinary man, and you could put him on the other side of a table from you in a lawsuit and call in any good ordinary country lawyer and test his metal to his discomfiture; or if he be a newspaper man you could call in a dozen penny-a-liners who could write as good an article; or if he be a student of the Constitution you could bring a thousand other men who could teach him the principles of our great fundamental law.

The business of a President is not to be continually interfering with legislation, is not to be buttonholing Members of the Senate and of the House of Representatives. It is to lay before these bodies his recommendations in a dignified and proper manner and then to concede that there may be some other men besides himself who are in earnest, and that these proper representatives of the people, having had suggested to them a line of thought or a course of conduct, will weigh the propositions wisely and without interference by the Executive. It is time to begin to understand these things. So I say I should like to see them all abolished. That is a long digression from the 4th of March and inaugural parades, but it is all part of the same thing.

Coming now to substantial objection to this proposition, under the present Constitution when an election is held there exists an organized Congress, a body that is functioning and which constitutes the legislative branch of the then existing Government. To that organized body is consigned the business of counting the electoral votes and of determining the result. When it has been determined and the 4th of March rolls round, the man who has been declared elected by that organized body—a body that has been in existence for two years—takes his seat.

What is the proposition contained in this measure? It is that the old Congress shall expire on the first Monday in January and that the President's office, in like manner, shall expire on the third Monday in January. The new Congress, which has met two weeks prior, may or may not be organized by the date fixed for the inauguration of the President. It is entirely conceivable that when this body gets together there will be an enormous number of Members whose seats are contested; that upon the face of the returns or by reason of chicanery a majority may be created which does not exist. At the same time it is conceivable that there may not be an election by the Electoral College, and this body unorganized, which is going to constitute the new Congress, is called upon to act with reference to the selection of an Executive. I am not saying that these things will occur; but they are within the possibilities.

Well organized as it was, the Republican majority in the House of Representatives at the beginning of the present session of Congress found great difficulty in getting its machinery in operation.

We found some difficulty here in the election of the chairman of a committee. Conceive the condition of the growth of a third party or of a fourth party until there is a wide diversity of political opinion; and it is entirely within the possibilities, aye, even the probabilities, that on the third Monday in January the House will be in a state of absolute disorder, with no organization then effected, and the term of the existing President expiring. All that is avoided by allowing the Constitution to remain as it is, for, as matters now stand, the old Congress, the organized body, the body which has been functioning for two years, and which is the Government at that time, in so far as the legislative branch is the Government, proceeds to the counting of the electoral votes, and we avoid the difficulties which I have just mentioned. So it seems to me the weight of the argument and the weight of the reasoning are against the change that is proposed.

Let me offer a further observation for the consideration of the Senate.

It is said, as the chief argument for this change of the term of the President and the Congress, that too long a time elapses between the election and the assembling of Congress; and I believe that to be the argument that has been most potential with Senators. Let us examine that.

In the first place, it is said that 13 months elapse before the will of the people, expressed at the polls, can find expression in legislation, and that that is too long a time, and therefore that we ought to change the Constitution so that the result of an election shall be immediately felt.

It is an utter fallacy to declare that it is necessary for the assembling of Congress to be postponed for 13 months. If I am not mistaken in my judgment, that is purely a matter of statute. Congress could by law provide for the assembling of Congress on the 4th day of March succeeding the election. Is not that the view of the Senator who introduces this measure?

Mr. NORRIS. Yes, Mr. President, if the Senator wants me to answer his question; it is true that Congress could fix any day.

Mr. REED of Missouri. Very well.

Mr. NORRIS. But I want to suggest to the Senator that if the time were fixed by statute on the 4th of March, it would mean that every Congress would miss the best part of the year, when the best work can be done, in the wintertime, and would always be in session during the hot season.

Mr. REED of Missouri. I thought we would get back to the weather report in some way or other.

Mr. NORRIS. We would get to it there. We could not escape it.

Mr. REED of Missouri. I do not think there is anything in it, as I shall try to demonstrate in a minute. So, now, all we have to do to provide for a meeting on the 4th day of March is to pass a statute, and then, instead of having to wait these 13 months, we should only have to wait until the 4th day of March; and I presume, as has been suggested, that we could fix it just as well on the 1st day of January if we wanted to. Then we would have a President holding over until the 4th of March and a new Congress that had just been elected going in on the 1st of January.

Mr. NORRIS. Will the Senator permit an interruption there?

Mr. REED of Missouri. Yes.

Mr. NORRIS. In that case we would make the present short session still shorter, because every other Congress would expire on the 4th day of March on account of the expiration of the term, and instead of having from December until March we would only have until January.

Mr. REED of Missouri. Exactly; and we would start in on this glorious new session just exactly at the time the Senator says we ought to start.

Mr. NORRIS. Yes; but we would have to stop on the 4th of March.

Mr. REED of Missouri. Why?

Mr. NORRIS. We would still have a short session.

Mr. REED of Missouri. Why?

Mr. NORRIS. Because the term would expire.

Mr. REED of Missouri. The term of what? Oh, the term of Congressmen?

Mr. NORRIS. The term of one-third of the Senators and of all of the Members of the House. That is the reason why one of our sessions now is a short session, because of the expiration of the term.

Mr. REED of Missouri. Yes; I understand.

Mr. NORRIS. If we put the date of meeting one month later, and made it January instead of December, we would only shorten the short session by a month.

Mr. REED of Missouri. However, we are discussing a hypothetical matter. Let us discuss it as it is. Congress can fix the time of the meeting of the Congress succeeding the

election as of the 4th day of March, and it is proposed in this joint resolution that the meeting shall be on the 1st day of January. Now, what is the actual difference of time? About 60 days, is it not—January and February? You make a change of 60 days in the time.

Mr. NORRIS. Mr. President, if the Senator will permit an interruption there, he must not forget that by fixing it as it is fixed in this amendment it is the new Congress and not the old Congress.

Mr. REED of Missouri. I am coming to that. I am talking now about the proposition of the new Congress. The new Congress, under the Senator's joint resolution, would take its office on the 1st day of January, and certainly it could not be expected to do very much until after the President had been inaugurated, which would be the third Monday in January. Now, how much time do you actually save? If you change the present statute so that Congress meets on the 4th of March, the President being inaugurated on the 4th of March, the new Congress is really delayed in its action the difference between the third Monday in January and the 4th of March. That is to say, the net gain is about 38 to 40 days. That is not worth the effort of changing the Constitution. That is all you gain. If it is desired to have the new Congress meet on the 4th of March every other year, I shall be glad to vote for that sort of a statute. Figuring your entire scheme down, now, you are going to gain about 35 days of the winter months, which you say is the best time to legislate; so you get nothing substantial out of that. It seems to me, when you come to analyze that proposition down, that there is nothing in it.

Now, I want to offer the final observation that I have to make. I know there is a theory in the minds of many splendid men, many thoughtful men, that the voice of the people should be immediately heard and the mandate of an election instantly put into effect. Therefore, they say that we should hold an election to-day, swear in the officers to-morrow, and go to work the next day, and that anything short of that is a denial to the people of the right of control. That is a fascinating argument, but that is an argument quite contrary to the one that has to be advanced in support of a joint resolution that a President can be elected only once in order to keep him from playing politics—that is, asking the good will of the people. But the fathers of this Republic, the students of constitutions and of laws are of one opinion, as far as I know, upon the proposition I am about to state, and that is that the danger to a republic lies in hasty and improvident action; that while the utmost liberty of action must be allowed to the people in the expression of their will, nevertheless we must get entirely away from hasty and improvident action. That is the reason, sir, why it was written into the Constitution itself that it could not be changed until a joint resolution approved by two-thirds of both branches of the Congress had submitted the proposition and until it had been approved by the legislatures of three-fourths of the States. That is the reason, or one of the reasons at least, why we have provided for two Houses of Congress—in order that a mistake that is made, an improvident action taken, may be checked in the other House and examined, and some possible mistake prevented.

It has been argued that the fixing of the 4th day of March was purely an accident.

I am of the opinion that it had a very much sounder reason—not the fixation of that particular day, but the fixation of a day somewhat later than the election. That reason is that there is a period of reflection, of discussion, of debate, of thoughtfulness, to intervene between the day of the election, with all of its excitement and its turmoil, and the period when those elected shall assume the duties of government. It is a brake upon the car, if you please. It is better to act a little slowly and to act wisely than it is to act hastily and improvidently. There is no man in this Chamber—and there are men here of many years of legislative experience—who can point to a single instance where the people have been deprived of any substantial right because the old Congress held over for 90 days or 120 days after the election. There have arisen no emergencies of such character that they could not await consideration after the 4th of March. There have failed to pass in these short sessions some laws that would have been passed if the session had been much longer, and to which the newly elected Congressmen were absolutely opposed, and which the new Congress would not have passed, and did not pass.

Mr. NORRIS. Mr. President, may I interrupt the Senator there?

Mr. REED of Missouri. Yes.

Mr. NORRIS. In that case the old Congress would never have a chance even to consider the matter.

Mr. REED of Missouri. Oh, yes; the old Congress would have been in just that much longer, and would have done their work.

Mr. NORRIS. The old Congress would not have had that short session. The Senator has argued that some bad laws have failed in short sessions that would have done injury if the session had been longer and they had passed. My answer is that if this amendment is agreed to, and becomes part of the Constitution, there would be no such short session of Congress; there would be the new Congress.

Mr. REED of Missouri. No; under the proposition of the Senator the Congress would enter upon its duties on the first Monday in January, and it would or might continue in session for an entire two years, with a mere formal adjournment to begin a new term. Under those circumstances the character of legislation of which I speak, which I say has been frequently defeated in the short session and was not taken up by the new Congress, would have simply been started earlier in the session, and would have gone through. Frequently in my judgment the short session has been a blessing, because something that I thought was very wrong was being attempted, and the lapse of time stopped it.

I do not understand the Senator when he says that this wipes out a short session, and, therefore, wipes out that evil. It is true it wipes out the short session, but it gives us two sessions of a year each, and all of the last one to complete the bad work I am discussing.

Mr. NORRIS. Mr. President, I will call the Senator's attention to an incident that happened just recently, and I do not know but that the Senator had it in mind. The Senator is saying that the short session, by reason of it being short, sometimes is responsible for the defeat of desirable legislation which would be enacted if the session were longer.

Mr. REED of Missouri. Yes.

Mr. NORRIS. I suggest to the Senator that if this were a part of the Constitution, the Congress, which now holds a short session after the election where it has been repudiated, if it is repudiated, would not have any short session; it would be the new Congress. Now let me call the Senator's attention to an incident—

Mr. REED of Missouri. Certainly what the Senator says is true, but the Senator must agree with me that it is not the mere matter of the election with which we have to deal. We have to deal with what the Congress may do.

Mr. NORRIS. I understand that, but it is the election that takes place just before the short session in which the people speak, and I want to call the Senator's attention to an attempt that was made in the last short session—that is, the last session of the last Congress. There was an attempt made by the administration to pass the so-called ship subsidy bill, and I think the Senator and I will agree that if that had been a long session that measure might have been enacted into law, and it was defeated perhaps because it was a short session. At least, that is one of the reasons. But if this amendment had been part of the Constitution, there would not have been any short session of that old Congress. It would have been the new Congress, convened in January, who were opposed to a ship subsidy, and they would not have gotten to first base with it.

Mr. REED of Missouri. That is a strange style of reasoning. The Senator assumes that the ship subsidy bill was introduced after the election—

Mr. NORRIS. Oh, no; but there was no attempt made to pass it until after election, and the Senator knows that the people at the election repudiated the idea of a ship subsidy bill.

Mr. REED of Missouri. Exactly. Then we might just as well abolish all Congresses which meet after election and have no Congress meeting after an election.

Mr. NORRIS. I think the Senator will agree with me that if the President had left the ship subsidy bill for the new Congress to consider and had not tried to get it through at the short session, he could not have gotten anywhere with it, and he could not have gotten anywhere just before election, because he knew Congress would have known the result that would follow.

Mr. REED of Missouri. I do not agree with that at all. If there had been no short session of the Congress, if the old Congress had expired with the election, of course, then, it would have been necessary to introduce the ship subsidy bill at some time prior to the election, some time between the two biennial elections. I think it would have been introduced, and I think

it would have gotten substantially the same vote it did get. I do not know of any lame ducks who voted to help pass it, and, anyway, we beat it by virtue of the lapse of time, lame ducks or no lame ducks.

Of course, if you are going to act upon the theory that a Congress after election shall have so many defeated Members in it that they feel no sense of responsibility, and that they are utterly disregarding of the public interest, then you had better abolish Congress altogether. I again challenge any man in this body to tell me a single law that was passed at a short session that illustrates in any striking manner the evils of the short session, as we call it, or any Congress that held over after an election that, because it held over after an election, passed legislation directly opposed to the will of the people, as expressed at the election, and in such a manner that it could not be rectified at once by the new Congress.

The fact about the matter is that we have talked a great deal about those things, and there is not much in them. If it is a tariff bill which the old Congress enacts, the new Congress can change it. If it is anything in the line of legislation, it can be changed. This is an attempt to change the Constitution, and I think confusion is being produced instead of remedy.

I go back now to the one thing I was speaking of when I digressed, and then I shall cease taking the time of the Senate. I say that a time of deliberation and of repose is necessary after a great election.

In my brief experience I have frequently known of propositions advanced because of some apparent emergency, and Congress excited about them, ready to take some extreme or radical action, but in the course of 30 or 60 or 90 days, the whole problem would be solved by itself, and the country would be saved the curse of some improvident legislation.

The inauguration of a new President and the installation of a government ought to come long enough after every election so that there has been time for consideration, time for counsel, time for organization, time for deliberation. Any proposition that proposes to call together the newly elected Members of Congress at once has within it the great danger of too hasty and too inconsiderate action. The statement of that proposition ought to appeal to every man who is an experienced legislator.

One of the great fathers of this Republic urged that no law be passed until it had been pending for a year, and when it was replied that an emergency might exist demanding immediate action, he answered that the emergency could be met by providing that a law that was to be passed within a shorter period of time should have more than a majority vote.

Bear in mind that this country has run along now for nearly 150 years. We have suffered no serious difficulties on account of our Constitution, or because of the time of election. Why abandon the beaten path, the beaten road, and go into these bypaths of experimentation?

What great evil has arisen? No illustration has been given. The one illustration that was given was that of a bill for a ship subsidy, which was not brought up before an election, but was brought up after an election. It was defeated, and the shortness of time helped to defeat it.

I would rather have a Congress restrained during the last three or four months of its existence by the vote of an election which has already been held than to have a Congress that started out for two years and proceeded during the whole 24 months unrestrained by any intermediate expression of opinion of the people. I am not alarmed by the argument that men having been defeated will then proceed to do something after an election they would not do before. I know of no instance where that has been accomplished. I am not willing to ascribe such base motives to men who hold the position of legislators.

Take the two theories and put them side by side. One is to elect immediately and install in office, and keep in office for two years in almost constant session, this body of men, without any intermediate expression of opinion by the people. The other is to put that newly elected body into office on the 4th of March, and some 150 days before they shall go out of office there is an election. That election, let us say, is against the party in power. The influence is a restraining influence. The body of men whose policies have been repudiated will be less likely to carry them out than they would be if they had been sitting there acting before the election was held at all.

Generally, Mr. President, with the exception of providing a method for amending this Constitution which will give the people of the United States something to say about it, I am opposed to changes of the instrument. Under it we have proceeded from weakness to strength, from smallness to greatness, from a position in the column of nations far removed from the front to the very head of that column. We have seen our popula-

tion increased from a little over 3,000,000 to over 110,000,000. Our wealth has expanded beyond the conception of the men of 50 years ago. We occupy a great and dominant place on the map of the world. Our good will is sought by every government of earth. Our people are prosperous and happy, save from those misfortunes which fall as the result of improvidence or of providence.

And yet we are not content. Like the children of Israel we must have a new god every day. We must change. We must tinker. There stands the old temple of liberty, its spires blazing in the sunlight of universal approbation, pillars strong, walls as steadfast as when they were cemented first in the blood of the revolution, but somebody has to change the architecture a little. Somebody every day must go in with a chisel and hammer and go to pecking at it. Somebody must do something. It is a wonder to me that this Congress does not adjourn and go out into Statuary Hall and proceed with chisel and mallet and with amateur hands to try to improve on the statuary. Somebody will think that Daniel Webster's nose is too short and be sticking a piece of putty on the end of it in order that it may conform to his own educated taste. I have no doubt there are plenty of men here. If we could imagine such a thing as a legislative Venus de Milo, who would immediately proceed to legislate arms and parts on that statue. Nothing is sacred. All must be changed. All that is is wrong.

Mark you, if you do not do something every day you are not progressive. If this Congress could conceive the thought that it is not the guardian of every human being in the country, that it has a limited scope of authority which it can properly exercise, that the people of the great States of the Union know quite as well what they need as we know what they need, that local self-government is not only a principle but that it will be a fact, that our business is to pass a few simple laws and provide the revenues for the Government; if we could conceive the fact that our wisdom is quite as finite as the wisdom of the folk at home, that at best we are obliged to guess with reference to many of our acts; if we could disband about two-thirds of the bureaus of Washington, if we could turn off three or four hundred thousand of the employees who eat up the substance of the people; if we could really visualize the old thought that freedom consists in the right of the individual to live his own life, conduct his own business, think his own thoughts without let or hindrance, save that he shall not so conduct himself as to circumscribe the rights of his fellow citizens to enjoy similar liberties; if we could understand that this Congress is not the doctor for all creation, that some things have been done wisely in the past by the founders of the Republic, and that half-baked experimentation is a thing intolerable in any Government; if we could remember, Senators, that those governments exist and continue to exist where changes are slow and are thoughtfully taken, that no people has ever established itself as a great people and maintained its dominance through the centuries unless it has had within it an element of conservatism and of care, we might do better.

I see my friend the Senator from Minnesota [Mr. JOHNSON] smiling at me—I do not know whether with approval or disdain, but I hope not the latter. If he will permit a personal allusion, not intended to be uncomplimentary, he originally sprang from a country far to the north, where one of the sturdiest folk on earth ever built a civilization amidst the adversities of nature. They are not an excitable people who change every day. They build, and build securely, and when they make change it is in the nature of addition and not of destruction.

The thing that has made the British people the dominant force that they are in this world is the fact that they have clung through the centuries to one line of ideas. Slowly, cautiously, and determinedly they have proceeded on their course. When England has fixed a policy in her Government she adheres to it. If 200 years ago the British Government had concluded to acquire a certain point of land or a certain island, through the 200 years that intervened she never took her eye off that spot of earth and has continued to adhere to the policy of finally acquiring it. I make that statement merely by way of illustration of a great English characteristic, a characteristic that has made it possible for 38,000,000 Britishers to establish the dominance of the Empire over one-third of the earth's habitable surface, so that, as Webster said, her drumbeat not only followed the sun in its course around the earth but it could now be said that the English flag flutters from pole to pole and kisses alike the icy breezes of the Arctic and Antarctic and the warm winds of the Equator.

But we must change every day—whittle at the Constitution just a little. No disaster has fallen to us through the years because of the time that we meet and organize our Congress. No evil has been pointed out which has befallen us. Just let us have a change; that is all. Let us do something. Well, there are enough tasks, great tasks, that lie within the purview of our authority. We may not agree as to their solution, but it would be well to put our minds to them.

Mr. OWEN. Mr. President, I shall detain the Senate only for a few moments. The real point in this proposed constitutional amendment is that it will enable the representatives of the people of the United States to meet nearly one year earlier than they do under the present structure of our Constitution. Its real meaning is that the people of the United States, when they wish to change and do change their Government, shall have an opportunity through their representatives so changed at an election to have their will recorded through the legislative authorities of this Nation earlier than by the present method, under which the Congress elected in November meets in December a year thereafter.

I am in favor of giving the people of the United States a larger measure of opportunity to express their will through their representatives. In that respect the proposed change in the Constitution would be an improvement; in that respect it would be progressive, because the real meaning of a "progressive" in this country is one who desires to give constantly increasing power to the people. Both of the great parties profess that principle, the principle of desiring the people to rule, but both great parties are divided into those who are progressive and those who are conservative. Each one is entitled to his own opinion. I am in favor of giving a larger measure of power to the American people to enable them to express their opinion as speedily as possible. For that reason I approve this proposed amendment to the Constitution.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Ohio [Mr. WILLIS] to the amendment of the Senator from Georgia [Mr. HARRIS].

Mr. WALSH of Massachusetts. I ask for the yeas and nays.

Mr. HARRIS. Mr. President, I differ with the Senator from Missouri [Mr. REED], who alluded to the attitude of the people of this country toward those who occupy the presidential office. In my judgment there is not anything better for this country than the feeling we have for the men who occupy that high office.

Theodore Roosevelt, William McFinley, Warren G. Harding did not receive a majority of the votes of the people of my State, but every schoolboy in Georgia points with pride to, and is a better boy and will become a better man because of, the lives of the men who have occupied the presidential office and other offices of trust. Those boys never would have known what great men those Presidents were had they not occupied the presidential office and their lives are an inspiration to them.

Mr. President, I wish to say the way the people of this country feel toward Woodrow Wilson is a splendid thing for the whole United States, and every day that will be demonstrated more and more as they come to appreciate what his life and character were as exemplified by his career as President of the United States.

The Senator from Alabama [Mr. UNDERWOOD] is regarded by both parties as being one of the ablest public men in this country. He has opposed the last two constitutional amendments which have been adopted. I wish to take only a moment of the time of the Senate to read what that Senator said about a six-year term of office for the President. I read from a pamphlet which is being distributed on behalf of Mr. UNDERWOOD for the Democratic nomination for President of the United States. It is entitled "Mr. UNDERWOOD'S Views on Living, Pertinent Issues." Mr. UNDERWOOD delivered a speech the other day in Ohio, and the entire speech was printed in the RECORD. In reference to the President's term, Mr. UNDERWOOD said:

Make the term six years or seven years, and make the Executive ineligible to reelection, and you will have removed all temptation to further personal ambition, you will have taken out of the sphere of partisanship the one man in the country who should stand above and beyond it, and you will have purified the very air of politics itself by giving it worthier motives and loftier ideals.

Mr. President, I have not criticized the men who have held the office of President of the United States. In my judgment no man can be elected President of the United States who is not a good man and an honest man. I have confidence in the

people of the United States in their selection of a President, and I think more highly of the men selected by them than do some others. I am proud of that opinion. I am glad the country feels the way I have stated about the men who occupy the position of President and about the presidential office. I am not referring to any particular President; but I do not believe anyone can contradict the statement when I say that every President as soon as he gets into office must, because of the fight which is made upon him by politicians in this body as well as elsewhere in the country, put himself in an attitude of defense. Presidents, therefore, have to play politics. If they should be placed in a position where they did not consider their reelection and should be made ineligible for reelection, Senators and others would not be trying to destroy their prestige because of political differences. The President will not have to play so much politics if his political opponents know that he can not be reelected. They would think only of the merits of measures recommended by the President.

Consider the responsibility and the power which the President has. No king, no other man on earth, has such power as has the President of the United States. Any President can renominate himself with the power and patronage he has at his command, and most of them can almost reelect themselves with the patronage they have. I think that is a danger to the country. I believe that a President should spend all of his time thinking of the good of his country and his duties and not thinking of being reelected.

Mr. President, I recognize it is late, and I hope we may have a vote on the joint resolution this afternoon, so I am not going further to take the time of the Senate.

Mr. ADAMS. Mr. President, I wish to ask the Senator from Georgia a question with reference to his amendment, if I may. I find his amendment, as I read it, is intended to come in at the end of section 3 of the amendment offered by the Senator from Nebraska [Mr. NORRIS].

What I have difficulty in understanding is the application of the Senator's amendment at the point. The amendment seems to me to be complete. I suppose that my own view is in some way defective; but as the Senator's amendment reads, he repeats the language of the opening part of Article II of the Constitution in reference to "the executive power being vested in the President of the United States." Then his amendment provides that the President "shall hold his office during the term of six years," and shall be ineligible to reelection; then the Senator's amendment concludes with the language that—

The President, together with the Vice President chosen for the same term, shall be elected as follows.

Nothing follows in the amendment of the Senator from Nebraska, except a short paragraph providing that—

This amendment shall take effect on the 15th day of December after its ratification.

It rather seems to me that the Senator's amendment does not fit into the place where I understand it to apply. There is in the original section of the Constitution to which the Senator's amendment evidently refers the provision as to the manner of election; but the amendment proposed by the Senator from Nebraska, as I understand, comes in as an independent and new amendment. Consequently, I do not see how the reference can be made back to the section of the Constitution which we really have in mind. I would appreciate it if the Senator would enlighten me if I am in error about it.

Mr. HARRIS. Mr. President, I will state that one of the ablest lawyers in the Senate, a member of the Judiciary Committee, prepared this amendment at my request. I have tried for several years to get such a proposal before the Senate. When the late Senator Watson was my colleague he offered my measure and we tried to get the Judiciary Committee to approve it at that time. The Senator from Nebraska [Mr. NORRIS], for whom I have high regard, was appointed about two months ago upon a subcommittee of three to consider the amendment proposed by me, along with his joint resolution, but that committee did not have time to consider my amendment. That is why I am forced, in order to get it before the Senate, to offer it as an amendment to the pending joint resolution.

Mr. NORRIS. Mr. President, I think the Senator from Georgia has not quite comprehended the suggestion made by the Senator from Colorado. If he will examine the language of his amendment and follow it out literally, as the Senator from Colorado suggests, there is great doubt whether it will fit at all where the Senator proposes that the amendment shall

come in. I think if the Senator would examine it carefully he would want to change it.

Mr. HARRIS. I will examine it and consult with lawyers in the Senate in regard to it.

Mr. WILLIS. Mr. President, I suggest to the Senator from Georgia that I think it is perfectly clear that he intends that his amendment shall take the place of paragraph 1 of section 1 of Article II of the Constitution. If he has the Manual before him he can see where evidently it is intended to come in.

Mr. SHIELDS. Mr. President, that might be a more appropriate connection, but as the Senator from Georgia has said he will examine the matter and present the question later, I do not care to say anything about it.

Mr. President, I desire to suggest to the Senator from Nebraska that we take a recess, or an adjournment, whichever is preferred, at this hour until Monday. I wish to speak upon the subject at some little length, and I do not care to do so this late in the afternoon. There are very few Senators present. Most of them, in all probability, have gone to their offices, many of them have gone to their residences, and it would be difficult and very inconvenient to Senators to call for a quorum in order to reach a final vote. As in all probability we can not complete the consideration of the joint resolution this afternoon, I think it would be well, and certainly it would be an accommodation to Senators, now to take a recess.

Mr. NORRIS. Mr. President, let me ask the Senator if he desires to discuss the pending amendment or the joint resolution proper?

Mr. SHIELDS. I desire to discuss both.

Mr. NORRIS. Then, the Senator would not want the pending amendment voted on until he had an opportunity to debate it?

Mr. SHIELDS. I should prefer to discuss the entire proposition at one time. I will say to the Senator that I desire to offer an amendment as a substitute for the joint resolution, and, if it is agreed to take a recess, I shall offer it now. It would not be in order now, but, by consent, I may present it in order that it may be printed and be considered on Monday.

Mr. NORRIS. I should be very glad to have the Senator present the amendment now if he intends to offer it, and let it be printed.

Mr. SHIELDS. Out of order, Mr. President, I desire to present an amendment in the nature of a substitute which I shall read. I desire to have it appear in the Record in the form in which I shall read it, and to have it printed.

The PRESIDING OFFICER. It will appear in the Record if the Senator reads it.

Mr. SHIELDS. That is one reason why I shall read it.

Mr. NORRIS. I understand the Senator is about to offer a substitute for the main joint resolution?

Mr. SHIELDS. Yes; to strike out all after the resolving clause and insert the following:

SECTION 1. The terms of the President and Vice President of the United States shall commence on the third Monday in January following the election of presidential and vice presidential electors.

SEC. 2. The presidential and vice presidential electors, composing the Electoral College, shall assemble in the States by which they are appointed and cast their votes for President and Vice President on the second Monday in December following their appointment, and the vote so cast, duly certified, shall be filed with the President of the Senate before the first Monday in January next thereafter, and the Congress shall meet in joint session on the second Monday in January following and open and count the same: *Provided*, That Congress may alter all the dates fixed in this section, in its discretion.

SEC. 3. The terms of Senators and Representatives shall commence on the first Monday in January following their election.

SEC. 4. There shall be held two regular sessions of Congress, convening on the first Monday of January each year.

SEC. 5. The terms of said officers who may be in office at the time of the adoption of this amendment are hereby changed to conform herewith.

I ask that the proposed substitute be printed in the usual form for distribution and placed on the desks of Senators.

The PRESIDING OFFICER. The amendment will be received, printed, and lie on the table.

Mr. SHIELDS. Now, referring to my suggestion that a recess be taken, I submit the matter to the Senator from Nebraska.

RECESS.

Mr. NORRIS. Mr. President, it is quite evident to me that we shall not be able to dispose of the joint resolution itself tonight, although I had hoped that we might vote on some of the amendments that are pending. Since the Senator from Tennessee wishes to discuss the amendment, however, and is not

prepared to go on to-night, I move that the Senate now take a recess until 12 o'clock noon on Monday.

The PRESIDING OFFICER. The question is on the motion of the Senator from Nebraska.

The motion was agreed to; and the Senate (at 4 o'clock and 30 minutes p. m.) took a recess until Monday, March 17, 1924, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, March 15, 1924.

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

We would place ourselves in all reverence at Thy footstool, O Lord, and let Thy kingdom come and Thy will be done in all our hearts. We would have the sense of our personal relationship to Thee be very keen, and may it not grow less in our lives. Let our conduct, our service, and our influence be a direct reflection of the great Teacher of men. When reviled may we revile not, when we suffer may we threaten not, but commit ourselves unto Him who judgeth righteously. God bless our country and all the traditional institutions of the land. Increase the faith of all our citizens in the wisdom and character of our central Government, and may it always receive their support and unflinching loyalty to the glory of God and for the good of our fellow countrymen. Amen.

The Journal of the proceedings of yesterday was read and approved.

REMARKS ON THE LATE WOODROW WILSON.

Mr. SABATH. Mr. Speaker, under leave to extend my remarks I insert the speech of Joseph P. Tumulty March 3, before the Iroquois Club, Chicago, on Woodrow Wilson, as follows:

Mr. President and gentlemen of the Iroquois Club, this is a most wholesome atmosphere; it radiates good nature and friendship for one who 11 years ago turned away from modest professional duties and directed his bark toward the Capital of the Nation to play an humble part in the constructive efforts of a man who, having made his impress upon a Nation and the world, triumphantly passed from the stage of life to play an immortal part in that last home where he now lives in peace and where sorrow no longer touches him.

It is heartening and fine to know that wherever one goes the heart of America seems to respond to the idealism of the great leader, Woodrow Wilson.

If one could have been present at the bedside of Woodrow Wilson as the last faint rays of his life flashed and fluttered, he could imagine that from those lips, now silent in death, these final impressive words of advice of Edmond Dantes came:

"So live, then, and be happy, beloved children of my heart, and never forget that until the day when God will deign to reveal the future to man all human wisdom is contained in these two words—'wait' and 'hope.'"

These two words, "wait" and "hope," sum up the philosophy which underlay the humane policies and broad, constructive statesmanship of Woodrow Wilson. "Waiting and hoping" were the lodestars of his life and his career. "Waiting and hoping" for the days of sweet reasonableness when the cause of world peace for which he engaged in a deathless struggle, gave the last full measure of devotion, would be vindicated—these were the pivots around which his thoughts and his dreams of peace turned. It is, indeed, too bad, my friends, that in this hurly-burly world in which we live—a world unfortunately torn and touched by the deep passions of hatred, the inevitable aftermath of the World War—that those little men who live from day to day, whose eyes seem never to sweep the great horizons of life, fail to steer their course by these two stars—"wait" and "hope."

The present, with its thrills, its adversity, its endless controversy, its expediences, is the tonic of the politician. The future, with its uncertainty, is the stimulant of the statesman. Our trouble is, gentlemen, that we think and assess the value of everything in terms of the present hour, its effect morally, socially, and economically upon the present day. We boastfully say that great events and careers are permanently settled by election returns. Thus we fear to go forward and blaze the way for future generations. And yet no one who reads history aright, whether it be that of America or the world, can find in its great lessons any solace or comfort to sustain a theory so foolish, so puerile, so evanescent. He who bases his action upon the atmosphere of the present day finds himself struggling with the forces of shifting sands. Events in our own Nation's life demonstrate that neither great careers nor grave public questions are ever permanently settled by election returns.

Does not the career of our own beloved Lincoln and the great unifying issue of slavery, which he sponsored with his mighty voice, prove

the truth of this assertion? The adversity of elections did not permanently settle the slavery question, nor did the defeat of Lincoln by Douglas in 1856 determine the career of Lincoln. No my friends; Destiny works in a peculiar way its wonders to perform and discredits the present as a safe standard by which to guide our action. Time alone, the great solvent, in the last analysis, is the final determinator. You might as well declare that the solemn referendum of the motley crowd that met on the hill of Golgotha fixed the place in history of the lowly Nazarene, who came to advocate peace, to help the poor and the distressed, to raise the dead, to succor the miserable and the hungry. The politicians who gathered about the cross foolishly thought that that referendum of passion which decreed death to Him who came to help a distressed world was the end, the consummation, of their bitterness and scorn and hatred. But, my friends, the crucifixion of Christ was not the denouement of the tragedy. The resurrection was the vindication of the power and the majesty of the mightiest figure in the world.

Lincoln's friends thought that when, in his struggle with Douglas for the United States Senatorship in 1856, he declared that "a house divided against itself could not stand"; that "no nation could live half slave and half free"—that these declarations would result in his defeat; that this was the end of Lincoln. But Lincoln cynically smiled and said, "It is but the beginning. These declarations may defeat me for the Senatorship of Illinois, but the seed planted by these statements will inevitably elect me to the Presidency." It is a difficult thing in the world of the present, a world full of passion, emotion, and hatred, approximately to estimate or to interpret the career of a man like Woodrow Wilson. Destiny, that inscrutable nuncio of God, seems to laugh to scorn the appraisements of the present. By all the cold, logical standards of the present hour, in the cause of peace for which he struggled, fought, and died, Woodrow Wilson dared with solemnity to do a great, unselfish thing, but failed utterly, miserably. He sought to play the rôle of a Nation's interpreter and to direct the course of those who seemed to have forgotten the covenant of peace, and, like John of old, crying out in the wilderness, called the wandering flock to the right path. But, alas, he did not reach the promised land of peace—the land of his dreams and hopes. But he did not desert the cause of peace. With him peace was never a forlorn hope. He did not surrender and let die "a fire, a fire that is sacred not only now in this country but in all countries for all times."

A famous writer has said that "the prophet is the man who sees with a troubled heart, but with clear eyes, the evil which reigns to-day, the punishment which will come to-morrow, and the kingdom of happiness which will follow punishment and repentance. He speaks in the name of the mute, he is a hand for him who can not write, a defender for the people scattered and oppressed, an advocate for the poor, an avenger for the humble who cry out under the heel of the powerful. He is not on the side of those who tyrannize, but of those who are trodden underfoot. He does not seek out the satiated and the greedy, but the hungry and the wretched. He is a troublesome, importunate, and inopportune voice, hated by the great, out of favor with the crowd, not always understood, even by his disciples. Only the poor and the oppressed bless him. Like all loud truth-tellers, who disturb the slumbering majority, who unsettle the sordid peace of the masters, he is avoided like a leper, persecuted like an enemy. Kings can barely tolerate him; the rich detest him."

And so we are here to-day resolved that the dead shall not have died in vain and with burning hope in our hearts that the valorous cause of peace to which he ordained his life, fought, suffered and gave the last full measure of devotion, shall, in the providence of God working through the efforts of those he left behind, be brought closer to ultimate realization. No ideal like that of peace can be blotted out any more than the everlasting hills can be destroyed. God does not permit waste.

Yes, my friends, Woodrow Wilson is as great and as noble in death as he was in life. With the shroud drawn, partisan rancor, personal hatred, and the envy of little men are held at bay and forever silenced, and now with bared heads we stand in reverential awe before the tomb to honor him who gave his body, his mind, his soul—yes, his very all—for the sacred truths upon which our own Magna Charta was founded; and for the saving of a world from the cruel and blighting plague of war.

With Woodrow Wilson "right was more precious than peace." With him as our leader and inspiration we fought for the things we have always carried nearest our hearts, for democracy, for the right of those who submit to authority to have a voice in their own government, for the rights and liberties of small nations, for an universal dominance of right by such a concert of free peoples as shall bring peace and safety to all nations and make the world itself at last free.

Woodrow Wilson, with a vision clear, saw the broad horizons of life and sought to interpret the feeling and aspiration of peace that came to him, hot and bloody, out of the trenches; that spirit that has cried down through the centuries for peace, for everlasting peace, the cry that he seemed to hear above the hiss of shrapnel and the roar of the cannonading. Who shall say that the seed of

peace, planted by him, freshened by his sacrifices, vitalized by his sorrows, is not again to be renewed by his pains, his sufferings, his death, and will not in God's good time come to real fruition? His vision seemed to see the things that to us were unseen. With unflinching courage he trod the hard, stony way with the hope in his heart that in his deathless struggle for peace, humanity could be saved from a renewal of this barbarous, savage, bloody thing called war. Yes, he not only sought to save the world, but he died to preserve inviolate the landmarks of Christianity and civilization.

And now that this courageous figure has passed from its temporal stage, with charity in our hearts for those whose malice and perfidy conceived unjust attacks upon him, we recall that his enemies laughed his statesmanship to scorn; called it impotent, futile, and without result; said there was no use appealing to moral force in a world in which the forces of civilization were engaged in a veritable death grapple, and yet it requires neither the vision of a seer nor that of a philosopher to understand that the mightiest blows struck at German morale and prestige were those found in the immortal preachments of Woodrow Wilson—preachments that went like shot and shell to destroy what appeared to be the impregnable fortress of German power. Von Tirpitz, in his memoirs, stressed the effect of Wilson's submarine notes.

Ludendorff declared in his book that "the Wilson propaganda that found root in Berlin and finally grew there, eventually convinced the German people that it was not they, themselves, but the Government and militarism that the United States was warring against. This was the seed of dissension that ruined morale at home." Von Tirpitz further states that "only the transmitting to Germany of the threatening notes of President Wilson, when he inveighed against 'my submarine campaign' during the latter stages of the war, prevented Japan from coming to us in a great Germano-Japanese alliance, which would have ended the war at once." The persistent note writing of Woodrow Wilson, so often the subject of song and jest, was as mighty a force in winning the war as the consummate strategy of Joffre and Foch. You recall how the javelins of political slander were hurled at what was called the miserable, puerile policy of watchful waiting. The President's traducers said it was weak, vacillating, contemptible, and yet, my friends, when Abraham Lincoln, the great emancipator, faced a crisis in Mexico similar to that which confronted Woodrow Wilson, his policy was essentially the same. This is proven by Government records recently brought to light by Prof. Walter L. Davis, of the history department of the College of Puget Sound. Lincoln, according to these records, watchfully waited and indicated his aversion to aggressive action by appointing as minister to Mexico the very man who had bitterly opposed American interference 15 years before. He also issued the following instructions to his new minister:

"For a few years past the condition of Mexico has been so unsettled as to raise the question on both sides of the Atlantic whether the time has not come when some foreign power ought, in the general interest of society, to intervene, to establish a protectorate or some other form of government in that country and guarantee its continuance there."

"You will not fail," continues Lincoln, "to assure the Government of Mexico that the President neither has, nor can ever have, any sympathy with such designs, in whatever quarter they may arise or whatever character they take on."

You will find in the public utterances of Woodrow Wilson on Mexico the same breadth of vision, the same human sympathy, the same magnanimity as are found in the utterances of Lincoln.

Let me read what Woodrow Wilson said on Mexico when a great crisis in that country confronted him:

"The situation in Mexico," he said, "must be given a little more time to work itself out in the new circumstances. I believe that only a little while will be necessary. . . . We must exercise the self-restraint of a really great Nation which realizes its own strength and scorns to misuse it. I am more interested in the fortunes of oppressed men, women, and children than in property rights whatever. . . . The people of Mexico are striving for the rights that are fundamental to their lives and happiness—15,000,000 oppressed men, overburdened women, and pitiful children in virtual bondage in their own home of fertile lands and inexhaustible treasure."

But in spite of this magnanimity of purpose, his enemies smugly shrugged their shoulders and . . . with disdain:

"Well, what's the use? What can you expect from a dreamer of dreams, a mere doctrinaire? Doesn't Wilson, the historian, know that force and force alone can bring that grisly old warrior, Huerta, to his senses?"

Ah, my friends, it was disheartening to find bitter criticism of this policy from the outside, and depressing to find the enemies of watchful waiting "boring from within" through certain of his cabinet officers.

"And one denies, and one forsakes, and still

Unquestioning he goes, who has his lonely thoughts."

The critics of Woodrow Wilson's broad humanitarian policy in Mexico said that the only antidote for what was happening there was force and intervention, and they honorably urged this view upon the President, but without succeeding in bringing about the consummation so dear to their hearts. But little by little, the usurper, Huerta, was being isolated. By moral pressure every day his power and prestige were perceptibly crumbling. His collapse was not far away when the President declared, "We shall not, I believe, be obliged to alter our policy of watchful waiting."

And the campaign of Woodrow Wilson to force Huerta finally triumphed. On July 15, 1913, Huerta resigned and departed from Mexico. Wilson's humanity and broad statesmanship had won over the system of cruel oppression for which the "unspeakable Huerta" had stood.

When Woodrow Wilson advocated a League of Nations, people called him a dreamer, idealist, an altruist, "ahead of his time." But he was indifferent to criticism, and in one of his western speeches said:

"If I felt that I, personally, stood in the way of this settlement, I would be glad to die that it might be consummated."

In an admirable speech on the western trip, broken in health, but indomitable in spirit, calling upon God to strengthen his hand in the battle he was making for peace, Woodrow Wilson said:

"I believe in God. If I did not, I would go crazy. If I thought the direction of the disordered affairs of this world depended upon our finite intelligence, I should not know how to reason my way to sanity, and I do not believe there is any body of men, however they concert their power or their influence, that can defeat this great enterprise, which is the enterprise of Divine mercy and peace and good will."

Woodrow Wilson hated war and dreaded it in all the fibres of his soul—he hated it and dreaded it because he had an imagination and a heart; an imagination which showed his sensitive perception of the anguish and the dying which war entails, a heart which yearned and ached over every dying soldier and bled afresh with each new-made wound.

He understood better than his critics the basis of the Nation's impatience for war, but that in no way hurried him into rash or precipitate action. At a private dinner in Washington he took cognizance of this critical situation, and, addressing a group of Senators and Congressmen and high dignitaries of State, he spoke of the impatience of the country which then manifested itself, saying:

"I wish that whenever an impulse of impatience comes upon us, whenever an impulse to settle a thing some short way tempts us, we might close the door and take down some old stories of what American idealists and statesmen did in the past and not let any counsel in that does not sound in the authentic voice of American tradition. Then we shall be certain what the lines of the future are, because we shall know we are steering by the lines of the past. We shall know that no temporary convenience, no temporary expediency, will lead us either to be rash or to be cowardly. I would be just as much ashamed to be rash as I would to be a coward. Valor is self-respecting. Valor is circumspect. Valor strikes only when it is right to strike. Valor withholds itself from all small implications and entanglements and waits for the great opportunity when the sword will flash as if it carried the light of heaven upon its blade."

They said he was cold, that he was aloof. Yes, like Lincoln, "that brooding spirit had no real familiars." It never spoke out in complete self-revelation. "It was a very lonely spirit that comprehended men without fully communing with them, as if, in spite of all its genial efforts at comradeship, it dwelt apart, saw its visions of duty where no man looked on."

Yes, there was an aloofness and an aloneness about Woodrow Wilson, but it was the aloofness and the aloneness of the mountain peak, looking down upon the valleys and seeing humanity, not as a thing of shreds and patches, a thing divided into races, religions, clans and blocs, but seeing humanity as a big, pulsating whole, made up of struggling men, women, and children of all races and creeds. That great heart of Woodrow Wilson sought to comprehend the interests of these heterogeneous elements and to understand their lives and their tragedies, far away from those artificial lines that divide men.

Woodrow Wilson was not only great, but he was human. But his humanness was made out of too fine a fiber to be used for self-exploitation, nor would he ever permit himself to be so used. The trouble with his peculiar kind of humanness was this—it did not bubble, it did not effervesce, it did not sparkle; and so they called him cold when he was only shy; they called him austere when he was only gentle. But that kind of a man will live in the hearts and thoughts of men forever.

Your remembrance Lincoln's statement that God must have loved the poor because he made so many of them. I am reminded of the passionate devotion and love of the average man which seemed to set on fire every utterance Woodrow Wilson made. Many @

you will recall his address at the service held in memory of those who lost their lives at Vera Cruz, Mexico. On that occasion he said:

"When I look at you, I feel as if I also and we all were enlisted men. Not enlisted in your particular branch of the service, but enlisted to serve the country, no matter what may come, even though we may sacrifice our lives in the arduous endeavor. We are expected to put the utmost energy of every power that we have into the service of our fellowmen, never sparing ourselves, not condescending to think of what is going to happen to ourselves, but ready, if need be, to go to the utter length of complete self-sacrifice. As I stand and look at you to-day and think of those spirits that have gone from us, I know that the road is clearer for the future. Those boys have shown us the way, and it is easier to walk on it because they have gone before and shown us how. May God grant to all of us that vision of patriotic service which here in solemnity and grief is borne in upon our hearts and consciences."

And then, again, in the following lines, Woodrow Wilson's devotion and understanding of the problems of the average man radiates the altruism of the passionate Democrat:

"Life, gentlemen—the life of society, the life of the world—has constantly to be fed from the bottom. It has to be fed by those great sources of strength which are constantly arising in new generations. Red blood has to be pumped into it. New fiber has to be supplied. That is the reason I have always said that I believed in popular institutions. If you can guess beforehand whom your rulers are going to be, you can guess with a very great certainty that most of them will not be fit to rule. The beauty of popular institutions is that you do not know where the man is going to come from and you do not care so he is the right man. You do not know whether he will come from the avenue or from the alley. You do not know whether he will come from the city or the farm. You do not know whether you will ever have heard that name before or not. Therefore, you do not limit at any point your supply of new strength. You do not say it has got to come through the blood of a particular family or through the processes of a particular training, or by anything except the native impulse and genius of the man himself. The humblest hovel, therefore, may produce your greatest man. A very humble hovel did produce one of your greatest men. That is the process of life, this constant surging up of the new strength of unnamed, unrecognized, uncatalogued men who are just getting into the running, who are just coming up from the masses of the unrecognized multitude. You do not know when you will see above the level masses of the crowd some great statue lifted head and shoulders above the rest, shoddering its way, not violently but gently, to the front and saying: 'Here am I; follow me.' And his voice will be your voice, his thought will be your thought, and you will follow him as if you were following the best things in yourselves."

And so, my friends, who shall say that these struggles and efforts for peace of Woodrow Wilson are in vain? How beautifully and artistically does God manipulate the scenes of life and thus weave His immortal spell! Those who execrated Woodrow Wilson, those who knocked, knocked at the door of his sick room, spying upon a weary President, pursuing him like a deer set upon by snarling hounds, are now in the shadow of exile and disgrace, resting under the blight and stigma of a Nation's shame and reproach, while the great spirit of Woodrow Wilson takes flight. From his lofty eminence of fame and everlasting glory we seem to see him looking down upon us through wistful eyes and saying:

"We have begun a fight that, it may be, will take many a generation to complete, the fight against special privilege, but you know that men are not put into this world to go the path of peace. They are put into this world to go the path of pain and struggle. There are men who have fallen by the wayside; blood without stint has been shed; men have sacrificed everything in this sometimes blind, but always instinctive and constant struggle; America has undertaken to lead the way; America has undertaken to be the haven of hope, the opportunity for all men. Don't look forward too much. Don't look at the road ahead of you in dismay. Look at the road behind you. Don't you see how far up the hill we have come? Don't you see what those low and damp miasmatic levels were from which we have slowly led the way? Don't you see the rows of men come, not upon the lower level, but upon the upper, like the rays of the rising sun? Don't you see the light starting, and don't you see the light illuminating all nations? Don't you know that you are coming more and more into the beauty of its radiance? And then trust your guides, imperfect as they are, and some day, when we are dead, men will come and point at the distant upland with a great shout of joy and triumph and thank God that there were men who undertook to lead in the struggle. What difference does it make if we ourselves do not reach the uplands? We have given

our lives to the enterprise. The world is made happier and humankind better because we have lived."

Woodrow Wilson's passing calls to mind the description by Bunyan in *Pilgrim's Progress* of Mr. Valiant-for-Truth:

"Then," said he, "I am going to my Father; and though with great difficulty I am got hither, yet now I do not repent me of all the trouble I have been at to arrive where I am. My sword I give to him that shall succeed me in my pilgrimage, and my courage and skill to him that can get it. My marks and scars I carry with me, to be a witness for me, that I have fought His battles who now will be my rewarder."

"When the day that he must go hence was come, many accompanied him to the riverside, into which as he went he said, 'Death, where is thy sting?' And as he went down deeper he said, 'Grave, where is thy victory?' So he passed over and all the trumpets sounded for him on the other side."

ADJUSTED COMPENSATION.

Mr. PEAVEY. Mr. Speaker, I am a friend of the ex-soldier. I am not one of those who befriends the soldiers when he wants their votes and forgets him when a measure like this is before the House. I do not wish or intend to cast any reflections upon any of my colleagues; I would be friends with them all; but I say to you that now is the time for every true friend of the soldier to show his colors. If an adjusted compensation act worthy of the name is to be passed by this Congress it will be necessary for every friend of the ex-soldier to vote "no" when a suspension of the rules is asked for on Tuesday.

Mr. Speaker, it is only when a friend of the soldier can no longer remain silent and be their friend that I utter these remarks. Mr. Speaker and gentlemen, when Congress first convened in December the two most prominent pieces of legislation under discussion for immediate consideration by the House was the tax or revenue bill and the adjusted compensation act. There was much discussion among Members, and evidently some among the leaders in Congress, as to whether the adjusted compensation should be taken up first or the revenue or tax bill.

Friends of the soldiers felt then, and I believe still feel, that the soldiers' wage bill should have been settled first that this important feature of the country's finances might be taken into consideration when adjusting the Treasury as to the income necessary to carry on the Government. But apparently Mr. Mellon had his way, and the tax bill was given precedence. For 40 days and 40 nights we wallowed in schedules, brackets, estimates, and office propaganda. Now we are to be given, for the purpose of consideration of the second most important act to be passed by Congress, just 40 minutes for debate, without right to offer amendments.

Secretary Mellon's antisoldier, prideful rich tax bill had one whole month and 10 days consideration by this House, with numerous amendments offered before and during final consideration of the bill. Gentlemen, it is well to bear in mind that the committee that has drawn and considered this bill is one and the same that recommended the Mellon tax bill to the House. Several of its members are the avowed opponents of soldiers' adjusted compensation, as shown by their past records. I do not question them this right, but friends of the soldier should bear it in mind when considering the committee's report on their bill itself. Now, the soldiers' insurance act is given to us on three days' notice, without an opportunity to offer a single amendment and only 40 minutes for debate. Why, gentlemen, this bill was not even printed when suspension of the rules was asked on the floor of the House in order that it might be rammed through Congress. Mr. Speaker and gentlemen, such procedure is an outrage not only on the ex-soldiers of this country but upon their parents and relatives, who are the people of this country. Ever since the war closed and private property and civilians had their rights due to the war adjusted by this Government the soldiers have been told by newspapers, magazines, all public speakers, and nearly every candidate for public office, including Members of Congress, that the boys who served in the war would be given an adjustment of their pay. Six or seven hundred thousand of these human derelicts who had two years before been the "pride of America" slept on park benches and again entered the mess lines to eat, objects of public charity, while the railroads and the war contractors were each paid in cash an adjustment of their claims against the Government, double the amount necessary to pay the soldiers' adjusted compensation. More than five years have passed since these men were promised an adjustment of their pay. Now it is proposed to give them a present of an insurance policy. It is no longer adjusted pay, but a present or bonus payable 20 years from now. Speaking

as one ex-soldier, I am sure I voice the will of a great majority of these men when I say to you Members of Congress as soldiers we do not seek or want charity, public or private.

We do want an adjustment of our World War wages. We want Congress to pay us that which we believe is due as a matter of justice. We do not seek political bribes for our votes, but honest pay for the time we worked in Uncle Sam's uniform. That is the basis of the soldiers' claims before this Government. That is the question we want Congress to decide. If the majority of Congress find that these boys are entitled to an adjustment of their wage contracts with the Government in the World War, then it is the duty of Congress, in my humble opinion, to pay the men as all other employees of our Government have always been paid—in the coin of the realm, in cash or its equivalent. I personally am in favor of a provision to exclude all commissioned officers by the terms of the bill and will vote for such amendment should it be introduced. Such a provision would exclude any personal interest I might have in the passage of this act.

Gentlemen of Congress, to enact this gift of insurance with 40 minutes' debate and no opportunity for amendment is, in my opinion, a gross betrayal of the American doughboy by the American Congress.

For the majority party, to which I belong, to sponsor this insurance gift to the soldiers in lieu of an adjustment of their World War wage contracts is to commit political chicanery, betray its best friends, and die under the stigma of having committed political suicide.

For 50 years following the Civil War the Republican Party was known to the people of this country as the soldiers' party, because it advocated that which was just, generous, and fair to its defenders. Now, under a gag rule, in lieu of the compensation due them it is proposed to ram down the soldiers' throats an insurance gift that can be collected only when nearly half of these men will be dead and gone.

The Legion, the Veterans of Foreign Wars, the auxiliary, and every other soldier organization in the country worthy of the name has asked for adjustment of compensation, and now Congress, through the Committee on Ways and Means, proposes to give them an Andrew Mellon bonus in the form of an insurance policy due 20 years hence in full payment of their claim. I say such a proposal is to offer the boys a stingy Yankee trade that might better remain unborn. It is a recognition of the principle of a bonus and not that of adjusted compensation. It is a milk-and-water proposition—one-tenth milk and nine-tenths water. When Congress defeated the Mellon tax, which, with its nation-wide propaganda, was designed to kill the soldiers' adjusted compensation, the people felt the soldiers had won. They did win. Secretary Mellon, by his friends on the committee, realizing that he was beaten, proposes now by this bill to give the boys a sop in order to evade paying what they know to be due. The people of the United States want the boys to have their pay. An overwhelming majority of Congress wants the debt paid, but the Secretary of the Treasury, through his friends in Congress, in protection of the rich war profiteers, would, like a hard-faced deacon, quibble and fiddle around to see if he can not strike a better bargain.

Gentlemen, this proposal is not sound nor logical in any particular. It is typical Yankee trading stock, it is a jack-knife with a pearl handle and all the blades gone but the smallest one, and that broken off half way.

In the first instance it does not adjust the pay of those who need it. The man who is content to accept a 20-year endowment insurance policy in lieu of his wage claim against the Government is not suffering or in any great need. In my opinion not one-tenth the men who were in the service will be willing and satisfied to accept this tender.

Second. The only men who are recognized as being entitled to an actual adjustment of their compensation under the terms of this bill are the men who served for 60 days or less. Their claim is recognized in full and paid in cash. Between these two classes there lies nearly 2,000,000 fighting men that went to France. Thousands of these men are in need. They may not all of them be starving just now, but hundreds of thousands of them were a short time ago. These men want what is due them with which to purchase the necessities of life, to reestablish them in industry or business—in plain words to place them in as good a position before the world as they were when the country called them.

The information has been scattered about the House that 60 or 70 per cent of the members of the American Legion favor the proposal to give the soldiers a 20-year endowment policy in lieu of compensation. I do not believe it. But even if so, what does it signify? The Legion and Veterans of Foreign Wars together have less than one-third of the soldiers of the

World War in their membership. Neither organization has made a canvass or poll of their membership to find out how they stand on such a proposal as this.

I challenge every man who is using this statement to bolster up this nostrum that he have a canvass made in either one or both the veteran organizations mentioned and find out how the soldiers stand. This could have been done during January or February while we were considering the Mellon tax bill had anyone interested really wanted to know. It is claimed that National Commander Quinn and other Legion officials are in favor of this bill as the best thing that can be passed in the present Congress. My answer to this is that justice and what is right should not be compromised or sacrificed to expediency.

I well realize it is not sound or reasonable to criticize or oppose without proposing a remedy for the thing complained of; therefore, had I the opportunity to amend this bill, I would propose that Congress give to the soldiers at the rate of \$1 per day for home service and \$1.25 per day for foreign service, and that the amount due each man be paid by issuing him a Government bond due in 30 years, drawing 4½ per cent interest, and to be nontaxable only as to the income. Such bonds would, if issued, be immediately worth par and could be retained by the soldier or converted into cash as the necessity of the man's circumstances might govern him to decide.

Such bonds, when issued, could be retired by the creation of a sinking fund of eighty or ninety millions a year, and would cost the Government but little, if any, more than this insurance proposal, even should every man that was in the service elect to take a bond for the amount due him.

Give the men this option, gentlemen. If, as the contenders of this bill claim, 60 or 70 per cent of the ex-soldiers will be content to take the insurance, then the Government will issue that much less bonds.

If you are going to pay the men what is due them, then I say pay them in the form they want it paid. Do not try to inveigle them into accepting something that only a few want or will be satisfied to accept.

I well realize after what took place during our recent rules fight and again during the consideration of the Mellon tax plan that certain leaders on the Republican side will challenge those who keep faith with the soldiers with being insurgents, radicals, and demagogues; but, gentlemen, I would rather be called a traitor to my party than I would to have my ex-soldier supporters charge me with being disloyal to them.

Gentlemen, we have as leader on the Republican side of this House as distinguished, honorable, and able a man as it has ever been my pleasure to meet. He has several reputable and capable assistants, but I dare say to them, if they pass this bill as drawn, that in my opinion they are committing themselves and the Republican Party to absolute and certain ruin. I dare to predict to these gentlemen that if they persist in this course that a Democratic or third-party President and Congress will retrieve their error before we reach the time any loan money will ever be available to the soldiers under the terms of this bill.

Challenge my Republicanism if you will for making these statements, but let me say in my own defense that I was an American citizen before I ever joined the Republican Party. We in Wisconsin are Republicans as a matter of principle, not out of fear for party edict or lash. The district which I have the honor to represent is so overwhelmingly Republican that the opposing party has not had a candidate in the past 10 years. Our people in Wisconsin are Republicans for principle. They believe that human rights should be secured before property rights are considered. They contributed loyally and generously to the support of the war in both men and money. They want to be loyal and just now in support of the men who made the greater part of that sacrifice.

Let me call the attention of the gentleman on this side of the House that the Republican Party was born at Ripon, Wis.; that Wisconsin leadership has furnished more platform ideas that have been enacted into national law than any other Republican State in the Union; that if the Republican Party leaders had adhered to Wisconsin principles in legislation during the past two years their majority in the Sixty-seventh Congress would not have been reduced to less than 20 in the present House.

That Wisconsin republicanism is that kind of partyism that Lincoln would be found advocating, were he on earth to-day.

In closing, gentlemen, permit me to say that the proposal by the committee to give veterans of the World War an insurance policy in lieu of cash or something that can be easily and quickly converted into cash in lieu of payment of adjusted compensation is not republicanism. I dare say there is not a candidate here or a party to come that dares to seek an

election on such a diluted pledge. Such republicanism could only find precedent in the days of Mark Hanna, Uncle Joe Cannon, or in the mind of our present illustrious Secretary of the Treasury, Andrew W. Mellon.

I am an optimist by nature. I have the utmost confidence in our country's safety and its future, but, gentlemen, let me impress upon you that when 2,000,000 men who paid \$6 to \$8 per month for Government insurance over there find that they are to be given another Government insurance policy instead of adjusted compensation, you are courting trouble. Such congressional action will to thousands of these men be received as salt rubbed in an open wound.

This bill is to come up under suspension of the rules on Tuesday. May every sincere friend of the soldier be here and vote "no" on that motion.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed bills and joint resolutions of the following titles, in which the concurrence of the House of Representatives was requested:

S. J. Res. 96. Joint resolution authorizing appropriations for the payment of expenses of delegates to represent the United States at the general assembly of the International Institute of Agriculture, to be held at Rome in May, 1924, and for the payment of the quotas of Hawaii, the Philippines, Porto Rico, and the Virgin Islands for the support of the institute for the calendar year 1924;

S. 105. An act for the relief of Arthur Frost;

S. 2111. An act authorizing the Postmaster General to conduct an experiment in the Rural Mail Service, and for other purposes;

S. 2154. An act to amend the act of September 22, 1922, entitled "An act to provide for the applicability of the pension laws to certain classes of persons in the military and naval services not entitled to the benefits of Article III of the war risk insurance act, as amended";

S. 1787. An act authorizing the extension of the park system of the District of Columbia;

S. 131. An act for the relief of W. Ernest Jarvis;

S. 335. An act for the relief of John T. Eaton;

S. 648. An act for the relief of Janie Bensley Glisson;

S. 2219. An act for the relief of the legal representatives of the estate of Alphonse Desmare, deceased, and others;

S. 2220. An act for the relief of Louise St. Gez, executrix of August Ferré, deceased, surviving partner of Lapene & Ferré;

S. 2562. An act for the relief of William Hensley;

S. 514. An act authorizing the Secretary of War to grant a right of way over the Government levee at Yuma, Ariz.;

S. J. Res. 43. Joint resolution in relation to a monument to commemorate the services and sacrifices of the women of the United States of America, its insular possessions, and the District of Columbia in the World War;

S. 1180. An act for the relief of J. B. Platt;

S. 1643. An act for the relief of Samuel S. Archer;

S. 2510. An act for the relief of William Henry Boyce, sr.;

S. 788. An act to extend the benefits of the employers' liability act of September 7, 1916, to Daniel S. Glover;

S. 314. An act concerning actions on account of death or personal injury within places under the exclusive jurisdiction of the United States;

S. 589. An act for the relief of James Moran;

S. 2745. An act to authorize the Secretary of War to convey to the States in which located Government owned or controlled approach roads to national cemeteries and national military parks, and for other purposes;

S. 2746. An act regulating the recovery of allotments and allowances heretofore paid to designated beneficiaries;

S. J. Res. 72. Joint resolution authorizing the Secretary of War to lease to the New Orleans Association of Commerce New Orleans quartermaster intermediate depot, unit No. 2;

S. 2187. An act authorizing the Comptroller General of the United States to consider and settle the claim of Mrs. John D. Hall, widow of the late Col. John D. Hall, United States Army, retired, for personal property destroyed in the earthquake at San Francisco, Calif.;

S. 2481. An act for the relief of John H. Gattis;

S. 1930. An act for the relief of the San Diego Consolidated Gas & Electric Co.;

S. 1941. An act for the relief of Ezra S. Pond;

S. 2764. An act authorizing the President to order Leo P. Quinn before a retiring board for a rehearing of his case and upon the findings of such board either confirm his discharge or place him on the retired list with the rank and pay held by him at the time of his discharge;

S. 1011. An act for the relief of Michael Sweeney;

S. 47. An act to permit the correction of the general account of Charles B. Strecker, former Assistant Treasurer United States;

S. 196. An act for the relief of Charles S. Fries;

S. 608. An act for the relief of James E. Fitzgerald;

S. 828. An act for the relief of the receiver of the Gulf, Florida & Alabama Railway Co.;

S. 2527. An act for the payment of claims for damages to and loss of private property incident to the training, practice, operation, or maintenance of the Army;

S. 1573. An act for the relief of Samuel S. Weaver;

S. 969. An act for the relief of Clotilda Freund;

S. 1557. An act to give military status and discharges to the members of the Russian Railway Service Corps, organized by the War Department under authority of the President of the United States for service during the war with Germany;

S. 245. An act for the relief of Henry P. Collins, alias Patrick Collins;

S. 2431. An act conveying to the State of Delaware certain land in the county of Sussex, in that State;

S. 1982. An act granting the consent of Congress to the construction, maintenance, and operation by the Chicago, Milwaukee & St. Paul Railway Co., its successors and assigns, of a line of railroad across the northeasterly portion of the Fort Snelling Military Reservation in the State of Minnesota;

S. 2488. An act to authorize the city of Minneapolis, in the State of Minnesota, to construct a bridge across the Mississippi River in said city;

S. 690. An act authorizing the addition of certain lands to the Medicine Bow National Forest, Wyo., and for other purposes;

S. 2420. An act granting the consent of Congress to the State of South Dakota for the construction of a bridge across the Missouri River between Potter County and Dewey County, S. Dak.;

S. 2436. An act granting the consent of Congress to the Board of Supervisors of Leake County, Miss., to construct a bridge across the Pearl River in the State of Mississippi;

S. 2437. An act granting the consent of Congress to the Board of Supervisors of Leake County, Miss., to construct a bridge across the Pearl River in the State of Mississippi;

S. 2446. An act granting the consent of Congress to the Clarks Ferry Bridge Co., and its successors, to construct a bridge across the Susquehanna River at or near the railroad station of Clarks Ferry, Pa.;

S. 1370. An act authorizing the granting of war-risk insurance to Capt. Earl L. Nalden, Air Service, United States Army;

S. 1641. An act to declare Lincoln's birthday a legal holiday; and

S. 204. An act for the relief of Charles H. Willey.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 5639. An act granting the consent of Congress to the Board of Supervisors of Hinds County, Miss., to construct a bridge across the Pearl River in the State of Mississippi;

H. R. 5737. An act granting the consent of Congress to the county of Kankakee, State of Illinois, and the counties of Lake and Newton, State of Indiana, to construct, maintain, and operate a bridge and approaches thereto across the Kankakee River at or near the State line between section 10, township 31 north, range 15 east of the third principal meridian, in the county of Kankakee, State of Illinois, and section 1, township 31 north, range 10 west of the second principal meridian, in the counties of Lake and Newton, State of Indiana;

H. R. 6420. An act to extend the time for the construction of a bridge across the Mississippi River in section 17, township 28 north, range 23 west of the fourth principal meridian in the State of Minnesota; and

H. R. 6925. An act granting the consent of Congress to the city of Chicago to construct a bridge across the Calumet River at or near One hundred and thirtieth Street in the city of Chicago, county of Cook, State of Illinois.

The message also announced that the Senate had passed the following resolutions:

Senate Resolution 188.

Resolved, That the Senate has heard with profound sorrow of the death of Hon. SAMUEL D. NICHOLSON, late a Senator from the State of Colorado.

Resolved, That as a mark of respect to the memory of the deceased the business of the Senate be now suspended to enable his associates to pay tribute to his high character and distinguished public services.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Senate Resolution 187.

Resolved, That the Senate has heard with profound sorrow of the death of Hon. KNUTE NELSON, late a Senator from the State of Minnesota.

Resolved, That as a mark of respect to the memory of the deceased the business of the Senate be now suspended to enable his associates to pay tribute to his high character and distinguished public services.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

ESTABLISHMENT OF A SESSION OF THE CIRCUIT COURT OF APPEALS
IN OKLAHOMA CITY.

Mr. SWANK. Mr. Speaker, under leave granted to extend my remarks, I insert the following:

A bill (H. R. 2857) to establish a term of the United States circuit court of appeals at Oklahoma City, Okla.

Mr. HERSEY. Have you anything on H. R. 2875?

Mr. YATES. The report on H. R. 2857 reads as follows:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C. February 16, 1924.

Hon. GEORGE S. GRAHAM,
Chairman Committee on the Judiciary,
House of Representatives, Washington, D. C.

MY DEAR MR. CHAIRMAN: I have the honor to acknowledge receipt of your letter of February 1 with regard to H. R. 2857, entitled "A bill to establish a term of the United States circuit court of appeals at Oklahoma City, Okla."

It would seem that the creation of another term of holding court would only further inconvenience the judges of the United States Circuit Court of Appeals for the Eighth Judicial Circuit and result in greater congestion and loss of time. Furthermore, it would necessitate the establishment of an adequate library, and under existing appropriations the department is unable to even provide law books for the library for the circuit court of appeals at Denver, Colo.

I transmit herewith a photostat copy of a letter from Judge Walter H. Sanborn, senior circuit judge of the United States Circuit Court of Appeals for the Eighth Circuit. This letter is self-explanatory.

Respectfully,

H. M. DAUGHERTY, Attorney General.

(Hon. Walter H. Sanborn, St. Paul, Minn.; Hon. Kimbrough Stone, Kansas City, Mo.; Hon. Robert E. Lewis, Denver, Colo.; Hon. William S. Kenyon, Fort Dodge, Iowa, circuit judges. Hon. Willis Van Devanter, circuit justice, Washington, D. C.)

UNITED STATES CIRCUIT COURT OF APPEALS, EIGHTH CIRCUIT,
St. Louis, Mo., February 9, 1924.

Hon. A. T. SEYMOUR,
Acting Attorney General,
Washington, D. C.

DEAR MR. SEYMOUR: In answer to your letter of February 5, 1924, requesting my views as to the advisability of the passage of the bill H. R. 2857, providing for a term of the circuit court of appeals annually at Oklahoma City, permit me to inform you that I have conferred with Circuit Judges Lewis and Kenyon, who are here, and they agree with me in the opinion that the passage of that bill would impair the efficiency, delay the work, and increase the expense of the court of appeals of this circuit.

This court is now required to sit annually at St. Paul, St. Louis, and Denver. The transfer of the court from one of these cities to another and back again practically deprives the court of a week's work. It requires a transfer of the clerks and the librarian and many of the records and briefs must be packed up and moved.

At St. Paul and at St. Louis the court has a law library in the Federal building; at Denver it has none, and the judges are compelled to postpone opinions in many of the cases argued there until they can get back to one of their libraries at either St. Paul or St. Louis. If they were required to hold an annual session of the court at Oklahoma City, they would labor under the same disadvantages there as they do at Denver.

Distances in this circuit are great. It requires days to go from Denver or St. Paul to Oklahoma City, and transportation expenses are heavy.

A stationary court is more efficient than an ambulatory one. If this court were to be required to sit annually at Oklahoma City there

might be a like call and a like reason for an annual session of it at Salt Lake City, at Little Rock, and perhaps at other cities in the 13 States contained in the circuit.

Very respectfully,

WALTER H. SANBORN,
Senior Circuit Judge.

Mr. SWANE. Mr. Chairman and gentlemen of the committee, on the 10th day of December, 1923, I introduced this bill and am glad to have an opportunity to appear before the Committee on the Judiciary and tell you some of the reasons why the bill should be reported favorably by the committee and enacted into law by this Congress. Courts are established among our citizens for the purpose of making it as convenient as possible to settle civil disputes where they can not be otherwise determined satisfactorily, to punish those who violate the law of our land, and for the protection of society. Litigants in court have a right to have their cases determined as speedily as possible and with the least expense. It is not right to put them to great expenses, cause them to travel hundreds of miles and spend a large amount of money in order to follow their cases on appeal. The poor citizen can not afford this unnecessary expense, even though he may have a just cause, and he is therefore deprived of an equal opportunity with the man of means. The humblest citizen and the highest have the right when in court to have their cases reviewed by our appellate courts when they think an injustice has been done. They should not be denied this right by reason of great expense on appeal. Courts should be established at easily accessible places, where disputes can be settled with as little expense as possible to the litigants, and also to the Government. The judges can better afford to travel some distance for the purpose of holding court than can the litigant or his attorney. The expenses of the judges are paid, and a part of this is paid by these very litigants who pay taxes for the expense of the Government.

Sufficient courts should be established that litigants may have their cases tried without any unnecessary delay, and criminal cases should not be permitted to drag. The law is better enforced and there is more respect for the law when the defendant in criminal cases is given his constitutional right to a speedy trial. In order to foster a proper respect for the law it must be speedily, economically, and impartially administered. Judges themselves, more than any other set of men, can cause this respect by a proper administration of the affairs of the office. Judges are human like the rest of us, and are the same men, animated by the same emotions, thinking with the same brain, feeling with the same heart as before he was elevated to the position of judge.

The law gives a person in court the right of appeal, and this should not be denied to any citizen by making it impossible to have a case reviewed on account of the additional expense. Appellate courts are instituted among us for the purpose of correcting mistakes of the lower courts on further deliberation. If a person is denied the right of appeal on account of expense, that person does not have the proper regard for the Government, for we are a people who believe in equal and exact justice to all.

I believe in administering the affairs of government with the least possible expense, and I further believe that officials should work a reasonable time the same as other employees. This bill will work no inconvenience on any judge, for it is his business to hold court and to go where it is most convenient with the least expense to our citizens. Courts should certainly be established as near as possible to the center of litigation—that is, where the greatest number of cases reach the court for that district or circuit, as the case may be.

There are 13 States in the eighth circuit and 17 districts. The States are: Arkansas, eastern and western districts; Colorado, Iowa, northern and southern districts; Kansas, Minnesota, Missouri, eastern and western districts; Nebraska, New Mexico, North Dakota, Oklahoma, eastern and western districts; South Dakota, Utah, and Wyoming. Court is held for the eighth circuit at the following places: St. Paul, Minn.; Denver, Colo.; Cheyenne, Wyo.; and St. Louis, Mo. Below is a statement from the Department of Justice concerning the condition of the docket in the eighth circuit June 30, 1923:

Number of cases pending at the close of June 30, 1923, in each of the judicial districts comprising the eighth judicial circuit.

Arkansas—Eastern	877
Western	647
Colorado	1,218
Iowa—Northern	1,600
Southern	936
Kansas	1,486
Minnesota	3,743
Missouri—Eastern	1,451
Western	2,140
Nebraska	1,870
New Mexico	344
North Dakota	802
Oklahoma—Eastern	2,615
Western	1,037
South Dakota	1,139
Utah	586
Wyoming	498

Number of cases decided by the Circuit Court of Appeals for the Eighth Circuit.

Fiscal year—	203
1921	231
1922	322
1923	

A report from the Clerks of the United States District Court for the Eastern and Western Districts of Oklahoma show the following cases pending:

WESTERN DISTRICT.	
Law and equity cases	307
Bankruptcy cases	530
Criminal cases	748
EASTERN DISTRICT.	
Law and equity cases	564
Bankruptcy	965
Criminal	871

It will be seen from this statement that but one State has more cases pending before this court than Oklahoma. That State is Minnesota, and the circuit court holds sessions at St. Paul. Oklahoma litigants must travel even from Oklahoma City about 500 miles to the nearest court, at St. Louis, and hundreds of miles more from the southern and other portions of the State.

Oklahoma has made great strides since the advent to statehood, November 16, 1907, and, like any other new State, has much litigation. Oklahoma is essentially an agricultural State, ranking fourth in the production of cotton in 1923, and sixth in the production of winter wheat, and produces more broom corn than all the other States combined. In 1922 she produced 149,571,000 barrels of oil, more than any other State. This was one-fifth of the amount produced in the United States and about one-eighth of the total output of the whole world for that year. During that year Oklahoma was second among the States in the production of lead, and first in the production of zinc. In addition to this she has millions of tons of coal resting on seas of untouched oil. With her thousands of acres of rich oil land, her wealth of other minerals, and her Indian questions, there will necessarily be much litigation. Oklahoma is divided into two Federal court districts, with the old Indian Territory comprising the eastern district, and old Oklahoma Territory the western district.

Three tribal attorneys are employed by the Government, one each for the Choctaws, Chickasaws, and Creeks, and eight probate attorneys in addition. It is the duty of these attorneys to look after the affairs of certain members of the tribes in the State and Federal courts. The committee can see the cause of so much litigation, and the necessity of having the circuit court hold sessions at some more convenient place.

Resolution of the Oklahoma State Bar Association.

"Whereas there has been introduced in the Congress of the United States H. R. 2857, a bill to establish a term of the United States circuit court of appeals at Oklahoma City, Okla.; and

"Whereas the State of Oklahoma furnishes more cases in the eighth circuit than any other State, and it is a great expense to Oklahoma litigants to be compelled to follow their cases to either St. Louis or St. Paul: Now, therefore, be it

"Resolved by the Oklahoma State Bar Association, assembled in Oklahoma City, That the Congress of the United States is hereby most respectfully memorialized to pass said law and make it possible for a term of the United States circuit court of appeals to be held at Oklahoma City, Okla.

"Adopted by the Oklahoma State Bar Association December 28, 1923.

"MONT F. HIGHLEY, Secretary."

Mr. Chairman, permit me here to say a few words concerning Oklahoma City, the place where the sessions of the circuit court is proposed to be held under this bill. I will not burden the record with an extended statement, for it would take too long to tell it all.

I saw this "wonder city" before the opening of the Territory to settlement, April 22, 1889, and have witnessed proudly its magic growth from a bald and barren prairie to its present greatness and grandeur. In less than 35 years it has grown to a beautiful city of 134,000 intelligent, law-abiding, liberty-loving, Christian citizens. In 1890 the population was 4,151.

The schools of Oklahoma City have attracted the attention of the Nation. The school-bond appropriations for the school year 1923-24 amounted to \$1,900,000, and the regular budget for this school year amounts to the sum of \$1,796,412. Forty-two school buildings have been used during the year, and in addition there are in course of construction and soon ready for occupancy two new junior high schools costing \$450,000 each, two ward schools costing \$35,000 each. One junior high school will be constructed into a central high school at a cost of \$200,000, with additions to two other junior high schools costing \$100,000 each. Additions to ward schools will cost an additional \$347,280. The enrollment in all the schools of the city amounted to 26,202 during the year 1922-23, and will exceed 30,000 the present school year. This is ample proof that Oklahoma City is

a school town. Building permits for 1923 amounted to \$8,000,000. More than 320,000 head of cattle were received at the stockyards last year.

The value of her industrial products is estimated at \$150,000,000 in 1923 and the number of industrial concerns in the city at about 385, which is an increase of 25 over the previous year. The city enjoys approximately 40 per cent of the entire manufacturing output of the State. The value of Oklahoma City's manufactured products for 1923 approximated the enormous sum of \$425,000,000. The annual pay roll of these industries amounts to more than \$12,000,000 to 6,750 employees. The packing industries of Oklahoma City do a business of \$70,000,000 annually. The automobile assembling plants in the city in 1923 did a business of about \$30,000,000, with about 700 employees.

Some of the leading industries and volume of business are as follows:

Packing plants	\$12,000,000
Flour and grist mills	12,500,000
Bakeries	8,500,000
Printing, publishing, etc.	4,675,000
Lumber and planing mills	1,300,000
Confectionery and ice cream	1,250,000
Foundry and machine shops	1,110,000

More than 1,200 new homes were built in Oklahoma City last year, and she has 2,300 acres of public park land, with more than \$150,000 being spent annually in developing these parks. She is headquarters for more than 130 leading oil companies. Three million two hundred and twenty-five thousand dollars were spent last year on municipal improvements. She has five trunk lines of steam railways, 70 miles of interurban lines, 75 miles of street railway, 279 miles of cement sidewalks, and more than 280 miles of paved streets. She has a great Masonic temple in course of construction, costing \$1,250,000, a \$450,000 Federal reserve bank building, 1 State and 8 national banks, 5 daily papers, 50 other publications, tourists' park conveniently located, finest hotels in the Southwest, a great public library with four branches, and State fairgrounds worth more than \$625,000.

The great University of Oklahoma, with more than 5,000 students annually, is 18 miles south, at Norman, and the Central State Teachers' College at Edmond, 15 miles to the north, with more than 2,700 students. The Oklahoma City College of the Methodist Church is located here, with an enrollment of 1,463, and there are other numerous private schools and business colleges. She has 102 churches of all denominations, representing an investment of more than \$3,500,000, whose ministers are men with national and international reputations. The Y. M. C. A. has a membership of 2,300 and a building worth more than \$300,000. The Y. W. C. A. owns its building, worth more than \$175,000, and has a membership of more than 1,000, with annual receipts of more than \$224,000.

Other Oklahoma City figures for 1923.

Bank deposits, Dec. 31	\$56,725,799.47
Bank clearings	1,165,341,605.77
Property value	117,000,000.00
Postal receipts	1,234,347.28

The two packing plants have property in the city worth more than \$3,000,000, and to secure these two industries Oklahoma City raised \$300,000 in less than one hour. The Oklahoma Livestock Exchange consists of 15 commission firms employing about 200 people, handling annually an average of \$40,000,000, with an annual pay roll of \$415,137.

These, Mr. Chairman, are some of the leading features of the city where sessions of this court are proposed to be held. It is centrally located for all the south, southeast, and southwest portions of the eighth circuit, and is easily accessible from all points.

Mr. Chairman and gentlemen of the committee, I believe that it has been made clear that it would be a great convenience to a large number of people to have this court established, and that it will be no additional cost to the Government. I sincerely trust that this committee will report the bill favorably, and that Congress will enact it into law.

As stated before, there is but one State in the eighth circuit that has more cases before the circuit court of appeals than Oklahoma. Minnesota has 3,743 cases pending, or did have June 30, 1923, and Oklahoma has 3,652 cases pending.

Mr. YATES. In the circuit court of appeals?

Mr. SWANK. Yes, sir; on the 30th of last June. These litigants or their lawyers have to go all the distance to St. Louis or St. Paul to follow their cases on appeal. This is a great and unnecessary expense when you consider the business before this court from Oklahoma.

Mr. MAJOR. The witnesses and clients are not supposed to go to the court of appeals.

Mr. SWANK. No; but the lawyers have to go and this is expensive to the litigants.

Mr. MAJOR. The clients have to pay lawyers for additional expense?

Mr. SWANK. Yes, and that is quite an expense, too.

Mr. HERSEY. What do you have to say to the position one of the judges takes on this bill, that the court of appeals, if changed to the

place mentioned in your bill, would not have an adequate library there for the judges of the court of appeals?

Mr. SWANK. The library in the Federal building at Oklahoma City seems to be sufficient for the district judge who holds court there. In addition to that library, there is a complete law library at the State capitol, near the Federal building, and many private law libraries in the city as well. I am sure that any law report can be found in Oklahoma City.

Mr. HERSEY. How is your practice in Oklahoma among lawyers? Do they charge clients up with fees for the length of the travel, or simply the expense of travel?

Mr. SWANK. The distance would not make any difference in the fees, but would make a difference in the expense.

I will state that Mr. DYER has a bill, which has been reported favorably by the committee, for the appointment of two new judges in the eighth circuit. Is that correct?

Mr. DYER. Yes, sir.

Mr. SWANK. That bill has not been enacted, but it is on the calendar and is a good reason for a favorable report on this bill.

Mr. HERSEY. Another term of the court of appeals where there are two judges appointed?

Mr. SWANK. I do not say that this bill should be enacted just for the reason that the bill for two more judges has been reported favorably, but that report would be some indication of the volume of business.

Mr. HERSEY. They would sit with the other judges of the court of appeals.

Mr. SWANK. There is a statement about these judges traveling around so much. They can better afford to travel some than can the litigants be required to pay large extra expenses in traveling to the judges. It will not require much additional expense, if any, if this bill is enacted, but will be a great saving to lawyers and litigants.

Mr. HERSEY. That is, perhaps, an indication that the business is important enough to warrant your term of court in Oklahoma. I move that the letters be made a part of the record.

Mr. YATES. Without objection, it is so ordered.

Mr. SWANK. I thank you for the hearing.

HARDING MEMORIAL ADDRESS OF MR. HUGHES.

Mr. KIESS. Mr. Speaker, I present a privileged resolution from the Committee on Printing.

The SPEAKER. The gentleman from Pennsylvania presents a privileged resolution, which the Clerk will report.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring). That there shall be compiled, printed with illustrations, and bound, as may be directed by the Joint Committee on Printing, 25,000 copies of the oration delivered by the Hon. Charles Evans Hughes in the House of Representatives during the exercises held in memory of the late President Warren G. Harding on February 27, 1924, including all the proceedings and the program of exercises, of which 8,000 copies shall be for the use of the Senate and 17,000 copies for the use of the House of Representatives.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

APPROPRIATIONS—NAVY DEPARTMENT.

Mr. FRENCH. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 6820) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1925, and for other purposes. Pending that motion, I ask unanimous consent that the time be equally divided between the gentleman from South Carolina [Mr. BYRNES] and myself, without agreement as to time.

The SPEAKER. The gentleman from Idaho asks unanimous consent that the time of general debate be divided equally between himself and the gentleman from South Carolina [Mr. BYRNES]. Is there objection? [After a pause.] The Chair hears none. The question is on the motion of the gentleman from Idaho that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 6820.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 6820, with Mr. GRAHAM of Illinois in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of H. R. 6820, which the Clerk will report by title.

The Clerk reported the title of the bill.

Mr. FRENCH. Mr. Chairman, I ask that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Idaho asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none. The gentleman from Idaho is recognized. [Applause.]

Mr. FRENCH. Mr. Chairman and gentlemen, before attempting to undertake an analysis of the naval bill I wish to acknowledge for my own satisfaction the obligation that I owe to those gentlemen who have been detailed to cooperate with me in the hearings and in reporting the bill you have before you for consideration, all of them men of the greatest capacity, men who are indefatigable and industrious and who have a thorough comprehension of the problems of the Navy.

I am under deepest obligation to the distinguished gentleman from South Carolina [Mr. BYRNES], the ranking Democratic member of the subcommittee, a man whose ability is known to all in this body and to our country—faithful, studious, and whose mind is as keen as a Damascus sword; [applause] to my colleague from Alabama [Mr. OLIVER], who, prior to his detail to the Committee on Appropriations, had seen several years of service upon the naval legislative committee, profound in his knowledge of the Navy, earnest student and scholar, and one who has contributed, in a manner which can not be measured, to the bill before you; to the new members of the subcommittee, the gentleman from Colorado [Mr. HARDY] and the gentleman from New York [Mr. TABER], men of outstanding ability and men who have thrown that interest and enthusiasm into the work of shaping this bill which men ought to give to a great subject when they are charged with the responsibility of its consideration by this body.

Then there is another name I ought to mention to this House, not only on my own behalf but on behalf of the subcommittee. There are those in the employ of the House, and have been for years, whose names are not well known throughout the country and yet who, by reason of their great service to committees and to the Congress, contribute annually in the saving of millions of dollars and contribute to the orderly procedure of government.

Such a person was Mr. Courts, who for years was clerk to the Committee on Appropriations; such a person was Daniel Roper, who for years was clerk to the Committee on Ways and Means; such a person is Marc Shield, the clerk to the Committee on Appropriations to-day [applause]; such a person is Mrs. Donnelly, for years associated with our late colleague, Representative Mann, of Illinois, in the distinguished service which that Member rendered to this Congress and the country. I want to mention in connection with those names the name of John Pugh [applause], who has been assigned to the naval subcommittee, an efficient clerk who, like a bank account, works while you work and while you sleep. [Applause.]

Mr. Chairman, I am going to ask first to have the opportunity of proceeding with the bill without interruption, thinking that I can make a general statement that will probably cover most of the points in which gentlemen would be interested in a general way, with the thought that we shall be liberal in debate and with the thought that when we shall reach the bill under the five-minute rule we shall take the time necessary adequately to consider the different subjects contained in the measure.

The task that was assigned to your committee was the task of providing a naval bill which would carry an appropriation that would be adequate and at the same time safeguard the Treasury of the United States. The bill which we have brought before you to-day carries a direct appropriation of \$271,942,867, plus an indirect appropriation of \$22,500,000, or a grand total of \$294,442,867. The Budget estimates were \$298,866,794. Last year the Congress made a direct appropriation of \$294,967,200 and an indirect appropriation of \$35,450,000, or a grand total of \$330,417,200. Thus the bill we are asking you to consider is less by more than \$35,000,000 than the appropriation for the current year and it is less by more than \$4,450,000 the amount recommended by the Budget, though some of the items that are excluded were excluded because the Committee on Appropriations did not have authority to give them consideration.

At this time I am going to invite the attention of Members of the House to a brief consideration or survey of the appropriations made and moneys expended for the Navy during the years passed, including the fiscal year 1916.

I have prepared a table which indicates the matter graphically and which I shall insert in the Record at this point:

Statement of appropriations, expenditures, etc., fiscal years 1916 to 1924, inclusive.

Year.	Unexpended balances at beginning of the year.	Appropriated.	Amount of re-appropriations.	Total available (exclusive of re-appropriations).	Expended.	Unused—turned back into Treasury.	Balances carried forward to next year.
1916.....	\$52,650,283.16	\$157,184,567.46	\$2,219,581.67	\$309,843,860.62	\$152,636,765.99	\$4,446,581.91	\$51,140,921.70
1917.....	51,140,921.16	1,350,502,047.07	122,871.71	1,491,043,018.23	228,787,671.03	3,184,534.53	1,196,587,949.91
1918.....	1,196,587,910.91	751,367,203.62	241,229,620.59	1,929,095,144.53	1,130,994,912.30	6,250,001.59	442,380,694.84
1919.....	442,380,699.84	2,322,654,865.13	185,401,233.03	2,765,035,474.97	1,953,581,791.39	328,069,005.03	297,983,444.93
1920.....	297,982,444.93	670,063,785.47	24,632,391.78	974,947,220.40	708,917,338.59	.....	181,077,590.12
1921.....	181,077,590.12	815,739,286.54	2,500,703.29	996,865,786.96	700,748,562.93	4,877,348.94	286,089,145.80
1922.....	286,089,145.80	450,674,821.82	58,550,122.79	736,213,967.62	454,402,645.74	117,743,538.12	180,962,660.97
1923.....	180,962,660.97	477,887,963.33	.....	658,850,624.30	492,294,203.67	150,282,476.09	145,973,940.94
1924.....	145,973,940.94	294,072,000.00	.....	440,045,940.94	1,348,492,221.92	.....	191,553,719.02
1925.....	191,553,719.02	1,272,000,000.00	.....	368,563,719.02	.....	.....	.....
Total.....	.....	7,567,895,590.74	609,096,530.76	.....	6,263,316,136.50	284,588,487.62	.....

¹ Estimated.² Does not include 1925 expenditures.

No institution as large as is the Navy, having to do the work that the Navy has to do, can close its business upon the 30th of June every year with all accounts paid, all materials used up, and start upon the beginning of the new fiscal year to purchase everything that will be needed for the coming year. There are ships being constructed, munitions being manufactured, buildings, yards, and wharves and other establishments being constructed, involving such large amounts of expenditure that there must be materials and supplies on hand so that the work can be carried forward economically and efficiently at all times.

You then will be interested in knowing that for the fiscal year 1916 there was appropriated, outright, approximately \$157,184,000. In addition to this, approximately \$52,650,000 was carried forward from prior appropriations. The total, then, of approximately \$210,000,000 was available for the fiscal year 1916. During this year the Navy expended \$152,000,000, having a balance of money aggregating approximately \$58,000,000, which was carried over to 1917.

This was the year in which the war was declared. That year we appropriated \$1,350,000,000, but you will recall that war was not declared until April, so the Navy functioned less than 90 days in a war status before the beginning of the new fiscal year. Accordingly, in 1918 the direct appropriations were scarcely more than one-half what they were in 1917, although the money on hand coming forward from the previous year represented a vast amount; and the total amount of money for 1918 necessarily was larger than the total for 1917.

The fiscal year 1919 witnessed the high mark of appropriations. That year \$2,322,000,000 was provided in direct appropriations, and \$442,000,000 was brought forward from the preceding year.

The armistice was signed on November 11, 1918, and in spite of the fact that half of the fiscal year had not run, the responsibilities connected with the Navy were such that expenditures above normal could not instantly and appreciably come to an end. Immediately all work was stopped wherever it could be stopped advantageously, but we had 2,000,000 boys in Europe who had to be brought home.

We had supplies that had to be carried to those boys while they were there. We had a great construction program of yards, docks, and bases at different places that had to be carried on in order to prevent losses. We had ships of all kinds under construction, some under contract and some under construction in the naval establishments of the United States, and while work was stopped wherever it could be economically, nevertheless the great expenditures that had to be assumed by reason of the war carried on almost to the end of the fiscal year, with the result that for that year we used the stupendous amount of \$1,953,000,000, representing the greatest amount that ever was expended in any year by the United States Navy.

With the end of the war, however, certain large expenditures could be eliminated. We turned back into the Treasury about \$328,000,000.

In 1920 the war was over, but we had the burden of expending moneys upon ships and establishments that were in progress of building and that either had to be scrapped or the work carried forward. We did not know that an arrangement could be made such as was made in the Limitation of Armament Conference. Therefore we continued our work upon the battleships, upon the cruisers, upon much of the craft that we had upon the ways, and upon certain construction work at naval stations. The same thing applies to 1921, but that year you will notice we had to appropriate a larger amount of money, because the unexpended balance had to some extent diminished.

For 1922 and for 1923 you will notice substantial decreases when you compare the years with 1920 and 1921. The year

1923 was the fiscal year immediately following the Limitation of Armament Conference, and the effects of economics determined upon there were beginning to bear fruit.

Let me say that one of the first things, or the first thing, that is done with a ship when it is brought out of a navy yard is to send it on what is called its "shakedown" trip. It is for the purpose of testing the engines, for the purpose of testing machinery, for the purpose of seeing how the ship will perform, whether it will function as was designed. After the end of the war the Navy of the United States may be said to have been sent out on its "shakedown" trip.

A good many factors entered into the question of shaping a policy that would be regarded as a permanent policy of our country looking to some years ahead. One of these matters was the relationship of the United States to the world powers of to-day, which embraces the question of the man power of the different nations of the world, industrial possibilities, latent resources, and whether or not war is imminent. All such things as these were taken into consideration. Another matter had to deal with what we had assumed under the limitation of armament treaty and what other nations had assumed.

Again, there were elements that I shall refer to a little later on that entered into the equation. At any rate, let me sum it up by saying that as a result of the treaty that followed the Limitation of Armament Conference we were able, while we scrapped approximately \$330,000,000 of ships, to call a halt on new structural work and to save outright approximately \$200,000,000 or \$225,000,000. Not only that, but the cessation of work along certain lines that had been begun and was planned to be continued saved our country the expenditure of approximately \$200,000,000 or \$250,000,000 annually for a number of years to come for the maintenance and upkeep of the Navy. What I have just said does not have relation to the fortification program that had been suggested and that appealed to the people of our country. What I have said has relation to the Navy itself. It does not refer to Guam, where it was estimated it would cost \$85,000,000 to produce fortifications that would be adequate. It does not refer to building up one stronghold in the Philippine Islands, where it would cost probably another \$85,000,000 or \$100,000,000. It refers to the Naval Establishment alone and its upkeep had there been no Limitation of Armament Conference.

Accordingly then, we find that in 1923 we were able to reduce the amount of the appropriations to \$447,000,000, plus \$180,962,660, carried over, in 1924 to \$294,000,000 direct appropriations with \$140,000,000 indirect or coming over from preceding years. For 1925 the estimates of the Budget were \$272,000,000, and I have already indicated that we have been able to go below that figure, and at the beginning of the fiscal year 1925 in addition we shall have probably an unexpended balance coming forward of around \$91,000,000. The unexpended balances referred to are in the nature of a working capital and may be nearly as large at the end of the year as at its beginning.

Probably I should say at this point that I expect the Naval appropriation bill for the next year to carry a larger direct appropriation than the present bill carries. Likewise, I think the same thing will be true for the years 1927 and 1928, and probably for years to come, and why? I said awhile ago that any establishment as large as the Navy must have immense stores of materials on hand, and during the World War we purchased excessive amounts of stores—not excessive from the standpoint of the needs at that time, but excessive for an establishment of the size to which the Navy was reduced, following the armistice.

We could sell some of the material and we did where it could be done with profit to the Navy, but it would have been

a foolish thing to have sold materials one year when we would have had to go into the market the next year and purchase similar materials and at higher prices. The result was that while we did sell materials that could not be used at an early date or that was obsolete, on the other hand we carried millions of dollars of materials forward and have continued to carry them forward, disposing of them, however, wherever it may appear advantageous to do so. In this bill we are making available, out of the proceeds from the sale of some of those materials, to supplement the direct appropriation, \$22,500,000. We have reached the point now, however, where the materials that were purchased during the war have been largely used up. You can not draw upon them to any great extent next year or the year following. You will need to make direct appropriations, and the result is going to be that your Navy bill will probably carry a larger amount during each of the next several years, assuming that the factors touching labor, personnel, and cost of materials continue approximately the same as they are to-day.

Considering what the program will be for another few years, you want to have in mind that we have several new ships coming in, that we will have several cruisers, and also have in mind that there are several types of ships, the construction of which is being considered by the legislative committee, and, of course, those ships, if they should be laid down, will entail greater appropriations from the Congress.

For the coming fiscal year I wish to call attention to three factors that your committee could not control. First of all, there are the appropriations necessary by reason of the reclassification law, applicable to some 2,000 employees in the District. First you must consider their basic salaries, to which must be added the bonus, and you must still add another 4 per cent by reason of the classification act in order to account for the appropriation for the civil establishment within the District of Columbia during the next fiscal year. This item of increase is approximately \$167,000. Go to the navy yards and consider the wages that are paid there. We have, under a general law, provision for a wage board. To fix the wages in the different naval establishments upon what basis? The basis paid for similar lines of work in private industry.

In other words, the Government does not attempt to establish higher wages than are paid outside nor does it feel that it is right for the Government to beat down the wages paid employees in comparison with wages that are paid in establishments that are not under Government control. The wages to-day are as high approximately in the Naval Establishment of the United States as they were during the highest wage period during the World War. Whether they will be lower within the next 10 years is a problem that I can not speculate upon at this time.

Another thing that we could not control, which had an effect upon the shaping of the bill, is the compensation to officers and men. The pay and allowances for officers aggregate approximately 35 per cent more than prior to the passage of the pay bill a couple of years ago. The pay bill also carried an authorization for pay and allowances for enlisted men aggregating 50 per cent above the old pay rate of the Navy. These things, then, are the factors that enter into shaping the policy of the Navy and the appropriation bill, not alone for this year but probably for several years to come, two of the elements tending to drive the amount down and other of the elements tending to keep the amount of the bill rather large.

In preparing our bill we had to consider the effect of the Limitation of Armaments Conference upon the program. What are other nations doing? The treaty, as you will recall, fixed the number of capital ships. It fixed to some extent the size of guns and the number and tonnage of the other ships needed to round out the Navy. It has been agreed to by all the powers signatory to the arrangement, the last nation signing the treaty on the 28th of August last year. We checked up on the question of the fidelity with which the nations entering into the treaty are carrying forward the obligations that they as well as ourselves have assumed. We found those obligations are being respected absolutely. The ships that it had been agreed should be put out of commission have been put out of commission. Ships that had been understood should be scrapped are being scrapped, and the nations are exchanging memoranda showing the progress of the work going on along that line among the nations. Respecting the number of ships, the size of the guns, and other factors, there is every reason to assume that perfect fidelity is being paid to the obligations assumed.

Another matter we considered had reference to the building programs of other nations along lines that were not limited by the treaty. There is something of a building program going on,

especially in Japan and France, in the way of cruisers, destroyers, and submarines. In France this is largely new work. In Japan it is largely a modification of still larger programs voted before the limitation conference. The United States has something like 30 ships under construction, ships which were authorized and begun before the treaty. There may be absolute assurance and confidence on the part of our country that all of the nations that are parties to the treaty are respecting their treaty obligations, and we may look forward with confidence to the great results which were expected to flow from the consummation of that epochal compact.

PERSONNEL.

Having then agreed upon these factors, we considered shaping the bill itself. Two years ago when we brought a bill before you you will recall it was the first bill that had been prepared following the Conference on Limitation of Armament. At that time we took the number of battleships as 18, as fixed by the treaty. We then consulted with the Navy Department as to the other ships that would be adequate or necessary to round out the fleet. We checked up fairly well on what other nations signatory to the treaty or parties to the conference proposed to do. We brought in a bill providing for 18 battleships, 103 destroyers, 84 submarines, cruisers, and auxiliary ships, and we brought in a bill providing for 67,000 enlisted men. The House, after the fullest consideration on that subject, modified the figures touching the enlisted personnel. No debate, I think, in recent years has been more illuminating or held closer to the point at issue than the debate at that time.

Prior to the limitation conference the Navy Department had recommended a personnel of approximately 120,000. Following the conference it was recommended that the number be 106,000, as I recall, and then 100,000 and 96,000. Finally a compromise proposition was agreed upon, placing the figure at 86,000, which was adopted by the Congress and which seemed to meet with the approval very generally of the country. That figure was adhered to a year later. We have not attempted to change that figure. We accepted it as part of our naval policy. Let me say it was demonstrated for two years that the Navy has been able to function admirably on the basis of that number of enlisted men. We have every reason to believe that it can continue to function. Given a reasonable number of enlisted men, the difference between that number and a larger number of enlisted personnel is not so much a matter of efficiency in keeping up the ships of the Navy or the Naval Establishment but is a matter of keeping men trained and standing by to help in the event of a national crisis. You could increase the number to 96,000 or 100,000, and you then would provide for 10,000 men or 14,000 men who we would all agree could be trained and would be considered highly efficient but who would not be needed for the proper functioning of the Navy.

Having then agreed upon the number of men to make up the enlisted personnel we have part of the problem solved—for the amount necessary for provisions, for supplies, for training stations, and a great many other items immediately take shape.

This leads me to the officer personnel. We have an authorized enlisted personnel of approximately 137,400. The law provides that the officer personnel may be 4 per cent of the authorized enlisted personnel. Personally I do not see the value of the percentage of the officer personnel being based upon the enlisted personnel, and I will tell you why. In the first place, you take a great ship like a battleship. You need a large number of enlisted personnel to handle the ship. You do not need a relatively large number of officers. There is an establishment where your officer personnel can be low, but your enlisted personnel must be high. You go to the other extreme and take a submarine, an institution that is largely one of machinery, that requires men who are absolutely trained, who are technical and can handle almost every part of the work, and there you find an institution that requires a relatively large officer personnel and comparatively a smaller enlisted personnel to handle that piece of machinery, because a submarine is just one mass of machinery.

Then you can take the other ships all the way in between, your destroyers, your cruisers, your auxiliary ships, and you will find that in each class you will have a different ratio of officers to the enlisted personnel. The thought was in the mind of the committee that the peace-time officer personnel should be larger in proportion than the peace-time enlisted personnel. Why? Because you can train enlisted personnel in a comparatively short time. These men are being trained in large numbers to-day. Where? In the industrial plants of the country, in the garages in every community, in electrical establishments, in manufacturing plants. Men are being trained in such a way as to become men of the highest efficiency as

soon as they may receive a comparatively short training in the technique of the naval machinery itself. But as to the officers, that is not the case. The officer must be trained for years. Great responsibility rests upon him.

Therefore we have felt that in reporting this bill we ought to report something of a larger personnel than 4 per cent of officers on the basis of 86,000 men, and we have done so to the extent of an extra number of officers, or approximately 960, as I recall. But having fixed the number of officers, other features of the bill were matters of mathematical calculation. The number of midshipmen at the academy, the amount of money to be appropriated for traveling expenses, pay, allowances, matters that have immediate relation to the number of officers that you have in the Navy.

NAVAL RESERVE.

We now come to the Naval Reserve, and on this subject there seems to be some confusion. I believe I can clear up the matter with a brief statement.

The Naval Reserve is made up of officers and men drawn from two sources, first, the Fleet Naval Reserve, and second, civilian life.

The Fleet Naval Reserve is made up of four groups. The first two groups are officers (Class 1A) and men (Class 1B) who have served, in the case of officers, for any period, and in the case of men more than 4 years and less than 16 years in the United States Navy, and who to draw pay must train and drill with the Naval Reserve. The third group (Class 1C) and fourth group (Class 1D) are men who have had 16 years' and 20 years' service, respectively, in the Navy. These two groups do not need to train or drill to receive retainer pay. However, when called into active service they receive additional pay for such service. All four groups are paid out of "Pay Navy." For 1925 our bill carries for these four groups \$5,309,180, and the officers and men in these groups, as of November 1, 1923, were as follows:

Class 1A, 319 officers; class 1B, 1,403 men; class 1C, 3,204 men; and in class 1D, 2,444 men.

The second source from which the Naval Reserve is fed is civilian life, and here we draw officers and men who have had limited service in the Navy, or in the merchant marine, or in the Coast Guard, or, maybe, no service whatever, and, based upon their experience, they are placed in the several classes—2, 3, 4, and 5.

As classes 1A and 1B in the Fleet Naval Reserve must train and drill in order to be paid from "Pay Navy," so here, classes 2, 3, 4, and 5 must train and drill in order to be paid from Naval Reserve funds. We call this "retainer pay," and it is based upon not less than 36 drills and two weeks' active duty for each year of active enrollment.

We then have class 6 made up of volunteers from all the foregoing classes and who simply "stand by," as it were. Members of class 6 do not drill and do not receive retainer pay. They may, however, participate in the two-weeks' annual cruise, and if they do they are paid for this service.

In these several classes, 2, 3, 4, 5, and 6, were 2,778 officers and 12,157 men on November 1, 1923. Of this number on that date, 826 officers and 3,715 men had qualified to receive retainer pay from the amount provided under the appropriation for the Naval Reserve. In addition to retainer pay, this item carries money for rentals, travel for officers and men, and active service pay for those who have a part in cruises.

For the current year we appropriated \$3,595,000. For the year 1925 the department, through the Bureau of the Budget, has asked for \$4,000,000. The committee felt, however, that since the number of officers and of men is so far below what the current law would care for, we should not increase the appropriation for 1925. The current law was based on estimates for retainer pay for 1,640 officers and 5,400 men. But I have pointed out that only 826 officers and 3,715 men have qualified.

So by giving current law there may be an expansion of nearly 100 per cent in officers and nearly 50 per cent in men between now and the end of the next fiscal year.

FUEL AND TRANSPORTATION.

For "Fuel and transportation," which defrays the cost of all fuel consumed by vessels, the committee is proposing \$14,500,000, the amount recommended by the President in the Budget. The department was allowed \$16,000,000 under this appropriation head for each of the fiscal years 1923 and 1924. Of the 1923 appropriation, however, only \$13,279,476.57 was expended, notwithstanding the fact that the joint fleet maneuvers conducted in the latter part of that fiscal year have been described by the Secretary of the Navy as "the most extensive maneuvers our Navy had ever conducted." During

the current fiscal year, in fact, at this time, joint fleet maneuvers are being conducted on an even greater scale and yet the expectation is that the expenditures will not run for the year in excess of \$14,400,000. Of course, it should be stated that the estimated expenditure of \$1,600,000 below the appropriation this present fiscal year is because of more favorable fuel prices than were figured upon in the preparation of the 1924 estimate.

If it should become necessary to pay higher prices for next year's fuel requirements than during the present fiscal year the appropriation proposed allows but a leeway of \$100,000 for a comparable amount of steaming; but the committee submits that the amount proposed is a generous allowance in these times of financial stringency and that if there should be an advance in fuel costs it should be absorbed in reduced mileage generally or in fleet exercises of less magnitude than projected, attention again being directed to the Secretary's description of the 1923 maneuvers when expenditures for the fiscal year ran about \$13,280,000 and fuel oil was costing \$1.58 per barrel as against \$1.39 at present.

There will be found on page 30 of the bill two new provisos which the committee is proposing in connection with this appropriation. Their purpose is self-evident.

PUBLIC WORKS.

The Budget estimates call for a total appropriation of \$4,000,000 for betterments at navy yards and naval stations, and the committee is proposing a total of \$1,916,500. Many of the items embraced by the Budget total represent objects for which the committee has no authority to provide under the rules unless previously authorized by law, which explains by far the greater portion of the reduction which the committee is proposing.

The major portion of the sum proposed is distributed by yards and stations, as follows:

Boston Navy Yard	\$175,000
Mare Island Navy Yard	728,000
Puget Sound Navy Yard	160,000
Pearl Harbor Naval Station	178,000
Cavite Naval Station	141,000
Great Lakes Naval Training Station	115,000

AVIATION.

The committee is proposing for naval aviation an appropriation of \$14,590,000, which is \$410,000 less than recommended in the Budget estimates and \$57,174 less than appropriated for the current fiscal year. The reduction proposed in the Budget figure is wholly on account of a development program recommended to be undertaken at the air stations at Pearl Harbor, Hawaii, and Coco Solo, Canal Zone. This work is not authorized by law, which explains the committee's action in excluding appropriations therefrom from this bill.

MARINE CORPS.

The appropriations proposed on account of the Marine Corps are on a basis of 1,002 officers and 19,500 men. The authorized officer strength of the Marine Corps is 1,096. There were in the corps on November 30, 1923, 983. The enlisted force for which provision is proposed corresponds with the number provided for the fiscal years 1923 and 1924. The distribution of the force is shown in the tables commencing on page 710 of the hearings.

In connection with the appropriations administered by the Quartermaster's Department it will be noticed that they have been entirely rephrased. They are better expressed and much more concise. The new language was drafted, at the request of the committee, in the General Accounting Office, and that office has assured the committee that there is nothing in the modified paragraphs which either gives or takes away any appropriation authority carried for this branch of the service in the current appropriation act.

INCREASE OF THE NAVY.

For completing vessels under construction the committee is proposing a direct appropriation of \$7,500,000 and an indirect appropriation of \$22,500,000, or a total of \$30,000,000. The indirect appropriation is explained elsewhere in this report.

On November 30, 1923, the following vessels, the construction of which is permissible under the treaty growing out of the Conference on the Limitation of Naval Armament, were in various stages of completion:

Battleship	1
Airplane carriers (originally designed as battle cruisers)	2
Scout cruisers	6
Submarines	13
Fleet submarines	3
Gunboat	1
Destroyer tenders	2
Submarine tender	1
Repair ship	1
Total	30

All of these vessels, the committee has been informed, will have been completed during the fiscal year 1925, except the two airplane carriers, three of the scout cruisers, and the three fleet submarines. It is estimated by the department that a further appropriation of \$6,526,500, to be appropriated for the fiscal year 1926, will finally and fully complete the 30 vessels now building, including aircraft and their accessories for the airplane carriers.

The committee was not called upon to consider the question of providing appropriations for commencing the construction of ships not heretofore authorized. The committee did, however, elicit the information that the department is committed to a program of ship construction of types permissible under the limitation of armament treaty, which, in conjunction with a program for modernizing certain of the vessels we now have, would impose upon the Treasury an added expense of approximately \$35,000,000 annually for the next 10 years.

A year ago the committee proposed, and it finally became law, a request by Congress that the President take appropriate steps looking to the consummation of a supplemental treaty to limit the construction by the leading naval powers of ships of the types to which the existing treaty did not extend or only controlled as to tonnage and gun power. Up to this time no formal conference has been held looking to such a supplemental treaty, though no light appraisal can be made of the influence of the expression of the Congress of the desire of our country. So far as the committee has been able to ascertain, neither Great Britain nor Japan has voted the construction of any treaty exempted or permitted craft since the conference was concluded. America certainly should not be the first and should exert its influence to prevent the necessity arising to commence at all.

FLEET SUBMARINES.

There are several other items, however, to which you should have your attention called at this time, because we have made rather vital changes as we have reported the bill to you over the estimates and plans that were recommended by the Budget Bureau. The first one of these changes has to do with the submarine program. You will recall that in 1914 we provided that one fleet submarine should be built. In 1915 we provided for two fleet submarines. In 1916, in connection with the program for the Navy that was laid down, we provided for 9 more, making a total of 12 fleet submarines that have up to the present been authorized. Of this number 3 have been completed, and 3 are in process of construction. The Navy Department through the Budget Bureau recommended that 3 more fleet submarines be laid down during the next fiscal year, which would cost a total of \$18,450,000, and that \$2,850,000 be made immediately available in this bill for the beginning of the program.

Now, let us see what the situation is. In 1920, in January, one of the fleet submarines authorized in 1914 was completed. In December of the same year another was completed, authorized in 1915, and in January, 1922, the third one was completed that was authorized in 1915. Where are those three fleet submarines at this time? They are tied up at Hampton Roads, out of commission. Why? Because their engines will not function properly. Let me read a statement that was made by the Chief of the Office of Naval Operations in his last annual report, which was a confidential document, when the committee began its hearings on the pending bill 90 days ago.

It is now a public document, and this is what was said:

The performance of the three fleet submarines, T-1, T-2, and T-3, was of such an inferior character as to make it inadvisable to retain them in commission longer. These vessels were also sent to Hampton Roads and decommissioned.

And in another part of the report in referring to these three ships we are told that the engines do not function:

The tandem-type engines of these vessels have proven costly failures, and these three submarines are useless unless they can be reengineered. It is understood that provision for the installation of two German 3,000-horsepower engines on one T boat has been requested in the next Budget. The engines have shown up well on the test stand, but information as to their behavior in a submarine is urgently needed, or else it may be necessary to install them as an unknown quantity afloat in later submarine cruisers designed. The failure of the S-18 to S-21 engines points a warning against accepting test-stand results on Diesel engines as conclusive.

A statement which was a confidential statement at the time our committee began its hearings is necessarily important as bearing upon the immediate problem.

Mr. DOWELL. Will the gentleman yield?

Mr. FRENCH. Yes.

Mr. DOWELL. I would like to inquire as to who is responsible for securing engines so unfit for this service?

Mr. FRENCH. Let me say this: Since we have been building submarines we have attained very high success in the construction and design of engines suitable for the ordinary type of submarine, most of which we have to-day being of that type. There is no nation in the world that to-day has a satisfactory engine for a fleet submarine, which requires the ship to be driven 25 or 30 knots an hour. Germany does not have one, nor France, nor Italy, nor Japan, and Great Britain has not one that we know of up to the present time.

Mr. DOWELL. Then, as I understand the gentleman, these are merely experimental engines which have been used and found not to be adequate for the work?

Mr. FRENCH. When they were designed it was supposed they would be adequate, but it has been found that they are not adequate and that the problem is still one that is not beyond the laboratory; that it is still in an experimental stage. I think if the gentleman will allow me to come to that, I will answer the question he has in mind.

Let me say, since the question has been asked, that the British Government has not succeeded, apparently, any better than our own engineers in the development of an adequate type of engine for a fleet submarine. Some years ago the K type of engine was developed by the British Admiralty as a type which it believed would be suitable for a fleet submarine or for a mine-laying submarine, but it was discarded.

Only one ship of the K type was finally carried to completion. This submarine is driven by a steam engine, a thought which surprises you, but by reason of certain devices that have been worked out during the last few years it is now believed by the British engineers that that old type can be worked over into a type which will be most efficient for fleet submarines. Within the last 30 days the ship that has been fitted with the latest devices in the modification of the earlier engine of the K type has been put to her tests in the North Sea. Those of you who have been following that subject have been reading that the tests appear to be satisfactory, but the British Government is not ready yet to say that the tests are final and that this fleet submarine is wholly adequate. Our own Bureau of Engineering has been working upon this problem and it is deserving of no criticism whatever, because here is a new subject and it is a new thought.

The engineers believe that they have to-day the choice of two types of engines that would be adequate for a fleet submarine, but they do not know. The three that have been completed within the last four or five years have failed to measure up to expectations. Now, then, what did we do to meet the situation?

Mr. NELSON of Wisconsin. Will the gentleman yield?

Mr. FRENCH. Yes.

Mr. NELSON of Wisconsin. What was the total cost of the three submarines which are tied up?

Mr. FRENCH. The total cost was approximately \$5,000,000 or \$6,000,000, although the problem of final readjustment has to be met. The three proposed submarines would cost \$18,450,000.

Mr. NELSON of Wisconsin. What is the necessity of three experimental submarines? Why not try out one and if it fails find out what the defects are and then try out another? What is the need of three failures at one time?

Mr. FRENCH. The question which the gentleman has just asked is the question which addressed itself to the members of the committee. We met the problem in this way: We found we had certain hulls which we thought would be suitable for test purposes. We called the officers of the Engineering Bureau before us, and we asked with regard to the matter, and we were told very frankly that such was the case. We asked what it would cost to install in one of these hulls an engine which the Bureau of Engineering believes would be adequate for a fleet submarine, and we were told that could be done for \$600,000. If so, then, instead of authorizing one of the three fleet submarines recommended by the Budget Bureau, we have brought in a provision in our bill appropriating \$600,000 for the purpose of giving the Bureau of Engineering authority and the means to test out, not in the laboratory but to test out in a fleet submarine an engine which it believes would be adequate.

Mr. MADDEN. It is to be tested out in one of those already constructed, is it not?

Mr. FRENCH. We did not tie down the department, because contracts have not been adjusted.

Mr. MADDEN. But that was the intention of the committee?

Mr. FRENCH. Oh, yes.

Mr. MADDEN. To use one of those that were found inadequate?

Mr. FRENCH. Yes.

Mr. MADDEN. And the money was made immediately available?

Mr. FRENCH. Yes; we have made the money immediately available.

Mr. LAZARO. Will the gentleman yield?

Mr. FRENCH. Yes.

Mr. LAZARO. Is it the gentleman's opinion, if this bill is passed as reported, that it provides for a Navy which will come up to the 5-5-3 treaty?

Mr. FRENCH. There is no question in the minds of the members of the committee that the Navy of the United States is adequate under the basis of the treaty ratio. We have our allotted number of ships, to start off with, of the capital type; we have an excess number in some other types, as to which the number is not limited; other nations have excesses in some other lines. We are not well rounded out in some types. We shall need as we go along, probably, to modify the number of ships of different types, and other nations will need to do the same. But there is no question in the minds of the members of the committee that our Navy is second to none in the world. [Applause.]

Mr. LAZARO. One further question, please. What has the Navy Department finally decided to do relative to the appropriation made to increase the range of our guns on battleships?

Mr. FRENCH. A year ago, after the naval subcommittee had concluded its hearings, the Navy Department recommended an appropriation of \$6,500,000 for that purpose, upon the assumption that the guns of the British ships could outshoot our guns on probably 13 of our ships by 4 or 5 miles. It was found after the bill had been passed and after the adjournment of Congress that the premises were not accurate.

The greatest disadvantage it was ascertained would possibly be to the extent of 2 or 3 miles. Under the circumstances, the Navy Department did not feel it should go ahead and expend money that had been appropriated on the basis of an entirely different assumption of facts, and so the money has been carried in the Treasury as an unexpended item until to-day.

Mr. MADDEN. We repealed that appropriation yesterday.

Mr. FRENCH. Yes; we were told by the officers of the department it was not planned to expend the money until Congress should so authorize, and as the chairman of the committee [Mr. MADDEN] has said, the item was repealed yesterday; so the whole question will come up as a new proposition should it arise again.

Mr. LAZARO. Then this is the result of the judgment of the Navy Department and not on account of pressure brought from other nations, parties to the treaty.

Mr. FRENCH. You mean the action the House took yesterday?

Mr. LAZARO. Yes.

Mr. FRENCH. I would not say that. I think the Navy Department feels that if our guns can be outshot 2 miles, that that is quite a serious consideration, if not as serious as though they could be outshot 3 miles; but the position of the department was that it did not want to expend the money it had asked for on one basis when, as a matter of fact, it was shown to their satisfaction that their advice was erroneous. Therefore the officers of the department told the members of your committee that they did not propose to expend the money unless the Congress should authorize it. The simple thing to do seemed to be to repeal the appropriation entirely, let the whole thing go to the legislative committee of this Congress for consideration, to determine whether or not the changes can be made under the treaty, and, if so, whether or not there are compensating advantages that our ships have that could be weighed against any disadvantages that it is alleged exist here. The whole thing becomes a new question to be considered by the Congress.

Mr. LAZARO. One more question, please. How do we compare when it comes to carriers for hydroplanes?

Mr. FRENCH. We have at this time completed the *Langley*, which can be said to be a very complete and a very adequate airplane-carrier ship. It is largely experimental, and it is, you might say, in the way of a model for the airplane carriers that we are permitted to have under the treaty. Under the treaty, the gentleman will recall, we can have airplane carriers with a total tonnage of 135,000 tons.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FRENCH. I think, Mr. Chairman, I will conclude in a short while.

The CHAIRMAN. Without objection, the gentleman is recognized for an additional hour.

Mr. FRENCH. Under the treaty it is provided that two of the six battle cruisers that were under construction at the time the limitation conference was held could be converted into airplane carriers, and the work of converting these two vessels is progressing at this time. We have not wanted to progress too rapidly in that type of work, for the reason that this is a problem that is in its experimental stage.

The *Langley* is telling us constantly what should be done, what should not be done, and we are obtaining valuable lessons from the experience of the Navy in the matter of that great ship. Let me say that the ship *Langley*, in my judgment, is a triumphant success.

Mr. LAZARO. I will say to the gentleman I have been on the *Langley* and I agree with him about it, but you admit that we have only one real carrier.

Mr. FRENCH. That is the only one.

Mr. LAZARO. In the event of war, if it should be necessary to have part of the fleet on the Atlantic and the other part on the Pacific, what would become of one part of the fleet without a carrier?

Mr. FRENCH. Of course, what the gentleman suggests is true. We need to round out our fleet by way of completing the airplane carriers provided for under the treaty, and those things are doubtless met by the department and by this Congress upon the basis of the imminence of war.

Mr. LAZARO. Of course, the gentleman remembers that when the Panama Canal was built, the idea was that it was not necessary after that to keep all the fleet together.

Mr. FRENCH. Yes.

Mr. LAZARO. And to-day, with the progress that has been made in aviation, it is absolutely necessary to have at least two carriers.

Mr. FRENCH. I think the gentleman is correct; but, on the other hand, I think it has been a very desirable thing to hold back construction work upon the airplane carriers that are to be part of our Air Service until certain problems could be worked out upon the *Langley*.

Mr. WAINWRIGHT. Will the gentleman yield?

Mr. FRENCH. I yield.

Mr. WAINWRIGHT. Will the gentleman inform us how many airplane carriers Great Britain has of the same commodious type and with the same accommodations as the *Langley*?

Mr. FRENCH. Great Britain has two completed and two building, one of which is a small one. So we are not at so great a disadvantage, especially since the whole subject of aviation is in a rather experimental stage, although experiments are rushing fast upon each other and have done so during the last five or six years.

Mr. WAINWRIGHT. May I ask the gentleman another question, if it is not an inappropriate place to ask it, assuming the gentleman is about to conclude his remarks? Is there any provision made in this bill for a fleet of river boats for the Yangtze River in China?

Mr. FRENCH. The committee did not have authority to consider those items. As I understand, the legislative committee has had the consideration of those items, and it will require legislation in order that the items may be taken care of. And let me say right here that your committee tried very hard to follow the rules of the House and not bring into this bill items that we did not have jurisdiction over.

Mr. WAINWRIGHT. May I ask one further question? Was that matter brought to the attention of the committee by the Navy Department?

Mr. FRENCH. Not in the way of an estimate. The item has been referred to in the Secretary's report.

Mr. MADDEN. It did not come to us in the Budget, I will say to the gentleman.

Mr. FRENCH. No.

Mr. MADDEN. And it properly should not be in the Budget.

Mr. FRENCH. Let me say that if the item had been in the Budget it would have been the duty of the committee to have declined to consider it and to have referred it over to the legislative committee.

Mr. WAINWRIGHT. The reason I asked the question is that, having been in that vicinity during last summer, there was brought to my attention the great disadvantage we were subject to by reason of not having suitable vessels to maintain the necessary patrol of the Yangtze River for the protection of American interests.

Mr. FRENCH. There is no question as to the importance of the Yangtze patrol. Our trade alone over there aggregates in money approximately \$145,000,000 or \$150,000,000 a year.

Mr. VINSON of Georgia. Mr. Chairman, if the gentleman will permit, I would state to the gentleman from New York [Mr. WAINWRIGHT] who made the inquiry that there is pending before the legislative committee—the Naval Affairs Committee—a new building program which includes gunboats for the river to which he refers, the Yangtze.

Mr. BUTLER. Those estimates before the committee aggregate nearly \$98,000,000.

Mr. FRENCH. Not for the purpose of the gunboats on the Yangtze.

Mr. BUTLER. No; but for everything.

Mr. FRENCH. I think for the purpose the gentleman had in mind it is \$6,000,000 or \$7,000,000.

Mr. VINSON of Georgia. The gentleman is correct on that.

Mr. WAINWRIGHT. I am quite sure that will afford relief and satisfaction to a number of American citizens who have reasons to be in that part of the world.

ENGINEERING ECONOMIES.

Mr. FRENCH. Mr. Chairman, there are two other items I think I ought to refer to briefly, where we have made vital changes in the recommendations made by the Bureau of the Budget. One of them has to do with the Bureau of Engineering. Gentlemen will recall that the war resulted in the development of many engineering devices, means for saving fuel, and so on, and these suggestions have been assembled since the war, and we have now come to the point where the engineering department believes that many or most of our ships ought from an economical standpoint to be overhauled in part and to have certain types of machinery removed and other types put in place of them for several purposes: First, to safeguard human life; second, to gain efficiency; third, to obtain economies in such lines as fuel consumption, the storing and preservation of goods, provisions, and so forth.

The statement was made, not in the Budget, but it came up incidentally, that if an appropriation of \$3,000,000 were available for bringing our ships up to date along lines that would be recognized by the best business houses, there would be a saving, after the installation of the machinery, of \$3,000,000 every year. That interested the members of the committee. We immediately called for further information on the subject, and we had to draft the officers to tell it because they could not volunteer it. The result of extensive hearings, however, and the consideration of the problem was that we asked the officers to divide that \$3,000,000 budget into a list that would indicate one-third of the most important, another third of the second in importance, and the last third of the least importance. We went over the several items and we were so impressed with the importance of the first two-thirds from the standpoint of the protection of human life and the promotion of efficiency and economy that we included in this bill in excess of the Budget for engineering purposes \$1,960,000, giving the department the authority to carry on the work I have referred to, and gentlemen will find in the hearings all the items touching two-thirds of which it was believed the appropriation of necessary funds therefor would result in much saving and efficiency to the Navy.

MANUFACTURE OF TORPEDOES.

There is another change in the Budget recommendation to which I would refer and that has to do with torpedoes. The Budget Bureau recommended \$1,200,000 for the purchase and manufacture of torpedoes. The current law carries \$450,000. We have at this time the number of torpedoes recommended by the General Board for all the ships in active commission, including the reserve supply. In addition, we have 80 per cent of enough to care for all of the ships that are out of commission. Had we granted the appropriation of \$1,200,000 for this purpose, it would have been necessary to increase the number of employees in the establishment manufacturing torpedoes. We did not think in this time of peace, with the number of torpedoes we have on hand, that it was a wise thing to do. Changes are constantly being made in torpedoes. Torpedoes that at the beginning of the war would have exploded upon the first impact were changed in two or three years, until they would not explode until they had reached the second impact. Changes are constantly being made.

These are instruments that cost from eight to twelve thousand dollars each, depending upon the amount of usable material on hand. We thought we had an adequate supply, and that we would better keep the establishment running, keep our hand in, keep a trained force at work and maintain the art rather than build up additional stores of torpedoes for the Navy at this time.

Let me say this in conclusion about the Navy: We believe that the Navy is an institution of which this Congress and this country can well be proud. [Applause.]

Mr. Chairman, in speaking of guns and ships and navy yards and armament conference and the other matters to which I have referred, we think of the Navy as an institution of war. Let me remind you that the Navy, powerful as it may become as an agency of war, is essentially an instrument for peace. The record of our Navy is a proud record, and from the day the Navy was first organized in our Government until the present that arm of our Government service has reflected glory and honor upon its officers and men and upon our common flag. It was that Navy that brought an end to the impudent piracy of the Barbary States in the early days of our Republic. It was that Navy that enabled the United States to make a treaty with France in dignity and honor after we had been flouted by the French Government when we had no navy. It is that Navy that has added luster to the history of American Government in every war into which our country has been forced in the past 100 years. But the Navy of the United States stands for peace. It was because of the fact that our Navy was strong and that as a nation we were powerful that two years ago our Government could take the lead in the movement for the limitation of naval craft. It was our Navy, including the Marine Corps, that was called upon to bring peace and order in Haiti and Santo Domingo within the last 10 years.

The Navy of the United States as an agency for law and order has immediate relation to our success as a Nation. It costs us something like \$3,000,000 per year to patrol, as it were, the West Indies. The trade with the West Indies aggregates more than \$50,000,000 annually. It costs us \$3,000,000 per year to maintain the Yangtze patrol in Chinese waters, and by means of law and order upheld by the Navy our trade with China aggregates approximately \$150,000,000 every year. There are other by-products in the institution of the Navy that are close at hand. Through the engineering service of the Navy, tests that are made in laboratories and in boiler room, tests that are the result of discipline and intensive study, it is a modest estimate to say that the industries of our land in the consumption of fuel saved annually not less than from \$50,000,000 to \$60,000,000 on account of naval devices and methods that have originated in the Navy. The Navy is an institution that means relief and helpfulness; and if it is Chile whose people have suffered by disaster, the ships of the Navy carry relief. If it is Smyrna in Asia Minor, the ships of our Navy are called upon for aid. If it is disaster in Japan, our Navy is the first to carry not only good will and sympathy, but food and clothing and medical supplies, that the people of Japan may not suffer. And, Mr. Chairman, the attitude of our Congress toward our Navy, as it shall be reflected in this bill, will be helpful in holding the good will of the nations of the world.

The committee believes the appropriations we have suggested are adequate. We believe that no extensive construction program is necessary or desirable; and certainly no program is called for in building of ships not limited by the limitation of armament treaty in such numbers as would arouse suspicion or endanger the friendliest relationships upon the part of other great and proud world powers.

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

Mr. FRENCH. Yes.

Mr. BUTLER. First, I shall apologize for not being here when the gentleman began his speech; and, not that my constituents may know where I have been, but in order that the gentleman may understand, I would say that I have been engaged over in the Naval Affairs Committee all day—

Mr. FRENCH. I know that the gentleman's committee is one of the busiest in the House, and I also know that hearings are at present going on on most important subjects before his committee.

Mr. BUTLER. Will the gentleman answer me two or three questions, so that I may get the knowledge and carry it over to the committee. What provision has been made for the repair of six of our battleships which need repairs very badly, and what will be expected of the Naval Affairs Committee in the way of authority to bring our ships up to date or up to as good a state of repair as the American people would be glad to have?

Mr. FRENCH. The gentleman, I suppose, refers to the four battleships, especially, that broke down during the fleet maneuvers a few weeks ago?

Mr. BUTLER. Yes, sir.

Mr. FRENCH. The gentleman is referring to the coal burners?

Mr. BUTLER. Yes, sir.

Mr. FRENCH. Last year the appropriation bill carried approximately \$2,500,000 for upkeep work, repair work on the 18 battleships. It will be interesting to this House to know that \$1,400,000 of that amount was expended on 14 ships, including 2 of the best coal burners, the other 12 being oil burners, and that \$800,000 was expended on these 4 ships—coal burners—which broke down during the maneuvers a few weeks ago. In other words, \$800,000 was expended on the upkeep work and repair work on 4 ships that broke down a few weeks ago, as against \$1,400,000 on 14 other ships of the same general class.

Mr. BUTLER. How does the gentleman account for that?

Mr. FRENCH. Well, in this way: When the 1916 program was begun we commenced the laying down of a large number of battleships of the oil-burner type, looking forward to the ultimate decommissioning of the coal-burning ships. Even had we desired to do so, we could not have changed those ships during the World War from coal to oil burners. In the war they had the severest of usage, but they made good. After the war it was expected that the ships that had been authorized in 1916 would gradually take the place of the coal burners, and it would not be well to expend large amounts of money upon them for replacing machinery. It was expected that as ships would be completed which were authorized, those ships would be put in the second line, and gradually those ships would be taken out of commission and scrapped. Now, when the Limitation of Armament Conference was held two years ago we were limited to 18 ships, and instead of scrapping those 4 ships that broke down the other day during the maneuvers they were put in as part of the 18, and we scrapped 11 ships which were on the ways which were planned to be oil burners and ships that would be comparable to the best in any navy.

Mr. VINSON of Georgia. Would it not have been advisable under the agreement to have maintained two of the ships scrapped of about equally the amount of tonnage of these four ships on which the gentleman said we spent this large amount of money?

Mr. FRENCH. Of course, the gentleman will recall there was authority to replace two old ships with two ships which were about completed, but which were not completed when the limitation conference was held. Now, I have no doubt within the confines of the chamber in which the Limitation of Armament Conference was held there was much negotiation. We had trouble to have Japan agree to the scrapping of some of her ships. We had to arrange with Great Britain with respect to carrying on certain of her program. We agreed to maintain those four and to replace two others with new ones, and so they became part of our quota of 18 capital ships, and I assume it was the best arrangement that could be made at the time. Now, let me say this in conclusion on this subject.

Mr. BUTLER. How much will it cost? How much authority does the gentleman ask? Mr. VINSON of Georgia, the ranking minority member on our committee, has asked some questions. How much authority and how much money will be needed? The gentleman probably has the knowledge and we have not had an opportunity to consider it because we are considering one measure, and have been for 40 days.

Mr. FRENCH. I will answer in three ways. In the first place it will take approximately \$35,000 to purchase materials for those four ships to-day and approximately \$70,000 for labor and incidental expenses, or with approximately \$100,000 we can put those four ships back in the Navy and make them able to function. That is, we still retain them as coal burners though not comparable to modern coal-burning ships. Now, a second plan can be adopted. It would be this, to continue them as coal burners with a replacement cost of approximately \$375,000 apiece.

Mr. BUTLER. That is not desirable.

Mr. FRENCH. That would mean to continue those ships as coal burners, and it would mean to take out the old parts and replace them with new parts and make them comparable to ships that are in first-class condition but still coal burners. There is still another alternative, and that is to take out the coal burners and install oil burners.

Mr. BUTLER. How much would it cost?

Mr. FRENCH. It would cost approximately, I think, around \$3,400,000.

Mr. VINSON of Georgia. Convert them over to oil burners?

Mr. FRENCH. Yes.

Mr. VINSON of Georgia. That will have to be authorized by the legislative committee before you can make any appropriation for it.

Mr. FRENCH. Well, the limit that has been followed has been \$300,000, although I do not believe the question has ever been determined by the House whether when an estimate comes

down in excess of the amount it would be necessary for it to go to the legislative committee or not. However, I do not care to meet that question.

Mr. MADDEN. If the gentleman will permit an interruption, of course I will say the Appropriations Committee would cooperate with the legislative Committee on Naval Affairs as much as we could.

Mr. BUTLER. We have not had an opportunity to get this information, and we are here to obtain knowledge. So far our hands have been tied.

It matters not whether the authority comes from the Committee on Appropriations or from the legislative committee; it would cost from \$3,000,000 to \$4,000,000 to convert these ships into oil burners.

Mr. FRENCH. Yes; that is the situation as to the four oldest ones.

Mr. BUTLER. That money must be provided.

Mr. FRENCH. To provide a Navy that may be adequate and yet to safeguard the treaty—that has been our problem; that is your problem. I remember one evening during the hearings, when the hour of adjournment had come, Admiral Robison, of the Bureau of Engineering, had just concluded his testimony for the day. The official reporter had been excused and the members of the committee were indulging in an unofficial interview with this naval officer.

I remember Admiral Robison said:

Gentlemen, it is a tremendous responsibility to be charged with the administration of the money that is contributed by our people for the expense of the Government. This responsibility has borne so heavily upon me as the head of a bureau that I have been compelled to think of the moneys that I am authorized to expend in terms of more than money. I have gotten to thinking of these expenditures in terms of human life.

And then he said:

You take a man and estimate not the value of all the kind deeds, the love, the amenities, his service to his home and community, but his earning capacity in a lifetime, and you can estimate his value at approximately \$75,000.

Now, said Admiral Robison—

If that is the value of a human life, I have tried to think of the limitations upon any intelligent expenditure of money as expending a human life every time I expend \$75,000 that you furnish.

Gentlemen, I want to say that this metaphor made a deep impression upon me. I have tried to have it control me as I thought of my duty on the items of this bill. I want it to make an impression upon you and help to control the expenditures of Government, and I want you to think of it in considering the bill now before you; the value of the dollar, not reckoned in so many cents but the value of the appropriation made on the basis of the human lives that will be spent, assuming that each human life is worth economically what was suggested, \$75,000. [Applause.]

Mr. Chairman, I yield back the balance of my time.

Mr. BYRNES of South Carolina. Mr. Chairman and gentlemen of the committee, I know that after the speech of the gentleman from Idaho [Mr. FRENCH] you will readily accept as true my statement that in all my experience I have never known any Member of this House to give to an appropriation bill the time and thought that has been given to this bill by my colleague from Idaho [Mr. FRENCH]. He has devoted months to it and has made as detailed an investigation of the affairs of the Navy as ever has been made by a Member of Congress, and in consequence of that investigation he is to-day one of the best-informed men in the country on the affairs of the Navy.

I want to talk for a few minutes, not of the details of this bill—because after the discussion by the gentleman from Idaho it would be irksome to you—and then it is true that between us there is no difference, certainly no material difference, as to the provisions of the bill. I want to talk first about the organization of the Navy Department, because I think it exceedingly important that just at this time some one should call attention to a situation which is of vast importance to the future of the Navy.

For years there has been an effort on the part of some officers of the Navy to substitute military for civilian control of the Navy. It was attempted during the administration of President Arthur, during the administration of President Roosevelt, during the administration of President Wilson, and during the administration of President Harding. In later years the effort has been to concentrate power in the Chief of Operations. Gradually power has been vested in that office, but not until the last six months did it acquire the power "they long had sought, and mourned because they found it not."

Let me read the statute governing regulations:
Section 1547 of the Revised Statutes provides—

The orders, regulations, and instructions issued by the Secretary of the Navy prior to July 14, 1862, with such alterations as he may since have adopted, with the approval of the President, shall be recognized as the regulations of the Navy, subject to alterations adopted in the same manner.

This section has been construed as follows:

The authority of the Secretary to issue orders, regulations, and instructions, with the approval of the President, in reference to matters connected with the Naval Establishment, is subject to the condition, necessarily implied, that they must be consistent with the statutes which have been enacted by Congress in reference to the Navy. He may, with the approval of the President, establish regulations in execution of, or supplemental to, but not in conflict with, the statutes defining his powers or conferring rights upon others. The contrary has never been held by this court. (U. S. v. Symonds, 120 U. S. 46, 49; *Glavey v. U. S.*, 182 U. S. 595, 605.)

Now, here is the law governing the office of Chief of Operations. The naval act of March 8, 1915, provided that—

There shall be a Chief of Naval Operations, * * * who shall, under the direction of the Secretary of the Navy, be charged with the operations of the fleet and, with the preparation and readiness of plans for its use in war.

The naval act of August 29, 1916, provided that—

All orders issued by the Chief of Naval Operations in performing the duties assigned him shall be performed under the authority of the Secretary of the Navy, and his orders shall be considered as emanating from the Secretary, and shall have full force and effect as such.

Under this law regulations governing the office of Chief of Operations have been made from time to time. In 1920, during the administration of Secretary Daniels, regulations were adopted providing that the Chief of Operations should advise as to the matters pertaining to fuel reservations and depots and other matters, but this was only for advice; it did not confer power to act in all the matters enumerated. But on August 30, 1923, the regulations were amended so as to give the Chief of Operations the power to "coordinate all repairs and alterations to vessels and the supply of personnel and the material thereto, so as to secure at all times the maximum readiness of the fleet for war."

The Navy Department has a Chief of the Bureau of Navigation to control the personnel of the Navy and the supply of the personnel to the ships. We have a Chief of the Bureau of Engineering, and of the Bureau of Yards and Docks, to control repairs and alterations of ships. The only purpose of this regulation was to make the Chief of the Bureau of Navigation, the Chief of the Bureau of Engineering, and the Chief of the Bureau of Yards and Docks subordinate to the Chief of Operations. The regulation continues that "all orders issued by the Chief of Operations in the execution of his assigned duties shall be considered as emanating from the Secretary of the Navy and have full force and effect as such." Under this regulation the Chief of Operations can, as to practically every activity of the Navy, issue orders to the Chiefs of the Bureau of Navigation, Engineering, and Yards and Docks, and all other bureaus of the department, without submitting such orders to the Secretary of the Navy for his approval. And so far as the new Secretary of the Navy is concerned, if the President of the United States is going to be fair to him, he ought to telegraph to Mr. Wilbur, of California, that if he accepts the appointment as Secretary of the Navy and comes to Washington, he ought to bring with him his golf sticks, because, outside of entertaining visitors, attending banquets, making speeches, and signing his name on a dotted line, there is little left for him to do.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. BYRNES of South Carolina. Yes.

Mr. COOPER of Wisconsin. How long has that been the law?

Mr. BYRNES of South Carolina. It is the result of a regulation adopted August 30, 1923.

Mr. COOPER of Wisconsin. A regulation made by whom?

Mr. BYRNES of South Carolina. By the Secretary of the Navy.

Mr. COOPER of Wisconsin. That was Secretary Denby.

Mr. BYRNES of South Carolina. Under the administration of Secretary Denby.

Mr. COOPER of Wisconsin. Did he issue the order?

Mr. BYRNES of South Carolina. Well, the order I have is signed "Theodore Roosevelt, acting"; but I am satisfied this is an order that was sent to the officers and to the fleet, and it was issued under regulations adopted with the approval of the Secretary of the Navy.

But my contention is that under the statute, which specifically limits the duties of the Chief of Operations to the operations of the fleet afloat and to the making of plans, that Secretary Daniels was right when, in his annual report for 1920, he said this, speaking of the Chief of Naval Operations and his powers:

These limits are by no means narrow. There is a world of work incident to the operation of the fleet, requiring of its administrative agents, responsible to and under the Secretary, a very high order of professional ability. The preparation and readiness of war plans is a function no less important and one that calls for deep study and most careful consideration of campaigns, past and future, there being in fact no field of naval activity which offers greater inducement or affords more incentive for professional effort.

But important and far-reaching as these two legitimate and authorized lines of work are admitted to be, the fact must also be borne constantly in mind that the fleet is afloat, not in Washington, and that the "operation" of the fleet has consequently to do with the finished product itself and not the production thereof, the work of "preparation and readiness" pertaining solely to plans and not to ships or navy yards nor yet the Navy Department.

Mr. WAINWRIGHT. Will the gentleman yield?

Mr. BYRNES of South Carolina. Yes.

Mr. WAINWRIGHT. Did I understand the gentleman to take exception to the Chief of Operations having authority over the location of reserves and depots for fuel for the Navy?

Mr. BYRNES of South Carolina. Yes; the Chief of Operations under the law has no power to do so. That is the duty of the Secretary of the Navy. But under this recent order, the Chief of Operations has the power to assign ships to any dock he wants to; he has the power to say what ships shall be repaired regardless of what the Chief of Engineering shall say or regardless of what the Chief of the Bureau of Yards and Docks shall say; he has the power to say what fuel depots shall be established and, so far as I can see, make every other decision with reference to the conduct of the Navy.

Mr. WAINWRIGHT. My colleague will notice that my question was directed entirely to the question of the location of the reserves, and the thought occurred to me—and I want to ask my colleague whether he will not agree with me—that the question of the location of the reserve, especially under conditions of modern warfare, is very germane to the war plans for the Navy.

Mr. BYRNES of South Carolina. When the law says "preparation of plans," it did not contemplate the power to locate reserves. My friend must realize that the Chief of Operations like all other officials, must be governed by law. If the gentleman is of the opinion and if Congress should be of the opinion that the power to locate those reserves should be placed in the Chief of Operations and not in the Secretary of the Navy, then by law the power should be taken from the Secretary of the Navy and given to that officer, but until that is done that officer can have no right other than to advise the responsible head of the Navy Department, the Secretary of the Navy.

And any effort on the part of the Secretary to transfer to any officer the right to locate the reserves or to do any other act which by law is placed on the Secretary is an effort to abdicate functions specifically placed in him by law. I would not approve it because I believe this Government must remain, as it has remained, under civilian, and not under military control. I hold this view regardless of who may, for the time being, serve as Chief of Operations.

Mr. PATTERSON. Will the gentleman yield?

Mr. BYRNES of South Carolina. Yes.

Mr. PATTERSON. Could not the new Secretary of the Navy change these regulations?

Mr. BYRNES of South Carolina. Certainly, and that is the only reason for my remarks to-day. As a Member of the House I know that the Secretary of the Navy must assume all responsibility for the conduct of the Navy, and he should not do that unless he has hold of the reins of power. If he does not retain absolute control in his office and yet assumes responsibility, then his lot in life is apt to be a very unhappy lot.

Mr. MORTON D. HULL. Does not the law authorize the Secretary of the Navy to make these regulations?

Mr. BYRNES of South Carolina. Yes; he can make regulations provided they are not in conflict with the law, and when the law says that the power of the Chief of Operations shall be limited to these two functions, then any regulation which gives to him additional power is in conflict with the law.

Mr. MORTON D. HULL. Does not the law give him those functions, but not limit him to those functions?

Mr. BYRNES of South Carolina. I contend it is in conflict with it, because it gives to him power vested in the Secretary of the Navy and not vested in him by law. If the Congress wants to vest such power in him, it can amend the law.

Mr. TABER. Do I understand the gentleman to say that the regulations which have been issued are in conflict with the law?

Mr. BYRNES of South Carolina. I contend they are.

Mr. TABER. Then they are invalid of themselves, without any further action, are they not?

Mr. BYRNES of South Carolina. They are invalid in law, but in fact they are not, because the Navy is operating under them to-day.

I have called attention to this because I want the new Secretary of the Navy, whoever he is, to know that they are invalid and to limit the power of the Chief of Operations to the functions provided by law. The gentleman and I will agree that they are invalid, but I want the Secretary of the Navy, whoever he is, to know that they are invalid and to insist upon compliance with the law. Service as Budget officer does not come under the power to operate the fleet or to prepare plans for war; but the Chief of Operations has been acting as Budget officer for the Navy; he has been preparing the estimates, providing for the appropriations for the department. Every man knows that duty in itself is enough to demand the entire attention of an officer of the Navy. Up to a few months ago Admiral Coontz, one of the most efficient men in the Navy, a splendid officer, who loves the service, was Budget officer, as well as Chief of Operations.

The Chief of Operations must direct the operations of the American fleet afloat and prepare plans for use in time of war, and I do not care who he is, he can not perform these duties and act as Budget officer and do justice to himself.

Mr. NELSON of Wisconsin. Who is the Chief of Operations now?

Mr. BYRNES of South Carolina. Admiral Eberle. But you must understand that Admiral Eberle is not acting as Budget officer, but Admiral Strauss is. Admiral Coontz was Budget officer while he was Chief of Operations. He served well in that capacity, but the Chief of Operations should not be the Budget officer.

Having called attention to this matter, let me make a few remarks about the appropriations. I hold the same views as the gentleman from Idaho [Mr. FRENCH]. I regret we have to report a measure carrying as much money as this bill does.

Mr. COOPER of Wisconsin. Will the gentleman yield for one more question?

Mr. BYRNES of South Carolina. Yes.

Mr. COOPER of Wisconsin. Recurring to what the gentleman has just said about the transfer of power to a naval officer, has that naval officer, in charge of operations, authority under that order to make contracts binding the Government for supplies and material or for the manufacture of anything?

Mr. BYRNES of South Carolina. I am satisfied the Secretary of the Navy would have to approve contracts of that kind.

The position is simply this: The civilian Secretary of the Navy coming into the Department without technical knowledge ought to have the Chief of the Bureau of Navigation, of Engineering, and of Yards and Docks reporting directly to him and under his control, as a cabinet, so to speak, from whom he can secure various views as to the policy of the Navy, as well as having the views of the Chief of Operations. Concentrate all power in one officer and inevitably, as he has the power and is the ranking officer of the Navy, the only officer with whom the Secretary of the Navy will come in contact, it will be but a short time before the Secretary of the Navy, unless he is a most extraordinary man, will have only the views of the Chief of Operations. I would prefer to have the civilian Secretary receiving the views of the chiefs of the various bureaus, as well as the Chief of Operations, and forming his conclusions after listening to these experts, because sometimes it is good for a man to hear several experts before reaching a conclusion.

Mr. COOPER of Wisconsin. Yes; and it is fundamental, is it not, in our theory of government, that the Navy Department and the War Department and all other departments shall be under the control of civilians and not under Army officers or Naval officers.

Mr. BYRNES of South Carolina. And that control should not be nominal but should be actual control.

Mr. COOPER of Wisconsin. Exactly.

Mr. BYRNES of South Carolina. I agree with the gentleman in his statement.

In reference to appropriations, let me say that this bill, as the gentleman from Idaho [Mr. FRENCH] has said, appropriates

\$298,000,000, or approximately \$300,000,000. Let us stop and see how we have progressed. For the fiscal year 1916, after the beginning of the war but before we entered it, when rumors of war were in the air, we appropriated only \$157,000,000 for the Navy.

Almost twice as much will we appropriate for the next fiscal year. We have had a limitation of armament conference limiting expenditures for the Navy. After that conference we are called upon to appropriate \$300,000,000 for the Navy of the United States, and it makes us wonder what amount we would have to appropriate had we not held the conference for the limitation of armaments.

Mr. HARDY. How much would we have to appropriate?

Mr. BYRNES of South Carolina. I say the realms of imagination are open as to what we would have to appropriate.

Mr. HARDY. Five or six hundred million dollars at least.

Mr. BYRNES of South Carolina. One man's guess is as good as another. Let us look at appropriations for the Army. In 1916 approximately \$101,000,000 was appropriated, and for the next year we will appropriate for military activities of the Army \$254,000,000, or two and a half times as much as was appropriated in 1916, just prior to the war.

Mr. COOPER of Wisconsin. You mean 1925?

Mr. BYRNES of South Carolina. For 1925; yes. Two hundred and fifty million dollars, or practically the same as last year.

Mr. NELSON of Wisconsin. The gentleman speaks of the necessity and regrets it.

Mr. BYRNES of South Carolina. Yes.

Mr. NELSON of Wisconsin. What is that necessity predicated upon—upon legislation pending or upon some imaginary danger?

Mr. BYRNES of South Carolina. I am frank to say to my friend from Wisconsin that I think it is necessary because we have as a result of the conference a 5-5-3 program. No two naval officers will agree as to the exact meaning of this 5-5-3 program.

But under the treaty there is no limitation of the cruiser strength, other than that the cruisers shall not exceed 10,000 tons. There is no limitation of aircraft. Great Britain, for instance, to-day has 48 cruisers with a total of 252,600 tons, while the United States has 10 of 75,000 tons and Japan has 25 of 157,000 tons. If we are to maintain such a Navy as was contemplated at the time of the armament conference, we can not under present conditions appropriate less.

Mr. NELSON of Wisconsin. That is what I was getting at.

Mr. BYRNES of South Carolina. We really ought to provide for aircraft and cruisers that would put us on an equality with any other nation. I have been an advocate of economy in Government, but when it comes to the Navy I do not want a Navy superior to any other power, but I do not want a Navy that is inferior to any other power on the face of the earth. [Applause.]

Mr. NELSON of Wisconsin. The reason, then, is competitive?

Mr. BYRNES of South Carolina. Yes; it is competitive. With resources that would permit us to construct and maintain a Navy stronger than any other power, we willingly surrender that right. I believe the Limitation of Armaments Conference performed a great service, because it demonstrated, first of all, that the representatives of the nations could gather around a conference table and make an agreement; but it did not go far enough. It changed the form of competition but did not eliminate competition. Competition is proceeding to-day in cruisers, in submarines, in aircraft, and if we are to maintain what the American people expect us to maintain, I am sure, a Navy equal to any other, we have got to appropriate this \$300,000,000 to compete with the other two naval powers—Japan and Great Britain. But I am going to offer an amendment calling on the President again, as the last naval bill called upon the President, to request the other naval powers of the earth to once more meet in conference and make an effort to limit the number and tonnage of auxiliary vessels under 10,000 tons, and the strength of aircraft, so as to put an end to this naval competition.

Tell me it can not be done! Why, men thought you could not limit armament as to capital ships. Why anticipate failure? Conditions may have changed, and certainly the American Congress ought to put itself on record as saying, "Before we pass the bills now pending before the Naval Affairs Committee authorizing additional cruisers and gunboats we want to say to Great Britain and to Japan that as far as we are concerned we are willing to further curtail this competition in armament; we are willing to stop now before we go to the expense of building other cruisers, and then be placed in the position we

were in as to capital ships—of canceling contracts and incurring an enormous expense and loss incident to the cancellation of such contracts."

Mr. BYRNS of Tennessee. Will the gentleman yield?

Mr. BYRNES of South Carolina. Yes.

Mr. BYRNS of Tennessee. I was interested and somewhat surprised at a statement made before another subcommittee of the Committee on Appropriations some weeks ago in discussing a matter connected with the Navy, where, in explanation of his appropriation, the officer made the statement that we had a greater number of ships in the Navy now than we had before the limitation of armament conference, or as many, I believe he said. Is that true or not?

Mr. BYRNES of South Carolina. We have in commission now many less ships than before the conference. We may have more ships, but not in commission. Of course, we have not as many capital ships.

Mr. BYRNS of Tennessee. Then, as a matter of fact, there has not been any such reduction in ships, except the capital ships, as the public has been led to believe?

Mr. BYRNES of South Carolina. The treaty specifically limited the capital ships and aircraft carriers. It does not affect cruisers or auxiliary craft and does not affect the aircraft. That is why I want the Congress to go on record as favoring another conference and again ask the President to call on other powers so as to end this competition. The treaty applies only to ships of more than 10,000 tons. Inevitably the naval powers will proceed to develop fighting units not prohibited by the treaty. And as they are developed the ratio of 5-5-3 is destroyed. If we have capital ships of equal strength with Great Britain—but Great Britain is overwhelmingly superior in cruisers of 10,000 tons or less, and in submarines and in aircraft, manifestly, there is no equality in fighting strength. Provide a Navy of equal strength, manned by American seamen, and we need have no fears.

Mr. FREAR. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of South Carolina. Yes.

Mr. FREAR. Does it not seem a surprising situation that this Government is loaning through private individuals \$150,000,000 to Japan, and that at the same time Japan is engaged in this same race of building cruisers and other vessels?

Mr. BYRNES of South Carolina. I have no information as to Japan except from newspaper sources. I may say that I have read somewhere that there has been a curtailment in Japan's program since her recent disaster. Prior to that time Japan was doing the proper thing. Japan announced that she was canceling contracts for the building of some cruisers, and made a favorable impression, but what she did was to cancel contracts for cruisers of small tonnage and immediately prepare to build larger cruisers of greater tonnage. The competition under the Limitation of Armament Conference results in this: Every nation is going to build cruisers up to the limitation of 10,000 tons. They will build them of nine or ten thousand tons, as many as they can, so as to make their navy the most effective, and they are going to compete for supremacy in aircraft and in submarines, which are not affected by the treaty.

Mr. WAINWRIGHT. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of South Carolina. Yes.

Mr. WAINWRIGHT. In the gentleman's judgment, how does our inferiority in the number of cruisers and in aircraft matériel affect us, in so far as maintaining a parity of naval strength with Great Britain?

Mr. BYRNES of South Carolina. That question answers itself. We have only 10 cruisers built and building and Great Britain has 48 built and building, Japan 25. We are deficient in submarines of an effective type. When it comes to these most effective units, I believe that we are deficient, and this Government will adopt and must adopt a policy of matching fighting unit with fighting unit. It can not do less; and the American people will say that, notwithstanding what the experts had in mind when they said 5-5-3, they thought that meant not only strength in capital ships but strength in fighting weapons, and that they believed that our Navy should be the equal to that of Great Britain.

Mr. WAINWRIGHT. I quite agree with the gentleman that that question answers itself.

Mr. NELSON of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of South Carolina. Yes.

Mr. NELSON of Wisconsin. I have been interested in the appropriations for aircraft of late. Can the gentleman give the total appropriations for aircraft—military, naval, and postal?

Mr. BYRNES of South Carolina. I can not do that.

Mr. NELSON of Wisconsin. What does the Navy carry?

Mr. BYRNES of South Carolina. Fourteen million five hundred thousand dollars.

Mr. HULL of Iowa. Mr. Chairman, is it not true that considerable competition in naval armament by the different countries is inspired by private contractors, who reap rewards in obtaining rich contracts?

Mr. BYRNES of South Carolina. I am frank to say that I am unable to answer as to the exact motives which inspire men or by which they are actuated. The gentleman is in better position than I am to answer that question.

Mr. HULL of Iowa. Has the gentleman's committee taken any action to eliminate that in this country?

Mr. BYRNES of South Carolina. There is nothing carried in this bill which would have any bearing on contractors.

Mr. HULL of Iowa. As a matter of fact, we are giving contracts out to these private contractors which we could perform in our own navy yards, are we not?

Mr. BYRNES of South Carolina. I do not think that is correct. I hope that is not true, because I believe the other policy is the better policy. I can not yield further to my friend, but when I get through, if the gentleman has that information, I should be glad to yield to him and he can make a speech about it.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of South Carolina. Yes.

Mr. COOPER of Wisconsin. Can the gentleman tell approximately the number of airplanes used by the Navy?

Mr. BYRNES of South Carolina. Approximately 500. Let me proceed now along the line that I was speaking of when I was interrupted. I believe that we ought to have an effective limitation of armament and that the President ought to call for another conference. There can be no harm in asking for such a conference.

The reason such a request is not contained in this bill is because it is legislation and would be subject to a point of order. The committee did not want to violate the rules by including a provision that would be subject to the point of order and which ought to be presented by the Committee on Naval Affairs. But I believe in it and I believe, too, that it is exceedingly unfortunate that the President of the United States has seemingly become indifferent to a proposal which had the enthusiastic support of his predecessor, and which the people of America thought would enlist the hearty support of President Coolidge, namely, insisting on action by the Senate upon adherence to the world court. So far as the people are concerned I believe that they are in favor of the court, because they believe it a step toward the settlement of international disputes by arbitration instead of by the sword. Last fall before Congress convened the churches of America set apart a week, during which week throughout the entire Nation Christian people asked for favorable action by the Government upon this proposal, but nothing has been done. We find armament competition continues. We find the Congress appropriating again \$300,000,000 for the Navy and \$250,000,000 for the Army, and surely we ought to stop, look, and listen. We are drifting and have been drifting helplessly, aimlessly, doing nothing to accomplish that which is most desired by the people, not only of America but of the world, of promoting peace by the settlement of international disputes by arbitration. Investigations may be necessary, Congress may devote itself to other measures, but there is no proposal more calculated to promote the happiness of the people of America and of the world than the proposal to have the United States adhere to the World Court. [Applause.] This proposal was submitted to the Senate by President Harding. Leaders of the Democratic Party declared themselves in favor of it. Yet nothing has been done. Nothing will be done unless the President of the United States will take a more positive stand in favor of it. A mere announcement that he favors it will never bring about favorable action by the Senate. In his message at the opening of this Congress he commended it to the Congress and announced that he favored the proposal, but since that time I have not heard of any activity on his part to secure its adoption by the Senate. And as we drift, five years after the armistice, without making any progress toward peace, we can not blame the thoughtful women of the Nation who ask whether the cradles of to-day will be called upon to fill the trenches of to-morrow. No man here can answer that question in the negative. Competition in armament continues. Nothing has been done by this the most powerful Nation in the world to promote the settlement of disputes by arbitration. But the time has come for action, and my sincere hope is that as these bills with their large appropriations for military purposes are brought to the attention of

the President he will follow the example of the soldiers of the Nation and fight for that which he says he believes to be right. [Applause.]

Mr. FRENCH. Would the gentleman from South Carolina like to use some more time now?

Mr. BYRNES of South Carolina. Yes. Will the Chair inform me how much time I have used?

The CHAIRMAN. The gentleman has used 45 minutes.

Mr. BYRNES of South Carolina. Mr. Chairman, I yield 30 minutes to the gentleman from Texas [Mr. Box].

Mr. BOX. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to revise and extend his remarks in the Record. Is there objection? [After a pause.] The Chair hears none.

Mr. BOX. Mr. Chairman and gentlemen of the House, my purpose is to make a connected statement, and I request that I be not interrupted until I shall have finished the statement.

Mr. Chairman, I ask that the Clerk read a section from the President's message, which I send to the desk.

The CHAIRMAN. Without objection, the Clerk will read the matter designated.

The Clerk read as follows:

IMMIGRATION.

American institutions rest solely on good citizenship. They were created by people who had a background of self-government. New arrivals should be limited to our capacity to absorb them to the ranks of good citizenship. America must be kept American. For this purpose it is necessary to continue the policy of restricted immigration. It would be well to make such immigration of a selective nature, with some inspection at the source, and based either on a prior census or upon the record of naturalization. Either method would insure the admission of those with the largest capacity and best intention of becoming citizens. I am convinced that our present economic and social conditions warrant a limitation of those to be admitted. We should find additional safety in a law requiring the immediate registration of all aliens. Those who do not want to be partakers of the American spirit ought not to settle in America.

Mr. BOX. I would like to ask that the Clerk read a section from the bill introduced by the senior Senator from Massachusetts [Mr. Lodge] in the Senate, section 10, page 14.

The CHAIRMAN. Without objection, the Clerk will read the matter indicated.

There was no objection.

The Clerk read as follows:

Sec. 10 (a). When used by this act the term "quota" when used in reference to any nationality means 200, and in addition thereto 2 per cent of the number of foreign-born individuals of such a nationality resident in the United States, as determined by the United States census of 1890.

Mr. BOX. The section read is essentially like the corresponding section in the Johnson bill reported to this House. Bills containing this provision have been introduced by Members of the Committee on Immigration and Naturalization and other Members of the House and Senate during the last three or four years. I have had a bill containing a similar provision pending for some years. This idea has been developed by the best thought which students of this problem could give to it. The President's message declares that sentiment, not without consideration, but doubtless upon mature consideration. The proposition had been long considered and discussed at the time the President read his message to the Congress. The proposition, however, has developed a very sharp issue.

I read from resolutions adopted by the Grand Council of the Order Sons of Italy of New York in opposition to the Johnson bill:

Resolved, That the Grand Council of the Order Sons of Italy of the State of New York hereby strongly protests against the enactment into law of the aforesaid measure and of any legislation the purpose of which is to discriminate in the apportionment of American opportunity.

The Patriotic Order Sons of America are on the other side of the question. With them are the Sons of the American Revolution, from whose statement supporting the same legislation I now read:

We favor a policy of restriction with an annual quota of 2 to 3 per cent of the number of foreign-born persons of each nationality resident in the United States, as shown by the census of 1890, not more than 10 per cent of the annual quota of any nationality to be admitted in any month.

The Johnson bill develops a sharp issue between the Sons of Italy and the Sons of the American Revolution. On that issue I propose to speak to the House and the country.

When an issue arises before the American Congress it is important to know who is aligned on each side of the question. I shall try to show you not all but some of the groups and influences aligned on each side as this question comes to issue:

Order Sons of Italy of the State of New York.
Order Sons of Italy of the State of New Jersey.
Order Sons of Italy of the State of Connecticut.
Order Sons of Italy of the State of Rhode Island.
American Jewish Conference.
Polish political organizations of New York and New Jersey.
Ukrainian Democratic Club of New York.
Italian Evangelical Ministers' Association of New York.
Immigrants' Protective League.
Slovak League of America.
Independent Order B'nai B'rith.
Czech National Alliance.
Sicilian American Club.
Polish National Union of America.
Selective Immigrant Aid Society.
Italian Naturalization Club.
Italian Social Republican Club.
Italian Republican League.
The Mazzini Club (Inc.).
Societa di M. S. Cittadini Calabro Americani (Inc.).
Societa di Maria Santissima della Carita.
Societa Fraterna Italian of Cosenza.
Union of Orthodox Rabbis of America.
The Women's Zionist Organization.
National Catholic Welfare Conference, acting by its bureau of immigration.

Local lodges of Order Sons of Italy, as follows:

Loggia Gabriele D'Annunzio, No. 22, Paterson, N. J.
Pittsburgh Lodge, No. 74 (Pennsylvania).
Williamsport Lodge, No. 138 (Pennsylvania).
Loggia Fratelli Compatti, No. 150, Albany, N. Y.
Loggia Annita Garibaldi, No. 184, Danbury, Conn.
Loggia Perseveranza, No. 212, Brooklyn, N. Y.
Lodge Roma Intangibile, No. 215.
Lodge Giosue Carducci, No. 242, East Boston, Mass.
Loggia Italia, No. 263, Providence, R. I.
Pietro Micca, No. 291.
Loggia G. D'Annunzio-Oltre l'Oceano, No. 321, of Schenectady, N. Y.
Loggia Iolanda Margherita, No. 342, Westerly, R. I.
Lodge Augusto Aubry, No. 367, Oneida, N. Y.
Loggia Sante Furnari, No. 413.
Loggia Partenope, No. 453, Peacedale, R. I.
Loggia Vedova Regina Margherita, No. 415, Natick, R. I.
Loggia Italo-American, No. 409, Natick, R. I.
Loggia Pietro Metastasio, No. 539, Bristol, Pa.
Lodge Savoia, No. 570, Homer City, Pa.
Loggia Ellwood City, No. 608, Ellwood City, Pa.
Loggia Vittorio il Vittorioso, No. 609, Cokeburg, Pa.
Loggia Monte Civita D'Itri, No. 710, Cranston, R. I.
The Italian Citizens' Club-Lodge, No. 718, Weirton, W. Va.
Loggia Giordano Bruno, No. 875, Farrell, Pa.
Loggia Nuova Giovane Italia, No. 881, New Kensington, Pa.
Loggia Nuova Piave, No. 890, McKeesport, Pa.
Loggia J. M. B. Nuova S. Resnati, No. 892, of Kearny-Arlington, N. J.
Loggia Riunite del North End, No. 908, Providence, R. I.
Loggia "Il Risorgimento Italiano," No. 953, Osceola Mills, Pa.
Loggia "Arditi," No. 979, Sag Harbor, L. I.
The Lodge Fiume and Gloria of Italy Sons and Daughters of Italy, No. 985, Naugatuck, Conn.
Ordine Figli D'Italia Loggia, No. 992, Duluth, Minn.
Loggia Umberto I, No. 1040, Indianapolis, Ind.
Loggia Operaia Italiana, No. 1050, Westerly, R. I.
Milano Lodge, No. 1090, Conifer, Pa.
Loggia Vita Nuova, No. 1198, San Francisco, Calif.
Loggia "General Diaz," No. 1189, Fairmont, W. Va.
Loggia Victor Em. III, No. 522, New Britain, Conn.
Saint Joseph Loggia, No. 1082, New Britain, Conn.
Lodge Monte Carmelo, No. 1161, New Britain, Conn.

SOCIETIES AND ORGANIZATIONS.

Abuzzi Society, East Boston, Mass.
Alcarese Society, Cleveland, Ohio.
American Citizens' Club of Polish Descent, Newmarket, N. H.
Associated Jewish Organizations of Massachusetts.
Associated Y. M. & Y. W. H. A. of New England.
Bella Sicilia Society, South Boston, Mass.
Corte Generale Errico Ciardini, No. 50, Foresters of America, Westerly, R. I.
Congregation Kodimah.
Caltano Bruno Society, Boston, Mass.
Chicopee, Mass., Polish Citizens' Club.
E. A. Manzoni Club, Natick, R. I.

Council of Jewish Women, Pawtucket, R. I.
 Circolo Sociale Caserta, Natick, R. I.
 Gotthold Ephraim Lessing Lodge, No. 37, Independent Order B'rith Abraham, Cleveland, Ohio.
 Giovane Italia Club, Natick, R. I.
 General Jewish Committee, Providence, R. I.
 Gemilath Chesed Hebrew Free Loan Association, Providence, R. I.
 Ligurian Auxiliary, Boston, Mass.
 Mazzini-Garibaldi Republican Club of Massachusetts, Boston, Mass.
 Society Cesare Batesti of Eagle Park, Providence, R. I.
 Saint Calogero Society, Thompsonville, Conn.
 Societa Mutuo Soccorso Grazzanise, Natick, R. I.
 Sisterhood Temple Beth El, Dorchester, Mass.
 State Committee of Polish-American Citizens, Providence, R. I.
 Women's Italian Club, Boston, Mass.
 Federazione Italiana, Pennsylvania.
 Loggia La Vittoria, Pennsylvania.
 Societa Maria SS. Consolazione, Pennsylvania.
 Loggia Castelbuono, O. I. F. d'I, Pennsylvania.
 Societa di M. S. San Leonardo di Colle al Volturo, Pennsylvania.
 Societa Unione e Fratellanza, Pennsylvania.
 Societa San Pasquale Bailon di Bisenti, Pennsylvania.
 Tailors' Club, Pennsylvania.
 Societa Sarti Italiani, Pennsylvania.
 Societa San Rocco, Pennsylvania.
 Societa San Nicola di Bari, Pennsylvania.
 Societa M. S. Para San Martino, Pennsylvania.
 Societa San Biagio, Pennsylvania.
 Societa Sant' Antonio, Pennsylvania.
 Societa Filippo Palizzi, Pennsylvania.
 Societa di Norristown No. 1, Pennsylvania.
 Societa Mutuo Soccorso No. 1, Pennsylvania.
 Societa Maria S. S. di Bisaccia, Pennsylvania.
 Societa Marchegiani, Pennsylvania.
 Societa Guglielmo Oberdan, Pennsylvania.
 Societa Immacolata Concezione, Pennsylvania.
 Legione Umberto I, Pennsylvania.
 Circola Progressive Idernalano, Pennsylvania.
 Societa Circone, Pennsylvania.
 Societa Chietina, Pennsylvania.
 Societa San Camillo de Lellis, Pennsylvania.
 Societa Caccamo, Pennsylvania.
 Societa di M. S. Cittadini di Fossacesia, Pennsylvania.
 Societa Sant' Agata dei Goti, Pennsylvania.
 Societa Cavalieri di Santa Rita, Pennsylvania.
 Congrega Maria SS. Addolorata, Pennsylvania.
 Societa Messer Raimondo, Pennsylvania.
 Societa di M. S. S. Franc. Di Paola SS. di Constantinopoli, Pennsylvania.
 Societa M. S. San Silvestro Abruzzi, Pennsylvania.
 Societa Sannitica M. S. San Rocco di Montaquila, Pennsylvania.
 Societa San Pietro Celestino, Pennsylvania.
 Loggia Tripoli & Cerene O. F. D., Pennsylvania.
 Societa M. S. Maria SS. del Carmine, Pennsylvania.
 Societa Acquavella Cilento, Pennsylvania.
 Court Americo Vespucci, Pennsylvania.
 Felice Cavallotti No. 361 F. of A., Pennsylvania.
 Court Umberto I No. 359 F. of A., Pennsylvania.
 Circolo Cattolico del Buon Consiglio, Pennsylvania.
 Pia Unione Figlie di Maria, Pennsylvania.
 Congrega Maria S. S. del Rosario, Pennsylvania.
 Circolo Cattolico di San Nicola, Pennsylvania.
 Unione Santa Cicilia, Pennsylvania.
 Societa Maria SS. del Carmine, Pennsylvania.
 Societa Beniamino Gigli, Pennsylvania.
 Camera di Commercio Italiana, Pennsylvania.
 L'Opinione Italian Newspaper, Pennsylvania.
 Circolo Dante Alighieri, Pennsylvania.
 Cenacolo Leonardo di Vinci, Pennsylvania.
 Societa M. S. S. del Cilento, Pennsylvania.
 San Nicola Rectory, Parochial Church, Pennsylvania.
 Societa San Stefano, Pennsylvania.
 Lady of Good Counsel Parish Church, Pennsylvania.
 Italica Gente, Pennsylvania.
 Y. M. Columbus Association, Pennsylvania.
 Societa Siracusa Provinci, Pennsylvania.
 Loggia Flume I. S. of I., Pennsylvania.
 Loggia La Vittoria I. S. of I., Pennsylvania.
 San Michele Arcangelo Societa, Pennsylvania.
 Tailors' Club Beneficial Societa, Pennsylvania.
 Fraterna Raffaele Pagliacetti, Pennsylvania.
 Societa M. Soccorso Atessani, Pennsylvania.
 Kingdom Serbs, Croats, and Slovenes.
 Royal Italian Government.
 Royal Japanese Government.
 Rumanian Government.

FOREIGN LANGUAGE NEWSPAPERS.

If time and space permitted, I could fill many pages of the Record with quotations from the foreign-language press in opposition to the Johnson bill.

Hungarian newspapers.
 Polish newspapers.
 Italian newspapers.
 Russian newspapers.
 Yiddish newspapers.

MANUFACTURING ASSOCIATIONS.

National Association of Manufacturers of the United States.
 National Founders' Association.
 California Manufacturers' Association.
 Manufacturers' Association of Connecticut (Inc.).
 Manufacturers' Association of Wilmington (Delaware).
 Associated Industries of the Inland Empire (Idaho).
 Indiana Manufacturers' Association.
 Iowa Manufacturers' Association.
 Associated Industries of Kansas.
 Associated Industries of Kentucky.
 Associated Industries of Maine.
 Merchants & Manufacturers' Association of Baltimore.
 Associated Industries of Massachusetts.
 Michigan Manufacturers' Association.
 Associated Industries of Missouri.
 Nebraska Manufacturers' Association.
 Associated Industries of New York State (Inc.).
 Ohio Manufacturers' Association.
 Oklahoma Employers' Association.
 Manufacturers & Merchants' Association of Oregon.
 Pennsylvania Manufacturers' Association.
 Employers' Association of Rhode Island.
 Manufacturers & Employers' Association of South Dakota.
 Tennessee Manufacturers' Association.
 Utah Associated Industries.
 Associated Industries of Vermont.
 Virginia Manufacturers' Association.
 Federated Industries of Washington.
 West Virginia Manufacturers' Association.
 Wisconsin Manufacturers' Association.
 American Cotton Manufacturers' Association.
 American Electric Railway Association.
 American Hardware Manufacturers' Association.
 American Malleable Castings Association.
 American Paper & Pulp Association.
 American Pig Iron Association.
 Electrical Manufacturers' Council.
 Institute of Makers of Explosives.
 Manufacturing Chemists' Association of the United States.
 National Association of Cotton Manufacturers.
 National Association of Farm Equipment Manufacturers.
 National Association of Finishers of Cotton Fabrics.
 National Association of Manufacturers of the United States of America.
 National Association of Sheet & Tin Plate Manufacturers (Inc.).
 National Association of Wool Manufacturers.
 National Automobile Chamber of Commerce.
 National Boot & Shoe Manufacturers' Association of the United States (Inc.).
 National Electric Light Association.
 National Erectors' Association.
 National Founders' Association.
 National Industrial Council.
 National Lumber Manufacturers' Association.
 National Metal Trades Association.
 Railway Car Manufacturers' Association.
 Rubber Association of America (Inc.).
 Silk Association of America.
 Tobacco Merchants' Association of the United States.
 United States Rubber Co.
 Labor Department, Michigan Sugar Co.
 An "alien discordant note sounds in the words of many of those who line up with the Sons of Italy against the Sons of the American Revolution. But the Sons of America and Sons of the American Revolution are not alone. I now give you the names of a few of those who declare in favor of the bill:
 Sons of the American Revolution.
 American Legion.
 American National Grange.
 American Defense Society.
 American Federation of Labor.
 Accepted Scottish Rite Masons.
 Allied Patriotic Societies.
 Immigration Restriction League of New York.

Daughters of the American Revolution.
Native Sons of the Golden West.
Patriotic Order Sons of America.
Junior Order of United American Mechanics.
Fraternal Order of Eagles.
Immigration Restriction League of Princeton University.

American newspapers and magazines, too numerous to name, but composing a great part of the press, published outside the great cities populated largely by foreign peoples.

Let us, gentleman of the committee, examine the cry that this legislation will be unjust discrimination against certain peoples. Let us examine that for a minute. The word "discriminate" has different meanings. One is "to discern differences between"; another means an unjust exercise of discretion or an unjust choice, in which case the term "unjust discrimination" would be an apt one.

If alien people, if European people, if Japanese people, have vested rights in America, vested rights to a dwelling place, vested rights to employment; if they, living over there, have acquired rights here, and it is proposed to deny them what is theirs, then this legislation is "unjust discrimination." If America has the gift of citizenship, home, and opportunity to bestow as she chooses upon the worthy alien people whom she may select, no Government and no group in or out of America has the right to question the exercise of America's discretion in making such a choice. [Applause.] All of this talk that you hear about "unjust discrimination" means that our liberality has gone to such an extent that they think they own sections here. They said, "You will make Bolshevism worse." They said, "You will make our foreign-born people feel more dissatisfied, and it will be harder to get along with them, and you will have more trouble with them."

The hearings are filled with warnings by the representatives of racial groups that we are increasing unrest and the danger of Bolshevism among the foreign born by the proposed legislation. Gentlemen, that is to say that we already have admitted among us large, dangerous elements, and that we must admit more of them to keep them in a good and orderly humor. [Applause.]

The President's message suggests two bases for immigration quotas. One is a prior census. The other is the record of naturalization. Both tend to reduce immigration from southern and eastern Europe and to maintain those stocks which colonized here and came as our earlier immigrants, whose aspirations and views of individuality, home, religion, and government, and all of life have found expression in American institutions. Peoples have their own racial traits and characteristics, their own instincts, their own traditions, and our Government and civilization are born of what our fathers believed in, loved, and lived for. [Applause.]

The crux of the President's message is that we should maintain that which is good that we now have and to bring in less that will imperil it.

I have figures here respecting naturalization and its results. The "prior census" had the preference of first mention in his message, but that and the "record of naturalization" are based on substantially the same purpose. The prior census gives a smaller proportion of immigrants from Southern and Eastern Europe. Basing it on the record of naturalization gives the same result in varying but striking degree. By far the largest percentages of naturalized foreign born are from the countries of northern Europe, and the smallest from central and eastern Europe. I give you the 10 European countries whose people run highest, and 10 of those running lower in American naturalization:

The 10 highest by countries.

Per cent.

Germany.....	72.8
Denmark.....	69.2
Sweden.....	69.0
England.....	63.1
Scotland.....	60.9
Wales.....	72.9
Ireland.....	65.7
Norway.....	67.3
Luxemburg.....	72.6
France.....	56.7

Ten of the lower by countries.

Per cent.

Russia.....	40.2
Rumania.....	41.1
Austria-Hungary.....	33.4
Italy.....	28.1
Poland.....	28.0
Greece.....	16.8
Bulgaria.....	12.1
Turkey in Europe.....	20.2
Portugal.....	16.4
Spain.....	9.9

(Abstract 1920 census, p. 388.)

Our choice of immigrants based on the record of naturalization will give the smallest quotas of immigrants from southern and eastern Europe and the largest from northern Europe. The President's message suggests these two plans, and a reading of it in the light of the known facts can leave no doubt that his recommendation is based on this very reason and purpose.

Who has any right to say that the President has changed his mind after the drive of these foreign groups against his recommendations?

In writing his recent letters in opposition to the basing of immigration quotas on a prior census, which reduces the quotas of certain countries, the Secretary of State is apparently in conflict with the views of the President as expressed in his message to Congress.

My friend the gentleman from New York [Mr. Celler] said, in speaking to the House yesterday, that the very low percentages of naturalization among immigrants from southern and eastern Europe was because the new immigrants were so new. He said that the reason they stood so low in naturalization was because they had not been here long enough to increase the percentages of naturalized citizens among them. But I call your attention to the fact that the great bulk of this immigration started in the nineties. I have the figures from 1890 to 1919, inclusive. They came from those countries in large numbers during the nineties, then from 1900 to 1910, and from then up to 1915, when the World War checked them. The figures from Italy are typical. But I include several other southern and eastern European countries in the following tables:

Number of immigrants from Italy, Turkey in Europe, Greece, Bulgaria, Portugal, and Spain, by fiscal years, from and after the fiscal year 1890 down to and including 1919.

[Many thousands came during each of the years from 1890 to and including 1898, but they were not counted by race or people prior to the fiscal year 1890.]

Year.	Italy.	Turkey in Europe.	Greece.	Bulgaria.	Portugal.	Spain.
1890.....	77,419	80	2,333	53	2,054	354
1900.....	100,135	285	3,771	108	4,234	355
1901.....	135,996	387	5,910	657	4,165	592
1902.....	178,375	187	8,104	851	5,307	973
1903.....	230,622	1,529	14,060	1,701	9,317	2,080
1904.....	193,296	4,344	11,343	1,325	6,715	3,906
1905.....	221,479	4,542	10,515	2,043	6,028	2,600
1906.....	273,120	9,510	19,489	4,666	8,517	1,921
1907.....	285,731	20,767	36,580	11,359	9,608	5,784
1908.....	128,503	11,200	21,489	10,827	7,307	3,899
1909.....	183,218	9,015	14,111	1,054	4,956	2,616
1910.....	215,537	18,405	25,588	4,737	8,229	3,472
1911.....	182,882	14,438	26,226	4,695	8,374	5,074
1912.....	157,134	14,481	21,449	4,447	10,230	6,327
1913.....	265,542	14,128	22,817	1,753	14,171	6,167
1914.....	263,738	8,190	35,832	9,189	10,898	7,591
1915.....	49,688	1,008	12,592	1,403	4,907	2,762
1916.....	33,665	313	27,034	764	12,259	5,769
1917.....	34,596	152	23,974	151	9,975	10,232
1918.....	5,250	15	1,910	19	2,224	4,295
1919.....	1,884	10	380	22	1,222	1,573

Report Commissioner General of Immigration, 1923, pp. 119-120.

Number of foreign born from each of the above-named countries in the United States in 1900, 1910, and 1920.

Year.	Italy.	Turkey in Europe.	Greece.	Bulgaria.	Portugal.	Spain.
1900.....	484,027	9,910	8,515	(1)	30,608	7,050
1910.....	1,343,125	32,230	101,282	11,498	59,360	22,108
1920.....	1,610,113	5,284	175,970	10,477	69,981	49,535

¹ Not reported separately for 1900.

(Abstracts census 1910, p. 188, and 1920, p. 318.)

When these figures of the 1920 census on naturalization I have quoted were published the bulk of this population had been in this country for from 10 to 20 years, much of it for 30 years, and some for 40 years or more. More people came from Italy alone during two-year periods of that time than is shown by the total number of naturalized of those races at the end of a period of 40 years ending at the beginning of 1920, showing that their interest in American citizenship is not great.

During the extended hearings held by the House committee many of the foreign groups named appeared in opposition to this legislation. Their great partiality for the people of Europe and other non-American interests must have impressed the membership of the committee. The gentleman from Illinois [Mr. HOLADAY], a member of the committee, after hear-

ing one or two of these witnesses, began to ask each one of them substantially the following question:

In case of conflict between the interests of the United States and the interests of the people of Italy, Rumania, Poland, Russia, and other European countries, which interests should prevail in the American Congress?

They often avoided answering the question by saying that they could not conceive the possibility of such a conflict. The strong partiality toward alien peoples which these foreign groups revealed, and their nonattention to or disregard of American interests, made the gentleman's question appropriate. Their attitude and argument raised the same question in my mind; and their demand that America furnish a place of domicile and employment for the unhappy millions of Europe, and their denunciation of America's proposed refusal to do it in an unlimited way, caused me to ask the question whether or not the people of Europe had any vested right to a place of domicile and employment here. The question seemed to excite and irritate them.

The arguments which these groups advanced in favor of the free admission of European aliens to America were a revelation of the viewpoint of America's foreign bloc. The protest of the Government of Rumania, which will be found on page 2841 of the CONGRESSIONAL RECORD of February 20, 1924, shows that it is based largely on a dollars and cents consideration, as the following words from it disclose:

Further, it should be considered that the adoption of the census of 1890 would not only deeply wound the pride of the Rumanian people but also strongly affect their material interest, inasmuch as Rumanian immigrants by their savings increase the amount of stable currencies available for commercial and financial purposes in Rumania. This in itself would not fail to have a detrimental effect on the chances of Rumania to speedily attain its goal, economic recuperation.

I read again from the statement made by Justice Cotillo, of the Supreme Court of New York, who, however, appeared not in the capacity of an American judge, but as the grand master of the Order of Sons of Italy of the State of New York:

A severely restrictive immigration legislation will within a few years reduce greatly the emigrant's remittance, and it can be estimated that such reduction will amount from \$50,000,000 to \$70,000,000; that is, from one-fourth to one-third of the invisible flow of gold.

A severe restriction on immigration will be a severe economic blow to Italy, that is endeavoring so strenuously and so pluckily to do her share in the reconstruction of Europe and in bringing back peace and order.

This argument that we are wrongfully impairing the economic strength of Italy, Rumania, and other afflicted European countries, stated in plain English, is that America owes to the ruined countries of Europe the duty of providing homes and employment for their people so people will have money to be spent not in building up America but in rebuilding Europe. Such money is not to be taken from the wealth of the rich or the competency of the prosperous but from the jobs and wages of America's working people.

The charge made by the Sons of Italy that our refusal to continue to receive their surplus population in great numbers is unfair, unjust, and discriminatory has no sound basis. Because we have generously bestowed on Italy the gift of furnishing a dwelling place and employment for its surplus population, Italy now says that we owe them a duty to provide a dwelling place and employment for their surplus and unemployed population. The Italian commissioner of immigration actually contended that because the war had temporarily stopped the flow of Italian immigrants we owed them the admission of 1,500,000 of their surplus at the end of the war to make up for the places they had lost up to that time. (Hearings, pp. 82 and 86.) Then they wanted the stream to flow steadily after that. Representatives of other European groups indicated the same attitude. This attitude caused me, as a member of the committee, to inquire of them whether they understood that the overcrowded and unemployed population of Europe had any vested right to a domicile and employment in America. Their contention that we can not justly deny them a place of domicile and employment is, of course, based on the assumption that it is our duty to furnish them, which is preposterous and outrageous, and shows the un-American viewpoint of the foreign blocs already assembled here.

The argument of manufacturers, represented by Mr. Emery as counsel for the committee on immigration of the National Association of Manufacturers, shows in and of itself that the desire for labor in such abundance as to make it cheap is the mainspring motive of their efforts. There are many quibbles

and criticisms of this bill and of existing law, but evidently the plan is to object to whatever is proposed and to propose nothing that will really tend to reduce the supply of labor.

The same view was presented by Mr. Klump, head of the labor department of the Michigan Sugar Co., who frankly declared that he was interested in procuring labor for his people. The chairman asked him:

Do you think about 6,000 would be all you would need?

Mr. KLUMP. That is about the usual number we need each season. Of course, there are quite a number of other sugar companies in Michigan. I would judge that the sugar companies of Michigan alone need from 20,000 to 25,000 people. (Hearings, p. 121.)

Mr. Emery, representative of a great number of manufacturers, admitted that he was before the Senate committee in 1921, claiming that there was a shortage of about 3,500,000 laborers, and in the same connection admitted that there was an oversupply of labor during that very year and constant unemployment in the United States, and that the doors should have then been closed against immigration. (Hearings, pp. 477-478.)

Mr. SNYDER. Will the gentleman put in the RECORD who Mr. Emery was and whom he represented?

Mr. BOX. Yes; I have it here. He represented the National Association of Manufacturers of the United States and some dozens of other manufacturers' associations among the names which I have read, as will be shown on page 444 of the hearings, serial 1-A.

As the vital interests of our own people, as represented and declared by our great patriotic societies, such as the Sons of the American Revolution, the Masons, the American Legion, and the National Grange, come to issue with the interests of foreign peoples, as declared by the Sons of Italy, the Polish National Union, the Italian Government, the Japanese Government, and the Rumanian Government, let us remember that the cause is being tried in the American Congress. No other forum has or will have jurisdiction of it until this body becomes so weak and derelict that it fails to meet the high responsibility which the Constitution places upon it.

At some early appropriate time I shall seek an opportunity to discuss the question whether the Congress shall control this domestic question, or whether we shall permit the treaty-making power or the Executive or State Department to usurp the power and handle it by agreements not even submitted to the Senate. Just now the issue is made before Congress. This consolidated Von Hindenburg drive of manufacturers, whose patriotism is subordinated by greed; of foreign-language newspapers, societies of foreigners, and millions of foreign voters, against the Sons and Daughters of the American Revolution, the American Legion, and the interests for which the latter organizations all stand, raises the question whether the American Congress is too weak to hold the line and protect the country's dearest interests. This one big question divides itself into two phases:

First. Are Americans able to enact the immigration laws which they know the country wants and needs?

Second. Are Americans able to enforce such laws as they have, in spite of the interests, enmities, and opposition of those whose hearts are in their pocketbooks, or in Europe more than in America?

The legislative side of it arises first, and the first responsibility is upon the committee, and a double portion of responsibility is on the chairman as the leader of the committee. Let there be no misunderstanding. Fourteen or fifteen of the members of the committee signed the report supporting the Johnson bill. The rank and file of the membership of the committee signed. Five of the seven minority members sought the opportunity to sign individually and share the responsibility for themselves and their party associates, so that nobody could make a party question of this life-and-death American issue. The chairman has the support of an overwhelming majority of the committee—more than four-fifths of it. Moreover, this House wants to act on this question. The only thing which can keep the legislation from coming before the House for its disposition is the chairman and the party "powers that be." Even the steering committee and the Rules Committee probably can not prevent the consideration of this question if the chairman and majority members lead the way. If they are afraid to take the brunt of the fight, let them say the word and fall in behind. The minority are not afraid of the Sons of Italy, nor the Polish Union, nor the foreign-language newspapers.

In a recent newspaper statement the gentleman from Washington [Mr. JOHNSON], chairman of the committee, denounced the report that the bill is dead. I congratulate him. We all stand ready to help him enact it into law. We are ready to

help him show the country whether the Sons of Italy are stronger than the American Legion and all the rest. I have heard from many sources and have repeatedly read in the press that the groups of the foreign born of New York have notified our Republican friends that they will punish the Republican Party if this legislation is passed. I have seen evidences that such threats are inspiring fear. I hope the evidence is misleading. Time will tell. I have heard that New England politicians are saying that there should be legislation, but that since the Italian and European sentiment rules, or has the balance of power, it will ruin the Republican Party to pass the Johnson bill. Persistent rumors and press reports have it that the intention to enact this bill into law has been abandoned. I earnestly hope that these rumors do not bring a true prophecy; that these press reports misrepresent the prospects; yet these reports are disturbing.

In connection with recent exhibitions of the political power of these groups I am reminded of what the late Viscount Bryce, long ambassador to the United States, world traveler, student of world problems, and especially of America's great problems and prospects, author of such works as *Studies in History and Jurisprudence*, *The American Commonwealth*, and *Modern Democracies*, said in his *Modern Democracies*. I now read from that work:

The people—

Referring to the American people in colonial times—

were nearly all of English or (in the Middle States) of Dutch or Scotch-Irish stock, stocks that had already proved themselves industrious in peace, valiant in war, adventurous at sea. All were practically English in their way of thinking, their beliefs, their social usages, yet with an added adaptability and resourcefulness such as the simple or rougher life in a new country is fitted to impart. In the northern colonies they were well educated, as education was understood in those days, and mentally alert. The habit of independent thinking and a general interest in public affairs had been fostered both by the share which the laity of the northern colonies took in the management of the Congregational churches and by practice of civil self-government, brought from England, while the principles of the English common law, exact yet flexible, had formed the minds of their leading men. Respect for law and order, a recognition both of the rights of the individual and of the authority of the duly appointed magistrate, were to them the foundations of civic duty. (Vol. 2, pp. 4-5.)

In speaking of New Zealand, Mr. Bryce says:

The country has grown steadily and not overswiftly in wealth, and has preserved the purity of its stock without that inrush of ignorant immigrants which North Americans have reason to regret. (Vol. 2, p. 331.)

Speaking of the practice of local self-government as the best training of a citizenship for a democratic government, he says:

The New England States of the North American Union, until they were half submerged by a flood of foreign immigrants, taught the same moral. (Vol. 1, p. 78.)

In discussing the forces which weaken the traditions of free government, such as Americans have up to this time cherished, he says:

Various have been the causes that have weakened or destroyed old traditions. Sometimes the quality of a population is changed; it may be, as happened in Rome, by the impoverishment of the bulk of the old citizen stock and the increase in the number of freedmen; it may be by the influx of a crowd of immigrants, ignorant of the history of their new country, irresponsible to sentiments which the old inhabitants have cherished. The English stock to which the farmers and artisans of Massachusetts and Connecticut belonged has now become a minority in these States. (Vol. 1, p. 140.)

These are not the words of a new Member of Congress, but speak the experience, observation, and ripe scholarship and philosophy of this great world observer, declaring a fact which is disturbing American students and alarming the American people. I wonder if this sinister power now apparently headed by the Sons of Italy is already strong enough to prevail against the Sons of the American Revolution and all their kind, including the American Legion, whose membership knew no defeat in open warfare? I wonder whether they are to see themselves and their loved America sniped to death by opponents unrecognized because wearing the garb of friends? Time will tell. Shall we allow the Sons of Italy to get the best of our honored compatriots, the Sons of the American Revolution?

A bill introduced in the Senate providing for the basing of the quota on the census of 1890 was recently viciously attacked by an assembly of foreign-born groups gathered in Philadel-

phia. I quote from the Philadelphia Inquirer of Monday morning, March 3, 1924:

REED ASKS FAIRNESS IN IMMIGRATION BILL—SENATOR CALLS QUOTAS BASED ON FOREIGN-BORN CITIZEN CENSUS DISCRIMINATORY—PENNSYLVANIA TELLS ITALIAN GROUP CONFERENCE HE FAVORS RACIAL STRAIN PLAN.

After receiving the delegation of the 15 representatives of Italian groups in Philadelphia, led by their president, Eugene V. Allesandroni, Senator REED opened the conference with a brief résumé of the present immigration situation in Congress.

CALLS JOHNSON IGNORANT OF EUROPE.

"Congressman JOHNSON, who lives all the way out in Washington, doesn't know anything about Europe or Europeans. He has an idea all European peasants are diseased. The anti-Japanese idea is wrong too. We're on a friendly footing with that country now. It is ridiculous to raise irritation again."

Here Mr. Allesandroni broke in:

"We objected to your bill, too, on the basis that it was also discriminatory, Senator REED."

"Well," answered the Senator, "I do not approve of the Johnson bill; nor do I approve of my own bill in its present form."

This incident aptly illustrates the drive now on in the United States by alien groups against this legislation.

The men of the American Legion turned the tide in one great life-and-death struggle. They know that this, too, is a life-and-death struggle. Let us hope that the Sons of Italy will not get the best of this momentous struggle. A great American journal recently truly said that the effect of the passage or defeat of this legislation will be felt in America for centuries.

The second phase of the question pertains to the enforcement of the immigration laws, to which I now invite your attention.

Laws and regulations produce results only in proportion to their enforcement. The immigration policy of the United States during recent years has been only partially successful. A large measure of failure which has attended our efforts to regulate immigration is due to a failure to enforce the laws made. Therefore I shall use the remainder of my time in an effort to present to the House that side of this very important question.

During recent years America has been the victim of the vicious habit of disregarding its laws. This attitude on the part of people and public officials has most ruinous tendencies.

Widely prevalent and persistent is our disregard of the laws against violence and murder. The American Bar Association, an organization well qualified to speak on the subject, found that America has more crimes of violence than any other civilized country in the world. The comparative figures submitted seem to prove the charge.

The overwhelming majority of our people, whose deliberate and fixed views caused the adoption of the eighteenth amendment and the enactment of the statute based on it, have been disappointed and disgusted because of the widespread and continuous disregard of that part of our Constitution and laws. The extent to which violations of these laws goes is distressingly great. The fact that this results from the activities of the most lawless element in the country, and that fundamental disloyalty to the Constitution and laws is involved, only aggravate the gravity of the evil.

I speak to-day in an effort to help the Congress and the people understand that our immigration laws are treated no better than are other restraining statutes made for the Nation's protection. A large measure of failure attends our handling of this question through the nonenforcement and disregard of the laws already made. It seems almost vain to write new statutes when such as we have are, to a great extent, failing because we do not enforce them.

Violation of these laws is, of course, not wholly new. I find proof of this in the records of Congress, in official reports, and in the history of our dealings with this question since the early eighties. I find distressing proof of the same fact in the bad results springing from the widespread disregard of the law.

To restrict the number of immigrants and regulate their kind are two of the main purposes of all these laws. Both of these purposes are defeated to the extent to which the law fails in enforcement.

Smuggling or bootlegging of nonadmissible immigrants is carried on in several distinct ways.

Smugglers come over the Canadian border, over the Mexican border, and from Cuba and the West Indies. They come in great numbers as deserting seamen.

A perhaps smaller number get in through the corruption of immigration agents and guards at the ports. At New York, where most of our immigrants enter, there have been several prosecutions and some convictions based on corrupt practices among Government employees in the Immigration Service. Considerable numbers come in spite of the quota law and other restrictions because foreign-born groups, industrial interests, and politicians representing such groups put such pressure upon the department charged with the enforcement of the law as to greatly impair its efficiency.

Great industrial interests often not only oppose the enactment of immigration laws necessary for the protection of the country, but they engage in wholesale and insidious violation of them.

Mr. Alexander Jackson, who was in the employ of the Rock Island Railroad Co. and appeared before the Senate Committee on Immigration in 1920, among other things, said:

In 1906 I was sent over to Europe by the Rock Island Railroad in charge of immigration, freight, and passenger business, with the title of general European agent. My district extended from St. Petersburg to Palermo, from Russia to Sicily, including all of the Scandinavian countries; everything, in fact, except the Balkan States. I didn't have anything to do with the Balkan States, because we considered that the immigration from these States was not worth bothering about.

My proposition was to try and develop good immigration that we could classify as assets instead of liabilities. We were after assets for our territory and not liabilities.

• • • If you get down to bedrock, you will find that a large percentage of these people have perjured themselves in that particular. A large per cent of these foreign immigrants perjure themselves in their declaration that they are not coming to this country under any promise of work or employment or anything else. I have observed this situation for 10 years.

Mr. Roberts, a reliable witness, residing in the vicinity of the Mexican border, familiar with conditions there and participating in the desire to have Mexican labor imported, testified before the House committee on January 28, 1920 (hearings, pp. 50 and 316), that great numbers had entered the country from Mexico illegally. He said:

• • • Sometimes we get them cheaper. Last year I made an arrangement with a man that he would get them for \$3. He made that proposition, and that he would take them, haul them up the railroad to a station 18 miles away (from the border) for \$1, making it cost me \$4.

• • • They cross at night and bring them up to the next station. We do not care how they get them there as long as they get them there. He put 57 there at \$4 a head.

The same witness estimated that there were not less than 200,000 such surreptitious entries per year about that time.

The result of all this is that tens of thousands, probably scores of thousands, more immigrants are coming than is shown by the official reports. The number of deserting seamen and the numbers smuggled in must be added to those shown in the official figures before we have the total number of immigrants coming.

An unascertainable number of aliens get into the country as deserting seamen. In his report of 1922 the Commissioner General of Immigration said:

Attention was invited in last year's report to the multiplied temptations of aliens to seek admission through the wide-open door presented by the seaman's occupation. For years, as it is well known, inadmissible aliens have entered the country in the guise of seamen, who promptly deserted their vessels upon arrival at American ports, and to the illiterate and criminal classes who formerly monopolized this open door has now been added the large class of aliens from countries the quotas of which have been exhausted (p. 151).

Secretary of Labor Davis has been repeatedly quoted by the press as estimating the number of aliens illegally smuggled into the country at 1,000 per day. That estimate may be too large. I called on the First Assistant Secretary of Labor, Mr. Henning, who is conservative and informed about immigration matters, for the estimate of his department as to the number "bootlegged" into the country. In his reply Mr. Henning said:

I think the most conservative estimates around the Immigration Service set the figures at 50,000 a year.

There were 522,919 immigrants who came into the United States during the last fiscal year through the ports, notwith-

standing the restriction imposed by the quota law. In addition there were 150,487 who entered as nonimmigrants, some of whom remained. But if we count only those coming through the ports as regular immigrants and add to their number the estimated number of illegal entries, ranging between 50,000 and 350,000, we get a total of between 572,000 and 872,000. This is a large volume of immigration, and a large part of it confessedly is made up of those who avoid the guards and ports of entry and violate the law in the very act of coming.

But our failure to restrict the number of immigrants resulting from the violations of the law, serious as it is, does not adequately present the extent of our failure to regulate immigration. The admission of great numbers of those excluded by the laws presents a grave menace to the national welfare. Many of the illegal entries are made by excluded people. Communists and dangerous revolutionists are said to slip in mainly as deserting seamen, though doubtless many of them get in through other channels.

The extent to which the Department of Labor and the Immigration Service violate the law by admitting those excluded and in failing to deport those whose deportation the law requires is appalling. A Member of Congress proposed to impeach Hon. Louis F. Post, Assistant Secretary of Labor under the former Democratic administration. I had become a member of the committee shortly before that, and was much disturbed to find that great numbers of warrants of arrest and deportation were being canceled and the deportations prevented, even after that same official had approved the orders of deportation. While the Rules Committee of this House was considering the impeachment resolution against Assistant Secretary of Labor Post, I stated to that committee, as will appear in its hearings, that Mr. Post did not appear to me to be in sympathy with the law and that he was not a suitable person to be charged with its enforcement. I had seen photostatic copies of a great number of these canceled deportation warrants and was dissatisfied with Mr. Post's action. I then believed, and now believe, that lack of sympathy with the law prompted some of his actions, and that many such aliens were not, in fact, deported because the service did not have the funds with which to deport them. I have not seen the official record made by the present Department of Labor in the cancellation of warrants such as Mr. Post canceled, but I am convinced, and upon my information and belief I state, that great numbers of such warrants are being canceled by the present Department of Labor much as Mr. Post canceled them. I do not know whether the number is greater or smaller than the number canceled by the former Assistant Secretary.

The two leading causes for the cancellation of such warrants and the failure on the part of this administration to deport those whose deportation the law requires, even after their deportation is legally ordered, is lack of funds and political pressure upon the department by Representatives and Senators and other influential political personages, mainly from the cities filled with the foreign born. The same causes promote many other miscarriages of the law. Hear it, Members of Congress! Hear it, American people! Lack of funds necessary for the enforcement of the law and unholy political pressure are defeating the accomplishment of the purposes of your immigration laws.

Those illegally admitted and those whose deportation the law requires but does not accomplish are of the most undesirable classes. Many of them are dangerous communistic social or political disturbers. Many are idiotic, feeble-minded, or insane. Others have dangerous and loathsome diseases.

In a survey recently made by a thoroughly competent man with abundant facilities at his command it was found that American jails, prisons, charitable institutions, and asylums are filled and overflowing with the insane, feeble-minded, and other classes of social inadequates.

I quote extracts from the testimony of Dr. Spencer L. Dawes, medical examiner of the New York Hospital Commission and also president of the Interstate Conference on Immigration, representing the States of California, Washington, Illinois, Maryland, New Jersey, Pennsylvania, Connecticut, Rhode Island, Massachusetts, and New York:

Mr. RAKEN. Are we so helpless that they can pile these people in on us here from everywhere?

Doctor DAWES. Yes, sir. After they get in here. The trouble is that the law is not enforced at the ports of entry to-day. That is the secret of the whole game.

The CHAIRMAN. That is to say, it was not enforced this year or last year or the year before that?

Doctor DAWES. No, sir. And when I say that, understand that in particular I am not criticizing the officials at the ports of entry. There are not enough of them there. There are not the facilities there for examination of aliens at the various ports of entry.

I quote an extract from the testimony of Commissioner Curran, in charge of the immigration station at Ellis Island.

Mr. CURRAN. . . . This request here is based on the desire to have uniformity of immigration traffic for the sake primarily of decent inspection, so that we can sort them, really sort them, and we can't do it when they are going by at the rate of one a minute, as they have done for days and days at Ellis Island, and I have stood there with the inspector and watched them—an immigrant a minute. That is not inspection or examination; that is just counting them off and waving good-by to them as they go ashore. That is just what you get when your traffic is bunched.

Mr. BOX. Right there—I am sorry to interrupt you—but your health officers, the Health Service, who give them a preliminary examination; don't they have to examine them in much the same way?

Mr. CURRAN. Yes, sir.

Mr. BOX. And isn't what you say of the work of the inspector very largely true of the work of the Health Service?

Mr. CURRAN. Yes, sir.

In a later statement Commissioner Curran said:

That will bring about two results: First, an inadequate inspection. Last summer, when we took over 2,000 a day to Ellis Island for inspection, we had to examine them at the rate of an immigrant a minute. That is not an inspection; that is counting them as they go by; and is almost, to my mind, an abdication of the protection to the country that is required, or any proper and adequate inspection.

Mr. CURRAN. Yes, sir; they wanted to land 3,000 or 4,000; and we said "No; that 2,000 was the limit. But we do not call that inspection; we call that counting them as they go by and detecting the gross inadmissibilities."

The CHAIRMAN. I think it would be well to put in the report of the committee on State affairs of the National Republican Club of New York, which deals entirely with the cost of alien defectives, the alien insane in the State of New York, and the desire of that State to collect from the United States \$17,000,000 for their expense.

The CHAIRMAN. I wish to insert it because it is much more concise than a pamphlet and more appropriate than the statement of Dr. Spencer L. Duwes. It carries this statement:

"On June 30, 1923, there were on the books of the State hospitals for the insane 41,302 patients, of whom 10,440 are aliens. Thus, over 25 per cent of the total population of the civil State hospitals are aliens."

Another excerpt from the report reads as follows:

It is high time that the State of New York, which is the greatest sufferer by reason of this condition, as well as the entire country, should vigorously insist upon the enactment of an immigration law not only defining what aliens shall not be admitted but also providing for effective administration and methods, particularly along the line of competent medical inspection and examination. The welfare and the rights of the State and of the Nation should be conserved, and neither the greed of steamship companies nor the desire of properly excludable aliens should be allowed longer to sweep over or around our immigration safeguards.

I quote from a statement made by the Interstate Conference on Immigration, held in New York City on October 24, 1923:

The chairman discussed at length laxity of enforcement based on a study of the records and on personal observation. He stated that he had seen immigrants passed as mentally and physically fit to enter the United States at the rate of eight a minute. He cited the testimony of a reporter of the New York Tribune who had seen 540 aliens passed at that same rate.

Passing to "bond cases" he said "that during the last fiscal year there were admitted under bond to the United States at Ellis Island 4,724 defective aliens who were excluded under the immigration law." This means that a bond was given, frequently with a false surety, which can never be prosecuted. The records of the Federal Government show that 95 per cent of those bonds are violated; these cases are spread all over the United States. They land in New York State—the Board of Charities takes care of them, the Commission for Mental Defectives, etc.; they get to the State of Washington, to Illinois—they were admitted mandatorily—Washington, D. C., said they should be admitted.

During the same year, 2,712 defective aliens were allowed to enter without bond; Ellis Island said they must not come in—they were defective. Of 12,976 other aliens found to belong to the excluded classes by medical officers at Ellis Island, 12,305 were permitted to enter by direct order from Washington—nearly 20,000 in all of the mandatorily excluded classes were permitted to enter the United States during the year.

This same deplorable failure in the enforcement of the laws excluding inadmissible people is shown by the official reports

of the Commissioners General of Immigration. I insert tables made by me from the official tables covering the number of those classes admitted according to the showing made by the official reports during each of the last six fiscal years:

Tables showing numbers and percentages of aliens admitted and deported after certification by surgeons of the United States Health Service which examines immigrants as mentally and physically defective, for fiscal years ended June 30, 1918, 1919, 1920, 1921, 1922, and 1923, with illustrative specifications covering certain diseases and defects among those certified.

1918.

Immigrants.	Number.	Approximate per cent.
Certified as mentally and physically defective.....	6,153	.....
Admitted of those certified as mentally and physically defective.....	4,558	74
Deported of those certified as mentally and physically defective.....	1,596	26

EXAMPLES OF DISEASES AND DEFECTS CERTIFIED AND PROPORTIONS OF EACH ADMITTED AND DEBARRED ENTERING INTO ABOVE TOTALS.

Disease or defect.	Admitted.	Deported.
Imbecile.....	1	6
Feeble-minded.....	16	20
Insanity.....	7	65
Veneral disease.....	102	135
Senility (from age).....	998	148
Malignant tumor.....	14	7
Deformity, malformation, ankylosis, cicatrix, permanent injury.....	355	81
Paralysis, atrophy.....	81	27
Undersized.....	13	1
Alcoholism.....	4	28
Admitted after hospital treatment.....	907	.....

(Annual report, Commissioner General Immigration, 1918, p. 201.)

1919.

Immigrants.	Number.	Approximate per cent.
Certified as mentally and physically defective.....	6,060	.....
Admitted of those certified as mentally and physically defective.....	4,487	74
Deported of those certified as mentally and physically defective.....	1,573	26

EXAMPLES OF DISEASES AND DEFECTS CERTIFIED AND PROPORTIONS OF EACH ADMITTED AND DEBARRED ENTERING INTO ABOVE TOTALS.

Disease or defect.	Admitted.	Deported.
Imbecile.....	2	8
Feeble-minded.....	1	28
Insanity.....	4	44
Epilepsy.....	5	21
Veneral disease.....	21	115
Senility (from age).....	703	131
Malignant tumor.....	21	8
Deformity, malformation, ankylosis, cicatrix, permanent injury.....	502	98
Paralysis, atrophy.....	91	49
Undersized.....	3	3
Alcoholism.....	.....	10
Admitted after hospital treatment.....	603	.....

(Annual report Commissioner General Immigration, 1919, p. 237.)

1920.

Immigrants.	Number.	Approximate per cent.
Certified as mentally and physically defective.....	13,279	.....
Admitted of those certified as mentally and physically defective.....	11,541	87
Deported of those certified as mentally and physically defective.....	1,738	13

EXAMPLES OF DISEASES AND DEFECTS CERTIFIED AND PROPORTIONS OF EACH ADMITTED AND DEBARRED ENTERING INTO ABOVE TOTALS.

Disease or defect.	Admitted.	Deported.
Imbecile.....	3	18
Feeble-minded.....	3	32
Insanity.....	6	20
Epilepsy.....	3	27
Veneral disease.....	82	161
Senility.....	5,324	110
Paralysis, atrophy.....	137	39
Malignant tumor.....	13	6
Deformity, malformation, ankylosis, cicatrix, permanent injury.....	755	89
Undersized.....	21	7
Alcoholism.....	1	7
Admitted after hospital treatment.....	906	.....

(Annual Report Commissioner General of Immigration, 1920, p. 252.)

Tables showing numbers and percentages of aliens admitted and deported after certification by surgeons, etc.—Continued.

1921.

Immigrants.	Number.	Approximate per cent.
Certified as mentally and physically defective.....	33,295	.....
Admitted of those certified as mentally and physically defective.....	30,953	93
Deported of those certified as mentally and physically defective.....	2,342	7

EXAMPLES OF DISEASES AND DEFECTS CERTIFIED AND PROPORTIONS OF EACH ADMITTED AND DEBARRED ENTERING INTO ABOVE TOTALS.

Disease or defect.	Admitted.	Deported.
Imbecile.....	19	28
Feeble-minded.....	27	71
Insanity.....	13	83
Epilepsy.....	4	11
Veneral disease.....	46	311
Senility.....	14,734	116
Malignant tumor.....	9	3
Deformity, malformation, ankylosis, cicatrix, permanent injury.....	2,500	118
Paralysis, atrophy.....	286	33
Undersized.....	109	3
Alcoholism.....	.....	11
Admitted after hospital treatment.....	1,372	.....

(Annual report Commissioner General of Immigration, 1921, p. 131.)
1922.

Immigrants.	Number.	Approximate per cent.
Certified as mentally and physically defective.....	21,316	.....
Admitted of those certified as mentally and physically defective.....	19,113	90
Deported of those certified as mentally and physically defective.....	2,203	10

EXAMPLES OF DISEASES AND DEFECTS CERTIFIED AND PROPORTIONS OF EACH ADMITTED AND DEBARRED ENTERING INTO ABOVE TOTALS.

Disease or defect.	Admitted.	Deported.
Imbecile.....	5	33
Feeble-minded.....	7	80
Insanity.....	11	73
Veneral disease.....	45	263
Epilepsy.....	1	15
Senility.....	7,421	111
Malignant tumor.....	14	5
Paralysis, atrophy.....	196	41
Deformity, malformation, ankylosis, cicatrix, permanent injury.....	1,839	133
Undersized.....	121	8
Alcoholism.....	.....	3
Admitted after hospital treatment.....	979	.....

(Annual report Commissioner General of Immigration, 1922, pp. 126-127.)
1923.

Immigrants.	Number.	Approximate per cent.
Certified as mentally and physically defective.....	23,969	.....
Admitted of those certified as mentally and physically defective.....	21,136	88
Deported of those certified as mentally and physically defective.....	2,833	12

EXAMPLES OF DISEASES AND DEFECTS CERTIFIED AND PROPORTIONS OF EACH ADMITTED AND DEBARRED ENTERING INTO ABOVE TOTALS.

Disease or defect.	Admitted.	Deported.
Imbecile.....	1	16
Feeble-minded.....	3	76
Insanity.....	4	62
Veneral disease.....	30	341
Epilepsy.....	1	15
Senility.....	5,623	112
Malignant tumor.....	16	4
Paralysis, atrophy.....	241	54
Deformity, malformation, ankylosis, cicatrix, permanent injury.....	2,430	145
Undersized.....	168	15
Alcoholism.....	1	2
Admitted after hospital treatment.....	550	.....

(Annual report, Commissioner General Immigration, 1923, pp. 142-143.)

A great many of the cases included in the tables and totals for these six years were disposed of by the Labor Department on appeal, but the greater number seem to have been decided by the primary inspectors and other immigration authorities at ports of entry.

The CHAIRMAN. The time of the gentleman has expired. Mr. CRISP. Mr. Chairman, the gentleman from South Carolina [Mr. BYRNES] asked me in his absence to yield the gentleman five additional minutes.

The CHAIRMAN. The gentleman is recognized for five additional minutes.

Mr. BOX. It must not be inferred that all these admissions were wrongful, though I believe the greater part of them were. In an effort to get the simple truth, without concealment and without exaggeration, I personally copied the figures given in these tables and submitted them to the Commissioner General of Immigration, from whose reports I had taken them, and requested him to point out any inaccuracies or wrongful inferences. He replied in writing that the figures harmonized with his records. In the same connection he wrote a long letter undertaking to show why the nonmedical inspectors, boards of inquiry, and the officials at the ports and at Washington were justified in admitting some tens of thousands who, according to the certificates of the Public Health Service, were of the classes excluded by law. In order that his explanation may be read in connection with my remarks I shall insert his letter at the conclusion of these remarks.

Many of these admissions were made by the Department at Washington "on appeal" to the Assistant Secretary of Labor by or in behalf of the excluded aliens. As illustrating the number of these appeals from excluding orders made at the ports for all causes to the Assistant Secretary of Labor, I give the following figures from reports of the Commissioners General of Immigration for the fiscal years 1918 to 1923, inclusive:

For 1918: Number of appeals, 3,618; number debarred, 2,555; 70 per cent; and number admitted on bond or otherwise, 1,063; 30 per cent. (Rept. 1918, p. 158.)

For 1919: Number of appeals, 4,121; number debarred, 3,109; 75 per cent; and number admitted on bond or otherwise, 1,012; 25 per cent. (Rept. 1919, p. 194.)

For 1920: Number of appeals, 4,812; number debarred, 2,950; 61 per cent; and number admitted on bond or otherwise, 1,862; 39 per cent. (Rept. 1920, pp. 204-205.)

For 1921: Number of appeals, 7,422; number debarred, 3,541; 48 per cent; and number admitted on bond or otherwise, 3,881; 52 per cent. (Rept. 1921, pp. 124-125.)

For 1922: Number of appeals, 12,828; number debarred, 5,244; 41 per cent; and number admitted on bond or otherwise, 7,584; 59 per cent. (Rept. 1922, p. 121.)

For 1923: Number of appeals, 14,506; number debarred, 6,247; 43 per cent; and number admitted on bond or otherwise, 8,259; 57 per cent. (Rept. 1923, p. 137.)

This summary of the results of appeals from excluding orders made at the ports shows an increasing percentage of admissions on appeal, running from 30 per cent and 25 per cent for 1918 and 1919, respectively, up to 59 per cent and 57 per cent for 1922 and 1923, respectively. These appeals are usually ex parte proceedings in the absence of both the alien and the physician who certifies that he is defective or diseased. In fact, about all that the departmental assistant usually has before him when he reviews the excluding decision is a brief paper record and a foreign bloc representative or a politician "with a pull."

In the same connection, and as showing some of the results of this serious failure to exclude or deport excludable or deportable aliens, I quote further from the statement of the National Republican Club of New York, appearing in the hearings.

Your committee recommends as follows:

1. That the Federal Government (a) through Congress by the enactment of law and the appropriation of sufficient funds, and through its proper officers in the adoption of methods and regulations, provide for and secure an adequate and competent medical examination of immigrants before entry, and a more efficient and rigid enforcement of the immigration law, particularly as regards the exclusion of excludable aliens and the deportation, without delay, of aliens legally shown by the authorities of the State of New York to be deportable.

(c) Regarding cancellation of warrants of arrest, that the Secretary of Labor, or such other officer as shall have the power to cancel such warrants, shall give due notice, with an opportunity to be heard, either in person or by letter, to the department or officer issuing the certificate, before a warrant, either of arrest or of deportation, is canceled.

¹ Approximate percentage.

The result of this miscarriage of our laws—of this folly in our failure to enforce them—is that we are enlarging to an alarming extent the proportion of our people who are mentally, morally, or physically defective. In support of this proposition I call your attention to the following:

The Abstract of the Census of 1920, page 97, shows that 65.3 per cent of our population is native born of native parentage and 34.7 per cent of the population is foreign born or of foreign-born or mixed parentage. Yet Doctor Laughlin, who made a survey of all the State and Federal institutions of the United States, found that the 65.3 per cent native born of native parentage furnished only 55.1 per cent of the inmates of institutions for those who are so defective or derelict as to require their being kept in custody, while the 34.7 per cent of foreign-born or mixed parentage furnished 44.9 per cent of the inmates of these institutions. (Hearings, 67th Cong., serial 7-C, p. 751.)

The same bad tendency is shown by kindred figures from the State of New York, whose population is 72.8 per cent native born and 27.2 per cent foreign born, but this 27.2 per cent foreign born furnishes 43.1 per cent of the inmates of the institutions for the insane, while the 72.8 per cent native-born population of that State furnishes only 56.9 per cent of the inmates of its insane asylums. (Abstract of Census of 1920, p. 103; testimony of Doctor Dawes, Hearings, 68th Cong., serial 1-A, p. 407.)

The number of the mentally diseased in care of public institutions throughout the United States has increased enormously during the last 40 years. I quote an excerpt from a statement by Dr. Walker L. Treadway, surgeon, medical officer in charge of the Public Health Service at Boston:

The rate of mental diseases under care in public institutions has increased during the past 40 years from 81.6 per 100,000 to 220.1 per 100,000 in the general population. This enormous increase in the number of persons requiring care in public institutions has entailed a great outlay of public funds for buildings and equipment and an increased yearly expenditure for their care. * * *

The CHAIRMAN. The time of the gentleman has again expired.

Mr. BYRNES of South Carolina. Mr. Chairman, I yield the gentleman five additional minutes.

The CHAIRMAN. The gentleman from Texas is recognized for five additional minutes.

Mr. BOX. That foreign groups, industrial interests, and politicians have borne with hard unholy political pressure against the enforcement of the 3 per cent quota law, as they have against other portions of the law, is shown by the testimony of Assistant Secretary of Labor Henning, who, speaking of appeals for the admission of excess quota immigrants, said:

Just as I was trying to get out some Congressman's stenographer came in with an armful of them and I went through them hurriedly. (Hearings December 19, 1921, p. 224.)

And by the statement of Chairman JOHNSON, as reported on page 235 of the same hearings:

* * * ; neither do I think we are justified in leaving conditions as they are, with Members of Congress working for their constituents, with Senators working for their constituents, further pressing the department.

The enforcement of the 3 per cent quota law has been discreditable and subversive of its purpose. Repeatedly great groups, numbering thousands, have been admitted in plain violation of its terms. Congress has twice during the last three years stultified itself by pretending to validate these lawless acts months after they were done. On one Christmas occasion the gift of illegal admissions was generously bestowed on some 1,200 or more in the following language:

To officers of the United States Immigration Service:

By direction of Secretary, aliens now being held in detention all reports solely because in excess of quota, and those who may arrive on or before the 25th instant and be so held, are hereby lauded for a period of 90 days on execution of their personal bonds or personal-bonds relatives, with additional understanding that bonds with qualified sureties may later be required.

This order will not apply to those seeking admission and who are therefore in detention. Expedite to fullest possible extent release for all aliens who may be affected by this decision.

W. W. HUSBAND, Commissioner General.

The foregoing generous order applied to the 1,200 who were then at the stations in New York and Boston and, in addition, all quota cases among the Hungarians, Poles, and Italians in the harbor and coming up the bay at New York and all who

might be on the sea on December 24 and 25 who arrived on or before the latter date.

Mr. SNYDER. Will the gentleman yield?

Mr. BOX. Yes.

Mr. SNYDER. The gentleman's figures are very interesting with reference to insanity, and I will state that before the Veterans' Bureau Committee recently testimony has been brought to us that in civil life the insane are about 3 to the 1,000, and among the veterans of the World War it runs about 6 to the 1,000.

Mr. BOX. I have personally visited the ports several times and minutely observed the work of inspection. The persistent efforts of labor importers, foreign groups, and politicians and the result of their work have likewise been noted.

First. The 3 per cent quota law has been and is so poorly enforced that its purpose has been in considerable measure defeated, though it has accomplished much.

Second. Scores of thousands of inadmissible aliens are coming in from Canada, Mexico, and adjacent islands, and at the ports. Some of this is unavoidable. The greater part of it is due to insufficient appropriations and consequent lack of men to enforce the law.

Third. The greater number of the admissions at the ports after the aliens have been certified as diseased or defective have been wrongful, in plain violation of the law, and in defeat of its salutary purposes. I personally stood by an inspector on a ship in New York Harbor and saw him pass a senile woman. As he did so he remarked, "She has been certified as senile, but I shall pay no attention to that. Senator — is interested in her." Political and business powers from the centers largely populated by the foreign born persistently interfere with the faithful administration of the law by pleading for and demanding the admission of mandatorily excluded aliens. The executive department feels compelled to heed these demands as far as possible. The result is a discreditable and distressing failure to enforce the law in hundreds, probably many thousands, of cases.

Fourth. Many large foreign-born groups already here are at enmity with the law, as the friends of the liquor traffic are at enmity with the prohibition laws. They resort to every means to prevent its operating to exclude aliens. To this source may be traced another large part of the law's failure.

Fifth. Those in charge at Washington are guilty of flagrant and continued violation of the law. I thought that Louis F. Post, the former Assistant Secretary of Labor, was not properly enforcing this law. I therefore advised the Rules Committee, composed chiefly of Republicans, then considering an impeachment resolution against him, that in my judgment he was not in sympathy with the law and was therefore not the man to be charged with its enforcement. I am fully convinced that the present Department of Labor is failing to a ruinous extent, and that its failure is due to weakness and political influence. The monstrous idea that they are not bound to enforce the law as it is written, but may break it at will to avoid hardships, is inconsistent with any efficient enforcement. All laws faithfully enforced sometimes crush men who come in conflict with them seeking to defeat their purposes. That officials may set aside mandatory statutes at their discretion is preposterous, and the official who does it is unworthy of his place.

For at least six years there has been much of this in the enforcement of the immigration laws. Unless the country can find men of sufficient conscience and firmness to apply the law, the purpose behind all former legislation and this bill will fail. That purpose is the protection of the Nation against a recognized peril. Unless we have strength to execute the law, foreign groups, whose alien affinities rule them, and labor importers, whose greed subordinates their patriotism, will have their way, and America will be filled with the poison and fire which have flooded the Old World with the miseries of perdition. [Applause.]

EXTENSION.

Being a copy of the letter of the Hon. W. W. Husband, Commissioner General of Immigration, explaining why so many aliens certified as diseased and defective by the examining physicians are nevertheless admitted, and comments thereon:

UNITED STATES DEPARTMENT OF LABOR,
BUREAU OF IMMIGRATION,
Washington, February 9, 1924.

Hon. JOHN C. BOX, M. C.,

House of Representatives, Washington, D. C.

MY DEAR MR. BOX: I beg to acknowledge receipt of your letter of February 6 inclosing certain tables showing the disposition of cases in which medical certificates had been issued in connection with aliens

applying for admission in the fiscal years 1918-1923, inclusive. I have had these checked over by our statistical division, and they are found to be in accordance with the bureau records.

In explanation of why large numbers of aliens are admitted notwithstanding certificates showing physical or other defects have been issued by the examining medical officer I can perhaps do no better than to quote the following from a recent letter of the department in answer to a similar inquiry as to the record for the fiscal year 1923. The department stated in part:

"You are, of course, aware that the mere fact that an alien is certified for a physical defect which in the opinion of the medical examiner affects the ability of the alien to earn a living does not in itself render an alien inadmissible, but that the immigration officers at the port must consider such medical certificate in connection with all of the surrounding circumstances and decide the case accordingly. For instance, of the number against whom medical certificates were rendered, 5,623 were certified for senility, it being the invariable custom for the medical examiners to attach to such medical certification the statement that the disability may affect the ability of the alien to earn a living.

"The fact remains, however, that approximately 95 per cent of these aliens are the parents of aliens already here, who are both able and willing to properly care for them, and who, themselves, are not expected to engage in remunerative employment. Without in any manner intending to reflect upon the work of the public-health doctors assigned to immigration inspection, as I believe they are performing a most meritorious service and almost without exception are conscientious and painstaking in their duties, it appears that there are some medical examiners who make it a practice to certify almost all aliens over the age of 55 as being afflicted with senility; but when all the surrounding circumstances are taken into consideration, there would seem to be no justification either for the officers at the port or for the department when such cases come before it on appeal to exclude such aliens merely because of the medical certification.

"There are numerous other causes, such as deformity, hernia, pregnancy, less than normal function, loss of member, etc., for which medical certificates are rendered, but when considered in connection with the other facts in the case, which, of course, the medical examiners can not take into consideration, it is quite apparent that such 'deformities,' 'loss of member,' etc., would in no wise affect the ability of the alien to earn a living. For instance, if a jeweler, bookkeeper, or any other person engaged in occupations of a sedentary nature, were to be certified for deformity of the hip, loss of the nether extremities, etc., it could hardly be considered that such defect would impair their earning capacity. In fact, one of the officers in the principal districts has stated that over 90 per cent of the medical certificates rendered might be considered in the nature of marks of identification.

"As you are no doubt aware, the seventh proviso to section 3 of the act of February 5, 1917, provides that aliens returning after a temporary absence to an unrelinquished United States domicile of seven consecutive years may be admitted in the discretion of the Secretary of Labor and under such conditions as he may prescribe. It is not at all unusual to have it develop in cases comprehended within this class that the alien has resided practically all of his life in the United States; that the ailment for which he is certified was contracted in this country; and that he has a wife and minor children residing here. The department has taken it for granted that the particular provision of law mentioned was designed to take care of just such cases, which seems the only logical conclusion if one is to be guided at all by the dictates of common decency and humanity. You understand, of course, that the medical officers can not take these matters into consideration when rendering their medical certificates, and if aliens so certified are admitted under this particular provision, the medical certificates would remain a matter of record. This circumstance might apply to any one or all of the aliens shown to have been certified for ailments which render them mandatorily excludable, and I have no doubt that they do apply to a large majority of the cases shown in the inclosed table.

"I might state, in this connection, that only a few days ago the department was confronted with a case wherein a family was returning to the United States after a temporary visit to one of the European countries. This family, when it first came to the United States, was accompanied by an infant child against which no medical certification was then rendered. When the family returned, however, this child, which is now, according to my recollection, in the neighborhood of 18 years, was certified as being an imbecile. The case was presented to the solicitor for an opinion as to whether this child could be considered as comprehended within the seventh proviso to section 3, already mentioned, and the solicitor's opinion was in the affirmative. Consequently, the

department directed admission. I am sure that it could not be logically argued that the entire family which knew no home other than the United States should have been refused permission to reenter simply because of this afflicted child, or that the child in its helplessness should have been separated from the parents.

"Another circumstance which might explain the admission of such aliens is the fact that it has been the practice for a long time past to admit aliens for the purpose of obtaining medical treatment in this country where it is shown that similar treatment is not obtainable in the country from whence the alien comes. This applies particularly to a large number of aliens who are admitted from Canada for the purpose of obtaining treatment in the Mayo Institute, Rochester, Minn., and also to considerable numbers who are permitted to undergo treatment for tuberculosis at Saranac Lake, N. Y., and elsewhere. In fact, there are certain organizations, such as the Independent Order of Odd Fellows, the International Typographical Union, and others, which have filed a blanket bond with this department under which their members residing in Canada are permitted to enter the institutions maintained by them, there being no possibility of such aliens becoming public charges nor there being any danger of spread of contagion resulting from their admission.

"By reference to section 22 of the immigration act, it will be noted provision is made that whenever an alien shall have been naturalized or shall have taken up his permanent residence in this country and thereafter shall send for his wife or minor children to join him, and said wife or any of said minor children shall be found to be affected with any contagious disorder, such wife or minor children may, in the discretion of the Secretary, be accorded hospital treatment until cured and then be admitted. This provision also accounts for a large number of those shown to have been admitted, particularly those affected with trachoma or venereal diseases."

In this connection the department did not take into account the joint resolution of October 19, 1918, under which section 3 of the immigration act of 1917, known as the excluding section, was very materially modified for the benefit of aliens who served in the United States forces or those of the allied nations during the World War. The terms of this resolution applied to aliens returning within two years after the termination of the war, and the fact that this was in force up to March, 1923, undoubtedly accounts for the admission of a considerable number of defective aliens who otherwise might, and in many cases undoubtedly would, have been denied admission to the country.

I am returning the tables, as requested, and trust that I have given you the information you desire. Additional information as to any specific point will be gladly furnished if desired.

Sincerely yours,

W. W. HUSBAND,
Commissioner General.

COMMENT BY MR. BOX.

The record of the thousands of appeals to Washington from excluding decisions made by the hard-pressed port inspectors and of large and increasing percentages of admissions by overruling the port inspectors, as revealed by the commissioner general's own annual reports, shows that the doctors, port inspectors, and boards of inquiry who see and examine the diseased and defective immigrants do not agree with the Washington authorities, who see the attorneys and politicians about them.

They also show that the New York National Republican Club was right in saying that there is need of "a more efficient and rigid enforcement of the immigration law, particularly as regards the exclusion of excludable aliens," and corroborates Dr. Spencer L. Dawes, of the New York Hospital Commission and president of the Interstate Conference on Immigration, when he said "that he had seen immigrants passed as mentally and physically fit to enter the United States at the rate of eight a minute"; that "there were admitted under bond to the United States at Ellis Island 4,724 defective aliens who were excluded under the immigration law" during the last fiscal year, and that "during the same year 2,712 defective aliens were allowed to enter without bond; Ellis Island said they must not come in—they were defective. Of 12,976 other aliens found to belong to the excluded classes by medical officers at Ellis Island, 12,305 were permitted to enter by direct order from Washington; nearly 20,000, in all, of the mandatorily excluded classes were permitted to enter the United States during the year." I quote these statements of Dr. Spencer L. Dawes without personal knowledge as to the exact figures, but because he is in position to know and his statements are strongly corroborative of the facts stated by me in the foregoing remarks.

[Mr. FRENCH was granted leave to revise and extend his remarks in the Record on the pending bill.]

Mr. FRENCH. Mr. Chairman, I yield 10 minutes to the gentleman from Michigan [Mr. KETCHAM].

Mr. KETCHAM. Mr. Chairman, in common with all the Members of the House, I presume, there came to my desk about 10 days ago, in anticipation of the discussion of the bonus bill, a letter from a gentleman who purports to be the head of the Antibonus League of the United States. In that communication he imparted to me some startling information.

This startling information was to the effect that if the bonus was passed by Congress the measure of the obligation chargeable to the fourth Michigan congressional district, based on population, would be the significant sum of \$10,149,000.

In view of the fact that this district is undoubtedly an average one and this burden seemed rather tremendous, relatively speaking, my mind was naturally challenged by the statement, and I thought I would undertake an analysis of the situation to see what the exact facts were, and with the further thought that these facts might be of some interest to the members of the committee, I have asked these few minutes to present to you what the facts are as I find them from a survey of the actual conditions in this district. For the fiscal year which ended in 1923, the congressional district which I represent paid into the National Treasury a total of \$1,743,200, in all sorts of internal revenue, assuming that ours is an average district for the revenue district in which the congressional district is located. Segregating this \$1,743,200 to personal income taxes, corporation taxes, and miscellaneous taxes, the figures run as follows: \$610,125 to personal income taxes, \$610,125, or practically the same amount, to corporation taxes, and \$522,950 to miscellaneous taxes.

In this congressional district there are 8,135 Federal income tax returns filed according to the latest report. Taking the proportion of income tax which these personal income-tax payers return to the Government, I find that the average per return for this congressional district is \$75. Please keep the \$75 in mind.

The Budget this year for the United States is \$3,019,000,000, and taking the figures as estimated by the Ways and Means Committee as to the annual cost of the soldiers' bonus as it is to be reported to us as being \$105,000,000 per year, this would make an increase, assuming it is to be an increase, of 3½ per cent in the Budget and a corresponding increase in the amount of taxes paid in the various revenue-collection districts. Three and a half per cent of the total amount that we paid in our congressional district for the year 1923 would be \$61,012 for just one year, or a total for the 20-year period of \$1,220,240, instead of the alarming sum of \$10,149,000.

Mr. RANKIN. Will the gentleman yield?

Mr. KETCHAM. Yes.

Mr. RANKIN. Possibly the exponent of the Antibonus League thought you were going to raise this money by the tariff, and if you did, inasmuch as under the present system every dollar that went into the Treasury would cost your people \$10, in order to raise \$1,000,000 it would cost your district \$10,000,000.

Mr. KETCHAM. I am at a loss to understand how the figures given by the gentleman could have been finally produced.

Mr. McLAUGHLIN of Michigan. Will the gentleman yield?

Mr. KETCHAM. It will take me but a moment more to complete my statement, and then I will gladly yield to my colleague.

The 3½ per cent increase on \$75 would amount to \$2.62 additional on each income-tax return filed. This surely would not be a heavy burden to the individual income-tax payer, in view of the reduction of 50 per cent just provided on such incomes in the revenue measure recently passed by the House.

These are as close as I can get the figures from one congressional district, and I thought possibly they would be of considerable interest to others who might have been troubled somewhat by the rather astonishing figures from the president of the Antibonus League. Let me turn the situation the other way around. If it were true that this congressional district would pay \$10,149,000 as its share of the bonus, then on that basis the whole country would pay \$16,915,000,000, instead of \$2,119,000,000. I have brought this to your attention in order to indicate to you the length to which some gentlemen will go in order to create a wrong impression in the minds of those of us who are honestly trying to face this proposition.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. KETCHAM. Yes.

Mr. McLAUGHLIN of Michigan. I was attracted by the question asked by the gentleman from Mississippi [Mr. RANKIN]

as to where this money is coming from with which to pay the bonus. Evidently no one expects it to come from Mississippi, at least no one who reads and knows what the returns in the shape of taxes are which the different States make. Last year Mississippi paid into the Federal Treasury from internal revenue taxes, income taxes, and so forth, \$3,000,000 out of about \$3,000,000,000 that were turned in by all of the States. I think the gentleman from Michigan [Mr. KETCHAM] is justified in talking about what is paid in by Michigan and portions of it. Michigan paid \$187,000,000 into the Treasury last year, just 50 times as much as did the State of Mississippi.

Mr. LITTLE. Mr. Chairman, will the gentleman yield?

Mr. KETCHAM. Yes.

Mr. LITTLE. I notice the gentleman from Michigan [Mr. KETCHAM] has been figuring considerably upon the bonus and it occurred to me that perhaps he is prepared to answer the celebrated question of the gentleman from Ohio [Mr. MURPHY] as to whether the tax will pay this bonus. That question has not been asked for a week or two.

Mr. KETCHAM. In reply to the gentleman may I say that I have been very greatly impressed by the statement which appears in the newspapers, credited to the great chairman of the Committee on Appropriations [Mr. MADDEN], that it is expected that the savings which will very soon be made in vocational training and certain other features of our war welfare expenditures will care for the amount to be annually appropriated and set aside as a sinking fund to meet the maturing insurance policies. This should be comforting to all who have feared an actual increase in Federal taxes if the bonus bill passes.

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. KETCHAM. Yes.

Mr. RANKIN. In reply to the gentleman from Michigan [Mr. McLAUGHLIN], who is a member of the Committee on Ways and Means, which has brought out this bill to run over the Congress and the ex-service men, I desire to say that one reason taxes from Mississippi do not go more into the Treasury of the United States directly is because so much money goes into the pockets of the manufacturers who collect it through the tariff, and according to the gentleman's figures we are entitled to at least a full share of the adjusted compensation, because we furnished a greater proportion of soldiers for the amount of property we had to protect, and I do not believe his figures get him anywhere when it comes to comparing them, to show that this is the reason why the masses of the American people should be taxed \$10 through a tariff where only \$1 is poured into the Treasury.

Mr. TINCHER. Mr. Chairman, will the gentleman yield?

Mr. KETCHAM. Yes.

Mr. TINCHER. I suppose the argument of the gentleman from Mississippi [Mr. RANKIN] in respect to the tariff, injected into this bonus speech, comes because those States that believe in free trade believe also in free soldiers, and have not paid their soldiers in cash any bonus, and are now, therefore, dissatisfied with the insurance which the committee had reported.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. FRENCH. Mr. Chairman, I yield 15 minutes to the gentleman from Texas [Mr. LANHAM].

Mr. LANHAM. Mr. Chairman, I am grateful to the gentleman from South Carolina [Mr. BYRNES] for his courtesy in yielding me time, and to the gentlemen of the committee for granting the privilege of extending my remarks. I have made the request for extension because of the fact that it is not possible in the time allotted me to discuss adequately the matter I have in mind.

I want to speak with reference to one feature of the pending bill which seems no longer controversial. A few years ago the mere mention of it led to agitated debate and there was much difference of opinion concerning it. The difference of opinion grew out of a lack of familiarity with the subject, but by this time its practical importance as a proper matter for legislative consideration and action has been forced upon our attention in the hard school of experience.

It is my purpose to discuss briefly the history and importance of the helium project in this country. When I first became a Member of this body in the Sixty-sixth Congress, it naturally fell upon my shoulders to seek to get an adequate appropriation for the continuance of the operation of the helium plant, because I live in the city of Fort Worth, Tex., where it is located. Owing to the fact that the three original experimental plants, at which the feasibility of the project was determined, were called argon plants, helium by its true name was as much

Greek to the public as the language from which the word is derived. These experimental establishments were known as argon plants during the war in order that, for purposes of military safety and caution, the secrets of helium might not become generally known. The public were excluded from these plants and the secret experimentation was carefully guarded. Under these circumstances, when I first appeared in my efforts to get an appropriation for a helium plant, some of the Members looked at me as if they wondered whether I was talking about a patent medicine or a new breakfast food. The subject had been discussed very little in the magazines, and perhaps less in the press, and there was no general familiarity with it. During the great world conflict helium had been traveling incognito, and it was only after the cessation of war that it came to public attention undisguised.

The progress which has been made in such a brief period in the production of helium and in the ascertainment of the purposes to which helium is adapted is almost incredible. There are probably many new Members in this Congress who have not had an opportunity to hear the subject discussed, and it is this fact largely which has led me to make these remarks to-day. In the first place, therefore, let me talk about it in an elementary way, for my one desire is to try to give helpful information. In deference to myself I should state, however, that I do not claim to be a helium expert. Such education as I have received has been along the line of the arts rather than the sciences, but as a layman I have given the matter considerable study. And perhaps the observations of a layman on the subject will be more readily understood, anyway, because they will be free from technical terms intelligible only to those with some scientific training.

What is helium? It seems to be generally conceded now that helium is an element, like oxygen and hydrogen. It is a gas which is inert and which is not noxious. It is noninflammable and noncombustible. By reason of its buoyancy it has 92 per cent of the lifting power of hydrogen, which is the lightest of known gases.

How did it get its name? Why is it called helium? Back in 1868 some scientists were observing an eclipse of the sun. They found in the solar chromosphere an element unknown at that time on the earth. It made a little yellow line in the spectrum, a line somewhat akin to that made by sodium, but it was sufficiently differentiated to convince these observers that it was not sodium. It was a chemical curiosity, and such it remained for many years. There was no known counterpart in the world for this strange element of the heavens. Now, the Greek word for sun is Helios; and, in view of the fact that this mysterious gas made its first manifestation to science in the sun, it was appropriately termed helium in honor of the great orb of day. The scientists felt that, though there might be nothing new under the sun, they had certainly found something new in the sun.

Later light on the subject, scientific rather than natural, brought the revelation that this heavenly stranger had deigned to reside also on this mundane sphere, and fortunately for us the United States of America seem to furnish the principal scene of the earthly visitation. It was first discovered on the earth, it appears, in some effervescent springs abroad; then, in inconsequential measure, in the air. The chemists began a curious and diligent search for it and succeeded in separating a few cubic feet from uranium ores. Up until the time we went into the war in 1917 these few cubic feet of this chemical curiosity represented the world output of extracted helium. These had been obtained in laboratories at the prohibitive cost of from \$1,500 to \$2,000 per cubic foot. Helium was then but an expensive plaything for the scientists. Several years before that time Professor Cady, of the University of Kansas, had determined from experimentation in that State that it might sometimes be expected to appear in natural gas. He made this discovery in certain natural gas in Kansas, but the volume of the known supply of this particular gas at that time seemed hardly sufficient to justify any extensive operation in extraction. Besides the percentage of helium in that gas was quite low.

The results of this experimentation, however, led to a very satisfactory discovery. Just before our entrance into the World War helium was found in some gas wells which were drilled at Petrolia, Tex., about 104 miles north of the city of Fort Worth. It developed that there was approximately 1 per cent of helium in this gas, and it has been learned that that percentage affords a very profitable basis for practical operation in extraction. This is a relatively high content of helium. Just how the helium gets in the natural gas is still a matter of scientific conjecture. I have been informed that helium is one of the elements into which radium finally breaks up.

There may be some activity of radium down in the earth which accounts for the presence of helium in this natural gas. That is a matter about which I must confess that I know nothing. At any rate, it is present in some natural gases and absent from others, and the men of technical skill and training are still trying to solve the mystery.

The advantages of the use of helium in lighter-than-air craft appealed at once, of course, to the Government authorities. If a sufficient volume of it were available its service in war might be of incalculable value. That highly inflammable gas, hydrogen, had cost much in the loss of life and property. A noninflammable gas to take its place would save both, and also multiply efficiency. Naturally the Government was deeply interested in the Petrolia discovery. If helium could be had to replace hydrogen in lighter-than-air craft a great problem would be solved. The Government determined, therefore, to see if some feasible method could be found of extracting the helium from the natural gas. Fortunately, the volume of gas at Petrolia appeared to be adequate for quantity production. The one thing necessary was the separation of the helium. How could it be done?

Bear in mind that prior to 1917 the minimum cost of separating a single cubic foot of helium had been \$1,500. A realization of this fact will help us to appreciate the subsequent accomplishments.

Three experimental plants were started under Government operation. As I have said, they were called argon plants. Two of them were located at Fort Worth and one at Petrolia. Two were placed at Fort Worth because of the fact that at the little town of Petrolia sufficient power and water were not available for the purpose. A different process was tried in each plant. It seemed from the experimentation that the most practical one at the time was that of the Linde Co. From the successful operation of these experimental plants the United States had 210,000 cubic feet of helium on the docks at New Orleans ready for shipment to France at the date of the signing of the armistice. That was several hundred times as much helium as had ever been extracted previously in the whole world. And what did it cost? Mirabile dictu, 40 cents a cubic foot. From \$1,500 to 40 cents. Surely that was a drop that rivaled Niagara. In times of peace 40 cents would likely be prohibitive, but as an element of offense and defense in war helium seemed practically invaluable. We shall see that this cost has been reduced almost incredibly in the short time of the Government's operation since the war.

In view of the fact that reasonably cheap extraction seemed both possible and probable, the Government determined to build a permanent plant for the production of helium. That plant has been maintained at Fort Worth, Tex., since about the time of the conclusion of the war. It was constructed when war prices were prevailing and cost about \$2,000,000. A pipe line was also built by the Government from Fort Worth to Petrolia, 104 miles, at a cost of more than \$1,500,000. The helium-producing wells in this gas field were owned by a private company, and a contract was entered into by the Government with that company for the privilege of extracting the helium from some of the gas. The contract also contained clauses designed to conserve this helium supply in part, at least, by restricting the output of the gas to be used for commercial purposes.

As I have stated, the Linde process has been used in the operation of this production plant. It may be interesting to know, in a general way, how the helium is extracted from the gas. Through refrigeration by compression and expansion all of the constituent elements of the gas except helium are liquefied. The nitrogen, for instance, is liquefied. They create a temperature of about 300° below zero. At this low temperature all the elements except the helium become liquid. The helium is drawn off and stored in metal cylinders which hold about 190 cubic feet each under pressure. The liquefied gases are then returned to the gaseous state, put back in the mains, and used commercially. Of course, the gas is better for commercial use after the helium has been taken from it, inasmuch as helium is a nonburning element.

The helium project is supported on a 50-50 basis by the Army and Navy, one-half of the necessary appropriation being carried in the supply bill for each of these services. The operation of the plant itself is conducted by the Navy, and the output is appropriately divided. Storage facilities are available at the plant for several million cubic feet. The entire project is under the supervision of the Helium Board, composed of one member from each of the following departments: War, Navy, and Interior.

Mr. SPROUL of Kansas. Mr. Chairman, will the gentleman yield?

Mr. LANHAM. Certainly.

672-7X1

Mr. SPROUL of Kansas. What is the capacity of the helium field in Texas?

Mr. LANHAM. I will say to the gentleman that, fortunately, they have been finding some new wells down there containing helium-bearing gas—some about Petrolia and some in other sections of the State. If you mean to inquire how much gas we have from which to extract helium, I will say that it is largely a matter of conjecture; but if properly conserved there is certainly enough for many years of operation. This inquiry leads me to say some things further which may be of interest and which, to my mind, are of great importance. This country has practically all of the known sources of supply of helium in the entire world. In its almost monopolistic possession of helium this is a favored Nation.

No other country on earth, according to the information now available, has this rare element in sufficient volume to make its continued extraction feasible either commercially or as a factor in national defense. There is a little in Canada, and some in Italy and Czechoslovakia, but it is relatively insignificant. It seems that we have been peculiarly blessed by the Almighty with this wonderful asset of offense and defense. That we are making the most of this natural and national advantage is not so certain. The annual wastage of helium in the United States is estimated at 500,000,000 cubic feet. In other words, our yearly contribution of it to thin air is almost one hundred times as much as the total of all that has ever been separated from its gaseous host and made available for practical use. The mere statement of this fact forces upon our attention the importance of its conservation. Shall we continue this lavish and prodigal waste of an element valuable both in peace and in war, and which, for practical purposes, is our exclusive possession? There is a bill now pending before the Committee on Military Affairs whose purpose is to provide for proper conservation. Practically all of the helium-bearing gas in this country is privately owned. As this gas is being used commercially without being processed the helium is being lost. Practically no geological structure containing a natural gas bearing helium to an appreciable extent has been discovered on our public lands.

This statement naturally prompts an inquiry as to where helium is found in the United States. In addition to Texas, it has been discovered in Oklahoma, Kansas, Ohio, southern Illinois, Pennsylvania, West Virginia, Kentucky, Indiana, and New York. In other words, a strip of land beginning in north Texas and running in a northeasterly direction into New York includes the most available territory. The greater volume of it seems to be in the southern part of this area. It has been found also in a few isolated spots in the West, but the preponderance of the gas, so far as known, is located in the sections indicated.

I wish now to say a few words concerning the capacity of the plant. I have said that up to 1917 only a few cubic feet had ever been separated, but in January of this year the United States Government extracted at this plant a million cubic feet of helium. That is almost half enough to fill the *Shenandoah*, our large dirigible. And a very significant feature of this extraction is that the helium was obtained for 6½ cents a cubic foot. When you are thinking of progress, stop and consider that accomplishment. I attended a hearing this morning before the Committee on Patents and heard a gentleman discuss progress in an interesting and learned way. He said that the original ideas of Mr. Alexander Graham Bell's invention of the telephone, of Mr. Marconi's wireless communication, and of the Wright brothers' flying machine might have amounted to but little in a practical way but for the subsequent discoveries and developments which have facilitated their general use. The mere finding of helium in the sun, and later on the earth, might have amounted to but little in a practical way had we not by persistent experimentation subsequently demonstrated the fact that we can extract in one month 1,000,000 cubic feet of it at a reduction in cost from \$1,500 a cubic foot to 6½ cents. Think of the progress that has come in this new project in the brief course of seven years. And I may say, further, that the successful testing of a new process practically assures the extraction of helium at a cost of about 3 cents a cubic foot.

Mr. LITTLE. Mr. Chairman, will the gentleman yield?

Mr. LANHAM. Gladly.

Mr. LITTLE. Is it not a fact that Professor Cady, a constituent of mine in Kansas, has made some important discoveries in connection with helium?

Mr. LANHAM. Yes. He made in Kansas the discovery of helium in natural gas, which seems to be the only practical source for getting it in sufficient volume.

Mr. LITTLE. Then my constituent had a large part in the progress that has been made?

Mr. LANHAM. He did, and I am glad to see given to him his proper meed of praise.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. LANHAM. Under the leave extended so graciously by you gentlemen, I shall extend my remarks in the Record. [Applause.]

I desire in this extension of remarks to discuss further the practical application of the discovery and extraction of helium to the pursuits of peace and war. And it is interesting to observe, in passing, that in the entire period of experimentation, operation, and development of this project we have expended only about one-fourth of the cost of a single battleship, despite the fact that much of our expenditure was made during the prevalence of war prices. Helium also has an advantage over the warship in that it is durable. That which was extracted in the experimental plants tests just as pure to-day as when it was first obtained. Let us consider briefly some of its advantages over hydrogen, which it is so rapidly supplanting in our lighter-than-air operations.

Hydrogen is limited in the period of its utility. After it has become contaminated with air, a highly explosive mixture is formed, which is worthless as an agent in aviation because of the attendant danger. Helium, on the contrary, never ceases to be an available asset. When contaminated, it may be repurified at a nominal cost and used over and over again. I understand that the necessary machinery for this operation may be transported on two flat cars. Subjected, therefore, to the critical analysis of cold calculation in dollars and cents, the inert helium is not displaced as an agent in aviation by the active hydrogen which roars and flashes its claims to consideration in explosions in dirigibles and the consequent loss of men and material. In the *Roma* disaster we lost more than 30 trained men. The *Roma*, the *ZR-2*, and *C-2* have all gone the hydrogen route to the scrap heap. The flying of dirigibles with helium has not been attended with the loss of either ships or men. For my part—and I speak as a layman lacking in technical knowledge and skill—I doubt the wisdom of even permitting brave American boys to imperil their lives and their usefulness to the Nation by going up in balloons that are needlessly filled with hydrogen. With helium, safety is possible; safety is economical. Why not have it?

It seems to be generally agreed that if the *Shenandoah* had been filled with hydrogen when it broke from its mooring mast the men and the ship would have perished in an awful catastrophe.

Hydrogen evinces a fiery and explosive disposition. I am told that one who is smoking is not permitted to approach nearer than 100 yards to a hydrogen-filled dirigible. About one that is inflated with helium one may smoke with impunity. Helium is passive, well behaved, and manifests no tendency at all to break up the party. It approximates much more nearly than hydrogen the scriptural definition of charity—it "vaunteth not itself, is not puffed up, does not behave itself unseemly, is not easily provoked." Its use naturally relieves the tension of the crew. It is an old saying that "it is better to be safe than sorry." Perhaps we have not learned that lesson absolutely in our lighter-than-air flying, but we have certainly advanced beyond the primer stage. It is very much easier to sell the helium idea now that hydrogen has hurled so many trained men into eternity and so many dirigibles into the discard of the junk pile. Safety in aerial sailing makes for a clear head and a stout heart. It stimulates concentration upon the purpose in mind.

The experts tell us that the leakage of helium through fabrics is only about 10 per cent of that of hydrogen. And, besides, the invulnerability of helium-filled airships to gunfire, to the once troublesome incendiary bullet, is a distinct point in favor of the use of this new element. It goes Achilles one better. Also, the greater possibilities in mechanical construction of helium-filled ships afford the opportunity for a direct drive and the consequent enhancement of speed and effectiveness. Hearings before committees have brought out the fact that both the Army and Navy Air Services contemplate the use of large, rigid dirigibles for transporting troops and naval personnel, and also mother ships for airplanes and their equipment that will be serviceable from coast to coast and far out from our continental shores. In fact, the cruising radius of airships is a vital point in their importance. They can remain in the air for long periods of time and cover great distances, and thus they become the most logical craft for search and reconnaissance scouting. Their ability to hover seems to be surpassed only by that of the national debt, and their consequent availability in bombing operations is apparent.

We are being taught constantly in the school of experience that the achievements of the past are but an earnest of the things which the future holds in store. This is no time for a near-sighted policy. We need eyes that in the scope of their vision will rival the strides of the old, fabulous 7-league boots. I hope that we may have no necessity for further wars. Fortunately, the uses of helium are adapted also to times of peace. A large commercial company is now contemplating the establishment of transportation routes with helium-filled dirigibles. An agent has testified before a committee of this House concerning this matter, and he has stated that the trip from New York to Chicago could be made easily and safely in one night. But if war should come, it seems that rigid airships filled with helium are destined to become one of the most important factors in national defense and offense, both by land and sea. Just a little flight of the imagination will picture the possible flights of these mighty leviathans of the air. Colonel Lucas, the English officer who made the trans-Atlantic trips in the *R-34*, has given, according to my information, some most interesting statements concerning the possibilities of helium-filled dirigibles in times of war. We are told that Germany was even preparing to bomb New York from a hydrogen-filled dirigible. No other nation possesses helium, and for the purposes of peace and war our aerial future should be made correspondingly secure.

The first real flight with helium in the history of the world was made on Monday, December 5, 1921, by the Navy blimp C-7. The weather conditions were quite unfavorable, but the attempt was entirely successful. In a snowstorm this small dirigible, inflated with about 190,000 cubic feet of helium, journeyed from Norfolk to Washington and then returned, after circling the Capital City. There had been two brief preliminary test flights at Hampton Roads. It was my pleasure to witness a part of this flight and also to speak concerning it in the House on the day of its occurrence. That initial trip demonstrated the superiority of helium over hydrogen in other respects than its safety. It was found that the use of helium facilitated the operation of a dirigible in many important ways.

Since that time the use of helium has been greatly extended in lighter-than-air flying, both in the Army and Navy branches of the service. I had the privilege the latter part of November of taking an hour's ride over Fort Worth in the Army dirigible TC-3. It was the first time I was ever physically up in the air. The use of helium made the jaunt an entirely safe one and I enjoyed the experience thoroughly. We sailed over the helium plant and thus for the first time brought into proximity the respective agencies of cause and effect in this wonderful project. In exemplification of the possibilities of such flight the engines were stopped temporarily and we hovered in mid-air. One of the crew left the car and went upon the engine platform to demonstrate the ease with which necessary adjustments and repairs could be made in flight. And this was all happening in less than seven years from the time when helium was an exorbitantly expensive chemical curiosity.

Mr. ROGERS of Massachusetts has given on the floor of the House a most interesting talk on the proposed polar explorations of the *Shenandoah*. In the light of past performance and present accomplishment, who can say with authority that the achievement is impossible? The dreams of yesterday are the realities of to-day. Of course, I have no personal familiarity with Arctic conditions. Certainly there are some circumstances which augur well. The continuous daylight would prevent the varying expansion and contraction of the gas, which occur in this country with the frequent successive periods of day and night. Under conditions otherwise normal, this fact would facilitate the flight. The distance from Nome to Spitzbergen directly over the pole is but little more than half the cruising radius of the *Shenandoah*. The trip could likely be made in about four days. We have been advised that the purpose of this proposed journey is not the rediscovery of the pole, but rather the exploration of a great area of unknown territory. One thing is certain. This is the only country under the sun which is able to use in such an effort that wonderful element discovered in the sun which renders a dirigible entirely safe from destruction by explosion. Whether it may be done will likely be a fact of history before the lapse of another seven years.

Mr. FRENCH. Mr. Chairman, I yield five minutes to the gentleman from Tennessee [Mr. TAYLOR].

The CHAIRMAN. The gentleman from Tennessee is recognized for five minutes.

Mr. TAYLOR of Tennessee. Mr. Chairman and gentlemen of the committee, I trust my colleagues will pardon me for

speaking out of order, but a matter has been called to my attention that is so shocking to my sense of patriotism and does such violence to the tenets of public decency that I feel it should be brought to the attention of the Congress and the whole country. I have just received from a patriotic constituent, Dr. H. E. Christenbery, of Knoxville, Tenn., a clipping from a recent issue of the Knoxville Journal and Tribune which calls attention to a very sad situation, which, in my opinion, challenges the earnest and patriotic attention and the immediate action of the Congress. The newspaper clipping, bearing a Washington date line, recites the following:

[From the Journal and Tribune, Knoxville, Tenn., Wednesday, March 12.]

NO MONEY TO DISTRIBUTE THEM, UNITED STATES MAY DUMP CAPTURED TROPHIES INTO OCEAN.

(By John T. Lewing, Jr., Central Press correspondent.)

WASHINGTON.—When the late war ended the Government decided that the American people would want souvenirs of the conflict in the form of captured German guns and equipment, and it arranged the shipment of a huge quantity of the materials to this country. Guns were to be given to cities. Complete collections of German helmets, guns, sabers, etc., were to be given to museums and schools.

But this plan has never been carried out. The shipload of stuff is in the Government arsenal at Fort Newark, N. J., rusting and rotting. It may be dumped into the ocean shortly.

No money has been appropriated by Congress for the purpose of distributing the materials. A bill has been pending many months. Sponsors of the bill say it isn't likely to be passed, because Congressmen frown on the idea of spending money for such a purpose now.

Several private firms are reported to be willing to buy the smaller trophies, of which there are thousands, for sale to persons desirous of obtaining souvenirs; but the idea of commercializing the mementoes is frowned on, too.

While this story was doubtless written in good faith and was based upon the reasonable apprehensions of the Washington correspondent, to me the whole proposition is preposterous and utterly inconceivable. Is it possible that we have lost all sense of gratitude and national pride? After spending from twenty-five to fifty billion dollars in the prosecution of the war, in the name of common justice can we not spend a few paltry thousands to commemorate and perpetuate the brilliant deeds of heroism performed by our brave boys in carrying Old Glory to victory on the Marne, at St. Mihiel, in the bloody Argonne, and elsewhere? Of course we can; and the act will be unanimously approved and universally applauded from Maine to California.

Besides, gentlemen of the House, the distribution of these trophies will entail no expense on the Government, should the Government be willing to put itself in a niggardly light, because the States, counties, municipalities, and civic organizations, as the case may be, will be only too glad to bear the expense incident to their transportation and installation.

Out of a spirit of loyalty, Doctor Christenbery resents the proposed or supposed attitude of our Government as described in the clipping which I have just read to you; and this position of his, in my opinion, is shared by every patriotic American citizen.

At the conclusion of the war it was generally understood that these German cannon and other trophies captured by our brave soldier boys would be distributed throughout the country; and, acting upon that impression, practically every Member introduced a number of bills providing for an allotment of these relics of the war to his particular district. The proposition appealed to me as it did to the membership of the House generally as a thoroughly meritorious and praiseworthy action. To exhibit the trophies of the war at public places throughout the Nation would not only be a proper acknowledgment and recognition of the signal prowess exhibited by our intrepid soldiery but it would be a patriotic inspiration to the people who would behold them and contemplate their significance.

In my judgment, it would be a downright shame, a dastardly crime, a gross insult to our soldiers, both living and dead—yea, it would be practical perfidy itself to destroy these testimonials of the unparalleled valor of our service men as is suggested in this newspaper article, and in the name of our gallant soldiers, both living and dead, and in the name of every patriotic American citizen, I desire to register my solemn protest against this unholy program, and insist that provisions be immediately made for the preservation of these war trophies and their suitable distribution throughout the Nation. [Applause.]

Mr. CONNALLY of Texas. Mr. Chairman, will the gentleman tell us what the Committee on Military Affairs is going

to do about this? They have had the subject before them for several years, and meanwhile, I understand, the trophies are rotting.

Mr. TAYLOR of Tennessee. According to this story they will be cast into the Atlantic Ocean.

Mr. CONNALLY of Texas. Has the gentleman taken this matter up with the Committee on Military Affairs?

Mr. TAYLOR of Tennessee. I have not, but I hope to do so. I think it is a meritorious measure.

Mr. JAMES. I will say to the gentleman that it has been reported out of committee.

Mr. BYRNS of Tennessee. Mr. Chairman, I yield 20 minutes to the gentleman from South Carolina [Mr. STEVENSON].

The CHAIRMAN. The gentleman from South Carolina is recognized for 20 minutes.

Mr. STEVENSON. Mr. Chairman, now that Secretary Denby has reached home and has been received with a brass band and various other demonstrations of approval, it becomes us to inquire what else is to be done with reference to distinguished executives who cooperated and collaborated with Mr. Denby in what has been pronounced such a violent misappropriation of the assets of the Navy and of the United States.

Secretary Denby is not shown to have done anything except to have made a mistake of judgment. He is not shown to have had any interest tied to him that might have influenced his judgment. He is not even supposed to have been the recipient of any loan or to have had any connection whatever with the oil people. And yet he has been rejected under such circumstances that his fellow citizens met him with a brass band when he got home.

All the time we find the Assistant Secretary, who was collaborating very actively in the whole business, left as the guiding star to the new Secretary who is to come from the Pacific coast in a day or two. I want to direct attention to the fact that if Mr. Denby ought to have gotten out, Mr. Roosevelt ought to get out, too.

Why do I say so? We have had numerous attorneys who were suggested to conduct certain litigation rejected, and promptly rejected, because it was shown that at some time or another they had been retained by, or had been connected with, some of these oil companies. We have one now held in suspense where the committee of the Senate refuses to recommend him because he is connected with a bank that is known as a Standard Oil bank; they refuse to confirm him because, forsooth, having represented one of the Standard Oil banks he is not in a position to represent the Federal Government in bringing suits against an oil company which is said to be robbing the Government.

Let us look into it and apply that to an official of the Navy Department to-day. The Assistant Secretary of the Navy was a director of the Sinclair Oil Co. up to the time he entered the war. He was a stockholder in it. When he returned from the war he did not go back with them, but, according to the testimony produced before the committee, he became an employee of Montgomery & Co., the bankers of the Sinclair Oil Co., having in his particular charge the business conducted by the bank with the Sinclair Oil Co.

Mr. CHINDBLOM. Mr. Chairman, will the gentleman yield there?

Mr. STEVENSON. Yes.

Mr. CHINDBLOM. Has the Assistant Secretary of the Navy perpetrated any other crime than this?

Mr. STEVENSON. If the gentleman will be patient, I will not charge the Assistant Secretary of the Navy with any crime, and I do not intend to; but I want to call attention to the fact that he is in an equivocal position, if these different attorneys were in such a position that they could not properly represent the Government.

Mr. CHINDBLOM. Did I understand the gentleman also—

Mr. STEVENSON. I do not yield any further now. The Assistant Secretary of the Navy, when he returned, as I say, took up his duties with Montgomery & Co., according to the testimony of his brother, Mr. Archie Roosevelt. According to his own testimony, his wife became the owner of 1,000 shares of the Sinclair Oil Co., and retained them until 1922, after the leases that are complained of had all been executed.

Mr. LONGWORTH. On what authority does the gentleman make that statement?

Mr. STEVENSON. I get it from the statement of Mr. Roosevelt himself in his testimony before the committee.

Mr. LONGWORTH. I would like to hear the gentleman make that statement and prove it.

Mr. STEVENSON. Well, I will refer you to the testimony that he gave himself.

Mr. LONGWORTH. Let me get the gentleman correctly. Does the gentleman state that Mrs. Roosevelt owned that stock at the time the leases were made?

Mr. STEVENSON. I said that Mr. Roosevelt in his own testimony, which I can read to you, said that they owned it and sold it in 1922, and that then—

Mr. LONGWORTH. No, no. The gentleman made this positive statement: The gentleman said that Mrs. Roosevelt owned that stock at the time the leases were made, and I submit that the gentleman—

Mr. STEVENSON. I do not care what the gentleman submits.

Mr. LONGWORTH. That the gentleman has made a false statement, and let the gentleman prove his statement.

Mr. STEVENSON. The gentleman will not maintain that outside of this House.

Mr. LONGWORTH. Let the gentleman prove his statement.

Mr. ROGERS of Massachusetts. Why does not the gentleman read the testimony?

Mr. STEVENSON. I will read it at the right time.

Mr. CONNALLY of Texas. Mr. Chairman, I make the point of order that the gentleman has not yielded.

Mr. STEVENSON. There is no use of getting "het up" about this thing. [Applause.] I will call the gentleman's attention to what Mr. Roosevelt said in one minute:

Senator WALSH. And your stock was sold some time during 1917 or 1918?

Assistant Secretary ROOSEVELT. My stock was sold, I should say, in the winter of 1918.

Senator WALSH. And then your wife became a stockholder in 1920?

Assistant Secretary ROOSEVELT. In 1920, and sold that stock in 1921, I think. I can tell you approximately. It was, I think, in 1922; sold it in 1922.

Senator WALSH. Are there any other members of your family interested in the Sinclair Co.?

Assistant Secretary ROOSEVELT. My brother is an employee of the Sinclair Co.

Senator WALSH. Does he hold any official position there?

Assistant Secretary ROOSEVELT. Yes; he is an employee. I do not know whether you would call it an official position. I will ask Mr. Sinclair, however.

And so on.

Mr. LONGWORTH. Mr. Chairman, if the gentleman will pardon me?

Mr. STEVENSON. Yes.

Mr. LONGWORTH. "And so on" is pretty vague.

Mr. STEVENSON. I can read you what he says additionally.

Mr. LONGWORTH. The gentleman has made the positive statement that Mrs. Roosevelt owned this stock at the time these leases were made. Does the gentleman repeat that statement?

Mr. STEVENSON. I do not say that he has said so, but I say—

Mr. LONGWORTH. Then the gentleman said it himself?

Mr. STEVENSON. I say she owned this stock, according to his statement, in 1922, and the order which he procured the President to sign was on the 31st day of May, 1921, when she owned it, and this was the basis of the whole transaction. The contract was made on the 7th of April, 1922, and it is up to him to show whether she sold before or after the 7th of April.

Mr. LONGWORTH. The gentleman has made the positive statement that Mrs. Theodore Roosevelt owned this stock at the time the leases were made. Is the gentleman prepared to prove that?

Mr. STEVENSON. Mr. Chairman, I have stated what the proof is, and if the gentleman now says she did not own it on the 7th of April, 1922, I shall not be prepared to controvert it, but she did own it when the negotiations were going on and when the order of the President transferring this was signed, for the very purpose of consummating the act, in 1921, according to their own statement; they can not get away from it and say there could have been no such transaction.

Mr. LONGWORTH. I am prepared to make a statement, and if the gentleman cares to deny it, let him do so.

Mr. STEVENSON. Just wait a minute; this is in my time.

Mr. LONGWORTH. Not at all.

Mr. STEVENSON. If the gentleman makes a statement which I know is not true, I will deny it and I do not hesitate to say so.

The CHAIRMAN. Does the gentleman yield to the gentleman from Ohio?

Mr. STEVENSON. Yes; I yield to the gentleman from Ohio.
Mr. LONGWORTH. I am prepared to make the positive statement that Mrs. Roosevelt did not own a share of stock at the time these leases were made.

Mr. STEVENSON. Will the gentleman make a statement as to what time in 1922 she parted with it?

Mr. LONGWORTH. I will make a statement to the effect that she was not in possession of any of this stock within three months before the leases were made.

Mr. STEVENSON. After or before?

Mr. LONGWORTH. Before the leases were made.

Mr. STEVENSON. Then the gentleman is prepared to admit that she owned it when the original order was procured by Mr. Roosevelt to be signed by the President, is he not?

Mr. LONGWORTH. That proposition is negated by what I have stated.

Mr. STEVENSON. No; it was stated positively she owned it in 1922.

Mr. LONGWORTH. Well, the gentleman stated his own inference from the testimony.

Mr. STEVENSON. The gentleman stated his own inference from the testimony, which Mr. Roosevelt could have made positive, but he did not do that. Mr. Roosevelt knew what they were driving at. If he had sold that stock before the leases were made, why did he not say so then? If he had so stated, I would not have disputed it. If he sold it in 1922, if you run back for three months from April, then it must have been sold the 7th of January. We had hardly gotten into the year 1922 then.

Now, I am not going to have any further controversy about that. That is settled. It is settled that Mr. Roosevelt, through his wife, had an interest in the oil company when the negotiations began and when they were running and when he himself carried the order to the President, May 31, 1921, and had the order signed and brought it back to the Navy Department.

Mr. FRENCH. Would the gentleman yield just a moment, and if necessary, I will yield him whatever time I may consume?

Mr. STEVENSON. All right, sir.

Mr. FRENCH. It should modify the situation to have it understood that Colonel Roosevelt was one of the officers in the Navy Department who was not in accord with this leasing and building program. The Navy Department was not harmonious on that question—neither the administrative officers who were civilians nor the regular officers of the Navy. It happens that in this great administrative matter Colonel Roosevelt was opposed to the leasing and storage construction program.

Mr. STEVENSON. Yes; well, we will see about that. At page 420 of the record:

Senator WALSH. Please let me know whether you approved or disapproved of the policy of making expenditures of between \$15,000,000 and \$20,000,000 for these tanks by private contract and without competitive bidding.

Assistant Secretary ROOSEVELT. I approved the general policy of endeavoring to arrange the situation so that the oil, which was evidently intended by Congress to constitute the naval reserves, should be kept as a naval reserve in the only way possible, which was that.

What was that but approval, and he said it several times. He was pinned down on that several times, as I will show the gentleman, when he said, "I approved the general policy which was adopted." See also page 1300, where he reiterates it.

Mr. FRENCH. The gentleman must remember that the policy of conserving oil for the Navy is one thing and the policy of what arrangements should be made for building storage and all that sort of thing is a different thing. That could have been worked out through calling upon the Congress, or it could have been worked out without having these leasing companies build the storage reservoirs. There are various ways, either one of which might have been adopted.

Mr. STEVENSON. Is the gentleman going to yield me time for the time he is taking now?

Mr. FRENCH. I shall be glad to. Undoubtedly Colonel Roosevelt believed in the general program that we probably, as a Congress, all approve, of conserving oil for the Navy.

Mr. STEVENSON. The gentleman will find—and I will put it in my remarks—that Mr. Roosevelt not only approved it at this point but he approved it at two or three different times when pinned down and said, "I approved of this general policy." Page 1300.

That is the proposition which comes before the new administration of the Navy Department.

Mr. FRENCH. Will the gentleman yield for a further question?

Mr. STEVENSON. All right.

Mr. FRENCH. Did not Secretary Daniels approve of saving the oil?

Mr. STEVENSON. Yes; Secretary Daniels approved of saving the oil, but he did not approve of leasing it out and taking a large part of it for the purpose of constructing tanks.

Mr. FRENCH. Will the gentleman yield again?

Mr. STEVENSON. I do not yield any further. We will get through with one thing at a time.

The CHAIRMAN. The gentleman from South Carolina declines to yield.

Mr. FRENCH. Will the gentleman yield if I yield him time for the time I consume, and that is what I propose to do?

Mr. STEVENSON. All right.

Mr. FRENCH. Does not the gentleman know that under Secretary Daniel's administration there was that actual thing done—the leasing of the right to procure oil in order to conserve its value to the Navy or to the Treasury?

Mr. STEVENSON. Yes, sir. But those were protective wells. Mr. Daniel's position is fully stated in the Record of February 10, 1920, page 2700.

Mr. CONNALLY of Texas. Will the gentleman yield right there so that I may ask the gentleman from Idaho a question?

Mr. STEVENSON. Yes.

Mr. CONNALLY of Texas. I judge from the remarks of the gentleman from Idaho that the gentleman favors this naval policy.

Mr. FRENCH. Oh, no; the gentleman has no right to make any such deduction from my remarks.

Mr. CONNALLY of Texas. The gentleman was citing with approval the fact that Secretary Daniels had leased some wells, and I supposed he was using that as a basis for supporting his own belief that that was a proper thing to do.

Mr. FRENCH. I have no hesitation in asserting that it was the right of any Secretary of the Navy, whether Secretary Daniels or his successor, to carry out vigilantly a policy of endeavoring to save the Navy oil for the Navy, to save it for the country, and unless something had been done to protect the Government's interests the oil would have been pumped out by the Standard Oil Co. and other subsidiary companies through wells upon lands adjacent to the oil reserves. The question of method of carrying forward such a program is an entirely different proposition, and if the gentleman will consult the hearings held two months ago, and held some time before the statement was made by Secretary Fall touching his entire relationship to the matter, the gentleman will find that I specifically disapproved of the policy that was followed, and that continues to be my own attitude.

Mr. STEVENSON. Now, Mr. Chairman, I do not want to have any more interpolations about this before I get through.

Mr. FRENCH. Mr. Chairman, may I yield the gentleman as much time as the gentleman thinks I ought to yield for the time I have consumed?

Mr. STEVENSON. The gentleman ought to give me at least five minutes.

SEVERAL MEMBERS. Ten minutes.

Mr. STEVENSON. Ten minutes, they say, and I suspect that is right. [Laughter.]

The CHAIRMAN. Let the Chair understand about the matter of time. Does the gentleman yield 5 minutes or 10 minutes?

Mr. FRENCH. Whatever time we have consumed I wish to yield the gentleman.

The CHAIRMAN. The gentleman from South Carolina is recognized for 10 additional minutes.

Mr. STEVENSON. Mr. Chairman, there is no need for anybody to get too warm about this matter. It is all in the record. The gentleman from Ohio [Mr. LONGWORTH] said a moment ago that I did not read on, and so forth. Well, I will read on and just give all that is there at that place:

Assistant Secretary ROOSEVELT. I will ask Mr. Sinclair, however.

Mr. SINCLAIR. He is a vice president of one of the subsidiary companies.

Assistant Secretary ROOSEVELT. Vice president of one of the subsidiary companies.

Senator WALSH. Is he a director in any company?

Assistant Secretary ROOSEVELT. Again I will have to ask Mr. Sinclair.

Mr. SINCLAIR. He is not a director in the original company; he is in the subsidiary company.

Senator WALSH. Do you know how long he has sustained these relations to the Sinclair Co.?

Assistant Secretary ROOSEVELT. Yes; since the spring of 1919.

Now, we will see where Mr. Archie Roosevelt came in on this proposition. He says:

Senator DILL. Mr. Roosevelt, you may have stated, but I did not get it clearly, as to just how you came to go into the employ of Sinclair Co.

Mr. ROOSEVELT. You can help me on this, Mr. Stanford. I think Montgomery & Co. were bankers for the Sinclair Co., weren't they, at one time?

Mr. STANFORD. I think so.

Mr. ROOSEVELT. And my brother was with Montgomery & Co., and had represented Montgomery & Co. with the Sinclair Co. This is a long time ago, and I don't know about it as well as, perhaps, you would. And he said to me—

The CHAIRMAN. Who said to you?

Mr. ROOSEVELT. My brother, Ted. He said, "There is a chap I know in New York, and he might give you a job." He said, "I served on his board of directors. And he might give you a job." And that was how it came about.

Senator DILL. Well, did your brother go to Montgomery & Co. in your interests?

Mr. ROOSEVELT. To Montgomery? Oh, no. He was with them.

Senator DILL. He was with Montgomery & Co.?

Mr. ROOSEVELT. Yes.

Senator DILL. And did your brother go to the Sinclair Co. for you?

Mr. ROOSEVELT. Oh, yes; he helped me there.

Senator DILL. He helped you get it?

Mr. ROOSEVELT. He helped me get the job; yes.

The CHAIRMAN. Any further questions? If not, we will excuse Mr. Roosevelt.

So Mr. Theodore Roosevelt, the present Assistant Secretary and Acting Secretary of the Navy, being with the bankers of Sinclair & Co. goes and gets the job for Archie, his brother, with Sinclair & Co. What compensation did he get and when did he quit? Mr. Theodore Roosevelt said two or three days ago that Mr. Archie Roosevelt got \$10,000 a year to start with, which was subsequently increased to \$15,000 a year.

That is twice the salary of a Congressman. If you read the testimony of the gentleman—and I never saw Mr. Archie Roosevelt—I think you will conclude with me that it was a remarkable salary to be paid to a man of the capacity which he showed in the testimony. I do not know him and I never saw him, but I know from reading his testimony that he did not show sufficient capacity to do much more with that crowd than to turn a grindstone or grease a gimlet. That is about the way it impressed me, and yet he was being paid \$15,000 a year, and was so paid until this investigation got too hot, when he jumped overboard. Then, gentlemen, talk about there being no interest up there.

There was a picture the other day of Daugherty standing on the burning deck, with the oil fumes all flowing up around him. It was called "The boy stood on the burning deck." That reminded me of the scene when they found that Ned McLean admitted practically that he had been lying, and Senator CARAWAY made a speech which scared Archie so much that he hallooed for Teddy. Senator CARAWAY certainly got a feather in his cap, because he scared a Roosevelt.

Mr. LITTLE. Mr. Chairman, will the gentleman yield?

Mr. STEVENSON. No; I can not yield just now.

Mr. LITTLE. I just wanted to know why the gentleman said "practically"; that is all.

Mr. STEVENSON. Oh, I shall not qualify it; I shall say that he admitted that he lied, but he had not admitted it at that time. The Assistant Secretary of the Navy rushed over to New York and they listened in on a telephone conversation with another fellow, and then came back here and jumped overboard. Fifteen thousand dollars a year was good enough until it began to burn. It impressed me so much that I wrote a little parody on that well-known poem. It seems that doing such a thing has become fashionable these days, although mine was completed some weeks before Senator HEFLIN and Senator LODGE began it. It is as follows:

ARCHIE AND THEODORE OR THE BOY JUMPED OFF THE BURNING DECK.

Archie stood on the oily deck

Whence Theodore had sped;

He proudly drew his weekly check—

It was his daily bread.

But soon the deck became quite warm—

The boss to Europe fled—

Feeling a sense of keen alarm,

He called for Brother Ted.

With life preserver in his arms,

Abandoning his bread,

He made a flying leap from harm,

But landed on his head.

That is what happened to Archie. I leave it to this House whether or not the fact of the ownership of the stock while negotiations were going on, and that under the influence of the Assistant Secretary, this boy was being carried on the pay roll at \$15,000 a year, does not call for a change over yonder?

There are one or two other things that I want to talk about. The gentleman talks about Mr. Daniels advocating this, that, and the other. Mr. Daniels is not Secretary of the Navy at the present time, and if he had been you would not have anything like this going on. Doheny and all of his crowd admit that they could not break in with a crowbar when he was there, and they denounced him for it. What was done? They went to work in defiance of the right of Congress to appropriate the money and the assets of the United States and made the contractors spend \$20,000,000 in building oil terminals at Pearl Harbor and other places and paid for it out of the oil that belonged to the Government, taking the assets and making contracts and building establishments without any right from Congress or anything else, but it was all approved by the Assistant Secretary of the Navy, because he said so in his testimony which I just read to you and in many other places.

We are going to have a new Secretary of the Navy from the Pacific coast. They are exceedingly interested in building a naval base at Alameda, Calif. If he conceives that he has the same power that this other Secretary and Assistant Secretary conceived they had, what is to hinder him from alienating every gallon of oil in the naval reserves and building up a great naval base there without the consent of Congress or anybody else? One is as bad as the other, and one is not any better than the other, and you can not distinguish between them. I say for that reason the Assistant Secretary of the Navy is now in a position where he ought to get out. Not only that, but you had the testimony a day or two ago of the marines being used and sent out there to throw off those people who were contesting with Mr. Sinclair the right to that property. Some say that that was Government property. Oh, no; it had been transferred to Sinclair, and the question was between him and the "squatters," as they were called. It was a question between two claimants to land, and we find the Navy Department, under the express order of this Assistant Secretary of the Navy, taking that great historic organization, the marines, and sending them out there instead of letting those people try their rights at law. We find him bringing all the power of the military force of the United States to bear in behalf of Sinclair and his crowd, to whom they had granted these leases, and on whose behalf they had no right to use the military arm of the United States Government.

Mr. SPROUL of Kansas. Mr. Chairman, will the gentleman yield?

Mr. STEVENSON. Yes.

Mr. SPROUL of Kansas. Assuming the fact, which the gentleman will probably deny, that this lease was a legally made lease, would it not be the duty of the Government to put the lessee in peaceable possession of the leased property?

Mr. STEVENSON. The Government would have properly remanded him to the United States court, and when the United States court had determined his right, then the marshal and his force and all of the military forces of the Government would be behind the decree; but that is what they did not do. They did not propose to submit the matter to a court. They said: "We have taken up Sinclair and we are going to see him through with the military arm of this Government, and we are not going to give anybody else a chance," and it became a military strong-arm ejection that went on out there, probably all of them squatters, but they had their rights as American citizens.

I made the statement when I started out that the wife of the Assistant Secretary of the Navy owned stock when this contract or lease was made. The gentleman from Ohio [Mr. LONGWORTH] challenged it. I have read to you the evidence. If that is not true, it is merely a wrong inference from the evidence. I do not intend to misrepresent those people, and the gentleman from Ohio knows that I do not.

Mr. LONGWORTH. I admit that. I think the gentleman made an erroneous statement, made it without authority.

Mr. CONNALLY of Texas. Was that made clear in the evidence?

Mr. STEVENSON. No; the Assistant Secretary had the opportunity to make that clear, and that was what they were driving at, and he failed to do it, and I had a right to infer that. Had he stated that the stock was sold in February, 1922, as he had the opportunity to do, no question would have been made of it by me.

But, gentlemen, do not forget this is a matter of 12 months' transactions. Gentlemen, do not forget that the foundation stone of this was the order of President Harding which Mr.

Roosevelt himself carried to the President on the 31st day of May, 1921, and secured him to sign. At that time the stock was owned by Roosevelt's wife, according to his own testimony, and continued up until some time in 1922, and this contract was signed April 7, 1922, and therefore assuming that while the gentleman—I am not charging the gentleman has done anything wrong, but assuming after all these other men referred to are disqualified by being lawyers, because they accepted pay from an oil company—the gentleman who occupies the position of Assistant Secretary of the Navy is disqualified from sitting in that position after the circumstances which I have detailed when his personal interests in the Sinclair Co. were in such shape as I have detailed, and I think he can very properly follow the lead of Archie and jump overboard, and I believe he will.

Mr. FRENCH. Mr. Chairman, I yield five minutes to the gentleman from Kansas [Mr. TINCHER].

Mr. TINCHER. Mr. Chairman and gentlemen of the committee, it has been a matter of some considerable satisfaction to most of the Members of the House that the House of Representatives has not indulged in as plain unwarranted gossip and vicious scandalization without warrant as some other branch of our Government has been indulging in. What was the object of the speech just made? It could have but one object, and that was for the Saturday night and Sunday morning papers to carry to the country the statement that Theodore Roosevelt was interested in Sinclair oil, and that while it was admitted it was in the name of his wife, by reason of the leases made he has profited, and for that reason he should get out of the office of a Cabinet officer. The excuse offered by the learned gentleman, who always displays some partisanship in making a speech on this floor, is that a plain denial of that statement of his was not contained in any hearing. Now, let us stop and be moderate. Is it possible in this great country of ours the right way to do is to charge some one with being a criminal unless he has some legal proof of his innocence? Think how unfortunate it would have been for a great and honored family of this country if they had no one on the floor to speak for them and deny that contemptible insinuation and assertion. [Applause.] I suppose the thing that prompted the charging of it was the fact that men intimately connected with the family are prominent on our side of the House. Thank God for the support to that honored family that the country may know the base falseness of the accusation at the same time it is issued. Mrs. Roosevelt had stock in the Sinclair company and Mrs. Roosevelt sold it three months before the lease. Could a person say that she sold it at a profit by reason of her husband having to O. K. a lease that might make the stock more valuable? Mr. LONGWORTH is here, and I want to ask him, Do you know whether Mrs. Roosevelt sold her stock at a profit or at a loss?

Mr. LONGWORTH. Mr. Chairman, of course I have nothing whatever to do with the business connections of any of the members of my family except myself. However, I do know this: Mrs. Theodore Roosevelt has her own property entirely independent of control by her husband, and I do know this, she sold whatever she may have owned of the Sinclair oil stock at a substantial loss at least three months before any of these naval leases were made.

Mr. TINCHER. I assume that no one will deny the truth of that statement. But how nice it would have been for the scandal mongers if the morning papers had carried the statements here presented and should have insinuated that while Theodore Roosevelt was in the Cabinet position he enriched his wife by making an oil lease. Shame on that kind of statesmanship! I believe in an honest House, where it reaches honest conclusions with some reason and common sense. I do not believe you will gain anything as a party by stooping down and trying to attack a man like Theodore Roosevelt in such an underhand, contemptible manner, and without any excuse for it whatever.

Mr. BARBOUR. Will the gentleman yield?

Mr. TINCHER. I will.

Mr. BARBOUR. Does not the gentleman from Kansas also think it would have been ordinarily decent to have given the new Secretary of the Navy a chance to start in on his duties before attacking and criticizing him? I want to say the new Secretary of the Navy is as clean and fine a type of American citizen as you will find anywhere in the United States, and I know it. [Applause.]

Mr. TINCHER. I believe it, and I will say this, that the time has come in this country when I do not believe men will bear the reputation of being clean, fair, and honest statesmen who are willing to stoop to scandal of this character or kind.

We are getting rid of some of the grafters; we are prosecuting some of the criminals, more than you ever did; and I do not believe you raise yourself in the estimation of the people of this country by such dastardly, cowardly attacks on the good name of men and women on this floor without any warrant whatever for them, except you could not find out where they denied it in some hearings you read. [Applause.] Mr. Chairman, I yield the floor.

Mr. BOYCE. Mr. Chairman, will the gentleman yield?

Mr. TINCHER. I yield the floor.

Mr. BYRNES of South Carolina. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. CONNALLY].

Mr. FRENCH. The gentleman from Texas wants to speak on this subject?

Mr. BYRNES of South Carolina. Yes. That was the understanding. That is the only one.

The CHAIRMAN. The gentleman from Texas is recognized for five minutes.

Mr. CONNALLY of Texas. Mr. Chairman and gentlemen of the House, a great many Members on this floor, especially my good friends on the Republican side, sometimes good-naturedly tell me that I am a partisan. That charge is true. If I did not believe in my party and its principles I should leave its ranks. I am a partisan, but I have not permitted my partisanship heretofore to cause me to say anything on this floor about any of the transactions that have attracted so much attention in the public press with reference to Teapot Dome and Secretary Fall and Attorney General Daugherty. I shall just take this occasion to make a few observations with reference to the conduct of the gentleman from Kansas [Mr. TINCHER] a little while ago in rising in his seat and so bitterly attacking the gentleman from South Carolina [Mr. STEVENSON] for standing up in the House and quoting from the printed hearings, the sworn testimony of the Assistant Secretary of the Navy, Colonel Roosevelt. Now, if a noise were wisdom, and heat were courage, the gentleman from Kansas would probably occupy the leadership that is now occupied by the gentleman from Ohio. [Applause.]

But such, happily, is not the case in this instance. I want to say a word to gentlemen on the other side, and especially to the gentleman from Kansas, because he is quite a debater. He is quite a partisan on this floor. I admire a man who is willing to stand up and fight, but I admire still more a fighter who, when the battle goes against him, is willing to take the gaff once in a while.

I remember when the gentleman from Kansas made his advent here on the floor of this House, fresh from the wild plains of Kansas, bellowing like a roaring bull about the way the war had been conducted under a Democratic administration. I heard him and other Republicans pouring out here on this floor volleys of denunciation of the waste, the criminal extravagance, the corruption, and the graft that filled the War and Navy Departments under the Democrats. And yet, with all of your investigations and all of your smelling committees, with all of the machinery that the Republican Party could set in motion immediately after it came into power in this House in 1919, never was there uncovered in all the vast transactions of the war a single transaction that was corrupt. They never uncovered one transaction that imputed dishonor or disloyalty to a single responsible Government official under the Democracy.

Mr. BARKLEY. Mr. Chairman, will the gentleman yield?

Mr. CONNALLY of Texas. In a moment. They did uncover one official of the Government, and they indicted him, and that happened to be an Assistant Secretary of War, a Republican, from Cleveland, Benedict Crowell by name, whose indictment was dismissed by the court a few days ago because the Attorney General and his assistant could not write an indictment that the court would hold to be sufficient to charge a crime.

Now I yield to the gentleman from Kentucky for a question.

Mr. BARKLEY. The gentleman from Kansas suggested a few moments ago that the Republicans had prosecuted more criminals than the Democrats did. That was necessary, because more criminals had developed under the Republicans than got in under our administration. [Applause.]

Mr. CONNALLY of Texas. Yes.

Now, I have not charged or attacked anybody in all this controversy. But as I have said, I like to see a fighter. Let me say to the gentleman from Kansas, your party, after making all kinds of investigations and raising such a bull-balloo about the Democratic administration, when it comes to your time to be investigated, when it comes to throwing the light on your secret transactions, when committees of investigation find some tracks leading up to your door, when they find these tracks leading up almost to the White House itself, if the gentleman from Kansas is a real fighter, if he

is game, if he is not a quitter, he will stand up and take his medicine and not whine and cry like a whipped baby. [Applause.]

Now, what about the Assistant Secretary of the Navy? Since this question has been raised I want to make some observations about that. I honor the name of Roosevelt. The first time I saw Colonel Roosevelt, sr., was in San Antonio, Tex., when he was recruiting his Rough Riders. I saw him hooted and spurred, out in the camp, organizing the regiment that made him famous. As a schoolboy, I tried to enlist in his regiment, and I met and talked with him, and I was inspired by the splendid qualities of that great man.

But the name Roosevelt did not make him what he was. It was the great qualities of heart and mind and the great qualities of courage that made him, and not the name Roosevelt. There is no magic in a name. I grieve for his son. It grieves me and it makes my heart sad that the same son that bears his name and, as I understand it, entertains the same ambition that he entertained did not, when he was confronted by this situation in the Navy Department, exhibit the heart and the courage of a real Roosevelt and say to Sinclair and Fall and Doheny and the rest of them, "I will have nothing to do with those transactions. You shall not steal the Navy's oil. We are going to keep it for the Navy; and if this is your game, rather than be Assistant Secretary of the Navy I will resign," as he advised his brother Archie to resign, "and go out into private life."

My God, gentlemen, I derive no satisfaction from the fact that these things, these corrupt and scandalous things, have occurred. Since they occurred I am of course glad they have been uncovered. But I derive no satisfaction, because I happen to be a Democrat, from the fact that there have been revealed these corrupt chapters in the administration of the public affairs of my country. Would that they had never occurred, because I know that the harm that will be done out yonder among the people, the harm that will be done in the destruction among the people of confidence in the Government, will be more harmful to the country at large than could be counteracted by any partisan advantage that my party or I will derive from them. I am for my country first and my party afterwards.

When I contemplate that my party went through a great war with marvelous opportunities for fraud and for graft and emerged free from the taint of corruption in high places, I do derive some little satisfaction out of the fact that while I regret these things, Teapot Dome and the naval oil-lease scandals, and the Department of Justice scandal, have occurred, and while I regret that this dish of corruption shall be held up to the nostrils of the people of the country—I derive some satisfaction from the fact that when they invaded the chambers where the dark doings of conspirators and criminals were taking place, when they bared the secret schemes and corrupt bargains that were hatched there, no responsible figure in the party to which I belong was either found there or was revealed as being guilty of corrupt conduct in office or of treachery to a public trust. [Applause.]

Mr. FRENCH, Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts [Mr. ROGERS].

The CHAIRMAN. The gentleman from Massachusetts is recognized for 10 minutes.

Mr. ROGERS of Massachusetts. Mr. Chairman and gentleman of the committee, I personally am somewhat tired of the "everybody knows" type of evidence to which we have been treated and to which the country has been treated for a good many weeks in connection with Teapot Dome and other matters. I should like, if it were possible, to deal with information and to deal with facts rather than to deal with hearsay in the second, third, and even fourth degree. My purpose in asking for this time this afternoon is to depart from the usual practice on this general topic. I propose to give the House some information on the subject which has been brought into this debate by the gentleman from South Carolina [Mr. STEVENSON].

Mr. STEVENSON. Will the gentleman yield in order that I may make one slight correction?

Mr. ROGERS of Massachusetts. Yes.

Mr. STEVENSON. My friend from California, I infer, believes I criticized the new Secretary of the Navy. I think you will find in my remarks nothing critical of him but a plea that he should have a clean slate.

Another statement which I want to correct is an inferential statement which the gentleman has just made that I have been stating that "they say" and "everybody knows." I did not quote a statement from that record except from Theodore Roosevelt and Archie Roosevelt—not a single one.

Mr. ROGERS of Massachusetts. Most of the gentleman's speech, which I heard, was based on inference rather than on sworn testimony.

Here are the facts, as I understand them, concerning Theodore Roosevelt's connection with this Teapot Dome matter. I assert them on my own responsibility. So far as I know they have not been set forth in consecutive form before this moment.

Col. Theodore Roosevelt's connection with the oil leases was, briefly, as follows: Shortly after President Harding's induction into office Secretary Denby sent him, Roosevelt, a copy of a proposed Executive order transferring the naval oil reserves to the Department of the Interior without recourse. At the same time a copy was sent to the Bureau of Engineering. After getting his copy of the order Colonel Roosevelt asked Admiral Griffin, who was then chief of that bureau, and who had naval oil matters under his particular care, to talk it over with him. Colonel Roosevelt knew very little of the matter, for it was exceedingly intricate and complex, and he had recently taken office. Admiral Griffin felt very strongly that this transfer to the Interior Department would be a mistake. After thinking the matter over Colonel Roosevelt decided he was probably right. His grounds for coming to that conclusion were that the Interior Department has as its general mission the development of the resources of the United States, whereas the oil lands belonging to the Navy should not be developed except in a case of real necessity; and that, therefore, there would be a conflict of ideas and policies between the two departments. Colonel Roosevelt went to Secretary Denby and urged that the lands be not transferred to the Interior Department. Secretary Denby informed Colonel Roosevelt that his protest was made too late, because the transfer had already been agreed to by the President, Secretary Fall, and Secretary Denby. After this Colonel Roosevelt went back and discussed the entire situation with Admiral Griffin and certain other officers. It occurred to Colonel Roosevelt that if he could get an amendment to the original order for transfer, making it necessary for the Interior Department to gain the consent of the Navy Department before any leasing or drilling was undertaken, the Navy could guard the oil lands against improper exploitation. In other words, the Navy would not lose its complete control over the details of ensuing transactions.

A number of amendments with this end in view were submitted to Colonel Roosevelt. He took them to Secretary Denby and discussed them with him. After considerable discussion Secretary Denby agreed to a modified form of one of them. Secretary Denby told Colonel Roosevelt to take it to Secretary Fall, and that if Colonel Roosevelt could get Secretary Fall to agree to this amendment it would be all right with Secretary Denby. Colonel Roosevelt took the amendment to Secretary Fall, who agreed to it. Colonel Roosevelt then took it to the White House for signature.

I want you to mark carefully the language of this Roosevelt amendment:

But no general policy as to drilling or reserving lands located in a naval reserve shall be changed or adopted except upon consultation and in cooperation with the Secretary or Acting Secretary of the Navy.

Now, gentlemen, see what that Roosevelt amendment did. That amendment reserved to the Navy complete supervision over the oil reserves. It was on account of this Roosevelt amendment that all of the leases under discussion by the Senate committee at this time were countersigned by Secretary Denby. They could not have been validly executed without the affirmative sanction of the Navy Department.

At this exact point—and I ask you to note the sequence of events—Colonel Roosevelt's active participation in the entire matter ceased. It so happened that he was not consulted on any of the oil leases. Colonel Roosevelt did not know they were under contemplation until after they were signed. With reference to the Teapot Dome lease in particular, Colonel Roosevelt did not even know there was a plan on foot to lease Teapot Dome. Colonel Roosevelt did not know that Sinclair was interested in any of the leases and heard of them only after they had been made known to the general public.

The question of the Roosevelt family's ownership of stock in certain Sinclair companies has been brought out this afternoon. I think most of us will feel it is rather unfortunate to drag, with the apparent purpose of exciting suspicion, the name of a woman into this general controversy; but that has been done. Therefore I should like to give you the facts upon this point. Again, I say, I assert them on my own responsibility.

In so far as Colonel Roosevelt's connection with the Sinclair Co. goes, it is as follows: He was among the group of bankers who were interested in its original formation; he was a director of the company until the United States entered the war in 1917, when he resigned. Colonel Roosevelt's last stock in the company was sold during the war, not later than 1918. Colonel Roosevelt's wife bought 1,000 shares of Sinclair stock, however, in 1920, but sold them at a loss some time before the lease with the Navy Department was signed.

Colonel Roosevelt has engaged in no business of any kind since the war and since his entrance into politics, and he has, therefore, made no money of any kind in business.

Much of what I have here set forth is given in the Senate hearings. It has not, however, been developed in the chronological order in which I have attempted to present it this afternoon.

Gentlemen, I have a very keen admiration for the name of Theodore Roosevelt. [Applause.] I have a very keen admiration for the personality of the present Theodore Roosevelt. I have for that reason made it my business and my duty, as I regarded it, to acquaint myself, so far as possible, with the extent, if any, to which he was properly to be criticized throughout this whole transaction. I have followed the story in the newspapers; I have followed the testimony in the hearings.

The CHAIRMAN. The time of the gentleman has expired. Mr. ROGERS of Massachusetts. Mr. Chairman, I ask for one more minute.

Mr. FRENCH. I yield the gentleman from Massachusetts one additional minute.

The CHAIRMAN. The gentleman from Massachusetts is recognized for one additional minute.

Mr. ROGERS of Massachusetts. And I have discussed this matter with those who were apt to be best informed on the general topic. I can assure you, gentlemen—and I say this on my honor as a Member of the House—that I have not been able to find one instance in which the manliness, the dignity, the honor, or the efficiency of Theodore Roosevelt has in the least degree been affected by the Teapot Dome revelations. [Applause.] I think he has been an admirable public servant; I think it would be a tragedy if his public career were even for a moment to be retarded by these disclosures and by the inferences which unfair critics have been prone to put upon what he has done and upon what he has not done.

Gentlemen, the name of Theodore Roosevelt is untarnished; we can have perfect confidence in the performance of this man as Assistant Secretary of the Navy. I hope the country realizes how fortunate we are to have a public servant of his ability, character, and unblemished reputation and honor. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. Mr. BYRNES of South Carolina. Mr. Chairman, I yield 30 minutes to the gentleman from Texas [Mr. JONES].

Mr. JONES. Mr. Chairman, liberty is the sublimest word in the language of men. Nothing can be grander in this world than to fight the battles for its attainment. Nothing can be more glorious than to fight in defense of one's country, especially when that country is the land of one's nativity. Born in a struggle, developed in an atmosphere of independence, our forefathers wrung from the hands of British oppression the unhindered right to be free. During all the period of our national existence we have been an independent people, but our independence had to be won on the field of battle, and having been won it must be maintained even at the point of the bayonet.

Since the beginning of our national life the name America has been a synonym for liberty and freedom. The peoples of all the world have spoken of Americans as defenders of those great principles of human happiness. That very fact, however, should cause us to use all the more zealous care to see that we deny to no one else the same privileges that we claim for ourselves.

At the time of the conclusion of peace at the close of the Spanish-American War, we accepted the Philippines under certain specified conditions. Hardly a voice was lifted during the discussions in favor of the permanent retention of the islands.

CONDITIONS UNDER WHICH PHILIPPINES WERE ACCEPTED.

The sole controversy that arose during the proposed relationship was whether the Philippines should be granted immediate independence or whether a sort of protectorate should be established until such time as the Filipinos should show themselves capable of self-government.

The latter plan was adopted. William McKinley was President of the United States at the time. In discussing the problem in the year 1890, he used the following language:

The Philippines are ours not to exploit but to develop, to civilize, to educate, to train in the science of self-government.

He further said:

We must make these people whom Providence has brought within our jurisdiction feel that it is their liberty and not our power, their welfare and not our gain we are seeking to enhance.

This has always been the declared policy of the Government of the United States, and I have been able to find no expression of any official having authority to declare our position which conflicts with this statement.

In 1907 Governor Taft said:

Our jurisdiction and control will finally end in the islands when they are capable of self-government.

In 1915 Theodore Roosevelt said:

If we act so that the natives understand us to have made a definite promise, then we should live up to that promise. These being the circumstances, the islands should at an early moment be given their independence without any conditions whatever by us, and without our retaining any foothold in them.

THE JONES ACT.

In 1916 the Congress passed what is known as the Jones Act. The preamble to that act read in part as follows:

It was never the intention of the people of the United States in the incipency of the war with Spain to make it a war of conquest or for territorial aggrandizement. * * * It has always been the purpose of the people of the United States to withdraw their sovereignty over the Philippine Islands and to recognize their independence as soon as a stable government can be established therein.

Mr. EVANS of Montana. Will the gentleman yield for a question?

Mr. JONES. Yes.

Mr. EVANS of Montana. Did not the Jones Act, as it originally passed this House, provide they should have their independence upon the 4th of July, 1922?

Mr. JONES. I do not think any definite date was set in the law as actually passed.

Mr. EVANS of Montana. Not as actually passed, but as passed by this House.

Mr. JONES. I think probably the gentleman is correct, as the act passed the House.

Mr. McKEOWN. Will the gentleman yield for a question at that point?

Mr. JONES. Yes.

Mr. McKEOWN. The opposition to the granting of independence to the Philippines has come somewhat from a fear that they might become the prey of some other nation, or may be controlled by some other nation, which might be detrimental to the welfare of the United States, and I would like to hear what the gentleman has to say on that phase of the question.

Mr. JONES. I think if the gentleman will get down to the heart of things he will find that is not the real fear, and that is not the essence of the objections which have been made as to Philippine independence.

The real objection is the interest of some business men who have interests in the Philippines. As to their becoming a prey to some other nation, if any nation undertook to take them over, a number of other nations would oppose such a course, while under present conditions the United States would have the entire responsibility should any nation undertake to gain a foothold there. Besides, if that were the only objection to independence, the United States could, if they saw fit at the time they granted independence, say to the world that for a definite or an indefinite length of time we would see to it that no outside nation interfered in the Philippines. In other words, we could make such conditions as might seem wise relative thereto. At any rate, there can be no question of the obligation which the United States has assumed—that we undertook the obligation to release the Philippine Islands as soon as they showed themselves to be capable of self-government. There can be no doubt of our obligation to make their interests and not ours the test. The question is not what is best for ourselves; it is not even what is best for the Philippines; the big question is whether or not they are in position to look after their own government. It is very easy for us to minimize the importance of this question. It is always easy for any individual or any nation which is exercising power of any kind to feel that such individual or such nation can exercise that power better than anyone else. No doubt England thought exactly the same way when the American Colonies sought their independence.

America has grown to be a great Nation; the richest, the most powerful organized country on earth, but at the time she fought for and obtained her independence she had less popula-

tion, less national wealth, and was probably of as little apparent relative national importance as the Philippines are to-day.

But whether or not these comparisons be true, the only questions now left to be determined are whether the Filipinos desire independence, and whether they have shown that they are capable of conducting their own government.

PHILIPPINES DESIRE INDEPENDENCE.

There can be no doubt of their desire for independence. They have sent two missions to the United States with the single purpose of urging upon the Congress the granting of absolute independence. I was a member of the Insular Affairs Committee of the House at the time this first commission came, and had the pleasure of listening to their presentation. That was the first time in the history of the world that a dependent people had come before the governing country asking independence without reciting a complaint whatever but asking simply for the recognition of a great principle on the basis of fundamental right and breathing nothing but appreciation and good will toward the governing people. It was a magnificent tribute to the unselfish purposes of their country. Only recently another has come for the same purpose. Even the Woods-Forbes report shows that the Filipinos desire independence. I quote from that report, as follows:

We find the people are happy, peaceful, and, in the main, prosperous. We find everywhere among the Christian Filipinos—90 per cent of the population—the desire for independence.

Thus their desire for independence is beyond question. However, I may add in this connection the following quotation from the same report:

The Americans in the Islands, numbering 6,931 out of 10,956,732 total population, or far less than one-tenth of 1 per cent, are for a continued American control.

Thus it seems that the Americans who are there are anxious to have them continue under American control. I wonder if there is not a likelihood that the present policy toward the islands may have been determined more upon the basis of the interests of Americans than the interests of the Filipinos themselves?

Mr. LITTLE. Will the gentleman yield?

Mr. JONES. I will.

Mr. LITTLE. Very largely I agree with the gentleman, but may I call his attention to the difference between a Christian Filipino, the Moros, and the Mindanao people and suggest probably there is considerable difference in their capacity for self-government.

Mr. JONES. But the Wood-Forbes report says that 90 per cent are Christian people.

Mr. LITTLE. That is true, but as the gentleman knows the Moros and the Mindanaos are really practically savages, and I do not believe you should place the Moros and the Mindanaos in the same category.

Mr. JONES. I base my judgment on the seven years' government under the Jones Act.

Mr. KENT. Will the gentleman yield?

Mr. JONES. I will.

Mr. KENT. During the administration under the Jones Act, which was very largely under a Democratic administration, of course.

Mr. JONES. Yes, sir.

Mr. KENT. Does not the gentleman realize at that time the banking system they organized was completely disorganized because of the speculative efforts of the men in control of the system—

Mr. JONES. I have heard all kinds of charges on that score, but they got along fairly well during the seven years, and I do not believe that they had much more trouble along that line than we had in this country during the crash that followed all over the world after the war.

Mr. HOWARD of Nebraska. Will the gentleman yield?

Mr. JONES. I will.

Mr. HOWARD of Nebraska. A moment ago the gentleman stated an official report as to the percentage of American residents in the Philippines desiring independence for the Philippines, and if I recall it was very small, almost negligible. Practically all of the Americans there desire the continuance of the American Government?

Mr. JONES. Yes.

Mr. HOWARD of Nebraska. I would like to ask if the gentleman has any authoritative figures touching the percentage of American residents in Cuba who were in favor of Cuban independence and the percentage in favor of retaining the island under the Spanish Crown?

Mr. JONES. I have not the figures at hand, but I have an idea you will find the same condition existed there as now exists in the Philippines, at least that is my opinion.

Mr. HOWARD of Nebraska. I do not have authoritative figures, but I can give some newspaper figures to show that at least 75 per cent of the Americans in Cuba just preceding the final revolt there were in favor of retaining Cuba under the yoke of Spain, and the illustration seems to be apt with reference to the attitude of Americans now resident in the Philippines.

Mr. JONES. I thank the gentleman for the suggestion. I think that is true.

Mr. RANKIN. If the gentleman will yield, the same thing is true to-day with the controversy over the Isle of Pines, which some contend belongs to the Cuban Republic. Those Americans who have gone in and invested money and exploited those people protest against taking it out from under the American flag.

Mr. KENT. Will the gentleman yield?

Mr. JONES. I am sorry, I really have to get on.

Mr. KENT. If the gentleman will just permit, is it not a fact that capital always wants to invest itself under a stable government?

Mr. JONES. Most assuredly, but capital has not the right to dictate to a government or a people the form of government they shall have simply for the protection of outside invested capital.

Mr. KENT. The gentleman, then, is conscientiously of the opinion that there is a stable government now in the Philippine Islands?

Mr. JONES. What I said and what I undertook to say is that the Filipinos have shown they are entitled at least to the experiment of self-government. They have had seven years during which they have made their own laws, controlled their own affairs, with simply the veto power in the hands of Governor General Harrison, which was seldom exercised.

Mr. KENT. Would the gentleman want to send it out independent as a republic among the nations?

Mr. JONES. According to our promise, that is our obligation. We could, of course, reserve the right under certain conditions to, at the end of a certain time, resume the control; but I am perfectly willing to "cut loose" entirely with the possible exception of coaling privileges. Now I must decline to yield further.

The CHAIRMAN. The gentleman declines to yield.

Mr. JONES. In his message to Congress on December 2, 1920, President Wilson plainly recognized that the only remaining condition which had stood between the Filipinos and independence had been complied with, and in his message to Congress he uses the following language:

Allow me to call your attention to the fact that the people of the Philippine Islands have succeeded in maintaining a stable government since the last action of the Congress in their behalf, and have thus fulfilled the condition set by the Congress as precedent to a consideration of granting independence to the islands.

THE PHILIPPINES ARE READY.

I respectfully submit that this condition precedent having been fulfilled, it is now our duty to keep our promise to the people of those islands by granting them the independence which they so honorably covet.

This message was written just after America had taken part in a great war, the greatest of all history. One of the great principles which was involved in that struggle was the right of peoples everywhere to control their own destinies without regard to the governing authority of any country and without regard to the selfish interests of any group or set of men whatever. During the war the Filipinos showed their loyalty to the Government of the United States by tendering the services of 25,000 men. They contributed a submarine and a destroyer to the fleet of the United States, and 6,000 of their men served as volunteers in the United States Navy. They gave a half million dollars to the Red Cross fund and subscribed about \$20,000,000 to the issues of Liberty bonds.

Mr. MacLAFFERTY. Mr. Chairman, will the gentleman yield?

Mr. JONES. Yes.

Mr. MacLAFFERTY. Does the gentleman think that the people in the Philippine Islands would have maintained a stable government had it not been for the American authority established in the islands?

Mr. JONES. That is a purely academic question. That was 25 years ago when we first took them over. Whether or not they would at that time is an entirely different question to the one with which we are now faced. The only question we are face to face with now, if they desire independence, is whether

or not they can handle their own affairs, not as they were then, but as they are now.

Mr. MACLAFFERTY. Does the gentleman think they could maintain order to-day—

Mr. JONES. I most certainly think that the Philippines are in much better condition to handle their own affairs than a great many of these other little countries that we recognized at the conclusion of the great World War, and I believe that the experience under the Jones Act, under which for the last seven years they have practically handled their own affairs, until General Wood went over there, shows that they can handle them. We had no trouble until General Wood went over there.

Mr. MACLAFFERTY. That does not answer the question.

Mr. JONES. I am sorry. I have made it just as clear as language can make it.

Mr. MACLAFFERTY. I asked the gentleman if he believed they could maintain order in the Philippines to-day were it not for the presence of the American authorities.

Mr. JONES. I most certainly do. That is purely an opinion; and I base it on their experiences for the seven years prior to the time we sent General Wood over there and upon the judgment of men who are in a position to know. I want to say in that connection that in the last 25 years there has not been an insurrection of any consequence nor a revolt against the United States Government. There has been as little of disorder as could have been expected by the most sanguine of the advocates of independence. Since the enactment of the Jones law they have had practical control of all of the affairs of their country until the sending to the islands of General Wood.

Mr. CONNALLY of Texas. Mr. Chairman, will the gentleman yield?

Mr. JONES. Yes.

Mr. CONNALLY of Texas. Has the gentleman's attention been called to a consideration of the conduct of Governor General Wood and a misunderstanding with the Philippine people and its bearing upon the general question of independence?

Mr. JONES. Yes; and I want to say—

Mr. MACLAFFERTY. Is the gentleman's speech an attack on General Wood?

Mr. JONES. Not at all. I am answering the gentleman's question as to whether or not they are able to handle their own affairs. I say they did do it until we sent a military man there. I do not believe—and I am not saying this as an attack on General Wood—that a military man ought to be at the head of the Philippines or any other civil government. [Applause.] That is exactly the way I feel about it.

Mr. WAINWRIGHT. Will the gentleman yield for one question?

Mr. JONES. I will.

Mr. WAINWRIGHT. Is the gentleman acquainted with General Wood's administration of civil affairs of Cuba?

Mr. JONES. I understand there were a great many complaints of his administration there. There have been several efforts made to get me away from the Philippines, but I want to speak to the Philippines as far as I may.

Mr. RANKIN. Will the gentleman yield for a question?

Mr. JONES. I will.

Mr. RANKIN. Before the gentleman gets too far from the proposition of the Filipinos' fitness for self-government, I wonder if the gentleman is familiar with the statement Admiral Dewey made about 1898 or 1900, and subsequently before a committee of either the House or Senate, to the effect that in his opinion the Filipinos were more capable of self-government than the Cubans were.

THE WOOD RÉGIME.

Mr. JONES. I believe the sending of General Wood to the Philippines was a great mistake, not so much because it was General Wood but because he was a military man. The training of a military man in its very essence and nature renders him unfitted to head a civil government. It is just as unwise to select a man whose lifelong training has been in a military way to head a civil government as it would be to select a man who had all his life been in civilian employment and never had any military training to command an army on the field of battle. The very nature of the training, the very character of the work that a military man is called upon to do demands unlimited authority and unquestioning obedience. No man can escape the nature of his training. It was but natural, therefore, that General Wood should endeavor to institute a form of government that was altogether out of harmony with the spirit of autonomy, and that would tend to destroy rather than to develop the art of self-government in the people of the Philippines.

Not only was General Wood unfitted by virtue of his military training to be the head of a government in the Philippines or of any other civil government, but in addition thereto he seems to have had the wrong viewpoint generally. He seems to have had the viewpoint of the big business interests who apparently want to exploit the islands instead of to see them remain the property of the people themselves. This has been the complaint of the Filipinos practically ever since General Wood became Governor General of the islands. At the time complaint was first made many thought it was due to an impulsiveness or to a little irritation occasioned by the change of governors. However, the complaint was so persistent and additional ones were so numerous that it appeared there must be some grounds for such continued dissatisfaction.

A number of things have occurred that seem to bear out these complaints. Only recently it has developed that the governor's son, Lieut. Osborne Wood, had made an immense fortune in speculating on the exchanges in New York City. If this had been but a single speculative investment it could easily have been designated as a stroke of fortune, but it extended over a period of more than a year, involving a great many investments in numerous stocks and other interests. When those who have spent their lifetime bending over and watching every pulse of the stock ticker find it difficult to beat the game in New York, it is very remarkable that a boy in his twenties should through a long course of speculation involving both sides of the game—short selling as well as purchasing—be able to come out so handsomely and so consistently. Of course, General Wood denies any knowledge of these investments. We must take him at his word—at least, until proof is given to the contrary—but, at the same time, it requires some effort to give full credence to that position when it is remembered that Lieutenant Wood is the son of Governor Wood, was his first aid, and was with him during the whole period, especially in view of the rumors that have been going around for months as to the good fortune of young Wood.

OUR HONOR AT STAKE.

That, however, is merely an incident. The big question before the Congress and the American people is the plighted faith of the Government. America occupies a proud place in the world's affairs. From simple beginnings we have grown to a position of heritage and power. It is easy for a nation to forget its early struggles when hardships have been endured. After the lapse of a few years the hardships are forgotten and only heroic memories remain. People become absorbed in other things and are prone to forget what has gone on before.

More than a quarter of a century has elapsed since Old Glory was first raised in the Philippines. For nearly 150 years that flag has been the symbol of liberty and not of conquest, an emblem of human rights, without a taint of selfishness or exploitation. "Blazing all over its ample folds" has been an unbroken record as stainless as the stars that sparkle in its field of blue. Shining through every thread of its wondrous fabric has been the memory of the Revolutionary blood that was spilled to make it possible. In all the period of its glorious history not one ignoble deed of national consequence has been done to dishonor it; not one cloud of suspicion has arisen to pollute it since the days of Betsy Ross, whose Quaker hands first fashioned it into a robe of triumph. Can we, we with such a heritage, afford by any act, either of omission or commission, to raise any question as to our utmost good faith? Shall we forget the blood that was spilled in our defense, or the tears that were shed for our glory? Not so long as the fires burn upon the altar of freedom and we remain true to the traditions of the Republic.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BYRNES of South Carolina. I will give the gentleman three minutes more.

Mr. JONES. America's word has never been dishonored. Her honor has never been questioned. The world's faith in her has never been shaken. Shall we desert the principles bulwarked into our national structure at so terrific a cost?

Perhaps the Filipinos would make some mistakes. Perhaps for a time their government would not be so good as the one we have given them. A child would never learn to walk alone if some grown person, who could walk better than it could, insisted always in rendering assistance.

Mr. KENT. Is it not a fact that by reason of the experiences in the past year or so the failure on the part of the Filipinos to adapt themselves either to military or civil authority is one of the strongest grounds for doubting that they are able to govern themselves?

Mr. JONES. I do not admit the gentleman's premises. Those who are in the best position to know think otherwise, and I prefer to accept their authority rather than that of others with reference to their ability to govern themselves. Years ago Governor General Taft said the Philippines would soon be ready for self-government. The great Roosevelt said substantially as much. Governor General Harrison said they were ready for the great adventure. President Wilson three years ago urged immediate independence. The last seven years have fully demonstrated their ability to govern themselves. The parting of the ways has come. The hour for action has arrived.

I do not know what the future may hold in store. I do not know what discoveries, what inventions, what wonderful things the genius of man may contrive. I know not what labor-saving devices, what triumphs in the arts and sciences, what wonders in delving into the earth or in mastering the elements of the air may be the attainments of the peoples of the world in the years to come. Probably what has already been discovered, what has already been invented, what has already been achieved is but faintly typical of the marvelous things in store for the future. But I do know that whatever may be discovered; whatever inventions, whatever triumphs, whatever glories await the peoples of the world, there can not come to any race of men, to any country, to any land or people anything to take the place of liberty.

Mr. TABER. Mr. Chairman, I yield 20 minutes to the gentleman from Kansas [Mr. LITTLE].

The CHAIRMAN. The gentleman from Kansas is recognized for 20 minutes.

Mr. LITTLE. Mr. Chairman, in this morning's paper is a dispatch from Chicago evidently intended to influence the wheat market and legislation on wheat. It states that the President has increased the tariff on wheat 12 per cent and that that has resulted in a cut of 8 cents a bushel in the price of wheat on the Chicago Board of Trade. It also gives a distorted statement of the wheat on hand now. The Agricultural Department has just informed us that the farmers have 22,000,000 bushels less wheat on hand than they had a year ago; that the country mills and elevators have less wheat on hand than a year ago, but that the speculators have on hand 18,000,000 bushels more of wheat in what they call the "commercial visible supply."

The dispatch says that the "largest house in the grain trade" says, "Our visible supply is 10,000,000 bushels larger than last year." That one firm or outfit has on hand over half of the speculative wheat, and they are at the bottom of all this effort to break the value of the farmers' wheat and to bulldoze Congress into buying the speculators' wheat at a fancy price through legislation now before Congress, and this dispatch was sent to further those interests.

Mr. CLARKE of New York. Will the gentleman yield?

Mr. LITTLE. Yes.

Mr. CLARKE of New York. Is the gentleman referring to some bill that is now being considered?

Mr. LITTLE. Well, I am going to leave that for the gentleman's very able and logical mind to decide for itself. [Laughter.] The gentleman probably knows more about it than I do.

Gentlemen, an immense amount of the agitation for wheat legislation springs from the wheat speculators, who do not know just what to do with their wheat—18,000,000 bushels more than last year. Their market price is cut down, the farmers suffer, and then they call attention to a misfortune in Europe—the alleged terrible shortage of food there—and that the Government must buy their wheat. Well, we put a stop to that last summer when they threatened to again force down the value of wheat if the Government did not buy their accumulations and ship them to Europe.

Here is one firm that has 10,000,000 bushels of wheat more than a year ago. If they get 50 cents more a bushel on that and sell it to the Government, they will make \$5,000,000 on it.

I want to put these facts before the House while the morning dispatch is fresh in the minds of the Members, and to show the Members that there is a mysterious influence which is continually keeping such stuff in the papers. You wait another week, and you will see another dispatch.

If this Chicago Board of Trade can cut the price of wheat 8 cents a bushel in a day, as it claims in this dispatch, simply because the President raised the tariff on wheat, it is a venomous incendiary and should be suppressed by criminal penalties; but it boasts in this wire that it did that.

Mr. LAZARO. Will the gentleman yield?

Mr. LITTLE. Yes.

Mr. LAZARO. I want to get the gentleman's judgment on this: Is it the gentleman's judgment that the bills which are

now being considered to relieve the wheat farmers will relieve not the wheat farmers but the wheat speculators?

Mr. LITTLE. My judgment is that the wheat speculators are very earnestly agitating some such legislation because they expect to make money out of it, but in addition to that I think the farmers very much need some legislation of this sort. Without any doubt whatever there are men who agitate for legislation that will force the Government to buy their speculative wheat, taking advantage of the dire necessities of the farmer whose wheat they bought for almost nothing.

Mr. KETCHAM. Will the gentleman yield?

Mr. LITTLE. Yes.

Mr. KETCHAM. Is it not a fact that every one of the speculators who has appeared with reference to this bill is very violently opposed to it for the simple reason that it takes away from him the future market which has been the source of his speculation?

Mr. LITTLE. No; if the gentleman is asking me.

Mr. KETCHAM. I have attended the hearings and I find that is the evidence.

Mr. LITTLE. So have I, and I have heard them speak. There is one great buyer that is said to have on hand 15,000,000 bushels of wheat. If they could get \$1.50 for this wheat, which cost them 90 cents or less, they would profit by several millions of dollars. I must not yield too much. Who is the speculator referred to by the gentleman?

Mr. KETCHAM. I am speaking of the president of the board of trade, if the gentleman please.

Mr. LITTLE. All speculators are opposed to any law except those just now stuck with too much wheat.

Mr. LAZARO. How much of the wheat of the last crop is now held by the farmers and how much by the speculators?

Mr. LITTLE. One hundred and thirty-three million bushels are held by the farmers, 22,000,000 less than a year ago, 90,000,000 bushels are held in farmers' elevators, which is less than one year ago, and the wheat speculators hold 72,000,000 bushels, 18,000,000 bushels more than they had a year ago. They are making much agitation, in my judgment. They buy the farmer's wheat for 80 cents a bushel, and under the pretense of getting better prices for the farmers advocate some plan that will give them 50 or 60 cents a bushel profit on the wheat they accumulate. Nevertheless, gentlemen, it is your duty to provide sufficient legislation to enable the wheat farmer to continue in his business without losing money. Your manifest duty is to accord him the possibility of such a successful business. He simply must have more money for his wheat or quit raising any wheat for export, and since the war he has exported wheat that brought him approximately \$1,500,000,000. Is that worth preserving?

Now, the gentleman has touched a point right there which I have discussed before. He asked me how much was held. I am right here going to tell you what the experience of the year before this was, and you will have the figures before you. They are constantly misrepresented; I will just say, plainly lied about all the time by the bunco steerers of the boards of trade in London, Liverpool, Chicago, and elsewhere. They constantly assert we have grown too much wheat, but there never was a year when we had a surplus of wheat, and there never will be.

The gentlemen fail to differentiate between an alleged surplus and our exportable wheat. We produce about 800,000,000 bushels per annum. We utilize about three-fourths of that or more at home. The rest we must sell in the world's market, and the wheat speculators and the boards of trade scare the farmer to death by telling him that is a surplus. There is never any surplus. Our foreign market is just as certain as any other market, and the wheat we sell abroad is sold just as much as any other wheat the farmer raises. It becomes our duty, gentlemen, to devise a means by which the American producer can dispose of his goods in the foreign market at a reasonable price, but first you must get it clear in your minds and in the minds of the farmers that we have no surplus.

And I shall now present to you the figures for a whole year to demonstrate that when the year is done we have no wheat remaining except the ordinary carry over, which we must maintain every year because the millers must necessarily have it to produce good flour when the soft crop first comes in and to meet the home consumption from month to month.

I have consulted the Wall Street Journal, the Secretary of Agriculture, and the gentleman from Minnesota [Mr. ANDERSON], chairman of the Joint Commission of Agricultural Inquiry, who has given more attention to this particular feature of it than perhaps any of us. For example, take the year beginning July 1, 1922; that year we grew a crop of 856,000,000

bushels. We had a carry over from the year before of 78,000,000 bushels. We imported that year 20,000,000 bushels, or a total of 984,000,000 bushels. We could eat it or sell it, as we pleased. We carried over into the next year 101,000,000 bushels. We exported 222,000,000 bushels, and we ate, fed to stock, or used for seed all the rest, 631,000,000 bushels. When the year ended we did not have a bushel of surplus wheat. The carry over of 100,000,000 bushels was quite ordinary. Of that amount the farmers only held 35,000,000 bushels in their bins. There was no surplus except what the farmer had in his bin, because the farmer is the only man who can have a surplus. If he sells all his wheat, there is no surplus; it does not make any difference who buys it, or whether it is bought in London or Cleveland or Liverpool.

Mr. CLARKE of New York. Will the gentleman yield?

Mr. LITTLE. Yes.

Mr. CLARKE of New York. The gentleman's distinction is this, as I understand it: The bill he has particularly in mind puts in the term that there is an exportable surplus, while the history of the growth of wheat the world over, year after year, demonstrates clearly that there never is any such thing, viewed by and large in the world, as a world surplus.

Mr. LITTLE. I am glad the gentleman mentioned that. If the gentleman will permit me, I will go into that in detail a little, because I think I can make it clear. There is in the world this year—the Wall Street Journal claims, and it is the limit, I think, but the Secretary says, in effect, the same thing—there is a total crop of 3,400,000,000 bushels of wheat. For the six years before we went into the war the annual average crop was 500,000,000 bushels of wheat a year more than this year. You will see, gentlemen, that it is pure nonsense to talk about any world surplus at all.

Before the war and up to 1915 the world produced 500,000,000 more bushels of wheat a year than we have got this year. There is no surplus.

Mr. RANKIN. Will the gentleman yield?

Mr. LITTLE. Yes.

Mr. RANKIN. I understood the gentleman to say in his opening remarks that the speculators state that there are 18,000,000 bushels more of wheat than really exist.

Mr. LITTLE. This house says they have 10,000,000 bushels—

Mr. RANKIN. More than really exists?

Mr. LITTLE. No; not more than exists.

Mr. RANKIN. The gentleman confesses then that all the wheat they claim is in existence is really in existence?

Mr. LITTLE. Yes; sure. Perhaps the gamblers exaggerate in claiming 72,000,000. The department should make those figures itself.

Mr. RANKIN. The reason I ask that question is the Department of Commerce has recently given out a statement accounting for 600,000 bales of cotton that does not exist at all, and I just wanted to know if they had imposed on the wheat farmer the same as on the cotton farmer.

Mr. LITTLE. They are better sharks than the wheat men, I guess, and that is going pretty strong. No; there is some wheat in the country, but that is nothing to be scared about. They have that every year and get rid of it every year. There is no world surplus of wheat and there never is. Now, let us go further. These speculators at Chicago say they have no market. They were weeping around here last summer begging the Government to buy wheat and ship it to "starving people in Europe." I found out that the scoundrels had a lot of wheat that they could not get as high a price for as they wanted and they wanted to pass it on to the Government, and I telegraphed to the department and sent them, I am afraid, a rather impertinent telegram; but anyway we stopped it.

Now, in reference to this wheat market: In the years since the war we have shipped to Europe and exported, all told, 1,500,000,000 bushels of wheat. They talk about no market. There never was in all time any market that compared with the foreign market this country has enjoyed. I do not want you to think there is a surplus of wheat. There is nothing here but less than the usual exportable wheat which we have every year, and we sell it every year. It is not a surplus at all. If we sold every bushel we raised in London it would not be surplus, it would be export wheat. What we have got to deal with is the exportable wheat. That is our menace, and I will speak to you about that in a moment, if you will permit me.

We have plenty of markets and we have no surplus. We have to contend with the exportable wheat. The board of trade at Chicago and the one at Liverpool and Broomhall in London begin each season by scaring the farmers to death by telling them there is too much wheat all over the world and various other tales.

MEET FARMER AT HARVEST.

I find that if we can meet the farmer coming in from the wheat field with his crop before these sharks get to him and give him a decent price for his wheat, he will be in the clear. [Applause.] This is the first thing we have to do.

I am now going to speak to this side of the House for a moment. In this country for 100 years we have been paying a tariff tax in order to keep you folks in New York and New England busy. You could not compete with the shoe manufacturers in England, and we gave you a tariff and we built up the greatest manufacturing industries in the world; and I am a Republican and proud of it. But now you must reciprocate. Times have now changed. It was a very simple thing then. We could not make a pair of shoes that could compete with a European pair of shoes and so you stuck a tariff on the shoes and we had to pay a little more for them, and as a result we make our own shoes and have cheap shoes at home and sell shoes in our home market. Now, this world market confronts the farmer when he sells wheat, as it did the shoemaker. They have become so prosperous they are growing more wheat than we can eat, and they have to ship it to Liverpool. The conflict gives them a lower price than they ought to have at home. Are you now going to put wheat on a par with shoes and steel? We have made you rich.

Mr. SNYDER. Mr. Chairman, will the gentleman yield?

Mr. LITTLE. Yes.

Mr. SNYDER. The gentleman knows that there is no duty on shoes or leather now.

Mr. LITTLE. Oh, I am not speaking of the moment; I began a hundred years ago. The principle, of course, is what is involved. Now, these farmers are stuck. There is just one thing for you to do and you might as well quit fooling with it. You either have to enable them to meet the market in Liverpool or they have got to quit raising so much wheat. The shoemaker did not quit making shoes. When you put a tariff on, somebody has got to pay it.

Mr. SNYDER. I am not a shoemaker, but the gentleman knows what the tariff did. It made us make so many shoes that we now supply not only this country but other countries, and we hope to do the same thing with wheat. We have put 45 cents a bushel on wheat and hope that that will enable us to supply ourselves and other countries.

Mr. LITTLE. When the shoe trade could not compete with the European shoemakers 100 years ago, we put a tariff on shoes and all these other foreign competitive goods. The rest of us paid a better price and made the shoemakers and other eastern factories well to do. The tariff is useful to the farmer, but it could not be such a bulwark to him as it was to the factories and laboring man. We can use it here, because it protected our shoemaker in our home market. We can not so much benefit the farmer thereby, but what he wants is protection in the foreign market, in Liverpool, for instance. We can not by any tariff give the farmer protection in Liverpool, but we must give him something just as useful and we can do it under H. R. 8330, my export bill. The predecessor of it was reported favorably by the committee last year.

The first difficulty the farmer meets is that when he comes in from his harvest field with his first wheat he finds himself confronted by threats of a surplus crop and insistence that his wheat has no value. The first thing you have got to do for him is to fix it so that he will get a fair, reasonable price when he harvests, and nobody will do that but you gentlemen, you of this House, if anybody ever does. It is useless and idle to pretend any longer. The bill H. R. 8330 provides that when the farmer brings his wheat in the Government shall stand ready to pay him \$1.10 a bushel at once for his wheat at his home town, not in Chicago or Minneapolis. It provides that he shall get \$1.10 at home for his crop, which we hope will be enough to prevent him from a loss. If you are going to maintain a tariff you will simply be compelled to make provision for the farmer and his protection in the Liverpool market.

When he knows that the Government is prepared to pay him \$1.10 at his home market, the wheat buyers of this country will necessarily be compelled to meet the Government competition and pay \$1.10, too. When that happens it will not be necessary for the Government to buy any wheat at all. The bill, if administered intelligently, will simply make it clear that the Government will pay \$1.10, if nobody else does, and then the wheat buyers will pay \$1.10 for all the wheat we need for home consumption. We produce about 800,000,000 bushels a year, and we consume and utilize about 650,000,000 bushels of it at home, and the home market of the United States would be \$1.10 a bushel, and the farmer would be sure of that

amount for his wheat until the home consumption was amply supplied. That disposes of three-fourths of our crop.

Let us suppose the wheat buyer, the farmer, and the Government agent meet at a town in the morning. The wheat buyers will purchase through the day until they have bought as much as their market demands. Possibly at 4 in the afternoon, or on Saturday morning of the week, they may say, "We have all the wheat for which there is now any demand for home consumption." The Government will then step in and purchase the surplus of wheat on hand at that town that day or that week or that month, and eventually that year, and pay \$1.10 for it. Thus at the end of the year the Department of Agriculture will have purchased all the wheat we raised that must be exported.

The conditions will necessarily adjust automatically to meet that plan. Thus when the Secretary of Agriculture gets our 150,000,000 or 200,000,000 bushels of wheat each year to Liverpool he will have no American competitors to prevent him from controlling the Liverpool market.

Last year my bill simply provided that we pay \$1 a bushel. They laughed at me and said the farmers would insist on at least \$1.50. Wheat sold for 70 cents, 80 cents, 90 cents, and 95 cents. Nobody out West got \$1 a bushel until very recently, when they have gotten \$1.02 in some places. This country raised 780,000,000 bushels last year. If my bill had gone into effect just as it was written last year, they would have averaged 20 cents a bushel on wheat more than the farmers have received, and the wheat farmers of this country would have been worth \$150,000,000 more than they are now or will be by the end of this crop year. I think those who have kept track of this proposition will concede that, and the Government would not have been compelled to buy more than about 100,000,000 bushels of wheat all told, because that is nearly all we have actually exported by this time. Now, again they tell me the wheat farmers insist on \$1.50 a bushel. Why, does anybody seriously think that they are going to get it? No; nobody does. Why not be reasonable, gentlemen, and sane and sensible and try to actually accomplish something? Last year I would have made you \$150,000,000 if you had let my bill alone and made it a law.

This year H. R. 8330 provides that the Government shall be authorized to pay \$1.10 instead of \$1. I think the eastern people are opening up a little. They begin to understand that if they do not pay the farmers at least a cost price for their wheat the farmers will discontinue sowing wheat and it will soon soar out of sight and the American people will quit eating wheat bread. This bill also provides that when the price goes above \$1.10 the Department of Agriculture can stay with the rising price until they pay \$1.25 to encourage its rise and to make a supply in the Government vaults for any unexpected emergencies and foreign trade. If my bill had become a law last year, I think a good share of the wheat would have sold at \$1.10 without any further encouragement.

We now, if this bill becomes a law, approach what will happen in Liverpool when America appears in the foreign markets with one-fourth, one-third, or perhaps one-half of the exported wheat. In the last six years since the war we shipped abroad 1,500,000,000 bushels of wheat. The European world would have starved to death, gentlemen, if they had not received our wheat. If the Department of Agriculture should say to Liverpool, "We have determined to ship you no wheat for three months," wheat would go up 50 cents a bushel in Liverpool before the 90 days elapsed, and the Government could sell its wheat at its own price. Joe Leiter was the only benefactor the farmers have ever really had. He actually got them more money for their wheat, and there is not a thing in the world that will do them any good except to get them more money for their wheat at their home town. The Secretary of Agriculture, with that enormous crop in his hands, could go to Liverpool and do far more than Joe Leiter did when he controlled the markets at Chicago and raised wheat so high in price. They tell us that the farmers are losing money on the exported wheat. Let us suppose that the Secretary of Agriculture should suddenly conclude to lose money on 20,000,000 bushels of wheat. Why, he could undersell Canada or Argentina in two weeks and drive them out of the European market, and then fix his own price. He could say to the great Canadian exporters, "Unite with me and we will raise the price of wheat by our little pool 20 cents a bushel in Liverpool," and that could be done any time by the Secretary, who would become the potentate of the export trade. You take any shrewd wheat man like my colleague, Mr. HAVEN, chairman of the Agriculture Committee, and make him Secretary in full control of our wheat crop abroad. He could bring home for the American farmer a profit on every bushel of wheat they sent abroad. There are several other bills, but every one of them

admits from the start that we must necessarily lose money under their plans on every shipment we make. Why, then, make any such a law? Why undertake any such commerce? We can do as well as that right now. Let us take a gambler's chance anyway and fight for the markets of the world.

House bill 8330 takes care of all of our home consumption and means that the price of wheat would be \$1.10. That disposes of the local situation as long as the home market holds out. You are a wheat buyer, we will say; you will stick to it until pretty soon you will find that the home consumption is supplied. It might happen the first day at 4 o'clock, and you may begin buying for home consumption right away. The wheat buyer says that he is not going to pay \$1.10 and export to Europe and sell for 99 cents. Then the Government has got to come in, and you may as well face it now. You can tell the farmer to quit raising wheat or do what I am suggesting. They tried it on coffee in Brazil and all of them got rich.

Mr. KVALE. How is the gentleman going to get that bill through this House when the boards of trade and chambers of commerce do not want it?

Mr. LITTLE. I am after them right now. Are you with me?

Mr. KVALE. I am.

Mr. LITTLE. You stay with me and I will lick them. [Laughter.]

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. LITTLE. Yes.

Mr. BLANTON. Is the gentleman in favor of a policy of price fixing on any commodities raised by the farmers?

Mr. LITTLE. I am not fixing any prices. I am not in favor of fixing the price on anything. I wish to make the Department of Agriculture a competitor in the wheat market that the wheat gamblers will respect, so that the farmer may get cost price at least for his wheat.

Mr. BLANTON. I just want to remind him that during the war, when our cotton was selling for 40 cents—

Mr. LITTLE. Oh, why do you remind me of that? Do you think that I can not remember back that far?

Mr. BLANTON. That is what the gentleman's proposition would lead to.

Mr. LITTLE. Excuse me. I can not yield any further. The gentleman is a good lawyer and will see that this is not a price-fixing bill as soon as he reads it. The Government would not have to buy any wheat to maintain home consumption wheat at \$1.10. I explained to you that the price would fix itself. The Government acts as a competitor. We do not fix the price any more than you would if you went into the market.

I carefully avoided price fixing. The Government is not going to buy any wheat on this proposition as long as the home markets hold out. I am not in favor of price fixing; I am not in favor of trying anything but wheat on this. I tried that because we can go and stick it in the elevators and keep it there for a cent a bushel. We would build no storehouses. Because of the many elevators, the Government need never build any storehouses. Cotton could be handled in exactly the same way, and the two major farm products made safe crops by the same plan, and with no investment except for the purchase of the wheat and the cotton themselves.

I did not suggest hogs, because it would be, in my judgment, absolutely impossible to buy and feed and keep and slaughter hogs without involving the Government in tremendous expenses and complications. The same is true of handling cattle and many products of the farm. If we can not enact a law that will put wheat farmers in the clear, we certainly can not make a law that will help any other crop or product. If we can manage to make a good law out of this, we can gradually develop possibly other crops and other products as the Government learned its business; but if we undertake to take care of many of them at once, the Government would be swamped. If the Government has a few millions on hand the wheat buyer will respect its promise to buy and stand clear and meet it. To buy the total export of 200,000,000 bushels in a year would be entirely within the range of the Government, but if this Government undertakes at the same time to purchase corn, cotton, wool, hogs, sheep, cattle, flour, and other farm products, no bluff would work. The buyers would absolutely decline to respect any such talk of possible funds. Billions of dollars are needed every year to buy and sell the stock and stock products alone. If this Government would undertake to establish a universal market for all these things, they would require a cash capital of at least \$20,000,000,000 in order to make themselves respected in the competing local markets. One of the reasons this wheat proposition might succeed is the Government could afford to buy and hold wheat and sell the wheat when it got ready and thereby dominate the market, but if this wheat and these hogs,

and so on, must be turned as rapidly as trade turns them now, immediate cash by billions would necessarily have to be kept on hand all the time.

As I said before, home consumption will buy wheat at, at least, \$1.10. It will then become the duty of the Government to pay \$1.10 to the farmer for the export wheat and to take care of it abroad. For nearly 20 years the Government of Brazil has been buying and storing inland its coffee product, shipping it to Santos and Rio, the seaports, and selling it abroad and dominating the market price of coffee in the world. That is the job I suggest for the Secretary of Agriculture with regard to wheat, and if he accomplishes that he certainly will have his hands full without talking about hogs and corn and sheep and cattle. It will be up to him to get us a good price in Liverpool.

This export bill takes care of that. There is not any surplus; that is simply to scare children and deceive farmers in June—the Government will have to buy and carry abroad the exportable wheat. We will do like they do with coffee in Brazil, where they made money for 20 years. When that time comes the Government has got to buy the exportable wheat and none of it allowed to come on the market till the sign is right, and then the Government goes to Europe with a third to one-half of all the exportable wheat. Suppose the Secretary of Agriculture is a shrewd, good business man and finds himself in Liverpool with one-third or one-half, perhaps, of the wheat of the world. Who will fix the price at Liverpool? Why, the Secretary will if he has good common sense. Suppose he says to Europe he will not let anybody buy wheat if it does not bring enough; that he will not export any in three months. Suppose you keep off the market a third to a half of the wheat for a period of three months. Why, everybody here who thinks a minute would know that wheat would shoot up like an arrow. Two hundred million bushels would be about the limit and cost about \$1.10.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LITTLE. Who would fix the price in Liverpool? I ask for two additional minutes.

Mr. FRENCH. I yield the gentleman two minutes.

Mr. LITTLE. The Secretary. He fixes the price in Liverpool, and says what is a reasonable price. It seems to me it is common sense—

Mr. CLARKE of New York. Will the gentleman yield for one question?

Mr. LITTLE. I will.

Mr. CLARKE of New York. The gentleman called attention to Brazil and the great success it has had in its valorization scheme with reference to coffee. Is it not true that at three different times Brazil has been in great distress through that process? Is not the process to which the gentleman refers exactly the same—

Mr. LITTLE. It is not exactly the same.

Mr. CLARKE of New York. In principle the same?

Mr. LITTLE. No; it is not. From 1907 until now Brazil has been trying the valorization of coffee, with some difficulties and with wonderful success all told. In 1901 and 1902 the price of coffee in Brazil fell from 75 to 50 francs per bag. In 1906 the world had on hand 11,000,000 sacks of coffee, nearly a year's product, and in 1906 and 1907 big crops added 20,000,000 bags. The coffee industry was thus confronted with absolute ruin. In 1907 they actually began the valorization plan. They sailed the ship with difficulty over the rocks until in 1910 they reached victory and big prices and control of the world market.

Mr. KINDRED. Was not the Brazilian law unwholesome in respect to its restriction of the production of coffee?

Mr. LITTLE. The Government maintains eight great warehouses in the interior, in which it stores 4,500,000 bags of coffee. They allow each day only, Sundays excepted, the shipment of 35,000 bags to Santos and 12,000 bags to Rio Janeiro, the seaports, and this is all the coffee exported, and thus they restrict the trade and secure good prices. The crop of 1923 was nearly ruined by torrential rains and the conditions have been very unfortunate for that crop. They have had ample market for all the real good coffee they could export, but great difficulty in handling the rain-soaked coffee. Commencing in three States, they now have the Government with a department for coffee behind the valorization plan with the announcement that it shall continue. For 17 years they have weathered it through, generally with great success, assisted by the export taxes, by Government loans sometimes, and sometimes by issues of bank notes, but with the result that Brazil leads the world's markets. They have tried many experiments and had many new ideas which failed to materialize.

Gentlemen, there are many theories they talk to you about they never put into force. [Applause.]

ARGUMENT BEFORE AGRICULTURAL COMMITTEE.

In accord with leave given me to revise and extend my remarks and insert my argument to the Committee on Agriculture March 5, I present following this the argument made then to that committee in favor of H. R. 8330, formerly 78, by its author, including the bill:

LITTLE EXPORT BILL.

The CHAIRMAN. Mr. Little, we will be glad to hear you now on H. R. 78.

The bill is as follows:

"[H. R. 8330, Sixty-eighth Congress, first session.]

"A bill (H. R. 8330) to authorize the Secretary of Agriculture to purchase, store, and sell wheat, and to secure and maintain to the producer a reasonable price for wheat and to the consumer a reasonable price for bread, and to stabilize wheat values.

"Be it enacted, etc., That the Secretary of Agriculture is hereby authorized to buy wheat of such grades and quality as he designates, at such times and places as he directs, at not to exceed \$1.25 a bushel and at not to exceed the market price at said times and places, except when wheat is being sold there, and then at less than \$1.10 a bushel, when he may pay \$1.10 a bushel for said wheat if he deems best; and an appropriation of \$60,000,000 is hereby authorized for the purchase, transportation, storage, and insurance of said wheat.

"Whenever the Secretary of Agriculture has accumulated in elevator storage 1,000,000 bushels of wheat or more, Treasury certificates shall be issued to the Secretary of Agriculture at such interest and for such times as the Secretary of the Treasury shall name, but with authority to the Secretary of Agriculture to pay them prior to their expiration if he shall see fit. They shall be issued in such amount as the Secretary of the Treasury shall hold to be properly secured by the wheat then in storage. But whenever the wheat on which these certificates are issued is sold, that money shall be applied to the discharge of that particular indebtedness and to pay off those certain certificates, and this process may continue whenever the Secretary of Agriculture has a million or more bushels of wheat in storage on which no certificates have issued.

"The wheat he buys shall be stored in elevators under warehouse receipts. When any 2,000 bushels or more of wheat shall have been held by the Secretary for more than 30 days, thereafter it shall be stored in bonded elevators.

"The Secretary of Agriculture may from time to time sell wheat at not less than the market price in Minneapolis; Buffalo; Kansas City, Kans.; Chicago; and New York City, as he shall deem to best interests of the Nation.

"Whenever wheat of the aforesaid grades and quality can not be bought in Chicago and New York City for less than \$1.85 per bushel, the Secretary of Agriculture shall proceed to sell as much of the wheat he holds in storage as he deems wise, at such prices as shall be considered proper by him, and so continue as in his judgment such sales shall be to the best interests of the Nation.

"The \$60,000,000 first appropriated, the money derived from the sale of the certificates authorized, and the money derived from the sale of wheat by the Secretary as hereinbefore authorized, or for this fund from any other source, shall constitute a revolving fund for carrying out the provisions of this act. If the sale of any wheat made security for any given certificates shall not be sufficient to take up those certificates, the balance may be discharged from the said revolving fund.

"The President of the United States shall appoint, for a term of four years and subject to removal by him, an officer in the Department of Agriculture, to be known as the superintendent of grain and bread, at a salary of \$10,000 a year, who shall maintain in Washington an office as his headquarters, employing, subject to the approval of the Secretary of Agriculture, such assistants in said headquarters and such agents for the purchase and sale of wheat as shall be appropriated for. The bonds of all bonded elevators in which wheat shall be stored shall be subject to approval by the superintendent of grain and bread.

"Subject to the provisions hereof, the Secretary of Agriculture shall make, subject to the approval of the President of the United States, and shall enforce suitable regulations for the exercise of the powers and the performance of the duties hereby authorized."

Mr. LITTLE. Apropos of Mr. TINCER's instructions, Hon. SYDNEY ANDERSON, who was president of the National Wheat Conference and has given a great deal of study to the matter, has instructed me to say to this committee that if any one of these bills is to be reported he prefers the Little bill. He was chairman of the Joint Agricultural Commission and has given as much attention to the subject as anybody, and I guess represents as many people.

Mr. CLARKE. We deny that he has given any more attention to it than has this committee.

Mr. LITTLE. I did not say he had. I said as much.

Mr. CLAGUE. He does not represent the wheat farmers.

Mr. LITTLE. I don't know the details of all national organizations. They had a meeting up here and Mr. Jewett, president of the American Wheat Growers' Association, spoke the other night, and at the National Conference, over which Congressman ANDERSON presided, at Chicago last June; so they have been active. I just speak of that incidentally.

As far as I can learn, this bill of mine was the first bill ever reported favorably from a committee to this Congress, authorizing the Government to buy wheat and pay certain amounts for it. As far as I know, this bill is the first instance in which a bill has been introduced to enable the Federal Government to conduct the exports beneficially for the farmers. There is, in this connection, another thing that I want to call your attention to. The only instance in the world where a government has been successful in handling crops that I know of is that of Brazil. I have given considerable study to that. It is very difficult to secure from the Department of Agriculture or any source any definite information about it. What I learned I got from the Department of Commerce.

Gentlemen, I think that Brazil's method should have been the first thing that we should have studied. There should have been a committee sent there to get the facts. As near as I can figure it, the gist of it is this: The Government of Brazil puts an export tax on coffee. In that way nobody else can afford to export coffee. The Government can then buy all the coffee. That gives them control of the export of coffee from Brazil, and eventually of the world market. It has been very successful.

The Assistant Secretary of Commerce told me that it was a total failure. He had no information. It has been a great success, as his department's figures show, and I want to say to you gentlemen that I am not familiar with the facts for a year or two, but in 1921 they made a great deal of money out of coffee, more than they ever did in Brazil, and I can assure you that that is the best possible basis to work from.

Mr. CLARK. Let me ask a question there. You are familiar with the fact that they came very near going broke in 1920, and had to be refinanced through a loan of millions of dollars?

Mr. LITTLE. No; not in 1920, but some 10 years before that they did. They accumulated so much coffee that they did not know what to do with it, but things broke right for them and went over, and they have been making money ever since.

Mr. SINCLAIR. How long has this coffee embargo been in existence?

Mr. LITTLE. The Government has been at this since about 1905. I want to call attention to that for the simple reason that my bill is, I think, the first bill that undertakes to follow that proposition. If my bill prevailed, the Government would buy 200,000,000 bushels of wheat. That would mean that the Government would control the shipment of wheat to Liverpool, and in my judgment it would then control the world market. That is really the principal thing in my bill, except one more, with which the older Members are familiar. If my bill had become a law in the Sixty-seventh Congress, the Government would have been authorized to pay a dollar a bushel at the man's home town for his wheat. They would have been able to go right there and give that to him. My theory was, and JOHN TILSON and MARTIN MADDEN both joined me in it, among others; TILSON spoke to the committee and MADDEN authorized me to say that last year. I haven't talked with him lately; but my theory is that if you are a farmer at Abilene, Kans., and the Government informs you that it is going to buy your wheat at a dollar, you won't sell it for any less, and that is all there is to it. Then a buyer comes there buying wheat for a big mill, and he finds the Government and the farmer standing there, and he will pay a dollar, because the miller must have the wheat. That is all there is to that. My theory is, agreed to by Colonel TILSON and other men, that it would not be necessary for the Government to buy any wheat at all, that the result would be that the farmer would not sell for less than a dollar because he knew he could get a dollar, and the wheat buyers would have to meet the Government competition and pay a dollar.

If that had happened last year, if my bill had passed, or the bill which the committee reported out had passed, you would have gotten a dollar and a half, and that would have made 50 cents a bushel on 700,000,000 bushels of wheat and the farmers would have made \$350,000,000 above what they did.

The trouble was that when you got it up to \$1.50 Mr. Tilson and these other men wouldn't stay by me and I did not have a chance to pass it. I do not believe anybody else will ever pass any bill to make it \$1.50 in the House. You can't get by long with a pretext of \$1.50 and drawbacks and rebates. If they had taken my bill and made it a dollar, I could have put it through, and the farmers would have made at least 20 cents more a bushel on the average last year. I had considerable conservative support, and if the farmers had stayed with me they would have gotten 20 cents a bushel more on the wheat; and \$1.10 to \$1.25 in cash is better than \$1.50 in soap bubbles in the sun. The lawyers who make fortunes collecting overpayments of taxes will soon have a lifetime job here collecting the claims wheat producers will have against a corporation for the farmers' share of the

wheat sold in Europe if you are not careful in your legislation. Come, gentlemen, be sensible, and pay the farmer for his wheat at his home town.

There was not any wheat west of the Mississippi that sold for a dollar. Some of you people said that that wasn't enough to encourage the farmer. It would have gone up to \$1.10, too. If that bill had gone through they would have gotten 20 cents a bushel more and they would have made \$150,000,000.

Mr. SINCLAIR. You speak of the Government paying the farmer \$1.25 or whatever it is.

Mr. LITTLE. Yes.

Mr. SINCLAIR. At Abilene, Kans., you use that point as a citation.

Mr. LITTLE. Yes.

Mr. SINCLAIR. Would you pay that at Fargo, N. Dak.?

Mr. LITTLE. Yes; anywhere.

Mr. SINCLAIR. And Helena, Mont.?

Mr. LITTLE. Yes; anywhere.

Mr. SINCLAIR. That is the reverse of the usual order.

Mr. LITTLE. Yes; I know it.

Mr. SINCLAIR. You don't take into consideration the freight?

Mr. LITTLE. You are making a market for the farmer in Chicago. That is one of the things that is breaking him up. The market, under my plan, would be at the home of the farmer, at the farmer's town, and one farmer would get as much as another. There are some arguments against that, of course. I see your point.

Mr. SINCLAIR. You are not taking into consideration the cost of freight?

Mr. LITTLE. Yes; I have.

Mr. SINCLAIR. The cost of shipping to the consuming centers?

Mr. LITTLE. If a man wants to buy a bushel of wheat, he will have to pay at least \$1.10 under this bill, no matter where he gets it. He can look after the freight himself. Now, we make a market in Chicago or Minneapolis, but the farmer has got to have a market at home, because that is where he sells his wheat. When you pay a certain amount at Chicago or terminal market, the farmer don't get it. The reason we never helped the farmer is because we never legislate for him. We only legislate for the man in Chicago, Minneapolis, or Kansas City.

Mr. SINCLAIR. No; the amount of freight is off.

Mr. LITTLE. The only bill that I know anything of that has been offered that gives the farmer anything is my bill. The rest of you are talking about Chicago or Minneapolis. If I give him a home market instead of a Chicago market, I will make more money for the farmer than has ever been made for him by any one man except Joe Lelster one season.

Now, the wheat would have been sold for 20 cents a bushel more if my bill had gone through, and 50 cents more if the bill you made out of my bill had gone through. I want to bring before you the fact that my bill follows the Brazilian plan, and in my judgment would throw the control of the American wheat markets abroad into the hands of the Government and give them control of the world market.

Mr. Atkeson, who supported this bill last year, will be here this morning to speak again for it.

Prior to every harvest the grain exchanges of London, Liverpool, Chicago, and elsewhere raise the cry of an enormous crop and bring their energies to bear on forcing the farmer to sell his wheat at a sacrifice. The bill I am discussing provides that the United States shall be ready to pay from \$1.10 to \$1.25 a bushel as soon as the harvest begins. That immediately disposes of any dangerous attack by the predatory wheat speculators on the impecunious wheat farmer. The bill I introduced at the last Congress, and which this committee, with some amendments, reported favorably for passage, provided that the Secretary of Agriculture should be authorized to pay at least \$1 a bushel at the farmer's home town for the farmer's wheat and to the farmer. If that bill had gone into effect just as I introduced it there would have been no marketable wheat sold west of the Mississippi or anywhere else in this country for less than \$1 a bushel and it would have gone, probably, to fully \$1.10. I think that every man who is familiar with that bill and the facts will so concede. No wheat west of the Mississippi ever sold the last year even for the minimum of what my bill provided.

The committee was afraid that \$1 a bushel would not be enough to please the farmer and amended it by making it \$1.50, which at once, of course, made it impossible of passage. If that bill had become a law the 780,000,000 bushels of wheat we raised would have averaged 20 cents a bushel more than it has been sold for. If my bill had been made a law the wheat farmers of this country would have enjoyed an income of \$150,000,000 more for their wheat this year than they are now receiving and all the great West and Northwest would have been in prosperous condition. If my bill becomes a law the Government will be prepared by a \$30,000,000 appropriation and other available resources to buy wheat from the farmer at his home town all over the country at \$1.10 a bushel, and to keep up with competition, at \$1.25. If the Government announces that it will pay \$1.10 for wheat no farmer will sell his wheat for a penny less.

When the farmer demands that for his wheat every miller and every grain buyer will necessarily meet the Federal competition and pay that price for wheat. As long as there is an American market for wheat that will continue. The buyers buy all the wheat every year, and they would any year whether the Government bought any or not, and they would pay that price because they must meet the Government competition. On the front page of these bills that I am handing around you will find the statement that every bushel always sells, all over the world, and that was always so and always will be so. There is not any question about there being an ample market always.

If in the course of the year it developed that the United States would not utilize all this wheat, as is probable, and the buyers decline to purchase any more because they did not need it for home consumption, the Government would take up the purchase of the export wheat and handle it abroad, as I shall explain to you.

If you and I were buying wheat at a certain point—we will stick to Abilene, Kans.—the Government of the United States says that it will pay \$1.10, here is what would happen. We have got to have so much wheat for the millers, and we would buy each day whatever wheat we wanted. The Government buyer would not buy any as long as we were buying. At 4 o'clock you and I might quit; we have got all the wheat we want at \$1.10, and if there was any more wheat then the Government buyer would be expected to buy it. He would buy each day, at \$1.10 a bushel, if any, the surplus that they had at that particular place. The result of that would be that at the end of the year the Secretary of Agriculture would have gradually accumulated all the exportable wheat from all over the United States. They would have to export it month by month as they got it.

That is the thing the Government might and could do. This thought has occurred to me, that a great deal would depend upon the shrewdness of the Secretary. If we had as good a trader and as good an agricultural man as Mr. Haugen, with all his successful experience in farming and in business, our surplus wheat, as you gentlemen call it, would be taken care of abroad at a good price. I admit that the success of my proposition depends upon the keenness of the Secretary. All we need is a man who is as smart as John D. Rockefeller, or some one like him, to handle it. I don't know whether we could get him or not. There would never be any time or place that the Government would be compelled to purchase this wheat except when it became settled that we did not need it at all for home use. The exportable wheat would, as will be explained by me, all be handled by the Secretary of Agriculture.

Thirty years ago at Luxor, Egypt, Abdul Karim, a very successful farmer, told me about the wheat conditions in Egypt. Taxes all fall due in June, and every wheat farmer was compelled to sell his wheat at about 50 cents a bushel instead of \$1, as it generally is sold at Cairo. Abdul Karim managed to get by without selling at a sacrifice, and when Christmas came he was able to sell his wheat at \$1 a bushel instead of 50 cents, and maintained that system and became wealthy. This bill of mine will take every American farmer past the harvest crisis and put him on his feet face to face with the world. They learned those wheat tricks in Egypt in Joseph's time, for the wheat trade is the oldest international commerce, and these fellows at Liverpool and Chicago have inherited all the tricks that have encumbered it and grown up with it from the beginning of time. That is the backbone of this whole business. Every time we begin a harvesting season they tell us that the wheat isn't worth anything, that there is too much of it. If you put my bill through at the time the harvest begins, we will be right there with the money to put it down, and he will get \$1.10 there, and there isn't going to be much four-fushing.

Mr. VOIGT. Do you care if I ask you a question there?

Mr. LITTLE. No, sir.

Mr. VOIGT. The theory of your bill is that the Government shall buy this wheat at not less than \$1.10. Suppose the Government buys 100,000,000 bushels or more at that price; there would be some loss in the export, wouldn't there?

Mr. LITTLE. I do not think so. I am prepared to answer that a little later, if you will permit me to do so. I think I can make it clear. Last spring they were heralding abroad the announcement of a tremendous wheat crop, when we raised some 81,000,000 bushels less last summer than we did the summer before. The world wheat buyers have more tricks than the gypsy horse jockeys, and have inherited them from a time before the gypsies left their primeval homes in the Orient.

If in the course of the year it developed that the United States would not utilize all this wheat, as is probable, and the buyers declined to purchase it because they didn't need it for home consumption, the Government would export the wheat and handle it abroad, and I will explain why what you people call the surplus is not a surplus.

Mr. PURNELL. I have never been able to get fixed in my mind your theory upon which you make the statement that there is no such thing as a surplus of wheat.

Mr. LITTLE. I have convinced the Secretary of Agriculture and the Wall Street Journal and Mr. SYDNEY ANDERSON and a great many other people.

Mr. PURNELL. Then I suppose I might just as well give up.

Mr. LITTLE. I will come to that question.

Mr. KETCHAM. I think perhaps you had better spend a little time on that. You use the word "surplus" in connection with the world production of wheat instead of in connection with our own production?

Mr. LITTLE. There is in the world no surplus of wheat.

Mr. KETCHAM. You say there is no such thing as a surplus. Is there any surplus in the United States?

Mr. LITTLE. None at all. There is exportable wheat, but the wheat we sell in London is just as much sold as if we sold it in Cleveland.

Mr. KETCHAM. I am not arguing it. I simply make the statement.

Mr. LITTLE. I admit that there is an exportable amount of wheat, but the wheat that we sell abroad is not a surplus. We sell it every year. We have sold a billion and a half bushels since the war.

On July 1, 1922, we had on hand 78,000,000 bushels of wheat carried over from the crop grown in the summer of 1921. In the summer of 1922 we raised 856,000,000 bushels of wheat. This makes 934,000,000 bushels of wheat on hand after the threshing in 1922. Beginning July 1, 1922, and ending June 30, 1923, we imported 20,000,000 bushels. In other words, we had opportunity to dispose of 954,000,000 bushels of wheat during the year beginning July 1, 1922, and ending June 30, 1923. At the end of that year, on July 1, 1923, we had on hand 101,000,000 bushels carried over into the next year.

Mr. ASWELL. I thought you said awhile ago that all the wheat there is is always sold.

Mr. LITTLE. They always dispose of it.

Mr. ASWELL. Where was that 101,000,000 bushels?

Mr. LITTLE. It was carried over.

Mr. ASWELL. Had that been sold?

Mr. LITTLE. Oh, yes. The farmer had 35,000,000 bushels on July 1, 1923.

Mr. ASWELL. He hadn't sold it?

Mr. LITTLE. He hadn't let it go, because he didn't want to. He just wanted to speculate a little.

Mr. SINCLAIR. Do you know what the average carry over is for a series of years?

Mr. LITTLE. It has been up as high as 163,000,000 bushels and down to 58,000,000.

Mr. SINCLAIR. It ranges between 58,000,000 and 160,000,000?

Mr. LITTLE. Yes; 163,000,000. It gets a little bigger every year—gradually, I rather think. As I say, we had on hand 101,000,000 bushels carried over into the next year. During the year beginning July 1, 1922, and ending June 30, 1923, we disposed of 853,000,000 bushels of wheat. Of this we exported 222,000,000 bushels—

Mr. SINCLAIR. We did not dispose of all of it. We had 101,000,000 left. You only disposed of 700,000,000?

Mr. LITTLE. No; we had 934,000,000 and we kept 101,000,000, because the speculators and farmers wanted to keep it. We disposed of 853,000,000. Of this we exported 222,000,000 bushels, which leaves us 631,000,000 bushels of wheat utilized at home for food, stock feed, and seed.

Mr. PURNELL. The farmer carried 35,000,000 of that himself. Who carried the other?

Mr. LITTLE. The big millers, the terminal elevators, and elevators. The big mills have got to hold over a certain amount of wheat to make good flour. The June wheat is too fresh and soft. Every big elevator has a stock every year, which is a carry over. The world needs it for famines, droughts, and other emergencies. We don't have to take care of that because that carry over goes on all the time; it keeps right on, and it will go on forever. Have I made myself clear on that, Mr. Purnell?

Mr. PURNELL. I think I understand your position.

Mr. ASWELL. All of the bills pending before this committee speak of a surplus.

Mr. JOHNSON. You are not in harmony with the others, then?

Mr. LITTLE. I do not like to speak about that surplus business. I am trying to be polite. You will see that the United States during that year disposed of all the wheat raised, carried over, and imported, and had no wheat left on July 1, 1923, except a very ordinary carry over, only 35,000,000 bushels of which was in the barns and bins. The farmer could have sold that without any trouble at all, but preferred to carry it over.

Let me say here that I prepared, at the request of the Review of Reviews, in December, an article covering all these figures. A gentleman told me the other day that my figures in that article had been challenged. He said there was an associate editor of that paper here who said that he had gotten a thousand kicks on my figures. I wrote to the editor in chief, and let me tell you what he said. He said, "I have yours of February 26. There is no such office as that of associate editor on the Review of Reviews. No member of our editorial staff has recently been in Washington." (I am reading from his letter in my hand.)

Now, gentlemen, I would be glad if you would listen to this letter, because I place a good deal of importance on it. "I have been there once or twice myself, but I have said nothing about wheat statistics.

Any such letters that have come here criticizing the figures in your December article are neither numerous nor important." Then he goes on and speaks very nicely further. I just want to say to you gentlemen that the figures I present are from the Department of Agriculture, or as good a source. Nobody has ever challenged any figures that I have presented.

Mr. JONES. Mr. Little, we ship out of this country every year about 150,000,000 or 200,000,000 bushels more than we use, don't we?

Mr. LITTLE. Yes.

Mr. JONES. What do you call that surplus or excess supply of exportable wheat, or whatever it is—

Mr. LITTLE. Mr. Voigt asked me that same question; and I think I have the answer here, if you will wait a moment.

Mr. JONES. Certainly.

Mr. LITTLE. In other words, in the year from July 1, 1922, to June 30, 1923, the people of the United States entirely disposed of their wheat crop. The people of the United States and of the world every year dispose of all the wheat they raise. They always have done so and always will. The suggestion that there is a surplus in the world at any time is pure imagination, without any foundation whatever. The hue and cry is raised by the grain exchanges of Liverpool, London, Chicago, and other places for the purpose of bluffing the farmer into selling his wheat at a small price. As long as legislators allow themselves to thus be fooled by such fakes we can never get practical, beneficial results.

Mr. PURNELL. Do you agree with the position taken by many—in fact, I think it is the general belief—that this exportable surplus of 200,000,000 controls very materially, in fact, determines the price we get for the other 750,000,000 or 800,000,000?

Mr. LITTLE. To some extent that is true, and I am just going to approach that matter. During the year from July 1, 1922, to June 30, 1923, we exported 222,000,000 bushels of wheat. It makes no difference to a farmer whether they sell his wheat in Liverpool or Cleveland. In either event he has none left. But we have heretofore confused the export wheat with the alleged surplus.

Mr. PURNELL. It makes no difference where he sells it, but it does make a great difference to him if the part of the wheat that is sold abroad fixes the price here.

Mr. LITTLE. I am coming to that. It is true that we must take into consideration the wheat that we export when we consider our sales and prices, but before we do so let us remember that the export is just as sure a sale as any other. It goes on all the time and always will. In order to reach a satisfactory conclusion we must figure on the amount of wheat we export and the price it brings, because without doubt the export price of our wheat does to some extent determine the home price of our wheat.

Mr. ASWELL. If you fix the price at \$1.10, would you get that much for that which you exported?

Mr. LITTLE. I think I will answer that in a moment. The world's annual average crop of wheat during the years 1910-1915 was 3,855,600,000 bushels. The Wall Street Journal only claims that the world's total crop for the season of 1923 was 3,343,000,000. The crop we are now consuming is 500,000,000 bushels less than the average crop during the six normal years before the war. In order to induce an American farmer to sell his wheat for less than it cost him, the grain exchanges of London, Liverpool, and Chicago have told us over and over that the present supply has produced a tremendous surplus of wheat. Instead of there being a big surplus crop, as they have been telling us, we are 500,000,000 bushels of wheat behind the average world crop in the years before the war. We had one year of 4,250,000,000 bushels, and another year we had 4,100,000,000, and if it wasn't for the war this world would be now producing annually 4,000,000,000 bushels of wheat or more. We are 500,000,000 or more behind.

Mr. CLARKE. Do I understand that the market for wheat the world over is 400,000,000 bushels greater than the amount produced?

Mr. LITTLE. No. What I said was this: The average wheat crop before the war was 500,000,000 bushels of wheat more than the crop of this year.

Mr. ASWELL. We sold it all then?

Mr. LITTLE. Yes; we got rid of it.

Mr. PURNELL. Of course, you must take into consideration the fact that the world is not able or in a position to buy now what it was able to buy then.

Mr. LITTLE. That is a very great mistake. During the year beginning July 1, 1918, immediately after the war, we exported 287,000,000 bushels; from July 1, 1919, 220,000,000 bushels; from July 1, 1920, 386,000,000 bushels; from July 1, 1921, 279,000,000 bushels; and beginning July 1, 1922, 222,000,000 bushels.

Mr. SINCLAIR. Do you know anything about the price of that wheat?

Mr. LITTLE. It isn't a question of price, but they will buy the wheat and eat it.

Mr. SINCLAIR. They paid at least a dollar more a bushel in 1918 than they are paying for what we export now.

Mr. LITTLE. Beginning July 1, 1923, up to February 15, we exported 112,000,000 bushels of wheat without including the flour for the last two weeks. At this rate, by the conclusion of this present wheat year we will have shipped abroad 193,000,000 bushels of wheat if the present rate continues. I say that that is the greatest and most remarkable wheat market the world ever saw. Never at any time did this country ever sell so much wheat, but yet Mr. PURNELL asks me if I think they still use the wheat.

Mr. PURNELL. I know they will eat it if they can get it. My question is, Are they able to pay for it?

Mr. LITTLE. I guess we don't ship it abroad for nothing. There never was a bigger lie than the statements in the papers that the European people can not pay for wheat. I have shown right here that they have paid for it, since the war, to the extent of a billion and a half bushels, and they never did that before. It was many millions less in the preceding years. The European market for wheat during the six years since the war terminated is by far the greatest market for wheat the world ever saw. In order to keep our wheat prices down and to lead the Government to purchase the speculators' wheat at fancy prices and shipped without expense to him, we are told that the Europeans are starving, that they can not buy wheat, and that our European market is wrecked.

I don't want to characterize things, yet with regard to these wheat speculators there never was a more nefarious attempt to force the Government to purchase the wheat from these wheat speculators that they had on hand and did not know what to do with and to send it to the starving Europeans. They bought a billion and a half, and they paid for it, too.

On November 22 last, Secretary Wallace wrote me, "of course, every bushel of wheat can be sold at some price." On November 26, 1923, SYDNEY ANDERSON, chairman of the Joint Commission of Agriculture Inquiry, wrote me, "Our own surplus, in my judgment, is very small; and, indeed, I do not think we have any surplus of good milling wheat." On November 29, 1923, Mr. ANDERSON said, "The American farmer can sell every bushel of wheat he produces this year or any other year."

On December 14, 1923, the Wall Street Journal wrote me, "The Wall Street Journal has never said that the farmer will not be able to sell all his wheat. He always has been and always will be able to dispose of his wheat." Of course these gentlemen continue to say that he will not be able to sell it at a sufficiently high price. Well, that depends on who is the better trader, the buyer or the seller.

There is another universally admitted incorrect assertion that we can not meet foreign competition. In order to substantiate the incorrectness of that assumption, and the lack of any serious danger, I want to call your attention to some figures furnished by the Department of Agriculture and the International Institute of Agriculture at Rome. These figures give the value of wheat at different foreign ports on certain dates, and the cost of transportation as compared with that here in America.

The CHAIRMAN. Without objection, that table may be inserted in the record.

Cost price at Liverpool of wheat from New York, Buenos Aires, and India.

Seaport	Price	Ocean freight	Cost at Liverpool
August, 1922:			
Karachi, India.....	\$1.27	\$0.108	\$1.378
Buenos Aires.....	1.23	.132	1.362
New York.....	1.295	.064	1.349
1913 average:			
Karachi, India.....	.91	.12	.03
Buenos Aires.....	.100	1.08	1.108
New York.....	.97½	.06	1.03½
July, 1923:			
Karachi, India.....	1.08	.168	.248
Buenos Aires.....	1.10	.132	1.232
New York.....	1.22	.042	1.262
August, 1923:			
Karachi, India.....	.96	.15	1.11
Buenos Aires.....	1.01	.12	1.13
New York.....	1.11½	.042	1.157

Mr. PURNELL. According to that table, wheat sold in this country in 1923 at \$1.11. That was the New York price.

Mr. LITTLE. Yes; \$1.11½.

Mr. CLAGUE. In 1923, in August, you say the price at New York was \$1.11?

Mr. LITTLE. \$1.11½.

Mr. CLAGUE. Suppose your bill was in effect, and it was \$1.25 at Minneapolis. The freight to get it from Minneapolis to New York is 15 cents a bushel, a charge of 4½ cents to get it across, and under your bill they would have had to have \$1.44. Now, how could they have sold that wheat in Liverpool at \$1.44 when they could buy all they wanted at \$1.11 or \$1.13?

Mr. LITTLE. They could not; but it wasn't that way. I am just taking the world the way it is made year in and year out. Under every bill but mine you all concede you will lose money on every shipment. Suppose the Haugen bill or Sinclair bill were in effect, and you shipped \$1.50 wheat from Minneapolis to Liverpool for 19½ cents, your wheat in Liverpool would cost \$1.69½. Suppose you had to meet their Argentinian competition of wheat that is laid down for \$1.11. They would undersell you 58½ cents a bushel, and in a year you would lose nearly \$120,000,000. So what difference would it make, as compared to my bill, when you might occasionally get a small loss which the Government would bear, while every shipment under the other bill gives a loss which the farmer himself must pay.

Mr. CLAGUE. How could they have done it the year before?

Mr. LITTLE. I think I can meet that point, and it is a very pertinent question.

Mr. SINCLAIR. It is the whole problem.

Mr. LITTLE. It is the whole problem for the gentleman's bill, which takes a loss on every shipment, which loss must be paid by the farmer, while it is practically certain under H. R. 8330 that year in and year out the Secretary would make money for the department by his export trade. Just now I am undertaking to prove to you that we are in excellent shape to compete in Liverpool. I know what you mean, and you are right, but what I am now showing you is that year in and year out we have been competing on even terms and sometimes underselling them. On November 27, 1923, the Department of Agriculture issued a statement, which was reprinted in the Kansas City Times, with regard to freight rates to Liverpool. Examining that, we find that the freight rate from McPherson, Kans., to Galveston, Tex., was 27 cents a bushel, and the rate from Galveston to Liverpool was 8.6 cents, making a total from McPherson to Liverpool of 35.6 cents per bushel. However, the rate from Larimore, N. Dak., to New York was 22.6 cents, and from New York to Liverpool 4.8 cents, a total of 27.4 cents from Larimore, N. Dak., to Liverpool.

These figures are deduced from those given by the Secretary of Agriculture. He says:

"ARGENTINA WHEAT RATES—SHORT HAUL TO SEAPORTS SAVE TRANSPORTATION COSTS—OCEAN FREIGHTS TO LIVERPOOL ARE HIGHER AND RAIL RATE PER MILE IS MORE THAN IN THE UNITED STATES.

"Washington, November 26.—The ocean freight rate on wheat from Rosario, Argentina, to Liverpool, in the period from January 1 to September 30, this year, averaged 14.7 cents a bushel, while in the same period the average rate from New York to Liverpool was 4.8 cents a bushel, and from New Orleans, 8.6 cents a bushel." His figures show that it costs 18 cents to reach the seacoast from the Argentina wheat fields, which, added to the ocean rate of 14.7 cents, makes 32.7 cents a bushel from the wheat fields of Argentina to Liverpool, while the total from Larimore, N. Dak., to Liverpool was 27.4 cents, 5.3 cents a bushel less than the Argentina rate. In other words, the wheat fields of Larimore, N. Dak., can ship wheat to Liverpool 5.3 cents a bushel cheaper than Rosario, Argentina, or could last year when the Secretary of Agriculture figured it.

In other words, we can deliver wheat to Liverpool and beat Buenos Aires and Argentina on equal terms, and the Indian wheat, whose export is comparatively very small, anyway, can generally outsell us a little at Liverpool, though it is a different kind of wheat. In other words, this story about cheap wheat from cheap lands and cheap people is just a greatly exaggerated bugaboo that has been worked to death. Our wheat can compete in Europe all the time with any wheat exported to Europe from anywhere. You will notice that we have undersold the Buenos Aires wheat 7½ cents a bushel, but we could have run them off the market—

Mr. CLAGUE. That is, for low-priced wheat?

Mr. LITTLE. That is for the best wheat.

Mr. CLAGUE. I do not mean poor wheat, but I mean low-priced wheat.

Mr. LITTLE. I think I will cover that point in a moment. You will see, gentlemen, that when the Department of Agriculture takes over the export business of this country it will have no difficulty in the world in competing in the Liverpool market, and it never at any time can be swamped by other supplies.

I call your attention to the fact that in Brazil the Government has been handling the coffee crop for nearly 20 years with wonderful success. The Government controls the export trade of the country, because they levy an export tax on all coffee that private individuals export. The Government, then, is able to buy coffee according to its own estimate of world conditions, and is able to go to the European market and decide the price at which coffee can be sold.

As you have seen, we export about 200,000,000 bushels of wheat annually.

The sale of that wheat in Liverpool or elsewhere will be controlled largely by the Secretary of Agriculture in Washington. He can meet any competition.

Mr. ASWELL. That is true only as long as the price of wheat stays down as low as it is. That means we have got to keep wheat down to compete with the world price.

Mr. LITTLE. If my bill passes the price of wheat in this country will be decided by the Secretary of Agriculture.

Mr. ASWELL. But how can he compete?

Mr. LITTLE. He can meet any competition. He can, if he wishes, undersell any foreign competitor.

Mr. ASWELL. That means the price is low here.

Mr. LITTLE. No; under my bill the farmer would get at least \$1.10 a bushel for all his wheat and the Government would lose nothing on home consumed wheat. The department might have to take a loss sometimes on wheat exported, but that would not touch the farmer. The other bills that have been offered admit a loss of \$75,000,000 annually, anyway, which will always be borne by the farmer. Under my bill there will be no loss possible except on exports, which will be borne by the department, of course.

The Secretary can, if he wishes to, undersell any foreign competitor. If he wishes to drive Argentina out of the Liverpool market he can do so any week he desires. He will handle the American export wheat crop. No American exporter will contend with him. He will name the price in Liverpool on American wheat. Suppose for six months we did not ship any wheat to Liverpool at all? The world would be starving to death. The rest of the world can not meet it.

Mr. CLARKE. You say as far as the United States is concerned he would have no competition in the Liverpool market. But what about Canada?

Mr. LITTLE. I have figures on that. He can sell his wheat at any port where people eat flour. He can have his wheat manufactured into flour and exported as flour whenever he sees fit. If H. R. 8330 becomes a law, gentlemen, the wheat prices of the world would be made in the office of the Secretary of Agriculture in Washington. I want to leave that thought with you. It is an assertion, an estimate, but he sits here in Washington and controls every bushel we export and he can undersell them when he is willing to lose a little money. We are losing money all the time; we are not getting the money in the foreign market that we ought to get, and we are not getting what we would like to have, and that interferes with the home market, as you have all suggested. You see by this time, of course, that it would not interfere with the home market at all under my bill. The only question remaining would be whether the department could gain or lose in Europe. My contention is that under these other methods you are simply going to take the loss and let the farmer pay it until your corporation goes into bankruptcy, as it will. At the worst I could not do any worse than that. I concede that there may be times when the Government will be up against it, but I have shown that we could meet them on equal terms at Liverpool, except in a few bad years, and those bad years will come anyway. Suppose, Mr. CLARKE, that you were Secretary of Agriculture, and suppose you had 200,000,000 bushels to export, and you would see that Argentina was going in, and you would say, "Let them go in," and lay off for 60 days. If you did that, the rest of the world could not feed Europe, but they would have to wait for us. When you stayed out for 30 days you would see the wheat going up and you would quit selling when they didn't buy it at the increased price. I contend that Joe Leiter is the only man in the world that ever did anything for the American farmer. He gambled in wheat and raised the price of it. That is one reason why I started this. I don't believe Joe Leiter knew any more about the business than I do, and I tackled it.

Mr. CLARKE. But Joe Leiter went bankrupt, didn't he?

Mr. LITTLE. Yes; but no American farmers went into bankruptcy while he was raising the price. I don't care anything about Joe Leiter.

Mr. KINCHELOE. If it went on long enough probably the Federal Government might go into bankruptcy.

Mr. LITTLE. There isn't a chance on earth of that; no. The Government can withdraw from the business any year they see fit. These other plans evidence that they expect to buy wheat and export it and lose money. They estimate that they will lose \$75,000,000 a year. They explicitly state that they do not expect to have anything to do with the price of wheat in Europe. Gentlemen, what is the use of playing around the edges of this proposition? Let us put the American Department of Agriculture in such shape that it can have more to say about Liverpool prices than anybody else, which it could under this bill.

Mr. KINCHELOE. Have you ever consulted the present Secretary of Agriculture about that bill?

Mr. LITTLE. I should say so.

Mr. KINCHELOE. What does he have to say about your bill?

Mr. LITTLE. He didn't find any fault in it, and I haven't heard from him since.

Mr. KINCHELOE. I am sure he did not express himself to any extent here the other day, and I was wondering whether he had talked to you.

Mr. LITTLE. Last year he told me that he could see no flaw in it and no reason why it should not succeed, but declined to give a final opinion on short notice. I have had a great deal of correspondence with him, and, if he wishes it, I will print it.

Under this bill the department is not required to buy wheat. If it were, it could be urged that we would raise the price of wheat and greatly increase the production. This bill is so drawn that, whenever the people of the United States should undertake to plant speculative crops on the theory that the Government would protect them, the department could simply decline to buy or decline to pay the price anticipated.

Last year the Government informed the cooperative-marketing people that they could borrow money to carry on their business in an orderly way, but if they undertook to borrow money and hold their crops for speculative advances they would not get the money. This bill presents the same situation.

The Secretary is authorized to buy their wheat at such prices as he sees fit within certain limits. He is not ordered to do so, and it would ruin the whole proposition if he were so ordered. I undertake to say that no proposition that undertakes to fix a high price for wheat and meet it and guarantee it can by any possibility be a success. The value of this proposition lies in the fact that it simply makes the Secretary of Agriculture powerful enough to do what he sees fit. Beyond that I do not undertake to go.

I can not guarantee that the Secretary of Agriculture will handle this business always correctly. He is governed by the same limitations as other men meet; but if this bill becomes a law, a level-headed Secretary of Agriculture will always be in position where the American farmer can be assured of not losing money on his wheat. I do not believe anybody can go further than that with such, though if a very good business man were Secretary he could undoubtedly go far to assure our people of reasonable profits.

Now, I have a little table here of figures secured from the Department of Commerce on exports of wheat and wheat flour in millions of bushels, which I would like to place in the record:

Exports of wheat and wheat flour, in millions of bushels.

Country.	Calendar years.				
	1919	1920	1921	1922	1923
Canada.....	114	144	180	255	293
Argentina.....	137	193	66	145	140
Australia.....	109	63	116	85	37
India.....	2	8	14	6	30
Total.....	362	405	376	491	528
United States.....	1287	1220	1368	1279	1222
World total.....	649	625	742	770	742

¹ Fiscal year ending July 1.

If you undertake to pass a bill to pay a man a lot of money, he will plant more wheat; and you will be up against it worse than ever.

Mr. ASWELL. Won't he do it under your bill?

Mr. LITTLE. No. What I undertake to do is to give him a normal cost so he won't lose any money. Then he will have to take care of himself. I do not believe any bill that you undertake to pass will amount to a row of pins if it undertakes to give him a fancy price for his wheat. In the first place, the wheat eaters won't vote for it, and, in the second place, it won't work.

Mr. SINCLAIR. Will this price give him the average cost of production?

Mr. LITTLE. Yes; I think so.

Mr. SINCLAIR. You think it will?

Mr. LITTLE. Yes; I do.

Mr. SINCLAIR. The testimony seems to be against that.

Mr. LITTLE. Well, the Secretary of Agriculture asked 4,000 men about that and got an average of 94 cents for production, not counting the land value. That was the figure, wasn't it?

Mr. SINCLAIR. Yes; but the land value and taxes are a very material part of the cost.

Mr. LITTLE. Somebody could tell us what that average was. I think about \$1.20.

Mr. JOHNSON. He now figures that it ought to be worth about \$1.58.

Mr. LITTLE. It ought to be, but it is not, and it isn't ever going up there except now and then. It would be too expensive for the world to use generally.

Now, I think the table I put in is an answer to the Canadian wheat question. I realize that this proposition will be enfolded and environed by many difficulties, but it can be handled with practical business men, and all I am asking you is that you give it careful consideration. I am as anxious as any man here to do something for the farmer. I am the seventeenth in direct descent from farmers who lived on their own farms. In 1406, 517 years ago, Simon Little bought a farm in Scotland, and I can tell you the farms that my people have owned and lived on ever since down to me. There is no man here that has more sentimental interest or more practical interest. I began my life sowing

wheat and the grasshoppers came along and ate it as it came up, and I said to my dad:

"This wheat business is just a gamble, and I am going to town and go to work."

That is the reason I am here.

Mr. KINCHELOE. Mr. Little, I have a great deal of confidence in your judgment about wheat. I think you have studied this legislation probably as much as any man in Congress. I think you have studied all the bills before us here, and if you do not mind I would like to have your opinion of the two bills, the McNary-Haugen bill and the Sinclair bill, now pending before this committee.

Mr. LITTLE. I do not think you are quite fair to me. Here is a committee, most of whom have made up their minds.

Mr. ASWELL. But he has already intimated how he stands, Mr. LITTLE.

Mr. LITTLE. I want to remind you that we have a Constitution; and if you pass a bill that won't stand up under it, it won't do any good. You had better hire a lawyer. I don't mean that unkindly at all, because the probability is if you put a bill out I would probably vote for it. I am in favor of doing something for the farmer, and if we get off on the wrong foot and go too far, I shall be very sorry. If you don't want to do something reasonable for the farmer, you can expect it isn't going to be long before he will do something unreasonable.

Mr. KINCHELOE. What is the difference in principle between your bill and the Sinclair bill?

Mr. LITTLE. Now, gentlemen, I think very highly of the authors of the Sinclair-Norris bill and of the Haugen bill, but if you want to start a socialistic government I do not believe you could find any better way in the world to do it easier than under the Sinclair bill.

Mr. SINCLAIR. There is no difference between your measure and the Sinclair bill. The Sinclair bill simply puts a commission in charge of the exportable surplus.

Mr. LITTLE. Yes.

Mr. SINCLAIR. And the Haugen bill sets up the same kind of a proposition.

Mr. LITTLE. My bill doesn't put the Government into the wheat business. If my bill is right in theory, the Government won't buy much, if any, wheat. Under your bill it has got to buy.

Mr. KINCHELOE. Under your bill who would stand the loss?

Mr. LITTLE. The Government would lose it.

Mr. KINCHELOE. That is the same thing as in the Sinclair bill, and that is the reason why I asked you what the difference was in principle.

Mr. LITTLE. My theory, which I enunciated before you came in, Mr. KINCHELOE, is that when the Government announces that it is going to give a dollar a bushel for the wheat, that the farmer won't sell for any less, and the wheat buyers competing with the Government will have to pay that price. The result of that will be, I think, that the Government will not have to buy much at all, except the export wheat.

Mr. KINCHELOE. How would you take care of the export? Who would buy that?

Mr. LITTLE. Sell it abroad. I called attention to that. I said if they started under my plan the home buyers would buy wheat until they got all the country would use, and when they got all the country would use then the Government would have to buy it, buy what you people call the surplus. It would, in a sense, become a surplus. I do not use the term "surplus," because that is the term with which they have beaten us out of our money.

Mr. SINCLAIR. The exportable surplus proposition is the whole problem that we are trying to solve.

Mr. LITTLE. Under my plan if wheat was sold at \$1.10 it would go up, wouldn't it?

Mr. SINCLAIR. Yes.

Mr. LITTLE. And it would stay up until you got to that so-called surplus.

Mr. KINCHELOE. Until the domestic consumption was satisfied.

Mr. LITTLE. Yes; if they had followed my theory last year they would have made \$150,000,000 more, Mr. SINCLAIR.

Mr. SINCLAIR. I believe so if the price had been 10 or 15 cents higher.

Mr. LITTLE. They would have. I was perhaps weak beyond that point. I neglected to figure out what would happen. But I think, Mr. KINCHELOE, when I raise the proposition that the Government shall handle all of the export that it answers your question, don't you think so? If my bill had been in effect at \$1 to \$1.10, the farmers would have received \$150,000,000 more. If this one becomes a law, it will add \$200,000,000 to their income next year, and the export provision will bring us also a profit from Europe instead of a loss.

Mr. KINCHELOE. I was trying to take it back to your proposition of fixing it at \$1.10 on the domestic wheat, and if that was higher than the world price there would be an import of wheat into the country.

Mr. LITTLE. No; because of the tariff—

Mr. KINCHELOE. That drawback tariff is a miller's tariff, anyway.

Mr. LITTLE. What is the tariff?

Mr. SINCLAIR. Thirty cents.

Mr. LITTLE. They wouldn't bring in the wheat. We have only imported 19,000,000 bushels since last harvest, 8,000,000 from Canada only.

Mr. ASWELL. I am very keenly interested in all you have said, but I can not quite grasp the difference between your bill and the Sinclair bill. The loss will be sustained by the Government in the Sinclair bill if we export the wheat, and it seems to me it will be necessarily sustained by the Government under your bill. I do not see the difference.

Mr. LITTLE. You are right, in a sense, but the loss would be sustained by the Sinclair corporation, would it not?

Mr. ASWELL. You ask for \$30,000,000 and he asks for \$100,000,000. It is just a difference in amount.

Mr. LITTLE. Under his bill he has got to begin to buy the wheat, and under my bill we wouldn't buy it at all except for export.

Mr. ASWELL. You think it is simply a question of changing the word "authorize"?

Mr. SINCLAIR. Why won't that theory, created by the Government's statement that it was prepared to buy, work just as well under my bill and fix the price just the same as it would under your bill?

Mr. LITTLE. My idea about that is that under your bill it wouldn't have any such result.

Mr. SINCLAIR. It isn't contemplated that the corporation would buy all the wheat. It might have to buy but very little of it.

Mr. LITTLE. Pardon me; I didn't come here to get into a controversy.

Mr. SINCLAIR. No. I am just asking for information, Mr. LITTLE.

Mr. LITTLE. There is a good deal of information I haven't got. I have never studied the Sinclair bill as I have my own. I think I could give quite an extended review of the other bills after I had time to read them and study them. I do not think I am a very good witness as to just what would happen with that bill.

Mr. SINCLAIR. I can not understand that it makes any difference how the Government takes care of the surplus, whether it is taken care of by the Secretary of Agriculture or through a grain commission or corporation.

Mr. LITTLE. The biggest steal we ever had in the world was our shipbuilding corporation in this country, and, with all due respect to the authors of these bills, I think that is just what would happen.

Mr. CLARKE. There are others who think that about the grain corporation.

Mr. LITTLE. I think that putting this in a big corporation would be a wonderful mistake. Your bill would require a whole lot of high-salaried men and my bill would require but a few clerks. You suggest that they are in principle the same. Let me point out to you that the Sinclair bill calls for a big corporation and for a lot of money to be paid by the Government. There is no telling what would happen.

We have not yet thoroughly discussed the Canadian proposition. They claim that Canada is liable to invade us with cheap wheat. The figures of the Department of Commerce show that in the seven months after July 1 last we imported, in round numbers, 8,000,000 bushels of wheat from Canada and exported 16,000,000 bushels into Canada. Their competition does not amount to a row of pins in this country this year.

The figures of the International Institute of Agriculture at Rome for August, 1923, show that at that time New York was landing wheat in Liverpool at \$1.157. On that day No. 2 northern wheat in Liverpool was \$1.15. At the same time No. 1 northern, a better wheat, was selling at Port Arthur at \$1.10.

Mr. PURNELL. Of course that wheat which was landed in London at \$1.11 was produced at a very decided loss in this country.

Mr. LITTLE. This legislation is not responsible for that. We are trying to meet that.

Mr. PURNELL. I understand, but I am not able as yet to get over the one big proposition in my mind, namely, that if, under your bill or any other bill, we shall increase the price in this country so as to give the farmers a reasonable return for their investment and a profit, I can not understand how, with that added cost, you can lay it down in Liverpool and hope to in any way compete with the Argentine and some of the other countries.

Mr. LITTLE. All I am undertaking to do is to show you that we can, always have been, and always will be, under the present conditions, able to meet foreign competition in Liverpool. Mr. PURNELL, I concede, of course, that if I am able to increase the home market for wheat to \$1.10 or more we will have to get more than we are getting in Europe now in order to meet competition there or make a profit there. Many here will now admit that if my bill had become a law in the Sixty-seventh Congress the farmers would have received on the average 20 cents a bushel more for their wheat, a total of \$150,000,000.

What I claim now is that if my plan for export by the Secretary of Agriculture is adopted he will not only get us a fair price in Europe but will practically be able to dominate the wheat markets of the world and decide their prices as the Brazilians control the coffee markets. My suggestion is that we adopt the Brazilian method of controlling exports, and the Secretary will have to go into the wheat

markets of the world and control those markets as Brazil does the coffee markets.

Mr. ASWELL. You delivered wheat at \$1.15 in Liverpool in August, and if your bill were in force, giving the \$1.10 to the farmer, with your transportation, etc., the Government would have to pay that \$1.10 and lose at least 50 cents a bushel.

Mr. LITTLE. We couldn't sell the wheat in Liverpool at what we get now.

Mr. ASWELL. They would lose at least 50 cents a bushel, and would lose \$100,000,000 the first year.

Mr. LITTLE. Yes, under present conditions; but they admit that they will lose \$75,000,000 now or under any circumstances or under any plan they suggest. My answer to that is that we allow the Government to buy the export wheat and to handle it. If the Secretary controls all the export, he will be able to take care of that, and himself name the price of wheat in Liverpool. Instead of a scattering bunch of discordant, conflicting exporters we will be represented by the Secretary of Agriculture with all our wheat shipped across in American Government vessels.

The CHAIRMAN. Mr. Little, you have given a very interesting statement here, but there are a number of other people who desire to be heard.

Mr. LITTLE. I am almost through, Mr. Chairman. I think I have been very patient. I have not bothered this committee for weeks.

The CHAIRMAN. No; but you have exceeded the time asked for. We want to give you all the time you want, of course.

Mr. LITTLE. I will be through in a few moments. On March 4 the Department of Agriculture informed me that the average price for No. 1 northern wheat at Port Arthur in August, 1923, was \$1.10. Added to this, 20 cents for freight from Port Arthur to Liverpool, Winnipeg laid down No. 1 northern wheat in Liverpool at \$1.30. At the same time New York was landing No. 2 winter wheat at Liverpool at a cost of \$1.157. Winnipeg was not making real healthy competition in Liverpool for New York City.

Mr. ASWELL. That is just the point I can not grasp. You succeeded in the Liverpool market because of the prices the growers in this country were getting for their surplus wheat—

Mr. LITTLE (interposing). The prices they always have been getting and always will get if you don't legislate for them.

Mr. ASWELL. I don't know about that.

Mr. LITTLE. I don't know, either; but we will have to do the best we can. The people who are scared to death of Canadian wheat in Liverpool are laboring under a hallucination. They see the northern lights and think it is Canadian wheat headed for Liverpool. That is the stuff dreams are made of.

The United States and Canada combined raised 14,000,000 bushels less last year than they did the year before. The "vast wheat territory" they talk about in Canada is mostly peopled by the Rocky Mountains and glaciers and bounded by the North Pole. There never will be for any long period serious or dangerous competition from that country. Last fall Governor Leedy wrote me, "We have all the wheat we claimed, 467,000,000 bushels," and he says, "Half of it is unthreshed and mostly in the shock; if the snow does not fall by November, we will be in fair shape."

If you observe the above figures, you will see that for those five years, approximately, those five countries exported 3,528,000,000 bushels, and that of this the United States exported 1,374,000,000. In other words, of the world's exports the United States exported about two-fifths last year. Years before a much larger proportion. You have already noted that in ocean freight rates the United States has a very great advantage. You have noticed that the United States gets to the seacoast at more reasonable rates than other countries, so far as we have the figures. You see, therefore, that we are in excellent condition to meet anybody and fight it out at Liverpool. Let us suppose, for example, that for the first two-fifths of the year the United States exported no wheat. The world would be short two-fifths of its eating supply for that time and wheat, of course, would greatly increase in price. The United States would then be in a position to go into a high market and sell its wheat and receive the high prices. In other words, the Secretary of Agriculture could control the Liverpool market at any time he saw fit. The Secretary, in full control of all our exports, could readily make a combination with the bulk of the Canadian exporters, for example, and they could work together to fix the price at Liverpool, or they could combine with the Argentinian exporters. The pleasant dreams of a big wheat pool and a combination of wheat growers could round out into practical common sense under the leadership of the Secretary of Agriculture of the United States of America.

This would especially be true because he would have absolute control of two-fifths of the world's wheat supply. Being a governmental proprietor and responsible only to his Government and not to some copartners, he could, if he saw fit, go in at any time and undersell the rest of the world and name the subsequent prices. He would, possibly, lose some money at that time, but it is now conceded by all rival propositions that they expect to lose many millions of dollars a year anyway and make

no pretense that they could ever make a nickel by export business. If we have to take a loss the Department of Agriculture could take it and it would not go to the farmer. He would be receiving his home prices. This is the only plan offered which makes it possible for the American farmer to get the maximum price for wheat, whatever it may be. Every other plan devolves upon him, just as the present situation does, the loss, if any, due to the low prices in Liverpool and Europe.

Our manufacturers in New England found themselves unable to compete with European factories. The rest of us established a tariff bounty for the manufacturers at our expense. They found themselves able to compete with European labor on American soil by reason of our tariff bounty. We now ask that you reciprocate the bounty of a hundred years and enable the wheat farmers of America to have the same golden bounty that you have showered on the factory owners and workers. If you do not do so they will be forced out of business just as New England shoemakers would a hundred years ago but for the tariff. We can sit here patiently at the end of the world taking the worst of the battle, or we can thus assert ourselves and control the markets of the world and be sure that no American wheat farmer ever again sells his wheat for less than it cost him.

Mr. ASWELL. But those other bills include many other agricultural products. This touches only on wheat.

Mr. LITTLE. You will remember last year I told you that in my judgment wheat could easily be handled because the system was such that we could put it in the elevator, and we could do the same thing with cotton. But I don't know what to do with the hog. Do you? What can they do with hogs?

Mr. ASWELL. I don't know.

Mr. LITTLE. I do not think anybody who wrote that bill ever seriously intended buying hogs and cattle. Of course, if all the hog, cattle, wool, and cotton people will vote for the bill, it will go through. We can handle this wheat in the elevators. We do not have to build sheds for wheat anywhere we have elevators. The same is true with cotton, barley, and rice. I earnestly hope you may be able to find some way to get a reasonable price for hogs and cattle, but I can not. My proposition is very simple and practical and very inexpensive. If you had adopted it last summer several on this committee have confessed that the farmer would have been \$150,000,000 better off.

I can tell you about wheat, and I believe that I am right.

I would like to arrange that Doctor Atkeson should be heard on this. He is and for years has been the national legislative representative of the National Grange. Can he come back to-morrow? He is perhaps the most conservative of all the national farm leaders.

The CHAIRMAN. We will have to give that consideration.

Doctor ATKESON. Mr. Chairman, may I state that I think Mr. LITTLE has said about all that I could possibly say in support of the bill, and if I may be excused, I would like to save my time and the time of the committee. I think Mr. LITTLE has completely exhausted the subject.

Mr. LITTLE. I would like to have put into the record what Doctor Atkeson said last year. Will that be satisfactory, Doctor Atkeson?

Doctor ATKESON. Yes.

The CHAIRMAN. Without objection, it is so ordered.

DOCTOR ATKESON'S TESTIMONY BEFORE COMMITTEE ON AGRICULTURE, JANUARY 9, 1923.

On page 15, Doctor Atkeson, legislative representative of the National Grange in Washington, said:

"I have read all these bills, so far as I know, that have been introduced in both Houses of Congress. I have read Mr. LITTLE's bill both ways, and I am thoroughly convinced if we are going to try this experiment that it is the most defensible and less objectionable than any other bill.

"But if you fix the price of wheat—say you fix the price of wheat at \$1.50; Mr. LITTLE's bill undertakes to stabilize it at \$1—I say it is the most defensible and least objectionable of any of the measures, to my mind.

"Mr. KINCHLOE. Doctor, if I understand your position, which is personal, you are against all this legislation; but if the committee and Congress are determined to enact some of it, we should choose the one with the least evil in it, to wit, the Little bill.

"Doctor ATKESON. Yes; as an experiment.

"Doctor ATKESON. . . . That is one objection to Mr. LITTLE's bill, which tends to stabilize wheat at \$1 a bushel.

"The CHAIRMAN. Doctor, is not the object of this bill to stabilize the price of wheat at \$1 a bushel? I am referring to Colonel LITTLE's bill.

"Doctor ATKESON. As I have said two or three times, as an experiment I prefer that to any and all of the other measures.

"Doctor ATKESON. Undoubtedly it is not high enough to pay the present price of production.

"Mr. SINCLAIR. Then why should you be in favor of that?

"Doctor ATKESON. As an experiment, to see how it will work; to see what the effect will be. As I interpret the Little bill—I think it is a fair interpretation—to take care of the surplus and stabilize the price of wheat to at least \$1 a bushel. The Secretary, at his option, might continue to buy it up to \$1.10. That means a price of \$1.10. If the Secretary did what he would do under the circumstances—that is, if he buys all the wheat that is offered up to \$1.10—anybody else that wanted to get it would have to pay \$1.11 or \$1.12, or something more.

"Doctor ATKESON. No human being knows certainly what the effect would be or how well satisfied the consumers of farm products or the producers would be after an experiment of a year or two; the Little bill is the most defensible and less objectionable than any of the others."

At the conclusion of his evidence, page 133, Doctor Atkeson says:

"I have only attempted to call attention to one solution. If price fixing is the way out, why let's experiment with it. We can quit if it doesn't pay. I want to repeat that of all the bills I have read I am partial to Mr. LITTLE's bill."

Mr. BYRNES of South Carolina. Mr. Chairman, I yield 15 minutes to the gentleman from Kentucky [Mr. VINSON].

Mr. VINSON of Kentucky. Mr. Chairman and gentlemen of the committee, as one born in old Kentucky, as a loyal American citizen, as a friend to the valiant sons of America who defended its honor during the World War, and as an ex-service man of that war, I rise to enter my voiced protest against the condition which confronts us in respect to the proposed legislation that goes to the country as a so-called adjusted compensation legislation.

Back in Kentucky I practice the profession of the law. And early in the game I learned that in the trial of a case either by court or jury it is better to rest your case upon the merits involved rather than be controlled by technical legal construction. In days gone by more rigid use of technicalities were invoked than in this modern age. But in the consideration of the bonus legislation which confronts us we find that the bill which the Ways and Means Committee of this House approved, upon which we vote next Tuesday, was not released and was not obtainable by the Members of this body until 12 o'clock noon to-day (Saturday). The bill sponsored by the committee aforesaid comes to us under suspension of the rules, without right of amendment and with debate limited to 40 minutes of time.

I had hoped to be able to be permitted to cast my vote for a bonus bill which carried an option whereby those who so desired might receive cash. In lieu of such cash option, the bill presented comes to us under a suspension of the rules, which prohibits amendments to the reported bill, and we view the spectacle of being forced to accept this bill or have no legislation upon the subject. With this alternative confronting us, I support the measure and, while I will support the measure, I do not impugn the motive of any ex-service man or any Member of Congress who in principle and good conscience opposes this pending legislation, or bonus legislation in general.

I have the honor to represent the ninth district of Kentucky, composed of 19 counties, aggregating 5,490 square miles in area, with a population exceeding 272,725. For approximately 167 miles its northern and eastern borders are washed by the waters of the Big Sandy and the mighty Ohio; its northern county reaches to within 30 miles of Cincinnati, Ohio. The world-renowned blue grass, which peeps its head through the famous soil of the western counties of the district, extends into the mountain regions of Kentucky an approximate distance of 100 miles. The southeastern county, as well as the southwestern county of the district, is only removed from Virginia, the Mother State, by two intervening counties. In many ways it is cosmopolitan in nature. Not in the sense of a commingling of foreign blood, for there is none of perceptible consequence flowing through the veins of my people; but it is a district of diversified nature in respect of the topography of the country, soil of the land, the means of livelihood of its people.

In the creation Kentuckians fondly believe that God favored their nativity. It has been scientifically demonstrated that in the soil of the blue grass there are food values derived therefrom producing energy, speed, and stamina in the horses bred and reared upon it—unsurpassed the world over. Undoubtedly God favored this spot in its creation; well could it be said that it was His playground. But, when He created the blue grass, and smoothed out the rolling, undulating levels upon its bosom, methinks He tired of the monotony of the plains, and in the execution of His divine plan He caused mighty explosions in the bowels of the earth and upheavals consequent therefrom, and thereby brought into existence the further evil

dence of His mighty power, the mountains. It has always occurred to me that the mountain districts of the world received a special touch from the hands of the Omnipotent Creator, for, when He molded the hills and carved out the valleys, He made of the mountains a depository for His jewels and treasures in the form of minerals; and to further safeguard these valuables in the mountains of Kentucky He caused to be reared a people of strong, sturdy stock, with minds clear and visions unimpaired.

Now, with a district of such character, it would be strange indeed if its people did not respond to the call of country with the offering of its young manhood. More than 10,000 of her sons served their country in the World War and, although here and there in this large district an ex-service man gives voice to opposition to a bonus measure, I confidently assert that I speak for 98 per cent of the soldiery of my district in voicing these sentiments that the Nation give recognition for the service of these valiant sons.

The pending legislation is commonly known throughout the country as "a bonus bill." Some of its friends take issue with such designation, but I do not. The word "bonus" comes to us from the Latin, in which language its meaning is "good." It is a good bill. Taking the definition of the word, that it is something in addition to regular pay, it occurs to me that it is just that; it is the gift of the Nation; it is the token of the country; it is a symbol of appreciation of the wealthiest country in the world to its defenders.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. VINSON of Kentucky. I will.

Mr. BLANTON. I think that the ex-service men will agree with my colleague in calling this a bonus bill, because they asked the Congress for meat and this committee has given them a bone. Naturally it is bon-us.

Mr. VINSON of Kentucky. Very good.

In their efforts to organize such veterans of the World War opposing the bonus bill, the moneyed interests of this country sent a man by the name of Brinkerhoff into Kentucky to effect an organization that is known as the Ex-Service Men's Antibus League. From his own lips I heard Mr. Brinkerhoff state that he was a broker of stocks and bonds in the city of New York; that his opposition to the bonus was of such nature that he was contributing his time to the effort to organize Kentucky's soldiery against this measure.

To this date, according to my information, he has been able to form one club of men looking toward the defeat of the bonus legislation. In this chapter there are men whom I have known from early boyhood; there are men of splendid character; men who are honest in their opinions upon this subject, and I do not impugn the motive of anyone who, in virtue of his conscientious scruples, opposes this bill, but I do wish to go upon record against the moneyed interests represented by this man Brinkerhoff and others of like nature in attempting to organize the soldiery of my district against this recognition of their services.

Dealing with the total amount to be expended under this act, the amount is inconsiderable as compared to the total amount of this country's vast wealth, which authoritative statistics estimate to be \$350,000,000,000. The expenditure under this bill aggregates \$2,000,000,000. Upon that basis it is fifty-seven one-hundredths of 1 per cent of the total wealth of America. From these figures it is easy to ascertain that it is of no particular moment in respect of its being a tremendous financial burden.

Viewing it from a practical viewpoint, it occurs to me that it is a question that should be settled. I heard no lamentations from the representatives of the moneyed marts of this country in accepting the retroactive provision in the revenue tax measure, which recently passed this House, by which the income-tax payers for 1923 of America received a "bonus" of approximately \$250,000,000. It was not called a bonus in the bill, but it was as truly a bonus as that which will be granted unto the soldier heroes of America. This bonus to said income-tax payers of America came about in this wise: A surplus of \$600,000,000 was found to exist in the Treasury, and it was realized that the administration had placed an improper and a too weighty burden upon the people of America in 1923 by way of income taxes, and it was deemed fit and proper to provide for a 25 per cent reduction in the income taxes for 1923. I protest not against such measure. I voted for the amendment and for the bill, to the end that the tax burden of our people would be alleviated. But, nevertheless, it was a bonus, a good thing, an allowance over that to which they would have been entitled under the then-existing law. The number of persons directly affected by this tax reduction is approximately the same number that will be directly affected by the passage of this measure.

To the contrary, and as a matter of fact, the business interests of America should favor it; it is a question that should be settled, to the end that the business affairs of the country will not be injured by the circumstances surrounding the situation. Among the more than 4,000,000 soldiers of the World War this question is a tender spot, not only affecting the soldiers but reaching out into many millions more among the families of soldiers. It has gotten to be a sore upon the body politic of America. Permitting it to remain in this condition, I assert that it would fester, to the detriment of the very interests that are now opposing the measure. I submit that as a business proposition it is better to get this question settled, and settled right, than to let the soldiers, their families and friends in this generation, and the children of the soldiers in the next generation, hold in their hearts canker against the business interests of our country.

Most everyone has a cure for the diseases that prey upon the body politic of our country. I do not essay to prescribe for the ills that seem to hold our country in its grip, but were I to attempt such a thing I would lay at the door of the turmoil, strife, lack of faith, instability, trembling conditions of our affairs the old homily: "Money is the root of all evil."

It causes men to forget obligations with which they have been imposed; it causes men to forget the duties of official trust; it causes men to lose their position in society and their honor and esteem among men; it is causing our great business men and institutions to forget the saviors of freedom in government—the ex-service men of the World War.

In the hurly-burly of our modern life our old globe is spinning so rapidly that man has eaten up the distance intervening between the rise of the sun in the bustling east and its setting in the golden west. Soon it will be an accomplished fact that in the morning time man will view the appearance of Old Sol stretching its radiant head above the waters of the Atlantic and, at the eventide, watch its golden glow disappear into the mighty vastness of the Pacific.

No wonder, in an age of such speed men forget their obligations to their fellow men; no wonder that the country, to a large degree, has forgotten the splendid service of its manhood in standing between the purpose of a war-mad Kaiser and its successful termination. But our country, to a large degree, has forgotten.

LEST WE FORGET.

I would ask you to go back with me to the early days of 1917 when the Kaiser of that militaristic country, calculating to a nicety that he could throttle the Allies with his iron fist before America could emerge from her condition of peace and appear upon the battle fields of Europe; calculating to a nicety, in my judgment, that there was no longer need of his haughty self to respect the rights of this country relative to the war zone limits then existing, flung defiance to the wind and gave notice that no longer would he consider the rights of neutrals.

LEST WE FORGET.

Recall to your mind the scene when our late lamented war President, Woodrow Wilson, appeared in this very Chamber and with breaking heart delivered the war message to our Congress. Recall to your mind the stirring scene in which a state of war was declared to exist between your country and the foes of democracy. With what deep feeling of solemnity did you cast your vote plunging your country into a just war!

LEST WE FORGET.

Bring back to your mind's eye the hurried preparedness for this world struggle; conjure up in your memory the scenes that obtained in the departure of your sons and neighbor's sons; bring back into your memory the tears and heartaches which were involved in the sacrifices of the womanhood of America.

LEST WE FORGET.

It is needless for me to ask those who experienced the home leaving to renew that picture. The kiss of my aged mother, coupled with her half-stifled cry of anguish as I turned away from her, and the cold, death-like lips of my sweetheart's kiss can never be erased from my memory. Others will recall farewells with the picture of a sweet, babbling baby prominent in the foreground. It is needless to remind the soldier of those days in the training camps, in the hospitals, where death stalked unseen and took as its victims 62,106 of America's noble sons; it is needless to remind the overseas veteran of the experiences that confronted him upon foreign soil, of the hardships of camp life and the privations necessarily endured; it is needless to remind him of the damnable weather, of the muck and mud of the trenches, the chill of the night, and the hell of battle.

Do you think that they can forget the fall of a comrade by their side writhing in pain or silent in the stillness of death;

here the trunk of what was once a man; there the body of what was once a living being, possessed of the same desire to live and to love as is possessed by the moneyed interests of America now opposing the effort of a grateful country to pay her debt of honor.

LEST WE FORGET.

Time was when the ex-service man, offering his all, withstanding the onslaughts of the greatest military machine that history ever witnessed and breaking into disorder its famed storm-division troops was proclaimed the hero of the Nation, and now, in time of peace and security, the moneyed interests of the East object to the country giving evidence of its appreciation for the services of its soldiers in the time of the Nation's greatest peril.

In conclusion, I desire to reiterate that it has not been my purpose to impugn the motive of any ex-service man of the World War with whom I may differ in views upon this subject. I accord him the same right to his views upon this or any subject as I claim for myself.

I have stated the conclusions of my own mind, and I respectfully submit it to the conclusions of practically the unanimous soldiery of my district; and further, respectfully, submit that I give voice to the desire of my people that the Nation's gratitude should be expressed in some substantial form. [Applause.]

Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to revise and extend his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. FRENCH. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. CRAMTON, as Speaker pro tempore, having assumed the chair, Mr. GRAHAM of Illinois, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 6820) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1925, and for other purposes, had come to no resolution thereon.

THE SO-CALLED GASOLINE BILL.

Mr. BLANTON. Mr. Speaker, I obtained permission to extend my remarks on the gas tax bill a short time ago, and I desire to date them as of to-day, because I want to bring in some matters that have come up later on that bill. I ask unanimous consent to date it to-day.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent that the remarks he referred to may be dated to-day. Is there objection?

There was no objection.

Mr. BLANTON. Mr. Speaker, I thank my colleagues for permitting me to discuss the so-called gasoline tax bill. Apparently it is of local importance only, but when all facts connected with it are fully analyzed, it forms a vital issue of principle that affects every man, woman, and child in the United States.

INESTIMABLE VALUE OF THE CONGRESSIONAL RECORD.

Were it not for the publicity afforded nationally by the CONGRESSIONAL RECORD, it would be impossible to get certain facts before the people of the country.

There was a time when editors reserved only one portion of their newspaper—the editorial page—for disseminating their own views, and the columns of the other pages were devoted to news items, to chronicle what happened to their readers without bias or prejudice. But no part of any column of any page of any daily in any of the big cities now belongs to the readers, for in this modern day the editors of the big metropolitan newspapers leave out what they don't like and color all news items to suit their own views. When Members of Congress fight for things the editors don't want, or fight against things the editors do want, such editors are not content with roasting such Members in editorials, but they go further, and either make no mention whatever of the facts brought to light by such Members or else twist same into some ridiculous meaning neither intended nor warranted. Thus the facts are not given to the people.

The unpurchasable country press is the people's only salvation. This country press published in towns and in the smaller cities is uncontrolled by ulterior interests, and its policies are not for sale. Just as far as circumstances will permit, it gives the uncensored news to its readers. But the country press is handicapped, for the only means it has of obtaining news beyond its immediate locality is what is sent by the big metropolitan press and the news-reporting agencies, which unfortunately

are controlled and influenced by the big newspapers. So in the Nation's Capital there exists but one true source of news, giving uncensored to the people the happenings of Congress and the respective views of its Members, and that is the CONGRESSIONAL RECORD.

WHY BIG NEWSPAPERS DO NOT LIKE IT.

Naturally, big newspapers do not like it. When they treat Members of Congress unfairly the RECORD reveals it. When the press twists or colors the facts the RECORD shows it. When the press forms a dislike for a Member and punishes him with the "silent treatment," which means never to mention his name unless in a derogatory way, no matter how closely connected he may be with important legislation before the House, the RECORD discloses such discrimination. When the press purposely misconstrues and misstates the position of a Member, the RECORD demonstrates such unfairness to the reading public. For about 40,000 copies of the daily CONGRESSIONAL RECORD are mailed from Washington by the Government Printing Office the next morning after each day's session to the remotest parts of the United States into every State of the Union. They are read by the people at home and by the fair, honest editors in the towns and smaller cities, who ultimately find out first-hand when they have been bunkoed with false news sent them by news-reporting agencies and the big papers. Thus concerning the happenings of Congress the CONGRESSIONAL RECORD has become the monitor of the monopolistic press, tending to keep it in line when it would distort the facts. Naturally the press is restive under this restraint. It does not like to be kept in line. It does not like a news medium with a daily circulation of 40,000 copies which can not be controlled by the combined press interests. This is why the big press constantly pokes fun at the RECORD. This is why the big press tries to incite the country press to poke fun at the RECORD.

RECORD CONTAINS VALUABLE INFORMATION.

Valuable information on practically every subject imaginable is disseminated in the RECORD, and it is now being read closely by the people at home. Only a few days ago appeared an editorial in the daily paper of my home city, written by the distinguished editor, Mr. Frank Grimes, who, by the way, had four brave brothers who valiantly served our flag during the recent war, and who for several years himself has ably edited the Abilene Daily Reporter, a newspaper that would be an honor to Washington, wherein Editor Grimes said that the CONGRESSIONAL RECORD was well worth reading, and that all people who had access to it were now reading it closely, and to advantage.

WELL WORTH ITS COST.

No money spent by the Government is better spent, for otherwise there would be no uncensored record of what daily happens here. It is a protection to every Congressman. For sooner or later the people will eventually find it out when either the big press or the news-reporting agencies discriminate against any Member. And American people will not stand for anything but fair play. And the people can afford to pay for its cost, for some facts they are not able to get through any other source. And I am now forced to use the RECORD in order to get before the American people the real facts connected with the so-called gasoline tax bill, so that they may see just how vitally affected they are by it, for the big press, controlled by Washington influence, has failed to relate such facts.

CHRONOLOGICAL SITUATION.

When this Congress met, the District of Columbia had auto reciprocity with every State in the Nation except Maryland, and Maryland had auto reciprocity with all the States, but not with the District of Columbia. Each had to procure licenses from the other.

Under the present law in the District of Columbia automobiles have to pay a property tax of \$1.20—the regular tax rate—per \$100 on the valuation of the car, and a license-tag fee as follows: Three dollars for cars not over 24 horsepower; \$5 for cars between 24 and 30 horsepower; and \$10 for cars over 30 horsepower. Virginia, on one side of the District, has a much larger registration fee and a much larger property tax on automobiles, and in addition has a gasoline tax of 3 cents on the gallon. Maryland, on practically the other three sides of the District, has a much larger registration fee and a much larger property tax on automobiles than has the District, and in addition has a gasoline tax of 2 cents per gallon.

Maryland proposed to the District that if Congress would pass a law placing a tax of 2 cents per gallon on gasoline, which would abolish incentive for motorists to buy their gasoline in the District rather than in Maryland, that Maryland would then agree to auto reciprocity with the District.

And to meet such proposal of Maryland this so-called gasoline tax bill was designed; but when they framed it, instead of merely providing for a gasoline tax of 2 cents on the gallon, as demanded by Maryland, the Commissioners of the District of Columbia sought to abolish the present registration license fees and also sought to abolish all of the present property tax on motor vehicles, and framed the bill so that the only tax hereafter to be paid on motor vehicles from Rolls-Royce and Pierce-Arrow limousines on down should be the nominal sum of \$1 on each car, and said commissioners sent such bill to the House District Committee, requesting that it be passed immediately, in order to obtain reciprocity with Maryland.

CLEARLY A TAX-DODGING SCHEME.

In my minority report filed against this bill I stated that instead of calling it "the gasoline tax bill" its proper appellation was "the commissioners' latest tax-dodging scheme." Their selfish plan would not have looked so crude if their existing taxes had been high. But, as a matter of fact, they were paying less than half what people both in Virginia and Maryland were paying. Under the present law a \$15,000 new Rolls-Royce limousine here in the District has to pay a registration fee of only \$10 and a property tax of only \$1.20 on the \$100, while in Maryland it has to pay a registration fee of 32 cents per horsepower and a property tax of \$2.70 on the \$100, and in addition a 2-cents-per-gallon tax on gasoline; and in Virginia, say in the city of Alexandria, it has to pay a State registration fee of 60 cents per horsepower and a State property tax of \$1.50 on the \$100, and also an additional municipal registration fee, and a municipal property tax, and then in addition pay a gasoline tax of 3 cents on the gallon. Thus the people, both of Maryland and Virginia, and everywhere else in the United States, are now paying over twice as much taxes on automobiles as are the people of the District of Columbia. Yet the Commissioners of the District of Columbia sought by their bill to permit a \$15,000 Rolls-Royce limousine to escape all taxation except a nominal fee of a pitiful little \$1 besides the gasoline tax, and to permit the owner of 500 valuable taxicabs, running on the streets day and night, to escape all taxation except to pay a pitiful little \$1 on each car.

WHAT THE COMMISSIONERS HAD IN MIND.

The Commissioners of the District of Columbia knew that under what was known as the outrageous half-and-half system that prevailed here until changed in 1921 to the 60-40 ratio the whole people of the United States through the general Treasury had paid half of all the general running expenses of the District of Columbia, including all improvements of the city, and are now permitting the nearly 500,000 citizens of Washington to pay a ridiculously low tax rate of only \$1.20 on the \$100, on both real and personal property, with a personal property exemption of \$1,000 free from all taxation, and assessed at about half of the real valuation, and a tax on intangibles of only one-half of 1 per cent, and that since the change from the 50-50 system in 1921 the whole people from the Government's Treasury have been paying 40 per cent of all of such improvements and city expenses. And the commissioners knew that through the many department supply bills passed by Congress every year several million dollars more are spent on various local civic matters here in Washington for which Washington people would have to provide, but for which the Government has furnished the full 100 per cent. And the commissioners therefore reasoned among themselves about as follows: "We should worry! Why should we tax ourselves to raise money? Have not we the Government Treasury here in our midst, from which we have always gotten what we wanted?" And they saw a fine opportunity to lower the expenses of Washington people very materially, by getting Congress to abolish all property tax on their automobiles and reduce their registration fees down to a nominal \$1 per car. They knew that the Government had already provided the necessary money to pave the hundreds of miles of streets and boulevards, the million-dollar bridges across the Potomac, the several bridges across the Anacostia River, the numerous city street bridges in Washington, including the fine tiger bridge on Sixteenth Street, and the "million-dollar bridge" on Connecticut Avenue, and the 100,000 street lights all over the District of Columbia, the traffic policing of such streets, and the street-cleaning, snow-removing, and rainfall disposition, and that each year the Government was continuing the appropriating of huge sums of public money out of the Treasury for repairs, upkeep, maintenance, and replacement. So why should not the commissioners make the effort to still further lower their taxes and pass the burden over on the waiting Government?

The commissioners knew that if any Congressman or Senator dared to object, they had the Washington Post, owned by Mr. Edward B. McLean, the Washington Herald, owned by

Mr. William Randolph Hearst, the Washington Star, controlled by Mr. Theodore W. Noyes, the Washington Times, owned by Mr. William Randolph Hearst, and the Washington News, owned by the Scripps syndicate, besides the many other publications of local organizations in Washington, to center their combined attacks upon such obstreperous Congressman or Senator and punish him until he got himself back in line. They could give him "the once over" by publishing ridiculous news items about him. They could punish him by misconstruing his every act and word. They could attack him editorially. They could give him "the silent treatment" by making no reference to any work performed by him in committees or in Congress. They could so influence the press reporting agencies in the press gallery to punish him, and thus hamstring the recalcitrant Congressman in his home State and the counties of his district through the censored news items sent to his home papers. And they knew that they could make it very unpleasant for any Congressman who stood in the way of their plan. And these tax-dodging commissioners thought that they would be able to get away with it.

ACTION BY HOUSE COMMITTEE.

After due consideration, the House committee placed back into the bill the property tax the commissioners had left out. But through the continued insistence of the acting chairman, Mr. ZIEHLMAN, the committee by a compromise vote agreed upon an amendment that exempted all motor vehicles from the property tax up to a valuation of \$1,000, and by a vote of 7 to 6 the amended bill was reported to the House for action. This would have given the people of the District of Columbia a personal-property exemption of \$1,000 from taxation, and an additional exemption of another \$1,000 on automobiles, with the balance of the personal and real property taxed at the rate of only \$1.20 on the \$100.

ACTION BY HOUSE OF REPRESENTATIVES.

Upon consideration the House of Representatives, by practically a unanimous vote, turned down Acting Chairman ZIEHLMAN's proposal, and decided that the property tax on motor vehicles should remain. And in lieu of the \$1 per car registration fee proposed by the commissioners, the House by a decisive vote provided that there should be a registration fee of 15 cents per horsepower on motor vehicles, in lieu of the \$3, \$5, and \$10 fees now charged. And the bill was thus passed and sent to the Senate.

UPROAR BY WASHINGTON NEWSPAPERS AND PEOPLE.

That afternoon Mr. Hearst's Washington Times (February 12, 1924), at the top of the Washington page, in huge box-car letters, carried the startling headline

D. C. reciprocity gas bill is dead,

and then in a subhead typed in letters over half an inch high said:

Personal levy in cause.

And as a reason for the bill becoming "dead" within just an hour after being passed by the House, the Times thus proclaimed:

The 2-cent gasoline tax bill, establishing automobile reciprocity between the District and Maryland, is virtually in the scrap heap, so far as its chances of passage at the present session of Congress are concerned.

The action of the House in enacting the bill with the personal-property tax included kills the measure in the Senate, according to those in touch with the situation. The Senate will never accept the bill in its present form.

But in the next column the Times disclosed the real secret in the following statement:

When the commissioners first sent the gas tax bill to Congress they proposed a 2-cent gas tax and a \$1 registration or tag fee. They asked for the elimination of the personal-property tax on automobiles. . . .

But when the bill passed the House yesterday it was changed considerably. The 2-cent tax was retained, the personal-property tax continued, and an additional tax of 15 cents per horsepower included as a substitute for the \$1 fee.

MAY CUT STREETS BUDGET.

The House bill also provides that all automobile taxes be used to maintain the highway system of Washington. This will undoubtedly at first meet with general approval. However, if this is done Congress will probably withdraw its annual 40 per cent appropriation and tell the District to raise all of the money it needs for streets through automobile taxation and without the help of Congress. Congress now pays about \$600,000 as its part for street improvements, and it would probably cease this payment if the bill in its present form is approved.

And that same afternoon, February 12, 1924, following the passage of the bill by the House, the Washington Star predicted that the people of Washington would kill the bill, carrying the following in unusually large headlines:

FIGHT GAS TAX BILL IN SENATE AFTER PASSAGE BY HOUSE—MAY CUT TAX FEATURES.

It is almost certain that the committee will decline to accept the House bill and will report the measure in its original form, without the personal property tax included.

As to the amendment offered by Representative CRAMTON, of Michigan, specifying that money raised from automobiles be used for street improvements, fear was expressed at the District Building that it would lead the Appropriations Committee of Congress to eliminate the funds appropriated each year on the 60-40 basis for street work.

The current appropriation act carries a total of \$1,448,300 for new paving and maintenance of existing streets. If Congress continued to make these regular allotments for streets on the 60-40 basis, and also made automobile taxes available for street work, the engineer department would have just twice as much money with which to give Washington good highways.

But if, as some city officials fear, the gas tax bill in its present form would merely lead to the elimination of street paving funds from the appropriation act, the District would be the loser, for the reason that the Federal Government would thus be relieved of the 40 per cent it now pays toward street improvements. For the current year the Federal Government's proportion of the \$1,448,300 street appropriations is \$579,320.

You will note that it was the fear that Congress would not continue to furnish the \$600,000 each year for the repair of Washington streets, and also the fact that they were not relieved of the property tax and registration fees that caused the Washington commissioners to declare the bill "dead." And note that the Times tried to make it appear that the registration fee of 15 cents per horsepower was an "additional" tax, when it was not, but was in lieu of the present \$3, \$5, and \$10 registration fees, and on small cars would not amount to more than the present law.

TIMES STARTED ITS ATTACK.

And in this same issue the Times made a dig under my belt simply because I had contended that the people here should pay a fair rate of taxation, just as all other people in the United States pay, and should not have their expenses paid by the Treasury. It said:

The flat \$1 registration fee came under fire, and Congressman BLANTON, of Texas, leader of the fight to increase the tax burden upon the District motorists, proposed a fee of 32 cents per horsepower. Congressman J. CHARLES LINTHICUM, of Maryland, had this cut to the present rate of 15 cents.

BLANTON PLEADED.

As the last of these amendments was adopted, Congressman BLANTON took occasion to thank the House, stating:

"I now think I can vote for this bill; this is what we have been trying to do ever since it came in committee."

Now, what is there about this bill that is such a terrible nightmare to the Washington people, commissioners, and newspapers? Its registration fee of 15 cents per horsepower is very small. The people of Maryland, around three sides of the District, pay a registration fee of 32 cents per horsepower, which is more than double. The people of Virginia, on the other side of the District, pay a State registration fee of 60 cents per horsepower, which is four times as much as that provided in the bill passed by the House, and in addition the Virginia people living in cities pay a municipal registration fee.

What is there unreasonable about the property tax of \$1.20 on the \$100 left in the bill passed by the House that should cause the commissioners, people, and newspapers of the District to throw spasms? That is the present tax. There is no change. It is merely left as it is now. Is it high? Why, the people of Maryland are paying a property tax of \$2.70 on the \$100, or double the District property tax. The people of Virginia are paying a State property tax of \$1.50 per \$100 on the valuation of the car and, in addition, are paying a municipal property tax. And, as said before, the people of Maryland are paying a gasoline tax of 2 cents per gallon, and the people of Virginia are paying a gasoline tax of 3 cents on the gallon. Upon what meat have our favored people of Washington been feeding, that they should not be taxed as other people of the United States are taxed? They have been petted and pampered and provided for so long out of the Public Treasury that they are spoiled.

HEARST'S PERSONAL INTERESTS.

William Randolph Hearst owns the Washington Herald morning newspaper plant. He owns the Washington Times

evening newspaper plant. If he can keep the tax rate in Washington at only \$1.20 per \$100 and have the Federal Treasury pay all of the balance of the local expenses when people in all other cities in the United States have to pay a total tax of at least \$2.75 on the \$100, and some as high as \$6, \$7, and even \$8 on the \$100, it, of course, means quite a lot of tax money saved for Mr. Hearst, and, in addition, he makes his two Washington newspapers extremely popular with the nearly 500,000 people of Washington, who want to pay just as little taxes as possible.

HAS HIS TEXAS PAPERS ATTACK ME.

So on February 13, 1924, one of Mr. Hearst's hirelings, Hugh Nugent Fitzgerald, who makes his pen write the kind of stuff he is told to put in his editorials, made a very unfair and wholly unwarranted personal attack on me in a double-column editorial in the Austin American criticizing my stand on this gasoline tax bill and bemoaning me personally. He headed the article "Texas Tom on Deck" and begun by saying:

Texas TOM BLANTON is raising hell again in the national halls of legislation—

and throughout his misleading article, written specially in an attempt to belittle me, he continually refers to me as "Texas Tom." A number of Austin citizens have sent me copies of the attack, and assured me that even if Mr. Hearst and his "hireling" do advocate the ridiculous tax rate of \$1.20 on the \$100 here in Washington, with the Government paying the balance of expenses, that the people of Austin who are posted do not, and that because of just such uncalled-for attacks as the one Mr. Fitzgerald made on me, and the kind of yellow-journal stuff he fills the American with, that many Austin people are reading San Antonio, Dallas, and Houston papers to escape it.

And when not long ago an honest reporter, working for Mr. Hearst here in Washington, fairly reported an address made by me just as it occurred, it was handed back to him by one of Mr. Hearst's editors and he was told to rewrite it and to "jazz it up," and when it appeared in the paper it was so jazzed up that one who had been present would not have recognized it. And with the exception of the Washington Star, which is one of the best and fairest newspapers in the United States, all the other Washington papers almost daily misquote, misinterpret, misrepresent, and attack my position on all questions arising. This is the penalty I have paid for several years and am still paying for fighting here for a just rate of taxation in Washington. But I am willing to pay the penalty, and I am going to keep up the fight until there is a fair rate of taxation.

CONTINUED STRENUOUS EFFORT TO OMIT TAX.

The Washington Board of Trade and the various citizens' organizations of Washington are now making an organized fight against the bill to strike out the property tax and also the 15 cents per horsepower registration fee. There has hardly been an issue of any paper that has been free of propaganda against such taxes. In reporting the proceedings before the subcommittee of the Senate on this bill, the Times of February 23, 1924, said:

REPLIES TO BLANTON.

Answering heated statements by Congressman THOMAS L. BLANTON, of Texas, who appeared before to-day's subcommittee and urged inclusion of the property tax, that this city enjoys the lowest tax rate of any city in the United States, Chairman BALL reminded him that the District must not be criticized for this, inasmuch as Congress fixes the rate and is to blame.

Immediately after the subcommittee meeting the local representatives, headed by Edward F. Colladay, president of the Washington Board of Trade, held a closed conference in the Senate Office Building to thrash out the merits of the substitute or compromise gasoline tax bill submitted to them to-day by Chairman BALL.

Those who appeared as members of the District citizens' committee at to-day's subcommittee hearing follow:

Washington Automotive Association, Paul Lum, Stanley Horner, and W. D. Guy; American Automobile Association, M. O. Eldridge, George Offut, and A. M. Loomis; Washington Board of Trade, Edward F. Colladay, W. P. Rayner; Federation of Citizens' Associations, Charles Baker, W. S. Torbett; National Motorists' Association, Jesse Suter; Merchants and Manufacturers' Association, R. F. Andrews, Charles J. Columbus; truck interests, L. E. Smoot; and a representative of the Northeast Citizens' Association.

CLINGING TO THE GOVERNMENT TREASURY.

In passing this so-called gasoline tax bill the House of Representatives provided that all registration fees, gasoline tax, and property tax on automobiles in the District should constitute a special fund to repair and maintain the streets of Washington. But Washington people feared that it might be adequate to keep

up the streets, and that they would not get the \$600,000 per year from the Federal Government, which they have been enjoying so long, paid into their general funds. So in the Washington Star of February 24, 1924, Chairman Colladay, of the Board of Trade, thus expressed his fears:

Fear that the special fund would be the entering wedge for Congress to avoid contributing its share to the District was expressed by Edward F. Colladay, chairman of the special committee and its spokesman.

"This plan of yours," said Mr. Colladay, "is a new thing to me, and I don't feel qualified to give our final opinion on it until all members of the committee have been allowed to express their opinion in a conference of the committee. I will say that I view with alarm any attempt on the part of Congress to violate the fixed proportionate contribution principle which has been laid down for the fiscal relationship between the Federal Government and the District."

And on February 25, 1924, the Washington Star, on its front page, in large headlines, heralded the following:

DISTRICT OF COLUMBIA LEADERS BACK ORIGINAL GAS TAX BILL IN CONGRESS—SPECIAL JOINT CIVIC COMMITTEE AGAINST ANY CHANGE IN PRESENT 60-40 RATIO—EDITORIAL IN THE STAR IS READ TO MEETING—REPRESENTATIVES OF BUSINESS AND MOTORING BODIES GATHER IN BOARD OF TRADE ROOM.

Decision to reject any proposal for a gasoline tax for the District of Columbia other than that originally proposed by the District Commissioners was reached by the joint special civic committee at a meeting this afternoon in the board of trade rooms.

Following the reading of an editorial in the Evening Star touching on all phases of the proposed gas tax, the committee took immediate action.

STAND BY PRESENT RATIO.

It was the consensus of opinion that no plan which violated the 60-40 fiscal relations plan between the District of Columbia and the Federal Government should be accepted by citizens of Washington.

TRADE BOARD HITS BILLS—PREFERS NO RECIPROCITY TO PROPOSED MEASURES.

Better no automobile reciprocity between the District of Columbia and Maryland at all than under the terms of the two pending bills or the Ball substitute.

It was the contention of the committee that the passage of any such measures as those proposed would mark an entering wedge for the destruction of the 60-40 fiscal relationship between the District of Columbia and the Federal Government.

The committee in a formal resolution announced its opposition to the pending measures, and particularly on the substitute proposed by Senator BALL; said that it would prefer to have no reciprocity rather than this substitute, because it is an infringement upon the principle of fixed proportional contribution between the Federal and District Governments.

And on February 26, 1924, the Washington Times published the following:

RECIPROCITY BILL FACES VETO MOVE—TRADE COMMITTEE TO SEEK DEATH OF ANY BUT ORIGINAL MEASURE.

The committee unanimously opposed the House reciprocity bill, the Senate reciprocity bill, and the substitute bill which will be presented to the Senate subcommittee to-day by Senator BALL. Approval of the original bill drawn by the District Commissioners was reiterated.

Infringement on the principle of the 60-40 agreement is seen in Senator BALL's substitute bill, it was pointed out. The bill provides all the money collected from the gasoline tax shall go exclusively to the District and be appropriated at will of the District Commissioners for traffic improvement.

"But why should the people of the District pay this whole amount?" Edward F. Colladay, president of the Washington Board of Trade, asked the committee, "when Congress is agreed to furnish 40 per cent of all our expenses? It is just another trick."

BALL DETERMINED.

Senator BALL told the citizen representatives that he was greatly disappointed with the attitude taken, and that he proposes to stand by his substitute. He said he would place it before the Senate District Committee at the meeting to-morrow morning, and indicated he felt certain that the committee would accept it. He expressed his regrets that the local citizens would not accept his substitute, because he felt it was a fair bill and one which imposes no discrimination upon motorists here.

WASHINGTON PEOPLE DECLARED SELFISH.

The Washington News for February 27, 1924, said:

Senator EDWARDS, New Jersey, called attention to the difference in the tax rate paid in Washington and other cities. Here the basic

tax is \$1.20, while in Baltimore, at a similar valuation, \$3 is paid; in New York, \$5.40; in Jersey City, over \$4, and in Chicago, \$9.50. BALL and Senator JONES, Washington, said it would be unfair not to have a personal tax on autos.

SELFISH.

"It is truly a selfish proposition with District people," Senator WELLER, Maryland, said. "People here do not want to pay fair taxes."

WASHINGTONIANS UNWILLING TO PAY THEIR JUST SHARE. The Washington Post for February 27, 1924, said:

SENATOR BALL REPLIES.

"I am extremely sorry that the citizens of Washington have taken this position," Senator BALL replied. "It is a position that Congress can not support. It takes a stand that exempts you from taxation. There is no excuse upon which a fair-minded man can exempt you from this taxation that is paid in other States."

"There is a lower tax rate here than in any comparable city, Maryland and Virginia each pay personal-property taxes. Why shouldn't you? One pays 2 cents a gallon gasoline tax and the other 3 cents. The money so raised goes to the highway improvement. That provision is in my proposed substitute."

"On what ground can I, or anyone else, stand now? Washingtonians are not willing to pay their just share of taxes, as evidenced by the decision of this committee. I can not go to Congress now and say that the people here are willing to pay their full share and that funds should be appropriated for improvement of the city when it is evident that they are not."

Senator BALL warned the civic and trade representatives that there is a growing belief in Congress that the taxpayers of the District should contribute more than 60 per cent for the maintenance of the municipal government.

ACTUATED BY PURELY SELFISH MOTIVE.

In addition to the above, the Washington Star for February 27, 1924, carried the following:

BALL SAYS TAXES LOW.

"I am extremely sorry," replied Senator BALL, "that the citizens of Washington have taken this position. It is a position that Congress can not support. It takes a stand that exempts you from taxation. There is no excuse upon which a fair-minded man can exempt you from this taxation that is paid in other States."

"There is a lower tax rate here than in any comparable city, Maryland and Virginia each pay personal taxes. Why shouldn't you? In these two States one pays 2 cents a gallon for gasoline tax and the other 3. . . ."

MUST PAY FAIR TAX.

In support of his contention that his substitute bill, which carries the 2-cent tax on gasoline, \$1 license fee, and the present personal-property tax, was fair, Senator BALL pointed out that the personal-property tax on automobiles paid in Baltimore is \$3 a hundred, while here it is \$1.20. He insisted that the taxes paid on automobiles in Washington are very much lower than in Delaware, New York, Maryland, and other States. He declared that the people of the District can not expect Washington to become a really big city unless the people here are willing to pay fair taxes.

Senator WELLER, of Maryland, said that the matter was of interest to the people of Maryland, who also want their reciprocity with the District in the matter of automobile licenses. He, too, argued that the taxes paid on automobiles in the District, even under the proposed gasoline tax law, would be much lower than in Maryland. Senator COPELAND suggested that the tax on automobiles in New York was higher still than in Maryland; that he paid, he thought, \$5 a hundred personal-property tax on automobiles there.

Senator WELLER declared that the people in the District in opposing the gasoline tax bill, which would lead to reciprocity with Maryland, were actuated by a purely selfish motive; that they did not want to pay a fair tax.

COMMISSIONERS' BILL NATURALLY PREFERABLE TO CITIZENS.

Naturally the bill specially prepared by the commissioners, which sought to abolish the \$3, \$5, and \$10 registration fees now paid and permit all cars from Rolls-Royces and Pierce-Arrows down to pay merely a nominal fee of \$1 each, and which also sought to abolish all property tax on motor vehicles, was preferred by Washington citizens, as such measure reduced their taxes immensely. Very naturally they would make a fight for the commissioners' bill.

It was no worry of theirs that the Government would have to pay a correspondingly greater amount in liquidating the balance of their expenses; and so the various citizens' associations began to meet all over the city, and they sent their delegates to the meeting of the Federation of Citizens' Associations

to make a concentrated fight against the bill as passed by the House and to have substituted for it the original commissioners' bill. The following is from the press report of such meeting:

RENEW OPPOSITION TO GAS TAX BILL—CITIZENS' FEDERATION MEMBERS FEAR UPSET OF DISTRICT OF COLUMBIA FISCAL ARRANGEMENT.

The Federation of Citizens' Associations last night renewed its opposition to any automobile reciprocity legislation except the bill as originally drafted by the District Commissioners.

The delegates adopted a resolution calling the attention of all Washingtonians to the dangers which the federation believes lie in the substitute reciprocity measure proposed by Senator BALL.

Most of the discussion centered on that part of the Ball substitute which provides that approximately a million dollars, to be raised by the 2-cent tax on gasoline, shall be made available as a special fund for street paving, lighting, and upkeep of bridges.

William S. Torbert and Jesse C. Suter told the delegates of the determined stand taken against the Ball plan by a joint committee representing various civic and trade organizations.

ENDANGERS TAX BASIS.

They emphasized the point that the Ball measure endangers the time-honored system under which the Federal Government has contributed a fixed proportion of the expenses of the Capital City.

Mr. Torbert stated that while the Ball measure stipulates that the special gas-tax fund is not intended to interfere with the regular annual appropriations, if the commissioners were given a million dollars of gas-tax money to spend on streets there would be no assurance that Congress would continue to make the usual 60-40 appropriations for street improvements.

AND WASHINGTON CITIZENS WON—SO FAR.

The following excerpts are taken from the article appearing on the first page of the Washington Star for March 12, 1924, to wit:

ORIGINAL GAS TAX BILL GETS SENATE COMMITTEE O. K.—HOUSE RECIPROCITY MEASURE AMENDED TO CONFORM TO COMMISSIONERS' PLAN.

The gasoline tax bill, virtually in the form recommended by the District Commissioners, was ordered favorably reported to the Senate to-day by the Senate District Committee.

The committee acted upon the House bill, amending it to conform to the plan suggested by the commissioners.

ONE DOLLAR REGISTRATION FEE.

The bill as reported also provides for a registration fee of \$1 each year for each motor vehicle operated in the District except for motor vehicles propelled by steam or electricity.

The action of the Senate committee to-day was a victory for the citizens of the District, who have protested vigorously against the introduction of the personal property tax on automobiles along with the gasoline tax.

It will be noted from the last paragraph of the above article that the representation is made that there was an attempt to add a personal-property tax on automobiles. This is not correct, for under the present law there is a personal-property tax of \$1.20 on the \$100. The commissioners' bill sought to abolish this self-same property tax, and the House of Representatives refused to let them do it. And the commissioners also sought by their bill to abolish the present registration fees of \$3, \$5, and \$10, and let all cars pay only a nominal \$1 each, and the House of Representatives refused to let them do it.

It was the commissioners who were seeking to abolish present taxes now existing. It was not the House of Representatives seeking to increase taxes. Maryland proposed reciprocity if a tax of 2 cents per gallon was imposed on gasoline. By paying such tax of 2 cents on gasoline the District of Columbia would gain reciprocity with Maryland and cease having to pay registration and license fees in Maryland. The House of Representatives decided by a decisive vote that Washington people should pay such tax, especially in view of the fact that Maryland paid 2 cents and Virginia paid 3 cents per gallon on gasoline, and practically all other States had a gasoline tax in addition to their registration fees and personal-property tax on automobiles. It is my purpose in this discussion to fully apprise the Members of the House and of the Senate of the real situation concerning taxation now existing in the District of Columbia, so that when this bill is finally agreed to in conference justice may be done to the people of the United States.

RECORD MUST BE KEPT STRAIGHT.

Mr. Theodore W. Noyes, editor of the Washington Star, in his issue of February 24, 1924, used two whole columns and a half of page 3—not the editorial page—in trying to defend

the \$1.20 on the \$100 tax rate in Washington, D. C. Likewise in his issue of February 26, 1924, Mr. Theodore W. Noyes devoted parts of four columns of page 3 of said Washington Star in another attempt to defend the \$1.20 on the \$100 rate of taxation here in Washington; and he also devoted more than a column of his editorial page in such defense. And in his issue of February 29, 1924, Mr. Theodore W. Noyes devoted practically another column of his editorial page to this tax defense. The fact remains, however, that the people of the District of Columbia are paying a total tax rate of only \$1.20 on the \$100, with property assessed far below real value, and that the Government is paying all of the balance of their local city expenses, and has been doing it for years, when there is not another city, large or small, in the whole United States with a tax rate nearly so low.

JUST HOW IT BENEFITS MR. NOYES.

Up to and including the year 1922 property here was supposed to be assessed at two-thirds of actual value. Since 1922 it is supposed to be assessed at full value. Mr. Theodore W. Noyes owns a fine residence at 1730 New Hampshire Avenue NW., on lot 133 in square 153, which for the last five years has been assessed as follows:

Year—	
1920	\$51,500
1921	51,000
1922	54,700
1923	82,050
1924	82,200

I am reliably informed that this property is easily worth \$125,000 and could not be bought for that sum. Mr. Noyes's fine business property, known as the Evening Star Building, at the corner of Eleventh Street and Pennsylvania Avenue, has for the last five years been assessed at the following valuations:

Year—	
1920	\$505,226
1921	556,649
1922	947,649
1923	1,685,400
1924	2,205,475

I am reliably informed that this property is worth about \$3,000,000, and that little less than that sum would buy it, since the substantial improvements were made upon it in 1922-23.

Very naturally Mr. Theodore W. Noyes is much interested in keeping the tax rate down to \$1.20 on the \$100 and the assessed valuation down as low as possible, for if he had to pay a rate of \$2.40 or \$4.80, as people in most cities are paying, it would mean just double or treble the amount of taxes he is now paying, and if his assessment was raised to full value it would mean just that much more.

WHAT IT MEANS TO EDITOR McLEAN.

Mr. Edward B. McLean owns the Washington Post. His splendid business property, the Post Building, practically fronting on Pennsylvania Avenue, is situated in the central business section of Washington. It is assessed far below real value. And it means much to Mr. McLean that he has to pay a tax rate of only \$1.20 on the \$100. Editor McLean also owns a fine residence in the heart of the city at 1500 I Street NW., which is assessed at only \$600,004, and at the \$1.20 rate pays a tax of only \$7,207, when this property is easily worth double that sum. Editor McLean also owns a magnificent country estate, "Friendship," on Wisconsin Avenue NW., which is assessed at only \$492,944, and, at the \$1.20 rate, pays a tax of only \$5,915, when such property is easily worth \$1,000,000. Hence the low tax rate means a great deal to Editor Edward B. McLean.

WHAT IT MEANS TO WILLIAM RANDOLPH HEARST.

Mr. William Randolph Hearst owns the Washington Morning Herald newspaper plant. He also owns the Washington Evening Times newspaper plant. If these plants were assessed at their real value, and if they paid the rate of taxation that Mr. Hearst pays in New York, Chicago, San Francisco, and other cities of the United States where he owns papers, instead of the ridiculous tax rate of \$1.20 on the \$100 that he pays here his taxes in Washington would amount to several times what he now pays.

NOW ASSESSED FAR BELOW REAL VALUE.

Let me again call attention to various pieces of property scattered over Washington, showing that property here is under-assessed.

I have secured from the Rent Commission, the offices of the tax assessor and tax collector, and other reliable sources in Washington the facts concerning the rendition of numerous pieces of property which prove conclusively that property in the District of Columbia is assessed far below its value.

The Bradford apartments is assessed at \$229,407, and at \$1.20 pays a tax of \$2,752. The owner of this property claimed before the Rent Commission that its value is \$450,000.

Tudor Hall apartments is assessed at \$266,653, and at \$1.20 pays a tax of \$3,190. The owner of this property claimed before the Rent Commission that its value is \$362,576.

The Argyle apartments is assessed at \$207,437, and at \$1.20 pays a tax of \$2,489. The owner of this property claimed before the Rent Commission that its value is \$344,000.

The Alabama apartments is assessed at \$219,870, and at \$1.20 pays a tax of \$2,638. The owner of this property claimed before the Rent Commission that its value is \$305,000.

The Imperial apartments is assessed at \$207,500, and at \$1.20 pays a tax of \$2,490. The owner of this property claimed before the Rent Commission that its value is \$350,082.

The Pelham Courts apartments is assessed at \$192,760, and at \$1.20 pays a tax of \$2,313. The owner of this property claimed before the Rent Commission that its value is \$250,000.

The Riviera apartments is assessed at \$124,709, and at \$1.20 pays a tax of \$1,496. The owner of this property claimed before the Rent Commission that its value is \$240,000.

The Earlington apartments is assessed at \$151,793, and at \$1.20 pays a tax of \$1,821. The owner of this property claimed before the Rent Commission that its value is from \$225,000 to \$240,000.

The Savoy apartments is assessed at \$218,000, and at \$1.20 pays a tax of \$2,616. The owner of this property claimed before the Rent Commission that its value is \$250,000.

The Lonsdale apartments is assessed at \$160,233, and at \$1.20 pays a tax of \$1,922. The owner of this property claimed before the Rent Commission that its value is \$240,000.

The residence of Mr. E. F. Colladay at 3734 Northampton is assessed at \$14,356, and at \$1.20 pays a tax of \$172, when it is reliably estimated to be worth far in excess of double that sum. It is to be expected that through the Washington Star he would lead the fight for this system of low taxation in the District, when the whole people of the United States pay the balance of the expenses.

The magnificent residence of Mrs. Marshall Field on Sixteenth Street NW. is assessed at \$139,722, and pays a tax of \$1,676. It is reliably estimated to be worth double that amount.

The magnificent Belmont residence at 1618 New Hampshire Avenue is assessed at \$472,502, and at \$1.20 pays a tax of \$5,670. It is reliably estimated to be worth double that sum.

The New Willard Hotel properties is assessed at \$2,594,705, and at \$1.20 pays a tax of \$31,136. This is the most valuable location in Washington, and is reliably estimated to be worth nearly double that sum.

The Raleigh Hotel property is assessed at \$1,972,200, and at \$1.20 pays a tax of \$23,666. It is reliably estimated to be worth at least half a million dollars more than that sum.

Hotel Washington is assessed at \$1,951,605, and at \$1.20 pays a tax of \$23,419. It is reliably estimated to be worth far in excess of that sum.

The magnificent, semicircular Wardman Park Hotel, covering quite an area of ground and housing many wealthy families, is assessed at \$3,105,346, and at \$1.20 pays a tax of only \$37,264, and I am reliably informed that you could not buy this property for much under \$5,000,000. The annual receipts paid this fashionable family hotel by its patrons would astonish any Member of this Congress.

The residence at 1835 Irving Street NW. is assessed at \$10,416, and at the \$1.20 rate pays a tax of only \$125, while it could be sold at any time for as much as \$22,500, a similar residence in the same block having recently sold for \$25,000.

The residence at 3100 Sixteenth Street NW., which recently sold for more than \$40,000, is assessed at \$15,181, and at \$1.20 pays a tax of \$182.

Garfinkle's department store is assessed at \$420,975 and pays a tax of \$5,051. Woodward & Lothrop (whole block) department store is assessed at \$3,468,833 and pays a tax of \$41,626. You could not purchase either of these properties for double the amount at which they are assessed.

The residence which I am renting at 1929 Kenyon Street NW. has recently sold for \$11,750. It is assessed at \$6,486 and pays a tax of \$77.84.

A distinguished southern Senator told me recently that for several years he had been trying to sell his residence in his home town for \$7,000, and that he pays more taxes on it in his home State than he pays on his residence in Washington, which under any condition is worth \$22,500 but which could be sold for \$25,000.

The Meridian Mansion at 2400 Sixteenth Street NW. is assessed at \$1,481,960, and at \$1.20 per \$100 pays a tax of only

\$17,783. When this property was before the Rent Commission for hearing its owner claimed that its real value was a little less than \$3,000,000, and admitted that its gross receipts from its rentals aggregated \$281,532.20 annually. When this property was sold on January 13, 1923, the revenue stamps on the deed, coupled with the trust therein assumed, indicated that the consideration was \$2,250,000. I have a statement signed by Mr. E. Kirby Smith, who then bought this property and now owns it, in which he says:

The usual assessment on property is 50 per cent of its valuation. This property could not be replaced for less than \$3,000,000 in addition to the land. I have spent quite a fortune refurnishing and building over the place to make it attractive.

That comes from the owner himself. He admits just what I have been contending, that property is assessed far below its real value in the District of Columbia.

In the RECORD for February 26, 1924, beginning on page 2944, the gentleman from Maryland [Mr. ZIHLMAN] placed reports of various sales of property and assessments given him by Tax Assessor Richards in an attempt to prove that property was, not underassessed. His list embraced only five sales made in 1923, notwithstanding that there were hundreds of sales of very valuable pieces of property made in 1923. His list embraced sales made in 1918, 1919, 1920, 1921, and 1922, as against the present assessment. This, of course, was manifestly unfair, for it is well known that property has been gradually going up all the time, and is much higher now and in 1923 than it was in the years he gave. But let me point out some of the pieces of property reported by him in such list. And at the same time I want it to be remembered that it is impossible to get the real value from the consideration shown in deeds, for a practice has grown up here in the District of Columbia of not stating the real consideration in the deed. For instance, when the magnificent Argonne Apartments on Columbia Road were sold on November 10, 1923, to Stacy M. Reed, the revenue stamps and recitations in the deed indicated that same was sold for \$1,730,000, plus accrued interest due on one trust for \$1,250,000 and another trust of \$225,000. But who knows exactly how much interest was due. And then, later, when this property was sold to C. A. Snow at quite an additional consideration, Mr. William S. Phillips, who arranged the sale to Mr. Snow, very frankly told me that he had agreed with Mr. Snow to keep the real consideration price secret, although he would say that the amount of revenue stamps on the deed would indicate within \$50,000 of the real consideration. Yet, this magnificent Argonne Apartment property is assessed at only \$1,523,154, and at the \$1.20 per \$100 rate pays a tax of only \$18,277.

So it may be seen that you must have information other than the bare recitations in a deed to ascertain what the real consideration was when property is sold and what its real value is; and Mr. Richards can not cite sales prices from considerations stated in deeds to prove value. But even citing sales made in years preceding 1923 did not prove his point, for many pieces of such property cited by him to Mr. ZIHLMAN were underassessed, according to his own figures.

Now let us examine some of the properties which the gentleman from Maryland has placed in the RECORD as coming from the assessor's office in an attempt to prove that property is not underassessed in the District. I quote:

Lot 39 in square 220 at 1413 H Street NW. sold in August, 1922, for \$165,000 and is assessed for \$132,700. Thus, according to his own statement, the owner of this property is assessing it at \$32,300 less than its value, for all property here is worth just as much now as it was in August, 1922.

He cites lots 8 and 9 E in square 223, at the southeast corner of Fifteenth and New York Avenue NW., which in December, 1922, sold for \$900,000 and is assessed for \$635,200. Thus, according to his own statement, the owner of this property is assessing it at \$264,800 less than its value.

He cites lot 82 in square 247, at 1319 L Street NW., which in April, 1922, sold for \$45,000 and is assessed for \$19,723. Thus, according to his own statement, the owner of this property is assessing it at \$25,277 less than its value, which shows that same is not assessed even at half value.

He cites lot 87 in square 247, being rear of 1347 Massachusetts Avenue NW., which even as far back as December, 1920, sold for \$7,500, is assessed at \$4,825, which is assessed at less than two-thirds of its former value, which has greatly increased since 1920.

He cites lots 805 and 807 in square 247, at 1349 L Street NW., which in April, 1920, sold for \$85,000, and are assessed for \$64,629. Thus the owner of this property is assessing it at \$20,371 less than its value, according to his own statement.

He cites lot 820 in square 247, at 1133 Fourteenth Street NW., which in March, 1922, sold for \$45,000, and is assessed at \$32,100. Thus, according to his own statement, the owner of this property is assessing it at \$12,891 less than its value.

He cites lot 828 in square 247, at rear of 1318 Massachusetts Avenue NW., which in April, 1922, sold for \$4,000, and is assessed at \$1,486, which is considerably less than half value.

He cites lot 830 in square 247, at rear of 1123 Fourteenth Street NW., which in April, 1920, sold for \$2,000, and is assessed at \$775, or considerably less than half.

He cites lot 831 in square 247, in rear of 1314 Massachusetts Avenue NW., which in October, 1920, sold for \$10,000, and is assessed at \$5,255, or practically at half valuation.

He cites lot 834 in square 247, at 1120 Thirteenth Street NW., which in March, 1922, sold for \$18,000, and is assessed at \$11,541, which is less than two-thirds valuation.

He cites lot N in square 247, at rear of 1110 Thirteenth Street NW., which in June, 1922, sold for \$9,500, and is assessed at \$3,405, or just a little more than one-third of its valuation.

He cites lot 27 in square 285, at 1227 I Street NW., which in January, 1922, sold for \$55,000, is assessed at \$33,234, and according to his own statement is underassessed \$21,766 below its value.

He cites lot 807 in square 248, being the Dewey Hotel, at 1330 L Street NW., which in January, 1919, sold for \$200,000 (and now worth a great deal more), is assessed at \$154,193, or an underassessment of \$45,807 less than its value.

He cites lot 37 in square 248, at 1316 L Street NW., which in April, 1922, sold for \$23,500, and is assessed at \$14,273, or an underassessment of \$9,227 less than its value.

He cites lot 38 in square 248, at 1314 L Street NW., which in September, 1922, sold for \$22,500, and assessed at \$13,173, or an underassessment of \$9,327 less than its value.

He cites lot 17 in block 250, at 1336 I Street NW., which as far back as April, 1920, sold for \$250,000, and assessed at \$195,970, which is \$54,030 less than its value was in 1920, and it is worth considerably more at this time.

He cites lot 35 in square 250, at 1332 I Street NW., which in April, 1921, sold for \$300,000, and assessed at \$237,316, or an underassessment of \$62,684 less than its value in 1921, and it is worth much more now.

He cites lot 826 in square 250, at 832 Thirteenth Street NW., which in September, 1922, sold for \$22,500, and assessed at \$12,108, or an underassessment of \$10,392 less than its value.

He cites lots 40 and 832 in square 253, at 1337-9 F Street NW., which in August, 1922, sold for \$299,000, and assessed at \$203,675, or an underassessment of \$95,325 less than its value.

He cites lot 803 in square 253, at 1307 F Street NW., which in May, 1922, sold for \$175,000, assessed at \$138,236, or an underassessment of \$36,764 less than its value.

He cites lot 35 in square 285, at 1219 I Street NW., which in April, 1921, sold for \$23,000, and assessed at \$15,008, or an underassessment of \$7,992 less than its value.

He cites lot 47 in square 288, at 729 Thirteenth Street NW., which in April, 1922, sold for \$260,000, and is assessed at \$215,170, or an underassessment of \$44,830 less than its value.

He cites lot 823 in square 288, at 740 Twelfth Street NW., which in April, 1920, sold for \$100,000 and is assessed at \$60,950, or an underassessment of \$39,050 less than its value.

He cites lots 811 and 812 in square 289, at 612-614 Twelfth Street NW., which in December, 1921, sold for \$160,000, and are assessed at \$131,771, or an underassessment of \$28,229 less than their value.

He cites lot 813 in square 289, at 610 Twelfth Street NW., which in December, 1921, sold for \$90,000, and is assessed at \$67,238, or an underassessment of \$22,762 less than its value.

He cites lot 821 in block 290, at 1210 F Street NW., which in November, 1921, sold for \$125,000, and is assessed at \$100,494, or an underassessment of \$24,506 less than its value.

He cites lot 39 in block 290, at the northeast corner of Thirteenth and E Streets NW., which, according to his own statement, is underassessed \$25,560 less than its value, according to the cited sale in December, 1922.

He cites lot 10 in square 293, at 321-325 Thirteenth Street NW., which in September, 1921, sold for \$41,500, and is assessed for \$17,968, or an underassessment of \$23,532, showing that it is assessed at much less than half valuation.

He cites lot 17 in square 319, at 733 Twelfth Street NW., which in April, 1921, sold for \$35,000, and is assessed at \$17,955, or just about half valuation.

He cites lot 800 in square 319, at 1107 G Street NW., which in October, 1921, sold for \$97,818, and is assessed at \$64,045, or an underassessment of \$33,773 less than its value.

He cites lot 801 in square 319, at 1109 G Street NW., which in July, 1919, sold for \$100,000 (probably worth double now), and is assessed at \$67,235, or an underassessment of \$32,865 less than its value was back in 1919.

He cites lot 813 in square 319, at 723 Twelfth Street NW., which in March, 1922, sold for \$60,000, and is assessed at \$32,632, or an underassessment of \$27,378 less than its value.

He cites lot 814 in square 345, at the southwest corner of Tenth and H Streets NW., which sold in December, 1921, for \$96,000, and is assessed at \$71,829, or an underassessment of \$24,171 less than its value.

According to his own statement, lots 18, 19, 818, and 819 in square 347, which he cites as being sold in November, 1922, are underassessed \$41,642 less than their value.

He cites lot 20 in square 372, at 940 K Street NW., which in May, 1921, sold for \$10,500, is assessed for \$4,880, or at much less than half of its valuation.

He cites lot 800 in square 372, at 903 New York Avenue NW., which as far back as April, 1919, sold for \$50,000, is assessed at \$35,000, or \$15,000 less than its value in 1919, which has about doubled.

He cites lot 807 in square 372, at 923 Tenth Street NW., which in April, 1922, sold for \$6,000, is assessed at \$2,317, or a little more than one-third of its value.

He cites lots 812 and 813 in square 373, at 930-941 I Street NW., which in September, 1922, sold for \$36,500, is assessed at \$19,570, or an underassessment of \$16,930 less than its value.

He cites lot 1 in square 373, at 945 I Street NW., which in March, 1922, sold for \$20,000, is assessed at \$12,000, or an underassessment of \$7,900 less than its value.

He cites lot 804 in square 381, at 921 Louisiana Avenue, which in October, 1920, sold for \$55,000, and assessed at \$43,043, or an underassessment of \$11,957 less than its value way back in 1920.

He cites lot 18 in square 382, at 931 B Street NW., which in May, 1920, sold for \$28,500, and assessed at \$18,205, or an underassessment of \$10,295 less than its 1920 value.

He cites lots 800 and 801 in square 429, at 700 Seventh and 707 G Street NW., which in March, 1921, sold for \$140,000, and assessed at \$50,000, or just a little more than one-third valuation, and this property is worth far more now than in 1921.

He cites lot 823 in square 429, at 708 Seventh Street NW., which in December, 1921, sold for \$78,000, and assessed at \$54,245, or an underassessment of \$23,755 less than its value.

He cites lot C in square 429, at 728 Eighth Street NW., which in July 1921, sold for \$20,000, and is assessed at \$9,416, or less than one-half of its valuation.

He cites lot 23 in square 431, at 400-404 Seventh Street NW., which is assessed at an underassessment of \$65,660 less than it sold for in January, 1923, according to his own statement.

He cites lot 807 in square 431, at 432 Seventh Street NW., which as far back as November, 1920, sold for \$100,000, and is assessed at \$56,100, or at \$43,900 less than its value.

He cites lot 809 in square 453, at 623-625 H Street NW., which in May, 1920, sold for \$25,000, and is assessed at \$12,557, or at just about half valuation.

He cites lot 826 in square 454, at 612 H Street NW., which in April, 1922, sold for \$14,500, and is assessed at \$7,568, or just a little more than half valuation.

He cites lot 42 in square 455, at 635 F Street NW., which in February, 1920, sold for \$200,000, and is assessed at \$126,614, or an underassessment of \$73,386 less than its value.

He cites lot 36 in square 456, at 628-630 F Street NW., which in July, 1919, sold for \$90,000, and is assessed at \$65,815, or an underassessment of \$24,185 less than its value way back in 1919.

He cited lot 827 in square 457, at 626 E Street NW., which in May, 1922, sold for \$29,000, and is assessed at \$16,996, or an underassessment of \$12,004 less than its value.

He cited lot 13 in square 459, at 619 C Street and 628 Louisiana Avenue, which in May, 1922, sold for \$15,000, and is assessed at \$8,892, or a little more than half valuation.

He cited lot 804 in square 461, at 607 B Street and 604 Pennsylvania Avenue, which in April, 1922, sold for \$26,000, and is assessed at \$18,357, or just a little over half valuation.

He cites lot 407 in square 289, at 1212 G Street NW., which in February, 1923, sold for \$115,000, and is assessed at \$99,170, or an underassessment of \$15,830 less than value.

VALUATION AND ASSESSMENT SHOULD BE FOR SAME YEAR.

You will note that in the data furnished by Tax Assessor Richards to the gentleman from Maryland (Mr. ZIEGLER) he has cited sales of property during the years 1918, 1919, 1920, and so forth, and then compared same with the assessment of

such property for the present year. He should have given the assessment for the year when the sale was made.

I challenge both Mr. Richards and Mr. ZIEGLER to cite any property or properties in the District of Columbia that were assessed in 1918 for anything like the value they sold for in 1918, or that were assessed in 1919 for anything like the value they sold for in 1919, or that were assessed in 1920 for anything like the value they sold for in 1920, or that were assessed in 1921 for anything like the value they sold for in 1921, or that were assessed in 1922 for anything like the value they sold for in 1922, or that were assessed in 1923 for anything like the value they sold for in 1923. If he will ascertain the real consideration value and not merely the camouflaged one expressed in the deed, he will find that he can not give such a list. From the House floor on January 30, 1924, I said:

And I have received an insolent note through the mail, stating:

"You needn't kick, for you Members of Congress and Senators get the benefit of this tax rate of \$1.20 on the \$100, and it makes that much less expense you have to pay out on your fine residences."

I do not own a residence here. If I did, I would be willing to pay the same rate of taxation on it that citizens of other cities have to pay. And all of you colleagues who are fortunate enough to own property here in the District of Columbia know full well that it is not rendered at anything like its full value. And I challenge Assessor Richards and Commissioner Rudolph to name the residence of one Congressman or of one Senator that is assessed for as much as 75 per cent of its real value. They can not do it. And if they can not, then will they contend that they permit Congressmen and Senators to render their property under a lower system of assessment than they do other people of the District? Surely they would not contend that.

I REPEAT THE CHALLENGE.

I again challenge Tax Assessor Richards to name the residence of even one Congressman or of one Senator here in Washington that is now assessed for as much as 75 per cent of its real value. He can not do it, and he knows it.

THE OLD SLOGAN HAS WORN THREADBARE.

Whenever a Member of Congress seeks to change the unjust system of allowing the people of Washington to pay the ridiculous tax rate of only \$1.20 on the \$100, the newspapers and citizens' associations immediately resort to their old battle cry:

That Washington is the Nation's Capital and must be made the most beautiful city in the world; that the Government should pay a big part of the local city expenses because it owns so much property here.

Washington is the Nation's Capital and should be made the most beautiful city in the world, and I will go just as far as any other man through all legitimate and proper means to make it the most beautiful city in the world. Before the Government built all of its fine institutions here Washington was a mere village. Property here was of little value. It is because of the fact that the United States has spent its millions here that has caused some lots to jump in value from \$100 to \$100,000. Every piece of property owned by the Government in Washington is daily enjoyed by the people of Washington.

The local pay roll of the Government is a bonanza to the merchants and business enterprises of Washington. The Government pays its nearly 100,000 employees in Washington their wages promptly every two weeks in new money that has never been spent before. Chicago, or any other big city in the United States, would gladly exempt the Government from paying all taxes on its property to get it to move its Capital to such city.

Because we want to make it the most beautiful city in the world is no reason why the Government should pay for building million-dollar school buildings and employing 2,500 teachers and buying the school books for the 70,000 school children of the thousands of families living in Washington who have no connection whatever with the Government except to bleed it on all occasions and to grow rich on the Government pay rolls expended here. Because we want to make Washington the most beautiful city in the world is no reason why the Government should pay for the army of garbage gatherers, the army of ash gatherers, the army of trash gatherers, the army of street cleaners and sprinklers, the army of tree pruners and sprayers, and the street lighting system for the several hundred miles of private residences owned by rich tax dodgers who have no connection whatever with the Government; nor is it any reason why the Government should pay for their water system, their sewer system, their police protection, their fire protection, for playgrounds for their children, for parks for their enjoyment, for their municipal golf grounds, for their numerous public tennis courts, for their bathing

beaches, for their skating ponds, for their cricket grounds, for their baseball and football grounds, for their horseshoe riding paths, for paving the streets in front of their residences and maintaining and keeping them in repair, for building their million-dollar bridges, furnishing million-and-a-half-dollar market houses, their municipal, trial, and appellate courts, their jails and houses of correction, their municipal hospitals, asylums for their insane, special asylum schools for their deaf and dumb, asylums for their orphans, a university for their 110,000 colored people, their municipal libraries, their municipal community-center facilities, salaries of all their municipal officers, employees, buildings, furnishings, equipments, sanitary and health departments, and the hundreds of other things that all other cities of the United States must furnish and pay for themselves, but a very substantial part of which the people of Washington have been getting out of the Federal Treasury for years.

The magnificent Capitol and its beautiful grounds are daily enjoyed by Washington people. The Congressional Library, which cost \$6,032,124, in addition to the sum of \$585,000 paid for its grounds, and for the upkeep of which Congress annually spends a large sum of money, is daily enjoyed by the people of Washington. The Government furnished and maintains the magnificent Botanic Gardens here for the pleasure and enjoyment of Washington people. The Government furnished and maintains the wonderful Zoo Park with all of its interesting animals for the instruction and amusement of Washington children. The Government furnished and maintains the extensive and most beautiful Rock Creek Park, with its picturesque picnic grounds, its miles of wonderful boulevards, its incomparable scenery, all for the pleasure of Washington people. Congress has spent millions of dollars reclaiming and purchasing the lands now embraced in the Potomac Parks and Speedway, daily used and enjoyed by Washington people. The Government has spent several million dollars building the various bridges spanning the Potomac River, and huge sums for the bridges spanning the Anacostia River, and spent \$1,000,000 building the beautiful "Million Dollar Bridge" on Connecticut Avenue. The Government has spent millions of dollars on the Lincoln Memorial, grounds, and reflecting pools, the Washington Monument Grounds, Lincoln Park, on East Capital Street, and the numerous beautiful little parks scattered all over the city, all for the pleasure and benefit of Washington people. Let me again repeat:

TAXATION SYSTEM HERE IS CRIME UPON WHOLE PEOPLE.

Prior to the fiscal year of 1915, when the Borland Act became effective, all of the streets within the District of Columbia had been paved upon the 50-50 basis, half the expense being paid by the District and the other half by the Government of the United States. The District auditor advises me that when the Borland Act became effective fully 90 per cent of all the streets within the old limits of the city of Washington had already been paved, the Government of the United States paying for half of all of same. Under the Borland Act each abutting property owner now pays for 20 feet and excess is paid for by the District and Government 50-50 up to June 30, 1921, and 60-40 since that date.

Congress made the following appropriations for repairs and maintenance of streets since the 60-40 plan became effective, to wit:

Fiscal year 1921	\$575,000
Fiscal year 1922	575,000
Fiscal year 1923	460,000
Fiscal year 1924	550,000

And the Government of the United States paid 40 per cent of all of the above.

Congress made the following appropriations for repairs to suburban streets and roads within the District, to wit:

Fiscal year 1921	\$250,000
Fiscal year 1922	250,000
Fiscal year 1923	225,000
Fiscal year 1924	275,000

And the whole people of the United States paid 40 per cent of same.

Congress made the following appropriations for the paving and grading of streets:

Fiscal year 1921	\$614,200
Fiscal year 1922	144,840
Fiscal year 1923	233,500
Fiscal year 1924	573,300

And the whole people paid 40 per cent of same.

Congress made the following appropriations for the construction and maintenance of sewers:

Fiscal year 1921	\$515,000
Fiscal year 1922	523,000
Fiscal year 1923	502,000
Fiscal year 1924	690,000

And the whole people of the United States paid 40 per cent of same.

Until the Borland amendment became effective in 1915, the whole people paid 50 per cent of the expense of paving all the streets and thoroughfares of Washington and of their repair and maintenance, without abutting property owners paying any part of same, and the 50-50 basis continued to 1921, the Government paying 50 per cent, but since then only 40 per cent of all of the above. Prior to 1915, to secure sewer service, the owner was charged \$1 per front foot, and never thereafter did he have to pay anything additional. But since 1915 he is now charged \$1.50 per front foot, and thereafter he pays no annual assessment whatever for such service. In other words, where the owner's lot was 20 feet front he paid \$20 before 1915 and \$30 since then, for service, and all of such expense of making his excavations and furnishing him sewer connection for all time thereafter without further charge, is borne by the District and Government, 50-50 before 1921 and 60-40 since 1921.

For water connection the owner is charged \$2 per front foot, which covers less than 66 per cent of the cost of making the connection for him. And the charge thereafter is illustrated as follows: The residence rented by me at 1929 Kenyon Street NW, has 20 feet frontage, a basement, two stories, and an attic. There are seven members in my family. I am charged \$7.65 per annum. This is a lower water rate than any other city in the whole United States enjoys.

And the District gets several extra millions annually from the United States Treasury where the whole people pay the full 100 per cent. The Washington Times for Thursday, January 10, 1924, on page 2, in an article headed "District given \$1,647,700," mentioned the several local institutions here in the District which are given the sum of \$1,647,700 direct out of the Treasury concerning which there is no division of 60-40, but all is paid by the whole people, for said items are in the Interior Department appropriation bill, now before the House, all of which comes out of the people's Treasury.

This system has prevailed here simply because the 437,000 people in Washington are organized with citizens' associations, who will attempt to ruin any Congressman who fights the situation, and because the people of the United States do not know about the situation. Whenever the people find it out they are going to have it stopped.

What particular halo is there about the head of the rich tax dodgers living in Washington that they should be permitted to pay a total tax rate of only \$1.20 on the \$100, assessed at about half valuation, while the people of every other city in the United States have to pay all the way from \$2.75 to \$6.50, and the balance of the local expenses of the people of Washington has to be borne by the whole people? Why should it be continued? Why should Washington people be more favored than all of the balance of the people in the cities of this Nation?

Yet, because so much of their expenses have been paid out of the Treasury in the various supply bills that all of the revenue resulting from their little tax of \$1.20 on half valuation has not all been used, because the Government was footing the bills, an effort is now being made by the District Commissioners to have such balance of nearly \$5,000,000 declared a surplus to the credit of the District and they be permitted to spend same. It would be a crime against the whole people to let them touch one dollar of same.

During the recess of Congress I wrote to the mayor of every city of any size in the United States and asked them to advise us of their local tax rate, of the charges for water, sewer, paving, and so forth, and what rate, in their judgment, they thought Washington people should pay as a minimum. I want to insert just a few in this report. The consensus of opinion was that the rate here should be at least \$2.50 per \$100, and there was a large per cent who were in favor of it being much higher, and the rates for taxation ranged from \$2.75 to over \$6.50, and in all these cities the people were charged more for water, sewer, and paving.

Let me again quote a few excerpts from the letter sent me by the mayor of the city of Peoria, Ill.:

[City of Peoria, Ill. Mayor's office. Edward N. Woodruff, mayor.]

NOVEMBER 1, 1923.

HON. THOMAS L. BLANTON,

Representative, Washington, D. C.

DEAR SIR: Answering your questionnaire of October 15 concerning relative tax rates of the cities of Washington and Peoria:

The tax rates on each \$100 taxable valuation levied against the real and personal property of the citizens of Peoria for the year 1922 is itemized as follows:

City corporate tax, including library, tuberculosis, garbage, and police and fire pension fund.....	\$1.94
Street and bridge.....	.24
School district.....	2.70
Park district.....	.41
	\$5.29
State.....	.45
County.....	.59
County highway.....	.25
	1.29
Total, all purposes.....	6.58

Unless there is a tremendous revenue derived from sources other than from taxes, the rate of \$1.20 for Washington is ridiculous. While I have never had my attention called to this disparity, I am amazed that the light has not been let into financial affairs of the Capital City long before this time.

You should be supported by every colleague in your effort to compel the citizens of Washington to do theirs, even as every citizen outside the District is doing his.

Wishing you success, I am,

Very truly yours,

E. N. WOODRUFF, Mayor.

The foregoing statement from the mayor of Peoria, Ill., fairly indicates the sentiment of the people over the United States. It might be enlightening to quote from a few of the letters received the tax rate of some of the cities over the United States as certified to me by the mayor of such cities.

The tax rate paid by the people in Baltimore, Md., \$3.27 on the \$100; in New Orleans, La., \$3.16½ on the \$100; in Portland, Oreg., \$4.52 on the \$100; in my birthplace, Houston, Tex., \$4.29½ on the \$100; in Ogden, Utah, \$3.33 on the \$100; in Cheyenne, Wyo., \$3.75 on the \$100; in Fort Smith, Ark., \$3.32 on the \$100; in New Bedford, Mass., \$3.13; in Burlington, Vt., \$3.10 on the \$100; in Pittsburgh, Pa., \$3.22 on the \$100; in St. Louis, Mo., which is a distinct political subdivision of the State, the city tax is \$2.43 on the \$100; in Boston, Mass., \$2.47 on the \$100; in Rochester, N. Y., \$3.36 on the \$100; in Portland, Me., \$3.40 on the \$100; in Boise City, Idaho, \$4.29 on the \$100; in Mobile, Ala., \$3.40 on the \$100; in Detroit, Mich., \$2.75 per \$100; in Duluth, Minn., \$5.79 on the \$100; in Atlanta, Ga., \$3.15 on the \$100; in Kansas City, Mo., \$2.93 on the \$100; in Minneapolis, Minn., \$6.52 on the \$100; in Salt Lake City, Utah, \$3.18 on the \$100; in Oakland, Calif., \$4.02 on the \$100; in Austin, the capital of Texas, \$3.54 on the \$100; in Denver, Colo., \$2.76 on the \$100; in Trenton, N. J., \$3.22 on the \$100; in Racine, Wis., \$2.87 on the \$100; in Nashville, Tenn., \$2.80 on the \$100; in Charlottesville, Va., \$2.85. And let me illustrate as the tax rate runs generally over Texas: In Paris, Tex., \$4.10 on the \$100; in Port Arthur, Tex., \$3.54 on the \$100; in Tyler, Tex., \$4.61 on the \$100; in Denison, Tex., \$3.32 on the \$100; in Waco, Tex., \$3.63 on the \$100; in Amarillo, Tex., \$3.55 on the \$100; in Temple, Tex., \$3.15; in Wichita Falls, Tex., \$5.05 on the \$100; in Beaumont, Tex., \$4.04.

Mr. Edward F. Bryant, tax collector for San Francisco, Calif., has sent me a statement certifying that the following is the tax rate paid by the citizens in the following cities: In Seattle, Wash., \$8.80 on the \$100; Chicago, Ill., \$8 on the \$100; in Reno, Nev., \$7.38 on the \$100; in New York, N. Y., \$5.48 on the \$100; in Philadelphia, Pa., \$6 on the \$100; in Detroit, Mich., \$4.48 on the \$100; in San Francisco, Calif., \$3.47 on the \$100; in Los Angeles, Calif., \$3.89 on the \$100.

What excuse have we to offer to our constituents back at home who are paying the above tax rates for permitting by our votes here the 437,000 people in Washington, D. C., to continue paying the measly little pittance of only \$1.20 on the \$100, based on a half to two-thirds valuation, when our constituents have to pay all the balance of the expenses of this great city?

WASHINGTON PEOPLE NATURALLY THRIVE.

Why, of course, under such a system it is but natural that the people of Washington should thrive and accumulate property. When a man, whose fine residence fronts 30 feet on some fashionable street now has to pay only \$45 to have sewer connection; the Government paying 40 per cent of all the expenses of excavation, connection, and maintenance, and he having such service free thereafter until eternity; and he having to pay only \$60 for getting water connection, the Government paying 40 per cent of all excavation, connection, and maintenance, besides owning the main water conduit, and the owner having to pay thereafter only a nominal amount each year for water, it constitutes such a very desirable arrangement with the Federal Treasury that the newspapers and citizens' associations here fight for its continuance.

FROM POVERTY TO MULTIMILLIONAIRE.

When our now distinguished citizen, Mr. Harry Wardman, left England and first came to Washington, he asked the

hardware firm of Rudolph & West to credit him for a saw and hammer, but they demanded the cash. Since then he has built 4,000 residences in Washington, some of the finest in the city, and he has built 300 apartment houses, embracing the largest now in the city, and he now owns more improved real estate than any other man in Washington. While his own energies and qualifications figure largely in his success, still what the Government has done for Washington has made his wonderful success possible.

WASHINGTON MUST PAY A REASONABLE TAX RATE.

The people of Washington must become reconciled to having their present ridiculous tax rate of \$1.20 on the \$100 raised to a reasonable rate, proportionate with what the people of other cities in the United States have to pay. The Government must stop paying for their running expenses such as are paid by the people of all other cities. The Congress must continue making this the most beautiful city in the whole world, but the people living here and enjoying the most beautiful city in the whole world must be willing to pay at least the minimum that people pay in the city where there is the lowest tax rate in the various States. They must do their part. They can not afford to be tax dodgers. They can not afford to be selfish. They can not afford to ask Congress to bear their ordinary civic expenses. And when this so-called gasoline tax bill is finally passed, it must contain a registration tax and property tax reasonable and in proportion to what other people pay elsewhere. Otherwise Congress will hear from the tax-burdened American people in the 48 States of this Union.

A PARLIAMENTARY INQUIRY.

Mr. O'CONNOR of Louisiana. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. O'CONNOR of Louisiana. I will say that if the Speaker were in the chair he would rule against me; but for the purpose of keeping the record clear I want to ask if the Chair can or will entertain a motion to take from the Speaker's desk Senate Resolution 72 and substitute it for House Resolution 191, reported favorably by the Committee on Military Affairs and now on the Private Calendar.

The SPEAKER pro tempore. The Chair can not entertain that request at the present time.

ADJOURNMENT.

Mr. FRENCH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 35 minutes p. m.), the House adjourned until Monday, March 17, 1924, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

403. A letter from the Director of the United States Veterans' Bureau, transmitting a statement showing, by location, salary range and bureau designation of employees receiving an aggregate annual salary of \$2,000 and over as of March 1, 1924, for central office, and as of February 1, 1924, for the field; to the Committee on Appropriations.

404. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Cowlitz River, Wash., with a view to preparing plans and estimates of cost for the prevention and control of floods (H. Doc. No. 225); to the Committee on Rivers and Harbors and ordered to be printed.

405. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Niagara River, N. Y.; to the Committee on Rivers and Harbors.

406. A letter from the Secretary of War, transmitting a draft of proposed legislation "to validate an agreement between the Secretary of War, acting on behalf of the United States, and the Washington Gas Light Co."; to the Committee on Public Buildings and Grounds.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SPROUL of Illinois: Committee on the Post Office and Post Roads. H. R. 579. A bill providing for the appointment of a superintendent and two assistant superintendents of delivery in certain post offices of the first class; with amend-

ments (Rept. No. 311). Referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH: Committee on Irrigation and Reclamation. S. 1631. An act to authorize the deferring of payments of reclamation charges; with an amendment (Rept. No. 312). Referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 4735) granting a pension to Charles E. Bowser, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. GREEN of Iowa: A bill (H. R. 7959) to provide adjusted compensation for veterans of the World War, and for other purposes; to the Committee on Ways and Means.

By Mr. WINSLOW: A bill (H. R. 7960) to authorize the Secretary of Commerce to convey to the Commonwealth of Pennsylvania a certain tract of land under water in the Delaware River no longer needed for lighthouse purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FREDERICKS: A bill (H. R. 7961) to establish a hydrographic station at Los Angeles, Calif.; to the Committee on Naval Affairs.

By Mr. LAMPERT: A bill (H. R. 7962) to create and establish a commission, as an independent establishment of the Federal Government, to regulate rents in the District of Columbia; to the Committee on the District of Columbia.

By Mr. FULLER: A bill (H. R. 7963) to increase pensions of persons who served in the Army, Navy, or Marine Corps of the United States during the Civil War, and of widows and former widows of such persons, and Army nurses of said war; to the Committee on Invalid Pensions.

By Mr. JARRETT: A bill (H. R. 7964) relating to the salary of the official court reporter of the United States District Court for the District of Hawaii; to the Committee on the Judiciary.

By Mr. BURTNESS: A bill (H. R. 7965) to require the labeling of flour in interstate and foreign commerce, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FOSTER: A bill (H. R. 7966) to amend sections 136 and 138 of the Judicial Code; to the Committee on the Judiciary.

By Mr. ACKERMAN: Joint resolution (H. J. Res. 215) to facilitate the payment of personal income taxes and to relieve the Treasury Department of unnecessary time, expense, and labor in connection with the collection of the 1923 personal income taxes in 1924; to the Committee on Ways and Means.

By Mr. PORTER: Joint resolution (H. J. Res. 216) authorizing appropriations for the payment of expenses of delegates to represent the United States at the general assembly of the International Institute of Agriculture, to be held at Rome in May, 1924, and for the payment of the quotas of Hawaii, the Philippines, Porto Rico, and the Virgin Islands for the support of the institute for the calendar year 1924; to the Committee on Foreign Affairs.

By Mr. SMITH: Resolution (H. Res. 223) for the consideration of the bill (S. 1631) entitled "An act to authorize the deferring of payments of reclamation charges"; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLAND: A bill (H. R. 7967) to provide for an examination and survey of Bradfords Bay, Accomac County, Va.; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 7968) for the relief of Chief Boatswain John W. Stokley (retired), United States Navy; to the Committee on Naval Affairs.

By Mr. COOK: A bill (H. R. 7969) for the relief of Henry Oates; to the Committee on Claims.

By Mr. FLEETWOOD: A bill (H. R. 7970) granting a pension to Laura Murdick; to the Committee on Invalid Pensions.

By Mr. HASTINGS: A bill (H. R. 7971) to make a preliminary survey of the Arkansas River and its tributaries, Grand River and Verdigris River, in Oklahoma, with a view to the control of their flood; to the Committee on Flood Control.

By Mr. HUDDLESTON: A bill (H. R. 7972) granting a pension to Fannie Jacobs; to the Committee on Pensions.

By Mr. JOST: A bill (H. R. 7973) for the relief of Lawson W. Rush and Sallie A. Rush; to the Committee on Claims.

By Mr. LITTLE: A bill (H. R. 7974) granting a pension to Albert N. Bell; to the Committee on Pensions.

By Mr. MCKENZIE: A bill (H. R. 7975) granting a pension to Saddle L. Treadwell; to the Committee on Invalid Pensions.

By Mr. McKEOWN: A bill (H. R. 7976) to enroll Rosetta McCarty on the final roll of citizens of the Chickasaw Tribe of Indians by blood; to the Committee on Indian Affairs.

Also, a bill (H. R. 7977) to enroll Alfred Wilson on the final roll of citizens of the Creek or Muskogee Tribe of Indians by blood; to the Committee on Indian Affairs.

By Mr. MacGREGOR: A bill (H. R. 7978) granting a pension to Charles D. Showerman; to the Committee on Invalid Pensions.

By Mr. MAJOR of Missouri: A bill (H. R. 7979) granting a pension to Sarah J. Howell; to the Committee on Invalid Pensions.

By Mr. MANLOVE: A bill (H. R. 7980) granting an increase of pension to Julia J. Ray; to the Committee on Pensions.

By Mr. NEWTON of Missouri: A bill (H. R. 7981) for the relief of Benjamin F. Green; to the Committee on Claims.

By Mr. REED of West Virginia: A bill (H. R. 7982) for the relief of J. R. P. Whitecotton; to the Committee on War Claims.

By Mr. SNYDER: A bill (H. R. 7983) for the relief of George O. Pratt; to the Committee on Military Affairs.

By Mr. TABER: A bill (H. R. 7984) granting a pension to Alice Green; to the Committee on Invalid Pensions.

By Mr. THOMAS of Kentucky: A bill (H. R. 7985) for the relief of the estate of Mrs. O. F. Moore, deceased; to the Committee on War Claims.

By Mr. WATKINS: A bill (H. R. 7986) granting an increase of pension to George H. Higgins; to the Committee on Pensions.

Also, a bill (H. R. 7987) granting a pension to Garrett Mahoney; to the Committee on Pensions.

Also, a bill (H. R. 7988) granting a pension to W. G. Madden; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7989) granting a pension to Dessie M. Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7990) granting a pension to Fritz Stocker; to the Committee on Pensions.

Also, a bill (H. R. 7991) granting a pension to Clara C. Cox; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7992) granting a pension to Joseph Williams; to the Committee on Invalid Pensions.

By Mr. WILSON of Indiana: A bill (H. R. 7993) granting a pension to Benton Abbott; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1746. By the SPEAKER (by request): Petition of users of motor vehicles of National City, Calif., urging repeal of all unfair war excise taxes; to the Committee on Ways and Means.

1747. By Mr. ALDRICH: Petition of Providence Beneficial Association, Providence, R. I., protesting against the passage of the Johnson Immigration bill; to the Committee on Immigration and Naturalization.

1748. Also, petition of Sons of Jacob Lodge, No. 175, I. O. B. A., of Providence, R. I., protesting against the passage of the Johnson Immigration bill; to the Committee on Immigration and Naturalization.

1749. By Mr. CONNERY: Petition of Massachusetts Child Labor Committee, indorsing Joint Resolution 184, granting power to Congress to legislate child labor laws; to the Committee on the Judiciary.

1750. By Mr. COOK: Petition of Paul Moran and 55 citizens of Huntington, Ind., in support of the Brookhart-Hull bill; to the Committee on Naval Affairs.

1751. By Mr. CRAMTON: Petition of Herbert W. McKay and the other rural carriers at Croswell, Mich., requesting favorable action on the Paige bill (H. R. 7016); to the Committee on the Post Office and Post Roads.

1752. By Mr. FENN: Petition of the Hartford Grade Teachers' Club, of Hartford, Conn., favoring an amendment to the

pending immigration bill, in regard to the question of the "divided family"; to the Committee on Immigration and Naturalization.

1753. By Mr. FULLER: Petition of the Kiwanis Club, of Mendota, Ill., opposing any change or amendment of the transportation act; to the Committee on Interstate and Foreign Commerce.

1754. Also, petitions of the Illinois State Teachers' Association and sundry citizens of Streator, Ill., favoring the proposed child labor amendment to the Constitution; to the Committee on the Judiciary.

1755. Also, petitions of the Illinois Agricultural Association, the Mazon Farmers' Elevator Co., and sundry citizens of Grundy and La Salle Counties, Ill., favoring the McNary-Haugen bill; to the Committee on Agriculture.

1756. By Mr. GALLIVAN: Petition of the Appalachian Mountain Club, recommending favorable consideration of House bill 3682, which carries an appropriation for development of roads in national parks; to the Committee on Roads.

1757. Also, petition of Massachusetts Forestry Association, recommending favorable consideration of House bill 3682, which carries an appropriation for development of roads in national parks; to the Committee on the Public Lands.

1758. Also, petition of Roger Wolcott Camp, No. 23, Department of Massachusetts, United Spanish War Veterans, recommending early and favorable consideration of House bill 5934; to the Committee on Pensions.

1759. By Mr. GRAHAM of Pennsylvania: Petition of the board of trustees of the Eastern State Penitentiary, Philadelphia, Pa., protesting against House bill 6205; to the Committee on Labor.

1760. By Mr. KIESS: Petition of Council No. 104, Sons and Daughters of Liberty, of Williamsport, Pa., favoring House bill 6540, known as the Johnson immigration bill; to the Committee on Immigration and Naturalization.

1761. By Mr. KING: Petition of Clark Mills Carr Camp, No. 26, Spanish War Veterans, in support of Senate bill 5 and House bill 5934; to the Committee on Pensions.

1762. By Mr. MORROW: Petition of Clovis (N. Mex.) Kiwanis Club, favoring the continuation of the citizens' military training camps as provided for in the national defense act of 1920; to the Committee on Military Affairs.

1763. By Mr. O'CONNELL of Rhode Island: Petition of members of the Sons of Jacob Lodge, No. 175, I. O. B. A., of Providence, R. I., opposing the Johnson Immigration bill; to the Committee on Immigration and Naturalization.

1764. Also, petition of the members of the Providence Beneficial Association, opposing the Johnson Immigration bill; to the Committee on Immigration and Naturalization.

1765. By Mr. O'SULLIVAN: Petition of 26 users of motor vehicles in Connecticut, requesting repeal of war-excise taxes on motor vehicles and repair parts; to the Committee on Ways and Means.

1766. Also, petition of 70 United States citizens of Italian extraction, of Waterbury, Conn., in opposition to the Johnson immigration bill; to the Committee on Immigration and Naturalization.

1767. By Mr. ROSENBLOOM: Petition of Radniet Naprey Lodge, No. 249, S. N. P. J., Farmington, W. Va., signed by Mr. Matt Laus, president, and Mr. Egnati Djanovic, secretary, protesting against provisions of the pending immigration bill; to the Committee on Immigration and Naturalization.

1768. By Mr. SITES: Petition of Division No. 414, International Brotherhood of Locomotive Engineers, Lebanon, Pa., asking that immediate hearings be held on House bill 5836, a bill to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto," approved February 17, 1911, as amended March 4, 1915, and June 26, 1918, and that said bill be enacted into law at the earliest possible date; to the Committee on Interstate and Foreign Commerce.

1769. By Mr. TINKHAM: Petition of the Affiliated Technical Societies of Boston, favoring the Mellon plan of tax reduction; to the Committee on Ways and Means.

1770. Also, petition of Bethian Class (300 members), Tremont Temple Baptist Church, Boston, Mass., favoring an appropriation to be used to prevent the activities of so-called "Atlantic rum fleet"; to the Committee on the Judiciary.

1771. By Mr. WEFALD: Petition of Minnesota Federation of Architectural and Engineering Societies, urging the reforestation of the State of Minnesota, the preservation of the natural resources of the State and the enlargement of the Superior National Park; to the Committee on Agriculture.

1772. Also, petition of the Angus (Minn.) Commercial and Community Club, urging the passage of the McNary-Haugen bill providing for the relief of agriculture; to the Committee on Agriculture.

1773. Also, petition of farmers mass meeting held at the township of Sannes, Red Lake County, Minn., urging the revision of the Esch-Cummins railroad act, the Fordney-McCumber tariff law, and other acts, so they will benefit the farmers, and also urging the enactment into law of the Norris-Sinclair bill providing for the relief of agriculture; to the Committee on Agriculture.

1774. Also, petition of the Winger (Minn.) Local Council of the Minnesota Wheat Growers' Association, urging the passage of the McNary-Haugen bill providing for the relief of agriculture; to the Committee on Agriculture.

1775. Also, petition of the Minnesota Editorial Association, urging the enactment into law of the McNary-Haugen bill providing for the relief of agriculture; to the Committee on Agriculture.

1776. Also, petition of the Exchange Club of the city of St. Paul, Minn., urging the passage of the upper Mississippi wild-life and fish refuge act and the game refuge public shooting ground bill; to the Committee on Agriculture.

1777. Also, petition of the Fosston (Minn.) Wheat Growers' Association, urging the passage of the McNary-Haugen bill providing for the relief of agriculture; to the Committee on Agriculture.

1778. Also, petition of the Fosston (Minn.) Business Men's Association, urging the enactment into law of the McNary-Haugen bill providing for the relief of agriculture; to the Committee on Agriculture.

1779. Also, petition of citizens of Gary, Minn., urging the enactment into law of the Norbeck-Burness bill and the McNary-Haugen bill providing for the relief of agriculture; to the Committee on Agriculture.

1780. Also, petition of the voters of Crookston Township, Minn., urging the enactment into law of the McNary-Haugen bill for the relief of agriculture; to the Committee on Agriculture.

1781. Also, petition of the Red River Valley Live Stock Association, Crookston, Minn., urging the enactment into law of the Norbeck-Burness bill and the McNary-Haugen bill providing for the relief of agriculture; to the Committee on Agriculture.

1782. Also, petition of 31 farmers of Home Lake Township, Minn., urging the enactment of the McNary-Haugen bill providing for the relief of agriculture; to the Committee on Agriculture.

1783. Also, petition of 25 farmers of Pennington County, Minn., urging the enactment of the McNary-Haugen bill providing for the relief of agriculture; to the Committee on Agriculture.

1784. Also, petition of 25 farmers of Shelly Township, Minn., urging the passage of the McNary-Haugen bill providing for the relief of agriculture; to the Committee on Agriculture.

1785. Also, petition of 23 farmers residing in Georgetown Township, Clay County, Minn., urging the passage of the McNary-Haugen bill providing for the relief of agriculture; to the Committee on Agriculture.

1786. Also, petition of 24 farmers of Onstad Township, Marshall County, Minn., urging the passage of the McNary-Haugen bill providing for the relief of agriculture; to the Committee on Agriculture.

1787. Also, petition of Minnesota School Board Association, urging the enactment of the McNary-Haugen bill providing for the relief of agriculture; to the Committee on Agriculture.

1788. Also, petition of the Grain Growers' Council, No. 5, Climax, Minn., urging the passage of the McNary-Haugen bill providing for the relief of agriculture; to the Committee on Agriculture.

1789. Also, petition of the Ada (Minn.) Parents and Teachers' Association, urging the adoption of Senate Resolution 441, which has for its purpose and furnishes a plan for the outlawing of war; to the Committee on Foreign Affairs.

1790. Also, petition of the board of governors of the Minnesota State Agricultural Society, urging the passage of the amounts recommended by the Secretary of Agriculture for the control of animal tuberculosis; to the Committee on Appropriations.

1791. Also, petition of the St. Paul (Minn.) Post, No. 6, American Legion, urging the purchase by the United States of the Oldroyd collection of Lincoln relics; to the Committee on the Library.

1792. Also, petition of the Kaleb E. Lindquist Post, No. 4, of the American Legion, Roseau, Minn., urging the passage of the soldiers' bonus bill; to the Committee on Ways and Means.

1793. Also, petition of the Greenbush (Minn.) Council, No. 8, of the Minnesota Wheat Growers' Cooperative Marketing Association, urging the adoption of a duty on wheat and wheat products imported into the United States; to the Committee on Ways and Means.

1794. Also, petition of the civil service employees at Warroad, Minn., urging the adoption of the Lehlbach bill abolishing the Personnel Classification Board and transferring its functions to the Civil Service Commission; to the Committee on the Civil Service.

1795. Also, petition of the General Federation of Women's Clubs of the city of Minneapolis, Minn., urging the checking of the drug and narcotic trade and the holding of a conference to be held in London or Paris or one of the capitals of Europe; to the Committee on Foreign Affairs.

1796. Also, petition of the Minnesota Live Stock Breeders' Association, South St. Paul, Minn., urging the passage of an appropriation by Congress of sufficient funds for the use of the United States Bureau of Animal Industry to successfully suppress the foot-and-mouth disease which has recently broken out in the vicinity of San Francisco, Calif.; to the Committee on Appropriations.

1797. Also, petition of the Crookston (Minn.) Association of Public Affairs, indorsing the principle of a readjustment in the classification and salaries of postal employees; to the Committee on the Post Office and Post Roads.

1798. Also, petition of the Colored Voters' League of St. Paul, Minn., urging the passage of the Dyer antilynching bill; to the Committee on the Judiciary.

1799. Also, petition of the Kiwanis Club, Crookston, Minn., urging the enactment of the bill providing for the reclassification of postal employees and urging the enactment of the bills providing for increase in salaries of postal employees; to the Committee on the Post Office and Post Roads.

1800. Also, petition of the Board of County Commissioners of Mahanomen County, Minn., urging the passage of the resolution introduced by Senator King, of Utah, providing for an investigation of the affairs of the Chippewa Indians of Minnesota; to the Committee on Indian Affairs.

1801. Also, petition of Minnesota Federation of Architectural and Engineering Societies, urging the preservation and extension of the parks in the city of Washington, D. C., through the creation of a capital park commission; to the Committee on the District of Columbia.

1802. By Mr. WINSLOW: Petition of residents of fourth Massachusetts district, re reduction of taxes; to the Committee on Ways and Means.

SENATE.

MONDAY, March 17, 1924.

(Legislative day of Friday, March 14, 1924.)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WADSWORTH in the chair). The Secretary will call the roll.

The principal clerk called the roll, and the following Senators answered to their names:

Adams	Ernst	Lodge	Shields
Ashurst	Ferris	McCormick	Shipstead
Ball	Foss	McKellar	Shortridge
Bayard	Fletcher	McKinley	Smith
Borah	Fraser	McLean	Smoot
Brandegee	George	McNary	Spencer
Brookhart	Gerry	Mayfield	Stanfield
Broussard	Gooding	Moses	Stephens
Bruce	Hale	Neely	Swanson
Bursum	Harrell	Norris	Trammell
Cameron	Harris	Oddie	Underwood
Capper	Harrison	Overman	Wadsworth
Caraway	Heflin	Pepper	Walsh, Mass.
Colt	Howell	Phelps	Warren
Couzens	Johnson, Minn.	Pittman	Watson
Curtis	Jones, N. Mex.	Ralston	Weller
Dale	Jones, Wash.	Ransdell	Willis
Dial	Kendrick	Reed, Pa.	
Dill	Keyes	Robinson	
Edge	Ladd	Sheppard	

The PRESIDING OFFICER. Seventy-seven Senators having answered to their names, there is a quorum present.

ADDRESS BY FRAU ADELE SCHREIBER, OF THE GERMAN REICHSTAG.

Mr. DILL. Mr. President, I ask unanimous consent to have printed in the Record an address by Frau Adele Schreiber, member of the German Reichstag, before the Luncheon Forum of the National Popular Government League at Washington, D. C., January 8, 1924.

Mr. SMOOT. Has not the address already been printed in the Record? I remember that one address she delivered was so printed.

Mr. DILL. No; this address has not been printed in the Record.

Mr. SMOOT. Very well.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The address is as follows:

BETWEEN FRENCH MILITARISM AND GERMAN JUNKERISM—THE PLIGHT OF THE GERMAN PEOPLE.

[Address by Frau Adele Schreiber, member of the German Reichstag, before the Luncheon Forum of the National Popular Government League, New Ebbitt Hotel, Washington, D. C., January 8, 1924.]

The Forum was presided over by Senator ROBERT L. OWEN, of Oklahoma, president of the league, and was attended by over 300 guests, including several Senators and Congressmen, and many prominent officials and civilians, of every party, race, and creed.

Senator OWEN, in introducing Frau Schreiber, said:

"Ladies and gentlemen, the great World War, which devastated human life beyond anything which has ever occurred in the history of the world, in which 37,000,000 men were killed, wounded, or lost on the battle field, sweeping over Europe, entirely changed the conditions there. The great military dynasties have been destroyed, and there has arisen in Germany on the ruins of the old government a new democratic government.

"In my judgment one of the greatest of the future republics of the world has been established within the boundaries of the old German Empire. The first article in the new constitution of the German Republic declares the same American principle on which all the work of the National Popular Government League is based, namely that the sovereignty of a nation is vested alone in the people. [Applause.] And when this principle is recognized, when the exercise of sovereign power comes from the people, representing in truth the heart of the people, the will of the people, it will be found that peace will reign on earth for all time. [Applause.]

"The women and children of Germany must be acquitted of the crime of having caused the war. They had no political power, they were the victims of war, they are to-day suffering; they are to-day paying the penalty of war in hunger, in poverty, in lack of housing, in physical and mental and moral weakness. I saw where were housed 11 human beings in a little bit of a damp room, without heat and with the rain trickling down the walls. I saw very many undernourished children there myself, and went into the hospitals and looked at them; saw children who had not been able to get milk on which to live; I saw them, myself, nothing but skin and bone, lying trembling between life and death—a part of the heritage of war.

"There comes from Germany a notable woman, Frau Schreiber [applause], who all her life has shown her love for human beings and love for women and children. She has been at the head of the Mother and Child Division of the Red Cross of Germany. She has long advocated the cause of women and has taken part in the woman suffrage movement that has at last enfranchised the women of the world, and of Germany. She has been for four years, nearly, and is now a member of the Parliament, or the Reichstag of Germany, honored by her own people; she is regarded as the Julia Lathrop of Germany.

"She comes to tell you something about the human element in Germany, and I know that you will receive that message with the sound, warm hearts which dignify and make honorable the great American people, hearts of sympathy, loving honesty, and loving justice, and loving mercy.

"I present to you Frau Adele Schreiber, of Germany." [Applause.]

ADDRESS BY FRAU ADELE SCHREIBER, MEMBER OF THE GERMAN REICHSTAG.

I shall try to speak clearly enough to be heard in this large room, but you will understand under what emotion I am at this moment. It is certainly one of the greatest days of my life—to be allowed to address here such a large audience, composed of some of the most prominent people of this great country; to come here as a woman of Germany, that country which is now suffering and on which for all these years has been put the blame for the war; to feel that in the interests of international peace and right understanding between peoples you are ready to welcome me as one of the citizens of that country and a woman of that country.

In introducing myself I want first to tell that I came to America as an individual, on my own account; that I am neither subsidized nor sent by any government, organization, or party. If you have anything to blame about what I do or say, it is myself as an individual that is to be blamed. I am not a propagandist. I am not a German by birth. I am an Austrian. I was born in Vienna. I did not go to Germany until I was fully grown up and was able to judge Germany more impartially. I became a German by the nationality of married women and I am now a member of the German Parliament. So I may say that I have two countries, and I hope I can be fair to both.

THE GERMAN LABOR PARTY.

I belong to the German Labor Party. The social democrats elected me to the Reichstag, and I trust I may make you understand that it is a party opposed to anything in the nature of hatred or militarism. The German Labor Party, like the English Labor Party, is not one of revolution by force. It calls itself the "Social Democratic Party," thus emphasizing that it believes in education, in democracy, in constitutional government; it is the strongest party in the new Germany, and without its support Germany can not continue as a Republic.

The German Labor Party, at that time split into two factors, was the largest party in the National Assembly of Weimar. It is now united and the strongest party in the actual Reichstag. It did not instigate the revolution which took place in 1918. However, when the change came, I think it is greatly to the credit of the leaders that they took the Government into their own hands and succeeded. Our revolution was not a wild revolution; very few acts of violence happened; even the great masses of our soldiers came home in perfect order. Twenty-two more or less big or little monarchies (comprising the German Kaiser's throne) were overthrown without harm done to anybody, and government of the people and for the people was established in accordance with the very principles your chairman, Senator OWEN, has so admirably spoken of here to-day.

The first act of the six "representatives of the people" intrusted with the provisional government after the revolution was to decline dictatorship, to call for a national assembly legalizing the Republic. For this national assembly the freest system of franchise was granted by an emergency law giving all men and women above 20 equal suffrage. Thus it was through labor the women of Germany gained the vote, and no government will dare take it from us! [Applause.]

THE NEW CONSTITUTION.

It certainly is a unique fact in history that 41 women, elected to a national assembly, helped to make a constitution. And this new German constitution, one of the best and freest constitutions in the world, embodies the principles which your own Nation has given the world and many new features made necessary by modern development.

It was this idea of reconstruction, of building something new, of a great chance of freedom for the common people, that kept hope alive and the people courageous during that long period between the armistice and the signing of the treaty of Versailles. Starvation has been upon us for years. It continued even after the armistice, yet the suffering people did not despair. You hardly can realize what peace meant, especially to the German mothers and fathers, after the dreadful slaughter stopped, with the hope that the starving of children would cease.

Therefore, if people ask, "Why did your Labor Party consent to sign the treaty of Versailles when it contained a clause which laid the sole guilt of the war on your people?" I answer that no government could refuse in such a crisis, when millions and millions of hungry mothers and fathers were yearning for peace not only for themselves but principally for the salvation of their children. Yet the fact that the Progressive Party then in power as coalition government had to submit to the so-called "peace treaty," and that they did it by the signature of a man of labor who was compelled to sign, has militated against the success of the Republic. The reactionaries and monarchists, who dislike the new order of things, at once began to say to the people, "See what your new Republic has done. It has signed that clause putting the whole guilt of the war upon German people." This was the first blow against the new democracy, the beginning of the growing wave of reaction under which we had to suffer so much and are still suffering.

I trust you will understand and believe that if there ever was a nation mature for self-government it was Germany. While the old class system had kept down democratic forces, they were in active existence and developed quickly. Even under the old Germany we had many advanced institutions which were studied and copied by other nations. Our big system of social insurance tended to prevent pauperism, to develop independence and self-reliance. Old-age pensions, insurance against accidents and illness, allowances for mothers during their confinement—all this accustomed the working people of Germany to provide themselves in time of work for the time of need. For it must be understood that our so-called "State pensioners" had themselves greatly paid toward the funds out of which they draw. The

people of Germany abhorred reliance upon charity; starvation alone has made them ask for relief and accept it with gratitude.

Our trade-unions were long before the war the most advanced and best disciplined in the world. Our schools, though we greatly complained of having too little liberalism, too little education for citizenship, and far too much drill, provided a decent basis of knowledge, and illiteracy was completely unknown. I do not believe the masses of any nation were better educated than those of Germany.

WHAT THEY HOPED FOR.

This had even been brought about at a time when progress went very slowly and had great difficulties to overcome. You will understand in what expectation and hope the people now welcomed self-government as an instrument to build up a far better country. It was our ideal to make Germany a leading democratic republic, right in the heart of Europe; to promote the progress of the world by making model laws and institutions in our country. They had told us over and over again there was no enmity against the German people, so we earnestly believed we would be permitted to play a part in the reconciliation of the nations. To establish our sincerity we were willing to make up whatever we could of the damages of war. But all our hopes failed; no reconciliation came; conditions went from bad to worse; many people, utterly discontented and disappointed, lost their faith in the new democracy, and starvation and sufferings paved the way for the return of reaction and junkerism.

I do not want you to believe Germans are angels; they are not and probably never will be. I do not want to shield the sins of the old régime and the old caste spirit. If I admired the bygone monarchical system I would not be in the Labor Party. Sensible people have always been very much opposed to a Godlike "Kaiserism," to court customs reminding one of old China before the abolition of the Chinese Wall. As far as permitted, it was joked about the Imperial family having itself called the "Allerhöchsten Herrschaften," which means the superhighest family, so that the papers reported of "the superhighest family having been to church to thank the highest." [Applause.] And the idea of "Godlikeness" had to a certain extent also spread into the army—there was a type of officer pretending to be superior to any mere civilian, be he the greatest genius.

There was also a certain type of business man, traveling around the world with the airs of superiority, boasting about German business, usually not the representative of really efficient great industry, which, even if one is opposed to unlimited capitalism, had, after all, a mission to fulfill, but the type of the frog in the old fable, who tried to look like a bull until he burst. [Applause.]

All these types have done decent Germany a lot of harm in the judgment of foreign countries, and as an Austrian I can perfectly feel it. But every nation has its good and bad sides, its good and bad specimens. I do not advocate that Germans are the best people in the world—let them only be appreciated as just as good and as bad as the people of other nations. [Applause.]

When the peace treaty was signed the masses did not realize their future fate. There was hope because the blockade ceased, because sacks of flour and barrels of lard were coming in from America and could be bought, and the people at last looked forward to some improvement. Foreigners of all countries rushed in to buy German goods at very low prices—one thought trade commerce were flourishing. But as the cheap goods went out we had to replace them with new goods made out of raw material secured in foreign countries, which had to be paid for in gold, hence a portion of our gold stock went out of the country. Also a flood of profiteers from foreign countries came into Germany, and all this added to the decline of German currency.

DESTRUCTION OF USEFUL THINGS.

The saddest thing, however, was that the value of the mark was forced lower and lower from the fact that machinery and things necessary to production and to life were taken out of the country. Out went the engines, the cars, the ships, and machines. Many things had to be destroyed, not only war materials but a large amount of machinery which could have served peace purposes. Everywhere we had perfect graveyards of destruction. You can see what that meant as an economic loss to the nation.

That was not all. Out went the domestic animals, horses, and cattle, especially milch cows, when we had so little milk that our babies were dying.

MILK FOR BABIES.

I had a little personal experience, not uninteresting to tell, by a letter exchange with the French suffrage organization. The treaty of Versailles claims, amongst all the rest, also the delivery to France and Belgium of 140,000 milch cows. Now, milk was the thing hardest for us to spare; already the health of the children had suffered severely; little ones above 2 years had to go without a drop of milk. Yet until May, 1920, we had only been able to give 130,000 cows whose milk yielding sufficed to the very severe prescriptions. Then in May, 1920, the Rep-

arations Commission urged the immediate delivery of the rest of the cows, and there was a great protest of German mothers.

Our French-suffrage friends wrote me a letter asking whether what they had heard about this protest was true, and what the German women in Parliament thought about Germany evading to send the cows, though the French babies needed the milk badly.

We had a meeting of all the women of the Reichstag, and sent a reply signed by members of six parties. We told them that as women and mothers we felt all children in the world equally dear to our hearts, and that since French children needed milk they must have it. But we hoped that sufficient cows could be found for France from countries who had a surplus, without taking them away from a country where children were already starving. We begged them to consider that it was a question of life and death for our children, not of evading payment, and we asked them to come and investigate.

Unfortunately, our French friends had been told by their press so much about the ill will of Germany that they would not even believe in our sincerity. Their reply did not go into the question of the starving children, but emphasized the legal point of view, according to which we were to "make restitution" of a definite number of cows.

This little incident just shows how even in things of detail the Versailles treaty has been driving deadly blows at the nation as such.

REPARATIONS PAID TO DATE.

As to reparations, it is constantly said that Germany has not paid anything and has constantly practiced evasion. The Reparations Commission claims that Germany has paid about 8,000,000,000 gold marks; the French Professor Gides estimates it at 14,000,000,000; our German experts, especially Prof. Lujo Brentano, says that Germany, including private property losses in other countries, has paid a value of 55,000,000,000 gold marks. I do not ask you to take German statements. Take the brilliant work done here in Washington by the American Institute of Economics, which published a book entitled "Germany's Capacity to Pay," by Profs. Harold G. Moulton and Constantine E. McGuire. They value the payments by Germany at 26,000,000,000 gold marks. [Applause.]

This is at least five times as much as France paid after the short war of 1870 altogether, but for us it means only the beginning of payments. Do you realize that 26,000,000,000 gold marks is about half as much as the world's production of gold for 20 years? If you do, you will be able to answer the question as to why the German mark has depreciated.

The worst of everything is that the amount of the debt has never been fixed. If someone asked you to pay a bill, you would say, "Very well, how much is it?" But suppose the person should say, "Oh, I am not going to tell you that. Pay what I say and then I will tell you how much more you will have to pay." That is our situation. Read the documents of our foreign office and you will find a large collection of offers, offers, and offers made by our Government at different times in an attempt to find a settlement that would be acceptable, but our offers have always been rebuked and we do not know to-day what the bill is to be.

WHAT GERMANY HAS LOST.

We have lost by death and absolute disability in war 3,000,000 men, natives of Germany, as we could send no colonial troops into this war. We have a million and a half of crippled people. We have lost, roughly spoken, about 10 per cent of our population, 13 per cent of our continental areas, 15 per cent of our agricultural area, all of our colonies, 15 per cent of our corn, 18 per cent of our potatoes, 26 per cent of our coal, 40 per cent of iron, 30 per cent of steel, 75 per cent of iron deposits, 63 per cent of our zinc, 89 per cent of our merchant navy, etc., and still you will ask, "Why has the German mark depreciated?"

This all does not yet include our constant obligations of reparations and the loss we undergo through the foreign occupation. Fully one-fifth of the entire population within the German boundaries, over 12,000,000 people, are under the military domination of foreign troops.

CLAIMS OF REACTIONARIES.

Again, let me remind you that the militarists and reactionaries lay all the blame for our misery not upon the lost war and their own short-sightedness, but on the revolution and on the Republican Government. They work up the mind of unhappy and badly balanced young men, poison them with antirepublican and antisemitic hatred, instigate even political murder. The severest blow was the murder of Rathenau, one of our ablest statesmen, on whom we set great hopes as to leading us out of the financial chaos and finding some settlement concerning the reparations. As Minister of Reconstruction, Rathenau, before becoming Minister of Foreign Affairs, had tried his best to bring about an agreement concerning the devastated areas of France.

The French Government, however, dropped the arrangements made by Rathenau and the French Minister Loucheur. Then there was also a plan of reconstruction for a certain section of the devastated areas, agreed between the French trade-unions, the Confederation Generale du Travail, and the German trade-unions. The German

delegates had been invited to France, heartily welcomed, and the reconstruction of 11 villages by German workmen had been accepted by the inhabitants. But the French Government stopped this also, because French profiteers were afraid things might be settled between the peoples of Germany and France without anybody profiteering. [Applause.]

On July 3, 1923, a French deputy disclosed before the French Parliament a whole series of the most shameless cases of profiteering going on in France as to the devastated areas. Before this, on February 29, 1923, the French Deputy Brousse also raised similar accusations.

ON THE RUHR OCCUPATION.

I have talked with very many people of foreign countries—ambassadors, business men, statesmen—and I have always been assured that the French went into the Ruhr not because they wanted payments of reparations or security; it is the Ruhr they wanted, the heart of industrial Germany, the rich coal mines which they desired at all events. I do not say the French common people wanted this. I am sure they did not; but the bad political leaders they now have want them, and they keep the truth from the French people and blindfold them in order to keep themselves in power, as bad politicians always do. [Applause.]

The Ruhr is of the greatest importance to Germany. It contains, roughly spoken, one-third of the entire goods traffic on railways, one-fourth of the boats on the rivers, three-fourths of the entire coal, 63 per cent of the iron production, and 64 per cent of the steel production. It is by far the most densely populated area in Germany, with 1,600 persons per square kilometer, and one of the most densely populated areas in the world. We did not believe until the last moment that the French would seize the Ruhr. People of the Ruhr and all Germany felt it as an unjust outrage that violated the treaty of Versailles, which it certainly did. [Applause.]

We had thought war ended, but this was war—a huge army, fully equipped, marching on an entirely peaceful populace working as hard as it could, overtime, to fulfill the coal reparations we were to give to France.

THE WHY OF PASSIVE RESISTANCE.

Why, now, did the German people, the miners and railway men, go into passive resistance? I have found that the true psychology has been understood far better in England than in America. Let me, therefore, explain.

Passive resistance was not organized by the militarists, but came right out of the heart of the people, the same people who had already proved that German militarism could no longer rule Germany. Passive resistance had already been put to the test in the short history of the German Republic on occasion of the famous adventure of Mr. Kapp, who, in 1919, tried to set himself up as a military dictator, marching into Berlin overnight, driving away the officials, and declaring himself to be the Government. The people went into passive resistance; not a hand or brain would work for him. Kapp had to quit, and the first attempt to destroy the German Republic was defeated.

I can not too strongly emphasize that the common people of Germany are not militarists but want peace with France and all other nations, as well as among themselves. And now you see we thought we could also in the case of foreign invasion demonstrate that passive resistance was a powerful thing and that the quiet will of a peaceful people would put an end to the idea of conquering. We thought this idea would appeal to the moral and liberal forces of the world, and so we Social Democrats stuck to the idea, which was a new one in history, and did all we could to give it practical application. We still believed that the democrats of the world would not be willing to see the German people become slaves, and you Americans can understand the Germans' desire for liberty at least. [Applause.]

Unfortunately this passive resistance, which might have succeeded had the nations of the world helped sooner, was broken down after nearly a whole year of unbearable sufferings by the pressure of starvation and the disorganization of German industrial life. This period left us, at least for the moment, practically ruined.

THE OCCUPATION.

And how did the invading armies behave? Naturally armies of occupation are never welcome anywhere. Yet remember—the people of the Rhineland never complained about the conduct of the American or English occupation armies. They did not want them withdrawn, for fear of being utterly at the mercy of French militarism—that shows the difference. And the splendid example of General Allen taking the leadership in the collection for the German children proves that even military occupation need not destroy human relations.

But the French troops and their commanders have inflicted upon the unhappy people of the Rhine and the Ruhr every humiliation, every suffering. They dispossessed the occupants of the houses, regardless of their fate; they took the schools and deprived many thousands of children of tuition and education; they claimed milk for officers whilst thousands of babies were doomed because they could get no milk; they forced upon the ruined country the expenses of furnishing apartments

with all the luxury—carpets, pictures, crystals, leather chairs—whilst the population lacked shoes and shirts, and in this rich coal district had to go without coal or other fuel. Every place was turned also into a regular secluded prison inhabited by slaves, who had no rights, no justice. Impossible to describe their sufferings—150,000 have been driven from house and home, often at a few hours' notice; 5,000 have been imprisoned for obeying the laws of their country, not of the invaders, and over 2,800 have not yet been released. Our people have had to submit to all humiliations, especially also to outrages committed on women and children by white and African troops.

You will understand how hard it is for us constantly to be trying to soothe the people to overlook these cruel hardships and humiliations, not to cherish hatred against France, but to keep quiet, quiet, quiet, at things which make the blood of the most patient pacifist boil with indignation. All this is arousing more and more the spirit of hatred which we progressive people of Germany wanted so much to wipe out, and helps to pervert legitimate national feeling into deplorable "nationalism."

I turn now to the economic conditions. With the exception of a comparatively small class of profiteers and speculators, all Germany is in bitter need. The standard of life is incomparably lower than in pre-war time. It is not true that "Germans have done nothing to help themselves." Besides the help given to us so generously by foreign nations, especially by Americans, and for which we are deeply indebted to all who have contributed, German self-help, through State and community, organizations, and private people, is going on all over the country.

Just a few instances: Our farmers have taken 250,000 children from the industrial, mainly the occupied parts, offering them hospitality for six months, thus saving many lives. They send as gifts about 4,200 tons of foodstuffs every month to the various charity institutions of the towns. The trade-unions have done a great deal, even in giving the earnings of overtime hours, and there is a welfare organization of the working class, supported by the contributions of the laborers, extended over the whole of Germany. German industrials are giving big contributions, especially toward the maintenance of students and intellectuals; so are the members of the stock exchange. In every place there is a self-help, and neighborly help instituted by the women trying to provide free dinners, heated centers for the many people who have no fuel and light in their homes. Everywhere there are emergency actions of every type, all carried on with a true spirit of self-sacrifice and brotherhood. Poor people owning little bits of gardens in the suburbs give of the meager products they raise to the destitute old people. The German post employees have formed a charity organization and are now in Berlin alone keeping alive about 800 of the most needy inhabitants.

But all this is insufficient owing to the economic breakdown affecting so many millions. The companion of our life is hunger and despair. Hunger is with the old men and women, who faint in the streets; hunger sits at the desks of the children in the schools; hunger lingers by the babe in the cradle; hunger makes women revolt against the idea of new motherhood. Such is our tragedy.

INVERTED BOOTLEGGERS.

I know in your country it is charged that much of this misery is due to the fact that rich Germans have sent their capital out of the country. We would like this investigated so that we can know ourselves. We have strict laws against taking money out of the country. If you will tell me how much whisky is smuggled into the United States under the prohibition laws, perhaps I can tell you how much German capital goes outside of Germany under the law against the flight of capital. We are searched at the customs; our letters are opened, if they go to foreign countries, to find if we are sending money. But we have, of course, a kind of inverted bootleggers who take money out in spite of the law. We can not stop that any more than you can stop whisky bootlegging. [Applause.]

On the whole, from estimates I have seen, I do not think that the total amount could be more than from 3,000,000,000 to 4,000,000,000 of gold marks, which is only one-fortieth of the amount Premier Poincaré asks as reparations. If we took this whole amount and paid it to Poincaré, we would have no trade balance in foreign banks to carry on business. We could not buy cotton or raw materials, etc. You can quickly see that a certain amount of foreign balance is indispensable if we do not want the whole of German commerce and industry to break down completely.

DEPRECIATION OF THE MARK.

I am also asked over and over how far the German industrials have deliberately brought about the depreciation of the mark and caused the suffering of the German people. The party to which I belong has no reason to shield capitalist wrongs. Yet I do not believe that they deliberately instigated the depreciation of our currency, for which enough other reasons account for; but no doubt they took advantage of the situation which led to enriching a few already rich people whilst all the rest were impoverished. They also took advantage of the weakened position of our trade-unions to cut down wages and to

lengthen working hours. Nevertheless, the disagreements between employers and employed in all countries is a question of internal politics, and, provided we could come back to a normal state, our trade-unions and our labor party would regain enough strength and influence to protect the just claims of our workmen against our own industrialists. In this case also, as you see, the French policy has been to the disadvantage of the common people and has lessened the influence of the progressive forces.

FRENCH MILITARISM.

The thing particularly bitter and hard to submit to is the fact that the money we pay for reparations is not used to promote reconciliation, but for building up a new huge militarism in the heart of Europe. France has not only built up an army in her own country, but in other smaller nations which she has financed, in such a manner that she could now at once call under arms 9,000,000 of trained men. We have had quite enough destruction in this world, and I think you Americans, who have made a war to end war, to stop militarism, can not be in favor of this new militarism in Europe. Things must again lead to war if universal disarmament can not be brought about.

WELCOME DAWES.

The German people welcome the Dawes commission. We hope it will thoroughly investigate. We know that when it investigates it will find that the German people are squeezed between French militarism and uprising German Junkerism. We hope they will find the profiteers and those who have taken money out of the country illegally and that they will devise ways to lead to a sound financial system. We do not want charity; we want to become self-dependent. We are thankful for the help you have given, but you will understand how much we desire to stand on our own feet again.

In conclusion, let me say that at least 80 per cent to 90 per cent of the German people will never revert to Kaiserism of their own wills. They have until now, suffering and destitute as they are, given in neither to monarchism nor to Bolshevism. They are looking forward to liberty and democracy and they hope the liberal forces of the world will not permit the people of Germany to be driven to despair by starvation and the entire breakdown of their industrial life. Give us the opportunity to recover and we will successfully defeat every dictatorship, be it that of the communistic Pied Piper or that of the old reactionaries and monarchists.

ADDRESS BY EX-SECRETARY DENBY.

Mr. SPENCER. Mr. President, on Saturday last I asked unanimous consent to have printed in the RECORD an address which ex-Secretary Denby made in his home town, and a short editorial printed by the St. Louis Star upon the matter. My colleague, the senior Senator from Missouri [Mr. REED], objected at the time. He is not in the Chamber at this moment, and therefore I want to make that announcement, for I again ask unanimous consent that there may be printed in the RECORD the address which ex-Secretary Denby made on his return home, and a short editorial in the St. Louis Star of Friday last.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the address and editorial will be printed in the RECORD as requested.

The matter referred to is as follows:

[From the Washington Evening Star, March 14, 1924.]

THOUSANDS CHEER DENBY IN DETROIT—FORMER NAVY SECRETARY WELCOMED HOME IN GREAT NONPARTISAN TRIBUTE.

(By the Associated Press.)

DETROIT, March 14.—"Ned" Denby, one-time gunner's mate on U. S. S. *Yosemite*, State legislator, Representative in Congress, three years Secretary of the Navy, a veteran of two wars, and now a major in the Marine Reserve Corps—"Ned" Denby came home yesterday.

The Edwin Denby that a nation knows was lost under a city's welcome to "Ned" Denby, who played football for Michigan in the eighties, struggled upward in the law, enlisted and served in the Navy in the war with Spain, and later enlisted and served with the marines in the World War.

THOUSANDS AT STATION.

Thousands swarmed the concourse at the Michigan Central Station as the former Cabinet officer arrived from Washington, and the route to the city hall, where the Denby party was welcomed by acting Mayor Joseph A. Martin, was lined with people. An afternoon of receptions, during which thousands reiterated to Mr. Denby their faith, culminated in a banquet in his honor at which representatives of virtually every walk of life and of all political parties were present.

It was "more like a launching than a going into dry dock," as one speaker said, noting the enthusiasm that greeted frequent mention of rumored future political activity by the former Secretary.

HONOR OF SECRETARYSHIP.

Mr. Denby said:

"When the Secretary of the Navy takes his oath of office he assumes an obligation as lofty as can be given to any citizen except the President of the United States. When he has spoken the few words embodied in that oath—to 'support and defend the Constitution of the United States against all enemies, foreign and domestic'; to 'bear true faith and allegiance to the same'; and to 'faithfully discharge the duties of the office on which I am about to enter, so help me God'—he has taken upon himself the burden and the lofty privilege of control and directing, under the Congress and the Commander in Chief, the first and greatest agency of defense.

"Thereafter he has no interest in life so compelling, no duty so stern, as to direct that agency so that it may always be ready to discharge its splendid mission, the defense of our country. In the Navy politics has no place. In the Navy self-seeking must not exist. To the Secretary and to all officers and men there must be but one thought—how best to make sure that our country shall be able always to repel invasion and to prosecute successful war.

"To the Navy all nations are friends and all nations potential enemies. For it must make the country safe from attack from every quarter. In an efficient navy ships and guns and mechanism must be of the latest and the best except in so far as governmental policy, evidenced by treaties, conceived in mutual confidence and respect, may limit armament. An efficient Navy must be a happy but disciplined force. Morale must be high, and the men of the service must be ready to die both in war and in peace for their country or their fellow men. And that is true of the American Navy.

TALES OF NAVY'S DARING.

"Our records are filled with tales of daring that excite the imagination and bring back the days of romance. There is not upon this earth a finer, clearer-thinking, more unselfish body of men and women. No matter what the order, whether the command of a superior or the decree of fate, it is taken with a cheerful 'Aye, aye, sir,' by the Navy. I had the honor recently, as Secretary, of conferring upon an enlisted man the medal of honor. This is what he had done:

"He was on a submarine when she sank. The men all escaped but one, who was trapped below, and would have died by the rush of water through an open hatch. This man, himself safe on the deck of the submarine, saw the danger, reentered the vessel, closing the hatch behind him, and sharing the risk of almost certain death with the comrade whose life he saved. Both, most happily, were rescued after many hours' imprisonment. He got what he richly deserved—the highest honor the Navy can confer. He is typical of the glory of the service. So much for the men.

"The women of the service are imbued with the same great spirit of acceptance of that which comes in the line of duty. Not long ago one of our ships—for as a citizen I can still say 'our' ships, though I am no longer a part of the splendid service—went on the rocks and was lost. The captain, in an effort to help some of the men, after long exposure, was beaten down by the crushing waves and lost his life. I wrote to the widow to offer her sympathy and to speak of the honor of his passing in the line of duty. This was her reply:

LETTER OF OFFICER'S WIFE.

"Letters expressing appreciation of my husband bring me deep joy, for we are comforted in knowing that the fine qualities of our loved ones are recognized by all."

"His new 'post of duty' has taken him temporarily a bit far from us, but he used to ask me not to cry when he went to sea—and so I am trying constantly not to cry now. There is so much to be very thankful for—H. G., Jr., and I try to think only of that."

"And she was only typical of the women of the service. They 'try not to cry' when their husbands go to sea, and that is morale. The Navy has it, and it is part of the Secretary's duty to stimulate that glorious spirit that puts the country first, a shipmate second, and self last.

"There is another thing a Secretary must try to do, and that is to see that proper provision be made so that the outer walls may hold—the walls of steel—against attack at any time, from any quarter. That needs thinking ahead and providing for the needs of the fleet. In trying to do that I have been overthrown. But I rejoice in the belief that the work is done. Fuel oil will be found in Hawaii for the on-rushing fleet if it ever is needed. And along the coasts, east and west, of our country great reservoirs will be found when and if the need ever comes. They will be created by

exchange or sale or storage of the underground deposit, which, had it not been brought to the surface, would have been lost to the Navy forever.

NOT BOWED WITH SHAME.

"I will not mar this occasion by any argument, explanatory or defensive, in regard to the matter that has clouded my days and shadowed my nights. Only this will I say, lest you think I come home a repentant prodigal to receive your forgiveness for wrongs I may have done: I come neither asking forgiveness nor bowed down with shame, but proudly to proclaim to you that I have done no wrong nor aught that merits rebuke from you, my dearest friends, nor from them, my ruthless enemies.

"Rather let me say to you now that I have endeavored to do my duty as fully as God has given me power to do. If it be wrong to try to save that which I was charged to guard, then I have done wrong—not otherwise; if it be wrong to try to protect the homes of the American people from external attack and to place this country in a position for defense such as it has not had before, then I have done wrong—not otherwise.

"I believe that what I did was just and lawful and sound and for the best interests of the United States. It would be idle to answer those who say that I, who have loved my country and served it twice in military uniform; that I, who cherish for the great service of which I had the honor for three years to be the chief, the warmest affection and pride; that I, who look into your faces to-night and find there confidence, affection, and esteem, could have betrayed my country, the Navy, and you. There is an old verse—Byron's, I think—which I like to think of:

MANY HAVE HELPED HIM.

"Here's a tear for those that love me,
And a smile for those that hate,
And whatever sky's above me,
Here's a heart for any fate."

"So you shall not find me wearing my grievances, if I have any, upon my sleeve. You shall not be asked for sympathy, and I pray you do not give it, for I do not need it. You shall not be bored, now or hereafter, collectively or individually, with the recital of my woes, for I have none. It may be that the list of those persons whom I hold in contempt has somewhat increased in recent weeks, but you shall not know from me who those persons are. I would, were I able, however, tell of the myriads who have won into my heart by their tenderness and faith.

"Some things have been deeply impressed upon me that it is well for me to know, of my own bitter experience. We have all read and thought somewhat upon them, but not all have had the rare and great privilege of testing their truth in their own lives. Long has it been said that 'sweet are the uses of adversity.' Now I know what that strange phrase means. For from adversity has come strength to endure and courage to act—strength to endure the gibes of calumny, courage to do the hardest and, I think, the bravest thing I have ever done, to resign high office while still the malicious shafts of shame and ridicule were hurtling round my head.

TWICE WAR VETERAN.

"Twice before I have come home from war, back to Michigan, back to friendship, back to confidence and kindness. Now for the third time I come from war, made hateful by poisoned gas and base stratagems; from defeat without shame to welcome without flaw. By innuendo and even direct attack, for the first time in my life, my integrity has been assailed, vainly assailed, I make bold to believe, in the ears of those who hear me now or who will read my words in that greater voice, the press, anywhere in this well loving State of Michigan.

"But do you think I could have lived, bathed in filth from day to day, if I had not known there was no joint in the armor of my honor? We talk about good conscience, but we do not understand until the enemy is trying to crush heart and soul. Then between us and shame and despair good conscience and simple faith stand like guardian angels. These angels and a third stood ever keeping open the door of happiness and keeping out the demons of hate and bitterness. The third was my wife, born and living always in Detroit.

"When your wife can read day after day columns of abuse and denunciation and keep always a smile and never complain and never regret loss of honors, place, and position, so long as honor is unimpaired, the world has no weapon to break or embitter the soul. And from her, too, there will be no mourning or complaining of an unjust world.

FAITH IS STRENGTHENED.

"Of another thing, too, have I deep cause for sincere rejoicing—my faith in my brother men is strengthened not weakened by this political tempest which has broken down my little house and strewn it upon the ground. You can not imagine how im-

mense the influence, the comfort of your letters and your messages; it has seemed as the letters and messages have fluttered in in a veritable storm of kindness and confidence, as though all Michigan, moved by a kindly, tender impulse, has determined to give comfort to my wife and me in the hour of our trial.

"And Michigan has not been alone in this brotherly crusade. The poison of each day has had its antidote, and through it all the star of loyalty has illumined the darkness. Thousands of whom I have never heard have voiced their resentment against the mockery of justice which has been seen in Washington.

"I am so egotistical to-night that you will scarce bear with me longer, I fear, but to-night is my night, is it not? And for auld lang syne you will let me tell you what you have done for me and how I think you have honored yourselves. Believe it or not as you will, you have made me a better man. You have strengthened my love for my fellow men. You have proved that the world is good, that the eternal verities still govern the affairs of men. From a heavy heart, laden with the joy of this home-coming, I thank you and pledge you that you will not regret your faith."

[From the St. Louis Star, March 14, 1924.]

EDWIN DENBY.

Few men have ever retired from public office in circumstances of adversity with greater honor than Edwin Denby, who was yesterday greeted by his fellow townsmen of Detroit with acclamations of the warmest affection and confidence upon his return home from Washington. On the occasion of his formal relinquishment of the duties of the Secretary of the Navy, last Monday, Mr. Denby received assurances of unqualified esteem from his immediate associates and from the personnel of the Naval Establishment. He was at once reinstated as a reserve officer of the Marine Corps, in which he served as a private in war time.

Last evening in Detroit the high regard of Mr. Denby's fellow citizens was given expression in a manner which indicates that the circumstances of his retirement from office have not lessened the admiration which is generally felt for a man who has been guided consistently in his public duties by consideration for the public welfare. Mr. Denby's judgment alone has been challenged in the course of the criticisms leveled at his part in the naval oil lease matter. His integrity has never been questioned. If the course he pursued was wrong, it was an error of understanding.

Measured against the misfortune of involvement in a procedure that, wholly without his knowledge, was tainted with fraud and corruption, the services rendered by Mr. Denby for his country are now to be recognized as worthy of the highest praise and approval. Such a measurement has been applied by the people of his home town. It is possible for them to appreciate the value of his work as the head of the Naval Establishment, into which he infused a spirit of cooperation that ranges from the humblest ranks of the enlisted force to the highest ranks of the commanding grades.

Throughout the desperately trying period of malignant attack by partisan opponents Mr. Denby bore himself with a courageous equanimity. He met the exigencies of a peculiar situation by tendering his resignation, not in acknowledgment of wrongdoing but for the sake of his chief in office, the real object of political attack. He went back to private life with no stain upon his character, with a high record of achievements for the development of the naval service, and, as yesterday's demonstration in Detroit attests, with the esteem of his fellow men. Such a demonstration may possibly be rated as an adequate compensation for the pains that have been lately suffered by a conscientious, capable citizen who accepted service in the administrative branch of the Government even as when need arose he sought and accepted service in the military ranks of his country.

COMMITTEE SERVICE.

Mr. LODGE. Mr. President, I ask to have an order entered that the Senator from Missouri [Mr. SPENCER] be placed upon the Committee on Public Lands and Surveys to take the place made vacant by the resignation of the Senator from Wisconsin [Mr. LENROOT].

The PRESIDING OFFICER. The Senator from Massachusetts asks that an order be entered to the effect that the junior Senator from Missouri [Mr. SPENCER] be assigned to the Committee on Public Lands and Surveys to take the place made vacant by the resignation of the Senator from Wisconsin [Mr. LENROOT]. Is there objection? The Chair hears none, and the order will be entered.

ENROLLED BILLS SIGNED.

The PRESIDING OFFICER (Mr. WADSWORTH) announced his signature as Acting President pro tempore to the enrolled bill (H. R. 7039) to amend section 72 of chapter 23, printing act approved January 12, 1895, relative to the allotment of public documents.

CORPORATE PAYMENT OF EXCESS-PROFITS TAX (S. DOC. NO. 67).

The PRESIDING OFFICER laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to Senate Resolution 115 (submitted by Mr. Jones of New Mexico and agreed to January 9, 1924), information showing the amounts of net income and excess-profits tax, by industrial divisions and excess-profits tax brackets, reported to the Treasury Department in the corporation income and profits tax returns for 1921, which, with the accompanying data, was referred to the Committee on Finance and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. KENDRICK presented petitions of sundry citizens of Cheyenne, Douglas, and Glenrock, all in the State of Wyoming, praying for the repeal or reduction of the tax on industrial alcohol, which were referred to the Committee on Finance.

Mr. WILLIS presented a resolution adopted by the Woman's Republican Club (Inc.), of New York, N. Y., protesting against the adoption of the so-called "equal rights" amendment to the Constitution, which was referred to the Committee on the Judiciary.

He also presented a resolution of the Slovenke Sokolice, St. 442, S. N. P. J. (fraternal organization of Yugoslav people), of Cleveland, Ohio, protesting against the passage of selective immigration legislation, and especially against the proposal to register, photograph, and fingerprint immigrants, which was referred to the Committee on Immigration.

Mr. CAPPER presented a resolution of the Topeka (Kans.) Federated Organization favoring the passage of legislation granting increased compensation to postal employees, which was referred to the Committee on Post Offices and Post Roads.

He also presented a resolution of Homer White Post, No. 66, the American Legion, of Hiawatha, Kans., favoring the passage of legislation granting adjusted compensation to veterans of the World War, which was referred to the Committee on Finance.

He also presented petitions of sundry citizens of Linwood, Strong City, and Cottonwood Falls, all in the State of Kansas, praying for the passage of the so-called Johnson selective immigration bill, which were referred to the Committee on Immigration.

Mr. CURTIS presented a resolution of the Association of Mechanical and Power Plant Employees of the Rock Island Lines, of Horton, Kans., protesting against the making of any amendment to the transportation act of 1920 at this time, which was referred to the Committee on Interstate Commerce.

He also presented a memorial of sundry employees of the Kansas City Southern Railway Co., of Pittsburg, Kans., remonstrating against making any change in the transportation act of 1920 at the present session of Congress, which was referred to the Committee on Interstate Commerce.

He also presented a resolution of the Reserve Officers' Association of Sedgwick County, Wichita, Kans., favoring necessary appropriations for the Officers' Reserve Corps and the maintenance and development of the organized reserves of the Army in accordance with War Department recommendations, which was referred to the Committee on Appropriations.

He also presented a resolution of the Rice County Merchants' Association, of Lyons, Kans., favoring the passage of legislation providing a 1-cent drop letter rate, etc., which was referred to the Committee on Post Offices and Post Roads.

He also presented a resolution of the Chamber of Commerce of Lawrence, Kans., favoring the passage of legislation granting increased compensation to postal employees, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial, numerous signed, of sundry citizens of Shawnee County, Kans., remonstrating against the use of the 1910 census as a quota basis in proposed immigration legislation, but praying that the quotas be based on the census of 1890, which was referred to the Committee on Immigration.

He also presented the petition of Clyde M. Best, commander Lawton Camp, No. 18, United Spanish War Veterans, Department of Kansas, of Wichita, Kans., praying for the passage of more advantageous pension legislation affecting Spanish War veterans, which was referred to the Committee on Pensions.

He also presented a resolution adopted by Lawton Camp, No. 18, United Spanish War Veterans, Department of Kansas, at Wichita, Kans., favoring the passage of House bill 5034, to pension soldiers and sailors of the war with Spain, the Philippine insurrection, or the China relief expedition, which was referred to the Committee on Pensions.

Mr. CURTIS (for Mr. LANSBOR) presented a petition of sundry citizens of Frederic, Grantsburg, and Luck, all in the

State of Wisconsin, praying an amendment to the Constitution guaranteeing equal rights to men and women throughout the United States and every place subject to its jurisdiction, which was referred to the Committee on the Judiciary.

Mr. McLEAN presented memorials of the Hartford Grade Teachers' Club, of Hartford; the Loggia Gabbrielle D'Annunzio, No. 745, Sons of Italy, of Thompsonville; of citizens of Italian descent of New Haven, Waterbury, Danbury, Meriden, and Naugatuck, and of Harmony Lodge, No. 711, Independent Order of B'nai B'rith, of Bridgeport, all in the State of Connecticut, remonstrating against the passage of the so-called Johnson selective immigration bill as being discriminatory, which were referred to the Committee on Immigration.

He also presented resolutions adopted by the board of directors of the Connecticut Chamber of Commerce, of New Haven; the Hearststone Club, of Hartford; and members of the Willimantic Ministers' Union, of Willimantic, all in the State of Connecticut, favoring the passage of the so-called Johnson immigration bill, which were referred to the Committee on Immigration.

He also presented petitions of Arable Temple, No. 40, A. E. A. O. Nobles of the Mystic Shrine, of New Haven, and the Hartford Branch, National Association for the Advancement of Colored People, of Hartford, both in the State of Connecticut, praying for the passage of legislation granting increased compensation to postal employees, which were referred to the Committee on Post Offices and Post Roads.

He also presented papers and a telegram in the nature of petitions of William H. Gordon Post, No. 50, the American Legion, Department of Connecticut, of Ansonia; of sundry citizens of New Haven, and of Oscar W. Swanson Post, No. 67, the American Legion, of Thompson, all in the State of Connecticut, praying for the passage of legislation granting adjusted compensation to veterans of the World War, which were referred to the Committee on Finance.

He also presented petitions of United Spanish War Veterans, Department of Connecticut, of South Manchester, and of A. G. Hammond Camp, No. 5, United Spanish War Veterans, of New Britain, both in the State of Connecticut, praying for the passage of legislation granting increased pensions to Spanish War veterans and their widows, which were referred to the Committee on Pensions.

He also presented a resolution of Sedgwick Camp, No. 4, Sons of Veterans, United States of America, Division of Connecticut, of Norwich, Conn., favoring the passage of legislation granting a pension of \$72 per month to veterans of the Civil War and \$50 per month to their widows, which was referred to the Committee on Pensions.

He also presented petitions of the Woman's Christian Temperance Unions of Bristol, Wethersfield, Windsor, Scotland, and Waterbury, and of Mrs. Sadie C. Kimball, of Scotland, all in the State of Connecticut, praying an amendment to the Constitution regulating child labor, which were referred to the Committee on the Judiciary.

He also presented the memorial of Sarah A., Reda L., and J. I. Brereton, of Bridgeport, Conn., remonstrating against the passage of legislation establishing a permanent commission to supervise, control, and regulate the rental of real property in the District of Columbia, which was referred to the Committee on the District of Columbia.

REPORTS OF THE COMMITTEE ON INDIAN AFFAIRS.

Mr. HARRELD, from the Committee on Indian Affairs, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

A bill (S. 2159) authorizing annual appropriations for the maintenance of that portion of the Gallup-Durango Highway across the Navajo Indian Reservation and providing reimbursement therefor (Rept. No. 269); and

A bill (H. R. 2876) to provide for the payment of claims of Chippewa Indians of Minnesota for back annuities (Rept. No. 270).

Mr. HARRELD, also from the Committee on Indian Affairs, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 192) to provide for a girls' dormitory at the Fort Lapwai Sanatorium, Lapwai, Idaho (Rept. No. 271);

A bill (H. R. 472) to authorize the deposit of certain funds in the Treasury of the United States to the credit of Navajo Tribe of Indians and to make same available for appropriation for the benefit of said Indians (Rept. No. 272);

A bill (H. R. 2812) to authorize the Secretary of the Interior to sell certain lands not longer needed for the Rapid City Indian School (Rept. No. 273);

A bill (H. R. 2877) providing for the reservation of certain lands in New Mexico for the Indians of the Zia Pueblo (Rept. No. 274);

A bill (H. R. 2878) to authorize the sale of lands allotted to Indians under the Moses agreement of July 7, 1883 (Rept. No. 275);

A bill (H. R. 2883) to validate certain allotments of land made to Indians on the Lac Courte Oreille Indian Reservation in Wisconsin (Rept. No. 276);

A bill (H. R. 3684) for the enrollment and allotment of members of the Lac du Flambeau Band of Lake Superior Chippewas, in the State of Wisconsin, and for other purposes (Rept. No. 277);

A bill (H. R. 4117) authorizing an appropriation for the construction of a road within the Fort Apache Indian Reservation, Ariz., and for other purposes (Rept. No. 278);

A bill (H. R. 4803) to authorize the sale of lands and plants not longer needed for Indian administrative or allotment purposes (Rept. No. 279); and

A bill (H. R. 4804) to authorize the allotment of certain lands within the Fort Yuma Indian Reservation, Calif., and for other purposes (Rept. No. 280).

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CURTIS:

A bill (S. 2844) to place the agricultural industry on a sound commercial basis, to encourage agricultural cooperative associations, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. KENDRICK:

A bill (S. 2845) granting a pension to Louis O'Boyle; to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 2846) granting a pension to Herschel C. Young (with accompanying papers); to the Committee on Pensions.

By Mr. BALL:

A bill (S. 2847) for the relief of Eric M. Grimsley; to the Committee on Naval Affairs.

A bill (S. 2848) to validate an agreement between the Secretary of War, acting on behalf of the United States, and the Washington Gas Light Co.; and

A bill (S. 2849) to fix the salaries of officers and members of the United States park police force, District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. BURSOM:

A bill (S. 2850) granting an increase of pension to Ascencion Salazar de Wheeler; to the Committee on Pensions.

By Mr. DIAL:

A bill (S. 2851) to provide for the grading of Franklin Street between Rhode Island Avenue and Nineteenth Street NE.; to the Committee on the District of Columbia.

By Mr. LODGE:

A bill (S. 2852) providing for the cancellation and remittance of taxes against the estate of Charles L. Freer, deceased; to the Committee on Finance.

SPECIAL ASSISTANT CLERKS TO SENATORS.

Mr. JONES of Washington submitted the following resolution (S. Res. 192), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That all Senators may employ during the remainder of the present session of Congress and during the next ensuing session of Congress such special assistant clerks as the Committee to Audit and Control the Contingent Expenses of the Senate may find and certify to the Secretary of the Senate as necessary for the prompt and efficient performance of clerical work of Senators, such clerks to be paid out of the contingent fund of the Senate at the rate of \$1,600 per annum each.

CHANGE OF DATE OF INAUGURATION.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 22) proposing an amendment to the Constitution of the United States fixing the commencement of the terms of President and Vice President and Members of Congress, and fixing the time of the assembling of Congress.

The PRESIDING OFFICER. The pending question is on the amendment proposed by the Senator from Ohio [Mr. WILLIS] to the amendment offered by the Senator from Georgia [Mr. HARRIS].

Mr. WILLIS. I ask that the amendment to the amendment may be read.

The PRESIDING OFFICER. The amendment to the amendment will be read.

The READING CLERK. In line 3 of the amendment offered by the Senator from Georgia [Mr. HARRIS], before the word "years," the Senator from Ohio [Mr. WILLIS] moves to strike out the word "six" and to insert the word "four," so as to read:

He shall hold his office during the term of four years, and no person hereafter elected shall be eligible to reelection.

Mr. WILLIS. On the amendment to the amendment I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. DIAL. Mr. President, a parliamentary inquiry. On what are we about to vote?

The PRESIDING OFFICER. The Senate is now proceeding to vote on the amendment proposed by the Senator from Ohio [Mr. WILLIS] to the amendment of the Senator from Georgia [Mr. HARRIS], after the words "term of" to strike out the word "six" and to insert the word "four."

The reading clerk proceeded to call the roll.

Mr. DIAL (when his name was called). I am paired with the Senator from Colorado [Mr. PHIPPS], and for the present I withhold my vote.

Mr. JONES of New Mexico (when his name was called). The Senator from Maine [Mr. FERNALD], with whom I have a general pair, is absent from the Chamber, and I therefore withhold my vote.

Mr. McLEAN (when his name was called). I transfer my general pair with the Senator from Virginia [Mr. GLASS] to the Senator from Vermont [Mr. GREENE] and vote "nay."

Mr. SMITH (when his name was called). I have a general pair with the Senator from South Dakota [Mr. STERLING]. I transfer that pair to the Senator from New Jersey [Mr. EDWARDS] and vote "nay."

The roll call was concluded.

Mr. ERNST (after having voted in the negative). I have a general pair with the senior Senator from Kentucky [Mr. STANLEY]. I transfer that pair to the senior Senator from Iowa [Mr. CUMMINS], and permit my vote to stand.

Mr. HARRELD (after having voted in the negative). I transfer my pair with the Senator from North Carolina [Mr. SIMMONS] to the Senator from West Virginia [Mr. ELKINS], and will let my vote stand.

The result was announced—yeas 4, nays 70, as follows:

YEAS—4.			
Adams	Harris	Underwood	Willis
NAYS—70.			
Ashurst	Ernst	Lodge	Sheppard
Ball	Ferrie	McKellar	Shields
Bayard	Fess	McKinley	Shipstead
Borah	Fletcher	McLean	Shortridge
Brandeggee	Frazier	McNary	Smith
Brookhart	George	Mayfield	Smoot
Broussard	Gerry	Moses	Spencer
Bruce	Gooding	Neely	Stanfield
Bursom	Hale	Norris	Stephens
Cameron	Harrell	Oddie	Swanson
Capper	Harrison	Overman	Trammell
Caraway	Heflin	Pepper	Wadsworth
Colt	Howell	Phipps	Walsh, Mass.
Couzens	Johnson, Minn.	Pittman	Warren
Curtis	Jones, Wash.	Ralston	Watson
Dale	Kendrick	Ransdell	Weller
Dill	Keyes	Reed, Pa.	
Edge	Ladd	Robinson	
NOT VOTING—22.			
Copeland	Glass	Lenroot	Stanley
Cummins	Greene	McCormick	Sterling
Dial	Johnson, Calif.	Norbeck	Walsh, Mont.
Edwards	Jones, N. Mex.	Owen	Wheeler
Elkins	King	Reed, Mo.	
Fernald	La Follette	Simmons	

So the amendment to the amendment was rejected.

The PRESIDING OFFICER. The question now recurs on the amendment offered by the Senator from Georgia [Mr. HARRIS].

Mr. REED of Pennsylvania. May the amendment be read, Mr. President?

The PRESIDING OFFICER. The Secretary will state the amendment.

The READING CLERK. On page 3, after line 3, it is proposed to insert the following new section:

The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of six years; and no person hereafter elected shall be eligible to reelection.

The President, together with the Vice President chosen for the same term, shall be elected as follows:

Mr. CARAWAY. Mr. President, I shall vote for the amendment of the Senator from Georgia [Mr. HARRIS] which has

just been read. I am wholly unable to agree with those who insist that unless the President of the United States has the incentive of a second term he will not discharge his duties either efficiently or patriotically. That seems to be the objection to the amendment—that the only way we can get efficient and good service out of a President is to dangle before his eyes the prospect of renomination and reelection. If that kind of a man should find himself in the Presidency, it would certainly be well to have his tenure of office limited. If a President should have no interest in America other than that he might himself continue in office, he ought never to have been put in office. On the other hand, we know that if a man finds himself in the office of the Presidency he is beset and assailed by every person who hopes to influence his course of conduct for his own advantage by either holding out promises of support or threats of opposition.

We now know that at the coming Republican National Convention, which is to meet in Cleveland, there will be delegates from some of the States south of the Mason and Dixon line who are to cast their votes for the present occupant of the White House because they hope that he is to be reelected and they are to be reappointed. The present system under which the President is eligible for reelection makes possible just such things. Who believes, for instance, that the great Republican Party would submit to having all of its policies dictated by the 11 Southern States that never have and never will cast an electoral vote for its candidates if it were not for the power which the President has to reappoint them if he is reelected? It brings, I think, a threat of menace to our Government to have the President, from the day he is inaugurated, a candidate for reelection.

It is not a charge that the President is not a good man and that he does not do all that any human being can do to resist the influences that are brought to bear upon him, but the present system makes it impossible for him always to discharge the duties of his office as he would if he himself, with his own natural desire to be vindicated by renomination, if that were possible, and his party, which is always urging him so to play politics that he can be renominated and reelected, knew that he could not be chosen to succeed himself. If that possibility were removed, I take it for granted there would be a very great deal less of politics in the White House and a very great deal more of efficiency.

Though I am perfectly willing to accord to those who differ from me their full right of opinion and the honesty of their motives, it strikes me that there is not much real argument to support the theory that the President ought to be eligible for reelection. I can not think of any good purpose that can be subserved by the inevitable fact that when a man finds himself in the Presidency he must at once commence a campaign for reelection.

I know that the present Attorney General would not be in office at this minute if it were not for the fact that he has or is suspected of having certain political influence, and the present President is amenable to that influence and keeps him there. Although the party leaders in the Senate, if the newspapers may be believed—and the story has not been denied—including the senior Senator from Massachusetts [Mr. LODGE], the Senator from Pennsylvania [Mr. PEPPER], and the Senator from Idaho [Mr. BORAH] have been pleading with the President, for the good of the party, if not for the good of the country, to drop the present Attorney General, he does not dare to do so for political reasons. If he were not a candidate, it would not take any persuasion upon the part of the party leaders in the Senate to have him change his Attorney General when the country has lost confidence in him. He would be changed, and we know it. There are dozens of such situations that might arise. Possibly they would not reflect upon the character of the President—and I am certainly not criticizing him in this particular instance—but I am pointing out a fact that everybody knows, that when a President is a candidate for reelection every sinister political influence in his party at once tries to sway his course and to dictate his policies, with the threat that if he does not yield they will hurt him, and if he does they will support him. Whether in the office of President or out of office, men, after all, are but human beings. There is a pride in a man who is in office, if he is eligible for reelection, to be renominated and reelected. It is felt a stigma if he can not be renominated and reelected, and therefore he seeks it, and sometimes plays politics, to the hurt of his country.

The Senator from Missouri [Mr. REED] on Saturday made a very able argument against this amendment, and yet there is such a provision in the constitution of his own State, that a governor can not be reelected. Many of the States have that

provision, and I have never yet known a State, after trying that provision, to repeal it. The State of Virginia has such a provision in its constitution. Florida has it; many other States have it.

If it be wise to limit the right of reelection of the executives in the States to one term, with no hope of renomination or reelection, how infinitely wiser is it to have the same provision in our national Constitution? I can not conceive of any man making a less acceptable President because he could not be reelected.

On the other hand, I think it is the most unfortunate argument to suggest that a President would not listen to the voice of the people, would not try to conduct his office so as to meet the approbation of the people, if he could not be reelected. In other words, that his sole idea is to be reelected. On the other hand, it would free him, we all know, from those influences that sometimes wreck administrations. I know there would be a better administration of the affairs of this Nation if a man stood face to face with this situation: "I am President of the United States. History is to judge of me and my administration by what I do during this term of office. I have nothing to fear from politicians. I have nothing to hope for but the approval of my conscience and my countrymen. I have nothing to do except to discharge my duty and leave my record to posterity."

I hope that this amendment, limiting the term of office to six years, may be agreed to.

Mr. McKELLAR. Mr. President, may I ask the Senator a question?

Mr. CARAWAY. I yield.

Mr. McKELLAR. Suppose a President and Vice President are elected, and the President serves, say, 5 years and 11 months, and dies, and the Vice President succeeds him for the remaining month. Under the proposed amendment would the Vice President, simply because he had served the 30 days, be ineligible to succeed himself or to be elected President thereafter?

Mr. CARAWAY. Has the Senator the amendment before him?

Mr. McKELLAR. I have not the amendment before me. I am just asking for information. I know that the Senator is an excellent lawyer, and I should like to have his judgment about it.

Mr. CARAWAY. No; I do not think it would apply to the Vice President, because of this language. The amendment says:

"He shall hold his office during the term of six years, and no person hereafter elected shall be eligible to reelection."

A Vice President who succeeds a President by reason of either death or removal has not been elected to that office, and therefore I hardly think he would come within the provisions of this amendment. I think he would be eligible for election.

Mr. McKELLAR. Under the present situation, which the Senator has just discussed, the amendment would not apply?

Mr. CARAWAY. No; that is true, but I think the people will apply the rule to the present occupant of the White House; so that does not worry me much.

Mr. President, as I said, I shall support this amendment. I do it notwithstanding the plea of the Senator from Nebraska [Mr. NEHRG] that we refrain from incorporating it in the joint resolution because he fears that it will endanger the adoption of the proposed constitutional amendment that the Senate is now considering. I do not think so. I think it will strengthen it, and with that idea in view I shall vote for it.

Mr. BORAH. Mr. President, I do not desire to discuss the merits of the amendment of the Senator from Georgia [Mr. HARRIS]. I think it a subject worthy of much consideration and discussion before it is disposed of. I should prefer to have it come here as a separate proposal, and I shall vote against it for the reason that I think it ought to come here as a separate proposal and receive such consideration as a separate proposal would likely receive.

I have heretofore, when the matter has been here for consideration, opposed the proposition of limiting the term of the President to one term. I confess there are some very strong arguments in favor of the proposition, but it has seemed to me heretofore that the stronger argument was against it; but I am voting against it at this time without committing myself on the merits of the matter, for the reason that I prefer to have it come here as a separate proposition. I think it is worthy to stand upon its own merits. I think, also, that it will undoubtedly jeopardize the adoption of the

constitutional amendment. I am quite sure that if it is added to the original amendment it will lead to a long discussion in this Chamber, and that it will likely lead to prolonged discussion elsewhere; and I should like, therefore, to see the two propositions stand separate and apart.

Mr. NORRIS. Mr. President, I said the other day that I felt friendly to the proposition of limiting the term of the President to six years, and making him ineligible to reelection. I do not mean to say and did not mean to say that I was definitely concluded, and had closed my mind to argument, but I feel that way. It seems to me, however, that it is a serious mistake to try to put that amendment on the pending joint resolution. We have gotten into a discussion right away that shows that the matter ought to have more consideration. The Senator from Arkansas [Mr. CARAWAY], to illustrate why this amendment should be adopted, gave the instance of the present Attorney General being held in office because the President did not dare discharge him for fear of political opposition in his candidacy; and yet it develops that if this amendment were part of the Constitution to-day President Coolidge would not be disqualified from renomination and reelection to that office, and any man will reach that conclusion when he reads the amendment.

There is, however, still another reason. The amendment of the Senator from Georgia says:

The President, together with the Vice President chosen for the same term, shall be elected as follows.

And there is no "follows." If we should add it to the joint resolution just as it is, we would then have the original joint resolution adopted as the twentieth amendment to the Constitution, and after putting this in between the third and fourth sections we would have this language:

The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of six years; and no person hereafter elected shall be eligible to reelection.

The President, together with the Vice President chosen for the same term, shall be elected as follows.

And that is the end of it. It would be meaningless, it seems to me, even if we wanted to add it as it is proposed to add it here. So I hope the Senate will vote down this amendment, and if we ever take it up let us take it up as a separate proposition.

Mr. McCORMICK obtained the floor.

Mr. HARRIS. Mr. President, will the Senator yield to me? The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Georgia?

Mr. McCORMICK. I do.

Mr. HARRIS. I should like to ask that the amendment be amended by striking out lines 5 and 6. That will meet the objection of the Senator from Nebraska.

Mr. McCORMICK. Mr. President, I merely wish to join my opinion to that of these other Senators, because it seems to me that the subject of the presidential term and that of the inauguration and the first assembly of the newly elected Congress are quite separate. The amendment proposed by the Senator from Nebraska would accomplish a great reform and, for one, I shall vote for it without hesitation if it be submitted independently; but if his proposed amendment be amended to fix the presidential term at six years, for one I shall feel constrained to vote against the amended amendment, and perhaps to go further and, in so far as my little influence may carry, urge others outside of this Chamber to do likewise.

There is strong argument in favor of a single presidential term. Nevertheless, like the Senator from Idaho [Mr. BORAH], I am by no means convinced that we ought to establish a single term, and a term of six years, by amendment to the Constitution. Let the two proposals be separated and be considered separately and voted upon separately, not only in Congress but by the legislatures of the States.

Mr. McKELLAR. Mr. President, I realize that there are very strong arguments on both sides of the question of one term for our Presidents; but I am constrained to believe that six years might be entirely too long for a weak or vacillating or inefficient President, and perhaps for a strong, splendid, excellent President six years would be too short a term. So far as I am concerned, I see no real objection to the present term of office, with the unwritten law as we have it, that he may succeed himself for one term; and therefore I shall vote against this amendment.

Mr. SWANSON. Mr. President, as at present advised, I shall vote against this amendment. I think it ought to be a separate proposition. As a separate proposition, I do not favor

limiting the term to six years and not permitting a reelection of the President.

The only object of an amendment of this kind would be to get the best administration of the presidential office. That is a purpose sought by all. I can readily see that there can be arguments pro and con. The argument for this amendment is that a President elected for six years would perform his duties conscientiously, and without any selfish desire to obtain reelection to the office, and administer it accordingly, uncontrolled by any selfish interest.

Mr. ROBINSON. Mr. President, will the Senator yield?

Mr. SWANSON. Not right now. I will yield in a few minutes.

That is the argument presented for a six-year term; but if a man is elected for four years, he can get the office a second time only by having an administration that is acceptable to the country, that is beneficial to the country; and if his administration has not been acceptable to the country, he is not reelected.

I have an idea that when the President has a desire to be reelected, and when he knows that the only possibility of a reelection is through his giving an acceptable administration, he will have an inducement to give an administration acceptable to the country, and in accord with its views, principles, and convictions. That is the principle upon which popular government is based; that the people should have their views, their convictions, and their ideas of Government administered and put into execution. I think if the President is elected for six years, and is made ineligible for reelection, he will have no inducement to carry out any but his own views and convictions, and he would not be influenced by the popular will and desires in this country.

Who knows that the views and convictions of the President are wiser and more farseeing than the views, principles, and convictions of 110,000,000 people? I have an idea that popular government is based upon the principle that the people know better than any one man, that the aggregate wisdom of America is greater than the wisdom of any one man. Consequently, I believe that when we secure a means by which the will, desires, and convictions of the people can be executed rather than the will and desires and convictions of one man we are establishing popular government.

I believe our fathers wisely limited the Executive to four years. If the President has an acceptable administration, if it is such an administration as has been beneficial to the people, he will be reelected, and custom has so fixed it that no man has been—and I do not believe ever will be—reelected successively for three terms. With the customs and traditions which have been established I think our fathers did wisely when they gave the President four years to show that he was acceptable as an Executive, to show whether he was in accord with the views and convictions of the country, and if a President makes good he ought to have an opportunity to be reelected. There is nothing he can do to secure his reelection which would be inimical to the interests of the country. The only way he can be reelected is by having an administration acceptable and beneficial. If the President is reelected, the conditions and customs of this country limiting him to two terms, he is prevented from a long continuance in the office so as to produce any ill to the country.

I do not believe this provision of the Constitution can be improved upon, and as at present advised, and with the consideration I have given to the subject, I am opposed to the amendment offered by the Senator from Georgia, and I shall certainly vote against its being added as an amendment to the joint resolution offered by the Senator from Nebraska [Mr. NORRIS].

Mr. PEPPER. Mr. President, the question involved in the constitutional amendment proposed by the Senator from Nebraska [Mr. NORRIS] has to do merely with the mechanics of governmental administration. The proposition involved in the amendment proposed by the Senator from Georgia [Mr. HARRIS] has to do with a question fundamental in the structure and theory of our constitutional system.

The amendment to the Constitution proposed by the Senator from Nebraska has been before us for consideration for a long time. Most of us have been able to give thought and study to it, and we are prepared to vote on it one way or the other. The other proposition, while it is not unfamiliar to us, is a matter of academic discussion, is relatively new as a matter of concrete proposal requiring action. We have not given it the consideration which it deserves and should receive before affirmative action is taken upon it.

I have observed that in this body amendments seldom receive the degree of attention and consideration which is given to

the principal proposal. Senators vote upon an amendment in some degree influenced by their desire to effectuate or defeat the original measure. It is a great public question which is advanced by the proposal of the Senator from Georgia. It is distinct in character, distinct in nature, from the principal proposal.

Mr. EDGE. Mr. President—

The PRESIDING OFFICER (Mr. WILLIS in the chair). Does the Senator from Pennsylvania yield to the Senator from New Jersey?

Mr. PEPPER. I yield.

Mr. EDGE. Is it not true, from the standpoint of general public discussion, that the proposal suggested by the Senator from Georgia has really received the attention of the country to a very much greater extent than the purely mechanical change suggested by the Senator from Nebraska? Has it not been the subject of general discussion, and, as pointed out by the Senator from Arkansas, is it not adhered to in many States through provisions in the State constitutions confining the governors to a single term? It has been a subject which has been given very much more consideration than the amendment to the Constitution proposed by the Senator from Nebraska, has it not?

Mr. PEPPER. Mr. President, I would answer the Senator from New Jersey by saying that I think he is right—that there has been a great deal of academic consideration given to this question and a great deal of discussion of it in magazines and the papers. It has been a matter of popular consideration for some time. I have yet to find, however, that it has received in this body the amount of consideration which it seems to me it ought to receive before we are asked to act upon it affirmatively. I wish to reserve to myself entire freedom of decision respecting how I shall vote when it is presented separately from other propositions, and in such fashion that we may focus our attention exclusively on it. But at present one great problem of constitutional amendment is all that I am capable of considering at a time, and I very much hope that the amendment of the Senator from Georgia will be defeated, to the end that we may focus our attention upon the matter which is more properly and directly before us.

Mr. HARRELD. Mr. President, personally I am more interested in the provision to limit the tenure of office of President to one term, and to make the President ineligible for reelection, than I am in the constitutional amendment presented by the Senator from Nebraska [Mr. NORRIS]. The Senator from Pennsylvania [Mr. PEPPER] has said that the amendment offered by the Senator from Georgia [Mr. HARRIS] is fundamental. That is true. On the other hand, it is true that it is a proposition which has been discussed by the American public for years. I believe there is a well-defined sentiment in the country to-day in favor of changing the Constitution so as to make the President ineligible for reelection.

The constitutional amendment urged by the Senator from Nebraska, on the other hand, simply provides for a change of the time of the inauguration. I do not see that it is very material. It has not appealed to me, nor have the arguments made in its support appealed to be, as being very material. I do not see that it is material whether the President is inaugurated on the 4th of March or inaugurated on the first Monday in January.

Mr. NORRIS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Nebraska?

Mr. HARRELD. I yield.

Mr. NORRIS. Has the Senator listened to the debate which has been going on here for a week in regard to this amendment, and reached the conclusion that the only point in the amendment to the Constitution is that the date of the inauguration shall be changed? I would not snap my finger to get a change in the date of the inauguration. I do not think that has moved a single person for or against the proposed constitutional amendment. It is practically not involved, as far as that is concerned. Nobody cares about it.

Mr. HARRELD. I did not mean to say it had not impressed me, but I do say that it is not as important as this other question. What I intended to say was this, that the people are getting tired of amending the Constitution. We can not go before the people every day with a new amendment to the Constitution, and it is well that it is so. I am not complaining about it. It is a condition which we ought to expect. It ought to be difficult to amend the Constitution. There is a feeling in the country that the Constitution should be amended only occasionally, when there is a special reason for doing so. If these two propositions are separated, as has been argued, and we go ahead and adopt the joint resolution offered by the Senator from Nebraska without the amendment added to it, we will

have killed the chance for getting the proposition involved in the amendment of the Senator from Georgia from being ratified by the legislatures of the various States of the Union, in my judgment. So I see no reason for separating them at all. Why not cover the whole field while we are at it?

Mr. FESS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Ohio?

Mr. HARRELD. I yield.

Mr. FESS. I want to confirm what the Senator has just stated, and in reference to the observation made by the Senator from Pennsylvania [Mr. PEPPER] that the question has not been matured, it might be well to recall that originally, in the Constitutional Convention, when the report was made by the committee on the executive, it was recommended that there should be a term of seven years and that the President should be ineligible for reelection. That matter has been before the country almost every year in some form or other. It strikes me that it is a subject which has been very well matured, and especially in the light of the burdens of the last few Presidents, including President Wilson and President Harding. There is no doubt in my mind that the thing which wears most upon the Presidents is the burden placed upon them by party leaders to give their attention to party matters instead of being free to devote themselves to the large measures pertaining to the Government, and from that point of view alone it seems to me we ought to relieve this situation.

Mr. HARRELD. I thank the Senator from Ohio for his suggestion. I am in full accord with what he has said.

Mr. BORAH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Idaho?

Mr. HARRELD. I yield.

Mr. BORAH. My belief is that several of our Presidents have spent as much time in naming their successors as they spent in naming themselves the first time. Jackson spent a great deal more time in putting Van Buren into the Presidency than he did in electing himself the second time. I doubt very much if the object which we would all like to attain, relieving the President of this political obligation to look after his party, and so on, could be attained in that way. He would still be the party leader. As the head of his party he would still be interested in naming his successor.

Mr. HARRELD. Mr. President, I do not agree that the adoption of the amendment would relieve the President from the obligation of looking after his party interests. There is this restraint still left on the President: He wants to make good; he wants to carry out the platform on which he was elected. He wants the approval of the public, and that is sufficient, in my judgment, to hold him in line and cause him to give to the country the very best and most efficient service of which he is capable.

There is another phase of this I want to mention, that we have in this country now a well-defined policy, if not a law—and it is not a law—that no President can be elected for a third term. We frequently have Presidents who serve for two terms, and I believe I can say without fear of contradiction that the second terms of our Presidents are always better and more commendable than the first, because to a certain extent there is removed that feeling of obligation the President has that he has to do certain things in order to reelect himself, the very thing we are fighting against in the attempt to have an amendment of this sort adopted. I believe, I will repeat, that the second terms of our Presidents, when they know they are not candidates for reelection, will stand the test of scrutiny, will stand the test of history, better than the first terms. Of course, somebody might say that was partly due to the fact that they had had more experience and were therefore better qualified to perform the duties of the office; but it is also in part due to the fact that they have no further obligations of a political nature to serve.

So I want to say that for myself I am more in favor of the amendment offered by the Senator from Georgia than I am for the original proposition urged by the Senator from Nebraska.

Mr. WADSWORTH. Mr. President, the Senator from Oklahoma [Mr. HARRELD] stated in his remarks that this whole question ought to be handled now, as I understand it. That gives rise to the thought as to whether or not the amendment offered by the Senator from Georgia does handle the whole question. Under the Constitution as at present Senators are elected for six years, Presidents are elected for four years, and Members of the House of Representatives are elected for two years.

That spacing, as it were, of the respective terms of office was done, I imagine, with a purpose in view, and a very sound pur-

pose. We can not proceed to change the length of term of the President without dislocating very severely the logical and normal contacts between the President and the Senate and the President and the House.

Assume for the moment that we are to have our Presidents serve for six years and that we make no change in the matter of the terms of Members of the House of Representatives. At the end of the second year of the President's term of six years a new House of Representatives will be elected. That House, when it gathers here at Washington, may turn out to be of opposite political faith from the President. That has happened many times in what we term by-elections. At the end of the fourth year of the President's term another House of Representatives will be elected. Supposing that it, too, is composed of a majority of Members opposed politically or otherwise to the policies of the President still in office and still with two years to serve, we shall have tied our Government into a hard and fast knot. Four years out of the total of the President's six-year term would be characterized by a deadlock between the House of Representatives and the President.

We have already experienced deadlocks, as it were, partial or complete, existing during the second two-year period of a presidential term of four years, and every Senator knows that such a deadlock, partial or complete, is a source of embarrassment and that the efficiency of Government is handicapped. A part of the people in the country believe that the policies of the President should still be in complete force and effect, but at a by-election a majority, and it may be a mere plurality, of the people have decreed that a House of Representatives of opposite political faith shall attempt to impose its will upon national policies for the second two years of the presidential term. Nearly all of us have witnessed that state of affairs. The Senator from Georgia proposes that such a thing shall be possible not only for two years but for four years. That is too long a period for a deadlock in the conduct of national affairs at Washington to exist or to be tolerated.

Two years for a Member of the House, four years for the President, and six years for Senators. There is a logical reason, in my judgment, for that spacing. I assume that the men who wrote the Constitution believed that Senators should outlast the President by two years in the length of their term of office.

I assume they reached that conclusion in order that the Senate, being intended as a continuing body, should exercise a degree of independence from executive control which it was hoped would lift it above those extremely partisan political motives in which it was expected another branch of the legislature should indulge as the immediate and responsive representatives of the people.

If we are going to change the term of the President we would better think very carefully as to whether we ought not to change the term of the Members of the House of Representatives. If the President is to serve a six-year term is it not logical and wiser and safer for Members of the House to serve a three-year term and only have one by-election in the midst of a presidential term? If the President is to serve a six-year term is it not in the interest of properly conducted national affairs that Senators should serve an eight or nine year term and keep the Senators, or at least a portion of them, as they go out by thirds, for a longer term even than the President?

Mr. FESS. Mr. President—

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Ohio?

Mr. WADSWORTH. I yield.

Mr. FESS. The Senator will recall that the argument as to the length of the Executive term ranged in the convention from an annual election to an election for a six-year term.

Mr. WADSWORTH. It did.

Mr. FESS. They fixed the time of the legislative body first, that being in the first article of the Constitution. Then they made the Executive's term the average between the House and the Senate. I think it is more arbitrary than anything else.

Mr. WADSWORTH. I think it was something else than arbitrary. I think it was logical. I think the men who wrote the Constitution in 1787 were doing something more than an arbitrary act when they spaced those terms. They knew what they were doing. They wanted the House of Representatives quickly responsive to public sentiment and they made the term a short term and had the members elected directly by the people in the congressional districts. They wanted the President to serve a longer term than the Members of the House of Representatives in order to give greater stability to the executive branch of the Government.

Mr. McKELLAR. Mr. President—

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Tennessee?

Mr. WADSWORTH. I yield.

Mr. McKELLAR. I merely want to make a suggestion. Instead of being arbitrary, it was directly in line with the system of checks and balances which they provided all the way through the Constitution.

Mr. WADSWORTH. Exactly so. The President was to be secure for four years and the House of Representatives for only two. The House was supposed to respond almost immediately to changing popular sentiment and the President to be, perhaps, a little resistant, and to have four years' time in which to work out his policies and problems. The term of Senators was made six years as a sort of balance wheel and to make the Senate, as I understand it from reading the minutes of the convention of 1787, somewhat independent of the Executive. Many of our rules and customs in the Senate, especially those in vogue in executive session, were really established in the first instance in order to protect the Senate from Executive dictation, and the length of a Senator's term is a part of that program.

Mr. ROBINSON. Mr. President—

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Arkansas?

Mr. WADSWORTH. Certainly.

Mr. ROBINSON. Originally the Senate was made elective by the legislatures of the several States. The Senators were chosen by the legislatures. They were given long terms, the object being to remove them from popular influence and to make them in a sense independent of public opinion or to a degree independent of public opinion. A few years ago the Congress, evidently believing it necessary to bring the Government closer to the people rather than to remove it farther from them, submitted and the States ratified an amendment to the Constitution making Senators elective by popular vote. They are now chosen just as Representatives in Congress are chosen.

Mr. WADSWORTH. That is true.

Mr. ROBINSON. This amendment is a proposal to remove the Government, in so far as it relates to the Executive, farther from the people. This is a proposal to make the Executive less responsive to popular will. This is a proposal directly contrary to that which we approved a few years ago when we authorized the election of Senators by popular vote, and the question is, Does the Senate at this time think that it is necessary and desirable to remove still farther from the public the executive branch of the Government? It can have no other effect.

In the same connection, may I ask the Senator a question? The legislative branch of the Government is presumed to be responsive in a degree to public sentiment. The legislative branch of the Government, more than any other department, is concerned with questions of policy. When a law is passed the primary duty of the Executive is to enforce that law. While it is true that the President, as the leader of his political party and the executive head of the Nation, is concerned very greatly with questions of policy, yet it is also true that the legislative department of the Government is concerned primarily with questions of policy.

Now, do not the same arguments which can be made in favor of removing the Executive from the people, so that he will have less motive than he has now to respond to public sentiment, apply with equal or greater force to United States Senators? United States Senators were originally given terms of six years and made elective by the legislatures in order that they might stand between the expression of radical popular will and the reflection of it in governmental affairs. But we have seen fit to change that, and if the argument is sound with respect to the Executive, I ask if it is not equally sound with respect to the election of United States Senators? This amendment should be dealt with as a separate proposition.

Mr. WADSWORTH. If the argument is sound one way, it of course would be sound the other. I think it is unsound in the first instance.

I shall not detain the Senate any longer. I was about to say the old men, but to be historically accurate I should say the young men, who wrote the Constitution in 1787 got it about right in this regard, just about right. They may have made one little error of omission, but George Washington cured that when he announced his own intention and established the tradition to the effect that no President should accept a third term of office.

Mr. RALSTON. Mr. President, as a rule I am inclined to follow the legislative suggestions of my distinguished friend from Georgia, Senator HAMMIS, but in this instance I do not

share his views as regards the proposal to limit the term of the President to six years.

It has been suggested in support of the amendment that certain States limit the terms of their respective governors to four years. That is the case in my State, and it has been found to work very satisfactorily. But it appears to me that that is not an argument in favor of the proposed amendment. I think the President of this country sustains quite a different relation to the people of our Nation than does the governor of a State sustain to the people of his State. I can easily imagine a condition that might make it most disastrous for the people of this country to be denied the right to reelect a President. I can imagine an international relation existing between this country and a foreign nation in which the two nations might be involved in war with one another, when the President then occupying the White House would have the whole situation in his hands and would be perfectly familiar with what was best to be done to conserve the interests of this Nation and those of civilization. I say that it is not hard to imagine a condition when it would be most disastrous to ask the people to deny themselves the right in an international controversy to continue their President for a second term or for a longer period of years.

It was very properly suggested by a Senator who has preceded me that by public opinion we practically now in this country limit a President to two terms. I think it was Lincoln who said that when public opinion is for it everything succeeds, when public opinion is against it nothing succeeds. The people of this country make public opinion, and a man can not usually succeed himself as President where he has been in office but one term if public opinion is against him. He may try; he may play politics; but he can not succeed if public opinion is against him. Therefore, Mr. President, it occurs to me that this would be an unwise amendment to make to the organic law of our country.

Mr. WILLIS. Mr. President, I have already spoken on the pending amendment, and I wish to say only a few words now. I had hoped that the Senate might adopt the amendment which I offered to the amendment of the Senator from Georgia, so as to reduce the term of the Executive as proposed by the pending amendment from six years to four years. The adoption of my amendment to the amendment of the Senator from Georgia would have enabled me to vote for the amendment offered by the Senator from Georgia, for I have long favored the proposition that the Chief Executive should be ineligible to reelection. The Senate, however, has decided otherwise and has decided that the amendment of the Senator from Georgia shall go to a vote finally with the provision in it for a six-year term instead of a four-year term for the President. Therefore, although I am strongly in favor of the provision of the amendment that no person hereafter elected shall be eligible to reelection to the Presidency—I should like to vote for that—yet because I so strongly believe that we ought not to have a six-year term for the President I shall be compelled to vote against the amendment offered by the Senator from Georgia.

Mr. DILL. Mr. President, I shall vote against the amendment proposed by the Senator from Georgia for the reason which I stated a day or two ago, namely, that I do not wish to confuse the question of eliminating the old Congress from meeting after the new Congress shall have been elected. However, I rose primarily to take just a moment of the Senate's time in connection with another matter not directly connected with this question.

Mr. President, the newspapers inform us that on Saturday last the President of the United States when he met the Oberammergau Passion Players dismissed Anton Lang, who represents the Christ in that play, for the reason that Mr. Lang attempted to say something about the suffering of the children of Germany and that he was not an official representative of the German Government.

It may be true that, from a technical standpoint of international law, the President acted correctly; but, Mr. President, it seems to me that there was a bigger and a better viewpoint to have been taken of that situation. I regret that the President of the United States could not have given a few moments to have heard the plea of that man who represents throughout the world the Christ idea as portrayed by the Oberammergau Passion Play, and when Mr. Lang had concluded, to have said to Mr. Lang that although it was a departure from ordinary custom, and although he was President, yet he had a sympathetic heart and he appreciated the situation. Some such treatment as that, it seems to me, would have been much more in keeping with the meeting the President had with the Oberammergau players than to

have dismissed them on the plea that there was a crowd of citizens waiting to see him.

Those of us who have read the story of the reception given those men, and particularly Anton Lang, in the various cities of the country, can not but be impressed with the fact that, while he is not an official representative of any government, he is, in the minds of the people of the world, a representative of the Christ idea.

I repeat that I regret that the man in the presidential chair should have taken such a technical, hard, statutory view of the meeting he had with Anton Lang, rather than to have taken the view and practiced the spirit of the Christ whom Anton Lang represents in the remarkable play at Oberammergau.

Mr. FESS. Mr. President, will the Senator yield to me? The PRESIDING OFFICER (Mr. WADSWORTH in the chair). Does the Senator from Washington yield to the Senator from Ohio?

Mr. DILL. I yield.

Mr. FESS. I have a great deal of sympathy with what the Senator has been saying; but suppose the President had followed the course the Senator has suggested, would there not be embarrassment hereafter in his refusing to hear any one from any other country on any other subject?

Mr. DILL. I may say in reply to the Senator from Ohio that I suggested what the President might have said, indicating at the same time that it was a departure from the customary procedure. Anton Lang is a world figure. He is not particularly a German representative in the Oberammergau Passion Play, but he is rather, in the minds of the people of the world, the representative of the Christ idea. It seems to me, from that viewpoint, the President would not have been breaking a precedent to such an extent that he could not have well maintained the rule of international law of not listening to the plea of private citizens of foreign countries. A more charitable spirit, I think, would have been to have given an attentive ear. I think the American people would have been prouder of the President had he taken the charitable, the large, the humane, the Christian view of the situation, rather than the narrow view dictated by international law.

Mr. PEPPER. Mr. President, when the President of the United States receives those who call upon him it is essential, I apprehend, that a certain degree of formality shall be observed, and particularly so when those who call are, in a sense, though unofficially, representatives of a foreign power. It would be quite out of place, it seems to me, if the President were to allow himself to depart in any instance, from the established precedents which govern interviews of that character. If the President were to do it at all, and if he were to proceed on the basis of Christian consideration, as suggested by the Senator who has just spoken, it seems to me that the time to do it would be when he is waited upon by those who are inconspicuous, of humble position, of low estate. In proportion as the visitor becomes a world figure, in that degree it becomes important that the President should not relax in his case the wise rules of procedure which govern interviews of that sort.

Mr. President, may I suggest that if anyone is really animated by a regard for the feelings of others, if one really does wish to speak to the point of what under certain circumstances constitutes Christian consideration, it would behoove him, I should think, to withhold criticism of the way in which the Executive, placed in a difficult position, acted, which was in accordance not only with the instincts of a gentleman, but in strict accordance with the traditions of the place that he so well fills.

Mr. President, manners are quite incommunicable. It well might be that the incident would have been better handled by Senators on this floor, but personally, I doubt it. It seems to me that none of us is in a position to read to the President of the United States, the present occupant of that office, a lesson in courtesy, in consideration or kindness. I am quite sure that the people of the United States will regard the incident as I regarded it, as one wholly creditable to the tact and the discretion of the President, and will regret exceedingly that it became necessary for him to adopt the only attitude that he could take in the circumstances because somebody, quite inadvertently, did what was wholly inadmissible under the circumstances.

Mr. DILL. Mr. President, I should like to ask the Senator a question, if I may.

Mr. PEPPER. I yield.

Mr. DILL. Does not the Senator think that, if the President wanted to take this attitude, he might well have explained to Mr. Lang the reason why he could not hear him, rather than to have dismissed him on the plea that others were waiting?

Mr. PEPPER. I have understood that the breach of propriety was not on Mr. Lang's part at all, but on the part of the official introducer. Mr. Lang himself did not speak. My suggestion is that, in view of the nature of the introduction, the President was not at liberty to follow any course except that which he did follow.

Mr. DILL. I may say that the report is that Mr. Lang was not permitted to speak.

Mr. PEPPER. I understood the Senator to say in his original remarks that Mr. Lang made a plea to the President.

Mr. DILL. He attempted to make a plea.

Mr. PEPPER. So far as I know, he attempted nothing. His introducer committed a breach of the proprieties, no doubt quite unwittingly, and placed the President in a position where, in order to preserve the proprieties, it was necessary for him to do what he did. As I have said, it may well be that individual Senators feel that they could have handled the situation with greater tact or with greater polish. It nevertheless remains one of those questions upon which none of us, it seems to me, can read lessons to others.

Mr. DILL. I may say to the Senator in reply to that suggestion that individual Senators will still reserve the right to express their opinion of such events even though they do not please other Senators.

Mr. SMITH. Mr. President, I feel very much as others who have expressed themselves on the subject of the pending amendment that it is a question of such importance that perhaps it had been better had it come up as an independent proposition at a time when we were in a position to give it that serious consideration to which it is entitled. There are some of us—and I myself am among the number—who feel that it is a case of suspended judgment in that we have not had time to study the question as an imminent one, and the elements for and against should be weighed carefully before a conclusion is reached. I desire, however, now to state that I shall vote against the amendment for that reason and for the additional reason that has been voiced here by other Senators that the whole trend of our elective machinery has been "back to the people."

When the Constitution was adopted, as a matter of course the law of heredity had asserted itself and was asserting itself, and in spite of the fact that the great revolution was fought to establish the independence of the United States and to set up a democracy, our views of what was practical democracy were purely theoretical. The practical part had not been used anywhere to any great extent and therefore we incorporated in our form of government certain standards that were derived from the old régime. Knowing that they had survived, though they were not acceptable, we were loath to turn them loose and embark on an absolutely uncharted and untried sea of democracy.

As the basis of our Government we adopted a written Constitution which took the place of individual and imperial power, and incorporated in some of our forms of election certain removals from the people that might guarantee the Government against what some Senators have called the explosion, or the radical expression, of public opinion; but the trend in modern times has been back to the people. We have amended our Constitution to a point where the Members of the Senate are elected now by the people rather than by the legislatures. We have attempted to approximate that even in the election of a President by our preferential primaries. We could not do it directly, so we have gone about trying to do it indirectly, in order to get the voice of the people as to whom they preferred. And it seems a strange paradox that in the face of the inauguration of our preferential primaries, trying to get the expression of the people, we should attempt to remove the Chief Executive, as far as we may do it without danger, from response to the popular appreciation of what he has done.

I think it is a commentary on the American people for us to stand here and say that we ought to remove the Chief Executive from a response to public opinion as to the ratification of what he has done in four years, expressed in his reelection for another four years. In the present arrangement we have a check and balance against the best of both arguments. In the two-term theory we have, first, the response to the people and a molding and a shaping of the President's course, a settling, as it were, of the policies that he is going to pursue. While he has regard to what the majority of the electorate is going to say with reference to his first four years, that, we all believe, is a proper thing. Then in the next four years, under the custom that prevails, we have him independent of any response to the people, but we have the policy and the practices of the last four years settled in a splendid regard for the

people. During the last four years he can take the best that there is and carry it out.

As to the graduated relation of the legislature under the present arrangement, as expressed in the House and Senate and the Executive, as outlined by the Senator from New York, I had not thought of that feature of it until the Senator developed it. I had not read the debates that brought about that graduated relation, but there is force in that; and from every standpoint, as far as the argument has gone, it seems to me that the American people should be trusted to resist the demagogic relation of their Chief Executive in the first four years and have the power to discern what is worthy in him to the extent of his reelection. It is a reflection on them to say that we have to take a man and make him independent of public opinion in order to get the best out of him, because the very logic of the deduction would be that if he is removed from response to public opinion he would be the better President.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. SMITH. I yield.

Mr. CARAWAY. We took that very precaution with reference to the judges of the courts, did we not? We made them unresponsive to public opinion because we gave them a life tenure, and we made it impossible to decrease or increase their pay during their term of office, so that they may have no incentive, either financial or otherwise, to bend their course to catch popular approval.

Mr. SMITH. Precisely; and there has been a sentiment among the people to change even that, to change our constitutional provision in regard to our judges and make them responsive to the public. In some States the law in that respect has been changed; but I shall not stop to debate that, because I think the Senator from Arkansas will realize, as all of us realize, that there is quite a difference between the solemn adjudication of life and death and property rights before a court and the mere execution of the law as we find it in the President. I do not think the same argument would pertain to the two functions of our Government. We have in our Constitution, as the Senator is well aware, a provision that a judge may be removed if he fails to discharge properly the functions of his office.

There is, however, another thing that appeals to me in this connection. I am of opinion that the amendment proposed by the Senator from Georgia would tend to intensify rather than to diminish the growing tendency of the Chief Executive to assume all the functions of government, or at least the legislative functions. I believe that electing him for a six-year term would encourage the tendency to a dictatorship that seems to be cropping out more and more, not so much perhaps on the initiative of the Executive as because of the attitude of Congress to the Chief Executive. Now that that tendency has assumed alarming proportions on the part of the Chief Executive—the tendency to dominate the legislative as well as the executive branch of the Government—I sincerely hope that it has reached its crisis, and that from now on we shall assert the rights and prerogatives of the legislative body, and not be rubber stamps; that we shall initiate the legislation and put it through, and insist that the Chief Executive shall be the Executive and we shall be the legislative body. We have gone far toward discrediting this body and another in our attitude toward our Chief Executive on the question of legislation.

In conclusion, Mr. President, I want to say that I am afraid we are rapidly getting to a point where we do not appreciate our Constitution as we should. Because of some temporary irritation, some temporary occurrence, we imagine that if the fundamental law of the land were changed it would relieve the situation, and the tendency is to legislate in our Constitution rather than to let the fundamental principles be there and legislate in accordance with them.

The tendency is, in every State of the Union as well as here, to legislate rather than to declare great principles in our constitutions. I would rather have us confine ourselves to the present status of affairs and meet the conditions that confront us with such legislation as we can enact under the Constitution than to try to amend the Constitution to meet what may be simply temporary conditions. I am afraid we are getting in the habit of rushing in and submitting to the people certain amendments to the Constitution which are ill advised; certainly not considered as the provisions of the Constitution were considered by its framers, who had come out of the fires of a revolution with all dross and imperfections burned away, so that there was clearly defined just what was essential for the proper building of a great nation on profound, fundamental, inalienable rights and principles of the human family. I would rather

take what we have and work it out as we can work it out with legislation than to attempt to modify the Constitution further.

Mr. BRUCE. Mr. President, I wish to say just enough to prevent the possibility of any misconception attaching to the vote which I propose to cast in relation to the amendment of the Senator from Georgia [Mr. HARRIS]. I propose to vote against it, and hence the scruple which prompts me to speak with respect to it at all.

If the proposition were an independent one, and stood entirely on the footing of its own merits, I am not prepared to say whether I should vote against it or not. I think that there is a great deal to be said in favor of giving the President of the United States a longer term than he now enjoys and making him ineligible for reelection to the Presidency. The idea which underlies the amendment of the Senator from Georgia [Mr. HARRIS] is, of course, no novel idea. It was broached in the Constitutional Convention of 1787. The proposal was made in that body that the President should be elected for a term of seven years, if I am not mistaken, and should be ineligible for reelection. It, of course, was not adopted, but it was advocated.

As I have said, it seems to me a great deal can be advanced in favor of a single term for the President of the United States. The best Presidents we have had have been deathbed Presidents—that is to say, Presidents who had been elected for a second time and no longer had anything to fear or hope for at the hands of the voters.

It was a saying of Benjamin Franklin that, while bad old men are common enough, there has scarcely ever been such a thing as a bad old woman. So I say that there has hardly ever been such a thing in American history as a bad President during his second term, when he was completely removed from political temptations of all sorts, and had his eye fixed not upon reelection to his exalted office but upon the dispassionate verdict of posterity.

It is a fact that most important extensions of the Federal merit system of appointment have been made by our Presidents during their second terms. That is true, as I remember at this moment, of almost all our recent Presidents.

Every or practically every President for years past, no matter what his attitude may have been toward the merit system of appointment during his first term of office, has felt that he was under an imperious obligation before he gave up his high place to extend the scope of that beneficent system.

Senators will recollect that some one said a few years ago that so frequent had been the gifts of the rich men of New England to Harvard College that it had become discreditable for a wealthy man to die in New England and not leave a legacy to that institution. So our Presidents have felt for a long time that there was something ignoble in the idea of a President giving up the Presidency upon the expiration of his second term without making some notable—indeed, some striking—contribution to the permanent welfare of the people of the United States.

The old Latin poet tells us that it is when we come to die that truth wells up from the lowest depths of our being. Somewhat the same sort of moral value attaches to the position of a President during his second term as that which attaches in a court of law to the dying declarations of a witness to some occurrence who no longer has anything to expect in this world.

So a very strong argument, in my judgment, can be made in favor of limiting the term of the President of the United States to a single term and making him ineligible for reelection. But this is not the time for bringing forward any question that calls for such an argument. The trouble about the amendment proposed by the Senator from Georgia to the proposition of the Senator from Nebraska is that it is purely a parasitic amendment. It has taken hold of the latter exactly as a wood tick takes hold of the ear flap of a dog. The proposition of the gentleman from Nebraska should not be used as a host for any such intruder. Let the pending joint resolution be considered on its own merits. I for one have made up my mind to vote for it. It would pare away a part of my term, but that will make very little difference to the people of the United States and will make still less to me.

I believe that the amendment to the Constitution proposed by the Senator from Nebraska is a judicious one. I think that it will import a valuable change into our organic law, and I propose to vote for it. Therefore I do not care to see it encumbered by any such irrelevant, alien amendment as that suggested by the Senator from Georgia. And I shall vote against the latter.

Mr. CARAWAY. Mr. President, I am not authority upon parasites which afflict dogs, and I do not pass upon what might be good to relieve a dog of such parasites. I am perfectly willing to leave that to people who are more familiar with those matters. But if this amendment of the Senator from Georgia is not relevant and germane to the proposition offered by the Senator from Nebraska, I am unable to see why.

The proposition with which we are dealing, offered by the Senator from Nebraska, is to fix the time at which the President shall be inaugurated. What is more germane than to fix the length of the term during which he shall hold the office into which he is inducted?

I do not think any Senator will get much credit for saying that he thinks that if the amendment of the Senator from Georgia were offered as an independent proposition he would support it, but since it is offered in connection with this other therefore he is compelled to oppose it. I know the usual way to avoid voting for a question which you suspect the people want is to say, "I am for it, but this is an inopportune time to press it."

The Senator from Idaho [Mr. BORAH] said the matter ought to be discussed; that there is a great deal to be said on both sides of the question, and therefore he wants it presented as an independent suggestion; and that is the proposition of the Senator from Maryland [Mr. BRUCE] and I believe of the Senator from Nebraska [Mr. NORRIS].

We know that this proposition will never have a better chance to succeed than now. If Senators really believe that a President ought to have one term and no more, if that is the honest conviction of Senators, now is the time to express it, now is the time to put that conviction into the form of an amendment to the proposed amendment to the Constitution. If Senators do not believe it, it is a good time to vote against the proposition. It is possibly the only time Senators will have to vote on it, and they ought to record themselves squarely upon the question, either that it is worth while and ought to be a part of the organic law or that it is not wise and should not be.

I do not see that it is any criticism of the President of the United States to say that he is a better official if he knows there is no second term dangling before him than if he is being whipped by the party lash to do something to make his own reelection possible and his own party's success probable. I do know that experience has taught us that that is true. The Senator from Maryland said that nearly everything worth preserving in an administration of the high office of President is accomplished in his second term. If that is true, if his second term is better than his first, what is the use of having one bad term in order to get one fairly decent term? Why not remove the cause, because all Senators realize that there is but one cause. It is not that the President has changed; it is not that his viewpoint has changed; it is not that he has more vision. It is because he is no longer responsive to the party whip, no longer responsive to those people who want to dictate his course of office so that he may succeed himself. It is the expression of the best there is in him, and that is what the American people are entitled to receive all the time.

I feel certain that if a man were elected President of the United States knowing that that was his one time to write a record that posterity would approve, knowing that there was no chance for a second term, that there was nothing to fear from the party lash, that there was nothing to fear from those people who besieged him from morning to night to appoint people to office in order that he might thereby reelect himself, he would be freer to discharge his duties.

I do not think the present President is any worse than any other man would be in his place, and I could point—and I know every Senator in the Senate could point—to facts which we know are controlling his policy which he would spurn were he not a candidate for election.

Take the appointment of the man in New Orleans, Cohen, rejected by the Senate and returned, and again rejected by the Senate and kept in office there, in order that the President may placate a racial group in this country. He would not do that if he were not hoping to get their vote to elect him this fall.

As I said a moment ago, the President would not keep the present Attorney General in office if it were not that the necessity of politics compels him to do it. Shall 110,000,000 people suffer, shall the very principles upon which our Government is founded be endangered, in order that the President may be reelected to office?

I think the price is too great to pay. I do not think we have any right to demand that the people who discharge their duties as citizens, who pay the taxes, and obey the law should

be made the sport of a man who is seeking to have himself reelected to office.

Let us simply vote upon this question, as to whether we believe it is wise that a man should be subject to reelection or should be ineligible, as we are confronted with it. We have a chance to pass on that question. If Senators actually believe that the President would be a better official and that the country would be better governed if there were no temptation to play politics in order that the President might be reelected, this is the time to say so with their votes. If they do not think so, if they think a man is a better President by reason of the fact that he has a hope of office held out before him, then they should vote against it. But I say that is putting it upon a very sordid plane.

Mr. BRUCE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Maryland?

Mr. CARAWAY. I yield.

Mr. BRUCE. My sentiment in favor of the thought embraced in the amendment offered by the Senator from Georgia has been very much strengthened, I am bound to say, by the very cogent line of reasoning the Senator from Arkansas has been pursuing; but does not the Senator feel that this amendment might jeopard the success of the constitutional amendment proposed by the Senator from Nebraska, and that the amendment proposed by the Senator from Nebraska might jeopard the success of the proposal made by the Senator from Georgia? In other words, does he not think that the two propositions are not so closely related to each other that they might not be mutually destructive when submitted to the people? I would like to see the constitutional amendment proposed by the Senator from Nebraska adopted. Then I would like to see the proposition of the Senator from Georgia presented to us in a separate, independent form. We would then have an opportunity and the people would have an opportunity to pass on the merits of each of the proposals.

Mr. CARAWAY. Mr. President, I do not think the Senator is correct in his statement. If a man believes in the so-called Norris amendment, which is now pending, I can not conceive that he would refuse to vote for it because incorporated with it was the proposition offered by the Senator from Georgia that the President should be ineligible for reelection. I can not help believing that at heart there are more people who believe there is a sound reason for restricting the President from becoming a candidate to succeed himself than there are those who believe there is prime necessity for the Norris constitutional amendment. As the best evidence of that, I can not think of a political party that has not declared itself in favor of one-term tenure of office when the candidate is seeking office. It is only after the situation has gone to the point where the candidate is no longer a candidate but is an officeholder, that he discovers that a second term is very desirable.

The amendment suggested by the Senator from Georgia has been indorsed by the Democratic Party. It has been thought to be wise when we were writing platforms on which we hoped to be elected. We have declared for a single term of office, and I do not recall a single candidate who was a candidate for nomination on the ticket of my party in recent years, who had any chance of being nominated, who did not declare that he believed in a single term for the President. If that were a good plank on which to run, it ought to be a good amendment to incorporate in the Constitution of the United States.

EXECUTIVE SESSION.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, under the unanimous-consent agreement the Senate will proceed to the consideration of executive business. The Sergeant at Arms will clear the galleries and close the doors.

The Senate thereupon proceeded to the consideration of executive business. After 2 hours and 40 minutes spent in executive session, the doors were reopened.

CHANGE OF DATE OF INAUGURATION.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 22) proposing an amendment to the Constitution of the United States fixing the commencement of the terms of President and Vice President and Members of Congress, and fixing the time of the assembling of Congress.

Mr. NORRIS. Mr. President, has a roll call been ordered on the Harris amendment?

The PRESIDING OFFICER (Mr. WADSWORTH in the chair). It has not.

Mr. EDGE. Mr. President, before any roll call is ordered I desire to address the Senate very briefly on the Harris

amendment, and I am rather hopeful that it will go over until to-morrow morning.

Mr. NORRIS. I should like to get a vote to-night. We have been going on for a good while, it seems to me, on this matter. I should like at least to get a vote on the Harris amendment and then have one or two committee amendments adopted that will excite no opposition. If we can do that, I will then move to take a recess until to-morrow.

Mr. EDGE. Mr. President, I have no desire to delay the Senate, but I do want to speak briefly on the amendment offered by the Senator from Georgia [Mr. HARRIS].

Personally I feel very strongly that the amendment is a wise one and should receive the approval of Congress at the earliest possible moment, so that it can be considered, as all constitutional amendments must be considered, by the legislatures of the various States of the Union. I can not agree with the viewpoint expressed by other Senators that this proposal has not been before the public for a long time. I can not recall any prospective amendment to the Constitution that has received more general discussion and consideration than the suggestion that the term of President be extended possibly to six years, and that there be a constitutional disqualification to succeed himself.

In fact, this proposed amendment to the Constitution has received much consideration, much discussion, and much comment in the public press.

I speak from some experience, having been Governor of the State of New Jersey, where, under the constitution of the State, the governor is prohibited from succeeding himself, as is the case, I know, in various other States. I think it is a most wise provision. It does not make any difference whether it is the President of the United States or the governor of a State, we are all human.

When a man is elected to the office of President, where the Constitution permits reelection, he must of necessity have it constantly in his mind. I believe any President of the United States necessarily and naturally will do his very best to make a commendable record and serve the country as well as he is able to serve it, but back of all that undoubtedly is the human thought that in making that record he hopes that his fellow countrymen will approve of it sufficiently to renominate him and elect him for a second term. Whether he wants the second term or not—and, as far as I can recall, history does not record those who were not willing to have a second term—he wants to have it generally admitted, as far as that is possible, that the country has approved his record and is ready to give him another term. That ambition will influence, if not control, some of his policies.

Earlier in the discussion to-day one of the Senators, I think the Senator from Virginia [Mr. SWANSON], made the statement, as I recall it, that a President elected for a single term, realizing that under the Constitution he could not succeed himself, would not respond to public opinion as readily as would a President serving his first term, with the hope or expectation of possibly having a second. While a President of the United States should undoubtedly try to respond to digested public opinion, at the same time I am under the impression that it might be beneficial to the country if the President, realizing that he could have only one term, should be just a little more firm, and not always respond to the clamor of the moment and the thought of the day, many of those thoughts and much of that clamor not carefully conceived, or at least not carefully considered.

I frankly believe that with the term of office of the President definitely fixed, notwithstanding the exigencies or demand of politics, we will get better service out of the President, I do not care whether he is a Republican or a Democrat.

Although I generally follow the logic of the Senator from New York [Mr. WADSWORTH], now occupying the chair, I could not entirely follow him to-day in his expressed fear that the present terms of Members of Congress would be thrown somewhat out of gear because of the extension of the presidential term. The responsibilities and functions of the different branches of the Government, which most of us recognize, and which in my judgment we should all recognize, are entirely different. The Executive is the Executive, as the title implies. The Congress is, of course, the legislative body, or should be.

The lower House of Congress is supposed to represent the viewpoint of the particular period when it is elected, and under the Constitution we elect the entire House with the idea that the country shall express their viewpoint. I do not think that privilege should be denied for a longer period than two years. I think the term of the Members of the lower House of Congress should always remain two years. Two years is ample

time to have changes in the country pretty clearly defined and analyzed and digested; and if they can be represented by an election of a new House, it should have its effect on the Senate, naturally and properly.

Senators being elected, under the Constitution, for six years, I can not see how the situation would be altered if the President had a term of six years. In any event, only one-third, a minority of the Senate, is sure to serve beyond the present presidential term of four years. Therefore at present there never would be a majority of the Senate remaining in office beyond the President's term, unless they were reelected to the Senate during the term of the President.

So I can not just see how it would make any great difference with the Senate. Of course, if this amendment were adopted, one-third of the Senate would be elected with the President and one-third would go out with the President. If the country approved the President's record, and likewise approved the record of the Senate and the House, the legislators would probably be reelected. The Senate is a changing body, and would continue to be a changing body, although continuous as designed by the framers of the Constitution, because only one-third of the membership goes out every two years. This would in no way be changed nor should be changed. I can not see that it affects the term of the President at all. If the public are satisfied, when the elections come every two years, whether it is a congressional election or a presidential election, they will return the incumbents to office. If the public are dissatisfied, the opposite will be the result. The President's expressed views do not always control that situation. In my judgment, in considering the advisability of changing the presidential term, it has no really important relationship to the election of the lower House or of the Senate.

In these days the function or responsibility of the Senate and of the House seems to be greatly changing; and perhaps new conditions make that necessary, though I am not entirely ready to subscribe to all of it. With these changed conditions, I believe it becomes all the more essential to have a President as far removed as we can remove him from the political demands of the day and of the hour. I think it is to a great extent a human question and if the President of the United States goes into office for six years, and realizes he is going to have six years, and that at the end of that six years he will lay down the burdens of the office and go back to whatever his private interests may be, we will have just a little better executive control. He can administer his political duties a little more independently if in no sense a candidate for further honors. Maybe he will not always be entirely responsive to the changing whims of sections of the country, and maybe it will be all the better for the country as a whole if he is not. I would like to see the President of the United States in just as independent a position as the Constitution can place him, and I think in these days of greater and broadening responsibility it becomes all the more important to give him that type of independence and control.

Mr. JONES of Washington. Mr. President, I want merely to repeat what I said two or three days ago when it looked as if we were going to have a vote on the pending amendment. I voted for the proposition involved in this amendment when it was before the Senate several years ago as an independent proposition. I have not changed my mind with reference to it, but I think that the proposal of the Senator from Nebraska would be complicated by having attached to it this amendment, about which there seems to be a very great difference of opinion. For that reason I shall vote against the amendment of the Senator from Georgia.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Georgia.

Mr. HARRIS. I ask for the yeas and nays.

The yeas and nays were ordered.

SEVERAL SENATORS. Let it be read.

The PRESIDING OFFICER. The amendment of the Senator from Georgia, as modified by him, will be read.

The READING CLERK. On page 3, after line 3, insert the following new section:

SEC. —. The Executive power shall be vested in a President of the United States of America. He shall hold his office during the term of six years; and no person hereafter elected shall be eligible to re-election.

Mr. JONES of New Mexico. Mr. President, I wish to make only a brief statement. I am going to vote against this amendment. I do not think it ought to be attached to the original joint resolution, and without regard to the merits of the question, I feel that I ought to vote against it, because I want the

joint resolution offered by the Senator from Nebraska to be passed.

The PRESIDING OFFICER. The yeas and nays have been ordered, and the Secretary will call the roll.

The reading clerk proceeded to call the roll.

Mr. FESS (when his name was called). I have a pair with the junior Senator from Utah [Mr. KING]. I have been unable to find anyone to whom I could transfer the pair. Therefore I withhold my vote.

Mr. JONES of New Mexico (when his name was called). I transfer my general pair with the senior Senator from Maine [Mr. FERNALD] to the senior Senator from Montana [Mr. WALSH] and vote "nay."

Mr. NORRIS (when Mr. KING's name was called). The junior Senator from Utah [Mr. KING] is paired with the junior Senator from Ohio [Mr. FESS]. He authorized me to state that if he were present he would vote "nay" on this amendment.

Mr. LODGE (when his name was called). I have a general pair with the senior Senator from Alabama [Mr. UNDERWOOD]. I transfer that pair to the senior Senator from Vermont [Mr. GREENE], and vote "nay."

Mr. ROBINSON (when his name was called). On this question I am paired with the Senator from West Virginia [Mr. ELKINS], and I withhold my vote.

Mr. SIMMONS (when his name was called). On this vote I am paired with the Senator from Oklahoma [Mr. HARREL], and I withhold my vote. If at liberty to vote, would vote "nay."

Mr. SMITH (when his name was called). I have a general pair with the Senator from South Dakota [Mr. STEKLING]. I transfer that pair to the Senator from New Jersey [Mr. EDWARDS] and vote "nay."

The roll call was concluded.

Mr. ERNST. I transfer my general pair with the senior Senator from Kentucky [Mr. STANLEY] to the senior Senator from Iowa [Mr. CUMMINS] and vote "nay."

Mr. MOSES. Has the junior Senator from Louisiana [Mr. BROUSSARD] voted?

The PRESIDING OFFICER. That Senator has not voted.

Mr. MOSES. I have a general pair with that Senator. However, I find that I can transfer the pair to the senior Senator from Indiana [Mr. WATSON], which I do, and I vote "nay."

Mr. OVERMAN (after having voted in the negative). In the absence of my general pair, the Senator from Wyoming [Mr. WARREN], I transfer my pair to the junior Senator from Indiana [Mr. RALSTON] and let my vote stand.

Mr. COLT. Has the junior Senator from Florida [Mr. TRAMMELL] voted?

The PRESIDING OFFICER. That Senator has not voted.

Mr. COLT. I have a general pair with that Senator. In his absence I withhold my vote. If at liberty to vote, I would vote "nay."

Mr. McCORMICK. I have a standing pair with the Senator from Oklahoma [Mr. OWEN], which I transfer to the Senator from South Dakota [Mr. NOBLECK] and vote "nay."

Mr. GLASS. I inquire if the junior Senator from Connecticut [Mr. McLEAN] has voted?

The PRESIDING OFFICER. That Senator has not voted.

Mr. GLASS. I have a pair with that Senator. In his absence I withhold my vote. If permitted to vote, I should vote "nay."

The result was announced—yeas 10, nays 45, as follows:

YEAS—10.

Caraway	Edge	Harris	Weller
Dale	Fletcher	Kendrick	
Dial	George	Spencer	

NAYS—45.

Adams	Ernst	McKinley	Shipstead
Asbust	Fraser	McNary	Shortridge
Ball	Hale	Moses	Smith
Bayard	Harrison	Neely	Stephens
Brookhart	Heflin	Norris	Swanson
Bruce	Johnson, Minn.	Oddie	Wadsworth
Bursum	Jones, N. Mex.	Overman	Walsh, Mass.
Cameron	Kay, Wash.	Pepper	Wheeler
Capper	Lodge	Phipps	Willis
Cousens	McCormick	Reed, Pa.	
Curtis	McKellar	Sheppard	
Dill		Stields	

NOT VOTING—41.

Borah	Edwards	Glass	King
Brandegge	Elkins	Gooding	Ladd
Broussard	Fernald	Greene	La Follette
Colt	Ferris	Harrell	Lenroot
Copeland	Fess	Howell	McLean
Cummins	Gerry	Johnson, Calif.	Mayfield

Norbeck
Owen
Pittman
Ralston
Randell

Reed, Mo.
Robinson
Simmmons
Smoot
Stanfield

Stanley
Sterling
Trammell
Underwood
Walsh, Mont.

Warren
Watson

So Mr. HARRIS's amendment was rejected.

Mr. NORRIS. Mr. President, I ask unanimous consent that the vote by which section 3 was amended be reconsidered for the purpose of permitting the Senator from Colorado [Mr. ADAMS] to offer an amendment which he suggested the other day to the amendment of the committee. I have gone over it with members of the committee and we all agree that it is an amendment which ought to be made.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nebraska that the vote by which the committee amendment to section 3 was agreed to be reconsidered? The Chair hears none, and the vote is reconsidered.

Mr. ADAMS. Mr. President, the particular portion of section 3 which seems to me to require amendment is the provision which goes into operation when the House of Representatives fails to elect a President.

The power of election having been devolved upon the House, then the provision of the present Constitution is that the Vice President shall act as President. The amendment as it now stands provides that the Vice President shall in that event act as President only until the House of Representatives chooses a President. In other words, it would leave the Vice President occupying the presidential office under that contingency absolutely subject to the control of the House of Representatives. At any time the House of Representatives could, by electing a President, depose the Vice President who had been elected. It would render the Executive dependent upon the Congress.

The amendment which I am about to suggest is to retain the constitutional provision as it stands now and the amendment to that end which I move is as follows: On page 2, line 22, of the joint resolution as reported by the Senator from Nebraska, after the word "President," strike out the words "until the House of Representatives chooses a President" and insert in lieu thereof the following words: "As in the case of the death or constitutional disability of the President."

Mr. NORRIS. To that amendment to the amendment I have no objection.

The PRESIDING OFFICER. The question is on the adoption of the amendment proposed by the Senator from Colorado to the committee amendment.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now is upon the amendment of the committee as amended.

The amendment as amended was agreed to.

Mr. ASHURST. May we have the amendment read as agreed to?

Mr. NORRIS. It will now leave it as provided at present by the Constitution.

The PRESIDING OFFICER. The amendment as amended will be read for the information of the Senate.

The reading clerk read as follows:

SEC. 3. If the House of Representatives has not chosen a President, whenever the right of choice devolves upon them, before the time fixed for the beginning of his term, then the Vice President chosen for the same term shall act as President as in the case of the death or other constitutional disability of the President, and the Congress may by law provide that in the event the Vice President has not been chosen before the time fixed for the beginning of his term what officer shall then act as President, and such officer shall act accordingly until the House of Representatives chooses a President or until the Senate chooses a Vice President.

Mr. McKELLAR. Mr. President, will the Senator from Nebraska yield to me?

Mr. NORRIS. Certainly.

Mr. McKELLAR. I just want to ask one question. Does that language mean that if the House of Representatives fails to act within the two weeks which is allotted to them under the amendment, it no longer has the power to elect a President, and the man elected as Vice President will hold the office for four years?

Mr. NORRIS. If the Senate in the meantime has elected a Vice President, he becomes President and holds the office until the expiration of the term. That is the way it is now provided in the Constitution.

Mr. McKELLAR. That would mean then that if there should be a race of diligence between the two Houses, and a Vice President was first elected by the Senate, he would take the office.

Mr. NORRIS. Oh, no; the Vice President would not take the office of President unless the House of Representatives

failed to elect a President by the beginning of the term of the President, which would be the third Monday in January, if this proposed amendment becomes a part of the Constitution.

Mr. McKELLAR. In other words, for instance, suppose there was a three-cornered race and the three candidates for President went before the House and no one of the three was elected by the House before noon of the third Monday of January, the Senate in the meantime having elected a Vice President, he would become President.

Mr. NORRIS. Yes; he would become President.

Mr. McKELLAR. And would remain President for four years?

Mr. NORRIS. Until the end of the term.

Mr. McKELLAR. I am just wondering what the effect of that would be.

Mr. NORRIS. That is the way it is provided now under the Constitution.

Mr. McKELLAR. No; I think not.

Mr. NORRIS. The only difference is that there is a longer time existing between the election and the beginning of the term, but the language inserted by the amendment of the Senator from Colorado is a quotation from the fourteenth amendment of the Constitution as it stands now.

Mr. ROBINSON. Mr. President, will the Senator yield?

Mr. NORRIS. Certainly.

Mr. ROBINSON. The Senator from Nebraska evidently did not grasp fully the question of the Senator from Tennessee. As I understand it, if the Senate should elect a Vice President and the House should fail to elect a President by the third Monday in January the Vice President would hold the office until the House did accomplish the election?

Mr. NORRIS. No; the Vice President would become President for four years.

Mr. McKELLAR. I want to think over that. I am not prepared to go that far.

Mr. NORRIS. Let me call attention to the reverse situation. In the first place, that puts it just as it is now except as to time.

Mr. McKELLAR. That is a very great exception.

Mr. NORRIS. There never has been a time where it has taken that long to choose a President, but let us take the other position. Suppose we said in that case the Vice President should become President only until the House of Representatives elected a President, they would have four years in which to elect him and the Vice President would be in the White House during every day of his term of office subject to being ousted at any time the House of Representatives chose to elect some one to take the office.

Mr. McKELLAR. I see the troubles there, but I am not prepared to say that the other troubles are not equally as great.

Mr. NORRIS. The Vice President has been elected with the idea of becoming President in case of a vacancy.

Mr. ASHURST. Let me say to the Senator from Tennessee that in 1912 three parties were contending in the presidential election, and it was believed for a number of weeks that the election of the President might be thrown into the House of Representatives. There were in the House of Representatives at that time 22 State delegations in each of which the majority was Democratic, 22 delegations in each of which the majority was Republican, and 4 delegations were tied. Assuming the election had been relegated to the House of Representatives, and that the ties could not have been broken, then the Senate would have chosen a Vice President from the two candidates who had received the greatest number of votes at the general election. Under the then existing Constitution, which is now the Constitution, the person elected Vice President by the Senate would have become the President for the entire four years if the House failed to elect. This proposition, if agreed to, would not change that situation at all. It is now the Constitution and has been the Constitution ever since the adoption of the twelfth amendment.

Mr. NORRIS. If the House of Representatives should be tied up so that it could not elect within three weeks it would never elect, especially when it knows that if it does not elect within three weeks its chance of election has disappeared. There would not be any use in giving them three months' time. The next Congress, which would follow that two years after, might elect a President after the Vice President had been in the office for two years.

Mr. McKELLAR. Mr. President, if the Senator from Nebraska will permit me, I understand that contention very well, but we must remember that we are now trying to improve a constitutional provision, and unless we do improve it it would be better to let it alone.

Mr. NORRIS. That is what we are doing; we are letting it alone.

Mr. McKELLAR. Just a moment about that. As I understand the effect of the amendment proposed by the Senator from Colorado [Mr. ADAMS] it would be this: It would permit such a condition of affairs that after two or three men have been nominated by political parties in the United States for the high office of President and a like number have been nominated for the high office of Vice President, if the election is thrown into the House of Representatives and it does not elect a President within two weeks, then, as I understand, no one of the three candidates for whom the people have voted for President will be selected President, but the Senate of the United States will select a Vice President who will occupy the office of President for four years. I doubt if such an amendment would appeal to the people of the United States; I doubt very much whether they would want to have created such a situation that the Senate could elect a vice presidential candidate to be President for four years; but I believe they would prefer that the House of Representatives be given every proper opportunity to elect one of the three highest candidates for President. I want to think about it, and so I hope the Senator from Nebraska is not going to ask for a vote on the question this afternoon. I wish to ask for a reconsideration of the vote by which the amendment was adopted, if it has been adopted—

The PRESIDING OFFICER. The amendment has been adopted.

Mr. McKELLAR. Because I think it is very important, and I think Senators should consider the amendment of the Senator from Colorado very carefully before they vote for its adoption.

Mr. ROBINSON. The amendment of the Senator from Colorado effects a very material change in the proposal of the Senator from Nebraska.

Mr. NORRIS. Of course, if Senators feel that way about it, it will be entirely agreeable to me to have the vote by which the amendment was adopted reconsidered, so that it may be further debated.

Mr. McKELLAR. I move that the vote by which the amendment was agreed to be reconsidered, or I will ask unanimous consent that that may be done.

Mr. ROBINSON. I desire to point out this fact—

The PRESIDING OFFICER. One at a time. The Chair desires to state that the Senator from Nebraska [Mr. NORRIS] has the floor.

Mr. McKELLAR. I thought I had the floor.

The PRESIDING OFFICER. The Chair thought the Senator from Tennessee yielded the floor.

Mr. McKELLAR. Very well.

Mr. ROBINSON. Under the proposal as it is now pending the House of Representatives would be given only two weeks from the first Monday in January until the third Monday in January to effect an election, which is a very short time, in view of the fact that the House would also probably have to organize before it could proceed to vote upon the question of selecting a President. The proposal as originally presented was that the Vice President should serve only until the House of Representatives had acted, so that it made no difference under the original proposition presented by the Senator from Nebraska, or under the committee amendment to the Senator's proposal, whether the House were successful in effecting an election by the third Monday in January or not. But, as stated by the Senator from Tennessee, if the Senate should be so constituted that it could effect the election of a Vice President, that officer would become President, and the House would not really have an opportunity of making a choice.

Mr. McKELLAR. It would virtually render nugatory the action of the people.

Mr. ROBINSON. At least it is worthy of more consideration than we have given it.

Mr. NORRIS. Of course, I shall attempt to take no advantage of the Senator from Tennessee.

Mr. McKELLAR. I understand that.

Mr. NORRIS. And when the Senate convenes to-morrow I will ask, if the Senator from Arkansas and the Senator from Tennessee both feel as they do now, for a reconsideration of the amendment, in order that it may be further debated.

Mr. McKELLAR. Can we not have a reconsideration of the vote now by unanimous consent?

Mr. NORRIS. When the Senator thinks further of it, I doubt whether he will wish to ask for a reconsideration.

Mr. McKELLAR. In my opinion it is a matter that ought to be further debated.

Mr. NORRIS. Let me say, before I move that the Senate take a recess, that the Senator does not doubt, I presume, that

that will happen if he wants it to happen to-morrow morning. I assure the Senator I do not want to take any snap judgment.

Mr. McKELLAR. I understand that very well. I know the Senator too well to think that.

Mr. NORRIS. But I have talked to various members of the committee, and they have all agreed with me that we had better agree to the proposition of the Senator from Colorado.

Mr. McKELLAR. I am perfectly willing to have an understanding that the amendment shall be reconsidered.

Mr. NORRIS. The amendment of the Senator from Colorado puts it back in the form in which I originally introduced it.

Let me say a word further, particularly for the benefit of the Senator from Tennessee and the Senator from Arkansas. If the House fails to elect, it will be because they are tied up by reason of the complex method the Constitution now provides under which the vote has to be taken by States, which makes it possible that no one candidate will receive a majority vote of all the electors. If they are tied up in that way, facing the fact that in two weeks from that time the Vice President elected by the Senate is going to become President, if they want the Vice President to become President more than they want to select one of the three candidates for President for whom they can vote, I think it is safe to say that they will keep the House tied up, and for the same reason in the condition in which they would find themselves they would not be able to elect during any time in that Congress. The result would be that a new Congress in due time would be elected when the President's term was half out, and the President during any minute of the time thereafter might be thrown out of office by the House of Representatives at any time electing a President. That would be a very unsatisfactory condition in which to put the country, and it would be a very unsatisfactory situation in which to put the President. It would subject him absolutely, under the penalty of sacrificing his office, to a branch of the National Legislature. I am satisfied, when Senators think of that, they will not want that condition. Moreover, we have lived for a great many years, more than a century, under the present Constitution with this kind of a provision in it. I have forgotten when the twelfth amendment was adopted.

Mr. SHIELDS. It was adopted in 1804.

Mr. NORRIS. Then for more than a century we have lived under the twelfth amendment, which contains a provision similar to that of the amendment of the Senator from Colorado. The only difference between the twelfth amendment and the pending proposal is that the twelfth amendment provides that the House of Representatives shall have until the 4th of March, which is the beginning of the present term, to make the selection, if the election is thrown into the House, while in this case, if the election is thrown into the House, they will have until the third Monday in January. That is the only difference.

Let me say to Senators that it never has happened that an election has gone beyond the period within which the House might elect, and it never will happen that the House would fail to accomplish by the third Monday in January what it might now accomplish by the 4th of March. If an election were tied up by three separate parties each fighting the others, they would not wait until the convening of Congress, but would commence to work on the problem immediately after the result of the election became known and they would crystallize sentiment. If, because of the participation of three or more parties, an election were prevented for two weeks, for the same reason and under the same circumstances the House would not elect by the 4th of March, and that is the condition under the present Constitution.

On the other hand, I dislike very much to put the country or the President in the attitude where the President is liable to be thrown out of office at any moment. But if Senators so desire, when we convene to-morrow, Mr. President, I will ask unanimous consent to reconsider the vote by which the amendment was agreed to.

Mr. ROBINSON. I suggest to the Senator that we take an adjournment now.

Mr. NORRIS. I am about to move that the Senate take a recess.

Mr. McKELLAR. Before the Senator moves a recess, I wish to say that the large matter, as it seems to me in connection with this proposal, is that under it the man whom the voters of the United States may have designated as their choice for President may be kept out of the Presidency entirely and a man chosen by the Senate may become President. I doubt if the people will stand for that proposal when it is made known to them.

The Senator says that there is just a little difference of time. The fact is that there is a great deal of difference of time. The House that selects the President meets in Decem-

ber. It organizes then. It gets ready for the vote. It is all ready to act when the time comes. It has until the 4th of March to elect a President. It seems to me it is a very different situation from having just the two weeks.

Mr. NORRIS. The Senator is mistaken when he says that they are likely to have a President that the people have not voted for. The man who becomes President is the man that the Senate elected, and they must select from the two highest on the list.

Mr. McKELLAR. That is the Vice President; but the Senator knows that there is a very great difference between the two offices. There is many a man that we elect Vice President that the people would not have elected President of the Republic, and it does seem to me that we ought to choose the President from one of the men for whom the people have voted for President.

Mr. WILLIS. Mr. President, I present an amendment intended to be offered by me to-morrow, and ask that it be printed and lie upon the table.

The PRESIDING OFFICER. The amendment will be received, printed, and lie on the table.

Mr. NORRIS. Mr. President—

The PRESIDING OFFICER. Before the motion for a recess is made, the Chair desires to call attention to the unanimous-consent agreement, which is printed on the face of the calendar, to the effect that after the conclusion of the routine morning business to-morrow the Senator from West Virginia [Mr. NEELY] may address the Senate.

Mr. NORRIS. As the Senator in charge of this joint resolution, I shall make no objection to that, of course. I will ask unanimous consent to lay it aside if the Senator from West Virginia desires.

Mr. McKELLAR. He can speak upon the joint resolution just as well.

The PRESIDING OFFICER. The present occupant of the chair desires to request an understanding with the Senators present to the effect that, notwithstanding there will be no routine morning business to-morrow as the result of the motion to recess, he may be permitted to recognize the Senator from West Virginia.

Mr. NORRIS. Yes; I think that ought to be done. There will be no objection to it.

Mr. JONES of Washington. Was not that simply a notice? Mr. McKELLAR. No; it was a unanimous-consent agreement.

The PRESIDING OFFICER. The Chair desires to remind the Senators—perhaps some of them were not here the other day—that the Senate, upon the request of the Senator from West Virginia, entered into a unanimous-consent agreement that he should be permitted to address the Senate upon a certain day and at a certain hour. The agreement was made.

Mr. NORRIS. Mr. President, does the Presiding Officer think, therefore, that a motion to take a recess is not in order?

The PRESIDING OFFICER. No; the occupant of the Chair does not think any such motion is out of order, but the occupant of the chair did want to know if it was agreeable to the Senate that the occupant of the chair to-morrow recognize the Senator from West Virginia [Mr. NEELY] in accordance with the spirit of this agreement.

Mr. NORRIS. As far as I can determine, having charge of this particular joint resolution, I should say that the Chair ought to do that. There will be no objection, I think, from any source.

The PRESIDING OFFICER. Very well.

RECESS.

Mr. NORRIS. I move that the Senate take a recess until to-morrow at 12 o'clock.

The PRESIDING OFFICER. The question is on the motion of the Senator from Nebraska that the Senate stand in recess until to-morrow at 12 o'clock.

The motion was agreed to; and the Senate (at 5 o'clock and 30 minutes p. m.) took a recess until to-morrow, Tuesday, March 18, 1924, at 12 o'clock.

NOMINATIONS.

Executive nominations received by the Senate March 17 (legislative day of March 14), 1924.

POSTMASTERS.

ALABAMA.

Clyde Oldshue to be postmaster at Sulligent, Ala., in place of Clyde Oldshue. Incumbent's commission expired February 11, 1924.

Phil B. Payne to be postmaster at New Market, Ala., in place of A. L. Moore. Incumbent's commission expired February 11, 1924.

Louie W. Vaughan to be postmaster at Cuba, Ala., in place of G. R. McElroy. Incumbent's commission expired February 11, 1924.

ARKANSAS.

Wilber B. Huchel to be postmaster at Winthrop, Ark., in place of Addie Morgan. Office became third class October 1, 1923.

Charlotte A. Proctor to be postmaster at Hazen, Ark., in place of C. A. Proctor. Incumbent's commission expired January 23, 1924.

Lasco A. Callis to be postmaster at Bradford, Ark., in place of T. C. Wilson. Incumbent's commission expired January 23, 1924.

CONNECTICUT.

Katie M. Spencer to be postmaster at New Milford, Conn., in place of K. M. Spencer. Incumbent's commission expired February 4, 1924.

Michael J. Stanton to be postmaster at Lakeville, Conn., in place of M. J. Stanton. Incumbent's commission expired February 4, 1924.

DELAWARE.

William R. Risler to be postmaster at Lincoln, Del., in place of L. P. Shew. Office became third class July 1, 1923.

FLORIDA.

Robert F. Persons to be postmaster at Fort White, Fla., in place of R. F. Persons. Incumbent's commission expired February 14, 1924.

Eugene D. Lounds to be postmaster at Crescent City, Fla., in place of A. E. Lounds. Incumbent's commission expired February 20, 1924.

HAWAII.

Antone Silva to be postmaster at Hawi, Hawaii, in place of Antone Silva. Office became third class October 1, 1923.

IOWA.

Roscoe I. Short to be postmaster at Hazelton, Iowa, in place of W. F. L. Merrill. Incumbent's commission expired March 9, 1924.

LOUISIANA.

Robert H. Staples to be postmaster at Castor, La., in place of Jesse McInnis. Office became third class January 1, 1923.

MAINE.

Bernard V. Thompson to be postmaster at Easton, Me., in place of A. W. Kneeland, deceased.

Harold C. Gates to be postmaster at Millinocket, Me., in place of Thomas Quinn. Incumbent's commission expired February 11, 1924.

MINNESOTA.

Lucien M. Helm to be postmaster at Tower, Minn., in place of L. M. Helm. Incumbent's commission expired February 18, 1924.

MONTANA.

George I. Watters to be postmaster at Victor, Mont., in place of E. E. Hackett. Incumbent's commission expired August 5, 1923.

NEBRASKA.

Myron A. Gordon to be postmaster at Stratton, Nebr., in place of E. C. Ratcliff, resigned.

NEW JERSEY.

Mabel E. Tomlin to be postmaster at Sewell, N. J., in place of M. E. Tomlin. Incumbent's commission expired March 2, 1924.

NEW YORK.

Frank Dobbin to be postmaster at Shushan, N. Y., in place of W. R. Ryan, resigned.

Earl U. McCarthy to be postmaster at Mineola, N. Y., in place of J. J. Breen. Incumbent's commission expired February 20, 1924.

Julia J. Tyler to be postmaster at Kennedy, N. Y., in place of M. R. Crandall. Incumbent's commission expired March 3, 1924.

Sidney B. Cloyes to be postmaster at Earlville, N. Y., in place of C. I. Bureh. Incumbent's commission expired February 14, 1924.

Frank A. Haugh to be postmaster at Clyde, N. Y., in place of C. V. Ford. Incumbent's commission expired January 31, 1924.

Henry E. Thompson to be postmaster at Chateaugay, N. Y., in place of James English. Incumbent's commission expired February 14, 1924.

Stephen E. Terwilliger to be postmaster at Candor, N. Y., in place of F. G. Griffin. Incumbent's commission expired February 4, 1924.

Will J. Davy to be postmaster at Bergen, N. Y., in place of W. J. Davy. Incumbent's commission expired February 14, 1924.

NORTH CAROLINA.

Annie L. Stanton to be postmaster at Stantonsburg, N. C., in place of S. S. Strother, deceased.

OHIO.

Nathan S. Hall to be postmaster at Summerfield, Ohio, in place of R. R. Hannahs. Incumbent's commission expired August 5, 1923.

Marion E. Campbell to be postmaster at Sardinia, Ohio, in place of J. W. Campbell. Incumbent's commission expired February 24, 1924.

Edgar C. Allison to be postmaster at Cumberland, Ohio, in place of W. H. Young. Incumbent's commission expired February 24, 1924.

OKLAHOMA.

Charles E. Wilson to be postmaster at Savanna, Okla., in place of A. M. Knox. Office became third class October 1, 1923.

James W. McKay to be postmaster at Stonewall, Okla., in place of J. W. Fuller. Incumbent's commission expired January 28, 1924.

SOUTH CAROLINA.

Nettie C. Moore to be postmaster at Honea Path, S. C., in place of T. C. Shaw, removed.

VERMONT.

James S. Brownell to be postmaster at Woodstock, Vt., in place of J. S. Brownell. Incumbent's commission expired March 3, 1924.

TENNESSEE.

Lula C. Beasley to be postmaster at Centerville, Tenn., in place of T. M. Huddleston. Incumbent's commission expired March 3, 1924.

WEST VIRGINIA.

James O. Buskirk to be postmaster at Holden, W. Va., in place of S. L. Toney, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 17 (legislative day of March 14), 1924.

COMPTROLLER OF CUSTOMS.

Walter L. Cohen to be comptroller of customs in customs collection district No. 20, with headquarters at New Orleans, La.

POSTMASTERS.

ARKANSAS.

James W. Slover, Harrison.
Benjamin B. Horton, Montrose.
Joseph S. Ottinger, Pea Ridge.
John M. Garrett, Vilonia.

TENNESSEE.

Wilson G. Hogan, Rives.
Onnie M. Hartsell, Limestone.
Everett M. Greer, Newport.

TEXAS.

William H. Littlefield, Anson.
Chessell Gra, Brookshire.
Ira S. Koon, Hallsville.
Lilburn C. Graham, Lancaster.
Llewellyn R. Atkins, New Boston.
Nora C. Brite, Pleasanton.
Herbert W. Scott, Throckmorton.

WITHDRAWALS.

Executive nominations withdrawn from the Senate March 17 (legislative day of March 14), 1924.

POSTMASTERS.

ALABAMA.

Washington H. Carlisle to be postmaster at Alexander City, in the State of Alabama.

NEW JERSEY.

Charles E. Wood to be postmaster at Hohokus, in the State of New Jersey.

HOUSE OF REPRESENTATIVES.

MONDAY, March 17, 1924.

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

We thank Thee, blessed Lord, for Thy presence in the earth, for Thy care of those whom we love, and for the fidelity of cherished friends. Let the blessings of health, strength, and good courage be upon us this day, and may our lives show forth our gratitude by our upright conduct. Bless us with a sweet peace of mind and with the fellowship and counsel of those who are good and wise. Amen.

The Journal of the proceedings of yesterday was read and approved.

CHANGE OF REFERENCE.

By unanimous consent, at the request of Mr. KELLER, the bill H. R. 5274, to authorize the Chicago, Milwaukee & St. Paul Railway Co. to construct and operate a line of railroad across Fort Snelling Military Reservation in the State of Minnesota, was ordered taken from the Private Calendar and placed on the Union Calendar.

IMPORTATION OF DYE PRODUCTS.

Mr. FREAR. Mr. Speaker, the conditions which call for enactment of legislation provided in H. R. 7791 relating to importations of dye products under the tariff regulations are represented by importing interests to amount in some cases practically to a dye embargo. I am not attempting to fix responsibility nor do I minimize the importance of protecting home industries, but if the facts are as set forth in the accompanying memorandum responsibility should be fixed and relief offered. Congress refused after a square issue was presented to permit any dye embargo to be inserted in the last tariff. That contest was noteworthy in the House, and we should not do by indirection that which was refused domestic dye interests when the matter was passed upon by the House.

I am submitting a brief statement that sets forth difficulties encountered under existing practices and interpretations which have called for the proposed modifications set forth in H. R. 7791:

COMMENTS SHOWING THE EFFECT IN OPERATION OF THE ADMINISTRATIVE FEATURES OF THAT PART OF THE TARIFF ACT WHICH GOVERNS THE IMPORTATION OF COAL-TAR PRODUCTS.

WASHINGTON, D. C., February 12, 1924.

HON. WILLIAM R. GREEN,
Chairman Committee on Ways and Means,
House of Representatives, Washington, D. C.

DEAR SIR: The following comments are respectfully submitted in the firm belief that the Congress should be apprised of legislation which, in attempted operation, is found so defective as to be grossly unfair, so faulty as to be legally inoperative, or so complicated as to render a reasonably expeditious administration impossible, and in order that, in such contingency and emergency, early consideration may be given the matter of affording remedial relief through the enactment of curative legislation.

As hereinafter shown, the legislation in the tariff act of 1922 governing the importation of coal-tar products, more especially dyes, dyestuffs, and color lakes, is in operation so viciously unfair, due to the numerous insurmountable difficulties encountered in attempted administration, that it would seem not only advisable but necessary, without undue delay, for the present Congress to afford remedial relief through the enactment of amendatory legislation. The situation appears to be such as to merit special attention, and the legislation is so faulty and unworkable that in reopening the tariff act for the purpose changes should be confined exclusively to the provisions mentioned in order to expedite action.

The foregoing statement is made advisedly by the undersigned, who is a Republican in politics and one who firmly believes in a tariff which will insure adequate protection to American industry, and the observations and findings hereinafter set forth are based on an actual experience of 10 months in the appraiser's office at New York engaged exclusively on work as investigator in connection with the administrative features of that part of the act which governs the importation of such products.

It should be stated at the outset that in preparing a brief on the subject the difficulties, complexities, and resultant discouraging perplexities, in the attempted administration of the provisions of the law, are so numerous that some of them are certain to be overlooked. The provisions are found to be legally inoperative in some respects and seriously defective in other respects. The following will suffice to show a number of the serious difficulties encountered.

TESTS.

NECESSITY FOR—CHARACTER—DIFFICULTIES ENCOUNTERED—DELAYS.

In the tariff act on page (5), paragraph (28), the last five lines, appear the following words:

"For the purposes of this paragraph any coal-tar product provided for in this act shall be considered similar to or competitive with any imported coal-tar product which accomplishes results substantially equal to those accomplished by the domestic product when used in substantially the same manner."

It would seem mandatory, under the foregoing proviso, that on arrival, each and every coal-tar product of foreign make be tested for the purpose of determining whether or not it is true to name as given on the invoice, which, however, is not possible with the limited facilities and the number of employees available for the purpose. In the circumstances it is hardly necessary to say that tests for the purpose mentioned are not made unless the identity of the product as shown on the invoice is not known, or unless there exists some reason for doubt or for suspicion of possible fraud. The next step is to definitely determine whether or not any domestic product is competitive therewith which involves the making of comparative tests. A number of such tests are continually under way in the laboratory of the appraiser's office at New York, each test requiring from three days to six weeks from the time the sample reaches the appraiser's office, dependent in part on the volume of work on hand and frequently to the necessity of making light tests for the purpose of determining the relative fastness of the products, if dyes, to sunshine. Investigation frequently discloses that a number of different domestic manufacturers produce what appears to be a similar product which each offers for sale at a different price. In such cases it is necessary, in accordance with the Treasury Regulations issued March 2, 1923, to determine through a test of each of the similar domestic products which is the most nearly comparable with the foreign prototype and which requires considerable time and labor.

Many of the standard commercial dyes are used in many different ways on silk, cotton, wool, paper, lacquer ware, or on mixed goods, and it frequently happens that the domestic prototype can not be used for the purpose, in which case it is mandatory under the Treasury regulations that the major use of the dye be determined. Changes in styles and fashions constantly alter the major use of a dye and the difficulties encountered are so numerous that the major use of a dye is seldom determined with any degree of accuracy and findings and decisions affecting major use are invariably criticized as not being the fact. Moreover, appraisers are not equipped with the facilities for subjecting a dye to every kind of test to determine its variety of uses, nor are they equipped to conduct thorough and extensive investigations, in every instance, for the purpose of accurately arriving at a conclusion. Appraisers are doing the best they can with ill-advised legislation which in effect is not workable. The unavoidable delays caused by the time consumed in making tests and investigations have been a source of great irritation to consumers and importers and have subjected appraisers to very severe criticism, and unjustly so, for the law and not the officials is at fault. An importer or manufacturing consumer may, if he wishes, pay the duty on a guess that he has correctly arrived at the dutiable value and thus assume the risk of having the duty advanced, which in such event carries a stiff penalty with it, or he may permit the goods to go into a Government warehouse at his expense and remain there until such time as tests and investigations are completed. And it has happened that stagnation has occurred in textile plants due to such delays, thus seriously interfering with their manufacturing program and involving financial loss to them as well as to importers. It must be obvious that such experiences, chargeable to faulty legislation, should not continue indefinitely.

At stated intervals the appraiser at New York issues printed official lists showing the names of the foreign dyes which on test have been found, respectively, to be competitive and noncompetitive. A very considerable number of dyes appear on the lists but the information thus imparted is advisory only, and is subject to change without notice, dependent on further possible determinations, thereby rendering the information of little or no value. The law provides that if there be a domestic competitive product freely offered for sale to all purchasers in the ordinary course of trade and in the usual wholesale quantities on the date of exportation of the foreign product, the foreign product shall be regarded as competing. Now, then, to show the operation of this feature of the law.

An importer or manufacturing consumer seeks information from an appraiser as to whether or not a certain dye is competitive and is informed that the particular dye is not competitive. Based on the information given him by the appraiser and after computing the cost of the foreign material which he requires for use in his manufacturing program or for the purpose of sale, he places his order abroad for a considerable quantity of the product. In the meantime, just prior to or on the date of exportation of the foreign material, a domestic producer officially reports the manufacture, in commercial quantities, of a similar product and furnishes the appraiser with his offering price for the domestic product in the usual wholesale quantities. On test, the report of the domestic producer is confirmed, the foreign mate-

rial is declared competitive and is transferred from the noncompetitive to the competitive lists. When the foreign material arrives in port one of two possibilities occur. If the importer is not aware of the change in the classification of the dye he is very apt to pay duty on a dutiable value on the noncompetitive basis and later find that the duty has, in the meantime, been *materially advanced*, carrying a penalty with it, or he has just learned that in the interim a domestic product has appeared on the market in competition therewith, increasing the dutiable value to the extent of converting a prospective financial profit into a considerable financial loss. In either case he can not be blamed for an emphatic expression of opinion regarding this peculiar working of the law. And also, in this connection, it has happened in some instances that in the course of investigations the appraiser at New York has found that a domestic product which has been produced for six months, a year, or longer, is, in fact, competitive with a certain foreign prototype, which up to the date of such discovery was regarded and classified as *noncompetitive*, whereupon, in compliance with this law, the classification of the particular dye was changed to *competitive* and necessarily made retroactive, thus materially increasing the dutiable value on such quantity of the foreign dye as may be in bond or which for any other reason has not been cleared and liquidated. Under the provisions of this law, in such circumstances, appraisers are bound to take such action. They can not do otherwise.

In determining the classification of dyes and color lakes it is mandatory also, if competitive, that relative strengths be accurately ascertained in order to arrive at dutiable value on the American selling price, as provided in Title IV, Part I, section 402, subdivision (f) of the act. Color lakes and many of the foreign dyes have no fixed strengths and it is obviously important, therefore, that every coal-tar dye and color lake, which is found to be competitive, be subjected to test immediately on arrival for the purpose of definitely ascertaining, in each specific case, the relative strength as compared with the domestic prototype in order to arrive at a just dutiable value and for the purpose of disclosing any possible fraud.

This is not always done, due to the tremendous amount of additional work thrust upon appraisers by reason of the numerous administrative features. Furthermore, it is not possible to determine the relative strength of pastes and pulp colors with the slightest degree of accuracy, due in part to inadequate equipment and to the fact that keg samples of such products would have to be furnished in each case for the purpose, which is not feasible. Therefore the law can not be complied with in the respect mentioned in so far as pastes and pulp colors are involved, and the additional delay caused by having to determine the relative strength of powder dyes—dyes in powder form—subjects Government officials to further criticism.

SPECIFIC-DUTY PROVISION.

In paragraph (28) of the act provision is made that the specific duty of 7 cents a pound shall be based on standards of strength established by the Secretary of the Treasury. Such establishment of standards will require, according to the best information obtainable, not less than 2 nor more than 10 years. The foregoing statement is confirmed by the fact that no official standards were established until August 14, 1923, or nearly a year after the passage of the act, and thus the law covering that feature of administration could not be complied with and is not complied with at present, excepting in so far as official standards have been established. Furthermore, it is my understanding that the official standards now of force are subject to possible change, dependent on further determinations. The specific duty was, nevertheless, materially increased in very many cases prior to the establishment of any official standards, no doubt predicated on full knowledge or in the belief that certain standards on certain dyes would ultimately prevail, but there would appear to be no warrant in law for any such presumption, and the provision is, no doubt, unworkable until all standards are permanently established.

CONTAINERS AND INVOICES MUST BEAR A TRULY DESCRIPTIVE STATEMENT OF CONTENTS.

"Provided further, That, beginning six months after the passage of this act, it shall be unlawful to import or bring into the United States any such color, dye, stain, color acid, color base, color lake, leuco compound, indoxyl, or indoxyl compound, unless the immediate container and the invoice shall bear a plain, conspicuous, and truly descriptive statement of the identity and percentage, exclusive of diluents, of such color, dye, stain, color acid, color base, color lake, leuco compound, indoxyl, or indoxyl compound contained therein."

The foregoing provision imposes an additional responsibility on manufacturing consumers and importers, in that it is really up to them to see that all of the required information is given on containers and on invoices by the foreign manufacturers who do not fully comprehend the requirements and thus fail to comply fully therewith. It is my understanding that in many cases the percentage of diluents can not be determined, thus precluding compliance with the law. In other words, the requirements in the foregoing provision are so rigid

as to operate in some instances as an actual embargo which is now unnecessary since the domestic industry is well established.

THE PROVISION DEFINING UNITED STATES VALUE.

"The United States value of imported merchandise shall be the price at which such or similar imported merchandise is freely offered for sale, packed ready for delivery, in the principal market of the United States to all purchasers, at the time of the exportation of the imported merchandise, in the usual wholesale quantities and in the ordinary course of trade * * *."

The foregoing provision is not and can not be successfully administered for the reason that, although diligent effort is made to do so, it frequently happens that an accurate offering or selling price, at the time of exportation of the imported merchandise, can not be ascertained. In combating the trade for offering and selling prices it frequently happens that different importers have, on or about the time of exportation of the imported merchandise, sold or offered for sale the identical dye at such a discrepancy in prices that appraisers are wholly at sea in their endeavor to arrive at a just dutiable value, and not infrequently it has happened that no offering prices or sales of the dye sought to be imported have been made for months previous so far as can be ascertained, and no provision whatever covering such contingency has been made in the law. No method whatsoever has been provided in the law for determining the dutiable value of an imported noncompetitive coal-tar product which has never been sold or offered for sale in this country, and new dyes are continually added to the manufacturing programs abroad. The law is very seriously defective in the respect mentioned.

THE PROVISION DEFINING AMERICAN SELLING PRICE.

"The American selling price of any article manufactured or produced in the United States shall be the price, including the cost of all containers and coverings of whatever nature and all other costs, charges, and expenses incident to placing the merchandise in condition packed for delivery, at which such article is freely offered for sale to all purchasers in the principal markets of the United States, in the ordinary course of trade in the usual wholesale quantities in such market, or the price that the manufacturer, owner, or producer would have received or was willing to receive for such merchandise when sold in the ordinary course of trade and in the usual wholesale quantities, at the time of exportation of the imported article."

There are two very serious omissions in the foregoing provision. The words "and in sufficient quantities on reasonable terms of delivery to satisfy domestic requirements" or words conveying a similar meaning should have been added, probably after the word "market." It must be obvious that the omission is very serious in that it enables a domestic manufacturer to put out a coal-tar product in the usual wholesale quantities and yet not produce anywhere near enough of the product to satisfy reasonable needs for domestic consumption. There have been instances under this provision where consumers have been unable to obtain coal-tar products on reasonable delivery from domestic sources for use in their manufacturing programs and have had to import similar material from abroad and pay duty on a duty value based on the American selling price of the domestic product. Moreover, it nearly always happens in such instances that there is but one domestic manufacturer, who may at his option boost his price and thus cause the consumer to have to pay an exorbitant tariff duty on the foreign goods. In this connection it may be stated that under the provisions of the dye and chemical embargo act, since repealed, some domestic manufacturers made laboratory batches of dyes and other coal-tar products, thereafter reporting the commercial manufacture of the products for sale in the usual wholesale quantities, whereas later on investigation disclosed that they were not making the products in any considerable commercial quantities, but proposed doing so as soon as possible. Due to the omission noted, such practice may be regarded as being within the provisions of the act now of force. Furthermore, it should be stated again that the appraiser at New York is not equipped to continually carry on numerous investigations for the purpose of confirming each report of the manufacture of coal-tar products. To do so, the employment of a large number of competent chemists and colorists would be required for field work, thus necessitating a much larger expenditure of money than could be justified for the purpose.

The other serious omission is found in the fact that the "offering price" need not be based on an actual sale, and the omission has caused appraisers endless trouble and difficulty. It has been very difficult in numerous instances to obtain bona fide offering prices, due to the presumption that some domestic manufacturers offer their products for sale at one price and sell them at a lower price. Quite frequently it has happened that a domestic manufacturer has informed the appraiser of his offering price for the sale of a product and later on a prospective purchaser produces a letter from the same manufacturer in which a much lower offering price is quoted for the identical product and when called on by the appraiser for an explanation of the discrepancy various excuses are offered. Some domestic manufacturers keep the appraiser at New York fully informed of all changes in their

manufacturing programs, including all changes in offering prices, etc. Others file an original report and fail thereafter to keep the appraiser informed of changes. Others assume an indifferent attitude, ignoring repeated Government requests and appeals for the information, and some manufacturers have refused to furnish the necessary information, thus rendering it extremely difficult for appraisers to comply with the mandate of law governing the importation of coal-tar products. Unless all domestic manufacturers furnish the appraiser at New York with all requisite information required by him for use in connection with a proper administration of the law governing the importation of such products and thereafter promptly advise him of all changes incident thereto, the American valuation plan, in so far as applicable to coal-tar products, is bound to be—in fact, is now—a failure.

Difficulty is also encountered in applying the American selling price in cases where a coal-tar product is competitive and a difference in relative strength is found. If, for instance, the imported article is found on test to be twice the strength of the domestic product and on the date of exportation of the imported merchandise the domestic product sold for \$1 a pound, the dutiable value of the imported merchandise is arbitrarily fixed on a price basis of \$2 a pound. It does not necessarily follow that just because a coal-tar product, especially a color lake, is twice the strength of a similar coal-tar product that the price should be increased in ratio therewith, and yet there is no other method of computing the dutiable value in such cases.

It will be noted from the foregoing that the American selling price provision is unworkable, viciously unfair, and confers special power and privilege on a certain line of industry, such as no industry is entitled to have.

ATTITUDE OF THE TEXTILE INDUSTRY.

The writer severed his connection with the Government on September 15, 1923, and is now engaged in business on his own account. In his travels in quest of business the writer called upon a large number of persons in authority in textile mills and incidentally sought to obtain their attitude toward the tariff legislation affecting the importation of coal-tar products. They expressed themselves as being very glad that a coal-tar dye and chemical industry is now well established in this country in view of the chaotic conditions abroad. A number of them said that, due to the character of the legislation, they have encountered more or less difficulty in obtaining dyes from abroad, similar kinds of which they could not obtain from domestic sources on reasonable delivery or in satisfactory quality for use in their manufacturing programs; and all of them, with the exception of a very few who were guardedly noncommittal, said that remedial relief through the elimination of the American valuation plan should be afforded. Most of them expressed the opinion that any change in legislation should comprehend adequate protection for the domestic coal-tar industry in order that it may be maintained in this country.

APPEALS FROM DECISIONS OF APPRAISERS.

The fact that hundreds of appeals from the decisions of appraisers have to date been filed with the board of general appraisers (customs court), due mainly to the complicated administrative provisions, is convincing evidence that there is something radically wrong with the legislation.

NONCOAL-TAR PRODUCTS.

Regulation No. 10 of the Treasury Regulations, issued March 2, 1923, states in part that the words "similar competitive articles" in paragraphs (27) and (28) shall not be construed as relating exclusively to coal-tar products, and that an imported coal-tar product may be compared with a domestic noncoal-tar product or an imported noncoal-tar product with a domestic coal-tar product for the purpose of determining whether they are similar competitive articles. The title given paragraphs (27) and (28) is "Coal-tar products," and it is fair to assume that with the exception possibly of a very few natural products specifically mentioned by name in the paragraphs there was no intention whatever of including noncoal-tar products in the aforesaid paragraphs. The preceding statement is fully confirmed by the proviso in paragraphs (27) and (28), which reads as follows:

"For the purpose of this paragraph any coal-tar product provided for in this act shall be considered similar to or competitive with any imported coal-tar product which accomplishes results substantially equal to those accomplished by the domestic product when used in substantially the same manner."

There appears to be no warrant in the law for the inclusion of noncoal-tar products in the paragraphs cited.

SUMMARY.

It would appear from all of the foregoing, based on actual experience and observation, that the legislation governing the importation of coal-tar products is found in operation to be:

- (1) Monopolistic in that it confers special power and privilege.
- (2) Viciously unfair.
- (3) Legally unworkable in part.
- (4) Seriously defective in part.
- (5) Too complicated for successful administration.
- (6) Worse than an embargo.

REMEDY.

Coal-tar products, more especially dyestuffs, dyes, and color lakes, are so numerous and of such character that insurmountable difficulties are continually encountered in attempting to apply the so-called American valuation plan in their importation. *It is an impossible undertaking and should be abandoned.* A tariff based on foreign valuation, levied on a gold basis, and sufficiently high to insure ample protection should be substituted. The United States Tariff Commission can, no doubt, suggest proper rates of duty on such basis. Such action would remove all of the present difficulties, lessen the Government expenditure materially, and insure an expeditious delivery of such merchandise, at the same time insuring ample protection to the domestic industry.

CONCLUSION.

In conclusion may I respectfully suggest that if there be no possibility of passing amendatory legislation during the present session, it would seem essential, in such eventuality, to have a congressional investigation for the purpose of fully determining all of the facts as to the additional expenditure of money incurred, the difficulties encountered, and the effect in operation of the administrative provisions of the tariff act of 1922, in so far as applicable to the importation of coal-tar products.

Respectfully submitted,

L. J. ROBINSON.

[NOTE.—Formerly employed in the office of the United States appraiser of merchandise at New York. Roster title, trade expert. Engaged exclusively on work with reference to the domestic manufacture and the importation of coal-tar products. Resigned September 15, 1923.]

Memorandum.

Suggestion for the repealing of certain sections of paragraph 27 and 28, covering coal-tar dyes and other coal-tar products, of the tariff act of September 22, 1922:

"Repeal all that portion of paragraph 27 of the tariff act of September 22, 1922, following the word 'valorem,' on line 47, page 4, of the tariff act of September 22, 1922.

"Repeal all that portion of paragraph 28 of the tariff act of September 22, 1922, following the word 'valorem,' on line 41, page 5, of the tariff act of September 22, 1922."

This in effect would assess all coal-tar intermediates, coal-tar dyes, and other coal-tar products, at ad valorem rates of duty based on the foreign market value rather than on the United States values and American selling prices.

Memorandum.

All coal-tar intermediates, coal-tar dyes and other coal-tar products are provided for in paragraphs 27 and 28 of the tariff act of September 22, 1922. Such articles, if produced in this country, are assessed at an ad valorem duty based on the American selling price. If they are not produced in this country they are assessed for duty on the United States value. This United States value is obtained by taking the United States selling price (that is, price at which the imported article is sold in the United States) and deducting 8 per cent for profit, 8 per cent for general expenses and overhead, also duty, insurance, freight, and transportation charges.

1. HOW THE TARIFF WORKS AS APPLIED TO COAL-TAR DYES AND RELATED COAL-TAR PRODUCTS.

Upon the arrival of an importation of coal-tar dyes, the importer fills out the appended form, giving information such as description of the dye, its Schultz number, manufacturer's number, date of the invoice, manufacturer's name, invoice price of the dye, last entry price of the dye, date of the order, how payments are to be made, character of material the dye is to be applied to, name of the steamship on which it arrives, and the date of arrival. This form, filled out so as to contain this information, is then submitted to the local United States appraiser, together with a copy of the invoice. No information will be given by the appraiser until the importation of coal-tar dyes is actually in port. He then notes on the form whether the dye is competitive or noncompetitive, and if competitive, the American selling price of the domestic product.

If there are several colors on the invoice the appraiser most probably and almost invariably is unable to tell without a test by the appraiser's laboratory whether one or more of the colors are competitive or noncompetitive. In that event he requests samples. Upon receipt of same they are sent to the appraiser's laboratory to be tested. This usually requires from two to four weeks.

In the meantime the importer has entered his merchandise, recalled his invoice, and is waiting for definite information from the United States appraiser before he can make his amended entry. The importer does not know how much duty he has to pay on those dyes on which the appraiser is making tests, and consequently he is unable to quote for sale or sell these colors. When the importer receives the advice from the appraiser that a color is competitive, he takes

the necessary steps to determine whether or not the appraiser's stand is correct. He obtains samples of the domestic product, makes his dye tests, and also finds out the best he can from the trade the American selling price of the color. Very frequently and generally he disagrees with the findings of the appraiser, and then one conference after another is held with the appraiser to definitely determine whether or not the color is competitive. After the importer has definitely ascertained which of the colors imported are competitive and which noncompetitive, and if competitive the American selling price, he then has to ascertain the United States selling prices of those colors that are noncompetitive. He knows what he is selling these particular dyes for, but he does not know exactly what his competitors are selling them for. He has hearsay evidence obtained in the trade in the usual course of business, but this information is not accurate enough to use for the basis of entry.

Inasmuch as the appraiser will not tell him the United States value of noncompetitive colors, he has to guess, using as a basis the price that he is obtaining from the imported colors and what he hears that these colors are selling for in the trade; he then makes his amended entry and in due course of time, possibly a month, maybe three months, four months, or six months, the entry is acted upon by the appraiser and the chances are better even that the appraiser will disagree with the importer relating to the entry of one or more of the colors represented in the importation. In this event, the importer receives a notice of an advance.

Since the provisions contained in paragraphs 27 and 28—assessing coal-tar dyes, intermediated, and other coal-tar products at the United States value if noncompetitive and the American selling price if competitive—were inserted in the tariff law in conference in the final stages of the passages of the law by Congress, no administrative provisions were incorporated in the tariff for these products. In view of that fact, the same administrative provisions in the tariff law relating to products paying duty on foreign market value apply to coal-tar dyes paying duty on United States value and American selling prices. In other words, the stringent penalty provisions in the administrative sections of the tariff law, which were inserted to prevent fraud, are used to penalize the importer of dyes when he makes a wrong guess in the entry of coal-tar dyes based on the United States value or American selling price.

The penalties are usually twice as much as the additional duties, and as a rule the additional duties and penalties on an advance of coal-tar dyes are many times the selling price of those colors in the domestic market. It is true that the importer has redress before the Board of General Appraisers in an appeal for reappraisal of his goods. First, he would be heard by a single member of the Board of General Appraisers, and then by a Board of Three General Appraisers. This takes about six months before a final decision is handed down. In the meantime his business is at a standstill on those dyes covered by the appeal. If the importer should win his appeal, he must pay approximately 50 per cent of the additional duties and penalties as attorney fees.

2. GENERAL OBJECTIONS TO THE ADMINISTRATION OF THE DYESTUFF PARAGRAPHS OF THE TARIFF ACT OF SEPTEMBER 22, 1922.

The impracticability of the administration of American valuation as a basis for the determination of tariff duties is a self-evident fact. During the debate in Congress on the tariff law, which was passed on September 22, 1922, it was decided, because of this impracticability, not to change from the foreign market value as a basis of valuation. One can readily appreciate, if American valuation is impractical for general articles of the tariff law, how absurd it would be to use American valuation as a basis for the administration of provisions covering the complicated and innumerable coal-tar dyes. It was also shown during the debate in Congress how impossible it was to satisfactorily compare an imported article with an article of domestic manufacture, how there would always be one or more different characteristics of comparability, and this is amplified many times in determining the comparability of such complicated and technical products as coal-tar dyes.

1. The customs officials have held the question as to whether a color is competitive or noncompetitive to be one incidental to appraisement, rather than one of classification. Since a noncompetitive color is based on United States value, and a competitive color is based on American selling price, the difference in the dutiable value of a noncompetitive and a competitive color is always 100 per cent or more. Since the customs officials have held the question of whether a color is competitive or noncompetitive to be one of appraisement and not of classification, then the return of the appraiser that a color is competitive, when entered as noncompetitive, means an advance of 100 per cent or more in duty on the imported color. This subjects the imported color to the highest and most stringent penalty in the penalization provisions of the tariff law.

The following is an illustration of what this heavy penalty amounts to. An importer recently brought in 2,300 pounds of Patent Blue V, entering same as noncompetitive, and paid \$1,361.60 duty. It was returned by the appraiser as competitive and the importer was required

to pay \$7,600.44 as additional duties and penalties. Of the \$7,600.44 the additional duties were \$2,732.40 and the penalties \$4,868.04. The additional duties and penalties were twice the selling price or value in the domestic market of the 2,340 pounds of Patent Blue V.

There is no doubt that the question of a color being competitive or noncompetitive is one of fact and not one of value. The question as to whether or not an article should be provided for in one paragraph or another of the tariff act, is one of fact and not one of value. The argument has been raised that the reason why the question of whether a color is competitive or noncompetitive is one of appraisement and not one of classification, is that they are provided for in the same paragraph. This is very unsound reasoning, because there is no doubt that if an importer entered an article as acetic anhydride at 5 cents per pound, under paragraph 1 of the tariff act, and the appraiser, after examination, decided that the article was not acetic anhydride, but was another acid anhydride and assessed it at 25 per cent ad valorem, under the provision for all other acids and acid anhydrides not specifically provided for in the same paragraph, that in paragraph 1, this action of the appraiser would not be one of appraisement, but one of classification, and there would be no advance in value. There is no equity in subjecting an importer to the fraudulent penalization provisions of the tariff act when only a difference of opinion exists.

2. Since the customs officials have held the question of whether a color is competitive or noncompetitive to be one of appraisement and not one of classification, no notice is given when a color is changed from the noncompetitive to the competitive list. Thirty days' notice is given by the customs officials in the change of classification of the commodity in the tariff law. No doubt a similar 30-day notice should be given in a change of a color from the noncompetitive to the competitive list. As it is now, upon the importation of many colors, an importer does not know for a week to six weeks after the arrival of a color whether or not it is competitive. This lack of knowledge prior to the importation jeopardizes the consumer's business as well as the importer's, because the former is forced to buy imported colors with the understanding that he should pay any additional customs duties that might hereafter be assessed. If there were a 30-day notification, whether a color was competitive or noncompetitive, the importer would know prior to importation, and most probably at the date of the order, so that the consumer would actually know what price he was paying for the dye.

3. The provision in paragraphs 27 and 28 which defines "competitive" is as follows:

"Any coal-tar product provided for in this act should be considered similar to or competitive with any imported coal-tar product, if it accomplishes results substantially equal to those accomplished by the domestic article, when used in substantially the same manner."

It is evident that this is a very loosely drawn provision, and is based upon the double use of the relative word "substantially." Whenever a relative word has been used in the tariff law for distinguishing between two or more articles, it has always been the source of considerable litigation. No doubt it was the intent of Congress that a dye was competitive when it would constitute a commercial delivery for an imported dye, but this provision is so drawn that if an imported dye accomplishes results substantially equal when used in substantially the same manner as a domestic dye, then the domestic dye is competitive. An imported color may have 10 essential qualities and the domestic color may have only 8 of these, but with a broad interpretation of this provision the domestic color would be competitive with the imported color.

The chief objection to paragraphs 27 and 28 is the question of whether a color is competitive or noncompetitive and the American selling price as a basis of appraisement of customs duties. The elimination of these two provisions would do away with practically all of the objections to the dyestuff paragraphs. This provision defining whether a color is competitive or noncompetitive is so loosely drawn that no two people have the same interpretation as to whether a color is competitive or noncompetitive according to this provision. As long as such a provision remains in the tariff law there will always be needless questions and dispute, especially when you are applying such provision to the importation of thousands of different coal-tar dyes, no two of which are exactly the same. The question of comparability of imported and domestic merchandise at its best is impractical and impossible even when applied to merchandise of a simple character, but when applied to such intricate and involved articles as coal-tar dyes it passes from the impossible to the ludicrous.

4. The Board of General Appraisers in the so-called Azo-Flavine case recently ruled that the burden of proof as to whether or not the imported color is competitive, and as to its American selling price, is placed with the importer. In other words, according to this decision of the Board of General Appraisers the importer is supposed or, rather, forced to prove a negative.

In other words, he is presupposed to know what every one of the eighty-odd domestic manufacturers of dyes is producing in this country and the prices they are getting for their dyes. Also he is supposed to

know who manufactures each of the thirteen to fifteen hundred dyes produced in this country and the American selling price of each. The Board of General Appraisers in this decision have shown clearly how impossible it is to administer paragraphs 27 and 28 of the present tariff law. It takes no stretch of imagination for anyone to realize that it is absurd to place the burden of proof on an importer in the importation of colors, and to presuppose that an importer knows who manufactures every color produced in this country and the price at which they are sold in the domestic market.

5. The Treasury Department in the promulgation of regulations on March 8, 1923, for the administration of the dyestuff provisions of the tariff act, requiring the customs officials to hold that as long as an intermediate is produced in this country it is competitive, although such intermediate has never been sold or offered for sale in this country. This is administration in a more comprehensive and broader manner than the law intended. In order to enforce this regulation the customs officials are required by the Treasury Department to calculate the American selling price of the intermediate, figuring back from the finished domestic product sold in this country and made from such intermediate. For example, if A is an intermediate produced in this country, but never sold or offered for sale, and B is a dye produced in this country made from intermediate A and sold at \$3 a pound, upon importing the intermediate A it would be assessed at a duty calculated on the American selling price figured from the American selling price of \$3 per pound for dye B. Since the customs officials have not the personnel capable of conducting investigations to determine exactly the cost of producing dye B from intermediate A, they must take the statements of the domestic manufacturer, which it is evident would be very high, and approximate very closely the selling price of dye B. This is a very striking example of writing into a law by regulation something that is not in the law and was never intended to be there.

6. The Treasury Department in the same regulations, promulgated on March 8, 1923, provided that all importations of noncoal-tar products, when competitive with coal-tar products produced in this country, shall be held to be competitive and pay a duty on the American selling price under paragraphs 27 and 28 of the tariff act. This is another example of writing by regulations into the tariff act something that does not exist there. This is certainly very broad and loose interpretation of the scope of the dyestuff paragraphs of the tariff law.

7. The customs officials are constantly shifting colors from the competitive to the noncompetitive list, and from the noncompetitive to the competitive list. Some colors have been changed as often as three and four times from one list to another. For example, Phosphine 3 R. Shortly after September 22, 1922, this was placed on the competitive list. Evidence was submitted to the local United States appraiser showing that this color was noncompetitive, and it was placed on the noncompetitive list. It remained there until some two months ago when it was given place on the competitive list. Again, evidence was submitted to the appraiser showing that this color was noncompetitive and recently it was transferred to the noncompetitive list.

Patent Blue V is another example. Shortly after the passage of the tariff act of September 22, 1922, this was made competitive with the domestic product selling at \$1.75. In March, 1923, it was changed to the noncompetitive list. In April, 1923, it was again made competitive, this time with a domestic product selling at \$2.85 per pound. There it remained until about four to six weeks ago, when it was made competitive with the same color that it was first made competitive with, having a selling price of \$1.75 per pound. These are only two of a hundred or more instances of vacillation in a most important matter. This vacillating policy of the local customs appraisers jeopardizes business, because an importer does not know from one day to another whether a color is competitive or noncompetitive. He may be figuring on a color as being noncompetitive and is so quoting his customer, when, as a matter of fact, the appraiser has changed his attitude and holds the color to be competitive; or, vice versa, an importer might be figuring that a color is competitive, his competitor gets more recent information from the appraiser, quoted as noncompetitive, and obtains the business.

8. It is a self-evident fact that it is impossible to properly administer the dyestuff provisions of the tariff law because of their impracticability. The difficulties are more complicated, due to the fact that there is not a properly qualified staff of officials to administer these two tariff provisions. It is granted that the Treasury Department recently employed a colorist who has had many years' experience in the dyestuff business in this country. This gentleman is only one of a number who passes on numerous questions arising in the administration of the dyestuff provisions. The final questions are passed upon by the United States appraiser and the special deputy appraiser. Both, although very capable and qualified, have had no experience in the dyestuff business and very limited experience in the administration of the tariff law. The examiner in actual charge of the passing of the dyestuff invoices is not a chemist and has never had any experience in the dyestuff business in any manner, shape, or form, although he has had many years' experience in the tariff administration. There are numerous questions arising in the proper administration of these paragraphs, such as what the usual wholesale quantity

is, what a reasonable price is, whether or not a color is competitive, and many other questions of fact that can only be properly determined by persons who have an intimate knowledge of the dyestuff business.

9. If an imported dye is competitive with two or more domestic colors, the local customs officials invariably take the domestic color having the highest price. An importer recently had an importation of a color known as crystal violet O. This color was competitive with three of domestic manufacture, one selling at \$1.75, one at \$1.77, and another at \$3.75 per pound. Although this color more closely approximated in quality the domestic article selling at \$1.77, the appraiser assessed it as competitive with the color selling at \$3.75.

10. The local customs officials have also adopted the practice of determining whether a color is competitive or noncompetitive by comparison of the United States value with the American selling price of the competitive color. If the United States value is lower than the American selling price, they hold it to be competitive. It is a poor rule that won't work both ways, and this certainly is an inequitable practice in the administration of the dyestuff provisions.

An importer recently imported a color known as Pinatype Complement Red D. Although this dye is the same as one of domestic manufacture, but of higher concentration, it was nevertheless held to be noncompetitive, inasmuch as its dutiable value was considerably higher than the American selling price of the product of domestic manufacture. There are several dyes that are produced by only one manufacturer. In these dyes the sole American manufacturer has a monopoly because the price that he sells his color for is used as a basis for the assessment of duty. Consequently by his selling price he can fix the duty that an importer would have to pay importing the same color. This is a case where Congress has delegated to an individual the power to assess customs duties, which undoubtedly is a violation of the Constitution.

11. The customs officials determine the American selling prices by calculation. When a color is imported of a different concentration than the same color of domestic manufacture, they figure the American selling price for dutiable purposes, based upon the American selling price of the domestic product and its relative strength as compared with the imported dye; i. e., if there is an importation of a vat dye in powder form and there is no vat dye in powder form produced in this country, but there is a vat dye in paste form produced in this country which is one-fifth the strength of the powder form, and this dye is selling in the domestic market at \$2 per pound, then the customs officials will multiply this American selling price of \$2 per pound by 5 and use this calculated American selling price of \$10 for assessing duty on the imported vat dye in powder form. This undoubtedly is contrary to the tariff law, because the customs officials are comparing dyes of a different consistency and are using a calculated or theoretical American selling price for dutiable purposes.

12. The impracticability and injustice of the dyestuff provisions of the tariff act are clearly shown in the Hydron Pink FF case. Hydron Pink FF is a color that is used in dyeing cotton goods and is bought and sold in lots of 1,000 pounds or upward. Domestic consumption in this country is approximately 150,000 pounds per year. This color was held to be noncompetitive up until June, 1923, when a domestic manufacturer notified the local United States appraiser that he was producing this color. The domestic manufacturer had made only two or three sales and was producing less than 1,000 pounds per month. He informed a domestic consumer that he could supply 100 pounds of this color within two to three weeks, but could make no promise of delivery on a quantity of 500 pounds. Inasmuch as this dye is bought and sold in quantities of 1,000 pounds or more, that quantity is the usual wholesale quantity of this color. The domestic manufacturer has never produced or sold this color in that usual wholesale quantity. Notwithstanding this fact, the local United States appraiser made this color competitive, not only as of June, 1923, but dating back to April 18, 1923, the date of the first sale of the color by the domestic manufacturer. The domestic manufacturer was not able to make deliveries to supply 1 per cent of the domestic consumption, nevertheless it was held to be competitive. The domestic consumers could not get domestic dye sufficient to supply one-tenth of their needs and were required to pay an additional duty of 75 cents per pound in using the imported color.

In October, 1923, the domestic manufacturer notified the trade and the local United States appraiser that he had withdrawn this color from the market. Regardless of this fact, the local appraiser still contends that this color is competitive, declaring that the domestic manufacturer is still producing it, although not offering it for sale. Here we have the situation where the domestic manufacturer is not offering this color, nevertheless it is held to be competitive, and as the consumer has to use the imported color, he is compelled to pay duty based upon the price of the article which is not even sold in the domestic market.

13. The following is an example of the injustice of paragraphs 27 and 28 of the tariff law. Allsarine red was imported and entered as noncompetitive. The importer, to the best of his belief and

knowledge, knew nothing about any comparable color produced in the domestic market. Some few weeks after importation the appraiser advanced this color, holding it to be competitive with a color of domestic manufacture. The importer was notified of this advance, which amounted to over \$5,000, and a hearing was set before the general appraiser. The importer was called upon to give the necessary proof and evidence to show that the color of domestic manufacture was not comparable with the imported color. On the date set for the trial the domestic manufacturer admitted that his color was not comparable. The importer was put to all this trouble and expense when there was no real basis for any return by the appraiser that the dye was competitive. It is thus seen how the domestic manufacturer can, acting through the appraiser, put the importer to unnecessary expense and loss of business.

Any change in the dyestuff provisions of the tariff act which would eliminate the question of whether a color is competitive or noncompetitive and the American selling price would do away with practically all the troubles that are now being encountered by legitimate importers of dyestuffs and by consumers of dyestuffs in this country.

IN THE HOUSE OF REPRESENTATIVES,

March 10, 1924.

Mr. FREAK introduced the following bill; which was referred to the Committee on Ways and Means and ordered to be printed:

A bill (H. R. 7791) to amend act approved September 21, 1922, known as the tariff act.

Be it enacted, etc., That paragraphs 27 and 28 of the act approved September 21, 1922, entitled "An act to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes," be amended to read as follows:

"PAR. 27. Coal-tar products: Acetanilide not suitable for medicinal use, alpha-naphthol, aminobenzoic acid, aminonaphthol, aminophenetole, aminophenol, aminosalicylic acid, aminoanthraquinone, aniline oil, aniline salt, anthraquinone, arsenic acid, benzaldehyde not suitable for medicinal use, benzal chloride, benzanthrene, benzidine, benzidine sulfate, benzoic acid not suitable for medicinal use, benzoquinone, benzoyl chloride, benzyl chloride, benzylethylaniline, betanaphthol not suitable for medicinal use, bromobenzene, chlorobenzene, chlorophthalic acid, cinnamic acid, cumidine, dehydrothioloalidine, diaminostilbene, dianisidine, dichlorophthalic acid, dimethylaniline, dimethylanilinophenol, dimethylphenolbenzylammonium hydroxide, dimethylphenylenediamine, dinitrobenzene, dinitrochlorobenzene, dinitronaphthalene, dinitrophenol, dinitrotoluene, dihydroxynaphthalene, diphenylamine, hydroxyphenylarsenic acid, metallic acid, methylanthraquinone, naphthylamine, naphthylenediamine, nitroaniline, nitroanthraquinone, nitrobenzaldehyde, nitrobenzene, nitronaphthalene, nitrophenol, nitrophenylenediamine, nitrosodimethylaniline, nitrotoluene, nitrotoluylenediamine, phenol, phenylenediamine, phenylhydrazine-phenylnaphthylamine, phenylglycine, phenylglycineortho-carboxylic acid, phthalic acid, phthalic anhydride, phthalimide, quinoline, quinoline, resorcinol not suitable for medicinal use, salicylic acid and its salts not suitable for medicinal use, sulphanilic acid, thiocarbamide, thiosalicylic acid, tetrachlorophthalic acid, tetramethyldiaminobenzophenone, tetramethyldiaminodiphenylmethane, toluene, sulphochloride, toluene sulphonamide, tribromophenol, toluidine, tolidine, tolylenediamine, xylydine, anthracene having a purity of 30 per cent or more, carbazole having a purity of 95 per cent or more, metacresol having a purity of 90 per cent or more, naphthalene which after the removal of all water present has a solidifying point of 79° C. or above, orthocresol having a purity of 90 per cent or more, paracresol having a purity of 90 per cent or more; all the foregoing products in this paragraph whether obtained, derived, or manufactured from coal tar or other source; all distillates of coal tar, blast-furnace tar, oil-gas tar, and water-gas tar, which on being subjected to distillation yield in the portion distilling below 190° C. grade a quantity of tar acids equal to or more than 5 per cent of the original distillate or which on being subjected to distillation yield in the portion distilling below 215° C. a quantity of tar acids equal to or more than 75 per cent, of the original distillate; all similar products by whatever name known, which are obtained, derived, or manufactured in whole or in part from any of the products provided for in this paragraph, or from any of the products provided for in paragraph 1549; all mixtures, including solutions, consisting in whole or in part of any of the foregoing products provided for in this paragraph, except sheep dip and medicinal soaps; all the foregoing products provided for in this paragraph, not colors, dyes, or stains, color acids, color bases, color lakes, leuco compounds, indoxyl, indoxyl compounds, ink powders, photographic chemicals, medicinals, synthetic aromatic or odoriferous chemicals, synthetic resin-like products, synthetic tanning materials, or explosives, and not specially provided

for in paragraphs 28 and 1549, 7 cents per pound and 55 per cent ad valorem: *Provided*, That no duty imposed under this paragraph shall be increased under the provisions of section 315.

"PAR. 28. Coal-tar products: All colors, dyes, or stains, whether soluble or not in water; color acids, color bases, color lakes, leuco compounds, whether colorless or not; indoxyl and indoxyl compounds; ink powders, photographic chemicals, acetanilide suitable for medicinal use; acetphenetidine, acetylsalicylic acid, antipyrine, benzaldehyde suitable for medicinal use, benzoic acid suitable for medicinal use, beta-naphthol suitable for medicinal use, guaiacol and its derivatives, phenolphthalein, resorcinol suitable for medicinal use, salicylic acid and its salts suitable for medicinal use, salol, and other medicinals; sodium benzoate saccharin, artificial musk, benzyl acetate, benzyl benzoate, coumarin, diphenyloxide, methyl anthranilate, methyl salicylate, phenylacetaldehyde, phenylethyl alcohol, and other synthetic odoriferous or aromatic chemicals, including flavors; all of these products not marketable as perfumery, cosmetics, or toilet preparations, and not mixed and not compounded, and not containing alcohol; synthetic phenolic resin, and all resin-like products prepared from phenol, cresol, phthalic anhydride, coumarone, indene, or from any other article or material provided for in paragraph 27 or 1549; all of these products, whether in a solid, semisolid, or liquid condition; synthetic tanning materials, picric acid, trinitrotoluene, and other explosives, except smokeless powders; all the foregoing products provided for in this paragraph, when obtained, derived, or manufactured in whole or in part from any of the products provided for in paragraph 27 or 1549; natural alizarin and natural indigo, and colors, dyes, stains, color acids, color bases, color lakes, leuco compounds, indoxyl, and indoxyl compounds, obtained, derived, or manufactured in whole or in part from natural alizarin or natural indigo; natural methyl salicylate or oil of wintergreen or oil of sweet birch; natural coumarin, natural guaiacol and its derivatives, and all mixtures, including solutions consisting in whole or in part of any of the articles or materials provided for in this paragraph, excepting mixtures of synthetic odoriferous or aromatic chemicals, 7 cents per pound, and 60 per cent ad valorem: *Provided*, That no duty imposed under this paragraph shall be increased under the provisions of section 315."

LEAVE TO ADDRESS THE HOUSE.

Mr. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for two minutes.

Mr. GARNER of Texas. On what subject?

Mr. ROGERS of Massachusetts. In connection with the Roosevelt incident on Saturday.

Mr. GARNER of Texas. I wonder whether the gentleman from South Carolina [Mr. STEVENSON] is present. If not, will the gentleman postpone his remarks until he is present.

Mr. ROGERS of Massachusetts. I would not object to that except the House will be in Committee of the Whole at that time. I do not think I shall say anything that will be offensive to the gentleman from South Carolina.

Mr. RANKIN. I make the point of order of no quorum.

The SPEAKER. The gentleman from Mississippi makes the point of order of no quorum. Evidently a quorum is not present.

CALL OF THE HOUSE.

Mr. LONGWORTH. Mr. Speaker, I move a call of the House. The motion was agreed to.

The Clerk called the roll, and the following Members failed to answer to their names:

Almon	Edmonds	McClintic	Rogers, N. H.
Anderson	Fredericks	McDuffie	Romjue
Bankhead	Free	McFadden	Schafer
Beers	Freeman	Magee, Pa.	Schneider
Bell	Fulmer	Michaelson	Sears, Fla.
Bloom	Funk	Miller, Ill.	Shreve
Bowling	Gallivan	Mills	Sinnot
Boylan	Garber	Moore, Ill.	Steagall
Britten	Geran	Morin	Strong, Kans.
Carew	Goldsborough	O'Brien	Sullivan
Carter	Greene, Mass.	O'Connell, N. Y.	Sweet
Casby	Hayden	O'Connor, La.	Tague
Celler	Hall, Tenn.	O'Connor, N. Y.	Taylor, Colo.
Cole, Ohio	Hull, William E.	O'Sullivan	Tilson
Connolly, Pa.	Jacobstein	Oliver, Ala.	Tucker
Corning	Johnson, S. Dak.	Oliver, N. Y.	Upshaw
Curry	Kahn	Parker	Weller
Darrow	Kent	Peavey	Wertz
Dempsey	Knutson	Perlman	Williams, Ill.
Denison	LaGuardia	Rainey	Wyant
Dickstein	Larson, Minn.	Ransley	Zihlman
Domnick	Lindsay	Rathbone	
Eagan	Lineberger	Reed, W. Va.	

The SPEAKER. Three hundred and forty-one Members have answered to their names. A quorum is present.

Mr. LONGWORTH. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to, and the doors were opened.

SENATE BILLS AND JOINT RESOLUTIONS REFERRED.

Under clause 2, Rule XXIV, Senate bills and joint resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below.

S. 699. An act authorizing the addition of certain lands to the Medicine Bow National Forest, Wyo., and for other purposes; to the Committee on the Public Lands.

S. 1641. An act to declare Lincoln's birthday a legal holiday; to the Committee on the District of Columbia.

S. 1370. An act authorizing the granting of war-risk insurance to Capt. Earl L. Naiden, Air Service, United States Army; to the Committee on War Claims.

S. 264. An act for the relief of Charles H. Willey; to the Committee on Naval Affairs.

S. J. Res. 96. Joint resolution authorizing appropriations for the payment of expenses of delegates to represent the United States at the general assembly of the International Institute of Agriculture, to be held at Rome in May, 1924, and for the payment of the quotas of Hawaii, the Philippines, Porto Rico, and the Virgin Islands for the support of the institute for the calendar year 1924; to the Committee on Foreign Affairs.

S. 105. An act for the relief of Arthur Frost; to the Committee on Claims.

S. 2111. An act authorizing the Postmaster General to conduct an experiment in the Rural Mail Service, and for other purposes; to the Committee on Post Offices and Post Roads.

S. 2154. An act to amend the act of September 22, 1922, entitled "An act to provide for the applicability of the pension laws to certain classes of persons in the military and naval services not entitled to the benefits of Article III of the war risk insurance act, as amended"; to the Committee on Pensions.

S. 131. An act for the relief of W. Ernest Jarvis; to the Committee on Claims.

S. 335. An act for the relief of John T. Eaton; to the Committee on Claims.

S. 648. An act for the relief of Janie Beasley Glisson; to the Committee on Claims.

S. 2219. An act for the relief of the legal representatives of the estate of Alphonse Desmare, deceased, and others; to the Committee on War Claims.

S. 2220. An act for the relief of Louise St. Gez, executrix of August Ferré, deceased, surviving partner of Papene & Ferré; to the Committee on War Claims.

S. 2562. An act for the relief of William Hensley; to the Committee on Claims.

S. 1180. An act for the relief of J. B. Platt; to the Committee on War Claims.

S. 1643. An act for the relief of Samuel S. Archer; to the Committee on Claims.

S. 2510. An act for the relief of William Henry Boyce, sr.; to the Committee on Claims.

S. 788. An act to extend the benefits of the employers' liability act of September 7, 1916, to Daniel S. Glover; to the Committee on Claims.

S. 314. An act concerning actions on account of death or personal injury within places under the exclusive jurisdiction of the United States; to the Committee on the Judiciary.

S. 589. An act for the relief of James Moran; to the Committee on Military Affairs.

S. 2745. An act to authorize the Secretary of War to convey to the States in which located Government owned or controlled approach roads to national cemeteries and national military parks, and for other purposes; to the Committee on Military Affairs.

S. 2746. An act regulating the recovery of allotments and allowances heretofore paid to designated beneficiaries; to the Committee on World War Veterans' Legislation.

S. J. Res. 72. Joint resolution authorizing the Secretary of War to lease to the New Orleans Association of Commerce the New Orleans quartermaster intermediate depot unit No. 2; to the Committee on Military Affairs.

S. 2187. An act authorizing the Comptroller General of the United States to consider and settle the claim of Mrs. John D. Hall, widow of the late Col. John D. Hall, United States Army, retired, for personal property destroyed in the earthquake at San Francisco, Calif.; to the Committee on Claims.

S. 2481. An act for the relief of John H. Gattis; to the Committee on Claims.

S. 1930. An act for the relief of the San Diego Consolidated Gas & Electric Co.; to the Committee on Claims.

S. 1941. An act for the relief of Ezra S. Pond; to the Committee on War Claims.

S. 2764. An act authorizing the President to order Leo P. Quinn before a retiring board for a rehearing of his case, and upon the findings of such board either confirm his discharge or place him on the retired list with the rank and pay held by him at the time of his discharge; to the Committee on Military Affairs.

S. 1011. An act for the relief of Michael Sweeney; to the Committee on Military Affairs.

S. 47. An act to permit the correction of the general account of Charles B. Strecker, former Assistant Treasurer United States; to the Committee on Claims.

S. 196. An act for the relief of Charles S. Fries; to the Committee on Claims.

S. 608. An act for the relief of James B. Fitzgerald; to the Committee on Claims.

S. 828. An act for the relief of the receiver of the Gulf, Florida & Alabama Railway Co.; to the Committee on Claims.

S. 2527. An act for the payment of claims for damages to and loss of private property incident to the training, practice, operation, or maintenance of the Army; to the Committee on War Claims.

S. 1573. An act for the relief of Samuel S. Weaver; to the Committee on Claims.

S. 969. An act for the relief of Clotilda Freund; to the Committee on Claims.

S. 1557. An act to give military status and discharges to the members of the Russian Railway Service Corps organized by the War Department under authority of the President of the United States for service during the war with Germany; to the Committee on Military Affairs.

S. 245. An act for the relief of Henry P. Collins, alias Patrick Collins; to the Committee on Military Affairs.

S. 2431. An act to authorize the Secretary of War to convey to the Commissioners of Lewes certain land in the county of Sussex, State of Delaware; to the Committee on Military Affairs.

S. 1982. An act granting the consent of Congress to the construction, maintenance, and operation by the Chicago, Milwaukee & St. Paul Railway Co., its successors and assigns, of a line of railroad across the northeasterly portion of the Fort Snelling Military Reservation in the State of Minnesota; to the Committee on Interstate and Foreign Commerce.

S. 2488. An act to authorize the city of Minneapolis, in the State of Minnesota, to construct a bridge across the Mississippi River in said city; to the Committee on Interstate and Foreign Commerce.

ADJUSTED COMPENSATION.

Mr. REID of Illinois. Mr. Speaker, if the gossip about the Capitol is any indication, there will be an attempt made to hand the ex-service men another "gold-brick" bonus bill, said to be similar in its features to the one passed at the last session.

The press of the country said of that bonus bill:

That spineless piece of unsound legislation, the certificate of cashless bonus bill; "the gold-brick bonus bill"; "the pawnbrokers' bill," designed not to help the soldiers but to save political lives. The bill provides certificates which they may "hock" at the bank or the pawnshop or the private loan shark's office on the best terms they may. Does any Congress imagine that a hard-up soldier, out of a job, can make a loan on better terms than the Government of the United States? Why tolerate a cowardly enactment like that with which Mr. Fordney and his confederates tried to soothe the taxpayers and the veterans?

MEN ENTITLED TO CASH.

I do not believe that the leaders will be able to force this bill down the throats of the Congressmen as they did at the last session, and that there are enough men who will fight to the limit to get an adjusted compensation for the ex-service men in the form of a cash payment instead of a certificate permitting them to go into debt, if the ex-service men in the House do not weaken and fall for a makeshift. Much of the propaganda directed to the Congressmen about the pending tax measures carried with it not only a request to pass the so-called Mellon bill but also carried a demand that no bonus bill be defeated.

Why any set of persons in this country can be so greedy as to want what amounts to a tax bonus for themselves and yet want to deny a bonus to the men who made it possible for that same set of persons to now enjoy not only prosperity but peace and comfort as well is beyond my comprehension.

MONEYED INTERESTS WANTED WAR.

The big financial and social leaders are the ones who wanted the war. They clamored for war and they got it. They did not enlist and fight, but pleased and profited during the war;

made millions of dollars out of it without suffering the slightest personal danger or the least privation. Yet, to the men who went abroad, lived in the filthy trenches, sacrificed their health and youth, and in many instances their lives, this set of men would have given them nothing. Every man who enlisted sacrificed his opportunity for personal gain. While it might not have amounted to as much in dollars and cents, it was as important to him as to any financial or social leader in the country. Business got its bonus and got it quick. It did not have to plead or beg for it. Is flesh and blood of less consequence in this country than mere property?

When the war ended the shipbuilders were paid not only bonuses under contracts which gave them half the savings they made on contracts in many cases, but they were also paid canceled-contract claims which gave them profits on ships never built.

GOT THEIRS IN CASH FIRST.

The munition makers, the harness makers, the clothing makers, the gunmakers, the aircraft builders—every branch of war industry was paid not only adjusted compensation through the hundreds of millions given those industries in canceled-contract claims, but right now the Government is trying to recover \$9,000,000 paid the aircraft builders as bonuses.

While the soldier, suffering in the trenches 24 hours a day, fighting deadly shells and gases as well as poisonous and tormenting vermin, knew no let-up, industry and its employees, bomb and disease proof, were collecting bonuses and the Macy Wage Board and other boards were adjusting compensation by increasing wages every two weeks.

NEVER TREATED SOLDIERS FAIR.

Nobody thought about increasing the soldiers' wages. He had been promised that his job would be open for him when he came back. The fact that he lost the chance to make war-time wages was supposed to be his badge of honor and sacrifice. Yet the very interests that collected billions in both adjusted compensation and bonuses are not content with what they got, but now desire to deprive the soldier of an adjusted compensation.

There was no effort to give the soldier a bonus. The soldier could not strike or quit soldiering. If he tried it, he was sent to prison or might be stood against the wall and shot. Now, he asks that he be paid \$2.25 a day for the time he was separated from his loved ones and was undergoing the hardships and dangers of war, while the great interests insisted on paying their employees \$15, \$20, and \$25 a day, and in many cases insisted that the workers do not too much work even at that wage. This was because under the cost-plus contracts these predatory interests made more money when the employees loafed on the job.

INTERESTS TOOK BIG PROFIT.

Did any of these interests which now oppose adjusted compensation for veterans come forward and oppose the payment of profits on war material never completed when the contractor canceled at the cessation of the war? Quite to the contrary, they sought every avenue of influence to collect the profits on war machinery which was never built.

It was these interests who first characterized adjusted compensation as "a bonus."

These interests insist that the soldier should be satisfied to have received a dollar a day for his time in the trenches. How many of these great interests were willing to build war materials at cost? How many of them saved the soldier's job for him until he came back?

PAID BILLIONS TO RAILROADS.

This country paid billions to the railroads, the shipbuilders, munition manufacturers, and others, and created thousands of millionaires out of war profits, and those same war millionaires now come forward to oppose showing the soldier any gratitude.

During war times everybody cared for the soldier. Now nobody cares.

I favored adjusted compensation, to be accorded in a cash payment, for the soldiers, sailors, and marines of the late war. I deplore the delay of Congress, not only in meeting this obligation but also in failing to provide proper care and treatment for those who were disabled in the service.

WAR PRODUCED MILLIONAIRES.

It is estimated that for every American soldier killed in France war profiteering produced three millionaires in this country. Adjusted compensation for the service men should be paid by imposing a tax upon excess profits and swollen incomes from fortunes largely derived from war profits. If this can not be done, then I am in favor of issuing long-term Government bonds to provide the money for an immediate cash bonus.

I am unalterably opposed to every scheme like the sales tax, designed to force the men and their families who fought the war to pay this just obligation growing out of the war.

How can we say to our soldiers we have no money to pay a bonus when this country supplied the money to pay a bonus to the soldiers of England and France?

BONUS BEGGED FOR NO BONUS.

A bonus begged for is no bonus at all. Armistice Day rejoicing was not in the heart of the Nation; only in the pocket. Economy is a poor stall when the Nation's honor men are in need. Millions of dollars are wasted by the Government and when soulless corporations can get aid and succor, how can relief be denied soldiers? In the end, the soldiers' good will and gratitude will far outweigh the temporary money advance. An honorable discharge should be legal tender for the necessities of life. The hope and faith of the returned soldier is worth to the country all it costs to preserve it. They made good for us. Let us make good to them. A contented citizenship is better security than all the wealth in the country.

If the Government recovered the hundreds of millions of dollars stolen from the Treasury of the United States by crooks and grafters who profited in war contracts, there would be plenty of money to pay the soldiers' bonus. The bonus should be paid in cash and paid at once. Many of our ex-service men are out of employment, and need the money now, and a little money now may be worth many times a larger sum later.

The payment of the soldiers' bonus is an obligation which it would be shameful to avoid. If the war had lasted many days longer, the cost to the Government would have been more than the total amount necessary to pay the bonus, and no one thinks that Uncle Sam would have defaulted or laid down because of this extra cost. Money is raised to meet the cost of the war, and a bonus to the soldiers is simply a part of the cost, and should be paid in cash and not in promises. That distinguished soldier and patriot, George Washington, received a large bonus in the form of public lands for his services, and did not hesitate to accept it. After the Civil War bonuses were given to the soldiers, and there was no protest. England, France, and others of the Allies engaged in the war paid their soldiers bonuses, and with our money, too.

SET PREMIUM ON COWARDICE.

Assuming that the average wage before the war was at least \$5 a day, every soldier who enlisted and fought in the trenches received only \$1 a day, while workers who stayed at home received high war wages, in some instances as high as \$25 per day. Is this country to set a premium on cowardice?

Everyone who had anything to sell to the Government during the war not only received a bonus, but a cash premium for the cancellation of their contracts. All property confiscated during the war was well paid for. Why not make a partial payment for the time of our service men, as every service man who entered the war was automatically deprived of a large sum of money that would have been his if he had stayed at home.

PEOPLE WANT BONUS.

The people of the United States are in favor of a bonus, and in every State where the question has been submitted by a referendum to the people the vote has been overwhelmingly in favor of the bonus.

Some argue that the bonus is a State matter. That is not true. The war was not a State matter. States were not at war. The war was a national affair and the bonus should be paid by the Nation. The gratitude of the States should not be used as a substitute for the duty of the Nation.

AGRICULTURAL SITUATION.

Mr. HOWARD of Nebraska. Mr. Speaker, I ask unanimous consent to have printed in the Record a brief statement made by one of our Washington papers regarding the agricultural situation, the amount of farm reserves, the visible supply, and so forth.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to extend his remarks in the Record as indicated. Is there objection?

Mr. UNDERHILL. Mr. Speaker, I have objected to all matters of that sort going into the Record. If the gentleman wants to insert anything of his own, I shall not object, but I do not believe we should print articles from the Washington newspapers or any other clipping. Therefore I object.

Mr. HOWARD of Nebraska. Mr. Speaker, do I understand some Member objects to my request?

The SPEAKER. The gentleman from Massachusetts [Mr. UNDERHILL] objects on the ground that he objects to the printing of all newspaper articles in the Record.

CIVIL WAR PENSIONS.

Mr. SWOOPE. Mr. Speaker, H. R. 7303, which was introduced by Mr. FULLER, proposes to increase the pensions of all Civil War veterans to \$72 per month. This is the amount allotted under the act of May 1, 1920, to soldiers of the Civil War when their physical disabilities are such that they require the regular personal aid and attendance of another person.

It seems to me that when it is 59 years since the Civil War ended, and all those who served in that war must be at least 74 years old, and most of them much older, it is time for us to consider them all disabled. Certainly, there is no disease so incurable as old age, nor any that causes so many disabilities and handicaps. All of the Members of this House have been receiving hundreds of letters during the past few months urging us "to do everything for the disabled." We can certainly include among the "disabled" all of the Civil War veterans as being unable to labor because of the burthen of years.

Each year the number of Civil War veterans becomes less, compared with the number of the young, the hopeful, and the aspiring who crowd around them. They stand like the solitary pines of the forest, lifting their scarred and wounded forms amidst the fresh and youthful verdure. But, old and broken as they are, I know of no men in the world more revered nor more entitled to honor. When I meet an old soldier in the street I feel like taking off my hat and bowing in lowly obeisance before him. His brass buttons and his old blue coat are synonyms of bravery, of glory, and of patriotism.

There are now, of the two millions of men who served in the Union Army during the Civil War, only 110,000. In the next fiscal year, according to the mortality statistics, 26,000 of them will die, and so every year the number will become less. The expenditure of the comparatively small sum of \$17,700,000 will pay the increased pensions to those who now survive, and the following year it will cost only \$13,000,000. This is a very small sum for the Government of the richest country in the world to spend to make comfortable the old age of those who preserved the Union.

We all know that the cost of living has risen at least 71 per cent since the World War began, and this increase in the cost of living has lessened the value of the dollar. A pension that might have been sufficient in 1914 to purchase the necessities of life will now buy only a little more than half as much as it then would.

We want as a Nation to prove that the old maxim, "Republicans are always ungrateful," does not apply to the United States. We want to be both just and generous to all those who served the country in her hours of trial. Let us begin by trying to assist over the years of old age the veterans who helped Lincoln to save the Union.

APPROPRIATIONS—NAVY DEPARTMENT.

Mr. FRENCH. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 6820) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1923, and for other purposes. Pending that I want to see whether we can arrange for a time at which to close general debate.

Mr. BYRNES of South Carolina. What suggestion would the gentleman from Idaho make?

Mr. FRENCH. The demand for time has been rather heavy, but I would like to ask whether we can not agree on four and one-half hours, to be controlled equally by the gentleman from South Carolina [Mr. BYRNES] and by myself.

Mr. BYRNES of South Carolina. Inasmuch as we have already agreed upon that I have no objection.

The SPEAKER. The gentleman from Idaho asks unanimous consent that general debate be limited to four and one-half hours, one-half to be controlled by himself and one-half to be controlled by the gentleman from South Carolina [Mr. BYRNES]. Is there objection? [After a pause.] The Chair hears none. The question is on the motion of the gentleman from Idaho, that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 6820.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 6820, with Mr. GRAHAM of Illinois in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of H. R. 6820, which the Clerk will report by title.

The Clerk reported the title of the bill.

Mr. FRENCH. Mr. Chairman, I yield five minutes to the gentleman from Massachusetts [Mr. ROGERS].

The CHAIRMAN. The gentleman from Massachusetts is recognized for five minutes.

Mr. ROGERS of Massachusetts. Mr. Chairman, I ask that any members of the committee who are interested turn to page 4279 of the Record of March 15, which was Saturday last. Near the bottom of the first column of that page please read with me the following sentence from the remarks of the gentleman from South Carolina [Mr. STEVENSON]:

According to his own testimony—

Says Mr. STEVENSON, referring to Col. Theodore Roosevelt, Assistant Secretary of the Navy—

According to his own testimony, his wife became the owner of 1,000 shares of the Sinclair Oil Co. and retained them until 1922, after the leases that are complained of had all been executed.

I ask the House to note two points in connection with that sentence. First, the direct and explicit statement that this was according to Colonel Roosevelt's own testimony. Second, that the ownership of Mrs. Roosevelt continued until after the leases that are complained of had all been executed.

Now, gentlemen, it may seem a little strange and unusual in these emotional days and in the present hearsay atmosphere of Washington if I produce the actual record, the printed word, which was and is accessible to every one of you as it is accessible to me, and read to you a parallel column sentence from the sworn testimony of Col. Theodore Roosevelt. This will be found in the oil-investigation proceedings for Monday, October 29, last, long before the controversy had assumed the proportions which it has now assumed. It is printed upon page 417 of the hearings before the Committee on Public Lands and Surveys, United States Senate, entitled "Leases upon naval oil reserves":

STATEMENT OF HON. THEODORE ROOSEVELT, ASSISTANT SECRETARY OF THE NAVY—RESUMED.

My last connection with the Sinclair Co. in any financial way, direct or indirect, finished when my wife sold some stock she had had, at a loss, a short time before the lease was signed.

Now, I ask you in all fairness and candor, gentlemen—and this is in no sense a partisan or political matter—to compare that statement, which I repeat was as accessible to the gentleman from South Carolina as it is accessible to you and to me, with the statement which I have read from the gentleman's own remarks.

No; this is not a partisan question. This is a question of whether we as a House of Representatives or whether we as individual Members of this House can afford lightly to blacken a man's reputation. That is the essential issue, because the charge that was made by the gentleman from South Carolina [Mr. STEVENSON] was a very grave charge; a charge that in my judgment tended to bring Theodore Roosevelt's name into discredit and into disrepute.

I do not see why the gentleman from South Carolina, who freely quoted Colonel Roosevelt's own testimony elsewhere in his remarks, did not, in candor and in fairness, also quote to the House the sentence which I have read from Theodore Roosevelt's own testimony. That should have been done at the same time and for our information. Gentlemen, I do not want to attack the gentleman from South Carolina. I do not rise in any spirit of that kind whatever. I simply rise because I think we ought to join, all of us, in these excited and troubled days, in the demand that a man's reputation should not be assailed lightly. It is all that he has, after all.

In this connection, because, I say for the third time, the matter is a nonpartisan one, I want to read from an editorial in the Boston Post, which is perhaps the leading Democratic paper of my part of the country, and many of you would say one of the leading Democratic organs of the entire United States. Speaking of what has been going on in the Senate of late, the Boston Post says—

The CHAIRMAN. The time of the gentleman has expired.

Mr. FRENCH. I yield the gentleman from Massachusetts one more minute.

Mr. ROGERS of Massachusetts. The Boston Post says:

We submit that it is about time to put an end to this biatheskrilling. As it now is, anyone of the most unsavory antecedents and proved unreliability can come before a Senate committee and insult and slander men of the highest character. It is easy to say that such baseless charges are soon refuted; but the lie travels everywhere and

swiftly, while the subsequent truth never has quite the same chance. It is one thing to investigate sanely; it is another to permit unlimited slinging of filth under a sort of official sanction.

[Applause.]

The CHAIRMAN. Before proceeding further let the Chair state that the time that has been used on both sides up until this morning was almost equally divided, and there is left 2 hours and 15 minutes on each side.

Mr. BYRNES of South Carolina. Mr. Chairman, I yield five minutes to the gentleman from South Carolina [Mr. STEVENSON].

Mr. STEVENSON. Mr. Chairman, the gentleman comes back here to fight what is not in issue. Here is the testimony of Mr. Roosevelt, and I read it the other day:

Assistant Secretary ROOSEVELT. I acted as a director [referring to the Sinclair Co.]—this I will again have to ask for corroboration on—I acted as a director from, I should have said, 1916 to 1917.

Mr. SINCLAIR. 1916, I think.

Assistant Secretary ROOSEVELT. 1916 to 1917.

Senator WALSH. And your stock was sold some time during 1917 or 1918?

Assistant Secretary ROOSEVELT. My stock was sold, I should say, in the winter of 1918.

Senator WALSH. And then your wife became a stockholder in 1920?

Assistant Secretary ROOSEVELT. In 1920; and sold that stock in 1921, I think I can tell you, approximately. It was, I think, in 1922; sold it in 1922.

Senator WALSH. Are there any other members of your family interested in the Sinclair Co.?

Assistant Secretary ROOSEVELT. My brother is an employee of the Sinclair Co.

I read that statement. I did not find any statement there in which he said he sold it before or after the lease, and the very fact that it was of such vital interest for him to say it was before the lease caused me to draw the inference that it was after the lease.

Mr. ROGERS of Massachusetts. Will the gentleman yield?

Mr. STEVENSON. No; not now.

Mr. ROGERS of Massachusetts. Would the gentleman like to read this for himself?

Mr. STEVENSON. I do not yield now. But when his distinguished brother-in-law, Mr. LONGWORTH, assured us that it was sold before the lease I accepted that statement, and the Record shows I accepted it, because I knew he would not state what was untrue. But it left the fact admitted that she owned it when Roosevelt got the presidential order signed that made the lease possible.

Now, Mr. Chairman, there was not any necessity for his coming back here—and, by the way, the gentleman from Ohio [Mr. LONGWORTH] also disclaimed any intention of charging me with being a deliberate falsifier. I took the statement as a settlement of that issue.

They say I am a slanderer. Now, gentlemen, I expect to prepare and give to the press a statement of all this matter, in which I will state substantially everything I have stated here, and anybody who is entitled to sue me for libel can do it anywhere.

I do not stand behind any immunity. I have been in the business for 35 years, and I stand by my statements and by my actions, and I defy any man in court to overturn them. [Applause.]

I did say that if these attorneys, who were out and who were rejected, were disqualified because of former connections with oil companies, this record showed Mr. Roosevelt was, too. In a statement in this morning's papers he makes a rather savage attack on me. I asked him a question, and I am going to ask this House that same question. I am going to read you a part of this record, and a very small part of it, at page 1882, Mr. Archie Roosevelt being cross-examined by Mr. Stanford:

Mr. STANFORD. Now, Archie, as a matter of fact, you haven't had much to do with the Sinclair Co.'s business for the past year, have you?

Mr. ROOSEVELT. No, sir; nothing except that Russian thing.

Mr. STANFORD. That Russian thing?

Mr. ROOSEVELT. Yes.

Mr. STANFORD. And that was when we went over to Russia in May, 1923?

Mr. ROOSEVELT. Yes, sir.

Mr. STANFORD. And I believe you made a report?

Mr. ROOSEVELT. Yes, sir.

Mr. STANFORD. And you have done some little work under Mr. Watts?

Mr. ROOSEVELT. Yes, sir.

Mr. STANFORD. In reference to disposing of some gasoline over there? Mr. ROOSEVELT. Yes, sir; I came up here—there is another place I got—I came up here and tried to get this Mr. Watts to dispose of some gasoline, in regard to some contract, anyhow—I have forgotten now—

That is a remarkably clear business record—

to the Navy Department, and the Navy Department turned us down.

Mr. STANFORD. Well, that has been practically the extent of your business in connection with the foreign work of the Sinclair Co. in the last year, has it not?

Mr. ROOSEVELT. Practically entirely; yes, sir. I watched and got reports, you know, from Mr. Woodman and Mr. Longshore, and when I was in London I did one or two little trivial things, you know.

That is the testimony of Archie Roosevelt as to what he did in the year 1923, for which he was paid \$15,000, according to the testimony of Mr. Theodore Roosevelt, Assistant Secretary of the Navy.

I ask the questions: First, when was it that his salary was raised from \$10,000 to \$15,000 a year, and at whose request? Second, for what was the \$15,000 a year paid? It appears it was not paid for work. Third, the gentleman in assailing me said that he got this job for Archie, who was a veteran and a cripple. I want to know how many other veterans he got a \$10,000 job for, or a \$15,000 job for, especially when it was a sinecure. That is all I have got to say about this thing.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. FRENCH. Mr. Chairman, I yield 10 minutes to the gentleman from Kansas [Mr. TINCHER].

Mr. TINCHER. Mr. Chairman, I had the pleasure about a week ago of making a trip home. I took some satisfaction in the comparison of this body with another, in the fact that we had not indulged in any scandal up to that time. Last Saturday afternoon the gentleman from South Carolina [Mr. STEVENSON] made a speech and I took the floor, because, having followed the hearings to some extent, and being personally acquainted with Theodore Roosevelt and an admirer of his family and children, I felt it was wrong that there should go to the country unchallenged a statement that I did not believe the gentleman himself would want to go unchallenged. I think yet that it was wrong. I think, Mr. Chairman, that when we are drawing inferences we ought to stop before we draw the inference without testimony that a man is unfit to associate with his fellowmen, and if young Teddy Roosevelt had been guilty of the thing deliberately stated on this floor he would have been unfit to occupy the position that he now holds. But the gentleman from South Carolina this morning, when we all say there is no truth in it, says now, although he left it in the Record, that he did not mean to stand on that as a fact after he was assured it was not true. However, how will that look to-morrow morning when Mr. Rogers's remarks go out as compared with the facts? The gentleman is troubled; he is worried this morning, because he says the testimony—

Mr. STEVENSON. Mr. Chairman, will the gentleman yield?

Mr. TINCHER. No.

Mr. STEVENSON. I only want to assure my friend that I never felt better in my life.

Mr. TINCHER. Perhaps the gentleman is used to it. The attitude would be awkward for me. [Laughter on Republican side.] The gentleman is worried, because he does not understand how Archibald Roosevelt was worth \$15,000 a year, and he bases that on a reading of the testimony before a Senate committee. He can not understand how Archie would be worth that much money. I know that the gentleman himself ordinarily is worth his salary as a Congressman. Heretofore I have had very friendly relations with him and have admired him and some of his work, but you can not tell what a man is worth by what you read. What in the name of common sense will people think of him when they read the Record to-morrow morning? [Laughter on Republican side.]

There is one other little occurrence to which I wish to advert at this time. I have never taken the floor in this House to attack any Member of the House, and never shall. Members have their rights; but there is a certain gentleman from Texas [Mr. CONNALLY], and I suppose he is in a position to do it this morning, who always enjoys following me. He has his fun. He indulges in a form of sarcasm which I suppose he likes, and in a kind of fun in which I shall indulge a little. I feel sorry for this gentleman, and I want to help him in any way that I can. In the first place, he is not without ability. He knows how to be sarcastic and not say very much either. He said the other day that he was thankful for the fact that no

Democrat's name could possibly be connected with this scandal, and that in all of the investigations that were ever had the good name of every Democrat was left absolutely intact. Mr. Chairman, the gentleman is a very valuable man to his party. He is the best little alibi in the world. He is of the party of McAdoo, Doheny, and Baker. I will tell you why we did not have any argument over the kind of system that they carried on during the last administration. They just admitted it and laughed at it. There was nothing uncommon about putting into the CONGRESSIONAL RECORD, as I did one afternoon, something to show that Mr. Baker, as Secretary of War, was indulging in a practice that was not only untrue to his country but unfair to the farming people of this country, and which was going to enrich some importers. They did not even deny; they just laughed about it. Their position was, "We are in the saddle, and we are running this thing." And now one of the candidates for Vice President, or rather placed in nomination at San Francisco at the last Democratic convention, Mr. Doheny, has a clean bill of health given him Saturday by my friend CONNALLY, who states that not a Democrat can be mentioned in connection with this scandal.

I do not care for the gentleman's reference to my personal appearance and manner of delivery. God never intended that everyone should have the perfect Grecian beauty of my friend from Texas. God did not endow all men with the beautiful locks and magnificent presence that He did the gentleman from Texas. I concede that he is the most beautiful man in the House, and that is generally conceded in the House. In fact, it needs no testimony, because he will admit it himself. There is one thing, however, that he is worried about, and that is whether, if we get to the White House with this investigation, I will have any courage. So far I have had the courage to stand against anything that I thought crooked, and I hope I always shall.

I have never had the chance to have the tests that my friend has had. Oh, I can imagine the picture of him going up to Theodore Roosevelt, sr., in his childhood, and saying, "Teddy, I want to go to war." The locks were hanging on his shoulders at that time, and I think that Teddy would have said, "You are too young, you can not go." Now, he is worried for fear the children of his dear old friend Teddy have not the moral courage to stand up for what is right, and he expresses that concern and worry on the floor of the House.

I congratulate my friend upon his service to his country. As I understand it he volunteered to serve in a noncombatant portion of the recent war and that is all right. He got that much further than I did and I am not criticizing, because again my form as compared with his Grecian beauty barred me. I am glad the gentleman did not go to France, at least, until after the war was over, because I think it would have been very unfortunate if he had gotten scarred up or wounded. But why worry about the Roosevelt courage? If he had gone to France perhaps he would have received a wound as did young Teddy, whose courage he is now worrying about. [Applause on the Republican side.] If he had gone to France perhaps he would have received wounds like this young Archibald, whom they are now abusing. [Applause on the Republican side.] I do commend him for going to France, even though he did not go until after the war over; and, if he did so, I commend him for standing at the grave of that other brother, Quentin, who is buried over there.

And why worry about the moral courage of that family? He sent this out to the country. What was there against Teddy when he indulged in that worry? He charged that his wife held a thousand shares of Sinclair stock after the lease had been made, and now that the charge is no more the worries can be dispelled. I admire beauty and art, and I admire the gentleman from Texas. I would not worry about the courage of the Roosevelts. He can go and get his picture taken with his uniform on and look at that beautiful picture and dispel all worries. Sometimes, I do not know, but before I came to Congress, Billy Mason, who was then in Congress, made a speech. He was talking about some fellow named "Tom." He said, "The trouble with Tom is when he gets up in the morning and puts on his trousers he thinks the world is half dressed, and when he goes down Pennsylvania Avenue and looks in a glass where he can get a reflection of himself he wonders why the other side of the Avenue does not tilt up." Every man is entitled to his good name. No man has the right to take that good name away from him unless he has affirmative proof that the man is not entitled to his good name. Theodore Roosevelt, his wife, and two little boys are as much entitled to their good name as any man in America. No man has the right to assert the contrary without he has the evidence to back it up. [Applause.] And I for one, so

long as I have my membership here, will not be bluffed out of standing against taking the good name away from any man who is unjustly accused by the sarcasm of the gentleman from Texas or the accusation of any other gentleman; I never will. I thank you. [Applause.]

Mr. BYRNES of South Carolina. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. CONNALLY].

Mr. CONNALLY of Texas. Mr. Chairman and gentlemen of the committee, when Saturday afternoon in an unostentatious, and I think modest, manner I saw fit to make some remarks about the impropriety of the gentleman from Kansas [Mr. TINSCHER] savagely attacking the gentleman from South Carolina [Mr. STEVENSON] for having the temerity to rise on the floor of this House and quote from the printed hearings the sworn testimony of the Assistant Secretary of the Navy, Colonel Roosevelt, I did not apprehend that that insignificant act on my part would cause such a volcanic eruption on Monday morning. Had I thought that, I fear I should not have been bold enough to do so. What I did remark was that the gentleman from Kansas, when he first came here from Kansas, standing upon the floor of this House, poured forth fierce denunciations of the War Department and the Navy Department under Democratic rule during the war, and charged all of those departments with being filled with graft and corruption and criminal misdoings, and that after some sixty-odd investigating committees had been appointed by the Republican Party when it first came into power in 1919, after they had completed their labors they had found they were unable to put the finger of guilt upon any responsible official of the Democratic administration. I said that that being true, if the gentleman from Kansas were a real fighter that he would stand up now when these investigating committees begin to find the tracks that lead up to your own door—I said almost up to the doors of the White House—I said that the gentleman from Kansas, if he were a real fighter would stand up and take his medicine and not whine and cry like a whipped child. That is what I said. [Applause.] Now, that is what I said. I did not refer to Colonel Roosevelt's military record. I admire it. It was a splendid record so far as I know. I did refer to his father's record, and the printed records of Saturday here will bear witness I paid to his father's record as high a compliment as my power of speech and my modest abilities would permit. Now, the gentleman from Kansas comes back here upon the floor this morning and makes an attack on me, and I challenge any Member to read the Record on Saturday and see whether I made any personal allusion to the gentleman's personal appearance. If I were the gentleman from Kansas, bearing in mind that comparisons are distasteful, if I were the gentleman I would never undertake a comparison of that kind. [Laughter.] He told the story of what was said by the gentleman from Illinois, Mr. Mason, some years ago, Senator Mason, in referring to Senator TOM HEFLIN, who was then a Member of the House, when he said that "when he pulled on his trousers in the morning that he thought the world was half dressed," and sought to apply that story to me. If I were inclined to bandy epithets with the gentleman from Kansas, I might call attention to the fact, and could get plenty of corroboration, that when he performs that service, indeed a very large part of the world is dressed. [Laughter.] Now, let me say one other thing about all these charges. I understand that the gentleman from Kansas last week, in his own State, and as chairman of the State committee—is he, I do not know—

Mr. HOWARD of Nebraska. Generalissimo.

Mr. CONNALLY of Texas. Some official in his own State, some party official, some party dignitary or chairman of his State convention, made a speech only last week in which he said that the graft in this Government under the Democratic administration was greater than Teapot Dome. He made such a statement after the Republican Congress had fully investigated all such charges and had failed to fix wrongdoing or corruption upon one responsible Democratic official. The only man they indicted was the Republican Assistant Secretary of War, Benedict Crowell, whose indictment was dismissed by the court because the present Attorney General and his assistant could not write an indictment that would charge a crime.

What do we find? We find that in all these alleged war frauds nothing came from them. Take, for example, the dye-patents case. What happened in regard to that under the Attorney General? Why, the dye-patents suit was filed over in Delaware, and the Government lost the case. What happened about the harness case, which the gentleman from Illinois [Mr. GRAHAM], now occupying the chair, called to the attention of this House so many times. They tried it over in West Virginia and the jury found them not guilty. No; I do not know whether

it was the verdict of the jury or the instruction of the court by the jury, but they lost the case. What happened with the Morse shipping case, with which this House has been filled since 1919? They indicted Morse here in the District of Columbia and with a flock of attorneys, some of whom had sat in this House and some of whom had sat in the Graham investigating committee and knew all about it, assisting the Attorney General. What happened in that case? In that case the jury found Morse not guilty, and he went forth judicially an innocent man.

What happened to all these fraud prosecutions during the war? Nothing except an accumulation on the pay rolls of the Department of Justice of a great flock of attorneys who can neither write an indictment that will stick nor get verdicts from the court or the jury on evidence which they brought forward or ought to have brought forward and which gentlemen on the Republican side in the years 1919, 1920, and 1921 said revealed such a saturnalia of crime and of graft that it offended the very nostrils of Heaven. One thing follows, either that there was not any graft or that your party and your officials are so incompetent that with your arms full of evidence and with a flock of retainers you can not convict anybody in a court on evidence that you can produce.

Now one other thing, and I am done. I challenge the gentleman to deny what I said on Saturday, and that was that I found some satisfaction in the fact that with a war record like that, while I grieved that these things had ever occurred, I said I derived some satisfaction from the fact that after the Republicans got into power and when these smelling committees began to go around through the avenues where the evidence led them, and when they knocked at the silent chambers where these conspiracies and plots were being hatched—I derived some satisfaction from the fact that no responsible figure in my party was found there, and that no responsible figure in the Democratic Party has been shown to be guilty of graft.

Oh, but the gentleman from Kansas [Mr. TINSCHER] talks about Mr. McAdoo. Why, if he is so outraged at what Mr. McAdoo did after he got out of the Cabinet, if he is so outraged at what Mr. McAdoo did when he became a private citizen, oh, how his heart must be crushed by the fact that his own Secretary of the Interior, not after he got out of office, but while he was in office, gave away under leases the naval reserves of this Government and went away from the meeting place with \$100,000 in a leather satchel. [Applause.]

Oh, my friends, I know that his grief is great at that; too great even for words; because while he has criticized McAdoo, you have never heard one word on this floor from the gentleman from Kansas about Fall, or about Daugherty, or about Doheny, or about Sinclair. His grief is too great for words. [Applause.]

One other thing, and then I am done. The gentleman from Kansas saw fit this morning to make some reference to my modest service in the war. It was not really in the war, because I never got to the war.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BYRNES of South Carolina. I yield to the gentleman two minutes more.

The CHAIRMAN. The gentleman from Texas is recognized for two minutes more.

Mr. CONNALLY of Texas. I never made any reference to the military record of the Assistant Secretary of the Navy. On the other hand, as I understand, that record is splendid, and I now desire, if I did not do so then, to pay my tribute to any soldier who went across the seas and followed the flag of his country and exposed his person to danger. The only reference which I made was this, that the first time I ever saw Colonel Roosevelt, senior, was in 1898, in San Antonio, when he was recruiting his Rough Riders, and that I undertook or tried to join his regiment. That was true.

I quit the University of Texas. I did not refer to these things and have never done so except when provoked by the gentleman from Kansas. I left the University of Texas and went to San Antonio and applied to Colonel Roosevelt, and was accepted, but it was found by the surgeon that I was too light for my height. The gentleman said he did not go; he had an excuse; I was too light and he was too heavy. [Laughter.]

I did not content myself with that. When I found I could not go with Colonel Roosevelt I immediately went over to Austin, the capital of my State, and I enlisted in my State regiment, and the surgeon, happening to be an old schoolboy friend of mine—I do not know whether that had anything to do with it or not—I was passed. I entered the service and remained there until the war ended. I did not go to Cuba because they did not send me to Cuba. I spent my service down in Miami,

Fla. It was not my fault. I placed myself where my commanding officer should see fit to send me. My record is in the War Department. I wonder where the gentleman from Kansas was at that time. I notice in the Directory that his age and mine are only one year apart. When he seeks to criticize my war record, I wonder where he was in 1898; I wonder why he did not then follow the name of Roosevelt, that he is so anxious to follow now. [Applause.]

Then the gentleman referred to my service in the last war, the World War. I claim no credit for that. I did not go when the first call came. I was a Member of this body. I did not go until Congress passed an act drafting the boys from 18 years old up, and when they went down and drafted the boys 18 years of age I, having been a "tin soldier" in times past, having tried to go to war in 1898, said to myself, "If they have got to draft the boys 18 years old, under 21, and the country needs men that badly, old boy, it is about time you should go, because you have had military training and perhaps you can be of service quicker than they can."

Oh, the gentleman said I was in a noncombat organization. That is not true, and he ought to know it is not true. I was a brigade adjutant of the Twenty-second Infantry Brigade over at Camp Meade, Md. I wonder where the organization of the gentleman from Kansas was stationed at that time. [Laughter and applause.]

Now, gentlemen, this is distasteful to me. I do not like to make these personal references, and I would not do so except for the attack by the gentleman from Kansas. I was informed a few minutes before the gentleman rose that he proposed to attack me personally on this floor and attack my war record. I claim no credit for that any more than any other citizen. I thought my obligation to my country required me to go while the gentleman from Kansas thought his obligation caused him to stay, and I am not criticizing him for that—that is with him and with his conscience—but I do question the right of the gentleman from Kansas to attack a record of which I have never boasted, because I claim no special credit for my record.

But after all is said and done, gentlemen of the House, the fact does remain that the gentleman from Kansas and other Members like himself, stirred by partisan rancor after the war, stood on this floor and filled the public prints, filled the public forums, and filled the circumambient ether with their denunciations of graft, of corruption, and of misdoings, and of all other crimes which could be catalogued along with such crimes under the Democratic administration. Yet with more than 60 committees and subcommittees they had to acknowledge that the taint of corruption could not be placed upon a single responsible Democratic official. And now, with such a record as that, when this chapter of corruption about Teapot Dome, the sale of the naval oil reserves, and when this scandal about the Attorney General's office and the scandals and indictments in the Veterans' Bureau affairs come to light these brave defenders of the public service, these men whose souls were so stirred by outrage under the Democrats, instead of lifting their brave voices in denunciation go around whining and saying, "We hope this period of slander and defamation will soon stop; the people are getting enough of it." I say, gentlemen, why do you not now stand up and take your punishment? Why do you not stand up now and condemn those who have been proven guilty rather than by negation, rather than by sitting still and saying nothing, seemingly—I will not even use that word with reference to anybody except the gentleman from Kansas—tolerating these terrible transactions in the public service.

I did not provoke this discussion either now or on Saturday, and I regret, gentlemen, to have consumed so much of your time in doing what I thought was due to myself and due to my membership in this body. I thank you. [Applause.]

Mr. FRENCH. Mr. Chairman, I yield 20 minutes to the gentleman from Utah [Mr. COLTON].

[Mr. COLTON was granted leave to extend his remarks in the Record.]

Mr. COLTON. Mr. Chairman, may I be notified when I have consumed 15 minutes?

Mr. Chairman and gentlemen, the debate this morning has been marked by so much personality that I would now like to bring your minds back to some public questions in which I believe the people are interested. Personally I had been very greatly in hopes that this subject would not come up for discussion in this House and be marked by the same grade of debate that has marked it in another body. But I think this an opportune time to call attention to some facts in connection with a subject which may, at least, be of interest and which I hope will be understood.

I want to say at the outset that we on the Republican side—and I think the whole membership of this House for that matter—hold no brief for any man who violates his oath of office or who is not true to a trust. But gentlemen, because one man may do wrong is no ground for us to stand up and make wholesale condemnations against public officials.

I want to invite your attention to the fact, that thus far, in connection with the naval oil reserves, only one man in public life stands condemned before the American people and even he has not yet received the right which every American is entitled to receive, namely, a trial by his peers. Every other American citizen is presumed at every stage of the proceeding to be innocent until he is proven guilty. I say if Mr. Fall or any other official is guilty of the violation of a trust, he should be punished.

I say to those on the other side that if, amid all of that waste and extravagance in expenditure that characterized your administration, no man in official life were guilty of wrongdoing you ought to be thankful and you ought to join with us in proclaiming that only one man, among the many who have been working out the great problems which have confronted this Government since the war has gone astray; instead of condemning everybody you ought to join with us in our attempt to stop this wholesale condemnation of innocent men. Our country has been and is now singularly blessed with honest public officials. If you sincerely want to establish faith in the Government among the people publish that fact; condemn evil but hold up the good.

Now, let us look into some of the facts surrounding the circumstances which have given rise to much of the debate on this floor in the last two or three days and in another body for weeks and weeks.

Let us inquire into the origin of the events and policy leading up to the oil leases. May I quote from a letter:

The general leasing act of February 25, 1920 (41 Stat. 437), authorizing permits and leases to develop oil, gas, oil shale, coal, phosphate, and sodium belonging to the United States, provided that it should not apply to lands withdrawn or reserved for military or naval uses "except as hereinafter provided."

Section 18 of the act, second proviso, was to the effect that as to any placer mining claims possessed prior to July 3, 1910, on which one or more wells had been drilled, and so forth, the Secretary of the Interior might within naval petroleum reserves lease "the producing wells thereon only," together with an area of land sufficient for operation. The next proviso to section 18 was to the effect that the President, in his discretion, might lease the remainder or any part of the claim on which such wells had been drilled, the claimant or his successor to have the preference right to any such lease. The next proviso authorized the President to permit the drilling of additional wells by the claimant or his successor within the limits of any such former mining claim.

The proviso to section 35 of said act of February 25, 1920, was to the effect that moneys accruing to the United States under the provisions of the act from lands within naval petroleum reserves should be deposited in the Treasury as miscellaneous receipts.

From the foregoing it will be seen that under the general leasing law of February 25, 1920, the Secretary of the Interior could lease producing oil wells in naval reserves. The President could authorize leases of the remainder of the former mining claims on which any wells were situated, preference being given to the mining claimant, and the President was also empowered if he did not desire to lease the entire former mining claim to permit the drilling of additional wells.

On June 4, 1920, at the instance of the Secretary of the Navy, there was included in the naval appropriation act of that date (41 Stat. 813) a direction that the Secretary of the Navy take possession of all properties within naval reserves—

"on which there are no pending claims or applications for permits or leases under the provisions of an act of Congress approved February 25, 1920, * * * or pending applications for United States patent under any law; to conserve, develop, use, and operate the same, in his discretion, directly or by contract, lease, or otherwise, and to use, store, exchange, or sell the oil and gas products thereof, and those from all royalty oil from lands in the naval reserves for the benefit of the United States: And provided further, That the rights of any claimant under said act of February 25, 1920, are not affected adversely thereby." * * *

Under the act just cited of June 4, 1920, it will be perceived that the Secretary of the Navy was given jurisdiction over all lands in the naval petroleum reserves that were not covered by the former mining claims recognized and provided for under the general mining laws and under section 18 of the general leasing act.

In naval reserves Nos. 1 and 2, California, therefore, leases have been issued under two different acts of Congress—first, leases by the Secretary of the Interior or with the approval of the President under sections 18 and 18a of the act of February 25, 1920; second, leases

issued under the authority or presumed authority of the naval appropriation act of June 4, 1920.

In naval reserve No. 3, Wyoming, no leases were given under the general leasing act of February 25, 1920. The Mammoth or Sinclair lease, covering the entire structure was given under the act of June 4, 1920, to Mammoth Oil Co., executed April 7, 1922.

Mr. BLANTON. Will the gentleman yield?

Mr. COLTON. I will, for a question.

Mr. BLANTON. I was trying to follow the gentleman. Do I understand that the gentleman is defending and trying to justify the leasing of our naval oil reserves?

Mr. COLTON. Oh, no; not at all. That is not pertinent to the question I am discussing.

Mr. BLANTON. I was trying to find out just what the gentleman was discussing.

Mr. COLTON. I will tell the gentleman in just a moment. I am stating that following out a policy started by the previous administration, particularly by men who were at the head of departments, this administration began leasing certain oil reserves and yet on March 2, 1924, the former Secretary of the Navy in an article published in the Washington Herald demanded that the First Assistant Secretary of the Interior be dismissed from his position for carrying out these policies and the orders of his superior. Last Saturday a demand was made that the First Assistant Secretary of the Navy be dismissed. Both of these men have only been carrying out a policy first authorized by Congress and then started by the previous administration and followed out by this present administration.

Mr. BLANTON. Would the gentleman mind yielding further?

Mr. COLTON. Certainly not.

Mr. BLANTON. The gentleman is aware of the fact that the resolution passed by the Senate, and passed by Republican votes as well as Democratic votes, condemned the Secretary of the Navy for making the leases and asked for his resignation.

Mr. COLTON. I am not responsible for what another body has done, and I want to say that any contract or lease that was conceived in fraud is void ab initio, and proper steps are being taken for the cancellation of all such contracts.

I am not defending any wrongful act, but I want to say to you—and I expect to speak of this just a little later—that I am lifting my voice to-day against this wholesale condemnation of faithful men who have, through long years of diligent service, built up splendid reputations. Those reputations are about to be ruined and by what? So-called evidence that would not be taken in any court of competent jurisdiction in the land, and yet evidence, or so-called evidence, that is being broadcasted in this day of hysteria throughout the country.

Mr. BLANTON. Would the gentleman mind one other question?

Mr. COLTON. Certainly not, if it is just a question.

Mr. BLANTON. I have been wondering just how much these receiverships are going to cost. My experience has been they are very expensive. I agree with the gentleman that these leases are void ab initio, and the Government ought to have gone there and should have taken charge of the property and then let the other fellow sue, and not have placed the matter in the hands of receivers and have all the receivership expenses charged up against the Government.

Mr. COLTON. That only applies to those leases that have fraud connected with them. You leased wells during the last administration. Are you saying they were conceived in fraud? Fifty-eight wells had been leased prior to March 4, 1921.

In naval reserve No. 2, California, prior to March 4, 1921, the Democratic administration, with the approval of Josephus Daniels, Secretary of the Navy, had leased 58 producing wells in various parts of the reserve. More than this, with the written approval of Josephus Daniels, dated August 21, 1920, and subsequently approved by Secretary Payne and President Wilson, the Boston-Pacific Oil Co. was permitted to put down five new wells on reserve No. 2, at a royalty of 25 per cent. A little later, with the written approval of Secretary Daniels and of the President, the Consolidated Mutual Oil Co. was given a lease for 120 acres of land in the heart of naval reserve No. 2, at a royalty of from 12½ to 25 per cent. All of these royalties were taken in cash and paid into the Treasury and aided in no way in affording or conserving a supply of fuel oil for the Navy. Meanwhile the hundreds of oil wells upon private lands within and adjoining the reserve were draining the oil from under the Government's lands in the reserves, the total number of these wells, as stated by the Bureau of Mines March 4, 1921, being 785.

Adjacent to the Teapot reserve in Wyoming were a large number of wells in the Salt Creek field, and that they were draining Teapot is shown by the fact that after Sinclair

began drilling in the Teapot reserve the production from the adjoining lands in Salt Creek fell off 1,000 barrels per day.

Under the policy of the succeeding administration, wherever it was found necessary to drill the reserves to prevent drainage from private lands, whether under general leasing law or the Daniels Act of June 4, 1920, the royalties were taken in oil instead of in cash and exchanged for fuel oil in tanks, where it could be conserved and held for the use of the United States Navy, when and if needed. At this moment there is stored in tanks owned by the Government in Hawaii 1,500,000 barrels of fuel oil, and like storage has been arranged for under the Sinclair lease upon the Atlantic coast. It would not be possible to store crude oil for long periods without losses by evaporation, but experts say that the fuel oil, which is the form in which battleships use it, may be stored for long periods of years without appreciable loss. Therefore, the policy of this administration is one of conservation, with the additional advantage that the oil is in such location and form that it can be made immediately available to our battleships in case of emergency.

The highest royalty secured by the Wilson administration under any laws was 25 per cent, while the royalties secured by the succeeding administration ranged from maximums of 25 to 77 per cent, most of them being from 35 to 55 per cent. I am not arguing for the policy. I am saying with the policy established, the leases made by this administration are immeasurably better than those made under the previous one.

The facts are that as regards one of the reserves leasing is the only way it can be handled.

I have it on the authority of an expert that the oil produced from these fields is not a fuel oil. It has a paraffine base and by ordinary distillation and redistillation by the Burton process yields a very large percentage of gasoline or motor spirits, products which have a value far in excess of that of fuel oils. Such part of the residue as is not used for the production of high-grade lubricating oils could be used for fuel purposes; but if so prepared, it could not be economically utilized for naval fuel owing to the high cost of rail transportation from Wyoming to the seacoast.

The Teapot Dome therefore, unlike the oil from the California reserves, can not be practically nor economically utilized by the Navy as a fuel oil; and the only way the products of that reserve could be utilized for the benefit of the Navy, except possibly as to the use of some gasoline or lubricating oil, would be by exchange of products or values or by a Government enterprise of drilling, refining, and sale of oil products. A knowledge of these facts enables one to understand the language of the law above mentioned, which authorizes not only contracts and leases but sale and exchange of the products of the reserves.

In the situation above outlined the administration was called upon to decide what its policy should be as to the protection, handling, and utilization of the products of these reserves. The policy of carrying on offset drilling operations simply with a view of getting a certain amount of oil out of the ground before adjacent owners could drain it can not in the nature of the situation be considered a permanently satisfactory policy. No considerable amount of oil for storage could thus be secured by the Navy, and the question as to what amount of offset drilling was necessary to protect against outside drainage would necessarily be one of opinion constantly modified by changing surrounding conditions. It would be at best a more or less questionable policy of self-defense, which would neither retain the oil in the ground nor provide any permanent storage of reserve oil.

In this situation the administration was called upon to determine:

1. What policy should be pursued to protect the Government from very great losses by drainage through adjacent wells of private oil operators; and

2. What should be the policy with regard to providing an emergency reserve of oil for the Navy.

Manifestly the Navy could not safely depend for a much-needed emergency reserve, particularly at points far distant from the mainland, upon undrilled and uncertain supplies in the ground in California. Much less could it depend upon supplies from a wholly unproven reserve in Wyoming, no part of the product of which, however much or little it might prove to be, could be utilized for naval fuel. This reserve, the Teapot Dome, was generally believed to be an excellent prospect for a large production of high-grade gasoline-producing oil, but, except for two or three wells drilled into the comparatively shallow upper sand and indicating a production of 8 or 10 barrels a day, the reserve was wholly undeveloped; it came

very nearly being a "wildcat" proposition, with the probability of considerable production of gasoline, kerosene, and other products of refining, none of which could be advantageously or economically utilized by the Navy.

It is to be assumed that after careful consideration the naval authorities believed that, under the circumstances, it was necessary to give the reserves more attention, and to inaugurate a more active, intelligent, and practical policy to protect their oil products. If the reserves were to be of real value to the Navy in supplying a large reserve of oil for use in case of emergency, and particularly at points distant from the continent, it was necessary to utilize these products for that purpose. The oil could be stored in tanks for an indefinite period, with comparatively little danger of loss through accident and with a very limited loss through evaporation. The question was how to inaugurate and carry out a policy under which the reserves could be utilized for the only purpose for which they could have been intelligently or wisely established.

The Navy Department has no bureaus whose business it is to be informed with regard to oil lands, geology, and the science and business of oil production. In the Interior Department is the General Land Office, not only familiar with land titles and conditions through its activities and operations as an agent of the Secretary of the Interior in the administration and protection of the public domain but under the leasing act charged with the administration of many thousands of acres of public oil lands.

In the Interior Department is the Indian Office, familiar with many phases of administration of Indian oil lands. In the Interior Department is the Geological Survey, a bureau whose officials are thoroughly familiar with the topographic and geological conditions of all the naval reserves, with the history of operations and with the probabilities of drainage and production. In fact, it was this office that primarily advised with regard to the establishment of the boundaries of the reserves. In the Interior Department is the Bureau of Mines, charged, to a considerable extent, with the administrative operations of the Government in connection with the handling of the oil lands over which it has supervision. This bureau is familiar with the character of the oil on the reserves and with the problems of production, transportation, and use of oils. Manifestly, if the administration, under authority of law, was to be able to make advantageous arrangements and contracts for the protection, the management, and the development of the naval reserves and their products, the assistance of the Interior Department and its bureaus was absolutely essential.

With a view of utilizing those agencies of the Government, President Harding issued the order under which the details of the problems at hand were to be worked out with the assistance of the Interior Department. In no other way could the vast amount of information which had been gathered, assembled, and tabulated, not only with regard to these reserves but with regard to the general business and practice of oil development and production, be utilized. Furthermore, the Government had important interests in the general oil situation growing out of vast royalties accruing to it through leases of oil lands under the leasing act, with regard to which the Secretary of the Interior was charged with a great responsibility. I say again the leases if tainted with fraud should be canceled.

Even if they proved to be good leases, fraud would vitiate them, and all of that is being inquired into in the courts.

Now, gentlemen, in conclusion I only have this to say: Here was a policy started by Congress, a policy started by a Democratic administration, and these men were acting under the orders of superiors under this administration, and now, because they carried out orders and carried out a policy of a former administration and executed leases that were valuable to the country—much more valuable than those of the previous administration—because they did that, although no word of taint has been uttered against their personal character, yet a hue and cry goes up calling for their resignation and saying, by inference at least, all manner of things against them.

One of the proudest names in America would have been tarnished and besmirched here last Saturday in public debate had fortune not favored us with the presence of men who could show that it was false and not a word of truth in it. [Applause.]

One's character is the most sacred possession this world has to offer. It is the mark set in the forehead of its possessor that is recognized by men of like standards everywhere. Character is as eternal as the everlasting hills and the one thing an alkalied tongue of slander can not corrupt. It is the fabric into which has gone all the choice threads of a life's selection.

Character is essentially just what we are—the oak of the forest that resists majestically when the evil winds of calumny and destruction beat upon it. Ghouls dig into the dirt to rob dead, decaying bodies. What think you of their vocation? Yet it is as high as Halley's comet above that of the man whose palsied mind would shoot forth to the world scorpion words to blast the hopes and bruise the hearts of men whose life's accumulation consists of their character—the jewel beyond price.

What of one's reputation, may I ask you? Is it not the mantle in which the individual's character is ensconced? Is it not also precious? Aye, it is far beyond the wealth of the world and far beyond any gain which may be anticipated by political partisan traducers in their attacks on honest public men, men whose reputations may be sacrificed by the mouthy splashes of slanderous vitriol which emanate from slimy reservoirs of disappointment and hate.

"Boys flying kites haul in their white-winged birds,
But you can't do that when you're flying words.
Careful with fire is good advice, we know,
But careful with words is ten times doubly so."

Mr. Speaker, the highest function of our Government is the protection of its citizens. Into our hands, as the chosen Representatives of this people, is intrusted the mandate to protect the citizens of this our great country. Does our duty in this matter extend to periods of time in which we have war or peace or does it include all periods? Are we selected to sit idly by and witness the destruction of honorable men by those who wield the long, rusty sword of scandal? Are we to be paid from taxes gathered from the purses of the poor simply to watch in silence the blasting of the reputations of good men because one man goes wrong?

Were I to ask of each gentleman here his estimate of America, the answer would be blazoned forth, "She is wonderful," and all the descriptive adjectives known would be used to embellish her in the superlative degree. Her history, her sentiments, her greatness, would be punctuated with applause as regularly as the tramp, tramp, tramp of soldiers' feet when keeping time to beating drums.

Mr. Speaker and gentlemen, what think you the verdict would be, in view of the recent epidemic of broadcasting through the air and all the earth the besmirching scandals, idiotic and substanceless as they are, were we of this Congress to ask the great heart of America her estimate of us? Let us be careful and not condemn without a just hearing men who have borne heretofore spotless reputations.

In this day of hysteria let us keep our feet on the ground. American jurisprudence is built upon the foundation that every man is entitled to his day in court; that he is presumed to be innocent until proven guilty. This is a guaranty which was given to the Anglo-Saxon race at Runnymede and is guaranteed again in our Constitution. Let us be slow in forming judgment, especially when evidence is given in the way of second or third hand conversations; evidence, so called, that would not be admitted anywhere in any court of competent jurisdiction. The demand of the time is for men who will keep their heads.

I am so glad to-day that there sits in the White House such a man as that—a man who fearlessly will prosecute the guilty and yet who, just as fearlessly and courageously, amid the calls of the spirit of mobocracy, is not afraid to say that the innocent shall be protected. Justice will be given to the just and the unjust. [Applause.] Every American should be glad to-day that a man like Calvin Coolidge is in the White House. [Applause.] I believe he is going to be continued there. We need him. Not that we condone wrong or fraud; we want the guilty punished. We are also standing for constitutional liberty and right. That is worth more to us just now than all this hearsay scandal talk that is going abroad in the land and being published in all the papers. Men are condemned before they are given a chance of being heard. It is against this that I lift my voice to-day and thank God that Calvin Coolidge will see that American rights guaranteed under the Constitution are protected. [Applause.]

Mr. BYRNES of South Carolina. Mr. Chairman, I yield five minutes to the gentleman from North Carolina [Mr. STEDMAN]. [Applause.]

Mr. STEDMAN. Mr. Chairman, the bill to provide adjusted compensation for veterans of the World War, and for other purposes, will be before the House to-morrow, and as I shall have no opportunity for the discussion of the measure as I would wish, because of the time limited for the debate, I avail myself of the kindness extended to me to recite a few verses written by a North Carolinian, which would be appropriate to that discussion. My heart prompts me so to do. As a tribute

to our boys who carried the American flag to renown in a distant land, they will find a responsive echo in the heart of every Member of this House:

Let us cheer for those boys to the end of the earth,
From the mountain heights to the sea,
In the land where freedom had its birth,
Where manhood still is the highest worth
In the hearts of the noble free!

Across the sea they bore the flag;
Across the sea they brought it back;
Ne'er did its shining stars e'er drag—
From sea to sea; from crag to crag—
Along war's grim and gory track.

Home at last some heroes come,
And others watch with wistful eyes;
While others sleep where rolls no drum,
Where war's thrilling fives are dumb;
In France bloodred with sacrifice.

Some stripes are deeper in the red;
Some stars shine golden in the blue;
Say not the fallen brave are dead,
But rather let it still be said
They live the best who died so true.

[Applause.]

Mr. BYRNES of South Carolina. Mr. Chairman, I yield such time to the gentleman from Arkansas [Mr. TILLMAN] as he may desire. [Applause.]

[Mr. TILLMAN was granted leave to extend his remarks in the RECORD.]

Mr. TILLMAN. Mr. Chairman, it has been more than five years since the "brazen throat of war ceased to roar," and the haughty Hun dipped his colors in acknowledgment of defeat at the hands of American soldiers and their allies. During all these years our fighting men and their brethren who were not fortunate enough to reach the zone of war have been led to believe in the absolute fairness of the scheme of adjusted compensation. A large majority of the rank and file of justice-loving Americans, including 99 per cent of the ex-service men themselves, insist that there should be a substantial payment to the men to recompense them in part for the difference in wages they received as soldiers and the wages they would have earned at home. The fair-minded people of the Nation expect this Congress to provide for the discharge of this obligation. I for one am ready to pay the debt.

To this end I have introduced bill No. 3930, identical with the Legion bill, bearing the name of Mr. McKENZIE, chairman of the Committee on Military Affairs. I am also author of bill No. 3929 to insure hospitalization, medical treatment, and necessary care for disabled ex-service men without regard to the origin of said disability. All soldiers, South and North, middle-aged, old or young, should know that Republics are not ungrateful, and should be justly and generously treated.

I personally know something of the hell of war. In July, 1918, I went to Europe with a small party of Congressmen to study war conditions at close range. On a French vessel, painted like a zebra, carrying 1,100 service men and equipped with cannon, we zigzagged across the Atlantic. The boat failed to encounter any of the steel-fanged wolves of the undersea, then haunting and hunting the ocean to prey on allied shipping and allied lives, and landed in the quaint old city of Bordeaux about the middle of July.

The Germans had been making a last desperate push for Paris. A second lieutenant told me in Bordeaux that the enemy would be in Paris in a week. His statement did not seem unreasonable. The brave Frenchmen had been bled white. Not an allied soldier stood with gun in hand on the eastern front. Gold and treachery had bought victory for Germany there, and Hindenburg's seasoned veterans had been shifted to strengthen the combat divisions on the Italian and western fronts. Rumania and Serbia had been crushed. Italy was just recovering from her debacle at Caporetto. The English lion, facing the foe foaming at the mouth and dripping with blood, was being mercilessly forced back toward the Channel. Red-haired, heroic Albert, King of the Belgians, had lost all his territory but a narrow strip just wide enough to furnish scant footing for his few thin battalions, and the grim, gray-clad human fighting machines of the Kaiser were crouching for a final spring at their objective, the beautiful French capital. The fascinating woman, Paris, so much wanted by the boche general staff, was distant only a few kilometers, almost in reach of their criminal touch. But the red tide turned, and the American soldier was present and battling when the turn came.

Fresh and eager for a chance to show their mettle, there stood between the iron legions of the crown prince and this rich beauty, Paris, these American lads, like a 100,000 Davids, chosen of God for victory. The prince launched his heavy columns against these game youngsters, and to the astonishment of all the allies the crack troops of the German armies after three days of desperate effort were beaten back by these intrepid boys from across the seas, turned their bronzed fighting faces away from cultured Paris and toward Berlin. The world rang with loud praises for America and her tiger brood of fighters. [Applause.]

The doughboy had fought his way to a place in the sun. The Hun kept going, the doughboy following, till Germany cried for quarter and quit. In the Soissons, Chateau-Thierry, Rheims salient, we were once conducted by an officer inside the lines, and I saw our soldiers in battle. I saw them in the muddy trench, saw them going to the front and returning, saw two lads shaking with that strange experience, shell shock. Behind the lines one day I saw a white-faced stripling who had just died of a machine-gun shot. I thought of his mother across the wide Atlantic, who had just lost her darling boy. I saw a Red Cross nurse close his eyes.

Yes; close his eyes; his work is done.

What to him is friend or foe man.

Rise of morn' or set of sun,

Hand of man, or kiss of woman?

I saw how brave they were, how they suffered, how seldom they complained, and there I registered a silent vow to Heaven, which I have kept, and am keeping to-day to stand forever by and for the men who wrote their names in honor and in blood "in the purple testament of bleeding war." No man can see what I saw and feel what I felt without becoming a partisan of the ex-service men. [Applause.]

A word concerning the war eagles of the air. My son, Fred, volunteered soon after war was declared, joined the Ninetieth Aero Squadron, fought overseas for 18 months for almost nothing, giving up a good position here, fought in a combat plane, participated in the Battles of Rheims, Chateau-Thierry, St. Mihiel, Verdun, Meuse, and the Argonne, and came home with two service and wound stripes, with two French medals, and the American distinguished-service cross.

The airplane fighters were interesting to me aside from the fact that my boy was one of them. They sought no safe retreat behind the lines, no protected shelter in trench or dug-out, no easy place far in the rear. They chose the blue ether for their battle field; the risk of cloud-surmounting flight above the wheeling earth was theirs; the peril of combat in the sky where death flies eagle-winged, with naked talons ever ready, pushed by the urge of insatiate desire, assured that an instant's indecision on the part of the pilot, a slight mistake of judgment, an unskilled touch of hand, accident to delicate and complicated machinery, or foe's machine-gun bullet will bring it the feast of death.

The American soldier was as good as the best shock troops of the Allies, as good as the Alpini or befeathered Bersaglieri of Italy, the blue devils of France, the naked-kneed Highlanders of Scotland, as good as the best of the bulldog breed of New Zealand or Australia, as good as the bravest of the lion's litter from England or Canada. I had General Pershing's word for it that he is as good as the Kaiser's best. He fought Jaeger, Saxon, Bavarian, and Prussian guardsmen, and he drove these trained warriors from every bloody field where he met them or could overtake them.

He swung into action like a blue-eyed Viking. He bled with a smile on his face or died with a jest between his teeth. He was possessed of the Puritan steadfastness of Cromwell's roundheads and the dashing gallantry of the blue bloods who rode with Prince Rupert. His grandfather, who charged with Pickett at Gettysburg or marched with Sherman to the sea, will never be ashamed of his record in this world struggle. The English fight best with their backs to the wall, against desperate odds. The French and Italians are best in charging, but the American soldier was an ideal fighter whether charging or on defense.

Unlike the brave Frenchman, he was not seeking to drive an armed invader from his native heath; he was not fighting to prevent a merciless vandal from despoiling his fair villages and cities; he was not beating off lustful beasts in human form from the home where dwelt his mother, sister, or wife. The wide Atlantic lay between this soldier boy and his loved ones. He was fronting the best-trained soldiers the world had ever known, 3,000 miles away from home, sweetheart, and native land. And thus he fought. The more honor to him. He was a crusader, battling for an ideal as much so as did any

knightly follower of Richard Cœur de Lion or Godfrey de Bouillon. That is why polli and Tommy loved him and loved to fight by his side. They were brothers in arms, and in the long golden years to come they will cherish this comradeship, nor will any of these war-time associates forget—

The look of men that ha' brothered men by more than an easy breath;
The eyes of men that ha' read wi' men in the open book of death.

When the boys left we all turned out to hear the tramp, tramp, tramp of their marching feet; bugle spoke to bugle, drum to drum; mothers kissed and cried over the departing first-born; maybe he came home, maybe he died of "flu," or now sleeps in the brave soil of France or under the popples of Flanders. Everybody cheered them, orators said: "Boys, we will never forget you; there is nothing too good for you." We all told them that. I did, and God and heaven help me, soldier boy, I will keep the faith. I will redeem the pledge. [Applause.]

The doughboys, those who fought and those equally worthy who were ready to go, came home. Again bugle sang to bugle, drum throbbed to drum, brass bands crashed out martial music, mothers kissed their boys once more, or stood drooping, pale of face and sad eyed, thinking of their dead boys who could not come back, watching neighbor women embracing their more fortunate offsprings, and the orators again spoke words of praise and welcome, promising the boys "anything they might want in the future, as there was nothing too good for them."

Now, they want adjusted compensation, provided in the McKenzie bill or in the bill I have introduced, which is approved by them, or some similar bill. They want a bill giving them the option of taking their compensation in cash or in paid-up insurance; but the majority of the Ways and Means Committee has reported a bill for paid-up insurance only, which, under the parliamentary situation, under the rules, we are not allowed to amend but must take it or nothing. The ex-service men in the House and the friends of the soldiers will vote for this bill, because we see it is the only thing we can get right now, and a half loaf is better than no loaf.

How different things are now than in 1917 when the boys were enlisting and being selected and in 1918 when they came back. Then America, forgetting her appetite for saint-seducing gold, shouted promises that all she had was not too much for those who stood by the flag. Now the great financial interests that profited by the war do not want to be taxed to pay the bonus. They contend that no tax reduction can be had if there is to be a bonus. Our Nation is the richest in the world and has done less for her soldiers than her sister nations. The following table shows the maximum payments per capita made by Governments to their ex-service men:

Canada	\$631
Belgium	492
France	249
England	190
Italy	64
America	60

We have been giving bonuses to everybody but the soldier. The war created 23,000 more millionaires. It cost the taxpayer a bonus of three billion four hundred million to adjust the claims of contractors for uncompleted contracts which were suddenly stopped by the ending of the war. One billion seven hundred million bonus was paid by the Government to the railroads for adjustments. Princely sums also by the Navy Department and the Shipping Board. Billions of bonus money were voted to the protected manufacturers by the Fordney-McCumber tariff bill. The Treasury Department but recently remitted two hundred and thirty millions to heavy income-tax payers, a kingly bonus. Only soldiers have been denied a readjustment of their losses because of the war.

Both parties and most public men have pledged advocacy of the bonus. I have done so and am keeping my word. Some of my friends write me to vote against the bonus, but they will respect me, at any rate, if I keep my promise and vote as my conscience dictates. The Veterans' Bureau has not been functioning in a way satisfactory to the ex-service man, and we must correct this by legislation. Let us pay this debt at the option of the soldier in paid-up insurance or in cash if they prefer it. Ninety-five per cent of the soldiers want cash and they have the right to it. They were old enough to fight; they are old enough to know what to do with their money. Oh, but you must not risk him with money. Weasel words, an insult to the veteran, and a brazen attempt to deceive him and the bonus opponent too. You hear men uttering this double-dealing sentiment who stayed at home and fattened off the proceeds of unconscionable

contracts while the boys they do not want to turn over money to were fighting for a dollar a day and spending much of that for allotment, for insurance, and necessary expenses. What a shameful wrong to deny a soldier who fought for his country while others fattened their fortunes at home the poor privilege of accepting his dues in money.

The man who faced red-throated cannon is competent and entitled to handle his own funds. [Applause.]

A BUSINESS PROPOSITION.

As a business proposition, I should vote for the bonus. You who oppose the bonus for business reasons, read the following table prepared by the Treasury. I quote only two items:

State.	Number of soldiers in Army.	Total bonus received in State.	Cost in taxes to State, 1922 report Treasury Department.	Amount received by State, above that raised by taxation.	Amount raised by taxes above that received by soldiers of State.
Arkansas	63,425	\$31,712,500	\$3,830,000	\$27,882,500	
New York	378,986	189,493,000	557,140,000		\$367,647,000

In casting my vote for the bonus I am casting a vote that will help my State \$27,882,500, as per the above table. I am for my own State, for my own people, for my own soldiers.

The American soldier's entrance in the war materially shortened it. His dashing valor brought it to a speedy close. During the last 10 months the war cost us \$44,000,000 every day. In six months this would have been eight billion; this amount and more was saved by the rapid ending of the war, caused by our men, and so they saved us their compensation many times over. Do not try to fool the soldier; you can not do it.

Kipling, the soldier poet, the red-blooded Englishman who understood "Tommy," the pet name of the English fighting man, described a situation which now exists here.

We first applaud the soldier, promise him everything when we want him to fight for us; and when he asks for what is promised, some people tell him he has not got sense enough to take care of his money, and is a sort of a nuisance anyway, and needs a professional money grabber to manage his affairs for him. Kipling says—

It's Tommy this and Tommy that

An' "Tommy, how's yer soul?"

But it's "thin, red line of heroes"

When the drums begin to roll.

For it's Tommy this and Tommy that,

An' "Chuck him out, the brute,"

But it's "savior of his country"

When the guns begin to shoot.

An' it's Tommy this and Tommy that

An' anything you please;

An' Tommy ain't a bloomin' fool—

You bet that Tommy sees.

[Applause.]

Mr. BYRNES of South Carolina. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. BLANTON.]

[Mr. BLANTON was granted leave to extend his remarks in the Record.]

Mr. BLANTON. Mr. Chairman and gentlemen, I hope that every one of you colleagues will take the time to read the remarks which I placed in the Record last Saturday discussing the outrageous, ridiculous, unfair tax system that prevails here in the District of Columbia, where Washington people pay a total tax of only \$1.20 on the \$100 and the Government pays all the balance of their expenses. You will find these remarks on pages 4440 to 4448 of the Record for last Saturday, March 15, 1924. I hope that every Senator will do me the honor to read them.

It will be remembered that we passed a so-called gasoline tax bill a few weeks ago. The House left in the bill a property tax of only \$1.20 on the hundred, which now exists on automobiles, although the intention of the commissioners who sent us the bill was to relieve themselves of this tax. In Maryland the people pay a registration fee of 32 cents per horsepower on a car, and they also pay a property tax of \$2.70 on the hundred and a gasoline tax of 2 cents on the gallon. In Virginia the people pay a State registration fee of 60 cents per horsepower on each car and a State property tax of \$1.50 on the \$100 and a municipal registration tax and a municipal property tax, and an additional tax of 3 cents a gallon on gasoline.

Notwithstanding these facts, the newspapers and citizens' associations here in Washington have forced the property tax out of that bill, and it has been reported to the Senate with no property tax, and the only registration fee it has is a little, measly, insignificant \$1 fee for a car. In other words, if the changed bill is thus passed by the Senate the only tax a \$15,000 Rolls-Royce limousine will pay under that bill is the unheard of measly, little, old sum of \$1. The present registration fees have been abolished, and the present property tax of \$1.20 on the \$100 has been likewise abolished, and a nominal \$1 per car substituted.

Mr. McKEOWN. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. McKEOWN. What is the valuation in dollars in comparison with the full value of the property that property is assessed at here?

Mr. BLANTON. In most cases all property is assessed at from half to two-thirds of the actual value. I want you gentlemen to take the time to read the facts that I put into last Saturday's Record, beginning at page 4290. I have cited specific property after property here in this District, together with admissions of the owners of the property that it is worth double the assessed value. Many pieces of property are assessed at half value. I cited the Meridian Mansions, 2400 Sixteenth Street, which was purchased at \$2,225,000, and the present owner has spent a small fortune on it since he purchased it.

He says that the improvements, let alone the land, could not be put there for \$3,000,000. Yet the whole property, land and improvements, is assessed at only \$1,481,960, and at the ridiculous tax rate of only \$1.20 on the \$100, permitted by Congress, pays a tax of only \$17,783, when its gross receipts from rentals aggregate \$281,532, annually. And it is Congress that permits this ridiculously low tax rate of \$1.20 on the \$100, a lower rate of tax than exists in any city, large or small, in the United States. And the Government pays all the balance of their expenses out of the Public Treasury.

Mr. UNDERHILL. Will the gentleman yield?

Mr. BLANTON. In just a moment. I want to help you colleagues make this the most beautiful city in the world, but because we want to make it the most beautiful city in the world is no reason why we should let the people here live in the most beautiful city in the world and still pay a tax of only \$1.20 on the \$100 when your people and my people pay anywhere from \$2.75 per \$100 up to \$6 and \$7 per \$100.

The people of Washington have no right to live in this, the most beautiful city in the world, unless they are willing to pay a reasonable rate of taxation, just as all other people in every other city in the whole United States have to pay. This is the most beautiful city in the world because the Government has spent hundreds of millions of dollars here out of the People's Treasury. The people who are so blessed as to live here, and who have grown well-to-do because their property, once of little value, has been enhanced ten, twenty, fifty, and in instances one hundred times its former value, should be willing to pay a reasonable tax for the many city conveniences they daily enjoy. It is simply outrageous to let them now escape all registration fees and all property tax on their fine Pierce-Arrows and Rolls-Royces.

Mr. UNDERHILL. Mr. Chairman, will the gentleman yield now?

Mr. BLANTON. Yes.

Mr. UNDERHILL. How is the House or any of its Members going to get that personal-property tax back where it belongs in the bill?

Mr. BLANTON. I will tell you how. First, I am very hopeful that the Senate will put back into the bill both the registration fees and the property tax, before it passes the bill. If it does not, I will be one of the conferees on that bill, and I am going to stay there and discuss the matter with my brother conferees a good long time before I shall agree to any change in that bill as the House passed it. [Applause.] And we will want you colleagues in the House to back us up. Here is my friend from Massachusetts [Mr. UNDERHILL], who in Massachusetts has to pay a personal-property tax on his automobile of nearly \$100. He also has to pay his registration fee, and he also has to pay his gasoline tax, and yet, if we passed this bill as it has been reported to the Senate, he could bring that automobile down to Washington and escape his registration tax and escape his \$100 personal-property tax, and pay only a little measly \$1 tax, and I could register my car here and escape the registration tax and the property tax and have to pay only \$1 on it, and so could all you other gentlemen. It is not fair to the people of the United States to relieve Washington people of taxes and shift the burden to the Government. I say that it ought to stop.

If you colleagues here, and if our brothers over in the Senate, will just look over the facts I placed in last Saturday's Record, beginning on page 4440, it will be very apparent to you all that this has been a tax-dodging scheme on the part of the commissioners of the District of Columbia from the very beginning. For when they sent this bill to us already prepared by them last December, and asked us to pass it immediately, they claimed that it was to obtain reciprocity with Maryland. But Maryland did not ask that the registration fee now charged here be abolished. And Maryland did not ask that the property tax of \$1.20 on the \$100 now charged here on automobiles be abolished. All Maryland asked was that there should be a gasoline tax of 2 cents per gallon, to correspond to a like tax existing in Maryland, there being a tax of 3 cents on the gallon in Virginia.

But these tax-dodging commissioners saw an opportunity to escape present taxes on automobiles, so when they prepared the bill they abolished the registration fees now charged in the District, and they also abolished the present personal tax of \$1.20 on the \$100 now charged on automobiles in the District, and provided merely for a nominal tax of only \$1 on each car should be charged.

And when the House of Representatives would not stand for it, and by a decisive vote placed back into the bill both the property tax and also a registration fee of 15 cents per horsepower, the papers and citizens' associations immediately began to throw spasms and said that they would kill the bill and not let it pass in the Senate. And they have held board of trade meetings, and citizens' association meetings, and mass meetings, until they have succeeded in getting the bill reported to the Senate in practically the original shape the commissioners sent it to Congress for passage.

I do not believe that the Senate will permit it to pass in that form, with the registration fees and the personal-property tax abolished.

WASHINGTON PEOPLE "ACTUATED BY PURELY SELFISH MOTIVE."

Every Member of Congress, both in the House and Senate, who will carefully study the facts I placed in last Saturday's Record will conclude that Washington people are actuated by purely a selfish motive. Every Senator who has publicly expressed himself in the newspapers about the matter lately has asserted that it is selfishness. Let me quote here what appeared in the Washington Star on February 27, 1924:

BALL SAYS TAXES LOW.

"I am extremely sorry," replied Senator BALL, "that the citizens of Washington have taken this position. It is a position that Congress can not support. It takes a stand that exempts you from taxation. There is no excuse upon which a fair-minded man can exempt you from this taxation that is paid in other States.

"There is a lower tax rate here than in any comparable city. Maryland and Virginia each pay personal taxes. Why shouldn't you? In these two States one pays 2 cents a gallon for gasoline tax and the other 3. . . ."

And in the same issue of the Washington Star appeared the following expression from a very distinguished friend of the District:

MUST PAY FAIR TAX.

In support of his contention that his substitute bill, which carries the 2-cent tax on gasoline, \$1 license fee, and the present personal-property tax, was fair, Senator BALL pointed out that the personal-property tax on automobiles paid in Baltimore is \$3 a hundred, while here it is \$1.20. He insisted that the taxes paid on automobiles in Washington are very much lower than in Delaware, New York, Maryland, and other States. He declared that the people of the District can not expect Washington to become a really big city unless the people here are willing to pay fair taxes.

And in this same issue of the Washington Star, on February 27, 1924, appeared the following expression from another very distinguished friend of the District:

Senator WELLER, of Maryland, said that the matter was of interest to the people of Maryland, who also want their reciprocity with the District in the matter of automobile licenses. He, too, argued that the taxes paid on automobiles in the District, even under the proposed gasoline tax law, would be much lower than in Maryland. Senator COPELAND suggested that the tax on automobiles in New York was higher still than in Maryland; that he paid, he thought, \$5 a hundred personal-property tax on automobiles there.

Senator WELLER declared that the people in the District in opposing the gasoline tax bill, which would lead to reciprocity with Maryland, were actuated by a purely selfish motive; that they did not want to pay a fair tax.

But let me quote some more public expressions from newspapers.

WASHINGTON PEOPLE DECLARED SELFISH.

Again, in the Washington News, published February 27, 1924, the people of Washington were publicly declared "selfish" by a sincere friend of the District. Let me quote what was said:

Senator EDWARDS, New Jersey, called attention to the difference in the tax rate paid in Washington and other cities. Here the basic tax is \$1.20, while in Baltimore, at a similar valuation, \$3 is paid; in New York, \$5.40; in Jersey City, over \$4; and in Chicago, \$8.50.

Senator BALL and Senator JONES, Washington, said it would be unfair not to have a personal tax on autos.

SELFISH.

"It is truly a selfish proposition with District people," Senator WELLER, Maryland, said. "People here do not want to pay fair taxes."

Still, again, the people of Washington were publicly criticized.

WASHINGTONIANS "UNWILLING TO PAY THEIR JUST SHARE."

The Washington Post for February 27, 1924, said:

SENATOR BALL REPLIES.

"I am extremely sorry that the citizens of Washington have taken this position," Senator BALL replied. "It is a position that Congress can not support. It takes a stand that exempts you from taxation. There is no excuse upon which a fair-minded man can exempt you from this taxation that is paid in other States."

"There is a lower tax rate here than in any comparable city. Maryland and Virginia each pay personal-property taxes. Why shouldn't you? One pays 2 cents a gallon gasoline tax and the other 3 cents. The money so raised goes to the highway improvement. That provision is in my proposed substitute."

"On what ground can I, or anyone else, stand now? Washingtonians are not willing to pay their just share of taxes, as evidenced by the decision of this committee. I can not go to Congress now and say that the people here are willing to pay their full share and that funds should be appropriated for improvement of the city when it is evident that they are not."

Senator BALL warned the civic and trade representatives that there is a growing belief in Congress that the taxpayers of the District should contribute more than 60 per cent for the maintenance of the municipal government.

If Washington people are selfish and are actuated by a selfish motive, and if they are unwilling to pay their just, fair share, as has been publicly declared by distinguished friends of the District through the newspapers, are we Members of Congress, Congressmen and Senators, going to let Washingtonians escape just taxes and vote to place the resultant burden upon our people back home? I do not believe that the Senate will so ordain and I do not believe that the House of Representatives will so decide.

This foolish, ridiculous, outrageous, unjust system of taxation here in the District of Columbia must stop. The people of Washington are specially blessed in living in the most beautiful city of the world. And they must pay a reasonable rate of taxation, based upon an honest assessment of real value, just as everybody else who are not so fortunate as to live in the most beautiful city of the world have to pay. Washington people should not have to pay the maximum that others pay, but they should at least pay the minimum that others pay. And the more that Washington people fight against paying a reasonable, fair rate of taxation the more they convict themselves of selfishness and of not wanting to do the right thing. And if we Congressmen permit this to continue, we are going to hear from the people of the United States, who are getting tired of it. And the people of the United States are finding out about it. And they are going to question us about it when we go home. And they are going to hold each one of us responsible if we permit it.

I know exactly how very unpleasant these Washington newspapers can make it for us when we stand against them on this question. But I have taken my stand and I am going to fight it out to a finish and am going to thrash out this question with them on every bill that comes before Congress to permit the people of the District to spend public money for their own expenses. My constituents at home know me and have confidence in me, and all the newspapers and associations in Washington can not hurt me at home. The people there are backing me, and lots of people over the United States are likewise backing me in my fights for right and justice.

Mr. BYRNES of South Carolina. Mr. Chairman, I yield five minutes to the gentleman from Oklahoma [Mr. McKEOWN].

Mr. McKEOWN. Mr. Chairman and gentlemen of the committee, I have no quarrel with the Members of Congress who

are attempting to pass some legislation for the benefit of the soldiers. I do take exception to calling it adjusted compensation, because if they were going to put it on the basis of adjusted compensation they would have to pay the soldiers more money per day in order to have it adjusted compensation. You can not call it a bonus, because a bonus would mean a voluntary gift, and we have had so much difficulty in getting the legislation we can hardly call it voluntary giving. I think we are making a monstrous mistake in this bonus legislation for this reason: In the United States to-day 230,000 farmers have had to give up their homes since last year on account of foreclosure proceedings, or voluntary surrender on a settlement with their creditors. Here is the greatest opportunity this country will ever have to create a country of home owners. I have said on this floor before, and I say now, that I am not in sympathy with any proposition that does not encourage young men to build up something for themselves. I urged before the Ways and Means Committee, in order to have a proper compensation bill, that the United States ought to say to the soldiers of the World War, "I am going to lend you money to buy a home, either in town or in country, and I am going to let you organize the greatest home-building association that was ever organized, and I am going to let you build up home ownership and have something when the rainy day comes that you can point to with pride, something that will build up the wealth of this country."

What is this so-called bonus bill going to do? The little cash you pay out will soon be gone; they will have nothing to show for it. But under legislation of this House in the future years I feel that full justice will eventually be done the World War veterans. After the officers of the Revolutionary War had been paid five full years of salary the Congress of the United States, in its kindness and generosity to them, passed additional legislation to reimburse them, although it was claimed that the same had been paid them in full settlement. But we are not going to let these soldiers suffer. We will take care of them in the future years. Some of us who are in this Congress may not take care of them. But there will be new faces and new blood in Congress as the years go by who will take care of them. But I say that a monstrous mistake is being here enacted and made, because you are losing an opportunity to create in America a land of home owners, an opportunity to shift the population of our great cities back to the rural precincts.

Gentlemen, you may treat it lightly, you may think that it is not a serious matter, but the only way you can ever pass real home ownership legislation is to tie it onto legislation affecting the soldiers, and it is the only way you can ever pass it through Congress. Now, we have thrown it down. Why, gentlemen, one of the best provisions of the bill advocated by the American Legion committee and endorsed by them and taken out of this bill was the one for the development of home ownership in this country. I think that this House is making a monumental mistake. I am going to do to-morrow just what the rest of us are going to do; I am going to vote to suspend the rules and pass the legislation with the hope that it will bring some results. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. Mr. McKEOWN. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. BYRNES of South Carolina. I yield five minutes to the gentleman from Missouri [Mr. MILLIGAN].

Mr. MILLIGAN. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to review and extend his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. MILLIGAN. Mr. Chairman, I had hoped when the adjusted compensation bill came before this Congress there would be no attempt on the part of anyone to play politics with it, but my hopes were in vain. The Republican leaders of this House have seen fit to play politics with this question. To-morrow they will bring this bill before the House under suspension of the rules and pass the bill with only 20 minutes debate on a side without opportunity to amend it or offer a motion to recommit. The Republican leaders have seen fit, by this gag rule, to make it impossible for the Members of this House who are in sympathy with the 4,000,000 ex-service men to have an opportunity to amend this bill so that it will do justice to the ex-service men. I think this is the most outrageous and unjust thing that has ever been perpetrated on the ex-service men, or anyone else, by Congress. You say, "Take this or nothing."

This bill as reported by the Republican members of the Ways and Means Committee is a huge joke—a gold brick handed to the ex-service men. They provide for one option, a paid-up insurance policy due in 20 years. The contention has been that the ex-service men should have something immediately to aid them in readjusting their financial condition with that of the man who remained at home; yet in this bill there is no cash payment over \$50, and the men can not borrow any money upon this policy until the end of two years, and at the end of two years the loan value of the average policy would be \$57; at the end of three years, \$87.93; at the end of four years, \$119.99; at the end of five years, \$153.52; and so on until at the end of 20 years the loan value of the average policy would be \$900. I do not believe that such a bill as this would satisfy 5 per cent of the ex-service men, yet the Republican leaders of this House have agreed to bring this bill in under this gag rule, so that no one can offer an amendment providing for an additional option of payment in cash. As I see it, the ex-service man must die or wait 20 years to get the benefits of the provisions of this bill.

I believe that 75 per cent of the Members of this House, if such an amendment could be offered, would vote for an additional option of cash payment. I think 75 per cent of the ex-service men want cash.

War contractors received an adjusted compensation of their contracts in the sum of \$700,000,000 in cash. Federal employees received an adjusted compensation of \$265,000,000 in cash. The railroads received \$824,000,000 in cash. You did not ask any of the above mentioned to take paid-up insurance and wait 20 years for their money. Then why should you say to the man who fought and won the war, "We will not pay you cash, but will give you an insurance policy that will become due in 20 years."

I think that such a bill as this is a direct insult to the intelligence of the ex-service men in the United States. I, for one, have enough confidence in the judgment and discretion of the ex-service man to believe that if you adjust his compensation and pay to him four or five hundred dollars in cash that he will judiciously invest or expend that amount.

And I want to say to you Republicans of this House that when you force, by this gag rule, this unfair and unjust bill on us that you are not representing the rank and file of the Republican Party, because I know that the rank and file of the Republican Party want to see justice done to the ex-service men and want Congress to pass an adjusted compensation bill that will give immediate relief to the ex-service men, and they are not in favor of a bill of this kind that you are cramming down our throats by this rule.

An adjusted compensation act should have been passed in 1919, and would have been passed in 1920 if the Republican leaders of this House had not played politics with it. In 1920, in the Sixty-sixth Congress, the Republicans had a majority in the House and in the Senate, and have had since that time, and the responsibility of not enacting such a law before is upon the Republican leaders in Congress. You had a majority in the Sixty-sixth Congress, and when the adjusted compensation bill came before that Congress you brought it before the House under a similar gag rule. Under that rule no Member of the House could offer an amendment.

In April of 1920 the House was promised by the present Republican leader that an adjusted compensation bill would be reported to the House on May 3. This promise was not kept. The adjusted compensation bill was not passed by the House until May 29, after an agreement had been made by the leaders of the House and Senate that Congress would adjourn on June 5. It was well known when that bill passed the House in the Sixty-sixth Congress, there would not be time in which to pass it through the Senate before the day agreed upon for adjournment.

For the last five years this legislation has been a political football, kicked about by the Republicans of Congress every two years. Every election year since 1919 this legislation has been before Congress and yet has never become a law. In 1922, in the Sixty-seventh Congress, this legislation was again brought up and passed by both the House and the Senate and was vetoed by the late President Harding.

I have some hesitancy in mentioning the fact that President Harding, three days before his election in November, 1920, in a speech at Cincinnati, Ohio, made the following statement:

I want to say to the service men here that I want an America that will never forget its gratitude for the service they rendered the country. A Republican House passed the bonus bill, and it is now up to the Senate. I, myself, think it ought to pass.

This being another election year the adjusted compensation bill is again brought before Congress. President Coolidge in his message to Congress stated, in his cold-blooded manner, that he was unalterably opposed to a bonus for the ex-service men, making it clear that he would veto such a bill if presented to him for his signature.

I presume that President Coolidge advised with his Secretary of the Treasury, Mr. Mellon, the third richest man in the United States, whose great fortune was enhanced and protected by the services of these men who would be benefited, in a small way, by the passage of such a bill. Mr. Mellon, a Cabinet member under this administration, has been exceedingly unfair to the people of this Nation, and especially to the ex-service men.

In 1922, when President Harding vetoed this act, Mr. Mellon's report showed a deficit in the Treasury of \$650,000,000, yet in the same fiscal year the Government paid \$613,000,000 of the Government debt not yet due, and still the Treasury at the end of the fiscal year of 1922-23 had a surplus of \$370,000,000, showing a discrepancy of over a billion of dollars in Mr. Mellon's statement—an amount almost sufficient to pay the adjusted compensation. It seems to me that if this mistake on Mr. Mellon's part was not intentional, then he is not a safe man to be the Secretary of the Treasury and handle the Government's finances; and if it was intentional and for the purpose of defeating the adjusted compensation act, then he was not fair and honest with Congress or with the people.

If I read the signs aright the country is in no mood to have questions dealing with the problems of everyday life hinge upon petty party disputes and questions of political expediency. No party should seek to profit from legislation dealing fairly with the returned soldier.

Small-bore politicians may think that political advantage may be gained by playing politics with this legislation, but I hardly think intelligent people will be misled by the facts, and let me impress on some of these gentlemen that the returned soldier does recognize a demagogue at long range, and, furthermore, he puts on his gas mask when he sees him coming without waiting for the barrage.

The returned soldier, as I have found him, believes that the American soldier, regardless of party, fought and won the war. He knows that party lines were forgotten and our people stood together as Americans, forgetting for the time being the conflicting theories of government and governmental policies which are the basis of the alignment of political parties. They believed this because, when they were asked upon induction into the service about their age, residence, place of birth, and occupation, by some strange oversight they were not asked their politics.

I am a Democrat myself; my father was a Democrat before me, but I confess to you that if my life depended upon it I could not have told you the politics of 19 of the 250 men of my company, and I knew them all better than I ever knew any men on earth. Sometimes I knew their religion, because when the time comes to face eternity men talk of such things. When one of them fell bleeding with cruel wounds or gasping for breath from German gas, we did not wonder what ticket he would vote if he came through; all we knew, or wanted to know, was that he was a patriotic American, and when we laid him away and placed above his grave the little white cross which marked a hero's grave, we did not write thereon his political faith; we did not know and we did not care.

I have seen the Republican fight by the side of the Democrat, and I have seen the Democrat die by the side of the Republican, and one was just as patriotic and just as brave as the other. They were both true Americans. And we Members of the Congress should deal with legislation affecting them in the same spirit that these men fought for our country.

It seems to be the consensus of opinion that something substantial now, and not 20 years from now, should be done to enable the returned soldier to readjust himself to the conditions which confronted him at the time of his discharge and are still confronting him. Four and one-half millions of young Americans who gave up their means of livelihood, their positions, their opportunities for advancement, and made every sacrifice from one of financial loss to that of health and limb and life itself, are entitled as a matter of simple justice to such legislation as will, as far as possible to do so, help them to fight the battle of life by reducing to the lowest possible minimum the handicap under which they began the struggle as a result of their service.

The use of the word "bonus" in discussing this legislation is a misnomer. In the common acceptance of the term, bonus means a gratuity, something free, something for nothing. The service

men are asking for a small readjustment of their compensation while in the service as compared with that of the men who remained at home and did not sustain any financial losses by serving their country in its time of need. The returned soldier does not come for alms; he simply wants fair treatment, a square deal. You can not buy his patriotism; you can not recompense him for the anguish of body and mind he suffered in the training camps or on the field of battle; all this he laid down upon the altar of duty. He suffered, his loved ones suffered, and the suffering is not at an end, for there are those who will limp through life unable to hold their own in the fight for existence, and there are those who did not come back, whose widows and orphans and old fathers and mothers must face the struggle without the strong arm of him who sleeps in France or who fell a victim to disease in one of the training camps. You can not discharge your obligation by pointing to the benefits the disabled and the relatives of the dead receive from his war-risk insurance. He paid for his insurance out of his small compensation. But you can do something as an act of simple justice, not of charity, to lighten his burden and toward placing him on an even footing with the man who was not called into service.

The men who were not called into service and remained at their former employment received larger wages than was ever before paid in the history of our Nation. Those men owed just as great a duty to their country as the man who was in service, and when I make the statement I mean nothing disparaging, because I realize a much larger army must remain at home to provision the Army in the field. But they remained at home and reaped the benefits of these high wages. To illustrate my point I wish to tell an incident that occurred in France after the organization with which I served came out of the Meuse-Argonne offensive. A private showed me a newspaper which stated that the munition workers, as I remember, were drawing \$7 per day, were asking for a raise to \$9 per day. This private said, "There is justice for you, those fellows getting \$7 per day for making ammunition and kicking, and here we are stopping ammunition for a dollar a day."

During the war the United States took over a great deal of private property for public use, for use in the different war activities, for which they paid the market price. The same situation existed when the United States inducted men into the service, yet the Government did not pay the market price or anywhere near the market price for those services.

I wish to mention to you the fact that the allied nations have adjusted the compensation of their returned soldiers of the late war, both officers and men who had home service and those who had foreign service. Italy gave to her returned soldiers amounts ranging from \$63.69 up to \$854.42. France paid amounts ranging from \$187.21 to \$233.58. Great Britain, from \$140.94 to \$7,290. Canada, amounts ranging from \$600 to \$4,758.

I believe that if these war-stricken nations, with the vast amount of territory laid in waste which can not be reclaimed for years to come, with their great loss of man power and their enormous war debts, can pay their returned soldiers the above-stated compensation, then this great Nation of ours, with all its natural resources and wealth, is financially able to pay to her returned soldiers \$1 per day for home service and \$1.25 per day for overseas service and pay them at once in cash if the man wants it, which would be a billion dollars cheaper to the Government than the proposed plan.

Mr. BYRNES of South Carolina. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. STENGLE].

Mr. STENGLE. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. The gentleman from New York asks unanimous consent to revise and extend his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. STENGLE. Mr. Chairman and colleagues, I regret exceedingly that some peculiar twist of the rules of this House, through which it will become necessary for us to vote to-morrow on only one proposition in regard to adjusted compensation, has made it necessary for me to-day to seek a part of the valuable time of this committee which ought to be used to forward legislation connected with the appropriations for naval affairs in order that I may register my protest against the form in which this particular so-called bonus legislation has been brought before us. Some have seen fit to call this "snap" judgment. I know of no better term than this by which to describe it. But I am reminded, my friends, that during the war there was no use found for snap judgment by the millions of American boys when they were called to the colors. It so happened that during that period I occupied an official position in the great city of New York, and from my office window

I was able to see the ships that were sailing out into the ocean carrying your boys and mine to the other side for the purpose of safeguarding democracy and preserving the rights of citizenship throughout the world. I saw the distinguished and lamented President Wilson when he in turn went over on his ship. I saw the boys as they marched in battalion form down to the dock; I saw the fathers and mothers and friends and neighbors as they wrapped arms around the necks of those boys and promised them that upon their return home again nothing would be too good for them. I joined in that promise and praise. I joined in the efforts which followed closely thereafter in raising funds to provide for the welfare of our boys on the other side.

I was a member of receiving committees as the boys returned, and a royal welcome was given to them, with the further assurance that their efforts in our behalf would not be forgotten by us on this side. And what are we offering them? I read somewhere in the Good Book a statement like this, "They asked for bread, and you gave them a stone." These boys, my friends, have only asked for a square deal, and you give them insurance. They have only asked for an adjustment of their compensation, and you give them a policy that is only worth something in reality after they have gone to that bourne from which no traveler has returned. Now let me ask you to consider for a moment what you have really done. They have asked for a cash payment, and you have given them a policy which can not be conscientiously or honestly defended, and you have given the country, or are going to give the country to-morrow, an added indebtedness of \$2,119,000,000, when if you had done what you were asked you would have saved the country almost \$700,000,000. [Applause.] So, as I say, you have added an additional burden, an unnecessary burden, upon the people of the country by denying the cash compensation as requested. [Applause.]

I am exceedingly sorry that my Republican colleagues of this House are not willing to play the game fair with the boys who wore the khaki, fought the great battles, and suffered intense privations in order that civilization might be kept on an even keel and your home and mine be continued as the center of hope, ambition, and righteous living. Gentlemen, snap judgment, such as you are exhibiting toward adjusted compensation legislation, will not pay your debt to those who have a right to expect decent treatment at your hands. You may get away with your proposal to-morrow, but when you do you will be but marking the beginning of a real fight for a square deal for those boys who risked everything for their country's honor. A mere certificate of decent admission to some cemetery after life's struggle is over is not and by no process of honest reasoning can be made to appear as adjusted compensation, and nobody knows this better than the now famous (?) 13 members of the Ways and Means Committee who voted for the insurance-policy plan and then were not willing to trust this House to receive and act upon their report in a true American way. If I mistake not, there will be at least 13 new faces in the Sixty-ninth Congress as a result of this unfair dealing.

Either the Sixty-eighth Congress owes the 4,000,000 of returned World War veterans a fair and honest adjustment of their financial affairs or they owe them nothing at all. Either the country is indebted to these boys or we are wasting our time and talent in endeavoring to bring about so-called bonus legislation. By their votes in committee each and every member of the Ways and Means Committee has admitted that something is due. Then why not sit down with the proposed beneficiaries and in man fashion seek to give them some option as to how they shall receive or accept the small pittance which we are about to allot to them.

This is not and ought not to be a partisan question. The politics of those who volunteered or were drafted for World War service was never considered. They were all Americans, and that meant "service" when the bugle sounded. I rejoice that no Democratic member of the committee having this matter of compensation in charge so far forgot his duty to our Nation's defenders as to take part in a "snap judgment" procedure when the hour of final decision came. I rejoice further that at least one of my Republican colleagues was bold enough and brave enough to stand out against such a plan.

For the life of me I can not understand why we are not given an opportunity to decide whether we prefer giving the boys cash or insurance policies or an option to take either. Personally I believe it would be better for both the country and the boys to adopt the cash compensation plan. It certainly would cost less and give more satisfaction and at the same time do away with an immense lot of bureau work made necessary by the plan proposed by the "immortal 13." Am I far wrong

if I suspect that the methods which we are asked to approve will bring about the creation of a large number of additional places to be filled by the appointment of political friends who are hungrily waiting at the Republican pie counter?

Gentlemen, the pledge I gave the boys both when they went "over there" and when they came marching home was not a mere "scrap of paper." I meant it then, and I mean it now. We found money to pay bonuses to war profiteers, and, if we want to, we can find enough now to do the right thing. I know that, through the agency of a well "oiled" propaganda, we Members of this body have been urged to defeat adjusted compensation. Some of us have even been threatened with political extinction if we vote for such a thing, but, colleagues, there is not enough allurements in being a Member of Congress to make me forget my duty in this matter, and should my act on the morrow send me to the "shades of private life," I shall go cheerfully and with the consciousness of having stood up when the call of manhood came. I will not go hence, however, without here and now registering my humble but earnest protest against the taking of snap judgment in the matter of properly paying an honest debt to those who bared their breasts to the enemies of decent civilization.

Mr. BYRNES of South Carolina. Mr. Chairman, I yield to the gentleman from Florida [Mr. SEARS].

Mr. SEARS of Florida. Mr. Chairman, to break the monotony of criticism which has prevailed. I desire to assure the House that I wish to pay a tribute to some officials who have performed their duty. [Applause.] I have always believed—in fact, from early manhood I have advocated and indorsed certain municipally owned public utilities. At this time I want to congratulate the city officials at Jacksonville, Fla., both present and past, upon the wonderful showing and success they have made of the city water-and-light plant in Jacksonville, and in doing so I believe I also voice the sentiments of the citizens of said city. Believing it will be of interest and benefit to the citizens of other cities of the country and also may be of some assistance in making other municipal plants a success, I ask that the following letter be made a part of my remarks:

Mr. BLANTON. Mr. Chairman, reserving the right to object—and I do not think I shall object—I just want to ask the gentleman if they are asking Congress to put up 40 per cent of all the expense of their water, and light, and sewers, and police service, and firemen service, and schools, and school books, and the opening up of streets, and so forth?

Mr. SEARS of Florida. No. They are not asking for a thing. They have furnished certain information I requested.

Mr. BLANTON. They are quite different from Washington.

The CHAIRMAN. The gentleman from Florida asks unanimous consent to extend his remarks in the Record in the manner indicated. Is there objection? [After a pause.] The Chair hears none.

The letter is as follows:

OFFICE OF THE CHAIRMAN,
CITY COMMISSION OF THE CITY OF JACKSONVILLE,
Jacksonville, Fla., March 4, 1924.

Hon. W. J. SEARS,

Care House of Representatives, Washington, D. C.

Mr. DEAR Mr. SEARS: Replying to yours of the 29th instant, beg to say that in 1893 the city was authorized by the State legislature to issue \$1,000,000 worth of improvement bonds, \$75,000 of which was specifically set aside for the purpose of building and equipping an electric-light plant. From the proceeds of this issue the construction of the plant was begun in 1894, completed in 1895, and began operation under the supervision of that branch of the city government then known as the board of public works. This board continued to operate the plant until June, 1899, at which time our city charter, as above stated, was changed and the management passed into the hands of the board of bond trustees. Since the 1917 charter amendment the plant has been under the supervision of the city commission.

In addition to the original bonds of \$75,000 a new issue of \$27,500 in 1901 and another of \$100,000 in 1913 were sold, making a total of \$202,500 actually outstanding against the plant at this time. In 1912 we built a new plant and made changes in the old (now used as a substation) at a cost of approximately \$635,000, and in the following year our gross earnings were over \$600,000. The plant has earned much more than enough to make all necessary improvements and pay operating expenses. Our plant is worth over \$2,500,000, and has proven to be the most valuable asset the city owns. We not only deliver current to our consumers at a very reasonable rate, one much lower than the average plant charges, but it saves the taxpayers at least 6 or 7 mills annual tax by reason of transfers made to the general fund. No assessments have been made on account of the construction cost of the plant, but, as stated before, bonds were sold, the plant has long

since repaid the taxpayers many times more in profits. The rates now in effect are practically the same as for a number of years past, except slight changes in those on power. It has been the policy of the different administrations to keep the operation of the plant entirely away from politics, and this one thing alone has been of inestimable value to the taxpayers.

The gross earnings of the electric light plant for 1923 amounted to \$1,300,410. The operating expenses were \$646,626, the net earnings for the year were consequently \$653,784, and the cash on hand in this department December 31, 1923 (including sale of improvement certificates), was \$639,605. The gross earnings of the plant for 25 years amounted to \$12,397,746, operating expenses during same period of time \$5,424,771, net earnings \$6,972,975, extensions and improvements \$3,758,940; and turned over to the city treasurer since 1899, \$3,351,895.83 for general purposes, being from 1899 to 1916 the sum of \$977,391.83, and in the last seven years an additional sum of \$2,374,504.

RATE CHARGED.

The rates for residential lighting and cooking are 7 cents per kilowatt hour for the first 35, 5 cents per kilowatt hour for the next 40, and 2 cents per kilowatt hour for all in excess of 75 kilowatt hours consumption, subject to minimum charge of \$1 per month.

Outside the city limits the rates are 10 cents per kilowatt hour for the first 35, 7 cents per kilowatt hour for the next 40, and 3 cents per kilowatt hour for all in excess of 75 kilowatt hours consumption, subject to minimum charge of \$1.50 per month.

The rates for commercial cooking and heating in city limits are 3 cents per kilowatt hour for the first 500, 2½ cents per kilowatt hour for the next 4,000, 2 cents per kilowatt hour for the next 5,000, and 1½ cents per kilowatt hour for all in excess of 9,000 kilowatt hours consumption, subject to a minimum charge of \$5 per month.

Outside the city limits the rates are 4½ cents per kilowatt hour for the first 500, 3½ cents per kilowatt hour for the next 4,000, 3 cents per kilowatt hour for the next 5,000, and 2½ cents per kilowatt hour for all in excess of 9,500 kilowatt hours consumption, subject to a minimum charge of \$7.50 per month.

POWER RATES.

The rates for 2,200-volt alternating 60-cycle current are as follows, subject to minimum consumption of 5,000 kilowatts per month, all wiring from main line to meter to be paid for by applicant:

Two cents per kilowatt for the first 10,000 kilowatts used per month. One and seventy-five one-hundredths cents per kilowatt for the next 15,000 kilowatts used per month.

One and fifty one-hundredths cents per kilowatt for the next 50,000 kilowatts used per month.

One and twenty-five one-hundredths cents per kilowatt for the next 75,000 kilowatts used per month.

ILLUMINATING ELECTRICITY.

The rates for illuminating electricity, i. e., 110 and 220 volts alternating current for all services, shall be 7 cents per kilowatt hour by meter measurements, with a minimum charge of 50 cents per month, subject to the following discounts: Where the consumption of each separately metered service equals or exceeds—

Thirty dollars per month, 10 per cent.

One hundred dollars per month, 15 per cent.

One hundred and fifty dollars per month, 20 per cent.

Two hundred dollars per month, 25 per cent.

Three hundred dollars and over, 40 per cent.

Commissioner Frank H. Owen has charge of and supervision over our electric-light plant, and if there is any further information you desire, particularly in relation to details concerning its operation and the like, I am sure he will be very glad to supply same on request.

In conclusion, permit me to say that it has certainly been no trouble to me, but on the other hand a distinct pleasure, to furnish you with this information relative to our plant, for we all feel that the showing it has made makes it worthy of being pointed to with pardonable pride, for we feel that while electricity can be sold by hydro plants at less than our rates, they are probably the lowest at which same can be obtained anywhere in the country where fuel is used for the production thereof.

Whenever I can serve you, please feel no hesitancy in calling upon me, and with kind personal regards, believe me,

Cordially yours,

THOS. C. IMESON,
Chairman City Commission.

Mr. BYRNES of South Carolina. Mr. Chairman, I yield five minutes to the gentleman from Georgia [Mr. LANKFORD].

Mr. LANKFORD. Mr. Chairman and gentlemen of the committee, to-morrow we are to take up the consideration of a makeshift soldiers' bonus bill by a "gag process" under a suspension of the rules. Why is this to be done? Is it to enable the people's Representatives here to express freely by speech and vote their wishes on this all-important subject? Exactly the opposite is true.

Is it to weave into a bonus bill the best thought of this Congress? Not at all. Is it to pass a bonus bill such as the country wants the ex-service men to have? No; it is to prevent this identical thing. Is it to give the ex-service men what the great majority of them desire? Most emphatically no. Is it for the purpose of paying the ex-service men what we so justly owe them? No. It is to further deprive them of their rights. Is it for the purpose of being fair with either this House of Representatives, the country, or the ex-service men that this important matter is to be handled in this way? No; it is for the purpose of being anything but fair. Then why is it to be done? I will tell you. It is for the purpose of thwarting the will of this House, the wishes of the country, and the desires of the ex-service men and yet trying to avoid all blame for the outrage. It is for the purpose of attempting to take care not of the ex-service man but of those who would exploit them. It is for the purpose of trying to shield those in the present administration who are opposed to a real bonus by passing this proposed makeshift. I will tell you why this "gag" performance is to take place. It is for the purpose of preventing the ex-service men getting that which is theirs. It is for the purpose of being dishonest with them and for the purpose of deceiving them if possible. It is for the purpose of attempting to make the ex-service men think they are getting payment of the debt we owe them when, as a matter of fact, they are only getting what will be a nuisance to many of them.

It is for the purpose of giving them as nearly nothing as possible, with the design of making them believe they are really receiving something of value. It is for the purpose of trying to get the vote of the ex-service men under false pretenses. It is for the purpose of trying to get the ex-service men's vote in the next election, not in return for service but for empty promises of the same people who were willing for them to fight and sacrifice without pay and who now desire to exploit them rather than pay them that which is due them.

Oh, why not be honest about this matter? Those who oppose any bonus for the ex-service men ought to have nerve to say so and act accordingly. They also ought to be fair with the ex-service men, with the country, and with Congress, and let those of us who favor a real bonus have the right to say so by word and by vote. Why be afraid to let us offer amendments here and thus perfect the bill? Are the Republicans afraid of the Democrats in dealing with this bill? Are the Republicans in control afraid of the ex-service men in Congress? Are the Republicans even afraid of some of their own crowd? "The wicked flee when no man pursueth." Why run from a square deal? Why flee from the light of open debate? Why squirm and twist and be afraid of your own shadow and flee from a proper consideration of the issues involved? Oh, my friends, what a mockery you are making of this matter.

Instead of bread you are giving a stone. Instead of a fish you are giving a serpent. Instead of food you are giving ashes. Instead of raiment you are giving sackcloth. Instead of a token of highest respect, esteem, and honor you are giving a deception of emptiness and shame. Instead of a genuine bonus you are proposing to throw a monkey wrench in the political and parliamentary machinery, so as to prevent, if possible, the granting of a bonus by either this Congress or any subsequent Congress. Ah, Mr. Chairman, when the boys marched away we promised them everything. They went and did most bravely their part. Some came back halt and lame and blind. Some with both eyes gone. Some with both arms gone. Ah, too many were slaughtered in that awful inferno and never came back. Oh, the hell they went through for you and me and our country.

Thank God many of the boys came back alive and well, and these boys are now holding up their hands, not begging, but asking us here in Congress to only be fair with them and help start them again in life. And now you, who have charge of this "gag" proposition, instead of granting them assistance in a new start in life, are offering them funeral expenses.

The ex-service men gave us honor; you are offering them dishonor. They gave us service; you are offering them hypocrisy. They gave us all; you are offering them nothing. They saved us; you are offering them destruction. They gave us patriotism; you are giving them politics. They fought honorably for the Nation; you are fighting dishonorably for their votes. They offered to sacrifice themselves to save you and yours when it was necessary for the preservation of the Nation; now you propose to unnecessarily sacrifice them and theirs, because you think that by so doing you may gain a little advantage politically. Oh, why not be fair about

the entire matter? This Congress should do its duty by the ex-service men, even as they did their duty by us, by our Nation, and by all humanity. [Applause.]

Mr. Chairman, I yield back any time I might have remaining.

Mr. BYRNES of South Carolina. Mr. Chairman, I yield five minutes to the gentleman from Missouri [Mr. FULBRIGHT].

The CHAIRMAN. The gentleman from Missouri is recognized for five minutes.

Mr. FULBRIGHT. Mr. Chairman, the political party which, in the last and best analysis, truly merits the respect and confidence of the people is the political party that is sincere in its platform declarations, honestly endeavors to carry them into effect, and courageously meets its obligations.

The Republican national platform in 1920 declared as follows:

We hold in imperishable remembrance the valor and the patriotism of the soldiers and sailors of America who fought in the Great War for human liberty, and we pledge ourselves to discharge to the fullest the obligations which a grateful Nation justly should fulfill in appreciation of the services rendered by its defenders on sea and on land.

Although this declaration consists largely of generalities, it was made at a time when the question of adjusted compensation for ex-service men of the World War was attracting national attention, and was written into the platform as a result of the sentiment for legislation of this character, and for the purpose of enlisting soldier support. In view of this fact, no construction can be placed on such utterance other than a declaration in favor of adjusted compensation and a clear recognition of our obligations to the ex-service men. The Republican Party has utterly failed to redeem this pledge. In my opinion, the bill presented falls far short of doing justice to the men who served in the World War and fails to fulfill the obligation we owe to these men, but no choice is left for those who are the real friends of adjusted compensation and who want to do their whole duty to the ex-service men of the Nation. Under a system of "gag" rule which denies amendment or free discussion we are told that we must accept this or nothing. We are not permitted to do that which our conscience dictates we should do. We are not permitted to offer amendments, and discussion of the measure is limited to such an extent that we are even denied the right to express our sentiments while the bill is under consideration.

I shall vote for this measure because the majority of this House says, in effect, "this is all we will give you and you dare not ask for more," and for the reason that under the "gag" rule invoked we can not ask for more. To my mind, the least that could have been done in fairness to the ex-service men of the Nation would have been to have offered a twofold plan, such as the Democratic members of the Ways and Means Committee desired, giving to these men the option of taking insurance or cash. No additional cost would have been incurred and it would have shown good faith, but this right is denied them and we are denied the right, under the rule invoked by the majority, of offering an amendment to this bill to give them such right of option. We attempted to liberalize the rules in the opening of this session of Congress and certain amendments were made. At that time we were told by the majority party that such amendments would destroy orderly procedure in the House. Now, I am convinced of the fact that we did not go far enough in liberalizing the rules. To deny the right of amendment or discussion of a measure of such consequence as the one before us is, to my mind, wholly undemocratic and not in keeping with a Government such as ours, and I here and now register my protest against such "gag" rule. As I said before, I shall support this measure, because it is all that is left us and because it is a step in the right direction, but I warn you now, you are not deceiving the rank and file of the ex-service men of this country. They will soon recognize that this bill is a subterfuge, will place the responsibility where it properly belongs, and you on the majority side will be called to account.

These men served us faithfully in the greatest crisis of the world's history. Their sacrifices were great, but they faithfully responded to their country's call. It is a well-known fact that the overwhelming majority of the 4,500,000 soldier boys called to the colors in the World War were men of small or moderate means. Called from the farms, the schools, and the sweatshops of the Nation, many of them were just starting or making preparations to start on their chosen vocations. They were compelled to give up their plans for the future, discontinue their education, and forfeit their jobs. In many instances they were forced to sacrifice their crops, property, and business con-

nations, yet they went like men, real, courageous, upstanding men. Throughout the war in the training camps, cantonments, and upon the battle field their conduct was such as to win the plaudits of the Nation. For their services they received approximately \$1 per day, and of this they contributed liberally in the purchase of Liberty bonds to assist the Government in a financial way. Deductions were made for insurance and allotments were made in many cases out of their small remuneration to the dependents of those who were called into the service.

On the other hand, those who remained at home received wages ranging from \$5 to \$20 per day, with short hours and secure from the enemy. Business thrived, special interests prospered, and huge fortunes were accumulated. Greed and avarice reared their shaggy heads and the profiteer made war on our resources at home while these boys defended our honor abroad.

The war being over they returned home victorious, amid the acclamation of a grateful people. They were assured that an adjustment of their compensation would be made and that the Government would not be unmindful of its obligation, yet for years action has been delayed. When the matter is discussed the opponents of adjusted compensation plead poverty and lack of money. Already Italy, France, Great Britain, and Canada have met this obligation to their soldiers, yet we, the most powerful, the most wealthy of all nations, are still met with the plea of poverty and lack of funds. There are some men who are honestly and conscientiously opposed to such legislation. To these I have no criticism to offer. For them I have the utmost respect; but the great weight of opposition comes from an entirely different source. Those who plead poverty and lack of funds the loudest are the ones who profited and accumulated fortunes while our boys were in the service.

The oil interests, the steel interests, the munition makers, the sugar barons, the tobacco trusts, and the immensely rich are opposed to adjusted compensation. President Coolidge has declared his opposition to it. Mr. Mellon, Secretary of the Treasury, who has juggled figures to show surpluses and deficits to suit his whim, is opposed to it. The numerous corporations in which he is interested are opposed to it. A slush fund, to which the great interests of the country have contributed, has been raised to defeat it. Corporations have coerced ex-service men to write Members of Congress expressing opposition to it. I do not want it understood that I am opposed to the accumulation of wealth. On the other hand, I like to see everybody prosper. I believe in organized wealth. When honestly and lawfully managed it becomes a wonderful agency for progress, prosperity, and development. Yet when dishonestly handled it becomes the most dangerous foe to representative government. The slimy hand of wealth has undertaken to exploit the Nation, loot the Treasury, debauch the public, and undermine the Government. It has sought to corrupt elections, bribe officials, and shape legislation. So brazenly and with such arrogant effrontery has it invaded the National Capital and sown its propaganda that the honest man hesitates to advocate anything supported by wealth or the corporate interests of the country, however meritorious it may appear. Incorruptibility in official life, economy in administration of Government, and honesty in the enforcement of all laws are essential to the stability of the Republic, and the public official who tolerates corruption and dishonesty will ultimately be swept from office by the righteous wrath of an indignant people. Since the war, through fraud, flagrant extravagance, and reckless expenditure of public funds, there has been a loss to the Government sufficient to have substantially met the expense of a liberal plan of adjusted compensation. If the present administration will inaugurate a policy of economy, eliminate all needless boards, commissions, and unnecessary employees and strike a death blow to the extravagance and graft that is running rampant, a saving to the Government can be had that will greatly exceed the cost of adjusted compensation.

We are apparently resting upon a colossal mass of putrefaction the odor of which is as destructive to the national welfare as were the poison gases to our boys in the great World War. They successfully combated this enemy of human life in that mighty struggle, and they will as successfully combat corruption, protect the national welfare, and perpetuate the Republic in time of peace. In view of this situation what shall we do? Shall we heed the plea of those who fight our battles in time of war or shall we falter and fail at the behest of those whose creed is avarice and whose god is gold? There can be but one answer. Although the bill presented is not satisfactory, and does not fully discharge our obligation, it is a step in the right direction, and we will take our place on the side of right. How

can we contemplate this great contest and the boys who participated therein and hesitate for a moment?

I still hear the echo of the bugle call, the drumbeat, and the tramping of millions of feet at the training camps and cantonments. I see the ships of destiny as they carry the boys across the sea amid the lurking perils of the submarine. I see them land on a foreign soil and rush to the battle front. In the face of every instrument of death that human ingenuity and the genius of man could devise they assumed their place in that mighty orgy of blood and carnage. The poison gases, machine guns, and heavy artillery failed to check their onslaught. At Chateau-Thierry, St. Mihiel, the Argonne, and all along the Hindenburg line their acts of bravery and deeds of daring stunned the allied forces and broke the morale of the Hun. Amid this unparalleled tragedy of the world's history they seized the pen of destiny and, dipping it in the sunset glow of the autocracy, wrote on heaven's blue above them the matchless splendor of American valor and the deathless glory of American arms. Shall we forget them now in the face of such a record as this? Shall we forget their superb courage and matchless achievement? Shall we forget the sacrifices made and the patriotism with which they served? No; in God's great name, no.

Lord God of Hosts, be with us yet,
Lest we forget, lest we forget.

[Applause.]

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. FULBRIGHT. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman?

There was no objection.

Mr. BYRNES of South Carolina. Mr. Chairman, I yield five minutes to the gentleman from Missouri [Mr. MAJOR].

The CHAIRMAN. The gentleman from Missouri is recognized for five minutes.

Mr. MAJOR of Missouri. Mr. Chairman, in response to the memorable address of the late Woodrow Wilson, delivered to Congress on April 2, 1917, the Congress of the United States on the 6th day of April, 1917, in solemn form, declared war and the people of this country entered the great world struggle. Never in the history of this or any other country was a people so stirred to activity of every kind. Funds had to be raised, supplies acquired, munitions and war material manufactured, all to the end of putting across the seas at the earliest possible moment an effective fighting force. In this hour of preparation we all did our bit; throughout the country in every city, town, village, and hamlet, men, women, and children joined in the one great effort of preparation. It was left however, to the young manhood of our country to make the great sacrifice—to furnish the man power, the gun fodder—to the end that our cause should triumph. Twenty-four million young men of military age were registered for military duty. Of this number 4,000,000 were conscripted into the service. They not only left their comfortable homes and loved ones but their various vocations, businesses, and professions to serve their country. When the various calls were made those called were assembled generally at county seats, and taken to some training camp to prepare themselves for duties overseas. How well do I remember those occasions when the boys from my home county, accompanied by their loved ones, would respond to these calls. The good women of the American Red Cross would take them in hand and serve lunch to them, and by acts of kindness and words of love would make their departure as cheerful as possible. As chairman of the American Red Cross in my county, I was generally called upon with others to make a talk to those boys, and how well do I remember how we all assured them that their beloved country would never forget their splendid service and sacrifice nor cease to be grateful to them; and that we would care for and look after their loved ones in their absence and that upon their return from victory nothing would be too good for them. For one I have been and am now willing to keep my word with these boys. In the camps and across the seas their hours were 24, not 8, and their compensation was \$1 a day. From this paltry sum was deducted required payments of insurance, allotments, and Liberty bonds. We who remained at home suffered no privations nor hardships, and enjoyed an era of high wages and prosperity, receiving higher wages for our labor and a higher price for our commodities than were ever before known in this country. While we were enjoying this prosperity, these service men worked in the construction of Army camps and cantonments, as carpenters, bricklayers, and other skilled work for the princely sum of \$1

a day, while at their side, performing the same character of service, were private citizens receiving from \$8 to \$10 per day. The families of these men were obliged to meet the constantly increasing cost of living out of the paltry pay of the soldier, who had been taken from his ordinary vocation and forced to work for \$30 per month, while the increased cost of living of civilian workers of all classes was met by a greatly increased wage. The comforts of home were displaced by the hardships of camps and trenches, separated from friends and family and loved ones; careers, positions, and professions were abandoned; great sacrifices and privations were endured, and when they finally returned to their homes they found their former positions filled and were compelled to take their places at the foot of the ladder.

The question confronting us at this time is: What shall we do for these men? Not in the way of payment, for services of this kind can not be paid for with money, but in the way of a substantial remembrance to show our appreciation of what they did for us and compensate them for the losses they sustained. What would the people of our country have us do? Individually, what would our constituents have us do? As a Member of the Sixty-sixth Congress I voted for an adjusted compensation bill. It was not such a bill as I would like to have supported, but it was all that was offered by the majority party and I had to take it as it was handed to me or vote against it. In the campaign of 1922, in every speech I made, I told my people that if sent here as their Representative I would vote for a proper measure to compensate these men. While the measure as reported from the Ways and Means Committee is not what I would have given them, yet as in the Sixty-sixth Congress I either have to vote for this measure or vote against it. The manner in which it has been reported and is to be considered does not permit me to even offer an amendment, but I am going to support it as it is because I consider it better than nothing, and it seems to be all that the Republicans, who are now in control here, are willing to grant them. In supporting the measure, I fully realize that I am doing what a number of people throughout the country and in my own district consider improper, but I believe that I am representing the majority of the people of the country and of my own district in supporting this measure, which in a way gives to the ex-service men of the country some form of compensation.

I do not contend that there is only one side to this question, for, like most propositions, it has at least two sides. Neither am I one of those who would define the two sides as "our side and the wrong side," but I am willing to admit that there may be two sides to what may appear to me a one-sided question. What have we done in the way of adjusted compensation? What have others received? Since the armistice Congress has passed laws validating what I considered illegal contracts made by the War Department with the big interests of the country for war supplies amounting to more than three billions of dollars. Congress has appropriated over \$600,000,000 to pay money to those war profiteers for supposed profit they would have made out of the Government had the war continued. The railroads were taken over by the Government and operated during the war and the people were taxed about two billions of dollars to pay for losses sustained in this undertaking. Congress passed a law providing several millions of dollars to pay mineral and mining speculators for profits they claimed they would have made had the war gone on. Congress appropriated millions to pay losses sustained by the Shipping Board. Congress voted \$100,000,000 to feed Europe and \$20,000,000 for Russia; yet when all these expenditures were made those who are now protesting so loudly against paying any bonus to the soldier were silent as the tomb, but when it comes to adjusted compensation for the ex-service men the very interests which so largely profited and profited and which had already made enormous profits out of the Government are the loudest and most vehement in their protests, claiming that the payment of the bonus will prevent reduction of taxes and work havoc and ruin to the business interests of the country.

In addition to all these interests which have already received theirs say to us "through the granting of a bonus the cherished ideals of America would be weakened; obligations of citizenship would seem less insistent, and the right of this Republic to call upon the citizens to bear arms in its defense would be subject to contract negotiations instead of a response to patriotic duty rewarded by the preservation of the country's integrity." They tell us "that these men can not be paid in gold for the sacrifices they made and every honor due them must be jealously guarded." Their admonition is "do not dishonor him."

Let us run back over the history of our country and see what action was taken and what reward, if any, was made to those who served us in other wars.

Gen. George Washington, the Father of his Country, accepted a bonus for services rendered in the French and Indian wars and in the Revolutionary War.

General Lafayette, by a special act of Congress, received \$200,000, above all pay and emoluments due him, and 630 acres of land.

Congress in 1779, at the request of General Washington, allowed \$100 to every soldier who had enlisted early in the war.

In the Mexican War of 1846 the soldiers were compensated in advance. Congress passed a law providing every soldier who enlisted for 12 months with a bounty on honorable discharge of 160 acres of land, or an equivalent of \$100 in Treasury scrip bearing 6 per cent interest.

Abraham Lincoln applied for compensation for his own military service as a captain of mounted volunteers in the Black Hawk War, which application, dated August 21, 1858, is recorded in the General Land Office in Washington.

Lincoln also advocated and signed compensation bills for the soldiers of the Civil War.

Gen. U. S. Grant in 1850 applied for land under the "act granting bounty lands to certain officers and soldiers who had been engaged in the military service of the United States approved September 28, 1850." This was for his service in the Fourth Regiment of the United States Infantry during the war with Mexico. His application is dated November 6, 1850.

Gen. Robert E. Lee, on February 20, 1854, applied for bounty lands for services in the war with Mexico, in which he saw service as a captain, Corps of Engineers.

Adjustments of compensation were also made to General Sheridan, General Sherman, Gen. Winfield Scott, and Admiral Farragut. These men are all national heroes, men who have made America what it is to-day, and yet they believed in adjusted compensation and accepted it.

A month's salary was paid by the Government to each member of the crew serving under Capt. James Lawrence, that able naval hero known to fame because when dying and carried below the decks commanded, "Don't give up the ship!"

The soldiers who served the Government in the war with Mexico and the Indian wars and the Civil War were given a bonus in the form of land warrants and bounties. Such is the record of our country on the bonus and compensation paid our soldiers on land and sea. Did we "dishonor" them?

Our Government during the World War paid a bonus, and is still paying it, of \$240 per year to each of its civil employees drawing less than \$2,500 a year. The total paid these employees amounted to millions, yet they endured no hardships. They worked in steam-heated rooms in the winter and in the breezes of the electric fan in the summer. This extra \$20 per month was paid to them that they might meet the increased cost of living.

The United States is the richest country in the world and our indebtedness is the smallest. Notwithstanding the great indebtedness with which our allies are burdened, they have granted substantial bonuses to their soldiers. The bonuses allowed by these countries are as follows:

France, \$249; Great Britain, from \$142 to a private to about \$7,000 to an officer; Italy, \$64; Belgium, \$462. Canada has paid every private a bonus of \$800 and her officers \$972, and in addition advanced the soldiers money to buy farms and after discharge made them an allowance each month until they secured employment. Australia and New Zealand have paid their soldiers a bonus.

If our allies, impoverished as they are, can show to their ex-service men an appreciation of their services by a substantial remembrance, why can not we, the richest nation in the world, be as appreciative and as generous to our patriotic sons? It is true we are not legally obligated in any way, but are we not morally bound to grant to these men compensation in some form in addition to the meager pay they received for their services? He who calls a man ungrateful sums up all the evil that a man can be guilty of.

Gratitude is properly a virtue, disposing the mind to an inward sense and an outward acknowledgment of a benefit received, together with a readiness to return the same, or the like, as the occasions of the deed so require and the abilities of the receiver extend to.

Well do I recall the following beautiful tribute to our flag:

Flag of our great Republic, guardian of our honor and inspiration in every battle for the right, whose stars and stripes stand for beauty, purity, justice, liberty, and the Union, we salute thee, and for thy defense we pledge our lives, our hearts, and sacred honor.

It was under this banner that our boys did service; and shall it be said of us that those who fought under the Stars and Stripes are to be denied the token of esteem and gratitude that has been accorded the patriotic sons of France, Great Britain, Italy, Belgium, Canada, Australia, and New Zealand? God forbid! A grateful Government should give some substantial evidence of appreciation for the unselfish and heroic services rendered by her patriotic sons. Let it not be said that we were ungrateful. [Applause.]

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. MAJOR of Missouri. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. BYRNES of South Carolina. Mr. Chairman, will the gentleman from Idaho [Mr. FRENCH] use some of his time?

Mr. FRENCH. I yield 20 minutes to the gentleman from Wyoming [Mr. WINTER].

The CHAIRMAN. The gentleman from Wyoming is recognized for 20 minutes.

Mr. WINTER. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

Mr. WINTER. Mr. Chairman and gentlemen of the committee, doubtless you are aware that up to this time, at this session, and my first session, I have not addressed this House. I would not attempt to do so now were it not for certain events, and for certain addresses made on the floor of this House on last Saturday afternoon. I am going to talk on the subject of the oil-reserve leases, and if I can carry my voice to your ears I think you will be interested. Owing to the limit of time and the impossibility of presenting this tremendous subject within my time limit, I am forced to proceed rather rapidly, and shall have to ask you not to ask me to yield any time for questions.

The pending consideration of and debate on the naval appropriation bill offers, as I understand the rules, the first opportunity for discussion of the matter of the naval-reserve leases. I had not determined to offer any remarks until I heard the several gentlemen on the floor day before yesterday, last Saturday. I wish to say at the outset, so that there may be no mistake and no excuse for a wrong impression, that I am not attempting to defend or extenuate the matter of loans or payments of money to Albert B. Fall by Edward Doheny and Harry F. Sinclair, lessees of Government naval oil reserve lands. I do not stand here either to defend or prosecute those gentlemen. I voted for the resolution to appoint special counsel to bring a court action to test the validity of the leases on naval reserve No. 1 in California, and No. 3, the Teapot Dome, in Wyoming, and the prosecution of any and all wrongdoers in that connection. These matters both as to criminal and civil issues are now where they should be, in the courts of the land.

I so voted for the resolution because of "circumstances indicating fraud and corruption," which, if proven in the courts, would probably justify a cancellation of the leases on the broad principle that fraud vitiates everything.

Let me say further, so that the record may show, that on the 12th day of April, 1922, on the day that word was received in Casper, Wyo., of the lease of the Teapot Dome, I was one of a committee of three, the other two members being H. H. Swartz and Harry B. Durham, of Casper, Wyo., by the Independent or Rocky Mountain Petroleum Association, in a meeting to draft a telegram of protest. This was done, and the records of the Interior Department will show such telegram from the said association.

But this was not a protest against the lease because of any expected corruption or any idea that the lease was illegal or unwise or unfair to the Government. At that date we knew nothing of the terms of the contract. The telegram was a protest against producing any more oil in that region, as the Salt Creek field was then capable of producing three times as much oil as was then being taken and for which there was a market. We objected to the congestion of oil, overproduction already existing and affecting adversely the market price.

We might well, having taken the action to secure a decision by the courts, cease discussion of these things in Congress and give our attention to the legislation the people are demanding. Yet day by day we witness ex parte investigations and partisan attacks in the hope of affecting the national trend in the great political battle about to ensue. No word of proof has been

uttered, no evidence has been adduced against any official, in spite of all these attempts, indicating moral turpitude or bribery, excepting the single instance of Mr. Fall. Searchers, inquirers, and the newspapers have raked and scraped the entire area, and nothing more has been found against any agent of the Government. And yet gentlemen on the Democratic side are willing and apparently anxious to continue the making of charges, intimations, covert attacks, insinuating the making of profits out of these leases, and, indeed, in criminal participation by other officials connected with the Naval and Interior Departments.

The gentleman from South Carolina on the floor last Saturday afternoon was willing and apparently anxious to state and did state as a fact that there was ownership of stock in the Sinclair Oil Co. by Mrs. Theodore Roosevelt "at the time the leases were made," notwithstanding the evidence in his hands on which he based the statement did not support the charge and he had no other proof. The statement made was not a fact, as the record now shows; the gentleman from South Carolina was properly excoriated by the gentleman from Kansas. When gentlemen persist in these attacks, unfounded as they are, we must perforce continue to discuss the matter, which has been properly relegated to the courts.

When the facts as to these leases are all brought out before the courts and given publicity so that the people may know, the public is going to be amazed to learn many vital things which have not been brought out, which, if mentioned at all, have been intentionally pushed to one side as though of no importance, which have been hurried past but which have an important bearing on the question of whether the leases bear within themselves any evidence of fraud; whether they involve a change of national policy, and if so, if that change was justified; whether the leases were authorized and legal, and whether they were reasonable and fair to the Government.

Conclusions have been thrown to the whole country, heralded in vociferous and stentorian tones over the land, and written and distributed in printed articles, whose authors were either vicious or ignorant. These statements and articles in many instances purposely ignored important facts.

It is not my purpose to defend these leases, but I say plainly and without hesitation, because all the facts should be known and intelligent and fair judgment arrived at, that so far as these leases are concerned, the naval oil reserves of the Nation, Nos. 1 and 3, in California and Wyoming, have not been "given away," the country has not "lost them" or the oil in them; there was no "wanton waste of \$1,000,000,000 worth of oil"; the public domain has not been "looted"; the people of this country have not been "deprived of the means of national defense"; the Navy is not "without adequate oil for Navy fuel to meet any war emergency"; and would not be, and will not be, if these leases continue in operation; these leases were not, in my judgment, aside from the question of fraud, clearly illegal; and there was not by these leases a change of policy with regard to the naval oil reserve.

Mr. CONNALLY of Texas. Mr. Chairman, will the gentleman yield there?

Mr. WINTER. I stated at the outset that I would not desire to do so. On some other occasion I shall be glad to do so.

If the gentlemen on the other side of the aisle contend otherwise they are denouncing their own party and their own officials, and the gentleman from Texas could not say, as he did on Saturday on the floor of the House, that he "derived some little satisfaction that no responsible figure in the party to which I belong was guilty of crime."

I now challenge the attention of the Members of this body to the following facts and records and squarely put it up to you to consider them fairly as unbiased, intelligent, and unprejudiced representatives of the people, and not from the miserable standpoint of partisan advantage:

Naval reserve No. 2 in California was the first of the three naval reserves to be opened to leases to private persons or corporations, and that was done entirely under the administration of Mr. Wilson and under the then Secretary of the Navy, Daniels, and Payne of the Interior Department. I am not criticizing them for doing it. My position is that they were forced to do it to protect the interests of the Government; it was not only their right but it was their duty to save the Nation from loss of its oil. But I am criticizing those who criticized their successors for doing the same things in the interest of the Navy and the Nation's defense.

On January 16, 1920, John Barton Payne, Wilson's Secretary of the Interior, in charge under our laws of the public lands of the country, submitted to Secretary Daniels copies of leases for

the drilling of five new wells on reserve No. 2. Under the exigencies existing theretofore wells on the naval reserve had been authorized and drilled. Daniels approved these new leases for five additional wells August 21, 1920. This was done under authority of the general leasing act of February 25, 1920. This is the fundamental law authorizing the leasing of public oil lands. At that time naval oil reserves were excluded and excepted from that law. It applied, however, to existing wells on naval reserves, and placed them in charge of the Secretary of the Interior. Mr. Daniels requested, which request would have been entirely unnecessary if it were possible to conserve the naval oil in the ground, and authority was given by Congress by act of June 4, 1920, to the Secretary of the Navy to operate such existing wells and additional wells and leases which had been entered into on the naval reserve No. 2, but laid the foundation for and authorized, in my judgment, for it could have no other purpose, a new method of conserving the oil of the naval reserves.

The time had come, and it was absolutely inevitable, when the policy of conserving the naval reserve oil under the ground had to be changed to conserve it upon the ground, and there was no other course open. Private wells were draining the oil out from under this naval reserve No. 2, of which I am now speaking. Daniels realized it. The fact of drainage and loss of naval oil was an inescapable fact as to each of the reserves, not only No. 2 but in their turn No. 1 and No. 3, the Teapot Dome. Of No. 1 and No. 3 I will speak presently, in their order. The fact of drainage of No. 2 was unquestioned. It was stated and seen and recognized. Sixty and four-tenths per cent of the area of reserve No. 2 was then privately owned; 20.5 per cent was placed under the jurisdiction of the Secretary of the Interior by the general leasing act of February 25, 1920; 10.1 per cent only came under the jurisdiction of the Secretary of the Navy. Manifestly, present or future drainage in increasing quantities was inevitable. Daniels thereupon asked for and received from Congress, because of the absolute necessity in protection of the Government, the following broad powers from Congress. I quote from the act of June 4, 1920:

That the Secretary of the Navy is directed to take possession of all properties within the naval petroleum reserves as are or may become subject to the control and use by the United States for naval purposes * * * to conserve, develop, use, and operate the same in his discretion, directly or by contract, lease, or otherwise, and to use, store, exchange, or sell the oil and gas products thereof, and those from all royalty oil from lands in the naval reserves, for the benefit of the United States.

In this connection I desire to insert in my remarks the 23 questions asked by the Naval Committee of Secretary Denby and the answers by him.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to insert the matter indicated. Is there objection?

Mr. CONNALLY of Texas. I understand they are in the Record already.

Mr. WINTER. If so, I shall withdraw my request.

Mr. CONNALLY of Texas. I understand it is in the Record.

Mr. WINTER. I inquired of a member, I think, of the committee and it was his opinion that they were not in the Record; therefore I proposed to insert them.

Mr. CONNALLY of Texas. Let the gentleman get to the end of his remarks, and then we can see.

Mr. WINTER. The authority that I referred to, as contained in the act of June 4, 1920, I have quoted above. Now, I call your attention to the exceedingly broad language of that authority in the act of June 4, 1920, that vested the power in the Secretary of the Navy, which was given to him by this House and the body at the opposite end of the Capitol. There may have been a mistake in giving him that broad authority. I do not assert for or against, but I do assert that there can be a fair difference of opinion, in legal minds at least, as to whether that authority did not authorize the Secretary of the Navy to do everything, to enter into each and all of the terms incorporated in the leases to Mr. Doheny and Mr. Sinclair.

Mr. EVANS of Montana. Mr. Chairman, will the gentleman yield?

Mr. WINTER. I am afraid my time is about up.

The Chairman. The time of the gentleman from Wyoming has expired.

Mr. CONNALLY of Texas. Mr. Chairman, I have not had time to verify that, and I do not think I shall object to the gentleman inserting that in the Record.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to extend his remarks in the Record by including the matter indicated. Is there objection?

There was no objection.

Mr. WINTER. I asked for the general right at the outset. The CHAIRMAN. That will be understood as included in the request, without objection.

Mr. WINTER. The act of June 4, 1920, was an amendment to the original leasing act of February 25, 1920, although not so denominated. Did that act give authority to the Secretary of the Navy to lease the naval reserves? It did. That was its object. Did Daniels proceed to act under it? He did. Did he lease to private corporations naval reserve land No. 2 in California? He did. Fifty-eight wells were thus authorized by him and drilled.

At this point I wish to call attention to the character of the quoted statement of Mr. Daniels in attempting to make the public believe that he had not done that which his successor Denby has done. Note the careful insertion of the right words in the right place so that he would not be making a false statement and yet carry the impression to the public that Denby and Fall had done something which was wrong which he had heroically resisted and refrained from doing when he was Secretary and Payne was in the Department of the Interior. At Philadelphia February 25, 1924, he said:

If the Republican committee has any information that I leased or recommended leasing a single foot of naval reserve oil land when the oil could be retained in the ground, that information is manufactured.

No one stated that he leased land in reserve No. 2 "when the oil could be retained in the ground." Neither did Denby and Fall lease "when the oil could be retained in the ground." The fact is, it could not be retained in the ground, and therefore he leased naval reserve No. 2, the first one on which leases were granted. On August 21, 1920, Daniels informed Payne that the lease to the Boston-Pacific Oil Co., covering the drilling of the five new wells on section 32 of naval petroleum reserve No. 2, was satisfactory to the Navy. This lease called for a royalty to the Government of 25 per cent. On January 25, 1921, Payne stated his willingness to lease 120 acres in the eastern part of section 28 of naval oil reserve No. 2 to the Consolidated Mutual Oil Co., without restriction on the number of wells. This tract was so leased just prior to the going out of the last Democratic administration at a graduated royalty of from 12½ to 25 per cent.

And so, as the drilling of private wells on an adjacent ground made it necessary, this policy of leasing to preserve the Government interest was continued and necessarily enlarged. Now, let it be recognized and admitted once and for all that the policy of leasing naval reserves out of necessity began and was accomplished under Wilson, Daniels, and Payne, as to practically all of naval reserve No. 2.

Then came similar conditions to be met on reserve No. 1. The Government interests required that all of the Government area of naval reserve No. 1 be leased for the same reasons, and of necessity and further for the sake of efficiency, for saving, for the accomplishment of development on a systematic, businesslike basis, and to accomplish the proper storage policy which would be most beneficial to the Navy, and to place fuel oil ready for use by the Navy at strategic points to remain in storage permanently until necessary for emergency war use, the lease was let to Mr. Doheny on naval reserve No. 1. At this time not Daniels and Payne but Denby and Fall occupied the offices at the head of the Navy and Interior Departments, respectively. In naval reserve No. 1, 15½ per cent of the total acreage was owned by private parties, who were drilling and taking out the oil. At no point in this structure was there a greater distance than 2 miles between Government area and privately owned area on which wells were drilling or would be drilled in the immediate present. The royalty provision was 12½ to 35 per cent, a higher royalty than on No. 2.

Coming now to naval reserve No. 3, known as the Teapot Dome, located in my district, the State of Wyoming, and within 35 miles from the city of Casper, my residence. Of the situation here as to this reserve, I do not claim to know all. I do not claim to know more or as much as some other men, but I do know many facts which have been ignored or overlooked with reference to this matter. No amount of quibbling or fine-haired theory can change the fact that Teapot Dome was being drained and had been in the process of draining for some time into and through private wells in Salt Creek field immediately adjoining it on the northwest. When the Teapot field came to be actually drilled and the sand penetrated by wells, it was found that contrary to all expectations there was no oil in the first Wall Creek sand which was productive in the contiguous Salt Creek field. The Salt Creek field is the big end, the sole of the oil structure of which the Teapot is a small heel. Nothing was found in this first sand of the Teapot except gas in the south end thereof; and the producing area of the second sand, ex-

ceedingly prolific and productive in the Salt Creek field, was disappointingly less than had been anticipated by all operators and experts and Government officials. Its producing power had been diminished from an expected capacity per well of 300 to 500 barrels per well per day to an average proven during the past year of operation of 70 barrels per well per day. Instead of a content of 135,000,000 barrels estimated by all, it was found after drilling had given the necessary data of the thickness of the sand, its porosity and the location of the water line in the sand around the field, that its content is but 26,000,000 barrels. The expert geologists employed by the Government reported that drainage was taking place, though one of the two, I believe, testified that in his opinion the drainage might cease after 4,000,000 barrels had been lost. Other geologists estimated that had no lease been given 70 per cent of the oil would have been drawn out and lost to the Government.

And so that under these conditions it would have been almost criminal carelessness in the Secretary of the Interior on which in after years he would have been denounced, if he had not leased the Teapot Dome, nor would the fact of the presence of Government leased wells across the line on the Salt Creek field which were bringing a royalty to the Government, have justified a failure to lease. For there were also patented lands and State lands in Salt Creek drawing off enormous amounts of oil which paid no royalty to the Government. The evidence of drainage by private wells adjoining was so strong that it was the duty of the Secretary to thus conserve and save to the Government this oil by a proper royalty lease. Indeed it is a fair question against Secretary Daniels and Secretary Payne whether they are not responsible by the failure to lease during their term for the loss of the difference between 26,000,000 barrels that it did contain and the 135,000,000 barrels which the field by all indications and opinions ought to have contained in the first and second Wall Creek sands and upon test did not contain when the experts finally determined its content under the Sinclair lease. Salt Creek field had been producing for several years when the Teapot lease was made and, under the general leasing bill of February 25, 1920, from wells in southeastern Salt Creek in very close proximity to the Teapot line, by reason of sales of leases in Salt Creek by the Government in June, 1921, under plans made by Daniels and Payne in the Wilson administration. Thus went on without attention or safeguarding of the Government interests the drainage of the Teapot Dome until the negotiations were begun promptly upon the coming in of the Republican administration in March, 1921, although not concluded until April, 1922.

The necessity of leasing the Teapot Dome being determined, what was then the situation? Notwithstanding the act of June 4, 1920, giving the Secretary of the Navy jurisdiction and power to operate or lease the structure, the fact is—an important, vital fact which has been practically ignored throughout this entire matter in the public print and discussion—the 9,000 acres of this structure within the surrounding walls known as the escarpment were practically all covered by private mining claims located under laws of the United States and the State of Wyoming and recorded prior to the withdrawal of said area as a naval reserve. The figures, as I recall them, show but 440 acres remained open subject to the jurisdiction of the Secretary under the act.

The Supreme Court of the United States has determined by many decisions that a mining claim is property in every sense of the term. It is a vested interest, which can be bought, sold, equated, and inherited. Moreover, under the law the possessor of a mining claim located in conformity with the laws may extract the mineral, including oil and gas, without asking for or receiving patent from the United States. No power can dispossess such mining-claim occupant except by due process of law, by proceedings in court in which the individual citizen claimant or his grantees or heirs shall have his day in court to maintain the validity of his claim and his rights. It has been asserted that these mining claims were "paper locations," lacking a discovery as required by the law, and therefore invalid. However that may be as to the facts, it remains true that some competent authority must declare such claims invalid and some court must issue the writ by which the claimant can be ejected and possession returned to the Government or to such other claimant as may have proven his right thereto.

In deciding the case known as the Cameron case, involving a mining claim on the rim of the Grand Canyon at the Bright Angel Trail, the Supreme Court of the United States finally determined the manner and method of such a judgment and dispossession. The Secretary of the Interior has jurisdiction over all the open unappropriated public lands of the United

States. He is the sole judge and court of last resort as to whether an applicant for patent is entitled to a patent, so far as the facts are concerned. In my judgment, while the decisions of the Secretary of the Interior are final and not reviewable as to the facts, yet as to the law every claimant is entitled to have a court determine whether the Secretary of the Interior has properly construed and applied the law. The procedure affirmed as the correct one for the Government regaining possession of a mining claim is that the Secretary of the Interior must serve upon the claimant occupant of the mining claim thought by the Secretary to be invalid a notice to appear at a hearing; such hearing must be held and the evidence taken and a decision rendered on such evidence by the Secretary that the claim is invalid. Then, there being no law giving the Secretary of the Interior authority to enforce his decisions, such judgment must be transferred to the legal arm of the Government, the Department of Justice, and an ejectment action brought by that department in the court where the claim is located. Upon a judgment there a writ of ejectment will be issued, and thus, through an officer empowered by such a writ, the claimant may be forcibly, if necessary, removed from the premises.

In addition to the presence of mining claims of record on practically all of the Teapot structure, four of such claims of 160 acres each, situated in the center of the Teapot field, were before the Secretary of the Interior asking for patent. The undisputed evidence as to these four claims was that wells had been drilled to the depth of several hundred feet to the Shannon sand and that oil had been disclosed thereby and therein to an amount of from 5 to 10 barrels per day production. These claims, in my judgment, having been located in accordance with law and the wells drilled and the oil disclosed, constituting in my opinion a legal discovery as required by the mining law, prior to the withdrawal by the Government in 1915 of the Teapot field, were entitled to patent.

This was the situation confronting Secretaries Denby and Fall, and perhaps it may now be realized, in addition to the right of the Department of the Navy to make use of the Department of the Interior as another agency of the Government to administer work under the jurisdiction of the Department of the Navy, there was the further fact that until cleared by due process in the courts of the mining claims Secretary Fall and not Secretary Denby had jurisdiction over the Teapot structure. Meanwhile drainage of the oil was proceeding. The legal process of clearing the land of the mining claims as outlined above would have taken time and in the end some of said claims might have been proven valid, in which case the entire area could never have been cleared so as to bring the entire area fully under the jurisdiction of the Secretary of the Navy or as public land under the jurisdiction of the Secretary of the Interior. Moreover, the claims entitled to patent would have proceeded to extract oil from 640 acres in the center of the dome.

Hence, in the contemplation of and negotiations for a lease, it was necessary and it was required of any prospective lessee to first purchase all of said mining claims and return them to the Government by quitclaim deed in order that the Government might be in a position to make a lease or to operate the field itself. This was done. According to the evidence, Mr. Sinclair paid in the neighborhood of \$2,000,000 for those mining claims and delivered to the Government quitclaim deeds for all of them. At this time and in this connection I call attention to the case of Taylor and others versus Sinclair and the Mammoth Oil Co., involving the southeast quarter of section 20, R. 38, T. 78, which it is of passing interest to note, proved to be, although in the extreme north end, and unexpectedly to all, the most valuable quarter section, the greatest producer of oil of any quarter section of the entire Teapot field. This is the quarter section from which the occupants, the Mutual Oil Co., drilling thereon under a contract from the owners, Taylor and others, were driven by the United States marines, sent out by the Navy Department. This was done, as the evidence showed, at the direction of Mr. Fall. Taylor and others held the quarter section by purchase and deed executed and delivered two years prior to the time when Mr. Sinclair went to the same grantors and secured a second deed, on which alleged title he quitclaimed said quarter section back to the Government. The Taylor deed had been on record giving notice to the world of his prior title to the title of Sinclair. But whatever the condition and legal rights as between the Taylor and Sinclair title, in my judgment, it is perfectly clear that the United States Government itself, through any of its departments or agents, could not, without violation of constitutional rights, forcibly eject the Taylor

occupants. It was therefore a mistake and the exercise of unlawful power at the direction of Mr. Fall.

As stated, with the exception of the above quarter section, the titles of all of the Teapot area were quitclaimed back to the Government. Then for the first time, and thus by the only possible means, the Government was in a position to grant a lease on the Teapot to anyone. This procedure required the interposition of the Secretary of the Interior. And thus perhaps we can realize the propriety of—the occasion for—though unwarranted in law, the order of President Harding making the Secretary of the Interior a coadministrator with the Secretary of the Navy and a cocontractor or lessor with the Secretary of the Navy in the lease and contract on behalf of the Government.

The lease was made, both Secretaries signing, the legal right to do so probably residing in the Secretary of the Navy, under the act of June 4, 1920. The terms of that contract and lease required the payment to the Government without a dollar of expenditure of a graduated royalty of from 12½ per cent on wells averaging 50 barrels' production a day up to 50 per cent on wells averaging 1,000 or more production per day. Without argument, I assert that any private individual owning the Teapot field would have been glad to have made a lease bringing him in such amounts of royalty. No independent, intelligent, honest operator or owner of oil land familiar with the oil business will assert that these royalty terms were not fair and good terms to the United States. The lease and contract further required Mr. Sinclair to build a large pipe line a distance of 715 miles from the Teapot field to Freeland, Mo., where connection was made with the through oil trunk lines running east to the center of population and great refining facilities. This line was constructed at the stated cost of from \$18,000,000 to \$20,000,000. It was completed three weeks ago, and was built and finished prior to the time called for in the contract. Further, under the contract and lease, this line had to give precedence to Government royalty oil both from the Teapot and from the great adjacent Salt Creek field, from which the Government is drawing as royalty 25,000 barrels per day.

As a result of this pipe line the Government was able to secure and did secure at public auction for its royalty Salt Creek and Teapot oil the Mid-Continent price, which, after deducting 18 cents per barrel, the cost of transporting the royalty oil through the pipe line, was 41 cents per barrel more than the posted or field price of Salt Creek oil; whereby the Government has profited by this time by several millions of dollars more than it would have received for its royalty oil.

On May 13, 1922, F. B. Tough, supervisor oil and gas operation, United States Bureau of Mines, issued the following statement:

SOME FACTS ON GOVERNMENT NAVAL RESERVE CONTRACTS.

There has been a great deal of misunderstanding relative to contracts recently made by the Government for its royalty crude oil from naval petroleum reserves Nos. 1 and 2, in California, and especially the Teapot reserve No. 3, in Wyoming. The facts relative to these contracts are as follows:

The act of Congress approved June 4, 1920, directed the Secretary of the Navy to conserve, develop, use, and operate directly or by contract, lease, or otherwise unappropriated lands in the naval reserves.

By presidential proclamation the administration and conservation of all oil and gas-bearing lands in naval petroleum reserves Nos. 1 and 2, in California, and No. 3, in Wyoming, and naval shale reserves in Colorado and Utah were committed to the Secretary of the Interior subject to the supervision of the President. This proclamation stipulated that no general policy as to drilling and reserving lands located in naval reserves should be changed or adopted except upon consultation and in cooperation with the Secretary or Acting Secretary of the Navy.

The present policy of the Navy Department is to trade its crude oil for steel storage facilities filled with fuel oil and situated as specified by the Navy. Since the loss of fuel oil by evaporation is only about one-tenth of 1 per cent a year and probably less than this after a few years in storage, such a policy is entirely practicable. Thus, the reserve of naval petroleum is to be taken from the sands, processed, and placed in steel storage without cash outlay by the Government.

After a year's study and investigation, the Secretary of the Interior, in cooperation with the Navy Department, developed plans for this transaction that were satisfactory to the Navy. Not less than four prominent oil companies were consulted and given an opportunity to make offers to the Government for handling these contracts. In Teapot (reserve No. 3) there were old mining claims which were given consideration, just as has been the policy of the Government in the California naval reserves and under the leasing act of February 25, 1920. It so happened that the Teapot contract was signed in the early part of April, 1922, and the California contract was not concluded until the latter part of the same month. As the Interior and Navy Departments wished to announce these two contracts simultaneously, the Teapot contract was not made public until a little more than two weeks

after it had been signed. When rumors of the Teapot contract commenced to circulate and were neither confirmed nor denied by department officials, many conjectures were made as to the reasons for secrecy. The only reason for the temporary secrecy relative to the Teapot contract was the desire for simultaneous announcement of the two contracts, as stated. This is borne out by the fact that both contracts were announced immediately upon the completion of the second.

In conclusion, I wish to call attention to a couple of features of the Teapot contract in which the people of Wyoming are particularly interested:

First. If the Teapot structure proves to be reasonably productive, a pipe line connecting it with trunk lines of Mid-Continent will be built, thus putting the oil industry of the State in direct contact with the large centers of petroleum consumption. Of course, some of us might wish to see all the crude oil from Wyoming refined within its boundaries, just as we might like to see its wool woven into cloth within the State and its cattle slaughtered here, its hides tanned here and here made into shoes, but the economic structure of our Nation is not constructed along these lines. It has been found expedient in most industries to transport raw material to centers of consumption, where it is manufactured and whence the manufactured products can be economically distributed. In no industry is this advantage greater than in the petroleum industry, as crude oil lends itself so readily to comparatively cheap transportation in pipe lines.

Second. This contract makes the pipe line to the Mid-Continent a common carrier and provides that the Government royalty oil from Teapot will be purchased at Mid-Continent prices, or the Salt Creek price in case that price should be higher than Mid-Continent price, and that any Government oil shall have a prior right through this line, being given preference even to the oil produced by the owners of the pipe line. It further provides that Government royalty oil from Salt Creek will be transported at reasonable rates through this line. Of course, the Government has the right to dispose of its royalty crude in any other manner if it so desires.

It is conservatively estimated that had this contract been in operation for the 16 months from January 1, 1921, to May 1, 1922, the total Government royalty from Salt Creek would have amounted to \$3,327,000 instead of \$2,331,000, an increase of nearly a million dollars over and above the amount actually received. This means that the State of Wyoming would have received \$374,000 more than it did, that the Reclamation Service would have received \$523,000 more, and the Federal Government \$99,000 more. These figures do not include any estimate for additional production expected from Teapot.

The oil resources of Wyoming could hardly be put to more profitable use than the construction and maintenance of roads, educational institutions, and reclamation projects, thus developing a permanent and increasing source of wealth that will support a thriving Commonwealth long after its oil industry has passed into history.

By this contract the Secretary of the Interior has taken the most important step toward realizing Mid-Continent prices for Wyoming crude oil that has yet been made.

F. B. TOUGH,
Supervisor Oil and Gas Operations,
United States Bureau of Mines.

The prophecies made in the above communication are more than justified, as appears from the following article for publication in the Inland Oil Index, published at Casper, Wyo., and which article further shows the opinion of those on the ground and best informed as to the benefits to the Government and the people and producers generally in enhanced prices paid for oil in the Teapot and Salt Creek fields, including the Government royalty oil, by reason of the pipe-line requirement in the Sinclair lease and contract:

According to figures just issued by the Bureau of Mines, the Government received during the calendar year 1923 for the Government royalty oil from the Salt Creek, Wyo., district, under the contract made by the Secretary of the Interior in October, 1922, \$3,000,000 more than it would have received under the former contract, which was in force up to the time the new contract took effect, January 1, 1923.

In 1920 Secretary of the Interior John Barton Payne made a contract with the United States Shipping Board under which that corporation purchased the Government royalty oil from the Salt Creek district. Under this contract the Shipping Board paid the Interior Department the current or, as it is called, the posted price for Salt Creek oil. The Shipping Board could not utilize the Salt Creek oil for their purposes, first, because the Salt Creek oil is not a fuel oil, and, second, if it were a fuel oil the cost of transportation to the seaboard would be prohibitive. What the Shipping Board did was to make a contract with the Mid-West Oil Co. under which they exchanged the Salt Creek royalty oil for fuel oils for their ships when and where needed. The Shipping Board made a very good thing out of this exchange contract, and the Government received the same price for its oil at Salt Creek that other people were obtaining.

In the summer of 1922 the Secretary of the Interior, Albert B. Fall, demanded from the United States Shipping Board an increased price for the royalty oil if the Government was to continue its contract with that corporation, but the Shipping Board declined to pay the increase demanded, and therefore in October, 1922, the Secretary of the Interior advertised for bids for the Salt Creek Government royalty oil. The highest and best bid offered was that of the Mammoth Oil Co., which agreed to pay for the Government Salt Creek royalty oil the Mid-Continent price for the same oil. It will be remembered that earlier in the year the Mammoth Oil Co. had made a contract under which it agreed to pay the Mid-Continent price for the royalty oil from the Teapot Dome naval reserve, so that the price offered for the Salt Creek royalty oil was the same as that which the Mammoth was paying for the Teapot Dome royalties.

At the time this contract was let the posted price for Salt Creek oil was about 60 cents a barrel less than the price for oil of the same grade in the Mid-Continent field, so that the new contract boosted the value of the Government Salt Creek royalty oil by that amount.

The Government royalty oil from the Salt Creek field amounted to 6,517,368.60 barrels in the calendar year 1923, the first year of the new contract, and for that year, which ended December 31, 1923, the Government received under the new contract \$3,003,709.74 more than it would have received under the old contract. In fact, the Government received that amount more for its Salt Creek royalty oil than a private operator would have received for the same amount of oil, because the operators received the posted Salt Creek price, whereas the Government received from 40 cents to 58 cents a barrel more than that price. Or, to put it in another way, the Mammoth Oil Co. in 1923 paid the Government for Salt Creek oil over \$3,000,000 more than it would have paid for the same amount of oil purchased from private producers.

The Government oil royalties are divided as follows: 10 per cent to the Treasury of the United States to meet the cost of administration; 37½ per cent to the State in which the oil is produced, in lieu of taxes; and 52½ per cent to the national reclamation fund. So that in this case the beneficiaries from the royalty oils received the following increases during the calendar year 1923: The United States Treasury, \$300,370.97; the State of Wyoming, \$1,126,391.16; and the National Reclamation Fund, \$1,576,947.61.

The following table, prepared by the Bureau of Mines, shows the increased returns to the Government under the new contract:

Value of Salt Creek Government royalty oil under contract compared with schedule or field price paid for Salt Creek oil January 1 to December 31, 1923.

Month.	Royalty barrels.	Value to Government.	Unit price paid Government.	Unit price Salt Creek schedule.	Value based on schedule price.	Government's excess revenue through contract.	
						Per barrel.	Total.
1924.							
January.....	\$409,711.94	\$717,705.41	\$1.75	\$1.17	\$477,777.38	\$0.58	\$239,928.03
February.....	\$408,250.05	\$771,358.09	2.13	1.56	635,702.48	.57	235,652.61
March.....	509,019.05	1,104,843.17	2.18	1.65	814,931.43	.53	290,911.74
April.....	471,470.99	1,027,294.66	2.18	1.63	766,941.86	.55	260,352.80
May.....	484,815.67	884,544.72	1.82	1.32	638,861.00	.50	245,983.72
June.....	468,479.45	798,451.84	1.70	1.25	585,595.56	.45	212,856.28
July.....	585,987.81	978,780.60	1.67	1.25	732,884.76	.42	246,295.84
August.....	522,740.13	999,244.78	1.69	1.25	749,925.23	.44	259,409.55
September.....	636,414.06	994,702.54	1.56	1.13	721,248.05	.43	273,461.29
October.....	637,684.96	828,960.54	1.30	.90	573,916.46	.40	255,074.08
November.....	673,861.07	721,012.00	1.07	.70	471,702.75	.37	249,309.25
December.....	641,936.37	641,936.37	1.09	.60	385,161.82	.40	256,774.55
Excess revenue for year							\$3,003,709.74

Not only has the contract brought additional millions to the Government beneficiaries under the leasing act but it seems to have had a very marked effect on the value of all Salt Creek oil. For instance, reference to the table will show that for the month of January, 1923 (the first month under the new contract), the average differential against Salt Creek oil as compared with Mid-Continent was 58 cents a barrel, and the Government, receiving the Mid-Continent price, therefore received an average of 58 cents a barrel for all its royalty oil above the Salt Creek posted price, but from that time on the differential steadily declined until for the month of December the difference between the posted price of the Salt Creek and Mid-Continent oil was only 40 cents per barrel. In other words, the difference in price between the Salt Creek and the Mid-Continent oil of the same grade, which in January averaged 58 cents, in December was only 40 cents, an increase in the value of Salt Creek oil, compared with Mid-Continent oil, of 18 cents a barrel.

For the entire year the average increase in value of Salt Creek as compared with Mid-Continent oil was 12 cents a barrel. The Salt Creek field produced over 35,000,000 barrels of oil in 1923. At 12

cents a barrel this amounts to \$4,200,000, representing the increased value of Salt Creek oil produced during the year 1923, due to the reduction of the differential between Salt Creek and Mid-Continent, which was 58 cents at the beginning and 40 cents at the end of the year. Just how much this increase in Salt Creek values, this narrowing of differential, is due to the new contract for the Government Salt Creek royalty oil and to the Teapot Dome contract, both of which provide for the payment of the Mid-Continent price for the royalties is, of course, a matter of opinion, but that these contracts thus increasing the price paid for a considerable portion of the oil from these fields had a very powerful effect in reducing the differential between the Wyoming and Mid-Continent oil, and consequently increasing the value of Wyoming oil, there can be no question.

The increased sums which the National Treasury, the Reclamation Service, and the State of Wyoming received by reason of the Fall contracts are, of course, clear and definite, and can not be challenged or questioned. They amount to \$3,003,709.74. Furthermore, until some one brings forward a better reason for the rise in the value of the oil from these Wyoming fields compared with that of the Mid-Continent field, there is reasonable ground for the claim that the increased price paid for these royalty oils enhanced the value of the other oil of the fields during the year 1923 in the sum of \$4,200,000, all of which went to producers.

I therefore maintain that these were fair, reasonable, and good contracts for the Government and that it was necessary to make these or similar contracts and leases with some one in order to carry out the Government's policy of preserving oil in its public lands within oil naval reserves for the future use of the Navy; that the method of preservation in the ground had ceased to be possible, and preservation on the surface became the only other alternative; that this being the alternative it was a wise provision of the leases to build permanent storage tanks at such points as were designated by the Navy officers as the best and most strategic locations for fuel oil, and that the exchange feature in the leases were wise and beneficial for the reason that the Teapot oil is a paraffin-base oil with a large gasoline, kerosene, and wax content impossible to be used and unprofitable to refine for use for fuel oil in our ships. I further contend that even had it been possible to have retained this oil in the ground that it never could have been extracted or refined or exchanged, 2,000 miles from the Atlantic and a thousand miles from the Pacific, for proper fuel oil in time to meet a war emergency after it was upon us.

For all of the above reasons I submit to you as fair-minded, intelligent, unprejudiced, nonpartisan judges whether there is at least not enough honest difference of opinion and closeness of question of law and fact to merit a calm and fair consideration instead of being met with the blasts of partisan prejudices and charges.

INFORMATION FURNISHED THE HOUSE COMMITTEE ON NAVAL AFFAIRS BY THE SECRETARY OF THE NAVY UNDER HOUSE RESOLUTION 204, MARCH 7, 1924.

"Question No. 1. Is it a fact that the then Secretary of the Navy, the Hon. Josephus Daniels, sent similar letters to the chairman of the Committee on Naval Affairs of the Senate and of the House of Representatives, dated, respectively, March 29, 1920, and March 5, 1920, stating:

"(a) It therefore becomes imperative when viewed from an economical standpoint only that machinery be provided whereby wells may be drilled for protection against drainage from adjacent lands, or to supply oil for the Government's needs.

"(b) And that excess oil from protective wells may be sold or storage provided for excess oil if considered advisable."

Answer. Yes.

Copies of these letters dated, respectively, March 29, 1920, and March 5, 1920, are inclosed herewith. The letter dated March 5, 1920, to the chairman of the Committee on Naval Affairs may be found on pages 3119 and 3120 of the hearings before the Committee on Naval Affairs of the House of Representatives, appropriation bill subjects, 1920, volume 2.

"Question No. 2. Is it a fact that in the above-referred-to letters dated March 5, 1920, and March 29, 1920, Secretary Daniels suggested legislation as follows:

"That the Secretary of the Navy is directed to take possession of all properties within the naval petroleum reserves as are or may become vested in the United States; to conserve, develop, use, and operate the same in his discretion, directly or by contract, lease, or otherwise, and to use, store, exchange, refine, sell, or otherwise dispose of the oil and gas products thereof, and those from all royalty oil for the benefit of the United States."

Answer. Yes; this language is a verbatim quotation.

"Question No. 3. Is it a fact that language practically as suggested by these two letters was enacted into law on June 4, 1920?"

Answer. Yes.

The language of that part of the act of June 4, 1920 (41 Stat. 813, 814, ch. 228), referring to naval petroleum reserves reads as follows:

"Provided, That the Secretary of the Navy is directed to take possession of all properties within the naval petroleum reserves as are or may become subject to the control and use by the United States for naval purposes, and on which there are no pending claims or applications for permits or leases under the provisions of an act of Congress approved February 25, 1920, entitled 'An act to provide for the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain,' or pending applications for United States patent under any law; to conserve, develop, use, and operate the same in his discretion, directly or by contract, lease, or otherwise, and to use, store, exchange, or sell the oil and gas products thereof, and those from all royalty oil from lands in the naval reserves, for the benefit of the United States: And provided further, That the rights of any claimant under said act of February 25, 1920, are not affected adversely thereby: And provided further, That such sums as have been or may be turned into the Treasury of the United States from royalties on lands within the naval petroleum reserves prior to July 1, 1921, not to exceed \$500,000, are hereby made available for this purpose until July 1, 1922: Provided further, That this appropriation shall be reimbursed from the proper appropriations on account of the oil and gas products from said properties used by the United States at such rate, not in excess of the market value of the oil, as the Secretary of the Navy may direct."

"Question No. 4. Is it a fact that had it been the policy of Secretary Daniels at the time these letters were written to retain the oil in the naval petroleum reserves in the ground no legislation of this character was necessary?"

Answer. It is obvious from the language of the act that no legislation was necessary in order that the oil might be retained in the ground. The retention of oil in the ground is nowhere referred to in this act.

"Question No. 5. Is it a fact that Secretary Daniels approved the leasing without public advertisement by the Hon. John Barton Payne, then Secretary of the Interior, and drilling of new wells on naval oil reserves?"

Answer. Yes. Under date of August 21, 1920, the then Secretary of the Navy informed the then Secretary of the Interior that the lease to the Boston-Pacific Oil Co. covering the drilling of five new wells on section 32 of naval petroleum reserve No. 2 was satisfactory to the Navy Department. The correspondence shows that the terms of this lease were agreed upon in conference between the representatives of the oil company and of the Navy Department, and that such new drilling was considered necessary because of drainage by owners of contiguous territory. The royalty accruing to the Government under this lease was 25 per cent. Under the so-called Doheny lease of December 11, 1922, the royalty runs from 12½ to 35 per cent, and the actual net royalty received has amounted to 27.14 per cent.

There are inclosed herewith photostatic copies of letter from the then Secretary of the Interior to the then Secretary of the Navy, dated August 16, 1920; letter from the then Secretary of the Navy to the then Secretary of the Interior, dated August 21, 1920; letter from the then Secretary of the Interior to the then President of the United States, dated December 6, 1920; and the lease to the Boston-Pacific Oil Co., covering the drilling of the five new wells.

Under date of January 25, 1921, the then Secretary of the Navy indicated to the then Secretary of the Interior his willingness to lease 120 acres in the eastern part of section 28 of naval oil reserve No. 2 to the Consolidated Mutual Oil Co., and this land was leased without restriction to the number of wells that might be drilled. The correspondence shows that the reason for the leasing of this land was because of water conditions. The Government royalty provided under this lease was from 12½ per cent to 25 per cent, while the royalty provided by the so-called Doheny lease of December 11, 1922, on naval oil reserve No. 1 is from 12½ per cent to 35 per cent, and the actual net royalty so far received is 27.14 per cent.

There are forwarded herewith photostatic copies of letter of February 8, 1921, from the then Secretary of the Interior to the then President of the United States; letter dated February 16, 1921, from the then Secretary of the Interior to the President of the United States; and copy of lease of the 120 acres of land to the Consolidated Mutual Oil Co.

INTERDEPARTMENT ACCOUNTS.

"Question No. 6. Is it a fact that it has been the practice for many years for one executive department to perform services for another executive department, and that this practice has been recognized by the Congress in the act of May 21, 1920, providing

that the funds of one department for which the services are performed may be placed subject to the requisition of the department performing the service?"

Answer. Yes. The Navy Department has for many years performed services for practically all other Government departments and independent offices, and for both Houses of the Congress. It has built and repaired water craft for the Lighthouse Service, Coast and Geodetic Survey, and the Army Engineers. It has docked and repaired water craft for the War Department, Shipping Board, Coast Guard, Bureau of Fisheries, and the Interior Department. The Ordnance Department of the Navy constantly performs services for the Army, as the Ordnance Department of the Army performs similar services for the Navy. As an example of the magnitude of such services, in the year 1912 there was expended by the Navy Department on services performed for other Government departments \$344,438.30, and in the year 1922 there was transferred by the Navy Department to other departments \$1,952,557.38 for supplies and services furnished by such other departments. These figures represent only transfers through the Treasury Department and do not cover by any means all transactions of this character, for payment is oftentimes made by check for services performed by or for other departments.

The act of May 21, 1920, provides:

"That whenever any Government bureau or department procures by purchase or manufacture stores of any kind, or performs any service for another bureau or department, the funds of the bureau or department for which stores or materials are to be procured or the services performed may be placed subject to the requisition of the bureau or department making the procurement or performing the service for direct expenditure."

"Question No. 7. Is it a fact that at the time the 'administration and conservation' of the naval oil reserves were transferred to the Interior Department, that department had under lease or permit over 3,500,000 acres of public oil land, and has now under lease or permit over 17,500,000 acres of such land, while the total acreage of the naval oil reserves being operated is less than 52,000 acres?"

Answer. Yes.

These figures are in accordance with the records of the Interior Department.

"Question No. 8. Is it a fact that proposals from three companies were entertained for leasing the Teapot Dome reserve and that five companies were asked to bid on royalty oil from the California naval reserve?"

Answer (a). The Texas Oil Co. submitted a proposal to lease the Teapot Dome oil reserve (see testimony of Mr. Amos L. Beaty, president of the Texas Co., pages 753 et seq. of the hearings before the Senate Committee on Public Lands and Surveys).

Mr. Doheny had an opportunity to bid (see page 1944 of hearings above referred to).

Mr. Harry F. Sinclair was also invited to bid and submit a bid, which was accepted.

(b) Five companies were invited to bid on the royalty from naval petroleum reserve No. 1, namely: Standard Oil Co. of California, the Associated Oil Co., Pan American Petroleum & Transport Co., the General Petroleum Co., and the Pacific Oil Co. Three of these five companies submitted bids; namely, the Standard Oil Co., the Associated Oil Co., and the Pan American Petroleum & Transport Co. The bids of these three companies are on file in the Interior Department.

"Question No. 9. Is it a fact that the Government received over \$3,000,000 premium on its royalty oil from the Salt Creek district in 1923 as a result of the competition promoted by the leasing of Teapot Dome naval reserve?"

Answer. Yes.

The records of the Department of the Interior show definitely that the excess so far received by the Government from its royalty oil in the Salt Creek district amounts to \$3,003,709.74.

"Question No. 10. Is it a fact that under its contract for the leasing of Teapot Dome naval reserve the Navy received for the calendar year 1923 41 cents more per barrel for its royalty oil than the selling price of all other producers in that district?"

Answer. Yes.

Under its contract with the Mammoth Oil Co. the Navy received for its royalty oil mid-continental prices. Actual receipts were higher by 41 cents per barrel than the selling price of other producers in the Salt Creek district. Actual receipts were as shown on page 1982 of the hearings before the Senate investigating committee.

"Question No. 11. Is it a fact that had the production from the Teapot Dome naval reserve reached even the minimum of production anticipated, the amount received by the Government on its royalty oil above the daily market price would have been more than \$16,000,000 and would have exceeded by many millions of dollars all of the cash bonuses ever received from the sale of Government leases in the entire Salt Creek fields?"

Answer. Yes.

At the time the Teapot Dome lease was executed it was conservatively estimated that the recoverable content from naval petroleum reserve No. 3 would be not less than 135,000,000 barrels. Had the wells been of the size anticipated, the Navy would probably have received, under the terms of the lease, not less than 30 per cent royalty, which would have made the total royalty accruing to the Navy over 40,000,000 barrels of oil, which, at 41 cents, would have exceeded a sum of \$15,000,000 accruing to the Navy as an offset to any bonuses which might have been demanded in the making of this contract.

The records of the Department of the Interior show that the total amount received as bonuses from leases in the entire Salt Creek field is \$1,687,000, obviously many millions less than \$16,000,000.

"Question No. 12. Is it a fact that on the minimum production now anticipated, the sum that will be received from the Teapot Dome naval reserve above the daily market price will exceed the cash bonuses received by the Government from the sale of all Salt Creek leases?"

Answer. Yes.

The Senate Committee on Public Lands and Surveys has repeatedly used the figure of 25,000,000 barrels as the amount of oil that may ultimately be recovered from the Teapot Dome naval petroleum reserve. The average royalty actually received to date has been about 17 per cent. On this basis, the Government can expect an ultimate royalty of 4,250,000 barrels. Applying the premium of 41 cents per barrel actually received to date, the excess amount the Government would receive will be \$1,742,500, which exceeds the \$1,687,000 total bonus thus far received from the Salt Creek district.

"Question No. 13. Is it a fact that royalties fixed in the Teapot Dome naval reserve lease exceed the ruling royalties for wells of the same size on other Government leases in the same district?"

Answer. The royalties fixed in the Teapot Dome naval reserve are on what is known as the sliding-scale basis; that is to say, the royalty rate increases if wells of large production are obtained. If the wells are small a less royalty is paid. Had the average production of wells in Teapot Dome been as anticipated at the time the reserve was leased, royalties accruing to the Government under the terms of that lease would have been higher than the ordinary Government rate in the Salt Creek district, and the Teapot Dome royalty was obtained on territory a large part of which was unproven.

"Question No. 14. Is it a fact that the Navy received a large bonus for the lease in the California reservation in the form of high royalties, free storage for its royalty oil, free pipe-line transportation, advance supply of fuel oil in storage, option to purchase at a discount all petroleum products, construction of storage facilities without profit, etc.?"

Answer. Yes.

The contracts made with the Pan-American Petroleum & Transport Co. provide:

- "1. Build and deliver to the Government storage facilities in Hawaii for 4,200,000 barrels of fuel oil and other petroleum products at cost, without profit to the company.
- "2. Royalties of from 12½ to 35 per cent as compared with 12½ to 25 per cent under the leasing act on other Government lands in that district.
- "3. That the royalty oil be accepted in the field, the company bearing all transportation charges to refinery.
- "4. The maintenance in storage on the west coast of 1,000,000 barrels of fuel oil belonging to the company for issue to the Navy at cost.
- "5. The supplying to the Navy of fuel oil and other products at 10 per cent less than the market price at the time of delivery.
- "6. The maintenance at various points on the Atlantic seaboard, upon demand of the Navy, of 3,000,000 barrels of fuel oil belonging to the company available for issue to the Navy."

These considerations greatly exceed any cash bonus which might have been obtained at that time or could be reasonably expected in the future.

These contracts may be found in the printed hearings of the Senate committee on pages 296-298, inclusive, 356-361, inclusive, and 413-416, inclusive.

"Question No. 15. Is it a fact that the average royalties so far accruing under the contract and lease of the Pan-American Petroleum & Transport Co. on naval oil reserve No. 1, in California, amount to 28.50 per cent as compared to 18.14 per cent received under the leases in reserve No. 2, where the royalties were established in accordance with the general leasing act passed by the Congress?"

Answer. The actual figures up to December 1, 1923, show that the Navy has actually received as royalties under its contract of December 11, 1922, with the Doherty Co. 27.14 per cent, nearly 50 per cent greater than the Navy royalties on reserve No. 2, where the leases were made in accordance with the leasing act of February 25, 1920, which only average 18.4 per cent.

"Question No. 16. Is it a fact that the leases and contracts on naval oil reserves Nos. 1, 2, and 3 with the Mammoth Oil Co. and the Pan American Petroleum & Transport Co. provide that

oil shall remain in the ground in these reserves in the only large areas under naval jurisdiction not subject to drainage?"

Answer. Yes.

The contracts with the Pan American Petroleum & Transport Co. specifically exempt from drilling, except by the consent of the Government, nearly all of reserve No. 1 lying to the westward of the range line between ranges 23 and 24. This restriction was included in the contract in the belief that this area was less subject to immediate drainage than the other portions of the reserve. However, it was further provided in the contract that should at any moment this body of oil-bearing land become subject to immediate drainage, such defensive drilling as the Government might direct would be taken immediately and effectively. This area—that is, the western half of naval reserve No. 1—was the only area lying within naval petroleum reserves Nos. 1, 2, and 3 believed not to require immediate drilling to protect the Government's interests.

"Question No. 17. Is it a fact that in May, 1922, before any development work was undertaken under the contracts with either the Mammoth Oil Co. or the Pan American Petroleum & Transport Co., Secretary Denby informed a committee of the Senate that such leases had been made and of the transfer of the administration and conservation of the naval oil reserves to the Department of the Interior, and of the storage tanks to be built, so that the Congress had full authority to impose any restrictions or regulations desired before any work was undertaken under these contracts?"

Answer. Yes.

At a hearing held before the Subcommittee on Appropriations of the United States Senate on May 4, 1922, within a month after the first leases and agreements with the Mammoth Oil Co. and with the Pan-American Petroleum & Transport Co. and long before the Pan American Co.'s lease dated December 11, 1922, in reply to questions by various members of the committee, Secretary Denby stated:

"Now we are planning to get the war reserve oil above ground because we can not keep it below ground.

"The oil was being drained off.

"The contractors build the tanks at points designated by the department—points along the Atlantic coast, on the Pacific coast, and in Hawaii.

"The tanks are not yet built.

"The tanks are to be built out of the royalty to be paid to the Government. They are a part of the contract."

This is a matter that the Department of the Interior would know about very much better than we, but as soon as it was discovered (referring to loss of oil by drainage)—

"that such was the situation I asked the Secretary of the Interior if he would undertake to handle it for the Navy thereafter and we went to the President and secured the Executive order transferring the naval oil reserves to the Secretary of the Interior to administer in trust for the Navy, the Secretary of the Navy being a party to the policies but not to the actual administrative work. For instance, I signed the Teapot Dome lease agreeing that it should be opened, because we discovered that that also was being drained off."

The entire hearings from which the above quotations are taken may be found on pages 180-188 of hearing in the House and Senate, naval appropriation bill, 1923, Sixty-seventh Congress, second session, March-June, 1922.

No construction work had been begun at the time of this hearing.

"Question No. 18. Is it a fact that by the leasing act of February 25, 1920, the Department of the Interior is charged with the leasing and administration of all then existing producing wells on naval oil reserves?"

Answer. Yes.

Under section 18 of the leasing act of February 25, 1920, it is provided that producing wells on naval petroleum reserves shall be leased by the Secretary of the Interior.

"Question No. 19. Is it a fact that there is now actually in the ground more oil in the naval petroleum reserves than there would have been had the leases above referred to not been negotiated?"

Answer. The naval oil reserves being under lease to competent oil producers capable of drilling wells on short notice and of effectively operating wells so drilled, it has been possible to negotiate agreements with neighbors on privately owned land whereby producing wells could be closed on account of like action by Government lessees. Through agreements of this kind it was possible to close in 43 wells on Government leases within reserves Nos. 1 and 2, and 94 wells on privately owned lands within or adjacent to these reserves.

The very fact that operators on neighboring privately owned land know that any move to drill wells that might drain naval petroleum reserves will be promptly met by an adequate offsetting campaign, vigorously prosecuted, tends to prevent such drilling.

These two causes have undoubtedly conserved large quantities of oil and gas underground.

"Question No. 20. Is it a fact that up to July 1, 1923, there has been turned into the Treasury from royalties received from the naval oil reserves more than \$5,000,000?"

Answer. Yes. As shown by the records of the Interior Department, the actual amount turned into the Treasury up to July 1, 1923, is \$5,617,130.82.

"Question No. 21. Is it a fact that no officer of the Navy was retired or ordered away from his station of duty in Washington because of his disagreement with Secretary Denby's policy?"

Answer. Yes. There follows a list of officers alleged to have been retired or ordered away from Washington because of opposition to Secretary Denby's petroleum policy and the reasons for their assignment to other duty:

Rear Admiral Seaton Schroeder, now deceased, was retired August 17, 1911, detached from last active duty March 10, 1919. Has never been on duty during Secretary Denby's administration.

Rear Admiral R. S. Griffin, retired on September 27, 1921, having reached the statutory age of retirement.

Capt. John Halligan has never been on duty in Washington during Secretary Denby's administration. Was on duty at the Naval Academy, Annapolis, Md., from November 17, 1920, to April 6, 1923, when he was ordered to command the U. S. S. *Detroit*, a very desirable command.

Commander H. A. Stuart was detached from duty in Washington on April 5, 1922, after having served three years and seven months in Washington, seven months beyond the normal length of a tour of duty.

Commander J. O. Richardson has never been on duty in Washington during Secretary Denby's administration. He was detached from the Naval Academy on April 24, 1922, at his own request in order to command the U. S. S. *Asherville*.

Commander N. H. Wright was detached from duty in Washington May 19, 1920, before Secretary Denby came into office, after three years and eight months on shore duty. He is now back on duty in Washington.

Lieut. Commander J. F. Shafroth was detached from duty in Washington on April 17, 1922, upon the request of Rear Admiral W. C. Cole that Shafroth be ordered as aid and flag secretary upon his staff.

Lieut. Commander I. F. Landis has never been on duty in Washington during Secretary Denby's administration. He was in charge of the California oil reserves, with headquarters at San Francisco, and under the policy to discontinue retired officers on active duty prior to July 1, 1922, he was relieved from this duty on June 30, 1922.

"Question No. 22. Is it a fact that none of the officers ever on duty in connection with the naval petroleum reserves had any prior training or experience in connection with the oil-production industry?"

Answer. Yes. According to the records of the Navy Department, that is true.

"Question No. 23. Is it a fact that important portions of the naval reserves never have been under the control of the navy?"

Answer. Within the exterior limits of naval oil reserve No. 1, 5,857.5 acres, 15½ per cent of the total acreage, are owned by private parties. No part of this reserve is farther than 2½ miles from privately owned land over which the Government has no control of drilling.

Of the total acreage in naval oil reserve No. 2, 19,080 acres, or 65.4 per cent of the total acreage, is privately owned, 7,360 acres, or 24.5 per cent of the total acreage, was placed under the jurisdiction of the Secretary of the Interior by the leasing act of February 25, 1920, and there remain but 3,040 acres or 10.1 per cent of the total acreage under the jurisdiction of the Secretary of the Navy. All of the acreage in this reserve under the jurisdiction of the Navy Department was subject to drainage by privately controlled operations.

All of the naval reserve No. 3 is under naval jurisdiction, but at the time of the signing of the lease of this reserve there were a number of unadjudicated claims to oil rights.

Sincerely yours,

EDWIN DENBY,
Secretary of the Navy.

Mr. BYRNES of South Carolina. Mr. Chairman, I yield 10 minutes to the gentleman from North Carolina [Mr. BULWINKLE.]

The CHAIRMAN. The gentleman from North Carolina is recognized for 10 minutes.

Mr. BULWINKLE. Mr. Chairman and gentlemen of the House, this is the first time I have spoken on the adjusted compensation bill. In the Sixty-seventh Congress I did not do so.

My heart is in this cause for the ex-service men, and I believe that 90 per cent of the men of this country want a cash bonus. I believe that for the best interests of the Government it is better to pay a cash bonus and get through with it than to go on for 20 years under the bill which is proposed. [Applause.]

The history of the bonus or adjusted-compensation legislation in this Congress is this: The service men on the Demo-

cratic side met, knowing that the Ways and Means Committee would not report out the four-fold plan of the American Legion, and requested the Ways and Means Committee to report out a bill with a two-fold option, insurance and cash. The committee met, and the record, as shown in the newspapers, is that the Member from New York [Mr. CROWTHER] made a motion for the cash bonus, and this was supported by the entire Democratic membership, and the vote stood 13 to 12.

I am not attacking this bill as to its insurance feature. If there were a cash option in this bill, then there would be nothing wrong with the insurance feature. But I wonder whether the Members know the borrowing power under this plan.

Mr. RANKIN. Will the gentleman yield?

Mr. BULWINKLE. Yes.

Mr. RANKIN. I understand that under the proposed bill it will cost, at the very least, a little more than \$2,000,000,000, while under the cash bonus plan the cost would be \$1,319,519,000.

Mr. BULWINKLE. I am glad the gentleman called that to my attention. In two years from now one of these men—who served his country faithfully and who this Congress has admitted, as well as the Sixty-sixth Congress, to be entitled to adjusted compensation, and admitted by the Ways and Means Committee at this session to be entitled to something—can walk up to a bank with his insurance policy and get the sum of \$57.50; in 5 years it would be \$153.52, and in 10 years \$346.12.

Now, I say the insurance feature is all right at the time of a man's death, but for adjusted compensation never, and no one can justify it for that purpose.

The cost of this will be \$2,025,000,000, while the cost of a cash bonus would be \$1,346,000,000. That is all it is.

To the members of the Ways and Means Committee I say this, and I say it to the chairman of the committee: That the men from Iowa who went into this fight went into it, when the war came, with their might and main; they never attempted to play politics; they went in, if necessary, to give their very lives for the country they loved. I say this to the gentleman from Illinois, who is on the committee, that on the last day I saw men from Illinois, knowing that the armistice was to be signed at 11 o'clock, but under military necessity, go forward and die, many were wounded, and all in the division did their full duty. They never played politics with you; not at all.

This bill is wrong, men; it is absolutely wrong. The ex-service men should be dealt with fairly if you are going to deal with them at all.

Back in the Sixty-fifth Congress, when the \$60 bonus rider was brought in, the gentleman from Illinois [Mr. MADSEN] said, "Is not \$60 a measly sum to give them?" And is not this a measly way to treat these men, if you admit they are entitled to anything, and this House has admitted that time and time again?

Is not this a measly way to pay them? Give them the insurance plan, but give them first the option of a cash payment. [Applause.]

Let us be fair; let us deal justly with these men. They are entitled to the best that this House can do for them. I am inserting a telegram received from the State commander of the American Legion in North Carolina and also the estimated cost of the proposed legislation, as well as the estimate of what the men will receive.

WASHINGTON, N. C., March 17, 1924.

Hon. A. L. BULWINKLE,

House of Representatives, Washington, D. C.:

North Carolina American Legion requests you to be present to-morrow and vote for passage of compensation bill as reported.

WILEY C. RODMAN,

Department Commander North Carolina.

Adjusted compensation.		American.
Endowment, 20 years:		4 per cent.
Single premium per 1,000.....		\$496.62
Annual premium per 1,000.....		37.94
Cost of insurance provision.		
[Maximum service, 500 days. Average amount adjusted compensation, \$382.]		

	American experience table, 4 per cent.	1.25 times American experience table, 4 per cent.
Average amount policy.....	\$700.00	\$932.00
Average annual premium.....	20.18	31.48
Maximum annual appropriation.....	88,657,008.00	110,835,544.00
Minimum annual appropriation.....	72,658,784.00	90,835,210.00
Approximate total cost.....	1,620,711,757.00	2,025,000,000.00

Illustration of loan values adjusted service certificate.

[Endowment, 20 years. American experience table, 4 per cent. Amount of certificate, \$1,000. Age at issue, 32 years.]

(1) Year.	(2) Value of sinking fund end of year.	(3) Loan value (90 per cent of (2)).	(4) Loan value accumulated at 6 per cent to date of maturity.
1	\$31.12	\$28.00	\$34.72
2	63.67	57.30	163.56
3	97.71	87.93	236.78
4	133.33	119.99	304.83
5	170.58	153.52	367.93
6	209.57	188.61	426.43
7	250.36	225.32	480.59
8	293.05	263.75	530.72
9	337.76	303.98	577.05
10	384.58	346.12	619.94
11	433.62	390.25	659.33
12	485.01	435.30	695.70
13	538.88	484.99	729.24
14	595.38	535.84	760.09
15	654.66	589.19	788.46
16	716.92	645.22	814.60
17	782.33	704.09	838.58
18	851.14	765.02	860.71
19	923.59	831.25	881.11
20	1,000.00	900.00	

Estimated cost of soldiers' adjusted compensation under proposed legislation.

1. Estimated number entitled to adjusted compensation living Jan. 1, 1919	4,477,412
2. Estimated number in the above group who have died prior to Jan. 1, 1924	183,805
3. Estimated number entitled to adjusted compensation living Jan. 1, 1924	4,293,607
4. Estimated number living Jan. 1, 1924, who served 60 days or less	865,741
5. Estimated number living Jan. 1, 1924, who served from 61 days to 110 days	389,583
6. Estimated number living Jan. 1, 1924, who served over 110 days	3,038,283
7. Average age Jan. 1, 1924	32 years.
8. Average amount of adjusted compensation for those who served over 110 days (maximum service, 569 days)	\$320
9. Adjusted compensation due those who have died prior to Jan. 1, 1924	\$50,318,772
10. Total amount payable in cash to those now living who served 110 days or less	\$14,799,470
11. Total cost of insurance provision by annual appropriations representing the actual premiums	\$2,025,889,098
12. Total cost of insurance provision—equivalent level annual appropriations	\$2,052,679,240

Table showing the cost of insurance provisions (20-year endowment policy purchased by 1.25 times adjusted compensation) to those who served over 110 days—American experience table 4 per cent.

Year.	Age.	Number living at beginning of year.	Number dying during year.	Annual appropriation.
1924	32	3,038,283	26,151	\$110,836,564
1925	33	3,012,132	26,260	109,882,575
1926	34	2,985,872	26,368	108,924,611
1927	35	2,959,504	26,478	107,962,706
1928	36	2,933,028	26,588	106,996,861
1929	37	2,906,370	26,697	106,031,378
1930	38	2,879,533	27,001	105,065,394
1931	39	2,852,442	27,314	104,097,091
1932	40	2,825,098	27,629	103,127,575
1933	41	2,797,429	27,907	102,156,210
1934	42	2,769,432	28,392	101,182,879
1935	43	2,741,040	28,826	100,208,139
1936	44	2,712,212	29,371	99,241,494
1937	45	2,682,841	29,949	98,270,040
1938	46	2,652,892	30,673	97,277,500
1939	47	2,622,219	31,467	96,283,633
1940	48	2,590,752	32,408	94,510,549
1941	49	2,558,344	33,590	93,328,389
1942	50	2,524,814	34,794	92,105,215
1943	51	2,490,020	36,207	90,835,930
Total				2,025,889,098

Equivalent level annual appropriations for 20 years..... \$102,633,962

Mr. Chairman, I ask permission to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. FRENCH. Mr. Chairman, I yield 20 minutes to the gentleman from Illinois [Mr. CHINDBLOM].

The CHAIRMAN. The gentleman from Illinois is recognized for 20 minutes.

Mr. CHINDBLOM. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. CHINDBLOM. Mr. Chairman and gentlemen of the committee, when the floor leader, the gentleman from Ohio [Mr. LONGWORTH] last Friday asked unanimous consent that the Consent Calendar and suspension business of to-day be transferred until to-morrow, I stated that it would be impossible for me to be present in the House to-morrow. Of course, the change was made in the interest of a number of Members who are absent from the House to-day and do not wish to return until to-morrow. Since all the other Members of the House appeared satisfied with the change in the calendar of the business of the House, I did not wish to interpose a more or less selfish objection. It is well known that the purpose to-morrow is that the chairman of the Committee on Ways and Means shall move to suspend the rules and pass the bill H. R. 7969, entitled "A bill to provide adjusted compensation for the veterans of the World War." I am in favor of this bill in the form reported by the Committee on Ways and Means, of which I am a member, and hope I shall be so paired when the vote is taken. Not being able to be present during the consideration of the bill in the House, I have secured this opportunity to express some views upon the subject, and this is the first time I have discussed it in the House.

Nor is it improper to interpose these remarks in the consideration of the current appropriation for the Navy Department, that great branch of our national defense which shared with the Army and the Marine Corps the undying honors of the Great War.

There is, also, a large and rather appealing element of sentiment which, while attributable in its inception to emotions of the heart, finds approval in the reactions of the average mind. This feeling or state of mind is not mere sentimentality. It grows, to some extent, out of a demand for fairness and justice. No one will contend that the soldiers were adequately compensated, to say nothing of being rewarded, for their services and sacrifices in the war. It is true that they did not serve for pay or benefit to themselves. Neither did they raise the question of adequacy of compensation before they entered the service. I do not share the view that there is any contractual or in any other sense binding legal obligation on the part of the Government to "adjust" or supplement the recompense of the soldiers. The frequent references to adjustments or settlements that were made, after the war, with contractors, producers, industries, and transportation agencies as being precedents or imposing like obligations for Governmental action are not well founded. It would have been better, and I would have favored, that all citizens, all industries, and all interests had been equally drafted for the war and put on the same basis for financial returns and conditions of existence during the conflict, but that was not done. We can not restore all the equality now. Much of the wealth earned, at least by individuals, during the war has already been dissipated. Much of it was actually given away or spent wastefully during and on account of the war. The war itself produced extraordinary anomalies. Men became reckless in the use of fortunes as well as in the destruction of life and limb.

A species of hysteria seized the people which at the same moment rose to the most sublime heights of patriotism and generosity but also sank to the gross depths of greed and extravagance. It is a serious question whether the average citizen who remained at home, even though he earned large wages during the war, is to-day much better off, even financially, than he would have been if he had gone to the front in the Army or the Navy and returned in as good or better physical condition than he enjoyed when he went away. Contractors and merchants, who had a chance to deal with the Government, and wage earners, who could accept employment in industries in any way connected with production for the prosecution of the war, did receive enhanced returns, but salaried persons, professional men and women, and small merchants, who were unable to get new stocks of merchandise, found their cost of living constantly advancing without any corresponding increase in their incomes. In spite of all this, however, the service man—now one of the veterans of the war, and I prefer to call him even now a veteran—is entitled to the consideration of his Government for such further reward as it may be possible and advisable to give him in view of all existing circumstances. He,

the veteran, was after all the great hero of the war. He alone bared his breast and offered his life for his country, whatever other citizens may have done to help to achieve victory. He must not be dismissed with a shrug or a sneer. He must not be called selfish or unpatriotic if he feels and expresses dissatisfaction with conditions that were unfavorable to him upon his return to the country he went out to save and preserve. He loved his country then; he loves his country now. His Army or Navy experience gave him a different outlook upon life. He was separated for a time from the arts and works of peace. He was shaken—unbalanced, if you will—for a while at least, and he was rendered more or less unfit for his former or any new occupation in civil life.

Whatever may have happened to him, whatever change we who did not have his experience may have discerned in him, his present physical, mental, or moral condition, if traceable to the war, is not of his making. Other wars in other lands—and even in our own—have produced something of delinquency and shiftlessness among many of their participants. Thank God, no considerable evidence of so sad an aftermath is discernible in our beloved land. The great mass of our heroes returned, like Cincinnatus, to the plow. They are back in their civil pursuits, quietly, peacefully, efficiently, and patriotically doing their share of the Nation's work, without complaint and without demand for favor or advantage. Other countries have given their soldiers postwar rewards, bonuses, privileges, and benefits of various kinds. Most of the States in the Union have done likewise. The Federal Government has done nothing except for those who have suffered handicaps through illness or disability due directly to war service, save only the bonus of \$50 paid each veteran upon his discharge. The mistake was made when that action was taken. The administration which was then in power and which had conducted the war should have finally adjusted the relations of the soldier with his Government when the soldier left the service and returned to civil pursuits. Any expenditure then would have been counted a part of the war cost. The veteran on his return found himself in a whirlpool of disturbed and changing situations. The financial bubble of the war had burst; deflation had set in; prices were falling; industry had not yet returned to a peace-time, instead of a war-time, basis; millions of men needed employment not yet obtainable. The veteran was without money and without work. His relatives and friends received him with open arms and for a while held him a welcome guest who had returned from a great adventure. But very soon he desired again to support himself. Happily our Nation recovered with marvelous speed, and we are now again enjoying general prosperity, except in the case of some forms of agriculture and a few industries which sprang up during the war. But for a while—for quite a while—after his return the veteran found himself at a disadvantage. He was not as favorably situated as many of those about him who had stayed at home. Things got on his nerves; he did not know "where he was at"; he began to wonder whether his sacrifices and sufferings had been appreciated after all.

I believe very few veterans are much differently situated now than the balance of our people. They have found and returned to their places in industry, business, and society. They are the bloom of our manhood. They ask no favors and give no quarter. They can take care of themselves, and they do take care of themselves. But they have the recollection of their immediate return from the war. Many of them feel that they then, for a few months at least, suffered unnecessary hardships and humiliations. They think they are entitled to an adjustment or some consideration. They have not sought to dictate what the action of the Government shall be. Their organization representatives have said repeatedly that they believe the veterans will be content with whatever Congress determines to do. Their largest organization, the American Legion, unanimously indorsed the so-called Fordney bill, passed by the last Congress, because it was the proposal of the people's representatives. Other bodies of veterans have done likewise.

The "fourfold" plan of the Fordney bill provided for no cash payments except to those who would receive \$50 or less of the "adjusted service credit," allowed at the rate of \$1 per day for home service and \$1.25 per day for overseas service, with a limitation of \$500 for home service and \$625 for overseas service, the latter figure to apply in all cases of overseas service without reference to duration. The former bill also included aid for the acquisition of farms and urban homes and aid for vocational training. It is believed, however, that the demand for these benefits would be very small at this distance from the war, and both of these plans have been eliminated from

the bill H. R. 7959, which has now been favorably reported to the House by the Committee on Ways and Means.

I stated in the opening sentence of these remarks that politics have been injected into this legislation. Of course, that is deeply to be regretted. It is a serious question whether support of this legislation, in some parts of the country at least, is an asset or a liability to a Member of Congress. Very many good citizens, and equally good legislators, are opposed to this legislation on principle. With such I have no quarrel. The remarks I have already made, however, indicate my own viewpoint. I think this matter has reached a point, both in the legislative situation in this House and in the history of the country, where it should be finally settled. I would be opposed to the payment of a cash bonus by the Federal Government at this time or, as far as I am now advised, at any time hereafter. I do not believe an immediate distribution of money to the veterans either necessary or desirable. The soldiers have passed the emergency or crisis during which the comparatively small amounts of money that the Nation could afford to pay to the individual veterans would be of substantial personal benefit to them.

On the other hand, the probable immediate expenditure of the large aggregate sum—at least \$1,300,000,000, on the basis of the proposed "adjusted-service credit"—would doubtless create at least a temporary inflation and a consequent unwholesome economic condition. Then, too, such an immediate payment could not be made without the sale of a bond issue, the terms of which might adversely affect present outstanding issues and even the credit of the Government.

The attitude of some Members of the House on the question of a cash bonus has been curious, if not amusing. They protest their firmness for such a bonus, but insist that they will be compelled to vote for something else. Why, if they want to do so they can beat the proposed bill to-morrow (Tuesday), first, by voting down the order for a "second" by teller vote on the motion to suspend the rules and pass the bill, and then by defeating the bill itself if they have the support of one Member more than one-third of the Members present. They insist that a majority of the House favors a cash bonus. If that is so, they can not only beat the bill on final passage but they can also prevent its consideration on the motion to pass the bill under suspension of the rules. But I predict that these cash-bonus advocates will be very careful not to prevent the consideration of the bill to-morrow, and then they will vote for this bill under "compulsion" of their own making. It is to be noted that this so-called "movement" for a cash bonus is under the leadership of five ex-service men who are Members of the House on the Democratic side, and who were selected by action of the Democratic conference to "advise" with the members of the Ways and Means Committee. Their "advice" consisted in appearing before the committee—as shown by the hearings—and unanimously urging an option for a cash bonus. If this is a Democratic proposal, why did not the Democratic "conference" resolve itself into "caucus" and by a two-thirds vote bind their members—as they did on the Garner plan in the revenue bill—to vote for a cash-bonus option? I think I have proven that politics have been injected into this matter within recent date. I regret that I can not be here to-morrow, but I think I have forecast what is going to happen. Men will denounce the method of procedure and proclaim loudly in favor of a cash bonus, but they will cast no votes that will interfere with or retard the passage of the reported bill under suspension of the rules. A minority of the House—one Member in excess of one-third, to be exact—can defeat the passage of the bill without opportunity for amendment, and thereafter the bill, beyond any question whatever, will be brought before the House under the general rules. But the cash-bonus proponents know, as well as do other Members of the House, that a cash-bonus proposal could not possibly be carried over the inevitable veto of the President; therefore they will not interfere with the passage of this bill.

I have another reason for opposing a cash bonus by the Federal Government.

It would be a duplication of action already taken by many of the States which have voted cash payments to their veterans. At least two ex-service men on the Republican side, the gentleman from New York [Mr. FISH] and the gentleman from Massachusetts [Mr. ANDREW] have proposed insurance plans for adjusted compensation without and instead of cash payments. Their States have paid cash bonuses. So has my State of Illinois. The following States have provided for cash soldiers' bonuses: Connecticut, Illinois, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, North Dakota, Ohio, Oregon, Rhode Island, South Dakota, Ver-

mont, Washington, and Wisconsin—19 States in all, and all in the North!

I respectfully suggest to gentlemen who favor an immediate cash bonus that they secure action to that end in their several States, if their States have not already taken such action. The veterans defended and preserved the several States of the Union as certainly and as fully as they protected the United States.

It will be seen that the States paying the largest shares of the Federal taxes have given State cash bonuses. These States will contribute more than their proportionate shares to the Federal bonus, whatever that may be.

Various kinds of benefits have been given by these and other States to the veterans of the World War. Here are some of these benefits, aside from cash payments: Burial and funeral allowances for deceased veterans; aid in the purchase of homes and farms; aid for education and vocational training; exemption from various forms of taxation and license fees; relief to veterans and their dependents in case of illness and disability; and care for orphans of deceased veterans. Not a single State, so far as a careful search can disclose, has proposed or given any form of life insurance. Such a proposal is necessarily and essentially within the province of the Federal Government. It relates to the future needs of the veterans. It capitalizes not merely what they might have earned during the war, but specifically and especially what they might have saved during the war. It has been truly said that a man's real income is not what he earns or receives but what he saves and retains for future use. The insurance plan gives the veteran his adjusted service credit on the basis to which all have agreed and invests that amount for him to the best possible advantage without any possibility of loss or failure. The Federal Government itself is his banker, his life insurance company, and guarantees the returns provided by legislation. What could be more certain or more secure? It has been argued that the veteran should be permitted to use his adjusted compensation or bonus as he sees fit. That might be true if the veteran were collecting an account or a legal obligation, but he is doing neither. He is receiving additional compensation or reward which a grateful Nation—in loco parentis—has determined to give him in the form and in the manner which the parent—the Nation—knows will be of greatest benefit to the veteran and comes well within the ability of the parent—the Nation—to pay contemporaneously and consistently with the performance of other duties to the remaining hundred millions of its establishment.

I believe the Government—that is, the Nation—should provide adequately, aye, generously, for those who suffered physical or mental handicaps because of their participation in the war. Before very long we will have to provide at least for the care of disabled and diseased veterans, even though their ailments or injuries may not be directly traceable to service origin. In fact, I think the acceptance of a man into the service, after a physical or medical examination provided by the Government itself, should be prima facie proof, at least, that he was in good health when he entered the service, and that immediate subsequent illness resulted from the service. I am certain that the American people will never tolerate that any of their war veterans shall be relegated to almshouses or infirmaries for care and treatment. To those who escape all of these unhappy conditions the insurance plan will be in the nature of a service pension, and the adoption of this plan should postpone and obviate any request or proposal for such pension at least until the benefits of the insurance, after payment under its terms, shall have been fully and economically employed. To this extent and to this end the insurance for the veterans should be an insurance as well for the Nation.

It is difficult to reach a conclusion upon the question of soldiers' adjusted compensation or bonus legislation entirely upon its merits. Politics are almost necessarily injected into the discussion. Happily, the question has so far not become a party issue, but it has been more or less a personal issue between candidates both for nomination and for final election to both Houses of Congress. It seems altogether certain that this question will continue an issue in congressional elections, if not in presidential elections, to the detriment and probably to the exclusion of more important questions, until the issue has been settled. I therefore believe that it is essential that the issue be met and determined now.

The pending bill provides that as soon as practicable, but not earlier than nine months after the enactment of the law, veterans who served in excess of 90 days but who would receive \$50 or less, over and above the \$60 already paid for their total length of service, shall receive their adjusted service credit in such sum of \$50 or less in cash. The cost of these cash payments will be about \$15,000,000. In the case of vet-

erans who have already died, their dependents will receive the payments due the deceased veteran for his adjusted service credit. These payments will be made in 10 equal quarterly installments unless the total amount due is less than \$50, in which case that amount will be paid on the first installment date. Dependents entitled to such payment include only widows and widowers, children under 18 years of age, and mothers and fathers of the deceased veterans. These payments will require approximately \$50,000,000.

All other veterans entitled to adjusted service certificates will receive nonparticipating 20-year endowment insurance for the amount which the adjusted service credit, increased by 25 per cent, would purchase at the age of the veteran's birthday nearest the date of the certificate on a single premium payment and based upon the American experience table of mortality and bearing interest at 4 per cent per annum, compounded annually. No physical examination will be required, but it is believed that the select quality of the risks will bring the insured within the experience of the ordinary life insurance companies. The matured or face value of the policy will be paid to the veteran's beneficiaries upon his death or to the veteran himself upon the termination of the 20-year endowment period. It is estimated that 82 per cent of the soldiers will live the full 20-year period.

After the end of the second certificate year a veteran holder of the certificate may borrow from a bank 90 per cent of the reserved value of the certificate for the current certificate year, but never to exceed 60 per cent of the face value of the certificate. The bank may charge interest not in excess of 2 per cent above the rate charged by the Federal reserve bank in the district in question. After a loan period of six months the Director of the Veterans' Bureau may take over the loan and pay the principal with accrued interest, and thereafter the holder will be charged the amount thus paid with interest at 6 per cent per annum compounded annually. The soldier or his beneficiaries will get the balance due on the certificate, being the difference between the cost of the loan and the face value of the certificate when payable unless the holder meanwhile pays up the loan and redeems his certificate from the lien created upon it. It will be seen that in no event will the certificate be lost to the soldier or his beneficiaries. The difference between the 4 per cent accumulation compounded annually upon the full adjusted service credit, including 25 per cent added to the amount determined by length of service, and the 6 per cent compounded annually upon the loan, will pay the increased cost of administration incurred by the Veterans' Bureau in the handling of the loan.

One other situation merits my attention in this connection. It is well known that I supported the so-called Mellon plan for tax reduction of surtaxes and normal income-tax rates. That plan would have created a loss in revenue of approximately \$332,000,000. The Longworth compromise plan adopted by the House will probably create a greater loss in the run of years, because the inducement for investment in active capital rather than tax-exempt and other dormant securities will be largely lacking. It is also known that I have favored the 25 per cent reduction in the individual income-tax payments for the year 1923 payable during the present calendar year. That reduction will leave a substantial balance in the surplus that will be available after June 30 next which can be used for the extra payments beyond the sinking fund necessary under the proposed bill for the calendar years 1925, 1926, and 1927. I have no doubt that the sinking fund of \$100,000,000 provided by the pending bill for soldiers' adjusted compensation can be met out of the current revenues of the Government. There should be and will be continued economies in administration and retrenchments in expenditure. We are at present expending approximately \$150,000,000 a year for vocational training for disabled veterans of the World War. Those payments will soon be very substantially reduced and ultimately altogether obviated because the soldiers entitled to such vocational training will soon have received the full benefits provided by law for that purpose. We can and should, now that we have started upon the Budget system, and I think we always will balance the Federal Budget so long as we know to a certainty what our expenditures will be. This bill has the added merit of carrying a definitely ascertainable obligation upon the Federal Treasury, which is furthermore the lowest that has hitherto been proposed for the settlement of this proposition. The plan in this bill can be financed without any economic burden to the Government or to the people and without disturbance of business and economic conditions.

From every viewpoint I believe the passage of House bill 7959 at this time will best serve the interests of the entire country, including the veterans themselves.

I will set forth the features of the often-proposed bill more at length in my extension of remarks, but I believe the Members of the House are fairly well informed upon that subject. If there is any feature of the legislation contained in the bill which the committee has reported upon which information is desired, I will pause for a moment in order to answer questions.

Mr. RANKIN. Will the gentleman yield to me?

Mr. CHINDBLOM. Yes, if it is a question with reference to the plan.

Mr. RANKIN. It is.

Mr. CHINDBLOM. Let me have the question.

Mr. RANKIN. I will say to the gentleman that he is a member of the Ways and Means Committee, and this is the only speech from the Ways and Means Committee we have heard on this bill in the House, so that we have a right to ask him some questions and get some information on this proposition.

Mr. CHINDBLOM. I am making this speech because I can not be here to vote to-morrow. I wish it were possible for me to be here to-morrow, but, as I say, that is impossible.

The CHAIRMAN (Mr. RAMSEYER). The time of the gentleman has expired.

Mr. CHINDBLOM. Has the gentleman any more time?

Mr. FRENCH. I am sorry I can not yield any further time.

Mr. CHINDBLOM. I would like to answer some inquiries.

Mr. BULWINKLE. Will the gentleman yield just a moment in order that I may ask a question?

Mr. FRENCH. I can not yield any more time.

Mr. BYRNES of South Carolina. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. DAVEY].

Mr. FRENCH. And I will yield three minutes to the same gentleman.

The CHAIRMAN. The gentleman from Ohio [Mr. DAVEY] is recognized for eight minutes.

[Mr. DAVEY was given permission to revise and extend his remarks in the Record.]

Mr. DAVEY. Mr. Chairman and gentlemen of the House, I wish to talk with further reference to the so-called bonus bill. It has been said rather generally, and the propaganda has been used vigorously by the opponents of bonus legislation, that many of the service men themselves are against the bonus.

In order to answer this obviously false allegation I secured the best available list of ex-service men in my district and sent to each of them an individual letter. I will read the portion of that letter that is pertinent to this discussion, as follows:

The opponents of adjusted compensation for ex-service men in their effort to defeat this measure have been claiming that a large proportion of the soldiers themselves are opposed to it. My own position in favor of this proposition is so well known that I will say nothing further about it. Neither do I wish to advance any argument in support of it. My only desire is to find out what you think.

Do you believe that the Government is under a strong moral obligation to pay adjusted compensation to ex-service men? If so, vote "Yes."

Or, are you more or less indifferent about this question of adjusted compensation but willing to accept payment if the bill is passed by Congress? If so, vote "Yes."

Or, are you opposed to adjusted compensation on principle, and do you believe that Congress ought not to pass such a bill? If so, vote "Yes."

Of the letters which have been returned up to date, the following are the figures. Those who are strongly in favor of it, confined entirely to ex-service men, number 4,007. Those who indicate themselves as indifferent number 279. Those who express themselves as opposed number 121. If you eliminate the middle group who are indifferent, this referendum vote stands better than 30 to 1 as strongly in favor of adjusted compensation.

I would like to bring this point out very forcibly. In the beginning the soldiers were largely indifferent, according to my observation; but they have felt for the last two or three years that this bonus question has been made a football of politics. They have been promised, and promised, and promised that they would be paid a bonus. It has been promised so much that the soldiers felt it was only a question of a little time and they have been made to feel that they are entitled to it. I am prepared now to say to you, as far as my contact with ex-service men in northeastern Ohio is concerned, that these men are becoming embittered because they feel they have been unfairly dealt with.

I will say to the gentlemen on the Republican side that most of the soldiers with whom I have come in contact are against anything that Secretary Mellon is for, because they believe that

Secretary Mellon has been deliberately unfair to them and that he has given out deliberately exaggerated estimates of cost in order to deceive the public. As proof of that unfairness, I want to call your attention to the figures attached to this present bill. They say that this insurance plan will cost \$2,119,000,000, after figuring cash compensation, adding 25 per cent to that, and carrying it at 4 per cent compound interest for 20 years. If that is what the insurance plan will cost, it is perfectly obvious that a cash bonus will cost very much less, perhaps one-half, and I will say to you further, as far as my contact with ex-service men goes, they understand a bonus to mean cash and not insurance.

This thing will never satisfy them. They will consider it as a deliberate affront to their intelligence. They will assume that this Congress means that the ex-service men of the United States have not brains enough to spend their own money wisely. We say to them, "You men do not know how to handle money; you are children; you need paternal guidance in money matters. We will give you an insurance policy, so you can not spend the money, and then if you happen to live 20 or 30 years you can have the money. We will give you a piece of paper to that effect. If you need the money now, if it would help you now, even though we admit that you are entitled to the additional pay, it makes no difference—you can not have it now.

Soldiers, like everyone else, understand a bonus to mean cash, and if you do not pay them a cash bonus they will rightly feel that they have been misled and deceived and unfairly dealt with. There is only one square thing to do, and that is to give them a twofold option—either cash or insurance. There is not a man in this House who believes in insurance more than I do. I carry a lot of it myself, largely 20-year endowment, and I believe in it as a matter of principle; but I do not believe that this Congress has any right to say to these men, "You have got to take insurance or nothing; you do not know enough to use cash wisely."

Mr. ABERNETHY. What does the gentleman think about the way they will bring this measure in here, not allowing any amendments to it?

Mr. DAVEY. Well, it is the worst kind of gag rule. I would like to vote against it, as a matter of principle, and if there were enough men in this House to join me I would vote against it and help kill it, and then join in a movement to force the Ways and Means Committee to report out a bona fide bonus bill or forthwith move to discharge that committee and do the right thing here in the House.

SEVERAL MEMBERS. I will vote with you.

Mr. DAVEY. You show me enough men to defeat this and I will vote against it, and gladly, and I will go out and tell the soldiers in my district what kind of a raw deal it was proposed to put over on them in this Congress.

Mr. REID of Illinois, Mr. McSWEENEY, and Mr. SNELL rose.

The CHAIRMAN. Does the gentleman yield; and if so, to whom?

Mr. SNELL. Will the gentleman yield for a question?

Mr. DAVEY. I will yield gladly.

Mr. SNELL. I understood you to say that you knew this would not be satisfactory to them. That is not the information I get from the chairman of the Ways and Means Committee, and the chairman of the Ways and Means Committee says he gets his information from the representatives of the Legion. I am interested to know that.

Mr. DAVEY. I am not assuming to take information from the officials of any organization. I am glad to take my information from the boys back home, and I know they want cash.

Mr. BULWINKLE. Will the gentleman yield?

Mr. DAVEY. Certainly.

Mr. BULWINKLE. We would like to have from the chairman of the Ways and Means Committee the information he has.

Mr. GREEN of Iowa. If the gentleman will yield for that purpose, I will be glad to state.

Mr. DAVEY. I will be very glad to yield to the gentleman, although the gentleman refused to yield to me some time ago.

Mr. GREEN of Iowa. I think I have the reputation of yielding to gentlemen when anyone else would, so far as that is concerned. My information, and in fact the statement from the representatives of the Legion, is that this proposition is satisfactory to them, and I have in my office a telegram from the commander of the Legion in my State approving this plan and stating that a vast majority of the men want insurance, and that this plan will be satisfactory to them.

Mr. DAVEY. I will say to the gentleman in reply that when the ex-service men of this country find out what kind of hocus-pocus proposition has been offered to them, they will let the Members of Congress know, in no uncertain terms, that they do not approve of this kind of a deal.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. BYRNES of South Carolina. Mr. Chairman, I yield five minutes to the gentleman from North Carolina [Mr. POU].

Mr. POU. Mr. Chairman, this proposal for adjusted compensation is to be taken up to-morrow under a suspension of the rules, allowing 20 minutes' debate on each side, because the managers of the House are afraid that the House, if it had the opportunity, would vote for a cash bonus. Nothing could be more unfair, but it is another instance of the Republican managers of the House cutting off discussion and preventing any amendment. Why could not this bill be brought in as other measures have been brought in? Why cut off all amendments? Why bring a proposition into the House as great and far-reaching as this and say to the Members of the House, "You must vote it up or vote it down as a whole." I think the managers who are responsible for this arrangement do not receive the approval of a majority of the Members of the House. You will hear from ex-service men all over the country, if you are not hearing from them now, gentlemen of the majority. [Applause on the Democratic side.] You are not fooling anybody. As I stand here to-day ex-service men are sending telegrams asking the Members of this House to vote for the bill which is to be considered to-morrow, and why? Because they know there will be opportunity to amend it in the Senate, and they prefer the bill which will be considered to-morrow to no legislation at all at this session.

Mr. Chairman, I am glad that this matter is being brought to a close. Let us keep history straight. The ex-service men are not responsible for this agitation. The agitation for adjusted compensation started right here at this desk, and I am proud to acknowledge the small part in it that I took. I shall be proud of it as long as I live. Our Nation finds itself placed in a position of which no American can be proud. That is the plain truth. Here is the richest and most powerful of all nations, and yet Canada, England, Italy, New Zealand, and all of the countries that were associated with us in the great World War have done more for their ex-service men than we have done for ours. I would be ashamed to call myself an American if I were willing to rest always under that stigma. We have helped almost everybody except the ex-service men. Mr. Chairman, I do not claim to comprehend the viewpoint of the immensely wealthy, but I have some common sense. I believe in property rights; I believe men are entitled to enjoy whatever they honestly earn; I believe our Government is the greatest and best of all the governments of the earth. I pray God it may endure. [Applause.] The best insurance policy this Nation can have is that grand army of 4,000,000 ex-service men contented, convinced also that they offered their lives for a Nation which is not ungrateful. The time may come when these very ex-service men will be called upon to protect some of the great fortunes piled up during and after the war. [Applause.] Gentlemen, you are making a mistake to pass this bill in the way in which you have decided to pass it to-morrow. [Applause.]

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. FRENCH. Mr. Chairman, I yield 20 minutes to the gentleman from Massachusetts [Mr. TREADWAY].

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman from Massachusetts yield to me for just a moment, before he begins his remarks?

Mr. TREADWAY. Yes.

Mr. GREEN of Iowa. I want to correct one erroneous statement that was made a few moments ago. It has been repeatedly said here that it would be cheaper to pay these veterans in cash than by the plan which we have. It would be cheaper if in the first place you paid them on a cash proposition of 25 per cent less than what we propose to give them. The rest of the statement is all based on the assumption that a dollar owed 20 years from now is worth in cash a dollar to-day. It is not, and we do not claim that it is. The computation upon the cash value is 25 per cent more. The only way it would be cheaper to pay in cash would be to discount it at 25 per cent.

Mr. TREADWAY. Mr. Chairman, some weeks ago I addressed the House in reference to the price of anthracite coal among the consuming public of the Northern States. At a later date the gentleman from Pennsylvania [Mr. CASEY] made a somewhat similar speech, in most of the details of which he

agreed with the statements that I had made, in respect to the reasons for prevailing high prices in anthracite coal. He did, however, take up one special line of argument in opposition to the remarks that I made, namely, in reference to the statements that I made as to the miners' part in the high price. The exceptions that he took to my statements had entirely to do with the miners' interests and in most instances I recognize his right to speak for the miner.

He has information of the practical kind, having lived among the miners, being really one of them, and I congratulate him on his thorough knowledge of their side of the issue. However, he made a few serious blunders, as I see them, in comparison of the statements that I made. I have no quarrel with the miners or the miners' unions, and in fact in reading my remarks I think that one would feel that I have been particularly fair with their position. I do not claim, and the gentleman from Pennsylvania [Mr. CASEY] ought not to have insinuated that I did claim, that there was any conspiracy between the operators and the miners to raise the price of anthracite coal to the consumer. I made no such claim as that. I simply said they were taking advantage of the situation as they found it, for which I did not blame them in the slightest degree. He also said that there was no chance of union control under the system of certificates issued to miners. With that statement I have no quarrel, except to the extent that he misquotes the law.

The law under which miners now secure their rights was passed in 1897, rather than 1889, in accordance with the statement of the gentleman from Pennsylvania, and a man to be on the board appointed by the Court of Appeals of the State of Pennsylvania must have served as a miner for five years. Now, the testimony has been brought out very conclusively in the report of the United States Coal Commission that the mines are 100 per cent unionized. All well and good. I have no objection to that, provided it does not stop production, but if anybody can explain to me how a man can be a member of the board and not be a member of the union, requiring five years' actual experience in a mine in order to be appointed, I should be glad to receive it. Then the gentleman makes some reference to a statement I made in regard to what the miners are paid, and facetiously says he thinks I must have visited some mine in Massachusetts to have secured any such information as I gave the House. I can say for the gentleman's information the mine was in Wilkes-Barre. I wish to say that I can positively substantiate the statement I made on this floor in that connection by two miners with whom I talked and whom I had in mind when I made the reference. There is no question of accuracy of that statement, and it can be positively borne out by the facts. Then, too, he said another thing to which I take exception, namely, that the United States Coal Commission was appointed to represent the public in the troubles between the operators and the miners. Why, he ought to have known better than that. The United States Coal Commission had absolutely nothing to do with the relations between the miners and the operators. They were not admitted to the conferences either in New York or in Atlantic City. There was no relation between them whatsoever. If he did not have sufficient information, all he needed to have done was to have seen the phraseology which Congress put in the act under which the United States Coal Commission was appointed. It said:

For the purpose of securing information in connection with questions relative to interstate commerce in coal and all questions and problems arising out of the connection with the coal industry—

And so forth.

Absolutely nothing to do with the relations between the operators and the miners. One other statement appeared in his remarks, namely, that the conditions existing in New England a year ago last winter, during the winter of 1922 and 1923, were not the result of the strike of the previous summer, but were the result of railroad conditions. The strike was the primary cause of the empty bins in New England and the high prices at which coal was sold at that time. You can not get away from that fact, my friends; it is so self-evident it needs no support on my part. So far as any differences are concerned in the remarks of the gentleman from Pennsylvania and myself, those are of very minor consequence. What I want to see accomplished is a reduction in the price of coal in New England. To-day, in spite of the fact that there is ample coal there, the price has never been so high except during the stress period of a year ago last winter. Can anybody see any justification of coal being sold to-day in New England from \$16 to \$17.50 a ton that at the mines is costing \$9 a ton? Can anybody show a justification for \$9 a ton as the price at the

mines to-day? There is none. Nobody can rise on this floor and justify the price at which coal is being sold.

Mr. LONGWORTH. Will the gentleman yield for a question for information?

Mr. TREADWAY. I will.

Mr. LONGWORTH. Does not a considerable amount of that anthracite coal come to New England from Canada?

Mr. TREADWAY. I think it is just the reverse. We might get a little by way of Canada along the Maine coast, but as far as I know there is no importation. I think the gentleman's question can be answered in the negative. Practically the entire supply of anthracite is within a limited area in Pennsylvania.

Mr. CLEARY. May I suggest an answer?

Mr. TREADWAY. Certainly.

Mr. CLEARY. I have been for many years vice president of the Lake Champlain Coal Co., and our territory is in Canada and New England, but all the shipment of anthracite was from Pennsylvania by way of the Hudson River and Lake Champlain, but from Canada not very much, because there is no anthracite, but there is in Nova Scotia some bituminous coal that comes in.

Mr. TREADWAY. But as I was saying, Mr. Chairman, I wish to see if there is not some way we can reach a cure for this situation between now and next winter. Of course the time has gone by when any action on the part of Congress and the State of Pennsylvania can in any way reduce the cost of fuel for the present winter. The emergency is past, the price has been paid. We can only look to the future. I can not conceive of this Congress allowing such information as was afforded by the United States Coal Commission and such a complete report as was made by it not being put to some definite use. So far we have done nothing. There are very pressing matters before the Congress, but I claim there is nothing more pressing than the cost of fuel to the public of the Northern States in view of the conditions that we know to have existed there in the past, and the future possibilities. Therefore as nothing has yet been done with this very complete report of the United States Coal Commission, it leads me to hope that in the near future the Committee on Interstate and Foreign Commerce will take up this great subject. I know that they are pressed with numerous duties, and I have not been very urgent in asking for hearings, but I think, however, the time is very near by when that committee should take up this subject. Now I have been using what opportunity has come my way to see if we could not get still further information on the subject. One of the large contributing factors to the cost of fuel is the royalty paid for the use of coal lands. The largest individual landowner is the Girard Estate. They have a 15-year contract with the coal operators for the use of those lands and the royalty is on a sliding scale, and therefore the higher the price that the operator makes on the market value of the coal the greater the royalty.

When these contracts were made, and they have four or five years still to run, 45 cents was the minimum price; to-day it is on an average of over \$1.50, from \$1.50 to \$2 a ton. Therefore the Girard Estate, a charitable organization in the city of Philadelphia, is getting an undue amount for these royalties at the expense of the coal-consuming public of the Northern States. It is a very peculiar situation, and it is one that I have been looking into, and I shall ask permission to insert in the Record some correspondence with the mayor of Philadelphia on it. I have had a most interesting letter from him within the last two days, in which he goes into some details as to the royalty position of the city. It admits that the consuming public is not in any sense a party to the contract. The one who pays the bill has nothing whatever to do with the making of the details of the contract. The lessor is the city of Philadelphia. The lessee is the coal operator, and the consuming public that pays the bill can look on from the outside. There is no consideration for them whatsoever.

Then, too, the State of Pennsylvania comes in for its share of the blame in the situation, and that situation would be more readily corrected if the governor of that great State showed a disposition to help out. He has not sought the removal of the State tax on anthracite coal. The gentleman from Pennsylvania [Mr. CASEY] in the course of his remarks agreed with me that it was an unfair tax, and that he believed it ought to be repealed. Governor Pinchot has prevented its repeal, but the gentleman from Pennsylvania [Mr. CASEY] stated it would be repealed as soon as the financial condition of the State of Pennsylvania warranted it.

Can you conceive, gentlemen, of a more ridiculous situation than that the financial condition of the great State of Pennsylvania being taken care of by the coal-consuming public in other States? Since when is one State to pay the taxes of another

State? That is exactly the result of the tax on anthracite coal laid by the State of Pennsylvania.

Mr. SNELL. Mr. Chairman, will the gentleman yield?

Mr. TREADWAY. Yes.

Mr. SNELL. Can the gentleman state what the State of Pennsylvania gets each year out of anthracite?

Mr. TREADWAY. Yes, sir. At least 10 cents a ton on an output of 80,000,000 tons. They are getting \$8,000,000 every year. Not only that, not only are they getting \$8,000,000 to \$10,000,000 a year from it, but every time an additional 10 cents is put on the coal-consuming public there is nothing to prevent the coal operator from making that 50 cents when he passes it on to the consumer. There is positively no control by the Government or by any governmental agency over the retail price of the coal to the consumer.

Mr. WELSH. Mr. Chairman, will the gentleman yield?

Mr. TREADWAY. Yes.

Mr. WELSH. Does not the consumer in Pennsylvania also pay the tax?

Mr. TREADWAY. I am informed that the citizen of Pennsylvania pays the same tax, but in that case the taxpayer is the citizen of the State and should support his State government. Admitting that the citizens of that State are paying that tax, why are the citizens of other States contributing to the coffers of the State of Pennsylvania?

Mr. CABLE. When they raised that price, that was the price of coal?

Mr. TREADWAY. The operators never take anything less than 50 cents; 50 cents or a dollar. Governor Pinchot raised the wages of the miners 10 per cent last fall, and the president of the miners' union, Mr. Lewis, at the meeting at Indianapolis a few weeks ago made the claim that the miners' pay was increased \$44,000,000. Who is paying that \$44,000,000? The operators? No. The railroads? No. The selling agents of the coal operators? No. The State of Pennsylvania, the owners of the Girard land? Oh, no. The consuming public is paying that \$44,000,000 extra.

It is the same way with every raise that is made, whatever it may be for. It is passed on to the poor consumer who has no rights whatsoever in the case, and nobody is representing him around the council table when the price is fixed.

Mr. CABLE. That shows the fallacy of a sales tax.

Mr. TREADWAY. It shows what great injustice is being done to the public in connection with a commodity that was put in the ground for the benefit of the public, not for the benefit of any class of citizens or the fortunate owners of the land.

Mr. WELSH. Does not the gentleman know that consumers of coal in Pennsylvania do pay the same tax?

Mr. TREADWAY. That makes no difference with the argument. I am arguing that the citizens of other States should not pay the State taxes of Pennsylvania; and if the Legislature of the State of Pennsylvania, at the behest of the people of the State, has that tax imposed, it does not follow that it should put it onto us also.

The CHAIRMAN (Mr. RAMSEYER). The time of the gentleman from Massachusetts has expired.

Mr. TREADWAY. I ask unanimous consent, Mr. Chairman, to insert certain letters to and from me.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

There was no objection.

Mr. TREADWAY. The correspondence to which I refer is as follows:

JANUARY 18, 1924.

HIS HONOR W. FREELAND KENDRICK,

City Hall, Philadelphia, Pa.

MY DEAR MR. MAYOR: The subject of reduction of the price of anthracite is a very pressing one throughout New England. From the report of the United States Coal Commission, and from the general discussion of the subject, two things have been amply demonstrated:

One. There is from \$1 to \$1.50 additional cost to the price of coal owing to royalties. The Girard Estate, being the largest single owner of leasehold anthracite lands, makes the royalty rate. The present leases run until 1928, based on a sliding percentage scale averaging 18 per cent of the value of the coal when ready for shipment.

Two. These royalties are greatly in excess of the expectations of the original owner, Stephen Girard, and are undoubtedly also greatly in excess of the expectations of the trustees making the leases in behalf of the city of Philadelphia.

I appeal to you as mayor of Philadelphia to take up with the board of trustees, of which I infer you are ex officio member, the following suggestions:

Stephen Girard intended to found an educational institution and to support certain charities in a philanthropic and charitable manner. I submit, and this opinion seems to be largely held by the anthracite-consuming public, that the spirit and intent of the donor are entirely lost sight of in the present methods of the trustees. In order that his memory may be held in the reverence it deserves by the people alike of Philadelphia and of the country, the anthracite-consuming public should not be required to pay exorbitant, unfair, and improper royalties into the treasury of the board.

When the present leases were made in 1913 the upset price expected by the trustees was evidently 43 cents. In order to do proper reverence to the memory of Stephen Girard, will you not take the broad-minded view and such legal steps as may be necessary to have the royalty rates returned to the amount the trustees evidently expected to receive in 1913?

Such a move as this on your part would show in practice the spirit of brotherly love.

Sincerely yours,

ALLEN T. TREADWAY.

CITY OF PHILADELPHIA,
OFFICE OF THE MAYOR,
January 24, 1924.

Hon. ALLEN T. TREADWAY,

House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN TREADWAY: I have before me your letter of January 18, relative to royalties paid into the Girard Estate for lands leased in the anthracite coal region of Pennsylvania.

I am an ex officio member of the board of city trusts, which controls this Girard Estate, and I will be very glad to present your communication to the members at the next meeting.

Very truly yours,

W. FREELAND KENDRICK.

JANUARY 25, 1924.

Hon. W. FREELAND KENDRICK,

Mayor of Philadelphia, Philadelphia, Pa.

MY DEAR MR. MAYOR: I appreciate your courteous reply to my letter on the matter of royalties of the Girard Estate, and shall be glad to know of the result of bringing it to the attention of the board at the next meeting.

Sincerely yours,

ALLEN T. TREADWAY.

CITY OF PHILADELPHIA,
OFFICE OF THE MAYOR,
March 14, 1924.

Hon. ALLEN T. TREADWAY,

House of Representatives, Washington, D. C.

DEAR SIR: A letter from the secretary of the board of directors of city trusts of Philadelphia directs me to give you the following information in reply to your letter of January, 1924:

"The royalties under the city's leases are based upon the selling prices of the coal at the mines, these prices for each year being the basis upon which the royalty rates are fixed during the succeeding year. We believe that this method of fixing royalty is fair for both the landowner and the lessee. What the coal operators call 'royalties' is the price per ton paid for coal in the ground. By their so-called 'royalties' they pay for the coal itself which ultimately reaches the consumer. The royalties, as already stated, are based upon the price of the coal as ascertained and fixed by its sale by the operators at the mines, and increases and diminishes in accordance therewith. A fixed royalty, particularly under a long-term lease, may prove inequitable at times to the lessor and at other times to the lessee, dependent upon the variation in selling prices. The value of the coal can best be ascertained by the price for which it sells at the mines at or near the time it is mined.

"The owner of the coal lands in question is not a mercantile or business corporation of any kind, but is a governmental institution, namely, the city of Philadelphia, which holds them in trust for public charitable uses. The name commonly applied to them, 'the Girard Estate,' is due to the fact that the city obtained them by the will of Stephen Girard, a great Philadelphia merchant, who died in 1831. He left the bulk of his estate to the city of Philadelphia in trust to establish and maintain a college for poor white male orphans between the ages of 6 and 18. The city duly established this institution, which now steadily houses, supports, clothes, and educates about 1,600 male orphans, and is probably the greatest charity of its kind in the world.

"The government of this State has placed this charitable feature of the municipal government in charge of a board of 12, called directors of city trusts, selected by the judges, to whom are added ex officio the mayor of the city and the presidents of the select and common councils.

"The members of the board devote much time and attention to the execution of these trusts. Needless to say, they serve without salary or other compensation of any kind, direct or indirect.

"One of the duties imposed on the city (of Philadelphia) is the utilization of these coal lands (as trustee) for the support of the Girard College, to which their entire proceeds are devoted by the will of Mr. Girard, and as an illustration of the fairness of the city's royalty rates I refer to one of its leases which is more advantageous to the lessor than any of its other leases. This lease was for coal in land which had not theretofore been opened and was offered to numerous operators, nine of whom submitted competitive bids for it. The highest bidder, to whom the lease was afterwards made, was but slightly in advance of the next highest bidder. It was evident the city thus secured, after open and public bidding, free for all, the market price and no more for this coal. The bids were submitted upon a sliding scale basis. There was no question as to the bidder being influenced by any improvement of his upon the land, for none existed, the proposition being, as above mentioned, for land never before under lease."

The committee also directs me to furnish you with the following additional information:

"The city's contribution to the anthracite output of the State amounted to 2 $\frac{1}{2}$ per cent in 1914; 2 $\frac{1}{2}$ per cent in 1915; 4 per cent in 1916; 4 $\frac{1}{2}$ per cent in 1917; 4 $\frac{1}{2}$ per cent in 1918; 4 $\frac{1}{2}$ per cent in 1919; 4 $\frac{1}{2}$ per cent in 1920; 4 $\frac{1}{2}$ per cent in 1921; 5 per cent in 1922; and 4 $\frac{1}{2}$ per cent in 1923.

"In view of the small percentage of the whole anthracite output which is yielded by the city's mines, the committee does not believe that a reduction in royalty would affect the market prices to the consumer.

"The board is not convinced that any reduction in the royalty rates paid by the city's lessees would inure to the benefit of the public. No operator has ever claimed to the board that he would sell his coal more cheaply if his royalty were reduced. In fact, it was expressly stated to the board by one of the operators that he, and not the consumer, would be benefited by any such reduction. Therefore, the question resolves itself into one between the lessor and the lessee rather than between the lessor and the retail purchaser, and any reduction the city might make in its royalty would be for the sole benefit of the operators, increasing their profits or diminishing their losses, without any advantage whatever to the lessor or to the public.

"The present leases have been in effect since 1914. The method of calculating the royalty is the same now as at the beginning. The city does not fix the royalty—the lessees do this by their selling prices. To voluntarily change the leases by decreasing the royalty is beyond the authority of the trustee, whose duty is to secure the best results which can be obtained by intelligent bargaining."

Very truly yours,

W. FREELAND KENDRICK, Mayor.

MARCH 17, 1924.

Hon. W. FREELAND KENDRICK,

Mayor City of Philadelphia, Philadelphia, Pa.

MY DEAR MR. MAYOR: I beg leave to express my appreciation of the contents of your very courteous letter of March 14, with detailed information relative to the royalty leases of coal lands owned by the city of Philadelphia under the will of Stephen Girard.

I am particularly interested in the attitude of the directors of the City Trusts that the question of royalties is one between the lessor and the lessee. In a narrow sense this is true. In a broad sense it seems to me a factor not recognized by either the lessor or lessee is the one principally at interest, namely the consuming public.

While the sliding scale is not fixed by the directors, it follows that the higher the selling price the larger the royalties received. It also follows that the sliding scale is of no consequence to the operator in that he has absolute power to pass on the royalty to the consumer. It must therefore be perfectly apparent to both parties that the consuming public is the victim and is the only one to whom the price of the coal is of any concern.

This fact is very well borne out by your reference to certain lands being offered to the highest bidder among operating companies. In other words, the more the consumer pays for his coal the better the results for both the owners of the lands and the operators.

Reference is made to the percentage of city-owned lands, it being 5 per cent of the product in 1922 and 4.9 per cent in 1923—a comparatively small amount by percentage but a very large amount in the aggregate of production.

With 80,000,000 tons mined your properties provide about 4,000,000. You are also recognized as the largest owner of royalty-leased land and therefore the example in the market to all other owners of leased land. It is apparent that the city ownership does have a direct bearing on the ultimate price.

It is no doubt true that a spasmodic reduction of royalties would be absorbed by the ever-grasping operators. On the other hand, such a reduction as could readily be afforded by the Girard estate, if made permanent, would command such public attention both for its merits and for charitable instincts of your board that the influence of public opinion would be stronger than the power of the operator. Price reduction to the consumer would necessarily follow.

I regret to note that the board takes the position that it is their duty "to secure the best results which can be obtained by intelligent bargaining." This is but another way of expressing the fact that the Girard trust desires to secure the best rate it can under the sliding scale and pass the amount on through the operators to the suffering, consuming public.

May I ask for information on the following questions, not through curiosity but in the hope that eventually some of the information may result in price reduction to the consumer?

1. What was the average royalty received per ton when the present leases were executed?
2. What is the average royalty per ton received at the present time?
3. How many tons are mined from lands owned by the Girard estate?

May I add that while the letter of the trustees endeavors to justify the board and defends the sliding-scale system of royalties, it only offers still further evidence that there will be no relief in price to the consuming public until governmental control asserts its authority in their behalf.

I look forward with expectancy to legislation of that character.

Again thanking you for the courtesy extended by you and the board and asking for statistical reports on the above inquiries, I am, with highest esteem,

Very truly yours,

ALLEN T. TREADWAY.

MARCH 4, 1924.

HIS EXCELLENCY GIFFORD PINCHOT,
Harrisburg, Pa.

DEAR GOVERNOR PINCHOT: There has been forwarded to me from my home in Stockbridge, Mass., a pamphlet in an envelope from your office entitled "Wages, Margins, and Anthracite Prices." This is the only acknowledgment I have had of several communications I have addressed to you at various times wherein attention has been called to the weakness of your position in the anthracite mining problem.

You make some statements in your article which call for further reference upon my part.

First, you endeavor to justify the agreement you entered into on August 27 last, whereby there was an increase of 10 per cent in wages of miners and point out that this should not have led to any increase in cost to the consumer. As a matter of fact, you no doubt are well aware that it has resulted in an increase of 75 cents to \$1 per ton to all consumers in New England. At the annual meeting of the United Mine Workers Association in Indianapolis a few weeks ago, Mr. Lewis, the president, stated that the wages of the miners had been increased by \$44,000,000 as a result of this adjustment, which laid a direct toll on the consuming public.

I am informed there is an ample supply of anthracite in New England at the present time, but it is being sold at the highest price ever known except during the period of the severest weather of last winter.

Let me refer to two other headings: Royalties and the anthracite tax. Both of these seem to me to come very directly within your province as Governor of the State of Pennsylvania.

It is, of course, well known that the royalties are in the form of private contracts and most of them do not expire until December 31, 1928. On the other hand, the amounts being received under these royalties are enormous and are a direct burden upon the coal consumers. I have recently suggested to Mayor Kendrick that the officials who are responsible for these contracts should give careful attention to a voluntary change, realizing that Stephen Girard never intended to require such a toll from the coal-consuming public in behalf of the charities in which he was interested. Your personal influence for this same purpose would be of the very greatest benefit, but I have not heard of any interest being shown by you in this subject. In this connection, I beg to inclose copy of my letter to Mayor Kendrick.

It is surprising that you should defend the anthracite tax of your State. You say "the repeal of this tax was before the legislature of 1923, but failed to pass."

Why do you not state the reason for its failure to pass, namely, your personal influence in opposition to it, even though your campaign committee published flaring advertisements of your support of the repeal?

Your argument of the small amount of this tax is a very weak one. In the aggregate you add from \$8,000,000 to \$10,000,000 of expense to the coal-consuming public in order to care for, as it has been stated, deficiencies in the appropriations of your State.

Should the royalty system be changed through your influence, as I think it very readily could be, and should the repeal of the anthracite tax be secured, also through your influence, the operators and selling agents would be forced to very materially reduce their prices. You would also be providing the very best of argument for Federal legislation looking to control of the product in interstate commerce.

In anticipation of Federal legislation, can Congress look to you for assistance along the line indicated in the foregoing?

Yours sincerely,

ALLEN T. TREADWAY.

Mr. BYRNES of South Carolina. Mr. Chairman, I yield five minutes to the gentleman from Alabama [Mr. JEFFERS].

The CHAIRMAN. The gentleman from Alabama is recognized for five minutes.

Mr. JEFFERS. Mr. Chairman and gentlemen of the committee, I have here before me a copy of Mr. GREEN's bill, H. R. 7959, which is called the "World War adjusted compensation act."

The first print of this bill that the Members of the House received was placed in their hands about noon on Saturday, March 15, just the day before yesterday. Members of the House have had but very little time to study the provisions of this bill, and, of course, the ex-service people of the Nation have had no chance at all to learn what sort of a bill it is.

My friends, what does "adjusted compensation" mean? Adjusted compensation means but one thing, and that is adjusted pay.

Now, let us note what this bill offers in the way of adjusted pay. It says that each veteran shall be entitled to receive "adjusted service pay" if the amount of his adjusted service credit is \$50 or less. The fellow who is entitled to receive \$50 or less will receive his pay in actual money, something that he can make use of for his needs or purposes, according to his own judgment and desire.

But what of the fellow who is to receive more than \$50? What does he get in the way of adjusted pay?

Under this bill he receives what is termed an adjusted service "certificate." And no matter how badly that man may be needing a little cash at once, there is no way for him to borrow a cent on that "certificate" until after he has held it for two years.

The certificate will be simply a 20-year endowment insurance policy. If the man or the woman who receives it does not happen to need any cash and can afford to take that policy and let it run for 20 years, it will then—at the end of 20 years—have a face value of just about two and one-half times the amount of adjusted compensation that is due to the man or woman to start with.

For example, if a person is entitled to \$100 adjusted compensation, he will be given a policy which he can keep for 20 years, and it will then have a value of about \$250. A person who is entitled to about \$400 adjusted compensation will have a certificate that will be worth about \$1,000 at the end of the 20 years.

But there are thousands and hundreds of thousands of these ex-service men and women who need a little financial aid now which would enable them to start out in a new home, or to pay on a place, or for farming implements, or for a little furniture, or to pay off some obligation—there are many worthy purposes for which they may need a little cash very badly now. What of them?

If their Government says they are due this adjusted compensation or additional pay—and their Government is the greatest and the richest government in the whole world—then these ex-service people of the Nation have a right to feel and believe that their great and rich Government could, if it wanted to, easily afford to offer them their adjusted compensation in the usual currency of the country. Any man has a right to expect to receive his pay in money, so that he may take it where he will and expend it as he deems wisest and best for his own needs and purposes.

But the bill that we have here says if he has more than \$50 coming to him he must take a policy.

If he is in urgent need of a little cash, what can he do? Is it arranged so that he can borrow anything on this 20-year insurance policy?

He can not borrow a nickel on that certificate until two years after he gets it. And what can he borrow then? He may then borrow 90 per cent of the amount of the sinking fund that is by that time applicable to his certificate. Not 90 per cent of the amount of his adjusted-compensation credit, mind you, but just 90 per cent of the value of the sinking fund as is applicable to his certificate at that time.

What does that mean? That simply means that a man who is entitled to about \$400 adjusted compensation, for example, will receive a certificate that will have a face value of about \$1,000 if he will keep it for 20 years. Now, at the end of two years from the time when he receives the policy the amount of the sinking fund that will be applied to that policy by that time will be about \$63—I believe it is \$63.67. Then how much can the man borrow? He can borrow 90 per cent of that \$63.67, or the grand sum of \$57.30. And upon that loan he must, of course, pay interest. Then, at the end of the third year he can borrow about \$30 more; at end of fourth year, about \$32 more; at end of fifth year, about \$34 more; and so on each year he may borrow in little dribbles like that. Paying interest every year on all that he has borrowed, and his annual interest may finally amount to enough to eat a big hole in all that he can borrow each year, if, indeed, it would not altogether eat up the new amount that he could borrow.

Take, for example, the case of a man who is due about \$100 adjusted compensation, and gets a certificate which will have a face value of about \$250 if he lives 20 years. Of course he must wait the two years after he gets the certificate before he can borrow on it, no matter how badly he may need that adjusted compensation of \$100 that the Government will have said is rightfully due him, and then at the end of the two years all that he can borrow is the handsome sum of about \$14.

Think about it; these little dribbles that will be available in the shape of loans each year will eat the man's policy up so that he will not have anything at the end of the 20 years after all, and that sort of a system of small annual payments or small loans each year will run just as straight into a pension system at the end of that time as any scheme that could be devised.

Gentlemen of the House, it is an infamous subterfuge—this bill that has been ushered in here under the guise of an adjusted compensation measure. It will, I very much fear, prove to be a cheap and disappointing "gold brick" if it ever becomes a law in its present form.

Why are the administration leaders here, who are in charge of the legislative program, not willing to let the light in on this bill? Why are they not willing to allow opportunity for a fair debate here on the floor of the House on this bill? Why is it that they are not going to allow any Member of this House to offer a single amendment to this bill?

Here is one of the most important pieces of legislation that this Congress, or any other Congress, will have before it—the adjusted compensation bill affecting the ex-service people of the Nation, the people who actually saved this country and all that it contains from the ravages of the ruthless German horde. Those are the ones, my friends, in whose interests you will be legislating when you vote upon this bill—four and a half millions of the young people of this Nation. Their families and their dependents are interested. Then, too, all the taxpayers of the Nation are naturally interested in this measure.

And yet this bill is going to be forced up here to-morrow under the "gag" rule. There will be the motion to suspend the rules and pass the bill. No Member of this body will be allowed the privilege of offering any amendment whatsoever no matter how worthy may be the amendment which the Member wishes to offer. There will not even be the opportunity to offer a motion to recommit the bill to the committee. The administration leaders have determined, it seems, to bring the bill in here to-morrow under suspension of the rules, and say, in effect, "Here is what we are going to pass as adjusted compensation for the ex-service men and women of the Nation. It is the best we will offer and we will not allow anybody any chance to offer any amendment to make it any better."

Has that sort of procedure any of the earmarks of fair play? Is that a decent way to treat this important legislation which embraces the sacred obligation of the Nation to the ex-service men and women of the Nation? Bear in mind that this House has already recognized the obligation by voting favorably three times on adjusted compensation; and if it is an obligation, it is certainly the most sacred obligation that the Nation has or could have.

No, that is not fair play. I believe that the only reason they have hit upon this plan of bringing it up to-morrow under the "gag" rule is because they know it is but a poor substitute for real adjusted compensation, and they do not dare to offer it to the House in the regular, decent way, so that the Members could discuss it on the floor and have the privilege of offering amendments, so therefore they have hit upon the plan to bring it in under the cover and protection of the well-known "gag" rule and jam it through this House in that fashion. We will have only the one vote on the proposition, I understand.

If the ex-service people could have the opportunity to take their compensation or pay in money—and in money is the way compensation or pay ought by rights to be proffered to anyone to whom compensation or pay is due—the matter could be settled expeditiously, and the cost of the cash-settlement plan would be much less than the cost of these insurance policies or any other plan. The cost of the cash-payment plan can be figured definitely while it is difficult to predict what the cost of administering these other plans will be before they are done with.

To include in the adjusted compensation bill a straight cash-payment option would not only be the quickest and the least expensive plan but it would be the most satisfactory proposition that could possibly be made to a vast number of the ex-service people for whose benefit this legislation is supposed to be intended.

And a satisfied feeling in the minds and hearts of our ex-service men and women would be the most valuable result that could come from the settlement of the adjusted compensation question. [Applause.] That is what I want to see more than anything else. They have seen that Congress has already passed favorably on the principle of it several times, and I want them to have a right to feel that the Government has made good on the proposition that has been talked about for so long. I want them to feel satisfied in their hearts. But to those who are in need now of a little financial aid I do not see where these insurance certificates, with no borrowing privileges under two years, and then with very limited borrowing privileges, are going to be much benefit. But if the Government says an ex-service man is due a certain amount of adjusted or additional pay, and if the Government would offer that man his compensation in money and he accepts it, then that transaction is finished, and the man could take his money and put it to whatever use as he sees fit. There would be no aftermath to that in the way of continuous overhead expense to run along year after year for a long period of time, and very likely finally run right along into a pension system.

I know that the argument has been advanced by some that if these ex-service people were paid their compensation in cash they would waste it, and so it would be better for them for Congress to tell them that they can not have cash, but can have an insurance policy instead, on the theory that they would waste the cash. Now, my friends, I think any man ought to be ashamed to offer that argument.

These ex-service men and women are all adult people, just like we are here. Surely they are capable of taking a small sum of money and handling it as would best serve their own interests. What right, I ask you, has any Member of Congress to take the position that he should set himself up as the self-appointed guardian of the ex-service people of the Nation? What right have we to say to these grown men and women that they can not have this compensation in money because they would not have sense enough to handle it if they did get it? I feel that such an argument is a downright insult to them, and I do not take any stock in it. They know what they need better than anyone else knows, and I think they ought to be given the opportunity to take their compensation in cash if they want it that way, so that they can use it to their best advantage as they see fit. They would use it for necessities of life, which they are now in need of in many cases, or it would be used for different kinds of permanent investments, according to the wishes of the individual man or woman, and in any event this money would find its way rapidly into the channels of business in this country and would help business conditions in every nook and corner of the country instead of upsetting the economic conditions of the country.

On March 5 I was given the opportunity to appear before the Ways and Means Committee to testify regarding the form of an adjusted compensation bill. At that time I stated to the committee that I thought the bill should contain a cash settlement provision and also contain the one other option of a paid-up insurance certificate. That would give a man the option of taking his compensation in cash if he needed it and wanted it that way; or if he preferred an insurance certificate, he could choose that option. But let the man make his own choice. My statement before the committee was, in part, as follows:

Mr. JEFFERS. Mr. Chairman and gentlemen of the Ways and Means Committee, as to the form of a bill to provide for adjusted compensation for ex-service men and women who served in the World War, we respectfully recommend and urge that the bill which will be reported out by your committee shall be a bill providing two options, to wit:

(a) Adjusted compensation in cash to all such ex-service men and women who desire cash;

(b) A paid-up insurance certificate, so that those who would prefer the terms of the paid-up insurance certificate to the cash may accept it instead of cash.

Settlement to be on the basis of \$1 a day for home service and \$1.25 per day for overseas service, limited to a maximum of \$500 for home service and \$625 for overseas service.

We are of the opinion that the uncertainties of the probable cost of all other plans and options that have been suggested and the possibility that the administration of the other options would run into endless bureau administration are good and sufficient reasons why no other options except the cash and paid-up insurance should be included in the bill which your committee will bring out.

We believe that a bill containing only the two options—(a) cash and (b) a paid-up insurance certificate—would certainly satisfy a greater per cent of the ex-service men and women, and such a bill would undoubtedly cost the Government much less money than other plans which would require long drawn-out and expensive administration.

In making my statement before the Ways and Means Committee I endeavored to make it perfectly clear that I was appearing there in a strictly nonpartisan way. In order that there may be no misunderstanding on that point, I beg to quote the following extract from my statement before the committee:

I want to make it very clear at the outset that we, as veterans of the war, are endeavoring to present our views to the Ways and Means Committee of the House of Representatives as positively and certainly a nonpartisan proposition. We are advising with the entire Ways and Means Committee and do not want to be misunderstood. I thought it was worth while to say that much, so as to have the record straight on that point.

Mr. CHINDELON. By whom were these five men designated?

Mr. JEFFERS. At a conference of the Democratic Members of the House, which was requested by the veterans of the World War on our side of the House, the object being merely to see if there was any unanimity, or what the idea really was about adjusted compensation becoming a law.

It was not a caucus and there was no caucus action, and we were designated to confer with the Ways and Means Committee. It is positively a nonpartisan proposition that we appear here before you.

The following extract from a story which appeared in the Washington Star of March 6, 1924, shows very clearly that it was not with partisan feeling that I appeared before the Ways and Means Committee regarding this legislation:

While the twofold proposition to allow either full cash payments or the insurance policies was advanced by the special committee of veterans named by the House Democratic conference, the plan is not binding on the Democrats as a whole, it was explained, and Representative JEFFERS, Alabama, chairman of the committee, asked that it not be considered as a partisan view.

The proposition received the support of several other spokesmen, including Representative MURPHY, Republican, of Ohio.

As to what the ex-service men and women would probably do with the money—and, personally, I think it is their own business what they would do with it—I beg to include in my remarks the following short extract from the speech made in the House on February 13, 1924, by Congressman EDGAR HOWARD, of Nebraska:

Seeking to know the truth regarding the manner in which the average ex-service man would desire to employ such adjusted compensation as might be paid to him by the Government, I joined with others in circulating among the ex-soldiers of my own Nebraskaland a simple question, reading as follows:

"In event that the Government should award you adjusted compensation, for what purpose would you probably expend the money?"

The plan adopted was to assemble the answers under general headings, showing the following synopsis of the views of the 1,000 men to whom the question was propounded:

As a payment on purchase of homes in cities and towns.....	280
For purchase of teams or additional farm machinery.....	274
For better care, better clothing, and more comforts for wife and children.....	73
For expense of a term in some business college.....	47
For expense of a trip to the battle fields of France.....	62
For expense of a contemplated marriage.....	18
To provide better accommodation for aged parents.....	12
To aid unfortunate and neglected soldiers of the late war.....	22
To aid a brother or sister to attend a teachers' normal school or State university.....	77
To aid in getting into some small business.....	32
To use for "any purpose I damn please".....	44
To help buy an automobile for pleasure or business.....	17
To buy new books for a law library.....	13
Number refusing to answer the question.....	47

Total..... 1,000

Now, much has been said about the possible embarrassment that the passage of a fair adjusted compensation measure would be to the Treasury of the United States. Let us look at that phase of the question.

We will begin with a statement made public a few days ago by the Treasury regarding the present status of the public debt. I have here an item which appeared in the Washington Star of March 3, 1924:

PUBLIC DEBT CUT NEARLY FIVE BILLIONS SINCE WAR.

The public debt has been cut more than \$4,800,000,000 in the four and a half years since the Great War indebtedness was at its peak, August 31, 1919.

Figures made public to-day by the Treasury show that at the opening of business Saturday the national debt was \$21,781,966,852. It has been reduced \$933,000,000 in the last year.

Further regarding that same point is the following item from the Washington Herald of March 4, 1924:

Mr. Mellon, Secretary of the Treasury, says the national debt has been reduced \$933,000,000 in the last year and \$4,800,000,000 in four and a half years. Your glorious country now owes \$21,781,966,852. It takes a big, prosperous country to owe as much as that. And while we ought to pay off rapidly, we could owe five times that amount, and more, too, and not be bankrupt.

Now they say that if the adjusted compensation measure included a full cash-settlement option it would be necessary for the Treasury Department to issue bonds to take care of it. Well, even so, that would be very much less expensive than the straight insurance-policy plan that is offered here. It is an absolute fallacy to say that this Government is in such financial condition that we must necessarily take a more expensive plan because we can string the cost of it out over a number of years rather than put the full cash-settlement option in the bill. The full cash option included in the bill would take more cash right at first; of course, that is very true; but in the long run it would cost from \$500,000,000 to \$750,000,000 less than this insurance plan. The twofold plan, (a) cash settlement and (b) a paid-up insurance certificate, letting the man take his choice, would, in my opinion, certainly satisfy a great majority of the ex-service men and women of the Nation; it would be the easiest plan to administer; it would involve the least overhead expense for its administration; it would be by far the least expensive plan in the long run to the taxpayers; and it would be the best plan for the business people of the country, because the money would find its way rapidly into the channels of legitimate business of every description.

While I was before the Ways and Means Committee on this matter the following question was asked me by Mr. YOUNG, of North Dakota, a member of the committee:

Mr. YOUNG. Do you think that Uncle Sam is so hard up he has to pay an extra sum in order to get an extension of time within which to pay it?

My answer was that I did not feel that Uncle Sam was that hard up. Mr. YOUNG's question indicated to me that he felt that there was nothing in the argument that the financial condition of the country is such that the United States could not easily afford to settle this obligation now in cash. It appears that Mr. YOUNG's attitude was so understood also by others besides myself, as a newspaper story the next morning contained the following comment:

Representative YOUNG, of North Dakota, also plainly indicated by his questioning of witnesses he leans to paying cash.

I quote as follows from the story in the Washington Herald of March 6, 1924:

(By Universal Service.)

A cash bonus, coupled with a paid-up insurance option, for soldiers of the World War loomed as a strong possibility when the House Ways and Means Committee concluded hearings last night.

The decision on the form of the bill to be reported out is expected to be reached to-day. There is no longer any doubt a majority of the committee favors some kind of adjusted compensation legislation.

DEMOCRATS A UNIT.

The 11 Democratic members of the committee probably will vote as a unit for the cash feature, it was declared by some of their leaders last night. In addition, Representative FRYAN, progressive Republican, of Wisconsin, is counted on to vote the same way. Representative YOUNG, Republican, of North Dakota, also plainly indicated by his questioning of witnesses he leans to paying cash.

But, after all, when the showdown came in the committee the proposition of including the full cash option in the bill was

defeated by just one vote. I am not divulging any committee secrets or any other secrets when I say that, because the story was freely carried in the newspapers that the full cash option in the bill was defeated by the vote of 13 to 12, and that the 12 who voted in favor of including the cash option in the bill were all the 11 Democrats on the committee, together with Mr. CROWTHER (Republican), of New York. If just one more man on the Ways and Means Committee had voted for the full cash option, we would have had it in the bill that is before us now; but it was defeated by just 1 vote when the showdown came in the committee.

Now, from all the estimates it appears that if a bond issue would be needed for the purpose of making cash payments of this adjusted compensation it would not take more than a bond issue of \$1,000,000,000 at the very outside.

We have just seen that the present national indebtedness is \$21,781,966,852. Could it be contended that it would hurt this Nation financially or seriously disrupt the economic or financial conditions in the United States to increase the public indebtedness only 4½ per cent in order to give to the ex-service people the option of taking their adjusted pay in cash? A few days ago I wrote to the Secretary of the Treasury and asked him about the present status of the authority which the Secretary of the Treasury has to issue bonds to meet any governmental expense without any special direction to him by Congress being necessary. On that question Mr. Mellon answered as follows:

From the inclosed pamphlet on Liberty loan legislation, page 11, you will note that the Treasury was authorized by the second Liberty bond act, as amended by the third and fourth Liberty bond acts and the victory Liberty loan act, to issue bonds for national security and defense and other public purposes authorized by law not exceeding in the aggregate \$20,000,000,000 at a rate not exceeding 4½ per cent. On December 31, 1923, there were outstanding \$13,462,000,000 of bonds issued under these acts, leaving a balance of about \$6,500,000,000 which may still be issued under their provisions.

So we can readily see that the Secretary of the Treasury already has the power and authority to issue the bonds if they are needed, and when we compare the \$1,000,000,000 worth of bonds that may be needed if we pay this compensation in money with the present national indebtedness of nearly \$22,000,000,000 we can see how small a figure that would cut in the national economic life and we can see that the cry which has been raised that it would be a wholesale raid on the Treasury of the United States and would ruin the country financially is nothing but a smoke screen behind which the interests that are fighting adjusted compensation would hide themselves.

And who are these interests that are putting up such a determined fight to kill off any legislation providing for adjusted compensation for American ex-service men and women?

I will show you conclusively here to-day that those interests that are known as and are referred to in the parlance of finance as "the Mellon interests" are not the least of the great interests that have interested themselves in trying to defeat this cause.

In the first place, when the great propaganda campaign was launched in favor of the so-called Mellon tax plan it was linked, in nearly every case where the giant interests connected themselves with the propaganda, with propaganda to beat the adjusted compensation measure. Every Member of Congress well remembers the flood of that two-ply propaganda that reached his desk.

They were not only interested in the passage of a tax reduction program but they said that they wanted Mr. Mellon's plan adopted, and at the same time, with amazing uniformity, they all asked for the defeat of what they termed the "soldier's bonus." Here is a fair illustration from the Harriman National Bank, which is located on Fifth Avenue in New York City:

HARRIMAN NATIONAL BANK,
New York, January 8, 1924.

HON. LAMAR JEFFERS,
United States House of Representatives,
Washington, D. C.

DEAR SIR: The Harriman National Bank, serving approximately 10,000 customers, believes that the continuation of business prosperity in the United States is dependent upon the reduction of taxes, and it further believes that this can not be accomplished with the enactment of a bonus bill.

The bank has already devoted a great deal of space through its advertising in the New York daily newspapers toward apprising the public of their real and close interest in the plan of the Secretary of the

Treasury for the reduction of taxes and the impossibility of such a reduction with the passage of a bonus bill.

In furtherance of its plan of campaign, the bank is desirous of ascertaining the attitude of the Congressmen upon the Mellon plan, and should therefore be pleased to learn your attitude toward the proposed legislation.

Very truly yours,

J. W. HARRIMAN, President.

You see that the Harriman National Bank, of New York City, says they have devoted a "great deal of space" in advertising in the New York daily newspapers in furthering their campaign for the Mellon tax plan and against what they call the "bonus," and everyone knows, of course, that a "great deal" of advertising space in the New York daily newspapers can not have been had by the Harriman National Bank without the expenditure on their part of a great deal of money.

Then let us look into the opposition to the adjusted compensation measure which has been offered by the Ex-Service Men's Anti-Bonus League and see if we can find the source of their great inspiration in this work.

Here we have a letter written by the national president of the Anti-Bonus League, Mr. Knowlton Durham, to Mr. James S. McCulloh, of New York City. Mr. McCulloh is vice president of the New York Telephone Co. To the wording of this letter I invite your careful attention.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. BYRNES of South Carolina. Mr. Chairman, I yield to the gentleman five minutes more.

The CHAIRMAN. The gentleman from Alabama is recognized for five minutes more.

Mr. SNELL. Mr. Chairman, does the gentleman think this bill will be satisfactory to the majority of the ex-service men?

Mr. JEFFERS. I am right in the midst of a letter, but I will answer my friend. I have just said that I am afraid this bill is going to prove a disappointing gold brick to the ex-service men and women of the Nation if it ever becomes a law in its present shape. I do not think it is a satisfactory bill as it is, but what can we do? I want to finish the reading of this letter that I started out to read from Mr. Durham to Mr. McCulloh, of New York. He says:

NATIONAL HEADQUARTERS
EX-SERVICE MEN'S ANTI-BONUS LEAGUE,
New York, November 23, 1923.

Mr. JAMES S. MCCULLOH,
58 East Fifty-Fifth Street, New York City.

DEAR MR. MCCULLOH: Secretary Mellon's tax-reduction plan has started the antibonus forces over the top. We are on our way. And we are going to win.

All that we need now to make victory sure is to carry through the reorganization plans we have so carefully prepared during the past year. Our membership drive for a million members started last Thursday and is going strong all over the country.

Senators and other prominent interests leading the fight against the bonus state that no greater support could be given them than the development of organized veteran opposition to such legislation. We are going to provide it.

Twenty-five experienced organizers are to be kept at work throughout the Nation forming units and State divisions of our league up to the very moment the issue is decided. Concurrently 20,000,000 copies of the inclosed pamphlet—our message of principle and facts—will be effectively distributed to voters. This work in itself, with its attendant publicity, will produce a profound impression on the public mind and Congress.

It will require approximately \$200,000 to carry out this program. A large part of it is needed immediately, and the only way we can raise it, Mr. McCulloh, is by appealing to public-spirited citizens, such as yourself. We therefore ask you to make immediate and substantial contribution to this fund.

We dislike to seem insistent, but if your help is to be effective it must be given now. Congress convenes one week from next Monday. May we hear from you by return mail? Every hour is precious.

Sincerely yours,

KNOWLTON DURHAM, National President.

Now, gentlemen, Mr. McCulloh sent his answer right back to Mr. Durham on the same sheet of paper. He wrote right across the face of the letter, in blue pencil, as follows:

I am with you and have given \$50 through the joint committee of the New York Chamber of Commerce and Merchants Association.

J. S. MCCULLOH.

Here is the original letter that I hold in my hand, and the copy that I have just read to you is a true copy of this original.

You see Mr. McCulloch made his contribution through a committee of the New York Chamber of Commerce and Merchants Association. They were raising this money.

You see in the opening of the letter to Mr. McCulloch it is stated that "Secretary Mellon's tax-reduction plan has started the antibonus forces over the top."

You recall that when Secretary Mellon put out his first statement regarding his tax plan he warned the public that if the American people wanted tax reduction they could have no "luxuries," and he singled out one thing as his horrible example to hold up before the eyes of the public, and that one thing was the soldier's adjusted compensation. He started the propaganda himself, and here we find the so-called antibonus league begging rich men for money on the strength of the fact that they say that the Mellon tax-reduction plan has "started the antibonus forces over the top."

It looks, gentlemen, like one of the objects of the launching of the so-called Mellon tax-reduction plan, just at the time when it was brought out, accompanied as it was with the statement of the Secretary that adjusted compensation for the ex-service people was the one particular luxury that the country could not have if it wanted tax reduction, was to kill off the adjusted compensation measure.

Then here follows a letter written by Mr. R. S. Buck, of the Brooklyn City Railroad Co.—called Major Buck—and a member of the Anti-Bonus League, to Mr. George S. Davison. Mr. Davison is at the head of the Gulf Refining, which everyone knows is a "Mellon interest."

THE BROOKLYN CITY RAILROAD CO.,
Brooklyn, N. Y., October 2, 1923.

MR. GEORGE S. DAVISON,
Frick Annex Building, Pittsburgh, Pa.

DEAR MR. DAVISON: This will introduce to you Mr. Edward L. Allen, executive director of the Ex-Service Men's Anti-Bonus League, and I earnestly hope that, with such counsel and assistance as you can secure for him, he may inaugurate a strong and effective branch of the league in Pittsburgh.

My conviction is that unless we can make the vast silent army of antibonus veterans vocal, and that quickly, the threatened bonus will be passed even over the President's veto. The plan Mr. Allen will present, I believe, is the only one on which we can pin any hope of blocking this.

Very sincerely yours,

(Signed) R. S. BUCK.

P. S.—If you deem it advisable, I would like you to introduce Mr. Allen to Mr. R. B. Mellon and get the personal views of the latter as an out-of-New York banker on this whole proposition of the antibonus fight, viewed through the light of information Mr. Allen will give.

We see that in this letter Major Buck introduces a representative of the league to Mr. Davison, of the Gulf Refining Co., and also to Mr. R. B. Mellon, the brother of the Secretary of the Treasury, who stepped into most of the corporation offices and directorships for his brother, Mr. Andrew W. Mellon, when the latter was made Secretary of the Treasury.

Then what follows? Evidently Mr. Davison got busy at once. Here is a letter from Mr. H. B. Rust, president of the Koppers Co., of Pittsburgh, to Mr. Knowlton Durham, of the Anti-Bonus League:

THE KOPPERS CO.,
Pittsburgh, Pa., November 17, 1923.

CAPT. KNOWLTON DURHAM,
President Ex-Service Men's Anti-Bonus League,
29 West Forty-fourth Street, New York, N. Y.

MY DEAR CAPTAIN DURHAM: Your letter of November 9 was found here on my return to Pittsburgh yesterday.

I heartily approve of what you are doing in this matter, and my first impulse was to send you my personal check; but I took the matter up in a quiet way and found that my friend, Mr. George Davison, was raising some funds for you and he wanted me to make my contribution through him. I saw Mr. Davison again last night and told him I felt time was the essence of this plan and that he should hurry his contributions to you. I am going to see him again on Monday and hope to make through him a substantial contribution to your cause, in which, as I have said above, I am most thoroughly in sympathy.

I think you are doing a great work for the country and for all the world. I agree with your position on the matter 100 per cent.

Very truly yours,

H. B. RUST.

Now, this Koppers Co. is another of the great Mellon interests. They are among those who would contribute money to a slush fund with the avowed purpose of trying to see to it that adjusted-service pay is never granted to the ex-service people

of our country. Mr. George Davison was busily engaged in raising that fund in November, 1923.

These great interests were not only giving money to defeat the cause of the soldiers who stood between them and destruction in 1918, but they were using absolute coercion upon their employees to make their employees write to Members of Congress telling them that they were opposed to adjusted compensation. Here is an extract from a letter that was written on the stationery of the Chicago By-Product Coke Co., Thirty-first Street and Kostner Avenue, Chicago. The letter was written by an employee, whose name I will not disclose for obvious reasons. This letter was received by John R. Quinn, national commander of the American Legion. Listen to this:

I am inclosing two form letters which this corporation is distributing to its employees in wholesale quantities. The fact that the anti-adjusted compensation faction has stooped to this is sufficient proof of the hole in which they find themselves. You will note that in the inclosed letter, in which instructions are given as to exactly what is to be written, the employees are "commanded" to tell their representatives in Congress certain things, and it will require no exhausted stretch of the imagination to visualize what would happen to the employee (and his family) who disregarded the command. I have personally seen scores of the letters which are the fruits of this campaign. They are collected and brought to the main office where stenographers are worked far into the night typewriting them.

I hope this will reach our legislative committee in Washington where they may be used to advantage. Inasmuch as I am dependent upon my salary from this corporation while supporting my wife and myself, and educating myself, you will readily understand that it will not be to my advantage to have my connection with this matter made public.

Respectfully,

Now, this Chicago By-Product Coke Co. is one of "the Mellon interests." It is a branch or subsidiary of the Koppers Co. of Pittsburgh, and Mr. H. B. Rust is president of both. Here we have the Mellon interests forcing their employees to write antiadjusted compensation letters, under fear of the loss of their jobs, and here we have them contributing to this slush fund with which to fight the adjusted compensation measure, and not only contributing to that fund but actually helping to raise it.

And I want to tell you gentlemen one more thing about the Koppers Co. Here they are giving money to help defeat the cause of our own ex-soldiers and using coercive methods to force American citizens in their employ to sign letters against adjusted compensation, when it is a matter of record that one of the profit-taking members of that company was Heinrich Koppers, one-time minister of munitions in the German Government, who was actually in Germany during the war. We have record of a man connected with that company, Mr. H. B. Rust, contributing money to help defeat this cause. Let me refer you to House of Representatives hearings on war expenditures—what was known as the Graham committee—volume 2, serial 6, page 1279:

Secretary BAKER. Yes. Well, my whole contact with the matter grew out of the representations in favor of the Roberts oven. I investigated it at that time to find out whether it was true that the Roberts oven was a perfected process and was being discriminated against, as Mr. Roberts thought, in favor of the Koppers oven—and the latter it was thought was really the property of alien enemies, as the Koppers Co. was originally a German company, and, as I now recall it, some profit-taking member of that company was actually in Germany during the war.

Mr. GRAHAM. Mr. Heinrich Koppers was minister of munitions in the German Government at one time, I believe. But that is not concerning us here.

Oh, of course, I know that in a letter to the Senator from Arkansas [Mr. CARAWAY] Secretary Andrew W. Mellon has disclaimed any knowledge of what these men connected with these "Mellon interests" were doing about this slush fund that was being raised, but he did not deny his interest in those business organizations.

But let us look now into a sworn statement prepared by Mr. Edward L. Allen, who was formerly executive director of this Anti-Bonus League, and see what that discloses as to whether Mr. Mellon knew anything at all about these matters or not.

In his affidavit, sworn to on February 21, 1924, Mr. Allen has to say, in part, as follows:

Shortly after said Batchelor—Bronson Batchelor—was employed he told me that he had secured an appointment to see Andrew W. Mellon through his intimate acquaintance with John T. Adams, chairman of the Republican National Committee. A few days later he ad-

vised me that he had gone to Washington and kept his appointment with Mr. Mellon. Where they met he did not say. At the same time he stated to me that Mr. Mellon had given his complete approval to certain plans—not explained to me—that he had submitted to Mr. Mellon.

• • • • •
 Maj. Richard S. Buck, a member of the executive committee of the league, and a consulting engineer for the Brooklyn Cities Railway, stated to me that he was intimately acquainted with Mr. George W. Davison, of Pittsburgh, Pa., who, Major Buck also stated, was very close to the Mellon interests of the same city.

Buck told me that Davison had talked to him while on a trip to New York, and that he would undertake to raise money for the league in Pittsburgh. On two different occasions Buck told me that he had talked to Davison on the telephone regarding the raising of money; the last phone conversation being held one Saturday afternoon immediately after Mr. Davison had been in conference with Mr. Andrew W. Mellon in Washington. Major Buck told me upon that occasion Mr. Davison told him that he had up to that time raised \$7,500 for the league, and that the balance of \$20,000 would be forthcoming shortly after his return to Pittsburgh. None of this was turned in to the league while I was in office.

• • • • •
 I am confident that not only is the man Batchelor being paid from this joint fund but that part of it was and is being used to promote and finance the operations of the recently formed national citizens' tax reduction committee, headed by Maj. Gen. John F. O'Ryan.

• • • • •
 I asked Mr. Allen what caused him to feel confident that some of this fund was being used to further the work of the National Citizens' Tax Reduction Committee, headed by Gen. John F. O'Ryan, which committee is an organization working in support of Mellon's tax-reduction proposals and which is not supposed to have anything to do with the effort to defeat the adjusted compensation legislation, and Mr. Allen stated that he was told by a member of the national board of the Anti-Bonus League that at a meeting of the board held in the board room of the Irving Bank-Columbia Trust Co., at its main office in the Woolworth Building, New York City, this same Mr. Bronson Batchelor, publicity man and propagandist for the Anti-Bonus League, made a verbal report, in which he stated that progress had been made in forming the National Citizens' Committee, whose function, he stated, was to work with the league along different lines in accomplishing the defeat of the bonus. It is said that Mr. Batchelor announced at this meeting that he had been successful in securing Major General O'Ryan to head the committee.

So we see the propaganda that was employed for a twofold purpose—to try to put the Mellon tax plan over the top and to defeat adjusted compensation.

We see what was behind the so-called Ex-Service Men's Anti-Bonus League. It all goes right back to that statement in this letter from Mr. Knowlton Durham to Mr. James S. McCulloh where he says, "Secretary Mellon's tax-reduction plan has started the antibonus forces over the top."

The propaganda campaign was un-American and some of the methods employed were unfair and unjust, and the result has been that people were soon disgusted with it and more people are in favor of adjusted compensation to-day than have ever been before. [Applause.]

Another thing which disgusted the people was the juggling of figures by the Treasury Department to make things look one way at one time and another way at another time. In other words, it has appeared that the Treasury Department has been able to give "made-to-order" estimates to suit the occasion.

When President Harding vetoed the adjusted compensation bill he stated, in his veto message of September 19, 1922, that there would be a deficit of more than \$650,000,000 for the fiscal year and a further deficit for the year succeeding, even after counting upon all interest collections on foreign indebtedness which our Government was likely to receive at that time. Of course, those figures for the President's veto message were prepared under Mr. Mellon's supervision as the head of the Treasury Department.

What happened? The fiscal year 1923 ended with a surplus of \$309,000,000.

The difference between that predicted deficit of \$650,000,000 and the actual surplus of \$309,000,000 amounts to a total of \$959,000,000—almost an even billion dollars wrong. That was the "billion-dollar error" that we have heard about.

Was it an error, or was it plain juggling of figures and estimates? The *World's Work* is a well-informed magazine and enjoys an enviable reputation for reliability. Let us see what the *World's Work* had to say as to that. I may say that this magazine is opposed to adjusted compensation, but it appears

that they do believe in facing plain facts. In the January, 1924, issue we find the following in their editorial comment on the subject:

His—President Harding's—campaign against the measure, however, has been based upon lack of money. The course of events made his plea a little ridiculous; instead of the enormous deficit which the Treasury Department had foretold, the Government ended the year more than \$300,000,000 to the good.

The editorial in the *World's Work* says further:

In view of the strange course of national finances a year ago, this conclusion (that we can not have both the tax reduction and adjusted compensation) does not necessarily follow. If the Treasury forecast was so many hundreds of millions wrong in 1922-23, is it impossible that it will be so in the year 1923-24?

So there we have the *World's Work*, on its responsibility in its editorial columns, asking embarrassing questions of the Treasury Department.

Commander John R. Quinn, of the American Legion, has officially called attention to the now famous "billion-dollar error."

Then, gentlemen, just one month ago to-day, in New York City, Congressman BENJAMIN L. FAIRCHILD, a Republican Member of this House, stated in a speech that Secretary Mellon had "misled" the late President Harding and that he was "now misleading President Coolidge." At that time Congressman FAIRCHILD, according to the press report, stated that Secretary Mellon had misled President Harding "as to the deficit of more than \$600,000,000, which prevented President Harding, perhaps more than any other feature, from signing the bonus bill." And, "as it turned out," he added, "they were \$300,000,000 ahead."

Furthermore, on that same day in New York City, Col. Thomas W. Miller, the present Alien Property Custodian, an official of this administration, just like Secretary Mellon is, stated, according to press report, that the Treasury Department had increased its estimates on the cost of adjusted compensation every time Congress asked them for estimates, because "it was felt necessary at the Treasury Department to use stronger and stronger arguments against the bonus each time it came up." Colonel Miller made flat charges of deliberate "juggling of figures" by the Treasury Department. Here is the article as it appeared in the *Washington Post* of February 18, 1924:

NEW YORK, February 17.—Charges by Thomas W. Miller, Alien Property Custodian, that a "high Treasury official" admitted that department estimates on the bonus were "juggled" to deceive, and by Representative BENJAMIN L. FAIRCHILD, Republican, of New York, that Secretary Mellon "misled" the late President Harding and "now is misleading President Coolidge," were made at bonus meetings under American Legion auspices to-day.

Mr. Miller did not name any official of the Treasury, but Representative FAIRCHILD specified that the head of the Treasury had—

"misled . . . as to the deficit of more than \$600,000,000, which prevented President Harding, perhaps more than any other feature, from signing the bonus bill."

"As it turned out," he added, "they were \$300,000,000 ahead."

Each time Congress asked for a revised estimate, Mr. Miller said, he was informed the Treasury increased previous estimates "because it was felt necessary at the Treasury Department to use stronger and stronger arguments against the bonus each time it came up."

When asked the next day if he had anything to say about the charges that he had made the day before, Colonel Miller stated that while he had nothing further to say at that time, that he would say that he would "stand right behind that," indicating the newspaper story that had appeared in the morning paper.

I believe Colonel Miller knew what he was talking about and that he was right when he said the Treasury Department was guilty of deliberate juggling of figures on the estimates at different times concerning the adjusted-compensation measure.

Since we have seen what Commander Quinn of the Legion, and the *World's Work* magazine, and Col. Thomas W. Miller, the Alien Property Custodian, have all had to say about the "billion-dollar error," let me show you what a young man down in my district has said about it in a letter to me:

I am writing to let you know that we ex-service men of your district are behind you in your fight for a just adjustment for those who served with the colors during the World War, and to call your attention to the fact that the same Mr. Mellon that asked President Harding to veto the "bonus bill" on the ground that at the end of the fiscal year 1923 there would be a deficit in the National Treasury of something like \$650,000,000, whereas in reality there was a surplus of \$313,000,000, is leaving out of all his figures of the present time some \$160,000,000 that is coming to the Treasury each year as interest pay-

ment on the loan to Great Britain, more than twice as much as the \$80,000,000—which is estimated would be the annual cost of the bonus. Mr. Mellon realizes that if this fact was common knowledge his slogan of "no tax reduction if we have a soldiers' bonus" would fall as flat as the head of a war profiteer or Le Boche. As I sum it up, Major, the fight is between the "great" interests and us ex-service folks. So "let's go," we are with you to a man.

Now, that boy has a pretty good view of the whole situation, and I may say that it appears to me that the "slogan" he mentions in his letter has already fallen pretty flat; whether it is "as flat as the head of a war profiteer" I do not know.

Other countries owe us more than \$10,000,000,000. They have paid adjusted compensation to their veterans of the World War. Surely we can do as much for ours as they have done for theirs. We are immeasurably better off than they are financially. After the war was over the Treasury Department loaned \$1,500,000,000 to foreign governments. They used it for what? Why, to pay adjusted compensation to their soldiers. Can we say that the United States is too poor to do for ours what they have done for theirs? England is paying us back now under the refunding agreement which has been reached with that country. In December last she handed over to us a \$92,000,000 installment. That was \$69,000,000 for interest and \$23,000,000 on the principal. Do we still have those who would talk about the unbearable strain that it would be on our Treasury if this great, rich country of ours should award adjusted compensation to our ex-service men and women?

As Will Rogers said in his speech entitled "It Is Worth a Bonus to Wear Hand-knit Sox"—

That old alibi about the country not being able to pay is all apple sauce. There is no debt in the world too big for this country to pay if they owe it. If you owed it to some foreign country, you would talk about honor and then pay it. Now, what do you want to beat your own kin out of anything for? You say, "Oh, it's not enough to do him any good, anyway." Well, if it's not enough to do him any good, it's not enough to do you any harm when you pay it.

The following extract from Will Rogers's famous speech will be interesting to you, too, if you have not read it:

We never looked on a soldier in his uniform but what we who didn't go felt he was worth 10 of us. He went—did more than we even expected him to; now why is he not just as much to us to-day? What has he done to lower himself in our estimation? He still looks like 10 to 1 to me, and the same to a lot of others, if they will be honest and tell the truth.

You promised them everything but the kitchen stove if they would go to war. Now, a lot of our wealthy men are saying, "Oh, I am willing to do anything for the disabled but nothing for the well." It wasn't these boys' fault they didn't get shot. (I don't see them doing anything for the sick.) When he went away you didn't tell him he had to come home on a stretcher before you would give him anything, did you?

We promised them everything, and all they got was \$1.25 a day and some knitted sweaters and sox. And after examining them, they wore the sox for sweaters and the sweaters for sox. They deserve a bonus just for trying to utilize what was sent to them.

They got a dollar and a quarter a day. Out of the millions of bullets fired by the Germans every day, statistics have proven that an average of 25 bullets were fired at each man each day. That figures out at the rate of 5 cents a bullet. Now, I am no agitator for an unfair wage, or trying to hold anyone up, but the boys in this bonus want the salary at least doubled. And I do not think that 10 cents a bullet is an exorbitant price.

At the price things are to-day, I believe that to offer yourself as a target at 10 cents a shot is not too much. Some days he worked 24 hours, but the pay was just the same. Those Germans would not observe the eight-hour law. Then they are not asking anything extra for gas bombs, air raids, and cooties. Those things they accepted gratis.

Now, the only way to arrive at the worth of anything is by comparison. Take shipbuilding, wooden ones, for instance. (That is the only way they ever were taken—for instance. They were never taken for use.) Statistics show that the men working on them got, at the lowest, \$12.50 per day, and, by an odd coincidence, statistics also show that each workman drove at the rate of 25 nails a day—the same number of nails as bullets stopped or evaded by each soldier per day. That makes 50 cents a nail.

Now, I am broad-minded enough to admit that there is a difference between the grade of these two employments. But I do not think that there is 45 cents per piece difference. I know that bullet stopping comes under the heading of unskilled labor, and that shipbuilding by us during the war was an art. But I do not think that there is that much difference between skilled and unskilled. That makes him ten times better than the unskilled, while I claim that he is only five times as good.

I may be wrong in my estimation of the two jobs. Kareful Kal Kooldge is against me on this. It is the first time he and I have disagreed on one of the big questions. He is new and I want to give him the benefit of the doubt. I realize that our opinions have been formed somewhat by our associations. He has been thrown, especially lately, with the wealthy, while I have, except on very rare occasions, been thrown with the common herd.

Now, as I say, while the soldiers got no overtime, the nail expert got time and a half for overtime, up to a certain time then double time and salary after that. Of course, he lost some time in the morning selecting which silk shirt he should nail in that day. And it was always a source of annoyance as to what car to go to work in.

Let us not overlook the fact that since the war our Government has paid to the railroads of the country more than \$1,500,000,000 as an adjustment of the war-time service of the railroads. Remember that that amounts to more than would be the total cost of cash settlement of adjusted compensation for our ex-service people. That compensation was paid to the railroads in money; it was not handed to them in any sort of script, or in an insurance policy. There was not any talk on the part of the Secretary of the Treasury, or anybody else, about any bond issue, or any other special method of raising revenue, being necessary to settle with the railroads. Mr. Mellon did not say anything about that being a luxury—that was called a square deal for the railroads.

War contractors have been paid over \$700,000,000 as adjusted compensation for their losses, in addition to profits amounting to billions of dollars. That was all paid to them in money; they were not required to accept insurance certificates for their adjusted compensation. There was no talk about hanging a special tax around the necks of the people of the country and telling the people that it was a tax to pay adjusted compensation to the war contractors or to the railroads. Mr. Mellon did not say anything about that being a luxury—that was called a square deal for the war contractors.

We well know that civilian employees have received adjusted compensation at the rate of \$20 per month, or \$240 per year. And this adjusted compensation is still being paid them every month. This has amounted to nearly \$300,000,000 and no objection has been made to this on the ground that it was unpatriotic for them to receive adjusted compensation. We do not begrudge it to them. We know they need it, and I am glad they are getting it. That is a square deal for the war workers, or civilian employees.

Secretary Mellon is right now asking for a deficiency appropriation from Congress to pay taxes refunded for the fiscal year ended June 30, 1923, amounting to the huge sum of \$123,592,820. That immense amount of tax money is to be refunded to big taxpayers because of alleged errors made in collecting those taxes. Some of these refunds run into the millions to certain taxpayers. That is a monstrous amount to be refunded. Yet Mr. Mellon calmly asks for the appropriation and does not say anything about it being a drain on the Treasury or anything about special or new taxes being needed to pay it; he does not bring up any of the pet things he always mentions when anyone says anything to him about adjusted compensation for the soldiers. I guess Mr. Mellon claims to be giving a square deal to these taxpayers to whom he is refunding this \$123,592,820.

If a square deal for the railroads of the country to the tune of more than a billion and a half; if a square deal for the war contractors to the tune of nearly a billion dollars; if a square deal for the civilian employees or war workers to the tune of \$300,000,000; if a square deal to certain taxpayers in refunds of \$123,592,820 for the fiscal year ended June 30, 1923; then why, I ask, in the name of common decency and justice, not some semblance of a square deal to the poor devils of American doughboy soldiers who sweat blood and slept in the mud for the homes and the wives and the mothers and children of America; for the preservation of the Stars and Stripes that we love so well; and to keep this beloved country of ours safe for the continued operations of the profiteers? Yes, to keep safe the great interests of the aluminum king of America, the great oil baron, Sir Andrew Mellon, who rolls in wealth and rides around in a big limousine and poses as this administration's first and foremost and most conspicuous conscientious objector to a very modest adjustment of the compensation of our ex-service people.

If anyone had told me five years ago that at this time I would be hearing the soldiers of our country referred to in terms that are now being used by some people in this country toward them, I would not have believed it possible. Letters have come in indicating that our ex-service people are unworthy now of our respect or our esteem or our affection. I

would not have believed that it would be possible for such references to have come from American citizens whose lives and whose property were actually saved by these very young men of America whom they are now discrediting. They defended the Nation and saved it. They performed honorable service and deserve better than to be so talked about now. I am reminded of these lines of Kipling:

I went into a public 'ouse to get a pint o' beer,
The publican 'e up and sez, "We serve no redecoats 'ere;
The girls behind the bar they laughed an' giggled fit to die,
I outs into the street again an' to myself sez I:

O, it's Tommy this an' Tommy that, an' "Tommy go away,"
But it's "Thank you, Mister Atkins," when the band begins to play,
The band begins to play, my boys, the band begins to play,
O, it's "Thank you, Mr. Atkins," when the band begins to play.

I went into a theater as sober as could be,
They gave a drunk civilian room but 'adn't none for me;
They sent me to the gallery, or round the music 'alls,
But when it comes to fightin', Lord! they shove me in the stalls.

For it's Tommy this and Tommy that, and "Chuck him out, the brat!"
But it's "savior of 'is country" when the guns begin to shoot;
An' it's Tommy this an' Tommy that, an' anything you please;
But Tommy ain't no bloomin' fool—you bet that Tommy sees.

You can just bet, too, my friends, that the American soldier sees the situation here in our own country since the war. As an illustration, let me read to you an extract from a letter from a young man who lives in Pennsylvania. I happen to know him quite well. He says in his letter here that he has just written to his Senator from Pennsylvania, and goes on to say:

I feel just as the little boy must feel who does not believe in Santa Claus—that it will not do any harm to write him anyway.

We have had a hard fight in this territory to maintain our strength in favor of adjusted compensation. We have been branded as profiteers, Treasury raiders, and penny patriots by all the newspapers, the chambers of commerce, and the president of every bank and corporation in the country. But, then, this is Mr. Mellon's home, and what Mr. Mellon does not control is controlled by men who are desirous of standing well in Mr. Mellon's opinion.

Do you know of anything that I can do to help pry our reactionary Senators and Representatives loose from their present moorings?

You can see that that young man has the situation sized up perfectly so far as the Pittsburgh situation is concerned. You can not fool them; they know.

The veteran knows you are just jockeying him now when you trot out this insurance policy and call it "adjusted compensation." He can very readily see that it is not compensation at all. He knows what it is. He knows that it is one of these "you-have-to-die-to-win" propositions. It is all very well for the fellow who is able to afford to carry the policy along for 20 years. But the man who really needs this adjusted compensation most is the fellow who is in urgent need of a little ready cash right now.

The man who is entitled to less than \$50 gets his pay in cash, while the man who is entitled to \$100, we will say, gets an insurance certificate. He can not borrow anything on it until he has kept it two years, and then he can borrow only about \$14. He had rather have the \$50 that is coming to the other fellow than to have the \$100 that is coming to him if he has to take it in a policy, and if anybody will give him \$50 for his policy, or even \$25, he will, in a great many instances, be needing a little cash so urgently that he would be willing to sell his policy to anybody who would give him \$25 or \$50 for it.

The veteran knows now, after all the juggling of figures by the Treasury Department and after he has seen all these other vast obligations paid without disrupting the financial status of this country, that it is all a fake when you tell him that you can not pay him his compensation in cash because our financial condition in the United States can not stand it. The World's Work magazine, itself opposed to adjusted compensation for reasons of its own, has been fair and square enough to come out editorially, as I have shown you, and knock the props out from under that absolutely groundless contention.

Let me read you from a letter just received a few days ago from an ex-service man right here in Washington, D. C.:

Hon. LAMAR JEFFERS,

House Office Building, Washington, D. C.

DEAR SIR: This morning's paper reported you as being in favor of a cash payment or paid-up insurance for the former service men. I have been heartily in favor of these two plans from the beginning and feel that between the two, that is, cash and insurance policy, they will satisfy 90 per cent of the former service men, whereas a straight-out insurance plan will only satisfy a very small percentage of the

soldiers. Thousands of the boys are in desperate need of cash, and giving these men a paid-up insurance policy on which they could not realize any cash now would be just like feeding nails to a starving man.

The result of this would be that the country would spend from \$2,000,000,000 to \$3,000,000,000 and would only benefit the former service men who do not actually need cash now.

The magazine, *Life*, in a campaign in opposition to adjusted compensation, even went so far as to publish a cartoon which indicated that it was the voices of that vast army of American heroes who sleep under endless rows of little white crosses, tenderly and warmly enfolded in the flowered bosom of mother earth, and the cartoon indicated that those voices were protesting against their buddies receiving any adjusted compensation. The cartoon attracted a good deal of attention at the time. It was entitled "Voices of our dead: 'Keep the dollar sign off our shield!'" The American Legion Weekly, of January 2, 1922, carried the following article about it, which I think is very fine, indeed:

A GOLD STAR MOTHER'S REBUKE.

Life, as a climax to a campaign in opposition to the adjusted compensation bill, published in a recent issue the cartoon bearing the caption "Voices of our dead: 'Keep the dollar sign off our shield!'" Ex-service men everywhere were disgusted by the drawing and the sentiment. Of all the protests inspired by the drawing, none is more forceful than that addressed to the editor of *Life* by Mrs. Edna M. Barcus, president of the Indiana department of the American Legion Auxiliary.

Mrs. Barcus's only son, Earl R. Barcus, of the Rainbow Division, was wounded during the fighting in Champagne and sent to a field hospital. The field hospital was bombed and he suffered an additional and more serious wound. He was then transferred to a base hospital at Chalons in which he was killed during another bombing raid.

Mrs. Barcus's letter to the editor of *Life* was as follows:

"I have looked with eyes aflame with indignation on the disgraceful and insulting cartoon you publish in your issue of April 13.

"It is your right to oppose the American Legion in its effort to obtain a small measure of justice for those who were gallant enough to go forth in the defense of our country at great financial sacrifice. I can bear in silence the libels and the calumnies you see fit to heap upon the heads of those who yesterday were on the fighting front, fighting for you and for me, standing between your home and mine and destruction, standing between your bank account and mine (since money seems to be to you so dear a treasure) and the German indemnity collector. They were heroes then, but 'footers of the Treasury' now. I can tolerate your cheap cry that these same men now seek to impose a 'price' upon their patriotism. I can tolerate these things because the objects of your derision are here to speak in their own behalf, if speech is necessary in answer to such charges, so unworthy and so untrue.

"But what I can not tolerate in silence is your desecration of our gallant dead, 'Keep the dollar sign off our shield!' These are the words which you in your impudence put in the mouths that have turned to dust; this is your rebuke of the dead to the living. Is there a 'dollar sign' on those white crosses by reason of the fact that our Government has provided for the dependents the men who repose under them left behind? Did the shipyard worker and the munition-plant employee, who earned more in 1 hour than a soldier did in 24, put a price on his patriotism or the dollar sign on his shield?

"Say what you will of the living. Their backs are broad and their arms are strong. They can bear it as they have borne graver trials in the days gone by. But this I say to you:

"Leave our dead, of whom my only son is one, alone!"

In conclusion, there is no doubt but that the ex-service people of the Nation are themselves in favor of adjusted compensation. All the organizations of ex-service people are heartily in favor of it—this includes the American Legion, the Disabled American Veterans of the World War, the Veterans of Foreign Wars, and other organizations. We are all aware of the fact that many individual ex-service people have expressed themselves to us on the subject.

I just want to read one or two extracts from letters from individuals. Here is one from out in Texas. He says:

As one of the thousands of ex-service men who reentered civilian life badly handicapped by the debts unavoidably incurred in making the necessary purchases and other expenses in reentering civilian life, I want to thank you for your efforts in behalf of the ex-service man.

Here is an extract from a letter from my own State, Alabama. This boy says:

Will you kindly do me the favor to use your influence in securing the passage of a soldier bonus bill? I was a buck private in the World War, serving 2 months in the States and 11 months overseas. I think

we bucks should have a bonus of some sort, especially as everybody else who wanted one from the Government seems to have gotten one, provided giving a bonus to us does not bankrupt the country and give the Secretary of the Treasury nervous prostration.

I thank you for whatever effort you may put forth in behalf of us bucks.

As a closing word, my colleagues, let me say that I am in favor of fair adjusted compensation for the ex-service people of our Nation as a matter of right, looking at it from the standpoint of merit, fairness, and justice. [Applause.]

The CHAIRMAN (Mr. GRAHAM of Illinois). The time of the gentleman has expired.

Mr. JEFFERS. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. BYRNES of South Carolina. Mr. Chairman, I yield five minutes to the gentleman from New Mexico [Mr. MORROW].

The CHAIRMAN. The gentleman from New Mexico is recognized for five minutes.

Mr. MORROW. Mr. Chairman, concerning the present bill for adjusted compensation to the soldiers of the World War, in which it is proposed in place of the cash to grant to the soldiers an insurance maturing in 20 years, and paying in cash all compensation that is less than \$50, I want to say that this paid-up insurance may be desired by some of the ex-service men who served their country during the World War, but in my opinion, and especially in my State where the boys need the money, it will not be satisfactory in a State where its citizens are in distress on account of the depressed agricultural and livestock conditions. This bonus to many of these boys means much; the insurance means some recognition for adjusted compensation, but they can not use that for a period of two years and nine months, and then those who are not inclined to save will borrow.

Both forms should be presented to the soldiers; the cash if desired, and if not the insurance feature. We should be fair, just, and true to those who so bravely defended the Government, and to whom we promised to pay the sum, not as an insurance, but a sum due them for services rendered. Let us be honest and faithful to a trust; the boys have been honest with us.

The adjusted service bill to be presented to-morrow will give cash compensation to the soldiers having claims under \$50, which they can secure payment of not before nine months after the passage of the act. It provides further that all others entitled shall receive paid-up insurance at \$1 per day of home service and \$1.25 each day overseas, deducting in each case the first period of 60 days' service. No credit of home service to exceed \$500 and overseas \$625, increased by 25 per cent of insurance that could be purchased at the birthday nearest the date of certificate. No loan application can be made for two years and nine months from the passage of the bill, if it was to become a law to-morrow, and it must show 20 years after January, 1925, before finally paid.

BONUS.

The ordinary American citizen in place of speaking of the bonus desires to say in plain English adjusted compensation, because it is not a gift; it is simply proper pay to the American soldier boy who gave his service to his Government in the hour of need during the World War.

It is so easy to pass up the services rendered the Government by these boys to this Nation and to the world and now say it was a public duty that each owed to the Nation; that it is unpatriotic and profiteering for them to come in now and ask for additional pay, while the slacker remained at home and received five times the wages the boys received, and while the profiteer fattened and made millions from the war by profiteering on the supplies and exploiting the necessities that were needed in the conduct of the war. It has so frequently been said that the boys were told that if they survived the war anything at the disposal of the Nation would be at their service; in other words, nothing that a grateful people could do for them within reasonable bounds would be withheld. Even political parties, both State and National, have promised the boys that the so-called adjusted compensation would be paid them not now, but shortly after the war.

Nearly every man in political life has made these boys this promise; from presidential candidates, Senators, Members of Congress, governors, on down the line in all political parties. Now let us make good.

It was so easy to promise and cause the boys to create a desire for this money, and it is so easy now to try to forget it, and put up all sorts of excuses and say it will bankrupt the Government if we pay it.

After the close of the war the Treasury of the United States found \$1,500,000,000 of Liberty loan money, which we readily loaned to foreign Governments so they could pay adjusted compensation to their soldiers. This sum paid to our soldier boys in cash would settle this debt that we justly owe.

Canada to the north found a way to settle with her soldiers, England, France, Australia, New Zealand, and other nations made settlement. How about this Nation that boasts about equal rights to all and special privileges to none? Are we carrying this doctrine into full force and effect in dealing with our soldier boys?

Statistics show that there are employed upon the Government pay roll 3,400,000 people out of a total population of 110,000,000. The average pay can not be less than \$1,000 each, and perhaps very much higher than this. Do we need three people as bookkeepers, Government employees, or Government servants so to speak, for every 100 of our population of the Nation, or 1 Government employee to every 11 working-men in the Nation?

Does it not appear that there is something radically wrong in the management and affairs of Government that needs that number of employees? Can this Government pay the adjusted compensation? Yes, most emphatically; separate 500,000 of these surplus, unnecessary, underpaid help from the Government pay rolls, increase the pay of the others employed at least 20 per cent, and still have money to expend upon the compensation due the soldier.

What class of citizen is complaining that there is no proper solution of the payment due the soldier of the World War? Is it the American farmer, who has profited less than anyone from the war and who furnished the food and to a large extent the soldier? Is it the laboring man, who always pays his part of the expenses of Government whether his name appears upon the tax roll of the county, State, or Nation; whose name though not appearing upon the rolls of income-tax payer, yet contributes his part toward the income tax in every way?

Now, who are complaining? It is principally the 22,000 millionaires of our country who do not want to yield over a penny by taxation toward the settlement of this proper, equitable, and just debt.

This Government did not shirk its responsibility to the veterans of the War of 1812, nor to the Mexican War, veterans of the Civil War, veterans of the Spanish-American War. Why should the exceedingly lavish, extravagant rich now be permitted to come in and say to this Congress "You must not favor the payment of this back pay due the soldier in cash, it will bankrupt the Nation"? Yet their funds can go untouched into undistributed stock dividends and tax-free securities.

The rich of this Nation have set up a golden calf and are worshiping it with all the selfishness that is possible. They are not compensating the soldier boy for what he has done to save humanity, although all this and much more has been promised from the press, pulpit, and political platforms.

We found the money necessary to send to Europe and every allied country found, either through us or by their own resources, money to pay their soldiers.

The position of saying that we can not pay this adjusted compensation in cash to our soldiers at this time is entirely wrong and from every viewpoint indefensible. Many of the wealthy of this Nation would bestow upon the soldier only the memory of the World War. Those who went to the front do not need this reminder; it was depicted upon their minds for all time and visited upon the bodies of many never to be erased.

Just recall the heatless days in the cold, wet, and miserable trenches. It has also been calculated that the boys on the front during the days of fighting had 25 bullets fired at them each day; they got \$1.25 per day for this, or an average of 5 cents per bullet, for exposing their bodies to the enemy, while the shipbuilder or mechanic at home received \$12.50 per day with a good home, food, comfort, and happy surroundings. Is this equality, justice, and equity, a motto made much of in this land of freedom?

England gave her soldiers in settlement of compensation \$140; France, \$233; Canada, \$600; Australia and New Zealand, \$409 each. So far our country has given \$60 additional. Twenty-six State legislatures have indorsed the cash-compensation measure by resolution, 33 governors have indorsed the same.

Can Congress now say, "There is no method that can be worked out to solve the problem for cash payment"? The chairman of the Ways and Means Committee stated that there would be a hundred million dollar surplus in the Treasury under the Republican tax measure just recently passed by the House, and upon that statement the House felt justified in returning to the income-tax payer \$332,000,000 income taxes for 1923. It is up to the backers behind the legislation just recently passed for raising revenue now to explain to the country and that they take charge of and pay this debt due our soldiers in cash.

Would it not be better to issue some more bonds and settle this debt in cash, pay the soldier just what the Nation has promised him, then provide proper, adequate, honest, and fair dealing with those who are disabled and need the Government's care and supervision when they can not provide for themselves, placing in charge of the Veterans' Bureau men of standing who have the care of the soldier at heart, whose conscience means protection against unjust and dishonest methods?

Adjusted compensation in cash to the veterans of the World War would pass both Houses of Congress and, if permitted, be put up to the President for his signature. The soldier who served in this war whether across seas or preparing to cross if needed, is entitled to this additional pay, and every right-thinking American who believes in the Constitution of this Government and in the principles of equal justice believes and sanctions this payment in cash to the boys who so valiantly defended humanity and protected the honor and integrity of this Nation when its honor was at stake.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MORROW. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the Record.

The CHAIRMAN. The gentleman from New Mexico asks unanimous consent to revise and extend his remarks in the Record. Is there objection?

There was no objection.

Mr. FRENCH. Mr. Chairman, I yield one minute to the gentleman from Illinois [Mr. REID].

The CHAIRMAN. The gentleman from Illinois is recognized for one minute.

Mr. REID of Illinois. Mr. Chairman, I did not know this morning that I was to have an opportunity to speak on this subject, so I received permission to extend my remarks in the Record, and my real speech will appear there to-morrow morning.

However, while the gentleman from Illinois [Mr. CHANDLER], a member of the Ways and Means Committee, was making his speech, I tried to ask him a question but could not, and I would like the other members of the Ways and Means Committee to make a statement in regard to the question I am now about to propound. Last year the press of the country said of the bonus bill:

That spineless piece of unsound legislation, the certificate of cashless bonus bill.

The gold-brick bonus bill.

The pawnbrokers' bill, designed not to help the soldiers but to save political lives.

The bill provides certificates which they may "hock" at the bank or the pawn shop or the private loan shark's office on the best terms they may.

Does any Congress imagine that a hard-up soldier, out of a job, can make a loan on better terms than the Government of the United States?

Why tolerate a cowardly enactment like that with which Mr. Fordney and his confederates tried to soothe the taxpayers and the veterans?

Now, as I understand it, this bill is not much better, and, as I said, I hope the members of the Ways and Means Committee, as they talk on this bill, will explain the proposition.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BYRNES of South Carolina. Mr. Chairman, I yield five minutes to the gentleman from Missouri [Mr. HAWES].

The CHAIRMAN. The gentleman from Missouri is recognized for five minutes.

Mr. HAWES. Mr. Chairman, the Sixty-sixth Congress gave to each veteran the sum of \$60, which at that period would just about buy a civilian outfit to replace the uniform.

The Sixty-seventh Congress presented a measure which was not intended to become operative, which would not have satisfied the veterans, but which would have disarranged the finances of our Government and made uncertain the responsibility of taxpayers.

The Sixty-eighth Congress again has before it the matter of adjusted compensation, and some measure will be passed, and

the probabilities are that it will pass both Houses by two-thirds majorities.

A cash compensation will be the cheapest for the taxpayer, the most satisfactory to the largest number of ex-service men and women, without creating a new bureau with thousands of new Government employees.

Thirteen members of the Ways and Means Committee will report to this House a plan of paid-up life insurance, with the opportunity of only 20 minutes' discussion on the part of any of the 435 Members in House who may be opposed to their plan.

Millions of letters and telegrams have been sent on this subject; hundreds of thousands of resolutions have been passed for and against a bonus. Every great newspaper, every great magazine, every great labor organization, every great business organization, every public man, every political party, every candidate for office has discussed this question for the last five years.

And yet the Representatives of the people, coming from 48 States, 435 in number, are by this gag rule to be permitted a total of 20 minutes time in disagreement with the plans of 13 men.

This is monstrous! It is autocracy gone mad! It deprives the Nation of the united judgment of its Representatives. It eliminates free speech and destroys the theory of democratic government.

It is a repetition of the performance by the Sixty-seventh Congress, except that the proposed plan is less elastic, the limitation of debate is greater, and the gag-rule method is more extreme.

I voted against the so-called bonus bill in the Sixty-seventh Congress for reasons which I gave at the time; I have introduced a cash compensation bill in this session and, if given an opportunity, will vote for a cash compensation, because it is the cheapest, best, and most satisfactory final settlement that could be made.

I can not subscribe to a program which provides that no amendments can be made; that no appeal from the judgment of 13 men can be taken; that no discussion can be had; and which, reduced to a final analysis, means do what 13 men tell you to do or do without. It is a "take it or leave it" program.

It is a proposition which has not been submitted to the Nation or to the ex-service men.

It is a defiance and a challenge which should be answered.

These 13 Members know that if debate and amendment is permitted the majority of this House will provide for a cash option, and knowing this, they deliberately deny the right of expression by the majority of the House.

The right of examination by the public, the right of examination by the ex-service men and women, the right of examination and discussion by the Members of this House is to be denied.

This bill is unsatisfactory.

First. It will disappoint and anger 90 per cent of the ex-service men and women.

Second. It will cost more than the cash plan.

Third. It will create another bureau, at enormous expense, with thousands of employees, and prepare the way for premature pensions which will add annually billions of dollars to the burden of taxpayers.

Fourth. It will not settle this question, but will merely open up a new controversy and start new discussions, which will arise with continued and greater vehemence.

Fifth. It will crowd banks and trust companies with loans, raise the rate of interest, and withdraw from investment capital badly needed for expansion, building, farming, and trading.

Sixth. It will start endless discussion and disputes about the rate of interest charged by various banking institutions and create discord, uncertainty, and trouble.

Seventh. It will throw the whole matter back into politics, to become a football to be tossed back and forth for partisan political purposes.

It is time we stopped "playing politics" with this serious subject. It should be settled right and settled now.

The very uncertainty created by an unsatisfactory settlement will in itself be expensive.

Most service men are now in the splendor of young manhood. If they desire compensation because of loss suffered during war service, they want this compensation in cash, so they may use it to pay debts, to get married, to buy something, to invest it in their own way according to their own judgment.

To offer a small paid-up life insurance policy bearing its full fruit after death is a gruesome thing. It is a gamble with

death. It means a coffin first and a settlement over a tombstone.

Veterans want to enjoy spending the money themselves. They want to spend and buy and enjoy now.

It may be a horse and buggy; it may be a "silver"; it may be a start in business; it may be a trip for pleasure; it may be a few acres of land; it may be stock in business; it may mean marriage; it may mean something for the old folks; it may mean clothes or books or tools or a present for the sweetheart, a radio set, or a coat of paint for the old house. It may be a wild "joy ride"; it may go to the church.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BYRNES of South Carolina. Mr. Chairman, I yield the gentleman three additional minutes.

The CHAIRMAN. The gentleman from Missouri is recognized for three additional minutes.

Mr. HAWES. But it is his or her business, not ours; it is their decision, not ours, that should control its disposition.

If we give anything, give it wholeheartedly, generously. Do not send a present with a skull and cross-bones on the wrapper.

Why not buy 4,500,000 coffins, with 4,500,000 cemetery lots, and 4,500,000 tombstones, and add so much more for hearses and flowers?

Why not issue a certificate which can hang in the home, which will say when John Smith dies the Nation's gratitude will be expressed by a fine funeral? Let John and his wife and children look at it every day and wonder whether smallpox, typhoid, or kidney trouble will finally pull the lever that opens the coffers of a grateful Nation.

When John Smith dies, Mrs. John Smith may buy a new dress, but John will not see it. Little Mary Smith may have a new doll, but John will not witness Mary's joy.

Why not do something for John Smith while he lives, while he can enjoy, while he can smile, while he can spend? Why wait until John Smith dies?

When a Legion post meets after the passage of this tombstone bill and each soldier lad carries his "pay-after-death" envelope and puts it on the table and then looks over his buddies and considers their state of health, he will wonder who will be first to cash on the Nation's gratitude.

Why make them gamble with death? Why not let them gamble with the vicissitudes of life while they are strong, in full manhood and vigor? Why not let them invest their own money in their own way?

The CHAIRMAN. The time of the gentleman has again expired.

Mr. BYRNES of South Carolina. Mr. Chairman, I yield three more minutes to the gentleman from Missouri.

The CHAIRMAN. The gentleman from Missouri is recognized for three additional minutes.

Mr. HAWES. Why make them gamble with death? Why not let them gamble with the vicissitudes of life while they are strong, in full manhood and vigor? Why not let them invest their own money in their own way?

Some will make it pay a thousand times. Some will waste it in a few weeks. That is the way of human nature. Let them take their chances while alive. Why force them to choose death as their paymaster? Let them spend their own money with a smile and see it grow, or see it go, in their own way. Let each man take his chance according to his own light, according to his own inclination, upon his own responsibility, and at his own cost.

Why should the Republican members of the Ways and Means Committee set up their judgment as better than the judgment of over 4,000,000 men and women?

Are these ex-service men to be treated as wards of the Nation, without ability to select what is best for them? Are they to be treated as feeble-minded weaklings who can not be trusted to know what they want?

Do not present coffins as presents to men between 20 and 40 years of age. Do not treat our soldiers as though they were half-wits who require nurses or guardians.

We have had enough of death, of high taxes, of worry and pain and sacrifice. If we pay, let our boys have some joy and pleasure out of it now, when life is sweet, when ambition burns and pulses leap to the tune of life.

Mr. BLANTON. Will the gentleman yield?

Mr. HAWES. Yes.

Mr. BLANTON. If we could get up the gentleman's bill and muster enough votes to stop this bill to-morrow and pass the gentleman's bill, we would not be handing these men a gold brick. I am in favor of the gentleman's bill.

Mr. HAWES. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the Record.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to revise and extend his remarks in the Record. Is there objection?

There was no objection.

Mr. SEARS of Florida. Will the gentleman yield?

The CHAIRMAN. The time of the gentleman has again expired.

Mr. FRENCH. Mr. Chairman, I yield 15 minutes to the gentleman from New York [Mr. SNYDER].

The CHAIRMAN. The gentleman from New York is recognized for 15 minutes.

Mr. SNYDER. Mr. Chairman and gentlemen, I arise this afternoon for the purpose of giving the membership of this House and the country the benefit of some information which has come to me during the past three weeks with regard to the increased cost of the operation of the Veterans' Bureau.

Recently at a conference with the steering committee of the Republican side and other Members of the House I was asked to estimate, to the best of my ability, the appropriations which would be asked for in this session by the committees over which I then had the honor to preside.

Temporarily, for the last three weeks, as most of you know, I have been acting as chairman of the Committee on World War Veterans' Legislation. This committee was established in this House for the purpose of finding out, if possible, what the difficulties were with the veterans here, particularly those which could be rectified by legislation.

It has before it several bills proposed for the purpose of rectifying these errors and modifying and broadening the activities of the bureau.

For about five weeks now we have been studying the provisions of the so-called Johnson bill and the consensus of all these bills. Mr. ROYAL C. JOHNSON, of South Dakota, is chairman of this committee, but is now absent.

We have had before us the officials of the various veterans' organizations. We have had before us the director of the bureau and some of the experts connected with different divisions of the Veterans' Bureau service. We have had also technical medical experts before us, and their testimony will make a large volume—and we have only about begun.

But what I am more particularly interested in, and what you will be more particularly interested in, is this: Perhaps two weeks ago I discovered of my own knowledge that proposals which were being made were going to add tremendously to the cost of operating the bureau and to the expense that would accrue by the proposals in the payment of compensation, dependency pay, and so forth.

And so I requested the director of the Veterans' Bureau to follow the testimony daily, and to compute as nearly as he could what each of these proposals would cost the Government in addition to the present cost of operating the bureau.

These figures become very apropos at this time, due to the fact that I have read within a day or two a statement from the distinguished gentleman from Illinois, the chairman of the Appropriations Committee, in which he is reported to have said that the reduction in the cost of operating the Veterans' Bureau for the future would be sufficient to compensate for the annual expense of paying the proposed soldiers' bonus—about \$100,000,000 per annum.

And since my understanding is that the Legion was originally organized for the purpose of seeing to it that the sick, disabled, and wounded and their dependents in this country should have every care to which they were entitled and that the country could afford to give them, it seems to me that the figures I am about to put into the Record will demonstrate that unless we are to do away with the thought of all tax reduction, and unless we are willing to forget for the time being that we have a surplus in the Treasury, it will certainly be very disappointing to the public if we pass through this House to-morrow, or any other time, a bonus bill for able-bodied soldiers in the face of the necessities that it is claimed by the bureau and the officials of the various veterans' societies in the country should be first taken care of.

It has been stated on the floor by several distinguished gentlemen that the proposed bonus bill is not satisfactory to the Legion men themselves.

It has been stated, and you will find this statement on page 4180 of the CONGRESSIONAL RECORD of March 14th, that the veterans of this country would not be satisfied with this bill, and would keep on coming back until they did get what they desired.

I refer to questions and answers between Mr. HUDSPETH and Mr. BROWNING:

Mr. HUDSPETH. Mr. Chairman, will the gentleman yield?

Mr. BROWNING. Yes.

Mr. HUDSPETH. The gentleman is a member of the American Legion, is he not?

Mr. BROWNING. Yes, sir.

Mr. HUDSPETH. Are they fooling the ex-service men by making them believe that they are giving them a real bonus? The American Legion boys do not believe that they are going to give them a real bonus.

Mr. BROWNING. I do not think so.

Mr. HUDSPETH. After the next election the Democratic Party will give the ex-service men a real bonus.

This statement was met with applause.

Mr. BROWNING. I will say to the gentleman that if the Congress expects to get rid of this question, since the men feel that they are entitled to a real adjustment, it had better realize now that 90 per cent of the men want cash and are entitled to it, and they will not let us rest until we give them the right kind of an adjustment.

Now, gentlemen, I take it that that statement means that if we pass this bonus bill and it becomes a law, it will be considered by the able-bodied veterans an acknowledgment of the obligation of the Government, and a part payment on account, and that they will be back here next year, or the year following, for what they believe they are still entitled to—and the statement by these two distinguished gentlemen seems to me to be an invitation for them to do it.

What I am attempting to demonstrate here this afternoon is, that if it is going to cost in addition to the present cost of \$500,000,000, \$131,959,000 more, plus back payments, because of the retroactive provisions, also proposed, amounting to \$112,400,000, making a total of \$244,359,000 the first year, which figures I am going to put in the RECORD this afternoon show will be necessary to operate the Veterans' Bureau in the future in the way the veterans themselves, and the director to some extent, and the Legion chiefs demand, there will not be sufficient money in the surplus of the Treasury to pay the bonus and the actual necessities of these disabled and sick and wounded veterans and their dependents. And my first desire and wish is—and I believe I am expressing the opinion of 95 per cent of the people in this country—that first we should take care of all the justifiable requirements of the disabled veterans before any money is paid out to the able-bodied, if ever.

Of course, my own personal opinion on the bonus is so well known that it is unnecessary for me to make any statement with regard to that at this time. I would like, however, to make reference to a paragraph in a letter which I received this morning from a veteran high in the councils of the Veterans of Foreign Wars, in which he states:

While our post has deemed it advisable not to take any action on the proposed bonus, the consensus of opinion, as I find by sounding out the individual members, is against any form of "paid patriotism." We signed no contract with the Government for adjusted compensation when we entered the service and feel that we have no just claim upon the Government, unless we have suffered disability from services rendered, such as would incapacitate us from earning a living in civil life.

This man has practically stated my attitude on the bonus question as of to-day, and as of heretofore.

In giving you these figures covering the proposals I have referred to before, I want to say that no one can guarantee the authenticity of the figures—but the estimates have been made based upon a five-years' experience, and are the best we can get at this time, and can be considered reasonably correct.

In response to my request for estimates of the cost of these proposals, the director has advised me that as yet he has not been able to give me a formal official reply. However, he has been good enough to put at my disposal the data in the bureau from which he will have to form his estimates, from which data I am myself able to state as follows:

Repeal of section 310 describes the means by which he arrives at the result that this action will mean an additional cost of approximately \$40,238,000.

Increase in the amounts of death compensation—an annual increase of \$5,554,000.

3. Increasing the presumptive period of neuropathic and tubercular cases to five years, and including under the presumptive clauses organic diseases and constitutional psychoneurosis, would increase the annual cost \$18,720,000.

If retroactive and the time limits are removed, there will be an additional cost of \$71,000,000.

4. Neuropathic cases under this proposal would increase the cost annually \$10,800,000. And it is proposed to make all these claims retroactive, which would increase the cost \$41,400,000 over the annual increase.

5. Including the organic diseases in the presumption, which it is proposed to include, might cause a cost increase of approximately \$6,435,000 annually.

6. Figuring the increased cost on account of insurance for three preceding classes of cases, would increase the expenditures by approximately \$6,278,000 annually.

7. Repeal section 309. Repeal of this time limit would increase the annual expenditures by approximately \$5,000,000.

8. Removing the prohibition of misconduct cases would cost an increase of approximately \$2,500,000.

9. The proposal to extend the time for the filing of applications for training of those beneficiaries in hospitals would require an increase in the current appropriations of \$4,368,000; and an increase of \$13,104,000 would be required to complete the cost of training thus provided for.

10. The extension of training into employment as it is proposed would cost approximately \$9,600,000 to train the present run, without figuring on any future run.

11. The proposal for home treatment with dependency allowance of \$75 per month would increase the cost annually by \$675,000.

12. The proposal to pay on the basis of permanent total disability all persons hospitalized for 12 months would cost approximately \$800,000 annually.

13. To allow compensation as proposed for the hospitalization of those disabled less than 10 per cent would entail a yearly increase of \$378,000.

14. The proposal for family allowances in permanent and total cases in the same amount as to trainees would increase the annual expenditure by \$1,738,000.

The expense of the burial privileges as proposed by the Johnson bill would ultimately cost the Government, if availed of by everybody entitled to the benefit, \$969,000,000.

The proposal of the director, extending the benefit to all burials without regard to exigency, at the increase he recommends of \$50 over the \$100 now allowed for burials, would cost \$240,000 a year.

The general hospitalization proposal as recommended by the director would probably cost approximately \$8,000,000.

The last two proposals referring particularly to the general hospitalization and burials are included in the director's proposal to the board; the others are all proposed by the Johnson bill and suggestions that have come to the committee from the different veteran societies.

Mr. BULWINKLE. Will the gentleman yield?

Mr. SNYDER. Yes.

Mr. BULWINKLE. Are these the figures which have been furnished to the gentleman by the Director of the Veterans' Bureau?

Mr. SNYDER. To some extent; yes.

Mr. BULWINKLE. Do they represent the maximum amount?

Mr. SNYDER. Well, it is impossible to get a maximum. We are just as liable to go wrong on the long side as we are on the short side. But I can give in detail what some of them are, if the gentleman desires, although I did not have time to get all of the figures ready for my speech.

Mr. BULWINKLE. Is the gentleman prepared to state whether he favors any of the propositions made by the three organizations?

Mr. SNYDER. I am not prepared to say which of these proposals I will support, but if I were and if I wanted to put into these figures the amounts which are proposed, I could add a billion dollars to them.

Mr. RANKIN. Will the gentleman yield?

Mr. SNYDER. Yes.

Mr. RANKIN. The gentleman says he is prepared to give us those figures, although he has not written them.

Mr. SNYDER. I have some of them in my mind.

Mr. RANKIN. If it will not take too much of the gentleman's time I would like to have them.

Mr. SNYDER. If the gentleman will ask me for the figures he desires I will try to give them to him.

Mr. RANKIN. For instance, the gentleman says that according to information received from the Director of the Veterans' Bureau it will be necessary to increase the appropriations for that institution \$131,000,000 next year—is that correct?

Mr. SNYDER. That is correct, plus \$112,000,000 which it would have to pay by reason of the retroactive features of the bill.

Mr. RANKIN. That would be \$243,000,000?

Mr. SNYDER. Yes.

Mr. RANKIN. By adding that to the \$467,000,000 which it is now costing it would make the Veterans' Bureau cost around \$700,000,000 for the coming year?

Mr. SNYDER. The gentleman is quite correct.

Mr. RANKIN. Does not the gentleman think that a great deal of that money is being used in a rather extravagant manner in administration?

Mr. SNYDER. I certainly do.

Mr. RANKIN. And that a good deal of that expense can be cut out?

Mr. SNYDER. But nothing that would be comparable with the amount that is proposed in these bills; under the head of administration you might cut off a few million dollars, \$6,000,000, \$8,000,000, or \$10,000,000.

But one item alone, the extending of the period of time to five years in which to connect the disability with the service, will take in of tuberculosis cases alone 26,000 men and of neuropsychosis cases 18,000 more men, and the payment of the compensation to the 26,000 annually would be \$40,000,000 a year, and the net amount for retroactive pay would be \$71,000,000.

Mr. RANKIN. For the entire 43,000 it would be \$71,000,000?

Mr. SNYDER. It would be \$40,000,000 annually, and \$71,000,000 the first year.

Mr. RANKIN. Would that be money going to these men or would that include the extra cost of administration?

Mr. SNYDER. That includes the money that goes to the men. I have an item of something like \$8,000,000 that would be the extra cost of administration.

Mr. RANKIN. I do not want to take up too much of the gentleman's time—

Mr. SNYDER. I have about two minutes more of my speech.

Mr. RANKIN. Then I will not bother the gentleman further at this time.

Mr. SNYDER. If I have time then I will gladly yield. In closing, in order to restate my attitude on bonus legislation, I am now reading into the Record the last paragraph of a speech which I made on the bonus question on March 23, 1922, in this House:

I am absolutely opposed to subterfuge or camouflage in legislation of every form; and I am convinced that there is not one out of ten of the men in this House who are to vote for this measure who believe that it will ever become a law in the form that it now appears. If we owe the able-bodied veteran additional compensation, there is just one thing to do, and that is to create whatever burden is necessary to be paid into the Treasury, by some reasonable form of taxation, and to pay off that obligation to the veterans of the World War in actual money worth 100 cents on the dollar, that will be current for his expenditures on the day that he receives it. This bill does not pretend to do anything of the sort, and therefore for this and other reasons which time does not permit me to state, I am unalterably opposed to it.

Gentlemen, I made that statement two years ago. I see nothing in this bill which causes me to change my mind on the subject.

If any of the gentlemen have questions to ask me, I will be glad to try to answer them.

Mr. RANKIN. In that connection, did not the Director of the Veterans' Bureau state that men were being rehabilitated and turned loose now at the rate of about 25,000 a year, or possibly more? I have not the exact figures.

Mr. SNYDER. That is quite true. It was something like that.

Mr. RANKIN. That fact alone would offset the 26,000 extra tubercular patients that the new law would take care of, would it not?

Mr. SNYDER. Not by any means.

Mr. RANKIN. You do not think so?

Mr. SNYDER. Not in my judgment, no; because the gentleman is overlooking a provision in the bill which proposes to take all trainees and keep them in the employ of the Government until such time as they are mutually employed between themselves and their employer.

Mr. BLANTON. Will the gentleman yield?

Mr. SNYDER. I will be pleased to.

Mr. BLANTON. Within the last three days I have heard Member after Member get up here and, to use a slang phrase, "cuss out" the bill we are going to pass to-morrow under a suspension.

Mr. SNYDER. The gentleman is one of them himself.

Mr. BLANTON. Yes; I have not found anybody who is in favor of it.

Mr. SNYDER. No.

Mr. BLANTON. If that is the case and if we men want to pass a real, bona fide bonus bill for the ex-service men, why do we sit here like children and let them push this bill through?

Mr. SNYDER. As I told some gentlemen here the other day, we have this procedure where 150 or 100 men can bring in a rule, why do they not use that.

Mr. BLANTON. That is what I would like to see put in operation.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BYRNES of South Carolina. I yield to the gentleman from Mississippi [Mr. COLLINS].

Mr. COLLINS. Mr. Chairman, the national defense act of 1916, section 124, recognizes the necessity of establishing at some point in this country a place where nitrates can be best made or produced. This statute provides, among other things, for the construction, maintenance, and operation of a site, the construction of dams, locks, power houses, and other plants and equipment where nitrates can be made in the best and cheapest manner, and convenient for the generation of electrical or other power for the production of nitrates needed for the munitions of war and useful in the manufacture of fertilizers. The President of the United States is authorized and empowered to make such investigation as is necessary to determine the site upon any navigable or nonnavigable river where such nitrates can be manufactured best and cheapest. In other words, three things are contemplated: First, the production of nitrates for use in time of war; second, the production of nitrates for use as fertilizers in time of peace; and third, an additional aid to navigation.

The President of the United States, or those authorized to act for him, selected as the most available site for the construction of such an enterprise that part of the Tennessee River familiarly known as Muscle Shoals, and work was immediately begun in the usual war-time methods. Nearly \$100,000,000 has been spent, or was spent during the war and up to April, 1921, in building the Wilson Dam, in constructing two immense nitrate plants, in constructing an auxiliary steam plant, in the acquisition of Waco Quarry, and the doing of many other things necessary to carry into effect the purposes of the law. This outlay does not represent the worth of the property. In spite of the \$100,000,000 dollars spent, the entire work is now appraised at less than \$16,000,000.

With the ending of the war the work was not finished, and during the past four or five years but little has been done toward completing it. In fact, all work was stopped in April of 1921 because of the refusal of Congress to appropriate additional funds for the completion of the Wilson Dam or for the completion of any other part of the work. The reasons for this are apparent. Public officials generally were against the Government operation of such a plant. They believed that it was wrong in principle for this Nation to engage in the manufacture and sale of commercial fertilizer in competition with private concerns already active in such a business. They wanted private individuals to do this. So a campaign was carried on for a long time by the War Department for the Government through the public press and by other methods, having for its object the leasing of this great Government enterprise to private individuals or a corporation, with the understanding that the lessee should carry out the original purposes of the legislation. No offers were made, however, notwithstanding this strenuous and far-reaching advertising for bids. The Alabama Power Co. and those other concerns that are now protesting so vigorously against the offer of Ford were besought for offers, but none were made. They wanted the Government to abandon the enterprise entirely, and, indeed, the whole Muscle Shoals project appeared to be a dead one.

The original enemies of the enterprise were encouraged as the scrap heap seemed to be its ultimate end. Friends of the enterprise seemed to have deserted it, and predictions were made that it would go as had other war-time enterprises, lost and unheeded. The Alabama Power Co. and its allies were laying back all this time, looking for what seemed to be the inevitable, whetting their knives to carve up the carcass. And no set of men were ever more disconcerted than were these same interests when Ford came forward in July, 1921, with his famous offer to lease the whole thing and to carry out all the terms proposed in the original legislation.

THE FORD OFFER FAIR TO THE GOVERNMENT.

The more the Ford offer is studied the fairer seem its many provisions. He agrees and binds himself to manufacture for 100 years, either as unmixed nitrates or nitrates mixed with other plant foods according to demand, and with a minimum

annual production of at least 40,000 tons of fixed nitrogen. This is a sufficient quantity of nitrogen to make 250,000 tons of fixed nitrogen. This is a sufficient quantity of nitrogen to make 250,000 tons of Chilean nitrate or 2,000,000 tons of 2-3-2 mixed fertilizer. And he agrees that his profits shall not exceed 8 per cent of the fair, actual, annual cost of production thereof. And this agreement is so hedged about that it will be impossible for him to make more than 8 per cent on the operation of this plant. This one provision of the bill will cut the cost of commercial fertilizer in two and will save the farmers of the United States during the 100-year lease period the sum of between \$2,000,000,000 and \$5,000,000,000. And let it be understood here and now that the Ford offer is the only one that has been submitted that undertakes the manufacture of commercial fertilizer.

SOIL FERTILITY.

Few questions more vitally affect the welfare of the people of the country than increased soil fertility, and this can be brought about only by balanced fertilization.

We do not secure from our soil the maximum production. More cotton, corn, and farm products must be taken from each acre of the soil in order that the farmer may furnish the amount expected from him for general consumption. In order to increase this acreage yield, proper fertilizers must be utilized. Balanced fertilizers of necessity contain fixed nitrogen, which is introduced in the form of ammoniacal compounds, sodium nitrate, or organic wastes. What they signify in the production of food is revealed by the following statistics:

Fertilizer used per cultivated acre and average yield in bushels per acre, 1905-1913.

Country.	Pounds.	Wheat.	Rye.	Oats.	Potatoes.
United States.....	37	14.6	18.0	29.5	96.0
France.....	111	20.2	16.9	30.6	130.7
Germany.....	207	30.9	27.4	53.6	204.8
Great Britain and Ireland.....	244	33.4	29.1	43.5	211.7
Belgium.....	495	37.0	34.7	71.5	306.0

Prior to the intensive use of artificial fertilizers in Europe the productivity of the soils was similar to our own. The increase in food supply without additional labor and at costs wholly incommensurate with the gains has grown in direct proportion to the amount of fertilizer employed. Recent issues of "Semaine," *Economiste Française*, explains this stimulation of agriculture as follows:

In 1880, before the use of artificial fertilizers had become general, the average yield of wheat per hect, both in France and Germany was calculated to be about 11 quintals, but by 1913 the increased use of fertilizers had given an average of 13 quintals per hect. in France and 20 quintals in Germany. In Denmark, whose soil is poorer and climate less clement than that of France, a scientific use of fertilizer resulted in a yield of 32 to 33 quintals per hect. Specialists estimate that French farmers, by an increased use of machinery and chemical fertilizers, could, according to variations of the seasons, extract from average corn land from 20 to 25 and from the richer land from 25 to 30 quintals per hect. [A French quintal is 220 pounds. Hct. is an abbreviation for hectare and is 2.47 acres.]

CHILEAN NITRATE TRUST.

The principal source of nitrate is Chile, South America. Before the war about two and a half million tons of nitrate was sold annually by nitrate producers in Chile. The depression in Europe has cut down materially her market there. Potentially the United States is a market that these producers hope will make up for the loss of previous outlets in central Europe. At the present time nitrates imported into the United States are used by our cotton planters; they are also employed by sugar raisers and other farmers.

All of these Chilean nitrate producers, with a very few exceptions, are in a hidebound trust and are injuriously taking toll from every farmer by well-known trust methods. Previous to the year 1919 the nitrate producers in Chile were united in a cooperative advertising association. In January of that year this organization was changed into the Chilean Nitrate Producers' Association, which is a producing and selling trust controlling more than 95 per cent of the total production of Chilean nitrate of soda. The trust was formed only with the active assistance of the Chilean Government, and many producers were only induced to enter the combination by the threat that discriminating export duties would be imposed on the output of independents and that police protection would be withdrawn from their plants. The German firms held out until late in 1920 and only joined after the Chilean Government had tried to exert diplomatic pressure in Berlin and after they had been

paid a large sum in compensation for their existing contracts. This sum was made up by a pro rata assessment upon their producers and, of course, eventually was recouped from American and other consumers of nitrate of soda.

The first work of the Chilean Nitrate Producers' Association was to run up the price of nitrate to 18 shillings per hundred pounds, which is about twice a fair price. It was found that there was no market for nitrate at this price and, to protect the speculators who had bought, the industry was practically shut down for a year, throwing thousands of laborers out of employment and causing indescribable suffering.

Because of the American antitrust laws the three American plants in Chile were excused from joining the association, but they do not come into competition, as they belong to the Du Ponts and to W. R. Grace & Co., and do not produce enough for their requirements, so that both of these firms buy nitrate in addition to what they produce.

Before the beginning of the nitrate year, on each July 1, each plant is assigned its production quota. Plants which for any reason can not operate may sell their quotas to others, and for the present season many of them have done so. They get 1 shilling per quintal—100 pounds—or about \$4.48 per ton, merely for letting another plant work, at the same time saving their nitrate ores. The larger and better plants pay this amount for the mere privilege of working at capacity, and, of course, this unnecessary expenditure also comes out of the consumer in the United States and other countries.

With the exception of one new firm of fair size and two or three so small as to be almost insignificant, the Nitrate Producers' Association is the only seller of nitrate in Chile. It is highly probable that if there were no trust nitrate of soda would be much cheaper to the consumer, and nothing is more certain than with the least sign of reviving world demand "all the traffic will bear" will be the line of action.

The Chilean Government imposes an export tax on nitrate of soda amounting to 55 cents per hundred pounds, or \$12.32 per long ton, and in recent years American farmers and other consumers of nitrate have paid annually millions of dollars in taxes to the Chilean Government. Surely this is enough, without having that Government support and defend an iniquitous trust for the purpose of further increasing the price. This trust agreement expired in January, 1924, but the Chilean Government and the owners of these plants—mostly British—have renewed it, so I am advised.

We must aim at a much more extended use of fertilizers in agriculture by a campaign of educative propaganda. Much has already been done in this direction, but anybody possessing a wide experience of agricultural conditions knows that the use of fertilizers is not anything like as extensive as it should be.

NITRATES FOR WAR PURPOSES.

The Ford offer likewise provides that should the Government require the use of this plant, or others which shall be constructed at Muscle Shoals, for the production of materials necessary in the manufacture of explosives or other war materials, then the United States shall have the immediate right, upon five days' notice to the company, to take over and to operate the same with hydroelectric power necessary for such operation, together with the use of all patented processes which have been developed by his company, and for a very reasonable compensation for the use thereof.

In this connection the fact worthy of remembrance is that this is a war enterprise, constructed to produce nitrates in the United States for the use of the United States. During the war and now the only available source of nitrate was Chile. We were compelled to transport this Chilean nitrate more than 4,000 miles in order to manufacture explosives out of it. The transportation of this nitrate, forced as we were to have it, was in itself a serious problem. If the supply had been cut off by reason of submarine effectiveness of enemy fleets our Nation would have been rendered helpless unless we should immediately obtain an enterprise such as was planned by the defense act. During this period we chartered Dutch, Scandinavian, and Japanese steamers to transport our nitrate from Chile. We built a fleet of 616 vessels, with a tonnage of nearly 4,000,000 tons, and of these we used 128, or 20 per cent of them, for bringing Chilean nitrate to the United States. If we are so unfortunate as to be compelled to engage in another war, the saving on this one item alone will run into the billions of dollars. And let us again remember that the Ford offer is the only one that guarantees that the United States will be supplied with nitrates in time of war.

AID TO NAVIGATION.

The Ford offer provides that the company to be formed by him will pay annually in installments the amount necessary for

the operation of the locks and will supply the Government with power necessary for their operation. And it also agrees to pay annually in installments amounts necessary to keep the dams in repair. These dams and locks will make the Tennessee River navigable to Knoxville.

About \$4,000,000 was spent up to 1890 on certain improvements on this river in order to make it navigable above Muscle Shoals, but none of these improvements were ever completed, and this money was virtually wasted. The construction of these dams now by the Government for the purpose of manufacturing nitrates will save the Government many millions of dollars that would otherwise have to be spent eventually in order to make the river navigable above the Shoals. And, again, let us remember that the Ford offer is the only one that agrees to keep the dams in repair and the locks in operation and without expense to the Government.

OTHER PROVISIONS OF THE OFFER.

Ford agrees in this offer to pay to the Government 4 per cent interest annually on all money spent by the Government from the date of the offer in acquiring land and flowage rights and in the completion of the locks, dams, and power-house facilities. Of course he agrees to buy outright nitrate plants Nos. 1 and 2 and pay the Government \$5,000,000 therefor. He also pays to the Government semiannually amounts which are to go into a sinking fund, which if loaned at 4 per cent will reach the sum of \$49,071,935 at the end of the lease period; if loaned out at 4½ per cent, it will amount to \$58,570,003; if loaned out at 4¾ per cent, the fund will be \$70,100,049; at 5 per cent, \$100,869,642; and at 6 per cent, \$213,134,690.

This is a novel feature of the offer and one which Mr. Ford wanted incorporated in the bill because it is his desire that the people of the United States shall have this plant at the end of this hundred-year lease period, cost free. The usual heavy investment requiring an annual interest return, which interest load is added to the cost of whatever is produced will be absent here, and the prices of the commodities produced will be much less because of this.

There are many other meritorious features of the bill; most of them have been covered by those speaking on the subject.

There is but one further thing that I want to mention here. It has been frequently charged that Ford will not supply surplus power to private enterprises, and this statement has been sent broadcast throughout the country in order to prejudice the public against the acceptance by Congress of his offer. Those circulating this information have forgotten the statement made by Mr. Ford on October 11, 1923, and which remarks of his were carried by all the newspapers at that time:

My offer is still before Congress. I shall not withdraw it * * * but I want to say this: If I get Muscle Shoals we shall run power lines 200 miles in every direction from Muscle Shoals. We have been working and have learned how to send power long distances without loss by leakage.

NO MEMBER SPONSORS ANY OF THE OTHER OFFERS.

Very significant is the fact that not a single man in this House has had the temerity to favor any bid submitted by any of the other bidders. Those Members of the Military Affairs Committee who filed a minority report refused to sponsor any of the other offers. They do not even favor Government operation. They place themselves, therefore, in the attitude of having no plan for the utilization of a water power which would produce 800,000 horsepower units. I realize that there are concerns in this country like the Alabama Power Co. and allied interests which are in reality foreign-controlled companies, whose selfish plans demand that they fight the Ford offer. I realize, too, that those of us who vote and support this offer are going to feel the weight of their opposition in some form. In my State, for instance, there are numerous periodicals which are carrying huge advertisements paid for by these same companies for the purpose of prejudicing the public against me and the others who believe in the utilization of this great power for the benefit of the mass of the people of this country. But the incalculable good that will come to the farmers and to all who are benefited directly or indirectly by the prosperity that will follow this development makes me wholeheartedly befriend this offer. I trust that this Congress will accept it and let us get Muscle Shoals to moving that it may deliver in reality the power that is lying potential and unused at the present time and is necessary for our convenience and prosperity.

Mr. BYRNES of South Carolina. Mr. Chairman, I yield five minutes to the gentleman from Indiana [Mr. GARDNER].

[Mr. GARDNER of Indiana was given leave to revise and extend his remarks in the RECORD.]

Mr. GARDNER of Indiana. Mr. Chairman, I realize that this question of adjusted compensation has been thoroughly discussed, yet I am unwilling to permit a bill in which I am so much interested—that of adjusted compensation—and one of so much importance to be acted on without expressing my view on the subject. A short time ago at a conference of my party a committee of five ex-service men were appointed to confer with the Committee on Ways and Means as to the form and substance of a bill for adjusted compensation for the World War veterans. This committee of ex-service men recommended a twofold plan for such adjusted compensation—one the insurance plan and the other the cash plan, at the option of the veteran. This twofold plan is the one I am in favor of, and the one I had hoped to be able to vote for, and it is the one I think most of the ex-service men of my district are in favor of.

When I was a candidate for Congress I, in good faith, told the World War veterans that I was in favor of adjusted compensation for these veterans, and have been since telling them so, and I think the majority of the Members of Congress have made a like declaration. I have not changed my mind. I am still for adjusted compensation for these veterans. But I am for an adjusted compensation that is actual and real, one that they can use to their immediate relief and benefit; but I am not favorable to an adjusted compensation that postpones this payment for 20 years or until after the death of the veteran. I had hoped that a matter so important as this would be brought out in the open where each Member of Congress could have an opportunity to express himself on the subject, and, if he desired to do so, to offer an amendment to this bill and let the majority of the House rule instead of a majority of the Ways and Means Committee.

But, instead, this bill is reported out of the Committee on Ways and Means and is to be brought up to-morrow under the suspension of the rules, thereby eliminating all possibilities of amendment, and giving only 20 minutes' debate on each side and thus forcing a Member, if he votes against the suspension of the rules, to at the same time vote against the passage of the bill. This being such an important subject and being a subject so important to these World War veterans, it to my mind is an outrage, and it should be beneath the dignity of the House to act on this bill in this manner and under this rule. I would favor this bill if the veteran had the option of receiving his compensation not in a promise or certificate of any kind or insurance but in cash. I feel that if we owe this debt, which I contend we do, then it should be paid, and I do not feel that this Government is in such financial condition that we have come to the point where we are unable to pay our just debts. We were financially able to and did compensate the railroad companies for the use of their properties; we paid war contractors damages sustained by reason of cancellation of contracts, and paid the mine owners for the use of the mines taken over during the war, and such other obligations, in large sums; and if the Government was able to adjust and pay these large sums, why are we unable to pay the veteran what is justly due him for his honorable service? During the war he received for his services at home \$1 per day and for his services overseas \$1.10, while men not in the service were receiving four times and many ten times that amount; and he is now asking only an additional \$1 for his services on this side and \$1.25 for his services overseas. Was he under more obligation to defend his country in time of need than were these other persons with whom we have made settlement? Yes; we have done more than settle with these persons and concerns. Just a few days ago—February 29, 1924—Congress passed the revenue bill, a provision of which will refund 25 per cent of the income taxes of the year 1923 payable in 1924 to the taxpayer, amounting to approximately \$232,000,000; and following the theory expressed by our President in his New York speech this tax has already been passed on to the consumer by a large number of the taxpayers. In other words, the business concerns have considered this tax in their overhead expenses, and it has been paid by the consumer; and when this 25 per cent tax is refunded it will not be refunded to the consumer but will be refunded to the taxpayer, who has already been reimbursed by the consumer.

Congress voted to this class of taxpayers, not an adjusted compensation but a bonus or donation. I am glad to say I voted against this provision of the revenue bill, because I had in mind at that time, and think now, that this amount of money should be used in helping to pay the soldiers' adjusted compensation. I feel that the soldier is entitled to this compensation, and do not feel in his asking such compensation he is commercializing his patriotism, and I feel that he is entitled to the option of receiving this compensation in a cash payment; and I do not feel that the Government or Congress has the right to act as

his guardian or say that he is not qualified to look after his own affairs, and use his adjusted compensation in whatever manner he sees fit and in the manner that pleases him. In the district I represent I have many soldiers who, as a result of their service, are incapacitated from earning a livelihood and who have contracted for homes and are now unable to make their payments. To hand this man an insurance policy payable after his death or in 20 years is a mere mockery of adjusted compensation. I would favor the issuance of long-term bonds for the payment of the adjusted compensation, to be paid in cash; and I feel that the payment of this adjusted compensation by issuing long-term bonds would not be a waste of money for the Government for the reason that the large majority of these veterans in the district I represent—and I take it that other districts are similar—are becoming our best citizens and are taking their places in the business world; and these men, if they receive a cash bonus, will expend it on their homes or in their business and thus make them more valuable citizens and taxpayers in the support of their State and their Nation. This money will practically all be expended in such a way as to be an aid and a producer of revenues for the State and Nation, and bonds issued for this purpose could be paid from the moneys due us from other nations.

It is my information, and is so reported by the newspapers, that 12 of the 25 men on the Ways and Means Committee were favorable to a provision in this bill giving an optional cash payment, and I feel like the veterans are entitled to this provision being written in this bill; and I feel sure that the large majority of these veterans favor such a provision, and it is disappointing to me to be unable to vote for such a provision, and I feel that they will and should resent this action of Congress.

Mr. Chairman, I have expressed my views of what I think the law to be written for adjusted compensation should be, yet I am going to vote for this bill for the reason that it is the only bill for adjusted compensation I will have an opportunity to vote for at this time, and I am hoping if it is not amended before it becomes a law that a future Congress will correct it.

Mr. BYRNES of South Carolina. Mr. Chairman, I yield to the gentleman from Missouri [Mr. Dickinson].

Mr. DICKINSON of Missouri. Mr. Chairman, during this general debate on the naval appropriation bill, under permission given, I desire to extend some remarks and express some views on H. R. 7959, a bill to provide adjusted compensation for veterans of the World War, and which will come before the House to-morrow, on a motion to take up and pass the bill without right of amendment, and which will only permit 40 minutes debate. Therefore, I desire to say now that in the Sixty-sixth Congress in 1920 I voted for and made a separate report in behalf of a soldiers' adjusted compensation bill with a provision in it providing for a cash feature. It passed the House, but failed of enactment into law. I was not in the Sixty-seventh Congress, when the World War adjusted compensation act, known as the McKenzie bill, passed Congress, and was vetoed by President Harding September 10, 1922, on the assurance of Mr. Mellon that there would be a deficit in the United States Treasury of more than \$650,000,000, and a further deficit for the succeeding year. What happened? The fiscal year of 1923 ended with a surplus of \$309,000,000, making a total difference of \$959,000,000—nearly a billion dollar error in the guess of Secretary of the Treasury Andrew Mellon. Was it fair treatment of President Harding? And now, with this surplus of \$309,000,000, Mr. Mellon presents the Mellon plan to reduce this surplus by turning it over to those who have paid income taxes out of their abundance, and calling it tax reduction, and saying you can not have tax reduction and also an adjusted compensation law, and through the Literary Digest and the promise of President Coolidge, and a propaganda without parallel, Mr. Mellon tries to compel Congress to do his bidding.

The Republican majority is controlled through its steering committee and a Republican conference; and the plan advocated by the Democratic minority and desired by 90 per cent of the ex-service men is defeated. And now this bill is here for action to-morrow, providing for insurance, maturing in 20 years. I have favored in this Congress an optional plan for cash or insurance. It is well understood that the Democratic members of the Ways and Means Committee stood for and voted for an adjusted compensation bill, with both cash and insurance provisions therein, optional to the veteran's desire. This I have heartily favored and I have not ceased to protest against this bill in its present form, which omits a cash option. The bill now comes without right or opportunity for amendment in the House, it being controlled by the majority party, that controls the

machinery of the House and refuses to permit an opportunity for amendment, and those who favor adjusted compensation for the ex-service men are compelled to vote for the bill in its objectionable shape, hoping that when it goes to the Senate, where they can amend it, that it will be amended and come back to this House with a cash option provided therein, so the House can vote again and for a real adjusted compensation measure, desired by 90 per cent of the ex-service men, who prefer cash to insurance. Such a bill would be cheaper by half a billion dollars or more, but those responsible for this measure in its present shape care neither for the increased expense nor the wishes of the ex-service men.

Great Britain, France, Belgium, New Zealand, Australia, Italy, and Canada quickly provided for adjusted compensation for those who served in the World War; but this country, the richest in the world, refuses here and now to submit a proper measure for our ex-service men. They prefer to do the bidding of big business and of special interests that have already been cared for by liberal legislation than to respond to the just demands of those who fought and won the war. The country will have a right to say that you have not been honest with the ex-service men. We are threatened with a veto if any measure at all is passed, and the majority here refuse to do full justice to the ex-service men. Its delay is due to the opposition of those on the other side, who have been in control in the Sixty-sixth, Sixty-seventh, and this Sixty-eighth Congress.

The borrowing opportunity on the proposed insurance plan is small and long delayed. Those favoring adjusted compensation insist on both cash and insurance provisions, and hope before final action that such a measure will be enacted into law.

If President Coolidge vetoes the revenue bill as it may be enacted into law, far different from the original Mellon plan, and if he also vetoes the adjusted compensation measure as it may be enacted into law, he will get his answer at the polls next November. If he does the bidding of big business that stood for the original Mellon plan and against the adjusted compensation bill, he may be nominated as desired by big business, but he deserves to and will be defeated by the masses at the polls, for they will not bow to the will of special interests, even if they do finance the campaigns of those who do their bidding.

The results of the World War have been worse, by reason of the unequal treatment to the soldier, who fought for his country and those who profited by the war. The country is not endangered so much from those who came back from the war, nor labor that toils while big business profits, as from the unreasonable demands and exactions of selfish interests. It has been well expressed by high authority that—

unworthy profiteers have flouted their gains, crimes of violence have increased until they are appalling. Graft, connivance, corruption have affected law enforcement and at length the track of guilt has led into a President's Cabinet, and the whole Nation has been stunned by the revelation.

Men in high places and with exceptional opportunities for profit have wronged the country, while the masses struggle, and while the ex-service men naturally feel that they have not been accorded fair treatment.

The American Legion in national conventions assembled has repeatedly declared by unanimous vote in favor of an adjusted compensation law. Both the Democratic and Republican Parties in their national conventions have declared in favor of and promised to enact such a law. President Harding in November, 1920, in a speech at Cincinnati, Ohio, said the following:

I want to say to the ex-service men here that I want an America that will never forget its gratitude for the service they rendered the country. A Republican House passed the bonus bill, and it is now up to the Senate. I, myself, think it ought to pass.

And yet he vetoed the only adjusted compensation bill presented to him for approval. And President Coolidge, in his message to Congress in December, declared his opposition to the bonus. What happened? Why this delay with three terms of Congress, with a Republican majority in each term?

Turn your eyes to the Secretary of the Treasury, Andrew Mellon, who is said to be the third richest man in the world, the representative of big business, the beneficiary of special legislation, the most powerful factor in all legislation concerning enactment of laws affecting the revenues. He misled President Harding and caused him to veto the so-called bonus bill, claiming an impending deficit of six hundred and fifty millions, which turned out to be a surplus of \$309,000,000. Now he seeks to control the action of President Coolidge by saying that tax reduction must fail if an adjusted compensation law is enacted. When the fiscal year of 1923 ended with a surplus of three hun-

dred and nine millions the World's Work, in the January, 1924, issue, in its editorial comment on this subject says:

His—

President Harding's—

campaign against the measure, however, has been based upon the lack of money. The course of events made his plea a little ridiculous; instead of the enormous deficit which the Treasury Department had foretold the Government ended the year more than \$300,000,000 to the good.

The editorial in the World's Work says further:

In view of the strange course of national finances a year ago, this conclusion (that we can not have both the tax reduction and adjusted compensation) does not necessarily follow. If the Treasury forecast was so many hundreds of millions wrong in 1922-23, is it impossible that it will be so in the year 1923-24?

So there we have the World's Work, on its responsibility in its editorial columns, asking embarrassing questions of the Treasury Department.

And Col. Thomas W. Miller, Alien Property Custodian, charged that a "high Treasury official" admitted that the department's estimates on the bonus were "juggled to deceive"—no just excuse for such conduct or for such mistakes in estimating the revenues of the Government for the purpose of defeating legislation in behalf of those entitled to the gratitude of the Nation and worthy of at least fair treatment.

Those in control can not say they are not responsible for the delay or refusal to give a cash option. Whence comes the main opposition? It comes from big business, that suffered no loss in time of war, but profited by every contract made, and had every claim liberally adjusted, and the enormous debt that burdens our country to-day is a legacy of the war, as a result of the more than generous treatment accorded those who profited by the war, while the soldier boy was drafted and given nominal pay. It comes with little grace from the war profiteers, and those who fattened from war contracts, and those cared for by legislation fixing their profits, running into millions of dollars, to influence this country to do less for the American soldier than was done readily by our allies in the war. No more wars in the future unless wealth is drafted, and no business or men hereafter will be permitted to profit by war at the expense of the manhood and womanhood of the world. Wars will cease when wealth and property are conscripted as manhood has been in the past.

In conclusion, I am more than gratified by a letter of appreciation of my support and aid given the ex-service men in committee and on the floor of the House for a bill that would have been satisfactory to the ex-service men, carrying two options—one a paid-up insurance policy, the other a cash payment, at the option of the ex-service man—and also for my assistance in helping to create a veterans' legislative committee to handle legislation in behalf of the disabled ex-service men, the creation of which will do a great deal to aid the disabled in obtaining justice at the hands of the Veterans' Bureau.

Mr. FRENCH. Mr. Chairman, I yield four minutes to the gentleman from Minnesota [Mr. SCHALL]. [Applause.]

Mr. SCHALL. Mr. Chairman, I take this opportunity for the fourth time in this House to indorse the adjusted compensation for ex-soldiers, because to-morrow, under motion to suspend the rules and pass the bill, there will be only 40 minutes' debate, and that time will undoubtedly be taken by the members of the Ways and Means Committee reporting this bill.

The bill is not as I would like to have it, and there will be no opportunity to amend it under the proceedings thus proposed, so we must accept it, for I do not believe anybody who has the soldiers' cause at heart will put himself on record as opposed. It is the principle that is highly involved at this time after five years of unnecessary delay, and it will come with poor grace for us to turn down our Ways and Means Committee, who have done their level best to adjust such differences as arose that the bill might be reported out at all.

There is a conspiracy among the ultrawealthy to take the soldier's penny. The management of the dollars begrudge paying for their protection. Selfish interests are fostering propaganda. Clever holders of swollen fortunes are greedily watchful lest they be deprived of any small part of them.

No country can exist without the spirit of patriotism. The nation that no longer sings the valor of its brave, that no longer crowns the deeds of the hero with laurels, that is indifferent to great achievement, is on the way to decadence. So to deny to the soldier this little paltry bonus is a species of treason, materialistic treason, all part and parcel of the ter-

rible trail of graft and waste leading all across our Nation and into the heart and vitals of our Government.

Asleep in the face of danger, unconscious of the tragedy that impends, by repudiating the words we spoke so glibly of a grateful nation rewarding its soldiers, we render of no avail the bond entered into with the ex-service man and plant in his heart distrust of the pledge given in all honor.

Promises made to these men when we needed them must not be brushed aside, pledges broken and forgotten. Where are the safe jobs so solemnly guaranteed by the wildly promising poster or recruiter? Bitter must be the reflection of the men when they contrast those bursts of spurious patriotic frenzy with the coldness, ingratitude, injured, suspicious, withholding of those who jeopardized neither their jobs, their health, nor their lives, but stayed home and gleaned in their profiteering hoard.

Do not be misled by the tom-toms of the propagandists. The people want this legislation. State legislatures have petitioned, governors of States have requested, the House has three times passed it, and the Senate once; both political parties indorsed it. Recent county, district, and State conventions of my State, that send delegates for Coolidge, unanimously indorse it, and our President will not lack that intelligence, that balance of judgment that a man in his representative position should have, that when he sees he is wrong gives him the courage to claim the right. The country can afford what it wants. Can not afford it? Why, we can not afford not to pay it. No one but the farmers are going without the extravagances they like. We as a Nation are not too poor to keep an army of bootleggers in luxury. We are not too poor to keep the automobile factories rushing to fill their orders. The whole Nation is smoking to its liking. It is just that the pocketbook nerve has been touched by the published statement of our new dictator, that if the bonus is paid taxes will not be cut. How can he maintain that statement when that ill-bred, irrepressible youngster, the surplus, will not keep out of sight? These opponents of the bonus are twisting figures into strange and tortuous shapes to prove that the payment of our just debt will render us paupers. Smoke screens to hide pirate craft. The only industry we have neglected is the farm, abandoned in its extremity when the war was over. The ones who got the worst of it in the war were the men at the front line and the man in the home trench furnishing the supplies.

The way we have kept our promise to the farmer corresponds very well with the way we have kept it to the soldier. It is high time to redeem ourselves to both the ex-soldier and the farmer.

When labor was drafted during the war it was bonused. The Government employees are still drawing the war bonus, and look upon it as a rightful part of their wages. The Government drafted the railroads and at once adjusted their compensation without considering the act socialistic or paternalistic or in any way belittling to the morals or conscience of the owners by guaranteeing them a return equal to their average for the three years preceding. Contractors and manufacturers, munition makers, and all who were by way of suffering loss when the war ended were reimbursed.

As an act of simple justice to all, the five-year delay of the adjusted compensation of the soldier should be ended and that speedily. The matter would have been settled in 1921 had it not been vetoed by President Harding, and he would not have vetoed it had it not been for the billion dollar mistake of that wonderfully scientific juggler of figures, the Secretary of the Treasury.

The soldier did not stop to reckon the cost to himself. Canada has given her soldiers \$540 each in adjusted compensation. England, France, and Australia—in fact, all our allies—have given their ex-soldiers bonuses. The Civil War veterans got substantial remembrances in the way of land.

It did not seem to hurt the per cent of patriotism of Lincoln or Washington or Grant or Sheridan or Farragut that they were bonused. This talk about patriotism for sale comes loudest from the throats of those who kick on paying war taxes. They say, "The war is over. It is ridiculous to ask us to keep on paying war taxes." But the war debt is not over. So let those pay for whom most of all the war was fought, who gave least and received most. And let them not be penny-wise with the boys. I hate to think that if it passes now it goes all smeared up, grudged, talked out, the fine flavor of a spontaneous offering squeezed out, and late—five years too late. The opponents of the bonus have even made it appear that the soldiers themselves are against it. That would not be so hard. They have pride. A lot of them would keep silent, feeling that if the thing did not come freely it was not for them to force it. They grew to be a silent lot over there under their

grim and terrible experience. Coming back was like returning to a world that knew nothing of the thing they had seen and been part of. There was no common ground on which to meet. They came into the habit of keeping to themselves all they had felt and suffered, so out of touch and unresponsive they felt all other minds to be with their own. Then employers who were against the bonus would not have to use tremendous pressure to induce the boys to sign an antibonus statement. Jobs are hard to get for the man who lost step, suffered an economic handicap by being gone, and whose whole mental life was jostled out of gear. Hard for him to bear the steady discipline and restraint of the return to normal. If he was fortunate enough to get a job, he would take no chance on losing it. Yes; he would sign such a paper.

I have said before on this floor—but it can not be said too often, in view of the foreign propaganda weighted against it—that it was the soul of America that won the war. It is our business to preserve that soul, that spirit, to keep alive the patriotism that is the defense of the Nation. It is criminal folly and shows a grave lack of moral sense to try to argue down our obligations in this matter. To leave our promises unfulfilled is an aspersion on our flag; we should be remiss in our duty to the Nation and to patriotism if we meanly allow the bribe of a dollar or so apiece in lower taxes to wean us from our obligations.

How many times were we assured that our boys were fighting "to make the world safe for democracy"? But, instead, it seems to be more and more safe for materialism. That very foreign country for which we sacrificed so much is using all her resources to build up a militarism far exceeding in power and autocracy the one we helped her to destroy. We should not be a bit hesitant in demanding that our foreign debts be paid us. The same people that advocate canceling our foreign debts are those most prominent in asking us to repudiate our obligations to our own soldiers. The United States was built on that wonderful soul power. We should cherish, not bruise it; render it honor and homage, not snub it as if it were a pertinacious beggar. The flag means the boys that defended it. Are you for the flag or for self? For the soul of the Nation or for materialism? For keeping our promises or for the paltry dollar and what it represents? Are you for duty, justice, honor, humanity, or are you for Mammon and his millions behind the throne? Are you for Uncle Sam or for imperialistic internationalism? It is a pittance. It can not begin to compensate. I know what the boys went through. I was in the ill-smelling, muddy, filthy, vermin-infested trenches. I know what they suffered in the wrack of strung-up nerves, in the soul-shattering din and confusion, the inexpressible exhaustion, the thirst and hunger, the torture and suffering from shock and gas and wounds.

I know their danger on the sea from lurking submarine. I was on the *Mount Vernon* when it was torpedoed 250 miles off Brest—the deafening crash, the scalding steam, the tearing splinters of glass and timber; one instant in life and strength; the next crushed, maimed, or dead. Such the hazard of war on sea and land. I know the soul that fought this war and the spirit that won it. They carried on. They did the job they were sent out to do. It is up to us to stop wrangling, do our duty, keep our promise, and erase the tarnish too long sullying our Nation's honor. [Applause.]

Mr. BYRNES of South Carolina. Mr. Chairman, I yield five minutes to the gentleman from South Carolina [Mr. GASQUE].

Mr. GASQUE. Mr. Chairman and gentlemen of the committee, in the few minutes allotted to me I want to discuss the soldiers' bonus or adjusted compensation measure from the standpoint of one who stayed at home and enjoyed the comforts of life while those brave young men of ours, the flower of our country, went to the front and suffered all the hardships of life, many of them giving their life for the defense of our country and its future. Many of them did not go of their own accord, but went because we sent them; drafted them and told them they must go. I am under no political promise regarding this measure; I made no promises; was not asked my position on this question in my campaign, but want, however, to put myself on record here as being in favor of an adjusted compensation act. I have always been in favor of it and shall support it as a matter of principle. With regards to the bill I understand is to come before us to-morrow, I have this to say: The first question for Congress to decide is, Shall we pay a bonus? If so, why and what kind of a bonus? I say we should. First, because we promised them, from one end of the country to the other when they were sent, that when they came back we would give them anything they wanted. We paid them

while in service a niggardly wage, less than one-third the wage the most ordinary common laborer received who stayed at home. Many of them were taken from gainful occupations, were accumulating wealth, succeeding in their professions, and laid down all, left their families and loved ones to defend this country for themselves alone? No.

They came home, some of them; some did not. Those who came back came without a penny. Life had to be begun anew. Many who had stayed at home had, owing to war conditions, accumulated wealth faster than ever before; thousands of fortunes had been made; thousands, it is said, had been made millionaires. In many instances, if not all cases, this was due to the war; and many of these millionaires thus made stayed at home, I am convinced, for this purpose, men who themselves should have gone. However, their success in business, the accumulation of these millions, was made possible by these brave boys who left their all and saved this country from its enemies. These boys, as I have said, came back without money, began life from the start. Trusting in our promises, they asked the Government to do what its people had promised, give them a little additional compensation for their services to enable them to get a start. This great Government refused and told them they ought to be ashamed of themselves to put a price on their patriotism. This was not and is not now the sentiment of the Nation. The very men who profited most by the war, the men who stayed home and accumulated their millions, are now organized in spreading propaganda against the bonus—the very men who should be glad to pay. This is one reason I am so strong for it. A letter received a few days ago from an ex-service officer, who has been against this measure, to some extent states my position from this angle:

FLORENCE PUBLIC SCHOOLS,
Florence, S. C., February 19, 1924.

Hon. A. H. GASQUE,

United States House of Representatives, Washington, D. C.

DEAR MR. GASQUE: Three years ago I was very much opposed to the bonus and was very proud of the stand taken by South Carolina. Until about a year ago I was inclined to be somewhat scornful of the Senators and Congressmen who were coming out in favor of the bonus. In the light of disclosures made during the last 15 months I have changed my mind. Unquestionably many of those most actively opposing the bonus profited in the grossest way during the war, and personally I should like to see them made to disgorge.

I regard it as most regrettable that ex-service men or any ex-service organization should be in the position of asking for adjusted compensation, or any sort of compensation, for the performance of their duty. It seems to me that it would be the proper thing and a fine thing if this movement for adjusted compensation were coming from the very ones who are opposing it. I might say just here that, though I am an ex-service man, I will not participate in the bonus at all, as my rank at any time was not below that of major. Just in conclusion I will say that I hope that the South Carolina delegation to a man will vote against the selfish stand being taken by those who profited highly by the war. I believe you will agree with me that many of them deliberately stayed at home in order to do just the thing that they did.

Cordially yours,

JNO. W. MOORE.

This, to some extent, convinces me that I should vote for it. These men asked for it, and have made a very modest request and we should keep our promise. I propose to keep mine.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. GASQUE. Yes; I will.

Mr. BLANTON. Can the gentleman think of one single reason why we should not give them this bonus?

Mr. GASQUE. I can not think of a single reason why we should not. Especially those of us who stayed at home. I am somewhat disappointed, however, Mr. Chairman, because, as I understand it, I shall not be able to vote for the kind of bill they ask for. I understand that the bill that is to come before us to-morrow is a bill that does not give them what they ask. I know that the ex-service men in my part of the country want a cash bonus with an insurance option. I have talked with hundreds of them personally before Congress convened, and this is the information I got, and now the American Legion, I understand, is asking this. One of the principal reasons for the passage of a bonus bill, as I have stated, is to give these boys what they ask for; that is, keep our promise to them. This bill will not do that. It is dodging the issue. It appears to be a measure conceived by those opposed to the real issue and who hope to defeat it. I know that a majority of this House is in favor of a cash bonus with insurance option bill, but we are forced to vote on another bill or none at all. Mr. Mellon and his class will not permit us to vote on a real bonus bill. I shall support this bill,

however, as better than nothing, in the hope it will come back from the Senate a real bonus measure, such as is being asked for by the men we should be willing to do anything for. [Applause.]

Mr. BYRNES of South Carolina. Mr. Chairman, I yield to the gentleman from New York [Mr. MEAD].

Mr. MEAD. Mr. Chairman, at the hearings by a joint subcommittee composed of members of the Senate and House Post Office Committees held in the Senate Office Building, March 3 to 10, 1924, I observed a number of important matters that to my mind the Members of Congress should be acquainted with.

As a member of the joint subcommittee I attended all the meetings and paid strict attention to the Post Office Department officials and representatives of the several groups of postal employees who submitted testimony bearing upon the particular subject. I was greatly impressed at the sight of more than 200 United States Senators and Representatives in Congress who appeared before the joint subcommittee and without exception recorded themselves in favor of legislation for increase in pay for the different groups of employees.

The hearings opened on the morning of March 3 with Mr. Joseph Stewart, special assistant to the Attorney General, who appeared for the Postmaster General. In his opening remarks Mr. Stewart read a letter from the Postmaster General which called attention to the effect that the proposed increases in salaries would have on the revenues of the department if granted. While the Postmaster General did not oppose the proposed legislation, he stated that he was of the opinion that the question should be referred to a commission for investigation. The joint subcommittee was in no mood to seriously consider further delay, as could be noted by the expression of several members of the committee. The chairman informed the representative of the Postmaster General that the committee intended to settle the question at this session of Congress. Other representatives of the department in the persons of the Superintendent of Division of Post Office Service, the chief clerk of the post office inspection division, the General Superintendent of the Railway Mail Service, and the General Superintendent of the Division of Rural Mails gave the committee information regarding the cost of the several bills under consideration and the changes they proposed in the present law. It was plainly evident to all present that these department officials were not in favor of increasing the salaries of the postal workers notwithstanding the fact that many of the chiefs of the Post Office Department have had their salaries substantially increased in the Post Office appropriation bill which will become effective July 1, 1924.

When the department officials finished giving their testimony, representatives of the several groups of employees testified in favor of the different bills, and particularly the two bills, H. R. 4123 and S. 1898, known as the Kelly-Edge bill, and H. R. 7016, known as the Paige bill. A number of representatives of the post-office clerks submitted their views. The representatives of the National Federation of Post Office Clerks testified in favor of H. R. 4123 and S. 1898, while the representatives of the United National Association of Post Office Clerks gave testimony in favor of H. R. 7016. The Kelly-Edge bill provides three grades for clerks and carriers, as follows:

	Salary.
First grade.....	\$2,000
Second grade.....	2,200
Third grade.....	2,400

The Paige bill provides for five grades for clerks and carriers, as follows:

	Salary.
First grade.....	\$1,600
Second grade.....	1,800
Third grade.....	2,000
Fourth grade.....	2,200
Fifth grade.....	2,400

While each group of representatives advocated the same maximum of \$2,400, they seemed to differ on the minimum grade. Representatives of the supervisory officials' association, the post-office inspectors, the supervisors of the Railway Mail Service, the railway mail clerks, the post-office laborers, the employees in the motor-vehicle service, the rural delivery carriers, the postmasters of first-class post offices, and representatives of the third and fourth class postmasters, and the National Association of Letter Carriers submitted testimony showing the necessity for an increase in pay for the men they represented.

The council of administration of the National Association of Letter Carriers, through their national secretary, submitted a

brief to the committee which contained an argument that in my opinion is unanswerable. The brief contains information on the duties of letter carriers, their training, and apprenticeship, the comparison with other skilled trades, the effect of the increased cost of living on the salaries paid to letter carriers, the present rates of salaries compared with other wage rates, standard minimum budgets, the effect of the present low salaries on the efficiency of the Postal Service, the productivity of letter carriers, the estimated cost of the proposed legislation, and the relation of cost of the service to the postal deficit. Mr. Chairman and gentlemen, I have read and reread this brief and I commend its contents to every Member of this House who desires authentic information regarding the necessity for an increase in salaries not only of letter carriers but of every employee in the Postal Service.

I have received hundreds of letters and telegrams from all sections of my district relative to increase in salaries for postal employees and the betterment of their condition. I have received letters of indorsement from the New York State Legislature, chambers of commerce, boards of trade, Kiwanis and Rotary clubs, labor organizations, women's organizations, and citizens in all walks of life. In fact, I have not heard a word in opposition to the proposed legislation, but on the contrary the sentiment has been unanimous in its favor.

Of the 235 or more Senators and Representatives in Congress who appeared and testified before the joint subcommittee a majority of them informed the committee that they were there not only in behalf of the proposed legislation, but to represent the views of their constituents who, without regard to the business in which they were engaged, had written and indorsed the legislation for increase in salaries for postal workers.

In the course of the hearings on the several bills pending before the joint subcommittee I was greatly impressed with the loyalty of the postal employees as testified by the representatives of the several groups. They did not seek glory either for themselves or the men they represented, but nearly every one of them urged that Congress make the pay and working conditions of postal workers such that the proper class of men will take the civil-service examinations and restore the service to its former state of efficiency. Mr. Chairman and gentlemen, the Postal Service is not only a public service but is peculiarly a people's service. During the life of this session of Congress I have received thousands of letters from business men's organizations, from clergymen and laymen, and men and women in all conditions, urging me to work and vote for an increase in pay for the postal workers. I am of the opinion that this has been the experience of nearly every Member of this House. The proposed legislation is based on merit and justice. Such a cause should meet with the hearty approval of all of us as the representatives of the people. By enacting legislation that will provide a living wage for the men and women in the Postal Service we will be doing the thing our constituents desire us to do.

I have talked with many of the older Members of Congress regarding these hearings, and many of them inform me that in all their experience they have never known where proposed legislation met with such approval and unanimous indorsement of the people of their districts. They likewise expressed surprise at the outpouring of representatives of both branches of Congress who appeared at the hearings to testify in favor of the proposed legislation.

With such an array of Members of Congress backed by organizations of all kinds, together with all the influential journals of the country, a legislative proposal of this character is one that none of us can ignore.

Mr. Chairman and gentlemen, I hope that my observations on this question will be of value to the Members of the House, as the statement I have made is based upon facts and observations gained while acting as a member of the joint subcommittee on postal salaries, and I also hope the Members of the House will before many days be offered an opportunity by the Committee on the Post Office and Post Roads to vote and work for a committee bill to increase the pay of the postal workers and send it on its way to the Senate with our blessing and hope that long-delayed justice will be done the employees in the Postal Service.

Mr. FRENCH. Mr. Chairman, I yield such time as he may desire to the gentleman from Indiana [Mr. PURNELL].

Mr. PURNELL. Mr. Chairman, the time is fast approaching when the Congress must decide one of the most vital questions that has ever faced the American people. Between now and June 30, 1924, we must determine what the future policy of this Government is to be with respect to immigration. On that date

will expire the present 3 per cent law, which limits the number of aliens entering the United States in a single year to 3 per cent of the foreign-born persons of any nationality in the United States as shown by the census of 1910. If we fail to enact any law upon this subject, our failure will be equivalent to opening the gates to the greatest and most dangerous horde of foreigners any nation has ever seen. Millions of aliens of every tongue are looking upon America with longing eyes in the hope that our doors may be opened to them, in order that they may come to this land of opportunity.

I have been greatly interested in the reports and recent utterances of our Secretary of Labor, the Hon. James J. Davis, whose every word has the ring of a true American, though he came to our shores as an immigrant boy. The Secretary in his very thorough annual report informs us that since 1820 there have come to the United States approximately 35,000,000 foreigners, about one-third, or 12,000,000, of whom have come since 1900. From this report we further find that—

The number of immigrants migrating to the United States did not reach 100,000 in any one year until 1842, when 104,565 were admitted, of whom 99,666 were from northern and western Europe. This number included 73,347 from the United Kingdom, constituting 70.1 per cent of the total of immigration for that year.

The next year the number dropped to 52,496. Then it increased year by year to 427,833 in 1854. This wave of immigration brought 272,740 from the United Kingdom in 1851 and 215,009 from Germany in 1854. In 1851, 368,565, or 97.2 per cent of all the 379,466 immigrants arriving, came from northern or western Europe, and of these 345,222 were from the United Kingdom and Germany. In 1854, out of 427,833 immigrants, 402,554 or 94.2 per cent, were from northern and western Europe.

Immigration for 1855 was less than half of that of 1854, being only 200,877. From 1855 to 1864 the amount of immigration was small, getting down to 91,918 in 1861, of which the number 43,472, or 47.3 per cent, came from the United Kingdom and 31,661, or 34.4 per cent, came from Germany.

At the close of the Civil War there was another wave of aliens which began to roll in, reaching its crest in 1873, with 459,803 immigrants arriving; 166,844, or 36.3 per cent, came from the United Kingdom and 149,071, or 32.6 per cent, from Germany and 374,898, or 81.6 per cent, from northern and western Europe as a whole. In 1878 this wave again receded to only 138,469. This second wave, however, brought in an element up to that time of no numerical importance—the immigration from southern and eastern Europe. Indeed, it was not until 1871 that all the southern and eastern European countries together furnished as many as 10,000 immigrants in one year. In 1874 this new class of immigrants numbered 24,584.

The next wave of immigration started in 1880 and reached a height of 788,992 in 1882, with 563,213 coming from northern and western Europe and 84,973 coming from southern and eastern Europe. In 1886 immigration dropped to 334,203.

In the next seven years, from 1887 to 1893, immigration varied from a little above to a little below 500,000 each year. Moreover, changes were taking place in the class of immigrants coming. In 1885 out of 546,889 immigrants 300,792, or 51.9 per cent, were from northern and western Europe and 270,084, or 48.6 per cent, from southern and eastern Europe.

From 1894 to 1901 immigration was under 500,000 a year, but the year 1896 is important, however, in the history of immigration, because in that year, for the first time, southern and eastern Europe furnished more immigrants than northern and western Europe, 195,684 coming from the southern and eastern and only 137,522 from northern and western sections of that continent.

In the year 1901, out of 478,918 immigrants, the northern and western European supplied 115,728, or 23.7 per cent of the total, and the southern and eastern European 359,297, or 73.6 per cent of the total. Each year from 1896 on, southern and eastern Europe has sent more aliens to us than northern and western Europe, save in 1910, when fewer than 25,000 people came from all Europe, and in 1923, when the 3 per cent law was in effect.

In 1902 immigration went above the 500,000 mark, and in 1907 it reached the highest point in any year, 1,285,340 entering the United States, of which number 979,661, or 76.2 per cent, were from southern and eastern Europe and 227,959, or only 17.7 per cent, from northern and western Europe. In the years 1905, 1906, 1907, 1910, 1913, and 1914 immigration was above 1,000,000, and did not drop below 750,000 in any intervening year. The year 1914 saw another high-water mark of immigration, when the number admitted was 1,218,480, of which 915,007, or 75.1 per cent, were from southern and eastern Europe and only 165,100, or 13.6 per cent, from northern and western Europe.

The World War reduced immigration from Europe to small numbers. The year 1917, however, brought in 105,399 immigrants from British North America and 42,380 from Mexico, Central and South America,

and the West Indies, the high wages and ample supply of work being an attractive stimulant during that period.

The year 1920 started a new tide of immigration from Europe. The total immigration that year reached 430,001, with 162,595, or 37.7 per cent, from southern and eastern Europe and 88,773, or 20.7 per cent, from northern and western Europe, with countries of North and South America furnishing nearly all the remainder.

The next year, the year 1921, brought 805,228 immigrants, including 620,654, or 64.7 per cent, from southern and eastern Europe and 143,445, or 17.8 per cent, from northern and western Europe. America, with her more than 5,000,000 of unemployed in 1921, could not stand this oncoming flood of immigrants, which could only swell the number of unemployed, so the 2 per cent law was passed, going into effect on June 3, 1921.

This law, still in effect, applies mainly to Europe, but also covers Africa and northern and western Asia. The oriental countries—China, Japan, India, Java, and others of southeastern Asia—remained restricted, as they were under previous laws and treaties. Moreover, no numerical limitation was placed on immigration from our sister countries in America; so that foreigners in those countries can be admitted to the United States regardless of the quota, provided they can show they have been residents of one of those American Continent countries for the period of five years previous to application for entry to the United States.

Under this new act immigration in 1922 numbered 309,556, with 138,541, or 44.8 per cent, from southern and eastern Europe and 79,842 from northern and western Europe. The fiscal year 1923 brought in a total of 522,919 immigrants, with 156,879, or 30 per cent, from northern and western Europe and 153,224, or 29 per cent, from southern and eastern Europe, 117,011, or 22.4 per cent, from British America and 82,961, or 15 per cent, from southern American countries, Mexico, Central and South America, and the West Indies.

It is almost beyond belief and, I am quite sure, contrary to the general impression throughout the country that more than a half million aliens came through our gates last year seeking shelter in our land and protection under our flag. As a prominent writer in the Saturday Evening Post said some time ago in referring to this vast army of immigrants—

If one year's immigrants under existing immigration laws were to be lined up in the same way that an Army division lines up on Fifth Avenue, and hustled into the United States in a solid phalanx, they would be equivalent to more than 27 army divisions and would occupy over 94 hours, or four days and nights, in passing a given point. If a solid army of immigrants were to be seen marching into this country without a halt for four days and nights, every newspaper in the country would carry the story in the right-hand column of its front page, and a cry of protest against the invasion would rise from every corner of the land.

It has been urged by those who favor less restriction that this is the great "melting pot" into which has been poured for a hundred years the people of many races and from which has sprung the hardy, red-blooded, liberty-loving American of whom we love to boast. But those who take this view forget that there is little or no similarity between the clear-thinking, self-governing stocks that sired the American people and this stream of irresponsible and broken wreckage that is pouring into the lifeblood of America the social and political diseases of the Old World. Doctor Ward has admirably answered the argument of those who contend that the "melting pot" will make Americans of these people—

We have deceived ourselves into thinking that we could change inferior beings into superior ones. We have thought that sending the alien children to school, teaching them English, giving them flag drills, and letting them recite the Gettysburg address and read the Declaration of Independence would make Americans of them almost overnight. Yet the laws of heredity are at work. We can not make a heavy horse into a trotter by keeping him in a racing stable. We can not make a well-bred dog out of a mongrel by teaching him tricks. Nor can we make a race true to the old American type by any process of Americanization, essential as that undertaking is for creating better citizenship.

Once within our borders they herd together in the congested centers, seeking out their own countrymen where they read and speak their native language, and soon become the easy prey of those whose highest ambition in life is to destroy the only Government that offers them life, hope, and opportunity. There are more than 2,000 newspapers and periodicals printed in foreign tongues in the United States. Of the 805,000 admitted in 1921, more than 264,000 located in New York State. The greater part of the balance went to Chicago, Pittsburgh, Cleveland, Philadelphia, and other large cities. They did not come over here to work on the farms, where they are really needed. In fact, if a recent article in the Saturday Evening Post is true,

they did not come to work at all. The article states that out of a group of 600 aliens cross-examined at the port in one month exactly 20 expressed an intention to go to work with their hands. The other 580 wanted to become peddlers. It is not work but easy money that inspires the modern immigrant.

According to the Department of Justice, 90 per cent of all the agitation of the country to-day is due to aliens. They are not only fanning the flames of anarchy but are filling our institutions and increasing the tax burden of all the people. According to the commissioner of immigration at Ellis Island, there are 43,000 men, women, and children in various New York institutions who came here as immigrants and who entered because of a let down of the immigration law with respect to the entrance of mental defectives. The foreign-born population represents 14.70 per cent of our people, yet they supply 20.63 per cent of the population of our jails, almshouses, insane asylums, and other public institutions. At this point I want to insert some very interesting and instructive data on aliens:

ALIEN'S DATA.

Illiterate persons, 10 years of age and over, 1920.

	Total.	Native parents.	Mixed parents.	Foreign born.
New England.....	280,700	13,185	13,759	257,207
Middle Atlantic.....	865,382	42,924	24,048	769,010
East North Central.....	495,470	88,703	28,390	342,532
West North Central.....	193,221	59,954	14,078	86,769
South Atlantic.....	1,212,942	352,907	3,878	39,757
East South Central.....	854,459	299,025	2,626	6,467
West South Central.....	773,637	199,408	35,021	128,725
Mountain.....	132,659	35,163	5,697	55,423
Pacific.....	123,435	8,516	4,600	86,570
Grand total.....	4,931,005	1,109,875	132,697	1,763,740

Negro illiterates, all sections, 1,842,161.

Statistical Abstract of United States, 1921, Table 48, page 78.

Paupers in public almshouses on January 1, 1920.

	Total.	Native white.	Foreign born.	Negro.	Others.
New England.....	11,886	5,997	5,706	178	5
Middle Atlantic.....	23,772	11,369	11,712	693	13
East North Central.....	21,358	12,238	8,388	716	16
West North Central.....	6,396	3,644	2,371	342	9
South Atlantic.....	8,100	4,458	644	2,578	6
East South Central.....	4,295	2,676	222	1,356	2
West South Central.....	1,630	983	298	352	27
Mountain.....	1,632	829	791	19	13
Pacific.....	5,562	2,415	2,953	62	92
Grand total.....	84,198	44,669	33,125	6,281	183

Statistical Abstract of United States, 1921, Table 46, page 77.

Sentenced prisoners in penal or reformatory institutions on January 1, 1920.

	Total.	Native white.	Foreign born—	Negro.	Others.
			Number.	Per cent.	
New England.....	10,353	6,314	3,814	36	433
Middle Atlantic.....	23,673	13,042	7,496	31.8	3,191
East North Central.....	16,250	10,396	3,257	30	2,535
West North Central.....	9,329	6,069	1,119	11.95	2,095
South Atlantic.....	17,878	3,752	407	(1)	13,719
East South Central.....	11,341	2,674	69	(1)	8,608
West South Central.....	9,692	2,926	473	(1)	6,081
Mountain.....	4,503	2,926	1,107	24.4	336
Pacific.....	6,430	4,415	1,480	23	280
Grand total.....	111,495	63,359	19,485	17.43	37,874

¹ Less than 10 per cent.

Statistical Abstract of the United States, 1921, Table 46, page 77.

Attorney General's Report, 1923, for fiscal year, states that of prisoners received there were 1,975 foreign born, and 1,511 native born.

Insane in hospitals on January 1, 1910.

	Total.	Native white.	Foreign born.	Negro.	Others.
New England.....	19,580	12,694	6,639	214	23
Middle Atlantic.....	52,380	30,939	19,872	1,120	49
East North Central.....	41,246	28,096	12,151	970	29
West North Central.....	22,683	14,890	7,133	879	72
South Atlantic.....	19,952	13,159	1,475	5,308	10
East South Central.....	9,759	6,938	282	2,537	2
West South Central.....	8,413	6,096	729	1,531	68
Mountain.....	3,574	2,047	1,422	57	48
Pacific.....	10,201	5,350	4,402	94	353
Grand total.....	187,791	120,128	54,095	12,910	657

Statistical Abstract of the United States, 1921, Table 46, page 77.

These figures are, indeed, significant. That table discloses that of 11,896 people in the almshouses of New England 5,706 were foreign born. In the Middle Atlantic States 23,772 are in the poorhouses, of whom 11,712 were foreign born. In the east north Central States, of 21,358 in the poorhouses 8,388 were foreign born. This same table discloses the fact that of 280,700 illiterates in New England 257,207 were born abroad. In the Middle Atlantic States, of 865,382 illiterates, 769,010 were foreign born.

Mr. Chairman, many plans have been presented for protecting our country from this avalanche of undesirables. Some advocate the return to the old system with practically no restrictions. Others prefer the quota principle, but are not agreed upon what census it shall be based. I am inserting here a table prepared for the use of the committee, showing the effect of the several plans proposed:

2 PER CENT PLUS 200 FOR EACH NATIONALITY.

The term "quota" when used in reference to any nationality means 200, and in addition thereto 2 per cent of the number of foreign-born individuals of such nationality resident in the United States as determined by the United States census of ———.

Estimated immigration quotas based on census reports of 1920, 1910, and 1920.

[Printed for the use of the Committee on Immigration and Naturalization, House of Representatives.]

Country or region of birth.	Estimated quotas based on 2 per cent of census.				Present law.	Naturalization.
	Census of 1890.	Census of 1900.	Census of 1910.	Census of 1920.	3 per cent of 1910 census.	Census of 1920.
Albania.....	204	221	392	312	288	208
Armenia (Russian).....	217	241	352	519	230	411
Austria.....	1,100	1,991	5,094	11,610	7,451	4,309
Belgium.....	709	849	1,242	1,456	1,563	845
Bulgaria.....	200	200	402	411	302	225
Czechoslovakia.....	2,073	3,631	11,572	7,450	14,557	3,320
Danzig, Free City of.....	423	414	400	399	301	200
Denmark.....	2,982	3,398	3,946	3,944	5,619	2,845
Estonia.....	302	437	1,098	1,594	1,345	205
Finland.....	845	1,465	2,814	3,213	3,921	1,438
Fiume, Free State of.....	210	217	248	310	71	209
France.....	4,078	8,334	4,020	3,277	5,729	1,935
Germany.....	50,329	48,181	45,272	33,805	67,007	24,734
Great Britain, North Ireland, Irish Free State.....	62,658	55,024	51,762	43,729	77,342	28,157
Greece.....	235	339	2,212	3,725	3,294	799
Hungary (including Sopron district).....	688	1,332	4,082	8,147	5,025	2,515
Iceland.....	230	242	280	250	75	300
Italy.....	4,069	10,315	28,238	32,415	42,067	9,255
Latvia.....	317	471	1,226	1,781	1,549	200
Lithuania (including Memel region and part of Pinsk region).....	502	755	1,952	2,901	2,460	1,003
Luxemburg.....	258	261	262	452	92	382
Netherlands.....	1,837	2,109	2,604	2,983	3,607	1,675
Norway.....	6,653	6,967	8,334	7,525	12,202	5,095
Poland (including eastern Galicia and part of Pinsk region).....	9,072	16,377	20,852	23,002	26,862	6,788
Portugal (including Azores and Madeira Islands).....	674	1,116	1,844	1,716	2,465	421
Rumania.....	831	1,612	5,145	2,257	7,412	1,045
Russia (European and Asiatic, excluding the barred zone).....	1,992	4,696	16,470	25,291	21,613	11,299
Spain (including Canary Islands).....	321	345	808	1,320	912	295
Sweden.....	9,761	11,872	13,562	12,749	20,042	8,881
Switzerland.....	2,281	2,514	2,762	2,577	3,752	1,739
Yugoslavia.....	935	1,604	4,484	3,600	6,423	1,031
Other Europe (including Andorra, Gibraltar, Liechtenstein, Malta, Monaco, and San Marino).....	325	245	258	319	86	257
Palestine.....	201	204	238	264	57	224
Syria.....	212	267	789	1,242	925	500
Turkey (European and Asiatic, including Thrace, Imbros, Tenedos, and area north of 1921 Turkey-Syrian boundary).....	223	318	1,970	941	2,958	277
Other Asia (including Cyprus, Helles, Iraq (Mesopotamia), Persia, Rhodes with Dodecanesia and Castellorizzo, and any other Asiatic territory not included in the barred zone. Persons born in Asiatic Russia are included in Russia quota).....	265	439	262	807	4,291	200

¹ Figures are 2 per cent naturalized of each nationality by 1920 census, plus 200 for each nationality.

² Lithuania and Memel only.

³ Poland and eastern Galicia only.

⁴ European Russia only.

⁵ Spain only.

⁶ Pinsk.

⁷ Bessarabia.

Estimated immigration quotas based on census reports of 1890, 1900, 1910, and 1920—Continued.

Country or region of birth.	Estimated quotas based on 2 per cent of census.				Present law.	Naturalization.
	Census of 1890.	Census of 1900.	Census of 1910.	Census of 1920.	3 per cent of 1910 census.	Census of 1920.
Africa (other than Egypt)	236	243	279	290	122	240
Egypt	206	208	212	217	—	—
Atlantic islands (other than Azores, Canary islands, Madeira islands, and islands adjacent to the American continents)	241	246	280	1,091	121	383
Australia	320	340	396	423	270	305
New Zealand and Pacific islands	267	252	284	278	80	236
Total	169,063	186,693	248,550	249,867	357,803	125,406

Of course no one can say definitely what sort of immigration law we can finally pass and place upon the statute books. This is impossible for the very sufficient reason that all legislation here is of necessity a compromise. Personally, I shall support that plan which has the most restrictive features. I shall urge the passage of that bill which is best calculated to preserve America for Americans. I would require all aliens who are lawfully here to become naturalized with the least possible delay or be subject to deportation. Of the 14,000,000 foreign born in the United States, less than half are naturalized. Statistics show that it takes on an average 10 years for an alien to assume the duties of citizenship. Those who are here should be educated in night schools, if necessary, in order that no man, woman, or child beneath the Stars and Stripes shall be unable to speak and read our language. There is no greater need at this time than the making of a bigger and better race of Americans. I would require the payment by every unnaturalized alien of a substantial tax. In this connection I want to indorse every word of an editorial written by the Hon. George B. Lockwood, editor of the National Republican, some time ago, in which he said:

Why not, as a new source of national revenue, a head tax of \$100 per year on every unnaturalized alien engaged in a gainful occupation in the United States?

The primary justification for such a tax is that such aliens, while enjoying the protection of our Government and the unusual business opportunities this country affords, are exempt under international law from conscription in time of war. They may accumulate and remove from the country capital earned in the United States without being thereafter liable for the taxes levied on such incomes. Such a tax would be no more than a measure of equalization and not a special hardship upon the alien who does not become a citizen.

Should a soldiers' adjusted compensation measure be passed by Congress, this new source of Federal revenue would pay the interest upon and within a few years retire the principal of the bond issue necessary for its payment. Those who are profiting by residence in the United States without being liable to military duties—many of whom, on the contrary, might be liable for military duty to some other power in conflict with the United States and thus a possible source of danger and expense to our Government—would thus be called upon to foot the obligations based upon the service of others. That obligation discharged, the accruing revenue could be utilized permanently in meeting the continuing bill for soldier relief.

There are some 6,000,000 unnaturalized aliens in the country. There are good reasons why they should be enrolled by the Federal Government. The method used in conscription could be employed. Every unnaturalized alien could be required to register within a given period when information in each case would be required that would assist materially in the proper enforcement of our immigration laws. Deportation should be enforced as against the alien who becomes an undesirable after he gets to this country, as well as against those whose records are bad when they arrive at Ellis Island. Occupational and employment cards could be issued by the Federal Government to those requiring them and penalties, including deportation of the alien could be enforced against those violating or assisting in the violation of the act. The payment of the head tax could be entered quarterly upon the cards which permitted the holders to engage in gainful employment. Of the 6,000,000 unnaturalized aliens probably 2,000,000 are engaged in gainful occupations. This tax would therefore possibly yield the Government a revenue of \$200,000,000 or the interest on \$5,000,000,000 of Government obligations.

This tax should be levied because it would be a just measure of equalization of burdens as between the citizen and the alien. Doubtless it

would be opposed by powerful selfish interests of one sort and another, but the fundamental justice of the plan would appeal to the American people's sense of justice.

I am strongly in favor of the registration of every unnaturalized alien. This Government should require such aliens to register at least once every three months with some designated State, county, or city official. Thus would we always know where they are and what they are doing. Failure to so register should be sufficient ground for deportation, particularly if the subject has a bad record.

For six years, in and out of Congress, I have been preaching restricted immigration. I am ready to vote to close the gates entirely for five years, or longer if necessary, until we can absorb and Americanize those who are within our borders. Those who can not learn to read and speak our language and give evidence of an appreciation of this land of opportunity within that time should be sent back to the country from whence they came. With them I would send a message to all the world that America is for Americans and that our gates will never again swing open to any but those who have been thoroughly investigated and found to be physically, morally, and mentally fit to take upon themselves the duties and obligations of that sacred heritage, American citizenship.

This duty we owe to our country if we are to preserve it and pass it on to Americans. I am anxious that Americans, rather than aliens, shall inherit the land of our fathers. [Applause.]

Mr. BYRNES of South Carolina. Mr. Chairman, I yield to the gentleman from Oregon [Mr. WATKINS].

Mr. WATKINS. Mr. Chairman, inasmuch as there will be no opportunity to say anything on the soldiers' adjusted compensation measure to-morrow, I rise to take advantage of this occasion to advocate the passage of that measure and to say that I propose to vote for it at that time, as well as vote to pass it over the presidential veto in case it encounters that storm.

I advocated adjusted compensation in my campaign for Congress, and believing as I do that campaign promises are made to be kept and not merely to gain office, certainly I would be recreant to a trust if I voted otherwise. Not only that, I firmly believe in the virtue of such legislation. With your permission I desire here and now to give my reasons for that stand.

In the first place, we promised the boys when they went to war that we would give them anything they wanted on their return, and that to me is a promise as solemn as the honor of any man here and as sacred as the word of any American citizen anywhere. A nation is as an individual—"Whatsoever it sows, that shall it also reap." If we instill into the hearts of the young men of this Nation the fact that this is a grateful Republic they will transplant that lesson into the hearts of the children of to-morrow, and in the future when this grand and wonderful Nation shall need defenders and sounds its clarion call, to its banners will flock young America—the sons of the soldiers of the World War, the beneficiaries of this proposed legislation.

It is true that the proposed measure is not the kind I prefer. I wrote and introduced the kind of measure that appealed to me. Furthermore, I appeared before the Ways and Means Committee in support of that measure; but recognizing the fact that you can not get the very thing you want in the identical form desired, I am practical enough to take the next best thing, for otherwise nothing might be accomplished.

Most timely are the words of Commander Jonez of the American Legion of the State of Washington:

Adjusted compensation for the soldiers and sailors of the United States Army and Navy during the World War has opposition.

This opposition has taken many forms. It has embraced in its membership many of the country's greatest leaders in government, in politics, in industry, in the professions, and in the press. Arguments against adjusted compensation have been devised in every conceivable form of propagandist camouflage that could be draped about the real facts, from platitudes of patriotism to declarations that the veterans themselves, as a class, are opposing the movement.

Veterans find themselves opposed now by the same men who were loudest in their promises of economic help at the time these veterans left civil life to go into the service.

"We'll take care of you; we'll see that the right thing is done by you when you return!"

This was the cry that rang from housetops throughout the country when the Government found itself confronted with the necessity of finding or taking 4,500,000 peaceful men to fight its battles.

This, too, was the cry that cheered the soldier as he gave up everything that he loved.

When he returned, it did not take him long to discover that the emergency over, the big fellow who did the loud talking had been and

still was too busy taking care of himself to pay any attention to the man who served.

"Get on the best you can!" was the welcome the veterans received from big business generally.

Its lone purpose is, by false propaganda, to incite opposition to adjusted compensation and help by misrepresentation to cheat the veteran, able-bodied though he may be, out of that which the country recognizes at large as his just due. Exposure of their fake scheme, designed to pretend a referendum was being taken on the compensation question, nipped in the bud one of the most insidious efforts to undermine public opinion.

UNSELFISH AND PATRIOTIC.

Big business would like to have it appear that because of the adjusted-compensation movement the American Legion is a selfish and unpatriotic organization doing selfish, unpatriotic work.

Aside from sponsoring all the legislation and direct help that has been extended to the disabled war veterans, the American Legion has been doing its greatest work in and will continue to make its chief effort that of upbuilding and helping its individual communities. It is true that, as a national organization, it seeks to defend the personal interests of all ex-service men, yet its primary purposes have and always shall be to unselfishly better the condition economically and civilly of all the people of this country.

If unquestioning service under arms in time of war is lack of patriotism, then I do not know what patriotism is. I do not consider it lack of patriotism or an undermining principle of national integrity and defense that the men who serve in the armed forces of a country seek to be recognized properly for that service by an adequate and reasonable compensation for the period served or to be inducted back into civil life with as much consideration as was given them when they were inducted into the fighting forces of that nation.

America is confronted with a debt it can not repudiate by any cry that the service which created the debt was alone sufficient compensation. America has never recognized it as such in its history and has through its Congress always before sought adequately to place its soldiers back in civic life on a sound civic footing.

There is only one argument against adjusted compensation that will hold water—simply this: That big business does not want to spare from its war profits the money needed to give the World War veterans a square deal.

And now, Mr. Chairman, may I say that the pay of the American soldiers was much too small. They received only \$30 a month, of which half was withheld for dependent relatives, and \$6 for insurance, leaving only about \$9 a month that the men could spend. For this 30 cents a day the men took very great risks of disease, danger at sea from submarines, and the perils of battle. The pay ought clearly to be readjusted in consideration of these facts.

All classes of our citizens, railroads, banks, farmers, merchants, workmen of all kinds, got the highest pay in all their history and perhaps in the history of the world. If everyone were deprived of what he gained during the war on the theory that it was "commercializing patriotism," we would have to take away all profits made during the war. Those who remained behind made enormous profits. When you refuse to pay the boys what is their just due, are you at the same time to take away the profits of all those who during the war "commercialized their patriotism"? Unless you do you can not be consistent.

The wealthy men who profited during the war would never have made such profits only for the work of the soldiers in the ranks, and it is not becoming for them to oppose the bonus, as the Chamber of Commerce of the United States has done. It has been said that 23,000 millionaires and 200,000 fortunes of \$500,000 or more were created during the war.

Congress has established precedents. Readjusted pay has been provided in three notable cases. When the Government took over the railroads it agreed upon a fixed rental price which produced one of the largest incomes the railroads had ever made up to that time. When the Government raised an Army it fixed a wage scale barely above subsistence costs. When the war was over Congress gave the railroads about \$2,000,000,000 additional, thus "readjusting their pay." Furthermore, the wages of civilian employees have been readjusted by the institution of a \$240 bonus throughout the Government service. Even war profiteers were awarded large sums in adjustment of contracts because their business was cut off suddenly.

The European nations have paid their soldiers a bonus. The United States furnished the money for these bonuses by advancing loans to Great Britain, France, Italy, Belgium, and possibly other countries.

Let them pay their debts; let us forget this idea and not fall for this propaganda of canceling the debts of foreign nations until we pay our own debts.

The reason that led to President Harding's veto no longer exists. Then President Harding said that the income of the Government would not permit a bonus payment; but now we have a \$300,000,000 surplus.

Economy will show the way to find money for the bonus. Enough money has probably been wasted or grafted in the Veterans' Bureau during the past few years to have paid the bonus for that period.

If the Government owes the money to the soldiers they should be paid. It has been urged against the bonus that the men would squander it; but it is no excuse for failure to pay a debt that your creditor may spend the money when he gets it.

George Washington, Abraham Lincoln, and others were not averse to adjusted compensation; the American people are not averse to it. It is long since due, and I am proud to be a Member of the Congress which I predict now and here will recognize the debt and manfully meet the obligation.

Mr. BYRNES of South Carolina. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. McSweeney].

Mr. McSWEENEY. Mr. Chairman, I do not feel that it is proper for me to speak in behalf of my comrades. I feel, however, that there is one group that is to be considered; those men who are not here to answer for themselves, the men who were killed or died. I felt they were the men to be considered when America was facing the peace treaty, considering whether we should take property or not. These men, as you remember, came to the call of President Wilson with the idea that they were fighting against war and not to accrue property for America.

Now, I feel that these same men who responded to that call came without any idea of the bonus, did not think of it, but served their Government in its hour of need. I feel it to be my duty as their comrade and as one of those who had a chance to come home and again take up the march of his existence and meet his obligations. As an original advocate of an adjusted compensation I think I should do everything I can for these men, who as Winkleried of old, "took unto his manly breast the shaft of the hostile spear" to make a path for the oppressed.

My own idea was we should go even further than this bill provides, and I do hope that what we will do will be for the best interest of the soldiers and for the best interests of the citizens of America. Let the gentlemen of the House realize that they came back at a time when we had begun to see the wane of our prosperity; that they came back again into civil life as no other body of soldiers have ever done. Not in all the history of civilization do we find soldiers quietly taking up civil pursuits as did ours. I hope now that we will give them some assistance.

I realize the bill presented now may benefit them, but I think most of them would rather have had a cash payment with which they may support themselves and families. We heard a former speaker [Mr. HOWARD] state that they might wish to enter into the matrimonial state or secure for themselves a home. I realize the present bill only allows 90 per cent loan on the accrued amount for two years, which at present prices gives practically nothing. As an ardent advocate of the bonus, I am ready to support this bill because I have no other alternative. I regret that I am unable to secure for them some cash payment which can give them a start in civil pursuits and some encouragement on the way. Since the armistice many have turned back into civil life and are prosperous, but there are many who are not able to catch up and who would be in need of a cash bonus. I was very much impressed with the idea of doing something for these men, and when I heard our colleague [Mr. SCHALL], who does not behold the responsive appearance of your faces, who does not see the beautiful things of life with which men are blessed, stand up and ask that these men be given justice, I trust that he will be an inspiration to the Members of the House, and I hope you will be imbued with the beautiful sentiment which prompted him to make his statement; and I hope to-morrow if the bill presented is the one you think best you will vote for it, but if you can possibly think of some better plan—for instance, a cash plan—you will give us your best efforts to defeat the present bill, in view of the fact that we may later do better and pass a bill which will bring to these men some cash relief. [Applause.]

Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the Record.

The CHAIRMAN. The gentleman asks unanimous consent to revise and extend his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. BROWNE of New Jersey. Mr. Chairman and Members of the House, I am opposed to any form of bonus on the principle that it is merely a gratuity offered to ex-service men

irrespective of the individual merits or needs, and, furthermore, that it is improper and impossible to attempt to compensate financially those who served their country in time of war.

While I am well aware that the proponents of the bonus have appropriated for their arguments the symbols of patriotism, it would seem to me that those who consider the country as a whole and its welfare are no less patriotic than those who favor a selected class, even though that class commands the admiration and respect of all. The bonus, by whatever name it be called, is a gratuity given to the ex-soldiers, irrespective of the individual needs or merits. In principle and in effect the bonus is a protest against the excessive wages received by many and the profiteering indulged in by those who did not go into the Army; and if this be so, "adjusted compensation" is neither more nor less than "adjusted profiteering." It is trite to say that two wrongs do not make a right. Moreover, it would seem improper to attempt to compensate financially those who offered themselves to their country in the hour of its need. No monetary compensation could repay them. To be able to serve one's country is a privilege and an honor and seemed to many of us a sacred obligation. None during the war mentioned or even thought of a subsequent bonus or adjusted compensation, nor can we say that the country ever promised such a reward or contemplated a financial settlement. What other countries may or may not have done should not concern us. Ours was a shorter war, and it is undoubtedly true that those of our soldiers who passed through the ordeal with no disability, either mental or physical, were better off for their experience; and while we owe them the undying respect of a grateful country, there should not be a cash reward. On the other hand, our resources should be poured out unstintingly to those who by the merciless fortunes of war were hurt in mind or body; they deserve not only our gratitude and affection but every physical aid.

Not expecting that an opportunity would be offered to speak on this subject to-day, I ask unanimous consent to revise and extend my remarks in the Record.

Mr. BYRNES of South Carolina. Is the time on this side exhausted?

The CHAIRMAN. The time is exhausted.

Mr. BYRNES of South Carolina. Mr. Chairman, is the time of this side exhausted?

The CHAIRMAN. The time on that side has expired.

Mr. FRENCH. Mr. Chairman, two gentlemen who asked for time seem not to be here. Is the gentleman from Ohio [Mr. CROSSER] on the other side available? I could yield five minutes.

Mr. BYRNES of South Carolina. The gentleman from Ohio [Mr. CROSSER] is not here.

Mr. FRENCH. One or two gentlemen on this side have not claimed their time. I want to say this, though: Mr. OLIVER of Alabama, a member of the committee, would probably desire to speak on this bill. He has been detained and has not been able to take part in the general debate. Should he desire time after we shall be under the five-minute rule, I shall be glad to ask unanimous consent for the House to hear him, so that he may have the opportunity to present his views to the House.

I yield back to the House the balance of my time.

Mr. BYRNES of South Carolina. Will the gentleman yield to me one minute?

Mr. FRENCH. Yes.

Mr. BYRNES of South Carolina. Mr. Chairman, I have yielded all the time at my disposal to-day for the discussion of the bonus question.

Mr. Chairman, under the general debate on this naval appropriation bill I have yielded time to many gentlemen to discuss the adjusted compensation bill, because that bill will be brought before the House to-morrow on a motion to suspend the rules, which will permit of only 20 minutes' debate and will permit no amendments. A measure of such importance should be debated and the House should have opportunity to amend it if the majority see fit to do so.

I voted for the adjusted compensation bill considered in the last Congress. To-morrow we will have no opportunity to consider that bill. We must vote for the bill as reported by the committee or nothing. I shall vote for it, but with the hope that it will be amended by the friends of this legislation in the Senate, so as to give to the ex-service men the option of receiving either a cash bonus or an insurance policy. The House will then have an opportunity to concur in the Senate amendment. It is admitted the cash bonus will cost less than the insurance policy provision and the option should be granted.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Navy Department and the naval service for the fiscal year ending June 30, 1925, namely:

Mr. BLANTON. Mr. Chairman, I make the point of order that there is no quorum.

The CHAIRMAN. The gentleman from Texas makes the point of order that there is no quorum present.

Mr. FRENCH. Mr. Chairman, will the gentleman withhold the point of order for a moment?

Mr. BLANTON. I will withhold it.

Mr. FRENCH. The plan is to rise in a few minutes.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OFFICE OF THE SECRETARY.

SALARIES, SECRETARY'S OFFICE, NAVY DEPARTMENT.

Secretary of the Navy, \$12,000; Assistant Secretary, and other personal services in the District of Columbia in accordance with the classification act of 1923, \$136,080; in all, \$148,080: *Provided*, That in expending appropriations or portions of appropriations contained in this act for the payment for personal services in the District of Columbia in accordance with the classification act of 1923, the average of the salaries of the total number of persons under any grade or class thereof in any bureau, office, or other appropriation unit shall not at any time exceed the average of the compensation rates specified for the grade by such act: *Provided*, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service, or (2) to require the reduction in salary of any person whose compensation is fixed as of July 1, 1924, in accordance with the rules of section 6 of such act, or (3) to prevent the payment of a salary under any grade at a rate higher than the maximum rate of the grade when such higher rate is permitted by the classification act of 1923 and is specifically authorized by other law.

Mr. BLANTON. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from Texas reserves a point of order on the paragraph.

Mr. MADDEN. It is not subject to a point of order.

Mr. FRENCH. Does the gentleman just want to adjourn?

Mr. BLANTON. It is adjourning time.

Mr. FRENCH. What I would like to do is to read to the fourth page. There are a few items here that are not controversial. When we shall reach the fourth page, it is my plan to move to rise.

Mr. BLANTON. Why should we appropriate here \$12,000 for a Secretary of the Navy when we have not any?

Mr. FRENCH. This bill is for the next fiscal year, I will say to the gentleman.

Mr. BLANTON. There is no definite assurance that we will have one then, is there?

Mr. FRENCH. We will have a Secretary of the Navy, and a very good one.

Mr. MADDEN. And a navy, too.

Mr. BLANTON. I will withdraw my reservation.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For stationery, furniture, newspapers, plans, drawings, and drawing materials; purchase and exchange of motor trucks or motor delivery wagons, maintenance, repair, and operation of motor trucks or motor delivery wagons, and one motor-propelled passenger-carrying vehicle, to be used only for official purposes; garage rent; street-car fares not exceeding \$500; freight, expressage, postage, typewriters, and computing machines; and other absolutely necessary expenses of the Navy Department and its various bureaus and offices, \$78,000; it shall not be lawful to expend, unless otherwise specifically provided herein, for any of the offices or bureaus of the Navy Department in the District of Columbia, any sum out of appropriations made for the naval service for any of the purposes mentioned or authorized in this paragraph.

Mr. BLANTON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Texas moves to strike out the last word.

Mr. BLANTON. With reference to this paragraph, embracing this lump sum of \$78,000, of which certain of it or all could be expended for furniture, I want to ask the chairman of the committee or any other member here, including the distinguished gentleman from Illinois [Mr. MADDEN], the chairman of the Committee on Appropriations, what is there about this—it is more than a rumor—this report, which seems to be based on definite information, that in a department of Government furniture may be sold by order of the Secretary and bought in for him and shipped out to his own home in his own State? Has that gone on in the office of the former Secretary?

There is a well-defined report that such did occur in the Department of the Interior. There is a report of several weeks' standing that that has been done. I would like to know something about it?

Here is an item of furniture, and \$78,000 appropriated in a lump sum; and I was wondering whether, if it had been done in one department, it could be done in another. I do not know who will be the new Secretary. If I knew, probably I would not be asking these questions.

Mr. FRENCH. Under the law no property of this kind could be disposed of except on the basis of advertisement in the regular way.

Mr. BLANTON. Will the gentleman say this, that he has no knowledge whatever of furniture having been sold in that way in the Department of the Interior and bought in for the man who was then Secretary of the department and shipped out to the man's home? Has the gentleman heard anything like that?

Mr. FRENCH. That subject is not involved here.

Mr. BLANTON. Has the gentleman heard anything about it?

Mr. FRENCH. I am not familiar with that at all and the matter is before another committee.

Mr. BLANTON. Has the gentleman heard anything about it?

Mr. FRENCH. There have been rumors—

Mr. BLANTON. Yes; ugly rumors. Has the gentleman chased them down in the Committee on Appropriations to find out how much truth there is in those rumors? Here is a committee of 35 Congressmen, who make every appropriation for this Congress. The other 400 Members have no say so as to what they put into these bills with reference to the money coming out of the Treasury. Naturally we have to have absolute confidence in these 35 men, and we have confidence in them. But when a report comes to Congress that a Secretary of a department has had property of the department sold and bought it in and shipped it out to his home State for his private use and benefit, I take it that it is the duty of the Committee on Appropriations to look into that and find out, and tell this House how much truth and how much falsehood there is in the report.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. I yield. I am sure the gentleman has heard of these reports.

Mr. MADDEN. No.

Mr. BLANTON. The gentleman has not heard of them?

Mr. MADDEN. No.

Mr. BLANTON. The gentleman must have been asleep, because it has been fairly seething around the Capitol corridors for two or three weeks.

Mr. MADDEN. Let me say this much to the gentleman: I have not been asleep. I have been at work. I have not heard any rumors concerning anything about it, and I do not think it has been reported to Congress.

Mr. BLANTON. I put the gentleman on notice now, that there is a definite report to that effect, and I hope the chairman of the Committee on Appropriations will trace it down and find out what there is in it.

Mr. MADDEN. Will the gentleman yield further?

Mr. BLANTON. Certainly.

Mr. MADDEN. I understood the gentleman to say it had been reported to Congress.

Mr. BLANTON. No; it has been reported here in the Capitol; all around Congress, but not to Congress.

Mr. MADDEN. I am not much of a gossip.

Mr. BLANTON. This is more than gossip.

Mr. MADDEN. And rumor rarely tells the truth.

Mr. BLANTON. This is more than rumor. I want to say this: If it had been a Democratic Secretary I would be making this same statement on the floor.

Mr. MADDEN. I do not doubt that. I shall be glad to look into it, and if there is anything in it I will tell the gentleman.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLANTON. Mr. Chairman, I ask unanimous consent to proceed for two additional minutes.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for two additional minutes. Is there objection?

There was no objection.

Mr. BLANTON. Then I understand the gentleman from Illinois to say it is going to be investigated by his committee?

Mr. MADDEN. It will be investigated.

Mr. BLANTON. But it has not yet been investigated.

Mr. MADDEN. It has not.

Mr. BLANTON. I think the time has come when it ought to be.

Mr. MADDEN. Of course, you can not commence to investigate a thing until some smelling committee gets it.

Mr. BLANTON. This is not work for a smelling committee; this is work for a definite, sincere, anxious committee of Congress which has the interests of the people at heart, and which ought to go to the bottom of these things, and if a man—I do not care whether he be Democrat or Republican—will take the property of the people and use it for himself it ought to be found out, and it ought to be reported to this Congress, and there ought to be some decisive action taken.

Mr. MADDEN. And may I ask the gentleman this further question? Was this a former Secretary of the Interior?

Mr. BLANTON. Oh, then the gentleman from Illinois has heard about it, and the gentleman is not as innocent as his smile would indicate.

Mr. MADDEN. Well, the gentleman has said enough so that I can infer what he means; although he has not named anybody I just assume who he is from the gentleman's remark that he does not care whether he be a Democrat or a Republican. I think the former Secretary of the Interior has been both a Democrat and a Republican at different times.

Mr. BLANTON. The gentleman does not mean to say that Mr. Secretary Fall has ever been a Democrat?

Mr. MADDEN. He has been both, as I understand.

Mr. BLANTON. He was good enough Republican to be made a member of a Republican Cabinet.

Mr. BYRNES of South Carolina. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. BYRNES of South Carolina. When he was a Democrat there was no charge about a satchel of money, but when he was a Republican there was.

Mr. BLANTON. I did not intend to bring anything partisan into this matter, because I was simply looking at it from the standpoint of the interests of the people.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn.

Mr. FRENCH. Mr. Chairman, may I make this further observation: The question which the gentleman asked pertains to a department with which this particular subcommittee has not been dealing. The remarks of the gentleman do not pertain to any paragraph in the bill which the committee has before it. All inquiries and hearings must proceed in an orderly way or we shall get nowhere. However, if the gentleman thinks the matter is not now having the attention that it should, then, as a member of the Appropriations Committee, I shall be very glad to cooperate in any way looking to the ferreting out of any reasonable charge that may be brought against any public official.

Mr. JEFFERS. Mr. Chairman, I ask unanimous consent to extend as a part of my remarks to-day an editorial called "A gold-star mother's rebuke."

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to include in his remarks the editorial to which he refers. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

PRINTING AND BINDING.

For printing and binding for the Navy Department and the Naval Establishment executed at the Government Printing Office, \$475,000, including not exceeding \$85,000 for the Hydrographic Office.

Mr. FRENCH. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GRAHAM of Illinois, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 6820) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1925, and for other purposes, had come to no resolution thereon.

SOLDIERS' ADJUSTED COMPENSATION.

Mr. COLLINS. Mr. Chairman, the adjusted compensation bill which will be taken up in the House to-morrow does not provide for the kind or character of an adjusted compensation for the veterans of the late war that I believe should be paid, nor is it the kind of a bill that would be passed by this House if we were not hog tied by a rule, which makes the membership here vote either for or against this bill. The action of the Republican members of the Ways and Means Committee in reporting a bill which provides merely for the issuance of insurance certificates for ex-service men, for the

collection of which they will have to wait 20 years unless they die in the meantime, is bad enough in itself. But they make the situation intolerable when they couple to this proposition a rule which limits the debate on the bill to 20 minutes for each side, and which prohibits amendments or even a motion to recommit, so that even those that are in favor of proper adjusted compensation feel almost persuaded to vote against this measure. I shall give it my vote, however, notwithstanding my objections to the measure.

A CASH COMPENSATION MORE SATISFACTORY TO GOVERNMENT AND SOLDIER.

The Secretary of the Treasury and a whole horde of lesser satellites, such as the Literary Digest, have tried to becloud this issue and lead the American people to believe that if an adjusted compensation act is passed there can be no reduction of Federal taxes, and in a poll arranged by the Literary Digest, alleged to have been submitted to 15,000,000 people, a person voting was compelled to vote against adjusted compensation if he favored tax reduction. Now, I dare to say that there is not a Member of this House who is opposed to tax reduction, nor who would vote against a tax reduction bill that was favorable equally to all classes of taxpayers. And three-fourths of these Members are likewise in favor of an adjusted compensation. Personally, I am for both propositions.

The critics of the ex-soldier, however, contend that the adjusted-compensation measure will cost the Government so much that any tax reduction will be impossible. Mr. Mellon's most recent statement asserts that the adjusted compensation will cost the Nation \$4,000,000,000. The truth is wholly at variance with this statement from the Secretary of the Treasury. The report of the Senate Finance Committee of 1921 shows that the approximate cost will be \$1,548,000,000. Mr. Mellon himself in a letter to Senator Frelinghuysen in July, 1921, said that the total cost would be approximately \$1,500,000,000. Taking these figures as to the cost, if a 50-year bond issue for \$1,500,000,000 was floated and allowing 5 per cent per annum as sufficient to take care of both interest and sinking fund, then an annual charge of only \$77,000,000 would be imposed upon the people of the United States as the total annual cost of adjusted compensation to these veterans, and this would give to every one of them the cash for immediate use.

The Secretary of the Treasury states that a tax reduction of approximately \$325,000,000 can be made at this time without disturbing in the least the sinking fund set aside annually to take care of the national debt. Taking then the \$77,000,000 which would annually be required for adjusted compensation from these figures, and we have a balance of \$248,000,000 which can be eliminated from the tax burdens of those who are paying an income and other Federal taxes. It has been frequently said on the floor of this House that a tax bill should be framed which would reduce the taxes of those persons who do not pay income taxes.

These statements are made chiefly by those who favor the Mellon rates or the "Mellon plan." If these gentlemen are sincere in these statements and really wish to give to this class of taxpayers real relief in the matter of taxation, it behooves them to favor a cash compensation for ex-service men for the reason that the great majority of these very men make annual salaries that are not of sufficient size to bear an income tax.

THE LAST OF THE WAR CLAIMS.

Those who are opposed to the payment of an adjusted compensation frequently make the statement that if the soldiers' claims are paid by the Government the amount received by them will be immediately wasted and squandered. I wish to deny the truthfulness of this statement. Assuming, however, that it is true, it is none of my business or the business of anyone but the ex-soldier himself what he does with his deserved compensation. No other person or set of persons having just claims against the Government has ever been interrogated about what shall be done with the money owed to him or them, and I fail to see the justice of singling out this class of brave men and assigning to them impulses of incompetency not attributed to other men. The only question which we have to settle is whether the Government owes these men some compensation, and I submit that the Government does so. They left positions and businesses and professions and departed from their homes by voluntary enlistment or by being drafted into the service and went away to engage in the most hazardous of all duties, for which they received from their Government less than \$30 a month, which amount was not increased. Their dependents at home received but trifling amounts, sums entirely insufficient to support them. Those men who remained at home

doing work of infinitely less importance received compensation many times the wages given to these fighters. No one can deny the truthfulness of these statements, nor that the Government is not justly indebted to these men. Suppose they had faltered and had not done their work so well and so nobly, and the war had been lost as a consequence, the propagandists who are now belittling them and calling them names would be themselves struggling under tax burdens unheard of in immensity. Perhaps confiscation itself would have overtaken them.

Mr. Speaker, the issue presented is a simple one that anyone of even small degree of discernment could see through. The rich taxpayers, who have been accustomed to bonuses from the Government in the way of tax reductions, land grants, and gifts of all kinds, and who are always paid in full for all their losses, real or alleged, caused by the war, firmly believe that if this debt is paid to the real service men their own "bonuses" will be smaller in the future and the justice of their payments will be scrutinized more closely. This, then, is the real basis for their opposition to an adjusted compensation measure that shall be fair and adequate.

Ninety-five per cent of ex-service men believe that they have been treated unfairly in this matter of their compensation and that justice has been denied to them. A Government generous to a degree to everyone else that performed any duty in a war way should not neglect those who really served by giving their all, and who by their faithfulness and valor made success possible.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. OLIVER of Alabama (at the request of Mr. JEFFERS), from March 15 to March 19, on account of important business.

To Mr. STEAGALL (at the request of Mr. HILL of Alabama), on account of illness in family.

To Mr. BANKHEAD (at the request of Mr. HILL of Alabama), on account of illness in family.

ADJOURNMENT.

Mr. FRENCH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 15 minutes p. m.) the House adjourned until to-morrow, Tuesday, March 18, 1924, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. GREEN of Iowa: Committee on Ways and Means. H. R. 7959. A bill to provide adjusted compensation for veterans of the World War, and for other purposes; without amendment (Rept. No. 313). Referred to the Committee of the Whole House on the state of the Union.

Mr. FULLER: Committee on Invalid Pensions. H. R. 7963. A bill to increase pensions to persons who served in the Army, Navy, or Marine Corps of the United States during the Civil War, and of widows and former widows of such persons, and Army nurses of said war; without amendment (Rept. No. 314). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. ZIHLMAN: A bill (H. R. 7994) to provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. JOHNSON of Washington: A bill (H. R. 7995) to limit the immigration of aliens into the United States, and for other purposes; to the Committee on Immigration and Naturalization.

By Mr. KIESS: A bill (H. R. 7996) to regulate and fix rates of wages for employees of the Government Printing Office; to the Committee on Printing.

By Mr. KINDRED: A bill (H. R. 7997) to provide for regulating traffic in certain clinical thermometers, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. TIMBERLAKE: A bill (H. R. 7998) granting public lands to the city of Golden, Colo., to secure a supply of water for municipal and domestic purposes; to the Committee on the Public Lands.

By Mr. SABATH: Joint resolution (H. J. Res. 217) for the appointment of a commission to investigate and review sentences imposed in the cases of military prisoners still confined in United States prisons or other penal institutions, and for other purposes; to the Committee on the Judiciary.

By Mr. COLE of Iowa: Joint resolution (H. J. Res. 218) authorizing appropriations for the payment of expenses of delegates to represent the United States at the general assembly of the International Institute of Agriculture, to be held at Rome in May, 1924, and for the payment of the quotas of Hawaii, the Philippines, Porto Rico, and the Virgin Islands for the support of the institute for the calendar year 1924; to the Committee on Foreign Affairs.

By Mr. CABLE: Joint resolution (H. J. Res. 219) authorizing the President to call a conference of the governments of the world to adopt a convention on the nationality of married women embodying the principle that a married woman should be given the same right as a man to retain or to change her nationality; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLACK of New York: A bill (H. R. 7990) for the relief of Walter S. Holbrook, as managing owner of the steam tug *Crescent*; to the Committee on Claims.

Also, a bill (H. R. 8000) for the relief of the owners of the steam tug *Joshua Lovett*; to the Committee on Claims.

By Mr. GARRETT of Texas: A bill (H. R. 8001) for the relief of the Houston (Tex.) Chamber of Commerce and the Hermann Hospital estate, and Bertha E. Roy and Max A. Roy, and Emma Hellberg and Laura Lackner, and F. W. Lackner, and J. M. Frost and J. J. Settegast; to the Committee on War Claims.

By Mr. HOWARD of Oklahoma: A bill (H. R. 8002) for the relief of First Lieut. Harry L. Rogers, jr.; to the Committee on Claims.

By Mr. HULL of Iowa: A bill (H. R. 8003) granting a pension to Sophia Albright; to the Committee on Pensions.

Also, a bill (H. R. 8004) granting a pension to Minerva Kenney; to the Committee on Invalid Pensions.

By Mr. KNUTSON: A bill (H. R. 8005) granting an increase of pension to Carleton E. Bradley; to the Committee on Pensions.

By Mr. LANKFORD: A bill (H. R. 8006) granting an increase of pension to Royal H. Walden; to the Committee on Pensions.

Also, a bill (H. R. 8007) granting an increase of pension to William H. Mercer; to the Committee on Invalid Pensions.

By Mr. MANLOVE: A bill (H. R. 8008) granting a pension to Carra Belle Jacobs; to the Committee on Invalid Pensions.

By Mr. MAPES: A bill (H. R. 8009) granting a pension to James Q. Bullock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8010) granting a pension to Ellen J. Goodmoh; to the Committee on Invalid Pensions.

By Mr. ROACH: A bill (H. R. 8011) granting a pension to Katie Cummings; to the Committee on Invalid Pensions.

By Mr. SEARS of Nebraska: A bill (H. R. 8012) authorizing the Secretary of the Treasury to pay the claim of William Quinlan; to the Committee on Claims.

By Mr. SCHALL: A bill (H. R. 8013) granting a pension to Lizzie C. Walsh; to the Committee on Pensions.

By Mr. SHERWOOD: A bill (H. R. 8014) granting a pension to Mrs. J. C. Work; to the Committee on Pensions.

By Mr. STRONG of Kansas: A bill (H. R. 8015) granting an increase of pension to Elvina Spangler; to the Committee on Invalid Pensions.

By Mr. SWEET: A bill (H. R. 8016) granting an increase of pension to Thomas Devine; to the Committee on Pensions.

By Mr. WATKINS: A bill (H. R. 8017) granting a pension to A. R. Black; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8018) granting a pension to David McMillan; to the Committee on Invalid Pensions.

By Mr. WOLFF: A bill (H. R. 8019) for the relief of Luther H. Williams; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1803. By Mr. CLAGUE: Petitions from farmers and business men from the second congressional district of Minnesota, indorsing the McNary-Haugen bill (H. R. 5563); to the Committee on Agriculture.

1804. By Mr. COOK: Papers in support of House bill 7063, for the relief of Henry Oates; to the Committee on Claims.

1805. Also, petition of the citizens of Grant County, Ind., in relation to the passing of the Johnson-Lodge immigration bill; to the Committee on Immigration and Naturalization.

1806. By Mr. DOYLE: Petition of the City Council of Chicago, favoring indorsement of a campaign for the release of soldiers imprisoned for offenses committed during the World War; to the Committee on Military Affairs.

1807. Also, petition of the City Council of Chicago, protesting against the proposed enactment of the Johnson immigration bill; to the Committee on Immigration and Naturalization.

1808. Also, petition of the City Council of Chicago, urging Congress to enact legislation for a new post-office building in Chicago; to the Committee on the Post Office and Post Roads.

1809. Also, petition of the City Council of Chicago, indorsing legislation to provide increases in salaries of postal employees; to the Committee on the Post Office and Post Roads.

1810. By Mr. GARBBER: Petition of W. I. Drummond, chairman International Farm Congress of America, Kansas City, Mo., setting forth his idea of the McNary-Haugen bill; to the Committee on Agriculture.

1811. By Mr. GALLIVAN: Petition of the Gold Star Association of America, urging Congress to appropriate certain funds to enable mothers, fathers, or wives of deceased soldiers buried in France to visit the last resting places of their dead, this legislation being provided for in House bill 4109; to the Committee on Military Affairs.

1812. Also, petition of Locals 7 and 78 of the Lithuanian National League of America, protesting against restriction of immigration; to the Committee on Immigration and Naturalization.

1813. By Mr. GARNER of Texas: Petition of users of motor vehicles, fifteenth congressional district, favoring repeal of all unfair excise taxes, including those on the motor vehicles; to the Committee on Ways and Means.

1814. By Mr. HICKEY: Petitions of Walter L. Dodd, of Westville, Ind.; W. H. Billings, Dr. E. O. Krueger, Dr. F. V. Martin, Rev. Donald C. Ford, and H. L. Odell, all of Michigan City, Ind., and many other citizens of Laporte County, Ind., objecting to the excise tax on motor vehicles and other war excise taxes; to the Committee on Ways and Means.

1815. By Mr. HUDSON: Petition of the rural carriers of Ingham County, Mich., urging the passage of House bill 6716, providing an equipment maintenance equal to 6 cents per mile per day for the number of miles traveled by each carrier; to the Committee on the Post Office and Post Roads.

1816. Also, petition of the council of the village of Springwells, Mich., favoring the passage of House bill 4123, a bill increasing the salaries of postal employees; to the Committee on the Post Office and Post Roads.

1817. By Mr. MADDEN: Petition of the board of trustees of the sanitary district of Chicago, calling on Members of Congress to take steps to institute an investigation of the amount of water now being diverted from the Niagara River and Lake Erie by the Canadian power interests; to the Committee on Rivers and Harbors.

1818. By Mr. MAPES: Petition of Miss Margaret J. Bilz, of Spring Lake, Mich., for a uniform marriage and divorce law; to the Committee on the Judiciary.

1819. By Mr. MEAD: Petition of Board of Supervisors of Erie County, State of New York, opposing that part of the Johnson immigration bill which tends to further restrict southern European immigration; to the Committee on Immigration and Naturalization.

1820. Also, petition of Pennsylvania Daughters of the American Revolution, meeting at Lancaster, Pa., opposing two proposed amendments to the Constitution of the United States to empower Congress to override the decision of the Supreme Court by repassing an act of Congress and opposing a proposed amendment that would require concurrence of seven members of the Supreme Court to declare a law unconstitutional; to the Committee on the Judiciary.

1821. Also, petition of the Council for the Protection of Labor, Buffalo, N. Y., opposing House bill 4098; to the Committee on the Judiciary.

1822. By Mr. NEWTON of Minnesota: Petition of Mr. M. G. Sabas, of the Lithuanian National and Benevolent Society, Minneapolis, Minn., urging Congress to modify the Johnson immigration bill and to adopt provision for correct ascertainment of the Lithuanian quota; to the Committee on Immigration and Naturalization.

1823. By Mr. PATTERSON: Petition of Loggia Beatrice Portinari, No. 876, Ordine Figli d'Italia in America, of Camden, N. J., protesting against immigration bill introduced by Repre-

sentative JOHNSON of Washington; to the Committee on Immigration and Naturalization.

1824. By Mr. RAKER: Nineteen letters from residents of California, indorsing the adjusted compensation bill; to the Committee on Ways and Means.

1825. Also, petitions of clerks and carriers, Station B post office, San Francisco, Calif., favoring Kelly-Edge bill; New York Chamber of Commerce, recommending the Kelly-Edge bill; and Senator J. M. Inman, California Legislature, urging passage of legislation providing for increase in wages of all postal employees; to the Committee on the Post Office and Post Roads.

1826. Also, petitions of Chamber of Commerce of the State of New York, recommending bill to establish a foreign commerce service in the Department of Commerce; Chamber of Commerce of the State of New York, relative to the China trade act; and California Wool Growers' Association, San Francisco, Calif., opposing legislation which will deny fourth-section relief with reference to Senate bill 187; to the Committee on Interstate and Foreign Commerce.

1827. Also, petition of Colusa County Federation of Women's Clubs, California, in re conservation of national parks; to the Committee on the Public Lands.

1828. Also, petition of Colusa County Federation of Women's Clubs, California, indorsing a department of education; to the Committee on Education.

1829. Also, petition of Building Owners and Managers' Association, of San Francisco, Calif., opposing permanent Rent Commission in District of Columbia; to the Committee on the District of Columbia.

1830. Also, petition of Chamber of Commerce, State of New York, indorsing legislation to provide for completion of inland river projects on the Mississippi, Ohio, and Missouri Rivers; to the Committee on Rivers and Harbors.

1831. Also, petition of E. H. Liscum Camp, No. 7, United Spanish War Veterans, California, indorsing civil-service preference to ex-service men; to the Committee on the Civil Service.

1832. Also, petition of John F. Mathews, 733 Belleville Street, Station A, New Orleans, La., indorsing Senate bill 895 and House bill 2719, for the relief of persons who served in the United States Military Telegraph Corps during the Civil War; to the Committee on Invalid Pensions.

1833. By Mr. ROUSE: Petition of McKinley Council, No. 18, Daughters of America, of Bellevue, Campbell County, Ky., indorsing the immigration bill; to the Committee on Immigration and Naturalization.

1834. By Mr. SNELL: Petition of Women's Club of Saranac Lake, favoring the entrance of the United States into the Permanent Court of International Justice with the reservations set forth by President Harding and Secretary Hughes in the spring of 1923; to the Committee on Foreign Affairs.

1835. By Mr. STRONG of Kansas: Petition of Herington Shop Federation, of Herington, Kans., indorsing the program of the progressive groups of the House of Representatives and the Senate; to the Committee on Interstate and Foreign Commerce.

1836. By Mr. TEMPLE: Petition of 14 members present at recent meeting of Washington Camp No. 834, Patriotic Order Sons of America, Kirby, Pa., in support of the Johnson immigration bill; to the Committee on Immigration and Naturalization.

1837. Also, petitions of Washington Camp No. 754, Patriotic Order Sons of America, Canonsburg, Pa., and James C. Springer and others, of Canonsburg, Pa., in support of the Johnson immigration bill; to the Committee on Immigration and Naturalization.

1838. By Mr. WATSON: Petition of the James E. Hyatt Council, No. 127, Sons and Daughters of Liberty, Willow Grove, Pa., favoring House bill 6540, known as the Johnson immigration bill; to the Committee on Immigration and Naturalization.

1839. By Mr. WEFALD. Petition of 470 farmers of Klittson County, Minn., urging the enactment of the McNary-Haugen bill, providing for the relief of agriculture, into law; to the Committee on Agriculture.

1840. Also, petition of 34 farmers of Moose Creek Township, Clearwater County, Minn., urging the passage of the McNary-Haugen bill, providing for the relief of agriculture; to the Committee on Agriculture.

1841. Also, petition of 18 farmers of Spring Creek Township, Norman County, Minn., urging the passage of the McNary-Haugen bill, providing for the relief of agriculture; to the Committee on Agriculture.

1842. Also, petition of 36 farmers of Prairie View Township, Wilkin County, Minn., urging the passage of the McNary-

Haugen bill, providing for the relief of agriculture; to the Committee on Agriculture.

1843. Also, petition of 39 farmers of Lambert Township, Red Lake County, Minn., urging the passage of the McNary-Haugen bill, providing for the relief of agriculture; to the Committee on Agriculture.

1844. Also, petition of 47 farmers of Northland Township, Polk County, Minn., urging the passage of the McNary-Haugen bill, providing for the relief of agriculture; to the Committee on Agriculture.

1845. Also, petition of 23 farmers of Eagle Point Township, Minn., urging the passage of the McNary-Haugen bill, providing for the relief of agriculture; to the Committee on Agriculture.

1846. Also, petition of 31 farmers of Falun Township, Roseau County, Minn., urging the passage of the McNary-Haugen bill, providing for the relief of agriculture; to the Committee on Agriculture.

1847. Also, petition of 17 farmers of Higdum Township, Marshall County, Minn., urging the passage of the McNary-Haugen bill, providing for the relief of agriculture; to the Committee on Agriculture.

1848. Also, petition of 61 farmers of Homestead Township, Otter Tail County, Minn., urging the passage of the McNary-Haugen bill, providing for the relief of agriculture; to the Committee on Agriculture.

1849. Also, petition of 37 farmers of Morken Township, Clay County, Minn., urging the passage of the McNary-Haugen bill, providing for the relief of agriculture; to the Committee on Agriculture.

1850. Also, petition of 44 farmers of Spring Prairie Township, Clay County, Minn., urging the passage of the McNary-Haugen bill, providing for the relief of agriculture; to the Committee on Agriculture.

1851. Also petition of 18 farmers of Carlisle Township, Otter Tail County, Minn., urging the passage of the McNary-Haugen bill, providing for the relief of agriculture; to the Committee on Agriculture.

SENATE.

TUESDAY, March 18, 1924.

(Legislative day of Friday, March 14, 1924.)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WADSWORTH in the chair). The Secretary will call the roll.

The principal clerk called the roll, and the following Senators answered to their names:

Adams	Edwarda	Keyes	Robinson
Ball	Ernst	King	Sheppard
Bayard	Ferris	Ladd	Shields
Borah	Fess	Lodge	Shortridge
Brandegee	Fletcher	McKellar	Simmons
Broussard	Frazier	McKinley	Smith
Bruce	George	McLean	Smoot
Bursum	Gerry	McNary	Stanfield
Cameron	Glass	Mayfield	Stephens
Capper	Gooding	Neely	Swanson
Caraway	Hale	Norris	Wadsworth
Colt	Harrel	Oddie	Walsh, Mass.
Copeland	Harris	Overman	Walsh, Mont.
Couzens	Harrison	Pepper	Warren
Curtis	Heflin	Philpps	Watson
Dale	Howell	Pittman	Weller
Dial	Johnson, Minn.	Ralston	Willis
Dill	Jones, N. Mex.	Ransdell	
Edge	Kendrick	Reed, Pa.	

Mr. CURTIS. I wish to announce that the Senator from Iowa [Mr. BROOKHART], the Senator from Washington [Mr. JONES], the Senator from New Hampshire [Mr. MOSES], the Senator from Arizona [Mr. ASHBURST], and the Senator from Montana [Mr. WHEELER] are detained in a committee meeting.

The PRESIDING OFFICER. Seventy-four Senators having answered to their names, there is a quorum present.

ACCOUNTS OF THE FARM LOAN COMMISSIONER.

The PRESIDING OFFICER. The Chair lays before the Senate a letter from the Secretary of the Treasury in response to Senate Resolution 190, which, without objection, will lie on the table.

Mr. BRANDEGEE. I would like to have the letter from the Secretary of the Treasury read at the desk.

The PRESIDING OFFICER. The Secretary will read it.

The reading clerk read as follows:

THE SECRETARY OF THE TREASURY,
Washington, March 14, 1924.

DEAR MR. PRESIDENT PRO TEMPORE: Senate Resolution No. 190, passed March 12, 1924, directing the Secretary of the Treasury to furnish to the Senate a statement, in detail, of the funds that have been covered into the account of the Farm Loan Commissioner, together with a statement of the source of said funds in each case, and the date of each disbursement from said account, has been received. Into this account, as I understand it, have been deposited the proceeds from the sale of farm-loan bonds, and checks against this account are drawn by the Farm Loan Commissioner. As far as the Treasury proper is concerned, this account is similar to an ordinary checking account at any commercial bank. The records of the transactions which go through the account are with the Farm Loan Commissioner and not with the Treasury. With the concurrence, however, of the Farm Loan Commissioner, the Treasury has already undertaken a detailed audit and analysis of this account in the office of the Farm Loan Commissioner. In order to prepare an analysis responsive to the Senate resolution and verify items involved, it will be necessary that this Treasury force be occupied for about four weeks. The report will be furnished you as soon as prepared.

Very truly yours,
A. W. MELLON,
Secretary of the Treasury.

The PRESIDENT OF THE SENATE PRO TEMPORE,
The Capitol.

SALARIES IN THE VETERANS' BUREAU.

The PRESIDING OFFICER. The Chair lays before the Senate a letter from the Director of the Veterans' Bureau transmitting certain information with respect to the salaries of employees of the bureau in accordance with the provisions of the appropriation act of February 13, 1923.

Mr. FLETCHER. If the letter is not very long, may we have it read?

The PRESIDING OFFICER. The Chair is not conversant with the contents of the letter. It may be referred to the Committee on Appropriations.

Mr. ROBINSON. What is the subject matter of the communication?

The PRESIDING OFFICER. It relates to employees of the Veterans' Bureau, and is in response to a provision contained in the appropriation act of February 13, 1923.

Mr. CURTIS. It should go to the Committee on Appropriations.

Mr. ROBINSON. Yes, it should go to the Committee on Appropriations.

Mr. FLETCHER. And be printed.

The PRESIDING OFFICER. It will be printed by order of the committee if they so desire. The communication will be referred to the Committee on Appropriations.

CONDOLENCES ON THE DEATH OF FORMER PRESIDENT WILSON.

The PRESIDING OFFICER laid before the Senate a communication from the Secretary of State, transmitting, in compliance with a request of the French ambassador, a certified copy of an extract from the Journal of the Senate of the French Republic for the session of February 12, 1924, on which occasion that body unanimously passed a resolution in honor of the memory of the late Woodrow Wilson, former President of the United States, expressing its fraternal sympathy, which was ordered to lie on the table.

He also laid before the Senate a communication from the Secretary of State, transmitting copy of a letter from the officers of the general convention of the Liberal Radical Party, at Asuncion, Paraguay, which were ordered to lie on the table and to be printed in the Record, as follows:

DEPARTMENT OF STATE,
Washington, March 12, 1924.

The Hon. ALBERT B. CUMMINS,
President pro tempore, United States Senate.

Sir: I have the honor to transmit a copy of a letter addressed to the American minister at Asuncion from Mr. Emiliana Gonzalez Navero and Dr. Raul Casal Ribiero, president and secretary, respectively, of the general convention of the Liberal Radical Party, conveying the sympathy of that body to the Senate of the United States on the occasion of the death of Mr. Woodrow Wilson, former President of the United States.

I have the honor to be, sir,
Your obedient servant,

CHARLES E. HUGHES.

[Translation.]

LIBERAL PARTY,
Asuncion, February 5, 1924.
His Excellency MINISTER Plenipotentiary of the United States
OF AMERICA.

Mr. MINISTER: By unanimous resolution of the convention of the Liberal Party, I beg your excellency to kindly transmit to the Senate of the United States of America the condolence and profound sentiments of this assembly for the death of the illustrious ex-President and champion of right, Woodrow Wilson.

I wish to thank your excellency for your compliance with this request, and to express the assurances of my highest consideration,
E. GONZALEZ NAVERO,
RAUL CASAL RIBIERO,
Secretary.

CAUSE DISMISSED BY THE COURT OF CLAIMS.

The PRESIDING OFFICER laid before the Senate a communication from the assistant clerk of the Court of Claims, informing the Senate that the cause of the International Telefre Co., of Boston, Mass., v. The United States, congressional, No. 15,259, which was referred to the Court of Claims by resolution of the Senate on February 21, 1911, was dismissed by the court for nonprosecution, on motion of the defendant, on January 15, 1924, which was referred to the Committee on Claims.

SUPPLEMENTAL ESTIMATES OF APPROPRIATIONS.

The PRESIDING OFFICER laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of State, fiscal year 1924, for the payment of the expenses of delegates to the General Assembly of the International Institute of Agriculture to be held at Rome, Italy, and for the payment of additional quotas incident to the admission of Hawaii, the Philippines, Porto Rico, and the Virgin Islands to membership in the institute, \$15,045, which was referred to the Committee on Appropriations and ordered to be printed (S. Doc. No. 73).

He also laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate for the Treasury Department, fiscal year 1924, for providing water supply at the Key West (Fla.) Marine Hospital, \$5,500, which was referred to the Committee on Appropriations and ordered to be printed (S. Doc. No. 72).

He also laid before the Senate a communication from the President of the United States, transmitting deficiency estimates of appropriations for the Department of State for the fiscal years 1922 and 1923, in amount \$11,926.81, and supplemental estimates of appropriations for the Department of State for the fiscal year 1924, in amount \$151,265.29; in total amount \$163,192.10, which was referred to the Committee on Appropriations and ordered to be printed (S. Doc. No. 71).

He also laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, a list of judgments rendered against the Government by the district courts of the United States, under the provisions of law, as submitted by the Attorney General through the Secretary of the Treasury and requiring an appropriation for payment, as follows: Under the Department of Commerce, \$7,500; under the Department of Labor, \$3,074.30; under the War Department, \$2,050; in total amount, \$12,624.30, which was referred to the Committee on Appropriations and ordered to be printed (S. Doc. No. 60).

He also laid before the Senate a communication from the President of the United States, transmitting, in compliance with law, a list of judgments rendered by the Court of Claims, which have been submitted by the Attorney General through the Secretary of the Treasury and require an appropriation for their payment, as follows: Under the Navy Department, \$93,542.88; under the Treasury Department, \$2,078; under the War Department, \$80,921.52; in total amount, \$176,542.40, which was referred to the Committee on Appropriations and ordered to be printed (S. Doc. No. 70).

He also laid before the Senate a communication from the President of the United States, transmitting, in compliance with law, schedules of claims amounting to \$1,190,204.64, allowed by the General Accounting Office, as covered by certificates of settlement (the numbers of which are shown in the first column of said schedules), under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of law, and for the service of the several departments and independent offices, which was referred to the Committee on Appropriations and ordered to be printed (S. Doc. No. 68).

PETITIONS AND MEMORIALS.

The PRESIDING OFFICER laid before the Senate a resolution adopted by the City Council of the City of Chicago, Ill., favoring the passage of legislation granting increased compensation to postal employees, which was referred to the Committee on Post Offices and Post Roads.

He also laid before the Senate a resolution adopted by the City Council of the City of Chicago, Ill., favoring the taking of drastic measures for the suppression of the illicit traffic in narcotic drugs, which was referred to the Committee on Foreign Relations.

He also laid before the Senate the petition of James P. Edwards, praying that section 37 of the Penal Code, relative to conspiracy to commit offenses, be amended so as to provide that no punishment shall be inflicted under this section which is greater than that provided by Congress for the substantive offense which the defendants are charged with having conspired to commit, which was referred to the Committee on the Judiciary.

Mr. WARREN presented a resolution adopted by the board of directors of the Sheridan Commercial Club, of Sheridan, Wyo., favoring the enactment of legislation to amend the Federal highway act, which was referred to the Committee on Agriculture and Forestry.

He also presented resolutions adopted by the Laramie County Teachers' Association of Cheyenne and the Lions Club of Greybull, both in the State of Wyoming, favoring the enactment of legislation authorizing participation of the United States in the international conferences for the control of traffic in habit-forming narcotic drugs, which were referred to the Committee on Foreign Relations.

Mr. CAPPER presented a petition of sundry citizens of Ford County, Kans., praying for the passage of legislation reducing the tax on industrial alcohol, which was referred to the Committee on Finance.

He also presented a telegram in the nature of a petition from sundry citizens of Mullinville, Kans., praying for the passage of the so-called Johnson immigration bill, which was referred to the Committee on Immigration.

Mr. WILLIS presented a resolution adopted by the Ohio Engineering Society, favoring the prompt passage of legislation providing for the financing of a three-year Federal-aid road program, beginning July 1, 1925, in the amount of \$100,000,000 for each of the three fiscal years succeeding that date, which was referred to the Committee on Post Offices and Post Roads.

He also presented resolutions of the Walkomirer Progressive Benevolent Association and the Drusivo Primez Trubar, St. 126, S. N. P. J., both of Cleveland, Ohio, remonstrating against the passage of the so-called Johnson selective immigration bill, which were referred to the Committee on Immigration.

REPORTS OF THE COMMITTEE ON FOREIGN RELATIONS.

Mr. LODGE, from the Committee on Foreign Relations, to which was referred the bill (S. 2506) authorizing an appropriation for the payment of claims arising out of the occupation of Vera Cruz, Mexico, by American forces in 1914, reported it without amendment and submitted a report (No. 281) thereon.

Mr. PEPPER, from the Committee on Foreign Relations, to which was referred the bill (S. 555) for the relief of Blattmann & Co., reported it without amendment and submitted a report (No. 282) thereon.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HALE:

A bill (S. 2853) granting a pension to Mary L. Murray (with an accompanying paper); and

A bill (S. 2854) granting an increase of pension to Martha A. Hinkley; to the Committee on Pensions.

By Mr. WILLIS:

A bill (S. 2855) for the relief of George W. Allison (with accompanying papers); to the Committee on Claims.

By Mr. PHIPPS:

A bill (S. 2856) granting a pension to Alice B. Elliott (with accompanying papers); to the Committee on Pensions.

By Mr. BURSUM:

A bill (S. 2857) for the relief of the Maryland Casualty Co.; to the Committee on Claims.

By Mr. McNARY:

A bill (S. 2858) for the construction of a building for accommodation of United States post office and other Government offices at Gresham, Ore.; to the Committee on Public Buildings and Grounds.

By Mr. McKINLEY:

A bill (S. 2859) granting a pension to Jerry J. Knedlik; to the Committee on Pensions.

By Mr. WADSWORTH:

A bill (S. 2860) for the relief of the Canadian Steamship Lines (Ltd.); to the Committee on Claims.

By Mr. CAPPER:

A bill (S. 2861) to extend the benefits of the United States employees' compensation act of September 7, 1916, to Richard F. Pellett; to the Committee on Claims.

By Mr. SMOOT:

A bill (S. 2862) for the relief of Ogden City Corporation, Utah; to the Committee on Claims.

By Mr. PEPPER:

A joint resolution (S. J. Res. 99) authorizing an appropriation to defray in part the expenses of the sixth quinquennial convention of the International Council of Women, to be held at Washington, D. C., in May, 1925; to the Committee on Foreign Relations.

EXTERMINATION OF COTTON-BOLL WEEVIL.

Mr. HARRIS submitted an amendment intended to be proposed by him to House bill 7220, the Agricultural Department appropriation bill, which was referred to the Committee on Appropriations, ordered to be printed, and to be printed in the Record, as follows:

On page 43, after line 9, insert as a separate paragraph:

"For additional amount for the extermination and prevention of the cotton-boll weevil, including investigations of processes for the manufacture of calcium arsenate and other poisons to be used in connection with said extermination and prevention, \$100,000."

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had adopted the concurrent resolution (S. Con. Res. 5) providing for printing of the oration delivered by the Hon. Charles Evans Hughes in memory of the late President Warren G. Harding.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Presiding Officer [Mr. WADSWORTH] as Acting President pro tempore:

H. R. 5633. An act granting the consent of Congress to the Board of Supervisors of Hinds County, Miss., to construct a bridge across the Pearl River, in the State of Mississippi;

H. R. 5737. An act granting the consent of Congress to the county of Kankakee, State of Illinois, and the counties of Lake and Newton, State of Indiana, to construct, maintain, and operate a bridge and approaches thereto across the Kankakee River at or near the State line between section 19, township 31 north, range 15 east of the third principal meridian, in the county of Kankakee, State of Illinois, and section 1, township 31 north, range 10 west of the second principal meridian, in the counties of Lake and Newton, State of Indiana;

H. R. 6420. An act to extend the time for the construction of a bridge across the Mississippi River in section 17, township 28 north, range 23 west of the fourth principal meridian, in the State of Minnesota; and

H. R. 6925. An act granting the consent of Congress to the city of Chicago to construct a bridge across the Calumet River at or near One hundred and thirtieth Street in the city of Chicago, county of Cook, State of Illinois.

ADDRESS BY SENATOR SHIELDS.

Mr. BAYARD. Mr. President, I ask to have printed in the Record an address recently delivered by the Senator from Tennessee [Mr. SHIELDS] on the subject of "Tax reduction and adjusted compensation."

There being no objection, the address was ordered to be printed in the Record, as follows:

ADDRESS OF SENATOR JOHN K. SHIELDS ON TAX REDUCTION AND ADJUSTED COMPENSATION AT NASHVILLE, TENN., FEBRUARY 21, 1924.

The Congress of the United States, more especially the Senate, has been compelled to devote much of the present session to the work of uncovering, exposing, and providing for the punishment of the greatest and most iniquitous frauds in public offices and speculations in the property of the people that have ever occurred in the history of our country. The bribery and frauds committed by men of great wealth, corrupting high officers, obtaining possession of property valued at millions of dollars, reserved for the national defense, are without precedent and were of such magnitude as to startle the American people with their infamy and shake their confidence in the stability and integrity of their Government. They were sapping and destroying the very foundations of our institutions. These crimes had to be

exposed and punished, and ample means and processes have been provided for these purposes. Prosecution is about to be begun against a former Cabinet officer upon charges of participation in them, another Cabinet officer has been driven from office for his negligent and supine conduct in connection with them, and grave charges are now being investigated against another member of the Cabinet; special counsel have been employed to bring suit to recover the property of the Government which these unfaithful officers and unscrupulous persons have attempted to convert to private uses.

REDUCTION OF TAXATION.

When this Congress met it was recognized by all that the commanding and imperative business to which it should devote itself was the reduction and repeal of the burdensome and oppressive war taxes which the people of the United States of all classes and conditions, the rich and the poor and the high and the low alike, were suffering as never before in the history of our country. There is a general demand from all parts of the country that the cost of Government and expenditures of all kinds and appropriations for all purposes save those necessary for the economical administration of the Government and carrying on projects already under way should cease. The people want and are entitled to the restoration of peace conditions and prosperity.

The enormous increase of the public debt and the cost of administration of the Government in the last 10 years is appalling. The Federal, State, and municipal indebtedness at the close of the fiscal year 1922 was \$32,786,715,000, an increase of about \$25,000,000,000 since 1912. The taxes collected that year from the people to pay interest and current expenses of Government were \$7,433,086,000, about three times that collected in 1912. The Federal Government collected of this great sum \$3,200,000,000 and the several States and their municipalities collected \$4,133,000,000. The annual interest charge of the Federal Government is now about \$1,000,000,000. The cost of administration of the Federal Government in 1912, \$1,100,000,000, has increased to about \$3,500,000,000, and that of the States has increased in the same proportion.

The rate of taxation in the United States has increased in the last 10 years more than that of any other nation in the world, save Great Britain, the increase of the latter being about 217 per cent and ours 204 per cent, and the people of these countries are now paying higher taxes than any of the other countries engaged in the World War. I was astonished to learn that the taxes collected in Tennessee in 1922 were \$43,995,908, an increase from \$17,068,000 since 1912.

This great expansion of the public indebtedness is wholly out of proportion to the increase in the population and wealth of the country, and threatens financial disaster and distress to our people. The economic and financial history of all nations discloses that excessive and oppressive taxation depresses and stifles individual initiative and industrial activity and prosperity. It destroys business and progress and discourages frugality, increases the cost of living and breeds poverty.

FARMERS IN DISTRESS.

The deplorable condition of the 40,000,000 people engaged in agriculture, greater in some sections of the country than in others, is proof conclusive of these things. Agriculture is the basis of all wealth and when it is depressed and unprofitable, sooner or later the same condition will reach all other interests, industries, and business.

The great sources of Federal revenue are the tariff duties or taxes imposed upon all property imported from other countries and taxes upon the incomes of the people. These are both direct taxes, as they are in the first place paid by the importer and those who have the incomes to the collecting officer, and indirect taxes in that they are passed down and eventually but surely paid by the consumer. There are other taxes which while smaller than these are very annoying and harassing to the people and unjustifiable in peace.

The present high and iniquitous tariff duties were imposed under the McCumber-Fordney bill passed by the Republican Party, and there is little or no hope of relief from them so long as that party is in power.

There is a common agreement to reduce income taxes and the present administration has proposed what is known as the Mellon plan for that purpose in a bill now pending in the House. The Democratic Party has offered an amendment to this bill, known as the Garner plan, which it insists will give relief to a larger number of the people who most need it than the Mellon plan. I am not going into details of the differences in these plans. The adoption of either will save the people about \$250,000,000 annually. Greater exemptions are allowed and the normal and the surtaxes are reduced under both plans and greater reduction is given on earned incomes of professional men and others for personal services than on unearned incomes, which provision should be extended to farmers and merchants engaged in these avocations who combine capital and personal services.

The reduction of the surtaxes on large incomes under both plans is out of proportion, and a middle ground should be reached. With some modifications, I favor the Garner plan.

There are 6,650,693 income-tax payers in the United States, and of these, 6,641,262 will be more benefited by the Garner plan than by the Mellon plan, and only 9,433 will be more benefited by the Mellon plan

than the Garner plan. There are 60,918 income-tax payers in Tennessee who will get a greater reduction under the Garner plan than the Mellon plan, and only 81 income-tax payers who would get a greater reduction under the Mellon plan.

CONSUMER PAYS TAXES.

The Democratic plan benefits the greatest number and those who are least able to bear the burden. The underlying principle of this plan is that those who receive the greatest protection from the Government in their property rights and who are best able should pay the greater proportion of the expenses of the Government. Taxes are contributions which the citizens make to the Government for protecting them in their property rights. They all get the same protection of their personal rights, but those who have property receive protection in proportion to their wealth. This is the most equitable, sound, and just principle in the distribution of the cost of government.

There are few now who deny that taxes fall upon all people alike, in that they are eventually paid by the consumers, and that those who consume most pay most. This is illustrated in tariff duties, which are always added to the price of the article imported when sold to the consumer. The importer, the manufacturer, and the business man in fixing the price of his product and merchandise always take into consideration, along with the cost of labor, material, rents, and interest, the taxes of all kinds which he will be compelled to pay and includes them in the price for which he proposes to sell to the consumer, and the consumer thus indirectly pays all taxes. The indirect taxes we pay are often greater than our direct taxes.

ADJUSTED COMPENSATION.

The greatest obstacle to tax reduction is the constant increasing demand for appropriations continually pressed upon Congress, many of which are for the benefit of special classes and the advancement of private interests and wholly beyond the constitutional power of Congress to grant. There are many bills now pending for such appropriations. The greatest of them, greater than any other ever proposed to Congress, are those proposing what is known as the adjusted compensation for ex-service men. The bill for this purpose, which was defeated some two years ago, involved an appropriation of from \$4,000,000,000 to \$5,000,000,000, and similar bills are now pending in Congress. If a bill carrying such appropriation is passed, the national indebtedness can not be reduced for many years and it will be impossible to repeal the oppressive tariff laws and the unreasonable and confiscatory income taxes.

There are those who assert that they favor tax reduction and at the same time favor the adjusted compensation legislation. The two propositions, in my opinion, are directly antagonistic and irreconcilable. We can not reduce taxation and increase disbursements from the Public Treasury. Appropriations and taxes go hand in hand. The Government must first collect money from the people by taxation before it can pay it out in appropriations. We can not contract and expand at one and the same time.

Recognizing these inexorable, physical, economic, and financial truths, those who favor both the reduction of taxation and the payment of bonuses propose that the interest and principal of the war debts due us from other countries be used to pay the bonus. Great Britain is the only country of consequence paying its indebtedness and the contract with it distributes its indebtedness over a period of 60 years and allows payment in our Liberty loan bonds, which were sold to the people for the purpose of raising money to make the foreign loans and in justice should be paid out of such loans. The payments that have been made were in these bonds, purchased at a discount in the market, and the transaction was merely a cancellation of mutual indebtedness. There can be no money collected from this source for any purpose. There is no probability of collections from other debtor nations in the near future. This proposition was suggested several years ago and abandoned, and I am surprised that anyone should revive it.

There are others who propose to pay the bonus by 50-year bonds of the United States. The money could probably be raised in this way, subject to danger of inflation and depreciation of Liberty loan bonds and other public securities, but, of course, taxes must be collected to meet the interest on those bonds and to raise a sinking fund for their payment.

It has also been stated that as adjusted compensation would be paid by Federal taxation it would be no burden upon the farmers, evidently proposing that it all be paid by the business interests. The farmers of the country do not wish to avoid sharing their proper proportion of the expense of government, and they know that the taxes, if paid in the first place by the manufacturers and business men, will be passed down to them as consumers in the prices of their supplies and equipment.

Human ingenuity can not devise a scheme whereby the United States can pay billions of dollars out of its Treasury for any purpose without levying and collecting money from the people in the form of taxation of some kind. We can reduce the taxes of the whole people or we can pay the bonus to the ex-service men, but we can not do both at the same time. The question is squarely presented to Congress

and to the taxpayers of the country—shall we reduce taxes upon 110,000,000 people or give bonuses to 4,500,000 of the same people? And there is no escape from it.

WHO PAYS THE BONUS.

There is little in the contention that the profiteers will bear the burden of the adjusted compensation, for they are comparatively few in number. The taxes for that purpose will be paid by all the people, including those who worked and stunted themselves to support and maintain the Army and Navy in the field. This will include the fathers, mothers, and brothers of the ex-service men, and all of the ex-service men themselves, both disabled and able-bodied. There are thousands of both married and single women who are property holders and pay income taxes who, if this legislation passes, will be unable to obtain the relief which they so sorely need.

Congress and the people have not been wanting in their gratitude to the ex-service men of the World War. Compensation and allowances have been paid to more than 180,000 disabled veterans. Two billion dollars have been expended in compensation and for their cure and rehabilitation. In the first four years after the Civil War less than \$96,000,000 were expended for the disabled soldiers, although there were about 2,600,000 men engaged in that war.

The Federal veterans of that war were not given service pensions until nearly 52 years after the war, and the veterans of the Spanish War until after the lapse of 20 years. The Confederate veterans of the Civil War, although they made the greatest sacrifices and were the best soldiers that ever fought for their country, were never given by their States a service pension, and the aged and incapacitated only get a meager and pitiful sum many years after the war.

HAS BEEN CRITICIZED.

I have been criticized by some of the ex-service men for my opposition to the proposed cash adjusted compensation, and a few of them have written me offensive letters, some threatening political opposition if I do not yield to their wishes and support the legislation. I am glad to say that the great body of ex-service men are good citizens, and, like all brave men, are tolerant of the views of others, and concede that their differences of opinion are honest and conscientious and without prejudice. I would like to have the friendship of all ex-service men, but I can not do what I believe would be a failure to discharge my duty to the great body of the people of Tennessee to obtain the vote of anyone. I have condemned others for using their money for political preferment, and I can not use the people's money for that purpose.

I have the greatest admiration for the ex-service men and am grateful to them for their sacrifices. I do not criticize them nor challenge their sincerity or integrity. I have supported all legislation for the support, comfort, and rehabilitation of disabled veterans, and as much as is humanly possible compensate them for their sacrifices and hardships, and will continue to vote for such legislation so long as I remain in the United States Senate. I favor granting the disabled veterans reasonable and just pensions, that they may remain at home with their families, and, as best they may, attend to their personal affairs, and I will favor like pensions to all veterans when they become incapacitated through disease or other causes.

America has always been grateful to her soldiers and has treated them with the greatest consideration. When we had a vast public domain they were granted bonuses in lands with great liberality. These lands were the property of the Government, and Congress had the right to so dispose of them. The present proposition is not to dispose of the property of the Government, but of the people and the taxpayers.

FREEDOM OF SPEECH IN THE SENATE

Mr. NEELY. Mr. President, in this Chamber, on the 6th day of March, the senior Senator from Massachusetts [Mr. LODGE], in rebuking the Senate in general and the senior Senator from Mississippi [Mr. HARRISON] in particular, said in part, as shown on page 3804 of the CONGRESSIONAL RECORD:

I think the President of the United States ought not to be attacked in this body. . . . I think it is lowering the entire character of this body in the opinion of the people of the United States. . . . Therefore I have no sympathy, in fact I have great dislike, for any such attack as has been made here to-day or any such imputations as have been cast upon the President of the United States at the present time. I wish, for my own part, to make this protest against it.

Mr. President, to my mind the attitude of the Senator from Massachusetts as disclosed by the foregoing quotation is so antagonistic to the American ideal of free speech as to deserve the unqualified disapprobation of the Senate.

An examination of the Senator's entire speech and a portion of that of Senator HARRISON, which appears on page 3809 of the RECORD, will reveal the fact that what Senator LODGE characterizes as an attack on the President consists in substance of an expression of regret that the President had telegraphically communicated with Ned McLean after the latter's implication

in the Nation's oil scandal had been published to the world. In fact, the utterances of the Senator from Mississippi which provoked the eminent historian, able Republican leader, and polished Senator from Massachusetts to administer his rebuke will be found upon careful reading to be nothing more nor less than a mild criticism of the President.

And have we reached the point where the President or any other public servant is above the criticism of a Senator or citizen of the United States?

Is an American President to be transformed into a German Kaiser, a Turkish Sultan, or a Russian dictator? Must a Senator, with bowed head, bated breath, and in a bondman's key, say, "his majesty" or "his royal highness" when referring to the President?

This is not the land of the Kaiser but the fatherland of Wendell Phillips, who said:

Free speech, at once the instrument and the guaranty and the bright, consummate flower of all liberty. Who can fitly describe the enormity of the crime of its violation?

This is not Russia, in which Czars and dictators have muzzled the press, silenced the advocates of freedom, and sent the critics of the Government to the dissolution of the grave. This is the native soil of William Lloyd Garrison, who said:

Liberty for each, for all, and forever.

This is not Turkey, the paradise of tyranny; it is the land of the great American and illustrious Virginian, Patrick Henry, who said:

Give me liberty or give me death!

Are we, the descendants of those who uttered these sublime sentiments, to be told at this late day that the enjoyment of our liberty ends at the White House gate?

When anyone from Massachusetts asserts that the President is above criticism in this Chamber or on the hustings he voices not the liberal sentiment of the present but echoes the illiberal thought of the buried and forgotten past.

When anyone from the old Bay State declares that the President, like the kings of old, can do no wrong, and that the President's acts are above discussion here, he speaks not for the Massachusetts that sent Daniel Webster, the lover of liberty and the greatest of American orators, to this Chamber; on the contrary, he speaks for that intolerant Massachusetts colony that expelled Roger Williams because of his religious belief, burned witches at the stake, and enacted a disgraceful law in 1656 to banish all Quakers from the Colony and punish violators of that law with death.

Shall we dishonor those who fought on the historic fields of Lexington and Concord and Bunker Hill for American liberty by stifling free speech in the United States Senate, sealing Senators' lips, and paralyzing Senators' tongues?

Shall a senatorial admonition abridge our freedom of speech when the Congress itself is prohibited by the first amendment to the Constitution from passing any law to accomplish that nefarious purpose?

The people have reserved to themselves the right to criticize their public officials and to hold them responsible for their actions, and when that right is lost liberty is lost, and without liberty man is an animal in a cage and life is worse than death.

We all respect the office of the Chief Magistrate, but the most of us believe that the President is still a human being, subject to human frailties and human faults, and that his actions, like our own, are open to the criticism of all who wish to comment upon anything that he may do or say.

But the Senator from Massachusetts evidently sees the President as a superman, towering like a Colossus above the rest of the race. He points to the President with pride, and, in effect, says to the Senate:

See what a grace is seated on his brow;
Hyperion's curls; the front of Jove himself;
An eye like Mars, to threaten and command;
A station like the herald Mercury
New-lighted on a heaven-kissing hill;
A combination, and a form, indeed,
Where every god did seem to set his seal,
To give the world assurance of a man.

And the illustrious Senator, seeing the President in this form, would have us, so far as Mr. Coolidge's actions are concerned, adopt for our emblem the familiar image of the three didactic monkeys—one having his hands over his ears so that he can hear no evil, the second having his hands over his eyes so that he can see no evil, and the third having his hands over his mouth so that he can speak no evil. In other words, as to everything that concerns the President the Members of this body should be blind and deaf and dumb.

Mr. CARAWAY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Arkansas?

Mr. NEELY. I yield.

Mr. CARAWAY. I presume they would not want to have one's hands over his eyes when he went to Mr. McLean's house to see the prize-fight film.

Mr. NEELY. No; nor when Doheny is in the act of giving a Republican Cabinet officer a \$100,000 bribe for all of the Nation's oil.

Mr. CARAWAY. He would need a big pocket.

Mr. NEELY. Or a satchel to carry the graft to Fall's ranch in New Mexico.

We do not wish to interfere with anyone's enjoyment of his delusions concerning the perfections of Republican officials, but we do protest against having these delusions made the keepers of our thought, our conscience, or our tongue.

Opinions may differ as to the justification of the criticism of the President made by the Senator from Mississippi.

Many believe that the Senator's remarks were timely, pertinent, and proper. They point out the fact that the day before the President sent his ambiguous telegram to McLean it was published far and near that the latter had told a deliberate falsehood about his having lent \$100,000 to ex-Secretary of the Interior Fall in connection with the oil scandal that was at that time engrossing the attention of the Nation. Some contend that in the circumstances ordinary prudence should have restrained the President from seeking counsel or information from McLean.

And the President's indiscretion in communicating with McLean does not arouse our sympathy, as do the afflictions he is suffering as a result of the countless sins of the officers of his Cabinet. The President inherited the members of his Cabinet, and some of them, very unfortunately, indeed. But he did not inherit Ned McLean. If he did, then that has come to pass which was written by the Psalmist, "I shall give thee the heathen for thine inheritance." No; the President voluntarily chose McLean for his adviser and friend, and he must abide the consequences of his unhappy choice. He is now learning by bitter experience that there is no exception, even in favor of the President, to the ancient aphorism that "those who touch pitch will be defiled."

But, says the learned Senator from Massachusetts, the President's telegram to McLean is a trivial and perfectly explicable one, and I think I can assure the Senate—and I say it with as great confidence as I could say it of any man I have ever known—that "whatever record leaps to life, he never will be shamed." We all hope that this ringing declaration made by the President's political champion and personal friend is not only true in the present but that it may continue to be true in the future. But in spite of our respect for the Senator's prophetic vision, we can not be unmindful of the fact that in appraising Republican officials, the statesman from Massachusetts has heretofore on at least one occasion been conspicuously wrong.

According to the Philadelphia Record of the 6th day of March, after Herbert Welsh, president of the Indian Rights Association, had protested against the appointment of Mr. Fall as Secretary of the Interior, in February, 1921, it is alleged Senator LODGE wrote a letter to Mr. Welsh in which he used the following language:

Senator Fall is a thoroughly upright and high-minded man and utterly incapable of using his office for his own financial interest, which I regret to say is implied by some of the expressions of your letter.

Certainly no Member of the Senate would now venture to contend that the foregoing is not an extremely erroneous estimate of Mr. Fall, who has, by his corrupt negotiations, shocked the Nation, ruined this administration, and disgraced the office of Secretary of the Interior, which he formerly held.

Many of us neither question nor doubt the integrity of the President, nor the sincerity of the Senator from Massachusetts in proclaiming the President's virtues. But in view of the error made by the Senator from Massachusetts in passing judgment on Mr. Fall we must decline to surrender our right to criticize the actions of the President when we believe they deserve it, notwithstanding the certificate of political perfection of character given him by Senator LODGE.

But the sufficiency or insufficiency of the provocation for Senator HARRISON's criticism is really irrelevant to my discussion. My interest is not in this isolated case or the justification of the words spoken by Senator HARRISON in debate. My present interest is in the preservation of the freedom of speech. Free speech is the sun of liberty. In its dazzling light truth van-

quishes error, virtue triumphs over vice, the wicked are scourged from the seats of the mighty, and the righteous are enthroned.

If criticism is unfounded and malicious, it disgraces and discredits its author but rarely, if ever, injures him against whom it is launched. To attack the innocent is to hurl a boomerang that invariably returns to injure him who throws it more than it hurts its intended victim. In brief, free speech contains its own "life and death." Rightly used, it is the buckler and shield of those in trouble, the never-failing weapon of the weak, and the impregnable fortress of both the weak and the strong battling for right and defending a just cause. If abused, free speech becomes an instrument of destruction to him who wickedly wields it to accomplish a selfish purpose or gain a dishonest end.

No President, or other public official, if innocent, has anything to fear from criticism, no matter how unjust or vicious it may be, for—

Against the head that innocence secures,
Insidious malice flings her fiery darts in vain,
Turned back by the powerful breath of heaven.

But if a public official is guilty of wrongdoing, criticism of his conduct will crystallize public opinion against him and drive him from his office to make way for a servant more faithful in the discharge of his duty and more loyal to his trust.

But the Senator from Massachusetts has apparently overlooked the fact that Mr. Coolidge has, like Dr. Jekyll and Mr. Hyde, a dual personality, and I do not mean to impute any of the imperfections of the latter to the President. Mr. Coolidge is not only the President, but he is an active candidate, and so far a most successful one, for the Republican nomination for President. Indeed, it is generally believed that big business and southern delegates under Mr. Sleep's absolute control will be able to override all the opposition of the Johnson and other progressive forces and nominate Mr. Coolidge on the first ballot.

Because of the fact that he is a candidate, if for no other reason, Mr. Coolidge's every act and deed will be open to the freest discussion and criticism until after the election. Everyone, from the urchin in the street to the Senator in his place, has the right to comment upon the conduct of candidates for public office. So far as I know, there are only two countries in the world to-day where this right is challenged, and those countries are Italy and Russia. The first has Mussolini's iron-handed, despotic government, and the latter, in many respects, has what is worse than no government at all.

If we are to be deprived of the right of criticizing officials who are candidates for reelection we shall soon have a dynasty in this country which in power and "far-flung battle lines" will eclipse anything that the Chinaman ever dreamed of or the ancient Egyptian ever saw. Let us hope that such a calamity may never befall the people of the United States.

The right both of the people and the press to comment upon candidates for office and to criticize their conduct in the interest of public policy must be preserved at any cost. Some indication of the extent of the prevailing recognition of this right may be found in the following excerpts, the first of which is from the decision rendered by the Supreme Court of West Virginia in the case of *Baker v. Sweeney*:

The conduct and actions of such candidate (for public office) may be freely commented upon. His acts may be canvassed and his conduct boldly censured. Nor is it material that such criticism of conduct should in the estimate of a jury be just. The right to criticize the action or conduct of a candidate is a right, on the part of the party making the publication, to judge himself of the justness of the criticism. (13 W. Va., p. 758.)

And, says Chief Justice Parsons, of the Supreme Court of Massachusetts, in the case of the Commonwealth against Clapp:

When any man shall consent to be a candidate for public office, conferred by the election of the people, he must be considered as putting his character in issue in so far as it may respect his fitness and qualifications for the office. (4 Mass., p. 163.)

Not only does every candidate, including the President, when he seeks the suffrage of the people, put his character in issue, but he impliedly invites the people to discuss that issue and expressly asks them to decide it at the polls. This right, which is universally conceded to all other citizens of the Republic, the Members of the Senate must steadfastly refuse to yield.

It is further charged, in effect, by the Senator from Massachusetts that we lower the dignity of the Senate by criticizing the President. In my opinion the mass of the people of this country do not now consider either dignity or dignitaries the most indispensable quantities in the senatorial equation, although it will be cheerfully conceded by all that nothing un-

seemly ought to be tolerated in this Chamber. But what the people really want, unless I mistake their temper, is not more Senators with superfluous dignity but more Senators who are not afraid to dig; Senators who have the courage to declare, in the words of James Russell Lowell, who was once in good repute even in the great State of Massachusetts:

My soul is not a palace of the past,
Where outworn creeds, like Rome's gray senate, quake,
Hearing afar the Vandal's trumpet hoarse
That shakes old systems with a thunder fit.
The time is ripe, and rotten ripe for change;
Then let it come; I have no dread of what
Is called for by the instinct of mankind,
Nor think I that God's world will fall apart
Because we tear a parchment more or less.

But a single citation of authority that is typical of many others that could be readily made will show whether the honorable Member from Massachusetts is justified in believing that criticism of the President lowers the dignity of the Senate, or the character of this body. The following is found in Gales & Seaton's Register of Debates in Congress, volume 10, part 2, under the date of April 30, 1834:

Never . . . have I known or read of an administration which expires with so much agony and so little composure and resignation . . . It exhibits a state of mind, feverish, fretful, and fidgety, bounding recklessly from one desperate expedient to another, without any sober or settled purpose. Ever since the dog-days of last summer, it has been making a succession of the most extravagant plunges.

A new philosophy has sprung up within a few years past, called phrenology . . . Gall and Spurzheim, its founders . . . being dead, I regret that neither of them can examine the head of our illustrious Chief Magistrate, but if it could be surveyed by Doctor Caldwell . . . I am persuaded that he would find the organ of destructiveness prominently developed. Except an enormous fabric of executive power for himself, the President has built up nothing, constructed nothing, and will leave no enduring monument of his administration. He goes for destruction, universal destruction; it seems to be his greatest ambition to efface and obliterate every trace of the wisdom of his predecessors. He has displayed this remarkable trait throughout his whole life, whether in private walks or in the public service.

What would be his surprise if Mr. Jefferson, rising from the dead, were to behold the enormous and startling pretensions of the present Chief Magistrate? It is in vain to disguise it—the rapid strides of the Executive, if not checked, will soon inevitably conduct us to a practical monarchy, in which, mocked with the forms of free government, we shall, in fact, have but one. . . . Will the President never cease to regard himself as a great political hunter, who, before he secures the tail or skin of one prize, which he has won in the chase, must dash with horse and hound into the depth of the forest to start fresh game?

The criticism just read was made by Senator Henry Clay, of Kentucky, the great compromiser and one of the greatest of American statesmen. The victim of the attack was Andrew Jackson. And who were some of the other Members of the Senate at the time Mr. Clay made that speech? Thomas H. Benton, of Missouri, John C. Calhoun, of South Carolina, Franklin Pierce, of New Hampshire, and Daniel Webster, from the State of Massachusetts. Will some Senator specify the day on which there was more dignity or brains or statesmanship in the United States Senate than characterized its proceedings when it claimed for its Members such illustrious names as those just mentioned?

If the conduct of the Senate during the Sixty-eighth Congress is and shall continue to be of the same high character as that which made it famous in the days of Webster, Benton, and Clay, we need have no fear for the reputation of this body.

But the Senator from Massachusetts contends that it is unusual to attack or criticize the President in the Senate. How marvelous is the convenience of the Senator's memory, and how miraculous is the inconsistency of his argument.

Is it possible that the Senator is—

To dumb forgetfulness a prey?

Those who were Members of this body or read the papers at the time will recall that in this Chamber during the period between the signing of the armistice and the 4th day of March, 1921, all the fountains of political billingsgate were poured upon President Wilson, every poisoned arrow of political hatred was aimed at his suffering body, every vial of partisan wrath was poured upon his aching but unbowed head. In my

opinion, nothing can be found in all the history of vituperation so overwhelming and bitter as the abuse that was heaped upon Woodrow Wilson during the last 27 months of his second term as President of the United States, while he was wasting his strength day by day, shedding his life blood drop by drop, for the cause of world-wide peace, to the end that the earth might never again be drenched with human gore, to the end that men made in the image of their great Creator might never again be called upon to maim and mangle and butcher each other on fields of battle, to the end that humanity might nevermore be dragged through the frightful hell of hideous war.

Although the Senator from Massachusetts was, throughout the time in question, a member of this body, we challenge those present to point to the page of the Record on which may be found a single word of rebuke uttered by the honorable gentleman to anyone for attacking President Wilson. Does anyone doubt that the difference between the Senator's attitude toward the Chief Executive then and the Chief Executive now is occasioned by the fact that Woodrow Wilson was a Democrat and Calvin Coolidge is a Republican?

If inconsistency, like its antonym, were a jewel, the great Senator from Massachusetts could safely boast the ownership of—

A gem of purest ray serene,

In comparison with which the "Cullinan," the "Kohinoor," and the "Star of the South" would look like ordinary pebbles or common stones.

On a memorable occasion, recorded in sacred history, "Last of all came Satan"; so, last of all come a number of newspapers that are hostile to the Senate and its investigations which are showing the intimate connection between big business and corrupt politics, and join in the attack upon the Members of this body who have dared to suggest that President Coolidge should not have communicated with Ned McLean in the circumstances previously mentioned.

The Washington Post on the 9th day of this month contains a symposium of a number of editorials that are uncomplimentary to the Senate. Let us choose from the collection and examine the editorials of the Philadelphia Public Ledger and the New York Times, the management of both of which have unqualifiedly accepted the admonition:

Let the candied tongue lick absurd pomp,
And crook the pregnant hinges of the knee
Where thrift may follow fawning.

The first of the editorials in question is, in part, as follows:

There will come a day when Washington will recover its now lost sanity. When that day comes the Senate of the United States will wish it might blot from its records all traces of Thursday, March 6, 1924. On that day it sank to a new low level in its history.

For weeks its mud guns have belched and splashed. What once was a great deliberative body has been resounding to the partisan yelpings of little men and the snaps and snarls of character assassins.

The public has been shocked and finally disgusted by this brazen exhibition of poison-tongued partisanship, pure malice, and twitting hysteria.

Thursday capped the climax. That day two private telegrams from the President of the United States were read into the record of one of many senatorial inquiries.

. . . The White House explanations of both were adequate and clear.

But they did not convince the narrow and hate-filled minds of some Senators. Hardly were they in the Record before the fifth batteries of the Senate, manned by the three mad gunners—HARRISON, of Mississippi; CARAWAY, of Arkansas; and HEFLIN, of Alabama—went into action. Senate rifle pits spat venom. The drum fire of Senate innuendo was laid down upon the White House.

Not a man of them all had a scrap of evidence. No matter, they made hearsay, rumor, and suspicion serve, and for hours they mouthed venomous insinuations and bespattered the name of the President of the United States with sinister implications.

In all the Senate only one man had the courage to stand against them. Senator LODGE has known the Senate in its greater days. When he rose and made dignified protest against these savage innuendoes and searing villifications, the rabid pack turned on him as wolves wheel and snap. They would not be cheated of their daily hour of hate.

As they turned to a new victim, whatever is left of the decency, political fairness, and honor of the Senate sat mute as so many dumb, cowed, and driven cattle.

All of the foregoing euphemistic language is from the chaste Philadelphia Public Ledger. This editorial further says:

When the Senate was the Senate, there were men who would have risen and read these whirling dervishes from Dixie a lesson in elementary decency. Where are they now? Where were the saner, fairer Democrats of to-day—GLASS, BRUCE, SIMMONS, and RALSTON? Where was the courage of those Republicans who sat silent and shivering, leaving the white-haired LODGE to stand alone and fight alone? Where, for instance, were CURTIS, WATSON, DAVID REED, MOSES, PEPPER, and WILLIS? Where was PEPPER, paladin of fair play, and BORAH, the pure of heart?

Gentlemen of the Senate, be good enough, for your own sake, to put your political mountebanks, your partisan clowns and your Godsakers back to their places!

It is very difficult to conceive of an editorial writer on the Public Ledger, even in a paroxysm of delirium tremens, using such vulgar, such disgusting, and such degrading language in decrying against the freedom of speech, or the abuse of its privilege by Members of the United States Senate. If the author of the foregoing editorial had devoted as much time to studying American history and familiarizing himself with current events as he has evidently spent in barrooms and brothels to acquire a mastery of the billingsgate that we have quoted, and by the use of which no sane man would have disgraced himself, or imposed upon the respectability of the newspaper-reading public, he would not ask why "BORAH, the pure of heart," did not protest against the mild criticism of the President uttered by the Senator from Mississippi.

If the blackguard on the Ledger who wrote this editorial had known the distinguished Senator from Idaho [Mr. BORAH] as his colleagues know him here he would not have insulted the Senator's intelligence by intimating that he would ever descend to suggest a suppression of free speech or free criticism even of the President by any citizen of the land, whether of low or high degree.

If this degenerate editor's ignorance were not equal to his journalistic vulgarity he might know that there is now pending in this body a bill (S. 1196), introduced by the distinguished Senator from Idaho, section 3 of which is as follows:

That every officer, agent, or employee of the United States in the civil, military, or naval service thereof who, by force, threat, intimidation, order, advice, or otherwise, prevents or attempts to prevent any person from freely exercising his right, privilege, or immunity by lawful means to advance, promote, agitate for, or discuss any amendment to the Constitution of the United States or any new statute of the United States or amendment of a statute of the United States, or any proposition, policy, or measure, or any legislative, executive, or administrative action, the carrying out of which under the Constitution of the United States would fall within the scope of Federal jurisdiction or would involve an amendment of the United States Constitution, shall, upon conviction, be imprisoned for not more than five years or fined not more than \$10,000, or both.

If that section of Senator BORAH's bill had previously been enacted into law, and the Senator from Massachusetts had been deprived of his constitutional immunity by reason of his being a Member of this body, without his having ceased to be a public official, think what could have been done to him for his recent attempt to prevent us from freely exercising our privilege of free speech in discussing the President's action in sending his telegram to Ned McLean.

And where was PEPPER, paladin of fair play? Would the editor of the Ledger expect Senator PEPPER, who is one of the most distinguished lawyers in this body, and as such naturally inclined to be a champion of liberty, to scold the Senate for mildly criticizing the President, when the constitution of Pennsylvania, the State which Senator PEPPER in part so ably represents, says:

Every citizen may freely speak, write, or print on any subject.

And would the Ledger have Senator REED of Pennsylvania, the son of a most eminent lawyer and a great lawyer himself, insult the constitution of his native State and the Constitution of the United States by attempting to abridge the freedom of speech in time of peace.

Would the pigmy editor of the Ledger insult CARTER GLASS, the distinguished Senator from the Old Dominion, who is always a faithful defender of the Constitution, by admonishing him to smite a fellow Senator for exercising his right of free speech, when the great State of Virginia embodied in her ratification of the Federal Constitution a declaration of such right?

Fortunately, nearly everyone here and elsewhere knows why the able and patriotic Senators taken to task by the Ledger

did not join in the recently attempted suppression of criticism of the Chief Executive in this Chamber. They understand that it is because the most of the Members of the Senate, regardless of politics, believe that it is more important to preserve liberty than it is to perpetuate any administration or any man of any party in any office. It is because the Senators are alive to the fact that they are under greater obligations to serve the American people as a whole than they are to serve big business, which, through its recent manipulation of corrupt officials, has filled Washington with scandal and brought disgrace upon the land.

In passing, let it be said of Senators CARAWAY, HARRISON, and HEFLIN, that they are "gunners," as the Ledger charges. But "mad" gunners they are not. And they can console themselves with the thought that their guns have always been used for, and never against, the American people. Their guns have been aimed and fired only at the privilege hunters, the favor seekers, the plunderers, and the profiteers.

Next, we have the following, from the New York Times:

After Senator HEFLIN had summoned on Friday all his vast resources of logic, rhetoric, and moral discrimination to prove that the word "principal" in one of the McLean dispatches must have meant the President, it was slightly amusing to find from yesterday's testimony that a brother Senator was really indicated. . . . The whole mystery made of the telegram is a striking illustration of the false scents on which the senatorial hounds are all the time running off merely at a word. Senator HEFLIN's ridiculous mistake may deter others—nothing can deter him—from rushing out with a sinister interpretation of a telegram that is on the point of being shown to mean nothing culpable.

One of the dispatches put in evidence spoke of the "reaction" which sets in when false or exaggerated charges fall to the earth. This is certain to be the case when the President of the United States is concerned. Loose and vague attacks upon his character will rebound upon their authors with terrific force when it becomes plain that they had nothing to go upon except rumor and their own malicious inferences. "When you strike a king," said Emerson, "you must make sure that you kill him, or it will go hard with you." The ineffective blows aimed at President Coolidge by hasty Senators will hurt them more than they possibly can him.

Thus the Times, by deduction, informs the "Senate hounds"—doubtless meaning all of us except the distinguished senior Senator from Massachusetts—that the President is already a king. While many have probably suspected that the Times would advocate the substitution of a king for a President if the plutocracy which it so faithfully serves should desire it to pursue that course, we had nevertheless indulged the hope that this country might long be spared the disastrous transformation.

It is refreshing, however, to know that only a very few of the prominent newspapers of the country are fawning sycophants and servile tools of selfish interests. It is consoling to know that only a few of them, on an instant's notice, habitually rush to the attack of every public official who faithfully discharges his duty, defies the bosses, and refuses to bow the knee to Mammon.

How grateful must be the countless multitudes of common people whose rule of life is the golden rule, who seek no peculiar advantages for themselves at the expense of others, and who believe that no one, however righteous by nature or exalted by accident or favor, is entitled to greater immunity for an indiscretion than the humblest citizen of the land—how grateful this great class must be to find in the courageous New York World, one of the greatest newspapers on the globe, the following appropriate and refreshing language which appeared in the World's leading editorial on the 7th day of March:

MR. COOLIDGE'S INDISCRETION.

President Coolidge has wisely deemed it necessary to explain to the public how he happened to be exchanging telegrams with Edward B. McLean at Palm Beach during the course of the Senate oil investigation. Two messages, which he had recently sent to McLean in Florida, were given out yesterday by the Senate committee. As interpreted at the White House, they have no special significance. One related to the District commissionership of the District of Columbia, about which Mr. Coolidge wanted to consult with the Republican city chairman; the other was in reply to a message of congratulation on Mr. Coolidge's reply to the Senate on the adoption of the resolution calling for Secretary Denby's resignation.

Mr. Coolidge is a stern moralist. He has laid down rules of official conduct that are inflexible. He has taught the country to have confidence in him as a man who will not be swayed from his duty by any personal considerations. He does nothing on hasty impulse or through recklessness. In the circumstances it is strange that he should have

permitted himself to hold private communication for any political purpose with a person in McLean's position.

For Edward B. McLean has figured very conspicuously in the oil scandal. He is the Washington newspaper publisher who was represented as making a loan of \$100,000 to former Secretary Fall for the purchase of a ranch in New Mexico. On December 26, 1923, Fall wrote to the Senate committee, after previously refusing to reveal where the money came from, that "the gentleman from whom I obtained it and who furnished me the cash was the Hon. Edward B. McLean, of Washington, D. C." McLean, through counsel, confirmed Fall's written explanation. It was a deliberately false statement, made by both of them with the purpose of deceiving the Senate committee.

Barely two weeks later—on January 11, 1914—McLean, when placed under oath by Senator WALSH at Palm Beach, testified that the checks he had given Fall were returned unused, and Fall admitted the facts were as McLean, when placed under oath, had stated them. Fall was then McLean's guest at Palm Beach. C. Bascom Slemp, Secretary to the President, was at Palm Beach, where he met Fall in McLean's house and "urged him to make a clean showing of everything to the committee." He has testified that during his stay at the Florida resort he was in confidential communication with the White House.

It was the very day after McLean and Fall were caught in a lie by Senator WALSH, the very day after they admitted lying about the McLean payment to Fall, that Mr. Coolidge over his own name telegraphed to McLean in regard to a political matter. The whole country then knew how McLean had been mixed up in the business of shielding Fall from exposure; it knew that he had been forced to confess to supporting Fall in false statements, yet it was to McLean Mr. Coolidge then turned for confidential advice on a political question affecting the government of the District of Columbia.

Mr. Coolidge is ordinarily too level-headed and cautious a man to be betrayed into so embarrassing an indiscretion. In the circumstances he should have known better than to continue on terms of intimacy, even private, with a man of McLean's record in the Fall transaction. "Easy and quick access" to the White House becomes less of a mystery.

It is my fervent hope that the writer of the foregoing World editorial may have a long and happy life and a green old age, and that he may long continue to wield his powerful pen for the promotion of even-handed justice and an absolutely square deal for every man and woman and child.

Every progressive Member of Congress, regardless of party, everyone who likes fair play, and all those in and about Washington who prefer intelligent and ethical editorial discussion to poisonous propaganda should join in extending a vote of thanks to the Washington Daily News, not only for its usual able and truthful editorial policy but for two recent fearless and meritorious editorials in particular, the first of which appeared in the issue of the 8th and the other in the issue of the 12th day of March. The first is, in part, as follows:

HIS MAJESTY OR THE PRESIDENT.

Senator LODGE's contention that there ought to be a Senate rule protecting the President from attack by Senators won't get very far with the American people.

Whether the attacks which stirred up the sedate and solemn Senator from Massachusetts were wise or foolish, just or unjust, or even outrageous has nothing to do with the case. Nor does it make any difference what President is attacked or by what Senator.

Every President is entitled to proper respect "by virtue of the office he holds," as Senator LODGE puts it. That is, the office is entitled to respect. If the President is not treated with respect by a Senator, the burden of proof is upon the Senator that his criticism is justified by the facts, for the people will assume that any President is entitled to respect until convinced that he isn't.

No President needs any rule protecting him from vicious or even scandalous attacks by Senators. His own conduct is all the protection any President needs, and there is enough general respect for the office to make an unjust attack much more dangerous to the Senator who makes the attack than to the President who is attacked.

But while there is no danger to the President without such a rule, there would be real danger to popular government with such a rule, even though at times it be abused. When democracy begins to sanctify Presidents, Congressmen, and judges, we will be headed in the wrong direction—back toward autocracy. For all of these are public servants, not masters.

Senator LODGE himself was within his rights when he bitterly hated and viciously attacked the late President Wilson, but Wilson's conduct and character were all the protection he needed in public esteem from all the virulence of LODGE's assaults.

If President Coolidge is as high-minded and noble-purposed as Wilson was, he has nothing to fear, even though the Senate were full of Democratic Lodges.

The following is the second of the editorials in question which the News carried:

CROCODILE TEARS FOR COOLIDGE.

McLean's Washington newspaper says that the leading newspapers of the country condemn the Senate for publishing President Coolidge's private telegrams and for attacking the President in senatorial speeches. To prove its case, McLean quotes the New York Times, New York Herald, New York Tribune, Philadelphia Public Ledger, and Philadelphia Inquirer.

All of which would seem to indicate that the country consists of New York and Philadelphia, and that a leading newspaper is one that plays the organ for big business and is strong for Mellon's tax food for multimillionaires.

One might think from the tender solicitude of these leading newspapers that the distinguished President was as innocent as a babe concerning politics.

Coolidge is no political greenhorn. A regular organization Republican, who has served as member of the Massachusetts Legislature, mayor of Northampton, member and president of the State senate, lieutenant governor and governor, and then Vice President of the United States and Presiding Officer of the United States Senate, he has been long enough on the job to have his eyeteeth cut.

So far as oil is concerned, Coolidge presided over the Senate when LA FOLLETTE introduced his resolution to investigate the oil swindle and heard LA FOLLETTE's speech. He sat in Cabinet meetings throughout the Harding administration. It is reasonable to assume he reads at least one daily newspaper, and hence knew something of McLean's connection with Fall.

Nobody accuses President Coolidge of any guilty knowledge of crookedness in the oil scandal. About all he is charged with is playing the game clear through as a regular organization Republican and with doing nothing to clean up the nasty mess until forced by the Senate, and then he did his darndest to turn the legal end of the prosecution over to a bunch of corporation lawyers without consulting the Senate committee until after the appointments were made.

What Coolidge doesn't seem to sense is that what happens to the country is much more important than what happens to the Republican or to any political party.

The paragraph last quoted contains a world of meaning, which the serious-minded Members of the Congress fully appreciate. Its meaning is simply this: It is the duty of every public official to put the welfare of his country above the welfare of his political party, and to do his duty without fear or favor every day, and all day long.

In order that the motives of the Philadelphia Public Ledger and the New York Times, in assailing the Senate for the manner in which it has conducted the investigations of the oil scandal, may be understood, and in order to protect the public, so far as possible, against the paid propaganda of privilege, of which these two papers are the favorite purveyors, it will probably serve a good purpose to set forth a portion of the appraisals of these journalistic instruments of plutocracy, made by one of the best-informed, most truthful, most progressive and enlightening newspaper men of this generation, Mr. Oswald Garrison Villard, formerly the editor of the New York Evening Post, and at the present the editor of The Nation. With Mr. Villard I confess that I frequently disagree.

However, I heartily concur in all that he says about the Public Ledger and the New York Times. I now read from Mr. Villard's most interesting book, entitled "Some Newspapers and Newspaper Men":

THE PHILADELPHIA PUBLIC LEDGER, A MUFFED OPPORTUNITY.

Cyrus H. K. Curtis, the Henry Ford of the magazine industry, has without doubt done more to mechanize and standardize the public mind of America than any other man.

Then there came a day when, success having crowned his efforts with the Saturday Evening Post and the Ladies' Home Journal, Mr. Curtis felt he could leave to his Boks and Lorimers the conduct of those papers and could look for new fields to conquer. So he purchased the Public Ledger, for generations one of the staidest of Philadelphia's institutions, a perfect embodiment of the conservatism and propriety of Rittenhouse Square, as well as of its dullness and its sanctimoniousness.

Surely, it was thought, the world will now see a notable journalistic development.

But the newspaper which dwells alongside the Saturday Evening Post, for all its excellent qualities and features, is without originality or distinction and without a soul.

It has what most people believe to be an admirable section devoted not merely to the news of Wall Street but to the news of trade and commerce.

But the change in Mr. Curtis's financial status has had the same effect upon him as it has had upon so many others—it has placed him

in the society of the rich and privileged and contented. He goes daily to the Union League Club, there to meet his friends as a super-giant among giants, and from this Olympian height he deigns to give his fellow Americans the benefit of his own views, to instruct them as to what they ought to have and what they should become. * * *

It [the Public Ledger] is indubitably independent politically, though it would hardly be found supporting a Democrat for President or attacking a Republican tariff. * * *

In the fight for free speech and the liberty of the American individual as made in Philadelphia the Ledger has helped not at all. * * *

So much for Mr. Curtis and the Public Ledger.

Under the title, "Mr. Ochs and his Times," Mr. Villard speaks to the point, in the following language:

The twenty-fifth anniversary, on August 18, 1921, of his control of the New York Times gave Adolph S. Ochs an opportunity to review the period of his ownership, and to set forth the journalistic success he had achieved. The Times * * * does an annual gross business of \$20,000,000. In 1922 its net profits were reported to be \$2,500,000.

The Times is no more independent than it is swayed by a desire to be just. It is a class paper, pure and simple, as much so as the Call. * * * No journal has exceeded it in disseminating falsehoods, misrepresentations, and half-truths during the unparalleled era of wholesale lying in which the whole world has lived since 1914. * * *

Not even the dead are safe at its hands. * * * Endless are the letters of correction and reproof which go to the Times, never to appear in print. Certainly the protestant has no standing whatever in the Times court, unless he is of the elect and the powerful, and on the popular side.

Before the god of wealth the Times ever bows down. It has even said, with almost incredible callousness and heartlessness, "that a certain degree of unemployment is curative of many social disorders. It is the argument to the stomach which becomes necessary when the appeal to reason and industrial morality fails"—let the dogs of workers eat cake if they have no bread! But how it bleats if Congress or the tag-father squeezes the rich to whom it toadies day by day, year in, year out, every reader of it knows. At the feet of the rich—chiefly the vulgar rich—and the powerful, it fawns day in and day out. That is Mr. Ochs's chief philosophy, a great secret of his business success—that and his unending devotion to the god of things as they are. * * *

It is the London Morning Post with which the Times must be contrasted; but there also the Times fails: Toryism is better served, more ably defended in London. Both deserve well of every Gary, every Calvin Coolidge, of every Curzon, and every Bonar Law. In them the existing, broken-down order has its staunchest defenders.

So now we know why the Times has so promptly uttered its war cry for Mr. Coolidge, and has with spear and battle-ax rushed to the attack of those who have commented upon his actions.

Mr. President and Members of the Senate, in spite of the clamor of a number of kept newspapers, in spite of an occasional official reprimand, in spite of the curses of those in power and the opposition of the plunderers of the people, we shall continue to discharge our duty as we see it. We shall continue to preserve the liberty of the Nation.

The most sacred of all the sacred institutions of this Republic is that of freedom—freedom of person, freedom of religion, freedom of thought, freedom of speech, and freedom of the press. Our forefathers fought for these things, our ancestors died for them, and, if necessary, the American people will swim their horses in blood to the bridge reins to preserve them forever and forever.

In the words of a great libertarian as well as a great poet:

We will speak out, we will be heard,
Though all earth's systems crack;
We will not bate a single word,
Nor take a letter back.
Let Harp fear, let cowards shrink,
Let traitors turn away;
Whatever we have dared to think
That dare we also say.
We speak the truth, and what care we
For hissing and for scorn,
While some faint gleamings we can see
Of Freedom's coming morn.

M'LEAN TELEGRAMS.

Mr. WALSH of Montana. Mr. President, some days ago, I understand, some caustic comment was submitted in the Record touching certain telegrams introduced before the Committee on Public Lands and Surveys emanating from the White House and referred to in the eloquent address to which we have just listened. I desire to have incorporated in the Record some

comment expressing a different view. First, I present an editorial appearing in the Philadelphia North American of Friday, March 14, 1924, and ask that it be inserted in the Record without reading.

The PRESIDING OFFICER. Without objection, it is so ordered.

The editorial is as follows:

ILLUMINATING TELEGRAMS.

A classic anecdote of Pennsylvania politics tells of a governor who suddenly became involved in difficulties with the public and was saved from making matters worse by receipt of the following message, wired from Washington:

"DEAR GOVERNOR: Don't talk.

"M. S. QUAY."

We would be the last to argue that the leadership of this master politician would be a national benefit at this time. But if there had been in Washington during the last few months a Republican statesman capable of giving and enforcing advice of this kind what a prodigious amount of embarrassment and discredit the party would have escaped! If his injunction had been merely "Don't telegraph," and had been obeyed, incalculable damage would have been averted.

Many superficial readers have assumed that the scores of columns of news dispatches published recently have concerned the oil leases and the corruption associated with them. But the truth is that during the last three weeks the hearings in the committee room and the debates in the Senate have dealt almost exclusively with telegraphic correspondence having only collateral relation to the main issues.

We are perfectly aware that this mass of material has no direct bearing upon the legal or moral guilt of any official accused of betraying the Nation. We subject to proper discount the venomous attacks which partisan enemies of the administration have based upon it. Close study of the documents discloses to us no such evidence of wholesale perjury, no such orgy of criminality, as Democratic orators have professed to discover. Nevertheless we have found an examination of the messages exceedingly enlightening. Read analytically, together with the testimony of those who sent or received them, they illuminate some of the obscure recesses of the Washington situation. Though they provide no basis for indictments, they convey a strikingly clear impression of the unwholesome atmosphere which has pervaded the National Capital, encouraging sinister influences and blunting the sensibilities even of men whose personal rectitude is beyond question. The President himself might well wish that he had adopted the motto "Don't telegraph."

In studying the record certain chronological data should be borne in mind. It was in December last that inquiries made into ex-Secretary Fall's sudden rise from financial embarrassment to affluence furnished the first circumstantial evidence of possible corruption in the leasing of the Navy's oil reserves. And it was precisely then that there was inaugurated the feverish telegraphic campaign which has provided so clear an insight into conditions at Washington. The first public disclosure of something unusual was on December 27, when the Senate committee, in response to questions, received from Fall a written statement denying that he had ever received money from Doheny or Sinclair, the oil lessees, and asserting that he had borrowed \$100,000 from Edward B. McLean, a Washington publisher, known as a close friend of high Government officials. Four days later, instructed by a telegram from McLean, then at Palm Beach, A. Mitchell Palmer wrote to the committee quoting McLean's statement:

"In 1921 I loaned Fall \$100,000 on his personal note."

Having reason to doubt this explanation, the committee sent Senator WALSH to Palm Beach on January 9 to examine McLean. Put under oath, McLean admitted that his story was false; he had given Fall \$100,000 in checks, but the Secretary returned them unused, stating that he had obtained the needed sum "elsewhere." With the Fall-McLean fabrication shattered, the committee prepared for vigorous measures, and on January 24 the truth came out. E. L. Doheny testified that it was he who had "loaned" Fall the \$100,000, sending it to him in currency in a satchel, a few months before obtaining the lease of Navy oil lands. And next day Sinclair's counsel admitted that that philanthropic oil capitalist had "loaned" the Secretary \$25,000.

Turning to the telegrams, we find that McLean, in Palm Beach, and Fall, in Washington, were greatly agitated in December by the necessity for filing with the committee formal statement embodying the story they had concocted at a conference in Atlantic City, and the publisher was in constant touch with his office by wire. On December 22, John Major, his secretary, telegraphed that a private leased wire should be installed, giving him "easy and quick access to the White House"; and he also reported that C. Bascom Slomp, President Coolidge's secretary, was leaving that night for Palm Beach. The chief doorkeeper at the White House likewise telegraphed McLean that Slomp was on the way. Fall went to Florida as McLean's guest on December 20.

Major reported in detail consultations with McLean's attorneys concerning the presentation of the statement to the committee, and per-

sistently urged the leasing of a private wire. It was installed on January 2, and next day Major sent word that the Washington end would be in charge of E. W. Smithers, who during the day is chief telegraph operator at the White House. With this private means of communication established, McLean's confidential employees sent him scores of messages every day. Ira Bennett, his editor, advised him that he had better testify in person, and Major warned him "prosecutor want source of money." On January 24 Doheny told the truth about the \$100,000 loan, and McLean wired in a panic to Major: "Have had tip that I am to be called. My health prohibits my returning north. See Mitchell Palmer and see if he will represent me in proceedings."

Meanwhile the use of code communication was adopted. A McLean employee telegraphed him January 9: "Jaguar baptistical stowage beadle 1235 huff pulsator commensal fitful Lambert conation fecund hybridize"; this the committee found to mean: "Senator WALSH leaves on the Coast Line at 12.35 to-night; Lambert (McLean's lawyer) on same train." Another message sent the same day informed McLean that J. W. Zevely, who is Sinclair's counsel, said the publisher need not fear the questions that were to be put to him by WALSH. Messages signed "The Champion" contained such passages as these:

"Just talked with Apricots and believe he has the thing well in hand. He advises not to talk about peaches or Apples with anyone. He says Apples and Cherries assured him you need not worry. The peaches will be just what you want."

If the telegraphic correspondence uncovered had disclosed nothing more than McLean's apprehension over the impending exposure of the mendacity, it would have been relatively unimportant, except as revealing the character of a man who had ostentatiously exhibited his intimate relations with President Harding and other high officials in the administration. But there were messages susceptible of much more serious interpretations. Major telegraphed about seeing "H. D.," identified later as Attorney General Daugherty, who sent word that McLean should not worry. A message to Palm Beach read:

"Informed that investigation is being made by Senate committee to determine if you had \$100,000 in cash in any bank at time you testified you gave Fall checks for amount."

This was signed "Rochester," later identified as a confidential secretary of Daugherty. Bennett, McLean's editor, telegraphed on January 29, just after the Doheny testimony:

"Saw principal; delivered message. He says he greatly appreciates and sends regards to you and Mrs. McLean. There will be no rocking of boat and no resignations. He expects reaction from unwarranted political attacks."

On February 14 Bennett wired that he had seen "X" (Daugherty), who sent this word: "I am at Y's (Walsh's) elbow and standing at the guns. All that is possible to do will be done by us." A code message of February 2 was sent to McLean's secretary, then in Palm Beach, by his wife, an employee of William J. Burns, chief of Daugherty's bureau of investigation. It read: "Burns told me communicate McLean; inquiries being made special agent Department Justice."

Hardly less remarkable than the text of these telegrams were the explanations given by the writers when called before the committee. Daugherty's man Rochester said glibly that his warning to McLean was "a purely personal communication," having nothing to do with his official position. Bennett denounced the charge of Senators that "the principal" was President Coolidge; he insisted that "the principal" he had seen was Senator Curtis, who promptly denied the statement; whereupon Bennett said that the first, second, and fourth sentences referred to Curtis, while in stating that there would be "no rocking of the boat and no resignations" he was giving his own version of remarks by President Coolidge. Burns explained that the tip he sent McLean was not that he was being investigated by the department, but that some one was asking why he, McLean, was listed as a special agent thereof.

There remain to be examined two more items in the extraordinary record, the following telegrams to McLean:

JANUARY 12.

Prescott is away. Advise Stemp with whom I shall confer. Acknowledge.

CALVIN COOLIDGE.

FEBRUARY 12.

Thank you for your message. You have always been most considerate. Mrs. Coolidge joins me in kindest regards to you and Mrs. McLean.

CALVIN COOLIDGE.

Respecting the first message, it was explained at the White House that the President merely wished information concerning the District commissionership, and addressed McLean in the absence of Prescott, the Republican city chairman. But it was not explained why he had sought the advice of McLean just 24 hours after that person had admitted making a false statement intended to cover up Fall's corruption. The White House first described the message of February 12 as an acknowledgment of McLean's congratulations on the Presi-

dent's Lincoln day speech; but later it stated that the reference was to the President's rebuke to the Senate for demanding the dismissal of Secretary Denby.

This newspaper is wholly disinclined to give a strained interpretation to the series of telegrams from which it has quoted. It discovers in them no appalling evidences of official depravity; but it does perceive in them depressing signs of official tolerance for, and association with, influences that have dishonored and wronged the Nation. No one can read McLean's testimony and attribute to a man of his limited intelligence any part in a dangerous conspiracy. But the episode is important because despite all its crass absurdities, it reveals the low standards of conduct that have come to prevail in Washington.

We find McLean, intimate friend of Fall, helping to concoct false testimony to deceive the Senate and the public. We find him, with exposure imminent, leasing a private wire upon the recommendation that it would give him "quick and easy access" to influential persons. We find the Washington end of the wire in charge of the chief White House telegrapher. We find the President's secretary at this time going to Florida as McLean's guest, his departure being announced by a telegram from the White House doorkeeper. We find McLean and his employees using a secret code of the Department of Justice for their private messages. A month after his duplicity had been revealed, we find him receiving, in code, assurance from Attorney General Daugherty that everything will be done to protect him. We find him receiving warning information from Rochester, Daugherty's confidential clerk, and from Burns, Daugherty's chief investigator. After he had confessed to the committee his service to the corruptionist, Fall, we find President Coolidge consulting him on public affairs. And a month later we find the President gratefully acknowledging McLean's approval of the policy of defying public sentiment and keeping in office the Secretary of the Navy who had been Fall's accomplice in leasing the Navy's oil reserves.

The committee has found the telegraphic code used in this subsidiary episode of the Washington scandal. What it has yet to discover is observance of reassuring codes of official honor and official propriety.

Mr. WALSH of Montana. I also submit an editorial from the New Republic, under date of March 19, 1924, headed "The week," and another editorial appearing in the same journal entitled "President Coolidge and Edward McLean," and ask that they, too, be inserted in the Record without reading.

The PRESIDING OFFICER. Without objection, it is so ordered.

The editorials are as follows:

THE WEEK.

Rarely have we read in a daily newspaper a more disingenuous and misleading article than the dispatch from Washington which the New York Times of March 10 carried on the last column of its first page. This article is supposed to give an account of the attitude of "public sentiment" toward "the prevailing tendency to tear down honorable reputations." According to this account "visitors to the Capitol testify that the people back home are disgusted with the conditions of affairs here as disclosed by the evidence before the Teapot Dome committee and the mass of unofficial accusations and rumor that has accompanied these revelations. They feel, it is said, that official Washington is not merely impregnated with corruption but saturated with it. They have little respect for public men generally, classing them all as selfish and corrupt politicians. They have lost confidence in the integrity of Congress and have a low opinion of the intelligence of the people's representatives in Senate and House," but particularly in the Senate. "At the same time, this lack of confidence does not apply to President Coolidge." Although "the titular chief of a party of some of whose leaders the people are suspicious," the President is generally considered to be "the bulwark of the interests of the people." The politicians who attack him for his relationship with McLean inspire only "resentment," and this resentment increases "the lack of confidence in the Senate."

The article from which the foregoing extracts are borrowed is a perfect example of the tendentious and misleading treatment of the news which is becoming the great fault of contemporary American journalism. While pretending to give an account of how public opinion feels toward the Washington exposures, and while pretending to deplore the disposition to tear down honorable reputations, it is really pro-Coolidge propaganda disguised as news, and it really seeks to increase and to turn against the senatorial investigators the suspicious and credulous state of mind which it deplores in the case of other "honorable reputations." The purpose of this propaganda is only too clear. It is intended to discredit those Senators who are conducting the investigation. Its authors apparently expect that by making people suspicious of Senator WALSH and his associates the President will be relieved from the criticism and the suspicions caused by his own acts.

The friends of the President are, in our opinion, doing him a doubtful service when they disparage the actions of the Public Lands Committee of the Senate as part of an effort to promote the Coolidge candidacy. Such propaganda is almost a confession that the Walsh investigation is disquieting, repellant, and probably injurious to the administration. But that is not the point. If the Times really believes that official life in Washington under a Republican administration is "saturated" with corruption and that from this state of facts it can derive a valid argument in favor of a continuation of a Republican President in power and against the investigators of official Republican corruption, there is no reason, except a respect for its own reputation for common sense, why it should not say as much in its editorial columns. But there is every reason why as an honest newspaper, it should not impute this pernicious nonsense to "public sentiment."

PRESIDENT COOLIDGE AND EDWARD McLEAN.

Recently Senator HARRISON of Mississippi criticized President Coolidge for continuing to consult and correspond intimately with a man like Edward McLean after the latter was more than suspected of having deliberately deceived a committee of the Senate about facts of great public importance. Later, during the same session, Senator LODGE accused Mr. HARRISON of gross impropriety for his criticism of Mr. Coolidge's relation to Mr. McLean. "I think," he said, "it is little short of an outrage to bring the President's name into this matter as some have attempted to do to-day." "He is entitled to consideration in debate. It is important not to impair the faith of the people in high officials. Such a procedure lowers the character of the Senate in the opinion of the people." "The President should be lifted above rumor and the whisper of the corridor."

Many of the Democratic Senators replied to Mr. LODGE, but for the most part they confined themselves to insisting that President Coolidge was receiving a much fairer treatment at the hands of his political opponents than had the late Mr. Wilson. The retort was obvious and apt, but it ignored the merits of Mr. LODGE's contention. Is it an "outrage" to criticize a President for behaving as the record indicates Mr. Coolidge has behaved with respect to Mr. McLean?

Surely the sound answer to this question is a sharp and emphatic negative. On the contrary, if the Democrats in and out of the Senate had not criticized the President for the dubious aspects of the relation between McLean and the White House, and for the President's apparent lack of candor in explaining what the relationship was, they would have conspired with the Republicans to conceal from the American public information which it was entitled to possess. Criticism of even the highest public officers is justified in so far as it sheds some additional light upon the acts of Government which the public is not likely to understand without interpretation.

Considered from this point of view, the "attacks" of the Democratic Senators, with the exception of Senator HEPBURN, have served a clear and a desirable public service. They have directed public attention to the dubious aspects of Mr. Coolidge's behavior. The chairman of the Republican National Committee and its official organ of publicity have exhibited far more partisanship, intemperance, and recklessness in denouncing Senator WALSH and Senator WHEELER than the Democrats have in criticizing President Coolidge.

The President's behavior, since the evidence of fraud in the oil leases was first produced, has not been above suspicion or above criticism. No fair-minded person suspects him, of course, of being directly implicated in the fraudulent transactions. No fair-minded person suspects him of a share in any conspiracy to conceal from the Senate Public Lands Committee information about the frauds which would contribute to the exposure and the conviction of directly guilty individuals. But he can be reasonably suspected of a relationship with at least one of the guilty individuals which was, under the circumstances, improper. Nor is this all. Since the evidence of that relationship came to the surface he has done nothing or said nothing to clear up its more suspicious aspects. He is not behaving like a man who is anxious to reveal all the facts of the connection between Edward McLean and the White House. He is rather behaving as if there was something about that connection which it was advantageous for him to conceal.

Consider what the evidence of this connection is. Just about the time when the Senate investigation into the oil leases was getting warm and dangerous, the President's private secretary went to Florida for a vacation, and during that vacation passed two weeks in daily conversation and consultation with Messrs. Fall and McLean. The account which Mr. Slomp gave of these meetings was not, to say the least, entirely convincing. According to his testimony, Messrs. Fall, McLean, and himself were merely a small group of intimate friends who were forgetting for a few days their share of responsibility for the Government of the Nation in the sunshine of a winter resort in Florida. Mr. Slomp did, indeed, incidentally advise his friend McLean to make a clean breast to the Senate committee

of the real facts about his relations with Fall, for Mr. Slomp apparently had some reason to suspect McLean's attempt at deceit.

But it is difficult to believe that Slomp in his own testimony behaved as candidly as he advised McLean to behave. During these weeks of golf and innocent conversation there was at least one occasion on which the President used McLean as a means of communication with his private secretary and when he called in McLean as a political adviser after McLean's exposure as a deliberate conspirator against the successful prosecution of an enterprise of great importance undertaken by another branch of the Government.

In the meantime, and thereafter, McLean was pulling all his wires to prevent the investigation from being pushed any further in his direction and he was assisted in this effort by at least three members of the White House staff—a telegrapher, a door keeper, and a secret-service officer. One of Mr. McLean's representatives expected to accomplish something most advantageous for his chief by opening a wire direct to the White House. Another, Mr. Bennett, had an interview with the "principal," who assures him that there will be no resignations and no rocking of the boat. This man in his testimony before the Senate committee supplied an utterly incredible account of the meaning of this telegram. A few days later, after the President had declared, on the anniversary of Lincoln's birthday, that he considered an accused man innocent until he is proved criminally guilty, Mr. McLean felicitated him on his public-spirited attitude and elicited from the President a cordial and a friendly reply.

There are many facts in this record which demand explanation and which the President does not and apparently will not explain. They indicate the existence in Mr. Coolidge's personal staff of a number of employees who were solicitous to protect a man who had fallen back to lies in order to conceal from the Government of the United States facts of immense public importance. They disclose an intimacy between the offender and the President's private secretary which indicate that the wire into the White House might have reached as far as the President's anteroom. Finally they indicate, on Mr. Coolidge's part, a callousness to McLean's published moral unreliability, which is profoundly disquieting. If the President had shared the general indignation and repulsion which the exposures aroused, he could not have remained on such terms of friendly intimacy with one of the chief culprits.

In view of the undisputed facts of the relation between Mr. McLean and the White House and Mr. Coolidge's refusal to clear up the ambiguous facts, one inference seems forced upon both his friends and opponents. The connection which existed between Mr. McLean and the White House from March 4, 1921, until January, 1924, includes circumstances which, if divulged now, would have political consequences which would be damaging to the President and to the Republican Party. The President is struggling to avoid the disclosure of these facts, and this struggle explains the equivocations, the hesitations, and the furtiveness of his behavior with respect to some aspects of the oil scandals. It explains why he did not act promptly and decisively with respect to Denby and Daugherty. It explains why he has never publicly recognized the existence of any guilt with respect to the oil scandal, except the kind of guilt which, if proved, would bring with it criminal prosecution. It explains why he has never aroused American public opinion by a vivid appeal for a vigorous and exhaustive investigation and the complete exposure of all the facts which explain how and why the fraudulent leases were signed. It explains why Senator WALSH has never received help in his inquiries from any of the intelligence bureaus in the executive departments. The President behaves as if he wished to conceal from the public information which, while it might not help the Government prosecutors in convicting Fall or Doheny, would help the American people to fix responsibility for a gross betrayal of their confidence.

He is receiving powerful backing in his attempt to prevent the American public from learning facts which would be damaging to his own candidacy and his party. The newspapers are singularly reticent. Of course, they print reports of what the witnesses say and they describe the disclosures as "sensational," but they are far from making any sensational use of it. In their editorial comments they rarely analyze the doubtful testimony for the benefit of their readers and point out its discrepancies, its suspicious aspects, and its obvious mystifications. They allow the public to make its own analysis, knowing full well how few readers of a daily paper possess the necessary time, patience, and acumen to distinguish what is probably true from what is probably false in the evidence. The more conservative papers are occupied chiefly in accusing people who take the political aspects of the investigation seriously of "hysteria." They themselves, when they are not afflicted by this "hysteria," set an example to their fellow countrymen not merely of elevated calm but noble indifference. They are too superior to be suspicious. They are too public spirited to be critical. They are too loyal to be inquisitive. In assuming this attitude they do not stand

alone. They reflect perfectly the state of mind of those citizens, both Democratic and Republican, who consider Secretary Mellon to be the consummate American statesman and the election of President Coolidge, the man who stands behind Mr. Mellon, as indispensable to the welfare of the Republic.

The plain people of the United States should not have any illusions about the meaning of this attempt to limit the investigation and to confuse the demand for the disclosure of all pertinent information about the origin of the frauds with reckless and obscene scandal mongering. The gentlemen who themselves are so nobly discreet and so patriotically unsuspicious, and who accuse their more inquisitive fellow countrymen of being hysterical, are prompted chiefly by one object. They hope to prevent the revelation to the American voter of the information which he needs in order to reach a sound estimate of the amount of indirect responsibility for the oil scandals which attaches to the Harding administration and its accommodating attitude toward business. They hope to use the office of President as a sanctuary in which to conceal ugly facts which, if divulged, would throw too much light upon the ways and means of a Republican administration. If these people do what they wish, they will injure something far more necessary to the vitality of American Government than the prestige of the presidential office. They will deprive public opinion of confidence in the sources from which its information is supposed to come. They will prevent public opinion from obtaining access to those facts which are necessary to passing a discriminating judgment on the conduct of its public officials. They will, in fact, provoke the hysteria which they pretend to deprecate. A public opinion that is uninformed, misinformed, uneasy, and suspicious is almost certain to act intemperately, hastily, and destructively. It is only a public which has reason to believe that it is not being deceived which can afford to be patient, tolerant, discriminating, and composed.

Mr. WALSH of Montana. I also send to the desk an article appearing in *The Nation* under date of March 19, 1924, entitled "President Calvin Coolidge," which I ask may be printed in the Record without reading.

The PRESIDING OFFICER. Without objection, it is so ordered.

The article is as follows:

PRESIDENT CALVIN COOLIDGE.

The President of the United States, holding the highest office in the world, can not escape his share of critical attention. So far as the public has learned, his energies have been directed chiefly to the protection of men in whom the Nation has lost confidence. There is no suspicion that he has made money out of oil; but he has put his trust in a corrupt gang, and instead of protecting the people from them he has sought to protect them from the people. When at last public opinion forced him to name special prosecutors to do the work which his discredited Attorney General could not do he named a succession of corporation lawyers, some of whom held retainers from the oil companies and all of whom were of that type. The Senate rejected some of his appointees; in those whom it has confirmed the public has little faith. They may be honest men; that is not enough. They are not men whose names give confidence that they will hew tirelessly to the line, let the chips fall where they may. Yet America is not without men—like Frank P. Walsh, Gilbert E. Roe, Samuel Untermyer, Morris Hillquit, Francis Heney, Clarence Darrow—whose names would give such confidence.

Unless the Republican Party is desirous of committing suicide it will not renominate Calvin Coolidge. It did not nominate President Arthur at the conclusion of his accidental service as President; it never occurred to it that no one but Mr. Arthur could uphold the standard of the party in the campaign of 1884. To maintain, as so many do, that Mr. Coolidge must be nominated merely because he is the incumbent is preposterous. The favorable votes of party conventions in Minnesota and Iowa mean little. When the national convention is at hand the Republicans will hardly court deliberate defeat by selecting this man whose whole record shows that he is grossly inadequate to the tasks to which he has fallen heir, who has failed utterly to rise to the need of the hour, and at this writing stands convicted by his own telegrams of being a cordial friend of the group which is responsible for the existing shame of the Republic. We do not mean to insinuate that he has conspired deliberately at wrongdoing. But there is no escaping the fact that he has shown the grossest misunderstanding of the gravity of the situation. A man able and willing to continue to associate on friendly terms with Mr. McLean after his confession that he had deceived the Senators investigating the oil transaction is obviously unfitted for the office of President. Mr. Lodge would have served Mr. Coolidge, their party, and the country better if instead of defending the President he had frankly stated it as his opinion that Mr. Coolidge would do well to retire from the Presidency.

A campaign is under way to whitewash Mr. Coolidge. He has been hysterically and unjustly attacked, we are told; the abuse of him in the Senate and in the press is unfair and unwarranted. Let us, there-

fore, set down without color the facts concerning him which have appeared in the record. They have been scattered and need assembling.

The President had appointed as his secretary an ex-Representative, a merchant of postmasterships, who had sold appointments for contributions to the party treasury. Just as the oil inquiry began to reach the front pages, on December 22, this secretary left Washington for Palm Beach, Fla., where he lunched, dined, and golfed with Mr. McLean, publisher of the *Washington Post*, with whom Mr. Fall was taking his meals. McLean had deceived the Senate committee investigating the oil scandals, leading them to believe that he had lent Mr. Fall \$100,000 with which to buy a ranch—the \$100,000 which, as was later learned, had really been "lent," in a satchel, by Mr. Doheny. The White House doorman notified Mr. McLean by telegram that Mr. Slomp was leaving. So did John Major, Mr. McLean's confidential assistant, who simultaneously suggested the installation of a private leased wire, which, he said, would give McLean "easy and quick access to the White House." Mr. Slomp later took the stand and told the Senate committee that he had gone South for rest and recreation and had hardly mentioned oil to Mr. McLean or to Mr. Fall.

The private wire was installed on January 3, and the White House telegrapher was put in charge of it. Messages sent on this private wire of Mr. McLean's by Mr. Coolidge's telegrapher were sent in a Department of Justice code—not an "obsolete code," but one still in use, as Mr. Burns testified, though replaced in extremely confidential matters by a newer code. Over this wire went the message on January 29 informing Mr. McLean that the "principal" had said there would be "no rocking of the boat and no resignations." This was just two days after Mr. Coolidge's midnight statement announcing that he would appoint special counsel to prosecute. Over this private wire had gone advance notice of Senator WALSH's departure to examine Mr. McLean in Palm Beach. The day after Senator WALSH led Mr. McLean, under oath, to admit that he had deceived the committee in Washington President Coolidge telegraphed McLean from the White House: "Prescott is away. Advise Slomp with whom I shall confer. Acknowledge." This, he now explains, referred to local politics in the District of Columbia; the significant point in any case is that, as Senator LODGE stated in his official explanation, the President did not know how to reach his own secretary except through McLean. He knew at least that Slomp would be in constant touch with him. A month later President Coolidge still retained his regard for McLean. It was on February 12 that he wired: "Thank you for your message. You have always been most considerate. Mrs. Coolidge joins me in kindest regards to you and Mrs. McLean." When this telegram was published on March 6 the White House hastily explained that it was a reply to congratulations upon the President's Lincoln's birthday speech. Study revealed that it had been sent at 10.17 a. m.—11 or 12 hours before the speech. The White House then explained that further examination of the files revealed that it was a reply—a very prompt reply—to congratulations on the President's statement, made on the previous evening, in reply to the Senate's demand that Mr. Denby be ousted.

That is the record. It convicts the President of no crime. It does show him maintaining, secretly and persistently, intimate relations with a corrupt group. Messrs. Fall and McLean were constantly conferring on ways of hiding their corrupt tracks, and this was known to the country and to Mr. Coolidge when his secretary went to Palm Beach, as when the President consulted McLean upon politics in the District of Columbia, lent him his confidential telegrapher, and sent him cordial telegrams.

The President could have given us at least one ringing declaration of his sense of outrage, both that he should find himself in so humiliating a position and that the country should be subjected to this unutterable disgrace. He could have put every department at the service of the committee instead of letting them stand aloof. He could have said to the American people, "I see that in my faith in my associates of Mr. Harding's Cabinet I have been deceived. I shall leave no stone unturned to set my own house in order without a moment's delay. I shall not only punish the guilty; I shall make a clean sweep. Above all, I shall disassociate myself absolutely from all who have been tarnished by the disclosures."

What did the President do? Nothing of the kind. His promises of punishing wrongdoers have been as perfunctory as it was possible to make them. He accepted the kind congratulations of Mr. McLean upon his refusal to demand the resignation of Mr. Denby in response to the request of Congress. It is no wonder that Senator HEFLIN asks:

"Who is McLean? Is he the head of the Republican Party now, its chief spokesman?"

Well, the best that Mr. LODGE could do was to say:

"I am not discussing Mr. McLean's character, but he was known to the President and it was a very natural way of reaching Mr. Slomp if he were still in Florida."

To us it seems the most unnatural way possible. He should have used the Secret Service, the telegraph companies, and all the Federal officeholders in Florida, if necessary, to locate Mr. Slomp before ap-

plying to McLean. From the beginning of this scandal the President has shown himself pitifully small, pitifully inadequate, pitifully lacking in that fine sense of honor which the American people have the right to expect of any man they put in the White House.

Explanations are needed. The fact that a man holds high office is no justification for silence. We know that Senators Smoot and Lusk, members of the investigating committee, have actually used their position to confer with the guilty instead of to expose them. The facts on the record justify suspicion that Mr. Coolidge has slipped into the same policy of protection. In any case he owes the country a full explanation.

CHANGE OF DATE OF INAUGURATION.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 22) proposing an amendment to the Constitution of the United States fixing the commencement of the terms of President and Vice President and Members of Congress, and fixing the time of the assembling of Congress.

Mr. NORRIS. Mr. President, when we took a recess yesterday it was with the understanding that we would reconsider again the committee amendment to section 3, and also the amendment to that committee amendment offered by the Senator from Colorado [Mr. ADAMS], both of which had been agreed to. Before I ask unanimous consent for a reconsideration of the vote by which the amendments were agreed to I had perhaps better explain the reason for it.

It developed yesterday that if we left the language as it was reported from the committee, the House of Representatives, in case the people did not elect, would have the duty of electing a President placed upon them. The amendment of the Senator from Colorado to the committee amendment, which was practically approved by the Committee on the Judiciary, provided that in that case, if the House failed to elect, the Vice President elected by the Senate should act as President for the balance of the term. It now develops, and that is where the objection comes in, that that would give the House of Representatives only until the third Monday in January to elect. Personally, I think that is a sufficient time. I am satisfied with the language as we now have it; but other Senators, including the Senator from Arkansas [Mr. ROBINSON] and the Senator from Tennessee [Mr. McKELLAR], think the time too short and have said that we ought to give the House of Representatives a little more time.

It is the intention, if the reconsideration takes place, that the Senator from Colorado will withdraw his amendment to the committee amendment and offer another one, upon which we have agreed, and which in effect would extend the time given to the House of Representatives until noon on the 4th of March to elect a President, leaving it the same in that respect as it is now—that in the meantime the Vice President shall be only the acting President; and if the Senate does not elect by the 4th of March, then the Vice President shall become President for the remainder of the term.

I now ask unanimous consent that the vote by which the amendment of the committee was agreed to and the vote by which the amendment of the Senator from Colorado to the committee amendment was agreed to may be reconsidered.

The PRESIDING OFFICER. The Senator from Nebraska asks unanimous consent that the vote by which the committee amendment was agreed to and the vote by which the amendment of the Senator from Colorado to the committee amendment was agreed to shall be reconsidered. Is there objection? The Chair hears none, and the votes are reconsidered.

Mr. NORRIS. I have submitted the proposed amendment to the Senator from Tennessee [Mr. McKELLAR], and also to the Senator from Arkansas [Mr. ROBINSON], and it is satisfactory to them.

Mr. ADAMS. I assume that I should ask unanimous consent to withdraw the amendment which I offered to the committee amendment.

Mr. NORRIS. It will not be necessary to ask unanimous consent to do that. The Senator has a right to withdraw his amendment to the amendment.

Mr. ADAMS. I desire to withdraw the amendment which I yesterday offered and the vote upon which has just been reconsidered, and to offer in lieu thereof the following amendment to the amendment of the committee.

The PRESIDING OFFICER. The Senator from Colorado withdraws the amendment to the amendment previously offered and now offers the amendment which he is about to state.

Mr. ADAMS. My amendment to the committee amendment is, on page 2, line 23, after the word "President," to insert the following:

But if the House of Representatives has not chosen a President before noon on the fourth day of March next following, then the Vice President shall become President during the remainder of the term.

An explanation should be made at this time. It appears that there have been two prints of the Norris amendment, and they do not conform in the lines of the print, although they are apparently identical in words. My amendment refers to the print as it appears in our calendar volume, and not to the one which has been distributed on the desks of Senators.

Mr. NORRIS. I would like to inquire which print the Secretary is using at the desk, so that we may not have the amendment go in at the wrong place.

Mr. ADAMS. The print at the desk may be identified by the fact that the one to which I am referring has a page 3. The other one has no page 3.

The PRESIDING OFFICER. The clerks at the desk are using the print with the third page.

Mr. NORRIS. That makes it right, then, as the Senator from Colorado has offered it.

Mr. WILLIS. I suggest that the Secretary read the amendment as it would read if the amendment of the Senator from Colorado were agreed to.

The PRESIDING OFFICER. The Secretary will read as requested.

The READING CLERK. On page 2, line 23, after the word "President," insert the following—

The PRESIDING OFFICER. Is the Senator from Colorado sure there is nothing to be stricken out at that point?

Mr. ADAMS. There is nothing to be stricken out.

The PRESIDING OFFICER. Very well. The Secretary will read.

The READING CLERK. On page 2, line 23, after the word "President," insert:

But if the House of Representatives has not chosen a President before noon on the 4th day of March next following, then the Vice President shall become President during the remainder of the term.

Mr. ADAMS. Perhaps a word of explanation may clear up the situation. There were two points involved. The one which the amendment originally offered by me sought to reach was the fact that under the contingency therein provided for the Vice President, having taken the office of President, would be during the whole remainder of the four years absolutely subject to control of the House of Representatives and could be removed by the exercise of the power then still remaining in the House to elect a President. That was sought to be eliminated.

Then the second objection was that too short a time remained within which the House of Representatives could exercise its right. The amendment as it is now offered provides that on the third Monday in January, the new time fixed by the amendment if it goes into effect, the Vice President shall go in as President pro tempore, as it were, until the 4th of March; that if prior to the 4th of March the House shall fail to elect a President, then the Vice President, who prior to that time has been serving as President pro tempore, becomes President in fact, and that the time within which the House may exercise its power to select a President expires on the 4th of March rather than on the third Monday in January, as it stood under the amendment as originally presented.

Mr. DILL. Is it the new Vice President or the old Vice President who shall become President?

Mr. ADAMS. The new Vice President. It refers to the Vice President chosen for the same term.

Mr. DILL. But if the Senate fails to elect a Vice President, what then?

Mr. NORRIS. That is provided for further on.

Mr. ADAMS. If I may add to the explanation, the amendment offered by the senior Senator from Nebraska covers two things. It removes the ambiguity which has heretofore existed in the amendment as to whether it was the Vice President of the old term or the new term. That is removed by his amendment. Then it covers the other feature by giving power to the House to provide who shall succeed in the event the House of Representatives and the Senate have failed to elect.

Mr. NORRIS. Now, let me read the section as it will be if the amendment offered by the Senator from Colorado shall be agreed to. I may say, first, that the only thing that is changed is to give the House of Representatives until the 4th of March in which to elect a President. It gives that much more time. It provides the same time that the House has now. The amendment will then read:

SEC. 3. If the House of Representatives has not chosen a President, whenever the right of choice devolves upon them, before the time fixed for the beginning of his term, then the Vice President chosen for the

same term shall act as President until the House of Representatives chooses a President; but if the House of Representatives has not chosen a President before noon on the 4th day of March next following, then the Vice President shall become President during the remainder of the term, and the Congress shall by law provide that in the event the Vice President has not been chosen before the time fixed for the beginning of his term what officer shall then act as President, and such officer shall act accordingly until the House of Representatives chooses a President or until the Senate chooses a Vice President.

Mr. SHIELDS. That is not the complete joint resolution as amended by the amendment of the Senator from Colorado?

Mr. NORRIS. No; it is only the complete section 3. I read the section as it will read if the amendment of the Senator from Colorado is agreed to. We have been considering this subject so long that I would like to have the amendment offered by the Senator from Colorado to the amendment of the committee agreed to, unless some one is opposed to it.

The PRESIDING OFFICER. Is there objection to the adoption of the amendment to the committee amendment?

Mr. FLETCHER. Suppose nothing is done by the 4th of March. The Vice President is to serve as President until the 4th of March, but what happens then?

Mr. NORRIS. The Vice President acts as President immediately upon the beginning of the term, but the House of Representatives is given not only to the beginning of the term but to the 4th of March following to elect a President. If they do not elect a President in that time then their part in the transaction will expire and the Vice President becomes the President just as he would now. It involves no change from the present condition.

Mr. KING. Mr. President, may I inquire of the Senator from Nebraska whether or not this joint resolution proposes to legislate the Vice President into a term coextensive with the original term, to wit, four years, although his seat may be challenged or the count of the vote for Vice President, as well as for the President, may be in doubt, the result of which might be that the Vice President who is inducted into office would be found not to be the one who under the revised count was entitled to the seat?

Mr. NORRIS. The Vice President who comes in under these conditions, I will say to the Senator, is elected by the Senate. I hope Senators will get the idea. A presidential election is held; the people fail to elect a President and Vice President; the election of President is thereby thrown into the House of Representatives and the election of Vice President is thrown into the Senate. The terms of the new President and Vice President commence on the third Monday in January. The House of Representatives starts in to elect a President by the third Monday in January. Suppose they do not do it. While they are electing the President the Senate is to elect a Vice President, and it will elect a Vice President, of course, unless there should be a tie, because under the existing Constitution it chooses from the two highest on the list. Suppose the House of Representatives does not elect by the third Monday in January, then the Vice President elected by the Senate would be the President. I do not see how there could be any conflict of opinion as to that. He would have been elected by the Senate, there having been no election by the people. If the people elect, all this machinery is not operative. If the House fails to elect by the third Monday in January, then the Vice President elected by the Senate acts as President, and the House can keep on trying to elect a President.

This amendment is proposed in answer to the cry that went up here yesterday that we did not give the House of Representatives time enough in which to elect. They will now have until the 4th of March; the House may keep on working on the election until that date, and the man elected by them becomes President; but if they fail to elect by the 4th of March, their power of election is ended, as it is now under the Constitution, and the Vice President who has been elected by the Senate and who from the third Monday in January until the 4th of March has been acting as President becomes the real President and holds his office for four years, just as he does now. There is absolutely no difference.

But referring to the proposition put by the Senator from Utah, suppose the House should fail to elect and the Senate should fail to elect anybody, under existing conditions there would be no one to be President; there would be no one who would have authority to elect a President.

The other provision in the clause gives to Congress that power; it remedies a condition that if it ever did happen—it is very remote, of course—would be a serious thing, for it provides that Congress shall by law provide who shall act as President. So, if both Houses should fail to elect, the man selected to take the office under the law of Congress will continue

to act until the one or the other, a President or Vice President, shall have been elected by Congress.

Mr. KING. Then the machinery which the joint resolution proposes to set up, and which the Senator from Nebraska has just been describing, would have no application to cases where there was a contest between two rival candidates for the Presidency and two rival candidates for the Vice Presidency, and the count was on before the two bodies of Congress, and a controversy arose as to whether or not certain electoral votes in Louisiana or Oregon, as was the case, as the Senator knows, in the past, should be counted for the one or the other?

Mr. NORRIS. This proposition does not change that. The law provides—it is done by statute—that the two Houses shall meet jointly and canvass the votes. This does not change that at all; it will remain just the same as it now is.

Mr. KING. Then it has no application to the procedure which is already provided for the counting of the votes for President and Vice President?

Mr. NORRIS. It has no application whatever, except that when this proposed amendment to the Constitution shall have been adopted it will change the date of the canvassing of the votes, because it will come earlier, the term beginning in January instead of March.

Mr. WILLIS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Ohio?

Mr. NORRIS. I yield.

Mr. WILLIS. I am not opposing the amendment proposed by the Senator from Colorado [Mr. ADAMS], but I desire the opinion of the Senator from Nebraska upon one phase of the matter—

Mr. NORRIS. If the Senator from Ohio is not opposing the amendment, can we not first have it adopted?

Mr. WILLIS. I have no objection to that, but I wish to ask the Senator a question.

The PRESIDING OFFICER. Is there objection to the adoption of the amendment to the committee amendment? The Chair hears none, and the amendment to the committee amendment is adopted.

Mr. NORRIS. Now I yield to the Senator from Ohio.

Mr. WILLIS. I wish to ask the Senator his opinion concerning the practical effect of the language of the last part of section 3 of the amendment, where it reads:

and the Congress may by law provide that in the event the Vice President has not been chosen before the time fixed for the beginning of his term, what officer shall then act as President—

Now—

and such officer shall act accordingly until the House of Representatives chooses a President, or until the Senate chooses a Vice President.

Now I submit this question to the Senator: It is quite unlikely, but suppose there should be a tie-up, by reason of which the House of Representatives could not elect a President and the Senate could not elect a Vice President, ought not the Senator to provide in the amendment some language to this effect: "or until there shall have been a regular election"? Otherwise we would come to an absolute stop.

Mr. NORRIS. The regular election, when it comes, is not interfered with by this amendment. There is a provision in the Constitution that covers that contingency completely. The Senator ought to remember that the particular provision in the Constitution that we attempt to remedy here is one that students of the Constitution have known for years would put the country into a very serious difficulty if the contingency should ever happen. It will be noted that the Constitution provides that upon the death or resignation or removal from office of both the President and the Vice President Congress may by law provide—just as it is provided in the proposal now before the Senate—who shall act as President. Congress has acted under that provision and passed a law which provides that in case of the death, resignation, or removal from office of both the President and the Vice President the Secretary of State shall act as President, and, in case of his death, the succession shall go on down through the Cabinet. That has no application to a case where there has been a failure to elect, in which Congress would not have the power to say who should be the President unless they arbitrarily assumed the power. The language at the close of section 3 follows the language of the Constitution. Some Senators have criticized that language, but it follows the language of the Constitution as applicable to the other case, and provides in a similar way that if there should be a failure of election, if nobody were elected, the Congress would have the right to pass a law saying who should be

President. I presume that when this amendment shall be adopted Congress will pass such a law.

Mr. WILLIS. I quite understand the purpose of the language, but it seems to me the Senator leaves a loophole there, for it is not quite clear.

Mr. NORRIS. Mr. President, I can not see any difficulty in it. Suppose that the House of Representatives should not elect a President, but that the Senate should elect a Vice President.

Mr. WILLIS. Well, suppose the Senate should not elect a Vice President; that is the case I am supposing.

Mr. NORRIS. Suppose it should not; then the man whom the law provides shall be the acting President will keep on acting until the House elects or until the term expires and the people elect a new man.

Mr. WILLIS. That is exactly what I wanted to get the Senator to state clearly in his amendment.

Mr. NORRIS. I think there is not any question but what this man would not hold over perpetually, but when the term is out and a new man is elected that new man goes into office.

Mr. WILLIS. That is what I wanted to make clear and definite.

Mr. McKELLAR. Mr. President, I was out of the Chamber at luncheon for a few moments—

Mr. NORRIS. The Senate has agreed to the amendment which I submitted to the Senator this morning.

Mr. McKELLAR. That amendment has been agreed to?

Mr. NORRIS. Yes; as I submitted it to the Senator.

Mr. HEFLIN obtained the floor.

The PRESIDING OFFICER. Will the Senator from Alabama allow the Chair to make a suggestion to the Senator from Nebraska?

Mr. HEFLIN. Yes.

The PRESIDING OFFICER. The Chair desires to remind the Senator from Nebraska that the committee amendment as amended has not as yet been adopted.

Mr. NORRIS. I understood the Chair to say that it had been adopted.

The PRESIDING OFFICER. No; the amendment to the committee amendment has been adopted.

Mr. NORRIS. I understood the Chair to say that the committee amendment had also been adopted. If not, I will ask that the committee amendment as amended may be agreed to, if the Senator from Alabama will yield.

The PRESIDING OFFICER. Does the Senator from Alabama yield for that purpose?

Mr. HEFLIN. I yield.

Mr. NORRIS. Let us have the committee amendment agreed to by unanimous consent.

The PRESIDING OFFICER. The Chair thought that the Senator from Nebraska was about to leave the Chamber under a misunderstanding. Is there objection to agreeing to the committee amendment as amended? The Chair hears none, and the committee amendment as amended is agreed to.

Mr. NORRIS. I thank the Senator from Alabama.

Mr. HEFLIN. Mr. President, at this time I wish to comment briefly upon some of the testimony before the special committee which is now investigating the Attorney General and the Department of Justice. Mr. Holdridge, a former special agent in the Department of Justice, in his testimony yesterday disclosed a very ugly situation in connection with the effort to obtain permission from Federal court officials to do things which directly violate the law of the land.

Referring to Mr. Muma, one of the interested parties, he said:

Mr. Muma also permitted a brief look at a statement showing, as he explained, amounts paid in various cities to "fix things" in connection with the working out of the conspiracy.

This is in connection with the prize-fight films.

In another place Mr. Holdridge said:

In addition to finding out just where they would start as to the prosecuting officers in the Federal district—one to each State where the enterprise was to be operated—it was necessary to get a line on the attitude of the Federal judge in each of such jurisdictions; to anticipate and provide for what he might do if the case came before him. (Mr. Muma said that in one jurisdiction the Federal judge stated his hostile position in such emphatic terms that the plan was given up as to that State.)

Mr. President, I want the committee to ask Mr. Holdridge to name that judge. He is entitled to be named and the country is entitled to know who he is. He has a lofty conception of the duties of his office; he guards the honor and integrity of the position which he holds; he shows himself so unmistakably

to be the right kind of a Federal judge that I want to know and I want the people of the country to know who he is.

These crooked agents were not seeking to promote justice, to prosecute criminals, but were seeking to "fix" Federal judges and district attorneys, the testimony shows, and to corrupt them, if you please. One of the judges, it appears, who was approached, was so angry and hostile to the disgraceful suggestion that they abandoned the idea of carrying on their criminal work in that State. All praise to that Federal judge; may his tribe increase.

Is it not an awful indictment, Mr. President, that they found just one amongst those approached—that is all the testimony discloses—who spurned their corrupt proposal when they were going around "fixing things" so that they could do with the knowledge and consent of the court that which violated the statutes of the country? They were seeking out those whose business it was to enforce the law, those selected to carry out the provisions of the law enacted by Congress; and with shame and humiliation we find that just one was found who placed himself in a hostile attitude to their criminal suggestions, and prevented the consummation of the plan. Mr. President, that judge is entitled to have his name known; and in my place as a Senator I ask the committee to call back that witness and tell him to make known the name of that judge. I want to hold him up as an example to the loose and lax Federal judges whose reprehensible conduct is involved in the testimony here mentioned. I want him to know that there are Senators on this floor who appreciate his conduct. I want him to know that we highly prize his noble and exemplary act when he scorned the miserable wretches who came and wanted to buy from him immunity from prosecution.

Mr. President, whenever crooks can lay their hands on the instrumentalities of justice in this country, and with the fruits of their crime buy immunity from prosecution, something is radically wrong and it is high time to cry out against such a dangerous and deadly condition.

Was the Attorney General prosecuting these people? No. He is a party to it, so the testimony shows. One of the men connected with it, Jess Smith, is dead, some say by his own hand, and some do not know how he died; but he died, and he died in Mr. Daugherty's apartment, I understand.

The people will a long time inquire why Jess Smith was brought here by Mr. Daugherty and put into the service of the Department of Justice—a plain dry-goods clerk, I am told, with no knowledge of the law, and no experience in the work to which he was assigned. I repeat, why was this man brought here by Mr. Daugherty? And oh, how conspicuously he has figured in all the terrible things now being uncovered. He is dead. Some say that he killed himself. Some think that he was murdered. He remembered some of his friends in his will, I understand, and, of course, those who were remembered in his will profited by his death.

Mr. President, I think that it is appropriate for Members of both branches of Congress and the President, too—if it is permissible any more to mention the President's name in this great deliberative body—to pointedly commend the Federal judge who showed himself to be in deed and in truth a clean, honest, and courageous judge, one whose position was not to be corrupted; one whose decrees were not for sale. He is entitled to the commendation of the Congress of the country and the President of the United States.

I sometimes wonder why the President does not speak out in these terrible and trying times. He is at the head of the Government. He ought to be in the lead, directing the forces at work, encouraging them to expose every unfaithful official and punish everyone guilty of wrongdoing. But I have not heard a word from him on this line. I have not heard one word of real interest or encouragement from the President. Now, why is that? That ought not to be, Senators. The President ought to lead in this mighty fight against graft, crookedness, and corruption in the Government. He ought to lead. We ought to follow. But what is the situation here? We have the President of the United States sitting silent, and the Attorney General in the Department of Justice right under his wing defying the President, we are told, and here we are seeking to investigate him, while the President is saying nothing; but he is still retaining him in the Cabinet.

I said before, and I am going to repeat, because it is a vital point in this whole discussion and I want the people to keep it in their minds, those of them who read this Record, how we are handicapped here in the investigation of the case against Mr. Daugherty. He is still at the head of the department. He can order any clerk in that department, any agent, any officer under him, to bring him the file in a certain case, in any case,

and lay it on his desk, and he can do what he pleases with the contents of that file. I submit to the Senate and to the country that that ought not to be—a man being tried, and the testimony upon which you rely to convict him in his hands or under his control.

Why does Mr. Daugherty hold on? Is it because he has all of this correspondence and all these files in his control? What else? I said this before, but it is worth repeating, because in this discussion it is a vital fact: As long as he is at the head of that department, with all of these agents under him, appointed by him, as long as he says he is coming out all right, and he defies everybody, and as long as the President acquiesces, as he does by his silence, these agents all say: "Well, if he does come out all right he will fire us if we testify against him"; so they are hampered and hindered, coerced and intimidated.

Senators, that ought not to be in this great Government. We do not do that way with the ordinary man when he violates the law. In most instances we drag him into court and maybe put him into jail, and he has no papers or anything else at his command. He gets a lawyer, and the lawyer goes down and talks to him in his cell or when he is brought up in the courthouse; but here we are with the gravest charges ever brought against a public official pending against the Department of Justice and an investigation is being led ably, bravely, and brilliantly by the junior Senator from Montana [Mr. WHEELER]. I want to commend him for the great service that he is rendering to his country. This is not any political game. It ought not to be. Every Republican here ought to be as earnest and enthusiastic as the Democrats to run down this thing, get at the truth, and expose and condemn those who are guilty of wrongdoing and drive them from the positions that they have dishonored and disgraced.

It is an open secret that the President has wanted Mr. Daugherty to resign. It is whispered around the Capitol that the Senator from Massachusetts [Mr. LODGE] and the Senator from Pennsylvania [Mr. PEPPER] were requested to go to see him, and that they mildly broke the news to him that it would please the President and be a very gracious thing in him if he would get out, and we are told that he immediately threw up his bristles and told them that he would not do it. Well, now, I wonder what it is that Daugherty knows, what sort of connections he has that makes him so powerful that the leader of the Senate who called on him, and the President at whose instance he called, dare not go any further in their request, or do not—if "dare" is too strong a term to use—do not go any further in the matter of letting him know that he must resign.

What would I do if I were President, and these disclosures had been made, and I had asked the leader of my party in the Senate to go and whisper to this man that I would like to have him relieve me of the embarrassment that his presence produced, and he should defy me and say he would not do it? Why, I would ask for his resignation immediately. Suppose he should say to me, "I will not do it. I know things and I will tell them." I would say, "All right. I accept your challenge. I demand your resignation. I am going to do my duty as I see it and now you are at liberty to go to the country and tell what you please," and out he would go. But here he is running as a Republican delegate out in Ohio for Mr. Coolidge. Yes, he is supporting him, and Mr. Coolidge wants him to resign, we are told in whispers, but Daugherty does not seem to be offended at the President. He is running as a Coolidge delegate.

The President is a very clever gentleman. Sometimes, when a man gets up on a mountain top, his head gets dizzy, and he loses his equilibrium. The perilous and dizzy heights of greatness are trying on some men; and on a tour that I recently made in the State of Georgia I heard this criticism made of the President by intelligent, strong men. They said: "The President seems to be lacking in decision of character. He does not seem to have the positive punch or the knack necessary to decide a thing, and decide it now, and let everybody know that he is a real President, earnestly and outspokenly trying to serve the whole people." They say that he is too wishy-washy; that he hums and haws and hesitates too long; that he likes to move along the lines of least resistance. Well, I must confess that I have been impressed that way myself concerning him, because, Mr. President, there is but one thing to do when you are right up against a terrible situation of this kind, and that is to act. He ought to act. This is not a Republican situation, to be played out for the good of Republican politics. We are fighting here for the good of the American people to-day, and for the good of those who shall come after us. We are fighting for the preservation of American ideals and institutions; and I submit again that the President ought to say to Mr.

Daugherty: "You must get out and if you are acquitted I will reappoint you, but you must get out of that Department of Justice and let all the facts in the files that may be there be open to the committee to get and go through; and then, if you are acquitted, I will reappoint you." Could anything be fairer than that?

Now I am going to repeat what I have said once before about Mr. Daugherty. He ought to go to the President and say: "I will resign if you will reappoint me if I am acquitted. I know that my presence is embarrassing, with all these terrible charges and statements coming out each day; and if you will tell me that you will reappoint me if I am acquitted I will relieve you of the embarrassment that confronts you now."

Why do they not do that? Nobody has yet given a satisfactory answer to that question. The President ought to say: "Mr. Daugherty, this is not a Republican fight. Of course, you are running for election as a delegate to the Republican National Convention, and you are supporting me, but I can not afford to retain you as Attorney General of the United States even with that situation existing. You have in control all the testimony in that department. That is wrong, they say. Your critics are saying you ought to be removed, and that they ought to have the testimony, and that you ought not to be in a position where you can send for it, go through it, and put it in your private drawer if you want to, or do whatever else you want to do with it. You ought not to have that power. That ought not to be your privilege in view of the serious charges that are lodged against you, and which are now being investigated."

Mr. President, I submit that that is the fair way to do this thing; it is the right way to do it; it is the just way to do it.

Suppose a Democratic President were up there, and we had a Democratic Attorney General under fire, and we should let him remain in the office with all the testimony in his control, with all the agents of the Government, many of them who themselves complain about acts of the Attorney General, to be intimidated by him, coerced, made afraid because he is still over them and they do not know what will happen; that he might be retained in the department, and if so, if they should testify against him, he would dismiss them from the service. In that situation, Mr. President, we find the power of the Government itself being used not to get at the truth and punish those guilty of wrongdoing but being used to suppress the truth, intimidate witnesses, and protect the unfaithful officer guilty of wrongdoing.

There is no gainsaying that proposition. If anybody here would like to dispute it, I want him to rise now and say so. I will yield to him for that purpose.

That is about all I wanted to say this morning. I rose primarily to commend that judge who took such a firm stand for the right when these agents of the crooked interests were going around for the sole purpose of putting over something which violated the law, making money out of things which were contrary to the statutes of the land, and in order to do it we are told had to bribe judges and district attorneys. The testimony shows that agents were sent to fix things by seeing judges in advance and saying, "If we do show these things, which are in violation of the statutes, will you impose a fine on us? Now, come across." The judge listens, and some of them, I judge from the testimony, smiled blandly and did not impose any fine, and the thing went through. But, thank God, there was at least one who scorned the suggestion and condemned the criminals who approached him. I want his name printed in the CONGRESSIONAL RECORD. I want the Senate and the country to know who he is, and I want this judge and those who come after him on the bench to know that here, where the atmosphere is charged and surcharged with the miasma of graft and corruption, that we do appreciate men of his sterling worth and character, men who dare to stand up and rightly possess their souls and remain true to the highest and best traditions of the Federal judiciary.

Mr. WILLIS. Mr. President, I desire to offer the following amendment.

The PRESIDING OFFICER (Mr. EDGE in the chair). The Senator from Ohio offers an amendment, which the Secretary will read.

The READING CLERK. At the end of line 11, page 2, the Senator from Ohio proposes to insert the following proviso:

Provided, That no session of the Congress shall continue longer than six months from the date on which it convenes.

Mr. WILLIS. Mr. President, this amendment speaks for itself. I am led to offer it because of the experience of the legislatures of the States of the Union. I find that there are 30 States of the Union which provide in their constitutions for a limitation of the time of the legislative session. In the

State of the Senator from Nebraska [Mr. NORRIS] there is provided a limitation of 60 days. In the State of Alabama the limit of the session is 50 days. In the State of West Virginia the limitation provided is 45 days, and so on. In all of those 30 States there are limitations running from 40 to 60 days.

In five of the States, namely, Virginia, Texas, Minnesota, Maryland, and Colorado, the time fixed for the length of the session is 90 days. There are only 18 States in the Union which do not have such limitations.

It has been my observation, in the study of legislative bodies, that if a time is fixed at which the legislative body must adjourn, there is more expedition in the conduct of the public business. Take this body, for example, or the body at the other end of the Capitol. As we approach the end of a session it will be noted always that there is very much greater expedition in the conduct of the public business.

It is my belief that if we provided in the Constitution a fixed time for the adjournment of the sessions of Congress, business would be more rapidly carried on, and the work which the Congress is expected to do would be better done. I think the best indication of that, though not proof, of course, is the fact that 30 States of the Union have such a provision in their constitution, and that those provisions are working well in the affairs of the States. It seems to me it would be wise to insert such a provision in the Constitution of the United States.

Mr. FESS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield to his colleague?

Mr. WILLIS. I yield to my colleague.

Mr. FESS. I had not thought of the subject of the amendment until I heard it read. The legislation in the short term of Congress is always completed by the 4th of March, unless through some inadvertence or because of some organized effort to prevent it. I recall that last year, with the largest appropriations ever entailed, except in the midst of the war, all the appropriation bills came over from the other branch of the Congress early, and before the 4th of March every one had gone through both Houses, through conference, and had become a law.

Mr. WILLIS. And will not my colleague state there just what the situation is now with reference to the appropriation bills?

Mr. FESS. We have now arrived at the 18th of March, 14 days after the 4th of March. Two appropriation bills have passed both Houses, but are not through conference. All the balance are yet to be acted upon, and only one other appropriation bill—the deficiency bill—has come to the Senate from the House. So it appears to me that that is a concrete commentary upon the value of a limitation on the length of the sessions of Congress. It gives the assurance that if we had the term fixed there would be accomplished all that was necessary to be accomplished, and a good deal that is usually done which ought to be left undone would not be done.

Mr. WILLIS. I thank my colleague for his very pertinent and proper suggestion. There is no doubt but that if we had a constitutional limitation the thing my colleague has described would take place. Somehow we would find ways to push forward the public business very much more rapidly than it is now transacted.

Mr. McKELLAR. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Tennessee?

Mr. WILLIS. I yield.

Mr. McKELLAR. While it is true that in the short term of three months we frequently push the appropriation bills through, somehow, some way, as the Senator has said, there is rarely any other legislation put through except appropriation bills at the short sessions, and even the appropriation bills are usually put through just as the Senator has described, somehow, some way—pushed through. I do not believe that is a very excellent way of legislating. I think Congress should have all proper time in which to legislate.

Mr. WILLIS. Mr. President, as the Senator knows from his long experience here and in another body, it does not make very much difference, so far as that is concerned, what the length of the session is, there will always be a congestion of public business at the close of the session. But I think the conclusion which should be drawn from the suggestion made by my colleague is absolutely incapable. In a short session we do get the essential work of the Congress done. Everybody realizes that the Congress must expire by constitutional limitation at a certain time.

If we had a constitutional provision which provided that at the end of six months from the time the Congress convenes

Congress must adjourn, of course always reserving the right in the Executive to call a special session if there were any emergency which demanded it, I think there can be no doubt but that we would get the essential business transacted more quickly and that a tremendous amount of nonessential material would be shut out, which would be a blessing to the country.

Mr. McKELLAR. Mr. President—

Mr. WILLIS. I further yield.

Mr. McKELLAR. What the Senator says reminds me of what I was reading in the Madison papers just a few nights ago. It was seriously argued in the Constitutional Convention that Congress should meet only every other year, the reason given being that there would not be business enough for a session oftener than that; that the limitations on the powers of Congress excluded a very large volume of legislation, and left the greater power of legislating to the States, and that it was not necessary to have a session oftener than once every two years. That was not only seriously proposed, but seriously debated. Now, it turns out that, legislating all the year, we are hardly able to get through with the Nation's legislative business. So it seems to me that the fixing of a limitation of time now for what might occur in the future would probably be an error, and we should leave it to the good sense of Congress to determine how long its sessions should last.

Mr. KING. Mr. President, will the Senator yield?

Mr. WILLIS. If the Senator will permit, let me make brief reply to the Senator from Tennessee. First, the logic which he has so well stated evidently is not persuasive in his own State, at least, because in the great State of Tennessee there is a limitation on the length of the legislative session of 75 days.

Mr. McKELLAR. Mr. President, will the Senator let me correct that statement? There is a limitation only to this extent, that the members of the legislature are paid their per diem only for 75 days.

Mr. WILLIS. I venture to say that that operates to shorten the session.

Mr. McKELLAR. They have a right to legislate as long as they see fit.

Mr. WILLIS. I venture the assertion that the session does not continue very long after the pay stops.

Mr. NORRIS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Nebraska?

Mr. WILLIS. I yield.

Mr. NORRIS. I have an idea, although I can not state it as a fact except in one or two instances with which I happen to be acquainted, that the Senator from Ohio will find that the limitations in the other States are practically the same as in Tennessee; that the salary is fixed at so much per diem, but that there is no limitation upon the length of time the session shall continue.

I believe he will find, if he looks into it, that the sessions of the legislatures always run over a few days, at least, sometimes a few weeks, because it is a physical impossibility to fix a definite time in advance for the length of the session of any legislative body, and provide that when that minute comes they must adjourn, without seriously handicapping the legislature, without giving a few men the power to filibuster, and without getting all kinds of jokers into legislation, because, with the permanent adjournment just ahead, some individuals can hold up the session and get anything they want, or defeat anything they want to defeat.

So it always happens, when we adjourn what is called the long session, which is not limited, that we never agree on the date of adjournment until the very day we adjourn, because we know that the very minute we do fix a specific time for adjournment, we make it possible for one man, almost, to hold up the whole Congress; and that is what would happen if the Senator's amendment were agreed to.

Mr. WILLIS. Mr. President, the obvious answer to that is, of course, that whenever you do fix the time for final adjournment, Senators know rather definitely within a few days of when final adjournment is to occur, and whenever you do adjourn, if you do, you run up against exactly the same difficulty. This amendment will not change that in any particular at all.

Referring to the limitations in the States, it is quite possible, as the Senator suggests, that the limitations are brought about indirectly by a cessation of salary at the end of 40 or 60 days, or whatever the time may be. Yet I venture the assertion that that limitation itself does operate very materially to expedite the public business, and to shut out a lot of inconsequential and unimportant legislation.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. WILLIS. I promised to yield to the Senator from Utah, and I will do so now, if he desires to ask a question.

Mr. KING. Mr. President, it is scarcely pertinent now, but my able friend from Tennessee challenged attention to the Madison papers, and the fact that it was seriously debated as to whether or not there would be sufficient business to justify Congress in meeting as often as once a year, the theory being that under our form of government the States would have the major responsibility in legislating, which is true.

Now, if the Democrats in Congress would remain true to the views of Madison, and the Republicans on the other side of the Chamber, who believe in a proper construction of the Constitution, would likewise carry out the views of Jefferson and Madison, then what my friend from Tennessee said would be realized to-day. But, unfortunately, we project into Congress activities of the States, duties and responsibilities which should be performed by individuals and by local organizations, and thereby we consume the time of the Federal Congress in debating and discussing domestic matters, questions that come within the police powers of the States, and we enact legislation which under a proper construction of the Constitution is unconstitutional.

Mr. WILLIS. Does not the Senator therefore think that it would be exceedingly desirable to have a constitutional limitation upon the length of the sessions, so as to shut out very much of the undesirable legislation to which he refers? As he knows, I agree with him about some of those matters at least.

Mr. KING. I confess my inclination would be to vote against the position taken by my amiable and distinguished friend from Ohio.

Mr. WILLIS. I should regret that very much.

Mr. KING. I think there is very much in what my friend from Nebraska has stated. It is certain that if Congress should address itself earnestly to legislation upon national questions, matters that come within the purview of Congress exclusively, we could conclude our labors in very much less time than we bestow now upon the activities of Congress.

Mr. WILLIS. I invite the attention of the Senator from Utah to the fact that in some way in his own State there is a constitutional limitation upon the legislature. The State of Utah limits the legislative session to 60 days. It seems to work very well there.

Mr. NORRIS. Mr. President, will the Senator from Ohio yield to me for the purpose of submitting a unanimous-consent request?

Mr. WILLIS. Certainly.

Mr. NORRIS. I ask unanimous consent that no Senator be allowed to talk more than once nor longer than five minutes upon the pending amendment.

Mr. KING. I hope the Senator will not press that request.

Mr. NORRIS. It will not limit general debate.

Mr. KING. It applies only to the pending amendment?

Mr. NORRIS. Yes; it is confined to that.

Mr. KING. I have no objection to the request.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request submitted by the Senator from Nebraska? The Chair hears none, and it is so ordered.

Mr. McKELLAR. Mr. President, will the Senator from Ohio yield to me for a moment to make a brief statement?

Mr. WILLIS. If the Senator will make it very brief, I yield; because I only have about four minutes of my time remaining under the unanimous-consent agreement.

Mr. McKELLAR. I will yield to the Senator all my time under the agreement. I will say that so far as the limitation on the legislative session in the State of Tennessee is concerned, it would be a limitation on the salaries. The salaries are not paid for longer than 75 days; but the result of the situation is that the governor frequently has to call special sessions of the legislature to transact the legislative business of the State, and every time he calls an extra session my recollection is that the salaries paid and the allowances made for a 30-day extra session amount to a very large sum, which could be wholly obviated if it were not for that limitation.

Mr. WILLIS. I merely desire to make one suggestion or observation in reply to that. My little experience with governors and with Presidents leads me to believe that they are not likely to call extra sessions unless there is some great emergency.

Now, back of the suggestion that I am making here is the belief, which is very sincere upon my part, that the country is suffering, not from too little legislation but from too much legislation. I saw not long since in a law journal, which unfortunately I am unable to find and the figures of which I can not now quote, a statement of the number of different statutes that were enacted by the several State legislatures and the

Congress in the course of a year. It was perfectly appalling. It is a wonder to me that the people of the country are able to live and transact their business. I believe that if we would place a constitutional limitation on the length of the sessions of Congress we would get the essential work done and a great deal of the unimportant legislation would be cut out. I have no desire to continue unduly the discussion. I am willing to let the amendment stand or fall upon its merits.

There has just been placed before me a copy of our calendar. Something was said about the present situation of business in the Congress. This brings to my notice that up to date, this being the 18th of March, no appropriation bill has been finally passed. Two of them have been sent to conference. I saw in his place a moment ago the senior Senator from Utah [Mr. Smoot], and I judge that he was ready to make a conference report on some appropriation bill or a motion relative to it. If it had been the short session of Congress instead of the long session, not two but every one of the appropriation bills would have been passed by this time, and I dare say as much legislation along other lines as will be passed at the present session, which bids fair to run a good while.

The PRESIDING OFFICER (Mr. WADSWORTH in the chair). The question is on the amendment offered by the Senator from Ohio [Mr. WILLIS].

The amendment was rejected.

The PRESIDING OFFICER. The joint resolution is as in Committee of the Whole and open to amendment.

Mr. SHIELDS. Mr. President, in 1914 Senator John F. Shafroth, of Colorado, offered a resolution, practically the same as the one now proposed, and after it was considered for some time by the Committee on the Judiciary an adverse report was made, but there were a number of Senators who were then of the opinion that there should be an amendment to the Constitution along these lines in order that after a general election there should be a speedier response to the will of the people as expressed in that election. This was a view that I had at that time and I am still of that opinion.

Mr. President, although the resolution of Senator Shafroth was disapproved by the Committee on the Judiciary, the views of the minority were presented at that time in a report which was signed by the Senator from Florida [Mr. FLETCHER], former Senator Chilton, of West Virginia, the Senator from Iowa [Mr. CUMMINS], the former Senator Nelson, of Minnesota, the Senator from Arizona [Mr. ASHURST], and myself. Those Senators were of the opinion that there was merit in the resolution and favored its adoption. The joint resolution then proposed and approved by the Senators mentioned was in these words:

The terms of the President and Vice President of the United States shall commence on the fourth Monday in January following the election of presidential and vice presidential electors.

SEC. 2. The presidential and vice presidential electors, composing the Electoral College, shall assemble in the States by which they are appointed and cast their votes for President and Vice President on the second Monday in December following their appointment, and the vote so cast, duly certified, shall be filed with the President of the Senate before the first Monday in January next thereafter, and the Congress shall meet in joint session on the second Monday in January following and open and count the same: *Provided*, That Congress may alter all the dates fixed in this section, in its discretion.

SEC. 3. The terms of Senators and Representatives shall commence on the first Monday in January following their election.

SEC. 4. There shall be held two regular sessions of Congress, convening on the first Monday of January each year.

SEC. 5. The terms of said officers who may be in office at the time of the adoption of this amendment are hereby changed to conform herewith.

Mr. President, the Constitution, Article II, section 1, ordains that the President and Vice President shall hold office for the term of four years, but does not provide when the terms shall commence. The only recognition of the 4th of March succeeding the day of a presidential election as the day of the commencement of the terms of the President and Vice President is the provision in the twelfth amendment to the Constitution, effective September 25, 1804, that—

If the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the 4th day of March next following, then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President.

This would probably be construed to be a provision that the term of the President expired on the 4th of March after a

presidential election—that a vacancy then exists—in which event the then Vice President succeeded to the office.

The time when the presidential electors should be elected, and the date on which they shall meet and give their vote is, by Article II, section 1, of the Constitution, left to the discretion of Congress, with the restriction that the day of voting shall be the same throughout the United States. An act was passed February 3, 1887, requiring them to meet and give their vote on the second Monday in January next after their appointment, in such place in each State as the legislature thereof shall direct; which vote, duly certified, to be delivered to the President of the Senate before the first Wednesday in February and be canvassed by Congress, in joint session, on the second Wednesday in February thereafter.

The Constitution, while providing that Representatives shall hold their offices for two years (Art. I, sec. 2) and Senators for six years (Art. I, sec. 3), does not provide when the terms shall commence.

The commencement of the terms of the first President and Vice President and of the Senators and Representatives composing the First Congress was fixed by a resolution of Congress adopted September 13, 1788, providing "that the first Wednesday in March next (which happened to be the 4th day of March) be the time for commencing proceedings under the Constitution."

Congress provided (act of March 1, 1792, Rev. Stat., sec. 152) that the terms of the President and Vice President shall commence on the 4th day of March next succeeding the day on which the votes of the electors have been given, but there seems to be no statute enacted since the adoption of the Constitution fixing the commencement of the terms of Senators and Representatives.

The Constitution as proposed to be amended by this resolution would be as follows:

1. The terms of the President and Vice President, by the first section, are made to commence on the third Monday in January instead of the 4th day of March succeeding the election of electors.

2. The electors are required, by the second section, to meet and cast their vote on the second Monday in December succeeding their appointment; the vote to be filed with the President of the Senate before the first Monday in January thereafter, and the Congress to meet in joint session to open and count the same on the second Monday in January succeeding. The Congress, however, in its discretion, is authorized to change these dates.

The provisions of this section are entirely new, the present Constitution having left these matters entirely to the discretion of Congress, and are for the purpose of preventing confusion in putting the first section into effect.

3. The terms of Senators and Representatives are, by the third section, made to commence on the first Monday in January following their election.

This provision is new. Although there is no provision in the present Constitution fixing when the terms of Senators and Representatives shall commence, yet those providing that their terms shall be six and two years entitle those in office and hereafter to be elected to hold for two years after the 4th of March succeeding their election, the day when the first Senators and Representatives were qualified under the Constitution, and their terms can not be changed without a constitutional provision.

4. The fourth section merely changes the second paragraph of section 4 of Article I of the Constitution in effect, so as to provide that Congress shall meet each year, commencing on the first Monday of January instead of the first Monday in December.

5. The provisions of section 5 are temporary and for the purpose merely of putting into effect the material provisions by shortening the terms of the President and Vice President, and Senators and Representatives, to the extent of the periods between the dates fixed by the resolution for the commencement of the terms of these officers hereafter and the 4th of March succeeding said dates.

Under the present law Congress does not convene in regular session until 13 months after the election of its Members. There was some reason for such a provision at the time of the formation of our Government, as it then took a long time to ascertain the results of elections and to reach the Capitol from remote parts of the country. But there is no excuse whatever now, since the most distant States of the Union are within a few days' travel of Washington City.

Senators heretofore have been elected by the legislatures of the States in January, and sometimes not until February or

March. But since the adoption of the seventeenth amendment to the Constitution, by which Senators are to be elected by the people, probably at the November election, it becomes very opportune for Congress to convene in January following. The convening of Congress on the first Monday of December, as at present, is very inopportune, as adjournment for the Christmas holidays is always taken and many Members go to their homes, returning late, which precludes any real work until January.

The reasons for the adoption of the proposed amendment are these:

Congress should at the earliest practicable time enact the principles of the majority of the people, as expressed in the election of each Congress. That is why the Constitution requires the election of a new Congress every two years. If it is not to reflect the sentiment of the people, these frequent elections have no meaning or purpose. Any evasion of this is subversive of the fundamental principle of our Government that the majority shall rule. No other nation in the world has its legislative body convene so long after the expression of the people upon governmental questions.

During the campaign preceding a congressional election the great questions that divide the political parties are thoroughly discussed for the purpose of determining the policy of the Government and of having the sentiments of the majority crystallized into legislation. It seems trifling with the rights of the people when their mandates can not be obeyed within a reasonable time. It is unfair to an administration that the legislation which it thinks so essential to the prosperity of the country should be so long deferred. It is true an extraordinary session may be called early, but such sessions are limited generally to one or two subjects, which of necessity make enormous waste of the time of each House waiting for the other to consider and pass the measures.

As the law is at the present time, the second regular session does not convene until after the election of the succeeding Congress. As an election often changes the political complexion of a Congress, under the present law many times we have the injustice of a Congress that has been disapproved by the people enacting laws for the people opposed to their last expression. Such a condition does violence to the rights of the majority. A Member of the House of Representatives can barely get started in his work until the time arrives for the nominating convention of his district. He has accomplished nothing, and hence has made no record upon which to go before his party or his people. This is an injustice both to the Members and to the people. The record of a Representative should be completed before he asks an indorsement of his course.

Under the present system a contest over a seat in the House of Representatives is seldom ever decided until more than half the term, and in many instances until a period of 22 months of the term has expired. For all that time the occupant of the seat draws the salary, and when his opponent is seated he also draws the salary for the full term; thus the Government pays for the representation from that district twice. But that is not the worst feature of the situation; during all of that time the district is being misrepresented, at least politically, in Congress.

By Congress meeting the first Monday in January succeeding the elections, contested-election cases can be disposed of at least during the first six months of the Congress.

The President and Vice President should enter upon the performance of their duties as soon as the new Congress can count the electoral votes. The newly elected governors of our States are inducted into office as soon as the new legislatures of the States canvass the votes and declare their election. It is the old Congress which now counts the electoral votes. It is dangerous to permit the defeated party to retain control of the machinery by which such important officers are declared elected.

In the event that no candidate for President receives a majority of the electoral votes, the Constitution provides that the House of Representatives shall elect the President, the representation from each State having one vote. At the present time it is the old Congress that elects the President under such contingency, and thereby it becomes possible for a political party repudiated by the people to elect a President who was defeated at the election. Under the present provision of the Constitution, in the event the House fails to choose a President before the 4th of March, then the Vice President then in office becomes President for four years. This affords a great temptation, by mere delay, to defeat the will of the people, and if it is ever exercised it will likely produce a revolution.

Mr. KING. Mr. President, may I ask the Senator a question?

Mr. SHIELDS. I yield to the Senator from Utah.

Mr. KING. Mr. President, may I inquire of the Senator if the principal evil which the Senator has been discussing could not be obviated by enacting a law which would shorten the period between the time of election and the meeting of Congress? The Senator has just stated that the Congress elected in November does not begin to function and the Representatives and Senators elected to that Congress do not assume office for more than a year after the election. Would not that objection be obviated by shortening the time by providing by law that Congress shall meet either on the 15th of March or the 1st of April next following the election? That would shorten to four or five months the time between the election and the assumption of the duties of the newly elected officials. If that were done, it would not need a constitutional amendment, for the reason that under the Constitution Congress has power now "to appoint"—that is the language of the Constitution—a time for the meeting of Congress. All that we need do now is to pass a law to "appoint" the term of Congress to begin, say, the 1st of April next following their election, and on that day they would assume the duties of the office and the old officials would go out. It seems to me that we can accomplish the major part of what so many of the Senators have insisted they desire to have accomplished by changing the time of the meeting of Congress from the present date, the first Monday in December, to the preceding March or April or any other date, of course, after their election?

Mr. SHIELDS. Mr. President, I think the suggestion of the Senator from Utah would very much improve conditions, but the trouble is that if we should do that there would still be too much delay in the newly elected officials coming into power; there would still be too much delay in yielding to the will of the people as expressed in the election in November previously. The object of this proposed amendment to the Constitution is to permit the assumption of the powers of government by the newly elected officials earlier than that now suggested by the Senator from Utah.

Mr. KING. Mr. President, if the Senator will pardon me further, may I suggest to him that it does seem to me that if a President goes out of office; that is to say, if he is defeated, or his party is defeated in November, there ought to be a reasonable time—two or three or four months—in the language of the street, to "clean up" all of the activities of the administration for the preceding four years. The intervening time between the election next November, when Mr. Coolidge, for instance, shall be defeated, to the 1st of April, when some able Democrat shall succeed him, would not be too much time for Mr. Coolidge and our Republican friends to "clean up" the multitudinous matters which they might have before them, no matter how faithfully they have sought to perform the duties of their office.

Mr. JOHNSON of Minnesota. How about the third party?

Mr. KING. Well, Mr. President, we hear a great deal about third parties, but, unfortunately, third parties are too evanescent; they do not materialize on election day. But if my friend shall organize a third party and have it perform a useful function in the country I shall welcome its advent. May I say to my friend, however, that it seems to me he must admit that three or four months intervening between the going out of one administration and the coming in of another, in which to clean the slate and to turn over to the incoming administration the affairs of the Government, would not defeat the will of the people and would not be improper, in view of the very many things that are necessary to be done in four years, especially four years crowded as the years now are crowded with tremendous activities.

Mr. SHIELDS. Mr. President, this is a proposition upon which strong arguments can be made in support of both sides. There is, I think, ample time for the outgoing administration to conclude any special matters within its control or which it has in process of consummation before it shall go out of office as provided in this amendment. A stronger argument, I think, has been advanced for delay in the position that in the heat of election the people and the candidates often to some extent lose their heads and have very extreme views and ought to have time to cool and to deliberate upon those views before writing them into law. I think there ought to be some time for that purpose. I think it would be very unfortunate if the new Government should take office immediately after the day of the election. That really seems to me the chief argument against this joint resolution; but, in my opinion, the time allowed by it is ample for sober second thought. It is a middle ground between the present law and the view of some that there should be an immediate change.

The present Constitution and the present method of electing Presidents, Vice Presidents, Senators, and Representatives, and the time when they should go into office and take charge of the Government, has now been in force nearly 140 years. The history of our country does not show that any trouble has resulted from it. There is now no apparent danger to the country from the present law. I have hesitated very much about whether we ought to change the Constitution, whether or not this amendment ought to be adopted. The Senate was very decidedly against it, as I remember, when it was presented in 1914, and when I favored it.

I strongly believe that a government ought to be responsive to the wishes and the will of the people as expressed in a popular election, and that the writing into law of the policies and principles advocated in that election should not be too long delayed. It is for that reason that I have favored a change in our Constitution as well as in our statutes in order to shorten the time in which a new government shall take into its hands the reins and the power.

I am generally opposed to amendments to the Constitution. This country has grown great and powerful under the Government that was erected by the fathers, and while we are doing so well it is safest to let it alone in the main. I have opposed all amendments that changed the fundamental principles of our Government. I am opposed to those measures under which it is now practically proposed to destroy the judiciary of the country. The division of the Government into three coordinate and independent departments is fundamental. That principle is the foundation stone of our Government. The checks and balances created by it are those which prevent tyranny and the usurpation of all power by either the executive or the legislative branch of the Government.

When the power to make laws and to execute laws has been combined into one man or into one body, tyranny has ever followed, as shown by the history of all nations. It is worse where to the power to make laws and to execute laws is added also the power to construe laws and to judge the rights of the people. The Constitution, under Article III, vests the judicial power in the courts. If the power is given to the Congress to override the judgments of the Supreme Court in constitutional questions by reenacting the law, we change that article and vest in the Congress judicial power. I would oppose such an amendment. This is merely one of organization, of administration. It involves no fundamental principle. Our Government will be the same. All the rights of the people will be protected in every respect and I think advanced, and the Government will remain as powerful as it now is to preserve order and peace and govern the country properly.

For those reasons I am willing to support a measure of this kind. I think the joint resolution presented by Senator Shafroth is clearer and requires less interpretation or construction than that now presented, but I have no particular choice between them. The main thing is to hasten the day when the will of the people, as expressed in the general election, shall be carried out. I will support the pending resolution.

Mr. SWANSON. Mr. President like the Senator from Tennessee [Mr. SHIELDS], I am very loath to amend the Federal Constitution. I think it is one of the greatest documents ever devised by the wit of man. It has been amazing to what extent these wise and able statesmen were able to predict the future and prepare for it; but some conditions have arisen which the foresight of man, however wise and however great, could not under all circumstances provide for.

After careful consideration I have reached the conclusion that I shall vote for this constitutional amendment because I believe that in five particulars it improves the existing law. Some of these improvements might be obtained by statute; others could not be; but to my mind this amendment will obtain all of the five advantages the need of which I think is demonstrated by existing conditions.

First, under this amendment, in case of a failure of the electoral college to elect a President, a Congress elected at the same time that the President is a candidate for that high office, will provide for the election of a President. I think that is a matter of vast importance. There is no other office in the world as high as the office of President of the United States. The vast powers incident to that office should be held in response to the wishes of the people expressed in an election. Under existing law, if the Electoral College could not elect a President, the present Congress, elected two years before, would determine who should be President of the United States. An occasion might arise when the will of the people would be nullified; and the method of election should be such that the Congress that was elected at the time the presidential candidates

were put in the field should be the Congress that should make the election. This is a great advantage accruing under this amendment.

Another trouble that we have had in legislation in Congress grows out of the short sessions. Usually we have, in common parlance, what is known as a "lame duck," or a great many "lame ducks," voting for legislation after they have been repudiated by their people. This at times has become so glaring and so striking that frequently resolutions have been introduced suggesting a change at that specific time. After a man has been repudiated by his constituents, after his political career has ceased, I think it is not wise that he should be continued in a political position and vote on legislation and important and far-reaching matters.

We have repeatedly seen, in sessions of the House and sessions of the Senate, that that has produced anything but beneficial legislation.

The third advantage which accrues is that we get rid of the short session. I know that would mean great discomfort to many of us who only obtain vacations when we have short sessions, on account of the great work which falls to Congress, but when the sessions of the Congress must expire on the 4th of March, an opportunity is given for filibustering, an opportunity is given for holding up legislation, an opportunity is given to force an extra session, which has been done repeatedly. That results in hasty legislation, in filibustering, and in conditions which are not advantageous to intelligent, fair, and deliberate discussion of matters. I think it would be a great advantage if the short session were abolished. We have generally noted in our experience in Congress that most of the jokers contained in bills, which are afterwards disclosed, get in on account of the haste incident to the short session. I would like to see the short session abolished, though it would result in great discomfort to Senators, who will not have their usual vacations after a short session.

Another advantage which would accrue from the adoption of this amendment would be this, that provision would be made for filling a vacancy in the office of President when the House of Representatives failed to elect, if the election were thrown into the House. Under the existing provision of the Constitution, if the House should fail to elect a President when the Electoral College had failed to elect, there is no provision for filling the vacancy. We would have an interregnum, with no provision for filling the office, and no one can tell what trouble might accrue in the future on account of that condition. This amendment provides a way for taking care of that situation if such a difficulty should arise. I think that is a very important matter. Such a contingency has never arisen, and may never arise, but there should be no possibility of such a thing arising in this country.

The fifth advantage which it seems to me would accrue under this amendment is that there would be a quicker response to the will of the people in legislation than there is under present conditions. I agree with the Senator from Tennessee [Mr. SHIELDS] that we should not have a too speedy assembling of the Congress after the election. I have an idea that those elected should have an opportunity to become more sober, as far as legislating is concerned, than they would be in the heat of a campaign. This amendment would provide for the assembling of Congress a reasonable time after the election, when those elected have not forgotten their promises, and are not in the heat of a campaign, which might make them recklessly discharge their duties as legislators. It seems to me that the time which would intervene under this provision between the election and the assembling of Congress would prevent recklessness in legislation.

After careful consideration, and after hearing the arguments pro and con, I have reached the conclusion that the constitutional amendment proposed would be wise, and should be submitted to the States, because it will remedy existing evils which most of us, both in the Senate and the House, know about, and about which the public has complained for years. While I am very loath to have the Constitution amended, except where there would be a manifest advantage accruing from the amendment, it seems to me in these five particulars there would be a marked advantage accruing from the adoption of this amendment, and I shall support it with a great deal of pleasure.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. The question is, Shall the joint resolution pass?

Mr. REED of Missouri. I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. NORRIS (when the name of Mr. JOHNSON of California was called). I have been requested to announce that the senior Senator from California [Mr. JOHNSON] is absent, and that if he were present, he would vote "yea."

Mr. LODGE (when his name was called). I have a general pair with the senior Senator from Alabama [Mr. UNDERWOOD]. He is absent, but I am informed that on this question he would vote as I intend to vote. Therefore I vote "yea."

Mr. NORRIS (when Mr. NORBECK's name was called). The Senator from South Dakota [Mr. NORBECK] is unavoidably absent from the Senate. If he were present, he would vote "yea."

Mr. SWANSON (when Mr. ROBINSON's name was called). The senior Senator from Arkansas [Mr. ROBINSON] is unavoidably detained from the Senate. If present, he would vote "yea."

Mr. NORRIS (when Mr. SHIPSTEAD's name was called). The senior Senator from Minnesota [Mr. SHIPSTEAD] is unavoidably detained from the Senate. If he were present, he would vote "yea."

Mr. SMITH (when his name was called). I have a general pair with the senior Senator from South Dakota [Mr. STERLING]. In his absence, I withhold my vote.

Mr. ADAMS (when Mr. SPENCER's name was called). I have a pair with the junior Senator from Missouri [Mr. SPENCER] for the day, but I am advised that if he were present, he would vote "yea" as I have voted. Therefore I allow my vote to stand. The Senator from Missouri [Mr. SPENCER] would have voted "yea" if he had been present.

Mr. FLETCHER (when Mr. TRAMMELL's name was called). I desire to announce that my colleague [Mr. TRAMMELL] is unavoidably detained. He has a general pair with the senior Senator from Rhode Island [Mr. COLT]. He will be necessarily absent for some days. I ask that this announcement stand for the day.

The roll call was concluded.

Mr. CURTIS. I desire to announce that the junior Senator from Kentucky [Mr. ERNST] is paired with the senior Senator from Kentucky [Mr. STANLEY]; and

The senior Senator from Illinois [Mr. MCCORMICK] is paired with the senior Senator from Oklahoma [Mr. OWEN]. If the senior Senator from Illinois were present, he would vote "yea."

I also desire to announce that the senior Senator from Delaware [Mr. BALL] is necessarily absent. If present, he would vote "yea."

Mr. COLT. I have a general pair with the junior Senator from Florida [Mr. TRAMMELL]. I understand that if present he would vote the same way as I intend to vote, and therefore I vote "yea."

Mr. NORRIS. I desire to announce the absence of the senior Senator from Wisconsin [Mr. LA FOLLETTE], and that if he were present, he would vote "yea."

The result was announced—yeas 63, nays 7—as follows:

YEAS—63.

Adams	Dill	Jones, N. Mex.	Ralston
Ashurst	Edge	Jones, Wash.	Ransdell
Borah	Edwards	Ladd	Reed, Pa.
Brandagee	Ferris	Lodge	Sheppard
Brookhart	Fess	McKellar	Shields
Bruce	Fletcher	McKinley	Shortridge
Bursum	Frazier	McLean	Simmons
Cameron	George	McNary	Stanfield
Capper	Gerry	Mayfield	Swanson
Caraway	Gooding	Moses	Wadsworth
Colt	Harrell	Neely	Walsh, Mass.
Copeland	Harris	Norris	Walsh, Mont.
Couzens	Harrison	Oddie	Warren
Curtis	Hedin	Pepper	Watson
Dale	Howell	Phipps	Wills
Dial	Johnson, Minn.	Pittman	

NAYS—7.

Bayard	Hale	Overman	Stephens
Broussard	King	Reed, Mo.	

NOT VOTING—26.

Ball	Johnson, Calif.	Owen	Sterling
Cummins	Kendrick	Robinson	Trammell
Elkins	Keyes	Shipstead	Underwood
Ernst	La Follette	Smith	Weller
Fernald	Lenroot	Smoot	Wheeler
Glass	McCormick	Spencer	
Greene	Norbeck	Stanley	

So the joint resolution was passed, two-thirds of the Senators present voting in the affirmative.

EXTRACT FROM THE SEARCHLIGHT ON CONGRESS.

Mr. DILL. Mr. President, in the light of the other articles inserted in the RECORD by the Senator from Montana [Mr. WALSH], I ask unanimous consent to have inserted in the RECORD an article from The Searchlight on Congress concerning the President's part in the oil investigation.

The PRESIDING OFFICER. Is there objection?
There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From The Searchlight on Congress, February 29, 1924.]

THE PART THE PRESIDENT IS PLAYING.

(By Lynn Haines.)

The great calamity has come. Monstrous political perversions and gigantic grafts, the deadliest enemies of a Republic, have shaken the very foundations of faith in the public life of the Nation. Its Government stands discredited. Its institutions are in danger.

Such a crisis demands straight thinking and plain speaking.

The major responsibility should be placed where it belongs—upon the President. It was his opportunity, and within his power, to avert the catastrophe of undermined confidence. He could have accomplished this by ousting each and every official who has been guilty of negligence or graft and placing in their positions Cabinet heads of unquestioned, unconquerable, disinterested honesty. It would have stayed the storm of popular suspicion and distrust had there been quick, determined, decisive Executive action to bring about restitutions and punishments.

Instead of a courageous course of independent action, the President has made no single important move on his own initiative. He has not led, but followed reluctantly, less than half-heartedly, in dealing with the wholesale corruption and incompetency in high places.

He knew what was going on. To assume less is to impute an ignorance and indifference to public welfare rendering him wholly unfit for the Presidency.

He presided over the Senate when the Teapot Dome scandal was first discussed. He sat with President Harding's Cabinet throughout the period of that "criminal" consummation. He must have followed the sickening revelations of the WALSH committee. Yet he did nothing until prompted and prodded by Senate resolutions.

The President presided over the Senate during the debate on the scandalous situation in the Shipping Board. He could not have been unmindful of the conditions there that cried aloud to Heaven for renovation.

The President must have known of the tremendous graft and political spoils in the affairs of the Alien Property Custodian, particularly in preceding administrations.

The President could not possibly have been ignorant of graft in the Veterans' Bureau. The astounding congressional disclosures made all that clear.

The President could not conceivably have been ignorant of the fact that Teapot Dome would look like 30 cents as compared with the whole war graft situation. He knew that there had never been an audit of war funds aggregating nearly forty billions. He knew that the attempt to get a complete investigation of the billions that were wantonly wasted or shamelessly stolen was thwarted by the grossest parliamentary malpractice in the last Congress.

Yet he was silent, inactive, unmoved by any apparent impulse to speed up justice in the most momentous and monumental thieveries of all history.

Both branches of Congress, by unanimous votes, passed a resolution declaring that the Teapot Dome transaction, in which Fall and Denby took leading parts, was "executed under circumstances indicating fraud and corruption."

That resolution further declared:

"The said leases and contract were entered into without authority on the part of the officers purporting to act in the execution of the same for the United States and in violation of the acts of Congress; and

"Such leases and contract were made in defiance of the settled policy of the Government . . . to maintain in the ground a great reserve supply of oil adequate to the needs of the Navy in any emergency threatening the national security."

Fall could not have done his part without the cooperation of Denby. So far as public interest and public welfare are concerned each is as guilty as the other.

Yet the President made no move to oust Denby as Secretary of the Navy.

Later, in the only way it could act in the matter, the Senate resolved:

"That it is the sense of the United States Senate that the President of the United States immediately request the resignation of Edwin Denby as Secretary of the Navy."

Still the President kept Denby. More than that, he issued a defiant statement that:

"No official recognition can be given to the passage of the Senate resolution relative to their opinion concerning members of the Cabinet or other officers under Executive control."

When, finally, Denby did resign the President wrote:

"It is with regret that I am to part with you. You will go with the knowledge that your honesty and integrity have not been impugned."

Consider the case of Daugherty.

The same Senate resolution that characterized the Teapot Dome transaction as "indicating fraud and corruption," contained these orders to the President:

"Resolved further, That the President of the United States be, and he hereby is, authorized and directed immediately to cause suit to be instituted and prosecuted for the annulment and cancellation of the said leases and contract and all contracts incidental or supplemental thereto, to enjoin further extraction of oil from the said reserves under said leases or from the territory covered by the same, to secure any further appropriate incidental relief, and to prosecute such other actions or proceedings, civil and criminal, as may be warranted by the facts in relation to the making of the said leases and contract.

"And the President is further authorized and directed to appoint, by and with the advice and consent of the Senate, special counsel who shall have charge and control of the prosecution of such litigation, anything in the statutes touching the powers of the Attorney General of the Department of Justice to the contrary notwithstanding."

In other words, the Senate said: "We do not and can not trust your Attorney General. Therefore we instruct you to employ special counsel."

Already Daugherty had been discredited. Long before this a real President would have replaced him with a more acceptable official. Yet even when both branches voted their utter lack of confidence in him, Coolidge kept Daugherty. He should have said to the Senate: "Don't pass that resolution. It will not be necessary. The task of making public prosecutions and securing justice to the people rightfully, logically, is the function of the Attorney General. I will at once provide a new Attorney General, a man worthy of your confidence and that of the country. Further, I will see that he has competent, trustworthy assistants." Instead of doing that, even then the President made no move to oust Daugherty.

Ignoring the plain imputation of this congressional action that his Attorney General could not be trusted to deal with big graft, he kept Daugherty and uncomplainingly complied with the order to employ special counsel to do what the Department of Justice was paid for and expected to perform.

What a sorry position for a President and his Attorney General!

Daugherty stayed on. He is still Attorney General as this is written, although his resignation is momentarily expected as a result of congressional and public clamor.

Why does the President keep Daugherty? His office is crucially vital to the "safety" of the exploiters and grafters. Is he retained in that position because of their need for protection?

Is it because the appointment of a "safe" Attorney General to succeed him would hardly be possible with the Senate and country stirred so deeply? The certain fight on the confirmation of a new Attorney General who would be "satisfactory" to the looters and profiteers—is that the real reason why Daugherty was not ditched?

A real President would have said to Daugherty:

"Congress and the country look upon you with suspicion. Whether justly or not, they have lost confidence in you. The time has come for great, far-reaching prosecutions, which involve vastly more than reparations and punishments. These cases must be so conducted as to restore popular faith in the integrity, ability, and power of the Government. You can not meet the requirements. Get out."

Then the President should have placed a clean, competent, fearless prosecuting attorney in charge of the Department of Justice. He should have instructed such an official not only to act in the Teapot Dome matter but also in scores and scores of other "grafts." In the end, with a real President and a fighting Department of Justice, it would have meant a "criminal drive" extending into all the gigantic thieveries of the war period.

But the President did nothing of that character. He is keeping Daugherty to the last minute that is possible.

A real President would have recognized that Fall, Denby, and Daugherty were no worse, politically, than all the rest of the Cabinet. He would have said to the country: "There has been quite enough of special-interest favors. It is high time to give the people a square deal. This political thing called reactionism means only that the profiteers and exploiters of one kind and another get every advantage that those in control of the Government, directly and indirectly, can bestow. I will wipe the slate clean and give the country a completely new Cabinet, superseding the present corps of politicians with statesmen whose hearts and hands are free of selfishness and subservency."

The President did not do that. He kept them all. With a consistency worthy a better cause he stuck to the worst of them.

Most conspicuous of all the things that the President has done is his announcement of candidacy for election in 1924.

Despite such a clear record of loyalty to executive associates whom Congress and the country believe to be, if not unfaithful, at least incompetent stewards of public welfare, despite his own incapacity or lack of courage to deal adequately with any important phase of the crisis that confronts the Nation, Coolidge asks, and perhaps expects, the approval of the electors of America.

What fools—what plain damn fools—the people must be in the opinion of the Old Guard.

AMENDMENTS TO THE CONSTITUTION—ORDER OF BUSINESS.

Mr. WADSWORTH. Mr. President, not for the purpose of asking the Senate to consider it this afternoon, but for the purpose of securing an opportunity at the proper time tomorrow and in the usual way, I move that the Senate now proceed to the consideration of Senate Joint Resolution No. 4, proposing an amendment to the Constitution of the United States relative to the adoption of amendments thereto.

Mr. FLETCHER. What is the number on the calendar?

Mr. WADSWORTH. The calendar number is 214. In making the motion I repeat that it is not my purpose to ask the Senate to consider the joint resolution this afternoon. I am willing that it shall be temporarily laid aside in order that the Senate may take any other action, so long as it is made the unfinished business.

The PRESIDING OFFICER (Mr. McNARY in the chair). The Senator from New York moves that the Senate proceed to the consideration of Senate Joint Resolution No. 4.

Mr. SWANSON. What is the question? Has it been made the unfinished business?

The PRESIDING OFFICER. It would become the unfinished business if the motion of the Senator from New York is agreed to.

Mr. BURSUM. Mr. President, I understand that the proposed constitutional amendment is likely to take up a great deal of time, perhaps several days. I would like to ask the Senator from New York to withhold his motion so that I may make a motion to take up the general pension bill, which has been on the calendar now for nearly two months. That bill probably would not take up very much time. We could dispose of it in two or three hours, perhaps.

Mr. KING. I do not think that could be done.

Mr. WADSWORTH. It is for the very reason that I expect a good deal of debate on the constitutional amendment that I make the motion now, so that it shall be the unfinished business when we adjourn this evening. I anticipate that within a few days we shall be confronted, and very properly so, with a succession of appropriation bills, and it will be necessary for the Senate to give consideration to them. I anticipate there will be a little interval now in which this constitutional amendment can be under consideration.

It is not my purpose, however, unless the situation changes a great deal, to ask that the Senate recess from day to day in the event the joint resolution is made the unfinished business. So far as I am concerned and as the situation now appears to me, I am perfectly willing that if the Senate makes the joint resolution the unfinished business we shall adjourn and have a morning hour. Then at any time before 2 o'clock on any day the Senator from New Mexico may bring up the pension bill and, if it takes but a short time to discuss it and dispose of it, he will have sufficient time before 2 o'clock on each day to do so.

Mr. JONES of Washington. Mr. President, does the Senator from New York have any idea how long the joint resolution is liable to take?

Mr. WADSWORTH. I never have any idea how long the Senate will take to do anything that is brought before it.

Mr. JONES of Washington. I have an idea it will take several days. I want to suggest that we have some legislation on the calendar which is intended to help the farmer. Whether it will do so or not I do not know, but I want to say that we ought to do whatever we are going to do for the relief of the farmer, and we ought to do it pretty promptly. I believe that some of the bills proposing to bring relief to the farmer should be made the unfinished business rather than a measure of this kind that can very well wait, and without which the Government and the people of the country can very well wait.

I do not know who has charge of the farmers' legislation, but I do think we ought not to make the unfinished business now some measure like the joint resolution, which will take several days, when we have on the calendar legislation for the benefit of the farmer that ought to be considered.

Mr. BROOKHART. Mr. President, I want to supplement what the Senator from Washington has said. I think the agricultural legislation ought to be taken up. I think the farmers are about reaching the conclusion that we are just fooling with

these matters and not getting down to business with reference to action on their situation. I do not believe that the Senate appreciates the agricultural conditions. I hope that we can make the McNary bill the unfinished business at this time rather than the constitutional amendment.

Mr. BORAH. Mr. President, I am quite in agreement with the suggestion of the Senator from Washington and the Senator from Iowa, but it is quite apparent that we are not ready to proceed with the other legislation at this time. We can move to take up that legislation, the McNary bill or any other measure, at any time we shall see fit, if we have the votes to do so, notwithstanding the joint resolution is pending. If that legislation were ready for consideration it would be, of course, a very good reason for taking it up, but as it is not ready, I see no reason why we should not go ahead with the joint resolution until we do have an opportunity to take it up. I shall vote to take up the other legislation whenever it is ready to be taken up, but I happen to know that it is not quite ready to be taken up at this time.

Mr. BURSUM. It seems to me that consideration of amendments to the Constitution ought not to be considered the first business to take up. We have gotten along pretty well during the last 150 years without those amendments, and we might get along perhaps a few days longer. There is business on the calendar which ought to be taken up, and bills that are ready to be taken up and considered. I hope the proposal to make the proposed amendment to the Constitution the unfinished business may not be accepted by the Senate.

Mr. WARREN. Mr. President, I made no objection and shall make no objection to the motion to make the proposed constitutional amendment the unfinished business. I certainly would offer no objection to making the bill for the relief of the farmers the unfinished business, nor for that matter shall I object at the proper time to the consideration of the pension bill, but I think that I ought to say that the time is coming when we will have to spend quite a little time, and in time, on the various appropriation bills. I do not wish to be put in the position of objecting when these matters come up, but when a statement is made like the one by the Senator from New York [Mr. WADSWORTH] that this joint resolution can be laid aside for other considerations I wish to offer this suggestion:

If other bills are taken up with the same spirit of generosity toward the more urgent business from time to time I shall make no objection, but I wish to say that while there have been delays in the Senate there have been more delays in the House, and there are still delays there, in the preparation and forwarding to us of the appropriation bills. They will, very soon now, probably before this week is out, commence coming in numbers and quantity rather faster perhaps than we can conveniently take care of them. In order to facilitate the business of the consideration of those bills by the subcommittees and by the clerks, we shall have to have them brought up for consideration on the floor from time to time without waiting for such long delays as sometimes occur when the time of the Senate is occupied with an unfinished business which may proceed for a week or ten days, with nothing much being done during the interval, and the little that is done not being of great consequence finally.

Mr. SWANSON. Mr. President, it seems to me that the motion to make the proposed constitutional amendment the unfinished business could well go over until tomorrow, as there is quite a conflict of opinion as to what shall be made the unfinished business. It seems to me the entire afternoon will be consumed in determining that question. We can not give these matters very elaborate consideration and discussion until we get rid of the calendar. There is always a great pressure when bills accumulate on the calendar in which various Senators are interested. Consequently when measures are under consideration there is always a pressure and a hurrying up of legislation of the character that is desired to be brought before the Senate by the Senator from New York. It seems to me the wise thing to do is to let the motion made by the Senator from New York go over until tomorrow at the termination of the morning hour and then proceed with its consideration. It is now a quarter after 3. The calendar under Rule VIII is in order. I hope the Senator will let his motion go over.

Mr. CURTIS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Kansas?

Mr. SWANSON. Certainly.

Mr. CURTIS. It is my intention to ask that we go to the calendar after the Senator from Utah [Mr. SMOOT] has disposed of a matter relative to a conference report which he wishes to bring up at this time. There is a disputed item

between the two Houses which we should dispose of so that the conferees can go on with their work. It ought not to take very long to dispose of the question, and then I shall ask that we proceed to the calendar.

Mr. SWANSON. There is a motion pending by the Senator from New York that the proposed constitutional amendment be made the unfinished business. I suggest that we should have about six or eight hours, anyway, to determine what is the wise thing for the Senate to do in connection with making it the unfinished business. Why should we hurry in here at this late hour to make a matter the unfinished business which will be plaguing the Senate for two or three weeks and will be laid aside from time to time if it is before the Senate? Senators will come in and ask unanimous consent for something else to be taken up, and there is no use in making it the unfinished business unless the Senator from New York purposes to push it to a conclusion.

What is the use of debating the joint resolution on Monday and again on Saturday and again the next week and for another month? It seems to me it is ill advised to make a measure of that kind and character the unfinished business. If the Senator purposed to make the joint resolution the unfinished business, and to keep it before the Senate until it was fought out to a conclusion, there would be some excuse for that; but simply to make it the unfinished business, to be delayed and put off; to hold it before the Senate for two or three weeks and only debate it for 10 minutes at a time, while other Senators are at work on other matters, thinking that the measure is before the Senate although it is not and is being temporarily laid aside, is, in my opinion, entirely improper. It seems to me the right thing to do is to determine to-morrow after 2 o'clock, at the end of the morning hour, what the Senate desires to have as the unfinished business, unfettered and untrammelled by any action taken at this time.

Mr. WADSWORTH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from New York?

Mr. SWANSON. I yield.

Mr. WADSWORTH. It surpasses my comprehension how the Senator from Virginia got any such idea as he has stated about my plans. I had never suggested to the Senate that this joint resolution be made the unfinished business merely for the purpose of having its title read once a day and then that it be laid aside.

Mr. SWANSON. I understood the Senator from New York to say that he would give way to other measures.

Mr. WADSWORTH. No; I simply indicated that, as is the custom, I would give way, if the joint resolution were made the unfinished business, to appropriation bills, which is nearly always done. That is the understanding which the Senator from Wyoming [Mr. WARREN] received from my remarks.

Mr. SWANSON. Has the Senator from New York any objection to proceeding with the calendar from now until we adjourn to-day, yielding in the meantime to the Senator from Utah, and let his motion be pending to be decided at 2 o'clock to-morrow?

Mr. WADSWORTH. The Senator from Virginia mentioned on two or three occasions in his remarks a moment ago the late hour of quarter past 3 o'clock. It does not seem to me it is so very late.

Mr. SWANSON. We shall find it a very short time when we take up the calendar. There are a great many bills on the calendar, and the calendar is not considered as frequently as it ought to be, but its consideration is always interfered with.

Mr. WADSWORTH. If the Senator from Virginia will permit me to repeat what I said in the beginning, it is now, I will say, by way of introduction, 3.16 o'clock. If the Senate sees fit to make the Senate joint resolution, in effect, the unfinished business, I stated in my opening remarks that I would not press its consideration at all this afternoon; that, so far as I was concerned, the Senate might proceed with other business, including the calendar under Rule VIII, if it is desired, and again to-morrow morning until 2 o'clock. We could work here until 6 o'clock this evening; that would be two hours and three-quarters; and two hours again to-morrow morning, aggregating four hours and three-quarters before the joint resolution would normally come up under the rule. When it does come up at 2 o'clock, however, if it should do so, I shall hope to hold it before the Senate, except when an appropriation bill makes its appearance, and then, of course, so far as I may individually do so, I shall ask that it be temporarily laid aside. I do not see why we could not settle the question now as well as at any other time.

ADJUSTED COMPENSATION OF WORLD WAR VETERANS.

Mr. BRUCE. Mr. President, is the pending motion debatable? The PRESIDING OFFICER. It is.

Mr. BRUCE. Then I should like to read into the Record a letter on an entirely different subject.

Many years ago when John Randolph, of Roanoke, was a Member of the House of Representatives, in speaking of domestic manufactures, he used these vivid words:

I have been almost tempted to believe from the similarity of character and avocations that Hector had a Virginian wife; that Lucretia herself—for she displayed the spirit of a Virginian matron—was a Virginia lady. Where were they found? Spinning among their handmaids. What was the occupation of a Virginian wife? Her highest ambition? To attend to her domestic and household cares; to dispense medicine and food to the sick; to minister to the comfort of her family, her servants, and her poor neighbors, where she had any. At the sight of such a woman my heart bows down and does her reverence.

Now, I desire to read into the Record a letter from a Virginian matron, which shows that the Virginian matron is still endowed with the spirit of Lucretia, and that what she was 122 years ago, when the speech of John Randolph, of Roanoke, was delivered, she is to-day. It is a letter written to the editor of the New York Times by Anna Breckinridge Robertson, of Roanoke, Va. It reads as follows:

WHERE A BONUS IS REQUESTED.

TO THE EDITOR OF THE NEW YORK TIMES:

Indignation has conquered timidity, and I, as the daughter of a soldier and the mother of three, must protest through your columns against calling ex-soldiers "public creditors," as was done by a State commander recently. I concur in the letter of David L. Saunders in Saturday's Times.

I was born into the Civil War, in which my grandfather lost in battle three sons, including my father. A fourth was badly wounded and a fifth enlisted at 16, shortly before Appomattox. Those five young men obeyed the higher instincts of their nature, which impelled them to follow duty and risk their lives in defense of their State. The path of my childhood was through the trail of post-war horrors. I knew that war "was hell." But the same instincts that impelled their ancestors drove my three sons to enlist in the World War, and I, well knowing, gave them my blessing.

I do not know how other mothers may feel, but in the name of my sons and myself I refuse to entertain the suggestion that they should be paid or rewarded for service in protection of the country of which they are units. If my sons rescue me from danger there is no question of indebtedness; it is simply right and their bounden duty. Tip your Pullman porters and give a bonus to your underpaid stenographers, but do not reward a man for saving his country and himself as part of it from destruction. Materialism has almost smothered the ideals which the soldiers carried or which carried them into the war. But they have still a splendid consciousness of duty done. For God's sake let us leave them that.

ANNA BRECKINRIDGE ROBERTSON.

ROANOKE, VA., March 11, 1924.

Mr. President, I say, in the words of John Randolph: "My heart bows down to that woman and does her reverence."

AMENDMENTS TO THE CONSTITUTION—ORDER OF BUSINESS.

Mr. JONES of Washington. Mr. President, I understand that legislation for the relief of the farmers is not quite ready for consideration, and that means, of course, that it will go over for a time. There is, however, another bill on the calendar which I think we ought to take up in preference to the joint resolution of the Senator from New York. I may be in favor of the joint resolution; I have not given it any consideration; but the Senator from New Mexico has a bill on the calendar to take care of men and women who are standing on the brink of the grave, not only men and women who have served their country to secure its preservation, but men and women who have served it across the sea and in defense of humanity. The committee has reported that bill. There may be those who are opposed to it, but there are a great many of us, I am satisfied, who are in favor of it. I think that we ought to act upon it, and I think we ought to take it up in preference to the joint resolution of the Senator from New York. If we are going to pass it, let us pass it and take care of as many of those as we can before they pass away. If we are not going to pass it, let us say so and let them know that they can not expect its passage. So, Mr. President, I am going to vote against the motion of the Senator from New York, in the hope that if it is defeated the Senate will vote to take up Senate bill No. 5 reported by the Senator from New Mexico from the Committee on Pensions.

ATTORNEY GENERAL DAUGHERTY.

Mr. CARAWAY. Mr. President, I desire the attention of the Senate long enough only to propound a question which I presume will be answered in the morning newspapers.

In the testimony yesterday before the committee investigating the Attorney General there was developed the fact that the films of the prize fight between Carpentier and Dempsey were brought from New Jersey to the home of the mentor of the present administration, Mr. Edwin B. McLean, and there exhibited in the presence of the President and the Cabinet and others who with them were above the law and had a right to have exhibited to them films that were in violation of the law brought to Washington. The present Postmaster General, Mr. New, is out with a very vehement denial that the then President was present. He admits that he was present, and the Secretary of State, who is presumed to be weighted down with the grave matters of state, admits that he also was present. Mr. Hughes says, however, in extenuation that he did not know until he had eaten and drunk that he was to see a fight film.

Mr. REED of Missouri. Mr. President—

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Missouri?

Mr. CARAWAY. I yield to the Senator from Missouri.

Mr. REED of Missouri. I wish to ask the Senator if he does not recognize that a man interested in international questions and having them in his charge ought to have been permitted to witness an international prize fight?

Mr. CARAWAY. With the suggestion of the Senator from Missouri I find myself in sympathy. I concede that there is at least one question relating to foreign affairs that the Secretary of State ought to know something about. He has shown a lack of comprehension of many of these problems, and therefore I am persuaded that he should have been permitted to educate himself upon this very great question of which was the better man, Dempsey, the American slacker, or Carpentier, the Frenchman.

What I was really thinking about, Mr. President, was the grave assembly, composed of the heads of the Government, brought together in this home, where all the intellectual life of this administration is passed—that of Mr. McLean—and there having exhibited to them a film that every man who saw it knew had been brought to the District in violation of law.

I know they will be so much better fitted to lecture the American people on their duty to obey the law and to respect all constituted authority after it is known by every man and woman in America that they are willing to have the law violated when it adds to their pleasure. I want to amend that by accepting again the suggestion of the Senator from Missouri that they were trying to educate themselves upon international questions.

It is the first time, Mr. President, I have known that this administration had any interest in any international problem. It is the first time that I have known that it gave any intelligent consideration to such questions. But what I did want to say is this: I used to practice law. When a witness admitted almost everything that had been said about him, but said, "I want to enter this explanation," I found the jury usually did not give the explanation much credit. The charge was that a conspiracy had been entered into between the producers of these films and Mr. Muma—who seems to have a Japanese name but another parentage, and who, like all the other great men connected with this administration, comes from Washington Court House, Ohio—and the Attorney General and his agents, whereby they should be permitted to introduce this film into the various States upon a 50-50 division. That is, the man who made the film was to get half the profits and the men who violated the law, including the Attorney General, were to get the other half.

The Congress, whether wisely or otherwise—and I reckon it must have been otherwise, because they ought not to have passed a law that handicapped the administration in seeking information—enacted this law: I am reading section 10416 of the Criminal Code, but, perish the thought! There is no Criminal Code. The Attorney General has suspended it.

It shall be unlawful for any person to deposit or cause to be deposited in the United States mails for mailing or delivery, or to deposit or cause to be deposited with any express company or other common carrier for carriage, or to send or carry from one State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia, or to bring or to cause to be brought into the United States from abroad, any film or other pictorial representation of any prize fight or encounter of pugilists, under whatever name, which is designed to be used or may be used for purposes of public exhibition.

The punishment being:

Any person violating any of the provisions of this act shall for each offense, upon conviction thereof, be fined not more than \$1,000 or sentenced to imprisonment at hard labor for not more than one year, or both, at the discretion of the court.

When we get an Attorney General, as I presume we will some time, I am wondering if he is going to prosecute these people who brought the films here in violation of that statute; and can it be possible—though I suggest it with a great deal of hesitancy and with an apology, because the senior Senator from Massachusetts [Mr. Lodge] will read me a lecture when he hears about it—that we shall be called upon to remit the fines of the Attorney General and the Secretary of State and the Postmaster General and the President, who then was the Vice President, and others who participated in this showing, by reason of the fact that everybody who participated in it was equally guilty? It makes me shudder to remember that the papers this morning say that the then Vice President, now the President—who the Senator from Massachusetts says can not think any evil, much less do it—was also present.

Mr. New, who is the newly made Postmaster General and has all the zeal incident to a man who has recently acquired high position, intimates that everybody who says that the then President was present is a liar. That is the most common way to answer everybody who talks in these days. If there ever was an exhibition of bad memory or bad morals, the testimony touching the whole transactions of this administration with the Teapot Dome and other matters of public interest, including the transportation of these films, is a fine example. Take the editor of the Washington Post. As somebody wittily said, they did not know how much he knew, but if one knew as much as he had forgotten about the things about which he was presumed to testify he would be entitled to a college degree. Take Mr. McLean, who said he got so many tips that he did not know whether he got any tip or not. Take every witness who appeared before the committee; take Mr. Major and Mr. Homer, from my distinguished friend's city of Baltimore, and now take the statements of Mr. Hughes and Mr. New and the other people connected with this more recent infraction of the law, and I have reached the point where I do not know whether anybody can be believed at all.

Why, take the chivalrous Attorney General, Mr. Daugherty. I understand that he is Irish, and they are always the soul of chivalry. In order that he himself may not be too severely criticized, he has the fine spirit this morning to try to blast the reputation of the wife of his dead friend. He intimates that she was registering in a hotel in Ohio with a gentleman as husband and wife, and that she tried to blackmail the Attorney General. Mr. President, it strikes me that he ought to have talked with some police-court attorney before he gave out that statement, because I never yet saw a man being tried for a crime where he had no defense that did not assail the character of the witnesses who appeared against him.

I wish there might be some originality in this Attorney General of ours. There ought to be something that we could admire, and I wish he would be original. Instead of denouncing even a woman who was good enough to be his associate, who according to her own testimony, not disputed, in his company and with others was the guest of the President of these United States and was taken out to dinner by the then President, Mr. Harding, she ought not now by the present Attorney General to be denounced and branded as a bawd in order that he might escape the just conclusion at which people are arriving in weighing the testimony that she gave against the Attorney General.

Mr. President, I do not know whether the Attorney General was present at the exhibition of these films. I take it that he was, although I have not seen his to-day's denunciation and denial; but I know that heretofore, every time anyone testified about any act of his, he immediately said they were not telling the truth, and that they were actuated by improper motives. He was accused yesterday of being present when these films were exhibited. He was accused by witnesses yesterday of having discussed the subject with people who were anxious to have the films introduced into the various States of this Union, and of having suggested the attorney to whom they should go to make the arrangements, and to whom I understand they did go. The Attorney General does not deny that. Of course, he may reach it to-morrow or next day or next week. He did take occasion to denounce a woman, to blacken her reputation, and to destroy her, if he himself is to be believed; but he does not deny that he, in the presence of the other members of the Cabinet and the then President of these United States, witnessed an exhibition of films that he knew.

and every one present knew, had been brought into the District of Columbia in violation of law. He knew about it. There has been no prosecution, and I take it for granted that it is not hard to imagine that if he were willing to connive at the exhibition of films brought from New Jersey to the District of Columbia in violation of law he might also have conspired for those same films to have been transported by some means into Delaware and Maryland.

It was no graver offense to send this film to Chicago, where, I understand, there was paid \$35,000 in legal fees in having the films shown, or to New York, where it was shown for \$2,000, and made \$75,000 profit; or in the neighborhood of \$125,000, figuring it all up, in violation of law. I say that the American people are not going to have very much trouble in believing all that story. When the Secretary of State gravely rises in his place to say, "I was present and I saw these films," and when the Postmaster General says, "I was present and I saw them," and when, therefore, the people have all these witnesses to show that the Attorney General and all the high officers of the Government connived at the violation of the law in bringing the films here for them to see, it is not going to be difficult to imagine that they let them be carried into Ohio or Illinois or Tennessee or wherever their owners might have seen fit to transport them.

Then, Mr. President—I am not, of course, criticizing the administration; the Lord knows I would not do that—but I should like to know by what process of reasoning it is thought entirely proper for the law to be violated in order that the President and the Secretary of State and the Attorney General and the Postmaster General and all the other generals connected with the departments should see a film, and then deny to the other people of the United States the right to see it. If it was right to transport it to the District of Columbia in order that all these high dignitaries might see this film, they ought to have been equally kind to the rest of the people, as it seems they were, and let it be transported into all the other States.

At least, therefore, I am reaching the conclusion that the Attorney General seems to have been consistent—that after he permitted the law to be violated so that he and all the other members of the Cabinet might see the fight film he permitted the law to be violated so that all the other people of the United States, for a consideration, might also see the fight film.

What I really want, Mr. President, since the Secretary of State has gone into the newspapers to explain, is this: I wish he would tell the country in the morning, if he pleases, by what process of reasoning he saw fit to sit still for a year and a half when he knew the law had been violated and enter no kind of a protest, and now, because they happen to mention the fact that he was present and incidentally talked over the scheme to transmit the films into other States, he feels so outraged that he must rush into print this morning to say, "While it is true I was there, I did not enter into any kind of a conspiracy to enable other people to see it." I do not know that he is going to be so good to me as I hope he will, but if he really respects all these one hundred millions of people who thought of him sometimes as a man who really thought the law ought to be enforced without any respect to person—because he sat for a while on the bench of the Supreme Court of the United States and quit it, I understand he contends, under a false representation to him, that he could be elected President of the United States—I just wish he would take us all into his confidence and tell us about this matter, because there is another election coming, and, just between us, despite, I regret to say, the prediction of the senior Senator from Massachusetts that Mr. Coolidge is to be renominated and reelected, we all know that he is not. There may be another chance for Mr. Hughes to run for office again, you know, and he ought to set us an example of being perfectly frank with us and of telling us why it was that it was entirely proper to bring the film here so that he could see it, and therefore why, if it was—and I know if he had not thought so he would not have indulged in it—why does he complain so much when it is said by a witness that he also consulted with the Attorney General and some other people with reference to what means might be employed to transport this film into the States of the Union so that the other white folks might see it also? I am sure he will explain it. If he does not, I know the senior Senator from Massachusetts [Mr. Lodge] to-morrow will do so.

BUSINESS OF THE SESSION.

Mr. BORAH. Mr. President, I do not rise to discuss the subject before the Senate, to wit, the question of bringing the films into the District of Columbia, but so much has been said this afternoon with reference to the condition of legislation

that I think it not inappropriate to say a word which I have for some time been thinking ought to be said.

We have been in session now about three months and a half. In two months and a half more we will be practically in the midst of a national campaign for the election of a President. One of the candidates will have been nominated probably and the other convention will be near at hand.

After that shall have occurred there will be little opportunity, even if we are in session, for anything in the nature of legislation. When we look back over what we have accomplished in the last three and a half months and contemplate that we have only two and a half months to complete our task, we are confronted with the proposition that this session of Congress is going to end with practically no legislation enacted. We shall do well from this time on if we give proper consideration even to the appropriation bills. I doubt if we can pass the appropriation bills, with the consideration they ought to have, in the time which is allotted between now and the 10th day of June.

The responsibility for the Congress, while we have a rather divided situation, of course is upon the party in power, and I am addressing my remarks principally to those who are responsible for the situation—that is, those who are on this side of the Chamber.

I can not imagine anything more humiliating to the Republican Party in the coming campaign, and in all probability more disastrous, than for us to spend the next two and a half months as we have the last three and a half. When the Congress convened we were advised by the Secretary of the Treasury that there was a possibility of lifting the tax burden of this country to the extent of \$350,000,000. The able Senator from Utah [Mr. Smoot], who perhaps is as well fitted to speak upon the subject as any of our colleagues, stated that, in his opinion, it could be lifted to the extent of \$500,000,000. There could be no task that ought to be more agreeable to the Congress of the United States, certainly none more important and commanding, than that of lifting the stupendous tax burden which is now crushing the American people. It ought to enlist our undivided purpose and call for our most zealous effort.

Homes are being sold over this country because people are unable to pay their taxes. Business men are distressed because they are unable to meet their taxes. Farms upon which people have lived for half a century, giving their time and their industry and their effort to making homes and rearing families, are now passing from them by reason of tax sales.

The tax burden of this country is one of the discouraging and demoralizing conditions which confront us, both from an economic and from a moral standpoint. Yet we have spent three months and a half, and there is but little indication that the tax burden will be lifted in this Congress at all. Of course, the Congress can not give relief to local taxes, but we can give relief here, and that will be to the benefit of the whole situation. In my opinion, instead of relieving the taxpayers of this country and curtailing the obligations of Government, when this Congress shall have ended it will have increased them, and if it does so there is only one judgment that is due it.

Equally distressing with the tax situation is the agricultural condition in this country. It would be difficult to command language adequately to describe the condition of the agricultural interests, especially through the great 15 Northwestern States, those great agricultural States. Speaking upon this matter some months ago I referred to the fact that in one county in a great agricultural State there were 6,000 items in a single newspaper advertising property for sale which belonged to farmers. I received many letters from over the country wanting to know if that was not an error, whether it was not 600 instead of 6,000. It was not an error; it was a correct statement of the fact, and that is only indicative of a distressed condition which prevails throughout the agricultural regions, certainly in all the Northwestern States, and in my judgment, to a marked extent in all the States.

We came here solemnly pledged to find relief for the agricultural conditions if it was within our power. We have been here three months and a half. The farmer is now approaching the time when he must put his seed in the ground, when he must prepare to raise his crops. He does not know what the situation is to be, or what conditions are to confront him; whether he is to have legislation which may relieve him, or whether he must go again against the almost inconceivable conditions which have confronted him for the last three years.

I do not object to the investigations which are now going on. I am perfectly willing that they shall proceed to their

conclusions. Certainly I have no desire, and I do not presume that anyone here has any desire to curtail any legitimate investigation which may be in process. Let them be carried on and concluded. But certainly the hour is at hand when we should dissolve ourselves as a grand jury and enter upon the task for which this body is designed, namely, meeting the legislative situation which confronts us. These investigations can be concluded, they can be completed, and still we can go about our business of legislating. We ought not to devote our whole time to them. Let the committees finish their work, but those not actually engaged on the committee should not consume time to the exclusion of important legislation. We have permitted these things to draw us away from our main duty and to the great detriment of the public interests. We ought to give attention to those who call for relief, both in the matter of taxes and agricultural relief.

Let me say to the party in power that the next campaign will not be won upon the platform which is written at Cleveland. The next campaign, if won, will not be won upon the candidate, who is nominated at Cleveland. If we are successful, it will be by reason of what we do here in the Congress of the United States between now and the 10th day of next June. We are to win or lose right here.

There will be no possible way by which we can successfully confront the constituency of this country with a broken-down record in the Congress of the United States. No argument, no political appeal, no incitement to party zeal, will meet the situation in the heated days of August and September or even the better days of October and the first days of November. We must make our record here, and if we are anxious to continue in power it is incumbent upon us to set about our legislative task. The tax bill is now in process of consideration. The agricultural measure may be taken up shortly, and certainly those measures ought to be pushed to a conclusion.

I do not complain, as I said a moment ago, of these other considerations, but I do insist that the time for legislation is now at hand. We are daily neglecting the interests of those who sent us here and to whom shortly we shall have to give an accounting.

Mr. HEFLIN. Mr. President, I always enjoy hearing the able Senator from Idaho [Mr. BORAH]. We are in accord on a good many things, but I see no occasion to criticize the Senate for failing to act on appropriation bills. This is the long session of Congress. Senators seem to forget that. I have seen the Senate pass as many as three appropriation bills in one day. After the bills had passed the House and had been thoroughly gone over by the Committee on Appropriations of the Senate and practically unanimously indorsed, they were speedily passed. We all know that the appropriation bills do not differ very materially from one session of Congress to another.

I do not think that there is anything the Senate can do now of more importance to the people whose Government this is than to expose and punish crime at the Capital. What do doctors, skilled in the science of medicine, do when they find a deadly disease or epidemic in a town? They go to work to cure those who are afflicted, to stamp out the disease, to rid the city of the pest or plague, whatever it is. The doctors do not quit their work because somebody says, "You are discovering too many people who are sick and the treatment you are giving is too heroic." The doctors say, "It is our business to clean up. When we find people that we can heal by physicking them with a little medicine, we give it to them, and when we find those who have to have a surgical operation, we lay them upon a table and perform an operation, if necessary." So if the medicine we are now giving to Republican officials is nauseating to some of them and the surgeon's knife is painful to others, they have got to take their medicine and submit to the operation, because it is our business, if we are faithful to ourselves and faithful to our oaths, to do the work, however unpleasant or painful it may be.

This terrible condition we find is not brought about by the conduct of Democrats; it is brought about by the corrupt doings of Republican officials, and they are reaping just what they have sown. Mr. President, there is no higher service a Senator can now render than that of going into this terrible condition which exists at the Capital of the Nation and cutting it out root and branch.

I remember a few years ago, when General Gorgas and Doctor Reed, I believe, went down to New Orleans, when that city had been afflicted with the yellow-fever plague. They said, "We must destroy the pest that produces yellow fever," and they said, "It is a mosquito, and his breeding place is in the lagoons and cesspools of the city, and in order to get rid of the yellow fever permanently, we will have to destroy the breeding place of the mosquito which carries the germ."

A good many people there said, "You are not going to ditch off that lake; not at all. There is nothing in your theory." But the doctors said, "There is something in the theory. We have tried it out. We know what is necessary to be done, and we are going to ditch off this lake and that lagoon, and we are going to flood these places with kerosene oil, and you will have yellow fever no more forever."

The constituted authorities finally said, "It is all right. Go ahead." If the people who did not want to have their pools disturbed and their little lakes ditched off had had their way, the yellow fever would have continued in New Orleans. But General Gorgas and Doctor Reed went there and pointed the way, and the people listened to them, and followed their leadership, and New Orleans is free from the yellow-fever plague forever. It is gone. How? Why, by destroying the breeding place, ditching off the places where they hatch these terrible pests that carried the yellow-fever germs.

What are we to do in the Senate of the United States? Drive out of public office every man who spreads the germ of corruption and crime in a position of trust. Is not that our duty? Why should we sit idle and permit these men to be corrupt in office and still fill these places to the hurt and injury of the country? Self-government is on trial in this western world. Self-government is attacked to-day as it never has been in our Republic. The enemy from the outside could not cross the ocean. Our boys, baptizing the soil of France with their blood, beat back the foreign invader and saved our institutions from him. Who is it, then, that threatens our liberties? Is it an enemy outside of the Government? No; the evil here is from men on the inside of the temple. Those placed in charge of the temple are betraying it and bartering justice on the one hand, squandering the public domain, and sending agents around not to enforce the law of justice but to protect crooks, not to uphold judges in doing their duty but to corrupt them. That is what we have. I submit to the Senate that when the time comes that the criminal can go into the courthouse and buy immunity from prosecution, the country is in grave danger. The evidence yesterday disclosed just that sort of thing.

My good friend, the able Senator from Idaho [Mr. BORAH]—and he is a very able, brave Senator—referred to people who are losing their property in being forced to pay their taxes. I want to contrast with that class of people, hard pressed as they are under a Republican administration, the instrumentalities of government so used that they impoverish one class while they enrich another, a picture of the present Secretary of the Treasury refunding to the mighty rich of the country in one year \$123,000,000. While he is making them richer still, giving them back their taxes, this other class must give up the old homestead in order to pay their taxes. That is what happens under Republican rule, and—

By their fruits ye shall know them.

The PRESIDING OFFICER. The question is on the motion of the Senator from New York.

Mr. KING. Is the motion now pending to proceed to the consideration of the joint resolution?

The PRESIDING OFFICER. It is that the Senate proceed to the consideration of Senate Joint Resolution 4.

APPOINTMENT OF SAMUEL KNIGHT—AS TO SECTIONS 16 AND 36 IN NAVAL RESERVE NO. 1.

Mr. SHORTRIDGE. Mr. President, I invite the attention of Senators to the following facts. It will take me but a few moments to state them.

On January 28 the senior Senator from Montana [Mr. WALSH] introduced Senate Joint Resolution 71. That resolution provided—

That the Secretary of the Interior be, and he hereby is, directed forthwith to institute proceedings to assert and establish the title of the United States to sections 16 and 36, township 30 south, range 23 east, Mount Diablo meridian, within the exterior limits of naval reserve No. 1 in the State of California, and the President of the United States is hereby authorized and directed to employ special counsel to prosecute such proceedings and any suit or suits ancillary thereto or necessary or desirable to arrest the exhaustion of the oil within said sections 16 and 36 pending such proceedings.

On February 7 the senior Senator from Montana asked unanimous consent, which was granted, to call up for immediate consideration the joint resolution, which, according to the RECORD, was unanimously and promptly passed. The resolution went to the House and passed that body on February 16. It then went to the President, who approved it February 21. Pursuant to the authority and the directions given, the Presi-

dent set about to select and employ some competent special counsel to prosecute the actions and proceedings contemplated by the joint resolution. He thereupon caused to be sent to California the following telegram, which I would beg Senators to note. It was dated Washington, D. C., March 1, 1924, and reads as follows:

Hon. SAMUEL KNIGHT,
Attorney at law, San Francisco, Calif.

Do you now or have you at any time in recent years represented an oil company? Are you in position to accept without embarrassment employment to represent the Government in litigation which will involve the State of California and the Standard Oil Co. as to sections 16 and 36 in naval oil reserve No. 17? If so, about what compensation would you expect, and could you undertake at once coming here for conference on notice? Wire fully, collect, and treat this telegram as strictly confidential.

RUSH L. HOLLAND, Assistant Attorney General.

The following telegraphic reply came from Mr. Knight:

SAN FRANCISCO, CALIF., March 3, 1924.

RUSH L. HOLLAND,

Assistant Attorney General, Washington, D. C.:

Have not at any time represented an oil company or oil interests and am in a position to accept without embarrassment employment to represent the Government in the litigation referred to in your wire of March 2. Difficult to determine in advance what compensation I might reasonably expect, and am willing to have it determined by the department or authority having matter in charge. If selected I can arrange to undertake matter at once and come to Washington for conference whenever requested.

SAMUEL KNIGHT.

Upon the receipt of that telegram the President on March 4 made the selection of Mr. Knight to serve in the capacity named and notified the Senate of such selection. That notification came to us in the usual manner and pro forma was referred to the Committee on Public Lands and Surveys. I am inclined to think all of us assumed that that was the proper disposition of the nomination and perhaps we all assumed that it was necessary for the Senate to concur in or confirm the selection or appointment of Mr. Knight. Whatever the law may be upon that subject, for the moment I call attention to the fact that Joint Resolution 71 does not provide for consent and approval of the Senate. In that respect Resolution 71 differs from the joint resolution which brought about the appointment of former Senator Pomerene and Mr. Roberts, of Pennsylvania, for in the latter resolution it was specifically provided that the counsel to be employed to take charge of the litigation contemplated should meet with the approval of the Senate, and ultimately the Senate gave its approval.

I am not suggesting that we should not express our opinion as to the selection of Mr. Knight, but I am calling the attention of the Senate to the record in the case to the end and for no other purpose than that of showing that the President promptly proceeded to carry out the expressed wishes of the Senate and the House and in the manner stated.

I will leave the matter here with this additional thought: Inasmuch as the selection or nomination of counsel was referred to the committee, I should be very glad indeed to have them consider the capacity and the entire fitness of Mr. Knight to represent us in the contemplated actions and proceedings in respect of the land and property claimed or to be claimed by our Government and referred to in this resolution. I am in no sense criticizing anything that has been done or not done—certainly not the committee—because of any delay that has ensued, for certain of its members have been absent on account of sickness. I express the hope, however, that the selection or employment of Mr. Knight by the President may be agreeable to the committee and to the Senate and that if it shall be deemed necessary under the law the action of the President may be approved without unnecessary delay.

Mr. DILL. Mr. President—

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Washington?

Mr. SHORTRIDGE. With pleasure.

Mr. DILL. The Senator understands that when the nomination came to the committee the Senator from Wisconsin [Mr. LENROTH] was away from the city and it was deferred on that account, and that since that time the senior Senator from Montana [Mr. WALSH] has been sick. I think that is an explanation of why no action has been taken.

Mr. SHORTRIDGE. I intended to say that, and, in effect, did say so. There is no criticism of anyone for the delay, but I do not wish it hereafter to be thought, far less stated, that there has been or was any delay on the part of the President in

setting about to carry out the expressed wishes of the Senate. My hope is, assuming, as I do for the moment, that the committee shall deem it necessary to act in the premises, that it will approve of the selection and employment of Mr. Knight. Personally I venture the opinion that the approval of the Senate is not necessary, and yet in so far as future compensation is concerned under the law it might be prudent and necessary to have the approval of the Senate in this particular instance.

Mr. ADAMS. Mr. President I wish to make an inquiry of the junior Senator from California if I may do so.

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Colorado?

Mr. SHORTRIDGE. Certainly.

Mr. ADAMS. May I ask what in the judgment of the Senator from California would be the effect upon the appointment or employment if the Senate should not confirm or approve the appointment?

Mr. SHORTRIDGE. The President might and in all human probability would pay heed to the expressed view of the Senate and perhaps make another selection.

If the Senator will turn to the Constitution, he will find that it provides that the President has power to make certain appointments of officers, such as ambassadors, judges, and other "officers of the United States," by and with the advice and consent of the Senate; but, as I am inclined to think, as a matter of law an attorney chosen to represent our Government would not be an "officer"; an office has not been created by Senate Joint Resolution 71, and hence the approval of the Senate is not called for or required.

Mr. ADAMS. My inquiry was whether or not the Senate ought to act where it had no official function; that is, if that were the situation, we should, it seems to me, avoid any possible chance of conflict with the Executive upon a matter which is beyond our power. As I understand, the Senator's position is that the resolution which provided for this employment did not require confirmation; and that, in fact, the President is fully authorized to make the appointment without confirmation by the Senate.

Mr. SHORTRIDGE. I think so.

Mr. ADAMS. And, of course, as a natural consequence, the opinion we might express would be entirely without legal effect.

Mr. SHORTRIDGE. Yes. The resolution does not provide for the Senate's concurrence as it was provided in the other resolution.

Mr. ADAMS. And, in the judgment of the Senator, it is a character of employment or appointment which does not by virtue of constitutional provision require confirmation?

Mr. SHORTRIDGE. That is my opinion. The resolution does not call for the approval of the Senate, nor does the Constitution require it. It is not necessary to repeat, but I would gladly have the Senate act and approve the selection of Mr. Knight.

FRANK FOREHAND.

Mr. McKELLAR. Mr. President, in these stormy days, when so many are engaged in trying to put people in jail, I am going to start the rather novel proposition of trying to get a person out of jail. I want to submit some facts to the Senate for the purpose of getting a soldier out of jail who ought never to have been in jail. We have tried every other means to secure his release and possibly Senate publicity is the only way by which it may be effected. I believe the boy is innocent, and I am going to leave no stone unturned to have him released and have the injustice done him righted.

Just a year ago a young man from Williamson County, Tenn., named Frank Forehand, then in the Army at Manila, left the barracks there at 7 o'clock in the morning and was arrested at 8 o'clock that night, 13 hours after he left, he still being in uniform, still in the city, near the barracks, and engaged in the most peaceful act of taking a drink of water. He was brought back to the barracks or came back to the barracks—there was no force about it—and thereupon two charges were made against him.

First, that he had violated the fifty-eighth article of war by deserting from the Army; and, second, that he was absent without leave, and thereby had violated the sixty-first article of war.

I imagine, Mr. President, that a man who had thus left his post of duty for 13 hours should have been either reprimanded, or put in the guardhouse for a day, or should have had a small fine entered against him. To have instituted court-martial to try a soldier for such an offense as was committed by this young man on the undisputed proof shown in the record is in itself a condemnation of every officer who took part in the proceeding. This young man is named Frank

Forehand. He had five brothers, and five of the brothers were in the United States Army in the late war, two of them serving in France. They were poor but honest people, in Williamson County, Tenn. They did not even know how to read and write when they went into the Army, but they were taught while in the Army how to read and write. One of them is back home. He is a well to do, prosperous farmer and stands well in his community. The other four are still in the Army, including the young man, Frank Forehand, who was too young to be in the Army during the World War. Two of those boys fought in France for their country, mind you. Their records were splendid, as is shown by statements of their captain in this record. This young man's conduct was good; his service had been good. The only trouble he ever had was on this occasion when he was absent from the barracks for 13 hours.

A court-martial was convened and after a trial that young man was ordered to be confined at hard labor in the penitentiary at Alcatraz, Calif., for two whole years for being absent without leave for 13 hours from his post of duty.

Mr. KING. Mr. President, will the Senator from Tennessee yield to me?

Mr. McKELLAR. Certainly.

Mr. KING. Was this young man convicted for being absent without leave or for desertion?

Mr. McKELLAR. He was convicted for both.

Mr. KING. The Senator from Tennessee, of course, as a lawyer, understands that the animus back of the act is determinative of its character?

Mr. McKELLAR. I do. I will give the exact testimony in this case, so that the Senator from Utah and all others may hear it. Then there can not be any doubt about the lack of evidence upon which to convict this man.

Mr. KING. However, the Senator knows that if a man intended to desert and actually did desert, if he accomplished it within a minute, the crime would have been just as great as if he had been gone away for a year.

Mr. McKELLAR. I understand that. I hope the Senator will do me the credit to think that I know something about the law governing the case, and I have the evidence before me.

Mr. KING. I do.

Mr. McKELLAR. I really believe I do, and I am going to give the evidence to the Senate on which this conviction was had.

Mr. KING. But I do not think the Senator, if he will pardon me, is quite accurate, or, rather, that his judgment is quite sound, when he states that a day or two in the guardhouse for desertion would be suitable punishment, particularly in the Philippine Islands.

Mr. McKELLAR. I did not say anything like that. I call the Senator's attention to the fact that this young man was not guilty of desertion.

Mr. KING. The Senator stated that that would have been adequate punishment for the particular case.

Mr. McKELLAR. I do; and when the Senator hears the facts he will say the same thing.

Mr. KING. If there was desertion, I am sure I shall not.

Mr. McKELLAR. Mr. President, there was no desertion. If the Senator will permit me to give the facts now, not as I see them, not as I interpret them, but as they are given by the witnesses, I know he will view the case in a different light.

Mr. SHORTRIDGE. Mr. President, may I ask a question?

Mr. McKELLAR. In just one moment I shall yield to the Senator.

Mr. SHORTRIDGE. I merely wish to ask where is it charged that the young man deserted?

Mr. McKELLAR. At Manila, in the Philippine Islands.

Mr. CURTIS. Mr. President, may I ask the Senator from Tennessee—

Mr. McKELLAR. It will take just a moment to finish the statement. I shall conclude in a short time.

Mr. CURTIS. The only question I wish to ask is, What can we do about it? The matter ought to be presented to the Committee on Military Affairs.

Mr. McKELLAR. I will say to the Senator from Kansas that every possible step has been taken by which this poor boy can be gotten out of the penitentiary except the step of publicity; and what I want to do is to give publicity to what was done by these officers of the Army in this particular case. Such courts-martial for such trivial offenses should never be convened. They constitute a disgrace to the officers taking part in them, and are so cruel and inhuman to the poor soldier who is victimized that we ought to take every necessary step to see that never again shall such an injustice and wrong be perpetrated.

Mr. WADSWORTH. Will the Senator yield?

Mr. McKELLAR. I yield.

Mr. WADSWORTH. Has the President been apprised of the situation?

Mr. McKELLAR. No.

Mr. WADSWORTH. Then there is another possible step which may be taken.

Mr. McKELLAR. The Senator is mistaken. The Judge Advocate's Department of the Army has turned down the application for clemency. We all know that the President does not ever change or override them, or if he does—

Mr. WADSWORTH. Do not say "We all know that," because here is one who knows that that has been done in times past.

Mr. McKELLAR. Perhaps that is so. It is marvelously infrequent when the President overrules the War Department in such cases.

Mr. WADSWORTH. There is another possible step. The appeal goes eventually to the President, as Commander in Chief, and he can act upon it and grant a pardon if he thinks an injustice has been done.

Mr. McKELLAR. Let us suppose that that is true. I do not believe that this young man ought to be relieved in that way. He ought never to have been convicted. The proceedings should be set aside.

Mr. WADSWORTH. What does the Senator propose?

Mr. McKELLAR. The conviction should be set aside, the young man restored, and the injustice done him righted. If the Senator will wait and permit me to read the testimony I will then say more specifically what I propose to do. I will now read from the testimony. The first witness was Sergeant Cranford, from whose testimony I quote:

Q. Do you know the accused?—A. Yes, sir.

Q. Point him out and state his name.

That was done.

Q. Did the accused come to your attention in any way on or about the 10th day of March of this year?—A. Yes, sir.

Q. In what way was he brought to your attention at that time?—A. I was notified by the provost sergeant that he was absent from prison guard, and to detail somebody in his place.

Q. Did you make a search of the quarters to see whether he was there?—A. Yes, sir.

Q. Did you find him?—A. No, sir.

Q. Was he authorized to be away from the company at any time that day?—A. No, sir.

Q. Did you make a notation on the morning report of this man's absence?—A. No, sir.

Q. Why was not this notation made?—A. He wasn't absent long enough—he wasn't absent 24 hours.

He was not absent long enough; he was not absent 24 hours.

I stop here long enough to remark, Mr. President, that here is a soldier not absent from barracks long enough for the sergeant on duty to make a notation even of his absence, and yet they arrest him and condemn him to two years' hard labor in the penitentiary and to everlasting disgrace, including deprivation of American citizenship.

If he had remained away long enough to have been noted absent under the rules at the barracks, no doubt these cruel and inhuman dispensers of injustice would have condemned him to be hanged. And these things take place in an army that costs the American people \$325,000,000 a year in peace times. If this is a sample of our court-martial system in the Army, then the system is inexcusably rotten. But I continue to read from the evidence:

Q. When did you next see the accused?—A. I saw the accused on the following day, March 11.

Q. Where did you see him then?—A. Under charge of the guard.

Q. Did he stand reveille on the morning of March 10?—A. No, sir.

Q. Why didn't he?—A. He was a member of the prison guard, and he wasn't required to stand reveille.

Q. Then, he was really on duty at the guardhouse; is that the idea?—A. Yes, sir.

I stop long enough to say this was one of the three witnesses upon whose evidence this young man was condemned to two years' hard labor. Instead of being against the prisoner, it was wholly favorable to him and really disproved the charges.

The next witness was Sergeant Schmerfeld. I quote from his testimony as follows:

Q. Do you know the accused in this case, Sergeant?—A. Yes, sir.

Q. Point him out and state his name.—A. (The witness indicating the accused). Private Forehand, of Company C, Thirty-first Infantry, sir.

Q. What are your duties at the post, Sergeant?—A. Post provost sergeant, sir.

Q. As provost sergeant what are your duties here?—A. My duties are to turn out the prisoners and send them to work—to turn them over to the sentry and turn them out to work, to do the proper work that they are detailed to do, sir.

Q. On or about the 9th day of March of this year was the accused on duty with you in any way?—A. Yes, sir; on prison guard, sir.

Q. Did he mount guard in the regular manner?—A. Yes, sir.

Q. Was he present for duty during his entire tour of guard?—A. Not the entire tour; no, sir.

Q. When was he absent?—A. He was absent on the morning of the 10th, sir.

Q. At what time did you first find he was absent?—A. I found he was absent about 10 minutes to 7, sir.

Q. How did you come to find out that he was absent right at that time, Sergeant?—A. I checked the prison guard up and called the roll—called their names, sir.

Q. The accused had been on prison guard, though, the day before?—A. On prison guard that tour of duty; yes, sir.

Q. And his tour ends ordinarily at what time?—A. At 11.30, sir, at guard mount.

Q. Did you look around the guardhouse to see whether he was there or not?—A. Yes, sir.

Q. Did you find him?—A. No, sir.

Q. Do you know whether or not the accused was excused from this duty?—A. I went to the company to find out, sir, and they told me the man was absent.

Q. Did you see him at any time after that, Sergeant?—A. Not until he was confined.

Q. What time was this?—A. That was the morning of the 11th, sir.

Q. About what time in the morning was it that you saw him?—A. When I turned the prisoners out to go to work, sir.

Q. He came out of the guardhouse then; is that it?—A. Yes, sir.

There was surely nothing in the testimony of this witness upon which the accused could have been convicted of desertion. The next witness was Sergeant Barrett:

Q. What are your duties here in the post, Sergeant?—A. Provost guard, sir.

Q. Did you see the accused on or about the 10th day of March of this year?—A. I did, sir; I arrested the accused between 8 and 9 p. m. on the 10th, sir.

Q. Where did you see him then?—A. Near the piers in the port area.

Q. How was the accused dressed when you found him?—A. He was in uniform, sir.

Q. You say he was in uniform?—A. Yes, sir.

Q. What led you to arrest the man?—A. There was an alarm out stating that the man was A. W. O. L., sir—absent without leave.

Q. What did you do with him after you arrested him?—A. I brought him up to the cuartel and confined him immediately, sir.

This witness conclusively shows that the only offense that anybody then ever suggested even was that the accused was absent without leave. None of the three testified to any fact suggesting desertion.

Now I shall read the testimony on which he was convicted of desertion, and this testimony which I have read and that which I am now going to read is all the testimony in the case:

Maj. C. T. Alden, Philippine Scouts, a witness for the prosecution, was sworn and testified as follows:

Questions by prosecution:

Q. State your name, rank, organization, and station.—A. Maj. C. T. Alden, Philippine Scouts, post of Manila, P. I.

Q. Do you know the accused in this case?—A. I remember his face, but I am not sure of his name.

Q. Do you recall seeing the accused before?—A. I do; the accused was before me when I was investigating charges of desertion against him.

Q. Did the accused make any statement at that time?—A. He did.

Q. Was the accused warned as to his rights before making any such statement?—A. He was.

Q. Can you give the substance of the warning that was given the accused?—A. He was warned that it was not necessary for him to make any statement unless he wished to, but that if he did, anything he said could be used for or against him, and that anything he said must be free and voluntary on his part, without hope of reward or immunity.

Q. After this warning was given the accused, Major, what did the accused have to say in regard to his offense?—A. I can't recall that entirely. I know that he stated that he had had quite a hard time, being in the hospital, being treated for syphilis, I believe; that when he got out of the hospital he was horribly disgusted with the islands and the service; that he was dissatisfied with his immediate company commander for the reason that he seemed to expect him to do things

that were utterly impossible to do—or words to that effect—and that he had made up his mind to go away and not come back, as near as I can remember.

Q. You are sure that he did state, though, that he did not intend to return, that he was going away and didn't intend to come back?—A. Yes; as near as I can remember.

Q. Did he state any of the things which he considered it impossible to do in his company?—A. No; he didn't. I didn't ask him.

Q. Did the accused understand the warning that was given him?—A. He stated that he did.

Mr. President, this officer does not state any fact and does not repeat any statement of the accused upon which can be predicated the crime of desertion. This boy could have said every word this officer imputes to him and still every word could have been said and no doubt was said in entire innocence. If he had been in the hospital, if he had been troubled with disease, if he was dissatisfied with his captain, and had been unable to please him, what harm was there in saying he was going to get out of the Army for good? There was an entirely legal way of getting out of the Army and never going back to it. Why should his words have been given a criminal intent when they at least were just as susceptible of an innocent intent?

His associates thought he was simply absent without leave. He still had on his uniform. He was not trying to escape. He was in almost a stone's throw of the barracks. He was taking a drink of water when arrested. All these facts appear and are conclusive proof that he was not guilty of desertion. They are wholly at war with the theory that he was even intending to desert. But it may be claimed he should have testified in his own behalf. But if there was no proof against him, there was no reason he should have testified. His lawyer was advising him. Evidently his lawyer thought no case had been made out against him, as, indeed, this record conclusively shows none had been made out against him.

Senators, that is all the testimony, and it was upon that testimony that this man was convicted and sentenced to two years at hard labor. Let us see just what his sentence was.

Mr. SMOOT. Mr. President, did the soldier deny that he deserted?

Mr. McKELLAR. No; but under the rules he was not required to testify, and there is no evidence there to convict him. Surely there is no evidence there that calls for any statement.

Mr. SMOOT. If he was not guilty of desertion, the Senator does not think for a moment that he would not have testified, does he?

Mr. McKELLAR. That is no reason why legal evidence should not be required to convict a man; and, besides that, suppose he said everything that this major said he said—that is not desertion.

Mr. SMOOT. That is not what I asked the Senator. I just asked the question as to whether he had stated that he had not deserted, or did he plead "not guilty"?

Mr. McKELLAR. He plead "not guilty," and there was no testimony introduced upon which a conviction for desertion could be vested. Now, here is what he was sentenced to do:

The court was closed, and upon secret written ballot sentenced the accused to be dishonorably discharged the service—

Listen to this—

To be dishonorably discharged the service, to forfeit all pay and allowances due or to become due, and to be confined at hard labor, at such place as the reviewing authority may direct, for two years; two-thirds of the members present at the time the vote was taken concurring.

Mr. SHORTRIDGE. What was the date of that?

Mr. McKELLAR. That was some time in March, 1923. That poor boy, because an officer said that he had expressed a desire or an intention to leave the Army, while in his uniform, not absent long enough for it even to be noted according to the rules of that post, is dishonored and disgraced and sentenced to two years at hard labor in the penitentiary.

It is unconscionable. It is cruel and inhuman punishment for a wrong that never was committed. It is an outrage upon the Army of the United States to sustain any such conviction as that; and yet an appeal was taken to the highest general in that district, and he confirmed it, and a petition has been filed here in Washington urging that this man be given executive clemency, and it has been turned down by the Judge Advocate General's Department of the Army.

Mr. President, inasmuch as these proceedings are very short, I ask unanimous consent that they and the letters connected with them, the refusal of the department to act, be printed in the Record as a part of my remarks.

The PRESIDING OFFICER. Is there any objection to the request made by the Senator from Tennessee? The Chair hears none, and they will be printed in the RECORD.

The matter referred to is as follows:

FRANKLIN, TENN., March 13, 1924.

Hon. K. D. McKellar,
Washington, D. C.

DEAR SENATOR: I am inclosing herewith a copy of the court-martial proceedings of Pvt. Frank Forehand, Company C, Thirty-first Infantry, together with copies of letters relating thereto. I am also sending the same matter to Hon. W. C. SALMON and Capt. GORDON BROWNING, asking them to assist you in seeing that the evident wrongs which have been done this boy are to some extent righted.

These letters and the evidence in the court-martial proceedings speak for themselves and give you a better idea of the matter than I can give.

Quite a number of ex-service men here have read this record, and all agree with me that a great injustice has been, and is being, done this boy.

Some time ago, without my knowledge, L. H. Armistead, an ex-service man, editor of the Review-Appeal, after reading this file, wrote a rather warm editorial in his paper; since this time quite a number of your friends here have been to see me about the matter, and I know that any relief that you can get for this boy will be greatly appreciated by the people of this county.

Yours very truly,

T. P. HENDERSON.

FRANKLIN, TENN., August 27, 1923.

Maj. FRANK H. DIXON,
United States Disciplinary Barracks, Alcatraz, Calif.

DEAR SIR: My friend John I. Forehand, of Primm, Tenn., route 2, has asked me to assist him in filling out blank relating to his brother Frank Forehand, now serving a sentence in the barracks there. This blank filled out and also a letter, too, from John I. Forehand are inclosed herewith.

I do not know Frank Forehand. I do know his brothers, John I. Forehand and Leroy Forehand, well. This family lives in the first district of this county, a poor farming section; they come from a family that is poor, not educated, but honest. Their grandfather served in the Union Army during the war; Leroy and John I. both walked in some 20 miles to enlist in a battery of field artillery which I recruited in June, 1917—Battery F, First Tennessee Field Artillery, afterwards One hundred and fourteenth Field Artillery—and both served with that organization, which I commanded from its muster into service, July 30, 1917, to its muster out of service, April 8, 1919, both being discharged as privates, first class. The records of these two brothers with me, as soldiers and as men, was excellent. Both were handicapped by the fact that they could not read or write; both learned to read and write while in the service. While not educated, both showed that they were honest, high-class men, who tried to and did do their duties.

Upon their discharge John I. married and has remained a small farmer in his section of the county; he is considered one of the best men in that section. Leroy reenlisted in Company H, Twenty-seventh Infantry, for one-year term, and served in Siberia; he afterwards transferred to Ninth Company, C. A. C., and is now serving in his third enlistment. I hear from him every few months; the last I heard he was a corporal. Their service with me included 10 months in France, and 3 months on the front, and as stated their records were excellent.

Another brother served during the war as a sergeant in the Sixth Regiment of Marines, and was wounded in France; he is now a first sergeant in some Infantry organization. Still another brother, Amos, who was too young to serve during the war, has enlisted since the war, and is a first-class private in the Coast Artillery. Frank, the other brother, you know about.

I mention these matters so that you may have some history of the family's record as soldiers. Something must be radically wrong for Frank, the youngest, to mar that record. I do not know Frank Forehand; I have inquired among those who do know him, and my information is that he was a good boy, quite a little morose at times, but honest, sober, and hard working; if, through bullheadedness, he slipped and got into trouble, it looks like something might be done to help him; the military record of this family should help him some.

On account of my relations with his brothers, I would appreciate it very much if you would write me fully about his cause, how and when he got into trouble, and what can be done at this end of the line to prevent a dishonorable discharge.

Yours truly,

T. P. HENDERSON,
Franklin, Tenn.

PACIFIC BRANCH UNITED STATES DISCIPLINARY
BARRACKS, OFFICE OF PSYCHIATRIST,
Alcatraz, Calif., September 15, 1923.

In reply refer to: 14035.

Subject: Sentence of Frank Forehand.

To: Hon. T. P. HENDERSON,
Franklin, Tenn.

DEAR SIR: Replying to your favor of August 27, 1923, re Frank Forehand, am inclosing copy of the court-martial order, and trust it will give the information you desire.

He becomes eligible for enrollment in the disciplinary battalion with a view of honorable restoration to duty October 9, 1923.

Failing to receive this his case will be considered with a view of clemency. Failing in this he will, with a maximum allowance of good-conduct time, be released June 9, 1924.

During the time he has been at these barracks his conduct has been excellent.

He is in good physical health and comfortably situated.

Assuring you of our continued interest in his welfare, I remain,

Very respectfully,

FRANK H. DIXON,
Major, Medical Corps, United States Army, Psychiatrist.

FRANKLIN, TENN., September 21, 1923.

Capt. GORDON BROWNING,
Huntingdon, Tenn.

DEAR GORDON: I do not like to worry you with matters outside of your congressional district, and would not now except for the fact that I believe you would know what to do better than the present Congressman from this district, who is not only brand new but who has never had any military experience.

Two of the best men in my battery were John I. and Leroy Forehand, brothers. Out of six Forehand brothers, five have served in the Army, four of them still being in the service. All, with the exception herein-after noted, have splendid records. Their grandfather had a splendid record in the Confederate Army.

About the last of August, 1923, I received notice that Frank Forehand (Ident. No. 6415584), private in Company C, Thirty-first Infantry, was serving a sentence at the United States disciplinary barracks at Alcatraz, Calif., for "desertion and failing to report for prison guard." This information coming to me from Maj. Frank H. Dixon, psychiatrist, of Alcatraz, Calif. The letter from Major Dixon asked information as to Frank Forehand. I replied to this letter, giving a full history of the family, referring to the splendid records made by his brothers and expressing surprise at Forehand being guilty of the offense charged, and asked more specific information.

I am inclosing you a copy of the general court-martial of this boy, which I received through the courtesy of Major Dixon. I am also inclosing a copy of the letter of Major Dixon.

I understand that the court-martial manual has been changed since our days; I understand the changes made were toward leniency, but I must confess that even in the days of Hard-boiled Smith I never heard of a soldier receiving the punishment Frank Forehand had meted out to him for the offense charged—that is, one day's absence and failing to report for prison guard, the punishment given by the court, and approved by General Read, being dishonorable discharge, forfeiture of all pay, and confinement at hard labor for 18 months. Because of my relations with his brothers, Leroy and John I. Forehand, I am very much interested in this boy's case. I think it would be a shame and a disgrace to have such a sentence, or anything resembling it, carried out. I would have written to his company commander for more information, but I presumed the outfit was still in the Philippines. I do not want to raise any great disturbance, but I would appreciate it very much indeed if you would take this matter up with the proper authorities and see what the reason was for such a severe sentence and get it set aside. If you will do this for me, I will be under lasting obligations to you.

My recollection is that under the old court-martial manual—at least I know it was customary never to list a man as a deserter until he had been gone 10 days. Prior to that time he was A. W. O. L. and was subject to a summary court.

On the face of it this thing looks outrageous and has the earmarks of great dereliction of duty on the part of every officer who had anything to do with it, including the major general who approved it.

It is such conduct as this that is keeping the Army in bad repute with the politicians. You know that I and every other man who has commanded an organization knows that discipline must be had, but discipline does not mean the practices of the Spanish Inquisition. Every man is entitled to a fair deal, and the exercise of common sense on the part of those trying him, no matter what his offense.

I do not care to raise any great disturbance, but I do not want this boy, and the records the members of his family have made as soldiers, to be disgraced by such an unjust sentence.

I, of course, know nothing about why he was absent one day, or why he failed to report for prison guard; a fair inference would be that he was under arrest on the 10th day of March, 1923, and could not get there; no matter why, there can be no justification for the severe sentence.

If you will interest yourself in this matter at once and see that this boy gets relieved of this sentence, I will be under obligations.

Your friend,

T. P. HENDERSON,

HUNTINGDON, TENN., September 24, 1923.

Capt. T. P. HENDERSON,
Franklin, Tenn.

DEAR MR. TOM: I am in receipt of your letter of the 21st, and I shall take up the matter at once with the department and see if we can get this sentence modified. I agree with you that this has the appearance of being recklessly done. I will have my secretary go in person and find out all she can about it. I will not be there myself until the latter part of November, but hope to get something done before that time.

I wish we could get hold of the record which contains the proof in the case, and I shall try to do this and get it copied. As soon as I can get any information at all I will let you know. We must get him reinstated, and I will do it if I possibly can.

Assuring you of my highest personal regards and best wishes always, I am,

Sincerely your friend,

GORDON BROWNING.

HUNTINGDON, TENN., September 29, 1923.

Capt. TOM HENDERSON,
Franklin, Tenn.

DEAR MR. TOM: The Adjutant General's office at Washington has not absolutely promised a favorable action in the Forehand case before they take up the matter with his commanding officer. But they indicate that they will give you relief in the case, and you may be reassured that I am going to stay with them until something is done. I shall be glad to let you know of any developments in the case.

I had a letter from Colonel Lea, urging my attention to the matter; and, of course, his interest makes me additionally anxious.

Truly your friend,

GORDON BROWNING.

FRANKLIN, TENN., October 1, 1923.

Capt. GORDON BROWNING,
Huntingdon, Tenn.

DEAR GORDON: Replying to your letter of September 29 with regard to the Frank Forehand matter:

There are no new developments at this end of the line. At the time I wrote you I wrote a similar letter to Colonel Lea, sending him copies, etc., and he replied, showing a great interest in the matter. The colonel says that even in the days when it was a capital offense to wear the leggings wrapped up instead of down such punishment as was meted out to Forehand was unheard of. Why, even for wearing a sweater outside was not near so serious; and I well remember a case of Captain Amis, who was caught walking and leading his horse on the march up into Germany, and his punishment was nothing like Forehand received.

But, honestly, I am very much interested and outraged by this matter and appreciate all that you can do to get the boy out.

Our local paper, the Review-Appeal, whose editor was wounded in France, read over the file in the matter, and without my knowledge wrote the editorial which I mailed you. I do not see that that editorial can do any harm. I have mentioned the matter to a number of ex-service men and old soldiers, and none of them ever heard of anything that could class it or approximate it.

Let me know anything that we can do at this end of the line, and when you get the copy of the evidence I would like to go over it.

With best wishes, I am,

Your friend,

T. P. HENDERSON,

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE,
Washington, September 29, 1923.

In reply refer to AG201 Forehand, Frank (9-26-24), prisoner.

Hon. GORDON BROWNING,
House of Representatives.

MY DEAR MR. BROWNING: I have the honor to acknowledge the receipt of your letter of September 26, 1923, inclosing one from Captain Henderson, of Franklin, Tenn., and requesting clemency in behalf of Frank Forehand, a general prisoner confined at Pacific Branch, United States Disciplinary Barracks, Alcatraz, Calif.

This case will be investigated, with a view to the possible extension of clemency to Forehand, and as soon as a conclusion shall have been reached in the matter I will communicate with you further.

Very respectfully,

ROBERT C. DAVIS,
The Adjutant General.

HUNTINGDON, TENN., November 13, 1923.

Capt. T. P. HENDERSON,
Franklin, Tenn.

DEAR MR. TOM: Inclosed find a letter from The Adjutant General, which explains itself. I am starting to Washington Friday, and if you want me to push the matter further, please let me know.

Truly your friend,

GORDON BROWNING.

HUNTINGDON, TENN., October 16, 1923.

Capt. T. P. HENDERSON,
Franklin, Tenn.

DEAR MR. TOM: Inclosed find copy of the record in the Forehand case, together with letter from the Judge Advocate General. I have not yet received a ruling from the Adjutant General on the reduction of this sentence, but will let you know what he says within a short while. Let me know what you think of this proof.

Truly your friend,

GORDON BROWNING.

WAR DEPARTMENT,
OFFICE OF THE JUDGE ADVOCATE GENERAL,
Washington, October 16, 1923.

Hon. GORDON BROWNING,
House of Representatives.

MY DEAR MR. BROWNING: Receipt is acknowledged of your letter of October 2, with inclosure, through your secretary, relative to the case of Frank Forehand, formerly private, Company C, Thirty-first Infantry.

It is noted that you request a copy of the evidence in this case. It appears that Forehand did not request a copy of the record of trial, nor has such copy been furnished him. Therefore a copy of the record of trial is inclosed herewith.

With reference to the editorial to which you refer, it is unfortunate that such editorial comment should be made without full knowledge of all the facts. It was not the length of time Forehand was absent without leave, but the intent in so absenting himself that tends to prove his desertion. His intent was clearly expressed in his statement made to the investigating officer.

There were many convictions of desertion during the war in which a much more severe sentence was imposed. It is also true that trials had since 1919 for desertion in war time have been less severely punished than for some of the desertions in time of peace, but such leniency was more in the nature of an amnesty. Soldiers may be sentenced for as much as two years' confinement for desertion in time of peace.

In some of the foreign stations where soldiers become dissatisfied with their station and desert, and especially if there are many such, it becomes necessary to impose the maximum punishment to deter others and thus prevent depletion of men assigned to duty at such stations.

In this particular case, while the period of confinement was fixed at 18 months, the dishonorable discharge was suspended. In such case when the prisoner reached the United States disciplinary barracks a study is at once made of his case with a view of determining whether or not he should be restored to duty. If he is recommended by a board of officers, who have examined him for that purpose, that he be assigned to the disciplinary battalion, his ultimate restoration to duty depends largely upon his own efforts and conduct.

If it is desired to request clemency in Forehand's behalf, such application should be made to The Adjutant General, who has control of all soldiers in confinement in the disciplinary barracks, and gives such application first consideration.

Very truly yours,

W. A. BETHUEL,
Judge Advocate General.

(Two inclosures: 1. Printed editorial. 2. Copy of record of trial of Forehand.)

Record of trial by general court-martial of private Frank Forehand, A. S. No. E-645584, Company C, Thirty-first Infantry.

INDEX.	Page.
Arraignment	7
Plea	8
Reply by Judge Advocate	17
Findings	17
Sentence (or acquittal)	18

TESTIMONY.

Name of witness.	Direct.	Cross.	Redirect.	Examination by court.	Recalled.
Prosecution:					
Cranford, R. F., sergeant....	9	10		10	
Schmerfeld, O., sergeant....	11	13			
Barrett, G. H., sergeant....	13	14		14	
Alden, C. T., major.....	15				

EXHIBITS.

	Number.	Page where introduced.

Carbon copy of the record not desired by accused.

Proceedings of a general court-martial which convened at Cuartel de Espana, Manila, P. I., pursuant to the following orders:

(Special Orders, No. 243.)

HEADQUARTERS PHILIPPINE DEPARTMENT,
Manila, P. I., October 18, 1922.

EXTRACT.

7. A general court-martial is appointed to meet at Cuartel de Espana, Manila, on October 18, 1922, or as soon thereafter as practicable for the trial of such persons as may be properly brought before it:

Lieut. Col. Walter E. Gunster, Thirty-first Infantry, law member.
Maj. Charles S. Ritchel, Thirty-first Infantry.
Capt. Benjamin H. Hensley, Thirty-first Infantry.
Capt. James E. Allison, Thirty-first Infantry.
Capt. William E. M. Devers, Medical Corps.
First Lieut. Louis B. Knight, Thirty-first Infantry.
First Lieut. Howard E. Pulliam, Thirty-first Infantry.
First Lieut. Warren C. Hamill, Thirty-first Infantry.
Capt. Clyde Kelly, Thirty-first Infantry, trial judge advocate.
First Lieut. Earl T. McCullough, Thirty-first Infantry, assistant trial judge advocate.

First Lieut. Albert G. Phillips, Thirty-first Infantry, defense counsel.
First Lieut. Walter D. Buie, Thirty-first Infantry, assistant defense counsel.

All cases now in the hands of the trial judge advocate of the general court-martial appointed by paragraph 4, Special Orders, No. 169, these headquarters, current series, will be transferred to the trial judge advocate of this court for trial.

By order of the department commander:

G. H. McMANUS,
Acting Chief of Staff.

Official:
[SEAL.]

J. T. DEAN, Adjutant.

(Special Orders, No. 273.)

HEADQUARTERS PHILIPPINE DEPARTMENT,
Manila, P. I., November 22, 1922.

[Extract.]

8. The following-named officers are detailed as additional members of the general court-martial appointed by paragraph 7, Special Orders No. 243, these headquarters, current series:

Maj. Henry B. Cheadle, Thirty-first Infantry.
First Lieut. Edgar A. Jarman, Thirty-first Infantry.

By command of Major General Read:

H. G. BISHOP, Chief of Staff.

Official:
[SEAL.]

R. K. CRAVENS, Adjutant.

(Special orders, No. 30.)

HEADQUARTERS PHILIPPINE DEPARTMENT,
Manila, P. I., February 19, 1923.

EXTRACT.

2. The following-named officers are detailed as additional members of the general court-martial appointed to meet at Cuartel de Espana, Manila, by paragraph 7, Special Orders, No. 243, Headquarters Philippine Department, 1922:

Maj. Wellborn Dent, Philippine Scouts.
Capt. Karol B. Koslowski (P. S.), Headquarters Company, Twenty-fourth Infantry Brigade.

Capt. Frank H. Partridge, Thirty-first Infantry.
First Lieut. Gottfried W. Spoerry, Thirty-first Infantry.
First Lieut. John C. MacArthur, Thirty-first Infantry.
First Lieut. John W. Childs, Service Company No. 10, Signal Corps.

By command of Major General Read:

H. G. BISHOP, Chief of Staff.

Official:

[SEAL.]

R. K. CRAVENS, Adjutant General.

(Special Orders, No. 43.)

HEADQUARTERS PHILIPPINE DEPARTMENT,
Manila, P. I., February 21, 1923.

EXTRACT.

9. So much of paragraph 2, Special Orders, No. 30, these headquarters, February 19, 1923, detailing certain officers as additional members of the general court-martial appointed to meet at Cuartel de Espana, Manila, by paragraph 7, Special Orders, No. 243, these headquarters, 1922, as relates to First Lieut. John W. Childs, Service Company No. 10, Signal Corps, is amended to read Second Lieut. John W. Childs, Service Company No. 10, Signal Corps.

By command of Major General Read:

H. C. BISHOP, Chief of Staff.

Official:

[SEAL.]

R. K. CRAVENS, Adjutant General.

CUARTEL DE ESPANA, MANILA, P. I.,

Tuesday, April 10, 1923.

The court met pursuant to the foregoing orders at 2 o'clock p. m.

Present: Maj. Henry B. Cheadle, Thirty-first Infantry; Capt. Frank H. Partridge, Thirty-first Infantry; Capt. Benjamin H. Hensley, Thirty-first Infantry; Capt. William E. M. Devers, Medical Corps; First Lieut. Edgar A. Jarman, Thirty-first Infantry; First Lieut. Howard E. Pulliam, Thirty-first Infantry; Second Lieut. John W. Childs, Service Company No. 10, Signal Corps; Capt. Clyde Kelly, Thirty-first Infantry, trial judge advocate; First Lieut. Earl T. McCullough, Thirty-first Infantry, assistant trial judge advocate.

Absent: Lieut. Col. Walter E. Gunster, Thirty-first Infantry, law member, having been transferred to the United States for duty; Maj. Wellborn Dent, Philippine Scouts, en route to the United States on leave of absence, by authority of Headquarters Philippine Department; Capt. Charles S. Ritchel, Thirty-first Infantry, on detached service at the target range, Fort William McKinley, Rizal, P. I., by order of Headquarters Philippine Department; Capt. James E. Allison, Thirty-first Infantry, having been transferred to the United States for duty; Capt. Karol B. Koslowski, Philippine Scouts, Headquarters Company, Twenty-fourth Infantry Brigade, en route to the United States on leave of absence, by authority of Headquarters Philippine Department; First Lieut. Gottfried W. Spoerry, Thirty-first Infantry, having been transferred to the Fifteenth Infantry, Tientsin, China, for duty; First Lieut. Louis B. Knight, Thirty-first Infantry, having been transferred to the United States for duty; First Lieut. John C. MacArthur, Thirty-first Infantry, having been transferred to the United States for duty; First Lieut. Warren C. Hamill, Thirty-first Infantry, having been transferred to the United States for discharge.

First Lieut. Albert G. Phillips, Thirty-first Infantry, defense counsel, on sick leave at Camp John Hay, Mountain Province, P. I., by authority of Headquarters Philippine Department.

First Lieut. Walter D. Buie, Thirty-first Infantry, assistant defense counsel, on detached service at the target range, Camp Eldridge, Laguna, P. I., by order of Headquarters Philippine Department.

The court proceeded to the trial of Pvt. Frank Forehand, Army Serial No. R-6415584, Company C, Thirty-first Infantry, who, on appearing before the court, introduced Capt. Arvid P. Croonquist, Thirty-first Infantry, as his individual counsel, and stated, upon being asked by the trial judge advocate and by his individual counsel in open court, that he did not object to proceeding with the trial in the absence of First Lieut. Albert G. Phillips, Thirty-first Infantry, defense counsel, and First Lieut. Walter D. Buie, Thirty-first Infantry, assistant defense counsel.

J. N. Noon was sworn as reporter.

The accused was informed by the trial judge advocate of his right to demand a copy of the record of the trial, and was asked whether or not he desired a copy thereof, to which he replied in the negative.

The order appointing the court and the orders modifying the detail were read to the accused.

The trial judge advocate requested that any member of the court who had formed an opinion concerning the case or any of the material facts, or who for any other reason thought himself disqualified, or was aware of any facts which he believed might cause either party to desire to challenge him, so announce, in order that he might be excused

or challenged; to which all the members of the court replied in the negative.

The trial judge advocate announced that the prosecution did not desire to challenge any member of the court, either for cause or peremptorily.

The accused was asked if he objected to being tried by any member present named in the order or modifying orders appointing the court, or desired to exercise his right to one peremptory challenge against any member (the law member being absent), to which, after being in open court advised of his right to do both or either, if he desired, he replied in the negative.

The members of the court, the trial judge advocate, and the assistant trial judge advocate were then sworn.

The accused was then arraigned upon the following charges and specifications:

Charge I: Violation of the fifty-eighth article of war.

Specification: In that Pvt. Frank Forehand, Company C, Thirty-first Infantry, did, at Manila, P. I., on or about the 9th day of March, 1923, desert the service of the United States and did remain absent in desertion until he was apprehended at Manila, P. I., on or about the 10th day of March, 1923.

Charge II: Violation of the sixty-first article of war.

Specification: In that Pvt. Frank Forehand, Company C, Thirty-first Infantry, did, at Manila, P. I., on or about the 10th day of March, 1923, fail to repair at the fixed time to the properly appointed place of assembly for prison guard.

C. S. RITCHIE,

Captain, Thirty-first Infantry.

AFFIDAVIT.

"Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above-named accused this 17th day of March, 1923, and made oath that he is a person subject to the military law and that he personally signed the foregoing charges and specifications and, further, that he has investigated the matters set forth in specifications 1, Charge I, 1, Charge II, and that the same are true in fact to the best of his knowledge and belief.

"G. S. MCCULLOUGH,

"Captain Thirty-first Infantry, Summary Court Officer."

FIRST INDORSEMENT.

"HEADQUARTERS PHILIPPINE DEPARTMENT,

"Manila, March 26, 1923.

"Referred for trial to Capt. Clyde Kelly, Thirty-first Infantry, trial judge advocate, general court martial, appointed by paragraph 7, Special Orders, No. 243, Headquarters Philippine Department, October 18, 1923.

"Employment of reporter is authorized for this case.

"By order of the department commander:

"EDWARD ROTH, JR.,

"Assistant Adjutant."

The accused then pleaded as follows:

To the specification, Charge I: Not guilty.

To Charge I: Not guilty.

To the specification, Charge II: Not guilty.

To Charge II: Not guilty.

The following paragraphs or parts of paragraphs of the Manual for Court-martial that set out the gist of each of the several offenses charged were read to the court by the trial judge advocate, to wit: The Fifty-eighth article of war, on page 342; Definitions and principles, on page 342; subheading A, on page 343; Analysis and proof, on page 344; Proof, on page 344; the Sixty-first article of war, on page 348; Definitions and principles, on page 348; Analysis and proof, on page 349; Proof, on page 349.

First Sergt. Ralph F. Cranford, Company C, Thirty-first Infantry, a witness for the prosecution, was sworn and testified as follows:

Questions by prosecution:

Q. State your full name, rank, organization, and station.—A. Ralph F. Cranford, first sergeant, Company C, Thirty-first Infantry, Cuartel de Espana, Manila.

Q. Do you know the accused in this case, Sergeant?—A. Yes, sir.

Q. Point him out and state his name.—A. (The witness indicating the accused.) Private Forehand, sir.

Q. Did the accused come to your attention in any way on or about the 10th day of March of this year?—A. Yes, sir.

Q. In what way was he brought to your attention at that time?—A. I was notified by the provost sergeant that he was absent from prison guard and to detail somebody in his place.

Q. Did you make a search of the quarters to see whether he was there?—A. Yes, sir.

Q. Did you find him?—A. No, sir.

Q. Was he authorized to be away from the company at any time that day?—A. No, sir.

Q. Did you make a notation on the morning report of this man's absence?—A. No, sir.

Q. Why was not this notation made?—A. He was not absent long enough—he was not absent 24 hours.

Q. When did you next see the accused?—A. I saw the accused on the following day, March 11.

Q. Where did you see him then?—A. Under charge of the guard.

Q. Did he stand reveille on the morning of March 10?—A. No, sir.

Q. Why didn't he?—A. He was a member of the prison guard, and he wasn't required to stand reveille.

Q. Then he was really on duty at the guardhouse; is that the idea?—A. Yes, sir.

Cross-examination:

Questions by defense:

Q. At what time in the morning of the 10th did you hear that the accused was absent from his guard?—A. At or about 7 a. m.

Q. About 7 o'clock?—A. Yes, sir; a. m.

Q. As far as you know, he was present on the 9th for all his duties?—A. Yes, sir.

Examination by the court:

Q. At what time did he report for duty as a member of the prison guard?—A. At guard mount on the morning of the 9th.

Q. On the 9th?—A. Yes, sir; he mounted guard on the morning of the 9th.

Q. He was there at that time?—A. Yes, sir.

There being no further questions, the witness was excused and withdrew.

Sergt. Christopher Schmerfeld, Company G, Thirty-first Infantry, a witness for the prosecution, was sworn and testified as follows:

Questions by prosecution:

Q. State your full name, rank, organization, and station.—A. Christopher Schmerfeld, sergeant, Company G, Thirty-first Infantry, Estado Mayor, Manila.

Q. Do you know the accused in this case, Sergeant?—A. Yes, sir.

Q. Point him out and state his name.—A. [The witness indicating the accused] Private Forehand, of Company C, Thirty-first Infantry, sir.

Q. What are your duties at the post, sergeant?—A. Post provost sergeant, sir.

Q. As provost sergeant, what are your duties here?—A. My duties are to turn out the prisoners and send them to work—to turn them over to the sentry and turn them out to work; to do the proper work that they are detailed to do, sir.

Q. On or about the 9th day of March of this year, was the accused on duty with you in any way?—A. Yes, sir; on prison guard, sir.

Q. Did he mount guard in the regular manner?—A. Yes, sir.

Q. Was he present for duty during his entire tour of guard?—A. Not the entire tour; no, sir.

Q. When was he absent?—A. He was absent on the morning of the 10th, sir.

Q. At what time did you first find he was absent?—A. I found he was absent about 10 minutes to 7, sir.

Q. How did you come to find out that he was absent right at that time, Sergeant?—A. I checked the prison guard up and called the roll—called their names, sir.

Q. The accused had been on prison guard, though, the day before?—A. On prison guard that tour of duty; yes, sir.

Q. And his tour ends ordinarily at what time?—A. At 11.30, sir; at guard mount.

Q. Did you look around the guardhouse to see whether he was there or not?—A. Yes, sir.

Q. Did you find him?—A. No, sir.

Q. Do you know whether or not the accused was excused from this duty?—A. I went to the company to find out, sir, and they told me the man was absent.

Q. Did you see him at any time after that, Sergeant?—A. Not until he was confined.

Q. What time was this?—A. That was the morning of the 11th, sir.

Q. About what time in the morning was it that you saw him?—A. When I turned the prisoners out to go to work, sir.

Q. He came out of the guardhouse then; is that it?—A. Yes, sir.

Cross-examination.

Questions by defense:

Q. As far as you were concerned, Sergeant, the man was absent on that date?—A. He was absent on the morning of the 10th, sir, from prison guard.

There being no further questions, the witness was excused and withdrew.

Sergt. George H. Barrett, Company F, Thirty-first Infantry, a witness for the prosecution, was sworn and testified as follows:

Questions by prosecution:

Q. State your full name, rank, organization, and station.—A. Sergt. George H. Barrett, Company F, Thirty-first Infantry, Estado Mayor, Manila.

Q. Do you know the accused in this case?—A. I do, sir.
 Q. Will you point him out and state his name?—A. (The witness indicating the accused.) Private Forehand, sir.
 Q. What are your duties here in the post, Sergeant?—A. Provost guard, sir.
 Q. Did you see the accused on or about the 10th day of March of this year?—A. I did, sir; I arrested the accused between 8 and 9 p. m. on the 10th, sir.
 Q. Where did you see him then?—A. Near the piers in the port area.
 Q. How was the accused dressed when you found him?—A. He was in uniform, sir.
 Q. You say he was in uniform?—A. Yes, sir.
 Q. What led you to arrest the man?—A. There was an alarm out stating that the man was A. W. O. L., sir—absent without leave.
 Q. What did you do with him after you arrested him?—A. I brought him up to the Cuartel and confined him immediately, sir.

Cross-examination:

Questions by defense:

Q. Sergeant, you said near the piers; how near the piers?—A. Less than 100 yards, sir.
 Q. Which way were they going?—A. They were standing near the water fountain across the street from the piers, sir.
 Q. Across the street from the piers, at the water fountain?—A. Yes, sir.

Q. What were they doing there?—A. They had evidently been taking a drink, sir.

Q. A drink of water?—A. Yes, sir.

Examination by the court:

Q. At the time you apprehended the accused, did he make any statement to you?—A. He did not, sir.

Q. How was the accused as to sobriety?—A. He was sober, sir.

There being no further questions, the witness was excused and withdrew.

Maj. C. T. Alden, Philippine Scouts, a witness for the prosecution, was sworn and testified as follows:

Questions by prosecution:

Q. State your name, rank, organization, and station.—A. Maj. C. T. Alden, Philippine Scouts, post of Manila, P. I.

Q. Do you know the accused in this case?—A. I remember his face, but I am not sure of his name.

Q. Do you recall seeing the accused before?—A. I do; the accused was before me when I was investigating charges of desertion against him.

Q. Did the accused make any statement at that time?—A. He did.

Q. Was the accused warned as to his rights before making any such statement?—A. He was.

Q. Can you give the substance of the warning that was given the accused?—A. He was warned that it was not necessary for him to make any statement unless he wished to; but that if he did, anything he said could be used for or against him, and that anything he said must be free and voluntary on his part, without hope of reward or immunity.

Q. Did the accused understand the warning that was given him?—A. He stated that he did.

Q. After this warning was given the accused, Major, what did the accused have to say in regard to his offense?—A. I can't recall that entirely; I know that he stated that he had had quite a hard time, being in the hospital, being treated for syphilis, I believe; that when he got out of the hospital he was horribly disgusted with the islands and the service; that he was dissatisfied with his immediate company commander, for the reason that he seemed to expect him to do things that were utterly impossible to do—or words to that effect—and that he had made up his mind to go away and not come back—as near as I can remember.

Q. You are sure that he did state, though, that he did not intend to return—that he was going away and didn't intend to come back?—A. Yes; as near as I can remember.

Q. Did he state any of the things which he considered it impossible to do in his company?—A. No; he didn't; I didn't ask him.

The defense declined to cross-examine the witness.

There being no further questions, the witness was excused and withdrew.

PROSECUTION. The prosecution rests.

DEFENSE. The defense has no witness to present. The accused does not desire to make any statement or to take the stand as a witness.

PRESIDENT. Private Forehand, it is my duty to warn you, before the court reaches its findings, that you have the right, as to each specification, first, to remain silent, in which case no inference adverse to you—that is, against you—can be drawn from such silence; second, to testify under oath as a witness, in which case you will be subject to cross-examination upon the subject matter of your direct examination or upon any matter bearing thereon; or, third, to make a statement, oral or written, not under oath, in denial or in defense, or in excuse or mitigation, and the court will give your statement such weight and

value as the court believe it is entitled to. Do you understand what I have said to you?

ACCUSED. Yes, sir.

PRESIDENT. Knowing this, which course do you wish to take?

ACCUSED. I wish to remain silent, sir.

DEFENSE. The defense rests.

PROSECUTION. Before closing I wish to call the attention of the court to the fact that the best evidence of a man's intentions are what he has to say about them, and that that is about the only way in which anybody else can arrive at a conclusion as to a man's intentions at the time he leaves or after he has gone. The accused has stated before the investigating officer that he did not intend to return when he left, which constitutes desertion.

DEFENSE. The defense submits the case without argument.

The court was closed, and upon secret written ballots, two-thirds of the members present at the time the vote was taken concurring in each finding of guilty, finds the accused:

Of the specification, charge 1, guilty.

Of charge 1, guilty.

Of the specification, charge 2, guilty.

Of charge 2, guilty.

The court was opened, and the trial judge advocate stated in the presence of the accused and his counsel that he had no evidence of previous convictions to submit.

Thereupon the trial judge advocate read to the accused the statement of accused's service, as shown on the charge sheet, and asked him whether it was correct, and whether he had any statement or correction to make concerning it, to which the accused answered that it was correct, and that he had no statement or correction to make concerning it.

The court was closed, and upon secret written ballot sentences the accused to be dishonorably discharged from the service, to forfeit all pay and allowances due or to become due, and to be confined at hard labor at such place as the reviewing authority may direct for two years, two-thirds of the members present at the time the vote was taken concurring.

The court was opened, and in the presence of the accused and his counsel the president announced the findings and sentence in open court, and announced further that the court desired it to appear in the record that paragraph 66 of the Manual for Courts-Martial had been complied with, in that punishment had been imposed only in regard to the most important aspect of the charges as drawn.

The court then, at 2.55 o'clock p. m., proceeded to other business.

HENRY B. CHEADLE,

Major, Thirty-first Infantry, President.

CLYDE KELLY,

Captain, Thirty-first Infantry, Trial Judge Advocate.

HEADQUARTERS PHILIPPINE DEPARTMENT.

Manila, P. I., April 12, 1924.

In the foregoing case of Pvt. Frank Forehand, Company C, Thirty-first Infantry, the sentence is approved, but that portion of the same which adjudges confinement at hard labor in excess of 18 months is remitted. As thus mitigated, the sentence will be duly executed, the execution of that portion thereof adjudging dishonorable discharge is suspended until the soldier's release from confinement. The Pacific Branch, United States Disciplinary Barracks, Alcatraz, Calif., is designated as the place of confinement. The soldier will be sent under proper guard to Fort Mills, Corregidor Island, for confinement until further orders.

G. W. READ,

Major General, United States Army, Commanding.

AMENDMENTS TO THE CONSTITUTION—ORDER OF BUSINESS.

The **PRESIDING OFFICER.** The question is on the motion of the Senator from New York [Mr. WADSWORTH].

Mr. JONES of Washington. Mr. President, I think we ought to have a quorum.

Mr. WADSWORTH. I am perfectly willing. Before the Senator suggests the absence of a quorum, however, I simply desire to remark—it may be impertinent of me, and perhaps I am not calling attention to anything that is new—that we have sat here for an hour and 20 minutes with a motion pending, and we have not discussed it one second.

Mr. JONES of Washington. I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Adams	Bruce	Curtis	Fess
Ashurst	Bursum	Dale	Fletcher
Borah	Cameron	Dial	Frazier
Brandegee	Capper	Dill	George
Brookhart	Caraway	Edwards	Gerry
Broussard	Copeland	Ferris	Glas

Gooding	Ladd	Pepper	Smith
Hale	Lodge	Phipps	Smoot
Harris	McKellar	Pittman	Stephens
Harrison	McNary	Ralston	Swanson
Heflin	Mayfield	Ransdell	Wadsworth
Howell	Moses	Reed, Pa.	Walsh, Mass.
Johnson, Minn.	Neely	Sheppard	Warren
Jones, Wash.	Oddie	Shields	Willis
King	Overman	Shortridge	

The PRESIDING OFFICER. Fifty-nine Senators having answered to their names, there is a quorum present. The question is upon the motion of the Senator from New York [Mr. WADSWORTH] that the Senate take up for consideration Senate Joint Resolution No. 4.

Mr. JONES of Washington. I call for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. ADAMS (when his name was called). I have a pair for the day with the junior Senator from Missouri [Mr. SPENCER]. As I do not know how he would vote, I withhold my vote.

Mr. FLETCHER (when his name was called). I have a general pair with the Senator from Delaware [Mr. BALL]. He is absent; but I understand that if present he would vote as I shall vote, so I feel at liberty to vote. I vote "yea."

Mr. GLASS (when his name was called). I have a pair with the junior Senator from Connecticut [Mr. MCLEAN]. In his absence I withhold my vote.

Mr. LODGE (when his name was called). I have a general pair with the senior Senator from Alabama [Mr. UNDERWOOD]. I transfer that pair to the senior Senator from Vermont [Mr. GREENE], and vote "yea."

Mr. SMITH (when his name was called). I have a general pair with the senior Senator from South Dakota [Mr. STELLING], which I transfer to the senior Senator from Missouri [Mr. REED], and vote "yea."

The roll call was concluded.

Mr. FLETCHER. I transfer my pair with the Senator from Delaware [Mr. BALL] to the Senator from Montana [Mr. WALSH], and vote "yea."

Mr. RANSDELL. I was requested by the senior Senator from New Mexico [Mr. JONES] to announce that he is paired with the senior Senator from Maine [Mr. FERNALD], and that if present he would vote "nay."

Mr. REED of Pennsylvania. I have a pair with the Senator from Delaware [Mr. BAYARD], which I transfer to the Senator from West Virginia [Mr. ELKINS], and vote "yea."

Mr. CURTIS. I desire to announce the following general pairs:

The junior Senator from Kentucky [Mr. ERNST] with the senior Senator from Kentucky [Mr. STANLEY];

The junior Senator from Oklahoma [Mr. HARBOLD] with the senior Senator from North Carolina [Mr. SIMMONS];

The senior Senator from Illinois [Mr. MCCORMICK] with the senior Senator from Oklahoma [Mr. OWEN]; and

The senior Senator from Rhode Island [Mr. COLT] with the junior Senator from Florida [Mr. TRAMMELL].

The result was announced—yeas 35, nays 23, as follows:

YEAS—35.

Ashurst	Fletcher	Moses	Shortridge
Borah	George	Overman	Smith
Brandegee	Harris	Pepper	Smoot
Broussard	Harrison	Phipps	Stephens
Bruce	Heflin	Ralston	Swanson
Caraway	King	Ransdell	Wadsworth
Copeland	Lodge	Reed, Pa.	Walsh, Mass.
Dial	McKellar	Sheppard	Warren
Ferris	Mayfield	Shields	

NAYS—23.

Brookhart	Dill	Hale	Neely
Bursum	Edwards	Howell	Oddie
Cameron	Fess	Johnson, Minn.	Pittman
Capper	Frazier	Jones, Wash.	Stanfield
Curtis	Gerry	Ladd	Willis
Dale	Gooding	McNary	

NOT VOTING—35.

Adams	Glass	McKinley	Stanley
Ball	Greene	McLean	Stirling
Bayard	Harbald	Norbeck	Trammell
Colt	Johnson, Calif.	Norris	Underwood
Couzens	Jones, N. Mex.	Owen	Walsh, Mont.
Cummins	Kendrick	Reed, Mo.	Watson
Edge	Keyes	Robinson	Weiler
Elkins	La Follette	Shipstead	Wheeler
Ernst	Lenroot	Simmons	
Fernald	McCormick	Spencer	

So the motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. J. Res. 4) proposing an amendment to the Constitution of the United States relative to the adoption of amendments thereto.

BRIGHT ANGEL TOLL ROAD AND TRAIL.

Mr. SMOOT. Mr. President, I ask the Senator from New York to allow the unfinished business to be temporarily laid aside, so the Chair may lay before the Senate the action of the House on Senate amendment No. 47 to the Interior Department appropriation bill.

Mr. WADSWORTH. I have no objection to temporarily laying aside the joint resolution for that purpose.

Mr. SMOOT. I ask that the Chair lay before the Senate the action of the House on the Senate amendment.

The PRESIDING OFFICER. The Chair lays before the Senate the action of the House of Representatives, which will be read.

The reading clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, U. S.,

March 13, 1924.

Resolved, That the House recedes from its disagreement to the amendment of the Senate No. 47, and concurs therein with an amendment, as follows:

In lieu of the matter proposed to be stricken out by said amendment insert: "For the construction of trails within the Grand Canyon National Park \$100,000, to be immediately available and to remain available until expended: *Provided*, That said sum may be used by the Secretary of the Interior for the purchase from the county of Coconino, Ariz., of the Bright Angel Toll Road and Trail within said park under such terms and conditions as he may deem proper, and the Secretary of the Interior is authorized to construct an approach road from the National Old Trails Highway to the south boundary of said park."

EXECUTIVE SESSION.

Mr. LODGE. Mr. President, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and the Senate (at 5 o'clock p. m.) adjourned until to-morrow, Wednesday, March 19, 1924, at 12 o'clock meridian.

AVOIDANCE OF CONFLICTS BETWEEN AMERICAN STATES.

In executive session this day the following treaty was ratified, and, on motion of Mr. Lodge, the injunction of secrecy was removed therefrom:

To the Senate:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith, authenticated by the Chilean Ministry for Foreign Affairs, which is the depositary of the original, a copy of a treaty to avoid or prevent conflicts between the American States, signed at Santiago, Chile, on May 5, 1923, by the delegates of the United States and of the other Governments represented at the Fifth International Conference of American States.

CALVIN COOLIDGE.

THE WHITE HOUSE, January 31, 1924.

THE PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, an authenticated copy each of the English, Spanish, Portuguese, and French texts of a treaty to avoid or prevent conflicts between the American States, signed at Santiago, Chile, on May 5, 1923, by the delegates of the United States and of the other Governments represented at the Fifth International Conference of American States.

The treaty was signed in one original, which is deposited in the Ministry for Foreign Affairs of the Republic of Chile, by which the authenticated copies of the four texts herewith submitted were furnished.

Respectfully submitted.

CHARLES E. HUGHES.

DEPARTMENT OF STATE,

Washington, January 30, 1924.

FIFTH INTERNATIONAL CONFERENCE OF AMERICAN STATES.

TREATY TO AVOID OR PREVENT CONFLICTS BETWEEN THE AMERICAN STATES.

The Governments represented at the Fifth International Conference of American States, desiring to strengthen progressively the principles of justice and of mutual respect which inspire the

policy observed by them in their reciprocal relations, and to quicken in their peoples sentiments of concord and of loyal friendship which may contribute toward the consolidation of such relations.

Confirm their most sincere desire to maintain an immutable peace, not only between themselves but also with all the other nations of the earth;

Condemn armed peace which increases military and naval forces beyond the necessities of domestic security and the sovereignty and independence of States; and

With the firm purpose of taking all measures which will avoid or prevent the conflicts which may eventually occur between them, agree to the present treaty, negotiated and concluded by the plenipotentiary delegates whose full powers were found to be in good and due form by the conference:

Venezuela: César Zumeta, José Austria.

Panamá: José Lefevre.

United States of America: Henry P. Fletcher, Frank B. Kellogg, Atlee Pomerene, Willard Saulsbury, George E. Vincent, Frank C. Partridge, William Eric Fowler, Leo S. Rowe.

Uruguay: Eugenio Martínez Thedy.

Ecuador: José Rafael Bustamante.

Chile: Manuel Rivas Vicuña, Carlos Aldunate Solar, Luis Barros Borgoño, Emilio Bello Codesido, Antonio Huneeus, Alcibiades Roldán, Guillermo Subercaseaux, Alejandro del Río.

Guatemala: Eduardo Poirier, Máximo Soto Hall.

Nicaragua: Carlos Cuadra Pasos, Arturo Elizondo.

United States of Brazil: Afranio de Mello Franco, Sylvino Gurgel do Amaral, Hello Lobo.

Colombia: Guillermo Valencia.

Cuba: José C. Vidal Caro, Carlos García Velez, Arístides Agüero, Manuel Márquez Sterling.

Paraguay: Manuel Gondra.

Dominican Republic: Tulio M. Cestero.

Honduras: Benjamín Villaseca Mujica.

Argentina: Manuel E. Malbrán.

Haiti: Arturo Rameau.

ARTICLE I.

All controversies which for any cause whatsoever may arise between two or more of the high contracting parties and which it has been impossible to settle through diplomatic channels, or to submit to arbitration in accordance with existing treaties, shall be submitted for investigation and report to a commission to be established in the manner provided for in Article IV. The high contracting parties undertake, in case of disputes, not to begin mobilization or concentration of troops on the frontier of the other party, nor to engage in any hostile acts or preparations for hostilities, from the time steps are taken to convene the commission until the said commission has rendered its report, or until the expiration of the time provided for in Article VII.

This provision shall not abrogate nor limit the obligations contained in treaties of arbitration in force between two or more of the high contracting parties, nor the obligations arising out of them.

It is understood that in disputes arising between nations which have no general treaties of arbitration the investigation shall not take place in questions affecting constitutional provisions, nor in questions already settled by other treaties.

ARTICLE II.

The controversies referred to in Article I shall be submitted to the commission of inquiry whenever it has been impossible to settle them through diplomatic negotiations or procedure or by submission to arbitration, or in cases in which the circumstances of fact render all negotiations impossible and there is imminent danger of an armed conflict between the parties. Any one of the Governments directly interested in the investigation of the facts giving rise to the controversy may apply for the convocation of the commission of inquiry, and to this end it shall be necessary only to communicate officially this decision to the other party and to one of the permanent commissions established by Article III.

ARTICLE III.

Two commissions to be designated as permanent shall be established with their seats at Washington (United States of America) and at Montevideo (Uruguay). They shall be composed of the three American diplomatic agents longest accredited in said capitals, and at the call of the foreign offices of those States they shall organize, appointing their respective chairmen. Their functions shall be limited to receiving from the interested parties the request for a convocation of the commission of inquiry and to notify the other party thereof immediately. The Government requesting the convocation shall appoint at the same time the persons who shall compose the com-

mission of inquiry in representation of that Government, and the other party shall likewise, as soon as it receives notification, designate its members.

The party initiating the procedure established by this treaty may address itself, in doing so, to the permanent commission which it considers most efficacious for a rapid organization of the commission of inquiry. Once the request for convocation has been received and the permanent commission has made the respective notifications, the question or controversy existing between the parties and as to which no agreement has been reached will ipso facto be suspended.

ARTICLE IV.

The commission of inquiry shall be composed of five members, all nationals of American States, appointed in the following manner: Each Government shall appoint two at the time of convocation, only one of whom may be a national of its country. The fifth shall be chosen by common accord by those already appointed and shall perform the duties of president. However, a citizen of a nation already represented on the commission may not be elected. Any of the Governments may refuse to accept the elected member, for reasons which it may reserve to itself, and in such event a substitute shall be appointed, with the mutual consent of the parties, within 30 days following the notification of this refusal. In the failure of such agreement, the designation shall be made by the President of an American Republic not interested in the dispute, who shall be selected by lot by the commissioners already appointed from a list of not more than six American Presidents, to be formed as follows: Each Government party to the controversy, or if there are more than two Governments directly interested in the dispute, the Government or Governments on each side of the controversy shall designate three Presidents of American States which maintain the same friendly relations with all the parties to the dispute.

Whenever there are more than two Governments directly interested in a controversy, and the interest of two or more of them are identical, the Government or Governments on each side of the controversy shall have the right to increase the number of their commissioners, as far as it may be necessary, so that both sides in the dispute may always have equal representation on the commission.

Once the commission has been thus organized in the capital city, seat of the permanent commission which issued the order of convocation, it shall notify the respective Governments of the date of its inauguration, and it may then determine upon the place or places in which it will function, taking into account the greater facilities for investigation.

The commission of inquiry shall itself establish its rules of procedure. In this regard there are recommended for incorporation into said rules of procedure the provisions contained in articles 9, 10, 11, 12, and 13 of the convention signed in Washington, February, 1923, between the Government of the United States of America and the Governments of the Republics of Guatemala, El Salvador, Honduras, Nicaragua, and Costa Rica, which appear in the appendix of this treaty.

Its decisions and final report shall be agreed to by the majority of its members.

Each party shall bear its own expenses and a proportionate share of the general expenses of the commission.

ARTICLE V.

The parties to the controversy shall furnish the antecedents and data necessary for the investigation. The commission shall render its report within one year from the date of its inauguration. If it has been impossible to finish the investigation or draft the report within the period agreed upon, it may be extended six months beyond the period established, provided the parties to the controversy are in agreement upon this point.

ARTICLE VI.

The findings of the commission will be considered as reports upon the disputes which were the subjects of the investigation, but will not have the value or force of judicial decisions or arbitral awards.

ARTICLE VII.

Once the report is in possession of the Governments parties to the dispute, six months' time will be available for renewed negotiations in order to bring about a settlement of the difficulty, in view of the findings of said report; and if during this new term they should be unable to reach a friendly arrangement, the parties in dispute shall recover entire liberty of action to proceed as their interests may dictate in the question dealt with in the investigation.

ARTICLE VIII.

The present treaty does not abrogate analogous conventions which may exist or may in the future exist between two or more

of the high contracting parties; neither does it partially abrogate any of their provisions, although they may provide special circumstances or conditions differing from those herein stipulated.

ARTICLE IX.

The present treaty shall be ratified by the high contracting parties in conformity with their respective constitutional procedures, and the ratifications shall be deposited in the Ministry for Foreign Affairs of the Republic of Chile, which will communicate them through diplomatic channels to the other signatory governments, and it shall enter into effect for the contracting parties in the order of ratification.

The treaty shall remain in force indefinitely; any of the high contracting parties may denounce it and the denunciation shall take effect as regards the party denouncing one year after notification thereof has been given.

Notice of the denunciation shall be sent to the Government of Chile, which will transmit it for appropriate action to the other signatory governments.

ARTICLE X.

The American States which have not been represented in the fifth conference may adhere to the present treaty, transmitting the official documents setting forth such adherence to the Ministry for Foreign Affairs of Chile, which will communicate it to the other contracting parties.

In witness whereof the plenipotentiaries and delegates sign this convention in Spanish, English, Portuguese, and French and affix the seal of the Fifth International Conference of American States, in the city of Santiago, Chile, on the 3d day of May in the year 1923.

This convention shall be filed in the ministry for foreign affairs of the Republic of Chile in order that certified copies thereof may be forwarded through diplomatic channels to each of the signatory States.

(Signed) For Venezuela: C. Zumeta, José Austria; for Panama: J. E. Lefevre; for the United States of America: Henry P. Fletcher, Frank B. Kellogg, Atlee Pomerene, Willard Saulsbury, George E. Vincent, Frank C. Partridge, William Eric Fowler, L. S. Rowe; for Uruguay: Eugenio Martínez Thedy, with reservations relative to the provisions of article 1 (first) in so far as they exclude from the investigation questions that affect constitutional provisions; for Ecuador: José Rafael Bustamante; for Chile: Manuel Rivas Vicuña, Carlos Aldunate S., L. Barros B., Emilio Bello C., Antonio Huneeus, Alcibiades Roldán, Guillermo Subercaseaux, Alejandro del Río; for Guatemala: Eduardo Poirer, Máximo Soto Hall; for Nicaragua: Carlos Cuadra Pasos, Arturo Elizondo; for the United States of Brazil: Afranio de Mello Franco, S. Gurgel do Amaral, Helió Lobo; for Colombia: Guillermo Valencia; for Cuba: J. C. Vidal Caro, Carlos García Velez, A. de Agüero, M. Márquez Sterling; for Paraguay: M. Gondra; for the Dominican Republic: Tulio M. Cestero; for Honduras: Benjamin Villaseca M.; for the Argentine Republic: Manuel E. Malbrán; for Haiti: Arthur Rameau.

APPENDIX.

ARTICLE I.

The signatory governments grant to all the commissions which may be constituted the power to summon witnesses, to administer oaths, and to receive evidence and testimony.

ARTICLE II.

During the investigation the parties shall be heard and may have the right to be represented by one or more agents and counsel.

ARTICLE III.

All members of the commission shall take oath duly and faithfully to discharge their duties before the highest judicial authority of the place where it may meet.

ARTICLE IV.

The inquiry shall be conducted so that both parties shall be heard. Consequently, the commission shall notify each party of the statements of facts submitted by the other, and shall fix periods of time in which to receive evidence.

Once the parties are notified, the commission shall proceed to the investigation, even though they fail to appear.

ARTICLE V.

As soon as the commission of inquiry is organized it shall, at the request of any of the parties to the dispute, have the right to fix the status in which the parties must remain, in order that the situation may not be aggravated and matters may

remain in statu quo pending the rendering of the report by the commission.

MANUEL RIVAS VICUÑA,
Secrétaire General.

[SEAL OF THE FIFTH PAN AMERICAN CONFERENCE.]
Está conforme.

ALBERTO CRUCHAGA,
[STAMP OF THE MINISTRY OF FOREIGN AFFAIRS OF CHILE.]

CONFIRMATIONS.

*Executive nominations confirmed by the Senate March 18
(legislative day of March 14), 1924.*

SECRETARY OF THE NAVY.

Curtis D. Wilbur to be Secretary of the Navy.

ENVOY EXTRAORDINARY AND PLENIPOTENTIARY.

Hugh S. Gibson to be envoy extraordinary and minister plenipotentiary of the United States of America to Switzerland.

PUBLIC LAND SERVICE.

J. Lindley Green to be register of the land office, Anchorage, Alaska.

PROMOTIONS IN THE ARMY.

Ernest Eddy Haskell to be colonel, Infantry.
Emmet Roland Harris to be lieutenant colonel, Cavalry.
Avery John Cooper, to be lieutenant colonel, Coast Artillery Corps.

Clinton Wilbur Howard to be major, Air Service.
Charles Manly Busbee to be major, Field Artillery.
Samuel Rivington Goodwin to be captain, Cavalry.
George Walcott Ames to be captain, Coast Artillery Corps.
Arthur Wellington Brock, jr., to be captain, Air Service.
Thomas Llewellyn Waters to be first lieutenant, Coast Artillery Corps.

Urban Niblo to be first lieutenant, Field Artillery.
Kenneth Sharp Olson to be first lieutenant, Infantry.
Iverson Brooks Summers, jr., to be captain, Adjutant General's Department.
John Hansel Pitzer to be second lieutenant, Coast Artillery Corps.

Daniel Allen Terry to be second lieutenant, Air Service.

POSTMASTERS.

MICHIGAN.

Estella R. Newcomb, Le Roy.

PENNSYLVANIA.

John N. Snyder, Williamstown.

SOUTH CAROLINA.

James D. Mackintosh, McClellanville.

TENNESSEE.

Joe Sims, Lawrenceburg.

HOUSE OF REPRESENTATIVES.

TUESDAY, March 18, 1924.

The House met at 12 o'clock noon.

Rev. William A. Lambeth offered the following prayer:

Our Father, at the mention of Thy holy name, our heads and our hearts are bowed in the stillness of reverent worship, and our inner ears become alert in the hope of hearing the sound of Thy voice within ourselves. We know that Thou art in heaven and on earth, but we need just now most a consciousness of Thy presence in our human hearts. We come also this day to dedicate whatever of power and whatever of influence which Thou hast intrusted to us to the higher interests of our beloved land. We believe that when we consecrate our power and our influence to the higher interests of our country, we are at the same time also serving the interests of the kingdom of God. These things we pray in the spirit of Him who believed that some day Thy kingdom shall prevail on this planet, Thy Son, our Savior. Amen.

The Journal of the proceedings of yesterday was read and approved.

CONSENT CALENDAR.

The SPEAKER. The order of business to-day is the Consent Calendar. The Clerk will report the first bill on the calendar.

ESTABLISHING LENGTH OF RURAL POSTAL ROUTES.

The first bill on the Consent Calendar was the bill (H. R. 4448) authorizing establishment of rural routes of from 80 to 75 miles in length.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill as follows:

Be it enacted, etc., That hereafter the Postmaster General is authorized, in his discretion, to establish motor vehicle rural routes of not less than 80 miles nor of more than 75 miles in length, carriers serving such routes who furnish and maintain their own motor vehicles to receive compensation of not less than \$2,160 and not more than \$2,600 per annum, to be based upon the length of the routes, in accordance with a schedule of compensation to be fixed by the Postmaster General.

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. HOWARD of Nebraska. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. HOWARD of Nebraska. I have a right, as I understand it, Mr. Speaker, to know what is going on in the House. I do not know what this bill is and I listened attentively and respectfully. I have no opportunity to know because of the confusion. I am not blaming the Speaker. He is always courteous and kind, but I am blaming the system under the terms of which we transact business here without giving the membership an opportunity to understand what is going on.

The SPEAKER. The Chair will wait until order is restored. The question is on the engrossment and third reading of the bill.

The question was taken; and the bill was ordered to be engrossed and read a third time.

Mr. HOWARD of Nebraska. I would like, Mr. Speaker, to cast a no vote there, if I had a chance.

The SPEAKER. The gentleman had that opportunity.

Mr. HOWARD of Nebraska. I did not know what it was, and when I do not know I am going to vote no.

The bill was read a third time.

The SPEAKER. The question is on the passage of the bill. The question was taken; and the bill was passed.

SOLDIERS' ADJUSTED COMPENSATION BILL.

Mr. GREEN of Iowa. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 7059) to provide adjusted compensation for veterans of the World War, and for other purposes, which I send to the desk.

The SPEAKER. The gentleman from Iowa moves to suspend the rules and pass the bill which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc.,

TITLE I.—DEFINITIONS.

SECTION 1. This act may be cited as the "World War Adjusted compensation act."

SEC. 2. As used in this act—

(a) The term "veteran" includes any individual, a member of the military or naval forces of the United States at any time after April 5, 1917, and before November 12, 1918; but does not include (1) any individual at any time during such period or thereafter separated from such forces under other than honorable conditions, (2) any conscientious objector who performed no military duty whatever or refused to wear the uniform, or (3) any alien at any time during such period or thereafter discharged from the military or naval forces on account of his alienage;

(b) The term "oversea service" means service on shore in Europe or Asia, exclusive of China, Japan, and the Philippine Islands; and service afloat, not on receiving ships; including in either case the period from the date of embarkation for such service to the date of disembarkation on return from such service, both dates inclusive;

(c) The term "home service" means all service not oversea service;

(d) The term "adjusted service credit" means the amount of the credit computed under the provisions of Title II; and

(e) The term "person" includes a partnership, corporation, or association, as well as an individual.

TITLE II.—ADJUSTED SERVICE CREDIT.

SEC. 201. The amount of adjusted service credit shall be computed by allowing the following sums for each day of active service, in excess of 60 days, in the military or naval forces of the United States after April 5, 1917, and before July 1, 1918, as shown by the service or other record of the veteran: \$1.25 for each day of oversea service,

and \$1 for each day of home service; but the amount of the credit of a veteran who performed no oversea service shall not exceed \$500, and the amount of the credit of a veteran who performed a. oversea service shall not exceed \$625.

SEC. 202. In computing the adjusted service credit no allowance shall be made to—

(a) Any commissioned officer above the grade of captain in the Army or Marine Corps, lieutenant in the Navy, first lieutenant or first lieutenant of engineers in the Coast Guard, or passed assistant surgeon in the Public Health Service, or having the pay and allowances, if not the rank, of any officer superior in rank to any of such grades—in each case for the period of service as such;

(b) Any individual holding a permanent or provisional commission or permanent or acting warrant in any branch of the military or naval forces, or (while holding such commission or warrant) serving under a temporary commission in a higher grade—in each case for the period of service under such commission or warrant or in such higher grade after the accrual of the right to pay thereunder. This subdivision shall not apply to any noncommissioned officer;

(c) Any civilian officer or employee of any branch of the military or naval forces, contract surgeon, cadet of the United States Military Academy, midshipman, cadet of the Coast Guard, member of the Reserve Officers' Training Corps, member of the Students' Army Training Corps (except an enlisted man detailed thereto), Philippine Scout, member of the Philippine Guard, member of the Philippine Constabulary, member of the Porto Rico Regiment of Infantry, member of the National Guard of Hawaii, member of the insular force of the Navy, member of the Samoan native guard and band of the Navy, Indian scout, female yeoman of the Navy, or female marine of the Marine Corps—in each case for the period of service as such;

(d) Any individual entering the military or naval forces after November 11, 1918—for any period after such entrance;

(e) Any commissioned or warrant officer performing home service not with troops and receiving commutation of quarters or of subsistence—for the period of such service;

(f) Any member of the Public Health Service—for any period during which he was not detailed for duty with the Army or the Navy;

(g) Any individual granted a farm, or industrial furlough—for the period of such furlough; or

(h) Any individual detailed for work on roads or other construction or repair work—for the period during which his pay was equalized to conform to the compensation paid to civilian employees in the same or like employment, pursuant to the provisions of section 9 of the act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1920, and for other purposes," approved February 28, 1919.

SEC. 203. (a) The periods referred to in subdivision (e) of section 202 may be included in the case of any individual if and to the extent that the Secretary of War and the Secretary of the Navy jointly find that such service subjected such individual to exceptional hazard. A full statement of all action under this subdivision shall be included in the reports of the Secretary of War and the Secretary of the Navy required by section 307.

(b) In computing the credit to any veteran under this title effect shall be given to all subdivisions of section 202 which are applicable.

(c) If part of the service is oversea service and part is home service, the home service shall first be used in computing the 60 days' period referred to in section 201.

(d) For the purpose of computing the 60 days' period referred to in section 201, any period of service after April 5, 1917, and before July 1, 1919, in the military or naval forces in any capacity may be included, notwithstanding allowance of credit for such period, or a part thereof, is prohibited under the provisions of section 202, except that the periods referred to in subdivisions (b), (c), and (d) of that section shall not be included.

(e) For the purposes of section 201, in the case of members of the National Guard or of the National Guard Reserve called into service by the proclamation of the President dated July 3, 1917, the time of service between the date of call into the service as specified in such proclamation and August 5, 1917, both dates inclusive, shall be deemed to be active service in the military or naval forces of the United States.

TITLE III.—GENERAL PROVISIONS.

BENEFITS GRANTED VETERANS.

SEC. 301. Each veteran shall be entitled:

(1) To receive "adjusted service pay" as provided in Title IV, if the amount of his adjusted service credit is \$50 or less;

(2) To receive an "adjusted service certificate" as provided in Title V, if the amount of his adjusted service credit is more than \$50.

APPLICATION BY VETERAN.

SEC. 302. (a) A veteran may receive the benefits to which he is entitled by filing an application claiming the benefits of this act with the Secretary of War, if he is serving in, or his last service was with, the

military forces; or with the Secretary of the Navy, if he is serving in, or his last service was with, the naval forces.

(b) Such application shall be made on or before January 1, 1928, and if not made on or before such date shall be held void.

(c) An application shall be made (1) personally by the veteran, or (2) in case physical or mental incapacity prevents the making of a personal application, then by such representative of the veteran and in such manner as the Secretary of War and the Secretary of the Navy shall jointly by regulation prescribe. An application made by a representative other than one authorized by any such regulation shall be held void.

(d) The Secretary of War and the Secretary of the Navy shall jointly make any regulations necessary to the efficient administration of the provisions of this section.

PROOF OF RIGHT TO ADJUSTED SERVICE CERTIFICATE.

SEC. 303. (a) As soon as practicable after the receipt of a valid application the Secretary of War or the Secretary of the Navy, as the case may be, shall transmit to the Director of the United States Veterans' Bureau, if the veteran is entitled to an "adjusted service certificate," the application and a certificate setting forth—

- (1) That the applicant is a veteran;
 - (2) His name and address;
 - (3) The date and place of his birth;
 - (4) That he is entitled to an adjusted service certificate; and
 - (5) The amount of his adjusted service credit.
- (b) Upon receipt of such certificate the director shall proceed to extend to the veteran the benefits provided for in Title V.

PUBLICITY.

SEC. 304. (a) The Secretary of War and the Secretary of the Navy shall, as soon as practicable after the enactment of this act, jointly prepare and publish a pamphlet or pamphlets containing a digest and explanation of the provisions of this act; and shall from time to time thereafter jointly prepare and publish such additional or supplementary information as may be found necessary.

(b) The Director of the United States Veterans' Bureau shall transmit to the Secretary of War and the Secretary of the Navy as soon as practicable after the enactment of this act full information and explanations as to the matters of which such officer has charge, which shall be considered by the Secretary of War and the Secretary of the Navy in preparing the publications referred to in subdivision (a).

(c) The publications provided for in subdivision (a) shall be distributed in such manner as the Secretary of War and the Secretary of the Navy may determine to be most effective to inform veterans of their rights under this act.

STATISTICS.

SEC. 305. Immediately upon the enactment of this act the Secretary of War and the Secretary of the Navy shall ascertain the individuals who are veterans as defined in section 2, and, as to each veteran, the number of days of overseas service and of home service, as defined in section 2, for which he is entitled to receive adjusted service credit, and their findings shall not be subject to review by the General Accounting Office, and payments made by disbursing officers of the War and Navy Departments made in accordance with such findings shall be passed to their credit.

ADMINISTRATIVE REGULATIONS.

SEC. 306. Any officer charged with any function under this act shall make such regulations not inconsistent with this act as may be necessary to the efficient administration of such function.

REPORTS.

SEC. 307. Any officer charged with the administration of any part of this act shall make a full report to Congress on the first Monday of December of each year as to his administration thereof.

EXEMPTION FROM ATTACHMENT AND TAXATION.

SEC. 308. No sum payable under this act to a veteran or to his estate, or to any beneficiary named under Title V, no adjusted service certificate, and no proceeds of any loan made on such certificate, shall be subject to attachment, levy, or seizure under any legal or equitable process or to National or State taxation.

UNLAWFUL FEES.

SEC. 309. Any person who charges or collects, or attempts to charge or collect, either directly or indirectly, any fee or other compensation for assisting in any manner a veteran in obtaining any of the benefits, privileges, or loans to which he is entitled under the provisions of this act shall, upon conviction thereof, be subject to a fine of not more than \$500 or imprisonment for not more than one year, or both.

TITLE IV.—ADJUSTED SERVICE PAY.

SEC. 401. There shall be paid to each veteran (as soon as practicable after receipt of an application in accordance with the provisions of section 302, but not before the expiration of nine months after the

enactment of this act) and in addition to any other amounts due him in pursuance of law the amount of his adjusted service credit if, and only if, such credit is not more than \$50.

SEC. 402. Payments shall be made by the Secretary of War or the Secretary of the Navy, dependent upon whether the veteran's service for which he is entitled to receive adjusted service pay was with the military forces or with the naval forces. If such service of the veteran was in both forces, he shall be paid by the Secretary of War or the Secretary of the Navy according to the force in which he first served during the compensable period.

SEC. 403. No right to adjusted service pay under the provisions of this title shall be assignable or serve as security for any loan. Any assignment or loan made in violation of the provisions of this section shall be held void. The Secretary of War and the Secretary of the Navy shall not pay the amount of adjusted service pay to any person other than the veteran or such representative of the veteran as the Secretary of War and the Secretary of the Navy shall jointly by regulation prescribe.

TITLE V.—ADJUSTED SERVICE CERTIFICATES.

SEC. 501. The Director of the United States Veterans' Bureau (hereinafter in this title referred to as the "Director"), upon certification from the Secretary of War or the Secretary of the Navy, as provided in section 303, is hereby directed to issue without cost to the veteran designated therein a nonparticipating adjusted service certificate (hereinafter in this title referred to as a "certificate") of a face value equal to the amount of 20-year endowment insurance that the amount of his adjusted service credit increased by 25 per cent would purchase, at his age on his birthday nearest the date of the certificate, if applied as a net single premium, calculated in accordance with accepted actuarial principles and based upon the American Experience Table of Mortality and interest at 4 per cent per annum, compounded annually. The certificate shall be dated, and all rights conferred under the provisions of this title shall take effect, as of the last day of the month in which the application is filed, but in no case before January 1, 1925. The veteran shall name the beneficiary of the certificate and may from time to time, with the approval of the Director, change such beneficiary. The amount of the face value of the certificate (except as provided in subdivisions (c), (d), (e), and (f) of section 502) shall be payable out of the fund created by section 503 (1) to the veteran 20 years after the date of the certificate, or (2) upon the death of the veteran prior to the expiration of such 20-year period, to the beneficiary named; except that if such beneficiary dies before the veteran and no new beneficiary is named, or if the beneficiary in the first instance has not yet been named, the amount of the face value of the certificate shall be paid to the estate of the veteran. If the veteran dies after making application under section 302, but before January 1, 1925, then the amount of the face value of the certificate shall be paid in the same manner as if his death had occurred after January 1, 1925.

LOAN PRIVILEGES.

SEC. 502. (a) A loan may be made to a veteran upon his adjusted service certificate only in accordance with the provisions of this section.

(b) Any national bank, or any bank or trust company incorporated under the laws of any State, Territory, possession, or the District of Columbia (hereinafter in this section called "bank"), is authorized, after the expiration of two years after the date of the certificate, to loan to any veteran upon his promissory note secured by his adjusted service certificate (with or without the consent of the beneficiary thereof) any amount not in excess of the loan basis (as defined in subdivision (g) of this section) of the certificate. The rate of interest charged upon the loan by the bank shall not exceed, by more than 2 per cent per annum, the rate charged at the date of the loan for the discount of commercial paper under section 13 of the Federal reserve act by the Federal reserve bank for the Federal reserve district in which the bank is located. Any bank holding a note for a loan under this section secured by a certificate (whether the bank originally making the loan or a bank to which the note and certificate have been transferred) may sell the note to, or discount or rediscount it with, any bank authorized to make a loan to a veteran under this section and transfer the certificate to such bank. Upon the indorsement of any bank and subject to regulations to be prescribed by the Federal Reserve Board, any such note secured by a certificate and held by a bank shall be eligible for discount or rediscount by the Federal reserve bank for the Federal reserve district in which the bank is located. Such note shall be eligible for discount or rediscount whether or not the bank is a member of the Federal reserve system and whether or not it acquired the note in the first instance or acquired it by transfer upon the indorsement of any other bank. Such note shall not be eligible for discount or rediscount unless it has at the time of discount or rediscount a maturity not in excess of nine months exclusive of days of grace. The rate of interest charged by the Federal reserve bank shall be the same as that charged by it for

the discount or rediscount of notes drawn for commercial purposes. Any such note secured by a certificate may be offered as collateral security for the issuance of Federal reserve notes under the provisions of section 16 of the Federal reserve act. The Federal Reserve Board is authorized to permit a Federal reserve bank to rediscount, for any other Federal reserve bank, notes secured by a certificate. The rate of interest for such rediscounts shall be fixed by the Federal Reserve Board. In case the note is sold the bank making the sale shall promptly notify the veteran by mail at his last known post-office address.

(c) If the veteran does not pay the principal and interest of the loan upon its maturity, the bank holding the note and certificate may, after the expiration of six months after the loan was made, present them to the director. The director may, in his discretion, accept the certificate and note, cancel the note (but not the certificate), and pay the bank, in full satisfaction of its claim, the amount of the unpaid principal due it, and the unpaid interest accrued, at the rate fixed in the note, up to the date of the check issued to the bank. The director shall restore to the veteran, at any time prior to its maturity, any certificate so accepted, upon receipt from him of an amount equal to the sum of (1) the amount paid by the United States to the bank in cancellation of his note, plus (2) interest on such amount from the time of such payment to the date of such receipt, at 6 per cent per annum, compounded annually.

(d) If the veteran fails to redeem his certificate from the director before its maturity, or before the death of the veteran, the director shall deduct from the face value of the certificate (as determined in section 501) an amount equal to the sum of (1) the amount paid by the United States to the bank on account of the note of the veteran, plus (2) interest on such amount from the time of such payment to the date of maturity of the certificate or of the death of the veteran, at the rate of 6 per cent per annum, compounded annually, and shall pay the remainder in accordance with the provisions of section 501.

(e) If the veteran dies before the maturity of the loan, the amount of the unpaid principal and the unpaid interest accrued up to the date of his death shall be immediately due and payable. In such case, or if the veteran dies on the day the loan matures or within six months thereafter, the bank holding the note and certificate shall, upon notice of the death, present them to the director, who shall thereupon cancel the note (but not the certificate) and pay to the bank, in full satisfaction of its claim, the amount of the unpaid principal and unpaid interest, at the rate fixed in the note, accrued up to the date of the check issued to the bank; except that if, prior to the payment, the bank is notified of the death by the director and fails to present the certificate and note to the director within 15 days after the notice, such interest shall be only up to the 15th day after such notice. The director shall deduct the amount so paid from the face value (as determined under section 501) of the certificate and pay the remainder in accordance with the provisions of section 501.

(f) If the veteran has not died before the maturity of the certificate, and has failed to pay his note to the bank holding the note and certificate, such bank shall, at the maturity of the certificate, present the note and certificate to the director, who shall thereupon cancel the note (but not the certificate) and pay to the bank, in full satisfaction of its claim, the amount of the unpaid principal and unpaid interest, at the rate fixed in the note, accrued up to the date of the maturity of the certificate. The director shall deduct the amount so paid from the face value (as determined in section 501) of the certificate and pay the remainder in accordance with the provisions of section 501.

(g) The loan basis of any certificate at any time shall, for the purpose of this section, be an amount which is not in excess of either (1) 90 per cent of the reserve value of the certificate on the last day of the current certificate year, or (2) 60 per cent of the face value of the certificate. The reserve value of a certificate on the last day of any certificate year shall be the full reserve required on such certificate, based on an annual premium for 20 years and calculated in accordance with the American Experience Table of Mortality and interest at 4 per cent per annum, compounded annually.

(h) No payment upon any note shall be made under this section by the director to any bank unless the note when presented to him is accompanied by an affidavit made by an officer of the bank which made the loan, before a notary public or other officer designated for the purpose by regulation of the director, and stating that such bank has not charged or collected, or attempted to charge or collect, directly or indirectly, any fee or other compensation (except interest as authorized by this section) in respect of any loan made under this section by the bank to a veteran. Any bank which, or director, officer, or employee thereof who, does so charge, collect, or attempt to charge or collect any such fee or compensation, shall be liable to the veteran for a penalty of \$100, to be recovered in a civil suit brought by the veteran. The director shall upon request of any bank or veteran furnish a blank form for such affidavit.

Sec. 503. No certificate issued or right conferred under the provisions of this title shall, except as provided in section 502, be negotiable or assignable or serve as security for a loan. Any negotiation, assign-

ment, or loan made in violation of any provision of this section shall be held void.

Sec. 504. Any certificate issued under the provisions of this title shall have printed upon its face the conditions and terms upon which it is issued and to which it is subject, including loan values under section 502.

ADJUSTED SERVICE CERTIFICATE FUND.

Sec. 505. There is hereby created a fund in the Treasury of the United States to be known as "the adjusted service certificate fund," hereinafter in this title called "fund." There is hereby authorized to be appropriated for each calendar year (beginning with the calendar year 1925 and ending with the calendar year 1946) an amount sufficient as an annual premium to provide for the payment of the face value of each adjusted service certificate in 20 years from its date or on the prior death of the veteran, such amount to be determined in accordance with accepted actuarial principles and based upon the American Experience Table of Mortality and interest at 4 per cent per annum, compounded annually. The amounts so appropriated shall be set aside in the fund on the first day of the calendar year for which appropriated. The appropriation for the calendar year 1925 shall not be in excess of \$100,000,000.

Sec. 506. The Secretary of the Treasury is authorized to invest and reinvest the moneys in the fund, or any part thereof, in interest-bearing obligations of the United States and to sell such obligations of the United States for the purposes of the fund. The interest on and the proceeds from the sale of any such obligations shall become a part of the fund.

Sec. 507. All amounts in the fund shall be available for payment, by the director, of adjusted service certificates upon their maturity or the prior death of the veteran, and for payments under section 502 to banks on account of notes of veterans.

TITLE VI.—PAYMENTS TO VETERAN'S DEPENDENTS.

Sec. 601. (a) If the veteran has died before making application under section 502, or, if entitled to receive adjusted service pay, has died after making application but before he has received payment under Title IV, and if the United States has not made, or is not obligated to make, any payments to any person on account of his death (either as compensation under the war risk insurance act or as insurance under such act), then the amount of his adjusted service credit shall be paid to his dependents, in the following order of preference:

- (1) To the widow or widower if unmarried;
- (2) If no unmarried widow or widower, then to the children, share and share alike;
- (3) If no unmarried widow or widower, or children, then to the mother;
- (4) If no unmarried widow or widower, children, or mother, then to the father.

(b) For the purposes of this section payments made under paragraph (2) of subdivision (g) of section 301 of the war risk insurance act shall not be considered payments made by the United States on account of the death of the veteran.

DEPENDENCY.

Sec. 602. (a) No payment shall be made to any individual under this title unless at the time of the death of the veteran such individual was dependent upon him for support.

(b) For the purposes of this section:

(1) A child of the veteran shall be presumed to have been dependent upon him at the time of his death if at such time such child was under 18 years of age;

(2) The widow, widower, father, or mother of the veteran shall be presumed to have been dependent upon him at the time of his death upon filing an affidavit to that effect with the application.

Sec. 603. (a) The payments authorized by section 601 shall be made in 10 equal quarterly installments, unless the total amount of the payment is less than \$50, in which case it shall be paid on the first installment date. No payments under the provisions of this title shall be made to the heirs or legal representatives of any dependents entitled thereto who die before receiving all the installment payments, but the remainder of such payments shall be made to the dependent or dependents in the next order of preference under section 601.

(b) Payment shall be made by the Secretary of War or the Secretary of the Navy, dependent upon whether the veteran's service for which he is entitled to receive adjusted-service credit was with the military forces or with the naval forces. If such service of the veteran was in both forces, he shall be paid by the Secretary of War or the Secretary of the Navy, according to the force in which he first served during the compensable period.

APPLICATION BY DEPENDENT.

Sec. 604. (a) A dependent may receive the benefits to which he is entitled under this title by filing an application therefor with the Secretary of War, if the last service of the veteran was with the military

forces, or with the Secretary of the Navy, if his last service was with the naval forces.

(b) Such application shall be made on or before January 1, 1928, and if not made on or before such date shall be held void.

(c) An application shall be made (1) personally by the dependent, or (2) in case physical or mental incapacity prevents the making of a personal application, then by such representative of the dependent and in such manner as the Secretary of War and the Secretary of the Navy shall jointly by regulation prescribe. An application made by a representative other than one authorized by any such regulation shall be held void.

(d) The Secretary of War and the Secretary of the Navy shall jointly make any regulations necessary to the efficient administration of the provisions of this section.

UNLAWFUL FEES.

SEC. 605. Any person who charges or collects, or attempts to charge or collect, either directly or indirectly, any fee or other compensation for assisting in any manner a dependent in obtaining any of the payments to which he is entitled under the provisions of this title shall, upon conviction thereof, be subject to a fine of not more than \$500, or imprisonment for not more than one year, or both.

ASSIGNMENTS.

SEC. 606. No right to payment under the provisions of this title shall be assignable or serve as security for any loan. Any assignment or loan made in violation of the provisions of this section shall be held void. The Secretary of War and the Secretary of the Navy shall not make any payments under this title to any person other than the dependent or such representative of the dependent as the Secretary of War and the Secretary of the Navy shall jointly by regulation prescribe.

EXEMPTION FROM ATTACHMENT AND TAXATION.

SEC. 607. No sum payable under this title to a dependent shall be subject to attachment, levy, or seizure under any legal or equitable process, or to National or State taxation.

DEFINITIONS.

SEC. 608. As used in this title—

(a) The term "dependent" means a widow, widower, child, father, or mother;

(b) The term "child" includes (1) a legitimate child; (2) a child legally adopted; (3) a stepchild, if a member of the veteran's household; (4) an illegitimate child, but, as to the father only, if acknowledged in writing signed by him, or if he has been judicially ordered or decreed to contribute to such child's support, or has been judicially decreed to be the putative father of such child;

(c) The terms "father" and "mother" include stepfathers and stepmothers, fathers and mothers through adoption, and persons who have, for a period of not less than one year, stood in loco parentis to the veteran at any time prior to the beginning of his service.

TITLE VII.—MISCELLANEOUS PROVISIONS.

SEC. 701. The officers having charge of the administration of any of the provisions of this act are authorized to appoint such officers, employees, and agents in the District of Columbia and elsewhere, and to make such expenditures for rent, furniture, office equipment, printing, binding, telegrams, telephone, law books, books of reference, stationery, motor-propelled vehicles or trucks used for official purposes, traveling expenses and per diem in lieu of subsistence at not exceeding \$4 for officers, agents, and other employees, for the purchase of reports and materials for publications, and for other contingent and miscellaneous expenses as may be necessary efficiently to execute the purposes of this act and as may be provided for by the Congress from time to time. With the exception of such special experts as may be found necessary for the conduct of the work, all such appointments shall be made subject to the civil service laws; but for the purposes of carrying out the provisions of section 305 such appointments may be made without regard to such laws until the services of persons duly qualified under such laws are available. In all appointments under this section preference shall, so far as practicable, be given to veterans.

SEC. 702. Whoever knowingly makes any false or fraudulent statement of a material fact in any application, certificate, or document made under the provisions of Title III, IV, V, or VI, or of any regulation made under any such title, shall, upon conviction thereof, be fined not more than \$1,000, or imprisoned not more than five years, or both.

SEC. 703. The Secretary of War, the Secretary of the Navy, and the Director of the United States Veterans' Bureau shall severally submit, in the manner provided by law, estimates of the amounts necessary to be expended in carrying out such provisions of this act as each is charged with administering, and there is hereby authorized to be appropriated amounts sufficient to defray such expenditures. The Director of the United States Veterans' Bureau shall also submit estimates for appropriations for the fund created by section 505.

The SPEAKER. The gentleman from Iowa moves to suspend the rules and pass the bill just reported. Is a second demanded?

Mr. COLLIER. Mr. Speaker, I demand a second.

Mr. GREEN of Iowa. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Iowa asks unanimous consent that a second be considered as ordered. Is there objection? [After a pause.] The Chair hears none. The gentleman from Iowa [Mr. GREEN] is entitled to 20 minutes and the gentleman from Mississippi [Mr. COLLIER] to 20 minutes.

Mr. GREEN of Iowa. Mr. Speaker, I ask the Chair to notify me when I have consumed five minutes. One of the greatest mistakes ever known was made when we did not dispose of the matter of the adjusted compensation to the soldiers of the late war shortly after its close. Every year, every month—I might even say at this time every day—of delay increases its difficulties and lessens the prospects of the soldiers getting anything whatever. In 1919 over a hundred bills dealing with the subject were introduced, and hundreds more have been introduced since; the Ways and Means Committee has devoted months of time to it, it has been argued and reargued, debated and discussed ad infinitum. Two bills have passed the House and one both House and Senate. Yet with all these labors and all the torrents of mingled talk, argument, and eloquence that have been poured forth in over five years we have accomplished nothing, for reasons that every Member of the House understands.

The time has now come for action, not mere words and gestures. [Applause.] Let us do something for the soldiers instead of talking about what we would like to have done. We have debated the subject over five years. Is not that enough? Why debate it longer? We want fewer words and more results. Here is a bill that can become a law. Let us pass it and get something done. [Applause.]

Now, what does this bill do? I know there are some that say it does nothing for the soldiers. I do not care to argue with those who consider the expenditure of over \$2,000,000,000 nothing. The figures (about one-half the cost of the great Civil War) are sufficient to show the absurdity of the statement. Two billions is an enormous sum except to the reckless and the improvident, and I pass to the particular provisions of the bill. Eighty-two per cent of the soldiers now living will still survive at the end of the 20-year period, and will be paid over \$1,600,000,000. The beneficiaries or the estates of those who die in the meantime will receive the full amount of their respective policies.

In order to present a bill that would become a law, the committee considered it of the utmost importance that the bill should be economically sound. For the first time we have a bill as to which no one has denied or can deny that it is economically sound. Next, the committee considered it necessary that its cost should be capable of accurate and definite determination. For the first time we have such a bill. The figures given in the report are not merely estimates in the sense that somebody believes them to be correct. They are computed according to settled actuarial principles, by an actuary of 20 years' experience, and there can be no reasonable doubt as to their correctness.

The basis of the bill is the same as in the bill which heretofore passed both Houses, \$1 a day additional compensation for home service and \$1.25 per day for "overseas" service, not to exceed in any event \$625. This basis is called the adjusted service credit. As under the former bill, the first 60 days is not considered, for the reason that the Government paid for that period on discharge of the soldier, also those to whom \$50 or less is due will be paid in cash the same as before.

The bill makes an important grant which was not conferred under the previous bill by providing for the payment of the adjusted-service credit to the dependents of those who have died before application is made, providing the Government has not paid insurance or compensation to them.

To the remaining soldiers there will be given the equivalent of a paid-up 20-year endowment insurance policy for the amount of the adjusted service credit plus 25 per cent, with interest of 4 per cent compounded annually. This certificate has a borrowing privilege after two years, which is so fully explained in the report that I do not need to go over it now.

The bill provides for the creation of a sinking fund sufficient to meet all claims arising upon the certificates. The amount required for the sinking fund will be \$100,000,000 annually. On page 4 of the report is a full statement of the necessary appropriations. For the first three years an additional amount

will be needed to pay the cash due the dependents of those who have died and those to whom \$50 or less is due. These appropriations will be made upon estimates furnished by the proper officials. The maximum amount which could be required for the first year will be \$135,000,000. It is certain to be considerably less.

The SPEAKER. The gentleman from Iowa has consumed five minutes.

Mr. GREEN of Iowa. Mr. Speaker, I ask unanimous consent that all Members may have five legislative days within which to extend their remarks in the Record.

The SPEAKER. The gentleman from Iowa asks unanimous consent that all Members have five legislative days within which to extend their own remarks in the Record upon this bill. Is there objection?

Mr. YATES. Mr. Speaker, reserving the right to object, I want to inquire whether this will be the only opportunity for those of us to speak in favor of a cash bonus?

Mr. GREEN of Iowa. It will not.

Mr. YATES. When will we get in? I want to vote for a cash bonus. [Applause.] I would like an answer to my question.

Mr. RANKIN. Mr. Speaker, I demand the regular order.

The SPEAKER. Is there objection?

Mr. BEGG. Mr. Speaker, I object.

Mr. GREEN of Iowa. Mr. Speaker, I yield two minutes to the gentleman from Massachusetts [Mr. TREADWAY].

Mr. TREADWAY. Mr. Speaker, this bill evidently is not satisfactory to either those in favor of a cash bonus or those who opposed adjusted compensation. It seems to be supported here in the hope that changes will be made when it reaches the other branch of the Congress. I think that the class of people largely interested in this measure have not had their day in court, viz., the taxpayers of the country. If I sense their view at all, the great majority of the taxpayers of the country do not favor a bonus or adjusted compensation. Therefore, it appears to me that no one favors it except a few of the membership, perhaps a majority of the membership of the House, who hope for a complete change in it before it comes back to us for final action. I think we ought to consider the interests of the taxpayers before we do the political interests of Members of Congress.

Personally I prefer to take my chance in standing by the great majority of the taxpayers. Those people want lower taxes. They are entitled to them and I conceive I am doing my best duty by the service men themselves, many of whom will be called upon to pay the bill, to vote against this measure. The assumption of a new burden, aggregating over \$2,000,000,000 is directly contrary to the expressed wish of the people for tax reduction.

I consider it is the best bill on this subject Congress has ever had before it, but being satisfactory neither to the taxpayer nor to the service man it ought not to receive the favorable consideration of the House.

I stand exactly where I always have stood in connection with this subject, for the very best of care of all those in need, the distressed, the wounded veterans, or the families and dependents of those who gave their lives in the service.

I shall be glad to see even greater efforts in their behalf made by this Congress than the present laws provide.

Further than this, I favor what I conceive to be the attitude of the vast majority of the people and of many of the ex-service men themselves, namely the lifting of the burden of taxation from the shoulders alike of the service men and the other taxpayers of the country.

Mr. COLLIER. Mr. Chairman, I yield two minutes to the gentleman from Nebraska [Mr. HOWARD].

Mr. HOWARD of Nebraska. Mr. Speaker, until this moment I had never fully realized the sad situation of the fellow who stood between the devil and the deep, blue sea. That is where I am standing now. To vote for this bill will be to give the recognition of legitimacy to a legislative bastard, conceived in the fertile brain of a professional profiteering patriot, and accouched on a damask divan in the gold room in the house of Morgan & Co., attended by a galaxy of accoucheurs appointed by Treasury Secretary Mellon and approved by the President of the United States. [Laughter and applause.]

A vote for this bill will be to indorse the administration plan to dismiss the request of the ex-service men for adjusted compensation with a promise to guarantee funeral expenses to the boys as fast as they shall die. To vote against the bill will be to deny them even that small boon.

I have no proof regarding the direction in which Jim Glibberson jumped when he saw the devil on one side of him and the deep sea on the other side. But I must make a choice. I shall

vote for the pending bill, bad as it is, hoping for and confident of the quick dawning of that new day in which this House shall be guided by sentiments of thankfulness toward the ex-service men rather than by fear of the lash of profiteering party patriots marshaled under leadership of a Secretary of the Treasury who wears the title of prince of profiteers. [Applause.]

Mr. GREEN of Iowa. Mr. Speaker, I yield half a minute to the gentleman from North Dakota [Mr. YOUNG].

Mr. YOUNG. Mr. Speaker, this bill may not satisfy the Democratic politicians, but it satisfies the ex-service men of the Nation. [Applause.] This morning I received the following telegram from Captain Streeter:

LINTON, N. DAK., March 18, 1924.

Congressman GEORGE M. YOUNG,

Washington, D. C.:

On behalf of service men of North Dakota, I approve of and request early passage of adjusted compensation measure reported by the Ways and Means Committee.

F. B. STREETER,

Department Commander American Legion.

Mr. MACLAFFERTY. And here is one from the State commander of California to the same effect.

Mr. YOUNG. I also have similar telegram of indorsement from Jack Williams, State adjutant, Fargo.

Mr. GREEN of Iowa. Mr. Speaker, I yield one minute to the gentleman from Colorado [Mr. TIMBERLAKE].

Mr. TIMBERLAKE. I have obtained this time, regretting to do so because I know many desire to speak on this subject, but as a member of the Ways and Means Committee in preparing this bill, and one who has always favored the compensation bill for ex-service men, I have asked it simply to read into the Record a telegram just received from the American Legion in my own State of Colorado:

DENVER COLO., March 17, 1924.

HON. CHARLES B. TIMBERLAKE,

Washington, D. C.:

Members of the American Legion, Department of Colorado, are depending on you to be present to-morrow, Tuesday, and vote for adjusted compensation bill. Know we can depend on you and assure you we appreciate your stand in this matter. Please do not fail us on this important occasion. Guarantee that 95 per cent Legion members of this department favor this bill.

MORTON M. DAVID,

Department Adjutant, Colorado.

The SPEAKER. The time of the gentleman from Colorado has expired.

Mr. BLANTON. Mr. Speaker, I want to ask unanimous consent that every Member may be allowed five legislative days in which to extend his remarks on this bill.

The SPEAKER. The gentleman from Texas asks unanimous consent that all Members be allowed five legislative days to extend their remarks on this bill. Is there objection?

Mr. BEGG. Mr. Speaker, I object.

Mr. COLLIER. Mr. Speaker, I yield three minutes to the gentleman from Massachusetts [Mr. TAGUE]. [Applause.]

Mr. TAGUE. Mr. Speaker, when this bill was reported out of the Committee on Ways and Means there were some members of the committee who reserved the right either to vote against this bill or to amend it on the floor of this House, but under the gag rule we have no opportunity to amend the bill.

Mr. GALLIVAN. Will the gentleman yield? This is my only opportunity to get into this discussion. I have asked the Democratic leader to let me in. I knew my colleague would, and I desire to say I propose to vote against the bill. I introduced the first bonus bill in Congress; and I, like my colleague, do not stand for this bill.

Mr. TAGUE. Mr. Speaker, therefore to-day the Members of this House must do one of two things: We must go on record of either opposing a bonus bill or accept this gag rule. I want to congratulate the minority Members who signed the report, because they have the courage of their convictions, and I want to say without fear of contradiction that in my 10 years as a Member of this House this is the most cowardly piece of legislation that has ever been put to the country. [Applause.] The chairman says for five years we have been making a mistake. Yes; and we made a mistake to-day, for by a vote of 13 to 12 we have been deprived of the opportunity of voting that which the members of the American Legion and veterans of the foreign wars and all the other veterans of the country by a majority of 75 per cent of the members have asked for—a cash bonus.

Mr. DYER. Will the gentleman yield?

Mr. YOUNG. The gentleman is mistaken.

Mr. TAGUE. I am not. I can not yield. Mr. Speaker and gentlemen of the House, there has been no evidence presented to the committee or to this House as to why this bill should pass. There is not a reason advanced upon which any Member of this House can stand upon who believes in a cash bonus to the soldier. If you think that the ex-soldiers are deceived, you are mistaken. If you think they believe in this bill, you are mistaken. If you think they are going to accept it without some protest on their part, then you are seriously mistaken. [Applause.]

Their hope in asking for the passage of this bill is that it will be amended in the other branch of Congress, and with that in mind I am, like other Members, going to vote to pass this bill.

The SPEAKER. The time of the gentleman has expired.

Mr. TAGUE. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the Record.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to revise and extend his remarks in the Record. Is there objection?

Mr. BEGG. Mr. Speaker, in view of the stand I have taken so far, I object, and I shall object to all extensions on this bill.

Mr. GREEN of Iowa. Mr. Speaker, I yield two minutes to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Speaker, I desire to indorse this bill wholeheartedly and sincerely as being the best adjusted-compensation measure that has ever been presented to this House. [Applause.] And furthermore, to answer the gentleman who has just spoken, by stating that the American Legion at no time and at no place has ever indorsed a cash feature in any bill. [Applause.] I warn the service men of the country against the effort that is apparently being undertaken to make political capital on the question of inserting a cash feature. The attitude of the Legion might as well be known from the beginning, which is the attitude of an overwhelming majority of the service men, that they do not care to be branded as mercenaries and paid off in cash and be given a quitclaim from the Government. This bill providing 20-year endowment insurance is a proper and adequate recognition of the services of the World War veterans in time of war. It is not adjusted compensation in full.

Adjusted compensation in full would cost thirty or forty billion dollars on a basis of \$10 a day, which were the average wages during the war, but this is simply a recognition of their services; it is a fulfillment of promises made by the people, by Congress, by President Harding, and by the Republican national platform, and, I imagine, by the Democratic national platform. It is the consummation of a debt of honor long overdue. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. COLLIER. Mr. Speaker, I yield three minutes to the gentleman from Missouri [Mr. DICKINSON]. [Applause.]

Mr. DICKINSON of Missouri. Mr. Speaker, it is well understood that the Democratic members of the Ways and Means Committee stood and voted for an adjusted compensation bill with cash and insurance provisions, optional to the soldier. This I heartily favored, and I have not ceased to protest against this bill in its present form, which omits a cash option. The bill now comes without right or opportunity of amendment in this House, controlled by the majority party, that controls the machinery of the House and refuses to permit an opportunity for amendment, and those who favor adjusted compensation for ex-service men are compelled to vote for the bill in its objectionable shape, hoping that when it goes to the Senate, where they can amend it, that it will be amended and come back to the House with a cash option provided therein, so that the House can vote again and for a real adjusted compensation measure desired by 95 per cent of the ex-service men, who prefer cash to insurance. It will be cheaper by a half billion dollars, but those responsible for this measure in its present shape care neither for the increased expense nor the wishes of the ex-service men. Great Britain, France, New Zealand, Australia, and Canada quickly provided for adjusted compensation for their soldiers of the World War, and yet this country, the richest country on earth, refuses here and now to submit a proper measure for the soldier boys. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. DICKINSON of Missouri. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record.

The SPEAKER. The gentleman from Ohio has given notice that he will object to all such requests.

Mr. RANKIN. Mr. Speaker, does not he have to give that notice every time a gentleman makes such a request?

The SPEAKER. Yes; he does.

Mr. RANKIN. I submit that the request should be submitted and let him make his objection.

The SPEAKER. Is there objection?

Mr. BEGG. Mr. Speaker, I object.

Mr. GREEN of Iowa. Mr. Speaker, I yield two minutes to the gentleman from Connecticut [Mr. TILSON]. [Applause.]

Mr. TILSON. Mr. Speaker, if I correctly understand the motives which prompt me to action, it is my desire in this matter, as at all times, to vote in accord with my best judgment as to what is for the best interests of my country. I freely accord to those who entertain different opinions the same honesty of purpose that is claimed by myself. I do not claim to have a monopoly of wisdom or of patriotism; so when I find myself, as on this occasion, in a somewhat slender minority it causes me to more carefully survey the field to see whether or not I may be mistaken in my honest judgment. I have therefore again gone over every phase of this proposed bonus legislation from an economic standpoint and from every other standpoint, but am compelled in all honesty to say that I can not find sound reason why I should support this bill. I yield to no man in my admiration and esteem for the man who puts on the uniform of his country and goes forth to fight its battles. He is entitled to honor and every other recognition that a grateful country can afford. This bill, however, does not honor him or properly recognize him. Leaving aside the economic effects of such a measure upon the country as a whole, of which the ex-service men themselves are so important a part, this bill does not serve the purpose or one of the principal purposes claimed for it to give recognition to the soldier in the way which will please him. It does not seem to suit anyone, and yet it is one of the principal arguments in favor of the bill that, although unsound in economics, it is worth while as a matter of expediency in order that the ex-service men may be pleased instead of being disgruntled. I do not accept this as sound in theory or in fact, but there is at least something to be said in favor of it if it could be shown that it is really satisfactory to those whom it is intended to please; but evidence on this point is lacking, while there is much on the other side. Therefore, much as I regret to oppose what is claimed to be for the soldier, there seems to be no good reason why I should support a bill that will be entirely unsatisfactory to most of the soldiers and which at the same time will produce economic and other effects harmful and far-reaching in their consequences. [Applause.] Believing this to be true, I can not bring myself to support the bill. [Applause.]

Mr. BLANTON. It satisfies Mr. FISH, of New York.

Mr. COLLIER. Mr. Speaker, I yield two minutes to the gentleman from Alabama [Mr. BANKHEAD].

The SPEAKER. The gentleman from Alabama is recognized for two minutes.

Mr. BANKHEAD. Mr. Speaker, I am one of those Members of the House who have constantly advocated the passage of an adjusted compensation bill since the proposition was first suggested. I still occupy that position, and I shall vote for this bill, but I shall do it under serious protest.

I do not believe that this bill registers the desire or the judgment of a majority of the Members of this House, and I do not believe that it registers the desire or the will of the ex-service men of this country. It is my opinion that upon a free expression of choice in this House to-day there would be an overwhelming vote in favor of a bill containing a cash-option provision. [Applause.] But we have been dragooned, so to speak, by this parliamentary maneuver, which is a species of umorality, into having no choice, those of us who differ with the provisions of this bill.

I do not blame members of the American Legion, some of them, for telegraphing messages of indorsement, because after five years of pitiful delay without relief they see no hope for anything else. And now I call on the gentleman from Iowa to answer this House, and categorically, whether he can give us any assurance that the President will approve this bill in its present form, if passed?

Mr. GREEN of Iowa. I have had no conversation whatsoever with the President, so that I do not know.

Mr. BANKHEAD. So that we may be, in this piece of legislation, riding toward another Executive veto. I protest against it in the name of the ex-service men of my district, because I know that this does not register their will on this legislation. [Applause.]

Mr. GREEN of Iowa. Mr. Speaker, I yield three minutes to the gentleman from New Jersey [Mr. BACHARACH].

The SPEAKER. The gentleman from New Jersey is recognized for three minutes.

Mr. BACHARACH. Mr. Speaker and Members of the House, I believe the membership would be interested in knowing

exactly what this adjusted compensation is going to cost the Government per year. The first year, taking care of all the provisions of the bill, it will cost \$135,000,000. After the third year it will cost \$107,000,000, and when it gets down to the twentieth year it will cost \$90,000,000.

The statement has been reiterated here that the soldiers want a cash bonus. In 1922 the bill did not carry a cash bonus, and recently in our hearings, Mr. Taylor, representing the American Legion, came before us and stated that in a vote of over 11,000 ex-service men 68 per cent were in favor of an adjusted compensation certificate, and but 11 per cent had signified their intention to borrow on the same in case of need. Mr. Bettelheim, representing the Veterans of Foreign Wars, stated that 68 per cent were in favor of the adjusted compensation certificates and but 1 per cent of the members, he believed, would borrow on their certificates. In answer to a direct question by Mr. TILSON, when asked as to the views of his organization with respect to an insurance plan without the borrowing feature—he said:

The organization leaves that in the hands of Congress—
and added:

My best judgment is the insurance certificate. * * * I believe we should have a borrowing feature the same as any other commercial insurance company.

I asked him if he meant they should be able to borrow on it the same as on any life insurance policy, and he said that was his idea.

This bill is framed along the lines of good common sense and good business judgment. It is fair to the soldier, and in the event of death it gives to his family the full value of the policy. As the gentleman from Iowa [Mr. GREEN] has stated, probably 83 per cent of the veterans covered in this bill will live to the maturity of the policies and they will get the cash at the time it will do them the most good.

As to the borrowing feature of the policies, they can borrow either through their home State bank or National bank. We have made provision so that sufficient money will be held in the Federal reserve banks, to take care of loans made by local banks, so that it will not be frozen credit.

The gentleman from North Dakota [Mr. YOUNG] spoke about taking care of the dependents of those who died. The bill makes provisions to care for the dependents of every veteran who has died prior to the passage of the bill, and they will receive in cash the full amount due the soldier for his adjusted service, something that has never heretofore been provided for. [Applause.]

The SPEAKER. The time of the gentleman from New Jersey has expired.

Mr. COLLIER. Mr. Speaker, I yield one minute to the gentleman from Tennessee [Mr. GARRETT].

The SPEAKER. The gentleman from Tennessee is recognized for one minute.

Mr. GARRETT of Tennessee. Mr. Speaker, this is not a party question, and I deplore any effort to make it so. In what I say I speak only for myself. Whatever may be one's opinion as to the question of adjusted compensation, the method by which this proposed measure is being considered can only be properly characterized by denouncing it as a parliamentary outrage.

Here you have a measure affecting more than 3,000,000 of the Nation's defenders on the one hand and every taxpayer of the United States, including the soldiers themselves, on the other hand. You propose in this tremendous legislation to devote only 20 minutes to discussion and permit no amendment whatever, and you do it in a form demanded neither by the soldier nor the taxpayer. For my part I shall not be a party to any such transaction. [Applause.]

Mr. GREEN of Iowa. Mr. Speaker, I yield half a minute to the gentleman from New York [Mr. FAIRCHILD].

The SPEAKER. The gentleman from New York is recognized for half a minute.

Mr. FAIRCHILD. Mr. Speaker, I want to say that I agree with the gentleman from Massachusetts [Mr. TAGUE] in one statement he made, that the time has come when the membership of this House must go on record for or against adjusted compensation for the soldiers. In its essential feature, a 20-year endowment policy, it is similar to the bill that passed the last Congress. The bill of the last Congress had no cash option, and this bill has no cash option. I am for adjusted compensation for the soldiers. And I want to say to my good friend, the gentleman from Massachusetts [Mr. TREADWAY], that I and many with me are for this bill, and

we hope that it will come back from the Senate without any material amendment. [Applause.]

Mr. COLLIER. Mr. Speaker, I yield one minute to the gentleman from Delaware [Mr. BOYCE].

The SPEAKER. The gentleman from Delaware is recognized for one minute.

Mr. BOYCE. Mr. Speaker, in so far as it may be possible for me to do, I intend to vote on the bill now before the House in the same spirit as the ex-service men entered the World War; that is, with a patriotic desire to serve the best interests of our country. And to this end I have determined to go over the top, although, speaking figuratively, I may be shot. A sense of duty, as I see it and not personal consequences, will control my vote against this bill. [Applause.]

Mr. GREEN of Iowa. Mr. Speaker, I yield two minutes to the gentleman from Massachusetts [Mr. ANDREW].

The SPEAKER. The gentleman from Massachusetts is recognized for two minutes.

Mr. ANDREW. Mr. Speaker, I am one of those who have always believed and always contended that our Government treated very ungenerously the men whose youth and strength were drafted into the World War, but I want to say that, for my part, I believe the bill on which we are going to be called to vote in a few minutes is not only more beneficial to the majority of the veterans than many bills which have hitherto been proposed but that it is the only bill in behalf of adjusted compensation which stands any likelihood of adoption at this session of Congress. [Applause.]

Three of my colleagues from Massachusetts have voiced their disapproval of this bill. I want to read into the Record a telegram which I have to-day received from the department adjutant of the American Legion in Massachusetts, Leo A. Spillane:

Massachusetts legionnaires urge your support of adjusted compensation measure on Tuesday calendar.

My feeling has always been that the time when the ex-service men should have received some generous adjusted compensation in the form of cash was when the war ended.

The SPEAKER. The time of the gentleman from Massachusetts has expired.

Mr. COLLIER. Mr. Speaker, I yield one minute to the gentleman from Virginia [Mr. DEAL].

The SPEAKER. The gentleman from Virginia is recognized for one minute.

Mr. DEAL. Mr. Speaker, in the brief space allotted to me I want to register my humble protest against the limitation of debate to 40 minutes by those having control of legislation upon this floor and, further, to their refusal to permit of amendments or even of extension of remarks in the Record upon a matter involving the expenditure of billions of dollars that must sooner or later be paid by the people.

I shall vote against this bill, and if I had 1,000 votes I would cast them all against the bill if for no other reasons than those which I have mentioned.

Mr. Speaker, I yield back the balance of my time, and ask unanimous consent to revise and extend my remarks in the Record.

The SPEAKER. The gentleman from Virginia asks unanimous consent to revise and extend his remarks in the Record. Is there objection?

Mr. BEGG. Mr. Speaker, I object.

Mr. COLLIER. Mr. Speaker, how much time did the gentleman yield back?

The SPEAKER. The gentleman yielded back quarter of a minute.

Mr. COLLIER. Mr. Speaker, I yield quarter of a minute to the gentleman from South Carolina [Mr. DOMINICK].

Mr. DOMINICK. Mr. Speaker, I have just enough time, I presume, to say that I am opposed to this bill and to ask that I have leave to extend my remarks in the Record and have objection made by the gentleman from Ohio.

The SPEAKER. The gentleman from South Carolina asks unanimous consent to extend his remarks in the Record. Is there objection?

Mr. BEGG. Mr. Speaker, I object.

Mr. DOMINICK. Mr. Speaker, I reserve the balance of my time. [Laughter.]

Mr. COLLIER. Mr. Speaker, I would like to know how the time stands.

The SPEAKER. The gentleman from Iowa [Mr. GREEN] has used 18 minutes and the gentleman from Mississippi [Mr. COLLIER] has used 16 minutes.

Mr. COLLIER. Mr. Speaker, I yield one minute to the gentleman from Pennsylvania [Mr. CASBY].

The SPEAKER. The gentleman from Pennsylvania is recognized for one minute.

Mr. CASEY. Mr. Speaker, what a farce this whole proceeding is. We propose to legislate on the bonus question by the passage of this bill which will cost the people of this country from two to three billion dollars under a gag rule. We are not permitted to amend the bill, we are not even permitted to discuss it, and a Member on the other side, the gentleman from Ohio [Mr. BEGG] will not even permit a Member of the House to extend his remarks in the Record. I want to say to you very frankly that in my opinion this is an outrage being perpetrated upon the American people when the merits of a bill of this magnitude can not even be discussed or amended. We will, of course, have to vote for it under the circumstances or be misunderstood.

If I had my way, I would write into this bill this afternoon a cash option which would give recognition to the confidence we have in these ex-service men and not blacken their reputations by saying we can not trust them to spend intelligently the paltry sum of \$500 or \$600. We were willing to permit them to take the responsibility and risks to defend the country but we will not trust them to handle the few paltry dollars which we propose to give them by the passage of this bill. It is the same old story over again. When we took these boys from civil life and put them in the fighting forces of the United States we promised them \$30 a month; we promised to take care of those who were near and dear to them. Yes; we promised that if they would pay from this \$30 an amount stipulated by the Government of the United States in the event of their death we would take care of their dependents. The soldier had to die for someone else to win. We now propose to say by the passage of this bill, "We are willing to again gamble with your life so that someone else may win in the event of your death." Do you not think it is about time we commenced to do something for the ex-service man himself? [Applause.]

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. COLLIER. Mr. Speaker, I yield one-half minute to the gentleman from Alabama [Mr. JEFFERS].

The SPEAKER. The gentleman from Alabama is recognized for half a minute.

Mr. JEFFERS. Mr. Speaker, we are being forced to-day to vote on a "gold brick" under a "gag" rule, and I want to say that I am one who sincerely hopes, as I vote for this thing to-day, this subterfuge, that it will be changed beneficially by the time it gets back to this House.

It is an outrage to choke off debate this way on legislation of the character affecting our ex-service people.

The SPEAKER. The time of the gentleman from Alabama has expired.

Mr. JEFFERS. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the Record so that the straw whip from Ohio [Mr. BEGG] may object.

The SPEAKER. The gentleman from Alabama asks unanimous consent to revise and extend his remarks in the Record. Is there objection?

Mr. BEGG. Mr. Speaker, I object.

Mr. MACLAFFERTY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MACLAFFERTY. Is a Member who knowingly hands a gold brick to his constituents a confidence man? [Laughter.]

Mr. COLLIER. Mr. Speaker, I yield two and one-half minutes to the gentleman from Mississippi [Mr. RANKIN].

The SPEAKER. The gentleman from Mississippi is recognized for two minutes and a half.

Mr. RANKIN. Mr. Speaker, the Democratic ex-service men of the House, and a vast majority of the other Democratic Members, are in favor of two options in this adjusted compensation bill—one providing for cash and the other providing for paid-up insurance. A cash option, if it were put into this bill—instead of the bill written by Mr. Mellon's adherents—would cost only \$1,319,519,000 if every ex-service man affected should elect to take cash, while I understand this bill will cost more than \$2,000,000,000 without giving the soldiers the proper relief.

We are going to support this bill, not because of the bill itself in its present form, but in order to get it out of the Ways and Means Committee of the House and get it over to the Senate, where it may be properly considered and amended. [Applause.]

This, Mr. Speaker, should be dubbed the Mellon bill, or the Mellon rule. This is a part of the Mellon plan, which was instituted primarily in order to defeat the adjusted compensation and prevent our doing justice to our soldiers of the recent war.

They brought the bill out under this rule, shutting off debate and amendments, in the hope that the Democratic Members would vote against it and throw it back into the Committee on Ways and Means, where they could hold it until the Senate got through with the tax bill; because they know that when this bill goes to the Senate they are going to take it up ahead of the tax bill—as the House should have done—and amend it to meet the wishes of the ex-service men of the country. I have a telegram this morning stating that out of 100 ex-service men questioned about this matter 99 of them are in favor of a cash feature. [Applause.]

Mr. Speaker, this may be a good bill for the man who is wealthy and can carry his insurance, but for the poor fellow who needs the money I fear it is going to be a sore disappointment. At the end of three years he can borrow about \$60 on a policy of a face value of \$1,000; at the end of four years, about \$90; at the end of five years, about \$120; and at the end of six years, about \$160.

When he defaults in his interest payments the Government charges him 6 per cent interest compounded annually from that time on, instead of letting him have the money at the same rate of interest it is allowing him on his policy.

Ah, Mr. Speaker, say what you please about this bill, this is the Mellon compensation bill. It is the product of the "hand of Esau and the voice of Jacob," and the ex-service men of this country are going to so regard it. [Laughter.]

Mr. GILBERT. Will the gentleman yield?

Mr. RANKIN. Yes; I yield.

Mr. GILBERT. Under the life tables what percentage of these men will live out the 20 years?

Mr. RANKIN. I am not sure how many, but from the health certificates given them by the gentleman on the majority side they are going to live a long time.

Mr. GALLIVAN. Will the gentleman yield for a second only? I am with the gentleman.

Mr. RANKIN. All right.

Mr. GALLIVAN. All I want to ask is whether the gentleman believes that instead of this bill coming from the Committee on Ways and Means it comes from Joe Miller's joke book.

Mr. RANKIN. No; it comes from the Treasury Department.

Mr. WEFALD. From J. P. Morgan.

Mr. RANKIN. This is a part of the Mellon plan. Their hope is to kill the adjusted compensation, and this was their first move, as was indicated by the speech of the gentleman from Illinois [Mr. CHINDBLOM] on yesterday, who is a member of the Ways and Means Committee and who hurried away to Illinois to vote or to register, so I am told, in a political campaign. As was indicated by his speech, they want to provoke the Democrats into voting this rule down so as to drive this bill back into the Ways and Means Committee, where they can put it on cold storage and keep it there until they get the Mellon tax bill out of the way, which gives a bonus of \$233,000,000 to the big taxpayers of the country, many of whom made their fortunes out of the war, and a bonus of more than \$300,000 to Mr. Mellon himself by remitting that amount of his 1923 taxes, which, according to his own arguments, he has already passed on to the ultimate consumer. They want that bill to get out of the way so they can bring this bill back here in such a form as to finally kill it or get it vetoed, and they have counted noses sufficiently to know that a bill that would really bring adjusted compensation could not be passed through both Houses over the President's veto. [Applause.]

Mr. Speaker, in order that the leaders on the Republican side may have an opportunity to object, I ask unanimous consent to revise and extend my remarks in the Record on the soldiers' adjusted compensation. [Laughter.]

The SPEAKER. The gentleman from Mississippi asks unanimous consent to revise and extend his remarks in the Record. Is there objection?

Mr. BEGG. I object, Mr. Speaker. [Laughter.]

Mr. GREEN of Iowa. Mr. Speaker, if the gentleman who spoke last had been at all familiar with the facts in the case he would never have made the statements which he has just issued. There is not a member of the Ways and Means Committee on the Democratic side who will say for one moment or even intimate that I have not hurried this bill along just as fast as it could be, and it is here to-day as an evidence of that fact.

Mr. RANKIN. Will the gentleman yield?

Mr. GREEN of Iowa. There is no member of the Ways and Means Committee—no Democratic member—who will make any such assertion, Mr. Speaker.

Mr. TAGUE. I challenge that statement. [Applause.]

Mr. GREEN of Iowa. The gentleman knows that I am stating the fact. I have hurried it from the very first just as much

as I could. I had a resolution before that committee at first, and if that resolution had been carried out the bill would have been on its way to the Senate six weeks ago.

Mr. TAGUE. Will the gentleman yield?

Mr. GREEN of Iowa. No. You are not stating the fact, and you know it.

Mr. JEFFERS. Then why does not the gentleman yield?

Mr. GREEN of Iowa. Mr. Speaker, in spite of the protests of these gentlemen we have the statements of thousands of soldiers who want this bill passed without any amendment and without any further debate.

Mr. SCHAFER. Will the gentleman yield?

Mr. GREEN of Iowa. They want something done, and not this miserable talk that has been going on for four or five years.

Mr. SCHAFER. Will the gentleman yield?

SEVERAL MEMBERS. No; he will not yield.

Mr. GREEN of Iowa. Gentlemen make statements that they know are not correct, because we have here the evidence of what the soldiers want in the telegrams that have been received from every State in the Union.

Mr. SCHAFER. Will the gentleman yield?

Mr. GREEN of Iowa. Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on the motion of the gentleman from Iowa—

Mr. RUBEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record.

The SPEAKER. That is not in order. The question is on the motion of the gentleman from Iowa that the rules be suspended and the bill do pass.

The question was taken.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask for a division.

Mr. GREEN of Iowa. I demand the yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 355, nays 54, answered "present" 4, not voting 18, as follows:

YEAS—355.

Abernethy	Cramton	Hastings	Lyon
Allen	Crisp	Haugen	McKenzie
Algood	Croft	Hawes	McKeown
Almon	Crosser	Hawley	McLaughlin, Mich.
Andrew	Crowther	Hayden	McLaughlin, Nebr.
Anthony	Cullen	Hersey	McLeod
Arnold	Cummings	Hickey	McNulty
Aswell	Curry	Hill, Ala.	McKynolds
Ayres	Dallinger	Hill, Md.	McSwain
Bacharach	Darlow	Hill, Wash.	McSweeney
Bankhead	Davey	Hoch	MacGregor
Barbour	Davis, Minn.	Holaday	MacLafferty
Barkley	Dempsiey	Howard, Nebr.	Madden
Beck	Denison	Howard, Okla.	Major, Ill.
Beedy	Dickinson, Iowa	Huddleston	Major, Mo.
Beers	Dickson, Mo.	Hudson	Manlove
Begg	Dickstein	Hudspeth	Mansfield
Bell	Doughton	Hull, Iowa	Mapes
Berger	Dowell	Hull, Tenn.	Martin
Bixler	Doyle	Hull, William E.	Mead
Black, N. Y.	Drane	Jacobstein	Michener
Black, Tex.	Driver	James	Miller, Ill.
Blanton	Dyer	Jeffers	Miller, Wash.
Bloom	Eagan	Johnson, Ky.	Milligan
Boies	Edmonds	Johnson, Tex.	Minahan
Bowling	Elliott	Johnson, Wash.	Mooney
Boylan	Evans, Iowa	Johnson, W. Va.	Moore, Ga.
Brand, Ga.	Evans, Mont.	Jones	Moore, Ill.
Brand, Ohio	Fairchild	Jost	Moore, Ohio
Briggs	Fairfield	Kearns	Morehead
Brown, Wis.	Faust	Kelly	Morgan
Browning	Fawcett	Kendall	Morin
Bryan	Fish	Kent	Morris
Buchanan	Fisher	Kerr	Morrow
Buckley	Fitzgerald	Ketcham	Murphy
Bulwinkle	Fleetwood	Kless	Nelson, Wis.
Burdick	Foster	Kincheloe	Newton, Mo.
Burtess	Frear	Kindred	Nolan
Bushy	Free	King	O'Brien
Byrnes, S. C.	French	Kopp	O'Connell, N. Y.
Cable	Frothingham	Kunz	O'Connell, R. I.
Campbell	Fulbright	Kurtz	O'Connor, La.
Cannfield	Fulmer	Kvale	O'Connor, N. Y.
Cannon	Funk	LaGuardia	O'Sullivan
Carew	Garber	Lampert	Oldfield
Carter	Gardner, Ind.	Lankford	Oliver, N. Y.
Casby	Garner, Tex.	Larsen, Ga.	Palise
Chandler	Gasque	Larson, Minn.	Park, Ga.
Chapman	Gerau	Larson, Minn.	Park, Ark.
Chapman	Gibson	Lea, Calif.	Patterson
Clark, Fla.	Gilbert	Leatherwood	Peavey
Clary	Glattefer	Leavitt	Peary
Cole, Iowa	Goldborough	Lee, Ga.	Pertman
Cole, Ohio	Green, Iowa	Lilly	Porter
Collins	Greenwood	Lindsay	Post
Colton	Griest	Little	Prall
Connally, Tex.	Griffin	Longworth	Purcell
Connelly	Hadley	Lowrey	Quayle
Connelly, Pa.	Hammer	Lowrey	Quinn
Cook	Hardy	Lowrey	Ragon
Cooper, Ohio	Hampton	Lowrey	Raney
Cooper, Wis.	Hampton	Lowrey	Raker
	Hampton	Lowrey	Ramseyer

Rankin	Scott	Sweet	Watres
Ransley	Sears, Fla.	Swing	Weaver
Rathbone	Sears, Nebr.	Swoope	Wefald
Rayburn	Shallenberger	Taber	Weller
Reece	Sherwood	Tague	Welsh
Reed, Ark.	Shreve	Taylor, Colo.	Wertz
Reed, N. Y.	Simmons	Taylor, Tenn.	White, Kans.
Reid, Ill.	Stclair	Taylor, W. Va.	White, Me.
Richards	Sinnett	Thatcher	Williams, Ill.
Roach	Sites	Thomas, Ky.	Williams, Mich.
Robinson, Iowa	Smith	Thomas, Okla.	Williamson
Robson, Ky.	Smithwick	Thompson	Wilson, Ind.
Rogers, Mass.	Speaks	Tillman	Wilson, La.
Romjue	Sproul, Ill.	Timberlake	Wilson, Miss.
Rosenbloom	Sproul, Kans.	Tincher	Wingo
Rouse	Stalker	Tydings	Winters
Rubev	Stedman	Underwood	Wolf
Sabath	Stunglo	Vaile	Wood
Salmon	Stephens	Vare	Woodruff
Sanders, Ind.	Stevenson	Vestal	Wright
Sanders, N. Y.	Strong, Kans.	Vincent, Mich.	Wurzbach
Sanders, Tex.	Strong, Pa.	Vinson, Ga.	Wyant
Sandlin	Sullivan	Vinson, Ky.	Yates
Schafer	Summers, Wash.	Voigt	Young
Schall	Summers, Tex.	Ward, N. C.	Zihlman
Schneider	Swank	Watkins	

NAYS—54.

Ackerman	Deal	Luce	Snyder
Aldrich	Dominick	Magee, N. Y.	Temple
Bacon	Drewry	Magee, Pa.	Tilson
Bland	Fenn	Merritt	Tinkham
Box	Freeman	Mills	Treadway
Boyce	Garrett, Tenn.	Montague	Underhill
Browne, N. J.	Garrett, Tex.	Moore, Va.	Wadsworth
Burton	Gifford	Moore, Ind.	Ward, N. Y.
Butler	Graham, Pa.	Nelson, Me.	Watson
Byrns, Tenn.	Hooker	Newton, Minn.	Williams, Tex.
Clarke, N. Y.	Hull, Morton D.	Parker	Winslow
Collier	Humphreys	Perkins	Woodrum
Corning	Latham	Phillips	
Davis, Tenn.	Leibach	Seger	

ANSWERED "PRESENT"—4.

Gallivan	Snell	Tucker	Wason
----------	-------	--------	-------

NOT VOTING—18.

Anderson	Johnson, S. Dak.	McDuffie	Rogers, N. H.
Britten	Kahn	McFadden	Stegall
Chindblom	Knutson	Michaelson	Upshaw
Fredericks	Lieberger	Oliver, Ala.	
Greene, Mass.	McClintic	Reed, W. Va.	

So, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

On the vote:

Mr. Johnson of South Dakota and Mr. Fredericks (for) with Mr. Snell (against).

Mr. Chindblom and Mr. Lieberger (for) with Mr. Tucker (against).

Mr. Rogers of New Hampshire and Mr. McClintic (for) with Mr. Wason (against).

Mr. Greene of Massachusetts and Mr. Steagall (for) with Mr. McDuffie (against).

Mr. McDuffie and Mr. Upshaw (for) with Mr. Gallivan (against).

Mr. JEFFERS. Mr. Speaker, I am authorized to state that if my colleague, Mr. OLIVER of Alabama, had been present, he would have voted for the bill. Mr. OLIVER is out of the city on important business, having already been granted leave of absence.

Mr. SNELL. Mr. Speaker, I have a pair with the gentleman from South Dakota, Mr. JOHNSON. I desire to withdraw my vote of "no" and answer "present."

Mr. VINSON of Georgia. Mr. Speaker, my colleague from Georgia, Mr. UPSHAW, is absent. He asked me to announce that if he were present, he would vote "yea."

Mr. GALLIVAN. Mr. Speaker, I have been earnestly requested to pair, much against my desire; but it appears that Mr. McDUFFIE and Mr. UPSHAW, on the Democratic side of the House, are both absent. If they were present, they would vote for this proposition. I have already voted against it; therefore I withdraw my vote of "no" and consent, against my desire, to this pair.

Mr. TUCKER. Mr. Speaker, I was paired on this question with the gentleman from Illinois, Mr. CHINDBLUM, and the gentleman from California, Mr. LIEBERGER. I was paired with the understanding that if I got back here to-day in time to vote I should have that privilege, provided I could transfer the pair. Not being able to do that, I have declined to vote. If these gentlemen were present, I should vote "no" and they would vote "aye." As it is, I vote "present."

Mr. SPROUL of Illinois. Mr. Speaker, my colleague, the gentleman from Illinois, Mr. MICHAELSON, is unavoidably detained. Had he been here to-day, he would have voted "yea" on this compensation bill.

The result of the vote was announced as above recorded.

CHANGE OF REFERENCE—FEDERAL HIGHWAY ACT.

The SPEAKER. The bill (H. R. 63) to amend section 11 of the Federal highway act, approved November 2, 1921, was referred to the Committee on the Post Office and Post Roads. That was obviously a mistake. The chairman of that commit-

tee and the chairman of the Committee on Roads are both agreed that it should be referred to the Committee on Roads. Without objection, that change of reference will be made. There was no objection.

ENROLLED BILLS SIGNED.

Mr. ROSENBLOOM, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 6420. An act to extend the time for the construction of a bridge across the Mississippi River in section 17, township 28 north, range 23 west of the fourth principal meridian, in the State of Minnesota;

H. R. 5633. An act granting the consent of Congress to the Board of Supervisors of Hinds County, Miss., to construct a bridge across the Pearl River in the State of Mississippi;

H. R. 5737. An act granting the consent of Congress to the county of Kankakee, State of Illinois, and the counties of Lake and Newton, State of Indiana, to construct, maintain, and operate a bridge and approaches thereto across the Kankakee River at or near the State line between section 19, township 31 north, range 15 east of the third principal meridian, in the county of Kankakee, State of Illinois, and section 1, township 31 north, range 10 west of the second principal meridian, in the counties of Lake and Newton, State of Indiana; and

H. R. 6925. An act granting the consent of Congress to the city of Chicago to construct a bridge across the Calumet River at or near One hundred and thirtieth Street in the city of Chicago, county of Cook, State of Illinois.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committee, as indicated below:

S. 1787. An act authorizing the extension of the park system of the District of Columbia; to the Committee on the District of Columbia.

S. 514. An act authorizing the Secretary of War to grant a right of way over the Government levee at Yuma, Ariz.; to the Committee on Military Affairs.

APPOINTMENT OF SPEAKER PRO TEMPORE.

The SPEAKER. The Chair expects to go away to-morrow and designates the gentleman from Connecticut [Mr. TILSON] to act as Speaker pro tempore until he returns.

MAIL MESSENGER SERVICE.

The next business on the Consent Calendar was the bill (H. R. 6482) authorizing the Postmaster General to contract for mail messenger service.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HULL of Iowa. Mr. Speaker, reserving the right to object, I ask the gentleman in charge of the bill if he is willing to permit an amendment striking out the right of the third-class postmasters to make a contract with the Government.

Mr. SPROUL of Illinois. Mr. Speaker, I have a committee amendment which will take care of that proposition.

The SPEAKER. Is there objection?

Mr. HOWARD of Nebraska. Mr. Speaker, I do not know that I object, because I do not know what it is.

The SPEAKER. The Chair will state to Members that this calendar, of course, has been printed for several days, and all Members have had an opportunity to familiarize themselves with what is on the calendar.

Mr. HOWARD of Nebraska. But I can not hear.

The SPEAKER. The Clerk will again report the title of the bill.

The Clerk again reported the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none, and the Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That hereafter postmasters may be designated by the Postmaster General as disbursing officers for the payment of mail messengers and others engaged under their supervision in transporting the mails: Provided, That in the discretion of the Postmaster General, postmasters, assistant postmasters, and clerks at post offices of the third and fourth classes may enter into contracts for the performance of mail messenger service, and allowance may be made therefor from the appropriations for mail messenger service: Provided further, That the total amount payable under such contract to any postmaster, assistant postmaster, or clerk shall not exceed \$300 in any one year: Provided further, That hereafter special delivery messengers at post offices of all classes may enter into contracts for mail messenger service.

Mr. SPROUL of Illinois. Mr. Speaker, I offer the following committee amendment, which I send to the desk.

The Clerk read as follows:

Committee amendment: Amend by striking out of line 7, page 1, the word "postmasters," and, in line 8, strike out the words "and fourth class," and insert, following the word "third," the following: "class and postmasters, assistant postmasters, and clerks at post offices of the fourth class."

Mr. McKEOWN. Mr. Speaker, will the gentleman yield?

Mr. SPROUL of Illinois. Yes.

Mr. McKEOWN. What does this do to the bill?

Mr. SPROUL of Illinois. It simply does not permit the third-class postmasters to enter into a contract for special delivery service, and leaves it to the clerks and to the carriers to enter into that contract.

Mr. McKEOWN. They can not make a contract?

Mr. SPROUL of Illinois. The third-class postmaster can not. There are only about four or five hundred of those offices that would be affected.

Mr. McKEOWN. I was wondering what the reason was for not giving them the same rights.

Mr. SPROUL of Illinois. The fact is that they entered into contracts with the department and took that work away from the carriers and the clerks who should have the contract.

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. BLANTON. Mr. Speaker, I move to strike out the last word. I would have objected to this bill but for this fact: The class of postmasters which this bill relieves are those who are the most poorly paid of all of the employees of the Government.

Mr. SPROUL of Illinois. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. SPROUL of Illinois. There are 19,000 offices affected by this bill.

Mr. BLANTON. I know it.

Mr. SPROUL of Illinois. And if it is not passed there will be no special messenger service after the 1st of July.

Mr. BLANTON. I know it. I am for the bill; I am speaking for it, because nobody spoke for it. I wanted to say a word for it. I was just saying to all of my friends, including the gentleman from Illinois, that the only reason that I am for the bill is that the particular postmasters affected by it are those who are the most poorly paid of all of the Government employees.

Mr. SPROUL of Illinois. Fourth-class postmasters.

Mr. BLANTON. Yes; fourth-class postmasters, about 19,000 of them, some of whom do not get enough for their services to pay for the food they eat, much less the clothing they wear. This will give them an opportunity to employ some member of their family as a messenger to perform service in connection with their office. It, in fact, adds just a little to the remuneration that they now receive; therefore I am for it, and therefore, when my distinguished friend from Illinois told me about his amendment, I told him there would be no objection from one of the Members of Congress who sometimes objects to such bills.

But I want to say to the distinguished gentleman from Nebraska [Mr. HOWARD] that if he expects to know something about these numerous bills that appear on the Consent Calendar, some appropriating millions of dollars, and if he expects to object to them when they are improper bills, he must do his investigating and find out about them before the House meets to take them up. He must go to the document room and get the bills as soon as they are reported; he must take them to his office when they appear on these calendars; he must spend some of his office time on them instead of writing interesting editorials for his newspapers in going over those bills to find out what they contain. [Applause.] Then, when they are called up, he may rise in his seat and say, "Mr. Speaker, I object to that bill because I know what is in it, and know it ought not to pass," and when he objects to it once and it comes back on the calendar, if it is a bad bill he will find the gentleman from Texas, at least, and probably the required one other man in the House, helping him to put it off of the calendar the second time, and then it will later have to come up regularly in the usual order. The gentleman from Nebraska [Mr. HOWARD] is going to be a very valuable man in this House before the year is out. [Laughter.] I imagine he is going to find out something about these bills that pass

here so hurriedly, and I imagine he is not going to allow them to be passed here two or three per minute, as they have done in years gone by, because he is going to stand up here and insist on knowing what is in them, and that is what every one of us ought to do when we vote for a bill. [Applause.]

Mr. HOWARD of Nebraska. Mr. Speaker, just a moment. I rise in opposition to things generally. [Laughter and applause.] First of all, I want to pay thanks to my dulcet-toned friend from Texas, and I want him to know I have been sitting at the feet of Gamaliel in these matters. He is the real thing, and I am going to profit upon that juxtaposition to his feet upon these matters, and I want him to know it. [Laughter and applause.]

The bill was ordered to be read a third time, was read the third time, and passed.

REGISTERED MAIL MATTER.

The next business on the Consent Calendar was the bill (H. R. 6352) to authorize the Postmaster General to fix the fees chargeable for registration of mail matter, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. HULL of Iowa. Mr. Speaker, reserving the right to object—I do not expect to object, but I desire to ask what change does this make in the present law?

Mr. KELLY. Mr. Speaker, in answer to the question of the gentleman from Iowa I will say that in this bill the wording is identical with section 3927 of the Revised Statutes with the exception of the provision raising the limit of indemnity to \$1,000 instead of \$100 as at present, and also gives the Postmaster General the power to fix fees instead of the maximum limit of 20 cents, which is a new provision.

Mr. STENGLE. Mr. Speaker, I object.

Mr. KELLY. I hope the gentleman will not object until this matter is further explained.

Mr. BLANTON. There are a dozen over here holding in reserve the right to object if the gentleman does not.

Mr. KELLY. Of course, if there is objection, it should be made now.

The SPEAKER. The gentleman from New York objects.

CONFERENCES FOR CONTROL OF NARCOTIC DRUGS.

The next business on the Consent Calendar was House Joint Resolution 195, authorizing an appropriation for the participation of the United States in two international conferences for the control of the traffic in habit-forming narcotic drugs.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the present consideration of this joint resolution?

Mr. PORTER. Mr. Speaker, I ask unanimous consent that the resolution be passed without prejudice.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that the joint resolution be passed without prejudice. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, what is the gentleman's idea of passing it over now? Why not thresh it out now?

Mr. PORTER. We have a representative in Europe who will be back in about a week from now, and he will probably have a little more information on the subject as to whether we will have two conferences or one.

Mr. BLANTON. This resolution appropriates \$40,000 to pay the expenses of five people over to these conferences, which is about \$8,000 apiece. That is pretty high for expenses.

Mr. PORTER. Well, that is hardly a fair statement of it.

Mr. BLANTON. Well, how many are going?

Mr. PORTER. That is a matter entirely with the President.

Mr. BLANTON. Mr. Speaker, I object.

The SPEAKER. The gentleman from Texas objects.

CERTIFICATES OF CITIZENSHIP TO INDIANS.

The next business on the Consent Calendar was the bill (H. R. 6355) to authorize the Secretary of the Interior to issue certificates of citizenship to Indians.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized, in his discretion, under regulations to be prescribed by him, to issue a certificate of citizenship to any noncitizen Indian born within the territorial limits of the United States who may make application therefor, and, upon the issuance of such certificate to any Indian, he or she shall become a full citizen of the United States:

Provided, That the issuance of a certificate of citizenship shall not in any manner impair or otherwise affect the right of any Indian to tribal or other property.

The committee amendment was read, as follows:

Page 1, line 8, strike out the words "become a full" and insert in lieu thereof "be a."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

AMENDING ACT FOR DIVISION OF LANDS AND FUNDS OF OSAGE INDIANS IN OKLAHOMA.

The next business on the Consent Calendar was the bill (H. R. 6483) amending an act entitled "An act for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes," approved June 28, 1906, and acts amendatory thereof and supplemental thereto.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That any right to or interest in the lands, money, or mineral interests, as provided in the act of Congress approved June 28, 1906 (34 Stat. L. p. 539), entitled "An act for the for other purposes," and in acts amendatory thereof and supplemental thereto, vested in, determined, or adjudged to be the right or property of any person not an Osage Indian by blood, shall be subject to sale, assignment, and transfer under such rules and regulations as the Secretary of the Interior may prescribe.

The committee amendments were read as follows:

Page 2, line 5, strike out the word "Osage."

Page 2, line 5, after the word "blood" strike out the word "shall" and insert in lieu thereof the words "may with the approval of the Secretary of the Interior and not otherwise."

Page 2, line 7, after the word "be," strike out the words "subject to sale, assignment" and insert in lieu thereof "sold, assigned,"

Page 2, line 7, after the word "and," strike out the word "transfer" and insert in lieu thereof the word "transferred."

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER. The Clerk will report the next bill.

COLLECTION AND PUBLICATION OF COTTON STATISTICS.

The next business on the Consent Calendar was the bill (S. 2113) to amend the act entitled "An act authorizing the Director of the Census to collect and publish statistics of cotton," approved July 22, 1912.

The title of the bill was read.

The SPEAKER. Is there objection to the consideration of this bill?

Mr. CRAMTON. Reserving the right to object, Mr. Speaker, I notice the title of the bill sets forth that it is "to amend the act entitled 'An act to authorize the Director of the Census to collect and publish statistics of cotton,' approved July 22, 1912, whereas, as a matter of fact, the bill does not at all expressly amend the act in question, but, on the contrary, in section 7, repeals the act of 1912, so that this is a new act. There is nothing in the bill to indicate and nothing in the report—a report of seven or eight lines—nothing to indicate what it is going to cost. It seems to me the House should have more information.

Furthermore, the terms of the bill not only authorize but direct the Director of the Census to collect these voluminous statistics every two weeks through a large portion of the year. That seems to me equivalent to an appropriation, because you authorize and you direct; you order a department to do something. Even if you do not carry the money in your bill, there is no discretion apparently left to the department. I want to ask the gentleman from Mississippi [Mr. RANKIN] if he will not be agreeable to passing this over, without prejudice, for the present, until some further examination can be made?

Mr. RANKIN. I want to make an explanation to the gentleman from Michigan, and I think it will satisfy him.

Mr. CRAMTON. Personally I would rather have it go over until I can have a chance to compare it.

Mr. RANKIN. If the gentleman would like for me to go into the details and explain the reason for this legislation, I shall be glad to do so. This bill has the approval of the Director of the Census.

Mr. CRAMTON. I have never known anything that is going to cost money that did not have the approval of the department. I have in one hand the act of 1912 and in the other hand

I have that which is said to be, by the title, an amendment. Manifestly it is an extension of the service, and there is no report from the department that favors it, no statement as to what it will cost.

Mr. RANKIN. I will say to the gentleman for his information that the department not only approved this bill but wrote it at our suggestion and with our approval. Mr. Steuart came before our committee and went over it with us. I mean a committee of Representatives from the cotton States, of which I am chairman.

Mr. CRAMTON. The man who wrote it probably never drafted a bill before. The title has nothing to do with the bill.

Mr. RANKIN. He not only wrote it, but submitted it to the legal department, and the legal officer approved it. Those amendments are merely interpolations. He took the old bill and where these new changes were put in there he cut the bill and interlined it. He submitted that to his legal officer in the department and he approved it.

Mr. BEGG. I should like to ask the gentleman why the Bureau of Statistics should gather this information rather than the Department of Agriculture?

Mr. RANKIN. I will be glad to answer that. In the first place the Department of Agriculture does not gather ginner's statistics. That comes under the Bureau of the Census. The ginner's report is the only accurate report you can possibly get touching the cotton crop.

Mr. BEGG. Does not or, if it does not, should not the Department of Agriculture get the statistics on the amount of cotton ginned annually just as it does the amount of wheat and corn and any other crop?

Mr. RANKIN. The Department of Agriculture makes the report on cotton crop conditions, and the Bureau of the Census, after it collects statistics as to the number of bales ginned, turns its information over to the Department of Agriculture for its use in arriving at its conclusions as to the cotton crop that is likely to be made. The ginner's report is the only report that can be relied upon. It is not guesswork. The number of bales ginned by the ginner is reported to the Census Bureau.

These ginner's reports come out once a month. Since the boll weevil invaded the South these radical changes sweep over the country sometimes in a few days, and the ginner's reports do not register those changes as they occur. In order to give as nearly as possible exact information to the farmers of the country, to the spinners of the country, to business men of the country, and to the public generally, we worked out this proposition of having these ginner's reports made every two weeks during that critical period of crop development when it was passing through the period of production, being picked and put on the market. We submitted this to the Director of the Census and he came and went over it with us carefully. He suggested some changes and we suggested some.

Every business in the country that is interested in the cotton business that I know anything about, every farmer's organization in the country, approves it. He submitted it to his legal department, and then sent it back to the committee; and Senator HARRIS, who was on this committee with me and worked on it, introduced the bill in the Senate, and I introduced it in the House. It passed the Senate and I had his bill substituted for mine in the Census Committee, and we reported it favorably.

Mr. BEGG. I will say to the gentleman that I am in sympathy with the purpose of the bill. It is right in the line of what the Departments of Agriculture, State and National, are trying to do, and in fact there is an international organization that undertakes to do the same thing. But I question the wisdom of building up a duplicate machine in the Department of the Census for the purpose of collecting and gathering and collating duplicate statistics.

Mr. RANKIN. What does the gentleman mean by "duplicate statistics"?

Mr. BEGG. It has heretofore been done annually.

Mr. RANKIN. It has been made annually for 40 years. This is the Census Bureau.

Mr. BEGG. I understand this is the Census Bureau, but does not the Department of Agriculture maintain a force for the same purpose?

Mr. RANKIN. No; the Department of Agriculture does not have a force for the same purpose. The information which the Department of Agriculture receives comes largely through the mail and is merely as to crop conditions. These reports do not relate to crop conditions.

Mr. BEGG. Does not the Department of Agriculture get a report as to crop results as well as crop conditions?

Mr. RANKIN. That department only gets it from the ginner's reports; that is, so far as the number of bales of cotton is concerned.

Mr. BEGG. I will say to the gentleman that I am not going to object to his bill, but I think it is a mistake to expand the Census Bureau for the purpose of doing the work which, it seems to me, should be done by the Department of Agriculture.

Mr. RANKIN. The Department of Agriculture will frankly tell you that it can not take this away from the Bureau of the Census.

Mr. BLANTON. Will the gentleman from Mississippi yield?

Mr. RANKIN. Yes.

Mr. BLANTON. You gentlemen ought not to be surprised at the display of ignorance by the gentleman from Ohio as to cotton production and we should not be much surprised at such a display on the part of the gentleman from Michigan. I hope the gentleman from Michigan will not object to this bill.

Mr. CRAMTON. That sort of argument is not likely to conduce to that result.

Mr. BLANTON. The gentlemen know about everything else on earth except as to cotton production.

Mr. CRAMTON. Well, let us get back to the bill and away from ignorance of Members. Can the gentleman from Mississippi give a definite statement, upon authority, as to the comparative cost under the present system and under the proposed bill?

Mr. RANKIN. I will say to the gentleman that there will be some extra cost, but I do not know how much. I am not prepared to say what the extra cost will be, although I submit there ought to be very little extra cost under this bill.

Mr. CRAMTON. I will say to the gentleman that I have made a hurried comparison of it and, as far as I can see, there are only two additional periods named, 10 in the present law and 12 in the proposed bill.

Mr. RANKIN. I think the gentleman from Michigan will find that possibly there are four, maybe only two or three. But let me say to him that we now have these ginner's reporters all over the country. We have them in every county, and, so far as that is concerned, we could get this information by franked cards, and it would be very little trouble.

Mr. CRAMTON. It does not involve any new field force?

Mr. RANKIN. I do not think it would involve any additional force, and it will not put another man on the pay roll.

Mr. CRAMTON. It is just a compilation of the information after it is received?

Mr. RANKIN. Yes; largely. There will be some extra work under it, but very little extra expense.

Mr. CRAMTON. I take it the gentleman would not object to putting the title into such shape as to properly describe the act, which can very easily be done. I do not object, Mr. Speaker.

Mr. RANKIN. I would not object to that.

Mr. BANKHEAD. Let us have the regular order, Mr. Speaker.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Director of the Census be, and he is hereby, authorized and directed to collect and publish statistics concerning the amount of cotton ginned; the quantity of raw cotton consumed in manufacturing establishments of every character; the quantity of baled cotton on hand; the number of active consuming cotton spindles; the number of active spindle hours; and the quantity of cotton imported and exported, with the country of origin and destination.

SEC. 2. That the statistics of the quantity of cotton ginned shall show the quantity ginned from each crop prior to August 1, August 15, September 1, September 15, October 1, October 15, November 1, November 15, December 1, December 15, January 15, and March 1: *Provided,* That the Director of the Census may limit the canvasses of August 1 and August 15 to those sections of the cotton-growing States in which cotton has been ginned. The quantity of cotton consumed in manufacturing establishments, the quantity of baled cotton on hand, the number of active consuming cotton spindles, the number of active spindle hours, and the statistics of cotton imported and exported shall relate to each calendar month, and shall be published as soon as possible after the close of the month. Each report published by the Bureau of the Census of the quantity ginned shall carry with it the latest available statistics concerning the quantity of cotton consumed, stocks of baled cotton on hand, the number of cotton-consuming spindles, and the quantity of cotton imported and exported.

All of these publications containing statistics of cotton shall be mailed by the Director of the Census to all cotton ginners, cotton manufacturers, and cotton warehousemen, and to all daily newspapers throughout the United States. The Director of the Census shall furnish to the Department of Agriculture, immediately prior to the publication of each report of that bureau regarding the cotton crop, the latest available statistics hereinbefore mentioned, and the said Department of Agriculture shall publish the same in connection with each of its reports concerning cotton.

SEC. 3. That the information furnished by any individual establishment under the provisions of this act shall be considered as strictly confidential and shall be used only for the statistical purpose for which it is supplied. Any employee of the Bureau of the Census who, without the written authority of the Director of the Census, shall publish or communicate any information given into his possession by reason of his employment under the provisions of this act shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined not less than \$300 or more than \$1,000 or imprisoned for a period of not exceeding one year, or both so fined and imprisoned, at the discretion of the court.

Mr. RANKIN (interrupting the reading of the bill). Mr. Speaker, the Clerk has not finished reading the bill, but at this point I want to make a statement. There was a gentleman before the committee who wanted an amendment to this bill which I did not think necessary and possibly would not support if it were offered. The gentleman said some Members on the floor would possibly want to offer an amendment, and I told him if they wanted to do so I would be glad for them to offer it, but I thought I would probably oppose it. I think I am in honor bound to make this statement to the House. This gentleman represented the New Orleans Cotton Exchange, and after the word "warehousemen," in line 22, on page 2, he wanted to have inserted "the New Orleans Cotton Exchange," and possibly "the New York Exchange." I told him that if any Member on the floor wanted to offer that amendment I would have no objection to its being offered, but I would possibly oppose its adoption, as I saw no reason for it.

Mr. FAIRFIELD. Will the gentleman yield?

Mr. RANKIN. Yes.

Mr. FAIRFIELD. That matter was brought before the committee, as the gentleman will remember, and the committee turned it down, so I do not think the gentleman is in honor bound to call the attention of the House to it.

Mr. RANKIN. I thought I was in honor bound to call the attention of the House to it, in the light of what was said to this man when he was before the committee.

The SPEAKER. The Clerk will continue the reading of the bill.

The Clerk read as follows:

SEC. 4. That it shall be the duty of every owner, president, treasurer, secretary, director, or other officer or agent of any cotton ginnery, manufacturing establishment, warehouse, or other place where cotton is ginned, manufactured, or stored, whether conducted as a corporation, firm, limited partnership, or by individuals, when requested by the Director of the Census or by any special agent or other employee of the Bureau of the Census acting under the instructions of said director, to furnish completely and correctly, to the best of his knowledge, all of the information concerning the quantity of cotton ginned, consumed, or on hand, and the number of cotton-consuming spindles and active spindle hours. The request of the Director of the Census for information concerning the quantity of cotton ginned or consumed, stocks of cotton on hand, and number of spindles and spindle hours may be made in writing or by a visiting representative, and if made in writing shall be forwarded by registered mail, and the registry receipt of the Post Office Department shall be accepted as evidence of such demand. Any owner, president, treasurer, secretary, director, or other officer or agent of any cotton ginnery, manufacturing establishment, warehouse, or other place where cotton is ginned or stored, who under the conditions hereinbefore stated shall refuse or willfully neglect to furnish any of the information herein provided for or shall willfully give answers that are false shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than \$300 or more than \$1,000 or imprisoned for a period of not exceeding one year, or both so fined and imprisoned, at the discretion of the court.

Mr. HOCH. Mr. Speaker, I move to strike out the last word. I call the attention of the gentleman from Mississippi to the fact that I think the title of the bill should be changed. I wonder whether the gentleman has noticed the title of the bill?

Mr. RANKIN. The gentleman from Michigan [Mr. Crampton] has suggested an amendment of the title.

Mr. HOCH. Plainly, the title is inaccurate here.

Mr. RANKIN. Yes; and I am going to offer an amendment.

The Clerk continued the reading of the bill:

SEC. 5. That in addition to the information regarding cotton in the United States hereinbefore provided for, the Director of the Census shall compile, by correspondence or the use of published reports and documents, any available information concerning the production, consumption, and stocks of cotton in foreign countries, and the number of cotton-consuming spindles in such countries. Each report published by the Bureau of the Census regarding cotton shall contain an abstract of the latest available information obtained under the provisions of this section, and the Director of the Census shall furnish the same to the Department of Agriculture for publication in connection with the reports of that department concerning cotton in the same manner as in the case of statistics relating to the United States.

SEC. 6. That the reports of cotton ginned to the dates as of which the Department of Agriculture is also required to issue cotton crop reports shall be issued simultaneously with the cotton crop reports of that department, the two reports to be issued from the same place at 11 o'clock a. m. on the eighth day following that to which the respective reports relate. When such date of release falls on Sunday or a legal holiday the reports shall be issued at 11 o'clock a. m. on the next succeeding workday.

Mr. BEGG. Mr. Speaker, I move to strike out the last word for the purpose of asking a question. Is it existing law that the report shall be made on the eighth day? The purpose of my inquiry is this: Suppose something should arise whereby they could not make the report on the eighth day and it would have to be put out on the tenth day, is not that confining it to a specific time which might cause trouble? If that is the existing law and they have been working under it, of course, that is different.

Mr. RANKIN. I think that is existing law, and I know it is the custom and I know we discussed it and this met the approval of the department.

Mr. BEGG. I withdraw my pro forma amendment, Mr. Speaker.

The Clerk continued the reading of the bill:

SEC. 7. That the act of Congress authorizing the Director of the Census to collect and publish statistics of cotton, approved July 22, 1912, and all other laws and parts of laws inconsistent with the provisions of this act are hereby repealed.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

The title was amended to read as follows: "An act authorizing the Director of the Census to collect and publish statistics of cotton."

CONVEYANCE OF PORTION OF FEDERAL BUILDING SITE TO WASHINGTON, MO.

The next business on the Consent Calendar was the bill (H. R. 6059) authorizing the conveyance to the city of Washington, Mo., of 10 feet of the Federal building site in said city for the extension of the existing public alley through the entire block from Oak to Lafayette Streets.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to convey to the city of Washington, in the State of Missouri, by quitclaim deed, the north 10 feet of the Federal building site in the said city of Washington, Mo., to be used for an extension of the existing public alley through the entire block from Oak to Lafayette Streets, which said existing public alley now extends but halfway through said block, to be used for a public alley and for no other purpose: *Provided, however*, That the city of Washington shall open said extension to the existing public alley as herein authorized to be granted, and improve and maintain the same as other public alleys of said city are improved and maintained; also, that the city of Washington shall bear all expense incident to the moving of the north curb and the partial rebuilding of the driveway entrance to the Government lot made necessary by the establishment of the new alley line along the northern boundary of the Federal building site: *Provided further*, That the city of Washington shall not have the right to sell or convey the land herein authorized to be granted, or any part thereof, or to devote the same to any other purpose than as hereinbefore described, and in the event that the said land shall not be used for the purpose of a public alley it shall revert to the United States.

Mr. CANNON. Mr. Speaker, I offer an amendment.

The SPEAKER. The gentleman from Missouri offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CANNON: Page 2, line 11, strike out the word "convoy" and insert in lieu thereof the word "convey."

The question was taken, and the amendment was agreed to. The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

CLEANING OF EXTERIOR OF POST-OFFICE BUILDING, CINCINNATI, OHIO.

The next business on the Consent Calendar was the bill (H. R. 4290) to provide for the cleaning of the exterior of the post-office building at Cincinnati, Ohio.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to permit the cleaning of the exterior of the post-office building at Cincinnati, Ohio, in connection with the improvements in the blocks known as Fountain Square, said cleaning to be without expense to the United States and to the entire satisfaction of the representative of the Treasury Department who may be detailed for the final inspection thereof.

Mr. BLANTON. Mr. Speaker, I move to strike out the last word. I think this bill is of sufficient importance for some Member to say at least a word in its behalf. I am for the bill. In the absence of the majority leader, I want to use five minutes on it. There is a widespread demand now in the United States for cleaning up, and I am glad to see that the majority leader has heard and heeded the demand. The old saying is that charity begins at home, and that applies also to "cleaning up."

Mr. STEPHENS. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. STEPHENS. I am the gentleman from Cincinnati who introduced this bill.

Mr. BLANTON. I am going to give the gentleman due credit. It is to clean up the exterior of a public building in Cincinnati.

Mr. STEPHENS. And I am the one who is fathering the bill.

Mr. BLANTON. Yes; that is true, but it happens that this particular cleaning up of the exterior is to be performed in the district of the majority leader [Mr. LONGWORTH].

Mr. STEPHENS. And if the gentleman wants to know anything about the matter, I will tell the gentleman all he wants to know.

Mr. BLANTON. I am glad we are going to clean up even the exterior of a public building in Cincinnati.

Mr. BEGG. Will the gentleman yield?

Mr. BLANTON. I think we ought to clean up the interior as well as the exterior.

Mr. STEPHENS. I will say to the gentleman that I got an appropriation last year of \$10,000 for cleaning the interior of the building.

Mr. BLANTON. Yes; I know that, and I wish we could clean the interior and the exterior of every public building in the United States. I think it would be money well spent.

Mr. STEPHENS. So do I. The gentleman is absolutely right.

Mr. BLANTON. I think it is the duty not only of the majority leader to clean up the exterior of his public building in Cincinnati, but I think it is his duty—

Mr. STEPHENS. The majority leader did not have anything to do with this.

Mr. BLANTON. I think it is the duty of his party and I think it is the duty of my party to join him and have a general cleaning up here in Washington.

Mr. BEGG and Mr. STEPHENS rose.

Mr. BLANTON. I yield first to the gentleman from Ohio [Mr. BEGG].

Mr. BEGG. I asked the gentleman to yield so that I might ask the gentleman from Ohio [Mr. STEPHENS] if it is not true that all the city of Cincinnati is asking is permission to clean a Government building?

Mr. BLANTON. Yes; that is the reason I was for the bill, because it did not take a dollar out of the Treasury. It is the only bill I have seen come here since I have been in Congress, that I have any memory of, that did not seek to take money out of the Treasury, and I am for it mainly on that account.

Mr. STEPHENS. Will the gentleman yield?

Mr. BLANTON. I yield.

Mr. STEPHENS. The gentleman is attributing this bill to the majority leader. I represent part of Cincinnati.

Mr. BLANTON. And the majority leader [Mr. LONGWORTH] represents the other part, which embraces this particular building, the exterior of which is to be cleaned up.

Mr. STEPHENS. And I am the one who introduced this bill, and I do not know that the majority leader has anything to do with it.

Mr. BLANTON. I will embrace the distinguished gentleman [Mr. STEPHENS] in double harness with the distinguished majority leader in giving credit for this cleaning up in Cincinnati. I knew the gentleman was from Cincinnati, too, but I thought that the main credit of everything that is done is always given to the leader of a party, and I wanted to do him the honor of giving him the credit for it; but I will divide the honor when I go to extend my remarks, if I can get that permission from the other distinguished gentleman from Ohio [Mr. BEGG].

Mr. STEPHENS. But it is my bill. The majority leader did not have anything to do with it.

Mr. BLANTON. If the gentleman from Ohio [Mr. BEGG] has gotten in a good humor—if he has had the proper kind of lunch downstairs to put him in a good humor again so that he will let us extend our remarks on a bill, not one that takes \$2,000,000 out of the Treasury like the one we passed in 40 minutes awhile ago under a suspension of the rules, but one which takes nothing out of the Treasury—if he will let us extend our remarks, I am going to give the distinguished gentleman from Ohio [Mr. STEPHENS] full credit for this great cleaning-up system that has been started on the exterior of public buildings in Cincinnati, expressing the hope that before we stop we will "clean up" the interior of every public building in the United States.

Mr. STEPHENS. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. STEPHENS. The gentleman from Ohio does not need any particular credit for introducing this bill.

Mr. BLANTON. I thought that any man from Ohio needed all the credit that he could get. [Laughter.]

Mr. STEPHENS. Oh, that is where the gentleman is mistaken. We do not need any particular credit for duties well performed.

Mr. BLANTON. I agree with the gentleman on that, but I want to say that I am with him on the cleaning-up program. Let us make it a good job. Let us take an object lesson from Cincinnati and start it here in the city of Washington and clean up every single department of the Government.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

BRIDGE ACROSS ST. MARYS RIVER NEAR WILDS LANDING, FLA.

The next business on the Consent Calendar was the bill (H. R. 6725) granting the consent of Congress to the States of Georgia and Florida through their respective highway departments to construct a bridge across the St. Marys River at or near Wilds Landing, Fla.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LANKFORD. Mr. Speaker, this matter was up for consideration before, and I at that time stated the reason why I was then forced to object to the consideration of the bill. For those same reasons, which I consider it unnecessary now to restate, I propose at this time to again object to the consideration of the bill, and I do object.

The SPEAKER. It now requires two other objectors. Is there objection to the consideration of the bill?

Mr. RAYBURN. Mr. Speaker, I also object.

Mr. TILLMAN. Mr. Speaker, I also object.

Mr. CLARK of Florida. Mr. Speaker, will the gentlemen withhold their objections for a moment?

Mr. RAYBURN. Certainly.

Mr. TILLMAN. Certainly.

Mr. CLARK of Florida. Mr. Speaker, I want to make a statement again to the House about this matter, and I trust that the House will bear with me while I undertake to give the history of this transaction. I can understand why my friend from Texas [Mr. RAYBURN] proposes to object, from a statement made to me by the gentleman from Georgia [Mr. LANKFORD], and I honor the gentleman's ideas. The gentleman from Georgia stated to me—and I presume his statement is true—that the gentleman from Texas had advised him that he would notify him and give him a hearing before the committee. That is correct, as I do not doubt. I do not blame the gentleman from Texas, but I want to say this—and the gentleman from Texas, as a member of the committee, I think will bear me out—that I never appeared before the committee and urged the report upon this bill, although I would have done so had I the opportunity. The fact is that I was in

Florida at the time the bill was reported, and the committee itself, without my personal urging, reported the bill.

I want to say that I am convinced—and I am not charging the gentleman from Georgia with any connection with it—that this is simply a holdup upon the part of these people who claim to be the "Kingsland Bridge Co." in Georgia. The original bill incorporating the "Kingsland Bridge Co.," or rather granting them this franchise, came through this House without my knowledge. I never had a breath of suspicion that it was even pending. Three men in the district of the gentleman from Georgia, who I am reliably informed had never been engaged in the bridge-building business in their lives, saw fit to have a bill introduced in Congress and have it go through without any public notoriety of it, to be sure, giving them the right to build a toll bridge over the St. Marys River, dividing the sovereign States of Georgia and Florida, and giving them the right to charge tolls on that bridge. That bill itself carried upon its face the reservation of the right by Congress to repeal it, to amend it, or to alter it at any time that Congress saw fit. These men now claim that they have gone forward and have expended money in the prosecution of the building of that bridge.

Mr. SEARS of Florida. Mr. Speaker, will the gentleman yield?

Mr. CLARK of Florida. In just a moment. Two weeks ago yesterday when this matter was under consideration, coming up on the Unanimous Consent Calendar, and after it was stricken from the calendar on the objection of the gentleman from Georgia [Mr. LANKFORD], I went to the gentleman from Georgia [Mr. LANKFORD], as I had been to him more than a year ago, and asked him to furnish me with a verified itemized statement of what these gentlemen had expended. I have never gotten a word from that gentleman yet. Two weeks ago yesterday, after it was stricken from the calendar on his objection and I put it back on the calendar, as I had a right to do under the rules, I again went to the gentleman from Georgia and said, "Mr. LANKFORD, why are you not able to get me an itemized statement of these charges? I will stand with you to make the States of Georgia and Florida pay up every cent that these gentlemen have honestly paid out in this work, provided they furnish us with an honest statement of their expenditures," and up to this good hour I have not had a word from the gentleman from Georgia with any statement of these accounts. Therefore I took it upon myself to write to find out the facts, and here is a letter from Mr. J. H. Gross, vice president of the State Bank of Kingsland, Ga., where this corporation claims to have its residence:

STATE BANK OF KINGSLAND,
Kingsland, Ga., March 14, 1924.

HON. FRANK CLARK,

House of Representatives, Washington, D. C.

DEAR SIR: Mr. Fred Ward, of the Brunswick Board of Trade, has written me by request of Judge H. B. Phillips, of the Florida State Highway Department, and asked for some information as to the present status of the Kingsland Bridge Co. and as to the actual construction work done on a bridge at Wilds Landing on the St. Marys River.

The Kingsland Bridge Co. is not a live concern that has been in the building business, but was organized solely for the purpose of building a bridge at Wilds Landing on the St. Marys River. The principal incorporators were citizens of this community, and those interested in the Kingsland Bridge Co. now are W. N. Casey, a merchant of this place; Emmett McElreath, a lawyer of this place; Thomas Casey, a farmer; and B. Beasley, a bridgeman, of Savannah, Ga. I do not believe that these people wish to build this bridge for the benefit of the public or for the coastal highway, but solely for the purpose of the tolls they might derive from the project.

As to the actual construction work, some 12 or 18 months ago these people drove a few piling at the proposed bridge site, and I believe that \$500 would cover cost of work done there.

If there is anything that I can do toward helping you pass the proposed bill for the bridging of this stream I would be glad to render any assistance in my power, as I consider it of vital importance to our section and the adjoining county of Nassau.

Yours respectfully,

J. H. GROSS.

Mr. SEARS of Florida. Mr. Speaker, will the gentleman yield?

Mr. CLARK of Florida. Yes.

Mr. SEARS of Florida. As I understand it, the Georgia State Highway Commission has indorsed the passage of this bill. Let me call the gentleman's attention to the fact that some 12 or 18 months ago, when the former bill was up for consideration before the committee, it developed at the hearings, as the gentleman may recall, that this Kingsland Bridge Co. did not begin work until after a bill repealing their bill

had been introduced, and that only a few piling had been driven.

Mr. CLARK of Florida. Yes; that is what I understand to be true—just as my colleague states it.

Mr. Speaker, I say to this House, and I beg my colleagues to bear with me for a moment or two while I do it, that this is nothing in God Almighty's world but graft, pure and simple. It is just a matter of a little bunch of banditti trying to hold up two great States to drag a few dollars out of their public treasuries. That is the truth, and that is all there is to it. I am not blaming my colleague, the gentleman from Georgia [Mr. LANKFORD], but I had an interview with him to-day in this House in the presence of his colleague [Mr. LARSEN] and his colleague [Mr. LEE]. I said to him then, "You have had over two weeks, but I am willing to let it stand until next Monday, March 24, if you will get the facts here. If you will now wire your people and let them furnish an itemized verified statement of honest and legitimate expenditures which they have undergone in good faith, I will join you in seeing that they are reimbursed, and I am sure we can trust the traditional honor of our great States that justice will be done to these people." I said further, "that if we could then agree we would settle, and if not, he should agree that the Speaker, without objection from him, might recognize me to move to suspend the rules which would take the vote of two-thirds of our colleagues to even admit me to be heard." This, in substance, is what I proposed to my friend from Georgia, and he declined it.

Two weeks ago, Mr. Speaker, I put in the RECORD the proof, showing the standing of the Georgia Highway Commission, from his own State. I put in the RECORD evidence showing the position of the highway commission of my State. This, as I said before, is the greatest highway leading from the North into the State of Florida. His people are interested as much as mine, and I can not understand why the gentleman wants to continue to delay this great public improvement. The roads are being built both by Georgia and by Florida; the contract has been about let for \$160,000 to be expended upon this bridge, making a concrete-steel bridge as good as any in the country, and I want to ask, Mr. Speaker, if the gentlemen who have proposed to object if they intend to stand in the way of this great public improvement by these two great States of Georgia and Florida? I do not believe they will when they know the facts. I do not believe my friend from Texas who out of his goodness of heart made his kindly response to the appeals of the gentleman from Georgia, who said he had not been heard, will persist in his objection now that he has heard the facts. What could he have said if he had been heard by the committee, more than he has said here? He has said nothing here to disprove that this banditti down there in his county are ready to hold up two great States and to get money they have not spent. If they have spent it, why do they not furnish the proof?

Mr. SEARS of Florida. If the gentleman will yield further, I want to call the attention of my colleague and also of my other colleagues of the House to the fact that under the laws of the State of Florida we can not spend money on any road where there is a toll bridge, and unless this bill passes you have to pay \$2, or whatever fee is charged for crossing over on the ferry. Get this bill passed and these people of Georgia and the other States can go to Florida without paying tolls.

Mr. CLARK of Florida. Yes; my colleague is absolutely correct. Now, gentlemen, remember—and I am appealing particularly to my two colleagues from other States who have objected—

Mr. RAYBURN. If the gentleman will yield. The appeal of the gentleman from Florida to me, of course, under ordinary circumstances would be conclusive; but I have promised the gentleman from Georgia I will object for the simple reason the gentleman from Georgia came to me and asked me to notify him when this bill came up for consideration in the committee. A new rule in reference to bridge bills was adopted, and that was to refer them to a subcommittee. The bill slipped through the committee without my taking note of it—

Mr. CLARK of Florida. And without mine.

Mr. RAYBURN. I am certain of that. The gentleman from Georgia came to me and I explained it was simply a matter which slipped my attention. He said to me, also, there might be an accommodation of this matter if it could go over a little while; but, regardless of that fact, out of these considerations I would object, and, of course, I must continue my objection for to-day. Now, probably if this bill passes over, there might be an accommodation and then objection would not have to be made; but if the question comes up to-day, of course I must continue to object.

Mr. CLARK of Florida. I want to say this to my friend from Texas: The gentleman from Georgia, I do not believe, can claim that he has not had ample opportunity to furnish the proof for which I have asked. He has had ample opportunity to do that.

Mr. CRAMTON. If the gentleman will yield. I ask this in the interest of those who have bills pending on the calendar—has the gentleman any reasonable expectation of being able to induce those who have objected to withdraw their objections?

Mr. CLARK of Florida. I hope so.

Mr. CRAMTON. If not, it seems to me we ought to go on with the Calendar.

Mr. CLARK of Florida. I hope so, if the gentleman will permit. I have taken up very little time of the House.

Mr. CRAMTON. I simply ask the gentleman if he has hopes of making converts of these gentlemen who have objected?

Mr. CLARK of Florida. I think so. I do not believe the gentleman from Arkansas is in the same position as the gentleman from Texas, and surely, after this explanation of the situation where two States are being held up in a great public improvement just because a few men on the St. Marys River imagine they ought to have something for which they have not furnished the proof, I do not believe the gentleman from Arkansas will—

Mr. BEGG. If the gentleman will yield, does not the gentleman believe it is possible for the gentleman from Florida and the gentleman from Georgia to get together with the War Department Engineer, General Beach, and adjust this matter because—

Mr. CLARK of Florida. Oh, I will say to the gentleman that I said to the gentleman from Georgia to-day in this House that he could offer his amendment and submit it to the House, and what was done I would stand by.

Mr. BEGG. I would just like to ask the gentleman if he does not think that would be absolutely equitable?

Mr. CLARK of Florida. Does the gentleman think that Congress could not pass a bill specifically reserving the right to amend, alter, or repeal if it saw fit? Does the gentleman believe that Congress ought to be a place where these things are thrashed out. I do not.

Mr. BURTNESS. Will the gentleman yield?

Mr. CLARK of Florida. I will.

Mr. BURTNESS. Has the gentleman any reasonable expectation of being able to finish his remarks to-day?

Mr. CLARK of Florida. If I had taken up as much time as the gentleman from North Dakota has in the last week or two I would not say anything about the time any other Member was using.

Mr. CRAMTON. Regular order, Mr. Speaker!

Mr. BURTNESS. I simply asked the question. I thought the gentleman asked for five minutes.

Mr. CLARK of Florida. Will the Speaker recognize me to make a motion to suspend the rules?

The SPEAKER. The Chair must say to the gentleman in public what he has said privately, that he does not feel like doing that without hearing the case of the two gentlemen, the gentleman from Florida and the gentleman from Georgia, together.

Mr. SEARS of Florida. Mr. Speaker, the regular order being demanded, I make the point of order of no quorum.

The SPEAKER. The gentleman from Florida makes the point of order that there is no quorum present.

Mr. SEARS of Florida. Well, I withdraw it, Mr. Speaker, since gentlemen seem to be so anxious to get the regular order.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. LANKFORD. Mr. Speaker, reserving further the right to object, I do not wish to take up much time in the discussion of this proposition.

Mr. CARTER. Is the gentleman going to object?

Mr. LANKFORD. I am going to object. I do not wish to take up much time, but this is a proposition which I believe will solve itself absolutely. I went to the gentleman from Florida before this matter came up and asked him to let it be passed over without prejudice, to see if we could not get together. He said he could not agree to that. He said it should be taken up to-day.

Mr. CLARK of Florida. I did offer to let it go over until Monday, and in the meantime wire your people for the facts.

Mr. LANKFORD. I could not agree to take it up on Monday, but I would agree to have it passed over without prejudice.

Mr. BEGG. Why does not the gentleman ask unanimous consent to pass it over without prejudice?

Mr. LANKFORD. I am willing to do that. I will ask that it be passed over.

Mr. CLARK of Florida. I hold that the rules of the House should stand. When they come here under the rules of this House and make objections, they ought to stand on them.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The bill will be passed over and take its place on the calendar.

Mr. LANKFORD. Mr. Speaker and gentlemen of the House, I do not like now to take up your time on this particular matter. I am as anxious for a free bridge to be built across the St. Marys River near Kingsland as the gentleman from Florida or any other person. I think it is unnecessary for any bitterness to arise at this juncture. I am absolutely sure that the Kingsland Bridge Co. and everyone connected with it will gladly do what is right in this matter. In fact I have every assurance that this company is willing to do absolute justice. If I for a moment thought otherwise I would not intercede for them.

The gentleman from Florida now assures me—in fact, he has just so stated on this floor in the presence of this House—that he will stand with me to make the States of Georgia and Florida pay up every cent that the Kingsland Bridge Co. honestly paid out in this work, provided they will furnish an honest statement of the expenditures. I can assure the gentleman that such a statement will be forthcoming in the next few days. I can further assure the gentleman that it will not be necessary to help the Kingsland Bridge Co. collect every cent it has spent in this connection, for the gentlemen composing the Kingsland Bridge Co. are willing to sacrifice a large percentage of what has been spent by the company, but do not want to sacrifice all which the company has spent in this connection.

I am truly glad that the gentleman from Florida is now willing to help these gentlemen who put their money in this enterprise to get their money back. There is no reason why the entire matter can not be adjusted, and that speedily. I know it can be adjusted if the gentleman from Florida will stand with me in an effort to see that the rights of the people who constitute the Kingsland Bridge Co. are protected. The rights of the Kingsland Bridge Co., though, can not be protected after the passage of the pending bill. No one would expect the gentleman from Florida [Mr. CLARK] to pay back to the Kingsland Bridge Co. all the money spent by it, and it matters not how much he and I stood together after the passage of the bill, there will be no way to force payment to be made to the Kingsland Bridge Co. The Kingsland Bridge Co., it is true, could protect its rights to some extent in the courts. The right of way owned by the company would have to be condemned, and other litigation might arise. The time for the gentleman from Florida and myself to stand together to protect the rights of the Kingsland Bridge Co. is now.

Mention has been made of the States reimbursing the Kingsland Bridge Co. The States could afford to pay a reasonable price for the right of way owned by the Kingsland Bridge Co. and which is necessary for the construction of the bridge by the States.

The plan has been for the chambers of commerce of Savannah, Brunswick, and Jacksonville to make up enough money to pay the Kingsland Bridge people part of the money spent by that company and save the States from spending any money in this connection. I understand from reliable sources that these chambers of commerce induced the Kingsland Bridge Co. to undertake the construction of a toll bridge at this point. There was no way of crossing the river except by a ferry, which was dangerous, troublesome, and expensive. At that time there was no hope of a free bridge in the immediate future, and these people—the Kingsland Bridge Co.—were induced to undertake the building of this bridge. It was discussed fully and understood that if the States decided to provide for a free bridge later the toll bridge could be purchased for a reasonable consideration.

Now, it seems only fair to me that, this enterprise having been begun by these chambers of commerce indorsing it and urging it, then that these chambers of commerce and the people whom they represent should bear part of the loss of money spent by the Kingsland Bridge Co. and not let a few men who are trying to help in the construction of a bridge for the use of the public lose all. It has been charged that these men started to build a bridge for the purpose of making money. It may be that they really intended to make a little money while they were rendering a real service to the people to be served. It is certainly not wrong to attempt to make a little money honestly by rendering a real service to the public.

A few days ago I received a most excellent letter from Hon. F. E. Twitty, of Brunswick, Ga., which is self-explanatory and which throws much light upon the present controversy. The letter is dated March 7, 1924, and is as follows:

Hon. W. C. LANKFORD,

Washington, D. C.

MY DEAR MR. LANKFORD: I have yours of the 4th but have not yet received the copy of CONGRESSIONAL RECORD of March 8. When it comes I will read with care what you had to say.

As you know, I was instrumental in calling the meeting of representatives of the commercial organizations of Jacksonville, Savannah, and Brunswick, which was held the first part of last year. We also had representatives of the Kingsland Bridge Co. and of the Beasley Construction Co. We spent considerable time in going into details of this matter. Everyone present seemed to recognize that the Kingsland people were entitled to some fair consideration. They named a price of \$6,500 for all their rights. After the meeting I had considerable correspondence with representatives of the different organizations, including Judge Phillips, chairman of the Florida Highway Department.

Notwithstanding what was said at the meeting, the Florida representatives took the position after they returned home that the Kingsland people and the contractor had been put on notice at the hearing of the application as to location of the bridge before the War Department and by representatives of the Government that no Federal aid could be allotted to roads leading to a toll bridge. Of course, this has reference to relatively immediate approaches. I have always taken the position that the Brunswick Board of Trade could not afford to take any part in any congressional or other action looking to the complete deprivation of the rights of the Kingsland people without some compensation, because of the fact that our board of trade cooperated in securing the passage of the legislation which granted the Kingsland Bridge Co. the permit to construct the bridge. However, I went on record at the very beginning of the consideration of this question as favoring the construction of a bridge under specifications that would be satisfactory to the Federal and State highway departments, and with option to the adjoining counties or States to purchase at a fair price and at figures that should be satisfactory to the Federal and State engineers. The officials of the highway department said this was not practicable, but I did not then agree with them and do not now agree with them.

It was then considered that it would be some years before sufficient money could be provided for the construction of this bridge by joint action of the Federal, State, and county governments, and, while this was a private enterprise, the toll bridge would have been an improvement over the toll ferry. The parties interested actually paid out, as reported to us, \$2,650 for rights of way, and they are needed, as I understand it. They also, of course, spend considerable other money. I have never committed myself as favoring any particular amount to be paid them. Some amount ought to be agreed upon, and I am sure that all the stockholders in the company would be willing to contribute largely of their investment because of the benefit that will accrue to them and the public by the construction of a free bridge. As Brunswick gave aid and comfort to these gentlemen in its inception, I do not propose to be a party to trying to ride roughshod over them. Even if they are only few in number, they are our citizens and human beings like the rest of us and are entitled to proper treatment.

In my official capacity as chairman of the committee on roads of the Young Men's Club and as a member of the road committee of the board of trade I devoted considerable time and attention to trying to solve the problem, and did this at a time when I was in bad health and entirely too unwell to try to handle the matter. I got no cooperation in my efforts and am inclined to think that most of the officials and representatives who were at the meeting held, and who afterwards participated in the discussion, disagreed with me as to the treatment that should be accorded to the Kingsland people. For this reason I long since decided that I would not take the initiative in any further proceedings connected with this matter.

With kind regards,

Yours very truly,

F. E. TWITTY.

Let me say just here to the gentleman from Florida [Mr. CLARK] that he will find, if he has not already done so, that the Chamber of Commerce of the City of Jacksonville, his State, are not willing to pay these gentlemen who constitute the Kingsland Bridge Co. any amount. In fact, this chamber of commerce had a representative at Brunswick when an adjustment of this entire matter was practically agreed upon; and later this chamber of commerce, I am advised, refused to help in any way defray the losses about to be suffered by the Kingsland Bridge Co., but began to vigorously insist upon the immediate passage of a bill which would prevent the Kingsland Bridge Co. from collecting any amount.

My recollection is that the gentleman from Florida [Mr. SEARS] told me last year that the Jacksonville Chamber of Commerce was not willing to help in this matter in any way.

That is that it was not willing to help pay any amount to the Kingsland Bridge Co., and the gentleman from Florida [Mr. CLARK] when this matter was up two weeks ago made no offer to help the Kingsland Bridge Co. collect any amount and he never has stated that the Jacksonville Chamber of Commerce or the State of Florida or anyone living in the State of Florida had ever offered to bear one penny of this expense with the Kingsland Bridge Co., although over \$2,000 of the expenses of the Kingsland Bridge Co. was for right of way in the State of Florida through the lands of the Wilds estate, which estate for a long time had maintained a ferry at this point and did not desire a bridge of any kind.

The real truth is there is absolutely no necessity for the passage of the present bill, if the Kingsland Bridge Co. are to be treated fairly. This bridge company in order to settle this matter and in order to get a free bridge is willing to accept much less than it actually spent and less than it offered to settle for at first. I will state just here that I have always urged that the Kingsland Bridge Co. could afford to make a special sacrifice and lose a considerable amount of money in order to get a free bridge. I have never thought that these people ought to lose all. It is true that they are very few in number, but that does not prevent them having rights which should be protected. I repeat that if the Kingsland Bridge Co. is to be treated fairly then there is no reason for the passage of the present bill. The right of the Kingsland Bridge Co. to construct a bridge at this point can be transferred. This has been held by the War Department and by no less person than the present Chief Justice of the United States, the Hon. William Howard Taft.

He made this decision while he was Secretary of War. Why all of this argument and trouble about the present bill, if the Kingsland Bridge Co. are to be treated fairly? Why not pay them a third or a half of what they have spent and let them, as they are willing to do, transfer to the States the right to build this bridge? This can be done now. It could have been done at any time during the last year and a half that this matter has been up. Why was not it done? Simply because some of the people who got the Kingsland Bridge Co. to spend this money are not willing now to help them bear the sacrifice necessary in order to obtain a free bridge. Why is it necessary to pass the present bill? It is certainly not necessary in order to get a free bridge. The only purpose, and I am not charging the gentleman from Florida [Mr. CLARK], nor any other Representative, with being a party to this purpose; but the fact remains that the real purpose is to get this bill through so as to make the Kingsland Bridge Co. lose all.

The Kingsland Bridge Co. and the men constituting it have been accused of attempting to hold up the States. I deny this. They are willing to make a great sacrifice in order to get a free bridge, but they are not willing to sacrifice all. They feel like that others, who caused them to begin the enterprise, should bear part of the loss. Just here let me say that it is my understanding that the chambers of commerce of Savannah and Brunswick are willing to do their part. The real trouble comes from the city of Jacksonville and from the gentleman's own State.

Speaking of holdups, if this bill passes without the Kingsland Bridge Co. being treated squarely before its passage, then the Chamber of Commerce of Jacksonville will be in position to and, judging from its past course in this matter, will hold up the very people whom it was willing should undertake the construction of this toll bridge before a free bridge was hoped for.

The letter which I have just read into the Record of the Hon. F. E. Twitty shows how the Brunswick people feel about taking care of and treating properly the Kingsland Bridge Co. As further evidence of the good faith of Brunswick in connection with this matter I wish to read from a letter from the Brunswick Board of Trade, dated February 6, 1923, wherein the Brunswick Board of Trade in speaking about the question of raising the money to pay the Kingsland Bridge Co. used this language:

Speaking for the Brunswick Board of Trade and local civic bodies we have no hesitation in saying that we will find a way to contribute our proper proportion to this fund.

It will be remembered that Brunswick is the smallest one of the three cities in connection with this matter. As showing further the good faith of the city of Brunswick in connection with this matter and for the purpose of showing that the Kingsland bridge people are not working a holdup game, I wish to submit a letter from the Brunswick Board of Trade, dated January 12, 1924, and in the following language:

BRUNSWICK, GA.,
January 12, 1924.

Hon. WILLIAM C. LANKFORD, M. C.,
House of Representatives, Washington, D. C.

DEAR MR. LANKFORD: Referring to the attached letter to yourself and to a copy of the bill providing for the States of Georgia and Florida building jointly a bridge across the St. Marys River at or near Wilds Landing, I am sure that you are conversant with the facts relative to the Kingsland Bridge Co.'s endeavor to build such a bridge at one time, and that company's expenditures in perfecting their plans, buying the rights of way, engineers' costs, etc., and, of course, you will recognize the fact just as well as we do that some provisions ought to be made by which the Kingsland Bridge Co. can be reimbursed for what will naturally be a complete loss in dollars and cents to that company for the initial work that they did toward the construction of the St. Marys River bridge.

I simply draw this to your attention to assure you that whatever we can do to adjust this matter to the satisfaction of the Kingsland Bridge Co. will be done.

Yours most respectfully,

BRUNSWICK BOARD OF TRADE,
By FRED G. WARDE, Managing Secretary.

The good faith of the Kingsland Bridge Co. and the gentlemen constituting it has been attacked. For the purpose of showing that these gentlemen are proposing to act fairly I submit a letter from the Hon. Emmett McElreath, one of the gentlemen constituting the Kingsland Bridge Co. and attorney for the company, which letter is as follows:

KINGSLAND, GA., January 17, 1924.

Hon. W. C. LANKFORD, M. C.,
Washington, D. C.

DEAR MR. LANKFORD: I notice from newspaper articles that Congressman SEARS of Florida will at an early date introduce a bill in Congress authorizing the building of a bridge at Wilds Landing by the Highway Departments of Florida and Georgia.

I hope you will oppose this legislation until the rights of the Kingsland Bridge Co. has been properly taken care of. As you know, we have offered to transfer our rights, which includes right of way on both sides of the river and permit of War Department, to these highway departments for a sum of \$1,000 less than we have actually expended in promoting this bridge enterprise for the purpose of getting a free bridge. There could be nothing fairer than this offer, as it shows our willingness to get out of the way so that a free bridge can be built without even getting back all that we have expended. You know the merits of our contentions and it is unnecessary for us to rehearse them to you. However, I will add that a large part of the money expended by us was done after consulting with the chairman of the Florida Highway Board, who personally and by letter encouraged us to proceed with our bridge project.

I hope you will use your good offices in getting this matter adjusted, as we are just as anxious to see a free bridge at Wilds Landing as any member of either highway board or anyone else and have contributed much more of time, energy, and money to make one possible than they have done, and in making the offer we have made we prove this assertion. I would be very sorry to see this project delayed for any cause, and no one would regret more than I the necessity for going into courts to adjudicate our very fair and substantial rights in the premises. I hope this can be avoided.

With very kind personal regards, I am

Yours very truly,

EMMETT MCELREATH.

Also the following letter from the Hon. Emmett McElreath, which also shows his attitude and the willingness of the Kingsland Bridge Co. to deal more than fairly in this matter:

KINGSLAND, GA., February 8, 1924.

Hon. W. C. LANKFORD,
Washington, D. C.

DEAR MR. LANKFORD: I should have answered your recent letter earlier, but have been wrestling with a slight case of la grippe, and in addition to this Mrs. Casey, who is secretary and treasurer of Kingsland Bridge Co., has been away at the bedside of her father, who is seriously ill, and I have had no opportunity to get an additional statement for your use.

I know of my own knowledge that the said bridge company has paid the sum of twenty-five hundred dollars for right of way on the Florida side of the river, and that they paid one hundred and twenty-five for right of way on the Georgia side. It owns this land in fee simple and it is impossible for a bridge to be built at this point without using this right of way. I know nothing personally of the other expenditures of money, except that I have been paid \$200 as attorney's fees, and I am willing to waive any further fees in order to get an adjustment. I certainly think that the very least that could be done for the Kingsland Bridge Co. would be to pay in full for the right of way, and I believe if an offer of this kind is made that I can get it accepted.

If this offer is not accepted by the highway department it will be necessary for them to take their chances in the Federal courts fighting an injunction before they build a bridge of any kind at Wilds Landing.

I feel sure that you are doing and will do all in your power to get amicable adjustment of our rights, and I appreciate your efforts.

With kindest personal regards, I am,

Very truly yours,

EMMETT MCELREATH.

It has been urged that the Kingsland Bridge Co. attempted to slip in and have constructed a toll bridge so as to prevent the building of a free bridge and so as to give the Kingsland Bridge Co. a monopoly. This contention is absolutely refuted by the letters which I have just submitted, which show that the Kingsland Bridge Co. was organized and began its work at the instance and request of the chambers of commerce and other civic bodies and people generally who preferred some bridge, even though it be a toll bridge, to no bridge. The Kingsland Bridge Co. has at all times been ready to step aside and allow the building of a free bridge. In substantiation of this I wish to quote from a letter written on August 9, 1922, by the Kingsland Bridge Co. to Judge H. B. Phillips, chairman of Florida road department, Tallahassee, Fla., and also the Hon. John N. Holder, chairman Georgia highway department, copies of which letter were sent to Senator Thomas E. Watson, of Georgia, W. J. HARRIS, of Georgia, and DUNCAN U. FLETCHER, of Florida, and to myself, as follows:

We have just received from the War Department a permit to build a bridge at Wilds Landing. In view of the fact that there has been some opposition to the construction of a toll bridge at this point we desire to submit to the highway departments of the two States the following proposition:

If there is any bona fide intention on their part to build a free bridge at this point we will entertain a proposition to surrender and transfer to either or both of them our right and permit, and let a free bridge be built. The manner in which this proposition is received will be a test of the bona fides of the State departments with reference to this project. We will wait only a reasonable time for a reply to this letter as we expect to begin construction at a very early date.

I wish to state nothing was done of a definite nature to secure the transfer of the rights of the Kingsland Bridge Co. at that time and the Kingsland Bridge Co. went forward with the purchase of right of way and with the construction of approaches, and so forth, preparatory to the construction of a bridge.

A little later the chambers of commerce, of which mention was made a little while ago, took up the proposition of reimbursing in part the Kingsland Bridge Co. for the money spent by that company. It became quite evident that a free bridge could be secured, and, in fact, both States offered to cooperate in the construction of such a bridge. These negotiations have never terminated in an adjustment, as is indicated by what has just been said by me.

I wish to say that as soon as I found out that there were prospects of securing a free bridge I at once requested the Kingsland Bridge Co. to spend no more money on the toll bridge and informed these gentlemen that I would be fair with them and endeavor to help get back at least a small percentage of what they had spent. I told them they could not afford to put more money in the project when there was a possibility of their losing certainly a large part of it, and that it would not be fair to the chambers of commerce offering to settle with them for the Kingsland Bridge Co. to continue to increase the item in controversy. They have been criticized for stopping work on the bridge quite as much as they have been criticized for starting. It seems to me they have been fair and more than fair.

It has been urged that the Kingsland Bridge Co.—

saw fit to have a bill introduced in Congress and have it go through without any public notoriety of it, to be sure, giving them the right to build a toll bridge over the St. Marys River.

I wish to state in this connection that at the request of several people in my district I introduced in the House the bill to provide for the construction of a bridge by the Kingsland Bridge Co. I understood that the chambers of commerce of the cities of Savannah, Brunswick, and Jacksonville favored it. I was also informed that it was generally known in southern Georgia and northern Florida by people who were interested in the building of a road across the St. Marys River at Wilds Landing that such a bill was to be introduced in the House of Representatives and also in the Senate. This was done. Senator HARRIS introduced a similar bill in the Senate. Both these bills were introduced in the usual and ordinary way. The usual number of copies for use by the Members were printed; the

usual notice of the pending of the bills by entries on calendars was made.

The usual and parliamentary procedure was carried out. The matter was taken up with the War Department and passed on by the Interstate and Foreign Commerce Committee. After the bill which I had introduced was recommended by the committee, I had it placed on the Unanimous Consent Calendar, and before it came up for consideration on this calendar a similar bill introduced in the Senate passed the Senate, came over to the House, and was referred to the Committee on Interstate and Foreign Commerce. When my bill came up in the House, following the usual and ordinary procedure in similar matters, I asked unanimous consent that inasmuch as the Senate had passed a bill identical to mine, which had been referred to the Interstate and Foreign Commerce Committee, which bill was then on the Speaker's table by my request, that the Senate bill be substituted for mine and be put on its passage and that my bill, the Senate bill having passed and the purpose of my bill having been accomplished, be laid on the table. In this way, the bill was passed by unanimous consent, there being no one present objecting to the passage of it. I gave the notice and publicity to the bill which is required by law. I do not remember whether the newspapers mentioned the passage of the bill or its pendency, but I am inclined to think that some of the dailies carried the item. The bill was not slipped through Congress. They can not be slipped through Congress, for they must be passed by well-defined rules of order and parliamentary procedure. I am sure that my people whom I represent should not be accused of getting this bill through without publicity. The gentleman from Florida [Mr. CLARK] gave me no notice when he went to introduce the present bill. I do not blame him for this. I probably did not tell him that I was going to introduce my bill. I had no purpose to conceal what I was doing. I quite naturally inferred that he knew about the matter, as he had a right to infer that I would find out about his bill. I do not see why there should be any controversy about this matter.

The gentleman from Florida [Mr. CLARK] insists that he has called upon me for itemized statements of the expenditures of the Kingsland Bridge Co. He has on two or three occasions asked me about the amount of money spent by these folks. He has never at any time, though, told me that anyone whom he represents, either individual, chamber of commerce, or State, has agreed to reimburse the Kingsland Bridge people in whole or in part; neither has he ever told me that he would not insist on the passage of his bill until they were treated fairly. The matter of getting up a list of the expenditures is an easy matter and it will be forthcoming at once, and would have been furnished long ago had we ever had any bona fide offer to settle, made by the people whom the gentleman from Florida represents. I promise here and now in the presence of these witnesses that if the gentleman from Florida will have the Chamber of Commerce of Jacksonville or his State or anybody in his State to pay back to Kingsland Bridge Co. the money actually spent by the Kingsland Bridge Co. for right of way in the State of Florida alone, I will see that the people in Georgia do what is necessary to satisfy the Kingsland Bridge Co. for all other expenditures, and we will pass this bill by unanimous consent.

I will go even further and agree with the gentleman from Florida [Mr. CLARK] that if the people of the State of Florida will pay back to the Kingsland Bridge Co. one-half of the money spent by this company for right of way in the State of Florida that I will assume the responsibility of the other half being paid by the people of Georgia, and that the people of Georgia will also settle with the Kingsland Bridge Co. for all other money whatsoever spent by this company in this matter.

Mr. Speaker and gentlemen of the House, I wish again to repeat that I favor very much the building of a free bridge at Wilds Landing across the St. Marys River; by opposing the present bill I am not opposing a free bridge. I am only standing by promises which I made that if the Kingsland Bridge people would act fairly with all concerned that I would endeavor to see that they received just treatment. A free bridge will be built at this point regardless of whether the present bill passes or not. If the present bill does not pass, the Jacksonville Chamber of Commerce, other civic bodies in Jacksonville, and other people in Florida will pay their just part of the expenses incurred by the Kingsland Bridge Co. The people of Georgia will pay their just part, as they are willing to do, and the Kingsland Bridge Co. will suffer its loss, as it has from time to time so justly offered to do. Without the present bill passing the parties concerned can treat each other fairly, and the Kingsland Bridge Co. can and will transfer to the States the right to build a bridge under the present law, and all will be well. The present bill can serve no purpose except to enable

some people who are not willing to bear their just portion of the loss which must be suffered to avoid any and all loss. In fact, the passage of the present bill and the throwing of the entire controversy as to the rights of the Kingsland Bridge Co., including the question of ownership of the right of way, into the courts for settlement will not help the matter, but will only bring about litigation and needless delay. The Kingsland Bridge Co. has its rights, which should be recognized and preserved. All parties concerned want a free bridge. The States are willing to build it. The National Government is willing to help in the enterprise. The matter in controversy is trivial, but, nevertheless, no one group of individuals should make too great a sacrifice. The enterprise is a great one and much needed. Let us treat everybody fairly, settle all seeming differences, and build a free bridge to be enjoyed by the people of both States and by the Nation. [Applause.]

Mr. LANKFORD. Mr. Speaker, I ask unanimous consent to extend my remarks on this subject, without taking up the time of the House.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. CLARK of Florida. Mr. Speaker, I make the same request.

The SPEAKER. The gentleman from Florida makes the same request. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the next bill.

HOMESTEAD ALLOTMENTS, BLACKFEET INDIAN RESERVATION, MONT.

The next business on the Consent Calendar was the bill (H. R. 2879) to provide for the disposal of homestead allotments of deceased allottees within the Blackfeet Indian Reservation, Mont.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the allotments of Blackfeet Indians designated as homesteads under section 10 of the act of June 30, 1919 (41 Stat. L., p. 16), imposing restrictions on alienation, shall after the death of the original allottee be subject to partition, sale, issuance of patents in fee, or any other disposition authorized by existing law relating to Indian allotments.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER. The Clerk will report the next bill.

ROADS, TRAILS, AND BRIDGES IN NATIONAL PARKS.

The next business on the Consent Calendar was the bill (H. R. 3682) authorizing the construction, reconstruction, and improvement of roads and trails, inclusive of necessary bridges, in the national parks and monuments under the jurisdiction of the Department of the Interior.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. TILSON. Reserving the right to object, Mr. Speaker, this is rather a large order, it seems to me, and it seems we should have some suitable explanation of it before allowing it to pass the objection stage.

Mr. SINNOTT. Mr. Speaker, this bill merely provides for an authorization of an expenditure between now and June 30, 1927, at the rate of \$2,500,000 for each fiscal year. Of course, the Committee on Appropriations will pass upon the estimates from year to year, and the park service will have to justify the estimates. It will also have to go through the Budget Bureau.

Now, the Secretary of the Interior transmitted this bill to me with the request for its introduction. It is really a departmental measure, and his position is well explained in his letter to me of December 10, in which he speaks of the very urgent demand for this legislation and dwells, as did Mr. Mather and Mr. Albright, representing the park service before the committee, upon the necessity for this legislation. He states that the roads in the various national parks, most of them built mainly for wagon-drawn vehicular travel—

Mr. TILSON. It does authorize the expenditure of \$7,500,000, does it not?

Mr. SINNOTT. Over the three years between now and June 30, 1927.

Mr. TILSON. What has been going on heretofore? Have there been any improvements or any roads built?

Mr. SINNOTT. Well, since 1872, the date of the creation of the Yellowstone National Park, the total expenditure by the Government has been only \$3,504,100, and the States in which these parks are situated since 1915 have spent \$23,828,800, and the State of Washington alone has spent \$4,000,000 in making approaches to Rainier National Park. The Government has 20 miles of narrow, steep road in that park, without any parapet protection; a road so steep and narrow that they have to route automobiles up one hour and down another hour.

Mr. MILLER of Washington. Eight million dollars on roads leading to the border line of the park.

Mr. SINNOTT. Yes. The State of California has already spent nearly \$2,000,000, and they now have under way an expenditure of \$2,000,000 more for approach roads to these parks.

Mr. BARBOUR. Will the gentleman yield further?

Mr. SINNOTT. Certainly.

Mr. BARBOUR. The roads leading into the Rainier National Park, built by the State of Washington, are as fine roads as you will find anywhere in the United States, but the minute you cross the line into the park you will find as poor roads as you will find anywhere in the world.

Mr. SINNOTT. You get into the park and you wonder who constructed the park roads.

Mr. BURTNESS. Will the gentleman yield?

Mr. SINNOTT. Yes.

Mr. BURTNESS. Can the gentleman give us an idea as to the amount of money collected from automobiles which go into the parks year by year, as compared with the amount of money that has been spent on the roads?

Mr. SINNOTT. The gentleman will find that information on page 4 of my report on the bill. Page 3 shows the appropriation, \$1,448,600, since 1916, and there has been collected in that same period from automobile licenses \$1,511,233.55. The charge in some places is as high as \$7.50 for a car to go on a road that is not surfaced, a road that is dangerous, a road that is dusty, and many of them traveled at the risk of their lives.

Mr. MILLER of Washington. Will the gentleman yield further?

Mr. SINNOTT. Yes.

Mr. MILLER of Washington. I would like to answer the question as to the \$8,000,000 worth of roads built by the State of Washington and completed up to the border line of Rainier National Park. It costs nothing to travel on those roads, while just as soon as you pass into the park you travel over 18 miles of the rottenest road imaginable, and you must pay \$2 for every vehicle.

Mr. BURTNESS. I understand that situation, but the point I was trying to bring out, if I am advised correctly as to the facts, was that even with the authorization provided for in this bill the likelihood is that with the increased traffic in the parks the automobiles themselves will pay for all the money authorized.

Mr. SINNOTT. I think interest will be paid at the rate of 10 per cent per annum on the total expenditures. Just consider this, gentlemen: In 1914, 10,000 automobiles went into our national parks and monuments, while in 1923 there were 271,482 automobiles; the number of visitors during the same time has increased from 235,193 in 1914 to nearly 1,500,000 in 1923. That represents the number of visitors to our national parks and monuments.

Mr. CRAMTON. Will the gentleman yield?

Mr. SINNOTT. Yes.

Mr. CRAMTON. I simply want to suggest the great importance of this matter of roads to accommodate automobiles, and that it applies to all the country as a whole and not necessarily just to the section immediately adjacent to the parks. In my visits to the parks I have been especially interested to see how people of moderate and small means from all over the country are coming to visit our national parks by automobile—people who could not afford to go otherwise. They get their car, fix up their camp equipment, and they go from Michigan or from Minnesota or from the South and make a round of the parks. I have a farmer friend at home who, with his wife, has taken a year in a trip of that kind, through the West, camping on the way. Now, they are the people of small means who want to see something of their country, and it is for them you are opening up the country and opening up the parks, when the States build such roads as they have, and when the National Government goes ahead and improves the roads in the parks.

Mr. BLANTON. Will the gentleman yield?

Mr. SINNOTT. Yes; I yield to the gentleman for a question.

Mr. BLANTON. Is this the Watkins' bill providing for the expenditure of \$7,500,000 on these roads?

Mr. SINNOTT. The bill was introduced by myself at the request of the Department of the Interior. This merely relates to our national parks and monuments.

Mr. BLANTON. Is this the bill in behalf of which Mr. Watkins appeared before the committee and testified?

Mr. SINNOTT. He appeared before the committee and made a very able and eloquent argument in favor of the bill. He was very helpful with his able argument before the committee, as he has been on the floor of the House.

Mr. BLANTON. The reason I call it the Watkins bill is that I was under the impression that he was the only man who testified in behalf of the bill before the committee.

Mr. SINNOTT. No; there were several others who testified.

Mr. BLANTON. But he was the only Member of Congress, was he not?

Mr. SINNOTT. No; there were other Members of Congress who testified.

Mr. WATKINS. I will say to the gentleman that I was one Member from Oregon who appeared in behalf of the bill.

Mr. BLANTON. It occurs to me the bill calls for the expenditure of a whole lot of money out there and a great deal of it will probably be wasted. I hate to vote against anything that is to be spent out in the Northwest.

Mr. SINNOTT. This is merely an authorization.

Mr. BLANTON. Especially when it is sponsored by such a distinguished gentleman as my friend from Oregon [Mr. WATKINS].

Mr. CRAMTON. Let me make this suggestion to the gentleman from Texas in response to his statement about the money being wasted. I do not believe there is any department of the Government where expenditures are more carefully scrutinized and where more of a return is secured for every dollar expended than under the park service in its road-building construction.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. McKEOWN. Reserving the right to object, I want to ask the gentleman how this money is to be spent. What parks are to get the money?

Mr. SINNOTT. If the gentleman will turn to page 5 of my report, he will see a tentative allotment, which is the tentative allotments of the park service.

Mr. CRAMTON. Including \$42,000 for Platt National Park.

Mr. SINNOTT. And this allotment will be reviewed by the Committee on Appropriations.

Mr. McKEOWN. Is it contemplated this amount will be fixed in the appropriation bill? What arrangement will we have so that a Member will be assured that all of it does not go to one park?

Mr. SINNOTT. It goes before the Budget Board, in the first instance, and then before the Committee on Appropriations, and the gentleman will have his opportunity on the floor of the House.

Mr. McKEOWN. I have had a few opportunities of that kind before.

Mr. SINNOTT. And the gentleman can offer an amendment, and I am sure I will be glad to cooperate with the gentleman.

Mr. McKEOWN. I will be glad to have somebody's cooperation. I have not had any before.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior, in his administration of the National Park Service, is hereby authorized to construct, reconstruct, and improve roads and trails, inclusive of necessary bridges, in the national parks and monuments under the jurisdiction of the Department of the Interior.

SEC. 2. That for such purposes, including the making of necessary surveys and plans, there is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, the following sums, to be available until expended: The sum of \$2,500,000 for the fiscal years ending June 30, 1924, and June 30, 1925; the sum of \$2,500,000 for the fiscal year ending June 30, 1926; and the sum of \$2,500,000 for the fiscal year ending June 30, 1927.

SEC. 3. That the Secretary of Agriculture is authorized to reserve from distribution to the several States, in addition to the 10 per cent authorized by section 5 of the act of November 10, 1921 (42 Stat. L., p. 213), not exceeding 5 per cent of the material, equipment, and supplies hereafter received from the Secretary of War, and to transfer said material, equipment, and supplies to the Secretary of the Interior for use in constructing, reconstructing, improving, and maintaining roads and trails in the national parks and monuments: Provided, That

no charge shall be made for such transfer except such sums as may be agreed upon as being reasonable charges for freight, handling, and conditioning for efficient use.

Mr. HAYDEN. Mr. Speaker, the purpose of this bill is to authorize a program of road and trail construction, including bridges, within the national parks and national monuments extending over a period of three years, ending June 30, 1927, and involving a total expenditure of \$7,500,000. This work is necessary in order to make these natural wonders accessible to the American people. The demand for it is demonstrated by the fact that the total number of visitors to the parks under the jurisdiction of the National Park Service has increased from 356,007 in 1916, the year after that service was created, to 1,280,866 in 1923. No record of visitors to the national monuments was kept prior to 1919, but that year there were 54,337 as compared to 221,826 last year.

A large part of this increase is due to the automobile. The latest estimate is that there are now about 13,250,000 passenger-carrying automobiles in the United States, an increase of over 1,000 per cent in less than 15 years. It is safe to say that there is not a single person in America who owns an automobile who has not somewhere in the back of his head the idea that he would like to take a trip and see the country. And every American will agree that the national parks provide the highest form of outdoor enjoyment. When it is made known that good roads have been provided so that the automobile tourist can go and return with comfort, increasing thousands will take advantage of the opportunities to visit the national parks.

As a member of the Committee on the Public Lands, I assisted in drafting the act to create the National Park Service. The wisdom of that law has been fully justified. Franklin K. Lane, the greatest Secretary of the Interior this country has had in a generation, was fortunate in securing the services of a man of vision and ability as the first director of the park service. The present administration is to be congratulated for retaining Stephen T. Mather in that office. He has sensed and carried out the almost universal desire that the national parks shall be not only preserved from desecration but actually made to serve the purpose to which they are dedicated, the enjoyment of the American people.

I can speak advisedly on this question because within the State of Arizona is to be found the most stupendous natural wonder in the world, a portion of which has been set aside as the Grand Canyon National Park. The people of my State want this park opened up by roads and trails so that all others may share its beauties and its glories with them. The Nation having reserved the Grand Canyon Park from exploitation is in duty bound to take the next step and make it accessible. From the funds authorized for expenditure by this bill \$800,000 will be devoted to that purpose.

The details of the road projects within the Grand Canyon National Park, as stated in the hearings before the Committee on the Public Lands on this bill, are as follows:

Details of road projects within the Grand Canyon National Park.

Name or designation of project and nature of improvements.	Amounts and costs of proposed improvements.			Totals for projects.	
	Miles to be done.	Average cost per mile.	Total cost.	Miles improved.	Cost.
Grand Canyon to main entrance with branches to Yaki and Yavapai points.....				11	\$110,000
New construction.....	4	\$2,000	\$8,000		
Reconstruction.....	7	2,000	14,000		
Surfacing.....	11	8,000	88,000		
Main entrance to Desert View.....				28	280,000
Reconstruction.....	28	2,000	56,000		
Surfacing.....	28	8,000	224,000		
North entrance.....				3	15,000
Reconstruction.....	3	2,000	6,000		
Surfacing.....	3	3,000	9,000		
Cape Royal.....				20	58,000
New construction.....	20	2,000	40,000		
Surfacing.....	20	800	16,000		
Service roads.....				4	26,000
New construction.....	2	4,000	8,000		
Reconstruction.....	2	3,000	6,000		
Surfacing.....	4	3,000	12,000		
Havasupai.....				50	306,000
New construction.....	16	16,000	240,000		
Reconstruction.....	34	2,000	68,000		
Desert Camp.....				8	5,000
Reconstruction.....	8	625	5,000		
Total.....				124	800,000
New construction.....	42	7,048	296,000		
Reconstruction.....	82	1,800	155,000		
Surfacing.....	66	8,288	549,000		

I also aided in securing the enactment of the law creating the Grand Canyon National Park, a carefully prepared measure, which not only had the approval of the State and local authorities but of the people of Arizona generally. At the time the act was passed every vested right within the park was protected. That was particularly true of the Bright Angel Trail belonging to Coconino County. It was fully realized, however, that no matter how excellent the intentions of all parties concerned might be there was sure to be some friction between the Park Service and county authorities so long as the title to that trail remained in the county. The prime object of the law was to see that the public be properly served and, knowing that divided authority could not attain that end, the act authorized the Secretary of the Interior to negotiate for the purchase of the Bright Angel Trail.

I am happy to say that the solution of the difficulty over the Bright Angel Trail has been greatly advanced during the past year. The people of Coconino County fully realize the immense advantages that will follow from the construction of roads and trails to open the Grand Canyon National Park to the world. I venture to say that no citizen of that county, or of the entire State of Arizona, can be found who would seriously oppose appropriations by Congress for that purpose. Furthermore, I am sure that on reflection the vast majority of them will be more than willing for the county of Coconino to part with its title to the Bright Angel Trail as an aid to bringing about such development. They can be depended upon to meet the Federal Government in a spirit of fairness in this and all other matters.

It has been urged that the county of Coconino is without legal authority to sell the Bright Angel Trail. Anyone who will read the following provision of section 2418 of the Revised Statutes of Arizona can not fail to reach the conclusion that such an assertion is mere buncombe which will deceive nobody. The board of supervisors have jurisdiction and power—

To sell at public auction at the courthouse door, after 30 days' previous notice given by publication in a newspaper of the county, and convey to the highest bidder for cash any property, real or personal, belonging to the county, paying the proceeds into the county treasury for the use of the county.

Under the terms of that law of the State of Arizona the board of supervisors of Coconino County can make known its desire to sell by proper advertisement and the Secretary of the Interior can purchase the trail if he is the highest bidder for cash.

I am sure that no one will dispute the right of the board of supervisors to enter into contracts for the construction of roads within the county and to pay for the same with money from the county treasury. Therefore the board of supervisors can agree that the \$100,000 paid into the county treasury by the United States for the Bright Angel Trail shall be expended in cooperation with the Secretary of the Interior on the approach road from the National Old Trails Highway to the Grand Canyon National Park. It may be that some one will be unwise enough to take this question into court, but the case will not stay in court very long because no judge will deny to the members of the board of supervisors the right to exercise the usual and customary powers which have long been conferred upon them by law.

The facts regarding the status of the Bright Angel Trail, the desirability of purchasing it by the Federal Government, rates being charged for trips over the trail, administration of the park, and similar data are not hard to obtain. The Interior Department publishes a booklet on the Grand Canyon National Park, describes its natural features, tells people how to reach it, and quotes rates for accommodations in the park. I have here the rates that were in effect in 1923, and these rates, so far as I know, are in effect to-day. They are practically the same as they were when the park was created five years ago. There have been some slight increases due to increased cost of operations, higher wages, higher food costs, perhaps higher taxes, because the State of Arizona and Coconino County can and do assess and collect taxes on property in the park. But these increases have been few in number and small in amount.

The Bright Angel Trail is not the approach to the rim of the Grand Canyon. It is the trail that leads from the south rim near the end of the railroad and the El Tovar Hotel down into the canyon to the Colorado River. The approach to the rim is by railroad, a branch of the Santa Fe system from Williams, a station on the main line of the Santa Fe, or by automobile road from the National Old Trails Highway, as it is usually called. This automobile-road approach is about 60 miles long. However, the county has no funds with which to build such a road. The county of Coconino is the second

largest county in the United States, having an area of 18,498 square miles, less than 11 per cent of which is taxable, the remainder belonging to the United States. The following are the percentages of Government-owned lands divided as to types of reservations:

	Per cent.
Indian reservations.....	35.3
Forest reserves.....	31.2
Unreserved public lands.....	17.4
National park.....	5.0
Total Federal lands.....	89.9

The people of Coconino County feel that the United States, in view of its ownership of so much of the county, should build more of the roads that are needed and ought to maintain more of the highways across the public domain. This was brought to the attention of visiting members of the Appropriations Committee of the House last spring at the Grand Canyon. In a conference with the county officials a plan was approved to submit to Congress the proposal that if Congress would appropriate the sum of \$100,000 and the county would sell the Bright Angel Trail to the Government for that amount, this fund would be used in the construction of an approach road which the county can not build because of lack of funds.

It was well understood that this fund of \$100,000 would not complete this road and that other funds would have to be made available later. Perhaps \$400,000 or more will be needed to make the approach road what it should be, and the amended provision that is now before the Senate contains unmistakable language to the effect that the United States is to take over and construct such a road to the park. The Federal Government will not only take it over and rebuild it as a good automobile highway but it will have the duty to subsequently maintain it as it does certain approach roads to the Yellowstone Park which the United States built at a cost of \$517,000 and which it still maintains through the National Park Service.

No better thing could be done for the county than to authorize the construction of this approach road to the Grand Canyon National Park by the United States Government, because the park is a great economic asset to the county and to the State in that it attracts heavy travel from all sections of the country. Many tourists are potential settlers and investors, and we want more of them in Arizona. The people of Arizona want this approach road built. The county of Coconino and its citizens have, through commercial and social organizations, approved the plan to sell the Bright Angel Trail in order to obtain Federal cooperation on the road plan that is so vital to the welfare of the county. The county only receives a net income of \$4,000 to \$5,000 per year from the operation of the trail, not enough to maintain properly one-third of the approach road to the Grand Canyon National Park.

The Bright Angel Trail is owned by Coconino County. There can be no doubt of this ownership, and the county can give a good title to the trail. The case of *Duffield v. Ashurst* (100 Pac. Rep., p. 821) established this ownership. In the following provision in the organic act creating the Grand Canyon National Park (40 Stat. 1175) the rights of the county were recognized and protected:

SEC. 4. That nothing herein contained shall affect any valid existing claim, location, or entry under the land laws of the United States, whether for homestead, mineral, right of way, or any other purpose whatsoever, or shall affect the rights of any such claimant, locator, or entryman to the full use and enjoyment of his land, and nothing herein contained shall affect, diminish, or impair the right and authority of the county of Coconino, in the State of Arizona, to levy and collect tolls for the passage of livestock over and upon the Bright Angel Toll Road and Trail, and the Secretary of the Interior is hereby authorized to negotiate with the said county of Coconino for the purchase of said Bright Angel Toll Road and Trail and all rights therein, and report to Congress at as early a date as possible the terms upon which the property can be procured.

The Secretary of the Interior, therefore, in endeavoring to acquire this trail has been acting under the directions of Congress as expressed in the law creating the park. Congress did not want this trail to continue in county ownership. This was a proper view to take, as it is the only toll trail in the entire national park system. The Bright Angel Trail should be in national ownership, but the county should be adequately compensated therefor.

In my opinion the proposition covered by the amendment placed in the Interior Department appropriation bill on the floor of the House would adequately compensate the county for its rights in the trail. The provision as amended in the House on March 11, and as it is now before the Senate, is even more advantageous to the county, in that it specifically authorizes the

United States Government to build the road from the National Old Trails Highway to the south boundary of the park, and if accepted by the Senate will authorize the Secretary of the Interior to submit to the Budget Bureau each year until finished estimates for appropriations to construct this important highway.

As the situation now stands the county owns the Bright Angel Trail and can collect tolls for its use. It can not fix rates to be charged for use of saddle horses. It can collect as much as it thinks reasonable per horse for every animal taken over the trail, but it can not say to the owner of the horse what he shall charge a tourist to use the horse on the trail. The rates for the use of horses by visitors are fixed by the Secretary of the Interior, and are published by him for the information of the traveling public.

The county has preferred to collect its tolls through the owner of the horses, Fred Harvey, so the average visitor to the park does not know that he is paying toll to the county, but, nevertheless, every visitor that uses the trail indirectly pays to the county \$1. Therefore, if the United States should acquire the trail the rate per horse would be \$1 less for the Bright Angel Trail trip than it is to-day. It would be \$5 per day, including guide, instead of \$6 per day. The county is not keeping the rates for this trip down. The rates could be raised now with the ownership of the trail still in the county if the Secretary of the Interior deemed a raise in these rates to be reasonable.

The concessionaire in the park which has the right to rent saddle horses for use on the Bright Angel Trail is Fred Harvey, the operator of the dining cars on the Santa Fe Railroad System and the eating houses along the route. This concern had saddle horses in the Grand Canyon region and on the Bright Angel Trail long before the national park was created. It now has the privilege of conducting saddle-horse parties on the park trails under a franchise which it obtained by virtue of being the "best and most responsible bidder," as provided in section 2 of the act creating the Grand Canyon National Park, which reads as follows:

SEC. 2. That the administration, protection, and promotion of said Grand Canyon National Park shall be exercised, under the direction of the Secretary of the Interior, by the National Park Service, subject to the provisions of the act of August 25, 1916, entitled "An act to establish a National Park Service, and for other purposes": Provided, That all concessions for hotels, camps, transportation, and other privileges of every kind and nature for the accommodation or entertainment of visitors shall be let at public bidding to the best and most responsible bidder.

After the park was created the National Park Service advertised for bids for concessions under the above provision, and as a result of public bidding Fred Harvey received a franchise to operate hotels, transportation lines, saddle horses, and certain other services. The Babbitt Trading Co., of Flagstaff, a very well known firm, has received through such bidding the right to establish and operate a general store in the park, and other franchises along these general lines were granted under the authority of Congress as contained in the act establishing the park.

The National Park Service act mentioned in section 2 of the Grand Canyon Park act gives the Secretary of the Interior authority to grant such privileges for a period not exceeding 20 years.

This is the language used:

SEC. 3 (act of August 25, 1916, 39 Stat. 535). * * *. He may also grant privileges, leases, and permits for the use of land for the accommodation of visitors in the various parks, monuments, or other reservations herein provided for, but for periods not exceeding 20 years; and no natural curiosities, wonders, or objects of interest shall be leased, rented, or granted to anyone on such terms as to interfere with free access to them by the public.

The Secretary of the Interior, and his representative, the Director of the National Park Service, have been operating the Grand Canyon National Park under these provisions of law since 1919. The services provided for under franchise, regularly granted after advertisement and public bidding, have been adequate, and the rates have been reasonable considering the cost of bringing in materials and supplies which at the Grand Canyon include water for drinking and all other purposes. These rates are available to every visitor, and for parties of one or a hundred.

The enactment of the bill that is before the House to-day will ultimately make available for expenditure within the Grand Canyon National Park, in Coconino County, Ariz., the sum of \$800,000 for roads and trails. The provision contained in the

Interior Department Appropriation bill makes available \$100,000 which Coconino County can use for the construction of an approach road to the park, or a total from the Federal Treasury of \$900,000. In addition to that sum, such further expenditures as may be necessary to complete the approach road are authorized to be made by the Secretary of the Interior.

In exchange for these benefits the county is asked to transfer its title to the Bright Angel Trail to the United States. For the loss of an income from the trail of \$4,000 or \$5,000 a year the county obtains all these advantages and yet it is said that Congress is trying to "browbeat" Coconino County. I am confident that the citizens of that county will be delighted to submit to the same kind of considerate coercion for many years to come.

The bill that is now under consideration by the House should be promptly passed. I have every confidence that it will be enacted into law in ample time to allow the necessary estimates for the construction program beginning with the next fiscal year to be submitted to Congress next December by the Budget Bureau. The sum of \$7,500,000 is a reasonable amount to authorize for this purpose.

Mr. HUDSPETH. Will the gentleman from Arizona yield?

Mr. HAYDEN. I yield to the gentleman from Texas.

Mr. HUDSPETH. Does the gentleman think this sum will be sufficient for this purpose?

Mr. HAYDEN. I think the plan of road and trail construction as outlined by the National Park Service will make most of the parks and monuments accessible to the public. Of course, considering the tremendous increase in the number of automobiles in this country, the national park road system must be expanded from time to time, and the limitation in this bill does not necessarily mean that there will never be another dollar asked for this purpose.

Mr. HUDSPETH. Would the gentleman have any objection to my offering an amendment to increase the amount to \$15,000,000?

Mr. HAYDEN. The amount carried in this bill is all that the National Park Service has asked for and all that can be wisely used under the program as outlined by that service. When that program is completed I have not the slightest doubt but that Congress can and will make whatever additional appropriations may be required.

Mr. HUDSPETH. Would the gentleman have any objection to my offering such an amendment?

Mr. HAYDEN. Frequently I have been accused of securing appropriations of money out of the Treasury, but on this occasion I can see no necessity of making the authorization in excess of the amount asked for by the Park Service, which has the duty of expending the funds when made available by Congress.

The SPEAKER. The time of the gentleman from Arizona has expired.

Mr. WINSLOW. Mr. Speaker, I move to strike out the last two words.

Mr. Speaker and gentlemen of the House: I know nothing about the specifics of this bill and I am not prepared to argue anything as to the accuracy of the proposed appropriation, but I have an idea or two in reference to the proposition as a whole. I believe that the Government of the United States can do more to attract to this country visitors from foreign countries by developing our system of national parks than by any other one move it can make. [Applause.] But that is not the most desirable feature of all. Some here have talked about representing some part of the country far away from most of the national parks. I think I can fairly make claim of living about as far away as any Member, and yet I would say to fellow Members of this House that in the miscellaneous correspondence which I have had since I have been here, on matters aside from such leading subjects as ways and means, and so forth and so on, no subject has been so much written of, no appeal has been so universally made from people in my part of the country, as a general support of these movements to develop national parks.

Mr. VAILE. Will the gentleman yield for a moment?

Mr. WINSLOW. Yes.

Mr. VAILE. I would like to call the attention of the gentleman to the fact that in the Rocky Mountain National Park, located in my State, last year there were 51,800 automobiles coming in from all parts of the country.

Mr. WINSLOW. I am not at all surprised, and you do not need to convert me. I had the pleasure last year of going through four or five parks, including the Rocky Mountain National Park, and I must say that I had a higher opinion of the resources of this great country after that trip than I ever had before, and if there is any one particular thing I want the mem-

bers of my family, my children, and my friends to see, it is the system of national parks throughout the United States and Alaska.

I merely wish to add my word of approval for whatever it is worth, in a general way and along a broad line, and I do not care where the parks are situated. If the Interior Department continues to work, as it is working now, and will keep on developing our national parks, I do not care where they are located. They are directing national parks and are exercising splendid judgment and are opening fields for recreation, for fine health and a general enlightenment of what the country provides more effectively than any other department of the Government.

Mr. HULL of Iowa. Mr. Speaker, will the gentleman yield?

Mr. WINSLOW. Yes.

Mr. HULL of Iowa. Could not the gentleman tell us of the need for better roads in that section? I know that the gentleman was over some of those roads that are under improvement, and I would like to hear from him on that point.

Mr. WINSLOW. Mr. Speaker, as I am appealed to as an authority on this subject, I shall go ahead. The gentleman is quite right. I have been over a good many hundreds of miles of those roads within a year. As to some of them, I might say that I was over them and then again that I was not. I was in some instances in places where the wheels went over the road but where my seat was over a precipice some two or three thousand feet deep. There are places where if we could widen those roads in many instances we would be sure of being able to keep the people in vehicles on them and over the roadbed all the time. If the project is worthy at all, it is worthy of being done well. At present the Interior Department is running the parks with a view to reasonable economy. The parks department has been constrained to make paths and roads where and as they could—not always as they wanted to but as they must. There are many places on those roads which are mighty narrow, and which, if it were not for the fine quality of direction of the parks and the splendid lot of young fellows whom they have there from the universities of the West and Northwest to operate public omnibuses, would be impossible for purposes of general, systematic transportation.

Mr. RAKER. Mr. Speaker, in the Yosemite National Park roads were built for private use at a cost of about a million and a half dollars. When the park was taken over those roads did not cost the Government anything. The approach roads have cost about two and a half million dollars. The same thing may be said with reference to the Lassen Volcanic National Park as to approach roads, as well as the other national parks. From testimony presented, as well as from observations of my own and of many others of us who have visited practically all of the parks, the amount of money—over \$23,000,000—that has been spent by the various States alone, to say nothing about the enormous sums spent by the counties, for the purpose of building up these roads will make it so that people may enter the park with the greatest facility. When the parks are entered to-day, in most of them the roads are found to be in very bad condition for travel. Wherever people come from they appeal for the development of those roads in the parks. More people are turned toward these parks, and are therefore not going to foreign countries by virtue of having an opportunity of seeing the parks and their wonders.

There are some 18 parks, besides the numerous monuments, and the States and counties cooperating, as well as organizations expending their own private funds, are preparing right along and within a year you will have highways over which you may go from one park to another through the entire circle of the 18 parks, and in addition become familiar with the country lying between them.

Mr. McKEOWN. Would it not be wise to start the circle, we will say, from Hot Springs National Park?

Mr. RAKER. We have a road running from Hot Springs that will meet up with the circle when you get west about 1,500 miles. The amount of money spent in this work as compared with the amount of money expended generally on post roads, \$540,000,000, and \$43,000,000 for national forests, is very small. It is being expended by the Federal Government to protect this property, which is the grandest in the world. The Federal Government, in behalf of its citizens—not of any particular locality, but for every man, woman, and child in the United States—is doing a wonderful work. That property will be protected for the people of the United States and for their descendants, so that all may have some benefit from it. Congress could not spend money any more wisely than in the development of this property, which belongs to the Federal Government. This is appropriate legislation along the right lines. It had my best efforts before the Committee on the Public

Lands. It was my pleasure to help bring it before the House, and I feel confident the Congress will, by its affirmative action, give its approval.

Mr. SNYDER. Mr. Speaker, I desire to add my word of approval to this measure. We have listened to one gentleman from the East who says he is located about as far from a national park as it is possible for a man to be. I want to corroborate what he has said so much better than I could possibly say it. About four years ago, as some of the Members of the House know, we made an investigation of Indian affairs, and during that investigation we visited several of the parks and drove about 1,000 miles, by automobile and otherwise, over some of the roads which this bill proposes to improve. Certainly, as has been said here so many times, no money can be spent anywhere that will give more universal satisfaction to many people than by expending it in improving the roads through our national parks. Therefore I heartily favor this measure.

Mr. LEAVITT. Mr. Speaker, I want to add just a word about the national character of this question. I have been very much gratified by the testimony given by the gentleman from New York [Mr. SNYDER] and the gentleman from Massachusetts [Mr. WINSLOW]. For too long this has been considered merely a question of the West. These national parks are the most valuable possessions in the form of public lands still remaining to the United States. They contain within their area more scenery of the first order than is found elsewhere in all the world, and because of that fact these parks are being visited by rapidly increasing numbers of people.

I want, therefore, to present just one additional idea as to the need of this road system. Because of the road work that has been done by the States and because of the fact that these approach roads going into the national parks from every direction are bringing into the national parks, not merely tens of thousands, but hundreds of thousands of people in their automobiles every year, these roads within the parks have become entirely inadequate. More than that, they are becoming dangerous because of congestion. The Nation is inviting the people of the Nation and of the world to these parks, and it is the duty of the Nation to make the roads as safe for them as it is possible to do. That requires a development of the park-road systems to make them commensurate with the roads outside. I am glad to see that no objection to this bill has arisen upon the floor of the House, and that it is recognized to be a national question, and that these parks have come to be considered of such great national value. [Applause.]

Mr. WATKINS. Mr. Speaker, I move to strike out the last word. I want to thank the gentleman from Oklahoma and the gentleman from Texas for their magnanimity on this question, and while I am on my feet I want to say to the House that I do not believe that a man is really a good and thorough American citizen until he has seen the beauties of these great parks, especially in the far West. There are 19 of them. Now I simply want to submit a suggestion for the benefit of Members, and that is that during the coming summer instead of going into their own bailiwicks and playing politics that they come out and get an inspiration from these parks, which will make them not only better politicians, but better Americans.

Crater Lake was created, I believe, in 1902. It is located in the southwest part of Oregon and occupies the summit of the Cascade Range. It is ninth in size of all the parks and contains 249 square miles; Crater Lake itself is 6 miles in diameter. It is something that every citizen of the United States should see.

Since 1915 the State of Oregon has expended over \$3,000,000 on roads leading to Crater Lake Park. Since 1915 the United States Government has expended about \$300,000 within the park. During that time the annual revenue has increased from \$1,359 in 1915 to \$18,139 in 1923; and it is estimated that the revenue for 1924 will be between \$32,000 and \$35,000. The Government, of course, benefits by this increase.

During the last season, 52,117 people visited Crater Lake Park.

The annual revenues credited to Crater Lake National Park from 1915 to 1923 are as follows:

1915	\$1,359
1916	2,402
1917	4,595
1918	5,595
1919	5,958
1920	8,327
1921	9,784
1922	15,277
1923	18,139

So you can see from the standpoint of revenue it is a good investment, and from the standpoint of having a country which

will instill in us a better Americanism it is likewise a good investment.

Mr. RAKER. If the gentleman will yield, is it not a fact that over half of the membership which visit these parks are from the Eastern States?

Mr. MADDEN. And the Eastern States pay the money to build the roads.

Mr. RAKER. I am sorry my friend interrupted me in the splendid statement I was about to make—and they get the benefit of the use of these parks.

Mr. WATKINS. Exactly.

Mr. MADDEN. And the people of the Eastern States pay the bills.

Mr. BLANTON. The gentleman would not expect Congressmen to go to parks outside this year except they—

Mr. WATKINS. I hope they will go, and I hope the gentleman from Texas will be one of them. Now I want to challenge the statement of the gentleman from Illinois that the eastern people pay the bills.

Mr. MADDEN. They do.

Mr. WATKINS. The people of Oregon have paid their bills.

Mr. MADDEN. Oh, no.

Mr. WATKINS. Not only that, but they have furnished hotels in the parks and given free parking grounds, and if the gentleman does not believe that he can come out next summer and I will pay his own bill so that he can not go back and say that we do not pay our bills.

Mr. BLANTON. If they play poker out there with the gentleman they will pay the bill.

Mr. WATKINS. I do not play poker.

Mr. MADDEN. Mr. Speaker, I did not intend to say a word on this bill, and I was perfectly willing to see it became a law; but I can not let the statement get by that these people out there are furnishing facilities in order that the people of the United States may see the beauties of the parks. The people of the United States themselves are furnishing the facilities, and 90 per cent of all the money paid for the construction of these roads is paid by Indiana, New York, Pennsylvania, Ohio, and Illinois.

Mr. BLANTON. Northeast of Chicago.

Mr. MADDEN. And it is not paid by the territory through which the roads are constructed. I just wanted that to go in the Record. I am not opposing the construction of these roads or the appropriation, but I can not afford to let you people from the park regions run away with the statement and have it published in the Record that you are furnishing facilities which will furnish opportunity for the people of the rest of the United States to see the beauties of the national parks, and the hotels for the accommodation of the people who go there. Who built them? The Federal Government built them.

Mr. WINSLOW. Would the gentleman take any exception to going a step further and say that in addition to whatever these Eastern States do pay, with the few returns that come to them, they are very glad they can have these improvements?

Mr. MADDEN. We are glad to help, but we ought to get credit for what we do. I do not desire it shall go unchallenged on the floor of the House that they are furnishing all these facilities, building hotels, giving hotels free to the people of America, say, at \$10 a day, or some such matter.

Mr. WATKINS. In view of the fact the gentleman has visited the great West—

Mr. MADDEN. Many times.

Mr. WATKINS. Will the gentleman say that he gets value received?

Mr. MADDEN. I think every place in America where an American goes he gets value received. [Applause.]

The Clerk read as follows:

SEC. 3. That the Secretary of Agriculture is authorized to reserve from distribution to the several States, in addition to the 10 per cent authorized by section 5 of the act of November 10, 1921 (42 Stat. L. p. 213), not exceeding 5 per cent of the material, equipment, and supplies hereafter received from the Secretary of War, and to transfer said material, equipment, and supplies to the Secretary of the Interior for use in constructing, reconstructing, improving, and maintaining roads and trails in the national parks and monuments: *Provided*, That no charge shall be made for such transfer except such sums as may be agreed upon as being reasonable charges for freight, handling, and conditioning for efficient use.

Mr. BLANTON. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 8, strike out the words "the several States."

Mr. BLANTON. Mr. Speaker, in view of the statement just made by the chairman of the Committee on Appropriations [Mr. MADDEN] it is absolutely necessary now to pass this amendment because the several States, exclusive of New England, seem to have had nothing in the world to do with the \$7,500,000 that is to be expended. It all comes from New England. It does not come from any of the several States, exclusive of New England.

Mr. VAILE. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. In just a few minutes I will. There was a time when the gentleman from Illinois [Mr. MADDEN] felt honored in being called a western man, hailing from a splendid western city, from a splendid Western State of splendid western people, because Chicago claims to be western. But since the distinguished gentleman from the West has been here a number of years and associated with the men from New England and has hobnobbed with them day and night and has eaten his meals with them in New England style and has played both the game of golf and politics with them, here and elsewhere, he has forgotten the western land of his nativity; he has forgotten his place of residence; he has forgotten the western people who sent him to Congress, and now it seems that it is all New England with him.

Mr. MADDEN. You come out there and try to find out whether they think I have forgotten them or not, and you will see.

Mr. BLANTON. He has only temporarily gotten off his reservation. He is western, and I am not going to let him get away from it.

Mr. MADDEN. No; it is too valuable an asset to be from the West.

Mr. BLANTON. We of the West have got the chairman of the great Committee on Appropriations from the West, and we are going to keep him from and of the West.

Mr. MADDEN. You are perfectly right, that we should give you everything we have got; but you are not allowing us to take anything away from you.

Mr. BLANTON. Yes; and where the West gets a dollar out of the Treasury the gentleman's New England friends get a million. It comes out West to us in little dribblets, but to New England it goes out in great big gobs.

Mr. TAGUE. What does that mean?

Mr. BLANTON. The gentleman from Illinois understood me, even if my friend from New England did not.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. CRAMTON. Last spring, when I was in the West, a western Member—very much western—and he is present now, gave his explanation of why the American dollar is round. He said it was made round so that it would roll from the Treasury toward the setting sun. [Laughter.]

Mr. BLANTON. Yes; that silver dollar does roll there once in a while, but while it rolls West a thousand greenbacks are blown to the East, where the sun rises, not where it sets. [Laughter.]

Mr. HOWARD of Oklahoma. Did not a little of it roll toward New Mexico some time ago?

Mr. BLANTON. Yes; but all of the great West was ashamed of it. We do not claim that kind of western people. They are allens in our West.

Mr. VAILE. That was western money.

Mr. BLANTON. No; it did go West, but it was eastern money.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER. The Clerk will report the next bill.

INVESTIGATION OF INDIAN AFFAIRS IN OKLAHOMA.

The next business on the Consent Calendar was the resolution (H. J. Res. 181) creating a joint committee of three Members of the Senate and three Members of the House to investigate the administration of Indian affairs in the State of Oklahoma.

The title of the resolution was read.

The SPEAKER. Is there objection to the present consideration of this resolution?

Mr. BLANTON. I reserve the right to object, Mr. Speaker.

Mr. BEGG. Mr. Speaker, I reserve the right to object. I would like to ask the chairman of the Committee on Indian Affairs if the facts he has set forth in his report would not

warrant a bill being introduced right now to correct the same instead of appointing a committee of three Members from each body and spending \$25,000 to find out the things he sets forth in his report?

Mr. CARTER. I hope the gentleman will not object. I hope he will reserve his objection. Of course, we can play the same game if he wants us to.

The SPEAKER. The gentleman is out of order.

Mr. SNYDER. Mr. Speaker, in reply to the inquiry of the gentleman from Ohio [Mr. BEGG], I will simply say that there has been a bill introduced which would correct many of these difficulties, but here is a proposition where the Government is the trustee of the estates of these Indians. In 1908 the supervision of probating the estates of these Indians was taken from the bureau and put into the Oklahoma courts. The Government retained only the right to have the probate attorney appear in the court without any authority.

Now, it is claimed by these people who made this investigation, and who make these charges, that the Government is not doing its duty, and it is claimed also that the courts of Oklahoma are not only not doing their duty but are actually defrauding these Indians. It is claimed also that the Indian is the common prey of everyone, so that the Government is attacked, and the Congress is attacked, and the courts of Oklahoma are attacked. What we are proposing to do here is to ascertain whether or not these statements are true.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. SNYDER. In a moment. If it is true that the probate courts of Oklahoma are handling these probate matters and of guardianship cases in the way it is claimed, the law should be changed at once, so that the Indians can be looked after as they should be. I am not responsible for these conditions, and—

Mr. BLANTON. Will the gentleman from Ohio [Mr. BEGG] yield to me to ask a question?

Mr. BEGG. Yes.

Mr. BLANTON. The last time the gentleman from New York [Mr. SNYDER] investigated the Indians he investigated all the Indians, not merely the Indians of Oklahoma, and his committee with nine members cost the Government \$6,000. Now he is asking for \$25,000 to go only to Oklahoma with his committee at a cost of about four times as much.

Mr. CRAMTON. Three of them belong to another body.

Mr. BLANTON. Yes; but that is no excuse for spending four times as much.

Mr. SNYDER. Things have changed in the four years. We have now gotten where investigations cost money. Neither the gentleman from Texas nor anybody would be satisfied with an investigation unless it was a good one.

Mr. BLANTON. You do not need expensive attorneys and stenographers, and so forth.

Mr. HOWARD of Oklahoma. Will the gentleman yield?

Mr. BEGG. Yes; I will yield to the gentleman and then I desire to make an observation.

Mr. HOWARD of Oklahoma. I want to say, in answer to the gentleman's question of the chairman, that the so-called report he has made on the bill he has drawn only applies to one nation, but there has been no investigation made of the Five Civilized Tribes, where all but one of these charges are made.

Mr. BEGG. I would like to make the observation that we have had countless investigations made by various committees on various subjects and to my direct knowledge not very many of them have produced concrete results. I will vote any appropriation the gentleman from New York [Mr. SNYDER] wants for his committee to make a special investigation, but unless some argument can be offered that has not been offered I will be constrained to object.

Mr. CARTER. If the gentleman will yield to me, I think I can give him some light on the subject.

Mr. BEGG. I will yield to the gentleman.

Mr. CARTER. I will go with the gentleman from Ohio, with the gentleman from New York, or with any other gentleman in the House as far as anyone to protect the rights of the Indians, but I want to know, and I think I have a right to know, what I am about when I undertake such a proposition. What is the situation here? Certain persons representing certain so-called philanthropic institutions claim to have made an investigation of probate conditions in the State of Oklahoma. No one in this House knows with what thoroughness, or even fairness, this investigation was made. A reading of the report warrants the assumption that it was a purely ex parte investigation. What I want to get at is the facts, and this resolution clothes the joint committee with full power to do that very thing.

Mr. BEGG. I will say to the gentleman from Oklahoma that this report charges every crime from rape down.

Mr. CARTER. I think so.

Mr. BEGG. It seems to me that is an indictment of the officials of Oklahoma.

Mr. HOWARD of Oklahoma. And also of Congress.

Mr. BEGG. No; not of Congress. I believe everything can be rectified if the law will be changed so as to take away the administration of Indian affairs from local communities.

Mr. CARTER. I think the gentleman wants to be fair.

Mr. BEGG. I do want to be fair. If the gentleman and his committee chairman can not find out whether these things are accurate without an expenditure of \$25,000 through a new committee, then it seems to me we are in a bad state.

Mr. CARTER. Let me say this to the gentleman: This is an indictment not only of the courts of Oklahoma, but of the Indian Bureau itself and an indictment of Congress itself.

Listen to this:

The act of May 27, 1908, also provided:

"That the death of any allottee of the Five Civilized Tribes shall operate to remove all restrictions upon the alienation of said allottee's lands: *Provided*, That no conveyance of any interest of any full-blood Indian heir in such land shall be valid unless approved by the court having jurisdiction of the settlement of the estate of said deceased allottee."

Then the report goes on to tell how that worked out. The act he referred to there was passed by the Congress of the United States. He calls it the "crime of 1908." The bill was drafted by the Secretary of the Interior, Mr. Garfield, and sent to Congress for passage. Now, it is an indictment not only of the State of Oklahoma—although he claims not—but it is an indictment of the Indian Bureau itself, an indictment of Congress itself, and an indictment of every gentleman who was here at that time.

Mr. BEGG. May I ask the gentleman whether the Indian Bureau has no facilities whatsoever for ascertaining the correctness of these statements?

Mr. CARTER. Yes; they can ascertain them to a certain extent.

Mr. BEGG. And if they are as stated in this report, can they not draft another bill without sending out a special committee?

Mr. CARTER. They might to a certain extent; but any investigation they might make must certainly be considered *ex parte*, for they could not otherwise investigate themselves. Mr. Speaker, when serious charges like these are filed against our Government, against Congress, and against a sovereign State of this Nation, there is but one thing to be done, and that is to bring those who make the charges before some responsible tribunal qualified to swear witnesses, bring in the accused, and then, in true American fashion, make them testify face to face, giving each the right to look the other squarely in the eye. [Applause.]

Only one case is cited from the district which I have the honor to represent and that is the case of Ledcie Stechl. Let me call my friend's attention to some of the statements in the report with reference to this case. At page 11 of the report is cited what is called the "Crime of 1908" as follows:

That the death of any allottee of the Five Civilized Tribes shall operate to remove all restrictions upon the alienation of said allottees lands: *Provided*, That no conveyance of any interest of any full-blood Indian heir in such land shall be valid unless approved by the court having jurisdiction of the settlement of the estate of said deceased allottee.

This removed all Federal supervision of the sale of inherited lands by full-blood (and, of course, incompetent) heirs and gave jurisdiction in the premises to the local county probate courts.

The conclusions with reference to the Ledcie Stechl case at page 28, makes the following complaint:

The court has already appointed a guardian for the grandmother against her vehement protest. She, too, will go the way of her grandchild, as sheep for slaughter by ravenous wolves, etc.

Now, my friend from Ohio is a lawyer. I want him to take due notice of the language on page 11 which recites that this act referred to as the "Crime of 1908" removed all Federal supervision from the sale of inherited lands by full-blood heirs and gave jurisdiction in the premises to the local county probate courts. I would like to know what better procedure a probate court could take for the protection of an incompetent than the appointment of a guardian. Certainly, if a guardian had not been appointed, this poor incompetent woman would have been permitted to dispose of her valuable possessions at any paltry sum that might be accepted. I am reliably informed that a representative of the Indian Bureau recommended the appointment of a guardian. The report further says the guardian was appointed against her vehement protest. Certainly, if an incompetent person wants to squander his property, he will

protest vehemently against any character of restraint and that is what the guardianship certainly was in this case. But there was another and just as potential reason for the appointment of this guardian which information our friends who make this report for some reason refused to give to the public. Various and sundry people had undertaken to get large contracts amounting to 50 per cent of the entire estate for representing this incompetent in different capacities. One of these contracts, it is reported, was held by a brother of a certain lady operating an Indian school to which the child had been spirited away without the consent of the guardian. I do not know whether our friends who make this report purposely concealed this information from the public or not, but it is certainly not given in any portion of their treatment of the question.

Now this is the only case reported on from the district which I represent and is therefore the only case on which I have any information. The guardian referred to is Jordan Whiteman, president of the First National Bank at Idabel, a respected citizen in that community. The county judge who appointed this guardian over the vehement protest of the incompetent is Thomas G. Carr of Idabel. I have known him for years and this is the first word of reproach I have ever heard against his good name. Not a man who ever knew Tom Carr would attempt to bring any charge of dishonesty against his character. He is honesty personified and intensified. I would trust his honesty as far as I would the honesty of any man I know. He has made a clear, fair, and impartial statement of this matter, and with the permission of the House I will place it in the Record at this point:

IDABEL, OKLA., February 13, 1924.

HON. C. D. CARTER, Washington, D. C.

DEAR SIR: In re Ledcie Stechl, Indian rights committee, etc.:

There has been considerable talk and newspaper report concerning the Ledcie Stechl case, and I have kept quiet and tried to attend to my own business and let the Republicans scrap the matter out among themselves, but since the Indian rights committee has commenced a series of articles in the newspapers and I notice have had the matter up with you I feel that it is my duty to speak and advise you as to what I know about the matter.

Ledcie Stechl's mother, who was a full-blood Indian living in this county up near Smithville, died, owning some land in Carter County, and left two small children. Later one of these children died. A few years ago oil was discovered on 20 acres of the land in Carter County, 10 acres of same being homestead, and 10 acres being surplus, as I understand the matter.

An uncle of Ledcie was appointed her guardian by Judge Parks, my predecessor, and a department oil lease was given on the land in Carter County, and same proved to be very valuable.

For some reason about three years ago the uncle either resigned or was removed as guardian and Mr. W. J. Whiteman, of Goodwater, was appointed. Before the uncle was removed, however, he had sold some of the lands in this county, receiving a few hundred dollars for same, and had loaned out most of the money.

After Mr. Whiteman was appointed guardian he allowed the ward to remain at Smithville with its grandmother, Nellie Stechl, and informs me that he had no funds with which to support them except as he could collect of the money that had been loaned out by the former guardian. He states further, as I remember it, that he went to Muskogee and took up with the superintendent the question of support of this minor—the oil lands at this time having become very productive and the income to the minor being about \$100 a day and something like \$30,000 having been accumulated and being under the supervision of the superintendent—and he states that the superintendent advised him that the application would have to come in the regular way; that is, make application and get the county judge and the probate attorney to recommend the same. He states that he came home and took the matter up with the county judge and made the application, and the county judge approved the same, and he forwarded the same to the probate attorney and never did hear anything more from it; that he waited quite a while on the application, and not hearing anything from it that he then made application to sell the 10 acres of surplus oil land in Carter County, and then the department came in and agreed to advance him the sum of \$200 a month for the support of the minor if he would abandon the sale, which he did. This I think was in the latter part of the year 1922.

I think the evidence will show that the old grandmother, who had the ward, did not want to move away from Smithville, and had no means of support, and Mr. Whiteman did not want to separate them, so he let them remain at Smithville, renting her a house in Smithville and advising her to let him know when she needed anything; also advising Mr. Kleckler, the banker there, by whom she lived, to see after her, and also advising the field clerk to visit her when in that community and see if she was in need, and if so to notify him.

I went in office as county judge on the 8th of January, 1923, and I heard nothing of the matter until along about March, when the guard-

Ian took up with me the advisability of taking the ward and her grandmother to Paris, Tex., to have them examined to ascertain the condition of their health, and especially as to tuberculosis, as the mother of this ward had died with that disease, and the grandmother had diseased eyes and was nearly blind. I advised the action, so they were brought down here, and Mr. Whiteman and an interpreter went with them, to Paris and had them examined, and I understand that the examination showed that the child was undernourished. They came back to Idabel, and I was informed that a representative from the Muskogee office wanted them to remain here until he could come down and see them. The old lady came to see me and wanted to go back to Smithville, but I advised her that it would be best to wait a day or two longer until the representative came.

A day or two after that I saw a stranger around about town and learned upon inquiry that it was a Mr. Farver, from the superintendent's office at Muskogee.

A day or two later Mr. Whiteman came to me and advised me that some one without his knowledge or consent had taken the ward away from the place that he had her here in Idabel and he was not sure where she had been taken, but thought that she had been carried to the Wheelock School, and I advised him that he was her guardian and was responsible for her and he had better see after her. That afternoon he informed me that he had been out to Wheelock and found the child there and had taken her and had sent her back to Smithville to the home of Mr. Cleckler.

A day or two after this Mr. Farver in company with Mr. Q. Herndon came out to my home at noon to see me. Mr. Farver stated that he had not consulted with Mr. Whiteman in regard to placing the girl at Wheelock; that he was with Mr. Whiteman nearly all the morning of the day that he, Farver, took her to Wheelock, and he kept thinking that Mr. Whiteman would mention the matter to him but that Mr. Whiteman did not and he never mentioned it to Mr. Whiteman. I suggested that inasmuch as Mr. Whiteman was the guardian it was his duty if he wanted to make a change to mention the matter to Mr. Whiteman. He stated that when he left Muskogee that he was led to believe that everybody was willing for the child to go to Wheelock except the old grandmother, and that his mission was to get her to agree and that when he got her consent he carried the child to Wheelock. He wanted to know if I had any objection to the child being placed in Wheelock if it was all right with Mr. Whiteman. I told him that this child was amply able to pay her way and have the best of attention, and should be in some good private home where she could get even better training than she would get at Wheelock, and that her being at Wheelock would crowd out some orphan child that had no home and no one to see after them, as the school was crowded, but that it would be all right with me to place her there temporarily. I heard no more of the matter until about 30 days later Mr. Whiteman told me that he was going to get the child and take her to his home until he could find a satisfactory place for her, so I told him that would be all right with me, but to get a good private home for her as soon as he could.

Some time after that Mr. Whiteman informed me that the child was sick and asked my advice on sending to Paris for Doctor McQuestion; in fact, said that he had put in a call for him but that he could not come.

I advised him to get a nurse for her. Two days later I learned that she was dead. The next day Mr. Drake, United States probate attorney, called me up over the phone and said that he had heard that she was dead and had instructions to investigate her death, and asked me what doctors had attended upon her and I told him and he asked me to see them.

I went immediately to see Doctor Williams, and learned from him that she had congestion, I think it was, caused from malaria; that he and Doctor McBrayer, of Haworth, had attended upon her and that everything was done to save her life that could be done.

A few days later I learned that Ledaie had left a half-sister, a minor, and that the half-sister was claiming the estate and that grandmother, Nellie Stechl, was also claiming it. I also learned that Mrs. Breeding, superintendent of Wheelock School, had taken the old grandmother, Nellie, and the half-sister and her mother and her guardian to Muskogee.

About a week later Mr. R. B. Drake, United States probate attorney, and Mr. E. O. Clark, Choctaw national attorney, came in and took up with me the matter of the appointment of a guardian for the old lady Nellie Stechl, stating that she had been up to Muskogee and they had decided that she should be protected. I informed them that I had just recently read an article purporting to come from the Commissioner of Indian Affairs in which he was opposed to appointing a guardian for incompetents, and suggested to them that if she should prove up to be the heir that the estate was restricted and that they could protect her. They informed me that the superintendent could protect the funds which he had, which was something over \$100,000, but that if she should execute a deed to the real estate and the court should approve the same that there would be no appeal, and that she had or was liable to sign several contracts employing attorneys to represent her, and that she was in fact incompetent. I had them to bring her in

before the petition was filed and she indicated that she wanted a guardian.

On this same day the guardian of the minor half-sister presented to me a contract employing a Mr. Hancock to represent her in protecting her interest, which contract provided for 50 per cent of the amount recovered.

I had never heard of Mr. Hancock and made inquiry and learned that he was a brother to Mrs. Breeding who took them to Muskogee, and did not pass on the contract that day but told them that I would not approve a 50 per cent contract with anyone to represent the minor.

A few days later Mr. Hancock appeared in person and asked me to pass upon his contract and either approve or disapprove the same, so I disapproved the contract and handed same back to him.

When the application for the appointment of a guardian for Nellie Stechl was filed by Mr. Drake, United States probate attorney, I then began to cast about in my mind for some one who would be suitable to act as guardian, and whose honesty and integrity could not be questioned in the event I found that she needed a guardian. I finally decided upon Mr. Q. Herndon and went to see him and asked him if he would act, and he informed me that he would. I then informed Mr. Drake that I had decided to appoint Mr. Herndon in the event I appointed a guardian. Immediately after this the Indians were taken again to Muskogee, but returned on the day for hearing the petition. At this hearing Mr. T. W. Hunter appeared for the old lady and resisted the appointment of a guardian, and it developed at the hearing that while they were at Muskogee the first time Mr. Hunter was also there, and she had made a contract with him agreeing to give him 50 per cent of the amount recovered to represent her, and it also developed that she had also given Robert E. Lee a contract before she left Smithville for Muskogee. In fact the proof showed that she had signed every paper that had been presented to her, and I found her incompetent and appointed Mr. Herndon guardian for her, and Mr. Hunter, for her, appealed from my decision to the district court.

It also came to me that the Commissioner of Indian Affairs had been informed that I was going to put one of the old ring in as guardian, and he decided it was best to not have a guardian. I do not know how true this is, but you can get that information from him, and if he received such information you can ascertain from whom he received it.

As soon as I had appointed the guardian Mr. Hunter immediately filed suit in Carter County for Nellie Stechl for the possession of the land, and I understand that the suit is now pending.

When the guardianship matter came up for hearing on appeal in the district court, Roscoe Drake, a brother of R. B. Drake, the United States probate attorney, who filed the petition for guardianship, appeared in the case with Mr. Hunter resisting the appointment. Mr. R. B. Drake stated to the court that the department felt that she should have a guardian, but felt like giving her the privilege of selecting her guardian and took very little part in the hearing, leaving the matter to Mr. Herndon and his attorney, and the district court found her competent and reversed the lower court, and that is how the matter stands at this time.

This, I think, will give you some idea of the matter, and I think if a fair, impartial investigation is made the facts will develop about that way.

Yours truly,

T. G. CARR.

Yes, Carr insisted on the appointment of a guardian. Why? He wanted a guardian appointed so this poor incompetent woman might not be defrauded of her birthright for a mess of pottage. He wanted a guardian appointed so that the 50 per cent contract of this Mr. Hancock, brother of the lady operating the Indian school, might not be approved. He has done everything he could to protect this helpless person and he deserves the praise rather than the condemnation and denunciation of those who have undertaken to defile his good character.

I am sure the gentleman from Ohio will not dispute my statement of the facts, and after this statement of the case I do not believe the gentleman from Ohio himself would favor taking jurisdiction away from such helpless people as the courts might afford.

Let me ask the gentleman's attention to that part of page 11 of the report which is denominated as the "crime of 1909." The "crime of 1909" refers to the passage of the act of May 27, 1908. In making this report they undertake to indict the then serving Members of Congress for what they call the "crime of 1909." This is the removal of restrictions act, which after a conference between all members of the Oklahoma delegation and the Secretary of the Interior, was drafted by the Solicitor of the Interior Department and sent to the House Committee on Indian Affairs for introduction by the then chairman of that committee, James Sherman. As the one House Member of the Oklahoma delegation still left in Congress I willingly assume my share of responsibility, but the point is

that the bill represented the best judgment not only of the Interior Department but of President Roosevelt himself. As a matter of fact, President Roosevelt's recommendation was that Congress go a good deal further than they did in the way of removal of restrictions.

Mr. BURTNESS. Mr. Speaker, reserving the right to object, I would like to ask the chairman of the committee a question or two. This problem is very similar, is it not, to the problem which was before the Committee on Indian Affairs and on which the committee held hearings for a couple of weeks last winter, at least in so far as it pertains to the Osages?

Mr. SNYDER. Not exactly; no. It is quite different. The Osages have legislation that applies to the Osage Tribe alone and does not affect other Indians in the State of Oklahoma.

Mr. BURTNESS. I realize that.

Mr. SNYDER. It happens that in 1908 the Congress took from the Indian Bureau the authority that it gave to the probate court. Now, here is what happened—

Mr. BURTNESS. I do not care particularly about what happened; but this is the situation, is it not, that in the last session of Congress hearings were held by the Indian Affairs Committee for a couple of weeks with reference to this situation among the Osages, and the committee recommended legislation, which was included in the omnibus bill, and this House passed legislation which was regarded by the Committee on Indian Affairs and by the House as sufficient to remedy such evils as might exist down there, which are doubtless exaggerated?

Mr. SNYDER. We have on the calendar now about four bills below this one, a bill modifying that act, in which we have restricted to a much greater extent than we attempted to do when we passed the act of 1921, or at the time the gentleman refers to—

Mr. BURTNESS. In other words, there is now upon the calendar legislation reported favorably by the committee with a view to correcting evils which are existing. Why, then, just because some people—

Mr. SNYDER. So far as the Osages are concerned.

Mr. BURTNESS. Why, just because some people think they should be the guardians of all the public and come in and make some loose charges which they are not ready to substantiate—why turn around and spend the public money for such a purpose?

Mr. SNYDER. The legislation we are talking about which is on the calendar applies to the Osages only.

Mr. CARTER. The gentleman from North Dakota [Mr. BURTNESS] has perhaps forgotten that the Five Civilized Tribes and the Osages both are the subjects of special legislation by Congress. The Five Civilized Tribes are dealt with in a different manner from the Osages, and the Osages are dealt with in a different manner from other tribes. It was necessary to pass this legislation that the gentleman from New York [Mr. SNYDER] has spoken of with reference to the Osages—

Mr. BEGG. Would the gentleman be willing to pass this over?

Mr. CARTER. Let me finish this sentence, please. To pass this legislation on account of the large property interests of the Osages, they having an income of \$12,000 per annum per capita, man, woman, and child. Other tribes have no such interests that have to be protected, and therefore it is necessary to have different legislation for the different tribes.

Mr. BURTNESS. And that is all within the jurisdiction of the committee?

Mr. CARTER. Certainly.

Mr. SNYDER. Let me just say a word. This legislation will not correct the difficulty that is referred to by these investigators. It will simply provide that these Indians shall go back again under the jurisdiction of the bureau and will not correct the robbing and thieving and the destroying of the estates which has taken place since 1908.

Mr. BURTNESS. The gentleman is of opinion, then, that there is a great deal of warrant for these objections?

Mr. SNYDER. I think there is every warrant for them, and I think it will be shown that the matters of these guardians and wards have been handled very badly, indeed. If the gentleman will look into the matter, he will see that it is a common thing to spend \$10,000 of a ward's money for a funeral.

Mr. BEGG. Will the gentleman yield?

Mr. SNYDER. Yes.

Mr. BEGG. If the court has fixed the attorney's fee at \$10,000 on account of the estate of some dead Indian two years ago, how is your investigating committee going to get back that \$10,000 from the estate? I would like to ask somebody that question.

Mr. SNYDER. I do not know of any way you can get it back.

Mr. HOWARD of Oklahoma. Will the gentleman yield?

Mr. CARTER. You can not get it back. You can only make such corrections as are necessary so that it will not happen in the future.

Mr. HOWARD of Oklahoma. I want to say, Mr. Speaker, if the gentleman yields to me, that not only is this investigation necessary by reason of the report made by the Indian Rights Association, which slanders Congress and the citizenship of Oklahoma, but I want to say that I am prepared to prove before that committee that in the last three years there has been dissipated through the mismanagement of the Indian Bureau of the department down here many times more money than has been spent on guardianships in Oklahoma, and for the protection of the Indians from the Bureau of Indian Affairs of the Interior Department, this investigation is necessary, if from no other standpoint, and as a citizen of Oklahoma, the State that has been slandered by this report, I ask an opportunity to prove this charge.

Mr. HASTINGS. Will the gentleman yield to me?

Mr. SNYDER. The gentleman realizes that this same investigating committee recommends that the Indians be put back under that bureau.

Mr. BEGG. Mr. Speaker, I object.

Mr. HASTINGS. Will not the gentleman from Ohio yield to me before he objects?

Mr. BEGG. I do not object to doing that.

Mr. CLARK of New York. Regular order, Mr. Speaker.

Mr. HASTINGS. Mr. Speaker, I ask unanimous consent for five minutes. I want to discuss the resolution that has just been passed over.

The SPEAKER. Objection has been made.

Mr. HASTINGS. I understand that; but I ask unanimous consent to speak for five minutes.

The SPEAKER. The gentleman from Oklahoma [Mr. HASTINGS] asks unanimous consent to address the House for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. HASTINGS. Mr. Speaker, I deeply regret that any objection has been made to the present consideration of this joint resolution. I assure the Members of the House that I not only reflect my own sentiments but the sentiment of the entire Oklahoma delegation when I say that we are willing here and in Oklahoma to correct any alleged irregularities that may be practiced against the Indians. Some two or three weeks ago a pamphlet was published and circulated throughout the country, and the facts therein stated were supposed to have been obtained in an ex-parte investigation by certain representatives who went quietly and secretly around in Oklahoma. We did not know anything about it until the pamphlet was published. What did the Oklahoma delegation do? We wanted to show to this House and to the Congress, we wanted to show to the country, that we did not approve of any such irregularities as were outlined in this ex-parte report. At once, through Mr. CARTER, the dean of our delegation, we introduced this resolution in order that these ex-parte statements might be fully and honestly investigated.

In addition to that, the delegation telegraphed to the governor of our State and in brief told him of the charges that had been made reflecting upon the courts and the citizenship of Oklahoma, and at once the governor wired back to the Commissioner of Indian Affairs that the attorney general of the State of Oklahoma was at his command, that if he would turn over any specific proof to the attorney general, showing any irregularities on behalf of any present county judge, he would instruct the attorney general to cooperate and see that ouster proceedings were brought. The attorney general came to Washington and offered the services of his office to the Indian Office.

There is a vastly different situation between an investigation in Osage County and this investigation. The Osage Indians occupy but one county in Oklahoma. Therefore, it is a comparatively easy thing to investigate alleged irregularities there, but the Five Civilized Tribes occupied what is now divided into 40 counties in eastern Oklahoma. Hence, you can not investigate charges in so large an area so quickly and so easily and at long range. Again, this resolution contemplates an investigation of a large number of cases not specified in certain counties, without stating what counties, and we say that the report is a reflection upon our State.

In addition to that, let me say there has been a bill introduced which has for its purpose the changing of the probate law in Oklahoma. The Oklahoma delegation says that it is necessary to definitely fix the responsibility for these alleged

irregularities. They are made here upon ex parte statements by people who went there quietly and secretly throughout eastern Oklahoma, and we challenge the truth of these statements and ask for an investigation. You could not expect the members of the Oklahoma delegation to stand on this floor and support legislation that radically changes the probate law of our State without having some opportunity to make an investigation. We insist on a fair, full, and impartial investigation. Let it be public. Let us examine the records. They can not be brought here. Let us give everyone a chance to be heard. We want nothing concealed. We condone no wrong. This investigation will also disclose whether the representatives of the department are alert, competent, and efficient. Why not get the facts? We can get them if this resolution is passed. The delegation does not approve of an investigation 1,500 miles away upon an ex parte hearing and without giving the people of Oklahoma an opportunity to be heard.

Mr. CARTER. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will continue with the call of the Consent Calendar.

SAGINAW, SWAN CREEK, AND BLACK RIVER BAND OF CHIPPEWA INDIANS.

The next business on the Consent Calendar was the bill (H. R. 694) to amend an act entitled "An act for the relief of the Saginaw, Swan Creek, and Black River Band of Chippewa Indians, in the State of Michigan, and for other purposes," approved June 25, 1910.

The SPEAKER. Is there objection to the present consideration of the bill.

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 2 of the act of June 25, 1910, entitled "An act for the relief of the Saginaw, Swan Creek, and Black River Band of Chippewa Indians in the State of Michigan, and for other purposes," be, and hereby is, amended so as to read as follows:

"SEC. 2. That any suit or suits under this act shall be begun within three years after passage hereof by the filing of a petition to be verified by the attorney or attorneys employed by the claimant Indians under contract approved by the Secretary of the Interior and the Commissioner of Indian Affairs, in accordance with existing law. The compensation to be paid such attorney or attorneys shall be determined by the Court of Claims and shall not exceed the sum of 10 per cent of the amount of the judgment recovered, and in no event shall such fee or fees exceed the sum of \$25,000, and the same shall be paid out of any sum or sums found to be due the Indians."

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

TUITION OF INDIAN CHILDREN IN PUBLIC SCHOOLS.

The next business on the Consent Calendar was the bill (H. R. 4835) to pay tuition of Indian children in public schools.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, I shall have to object, although I shall be very glad to withhold if the gentleman from Montana [Mr. LEAVITT], whom I see on his feet, desires to make an explanation.

Mr. LEAVITT. Mr. Speaker, I would like to make some explanation. The situation is this. Two hundred thousand dollars annually have been appropriated for the pay of tuition of Indian children in public schools. The necessity for increasing that amount is recognized in the appropriation bill of this year, and it is increased to \$350,000, because of the increased number of Indian children requiring tuition. Back in 1921, 1922, and 1923, the choice rested on a number of school districts in which there were Indian children, of allowing these children to enter the schools and be educated at the expense of the districts, with the expectation that the cost was going to be provided for, or denying the Indian children schooling.

As a result of that the expenses were run up in the case of a number of school districts, to the amount back in 1921 of \$11,164.80, and in 1922 to \$4,198.50. In 1923 the Indian Bureau estimates it to amount to about \$20,000. There were appropriated in the bills for 1921, 1922, and 1923, certain funds for the education of these children in Indian schools on the reservations. All that is being asked in this bill in regard to the years 1922

and 1923 is that the unexpended portions of those appropriations already made may be expended to pay for the tuition of those same children in the public schools, where they were educated instead of in the Indian schools as expected by the bill. There is left of the appropriation of 1922 and still available over \$55,000. For that year the total estimated expense under this measure will be only \$4,198.50. There are ample funds, and there will be no new appropriation whatever. In 1923 the estimate of the bureau is that there will be required about \$20,000, whereas there is left unexpended at the present time \$64,722.37 that was appropriated for the education of these children. It would require a reappropriation of something over \$11,000 out of the appropriation of 1921. This bill authorizes that, but does not make the appropriation, and you will find that the report of the Indian Bureau is to the effect that although no contracts were entered into during this year there is a moral obligation resting on the Government to pay these amounts.

Mr. CRAMTON. Mr. Speaker, it is apparent from the statement of the gentleman from Montana [Mr. LEAVITT], as well as from the bill and the report, that the passage of this bill would not give one dollar's additional schooling to one additional Indian child.

It is, in fact, a deficiency appropriation bill. There is a proper way for the consideration of a deficiency appropriation bill. Furthermore, in regard to deficiencies, generally speaking, there has been a great tendency of late by the Congress to guard against them. If granted at all, they should only be granted upon careful examination of exact figures. The language in the bill gives the department sled-length authority with reference to unexpended balances appropriated for other purposes. The gentleman from Montana speaks about these unexpended balances as if taking money from these unexpended balances did not cost us anything. As a matter of fact, that money is in the Treasury and will not be expended except by authority of this bill or in some proper deficiency appropriation bill. I sympathize with the idea of educating Indian children in the public schools, and I was glad this year it was possible for the fund for that purpose to be increased, but I am not so enthusiastic about running back one, two, and three years to make donation to some white school districts for what is over and gone.

Mr. CARTER. Will the gentleman yield?

Mr. LEAVITT. I will.

Mr. CARTER. How much would this cost?

Mr. LEAVITT. I have given the figures, but I have the figures from the Indian Bureau to the effect that the exact figures for 1921 would be \$11,164.80, and for 1922 they would be \$4,198.50. Now they can only make a rough estimate about 1923 and that is because of the fact that some contracts perhaps have not yet been reported, but their estimate is \$20,000 for that year.

Mr. CARTER. That makes a total of some \$35,000, I think?

Mr. LEAVITT. Approximately that. Let us not forget this in connection with the amount spoken of as having been appropriated for the education of these children not in the public schools; \$200,000 is appropriated for the education of those children in the public schools this year. That was not sufficient and therefore they could not enter into contracts in some of these districts, and the only question open then for the education of those children was for school districts to admit them to the public schools with the understanding and expectation that funds would be available. Then under the contract for education in the public schools the funds were exhausted, but there was a remainder left in the fund that had been appropriated to educate them in the Indian schools and this is to permit the tuition of these children in the public schools out of funds already authorized but unexpended for their education in the schools on the reservation.

Mr. CARTER. Would the gentleman object to an amendment limiting the amount to the amount stated?

Mr. LEAVITT. No; none at all.

Mr. CRAMTON. As the bill stands it provides that the Secretary of the Interior is authorized to pay any claims which are held to be "just and proper," and under that language he could pay what he considers is proper and just whether it is covered by contracts or not, and it makes available for that purpose all unexpended balances, which total approximately \$150,000. Now, anything in which there is justice that would appeal to the Congress sufficiently can be reached through a deficiency bill, and I am obliged to enter an objection.

The SPEAKER. Objection is made.

QUARTERLY MONEY ORDER ACCOUNT TO BE RENDERED BY DISTRICT POSTMASTERS.

The next business on the Consent Calendar was the bill (H. R. 4441) to provide for quarterly instead of monthly money-order accounts to be rendered by district postmasters at third and fourth class offices.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. McKEOWN. Reserving the right to object, is this the same bill that was called up before?

The SPEAKER. It requires three objections.

Mr. KENDALL. It is the same bill.

Mr. McKEOWN. I have no objection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the act entitled "An act to improve the methods of accounting in the Post Office Department, and for other purposes," approved January 27, 1894, be, and the same is hereby, amended to read as follows:

"It shall be the duty of postmasters at post offices authorized to issue money orders to render quarterly, monthly, semi-monthly, weekly, semi-weekly, or daily accounts of all money orders issued and paid, of all fees received for issuing them, of all transfers and payments made from money-order funds, and of all moneys received to be used for the payment of money orders or on account of money-order business."

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

Mr. KENDALL. I offer an amendment to perfect the title.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend the title: Strike out the words "instead of monthly," so it will read as follows: "To provide for quarterly money-order accounts to be rendered by district postmasters at third and fourth class post offices."

The amendment to the title was agreed to.

DIVISION OF LANDS AND FUNDS OF OSAGE INDIANS IN OKLAHOMA.

The next business in order on the Consent Calendar was the bill (H. R. 5726) to amend the act of Congress of March 3, 1921, entitled "An act to amend section 3 of the act of Congress of June 28, 1906, entitled 'An act of Congress for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes.'"

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOWARD of Oklahoma. Mr. Speaker, reserving the right to object, as the property involved in this bill and practically all of these Indians are in my district and as I realize I could object and hold this legislation up for at least a couple of weeks, I want to ask the chairman what arrangement I can make in regard to getting time to discuss this matter?

Mr. SNYDER. I do not understand under the rules what I would have to do with the time.

Mr. HOWARD of Oklahoma. I was informed by the Speaker the gentleman would have an hour's time.

The SPEAKER. That would be in the case of a bill on the House Calendar, but it is not with reference to a bill on the Union Calendar. The gentleman under the rule would have five minutes.

Mr. HOWARD of Oklahoma. I object.

Mr. SNYDER. Will the gentleman withhold his objection just a moment?

Mr. HOWARD of Oklahoma. Yes, sir.

Mr. SNYDER. I would just like to say this to the gentleman from Oklahoma, that he told me within two hours that he would not object.

Mr. HOWARD of Oklahoma. I did not tell the gentleman within two hours. I told him the other day I would not object, but under the condition of the refusal of the House to investigate all the affairs in Oklahoma relative to Indian affairs I have the right to object.

Mr. SNYDER. Does he now object, or does he permit me to make another statement?

Mr. HOWARD of Oklahoma. I will permit you to make another statement.

Mr. SNYDER. I will state that within two hours, under arrangement with the gentleman and another gentleman, it was agreed that he would not object.

Mr. CARTER. Would it not be allowable to let the gentleman from Oklahoma make his statement?

Mr. SNYDER. This is a very important piece of legislation. Six weeks of hard work have been put upon it.

Mr. HOWARD of Oklahoma. I ask unanimous consent to address the House for 25 minutes.

Mr. KELLER. Mr. Speaker, I object.

Mr. McKEOWN. Reserving the right to object, I want to say to the gentleman from New York [Mr. SNYDER] that my agreement was frank with the gentleman, that if no objection was made to the consideration of this bill I would not object. But in view of the fact that this objection is made, I think the gentleman would not hold me as acting in bad faith.

Mr. SNYDER. Not by any means. But the gentleman who is about to speak is a member of the committee. It is true that he voted against the bill; he voted against reporting the bill, but made no reservation of being against it and offered no resolution against it.

Mr. KELLER. Regular order, Mr. Speaker.

Mr. HOWARD of Oklahoma. Reserving the right to object, Mr. Speaker—

The SPEAKER. The gentleman can not do that without the unanimous consent of the House. That should be understood.

Mr. SNYDER. I object to the 25 minutes that the gentleman has asked for.

Mr. HOWARD of Oklahoma. Then I object to the consideration of the bill.

Mr. SNYDER. Then we are all off.

The SPEAKER. The Clerk will report the next bill.

BRIDGE ACROSS THE MAHONING RIVER, OHIO.

The next business on the Consent Calendar was the bill (H. R. 6623) granting the consent of Congress to the Pittsburgh, Youngstown & Ashtabula Railway Co., its successors and assigns, to construct a bridge across the Mahoning River in the State of Ohio.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Pittsburgh, Youngstown & Ashtabula Railway Co., and its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Mahoning River at a point suitable to the interests of navigation, at or near Easleton, in the county of Mahoning, in the State of Ohio, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. MAPES. Mr. Speaker, are there any committee amendments?

The SPEAKER. There are no committee amendments, as the Chair understands. Evidently the gentleman has a different copy. Has he a copy with amendments?

Mr. COOPER of Ohio. Mr. Speaker, the first print of the bill that came over from the Public Printer did not include the amendments.

The SPEAKER. Then we are reading the wrong print. The Clerk will report the amendments.

The Clerk read as follows:

Page 1, line 3, strike out, after the words "granted to," the word "the" and insert the same word with a capital "T."

Page 1, line 4, after the word "Youngstown," strike out the word "and" and insert the character "&." Page 2, amend the title.

The SPEAKER. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER. Without objection, the title will be amended. There was no objection.

The SPEAKER. The Clerk will report the next bill.

BRIDGE ACROSS THE MINNESOTA RIVER, MINN.

The next business on the Consent Calendar was the bill (H. R. 6724) granting the consent of Congress to the counties of Sibley and Scott, Minn., to construct a bridge across the Minnesota River.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the counties of Sibley and Scott of the State of Minnesota, and their successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Minnesota River at a point suitable to the interests of navigation, at or near Blakely, Minn., more particularly described as in section 8, township No. 113 north, of range 25 west, of the fifth principal meridian, in the counties of Sibley and Scott, in the State of Minnesota, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER. The Clerk will report the next bill.

CHOCTAW AND CHICKASAW TOWN-SITE FUND.

The next business on the Consent Calendar was the bill (H. R. 4462) to amend an act entitled "An act authorizing the payment of the Choctaw and Chickasaw town-site fund, and for other purposes."

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, I make the point of order that the bill has not been on the calendar a sufficiently long time for consideration to-day.

The SPEAKER. From the 14th would be four days.

Mr. CRAMTON. Including Sunday.

The SPEAKER. Three days without Sunday.

Mr. HASTINGS. Mr. Speaker, it only involves the distribution of \$25.

The SPEAKER. The Chair overrules the point of order. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That section 3 of the act approved April 28, 1904, entitled "An act authorizing the payment of the Choctaw and Chickasaw town-site fund, and for other purposes," be and is hereby amended so as to read as follows:

"Sec. 3. That if any person whose name appears upon the rolls as herein provided shall have died subsequent to the 25th day of September, 1902, and before receiving his pro rata share of the accumulated town-site fund, the money to which such person would have been entitled, if living, shall be distributed and paid to his heirs, according to the laws of descent and distribution, as provided in chapter 49 of Mansfield's Digest of the Statutes of Arkansas, said heirs to be ascertained and determined by the Secretary of the Interior, under such rules as said Secretary may prescribe, and his decision thereon, so far as distribution of tribal funds is concerned, shall be final and conclusive."

With a committee amendment, as follows:

Page 2, line 2, after the word "paid," insert the word "direct."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

Mr. CARTER. Mr. Speaker, I move to reconsider and lay that motion on the table.

The SPEAKER. The Chair hopes the gentleman will not do that.

The Clerk will report the next bill.

CLAIMS OF CHOCTAW AND CHICKASAW INDIANS.

The next business on the Consent Calendar was the bill (H. R. 5325) conferring jurisdiction upon the Court of Claims to hear, examine, consider, and adjudicate claims which the Choctaw and Chickasaw Indians may have against the United States, and for other purposes.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That jurisdiction be, and is hereby, conferred upon the Court of Claims to hear, examine, consider, and adjudicate any and all claims arising under or growing out of any treaty stipulation or agreement of the United States with the Choctaw and Chickasaw Indian Nations or Tribes, or any act of Congress in relation to Indian affairs, which said Choctaw and Chickasaw Indian Nations or Tribes may have against the United States and which claims have not heretofore been determined or adjudicated: *Provided*, That said Court of Claims shall also hear, examine, consider, and adjudicate any claims which the United States may have against said Indian nations: *Provided further*, That the suits be instituted within two years from date of approval of this act: *Provided also*, That from decisions of the Court of Claims in said suits appeals may be taken as in other cases to the Supreme Court of the United States.

The Court of Claims shall have full authority by proper orders and process to bring in and make parties to such suits any or all persons deemed by it necessary or proper to the final determination of the matters in controversy.

The claim or claims of each of said Indian nations shall be presented separately or jointly by petition in the Court of Claims, and such action shall make the petitioner party plaintiff or plaintiffs and the United States party defendant. Such petition on the part of any such nation or tribe shall be verified by the attorney or attorneys employed to prosecute such claim or claims under contract or contracts with the principal chief or governor of the nation or tribe interested and approved by the Secretary of the Interior.

A copy of the petition shall in each case be served upon the Attorney General of the United States, and he or some attorney from the Department of Justice, to be designated by him, is hereby directed to appear and defend the interests of the United States in said cases.

Any and all claims against the United States within the purview of this act shall be forever barred unless suit be instituted or petition filed in the Court of Claims within two years from the date of approval of this act as provided herein. Upon the final determination of any suit or action instituted under this act the Court of Claims shall decree such amount or amounts as it shall find reasonable to pay the attorney or attorneys employed therein by any of the above-named Indian nations for their services and expenses, and in no case shall the aggregate amounts decreed by said Court of Claims be in excess of the amount or amounts stipulated in the contract of employment or in excess of a sum equal to 10 per cent of the amount of recovery against the United States.

With the following committee amendments:

Page 1, after the enacting clause 93, strike out all of 93 and down to and including line 9; all of page 2 and all of page 3 from line 1 to line 16, inclusive, and insert in lieu thereof the following:

"That jurisdiction be, and is hereby, conferred upon the Court of Claims, notwithstanding the lapse of time or statutes of limitation, to hear, examine, and adjudicate and render judgment in any and all legal and equitable claims arising under or growing out of any treaty or agreement between the United States and the Choctaw and Chickasaw Indian Nations or Tribes, or either of them, or arising under or growing out of any act of Congress in relation to Indian affairs which said Choctaw and Chickasaw Nations or Tribes may have against the United States, which claims have not heretofore been determined and adjudicated on their merits by the Court of Claims or the Supreme Court of the United States.

"Sec. 2. Any and all claims against the United States within the purview of this act shall be forever barred unless suit be instituted or petition filed as herein provided in the Court of Claims within five years from the date of approval of this act. The claim or claims of each of said Indian nations shall be presented separately or jointly by petition in the Court of Claims, and such action shall make the petitioner party plaintiff or plaintiffs and the United States party defendant. The petition shall be verified by the attorney or attorneys employed to prosecute such claim or claims under contract approved by the Commissioner of Indian Affairs and the Secretary of the Interior, and said contract with such Indian tribe shall be executed in behalf of the tribe by the governor or principal chief thereof, or, if there be no governor or principal chief, by a committee chosen by the tribe under the direction and approval of the Commissioner of Indian Affairs and the Secretary of the Interior. Official letters, papers, documents, and records, or certified copies thereof, may be used in evidence, and the departments of the Government shall give access to the attorney or attorneys of the above-named Indian nations to such treaties, papers, correspondence, or records as may be needed by the attorney or attorneys of said Indian nations.

"Sec. 3. In said suit the court shall also hear, examine, consider, and adjudicate any claims which the United States may have against said Indian nations, but any payment which may have been made by the United States upon any claim against the United States shall not operate as an estoppel, but may be pleaded as an offset in such suit.

"SEC. 4. That from the decision of the Court of Claims in any suit prosecuted under the authority of this act an appeal may be taken by either party as in other cases to the Supreme Court of the United States.

"SEC. 5. That upon the final determination of any suit instituted under this act the Court of Claims shall decree such amount or amounts as it may find reasonable to be paid the attorney or attorneys so employed by said Indian nations for the services and expenses of said attorneys rendered or incurred prior or subsequent to the date of approval of this act: *Provided*, That in no case shall the aggregate amounts decreed by said Court of Claims for fees be in excess of the amount or amounts stipulated in the contract of employment, or in excess of a sum equal to 10 per cent of the amount of recovery against the United States.

"SEC. 6. The Court of Claims shall have full authority by proper orders and process to bring in and make parties to such suit any or all persons deemed by it necessary or proper to the final determination of the matters in controversy.

"SEC. 7. A copy of the petition shall in such case be served upon the Attorney General of the United States and he, or some attorney from the Department of Justice to be designated by him, is hereby directed to appear and defend the interests of the United States in such case."

The SPEAKER. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read as follows: "A bill conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Choctaw and Chickasaw Indians may have against the United States, and for other purposes."

CHANGE OF REFERENCE.

Mr. O'CONNOR of Louisiana. Mr. Speaker, I ask unanimous consent to transfer House Joint Resolution No. 171 from the Private Calendar to the Union Calendar.

Mr. CRAMTON. Mr. Speaker, reserving the right to object, what is it about? Is it to get it in shape so that it may be placed on the Unanimous Consent Calendar?

Mr. O'CONNOR of Louisiana. Yes. It is a resolution which was written largely on the suggestion of the Secretary of War to authorize him to lease to the New Orleans Association of Commerce a base unit on the Mississippi River for exposition purposes. A similar resolution has passed the Senate and is on the Speaker's desk. My resolution, introduced in the House, is in identical terms with the Senate resolution, was reported favorably by the Committee on Military Affairs, and was necessarily sent to the Private Calendar. A bill on the Private Calendar, of course, is not eligible for a place on the Unanimous Consent Calendar. For that reason I am obligated to move to transfer the resolution in order to meet the parliamentary situation.

Mr. CRAMTON. I have been in that same situation in the past and there are many others in that position to-day. A bill on the Private Calendar is not eligible for a place on the Unanimous Consent Calendar. Now, if the House wants to establish the precedent of permitting the transfer of bills from the Private Calendar to the Union Calendar so as to head them for the Unanimous Consent Calendar I shall not make objection, but I can see that that precedent means the loading of the Unanimous Consent Calendar with bills which have no place there under the rules of the House.

Mr. O'CONNOR of Louisiana. I may say to the gentleman that while this is considered a private resolution as the result of the interpretation and construction of the rules, yet, according to my view, it is a public resolution for all intents and purposes.

Mr. CRAMTON. And I dare say a similar argument can be made for any number of bills on the Private Calendar. I shall not object.

The SPEAKER. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, do I understand that this is, in fact, a private bill?

Mr. O'CONNOR of Louisiana. I do not think so, but the Speaker holds that the destination of a bill controls, and as its destination is the New Orleans Association of Commerce, the Speaker holds it is a private resolution. This resolution authorizes the Secretary of War to lease a base unit on the Mississippi River to the New Orleans Association of Commerce for the purpose of holding an exposition at which the Central

American States, the South American States, and our own States will make exhibits. I thought it was of such a public character that it would go on the Union Calendar, but the Speaker, because of his larger parliamentary knowledge, holds to the contrary.

The SPEAKER. The Chair, perhaps, should state the line which the Chair has drawn. It is rather difficult to tell what bills belong on the Union and Private Calendars. The Chair has relaxed the rule so as to hold that bills like this, if they concern cities, counties, or States, are public bills and should properly go on the Union Calendar. But this resolution refers to the chamber of commerce of a city, and therefore the Chair put it on the Private Calendar.

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object to the request of the gentleman from Louisiana, I very much hope the gentleman will not press that request. The gentleman knows, I am sure, how reluctant I am to interfere with private bills and with these bills that are on the Unanimous Consent Calendar. It is very, very seldom that I ever make an objection, but I wish to call my friend's attention to the possible dangerous precedent that this might establish. If this be in fact a private bill, if we once set a precedent by unanimous consent, and if we yield to the request of the gentleman out of friendship, we can not very well refuse to yield to similar requests of other gentlemen out of friendship and we will soon have our Consent Calendar in very bad shape.

Mr. O'CONNOR of Louisiana. The gentleman is absolutely correct, and I would not want to establish a bad precedent as a result of any friendship that might be felt for me upon the floor of this House, of which I am very proud, indeed. I realize the force of the suggestion made by the gentleman, but inasmuch as it was such a close question and, after all, for the purpose of permitting the use of governmental property in a way that would redound to its benefit, I thought that probably the argument would not be pressed too strenuously against it.

As I have said before, I have no desire to do anything other than to exhaust the parliamentary situation and show the people of New Orleans that I have been diligent in their behalf. I never feel offended at any parliamentary objection urged to any position I may assume, because I understand that it is parliamentary and not personal.

Mr. CRAMTON. If the gentleman will yield, it was my impression that the line of distinction was that a bill with reference even to a city or a county was ruled as a private bill rather than a public bill.

Mr. O'CONNOR of Louisiana. No; the Speaker ruled those were public bills.

Mr. CRAMTON. My experience came in connection with a proposed sale of public land by the United States to a county, which was held to be a private bill, and that was even a stronger case than the gentleman refers to. This is clearly the establishment of an undesirable precedent.

Mr. O'CONNOR of Louisiana. If I have made the situation entirely clear to the gentleman from Michigan and to the gentleman from Tennessee and they wish to object, I have no desire to embarrass either of them by making any personal appeal to which either one or both might reluctantly yield.

Mr. CRAMTON. Mr. Speaker, I feel obliged to object.

PERMISSION TO ADDRESS THE HOUSE.

Mr. HOWARD of Oklahoma. Mr. Speaker, I ask unanimous consent that on to-morrow, just after the reading of the Journal, I may be allowed to address the House for 25 minutes on the subject of Indian legislation for Oklahoma.

Mr. LONGWORTH. Mr. Speaker, I regret to have to object. To-morrow is Calendar Wednesday, and the Interstate and Foreign Commerce Committee has several important bills, I am advised. If they can not finish those bills to-morrow, that is the last day they will have during the session.

Mr. HOWARD of Oklahoma. Would the gentleman reserve his objection for a moment?

Mr. LONGWORTH. Yes.

Mr. HOWARD of Oklahoma. I want to state to the gentleman that I have been called home and will be gone for about a month. There is one piece of legislation on the calendar that pertains to no other part of the State except mine. The other pertains to the entire State, and I think I have some information relative to the matter that would be beneficial to the House; at least I would like to lay the information before the House and I shall be satisfied if I can get time at any time during this week.

Mr. LONGWORTH. Would it be satisfactory to the gentleman that he proceed this evening after finishing the Consent Calendar? I think no one would object to that.

Mr. HOWARD of Oklahoma. And probably nobody would stay here either; but this afternoon will be satisfactory; yes.

Mr. LONGWORTH. Then, Mr. Speaker, I ask unanimous consent that at the completion of the Consent Calendar the gentleman may be permitted to address the House for 25 minutes, with the understanding that thereafter the House shall adjourn.

The SPEAKER. The calendar has already been completed.

Mr. WILLIAMSON and Mr. KELLER rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. KELLER. I have a unanimous-consent request.

Mr. WILLIAMSON. I have a unanimous-consent request, Mr. Speaker.

Mr. MACGREGOR. Mr. Speaker, reserving the right to object, the request of the gentleman from Ohio [Mr. LONGWORTH] refers to the exhaustion of the calendar. I want to present at that time the report of the Committee on Accounts.

Mr. LONGWORTH. Mr. Speaker, may I then ask unanimous consent that after the conclusion of the business of the gentleman from New York [Mr. MacGregor] and of such unanimous-consent requests as may be submitted, after the conclusion of the business of to-day, the gentleman from Oklahoma may be permitted to proceed for 25 minutes.

The SPEAKER. The gentleman from Ohio asks unanimous consent that the gentleman from Oklahoma be permitted to address the House for 25 minutes. Is there objection? [After a pause.] The Chair hears none.

RAILROAD ACROSS FORT SNELLING MILITARY RESERVATION.

Mr. KELLER. Mr. Speaker, I ask unanimous consent to take up out of order the bill H. R. 5274, to authorize the Chicago, Milwaukee & St. Paul Railway Co. to construct and operate a line of railroad across Fort Snelling Military Reservation in the State of Minnesota.

Mr. BEGG. Mr. Speaker, reserving the right to object, I would like to ask the gentleman when that bill was put on the calendar?

Mr. KELLER. Yesterday; and I am asking unanimous consent. This is a very important bill for the people of my city.

The SPEAKER. The gentleman from Minnesota asks unanimous consent for the present consideration of the bill H. R. 5274. Is there objection?

Mr. BLANTON. Mr. Speaker, we would like to have it reported.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, reserving the right to object—and I do not think I shall object—I want to ask a question. This is a military reservation that belongs to the Government?

Mr. KELLER. Yes, sir.

Mr. BLANTON. In the gentleman's State?

Mr. KELLER. Yes, sir.

Mr. BLANTON. And the railroad company is seeking to get a right of way through it?

Mr. KELLER. Yes.

Mr. BLANTON. To what length will that right of way extend?

Mr. KELLER. Mr. Speaker, I have not the exact number of feet.

Mr. BLANTON. The gentleman does not know whether the reservation runs for a half mile, a mile, or 2 miles?

Mr. KELLER. It is not a mile. This piece goes across one corner. It is not in the reservation proper. The reservation is high up, and this is a piece of property of about 40 acres in extent, down below.

Mr. BLANTON. Why should not the railway pay for the right of way?

Mr. KELLER. The department will take care of that. They have agreed to go through the regular form and charge so much.

Mr. BLANTON. The department will not charge them for it unless we provide for it in the resolution.

Mr. KELLER. This is the regular resolution that is always passed. It is all provided for by the War Department.

Mr. BLANTON. The gentleman is a lawyer, is he not?

Mr. KELLER. I am not.

Mr. BLANTON. If he were he would know that the department would not require a dollar to be paid unless we specify it in the resolution.

Mr. KELLER. But the Committee on Military Affairs has gone into this and they have recommended it.

Mr. BLANTON. I do not want to object to the gentleman's bill. If he would properly safeguard the Government's rights—if he will amend it to provide that the railroad company

shall pay the reasonable value of the use of this land, which the Government had to pay for when it acquired it—I would have no objection to it, but I do not think it ought to be passed in this form, because if it is so passed the lawyers of the House know that the railroad will not ever pay a single cent for it.

Mr. KELLER. Mr. Speaker, this is a lease that may be taken up at any time the Government sees fit.

Mr. BLANTON. I hope the gentleman will not press this this afternoon. I would not object to it if he would properly amend it so as to safeguard it. Will he not hold it over until later and safeguard it by amendment?

Mr. KELLER. This has been up for a whole month, and it is a very important matter, because the leasing of this right of way affects a certain part of our city, where they want an outlet to provide for industries, and it also provides a new right of way out of the city of St. Paul, which will reduce the grade of this outlet.

Mr. BLANTON. Will the gentleman agree to an amendment to the bill in the form of a proviso that the department shall require the railway company to pay a reasonable, fair remuneration for the use of the right of way when granting such use to the railroad?

Mr. KELLER. I have no objection if the gentleman desires to offer that.

Mr. CRAMTON. Mr. Speaker, if the gentleman will yield, it does not provide for a conveyance in fee. This is merely a permit to the railroad company, and the resolution provides that the permit is to be under such conditions as the Secretary of War may approve. We have the gentleman's assurance that those conditions involve a proper compensation for the permit—the easement.

Mr. BLANTON. But there can be an easement which will grow out of a permit such as this that is equal to a fee in the years to come, and the gentleman knows that this railroad could get that right of way and hold it there for a few years until you could not oust them. The Government may have no right to oust them after they have used it a certain length of time.

Mr. HULL of Iowa. It is contemplated that the railway company will pay for this easement.

Mr. BLANTON. It is not so provided. We ought to provide that in the bill. There ought to be an instruction to this department under what circumstances we grant this easement. I have not had the time to draw a proper amendment, but there ought to be an amendment to this bill that will require proper compensation for this easement, and I submit that to the gentleman from Iowa, and he knows that. Under ordinary circumstances he would not agree to a bill like this going through.

Mr. HULL of Iowa. There is no question but that the War Department intends to collect the proper fee for the easement.

Mr. BLANTON. How does the gentleman know that?

Mr. HULL of Iowa. Because in their letter to us they told us that was contemplated.

Mr. BLANTON. Then, such provision should have been placed in the bill. I hope the gentleman will let this go over until the next consent day two weeks from to-day. There is plenty of time.

Mr. KELLER. I do not feel so, because this is important.

Mr. BLANTON. If the gentleman will let it go over until that time, we can properly safeguard it by an amendment.

Mr. KELLER. The company has offered \$500 per acre for it, and it seems to me that that is a reasonable offer for the land. The company has been perfectly fair from their side of it, and the Government ought to meet them, and we ought not to quibble about it. They are going to pay a reasonable amount for the land they are to take.

Mr. HULL of Iowa. The railroad offered to buy the land, but we did not want to sell the land. We want the land held intact, so that if we ever want to use it again we can get it.

Mr. BLANTON. I want to say this. The Government has paid great big sums of money during the war for these various camps and cantonments and reservations, and now in peace time we are frittering them away for nothing; and when we need them again we are going to have to pay dearly for them again.

Mr. KELLER. That is not the fact in this particular case. This piece of land will never be used by the reservation, because it is low. The reservation is up a hundred feet above this piece of property, and it will never be used by the War Department at any time.

Mr. HULL of Iowa. This is the same as several others that have been granted in different parts of the country.

Mr. BLANTON. If the gentleman will assure us that he will agree that a proper amendment will be put on this bill, which

I think our colleagues all want, requiring the department to have this railroad company pay for this easement a reasonable, fair compensation, I will not interpose an objection.

Mr. KELLER. That was practically agreed upon, the amount, and it is understood they are willing to pay a fair amount for the property.

Mr. BLANTON. Will the gentleman have that amendment put in the bill?

Mr. KELLER. If the gentleman will prepare the amendment, I shall have no objection.

Mr. BLANTON. I have already suggested an amendment that would properly safeguard the Government.

Mr. KELLER. The Committee on Military Affairs had the matter up and recommended it unanimously.

Mr. CRAMTON. Would the gentleman from Texas feel that this would meet the situation, especially in view of the fact that negotiations have gone so far that the price is pretty well agreed upon by the department? At the end of the resolution—if the gentleman from Minnesota is agreeable—it speaks of the permit of a certain location under such regulations and conditions as may be approved by the Secretary of War, and then I suggest adding "including proper compensation for the use of the land covered by the permit."

Mr. BLANTON. If the gentleman will accept that amendment, I will not interpose an objection.

Mr. KELLER. I have no objection.

Mr. GARRETT of Tennessee. Does the gentleman want compensation for the land?

Mr. BLANTON. For the easement. The railroad should pay for using this land for its right of way.

Mr. HULL of Iowa. For the easement; for the use of the land covered by the permit.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The Chair understands the gentleman wishes to substitute the Senate bill for the House bill?

Mr. KELLER. Yes, sir.

The SPEAKER. The Clerk will report the Senate bill.

The Clerk read as follows:

An act (S. 1982) granting the consent of Congress to the construction, maintenance, and operation by the Chicago, Milwaukee & St. Paul Railway Co., its successors and assigns, of a line of railroad across the northeasterly portion of the Fort Snelling Military Reservation in the State of Minnesota.

Be it enacted, etc., That the Secretary of War is hereby authorized to grant to the Chicago, Milwaukee & St. Paul Railway Co., a corporation organized under the laws of the State of Wisconsin, its successors and assigns, a permit to locate, construct, maintain, and operate a line of railroad across the northeasterly portion of the Fort Snelling Military Reservation in the State of Minnesota upon such location and under such regulations and conditions as shall be approved by the Secretary of War.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. KELLER. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

On page 2, line 2, after the word "war," strike out the period, insert a comma, and add the following: "including proper compensation for the use of the land covered by the permit."

The amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

BRIDGE ACROSS THE MISSOURI RIVER BETWEEN POTTER COUNTY AND DEWEY COUNTY, S. DAK.

Mr. WILLIAMSON. Mr. Speaker, I ask unanimous consent to call up the bill H. R. 6955, a bridge bill, and to substitute the Senate bill which passed on March 14, S. 2420.

The SPEAKER. The gentleman from South Dakota asks unanimous consent to call up House bill 6955 and substitute the Senate bill in lieu thereof. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 2420) granting the consent of Congress to the State of South Dakota for the construction of a bridge across the Missouri River between Potter County and Dewey County, S. Dak.

Be it enacted, etc., That the consent of Congress is hereby granted to the State of South Dakota to construct, maintain, and operate a bridge and approaches thereto across the Missouri River at a point suitable to the interests of navigation between Potter County and Dewey

County, S. Dak., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read the third time, was read the third time, and passed.

The SPEAKER. Without objection, a similar House bill will lie on the table.

There was no objection.

RETENTION OF BILL ON CALENDAR.

Mr. HASTINGS. Mr. Speaker, I ask unanimous consent for the retention of the bill H. R. 5726 upon the Consent Calendar. That is the bill on which there was some little disagreement and objection was made by my colleague, which he afterwards withdrew.

The SPEAKER. Is there objection to the bill retaining its place upon the calendar? [After a pause.] The Chair hears none.

INQUIRY INTO THE AFFAIRS OF THE UNITED STATES SHIPPING BOARD, ETC.

Mr. MACGREGOR. Mr. Speaker, I call up a privileged report from the Committee on Accounts.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House Resolution 212.

Resolved, That the select committee, appointed under the provisions of H. Res. 186, adopted March 4, 1924, to make inquiry into the affairs of the United States Shipping Board, the United States Shipping Board Emergency Fleet Corporation, or any agency, branch, or subsidiary of either, is hereby authorized to employ such stenographic, legal, and clerical assistance, including accountants and statisticians, as it may deem necessary, and is further authorized to have such printing and binding done as it may require.

Resolved further, That all expenses incurred by said committee under the provisions of H. Res. 186, including the expenses of such committee or any subcommittee thereof when sitting outside of the District of Columbia, shall be paid out of the contingent fund of the House of Representatives on vouchers, ordered by said committee, signed by the chairman of said select committee, or by the chairman of a subcommittee where such expenses are incurred by such subcommittee, and approved by the Committee on Accounts, evidenced by the signature of the chairman thereof.

The committee amendment was read, as follows:

Page 2, line 2, after the words "District of Columbia," insert the words and figures "not exceeding \$25,000."

The SPEAKER. The question is on the adoption of the committee amendment.

Mr. GARRETT of Tennessee. Mr. Speaker, I would like to ask the gentleman—I have not a copy of the resolution before me—but as I caught the reading it seemed to provide that the expenditures contracted in a sitting outside the District of Columbia should be paid a certain way.

Mr. MACGREGOR. It reads—

The expenses of such committee or any subcommittee thereof when sitting outside the District of Columbia—

That is the clause—

shall be paid out of the contingent fund of the House of Representatives.

Mr. GARRETT of Tennessee. How are they paid when they are sitting in the District of Columbia?

Mr. MACGREGOR (reading)—

That all expenses incurred by said committee under the provisions of H. Res. 186, including the expenses of such committee or any subcommittee thereof when sitting outside the District of Columbia.

Mr. GARRETT of Tennessee. I get the connection.

Mr. BLANTON. Mr. Speaker, I ask for recognition on this matter.

Mr. MACGREGOR. How much time?

Mr. BLANTON. I would like to have a minute and a half.

The SPEAKER. The gentleman is recognized for a minute and a half.

Mr. BLANTON. Mr. Speaker, there ought to be a stop to such wasteful appropriations. Almost every day we are called upon to vote \$25,000, \$30,000, \$40,000, or more for this and that wasteful purpose.

Mr. MACGREGOR. In this case we have fixed the limit.

Mr. BLANTON. The gentleman has fixed the ante pretty high—\$25,000 for this committee. There is no necessity for the committee going out of Washington. The committee could make a proper investigation here. There is plenty of money

improperly spent by the Shipping Board right here in Washington without going outside of it to investigate; and if this committee finds all about what it has misspent here, it has done quite a good job for the Government. I do not believe we should expend public money in this way; and if the gentleman is going to take up this matter now, I am going to ask for a quorum.

Mr. GARRETT of Tennessee. Will the gentleman withhold his point of order for a moment?

Mr. BLANTON. I will.

Mr. GARRETT of Tennessee. I would like to call the attention of the gentleman to the fact that, after all, progress will not be made by delaying a vote upon this proposition.

The House by an overwhelming vote determined upon this investigation. The committee has to be supplied with funds in order to conduct the investigation. I suggest to the gentleman from Texas that we can not possibly gain time in this way.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. BLANTON. The distinguished gentleman from Tennessee knows that some of the ablest lawyers in this country are Members of this House, and yet every time we appoint a committee of investigation it is for some reason or other found necessary to have an outside lawyer employed at a huge salary to assist the committee. You could hardly appoint a committee of Members of this House without having some good lawyers on it, and yet every time we appoint a committee we have to hire for it some special legal pet and pay him \$10,000 or \$15,000 or \$25,000 as a law fee for aiding the committee, when it is wholly unnecessary. I think that practice ought to stop.

I think the lawyers of this House owe it to the people of this country to contribute their legal talent to their committee and represent the people with all their abilities, and not pay big sums to outside lawyers.

Mr. GARRETT of Tennessee. So far as this resolution is concerned, it makes no mention of a retainer.

Mr. BLANTON. But a high-priced lawyer will likely be employed. If you employ a lawyer he will get a big fee, and a large part of this \$25,000 will likely go to the lawyer.

Mr. MacGREGOR. The members of the committee tell me they will not employ a lawyer.

Mr. BLANTON. Then I will withdraw my point of no quorum. That is the first time we have had such a committee without lawyers being employed at big fees. As the gentleman from Tennessee intimated, I realize that it would only be a waste of time to fight this resolution.

Mr. HOWARD of Nebraska. Mr. Speaker, I understand the resolution includes the payment of legal services.

Mr. MacGREGOR. If they so desire. The resolution was passed by the House. If you will agree to appoint this committee to investigate I do not think we should hamstring the committee if they need a lawyer, but they tell me they have no intention of hiring a lawyer.

Mr. HOWARD of Nebraska. Then I understand. It is all right.

The SPEAKER pro tempore (Mr. CHAMTON). The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on agreeing to the resolution as amended.

The resolution as amended was agreed to.

COMMITTEE TO INVESTIGATE ALLEGED CHARGES AGAINST TWO MEMBER OF CONGRESS.

Mr. MacGREGOR. Mr. Speaker, I call up House Resolution 221.

The SPEAKER pro tempore. The Clerk will report it.
The Clerk read as follows:

House Resolution 221.

Resolved, That the select committee appointed under the provisions of H. Res. 217, adopted March 12, 1924, to investigate the allegations of a grand jury of the District Court of the United States for the Northern District of Illinois, southern division, that certain evidence has been submitted to them involving the payment of money to two Members of Congress, is hereby authorized to employ such stenographic, legal, and clerical assistance as it may deem necessary, and is further authorized to have such printing and binding done as it may require.

Resolved further, That all expenses incurred by said committee under the provisions of H. Res. 217, including expenses of such committee or any subcommittee thereof, shall be paid out of the contingent fund of the House of Representatives on vouchers ordered.

by said committee, signed by the chairman of said select committee, or by the chairman of a subcommittee where such expenses are incurred by such committee, and approved by the Committee on Accounts, evidenced by the signature of the chairman thereof.

With a committee amendment—

Page 2, line 1, insert before the word "shall" "not exceeding \$1,000."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The question is on the adoption of the House resolution as amended.

The resolution as amended was agreed to.

BRIDGE ACROSS SUSQUEHANNA RIVER NEAR CLARKS FERRY, PA.

Mr. SITES. Mr. Speaker, I ask unanimous consent to take up the bill H. R. 6487, No. 116 on the calendar.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent to take up House bill No. 6487, No. 116 on the House Calendar. Is there objection?

There was no objection.

Mr. SITES. And I ask unanimous consent, Mr. Speaker, that Senate bill 2446, an identical bill, be substituted for the House bill.

The SPEAKER pro tempore. The Clerk will report the Senate bill.

The Clerk read as follows:

A BILL (S. 2446) granting the consent of Congress to the Clarks Ferry Bridge Co., and its successors, to construct a bridge across the Susquehanna River at or near the railroad station of Clarks Ferry, Pa.

Be it enacted, etc., That the consent of Congress is hereby granted to the Clarks Ferry Bridge Co., a corporation organized under the laws of the State of Pennsylvania, and its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Susquehanna River, at a point suitable to the interests of navigation at or near the railroad station of Clarks Ferry, located about 15 miles north of the city of Harrisburg, in the county of Dauphin, in the State of Pennsylvania, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania [Mr. SITES] that the Senate bill be considered in lieu of the House bill?

Mr. BEGG. I reserve the right to object, Mr. Speaker. I want to ask the gentleman from Pennsylvania a question. This bridge is not a toll bridge?

Mr. SITES. It is a toll bridge. There has been a covered bridge there for many years. It is the purpose of the people who own the bridge, owing to the inadequacy of the present bridge, to take care of the traffic with a new bridge.

Mr. BEGG. Is it on the main highway?

Mr. SITES. It is on the main highway. It was originally an old Pennsylvania Canal bridge.

Mr. BEGG. Has the road been improved under the Federal highway system?

Mr. SITES. The road on either side of it has been improved.

Mr. BEGG. Who are these men that make up this ferry bridge company? I do not care about knowing the names. That is not the point. Are they just a crowd of local fellows who see a chance of a great number of people coming along there and a chance of making some money? Is it a toll bridge?

Mr. SITES. It has been a toll bridge for many years. They will be glad to see it taken over by the State, but until such time as the State of Pennsylvania takes it over this will be a very necessary structure.

Mr. BEGG. I would like to ask the gentleman another question. Does not the Federal highway act provide that no money can be appropriated for a toll highway?

Mr. SITES. I am not in position to answer that question.

Mr. BEGG. I would be glad to have some one answer it.

Mr. GARRETT of Tennessee. I am not sure that it was in the act, but there is discretion. If it be not in the act itself, then there is lodged in the highway department a discretion, which they invariably exercise, of not allotting any Federal funds to a tollgate road.

Mr. BEGG. The clerk to the committee advises me that it is in the law.

Mr. GARRETT of Tennessee. I was uncertain about that, but I know it is the policy of the department, invariably exercised. But let me say this: There may be a difference between a toll bridge and what we commonly know as a tollgate road.

Mr. BEGG. I concede that, but it would not make a lot of difference to the fellow who has to pay the toll to go through that bridge.

Mr. GARRETT of Tennessee. I mean as regards the law.

Mr. BEGG. I hope the gentleman from Pennsylvania will not press his request to-night, because I do not want to handicap the bill by objecting.

Mr. SITES. The bridge has been there a long time, and these people have their plans perfected to replace it, and they are anxious to have this bill enacted.

Mr. WATSON. Will the gentleman yield?

Mr. SITES. Yes.

Mr. WATSON. Is it not the idea of the State of Pennsylvania to appropriate sufficient money to buy all the toll bridges?

Mr. SITES. Yes.

Mr. WATSON. Recently the State has appropriated many thousands of dollars and has purchased, in conjunction with the State of New Jersey, all the bridges from Philadelphia nearly to Easton, but it is not possible for Pennsylvania to appropriate at one or two terms of its legislature sufficient money to buy all the bridges. I want to state to the gentleman from Ohio [Mr. BEGG] that it is the idea of Pennsylvania to buy all of the bridges.

Mr. BEGG. I quite agree with that, and I believe if they would not go ahead and spend this money it might save the State of Pennsylvania a great deal of money.

Mr. GARRETT of Tennessee. Will the gentleman from Ohio permit a statement?

Mr. BEGG. Yes.

Mr. GARRETT of Tennessee. This, I understand, is not a Federal-aid road, nor is it at this time seeking Federal aid. I may venture to suggest to the gentleman from Ohio that perhaps men who have taken the view of this Federal-aid question that he and I have taken might very well give consent to the passage of this bill, even though it be a toll bridge, because it will probably prevent any request for Federal aid on this particular highway.

Mr. SEARS of Florida. Will the gentleman yield?

Mr. BEGG. Yes.

Mr. SEARS of Florida. The Committee on Roads has been holding hearings on another road bill and that committee hopes to report a bill providing \$100,000,000 for good roads. The engineer representing the State of Ohio appeared at those hearings, and while I do not attempt to quote his exact words he made the statement that Ohio was going to make all of her roads practically Federal-aid roads and get Federal assistance.

Mr. BEGG. I know the gentleman to whom reference is made and he probably will not have much to do with what the roads are.

Mr. BLANTON. Mr. Speaker, I ask for the regular order.

The SPEAKER pro tempore. The regular order is demanded. The regular order is: Is there objection to the request of the gentleman from Pennsylvania [Mr. SEARS] that the Senate bill be substituted for the identical House bill?

Mr. BEGG. I would like to ask, Mr. Speaker, whether the matter has gone beyond the question of the consideration of the bill?

The SPEAKER pro tempore. Yes; that point has been passed.

Mr. BEGG. I will not object to the consideration of the Senate bill.

The SPEAKER pro tempore. The Chair hears no objection. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. SITES, a similar House bill was laid on the table.

Mr. BLANTON. Mr. Speaker, I make the point of order that we have finished the calendar, and under the order of the House the gentleman from Oklahoma [Mr. HOWARD] has 25 minutes in which to address the House. We could keep on with this all night.

JURISDICTION IN INDIAN MATTERS.

The SPEAKER pro tempore. The gentleman from Oklahoma [Mr. HOWARD] is recognized for 25 minutes under the order of the House.

Mr. HOWARD of Oklahoma. Mr. Speaker, I do not intend to hold the House for 25 minutes. Before proceeding I will ask permission to revise and extend my remarks, and state that, in order to occupy as little time of the House as possible, I will not yield.

The SPEAKER pro tempore. The gentleman from Oklahoma asks unanimous consent to revise and extend his remarks in the Record.

Mr. BEGG. Mr. Speaker, reserving the right to object, the gentleman's remarks are about the Indian proposition, are they?

Mr. HOWARD of Oklahoma. Yes.

Mr. BLANTON. They are not on the subject of the bonus?

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. The gentleman from Oklahoma is recognized for 25 minutes, and requests that he be not interrupted in the course of his remarks.

Mr. HOWARD of Oklahoma. Mr. Speaker, a bill—H. R. 5726—before the House and another pending in the Congress seeks to take away from the courts of Oklahoma and places in the Interior Department all jurisdiction as to restricted Indian matters. In discussing these bills I predicate my remarks on the prediction and charge that if the Congress will make a full and fair investigation before passing any further legislation relative to Indian matters in Oklahoma that it will be found that since 1921 through the miserable mismanagement of the affairs of the Indians in Oklahoma by the Bureau of Indian Affairs and its agents in the field they have permitted to be wasted and dissipated more of the money of the restricted Indians of Oklahoma than the guardianships of the Osage Indians, sought to be discontinued in this bill, have cost the Indians.

This bill is one for which there is no crying demand, no justification except a created prejudice by the proponents of the bill connected with the agency at Pawhuska and the Bureau of Indian Affairs, which is constantly seeking new powers and new fields in which to employ more people and perpetuate and further its bureaucratic and oligarchic power.

The bill remedies no serious situation, further hampers the Indian by placing him where he was 25 years ago, makes no provision for him to enjoy that which is his by reason of the thought and foresight of his fathers, insults the judiciary of the great State of Oklahoma, and works great injury to the people of the county and State in which live these Osage Indians, who have been recognized by it as sovereign citizens. The Indian affected is against this bill; it deprives him of rights to which he is entitled as a human being, puts him at the mercy of a Secretary of the Interior appointed for political purposes, 1,500 miles away from him and his property, much of which business will be transacted by clerks or political appointees who never saw an Indian with the exception of the kind that used to be so common in front of cigar shops, and in the end will result, by reason of the rights given therein to the Secretary of the Interior, to the building up of another horde of governmental employees to live off of the Government and the Osage Indian.

The proponents of the measure come to you with great sobbs of their interest in the Indians. They tell you sob stories of how his money has been squandered through the courts of Oklahoma and the guardians created thereunder. But they do not tell you anything of what would have been the actual results if all the bills of the Indians that are not under guardianship but were under departmental supervision had been paid, as were the bills of those under guardianship. They make much of a few cases, where with only figures, and by ignoring the actual necessities and conditions, that the estates of some of these Indians have been depleted. They do not tell you what this depletion was for. They do not tell you that if a full and fair analysis were made that it would be found that in many of these estates where this depletion is found that the money was spent for actual necessities of these human beings, who are entitled to just as much consideration as any other human; spent in paying their just debts which an oligarchic bureau had repudiated; spent in caring for them when they were sick; spent in extending to them encouragement and efforts to advance their welfare and good, instead of giving to them the cold, business, administrative treatment that must necessarily come from a department that, in many instances, looks upon him as being still in his savage state and a commodity through which it is to hold its power and perpetuate its tenure in office.

They have not told you that since March, 1921, the Indians under the supervision of the department, and that are still under departmental control, have contracted debts of over \$260,000, and that if these debts were paid that no doubt most of the estates of these Indians would show just as great, if not

greater, depletion than many of those who have been under guardianship; and when I asked at the time the committee was considering this bill that the Bureau of Indian Affairs make to the committee and the Congress a full report, in the same manner as they had made a report upon the guardianship cases, they very quietly sidestepped that request and to this day no one, not even the Indian, knows what the value of his estate is nor where it is invested.

But they come to the Congress with sobs of fear for the Indian. According to them, his fortune is being dissipated, and they are the only ones that can save him. They set themselves up as safer than the courts, and when requested to report as to their guardianship in the matter of wills, administrators, investments, contracts with attorneys, and so forth, they ignore the request of a Member of this House, cry "Wolf," and try to ram this bill down the throats of the Congress upon evidence produced by the bureau and its employees without giving to the committee or the House any record evidence. A reading of the record will disclose to anyone who desires to examine it that every bit of the evidence produced in favor of this bill was produced by some one in the employ of or connected either directly or indirectly with the Department of the Interior.

And let me say right here that if a committee of the Congress will make a proper investigation of conditions, as is provided for in a resolution now pending before this Congress, that you will not only not pass this bill, but you will pass legislation to protect the Indians of Oklahoma—not only the Osage, but all others—from the practices of abuse and neglect that have grown up in the department and through its operatives in the field.

You say that is a startling statement. Yes; it is. But I call your attention to the fact that to-day you are called upon, in the face of the demand and necessity for a thorough investigation of all things pertaining to Indian matters in Oklahoma, to pass this bill. You are asked to turn all the supervision of these Indian affairs over to the Bureau of Indian Affairs, notwithstanding that just now all who have knowledge are wondering how this bureau is going to justify itself in paying out of the funds of Exie Fife, a restricted Indian, under the supervision and direction of this bureau, the sum of \$50,000 in a divorce case, \$34,500 of which is reported to have, with the knowledge of the representative of the bureau, gone to different parties for attorneys' fees in the case.

They are rushing this bill through the Congress in the face of the fact that in the divorce case of a party named Starr, a restricted Indian, whose moneys and properties were all under the jurisdiction of the bureau, another \$25,000 was disbursed, the most of which was paid out to attorneys in the case.

They ask you to turn over to them all jurisdiction and supervision of the wealth of these Indians, notwithstanding their miserable record in handling the funds of the Indians of the Five Civilized Tribes. They pretend to Congress, and approve of scandalous reports concerning Oklahoma courts and citizenship, that they and they alone are the only ones that can be depended upon to protect the funds of the Indians in face of the fact that in hundreds of cases, if an investigation is ever made, it will be found that the funds of the Indians were dissipated by and with the consent of the representative of the Indian department. That seems startling, does not it? But let us see what the real conditions are: Under the rules of probate of the Supreme Court of Oklahoma, a reference to which you will find in the record of the hearings on this bill, the probate courts are required to recognize all national or probate attorneys, and in another rule it is provided—

Guardians shall not expend for or on account of their wards any sum unless first authorized by the court, except for sickness, in which event immediate notice must be given the court.

So, gentlemen, I submit to you that if all the extravagance as has been enumerated to you here is true, that it is the Bureau of Indian Affairs that is jointly responsible, for if the department through the probate attorneys provided by the Congress did its duty it would be difficult for a probate judge or guardian to dissipate restricted funds under the present system except through the carelessness of these probate attorneys and the Indian agency. And the evidence in the records of this hearing show that at the present time not a case relating to one of these Indians is considered by the probate court of Osage County unless the probate attorney of the department is present.

They ask you to give them this supervision over this great wealth and rush this bill to final passage before you have any real knowledge of what the real facts are, and in face of the charge which a prominent Oklahoma citizen filed with me in writing a few days ago and in which he said:

I think if you will review the manner in which money has been paid out of the royalty department to drunken and incompetent Indians you will find that the waste is probably as appalling and in the aggregate exceeds all the waste permitted by a few of the many probate judges in this State.

You are asked to pass without consideration, except for the hour allotted at this time for debate, a bill conferring great powers upon a department that may in the future, as it has on at least one occasion in the past, prove its weakness or unfitness, as described to me in a letter received this week from one cognizant of Indian affairs, when he said:

I am calling your attention to the weakness of the department when presided over by such men as Secretary Fall and the subofficers, some of whom in the past and many in the future may be as weak and as disqualified as the probate judges who have gone wrong.

They are asking you to pass a bill here that makes the Secretary of the Interior the guardian and at the same time constituting him as a tribunal to pass upon his own acts. You are, therefore, asked in this bill to strike a blow at the very foundation corner stone of our Government—its judiciary and the rights of every citizen to a tribunal in which to redress his or her wrongs.

You are asked to turn over all this power to the Bureau of Indian Affairs, which has wasted hundreds and hundreds of thousands of the money of the Indians in such cases as those already enumerated and one which I now desire to direct to your attention. Would you as a business man intrust your business without appeal to a bureau that would pay out of your moneys illegal bills and then make contracts with private attorneys to re-collect that money and pay these favored attorneys out of your own funds? You certainly would not under any circumstances, but most certainly not when during all this time you had furnished your representative with all the legal talent needed and probably with a surplus. Yet this is just what has been done to the poor, helpless, restricted Indian in Oklahoma by the Department of the Interior, the department which this and another bill before the Congress seeks to give more power to. I refer to the fact that from 1913 to 1921, when Fall, of Teapot Dome fame, became Secretary of the Interior, the Indian Bureau had paid the Federal income tax of the restricted Indian.

Then it was that some friends of the powers that be discovered that this payment, which had been made by the department to another department without the consent or advice of the Indian in which they are displaying so much interest to-day, was illegal and that the Indian was not subject to this taxation. What did the Department of the Interior do? Did it do its duty and call upon the great array of attorneys provided for it by the Congress to re-collect this money it had illegally paid out of the funds of these Indians for whom they are weeping briny tears to-day? Oh, no. Instead they permitted private attorneys to secure contracts to serve the Indian. Men with political pull appeared at the department with contracts given by the Indians and their guardians. Did they turn these contracts down? Did they cry out in their anguish at the great injustice being done these Indians as they are to-day when they seek more power? Oh, no. They did not do anything of the kind, but they approved the contracts of these private attorneys. The work to be performed was most laborious. It was necessary for these private political pets and others who were so favored to establish in court, without the necessity of a witness or practically the preparing of a brief, that these Indians, as wards of the Government, were exempt. An injunction was secured against the payment of a current year's tax and an opinion sought from the Treasury Department. It was held that they were not taxable, and it is rumored that in a few days these private attorneys will pull down fees out of the money of these Indians ranging from \$120,000 to \$450,000. And this is the department that says that the judiciary in a great State must be torn down, the rights given to these people by the Constitution must be trampled under foot, and that they are holier than all others, and Congress must take from the courts all powers and place these powers in them without restraint.

They are asking you to rush this bill through with practically no consideration, without debate, and under suspension of the rules when, in fact, it is one of the most important and far-reaching measures that is or will be before this Congress, involves the handling of millions of dollars, and throws no extra safeguards around the handling of it by the department.

But what of the bill itself? There is not one paragraph of relief for the Indian except to further hamper him. It denies him his rights in court. It denies to any American citizen who might, without knowledge of the law, have dealings with

him any recourse to the courts. Under it any of you might receive the greatest of injury at his hands. In the case of an automobile accident, the life of yourself, your wife, or your child might be crushed out by the acts of one of them, and under this bill the only redress you would have would be to throw yourself upon the mercy of the Secretary of the Interior. Think of asking you to support a measure that would prohibit you and yours from redress in the courts, a right for which your fathers fought, and yet that is just what this bill, attempted to be whipped through by an autocratic bureau, does. What would those who wrote the fundamentals of our laws have done with an act of this kind? They would have discovered that it was contrary to every American principle of freedom and not have dignified it with consideration. Is it not about time that we get back to the study of legislation from the standpoint of those who built such a firm foundation for this country?

But what of the Indian himself? He was brought up here by the bureau, believing that legislation was to be passed that would bring to him relief from the bureaucracy of the department; believing that he would be allowed to spend a little more of his own fortune for his comfort and happiness. He was allowed to travel on a special train, treated royally until he had indorsed the bill, and then he was handed a lemon. Instead of giving him relief, he is further restrained, while it is arranged to pile up for him a great fortune that he can never enjoy and one for which no provision is made for the future, except that it is to lay in the banks or be invested in Government bonds, and do the great community from which the wealth comes and in which the Indian lives no good at all, while leaving upon that community and the land of these Indians in the future added burdens of taxation.

But they say the Indian is not capable of handling his own property. That is probably true in many instances; but I venture the assertion that he is just as capable, in many instances, of handling his own estate as are some of those who will in the future by reason of political appointment handle the Indian's affairs.

They say he dissipates and spends his money wastefully. That is no doubt true in many cases, but I submit that everywhere in this broad land, and too numerous, are those who with less incomes than the Indian spend theirs just as recklessly. I do not favor letting the Indian spend all his income, or anything like it, but I do argue that the Indian with an income is entitled to live and enjoy life in the same manner and to the same extent as is the white man. But this bill will not allow him to do that. He must be entirely subservient to some one else. And for whom are we laying up this great fortune. Every one of these Indians is restricted. If they have any heirs they are also members of the tribe and have incomes equal to the others. The heirs to come, or living now, are just as well safeguarded as are the principals. And yet in many instances these Indians are so hampered, notwithstanding their great wealth, that they can not be properly cared for even in sickness.

Recently an Osage Indian, named Wah-shah-she, appeared in Washington begging for just a little bit more of his money. He had a great fortune piled up in the hands of the Secretary of the Interior. He was feeble and sick. He could not secure from his own fortune enough money to go to a health resort and there fight the ravages of old age and disease. He was, however, able to be brought here by the department in a special train through an appropriation of this Congress when the department wanted to use him to obtain more power. But he could not stay long. He was old and sick. He fell by the wayside. He went home, and since that time answered the last great call, and has gone to "the happy hunting ground" and left behind him not an heir of direct descent to enjoy his fortune; but as he went down to the valley of death he was crying out for the relief that a safe and sane and not a bureaucratic spending of his own money would have given to him in the last days of his old age.

Gentlemen, I beg of you not to pass this bill, which tramples down the courts, creates a bureaucracy, denies the right of both the Indian and other citizens to their rights in the courts, brings no relief to the Indian, and benefits no one except the Bureau of Indian Affairs, until you have passed the resolution pending, made a thorough investigation as to the real legislation needed, and placed the Congress in a position to know for itself and not from hearsay evidence of department officials who are interested just what kind of legislation is needed.

As the only man in this Congress who directly represents the Osage Indians in it, for the reason that the entire estate of the tribe and the residence of most of them is in my district, I beg of you this consideration at your hands.

And in conclusion let me make this prediction, that when all of the facts are fully revealed and the whole truth can be brought out where witnesses are not afraid of the power of the bureaucratic Indian Department it will be found that responsibility for irregularities complained of rests in the final analysis upon Federal appointees, the agents of the very department to which it is now proposed to completely turn over jurisdiction and control. I also know and predict that you will find that the citizenship of Osage County on all matters relating to the Osage Indians and the citizens of that part of the State occupied by the Indians of the Five Civilized Tribes are just as honest, just as patriotic, and just as zealous in their desires for honest enforcement of laws pertaining to Indian matters and of all other laws as the people of any part of the world.

Should my prediction prove correct, and I know it will, the proposed legislation, both as to Osage and the Five Civilized Tribes, to deprive Oklahoma courts of jurisdiction will have to be denounced as an unwarranted insult to the integrity and high character of the judiciary of my State and just another effort to concentrate all power and governmental control at Washington, fifteen hundred miles away from the people to be affected.

Mr. BLANTON. Will the gentleman yield?

Mr. HOWARD of Oklahoma. Yes.

Mr. BLANTON. I am getting very sorry for the distinguished majority leader, whose party has quit him and left him alone on the floor, so I think we ought to stop.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. OLDFIELD, for five days, on account of death in family.

To Mr. STEAGALL (at the request of Mr. HILL of Alabama), on account of serious illness in family.

ADJOURNMENT.

Mr. SEARS of Florida. I make the point of order that there is no quorum present.

Mr. LONGWORTH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 35 minutes p. m.) the House adjourned until to-morrow, Wednesday, March 19, 1924, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII.

Mr. LEHLBACH: Committee on the Civil Service. H. R. 6896. A bill to amend an act entitled "The classification act of 1923," approved March 4, 1923; without amendment (Rept. No. 315). Referred to the Committee of the Whole House on the state of the Union.

Mr. BRUMM: Committee on Mines and Mining. H. J. Res. 142. A joint resolution to suspend the requirements of annual assessment work on certain mining claims for a period of three years; without amendment (Rept. No. 316). Referred to the Committee of the Whole House on the state of the Union.

Mr. WYANT: Committee on Interstate and Foreign Commerce. H. R. 6810. A bill granting the consent of Congress to the Millersburg & Liverpool Bridge Corporation, and its successors, to construct a bridge across the Susquehanna River at Millersburg, Pa.; without amendment (Rept. No. 317). Referred to the House Calendar.

Mr. BEGG: Committee on Foreign Affairs. S. 2392. A bill authorizing an appropriation to indemnify damages caused by the search for the body of Admiral John Paul Jones; without amendment (Rept. No. 319). Referred to the Committee of the Whole House on the state of the Union.

Mr. COLE of Iowa: Committee on Foreign Affairs. S. J. Res. 96. A joint resolution making appropriations for the payment of expenses of delegates to represent the United States at the general assembly of the International Institute of Agriculture, to be held at Rome in May, 1924, and for the payment of the quotas of Hawaii, the Philippines, Porto Rico, and the Virgin Islands for the support of the institute for the calendar year 1924; with amendments (Rept. No. 320). Referred to the Committee of the Whole House on the state of the Union.

Mr. DYER: Committee on the Judiciary. H. R. 7190. A bill to amend the China trade act, 1922; with amendments (Rept. No. 321). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII.

Mr. WURZBACH: Committee on Military Affairs. H. R. 1359. A bill for the relief of J. W. La Bare; without amendment (Rept. No. 318). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on the Post Office and Post Roads was discharged from the consideration of the bill (H. R. 63) to amend section 11 of the Federal highway act approved November 9, 1921, and the same was referred to the Committee on Roads.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SUTHERLAND: A bill (H. R. 8020) to repeal the last proviso of section 7 of an act to establish the Mount McKinley National Park, in the Territory of Alaska, approved February 23, 1917; to the Committee on the Public Lands.

By Mr. RUBEY: A bill (H. R. 8021) declaring an emergency in respect of certain agricultural commodities, to promote equality between agricultural commodities and other commodities, to provide for an export corporation, and for other purposes; to the Committee on Agriculture.

By Mr. GIBSON: A bill (H. R. 8022) for the purchase of a site and the erection of a public building at Bellows Falls, Vt.; to the Committee on Public Buildings and Grounds.

By Mr. SUTHERLAND: A bill (H. R. 8023) to authorize the court of appeals for the ninth circuit to hold sittings in the Territory of Alaska; to the Committee on the Judiciary.

By Mr. TAYLOR of Colorado: A bill (H. R. 8024) to add certain lands to the Gunnison and Cochetopa National Forests in the State of Colorado; to the Committee on the Public Lands.

By Mr. SWOOPE: Joint resolution (H. J. Res. 220) adopting the Star Spangled Banner, words by Francis Scott Key, and music by John Stafford Smith, as the national anthem; to the Committee on the Library.

By Mr. SUTHERLAND: Joint resolution (H. J. Res. 221) authorizing the improvement of Tolovana River, Alaska; to the Committee on Rivers and Harbors.

By Mr. KING: Resolution (H. Res. 224) for the consideration of the resolution (H. Res. 181) authorizing and directing the Committee on Banking and Currency to investigate the Treasury and Justice Departments relating to Government securities; to the Committee on Rules.

By Mr. CELLER: Resolution (H. Res. 225) to pay the minority employees of the House of Representatives \$2,500 per annum; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FITZGERALD: A bill (H. R. 8025) for the relief of Allen Moore; to the Committee on Military Affairs.

Also, a bill (H. R. 8026) granting a pension to George Rothwell; to the Committee on Pensions.

Also, a bill (H. R. 8027) granting a pension to Allen Moore; to the Committee on Invalid Pensions.

By Mr. GLATFELTER: A bill (H. R. 8028) granting an increase of pension to Eliza H. Hector; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8029) granting an increase of pension to Sophia Hoffman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8030) granting an increase of pension to Jennie S. McIlhenny; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8031) granting an increase of pension to Annie Spiese; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8032) granting an increase of pension to Susan Witman; to the Committee on Invalid Pensions.

By Mr. HADLEY: A bill (H. R. 8033) granting a pension to Sarah J. Prouty; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 8034) for the relief of John Bergman; to the Committee on Interstate and Foreign Commerce.

By Mr. JAMES: A bill (H. R. 8035) granting a pension to George J. Boven; to the Committee on Pensions.

By Mr. LEHLBACH: A bill (H. R. 8036) for the relief of the Canada Steamship Lines (Ltd.); to the Committee on Claims.

Also, a bill (H. R. 8037) for the relief of the Mallory Steamship Co.; to the Committee on Claims.

By Mr. LONGWORTH: A bill (H. R. 8038) granting an increase of pension to Eva G. Klug; to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 8039) granting an increase of pension to Frank E. Putnam; to the Committee on Invalid Pensions.

By Mr. PURNELL: A bill (H. R. 8040) granting a pension to Benjamin Overdorf; to the Committee on Pensions.

By Mr. REED of New York: A bill (H. R. 8041) granting a pension to Maggie M. Finch; to the Committee on Invalid Pensions.

By Mr. SANDLIN: A bill (H. R. 8042) to make a preliminary survey of Red River in Louisiana, from its mouth north to the line of the State of Arkansas, with a view to control of its floods; to the Committee on Flood Control.

By Mr. SITES: A bill (H. R. 8043) granting a pension to James W. Russell; to the Committee on Invalid Pensions.

By Mr. STALKER: A bill (H. R. 8044) granting a pension to Stella Hudson Owen; to the Committee on Pensions.

By Mr. WATKINS: A bill (H. R. 8045) granting relief to George T. Burnett; to the Committee on Claims.

By Mr. WURZBACH: A bill (H. R. 8046) for the relief of Daniel C. Darroch; to the Committee on Military Affairs.

By Mr. WYANT: A bill (H. R. 8047) granting an increase of pension to Mary Myers; to the Committee on Invalid Pensions.

By Mr. MOORE of Virginia: Joint resolution (H. J. Res. 222) granting permission to Hugh S. Cumming, Surgeon General of the United States Public Health Service, to accept certain decorations bestowed upon him by the Republics of France and Poland; to the Committee on Foreign Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1852. By the SPEAKER (by request): Petition of San Francisco Labor Council, urging the enactment into law of the Johnson immigration bill; to the Committee on Immigration and Naturalization.

1853. By Mr. BOYCE: Petition of citizens of Delaware, for equal rights amendment; to the Committee on the Judiciary.

1854. By Mr. BOYLAN: Petition of the United Bootblacks' Protective League, of New York, protesting against the Johnson immigration bill; to the Committee on Immigration and Naturalization.

1855. By Mr. CONNERY: Petition of Lions Club, Lynn, Mass., indorsing restriction of narcotics; to the Committee on Foreign Affairs.

1856. By Mr. CULLEN: Petition of the Association of Drainage and Levee Districts of Illinois, opposing any method which involves the diversion of water from Lake Michigan by the Sanitary District of Chicago into the Illinois River until said sanitary district makes just compensation for damages caused in the valley by said waters and ample guaranties are provided to cover future damages which may be caused by legalization of water diversion by said sanitary district, and opposing further the authorization of a flowage from Lake Michigan into the Illinois River of any greater amount of water than 1,000 cubic feet per second; to the Committee on Rivers and Harbors.

1857. By Mr. KINDRED: Petition of Edward E. Spafford, commander New York State Branch, American Legion, favoring adjusted compensation bill; to the Committee on Ways and Means.

1858. By Mr. KING: Petition of E. T. Sturgeon and 70 other citizens of Woodhull, Ill., in favor of the Bursum and Knutson bills; to the Committee on Pensions.

1859. By Mr. MACGREGOR: Petition of citizens of Buffalo, N. Y., and members of the official board of the Richmond Avenue Church of Christ, favoring the Johnson immigration bill; to the Committee on Immigration and Naturalization.

1860. Also, petition of Board of Supervisors of Erie County, Buffalo, N. Y., opposing that part of the Johnson immigration bill that discriminates against southern European immigration; to the Committee on Immigration and Naturalization.

1861. By Mr. PATTERSON: Petition of Camden, (N. J.) Branch of the National Woman's Party, favoring constitutional amendment giving equal rights to men and women; to the Committee on the Judiciary.

1862. By Mr. ROBINSON of Iowa: Petition of citizens of Geneva, Iowa, advocating early passage of the McNary-Haugen bill; to the Committee on Agriculture.

1863. By Mr. ROSENBLOOM: Petition of Lodge Hrvatski Sokol, No. 357, S. N. P. J., signed by George Rubela, president,

and Mike Wranich, secretary, Wendel, W. Va., protesting against certain provisions of the pending immigration bill; to the Committee on Immigration and Naturalization.

1864. Also, petition of Rad Napredak Lodge, No. 431, S. N. P. J., of Barrackville, W. Va., protesting against certain provisions of the pending immigration bill, and signed by Mr. Walter Sumoula, president, and Mr. Matt Tonkovich, secretary; to the Committee on Immigration and Naturalization.

1865. By Mr. ROUSE: Petitions in favor of the immigration bill adopted by the McKinley Council, No. 18, Daughters of America, of Bellevue, Campbell County, Ky.; to the Committee on Immigration and Naturalization.

1866. By Mr. YOUNG: Petition of 87 citizens of Mandan, N. Dak., urging the passage of the public shooting ground game refuge bill; to the Committee on Agriculture.

1867. Also, petitions of Andrew P. Pedersen and other citizens of Juanita, N. Dak.; Arthur W. Johnson, president of the Chamber of Commerce, Jamestown, N. Dak.; 456 farmers and 105 business men of Stutsman County, N. Dak.; Lansford Wheat Council, Lansford, N. Dak.; William Ahner and other citizens of Upham, N. Dak.; W. H. Gjerdengen and other citizens of Kramer, N. Dak.; and John Logan, Rogers, N. Dak., urging the passage of the McNary-Haugen bill; to the Committee on Agriculture.

1868. Also, petitions of Herman Schlunker Post, American Legion, Ellendale, N. Dak.; Frank E. Curry Post, American Legion, Harvey, N. Dak.; and Commercial Club of Wahpeton, N. Dak., urging passage of the adjusted compensation measure; to the Committee on Ways and Means.

1869. Also, petitions of S. A. Martineson and other citizens of Lansford, N. Dak.; J. G. Nitschke and other citizens of Jud, N. Dak.; Nels Knatterud and other citizens of Maddock, N. Dak.; Andrew P. Pedersen and other citizens of Juanita, N. Dak.; Albert Mauch and other citizens of Goodrich, N. Dak.; and Fred Spriggs and Oscar Brandvois, Thorne, N. Dak., urging the passage of the Norris-Sinclair bill; to the Committee on Agriculture.

1870. Also, petition of North Dakota Woman's Christian Temperance Union against any legislation for the purpose of weakening the Volstead law; to the Committee on the Judiciary.

SENATE.

WEDNESDAY, March 19, 1924.

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, Thou art always considerate of us, though we may frequently forget Thee and our duties toward Thee. We thank Thee for the passing days, giving to us added evidence of Thy care. Help us to realize our obligations to Thee. Grant that we may follow truth in its leadings, knowing that it is only as we are made free by the truth that we move along the line of Thine ordination for us. May we love Him who is the truth and life. We ask in His gracious name. Amen.

NAMING A PRESIDING OFFICER.

The Secretary, George A. Sanderson, read the following communication:

UNITED STATES SENATE,
PRESIDENT PRO TEMPORE,
Washington, D. C., March 19, 1924.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. FRANK B. WILLIS, a Senator from the State of Ohio, to perform the duties of the Chair this legislative day.

ALBERT B. CUMMINS,
President pro tempore.

Mr. WILLIS thereupon took the chair as Presiding Officer.

THE JOURNAL.

The reading clerk proceeded to read the Journal of the proceedings of the legislative day of Friday, March 14, 1924, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CALL OF THE ROLL.

Mr. CURTIS, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The principal clerk called the roll, and the following Senators answered to their names:

Adams	Dill	Jones, N. Mex.	Pittman
Ashurst	Edge	Jones, Wash.	Rahabton
Ball	Edwards	Kendrick	Randall
Bayard	Ernst	Keyes	Reed, Pa.
Borah	Ferria	King	Reed, Mo.
Brandegee	Fess	Ladd	Robinson
Brookhart	Fletcher	Lodge	Sheppard
Broussard	Frazier	McKellar	Shields
Bruce	George	McKinley	Simmons
Bursum	Gerry	McLean	Smith
Cameron	Glass	McNary	Smoot
Capper	Gooding	Mayfield	Stephens
Caraway	Hale	Moses	Swanson
Colt	Harrell	Neely	Wadsworth
Copeland	Harris	Norris	Walsh, Mass.
Couzens	Harrison	Oddie	Walsh, Mont.
Curtis	Heflin	Overman	Watson
Dale	Howell	Pepper	Weller
Dial	Johnson, Minn.	Philippa	Willis

Mr. FLETCHER. I desire to announce that my colleague [Mr. TRAMMELL] is unavoidably absent. I wish this announcement to stand for the day.

The PRESIDING OFFICER. Seventy-six Senators having answered to their names, a quorum is present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Hattigan, one of its clerks, announced that the House had passed without amendment Senate bills of the following titles:

S. 2420. An act granting the consent of Congress to the State of South Dakota for the construction of a bridge across the Missouri River between Potter County and Dewey County, S. Dak.; and

S. 2446. An act granting the consent of Congress to the Clarks Ferry Bridge Co., and its successors, to construct a bridge across the Susquehanna River at or near the railroad station of Clarks Ferry, Pa.

The message also announced that the House had passed Senate bills of the following titles, each with an amendment in which it requested the concurrence of the Senate:

S. 1982. An act granting the consent of Congress to the construction, maintenance, and operation by the Chicago, Milwaukee & St. Paul Railway Co., its successors and assigns, of a line of railroad across the northeasterly portion of the Fort Snelling Military Reservation in the State of Minnesota; and

S. 2113. An act to amend the act entitled "An act authorizing the Director of the Census to collect and publish statistics of cotton," approved July 22, 1912.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 604. An act to amend an act entitled "An act for the relief of the Saginaw, Swan Creek, and Black River Band of Chippewa Indians in the State of Michigan, and for other purposes," approved June 25, 1910;

H. R. 2879. An act to provide for the disposal of homestead allotments of deceased allottees within the Blackfeet Indian Reservation, Mont.;

H. R. 3682. An act authorizing the construction, reconstruction, and improvement of roads and trails, inclusive of necessary bridges, in the national parks and monuments under the jurisdiction of the Department of the Interior;

H. R. 4200. An act to provide for the cleaning of the exterior of the post-office building at Cincinnati, Ohio;

H. R. 4441. An act to provide for quarterly money-order accounts to be rendered by district postmasters at third and fourth class post offices;

H. R. 4448. An act authorizing establishment of rural routes of from 36 to 75 miles in length;

H. R. 4462. An act to amend an act entitled "An act authorizing the payment of the Choctaw and Chickasaw town-site fund, and for other purposes";

H. R. 5325. An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Choctaw and Chickasaw Indians may have against the United States, and for other purposes;

H. R. 6050. An act authorizing the conveyance to the city of Washington, Mo., of 10 feet of the Federal building site in said city for the extension of the existing public alley through the entire block from Oak to Lafayette Streets;

H. R. 6355. An act to authorize the Secretary of the Interior to issue certificates of citizenship to Indians;

H. R. 6482. An act authorizing the Postmaster General to contract for mail messenger service;

H. R. 6483. An act amending an act entitled "An act for the division of the lands and funds of the Osage Indians in

Oklahoma, and for other purposes," approved June 28, 1906, and acts amendatory thereof and supplemental thereto;

H. R. 6623. An act granting the consent of Congress to the Pittsburgh, Youngstown & Ashtabula Railway Co., its successors and assigns, to construct a bridge across the Mahoning River in the State of Ohio;

H. R. 6724. An act granting the consent of Congress to the counties of Sibley and Scott, Minn., to construct a bridge across the Minnesota River; and

H. R. 7959. An act to provide adjusted compensation for veterans of the World War, and for other purposes.

SUPPLEMENTAL ESTIMATES OF APPROPRIATIONS.

The PRESIDING OFFICER laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of Agriculture, fiscal year 1924, for preventing the spread of moths, in amount \$70,000, which was referred to the Committee on Appropriations and ordered to be printed. (S. Doc. No. 74.)

He also laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Treasury Department, fiscal year 1924, for refunding internal-revenue collections, in amount \$242,000, which was referred to the Committee on Appropriations and ordered to be printed. (S. Doc. No. 75.)

PETITIONS AND MEMORIALS.

Mr. CURTIS presented a resolution of the Topeka (Kans.) Federated Organizations, favoring the passage of legislation granting increased compensation to postal employees, which was referred to the Committee on Post Offices and Post Roads.

He also presented resolutions of the Seven Federated Shop Crafts, of Atchison, Kans., condemning the action of chambers of commerce in protesting against the passage of legislation amending the transportation act of 1920, which were referred to the Committee on Interstate Commerce.

He also presented a petition of sundry citizens of Coldwater, Kans., praying for the passage of the so-called Johnson immigration bill, which was referred to the Committee on Immigration.

He also presented a petition of sundry citizens of Jefferson County, Kans., praying that in pending immigration legislation the census of 1890 be used as a quota basis rather than the census of 1910, which was referred to the Committee on Immigration.

He also presented a resolution adopted by Biser Lodge No. 228, S. N. P. J., of Ringo, Kans., protesting against the passage of selective immigration legislation, and especially the proposal to register, photograph, and fingerprint immigrants, which was referred to the Committee on Immigration.

Mr. WILLIS (Mr. HANCOCK in the chair) presented a petition of sundry citizens of Columbus, Ohio, praying the passage of legislation creating a Federal department of education, which was referred to the Committee on Education and Labor.

He also presented a resolution of Local No. 67, City Fire Fighters' Union, of Columbus, Ohio, favoring the passage of legislation granting increased compensation to postal employees, which was referred to the Committee on Post Offices and Post Roads.

He also presented resolutions of Lodge No. 456, of Magadore; Lodge No. 358, of Tower Point; and Lodge No. 439, of Fairpoint, all of the S. N. P. J. (fraternal organization of the Yugoslav people), in the State of Ohio, protesting against the passage of selective immigration legislation, and especially against the proposal to register, photograph, and fingerprint immigrants, which was referred to the Committee on Immigration.

Mr. CAPPER presented a petition, numerous signed, of sundry citizens of Missouri, Oklahoma, and Kansas engaged in the production of ores in the Tri-State zinc and lead mining district, praying that in House bill 6715, the revenue bill, no further limitation be placed on deductions for depletion on account of discovery than that of 50 per cent of the net income from discovered mines, which was referred to the Committee on Finance.

He also presented a petition, numerous signed, of sundry citizens of Missouri, Oklahoma, and Kansas engaged in the production of zinc and lead ores, praying for the adoption of the so-called Mellon plan to revise surtax rates, which was referred to the Committee on Finance.

Mr. ROBINSON presented resolutions adopted by the Ozark Fruit Growers' Association, at Monett, Mo., and the Eureka Springs Commercial Club, of Eureka, Ark., favoring the passage of the so-called Purnell bill, providing additional appropriations

for agricultural experiment stations, which were referred to the Committee on Agriculture and Forestry.

Mr. BALL presented a petition of sundry citizens of Arden, Del., praying an amendment to the Constitution guaranteeing equal rights to men and women throughout the United States and every place subject to its jurisdiction, which was referred to the Committee on the Judiciary.

REPORTS OF THE COMMITTEE ON AGRICULTURE AND FORESTRY.

Mr. HARRISON, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 824) to establish and maintain a forest experiment station in the State of Florida, reported it with amendments and submitted a report (No. 283) thereon.

He also, from the same committee, to which was referred the bill (S. 1667) to authorize the purchase of lands in Florida for an experimental and demonstration forest for the production of naval stores, reported it with an amendment and submitted a report (No. 284) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SWANSON:

A bill (S. 2863) for the relief of Fred E. Jones Dredging Co.; to the Committee on Claims.

By Mr. BURSUM:

A bill (S. 2864) granting an increase of pension to Romula Pacheco; to the Committee on Pensions.

By Mr. SPENCER:

A bill (S. 2865) to define the status of retired officers of the Regular Army, who have been detailed as professors and assistant professors of military science and tactics at educational institutions; to the Committee on Military Affairs.

By Mr. WALSH of Montana:

A bill (S. 2866) for the relief of Patricia Dutcher (with accompanying papers); to the Committee on Claims.

By Mr. SHORTRIDGE:

A bill (S. 2868) granting an increase of pension to Alonzo Pendland; to the Committee on Pensions.

By Mr. DILL:

A bill (S. 2869) for the relief of E. J. Trammill; to the Committee on Claims.

By Mr. ROBINSON:

A bill (S. 2870) granting to the Camp Pike Honorary Commission authority to construct at Camp Pike, Ark., on a site to be selected by the State authorities and the Seventh Corps Area commander, 30 buildings of a permanent character; to the Committee on Military Affairs.

By Mr. COPELAND:

A bill (S. 2871) to appoint Anthony Sinnott a captain in the Regular Army of the United States; to the Committee on Military Affairs.

ADJUSTED COMPENSATION TO WORLD WAR VETERANS.

Mr. SMOOT. I introduce a bill to adjust the compensation and protect the dependents of veterans of the World War by means of paid-up Government life insurance.

In connection with the bill, I ask to have printed as part of my remarks a statement showing the cost to the Government of issuing nontransferable certificates to all veterans, including those whose bonus is \$50 or less, no loans on certificates, payable only at the death of the veteran. I ask that the bill may be referred to the Committee on Finance.

The bill (S. 2867) to adjust the compensation and protect the dependents of veterans of the World War by means of paid-up Government life insurance was read twice by its title and referred to the Committee on Finance.

The PRESIDING OFFICER. Without objection, the statement will be printed in the Record.

The statement is as follows:

Cost to Government of issuing a nontransferable certificate to all veterans, excluding those whose bonus is \$50 or less—No loans on certificates—Payable only at death of veteran.

[Deaths based upon American experience mortality table.]

Year.	Number living at beginning of year.	Death payments.	Year.	Number living at beginning of year.	Death payments.
1924.....	4,038,190	\$62,476,699	1930.....	3,848,970	\$43,714,008
1925.....	4,023,664	42,595,975	1931.....	3,813,429	44,127,275
1926.....	3,980,000	46,773,090	1932.....	3,777,552	44,599,312
1927.....	3,954,256	42,950,203	1933.....	3,741,340	45,069,424
1928.....	3,919,336	43,124,858	1934.....	3,704,697	45,603,227
1929.....	3,884,274	43,422,506	1935.....	3,667,630	46,246,496

Cost to Government of issuing a nontransferable certificate to all veterans, etc.—Continued.

Year.	Number living at beginning of year.	Death payments.	Year.	Number living at beginning of year.	Death payments.
1906.....	3,630,020	\$46,956,183	1964.....	1,732,955	\$144,225,110
1907.....	3,591,843	47,840,521	1965.....	1,615,695	146,525,135
1908.....	3,552,947	48,782,674	1966.....	1,499,565	147,583,360
1909.....	3,513,285	49,962,205	1967.....	1,376,673	147,349,208
1910.....	3,472,664	51,254,863	1968.....	1,256,773	145,876,946
1911.....	3,430,992	52,787,423	1969.....	1,138,170	143,225,152
1912.....	3,388,074	54,615,144	1970.....	1,021,773	139,572,171
1913.....	3,345,670	56,675,327	1971.....	908,246	134,977,040
1914.....	3,297,591	58,976,582	1972.....	798,503	129,379,152
1915.....	3,249,641	61,509,070	1973.....	683,315	123,192,794
1916.....	3,199,632	64,277,710	1974.....	563,155	115,710,947
1917.....	3,147,372	67,342,770	1975.....	499,078	106,991,760
1918.....	3,092,620	70,640,293	1976.....	412,960	97,063,042
1919.....	3,035,187	74,234,236	1977.....	333,150	86,606,403
1920.....	2,971,832	78,063,101	1978.....	262,736	76,119,764
1921.....	2,911,364	82,130,679	1979.....	200,848	65,633,120
1922.....	2,844,389	86,488,327	1980.....	147,486	54,968,142
1923.....	2,774,271	91,083,438	1981.....	102,795	45,833,314
1924.....	2,700,217	95,914,741	1982.....	67,157	32,698,486
1925.....	2,622,235	100,924,568	1983.....	40,572	22,682,922
1926.....	2,540,180	106,048,381	1984.....	22,130	14,492,619
1927.....	2,453,959	111,292,931	1985.....	10,347	8,072,227
1928.....	2,363,474	116,674,326	1986.....	3,784	5,416,820
1929.....	2,268,630	121,956,684	1987.....	1,006	1,060,236
1930.....	2,169,475	127,139,735	1988.....	144	177,114
1931.....	2,066,106	132,149,362	1989.....	0	0
1932.....	1,958,664	136,744,493			
1933.....	1,847,486	140,868,549			
			Total.....		4,901,422,442

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred as indicated below:

H. R. 7959. An act to provide adjusted compensation for veterans of the World War, and for other purposes; to the Committee on Finance.

H. R. 3682. An act authorizing the construction, reconstruction, and improvement of roads and trails, inclusive of necessary bridges, in the national parks and monuments under the jurisdiction of the Department of the Interior; to the Committee on Public Lands and Surveys.

H. R. 4200. An act to provide for the cleaning of the exterior of the post-office building at Cincinnati, Ohio; and

H. R. 6059. An act authorizing the conveyance to the city of Washington, Mo., of 10 feet of the Federal building site in said city for the extension of the existing public alley through the entire block from Oak to Lafayette Streets; to the Committee on Public Buildings and Grounds.

H. R. 6623. An act granting the consent of Congress to the Pittsburgh, Youngstown & Ashtabula Railway Co., its successors and assigns, to construct a bridge across the Mahoning River in the State of Ohio; and

H. R. 6724. An act granting the consent of Congress to the counties of Sibley and Scott, Minn., to construct a bridge across the Minnesota River; to the Committee on Commerce.

H. R. 4441. An act to provide for quarterly money-order accounts to be rendered by district postmasters at third and fourth class post offices;

H. R. 4448. An act authorizing establishment of rural routes of from 36 to 75 miles in length; and

H. R. 6482. An act authorizing the Postmaster General to contract for mail-messenger service; to the Committee on Post Offices and Post Roads.

H. R. 694. An act to amend an act entitled "An act for the relief of the Saginaw, Swan Creek, and Black River Band of Chippewa Indians in the State of Michigan, and for other purposes," approved June 25, 1910;

H. R. 2879. An act to provide for the disposal of homestead allotments of deceased allottees within the Blackfeet Indian Reservation, Mont.;

H. R. 4462. An act to amend an act entitled "An act authorizing the payment of the Choctaw and Chickasaw town-site fund, and for other purposes";

H. R. 5325. An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Choctaw and Chickasaw Indians may have against the United States, and for other purposes;

H. R. 6355. An act to authorize the Secretary of the Interior to issue certificates of citizenship to Indians; and

H. R. 6483. An act amending an act entitled "An act for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes," approved June 28, 1906, and

acts amendatory thereof and supplemental thereto; to the Committee on Indian Affairs.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that on the 17th instant the President had approved and signed the following act and joint resolution:

S. 634. An act to authorize the coinage of 50-cent pieces in commemoration of the commencement on June 18, 1923, of the work of carving on Stone Mountain, in the State of Georgia, a monument to the valor of the soldiers of the South, which was the inspiration of their sons and daughters and grandsons and granddaughters in the Spanish-American and World Wars, and in memory of Warren G. Harding, President of the United States of America, in whose administration the work was begun; and

S. J. Res. 91. Joint Resolution to authorize the National Society United States Daughters of 1812 to place a marble tablet on the Francis Scott Key Bridge.

FEDERAL DEPARTMENT OF EDUCATION.

Mr. OVERMAN. Mr. President, I present a letter from Bishop Collins Denny, addressed to Hon. HENRY ST. GEORGE TUCKER, on the subject of the so-called Sterling-Towner bill, creating a Federal department of education, which I ask may be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

BISHOP'S ROOM, PUBLISHING HOUSE

METHODIST EPISCOPAL CHURCH, SOUTH,

Richmond, Va., February 13, 1924.

HON. HENRY ST. GEORGE TUCKER,

House of Representatives, Washington, D. C.

MY DEAR SIR AND FRIEND: Permit me as a friend of many years to offer a few objections to the pending bill known by the name of "the Sterling-Towner bill." I am strongly opposed to the passage of that bill, and regret that I can not set forth my objections at some length. Let me slightly touch two objections:

First, Congress to assume the constitutional power to pass the bill must interpret the general-welfare clause of the Constitution as a blanket power to take any action believed to be for the benefit of the people of this country. Such an interpretation would make meaningless the fact that Congress is limited to enumerated powers granted in the Constitution. Such action would be contrary to the understanding of the delegates to the Constitutional Convention of 1787 as shown by the debates and votes in that convention, and that interpretation of the clause is specifically denied by the most prominent members of that convention in discussing the clause, is also denied by many of the ablest writers on the Constitution, and has not been accepted by the courts.

Second, Not only does the Constitution stand in the way of the rightful passage of that bill, but on the ground of expediency it is condemned. What greater damage could be wrought than to put the education of our people into politics? Of all the vital interests of the people from which politics should be wholly excluded religion and education are the most important. It is not denied that more true education and far better education is needed. More and better religion is also needed, but neither religion nor education needs to be nationalized. An attempt to nationalize either is not likely to be an improvement. Are we to learn nothing from the disasters of others? Germany adopted a system of standardized education. In addition to many other calamities of that system, it is also to be noted how willing was its effect on the independence of its ablest and best-trained scholars and teachers—the "Intellectuals." The finer, the more delicate traits of mind and character must have been atrophied before those men, at the command of the German Government, could have signed their abhorrent document. Standardized education tends to produce such results even in those of greatest gifts and highest training, and did produce them in the action cited.

Solid objections to this bill are so numerous and so strong that public opinion once fully informed will probably make its defeat inevitable. I am, my dear Mr. TUCKER,

Most truly yours,

COLLINS DENNY.

INTERIOR DEPARTMENT APPROPRIATIONS—CONFERENCE REPORT.

Mr. SMOOT. Mr. President, I ask that the action of the House of Representatives on certain amendments of the Senate to House bill 5073, the Interior Department appropriation bill, be laid before the Senate.

The PRESIDING OFFICER. The Chair lays before the Senate the action of the House of Representatives, which will be read.

The reading clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, U. S.
March 13, 1925.

Resolved, That the House recedes from its disagreement to the amendments of the Senate Nos. 1, 36, and 58 to the bill H. R. 5078, entitled "An act making appropriations for the Department of the Interior for the fiscal year ending June 30, 1925, and for other purposes," and concurs therein;

That the House recedes from its disagreement to the amendment of the Senate No. 47, and concurs therein with an amendment, as follows:

In lieu of the matter proposed to be stricken out by said amendment insert:

"For the construction of trails within the Grand Canyon National Park, \$100,000, to be immediately available and to remain available until expended: *Provided*, That said sum may be used by the Secretary of the Interior for the purchase from the county of Coconino, Ariz., of the Bright Angel Toll Road and Trail within said park under such terms and conditions as he may deem proper, and the Secretary of the Interior is authorized to construct an approach road from the National Old Trails Highway to the south boundary of said park."

That the House recedes from its disagreement to the amendment of the Senate No. 60, and concurs therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert: "\$365,000."

That the House insists upon its disagreement to the amendments of the Senate Nos. 15, 16, 17, 18, 19, 38, and 39, and asks a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. CRAMTON, Mr. MURPHY, and Mr. CARTER be the managers of the conference on the part of the House.

Mr. SMOOT. Mr. President, when the action of the House was before the Senate a few days ago I moved to agree to the amendments of the House to the amendments of the Senate numbered 47 and 60. Amendment numbered 47 is what is known as the Bright Angel Trail amendment and amendment numbered 60 is what is known as the Howard University amendment. Amendment 47 was discussed by both the Senators from Arizona, but there was no time given to act upon it. I again move to agree to the amendment of the House to the amendment of the Senate numbered 47.

Nothing can be done with the appropriation bill until the two amendments to which I have referred are agreed to or disagreed to, as the case may be. If the Senate disagrees to the House amendment, which is the original House provision as amended by the House, then the matter reported will go back to the House and we will hold another conference on it. If the Senate agrees to the House amendments to amendments numbered 47 and 60, then I shall move to insist on the amendments of the Senate numbered 15, 16, 17, 18, 19, 38, and 39. When we dispose of the two amendments to which I have referred and which I have already moved that the Senate agree to, I shall explain the other amendments just named, so the Senate will know in what position the appropriation bill stands to-day.

Mr. McNARY. Mr. President, I want to ask the Senator from Utah a question. In the statement which he made I did not clearly get the trend of his thought. Is he going to ask for an agreement upon those matters on which the conferees have agreed and then explain the items still in disagreement?

Mr. SMOOT. The Senate has already agreed to the conference report on the amendments agreed to by the conferees of the two Houses. It was only a partial report, I will say to the Senator. The Senate has not agreed to the amendments of the House to amendments numbered 47 and 60.

I will state now to the Senator, because other Senators may also wish to know, just what are the amendments still in disagreement. Amendment No. 15 is with reference to the reclamation project on the Flathead Indian Reservation and No. 16 is the same; amendment No. 17 is the reclamation project at Fort Peck Indian Reservation; No. 18 is the reclamation project on the Blackfeet Reservation; and amendment No. 19 is only a change in the total with reference to the reclamation project on the Blackfeet Reservation. Amendment No. 38 has reference to the so-called Newlands project and amendment No. 39 has to do with the total for all the reclamation provisions.

Mr. McNARY. In his statement the Senator did not mention the Bright Angel Trail.

Mr. SMOOT. The item affecting Bright Angel Trail is embraced in amendment No. 47, which is now before the Senate. As to Bright Angel Trail, I will say to the Senator—probably he did not hear me—the original provision of the bill as it came from the House was disagreed to by the Senate. The amendment went back to the House for a vote, as the conferees on the part of the House would not yield. The House

amended their original provision affecting Bright Angel Trail, and they now ask the Senate to agree to the amended amendment which is now before the Senate and is to be decided.

Mr. McNARY. Will the Senator from Utah explain the difference between the original provision and that now proposed?

Mr. SMOOT. I will read the language of the provision.

Mr. CURTIS. Before the Senator reads that I desire to say that, as I understand the Senator, he has asked for a separate vote on the two items that are now pending before the Senate.

Mr. SMOOT. The vote will come just as soon as this discussion shall have been concluded.

In answer to the Senator from Oregon [Mr. McNARY], I desire to say that the original provision as it passed the other House read as follows:

For the purchase of the Bright Angel Toll Road and Trail within the Grand Canyon National Park, Ariz., as contemplated by the "act to establish the Grand Canyon National Park in the State of Arizona," approved February 26, 1919, \$100,000, to be available until expended for payment to the county of Coconino, State of Arizona, for the construction, under supervision of the National Park Service, of a road from Maine, Ariz., to the south boundary of the Grand Canyon National Park: *Provided*, That no part of such sum shall be expended until after the delivery of a good and sufficient deed by the proper authorities of said county conveying to the United States full and complete title to the said Bright Angel toll road and trail, and acceptance thereof by the Secretary of the Interior.

To that provision the Senate disagreed and adopted a somewhat different provision. When the bill was returned to the House of Representatives the House adopted an amendment in lieu of the Senate amendment, which is known as amendment numbered 47, which is now before the Senate, as follows:

In lieu of the matter proposed to be stricken out by said amendment insert:

"For the construction of trails within the Grand Canyon National Park, \$100,000, to be immediately available and to remain available until expended, provided that said sum may be used by the Secretary of the Interior for the purchase from the county of Coconino, Ariz., of the Bright Angel Toll Road and Trail within said park under such terms and conditions as he may deem proper, and the Secretary of the Interior is authorized to construct an approach road from the National Old Trails Highway to the south boundary of said park."

In other words, Mr. President, the amendment proposes to make a direct appropriation of \$100,000 for building trails or purchasing the present trail, providing it can be obtained through the commissioners of Coconino County.

Mr. BURSUM. Mr. President—

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from New Mexico?

Mr. SMOOT. Yes.

Mr. BURSUM. Can the Senator enlighten the Senate as to why there should be a need for another trail?

Mr. SMOOT. I think the junior Senator from Arizona [Mr. CAMERON] made that very clear to the Senate the other day. The junior Senator from Arizona stated that there is no need for another trail, as there are already three trails. I know nothing about it personally; I only know what was stated here by the junior Senator from Arizona in his speech the other day.

Mr. BURSUM. Is it the purpose of the Senate to cram down the throats of the people of Coconino County, against their wishes, this appropriation, and to use it as an instrument to browbeat them into turning over to the Government the trail which belongs to Coconino County in the national park? Is not that the meaning of the proposition?

Mr. SMOOT. The amendment, in my opinion, simply means that if Coconino County does not desire to sell the trail to the Government, then the Secretary of the Interior can build a new trail, and \$100,000 is appropriated for that purpose.

Mr. BURSUM. That is, the Government will then go in and build another trail for \$100,000 and destroy the value of the trail which now belongs to Coconino County? Is that the proposition?

Mr. SMOOT. I have stated just what the amendment provides.

Mr. ASHURST. Mr. President, the esteemed Senator from New Mexico [Mr. BURSUM] has considerable solicitude lest, as I caught his phrase, something be rammed down the throats of the people of Coconino County. Of course, the people of that county will be grateful for this valiant effort on his part to prevent any such action. There is no intention to ram something down anybody's throat. It is an attempt to get an idea into somebody's head.

My colleague and I are in disagreement upon this item of the bill. He takes one view of this question and I take another view.

I need not waste time trying to describe the Grand Canyon. I have neither the time nor the talent requisite to such a task. Some years ago I dipped my pen deep enough into the ink of temerity to attempt to describe the Grand Canyon, and I shall not do so again. Sufficient it is to say that its temple depths, its towers and minarets, its glowing colors and vastness, are not matched anywhere.

In 1886 Benjamin Harrison, then a Senator of the United States and subsequently President of the United States, introduced a bill to make the Grand Canyon a national park. The bill failed to become a law. In the latter part of 1913 I introduced a bill to make the Grand Canyon a national park. My bill became a law. I employed extraordinary care to see to it that all the rights that any person or persons acquired in the Grand Canyon National Park prior to its establishment should be fully preserved.

The question now is, as the Senator from Utah indicated by reading the amendment, Shall we to-day grant to the Government of the United States, which owns the Grand Canyon National Park, the right, power, and authority to buy the Bright Angel Toll Trail, and, being unable to buy the trail, may the Federal Government use the said sum of \$100,000 to build a trail? That is the issue here. The county owns one of the trails; there are other trails.

Mr. McNARY. Mr. President, will the Senator yield?

Mr. ASHURST. I yield with pleasure.

Mr. McNARY. As a matter of personal information, I should like to inquire is it true that there are two Government-owned trails at this time running from the brink down into the canyon?

Mr. ASHURST. The Federal Government may own a trail, but the Bright Angel Trail is the only one upon which tolls may legally be collected. There are other trails there.

Mr. McNARY. I thought the Senator said a little while ago there are three trails leading into the canyon.

Mr. ASHURST. I think there are three.

Mr. McNARY. But the one in question, as I understand, is owned by the county?

Mr. ASHURST. Yes; that is true.

Mr. McNARY. And the other two are free trails owned by the national park.

Mr. ASHURST. That is my understanding.

Mr. McNARY. That leads to this inquiry: If \$100,000 should be appropriated for the construction of a new trail, making a fourth trail, a free one owned by the Government, what effect would that have financially on the trail owned by the county?

Mr. ASHURST. If the Federal Government owns a trail upon which tolls are not collected, those persons who could get access to the free trail would do so.

Mr. CAMERON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Arizona yield to his colleague?

Mr. ASHURST. I yield.

Mr. CAMERON. I should like to say to the senior Senator from Arizona that under the present law of the State of Arizona the trail can not be sold unless it is condemned, and I never knew a county to condemn an asset from which an income was derived by way of toll or otherwise. I say that the trail, under the present law, can not be sold at all until the legislature changes the present toll road law.

Mr. ASHURST. Mr. President, for the purpose of the present argument, I am willing to concede that my colleague is correct. I do not assert that I agree with him as to his statement; but, for the purposes of this present argument, I will assume that he is correct. The Federal Government, nevertheless, can not buy unless and until all the requirements which the Senator mentions are complied with and the necessary legislation is enacted. The question is, Shall we grant to the Federal Government the right to buy the Bright Angel Trail if the county desires to sell the same, or to build a trail if the county does not desire to sell?

Mr. BORAH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Idaho?

Mr. ASHURST. I do.

Mr. BORAH. I did not know until this morning that there was a difference of view between the Senators from Arizona in regard to this matter; but I want to ask the Senator this question: I understand that there are now three trails, two of them owned by the Government and one owned by the county?

Mr. ASHURST. That is true.

Mr. BORAH. Has the county indicated its desire to sell its trail?

Mr. ASHURST. I say "yes" to that question, but it would require a more elaborate answer if the Senator will permit me to give it. Does the Senator wish that?

Mr. BORAH. I do.

Mr. ASHURST. Last April three Representatives in Congress—to wit, Representative HAYDEN, of Arizona; Representative CRAMTON, of Michigan; and Representative CARTER, of Oklahoma—together with a representative of the national park service, met at the Grand Canyon. I was not present. It was there agreed that these Representatives should attempt to secure appropriate legislation looking toward the purchase of Bright Angel Toll Trail. Two of the three county supervisors were present, and they agreed, for and on behalf of the board of supervisors, that they would later legally attempt to transfer this trail to the Federal Government if the Federal Government would spend the purchase price in building an approach road to the canyon.

I received telegrams from the Chamber of Commerce of Flagstaff, one of the towns in the county in which the trail is located, and from citizens of the county, indorsing the sale of the trail. Fairness requires me to say that I have letters and telegrams from other citizens of equal repute opposing the sale. The supervisors apparently are willing to sell the trail if they may do so according to law, in order that persons visiting the breathing places of our country, the lungs of our Nation, the national parks, may not be met with a tollgate keeper.

Mr. FLETCHER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Florida?

Mr. ASHURST. I do.

Mr. FLETCHER. I think the Senator has made it perfectly plain. There is only one point I wish to inquire about. If this amendment is agreed to, the Federal Government would not necessarily spend the \$100,000 in building a trail right alongside the Bright Angel Trail. The language is, "For the construction of trails within the Grand Canyon National Park." If they could not buy this trail, they could use the \$100,000 in building trails anywhere in the park. They would not be obliged to build it parallel with this trail, or from the same point to the same point that this trail is built.

Mr. ASHURST. Precisely.

Mr. BORAH. Mr. President, did I understand the Senator to say that the Government would not use this money to build another trail?

Mr. ASHURST. The appropriation is in the alternative. It authorizes the United States to buy the trail, and if the supervisors do not care to sell the trail then this \$100,000 may be spent in building a trail.

Mr. FLETCHER. Trails.

Mr. ASHURST. Yes.

Mr. BORAH. One of the serious objections to the amendment that is now offered is this: Of course if they build a trail a hundred feet away from this trail, they destroy the value of the county's trail.

Mr. ASHURST. Assume that to be true.

Mr. McNARY and Mr. CAMERON addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Arizona yield; and if so, to whom?

Mr. ASHURST. I will yield in just a moment. In Arizona we have a large view of affairs. Many citizens there think of the general, the common good. They are proud of the Grand Canyon. They regard it as a heritage of their county and their State. They are pleased to invite the American people to come and see these beauties which the Creator, for the delectation of His children, has spread before them.

Mr. BORAH. Mr. President, if I understand the Senator correctly, there are two trails already, aside from this trail.

Mr. ASHURST. Yes.

Mr. BORAH. Then why is it necessary to pay a toll of a dollar over this trail?

Mr. PITTMAN and Mr. BURSUM addressed the Chair.

The PRESIDING OFFICER. Does the Senator yield; and if so, to whom?

Mr. ASHURST. Yes; I yield. I promised to yield to the Senator from Oregon.

Mr. McNARY. Mr. President, I only want to make one observation, in view of the inquiry of the Senator from Idaho. I understand that there is a prohibition in the road laws of Arizona against the construction of a competitive trail within 1 mile of an existing trail.

Mr. ASHURST. I will discuss that later.

I now yield to the Senator from Nevada.

Mr. PITTMAN. Mr. President, I do not know whether or not I understand the situation exactly. Of course, I have been out to the Grand Canyon. The railroad that connects with the Grand Canyon comes to a certain basin, where the hotels are established. There is a natural place for a trail running from the end of this railroad, which is connected with the main line railroad. It is a basin by which they can get down to the bottom of the Grand Canyon with a trail. I know of no other trail anywhere near that trail—

Mr. ASHURST. It is some miles to the other trail.

Mr. PITTMAN. Nor do I know of any place where it is possible to make a good trail anywhere near there. You can see trails all over the canyon, but they are down below the rim. As far as I can see, there are very few places where you can get down from the rim. Where this railroad goes and where the hotels are built is a natural point for a trail, and that is monopolized, I might say, as far as I could see, by the trail in question, the Bright Angel Trail.

Mr. ASHURST. Yes.

Mr. PITTMAN. It is just a question as to whether that trail shall be owned by the county or whether it shall be owned by the Government, as I see it.

Mr. BORAH. Mr. President, if the county is willing to sell, I am certainly in favor of buying the trail, but I am not in favor of adopting an amendment here which would enable the Government practically to destroy the value of the trail and force the county to sell at a figure at which it does not desire to sell. If the county has signified or will signify its desire to sell, and in a way which it is authorized by law to do, of course I think we should own the trail; but I understand that about 80 per cent of this county is withdrawn from public entry.

Mr. ASHURST. A large percentage is withdrawn.

Mr. BORAH. And it is a pretty serious thing for a county not to have some kind of an income under those circumstances.

Mr. ASHURST. Mr. President, I would not cut much of a figure were I to try to talk legal propositions to the Senator from Idaho, because he is one of the most excellent lawyers not only in the Senate but in the United States, but he talks about legislation compelling the county to sell.

Mr. BORAH. No; I did not say "compelling"; I said authorizing the county to sell.

Mr. ASHURST. Let me say, first, this case is unique. Not only has the title of Coconino County to this trail been recognized by Congress by legislative construction, but it has been recognized by the Supreme Court of Arizona. No power known to Anglo-Saxon law, no power known to Congress, to the President, or to the Marine Corps, can deprive Coconino County of the Bright Angel Trail without the county's consent in the manner directed by the statutes of Arizona.

Mr. PITTMAN. The Senator had better withdraw that statement about the Marine Corps.

Mr. ASHURST. No; I will let the statement about the Marine Corps stand. They use it nowadays to dispossess citizens. Now, at the risk of tiring Senators I am going to recount the main facts regarding this trail.

Before the Grand Canyon was established as a national park, or a national monument, indeed, when it was public land of the United States, citizens established rights there—to wit, mining claims, and so forth. On the 31st day of January, 1891, a gentleman named Peter D. Berry, whom I know quite well, marked out a map of definite location, verified the same, and filed it in the county recorder's office of the appropriate county, claiming the right to collect tolls on such trail. Ten years passed. He collected no tolls, but he built the trail. The franchise expired. The owners appeared before the Board of Supervisors of the County of Coconino for an extension of the franchise. The board of supervisors granted the extension of the franchise. The board of supervisors attempted to extend the franchise for 10 years, but they had the power to extend it for only 5 years. Still the owners did not collect tolls for a year or two, and it was only about the year 1902 when the owners began to collect tolls. Their right to collect tolls was challenged by various lawsuits, instituted in some instances by the Santa Fe Railroad Co. The trail meanwhile had been alienated to my colleague. The court held that such a trail could not be alienated. The title reverted then to the original owners, and they collected tolls until 1903, when the franchise again expired. The county of Coconino began to collect tolls, and collected tolls one year.

In 1907 the legislature of the Territory passed an act, retroactive in character, plainly expressed in its terms to be retroactive, not ex post facto, and reinstated the original owners, my colleague and his companions, in the ownership of the Bright Angel Toll Trail.

That act was challenged in court. I was the district attorney of the county. Notice was served upon me demanding that I institute a writ of quo warranto to compel these owners to show by what authority they were collecting tolls. I refused to institute the writ. Suit was brought against me. I went to the Supreme Court of Arizona, and I had the unique distinction of having the Supreme Court of Arizona say, in so many words, that my discretion in refusing to bring the suit was sound.

It has therefore been officially decided that my discretion in refusing to oust the owners was sound. The unsuccessful litigants appealed to the Supreme Court of the United States. Their appeal was dismissed. The owners of the Bright Angel Trail collected tolls five years more. A large portion of the people of that country are willing to transfer the trail to the Government. Two supervisors are willing. The trail can not be alienated unless and until the board of supervisors sells it according to law. Am I to stand here now to paralyze the arm of the Federal Government and say, "No; you shall not even have the authority to buy the trail, even if Coconino County desires to sell?" All that this amendment does is to provide that if Coconino County, in the manner prescribed by the law of Arizona, wishes to sell the trail, the Government may buy the same, or, if the county does not want to sell it, the Government may build another trail.

Mr. NORRIS. Is it contemplated that the \$100,000 would be used to build another trail down into the canyon?

Mr. ASHURST. If the supervisors do not wish to sell this Bright Angel Toll Trail, then the money thus appropriated may be used for building another trail, where the National Park Service may wish to build. My colleague [Mr. CAMERON], or some other Senator, made the observation that, under the law, they could not build a trail within a mile of the present trail. That may be so, although I do not want to be committed to that as a certainty.

Mr. BORAH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Idaho?

Mr. ASHURST. I yield to the Senator from Idaho.

Mr. BORAH. If the provision that the Government may build another trail could be eliminated, I think I would vote for this proposition. But it is perfectly clear to me why that is put in.

Mr. ASHURST. I will say that I would do almost anything reasonable to get the support of the able Senator from Idaho, because I think he generally wants to do right.

Mr. BORAH. I am quite a believer in national parks, but when I came to the Senate my State had 70 per cent of its public land withdrawn from public entry. I have been through that hades, and I do not want to impose it upon anybody else without his consent. If that portion of the measure enabling the Government to build another trail is stricken out and a provision inserted authorizing them to buy when the county gets ready to sell, I will be favorable to it; but there is only one object in making that other provision, and that is to build another trail, or to threaten to do so, and compel the county to sell whether it wants to or not.

Mr. ASHURST. Let me strip that proposition of its verbiage—

Mr. BORAH. We know how the National Government deals with us little fellows.

Mr. ASHURST. This is a case where, I repeat, by no means known to American law can the Federal Government oust the county of Coconino from that trail.

Mr. HOWELL. Mr. President—

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Nebraska?

Mr. ASHURST. I certainly yield to my friend.

Mr. HOWELL. A few moments ago I understood the Senator to say that the Santa Fe Railroad brought suit to prevent the collection of tolls down the Bright Angel Trail. That was about 1903, I believe.

Mr. ASHURST. Yes; I stated that, because that is part of the record.

Mr. HOWELL. And that the Santa Fe at that time was interested in the trail being a free trail.

Mr. ASHURST. The Santa Fe Railroad at that time had the concessions for the terminus at the railroad, and, together with other interests, furnished horses to those who wished to go up and down the trail.

Mr. HOWELL. Have they any interest in such concessions now?

Mr. ASHURST. They may have the concessions there now. That is my opinion.

Mr. HOWELL. In other words, this is a 20-year-old fight to make a free trail down into the canyon, and the Santa Fe has led it?

Mr. ASHURST. Is the Senator asking me the question?

Mr. HOWELL. Yes.

Mr. ASHURST. I said that in 1903 litigation, which was prompted by the officials of the Santa Fe, was instituted to prevent the collection of tolls. I said that.

Mr. HOWELL. And I say that it has been a 20-year fight to secure a free trail down into the canyon by the Bright Angel Trail.

Mr. ASHURST. The Senator can draw the inferences he pleases. I stated the facts. I hold no brief for the Santa Fe Co.

Mr. HOWELL. I did not wish to infer at all that the Senator was representing the Santa Fe in any way whatever.

Mr. ASHURST. I am sure the Senator would not do that here.

Mr. HOWELL. No; absolutely not.

Mr. ASHURST. No; because he would not get away with it.

Mr. HOWELL. It was simply suggested to my mind that if the sale of this Bright Angel Trail were in the hands of the county commissioners, and if the Santa Fe officials have as much influence with county commissioners in the Senator's State as they have in mine, I would be fearful to leave the question to the county commissioners. If it could be provided that this trail should not be sold without a vote of the people of the county, I would say "Amen"; but I should hesitate very much to leave it to the county commissioners, with the Santa Fe behind the proposition.

Mr. ASHURST. I thank the Senator for his championship of the rights of the people of Coconino County. They will thank him appropriately for his interest.

I do not worry about the supervisors of Coconino County. I do not worry about the people of that county. They are near nature's heart, and they know exactly what they want.

Mr. JONES of Washington. Mr. President—

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Washington?

Mr. ASHURST. I yield.

Mr. JONES of Washington. When this matter was up before, on the passage of the bill, I voted for the committee amendment to strike out the provision, but stated at the time that I thought the Government ought to own this trail. As I understand it, it comes back now with a proposal from the House that if the Government can not buy this trail from the county, \$100,000 will be appropriated to put a trail down into the canyon.

Mr. ASHURST. Yes.

Mr. JONES of Washington. That looks to me as if it were intended as a coercive measure, to compel the county to sell, whether it wants to or not. I do not like the principle involved in that proposition, and I wanted to ask the Senator a question in regard to it. I had the pleasure of going up that trail last summer, and I do not know whether the county has a right of way of a certain width or not. Will the Senator advise me as to that?

Mr. ASHURST. Yes; the width is ample.

Mr. JONES of Washington. This is what struck me before: That if the county does not see fit to sell, this procedure will be followed, if this provision is adopted—the Government will construct a trail parallel with the trail which now exists.

Mr. ASHURST. And what harm will come to the general public?

Mr. JONES of Washington. Of course, that will compel the county either to sell or abandon its trail. While, as I said, I would like to see the Government own this trail, yet I do not like the principle involved of just holding them up, as a highwayman would hold some one up, and say, "If you do not sell, we will build a trail of our own." A small county can not stand up against the Government of the United States.

Mr. ASHURST. Oh, yes.

Mr. JONES of Washington. The Government, with its money, can put in a parallel trail and thus practically destroy the value of the trail of the county. I am just seeking to get the Senator's view about it.

Mr. ASHURST. Let me ask the Senator from Washington, for whose judgment I have a high opinion, what harm would come to the people of the United States if the Government should build another trail there? We are not legislating today for a county. We are legislating for the United States and for posterity. Tell me what harm would come to the American people if the Government of the United States should build a trail in there upon which citizens could travel without the payment of toll?

Mr. JONES of Washington. No harm would come, of course, to the people of the United States.

Mr. ASHURST. For whom we are legislating.

Mr. JONES of Washington. In doing that, Mr. President, it seems to me we want to do justice to the very weakest organization with which we are dealing; and while we want to benefit the people of the United States, we do not want to use our power to coerce a small organization to do what it does not want to do. I would rather see this provide an appropriation of \$100,000 for the purchase of this trail, and then leave it for the future. If the Federal authorities find that they can not make a deal with the county, then we can consider the question as an independent proposition. But I do not like the principle involved in saying in the bill, "Here, gentlemen, if you do not want to sell, we will parallel your trail and destroy its value."

Mr. ASHURST. I have no power to accept the amendment, because the provision came over from the House. I am defending the House provision, or attempting to do so.

Mr. FLETCHER. Mr. President, may I ask the Senator if this \$100,000 proposition originated with Congress? I take it that was considered a fair value for this trail.

Mr. ASHURST. It originated at the conference in 1923 with the supervisors of Coconino County.

Mr. FLETCHER. The county itself proposed to do that, consequently they are not being taken advantage of in this connection. Their wishes are being complied with, so far as we know. We may take the other view of it, too, that if we make an appropriation to buy the trail, without specifying any amount, then it would be in the power of the county to hold up the Government and to state that they would not sell the trail for less than \$200,000.

Mr. JONES of Washington. As I understand it, from statements made here, the supervisors have not authority to bind the county. They expressed that sentiment as their personal view.

Mr. ASHURST. They could not bind the county except in a manner prescribed by law.

Mr. FLETCHER. Evidently, then, we are justified in inferring that \$100,000 is the fair valuation for this trail. I take it that it is pretty well understood out there and everywhere else that that is a fair value, and if it is, it should go through on that basis.

Mr. REED of Missouri. It seems to me that the county will probably be able to take care of itself. The thing in which I am interested is the name of the trail, the Bright Angel Trail. I want to be sure we are going to get that. If that comes into the bargain I am quite content to vote \$100,000 of the people's money away to get a name like that.

Mr. ASHURST. In reply to my brilliant friend, I will say that the name is more precious than the trail, and I am not astounded that my poetical friend is attracted by bright angels. I am myself.

Mr. SWANSON. Mr. President, will the Senator permit me to ask a question?

Mr. ASHURST. I yield.

Mr. SWANSON. I simply want to ask a question.

Mr. ASHURST. Very well.

Mr. SWANSON. I understand that the board of supervisors of the county offered to sell the trail to the Government for \$100,000.

Mr. ASHURST. Two of the three members offered to do so.

Mr. SWANSON. And that is considered a fair price?

Mr. ASHURST. Yes.

Mr. SWANSON. The House of Representatives, with the concurrence of the Congressman who represents that State and district, has passed a proposition to pay the county what two of the members of the board of supervisors thought was a fair price, \$100,000, and if they refuse to accept that then the Government shall be permitted to build a trail—

Mr. ASHURST. Yes.

Mr. SWANSON. So the people will not be subjected to the domination of a minority of the people in that county who want to charge a high price.

Mr. CAMERON. Mr. President, after listening to my distinguished colleague, the senior Senator from Arizona [Mr. ASHURST], I must admit that he intended to make all of his statements correctly, but I am inclined to think he did not do so. I did not expect to occupy the time of the Senate in talking further on the amendment, but I shall have to do so in order to enlighten the Senate once more as to the real circumstances surrounding the Bright Angel Trail and some history and facts thereon.

In 1890 and 1891 the Bright Angel Trail was built by myself and associates. The trail we built is 73 miles north and a little west of the town of Flagstaff, which at that time was

the only inlet into the canyon. We had built a portion of the trail down as far as what is known as Indian Gardens—we were then a part of Yavapai County; Coconino County had not yet been created—when a partner of mine, who never did any work on the trail, and who lived on the Grand Canyon at a place called Grand View, came up one day. We wanted to send a party down the trail, so we asked him to take the party in for us. His name was Peter B. Burrett. He had no connection with the construction of Bright Angel Trail, had not a dollar in it at that time, and never has had; but this was, in a sense, the beginning of the real use of the trail.

The trail was built a great many years before the Grand Canyon was ever known to the public other than by those who might have read at some time Powell's Exploration of the Grand Canyon. The first trip into the Grand Canyon was made, I think, in 1869. I may not be correct about the year. My associate and I laid out the first wagon road that was ever laid out from Flagstaff to the Grand Canyon. We also laid out most all the wagon roads around the rim that are in use to-day. As stated before, we built Bright Angel Trail. We also built, later on, in 1902 and 1903 what is known as the Grand View Trail, 11 miles farther east on the south rim of the Grand Canyon. There was no one going to the Grand Canyon other than a few prospectors, myself, and my associate. I doubt if my distinguished colleague went to the Grand Canyon for 15 or 20 years after the trail was built. However, that makes no difference, as I am merely trying to give a little sketch of the real pioneering of this great wonder created by nature.

For a considerable number of years after we had built the trail but few came out to the canyon. We did not build the trail for tourist purposes. We built it for mining purposes. In most of the Western States, those west of the Missouri River, there is what is known as a toll road or trail law under which one can go on the public domain and build a trail or road. In Arizona we have a well-defined law of this kind, and it provides that at the end of 10 years' time the board of supervisors of the county in which the trail is located has the privilege of taking over the road or trail, or they can extend the time for use of it five years longer. That was the old law under which we built the trail. During this long period of time we started and undertook to operate a triweekly stage coach to the Grand Canyon. Very few people went out, but finally we built up a little business for our stage line. A man came along by the name of Wilbur and put on a first-class stage line. He ran that stage line until the railroad was built from Williams to Onelda Junction, 45 miles from the south rim of the Grand Canyon. Then the travel was switched over to the end of the railroad and carried into the Grand Canyon from there.

About that time the Santa Fe Railroad Co., which did not build the road in the first place, got possession of the Grand Canyon Railroad through a foreclosure proceeding in court. Everything as far as the trail was concerned had been very happy up to that time. Soon after the Santa Fe Railroad got possession of the line of road to which I have just referred, they began to show a disposition to get possession of everything else. Through their attorneys here in Washington, Britton & Gray, they carried their ideas and plans in this connection to Gifford Pinchot, who was then the chief of the Bureau of Forestry under President Roosevelt. They presented their case to Mr. Pinchot and he at once granted them a free right of way over the trail without even consulting us, the real builders and owners, without even notifying us, and without even giving us a chance for our life in any way. We were not heard in this proceeding or even notified as to the hearing. In other words, we were out of the picture so far as they were concerned.

A friend of mine in Los Angeles, who was at that time connected with the railroad company, and another good friend of mine who has long since died, wired me to come to Los Angeles. I went there not knowing what was wanted. I was told, "They are going to take your trail away from you, as the Bureau of Forestry has granted the Santa Fe Railroad Co. an easement over your trail. You had better go to Washington and protect yourself." At that time Blinger Hermann was Commissioner of the United States Land Office and Ethan Allen Hitchcock was Secretary of the Interior. I came down here and found in a month or so that I was up against a brace game, that the Commissioner of the General Land Office was standing in, so to speak, with the railroad company, and I had not any power to move him or get his decision on my rights. I appealed to the President of the United States, Theodore Roosevelt, and told him my story. That great President listened to my side of the issue and immediately ordered the case out of the General Land Office and before the Secretary of the Interior for a special hearing.

The Secretary of the Interior took up the matter, and I appeared before him. I did not have money enough to employ a lawyer, so I argued my own case. The law was with me, and he decided that the Bureau of Forestry had no jurisdiction over the Bright Angel Trail, that the rights had accrued long prior to the creation of the Grand Canyon National Park, and that my rights were valid. That is my story.

My good friend the Senator from Nebraska [Mr. HOWELL] asked the question if the Santa Fe Railroad Co. was not behind this fight. I want to say to Senators here to-day that the railroad company is behind the fight and has been ever since it began, many years ago. I know, because I fought this same issue out with them many times before. This is not a fight between the Government and Coconino County. This is a fight between the railroad corporation and the county of Coconino and the Government. These are the facts, and I can prove everything I say, and I shall do so before we get through. I did not care to go into the details of the matter, but as I have been forced to do so to protect the rights of Coconino County, I am bound to do it.

A statement has already been made with reference to the situation as it exists at the present time. The trail rights are in the county of Coconino. There was a conference on a proposed agreement with reference to the matter at the rim of the Grand Canyon, and among those present were Hon. L. C. CRAMPTON, Hon. C. D. CARTEE, and Hon. CARL HAYDEN; also the National Park Service officials, H. M. Albright, G. C. Bolton, and L. I. Harrison; two members of the board of supervisors, including the chairman; and a representative of the Fred Harvey system, and one or two others. I think the date of this conference was April 4, 1923.

Fred Harvey & Co. are not only a part of the Santa Fe system but, so far as we all know, they belong to the Santa Fe system. They have charge of all the dining rooms on the Santa Fe system. They have charge of the dining cars on the Santa Fe system. They have charge of all the hotels along the Santa Fe line. They run the El Tovar Hotel at the Grand Canyon, and they also have charge, directly or indirectly, of all the vehicles, automobiles, horses, and everything else at the Grand Canyon. They have a concession which is an iron-clad monopoly, and they can charge the tourist who visits the Grand Canyon just as much as they like. As an example, which I have called to the attention of the Senate before, when we had our horses at the Grand Canyon, which were operated by us as individuals over this same trail without any coercive park supervision, one could go from the south rim of the canyon to the bottom of the canyon for \$3. Since the Government eliminated the public or anyone that might go in there with horses or vehicles, they are charging \$6, just twice as much. If the trail is sold by the county, they will pay \$10 or any other arbitrary or unreasonable price for everyone that goes down the trail. I am trying to protect the public of the United States, as well as the county of Coconino.

I wish to read at this time a telegram from Williams, Ariz., because there seems to be an impression here in the Senate that the county is just itching to sell this trail; that all that is necessary is to pass this bill, and the county authorities will sign on the dotted line. It is dated March 5, 1924, as follows:

WILLIAMS, ARIZ., March 5, 1924.

Senator RALPH H. CAMERON,
Washington, D. C.:

I attended meeting with Crumpton and others at Grand Canyon; tentative agreement was drawn there as a basis of which to work. I am opposed to sale of Bright Angel Trail under the terms of that agreement.

R. C. RITTENHOUSE,
Chairman Board of Supervisors, Coconino County.

There was one other member there at that time, and there was one member absent. The chairman of the board of supervisors never assented to that tentative agreement, so he states in a telegram to me, which I have put into the RECORD, and which I know is correct. Just a few days ago I received the following telegram from R. C. Rittenhouse, chairman board of supervisors, Coconino County:

WILLIAMS, ARIZ., March 15, 1924.

Senator RALPH H. CAMERON,
Washington, D. C.:

Board of supervisors in meeting March 10 unanimously declared themselves opposed to sale of Bright Angel Trail as outlined in Hayden bill.

They meant the Hayden amendment. That was the first amendment. On March 14, after the other amendment had been brought forth, Representative HAYDEN having telegraphed to

them what was proposed in the new House amendment, I received this telegram:

FLAGSTAFF, ARIZ., March 14, 1924.

Hon. RALPH CAMERON,
United States Senate, Washington, D. C.:

By resolution adopted this day the board of supervisors of Coconino County have declared themselves opposed to the sale of the Bright Angel Trail and Toll Road on the terms as outlined by the Hayden bill.

J. B. RICKEL, Clerk.

That telegram relates to the proposition which is now before the Senate. What I have just read is not my own statement but is a statement of the chairman of the board of supervisors and the clerk of the board of supervisors. Since this matter has been considered and all the facts brought out we have this evidence undenied that the so-called tentative agreement was in fact nothing at all—a misunderstanding by the officers of the county.

Mr. JONES of Washington. Mr. President—

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Washington?

Mr. CAMERON. I do.

Mr. JONES of Washington. Were the supervisors whose telegrams the Senator has read the same persons who, it has been stated, entered into the tentative agreement with reference to the amount named?

Mr. CAMERON. Yes, sir; they are the identical men.

I do not wish to misconstrue anything, nor will I make a statement on the floor of the Senate which I do not believe is absolutely correct; I am not here for that purpose; but I am here to do the best I can for the people whom I in part represent. I have several letters and telegrams which I have received during the last month stating that the people of Coconino County, almost to a man and to a woman, are opposed to the sale of the Bright Angel Trail. The board of supervisors of that county are now opposed to the sale of the trail under any circumstances thus far brought out. As I have stated before, under the present existing laws of the State of Arizona there is no way on earth by which the supervisors can sell this trail unless the trail be condemned and declared worthless. Why should and how could the board of supervisors declare worthless one of the best assets, one of the best income producers for the taxpayers which they have in the county? Nearly all the county, all the public domain, has been withdrawn for national parks, for national forests, for Indian reservations, or for game preserves. Then, if Congress desires to do what is right—and I know it does—why is it proposed to take the last drop of the blood of the people of that county out of their veins and turn it over to what I am justified in saying is a corporation? Every national park, as Senators will find if they will look into the question, is controlled by corporations; they are not national parks any more. I have nothing against the national parks; I am for all the parks; I am for creating all the playgrounds that we can, and for maintaining them, but let us not put them in a position where only the rich can enjoy them. Let us allow equal opportunities to the poor fellow who comes along in a Ford or a Dodge or on horseback or with his pack animal, as we all used to travel in that region. Before the age of automobiles I traveled for many years in the section about which I am talking, when one could not take a wagon in there, but had to go on horseback with a pack animal.

I will say to any Senator in this body to-day that if he goes out in the national parks in his own vehicle he will be told when he can start out in the morning, when he can go to camp at night, unless he is favored by the transportation companies which run the parks to-day. I tell you, Senators, the situation is getting serious. I may not change a vote in the Senate by what I am saying, but, nevertheless, what I am saying is the truth. I can not understand why I have to stand up here and fight in order to protect the people themselves and the people's money which we are proposing to appropriate at this time. Understand me, Senators, I am not opposed to parks; I am not opposed to the sale of the trail if the county gets its real worth, but such is not the case here. This is a perpetual asset owned by a county already strangled by withdrawals, and the proponents of this sale try to hide under the cloak of a great public policy when they know the terms of this proposition call for the doing of something for the Government that the Government already plans to do itself; in other words, for Coconino County it is heads I win, tails you lose, if this thing should be allowed.

At present there are three trails that run to the south rim of the Grand Canyon—the Hermit Basin Trail, the Grand

View Trail, and the Bright Angel Trail. Under the old law, I believe, a trail may not be built within a mile of either side of an existing trail, and if one had all the money in the world he could not build a trail anywhere else along the south rim of the Grand Canyon other than those which have already been built which would be safe to take people over or which would be a sane investment or a sane necessity.

Mr. JONES of Washington. Mr. President—

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Washington?

Mr. CAMERON. Certainly.

Mr. JONES of Washington. I wish to understand the statement the Senator has just made. Does the Senator say that if we should appropriate \$100,000, as is set out in this provision, the Government could not build a trail paralleling the Bright Angel Trail within a mile on each side of it?

Mr. CAMERON. On each side of it; yes, sir.

Mr. JONES of Washington. That takes away the objection that occurred to me.

Mr. ASHURST. Mr. President, will my colleague yield to me?

Mr. CAMERON. Certainly.

Mr. ASHURST. I want to be, and I am trying to be, exactly fair, and I wish my colleague to hear the statement I am about to make. It was the law of Arizona that on the public domain a trail could not be built within a mile of an existing trail. I would not want to be committed to that precise statement of law now, however, and I would not want the Senator from Washington to base his vote on that understanding. While I have not made an examination recently, I am not willing now to agree that that is the proper view of the law. That was true when the land was a part of the public domain; that was the old law; but the law may have been altered. I thank my colleague for yielding.

Mr. CAMERON. I think my colleague is correct.

Mr. ASHURST. I know the Senator from Washington wants me to tell what I think is true about it.

Mr. JONES of Washington. Certainly.

Mr. CAMERON. That was the old law, and no doubt when the national park was created this was or is no longer effective. I do not know for sure.

Mr. ASHURST. I am expressing no opinion on it, for I have not examined the law for several years.

Mr. CAMERON. I think the trail right of way is 77 feet down into the canyon.

As to the question of charges on the trail into the Canyon and as to how the public may be benefited, let me say that the proceeds derived from the tolls are used for the most part to keep up the trail, although some four or five thousand dollars a year go into the treasury of the county in which the trail is located. In conclusion then permit me to say: The board of supervisors have advised us in their telegrams of March 14 and March 15 that they do not wish to sell the trail. The appropriation is not needed, because in a bill now pending in the House it is proposed to appropriate some \$800,000 to build a main artery from Maine to the south rim of the Grand Canyon. Therefore, why should we appropriate money in this instance that is not needed and that can not be used for any legitimate purpose? Why should we apply an appropriation to something that is not necessary, when there are so many demands for the money of the Government and when there are clamors for appropriations for a great variety of objects, including the relief of the farmers, pensions and assistance for disabled soldiers, needs for public buildings, and so forth? Why should we, when there is no cause for it whatsoever, appropriate \$100,000, when the people to whom it is proposed to give it and on whom it is trying to force it have expressed themselves individually and through the board of supervisors as being unwilling to accept it? I think it is preposterous and can serve only as a coercive force when one comes to think of it, and I hope Senators will vote to reject the amendment.

Mr. McNARY. Mr. President, I ask for the yeas and nays on the pending motion.

The PRESIDING OFFICER (Mr. HARRISON in the chair). The question is on the motion of the Senator from Utah [Mr. Smoot], on which the yeas and nays have been demanded.

The yeas and nays were ordered.

Mr. JONES of Washington. Mr. President, I suggest the absence of a quorum. The Senator from Utah is not present at the moment.

The PRESIDING OFFICER. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Adams	Edge	Kendrick	Ransdell
Ashurst	Edwards	Keyes	Reed, Mo.
Bayard	Elliott	King	Reed, Pa.
Borah	Ferris	Ladd	Robinson
Brandegee	Fess	Lodge	Sheppard
Brookhart	Fletcher	McKellar	Shields
Bronssard	Frank	McKinley	Simmons
Bryce	George	McLean	Smith
Bursum	Glass	McNary	Smoot
Cameron	Gooding	Mayfield	Spencer
Capper	Hale	Moses	Stansfield
Caraway	Harrell	Neely	Stephens
Colt	Harris	Norris	Swanson
Copeland	Harrison	Oddie	Wadsworth
Cousens	Heflin	Overman	Walsh, Mass.
Curtis	Howell	Pepper	Walsh, Mont.
Dale	Johnson, Minn.	Phipps	Warren
Dial	Jones, N. Mex.	Pittman	Weller
Dill	Jones, Wash.	Ralston	Willis

The PRESIDING OFFICER. Seventy-six Senators having answered to their names, a quorum is present. The question is on the motion made by the Senator from Utah [Mr. Smoot].

Mr. JONES of New Mexico. Mr. President, the proposal as it first came from the House regarding the Bright Angel Trail was something more than now appears in the amendment numbered 47. The original proposition was that the Government purchase this trail for \$100,000, and that the \$100,000 should be used in building an approach road to the park. It now appears that the county supervisors of Coconino County have no authority to sell the trail except for cash, the payment of the cash to be unconditional; but I assume that the county is willing to make some arrangement, perhaps not exactly as a condition precedent to the sale of the trail, for the building of an approach road.

The proposition as it comes to us from the House now looks to me to be a coercive measure. I do not believe that the Senate wants to coerce the supervisors of a county in Arizona, but I do believe that the Senate ought to make some effort to obtain title to this trail. It is within that national park, and in my judgment there should not be a private toll trail within the park.

The amendment which comes to us from the House is peculiar in more than that respect. It reads:

For the construction of trails within the Grand Canyon National Park, \$100,000, to be immediately available and to remain available until expended: *Provided*, That said sum may be used by the Secretary of the Interior for the purchase from the county of Coconino, Ariz., of the Bright Angel Toll Road and Trail within said park under such terms and conditions as he may deem proper, and the Secretary of the Interior is authorized to construct an approach road from the National Old Trails Highway to the south boundary of said park.

But no appropriation is made in the amendment for the construction of that road from the national highway up to the south boundary of the park. I can not see any purpose in putting in that provision to authorize the Secretary of the Interior to construct a road and provide him with no funds for doing it. It seems to me, however, that an arrangement may be made down there to carry out the original intent. If the people of that county want to dispose of this trail to the Government, and want an approach road to the park built, as they originally proposed, it seems to me that some arrangement can be made for it.

This amendment comes to us from the House as an original proposition. The conferees have not agreed upon this proposal of the House; and as a solution of the problem, I move that the conferees be instructed to propose to the conferees of the House, in lieu of amendment No. 47, the following.

Mr. SMOOT. I suggest to the Senator that he move the amendment straight, so that it will be the action of the Senate.

The PRESIDING OFFICER (Mr. Edge in the chair). The Chair will state to the Senator from New Mexico that the Senate is now considering the motion made by the Senator from Utah, which is before the Senate.

Mr. SMOOT. Let me suggest to the Senator from New Mexico that he offer the amendment as an amendment to the pending amendment.

Mr. JONES of New Mexico. If it can come up in that way from a parliamentary point of view, I should much prefer to do that; but this bill having been referred to a conference committee, I am under the impression that the Senate could not very well change it until the conferees had reported.

Mr. SMOOT. The conferees have now made a partial report on the bill, and the Senate has agreed to all of the items that were agreed upon. Then, following that, I moved to agree to the amendment of the House to the amendment of the Senate No. 47. Now, the Senator can offer an amendment to that amendment, and it will be in order at this time.

Mr. JONES of New Mexico. I see. In lieu of the amendment No. 47, I move to insert the following:

For the purchase of the Bright Angel Toll Road within the Grand Canyon National Park, \$100,000, or so much thereof as may be necessary, to be immediately available, and to remain available until expended: *Provided*, That said sum shall not be so used until an arrangement be made satisfactory to the Secretary of the Interior for the construction of an approach road from the National Old Trails Highway to the south boundary of said park without expense to the United States.

Mr. CAMERON. Mr. President, I will ask the Senator if the people of the county can have a chance to vote on that before it is accepted? Does the Senator's amendment give the people of the county the privilege of voting on it?

Mr. JONES of New Mexico. This is a mere proposal on the part of the Government of the United States to buy it under these conditions; and, of course, if they can not buy it that ends the matter.

Mr. SMOOT. If the laws of Arizona are such that they can not do it without a vote of the people, they can not purchase it.

Mr. CAMERON. If the amendment will provide for a vote of the people, I will accept it.

Mr. JONES of New Mexico. No; we can not provide anything of that sort. That is purely a matter for the people of Arizona. We do not know what the laws of Arizona are.

Mr. HOWELL. Mr. President—

Mr. JONES of New Mexico. I yield to the Senator from Nebraska.

Mr. HOWELL. If a provision were inserted to the effect that the trail should be purchased only upon approval by vote of the people of the county, then the trail could not be sold until proper machinery was provided for the people to vote on it. Why would it not be a good idea to put in such a provision?

Mr. SMOOT. That is the law of Arizona.

Mr. JONES of New Mexico. I have been told that that is the law now, but I say to the Senator that we could not impose a condition which the law of Arizona does not impose.

Mr. HOWELL. But we could provide a condition such that no purchase would be made unless the proper law was provided by which they could vote upon the subject.

Mr. JONES of New Mexico. Of course that provision could be put in here, but for one I should not favor it. I do not know what the provision of the law of Arizona may be for the sale of such property as this, and it does not concern me. I assume that the people of Arizona are able to make their own laws and dispose of their property in their own way. What I propose is that we make an offer to purchase this trail, and I assume that that offer, if accepted at all, will be in accordance with the laws of Arizona.

Mr. FLETCHER. Mr. President—

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Florida?

Mr. JONES of New Mexico. I yield.

Mr. FLETCHER. I take it, of course, that the Government would want to get a good title to the property, and that title would depend upon the laws of Arizona, not upon any provision that we might make here.

Mr. JONES of New Mexico. Of course.

Mr. FLETCHER. The State of Arizona provides a method for the transfer of property in that State, real estate as well as personal property, and whatever is required under their law to vest title in the United States the United States would have to accept. I do not think we could provide anything different.

Mr. JONES of New Mexico. We certainly can not control the transfer of property in Arizona. We make a proposal here to buy the property for a certain sum of money and under certain conditions. If the people of Arizona want to transfer the property under those conditions, all well and good. If not, there is no trade, and the proposal lapses.

I do not think we should impose upon the people of Arizona any conditions regarding the transfer of their property which the laws they have made do not impose. I therefore am not willing to accept an amendment which would require that this question be submitted to a vote of the people of that county. I have been told that that is necessary under the law as it exists in Arizona, but I do not know whether it is or not, and I am not going to concern myself about the laws of Arizona.

Mr. HOWELL. Mr. President—

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Nebraska?

Mr. JONES of New Mexico. I yield to the Senator.

Mr. HOWELL. My experience has taught me that oftentimes these local bodies can not be trusted to represent the attitude of the people. For instance, I know that in our own city we have had to take away from the city council the right to grant a

franchise to any corporation. It is granted only by a vote of the people. Why? Because experience has taught us that the council could not be trusted with this power. I was simply suggesting that rather than intrust to the supervisors the power of determining whether or not they should sell this trail it should be submitted to the people of the county to determine. True, we can not affect the laws of Arizona, but we can provide that we will not purchase unless the people approve by a vote, and then they can make their arrangements to have a vote and carry it through in that way.

Mr. JONES of New Mexico. Of course we can.

Mr. ASHURST. Mr. President, will the Senator from New Mexico yield to me?

Mr. JONES of New Mexico. I yield to the Senator.

Mr. ASHURST. We were one of the first States to adopt the recall, and it is applicable to county officers. I have no doubt the Senator from Nebraska is sincere in this matter. Senators may give their perturbed spirits rest, however; you are not going to force anything down the throats of any part of Arizona. If the people of Coconino County think that the sale should not be put through, even before the advertisements could be completed, before the 30 days were over, our recall would "yank" officials from their office, "yank" meaning in Arizona to remove quickly. If the supervisors should seek to do anything in opposition to the public interest, they would never have a chance to carry it out.

Mr. JONES of New Mexico. Mr. President, I do not care to discuss the matter any further, but I really would like to inquire from either one of the Senators from Arizona as to the purpose of putting into this amendment numbered 47 the authorization to the Secretary to construct a road from the Old Trails Highway up to the south boundary of the park without making any appropriation for it.

Mr. CAMERON. Mr. President, will the Senator yield?

Mr. ASHURST. That would grant authority to build this road as authority was granted to build a road into the Yellowstone.

Mr. JONES of New Mexico. With the idea that there will be a subsequent appropriation?

Mr. ASHURST. Certainly.

Mr. JONES of New Mexico. Then what has become of the proposition that the money used for the purchase of this trail should ultimately find its way into the construction of a highway from the Old Trails Highway to the south boundary of the park?

Mr. ASHURST. We could not do other than provide that the assets of this sale shall be paid into the county treasury. That is all we could do.

Mr. JONES of New Mexico. But why go further regarding that other road and provide that after the money gets into the county there is a probability that it may be used—

Mr. ASHURST. I ask the Senator if he expects Coconino County, out of its funds, to build an approach road within the park? I know the Senator does not.

Mr. JONES of New Mexico. No; not within the park. This is to the park.

Mr. ASHURST. Does the Senator really expect to have Coconino County build a road within a national forest, over land within a forest? Does he want the county to do that at the county's expense? I must now rush to the aid of Coconino County against Senators who were so solicitous a moment ago. Surely the Senator does not wish to have Coconino County build a road at the county's expense through a national forest.

Mr. JONES of New Mexico. Was not that the original proposal?

Mr. ASHURST. The original proposal?

Mr. JONES of New Mexico. Yes.

Mr. ASHURST. The money was to be employed and used in building an approach road, but we find we can not do that.

Mr. JONES of New Mexico. Am I to understand that the little station of Maine, on the Santa Fe road, is in a public forest?

Mr. ASHURST. It is, and pretty nearly everything else there is in a reserve. I hope the Senator will never recede from the position he has taken so logically and ably heretofore, to wit, that in a national forest the Government ought to build the roads. All we are asking is that the same rules be applied to Arizona that are applied elsewhere.

Mr. JONES of New Mexico. I had prepared this amendment with the view of carrying out the original proposition, that the money would be used to build this road; but I say to the Senator that if that approach road is within a national forest I think the road ought to be built at the expense of the United States.

Mr. ASHURST. I agree with the Senator.

Mr. JONES of New Mexico. But I did not know that when I prepared the amendment.

Mr. ASHURST. Probably I should have told the Senator. I knew it myself, and I assumed others knew it.

Mr. JONES of New Mexico. Then, Mr. President, I will modify my amendment by striking out the proviso.

Mr. SMOOT. Let it be read.

The PRESIDING OFFICER. The Senator from New Mexico proposes an amendment to the amendment of the House. The Secretary will state the amendment as modified.

The READING CLERK. In lieu of the amendment as agreed to by the House the Senator from New Mexico proposes to insert:

For the purchase of the Bright Angel Toll Road within the Grand Canyon National Park, \$100,000, or so much thereof as may be necessary, to be immediately available, and to remain available until expended.

The PRESIDING OFFICER. The question is upon agreeing to the amendment offered by the Senator from New Mexico to the amendment of the House.

Mr. CAMERON. Mr. President, I would like to amend that by providing that it shall be left to a vote of the people of Coconino County.

The PRESIDING OFFICER. Will the Senator propose his amendment in the form in which he would like to have it submitted?

Mr. JONES of New Mexico. After this amendment is agreed to, the Senator may offer a further amendment.

The PRESIDING OFFICER. The question now is upon the amendment offered by the Senator from New Mexico to the House amendment.

Mr. HOWELL. Mr. President, as I recall, the proposal in the original bill was that \$100,000 should be appropriated for the construction of a road to join with the Bright Angel Trail, and that the money should be used for that purpose provided the Bright Angel Trail was turned over to the Government. It would seem that the proposition involved in the pending amendment is identical with the original proposition, because the amendment provides for the building of this road, but makes no appropriation therefor.

Mr. SMOOT. The pending amendment would provide for an appropriation.

Mr. JONES of New Mexico. My amendment does provide for an appropriation with which to buy the trail, and there is nothing in it about the approach road at all.

Mr. HOWELL. Very well.

The PRESIDING OFFICER. The question is upon agreeing to the amendment offered by the Senator from New Mexico to the amendment of the House.

Mr. KING. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The principal clerk called the roll, and the following Senators answered to their names:

Adams	Edge	Kendrick	Ransdell
Ashurst	Edwards	Keyes	Reed, Mo.
Bayard	Ernst	King	Reed, Pa.
Borah	Ferris	Ladd	Robinson
Brandegee	Fess	Lodge	Sheppard
Brookhart	Fletcher	McKellar	Shields
Broussard	Frazier	McKinley	Simmons
Bruce	George	McLean	Smith
Bursum	Glass	McNary	Smoot
Cameron	Gooding	Mayfield	Spencer
Capper	Hale	Moses	Stanfield
Caraway	Harrell	Neely	Stephens
Colt	Harris	Norris	Swanson
Copeland	Harrison	Oddie	Wadsworth
Conzues	Heflin	Overman	Walsh, Mass.
Curtis	Howell	Pepper	Walsh, Mont.
Dale	Johnson, Minn.	Phelps	Weller
Dial	Jones, N. Mex.	Pittman	Willis
Dill	Jones, Wash.	Ralston	

The PRESIDING OFFICER. Seventy-five Senators having answered to their names, a quorum is present.

The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is the joint resolution (S. J. Res. 4) proposing an amendment to the Constitution of the United States relative to the adoption of amendments thereto.

Mr. SMOOT. Mr. President, I ask the Senator from New York [Mr. WADSWORTH] to have the unfinished business temporarily laid aside to enable us to continue the consideration of the action of the House on certain amendments of the Senate to the Interior Department appropriation bill.

Mr. ROBINSON. How long does the Senator think it will require to settle the Bright Angel Trail dispute?

Mr. SMOOT. I do not think it will take very much longer.

Mr. ROBINSON. It does seem to me that it ought to be disposed of promptly.

Mr. SMOOT. I understand that the Senator from Nevada [Mr. PITTMAN] wishes to make a short statement in regard to the reclamation project in his State. I am going to ask the Senate to disagree to the amendment anyway, but he seems to think it necessary to make a statement.

Mr. WADSWORTH. I have no objection to having the unfinished business laid aside temporarily, but solely for the purpose of the consideration of the action of the House on these amendments.

Mr. SMOOT. Will the Senator make that request?

Mr. WADSWORTH. Yes; I make the request.

The PRESIDING OFFICER. The Senator from New York asks unanimous consent that the unfinished business be temporarily laid aside solely for the purpose of the consideration of the amendments. Is there objection? The Chair hears none, and it is so ordered.

Mr. KING. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Utah will state the inquiry.

Mr. KING. Automatically at the conclusion of the consideration of the amendments to which the senior Senator from Utah has invited attention, the unfinished business would then come before the Senate?

The PRESIDING OFFICER. That is the opinion of the Chair.

Mr. CAMERON. I would like to offer an amendment to the amendment of the Senator from New Mexico [Mr. JONES]. I send it to the desk and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. At the end of the amendment proposed by the Senator from New Mexico the Senator from Arizona proposes to add the following proviso:

Provided, That no purchase shall be made of the said Bright Angel Trail until the people of Coconino County, Ariz., shall have ratified such purchase by vote at an election for such purpose.

The PRESIDING OFFICER. The question is upon the amendment of the Senator from Arizona to the amendment offered by the Senator from New Mexico.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now is upon the amendment offered by the Senator from New Mexico as amended, which will be read for the information of the Senate.

The reading clerk read as follows:

For the purchase of Bright Angel Toll Road within the Grand Canyon National Park, \$100,000, or so much thereof as may be necessary, to be immediately available and to remain available until expended: *Provided, That no purchase shall be made of the said Bright Angel Trail until the people of Coconino County, Ariz., shall have ratified said purchase by vote at an election for such purpose.*

The PRESIDING OFFICER. The question is upon the amendment offered by the Senator from New Mexico as amended.

Mr. ASHURST. I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. HARRISON (when his name was called). On this vote I am paired with the senior Senator from California [Mr. JOHNSON].

Mr. LODGE (when his name was called). I have a general pair with the Senator from Alabama [Mr. UNDERWOOD]. I transfer that pair to the Senator from Vermont [Mr. GREENE] and vote "yea."

Mr. OVERMAN (when his name was called). I transfer my pair with the Senator from Wyoming [Mr. WARREN] to the Senator from Montana [Mr. WHEELER] and vote "nay."

Mr. SMITH (when his name was called). I have a general pair with the Senator from South Dakota [Mr. STERLING]. I transfer that pair to the Senator from Rhode Island [Mr. GERRY] and vote "nay."

The roll call was concluded.

Mr. ERNST (after having voted in the affirmative). I transfer my general pair with the senior Senator from Kentucky [Mr. STANLEY] to the senior Senator from West Virginia [Mr. ELKINS] and let my vote stand.

Mr. COLT. I transfer my general pair with the junior Senator from Florida [Mr. TRAMMELL] to the senior Senator from Iowa [Mr. CUMMINS] and vote "yea."

Mr. FLETCHER. I have a general pair with the Senator from Delaware [Mr. BALL]. He is absent, and I therefore withhold my vote.

Mr. JONES of New Mexico. I am advised that the Senator from Maine [Mr. FERNALD], with whom I have a general pair, would vote upon this question as I intend to vote. I will therefore vote. I vote "yea."

Mr. CURTIS. I wish to announce that the Senator from Illinois [Mr. MCCORMICK] is paired with the Senator from Oklahoma [Mr. OWEN].

The result was announced—yeas 44, nays 27, as follows:

YEAS—44.			
Borah	Dill	Jones, Wash.	Oddie
Brandegee	Edge	Keyes	Pepper
Broussard	Ernst	King	Phipps
Bruce	Fess	Ladd	Ransdell
Bursum	Frazier	Lodge	Reed, Pa.
Cameron	Gooding	McKinley	Smoot
Capper	Hale	McLean	Spencer
Colt	Harrell	McNary	Stanfield
Cousens	Howell	Mayfield	Wadsworth
Curtis	Johnson, Minn.	Moses	Weller
Dale	Jones, N. Mex.	Norris	Willis
NAYS—27.			
Adams	Edwards	Neely	Shields
Ashurst	Ferris	Overman	Simmons
Bayard	George	Pittman	Smith
Brookhart	Glass	Ralston	Stephens
Caraway	Harris	Reed, Mo.	Swanson
Copeland	Kendrick	Robinson	Walsh, Mass.
Dial	McKellar	Sheppard	
NOT VOTING—25.			
Ball	Harrison	Owen	Walsh, Mont.
Cummins	Heflin	Shipstead	Warren
Elkins	Johnson, Calif.	Shortridge	Watson
Fernald	La Follette	Stanley	Wheeler
Fletcher	Lenroot	Sterling	
Gerry	McCormick	Trammell	
Greene	Norbeck	Underwood	

So the amendment of Mr. JONES of New Mexico as amended was agreed to.

The PRESIDING OFFICER. The question now is upon the motion of the Senator from Utah to concur in the House amendment as amended.

Mr. ASHURST. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. FLETCHER (when his name was called). Making the same announcement as before with reference to my pair with the Senator from Delaware [Mr. BALL], and his absence, I withhold my vote.

Mr. HARRISON (when his name was called). Making the same announcement as before in reference to my pair, I withhold my vote.

Mr. JONES of New Mexico (when his name was called). Making the same announcement as on the previous vote as to the transfer of my pair, I vote "yea."

Mr. LODGE (when his name was called). Making the same announcement as before relative to my pair, I vote "yea."

Mr. OVERMAN (when his name was called). I have a general pair with the Senator from Wyoming [Mr. WARREN]. As that Senator is absent, I transfer my pair with him to the Senator from Rhode Island [Mr. GERRY], and vote "nay."

Mr. REED of Pennsylvania (when his name was called). I transfer my general pair with the junior Senator from Delaware [Mr. BAYARD] to the senior Senator from Maine [Mr. FERNALD], and vote "yea."

Mr. SMITH (when his name was called). Making the same announcement as before as to my pair and its transfer, I vote "nay."

The roll call was concluded.

Mr. CURTIS. I wish to announce that the Senator from Illinois [Mr. MCCORMICK] is paired with the Senator from Oklahoma [Mr. OWEN].

The result was announced—yeas 43, nays 24, as follows:

YEAS—43.			
Adams	Dill	Keyes	Pepper
Borah	Edge	King	Phipps
Brandegee	Fess	Ladd	Reed, Pa.
Brookhart	Frazier	Lodge	Shortridge
Broussard	Gooding	McKinley	Smoot
Bruce	Hale	McLean	Spencer
Bursum	Harrell	McNary	Stanfield
Cameron	Howell	Mayfield	Wadsworth
Capper	Johnson, Minn.	Moses	Weller
Curtis	Jones, N. Mex.	Norris	Willis
Dale	Jones, Wash.	Oddie	
NAYS—24.			
Ashurst	George	Overman	Simmons
Caraway	Glass	Pittman	Smith
Copeland	Harris	Reed, Mo.	Stephens
Dial	Kendrick	Robinson	Swanson
Edwards	McKellar	Sheppard	Walsh, Mass.
Ferris	Neely	Shields	Walsh, Mont.
NOT VOTING—29.			
Ball	Cousens	Ernst	Gerry
Bayard	Cummins	Fernald	Greene
Colt	Elkins	Fletcher	Harrison

Heflin
Johnson, Calif.
La Follette
Lenroot
McCormick

Norbeck
Owen
Ealston
Ransdell
Shipstead

Stanley
Sterling
Trammell
Underwood
Warren

Watson
Wheeler

So the amendment as amended was concurred in.

Mr. SMOOT. Mr. President, I move that the Senate concur in the amendment of the House of Representatives to the amendment of the Senate numbered 60. That is what is known as the Howard University amendment.

Mr. ROBINSON. What will be the effect of the Senate concurring in the amendment?

Mr. SMOOT. The effect will result in a reduction of the appropriation by \$500,000, embracing the item for additions to medical school building, \$370,000, and for equipment for additions to medical school buildings, \$130,000, so that the total, instead of being \$865,000, will be \$365,000.

Mr. ROBINSON. Then it reduces the appropriation by a total of about \$500,000?

Mr. SMOOT. It reduces the appropriation by \$500,000 exactly.

Mr. ROBINSON. I agree that the motion should be agreed to. The PRESIDING OFFICER (Mr. OWEN in the chair). The question is on the motion of the Senator from Utah [Mr. Smoot] that the amendment of the House of Representatives to the amendment of the Senate numbered 60 be concurred in.

The amendment was concurred in.

Mr. SMOOT. I now move that the Senate insist upon the amendments of the Senate numbered 15, 16, 17, 18, 19, 38, and 39.

Mr. ROBINSON. What are those amendments?

Mr. SMOOT. Those amendments are as follows:

Amendment numbered 15 relates to the reclamation project on the Flathead Indian Reservation, amendment numbered 16 is an amendment on the same item, amendment numbered 17 has to do with the reclamation project on the Fort Peck Indian Reservation, amendment numbered 18 relates to the reclamation project on the Blackfeet Reservation, amendment numbered 19 has reference to the Blackfeet reclamation project, amendment numbered 38 has reference to the Newlands reclamation project, and amendment numbered 39 is the total appropriations for all of the reclamation projects. As to those amendments, I move that the Senate insist on its amendments.

Mr. PITTMAN. Mr. President, I wish to call the attention of the Senate to one of these items which is known as amendment numbered 38. The provision as it came from the House of Representatives is as follows:

Newlands project, Nevada: For operation and maintenance, continuation of construction, and incidental operations, \$155,000.

The Senate amended that provision by changing the appropriation from \$155,000 to \$400,000 and adding this language:

of which amount \$245,000 shall be used for drainage purposes when the water users of the Truckee-Carson Irrigation district have voted for a contract binding themselves to reimburse the Federal Government for the cost thereof.

So far the managers of the conference on the part of the House of Representatives have not agreed to the Senate amendment. If the amendment is not agreed to the result will be a lack of funds for the drainage of the lands in that project.

Now I want the Senate and the House to understand how important the drainage proposition is in the opinion of the Secretary of the Interior; and I wish to say that whenever any particular matter with regard to irrigation meets the approval of the present Secretary of the Interior it is absolutely needed. Here is what took place at a hearing before the Committee on Reclamation of Arid Lands on March 17, at which the Secretary of the Interior was present. This is the testimony which was given in the hearing:

Secretary WORK. It develops in starting these reclamation projects that no provision was made for drainage I believe in any of them. That is one of the first requisites to provide for in putting out a new project. Many of them have seeped back until the acreage is lost. It happens with many of them that twice as much land was expected to be irrigated as is irrigated. Of course, that doubles the cost to those who have to bear the cost of all of it; it increases their cost, and in addition to that the expenses was probably doubled or maybe trebled by construction, so that has embarrassed these people on the project to the point where they can not pay out.

Senator PITTMAN. Your department has to a certain extent met that drainage problem as far as the Newlands project is concerned. I am aware of that.

Secretary WORK. We did that rather drastically, too.

Senator PITTMAN. Yes; it was an emergency.

Secretary WORK. And under considerable protest.

Senator PITTMAN. And it has worked out?

Secretary WORK. Well, it is not completed yet, Senator.

Senator PITTMAN. Not entirely; no. And there is a provision for an appropriation.

Secretary WORK. We took all the money we had to put in drainage rather than complete the project in order to save what we had.

The situation, in the opinion of the Secretary of the Interior, is that the Government, which has expended several million dollars on this project, is in danger of losing its investment as well as that the homesteaders are in danger of losing their lands by a failure to provide for the drainage of the project.

Mr. SMOOT. Mr. President, that is the opinion of the Secretary of the Interior, and is it not the opinion also of the Senator from Nevada?

Mr. PITTMAN. It is undoubtedly my opinion.

Mr. SMOOT. I will say to the Senator that it is also my opinion. That is the reason why I have insisted upon this appropriation of \$275,000 remaining in the bill.

Mr. PITTMAN. It seems to me incomprehensible that Members of the other body should take the chance of the result by killing an amendment of this kind when the Secretary of the Interior and all those who are familiar with the project state that it is essential to save the project.

Mr. President, I do not know that much more can be said or need be said. I do not know how language could be put any stronger than it has been put in the hearings. The Senator in charge of the bill, the Senator from Utah [Mr. Smoot], is familiar with these questions, and he concurs with all of the other western Senators that drainage is absolutely essential to the success of irrigation projects. I do not care how much money may be spent in placing water on an irrigation project, if there is not provided a drainage system the water level will rise until it will drown out everything on the land, and that is what has taken place.

Again, in the same hearing, we find this colloquy took place:

Senator PITTMAN. But there are many projects, Mr. Secretary, that may have cost a great deal more than they expected, but after they are two-thirds completed, we will say, and the water users are actually existing on them and making crops, it would seem that it was essential to complete that kind of a project.

Secretary WORK. Absolutely, to complete it at any cost; and then adjust the cost afterwards and let the Government bear the expense of the overcharge.

The Newlands project was one of the first projects ever instituted under the irrigation system, and there were a great many mistakes made by the Government. I am not criticizing the department in regard to those mistakes, because it was an experiment; it was something new.

But what are the facts with regard to this project? As Secretary Work testified the other day, the Government expected to get twice as much water from Lake Tahoe, which is on the dividing line between California and Nevada, and it expected to place under irrigation twice as much land as has been placed under irrigation. What happened? After they had laid out this irrigation project to reclaim probably 140,000 acres, and after they had invited homesteaders from all over the United States to go there with their families and to build homes, with the expectation and the promise that they would be furnished ample water to irrigate their homesteads, it developed that there was a mistake, and that they could only get half of the water which they had expected to get from Lake Tahoe, the reservoir selected for the irrigation of this land. What was the result of that? It was just as Secretary Work said; the cost was twice as great to the settlers. The settler has complained about that, but what the settler particularly complains about now is that the Government delays furnishing those essential things that will preserve what he has built up there in 8 or 10 years as a homesteader.

What are those essential things? The Government has to give him enough water so that he can produce more than one-half a crop each year, and it has to give him sufficient drainage so that the crop he does raise will not be drowned out. It has not made the arrangements to carry out its contract as to furnishing the necessary supply of water, but the Secretary of the Interior and the Committee on Appropriations of the Senate have met the emergency temporarily, as far as drainage is concerned, by providing this amendment, carrying the small appropriation of \$245,000, to protect a project that already has cost the Government several million dollars.

I know that the managers on behalf of the Senate are fighting for this amendment. I do not believe that the managers

on behalf of the House so fully understand what it means. It is a frightful thing that the interests of the Government and the interests of thousands of homesteaders can be jeopardized by reason of the indifference and neglect of legislators.

If this bill comes back here with this amendment out of it I intend to use every bit of physical strength as well as knowledge of this subject that I have to educate some of those who are now acting without any consideration whatever of the great question involved. I do not say that as a threat to this body. I say it because the circumstances are so outrageous that anyone is justified in saying it. I have no doubt that the managers on behalf of the House favor this proposition, but they have back of them a great number of legislators who apparently have not the time or the opportunity or the desire to consider important questions of this kind. I hope that such legislators will read the remarks of the Secretary of the Interior given at the hearings referred to in these remarks.

The PRESIDING OFFICER. The question is on the motion of the Senator from Utah [Mr. Smoot].

The motion was agreed to.

Mr. SMOOT. Now I move that the Senate agree to the conference asked for by the House, and that the Chair appoint the conferees on behalf of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. SMOOT, Mr. CURTIS, and Mr. HARRIS managers on behalf of the Senate at the further conference.

AMENDMENTS TO CONSTITUTION.

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. J. Res. 4) proposing an amendment to the Constitution of the United States relative to the adoption of amendments thereto.

The joint resolution as introduced by Mr. WADSWORTH and referred to the Committee on the Judiciary December 6, 1923, is as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article, in lieu of Article V, be proposed to the several States as an amendment to the Constitution of the United States, which shall become valid to all intents and purposes as a part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE —.

"The Congress, whenever two-thirds of each House shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by three-fourths of the several States through their legislatures or conventions, as the one or the other mode of ratification may be proposed by the Congress or the convention: *Provided*, That the members of at least one house in each of the legislatures which may ratify shall be elected after such amendments have been proposed; that any State may require that ratification by its legislature be subject to confirmation by popular vote; and that, until three-fourths of the States have ratified or more than one-fourth of the States have rejected or defeated a proposed amendment, any State may change its vote: *And provided further*, That no State, without its consent, shall be deprived of its equal suffrage in the Senate."

The joint resolution was reported by Mr. WALSH of Montana from the Committee on the Judiciary with an amendment to strike out all after the word "Article" in line 1, page 2, and in lieu to insert:

ARTICLE —.

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, upon the application of two-thirds of the legislatures of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes as a part of this Constitution when ratified by a vote of the qualified electors in three-fourths of the several States, said election to be held under such rules and regulations as each State shall prescribe, and that until three-fourths of the States shall have ratified, or more than one-fourth of the States shall have rejected, a proposed amendment any State may in like manner change its vote: *Provided*, That if at any time more than one-fourth of the States have rejected the proposed amendment, said rejection shall be final, and further consideration thereof by the States shall cease: *Provided further*, That any amendment proposed hereunder shall be inoperative unless it shall have been ratified as an amendment to the Constitution as provided in the Constitution within six years from the date of submission hereof to the States by the Congress: *Provided further*, That no State, without its consent, shall be deprived of its equal suffrage in the Senate.

Mr. WADSWORTH. Mr. President, the Senate now has under consideration Senate Joint Resolution No. 4, proposing an amendment to the Constitution of the United States relative to the adoption of amendments thereto. This joint resolution, then, does not seek to confer upon the Federal Government any additional power or to affect in any way the selection of Federal officials or their terms of office or the sessions of the Congress. It relates solely to the method of adopting amendments to the Constitution.

Article V of the Constitution is the article in which the machinery for the adoption and ratification of amendments is set forth. The article is short, and I think it worth while that it be read:

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes as part of this Constitution when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress: *Provided*, That no amendment which may be made prior to the year 1808 shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

The first sentence under the proviso, with respect to amendments which may be made prior to the year 1808, is no longer of any importance, as, of course, it ceased to be of importance when the year 1808 came along.

Mr. President, it will be noted that the ratification of a Federal amendment may be achieved by either of two alternatives, and it is for the Congress to decide which of the alternatives shall be adopted when it submits an amendment. The Congress, in the joint resolution proposing an amendment to the Federal Constitution, may direct that ratification shall be had by the legislatures of the several States, or by conventions called within the several States for the purpose of considering the proposed amendment. Since the adoption of the original Constitution in 1789, 19 amendments have been added to it. In none of those 19 cases has the Congress resorted to the alternative of submitting the amendments to conventions to be called in the several States. In all of the 19 cases the Congress has submitted the amendments to the legislatures of the several States.

The question may be asked, "Why is it necessary to propose any change in the machinery for the consideration and ratification of amendments?" The answer is that experience through the years has demonstrated that there are certain elements of weakness in the machinery set up under Article V; and if it is true that there are certain elements of weakness in that machinery, it is important for us to give consideration to its perfection. Living as we are in a restless era, and hearing as we do many, many proposals for changing the fundamental law of this Republic, and remembering as we must that there are now pending in the Congress something like 100 joint resolutions proposing amendments to the Federal Constitution, it is incumbent upon us to give very, very serious consideration to the machinery by which this Constitution of ours is to be amended in the future.

I take it that no Member of this body would urge that little or no consideration be given to the possibilities of the future, and that every Member of this body is more than willing to see to it that whatever changes are made in our basic law in the generations to come shall be made with due consideration of their importance and their significance and their final and lasting effect upon the lives of more than 100,000,000 people.

Those who believe that the machinery for the consideration of amendments is susceptible of improvement, and that it should be improved, have been brought to that conclusion as the result of a number of incidents which have occurred in the past in connection with the ratification of one or more of the amendments that have been added to the Constitution; and at this point it may be proper for me to remind the Senate that the first 10 amendments may very well be considered a part of the original instrument. The principles contained in them were generally taken for granted in the Constitutional Convention of 1787—so much so, as I recollect the history of that convention, that the Delegates there present did not believe it necessary to insert a bill of rights in the Federal Constitution. But so fearful were the people of that time that government when once set up might turn out to be arbitrary and despotic, and attempt to rob the people of their rights as they sensed them, that a demand instantly arose throughout

the 13 States at the time the Federal Constitution was submitted for ratification that the bill of rights set forth in the first 10 amendments should be immediately added; and those 10 amendments were added to the Constitution, as I recollect, in 1790.

They were all submitted by the Congress at the same time, if my recollection is correct, and were adopted with unanimity. So, for the purpose of this discussion, at least, we can regard the first 10 amendments as part of the original instrument. In the true sense of the word, therefore, 9 amendments have been adopted since the original Constitution was adopted.

The Senator from Arizona [Mr. ASHBURST], in a very informing address a few days ago, related some incidents which occurred in connection with the ratification of one or two of the amendments which were adopted immediately following the Civil War. I think he referred especially and particularly to the fifteenth amendment. He related upon some rather startling incidents, which, if repeated in the consideration of future amendments, would certainly endanger the integrity of the Constitution of the United States.

I shall not discuss any of the happenings connected with the ratification of those amendments which were added to the Constitution shortly following the great Civil War, but I do want to bring to the attention of the Senate some incidents which occurred in connection with the ratification of the last two amendments, the eighteenth and the nineteenth, and as I do so I beg the Senate to believe that I am in no way swayed or influenced in reaching the conclusions I have reached by any consideration of the merits or demerits of the eighteenth amendment or of the nineteenth amendment. Those two amendments are now a part of the Constitution, thoroughly embedded in it, and no matter what one's opinion may have been as to their wisdom, certainly it is not my purpose to attack them as such, but merely to draw the attention of the Senate to some things which occurred in connection with their ratification, and to ask the Members of the Senate to project their minds into the future and ascertain, if they will, whether they would like to have the same kind of incidents occur in connection with the ratification of future amendments.

I assume that no Senator will deny the assertion that the people who set up a government, provide for its powers, and impose limitations upon it, as set forth in a constitution, should have the right of passing upon any changes in the form or powers of that government which may be proposed.

Every State in the Union but one, the State of Delaware, provides in its State constitution that amendments thereto shall be passed upon by the people of the State in popular referendum. The method of submission of State constitutional amendments varies in the several States, but in all but one of them, Delaware, the people themselves make the final judgment, and it may be said that in Delaware, by an indirect method, the people of that State may exercise a very profound and compelling influence in the final decision.

I think it fair to say that a great many people in the United States believed that it was within the power of the people of a State to give direct consideration to an amendment to the Federal Constitution if they chose to do so, by placing some limitation upon the power of the legislature in ratifying a Federal amendment. That phase of the question has been drawn to our attention very sharply as the result of an experience in connection with the ratification of the eighteenth amendment.

Whether the trend toward direct action on the part of the people in legislative matters is wise or not, I think no one will deny the right of the people to pass upon proposed changes in their fundamental law. And it was with this idea in mind, and in this spirit, that the people of the State of Ohio, in writing a new constitution for themselves a few years ago—I forget the year—inserted a provision in their constitution to the effect that upon the petition of a certain prescribed number of qualified electors the Legislature of Ohio should submit to the people of Ohio proposed amendments to the Constitution of the United States submitted to the State by the Federal Congress. That provision was imbedded in the constitution of the State of Ohio.

In due time the eighteenth amendment was submitted by the Congress to the several States, and, of course, was submitted to the Legislature of Ohio, under the terms of Article V of the Constitution of the United States as now existing. The Legislature of Ohio ratified the eighteenth amendment, whereupon, in accordance with Ohio's statute and the Ohio State constitution, a petition was filed demanding a referendum upon the question, and, in accordance with the provisions of the Ohio State constitution and the Ohio statute putting it into effect, the subject matter of the eighteenth amendment

was submitted to popular vote in the State. The legislature had ratified, but the people, in popular vote, rejected the amendment.

Mr. ROBINSON. By what majority?

Mr. WADSWORTH. I am not aware, but it was rejected by the people. The Ohio procedure was then tested in the State courts, one party to the controversy contending, apparently, that the people had no right to pass upon a Federal amendment. However, the procedure which I have just described was sustained in the State courts, up to and including the highest court of the State.

The matter was then brought to the Supreme Court of the United States, and that body reversed the Ohio Supreme Court in a case entitled *Hawke against Smith*, which will be found in Two hundred and fifty-third United States Reports, commencing on page 221.

It is with a good deal of hesitancy that I attempt to brief an opinion of the Supreme Court of the United States, especially as I am not a member of the bar, but the Supreme Court held, in effect, that under Article V of the Constitution of the United States, legislatures, and legislatures only, if that alternative is used, may ratify; that the term "legislature" as contained in Article V means that body of representatives elected by the people of a State to enact its laws, and that only that body may give consideration to, or ratify or reject, as the case may be, an amendment to the Federal Constitution.

Mr. President, I am not proposing to criticize that decision, but it becomes apparent that the decision is one of vast importance if Article V of the Constitution, construed in that way, is to remain unchanged for the generations yet to come, for it serves notice that if no change is to be made in Article V itself, the people of this country, grouped in their several States, will never be permitted to have anything whatsoever to say in connection with the ratification of an amendment to their fundamental law. The situation needs correction, and at the earliest possible time.

Mr. ROBINSON. Mr. President—

The PRESIDING OFFICER (Mr. WILLIS in the chair). Does the Senator from New York yield to the Senator from Arkansas?

Mr. WADSWORTH. I yield.

Mr. ROBINSON. Did the Senator say that the Supreme Court of Ohio held that under the Federal Constitution—

Mr. WADSWORTH. Not the Supreme Court of Ohio, but the Supreme Court of the United States.

Mr. ROBINSON. I know that, but the Senator first said that the question as to the right of the people of Ohio to pass upon the question of ratification respecting the eighteenth amendment was presented to the State courts.

Mr. WADSWORTH. It was.

Mr. ROBINSON. And that the highest court of Ohio sustained that right?

Mr. WADSWORTH. It did.

Mr. ROBINSON. But that upon appeal, the United States Supreme Court held that under the Constitution only the legislatures of the States have the power of ratification, unless the Congress sees fit to submit the question to a convention.

Mr. WADSWORTH. That is correct.

Mr. ROBINSON. It would be interesting for me, as a lawyer, to know how any other construction could be placed upon Article V than that which was placed upon it by the Supreme Court of the United States. Article V provides that an amendment shall become a part of the Constitution "when ratified by the legislatures of three-fourths of the several States," and so forth, the reference to the convention not being relevant in this connection. That, of course, is exclusive of any other method of ratification. Clearly, a State legislature might avail itself of the opinion of the people of the State by providing for a referendum, but the decision of the people in the election could not be binding upon the legislature, because the Constitution provides that ratification should be by the legislature.

Mr. WADSWORTH. I understand that.

Mr. ROBINSON. I would be interested to know how the State courts could take a contrary view to that expressed by the Supreme Court of the United States. I understand the Supreme Court decision perfectly.

Mr. WADSWORTH. I have not the State court opinion before me and can not inform the Senator. I suppose the question turned upon the meaning of the word "legislature." There are legislatures and legislatures.

Mr. ROBINSON. No; I do not think so.

Mr. WADSWORTH. I know of different kinds myself.

Mr. ROBINSON. Of course, there are legislatures and legislatures, unquestionably, but the word "legislature," I think, has a well-fixed meaning in law. It means the lawmaking body. It does not mean anything else. It always means that. I do not think that the term "legislature" could be construed fairly to mean the electors of the State. It would be necessary to construe it that way in order to sustain the right of the people themselves under the present Constitution to ratify amendments to the Constitution. Of course, this has no relation whatever to the merits of the proposal to change the method of ratification.

Mr. WADSWORTH. Not at all.

Mr. ROBINSON. I think the method ought to be changed. I think that the people ought to be permitted to vote upon amendments to the Constitution, but I do not understand that Article V of the Federal Constitution is susceptible to any other construction than that which the Senator states was placed upon it by the Supreme Court of the United States in the Ohio case.

Mr. WADSWORTH. I have not contended in any way that Article V was susceptible of one construction or another. I have simply recited the fact that the Ohio courts gave a different interpretation to it, but the Supreme Court of the United States gave the interpretation which has been described, and its interpretation is final and binding. In any event it creates a situation not anticipated, at least, by the citizens of Ohio.

Mr. BRANDEGEE. Mr. President—

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Connecticut?

Mr. WADSWORTH. I yield.

Mr. BRANDEGEE. Referring to the remarks of the Senator from Arkansas, while I do not speak with authority upon the subject, my understanding was that in the Ohio instance, where an act of the legislature has to be ratified by the people in certain cases, the claim was made, as the Senator said, that the lawmaking body in that State had become extended so as to include the people whose ratification was necessary to the making of the law.

Mr. ROBINSON. And that the word "legislature," as contended by the Senator from New York, might have a broader meaning or different meaning from that which is ordinarily given to it.

Mr. BRANDEGEE. That is what I think is the explanation of the Senator's remarks. I think the Senator from Arkansas is right and I agree with him. I was simply trying to elucidate the situation.

Mr. FLETCHER. The Supreme Court of Ohio undertook to uphold the referendum provision?

Mr. WADSWORTH. It did.

Mr. ROBINSON. I should say it would be competent for a legislature to provide for a referendum as an advisory procedure so as to inform itself as to the sentiment of the people of the State; but in the last analysis the obligation is upon the legislature itself. It can take any means of informing itself that it chooses, but the mere fact that the people voted one way and the legislature voted another way would make no legal difference. It is the vote of the legislature that counts.

Mr. BRANDEGEE. Not only were the people in certain cases an advisory body, but there are certain instances, as the Senator knows, where the ordinary referendum is a reference to the people of a matter in which the people, if they do not agree about it, have a veto power.

Mr. WADSWORTH. Mr. President, I hope I do not lose the floor as the result of this colloquy between other Senators.

The PRESIDING OFFICER. The Senator from New York has the floor.

Mr. BRANDEGEE. It was claimed, I always thought fantastically, that the term "legislature" in those States which had the referendum must be enlarged to include the act of the people as a part of the legislature. I never took that view of it. Of course the founders of the Constitution had no such idea when they wrote the Constitution.

Mr. ROBINSON. Mr. President, will the Senator from New York permit another interruption?

Mr. WADSWORTH. I yield.

Mr. ROBINSON. If that construction were a proper one, it would necessarily follow that State constitutions and State legislatures could make a conclusive interpretation of the Constitution of the United States. They could in effect provide how amendments to the Federal Constitution should be ratified, and of course we know that can not be done. The Constitution itself is the sole instrument by which we can determine how amendments may be ratified.

Mr. BRANDEGEE. The question was what the Constitution meant, and as the Senator said, if the States should finally de-

cide what it meant and hence enlarge the legislature to include all the electors of the State in such a matter, it would be their own final interpretation.

Mr. ROBINSON. And in addition to that we might have very many different constructions placed upon the instrument.

Mr. BRANDEGEE. Forty-eight.

Mr. ROBINSON. Yes; as many as there are States.

Mr. BRANDEGEE. But the Supreme Court would not stand for that, of course.

Mr. OVERMAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from North Carolina?

Mr. WADSWORTH. I yield.

Mr. OVERMAN. The theory is, as I understand it, that the legislature ought to respond to the sentiment of the people of the State. They certainly did not do it in Ohio. When the matter was submitted to the people of Ohio they voted it down by 250,000 majority, according to my recollection. Then I call the attention of the Senator to the fact that the evidence before the committee showed that it was submitted to the people of Massachusetts and, although it was voted down by 133,000 majority, the legislature approved it.

Mr. WADSWORTH. Will Senators please permit me to continue? I should like to address the Senate on my joint resolution.

The PRESIDING OFFICER. The Senator from New York has the floor.

Mr. WADSWORTH. I am going to come to the very things which the Senator from North Carolina alluded to a moment ago, if I may be permitted to do so.

Mr. FLETCHER. Mr. President—

Mr. WADSWORTH. Of course, I yield if Senators insist.

Mr. OVERMAN. I am sorry I anticipated the Senator.

Mr. FLETCHER. I do not want to interrupt the Senator unless he is willing to be interrupted, but I was going to point out what was stated before the committee in the thought suggested by the Senator from Arkansas referring to the Supreme Court decision and the argument that was made in reference to it.

Mr. JONES of Washington. Mr. President, will the Senator permit me to make one suggestion?

Mr. WADSWORTH. Certainly.

Mr. JONES of Washington. I just want to suggest that the amendment was defeated in Ohio on the referendum by 200,000 or 250,000. My recollection is, and I was confirmed in that when I spoke to the senior Senator from Ohio [Mr. WILLIS], that the temperance people stood upon the position that the ratification was complete when it was ratified by the legislature and therefore took no special interest in the election, and that accounted for the 200,000 majority against it.

Mr. WADSWORTH. Of course I did not refer to the Ohio incident in order to drag out the question of whether Ohio was really for or against prohibition. I simply stated what occurred. It occurred under the provisions of the Ohio State constitution, the people of that State availing themselves of the right which they thought they had under their constitution. The decision of the Supreme Court of the United States in construing Article V is correct. Undoubtedly it is correct, and the people of Ohio did not have that right. The temperance people of Ohio were right in that construction, if they gave it that construction.

Mr. JONES of Washington. I know the Senator did not refer to the vote; he did not bring out the figures, but I thought if they were brought out in the RECORD it would be well to have them explained.

Mr. WADSWORTH. It was immaterial to me whether it was carried or defeated in Ohio, so far as this discussion is concerned.

In any event the decision in Hawke against Smith does announce a situation which, of course, has existed from the beginning, which the people of Ohio at least had not anticipated, and certainly administered to the people of that State a somewhat severe check in the exercise of rights which they thought they had.

So much for that incident, except to say that I believe with the Senator from Arkansas [Mr. ROBINSON] that the people of the States should have the right to vote upon proposed amendments to the Federal Constitution. The joint resolution which I have introduced proposes to give them that right in the manner which I shall describe later.

Mr. President, there were other instances in connection with the consideration of the eighteenth and nineteenth amendments, and in discussing them I again beg Senators to believe that I am in no way attempting to drag in a discussion of the merits or demerits of either of the amendments. The statements I am about to make are accurate, I believe.

The nineteenth amendment was ratified by 38 legislatures. Of the 38 legislatures, 30 were composed exclusively of members elected prior to the submission of the nineteenth amendment. For the purposes of this discussion we will call them "hold-over" legislatures. Thirty of the 38 legislatures which ratified the nineteenth amendment were hold-over legislatures. Many of them ratified the nineteenth amendment in special sessions called by the governors of the States. This situation might not seem especially significant or important if we did not recollect that in several instances the legislatures ratified in the face of and in spite of an adverse vote by the people of their own States held only a short time before the legislatures acted.

For example, the people of Texas in a popular referendum rejected woman's suffrage by a substantial majority. Within one month thereafter the Legislature of Texas ratified woman's suffrage as provided in the nineteenth amendment. The people of West Virginia in a popular referendum by a vote of nearly three to one rejected woman's suffrage. The legislature of West Virginia within a comparatively short time thereafter ratified the woman's suffrage amendment. The people of Missouri in a popular referendum rejected woman's suffrage. The very Legislature of Missouri, whose members were elected on the same day on which the people of Missouri rejected woman's suffrage ratified the nineteenth amendment. The people of Massachusetts in a referendum, and by a very substantial majority rejected woman's suffrage and the legislature thereafter ratified it.

Now, forgetting the merits or demerits of the case, it is fair to ask the question, where does public sentiment control? Can situations of that kind be permitted to exist down through the years to come, where, in spite of the vote of the people themselves, the legislative bodies proceed in the opposite direction. It is a very serious situation.

Now, with respect to the eighteenth amendment, the people of Maryland, in a popular referendum, rejected prohibition. Shortly thereafter, the Legislature of Maryland ratified prohibition in the eighteenth amendment. The people of California, in a popular referendum, rejected prohibition. The Legislature of California, shortly thereafter, ratified prohibition. The people of Massachusetts, in every test that has ever been made, have declared themselves by their votes as opposed to prohibition. The Legislature of Massachusetts ratified prohibition. The people of Iowa, in a popular referendum, rejected a proposal for State constitutional prohibition; they would not put an "eighteenth amendment" into their own constitution; but the Legislature of Iowa promptly put it in the Federal Constitution. I think there are some other cases that have escaped my memory.

Then, too, the constitutions of several of the States provide that the legislature shall not ratify a Federal amendment unless the members of at least one house of that legislature are elected subsequent to the submission of the amendment. Of the 38 State legislatures that ratified the nineteenth amendment, five did so in violation of their own State constitutions.

Mr. JONES of Washington. Mr. President—

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Washington?

Mr. WADSWORTH. I yield.

Mr. JONES of Washington. I wish to ask the Senator whether he is going to urge acceptance of his amendment as originally introduced?

Mr. WADSWORTH. Yes.

Mr. JONES of Washington. Instead of the substitute reported by the committee?

Mr. WADSWORTH. I am coming to that.

Five of the thirty-eight States ratified the nineteenth amendment in violation of their own State constitutions. The members of those five legislatures violated their oaths of office, in that having been elected as legislators prior to the submission of the nineteenth amendment the State constitutions forbade them to act. They acted just the same. Had the legislators of those five States obeyed their own State constitutions the nineteenth amendment would not be in the Constitution of the United States to-day.

That opens up a rather interesting vista of possibilities.

Mr. OVERMAN. I desire to call the attention of the Senator to the action of Tennessee in relation to the ratification of the nineteenth amendment.

Mr. WADSWORTH. I am going to tell the story of Tennessee. In doing so, Mr. President, I shall not violate the rule which in effect forbids casting aspersions upon a sovereign State of the Union.

The constitution of the State of Tennessee contains two provisions which are important in this connection: First, that a

quorum in the house shall consist of two-thirds of the members. There are 99 members of the lower house of the State legislature at Nashville, and 66 are a quorum under their State constitution. That constitution also contains a provision to the effect that the Legislature of Tennessee shall not ratify a proposed amendment to the Federal Constitution unless the members of the lower house have been elected subsequent to the submission of the amendment. The nineteenth amendment was submitted by Congress and in due course reached Tennessee. The Tennessee Legislature was a holdover legislature and was not in session at the time. All of its members had been elected before the nineteenth amendment had been submitted. The Governor of Tennessee, however, called that legislature in a special session at Nashville in the summer of 1920 and urged that it proceed to ratify the nineteenth amendment. What was the State constitution to him? He did not care. The legislature met and proceeded to act. A minority of the men in the lower house at Nashville protested and said, "We have no right to act under our very oaths of office; we are not competent to act, because we were elected before this proposed amendment came to us." However, the supporters of the nineteenth amendment had a majority, and they drove straight ahead. When it became apparent that they were not to be deterred by any consideration for their constitution or oaths of office a group of the minority left the State of Tennessee and went into the State of Alabama and stayed there in order to break the quorum and give the people of Tennessee a little time in which, as they thought, they could exert their influence upon the members of the legislature, generally, to remember the State constitution and their oaths of office.

A sufficient number of the members of the lower house left the State and went into Alabama, outside the jurisdiction of the sergeant at arms, to break the quorum. I repeat that 66 constituted a quorum. The number actually present was reduced by that exodus to 59. The 59 went right ahead and passed the resolution ratifying the nineteenth amendment by a vote of 50 to 9, the 9 apparently being those in opposition or in the minority who were left on guard. The constitution of the State of Tennessee was violated in two instances: First, the constitutional quorum was not present, and, second, the legislature sitting in 1920 had no right under the constitution to pass upon the nineteenth amendment.

Mr. McKELLAR. Mr. President, will the Senator from New York yield to me?

Mr. WADSWORTH. I yield.

Mr. McKELLAR. I did not hear all of the Senator's statement, but in the latter part of it he is mistaken, I think, in his facts, for this reason: After the ratification of the nineteenth amendment by the Tennessee Legislature a bill was filed in the court setting up the contention that the amendment had not been ratified in accordance with the constitution and law of Tennessee. That bill was heard first in the chancery court. It was then appealed to the court of appeals, and from there it was taken to the Supreme Court of the United States.

Mr. WADSWORTH. Yes; it was.

Mr. McKELLAR. Both the Tennessee courts and the Supreme Court of the United States held that that resolution had been duly passed by the Legislature of Tennessee.

Mr. WADSWORTH. The court could not go back of the returns when certified by the legislative body and its officers. That is what the Supreme Court held. I have accurately described what happened. Of course constitutional questions may be manipulated one way or the other, but those men under their constitutional oaths had no right to vote at all on it, and there was not a quorum present.

Mr. BROOKHART. Mr. President, did not the Supreme Court of the United States decide that they did have a right to vote?

Mr. WADSWORTH. They did not. I will bring out what the Supreme Court said about it in just a moment.

Mr. McKELLAR. It was accepted as the supreme law of the land as decided by the Supreme Court.

Mr. WADSWORTH. I will bring that out in a moment.

Mr. BROOKHART. Was the Supreme Court wrong in what it did?

Mr. WADSWORTH. No; it was not, in my judgment. I am going to state what the decision was.

Mr. BROOKHART. It seems to me the Senator is very close to criticizing the Supreme Court.

Mr. WADSWORTH. Not at all. The Senator has not read the decision and does not know what is in it. I have. The court could not go back of the returns.

Mr. REED of Pennsylvania. Mr. President, will the Senator from New York yield to me?

Mr. WADSWORTH. I yield.

Mr. REED of Pennsylvania. The Senator has proposed a constitutional amendment after long and careful thought. He has made a study of the question for years, and I think, in courtesy to him, we ought to hear him through without interrupting him, and then when he has finished his presentation of the question he may be subjected to all the cross-examination that we feel like putting to him.

Mr. McKELLAR. I hope the Senator from New York did not think that I interrupted him improperly. I had been out of the Chamber and just heard the name "Tennessee" as I came in; that is all.

Mr. BORAH. Mr. President—

Mr. WADSWORTH. Let me continue the Tennessee story, because I have not told all of it as yet.

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Idaho?

Mr. BORAH. I will not ask to interrupt the Senator in view of the suggestion of the Senator from Pennsylvania.

Mr. BRUCE. Mr. President, I simply wish to say that if the Senator from New York obtains that degree of immunity suggested by the Senator from Pennsylvania he will be the only Senator in this body who has ever enjoyed it since I have been here.

Mr. WADSWORTH. Mr. President, let me continue for a moment with the Tennessee story. The Legislature of Tennessee ratified the nineteenth amendment in that method and in that manner, and a certificate of ratification was sent to Washington by the appropriate legislative officers or by the governor—I forget which—and was delivered in due course, and properly, to the Secretary of State of the Federal Government, Mr. Bainbridge Colby. He received it, and in purely ministerial fashion proclaimed the ratification of Tennessee. Tennessee was the thirty-sixth State, and with Tennessee's ratification the nineteenth amendment was a part of the Constitution of the United States.

Then, something even more extraordinary happened. The legislature had taken a recess or an adjournment at Nashville and reconvened two or three weeks later. The absent members were then present. Apparently some influence or pressure had been brought to bear upon that legislative body during that short interval of time when they were not in session, for when they returned, when they got together again, that same legislature passed a resolution rescinding the act of ratification; it reversed itself completely, and a certificate to that effect, announcing the rescinding of Tennessee's ratification, was sent to the Secretary of State here at Washington, and it was adjudged to be too late.

Mr. President, in 1920 we were in the midst of a presidential campaign. The chairman of the National Committee of the Democratic Party and the chairman of the National Committee of the Republican Party both, figuratively speaking, stormed at the doors of the Tennessee Legislature in an effort to persuade that body to ratify the nineteenth amendment, each chairman having an idea that if he could get the credit for getting Tennessee, the thirty-sixth State, to be for woman suffrage, either Harding or Cox, as the case might be, would get the women's votes. That is why it was done. A perfect mob of politicians from both parties went to Nashville and pounded that legislative body for purely partisan political purposes, and drove it off the foundation stones of its own constitution; and when it was done the leaders of both the great political parties shouted "Hurrah!" and asked the women to support their candidate. That is how it was done, and that is why it was done.

Mr. President, I have here a joint resolution which proposes that a thing like that never can be done again. I do not believe there is a man in this body who believes in that kind of consideration of an amendment to the Constitution of the United States, and that is only one of them. In four other States the legislative members violated their oaths of office in voting for these amendments. What is the Constitution when politics is at play and politicians are hunting votes in an election?

It is apparent that under Article V, as now drawn, no State can change its vote from the affirmative to the negative in the matter of a constitutional amendment. Once ratified by a State, that State can not change, even though it does so before a sufficient number of States have ratified so as to insert the amendment in the Constitution itself. Tennessee tried to change. It can not be done under Article V.

Mr. WALSH of Massachusetts. Mr. President, having once rejected, can it change?

Mr. WADSWORTH. Yes; the legislature of a State may change from the negative to the affirmative at any time, and there is now pending before the States of the Union a proposed amendment to the Federal Constitution submitted away back about 1820.

Mr. ASHURST. Mr. President, will the Senator yield at that point?

Mr. WADSWORTH. I yield.

Mr. ASHURST. If I understood the Senator correctly, he said that a State having voted affirmatively on the ratification of an amendment can not change its vote.

Mr. WADSWORTH. It can not.

Mr. ASHURST. I appreciate the study which the able Senator has given this amendment, but I do not agree with that conclusion. Does the Senator use the Tennessee case as a precedent?

Mr. WADSWORTH. In part.

Mr. ASHURST. I do not think it entirely fair to inject my personal opinion into the matter, but I disagree with the Senator's conclusion on that point. I assert that a State, no matter how it may have voted, has the right to change its vote, provided it changes it before other States have acted in sufficient number to cause a ratification; but it is immaterial. I do not want to interrupt the Senator's fine argument, but I simply did not want to be committed to that proposition.

Mr. WADSWORTH. I may have stated the matter too emphatically.

Mr. ASHURST. But the Senator is entirely correct; the Senator is historically correct when he says that when an amendment is once submitted by the Congress there is no power known to withdraw it from the consideration of the States. They have forever to ratify it.

Mr. WADSWORTH. It is there forever. There is one there now.

Mr. ASHURST. Yes, sir.

Mr. McKELLAR. I think that is what the Supreme Court held.

Mr. WADSWORTH. Am I right when I say that the amendment which is now pending has something to do with forbidding American citizens to accept titles of nobility?

Mr. ASHURST. Yes. The able Senator stated that some amendments were pending for many years. There were two submitted on the 15th of September, 1789, and they are still pending, according to the last returns.

Mr. WADSWORTH. They are there all right. They can be taken up and ratified now.

Mr. ASHURST. Exactly. Another one, to which the learned Senator has referred, was submitted in 1810.

Mr. WADSWORTH. That is the one I had in mind.

Mr. ASHURST. That proposed amendment prohibited citizens of the United States from accepting gifts, bounties, or perquisites from a foreign country. It has been pending for 110 years and has not been ratified, according to the latest returns. Another one is still pending; and I think the able Senator will do a great public service, in addition to the great public services he has already rendered, if he will hammer away not only upon the necessity of giving the people some chance to say what they think about the form of government they are living under in the way of expressing their approval of constitutional amendments, but upon the necessity of limiting the time within which a State may act.

I thank the Senator. I shall not interrupt him again.

Mr. WADSWORTH. I may have been overemphatic or too sure of my ground when I said a moment ago that a State can not change from the affirmative to the negative. It may be that it can.

Mr. ASHURST. Let me say to the Senator that on that point there is a very sharp division of opinion amongst lawyers.

Mr. WADSWORTH. Yes; there is.

Mr. ASHURST. I adhere to the opinion that a State, if its action is not conclusive or determinative, may change.

Mr. WADSWORTH. Here is the situation as I understand it, and the Senator will forgive my failure to express myself in legal terms.

Mr. ASHURST. The Senator has done well. I am admiring his speech.

Mr. WADSWORTH. When a State has ratified it sends to the Secretary of State at Washington a certificate to that effect. He proclaims the ratification by the State. That is an accomplished fact.

Mr. ASHURST. Will the Senator yield there for a moment?

Mr. WADSWORTH. Yes.

Mr. ASHURST. It is true, as the able Senator says, that when a State ratifies it sends to the Secretary of State a resolution announcing its approval. In the case of the first 10 amendments that were ratified, however—12 were submitted and 10 ratified—no announcement whatever was made by the Secretary of State. It was only in later years that the States began to send notices of ratification. Singularly enough, there were no notices of ratification. It went as a matter of judicial notice. The States and the Government took judicial

notice when enough States had ratified, so we find no notice of ratification sent by the Secretary of State respecting the first 10 amendments.

Mr. WADSWORTH. Certainly; there should be no question about it.

Mr. ASHURST. That is true; and will the Senator pardon me one thing further? To show how easy it is to fall into these errors, it may be stated that the States are now falling into the error of permitting their governors to approve or disapprove a constitutional amendment.

Mr. WADSWORTH. Yes.

Mr. ASHURST. The governor has nothing to do with it.

Mr. WADSWORTH. Nothing at all. The governor, in the present situation, merely calls an extra session of the hold-over legislature and demands that the legislature ratify something. That is what happened in 30 cases in connection with these last amendments, and all of them had a strictly partisan political motive back of them.

Mr. President, as I was saying, that feature of course should be cleared up, and a State should have the right to change its vote from the affirmative to the negative, provided it does so before three-fourths of the States have ratified, and from the negative to the affirmative, provided it does so before more than one-fourth of the States have rejected the amendment. Certainly that right should not be denied any State, and the joint resolution before us takes care of that situation.

I regret that Senate Joint Resolution No. 4, reported from the committee with an amendment, has been butchered by the printer. It is quite impossible for Members of the Senate to understand the portion stricken out by the committee between lines 15 and 18 on page 2. The language as printed means nothing at all. It has been destroyed. So the only way in which Members can understand and read intelligently the original proposal as introduced by me and referred to the Committee on the Judiciary will be to get a copy of Senate Joint Resolution No. 4 as introduced on December 6 and have that before them.

Mr. CURTIS. Mr. President, I suggest that the Senator request a reprint and get a correct print of it so that we will have it in the morning.

Mr. WADSWORTH. I was about to do so. I make that request, Mr. President—that the joint resolution as reported by the Committee on the Judiciary be reprinted with due regard to the language of the original joint resolution.

The PRESIDING OFFICER (Mr. Fess in the chair). Is there any objection to the request of the Senator from New York? The Chair hears none.

Mr. McKELLAR. Mr. President, could it not be printed also so as to show the changes made in the Senator's joint resolution for the convenience of Senators?

Mr. WADSWORTH. I ask, then, that that portion of the language of the original joint resolution which I introduced which proposes changes in Article V be printed in *italic*.

The PRESIDING OFFICER. The Senator from New York requests that that portion of the article referred to, Article V, be printed in *italic*. Is there objection? The Chair hears none, and it is so ordered.

Mr. WALSH of Massachusetts. May I suggest to the Senator that he have printed with his remarks his own proposal and the amendment that the committee proposed?

Mr. WADSWORTH. In the Record?

Mr. WALSH of Massachusetts. Yes; with the Senator's speech.

Mr. WADSWORTH. Very well; then I will make that request, too.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution as originally introduced is as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article, in lieu of Article V, be proposed to the several States as an amendment to the Constitution of the United States, which shall become valid to all intents and purposes as a part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE —.

"The Congress, whenever two-thirds of each House shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes as part of this Constitution when ratified by three-fourths of the several States through their legislatures or conventions, as the one or the other mode of ratification may be proposed by the Congress or the convention: *Provided,*

That the members of at least one house in each of the legislatures which may ratify shall be elected after such amendments have been proposed; that any State may require that ratification by its legislature be subject to confirmation by popular vote; and that, until three-fourths of the States have ratified or more than one-fourth of the States have rejected or defeated a proposed amendment, any State may change its vote: *And provided further,* That no State, without its consent, shall be deprived of its equal suffrage in the Senate."

The joint resolution as proposed to be amended by the Committee on the Judiciary is as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article, in lieu of Article V, be proposed to the several States, as an amendment to the Constitution of the United States, which shall become valid to all intents and purposes as a part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE —.

"The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, upon the application of two-thirds of the legislatures of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes as a part of this Constitution when ratified by a vote of the qualified electors in three-fourths of the several States, said election to be held under such rules and regulations as each State shall prescribe and that until three-fourths of the States shall have ratified, or more than one-fourth of the States shall have rejected, a proposed amendment any State may in like manner change its vote: *Provided,* That if at any time more than one-fourth of the States have rejected the proposed amendment, said rejection shall be final and further consideration thereof by the States shall cease: *Provided further,* That any amendment proposed hereunder shall be inoperative unless it shall have been ratified as an amendment to the Constitution as provided in the Constitution within six years from the date of submission hereof to the States by the Congress: *Provided further,* That no State, without its consent, shall be deprived of its equal suffrage in the Senate."

Mr. WADSWORTH. Mr. President, on December 6, 1923, this joint resolution was introduced. In its original form it is, I think, an exact duplicate of the joint resolution introduced in the last Congress, and it had a great deal of consideration from the Committee on the Judiciary, including a hearing. It would be well worth the time of Senators who are interested in the preservation of the integrity of the Federal Constitution to get a copy of that hearing and read it. No hearing was held this year; but the committee, as I happen to know, has had many discussions on the subject, first in the subcommittee and then in the full committee.

In my remarks up to this point I have endeavored to point out three principal defects in the present machinery for the consideration of Federal amendments:

First, the people can have no participation in it, as the result of the Ohio case.

Second, hold-over legislatures, composed of members who were elected long before the submission of an amendment, may ratify, and have done so, even in spite of their State constitutions. That should be corrected.

Third, there is grave doubt whether any State can change its vote from the affirmative to the negative. That certainly should be corrected.

The amendment as originally introduced sought only to meet those three objections, and sought to do it in such fashion as to make just as little change as possible in Article V. Some very well trained minds gave their attention to this matter long, long before I ever saw it in bill form; and it was not until after weeks and weeks of discussion, held privately, that a group of people finally arrived at the language which can be found in the original joint resolution on page 2, commencing with line 6.

The joint resolution as originally introduced makes no change in the manner of the submission of an amendment. The Congress may submit the amendments either to conventions called in the States or to the legislatures, but it goes on and provides that the members of at least one house in each of the legislatures which may ratify shall be elected after such amendments have been proposed.

That takes care of one of the objections in the present situation. It reads further:

That any State may require that ratification by its legislature be subject to confirmation by popular vote.

That leaves it to the people of every State in the Union to exercise their right to say "yes" or "no" when they want to exercise it.

Mr. OVERMAN. It leaves it to the legislature.

Mr. WADSWORTH. The people of the State, as represented by the legislature. All the substance of the power of direct action by the people is granted to them, as I view it, in that sentence. They may exercise it or not, as they please, but it is handed to them, a weapon is put in their hands to check hasty or ill-considered or indefensible action on the part of their legislatures.

Then the next clause provides:

And that until three-fourths of the States have ratified, or more than one-fourth of the States have rejected a proposed amendment, any State may change its vote.

That is the entire proposition as originally introduced. There is nothing drastic about it. It is not revolutionary. It does not attempt to change in a revolutionary manner the method of giving consideration to Federal amendments. It has been termed by some of the supporters, and in some publications, the "back to the people" amendment, because it does bring back to the people the right to pass upon proposed changes in their fundamental law.

Mr. WALSH of Montana. Mr. President—

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Montana?

Mr. WADSWORTH. I yield.

Mr. WALSH of Montana. The last remark of the Senator challenges my attention; but I wanted to address him with respect to another aspect of this matter. I suppose the Senator will agree with me that amendments to the Constitution ought not to be made for light or transient causes.

Mr. WADSWORTH. Most decidedly I agree.

Mr. WALSH of Montana. Of course, many features of this Constitution of ours are of doubtful wisdom theoretically. We can easily conceive that a whole flood of evils might possibly ensue by reason of extraordinary powers granted here, but, some way or other, they never do. Just what is the experience of the United States, under the provision of the Constitution as it stands, so unfortunate in its character as that the Senator thinks we ought to tinker with it?

Mr. WADSWORTH. I think what happened in Ohio is in utter violation of our entire theory of government.

Mr. WALSH of Montana. That is, it was held that the act of the legislature in submitting a matter to a vote of the people was ineffective, that the power was granted to the legislature.

Mr. WADSWORTH. I mean that I think the outcome of that is indefensible.

Mr. WALSH of Montana. In this particular case the legislature did act, and did ratify, and the Senator thinks that because of that situation of affairs the Constitution ought to be amended.

Mr. WADSWORTH. Yes; and because of the Tennessee case.

Mr. WALSH of Montana. And the Tennessee case as well. Where the local constitution provided that one branch of the legislature would have to be elected before a vote on a proposed amendment, and that was held ineffective.

Mr. WADSWORTH. Yes.

Mr. WALSH of Montana. Of course, that is a matter of no great consequence, if the result would have been the same.

Mr. WADSWORTH. Perhaps the Senator was not in the Chamber when I referred to the matter, but that same thing happened in five States, all together, in connection with the nineteenth amendment.

Mr. WALSH of Montana. Assuming all that to be the case, what harm does the Senator think has resulted? What difference would it have made so far as the eighteenth amendment is concerned?

Mr. WADSWORTH. I do not know what is going to happen in the future.

Mr. WALSH of Montana. No; the Senator does not know what is going to happen. That is the very point I am making. I can point the Senator to a dozen provisions of this Constitution, and point him to evils which might ensue, but they never have ensued, and we have been under the operation of this Constitution for a century and a third. But the statement made by the Senator which just now challenged my attention was that under the existing system the people have no opportunity to express themselves upon the matter at all, and that under his amendment they would have, because at least one branch of the legislature would be elected before the ratification took place, and the proposed amendment would thus be submitted to the people.

Mr. WADSWORTH. In addition to that they have the right to pass upon it by direct vote.

Mr. WALSH of Montana. That is another matter. The Senator was speaking about the provision requiring the election of one branch of the legislature.

Mr. WADSWORTH. I see the point the Senator is making. Mr. WALSH of Montana. The Senator does not regard that as operating to get any expression from the people on the subject, does he?

Mr. WADSWORTH. One can not estimate just how complete an expression can be gotten. I understand what the Senator means, that members of legislative bodies are elected on a general election day, with a dozen issues at stake, and a proposal to amend the Federal Constitution might not be in the minds of all the voters at the time they were voting for a member of the assembly in the State of New York, for example. But, after all, some one among the people would be very apt to ask the candidate for the assembly how he stood on the proposed twenty-first amendment to the Federal Constitution, and he would have to reply.

Mr. WALSH of Montana. Of course, undoubtedly some man might ask some candidate.

Mr. WADSWORTH. He would be asked.

Mr. WALSH of Montana. But in the district in which I reside the question which would determine a man in voting for this candidate or that candidate would, in all probability, be his idea as to which would be able to get the biggest appropriation for the State fair, although there was a constitutional amendment pending, and I suppose in the district in which the Senator resides some local matter would probably outweigh 10 amendments to the Constitution of the United States, unless it happened to be a prohibition amendment. Of course, a prohibition amendment would swamp everything.

Mr. WADSWORTH. It cuts across everything else.

Mr. WALSH of Montana. Nothing can transcend in importance, of course, the matter of an amendment on prohibition, or any prohibition question. If such an amendment is up, nothing else is considered. I agree with the Senator about that. But it is otherwise with respect to any other question, for instance, a child labor proposition.

Mr. WADSWORTH. I can not reply with an abrupt affirmative or negative.

Mr. WALSH of Montana. The idea I have in mind is that if the Senator is really trying to fix matters so that there will be a vote on a proposed amendment to the Constitution which would really express the views of the people with respect to it, why does he not provide that it shall be submitted to the people?

Mr. WADSWORTH. This does so provide.

Mr. WALSH of Montana. No, it does not. Under that it would be submitted to the legislature, and the legislature might, if it cared to do so, submit it to the people.

Mr. WADSWORTH. Mr. President, the State would do it.

Mr. WALSH of Montana. The State could not do it except through the act of the legislature.

Mr. WADSWORTH. The State could do it through its ordinary legislative power or through the amendment of its own constitution.

Mr. WALSH of Montana. Exactly.

Mr. WADSWORTH. The people of a State are entirely competent to provide for themselves, if they want to do so, the right to pass upon a Federal amendment.

Mr. WALSH of Montana. The Senator would not get that at all. This is the language:

Provided, That the members of at least one house in each of the legislatures which may ratify shall be elected after such amendments have been proposed; that any State may require that ratification by its legislature be subject to confirmation by popular vote.

It must do it either under its constitution or through its legislature.

Mr. WADSWORTH. Surely. I believe they have the substance of the power to do it if they want to.

Mr. WALSH of Montana. So the Senator would not by this language accomplish what he wants to accomplish.

Mr. WADSWORTH. I do not agree with the Senator in that. I say we would get the result we are after in every State of the Union. I think the demand for it in each and every State would be so great that every State would acquire the power, and exercise it when it desired to in the future. It might be that a proposed amendment to the Constitution submitted by the Congress would not be of sufficient importance to warrant or compel referendums in 48 States, with all the attendant expense. There might be an amendment which did not propose to extend the power of the Federal Government. It might be corrective, something in the nature of the amendment which was agreed to by the Senate the other day, changing

the day for the inauguration of the President and the meeting of the session of the new Congress.

Mr. McKELLAR. Mr. President, the Senator has studied this question very carefully, as can be seen from his remarks, and I would like to ask him what he thinks about the likelihood, if this amendment is adopted, of its being very much harder to amend the Constitution of the United States. Would it make it harder or easier to amend it?

Mr. WADSWORTH. I am not prepared to say that it would make it much harder to amend, but amendments would receive a degree of consideration which would be more deliberate than they have received in the past.

Mr. McKELLAR. Would it not depend largely on the amendment which was under consideration?

Mr. WADSWORTH. Oh, yes; we can not draw a rule for all of them.

Mr. McKELLAR. For instance, as the Senator from Montana and the Senator from New York both agreed just a few moments ago, when an amendment in reference to prohibition or the liquor question is up, it puts every other question into insignificance. That reminds me to say to the Senator something which I probably would have said at the time if I had heard all of his remarks a while ago in reference to the Tennessee situation. That was indeed quite a remarkable situation. Before the legislature met more than two-thirds of the members of the legislature signed a statement in which they said that they favored the ratification of the amendment.

Mr. WADSWORTH. Which amendment?

Mr. McKELLAR. Of the nineteenth amendment. Mind you, over two-thirds signed it. It required but a mere majority, but more than two-thirds, under their own signatures, declared that they were going to vote for the amendment. A gentleman from New York came down and circulated for quite a while, and after he had been there some time one and then another of those who had signed changed their views, and when the vote finally came my recollection is it was by a bare majority, of probably just one or two votes, that the amendment was ratified.

Mr. WADSWORTH. In the lower house the vote was 50 to 9.

Mr. McKELLAR. Oh, no; when the amendment was really ratified, my recollection is the vote was 51 to 50, or maybe it was 52 to 51, about 100 members voting. There was a difference of just one vote.

Mr. WADSWORTH. Is not the Senator thinking of the other amendment?

Mr. McKELLAR. No; I am thinking of that very amendment. It was a most remarkable proceeding. Two-thirds of the legislature had agreed in writing to vote for the amendment, and during the delay that came changes were made from this written statement which they had voluntarily entered into; but finally, however, when the vote actually came there was still the necessary majority for the ratification of the amendment. The governor of the State certified the vote to the Secretary of State here in Washington, and he announced the ratification of that amendment. That was challenged in the courts in Tennessee and in the Supreme Court of the United States here in Washington, and it went through all the courts. The Tennessee Supreme Court upheld the action of the Tennessee Legislature, as did the Supreme Court of the United States.

Mr. WADSWORTH. Mr. President, I shall not indulge in a controversy with the Senator from Tennessee about what happened in his own State legislature; but that whole thing was laid before the Judiciary Committee of the Senate by people who had with them copies of the journals, and they showed that the vote was 50 to 9, 50 members being present out of a total of 99 elected, 50 being less than a quorum. That was the point, that there was less than a quorum there when they voted.

Mr. McKELLAR. Not when they voted on the ratification.

Mr. WADSWORTH. The facts are stated in the argument before the Supreme Court of the United States sustaining my statement.

Mr. McKELLAR. And the Supreme Court upheld just exactly that point.

Mr. WADSWORTH. But did not question the figures as to how many men were there.

Mr. McKELLAR. What they upheld was that it was duly ratified in the first instance. The ratification was certified. Upon that certification the Secretary of State declared the amendment adopted.

The Supreme Court of the United States held that that being the last State to ratify, it made the ratification complete. As I recall, it did not go so far as the Senator seems

to think it went and say that the ratification of a State could not be changed afterwards. The inference that I had from reading the case, although it has been some time since I read it, was that if the particular State that ratified did not make up the total three-fourths, and if final action had not been taken, then a State could withdraw its ratification. But if its action caused a completion of the work of ratification—in other words, if it was the last State of three-fourths of all the States—then, of course, it was a completed action. I am rather inclined to believe that the Supreme Court of the United States stated the law correctly.

Mr. WADSWORTH. However that may be, we know what happened. It was indefensible.

Mr. WALSH of Massachusetts. Mr. President—

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Massachusetts?

Mr. WADSWORTH. Certainly.

Mr. WALSH of Massachusetts. Do I understand the Senator's position to be that he believes in the principle, under the present Constitution, of providing for the submission of a proposed amendment to the legislatures, but he seeks to correct weaknesses and abuses which may have taken place in the past when submissions were made under the provision of the Constitution?

Mr. WADSWORTH. In general, that reflects my opinion. I think it is a little more than correcting weak spots. I think it goes back, in the instance of the second sentence in my proposed amendment, to the basic principle that the people should have the right under our theory and philosophy of government and politics to pass upon a change in the fundamental law.

Mr. WALSH of Massachusetts. Broadening the authority of the people?

Mr. WADSWORTH. Yes.

Mr. ADAMS. Mr. President—

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Colorado?

Mr. WADSWORTH. I yield.

Mr. ADAMS. Will the Senator from New York permit me to ask a question for the purpose of enabling me to choose between the original amendment and the committee amendment—that is, being in favor of the general plan? I gathered from his suggestion that in at least a series of instances, possibly half a dozen, it was found that the legislature did not represent the popular vote with reference to ratification.

Mr. WADSWORTH. Undoubtedly.

Mr. ADAMS. And the Senator also feels that under the amendment in the form in which he proposes it, all of the States will provide ultimately for submission of a constitutional amendment to the people.

Mr. WADSWORTH. I think there is no doubt of that.

Mr. ADAMS. That being the situation, I am wondering why we should not adopt the second form, or the present committee form, which provides immediately for the thing which will ultimately come—that is, submission of amendments to the people by direction of the Constitution itself rather than by the more roundabout process involved in the Senator's amendment.

Mr. WADSWORTH. I was just coming to a discussion of that feature of the matter. The original amendment still preserves the two alternatives—submission to State conventions or submission to State legislatures. We have never resorted to submission to State conventions thus far, for one reason or another. The substitute proposed by the committee and drafted, as I am informed, by the Senator from Montana [Mr. WALSH], and known as the Walsh substitute, eliminates the legislatures entirely and eliminates State conventions entirely, and provides that all amendments shall be submitted direct to the people, without any intervening machinery. I hope that the Senate will not go that far. Certainly it is a very drastic change. I do not think less of it just because it is drastic, but it will make a very profound change, with effects hard to anticipate far into the future. I myself believe thoroughly that the people themselves should have the right to pass upon these things, but I also believe that these things should be debated first and voted on later. Each State contains an arena in which to debate a proposed amendment to the Constitution—its own legislature.

Mr. BROOKHART. Mr. President, upon that proposition I do not care to interrupt the Senator or to break the thread of his argument, but I want to ask just one question upon the proposition.

Mr. WADSWORTH. In just a moment, if I may be allowed to develop my thought. I do not believe in wiping out the legislatures from the situation. I think they can be very, very useful. I still believe that the theory of representative government can be used and applied to these situations to the great

advantage of the country and of the public, who will have an opportunity to hear the pros and cons of future amendments.

Suppose the Walsh substitute is adopted—and, mind you, I think it is better than the present situation. The Congress every other year sits well into the summer in its long session, and it is only in the long sessions of the Congress that the Members have time enough to give consideration to constitutional amendments. In the short sessions, which end March 4, we do nothing but pass appropriation bills, and perhaps one or two other measures that are especially pressed.

It is only in the long sessions of the Congress that we are apt to give consideration to constitutional amendments. We will sit until August or September. Supposing the Congress submits an amendment to the Federal Constitution in September, a very probable event. It would go instantly into the elections in the first week of the following November. It would be voted on simultaneously all over the United States in 48 different States. The issues would be complicated with the election of governors, of Congressmen, of local officials, and even the President of the United States. There will be no time whatsoever for debating the question. The consideration which the people can give to it will be clouded and confused by a host of issues injected into the campaign. It will be almost impossible to get their attention in any quiet arena for consideration. Is it not safer, is it not wiser, to use the legislature of the State as a part of the machinery? Would it not be safer in cases of that kind to defer action by the people on an amendment submitted only six weeks or two months beforehand and instantly thrown into the whirlwind of a campaign, and largely forgotten except by those who may for some special purpose of their own want to drive it through to ratification?

I believe that there is an element of danger in taking the legislature out of the picture. I think it should be retained.

Mr. REED of Pennsylvania. Mr. President, may I interject a thought?

Mr. WADSWORTH. I yield to the Senator from Pennsylvania.

Mr. REED of Pennsylvania. It occurs to me in that connection that there are certain questions which are peculiarly difficult for decision by the electorate and for which the legislature is especially qualified. Those are questions of the division of authority between the States and the National Government.

Mr. WADSWORTH. That is true.

Mr. REED of Pennsylvania. Take the proposed child labor amendment. One of the most serious objections that has been urged against it is that it transfers from the State to the National Government a power which the State now exercises. That element of the question can be considered in the legislature, and yet I venture to say that if the committee amendment to the joint resolution were adopted and that process followed, that question would never be thought of by one person in a hundred who voted on the amendment. They would all vote on the question of whether they believe in child labor or did not, and nobody would ever stop to think whether it was wise to take that power from the State and put it here in the Congress. I think the legislatures would think of it.

Mr. WADSWORTH. I think the Senator brings up a very important element in the situation. It will do no harm after the Congress has submitted an amendment to thereafter go slowly in ratifying. Under the Walsh amendment, so called, a complete ratification may be had within one month of the submission of the amendment by the Congress to the States in a general election, with no intervening discussion whatsoever. I think it would be highly unfortunate. It would be one mass vote, divided into 48 parts, and the result announced the next day.

May I ask Senators who are supporting the Walsh amendment to give consideration to this thought. It is not proposed to change that provision of Article V that the consent of three-fourths of the States shall be necessary for the ratification of an amendment. Supposing in a nation-wide simultaneous referendum in 48 States it turns out on the day after election that 13 States have voted in the negative, and that in those 13 States there reside only one-twentieth of the people who voted; that nineteen-twentieths of the people residing in 35 States, not enough to ratify, have voted in favor of it.

Mr. WALSH of Montana. Mr. President, may I ask the Senator if that is not just the situation now?

Mr. WADSWORTH. Not quite.

Mr. WALSH of Montana. Why not? Take the same 13 States. The amendment is rejected by the legislatures of the same 13 States.

Mr. WADSWORTH. It is not done on the same day all over the country.

Mr. WALSH of Montana. What is the difference whether it is one day or not?

Mr. WADSWORTH. There is a very great psychological difference.

Mr. WALSH of Montana. Let me remark as well to the Senator, Why should he assume that it is going to be on the same day?

Mr. WADSWORTH. It will be in the next general election following the submission, I assume.

Mr. WALSH of Montana. Nearly every State has an election every two years. The State of Massachusetts has one every year.

Mr. WADSWORTH. There is a general election every year as I understand it, in every State.

Mr. WALSH of Montana. There is no general election in my State except every two years.

Mr. REED of Pennsylvania. But it always follows the long session of Congress.

Mr. WADSWORTH. I may be mistaken in that statement of mine. If so, I frankly admit it.

Mr. WALSH of Montana. In Massachusetts they have an election every year. They would vote in Massachusetts immediately afterwards. In my State they would vote two years afterwards, and perhaps in some other States not until four years afterwards.

Mr. WADSWORTH. Does the Senator confine that to gubernatorial elections?

Mr. WALSH of Montana. No; not necessarily at all.

Mr. WADSWORTH. They vote in my State every year.

Mr. WALSH of Montana. We have a gubernatorial election every four years, but we have an election for county officers every two years and an election for some State officers.

Mr. WADSWORTH. Does any year go by in the State of Montana without an election?

Mr. WALSH of Montana. Yes; one year.

Mr. WADSWORTH. Every other year?

Mr. WALSH of Montana. Yes; every other year.

Mr. WADSWORTH. There is no election of any kind every other year?

Mr. WALSH of Montana. That is true. In the State of Wisconsin, where I was raised, they have a general election every year.

Mr. WADSWORTH. What does the Senator believe would be the effect of a submission direct to the people in this direction? Does he not think it would be the tendency of those States which do not have elections every year to demand that the amendment be submitted immediately at a special election so they could all vote together? Does not the Senator think that would be the tendency?

Mr. WALSH of Montana. I do not think so at all. I think the tendency would be to make it as inexpensive as possible; and undoubtedly the legislature would provide that it should be determined at the general election next following after the submission. It seems to me that would be a reasonable thing to do. In my State, of course, if it were submitted now we should vote on it next November, but if it were submitted a year from now it would lie nearly two years before being voted on. In some other States, where they have a general election only every four years, it would lie something like three years.

Mr. WADSWORTH. States in which general elections occur only once in four years are certainly very scarce.

Mr. BRANDEGEE. Mr. President, if there is any force in the Senator's suggestion that the ratifications would take place simultaneously if an amendment were submitted to the people, the same objection would apply to the submission of an amendment to conventions to be held in the various States. Yet, the Constitution now provides for ratification by such conventions.

Mr. WADSWORTH. I do not think that is on all fours with the suggestion of the Senator from Montana [Mr. WALSH]. The conventions would meet on different days, after different periods, and would sit for different lengths of time.

Mr. BRANDEGEE. They would meet whenever the States wanted them to meet.

Mr. WADSWORTH. Yes; but they would not all meet on the same day.

Mr. BRANDEGEE. It is left with the States to decide when they shall submit it to the electors. Under the Walsh amendment it would be left to the States to decide when they would have their conventions if Congress chose to submit it to conventions in the States. The States might, by accident or otherwise, elect to determine upon the same day in either case, but it would be within the control of the legislatures of the dif-

ferent States to say when the question of ratification should be voted on, it seems to me.

Mr. WADSWORTH. Yes; and the tendency will be toward haste. That will be the demand of every supporter of the amendment as submitted. They will say, "Let us get it through as fast as we can. There is an election only six weeks from now. Let us go to it." That is done in every case by the proponents of any suggestion which bids fair to be successful.

Mr. ADAMS. Mr. President—

The PRESIDING OFFICER (Mr. WILLIS in the chair). Does the Senator from New York yield to the Senator from Colorado?

Mr. WADSWORTH. I yield.

Mr. ADAMS. May I call to the Senator's attention the fact that the elections to which these proposed constitutional amendments are to be submitted are to be held under such rules and regulations as each State shall prescribe? In other words, the rules and regulations would be fixed by the legislature, or the very body to which amendments are now submitted. Might we not rely upon the legislature to make reasonable provision as to the manner of submission, so that haste would be avoided? That is, in other words, the legislature might provide that an election should not be held within a certain period after Congress had submitted an amendment. The legislatures might in some States provide for submission at special elections. It seems to me there is provided in the power of the legislature to prescribe the time and the manner of the election the very safeguard which the Senator seeks to secure by having the legislature itself pass upon an amendment.

Mr. WADSWORTH. I am not confident enough about the future to trust the legislatures to that extent. I have seen things jammed through legislatures.

Mr. WALSH of Montana. Referring to what?

Mr. WADSWORTH. To the Tennessee case and the nineteenth amendment. If that was not jamming things through, I do not know what is. I do not know what is going to happen in the future; none of us do. I know that the proponents of any proposal are always in favor of haste. If the road looks pretty good, they drive just as fast as they can; and that is human nature.

Mr. BRANDEGEE. Does the Senator from New York think it could be jammed through the whole mass of the people quicker than it could be by the legislatures through which he says he has seen things jammed?

Mr. WADSWORTH. No; I do not. I think the Walsh substitute, so called, is better than the present situation; but I think it unfortunate to cut the legislatures out entirely, because by leaving them in as an essential element to the consideration we would stop all jamming through.

Mr. BRANDEGEE. Mr. President—I shall not interpose if the Senator from New York prefers to proceed?

Mr. WADSWORTH. I do not mind being interrupted.

Mr. BRANDEGEE. Sometimes we can get to a meeting of the minds quicker by cross-questioning than we can by waiting for each Senator to complete his speech.

The constitution of each State is now amended by the legislature proposing an amendment once and then submitting it to the people, or, as in some of the States, requiring that two successive legislatures shall approve the amendment before it is submitted to the people. My own State is one of the latter. The Senator from New York has stated that he thinks there is some advantage in retaining the legislative process; but Mr. President, if the Senator will think for a moment about it he will see that the action of Congress takes the place of the legislative process sufficiently, for when the Constitution of the United States is to be amended the National Legislature has to propose the amendment just as the legislature of the State has to propose an amendment to a State constitution. Then it ought to be submitted to the people, in my opinion, just as an amendment to a State constitution is submitted to the people by the State legislature. I do not think that any harm has resulted in the States by the present method of amending the State constitutions, and I do not think that there would be undue haste in submitting a constitutional amendment to the people of the States when that submission is controlled by the legislatures of the States themselves.

Mr. ADAMS. Mr. President—

Mr. WADSWORTH. May I reply to the suggestion just made by the Senator from Connecticut?

Mr. ADAMS. I was going to make one suggestion, if I might, which fits in at that point. Might the Senator not put into the constitutional provision as drawn by the Senator from Montana [Mr. WALSH] a limitation providing that the election should not be called within a certain period of time, thus pro-

viding against haste in the very constitutional amendment itself?

Mr. WADSWORTH. In my judgment, that would be an improvement.

Now, Mr. President, in connection with what the Senator from Connecticut [Mr. BRANDEGEE] has just said, I think that when an amendment is submitted to a State there are two elements of consideration which attach to it: First, the State as a State possessing sovereignty should, through its representatives and officials, give consideration to it; and, second, the people of that State, as citizens of that State and of the United States, should give their consideration to it.

This may seem more fitting as coming from an old-fashioned Democrat than from me, but I think we have done just about enough toward the destruction of the States of this Union. The Walsh amendment is one more blow. The government of the State is to be deprived of an opportunity to consider an amendment to the Federal Constitution. From that angle or viewpoint it affects the State as a State in its relations with the Federal Government, and I think the legislature is the body that should give that consideration to it. That is one reason why I do not want the legislature cut out.

Mr. BRANDEGEE. Mr. President, I think the Senator is not quite accurate when he talks about the government of the State and the legislature of the State, especially if he is speaking as an old-fashioned Democrat. No Democrat, however old fashioned he might be, and no Republican ever thought that his State was more sovereign than the people of the State, embracing all the State, but they have always thought that all the people were more sovereign than any legislature of the State.

Mr. WADSWORTH. Surely the Senator does not impute any such views to me.

Mr. BRANDEGEE. No; but the Senator is saying that if we submit a question to all the electors of a State, in some way we have slighted the government of the State. The people are sovereign in this country. The people made the Constitution; the people ought to ratify amendments; and there can be no slight upon the governments of the States, it seems to me, if the people themselves want to amend the Constitution so as to exercise the right of ratifying amendments to it themselves instead of by their creatures whom they have elected to go to the legislature.

Mr. EDGE. Mr. President—

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from New Jersey?

Mr. WADSWORTH. I yield.

Mr. EDGE. Is not the underlying motive of the Senator's proposal—and if it is I approve of it very heartily—to make it more difficult to amend the Constitution in any way; in other words, to compel two actions on the part of the States, so that action looking toward an amendment of the Constitution can not be easily taken? Is not that the underlying motive of the Senator in placing these safeguards around the ratification of future amendments?

Mr. WADSWORTH. Yes; to provide that action shall not be taken hastily.

Mr. EDGE. I concur very heartily in that view.

Mr. WADSWORTH. I do not condemn in toto by any means the substitute proposed by the committee. As I said before, I think it is better than the present situation; but I fear that under it we will get some very hasty action, at least in some of the States. Perhaps that will not hold good as to all; perhaps I overdraw the picture as to the States indulging in hasty action at the first election available after the submission of each amendment, but some certainly will; and for an amendment to be submitted in September or August and voted upon in November means that it gets no consideration worthy of the name.

Mr. ASHURST. Mr. President—

Mr. WADSWORTH. I yield to the Senator from Arizona.

Mr. ASHURST. The Senator some time ago during the course of his able argument stated, I think, that in the multiplicity of questions submitted on the ballot a proposed constitutional amendment, if it went to a direct vote, to all the electors, would be lost in the general commingling of many issues. The Senator made that reference. I want to devote some little attention to it. That may be true, but let me call the Senator's attention to the circumstance of absentee voters. The able Senator from Washington [Mr. JONES] put into the Record some days ago a statement referring to the election of Senators in the last election.

Mr. WADSWORTH. I saw that statement.

Mr. ASHURST. From which it appeared that the successful candidate received no higher than 32 per cent of the votes, and

the unsuccessful candidate probably received 28 or 26 per cent, as the case may be, of the votes; but in no case do I recall that a majority of the qualified electors of a State voted. That is true. The same rule and circumstance obtains here. I caused to be made some years ago a close investigation of the important votes in the Senate—it did not have any reference to the relatively unimportant votes—which disclosed that in most of the important votes not even 35 per cent of the Senators, elected, sworn, and paid to come here and vote, voted. If the Senator will examine the record, he will see that on grave questions the Senate has voted sometimes 35 to 20 or 36 to 22 or 30 to 19. It is a rare occasion when a large percentage of Senators vote.

That is true of all legislative bodies; it is true of all parliaments. I am sure the percentage of absentee voters in the States is no greater than it is in the other branch of Congress and in the Senate, and, I repeat, the same thing is true of all governments. It may be and probably is an evil, but if it be an evil, there is no way of eradicating it, although, indeed, suggestions have been made in this country and others that absentee voters be fined for not voting. That, however, would be of no avail. So I do not perceive how the suggestion that people would give no attention to a question could be invoked, when in legislative assemblies, in parliaments, and in Congress no higher percentage of those elected and paid to vote votes than in the case of the ordinary voter.

I feel keenly upon this question, not for any better reasons than move other Senators, but I believe the time has come when we should give the people a chance somewhere to express themselves before an alteration is made in their Federal Government.

I am sure the appropriate method when the Constitution was written was adopted—the legislatures. At that time the legislatures were quite different bodies from what they are to-day. They gave careful consideration; they debated questions; and if a Senator wishes to drink at the Attic fount and refresh himself even in the classics, let him read the debates in the State legislatures from the organization of this Government until about 1850.

I want to conclude by saying that I know of but two States—possibly Delaware, and I heard the able Senator from Connecticut say his State—where constitutional amendments are ratified by the legislatures later. It is my opinion that there are not to exceed two States where the legislatures may ratify a constitutional amendment. It must be submitted to a vote of the people.

Mr. WADSWORTH. Delaware is the only exception.

Mr. ASHURST. I think the Senator. Delaware is the only exception. Now, if the States will not permit the legislatures to ratify State constitutions or changes therein, for a stronger reason we ought not to permit the legislatures to ratify Federal amendments. Every argument that can be made in support of direct election of United States Senators can be made in support of the proposition that the people have a right to vote on each constitutional amendment. Legislatures are governed by legislative caucuses. The caucus meets. There are weak men and strong men in every caucus. The strong men drive the weak men. That is true everywhere; and, as a result, the legislature without consideration frequently refuses to ratify or ratifies these amendments. But suppose that the legislature acts wisely—and I will say here that on the amendments recently submitted, prohibition, woman suffrage, direct election of Senators, and income tax, I think the legislatures acted wisely.

It is my opinion that if the legislatures could have avoided it they would have done so. In most cases the legislatures were anxious and the bosses of the legislatures were anxious to defeat prohibition, woman suffrage, the constitutional amendment providing for the income tax, and direct election of Senators; and for years and years the bosses of legislatures cracked the whip, and they would have done so again had it not been for the consuming fire of public opinion on those amendments. It was because they could not escape that they ratified them, but that does not alter the argument. Whether the legislature acts right or wrong is not the question. The people ought to have a chance somewhere, some time, to say what sort of a government they wish to live under.

I thank the Senator. I ought not to have trespassed so long upon his courtesy.

Mr. WADSWORTH. In any event, Mr. President, whether the Senate desires to take the substitute offered by the committee or the original proposal, modified or not, as may be the case, I think it fair to say that we are on the right track. There is no doubt about it. The machinery needs readjustment and perfecting. The dangers of abuses are now apparent, and the

thing we must all have in mind is that in the consideration of amendments in the future the machinery shall work properly, shall be such that it can not be abused, and thereby and therefore our Constitution, under which we live and under which we hope our children will live for generations yet to come, will be maintained in a sound, sure, logical fashion, developing as time goes on to meet new problems if they should arise, but nevertheless kept true to the American conception of liberty. If we can perfect our method of changing the fundamental law, I think we shall have done something of tremendous import and value for the preservation of American institutions.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After three minutes spent in executive session the doors were reopened, and the Senate (at 4 o'clock and 40 minutes p. m.) adjourned until to-morrow, Thursday, March 20, 1924, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate March 19, 1924.

POSTMASTERS.

ALABAMA.

Scottie R. Wester to be postmaster at Center, Ala., in place of E. R. White. Incumbent's commission expired February 11, 1924.

CALIFORNIA.

Catherine E. Ortega to be postmaster at Sonora, Calif., in place of C. E. Ortega. Incumbent's commission expired March 3, 1924.

Charles B. Randall to be postmaster at Kerman, Calif., in place of C. B. Randall. Incumbent's commission expired February 11, 1924.

Jane M. Powell to be postmaster at Angel Island, Calif., in place of J. M. Powell. Incumbent's commission expired February 11, 1924.

COLORADO.

Frances Lessley to be postmaster at Granby, Colo., in place of M. B. Bradley. Office became third class October 1, 1923.

INDIANA.

Alvy Jay to be postmaster at Bridgeport, Ind., in place of W. F. Summers. Office became third class April 1, 1923.

IOWA.

Ora L. Garton to be postmaster at Weldon, Iowa, in place of O. L. Garton. Incumbent's commission expires March 22, 1924.

Wayne C. Solleder to be postmaster at Thurman, Iowa, in place of L. N. Barbour. Incumbent's commission expires March 22, 1924.

Perry B. Wilson to be postmaster at Shannon City, Iowa, in place of F. M. Purviance. Incumbent's commission expires March 22, 1924.

Leon R. Valentine to be postmaster at Murray, Iowa, in place of L. R. Valentine. Incumbent's commission expires March 22, 1924.

John E. Klutts to be postmaster at Mondamin, Iowa, in place of J. E. Klutts. Incumbent's commission expires March 22, 1924.

Ray C. Edmonds to be postmaster at Le Mars, Iowa, in place of J. E. Kelley. Incumbent's commission expires March 22, 1924.

Fred R. Foster to be postmaster at Humeston, Iowa, in place of Alva Humeston. Incumbent's commission expires March 22, 1924.

Marinus Jansma to be postmaster at Hospers, Iowa, in place of Marinus Jansma. Incumbent's commission expires March 22, 1924.

Edward A. Hansen to be postmaster at Holstein, Iowa, in place of E. A. Hansen. Incumbent's commission expires March 22, 1924.

Chester A. Baker to be postmaster at Farley, Iowa, in place of E. F. Green. Incumbent's commission expires March 22, 1924.

Ira B. Wilcox to be postmaster at Dumont, Iowa, in place of I. B. Wilcox. Incumbent's commission expires March 22, 1924.

Grace F. Newton to be postmaster at Dickens, Iowa, in place of G. F. Newton. Incumbent's commission expires March 22, 1924.

James T. Bevan to be postmaster at Cascade, Iowa, in place of J. R. Lane. Incumbent's commission expires March 22, 1924.

Charles O. McLean to be postmaster at Ankeny, Iowa, in place of O. W. Swartfager. Incumbent's commission expires March 22, 1924.

Eugene Owen to be postmaster at Allison, Iowa, in place of S. W. Burroughs. Incumbent's commission expires March 22, 1924.

KANSAS.

Anna Smith to be postmaster at Moundridge, Kans., in place of Robert Durst. Incumbent's commission expired January 23, 1924.

LOUISIANA.

William Frances Hunt to be postmaster at Meridian, La., in place of R. D. Crowell, resigned.

Edward A. Drouin to be postmaster at Mansura, La., in place of E. A. Drouin. Incumbent's commission expired February 11, 1924.

MASSACHUSETTS.

Anna E. C. Barrett to be postmaster at Siasconset, Mass., in place of A. E. C. Barrett. Incumbent's commission expires March 22, 1924.

MICHIGAN.

Hazel M. Foster to be postmaster at Baldwin, Mich., in place of Thomas Heffernan. Incumbent's commission expired January 26, 1924.

MINNESOTA.

Samuel S. Michaelson to be postmaster at Montevideo, Minn., in place of J. W. Peterson. Incumbent's commission expired February 18, 1924.

George H. Veidt to be postmaster at Anoka, Minn., in place of Frank Gillis. Incumbent's commission expired September 26, 1922.

NEBRASKA.

Robert J. Boyd to be postmaster at Trenton, Nebr., in place of L. D. Holston. Incumbent's commission expired September 23, 1923.

NEW JERSEY.

Fred F. Dennis to be postmaster at Fair Haven, N. J., in place of F. W. Travis, resigned.

NEW YORK.

Albert C. Bogert to be postmaster at Yonkers, N. Y., in place of J. J. Fleming. Incumbent's commission expired August 5, 1923.

Charles A. Sandburg to be postmaster at Jamestown, N. Y., in place of Henry Guenther. Incumbent's commission expired March 3, 1924.

OHIO.

George F. Barto to be postmaster at State Soldiers' Home, Ohio, in place of C. G. Bartlett, resigned.

Gertrude E. Lawson to be postmaster at Irondale, Ohio, in place of G. B. Saltsman, resigned.

Allan R. Trumbull to be postmaster at Swanton, Ohio, in place of A. R. Trumbull. Incumbent's commission expires March 22, 1924.

Francis E. Cook to be postmaster at Gallon, Ohio, in place of W. V. Goshorn. Incumbent's commission expired February 24, 1924.

Henry Kemper to be postmaster at Bellefontaine, Ohio, in place of Walker Prall. Incumbent's commission expired February 24, 1924.

PENNSYLVANIA.

Alice B. Thomas to be postmaster at New Eagle, Pa., in place of J. W. Brown. Office became third class October 1, 1923.

David J. Moore to be postmaster at Windber, Pa., in place of D. J. Moore. Incumbent's commission expired February 11, 1924.

William D. Heilig to be postmaster at Stroudsburg, Pa., in place of J. M. Decker. Incumbent's commission expired August 5, 1923.

Laura M. Peacock to be postmaster at Houston, Pa., in place of L. M. Peacock. Incumbent's commission expires March 22, 1924.

John P. Rodger to be postmaster at Hooversville, Pa., in place of J. P. Rodger. Incumbent's commission expired February 11, 1924.

Sherwood B. Ballet to be postmaster at Coplay, Pa., in place of P. Z. Kramer. Incumbent's commission expired February 4, 1924.

Thomas J. Richards to be postmaster at Avella, Pa., in place of J. R. Brown. Incumbent's commission expired February 4, 1924.

Herald H. Spaide to be postmaster at Ashland, Pa., in place of H. H. Spaide. Incumbent's commission expires March 22, 1924.

SOUTH CAROLINA.

James H. McCord to be postmaster at Hodges, S. C., in place of J. H. McCord. Office became third class January 1, 1924.

TEXAS.

Walter C. Teague to be postmaster at Canadian, Tex., in place of J. W. A. Jackson. Incumbent's commission expired January 31, 1924.

VIRGINIA.

McClung Patton to be postmaster at Lexington, Va., in place of T. S. Burwell, removed.

Richard E. Bristow to be postmaster at Ivor, Va., in place of J. T. Doles, deceased.

Margaret Wood to be postmaster at National Soldiers Home, Va., in place of L. L. Davis. Incumbent's commission expired February 14, 1924.

WEST VIRGINIA.

Henry C. Getzendanner to be postmaster at Charles Town, W. Va., in place of S. C. Young. Incumbent's commission expires March 23, 1924.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 19, 1924.

POSTMASTERS.

CALIFORNIA.

Doris R. Coon, Dunsmuir.

Harold K. Rankin, Ocean Beach.

ILLINOIS.

John W. Nelson, Donovan.

Thomas J. Perks, Mound City.

LOUISIANA.

Teakle W. Dardenne, Plaquemine.

NORTH CAROLINA.

Burnice R. Cahoon, Columbia.

Joseph B. Harrell, Marshville.

Arthur L. Beaman, Snow Hill.

James E. Wallace, Stanley.

OREGON.

Jason T. Anderson, Harrisburg.

Richard J. Hill, Kerry.

William R. Logus, Oregon City.

TEXAS.

Wright T. Pridgen, Grapeland.

WASHINGTON.

Kendall E. Schweitzer, Underwood.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, March 19, 1924.

The House met at 12 o'clock noon, and was called to order by Mr. TILSON as Speaker pro tempore.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Blessed Lord and Redeemer, how blest and secure are they who know the strength of Thy presence and feel the comfort of Thy nearness. Continue to remember Thy mercy and truth toward us, O Lord. Help us to do right, and Thy recompense to us will be the power to do more right. Take away our sin and enable us to repulse all enemies of our best manhood. Our Father, may we always be among those who purify, sweeten, and broaden human life by word and deed. Through the radiance of the glorified cross may our souls ever be in the light and promise of divine hope, and thus ever lead us toward the Father's house. Amen.

The Journal of the proceedings of yesterday was read and approved.

CORRECTIONS.

Mr. CLARK of Florida. Mr. Speaker, I ask unanimous consent to correct the Record in some remarks I made yesterday, March 18.

The SPEAKER pro tempore. Without objection, the RECORD will be corrected in accordance with the request of the gentleman from Florida.

There was no objection.

Mr. HOWARD of Nebraska rose.

The SPEAKER pro tempore. For what purpose does the gentleman from Nebraska rise?

Mr. HOWARD of Nebraska. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HOWARD of Nebraska. During the proceedings on yesterday, the gentleman from Ohio [Mr. BEGG] made objection to all requests for extension of remarks in the RECORD. I was listening very carefully, and I was grieved when my colleague from Colorado [Mr. TIMBERLAKE] was not permitted to read a telegram into his remarks; but now, upon looking at the RECORD, on page 4440, I find that telegram against which objection was lodged. Now, my parliamentary inquiry is, Does an objection in this House mean anything?

Mr. GARNER of Texas. May I interrupt the gentleman?

Mr. HOWARD of Nebraska. Certainly.

Mr. GARNER of Texas. With the permission of the Speaker, I would like to ask unanimous consent once more that the membership of the House have five legislative days within which to extend their own remarks on the bonus bill, and this will obviate the situation the gentleman is speaking of.

The SPEAKER pro tempore. The Chair is unable to answer the parliamentary inquiry of the gentleman from Nebraska. The gentleman from Texas [Mr. GARNER] asks unanimous consent that all Members may have five legislative days within which to extend their remarks on the subject of the soldiers' bonus. Is there objection?

Mr. BEGG. Reserving the right to object, Mr. Speaker, I want to say that I hate to object when the gentleman from Texas makes the request—

Mr. MADDEN. Regular order, Mr. Speaker.

The SPEAKER pro tempore. The regular order is, Is there objection to the request of the gentleman from Texas?

Mr. BEGG. I object, Mr. Speaker.

Mr. TIMBERLAKE rose.

The SPEAKER pro tempore. For what purpose does the gentleman from Colorado rise?

Mr. TIMBERLAKE. To reply to the suggestion made by my good friend from Nebraska [Mr. HOWARD] regarding the fact that there appears this morning in the RECORD the telegram that I was refused permission to finish reading yesterday regarding adjusted compensation.

Mr. MADDEN. A parliamentary inquiry, Mr. Speaker. What is before the House, please?

Mr. GARNER of Texas. A question of correcting the RECORD is before the House.

The SPEAKER pro tempore. The question before the House is a correction of the RECORD.

Mr. TIMBERLAKE. I want to say, in explanation, that I never realized before the shortness of a minute, and having failed in receiving permission to extend my remarks by reason of the objection that was interposed I recognized that it was not necessary with my constituents because they knew full well my position and had confidence in me, and I joined with the rest in the hilarity which followed, but in some way I placed that telegram in the same pocket in which I had my remarks and inadvertently or otherwise [laughter] it was in the folded paper when I handed my remarks to the Clerk for printing, and I was very much surprised to find it this morning in the RECORD. [Laughter.]

ORDER OF BUSINESS.

Mr. GARRETT of Tennessee. Mr. Speaker, if I may have the attention of the gentleman from Ohio, I ask unanimous consent to proceed for one moment.

The SPEAKER pro tempore. The gentleman from Tennessee asks unanimous consent to address the House for one minute. Is there objection? [After a pause.] The Chair hears none.

Mr. GARRETT of Tennessee. Mr. Speaker, I would like to call the attention of the gentleman from Ohio to the fact that the Private Calendar is becoming somewhat congested. There are a number of Members, of course, largely interested in it. I have no personal interest in it myself and have no bill on that calendar. I know the congested condition of the general business of the House, and I simply want to venture to suggest to the gentleman from Ohio that he take into consideration the advisability of having a night session at some future, early date, if it can not be done otherwise without interference with the general business, to take up bills on the Private Calendar, unobjected to or otherwise.

Mr. LONGWORTH. I think that is a very excellent idea. I am very glad to accept the gentleman's suggestion, and any night that the gentleman would think advisable I would be very glad to agree to.

Mr. GARRETT of Tennessee. Some night this week?

Mr. LONGWORTH. I think so; yes.

Mr. GARRETT of Tennessee. We might confer later about that.

Mr. LONGWORTH. I will be very glad to do that.

CALENDAR WEDNESDAY.

The SPEAKER pro tempore. This is Calendar Wednesday, and the call rests with the Committee on Interstate and Foreign Commerce.

VESSEL FOR COAST GUARD DUTY IN ALASKA.

Mr. WINSLOW. Mr. Speaker, I call up the bill (H. R. 6817) to provide for the construction of a vessel for the Coast Guard, and ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Massachusetts calls up a bill which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The gentleman from Massachusetts asks unanimous consent that this bill be considered in the House as in Committee of the Whole House on the state of the Union. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to construct and equip one Coast Guard cutter, at a cost not to exceed \$925,000, of appropriate design and special construction, for Coast Guard duty in Alaskan waters and for cruises into the Arctic Ocean, to replace the cutter Bear, no longer suitable for such service.

Mr. WINSLOW rose.

Mr. RANKIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. Does the gentleman from Massachusetts yield for that purpose?

Mr. WINSLOW. Certainly.

Mr. RANKIN. Is it in order to demand a second; and if so, would it be in order to do that at this time?

The SPEAKER pro tempore. No; this is Calendar Wednesday, the call resting with the Committee on Interstate and Foreign Commerce. The gentleman from Massachusetts has called up a bill from that committee and has asked and obtained unanimous consent that it be considered in the House as in Committee of the Whole.

Mr. RANKIN. How much time will be allowed for debate?

The SPEAKER pro tempore. The bill will be considered under the five-minute rule as in Committee of the Whole House on the state of the Union. The gentleman from Massachusetts is recognized for five minutes.

Mr. WINSLOW. Mr. Speaker, this bill is a matter which seems to become necessary for consideration in the interest of the Arctic service of the Coast Guard off the coast of Alaska and in that northern region. For 48 years a good old ship, known to all travelers and to all mariners who have ever been anywhere near Alaska or in waters thereabout, has been doing a great duty in the interest of all governmental departments. The ship has saved many lives at sea and has saved many lives on land by carrying foodstuffs, medicines, and so forth. It has done police duty in those regions, and it has been an all-round successful old craft. The name of the ship is the *Bear*. The ship was built in 1874, and, to make a long story short, I would say that those who have to do with running and operating the *Bear* have no doubt, nor have they had for several years, that the ship is unseaworthy and that those who go out on her are liable at any time to the misfortunes of the sea by virtue of the decrepitude of the old craft. The purpose is to build a new ship to supplant the *Bear*. It is to be one of special design and of such a type and quality as to be able to fight ice, and so forth, all through the winter months. The committee, therefore, has brought out this bill with a short report reciting just about what I have said. Beyond this the chairman has no desire to take time, because the bill tells the whole story and so speaks for itself. I shall be very glad to answer any questions.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. WINSLOW. Yes.

Mr. RANKIN. Have we not vessels now belonging to the Shipping Board some of which could be used for this purpose?

Mr. WINSLOW. If rebuilt, some might be available in the summer time; but in the wintertime, when they have to face ice floes and plow their way through the ice which accumulates

in Arctic waters, I think the gentleman would find they would not qualify.

Mr. RANKIN. Does not the gentleman think it would be possible to so remodel or repair those ships as to render them efficient for this service for less money than this appropriation calls for?

Mr. WINSLOW. The inquiry is quite in order. Of course, the gentleman will appreciate that he is not asking information from a navigation expert, nor a constructor of ships.

Mr. RANKIN. I would as soon risk the gentleman in that respect as any member of the Shipping Board.

Mr. WINSLOW. I would like to thank the gentleman for the compliment if I could properly, but I do not feel that I can. The Coast Guard authorities say that this ship, of all ships, has to be especially constructed for the proposed service, and that there is nothing either in the Coast Guard Service or out of it in the country which would be adapted for that use, even if remodeled.

Mr. RANKIN. As I understand from the remarks of the gentleman, this is to be used not only as a revenue cutter, but it is to be used by the Coast Guard for the relief of people wrecked at sea, and so forth?

Mr. WINSLOW. All of the usual activities of the Coast Guard ships, plus the special attendance they give to the people of Alaska and the work which they do in defending the sealing and other interests of the Government.

Mr. KINDRED. Mr. Speaker, will the gentleman yield?

Mr. WINSLOW. Certainly.

Mr. KINDRED. Is this splendid old Coast Guard ship that has such a splendid record to be used for chasing bootleggers in the future?

Mr. WINSLOW. Maybe.

Mr. WATKINS. Mr. Speaker, will the gentleman yield?

Mr. WINSLOW. Yes.

Mr. WATKINS. Is the ship *Bear* specially constructed to perform these duties?

Mr. WINSLOW. I can not answer. It was built in 1874 and has been used as the one ship suited to that purpose. Whether or not it was constructed for the work which it has grown into I could not say.

The SPEAKER pro tempore. The time of the gentleman from Massachusetts has expired.

Mr. BLANTON. Mr. Speaker, I ask unanimous consent that the gentleman's time be extended for five minutes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. SHALLENBERGER. Mr. Speaker, will the gentleman yield?

Mr. WINSLOW. Yes.

Mr. SHALLENBERGER. I would state for the information of the gentleman from Oregon [Mr. WATKINS] that the testimony of the Coast Guard men who appeared before the committee was that this ship was a specially constructed sailing ship, purchased from the British Government, constructed for use in the Arctic region, and was, therefore, specially constructed and purchased for that purpose by the American Government.

Mr. WATKINS. Having been in Alaskan waters, and having ridden on this boat, I was anxious to ascertain this fact, especially in view of the question of the gentleman from Mississippi [Mr. RANKIN].

Mr. WINSLOW. I think the gentleman is quite right.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. WINSLOW. Yes.

Mr. BLANTON. Last Wednesday, when the gentleman from Massachusetts had his main Coast Guard bill up, the gentleman from Oregon [Mr. WATKINS] offered an amendment in practically the same language as this bill, with the same \$925,000 appropriation, to build just such a boat for use around the Columbia River, which is just south of where the gentleman designs this boat to be used. The gentleman from Massachusetts made the point of order against the Watkins amendment, although he recognized that it was meritorious. Will this boat be used as far down south as where the gentleman from Oregon wanted his boat used?

Mr. WINSLOW. I think the intention is to use the boat between Seattle and possibly San Francisco at certain periods of the year, and far northern waters.

Mr. BLANTON. Then probably it will cover the same use as the gentleman from Oregon [Mr. WATKINS] wanted his boat to cover.

Mr. WINSLOW. I would not think so, for the reason that probably, if one is to judge from the usual work of the Coast Guard, they would commission a boat to be at the station to

which the gentleman refers for constant use, and not take it away most of the year for Arctic service.

Mr. BLANTON. Does the gentleman not recognize that there is now an urgent necessity for just such a boat as the gentleman from Oregon [Mr. WATKINS] was trying to get authorized? If so, why not put it all in one bill, and not have to be passing these matters by piecemeal?

Mr. WINSLOW. That is a question of policy for the Congress to determine.

Mr. RANKIN. Will the gentleman yield?

Mr. WINSLOW. I will.

Mr. RANKIN. I want to make this one observation for the benefit of gentlemen in the House who have never been to Alaska. You can not comprehend the enormous distance this boat will have to cover. A well-informed man at Juneau, Alaska, told men last year that it was further, to go by water, from Juneau to Nome, as they have to go around the Aleutian Islands, than to go from Juneau around through the Panama Canal up to New York. That will give some idea of the distance that this boat will have to cover without reaching the waters around the mouth of the Columbia River.

Mr. WATKINS. Which is 1,200 miles from Juneau.

Mr. SNELL. Will the gentleman yield for a question?

Mr. WINSLOW. I will.

Mr. SNELL. Do I understand the gentleman to say there are no boats of the numerous boats we have that can be used for this service?

Mr. WINSLOW. That is the report of those who have to operate the boats. It seems so to me for the reason that we have no boats built to deal with ice conditions such as those to which the *Bear* has been accustomed.

Mr. SNELL. That is the principal reason, on account of ice conditions?

Mr. WINSLOW. That would be one important reason. There are other ships that might be likely to be adapted for six months in the year only.

Mr. BARKLEY. Will the gentleman yield?

Mr. WINSLOW. I will.

Mr. BARKLEY. Is it not a fact that the Coast Guard have no surplus boats of any kind and when one wears out it is necessary to replace it with a new one, and this particular boat is the oldest in the service of any government in the world or of any merchant marine in the world?

Mr. WINSLOW. Yes, sir. I will say to the gentleman from Kentucky, or rather remind him of something he knows, namely, that the Coast Guard has no boats to take the place of the one that it gives up, and it has not boats enough properly to do the work of the service as indicated in the case around the mouth of the Columbia River.

Mr. CRAMTON. Will the gentleman yield for a question?

Mr. WINSLOW. I will.

Mr. CRAMTON. The words in the bill are "that the Secretary of the Treasury is authorized and directed." Of course, the power of the Secretary to carry out the authorization would depend upon the appropriation. They are not directed until the appropriation is made.

Mr. WINSLOW. Just by the same token they do not follow instructions until the appropriations are made.

Mr. CRAMTON. Will the gentleman have any objection—

Mr. WINSLOW. I would not think that would be vital, but, on the other hand, if the gentleman does not care, we prefer to leave those words in.

Mr. CRAMTON. Of course, the gentleman has no doubt about their constructing the ship if they do get the money?

Mr. WINSLOW. It never works any other way.

Mr. CRAMTON. And they will not need to be ordered?

Mr. WINSLOW. No.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

Mr. BLANTON. Mr. Speaker, I ask for recognition.

The SPEAKER pro tempore. The gentleman from Texas.

Mr. BLANTON. Mr. Speaker, this is another bill to give the Secretary of the Treasury, Mr. Mellon, \$925,000 more to build a boat in addition to the \$13,000,000 extra we provided for him the other day, and in a way it is to enforce prohibition. I am for the enforcement of prohibition, but I do not think we can ever get it through the present Mellon system that we have in reference to enforcement at this time. We have to change the head of our enforcement department.

Mr. RANKIN. Will the gentleman yield?

Mr. BLANTON. In a moment I will. We have to get a man more in line with prohibition than Secretary Mellon is, regardless of whether he has plenty of money to spend, if we are to have the law enforced.

I want to use my five minutes in saying this: The Times yesterday afternoon, under the heading "Dry laws aid crime growth, says Shelby," and under the subheading "Police inspector avers fact is undeniable," said:

Representative TINKHAM's attack on the morals of Washington was supported by Inspector William S. Shelby, acting superintendent of police, yesterday.

BLAMES PROHIBITION.

"There is more lawlessness in the country than ever before," Shelby declared. "Liquor laws will never be enforced," he said. Inspector Shelby favors a provision for the sale of light wines and beers, and the disposal of strong intoxicants under Government supervision.

That is the kind of prohibition enforcement officer this inspector has proved himself.

I want to say this: If Mr. Inspector Shelby would spend half as much time trying to enforce the law against criminals in Washington as he does sitting down in his office compiling data and statistics and reciting them before committees trying to show the dry law causes crime and is not effective, we would have more law enforcement in the District of Columbia. [Applause.]

Mr. BOYLAN. Will the gentleman yield for a question?

Mr. BLANTON. I regret that I have not the time. I have heard him spend several hours before committees reading these same statistics time and again, and I have there denied his assertions, and I have told him about specific violations of law continuing here in the District, complaint of which had been brought to me by citizens here, and he was not interested enough in it to even take down the number of the street and property where the law was alleged to be violated. I watched him closely, and then said to myself, "Mr. Inspector, if you are really interested in enforcing the prohibition law you will at least make a notation of the complaints when I tell you certain places in Washington where they say the law is continually violated, and since you are not interested enough to take the numbers down and thereafter follow it up it convinces me that you are not possessed with any burning desire to have the law enforced."

He never even took enough interest in the specific complaints I recited to take the numbers down, and when I talked to him again about the matter he admitted that he had done nothing about it, and he then was not sufficiently interested to make any notation and did not take down the numbers or property. Mr. Inspector Shelby, I take it, is more interested in sitting in his office compiling statistics and cussing the dry law than in enforcing the law, and in my judgment he is not the proper kind of inspector to lead the splendid Metropolitan police of Washington, and should not be at the head of the law enforcement.

Mr. BOYLAN. Will the gentleman yield for a question?

Mr. BLANTON. I will yield.

Mr. BOYLAN. Does not the gentleman think the inspector ought to get the thanks of Congress for telling the truth?

Mr. BLANTON. Well, I do not think he is telling the truth when he asserts that the crimes of Washington are due to prohibition. I think since prohibition went into effect in Washington there have been fewer violations of the law in respect to serious crimes than there have been heretofore, and taking the increased population into consideration, the statistics show fewer arrests than when we had saloons in Washington. Of course, you have lots of traffic arrests and lots of liquor law violators, but the trouble about them is that they take the \$10 or \$15 or \$25 collateral forfeiture and let the man go. When they arrest him they let him pay \$10 or \$25 or \$100 and forfeit his collateral, and he goes hence without delay, and nothing is done to punish him except the forfeiture of his small collateral. The paramount trouble seems to be that Mr. Inspector Shelby is in favor of light wines and beer, if the Times reported him correctly, and spends his time compiling statistics to correspond to his beer and wine views and works very little on true law enforcement.

Mr. LAGUARDIA. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. LAGUARDIA. I want to ask the gentleman if Charlie Anderson has been telling the truth in the last few years?

Mr. BLANTON. Well, Charlie Anderson is just one of the 110,000,000 people in the United States, and you can not justly throw odium on the whole prohibition law enforcement organization by calling attention to one man. For example, take Congressmen as a class, and sometimes you will find even one of them falling from grace.

Mr. LAGUARDIA. The gentleman is his champion.

Mr. BLANTON. I am one of the champions of a great cause. Oh, you can not blame him. He was a good man once,

but he has been living in New York too long. [Laughter.] The gentleman from New York would have to condemn the good people of 45 States in this Union, for they through their representatives in their legislatures ratified national prohibition, and it is here to stay, long after we who serve here are gone and forgotten.

Mr. WINSLOW. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WINSLOW: Page 1, line 3, after the word "authorized," strike out "and directed."

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from Massachusetts.

Mr. RANKIN. Mr. Speaker, having been to Alaska and having some knowledge of the great stretch of territory to be protected, I expect to support this measure, not only in the hope that it may save human life, not only in the hope that it may help in the enforcement of our revenue laws, but I am going to support it also in the hope that it may help break up this smuggling of immigrants, which are now being slipped into this country, according to the Secretary of Labor, in numbers estimated at from 50,000 to 300,000 a year.

Now, I hope that all of you gentlemen who have been fighting as I have for the enforcement of the prohibition law will get behind some movement here to put the entire force of the United States Navy, the Coast Guard, and every other agency of this Government behind the enforcement of our immigration laws. One distinguished gentleman said to me the other day, "I have fought for the enforcement of the prohibition laws ever since I have been in either House of Congress, and in my opinion our immigration law is being as flagrantly violated by the smuggling of aliens into the United States under the law we have as is the prohibition law."

Now, we are on the verge, I hope, of the passage of a new immigration bill. I sincerely trust, at least, that in a few days we may pass what is known as the Johnson immigration bill, or the bill now pending before the committee, in order to save America for Americans in the future, so that our country may not become the dumping ground for the riffraff of the Old World.

I hope those in authority will see to it that every agency of our Coast Guard Service, the Navy, the Army, and whatever else is necessary will be brought to bear to enforce the immigration law. This is one law that the American people to-day are interested in as they have never been before, and I realize that if we leave the great Territory of Alaska unprotected we are likely to have thousands of these foreigners pile in on her shores and make their way into the United States from that Territory.

For these reasons, Mr. Speaker, I shall support this bill in the hope that in addition to the other services it may render in enforcing our revenue and prohibition laws and in saving human life, it may also render further valuable services in helping to break up the present practice of "bootlegging" aliens into this country in violation of our immigration laws. [Applause.]

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from Massachusetts [Mr. WINSLOW].

The amendment was agreed to.

Mr. WATKINS. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The gentleman from Oregon offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WATKINS: Page 1, line 4, after the word "equip," strike out "one" and insert "two."

Mr. BARKLEY. Mr. Speaker, I reserve a point of order on the amendment.

Mr. WATKINS. Mr. Speaker, I rise for the purpose of supporting this amendment for the reason that pending in the Senate and here there is a bill for the purpose of constructing an extra Coast Guard cutter for the protection of coast waters at and near the Columbia River. I understand that the bill in the Senate will be reported favorably, and if the rule with respect to the multiplicity of lawsuits is good in law it ought to be good in legislation, and by my amendment two things can be done at once. I am asking that this bill be amended so that the Secretary of the Treasury may be authorized—and "directed"—to provide an additional Coast Guard cutter so that there might be a cutter provided for Columbia River waters as well as Alaskan waters. If it is good for Alaskan waters and is needed there it is doubly good and clearly needed for the Columbia River waters, as conditions are the same; and I

hope that the chairman of the committee will not raise a point of order, because he stated the other day when I tried to amend a somewhat similar bill that although my amendment was meritorious it was not in order because the purpose of the other bill was simply to transfer some boats from the Navy to the Treasury. If it was meritorious then, it is meritorious now; and if it is in order to construct one, then it is in order to construct two. I hope my amendment will carry.

Mr. NEWTON of Minnesota. Mr. Speaker, if the point of order has not been made, I will make the point of order that the amendment is not germane to the bill. The bill authorizes one Coast Guard cutter to be designed and constructed to replace the *Bear*, which has been in use, and I submit to the Chair that when a bill is considered to authorize the construction of a vessel of one particular type of construction an amendment to that bill adding another vessel is not germane under the rules of the House.

The SPEAKER pro tempore. The Chair is ready to rule. It is plain that the purpose of this bill is to construct a Coast Guard cutter to replace another specific vessel. It would seem that it would not be in order to add another cutter in addition to the contemplated one to replace the *Bear*. Therefore the Chair sustains the point of order.

Mr. WINSLOW. Mr. Speaker, I would like to ask unanimous consent that either the general debate be now closed or be closed in a few minutes in case anybody wants to say something. If not, I ask unanimous consent that general debate be now closed.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. WINSLOW, a motion to reconsider the vote whereby the bill was passed was laid on the table.

FRAUDULENT SALE OF SECURITIES.

Mr. WINSLOW. Mr. Speaker, I call up the bill H. R. 4.

The SPEAKER pro tempore. The gentleman from Massachusetts calls up the bill H. R. 4, which the Clerk will report by title.

The Clerk read the title of the bill.

The SPEAKER pro tempore. This bill is on the Union Calendar. The House will automatically resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 4) to prevent the use of the United States mails and other agencies of interstate commerce for transporting and for promoting or procuring the sale of securities contrary to the laws of the States, and for other purposes, and providing penalties for the violation thereof.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 4, with Mr. MADDEN in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of H. R. 4, to prevent the use of the United States mails and other agencies of interstate commerce for transporting and for promoting or procuring the sale of securities contrary to the laws of the States, and for other purposes, and providing penalties for the violation thereof.

Mr. BLANTON. Mr. Chairman, I rise to a question of consideration.

The CHAIRMAN. The question is, Shall the committee consider the bill?

Mr. BLANTON. Mr. Chairman, on that motion is debate allowed?

The CHAIRMAN. No debate is allowed on that motion.

Mr. BLANTON. I withdraw the question.

Mr. DOWELL. Mr. Chairman, I make the point of order that a question of consideration can not be brought before the committee, but should be brought before the House.

Mr. BLANTON. No; it is just the reverse, and the gentleman is wrong about that.

The CHAIRMAN. This is Calendar Wednesday, and that question could be brought before the committee, but the gentleman from Texas has withdrawn the question.

Mr. WINSLOW. Mr. Chairman, I presume it would be well at this time to arrange for a division of time between this side of the committee and the other side.

The CHAIRMAN. The first reading of the bill will be dispensed with unless there is objection. [After a pause.] The Chair hears no objection, and the first reading of the bill will be dispensed with.

Mr. RAMSEYER. Mr. Chairman, I rise to inquire whether anybody on the committee is controlling the opposition time? Is any member of the committee opposed to this bill?

Mr. WINSLOW. I have heard of no one.

Mr. RAMSEYER. I am opposed to the bill; and if nobody else claims time in opposition, I shall claim it.

The CHAIRMAN. Does any gentleman on the minority side of the House demand time in opposition?

Mr. BLANTON. I do not care to claim it, because I believe the gentleman from Iowa [Mr. RAMSEYER] will yield me some time.

Mr. RAMSEYER. If I control the time I shall be glad to yield the gentleman time.

The CHAIRMAN. If there is no objection, the gentleman from Iowa [Mr. RAMSEYER] will control the time in opposition to the bill, and the gentleman from Massachusetts [Mr. WINSLOW] will control the time in favor of the bill. The gentleman from Massachusetts is recognized for one hour.

Mr. WINSLOW. Mr. Chairman, I yield 20 minutes to the gentleman from Illinois [Mr. DENISON].

The CHAIRMAN. The gentleman from Illinois is recognized for 20 minutes.

Mr. DENISON. Mr. Chairman and gentlemen of the committee, I do not think Congress ought to pass any legislation that is not absolutely necessary for the public good, but when there is necessity for legislation I think we ought to enact it promptly. If there is a great evil that is threatening the country in any way and it can be met by legislation, I think it is our duty to do so.

This bill, H. R. 4, is intended to meet a situation of that kind. This bill is intended to stop the sale of fraudulent and worthless stocks and other securities through the mails and other agencies of interstate commerce.

Let me call your attention briefly to the evil that exists in this country and that this bill is intended to meet. I find in the last issue of the Literary Digest a statement by the president of the National Surety Co., of New York, as to the amount of money that is lost or will be lost in the next year through various kinds of crimes. This gentleman, of course, obtained his information through statisticians and others, because it is in his line of business, he being the head of a large surety company. He states that the amount of money that will be lost next year through the sale of fraudulent stocks is \$1,000,000,000. Now, as compared with that, the amount that will be lost through credit frauds—that is, various credit frauds, like money borrowed from banks and lost, and money lost through the extension of credit in other forms—is estimated at only \$400,000,000. The amount that will be lost through burglary, larceny, and petty theft is estimated at \$250,000,000, and through embezzlement \$100,000,000. But the amount estimated to be lost next year through the sale of worthless and fraudulent stocks in this country is \$1,000,000,000.

Let me read a statement made by Mr. Horace J. Donnelly, Solicitor for the Post Office Department, and who is connected with the enforcement of the fraud laws by the Post Office Department. This statement was made by Mr. Donnelly in an address to the Investment Bankers of America at their national convention here in Washington last November. I have a copy of his speech but I will read only this statement, and I ask the attention of all the committee to this statement because I think it is very illuminating, coming from a man who ought to know:

It is not extravagant to say that 1,000,000 gullible Americans yearly lose their money and property in mail fraud schemes, and that \$1,000,000,000 annually are so lost.

Now, if that is true—and I think most of us know it is true—then it is the duty of Congress to do something to meet that evil. If the people of this country are losing anything like \$1,000,000,000 a year by the sale of fraudulent and worthless securities through the mails and other agencies of interstate commerce, we have it in our power to stop it, and it is our duty to do so.

This evil has been growing rapidly in recent years, and the States have done their part to meet it. And what have they done, gentlemen? Laws have been enacted by 44 different States to prevent the sale of fraudulent and worthless securities within their respective borders. Forty-four of the 48 States have enacted what are known as fraudulent securities laws or what are sometimes called blue sky laws. All the States, with the exception of Connecticut, Colorado, Delaware, and Nevada, have passed such laws. Three States, New York, Massachusetts, and Maryland, have what are known as fraud laws; under these laws when a person is caught or found to be selling stocks or other securities that are thought to be fraudulent and his

acts are reported to the Attorney General, he can start court proceedings to stop him by injunction or otherwise, and thereafter it will be unlawful for that person to proceed with his sales. All the other 41 States have enacted what are known as typical blue sky laws.

The general character of the blue sky law is a law prohibiting the sale of all securities within that State until those who would sell them have in some way, provided by law, qualified them for sale; they must have either obtained a license from a State administrative officer to do so or must have submitted full information in regard to the securities that are proposed to be sold and obtained permission from the proper State official or State commission to make the sale. These are what are known as typical blue sky laws.

These laws have proven reasonably effective in the different States. Kansas passed the first one. Kansas was followed by other States until all of the States, with the exception of the four I have named, have passed laws to protect their citizens from this kind of fraud; but they have found that the dishonest promoters are evading their laws and are practically nullifying them by doing a mail-order business. They do not attempt to go before the State officials and qualify their securities when they know they can not do so, but they will open an office in another State and do business through the mails or over the telephone or through other agencies of interstate commerce, and the result is that the State officials are finding that their laws are being practically nullified by these dishonest promoters who are carrying on their fraudulent business through the agencies of interstate commerce. The States are powerless to help themselves. The crimes are not committed within the State where the securities are sold. They are taking advantage of the immunities of interstate commerce to violate, evade, and practically nullify the State laws which were enacted for a good purpose. There is nobody that can stop this except the Federal Government, and the purpose of this bill is to bring the strong arm of the Federal Government to the aid and assistance of these States that are trying to protect their people from this class of fraud by cooperating with the States, if you please, to the extent of forbidding the use of the Federal agencies to violate and nullify the State laws.

Mr. BLANTON. Will the gentleman yield?

Mr. DENISON. I will yield.

Mr. BLANTON. I am afraid that the gentleman has so many exceptions in his bill that the main purpose of the bill has been abolished.

Mr. DENISON. If I have time, I will show the gentleman that is not the case.

Mr. BLANTON. I would like for him to explain the reason for this exception:

(f) Securities which at the time of the sale or offer for sale thereof are issued, outstanding, and fully listed upon any organized stock exchange having an established meeting place in a city of over 500,000 population . . .

This lets three big cities continue to sell stock that is watered and securities that sometimes are not worth the paper they are written on.

Mr. DENISON. I will explain that fully to the satisfaction of the gentleman from Texas, I am sure, when we begin the reading of the bill. I will not have time to go into those details in this general statement, but let me state briefly that we are trying to accomplish one paramount purpose by this bill, but the bill has two objectives. We want to stop as far as possible the sale through the agencies of interstate commerce of fraudulent and worthless securities. We want the bill to have teeth in it, and we want to enact it so that those who would impose upon the public by transmitting for sale through the mails fraudulent and worthless securities may be stopped from doing so; but at the same time we must not unnecessarily interfere with legitimate business, because by far the greater part of the business of the country is transacted in this manner, and we ought not to pass any legislation that will obstruct or interfere in any way with the great mass of legitimate business that is carried on through the mails. We are trying to strike a balance of going just as far as we can to stop the sale of fraudulent securities and interfering just as little as possible with the transmission through the mails of perfectly valid securities.

Mr. LA GUARDIA. Will the gentleman yield?

Mr. DENISON. Yes.

Mr. LA GUARDIA. In whose hands do you leave the enforcement of this law?

Mr. DENISON. In the hands of the Department of Justice.

Mr. LA GUARDIA. The postal laws are enforced by the postal officials through the means of their inspectors. Have

you provided for cooperation and coordination with the Post Office Department?

Mr. DENISON. I will state that this bill has the approval of the Post Office Department. It has been submitted to the various departments of the Government and has their approval, with the possible exception of the Secretary of the Treasury. I will go into that more in detail directly if I have the time.

Let me give the Members of the House, briefly, the theory of the bill. One section of the bill prohibits transmission through the mails or other agencies of interstate commerce by a party in one State to a party in another State of any security which can not lawfully be sold in the State into which it is sent. Of course, if the security can be lawfully sold in the State into which it is sent, then this law will not apply. If the State has no blue sky law or no securities fraud law, this act will not apply.

On the other hand, another section prohibits sending through the mails by a person in one State to a person in another State any letter, post card, prospectus, or circular advertising or offering for sale any security which can not be lawfully sold in the State into which it is sent, the purpose of both being to accomplish the one result of stopping the sale through the mails and other agencies of interstate commerce of fraudulent and worthless securities.

Mr. LARSEN of Georgia. Will the gentleman yield?

Mr. DENISON. Yes.

Mr. LARSEN of Georgia. I am very much in sympathy with the purpose of the bill. I have heard it stated that in a good many instances we have not been able to enforce the law in the States that have similar laws. Is it the thought of the gentleman that we will be able to enforce this law and really accomplish something?

Mr. DENISON. I have no doubt about it.

Mr. LARSEN of Georgia. And without any unnecessary interference with business?

Mr. DENISON. This proposed law will not interfere with any legitimate business. Under one of the sections of the bill securities are classified and those which experience has shown are ordinarily free from fraud and loss are exempted from its provisions.

Mr. HILL of Maryland. Mr. Chairman, I want to ask the gentleman some questions in reference to the relation of this law to the existing penal provisions of the Federal code respecting the misuse of the mails. If the gentleman prefers, I shall wait and ask them later.

Mr. DENISON. I would be very glad if the gentleman would defer them.

Mr. HILL of Maryland. I am sympathy with this law, and I want to ask those questions later.

Mr. DENISON. Very well.

Mr. LA GUARDIA. Mr. Chairman, will the gentleman yield?

Mr. DENISON. Yes.

Mr. LA GUARDIA. Does the gentleman provide in his bill for what seems to me more vicious than the physical mailing of the stock itself, and that is the advertisement for the sale of this fraudulent stock?

Mr. DENISON. The bill does not prohibit advertising.

Mr. LA GUARDIA. How about the mailing of the advertising?

Mr. DENISON. The bill does not touch the newspapers, if that is what the gentleman has in mind, or the magazines.

Mr. LA GUARDIA. We see very attractive pamphlets and folders sent out.

Mr. DENISON. The bill prohibits that.

Mr. LA GUARDIA. But not the advertising in the newspapers?

Mr. DENISON. No; it prohibits sending through the mails any communication to a newspaper to solicit an advertisement.

Mr. LA GUARDIA. Is there any reason why we should not include the newspapers?

Mr. DENISON. Yes; various reasons. There might be some question as to its validity, and we do not want to go into that question. We are not prohibiting an advertisement; but the provisions of the bill will make the advertisement worthless, because those who would advertise can not reap any benefits from it.

Mr. LA GUARDIA. In other words, this is the first step toward stopping interstate traffic in fraudulent securities.

Mr. DENISON. That is correct.

Mr. ACKERMAN. Mr. Chairman, will the gentleman yield?

Mr. DENISON. Yes.

Mr. ACKERMAN. Does this bill, on page 9, in section (j), interfere with the sale of nondividend-paying stocks, by which

there are more than a million corporations at present in the United States transacting their business?

Mr. DENISON. Not at all.

Mr. ACKERMAN. That is exempted, is it?

Mr. DENISON. Yes, Mr. Chairman, Pennsylvania was the last State that passed what is known as a blue sky law. That State passed its law last August. I want to read just a short statement issued by those who are charged with the responsibility of administering that law. Pennsylvania did not pass her law until after most of the other States had done so, and when the crooks were run out of the other States a great many of them went into Pennsylvania.

The people there were being imposed upon to such an extent that Pennsylvania was driven to pass some sort of a law to protect her people. She passed the law last August. I find this statement in a pamphlet which was recently issued by those having charge of the administration of the law:

The securities barred from sale in Pennsylvania under these rulings were undoubtedly fraudulent, and their sale would probably have resulted in a total loss to investors. At the prices at which those securities were selling, or were offered for sale until barred from the State, the actual amount involved in the 55 refusals by the bureau of statistics during the first 80 days of its existence aggregated the enormous total of \$116,960,000.

They estimate that that law has saved the people of Pennsylvania that amount since the 1st of last August.

From a letter which I have received from Mr. L. L. Emerson, secretary of state of Illinois, which has a splendid blue sky law, I read this statement:

The efficient securities law, which has proved the model for securities legislation in many States in the Union, has been worked out in cooperation with leading attorneys in the State. During the four years under this law more than \$350,000,000 in doubtful or fraudulent securities have been barred from sale in Illinois.

Testimony comes from various States which have what are known as blue sky laws to the effect that those laws are working reasonably well; that they are fairly protecting their citizens from these pirates of promotion in the sale of fraudulent and worthless securities within their States; but that they can not meet the situation of sales made on the outside of the States through the agency of the mails and other agencies of interstate commerce.

The officials of Pennsylvania have been to see me several times recently and are asking us to hurry up and pass this law, because they say that while they have run a great many of the crooks out of Pennsylvania, these crooks have gone across the State line and opened up offices in Camden and other places just across the State line and are using the telephones and the mails to flood the State of Pennsylvania with their lurid circulars offering for sale all kinds of fraudulent and worthless securities. The people of Pennsylvania can not stop that. There is only one power that can stop it, and that is the Federal Government. That is the purpose of this bill.

Mr. THATCHER. Mr. Chairman, will the gentleman yield?

Mr. DENISON. Yes.

Mr. THATCHER. Of course, under the present Federal law, the fraud statute forbids the use of the mails for the purpose of carrying out fraud.

Mr. DENISON. Yes.

Mr. THATCHER. And these glaring cases of which the gentleman speaks would be reached under the present law?

Mr. DENISON. Yes.

Mr. THATCHER. Suppose this law should pass, what would be the effect of it? Could there be a double prosecution, one under section 5480 of the Revised Statutes, and one under this law, or would the prosecution be under this law alone?

Mr. DENISON. Both laws would be in effect, but the Government could elect to proceed as it desired.

Mr. THATCHER. Of course, this goes much further than the present law, because that relates only to actual fraud, while this prevents any sort of circulation of literature concerning the sale of stock unless the State has already approved it.

Mr. DENISON. That is right.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. WINSLOW. Mr. Chairman, I yield five minutes more to the gentleman from Illinois.

Mr. DENISON. The trouble about the present fraud laws is that they are not effective. They do not help any at the right time. The Government can not do anything until after the fraud has been committed, and then the Government must hunt it down and secure the evidence and get the witnesses assembled

in court and prosecute, but the relief does not come until after the damage has been done. This bill will remedy that. This is a preventative. It stops the commission of the crime before it is committed, and it stops it before the people have been robbed of their money.

That is the difference, and it is a very small difference. Now I have had this matter up with the Inspectors of the Post Office Department, and I have a report here that at Fort Worth, Tex., they had 335 fraud cases now pending, in addition to those that have been tried recently and in which they have secured a great many convictions; but it takes months to collect this evidence and the witnesses, and it is wholly inadequate to stop the losses we are trying to stop by the enforcement of fraud laws.

Mr. WILLIAMSON. Will the gentleman yield?

Mr. DENISON. I will.

Mr. WILLIAMSON. I call attention of the gentleman to page 9, lines 8 to 12, which read as follows:

(1) Negotiable promissory notes or commercial paper: *Provided*, That such issue of notes or commercial paper mature in not more than 12 months from date of issue and shall be issued within three months after the date of sale.

This character of paper is not prohibited under any of the States; then why prohibit it by this bill?

Mr. DENISON. It is not prohibited by the bill; it is excluded by the bill.

Mr. WILLIAMSON. Why limit the time at which they mature to 12 months?

Mr. DENISON. We are trying by that provision to exempt what is called commercial paper, and no commercial paper runs longer than 12 months.

Mr. WILLIAMSON. Why should you prohibit the sale and transportation of paper running more than 12 months? It seems to me that is entitled to be sold in other States.

Mr. BLANTON. Will the gentleman yield before he leaves that point?

Mr. DENISON. I will yield.

Mr. BLANTON. The gentleman spoke of the number of fraud cases pending in the oil fields around Fort Worth, Tex.?

Mr. DENISON. Yes.

Mr. BLANTON. Is not our present law so strong that we were able to convict numerous fraud cases there, some of them of national repute?

Mr. DENISON. I think they convicted 20, but there are thousands that have not been convicted.

Mr. BLANTON. Cases that have not been tried?

Mr. DENISON. It is just what I am talking about; we can not under the present law—

Mr. BLANTON. They convicted a man of national prominence.

Mr. DENISON. I know; but if this law had been in effect that gentleman would have been in the penitentiary long ago and the people he plundered would have been saved millions of dollars; under our present law Doctor Cook and his gang defrauded the people out of millions before they could be convicted.

Mr. BLANTON. He was convicted as soon as tried.

Mr. DENISON. That is the trouble. What we want to do is to prevent the commission of the crime if we can do so rather than wait until it has been committed and the loss sustained.

Mr. RAMSEYER. Will the gentleman yield for this question?

Mr. DENISON. I will.

Mr. RAMSEYER. Under your bill you can not punish anybody until he is caught in the violation of the provisions of the bill. It is not preventative any more than under their criminal law.

Mr. DENISON. The gentleman is mistaken.

Mr. RAMSEYER. I hope the gentleman will put me right if I am mistaken; I simply asked the question.

Mr. DENISON. I think I can put the gentleman right if he is willing to be put right.

Mr. HILL of Maryland. Will the gentleman permit a question there?

Mr. DENISON. I will.

Mr. HILL of Maryland. I am entirely in sympathy with the purpose of this legislation, and I have in my mind the same question that is evidently in the mind of the gentleman who just asked the question. Now, section 215 of the Penal Code is a very drastic provision. Originally that section required a conspiracy which contemplated the use of the mails as a part of the conspiracy, but it was later modified so that under section 215 anybody who has designed any kind of scheme to defraud and uses the mails in any way commits a violation of the

section. I would like to ask the gentleman—I do not want to intrude at an improper time—

The CHAIRMAN. The time of the gentleman has expired.

Mr. HILL of Maryland. I ask that the gentleman from Massachusetts [Mr. WINSLOW] yield the gentleman from Illinois some more time.

Mr. WINSLOW. I yield the gentleman five additional minutes.

Mr. HILL of Maryland. I want to ask the gentleman exactly what his proposed bill adds to the powers of the Federal Government in the prosecution of fraud which does not exist under section 215?

Mr. DENISON. Under section 215 before the Government can act the parties must have committed their fraud, and the parties upon whom they have committed it must have sustained their loss. Now, this bill prohibits anyone from sending through the mails, or rather it makes it unlawful to send through the mails, any security which can not be lawfully sold in the State into which it is sent. It makes it unlawful to send it into the State. Now, if a person mails it contrary to the law the burden of proof is placed, by this bill, upon the person charged with the offense to come into court and show that the security which he has sent or mailed is lawful within the laws of that State.

Mr. HILL of Maryland. If the gentleman will permit another question.

Mr. DENISON. I will.

Mr. HILL of Maryland. Then, as I understand it, the theory of this bill is very much like the Webb-Kenyon Act.

Mr. DENISON. It is exactly like the Webb-Kenyon Act.

Mr. HILL of Maryland. Which permits the State to prevent the coming through the agency of the United States mails into the State of anything which is prohibited by the State?

Mr. DENISON. Exactly.

Mr. HILL of Maryland. If that is the case it does go, and legitimately, beyond section 215.

Mr. DENISON. The gentleman is right, exactly.

Mr. WILLIAMSON. If the gentleman will yield on the point I inquired of a moment ago—

Mr. DENISON. I will.

Mr. WILLIAMSON. Under the intermediate credits bank act loans can be made upon cattle, for instance, for a period not exceeding three years' time, and can be rediscounted by a Federal reserve bank. It seems to me the paragraph to which I referred will prohibit the transportation of that character of security in the mails.

Mr. DENISON. If the gentleman will just wait until we get to that point of the bill, that will all be made clear. That kind of a security is exempted under another provision of the bill.

Let me say this, gentlemen: This bill has the approval of the State securities officials—that is, the administrative officers of all the States that have "blue sky" laws—and they are very anxious to see this legislation enacted. It has been twice approved by their national conventions. It has the approval of the American Investment Bankers' Association, and it has the approval of the economic committee of the American Bankers' Association. It has been indorsed by the State Bankers' Associations of the States of Missouri and of Pennsylvania and several other States. It has the indorsement and approval of the National Credit Men's Association and various other business organizations of that kind. Letters have been coming in from all over the country appealing to me to hurry up and get this legislation enacted.

Mr. HILL of Maryland. Mr. Chairman, will the gentleman yield?

Mr. DENISON. Yes.

Mr. HILL of Maryland. In order to make clear the distinction between section 15 and the pending bill I would like to ask the gentleman this question: Section 15 is purely a fraud section. It prosecutes only the commission of a fraud as a crime?

Mr. DENISON. Yes.

Mr. HILL of Maryland. The gentleman's proposed bill punishes the use of the mail for the transmission of anything that is prohibited in a State?

Mr. DENISON. By the State law into which it is sent.

Mr. HILL of Maryland. It is not a fraud case?

Mr. DENISON. No.

Mr. HILL of Maryland. If a State shows that in a State stocks of a certain character are issued, or corporations have been putting out stocks of a certain character that are improper, and there was no moral element entering into it, this prohibits the luxury of the United States mail being used for the transmission of that prohibited thing in the State?

Mr. DENISON. Yes. This bill differs from many of the laws that have been passed by Congress in this, that instead of taking away from the States the powers they have heretofore exercised, this bill brings the Federal Government to the aid of the several States by preventing the use of the Federal agencies to violate State laws.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. WINSLOW. I yield to the gentleman one minute more.

The CHAIRMAN. The gentleman from Illinois is recognized for one minute more.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. DENISON. Yes.

Mr. BLANTON. If the gentleman had not exempted New York and Chicago and Baltimore, does he think he would have any chance of passing this bill?

Mr. DENISON. I hope the gentleman will not allow that impression to remain on his mind. I can explain that provision satisfactorily when I reach it.

Mr. BLANTON. Well, they are exempted.

Mr. DENISON. The stock exchange is not itself exempted. But the gentleman is wrong. He misunderstands the bill.

Mr. BLANTON. I have read it pretty closely.

Mr. DENISON. I will explain it when I get to that part of the bill. I have not the time now.

Mr. RAMSEYER rose.

The CHAIRMAN. The gentleman from Iowa is recognized for one hour.

Mr. RAMSEYER. Mr. Chairman, in the consideration of a bill like this, gentlemen must guard themselves against being carried off their feet by fine words and catchy phrases. In the last few years it has been rather popular to be on the side of "blue sky" legislation. Whenever "blue sky" is mentioned the first impulse is to be for any legislation that is proposed without stopping to weigh what is up for consideration or to figure out the consequences. Of course, I am against all "blue sky" transactions and we must enact all legislation necessary to prevent the sale of, and offering for sale of, all fraudulent and worthless securities.

I doubt if many gentlemen here have ever read the bill that is before us for consideration. The gentleman [Mr. DENISON], who preceded me asserts that the intention of the bill is to protect the people against fraudulent and worthless securities. You can scan this bill from the first page to the last and you will not find the words "fraud," "fraudulent," or "worthless" in it. These words are not there and no words are there with meaning akin to them. We have at the present time, and have had for a number of years, one of the most drastic statutes prohibiting the use of the mails for the purpose of perpetrating fraud that can be framed by legislative ingenuity.

For a number of years I have been a member of the Committee on the Post Office and Post Roads of this House. When this bill was up for consideration two years ago my attention was called to it just a few days prior to the second Wednesday that it was up for consideration. I read it carefully. The provisions of the first three sections of the bill appealed to me at the time as making a radical departure from our legislative policy so far as the use of the mails is concerned.

We have a great postal system in this country. That system is controlled and directed by one central authority, and that one authority is located here in Washington. It is the object of the Postal Service to carry communications and intelligence from person to person and from one end of this broad land to the other. This postal system is performing a most useful service. Anyone who desires to use the mails can find out now from the Post Office Department what uses are proper and what uses are improper.

If sections 2 and 3 of this bill are enacted into law, then every State in the Union will be empowered to make postal regulations. Then, instead of having one authority located in Washington to direct this great postal system of ours, we will have the regulations of this central authority at Washington, with such modifications as 48 States may see fit from time to time to impose through their legislatures, regulations of State securities commissions, and as construed from time to time by the State courts. This, to my mind, would cause chaos in the mail service and it is one of the chief causes for my opposition to this bill.

Every honest person and every honest enterprise ought to have the unhampered use of the United States mail service. Every dishonest person and every dishonest enterprise ought to be excluded from the mails, but the laws and regulations governing such exclusion should be uniform throughout the United States. The violations of such exclusion should be enforced

by the one authority, the United States Government. If we enact legislation like this, not only will the mails be regulated by the authority here in Washington, as I have stated, but every State in the Union, through its legislature or through a commission authorized or empowered with wide authority to make regulations, will have the power to regulate the United States mails in so far as the transmission of securities or information concerning such securities are concerned.

Mr. KELLY. Mr. Chairman, will the gentleman yield right there?

Mr. RAMSEYER. Yes.

Mr. KELLY. The State of Pennsylvania, carrying along the gentleman's idea, has a very stringent "blue sky" law. It provides that registration certificates must be secured by dealers at a cost of \$40 per calendar year. Here is a provision in the law:

SEC. 17. If the commissioner at any time has reason to believe any agent or salesman of any dealer has in any way violated, or is violating, or is about to violate, any of the provisions of this act, or has been guilty of any fraud or fraudulent practice, then the commissioner may, after hearing, and having reasonable cause to believe that the agent or salesman has been guilty of such offense, revoke said agent's or salesman's registration.

Now, under this law, suppose the commissioner of Pennsylvania revokes the registration of a man who already has it. What effect will it have under this law if this law is passed?

Mr. RAMSEYER. Then, of course, the company or person would be denied the use of the mail.

Mr. KELLY. But it already had registration and had mail matter out and its registration is revoked.

Mr. RAMSEYER. That presents a different situation on which my off-hand opinion would not be of much value. The hypothetical question the gentleman presents had better be determined by some tribunal.

Let me call your attention to this bill. Sections 2 and 3 of the bill are the sections to which I objected two years ago when this bill was up for consideration. They are the sections which permit the States, through their legislatures or by regulations of their securities commissions, to determine what mail shall not come into such States. Whether the mail so prohibited by the States is in furtherance of a scheme or transaction to defraud is not the yardstick by which the right to send mail into the respective States is measured. A person or a company may have as honorable and honest an enterprise as there is in the world, no misrepresentations are made, and the enterprise may turn out to be a gold mine to every one who invests, and notwithstanding the fact that such an enterprise is organized and conducted honestly and turns out to be profitable, if the mail, in the furtherance of this enterprise, is sent into a State before complying technically with the statutes of that State or the regulations of its securities commission under this bill, the party or parties so using the mail would be liable to a term in the penitentiary, and a fine besides.

Section 4 of the bill arbitrarily proceeds to make numerous exemptions with which the laws of the States and the regulations of their securities commissions can not interfere. Securities, under the exemption provided for in the remainder of the bill, can be sent through the mails into the States even though such securities are in violation of the laws of the States and in violation of the regulations of the securities commissions of the States. The securities thus exempted have the unrestricted use of the mails whether such securities are honest or dishonest.

You will notice that every well-established and big business in the country is exempted. All securities which are quoted on the stock exchange of certain large cities are exempted. Those who traffic in such securities can use the mails to their heart's content, so far as this bill is concerned. All the vested interests of the country and every large and established business are not interfered with whether they perpetrate or undertake to perpetrate fraud on the people or not.

The newspapers are not interfered with; although, I think under section 215 of the Criminal Code, to which I shall refer in a moment, advertisements in newspapers in the furtherance of fraudulent schemes and transactions are prohibited, or rather excluded from the mail. Just what an effect a subsequent law will have, in exempting newspapers from the penalty of carrying advertisements for fraudulent schemes, I do not undertake to say at this moment.

Under paragraph (f) of section 4, the securities listed on the large stock exchanges in cities of over 500,000 population are arbitrarily exempted, and even though they become dishonest and fraudulent, they can not be excluded from the mails under this bill which the gentleman from Illinois [Mr. DENISON] is sponsoring; while on the other hand the little fellow who has not won his spurs and established himself

so that he can get his securities listed on the stock exchange in New York City, and a few other favored cities, is not exempted. It makes no difference how honest he is and how truthful he is in presenting his business to the public through the medium of the United States mails. My contention is, that so long as he is honest he, and every honest man and every honest enterprise, ought to have the right to use the United States mails. Such an honest fellow with such honest enterprise, even though he makes money for everyone who invests with him in such enterprise, becomes liable under this proposed law to a term in the penitentiary if he fails technically to comply with the statutes or regulations of one of the 48 States in the Union.

This is another attempt to multiply offenses and to fill up our prisons. A gentleman of prominence a few days ago remarked to me that it appeared that one-half of the people are trying to send the other one-half to the penitentiary. It is the duty of government to make it easy to do right and difficult to do wrong. This bill does not do that.

Now, I want to stop frauds. I am ready to join, gentlemen, in making our fraud statutes more effective in the prevention of fraud. I want to stop every person from using the mails in the furtherance of dishonest and fraudulent schemes and transactions. However, I am of the opinion that that is being done very effectively under section 215 of the Criminal Code.

The gentleman from Illinois [Mr. DENISON] talks about prevention. The inference he evidently wishes to leave is that under his bill fraud is prevented, while under section 215 there is only punishment after the fraud is perpetrated. I do not get his distinction. This bill, if enacted into law, will do no more to prevent crime than does any criminal statute. Before you can punish anyone under a criminal statute there must be a violation of that statute, and the person so violating the statute must be tried and convicted in the courts. Before you can punish under section 215, or under the provisions of this bill, the violator of the law must be caught, indicted, and tried in the courts. Violators, under section 215, as would also be the case of violators under this bill, would have to be caught just like they have been catching them down in Texas for using the mails to defraud. There are quite a number of prominent citizens—one with a national reputation—who have recently been convicted and sentenced to long terms in the penitentiary for violating the provisions of section 215.

Mr. BLANTON. And you could not convict him until you tried him.

Mr. RAMSEYER. The gentleman is absolutely correct. There must first be a violation and then an apprehension of the violator of the law before trial and conviction can follow.

The idea of this bill had its birth soon after the war. The war created an abnormal psychology. Right after the war we had an abnormal post-war psychology. During the year of 1919 we experienced an orgy of speculation such as was never before witnessed in this country. People knew of many millionaires being made during the war out of war contracts. Prices of all products, including farm products, continued high right after the war. Many people had saved money during the war. After the war those who had not gotten rich during the war thought the time had come for them to get rich also. Every scheme that was presented to the people offering wealth and fabulous profits appealed to them and a whole lot of people bit.

When the bill was up for discussion in the House two years ago the State of Iowa was referred to as one of the States where "blue-sky" sharks had reaped a wonderful harvest, and it was estimated then that during the year 1919 in the State of Iowa there was spent something like \$200,000,000 for fraudulent securities. Since that time an investigation was made through the bankers of Iowa to ascertain what percentage of such securities was sold in that State through the mails and what percentage was sold by so-called high-power salesmen. From the data received from the bankers all over the State it has been estimated that less than 10 per cent of the securities sold in Iowa at the time were sold through the mails. The rest of them were sold through these high-power salesmen, most of whom were imported from outside of Iowa to carry on these sales campaigns. Some of the better-informed bankers of the State estimated that from 95 to 99 per cent of the securities sold in the State during that year were sold by salesmen and not through the mails. Another interesting fact is that most of the securities sold in the State were for concerns organized in Iowa. We had several packing companies started there—fraudulent, of course. We had rubber companies, automobile tire companies, cement fence post companies, and others, right in Iowa, and stocks and securities were sold by salesmen through personal contact with the purchasers, and they were not sold through the mails.

Now, I am wondering too, just what effect the enactment of this bill will have on getting convictions under section 215 of the Criminal Code. My attention was recently called to the Dollings Co., of Ohio. The president and vice president of this company were, a few days ago, convicted in the Federal courts for violation of section 215. This company had secured permits to sell its stocks in the States of Ohio, Indiana, Pennsylvania, and West Virginia, and maybe other States also—I have not learned as to that. Under the Denison bill, that would give them the right to use the mails into those States because this company had complied with the laws of those States.

Another company I wish to call attention to is the Midland Packing Co., of Sioux City, Iowa, organized in 1919. The officials of this company went into the State of South Dakota and got permission from the securities commission of that State to sell its stocks in that State to the extent of \$2,000,000. Under this permit, \$8,000,000 of stock of this company were sold in that State.

I am advised that this company after getting its permit from the State of South Dakota advertised within that State that its stocks had the approval of the State securities commission. There is no question that the fact of having secured this permit induced many persons in the State of South Dakota to invest without careful investigation. Had no such permit been secured, naturally the purchasers in that State would have been more cautious, and the chances are that less stock would have been sold. The Midland Packing Co., of Sioux City, Iowa, turned out, as did the Dollings Co. in Ohio, to be a fraudulent concern. Its officers were likewise indicted under section 215 of the Criminal Code.

Now, suppose the Denison bill had been in effect and the gentlemen of the two companies referred to had been indicted, as they were under section 215 for using the mails for fraudulent purposes. Under the Denison bill they would have had a right to use the mails to sell their stocks in the States referred to. Would their compliance with the provisions of the Denison bill have made them immune against prosecution under the provisions of section 215? I do not contend that it would have done so; I am simply raising the question. However, I am inclined to think, and I think every lawyer will agree with me, that these defendants charged with using the mails for fraudulent purposes could have introduced as evidence in their defense, in order to show good faith and a lack of intention to defraud, the procurement of permits from the securities commissions in the respective States referred to.

Mr. BLACK of New York. What effect has this bill on such a situation?

Mr. RAMSEYER. Well, I am just speculating about the effect of this bill on a situation like that. I am confident that no court would deny the defendant the right to show that he had complied with the laws of the various States into which mail had been sent in compliance with the provisions of the Denison bill. The purpose of section 215 is to prevent the use of the mails for fraudulent purposes. This bill has no such purpose, but simply undertakes to prevent the use of mail for failure to comply with State statutes and regulations. As to the long list of exempted securities, the use of the mail is guaranteed in violation or even in defiance of State statutes and regulations. If a defendant were able to show that his securities were within these general exemptions or that he had complied with State laws and regulations, I think it would go far in overcoming the Government's evidence of guilt in support of an indictment under section 215.

Mr. MORTON D. HULL. Will the gentleman tell us what section 215 is?

Mr. RAMSEYER. I am referring to section 215 of the Criminal Code, which is known as the fraud section of the postal laws. I will read you portions of this section, as I have it here before me, to give you an idea of its provisions:

Whoever, having devised, or intended to devise, any scheme or article to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises . . .

Then it goes on and specifically enumerates a lot of schemes, such as were prevalent in this country 30 or 40 years ago. I omit reading those and read the last portion of the section—shall, for the purpose of executing such scheme or artifice or attempting so to do, place, or cause to be placed, any letter, postal card, package, writing, circular, pamphlet, or advertisement, whether addressed to any person residing within or outside the United States, in any post office, or station thereof, or street, or other letter box of the United States, or authorized depository for mail matter, to be sent or delivered by the post-office establishment of the United States, or shall take or receive any such therefrom, whether mailed within or without the United States, or shall knowingly cause to be delivered by mail, according to the direction thereon or at the place at which

it is directed to be delivered by the person to whom it is addressed, any such letter, postal card, package, writing, circular, pamphlet, or advertisement, shall be fined not more than \$1,000 or imprisoned not more than five years, or both.

Mr. MORTON D. HULL. Let me ask again, Does that give the Postmaster General any right to discriminate with respect to that sort of stuff or does that leave it within the power of the prosecuting attorney?

Mr. RAMSEYER. Section 215 is a criminal statute and defines what is prohibited and provides the penalty. Section 3929 of the Revised Statutes is the fraud order statute. This section authorizes the Postmaster General to issue orders prohibiting the delivery of mail to any person, firm, or corporation found to be using the mail in the furtherance of any fraudulent schemes or for obtaining money under false pretenses, including, of course, the sale of fraudulent and worthless securities. Under such an order the Postmaster General can practically isolate the person or firm against whom the order is made from the rest of the world.

So you see, under existing law, we can not only punish users of the mail for fraudulent purposes but we can prohibit the delivery of mail to such users.

Mr. BLACK of New York. The Postmaster General might do that now on the initiation of proceedings by a State commission?

Mr. RAMSEYER. Certainly; he could if there was fraud.

Mr. MORTON D. HULL. Do you contend that this bill will practically repeal the provisions of section 215?

Mr. RAMSEYER. Oh, no; I do not claim that this bill will repeal them. I simply raise the question that if this bill is enacted into law it will be more difficult to get convictions under section 215, provided the person or persons indicted under section 215 had gotten permits under the provisions of this bill, as I pointed out had been done by the Dollings Co., of Ohio, and the Midland Packing Co., of Sioux City, Iowa. The stocks of both of these concerns afterwards turned out to be worthless and fraudulent.

Mr. DENISON. Will the gentleman yield now?

Mr. RAMSEYER. I will yield for a question.

Mr. DENISON. The gentleman shows by his answer to that question that he wholly misunderstands this bill. Nothing a State official does can affect the right to send worthless securities through the mail.

Mr. RAMSEYER. Maybe the gentleman is the only one who understands his bill. What I did state was that if this bill is enacted into law the defendant indicted under section 215 could show in defense that he went around and got the permission or consent of various State officials for the purpose of showing good faith on his part and rebutting any intent to defraud.

Mr. THATCHER. Will the gentleman yield?

Mr. RAMSEYER. I yield for a question.

Mr. THATCHER. Could not an amendatory proviso be included in this bill to the effect that no action by the State in approving a security which could be mailed would preclude a violation under the fraud section—section 215?

Mr. RAMSEYER. Yes; of course, you could put such an amendment on; but I do not care to take the time to discuss what effect that would have. I am wondering what you would gain by the enactment of this bill that you do not have now to prevent the fraudulent use of the mails. You empower the States to make regulations in sections 2 and 3 with reference to what kind of mail shall go into the States. Then the bill goes on and enumerates a long list of exemptions where the mail can be used in violations of laws and regulations of the States. As I said before, you are very careful to exempt every vested interest—you exempt every big concern—and you exempt the newspapers. You are very careful not to arouse the ire of the newspapers or anybody that might come in here with organized opposition. I want the mails protected against all frauds. Up to date the Government has seen fit to permit the use of the mails to every honest man and woman for every legitimate purpose and enterprise. The Government does not permit the use of the mails for dishonest purposes, for fraudulent purposes, or for immoral purposes; but, outside of that, Congress has not heretofore seen fit to legislate.

Mr. BLANTON. Will the gentleman yield?

Mr. RAMSEYER. In just a moment. Now, the gentleman from Illinois comes in here, five years after the war, with a bill that was born in the aftermath of war hysteria. Right after the war we had numerous bills before committees, and some were reported into this House, to regulate almost everything—to extend the espionage act in peace time, for instance—all of which finally died by the wayside. I claim this bill will accomplish no good. It will introduce an element of confusion in the Postal Service.

Another thing which this bill undertakes to do is to transfer the enforcement of this law from the Post Office Department to

the Attorney General's office, thus necessitating the creation of a force of inspectors in the Attorney General's office or the duplication of what we have now in the Post Office Department. I am advised by officials in the Post Office Department that all cases involving the fraudulent use of the mail are discovered and the evidence collected by the postal inspectors. After the frauds are discovered the evidence is turned over by the inspectors of the Post Office Department to the Attorney General's office for prosecution—that is, it is turned over to the Federal district attorney to be prosecuted in the Federal court having jurisdiction of the crime.

Mr. BLANTON. Will the gentleman yield?

Mr. RAMSEYER. I yield to the gentleman from Texas.

Mr. BLANTON. Section 215 now applies to all fraudulent stock, without exempting any.

Mr. RAMSEYER. I do not believe you could conceive of a fraudulent scheme that is not covered by that section.

Mr. BLANTON. But the Denison bill exempts all fraudulent stock if it happens to be listed on the stock exchange of one of the 15 cities having a population of over 500,000 people; therefore the Denison bill weakens the present section 215 instead of strengthening it.

Mr. RAMSEYER. It is my contention that the enactment of this bill into law will make it more difficult to get convictions under section 215.

The gentleman from Illinois [Mr. DENISON] made a further statement that I do not think he can substantiate. He states that this bill has the approval of the Post Office Department and of the Attorney General's Office. I question that. If he, or somebody else, repeats that statement I shall show, when we get under the five-minute rule, that neither the Post Office Department nor the Department of Justice has approved this bill nor asked for legislation along this line. No official of either of these departments or of the Treasury Department was ever called before the Committee on Interstate Commerce to testify on this bill. I do not want to take more time now, as I promised a number of gentlemen to yield them some time.

Mr. Chairman, how much time have I consumed?

The CHAIRMAN. The gentleman has consumed 28 minutes.

Mr. RAMSEYER. I reserve the balance of my time.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. RAMSEYER having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

S. J. Res. 22. Joint resolution proposing an amendment to the Constitution of the United States fixing the commencement of the terms of President and Vice President and Members of Congress, and fixing the time of the assembling of Congress.

FRAUDULENT SALE OF SECURITIES.

The committee resumed its session.

Mr. DENISON. Mr. Chairman, I yield five minutes to the gentleman from Maryland [Mr. HILL].

Mr. HILL of Maryland. Mr. Chairman and gentlemen of the committee, this bill was very fully discussed in the House in April, 1922. The bill passed the House. At that time a number of questions were asked about the relation of this bill to section 215 of the Penal Code of the United States. I myself asked a number of questions upon a theory that this legislation was not necessary, in view of the existence of section 215.

When the gentleman in charge of this bill [Mr. DENISON] was discussing the bill just now I asked him a question and his answers have convinced me, at least, that the pending bill does not conflict with section 215 of the Penal Code, but that, on the contrary, the pending bill is an entirely different type of legislation. This present bill is to prevent the use of the United States mails and other agencies of interstate commerce for transporting or promoting or procuring the sale of securities contrary to the laws of the States and for other purposes, and providing penalties for the violation thereof. I call attention especially to section 2 of the pending bill, and then I want to comment on section 215 of the Penal Code.

I might say that I myself have been very dubious about whether or not I should vote for this bill, but that I now feel that it is entirely proper and that we ought to pass this, having in view the intent of section 215 of the Penal Code and the intent also of this bill.

Section 2 of the bill provides:

Sec. 2. That it shall be unlawful after the passage of this act for any person at any place in any State, Territory, or District of the United States to deposit in, or cause to be deposited in, or cause to be carried, or delivered by the United States mails, or to deposit with, or cause to be deposited with, or cause to be carried, transported, or de-

livered by any railroad company, express company, or other agency of interstate commerce any security or securities for sale to any person in any other State, Territory, or District of the United States in which it is at that time unlawful to sell, offer for sale, tender for sale or delivery to such person, or solicit from such person, subscriptions to or orders for such security or securities.

It seems to me that, fighting as we should against the enactment of useless legislation, fighting as we should against the improper increase of the sphere of the Department of Justice of the United States, this bill is a sound bill constitutionally and is intended to guarantee to the States their own constitutional rights in preventing the sale of securities which the States deem should not be sold in those States. It is different from section 215 of the Penal Code. Section 215 deals entirely with fraud. This bill deals with the prevention of the sale of prohibited securities. Section 215 deals only with the abuse of the facilities of the mails. This proposed act prevents the shipment in interstate commerce by any means of prohibited securities.

Mr. WILLIAMSON. Mr. Chairman, will the gentleman yield?

Mr. HILL of Maryland. If the gentleman will excuse me, in just a moment.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. DENISON. I yield two more minutes to the gentleman from Maryland.

Mr. HILL of Maryland. On page 7 of the report is the statement that this act has for a precedent the Webb-Kenyon Act, passed in the Sixty-fourth Congress, and then quotes the Webb-Kenyon Act. I do not think there is any Member of this House who has fought more consistently than I against what is popularly known as prohibition, or the constitutional theory underlying the eighteenth amendment, but I desire to say that the Webb-Kenyon Act, in my opinion, was absolutely a proper act, guaranteeing to the States the protection of their own laws. It happens that it was upon the result of my advice that the case was brought, which finally went to the Supreme Court, in which the constitutionality of the Webb-Kenyon Act was established.

A distillery in the State of Maryland offered for shipment to the Western Maryland Railroad Co. and the American Express Co. certain liquors, to be shipped into West Virginia. The laws of West Virginia prevented the sale or the importation of such liquors, and according to the proper theory of the Constitution, as expressed in the Webb-Kenyon Act, they had no business being sent in. I advised the American Express Co., my client, not to ship those liquors into West Virginia. It was sued in mandamus proceedings to require it to take the liquor in shipment, and on my advice the express company refused to do it.

The case finally went to the Supreme Court, and on those two cases—the Western Maryland Railroad case and the American Express Co.'s case—the constitutionality of the Webb-Kenyon Act was established.

The Webb-Kenyon Act and this act stand on all fours from the point of view of State rights. Under the Constitution, if a State wants to prohibit within its own borders the sale of any kind of securities it ought to have the right to do it, and another State ought not to have the right to permit its citizens to violate the law of that other State. It is the primary duty of the United States in its Federal capacity to protect the proper functioning of the laws of the individual States from interference by citizens of other States, and so I submit to you that this bill is not in conflict with section 215 of the Penal Code and will afford additional protection to the American people.

The improper functions of the Federal Government should not be extended, but the legitimate power of the Federal Government, those powers for which the Union was formed, should be strengthened whenever there is a need of added protection. [Applause.]

The provision of this bill is not a fraud provision; it is an entirely different thing. It is intended to permit individual States to enforce their own laws without being subject to violations of those laws through the agencies of interstate commerce which are primarily under the Federal Government. I am against the theory of the eighteenth amendment because it takes away the power of the States on purely local police matters. I am for the Webb-Kenyon Act and for the pending bill because they both protect the individual States in the exercise of the police powers reserved to them by the Constitution itself. I hope the bill will pass. [Applause.]

The CHAIRMAN. The time of the gentleman has again expired.

Mr. RAMSEYER. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. HUDSPETH].

Mr. HUDSPETH. Mr. Chairman and gentlemen of the committee. I know very little about this measure, the so-called "blue sky bill," except what I have read since the committee convened; and if it is intended to cooperate with the States in assisting in enforcing the "blue sky laws" which are now on the statute books of the various States, then I am certainly in favor of it.

I recall that my State a number of years ago was overrun by a bunch of fictitious security and stock corporation pirates fleeing its good citizenship, and we passed a very stringent act while I was a member of our State legislature known as "the blue sky law" of Texas.

The matter, Mr. Chairman and gentlemen, to which I wish to direct the attention of the committee has reference to the cattle situation throughout the country to-day. The wheat farmer has come to Congress and has asked for legislation; the President has recommended certain legislation; and relief legislation is now pending in both branches of Congress that is stated by some will stimulate the price of wheat. It is common knowledge of every person who reads and keeps up with present and past events that during the war the cattle raisers of the West, the Northwest, and the Southwest more especially, but, in fact, all over the United States, were urged to increase their herds, so that we could supply our armies with beef that was needed, and was thought might be needed, no one knew how long, to aid our soldiers in winning the war. I do not think there was a single cattle raiser who did not promptly, cheerfully, and patriotically respond to the Government's request.

Then we find in the fall of 1918, notwithstanding the heavy drafts upon the industry to feed our Armies and to a material extent aid in feeding the armies of our allies, that our herds were increased during the war over 3,000,000 head by countless days at home and the extraordinary efforts put forth by our cattlemen to comply with the request and desire of our Government until, gentlemen, when the war closed in 1919, there were in the United States, in round numbers, 68,500,000 cattle. We find that they have been decreasing each year since that time until on January 1, 1924, the number of cattle in the United States was 66,801,000, a decrease of nearly 2,000,000. Now, of course there is reason for this abnormal decrease since the close of the war, and here is the reason according to my view:

At the beginning of the World War and even before our country became involved the price of cattle mounted sky-high; certain banks and loan companies throughout this country sent out representatives soliciting loans from the cattlemen, and branch loan companies were established in the heart of the cattle-raising section. Some of these banks and loan companies loaned on the full value of cattle purchased, and, gentlemen, they even went further and furnished money to the borrower in many instances to pay for ranges upon which the purchased cattle were to be grazed. They said to the cattlemen, "Boys, go to it. We will see you through. We will stay with you." Everything was rosy then. Cattle were \$50 and \$75 per head. These would be benefactors and pretended friends of the cowmen were getting their 8 and 10 per cent interest, and everything was moving as merrily as a wedding bell, and "the goose was hanging exceeding high." Well, the cattleman did his part to win the war. He went wherever he could find a cow for sale and purchased it at inflated war prices and sold his beef to his Government at a price fixed by that Government. He did not lose any money then, I grant you, but he had many of those high-priced cattle on hand in his herds when the war closed, and here begins the sad part of the story.

At the close of the war, under free meats, England and other countries immediately flooded this country with shipload after shipload of frozen beef and mutton—millions of pounds that had been hoarded by those countries for war purposes—and we had no tariff to keep it out. Nor was that all. Soon our Government inaugurated its policy of deflation, through its various Federal reserve banks. We were told that loans on inflated values must be curtailed, no more money for legitimate speculation, and almost immediately trading in cattle on the range ceased. To go to the packers was the only market. Cattle dropped from \$50 and \$75 per head to far below the cost of production almost overnight. Then our philanthropic banks and loan companies, that had been so generous with their loans heretofore, stepped in and said:

"Mr. Cowman, we want our money, and you must dig it up instantly."

Oh, of course there were some exceptions. I know some banks that had a drop or two of the milk that makes all mankind akin

left in the arteries of their corporations, and did not call their loans. But the great majority did. The result was the forcing on the market, at a time when said markets were glutted with foreign meats, thousands of the choicest of our breeding herds, at the greatest sacrifice in prices known in the history of the business.

Now we in Congress, seeing this disaster confronting the farmer and the livestock producer, endeavored to check this and relieve the situation. Various bills extending relief were introduced. I introduced one myself, extending long-time loans on both agriculture and livestock, through governmental agencies already established. The Government during the war, and for its entire period, had established the War Finance Corporation to aid agriculture and livestock. This the Congress revived and put to functioning again. This granted some relief. Many local banks that were honestly doing their part to carry the cattleman and the sheep grower were greatly aided, but this institution could only rediscount paper for chartered banks and loan companies, and for a period of six months. This was not long enough to enable the cattleman to reproduce his herds. It was seen he must have from one to three years.

Accordingly, patriotic and profound thinking men got together in Congress and formulated and passed, during the Sixty-seventh Congress, over a year ago, what is known as the act creating the credit corporation and the intermediate credit banks, the latter banks, 12 in number, in different districts throughout the United States, each with a capital stock furnished by Government funds of \$5,000,000. Livestock loans with these banks, made originally with a local bank or duly authorized loan company, can be rediscounted for from one to three years. Now, some of these banks have functioned fairly well and given a measure of relief, and some have not functioned so well, neither have they given the relief to the livestock producer that they could have given, in my judgment, with safety and in conformity with the intention of Congress. Still these banks and loan companies that made loans on cattle during the war—and, as I stated in the beginning, many solicited livestock loans—continued to enforce liquidation and have forced many cowmen, experienced ones, and the best citizens that ever made an imprint on God's footstool, on the rocks of bankruptcy.

My judgment was, and I voiced it frequently in public addresses, that if these companies would give the cattle borrower a year or two longer to recover from the after effects of the war and the deflation period, he would pay them every cent he owed and have something left from a life's toil for himself and cherished ones. Many others who have studied financial and economic problems and knew the history and business of cattle production gave utterance to the same sentiment.

But no! The leeches, or many of them, continued to suck the lifeblood from this chief artery of our economic life. During the entire year liquidation was continued to be enforced, and thousands of our prime-producing herds went to the slaughterhouses; breeding cattle that it had taken almost a lifetime to breed to the highest stage went across the block at a price (selling as canners in many instances, as, on account of impoverished condition of the range, they were really unsuitable for human food, but the Shylocks said they must go) that would hardly buy the salt the animals had eaten and pay the taxes levied upon said animals. Now, I want to insert right here, as a part of my remarks, a letter from a reputable gentleman, who has been the efficient and honored secretary of the Texas & Southwestern Cattle Raisers' Association for many years:

TEXAS & SOUTHWESTERN CATTLE RAISERS' ASSOCIATION,
Fort Worth, Tex., February 28, 1924.

Hon. C. B. HUDSPETH,

House of Representatives, Washington, D. C.

DEAR SIR: It has been reported to us that some of the loan companies owned by the packing interests are calling loans on cows and contemplating calling all of them and forcing these cows to be shipped on the market. We are in possession of definite information about one cattle loan company, in which some of the packing interests are interested, calling some cow loans and ordering them shipped to market.

We made an investigation to determine whether or not the information we had gotten regarding this company was correct and found that it unquestionably was. This might indicate that all of such loan companies were contemplating the adoption of such policy. If not all of them, at least a part of them.

The members who have talked to me regarding the matter consider it a very serious one, in view of the fact that the loan companies holding the mortgages on these cows are owned by the packers, and if they are shipped on the market, it will, of course, cause heavy runs of cows to the market and a consequential decline in prices, and the packers will be able to buy them at a low figure, and will therefore

be in position to, on the buying in and handling of the meat, make up any loss which might occur through the loan which they have on them.

It is useless for me to state to you that the value of a good cow is not what she would bring on the market for beef but should really be considered from her ability to produce. Loan companies have placed a value on cows, however, which was based on their beef value, notwithstanding the fact that their true value should be based on their production ability. Some men engaged in the cattle business will have an opportunity to recover from the losses which they have suffered and get in financial shape again if they are allowed to continue to operate their breeding ranches. If, however, they are forced to ship their cows this opportunity will be gone. As stated above, it is useless for me to go over all of this with you, as you are as familiar with it as anyone.

If the packing loan companies are contemplating such a move as indicated above, then we feel that something should be done to try to stop it. We are laying the situation before you, and if there is anything you can do there which you think might be helpful at this time, you can use the information given for such purpose as you may see fit.

Yours, very truly,

E. B. SPILLER, Secretary.

Now, I placed that letter before Hon. Fred Starek, one of the directors of the War Finance Corporation. He has at all times been in full sympathy with the serious predicament of the cattleman and has gone as far as the law would permit to extend relief—likewise has Mr. Mondell, who was once an honored Member of this House, and other members of the War Finance. Mr. Starek had me wire Secretary Spiller to give names of banks and loan companies forcing liquidation of cattle paper. I did so, and Mr. Spiller immediately sent me a telegram which I have in my hand, giving names of five banks and loan companies that were foreclosing on cowmen, but it was found upon investigation that the War Finance was not rediscounting any paper for these certain banks, therefore could not checkmate them. But the War Finance was incensed that this was being done. This agency, the War Finance, is not enforcing liquidation, but is extending loans and giving the cowman every chance it is permitted to give under the law.

And I say to you, my colleagues, it is my honest belief, based upon an intimate knowledge of the situation, that the cowman will pay out if given a year or two longer. To-day we have the finest range conditions in Texas, and I understand throughout New Mexico and Arizona, that have been known in 20 years. Cattle are assured of getting fat by early summer. Cattle have advanced materially in the last three months on the markets, and from press reports from western Texas that come to me, I see that cattle, since the 1st of January on the range are selling from \$8 to \$10 a head higher than one year ago. And where there was no demand last year, there is now quite a lot changing hands and the demand is active.

But notwithstanding this marked advance and unusual range outlook, Mr. Spiller says these "ice water" institutions are still "putting the thumbscrews" to the poor cowman and are not even willing to give him a "fighting chance." And my colleagues, I am further informed they are using some Government money in these hellish practices. I was informed by reliable cowmen when I was at home last fall that loan companies that had solicited loans in the heyday of high prices were closing out cattlemen—fixing a price of \$15 and \$16 on good cattle—only crediting the poor fellow with that amount on his note—taking every hoof he owned, leaving a large balance due, refusing to give him his paper back, but holding a judgment through life for the balance against the poor borrower, setting him and his family out in the prairie without anything, and then this loan company would turn these cattle over to a member of its company—a stool pigeon, so to speak—who would claim to have bought the cattle; and this stool pigeon would go to the Intermediate Credit Bank, a Government agency created to help the stockman, and borrow money from the credit bank on the same cattle taken from the original owner at a value of \$15 per head, on a loan value from the Government bank at \$25 and \$30 a head, the cattle upon which the money was borrowed from the Intermediate Credit bank in reality being the property of the loan company.

Ah, I know some one will say that could not be, the intermediate credit bank can not loan to an individual. I understand that. But this company would loan its stool pigeon the money at the fictitious valuation, or, to make it plain, at a valuation of from \$10 to \$15 per head more than they allowed the poor cowman when they closed him out and ostensibly take his note, then rediscount this paper with the intermediate credit bank. I do not make the statement that the officers of the intermediate credit bank are cognizant of these under-

handed and rascally transactions on the part of these loan companies. And I am further informed if this is being done—and I am reliably informed that it is—that our Government will not countenance these iniquitous practices, and will, when due, call money made under such transactions. I say to you gentlemen these Government agencies were created to assist the livestock producer, not to be made agencies to oppress and take advantage of his misfortunes. I shall certainly exert myself to see that not a dollar of Government money goes to a bank or loan company that indulges in these low and contemptible practices. And I can see by your expressions that this House gives me its approval.

Mr. COLTON. Will the gentleman yield?

Mr. HUDSPETH. I will.

Mr. COLTON. I understand that the Government has no way of correcting that evil unless the corporation has money from the finance corporation?

Mr. HUDSPETH. That is right; either the finance corporation or credits bank; and I say to the Congress, and I want to state to the gentleman from Utah, who represents a livestock section, that Mr. Mondell, of the War Finance, is not calling any loans made to the cattlemen. Mr. Starek, the Texas and southwestern director of said corporation, is not calling loans; neither, if I am fully apprised of their attitude, are they sanctioning the liquidation process at this time, but we find these loaning companies forcing liquidation at a time when the cattleman now has a chance to recoup his losses by virtue of the recent rise in values. I say that I am informed that these loan companies and banks, which solicited loans from the cowman, in many instances, are now using the Government agency after said companies force liquidation of the cattlemen, taking the cattle at a very low value, then going and borrowing almost double from the intermediate credit bank, thereby defrauding the cattleman and imposing on our Government.

Mr. WHITE of Kansas. Will the gentleman yield?

Mr. HUDSPETH. I will gladly yield to my friend from Kansas.

Mr. WHITE of Kansas. I believe the gentleman speaks with knowledge of the subject of these cattle raisers. Does not the gentleman believe if these severe measures of liquidation could be relaxed that the cattle business at this time would present a splendid opportunity for improvement?

Mr. HUDSPETH. Beyond question. I will say to my friend from Kansas, who is also a cattleman and has aided the livestock producer and farmer in every way he could since his membership in this House, and is recognized at all times as their friend, and is a valuable Member here, that if the cattleman is given a little longer lease on his financial obligations, with range assured for this year and prices at the markets and on the range advancing, with Government agencies ready to extend his paper, if the private banks and loan companies would do likewise—do as well by him as the Government agencies are doing—inside of 12 months you would see a marked impetus to the business, and the cattle raiser would be back in the neighborhood of where he was when the financial cyclone hit him.

Mr. BOX. Mr. Chairman, will my colleague yield?

Mr. HUDSPETH. Certainly.

Mr. BOX. Has my colleague any plan to submit by which this situation can be remedied?

Mr. HUDSPETH. I will say to the gentleman from Texas that the largest livestock organization in the world is meeting near his district to-day, in Houston, Tex., the Texas and Southwestern Cattle Raisers' Association. They are studying this question with serious mien. There are as able men in that organization as we have in any department of this Government or in either branch of Congress. A man who was president of that association for many years lives in my home town of El Paso, a large cattleman, a broad, liberal, public-spirited philanthropic man. He made a great president of the association and is fully qualified to occupy the Executive Mansion at the other end of this Avenue, to be Chief Executive of this Nation. These men, I am sure, will evolve a plan to stop it. In the meantime, I will say to the gentleman, I am working with the War Finance and other governmental agencies to stop these banks and loan companies from oppressing my people; at least they will not be permitted to do it with Government money.

Mr. BLANTON. And they have been doing it with Government money.

Mr. HUDSPETH. Yes; with Government money. I voted for the war finance revival and the creation of the intermediate credit banks, with a view of helping a class of men who have fostered me with financial aid in times long gone by and backed me in every political ambition that I have set my heart upon.

Mr. COLTON. Mr. Chairman, will the gentleman yield?

Mr. HUDSPETH. Yes.

Mr. COLTON. I understood it was done by corporations who had paid the Government.

Mr. HUDSPETH. That may be true in some instances, but they are now investigating down there in the Treasury Building, and it is my impression it will be a sorry day for the bank or loan company that is calling its loans at this time and squeezing the life out of our cattle people if it is found that such institution is rediscounting with the Government agencies. I have not taken this matter up with my friend Colonel Crisinger, governor of the Federal reserve, but I am going to do so at once, and we may find a check there. These banks and loan companies practicing the squeezing-out process are evidently rediscounting with some governmental agency. I will say to my friend from Utah—

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. HUDSPETH. Mr. Chairman, will the gentleman yield me two or three minutes more?

Mr. RAMSEYER. I am sorry—I have all my time promised.

Mr. BLANTON. I will yield to the gentleman two minutes of my time.

Mr. HUDSPETH. I thank the gentleman from Texas.

The CHAIRMAN. The gentleman from Texas is recognized for two minutes more.

Mr. WHITE of Kansas. Mr. Chairman, does not the gentleman confidently believe that the cattle industry will follow along the line of improvement that he has seen in the sheep industry in this country?

Mr. HUDSPETH. Oh, I would not say to my friend from Kansas that it would be as marked as the come back of the sheepman, because the sheep industry since the enactment of the emergency tariff is in a very prosperous condition throughout the West, with the greatest season in the way of rainfall and the largest natural forage crop they have ever known in that country, with the ewes bringing twins and the nannie goats bringing triplets, and all that sort of thing. There never was such a prosperous condition, with 40-cent wool and 80-cent mohair. [Laughter.]

Of course, we can not hope that the cattleman will come back as quickly as the sheepman has. But give him time. He does not lack energy or valuable experience. As surely as the God of Heaven watches over and protects him, he will come back. Now, I will not attempt to go into the tariff at this time. I think everyone is familiar with my views on the tariff, anyhow. But that is the sheepman's outlook now.

Now, gentlemen, for the benefit of some of you who are not familiar with these people, the greatest on this earth, let me briefly in the time allotted me give you a short verbal picture of this noble band, the trail blazers and the pathfinders of civilization. In both ancient and modern history you will find that the man with his herds has always been the forerunner of civilization and the builder of nations. This has been so since the dawn of time. In the days when the tomahawk of our once great adversary, the red man, was brandished and flashed in the sunlight of the western prairies and the crack of his rifle disturbed the stillness of the mountain fastness, the pioneer took his small flock and established his humble home out there, and when he placed the adobe bricks together to build that unpretentious cottage, the sunshine of love of Nation and of State, and the reverence of that flag, shone upon that mortar and permeated the dirt floor and the thatched roof, and not one ignoble sentiment of dissension or division found lodgment therein.

The noble, self-sacrificing wife, his companion, taught her sons to glorify that flag and if necessary die beneath its folds in defense of the cherished institutions of this great Government. The daughters likewise were reared to reverence the God of Heaven and to cherish the free institutions of this great Government. Not a bolshevik or a socialist, gentlemen, have I ever known among them.

I do not believe a germ of either class can survive for a day in the atmosphere of this splendid people. They have played their part in the moral and intellectual development of this country, and played that part well. They have contributed liberally of their hard-earned dollars, earned in the heat and the cold, and in the sleet and the rain, earned around the night herds on the trail when the thermometer flirted with zero, earned when they rode their plunging broncos at the head of stampeding herds, when, through chattering teeth, they sang the weird song of the cowboy to quell them in their dashing and mad stampedes, to the building of churches, schools, charitable institutions, and to benevolence. In prosperity they established comfortable homes, supplied with the latest periodicals, magazines, and current literature. But

to-day many of those ranch homes show the imprint of hard times and financial depression. The paper may be worn frazzled inside, and outside the paint may be scaling from the walls, but there is a cheerful air and a neat and cleanly appearance within that home.

My friends, the cowman is the most optimistic creature on earth. You may bend him in every direction, but he seldom breaks, or, to use the vernacular of that section, "loses his grip." Under his broad-brimmed Stetson hat he whistles. He whistles "Dixie" as he rides away in the morning. And about her daily affairs his helpmeet, under the sunbonnet, sings "How firm a foundation, ye saints of the Lord, is laid for your faith in His excellent word," although at that moment the very roof may be sagging from the weight of a mortgage due in 30 days, and no visible means of meeting it.

Now, gentlemen, the lamented President Harding said about two years ago that the cattle industry had gotten beyond local lines and had become a national issue, and that a condition created during the war must be remedied. Suppose, gentlemen, these leeches on the body financial squeeze the cowman out, and he is driven out of a business which he has made a lifetime study—he knows no other—he understands the climatic conditions, and has weathered the storms and the droughts for 50 years. Whom are you going to put in his place? Will any of you "tenderfeet" over on that side from the effete East and New England be competent to respond? I would hesitate to give you a certificate of success.

Now, gentlemen, he is not here asking for any Government gratuities; he is not here with his organization, as the wheat farmer and other farm organizations are here represented. He has not the money to come here if his time could be spared from his business. He is looking to you and me to represent him—to stay for a year or two longer, if we may under our laws and governmental agencies, the hand that is now, when daylight is fairly breaking for the cowman, taking its pound of flesh. And he will be back where his country found him when he cheerfully responded to his country's call when we entered the world conflict.

I thank you. [Applause.]

Mr. RAMSEYER. Mr. Chairman, I yield eight minutes to the gentleman from Texas [Mr. BLANTON].

The CHAIRMAN. The gentleman from Texas is recognized for eight minutes.

Mr. BLANTON. Mr. Chairman and gentlemen, this is a more important bill than the committee seems to consider it. I want to call your attention to subsection (f) on page 5 of this bill, which exempts the following from the provisions of the bill:

Securities which at the time of the sale or offer for sale thereof are issued, outstanding, and fully listed by any organized stock exchange having an established meeting place in a city of over 500,000 population, etc.

I am for a proper "blue sky" law such as this if it applied to all fraudulent stocks in existence wherever manipulated, and if it did not make fish of one and flesh of another. But why should we exempt the fraudulent stocks issued when listed on the big exchanges in 15 of the biggest cities of the United States?

Mr. MORTON D. HULL. How many are there of that kind listed on the stock exchanges?

Mr. BLANTON. There are lots of them. I can show you whole pages of stocks listed to-day on the New York Stock Exchange, some listed as low as 2 cents on a dollar, and some of them are practically worthless. Why? Because there is nothing behind them. Let me give you some of the New York Stock Exchange quotations as published to-day in the New York American on page 20. Here is the General Electric that is listed at 221; but here is the American Chemical at 114. Here is the American La France listed at 11. Here is the American Linseed Oil at 17. Here is the American Zinc at 84. And I could continue on indefinitely. Many of these stocks are so watered they are practically of no value. Some of them are fraudulent.

Mr. LaGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. In a minute. The gentleman from New York has his own time. I want to discuss the vices in this bill.

Mr. LaGUARDIA. I want to get the gentleman straight.

Mr. BLANTON. I am straight already. I am trying to get this bill straight. It is the crooked paths in the gentleman's metropolitan exchange on Wall Street that I am trying to straighten out. I happen to have about 200 business men scattered over my district who have been dabbling around on the gentleman's New York exchange, hedging, and not long

ago they were robbed there and each lost considerable money, 200 of them at least.

Mr. WOODRUFF. Fleeced?

Mr. BLANTON. Yes; they were fleeced on the New York Stock Exchange. They were fleeced just as badly as the men who have been buying fraudulent oil stocks over the country. I want to protect the innocent stock buyers of this Nation from all fraudulent stock sales. There are stocks sold on these exchanges, regularly listed, that are just as fraudulent as any of the stocks that you are seeking to prohibit in this bill. If you are going to have any exemptions for the 15 cities with over 500,000 population, why not exempt all? You are exempting the 15 big cities of the United States simply because they have a population of over 500,000. If you leave subsection (f) in this bill, I am against it. Why not make it applicable to all, I ask my colleagues?

Mr. McKEOWN. Mr. Chairman, will the gentleman yield there?

Mr. BLANTON. Yes.

Mr. McKEOWN. I just want to ask the gentleman whether leaving that provision in this bill would give an advantage to the large concerns?

Mr. BLANTON. Why, certainly it would. It would create them a monopoly. And do you know why they left them in there? Why, my friend from Illinois [Mr. DENISON] knows that he could not pass this bill at all if he had not exempted these big stock exchanges. He would have had the entire New York delegation here this morning instead of a few of them on the floor fighting for the privileges of their city. You would have had the entire Chicago delegation here, and you would have had the entire Philadelphia and Baltimore delegations here, in addition to our active friend from Maryland [Mr. HILL]. You would have had them all here fighting the bill if you had not exempted them.

Now, why should we exempt them? I want to call your attention to a very important question: Section 215, which is just as strong a fraud section as legal ability can write, is already the law, and under it men of national prominence recently have been sent to the penitentiary.

If you pass this Denison bill you are going to repeal section 215 and make it no longer the law of this country. Are you willing to do that? Are you willing to repeal section 215 so far as the listed stocks are concerned which are listed on the exchanges of 15 of the largest cities of the United States? I am not in favor of it. I am in favor of keeping section 215 intact to protect the people against fraudulent stock sales generally all over the country.

Mr. LEAVITT. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. LEAVITT. Under section (f) who will decide what securities can be listed on these stock exchanges?

Mr. BLANTON. The stock exchanges, themselves, of course.

Mr. LEAVITT. Are those stock exchanges made up of men who are interested in speculation as to those stocks?

Mr. BLANTON. Well, they are men who sometimes go there millionaires and leave paupers; they are men who sometimes come there poor and leave rich; they are cold-blooded men who will sometimes sell these worthless stocks to unsuspecting victims and make them paupers, and not a tear is shed over the transaction.

Mr. LEAVITT. Does this mean that groups of men in only 15 cities can decide what can be put into the United States mail?

Mr. BLANTON. That is exactly what it means. It means that these 15 stock exchanges in 15 big cities of the land shall tell us what stocks may be listed and what stocks shall go through the United States mail and no other stocks. They must pass their O. K. before they can be sold or sent through the mail. And I am not in favor of it. If my colleagues want to let such a bill go through, all right, but it is not going through with my vote. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. DENISON. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. LaGUARDIA]. [Applause.]

The CHAIRMAN. The gentleman from New York is recognized for five minutes.

Mr. LaGUARDIA. Mr. Chairman, if I believed for one moment that this bill would repeal section 215 of the postal law, I would not be for it, but I want to say to my colleague on the Post Office Committee, the gentleman from Iowa [Mr. RAMSEYER], who is one of the best authorities in the country on the postal laws, that I can not follow him in this instance.

Mr. RAMSEYER. Will the gentleman yield?

Mr. LaGUARDIA. Yes.

Mr. RAMSEYER. I never intimated it would repeal section 215. The gentleman caught that phrase from the gentleman from Texas,

Mr. LaGUARDIA. But the gentleman stated it would conflict.

Mr. RAMSEYER. I expressed the fear that it might interfere with convictions under that section.

Mr. LaGUARDIA. Exactly; and let us see whether that fear is justified. Section 215 prohibits the use of the mail for fraudulent purposes. In order to obtain a conviction under section 215 it is necessary to prove every element constituting fraud under the old common-law count. This law, as I understand it, supplements section 215, and in order to establish a violation of the law under consideration it is only necessary to prove that a certificate of stock was mailed to a State where such certificate could not be sold. In other words, in order to obtain a conviction under section 215 of the postal laws you must prove misrepresentation, the representation of a fact known to be false, with intent to defraud. For instance, suppose a company was incorporated under the laws of the State of Delaware for \$1,000,000, and it was so carefully worded that the purpose of the corporation was to go down into Texas or Oklahoma to look for oil, and that the money was to be devoted to prospecting and searching for oil, leaving the impression and belief that the company already had valuable oil holdings. You could not get a conviction under section 215. But if the stock of such a corporation were sold in a State which had a blue sky law and required a certain amount of capital paid in, and prescribed the rules under which the stock could be sold, while now you could not obtain a conviction under section 215, but it would be a violation of the provisions of this bill and you could get a conviction.

Mr. RAMSEYER. The gentleman does not associate section 215 with this bill correctly. Under section 215 you must prove fraud or intent to defraud in the use of the mail.

Mr. LaGUARDIA. Yes.

Mr. RAMSEYER. Now, suppose a defendant should claim he had complied with these various laws—

Mr. LaGUARDIA. I hope the gentleman will not take too much of my time unless he can give me more time.

Mr. RAMSEYER. I regret I can not, but could not a defendant claim good faith in an attempt to rebut the charge of intent to defraud?

Mr. LaGUARDIA. To the contrary, we have cases of the sale of stock throughout this country where you could not convict under section 215 because there are no misrepresentations made; the story is told in carefully worded prospectus and advertisements, while under this bill if a stock could not be sold in any State under its law you could not mail it to that State. I think that is the very purpose of the bill, so, as I see it, this is a step in the right direction.

Mr. DENISON. Will the gentleman yield?

Mr. LaGUARDIA. Yes.

Mr. DENISON. The purpose of this bill may be briefly stated to be this: If a State passes a law, under which a certain stock or security is unlawful in that State, so that the citizens of that State can not sell it in that State, then the people on the outside of that State ought not to be allowed to sell it in that State.

Mr. LaGUARDIA. Regardless of whether there is misrepresentation or not. It goes to the very foundation and formation of the corporation back of the stock.

Mr. RAMSEYER. It is not a question of whether it is unlawful or not; it is a question of whether the company having the stock for sale went to that State and got a permit.

Mr. LaGUARDIA. But if you had a blue sky law, you could not get a permit there.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. RAMSEYER. Mr. Chairman, I yield five minutes to the gentleman from Utah [Mr. COLTON].

Mr. COLTON. Mr. Chairman and gentlemen of the committee, the proponents of this measure have talked entirely concerning fraudulent stocks. I do not find the word "fraudulent" used in this bill. I want to invite your attention to perfectly legitimate transactions as they would come under the provisions of this bill. Suppose a concern is a perfectly legitimate, honest concern. If it is listed on the stock exchange of a city having less than 500,000 people, it must go into every State where it desires to do business, and at considerable expense in many of the States, obtain the right to do business there. If it is perfectly honest, it must still go to a very great expense to do business in such a State and comply with its laws because the regulations of the States apply to honest concerns as well as to dishonest concerns. Therefore, you will see the disadvantage to which a business listed on a stock exchange in a city of less than 500,000 people is placed when it is doing business in competition with a concern that is listed on a stock exchange in a city having over 500,000. The small ex-

change is also discriminated against. The result will be a monopoly or at least the driving into the large cities of all the business that is now being done in the smaller cities unless subdivision (f) on page 5 be stricken out. I resent the inference that the stock exchanges in the smaller cities are dishonest. There are just as honest, just as reliable, just as capable, and just as efficient stock exchanges in cities having less than 500,000 people as there are in cities having more than 500,000.

Mr. McKEOWN. Will the gentleman yield?

Mr. COLTON. I yield to the gentleman.

Mr. McKEOWN. Under this bill the large companies will be permitted to absolutely put out of business the small fellow who is trying to start up.

Mr. COLTON. Oh, yes; it protects the larger concerns that are now established or that may hereafter be established if it is listed on the large stock exchanges, and all other honest concerns that are limited in means must either go to these large cities and list their stocks or else go to the expense of going into every State in the Union and complying with their laws; and I say to you that in many cases it does require considerable expense. I am not talking of the dishonest or fraudulent concerns, but of perfectly honest companies.

I would be in favor of this bill if it protected the public against fraudulent schemes, but I do not think it does. I am saying it places at a great disadvantage all of the smaller stock exchanges, and particularly those that are starting out with perfectly legitimate enterprises. I expect, if no one else does, at the proper time to move to strike out paragraph (f) on page 5. It seems to me, gentlemen, that section is a protection to the large stock exchanges.

I happen to come from a State that for more than 25 years has had a perfectly legitimate mining exchange, and now they must go into every State in the Union and get these permits, because they do business by mail in practically every State and they do an honest business. There may be an element of speculation in their business, but they are attempting and seeking to do an honest, legitimate business, even though it has the element of speculation in it. If they continue in business, they must go to this expense to which I have referred, and go into every State in the Union and qualify. They will practically be forced to compete with stock exchanges that are taken out entirely from the provisions of this bill, and I am against it because I believe it discriminates against the small concern in favor of the large concern.

Mr. RAMSEYER. Mr. Chairman, I yield the balance of my time to the gentleman from Utah [Mr. LEATHERWOOD].

Mr. LEATHERWOOD. Mr. Chairman and gentlemen of the committee, I am opposed to this particular piece of legislation. There was a pretty good crop of suckers last year, and you may enact this particular bill and a dozen more like it, and I will guarantee that the crop of suckers next year will be quite bountiful. I hold no brief for those who seek to transact business unlawfully or to defraud their fellow men.

I want to speak for a minute or two about the effect of this bill upon one of the great industries of my State. I hail from a State where the principal industry of the State is precious-metal mining, and many of the great fortunes of the East came from the mines of my State. Some poor fellow out there, with hope and with courage, takes a flour sack full of grub and a miner's pick and goes out into the mountains. He finds what he believes to be promising ground. He exhausts his resources and then organizes a little company to go ahead and get the means to develop the property, and yet by this bill you are going to strike a blow at that great industry in my State. They are not fraudulent, and most of these mines that have started in that humble fashion could not have qualified, until the lucky day when the strike was made, upon any of the stock exchanges of the country. The average man who buys such stock buys it simply with faith that there may be development in that particular place; and to deny a prospector, as you will by this bill, the opportunity to sell stock through the mail in what we term mining prospects out in that great mining country is to strike a blow at a great industry.

I join with my colleague in another protest, and that is that you are permitting here the transmission through the mails of the United States of securities listed upon a few favored stock exchanges and branding every other character and variety of stock with suspicion. In other words, this bill would raise a suspicion against any stock that might be handled upon the stock exchange in my city; but if it should be so fortunate as to be listed upon the stock exchange in the great city of New York or in Chicago, you tentatively say that one may rely upon that with a considerable degree of security.

Gentlemen, if I were dealing in personal reminiscences, I think I could convince all of you that one could lose his money just as readily and easily upon the Chicago Stock Exchange or

upon the New York Stock Exchange as one can lose it in helping some poor miner with a grubstake out in my country, taking stock as payment for the grubstake, perhaps sent to him through the mail. Many of the men now in the East who are contending for this legislation got their beginning by taking stock for grubstakes to develop a great industry out in my country. I protest against this idea, which seems to be so prevalent throughout the country, and seems to have reached into this branch of the Congress, that you can regulate and regulate and investigate and investigate and thereby protect people against their own foolishness. I wish my good friend from Illinois [Mr. DENISON], who is sponsoring this bill, would leave the cornfields of Illinois long enough to go out to the great West and see how the great industry of mining is fostered and developed and carried on. If he would do that, I think he would come back here on the floor of this House and voluntarily move to strike out of this bill some of the provisions which tend to strike down a great industry in the Western States. My State is no differently situated than the rest of the great intermountain country. In the last analysis you will never be able to protect foolish people by legislation from throwing their money away. At one time it was my duty to prosecute criminals, and one summer we gathered up a fine crop of confidence men who had fleeced some of our people on fake horse racing and things of that kind. After we had committed that crop of confidence men to the penitentiary, the next year, lo and behold, the crop of suckers was just as great, and some confidence men came back, and some of those same men who had been fleeced the year before eagerly sought to beat the game a second time. You strike at a great industry in your attempt to protect the foolish.

The CHAIRMAN. The time of the gentleman from Utah has expired.

Mr. DENISON. Mr. Chairman, I yield five minutes to the gentleman from Michigan [Mr. MAPES].

Mr. MAPES. Mr. Chairman, this is no hasty piece of proposed legislation. The gentleman from Illinois [Mr. DENISON] who introduces the legislation worked upon it a long time in the last Congress. He has become an expert on the subject. The Committee on Interstate and Foreign Commerce considered it for a long time in the last Congress, held hearings upon it in the last Congress as well as in the present one, and the bill has the unanimous approval of that committee. The bill was first introduced by the gentleman from Illinois [Mr. DENISON] and is endorsed by the National Association of Security Commissioners together with the investment bankers of the country. As the most of you know it passed the House of Representatives in the last Congress.

My own State of Michigan is very much interested in this particular piece of legislation. The security commissioner of the State of Michigan is one of the officers of the national association, and has taken a leading part in the preparation of this legislation.

This is what this legislation primarily proposes to do: Any one who wants to sell a security in the State of Michigan, for example, and can not get a permit or license from the security commission of that State to sell the security in the State can not, if this legislation passes, go across the State line and by correspondence or otherwise sell the stock to the citizens of that State when the State commission itself has refused him a license to do so, and thereby evade the State law.

Mr. GILBERT. Mr. Chairman, will the gentleman yield?

Mr. MAPES. Yes.

Mr. GILBERT. What effect, if any, would it have upon prosecutions under section 215 if a man got the permission of the State authority and it afterwards developed that the stock he sold was fraudulent?

Mr. MAPES. I have not investigated that question and I am not prepared to answer it. The instance has been known where people have gone to the State Security Commission of Michigan and have been refused permission to sell a particular stock. They have then gone over the State line into the city of Toledo and by advertising and correspondence have sold the identical stock back in the State of Michigan, although the State commission had denied them a license to sell it within the territorial limits of the State. Under existing law there is no way to get hold of such people. This proposed legislation seeks to make it impossible to operate in that way.

Mr. LEAVITT. Mr. Chairman, will the gentleman yield?

Mr. MAPES. Yes.

Mr. LEAVITT. This limitation in Michigan would not apply on stock that had been approved by the stock exchanges in cities of 500,000 population or more, would it?

Mr. MAPES. My understanding is that it would not. That matter was gone into very carefully and was looked at from all

angles by the Committee on Interstate and Foreign Commerce. It was also considered very carefully by the National Association of Security Commissioners and by the investment bankers, and it seemed an undue restriction to all concerned to bring certain stocks that were nationally recognized and dealt in by these exchanges under the provisions of this bill.

Mr. LEAVITT. Why was it limited to cities of 500,000 population?

Mr. MAPES. Because their exchanges, in the first place, have a history. They are well known, and they are well organized and have well-defined rules for listing the stock traded in upon their exchanges.

Mr. LEAVITT. Oh, yes; their history is well known.

Mr. MAPES. Mr. Chairman, the gentleman's inference, I think, is not well taken. There is no stock listed on the New York, the Philadelphia, or the Chicago stock exchanges that has not some intrinsic value, and while no one can guarantee the value of any stock, yet I think it is true that the stocks upon these exchanges have some real intrinsic value.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. RAMSEYER. Mr. Chairman, will the gentleman yield to me for a question?

Mr. DENISON. I yield to the gentleman from Michigan one minute more.

Mr. MAPES. I yield.

Mr. RAMSEYER. I just want to ask the gentleman about those people who came to Michigan and were turned down; who went to Toledo and used the mail to sell their stock in Michigan. Was the stock that they were selling from Toledo fraudulent?

Mr. MAPES. If you mean by fraudulent stock that it was against the law to sell it in Michigan, then I answer it was. It was against the law to sell it in the State of Michigan by anyone within the territorial limits of the State. This bill proposes to make it against the law to sell it within the State of Michigan by those outside of the State.

Mr. RAMSEYER. Was it fraudulent stock; was it worthless?

Mr. MAPES. I say that it was against the law to sell it in the State of Michigan.

Mr. RAMSEYER. If it was fraudulent stock, its sale was prohibited by existing laws.

The CHAIRMAN. The time of the gentleman from Michigan has again expired.

Mr. DENISON. Mr. Chairman, I listened to the gentleman from Utah [Mr. LEATHERWOOD] with considerable interest when he told the story of the prospector who goes out into the mountains and prospects and finds what he thinks is the possibility of a mine. He speaks of those men being given absolute immunity in interstate commerce for the sale of whatever stock they want to sell in distant States to this person and that person or whoever they want to sell it to for the purpose of raising money to develop the mine. I have a great deal of sympathy for the man who attempts to do that, who goes out into the mountains and finds here and there a valuable prospect and develops it. But I want to say, on the other hand, that there came to my office when I filed this bill a letter from a woman in Atlanta. Her husband had been killed in a railroad wreck, and she got \$10,000 damages. That was all in the world that she had. She had it in a bank, and some concern out in a western State that wanted to develop a gold mine, composed perhaps of the same class of men my friend speaks about, discovered in some manner that she had it. I do not mean to say they came from Utah, but from some western State where they have gold mines. Those men got up a great big pamphlet telling of the untold riches lying buried beneath their property which they were going to open up. They guaranteed to all purchasers of their stock great wealth and riches, and they sent these pamphlets through the mails to the servant girls and the workmen and people of modest means in various parts of the United States. One of these pamphlets reached this woman in Atlanta and she read it and was interested in it and wrote a letter, and there at once came back to her other pamphlets, literature, great, lurid descriptions of the wealth lying buried out there that was going to be hers if she took stock. This woman had her money, as I say, in the bank and was only getting 3 per cent interest on it; so she invested in this mine stock and lost every dollar of it; she wrote a letter appealing to me to pass legislation to protect other women in her position from the imposition of these pirates of promotion who are trying to sell their worthless wares through the mails.

Mr. McKEOWN. Will the gentleman yield?

Mr. DENISON. In a moment. That is merely an illustration. Gentlemen of the committee, I have received hundreds and hundreds of letters of that kind from unfortunate people all over the country who have lost all they had in that manner, and now it is to stop that sort of thing we are proposing this legislation. No person who has an honest proposition, who can go before the proper State officials and show it is honest, is going to be injured by this law.

Mr. McKEOWN. The gentleman has recited a very touching incident. I will say I am in sympathy with preventing such frauds, but is there not now such a law upon the statute books to prevent that, and why should we go and make an invasion further upon State rights and make it apply especially by giving special advantages over the others?

Mr. DENISON. We have no law now that will reach that kind of a case; this bill not only makes it unlawful to send that stuff through the mails but it will prevent unfortunate people from being defrauded in that way; this will also give a civil remedy to any who have been defrauded.

Mr. McKEOWN. Who is to determine? Are you going to leave it to be determined by a jury on a trial of the case?

Mr. LEATHERWOOD. Does the gentleman believe the enacting of this bill into law will protect the class of people who invest in gold stock upon such a prospectus as the gentleman described?

Mr. DENISON. I think it will. I think it will absolutely stop the people from being defrauded by the use of the United States mail for selling stocks that are worthless and fraudulent.

Mr. ARNOLD. Will the gentleman yield?

Mr. DENISON. I will.

Mr. ARNOLD. Will the gentleman tell us why stocks already listed on stock exchanges are excluded?

Mr. DENISON. Yes; I would be glad to do that if I had the time. How much time have I remaining?

The CHAIRMAN. The gentleman has five minutes remaining.

Mr. DENISON. I will not have time in five minutes, but I will go as far as I can. I am glad that the gentleman asked that question. Now, you will find when you come to consider this bill that it exempts not only certain classes of securities but it exempts also all securities in certain transactions. Now, the classes of securities exempted in most of these provisions are exempted when they are issued by the issuing companies, but there are billions of dollars' worth of securities of various industrial concerns which have already been issued by the issuing companies, already outstanding, already in the hands of the public or in the hands of other persons, and the issuing companies are no longer concerned in them, because they have already sold them; we have to take things as they are now, and these stocks referred to in this connection are those already outstanding and in the hands of the public. They are stocks that are fully listed on the stock exchanges. Now, those who are interested in this legislation and who have been administering the State securities laws have found there must be some method of exempting that large class of securities which is already outstanding and in the hands of the public, and the only standard that can be found is that of listing on the stock exchanges. You have got to select stock exchanges that have had long experience and know what securities are reasonably free from fraud. There are certain stock exchanges in this country which have very rigid requirements for listing, and through long years of business have established a reputation for honest business methods. These requirements are so stringent that the State securities officials are willing to accept them. They are just as stringent as the securities laws of the different States. There are only a very few that have such stringent requirements for listing.

Mr. LEATHERWOOD. Will the gentleman yield?

Mr. DENISON. I can not yield; I have only two or three minutes. The securities listed on these stock exchanges have already been upon the market.

They have been bought and sold, and they are still being bought and sold on the market. There can be no fraud connected with them, because the sales are all in the open, and in public, and the sale values are quoted in the daily papers all over the country. The stock exchanges that are exempted in this bill are the stock exchanges that are national in character.

Mr. RICHARDS. Mr. Chairman, will the gentleman yield?

Mr. DENISON. Yes.

Mr. RICHARDS. It would not stop a man from sending a letter pertaining to that particular stock that has been listed on the stock exchange?

Mr. DENISON. Not at all. This bill does not in fact, exempt any stock exchange as such. It exempts certain stocks or

other securities that are already outstanding, fully issued, in the hands of the public and that have been fully listed on certain stock exchanges. That is all that it does.

Mr. McKELWYN. In my State no city could comply with it. Why should we have no stock exchange in my State?

Mr. DENISON. The gentleman does not fully comprehend the meaning of that. The State securities officials—by that I mean the men who have been chosen to administer the "blue sky" laws of the different States—have found, in examining the stock exchanges of the country, that there are splendid listing requirements that are and have been enforced by the management of certain of these stock exchanges for years, which reasonably assure the securities sold on those exchanges from being fraudulent and worthless.

The CHAIRMAN. The gentleman's time has expired. All time has expired. The Clerk will read the bill for amendment.

Mr. HILL of Maryland. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

Mr. BLANTON. I make the same request, Mr. Chairman.

Mr. LAGUARDIA. I make the same request.

Mr. RAMSEYER. I make the same request.

Mr. COLTON. And, Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection to these several requests?

There was no objection.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That when used in this act the term "person" shall mean and include a natural person, firm, copartnership, association, syndicate, joint-stock company, unincorporated company or organization, common-law trust, or any corporation organized under the laws of the District of Columbia or of any State or Territory of the United States or of any foreign government.

When used in this act the term "security" shall mean and include any note, stock, treasury stock, bond, debenture, transferable certificate of interest or participation, certificate of interest in a profit-sharing agreement, certificate of interest in an oil, gas, or mining lease, collateral trust certificate, any transferable share, investment contract, or beneficial interest in or title to property or profits, or any other instrument commonly known as a security.

Mr. BEGG. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Ohio moves to strike out the last word.

Mr. BEGG. Mr. Chairman and gentlemen of the committee, the only purpose I have in saying anything is to call attention to the fact that in my judgment this bill will only make it easier to avoid "blue-sky" laws than it is now. [Applause.]

Now, the three biggest bankruptcies and biggest swindles that ever hit Ohio have happened in the last five or six years. Every one of the stock issues of those companies was listed on every stock exchange in the East, and I do not think the gentleman from Illinois [Mr. DENISON] really means what he says when he says that the listing of the stock is an evidence that there is some value back there. I have had enough experience and have paid for enough to know that that is not so. I know an automobile concern that was turning out two or three cars a day, where the owner of the concern went over to New York and made an agreement or contract with the moneyed interests over there to borrow so much money, and there was not that value back of it, but the man saw a chance to put it on the stock exchange at about 5 or 6, and by buying it up drove it up to 11½, and he got the money back that he borrowed from the concern and they are in bankruptcy, and everybody who took a nickel's worth of the stock lost it all.

Mr. WINSLOW. Mr. Chairman, will the gentleman yield for a question right there?

Mr. BEGG. Yes.

Mr. WINSLOW. What would be better, to have that stock listed on the stock exchange and all the quotations on it listed both ways and out to the public every day in the year, or have it under cover all the time?

Mr. BEGG. Oh, I do not object to listing it on the stock exchange. The only purpose of my remarks was to show that the contention that they are allowed to be listed as an evidence of their being bona fide is pure bunk. It is no evidence of the value of the stock if it is listed.

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. BEGG. Yes.

Mr. TABER. You did not tell us whether the stock you last referred to was listed.

Mr. BEGG. Oh, absolutely listed on the New York Stock Exchange. I thought I made that clear. The man went to New York and borrowed the money from John Smith, we will say, and put it on the stock exchange around 5 and 6, and bought it himself in order to get other suckers to buy it because it was going up a point a day, and he did get other suckers to buy it, and they lost their all.

Mr. MAPES. Mr. Chairman, will the gentleman yield?

Mr. BEGG. Yes.

Mr. MAPES. It is not an evidence of a bona fide contract?

Mr. BEGG. No.

Mr. MAPES. It would be desirable in the minds of a good many people that that situation should be remedied by law. But this bill goes as far as the security commissioners of the different States feel it is practicable to go as a workable proposition, and they want to protect other buyers of stocks.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. ELLIOTT. Mr. Chairman and gentlemen of the committee, if there is any one form of legislation that this Congress ought to indulge in, it is legislation that is designed to put the "blue-sky" artist out of commission entirely. I do not know whether this bill is as good as it ought to be or not, but I do know this, that any bill that will limit the operations of these men is worthy of the support of Members of Congress.

I have a district that has been pretty well scorched by deals of this kind in the last year or two. The R. L. Dollings concern sold in my district in the neighborhood of \$3,000,000 worth of stock.

Mr. BEGG. That stock was listed on every stock exchange east of the Mississippi River.

Mr. RAMSEYER. Furthermore, that company got a permit from the securities commission to sell stock in the State.

Mr. ELLIOTT. That may be; but the people of that district have been trimmed up to the tune of about \$3,000,000 by reason of the fact that these people were allowed to operate there. In addition to that we had another concern in Indiana known as the Hawkins Mortgage Co. They have been indicted in the courts, and I think they are headed for a place behind the bars in a good substantial penitentiary; at least, I hope that is their ultimate destination.

I did not imagine when I rose that I could throw any particular light upon this bill; but I want to impress upon this committee that whatever it does in this matter it should do what it can to put all of these blue-sky artists out of commission wherever they are and whenever they operate.

Mr. BLANTON. Will the gentleman yield?

Mr. ELLIOTT. Yes.

Mr. BLANTON. Under section (f) of this bill a stock could be denied circulation in every one of the 48 States and yet could go to New York and be listed on the stock exchange at 1½ or a little higher and then could be sent by mail into every one of the 48 States which had denied it circulation. So what good will this bill do?

Mr. ELLIOTT. If the gentleman is right in his contention, then it should be amended.

Mr. BLANTON. There is no question about that.

Mr. RICHARDS. Will the gentleman yield?

Mr. ELLIOTT. Yes.

Mr. RICHARDS. Are not those who are now on their way to the penitentiary going under the existing law?

Mr. ELLIOTT. Well, I presume they are going to the penitentiary under the laws of the United States.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. ELLIOTT. Yes.

Mr. LAGUARDIA. I will say, in reply to the statement made by the gentleman from Texas [Mr. BLANTON], that it will at least be noticed that the stock is worth 1½.

Mr. BLANTON. But it goes up and down.

Mr. ELLIOTT. I decline to yield any further because I have only five minutes.

Mr. RAMSEYER. Will the gentleman permit me to say that that stock was sold in the State of Indiana by agents and this bill does not affect them one particle, and all of that stock in my State was sold by high-power agents.

Mr. ELLIOTT. The object of this bill, as I understand it, is to limit the operation of these blue-sky artists in so far as that can be done by law. It makes no difference how the Dollings people did business in my State; the point I want to make is this: That such scoundrels should have no right to do business anywhere under any law, and the law should be made strong enough, if possible, to put them out of business.

The CHAIRMAN. The time of the gentleman has expired.

The gentleman from Alabama [Mr. HUDDLESTON] is recognized.

Mr. HUDDLESTON. Mr. Chairman, I did not ask for time during general debate, because I did not know from which side to ask it. I expect to vote for the bill; therefore I could not ask time from the opposition, but I have grave objections to express to the bill, and therefore I could not ask it from the affirmative side.

Nearly all of the States have adopted so-called "blue sky" laws for the protection of their citizens from peddlers of fraudulent stock. However, those laws are mild; they do not operate to give full protection; they are merely a short step, but they do give some protection.

The purpose of this bill is to afford to the people of the various States self-government and to force those who want to sell stock to their citizens to operate under the laws of those States. In other words, the purpose of this bill is to fix it so that anybody who wants to sell stock to the citizens of a State, and undertakes to do so by means of interstate commerce, will have to operate in exactly the same way as he would if he were personally and actually within the territory of that State. In short, a dealer in stocks and bonds is not permitted to stop at the State line and talk by telephone, by telegraph, or by letter with the people of a State and defraud them in stock sales without subjecting himself to punishment such as would be inflicted for that same kind of a fraud if he had stepped over into the State.

Now, with that purpose I am in full accord. It is hard for me to understand how any Member can object to his people being protected by the laws of his State against fraudulent stock manipulations. And it is hard for me to understand how any Member can insist upon other Members' constituents being deprived of the protection given by the laws of their States against the fraudulent acts even of his own constituents. I doubt whether there is anybody who would really take that position understandingly.

The trouble with this bill is that it has entirely too many loopholes. There are entirely too many exemptions from its operation—too many people who are permitted to use the mails and the telegraphs to defraud unsophisticated persons who want to make an investment.

One of the classes exempted from the bill are those who have their stocks listed on the New York Stock Exchange and other stock exchanges. It is absurd to say that merely because a stock is listed on a stock exchange fraud can not be worked by selling it.

Hardly any of the stocks are worth par. There is nothing to prevent a dealer who has a stock listed on the stock exchange and quoted at anywhere from par down to nothing from making false representations through the mail or otherwise and selling it to some unsuspecting purchaser. I see no reason why subsection (f), on page 7, should not be stricken out and I favor its being stricken out. [Applause.]

What I object to about this bill is that it has not got enough teeth. It is too satisfactory to people who want to peddle worthless stocks. [Applause.] I tried, in my modest way, to get some amendments adopted to the bill, but the author of the bill and a majority of the committee were satisfied with it as it was. It is a compromise. There is no use trying to conceal that. It is a compromise in order to get it passed. The fear is that if you bring out a bill that has some real teeth in it you can not get it through. I am surprised that anybody would argue against this bill that it is going to do something wrong. The trouble about it is that it is not strong enough. That is the real defect.

Mr. RAMSEYER. Will the gentleman yield?

Mr. HUDDLESTON. Yes; I yield.

Mr. RAMSEYER. The gentleman can get more time.

Mr. HUDDLESTON. I do not think I want it.

Mr. RAMSEYER. This bill exempts all the big established interests. The gentleman is on the committee. Why did you exempt the newspapers?

Mr. HUDDLESTON. I will tell you why. It was because a majority of the committee did not agree with me that they ought to be exempted. For instance, why would you allow all railroad stocks to be excepted from the bill? Practically none of them are worth par and a fraud can be worked with almost any of them. Why will you open the door and exempt railroad stocks from this bill? There is no reason for exempting any kind of stock. If it can not come in and be sold under the laws of the State it ought not to be sold at all.

Mr. McKEOWN. Mr. Chairman, I offer an amendment. On page 2, line 2, after the word "of," insert the word "any," and after the word "interest" strike out the words "in an oil, gas, or mining lease."

The CHAIRMAN. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. McKEOWN offers the following amendment: On page 2, line 2, after the word "of" and before the word "interest," insert the word "any," and after the word "interest" strike out the words "in an oil, gas, or mining lease."

Mr. McKEOWN. Mr. Chairman and gentlemen of the committee, I will go as far as any man in this House to try to suppress the sale of fraudulent securities, but what does this bill undertake to do? This bill undertakes, in the first place, to invade the rights of the several States, but we have so long forgotten they ever had any rights that that will be immaterial to the House. This bill will do what? It will put in the hands of the smoothest and the strongest stock salesmen and the men who pull the biggest skin games in the United States the control of all these matters and will give them a free hand while some struggling man who is trying to develop some industry in the West will find himself shut out from trying to make any developments. Now, gentlemen, you can put this bill over as it is if you want to, but why do you depart from the law that we now have? If you do not think the present law is sufficient go down to Fort Worth, Tex., and you will find a lot of gentlemen down there who think that the Department of Justice has found an effective way to put them out of business because there are great bunches of them who have gone to the penitentiary.

Why not go to work and say that it shall be unlawful to send this fraudulent stock through the mail instead of drawing up a bill that is going to turn loose and license the big concerns of this country to turn loose their stocks on the country. If you, perchance, can get your stock listed in New York or in Chicago or in St. Louis, well and good; but if you happen to live in Oklahoma, where you do not have a city of 500,000 people, you have got to let the people from St. Louis sell their stock in your State, but you can not sell any of your stock in their State. And you pick out oil and gas. Why do you pick them out? Why do you not say real estate or why do you not mention all the other bunk patent propositions that are sold? Why do you not include railroad stocks? No; you pick out oil and gas, and you propose to stifle the production of oil and gas in the States where they are produced, because the Standard Oil and the great oil interests of this country have long since learned too much to go out there and wildcat and undergo the hardship of a frontiersman and take chances on discovering oil. They do not develop any oil fields. They wait until you develop it, and then they buy everything in sight and the small man is put out of business. What do you propose to do? You propose to let the Standard Oil sell its stocks throughout the country without any restriction, and yet if a man in Oklahoma is trying to develop a little oil field out there in order to bring in some oil to add to the wealth of the country, he will go to the penitentiary if he even writes a letter to some friend in Kansas or in some other neighboring State telling him what he has done and stating he wants some money to help him.

Gentlemen, I am sure you want to do what is right about this matter, and I want you to stop and think a minute about what this bill does. This bill will turn loose upon the country some of the most outrageous propositions and give the promoters of those propositions a good bill of health. They will go out and advertise the fact that they have their stocks listed.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. McKEOWN. Mr. Chairman, I ask unanimous consent to proceed for three more minutes.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to proceed for three additional minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. McKEOWN. They will go out and advertise the fact that they have listed their stocks on a stock exchange in a city of over 500,000 people, and that will be taken as a good endorsement.

What is the matter with the railroad situation to-day, and what is the trouble about the railroad rates? The trouble is that the stocks issued by the railroads have been so enormous that they have to have high freight rates in order to get any returns, and the stock is now owned by widows and orphans and small-salaried people throughout the East and the North, and that ownership has been shifted into their hands by the promoters who drew up the propositions in New York and sent them out to these people. That is the trouble with the railroad situation to-day, and yet you are going to favor those fellows and make special pets out of them.

Mr. BEGG. Mr. Chairman, will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. BEGG. Suppose this bill were written into law just as it is and a man was desirous of putting over a fake stock-selling scheme. Would not his prospectus which he would show to the customers be the most convincing argument he could offer if he would cite a paragraph of the law that exempted the securities, if listed?

Mr. McKEOWN. Instead of a small skin game going on, with the caliber of an inexperienced, small promoter, they would get the smoothest artists in the country, and they would pull it off in great big sales.

Mr. MAPES. Mr. Chairman, will the gentleman yield?

Mr. McKEOWN. For a question.

Mr. MAPES. Is the gentleman's motion to strike out the sale of securities regarding oil and gas and mining leases because of his desires to make the legislation more stringent, or is it too stringent?

Mr. McKEOWN. The only reason I offer the amendment is because oil and gas are picked out specifically. Let us apply the thing to any interest, to anything.

Mr. MAPES. Is it the gentleman's feeling that the law is too restrictive rather than not restrictive enough?

Mr. McKEOWN. It is not restrictive enough because you specify, and whenever in a statute you specify and name a particular class by inference you exclude all other classes. It is just as wrong to skin on any object as it would be on oil or gas.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. HAWES. Mr. Chairman and gentlemen of the committee, the Committee on Interstate and Foreign Commerce were requested—I might put it that way—by the various blue-sky law commissioners of the United States to give additional relief which was not afforded the States. If gentlemen will go back two years they will find that some \$500,000,000 were taken from the poor people of the country, from the widow, from the servant girl, from the small investor, who were carried away by big fake prospectuses. Forty some States in the wisdom of those States have created blue sky law commissioners, and they found that they were unequal to the task of protecting the poor people of the States from the vultures who fed upon them.

Let your mind go back a year and a half or two years, and you will find that every great newspaper in the country and all the magazines were leading a crusade against this form of theft. The State commissioners found that they were unable to cope with it, so their wishes were placed in the form of a bill which the gentleman from Illinois [Mr. DENISON] drafted, and that bill was given long and careful consideration by the committee of which I am a member.

Mr. McKEOWN. Mr. Chairman, will the gentleman yield?

Mr. HAWES. In just a minute. These commissioners had their own representatives. Extensive hearings were had. Every line of this bill, every word of this bill was carefully canvassed. It has received the support of what are called the investment bankers, the men who handle an enormous mass of undisputed securities, legitimate securities, and the committee was confronted with the difficulty of trying to define each security. Therefore, in its wisdom the committee defined securities by classes, and this definition met the approval of the commissioners of these sovereign States, who stated to your committee that without this national legislation this robbing of the poor people of the country would continue.

The representatives of these 40 States, men selected by the governors of the States or elected by the people of the States, have given this bill their approval.

Now, gentlemen, at the eleventh hour, after all this careful investigation, after this Congress has passed this bill almost unanimously at the last session, while this robbing is going on, while this theft continues, we are here now quibbling over phraseology.

My friend from Oklahoma [Mr. McKEOWN], for whom I have the greatest respect, finds oil and gas stated and thinks they are pointed out conspicuously. The bill does not intend to do that. They are only two of the things that are pointed out, and yet it is a fact that the sale of oil and gas stock are two of the incentives to beguile careless investors.

Mr. McKEOWN. Mr. Chairman, will the gentleman yield?

Mr. HAWES. Yes.

Mr. McKEOWN. Would not this law cover all of the things without naming any special one? Would it not be stronger if you said the—

certificate of any interest, collateral trust certificate, any transferable share, investment contract, or beneficial interest in or title to property or profit or any other instrument known as a certificate,

What is the necessity for putting in oil, gas, and mining leases? Is it not just as bad to sell shares in inventions?

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. HAWES. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HAWES. I would say to my friend from Oklahoma that every line and word in this bill was gone over with the greatest care by the representatives of the commissioners of these various States.

Mr. HUDDLESTON. Mr. Chairman, will the gentleman yield?

Mr. HAWES. Yes.

Mr. HUDDLESTON. And the American Investment Bankers' Association participated in this conference, and this bill represents a compromise between those two interests. Is not that the fact?

Mr. HAWES. Very largely.

Mr. HUDDLESTON. It is not the drastic bill that the gentleman from Illinois originally introduced, which was withdrawn. These interests went out and got together and brought this in.

Mr. HAWES. No. I would like to correct the gentleman in this respect, at least so that the matter may be clear. The compromise was not on the phraseology of the bill that we are discussing now. The compromise, if there was a compromise, was on the designation of the stock exchanges and the character of the stock, but not where it relates to oil.

Mr. HUDDLESTON. The bill that we have now before us is a complete departure from the original bill and is not half so drastic. It does not compare with the other bill at all.

Mr. HAWES. I disagree with my friend.

The CHAIRMAN. The time of the gentleman from Missouri has again expired.

Mr. BLANTON. Mr. Chairman, I ask unanimous consent that his time be extended for three minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HAWES. That is not my understanding about the object of the bill or the severity of the bill.

Mr. HUDDLESTON. The gentleman does recollect, however, that we held hearings on the original bill and that the representatives of the Investment Bankers' Association appeared and objected to that bill.

Mr. HAWES. Yes.

Mr. HUDDLESTON. And it was subsequently withdrawn and that later this bill was introduced, with the statement that these parties, the Investment Bankers' Association and the representatives of the State utility boards, had gotten together and agreed on this bill?

Mr. HAWES. That is correct, but the disagreement was not on the kind of stock they want to prohibit the sale of.

Mr. BARKLEY. Will the gentleman yield?

Mr. HAWES. I will.

Mr. BARKLEY. The original bill carried the language that it was thought prevented the transportation of any kind of securities, however legitimate they might be, from one State to another. The only thing the investment bankers and securities commissioners did was to go over the proposition so as to harmonize it with the laws of the various States and make it possible to prevent the transportation of fraudulent securities, but not to interfere with the transportation of legitimate securities.

Mr. HAWES. The gentleman from Kentucky has accurately stated the situation. The compromise was not as to fraudulent stock, but it was an arrangement that would permit the free flow of legitimate stock.

Mr. BARKLEY. And the reason why their services were availed of was that they had technical knowledge of all of these matters, which the members of the committee did not have.

Mr. HAWES. The gentleman from Kentucky will recollect that everybody was called in except the representatives of the crooks who were trying to sell fraudulent stock. Is that about a correct statement?

Mr. BARKLEY. There may have been one or two slipped in, but we did not intend it.

Mr. BLANTON. Will the gentleman yield?

Mr. HAWES. I will.

Mr. BLANTON. The newspapers are the main advertising medium of the country to-day. Fraudulent stock, under this bill, can be advertised indiscriminately with immunity. Why did not the gentleman include newspapers in the bill?

Mr. HAWES. Because it would have been absolutely impossible for a newspaper to look into everything that they adver-

tise—stocks, medicine, and horses. The gentleman might have a cow in Texas which he might advertise at \$100, and the newspapers would have to investigate the cow to see whether it was really a \$100 cow or not.

Mr. BLANTON. I do not think the bill has gone far enough in that respect.

Mr. McKEOWN. Why did you not include real estate?

The CHAIRMAN. The question is on the amendment.

The question was taken, and the Chair announced the yeas appeared to have it.

On a division (demanded by Mr. McKEOWN) there were—yeas 14, yeas 34.

So the amendment was rejected.

Mr. McKEOWN. Mr. Chairman, I desire to offer another amendment. After the word "lease" insert the words "and real estate."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 2, after the word "lease," insert the words "and real estate."

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Sec. 2. That it shall be unlawful after the passage of this act for any person at any place in any State, Territory, or District of the United States to deposit in, or cause to be deposited in, or cause to be carried or delivered by the United States mails, or to deposit with, or cause to be deposited with, or cause to be carried, transported, or delivered by any railroad company, express company, or other agency of interstate commerce any security or securities for sale to any person in any other State, Territory, or District of the United States in which it is at that time unlawful to sell, offer for sale, tender for sale, or deliver to such person, or solicit from such person, subscriptions to or orders for, such security or securities.

Mr. RAMSEYER. Mr. Chairman, I move to strike out the section. Mr. Chairman, I do not want to take up much more time, as I have already spoken in general debate. The gentleman from Missouri [Mr. HAWES] spoke of the very intense attention which had been given this proposition by the committee, spoke as though everybody had been before the committee, as if everybody had been called in except the crooks. I have in my hand here the hearings and there were just six gentlemen who were called as witnesses, aside from the gentleman from Illinois [Mr. DENISON], the author of the bill, who also appeared as a witness. There may have been other hearings, I do not know. If there were, they were not printed. Here is a small pamphlet containing nothing but short statements of the securities commissions of a few of the States. I do not know what gentlemen think about this bill, those who have not spoken to-day. I have said before that I am just as much against fraudulent operations through the mails as anybody can be, and nobody can be more opposed to them than I am. It does seem to me that in principle this is one of the most vicious pieces of legislation that has ever been offered here on the floor of this House. It does not undertake to segregate fraudulent schemes from those which are honest and free from fraud. The mails should be at the service of every honest man and every honest enterprise. Every dishonest man and every dishonest enterprise should be excluded from the use of the United States mail. This bill does not undertake to make any such distinction. Sections 2 and 3 provide for drastic exclusions unless with permission of the States. The rest of the bill deals with exceptions. In these exceptions are the big stock exchanges, the big interests, the vested interests, whether honest or dishonest, which do not have to comply with any law of the States; they do not have to comply with any regulations of any State. They can operate in defiance of State laws and regulations. Now, if you want State rights and want the States to be supreme within their boundaries, why do you not turn this thing over to the States, as the gentleman from Alabama advocates? A State that does not want railroad stocks and bonds sold within its borders, let it say so and be protected by the Federal Government. That way you can put up a Chinese wall around every State and protect it against all comers.

What I am contending for is that if the present law against the fraudulent use of the mails is not sufficient—and they tell me down at the Post Office Department they can not think of a scheme for selling fraudulent and worthless securities they can not get under the existing law—you are simply penalizing the honest fellow who is trying to get on his feet as against the fellows who are established. What you ought to call this bill is a bill to give Wall Street and the vested interests a monopoly on fleecing suckers.

Mr. HUDDLESTON. Will the gentleman yield?

Mr. RAMSEYER. Yes.

Mr. HUDDLESTON. The Post Office Department has a statute now that forbids the fraudulent use of the mails?

Mr. RAMSEYER. Yes.

Mr. HUDDLESTON. But there is no statute which forbids the fraudulent use of other means of interstate communication?

Mr. RAMSEYER. The gentleman knows these various facilities of interstate commerce in this bill here were inserted for the purpose of giving jurisdiction of this legislation to the Committee on Interstate Commerce—

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAMSEYER. I ask for five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. BARKLEY. I hope the gentleman is not basing his opposition on the jealousy existing between committees.

Mr. RAMSEYER. Not a particle. I have not mentioned it before. It was brought up by one of the members of the gentleman's committee. So far as I am concerned, I do not care to have this bill re-referred. This is what I am trying to bring out: This is a 100 per cent postal regulation, or at least 99 per cent.

Mr. HUDDLESTON. Oh, no.

Mr. MAPES. Mr. Chairman, will the gentleman yield there?

Mr. RAMSEYER. In a moment. For instance, here is section 3, following section 2. There you have the ridiculous proposal of excluding letters from the railroad companies, express companies, telegraph companies, and telephone companies.

Mr. HUDDLESTON. Oh, no.

Mr. RAMSEYER. The gentleman ought to know that the United States has an absolute monopoly on first-class mail, and there is no way that you can carry letters and postal cards in the States or from State to State except in the mails.

Mr. HUDDLESTON. Mr. Chairman, will the gentleman yield?

Mr. RAMSEYER. Yes.

Mr. HUDDLESTON. The gentleman wants to be fair, I am sure.

Mr. RAMSEYER. Certainly.

Mr. HUDDLESTON. The clause that the gentleman read has reference to letters and circulars and pamphlets in addition to post cards. That is the way these stock dealers reach the public, by going through the express companies. They send this literature out by the bundle, and have it distributed by boys throughout the cities, and that is not now in violation of any Federal statute.

Mr. RAMSEYER. Letters and post cards you send only through the mail, and I may further say that 99 per cent of what you undertake to prohibit goes through the mail.

Mr. BARKLEY. Mr. Chairman, will the gentleman yield?

Mr. RAMSEYER. Yes.

Mr. BARKLEY. While the postal laws may regulate the sending of first-class matter through the mail, there is no law on the statute books that regulates the transmission of interstate telegrams and telephone messages.

Mr. RAMSEYER. Yes. How many persons or suckers are induced to buy stock in these fraudulent concerns because of a telephone message or a telegraph message?

Mr. BARKLEY. It is not a question of the number of suckers, but a question whether we can protect any of the suckers.

Mr. RAMSEYER. The gentleman is getting facetious. The telegraph and the telephone are not used to any considerable extent for the promotion of fraudulent stock sales.

Mr. HAWES. Mr. Chairman, will the gentleman yield?

Mr. RAMSEYER. Yes.

Mr. HAWES. We are told that this law will hurt the crooks. I would like to know how it will harm the honest man.

Mr. RAMSEYER. The crook is absolutely covered under existing law. Under the existing law, as soon as you get the evidence, the crook is on the way to the penitentiary, and the only way you can enforce this proposed law on the crook is first to get the evidence and prosecute him in a Federal court.

Mr. HAWES. The gentleman finds himself in opposition to 40 States that are opposed to the crooks and which wish Congress to pass this law.

Mr. RAMSEYER. Oh, those State security agents want anything passed by Congress that will tend to dignify their positions. They want to be able to go to their State legislatures and say that they went down to Congress and got something through. Of course, that will justify an additional appropriation for them by the legislature.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. RAMSEYER. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to proceed for five minutes more. Is there objection?

Mr. HAWES. Reserving the right to object, Mr. Chairman, if the gentleman will devote some of his time to telling this House how it will hurt the honest man, I shall not object.

Mr. BLANTON. Mr. Chairman, I ask for the regular order.

The CHAIRMAN. The regular order is, Is there objection? There was no objection.

Mr. RAMSEYER. I am after the crook. We do not need any law for the honest man. There is another matter that I want to call to your attention, and that is about the tremendous amount of consideration that the Committee on Interstate and Foreign Commerce has given to this bill and the outside support for this bill. That committee is composed of able men, and of course anything that is reported out by them is entitled to respectful consideration. But the gentleman from Illinois [Mr. DENISON] stated that this had the approval of the Post Office Department. He made that statement on the floor two years ago, and I got up on the floor and challenged it outright, and the inference now is that it has the approval of the Department of Justice also. I challenge that statement. There was no one from the Post Office Department before the committee, so far as the hearings show. There was no one from the Attorney General's office before the committee, at least the hearings do not show that. There was no one from the Treasury Department before the committee to pass upon the question of these securities, whether those excluded were properly excluded from the operation of the proposed law, and whether others could be properly excluded. The Postmaster General, to whom this bill was submitted, on January 4, 1923, addressed this letter to the chairman of the committee:

OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., January 4, 1923.

Hon. SAMUEL E. WINSLOW,
Chairman Committee on Interstate and Foreign Commerce,
House of Representatives.

MY DEAR MR. WINSLOW: In reply to your communication of the 18th ultimo, submitting a copy of H. R. 4, being a bill to prevent the use of the United States mails and other agencies in the traffic of certain securities, I have the honor to advise you that I have no views to communicate thereon or report to make other than to suggest that the provisions making it unlawful to use the mails in the manner therein indicated would be enforced by the Department of Justice and that doubtless you might desire to hear from that department on the subject.

Very truly yours,

HARRY S. NEW, Postmaster General.

And then the committee got a communication from the Department of Justice, and this is what that department had to say:

DEPARTMENT OF JUSTICE,
Washington, D. C., December 29, 1923.

Hon. SAMUEL E. WINSLOW,
Chairman Committee on Interstate and Foreign Commerce,
Washington, D. C.

DEAR SIR: The department is in receipt of your communication of the 18th instant, transmitting for such views as the department may care to express a copy of H. R. 4, regulating the sale of securities in interstate commerce through the use of the United States mails.

The department's only suggestion has reference to section 11 of the act, which imposes certain duties upon the Attorney General. It is not believed that compliance by this department with that section will in any wise aid with the enforcement of the act. Moreover, to collect, compile, and distribute the data therein required would entail considerable labor and the incurring of expense. When cases of an alleged violation of the act arise, it would be necessary to conduct investigations, and no difficulty will be experienced in ascertaining at that time the particular law of the State involved. It is, therefore, believed that this section of the act should be eliminated.

Respectfully,

MABEL WALKER WILLEBRANDT,
Assistant Attorney General
(For the Attorney General).

That is all that the Department of Justice says. If there is anybody demanding this legislation, it is not anybody in the departments of the Government, either in this administration or in the last administration. This whole scheme is a beautiful dream. I compliment the gentleman from Illinois [Mr. DENISON] upon his wonderful imaginative powers. A lot of things in theory work all right, but in practice this project is bound

to create confusion in the mail service. It will not encourage honesty and discourage dishonesty. As has been ably stated here, if any stock company wants to be effective in its sales it simply has either to refer to the section of the Federal code where they are exempted, or go to those innocent fellows down in St. Louis and say, "Here we have submitted our plan to the securities commission of Missouri, and they say it is all right." That is a certificate of its validity. A most effective talking point to make easy money.

It is just like the gentleman from Ohio [Mr. BEGG] has stated about that Dolling Co. Their stock was on the stock exchange. They got a permit from the securities commission of Indiana, and yet it turned out to be one of the most fraudulent schemes that has ever been perpetrated upon the public. And I am informed that two of the men of that company have been convicted under section 215 of the Criminal Code. I am satisfied that anything that is in this bill will not aid in bringing about convictions under section 215; but, as I pointed out before, I believe it will hinder convictions under that section.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. HOCH. Mr. Chairman and gentlemen of the committee, I had not intended to speak upon this measure, but there has been so much misapprehension, as I view it, evidenced concerning this bill that I am impelled to speak briefly, particularly in view of some things which have just been stated by the gentleman from Iowa [Mr. RAMSEYER].

Now, what does this bill attempt to reach? It does not attempt to reach fraud as such. The gentleman from Iowa [Mr. RAMSEYER] has referred to the fraud statute. To be sure we have a statute against fraud, but that is not the purpose of this bill. The fraud statute will not be affected in any way by this bill. If there is evidence of fraud and if it can be shown that a man commits fraud in the sale of these securities he will be liable under the fraud statute, just the same should this bill become a law as he is now.

But here is the situation: Forty-one States of this Union have seen fit to throw about their citizens additional safeguards. That does not mean that a security which is listed with a State is thereby guaranteed as to its validity. Not at all. The blue-sky statutes of the States are not intended or expected to prevent people in all cases from being imposed upon, but the States, 41 of them, have simply said, "We will compel compliance with certain conditions before we will permit the sale of securities within our States, and to that extent we will afford protection to the citizens of our States. We will compel the people who are offering these securities for sale to come in and make a showing before State authorities as to their assets, as to their method of doing business, and all of those other things which are required before a security can be listed for sale." Now, then, anyone who attempts to offer for sale within that State a security which is not permitted to be sold because it has not been listed commits an offense.

It is not a question of fraud at all; it is a question of whether he offers for sale in that State a security which has not been listed and which has not met the requirements of the State.

Mr. BLANTON. Will the gentleman yield?

Mr. HOCH. Yes.

Mr. BLANTON. Suppose Kansas refuses to permit certain securities to be listed and every other State does the same thing; yet those securities are listed on the New York Stock Exchange. In that event they can come right back into Kansas and you can not stop them?

Mr. HOCH. Now, listen; here is the situation with reference to that: At the present time there is no limitation whatever. Does the gentleman deny that the securities which are listed upon those exchanges can now be sold in the State of Kansas or anywhere else?

Mr. BLANTON. What is the necessity for section (f)? I think it should be stricken out.

Mr. HOCH. Wait just a moment and I will get to that. What do we propose to do? We simply propose to do this: That people living outside the State of Kansas, to follow the illustration, shall not be permitted to do something which the people within the State of Kansas are not permitted to do. It is true we do not extend that to all transactions that are interstate in character, because, as the gentleman from Alabama [Mr. HUDDLESTON] has said, it was realized that there had to be some compromise, and yet there are some gentlemen who are objecting to this bill on the ground that it does not go far enough and there are other gentlemen objecting on the ground that it goes too far. To the extent that we impose any restriction on the sales of securities and thus protect the people, to that extent we go beyond anything that exists in the statutes to-day. Therefore, what reason can anyone who wants any restrictions

have for objecting to this bill when it at least imposes additional restrictions over any which exist to-day? That is the heart of that proposition.

Mr. MORTON D. HULL. Will the gentleman yield?

Mr. HOCH. Yes.

Mr. MORTON D. HULL. Section (f) exempts certain securities which are listed on certain stock exchanges. Is it not true that in nearly all the blue sky laws of the various States similar provisions are found, and that stocks which are listed on certain accredited stock exchanges are excepted from the provisions of those very blue sky laws?

Mr. HOCH. Yes.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOCH. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent to proceed for five additional minutes. Is there objection?

There was no objection.

Mr. HOCH. It has been suggested that the listing of stocks upon these stock exchanges would permit the sellers of these securities to go in, regardless of the State law. Not at all; and nothing of that kind is proposed. As far as sales within the State are concerned, they would have to comply with the State law if it were a listed stock, just as much as they have to comply with it now.

Here is the reason for that exception in paragraph (f): Each one of the States which has a blue sky law requires that certain conditions must be met before a stock can be offered for sale. These exchanges have similar conditions; and we were reliably informed by men who are in sympathy with this legislation that these stock exchanges have conditions which are just as stringent as the conditions imposed by any State in this Union.

That does not mean that fraudulent stocks may not get listed upon those exchanges. Not at all. There will be stocks listed in the State of Kansas and other States which get by in spite of those provisions. But if the conditions upon those stock exchanges are just as stringent as those provided in any State, then what reason would there be for saying we are going to require them to comply with the conditions in the States before we permit them to use interstate agencies?

Mr. LEAVITT and Mr. JONES rose.

Mr. HOCH. I yield first to the gentleman from Montana.

Mr. LEAVITT. Do the "blue sky laws" in all the States make the exception in favor of stocks listed on these stock exchanges?

Mr. HOCH. I could not tell you whether all of them do or not. I think not all of them, but perhaps the gentleman from Illinois [Mr. DENISON] can give you definite information.

Mr. LEAVITT. If that is not the case, will not this allow the sale of stocks listed on stock exchanges in the States that do not have that provision in their laws?

Mr. HOCH. This does not set aside any State law at all. The State law must be complied with, if this bill becomes a law, just as much as before. I now yield to the gentleman from Texas.

Mr. JONES. I was just wondering if the stock exchanges do have rules that are just as rigid as any of the laws that have been enacted by the States; and if that is true, why would it be any trouble for them to comply with those State laws?

Mr. HOCH. It would not be.

Mr. JONES. Then why exempt them?

Mr. HOCH. The gentleman from Illinois gave the reason. There is a vast amount of outstanding stocks in the hands of purchasers where the companies have no interest in complying with the laws at all.

Mr. COLTON. Is it not a fact that new stocks listed in the future on these exchanges in cities having over 500,000 people will also be exempted?

Mr. HOCH. I think that would be true; but the gentleman is now arguing that the law does not go far enough, when the gentleman and other Members from States where many of these mining companies have imposed upon the people of this country are arguing that this law goes too far, and I think that the gentleman and his fellow Members who are opposed to this measure ought to at least come to a common basis on which to oppose the measure.

Mr. COLTON. Is it not a fact that there are just as stringent regulations in cities having less than 500,000 as there are in cities having more than that population?

Mr. HOCH. I have no doubt that is true.

Mr. COLTON. And is not this a discrimination?

Mr. HOCH. Let me answer the question. If it were possible to state briefly in the law an exception that would take

in all exchanges that ought to be taken in, I would be in favor of that; but when you look at it as a practical proposition, the committee found it was practically impossible to cover in all of the exchanges, and so we said that in order to go reasonably far in this law we would take the exchanges where it is known that the conditions are at least as stringent as those imposed by the State.

Mr. BARKLEY. Will the gentleman yield?

Mr. HOCH. I yield to the gentleman from Kentucky.

Mr. BARKLEY. Is it not a fact that this exception in paragraph (f) complies with the statutes of those States that have such laws and at the same time does no harm to any State that does not have them?

Mr. HOCH. Exactly so.

Mr. BARKLEY. So that hereafter, if any State should impose such conditions, it would protect that State just as it now protects those States that now have them.

Mr. HOCH. To be sure; and the fact that the stock is listed upon one of these exchanges is no guaranty at all that one may not be imposed upon by the purchase of such securities.

Mr. BARKLEY. One further question. If this exemption is not put in, would it not be possible to prohibit the transfer of legitimate stock that is owned privately, which has not been bought or sold upon the exchange, but whose stock is listed on the exchange, unless the company made some sort of requirement or provision that would enable them to shift such stock from one private individual to another?

Mr. HOCH. Yes; that is the principal necessity for putting in some provision of that sort.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. BLANTON. I ask that the gentleman have one more minute in order to answer a question.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that the time of the gentleman from Kansas be extended one additional minute. Is there objection? [After a pause.] The Chair hears none.

Mr. BLANTON. Will the gentleman yield?

Mr. HOCH. Yes.

Mr. BLANTON. I have sat here throughout this entire debate. Can the gentleman name one Member who has spoken here who has contended that this bill goes too far? I have not heard any such statement. They are all contending it does not go far enough.

Mr. HOCH. Oh, no. Several gentlemen—and I have the highest respect for them—

Mr. BLANTON. What Member has claimed it goes too far?

Mr. HOCH. Several gentlemen. The gentleman from Utah argued that.

Mr. BLANTON. They are contending that you are exempting people that ought not to be exempted, and that the bill does not go far enough.

Mr. HOCH. Let me answer the question the gentleman asked. I do not say this in criticism, but gentlemen have plainly argued against the whole bill. They have contended that this would prevent the development of their States by preventing concerns that wish to develop their States from offering their stock for sale throughout the country. I say it will not, because all they will have to do is to comply with the laws of the sovereign States of this Union in order to sell their stock. And that they should be compelled to do.

Mr. DENISON. Mr. Chairman, we will have to proceed with this bill. The gentleman can talk on some other section, and I ask unanimous consent that all debate on this section and all amendments thereto now close.

Mr. McKEOWN. I object to that because this is the section I want to discuss.

Mr. DENISON. What does the gentleman want to do?

Mr. McKEOWN. I want to discuss this very section.

Mr. DENISON. Then I ask unanimous consent that all debate on this section and all amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that all debate on this section and all amendments thereto close in five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. McKEOWN. Mr. Chairman, I will show you gentlemen what this section does. You say it had a lot of consideration. I will show you exactly what it does. It is admitted there are seven States in the Union that have no laws making it unlawful to sell these securities in those States, and then you turn around here and let those States be made the victims of all the crooks in the other States. That is exactly what you do. You say it is unlawful to sell these securities in any State where it is unlawful to sell them under

State law, and then you say there are only 41 States in the Union that have blue-sky laws and you are then going to turn around and turn all the crooks loose on the seven States that have no laws to prevent that.

Mr. DENISON. Will the gentleman yield?

Mr. McKEOWN. Yes; I yield to the gentleman.

Mr. DENISON. If the people of those States do not want to protect their citizens from that class of fraud, then why should the Federal Government go in and do that?

Mr. McKEOWN. Why turn loose all the crooks on them and keep them out of all the other States?

Mr. DENISON. That is up to the people of those States. If they pass a blue-sky law then this bill will help them.

Mr. McKEOWN. The gentleman is going a long way when he is undertaking to force blue-sky laws on a State like New York, that has no blue-sky law.

Mr. HUDDLESTON. Will the gentleman yield?

Mr. BARKLEY. Does not the gentleman think that the greater proportion of these crooks are already there?

Mr. LAGUARDIA. I will say to the gentleman that the attorney general of New York is prosecuting more fake oil schemes coming from the West than there are being prosecuted in any State of the Union.

Mr. McKEOWN. I hope he does prosecute them and I hope he gets the whole lot, in which he will find some of his own citizens.

Mr. HUDDLESTON. Will the gentleman yield?

Mr. McKEOWN. I yield to the gentleman.

Mr. HUDDLESTON. May I call the gentleman's attention to the fact that this bill does not take away from the people of those seven States any protection they now have, nor does it turn loose these crooks upon them in any different sense or in any greater degree than they are now turned loose upon them by their full consent.

Mr. McKEOWN. I understand; but this just makes it unlawful to sell in some States and makes it lawful to sell in others. In those States that have no protection of their own. That is exactly what it does. It goes out and says that it is unlawful to sell such stock in the State of Oklahoma, because Oklahoma has one of the most stringent blue-sky laws in the Union, but up here in another State, where it is not against the law, you are going to turn loose all of the crooks in the United States and just say, "Go to it now and skin them." That is just exactly what it does. [Laughter.] There is no defense to that provision. Why do you not make it unlawful to sell them in any State, no matter whether it is lawful or unlawful to sell them in those States?

Mr. DENISON. This bill will prevent the crooks in other States from selling securities in Oklahoma contrary to the law of the gentleman's State.

Mr. McKEOWN. Oklahoma has a law to prevent them from selling blue-sky stuff, but here is another State over here that has no law, and you are going to turn the crooks loose that can not sell in Oklahoma and tell them to go to the other States and use the mail all they want to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 3. That it shall be unlawful after the passage of this act for any person at any place in any State, Territory, or District of the United States to deposit in, or cause to be deposited in, or cause to be carried or delivered by the United States mails, or to deposit with, or cause to be deposited with, or cause to be carried, transmitted, transported, or delivered by any railroad company, express company, telegraph company, telephone company, or other agency of interstate commerce, any letter, message, postal card, circular, or pamphlet intended (1) to tender for sale, directly or indirectly, any security or securities; or intended (2) to solicit subscriptions to or orders for such security or securities; or intended (3) to procure advertisement for sale of such security or securities in a newspaper or other publication; when in either case such letter, message, postal card, circular, or pamphlet is addressed, sent, directed, or consigned to any person at any place in any other State, Territory, or District of the United States in which it is at that time unlawful to sell, offer for sale, tender for sale to such person, or solicit from such person subscriptions to or orders for such security or securities.

Mr. LAGUARDIA. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Page 3, line 14, after the word "securities," insert a new section as follows:

"SEC. —. That it shall be unlawful, after the passage of this act, for any person, at any place in any State, Territory, or District of the

United States, to deposit in, or cause to be deposited in, or cause to be carried or delivered by the United States mails, or to deposit with, or cause to be deposited with, or cause to be carried, transmitted, transported, or delivered by any railroad company, telegraph company, telephone company, or other agency of interstate commerce, any letter, message, postal card, circular, or communication concerning the purchase or sale of stock on margin or concerning or relative to the purchase, sale, or speculation of stock in cases where there is to be no actual physical delivery of the stock so purchased or sold."

Mr. DENISON. Mr. Chairman, I make the point of order against that that it is not germane. We are not dealing with that subject in this bill. That goes into a question entirely foreign to the bill.

Mr. LAGUARDIA. Mr. Chairman, this is a bill to prevent the use of the United States mail and other agencies of interstate commerce in transporting, promoting, or procuring the sale of securities contrary to the laws of the States, and for other purposes, and providing penalties for the violation thereof. It is forbidden in my State and in a great many States of the Union to speculate or gamble in stocks where there is no delivery of the stock, which is commonly known as buying on a margin. We prohibit in this bill the communication of any information concerning any fraudulent stock, because the sale of such stock is prohibited in a particular State. We prohibit the mailing of any stock into any such States. Therefore it is quite within the purview of this bill to prohibit the sending of any communication or any message concerning a speculation in stock which is unlawful in any State, and I submit my amendment is quite germane.

Mr. BLANTON. Mr. Chairman, if the Chair is in doubt, I would like to be heard for a moment.

The CHAIRMAN. The Chair would be very glad to hear the gentleman from Texas.

Mr. BLANTON. Mr. Chairman, the purpose of this bill is to prevent one of the very things that this amendment seeks to prohibit. It is clearly germane to the purpose of the bill. The purpose of the bill is to prevent people from being defrauded through sales of worthless securities. This amendment pertains to securities that are sold in fraud, in that they are never expected to be delivered after they are sold—a purely gambling transaction. All gambling transactions are fraudulent in their nature. This pertains to gambling transactions pure and simple, and I think it is clearly germane.

Mr. MAPES. Mr. Chairman, I suggest to the Chair that this bill is for the purpose of regulating the sale of securities, and it is not to prohibit the sale of securities.

Mr. BLANTON. It prohibits lots of sales.

Mr. BARKLEY. I might add this suggestion, Mr. Chairman, that this bill is to regulate the transportation of securities from one State to another where those securities are prohibited from being sold in the State. This amendment seeks to regulate stock exchanges throughout the country. The effect of it is to do that. It is therefore not germane to a bill to regulate the transportation of securities already issued.

Mr. LAGUARDIA. How about the bucket shops?

The CHAIRMAN. It is clear to the Chair that the bill provides for the regulation of transportation of securities from one State to another, and seeks to prohibit the transportation of those securities where the State itself into which they are proposed to be transported has prohibitory laws in respect to the securities. The amendment of the gentleman from New York seeks to prohibit not only the transmission through the mail but the transmission by sound as well, as, for instance, messages by radio.

Mr. LAGUARDIA. I have taken that from the bill.

The CHAIRMAN. It seeks also to prohibit the sale of any stocks if those stocks are sought to be sold on a margin, even though the States in which they are proposed to be sold have laws which will permit them to be sold. The Chair can not conceive of the germaneness of such an amendment to the bill, and therefore sustains the point of order.

Mr. LEAVITT. Mr. Chairman, I move to strike out the last word. Mr. Chairman, it is very evident from some of the things said that the position of those of us who are questioning some of the provisions of this bill is not understood. My objection to the inclusion of section (f), page 5, paragraph 4, is based on the fact that it is discriminatory against the sort of securities that are issued in the western country. I have looked over the membership of this committee and I find that there is not on it one member from a public-land State which is in the stages of development through which such States as Michigan passed 30 or 40 years ago. I was born in Michigan myself, although I have lived in the West for a considerable period of time, and I know what the situation was in Michigan quite a while ago, and the

same situation exists in the Western States now that existed there perhaps 30 years ago. I want to call the attention of the gentleman from Michigan to the fact that my objection to section (f) is based on its being a discriminatory proposition, so far as the development of the resources of the Western States—the public-land States—is concerned. Personally I want to be understood as being in favor of a stringent national blue sky law; but I do not want any provision in the law which will allow any group of men, with no supervision whatever, of 15 great cities, simply because they each contain half a million people, which is almost the total population of my State, to be able to say that securities upon which they pass favorably shall be allowed to go through the mails into all the States, while legitimate securities originating in States which are in the development stage shall not have the same privilege if they conform to the State's blue sky law.

Mr. DENISON. Will the gentleman yield?

Mr. LEAVITT. I will.

Mr. DENISON. There is a very good blue sky law in the gentleman's State.

Mr. LEAVITT. Yes, sir.

Mr. DENISON. The official who is responsible for the administration of the law approved this bill and wants it passed. He thinks it will be a good thing for the people of the gentleman's State.

Mr. LEAVITT. I do not doubt that, but the fact remains just the same that this paragraph (f) was written in without his consideration in that connection. The statement has been made here by a member of this committee that this is a compromise measure, and some of these things not asked for by the commissioners of the different States were written into it because demanded by other interests. From the angle of the commissioner of the blue sky laws in the State of Montana, there is in this bill language which I am sure he did not know of, as it has been explained on the floor of this House this afternoon. Now, no State can pass a blue sky law that will in any way affect the working of the postal laws of the United States. I do not believe for a minute the fact that a security is not satisfactory to a commissioner of the blue sky law in any State will prevent the United States mail bringing those securities into that State. The State itself can not legislate out of the State borders anything in the mails of the United States. I want to strike out this paragraph (f) and make it so that no securities can come in by mail into the State of Montana and these other States that are now in the development stage at any advantage over the securities which originate within those States.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEAVITT. I will ask for three minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MORTON D. HULL. Does the gentleman consider subsection (f) narrows or broadens the scope of the law?

Mr. LEAVITT. I think it narrows the scope of the law and makes it possible for securities—I may not understand the form of the gentleman's question, but I believe it throws the door much wider than it should be and puts securities, because approved by a great stock exchange, into unfair competition with securities that originate in the States now in a less advanced state of development.

Mr. MORTON D. HULL. Then the gentleman considers it really broadens the scope of the law?

Mr. LEAVITT. Which law?

Mr. MORTON D. HULL. This law. It would tend to restrict the market for securities. That is the gentleman's point of view, is it not?

Mr. LEAVITT. No; I do not look at it in that way at all.

Mr. MORTON D. HULL. I refer to the securities in Montana.

Mr. LEAVITT. Securities originating in Montana are for the development of new resources. I want to say that some of these securities now on the New York Stock Exchange from the State of Montana were a few years ago in such a state that you would herein bar them from being considered in the different States, but they have now become so strong that they can be sold anywhere in the United States and are approved by these great stock exchanges, while other securities of concerns in the same position as these securities were in 25 years ago would now be choked to death by this provision in this bill, simply because they might be disapproved by men perhaps interested in competing securities.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. LA GUARDIA. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. LA GUARDIA: Page 3, line 14, after the word "securities," add: "That it shall be unlawful after the passage of this act for any person at any place in any State, Territory, or District of the United States to deposit in, or cause to be deposited in, or cause to be carried or delivered by the United States mails, or to deposit with, or cause to be deposited with, or cause to be carried, transmitted, transported, or delivered by any railroad company, express company, telegraph company, telephone company, or other agency of interstate commerce, any letter, message, postal card, or circular concerning the purchase or sale of stock on margin, or the sale, purchase, speculation, or gamble of stocks where there is to be no actual physical delivery of such stock, to any person at any place in any other State, Territory, or District of the United States in which it is at that time unlawful to sell, offer for sale, tender for sale to such person stocks on margin or stock that is not to be delivered."

Mr. DENISON. Mr. Chairman, I make the point of order that that is the same sort of proposition the gentleman has just offered. This bill does not attempt to regulate stock exchanges or bucket shops or anything of that kind. That is not attached to this bill, and this proposition of the gentleman from New York is not germane to the bill.

Mr. BEGG. Mr. Chairman, I would like to be heard.

Mr. LA GUARDIA. And, Mr. Chairman, I would like to be heard.

The CHAIRMAN. The Chair will first hear from the gentleman from New York.

Mr. LA GUARDIA. This amendment now offered cures the evil pointed out by the chairman in his previous ruling. The Chair has just ruled that the amendment was not in order because it prohibited the communication of information concerning stocks on sale or on margin to States where it might be unlawful to transact such a deal. The amendment now prohibits the transmission of such information to a State where such transactions would be lawful within the State.

The CHAIRMAN. Does the gentleman from Ohio desire to be heard?

Mr. BEGG. Yes. I want to offer just this observation, Mr. Chairman: This bill seeks to regulate the transmission of securities, not the issue, and it goes on to make it a crime to transport such kinds of securities; that is all, as I maintain, that it does do. It does not set up any machinery or anything of the kind for the prosecution of that crime. It is merely a regulatory measure regarding the transportation that, when violated, makes the violator of the same a criminal.

Now, then, the gentleman from New York [Mr. LA GUARDIA] offers an amendment which has only to do with transportation, and if the gentleman's amendment is not germane to a general subject when the bill applies to a specific class, then you must overrule the precedent set down in *Hinds*. I think section 778 in the rules absolutely sustains that contention. If I am correct and accurate in my statement, that the bill only has to do with transportation, I submit that is all there is in the bill.

Mr. OLIVER of New York. Section 3, however, deals with the same subject that the amendment of the gentleman from New York [Mr. LA GUARDIA] deals with.

The CHAIRMAN. I think it is clear that the amendment of the gentleman from New York [Mr. LA GUARDIA] goes further than the purpose of the bill. The gentleman's amendment seems to be intended to regulate the conditions of the sale of the stock where the presumption is that the stock will not be delivered. I think it is fair to say that it is violative of the rule of germaneness, and consequently the Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

SEC. 4. That the provisions of this act shall not apply to any of the following classes of securities:

(a) Any security issued or guaranteed by the United States or any Territory or insular possession thereof, or by the District of Columbia, or by any State or political subdivision or agency thereof.

Mr. RAMSEYER. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. RAMSEYER. Will the whole section be read before amendments are offered?

The CHAIRMAN. Yes.

Mr. BLANTON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BLANTON. There are various subdivisions here with respect to exemptions. Where you want to strike out a specific subdivision like (e) or (f) of the entire section, must you go down to page 11?

The CHAIRMAN. Yes. That is an entire section.

Mr. BLANTON. We do not want to be sleeping on our rights. The CHAIRMAN. No. The Chair does not contemplate catching the gentleman asleep. The Clerk will proceed with the reading.

The Clerk read as follows:

(b) Any security issued or guaranteed by any foreign government with which the United States is at the time of the sale or offer for sale thereof maintaining diplomatic relations, or by any State, Province, or political subdivision thereof having the power of taxation or assessment.

(c) Any security issued by a national bank or by any Federal land bank or joint-stock land bank or national farm-loan association under the provisions of the Federal farm loan act of July 17, 1916, or by the War Finance Corporation, or by any corporation created or acting as an instrumentality of the Government of the United States pursuant to authority granted by the Congress of the United States: *Provided*, That such corporation is subject to supervision or regulation by the Government of the United States.

(d) Any security issued or guaranteed either as to principal, interest, or dividend by a corporation owning or operating a railroad or any other public-service utility: *Provided*, That such corporation is subject to regulation or supervision either as to its rates and charges or as to the issue of its own securities by a public commission, board, or officer of the Government of the United States, or of any State, Territory, or insular possession thereof, or of the District of Columbia, or of the Dominion of Canada or any Province thereof; also equipment trust certificates or equipment notes or bonds based on chattel mortgages, leases, or agreements for conditional sale of cars, motive power, or other rolling stock mortgaged, leased, or sold to or furnished for the use of or upon a railroad or other public-service utility corporation, or equipment trust certificates, or equipment notes or bonds where the ownership or title of such equipment is pledged or retained in accordance with the provisions of the laws of the United States, or of any State, or of the Dominion of Canada, to secure the payment of such equipment trust certificates, bonds, or notes; also bonds, notes, or other evidences of indebtedness issued by a holding corporation and secured by collateral consisting of any securities hereinabove in this clause 4 described: *Provided*, That the collateral securities equal in par value at least 125 per cent of the par value of the bonds, notes, or other evidences of indebtedness so secured. If any portion of the collateral securities consists of stock of no par value, then for the purpose of this subdivision such stock shall be deemed to have a par value equal to the price at which such stock was authorized to be issued by the public commission, board, or officer having supervision of the issue of such stock.

(e) Any security issued by a corporation organized exclusively for educational, benevolent, fraternal, charitable, or reformatory purposes, and not for pecuniary profit.

(f) Securities which at the time of the sale or offer for sale thereof are issued, outstanding, and fully listed upon any organized stock exchange having an established meeting place in a city of over 500,000 population according to the last preceding United States census and providing facilities for the use of its members in the purchase and sale of securities listed by such exchange, and securities senior thereto or evidences of indebtedness guaranteed by companies the common capital stock of which is so listed: *Provided*, That actual transactions on such organized exchange have occurred during each of the preceding 20 years in the purchase and sale of United States bonds or other bonds of any of the classes exempted herein from the provisions of this act: And *provided further*, That such stock exchange requires financial statements to be submitted at the time of such listing and annually thereafter.

(g) Any security issued by a State bank, trust company, or savings institution incorporated under the laws of and subject to the examination, supervision, and control of any State or of the United States or of any insular possession thereof.

(h) Any bonds or notes secured by a first mortgage upon agricultural lands used and valuable principally for agricultural purposes (not including oil, gas, or mining property or leases), or upon city or village real estate or leaseholds situated in any State or Territory of the United States or in the District of Columbia or in the Dominion of Canada, as follows:

(1) When the entire mortgage, together with all of the bonds or notes secured thereby, is sold or offered for sale to a single purchaser or at a single sale.

(2) When the mortgage is a first mortgage upon such agricultural lands, used and valuable principally for agricultural purposes, and when the aggregate face value of such bonds or notes, not including interest notes or coupons, secured thereby does not exceed 75 per cent of the then fair market value of said lands plus 50 per cent of the insured value of any improvements thereon.

(3) When the mortgage is a first mortgage upon city or village real estate or leaseholds, and when the aggregate face value of such bonds or notes, not including interest notes or coupons, secured by such real

estate or leaseholds does not exceed 75 per cent of the then fair market value of said mortgaged real estate or leaseholds, respectively, including any improvements appurtenant thereto, and when said mortgaged property is used principally to produce through rental a net annual income, after deducting operating expenses and taxes, or has a fair rental value after deducting operating expenses and taxes, at least equal to the annual interest plus not less than 3 per cent of the principal of said mortgage indebtedness.

(4) When the mortgage is a first mortgage upon city or village real estate or leaseholds upon which real estate or leaseholds a building or buildings is or are about in good faith forthwith to be erected according to the expressed terms of the mortgage, and when reasonably adequate provision has been made for financing the full completion of said building free and clear of any lien superior to said mortgage, and when the aggregate face value of the bonds or notes, not including interest notes or coupons, secured by such first mortgage does not exceed 75 per cent of the fair market value of such mortgaged property, including the building or buildings to be erected thereon as aforesaid, and when said mortgaged property is to be used principally to produce through rental a net annual income, after deducting operating expenses and taxes, or will have a fair rental value after deducting operating expenses and taxes, at least equal to the annual interest plus not less than 3 per cent of the principal of said mortgage indebtedness: *Provided*, That all advertisements, circulars, and letters advertising the sale of said bonds or notes and all receipts of payments therefor shall bear in bold type upon the face thereof a legend stating that said bonds or notes are construction bonds or notes, and all other written or printed offerings of said bonds or notes shall contain a statement to the same effect.

The provisions of this subdivision (h) shall not apply in the case of bonds or notes secured wholly or partly by first mortgage on leaseholds unless all advertisements, circulars, and letters advertising the sale of said bonds or notes and all receipts of payments therefor, and said bonds and notes shall bear in bold type upon the face thereof a legend stating that said bonds or notes are secured wholly or partly by mortgage on a leasehold, as the case may be, and all other written or printed offerings of said bonds or notes shall contain a statement to the same effect.

When used in this subdivision (h) the term "mortgage" shall be deemed to include a deed of trust to secure a debt.

(i) Negotiable promissory notes or commercial paper: *Provided*, That such issue of notes or commercial paper mature in not more than 12 months from date of issue and shall be issued within 3 months after the date of sale.

(j) Securities issued by a corporation, firm, trust, partnership, or association owning a property, business, or industry which has been in continuous operation not less than 5 years, and which has shown during a period of not less than 3 years nor more than 10 years prior to the close of its last fiscal year preceding the offering of such securities, average annual net earnings, after deducting all prior charges, including the charges upon prior securities not to be retired out of the proceeds of sale, as follows:

(1) In the case of interest-bearing securities not less than one and one-half times the annual interest charge thereon and upon all other outstanding interest-bearing obligations of equal rank.

(2) In the case of preferred stock, not less than one and one-half times the annual dividend on such preferred stock, and on all other outstanding stock of equal rank.

(3) In the case of common stock, not less than 6 per cent upon all outstanding common stock of equal rank, together with the amount of common stock then offered for sale by the issuer, reckoned upon the price at which such stock is then offered for sale or sold: *Provided*, That the assets of such corporation, firm, trust, partnership, or association (not including patents, copyrights, secret processes, and formulas, good will, trade-marks, trade brands, franchises, and other like intangible property) as of date of the close of its last fiscal year preceding the offering of such securities, together with the proceeds of the sale of such securities accruing to the issuer, shall equal or exceed—

(a) In the case of evidences of indebtedness, 125 per cent of the par value of such evidences of indebtedness, and all other obligations of equal or prior rank outstanding and not to be retired out of the proceeds of the sale of such securities.

(b) In the case of preferred stock, 125 per cent of the par value of the aggregate amount of such preferred stock and of all other outstanding preferred stock of equal rank, after the deduction from such assets of all indebtedness which will be existing and all stock of senior rank which will be outstanding after the application of the proceeds of the preferred stock offered for sale.

(c) In the case of common stock, 100 per cent of the aggregate of such common stock and all other outstanding common stock of equal rank, reckoned at the price at which such stock then offered for sale is offered for sale or sold, after the deduction from such assets of all indebtedness which will be existing and all stock of senior rank which will be outstanding after the application of the proceeds of the com-

mon stock offered for sale: *Provided*, That in any proceeding, civil or criminal, arising under this act involving any sale or offer for sale, subscription, or delivery of any security hereinabove in this subdivision (f) described (made by any person other than the issuer of such securities), copies of the public financial statements of the corporation, firm, trust, partnership, or association issuing such securities, certified as being true copies thereof by any officer of such corporation, or by an executive of such trust or association, or by a member of such firm or partnership, shall be admissible in evidence in any court and shall be prima facie evidence of the truth of the contents thereof.

Mr. DENISON. Mr. Chairman, I offer a committee amendment to correct the text.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. DENISON: Page 5, line 8, strike out the words "clause 4" and insert in lieu thereof the words "subdivision (b)."

Mr. DENISON. That was a stenographic mistake, and the amendment is simply offered to correct it.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. LEAVITT. Mr. Chairman, I move to amend the section by striking out paragraph (f), on pages 5 and 6.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Montana.

The Clerk read as follows:

Amendment offered by Mr. LEAVITT: Page 5, beginning with line 20, strike out all of subsection (f).

Mr. LEAVITT. Mr. Chairman and gentlemen of the committee, if I properly understand section (f), it means that the board of control of the stock exchanges of something like 15 or 16 of the large cities can pass upon and approve securities, and that, having done so, they can then be sent through the United States mail into any of the States of the Union, regardless of the "blue sky" laws in those States, since the States can not in any way control, through any laws that they can pass, the United States mails.

It has been said that this applies only to securities now outstanding or which will be outstanding at the time of the passage of this bill. I can not read that into this section. It says:

SEC. 4. That the provisions of this act shall not apply to any of the following classes of securities:

(f) Securities which at the time of the sale or offer for sale thereof are issued, outstanding, and fully listed upon any organized stock exchange having an established meeting place in a city of over 500,000 population according to the last preceding United States census. . . .

Now, as I said a few moments ago, this takes out of the provisions and restrictions of this law any security that is passed on by one of the boards of trade of a great city of half a million population or over, regardless of what action has been taken in the different States, because the law very plainly says that such securities shall not come under the provisions of this act. Those are the words at the beginning of section 4.

Now, my objection to that, as already stated, is that it throws those securities into unfair competition with other securities that have been issued in States in early stages of development. I move to strike out this paragraph, in order that all securities may be put on exactly the same footing, and that no discrimination shall be exercised toward securities sent out to the advantage of those in control of the stock exchanges and who are operating these stock exchanges for their own profit.

Mr. McKEOWN. Will the gentleman yield?

Mr. LEAVITT. Yes.

Mr. McKEOWN. Does the gentleman think that because there may be 500,000 people in a city that they are more honest than the people in a smaller city?

Mr. LEAVITT. I do not believe that for a moment. I believe that if any such provision as this is made, it should apply to any recognized stock exchange that has been in existence for the period of time set forth in the bill, regardless of the population of the city.

Now, gentlemen, I am speaking regarding this from the angle of those States that are in the process of development; that there should not be undue discrimination against the securities of companies which are formed in order to develop the resources of the great Western States in favor of securities which are already in the hands of speculators in the eastern cities. I say that simply because it is a fact that the development of the Western States depends upon the development of the resources within the States, and those companies, formed for the development of these resources, must of necessity toddle be-

fore they can walk, and they should not be choked out, as I said in my previous talk, by any such provision as this in the bill.

I am for a blue sky law which treats all alike and makes all securities pass the same test exactly. Anything else is discriminatory and unfair. No group of men interested in speculation in stocks and securities should have the power to override the blue sky laws of any State through the use of the United States mails. Therefore this paragraph giving them that power without regulation should be stricken from the bill.

Mr. DENISON. Mr. Chairman, I rise in opposition to the amendment. I want to say this: There is not a provision in this bill which has had more careful and painstaking consideration than this provision. Those who are interested in this legislation worked for months in an effort to solve this problem and try to stop or prevent the sale of fraudulent securities and yet not interfere with legitimate business.

Mr. McKEOWN. Will the gentleman yield?

Mr. DENISON. I am sorry I can not yield.

Mr. McKEOWN. Why did not the gentleman put a provision in the bill which would permit any honest exchange to have the same rights?

Mr. DENISON. I am sorry I can not yield further to the gentleman. I would like to proceed for five minutes and explain this provision, because I know most of the Members of the House want to solve this problem if we can. I believe all the Members want to accomplish the purpose intended by this bill.

Now, let me say that the representatives of the different States which have blue sky laws came before the committee and discussed this question. In most of the State laws securities which are outstanding and are fully listed on these stock exchanges are exempted, so that this bill would not apply to those States at all in that particular. From those States which have not amended their laws recently, and which do not have an exemption of that kind, officials came before the committee and said to the committee that if such securities as are fully listed on that class of stock exchanges were brought before their commissions they would permit them to be sold in their States; and so they stated they were perfectly willing to have the Federal law contain such an exemption. Now, there you are. The administrative representatives of these various States, not only those that have a similar exemption in their State laws but those that do not, came to the committee and said they thought the Federal law should contain that kind of an exemption.

Let me call your attention to this fact: This exemption does not apply to any new issues of stock. Do not forget that. It applies only to such stocks as are already issued and outstanding at the time they are sold.

Mr. LEAVITT. Will the gentleman give the language which says that?

Mr. DENISON. I will give it right here, beginning with line 20:

Securities which at the time of the sale or offer for sale thereof are issued, outstanding, and fully listed upon any organized stock exchange.

Mr. LEAVITT. When is the time of the sale?

Mr. DENISON. Well, whenever it is sold.

Mr. LEAVITT. It does not say that. It says it must be outstanding at the time of sale, but it does not say it must be outstanding at the time of the passage of this bill.

Mr. BLANTON. The gentleman from Illinois is mistaken about that. It is not in the bill in that way.

Mr. LEAVITT. And that is what we are objecting to.

Mr. DENISON. I do not get the gentleman's point.

Mr. LEAVITT. My point is this: That the bill itself does not say that this limits this exemption to securities which are now outstanding or which will be outstanding at the time of the passage of the bill, but to securities which are issued, outstanding, and fully listed upon any organized stock exchange—when? At the time of the sale thereof.

Mr. DENISON. Exactly; and that is what I have been saying.

Mr. BARKLEY. You can not make the passage of this bill the dead line beyond which you can or can not do this thing.

Mr. LEAVITT. Then in the future they can approve stock which will then be sent out into the States?

Mr. DENISON. It means this: The passage of the bill is not going to be the dividing line, but it means that whenever any security is undertaken to be sold through the agencies of interstate commerce, and if at the time of that sale that security has been issued, is outstanding and is fully listed upon any of the stock exchanges described, then it is exempt from the provisions of the act.

Mr. LEAVITT. Does that mean when it is offered for sale, and does it mean that a stock can not be offered for sale until regularly listed?

Mr. DENISON. No; it means exactly what it says. If it is issued and outstanding—and that means in the hands of the public—and is listed on any of the stock exchanges described then it is exempt from the provisions of this bill. So this exemption, gentlemen of the committee, does not apply to new issues of stock at all. And we do not want the exemption to be broad enough to include any stock exchanges that are primary markets; exchanges that can be used for stock promotions. It only applies to those securities which have been sold and are out of the hands of the issuing company and are outstanding in the hands of the public, and we must exempt that class of securities. If we do not do that, gentlemen of the committee, we might as well kill this bill, because there are outstanding securities in almost unlimited amounts that are perfectly valid and we can not close the avenues of interstate commerce to the transmission of such securities from one State to another.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MAPES. Mr. Chairman, there has been so much discussion of this subsection (f) that I would like to supplement what the gentleman from Illinois has said by reading a part of the statement of Mr. Garfield S. Canright, director of the securities division of the railroad commission of the State of Wisconsin and president of the National Association of Security Commissioners, before the subcommittee of the Committee on Interstate Commerce of the Senate in the last Congress. After being questioned by different Senators and making quite a lengthy statement on this particular subject—page 71 of the hearings—he says:

Naturally, we who are charged with the enforcement of State laws would like to see just as sweeping a bill as it is practicable to have, because then there would be no loopholes in the situation. But frankly, gentlemen, considering this from my standpoint as a servant of one of the States, I could not come before you honestly and ask you to exclude from the States securities with regard to which there could be no possible question.

And again, at another place, he says:

If you will look over the laws of the States governing securities, you will see that they are nearly all drafted on the same idea. They nearly all try to do the very thing you are talking about, in the first instance, and then they found that what they had to do was to prohibit all securities and then follow that prohibition by exemptions. So that in passing this law in this form you will be doing just exactly what the State legislatures themselves have been forced to do in attempting to cover this class of securities, the sale of which is to be regulated.

He sums up the difficulties of the situation, as the members of this committee are beginning to realize them, in this short statement:

We have done the best we could, and I think you will find, as you study the proposition, that we have pretty fairly covered the situation by exempting high-grade securities, in connection with which there is little possibility of fraud, and as to which the States have no objection; in fact, the sale of which they welcome; and also those securities which business necessity requires shall be exempted and in connection with which there is no great probability of fraud.

He then discusses the question of why the State laws and why this bill selects certain well-established stock exchanges and allows the securities listed upon those stock exchanges to be traded in without getting a license from the different State security commissions.

Mr. LaGUARDIA. Will the gentleman yield?

Mr. MAPES. I yield.

Mr. LaGUARDIA. As I understand it, if the stock is a sound stock, it may be mailed or transported from one State to another regardless of whether it is listed or not. Assuming a stock is listed under misrepresentation and under a fraudulent statement, would not this provision of the section protect that stock, notwithstanding the fact that it is a fraudulent stock?

Mr. MAPES. It is possible, of course, that a case of that kind might arise, but it is impossible to pass any workable law that will cover all possible contingencies. To do so would place an undue restriction on legitimate business. Those who have charge of the enforcement of these laws in the different States thought it would be unwise to attempt to do so in this bill.

Mr. MORTON D. HULL. Will the gentleman yield?

Mr. MAPES. Yes.

Mr. MORTON D. HULL. The real evil that it is sought to remedy here is the sale of promoters' stocks. Is it not?

Mr. MAPES. That is one of the things the bill attempts to remedy.

Mr. MORTON D. HULL. In other words, the sale of something which is still in the promotion stage, and not the sale of stock of companies that have been in existence and have established themselves in business, and when you refer here to outstanding stock you are referring to stock that has been distributed among stockholders and represents stock in a going business. And that is not the sort of sale which constitutes the evil which this bill is attempting to prevent.

Mr. MAPES. Not at all.

Mr. MORTON D. HULL. It is the sale of promotional stock that creates the evil.

Mr. MAPES. In most cases. This bill does not propose to recommend or to tell anyone whether or not to buy any given stock.

Mr. BLANTON. I offer a substitute for the amendment. On page 5, line 23, strike out "500,000" and insert in lieu thereof "50,000,000."

The CHAIRMAN. The gentleman from Texas offers a substitute for the amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLANTON as a substitute to the amendment offered by Mr. LEAVITT: On page 5, line 23, strike out the figures "500,000" and insert in lieu thereof "50,000,000."

Mr. BLANTON. Mr. Chairman, I offer this substitute merely to get the floor, but my substitute or the amendment of the gentleman from Montana [Mr. LEAVITT], either one, would do the work that ought to be done, and that is to stop these exemptions that are proposed in subdivision (f) in this bill. We might as well understand what we are doing when we come to vote on this matter, without any camouflage about it. It has been contended here that even though they get their stock listed on one of these exchanges they can not send them into your State by mail if your State prohibits it. Now let us see whether that is so or not. That is not so.

Mr. DENISON. Will the gentleman yield?

Mr. BLANTON. In just a moment. I have but five minutes and the gentleman can answer me in his own time. I want to show you what the bill provides. It is not so written in this bill.

Mr. DENISON. Will the gentleman yield?

Mr. BLANTON. In just one minute. I did not disturb the gentleman. I want my colleagues to understand subsection (f).

Mr. DENISON. I can relieve the gentleman.

Mr. BLANTON. On page 3, section 4, I want you to read this language, "that the provisions of this act shall not apply to any of the following classes of securities."

Then notice the exemptions that follow which are contained in this bill. None of the provisions of the bill applies to the following exemptions that are set forth here. One of the exemptions is (f) on page 5, beginning with line 20. Read it. I have not the time to read it, but it provides that when once listed on one of these exchanges, when it is fully issued, and when it is outstanding they can ship the stock anywhere by mail because it is excepted from the provisions of this bill.

Mr. McKEOWN. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. In just a minute. Please excuse me now. I want to get this idea before my colleagues. We ought to understand this subsection (f) before we vote on it. We ought not to vote for this bill under a misapprehension. Under subsection (f)—and I am not afraid of being contradicted by any lawyer in this House—every State in this Union could deny circulation to securities, and yet if you could go to New York and get those securities listed, if they were outstanding, if they were fully issued, they could be shipped by mail or expressed to every State in the Union under the provisions of this bill. That is what the bill says. That may not be the opinion of the committee, but that is what the bill says.

Mr. MAPES. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. I regret that I can not.

Mr. MAPES. Nobody has attempted to deny that statement of the gentleman.

Mr. BLANTON. Then at last we understand each other. Now that we understand each other, and we vote for this subsection (f), we are doing it with our eyes open, and we are responsible to our constituents for it.

Let me show you what I can do under this subsection (f). I can organize the most fraudulent oil company you ever heard of. I can capitalize it for \$5,000,000. I need not have a thing of value behind it. I can be denied circulation in every

State of the Union, and yet if I am slick enough, if I have enough standing with the powers that be on Wall Street, I can go to New York and, if I can get by their committee, have my stock listed. It is outstanding. I have had so many directors take so much of it and I have sold so much of it to the widows that were eloquently defended here by the gentleman from Illinois [Mr. DENISON], author of this bill. It is outstanding, it is fully issued, it is listed. The bill does not provide "when sold"; it says under subsection (f) "when offered for sale." I can get it listed on Wall Street, and I can send advertisements of that worthless stock into every State in the Union that had denied me circulation, and impose upon the helpless public. Gentlemen, we do not want to do that. We do not want to vote for this subsection (f). We ought to take it out of the bill. We must support the amendment to strike it out. We are all in favor of a blue sky law. I have not heard of any Member contending that this law goes too far. Every Member that I have heard, who has spoken here, says that it does not go far enough. I ask the distinguished gentleman from Alabama [Mr. HUDDLESTON] if it does not go far enough, why do we not stand up here and make it go far enough? If subsection (f) is improper, why not vote it out? Now is the time to do it. Are we passing the buck to the Senate? Why do we not do our duty? We are the real legislators of the people; we come fresh from them every two years; we do not come here every six years. We have to go back this year and answer to our constituents, and if this law does not go far enough, let us cut out these exemptions in subsection (f) and make it read as we want it to read, for now is the time and the opportunity and the place. I hope the amendment of the gentleman from Montana [Mr. LEAVITT] will prevail, and I will ask to withdraw my pro forma substitute.

Mr. HUDDLESTON. Mr. Chairman, I repeat that the passage of this bill will not take from any purchaser of stocks any protection which the laws of his State now give him, but that apart from the exemption and other features of this bill it is intended to give to the various States a field for the operation of their blue sky laws upon interstate transactions, in which their citizens may become the purchasers of stock. That is all it is.

The blue sky laws of the various States are not drastic but mild. None of them, so far as I know, goes too far. They are properly based upon the principle stated by the member of the Security Commission of the State of Wisconsin as being based upon prohibition with exemptions. It is entirely proper that such laws shall carry all exemptions which are proper and reasonable and which will facilitate business. I think we may trust the people of the various States to pass such laws as suit their ideas along that line.

As stated, the purpose of this bill is to make those laws applicable to interstate transactions. For the reason that those laws carry all the necessary and proper exemptions there exists no necessity whatsoever for any additional exemptions in this bill. To the extent that the blue sky laws of the States exempt certain securities from their operation, they will be exempted after this bill becomes a law. What we are proposing to do by the exemptions carried in this bill is to force them on these people of the States whether they want them or not. We deprive the States of the opportunity to enforce their blue sky laws against stocks and securities of the classes exempted by this bill.

The effect of this bill is to make the blue sky laws of the State applicable to interstate transactions, except in those instances where powerful interests want to force their securities into a State in violation of the principle of its laws and as independent entirely of their jurisdiction. I submit that we ought to allow each State to govern itself. We ought to allow each State to say what kind of securities shall be sold, whether by mail or otherwise, in that State. We ought to give full operation and effect to the laws which a State has passed for the protection of its people. If the States do not want a certain kind of security sold there, they ought to be allowed to say so and to keep them out.

It is a gross injustice to other security holders that we shall say to them, "You shall not sell your securities in a State unless you submit them to the security commissioners of that State and comply with its laws," and then say to the other classes of security owners mentioned in these exemptions, "You may sell your securities in any State you want to without consulting the officials of those States or attempting to comply with their laws."

I submit that every man who is a dealer and wants to sell securities in a State, if he is an honest man, ought to be willing to comply with the laws of that State, and the people

of that State ought to be permitted to exclude him from that State if they want to. Yet they can not do this with these exemptions appearing in the bill.

Mr. MORTON D. HULL. Mr. Chairman, will the gentleman yield?

Mr. HUDDLESTON. Yes.

Mr. MORTON D. HULL. The gentleman would like to strike out the whole section?

Mr. HUDDLESTON. There is a bare possibility that one or two of the subsections should be permitted to remain, but certainly this wholesale exemption of all kinds of securities that may be listed by a stock exchange ought to go. A number of other subsections, I think, should be stricken out. In fact, I would be willing to say that even a United States bond ought not to be allowed to be sold to the people of a State, if the owner of it, being a dealer, is not willing to comply with the laws of that State. I would be willing to go that far. That is what it would mean to strike out all the exemptions.

Mr. DENISON. I ask unanimous consent that all debate on this section and all amendments thereto close in five minutes. I will limit it to this paragraph.

Mr. BARKLEY. I think this is the most crucial section of the bill and gentlemen may require some explanation to clear away some of the cobwebs that seem to have crept into the Chamber this afternoon; and if we limit the debate to five minutes, and I should have the five minutes, you might not get much of an explanation.

Mr. DENISON. I will say 10 minutes.

Mr. JONES. Reserving the right to object—

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that all debate on this section and all amendments thereto close in 10 minutes.

Mr. RAMSEYER. That is not the way he stated it, Mr. Chairman; he said the subsection.

Mr. DENISON. Paragraph (f).

The CHAIRMAN. Is there objection?

Mr. JONES. Mr. Chairman, reserving the right to object, I have three or four questions I would like to have somebody answer and discuss, one of which is in reference to the 500,000 limitation; and I desire to know the reason for fixing it at that number, and if the gentlemen to be recognized are not to discuss this I would like to have some explanation before it is passed over.

Mr. DENISON. I will explain that.

Mr. OLIVER of New York. Reserving the right to object, do I get three minutes?

Mr. DENISON. I will yield the gentleman three minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. BARKLEY. Mr. Chairman, I rose particularly to address myself to the remarks of the gentleman from Alabama [Mr. HUDDLESTON]. He seems to have expressed some objection to most of the subsections, and especially to the sections granting these exemptions. Now, let us see what they really do. First comes section (a):

Any security issued or guaranteed by the United States or any Territory or insular possession thereof, or by the District of Columbia, or by any State or political subdivision or agency thereof.

Certainly there can not be any legitimate objection to the exemption given to any security issued by the United States or any State or Territory or any political subdivision thereof like county bonds issued by a vote of the people. Certainly they are presumed to be legitimate securities when they are placed upon the market. The same would apply to subsection (b) in reference to foreign securities. Now, national banks are all regulated and controlled by the United States Government and the issue of securities by them is strictly supervised. In reference to (c)—

any security issued or guaranteed either as to principal, interest, or dividend by a corporation owning or operating a railroad or any other public service utility.

Now, all securities issued by railroad companies are supervised by the Interstate Commerce Commission and the manner of issue. It is not necessary to pass this law in reference to those securities. (e)—

any security issued by a corporation organized exclusively for educational, benevolent, fraternal, charitable, or reformatory purposes, and not for pecuniary purpose.

Now we come down to (f):

Securities which at the time of the sale or offer for sale thereof are issued, outstanding, and fully listed upon any organized stock exchange having an established meeting place in a city of over 500,000 population.

Mr. McKEOWN. Will the gentleman yield?

Mr. BARKLEY. In a moment. It developed in the hearing that what was undertaken was to protect the public against stocks which might be listed by stock exchanges which had not over a long period of years established their reliability, and at first it was thought it would be better to name the stock exchanges that had established a reputation for reliability throughout the country, but on an investigation the prima facie evidence was that there are several of these stock exchanges of a very substantial character; and, recognizing that fact, we thought if we did that hereafter other cities might establish stock exchanges that might later qualify, and if we named them we would have to pass another act in order to admit them. So that the only way by which that could be done was to provide that hereafter automatically other cities might come in under the exemption and qualify as stock exchanges that had existed for 20 years and had established a reputation for reliability; and therefore it would not be necessary to pass another law, but automatically the stock exchanges of such cities which have established through a period of years—as many as 20 years—their reputation for reliability would come under the operation of this law.

Mr. McKEOWN. Will it include the curb exchange?

Mr. BARKLEY. It does not include the curb, because that market does not come within the description of having existed 20 years, which has been fixed in the bill as reported.

Mr. McKEOWN. I understand that they have recently selected a place of meeting. Would not that bring them under the provision?

Mr. BARKLEY. No; it would not bring them under. The fact is that they have a rather pretentious building now, but they have not been in existence for the time provided in the bill so as to admit them.

Mr. JONES. There is still just this question: The gentleman mentions 500,000 as the required population and goes to the length of time. Why not strike out the 500,000 and still have the limitation as to time? What is the reason for that?

Mr. BARKLEY. Because the committee felt that it would not be wise to grant these exemptions to all the stock exchanges that might be established throughout the United States. There are a few recognized standard stock exchanges in the country, recognized for many years by business people throughout the country as having established a reputation for reliability and responsibility, and it has fixed regulations in some cases more strict than those fixed by any State. We thought it was not wise to let the bars down to any exchange that might be established in any little city throughout the United States.

Mr. JONES. I call the gentleman's attention to the fact that everything the gentleman has discussed will still be in the paragraph.

Mr. DENISON. Mr. Chairman, I yield three minutes to the gentleman from New York [Mr. OLIVER].

Mr. OLIVER of New York. Mr. Chairman, I rise to explain the amendment I have offered. In making this provision, section (f), to apply only to those securities which have been issued, and which bars out those hereafter to be issued, I am opposed in general to the entire section, because I do not believe that any private organization should have such complete control over the postal laws of the great Government of the United States. I do not believe that a private organization even that investigates stock shall have the power to say that that stock shall be sold only through the medium of the postal laws of this country. We all know that the gambling and the fraud in stocks is not because the stocks have no intrinsic value, but because of the price at which the stocks are sold and the way in which the stocks are juggled. And when you give the stock exchange or anybody else the right to say that the Federal Government approved of it and that their transactions are made with the approval of the Federal Government I do not believe that any such organization should be allowed to have any such control over what shall be passed through the United States mail.

The chairman of the committee says that the provision is intended to affect only those stocks and securities which already have been offered for sale and the sale of which has been closed, but no new issues shall be listed on the exchange.

Mr. BARKLEY. Does the gentleman mean that this shall apply only to stocks issued prior to the passage of this act?

Mr. OLIVER of New York. Yes.

Mr. BARKLEY. Then you will have set up a standard by which, no matter how legitimate the stock is, it shall not be transmitted.

Mr. OLIVER of New York. I understood the gentleman to say that that was the purpose.

Mr. BARKLEY. We had no idea except to carry out the purpose. The object is, if the gentleman will permit me to say, that at the time the stock is offered for sale—it may be 50 years at that time—although that stock may not be in existence at the time this law passes, yet at that time it shall be existing and listed on this stock exchange.

Mr. OLIVER of New York. That is different from what I understood the chairman to say.

Mr. JONES. Mr. Chairman, I ask for recognition.

The CHAIRMAN. The gentleman from Texas is recognized. Mr. JONES. I have been waiting for some time to have some one explain why you fix 500,000 population as the standard and say that if the exchange is located in a city larger than that it may have all its securities exempted under this law, and if in a town of less than 500,000 none of them can be exempted. If the exchange has been running for 20 years and has established a reputation for honesty and fair dealing—I do not know whether any of them have established that—but if they have I do not see why, if this is to be permanent law, an exchange which deals squarely, according to the gentleman's definition, should not be allowed the same rights after 20 years' service in a town of 300,000 as one which may have located in a larger place. I do not see why it should not have the same privilege as in a city of 500,000.

I doubt whether these exemptions should be made at all, for the reason that, according to the terms of this bill, when they are listed on the exchange it may be a fake mining stock and have all the objections that you try to reach, and yet if it is listed in one of these exchanges located in a city of 500,000 people there is no State in the Union which could make a law providing that it shall not be sold or prohibiting its sale.

Mr. DENISON. The gentleman is correct.

Mr. JONES. In the first place, I do not see why that section exempting such exchanges from the operation of this law should be in here; but inasmuch as it is, I think I shall offer an amendment to perfect the paragraph. Let us have no favoritism. If you strike out the 500,000 you still leave the limitation that it must have been established 20 years and have a regular meeting place, and it could not claim these privileges unless it be an exchange having all the merits required of any exchange. In other words, your real safeguards lie in the other conditions that you have in the paragraph and not in the geographical location of the exchange.

Mr. DENISON. There are exchanges in this country that have been running more than 20 years and they are known to be nothing more nor less than exchanges for the promotion of certain classes of stocks.

Mr. JONES. The gentleman does not refer to the New York Stock Exchange, does he?

Mr. DENISON. No.

Mr. JONES. It might be said that that is their principal function.

Mr. DENISON. We have to deal with conditions as they are to-day, and if all the provisions are not kept in the bill you might as well not pass the bill, because if you permit certain other exchanges to be exempted beyond those exempted here, you will simply be opening the door and letting all securities go through.

Mr. JONES. I am not in favor of exempting any of them. I am trying to abolish what I conceive to be a discrimination.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. JONES. Mr. Chairman, may I not have three minutes more?

The CHAIRMAN. The time has been allotted by agreement.

Mr. JONES. Can it not be extended by unanimous consent?

Mr. CONNALLY of Texas. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. CONNALLY of Texas. What has been done by unanimous consent can be undone by unanimous consent, can it not? My colleague ought to be able to get unanimous consent now.

Mr. JONES. Mr. Chairman, I do not see why a body which can do one thing by unanimous consent can not do a subsequent thing by unanimous consent—when it is the same body. I ask unanimous consent to proceed for five additional minutes.

Mr. WINSLOW. Mr. Chairman, if unanimous consent is granted in one instance, why can it not go on forever?

Mr. JONES. It can by unanimous consent, but if anybody objects it can not. The gentleman is on guard—standing at the bridge, like Horatius.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for five additional minutes. Is there objection?

Mr. BARKLEY. Mr. Chairman, reserving the right to object, I think if the gentleman from Texas is going to have an extension of time to urge the elimination of this language there ought to be a further extension of time in order that somebody may have an opportunity to oppose it. Therefore, I ask unanimous consent that debate on this paragraph be extended 10 minutes.

Mr. WINSLOW. Mr. Chairman, what is the purpose of making a limitation if it can be extended?

The CHAIRMAN. The question is not debatable. Is there objection to the request of the gentleman from Kentucky [Mr. BARKLEY] that the time for debate on this paragraph be extended 10 minutes?

Mr. WINSLOW. As long as we have entered into this I will not object, but I reserve the right to object hereafter.

The CHAIRMAN. The Chair hears no objection, and the gentleman from Texas is recognized for five additional minutes.

Mr. JONES. Mr. Chairman, in the first place I do not see why a stock, simply because it may be listed on the New York exchange or some other exchange, should be licensed, if it is a fake stock, to be sold in the State of Texas contrary to the laws of that State, or similarly with reference to any other State. I just can not get it through my head, although I have been sitting here for a long time trying to get at the philosophy of this paragraph. I know this committee has tried to do the right thing about this bill; but if these stock exchanges are so reputable and if they have rules which are as strong and rigid as the laws of any State in the Union, then it should be no trouble to them when trying to sell these stocks to comply with the laws of the particular State in which they are trying to consummate the sale.

If, according to the rules of the stock exchange, some fake stock is permitted to be listed on that exchange—it may be oil stock, it may be mining stock, or it may be any other kind of stock; still, if this paragraph remains in the bill, regardless of how great a fake it may be, its promoters may transport it by any of the means mentioned in this bill, or they may use any of the agencies of this Government, and they may convey information into the States in soliciting the sale of that stock, and no State can say "nay." Why license anyone or any organization to do that? Should not the people of any State be permitted to safeguard that State's citizens against those who would defraud?

If the House should take the other horn of the dilemma and say we must make some exceptions, then why should special privileges be extended to a city of 500,000 people? What peculiar charm is there to an organization that happens to be in a city of 510,000 people that does not inhere in the people who live in a city of 490,000 people, when they are Americans all? What is the basis for this arbitrary limitation of 500,000 people?

The measure has other provisions to the effect that it must be a regularly organized exchange; that it must have operated for 20 years, and a number of restrictions which are intended—and I think rightly intended—to safeguard the operation of these exchanges. But if those things are true, and you can so safeguard an exchange, those same limitations will safeguard an exchange and the people from fraudulent activities on that exchange in a city of 250,000 people just as much as in one of 500,000 people. [Applause.]

There is not a member of this committee who has answered my questions, and I have asked questions here for the last half hour. When I would ask them they would go off to the 20-year provision and other stipulations, which will still be in the section if the amendment is adopted.

Mr. BARKLEY. Will the gentleman yield?

Mr. JONES. For a question.

Mr. BARKLEY. Well, it may be more than a question.

Mr. JONES. I do not yield to the gentleman for a speech.

Mr. BARKLEY. You must either have that restriction written in or no restriction at all.

Mr. JONES. No; I can strike out the 500,000 and still have restrictions in this paragraph. Let me call your attention to the following:

And provided further, That such stock exchange requires financial statements to be submitted at the time of such listing and annually thereafter.

Then here is the restriction that the stock exchange must have been in existence during the preceding 20 years and operated each of those years, and all of those restrictions will still be in the paragraph and be just as effective.

I say that any exchange, whether it is a town of 50,000 people or 100,000 people, which has been in business for 20 years,

that has done business every year for 20 years and requires financial statements to be submitted, is just as likely to be as honest as the Wall Street Exchange. No gentleman can answer that proposition, and when I attempted to ask the question the gentleman would go off to another limitation in the bill. I want to destroy the discrimination, and then I would like to strike out the entire paragraph so that none of the exchanges would have any exemptions, and so that no exchange and no one else could use the facilities of interstate commerce for transporting or selling fraudulent stocks or securities.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. DENISON. Mr. Chairman, the gentleman from Texas says no one has answered that proposition, but I will try to do it, if I can. Those who have investigated this subject, including the officers of the different States who are interested in these matters, have found, on an examination of the different stock exchanges of the country, that there are certain stock exchanges which have very high listing requirements.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. DENISON. I am sorry I can not yield, because I want to answer the gentleman from Texas [Mr. JONES].

Mr. CONNALLY of Texas. I want to ask a question which the gentleman can answer when he answers the gentleman from Texas [Mr. JONES]. What assurance has the gentleman that they will not change those requirements?

Mr. DENISON. Well, I have the same assurance we have that any of the large banks of the country will be honestly managed.

Mr. CONNALLY of Texas. But they are regulated by law.

Mr. DENISON. I am trying to answer the gentleman's question, and I can not yield any further, because I have not the time.

Mr. ABERNETHY. Is there any regulation of these stock exchanges by this bill?

Mr. DENISON. We found, gentlemen, that there are certain stock exchanges—I do not want to mention them, and we had to make the terms of the bill general—which have very strict listing requirements, and those listing requirements are so rigid that there is no probability of fraudulent stocks being listed. If you will get the listing requirements of the New York Stock Exchange—and I am referring to the New York Stock Exchange proper—or of the Chicago Stock Exchange or the Boston Stock Exchange and, perhaps, of the Philadelphia Stock Exchange, you will find that before any security can be listed on those exchanges it must undergo a very thorough examination and exhaustive information must be furnished to the listing committee of the stock exchange, all of which will generally prevent, as far as the judgment of capable and experienced business men can do so, any fraudulent or worthless security from being listed for trading. There are only three or four of the stock exchanges that are really national in character and that have such rigid listing requirements.

We selected 500,000 population as an arbitrary number in order to exclude exchanges which do not have these high listing requirements, and that is the only reason for doing so; and I will say to my friend from Texas that if you strike that out of the bill you might as well strike out the entire section of the bill, and if you strike out the section you might as well kill the bill, because this matter has been so thoroughly investigated by the officials of the different States who are responsible for the good-faith execution of their own laws that there can be no mistake about it, and they say that this provision ought to go into the bill.

Mr. LEATHERWOOD. Will the gentleman yield?

Mr. DENISON. I yield to the gentleman.

Mr. LEATHERWOOD. Did the committee find that the cities of 500,000 and over that would be exempted by paragraph (f) were the only ones that measured up to the standard set by the committee?

Mr. DENISON. They did. That is exactly what we found, and that is why we put that provision in the bill.

Mr. JONES. Will the gentleman yield?

Mr. DENISON. I yield.

Mr. JONES. Does the gentleman have any assurance that some city, if this becomes permanent law, in 10 or 20 years, with a population of less than 500,000, might not be able to comply with the requirements and have the same high listing requirements?

Mr. DENISON. If we should find that to be the case, the law can then be amended to meet those conditions, but we have to legislate with a view to present conditions.

Mr. JONES. That might happen next week. Some of them that do not have the high listing requirements referred to might change their requirements.

Mr. DENISON. But the gentleman understands that we have to legislate in the light of conditions that exist to-day.

Mr. BARKLEY. If the gentleman will yield, I would suggest that no city could qualify by having an overnight change in its requirements.

Mr. DENISON. No.

Mr. BARKLEY. These requirements must be established by long years of usage.

Mr. DENISON. Exactly. The exchanges this will apply to have established by long years of business custom and business dealings a reputation that guarantees—

Mr. JONES. I beg to differ with the gentleman. He has misconstrued this section. They must have done business for 20 years, but there is no requirement as to how long their rules must have been in force or their requirements as to their own operations.

The CHAIRMAN. The time of the gentleman from Illinois has expired. All time has expired.

Mr. JONES. Mr. Chairman, I offer a perfecting amendment.

The CHAIRMAN. The gentleman from Texas offers a perfecting amendment, which the Clerk will report.

Mr. DENISON. Is that an amendment to the pending amendment?

The CHAIRMAN. The gentleman offers a perfecting amendment which would have preferential right over a motion to strike out the section.

Mr. DENISON. There has been a limitation on any further amendments by unanimous consent.

The CHAIRMAN. No; that just applied to debate and did not apply to amendments.

Mr. DENISON. That is true, Mr. Chairman.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. JONES: Page 5, line 23, after the word "place," strike out the remainder of line 23 and line 24 down to and including the word "census."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The question was taken; and on a division (demanded by Mr. JONES) there were—ayes 32, noes 23.

Mr. DENISON. I ask for tellers, Mr. Chairman.

Mr. BLANTON. I make a point of no quorum, Mr. Chairman. I withdraw that for the present.

Tellers were ordered, and the Chair appointed the gentleman from Illinois [Mr. DENISON] and the gentleman from Texas [Mr. JONES] to act as tellers.

The committee again divided; and the tellers reported.

The CHAIRMAN. The tellers report ayes 35, noes 34. The Chair votes in the negative, making it ayes 35, noes 35. So the amendment is rejected.

Mr. BLANTON. Mr. Chairman, I make the point of order that the Chairman can not vote from the chair. I make the point of no quorum.

The CHAIRMAN. Let us decide this question first.

Mr. BLANTON. I make the point of no quorum. We do not want the Chair killing an amendment in that way. I make the point of no quorum on that vote, Mr. Chairman.

The CHAIRMAN. The Chair will count.

Mr. BLANTON. I withdraw it for the present.

Mr. JONES. Mr. Chairman, what is the status?

The CHAIRMAN. The Chair quotes the following precedent:

On February 18, 1904, the fortifications appropriation bill was under consideration in the Committee of the Whole House on the state of the Union, when Mr. Choice B. Randell, of Texas, proposed an amendment, and a vote thereon was ordered by tellers. The tellers reported ayes 79, noes 78. Thereupon the Chairman announced he voted in the negative, and the ayes were 79 and the noes 79, and the amendment was disagreed to.

That is what the Chair did in this case. The question now is on the amendment offered by the gentleman from Montana to strike out section (f).

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 41, noes 31.

Mr. DENISON. Mr. Chairman, on that I demand tellers.

Tellers were ordered, and the Chair appointed Mr. DENISON and Mr. LEAVITT to act as tellers.

The committee again divided; and the tellers reported—ayes 43, noes 33.

So the amendment was agreed to.

Mr. McKEOWN. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 8, line 21, strike out section (b).

Mr. McKEOWN. Mr. Chairman, this is another well-considered exception to this bill. Section (b) provides:

Any security issued or guaranteed by any foreign government with which the United States is at the time of the sale or offer for sale thereof maintaining diplomatic relations, or by any State, Province, or political subdivision thereof having the power of taxation or assessment.

It is proposed to prevent the citizens of the United States from issuing securities and selling them, but you are going to give all of these foreign countries and their citizens an opportunity to sell their securities without any sort of guard in respect to the question of their responsibility or validity.

Mr. BLANTON. Mr. Chairman, I make the point of order that there is no quorum present. The gentleman is making a very interesting speech and I think the Members ought to hear it.

The CHAIRMAN. The gentleman from Texas makes the point of order that there is no quorum present. The Chair will count. [After counting.] Seventy-two Members; not a quorum.

Mr. BLANTON. Mr. Chairman, I move that the committee do now rise.

The question was taken; and on a division (demanded by Mr. BLANTON), there were—ayes 43, noes 33.

Mr. DENISON. Mr. Chairman, on that I demand tellers.

Tellers were ordered, and the Chair appointed Mr. DENISON and Mr. BLANTON to act as tellers.

The committee again divided; and the tellers reported—ayes 41, noes 31.

So the motion was agreed to.

Accordingly the committee rose; and Mr. TILSON, having resumed the chair as Speaker pro tempore, Mr. MADDEN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 4, and had come to no resolution thereon.

ORDER OF BUSINESS.

Mr. LONGWORTH. Mr. Chairman, I ask unanimous consent that on Friday night, March 21, 1924, between the hours of 8 o'clock p. m. and 11 o'clock p. m., it shall be in order to consider bills on the Private Calendar unobjected to, and no other business.

The SPEAKER pro tempore. The gentleman from Ohio asks unanimous consent that on Friday night next, between the hours of 8 o'clock p. m. and 11 o'clock p. m., it shall be in order to consider bills on the Private Calendar unobjected to, and no other business. Is there objection?

There was no objection.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. ROSENBLOOM, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 6925. An act granting the consent of Congress to the city of Chicago to construct a bridge across the Calumet River at or near One hundred and thirtieth Street in the city of Chicago, county of Cook, State of Illinois;

H. R. 5737. An act granting the consent of Congress to the county of Kankakee, State of Illinois, and the counties of Lake and Newton, State of Indiana, to construct, maintain, and operate a bridge and approaches thereto across the Kankakee River at or near the State line, between section 19, township 31 north, range 15 east of the third principal meridian, in the county of Kankakee, State of Illinois, and section 1, township 31 north, range 10 west of the second principal meridian, in the counties of Lake and Newton, State of Indiana;

H. R. 5683. An act granting the consent of Congress to the Board of Supervisors of Hinds County, Miss., to construct a bridge across the Pearl River in the State of Mississippi;

H. R. 6420. An act to extend the time for the construction of a bridge across the Mississippi River in section 17, township 28 north, range 23 west of the fourth principal meridian, in the State of Minnesota; and

H. R. 7039. An act to amend section 72 of chapter 23, printing act approved January 12, 1895, relative to the allotment of public documents.

SENATE JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate joint resolution of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. J. Res. 22. Joint resolution proposing an amendment to the Constitution of the United States fixing the commencement of the terms of President and Vice President and Members of Congress, and fixing the time of the assembling of Congress; to the Committee on Election of President, Vice President, and Members of Congress.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. SMITHWICK, for two weeks, on account of important business.

ADJOURNMENT.

Mr. WINSLOW. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 34 minutes p. m.) the House adjourned until to-morrow, Thursday, March 20, 1924, at 12 o'clock p. m.

EXECUTIVE COMMUNICATIONS, ETC.

407. Under clause 2 of Rule XXIV, a letter from the chairman of the Interstate Commerce Commission, transmitting a report for the month of February, 1924, showing the condition of railroad equipment, was taken from the Speaker's table and referred to the Committee on Interstate and Foreign Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. VAILE: Committee on the Public Lands. H. R. 2713. A bill to transfer certain lands of the United States from the Rocky Mountain National Park to the Colorado National Forest, Colo., without amendment (Rept. No. 324). Referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 3019) granting a pension to James Adams, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. GRIFFIN: A bill (H. R. 8048) to raise revenue by levying an excise or surtax upon the privilege of holding lands out of use; to the Committee on Ways and Means.

By Mr. CROSSER: A bill (H. R. 8049) to provide capital at reasonable rate of interest in order to promote the establishment and ownership of homes by the people of the United States, and for other purposes; to the Committee on Banking and Currency.

By Mr. HUDSPETH: A bill (H. R. 8050) to detach Reagan County, in the State of Texas, from the El Paso division of the western judicial district of Texas, and attach said county to the San Angelo division of the northern judicial district of said State; to the Committee on the Judiciary.

By Mr. BOX: A bill (H. R. 8051) to increase the number of members of the House of Representatives and the number of Representatives therein from the State of Texas; to the Committee on the Census.

By Mr. HAMMER: A bill (H. R. 8052) to repeal the transportation act of 1920; to the Committee on Interstate and Foreign Commerce.

By Mr. DAVEY: A bill (H. R. 8053) to amend section 100 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, as heretofore amended; to the Committee on the Judiciary.

By Mr. SUMNERS of Texas: A bill (H. R. 8054) providing for the meeting of electors of President and Vice President, for the issuance and transmission of the certificates of their selection and of the result of their determination, and for other purposes; to the Committee on Election of President, Vice President and Representatives in Congress.

By Mr. LUCE: A bill (H. R. 8055) providing for comprehensive development of the park and playground system of the National Capital; to the Committee on the District of Columbia.

By Mr. GRIFFIN: Joint resolution (H. J. Res. 223) proposing an amendment to the Constitution of the United States relating to child labor; to the Committee on the Judiciary.

By Mr. ASWELL: Joint resolution (H. J. Res. 224) to investigate the cotton trade and to aid cooperative cotton-marketing associations; to the Committee on Agriculture.

By Mr. LEHLBACH: Resolution (H. Res. 226) to make in order H. R. 6896, a bill to amend the classification act of 1923; to the Committee on Rules.

By Mr. KING: Resolution (H. Res. 227) to appoint a clerk to the Committee on Expenditures in the Department of Agriculture; to the Committee on Accounts.

By Mr. WEFALD: Memorial of the Legislature of the State of Minnesota urging the Congress of the United States to enact legislation to stabilize prices in farm products; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALDRICH: A bill (H. R. 8056) granting an increase of pension to Susan A. Main; to the Committee on Invalid Pensions.

By Mr. BLACK of New York: A bill (H. R. 8057) granting a pension to Matthew D. Madigan; to the Committee on Pensions.

By Mr. CANFIELD: A bill (H. R. 8058) granting an increase of pension to Johnson White; to the Committee on Invalid Pensions.

By Mr. CAREW: A bill (H. R. 8059) for the relief of the Andrew Radel Oyster Co. (Inc.); to the Committee on Claims.

By Mr. DENISON: A bill (H. R. 8060) granting a pension to Matilda J. Glass; to the Committee on Invalid Pensions.

By Mr. FISH: A bill (H. R. 8061) granting an increase of pension to Esther A. Fero; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8062) granting an increase of pension to Julia B. Miller; to the Committee on Invalid Pensions.

By Mr. FULBRIGHT: A bill (H. R. 8063) to provide for a preliminary examination and survey of the Mississippi and Ohio Rivers at or near the junction of the Ohio River with the Mississippi River for the purpose of determining the practicability and feasibility, and estimating the cost of a tri-State bridge over said rivers, as a link in existing or proposed interstate highways and as a memorial to ex-service men of the World War; to the Committee on Interstate and Foreign Commerce.

By Mr. GIFFORD: A bill (H. R. 8064) granting a pension to Lydia A. Lawrence; to the Committee on Invalid Pensions.

By Mr. HAMMER: A bill (H. R. 8065) granting a pension to Jesse T. George; to the Committee on Pensions.

By Mr. LAGUARDIA: A bill (H. R. 8066) for the relief of Marie Yvonne Gueguinou; to the Committee on Claims.

By Mr. LOZIER: A bill (H. R. 8067) granting an increase of pension to Serilda C. Parker; to the Committee on Pensions.

By Mr. MADDEN: A bill (H. R. 8068) for the relief of W. P. Nelson Co.; to the Committee on Claims.

By Mr. SANDLIN: A bill (H. R. 8069) for the examination and survey of Red River, La., with a view to providing a channel of suitable depth and width for all probable purposes of navigation; to the Committee on Rivers and Harbors.

By Mr. SCHALL: A bill (H. R. 8070) authorizing preliminary examinations and surveys of sundry streams with a view to the control of their floods; to the Committee on Flood Control.

By Mr. SHALLENBERGER: A bill (H. R. 8071) granting an increase of pension to Catherine Murphy; to the Committee on Pensions.

By Mr. SWING: A bill (H. R. 8072) for the relief of Emma Zembach; to the Committee on Naval Affairs.

Also, a bill (H. R. 8073) granting a pension to Emma L. Maynard; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 8074) granting a pension to Samuel R. Holbert; to the Committee on Pensions.

Also, a bill (H. R. 8075) granting a pension to Mary E. Main; to the Committee on Invalid Pensions.

By Mr. THATCHER: A bill (H. R. 8076) granting a pension to Sarah E. Davis; to the Committee on Pensions.

By Mr. THOMAS of Oklahoma: A bill (H. R. 8077) granting a pension to Joanna D. Potter; to the Committee on Invalid Pensions.

By Mr. WEAVER: A bill (H. R. 8078) granting a pension to Mary J. Wiggins; to the Committee on Pensions.

By Mr. WHITE of Kansas: A bill (H. R. 9079) granting a pension to Thomas Colburn; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1871. By the SPEAKER (by request): Petition of Nicholas Leventakes, protesting against the present system used by the Capitol Traction Co. of stopping points and of the advantages of changing the said stopping points, not only for the satisfaction of the public but also for the benefit of the company; to the Committee on the District of Columbia.

1872. Also (by request), petition of Provincial Board of Nueva Ecija, Cabanatuan, P. I., expressing its great sorrow over the untimely death of ex-President Woodrow Wilson; to the Committee on Insular Affairs.

1873. Also (by request), petition of officials of the Arlington Street Methodist Episcopal Church, Nashua, N. H., favoring proposed amendment to the Constitution to prohibit sectarian appropriations; to the Committee on the Judiciary.

1874. Also (by request), petition of James P. Edwards, asking that section 37 of the Penal Code be so amended to provide that no punishment shall be inflicted under this section which is greater than that provided by Congress for the substantive offense which the defendants are charged with having conspired to commit; to the Committee on the Judiciary.

1875. By Mr. ALDRICH: Petition of St. Anthony Council, No. 1618, Knights of Columbus, Providence, R. I., protesting against the passage of the Johnson immigration bill; to the Committee on Immigration and Naturalization.

1876. By Mr. CAREW: Petition of Lawrence Kaminski, urging that House bill 5649 receive favorable consideration by Congress; to the Committee on the Merchant Marine and Fisheries.

1877. Also, petition of Henry Jay McCracken Council of the American Association for Recognition of the Irish Republic, protesting against any recognition being accorded by the United States to a diplomatic representative from the Irish Free State; to the Committee on Foreign Affairs.

1878. By Mr. GARBER: Petition of the directors of the Oklahoma Cotton Growers' Association, opposing the McNary-Haugen bill; to the Committee on Agriculture.

1879. Also, petition of the Mother Derr Memorial Class of 1924, Ancient and Accepted Scottish Rite of Freemasonry, Valley of Guthrie, Orient of Oklahoma, Blackwell, Okla., unanimously indorsing the national defense act of June 4, 1920, and urging Congress to appropriate sufficient funds to properly carry out the provisions of the act; to the Committee on Ways and Means.

1880. By Mr. KVALE: Petition of voters of Norman Township, Yellow Medicine County, Minn., urging passage of the Haugen-McNary bill; to the Committee on Agriculture.

1881. Also, petition of voters of Mowal Township, Lyon County, Minn., urging passage of the Haugen-McNary bill; to the Committee on Agriculture.

1882. Also, petition of voters of Glenwood Township, Pope County, Minn., urging passage of the Haugen-McNary bill; to the Committee on Agriculture.

1883. Also, petition of voters of Barsness Township, Pope County, Minn., urging passage of the Haugen-McNary bill; to the Committee on Agriculture.

1884. Also, petition of voters of Lake Valley Township, Traverse County, Minn., urging passage of the Haugen-McNary bill; to the Committee on Agriculture.

1885. Also, petition of voters of Almond, Minn., urging passage of the Haugen-McNary bill; to the Committee on Agriculture.

1886. Also, petition of voters of Cerro Gordo, Minn., urging passage of the Haugen-McNary bill; to the Committee on Agriculture.

1887. Also, petition of voters of Malta Township, Big Stone County, Minn., urging passage of the Haugen-McNary bill; to the Committee on Agriculture.

1888. Also, petition of voters of Ben Wade, Pope County, Minn., urging passage of the Haugen-McNary bill; to the Committee on Agriculture.

1889. Also, petition of voters of Browns Valley Township, Traverse County, Minn., urging enactment into law of the Haugen-McNary bill; to the Committee on Agriculture.

1890. Also, petition of Local No. 9, Minnesota Wheat Growers Cooperative Marketing Association, of Manfred, Mehurin, and Augusta Townships, Lac qui Parle County, Minn., urging enact-

ment into law of the McNary-Haugen bill, and other matters; to the Committee on Agriculture.

1891. Also, petition of voters of Camp Release Township, Lac qui Parle County, Minn., urging enactment into law of the McNary-Haugen bill; to the Committee on Agriculture.

1892. By Mr. LAGUARDIA: Petition of the Post Office Square Club, New York City, urging increase in salary for postal employees; to the Committee on the Post Office and Post Roads.

1893. By Mr. ROSENBLOOM: Petition of Drustvo Slovan Lodge, No. 283, S. N. P. J., signed by John Merzel, president, and Frank Loutar, secretary, of Moundsville, W. Va., protesting against certain provisions of the pending immigration bill; to the Committee on Immigration and Naturalization.

1894. Also, petition of Drustvo Nikolaj Lenin Lodge, No. 512, S. N. P. J., Grant Town, W. Va., signed by Joe Adamlye, president, and Tony Raspor, secretary, protesting against certain provisions of the pending immigration bill; to the Committee on Immigration and Naturalization.

1895. Also, petition of Drustvo Nova Doba Lodge, No. 514, S. N. P. J., of Monongah, W. Va., signed by Josef Simcich, president, and Louiz Hrvatin, secretary, protesting against certain provisions of the pending immigration bill; to the Committee on Immigration and Naturalization.

1896. By Mr. TEMPLE: Petition of the Affiliated Technical Societies, of Boston, Mass., in support of House bill 4522, providing for the completion of the topographical survey of the United States within 20 years; to the Committee on Interstate and Foreign Commerce.

1897. By Mr. WEFALD: Petition of 38 farmers of Blowers Township, Ottertail County, Minn., urging the passage of the McNary-Haugen bill, providing for the relief of agriculture; to the Committee on Agriculture.

1898. Also, petition of 18 farmers of High Landing Township, Marshall County, Minn., urging the passage of the McNary-Haugen bill, providing for the relief of agriculture; to the Committee on Agriculture.

1899. Also, petition of 16 farmers of Sugar Bush Township, Becker County, Minn., urging the passage of the McNary-Haugen bill, providing for the relief of agriculture; to the Committee on Agriculture.

1900. Also, petition of 38 farmers of Herelm Township, Roseau County, Minn., urging the passage of the McNary-Haugen bill, providing for the relief of agriculture; to the Committee on Agriculture.

1901. Also, petition of 23 farmers of Popple Grove Township, Mahanomen County, Minn., urging the passage of the McNary-Haugen bill, providing for the relief of agriculture; to the Committee on Agriculture.

1902. Also, petition of four farmers of Copley Township, Clearwater County, Minn., urging the passage of the McNary-Haugen bill, providing for the relief of agriculture; to the Committee on Agriculture.

1903. Also, petition of 24 farmers of Wild Rice Township, Norman County, Minn., urging the passage of the McNary-Haugen bill, providing for the relief of agriculture; to the Committee on Agriculture.

1904. Also, petition of 33 farmers of Lessor Township, Polk County, Minn., urging the passage of the McNary-Haugen bill, providing for the relief of agriculture; to the Committee on Agriculture.

1905. Also, petition of 32 farmers of the township of Lowell, Polk County, Minn., urging the passage of the McNary-Haugen bill, providing for the relief of agriculture; to the Committee on Agriculture.

1906. Also, petition of 22 farmers of Riceville Township, Becker County, Minn., urging the passage of the McNary-Haugen bill, providing for the relief of agriculture; to the Committee on Agriculture.

1907. Also, petition of 49 farmers of Nesbit Township, Polk County, Minn., urging the passage of the McNary-Haugen bill, providing for the relief of agriculture; to the Committee on Agriculture.

1908. Also, petition of 45 farmers of Corliss Township, Ottertail County, Minn., urging the passage of the McNary-Haugen bill, providing for the relief of agriculture; to the Committee on Agriculture.

1909. Also, petition of 52 farmers of Clearwater County, Minn., urging the defeat of Senate bill 2181 and House bill 5944, which they fear will put the livestock cooperative organizations out of business; to the Committee on Agriculture.

1910. Also, petition of the voters of Concord Township, Dodge County, Minn., urging the passage of the McNary-Haugen bill, providing for the relief of agriculture; to the Committee on Agriculture.

1911. Also, petition of 19 farmers of Cannon Township, Kittson County, Minn., urging the passage of the McNary-Haugen bill, providing for the relief of agriculture; to the Committee on Agriculture.

1912. Also, petition of five farmers of Lincoln Township, Marshall County, Minn., urging the passage of the McNary-Haugen bill, providing for the relief of agriculture; to the Committee on Agriculture.

1913. Also, petition of 32 farmers of Sinnott Township, Marshall County, Minn., urging the passage of the McNary-Haugen bill, providing for the relief of agriculture; to the Committee on Agriculture.

SENATE.

THURSDAY, March 20, 1924.

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, we bless Thee for all the privileges of life, and ask from Thee help that we may so appreciate them as to live according to Thy good pleasure. May we find that the ends we aim at are our country's, Thyself, Thine own, and Truth. So enable us to walk in every pathway of duty that when the record is made up we shall hear the "Well done" from Thy gracious lips. Hear us! Be with us, O God! Keep us from going into wrong paths when so much is necessary in these days of tremendous issues. We ask always in the name of Jesus. Amen.

NAMING A PRESIDING OFFICER.

The Secretary, George A. Sanderson, read the following communication:

UNITED STATES SENATE,
PRESIDENT PRO TEMPORE,
Washington, D. C., March 20, 1924.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. SELDEN P. SPENCER, a Senator from the State of Missouri, to perform the duties of the Chair this legislative day.

ALBERT B. CUMMINS,
President pro tempore.

Mr. SPENCER thereupon took the chair as Presiding Officer.

THE JOURNAL.

The reading clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CALL OF THE ROLL.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The principal clerk called the roll, and the following Senators answered to their names:

Adams	Ferris	King	Robinson
Ball	Fletcher	Ladd	Sheppard
Borah	Frazier	Lodge	Shipstead
Brandeggee	George	McKellar	Shortridge
Bronssard	Gerry	McKinley	Simmons
Bruce	Glass	McLean	Smith
Bursum	Gooding	McNary	Smoot
Capper	Hale	Mayfield	Spencer
Caraway	Harrell	Neely	Stanfield
Copeland	Harris	Norris	Stephens
Couzens	Harrison	Oddie	Swanson
Curtis	Hedlin	Overman	Wadsworth
Dale	Howell	Pepper	Walsh, Mass.
Dial	Johnson, Minn.	Phipps	Walsh, Mont.
Dill	Jones, N. Mex.	Pittman	Warren
Edge	Jones, Wash.	Ralston	Watson
Edwards	Kendrick	Ransdell	Weller
Ernst	Keyes	Reed, Pa.	Willis

Mr. CURTIS. I wish to announce that the Senator from Iowa [Mr. BROOKHART], the Senator from New Hampshire [Mr. Moses], the Senator from Arizona [Mr. ASHURST], and the Senator from Montana [Mr. WHEELER] are detained in a committee meeting.

Mr. McNARY. I desire to state that the junior Senator from Arizona [Mr. CAMERON] is absent on account of sickness.

Mr. WILLIS. I wish to announce that my colleague, the junior Senator from Ohio [Mr. FESS] is unavoidably absent from the Senate to-day.

Mr. FLETCHER. My colleague, the junior Senator from Florida [Mr. TRAMMELL], is unavoidably absent. I ask that this announcement may stand for the day.

The PRESIDING OFFICER. Seventy-two Senators having answered to their names, there is a quorum present.

SUPPLEMENTAL ESTIMATE OF APPROPRIATION.

The PRESIDING OFFICER laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the District of Columbia, fiscal year 1924, for the maintenance of public convenience stations, in amount \$3,000, which was referred to the Committee on Appropriations and ordered to be printed. (S. Doc. No. 76.)

DEBT STATISTICS.

Mr. SMITH. Mr. President, I have some statistics from the United States Department of Commerce, Bureau of the Census, giving the total gross and net debt of the National Government and of State, county, and city governments, and all other civil divisions having power to incur debt. It is a very instructive table, and I ask unanimous consent to have it printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

UNITED STATES DEPARTMENT OF COMMERCE,
BUREAU OF THE CENSUS,
Washington.

PUBLIC DEBT.

TOTAL GROSS AND NET DEBT OF THE NATIONAL GOVERNMENT, OF STATE GOVERNMENTS, OF COUNTIES, OF CITIES, AND OF ALL OTHER CIVIL DIVISIONS HAVING POWER TO INCUR DEBT, 1922 AND 1912.

[This preliminary statement will be followed by a detailed report giving the statistics of debt by counties, incorporated places, school districts, townships, and all other civil divisions having power to incur debt.]

SCOPE AND SUMMARY OF THE STATISTICS.

PUBLIC DEBT.

The statistics in this summary relate to the gross and net debt of the National Government for the year which ended June 30, 1923, and to the gross and net debt of the 48 States and the District of Columbia, all cities, towns, villages, school districts, townships, drainage districts, and all other civil divisions having power to incur debt, for the fiscal year which ended in the calendar year 1922. A summary is also presented of the debt of the National Government for the year which ended June 30, 1922. All other references to the years 1922 and 1912 relate to the fiscal years which ended June 30, 1923, and June 30, 1913, for the National Government.

The gross debt reported for 1922 represents all of the public indebtedness, including funded or fixed (long-term and serial bonds), special assessment bonds, temporary loans, outstanding warrants, and other debt of every character, and amounted to \$32,786,922,000, or an average for each person of \$301.56. The annual interest on this gross debt outstanding, computed at the rate of 4 per cent, would amount to \$1,311,476,880, or \$12.06 per capita. At 4½ per cent and 1 per cent sinking fund the total charges would be \$1,803,280,710, or \$16.59 per capita. The actual amount lies somewhere between these figures. Of this total debt the National Government represented 68.7 per cent, the State governments 3.5 per cent, the counties 4.2 per cent, incorporated places 17.8 per cent, and all other civil divisions 5.8 per cent.

The net debt reported for 1922 and for 1912 represents the gross debt less the sinking fund and other assets held for the retirement of such debt. The net debt amounted to \$4,850,461,000 in 1912 and \$30,852,825,000 in 1922, representing an increase of 536 per cent. The average for each person was \$49.97 in 1912 and \$283.77 in 1922.

The gross debt of the National Government was \$22,525,773,000 for the fiscal year which ended June 30, 1923. The indebtedness of other countries to the United States November 15, 1923, was \$11,800,010,245, and of this total \$4,600,000,000 represents the amount owed by Great Britain. The gross debt of the National Government was \$23,260,543,000 for the fiscal year which ended June 30, 1922, \$734,770,000 greater than for the year which ended June 30, 1923. The net debt, being the gross debt less cash in the Treasury, amounted to \$22,996,416,000 June 30, 1922, as compared with \$22,155,886,000 June 30, 1923.

GROSS AND NET DEBT.

In the table which follows is presented the gross and net debt for the National Government June 30, 1923, and June 30, 1913, and for the States and all other civil divisions, 1922 and 1912, the debt being classified by character and by civil divisions issuing—

Gross and net debt of the National Government, State governments, counties, incorporated places, and all other civil divisions having power to incur debt.
[Totals expressed in thousands.]

Division of Government.	Gross debt, 1922.				Net debt: Gross debt less sinking fund assets.			
	Total debt.	Funded or fixed.	Special assessment loans.	All other.	1922		1912	
					Total.	Per capita.	Total.	Per capita.
Grand total.....	\$32,755,922	\$25,256,787	\$755,462	\$6,774,673	\$30,352,825	\$283.77	\$4,850,461	\$40.97
National (1923 and 1913).....	22,525,773	10,536,134	—	5,989,639	22,155,896	203.78	1,028,694	10.59
States.....	1,162,651	1,064,009	—	98,642	935,543	8.64	345,940	3.57
Counties.....	1,266,635	1,165,226	98,347	103,062	1,255,211	13.00	371,528	4.33
Incorporated places.....	5,840,052	5,011,238	424,904	403,910	4,708,940	70.90	2,884,894	54.27
All other civil divisions.....	1,891,811	1,480,180	232,211	179,420	1,797,245	(1)	219,545	(1)
Alabama.....	77,945	55,444	6,409	16,092	75,198	31.37	43,062	19.34
State government.....	15,233	10,064	—	5,169	15,233	6.26	13,132	5.95
Counties.....	24,135	17,439	—	6,696	22,170	9.18	7,939	3.55
Incorporated places.....	36,722	27,617	6,409	2,696	35,940	49.86	21,991	29.87
All other civil divisions.....	1,855	324	—	1,531	1,655	(1)	—	—
Arizona.....	49,657	43,998	2,276	3,473	44,973	124.61	10,389	48.01
State government.....	5,798	2,913	—	2,885	2,740	7.59	3,065	13.28
Counties.....	21,096	20,570	—	526	20,086	54.64	2,478	10.74
Incorporated places.....	12,577	10,195	2,276	145	11,888	94.76	4,116	47.61
All other civil divisions.....	10,316	10,269	—	47	10,259	(1)	731	(1)
Arkansas.....	61,686	8,831	76,403	6,302	101,289	51.03	13,813	8.32
State government.....	2,844	2,652	—	192	2,722	1.62	1,236	.76
Counties.....	4,681	4,275	—	3,418	4,680	2.60	2,877	1.73
Incorporated places.....	3,076	978	—	2,103	8,065	6.13	6,579	17.10
All other civil divisions.....	60,925	3,923	76,403	589	80,513	(1)	3,129	(1)
California.....	532,448	479,286	34,723	18,439	520,254	142.81	146,752	55.01
State government.....	85,476	75,965	—	9,511	85,267	22.41	10,223	3.53
Counties.....	54,433	52,458	—	1,975	53,726	16.93	12,444	5.39
Incorporated places.....	199,132	192,946	1,762	4,424	191,469	72.10	118,967	62.49
All other civil divisions.....	193,407	157,917	32,961	2,529	189,792	(1)	10,118	(1)
Colorado.....	101,008	79,582	11,404	10,017	99,198	101.78	29,647	44.89
State government.....	12,247	9,727	—	2,520	12,019	12.33	3,174	3.70
Counties.....	7,906	6,119	—	1,787	7,784	10.90	4,594	8.65
Incorporated places.....	46,541	33,912	10,900	1,726	45,186	77.34	27,267	51.07
All other civil divisions.....	34,319	29,824	501	3,994	34,209	(1)	5,602	(1)
Connecticut.....	117,331	102,098	1,372	13,961	100,954	70.33	32,036	44.03
State government.....	16,334	16,391	—	43	6,088	4.24	7,111	6.12
Counties.....	1,400	615	—	785	1,490	1.03	994	0.82
Incorporated places.....	87,996	75,994	1,168	10,984	82,494	55.51	41,759	39.03
All other civil divisions.....	11,511	9,198	204	2,109	10,892	(1)	2,202	(1)
Delaware.....	23,737	22,935	—	802	22,451	98.32	6,660	32.94
State government.....	6,705	6,362	—	323	5,534	25.55	703	3.70
Counties.....	6,131	6,181	—	—	5,961	25.98	1,389	6.68
Incorporated places.....	10,901	10,422	—	479	10,655	67.08	4,665	37.12
All other civil divisions.....	—	—	—	—	—	—	43	(1)
District of Columbia.....	4,720	4,720	—	—	156	.36	9,061	26.03
State government.....	—	—	—	—	—	—	—	—
Counties.....	—	—	—	—	—	—	—	—
Incorporated places.....	—	—	—	—	—	—	—	—
All other civil divisions.....	4,720	4,720	—	—	156	.36	9,061	26.03
Florida.....	110,493	98,150	7,150	5,236	98,269	95.96	18,424	22.72
State government.....	985	601	—	384	869	0.86	619	0.77
Counties.....	33,050	30,177	2,840	330	29,270	28.57	7,171	8.84
Incorporated places.....	44,477	38,147	4,601	1,729	39,435	76.17	10,405	33.28
All other civil divisions.....	31,975	29,183	—	2,793	28,085	(1)	928	(1)
Georgia.....	71,405	63,843	1,364	6,198	64,038	31.56	22,545	11.89
State government.....	5,523	5,395	—	128	5,419	1.82	6,934	2.57
Counties.....	24,995	21,593	—	3,392	22,810	7.66	2,725	1.09
Incorporated places.....	39,490	35,598	1,364	2,524	34,370	32.47	22,675	27.39
All other civil divisions.....	1,441	1,267	—	174	1,439	(1)	214	(1)
Idaho.....	66,499	46,474	12,426	7,599	62,193	130.24	14,130	37.30
State government.....	8,085	5,928	—	2,157	7,673	16.81	2,348	5.92
Counties.....	13,073	9,474	—	3,599	11,239	24.46	3,222	9.77
Incorporated places.....	15,185	9,690	4,696	743	14,105	68.24	5,974	42.87
All other civil divisions.....	80,206	21,376	7,730	1,300	30,176	(1)	2,691	(1)
Illinois.....	367,804	217,688	51,935	98,151	264,019	54.66	139,480	26.62
State government.....	13,890	11,140	—	2,740	13,890	2.06	2,272	0.39
Counties.....	28,773	15,686	—	10,087	28,632	4.26	11,555	1.96
Incorporated places.....	173,064	94,714	49,116	30,234	171,283	32.44	114,455	26.38
All other civil divisions.....	152,087	103,143	2,840	46,090	150,224	(1)	11,198	(1)
Indiana.....	186,754	154,403	7,069	7,292	182,792	51.21	67,404	24.41
State government.....	2,325	86	—	2,239	2,325	0.78	1,350	0.49
Counties.....	65,908	54,870	3,470	554	77,115	28.64	9,721	3.52
Incorporated places.....	32,587	27,451	3,580	1,556	30,484	16.84	19,155	12.77
All other civil divisions.....	42,939	39,996	—	2,943	42,668	(1)	37,178	(1)
Iowa.....	155,311	118,862	25,298	14,161	151,011	62.23	35,426	15.94
State government.....	1,457	185	—	1,272	1,457	0.66	357	0.16
Counties.....	43,225	36,296	8,849	3,443	40,328	17.61	9,580	4.31
Incorporated places.....	45,220	36,665	6,080	2,524	44,779	32.43	21,994	19.13
All other civil divisions.....	68,409	45,745	18,739	6,222	62,447	(1)	3,495	(1)
Kansas.....	129,069	94,490	31,792	3,387	123,470	60.16	52,808	31.36
State government.....	78	—	—	78	78	0.04	243	0.14
Counties.....	28,196	17,108	6,163	925	21,966	12.19	9,777	5.00
Incorporated places.....	78,029	44,657	26,639	1,733	69,501	74.31	20,730	43.86
All other civil divisions.....	23,376	32,725	—	651	31,803	(1)	6,118	(1)
Kentucky.....	54,846	40,009	1,514	13,323	50,519	30.68	20,096	12.85
State government.....	7,783	—	—	7,749	7,743	3.17	4,441	1.90
Counties.....	13,449	10,791	—	2,657	12,340	6.91	4,869	1.96
Incorporated places.....	20,088	20,502	1,514	982	20,880	80.78	21,090	25.00
All other civil divisions.....	4,555	2,620	—	1,935	4,554	(1)	—	—
Louisiana.....	131,955	115,298	6,631	10,296	126,946	69.18	75,007	42.97
State government.....	14,829	11,649	—	3,180	14,829	8.06	13,948	7.60
Parishes.....	20,384	19,027	—	1,357	19,943	12.74	3,184	2.27
Incorporated places.....	65,709	55,777	5,079	3,453	61,205	78.50	47,219	26.26
All other civil divisions.....	31,063	29,365	1,452	246	30,960	(1)	11,996	(1)
Maine.....	46,383	41,571	—	5,012	42,457	84.90	22,796	30.03
State government.....	12,907	11,253	—	1,654	12,906	16.69	1,255	1.67
Counties.....	2,648	2,448	—	198	2,546	3.27	1,463	1.93
Incorporated places.....	17,088	15,237	—	1,846	14,967	61.73	16,528	41.19
All other civil divisions.....	13,750	12,403	—	1,347	12,038	(1)	3,552	(1)
Maryland.....	169,653	165,738	2,833	1,082	130,954	81.43	59,546	44.76
State government.....	32,469	32,299	—	200	22,129	14.90	7,334	5.56
Counties.....	8,233	7,201	557	475	7,893	10.83	2,859	3.78

¹Not computed.

²Gross debt less cash in the Treasury.

Gross and net debt of the National Government, State governments, counties, incorporated places, and all other civil divisions having power to incur debt—Continued.

Division of Government.	Gross debt, 1922.				Net debt: Gross debt less sinking fund assets.			
	Total debt.	Funded or fixed.	Special assessment loans.	All other.	1922		1912	
					Total.	Per capita.	Total.	Per capita.
Maryland—Continued								
Incorporated places.....	\$126,922	\$126,268	\$247	\$407	\$88,920	\$91.52	\$49,383	\$66.77
All other civil divisions.....	2,029		2,029		2,012	(1)		
Massachusetts.....	452,666	418,869	1,162	32,704	227,090	82.30	257,122	75.28
State government.....	133,416	132,888		528	70,993	19.58	70,993	22.78
Counties.....	9,765	7,801		1,964	9,764	3.13	3,113	1.13
Incorporated places.....	308,926	277,594	1,162	20,270	239,428	60.35	189,999	54.92
All other civil divisions.....	858	810		42	820	(1)	5,327	(1)
Michigan.....	386,860	314,742	34,415	37,703	261,774	64.00	29,967	30.46
State government.....	54,271	45,600		8,771	50,934	13.25	7,089	2.41
Counties.....	44,638	39,682	10,670	286	42,632	10.60	5,153	1.75
Incorporated places.....	236,433	196,577	23,745	24,111	218,132	82.30	42,513	23.01
All other civil divisions.....	51,518	46,983		4,535	50,000	(1)	5,237	(1)
Minnesota.....	282,932	178,786	58,431	45,768	269,608	109.90	70,364	32.28
State government.....	20,308	19,476		832	20,308	8.23	1,369	.63
Counties.....	83,763	39,967	39,427	4,469	81,232	32.91	14,013	6.42
Incorporated places.....	114,112	83,826	19,004	11,282	103,824	71.02	40,961	43.41
All other civil divisions.....	64,749	35,586		29,163	64,204	(1)	8,540	(1)
Mississippi.....	115,889	98,669	14,668	7,462	111,500	62.27	28,628	15.23
State government.....	14,856	9,987		4,869	14,855	8.30	4,460	2.41
Counties.....	11,226	10,274	34	958	9,336	5.41	10,024	5.06
Incorporated places.....	23,973	20,797	2,260	907	22,879	54.21	11,705	31.81
All other civil divisions.....	65,125	52,071	12,425	623	63,521	(1)	1,899	(1)
Missouri.....	137,379	100,410	23,864	7,105	138,276	34.45	61,622	18.37
State government.....	30,456	26,909		4,547	30,456	8.57	4,671	1.40
Counties.....	19,213	17,741		1,472	17,915	6.71	6,381	2.50
Incorporated places.....	40,826	39,662	1,228	933	38,687	14.25	42,988	20.41
All other civil divisions.....	46,884	27,068	19,613	149	41,218	(1)	7,858	(1)
Montana.....	72,814	57,729	6,993	8,401	65,239	110.20	18,145	43.29
State government.....	7,364	4,508		2,856	7,579	12.50	1,913	3.73
Counties.....	31,195	28,686	81	2,473	27,340	44.78	9,492	16.49
Incorporated places.....	18,977	9,989	6,612	1,556	16,178	65.30	8,984	51.07
All other civil divisions.....	15,678	14,577		1,101	14,132	(1)	1,157	(1)
Nebraska.....	101,875	81,392	9,610	11,063	97,755	73.98	36,746	29.90
State government.....	1,037			1,037	1,038	.78	374	.31
Counties.....	8,987	7,970		907	8,757	6.59	3,708	3.01
Incorporated places.....	30,859	28,289	9,436	1,865	27,444	83.64	29,549	58.61
All other civil divisions.....	62,312	43,093	75	7,164	50,516	(1)	4,117	(1)
Nevada.....	7,170	6,546	34	593	7,095	90.40	3,183	39.60
State government.....	1,751	1,222		529	1,751	22.62	908	6.70
Counties.....	2,791	2,763		28	2,717	34.35	1,292	18.04
Incorporated places.....	1,340	1,278	36	24	1,248	28.48	931	42.13
All other civil divisions.....	1,288	1,283		5	1,289	(1)	352	(1)
New Hampshire.....	18,188	13,988		4,200	16,123	36.16	11,301	25.97
State government.....	3,470	2,480		990	3,019	6.77	1,906	4.50
Counties.....	710	382		328	621	1.30	498	1.12
Incorporated places.....	11,122	9,789		1,333	9,814	32.94	7,594	28.54
All other civil divisions.....	2,866	1,317		1,549	2,670	(1)	1,359	(1)
New Jersey.....	419,947	288,143	24,861	60,213	352,172	116.40	170,169	61.60
State government.....	17,322	17,316		6	16,365	4.50	8,969	6.24
Counties.....	99,311	81,429		7,882	73,554	22.27	33,859	12.30
Incorporated places.....	305,410	233,455	21,907	60,088	256,238	93.61	137,749	56.60
All other civil divisions.....	37,894	32,943	3,954	2,957	35,725	(1)	10,899	(1)
New Mexico.....	26,481	16,532	8,921	1,028	25,010	67.66	7,682	20.70
State government.....	5,144	4,712		432	4,954	13.44	1,213	3.41
Counties.....	3,707	3,280		481	3,114	8.17	3,055	8.25
Incorporated places.....	6,472	4,208	2,171	93	6,149	62.35	2,099	22.10
All other civil divisions.....	11,068	4,326	6,750	29	10,790	(1)	1,280	(1)
New York.....	2,426,306	2,216,238	63,437	146,630	1,683,820	158.15	1,132,432	119.50
State government.....	267,713	266,998		715	186,542	17.52	86,205	9.05
Counties.....	46,083	35,907	4,142	6,004	45,896	9.37	33,310	5.16
Incorporated places.....	2,088,329	1,871,747	59,286	137,297	1,497,238	151.77	1,010,273	124.73
All other civil divisions.....	44,290	41,586		2,704	44,154	(1)	12,644	(1)
North Carolina.....	188,801	165,746	11,612	11,443	182,711	60.03	24,344	14.86
State government.....	34,713	33,201		1,512	34,713	13.11	8,000	3.54
Counties.....	68,193	61,371		6,822	65,612	23.28	7,040	3.05
Incorporated places.....	70,783	55,547	11,612	3,623	67,290	88.99	18,136	33.32
All other civil divisions.....	14,123	12,627		1,496	13,087	(1)	1,040	(1)
North Dakota.....	48,180	25,584	9,948	10,041	40,269	60.90	23,261	20.07
State government.....	7,206	6,936		269	8,918	8.94	820	1.29
Counties.....	7,917	6,059	859	1,008	8,768	8.65	2,212	2.35
Incorporated places.....	13,463	3,320	9,098	1,045	12,715	57.61	5,708	26.67
All other civil divisions.....	17,596	9,277		8,369	15,870	(1)	4,581	(1)
Ohio.....	755,590	624,653	129,213	7,912	670,289	112.40	289,697	48.27
State government.....	80,991	25,001		5,990	50,143	5.06	9,143	1.05
Counties.....	101,907	75,630	26,099	218	95,385	15.82	54,945	7.02
Incorporated places.....	416,390	355,406	50,462	1,432	348,412	80.23	190,246	59.23
All other civil divisions.....	206,362	168,556	37,704	2	198,398	(1)	9,494	(1)
Oklahoma.....	158,333	137,090	6,712	14,523	129,977	61.75	60,721	31.22
State government.....	5,729	4,497		1,232	4,797	2.28	6,931	3.71
Counties.....	26,326	22,750		3,576	21,899	10.23	7,997	4.09
Incorporated places.....	73,797	68,881	6,508	2,846	69,899	69.27	58,361	66.42
All other civil divisions.....	63,482	45,008	144	6,330	62,597	(1)	7,402	(1)
Oregon.....	153,847	122,171	21,946	9,730	123,084	170.60	43,823	57.90
State government.....	45,815	45,759		1,056	50,993	49.40	31	6.04
Counties.....	22,303	18,394		3,909	19,629	23.95	3,614	3.45
Incorporated places.....	57,586	41,343	13,670	2,673	63,040	105.12	33,738	87.71
All other civil divisions.....	27,243	16,688	8,278	2,282	25,342	(1)	2,395	(1)
Pennsylvania.....	644,232	601,853	10,405	31,974	609,430	61.25	245,979	30.34
State government.....	52,491	51,461		1,030	40,969	5.58		
Counties.....	83,616	83,239		2,377	70,390	9.91	30,796	4.76
Incorporated places.....	367,731	349,049	8,908	8,743	360,840	47.73	204,459	37.65
All other civil divisions.....	158,374	118,089	417	10,844	127,235	(1)	70,729	(1)
Rhode Island.....	70,182	61,612		8,568	49,283	29.38	30,716	83.90
State government.....	11,827	11,527			9,338	15.05	5,127	6.02
Counties.....								
Incorporated places.....								
All other civil divisions.....	38,658	50,085		8,569	39,901	64.61	25,068	44.88
South Carolina.....	70,594	55,565	4,356	10,618	65,010	37.64	21,257	13.54
State government.....	9,099	8,326		773	8,729	8.05	6,190	2.98
Counties.....	23,905	19,258	1,807	2,830	21,556	12.47	2,764	1.76

1 Not computed.

2 Includes debt of towns which in 1922 is included with that of incorporated places.

Gross and net debt of the National Government, State governments, counties, incorporated places, and all other civil divisions having power to incur debt—Continued.

Division of Government.	Gross debt, 1922.				Net debt: Gross debt less sinking fund assets.			
	Total debt.	Funded or fixed.	Special assessment loans.	All other.	1922		1912	
					Total.	Per capita.	Total.	Per capita.
South Carolina—Continued.								
Incorporated places.....	\$28,158	\$22,707	\$2,549	\$2,902	\$26,747	\$59.10	\$11,282	\$31.47
All other civil divisions.....	9,397	8,265	—	1,132	7,975	(1)	1,051	(1)
South Dakota.....	94,902	83,241	1,759	9,902	60,554	78.09	12,685	19.72
State government.....	55,481	54,470	—	1,011	15,431	23.84	3,370	5.58
Counties.....	7,778	8,745	—	4,033	6,512	9.92	3,591	5.54
Incorporated places.....	14,519	11,851	1,626	1,042	12,403	48.62	6,179	31.59
All other civil divisions.....	17,184	18,175	133	3,876	16,208	(1)	2,545	(1)
Tennessee.....	148,322	131,390	5,591	11,392	142,277	60.05	59,099	26.41
State government.....	19,142	14,628	—	4,514	19,141	8.08	11,812	5.32
Counties.....	46,714	44,021	—	2,693	43,529	18.20	16,521	7.38
Incorporated places.....	77,485	67,700	5,591	4,185	74,626	98.02	30,766	51.69
All other civil divisions.....	4,981	4,981	—	—	4,981	(1)	—	—
Texas.....	363,254	376,521	3,526	13,207	356,342	73.71	87,894	21.07
State government.....	6,145	4,102	—	2,043	6,144	1.27	4,655	1.14
Counties.....	107,472	106,062	—	2,420	93,240	19.72	27,669	6.63
Incorporated places.....	134,683	125,830	275	8,578	118,135	60.38	47,792	37.39
All other civil divisions.....	144,954	141,537	3,251	166	135,823	(1)	7,777	(1)
Utah.....	52,394	44,532	1,637	6,025	50,041	108.85	15,289	37.71
State government.....	10,700	9,910	—	799	9,919	20.97	1,430	3.67
Counties.....	6,688	5,160	—	1,528	6,427	13.70	937	2.31
Incorporated places.....	17,738	12,620	1,837	3,281	17,337	61.48	10,888	40.92
All other civil divisions.....	17,259	16,842	—	417	16,428	(1)	2,034	(1)
Vermont.....	12,689	7,333	—	5,356	11,994	34.03	6,951	19.39
State government.....	2,112	1,066	—	446	2,112	6.99	570	1.58
Counties.....	134	134	—	2	136	26	—	—
Incorporated places.....	6,941	4,737	—	2,204	6,295	23.08	5,053	25.13
All other civil divisions.....	3,500	795	—	2,704	3,451	(1)	1,330	(1)
Virginia.....	134,480	127,200	\$359	6,921	119,115	60.33	61,949	29.09
State government.....	22,800	20,548	—	2,252	21,759	9.19	22,043	16.45
Counties.....	23,733	22,963	—	770	22,192	12.66	5,544	3.31
Incorporated places.....	87,713	83,689	125	3,899	75,023	91.38	33,049	53.45
All other civil divisions.....	234	234	—	—	234	(1)	1,294	(1)
Washington.....	187,039	147,854	23,365	15,820	169,033	120.21	95,971	71.37
State government.....	13,454	12,523	—	931	13,191	9.38	1,556	1.21
Counties.....	24,891	23,298	—	1,593	21,920	15.48	10,300	7.66
Incorporated places.....	60,891	61,782	23,365	8,744	84,901	95.20	76,890	91.50
All other civil divisions.....	57,803	50,251	—	7,552	49,051	(1)	7,225	(1)
West Virginia.....	75,168	72,380	2,122	666	70,512	46.58	11,195	8.57
State government.....	25,690	25,690	—	—	24,181	15.97	—	—
Counties.....	8,765	8,523	—	232	8,323	5.44	2,443	1.87
Incorporated places.....	12,313	9,835	2,122	356	10,699	20.53	7,244	19.31
All other civil divisions.....	28,510	28,432	—	78	27,309	(1)	1,506	(1)
Wisconsin.....	105,520	94,919	4,879	5,722	104,523	38.81	46,067	18.54
State government.....	2,164	—	—	2,164	2,164	0.80	2,251	0.93
Counties.....	29,479	28,757	—	722	29,479	10.87	4,100	1.69
Incorporated places.....	65,025	56,698	4,287	2,046	64,028	40.79	29,890	22.98
All other civil divisions.....	8,832	7,464	592	796	8,832	(1)	8,825	(1)
Wyoming.....	30,323	18,012	571	1,740	19,128	93.02	4,324	26.46
State government.....	4,038	3,804	—	234	4,011	19.50	122	0.71
Counties.....	2,790	1,905	—	885	2,444	11.78	973	5.96
Incorporated places.....	9,118	8,203	571	344	8,672	80.14	2,972	49.61
All other civil divisions.....	4,377	4,100	—	277	4,001	(1)	237	(1)

¹ Not computed.

PETITIONS AND MEMORIALS.

Mr. FLETCHER presented resolutions of the Woman's Clubs, of Lake Hamilton and Oldsmar, in the State of Florida, favoring the restriction of narcotic production to medical and scientific needs, which were referred to the Committee on Foreign Relations.

Mr. ROBINSON. I present a number of petitions and letters from citizens of Arkansas, praying that no amendments shall be made to the transportation act. The communications are numerous signed by employees of various railroad companies. They reside for the most part at Little Rock, North Little Rock, El Dorado, and Booneville, in the State of Arkansas. I ask that they may be referred to the Committee on Interstate Commerce.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JONES of Washington presented a petition of members and friends of the Woman's Home Missionary Society, First Methodist Episcopal Church, of Kelso, Wash., praying an amendment to the Constitution regulating child labor, which was referred to the Committee on the Judiciary.

Mr. CAPPER presented a resolution adopted by the Topeka (Kans.) Industrial Council, favoring the restriction of narcotic production to medical and scientific needs, which was referred to the Committee on Foreign Relations.

He also presented telegrams in the nature of petitions from the Lions Club and Post No. 34, the American Legion, both of Kingman, and of numerous other citizens of St. John, all in the State of Kansas, praying for the passage of legislation more stringently restricting immigration, which were referred to the Committee on Immigration.

Mr. FRAZIER presented a resolution adopted by members of Herman-Schlinker Post, the American Legion, at Ellendale, N.

Dak., favoring the passage of legislation granting adjusted compensation to veterans of the World War, which was referred to the Committee on Finance.

He also presented the petition of Arthur Nelson and 9 other citizens of Courtenay, N. Dak., praying for the passage of legislation increasing the tariff duty on wheat, also repealing the drawback provision and the milling-in-bond privilege of the Fordney-McCumber tariff act, which was referred to the Committee on Finance.

He also presented the petitions of H. H. McNair and 4 other citizens of Portland, and of John E. Roe and 5 other citizens and of C. A. DeFoe and 19 other citizens of Turtle Lake, all in the State of North Dakota, praying for the passage of the so-called Norris-Sinclair bill providing aid to agriculture, which were referred to the Committee on Agriculture and Forestry.

STATEMENT BY J. W. GIBBONS.

Mr. CAPPER. I present a letter from J. W. Gibbons relative to a statement to the Santa Fe Railway shop employees' associations of Kansas, which I ask be printed in the Record and referred to the Committee on Interstate Commerce.

There being no objection, the statement was ordered to be printed in the Record and referred to the Committee on Interstate Commerce, as follows:

TOPEKA, KANS., March 17, 1924.

HON. ARTHUR CAPPER,

Senator from Kansas, Washington, D. C.

MY DEAR SENATOR: On page 3125 of the CONGRESSIONAL RECORD of February 25, 1924, I find you had entered into the records a statement from Mr. C. A. McDonald, who signs himself secretary Federated Shop Crafts, Missouri Pacific Railroad, and a clipping which he inclosed which was cut from the Kansas City Star of February 10.

The clipping from the Star is an absolute misrepresentation of any statement or speech that I have ever made to the Santa Fe shop employees or any other body of citizens. I have asked the Kansas City Star to correct it. Their representative informed me that the information was gathered from some one who represented himself to be a railroad employee, but he could not remember just who the man was.

The only speech I have made to Santa Fe employees this year was in the city auditorium of Topeka, Kans., on January 14, on the occasion of a public entertainment given by the seven shop crafts associations whose members are employed in the Santa Fe shops. The invitation was not extended to me to address this meeting as a foreman but as the system secretary-treasurer of the supervisors' association, which is a kindred organization of the craft associations, which is especially interested in maintaining fair conditions for labor.

What I said, in substance, stated briefly, is as follows:

"Commerce is the lifeblood of the Nation. The railroads are the arteries that convey the blood to all parts of the body (nation) and keep it in good, healthy condition. Anything that weakens or obstructs these arteries is a detriment to the health of the body (nation)."

I stated that—

"Lack of nourishment or congestion due to unhealthy or weak arteries (railroads) stops the flow of lifeblood (raw materials) from the producers to the industrial centers and the manufactured article to the consumer."

The only reference I made to the transportation act of 1920 was to the point that after years of quarreling between capital and labor employed on railroads, which had resulted in great injury to the public as well as to those directly engaged in the quarrel, the Esch-Cummings bill has provided a means whereby labor could take their grievance to an impartial tribunal for adjudication, and this law materially assisted the employees to maintain their present standard of wages.

I never mentioned the prosperity of railroads or overtime work by men. In fact, the Santa Fe Railroad has worked its men but very little overtime in the past three years. I did urge everyone to exercise their rights of citizenship and acquaint the public with the facts and thus mold public opinion, to the end that no substantial change be made in the present laws.

This meeting was open to the public and attended by a large per cent of business men and city officials of Topeka. Neither the officials of the Santa Fe nor the officials or any other railroad company were consulted as to what I would say. I was asked by the members of the entertainment committee to make a talk on the "Purpose and progress of these associations."

With reference to the last paragraph of the article referred to, I wish positively to state that members of the association with which I am connected or members of any of the Santa Fe shop crafts associations have any knowledge whatsoever of such a meeting being contemplated, and it is certain that the funds of our respective associations are not to be used as suggested in said paragraph.

In the fifth paragraph of Mr. McDonald's letter he suggests that some law should be passed prohibiting employers of labor from in any way trying to influence their employees in regard to their duty as American citizens. In regard to this, I wish to say my record of political action is well known to all and proves that I have never been dominated by any individual or class, and I believe that some law should be passed to protect the individual from misrepresentation of this kind.

Your honorable body should also be acquainted with the fact that Mr. McDonald does not represent the employees of the Missouri Pacific Railroad but only a small fraction of the former employees of this road who are still on strike, which was called July 1, 1922.

The Santa Fe shop employees' associations represent 10,934 out of a total of 17,300 men employed in the seven crafts of the Santa Fe Railroad shops, and they wish me to state that their loyalty to the Government and to the public is best expressed by the service that the railroad which employs them gives to the public compared to the roads formerly controlled by the Federated Shop Crafts Mr. McDonald represents.

I want to say to the honorable body that we, as a class, are willing to be judged by the efficiency of the railroad that employs us and the economical record made by the management, and that we would be traitors to ourselves and to the public if we were not loyal to our employer.

I respectfully request that this statement be given the same publicity that was given to the statement of the Federated Shop Crafts in the CONGRESSIONAL RECORD of February 25.

Yours sincerely,

J. W. GRABOWA.

FIRST DEFICIENCY APPROPRIATIONS.

Mr. WARREN. I report back favorably with amendments from the Committee on Appropriations the bill (H. R. 7449) making appropriations to supply deficiencies in certain appro-

priations for the fiscal year ending June 30, 1924, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1924, and for other purposes, and I submit a report (No. 285) thereon. I give notice that I shall ask permission to call the bill up for consideration to-morrow.

The PRESIDING OFFICER. The bill will be placed on the calendar.

REPORTS OF COMMITTEES.

Mr. PEPPER, from the Committee on the Library, to which was referred the joint resolution (S. J. Res. 7) granting permission for the erection of a monument to symbolize the national game of baseball, reported it without amendment.

Mr. SMITH, from the Committee on Interstate Commerce, to which was referred the bill (S. 2704) to amend paragraph (3), section 16, of the interstate commerce act, reported it without amendment and submitted a report (No. 286) thereon.

Mr. LADD, from the Committee on Commerce, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 2512) granting the consent of Congress to the counties of Sibley and Scott, Minn., to construct a bridge across the Minnesota River (Rept. No. 287); and

A bill (S. 2507) to authorize the construction of a bridge across the Fox River in St. Charles Township, Kane County, Ill. (Rept. No. 288).

Mr. JONES of Washington, from the Committee on Commerce, to which was referred the bill (H. R. 6943) granting the consent of Congress to the village of Port Chester, N. Y., and the town of Greenwich, Conn., or either of them, to construct, maintain, and operate a dam across the Byram River, reported it without amendment and submitted a report (No. 289) thereon.

NATIONAL MCKINLEY BIRTHPLACE MEMORIAL ASSOCIATION.

Mr. PEPPER. Mr. President, from the Committee on the Library I report back favorably, without amendment, Senate bill 2821, and I ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. The Secretary will read the bill.

The bill (S. 2821) to amend section 3 of an act entitled "An act to incorporate the National McKinley Birthplace Memorial Association," approved March 4, 1911, was read, as follows:

Be it enacted, etc. That section 3 of the act entitled "An act to incorporate the National McKinley Birthplace Memorial Association," approved March 4, 1911, be amended to read as follows:

"Sec. 3. That the management and direction of the affairs of the corporation and the control and disposition of its property and funds shall be vested in a board of trustees, five in number, to be composed of the individuals named in section 1 of this act, who shall constitute the first board of trustees. Vacancies caused by death, resignation, or otherwise, shall be filled by the remaining trustees in such manner as shall be prescribed from time to time by the by-laws of the corporation. The persons so elected shall thereupon become trustees and also members of the corporation: *Provided*, That if the interests of the association hereinbefore named shall at any time in the judgment of the incorporators named in section 1, their associates and successors, require the services of an additional trustee, said incorporators, their associates and successors, shall have authority to elect an additional trustee, so that the total number of trustees at any time may not exceed six."

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. PEPPER. Mr. President, this organization is incorporated by act of Congress. It holds the title to the memorial at the birthplace of President McKinley. The executive or administrative body is a board of five trustees. The only purpose of this measure is to give to the existing trustees, who are self-perpetuating, the right to increase their number to six in case it becomes necessary to do this in the interest of making it feasible to assemble a quorum. At the present time, with the number of trustees so limited, it is found difficult or impossible to get quorums at meetings, and therefore difficult to transact the necessary business of the organization. It is a formal matter merely, and I venture to hope that it will meet with no opposition.

Mr. WILLIS. Mr. President, I desire to say only this: I have personal information about this matter and the Senator from Pennsylvania has stated it accurately. I trust that the bill will pass.

The PRESIDING OFFICER. The bill is before the Senate as in Committee of the Whole and open to amendment. If there be no amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had disagreed to the amendment of the Senate to the amendment of the House to Senate amendment No. 47 to the bill (H. R. 5078) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1925, and for other purposes.

The message also announced that the House had passed a bill (H. R. 6817) to provide for the construction of a vessel for the Coast Guard, in which it requested the concurrence of the Senate.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. KEYES:

A bill (S. 2872) defining the rights of alien administrators and others to bring actions in the Federal courts of the United States of America; to the Committee on the Judiciary.

By Mr. BUISUM:

A bill (S. 2873) to amend the war risk insurance act, as amended; to the Committee on Finance.

A bill (S. 2874) referring to the Court of Claims the claim of the heirs and legal representatives of John P. Maxwell and Hugh H. Maxwell, deceased; to the Committee on Claims.

By Mr. McLEAN:

A bill (S. 2875) granting a pension to Herschel C. Young; to the Committee on Pensions.

By Mr. PHIPPS:

A bill (S. 2876) granting an increase of pension to Kate Gallup (with an accompanying paper); to the Committee on Pensions.

By Mr. DALE:

A bill (S. 2877) granting an increase of pension to Phebe D. Tate; to the Committee on Pensions.

By Mr. DALE (for Mr. GREENE):

A bill (S. 2878) granting a pension to Lester H. Clark (with accompanying papers); to the Committee on Pensions.

By Mr. ODDIE:

A bill (S. 2879) for the relief of James E. Jenkins; to the Committee on Claims.

A bill (S. 2880) granting six months' pay to Maude Morrow Fechteler; to the Committee on Naval Affairs.

By Mr. FLETCHER:

A bill (S. 2881) for the relief of the Mallory Steamship Co.; to the Committee on Claims.

By Mr. CAPPER:

A bill (S. 2883) authorizing the accounting officers of the General Accounting Office to settle the accounts of W. H. Power; to the Committee on Claims.

By Mr. SHORTRIDGE:

A bill (S. 2884) for the relief of L. H. Phipps; to the Committee on Claims.

By Mr. KING:

A bill (S. 2885) to amend the act entitled "An act to regulate the height, area, and use of buildings in the District of Columbia and to create a zoning commission, and for other purposes"; to the Committee on the District of Columbia.

By Mr. JONES of Washington:

A bill (S. 2886) to amend the Federal water power act, and for other purposes; to the Committee on Commerce.

By Mr. WADSWORTH:

A bill (S. 2887) authorizing transfer of certain abandoned or unused lighthouse reservation lands by the United States to the State of New York for park purposes; to the Committee on Commerce.

By Mr. SWANSON:

A joint resolution (S. J. Res. 100) granting permission to Hugh S. Cumming, Surgeon General of the United States Public Health Service, to accept certain decorations bestowed upon him by the Republics of France and Poland; to the Committee on Foreign Relations.

By Mr. WADSWORTH:

A joint resolution (S. J. Res. 101) authorizing the President to detail an officer of the Corps of Engineers as Director of

the Bureau of Engraving and Printing; to the Committee on Military Affairs.

CONSTRUCTION OF CERTAIN PUBLIC BUILDINGS.

Mr. FLETCHER. Mr. President, I introduce a bill making appropriations for the construction of certain public buildings. I ask that the bill may be referred to the Committee on Appropriations and printed in full in the Record.

The bill (S. 2882) making appropriations for the construction of certain public buildings was read twice by its title, referred to the Committee on Appropriations, and ordered to be printed in the Record, as follows:

Be it enacted, etc., That the following sums be, and the same are hereby, appropriated for the objects hereinafter expressed, namely:

(A) For increase in the limit of cost of construction of those certain public buildings, heretofore authorized by Congress to be constructed and for which appropriations were made, referred to in Senate Document No. 28, Sixty-eighth Congress, first session, \$15,130,780, or so much thereof as may be necessary.

(B) For the construction of public buildings on those certain sites heretofore acquired, but for the construction of which buildings no appropriations were made, referred to in Senate Document No. 28, Sixty-eighth Congress, first session, \$23,557,500, or so much thereof as may be necessary.

Mr. FLETCHER. I ask unanimous consent to proceed very briefly to explain the bill, the reason I have for introducing it, and asking that it be referred to the Committee on Appropriations.

The PRESIDING OFFICER. If there be no objection, the Senator from Florida is recognized for that purpose.

Mr. FLETCHER. Mr. President, it is proper that the bill should be referred to and considered by the Committee on Appropriations, for the projects covered have heretofore been investigated in whole or in part and approved by Congress, so that all that is now necessary is to appropriate funds with which to carry on the work. I do not make this request because of any doubt that the Committee on Public Buildings and Grounds—of which my good friend, the Senator from Maine [Mr. FERNALD], is chairman—would fail or refuse to report it, but I do fear that if the bill is referred to that committee the members would be swamped and perhaps harassed by those desiring to amend it by the inclusion of new projects which, if included, would, in my opinion, jeopardize the final passage and approval of the measure. And so, Mr. President, I am certain it would be better to refer it to the Committee on Appropriations, for that committee would not, or should not, consider such amendments, and is in position to obtain any additional information that may be desired direct from the Secretary of the Treasury. Furthermore, the bill calls for appropriations and must be considered by the Committee on Appropriations. I hope the bill will be carefully considered, favorably reported, passed, and approved in the near future.

It is understood that members of the Senate and House Committees on Public Buildings and Grounds are now giving consideration to the matter of framing and reporting a general public building bill providing for the acquisition of additional sites throughout the country and the construction of suitable buildings thereon in order to relieve, in so far as may be possible, the congested conditions existing and where the need of buildings or enlarged quarters is greatest; and while it is uncertain that such a bill would meet the approval of the President at this time, yet there is no reason why this bill introduced by me should not be approved by the President, for its object and purpose are to carry out the contracts heretofore entered into by and between the Government and the people. There is a moral obligation of long standing involved and the Government should not further delay fulfilling its part of the contract.

The Senate document referred to in the bill is a letter addressed to the President of the Senate by Hon. A. W. Mellon, Secretary of the Treasury, under date January 24, 1924, transmitting, in response to Senate Resolution No. 94, submitted by me, information relative to sites acquired and appropriations necessary for the erection of certain public buildings, and I request that the document be printed in the Record in connection with my remarks, and also a letter addressed to me by Hon. McKenzie Moss, Assistant Secretary of the Treasury in charge of public buildings, under date February 27, 1924, in order that Members of Congress and the public may be informed of the facts and the reasons which prompt me in urging that favorable action be taken on this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

The document and letter are as follows:

ERECTION OF PUBLIC BUILDINGS.

Letter from the Secretary of the Treasury, transmitting, in response to Senate Resolution 94, information relative to sites acquired and appropriations necessary for the erection of certain public buildings.

TREASURY DEPARTMENT,
Washington, January 24, 1924.

THE PRESIDENT OF THE SENATE.

SIR: In response to Senate Resolution 94, directing the Secretary of the Treasury to furnish certain data in reference to public buildings, I have the honor to submit the following:

The information desired, together with certain additional data not specifically called for by the resolution, but without which the statement in regard to the status of authorized buildings and sites would not be complete, is set forth in Exhibit A, as follows:

(a) Name of each city or town (by States) where authorizations have been made for acquisition of a site, construction of a building on site already owned, or for site and building.

(b) Date site was acquired; or, if not acquired, its present status.

(c) Consideration paid for each site.

(d) Amount authorized for site, site and building, or for building only.

(e) Balance available for building.

(f) Estimated cost of building on site authorized.

(g) Amount of increase required where existing authorization is insufficient.

There is also submitted Exhibit B, which includes the names of certain projects, mentioned in Exhibit A, where drawings have been prepared, or are contemplated, for buildings of a very simple type that may possibly be provided within the existing limit of cost by the adoption of much cheaper methods of construction than has been the practice heretofore of this department; or by furnishing space to satisfy present needs only, without room for future expansion; or by not including accommodations for Government activities that may be located in the places named but where the legislation is for a post office only.

Respectfully,

A. W. MELLON,
Secretary of the Treasury.

EXHIBIT A.

Names of cities where sites only or sites and buildings have been authorized, limit of cost of each project, amount authorized in each case, cost of land where sites have been acquired, date of acquisition by Government, balance available, estimated cost of project, and increase in limit required.

Place.	Date site acquired.	Cost of site.	Amount authorized.	Balance available.	Estimated amount.	Increase.
(a)	(b)	(c)	(d)	(e)	(f)	(g)
Alabama:						
Albertville.....	June 9, 1917	\$2,500	\$5,000	.....	\$55,000	.....
Andalusia.....	Feb. 26, 1915	4,975	\$50,000	\$45,000	110,000	\$65,000
Attalla.....	Apr. 20, 1918	4,000	5,000	.....	55,000	.....
Greenville.....	Jan. 23, 1917	5,000	5,000	.....	95,000	.....
Styacasura.....	Sept. 10, 1914	5,000	5,000	.....	80,000	.....
Union Springs.....	Aug. 23, 1914	4,500	5,000	.....	65,000	.....
Alaska:						
Fairbanks.....	Sept. 30, 1915	15,000	15,000	.....	400,000	.....
Juneau.....	Sept. 2, 1911	22,500	1200,000	177,500	477,500	300,000
Arizona:						
Globe.....	Nov. 14, 1911	15,000	\$15,000	100,000	225,000	125,000
Prescott.....	Apr. 13, 1915	7,500	7,500	.....	250,000	.....
Tucson.....	Apr. 29, 1914	15,000	15,000	.....	425,000	.....
Arkansas:						
Brinkley.....	Sept. 30, 1918	2,735	5,000	.....	55,000	.....
Conway.....	June 16, 1915	2,000	5,000	.....	100,000	.....
El Dorado.....	Mar. 2, 1922	5,000	5,000	.....	175,000	.....
Forrest City.....	May 28, 1917	4,500	5,000	.....	65,000	.....
Marianna.....	Feb. 7, 1917	2,750	\$50,000	47,250	92,250	45,000
North Little Rock (Ark.).....	Dec. 14, 1920	9,500	10,000	.....	100,000	.....
Prescott.....	Aug. 24, 1914	(*)	\$50,000	50,000	65,000	15,000
Russellville.....	Feb. 17, 1917	5,000	\$50,000	45,000	130,000	85,000
Stuttgart.....	Not purchased	.....	5,000	.....	90,000	.....
California:						
Bakersfield.....	Aug. 23, 1911	17,800	\$20,000	135,000	250,000	115,000
Long Beach.....	Feb. 14, 1914	40,000	40,000	.....	750,000	.....
Modesto.....	Dec. 28, 1916	17,000	20,000	.....	175,000	.....
Red Bluff.....	Jan. 31, 1917	9,800	\$60,000	50,200	135,200	85,000
San Bernardino.....	June 17, 1913	16,500	20,000	.....	200,000	.....
San Luis Obispo.....	Oct. 30, 1916	7,500	\$80,000	72,500	115,000	42,500
San Pedro.....	Site not selected.	.....	\$60,000	60,000	500,000	440,000
Colorado:						
Canon City.....	May 8, 1915	11,000	15,000	.....	140,000	.....
Durango.....	Jan. 24, 1912	10,000	\$10,000	100,000	250,000	150,000
Monte Vista.....	May 22, 1916	3,900	10,000	.....	100,000	.....
Montrose.....	Mar. 31, 1916	15,000	15,000	.....	400,000	.....
Sterling.....	July 31, 1917	15,000	15,000	.....	125,000	.....

* Site and building.

* Site.

* Building.

* Donated.

EXHIBIT A—Continued.

Names of cities where sites only or sites and buildings have been authorized, etc.—Continued.

Place.	Date site acquired.	Cost of site.	Amount authorized.	Balance available.	Estimated amount.	Increase.
(a)	(b)	(c)	(d)	(e)	(f)	(g)
Connecticut:						
Branford.....	June 8, 1917	\$9,600	\$55,000	\$45,400	\$90,400	\$15,000
Manchester.....	Aug. 22, 1911	12,000	15,000	.....	100,000	.....
Mystic.....	Mar. 22, 1917	4,000	155,000	51,000	76,000	25,000
Putnam.....	Sept. 15, 1911	8,500	168,000	56,500	106,500	50,000
Delaware:						
Newark.....	Dec. 18, 1914	4,000	5,000	.....	60,000	.....
District of Columbia:						
State, etc., department.....						
Florida:						
De Funiak Springs.....	Jan. 9, 1917	(*)	5,000	.....	70,000	.....
Key West.....	Nov. 3, 1915	\$2,750	50,000	.....	450,000	.....
Kissimmee.....	Oct. 9, 1914	5,000	5,000	.....	70,000	.....
Lake City.....	Oct. 17, 1914	6,000	7,500	.....	85,000	.....
Marianna.....	Nov. 16, 1916	4,000	\$70,000	66,000	151,000	85,000
Georgia:						
Canton.....	Aug. 29, 1916	5,000	5,000	.....	50,000	.....
Douglas.....	Aug. 22, 1917	3,500	\$55,000	51,500	76,500	25,000
Eatonton.....	Apr. 10, 1917	3,000	5,000	.....	55,000	.....
Madison.....	July 21, 1917	5,000	5,000	.....	65,000	.....
Monroe.....	May 29, 1916	5,000	5,000	.....	65,000	.....
Rossville.....	Apr. 3, 1915	5,000	5,000	.....	70,000	.....
Sandersville.....	Aug. 12, 1915	5,000	5,000	.....	65,000	.....
Thomson.....	Sept. 25, 1915	5,000	5,000	.....	55,000	.....
Toccoa.....	Jan. 28, 1915	5,000	5,000	.....	65,000	.....
Waynesboro.....	Apr. 13, 1915	4,000	5,000	.....	70,000	.....
West Point.....	Apr. 25, 1916	5,000	\$50,000	44,000	69,000	25,000
Idaho:						
Caldwell.....	June 28, 1915	3,500	10,000	.....	100,000	.....
Coeur d'Alene.....	May 3, 1912	12,200	\$100,000	87,800	251,800	165,000
Nampa.....	Jan. 15, 1917	6,300	10,000	.....	125,000	.....
Sand Point.....	Aug. 9, 1916	(*)	\$70,000	70,000	115,000	45,000
Illinois:						
Batavia.....	Not selected.	.....	\$95,000	95,000	95,000	None
Carlinville.....	Mar. 10, 1917	8,000	10,000	.....	95,000	.....
Carrollton.....	Sept. 14, 1918	7,000	7,000	.....	100,000	.....
Chicago, West Side.....			\$1,750,000	.....	.....	.....
Chicago, East Side.....			\$50,000	.....	.....	.....
Cicero.....	June 19, 1915	6,000	7,000	.....	100,000	.....
Geneseo.....	July 15, 1920	10,000	\$60,000	50,000	100,000	50,000
Havana.....	Nov. 14, 1916	9,000	10,000	.....	110,000	.....
Highland.....	Sept. 30, 1914	4,000	7,000	.....	80,000	.....
Jerseyville.....	Sept. 9, 1918	6,250	\$65,000	58,750	88,750	40,000
Mendota.....	Sept. 8, 1917	10,000	10,000	.....	70,000	.....
Metropolis.....	Site not selected.	.....	\$50,000	50,000	100,000	50,000
Mount Carmel.....	Sept. 23, 1914	20,000	\$75,000	55,000	115,000	60,000
Paxton.....	Site not selected.	.....	\$60,000	60,000	100,000	40,000
Spring Valley.....	June 27, 1921	6,000	10,000	.....	75,000	.....
Woodstock.....	Aug. 23, 1917	15,000	17,000	.....	110,000	.....
Indiana:						
Bluffton.....	Oct. 9, 1918	11,500	\$70,000	58,500	98,500	40,000
Clinton.....	Jan. 4, 1917	6,800	\$60,000	53,200	73,200	20,000
Decatur.....	Sept. 20, 1919	9,000	10,000	.....	125,000	.....
Greensburg.....	July 26, 1917	12,000	12,000	.....	140,000	.....
Lebanon.....	Apr. 3, 1917	9,000	10,000	.....	115,000	.....
Linton.....	Aug. 18, 1916	5,500	8,000	.....	95,000	.....
Mount Vernon.....	Sept. 15, 1911	7,500	7,500	.....	100,000	.....
Noblesville.....	Dec. 11, 1917	10,000	10,000	.....	110,000	.....
North Vernon.....	May 16, 1918	10,000	\$60,000	50,000	85,000	35,000
Plymouth.....	Not purchased	.....	10,000	.....	80,000	.....
Rochester.....	do.	.....	\$70,000	62,000	112,000	50,000
Salem.....	do.	.....	5,000	.....	60,000	.....
Warsaw.....	Oct. 27, 1921	10,000	10,000	.....	100,000	.....
Iowa:						
Albia.....	June 19, 1917	5,000	5,000	.....	100,000	.....
Cherokee.....	July 19, 1916	12,000	\$70,000	58,000	103,000	45,000
Des Moines.....	Aug. 15, 1919	65,000	\$250,000	250,000	600,000	350,000
Fairfield.....	Sept. 18, 1918	7,000	10,000	.....	100,000	.....
Marengo.....	Dec. 28, 1913	3,500	5,000	.....	75,000	.....
Newton.....	July 12, 1917	10,000	10,000	.....	125,000	.....
Oelwein.....	Aug. 25, 1915	8,000	8,000	.....	85,000	.....
Kansas:						
Holton.....	Sept. 22, 1911	4,500	7,500	.....	20,000	.....
Kentucky:						
Barbourville.....	Nov. 9, 1921	5,000	5,000	.....	50,000	.....
Central City.....	June 17, 1915	7,500	7,500	.....	60,000	.....
Elizabethtown.....	Dec. 23, 1916	4,000	7,500	.....	75,000	.....
Eminence.....	Oct. 11, 1915	6,850	8,000	.....	65,000	.....
Falmouth.....	Nov. 21, 1914	5,000	5,000	.....	60,000	.....
Harrodsburg.....	Mar. 24, 1917	7,500	10,000	.....	85,000	.....
Hodgenville.....	Aug. 28, 1917	2,500	5,000	.....	55,000	.....
Madisonville.....	Dec. 29, 1916	5,000	10,000	.....	90,000	.....
Murray.....	May 3, 1917	4,000	5,000	.....	60,000	.....
Paintsville.....	Aug. 10, 1917	4,000	5,000	.....	60,000	.....
Pikeville.....	Not purchased	.....	7,500	.....	75,000	.....
Prestonburg.....	Mar. 12, 1918	3,000	5,000	.....	80,000	.....
Shelbyville.....	June 10, 1911	10,000	\$10,000	50,000	100,000	50,000

* Site and building.

* Site.

* Building.

* Donated.

* Proposition taken up by Committee on Public Buildings and Grounds in their report to the Senate.

* These matters will require a survey of the entire Chicago situation.

EXHIBIT A—Continued.

Names of cities where sites only or sites and buildings have been authorized, etc.—Continued.

Place.	Date site acquired.	Cost of site.	Amount authorized.	Balance available.	Estimated amount.	Increase.
(a)	(b)	(c)	(d)	(e)	(f)	(g)
Louisiana:						
Morgan City...	Dec. 7, 1921	\$6,000	\$6,000		\$60,000	
Thibodaux...	Mar. 15, 1918	5,000	150,000	\$45,000	60,000	\$15,000
Maine:						
Caribou...	Sept. 20, 1911	10,000	\$10,000	50,000	80,000	30,000
Fort Fairfield...	Feb. 8, 1915	18,000	180,000	62,000	77,000	15,000
Hallowell...	Mar. 13, 1912	6,500	20,000		70,000	
Maryland:						
Salisbury...	Apr. 21, 1917	10,500	190,000	79,500	104,500	25,000
Massachusetts:						
Amherst...	June 5, 1923	10,500	180,000	60,500	99,500	30,000
Leominster...	July 2, 1917	20,000	190,000	70,000	135,000	65,000
Malden...	Site to be donated.		150,000	150,000	250,000	100,000
Newburyport...	May 3, 1912	25,000	\$25,000	70,000	140,000	70,000
Provincetown...	Dec. 10, 1917	7,500	8,000		96,000	
Southbridge...	Nov. 11, 1915	18,000	180,000	62,000	122,000	60,000
South Framingham...	Dec. 19, 1916	18,000	25,000		145,000	
Waltham...	Oct. 17, 1911	46,051	115,000	68,949	178,990	110,000
Winchester...	Mar. 31, 1916	10,500	175,000	55,500	120,500	65,000
Michigan:						
Denton Harbor...	June 2, 1917	25,000	25,000		160,000	
Boyne City...	Aug. 14, 1911	8,000	10,000		70,000	
Calumet...	Not purchased.		20,000		120,000	
Cheltenham...	Oct. 2, 1906		70,000		87,100	
Hastings...	Dec. 20, 1918	6,300	181,000	74,700	124,700	50,000
Midland...	Nov. 8, 1916	6,000	160,000	54,000	99,000	45,000
Wyandotte...	Site not purchased.		176,000	76,000	150,000	75,000
Minnesota:						
Duluth...	Apr. 15, 1911	\$6,700	\$5,000		650,000	
Fairmount...	Site not purchased.		65,000	60,000	115,000	55,000
Montevideo...	Aug. 23, 1911	5,000	\$5,000	50,000	110,000	60,000
Mississippi:						
Holly Springs...	Feb. 2, 1914	6,500	\$45,000	43,500	75,500	30,000
Water Valley...	Apr. 20, 1916	5,000	160,000	45,000	75,000	30,000
Missouri:						
Aurora...	Apr. 10, 1900	6,975	10,000		80,000	
Caruthersville...	July 18, 1913	4,000	5,000		75,000	
Centralia...	Sept. 11, 1914	6,000	7,500		100,000	
Farmington...	Jan. 30, 1918	5,000	8,000		80,000	
Fayette...	Mar. 28, 1917	4,000	155,000	51,000	91,000	40,000
Harrisonville...	Oct. 27, 1916	5,000	182,500	47,500	67,500	20,000
Lamar...	Aug. 22, 1914	7,000	10,000		65,000	
Lebanon...	Dec. 10, 1914	6,500	7,500		75,000	
Liberty...	Sept. 28, 1917	6,000	160,000	54,000	69,000	15,000
Mountain Grove...	Oct. 12, 1916	6,000	7,500		80,000	
Sikeston...	June 10, 1917	7,500	7,500		75,000	
Trenton...	Jan. 26, 1910		10,000		80,000	
Unionville...	Feb. 20, 1917	7,500	7,500		55,000	
West Plains...	Aug. 29, 1914	6,000	7,500		75,000	
Nebraska:						
Central City...	July 17, 1917	Donated	155,000	55,000	75,000	20,000
Nevada:						
Fallon...	June 11, 1917	1,500	155,000	53,500	65,500	12,000
Goldfield...	Not acquired.		75,000	75,000	75,000	None.
New Hampshire:						
Somersworth...	Dec. 23, 1920	7,500	7,500		60,000	
New Jersey:						
Bayonne...	Nov. 10, 1913	25,000	\$25,000	100,000	250,000	150,000
East Orange...	Oct. 9, 1911	48,000	\$100,000	125,000	890,000	365,000
Millville...	Nov. 20, 1912	14,700	\$125,000	40,300	115,300	75,000
Montclair...	Nov. 11, 1914	80,000	\$130,000	100,000	260,000	150,000
Passaic...	Apr. 7, 1913	25,000	25,000		150,000	
Red Bank...	June 8, 1914	25,000	25,000		125,000	
Salem...	Mar. 2, 1917	10,000	10,000		100,000	
Vineland...	Nov. 8, 1915	10,000	170,000	60,000	120,000	60,000
Woodbury...	Nov. 12, 1912	15,000	170,000	65,000	80,000	25,000
New Mexico:						
East Las Vegas...	Dec. 27, 1917	9,000	125,000	116,000	116,000	None.
New York:						
Bath...	Dec. 9, 1914	13,000	15,000		80,000	
Binghamton...	Mar. 22, 1916	100,000	100,000		\$25,000	
Bronx...	July 17, 1914	375,000	\$285,000		\$475,000	
Cobleskill...	Feb. 1, 1916	58,500	1240,000	51,500	116,500	55,000
Dunkirk...	Mar. 21, 1914	20,000	20,000		170,000	
Fort Plain...	Site not purchased.		168,000	68,000	65,000	30,000
Long Island City...	Apr. 13, 1915	40,000	1200,000	160,000	210,000	150,000
Lyons...	Dec. 18, 1917	15,000	15,000		90,000	
Nyack...	Aug. 10, 1911	15,500	16,500		100,000	

1 Site and building.

2 Site.

3 Building.

4 New site or additional land.

5 Addit. all land.

6 This matter will require a survey of the entire Bronx situation.

EXHIBIT A—Continued.

Names of cities where sites only or sites and buildings have been authorized, etc.—Continued.

Place.	Date site acquired.	Cost of site.	Amount authorized.	Balance available.	Estimated amount.	Increase.
(a)	(b)	(c)	(d)	(e)	(f)	(g)
New York—Con.						
Onondaga...	Mar. 20, 1917	\$14,350	\$20,000		\$110,000	
Saranac Lake...	Jan. 12, 1917	18,500	190,000	\$71,500	111,500	\$10,000
Syracuse...	Oct. 6, 1911	324,000	\$225,000	650,000	1,000,000	1,000,000
Utica...	Sept. 20, 1911	69,500	\$350,000		800,000	
Yonkers...	June 22, 1917	338,000	100,000	160,300	650,000	300,000
Walden...	Nov. 19, 1914	7,500	150,000	57,500	87,500	30,000
Watkins...	June 2, 1911	10,000	\$80,000		90,000	
North Carolina:						
Edenton...	Aug. 2, 1916	4,000	\$55,000		85,000	
Lenoir...	Aug. 24, 1915	4,500	8,000		90,000	
Lamberton...	Sept. 16, 1914	10,000	10,000		115,000	
Mount Olive...	Aug. 25, 1920	2,000	6,000		75,000	
Mount Airy...	Site not purchased.		6,000		100,000	
Rockingham...	No appropriation.		5,000		75,000	
Rutherfordton...	July 21, 1917	4,000	5,000		65,000	
Thomasville...	Sept. 13, 1917	8,000	145,000	47,000	82,000	35,000
Wadesboro...	No appropriation.		5,000		70,000	
Wilson...	May 28, 1909	10,000	160,000	50,000	250,000	200,000
North Dakota:						
Fargo...	Apr. 9, 1915	23,500	25,000		600,000	
Jamestown...	Dec. 23, 1911	7,500	\$10,000	75,000	200,000	185,000
Ohio:						
Akron...	Aug. 28, 1914	86,280	1400,000	813,720	1,000,000	686,280
Conneaut...	Nov. 3, 1911	15,000	15,000		115,000	
Delphos...	Not purchased.		7,000		\$410,000	
Fremont...	Apr. 2, 1912	12,000	\$15,000	100,000	145,000	45,000
Jackson...	July 31, 1911	10,000	100,000		85,000	
Kenton...	Nov. 2, 1916	14,000	180,000	66,000	131,000	65,000
Millersburg...	Feb. 26, 1918	7,500	7,500		70,000	
Napoleon...	Sept. 15, 1915	7,500	7,500		115,000	
New Philadelphia...	July 20, 1915	12,400	12,400		120,000	
Niles...	May 27, 1911	15,000	15,000		110,000	
Sandusky...	Mar. 30, 1917	55,000	1215,000	160,000	280,000	120,000
St. Marys...	Sept. 25, 1917	6,500	7,500		75,000	
Steubenville...	Sept. 28, 1912	35,000	270,000	235,000	235,000	None.
Urbana...	June 5, 1911	13,000	15,000		115,000	
Washington Court House...	Feb. 6, 1913	15,000	180,000	65,000	115,000	50,000
Wilmington...	Not purchased.		175,000	75,000	130,000	55,000
Oklahoma:						
Frederick...	Mar. 8, 1917	6,800	10,000		90,000	
Hobart...	May 28, 1915	10,000	10,000		110,000	
Oregon:						
St. Johns...	Not purchased.		5,000		55,000	
Pennsylvania:						
Donora...	Not selected.		175,000	75,000	100,000	25,000
Dubois...	Oct. 8, 1912	25,000	\$25,000	85,000	135,000	50,000
Franklin...	Feb. 1, 1915	19,000	100,000	81,000	161,000	80,000
Kittanning...	Sept. 30, 1909	15,000	15,000		125,000	
Lancaster...	Oct. 1, 1917	127,833	135,278		500,000	
Lawstown...	May 15, 1917	16,500	75,000	58,500	108,500	45,000
McKees Rocks...	Sept. 7, 1916	14,500	180,000	65,000	100,000	35,000
Olyphant...	Not selected.		105,000	65,000	85,000	20,000
Pittsburgh...	Pending.	950,000	950,000		2,250,000	
Pittston...	Mar. 26, 1919	20,000	100,000	80,000	200,000	130,000
Rochester...	Aug. 4, 1911	26,000	30,000		65,000	
Sayre...	Not selected.		180,000	80,000	130,000	60,000
State College...	Feb. 9, 1916	14,400	175,000	60,600	120,600	60,000
Tamaqua...	Not purchased.		175,000	45,000	125,000	75,000
Tarentum...	July 28, 1911	20,000	\$20,000	60,000	125,000	65,000
Tyros...	Aug. 2, 1918	25,000	25,000		150,000	
Waynesburg...	Not selected.		75,000	75,000	160,000	65,000
Rhode Island:						
Warren...	June 8, 1916	10,000	10,000		75,000	
South Carolina:						
Dillon...	Oct. 9, 1914	7,600	7,600		25,000	
Lancaster...	Mar. 30, 1915	8,000	180,000	42,000	82,000	40,000
South Dakota:						
Chamberlain...	Not selected.		160,000	60,000	75,000	15,000
Millbank...	July 7, 1917	4,000	7,500		65,000	
Vermillion...	Jan. 4, 1917	2,800	7,500		85,000	
Tennessee:						
Athens...	Dec. 24, 1914	5,000	150,000	45,000	115,000	70,000
Elizabethton...	Not purchased.		2,500		\$20,500	
Franklin...	Jan. 17, 1917	6,200	185,000	48,800	128,800	80,000
Huntingdon...	Aug. 13, 1915	2,500	2,500		75,000	
Memphis sub-post office...	Mar. 14, 1918	90,000	120,000		760,000	630,000
Rogersville...	Dec. 30, 1916	2,200	5,000		65,000	
Tullahoma...	June 28, 1919	6,000	150,000	44,000	74,000	30,000
Texas:						
Atlanta...	Sept. 19, 1912	4,000	5,000		65,000	
Coleman...	Oct. 12, 1915	1	5,000		70,000	
Comanche...	Aug. 13, 1918	3,000	180,000	47,000	87,000	40,000
Crackert...	Sept. 23, 1915	0,000	8,000		85,000	
Dallas...	Apr. 15, 1914	390,000	300,000		2,000,000	

1 Site and building.

2 Site.

3 Building.

4 Additional site.

EXHIBIT A—Continued.

Names of cities where sites only or sites and buildings have been authorized, etc.—Continued.

Place.	Date site acquired.	Cost of site.	Amount authorized.	Balance available.	Estimated amount.	Increase.
(a)	(b)	(c)	(d)	(e)	(f)	(g)
Texas—Contd.						
Georgetown...	Oct. 5, 1914	\$5,000	\$5,000	.....	\$85,000	.....
Gilmer.....	Jan. 23, 1917	5,000	155,000	\$50,000	70,000	\$20,000
Huntsville.....	Jan. 25, 1912	5,000	5,000	.....	85,000	.....
Memphis.....	Mar. 16, 1916	3,600	7,500	.....	75,000	.....
Mount Pleasant.....	Dec. 29, 1916	5,000	155,000	50,000	80,000	30,000
Orange.....	Apr. 10, 1915	5,000	160,000	55,000	110,000	55,000
Pittsburg.....	Feb. 21, 1917	5,000	155,000	50,000	65,000	15,000
Seguin.....	May 19, 1914	(*)	7,500	.....	80,000	.....
Sweetwater.....	Nov. 19, 1914	6,500	7,500	.....	90,000	.....
Taylor.....	Mar. 31, 1915	5,000	5,000	.....	115,000	.....
Utah:						
Nephi.....	May 17, 1918	5,000	5,000	.....	65,000	.....
Vernal.....	Mar. 15, 1915	4,750	150,000	45,250	130,250	55,000
Vermont:						
St. Johnsbury.....	June 20, 1917	8,500	100,000	91,500	145,500	55,000
Virginia:						
Buena Vista.....	Apr. 4, 1919	4,000	5,000	.....	75,000	.....
Cape Charles.....	Not purchased	.....	7,500	.....	75,000	.....
Manassas.....	Dec. 19, 1919	3,750	5,000	.....	65,000	.....
West Point.....	Sept. 23, 1915	5,000	5,000	.....	55,000	.....
Woodstock.....	July 23, 1917	4,000	5,000	.....	65,000	.....
Washington:						
Colfax.....	Oct. 25, 1917	5,500	7,000	.....	75,000	.....
Pasco.....	July 12, 1916	10,000	10,000	.....	75,000	.....
Seattle ¹	Jan. 11, 1912	100,500	{ \$200,000 \$300,000 }	300,000	\$4,800,000	4,500,000
West Virginia:						
Hinton.....	Mar. 14, 1913	5,027	{ \$10,000 \$30,000 }	30,000	85,000	35,000
New Martinsville.....	June 20, 1916	12,250	12,500	.....	65,000	.....
Philippi.....	Apr. 13, 1914	8,000	8,000	.....	60,000	.....
Williamson.....	Oct. 23, 1911	6,000	{ \$7,500 \$50,000 }	50,000	250,000	200,000
Wisconsin:						
Madison.....	Nov. 19, 1923	336,418	550,000	213,582	553,552	640,000
Milwaukee, west side.....	No appropriation	.....	100,000	.....	350,000	.....
Mineral Point.....	Dec. 9, 1921	4,453	100,000	55,500	70,500	15,000
Monroe.....	Aug. 1, 1911	7,500	7,500	.....	110,000	.....
Tomah.....	July 15, 1917	8,000	155,000	47,000	72,000	25,000
Waupun.....	Sept. 3, 1913	3,400	5,000	.....	80,000	.....
Wyoming:						
Buffalo.....	Sept. 14, 1911	7,000	{ \$7,000 \$62,500 \$6,000 \$50,000 }	92,500	97,500	35,000
Cody.....	Apr. 20, 1912	4,500	50,000	.....	125,000	75,000
Green River.....	Oct. 8, 1911	6,000	6,000	.....	70,000	.....
Newcastle.....	Dec. 23, 1916	4,400	5,000	.....	75,000	.....

¹ Site and building.² Site.³ Building.⁴ Donated.⁵ Present site not suitable; changes in legislation contemplated.⁶ New site and building.

EXHIBIT B.

LIST OF BUILDINGS INCLUDED IN EXHIBIT A, WHERE DRAWINGS HAVE BEEN PREPARED OR ARE CONTEMPLATED.

California: Bakersfield, Red Bluff, and San Luis Obispo.
 Georgia: Douglas and West Point.
 Idaho: Sandpoint.
 Illinois: Geneseo, Jerseyville, and Mount Carmel.
 Indiana: Bluffton, Clinton, and North Vernon.
 Kentucky: Shelbyville.
 Louisiana: Thibodaux.
 Maryland: Salisbury.
 Massachusetts: Leominster.
 Michigan: Cheboygan and Midland.
 Mississippi: Water Valley.
 Missouri: Fayette and Liberty.
 Nevada: Fallon.
 New Jersey: Vineland.
 New Mexico: East Las Vegas.
 New York: Cohoes, Saranac Lake, Walden, and Waterloo.
 Ohio: Kenton, Steubenville, and Washington Court House.
 Pennsylvania: Dubois, Franklin, Lewistown, Pittston, and State College.
 Tennessee: Franklin.
 Texas: Gilmer, Mount Pleasant, and Pittsburg.
 Vermont: St. Johnsbury.
 Wisconsin: Mineral Point.
 Wyoming: Buffalo and Cody.

THE TREASURY DEPARTMENT,
 OFFICE OF ASSISTANT SECRETARY,
 Washington, February 27, 1924.

HON. DUNCAN U. FLETCHER,

United States Senate.

MY DEAR SENATOR: Reference is made to your letter of February 22 asking to be furnished with certain totals of the amounts in connection with authorized public buildings and sites contained in Senate Document No. 28. These amounts are as follows:

- (1) The total amount of appropriations available for the construction of certain buildings (col. e)..... \$9,280,822
- (2) An estimate of the total additional amount necessary for Congress to appropriate in order that those buildings may be constructed (col. g)..... 15,130,780
- (3) The total amount estimated necessary to be appropriated for the construction of buildings on sites heretofore acquired for which no appropriation was made for the construction of a building (col. f)..... 23,557,500

Very truly yours,

McKENZIE MOSS, Assistant Secretary.

Mr. FLETCHER. Mr. President, it will be noted from the document and the letter that in order to carry out the intent and purpose of Congress—expressed in previous legislation—to construct buildings on those certain sites mentioned it will be necessary to pursue the matter further by enacting legislation making appropriations available in the sum of \$15,130,780 to supplement the unexpended appropriations heretofore made amounting to \$9,280,822—that being the balance on hand in the Treasury—before those buildings can be constructed, due to the increased cost of labor and materials, and it will also be necessary to make available the sum of \$23,557,500 in order to construct buildings on those certain sites for which no appropriations were made for the construction of buildings. It is now necessary to appropriate or make available a total of \$38,688,280 in order to carry out the intent and purpose of Congress that suitable buildings be constructed on all those certain sites mentioned in the document.

To illustrate the situation I refer to the fact that the Government acquired a site at Cheboygan, Mich., on October 2, 1906, at a cost of \$7,900. The appropriation for site and building was \$70,000, but it was found that a suitable building could not be constructed on that site for the balance of the appropriation—\$62,100. That was almost 20 years ago, yet no building has been constructed and the site is vacant; and in order to carry out the intent and purpose of Congress that a suitable building be constructed at Cheboygan it will be necessary to appropriate or make available the sum of \$25,000 additional, for it is now estimated by the Treasury Department that it will cost \$87,100 to construct the building. I note from the document that a number of sites were acquired during 1909, 1911, and 1912 on which no buildings have been constructed. It is to be hoped that Members of Congress will give careful consideration to the matter in order that the general situation may be better understood and appreciated.

As I stated on a former occasion, there has been no general public buildings appropriation legislation since 1913 due to the fact that the World War came on soon afterward and practically all activity in that direction ceased, but that condition does not obtain at this time and Congress should go ahead and provide suitable buildings on all those sites heretofore acquired and relieve the inadequate and unsightly conditions that exist in many, if not all these cities and towns. In this connection I am advised that the rental charged the Government for some quarters amounts to 25 to 30 per cent interest on the estimated cost of the building that could be constructed by the Government. Furthermore, the business of the Government can not be satisfactorily transacted in inadequate quarters, and it is a poor policy to delay action longer.

Mr. President, while it is understood that this administration is for the time being, at least, opposed to the enactment of a general public buildings bill, this bill introduced by me is not such a bill. It can not be termed "pork barrel legislation." It provides (a) for covering the increase in the limit of cost of construction of those certain public buildings heretofore authorized by Congress to be constructed and for which insufficient appropriations were made, and (b) for the construction of public buildings on those certain sites heretofore acquired but for the construction of which buildings no appropriations were made. Its object and purpose is to carry out the intent of Congress expressed from time to time, written into the law and never repealed, that those buildings should be constructed, and we should now keep faith with the people and appropriate the money in order that the work may proceed in an orderly manner. If it is feared that to engage upon an

extensive building program at this time would disrupt the business and economic condition of the country then why not provide for the construction of these certain buildings and provide for the construction of other buildings at a later day? That would be dividing up the work and make it possible to continue it over a period of years rather than all at one time and not disrupt conditions.

It may be that to undertake a "very extensive building program" would be disadvantageous at this time, but that is not what I propose. And so I say, Congress should appropriate the thirty-eight-odd million dollars now in order that the construction of those buildings referred to in the document may be undertaken, and later provide funds for the construction of suitable buildings in other cities and towns where the need is most urgent. Let us complete the present program which has heretofore been mapped out, and then take up something else along the same line. I wish to remind Senators that the estimated cost of constructing these buildings is perhaps 50 per cent greater than when the appropriations were originally made some years ago, and that unless prompt action is taken the original estimate of cost may be doubled; and so I feel it will prove more economical to proceed immediately.

I addressed the Senate about two weeks ago on this same subject—"brought the Members a message" as one correspondent expressed it—and since then I have received a number of letters, telegrams, and newspaper clippings from over the country expressing approval of my efforts in that direction and urging that I introduce this bill. I am not disposed, Mr. President, to burden the Record with those communications, but do ask that a letter received from the Chamber of Commerce of Lewistown, Pa., be printed in connection with my remarks to-day, for that letter refers to a situation there similar to that in other localities, especially with reference to the enhanced value and the condition of Government-owned sites.

The PRESIDING OFFICER. If there is no objection, the letter will be printed in the Record.

The letter is as follows:

LEWISTOWN CHAMBER OF COMMERCE,
OFFICE OF THE SECRETARY,
Lewistown, Pa., March 14, 1924.

Senator DUNCAN U. FLETCHER,
United States Senate, Washington, D. C.

DEAR SENATOR FLETCHER: We note with interest an article in our local newspaper, the Sentinel, pertaining to your effort toward providing for the erection of Federal buildings on sites now owned by the Government.

We are aware of the President's attitude in respect to a general public buildings bill and your action is of unusual interest to our community. The situation in Lewistown differs slightly from the situation in De Funk Springs, Fla. While the Lewistown site was not donated to the Government, it was sold to the Government for \$16,500 and to-day is worth \$80,000. The man who sold this property was actuated by public spirit and named a price that is considered unusually fair by everyone. At the time of sale a three-story hotel building occupied the property. This building was razed and the property has stood vacant for a number of years. We can safely state that had this hotel property been allowed to remain standing it would have been put to excellent use during the past several years, as our community is rapidly growing and hotel facilities are greatly needed.

Our Representative, Hon. EDWARD M. BURNS, has introduced a bill providing for \$100,000 additional appropriation for our Federal building, and on January 16 a committee from this organization, conducted by Mr. BURNS, was granted interviews with Mr. James A. Whitmore, Supervising Architect for the Treasury Department; Representative JOHN W. LANGLEY, chairman of Buildings and Grounds Committee; Senator GEORGE WHARTON PEPPER; and others, in behalf of Congressman BURNS's bill. This committee met with encouragement from these officials, and it was the opinion that if a general building bill was passed Lewistown would be included.

Your action in asking for erection of public buildings on sites already owned by the Government brings our community within its scope, and we trust it will meet with success. We note your action in the nature of a message to the Senate. Should you introduce this matter in the form of a bill, we will be very glad to ask the support of our Representative and Senators in its behalf.

Very truly yours,

LEWISTOWN CHAMBER OF COMMERCE,
R. P. FOLTA, Secretary.

Mr. FLETCHER. It will be noted from Secretary Mellon's letter that the site for a public building at Lewistown was acquired May 15, 1917—almost seven years ago—the Senators from Pennsylvania will keep that in mind, I am sure—for \$16,500, out of the appropriation of \$75,000 for site and building; that there

remains in the Treasury of the United States \$58,500 of that appropriation, and that it will now be necessary for Congress to provide an additional appropriation of \$45,000 in order to construct the building. I dare say that if the appropriation is not made very soon it will be necessary for the Supervising Architect of the Treasury to revise his estimate and increase the amount to perhaps \$50,000 or \$60,000, and that per cent of increase would no doubt apply in all other cases. I refer to the Lewistown, Pa., case, because it is typical.

The letter from the chamber of commerce states that the building on the lot was torn down and that the property has stood vacant ever since—some six or seven years—and yet the value of that vacant lot has increased to \$80,000.

It cost the Government \$16,500, and has increased in value to \$80,000. I assume that similar conditions in regard to increase in value and unsightly conditions of the lot apply to all the sites acquired on which no buildings have been constructed. Just think of the Government owning a vacant, unsightly, unproductive building site, from which no one derives revenue! The property is not subject to tax by the city, county, district, or the State, and the Federal Government is not even liable for the cost of improving the streets about it. That must be done at the expense of the community, the taxpayers.

That letter states that the gentleman who sold the lot to the Government was actuated by "public spirit" and agreed to accept \$16,500 for it. Perhaps he was put to the expense of tearing down the building on it, and now the unimproved lot is worth \$80,000, which is quite an increase in value. The seller has lost and the Government has benefited, but the city of Lewistown has not gained anything by reason of that transaction. No doubt that gentleman conceived the idea that he would live to view a fine Federal building on the lot once owned by him and be able to refer and point with pride to his contribution to the community; but that man may have already gone to his reward or, if not, may go before Congress acts. I hope not.

It will be noted from Secretary Mellon's letter that several of the sites were "donated" to the Government. I recall that one was donated by public-spirited citizens of my State. At De Funk Springs a site was donated in 1917 by Mr. and Mrs. Charles Murray, sr., of that place, but on account of the fact that no building has been constructed the donors have been seriously considering requesting me to introduce a bill providing that the property be reconveyed to them. That lot has also increased in value. The Government required that the building on it be removed; it has remained vacant ever since, and does not yield revenue to anyone, so far as I am informed. The Government is not liable for taxes or assessments of any nature against it.

I say, Mr. President, that is not a fair and just way to treat our citizens and these communities. There was an excuse for delay just prior to, during, and for several years after the World War, but there is no justification for delaying action further.

It will be remembered that during the campaign of 1922 the voters were given to understand that if the Republican nominees were elected, if that party maintained a majority in the House, a general public buildings appropriation bill would be enacted almost immediately upon the convening of the next Congress. I believe it was the chairman of the House Committee on Public Buildings and Grounds, Mr. LANGLEY, of Kentucky, who let that be understood. It begins to look as if that "understanding or promise" might become a slogan on the part of the Republicans during the approaching campaign. It is my opinion that the good people at Lewistown and elsewhere who have been promised reasonably quick action in the matter of having a suitable building constructed in their respective communities have a right to complain and are justified in feeling they have not been justly treated. Certainly there can be no excuse whatever for longer delay of wise economy, and it does mean the people will get something for their money.

I submit, Mr. President, that we ought to act in this matter. We ought to take care of those buildings that have been authorized, but for which insufficient appropriations have been made, and erect buildings on those sites which have been donated to the Government but which have remained vacant and in an unsatisfactory condition ever since, yielding no revenue for the benefit of anyone. While the enactment of the bill I have introduced would not mean a direct reduction of taxation, it would mean the wise practice of economy, and it would also mean that the people would be getting something for their money.

Mr. WILLIS. Mr. President, I desire to ask a question of the Senator from Florida. Has he made any estimate as to the probable appropriation that will be necessary to provide the buildings to which he has referred?

Mr. FLETCHER. Yes; that is all set out in the report of the Secretary of the Treasury.

Mr. WILLIS. Can the Senator state the total amount, for information?

Mr. FLETCHER. I have it here in this statement. An appropriation of \$15,130,780 will be required to supplement the unexpended appropriation already made and now in the Treasury to complete the buildings, and an amount of \$23,557,500 will be required in order to construct the buildings on the sites which the Government now owns, either by donation or by purchase.

Mr. WILLIS. So the amount involved will be approximately \$40,000,000?

Mr. FLETCHER. The amount will be \$38,688,280.

Mr. JONES of New Mexico. Mr. President, I should like to inquire if it is the request of the Senator from Florida that the bill be referred to the Appropriations Committee?

Mr. FLETCHER. It is. It has been referred to the Appropriations Committee.

Mr. JONES of New Mexico. I am very glad that course has been taken, because I was going to make the suggestion that this is really in the nature of a deficiency appropriation bill.

Mr. FLETCHER. It is. That is the reason why I wanted to present these thoughts, to justify its reference to the Committee on Appropriations.

ARMS AND MUNITIONS SOLD TO MEXICO.

Mr. WALSH of Montana. I offer a resolution which I send to the desk, and ask unanimous consent for its immediate consideration.

Mr. SMOOT. Let it be read.

The PRESIDING OFFICER. The Secretary will read the resolution.

The resolution (S. Res. 193) was read, as follows

Resolved, That the Secretary of War be, and he is hereby, directed to furnish the Senate with a statement of the particular statutory authorization by virtue of which he is reported to have sold and delivered, or engaged to sell and deliver, arms and munitions to the Government of Mexico; and to furnish also copies of the particular instruments embodying the agreements of sale; and to furnish also copies of all opinions as to the lawful nature of the transaction furnished to him by his own law officers or by those of other departments of the Government; and to furnish also all memoranda, interdepartmental communications, correspondence with persons not in the Government service, and other relevant documentary material, notes of conversations and similar material concerning the sale of arms; and to furnish also a complete and detailed list of all precedents for his action and of all inquiries ever received by the War Department, so far as its files disclose, concerning the transfer to foreign governments or factions, for money, of arms and munitions of the United States; and to furnish also a description of the materials actually delivered, or in process of delivery, classifying the arms and munitions as to their immediate availability and relative degrees of obsolescence.

The Secretary of War is directed to furnish the material requested herein as rapidly as it can be secured, submitting each variety of data according as it is brought together.

Mr. BORAH. Mr. President, I wish we could incorporate in that resolution also an inquiry as to how long the arms remained in the possession of those to whom we delivered them.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

The resolution was considered by unanimous consent and agreed to.

INVESTIGATION OF AFFAIRS OF THE CHIPPEWA INDIANS OF MINNESOTA.

Mr. KING submitted the following resolution (S. Res. 194), which was referred to the Committee on Indian Affairs:

Whereas the eleventh general council of the Chippewa Indians in Minnesota on July 10, 1923, unanimously passed the following resolution:

"Whereas pursuant to the authority contained in the act approved January 14, 1889, the Chippewa Indians occupying or belonging on reservations located within the limits of the State of Minnesota entered into agreements with the duly authorized representatives of the United States for the allotment of their lands in severalty and the cession of all the residue property and its sale and disposition upon specific terms for the exclusive use and benefit of a designated class of people, namely, all those members of the different bands or tribes

occupying or belonging to reservations within the limits of the State of Minnesota and entitled to allotments of land and their issue thereafter born, said funds to be paid to them at stated times and in stated amounts; and

"Whereas the Bureau of Indian Affairs of the Department of the Interior has had direct and immediate charge of the administration of said estate for a period of nearly 34 years; and

"Whereas the administration of said estate by the said Bureau of Indian Affairs has been characterized by inefficiency and by great abuses resulting in the despoliation of said estate entailing great losses running into millions of dollars upon the said designated class of persons and from which estate they have and are now receiving no substantial benefits; and

"Whereas the more flagrant violations of said agreements by the said Bureau of Indian Affairs and its officers may be specifically enumerated as follows:

"1. Said agreements provided for the immediate preparation of complete allotment and money payment rolls of all the Chippewa people entitled to share in said estate. Said rolls have not yet been completed.

"2. The illegal patenting of the State of Minnesota, without a dollar of consideration therefor, of large bodies of valuable timber and other lands, causing a loss of somewhere between \$4,000,000 and \$10,000,000.

"3. The illegal issuance of patents to lands classified as 'agricultural lands' in violation of the plain terms of said agreements without the payment of a dollar therefor and which has resulted in a loss of more than \$2,000,000.

"4. The illegal disposition of the lands classified as 'pine lands' under said agreements, which were to have been disposed of at public auction to the highest bidder, and which lands have been disposed of at the arbitrary price of \$1.25 per acre, only a fractional part of their true value, resulting in losses of several million dollars.

"5. The illegal inclusion of the ceded trust lands in the Minnesota National Forest Reserve in violation of the plain terms of said agreements, the taking of the timber thereon at only a fractional part of the compensation agreed to be paid therefor, and the taking of the land at the arbitrary price of \$1.25 per acre, which was only a small fractional part of the amount agreed to be paid, resulting in losses of several million dollars.

"6. The attempt to confer exclusive ownership of all the property on the diminished Red Lake Reservation upon the members of the Red Lake Band to the exclusion of all the other Chippewa Indians of Minnesota, who are entitled to share therein, after allotments are made to the members of the Red Lake Band, under the agreements, resulting in a loss to all the Chippewas of Minnesota, exclusive of the members of the Red Lake Band, of several million dollars in property heretofore disposed of and now remaining.

"7. The illegal creation of the Red Lake Forest Reserve and the diversion of the proceeds received therefrom from the fund standing to the credit of all the Chippewa Indians in the State of Minnesota to the exclusive credit of the members of the Red Lake Band, resulting in a loss to the Chippewa Indians of Minnesota, exclusive of the members of the Red Lake Band, of several million dollars.

"8. The refusal of the Indian Bureau to carry out the agreements of 1889, supplemented by positive acts of Congress directing that allotments should be made to the members of the Red Lake Band. Under the agreements the trust period of 50 years does not commence to run until allotments to all the Chippewa Indians have been completed. By refusing to make the allotments on the Red Lake Reservation the bureau has held up the commencement of the running of the trust period for 33 years, and improperly and illegally prolonged its administration of the trust, at a heavy annual expense to all the Chippewa people, and has at the same time denied to the members of the Red Lake Band allotments of land to which they were and are lawfully entitled. Forty per cent of those Indians who were entitled to allotment in 1889 on the Red Lake Reservation have since died without receiving their allotments. The conduct of the Indian Bureau with reference to the Red Lake situation is inexcusable and has resulted in great financial loss to all the Chippewa people and great loss to the Red Lake Indians, in that they have been deprived of all the advantages that would have flowed from the allotment of the lands, the sale and disposition of the residue lands, and the establishment of schools, churches, roads, and all those other attributes of civilization.

"9. The use by the Indian Bureau of the school funds of all the Chippewa Indians in the maintenance of boarding schools for the benefit of a few in violation of the terms of the agreements, and its failure and refusal to intelligently use and expend the school fund so as to afford proper school facilities for all the Indian children.

"10. The insistent demand of the Indian Bureau that the expenses of its service in Minnesota should be paid out of the trust funds of the Chippewas, which is in violation of the terms and provisions of the agreements creating the trust fund. The policy inaugurated in 1911 by the Indian Bureau in disregard of the terms of the agreements, and approved by Congress at its insistence, has cost the Chippewa people several million dollars. The service maintained has been primarily for the benefit of the Indian Bureau with only incidental benefits to

the Indians, and the maintenance of said service out of the trust funds has been and is a flagrant abuse of power.

"11. The inclusion in State drainage districts of the ceded Indian lands under the act of Congress approved May 23, 1908 (33 Stat., 169) from which the Indians have received only incidental compensation, the State of Minnesota being the main beneficiary, and all of which was in violation of the terms of the agreements and has resulted in great losses.

"12. The illegal inclusion of Indian allotments in State drainage projects, the assessments upon many of which have resulted in confiscation of the allotments.

"13. The frauds practiced by the employees of the Indian Bureau in the estimation and appraisal of the timber on the ceded lands shown in the report of Inspector J. George Wright submitted in 1897 (S. Doc. No. 85, 55th Cong., 1st sess.). These frauds cost the Indians millions of dollars for which they now have only a claim against the United States and were the direct result of inefficient administration.

"14. The unlawful use of the trust funds in the payment of tuition of Indian children in the public schools of Minnesota, fostered and promoted by the present Commissioner of Indian Affairs. Under the law every Indian child is entitled to free admission to its public schools. The payment of tuition, except in exceptional cases where it is necessary to extend aid to the school districts of the State in order to provide proper school facilities for Indian children is a flagrant abuse of official power.

"14a. The inclusion of children in mission and Government boarding schools who have adequate public schools at their homes. The mission and boarding schools should be open only to Indian children who are without public-school facilities.

"15. The removal of the agency from White Earth to Cass Lake. Seven-twelfths of all the Chippewa people were allotted on the White Earth Reservation. Upon that reservation are suitable accommodations for the agency and its employees, erected and maintained in part out of the funds of the United States and in part out of the funds of the Indians. Cass Lake is situated about 70 miles by direct line from the White Earth Reservation and within the ceded territory. Only a comparatively few Indians were allotted land or reside in the vicinity of Cass Lake. From White Earth to Cass Lake by railroad is a distance of about 130 miles, with no direct line, necessitating transfer at intersections of railroads and long delays. There are no public buildings at Cass Lake that can be used for agency purposes. They are now located in rented quarters, the expense of rental and maintenance being paid out of the trust funds. The removal was the direct result of protests filed with the department by the White Earth Indians against conditions in and about the agency that had become intolerable. As a rebuke to the Indians for their attempt to bring the true situation to the attention of the President of the United States and the Secretary of the Interior, the Commissioner of Indian Affairs secured the approval of an order by the President of the United States for the removal of the agency. The location and maintenance of the agency at Cass Lake is of no benefit to the Indians allotted on the White Earth Reservation and operates as a distinct hardship, entailing useless and unnecessary expense.

"16. The repeated donations of the trust lands to various institutions without a dollar of consideration therefor;

"17. The failure or refusal of the Indian Bureau to classify the Chippewa people so that the competent and incompetent might be known, and so that Congress in making appropriations might know the number of Chippewa people who needed any supervision or aid; and

"Whereas each and every one of said acts under which said authority is now being claimed by said bureau was enacted upon its recommendations; and

"Whereas, had the Indian Bureau performed its proper duty and correctly advised Congress of the effect of the legislation it has been asked to enact by the Indian Bureau, said legislation would never have been enacted to the great loss and injury of the Chippewa people; and

"Whereas it has only been since the creation of the General Council of the Chippewa Indians of Minnesota, and through its efforts, that said vicious legislation, confiscatory of the property of the Chippewa people, has ceased; and

"Whereas the General Council of the Chippewa Indians of Minnesota is the only representative body through which the Chippewa people can give a dependable expression of their views relative to the administration of their estate to the officers of the United States charged by law with its administration; and

"Whereas the said Indian Bureau did, in 1921, in order to prevent the true situation with reference to the Chippewa estate from becoming public and in order that it might cover up its mistakes, protest against further appropriations by Congress for the maintenance of said general council, and did, by misrepresentation of fact, induce Congress to discontinue said appropriations for said general council; and has ever since pursued the same course; and

"Whereas since said time said Indian Bureau has used its influence to promote strife and discord among the Chippewa people and has refused to accord the Chippewa people an opportunity to meet under governmental supervision and give a dependable expression of their views relative to their estate; and

"Whereas said Indian Bureau through its present officials has exerted its influence to break up the General Council of the Chippewa Indians and to leave them and retain them in a position where they had no official organization and could give no dependable expression of their views to the officers of the United States charged by law with the administration of their estate, and to put them, and retain them in a position where they could make no official protest against the improper administration of their estate that has been, and is now, going on; and

"Whereas notwithstanding the confused conditions relating to said estate and the imperative necessity of the Chippewa people having a proper representative to speak and act for them, said Indian Bureau has refused, and still refuses, to permit them to employ an attorney of their own selection and to pay said attorney out of their own funds; and

"Whereas while denying to all the Chippewa Indians in the State of Minnesota the right to employ an attorney to represent them in the adjustment of their matters with the Government of the United States the said Indian Bureau has sanctioned and approved the employment of an attorney to represent the Red Lake Band for the sole purpose of perpetuating the present unlawful conditions existing on said reservation; and,

"Whereas the present officials of the Indian Bureau have and are now, with full knowledge of the facts, retaining in office an employee who, while an employee of that bureau and intrusted with the preparation of legislation vitally affecting the rights of the Chippewa people, demanded of their representative a division of any compensation he received for his services or from the prosecution of any claims of the Chippewa people against the United States, and which employee is to-day, with full knowledge of his misconduct by his superiors, being retained and is passing upon and submitting recommendations on many, if not all, matters passing through the Indian Bureau pertaining to Chippewa affairs; and

"Whereas the despoliation of said estate is now going on under the present administration of the Indian Bureau, the consummation of Minnesota National Forest Reserve matter, as a result of which the Chippewa people sustained a loss of from three to five million dollars, being a single instance; and,

"Whereas throughout the entire history of the administration of said estate by said bureau extending over a period of 34 years no reform ever been brought by said bureau on its own initiative; and,

"Whereas every reform that has been accomplished has been directly due to the efforts of the Chippewa people: Now, therefore, be it

Resolved, That the President of the United States and the Secretary of the Interior be, and they are hereby, respectfully requested to place in charge of the affairs of the Indian Bureau, honest, capable, and efficient officials who will honestly and efficiently administer the affairs of the Chippewa people and of all other people coming under its control; and be it further

Resolved, That the Secretary of the Interior be, and he hereby is, requested to make a complete investigation into the affairs of the Chippewa people; to accord them a representative; to correct the abuses now present; to adjust these matters in which the Chippewa people have sustained great losses, either through direct negotiation with the representatives of the Chippewa people or by reference to a court of competent jurisdiction, to the end that the Chippewa estate may be wound up; the trust funds segregated; the Indians classified so that the competent and incompetent may be known; the funds of the competent Indians paid to them, and the funds of the incompetent held for their use and benefit": Now therefore be it

Resolved, That the Committee on Indian Affairs is directed to investigate the allegations contained in the foregoing resolution of the general council of Chippewa Indians of Minnesota, and report to the Senate its findings in the premises, together with such recommendations as to action on the part of the United States which said committee shall be advised to make.

Such committee, as a whole or by subcommittee, is authorized to hold hearings, to sit during the sessions or recesses of the Sixty-eighth Congress, at such times and places, to employ such counsel, experts, and accountants, and clerical and other stenographic assistants as it may deem advisable. The committee is further authorized to send for persons and papers, to require by subpoena or otherwise the attendance of witnesses, the production of books, papers, and documents, to administer oaths, and to take testimony, as it may deem advisable. The cost of stenographic service to report such hearings shall not be in excess of 25 cents per 100 words. Subpoenas for witnesses shall be issued under the signature of the chairman of the committee or sub-

committee thereof. Every person who, having been summoned as a witness by authority of said committee or any subcommittee thereof, willfully makes default, or who, having appeared, refuses to answer any question pertinent to the investigation heretofore authorized, shall be liable to the penalties provided by section 102 of the Revised Statutes of the United States. The expenses of the committee shall be paid from the contingent fund of the Senate.

HOUSE BILL REFERRED.

The bill (H. R. 6817) to provide for the construction of a vessel for the Coast Guard was read twice by its title and referred to the Committee on Commerce.

PULLMAN SURCHARGE.

Mr. DIAL. Mr. President, I have to leave the Chamber in a few minutes to keep an engagement, and I will ask the indulgence of the Senate just for a few moments to call the attention of the Senate to the question of the Pullman surcharge.

A month or two since the Legislature of South Carolina passed a bill abolishing the Pullman surcharge. I am sorry to notice in the papers that the officials have been enjoined from putting that act into effect. An injunction was granted by the judges of the United States courts. This shows how little the rights of the States are regarded.

This matter is receiving very great attention at the hands of the public. Something like 117 bills have been introduced in Congress trying to accomplish this purpose. That is almost a bill by every fourth Member of the House and the Senate. It is greatly desired that we get some legislation at an early date, as it seems that the Interstate Commerce Commission will not or does not take steps to abolish the surcharge. It is a very serious matter. In my State, for instance, we have trains with no day coaches on them, and for short distances, even between some of our magnificent cities, a distance of 30 miles, for example, I believe the minimum surcharge is 75 cents. The people either have to pay that surcharge or wait for some other train, and it delays and inconveniences the transportation of passengers greatly.

I understand that just this week Canada has restored the pre-war rates both on passengers and on freight. It seems to me that we might begin to emulate Canada in that respect. I believe that this amount could be made up to the railroads by reason of the additional number of passengers that would travel if the surcharge were removed. I sometimes travel on these trains, and I see oftentimes that the coaches are almost empty. I believe that if a proper rate were in effect it would encourage travel, and the roads would lose nothing.

However that may be, I do not favor any kind of camouflage. If the rate is not sufficient, then the railroads ought to be allowed to increase their rates; but they should not be permitted to collect money from the public under any misapprehension.

If they can not exist on the rate that is allowed, they should be allowed to increase the rate; but I do not believe that is the case. This is a long time after the war, and all these nuisance taxes and unusual taxes should be abolished, and it seems to me it is high time for us to take steps now to relieve the public. Anyone who travels on the trains or sits around hotel lobbies will hear this question discussed as one that is uppermost in the minds of the traveling public.

I know that it took us a good, long time here to get our Committee on Interstate Commerce functioning, and I am glad that it is making progress, as I learn, along this line; and I trust it will soon bring in a bill abolishing this surcharge, so that we can get our country and travel and trade back to normal conditions. I am sure there is nothing that would please the public more, and I feel at the same time do justice to the railroads.

I am urging the Interstate Commerce Commission to act, and sincerely hope relief will be speedy, not only regarding Pullman-car surcharges but also as to passenger and freight rates.

Mr. ROBINSON. Mr. President, with the indulgence of the Senate, I desire to make a brief statement respecting the subject just discussed by the Senator from South Carolina [Mr. DIAL].

During the last session of Congress I presented a bill to eliminate the Pullman surcharge. Other bills for the purpose were presented in both Houses of Congress. During the present Congress a large number of measures on the subject have been introduced in the Senate, and a very large number in the body at the other end of the Capitol.

The subject has been under consideration by the Committee on Interstate and Foreign Commerce. It is expected that action will be taken upon the measure in the early future. A request has been made of the Interstate Commerce Commission for in-

formation respecting the effect of the passage of such a bill upon the revenues of the railroads. I am also informed that measures are pending before the committee looking to a reduction of freight rates, particularly those that relate to the transportation of farm products and of commodities that are essential to agricultural production.

BRIGHT ANGEL TRAIL, ARIZ.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the amendment of the House to Senate amendment No. 47 to the bill (H. R. 5078) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1925, and for other purposes.

Mr. SMOOT. I move that the Senate insist upon the amendment adopted by the Senate yesterday to the House action on Senate amendment No. 47 and ask a conference with the House, and that the Chair appoint conferees on the part of the Senate.

Mr. WALSH of Montana. Will the Senator kindly advise us what is amendment No. 47?

Mr. SMOOT. Amendment No. 47 has reference to the Bright Angel Trail.

Mr. McNARY. I have just come into the Chamber. I would like to know what is the motion of the Senator from Utah.

Mr. SMOOT. The House disagreed to the Senate amendment to the action of the House on Senate amendment No. 47, the Bright Angel Trail matter, and I have just moved that the Senate insist upon its amendment, ask for a conference with the House, and that the Chair appoint the conferees.

Mr. McNARY. I think that would be very satisfactory, except that the Senator from Arizona [Mr. CAMERON] telephoned to me that he would be here about half past 1, and said that he would like to have no action taken until he can be present on the floor. I assume he would not object to this motion, but I wanted the statement of the Senator from Arizona to be known.

Mr. CURTIS. Mr. President, I want to make an inquiry before the motion is submitted. We already have a conference, and the item now in dispute is in connection with a bill which is already in conference. Are we to have two separate sets of conferees and two separate reports in relation to the same bill? This item ought to be carried in the bill and re-committed to the committee of conference which is already in existence.

The PRESIDING OFFICER. The motion made by the Senator from Utah provides for a conference.

Mr. SMOOT. The same conferees will be appointed on this disagreement.

Mr. CURTIS. That is true, but it does not accord with the action taken the other day when we appointed conferees on this appropriation bill. It seems to me the proper course would be for the Senate to insist on its amendment and refer it to the conferees who have already been appointed.

Mr. SMOOT. Let me state the situation. Yesterday the Senate disagreed to the House amendment by adopting an amendment to that amendment. The conference report was only a partial report. I asked then that the House grant a conference. The action of the Senate went back to the House. The House did not appoint conferees, but they insisted upon their amendment, and therefore when the message of the House was laid before the Senate I moved that the Senate further insist on its amendment and ask for a conference upon the item. We agreed to the House amendment with an amendment yesterday, and that ended it as far as the Senate was concerned, with a request for a conference; but the House did not agree to the conference that was asked for, so that I had to move for a conference upon this item.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Utah.

The motion was agreed to, and the Presiding Officer appointed Mr. SMOOT, Mr. CURTIS, and Mr. HARRIS conferees on the part of the Senate at the further conference.

OPERATIONS OF UNITED STATES SHIPPING BOARD.

Mr. KING. Mr. President, I request that Senate Resolution 170 be taken from the table, and I ask for its present consideration.

Mr. BURSUM. What is the resolution?

Mr. KING. Let it be read. I am asking that the resolution be taken from the table and immediately considered. It will take only a few moments.

The PRESIDING OFFICER. The Secretary will read the resolution.

The resolution, which had been submitted by Mr. KING February 22, 1924, was read and agreed to as follows:

Resolved, That the United States Shipping Board is directed to inform the Senate whether the board, through the Emergency Fleet Corporation or otherwise, is a member of or is represented in the North Atlantic and United Kingdom Conference, Eastbound, having an office at No. 8 Bridge Street, New York City; whether said board has participated through said conference in raising the rates on ocean freight from American ports or in restricting or attempting to restrict ports of sailing of Shipping Board vessels for the purpose of diverting trade from American ports to Canadian ports or otherwise; whether said conference is maintaining charges for the transportation of ocean freight, particularly on American agricultural products, at higher charges than would be paid on open competitive rates; whether the board regards the arbitrary fixing of rates by said conference as a violation of the antitrust laws of the United States; whether the board has prevented or attempted to prevent operators of vessels owned by the board from withdrawing from said conference; whether the board has knowledge that the British Board of Trade discriminates, by rebates or deferred rebates, to British shipping through said North Atlantic and United Kingdom Conference, Eastbound; and whether the board has knowledge of discrimination against American shipping by withholding insurance from American shipping, or by granting preferential rates to British shipping by British insurance companies; and that said board is further directed to transmit to the Senate all documents, correspondence, and records in its possession relating to the premises, including the minutes of meetings of said North Atlantic and United Kingdom Conference, Eastbound, in which said board or its representatives have participated.

PENSIONS AND INCREASES OF PENSIONS.

Mr. BURSUM. Mr. President, I desire to call the attention of the Senate to the fact that during the fiscal years from 1922 to 1924 the following numbers of veterans of the Civil War passed away:

1922	25,082
1923	25,452
1924 (8 months)	13,906

64,440

That during the same fiscal years widows of veterans of the Civil War passed away as follows:

1922	21,259
1923	23,947
1924 (8 months)	13,474

Mr. SMOOT. The Senator is referring to fiscal years?

Mr. BURSUM. Yes; fiscal years. In all, of veterans and widows of veterans, 123,120 have died since 1922.

I desire further to call the attention of the Senate to the fact that of widows of veterans of the Civil War there are 12,215 of the age of 74; there are 15,000 of the age of 75; there are 15,000 of the age of 76; there are 14,000 of the age of 77; there are 13,000 of the age of 78; there are 14,000 of the age of 79; there are 18,000 of the age of 80; there are 14,000 of the age of 81; there are 8,000 of the age of 82; there are 3,000 of the age of 83; there are 4,000 of the age of 84; there are 3,909 of the age of 85; there are 488 who are 94 years of age. There are, all told, 157,000 widows of Civil War veterans over the age of 74.

The amount of pension now being received by these people is wholly inadequate. The old veterans, and the widows of veterans, have for two years been petitioning Congress to grant them a raise. A bill was passed through the last Congress granting a raise, but it did not become a law. A bill looking to that end is now upon the calendar, and has been on the calendar for some time. These veterans are entitled to some consideration. Petitions have been sent in from every Grand Army post in the United States, and by posts of Spanish war veterans, urging the passage of the bill. The bill as reported has the indorsement of all veterans' organizations.

It seems to me that the least we can do is to bring the bill up for consideration and have it disposed of. I therefore move that the bill (S. 5), granting pensions and increase of pensions to certain soldiers and sailors of the Civil and Mexican Wars and to certain widows, former widows, minor children, and helpless children of said soldiers and sailors, and to widows of the War of 1812, and to certain Indian war veterans and widows, be taken up for consideration at this time.

Mr. DIAL. Mr. President, I hope the Senate will not take that bill up.

Mr. BURSUM. Mr. President, I submit that the motion is not debatable.

The PRESIDING OFFICER. The calendar under Rule VIII is next the order. Motions to take up bills on the calendar are not debatable. The question is on the motion of the Senator from New Mexico.

Mr. KING. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. KING. If this motion shall not prevail, we will proceed, then, to the consideration of the calendar under Rule VIII?

The PRESIDING OFFICER. The calendar under Rule VIII is the next order of business for the Senate, unless the Senate otherwise directs.

Mr. KING. Would it be permissible to move as a substitute that we proceed to the consideration of the calendar under Rule VIII?

The PRESIDING OFFICER. The Chair is of the opinion that that would not be in order, because no such motion would be necessary, as the calendar under Rule VIII is the next order of business.

Mr. DIAL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The principal clerk called the roll, and the following Senators answered to their names:

Adams	Edwards	King	Robinson
Ball	Ernst	Ladd	Sheppard
Borah	Ferris	Lodge	Shields
Brandagee	Fletcher	McKellar	Shipstead
Brookhart	Frazier	McKinley	Shortridge
Broussard	George	McLean	Smith
Burce	Glass	McNary	Smoot
Bursum	Hale	Mayfield	Spencer
Cameron	Harrell	Moses	Stanfield
Capper	Harris	Neely	Stephens
Caraway	Harrison	Norris	Swanson
Copeland	Hedlin	Oddie	Wadsworth
Conzans	Howell	Overman	Walsh, Mass.
Curtis	Johnson, Minn.	Pepper	Walsh, Mont.
Dale	Jones, N. Mex.	Phippa	Warren
Dial	Jones, Wash.	Pittman	Watson
Dill	Kendrick	Ralston	Willis
Edge	Keyes	Ransdell	

The PRESIDING OFFICER. Seventy-one Senators having answered to their names, there is a quorum present. The question before the Senate is the motion of the Senator from New Mexico [Mr. BURSUM] to proceed to the consideration of Senate bill 5.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to the consideration of the bill (S. 5) granting pensions and increase of pensions to certain soldiers and sailors of the Civil and Mexican Wars and to certain widows, former widows, minor children, and helpless children of said soldiers and sailors, and to widows of the War of 1812, and to certain Indian war veterans and widows, which had been reported from the Committee on Pensions with amendments.

Mr. BURSUM. Mr. President, there ought not to be any objection to the passage of the pending measure. The Senate a year ago passed a bill far more liberal than the one now presented to the Senate. The rates contained in the bill, to my mind, are very reasonable. For instance, in the bill which passed the Senate last year there was a flat increase given to all widows of the Civil War, making their pensions \$50 a month. Under the pending bill only widows of 74 years of age are given a raise of \$15 a month, which means a total pension of \$45 a month, \$5 less than the Senate gave when it passed the bill last year as to all widows. Widows between 60 and 74 years of age are given a \$5 increase. Widows under 60 years of age are given no increase whatever. There are no additional veterans of the Civil War placed on the pension roll.

Mr. DIAL. Mr. President, will the Senator yield?

Mr. BURSUM. There is no change. The date we fix in this bill is the same as the present law, namely, 1905, regarding the time of marriage of a veteran's widow. I yield now to the Senator from South Carolina.

Mr. DIAL. Did not President Harding veto the bill that we passed last year?

Mr. BURSUM. It was a far different measure. There is no connection between that bill and the pending bill. This is a far less expensive bill and far less liberal in its provisions than the other bill. I would say that this bill represents the very minimum that a policy of human decency would permit the Senate to approve.

Mr. DIAL. As a matter of fact, he did veto a bill along the same line last year, did he not?

Mr. BURSUM. Oh, no; not along the same line. He vetoed a pension bill. The cost of this bill is one-half of what the other bill was. It is a far different bill.

Mr. WILLIS. Mr. President—

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Ohio?

Mr. BURSUM. I yield.

Mr. WILLIS. Is it not a fact that the specific grounds alleged by the Executive for his veto of the bill then passed are omitted specifically and definitely from this bill?

Mr. BURSUM. They are definitely omitted, and none of the provisions of the former bill to which he made objection are retained in this bill. Furthermore, this bill is less liberal. It gives a less increase than the other bill did, even that portion of the bill which was not objected to by the President. It does not place an additional widow on the roll.

Mr. FLETCHER. Mr. President, will the Senator specify just the objectionable features in the other bill that are not included in this bill?

Mr. BURSUM. Certainly. The features objected to by the President in the former bill were that it extended pensions to widows beyond 1915; that it also provided for pensions for widows for the future, with the proviso which required that the woman should have been married at least two years and should have lived with the veteran until his death. Those provisions related to pensions to those becoming widows after 1915 and even in the future. The pending bill makes no provision for placing any additional widows on the rolls. The provisions are the same as the law now in effect, namely, that a widow who was married to a veteran in 1905 or before is entitled to a pension. There is no portion of the bill to which the President found objection that is contained in the present measure.

Furthermore, the aggregate cost of the present bill is approximately one-half of the bill which was passed by the Congress last year, even though it includes and takes in all of the Spanish war veterans and Indian war veterans. The total gross cost of the bill would be approximately \$55,000,000. The total appropriations which will be required would not be out of line with what we have already expended for war pensions. For instance, in 1921 we expended \$258,000,000; in 1922, \$253,000,000; and in 1923, \$263,000,000. The total appropriation that would be required for the first year under the operation of this bill would not exceed \$277,000,000.

Mr. DIAL. Mr. President, will the Senator yield again?

Mr. BURSUM. Certainly.

Mr. DIAL. When was the last increase in pensions granted to these people?

Mr. BURSUM. In 1920.

Mr. DIAL. A most magnificent increase was granted then, was it not?

Mr. BURSUM. Oh, yes; a far larger increase than we are proposing now; but it must be recalled that age is an element of disability.

Mr. DIAL. The increase in 1920 carried \$65,000,000 additional, did it not?

Mr. BURSUM. The increase in 1920 was \$43,000,000. This bill would only increase \$14,000,000 over 1923. In fact it would be less than \$14,000,000 over the amount of the appropriation for 1923. I undertake to say that by 1925 the cost will be less than it was in 1923 on account of the deaths. The death rate is very large, and while the number diminishes, yet the inability of the veterans is far greater and their needs are greater as they become older.

Mr. FLETCHER. I inquire of the Senator how it is that deaths are so frequent and the number so enormously diminished year after year and yet we keep increasing the amount of pensions paid? What is the increase now provided in the bill over the amount provided in the act of 1920 per pensioner?

Mr. BURSUM. Does the Senator mean the number?

Mr. FLETCHER. No; not the number, but the amount.

Mr. BURSUM. The amount of the appropriation?

Mr. FLETCHER. The amount for each individual pension.

Mr. BURSUM. It would be approximately a little over \$35,000,000.

Mr. FLETCHER. No; that is not my question. Suppose a man or widow was drawing a pension in 1920; what is the increase now over what he or she was drawing then? Under this bill what will be the amount of the increase?

Mr. BURSUM. Over 1920?

Mr. FLETCHER. Yes.

Mr. BURSUM. As I said, the increase over 1920 would be approximately \$40,000,000.

Mr. FLETCHER. I am speaking about each pensioner, each individual drawing a pension.

Mr. BURSUM. The widows under 60 years of age would get no increase, the widows between 60 and 74 years of age

would get a \$5 increase, and the widows over 74 years of age would get a \$15 increase over the amount paid in 1920.

It must be also considered that since the 1920 act was passed many of the Spanish War veterans have become eligible for pensions, and it is natural to expect that there will be an increase, although there is not a net increase for 1923 as compared with 1922. There was a net decrease of all pensions, including the Spanish War veterans, Regular Army, and Civil War, and all other classes of veterans and widows. There was a net increase of 8,000 in 1923. There were large increases of veterans who served during the Spanish War. There was a large number of pensioners who had served during the Civil War who were dropped from the rolls on account of death. The death list is increasing very much.

Mr. WILLIS. I do not desire to interrupt the Senator's argument, but I am wondering whether he has available figures which show the death rate among the pensioners, particularly the survivors of the Civil War. I am impressed by the fact that if we are to have additional pension legislation it should be enacted very soon because of the rapidity with which the old soldiers are passing away.

Mr. BURSUM. I gave the figures for the last three years.

Mr. WILLIS. I did not hear them when the Senator gave them.

Mr. BURSUM. There have been dropped from the pension rolls of Civil War veterans and widows since 1922 and including eight months of the fiscal year 1924, 123,119. The estimated losses for this year are 26,000. There is no doubt, when one takes into consideration the age of the veterans and of the widows, that we may expect a far more rapid death rate than we have had at any time in the past. For instance, there are 12,000 widows 74 years of age; of widows 75 years of age there are 15,475; of widows 76 years of age there are 15,076; and so on up to the age of 81, running close on to 14,000 and 15,000. There is no doubt that the losses will be greatly increased in the very near future. The average age of the veterans is 81 years.

The widows are not young widows. There has been some talk about granting pensions to young widows who were designing women who had hooked a veteran for the sake of his pension. There is nothing of that kind covered by the bill. I may say that the talk about young widows is largely buncombe. For instance, there are 488 widows 42 years of age, which is the youngest age of any of the widows. There are 488 of respective ages, 43 to 52 years of age. The number is very insignificant.

This bill if enacted will equalize the pensions which are paid to children of veterans. At the present time there is great discrimination between the pensions which are allowed the children of veterans. For instance, the child of a veteran of the Regular Establishment is entitled to \$2 a month, the child of a veteran of the Spanish war is entitled to \$4 a month, the child of a veteran of the Civil War is entitled to \$6 a month, while the first child of a veteran of the World War is entitled to \$10 a month. This bill seeks to equalize that discrimination. Surely there should be no difference as to the amount allowed children of veterans, whether it be the child of a World War veteran or of a Spanish war veteran or of a Civil War veteran or of a veteran of any other war. This bill seeks to equalize the treatment accorded to children of war veterans, and allows \$8 a month to the child of the veterans of all wars.

Mr. DALE. Mr. President, will the Senator yield?

Mr. BURSUM. I yield.

Mr. DALE. Is it not a fact that the decrease in the number of pensioners caused by death in the years to come will much more than offset any increase in appropriations which may be occasioned by the passage of the pending bill?

Mr. BURSUM. Certainly. Within three years the total expenditures for pensions under this bill will be less than what they are now under the present law. There will be no increase after the second year. That will all be taken care of by the decrease in the number on the pension roll, as it has been in the past.

I do not think that a total expenditure of \$275,000,000 in order to take care of 540,000 veterans and widows of veterans is such an unreasonable amount. I think there are, perhaps, 600,000 veterans of the World War who are now drawing compensation; and, including hospitalization, if I am not mistaken, the appropriations for their payment have run from \$500,000,000 to \$600,000,000 annually. This bill proposes to take care of twice the number of persons with less than one-half the amount of appropriations.

I submit that the veterans of the Civil War, of the Spanish war, and of other wars, and their widows, are human; they

must live. If we are to take care of them we ought to take care of them decently. To fail to take care of the aged veterans of the Civil War and their widows would simply be an exhibition of inhumanity which I can not conceive for a moment would be entertained by any Member of Congress.

Mr. FLETCHER. Mr. President, I wish to suggest to the Senator that the percentage he states is not quite accurate, because the veterans of the World War who are getting compensation and hospitalization are veterans who were injured, who have suffered disability in the line of service.

Mr. BURSUM. Yes; they have suffered disability; they are disabled, of course, and they are entitled to compensation; but so are the veterans of other wars disabled, and so are their widows disabled. They are unable to provide for themselves. Age is just as much an element of disability as is a wound. The question involved here is one of principle. It is a question of whether the Government will take care of its defenders, of those who bared their breasts in time of peril when we needed them most. A government which will not take care of its defenders is not much of a government and it will not long retain its prestige and power.

Mr. WALSH of Massachusetts. Mr. President—

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Massachusetts?

Mr. BURSUM. I yield.

Mr. WALSH of Massachusetts. This bill, as I understand, is similar to the bill which was passed by the Senate at the last session?

Mr. BURSUM. It is only similar in that it is a pension bill. It grants, however, to the veterans of the Civil War the same rate of \$72 a month, as a maximum.

Mr. WALSH of Massachusetts. Is this similar to the bill which failed of passage?

Mr. BURSUM. No. This bill will cost but one-half of what that bill would have cost had it been enacted. This bill gives an increase of pension to widows who are 74 years of age and over of only \$15 and only \$5 increase to those who are between 60 years of age and 74, and no increase to those who are below 60 years of age.

Mr. WALSH of Massachusetts. I thought this was similar to the bill which was introduced late in the last session and which passed the Senate after the President had vetoed the bill, which had previously passed Congress.

Mr. BURSUM. It is very similar, except that it is less liberal than was the bill to which the Senator from Massachusetts refers.

Mr. WALSH of Massachusetts. What I was going to say was that I do not believe there is much opposition to the bill, it having been discussed in the last session; so if the Senator would recite a few of the changes which the bill proposes in the present law, he might be able to get a vote on the bill very shortly and have the bill sent to the other House.

Mr. BURSUM. Surely there ought not to be any opposition to the bill. If the Senate was willing to pass the former bill, as it did, it ought to be willing to pass this bill.

I have stated the changes proposed to be made by the pending bill as to veterans of the Civil War and the widows of veterans of the Civil War, and I have also stated the provisions relating to the children of veterans of all wars. There is a change relating to veterans of the Spanish war; they are given an increase. Under this bill they will be given from \$20 as a minimum up to \$50 in proportion to their disabilities. Fifty dollars is the maximum proposed for total disability, and \$20 is the minimum. That is the change which the bill proposes with reference to Spanish-war veterans. The Indian-war veterans are given identically the same increases and the same amount of pension as provided for the veterans of the Spanish war.

Mr. FLETCHER. I think that is very fair and just and proper. I think those veterans all ought to be on the same plane.

Mr. BURSUM. We are proposing to give them identically the same treatment as other war veterans receive.

Mr. BRANDEGEE. Mr. President, will the Senator yield to me?

Mr. BURSUM. I yield.

Mr. BRANDEGEE. My impression is that my colleague [Mr. McLEAN] has submitted an amendment to the Senator's bill. Has the Senator considered that amendment?

Mr. BURSUM. I have not. What was the nature of the amendment?

Mr. BRANDEGEE. I really do not know. Some one wrote me from home that my colleague had submitted such an amendment, and I did not know but that he had conferred with

the Senator from New Mexico about it. I did not know whether the Senator's bill as it now stood covered the point.

Mr. BURSUM. I understood that that was an amendment to Senate bill 33, which is a different bill and relates to the retirement of emergency officers.

Mr. BRANDEGEE. It is possible the Senator is right about that.

Mr. BURSUM. I know of no such amendment to this bill.

Mr. President, I have recited practically all the provisions which the bill covers. The bill will also take in, as is estimated, approximately 1,000 veterans who served the country in organizations known as militia. Under the bill they are placed upon the same status as Civil War veterans, but they must have served 90 days. They ought to have been pensioned long ago, and many of them were pensioned prior to 1874. The portion of the bill will probably involve approximately 1,000 additional pensions.

THE MERCHANT MARINE.

Mr. FLETCHER. Mr. President, this morning the Senator from Utah [Mr. KING] called up for consideration and had passed a resolution making certain inquiries of the Shipping Board. That resolution raises some very important questions, and I think it appropriate to address some observations to the subject of ocean freight rates, trans-Atlantic rate conferences, parities, neutral and initiative commodities, with basis of rates between North Atlantic, South Atlantic, and Gulf ports. I think I am in a position to supply a portion of the information called for by the resolution, having before me reports from the Shipping Board with reference especially to the so-called conferences.

Before proceeding with that subject let me say that I noticed in the newspapers that the President has recently appointed at least two advisory committees with a view of making a study and perhaps submitting recommendations particularly on the subject of the coordination of water and rail transportation and on the subject of the replacement needs of the American merchant marine. My impression is that all of the information which it is desired to have these special committees cover is available already. I remember in the hearings last year on the ship subsidy bill it developed that the Shipping Board had spent a great deal of money employing experts, special counsel, and investigators to perform research work and collect and compile data on almost every phase of the subject of the merchant marine. I have not any doubt but what there are thousands and thousands of pages of reports resulting from the studies and research work which the board has carried on in order fully to inform itself regarding the whole subject and in order that it might be in a position to recommend legislation to Congress.

The question of replacement has all been thoroughly considered and investigated by the Shipping Board, all this at no little expense to the Government, and after great labor on the part of the board itself in these fields; so I am quite confident that all the information that the special committee now chosen have been sent out to collect and submit can be found on file in the records of the Shipping Board to-day.

Of course, I have no objection to any further studies, or to the good advice of special committees. It may be that in some way conditions have to some extent changed since the last investigations were made. It may be that all these authorities on merchant marine and shipping are somewhat out of date in some respects; but I doubt if there is anything new that can be offered and can be developed by these committees and these special inquiries. The whole collection of material, studies, and research on this subject of shipping, from Noah's Ark down to date, can be found in the Shipping Board's records and files; and I question very much if we are going to accomplish a great deal in this direction by the work of special committees.

There is, of course, no disposition on the part of anyone to minimize or obstruct any efforts that may be put forth to establish and maintain on a sound basis an adequate American merchant marine.

I find in the New York Sun of March 14, 1924, another article on the subject of ship sales. Not a great while ago I had occasion to refer to some sales that had been made by the Shipping Board, and to a certain policy which seemed to have actuated the former board, and which I hoped would not be so marked during the present administration of Shipping Board affairs. This clipping from the New York Sun is headed:

Roosevelt ships are built abroad.

Four vessels to be placed in round-world run.

In this clipping it is said:

Kermitt Roosevelt, president of the Roosevelt Lines, announced yesterday that his company is building four motor ships in England. They will be delivered this spring and placed on a round-the-world run in a joint service with a Japanese steamship company. All four of the vessels are owned by the Kerr-Roosevelt interests.

Each ship is 11,000 tons, of 3,500 horsepower, capable of attaining a speed of 11 knots an hour.

The clipping further says:

Mr. Roosevelt said his company had tried to buy some ships from the United States Shipping Board, but was unsuccessful.

The first question which suggests itself is, Why build abroad?

With American yards idle and well equipped, why should American citizens not build ships here?

I am not sure whether or not it was this company, but some company, according to information which I believe is absolutely accurate, offered the Shipping Board, for instance, for the *William Penn*, \$606,000. This was about \$75 a gross ton. The terms were one-third cash and the balance in five years at 4½ per cent interest. This was a very much better offer than they obtained for "the President" ships, which were sold to the Dollar Line. There the Shipping Board sold some of the finest ships we had at \$50 per gross ton, and the terms, which were accepted, were 11 years at 4 per cent.

Mr. BURSUM. Mr. President, did I understand the Senator to say something about allowing \$50 pensions? Is the Senator talking about pensions?

Mr. FLETCHER. No; I am talking about shipping—the sale of ships.

Mr. BURSUM. I will advise the Senator that the pension bill is up for consideration.

Mr. FLETCHER. I am much obliged to the Senator for that information. I quite understood it. I am inclined to think that the matter I am presenting now can not very well wait. It ought to be discussed to-day. No doubt the Senator's pension bill will have due consideration. Surely he did not expect to pass it in an hour or two this morning. We will have every opportunity to vote for the bill, and to see that it is passed. I have not any question but that it will get very prompt action; but I see no reason why we can not allude to some other subjects for a very short while. There will be plenty of time for the pension bill.

Mr. BURSUM. Mr. President—

The PRESIDING OFFICER (Mr. LADD in the chair). Does the Senator from Florida further yield to the Senator from New Mexico?

Mr. FLETCHER. I yield.

Mr. BURSUM. I beg the Senator's pardon for having suggested the propriety of considering the subject before the Senate.

Mr. FLETCHER. I quite understand what is before the Senate, and I think I am quite within the proprieties and within the practice and the customs of the Senate; and therefore I wish to proceed with the consideration of this matter, which I should have been glad to present immediately following the passage of the resolution offered by the Senator from Utah [Mr. KING] this morning, because I have here some of the very identical information which that resolution calls for, and I am approaching it just as rapidly as I can.

I mention the sale of these President ships at about \$50 a gross ton on 11 years' time and at 4 per cent interest. No cash at all was paid at the time, but there was a two-year letter of credit for the partial cash payment. Since we are anxious to get the ships into private ownership, I can not quite understand why the board should turn down a proposition of \$606,000 for the *William Penn*, and sell these magnificent cargo and passenger ships, "the President" ships, at about \$25 a ton less than the offer for the *William Penn*. However, I make no criticism about it, because I understand that the policy of the board—and a very proper policy it is, too—is to reserve the right to specify and attach as a condition of the sale the placing of the ships in service which they consider important to be engaged in, and also requirements as to both flag and route; and it is perhaps those conditions that interfered with the acceptance of the offer made for the *William Penn*. I recognize that each transaction ought to stand upon its own merits, and that without full details as to the transaction we have no right to criticize it. I am simply calling attention to the fact, as indicated here, that an effort was made by this line to buy United States Shipping Board ships, and they say they were unsuccessful. The offer which they made for the *William Penn*, as I say, was \$75 a ton, or about that, and the Shipping Board declined it, although they did sell the President ships to the Dollar Line

for about \$50 a gross ton, and although they did sell the *City of Los Angeles* last year for \$100,000, when they had recently spent on her nearly that amount in furnishings alone, and had spent within three years over two and a half million dollars in putting her in condition.

The statement has been made, too, as I gather from the papers, that the Interstate Commerce Commission has put into effect section 28 of the merchant marine act of 1920. That is an important step. Section 28 of that act provides:

That no common carrier shall charge, collect, or receive for transportation subject to the interstate commerce act of persons or property under any joint rate, fare, or charge, or under any export, import, or other proportional rate, fare, or charge, which is based in whole or in part on the fact that the persons or property affected thereby is to be transported to, or has been transported from, any port in a possession or dependency of the United States, or in a foreign country, by a carrier by water in foreign commerce, any lower rate, fare, or charge than that charged, collected, or received by it for the transportation of persons, or a like kind of property, for the same distance, in the same direction, and over the same route, in connection with commerce wholly within the United States, unless the vessel so transporting such persons or property is, or unless it was at the time of such transportation by water, documented under the laws of the United States. Whenever the board is of the opinion, however, that adequate shipping facilities to or from any port in a possession or dependency of the United States or a foreign country are not afforded by vessels so documented, it shall certify this fact to the Interstate Commerce Commission, and the commission may, by order, suspend the operation of the provisions of this section with respect to the rates, fares, and charges for the transportation by rail of persons and property transported from, or to be transported to, such ports, for such length of time and under such terms and conditions as it may prescribe in such order, or in any order supplemental thereto. Such suspension of operation of the provisions of this section may be terminated by order of the commission whenever the board is of the opinion that adequate shipping facilities by such vessels to such ports are afforded and shall so certify to the commission.

They have made that certificate, and the commission has ordered section 28 put into effect. That is an important step, and I think it will mean a very considerable benefit to the American merchant marine. I can very well understand how foreign lines and foreign interests object to it; but it is clearly within our rights and clearly within our duty, I think, for us to legislate in a way that will, at least, prevent preference being given to foreign lines over our own lines in the matter of foreign commerce.

The fact that the putting into effect of section 28 arouses some criticism and opposition on the part of our competitors does not particularly disturb me. It simply shows that it is a valuable piece of legislation which has stood upon our statute books without effect since 1920, which was intended to be of benefit to the American merchant marine, and will prove of benefit to the American merchant marine; and for that reason our competitors do not care to have it put into operation.

Mr. WALSH of Massachusetts. Mr. President—

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Massachusetts?

Mr. FLETCHER. I yield.

Mr. WALSH of Massachusetts. I do not want to divert the Senator's attention from the matter which he is developing and from the purpose for which he rose; but I should like to ask the Senator, as a member of the Committee on Commerce, if there is any prospect of any shipping legislation at this session? I find the people along the Atlantic seaboard very much dissatisfied with the present policy of the Government. They consider it an unsettled policy. They think the Government is neither in nor out of the shipping business; and there is an earnest desire and wish among the business interests, the shipping interests of the country, and those interested in an American merchant marine that there shall be a definite, fixed policy. Is there any prospect whatever of any legislation to that end at this session?

Mr. FLETCHER. Frankly, I must say to the Senator that I do not see very much hope for any legislation along that line at this season. I wish I could say otherwise. Some bills have been introduced in the House and some in the Senate which embody some very important features, and some of them, I think, ought to be passed; but I have not seen indications up to this time that they are being given very serious consideration.

Mr. WALSH of Massachusetts. What is the reason? Is it because private shipping interests have influence enough to prevent our Government from declaring an independent policy of its own?

Mr. FLETCHER. I think undoubtedly that is the great influence that is being exercised.

Mr. WALSH of Massachusetts. Hidden, subtle, indirect influence?

Mr. FLETCHER. I think so, in a measure, unquestionably.

Mr. WALSH of Massachusetts. Preventing affirmative action by our Government in developing a merchant marine?

Mr. FLETCHER. I would not be surprised, if we could get to the bottom of it, to find that underneath and underlying that influence the Senator mentions are foreign shipping interests and foreign financial interests.

Mr. WALSH of Massachusetts. That is almost incredible.

Mr. FLETCHER. I will show very shortly, when I get to it, that foreign interests control this North Atlantic conference in which we are participating, and I think it will appear before I finish that all these conferences in which we participate are dominated by foreign interests.

Mr. WALSH of Massachusetts. With the result that we have absolutely no American shipping policy?

Mr. FLETCHER. That is about the situation. I have urged that we take our position firmly now, and let the world know that this Government is going to own and operate merchant ships to meet the needs of our overseas commerce. That is the only definite position I can see we can take now, in these circumstances.

Mr. WALSH of Massachusetts. The one lesson we ought to have learned from the war was the importance and necessity of having merchant-marine ships in time of war to take care of our trade, and to transport our troops, if necessary.

Mr. FLETCHER. Precisely.

Mr. WALSH of Massachusetts. We seem to have taken no advantage of the lesson that was brought home to us so clearly at that time.

Mr. FLETCHER. I think that is quite true. I do hope, among other things, that the bill which is pending in the House, and upon which they have had hearings, with reference to a replacement policy, the "Dieselizing" of our ships, will be considered by both Houses, and it ought to be passed at this session so that we can take advantage of conditions which enable us to equip, construct, and put into service ships having the very latest and most economical type of machinery the world affords. I think that measure ought to be agreed to, and perhaps it will be. But at present, it seems to me, there is a discouraging lack of interest in outlining and writing into our law just what we mean to do with reference to our ships.

Mr. WALSH of Massachusetts. May I suggest to the Senator that I hope he will take an early opportunity to present his views in full to the Senate on that subject. I do not know of any man in this Chamber who has studied the question more intimately, who has a wider range of knowledge about it, and I really think the Senator could not render a better public service than to put before the country the present situation in regard to our shipping policy, and point out the causes of inaction upon the part of the administration.

Mr. FLETCHER. I am much obliged to the Senator, and before I finish I shall endeavor to offer some thoughts on that subject. It is a most important subject. The people of this country have put \$4,000,000,000 into this thing, and they want to know what is being done with it, what it all means, and what to expect from it; whether they are going to have an adequate merchant marine for their national defense, and for the handling of their foreign commerce.

The joint conference, to which I have referred, is to meet very soon, in April. As I have said, we have put into effect section 28 of the merchant marine act of 1920. It is vitally important, therefore, that the situation to which I shall refer in detail should be presented, and I feel that to-day is the time for me to make plain a condition which calls for correction, because this thing has gone on for four or five years, under remonstrances and under protests, with all the facts perfectly well known, and it is inconceivable that the discriminations which I will point out very soon should be allowed to continue any further.

I am not discouraged by reason of the fact so often referred to, which the former Shipping Board shouted from the house-tops, and almost boasted about, that our ships have lost money; that they are not being operated at a profit. I have before me some pages from Fairplay for February 28, 1924, wherein it is shown that with few exceptions all British shipping companies are losing money. Senators will probably be surprised to know that practically every voyage of the great P. & O. Line last year resulted in a loss. The P. & O. Line, running from England to the Far East and Australia, is probably the largest British shipping company in existence.

Lord Inchcape, who is chairman, stands at the very top of the shipping men in England.

That statement, at page 541, which I have marked, from Fairplay, I ask to have inserted in the Record without reading. It gives the details of the various voyages, and it shows that the shipping companies of this great maritime nation, the greatest in the world, have been losing money right along for a year past, at least on their shipping, on practically every voyage made by these steamers owned in Great Britain.

The PRESIDING OFFICER. Is there objection?

There being no objection, the matter was ordered to be printed in the Record, as follows:

[From Fairplay, February 28, 1924.]

Now, seeing that in the case of the P. & O. practically every voyage last year resulted in a loss, the directors apparently—I have to put it that way, thanks to the hide-and-seek fashion in which the accounts are presented—had to make up the deficiency from the reserves included under the head of sundry creditors.

I have received statements of accounts signed by chartered accountants of the results of the voyages during the year 1923 of the whole of the vessels owned by eight different companies, and have summarized them below. I would point out that the figures as to profit or loss have been arrived at before providing for management expenses, depreciation, interest, salaries, office rent, or taxation, while as to capital employed it will be seen that, with vessels standing in the books at £10,403,000 after 5 per cent per annum had been written off for depreciation, there is a net loss of £194,646, equal to 1.87 per cent. These figures clearly show how shipowners have been hit by the depression and how essential it is that they should resist any claim which seeks to make them responsible for the higher wages demanded.

Summary of steamers' voyage results, with percentage of loss or profit on capital employed.

Company.	Number of voyages	Profit or loss.	Capital employed based on original cost, less 5 per cent per annum.	Percentage of profit or loss on capital.
A.....	74	+£13,456	£923,918	+2.16
B.....	76	-33,847	3,711,128	-.91
C.....	18	-1,897	381,000	-.49
D.....	76	-38,770	2,048,276	-1.89
E.....	16	-35,157	941,090	-3.73
F.....	37	-48,301	1,215,131	-3.97
G.....	19	-17,370	728,843	-2.38
H.....	22	-32,760	753,796	-4.34
Loss.....		208,102		
		13,456		
	337	-194,646	10,403,191	-1.87

I have also had an opportunity of going through the whole of the accounts of the voyages made by the steamers owned by 50 different companies. Practically the whole of the voyages have resulted in a loss, and this is without charging anything for depreciation or interest on capital at stake. I have summarized, at random, the results of some of the trips, which include coasting vessels in the short sea trades, boats trading to the Mediterranean, and those going to America, the Plate, and Australia, and give them below. These figures could all have been placed before the court of inquiry, and could have been substantiated by auditors' certificates. In only one or two cases out of hundreds of voyages are very small profits shown—

Size of steamer.	Voyage days	Earnings.	Expenses.	Loss or profit.
415 (dead weight).....		£110	£145	-.35
415 (dead weight).....	11	138	246	-.88
668 (dead weight).....	9	183	246	-.63
3,200 (dead weight).....	19	921	1,046	-1.25
244 (dead weight).....	8	90	136	-.46
654 (dead weight).....	15	219	240	-1.21
1,880 (dead weight).....	41	2,338	2,603	-.265
5,700 (dead weight).....	965	17,182	18,268	-1,303
8,000 (dead weight).....	127	40,406	50,254	-9,758
8,200 (dead weight).....	125	14,112	16,850	-2,738
6,800 (dead weight).....	88	8,342	8,818	-.475
6,800 (dead weight).....	360	14,082	16,799	-1,137
4,200 (dead weight).....	217	13,804	13,967	-1,138
5,800 (dead weight).....	103	14,275	15,536	-1,261
1,050 (dead weight).....	186	4,094	4,498	-.404
7,000 (dead weight).....	73	6,420	6,894	-.474
7,000 (dead weight).....	108	17,500	19,170	-1,670
6 (steamers).....	365	49,245	50,680	-1,435
6,708 (dead weight).....	149	13,667	15,627	-1,960
6,850 (dead weight).....	269	11,008	15,232	-4,224
5,050 (dead weight).....	125	8,355	10,245	-1,890
1,500 (dead weight).....	295	6,962	6,801	-.161

Size of steamer.	Voyage days.	Earnings.	Expenses.	Loss or profit.
6 (voyagers).....	426	\$43,240	\$64,331	-\$21,091
3,140 (dead weight).....	76	2,089	5,239	-2,229
5,700 (dead weight).....	170	10,842	18,635	-1,793
8,650 (dead weight).....	94	9,780	12,069	-2,289
7,300 (dead weight).....	179	22,632	31,472	-1,160
7,300 (dead weight).....	155	34,732	38,603	-3,871
8,300 (dead weight).....	178	29,935	47,477	-17,542
8,400 (dead weight).....	183	55,129	64,674	-9,545
8,300 (dead weight).....	180	61,318	67,287	-5,969
8,300 (dead weight).....	180	48,156	67,702	-19,546
8,300 (dead weight).....	183	64,670	72,921	-8,251

Judging from the accounts of the Great Western Railway Co., the steamers owned by the railway companies have done badly during the past 12 months. The company owns 17 steamers, of 6,971 tons net and 59,300 indicated horsepower, and which cost £481,080. During the year the gross receipts amounted to £279,260 and the expenses, including depreciation and insurance, to £324,236, thus showing a loss of £44,976, against a loss of £81,425 in 1922. In view of the fact that the depreciation and insurance funds for steamers stand at £820,297, or £339,000 more than the vessels cost, the necessity for writing off £68,231 for depreciation and insurance was not urgent.

Mr. FLETCHER. Mr. President, these are conditions which are world-wide, and we could not expect to be conducting the shipping business profitably now, because commerce is not moving. The situation is such that practically all countries have idle ships. Great Britain has something like a million tons tied up idle, and yet it is contended that because our Shipping Board has some nine or ten hundred vessels tied up and because they are not making a profit on those which are being operated—probably 300 or 400 vessels—it is demonstrated that we can not have a merchant marine in this country and that we ought to abandon this venture entirely.

Mr. WALSH of Massachusetts. Mr. President—

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Massachusetts?

Mr. FLETCHER. I yield.

Mr. WALSH of Massachusetts. If we accept the view that merchant ships are necessary for defense in time of war, the argument that the Government is operating at a loss is of no more weight than to argue that the Navy is operated in time of peace at a loss, is it?

Mr. FLETCHER. The Senator is undoubtedly correct about that; and if we learned one lesson out of this most gigantic and disastrous war of all time, it was the lesson which England and the whole world must have learned—that while the Royal Navy stood intact Great Britain would have been forced to her knees and out of that war within two weeks after the German submarines began their devastating work if she had not had her merchant ships.

It was the merchant ships of England which really saved her from defeat in that war. We ought to know that. We ourselves should not be left so that we will be dependent upon our competitors in foreign markets for bringing to us the things we need, in the first place, and for the carriage of our commerce overseas, and we ought not to be in a helpless condition in case war should ever come again. We must stand by this policy announced in the merchant marine act of 1920. We are pledged to establish an adequate merchant marine.

Mr. WALSH of Massachusetts. Mr. President, the reason for the first shipping act recommended by President Wilson, before we went into the war, was that American business could not get any ships anywhere to carry their goods, that the British ships and the other ships were taken off the sea, and we were powerless. We were without transportation facilities upon the sea, and the Government was forced into the business of building a merchant marine.

Mr. FLETCHER. Precisely.

Mr. WALSH of Massachusetts. Now we are drifting into the condition from which we suffered then, so that when another war comes we will have no merchant ships, and we will be obliged to spend \$4,000,000,000 or more in another useless adventure such as we have just made.

Mr. FLETCHER. The Senator is undoubtedly correct. Private enterprise could not have built those ships. The cry, not only throughout this country but all over the world, was for "more ships." The conditions were such that the Government had to go into the business of building ships. The Senator is correct, too, with regard to the increase of rates. When the German ships were tied up in the various ports of this

country and abroad, and out of commission, when the British ships were commandeered largely for war uses, and the French and the Italian ships were needed at home, we had no ships to move our products, which were weighing down the warehouses and terminals everywhere on the Atlantic, Pacific, Gulf, and Great Lakes. We recall especially that the freight rate on wheat went from 8 cents a bushel to 50 cents a bushel from New York to Liverpool, and the rates on cotton went from \$2.50 a bale to \$50 a bale from Galveston to Liverpool. So it was all along the line.

Getting back to the subject of these ocean freight rates and conference agreements, in January I called on the Shipping Board for information respecting various rate conferences having to do with traffic to and from the North Atlantic, South Atlantic, and Gulf, and the United Kingdom and continental Europe.

On January 23, 1924, Admiral Palmer, president of the Fleet Corporation, replied, and submitted data, which reply and statement I ask to have incorporated in the Record at the conclusion of my remarks, without reading.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

[See Appendix 1.]

Mr. FLETCHER. In February I requested further information of the Shipping Board, and Chairman O'Connor replied on February 23, and I ask to have his communication and statement also incorporated at the conclusion of my remarks.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

[See Appendix 2.]

Mr. FLETCHER. On March 1, at page 3405 of the CONGRESSIONAL RECORD, I made reference to the subject, and placed in the Record an extract from the Traffic World and comment thereon by Mr. R. L. McKellar, to which I would direct the attention of all concerned without repeating. I would especially pointed out what Mr. McKellar said—page 3405—in giving examples of existing distances in mileage and ocean rates as between North Atlantic, South Atlantic, and Gulf ports.

I have referred this data received from the Shipping Board and the Fleet Corporation to foreign freight traffic and rate experts, and obtained what would seem to be a clear and accurate analysis of that material showing the situation, which calls for correction without further delay, as follows:

TRANSATLANTIC OCEAN RATES AND DIFFERENTIALS.

An analysis of conference committee data submitted by President Palmer in his letter of January 23 reveals the following outstanding points:

1. Ocean rates to United Kingdom ports are under the jurisdiction and control of the North Atlantic-United Kingdom freight conference.
2. Ocean rates to continental ports are under the jurisdiction and control of the North Atlantic-continental freight conference.
3. Transatlantic ocean rates from North Atlantic, South Atlantic, and Gulf ports are under the jurisdiction and control of a joint conference committee composed of the North Atlantic, South Atlantic, and Gulf conferences, and when changes are made in rates, differentials, or parities, the unanimous concurrence on the part of the three conferences is required.
4. To arrive at a joint working arrangement between the North Atlantic, South Atlantic, and Gulf groups of ports commodities are classed as follows:
 - (a) North Atlantic initiative commodities.
 - (b) South Atlantic and Gulf initiative commodities.
 - (c) Neutral commodities.
5. North Atlantic initiative commodities are supposedly commodities largely peculiar to the North Atlantic district, and the North Atlantic district may change the rates on these commodities without the concurrence of South Atlantic and Gulf districts.
6. Gulf and South Atlantic initiative commodities are supposedly commodities largely peculiar to South Atlantic and Gulf districts, and the Gulf and South Atlantic districts may change these rates without the concurrence of North Atlantic district.
7. Neutral commodities are commodities which are not considered peculiar to any one district, and no district can change a rate on a neutral commodity without obtaining concurrence of the other districts.
8. Fixed differentials or parities have been established as between North Atlantic, South Atlantic, and Gulf districts, and when any rate is changed by the district having the initiative such change is automatically followed by the other districts in accordance with differentials as fixed.
9. No change in the differential on any commodity as between the three districts can be made without the unanimous concurrence of the three districts.
10. No provision is made for independent action on the part of any district or any member steamship line.

11. In determining rates ocean distance and steaming time are not the sole factors, but all operating costs, as well as competitive transportation and commercial conditions, are considered.

NORTH ATLANTIC-UNITED KINGDOM FREIGHT CONFERENCE.

This conference was formed in February, 1918, by the Glasgow, London, Liverpool, Manchester lines, which since 1901 had more or less operated as individual unities. Since December, 1919, the Emergency Fleet Corporation, and since October, 1920, the Canadian Government Merchant Marine (Ltd.), although not members, have attended meetings and cooperated with member lines.

This conference has no officers. All matters for consideration are dealt with at meetings by the conference as a whole or referred to committees appointed from time to time as occasion requires. Sidney E. Morse acts in the capacity of secretary with offices at 8-10 Bridge Street, New York City.

Its membership is composed entirely of British lines, 15 in number, with the exception of one British-Norwegian line. Canadian Government lines and six United States Shipping Board lines are permitted to sit in and cooperate, but with no rights or voice as members.

In other words, the establishment and maintenance of eastbound ocean rates from North Atlantic ports to United Kingdom ports is wholly under the control of British lines. As American lines have no voice in the establishment of these rates from North Atlantic ports it automatically follows under the general conference plan that South Atlantic and Gulf ports have no voice whatever, which means that in the field of competition their winning chance is comparable to the proverbial wooden-legged man in a foot race.

NORTH ATLANTIC-CONTINENTAL FREIGHT CONFERENCE.

This conference was formed March 9, 1922, and is composed of 10 member lines of which 4 are United States Shipping Board lines, 1 other United States ownership, and 2 other joint United States and foreign ownership. The majority membership is, therefore, foreign, and 8 out of 16 members are either British or associate British. It has no officers, with the exception of a secretary, who acts in the same capacity for the United Kingdom conference.

While American flag lines are members of this conference, with rightful voice as such, still they are in the minority, and as they are not a controlling force in establishing eastbound ocean rates to the Continent, it naturally follows that the South Atlantic and Gulf have little, if any, voice in establishing these rates.

SOUTH ATLANTIC STEAMSHIP CONFERENCE.

This conference was formed in March, 1920. The chairmanship rotates, each member acting as chairman for one week. Its secretary, with office at Savannah, is the only elected officer. Its membership is about equally divided between United States Shipping Board lines and foreign lines, but as American flag lines have little or no voice in establishing ocean rates from North Atlantic ports, it naturally follows that the South Atlantic conference lines have even less voice.

GULF SHIPPING CONFERENCE.

This conference was formed in March, 1920, and comprises a joint conference composed of a British conference of nine British lines and a Fleet Corporation-United Kingdom conference of four American lines. Its secretary is E. A. McGuirk, British, located at New Orleans, and the chairmanship alternates between British and American. A sub-conference is located at Galveston with an assistant secretary. As the majority of the membership of this conference is British and largely composed of subsidiary lines controlled by British parent companies with head offices in New York, it naturally follows that the Gulf conference has little or no voice in establishment of rates other than to adopt what is fixed at New York.

GULF FRENCH ATLANTIC HAMBURG RANGE CONFERENCE.

This conference was formed in March, 1920. Its chairman is selected each meeting by the members. The secretary is at New Orleans, and a subconference is located at Galveston with an assistant secretary, these two latter officers being the same as the Gulf Shipping conference. The Gulf French Atlantic Hamburg Range Conference is composed of 20 members, 14 foreign and 6 Shipping Board lines. Its rate-making powers, like other South Atlantic and Gulf conferences, are controlled by the unanimous concurrence of the joint conference composed of the three districts, whose action in turn is controlled beyond a doubt by the North Atlantic Conference, which, in turn, is controlled beyond a doubt by foreign lines.

Apparently, the principal function of the South Atlantic and Gulf conferences, both in the establishment of rates and existing differentials, is, in brief, to acquiesce in what is proposed by the foreign controlled North Atlantic Conference. Shipping Board operators, regardless of their individual views, must necessarily, of course, voice the policy outlined for them by the Shipping Board organization at Washington.

The pyramided control of subsidiary lines by the chairman of the board of the United States Steel Corporation is no more complete than the interlocking directorate control of joint conference ocean rates by the North Atlantic Conference directed from London.

Mr. KING. Mr. President—

The PRESIDING OFFICER (Mr. SPENCER in the chair). Does the Senator from Florida yield to the Senator from Utah? Mr. FLETCHER. I yield.

Mr. KING. The resolution which was adopted this morning, and which I had offered some time before, called attention to alleged combinations between the Shipping Board and various other trans-Atlantic shipping lines, some of which were owned by foreigners. The question has been asked me since then whether or not I had any information to show that Gulf lines were parties to the agreement to which I have referred, or any agreement with foreign ships as the result of which higher rates were charged or rates maintained. Has the Senator discussed that question and has he answered it in the speech he is making?

Mr. FLETCHER. I am answering it now. I have heretofore referred to it. I have not read, but have asked to have inserted in the Record without reading, a letter from Admiral Palmer, president of the Fleet Corporation, dated January 23, 1924, which gives the list of those participating in the North Atlantic United Kingdom fleet conference and the other conferences. Then I have asked to have inserted in the Record also a letter from the chairman of the Shipping Board dated February 23, 1924, which gives a list of parties and other data handled by the conference.

Mr. KING. Will the Senator permit another inquiry?

Mr. FLETCHER. Certainly.

Mr. KING. If such an agreement has been entered into, participated in by the Shipping Board, what advantage is it to the American ships to have the Shipping Board; that is to say, if our own vessels, owned by the Government, enter into combinations for the purpose of maintaining or increasing marine rates, then the advantages which some have claimed for a Government-owned and operated fleet, it seems to me, would be nonexistent.

Mr. FLETCHER. I think, beyond any question, marine conferences might be considered advantageous, so as to prevent anything like a rate war, for instance. I have no question that any conference is of advantage to a shipping enterprise that has already an established business, but I doubt if conferences are of the advantage to a line that has to go out and hunt business. I doubt very much if the conference would be of any advantage to the Shipping Board at all.

Mr. KING. If the Senator will pardon me, the Senator appreciates that under the interstate-commerce clause of the Constitution we could legislate, if we had not already done so, to prevent common carriers from combining for the purpose of maintaining or increasing rates. Indeed we have taken over the control of rates by setting up the Interstate Commerce Commission, and they have established their regulations which must be complied with. If we fix rates for interstate commerce on land, does the Senator think that it is of advantage to the American exporter and the American importer and the American public generally to permit these combinations of shippers engaged in marine transportation for the purpose of maintaining rates? Do we not thereby violate the Sherman antitrust law?

Mr. FLETCHER. I doubt very much if there is any violation of the Sherman antitrust law. I doubt if that law would apply to conferences having to do with overseas trade on the high seas. But we have provided the machinery in our legislation with respect to ships, that is, the shipping act, the merchant marine act, and various other laws we have enacted, which give authority and power to the Shipping Board to see that there are no violations of law in the practice of shipping lines using our ports and to protect our own shipping against combinations which existed prior to our legislation on the subject and prior to our becoming interested in ships as a Government; combinations, for instance, which resulted in the establishment of what were called fighting ships, sent out especially to prevent any independent action in the way of bringing about competition with old established lines. That authority we vested in the Shipping Board. It seems to me it is the function which thus far they have failed fully to appreciate. The main use of the Shipping Board, it seems to me, from now on will be to enforce the laws with reference to ocean rates and prevent the violation of laws such as the Senator suggests. I think instead of its being, perhaps, in conflict with the Sherman antitrust law, such a thing as he suggests is in conflict with other laws by which we have created an agency in the Shipping Board to correct; and I am trying to invoke the activities of the Shipping Board in taking steps to prevent occurring what the Senator has indicated there might be danger in.

I have heretofore alluded to the situation with reference to these conferences, and I think it is clearly shown by the

analysis which I have offered here and the data which have been furnished me and the examination of that material that the North Atlantic conference is now under the absolute control of British interests, dictated from London, and that is the conference that is fixing the ocean rates.

PARITIES, NEUTRAL, AND INITIATIVE COMMODITIES.

The list of parities, neutral, and initiative commodities, as submitted by Chairman O'Connor in his letter of February 23, shows commodities taking parity rates from North Atlantic, South Atlantic, and Gulf ports as numbering 23. With the exception of tobacco, these commodities are largely unimportant, and six of them are limited to Pacific coast origin.

The list of neutral commodities on which the initiative in rate making lies with either of the three conferences but requires concurrence of other conferences numbers 14. These commodities are largely unimportant and so interwoven with parity commodities as to be confusing.

The list of Gulf and South Atlantic initiative commodities numbers 19, consisting mainly of cotton, cottonseed products, lumber, and naval stores.

The Gulf and South Atlantic districts may change rates on this list of commodities without the concurrence of the North Atlantic; but on the three principal moving commodities, namely, cotton, lumber, and naval stores, the North Atlantic has fixed differentials under the South Atlantic and Gulf which automatically gives to the North Atlantic full protection on the principal moving southern commodities supposedly within the initiative of the South Atlantic and Gulf but in reality rendered favorable to the North Atlantic under the differential adjustment fixed by the North Atlantic; as, for example, the rate on cotton from the Gulf is 25 cents per hundred pounds higher than from the North Atlantic, which at times results in a higher ocean rate from Gulf to European ports than the combination from the Gulf to New York plus the differential rate New York to European ports.

NORTH ATLANTIC INITIATIVE COMMODITIES.

The North Atlantic conference does not list the commodities on which it has the initiative in rate making, except by process of elimination. Its initiative covers all commodities, regardless of origin, not included in the parity, neutral, and Gulf and South Atlantic initiative lists, and includes practically all the actively moving commodities from competitive territory except certain leading southern commodities on which the North Atlantic is protected by favorable differentials so adjusted as to operate automatically; as, for example, under the blanket inclusion of all other commodities the initiative on carbon black from Louisiana oil fields, at the back door of the Gulf, rests with foreign lines in New York the same as on any commodity manufactured in the New York metropolitan district. Another illustration is that last year southern mills adjacent to southern ports manufactured 64 per cent of the cotton manufactured in this country, and on this manufactured product the trans-Atlantic rates from South Atlantic ports were 7½ cents per hundred pounds and from Gulf ports 15 cents per hundred pounds higher than from North Atlantic ports.

In short, the progression of trans-Atlantic ocean rate control is substantially as follows:

1. On commodities originating in competitive territory in the Middle West and far West, the initiative and control is with the North Atlantic Conference and the North Atlantic Conference is controlled by foreign lines.
2. On important moving commodities originating in the South and peculiar to South Atlantic and Gulf ports, the initiative is with southern ports. This initiative, however, is nullified by differentials in favor of North Atlantic ports fixed by the North Atlantic Conference under control of foreign lines.

Prior to the war there was no American flag trans-Atlantic steamship service from South Atlantic ports and service from Gulf ports was largely subsidiary lines service controlled by foreign lines with main offices in New York. Therefore, it quite naturally followed that ocean rates were so adjusted as to favor North Atlantic ports, and primarily New York, from which the main trans-Atlantic foreign line service was operated.

After the war when American flag service was established from both South Atlantic and Gulf ports, the Shipping Board apparently adopted and published substantially what was offered by the North Atlantic Conference in the way of both rates and differentials, and after having done this it closed the door to the removal of discriminations against southern ports by entering a joint conference obligated to make no changes in existing rates or differentials without the unanimous concurrence of the three district conferences, with result that the North Atlantic Conference, having its own basis adopted by the Shipping Board for the South Atlantic and Gulf, occupies a

fully protected position that can not be changed except by its own consent, whereas the South Atlantic and Gulf, with a grossly discriminating adjustment saddled upon it, is powerless to protect its interests, except by independent notice which is prohibited.

At the close of the war when cargo offerings from all ports were largely in excess of ship tonnage a differential of 15 cents per hundred pounds from the Gulf over the North Atlantic represented only about 15 per cent of the ocean rate and was readily paid, but to-day when ship tonnage is in excess of cargo offerings the same differential represents from 30 per cent to 40 per cent of the ocean rate and can not be paid. Such a condition should not be permitted to continue any longer than the time required for the Shipping Board to serve notice upon all at interest that this discrimination will be removed at once.

The North Atlantic argument that the distance from southern ports is greater is completely annihilated by past and present practice in that rates from all Atlantic and Gulf ports to the Far East are on a parity, and in some cases cargo is actually carried to Yokohama at a lower rate than to Liverpool, notwithstanding that the distance is more than twice as great to Yokohama and, in addition, the Yokohama carrier has to pay Panama Canal dues. The general cargo rate from New York to Sydney, Australia, a distance of 9,704 miles, has been the same as from New York to Algiers, a distance of only 3,621 miles, while the rate to Cape Town, a distance of 6,795 miles, has been actually less than the rate to Algiers. The rate from New York to Tampico is the same as from New Orleans, although the steamer from New York must cover a distance three times as great.

SUGGESTED READJUSTMENT.

Three alternate plans of needed readjustment are offered, as follows:

1. Place all commodities originating in competitive territory in the Middle West and Far West on the parity list and agree upon fair and reasonable differentials on such essentially southern commodities as cotton, cottonseed products, lumber, naval stores, and phosphate as will primarily protect southern ports but without closing the routes through North Atlantic ports from reasonable participation in the movement of these commodities.
2. Dissolve the joint conference of the three conference districts and continue separately the North Atlantic, the South Atlantic, and the Gulf conferences, with full rate-making authority vested in each, but with an arrangement for exchanging information as to rates agreed upon in the several conferences, without obligation on the part of any conference to base its rates on those of any other conference.
3. Make ocean rates from South Atlantic and Gulf ports to Cuba and other Gulf and Caribbean ports based on the lesser mileage from southern ports. It is not likely that trans-Atlantic lines will agree to this, as they have no interest or control in these particular Gulf rates.

Ocean rate conferences may be considered essential to the stability and regulation of ocean rates and, it may be thought, should be, therefore, continued in some form or other, but they surely should not be permitted to create and perpetuate discriminating adjustments as between ports.

Such an adjustment as proposed in paragraphs 1 and 2 will insure to the ports of each section business originating in territory contiguous to such ports and an equal chance to secure business in what may be termed "common" territory competitive to all three districts.

The whole of the Pacific is on a parity with reference to interior points, and there is no reason why the same should not be the case with the whole Atlantic coast. This differential mentioned to European ports in respect to the North and South Atlantic coast can not be ascribed to distance nor port conditions merely, as it applies to European points generally. Moreover, the same rate is given by the Shipping Board from Boston and New York to South America and Cuba as from Charleston, Savannah, Jacksonville, Tampa, Pensacola, Mobile, and New Orleans, although the distance is in some cases double.

Take Charleston, for comparison, although the difference is more marked in the case of each of the other ports named:

	Liverpool.	Gibraltar.	Colon.	Habana.
Boston, 3,058 miles ¹		\$3,064	\$2,177	\$1,418
Norfolk, 3,367 miles ¹		\$3,369	\$1,779	\$1,085
Charleston, 3,613 miles ¹		\$3,665	\$1,585	\$846

¹ Same rate plus 7½ cents.

² Same rate.

If there is to be a genuine effort to build up a permanent service from the various coasts of the country, differentials ought to be removed.

If no readjustment can be effected as I have indicated, then, it seems to me, it would be advisable for the Shipping Board to withdraw from all conferences.

The truth is a conference is desirable for those lines which are established and have the business; they are not advantageous to those who must go after and build up their business.

For some four years this unjust discrimination has again and again been complained of, and it is amazing that it has been allowed to continue.

I again appeal to the Shipping Board to put an end to it.

Mr. President, that is all I care to submit for the present.

APPENDIX 1.

UNITED STATES SHIPPING BOARD
EMERGENCY FLEET CORPORATION,
Washington, January 23, 1921.

Hon. DUNCAN U. FLETCHER,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Referring further to your letter of December 28, addressed to the Shipping Board, requesting information in connection with various rate conferences.

It is assumed that your letter has reference only to trans-Atlantic lines (United Kingdom and continental Europe), and I take pleasure in advising that the data desired by you has now been compiled, as per copy attached.

If there is any further information you desire relative to this subject, I will be very glad to furnish same.

Yours very truly,

L. C. PALMER, President.

NORTH ATLANTIC UNITED KINGDOM FREIGHT CONFERENCE.

OFFICERS.

There are no officers. All matters for consideration by the conference are dealt with by the conference as a whole at meetings or referred to committees appointed from time to time as occasion requires. Mr. Sydney E. Morse acts in the capacity of secretary, with offices located at 8-10 Bridge Street, New York City.

MEMBERS.

Anchor Line (British).
Anchor-Donaldson Line (British).
Atlantic Transport Line (British).
Canadian Pacific Steamships (Ltd.) (British).
"Head" Line and "Lord" Line (British).
Bristol City Line (British).
Cunard Line (British).
Donaldson Line (British).
Ellerman's Wilson Line (British).
Furness Lines (British).
Inter-Continental Transport Services (Ltd.) (British and Norwegian).
Lamport & Holt Line (British).
Thomson Line (British).
White Star Line (British).
White Star, Lamport & Holt, Ellerman, Bucknall Line (British).

LENGTH OF TIME CONFERENCE IN EXISTENCE.

In February, 1918, the Glasgow, London, Liverpool & Manchester Lines, which since 1901 had more or less operated as individual units, formed what now is the North Atlantic United Kingdom Freight Conference (eastbound). Since December, 1919, the Emergency Fleet Corporation, and since October, 1920, the Canadian Government Merchant Marine (Ltd.), although not members, have attended the meetings and cooperated with the members.

EMERGENCY FLEET CORPORATION OPERATORS.

A list of the operators attending the above conference is as follows:
Baltimore Steamship Co.
W. A. Blake & Co.
Export Transportation Co.
Moore & McCormack Co. (Inc.).
United States Lines.
J. H. Winchester & Co.

PROCEDURE FOR ESTABLISHING AND CHANGING RATES.

Unanimous concurrence.

INDEPENDENT ACTION.

No provision for independent action.

METHOD OF FIXING RATES.

Ocean distances and steaming time are not the sole factors in determining rates. All operating costs are considered, as well as competitive transportation and commercial conditions.

NORTH ATLANTIC CONTINENTAL FREIGHT CONFERENCE.
(Antwerp, Rotterdam, Amsterdam, Hamburg, and Bremen.)

OFFICERS.

There are no officers. All matters for consideration by the conference are dealt with by the conference as a whole at meetings, or referred to committees appointed from time to time as occasion requires.

Mr. Sydney E. Morse acts in the capacity of secretary, with offices located at Nos. 8-10 Bridge Street, New York City.

MEMBERS.

American Line (United States).
Black Diamond Steamship Corporation (United States).
Canadian Pacific Steamships (Ltd.) (British).
Cosmopolitan Shipping Co. (United States).
Cunard Line (British).
Ellerman's Phoenix Line (British).
"Head" Line and "Lord" Line (British).
Holland-America Line (Dutch).
Inter-Continental Transport Services (Ltd.) (British and Norwegian).
North German Lloyd (German).
Red Star Line (United States, Belgian, and British).
Rogers & Webb (United States).
Royal Mail Steam Packet Co. (British).
United States Lines (United States).
United American Lines (United States, Panamanian, and German).
White Star Line (British).

LENGTH OF TIME CONFERENCE IN EXISTENCE.

This conference was formed on March 9, 1922.

EMERGENCY FLEET CORPORATION OPERATORS.

Black Diamond Steamship Corporation.
Cosmopolitan Shipping Co.
Rogers & Webb.
United States Lines.

PROCEDURE FOR ESTABLISHING AND CHANGING RATES.

Unanimous concurrence.

INDEPENDENT ACTION.

No provision for independent action.

METHOD OF FIXING RATES.

Ocean distances and steaming time are not the sole factors in determining rates. All operating costs are considered, as well as competitive transportation and commercial conditions.

SOUTH ATLANTIC STEAMSHIP CONFERENCE.

OFFICERS.

The chairmanship rotates, each member acting as chairman for one week. The secretary, Mr. Frank P. Latimer, is the only elected officer. Headquarters are located in Room 1306, Savannah Bank & Trust Building, Savannah, Ga.

MEMBERS.

Atlantic & Gulf Shipping Co., Savannah, Ga. (Swedish and Norwegian).
Carolina Co., Charleston, S. C.; Jacksonville, Fla.; and Wilmington N. C. (United States).
Strachan Shipping Co., Savannah, Ga., and Jacksonville, Fla. (Italian and British).
Tampa Inter-Ocean Steamship Co., Savannah, Ga., and Jacksonville, Fla. (United States).
Trosdal, Plant & Lafont, Savannah, Ga., and Jacksonville, Fla. (United States, Japanese, Swedish, Norwegian).
Williamson & Raders Co., Savannah, Ga. (French and Dutch).

LENGTH OF TIME CONFERENCE IN EXISTENCE.

This conference has been in operation since March, 1920.

EMERGENCY FLEET CORPORATION OPERATORS.

The Carolina Co.
Tampa Inter-Ocean Steamship Co.
Trosdal, Plant & Lafont.

PROCEDURE FOR ESTABLISHING AND CHANGING RATES.

Unanimous concurrence.

INDEPENDENT ACTION.

No provision for independent action.

METHOD OF FIXING RATES.

Ocean distances and steaming time are not the sole factors in determining rates. All operating costs are considered, as well as competitive transportation and commercial conditions.

GULF SHIPPING CONFERENCE.

OFFICERS.

Mr. E. J. McGuirk, British, and Mr. Harold LeJeune, Emergency Fleet Corporation are alternating permanent chairmen. The general secretary is Mr. H. J. Devereux, headquarters, Rooms 822-823 Carondelet Building, New Orleans, La. A subconference is located at Galveston; assistant secretary, Mr. R. J. Bissell.

MEMBERS—JOINT CONFERENCE.

British Conference.

Leyland Line (British).
 Harrison Line (British).
 Head Line (British).
 Lord Line (British).
 MacLay Line (British).
 Elder Dempster Line (inactive) (British).
 Larrinaga Line (British).
 Royal Mail Steam Packet Co. (British).
 Donaldson Line (British).

EMERGENCY FLEET CORPORATION—UNITED KINGDOM CONFERENCE.

Trosdal, Plant & Lafonta (American).
 Lykes Bros. Steamship Co. (Inc.) (America).
 Waterman Steamship Corporation (American).
 S. Sgitcovich & Co. (American).

LENGTH OF TIME CONFERENCE IN EXISTENCE.

This conference has been in operation since March, 1920.

EMERGENCY FLEET CORPORATION OPERATORS.

Trosdal, Plant & Lafonta.
 Lykes Brothers Steamship Co.
 Waterman Steamship Corporation.
 S. Sgitcovich & Co.

PROCEDURE FOR ESTABLISHING AND CHANGING RATES.

Unanimous concurrence.

INDEPENDENT ACTION.

No provision for independent action.

METHOD OF FIXING RATES.

Ocean distances and steaming time are not the sole factors in determining rates. All operating costs are considered, as well as competitive transportation and commercial conditions.

GULF FRENCH ATLANTIC HAMBURG RANGE CONFERENCE.

OFFICERS.

Chairman is selected at each meeting by the members. Secretary is Mr. H. J. Devereux; headquarters, Rooms 822-823 Carondelet Building, New Orleans, La.; subconference is located at Galveston; assistant secretary, Mr. R. J. Bissell.

MEMBERS.

French Line (French and British).
 Holland-America Line (Dutch).
 Hugo Stinnes Line (German).
 Charles Harrington Agency; agent, Westfal-Larsen Line (Norwegian); also general chartering.
 Southern Shipping and Trading Co.; agents, Oriental Navigation Co. (American and British); also general chartering.
 Strachan Shipping Co., agents Donaldson Line (British); also general chartering.
 Lykes Bros. Steamship Co. (Inc.) (American).
 Mississippi Shipping Co. (American).
 Page & Jones (American).
 Waterman Steamship Corporation (American).
 S. Sgitcovich & Co. (American).
 Daniel Ripley & Co. (American).
 Lallier Steamship Co., agents United American Line (German).
 Castle Line (British).
 Saint Line (British).
 Lloyd Royal Belge (Belgian).
 Ellerman's Wilson Line (inactive) (British).
 Royal Holland Line (inactive) (Dutch).
 Leyland Line (inactive) (British).
 East Asiatic Line (inactive) (Danish).

LENGTH OF TIME CONFERENCE IN EXISTENCE.

This conference has been in operation since March, 1920.

EMERGENCY FLEET CORPORATION OPERATORS.

Lykes Bros. Steamship Co. (Inc.).
 Mississippi Shipping Co.
 Page & Jones.
 Waterman Steamship Corporation.
 S. Sgitcovich & Co.
 Daniel Ripley & Co.

PROCEDURE FOR ESTABLISHING AND CHANGING RATES.

Unanimous concurrence.

INDEPENDENT ACTION.

No provision for independent action.

METHOD OF FIXING RATES.

Ocean distances and steaming time are not the sole factors in determining rates. All operating costs are considered, as well as competitive transportation and commercial conditions.

GENERAL EXPLANATION.

The above simply outlines the conferences from a local standpoint. The conferences of the three districts cooperate in the establishment of rates as outlined below.

To arrive at a joint working arrangement, commodities are classed as follows:

1. North Atlantic initiative commodities.
2. South Atlantic and Gulf initiative commodities.
3. Neutral commodities.

North Atlantic initiative commodities are commodities largely peculiar to the North Atlantic district. The North Atlantic district may change the rates on these commodities without the concurrence of the South Atlantic and Gulf districts.

Gulf and South Atlantic initiative commodities are commodities largely peculiar to the South Atlantic and Gulf districts. The Gulf and South Atlantic districts may change these rates without the concurrence of the North Atlantic district.

Neutral commodities are commodities which are not considered peculiar to any one district. No district can change a rate on a neutral commodity without obtaining the concurrence of the other districts.

In further explanation of above there is a fixed differential or parity on all commodities, and in making rate changes the procedure works out as follows:

For example—cotton: Cotton being a Gulf and South Atlantic commodity, the southern districts initiate the rate changes and the North Atlantic district automatically follows this rate based upon the fixed differential on same.

No change in the differential on any commodity as between the three districts can be made without the concurrence of the three districts.

APPENDIX 2.

UNITED STATES SHIPPING BOARD.

Washington, February 23, 1924.

Hon. DUNCAN U. FLETCHER.

United States Senate, Washington, D. C.

MY DEAR SENATOR: Acknowledging your letter of February 18:

I have had the Fleet Corporation obtain from the various conferences a statement covering parities, neutral and initiative commodities, with basis of rates as between the North Atlantic, South Atlantic, and Gulf, and take pleasure in quoting you a copy herewith.

If any further information is desired, I will be very glad to obtain same for you.

Yours very truly,

T. V. O'CONNOR, Chairman.

PARITIES.

The North Atlantic, South Atlantic, and Gulf apply the same rates on these commodities:

Asphalt, barytes, beans (Pacific coast), borax, coffee (green), cooperage, dense weight, fruit (dried, Pacific coast), goods (canned, Pacific coast), grain, honey (Pacific coast), hops (Pacific coast), litle, logs (except pitch pine and cypress), lumber (except pitch pine and cypress), milk (condensed), molasses, peas (Pacific coast), shocks (box), slant, sulphur, sirup (sugar-cane), and tobacco.

NEUTRAL COMMODITIES.

The initiative in rate making lies with either of the three conferences, but concurrence must be obtained from the other conference, and if not obtained rate changes can not be made.

Alcohol, antimony, coffee (green), cooperage, grain, logs (hardwood, except pitch pine), lumber (hardwood, except pitch pine), barytes, borates, dense weight, molasses, shocks (box), spelter, and sirup (cane).

GULF AND SOUTH ATLANTIC INITIATIVE COMMODITIES.

Cake (cottonseed), cotton, cotton linters, garbanzos, hulls (cottonseed), litle, logs (pitch pine and cypress), lumber (pitch pine and cypress), meal (cottonseed), oil (cottonseed), pitch, rice, phosphate rock, rosin, sisal, sulphur, tar, timber (pitch pine and cypress), and turpentine.

NORTH ATLANTIC INITIATIVE COMMODITIES.

The North Atlantic conference has the initiative in rate making on all other commodities.

On Gulf, South Atlantic, and North Atlantic initiative commodities, it is not necessary to obtain concurrence from other conferences, but they are immediately advised of any rate change.

FREE LIST.

Hay, oil (crude), and staves.

BASIS OF RATES BETWEEN DISTRICTS.

Except in the case of parities, the agreed basis between the North Atlantic, South Atlantic, and Gulf conferences are as follows:

	Per 100 pounds.
Cotton:	
North Atlantic.....	\$0.00
Norfolk.....	.10
South Atlantic.....	.17
Gulf.....	.25

Lumber (when rate applied per 100 superficial feet):		Per 1,000 superficial feet.
North Atlantic		\$0.00
South Atlantic		3.00
Gulf		6.00
Turpentine:		Per 100 pounds.
North Atlantic		\$0.00
South Atlantic (by agreement the Gulf applies 30 cents per barrel higher than South Atlantic on turpentine)		.07½
Gulf (by agreement the Gulf applies 30 cents per barrel higher than South Atlantic on turpentine)		.15
All rates shown per ton of 2,240 pounds:		Per ton.
North Atlantic		\$0.00
South Atlantic		1.50
Gulf		3.00
All rates shown per cubic foot:		Per cubic foot.
North Atlantic		\$0.00
South Atlantic		.02
Gulf		.05
All other rates shown per hundred pounds:		Per 100 pounds.
North Atlantic		\$0.00
South Atlantic		.07½
Gulf		.15

During Mr. FLETCHER'S speech.

The PRESIDING OFFICER (Mr. SPENCER in the chair). The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, Senate Joint Resolution 4, proposing an amendment to the Constitution of the United States relative to the adoption of amendments thereto.

Mr. BURSUM. Mr. President—

The PRESIDING OFFICER. The Senator from Florida has the floor. Does he yield to the Senator from New Mexico?

Mr. FLETCHER. For a question; but I do not want to lose the floor.

Mr. BURSUM. I desire to ask unanimous consent to lay aside the unfinished business temporarily for the purpose of continuing the consideration of Senate bill No. 5.

Mr. DIAL. I object.

The PRESIDING OFFICER. Objection is made.

Mr. BURSUM. I desire to make another request. I ask unanimous consent that when the unfinished business shall have been disposed of, Senate bill 5 shall follow for consideration and thus become the unfinished business.

Mr. KING. I object.

Mr. DIAL. I object.

The PRESIDING OFFICER. Objection is made.

After the conclusion of Mr. FLETCHER'S speech,

AMENDMENTS TO THE CONSTITUTION.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 4) proposing an amendment to the Constitution of the United States relative to the adoption of amendments thereto.

Mr. FLETCHER and Mr. WADSWORTH suggested the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum being suggested, the Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Adams	Dial	Jones, Wash.	Robinson
Ashurst	Dill	King	Sheppard
Ball	Edge	Ladd	Shipstead
Borah	Ferris	Lodge	Smoot
Brandeggee	Fletcher	McKellar	Spencer
Brookhart	Frazier	McKinley	Stanfield
Broussard	George	McNary	Stephens
Bruce	Gerry	Mayfield	Swanson
Bursum	Gooding	Moses	Wadsworth
Cameron	Hale	Neely	Walsh, Mass.
Capper	Harris	Norris	Walsh, Mont.
Caraway	Harrison	Oddie	Warren
Copeland	Hedin	Pepper	Watson
Curtis	Howell	Philips	Weller
Dale	Johnson, Minn.	Pittman	Willis

The PRESIDING OFFICER. Sixty Senators having answered to their names, there is a quorum present.

Mr. FLETCHER. Mr. President, I ask permission to have inserted in the Record an editorial from the Florida Times-Union of March 14, entitled "Saving the Constitution." It bears on the question now before the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The editorial is as follows:

SAVING THE CONSTITUTION.

Congress has under consideration a bill that is intended to save the Constitution of the United States from the assaults of those who would destroy its power and its usefulness, although they pretend, in most instances by amendment, to be acting in the interests of the people. There is ample proof for saying that many proposed amendments, and some adopted in the recent past, solely are and were conceived and in-

tended to serve special interests or purposes, some of them fanatical and others purely selfish.

Under the law as it is at present it is too easy to "put over" amendments to the Constitution. The Wadsworth-Garrett amendment proposes to make Constitution tinkering more difficult, to take the power of making changes out of the hands of those who have selfish interests to serve, away from the professional reformer and the agitator, and restoring to the people the power that originally and justly was intended by the framers of the Constitution they should have, under that righteous fundamental that all just government must rest on the consent of the governed, not by or with the consent of this faction or that.

Tinkering of the Constitution, and recent attempts thereat, justly cause alarm on the part of all sober-minded, liberty-loving people. The purpose of the Wadsworth-Garrett amendment, as proposed, is to quiet this alarm and at the same time provide for the safeguarding of the Constitution in the interests of all the people. The bill's sponsors and those who understand its purpose and who give it their hearty approval believe the time has come to call a halt in proposals for changing the Constitution by amendment to suit every wind that blows. The proposed amendment continues the original text of Article V of the Constitution, with reference to two-thirds vote in the Houses of Congress and approval by three-fourths of the States, in the process of amending the fundamental law of the land, and then stipulates further that ratification of proposed amendments shall be effective—

"Provided, That the members of at least one house in each of the legislatures which may ratify shall be elected after such amendments have been proposed; that any State may require that ratification by its legislature be subject to confirmation by popular vote; and that until three-fourths of the States have ratified, or more than one-fourth of the States have rejected or defeated a proposed amendment, any State may change its vote: And provided further, That no State, without its consent, shall be deprived of equal suffrage in the Senate."

Here are three distinct steps in the Constitution amendment process: Requiring legislators of at least one house of each legislature to be elected after an amendment has been proposed gives the people an opportunity to express directly their will in the matter. Action by the legislature is the second step. The next is by the people, permitted to vote "Yes" or "No" on that which it is proposed to take from or add to their Constitution, their organic law, the first words of which are, "We, the people of the United States."

The Wadsworth-Garrett amendment is intended to deliver the Constitution "back to the people," where rightfully it belongs. Powerful lobbies, liberally financed organizations or groups of individuals, propagandists, and the like, under this amendment will find their work of Constitution tinkering more difficult, if, indeed, it is not made impossible, because the people by their votes, variously provided for, will have the final and deciding expression and action. And this, in the final analysis, is democratic government, government by and with the consent of the governed.

In conclusion, it may be called to mind that the constitution of Florida provides that—

"No convention nor legislature of this State shall act upon any amendment of the Constitution of the United States proposed by Congress to the several States unless such convention or legislature shall have been elected after such amendment is submitted."

thus giving to the people of this State the very opportunity of voting on any and every proposed constitutional amendment, as is proposed in the Wadsworth-Garrett amendment. The people of every State in the Union should have and enjoy this method of safeguarding their rights under the Constitution. Florida, therefore, has seen the need of doing, and has done, what the Wadsworth-Garrett amendment proposes shall be done by all the States.

Mr. BRUCE. Mr. President, a considerable group of Maryland citizens, including George Stewart Brown and Thomas F. Cadwalader, two of the leading citizens of Maryland, have been active supporters of the joint resolution which is now under consideration. I share their convictions in relation to it, and I feel that I should not let the occasion pass without saying a few words with respect to it.

That the principle which underlies the resolution is one that commends itself strongly to approval is shown first of all, of course, by the fact that it has been reported favorably, though with an amendment, by the Judiciary Committee of the Senate, and also by what has already been said touching it upon this floor; so, really, the question here is not whether the primary object of the resolution itself is a good one, but whether or not the amendment offered to it by the Judiciary Committee looking to the direct action of the voters upon amendments to the Federal Constitution when submitted to the people, is a judicious one. In other words, the question arises between the resolution as it was originally framed and introduced into this body and the committee amendment.

Of course, I realize as clearly as anyone can that there is a very strong trend in the current of political thought at the present time in favor of pure democracy that is in favor of the submission of all important political questions as far as possible to the direct action of the voters; and that tendency I approve, and I may say strongly approve; subject, however, to some material qualifications.

We all know that the attitude of the founders of the Republic toward pure democracy, or, as we now say, the direct action of the people, was in many respects not very friendly. Our American ancestors cherished a profound distrust not only of kings and kaisers but also of the great mass of the electorate except under carefully guarded conditions. They believed with Pope, that the worst of tyrants at times is the mob.

In other words, they kept their eyes no more on the possibility of oppression in high places than they did upon what they conceived to be the caprices, the passions, the sudden gusts of impulse in one form or another to which men en masse are subject. They believed in representative government rather than in pure democracy.

We are all thoroughly familiar, too, I am sure, with the historic circumstances which, as time went on, brought about a change in the attitude of the American people and its leading statesmen in this respect toward government. Great party organizations sprang up, and they produced powerful party machines; and party spirit and party effort became so highly developed that finally the very electoral system that had been devised by the Federal Constitution for the election of the President became a mere automaton. Then, later on, other circumstances arose to make the people feel more and more that it was important that the mass of the voters in their primary character should have some sort of check upon the action of their representatives, too often controlled or strongly influenced by political bosses or cliques. Consequently such devices as the initiative and the referendum were adopted throughout almost the entire country and became formally embedded in the constitutions of the different States.

As I have intimated, I approve to no small extent of the alteration that has taken place in the popular attitude toward representative government as distinguished from pure democracy. I do not think that representative government in the main should ever be superseded by the direct action of the people, because I believe that the people never act so wisely, except under circumstances wholly extraordinary, as when they have lodged their powers of action in selected agents, in whose integrity, ability, and experience they entertain a high degree of confidence. I do think that the popular initiative or referendum is a good gun, as has been happily said, for the people to keep behind the door for use in emergencies. Those devices are not good if made the daily bread of the Constitution, but they are good if resorted to as its occasional medicine.

Of course, the amendment offered by the Judiciary Committee looks exclusively to the direct action of the people. Under it amendments to the Federal Constitution are to be proposed by Congress, and then they are to be passed upon by the voters of the States in their primary capacity. No provision is made in the committee amendment for the interposition of the legislature at all. In other words, to the extent to which it goes, it contemplates only such public action as belongs to a pure democracy.

I approve of the committee amendment in principle, for I think that it would be a great improvement over the existing Article V of the Federal Constitution, in that it provides for the submission to the people of proposed amendments to the Federal Constitution. If I had to take my choice between the present Article V and the committee amendment, I would without the slightest hesitation fix my choice upon the latter. I think that it is better that we should have exclusive popular action on constitutional amendments than that we should have exclusive legislative action upon them.

It seems to me that unquestionably, so far as a certain class of amendments to the Federal Constitution are concerned, the people themselves in their original character are not the best instruments for ratification. They undoubtedly are the best when some great question going down to the very roots of our institutions, and profoundly affecting the welfare and happiness of the people, is under discussion, such a question, for instance, as the prohibition question or the woman-suffrage question. It is eminently proper that an issue of that kind should be passed upon by the voters themselves rather than by the State legislatures. But all who are familiar with the electoral history of amendments to State constitutions know how perfectly careless, unreflecting, and perfunctory is the attention that is often given by the voters to them. All of us, I am sure, have had our attention called to the very small votes cast for

or against such amendments as compared with the vote for candidates.

Mr. President, I trust that Senators will defer their conversations until I can conclude my brief remarks.

The PRESIDING OFFICER (Mr. PEPPER in the chair). The Senate will be in order.

Mr. BRUCE. The murmurs about me remind me of something which once happened when I was a youth. Governor Whyte, of Maryland, who was at one time a Member of this body, was addressing an audience, and he was constantly interrupted by an Irishman, one Larry Finnegan. Governor Whyte was a good-natured man and bore the interruptions for a time patiently; but finally he turned and said, "Larry, please be aisy, and if you can't be aisy, be as aisy as you can." So I will ask my friends to try to be as "aisy" as they can until I am through.

A most striking illustration of the unthinking and often confused manner in which the electorate often deals with ordinary propositions submitted to its approval is furnished by the State of Oregon. Some years ago two propositions affecting the salmon industry of Oregon, one of the great industries of that State, as we all know, diametrically opposite in their nature, were submitted to its voters and both were ratified. That incident seems to me to supply apt proof that, so far as ordinary amendments to constitutions are concerned, the people are not the best instruments for passing upon their merits or upon their demerits, though, of course, as I have said, where the question is vital or fundamental there can be no better instrument for the purpose.

There is a class of constitutional amendments which it is almost absurd to submit for approval to the mass of the people. For instance, take such constitutional provisions as those which you find in many of the State constitutions in this country; that every bill shall be read three times before its final passage; that every bill shall contain but one subject matter, and that shall be reflected in its title; that no act shall be revived by a mere reference to its title, and that where an act is repealed and reenacted with amendments the language of the amendments must be set forth verbatim in the bill. Or take the amendment to the Federal Constitution which we approved a day or so ago fixing the first Monday in January and the third Monday in January as the days, respectively, for the convening of Congress and the inauguration of the President. I do not think that anyone could successfully contend that the American voters generally are the best agency for passing upon questions of that kind. Some of them are purely technical in their nature and far more proper to be passed upon by State legislatures, which are largely composed of lawyers, than by the people themselves.

So it seems to me that the Senator from New York has been peculiarly happy in the form that he has given to his proposed amendment to the Constitution. It secures, first of all, deliberate, thoughtful action by the State legislatures.

At the same time it provides that the States may make such provisions as they choose in their constitutions or statutes for the confirmation by the people themselves of all amendments to the Federal Constitution which have received the approval of their legislatures. So we not only have the deliberate action of the legislatures, but, in addition to that, we have a supreme popular check upon anything which may be of real detriment to the welfare of the people in the fact that the approval of the State legislatures is to be subject to the confirmation of the voters themselves. If the coachman on the box proves drunken, faithless, or careless, the people can resume the reins.

Then, of course, a very admirable feature of the resolution introduced by the Senator from New York is the provision that an amendment to the Federal Constitution shall not be passed upon by a legislature, one branch of which has not been elected by the people since the submission of the constitutional amendment by the Congress to the people.

Another provision in the resolution settles the vexed question as to how far a State, after once giving its assent to an amendment to the Federal Constitution, can retract that consent.

So it seems to me that in many most important particulars, when all the aspects of the case are duly regarded, the resolution originally introduced by the Senator from New York is decidedly preferable to the committee amendment.

All the benefits of the latter are conserved by the original resolution, and at the same time we have also this other machinery, afforded by State legislatures or conventions, for thorough, searching, deliberate consideration.

If the constitutional amendment brought forward by the resolution goes into effect, it will operate, I think, as a very great check upon precipitate action on amendments to the

Federal Constitution when submitted to the States. Everybody knows that there is all the difference in the world between the amount of discussion which under ordinary circumstances usually precedes the handling of an amendment to the Federal Constitution by a legislature and that which precedes the action on such an amendment by the people themselves in their original capacity as voters. Usually, before a constitutional amendment comes up in the legislature, it is fully discussed in the press; then when it reaches the legislature it is carefully examined by the appropriate committee and public attention is pointedly drawn to it, and at times drawn to it for weeks before the legislature convenes and for weeks after the legislature convenes. There is undoubtedly, it seems to me, a most important point to be gained by preserving legislatures and conventions as a part of the machinery for the ratification of amendments to the Federal Constitution by the States.

Then, as I said before, there is the gun behind the door; that is the power of the State, if it sees fit, after the legislature has given its approval to an amendment to the Federal Constitution, to subject that approval to the final test of popular revision.

Nothing remains for me to add except to say in conclusion what I said in the beginning, that in my judgment the original resolution in this case secures all the advantages that could possibly be secured by the committee amendment and secures other and additional advantages of the very highest degree of significance besides.

Mr. WALSH of Montana. Mr. President, I do not believe there is any occasion whatever for this amendment to the Constitution. I do not believe there is any public demand for it. If it has been the subject of any considerable discussion in the public press of the country or in the journals, the fact has entirely escaped my attention. The entire indifference to it throughout the country, or at least the lack of apparent interest in it, is manifested, I think, sufficiently by the fact that no one is paying any attention whatever to the debates in the Senate upon the joint resolution, which is a joint resolution to amend our fundamental law.

I may be wrong about the matter and I may do the distinguished Senator from New York [Mr. WADSWORTH], the author of the joint resolution, an injustice, but I can not help feeling that he is suffering from some considerable disappointment over the adoption of two amendments to the Constitution—the eighteenth and nineteenth—both of which were opposed by him.

Mr. WADSWORTH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from New York?

Mr. WALSH of Montana. Certainly.

Mr. WADSWORTH. Of course, the Senator has a right to attempt to read my mind. He was not here yesterday when I commenced my remarks, at which time I begged the Senate to believe, and I beg him to believe, now that he is present, that I had no thought whatsoever about the merits or demerits of the eighteenth or nineteenth amendments. My only thought is that certain incidents occurred in connection with the ratification of those amendments which are worthy of the consideration of the American people, and which incidents should not be permitted in the future.

Mr. WALSH of Montana. I have not the slightest doubt about that, and I have not the slightest doubt, either, if the Senator will permit me to say it, about the entire honesty of his conviction with reference to the matter—

Mr. WADSWORTH. The Senator could not resist expression of his opinion.

Mr. WALSH of Montana. And that his conviction arose out of his disappointment at the adoption of those two amendments, I entertain not the slightest doubt.

Mr. WADSWORTH. The Senator is entitled to his own opinion.

Mr. WALSH of Montana. Of course I am. I just merely express it as my belief.

Mr. WADSWORTH. The Senator could not resist expressing it.

Mr. WALSH of Montana. Oh, I could, but I see no reason why I should not.

Mr. President, the provisions of the Constitution of the United States by which its terms may be amended necessarily imply, almost, that the amendment proposed shall have been extensively debated before the people of the country prior to the time it takes form at all.

The distinguished Senator from New York, in his very able argument against the amendment reported by the Committee on the Judiciary, expresses some apprehension that an amendment being offered to the people by a joint resolution of Congress during the month of June would be voted upon by the entire

electorate of the country at the succeeding November in the midst of the general election when no opportunity would be afforded to give calm consideration to the question. No such precipitateness as that is to be apprehended at all, but the Senator overlooks the fact that in all reasonable probability an amendment that can command a two-thirds vote in both Houses of Congress must necessarily have had some considerable discussion before the people and through the press and upon the stump before it ever is submitted for ratification.

Why, Mr. President, take the amendments to the Constitution following the fifteenth. The sixteenth amendment gives the Congress power to lay and collect taxes on incomes. How many years, indeed decades, was that matter agitated before the people of the country? It was talked about in every campaign for at least 20 years before it was adopted. It took form in an act of the Congress of the United States, which was subsequently declared unconstitutional by the Supreme Court of the United States, and finally, when the force of public opinion assumed such proportions and such strength as to be utterly irresistible, the Congress of the United States, by a two-thirds vote, then passed a joint resolution, and just as quickly as the legislatures of the various States could get at it, it was ratified. So with the next amendment, providing for the election of United States Senators by direct vote of the people, in exactly the same way. That was canvassed from one end of the country to the other.

Of what significance is it that the prohibition amendment was ratified very promptly after it was submitted. Had it not been the subject of discussion before the people of the United States during the entire generation through which we have lived? I do not believe that by reason of anything that happened in Tennessee in connection with the woman's suffrage amendment, or anything that happened in the State of Ohio with reference to the prohibition amendment, there is any such general demand throughout the country, passing through such a period of time and such active discussion as the income-tax amendment passed through, or the amendment providing for the election of United States Senators went through, or the prohibition amendment went through. I undertake to say that the discussion in the country, so far as there has been any, of this particular amendment bears no relation whatever in point of volume or intensity to the great debates through which those other amendments passed.

But if there were going to be an amendment to the Constitution I do not think that any superiority can be claimed for the joint resolution as originally introduced over the joint resolution as it was reported by the Committee on the Judiciary. If I were engaged at the present time in writing the Constitution of the United States I would have any proposed amendment submitted to a vote of the people, as is provided for in the amendment recommended by the Committee on the Judiciary. But I would not make any change at all, not because I am not in favor of having these matters passed upon by the people rather than having them passed upon by legislators who are elected oftentimes without any reference whatever, and usually, I might say, without any reference whatever to the particular amendment to the Constitution of the United States which is submitted to them—not at all. So that if we were now engaged in writing the Constitution of the United States I would not have any hesitancy at all in my choice. But we are not so engaged. We are proposing an amendment to the Constitution as it stands now.

As I said in the course of a colloquy with the Senator from New York the other day, there are scores of provisions in the Constitution which might possibly under conceivable circumstances result in disaster to our Nation. Of course, the Constitution of the United States was an illogical compromise between two contending forces, and hence many of its provisions can not be defended upon the basis of reason; but of what consequence is that? They worked out all right. We have lived through 135 years under the existing instrument and we have gotten along pretty well notwithstanding there are perils lurking in the language in one respect or another. If we went to work to pick out all of those which might possibly under some conceivable circumstances result in injury to the United States, we would not be doing much of anything else.

I listened with much interest to the able argument and admonition of the Senator from Idaho [Mr. BORAH], who does me the honor to be among the few who listen to my remarks this afternoon, urging the Congress of the United States to get down to the business of legislation, and particularly to legislate upon the subject of reduction of the burden of taxes and to do something to relieve the awful situation, the desperate condition in which the industry of agriculture in this country, and particularly in the Northwestern States, finds itself. We could,

I think, much more profitably be engaged in that work than in an endeavor to amend the Constitution in some particular in which experience has shown no injury has ever come.

I remember that in Bryce's American Commonwealth that distinguished author and great statesman indulges in some reflections upon the superiority of the English system of appointing judges for life as against the prevailing American system of electing judges for limited terms. He goes on to say how under an elective system the decisions can scarcely ever be expected to be as free from the influence of local prejudice, as free from political considerations, as under the system of which he is so proud. Indeed, he expresses surprise that we could tolerate the elective system at all so far as judges are concerned, and he denounces it roundly as contrary to good reason and to the experience of the world. But he said, "The thing seems to work all right in America." In some of the States they do appoint the judges—Massachusetts, for instance—but other States, like New York and California, elect their judges. He said:

I do not say, by any means, that the decisions of the Court of Appeals of the State of New York or of the Supreme Court of the State of California are inferior in any respect to those of the Supreme Court of the State of Massachusetts.

Then he said that it can often be reasoned out that a particular institution of government is not logical or is not sound and yet it works out admirably in practice, and he instances the royal family in Great Britain, which, he said, subserves a very useful purpose in the State and yet logically nobody can urge any particular sound reason for it.

So let us not spend our time in trying to pick out things in the Constitution which will not stand before the light of reason and sound analysis and endeavor to correct them, unless some evil is likely to ensue by reason of those defective provisions. Take the election of United States Senators by direct vote of the people. It was not a mere theory that the existing system was likely to involve the country in injury or damage, but it was demonstrated that under the then existing system of electing Senators by the legislatures of the various States corruption of the most disgraceful character had entered into our system, and that men were elected to public office and to seats in this body who did not represent the prevailing sentiment of their States at all and who never could have been or would have been chosen had they been submitted to the judgment of the people whom they were supposed to represent. That thing went on for years until grievous evils in the body politic ensued, and therefore it was wise to change it.

So exactly with the income tax amendment, it was not a mere theory. But just consider for one single moment what we would have done when the great World War was upon us and we were obliged to assume all the responsibilities of that great contest if we were not able to bring the great fortunes of the country to the service of the Government in order to carry on that war. The necessities of the case compelled us to give our adherence to the proposition that the Congress of the United States ought to have power to levy income taxes. So on down the list.

But here what harm has resulted?

What amendment has ever been adopted to the Constitution of the United States that did not reflect the sober and settled judgment of the people of this country? I know very well that the Senator from New York [Mr. WADSWORTH] thinks that is not the case as to the prohibition amendment and the woman's suffrage amendment.

Mr. WADSWORTH. No; Mr. President, I hope the Senator will qualify that and will be quite certain when he again attempts to read my mind that he is correct. I made no such assertion.

Mr. WALSH of Montana. I know the Senator did not.

Mr. WADSWORTH. I do not believe that to be the fact.

Mr. WALSH of Montana. I am glad to be reassured.

Mr. WADSWORTH. But if the Senator will pardon me, I do look toward the future, and if the incidents that occurred in connection with those two amendments are to be repeated in the future, on a magnified scale, God help the Constitution.

Mr. WALSH of Montana. Yes; of course that is what I say, if it is going to be repeated in the future on a magnified scale; but what has happened? Down in Tennessee they were a little bit uncertain about whether they would vote for the amendment or vote against the amendment, and of course the advocates of both sides were there lobbying as best they could.

Mr. WADSWORTH. That is not all.

Mr. WALSH of Montana. That is all I know.

Mr. WADSWORTH. The Senator had better read the history of the Tennessee case.

Mr. WALSH of Montana. It may be that there are some details that I do not know.

Mr. WADSWORTH. The Senator has not described one-tenth of it.

Mr. WALSH of Montana. I suppose so; there are lots of details that I have not undertaken to state. So in the case of Ohio. In the Ohio case the courts held that it was not of any consequence that the amendment was not submitted to the people of the State for ratification. Of course, that is one State in each particular instance. In order to be of any consequence whatever there would have to be 12 times that number.

Mr. WADSWORTH. Mr. President, will the Senator permit an interruption there?

Mr. WALSH of Montana. Certainly.

Mr. WADSWORTH. Tennessee was not the only State that sinned in the way that Tennessee sinned. There were four other States which acted similarly on the same amendment; and those five States—

Mr. WALSH of Montana. Now, just what does the Senator from New York mean when he says that there were four others?

Mr. WADSWORTH. There were 38 States which through their legislatures ratified the nineteenth amendment. Five of them did so in violation of their own State constitutions.

Mr. WALSH of Montana. Oh, well; but the Supreme Court of the United States declared that it was not in violation of their own constitutions, because their own constitutions were contrary to the Constitution of the United States.

Mr. WADSWORTH. Have the people of the States no right to expect their own legislators to abide by their oaths of office?

Mr. WALSH of Montana. Oh, well; that does not bother me at all.

Mr. WADSWORTH. "Oh, well."

Mr. WALSH of Montana. What the Senator means is that in five States it was provided, as in the case of Tennessee, that the ratification of a proposed amendment to the Constitution must be submitted to a legislature, one branch of which has been elected after the submission?

Mr. WADSWORTH. Yes.

Mr. WALSH of Montana. And that five States did not thus ratify?

Mr. WADSWORTH. Yes; five States that had such constitutional provisions did not observe them.

Mr. WALSH of Montana. Of what consequence is that?

Mr. WADSWORTH. Mr. President, every member of the legislature in those five States had taken an oath when he took his office to be faithful to the constitution of his State.

Mr. WALSH of Montana. Yes; and the Senator will remember that the members of the legislature did not take only such an oath. They took first an oath to support the Constitution of the United States, and if any provision of the constitution of Tennessee was in violation of the Constitution of the United States, that member did not take an oath to support that.

Mr. WADSWORTH. But it was not in violation of the Constitution of the United States.

Mr. WALSH of Montana. But the Supreme Court has held that it was.

Mr. WADSWORTH. No; the Supreme Court has not held that the constitution of Tennessee was in violation of the Constitution of the United States. The Supreme Court has merely said that Tennessee, having certified to the ratification of the amendment, there was nothing further to be said about it.

Mr. WALSH of Montana. Oh, well; what is the difference?

Mr. WADSWORTH. What is the difference? Are we not to have any morality in connection with this matter in the discussion and consideration of constitutional amendments? The Senator asks, What is the difference when scores of representatives of the people violate their oaths to the people who elected them?

Mr. WALSH of Montana. There is no use haggling about this matter. The decision of the Supreme Court of the United States was to the effect that the State can impose no conditions whatever upon the ratification of an amendment by the legislature.

Mr. WADSWORTH. Will the Senator cite that decision?

Mr. WALSH of Montana. I have it in mind perfectly well. The decision was to the effect that it is beyond the power of the State by its constitution to put any limitations whatever upon the act of the legislature in ratifying a constitutional amendment.

Mr. WADSWORTH. That is the Ohio case.

Mr. WALSH of Montana. That is the doctrine in both cases.

Mr. WADSWORTH. I would be interested to see the decision in reference to the Tennessee case.

Mr. WALSH of Montana. I repeat, that is the doctrine laid down in both cases; so the Tennessee legislator did not violate his oath of office at all.

Mr. WADSWORTH. I hope the Senator from Montana would not apply that rule of conduct to all political activities. These men said they would not do a certain thing when they were elected by their people.

Mr. WALSH of Montana. Oh, no; they did not say anything of that kind.

Mr. WADSWORTH. Yes, they did.

Mr. WALSH of Montana. Oh, no.

Mr. WADSWORTH. When they took their oath of office and accepted election, they swore to support that provision of their State constitution which had been adopted by the people of those five States.

Mr. WALSH of Montana. I simply do not agree with the Senator from New York. It does not make any difference. If such a provision was in the State constitution and it was violative of the Constitution of the United States, it was no part of the law of Tennessee.

Mr. WADSWORTH. Would the Senator like to see that condition corrected?

Mr. WALSH of Montana. I have no objection at all to anything that the Senator may care to submit.

Mr. WADSWORTH. Does not the Senator think that that situation should be corrected?

Mr. WALSH of Montana. No; I do not see why the situation should be corrected at all. The Constitution of the United States provides how it shall be amended; and I fully agree with the Supreme Court of the United States to the effect that, the Constitution of the United States having prescribed how it shall be amended, no State has a right to prescribe any other way.

Mr. WADSWORTH. I was asking this question: Does not the Senator think that that situation should be corrected in the Constitution?

Mr. WALSH of Montana. There is nothing to correct.

Mr. WADSWORTH. Does the Senator think that the people should be deprived of all influence, direct or indirect, in the matter of the ratification of amendments to the Constitution?

Mr. WALSH of Montana. Certainly not; so I have proposed an amendment giving the people an opportunity to express themselves.

Mr. WADSWORTH. But I thought the Senator said there was no necessity for any amendment?

Mr. WALSH of Montana. Exactly; that is what I do say. I think that the people, so far as amendments to the Constitution are concerned, by an experience of 135 years have shown themselves sufficiently expressed through the action of their legislatures. It is just simply a matter of how you will do it; that is all. Now, as I have stated, if I were framing the Constitution, I should not hesitate in my opinion at all; I would submit the question of ratification directly to the people.

Mr. BRUCE. Mr. President, may I ask the Senator from Montana a question?

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Maryland?

Mr. WALSH of Montana. Yes.

Mr. BRUCE. Does the Senator not think, however, that it is rather a suggestive thing that the action of the State legislatures and of the people in their primary capacity with reference to the eighteenth and nineteenth amendments should have been so absolutely opposed? In both of those instances, under the present system, the people passed on the amendment in one way, while the legislatures passed on it in the other. Does the Senator not think that is an unfortunate state of affairs?

Mr. WALSH of Montana. I do not understand the Senator.

Mr. BRUCE. I am sorry. Perhaps the Senator is not familiar with the history of the ratification of those amendments in some of the States. Take, for instance, the history of the action of Maryland on the eighteenth amendment. By an overwhelming popular vote the voters of Maryland declared against prohibition, yet the legislature ratified the eighteenth amendment. So in other States the legislature acted counter to the action of the people themselves in their primary capacity with regard to this subject of supreme importance.

Mr. WALSH of Montana. I agree that the legislature does not always accurately represent the views of the people.

Mr. BRUCE. That is it exactly; and therefore, if I may say so, it does not seem to me entirely logical for the Senator to contend that the present system of ratifying amendments to the Federal Constitution is so faultless as he appears to believe it is.

Mr. WALSH of Montana. The Senator has not interpreted me right, but I think it rather significant that the outstanding

representative of the antiprohibition forces on the Republican side and the outstanding representative of the antiprohibition forces on the Democratic side should be both urging this amendment. Let me say with reference to the illustration of the Senator that I do not think—

Mr. BRUCE. Will the Senator from Montana allow me to interrupt him for just a moment again?

Mr. WALSH of Montana. I will yield in just a moment. In the case of the prohibition amendment, which, with three exceptions, was ratified by the legislatures of every State in the Union, including the legislature of the State of the Senator who has just interrupted me and the legislature of the State of the Senator who introduced the joint resolution and who is its chief protagonist, if the fact is that the Legislature of Maryland did not accurately represent the sentiment of the people of the State of Maryland, that would increase the number in opposition so that there would be four; and if the people of New York were not accurately represented by the action of the legislature the number in opposition would be increased to five, but we would still be a long way from the 12 which would be necessary to defeat the amendment. Now I gladly yield to the Senator from Maryland.

Mr. BRUCE. I wanted to say that the Senator is entirely mistaken in imputing to me any bias arising out of my aversion to prohibition in principle.

Mr. WALSH of Montana. I was merely referring to the coincidence, that is all.

Mr. BRUCE. Of course, but sometimes coincidences, like other things, are extremely misleading.

Mr. WALSH of Montana. That is quite true.

Mr. BRUCE. Now, if I were influenced by my profound aversion to prohibition in principle, I would support the amendment of the Senator from Montana, because if the question of prohibition or nonprohibition ever came up under his amendment, it would come up before the voters and not before the legislatures, and, of course, it is my conviction that if the question of prohibition could be fairly submitted to the voters of the country as distinguished from the legislatures of the States, there is no doubt but that the popular fiat would be against prohibition, whereas legislatures, of course, are subject to the pressure of highly organized minorities, to do away with which is one of the very objects of this joint resolution. So the Senator will see—

Mr. WALSH of Montana. I understand perfectly well—

Mr. BRUCE. So the Senator will see that my idea is that this compound system of having amendments to the Constitution ratified both by the legislature and the people does not rest at all upon my convictions in relation to the subject of prohibition.

Mr. WALSH of Montana. I understand perfectly well that the Senator from Maryland and the Senator from New York—I beg pardon; the Senator from New York has repudiated the idea; but the Senator from Maryland is profoundly convinced that the eighteenth amendment to the Constitution does not reflect the sober judgment of the people of the United States and therefore he wants to amend the Constitution.

Mr. BRUCE. I am so convinced at the present time, and I may say to the Senator that during the last election in Maryland, for instance, which I imagine is merely typical of all the States on the Atlantic seaboard, our Democratic candidate for governor, who ran on that issue almost exclusively, was elected by the largest popular majority that has ever been cast in the State for any candidate for governor since the Civil War.

Mr. WALSH of Montana. Yes; but let me remind the Senator that the Atlantic seaboard is not the United States.

Mr. BRUCE. Of course, it is not; but so far as the question of drinking liquor illicitly is concerned I think it is not a little typical of much of the rest of the country, so far as my limited observation has gone.

Mr. WALSH of Montana. I think the Senator's opportunity for observation has been limited.

Mr. BRUCE. I do not know as to that. I do know that Virginia, with which I am familiar, is supposed to be a State in which prohibition is the most rigidly enforced, but I see that the chief of police in the city of Norfolk has just reported that there never was so much drunkenness in the city before prohibition as there is at the present time, and I see that in Lynchburg also there has been a marked increase in unlawful drinking.

Mr. WALSH of Montana. I do not intend at this time to engage in discussion or controversy with the Senator from Maryland about the success or failure of prohibition or the wisdom or unwisdom of that movement.

Mr. BRUCE. The Senator from Montana provoked the discussion, however.

Mr. WALSH of Montana. I am merely reminded, however, that in the interesting address delivered by the Senator from Maryland a few days ago he referred to the fact that during a recent visit to the State of Virginia he was hospitably offered some of the good liquor of that State.

Mr. BRUCE. Indeed I was, and I enjoyed it to the very highest degree, and hope to repeat the experience just as soon as possible. [Laughter.]

Mr. WALSH of Montana. I am reminded that I was honored by an invitation to address the Bar Association of that distinguished State a year ago, and was treated most hospitably by the gentlemen, but I do not remember that I was offered anything to drink.

Mr. BRUCE. The same honor, I am happy to say, was paid to me only a few weeks ago.

Mr. WALSH of Montana. Now, Mr. President, I want to say a word or two about the substitute. I have expressed my view about it. I do not think there is any occasion for any amendment to the Constitution on this subject; but, if there is, I think that the obvious tendency of the times and the wisdom of our age suggests that the matter be submitted to the people of the State. Indeed, I understand that the purpose of the amendment as it is proposed by its author, the Senator from New York [Mr. WADSWORTH], is to bring the thing back to the people; and it provides that the amendment shall not be subject to ratification by the legislature of the State unless or until at least one branch of the legislature shall have been elected, so that the people themselves will have an opportunity to pass upon the question by the election of one branch of the legislature.

Of course, we all appreciate that in all reasonable probability the matter of whether a candidate for member of the legislature does or does not approve of an amendment to the Constitution of the United States will be not the paramount issue, but will be one of the collateral issues of such insignificant moment that the ordinary voter will not have it in his mind at all; but it will be observed that the very essence of the thing is to get an expression from the people themselves upon the subject. Of course, if we are going to do that, the way to do it is to submit the proposition to them as is proposed in the amendment.

The Senator, however, as I have heretofore suggested, is apprehensive that action will be precipitate under that system; that, as heretofore suggested, the amendment might be submitted by action of both bodies of Congress in the month of June, say, and voted on inconsiderately and hastily at the following November election. As I have heretofore indicated, it is in all reasonable probability likely that before two-thirds of both Houses can be induced to submit the matter at all it will already have been the subject of earnest discussion in the press and upon the stump.

The fact of the matter is, however, that there is no reason to apprehend that all the States will vote on the subject at exactly the same time. As indicated, in some States they have annual elections, in some other States biennial elections, and in some other States only quadrennial elections; and of course the amendment will be submitted to the legislature next after the joint resolution has the approval of both Houses of Congress, and will not be voted upon at the same time at all, in all reasonable probability, although it may be. All States, of course, have congressional elections every two years, and a presidential election every four years; so it might come, as is suggested, within a few months, but the probability is the other way, and in any case, as I have suggested, it will have had consideration before the people theretofore.

But, Mr. President, if there were anything to that objection it would lie equally well as against the amendment as it stands, because in practically every State one branch of the legislature is elected at least every two years, and in some of the States every year; so, upon the assumption made by the Senator from New York, it would go to the legislatures of the States as precipitately as it would go before the people in their election. That is to say, the legislatures ordinarily would assemble immediately after the 1st of January, while the election would be held the first Tuesday after the first Monday in November, and there would be a matter of two months' difference, and that is all.

Mr. WADSWORTH. Mr. President—

Mr. WALSH of Montana. I yield to the Senator.

Mr. WADSWORTH. When the Senator makes that comparison, is he referring to the present situation or the situation proposed in the original joint resolution?

Mr. WALSH of Montana. I am suggesting now that the same danger which the Senator feared would be involved in the amendment proposed by the Judiciary Committee—that is to

say, precipitate action—is just as tenable against the amendment which the Senator himself proposes.

Mr. WADSWORTH. I can not see how the Senator works that out.

Mr. WALSH of Montana. This is the way I work it out: We will assume that this joint resolution now passes both Houses of Congress. It would then be submitted to the people of the States, under the amendment proposed, next November. If the joint resolution passes as the Senator proposes it, it can not be submitted until after the election of one branch of the legislature. In nearly every State one branch of the legislature will be elected next November.

Mr. WADSWORTH. The Senator is referring only to presidential years when he says that?

Mr. WALSH of Montana. Not at all. I think the rule in most States is that members of the lower branch hold either one or two years, and members of the upper branch hold either two or four years.

Mr. WADSWORTH. That is true.

Mr. WALSH of Montana. So that, if they hold two years, members of the lower branch will all be elected at the November election.

Mr. WADSWORTH. Yes; the November election of 1924—not in every November election. There is another November following.

Mr. WALSH of Montana. Why, certainly.

Mr. WADSWORTH. Suppose the amendment should be submitted next year?

Mr. WALSH of Montana. Very well; suppose it is submitted next year. The general election would then occur in 1926. Under the amendment proposed it would go before the voters in November, 1926. Under the original resolution, if it were adopted, it would go before the legislature one branch of which would be elected at the election in November, 1926. In other words, there would be just two months' difference between the two.

Mr. WADSWORTH. Two months measuring only from election day and the first day's meeting of the legislature.

Mr. WALSH of Montana. Certainly.

Mr. WADSWORTH. Is that a fair measure?

Mr. WALSH of Montana. I think so.

Mr. WADSWORTH. Does the Senator think the legislature would act conclusively the very first day it met?

Mr. WALSH of Montana. No; certainly not, but the legislature would be at liberty to do so.

Mr. WADSWORTH. Certainly at liberty, but is it humanly possible for it to do so?

Mr. WALSH of Montana. It is humanly possible, but of course we understand—

Mr. WADSWORTH. Is it politically so?

Mr. WALSH of Montana. No; it is not; certainly not.

Mr. WADSWORTH. The purpose of that clause of the original print of this joint resolution is to get the thing into a legislature, one house of which has been elected by the people at a time when the people know that such an amendment is being submitted, and that after the legislature meets it shall, at an appropriate time in its session, debate the question. Much more than two months will go by subsequent to that election day in November before any legislature takes final action in ratification. It is not fair to say there is only two months' difference.

Mr. WALSH of Montana. Well, suppose we put on two months more. Most legislatures are limited to 60 days. The difference between one and the other, then, is four months, we will say—four months at the outside.

Mr. WADSWORTH. That is twice as long.

Mr. WALSH of Montana. That is twice as long.

Mr. BORAH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Idaho?

Mr. WALSH of Montana. I yield; yes.

Mr. BORAH. It seems to me that the mere question of time is not so important as the fact that the branch of the legislature which is to be elected after the submission of the amendment will be a branch of the legislature which is elected at a general election; and there would not be, it seems to me, one instance in five hundred where the constitutional amendment would be anything like a controlling or a dominating issue in the campaign. The local legislature will be almost inevitably elected upon local questions, and there will be practically no debate or discussion of the constitutional question involved in the election of the legislature; so you practically have no discussion at all of it.

Mr. WADSWORTH. Mr. President, if the Senator will permit me, that is a sweeping assumption. It depends somewhat

upon the nature of the amendment proposed. I can think of amendments, some of which are now pending in the Congress, which, if once submitted to the people of the several States, will arouse nation-wide interest and constant discussion.

Mr. BORAH. If that is true, then let us not have homeopathic doses. If that is true, and it would become of such prime concern to the people as to arouse their interest, I think it is better to have a direct vote upon the entire proposition. There you get it recorded in the booth, without the exercise of the influence which accomplished what was accomplished in the Tennessee Legislature.

Mr. WALSH of Montana. Mr. President, just another thought.

The Senator from New York was desirous of having greater deliberation in the matter of the adoption of amendments to the Constitution, and it was suggested to him by the junior Senator from Pennsylvania [Mr. REED] that if the matter were submitted to the legislature instead of to the people, as proposed in the amendment offered by the Judiciary Committee, the matter would have more careful and more thoughtful consideration. That was the argument which for years was offered to support the original plan of the Constitution for the election of United States Senators—in other words, that the members of the legislature were wiser than the body of the people; that they could make a better selection than could the people in the booth. I think that idea is exploded.

Mr. President, the real fact about this matter is that some one wants to make it a little harder to amend the Constitution. I think it is hard enough as it is. Let us see.

In the first place, with respect to all very important amendments, as in the cases to which I have referred—the election of Senators by direct vote of the people, the income-tax amendment, and other amendments of that character—a campaign will go on in the various congressional districts. Let us take prohibition for the purpose of illustration. Members of Congress will be elected or rejected upon the question as to whether they are for prohibition or against prohibition. Those who are against the proposition will have one inning there. Then they come before the House of Representatives, if the joint resolution is introduced first there, or the Senate, if the joint resolution is introduced first there, and they fight the thing in that body. Then they come before the other branch of the Congress of the United States, and they fight the thing there, and finally they get whipped by a two-thirds vote in both Houses. Then they go to the legislatures of the various States, and the thing is fought out then before the legislatures of three-fourths of the various States—36 out of the 48.

They have to make the fight one after another in every one of these, sometimes with such varying prospects as were indicated in the State of Tennessee with reference to the woman suffrage amendment; and then finally the thing goes through by the votes of the legislatures of three-fourths of the States. When there is such an overwhelming opinion in the United States as to enable the proposition to run that kind of a gamut I think it is about time that we have that amendment.

But that is not quite enough. Under the amendment proposed by the Senator from New York, when the thing comes before the legislature another fight will ensue as to whether the legislature shall itself immediately act upon the matter, either ratifying or rejecting, or whether it will submit the matter to a vote of the people. There is another chance.

So the opponents of the amendment will move in the legislature that the resolution be submitted to a vote of the people, and there goes on another fight—shall it be submitted or shall it not be submitted? They then are able to muster enough votes to submit it, and then you go back again to the people the second time, after it has run the whole gamut, to fight the thing out before the people. That is the purpose of this thing.

Mr. WADSWORTH. Now, may I say that is not the purpose of this thing, and that can not be read into the language. Let me read the language of the second sentence:

That any State—

Not any legislature, any particular session of the legislature, but—

any State may require that ratification by its legislature be subject to confirmation by popular vote.

What does that comprehend? Just what was attempted by the people of Ohio. They required, under certain conditions, that Federal amendments acted upon by the Legislature of Ohio should be confirmed by popular vote. It was a part of their State constitution. The discretion was not left with the legislature itself, and under this language is not left with the

legislature. It says, "Any State may require that ratification"—not any one ratification, but ratification generally—"shall be submitted to popular vote."

Mr. WALSH of Montana. What does that mean? It simply means that the people may by their constitution take away from the legislature the power they would have under this, if they desired to do so.

Mr. WADSWORTH. Exactly; and I want them to have that power.

Mr. WALSH of Montana. The Senator wants them to have that power so they will go through the same form I have indicated. But you will bear in mind, Mr. President, that only a few of the States have such a provision in their constitutions. As to every other, it would of course be acted upon in the manner which I have indicated, unless the people of the various States should go on and change their constitutions accordingly.

Mr. WADSWORTH. That is exactly what I apprehend will be done within a very short period. The people will not deny themselves the exercise of this power as soon as they know they can get it.

Mr. WALSH of Montana. I am of the opinion that the people have not waked up to the proposition at all. They have no interest in it whatever, if I have been able to judge by the public press. That is all I care to say about this—that the amendment ought to be adopted and that then the joint resolution should be defeated.

Mr. BORAH. Mr. President, I can say in a few moments, I think, what I desire to say with regard to this amendment, and what I have to say shall be addressed principally to why I favor the committee amendment rather than the original proposition.

The Constitution ought to be regarded as the people's law, the people's charter. I think just so nearly as is practicable and possible the judgment of the people, direct and immediate, should be taken as to what should be found in the Constitution. Certainly, if we were making a constitution or rewriting the Constitution and resubmitting it, we would feel under obligation to submit it as directly to the people as practicable, and I feel that in incorporating amendments we should observe the same rule.

There are a number of reasons for this, but one of the reasons is, largely what you might call a sentimental or psychological reason, that is, I feel that people ought to be permitted to feel that when this Constitution is completed from time to time, and as it stands, it is their expression, an instrument which they have made; that it is their charter; that upon them it depends largely for its existence, and I should therefore want to bring home to them as nearly as possible the changing of it or the amending of it or the modifying of it in any respect.

Again, if there is any political act of a people which ought to be free from—stripped of—all sinister influence in its performance, it is the making of a constitution or the amending of a constitution. I have always been, and I am still, a very firm believer in representative government. Of course, in a country like this, as large as ours, we can not have any other kind of a government than a representative republic. But there are exceptions which should be made, and instances in which we should adopt the principles of complete democracy as nearly as it is practicable to do so, and I think one of them is in the instance of making the fundamental law or of modifying it.

There is another reason why I am particularly in favor of the amendment or the substitute. I think the most dependable and the most responsible force in American politics to-day, the one which can be most thoroughly relied upon to preserve our institutions as we would like to have them preserved, is the voter in the booth, alone with his conscience and his God. It is about the only influence in American politics that is left that is not subject to the modern system of controlling legislation and public affairs through what is known as propaganda. Propaganda has become a menace to representative government. The scheme of organizing to put through legislation in the name of the people but too often solely in the interest of a selfish few is one of the evils of modern legislation.

In my opinion, the things which the able Senator from New York [Mr. WADSWORTH] would avoid would be accomplished under his amendment, perhaps not so easily, but nevertheless with marked success. I conceive, for instance, if one body of the legislature were elected after an amendment were submitted, and assuming that it was only one of the factors in the election, that the same influence which exercised sufficient power—in the Tennessee Legislature or elsewhere—could again exert its influence upon that body after it was elected. In the making of the Constitution or in amending it I should like for us to get back to the individual who is casting his ballot in

the booth, in so far as we can do that, as a practical proposition.

I was at one time very much disturbed over the question of the initiative and referendum, but as I have observed its working in Switzerland and elsewhere, I find, instead of its being a radical proposition, it is an extremely safe and conservative proposition. In my opinion a constitutional amendment which was submitted direct to the people and finally approved by the people would come more nearly to being a true expression of what the people desired in their charter than if it were ratified by a legislature or by legislatures, subject to the same influences which caused to be adopted the amendments which have been criticized, and to which some felt a keen objection.

As I said a moment ago, the election of one branch of the legislature would not, in my judgment, be a sufficient guaranty against what this amendment is designed to prevent. In the first place, in all probability the legislature would be elected upon different issues, and therefore we would not get a true expression of the people upon this one proposition. In the second place, if the constitutional amendment were an issue, and if that was the controlling proposition upon which they were elected, there is no reason why their voice should not be recorded as conclusive, as it is registered in the booth, instead of trusting it to an agent, which, as we have found in the past, does not always record according to the pledge which it made to the people.

As I understand the proposition submitted by the Senator from New York, it is desired to get back closer to the people upon this proposition.

Mr. WADSWORTH. The next sentence following the one just being discussed by the Senator discloses that, not the one the Senator has been discussing so much.

Mr. BORAH. Let us take it up. The language is:

The Congress, whenever two-thirds of each House shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by three-fourths of the several States through their legislatures or conventions, as the one or the other mode of ratification may be proposed by the Congress or the convention: *Provided*, That the members of at least one house in each of the legislatures which may ratify shall be elected after such amendments have been proposed; that any State may require that ratification by its legislature be subject to confirmation by popular vote.

If it is to be assumed that this second proposition is to become the controlling proposition—and, as the Senator from New York said a few moments ago, the States finding and the people finding that they have an opportunity for a popular vote upon the proposition, they will naturally call for that right and exercise it—we will have arrived at the same conclusion and the same destiny that we would arrive at by the adoption of the substitute.

Mr. WADSWORTH. May I interrupt the Senator?

Mr. BORAH. Certainly.

Mr. WADSWORTH. It is true—and I am glad the Senator has said that—we have arrived at the same objective, but the road traveled in arriving at that objective is different in the original resolution, which the Senator has just read, from that suggested by the Senator from Montana [Mr. WALSH], in this, that it shall go through the legislature for debate, and give the people of the States an opportunity to have that matter threshed out in the only arena competent to discuss it. Then the people have the right to say "yes" or "no" to it, as they please. I want simply to preserve the legislature as a part of the machinery. I do not believe in casting it out altogether. The principal object of my amendment is to bring this thing back to the people.

Mr. BORAH. What would be the virtue of having the legislature discuss it? What would be attained by that?

Mr. WADSWORTH. Publicity, a general understanding of its terms, the significance of the amendment, and the furnishing of information to the public generally before they vote.

Mr. BORAH. I think that could all be secured, and ought to be secured, by the discussion in the campaign in which the popular vote was to be recorded.

Mr. WADSWORTH. But, Mr. President, the Senator has said that in campaigns those things are not discussed.

Mr. BORAH. If the only discussion which takes place is before the legislature, and if, the legislature having adjourned, it then goes to the people without any further discussion, certainly there would be no real presentation of it to the people.

Mr. WADSWORTH. To that I can not agree. I think any discussion of it, even though it be small or for a short time, is to the good.

Mr. BORAH. Do I understand it to be the Senator's idea that each amendment to the Constitution, when submitted to the States, would first go to the legislature and then the legislature would discuss it, and if they saw fit then they would submit it to the people?

Mr. WADSWORTH. No. If the people saw fit to amend their own statutes or Constitution, as the case might be, the legislature would have to submit it. It is not to be left to the discretion of the legislature. Note the phrase, "The States may require."

Mr. BORAH. I understand that. That is precisely what I had in mind. If, for instance, the State of Ohio should have incorporated in its constitution a provision that all constitutional amendments should be submitted to direct vote of the people, that would be an expression on the part of the State. The State would have spoken upon the proposition. Then the legislature, under the provision of the constitution of the State of Ohio that it must go to direct vote of the people, would have nothing to do with it except such cursory discussion as they might see fit to give it.

Mr. WADSWORTH. They must vote on it. That is what happened in Ohio.

Mr. BORAH. But that would not be what would happen here.

Mr. WADSWORTH. Oh, yes; "the legislatures which may ratify" is the language.

Mr. WALSH of Montana. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Montana?

Mr. BORAH. Certainly.

Mr. WALSH of Montana. I do not understand that under the provisions of the joint resolution the action of the State legislature would be perfunctory in any sense whatever.

Mr. WADSWORTH. No; not perfunctory.

Mr. WALSH of Montana. No matter what the State provided concerning submission to the people, under this amendment ratification would have to come from the legislature, but it would be ineffective unless afterwards ratified by the people. In every case under this amendment ratification must be by the legislature, one branch of which was elected after submission of the proposed amendment, but the people of the State might go further than that and say even that would not amend the Constitution until the action of the legislature was ratified by the people.

Mr. BORAH. Am I to understand it is the Senator's construction of the proposed amendment that if a State should put into its constitution the proposition that the amendment should be ratified by direct vote of the people, it would still have to come back to the legislature for a vote?

Mr. WADSWORTH. Yes.

Mr. BORAH. And if the legislature turned it down the popular vote would have no effect?

Mr. WALSH of Montana. It would be canceled.

Mr. BORAH. Of course, that presents an almost insuperable obstacle to the proposition, because the idea of permitting the people to vote upon it would be a perfectly idle matter unless the legislature should see fit to conform its ratification to that of the people. In other words, the legislature could absolutely annul the popular vote.

Mr. WALSH of Montana. That is the plain language of the joint resolution.

Mr. BORAH. Then under the amendment proposed by the Senator from New York the people really have no voice in it except as that voice may at last be heeded by the legislature.

Mr. WADSWORTH. The people have a complete veto under a strict construction of the language.

Mr. BRANDEGEE. But suppose the legislature rejects it?

Mr. WADSWORTH. I understand, and I was coming to that. The Senator from Idaho said they have nothing to do with it at all, and I wanted to correct the impression.

Mr. BRANDEGEE. He does not say so now, I think.

Mr. BORAH. I was trying to put a construction upon it which would justify the idea put out in favor of this amendment that it was "back to the people." As it turns out, it is not back to the people in any practical sense at all. It is back to the legislature.

Mr. WADSWORTH. It is back to the people in the sense that their consent must be obtained before the amendment to the Constitution is adopted, if they want to exercise their right to consent.

Mr. BORAH. The language is:

That the members of at least one house in each of the legislatures which may ratify shall be elected after such amendments have been proposed.

That is in case the legislature ratifies.

That any State may require that ratification by its legislature be subject to confirmation by popular vote.

May I ask the Senator again just what he understands by that language? Suppose the constitutional amendment goes to the State legislature and the State legislature rejects it?

Mr. WADSWORTH. Then under a strict construction of the amendment I do not believe there is opportunity for action by the people. That is well worthy of consideration. We are discussing making it double-handed.

Mr. BRANDEGEE. Furthermore, if the Senator will pardon me, unless the legislature ratifies it, it can be acted upon and rejected by a legislature, one branch of which must have been chosen since the amendment was submitted.

Mr. WADSWORTH. May I ask the Senator from Connecticut to state his observation again?

Mr. BRANDEGEE. Under the language of the amendment, in line 11 of the proviso, it is provided:

That the members of at least one house in each of the legislatures which may ratify shall be elected after such amendments have been proposed.

Suppose there is a legislature that is not ratifying but is rejecting? A legislature, the members of one house of which have not been elected since the amendment was proposed, could reject the amendment finally under the language of the amendment.

Mr. WADSWORTH. That is true.

Mr. BORAH. I do not believe the Senator would want that to happen. I do not think he wants a legislature to act upon it at all either way, in that event.

Mr. WADSWORTH. Legislatures should not be permitted to pass upon it unless the members of one house have been elected subsequent to submission of the proposed amendment.

Mr. BRANDEGEE. The language could be improved there to make that clear, possibly, and in the other case that follows.

Mr. BORAH. As it is written now, it is almost a certainty for rejection, but when it comes to ratification the people could pass upon it.

Mr. WADSWORTH. Yes; they may pass upon it with full force and effect.

Mr. BORAH. I am sure the Senator would want to amend that.

Mr. WADSWORTH. I am perfectly willing to accept any suggestion along that line.

Mr. BORAH. The Senator would not have rejection made easy, as it now stands, and ratification made exceedingly difficult?

Mr. WADSWORTH. No. Whatever is done, I want done deliberately.

Mr. BORAH. The substitute provides:

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, upon the application of two-thirds of the legislatures of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes as a part of this Constitution when ratified by a vote of the qualified electors in three-fourths of the several States, said election to be held under such rules and regulations as each State shall prescribe, and that until three-fourths of the States shall have ratified or more than one-fourth of the States shall have rejected a proposed amendment any State may in like manner change its vote: *Provided*, That if at any time more than one-fourth of the States have rejected the proposed amendment, said rejection shall be final and further consideration thereof by the States shall cease: *Provided further*, That any amendment proposed hereunder shall be inoperative unless it shall have been ratified as an amendment to the Constitution as provided in the Constitution within six years from the date of submission thereof to the States by the Congress.

Mr. WALSH of Montana. The first word in line 16, on page 3, should be "thereof" instead of "hereof."

Mr. BORAH. Yes. That submits the question directly to popular vote in the States. Whether it is ratification or rejection, the people have the first and final and only say in regard to it. It seems to me that in making the Constitution, in changing the fundamental law and making the charter, which is the people's charter, the question ought to go directly to a vote of the people. If it is of sufficient importance to warrant discussion and to call forth general public interest, the direct vote will really and effectually record the desires of the people in

regard to it. No constitutional amendment is likely to be submitted to the people, requiring a two-thirds vote of the Congress before it shall be submitted, until it shall have become of sufficient importance and of sufficient concern to elicit the approval or disapproval of the people as nearly as any popular question can.

I favor the substitute for the reason that it is a direct appeal to popular vote upon a constitutional question. I think that ought to be as nearly true as can be made true under our system of government.

Mr. BROOKHART. Mr. President, I desire to offer an amendment to the substitute. On page 2, in line 22, after the word "whenever," I move to strike out the words "two-thirds of both Houses" and insert in lieu thereof "a majority of the Members elected to each House," so as to read:

The Congress, whenever a majority of the Members elected to each House shall deem it necessary, shall propose amendments to this Constitution.

And so forth.

Mr. President, I think one great process of evolution in the Government of the United States has been the change from the original theory that the people should not participate in the Government. We started out by providing that only one branch of the Congress should be elected by direct vote of the people. Senators were elected by the legislatures. The President was elected and still is elected by an electoral college and not by direct vote of the people. Perhaps that method was wise at that time. Perhaps our people in those days had not reached the stage where they were entitled to self-government. But there has been a constant process of evolution to get away from that idea.

The first great amendment that enfranchised a great portion of our people was that abolishing slavery. Then we had that followed by the amendment providing for direct election of United States Senators, and by the nineteenth amendment giving the right of suffrage to women. George Washington said in his farewell address:

The basis of our political systems is the right of the people to make and to alter their constitutions of government.

We have fenced around the amendment of our Constitution by so many barriers that it is only after a generation of campaign and of education that we are able to get an amendment at all. It is defeated over and over again by the different political influences that arise in our country. I think that while the people should have the sole power as provided in the substitute for the ratification of constitutional amendments, they should really have the power to initiate amendments to the Constitution. The amendment I have proposed only goes to the extent of permitting the Congress of the United States, by a majority of those elected in each House of the Congress, to submit a constitutional amendment to the people. It requires two-thirds at the present time and would require two-thirds under the amendment or substitute if adopted.

I fully agree with the argument of the Senator from Idaho [Mr. BORAH] as to the difference between the substitute and the original joint resolution; but I think that the people are entitled to have submitted to them for their consideration amendments to their fundamental law on the vote of a majority of their Congress.

Mr. BRANDEGEE. Several years ago, Mr. President, I introduced an amendment proposing to amend the Constitution of the United States along the lines of the Walsh amendment to the Wadsworth joint resolution; that is, I introduced an amendment providing, in effect, that the constitutional amendments proposed to the several States should be submitted to the electors of the States for ratification instead of to the legislatures. That amendment was reported favorably by unanimous vote of the Senate Committee on the Judiciary, but at a time in the session when it could not obtain consideration and action. It was debated on several occasions for short periods, but intervening business came up, and so many other amendments designed to carry it further and to enlarge it and to change the Constitution in other respects were introduced to it that it failed to come to a vote at all in the Senate. So I was very glad to see the Senator from New York introduce his amendment, which brought the subject again before the Committee on the Judiciary.

I have given the matter the best consideration which I am capable of giving to it, and after such consideration I voted in the committee, and feel constrained to vote here, in favor of the amendment proposed by the Senator from Montana [Mr. WALSH] to the amendment introduced by the Senator from New York.

The amendment of the Senator from Montana proposes to submit proposed constitutional amendments which shall receive favorable action of two-thirds of the Members of both Houses of Congress directly to the electors of the States under such rules and regulations as the States themselves may provide.

I favor the Walsh amendment for this, among other reasons: As I stated several days ago in a colloquy on the floor, the matter of amending the Constitution of the United States is no different nor other from the subject matter of amending the constitution of a single State. They are both amendments to the organic law of a government. It requires just as much brains and just as much consideration and wisdom to act upon one as it does to act upon the other.

The constituency in a State which acts upon an amendment to its own constitution is already authorized under the constitution of every State to be the judge of whether that amendment shall take effect or not after it has been recommended to it by the legislature. If the constituency of a State is capable of considering and acting upon an amendment to its own State constitution it is equally capable of deciding whether or not it wants the United States Constitution amended. Indeed, the question of amending the Constitution of the United States, if it differs from the constitution of a State, is the same question as amending the constitution of a State, because when the Constitution of the United States has been amended, ipso facto, by that very act, automatically, the constitution of every State which conflicts with it is amended so as to accord with the Constitution of the United States; so that there can be no difference in the demand upon the intelligence or the character and quality of the mind or capacity of those who are to act upon constitutional amendments, whether to State constitutions or the Federal Constitution. Therefore, why should there remain in the Constitution any provision for the submission of amendments to the legislatures of the States?

I am not criticizing the existing system in the sense of saying that we have not gotten along under the present Constitution and the methods provided for its amendment fairly well for 135 years, but I do say I think the method can be improved upon; and I think it can be very much improved upon. I do not see why the people themselves should not have submitted to them as electors of the States the question of amending the United States Constitution.

I see very little to commend in the process suggested by the Senator from New York. The object of his amendment and of his proposed change is really, as the Senator from Idaho has suggested, to bring the question, so far as possible, back to the people instead of to the legislatures. If it be correct that the legislatures are the better qualified to decide such questions and that we shall get better results by letting the legislatures ratify an amendment which is proposed to the Constitution, then we ought to leave the Constitution alone. If the object is to get the real judgment of the mass of the people, I do not see but that we should get it better by submitting the question directly to all the people than we should by submitting it to legislatures which have been chosen by the people, thereby removing it one step from the people. I know the Senator from New York thinks it would receive better consideration in that way and better explanation and debate; but, Mr. President, that is only a matter of opinion.

It seems to me it can be said with a great deal of force that where the amendment is submitted to the people themselves, there will be a great deal more debate upon it, more explanation to the people, than there would be where it was only submitted to the legislature, after that legislature had been chosen. I think some such feeling as that must lie at the base of the action of the Senator from New York himself, in view of his argument in justification of his process of submission to the legislatures. The Senator from New York said that we are only going back to the people with proposed constitutional amendments, in so far as one branch of the legislature which is to consider them shall have been elected by the people since the amendment was submitted.

Mr. WADSWORTH. Mr. President, will the Senator suffer an interruption?

Mr. BRANDEGEE. Certainly.

Mr. WADSWORTH. All I want the legislature to do is to help inform the public before they vote.

Mr. BRANDEGEE. I agree to that, but the Senator in providing that at least one branch of the legislature acting upon the ratification of a proposed constitutional amendment must be chosen after the amendment was submitted to the States, thinks that he would get a better debate upon the amendment, because he says it would be an issue in the election of the candidates for representative and State senator

running in the campaign. There is where I differ with him. It might be alluded to, and it might be an issue, but it would not, in my judgment, be half so much of an issue as if the amendment itself was submitted to all the people, because then that topic would be squarely in print in the newspapers, and there would be a campaign upon that amendment. If it were a very immaterial amendment there would not be much campaign about it, no matter who considered it; it would go as a matter of course, but any vital amendment affecting a fundamental right of the people, if submitted to the people themselves, could not help being a cause of discussion and a subject of debate, not only by the candidates but by the speakers in the campaign, and by the newspaper press all over the country. Furthermore, I think that it would be a valuable educational process for the people themselves.

Mr. BRUCE. Mr. President, may I interrupt the Senator for just a moment?

Mr. BRANDEGEE. I yield.

Mr. BRUCE. I have been listening with the greatest pleasure to his pointed and instructive observations about this matter and have obtained a great deal of help and much light from the Senator, but does he not think that the reference of an amendment to the judiciary committee of the State legislature, which is, of course, composed exclusively of lawyers, men who not only have a good knowledge of the law but are more or less trained in political history, would result in a very searching examination of the amendment in all of its bearings and that the discussion that would follow would be of great advantage in diffusing general knowledge of the amendment and of its merits and demerits? I think there is a great deal of force in what the Senator says about the possibility of constitutional amendments sometimes being overlooked in political campaigns. The people as a rule are more interested in the rivalries of candidates than they are in constitutional amendments—that has been my experience—unless the constitutional amendments are of a very vital and fundamental character. I certainly think it would be of very great advantage to have a constitutional amendment first strained, so to speak, through the sieve of the legislature before it reaches the people.

Mr. BRANDEGEE. I admit freely that there are two sides to this question. We have had one side for 135 years. If it can not be improved, I am sure I do not want to make any change. I do not believe that the public interest is advanced by multiplicity of laws, nor that progress consists in mere motion, although it may be in the wrong direction. This matter is a serious matter.

I admit freely that the statement made by the Senator from Maryland has been the theory upon which the constitutional provision has been based hitherto—that there would be a straining of the matter by the legislature, who were themselves a selected body, and by the judiciary committee, which is, so to speak, a second strainer of the legislature composed of lawyers supposed to be skilled and qualified in the discussion of such questions, and that they would get better results in that way than by a submission to the people themselves. But the Senator, in order to make up his mind which of the two methods is preferable, must consider the results that we have been getting and that this proposed amendment is an attempt to cure. Although the members of the judiciary committee of any legislative body have more technical knowledge, perhaps, and are better qualified from their knowledge of legal history and or governmental questions to judge of such a matter, that does not avail them when pressure is put on them, when the organized minority with its fund and its finance and its appeal to the public and its avenues of publicity and its worked-up artificial enthusiasm gets going. The Senator himself this afternoon has been recounting the results that have come from the very judiciary committees to which he refers now as a safeguard, and it does not work; it does not prove that it is a safeguard.

Mr. BRUCE. Mr. President, if I may interrupt the Senator a moment, in that case the legislatures were not subject to popular referendum. I think that would have a powerful influence over the legislature.

Mr. BRANDEGEE. What does the Senator mean when he says the legislature was not subject to a popular referendum?

Mr. BRUCE. The legislature had the exclusive power to ratify or reject the constitutional amendment. They did not have the possibility, in fact, the certainty, of a revision by the people hanging over their heads.

Mr. BRANDEGEE. One reason, also, why the legislatures as at present constituted, and without a referendum, are inclined to ratify too easily is this:

In the first place, before the proposed amendment gets to the legislature it has the moral effect of a two-thirds vote of both branches of Congress, which is quite persuasive with the

ordinary legislature, most of the members of which are new men, with a few scattered older members. When you say to a small State, with a green legislature, that "the great Congress of the United States, by a two-thirds vote of both Houses, have thought that a certain amendment was necessary"—as the language of the Constitution provides when we submit it—it is a very persuasive thing to a legislature. When that is backed up and fortified by the influence produced by the organized minority and the nationally organized propaganda which has been powerful enough by its organization and resources all over the country to obtain two-thirds votes in both branches of Congress; when it precipitates itself in mass attack upon the green legislature of a single State, moving from one to the other seriatim as they take up the matter, the sweep is irresistible and the legislatures are stampeded. They are stampeded largely by our action, and we do not wholly perform our duty, because when we hear an insistent call, a persistent propaganda for a constitutional amendment, and it is sustained, year after year, we finally begin to take the view that although individually we may not think it is the best thing to do, we ought not to stand in the way of the legislature of our own State saying whether they want it or not.

As the Senator from New York [Mr. WADSWORTH] says, it is very easy to "pass the buck." When you get a great constituency at home, when you are yourself a candidate, shouting for some constitutional amendment which is artificially propagated and maintained, perhaps by your opponent, with a lot of newspapers shouting for it, backed up by organizations of all kinds of well-meaning people who you think are on the wrong track, perhaps, it is very difficult for a Senator to stand up on his own individual opinion and vote "No" on a thing that they are demanding simply to have submitted to them.

We can not prevent the pressure on us, of course, by any constitutional amendment; but I say that inasmuch as so many things go through Congress by reason of that artificially generated pressure, I would rather trust the conservatism of all the people than I would the conservatism of such portion of the people as happen to be members of a legislature that year when they are to be beset in each State by the forces that have made Congress itself surrender to their demands.

As I said in starting, we admit the capacity of the people to deal with their own constitutions, and not one of them can be changed unless a majority of the electors of the State who care enough about it to go to the polls approve of it. The Constitution itself states that the people made it. It does not say that "We, the sovereign States," or "We the legislatures of the States," or "We, the State governments," but "We, the people of the United States," made that Constitution; and it was ratified by conventions elected directly by the people for that particular purpose and no other. If a legislature of a State were elected for that particular purpose and no other, it would be like a convention. The convention, at least, is elected upon that specific issue. I think, of the two systems or choices between a legislature and a convention, I would infinitely prefer the judgment of a convention elected upon that issue; but if the judgment of a convention elected upon that issue is to be taken, you had better take the judgment of the people who elected it upon that issue. They are the ultimate source of authority who elected the delegates to the convention.

There is no surety about these changes. They are matters of opinion.

The Senator from Iowa [Mr. BROOKHART] has just offered an amendment to the Walsh amendment proposing that instead of two-thirds of both branches of Congress being allowed to submit an amendment to the several States a majority of both branches shall be allowed to do it. Mr. President, I do not think that is wise at this time. It may be that the country will want to come to that. They have majority rule in most other things, not in all. We require two-thirds in the ratification of treaties and other important things of that kind.

Here is an amendment of the fundamental law. I suppose the thought in the minds of the framers of the Constitution when they required two-thirds of both Houses of Congress in order to propose an amendment was to prevent a political party who happened to be temporarily in the ascendant by a mere majority, by mere arbitrary action, out of political spite or seeking political advantage, to be allowed to recommend an amendment to the Constitution.

It may be in the future, if it is tried, that the amendment of the Constitution by the suggestion of a mere majority of the House and the Senate may work better than to require two-thirds, but as at present advised I would not touch that part of the Constitution, and I would not try to complicate this amendment—which I think is a wise one—by introducing

that additional feature of contention into it. As I say, we lost the previous amendment to the Constitution in this respect by the offering of amendments seeking to carry it further and further, and every such amendment which is offered tends to raise more opposition to the good that you are already trying to get through.

Mr. BROOKHART. Mr. President—

Mr. BRANDEGEE. I yield to the Senator from Iowa.

Mr. BROOKHART. I appreciate the argument which the Senator makes, but this amendment incorporates the old two-thirds proposition; and it seems to me that when we are requiring three-fourths of the States to ratify we have an abundance of safeguards to prevent any mere arbitrary action of a majority upon the adoption of amendments to the Constitution. I think one of the great causes of unrest among our people is these restraints that prevent them from having, in a reasonable time and way, a direct voice in their Government. Whatever might have been the intelligence of our forefathers, I believe that at the present time the American people are equal to the occasion. Of course, the Senator's argument has been along that same line, and therefore it seems to me that the time has come when the proposing of amendments for the consideration of the people should be easy, so that they may more readily have something to say about their Government in a direct way.

I do not want to do anything hastily about the situation; but when I read the history of how slow we have been in the income-tax amendment and the woman-suffrage amendment and all these other amendments I think it is time for us to speed up and get a little abreast of the progress of the times.

Mr. BRANDEGEE. Mr. President, of course, I understand that the Senator who offered the amendment to abolish the two-thirds rule and substitute the majority rule in this respect believed in it. I did not expect to change his view about it. I was simply suggesting that I thought those of us who were interested in getting the case decided by the right tribunal were more interested in getting that thing through than in making other changes and experiments; and the more changes and experiments you heap together in the same joint resolution, of course the more difficult you make it to get the two-thirds vote which is required to get it through both Chambers of the Congress of the United States.

Mr. BROOKHART. Mr. President—

Mr. BRANDEGEE. I yield.

Mr. BROOKHART. I am so strongly in favor of direct ratification or ratification by direct vote that I myself do not want to embarrass it by doing anything else. I think that is an important step toward progress, and in that respect I am in complete accord with the Senator.

Mr. BRANDEGEE. Of course, I understand that the Senator would not propose this amendment if he thought it would tend to defeat the main proposition, and perhaps it will not. I mean, if it were attached to it, and a majority of the Senate voted to put it on, then we might not get a two-thirds vote for the complete joint resolution. I do not say that by way of threat, but simply to show what the parliamentary situation is that this proposed amendment can be amended by a mere majority vote of the Senate now acting in Committee of the Whole, but if amendments are put on which two-thirds of the Senate do not believe in, we may not get anything out of this procedure.

Mr. President, I have said all that I care to say upon this occasion. I could talk longer, and answer more of the points which have been made, but for the present I yield the floor.

BIRTHDAY OF NEAL DOW.

Mr. JONES of Washington. Mr. President, I shall take but a few moments of the Senate at this time, but I rise to call attention to the fact that to-day is the anniversary of the birth, 120 years ago, of General Neal Dow, of Maine. While he was a citizen of Maine he was even more a citizen of the United States—we of the Pacific coast claim him as one of our very greatest benefactors and so I am glad to do what I am doing. General Dow was one of the most striking personalities in a century conspicuous for pioneers and discoverers in every field of research and invention. He was born in the city of Portland, lived there through all the labors and battles of an eventful and heroic life, and honored and respected for his sturdy character and his moral and physical courage in the stirring period of the Civil War and the testing times of conflict in promotion of the temperance reform; he died there at the ripe age of 93, as the best known and most highly honored citizen of a State conspicuous for the number and character of its great men.

Neal Dow is chiefly known for his part in the adoption of what is called the Maine law, of which he is "The Father."

This was the original State prohibition law. Such had been its influence for the moral and material welfare, in spite of all opposition and at times poor enforcement, that Maine has maintained this policy unbrokenly for almost two-thirds of a century, and other States, convinced of the righteousness and expediency of the policy, one after another since Kansas, in 1882, and North Dakota, in 1889, have voluntarily adopted prohibition until 33 out of our 48 States had enacted prohibition laws for themselves before the eighteenth amendment was adopted.

Neal Dow's name and fame are known throughout the civilized world where an ever-increasing warfare is being waged against the arch destroyer of the human race—alcohol.

The following quotation relative to the Maine prohibition law, its effects and enforcement, is taken from a volume of reminiscences of General Dow, and contains much of value to be remembered in the situation with which we are confronted in the nation to-day:

Ever since the enactment of the Maine law, the liquor interests in and out of Maine, through every agency it has been able to control, has insisted that prohibition has increased the sale and consumption of liquor; and many individuals, above suspicion of any interest in the traffic, have been misled by that clamor, though the constant and virulent opposition of the trade to prohibition should suggest that in such assertion as the liquor sellers and their sympathizers are stating what they know to be untrue.

To all such declarations, coming from what source they may, I enter a general denial without fear of contradiction by any honest, observing citizen of Maine, and maintain that whenever and wherever any reasonably active and earnest effort has been made to enforce prohibition in this State the results have amply justified the hopes of its friends. That such has been the case as to a very large portion of the State has been publicly certified to again and again by large numbers of our clergymen and by others among our best citizens, including men as widely known as are ex-Governors Lot M. Morrill, Sidney Perham, Nelson Dingley, jr., Selden Connor, and Frederick Rolfe; by United States Senators Eugene Hale and William P. Frye; by ex-Governor and ex-Vice President of the United States Hannibal Hamlin, and by James G. Blaine.

A volume might be filled with the testimony of these and other citizens of Maine to the great benefits the State has derived through the policy of prohibition, but I will content myself with quoting from a recent letter of James G. Blaine, which has been extensively circulated, in which he said:

"The people of Maine are industrious and provident, and wise laws have aided them. They are sober, earnest, and thrifty. Intemperance has steadily decreased in the State since the first enactment of the prohibitory law, until now it can be said with truth that there is no equal number of people in the Anglo Saxon world among whom so small an amount of intoxicating liquor is consumed as among the 650,000 inhabitants of Maine."

If the absolute suppression of the liquor trade all through our territory were required to prove the usefulness of prohibition, it might be said with truth that it is a failure. But such a test is applied to no other statute in the criminal code, and there is no reason for its application here. It may be admitted that in some places, most of the time, and in others, at various times, the enforcement of the law has been lax, and that as a consequence the traffic in a more or less unattractive form has obtained a foothold in such places. But, on the other hand, at times in substantially all of the State, in a great portion of it for most of the time, and in some of it for all of the time, the traffic has been practically extinct, while scarcely anywhere for any portion of the time has such of the trade as has existed been conducted with the seductiveness of surroundings that gives to it its greatest power for harm.

A magnificent steamboat is lying at the wharf. What is her purpose? To carry tons of valuable freight worth many thousands of dollars and hundreds of precious lives across the seas. She is constructed to safely ride the stormiest waves with power sufficient to breast the fiercest storms, but she is lying there idle. Her propeller is not moving. She is a steamboat, to be sure, but some one tells us that she is a failure. Why? Because she is not moving; she is doing nothing. And persons standing by, persons professing to desire that freight and passengers shall be safely carried across the ocean, and who would gladly approve of steamboats, so they say, if they could do that, applaud the man who says she is a failure. Well, after a time the wheels begin to revolve, the ropes are cast off—

"She walks the waters like a thing of life."

She is no failure now, though she is the same steamboat that an hour ago was idle, denounced as a failure by the loungers on the wharf. All that was necessary was an order for the engineer to move the throttle valve and let on the steam.

If anywhere in Maine there has been a failure under prohibition to enjoy the advantages always to be expected from the absence of the liquor traffic, it is due not to prohibition but because some one whose

duty it was to apply it has failed so to do, or, if it is preferred, because the people have not insisted that only those who could be trusted to perform their official duty should be vested with official power. There is no more difficulty with prohibition than in the case of the steamboat.

With the consent of the Senate, I ask that there may be added to my remarks appraisements of General Dow and his work by ex-Governor and ex-Senator Morrill, of Maine; Reverend Doctor Tyng, Henry Ward Beecher, and Reverend Doctor Cheever, of New York; and also a letter just received from the president of the Neal Dow Association for World Peace and Prohibition, Mr. Arthur C. Jackson, of Portland, which speaks of a plan to place a memorial statue of General Dow in National Statuary Hall, a project which I hope in the near future may be successfully carried out.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

In regard to Mr. Dow, he is one of the best men that ever lived. He is warm-hearted, generous, and candid. No man enters the legislative hall, no man goes to a mass meeting and is received with such enthusiasm as Mr. Dow is. Whatever he says is listened to with profound respect. (Governor Morrill, of Maine.)

I would rather go with Neal Dow's reputation to posterity and to have to meet at last the gathering up of the influence of his life in the noble contemplation of an eternal world than be any other man who lives or has lived in this country, the magnificent Father of his Country not excepted. (Reverend Doctor Tyng, of New York (Episcopal).)

THE MAINE LAW.

It is a legislation of consummate wisdom, thoroughness, and energy. Maine is worthy, if her course from this step is straightforward, to direct the legislation of the whole world and the policy of all civilized communities. (Reverend Doctor Cheever, of New York, pastor of the Congregational Church of the Puritans, New York, 1846 to 1898.)

Referring to the Maine (prohibitory) law, Henry Ward Beecher said:

We ask that liquor dealers and their dwellings be treated as we treat counterfeiters and their shops or houses. We propose to treat men who secrete liquor for sale just as we would a smuggler who stored contraband laces and silks for sale. We propose to treat men who keep, for illegal and criminal traffic, the implements of death to the citizen just as in time of war we would treat those suspected of treasonable intercourse with an enemy and of keeping arms and provisions in their dwellings for the aid and comfort of an enemy.

THE NEAL DOW ASSOCIATION,
FOR WORLD PEACE AND PROHIBITION,
Portland, Me., March 19, 1924.

HON. WENLEY L. JONES,

United States Senator, Washington, D. C.

MY DEAR SENATOR: Thursday, March 20, 1924, is the one hundred and twentieth anniversary of the birth of Neal Dow, the author of the Maine law and father of prohibition, one of the greatest benefactors of mankind.

The Neal Dow Association for World Peace and Prohibition requests your good offices in placing in the CONGRESSIONAL RECORD the purposes of this beneficent organization as formulated in its brief constitution, and invites the further attention of Congress and all believers in the potency and power of peace and prohibition to eventually achieve through education the inestimable blessing of world sobriety and brotherhood to the intention of the association to secure the presentation of a worthy statue of Neal Dow for Statuary Hall, under the provision of the act of Congress of July 2, 1864, which reads:

"The President is authorized to invite each and all of the States to provide and furnish statues in marble or bronze, not exceeding two in number for each State, of deceased persons who have been citizens thereof, and illustrious for their historic renown or from distinguished civil or military service, such as each State shall determine to be worthy of this national commemoration; and when so furnished the same shall be placed in the old Hall of the House of Representatives—which is hereby set apart as a national statuary hall."

Prominent in this old House of Representatives, where Webster, Clay, Calhoun, and a host of other leading American statesmen aroused the patriotism of a former generation, now stands among 50 others from the several States a striking statue by Simmons of Maine's first Governor—William King. It was provided nearly 50 years ago, and you will surely agree that no other among the long list of illustrious citizens of Maine is quite as worthy to fill the quota of its national commemoration as Neal Dow, or any other time more peculiarly fitting than the present.

Sincerely yours,

ARTHUR C. JACKSON, President.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House insisted on its disagreement to the amendment of the Senate to the amendment of the House to the amendment of the Senate No. 47 to the bill (H. R. 5078) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1925, and for other purposes; agreed to the further conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. CRAMTON, Mr. MURPHY, and Mr. CARTER were appointed managers on the part of the House at the further conference.

REFUND OF INCOME TAXES.

Mr. McKELLAR. I ask unanimous consent to have printed in the RECORD a letter from Secretary Mellon in reference to refunds of income taxes for the years 1921 and 1922, and also the figures in reference to those two years taken from the record furnished by the Secretary.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF THE TREASURY,
Washington, March 17, 1924.

Hon. KENNETH MCKELLAR,
United States Senate.

MY DEAR SENATOR: Referring to your letter of March 11, with reference to the publication of refunds of income taxes, I beg to advise you that the annual report covering refunds of taxes illegally collected for the fiscal year 1921 was submitted by me to the Speaker of the House of Representatives under date of December 5, 1921. The annual report of refunds for the fiscal year 1922 was submitted by me to the Speaker of the House of Representatives under date of December 4, 1922. This report was returned by the Ways and Means Committee for insertion of addresses and redelivered to that committee in two supplements under date of January 19, 1923. The annual report of all refunds for the fiscal year 1923 was submitted to the Speaker of the House of Representatives under date of December 3, 1923.

Very truly yours,

A. W. MELLON,
Secretary of the Treasury.

Fiscal year 1921 refunds.
(\$25,000 and over.)

Philadelphia Traction Co.	\$42,303.84
United Electric Co. of New Jersey	25,053.74
Union Traction Co. of Philadelphia	47,028.64
Hollingsworth & Whitney Co.	88,349.78
Carbon Steel Co.	68,547.97
George Hall Coal & Transportation Co.	25,056.18
Samuel F. Pryor	57,762.99
John B. Semple & Co.	59,525.86
Eastman Kodak Co.	20,498.36
Eastman Kodak Co.	136,429.45
American Can Co.	52,864.00
American Trading Co.	547,500.04
Moses C. Migel	48,603.65
Edgar J. Lowmes	42,630.08
General Refractories Co.	169,844.48
Gulf Production Co.	439,792.51
Gypsy Oil Co.	255,595.62
Indiana Oil & Gas Co.	69,083.58
Charles J. Nichols	57,836.24
Curtiss Aeroplane & Motor Corporation	58,012.83
Union Central Life Insurance Co.	40,257.47
Carver Cotton Gin Co.	98,064.16
American Merchant Marine Insurance Co.	26,090.82
Chicago Sandoval Coal Co.	37,800.46
Osceola Silica & Fire Brick Co.	28,101.00
Total refunds, 1921	28,656,357.95

Refunds—Fiscal year 1922.
(\$20,000 and over.)

Embee Iron Co., Chicago	\$24,807.18
Priscilla Publishing Co., Boston	28,769.44
Standard Accident Insurance Co., Detroit	24,518.41
American Metal Co. (Ltd.), New York	122,792.97
W. J. Jenkins & Co. (Ltd.), New York	52,192.38
Salzburg Coal Mining Co., Philadelphia	31,779.64
Marie Antoinette Evans, William D. Hunt et al., executors, Boston	1,057,774.68
Archibald Douglas, George Notman, Edmond Coffin, executors w/w James Douglas, New York City	108,378.29
Joseph J. Slocum et al., executors w/w Margaret Olivia Sage, New York City	116,565.58
James M. Davis, executor w/w Walter Davis, Pullman, Wash.	39,260.78
Robert E. Smith et al., trustees w/w Jacob P. Smith, Chicago	44,560.76
McQuay, Norris Manufacturing Co., St. Louis	21,655.88
Z. Marshall Crane, executor estate of Zenas Crane, New York City	306,448.28
Penick & Ford (Ltd.), New Orleans	139,015.41
Palge Detroit Motor Co., Detroit	21,816.38
Sears, Roebuck & Co., Chicago	184,393.79
Elsie S. Rockefeller, New York City	26,118.17
Ernest Goodrich Stillman, New York City	264,387.78

Jacques E. Blevins, Houston, Tex.	\$26,673.71
F. C. Vogel, Vinna, Okla.	28,401.63
Brooklyn Union Publishing Co., Brooklyn	20,068.03
Will H. Jenkins, North Seattle, Wash.	24,716.99
Katherine C. Camp, executrix estate of William C. Chorne, Washington, D. C.	51,348.04
Otto Goetz Co., New York City	34,882.93
Wollenberger & Co., Chicago	46,430.20
Rodman Wanamaker, 2d, by Rodman Wanamaker, guardian, Philadelphia	25,500.64
Gulf Oil Corporation, Pittsburgh	61,402.31
Estate Frederic C. Talbot, W. H. Talbot, extr. San Francisco	38,014.92
Wm. R. Johnston Mfg. Co., Chicago	36,993.86
Embrace Iron Co., Chicago	39,210.50
Lee Mercantile Co., Salina, Kans.	42,959.74
Milliken Co., Arkansas City, Kans.	85,900.03
Christopher J. Hay, New Orleans	26,102.92
Reymond Syndicate, Inc., Boston	42,655.89
National Newark & Essex Banking Co., Newark, N. J.	60,430.15
T. A. Gillespie Co., New York City	147,827.70
T. A. Gillespie Loading Co., New York City	107,162.55
Gillespie Foundry Co., New York City	24,751.69
Mary E. Muir, New York City	117,912.55
Wm. D. Ellis, est., George D. Cochran, extr. New York City	20,027.76
Joseph Joseph Bros. & Co., Cincinnati, Ohio	83,884.46
Interstate Foundry Co., Cleveland, Ohio	28,091.08
Clarkson Coal Mining Co., Cleveland, Ohio	128,023.81
Northwest Steel Co., Portland, Oreg.	841,842.34
Porter, Foulkrod & McCulloch, Esq., extr. estate Wm. J. Cahan, Philadelphia	144,365.55
Penn Mutual Life Ins. Co., Philadelphia	30,651.10
Edwin H. Vane, Philadelphia	69,120.83
Do	173,400.29*
The Koppers Co. & A.M. Co., Phg. Pittsburgh	65,699.92
Hardin County Oil Co., Austin, Tex.	26,499.79
Branson, R. Wichita Falls, Tex.	38,283.64
Extra, James R. Castle, Honolulu, Hawaii	28,304.64
Police Relief Fund, New York City	41,365.85
Elsemann Magneto Corp., Brooklyn	22,193.97
Packard Motor Car Co., Detroit	20,564.51
Freeport Sulphur Co., New York City	21,973.73
Freeport Texas Co., New York City	20,338.05
White Oil Corporation, New York City	28,146.04
McQuay, Norris Manufacturing Co., St. Louis, Mo.	24,784.56
William Rockefeller, 55 Wall Street, New York City	82,063.63
Metropolitan Life Insurance Co., New York City	1,451,044.48
Joseph H. Frantz, Clarence M. Fento, and Fondon Battelle, executors John Gordon Battelle, Columbus, Ohio	138,445.30
City Baking Co., Baltimore, Md.	35,904.44
Mrs. J. S. Carr, jr., Durham, N. C.	38,938.26
Martin L. Cannon, Concord, N. C.	31,661.28
Joseph F. Cannon, Concord, N. C.	33,470.97
James W. Cannon, Jr., Concord, N. H.	33,939.82
J. Ross Cannon, York, S. C.	33,792.27
Laura Cannon Lambeth, Charlotte, N. C.	36,314.58
Mary C. Hill, Winston-Salem, N. C.	32,968.62
Eugene T. Cannon, Concord, N. C.	32,932.22
Charles A. Cannon, Concord, N. C.	40,664.49
Adelaide C. Blair, Winston-Salem, N. C.	30,438.36
Camden Fire Insurance Association, Camden, N. J.	31,798.56
Inspiration Consolidated Copper Co., New York City	20,596.27
The Blair Milling Co., Atchison, Kans.	66,826.44
Webster Woolen Co., Sabattus, Me.	103,366.82
Cushman Chuck Co., Hartford, Conn.	31,937.58
Procter & Gamble Manufacturing Co., Cincinnati, Ohio	35,352.68
Pittsburgh Iron & Steel Foundries, Midland, Pa.	34,733.74
F. A. Sieberling, Akron, Ohio	49,382.04
Eliza Ruedeman, executrix estate William Ruedeman, Louisville, Ky.	82,022.50
Estate of Joseph W. Cochran, Madison, Wis.	57,693.59
Canadian Kodak Co., Ltd., Toronto, Ontario, Canada	21,425.48
Old Colony Trust Co., F. H. Adams and D. F. Buckley, executors of Wm. Hadwen Ames, Boston	74,336.87
Henry H. Rogers, Jr., Walter P. Winston, and the Farmers Loan & Trust Co., executors of will of Henry H. Rogers, New York City	153,779.37
American Sulphur Royalty Co., Houston, Tex.	59,401.70
Cuba Co., New York City	70,669.31
American Linoleum Manufacturing Co., New York City	36,970.11
Allouez Mining Co., Boston	27,138.60
Executors of Sarah G. Hall, Hartford, Conn.	97,725.78
Chicago Mining Co., Tacoma, Wash.	28,977.04
Springfield Provision Co., Chicopee, Mass.	45,191.32
Estate of John Worthington, Present	93,709.97
W. J. McCahan Sugar Refining Co., Philadelphia	133,817.54
Imperial Oil, Ltd., Sarina, Ontario, Canada	110,824.58
Do	70,646.19
Elsemann Magneto Corporation, Brooklyn	61,639.32
Police Reserve Fund, New York City	23,289.50
Standard Forging Co., Chicago	44,493.75
W. C. Tyrrell, Beaumont, Tex.	88,875.09
Estate of Richard J. Reynolds, Winston-Salem, N. C.	21,406.32
Do	286,612.91
Frederick W. Gneff, Newburgh, N. Y.	124,079.00
Southern Pacific Co., New York City	32,328.65
Central Pacific Railroad Co., San Francisco	75,366.61
Woonsocket Dyeing & Bleaching Co., Woonsocket, R. I.	36,438.88
Liberty Steel Products Co., Pittsburgh, Pa.	28,015.30
W. C. Tyrrell, Beaumont, Tex.	34,706.49
Standard Steel Castings Co., Cleveland, Ohio	22,296.70
American Connellsville Coal & Coke Co., Pittsburgh, Pa.	57,123.90
Estate of Henry W. Partol, Philadelphia	40,734.85
Estate of J. H. Bartelle, Columbus, Ohio	38,358.34
Etienne J. Chaire, Edgard, La.	22,552.62
Dunmore Worsted Co., New York City	61,879.71
Leigh Ellis, Austin, Tex.	22,357.94
Estate of Jos. R. DeLamar, New York City	22,133.77
Muskegon Motor Specialties Co., Muskegon, Mich.	23,293.33
	57,797.54

Procter & Gamble Co., Cincinnati, Ohio	\$21,493.60	Martha S. Wheeler, 332 South Michigan Avenue, Chicago, Ill.	\$23,073.47
Estate of Josephine E. Carpenter, New York City	72,331.39	Hawkeye Tire & Rubber Co., Des Moines, Iowa	44,180.30
Cordingly & Co. (Inc.), Boston, Mass.	48,816.01	Austin P. Cristy, 426 Salisbury Street, Worcester, Mass.	1,495.98
Johnson Litherage Co., New York City	20,198.10	Austin & Doren, 102 North Street, Boston, Mass.	29,464.53
New York, New Haven & Hartford Corporation, New Haven, Conn.	54,829.00	Gordon-Pew Fisheries Co., 329 Main Street, Gloucester, Mass.	20,381.11
H. B. Carter, New Orleans, La.	25,126.22	Fearing, Whiton & Co., 65 Franklin Street, Boston, Mass.	41,064.22
Claiborne Johnston & Co., Baltimore	30,033.21	International Steel & Ordnance Co., 7 Dey Street, New York City	48,777.08
Estate of Mary E. McC. Darlington, Pittsburgh	146,636.33	Hon. John W. Weeks, 97 Valentine Street, West Newton, Mass.	23,284.17
Curtis & Co. Manufacturing Co., Williston, Mo.	368,477.23	Arkoll & Smith, Hill Street, Canajoharie, N. Y.	648,202.10
Gulf Oil Corporation, Pittsburgh	95,042.50	Mente & Co., Robin and Peters Streets, New Orleans, La.	21,151.61
Loomobile Co. of America, Bridgeport, Conn.	152,165.55	Carter Dry Goods Co., 729 Main Street, Louisville, Ky.	6,366.42
Eddy Palmer, New York City	32,970.63	Cliff Electrical Distributing Co., Canal Basin, Niagara Falls, N. Y.	94,731.50
Stratton-Warren Hardware Co., Memphis	25,225.54	American Body Co., 1255 Niagara Street, Buffalo, N. Y.	161.94
Procter & Gamble Co., Cincinnati	40,665.50	Estate of Eugene Horton, 17 Battery Place; J. H. Morrison, executor, New York City	23,446.20
Carnegie Steel Co. of New Jersey, Pittsburgh	219,540.79	American Zinc & Chemical Co., 61 Broadway, New York City	49,137.97
E. I. du Pont de Nemours & Co., Wilmington	80,061.21	Southern Pacific Co., 165 Broadway, New York City	135,028.80
Saxon Motor Car Corporation, Detroit	25,784.30	Scandinavian-American Insurance Co. (Ltd.), 72 Beaver Street, New York City	22,301.45
McQuay, Norris Manufacturing Co., Washington, D. C.	85,076.15	Bartlesville Zinc Co., 61 Broadway, New York City	21,550.79
Beauregard, Rockwell & Co., Chicago	104,039.35	Federal Motor Truck Co., Leavitt and Federal Streets, Detroit, Mich.	21,386.08
Isabel S. Rockefeller, New York City	29,307.38	Doe Health Laboratories (Inc.), 103 Congress Street, East Detroit, Mich.	141,555.00
Estate of Edward C. Smith, Brooklyn, N. Y.	22,082.53	Mayo Clinic, Rochester, Minn.	213,716.58
Bernadette K. Soden, Chicago	28,532.91	Mans & Waldstein, New York, N. Y.	155,124.72
T. E. Pollock, Flagstaff, Ariz.	45,260.42	Estate of James Douglas, care of Douglas, Armitage & McCann, 233 Broadway, New York City	53,240.20
Estate of Laura L. Case, Boston	161,967.84	S. M. Jones Co., Toledo, Ohio	48,192.91
Eagle Picher Lead Co., Chicago	102,281.02	Ayres Mineral Co., Zanesville, Ohio	29,044.63
Valley & Spies Milling Co., 905 Pierce Building, St. Louis, Mo.	20,929.33	Mable Dale Potts, Yale, Okla.	23,103.71
Armboro Operating Corporation, Madison Avenue and Forty-second St., New York City	21,013.56	Joseph A. Magnus, room 23, Bodmon Building, Cincinnati, Ohio	9,136.08
John J. Bagley & Co., 483 East Warren Avenue, Detroit, Mich.	25,458.32	Ohio Buttermilk Co., 50 Walnut Street, Cincinnati, Ohio	60,615.49
Hartford Steam Boiler Inspection & Insurance Co., 60 Prospect Street, Hartford, Conn.	31,006.89	Joseph Joseph & Bros. Co., 1248 Harrison Avenue, Cincinnati, Ohio	28,762.38
Pennsylvania Coal Co., 8 East Broad Street, Columbus, Ohio	61,763.59	Hamilton Fire Insurance Co., 111 William Street, New York City	453,396.18
Johnson-Peter Co., care of G. W. Hamilton, P. O. Box 102, Washington, D. C.	25,800.07	Gillespie Manufacturing Co., 50 Church Street, New York City	108,055.24
Grace P. Bremner, administratrix of estate of Alexander P. Bremner, care of Parsons, Wadleigh & Crowley, Lynn, Mass.	39,393.07	Frederick Strauss, 54 Wall Street, New York City	28,611.00
B. F. Dillingham Co., Ltd., 404 Stagenwald Building, Honolulu, Hawaii	27,588.87	American Trading Co., 25 Broad Street, New York City	41,180.73
Peter Kerr, 1000 Lewis Building, Portland, Oreg.	40,599.18	Mable Dale Potts, Yale, Okla.	50,449.03
Lovell-Buffington Tobacco Co., Covington, Ky.	23,580.72	Joseph A. Magnus, room 23, Bodmon Building, Cincinnati, Ohio	13,743.74
Julius Marquess, 141 Water Street, New York City	27,546.88	Ohio Buttermilk Co., 50 Walnut Street, Cincinnati, Ohio	80,392.32
Miami Electric Light & Power Co., Twelfth and Court Streets, Miami, Fla.	87,955.13	Joseph Joseph & Bros. Co., 1248 Harrison Avenue, Cincinnati, Ohio	71,543.62
M. Wolfstein Mercantile Co., 524 New York Life Building, Kansas City, Mo.	34,003.23	Hamilton Fire Insurance Co., 111 William Street, New York City	238,267.07
Actna Insurance Co., 670 Main Street, Hartford, Conn.	21,889.53	Gillespie Manufacturing Co., 50 Church Street, New York City	34,120.58
Florida East Coast Car Ferry Co., St. Augustine, Fla.	141,182.64	Frederick Strauss, 54 Wall Street, New York City	23,000.00
Charles T. Jeffrey, 30 North Michigan Boulevard, Chicago, Ill.	522,477.84	American Trading Co., 25 Broad Street, New York City	21,034.00
Kate E. Jeffery, 566 Durkee Avenue, Kenosha, Wis.	39,389.16	Omega Chemical Co., 576 Fifth Avenue, New York City	519,690.40
Philippine National Bank, 37 Broadway, New York City	50,612.65	National Aniline & Chemical Co. (Inc.), 21 Burling Slip, New York City	30,103.74
Saxon Manufacturing Co., 1034 Grand Avenue, Toledo, Ohio	87,641.74	Standard Refractories Co., Claysburg, Pa.	80,118.08
Singer Manufacturing Co., Trumbull Street, Elizabeth, N. J.	42,117.28	Newton Machine Tool Co., Twenty-third and Vine Streets, Philadelphia, Pa.	28,777.85
Frank L. Young Co., 111 Purchase Street, Boston, Mass.	75,425.67	Mount Pleasant-Connelville Coke Co., Greensburg, Pa.	53,021.72
Brown Corporation, care of H. J. Brown, 404 Commercial Street, Portland, Me.	30,769.10	Eureka Co., North East, Pa.	27,525.37
J. B. C. Grannard, Edgemoor, La.	141,337.32	Edwin H. Vore, 2221 South Broad Street, Philadelphia, Pa.	37,419.59
Calvin H. Haynes, Olympic Club, San Francisco, Calif.	26,417.85	American Rio Grande Land & Irrigation Co., Mercedes, Tex.	22,212.72
Standard Gauge Steel Co., First Avenue and Eleventh Street, Beaver Falls, Pa.	22,052.21	Monarch Manufacturing Co., 70 Chicago Street, Milwaukee, Wis.	24,339.25
N. & G. Taylor (Inc.), care Joseph E. O'Toole, 2115 P Street N.W., Washington, D. C.	44,507.08	American Peanut Corporation, 601 Water Street, Norfolk, Va.	44,005.70
Police relief fund, 240 Center Street, New York City	148,245.08	Pocahontas Fuel Co. (Inc.), 1 Broadway, New York City	25,008.70
Double Seal Ring Factory, by K. D. Holland, 318 Lake Street, Fort Worth, Tex.	31,068.90	Adolphe Forstmann, 85 Passaic Avenue, Passaic, N. J.	163,770.01
Imperial Oil (Ltd.), care of James H. Hayes, 26 Broadway, New York City	22,117.12	Hill & Mount, Essex Building, Newark, N. J.	34,714.41
The Northern Trust Co., executor n/w Charles W. Pardridge, Chicago, Ill.	63,738.32	Franklin Manufacturing Co., Franklin, Pa.	23,550.11
Dario Orena, administrator estate of Maria Antonia de la Guerra de Orena, care of James I. Parker, 1319 F Street, Washington, D. C.	29,786.48	Do	20,131.17
Arizona Copper Co. (Ltd.), Clifton, Ariz., care of Sherman & Sterling, 55 Wall Street, New York City	45,257.44	Standard Underground Cable Co., Westinghouse Building, Pittsburgh, Pa.	3,121.98
Adolph Hamburg, 809 West Second Street, Little Rock, Ark.	40,734.21	Total	120,221.02
Acme Shear Co., 100 Hicks Street, Bridgeport, Conn.	150,700.54	Approximate number of refunds in 1922, 4,420.	48,134,127.93
Estate of Charles Miller; Ralph H. Smith, executor; 150 Prospect Street, Waterbury, Conn.	21,884.08		
Bristol Co., Waterbury, Conn.	21,067.16		
P. Berry & Sons (Inc.), 390-400 Windsor Street, Hartford, Conn.	22,727.90		
Hamilton Mfg. Co., 621-633 South Kolmar Avenue, Chicago, Ill.	45,814.84		
Clarke Bros. Co., 1200 Lehmann Building, Peoria, Ill.	31,206.05		
Cudahy Packing Co., Chicago, Ill.	23,205.51		
Chicago Malleable Castings Co., Racine Avenue (West Pullman), Chicago, Ill.	60,446.82		
Hess Steel Corporation, care Baltimore Trust Co. (receivers), Baltimore, Md.	190,476.39		
McCawley & Co. (Inc.), 400 East Lombard Street, Baltimore, Md.	2,028,329.90		
Henry Walters, 5 South Street, Baltimore, Md.	4,104.82		
Estate of Henry A. Langhorst, 35 South Dearborn Street, Chicago, Ill.	95,415.35		
Wm. J. Brown, 302 South Michigan Avenue, Chicago, Ill.	50,000.00		
C. P. Wheeler, 332 South Michigan Avenue, Chicago, Ill.	32,210.45		
	58,281.00		
	25,802.16		
	9,316.29		
	38,939.76		
	41,067.85		
	22,454.32		
	50,825.12		
	25,315.43		

AMENDMENTS TO CONSTITUTION.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 4) proposing an amendment to the Constitution of the United States relative to the adoption of amendments thereto.

Mr. PEPPER. Mr. President, I had risen with the expectation of making a suggestion designed to meet the criticism of the joint resolution of the Senator from New York made by the Senator from Idaho [Mr. BORAH] in the course of his remarks. The Senator from New York tells me that he himself has prepared a form of words which he thinks meets the difficulty, and therefore what I was going to say upon that point would be unnecessary to inflict upon the Senate.

I have followed this debate with a very great deal of interest and attention. I am unable to share the view of the Senator from Montana [Mr. WALSH] that this subject is one unworthy of consideration at the present time. It seems to me that while the experiences incident to the adoption of recent amendments are fresh in our minds, and at a time when we are not distracted by the pendency of any great amendment involv-

ing a question of policy upon which the country is divided, is the ideal time to propose for consideration a measure designed to prevent in future the evils which have been incident to the process of amendment in the past.

I may also say that I ought not to be suspected, in advocating the proposal of the Senator from New York, of advocating it in the spirit of one who is irritated as a result of action taken by the country upon recent amendments, because I was one of those who favored the income-tax amendment, who favored the prohibitory amendment, and who favored the woman suffrage amendment. I speak from the point of view of one who took an affirmative position on all three of those amendments.

Mr. President, I quite agree with the Senator from Idaho, and, indeed, with all others who have spoken in this debate, that ultimately it is the will of the people which expresses itself when their Constitution is amended. I like to think of the Constitution as being the body of good resolutions which the American people have formed for self-government. The Constitution is nothing more than the ordered good resolutions for government which at a certain time in history the people have imposed upon themselves to determine the course of their national life, and therefore it must be true that when we are to add to those resolutions or subtract from them it is the people who are to be affected by the resolutions who must be heard from. Everybody, I take it, is agreed upon that proposition.

The question is how the people may be best informed respecting the proposal pending at any given time to modify the body of resolutions by which they are governed. Are they more likely to be well informed to the end that they may vote intelligently if the pending measure is thrown in with other issues in a popular election, usually held in the month of November in all the States? Or are they more likely to be intelligent and informed respecting a pending measure if it shall have been made an issue in the election of members of one at least of the branches of the legislature which may be called upon to act upon the amendment, either affirmatively or negatively? I think that it is a question requiring some delicacy of judgment. It does not seem to me that it is one of those questions which can be made the subject of demonstration.

My own judgment is that those questions receive most attentive consideration from the people of a State which have been injected into issues that are peculiarly local, either those issues which concern the election of senators or representatives in the State legislature, or which have received discussion during the sessions of the State legislature and are reported from day to day in the local papers.

I apprehend that it is really a question of effective publicity of the amendment for the information of the intelligence of the people of the States, which is the thing to which we are addressing ourselves, and I can not change the minds of those who believe that the legislature has no useful function to perform in that matter, but I believe for myself that it has.

My observation is that the process of electing members of the two houses of the legislature is a process which results in widespread interest on the part of the people in important measures upon which the people so elected are going to be called upon to act, and if, indeed, the State shall exercise the power which will be given it under the form of the amendment proposed by the Senator from New York and shall embody in its fundamental law a provision that the act of its legislature must be ratified by popular vote, then we shall have the spectacle of the legislature of the State debating at length and at large the question of ratification or rejection of the amendment for the edification of the voters of the Commonwealth, and the subsequent reference of its decision, be it negative or affirmative, to the body of the electorate of the State.

I say its conclusion, whether affirmative or negative, because I intended to make a suggestion which would change the pending proposal in such a way as to provide for either of those contingencies. I believe the Senator from New York will make that proposal.

So the substance of what I wish to say, Mr. President, is this: In the first place, that such a change should be made. In the second place, that as between the method of direct reference to popular vote and the utilization of the legislature as a forum for the information of the people, I am in favor of the latter, and I very much hope that the constitutional amendment proposed by the Senator from New York will prevail rather than the other.

I share the view of the Senator from Connecticut [Mr. BRANDEGEE] that the chance that any proposal of this important sort will prevail is very much prejudiced if we load it up with a proposal to change the percentage of membership of the two Houses of Congress which is necessary to start a constitutional amendment upon its way. For that reason, and

that reason only, I hope that the amendment proposed by the Senator from Iowa [Mr. BROOKHART] will not prevail.

Mr. WADSWORTH. Mr. President, I desire to offer an amendment to the text of the original joint resolution, but I am not sure that I have that right under the rule.

The PRESIDING OFFICER. The Chair is of the opinion that the amendment of the Senator from New York would take precedence over the pending amendment.

Mr. WADSWORTH. Then I move to strike out, on page 2, line 13, after the word "proposed," the words "that any State may require that ratification by its legislature be subject to confirmation by popular vote," and to insert in lieu thereof the words "that any State may provide for a popular vote to affirm or reverse the action of its legislature."

The PRESIDING OFFICER. The amendment will be printed.

ADJOURNMENT.

Mr. LODGE. Mr. President, it is obvious we can not hope to get a vote this evening on the pending amendment, and I therefore move that the Senate adjourn.

The motion was agreed to; and the Senate (at 5 o'clock p. m.) adjourned until to-morrow, Friday, March 21, 1924, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, March 20, 1924.

The House met at 12 o'clock noon, and was called to order by the Speaker pro tempore (Mr. TILSON).

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, infinite in power, wisdom, and goodness, we would approach Thee in the spirit of humility and in the consciousness of our needs. Thou hast intrusted us as Thy bearers of truth and justice, and we would earnestly beseech Thee to be the inspiration of all our conceptions of duty and the guide of all our deliberations. May we have Thy approval of all our countless acts, which pass observation, yet mean so much in human happiness. Oh, do Thou share our lot and our burden. Then nobly will our work be done, and Thou wilt establish it in human lives and homes. Through Christ our Saviour. Amen.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF REMARKS.

Mr. DICKSTEIN. Mr. Speaker—

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. DICKSTEIN. To ask unanimous consent to extend my remarks in the Record on the question of immigration and the Nordic race.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent to extend his remarks in the Record on the subject of immigration. Is there objection?

Mr. CABLE. Mr. Speaker, reserving the right to object, is the speech the gentleman's own?

Mr. DICKSTEIN. My own.

The SPEAKER pro tempore. The Chair hears no objection.

RESTRICTION OF IMMIGRATION.

Mr. DICKSTEIN. Mr. Speaker, it would be idle to pretend that there is behind the so-called Johnson bill for the restriction of immigration any motive other than the desire to discriminate against certain peoples coming from eastern and southern Europe and to give preference to certain other people coming from western and northern Europe. The Committee on Immigration and Naturalization of the House has failed to heed the eloquent and earnest appeals of the able and well-informed opponents of the measure, and has chosen to place itself upon record as supporting the unfounded claim of the restrictionists that the peoples from northern and western Europe are better, finer, and more acceptable to the United States than those of eastern and southern Europe. Although the restrictionists are unable to deny that the peoples from southern and eastern Europe have contributed vastly to the prosperity and progress of the United States, they nevertheless indulge in the age-old and repeatedly refuted claim that the peoples from eastern and southern Europe tend to lower our standard of living.

The restrictionists charge the peoples from eastern and southern Europe with every conceivable evil. They not only depress the American standard of living, but they fill our institutions for the insane and the criminals, they clog our industrial centers, they undermine our ideals, and breed so

rapidly that soon there will be no trace left of the American Nation. It is the fear of this last calamity that has prevailed upon the members of the committee to adopt the 1890 census as a quota basis for future immigration instead of the 1910 census. They hope thereby to equalize the number of rapidly breeding peoples of southern and eastern Europe with the slowly breeding people of northern and western Europe. By permitting more peoples from northern and western Europe to come here we will have an evenly balanced foreign population, and happiness will reign supreme. In short, we must have more "Nordics," more peoples with blue eyes, blond hair, and long statures.

The following table shows how the committee, by the adoption of the 1890 census, hopes to increase the number of Nordics and decrease the number of peoples from eastern and southern Europe to be admitted. It will be seen that the so-called Nordics are to be permitted an annual immigration quota of 112,987 out of a total of 169,083, leaving only 56,096 for the combined quotas of the other 39 peoples.

Estimated immigration quotas based on Census Reports of 1890, 1900, 1910, and 1920.

TWO PER CENT PLUS 200 FOR EACH NATIONALITY.

"The term 'quota' when used in reference to any nationality means 200, and in addition thereto 2 per cent of the number of foreign-born individuals of such nationality resident in the United States as determined by the United States."

[Printed for the use of the Committee on Immigration and Naturalization, House of Representatives.]

Country or region of birth.	Estimated quotas based on 2 per cent of census.			
	Census of 1890.	Census of 1900.	Census of 1910.	Census of 1920.
Albania.....	204	221	392	312
Armenia (Russian).....	217	241	352	519
Austria.....	1,190	1,991	5,094	11,610
Belgium.....	700	849	1,242	1,456
Bulgaria.....	200	200	402	411
Czechoslovakia.....	2,073	3,631	11,572	7,450
Danzig, Free City of.....	423	414	400	350
Denmark.....	2,982	3,396	3,946	3,944
Estonia.....	302	437	1,066	1,584
Finland.....	345	1,465	2,814	3,213
Fiume, Free State of.....	210	217	248	310
France.....	4,078	3,834	4,020	3,277
Germany.....	50,329	48,181	45,272	33,805
Great Britain, North Ireland, Irish Free State.....	62,658	55,924	51,762	43,729
Greece.....	235	359	2,242	3,725
Hungary (including Sopron district).....	698	1,332	4,032	8,147
Iceland.....	236	242	250	250
Italy.....	4,089	10,315	28,238	32,415
Latvia.....	317	471	1,226	1,781
Lithuania (including Memel region and part of Pinsk region).....	502	755	1,952	2,901
Luxemburg.....	258	291	262	452
Netherlands.....	1,837	2,100	2,604	2,838
Norway.....	6,653	6,957	8,334	7,528
Poland (including eastern Galicia and part of Pinsk region).....	9,072	16,377	20,852	23,002
Portugal (including Azores and Madeira Islands).....	674	1,116	1,844	1,716
Rumania.....	831	1,612	5,146	2,257
Russia (European and Asiatic, excluding the barred zone).....	1,992	4,696	16,470	25,261
Spain (including Canary Islands).....	324	345	806	1,320
Sweden.....	9,761	11,872	13,562	12,749
Switzerland.....	2,281	2,514	2,702	2,577
Yugoslavia.....	935	1,604	4,484	8,600
Other Europe (including Andorra, Gibraltar, Liechtenstein, Malta, Monaco, and San Marino).....	325	245	258	316
Palestine.....	201	204	238	264
Syria.....	212	267	788	1,242
Turkey (European and Asiatic, including Thrace, Imbros, Tenedos, and area north of 1921 Turkish-Syrian boundary).....	223	318	1,970	941
Other Asia (including Cyprus, Hedjaz Iraq (Mesopotamia), Persia, Rhodes with Dodecanesus and Castellorizo, and any other Asiatic territory not included in the Barred Zone. Persons born in Asiatic Russia are included in Russia quota).....	245	439	262	307
Africa (other than Egypt).....	238	243	270	290
Egypt.....	206	308	212	217
Atlantic Islands (other than Azores, Canary Islands, Madeira Islands, and islands adjacent to the American continent).....	341	246	280	1,091
Australia.....	320	340	206	423
New Zealand and Pacific Islands.....	267	292	254	278
Total.....	169,083	186,693	248,550	249,807

The obvious purpose of this discrimination is the adoption of an unfounded anthropological theory that the nations which are favored are the progeny of fictitious and hitherto unsuspected Nordic ancestors, while those discriminated against are not classified as belonging to that mythical ancestral stock. No scientific evidence worthy of consideration was introduced to substantiate this pseudoscientific proposition. It is pure fiction and the creation of a journalistic imagination. All we

know is that these immigrants are all human beings, and none of them is regarded by the majority of the committee as undesirable so long as they meet the test of the act of 1917.

Those who in the past have been admitted into this country, whether born in one part of Europe or another, have been industrious and useful accessions to our population. Many of them have become citizens and have performed their civic duties and during the war entered our Army and Navy in large numbers and were loyal to our Government. Their children, whether they were born in this country or arrived here at an early age, have been trained in our public schools and can rarely be distinguished from native Americans of elder generations. Those who have come from the lands upon which a bar sinister is to be imposed have made valuable contributions to science, art, and literature, to a hundred different industries, to every imaginable form of commerce, and have performed much of the heavy work in our mines, furnaces, manufactories, farms, and forests, upon our railroads, and other public works. Without them our material progress would not have been as rapid as it has proved to be; and they are needed to-day as they have been in the past. It is closing our eyes to known facts to suggest that this country, large sections of which are sparsely populated and whose development has not even begun, can not absorb additional immigrants, and that hereafter only men of certain types or of certain creeds or nationalities may be added to our great army of workers.

In their eagerness to indulge in this discrimination the restrictionists, who have made propaganda for it and who do not understand the real sentiment of this country, forget that hundreds of thousands of immigrants who have come to this country for the purpose of making it their home, of rendering loyal service whenever called upon to do so, and of exerting themselves in every direction to advance its interest, and notwithstanding statements to the contrary these immigrants have become citizens of the United States, and that they, as well as their children, are proud and grateful for that privilege. What, we beg to ask, can be their sensations when they are told that it is proposed by an act of Congress to declare them, because of their birth and ancestry, to belong to an inferior class, and that those of their blood are henceforth to be discriminated against in our immigration laws? Is it to be expected that they will concede that those who by this legislation would be pointed out as a favored class are superior morally, physically, or mentally? Such an assumption would be contrary to human nature. It is inevitable that a feeling of resentment would be engendered by such action. It would be the first instance in our modern legislation for writing into our laws the hateful doctrine of inequality between the various component parts of our population. The consequences of such differentiation would be deplorable and in the end would be heard above the strident outcries of those who are seeking to stimulate and foster racial, religious, and national hatreds which carry with them a curse wherever they prevail.

It is interesting to examine the statistics which form a part of the majority report, and especially the table showing the future permanent residence of immigrant aliens admitted to the United States during the past quota year. It will be found that 116,129 came to New York, 36,374 to Massachusetts, 33,722 to Illinois, 36,374 to Michigan, 23,941 to New Jersey, 37,515 to Pennsylvania, a notable majority of all the immigrants who arrived.

Does the outcry against immigration emanate from those States? Decidedly not. Sound public opinion in these very States where the immigrants settle, as expressed through the most potent channels, is opposed to this contemplated discriminatory legislation and gives support to a liberal as distinguished from a hostile immigration policy. There is no complaint in those States of unemployment or lack of prosperity or lack of progress. Nor has there been any complaint from those quarters regarding the alleged unassimilability of the men and women and children who have come from southern and eastern Europe.

Let us examine the next table, which specifies by captions the occupations of immigrants admitted to the United States during the same period. The statistics relate principally to males. There were 15,056 members of various professions, 1,136 architects, 2,600 electricians, 3,302 professional engineers, 967 musicians, 2,058 teachers, 646 physicians, 470 literary and scientific persons, 226 sculptors and artists among them. There were 103,339 skilled workmen, including a large number of trades. Among those classified as miscellaneous there were 62,144 laborers, 19,152 farm laborers, 12,066 farmers, 38,283 servants, a total coming under that head of 160,578.

This is a demonstration that among these arrivals there were no drones, no persons likely to become public charges, no members of the leisure class, no drags upon the Nation. They were men of brain and brawn, ready and anxious to do their part

of the world's work. It is perhaps because of their industry that objection is made to their reception in this land, where the prevalence of liberty has in the past been our proud boast.

The majority report of the House Committee on Immigration insinuates that some of those who have come from foreign countries are nonassimilable or slow of assimilation. No facts are offered in support of such a statement. The preponderance of testimony adduced before the Committee on Immigration is to the contrary. What is meant by assimilation is difficult of definition. The mere fact that an immigrant, when he arrives or even after he has lived here for a number of years, still speaks his native language does not indicate that he is not being assimilated. Every day that he lives here he imbibes American ideas. Whatever his garb may have been when he came, the first suit of clothes that he purchases with his honestly acquired earnings, which represent his creative efforts from which the country profits, is made according to the American model. His work is performed in accordance with the methods adopted in our industrial centers. He becomes familiar with our form of government. His acquaintance with our laws equals that of the average inhabitant of our country, and his obedience to them measures up to that of the average native. It is true that he reads books and newspapers printed in foreign languages, but it is by means of them that he acquires a fund of information relative to the true spirit of America. Anybody familiar with the foreign-language press, and with what it has done in the direction of educating the immigrant into an appreciation of what America stands for, can testify to this fact. The children of these foreign parents brought up in American public schools grow up without even an ability to read the foreign press.

It is likewise important to know that, however slow some immigrants may be in acquiring the ability to speak the English language fluently, to a great extent they have familiarity with more than one language, a condition which is unfortunately not true of the average native American. At all events, before such an immigrant may be naturalized he must become familiar with our language and our customs and in a general way with our form of government or else the courts which admit him to citizenship have not performed their duty. Those who have really studied the immigrant in the centers where the great majority of immigrants and their descendants have taken up their abode and are best known are able to demonstrate that he is not only capable of assimilation but that he has become assimilated to a marked degree in a remarkably short period of time, and we repeat that, so far as his children are concerned, in one generation they can not be distinguished as Americans from the elder immigration. The official records of our public schools bear eloquent testimony to this fact.

It has been fashionable of late for professional restrictionists and alarmists to behold in the immigrant a menace to our institutions. There is no justification for the charge. There may have been a few strident individuals who have enunciated doctrines which can never obtain a foothold here, but it will be found that a majority of them and those who have been most vicious have been native Americans. Our laws are adequate to deal effectively with these individuals, who, after all, confine their energies to barking. The rank and file of our immigrants are heartily opposed to these destructive radicals. What is true of the entire body of our population, both native and foreign born—that with but few exceptions all of them love this country and its institutions, are loyal to its Government, and obedient to its laws—is equally true of the recent immigrants. Any statement to the contrary is a malicious fabrication.

It has also been claimed that the immigrant has reduced the standard of living which prevails here. This is likewise untrue. Those who have lived among immigrants, as distinguished from those who write about them for the purpose of establishing a thesis, know that almost from the moment of their landing they begin to shape their lives according to the prevailing standards of living. As soon as permitted to do so those engaged in the various trades become members of labor unions, and their presence here in no manner affects the earning capacity of those who preceded them to this country. It may be that they are economical and thrifty; that they save a portion of their earnings in order to provide for the future and to secure their own homes. By doing so, however, they are merely perpetuating those standards of living which were adopted by those who have justly been held up as the models of ideal citizenship.

Complaint has been made that many immigrants congregate in the cities. That, however, is a tendency which has been manifested and has been growing even in those sections of our country or of foreign countries where immigration is not a factor, and especially is this true in all parts of the United

States. That is largely due to the fact that our great industrial and commercial establishments are located in the cities. Of necessity those who engage in the occupations affiliated with the various forms of industry and commerce seek their livelihood where these important attractions are located. If they could be successfully operated in the rural districts, there is no doubt that those in search of employment would find their way into those districts to the same extent that they are now gravitating to the cities. Everybody knows that the sons and daughters of the American farmer leave their homesteads where their ancestors may have lived for decades and likewise seek their fortunes in the cities. It is, after all, the natural result of modern economic conditions as well as of the operation of the fundamental law that supply follows demand.

It is also asserted that the immigrant is clannish and lives in districts where those of his own nationality abound. Is not this true also of other strains in our population? Members of the same church, of the same social environment, of the same economic status, form little communities of their own, have their own society and club life, and rarely emerge from their own circles. It is as unlikely that they would associate with the immigrant as that the latter should expect to be welcomed by those who may date their advent into American life 30, 40, or 50 years ago or whose American pedigree may run back even as far as a century. We know, however, that it is an admirable feature of American life that an opportunity exists for everybody who is worthy to advance in civic life and social position by exerting those virtues which have at all times enabled men to progress. An analysis of the social register, a study of the biographies of the men and women who now occupy the highest rank in every department of human endeavor in this country, of those who are contributing to its development in every direction, will show that a very large percentage of them had lowly beginnings, and that many of them, and certainly their parents, arrived here as friendless immigrants. It is safe to say that there is less clannishness even among the most recent immigrants than there is in those parts of our country where there are but few immigrants and where there exists the greatest opposition to the immigrant.

There has been the further unjustifiable charge and contention that there is in this country an undigested mass of alien thought, alien sympathy, and alien purpose which creates alarm and apprehension and breeds racial hatreds. This, like most figures of speech, can not bear analysis. What is meant by alien thought and alien purpose as applied to immigrants? Does it mean that they are opposed to the land in which they live, in which they earn their livelihood, where they have established a permanent home for themselves and their children? Does it mean that they would invite conquest by foreign nations, and having to a great extent left the lands of their birth because deprived of liberty and that freedom which they enjoy in this country that they would be willing to forego the blessings that have come to them under our benign institutions? Have they not by coming here severed their political relations with foreign lands? Does any considerable portion of them ever expect to leave our shores? Have the thought and purpose of that Europe which they left behind been such as to attract instead of increase the repulsion which drove those immigrants to America? Are men apt to choose misery and unhappiness when they are enjoying contentment and comparative prosperity and are looked upon not as cannon fodder but as men? As well might it be said that the Puritans of New England, the Cavaliers of Virginia and Maryland, the Knickerbockers of New York, the Quakers of Pennsylvania, and the Scandinavians of the middle West brought with them undigested masses of alien thought, alien sympathy, and alien purpose, which made of them a menace to this country.

It is not the immigrants who are breeding racial hatreds. They are not the inventors of the new anthropology. Nor do they stimulate controversy. It would rather appear—in fact, clearly shows—to be those who are seeking to restrict or to prohibit immigration who entertain such sentiments and who are now attempting to formulate a policy which is indeed alien to the thought, the sympathy, and the purpose of the founders of the Republic and of that America which has become the greatest power for good on earth. This alleged menace is identical with that which 70 years ago was paraded as a bogey by Know-nothingism, and which, happily, made no impression upon our history except to lead a sound public opinion to keep open our doors to those who desired to come here and to make themselves a part of that grand composite—the American people.

The proponents of the Johnson bill can not justify the special privilege that they seek to have incorporated into law in favor of the peoples of northern and western Europe. I have great

faith in the doctrine that all men are equal and that there is no such superiority of one people over another as is contended by the restrictionists. I know nothing of any "Nordic" race whose qualifications are alleged to be higher than those of the peoples coming from southern and eastern Europe.

At this point I am incorporating into my remarks an article by Johan J. Smertenko, in which he discusses the claim of the "Nordic" superiority, and I trust that you will devote to it a few moments of careful reading. You will then, I am sure, agree with me that these people have no valid claim to superiority. This article is to appear in the April issue of the Current History Magazine, and with their kind permission I quote it, as follows:

THE CLAIM OF "NORDIC" RACE SUPERIORITY.

[By Johan J. Smertenko, formerly lecturer on English literature and modern drama, Hunter College; later professor of journalism at Grinnell College, Grinnell, Iowa; contributor to many American publications, including the Bookman, the Nation, and the American Mercury.]

ORIGIN OF THE PERNICIOUS DOCTRINE OF "RACE SUPERIORITY"—ITS SUBSEQUENT DEVELOPMENT IN GERMANY AND ITS RECENT APPEARANCE IN AMERICA AS AN ALARMIST WARNING AGAINST NON-NORDIC INCREASE—HYPOTHESIS DISAPPROVED BY MODERN SCIENCE.

"A nation to be great ought to be compressed in its increment by nations more civilized than itself."—(Coleridge.)

When the immigrant wrote back to his people in Ireland that in America every man is just as good as his neighbor, if not better, he expressed in a typical Irishman a universal sentiment which is undoubtedly as old as it is widespread. Every man feels in some way superior to his neighbor, whether because he is rich or poor, modest or proud, giant or pigmy, carnal or pious, quick-witted or plodding, for it is in every man's power and it is every man's custom to make a virtue of his special condition and characteristics. Moreover, in this task of marking "Superior brand" on distinctive traits and qualities, the individual does not stop with himself; he exalts similarly his family, his town, and his tribe, thus unconsciously creating a vicious circle by admiring what he has because he has it.

What is true of individuals is equally true of nations. From the earliest times a given nation's feeling of superiority to its neighbors has been one of the most powerful forces influencing and molding the life of peoples. There is hardly a nation which has not suffered because at some time in its history it acted in the belief that this feeling was a fact. Furthermore, both the records of ancient civilization and the history of our more immediate past show us that the nations have followed an identical formula to justify this national arrogance. We see, in the first place, that a given people claims to have a monopoly of some desirable quality, then we find that it believes this quality to be particularly acceptable to God and by virtue thereof becomes "the chosen people," and finally, with sanctimonious hypocrisy, the nation in question takes upon itself a mission to excuse its policy of territorial aggrandizement and all the acts of exploitation and oppression which such a policy entails. In the chronicles of every nation infected by this arrogance there is a story of misery, famine, and bloodshed, often of complete ruin, all a direct consequence of this theory of superiority. The Greeks and Jews suffered from it, it spread like a plague in France, showed itself in England during the Victorian era, and broke out in Germany a few years ago in its most violent and fatal form. The tragedy of this disease lies not so much in the theory itself as in the fact that it has always been made to serve political purposes and hence has always affected most intimately the political history of virtually every nation in the world.

Lately, however, those who would exploit man's self-conceit for political ends have substituted a racial in place of the national unit of comparison. They speak now in terms of Semite, Mongol, and Aryan, or Alpine, Nordic, and Mediterranean; they interpret God's favoritism not through oracles and prophecies, but by means of cranial dimensions and basketry weaves, and, most important development of all, they no longer attempt to establish their unique qualities but arbitrarily assert their superiority and throw the burden of proof on the "inferior" races. It would seem to the student of history that in the course of civilization mankind has had sufficient tragic experience with these delusions of chosen peoples and superior races to make it wary when another such theory is put on the market. But quite the contrary is true, and hence it becomes necessary to take notice of the most absurd claims of superiority for fear that the fanatical activity of a handful of believers may cause again irremediable harm.

EVOLUTION OF THE "NORDIC" THEORY.

One of the latest and undoubtedly one of the most absurd and pernicious applications of this "superiority" theory has made its appearance in the United States. The doctrine propounded is that the white race is biologically superior to all the others and that a certain division of the white race, called "Nordic," is the acme of its excellencies. This theory, propagated in a passionate, melodramatic manner, is finding acceptance among the ignorant, and through them is already exerting an

influence on such important practical problems of American life as immigration, eugenics, and education. The theory is voiced by members of the legal profession posing as temporary anthropologists, by journalists transformed into ominous prophets, by professors seeking lecture fees, and by that curious anomaly, the lady novelist, striving for distinction as socioliterary critic.

Before we become panic-stricken with fear that the great blond race will disappear into the mysterious twilight zone to which its gods and its heroes are said to have passed in times remote, it may be profitable to examine the fundamental elements of the "Nordic" theory and to see what the anthropological and ethnic facts, which have only recently been brought to light, mean when they are interpreted in the hard, cold light of truth. The curtain for the first act of this romantic melodrama concerning our "Nordic" race rose about 70 years ago. At that time Comte Arthur de Gobineau (1816-1882), inspired by the great scientific discoveries of his time, and anxious to warn his countrymen against hybridization through intermarriage or intermingling with the Germans, who were peacefully penetrating into France, wrote his *Essai sur l'Inégalité des Races Humaines* (Essay on the Inequality of the Races of Mankind). Although he announced that "if the Bible declares that mankind is descended from the same common stock, all that goes to prove the contrary is mere semblance, unworthy of consideration," the count succeeded in interpreting the Scriptures in such a way as to permit him to differ from the common notion that all men are alike, inasmuch as they are all descended from Adam. He proceeded to indicate "the moral and intellectual diversity of races" and came to two important conclusions, (1) that the white race is superior to all other and (2) that to be great every nation must be pure in stock. As to the comparative greatness of the numerous divisions of the white race, Gobineau offered no opinion except in so far as his examples were drawn from the ancient Mediterranean civilization. He writes, for example:

"If Rome, in her decadence, had possessed soldiers and senators like those of the time of Fabius, Scipio, and Cato, would she have fallen prey to the barbarians of the north?"

SEIZED BY GERMANS TO GLORIFY TEUTON.

Although Gobineau's book was almost immediately translated in America to be used as an argument for slavery, it had little influence on the thought of the day. Not until the biologists, August Weismann and Gregor Mendel, formulated their theories of heredity, not until the discovery of "primitive man" offered a basis for the most imposing superstructures of speculation, did the idea of racial inequality fire overwrought and egoistic imaginations. The Weismann doctrine is based upon the idea that every individual is composed of two independent types of tissues, the germplasm and the somatoplasm. It holds that the germplasm consists of the generating cells, which reproduce themselves and pass on unchanged from generation to generation, each time building new bodies out of somatoplasm as temporary containers for this precious fluid. The argument that found most favor in the eyes of the propagators of the superior-race prejudice is that the individual to-day is essentially the same as his unknown ancestor of the neomoney era, since the vital qualities he had at the beginning were passed on by the germplasm, while the characteristics he acquired in each generation were lost at his death with the disintegration of his body.

Among the individuals who combined the supposition of Gobineau with the speculations of Weismann was a renegade Englishman named Houston Stewart Chamberlain, whose book, *Die Grundlagen des Neunzehnten Jahrhunderts* (The Foundations of the Nineteenth Century) raised the old "chosen people" delusion to a height of magnificent absurdity which it had never before attained. Chamberlain simply and systematically classified all virtues and abilities under the heading "Teuton" and all vices and failings under that of "non-Teuton." After that one could see at a glance the superiority of the northern blond giant over the dark, stubby southerner. The Kaiser is said to have bought 30,000 copies of the book to be distributed where it would do most good. That the distribution was thoroughly efficient may be gathered by the loud and numerous echoes of these absurdities throughout Europe and America.

ALARMIST DOCTRINE IN UNITED STATES.

This statistical race ecstasy was fostered in Germany to give an appearance of scientific support to the position of the junkers and to bolster up the belief in the divine right of kings. But it was presented in America as a prophylactic against an imminent danger to mankind. In the books of Madison Grant, Lothrop Stoddard, and others, all the virtues which Chamberlain had monopolized for the Teuton were ascribed to the "Nordic," and the incense which Chamberlain, Woltmann, and Wirth burned before the idol of their own making was transferred to a shrine less bespattered by the venom of the World War.

It is significant that the authors of these publications devoted to self-admiration exhibit similar mental characteristics and qualifications and employ the same technique in setting down their dogmatic dicta. They are sentimentalists blinded by fear, staggering under a prejudice, and wholly lacking in any basis of scientific knowledge. Consciously or not, they base this fantastic farrago of cephalic indices, skull sutures, brain

weights, intelligence tests, and cultural stages on the very earliest and most antiquated ethnological postulates and shun the later investigations and the demonstrated conclusions of such anthropologists, physiologists, biologists, and psychologists as Ripley, Boas, Lowie, Dixon, Spencer, Haeckel, Lamarck, Pawlow, Cunningham, Stockard, Guyer, Smith, Griffith, Weigert, and Woodworth, to mention only a few of the most noted in each field. The situation has no parallel in science; it is as if some radio amateur, troubled by a nightmare, had studied the lightning experiments and accepted the conclusions of Benjamin Franklin and on the basis of that knowledge had published books and magazine articles alarming the public with his hysterical dread of the dangers of electricity.

At its best this amateur anthropology is a carefully reasoned plea in support of preconceived notions; the author never admits that his main thesis is not established and, in the present state of scholarship, is not capable of establishment, that his arguments rest on debatable assumptions and his determinations on most questionable evidence. The average product, however, is usually far below this level. In the main these volumes are monstrous statistical romances given a certain plausibility by the tone of solemn dogmatism, the use of quasiscientific traditions, and the show of pseudoscientific method. As Professor Boas once put it:

"Books of this type try to bolster up their unscientific theories by an amateurish appeal to misunderstood discoveries relating to heredity and to give in this manner a scientific guise to their dogmatic statements which misleads the public."

A Main Street President has pondered on the awful spectacle of a dying race thus presented; congressional committees have summoned and still summon the authors who voice this alarmist theory to ask their counsel on pressing problems and pending legislation; sensational magazines publish articles in which the patriotism of skin, hair, and language is exploited to the utmost; and the man in the street mumbles shibboleths and discovers ancestors in Walhalla. Yet contradictions and exaggerations abound on every page of these pseudoscientific treatises and absurdity vies with absurdity. Mr. Stoddard writes:

"Our glorious civilization is the work of Nordics, sole possessors of the desirable mental qualities, who have taken their faith from Palestine, their laws of beauty from Greece, and their civil laws from Rome."

Mr. Grant says:

"Europe was Germany and Germany was Europe until the Thirty Years' War. . . . When by universal suffrage the transfer of power was completed from a Nordic aristocracy to lower classes of predominantly Alpine and Mediterranean extraction, the decline of France in international power set in."

A report of some eugenic commission states:

"Admit inferior races to dig subways and to labor as farmers, but sterilize them that they shall not act as seeds for future crops."

And again Mr. Grant:

"One of the greatest difficulties in classifying man is his perverse predisposition to misstate."

A chorus of voices, indeed, a veritable cloud of witnesses, declare that though Christianity is essentially the religion of Mediterranean slaves, Christ was a Nordic. I have yet to read a book, however, which can avoid the confession that the great beginnings and the large achievements of European culture were made by the Alpine and Mediterranean stocks.

"NORDIC" THEORY DISPROVED BY MODERN SCIENTIFIC RESEARCH.

These advocates of the Nordic theory mislead the public; this is certain. What are the facts? Ever since Mendel, scientists have been testing the fluidity of human traits, and independent scientific experiments the world over have disproved Weismann's theory and have established beyond doubt the great fact that the human body is molded and modified by its environment, that it passes on to following generations the physical changes and mental habits which it acquires, and that these characteristics, whether acquired in prehistoric times or in the last generation, remain the same only as long as the environment is unchanged. In other words, science dismisses the idea that a tall, blond race settled in the North while a short, dark race occupied the South, and justifies the belief that through countless ages the northern people were bleached in complexion and were increased in stature, whereas the southerners were tanned and diminished in size by the climate and the living conditions peculiar to each division of the earth. We have had it demonstrated in the United States that minute modifications of both extremes toward a new type, or rather toward new types, best fitted to survive in the various sections of our vast country, take place within one or two generations.

As for the nebulous "Nordic," the latest anthropological analysis by Prof. Roland B. Dixon, of Harvard University, finds the origins of this type in the mixture of Caspian and Mediterranean types. It is safe to assume a "mixture" for the "Nordic," as for all other races, inasmuch as recent research has shown that the closest sort of contacts existed between North and South even in the earliest days of our civilization. The tens of thousands of Arabic coins which have been found on Swedish soil which date back to the first dynasties

form one instance of the constant intercourse between the South, which wanted amber, and the North, especially Scandinavia, which needed bronze. War, however, was more effective as a means of merging the types than peace. Long before the great migrations of Goths to the equatorial regions, as a result of which northern blood infiltrated every people of the Mediterranean, there occurred Viking raids in which the warriors, if they got away at all carried off as many women as the ship would hold to bear more Vikings in the northern fastnesses. In later days conquests, invasions, alliances, and crusades brought alien armies into every spot of Europe and intermingled every type and people. The conclusion of anthropologists that "every modern race and nationality is of strongly mixed descent" is founded on many kinds of evidence.

These facts in themselves are sufficient to destroy the illusion of a perpetually superior race, responsible for a superior culture, but the preposterous impudence of this theory becomes fully apparent when we consider the history of civilization. We find, to begin with, that different nations or races are at various times in the vanguard of cultural development. Thus, in the fifteenth century the standard of civilization in China is much higher than that of Europe. Western Europe surpassed the Orient during the Renaissance, but western civilization was taken over and improved upon in many respects by the Japanese during the lifetime of the average middle-aged man. It is clear that a cultural advance is an inexplicable phenomenon; it is an accidental and fortunate combination of the right mind, the propitious time, and the proper place. Cultural expansion, the shattering of old walls, and the enlargement of life is always the result of a flash of genius in the powder magazine of economic and political conditions. If the leader is lacking or the time is unpropitious, the masses stagnate, whether they be white, black, red, or yellow. But though nothing can explain the rise and continuation of culture in primitive peoples, we see that after a certain stage the civilization of a race is the cumulative increment of all other cultures.

CULTURE ORIGINS DUE TO NON-NORDIC RACES.

Nowhere is this better illustrated than in the evolution of western civilization. The very first step of the "Nordic" from the primitive condition of the Stone Age to the higher era of bronze was impossible without southern help, because tin, a prerequisite for the bronze alloy, was lacking in the Scandinavian Peninsula. Whether this or other causes delayed their development, the fact remains that the northern peoples continued in a savage state for thousands of years, and it is precisely the races which our hysterical anthropologist regards as debased and inferior, which he would exclude from formative American, which have laid the foundations for whatever civilization the world now possesses, and which, in numerous instances, have reached such cultural heights as we are still unable to attain, for all the aid of precedent and example.

The truth is that the origins of culture are wholly Mongolian, Semitic, and Mediterranean. As Dr. Robert H. Lowie points out in his excellent book, "Culture and Ethnology":

"Our economic life, based as it is on the agricultural employment of certain cereals with the aid of certain domesticated animals, is derived from Asia; so is the technologically invaluable wheel. The domestication of the horse certainly originated in inner Asia; modern astronomy rests on that of the Babylonians, Hindus, and Egyptians; the invention of glass is an Egyptian contribution; spectacles come from India; paper, to mention only one other significant element of our civilization, was borrowed from China. . . . It is worth noting that momentous ideas may be conceived by what we are used to regard as inferior races. Thus the Maya of Central America conceived the notion of the zero figure, which remained unknown to Europeans until they borrowed it from India; and eminent ethnologists suggest that the discovery of iron technique is due to the negroes."

It is a matter of common knowledge that literature and art, religion and ethics, as well as other esthetic, spiritual, and material expressions of humanity reached their apogee among the Greeks, Jews, and Romans, inheritors of this earlier culture, at a time when the northern barbarian was slowly evolving from a state of savagery. There is an intriguing coincidence in the fact that the Nordic apologist is thus attacking the nations to whose racial progenitors he owes an irredeemable debt and that the parvenu among civilized peoples is seeking to establish his superiority to the Spaniard and Greek, Jew and Italian, Mongolian and Arab. Without the inventions of India, China, and Egypt, inventions which the Jews, Greeks, and Romans passed on in an improved state, industry and agriculture, astronomy and mathematics, music and art might still be in a primitive condition.

A PROBLEM OF EUGENICS.

A discussion by the partisans of the Nordic theory, of the comparative merits of the various cultural contributions made by this or that race, or of the greatness of its heroes, or of its physical fitness, invariably ends with the Nordic on the debit side of the ledger, but this proves nothing because it is trivial and irrelevant. It simply indicates the existing confusion as to who and what constitute the individuality of a race. It is a demonstrated fact that the masses of every race are mentally on a par with the masses of every other race. After testing primitive intelli-

gence and comparing it with that of all types of white men, Professor Woodworth found no appreciable difference in the average of any of them except that the Igorrote of the Philippines, the Negrito and the pygmies of the Congo, were somewhat deficient. "This crumb," he writes, "is about all the testing psychologist has yet to offer on the question of racial differences in intelligence." Furthermore, each race contains every grade of intellectual capacity, ranging from the imbecile to the genius. The proportion of idiots and geniuses is regulated almost entirely by the social, economic, and political conditions in which each generation of the race happens to be living. Thus the perpetuation of any race as a whole means the perpetuation of many types—the undesirable, the inferior and the dead-level, as well as the gifted and the genius types. Hence, not only every homogeneous nation, but every nation which, like the United States, has become a vast racial melting pot, faces a problem in engenders, viz, the problem of improving its stock.

In teeming Europe and Asia there is only one solution, the elimination of the inferior types of all races. But our own vast and sparsely settled country need not take up the surgeons' scalpel until it has tried therapeutics. It can wait to see the wondrous effects of its climate and soil, its principles of liberty and its democratic institutions. Unless all we know of the development of civilization is false, these basic gifts that America offers her immigrant will bring about the fullest expression and the finest flowering of his racial and individual qualities. If these qualities are not the vices and virtues of a single strain, but rather the characteristics of a cross section of mankind in which the gifts of each will supplement and enrich the rest, our country, like a great orchestra, will play such harmonies as no single instrument can produce. And that will mean not the passing but the making of a great race; that will be the concrete manifestation of the ideals and the mission of America.

The only humane provision in House bill 7995, which is the latest measure introduced by Mr. JOHNSON of Washington, and supersedes House bills 101 and 6540, is the clause known as the nonquota immigrant clause found on page 5, section 4, of the bill. This clause allows the admission, exempted from the quota restriction, of the wife, minor unmarried children, and father and mother over 55 of an American citizen. Nothing further can be said in favor of the bill.

Senate bill 2576, an immigration measure introduced by Senator REED of Pennsylvania, attempts to fix the basic quota of 2 per cent on the census of 1910. It is a better bill than the Johnson proposal, in that it avoids the stigma of discrimination which attaches to the Johnson measure providing for the 1890 census as a basis. In other respects, however, the Reed bill is even worse than the Johnson bill, because it does not contain the one good feature of the Johnson bill, the "nonquota immigrant" feature. It only provides that preference be given the wife and minor children under 21 of citizens of the United States. This preference provision is of no practical value.

It appears to me that both Houses of Congress are attempting to deal with the immigration problem without a scientific basis for a permanent immigration policy. None of the proposed measures undertake properly to cure the ills from which the immigration situation has been suffering during the last three years. Instead of uniting families there seems to be a tendency to separate them and keep them apart; instead of aiding the alien already here there seems to be a tendency to oppress him; instead of helping him bring his wife and children here and become a satisfied and grateful American citizen there is a tendency to leave him to the mercy of the fates and his wife and children to the hazards of a quota restriction.

This is not as it should be. Before any policies are adopted a thorough and impartial study of the immigration question should be made by an impartial commission of this Congress.

EXTENSION OF REMARKS.

Mr. GARBER. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the bill H. R. 7959.

The SPEAKER pro tempore. Is there objection?

Mr. UNDERHILL. Mr. Speaker, reserving the right to object, will the gentleman tell us what it is?

Mr. GARBER. Adjusted compensation.

The SPEAKER pro tempore. The gentleman from Oklahoma asks unanimous consent to extend his remarks in the Record on the subject of adjusted compensation. Is there objection?

Mr. BEGG. Mr. Speaker, reserving the right to object, I would like to ask the gentleman if he will not withdraw that request.

Mr. BLANTON. Mr. Speaker, I ask for the regular order.

The SPEAKER pro tempore. Objection is heard.

Mr. FRENCH. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 6820, the naval appropriation bill—

Mr. CRAMTON. Mr. Speaker, before that I desire to call up—

Mr. GARRETT of Tennessee. Mr. Speaker—

The SPEAKER pro tempore. For what purpose does the gentleman from Tennessee rise?

Mr. GARRETT of Tennessee. I want to ask who made objection to the request of the gentleman from Oklahoma a moment ago.

The SPEAKER pro tempore. The gentleman from Texas demanded the regular order.

Mr. BLANTON. I did not object.

Mr. BEGG. Mr. Speaker, I object.

The SPEAKER pro tempore. The gentleman from Ohio objects.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, one of its clerks, announced that the Senate had passed the following resolution:

IN THE SENATE OF THE UNITED STATES,

March 19, 1924.

Resolved, That the Senate concur in the amendment of the House of Representatives to the amendment of the Senate No. 47 to the bill (H. R. 5078) entitled "An act making appropriations for the Department of the Interior for the fiscal year ending June 30, 1925, and for other purposes," with the following amendment, in which it requests the concurrence of the House, viz: In lieu of the matter proposed by the House amendment insert the following:

"For the purchase of the Bright Angel toll road, within the Grand Canyon National Park, \$100,000, or so much thereof as may be necessary, to be immediately available and to remain available until expended: *Provided*, That no purchase shall be made of the said Bright Angel trail until the people of Coconino County, Ariz., shall have ratified such purchase by vote at an election for such purpose."

Resolved further, That the Senate agree to the amendment of the House of Representatives to the amendment of the Senate No. 60.

Resolved further, That the Senate further insists upon its amendments Nos. 15, 16, 17, 18, 19, 28, and 30, and that it agree to the further conference asked by the House on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. SMOOT, Mr. CURTIS, and Mr. HARRIS be the conferees on the part of the Senate.

INTERIOR DEPARTMENT APPROPRIATION BILL.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent, if that is necessary, to call up the bill H. R. 5078, the Interior Department appropriation bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan? [After a pause.] The Chair hears none.

Mr. CRAMTON. And I move that the House disagree to the amendment of the Senate to the amendment of the House to the amendment of the Senate No. 47.

Mr. BLANTON. What is that amendment?

Mr. CRAMTON. The Bright Angel Trail amendment.

The motion was agreed to.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to proceed for two minutes on this subject.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, can the gentleman tell us and will he tell us within the two minutes who this Bright Angel is?

The SPEAKER pro tempore. The Chair hears no objection.

Mr. CRAMTON. Mr. Speaker, there is a warfare waged against the appropriation that has been recommended by the House concerning the Bright Angel Trail leading down into the Grand Canyon, and I have spoken heretofore on this subject. I am constrained by the rules of comity between the two Houses, although that comity has not been observed in this matter at the other end of the Capitol. But I want to make this one statement now, that the opposition to the action recommended by the House centers in a man who, while denying that he is a party to any litigation concerning mineral claims now or for a number of years heretofore, was a party to litigation in the Supreme Court of the United States in 1920, and in that case his asserted rights were denied. It was denied that he had rights, but he is still, in defiance of that decision, maintaining possession of strategic points in the Grand Canyon National Park and has even in the past month interfered with the furnishing of water safe to drink to park visitors or the providing of facilities necessary to comfort and health.

Mr. BANKHEAD. Will the gentleman yield?

Mr. CRAMTON. In a moment—and that so far from not being a party to litigation, he has within a month been in conference with the Secretary of the Interior asking that in pend-

ing litigation over mineral claims in the Grand Canyon the hearing be postponed until after the adjournment of Congress so that he may attend the hearing upon it in Flagstaff. I now yield to the gentleman.

Mr. BANKHEAD. In view of certain precedents that have been established, does not the gentleman think it might be a good idea to send some marines out there to see the interests of the Government are protected?

Mr. CRAMTON. There might appear to be something in the gentleman's idea, in view of precedents that have been established. Another body in this Capitol has spent almost all its time in investigating scandals. I say the use of high official position to carry on a private warfare is a scandal that might also have attention. [Applause.] It has been suggested in another body that if this thing is continued an investigation will also be asked for. In Heaven's name, let us have the investigation. [Applause.]

EXTENSION OF REMARKS.

Mr. ABERNETHY. Mr. Speaker, I ask unanimous consent that my colleague [Mr. HAMMER] may extend his remarks, to be printed in 8-point type, on the rent act. He is a member of the District Committee.

The SPEAKER pro tempore. The Chair is informed that there can not be printed in 8-point type speeches delivered outside of the House of Representatives.

Mr. ABERNETHY. Well, this speech was delivered inside the House of Representatives.

The SPEAKER pro tempore. Oh, it is?

Mr. ABERNETHY. Yes, sir; it is his own speech.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina? [After a pause.] The Chair hears none.

THE NECESSITY FOR CONTINUING THE WASHINGTON RENT ACT.

Mr. HAMMER. Mr. Speaker, almost within a stone's throw of the Capitol Building and the splendid building which the Members of the House and the Members at the other end of the Capitol occupy we have wretchedness and misery.

Some three years of careful study and investigation of the situation convinced me that the statement is true that there are at least 30,000 residents of the District of Columbia inadequately housed, and because of exorbitant rentals they are crowded into congested quarters, forced to surrender the privacy of their homes, and to give up much that life holds dear in order to fill the pockets of a few rent profiteers. There are now approximately four instead of nine in the crowded one-room apartments.

A beautiful city is Washington, but behind its doors we find much that is not conducive to health and morality. And these conditions are not confined to the alleys.

So greedy are many of the landlords that repairs are not made, and they are letting the buildings fall into decay and filth that menace the public health. He does not forget to raise the rent, however, and thereby adds congestion to an already indescribably deplorable situation.

If an epidemic or conflagration should break out, it would be very difficult to stop it, and if the minds of the masses became inflamed it would take an armed force to quell mob violence. The people will be oppressed only so long and to a certain extent.

Investigations I have made convince me that after the war there was a disbanding of the war-emergency departments which threatened to deplete the population of the city about 20,000. It is not true that the departure was great enough to relieve the housing congestion. This was due to several causes:

First. A large number of the clerks separated from the service did not leave the city.

Second. During the war there were 8 to 10 people living in one room and making the best of it, because it was a national emergency.

Third. While some of the war workers went home, their places were quickly filled by others. Washington has taken the lead over all cities in the race for securing national headquarters of nation-wide business organizations. According to estimates made by the Merchants and Manufacturers' Association, there are upward of 300 organizations in this city with either national headquarters or a substantial permanent representation. This has grown up almost entirely during the war.

Fourth. The houses of the well to do thrown open to war workers were closed again.

Fifth. Houses which had been condemned before the war, but inhabited during the war, were ordered torn down by the authorities.

An investigation of the city shows that fully 20,000 people are living in crowded, insanitary dwellings, paying exorbitant rents.

No houses are being built that will meet the requirements of the moderate salary.

Unjust and unreasonable and oppressive rentals are being demanded of tenants under prevailing conditions. There is no freedom of contract between landlord and tenant. The housing congestion is still great enough in houses renting for less than \$60 per month—and to the great majority of the people—to menace public welfare, health, and morals.

Rent-restrictive legislation in Washington was enacted first in the fall of 1919, going into effect October 22, 1919. The Rent Commission of three members were recommended by the President and confirmed by the Senate, and the work of the commission commenced by February, 1920. The commission began in a small office on Pennsylvania Avenue and with a staff of half a dozen members. The number of cases filed in the early days was amazing, and it was soon obvious that the commission would have to be enlarged in order to take care of the work imposed upon it.

The act expired in October, 1921, and was extended until May of the next year. This short extension caused an unsettled condition that resulted in great hardships to both tenants and owners. Nothing is more destructive than the indefinite execution of a plan.

The declaring of the act unconstitutional by the Court of Appeals of the District of Columbia in June of 1920 made the situation even worse, unjust and unreasonable owners putting a frightful pressure upon intimidated tenants; enormous increases were demanded in rental, and threats of eviction forced the payment of such increases. This was a period, I am advised, that Washington will never forget, and to-day she shows scars of this terrific conflict between selfish interests and unfortunate masses. The Federal Supreme Court declared the act constitutional in April of 1921. This made the operation of the act more normal, and the commissioners were able to accomplish much more.

The act was extended from May, 22, 1922, for two years more, and will expire on May 22, 1924, unless it is continued, as it should be, under the bill now in committee.

When the act was declared constitutional the extremely interesting decision was written by Mr. Justice Holmes. This is an important decision. It is in part as follows:

The fact that tangible property is visible tends to give a rigidity to our conception of our rights in it that we do not attach to others less concretely clothed. But the notion that the former is exempt from the legislative modification required from time to time in civilized life is contradicted not only by the doctrine of eminent domain, under which what is taken is paid for, but by that of the police power in its proper sense, under which property rights may be cut down and to that extent taken without pay. Under the police power the right to erect a building in a certain quarter of a city may be limited to from 80 to 100 feet; safe pillars may be required in coal mines; billboards in cities may be regulated; watersheds in the country may be kept clear. These cases are enough to establish that a public exigency will justify the legislature in restricting property rights in land to a certain extent without compensation. But if to answer one need the legislature may limit height, to answer another it may limit rent.

Housing is a necessary of life. All the elements of a public interest justifying some degree of public control are present.

But if the public interest be established, the regulation of rates is one of the first forms in which it is asserted, and the validity of such regulation has been settled since *Munn v. Illinois*.

The statute is objected to on the further ground that landlords and tenants are deprived by it of a trial by jury on the right to possession of the land. If the power of the commission established by the statute to regulate the relation is established, as we think it is, by what we have said, this objection amounts to little. To regulate the relation and to decide the facts affecting it are hardly separable.

It has been truthfully said that no great war has ever been fought without the teaching of some great principles. The havoc created by the war in Europe made very plain the necessity for laws governing groups of people where community interests made common necessity, especially in densely populated communities like the District of Columbia, wherein the population exceeds more than 8,000 persons to the square mile. Mr. Justice Holmes has cited the public interest established in the regulation of rates, in the regulation of the height of buildings, and in regard to billboards, safe pillars in coal mines, and watersheds, and so forth.

Certainly the housing situation after the war which resulted in untold suffering in congested centers the world over has pointed to the fact that housing, too, takes on a public interest. Then why should we talk about a war emergency which is never so great while the war is being fought as during the period in the aftermath of war? Take, for instance, the War

between the States, as has been so well said by one of the witnesses before our subcommittee while considering the proposed execution of the rent act; everybody knows that what it took 5 years to do it has taken 60 years to undo; that the desolation and ruin in the States of the South is still in evidence in some sections of the country.

America knew none of the devastation that the countries of Europe knew, but one very definite result is shown in the even cruel congestion in the larger cities of the country. The great industrial cities of the Middle West felt the housing shortage very keenly, and some of them still feel it. Labor and materials had been allocated to war needs for practically five years. Few repairs had been made on any houses during that period, and 1920 found the United States with a shortage of some 2,000,000 dwelling places.

The two cities that felt this the most keenly were New York and Washington. New York always has its housing problem as it concerns immigrants, thousands of these people from every corner of the world pouring through Ellis Island into Manhattan every day. Both New York and Washington have limited areas. Washington grew from approximately 300,000 to 600,000 almost in a night. One must consider, too, that one-third of this 300,000 were colored people, who occupy perhaps half the floor space that the white people do. This increase to 600,000 was largely white, so the scarcity of housing was even greater than it would be were this not true. These people had to live somewhere. It is possible to go without necessary clothing and without necessary food; it is even possible to starve oneself; it is possible to deprive children of education and of all forms of refined amusement, but it is not possible to live without a roof over your head; the long arm of the law seizes the culprit who tries to go without shelter and forces shelter upon him at the Government's expense, as was so well said by one testifying before our subcommittee on this bill.

After the armistice had been signed and the Nation attempted to sit back in its armchair and become once more comfortable and normal, it found that this was an impossible thing to do. Not only this Nation but every nation in the world felt this shortage, and it began to be pretty generally understood that the housing problem was one that could not be left to adjust itself. Laws were passed in France, Austria, Italy, Finland, America; in fact, in very nearly all the countries of the world, relieving buildings of taxation, extending government aid, protecting tenants from unjust rentals, forcibly taking over certain space in residences to house the unsheltered. Some two weeks ago, or a little more, England and Italy passed rent-restrictive laws.

Many of you are familiar with the laws passed by New York and Washington. While they grew out of the war emergency itself, they have become increasingly more important as the months have gone by, the emergency ceasing to exist in the houses of the rich and becoming increasingly exaggerated where the pressure is always found to be the greatest, on the shoulders of the poor.

The difference between the laws in the District of Columbia and New York is chiefly this: Here we operate primarily through a commission empowered to determine and fix a just and reasonable charge for rental property; the New York law makes the fact that a rent is unjust and unreasonable a defense to an action for recovery through the courts.

DESCRIPTION OF THE ACT.

The act contains two definite features, the fixing of a fair and reasonable rental value and the protection of tenants in occupancy. The fixing of a fair and reasonable rental is based upon a certain per cent of net return on a true value of the property to-day. This the commission discovers by finding, usually, 8 per cent on the value and adding to that the annual expenditures, which include such items as taxes, water rent, insurance, repairs, replacements, depreciation, and the general cost of management with commissions to agent for same. The depreciation allowed by the commission, I am advised, is usually $\frac{1}{4}$ or 2 per cent on the present-day value of the structure. This value is usually discovered by multiplying the cubical contents by the cost of reconstruction per cubic foot, and then subtracting from that the depreciation for the number of years the building has been in existence. A nonfireproof building usually calls for from 2 to 3 per cent and a fireproof building for from 1 to 2 per cent. The commission allows the same depreciation in finding the net return for the year to follow the determination as it has used in discovering the depreciation to be subtracted from the cost of reconstruction. It is practically impossible for an owner to lose money on his property or for any such bugaboo as confiscation to be considered when so just a method of procedure is followed.

What is called the "possession feature" was within the jurisdiction of the Rent Commission until the act of 1922 extending the rent law, when certain landlords, together with their attorneys, appeared before the subcommittee, of which I was a member, in the consideration of the bill extending the rents act, for many days and weeks, with care and caution as to its provisions and wording proposed to transfer to the municipal court the power to make the provision of the act applicable to this feature. Finally it was agreed that this change be made, and, as I recall, the realtors agreed to it, but, so far as I am advised, it is admitted now that this was an unwise provision and has been unsatisfactory. The present bill restores the provisions of the former act providing for the Rent Commission to pass upon this question.

There are now five commissioners instead of three, and there seems to be good reason for returning to this original procedure of the rent act prior to the extension two years ago, as it is better for the commission itself to go into the bona fides of these transactions rather than a court which knows nothing of the acts leading up to the threat of eviction. In the past it has been the habit of landlords to serve a 30-day notice on the tenants to quit as soon as the landlord learns the tenants have taken advantage of the legislation enacted by the Congress for their protection. It is pretty safe to assume that were the Rent Commission to go out of existence on the 22d of May next there would be a wholesale eviction of tenants.

OPERATION OF THE ACT.

A hearing before the Rent Commission is initiated either by the tenant, owner, or agent, or the Rent Commission itself. Usually the tenant or owner files a petition to fix a fair and reasonable rent, whereupon the Rent Commission serves a copy of this appeal upon the defendant, this petition to be answered within 10 days. The case is then set for hearing. The commission acts as a jury and as judges, hearing both sides to the dispute, giving everyone connected with the controversy a fair chance to be heard in open court. Then follows a very careful and thorough inspection of the premises.

The commissioners inspect everything from the furnace to the roof gardens. They inspect the plumbing and the condition of the walls and floors. This is an extremely arduous task, and has taken much time and energy, to say nothing of expense in the way of automobile tires, gasoline, and so forth; the commission has no automobile for such inspections and is obliged to use personal machines or to pay for taxis. The case is then taken under consideration and a fair and just determination made to all.

COST OF THE COMMISSION.

The cost of operating the commission is, at the minimum, \$90,000. If it is operated as it should be, it will cost from \$100,000 to \$115,000 to function promptly, properly, and efficiently.

THE CONDITION OF THE DISTRICT OF COLUMBIA HOUSING SITUATION AS COMPARED WITH OTHER YEARS.

In 1919 and 1920 the peak of population was reached in the District of Columbia. This is not generally realized, most people thinking that the large number of clerks left Washington when they were separated from the service following the signing of the armistice and the suspension of war activities. This was not true, however, a large number of clerks remaining here and new activities taking the place of war activities rapidly, bringing to the city hordes of new workers from all parts of the country. The population is probably as great to-day as it was at the peak of operations and it is growing steadily.

The congestion in the rooming houses is not so great as it was, but the oversupply is found principally in the shabby, dilapidated, run-down houses which really form the lower strata. There is still an undersupply of good, clean, well-ventilated rooms. The supply in one room, kitchen, and bath apartments is adequate to meet the demand, but the rental is too high to justify the clerk in the Government who desires such an apartment to occupy it.

I am fully convinced, after a careful consideration of the recent hearings before the District subcommittee, the congestion in the apartment house or dwellings at under \$50 per month rental is greater than it has ever been, and the distress being felt by these people is not only pathetic but pitiful. There are sufficient houses for the rich, but the poor are suffering untold hardships in the District.

The need for high-priced dwellings and apartments, particularly the latter, has been fairly adequately met. However, it must be noted that although high-priced dwellings are on the market for rent, the floor space has been decreased to such an extent that even in this type there is a scarcity of houses for a family of more than two. The adequate supply is in one-room

and bath, or one room, kitchenette, and bath. Like sheep these builders have followed a few leaders and have cut up their floor space into hundreds of these little bachelor apartments. A cheap deal table and two chairs painted and costing about \$12—but should not have to cost anything like that—two cupboards, consisting of two or three cheap little shelves for a partition; a silly little stove, with no place to broil, and a baking oven too small to bake a self-respecting North Carolina chicken; another insignificant little pine table, with two more shelves about it, and you have one of these so-called Pullmanettes. The realtors call this two rooms, although the only partition there is two misplaced shelves. Adding a 9 by 12 living room, with a Murphy bed on a door that swings to on the only closet, the agent hypnotizes the tenant into thinking this a three-room and bath apartment and into paying from \$60 to \$75 for it.

Money is tight, and the tighter it is the greater must be the established income to obtain it. The value of the property does not count as much in getting money as the income derived from it; or, putting it another way, money is loaned on a value boosted by bloated rent schedules.

The rate of interest on first-mortgage loans is 6 to 7 per cent, with 1 per cent commission or brokerage. On second mortgages the rates are higher, according to the risk involved and the personal element of character and financial responsibility of the borrower. The rate of interest can not legally be higher than 8 per cent, but a bonus is usually charged, from 5 to 40 per cent. One big builder said that if he needed money he did not care what he paid for it, and it could not be gotten without a heavy bonus.

There is small doubt but that the main reason small homes are not being built is found in the method of financing. An unconscious profit is being reaped through the discounting of these second mortgages.

A custom prevails among the builders to make a payment of 25 to 50 or larger per cent of the contract price on second or even third mortgage on the building to be erected. Before the contractor gets through with the buildings, as a rule, he gets a second or third mortgage on the building, and having taken them full par value is compelled to take his second or third mortgage received as part payment for the contract price of the building to one of these discounting corporation trust companies, where his second or third mortgage is cashed in for a discount of about 25 to 50 per cent, frequently 50 per cent or more.

The trust company which discounts these mortgages for contractors usually are connected with and partly owned by the landlord who is having his houses built. So it will be readily seen that instead of costing the landlord the contract price often costs him much less because of the interlocking of the arrangement by which he is benefited to the extent of as much as 25 per cent. In some instances the landlord, it is said, discounts these mortgages himself and carries them at a rate as high as 50 per cent.

One of these mortgage discount corporations ran for several issues an advertisement in all the Washington newspapers soliciting the public to purchase its 20,000 shares of preferred stock at \$100 par value, with positive dividends of 8 per cent guaranteed in large headlines in these advertisements.

Attention was called to this matter at the hearings, and a portion of one of these advertisements, which might be called "How to get rich in one act," was placed in the hearings.

I have attempted an analysis of one of these mortgage and discount corporations which may be of sufficient importance to interest you. I take from the prospectus of one of these corporations appealing to the public:

(1) The capital stock consists of 20,000 shares of preferred stock at \$100 par value with a positive dividend obligatory of 8 per cent per annum; and (2) 50,000 shares common stock of no par value. With each share of preferred stock will be allotted one share of common stock. Minimum dividend payable on common stock, as provided by charter, is \$4 per share, with every prospect of its reaching a materially larger amount.

Thus each share of preferred stock has a potential dividend value of \$12 on each \$125 paid in. Possession of the common gives you a voting voice in the affairs of the corporation. An additional safeguard is placed on the preferred stock, in that the 8 per cent takes precedence and preference over the assets and earnings of the corporation.

Thus we have a prospectus which amounts to this:

The public is asked to pay in to capitalize the company—

20,000 preferred, \$100 par (1), cash.....	\$2,000,000
Bonus extracted from the public, obviously, for the common stock.....	500,000
Total cash asked from the public for capitalization, entire capital.....	2,500,000

(1) 20,000 preferred, \$2,000,000; interest, at 8 per cent....	\$100,000
(2) 20,000 common, to public, \$4 per share per annum....	80,000

Total return to public for investment of \$2,500,000,

if the company earns sufficient..... 240,000

(2) 30,000 common retained without charge to the corporation, to earn \$4 a share (as \$360,000 is to \$2,500,000).....	120,000
---	---------

Thus, though the entire capitalization secured from the public, the stockholders, \$120,000, is retained of the earnings to go to parties unknown, a portion of the income is retained on a basis of prospectus, or 50 per cent of what the public would get; or one-third of the estimated earnings, one-third of the potential possibilities, are withheld from those putting up the capital.

Possession of the 30,000 shares common bars you from having a vote that would be effective in the corporation. The security is based on second mortgages of doubtful value, manipulated by interested people. Corporation must actually earn 14 per cent to pay even the above, without speaking of materially larger amount. This, I think, is not an unjust analysis, but is a fair sample of high financing in the Nation's Capital.

There is apparent an interlocking of the interest of the builder and financiers. In the advertisements to investors such large profits are shown in second mortgages that it is not an exaggeration to state that even counting out the exaggerations of the advertising writer the charges are not within the laws of legitimate profit.

There is no shortage in high-priced houses to satisfy the demands of the richer but lesser part of the population, a very small minority able to conform to scandalous financing practices prevalent in executing these second mortgages.

Enforcement of the claims of tenants for rentals paid in excess of amounts fixed by the commission, which, under the present rents act, is a function of the office of the attorney to the Rent Commission, presents a difficulty for which a remedy is provided in the present bill in which it is proposed to continue the rent act to August 1, 1926. The law at present provides that suit may be brought in municipal court and judgment obtained for the amount finally due the tenant. It frequently occurs that after determination and even after judgment is obtained the rental premises involved are sold without notice to the new purchaser of the pending claims of these tenants and the purchaser thereupon discovers an indebtedness which was not disclosed in the report provided him by the title company. On the other hand, the commission had several cases wherein the former owner was "judgment proof" or had created conditions so that a judgment against him could not be collected. For the best interest of the public, therefore, it is deemed advisable to provide by law that when a determination of the Rent Commission shows an amount due for excess rent paid by the tenant, it should be the right and duty of the tenant to enter notice thereof in the clerk's office of the Supreme Court of the District of Columbia, thus docketing his judgment. When this is done it is a lien or judgment of the same force and effect as any other docketed judgment, and why should it not be? If this is not done, the liability does not pass with the property to the new purchaser. Thus both sides are fairly and fully protected—the purchaser against unknown claims and the tenant against landlords who try to evade their obligations by "wash sales."

NAVAL APPROPRIATION BILL.

Mr. FRENCH. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 6820) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1925, and for other purposes.

The SPEAKER pro tempore. The gentleman from Idaho moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 6820, the naval appropriation bill. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. GRAHAM] will resume the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 6820, the naval appropriation bill, with Mr. GRAHAM of Illinois in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 6820, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 6820) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1925, and for other purposes.

The CHAIRMAN. The Clerk will proceed with the reading of the bill for amendment.

The Clerk read as follows:

PAY, MISCELLANEOUS.

For commissions and interest; transportation of funds; exchange; mileage and actual and necessary expenses and per diem in lieu of subsistence as authorized by law to officers of the Navy and Naval Reserve Force while traveling under orders, and for traveling expenses of civilian employees, and for mileage, at 5 cents per mile, to midshipmen entering the Naval Academy while proceeding from their homes to the Naval Academy for examination and appointment as midshipmen; for actual traveling expenses of female nurses; actual expenses of officers while on shore patrol duty; hire of launches or other small boats in Asiatic waters; for rent of buildings and offices not in navy yards; expenses of courts-martial, including law and reference books, prisoners and prisons, and courts of inquiry, boards of inspection, examining boards, with clerks, and witnesses' fees, and traveling expenses and costs; expenses of naval defense districts; stationery and recording; religious books; newspapers and periodicals for the naval service; all advertising for the Navy Department and its bureaus (except advertising for recruits for the Bureau of Navigation); copying; ferrage; tolls; costs of suits; relief of vessels in distress; recovery of valuables from shipwrecks; quarantine expenses; reports; professional investigation; cost of special instruction at home and abroad, including maintenance of students and attachés; information from abroad and at home, and the collection and classification thereof; all charges pertaining to the Navy Department and its bureaus for ice for the cooling of drinking water on shore (except at naval hospitals), and not to exceed \$175,000 for telephone rentals and tolls, telegrams and cablegrams; postage, foreign and domestic, and post-office box rentals; for necessary expenses for interned persons and prisoners of war under the jurisdiction of the Navy Department, including funeral expenses for such interned persons or prisoners of war as may die while under such jurisdiction, and for payment of claims for damages under naval act approved July 11, 1919; and other necessary and incidental expenses; in all, \$2,500,000: *Provided*, That no part of this appropriation shall be available for the expense of any naval district unless the commandant thereof shall be also the commandant of a navy yard, naval training station, or naval operating base: *Provided further*, That the sum to be paid out of this appropriation, under the direction of the Secretary of the Navy, for clerical, inspection, and messenger service in navy yards and naval stations, for the fiscal year ending June 30, 1925, shall not exceed \$560,000.

Mr. ROGERS of Massachusetts. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Massachusetts moves to strike out the last word.

Mr. ROGERS of Massachusetts. I ask unanimous consent, Mr. Chairman, that I may proceed for 10 minutes in the discussion of the conference ratio.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to proceed out of order for 10 minutes to discuss the matter mentioned by him. Is there objection?

There was no objection.

Mr. ROGERS of Massachusetts. Mr. Chairman, the question is being widely discussed, both in technical quarters and in popular quarters, as to whether the United States in the last two or three years has actually maintained its treaty ratio as laid down in the Washington conference agreement of 1921-22. I want to read in this connection a paragraph from a speech made by Capt. Dudley W. Knox, an officer of the United States Navy attached to the Office of Naval Operations, on this point. The speech was delivered on December 6 last before the District of Columbia Department of Reserve Officers. I should like to call the especial attention of the gentleman from Idaho [Mr. FRENCH] to his statements. Captain Knox said:

We are not keeping up the ratio of naval strength agreed upon for the United States at the Washington conference. We have already fallen so far behind the other nations that our Navy is only half as powerful as it is supposed to be. Our battleship force instead of being equal to the British in this type is only half as strong; this is due to the fact that their ships are modernized while ours are not. We need about 50 per cent more personnel than is in the Navy to-day if the treaty Navy is to be properly maintained on a peace basis. To approach our ratio of strength in auxiliary ships we should have at least 18 more high-speed cruisers of about 10,000 tons each, and 11 more large submarines of long cruising radius.

Here we have the explicit statement by a naval officer of high rank to the effect that the famous 5-5-3 naval ratio, as among Great Britain and the United States and Japan, has become a 5-2½-3 ratio, and that the United States to-day has the unenviable position of being the last in the scale. One of two things follows: Either Captain Knox is wrong and should be reprimanded for misleading this country; or Congress—and for that matter the administration—should be taken to task for allowing the Navy to be weakened to the point where the United States has become the third world power in strength, instead of tying Great Britain for naval supremacy.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield for a question?

Mr. ROGERS of Massachusetts. Yes, indeed.

Mr. COOPER of Wisconsin. Does the gentleman remember that certain officers of the Navy assured Mr. Secretary Hughes and Assistant Secretary Roosevelt a year ago or more when we were in session that the British were elevating their guns and doing other things greatly to increase their power on the sea and in direct violation of, if not the letter, then the spirit of the Washington conference, and that subsequently both Secretary Hughes and Assistant Secretary of the Navy Roosevelt publicly admitted that they had been misled or misinformed and retracted their statements? Now, then, is the same officer or officers like him now furnishing this information that we are running behind either in the ratio?

Mr. ROGERS of Massachusetts. I shall try and deal with the point made by the gentleman from Wisconsin in a moment.

Mr. LITTLE. Mr. Chairman, will the gentleman yield for a question right there, to go with that?

Mr. ROGERS of Massachusetts. Yes.

Mr. LITTLE. Might it not be that the reason for the discrepancy was that the British had modernized their fleet? Will you in your discussion tell us when they did modernize it and how?

Mr. ROGERS of Massachusetts. Yes, I will do that.

A very able speech was made in the House last Saturday by a very able Member whom we all respect and admire, the chairman of the Naval Subcommittee [Mr. FRENCH]. In his speech Mr. FRENCH said:

There is no question in the minds of the members of the committee that the Navy of the United States is adequate under the basis of the treaty ratio. We have our allotted number of ships, to start off with, of the capital type; we have an excess number in some other types, as to which the number is not limited; other nations have excesses in some other lines. We are not well rounded out in some types. We shall need as we go along, probably, to modify the number of ships of different types, and other nations will need to do the same. But there is no question in the minds of the members of the committee that our Navy is second to none in the world. [Applause.]

The gentleman from South Carolina [Mr. BYRNES], who is highly skilled on this subject and has given it as much attention as any man in the House unless it be the gentleman from Idaho, said this, a little later in the same session:

We really ought to provide for aircraft and cruisers that would put us on an equality with any other nation. I have been an advocate of economy in Government, but when it comes to the Navy I do not want a Navy superior to any other power, but I do not want a Navy that is inferior to any other power on the face of the earth.

While I do not wish to misinterpret the gentleman from South Carolina, I gathered from his statement that he agreed with the comment of the gentleman from Idaho that at this moment our Navy is equal to that of Great Britain and does maintain the treaty ratio. If I am incorrect in that, I should like to be informed.

Mr. BYRNES of South Carolina. The gentleman is incorrect. I referred to the fact that in so far as cruisers are concerned we were certainly deficient as compared with Great Britain.

Mr. ROGERS of Massachusetts. Of course, I am dealing with the Navy as a single unit for this purpose, as the gentleman from Idaho was and as I thought the gentleman from South Carolina was. Does he think that upon that general comprehensive view our Navy maintains the 5-5-3 ratio?

Mr. BYRNES of South Carolina. I do not.

Mr. ROGERS of Massachusetts. Neither do I.

Mr. VINSON of Georgia. Is it not a fact that a larger Navy did exist after the conference?

Mr. ROGERS of Massachusetts. Yes.

Mr. VINSON of Georgia. The ratio is based entirely on tonnage. As a matter of fact, the four old ships of the capital line have 12-inch guns, while there is not a single British ship

that has a 12-inch gun. So the ratio is simply a question of tonnage.

Mr. ROGERS of Massachusetts. It is difficult—and every man who has studied this question knows it is difficult—to arrive at an exact appreciation of what the true ratio is. Many factors enter into the question, and skilled opinions will vary widely as to the appropriate interpretation of admitted facts.

What I want to do in the few minutes I have—and what I want to do in more detail in printing my remarks—is to lay before the House the admitted facts, which will enable each of us to make up his mind for himself. I hope that Congress will interpret these facts rightly and act accordingly.

Let me say emphatically—and in this I corroborate the statement just made by the gentleman from South Carolina [Mr. BYRNES]—that I think it can not be questioned that, whether the figures and the ratio as given by Captain Knox are correct or not, the United States is not to-day anywhere near naval parity with Great Britain.

Mr. SNELL. Will the gentleman yield?

Mr. ROGERS of Massachusetts. Yes.

Mr. SNELL. I am certainly very much surprised at the gentleman's statement. It is information to me anyway. Why have we been destroying large ships—as I suppose we have been doing—if we are so much behind the naval powers of the world?

Mr. ROGERS of Massachusetts. We have been complying with the agreement reached at the Limitation of Armament Conference. I think I can say that as far as capital ships are concerned we are falling behind in quality what is allowed to us by that treaty.

Mr. SNELL. Why should we destroy capital ships if we are falling behind?

Mr. ROGERS of Massachusetts. Because we agreed to do so.

Mr. SNELL. I supposed we agreed to destroy them in order to get down to a certain basis.

Mr. ROGERS of Massachusetts. Let me explain exactly what I mean. To-day the United States has dropped behind in the 5-5-3 standard, so far as capital ships are concerned, through the deterioration of 4 of the 18 capital ships which we were allowed to retain under the Washington treaty of 1921-22. Those 4 vessels—*Florida*, *Utah*, *Wyoming*, and *Arkansas*—which have been very much discussed in the newspapers of late in connection with the Caribbean Sea maneuvers, were all among the 18 which were reserved to the United States by that treaty.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ROGERS of Massachusetts. May I have five minutes more?

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to proceed for five additional minutes. Is there objection?

There was no objection.

Mr. ROGERS of Massachusetts. Under the treaty the date when each of the 18 may be replaced is explicitly provided. The four vessels which I have mentioned can not be replaced until 1934 and 1935. For compelling reasons of safety, growing out of the disclosures in connection with the operations in the south, the boiler pressures on these four vessels have been reduced from 220 pounds to 180 pounds. That involves a reduction in steaming speed of from 20 knots per hour to 12 knots or less an hour. I do not need to suggest to the Members of this House that when you reduce the speed of a vessel to 12 knots an hour you take her out of the battle line for any efficient purpose. She can not even take part in maneuvers, let alone be considered as fighting material in the event of an emergency. The four vessels in their present condition are lost to us for battle and also for peace-time purposes. They simply can not hold their places in the line.

According to the statements of the Navy Department, which I think are not controverted, in order to restore these four vessels to worth-while battleship strength it is necessary to do two things: First, to convert them into oil burners, and second, to give them additional torpedo and deck protection, which would cost altogether for the four vessels the sum of \$11,500,000, as estimated by the Navy Department.

I understand that the Acting Secretary of the Navy, in view of the revelations of the maneuvers, has very recently taken this matter up anew with the Director of the Budget.

Now, gentlemen, as things now stand, with those four vessels out of the battle line, we have a ratio of 5-4-3 instead of 5-5-3, with the United States reduced in its unit from 5 to 4. There are two other vessels—the *New York* and the *Texas*—that are gradually getting toward the same level as the other four, as just described. If those two vessels are not restored, reconditioned, and converted into oil burners within a year, they also will be put out of commission for practical purposes, just as is the case with the other four. In other words, if the United States does not authorize within a year the recondition-

ing of these last two vessels, the ratio will have become 5-3-3, and the United States will find herself a trifle superior, but only a trifle superior, to Japan and well behind the strength of Great Britain.

So far as cruisers are concerned, to which the gentleman from South Carolina [Mr. BYRNES] has referred to-day and previously in his speech, the condition is much more serious. The British Empire has 50 cruisers built since 1910, building or authorized; the United States has 10, and Japan has 20. The ratio in respect to cruisers is: Great Britain, 5; United States, 1; Japan, 3. If you take them on a tonnage basis instead of in accordance with their numbers, the ratio becomes 5 for Great Britain, 1½ for the United States, and 3 for Japan.

Beyond that, we are told within the last week that Great Britain, in spite of the fact that the new labor government has just come into power, is going to lay down five more cruisers. Under date of February 21, 1924, the parliamentary secretary to the Admiralty, Mr. Ammon, said—

The CHAIRMAN. The time of the gentleman has again expired.

Mr. ROGERS of Massachusetts. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to proceed for two additional minutes. Is there objection?

There was no objection.

Mr. ROGERS of Massachusetts. The parliamentary secretary to the Admiralty said:

The Government have decided, in view of the serious unemployment, to proceed with the laying down of five cruisers—three of which will be built in the royal dockyards—and two destroyers.

Tenders will be invited at once from contractors so that it will be possible to proceed with the work as soon as the necessary parliamentary sanction has been given.

And the estimates which were announced a week ago to-day in Parliament show that five new cruisers have in fact been provided for, and two destroyers in addition. So that when those cruisers are added to the 50 of the British Empire we have 55 as their total, as compared to the 10 which the United States has built, is building, or has authorized.

Now, Mr. Chairman, in my prepared statement I have proceeded in some detail in this same vein. I have taken up, class by class, the vessels which go to make up the American Navy, the British Navy, and the Japanese Navy. I have tried to show in compressed form exactly how the three powers stand to-day in accordance with the latest estimates and figures which are available. I think that the Members of the House will be convinced that something needs to be done, and needs to be done very quickly. If we agree, as I believe we do agree, that the 5-5-3 ratio represents a sound naval policy for the United States.

And, Mr. Chairman, in order that I may make this information available in printed form I ask unanimous consent to extend my remarks in the Record.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the Record. Is there objection? [After a pause.] The Chair hears none.

Mr. HOWARD of Nebraska. Will the gentleman yield?

Mr. ROGERS of Massachusetts. I yield.

Mr. HOWARD of Nebraska. The gentleman from Massachusetts should understand that all of this House lifts its hat to him in the matter of knowledge of naval affairs. Let me now see, as one landlubber in the House, what the contention of the gentleman is. Does the gentleman mean to tell us that the United States is keeping faith with its pledge at the Washington disarmament conference and that England is not?

Mr. ROGERS of Massachusetts. I think the United States is falling below the maximum which was permitted her by the Washington conference. I have heard it said on this floor that we had an obligation to keep up to the five. I never believed that myself. I thought our obligation was merely not to go above the five. I think Great Britain has kept faith implicitly, as far as any information which has come to me would indicate. I think that Japan has complied perfectly with her obligations. In this connection we should note that because of the earthquake horror there has resulted a postponement of the completion of her building program for a year, from 1927 to 1928.

As things now stand, I have shown that the United States has lost four ships from her battle line. The comparative total of the three powers becomes—

Great Britain	550,450
United States	405,000
Japan	301,320

a position for the United States of below a 5-4-3 ratio.

Two other ships, the *New York* and the *Texas*, within a year will reach the depth of inadequacy to which the four just mentioned have fallen. Although to-day the *New York* and the *Texas* are not quite as ineffective in boiler efficiency as the four ships previously mentioned, both of them are in need of conversion and within a year, I repeat, will be as inefficient as the others. If we do not immediately authorize the conversion to oil and the installation of additional protection, 6 of our 18 battleship units will have become ineffective. Our total ratio would then become—

Great Britain.....	580,450
United States.....	351,000
Japan.....	301,320

or worse than 5-3-3.

The cost of reconditioning the *New York* and *Texas* would be \$6,800,000. Chairman BUTLER, of the Naval Affairs Committee, has recently introduced a bill (H. R. 6580) for this purpose, and President Coolidge has stated that the passage of such a bill would not conflict with his financial program.

Cruisers.

[Cruisers built or authorized since 1910.]

	Ships.	Tons.
British Empire.....	50	239,630
United States.....	10	75,000
Japanese Empire.....	29	176,680

Ratio in number of cruisers is, Great Britain, 5; United States, 1; Japan, 3, and on tonnage basis about 5-1.5-3.

To comply with the spirit of the limitation of armament treaty, therefore, in so far as Great Britain is concerned, the United States needs to construct 199,020 tons of cruisers, and in so far as Japan is concerned, 219,466 tons of cruisers.

At the Conference for Limitation of Armament Secretary Hughes proposed the limitation of auxiliary combatant craft, which included cruisers, but this proposal was not incorporated in the final treaty. At that time both the British Empire and the Japanese Empire were superior to the United States in completed modern cruisers, and since the treaty have continued to increase their cruiser strength.

For many years prior to the World War the United States had concentrated on building capital ships, realizing that the primary element of a navy second to none is a battleship fleet second to none. These battleships gave our statesmen an attentive hearing at the arms conference. While building those ships we had deferred building cruisers; but other powers, notably the British and Japanese Empires, built cruisers concurrently with battleships, so that now they have an overwhelming superiority in cruisers. Twenty 10,000-ton cruisers are now required to bring our cruiser tonnage to the treaty ratio for capital ships of the British Empire and twenty-two 10,000-ton cruisers are required to bring our cruiser tonnage to equal the ratio 5-3 of Japanese cruiser tonnage, even if their existing programs are not augmented.

But even aside from attaining our treaty status and proper relative strength an efficient fleet needs vessels that can scout and gather information when opposed by enemy cruisers, vessels that can beat off destroyer attacks and break through enemy destroyer screens, swift vessels that can protect convoys and maintain their speed in rough weather. The destroyers, of which the United States has a sufficient number, except for flotilla leaders, are incapable of performing these duties.

The Secretary of the Navy has asked for eight light cruisers for 1925. None has been authorized. The Butler bill, mentioned above, H. R. 6580, would authorize the President to have constructed eight scout cruisers, carrying protection and armament suited to their size and type, to have the highest practicable speed and greatest desirable radius of action, and to cost, exclusive of armor and armament, not to exceed \$11,100,000 each. As to this also the President has stated that the proposal is not in conflict with his financial program. The cost of our most modern cruisers hitherto built is about \$7,000,000 each.

Destroyers.

(First line effective, built or authorized.)

Great Britain, 201 ships; including 18 destroyer leaders.
United States, 288 ships; no destroyer leaders, but including 14 mine layers.
Japan, 93 ships; no leaders.

Or ratio in numbers, 5-7-2.

It should be noted that a large proportion of United States destroyers are tied up and are fast becoming obsolete.

Submarines.

[Built and building, 485 tons and over.]

	Ships.	Tonnage.
British Empire.....	41	47,130
United States.....	99	76,388
Japan.....	74	75,413

Tonnage ratio, 4.7-7.6-7.5.

Of these, the United States has no mine layers or cruiser submarines, important types in fleet action, as shown by the use the Germans made of them.

To have 5/3 the strength of Japan we require $5/3 \times 75,000$, or 125,000 tons. United States deficiency is thus 49,000 tons.

Of the United States submarines, 43 are from 485 to 569 tons; while of the 74 Japanese boats not one is less than 689 tons, and 63 are over 900 tons. So that of our 76,388 tons as compared with Japan's 75,413 tons, 56 only of our boats are comparable in size with her 74. The United States deficiency is therefore much in excess of 49,000 tons, if effective vessels are to be considered.

Japan has 41 submarines building or projected, 23 of which are over 1,000 tons. That means they can cruise long distances. Eleven were completed in 1922-23. As previously stated, the United States has no cruiser or mine-laying submarines.

Six United States submarines of those authorized in the naval act of 1916 have not been started because no funds have been appropriated for them. Money for work on three of these has been asked for in the Budget for 1925. The Secretary of the Navy in his annual report for 1923 expressed the hope that a future Congress will appropriate funds for the remaining three of this program, and further recommends the authorization and appropriation of funds for three new submarines of the cruiser type.

Aircraft carriers.

[Limited by treaty to 135,000 tons for United States and Britain and 81,000 tons for Japan.]

	Number of carriers.	Tonnage.	Total.
British.....	3 completed.....	48,190	104,490
Do.....	3 building.....	56,300	
United States.....	2 building.....	66,000	78,790
Do.....	1 built.....	12,700	
Japanese.....	2 building.....	53,900	63,400
Do.....	1 built.....	9,500	

Ratio of 5-4-3.

The question has been asked what effect the earthquake would have upon the naval plans of Japan. I am advised that its only effect has been to result in the postponement of the completion of the building program from 1927 to 1928.

Summary.

Type.	Required to maintain 5-5-3 position.	Secretary recommends in his annual report, 1923.
Battleships.....	Install oil burners and give additional deck and torpedo protection in the case of six vessels.	Install oil burners and give additional deck and torpedo protection in the case of six vessels.
Cruisers.....	With Japan, 22 of 10,000 tons each; with England, 20 of 10,000 tons each.	8 of 10,000 tons each.
Submarines.....	With Japan, 40,000 tons; with England, none.	Appropriation to finish 6 already authorized and to begin 3 new cruiser submarines.

On the whole, it must be concluded that America as a naval power is rapidly falling behind the conference ratio and that unless Congress takes prompt and vigorous action the disparity will seriously imperil our security. Even as things now stand, the relative inferiority of the United States means that in the event of a supplementary naval limitation conference we should not be in nearly as strong a position as in 1921 to secure anything like the appropriate reductions from the principal powers of the world.

Battleships.
[Ships retained and dates when replacements are allowed by treaty.]

	1922		1924		1925		1934		1936	
	Ships.	Tons.	Ships.	Tons.	Ships.	Tons.	Ships.	Tons.	Ships.	Tons.
British.....	22	280,450	22	280,480	20	258,950	18	228,960	15	225,000
United States.....	18	200,650	18	225,860	18	225,860	17	225,450	15	225,000
Japanese.....	10	201,320	10	201,320	10	201,320	10	208,520	9	206,320

The CHAIRMAN. The time of the gentleman has expired.

Mr. FRENCH. Mr. Chairman—

Mr. BLANTON. Mr. Chairman, I rise in opposition to the pro forma amendment.

The CHAIRMAN. The gentleman from Idaho is recognized.

Mr. FRENCH. Mr. Chairman, I want to offer a few observations upon the subject that the gentleman from Massachusetts [Mr. ROGERS] has discussed. First, I have respect for Captain Knox and for his estimates upon the Navy of the United States and other navies; at the same time this is a subject as to which the authorities are not all one way. I believe Captain Knox greatly exaggerates the situation, though he does so without intent. Other students of the naval establishments of the different countries believe that the United States is abundantly strong from the standpoint of ratio, and, in fact, many urge that it is stronger than other countries. However, omitting to discuss the opinions of men, let me refer to just a few facts that are pertinent to the question from the standpoint of ships that were allocated to the different nations, and especially to Great Britain, the United States, and Japan.

The situation to-day is practically the same as it was at the time the limitation conference came to an end two years ago and when the treaty was finally ratified by the last nation to ratify the treaty, on August 28 of last year.

Turning first to the ships of the capital line, the United States has 18, Great Britain 18, and Japan 10. If any mistake was made, it was made two years ago by those having in charge the designation of particular capital ships from the ships of the Navy of the United States that might be retained in comparison with capital ships that might be retained or finished by Great Britain and Japan. There is nothing to show that any mistake was made. Some of the ships we retained were old, comparatively speaking, but so were some of the ships retained by Great Britain and by Japan. I could wish we could have maintained more modern ships than some of the ships we did retain, but it was a question, if gentlemen will remember, in part, not only of satisfying Great Britain and Japan, but a question, too, of economies within the United States. You will remember, as I recall it, that the four ships that could possibly have been completed to take the place of the four ships that broke down at Panama would have cost approximately \$60,000,000, in addition to what had been spent upon them, if the United States had completed those ships at that time, instead of retaining as part of the Navy the four ships to which the gentleman referred.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. FRENCH. In just a moment. Now let us see with regard to the ships that broke down. We are told by the head of the Bureau of Engineering that for an expense of \$100,000 those ships can be put back into the fleet, and three of them I believe will be put back into the fleet within 60 or 90 days. They will not be altogether efficient, but they will be efficient to do service during the year 1925. This refers to temporary overhauling. However, let us consider more extensive improvements. By an expenditure of approximately \$375,000 apiece their coal burners can be largely replaced and they can be made comparable to the other coal-burner ships of our Navy. Or by an expenditure of approximately \$3,400,000 to install oil burners they can be made fairly comparable to oil burners of the same type, and be made to do the service that would be expected of ships of that type.

Now, let me compare our capital ships with the capital ships of Great Britain. That question was before our committee. We asked representatives of the Navy Department in regard to those ships, and I will say that we knew the ones that were in the poorest state of repairs, and finally we asked in regard to the ships generally making up the capital ships. I asked this question of Colonel Roosevelt, the Assistant Secretary of the Navy:

Is it true that on an average our capital ships are more modern and are better ships in every way than the British ships?

What was the answer of Colonel Roosevelt:

Yes; on an average.

Then Colonel Roosevelt followed with this statement:

I remember an expression used by Admiral Chatfield, at the time we were talking about that.

And he then referred to conversations at the time the limitation conference was on:

He said—

That is, Admiral Chatfield—

the tail of your [United States] column is not as good as the tail of our [British] column, but the body of your column and the head of your column are very much better than any of the rest of our column.

So much, then, for the capital ships.

I now yield to the gentleman from Iowa.

Mr. GREEN of Iowa. The gentleman is probably well aware that distinguished English authorities contend the same as was stated by Secretary Roosevelt, namely, that the American battleship fleet is much superior to the English battleship fleet. I saw an article to that effect from a distinguished English authority just the other day.

Mr. FRENCH. Yes; there is no doubt about that.

Then, with regard to the ships that may be maintained under the treaty and as to which there are no limitations, I recognize that in cruisers we are outclassed by Great Britain and by Japan.

On the other hand, in destroyers we outclass either Great Britain or Japan.

Mr. GREEN of Iowa. Both of them put together.

Mr. FRENCH. Yes. I am reminded, both of them put together. More than that, from the standpoint of efficiency of our submarines, there is no question that there we stand again the peer of any other nation, and I stand upon the statement I made under general debate, that we are second to none, and that we are maintaining our proper ratio under the treaty.

I want to refer to two or three other matters that the gentleman in his speech has suggested. From the standpoint of officers and men, how do we rank? At this time we carry in the law for the current year appropriations for 86,000 enlisted men, 4,529 line officers, and 2,000 staff officers, 19,500 marines, 2,000 marine officers, approximately, or a total of 114,039. If you leave your marines out entirely—and it has been debated whether or not there are those in the British Navy that are comparable with our marines—we have of officers and men upward of 92,000.

The CHAIRMAN. The time of the gentleman from Idaho has expired.

Mr. FRENCH. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FRENCH. Great Britain at this time has of officers and men in her establishment 99,500, and it is considered that she will probably ask for 100,500 next year.

Mr. LITTLE. Mr. Chairman, will the gentleman yield?

Mr. FRENCH. Yes.

Mr. LITTLE. The gentleman from Massachusetts [Mr. ROGERS] quoted a naval captain who said that by modernizing her ships England had gained a very considerable advantage over us. Was that due to our carelessness or to their breach of good faith? I think we better get to the point and find out if something of that kind has happened. We must have been indifferent and not have lived up to our opportunities, or they must have slipped in on us.

Mr. FRENCH. Let me say in response to the question of the gentleman from Kansas [Mr. LITTLE] that as to the statements that were made touching modifications of British ships in the elevation of guns, as to which there was considerable discussion a year ago, it has been very satisfactorily represented to our Government, and we are fully assured that those modifications were not made after the conference, but that whatever modifications were made were made prior to that time.

Mr. NEWTON of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. FRENCH. Yes.

Mr. NEWTON of Minnesota. It is true that modifications were made prior to that time, but they were made following the experiences gained in the battle of Jutland in the late war.

Mr. FRENCH. I have no doubt about that.

Mr. NEWTON of Minnesota. And it is also true that if we do not change our elevations we will be outranged by a considerable number of British capital ships.

Mr. FRENCH. That is true.

Mr. NEWTON of Minnesota. Then does not the gentleman think that this Congress ought to reauthorize an expenditure of a sufficient amount of money to change those elevations?

Mr. FRENCH. That is a question for the naval legislative committee.

Mr. LITTLE. Does the gentleman from Minnesota mean that we have been careless in this and indifferent?

Mr. NEWTON of Minnesota. I do not mean anything of the kind. The gentleman from Idaho, of course, does not contend that a change in the elevations, such as has been suggested, is desirable, would in any way violate the terms of the naval treaty, or that any nation has suggested it would violate the terms of the naval treaty.

Mr. FRENCH. I do not believe it is necessary for me to discuss that particular question at this time. The ships and the gun ranges that we have are precisely the same as they were at the time the Limitation of Armament Conference was concluded, and the question of whether we could properly under the treaty modify the elevation of guns is a question that I do not think is necessary to be considered at this moment.

Mr. LITTLE. Might I add that it would be necessary in a fight to know about that, would it not?

Mr. FRENCH. There are one or two other matters in connection with maintaining our ratio that I desire to discuss, and one of them is the possible naval budgets for Great Britain and Japan for the coming fiscal year. In this bill we carry something more than \$294,000,000.

I do not know what the present ministry in England is going to recommend to Parliament. The ministry that went out of power some 60 days ago, according to newspaper reports, proposed to recommend a budget of approximately £59,300,000, or something like \$297,000,000. After the present ministry came into power it was suggested that a reduction of £5,000,000 would be made, and there seemed to be considerable adverse reaction on the subject in the press of Great Britain. I think that we can look to Great Britain as probably planning on appropriations somewhere between \$270,000,000 and \$297,000,000.

Turning to Japan—and Japan has gone through a tremendous crisis—the ministry before the present one, and which was in power about the time we were conducting our hearings, 90 days ago, according to press dispatches, indicated that it was proposing to recommend to the Diet a budget aggregating 238,000,000 yen, or, in other words, \$119,000,000. The present ministry, I understand, is not more liberal. I think, then, from the standpoint of the money that it is expected will be put into the Budget for next year, we are keeping up our share in the amount carried in the pending bill.

The CHAIRMAN. The time of the gentleman from Idaho has again expired.

Mr. ROGERS of Massachusetts. Mr. Chairman, I ask unanimous consent that the gentleman may have two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. ROGERS of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. FRENCH. Yes.

Mr. ROGERS of Massachusetts. Concerning the program as to the four vessels which broke down, there are various proposals involving various amounts of money and various degrees of efficiency as to how to restore them to their place in the battle line. If I understood the gentleman correctly, he said that something is to be done without legislation here by the Navy Department to bring them back to efficiency.

Mr. FRENCH. Under existing appropriations the department is planning to spend approximately \$100,000, which will put these ships back into the Navy.

Mr. ROGERS of Massachusetts. Is that \$100,000 each?

Mr. FRENCH. Not \$100,000 each, but \$100,000 for the entire four—\$35,000 for material and the balance, approximately, for labor.

Then, as I understand it, the department, and probably the legislative committee, will be called upon to consider whether these ships will be continued as coal burners with large altera-

tions made at a cost of probably \$1,400,000 or be converted into oil burners at a cost of approximately \$3,400,000. I do not know what the program will be, but I believe it will depend on what the administration and the legislative committee will recommend.

Mr. ROGERS of Massachusetts. The chairman of the Committee on Naval Affairs [Mr. BUTLER] has pending a bill for the modernization of the *New York* and *Texas* at a total cost of \$6,800,000 for the two vessels.

Mr. FRENCH. That will probably include other items; it probably includes deck protection and also the blisters on the hulls to protect them against torpedoes.

Mr. ROGERS of Massachusetts. It involves both, but do we not want that extra protection?

Mr. FRENCH. That again is a question for the legislative committee.

The CHAIRMAN. The time of the gentleman has again expired. Without objection, the pro forma amendment will be withdrawn.

Mr. BLANTON. Mr. Chairman, I move to strike out the paragraph. Mr. Chairman, I want to say in answer to the question of the gentleman from Nebraska [Mr. HOWARD], who asked a pertinent question awhile ago that the kind of speech which was made here awhile ago by the gentleman from Massachusetts [Mr. ROGERS] is just the kind of speech that got us into trouble last year when, without any authority of law and against our solemn treaty provisions, we appropriated \$6,500,000 to raise the turrets of certain guns on certain battleships so as to give our guns a greater range. When the appropriation was proposed I made a point of order against it and called attention to our treaty provisions which prevented us in direct specific language from doing that very thing. Yet, because of just such speeches as the gentleman from Massachusetts made, it got your blood roused up. You believed from just such speeches that England was not keeping her pact with us, and that she was modernizing ships and raising the turrets so as to increase the range of her guns, and that worked you up to such a pitch that through expediency alone my point of order was overruled and that \$6,500,000 was appropriated for that purpose.

Then Congress adjourned and what happened? When the administration got a proper opportunity to look into it, Mr. Secretary Hughes decided that it might be violative of our treaty. And he decided something else. He made an investigation and he reported to the country that the representations as to what England had done made to our committee and to the Congress by our naval officers were not true. He caused the statement to be made to the country that England was not violating her pact, and England had not gone beyond the terms of her treaty; that neither England nor any of the other powers that entered into that agreement had in any way violated their agreement.

Then what happened? We had the ridiculous spectacle just the other day of the chairman of the Committee on Appropriations being forced to put an amendment on the deficiency bill to return that \$6,500,000 back into the Treasury because it had not been used. I am not criticizing the distinguished chairman of our great Appropriations Committee, but commending him for putting the money back into the Treasury. I am criticizing the speeches that caused the money to be taken out.

Mr. MADDEN. Will the gentleman yield?

Mr. BLANTON. Certainly. Was not that the fact?

Mr. MADDEN. Allow me to tell the story.

Mr. BLANTON. Did it not happen?

Mr. MADDEN. I will tell the story.

Mr. BLANTON. Please do not do it in my time. I have only five minutes.

Mr. MADDEN. I will do it in my time.

Mr. BLANTON. That is the fact, and you can not deny it, \$6,500,000 was thus appropriated and you put it back in the Treasury the other day in your deficiency bill, and you will not deny that Mr. Secretary Hughes, after Congress adjourned, stated to the country that the naval officers had misrepresented the facts and had misled your committee and had misled the House into passing such a law.

Mr. NEWTON of Minnesota. Will the gentleman yield there?

Mr. BLANTON. I will.

Mr. NEWTON of Minnesota. The gentleman made a statement that Mr. Secretary Hughes stated that the change in the elevation of the guns would be a violation of the treaty?

Mr. BLANTON. I say I read that statement in the press, and it was so reported to the country.

Mr. NEWTON of Minnesota. According to my recollection he never made any such statement.

Mr. BLANTON. Has the gentleman got a copy of what he gave out to the country?

Mr. NEWTON of Minnesota. I am giving it from my own recollection and I presume the gentleman is doing so.

Mr. BLANTON. I am giving it from my recollection. I will accept the exact statement from the printed copy if the gentleman has one.

Mr. NEWTON of Minnesota. So will I.

Mr. BLANTON. But my recollection is that the treaty question was raised in the State Department. He may not have given it out because he may not have wanted thus to embarrass Congress and the committee, but violation of our treaty was the main question, and that was the decision of the Secretary of State's office. It was a question of whether this Government was violating the terms of the treaty because the Navy wanted to modernize these ships and these guns and wanted to raise the turrets and increase the range of the guns. The Navy wanted to do it, but our State Department did not want to violate our sacred treaty. I am just making this point, that the gentleman from Massachusetts [Mr. ROGERS] ought not to make that kind of a speech. It gets us roused up and makes us think somebody is imposing on us, and we are ready then to vote all kinds of money out of the Treasury to increase our Navy to make it as big as anybody else's navy. That is the result of such a speech.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MADDEN. Mr. Chairman, I would like recognition.

Mr. LITTLE. Mr. Chairman, I move to strike out the last line.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. MADDEN. There is no secret, Mr. Chairman, about the fact that the Committee on Appropriations had some doubt when it was considering the request of the Navy Department for \$6,500,000 for the elevation of the turret guns on the battleships as to the propriety of making the appropriation, but the technical men of the Navy testified positively before us that England had elevated the turret guns of her ships to give them a longer range. In common with other members of the Committee on Appropriations I felt at the time that if we elevated our turret guns we would be violating the treaty, but we thought that in the face of the statement by responsible naval officers of the Government that England was, as a matter of fact, elevating the guns on her ships since the conference that we would be derelict in the performance of the duty devolving upon us if we failed to bring our guns up to the same degree of efficiency as theirs.

Being still in doubt, we took the precaution to put the appropriation in such language that it could not be used if it violated the treaty. But it did not rest on that. The matter of the violation of the treaty was not the thing that the question turned on afterwards. The question was one of veracity, and the investigation that I made personally as chairman of the Committee on Appropriations, after the appropriation had become a law, led me to the conclusion that somebody had lied.

Mr. BLANTON. That is exactly what I said. You are corroborating me.

Mr. MADDEN. I did not deny what the gentleman said. I then assumed the responsibility, as chairman of the Committee on Appropriations, of going to the Navy and demanding that the money should not be used. [Applause.] I said if it were to be used I would get on the floor of the House and denounce the whole procedure. It was not used.

The President of the United States issued an order that it should not be used. In the face of all the facts in connection with the proposition I thought that the Committee on Appropriations would be justified in repealing the appropriation, and I offered an amendment on the floor when the deficiency bill was under consideration, providing for the repeal of the appropriation and the authority which the provision carried to elevate the turret guns on the American battleships, and the House unanimously voted to concur in the amendment which I offered.

There is nothing secret about what we did. We have no apology to offer as members of the Committee on Appropriations for what we did. We did our duty in the beginning as we saw our duty, and when we discovered that we had done what we ought not to have done, we did our duty in the second instance by repealing the appropriation.

Mr. BLANTON. I was not criticizing the Appropriations Committee or its efficient chairman. I commend him for what he did in keeping this money from being used and in having it returned to the Treasury where it belongs. He bravely calls a spade a spade.

I was criticizing the speeches of the gentleman from Massachusetts and others, that caused this \$6,500,000 to be appropriated.

Mr. MADDEN. Let me finish this statement. I think it is important. The Secretary of State categorically asked the question of the British Government, what they had done, and they denied that they had done anything, and the Secretary of State made a public announcement to that effect, and Mr. Roosevelt, the Assistant Secretary of the Navy, also made public an announcement to the effect that they had made a mistake when they said to the Committee on Appropriations that England had elevated her guns.

Mr. LITTLE. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Kansas moves to strike out the last word.

Mr. LITTLE. Gentlemen of the House, a few moments ago the gentleman from Massachusetts [Mr. ROGERS] brought out the fact that a captain in the Navy had stated a situation which either places great blame on the carelessness of our people or impugned the faith of Great Britain. I asked which it was, and up to the present moment I have been unable to get from anybody a civil answer. My own judgment is that when obscure and unknown Members like myself endeavor to learn what is going on about these big bills we ought to be able to get the facts. I thank the gentleman from Illinois [Mr. MADDEN]. I find out why I could not get the facts. Somebody had been lying. Has somebody else been lying now? Before I can vote on this I would like to have some information, so that I can vote on it intelligently. If such a matter as this happened in the House of Commons it might result in a vote of lack of confidence in the ministry. I see now a set of statements alleged on the authority of this captain in the Navy. Before we go any further I think we ought to have these facts. I do not think the chairman of the committee, who contains in his bosom a full deposit of all this information, should hesitate to bring out the facts. It is unquestioned that somebody lied; and that being so, we should know, and he knows it. When some unknown Member wants an answer to his question you should give it to him. In that way you might have avoided these red-hot questions at the time, if somebody had told me that somebody had lied.

Mr. BYRNES of South Carolina. Mr. Chairman, may I inquire if there is a filibuster going on on that side to delay the consideration of the bill? On this side we want to expedite the consideration of the bill so that we may bring to pass the hope of the President that Congress will adjourn by the 1st of June. It seems we have had thus far a filibuster that threatens to fritter the entire morning away.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent to proceed for one minute. I am very anxious, as I am sure the House is, that all of the appropriations shall be passed by the middle of next month. Every bill except one is ready in the committee, waiting for consideration by the House. We must send the bills over to the Senate to get them enacted into law. We have discussed this present bill for two days. Every angle of the bill has been discussed, and I hope that gentlemen of the House will help us to pass not only this bill as rapidly as decent consideration will justify but also the other bills as they are brought on the floor, so that we may be able to get away and get home as early as possible. [Applause.]

Mr. TABER. Mr. Chairman, I rise in opposition to the amendment of the gentleman from Kansas [Mr. LITTLE].

There are a few facts which have not already been brought out and should be brought out. At the time the \$6,500,000 was appropriated for elevating the guns and protecting the decks it was appropriated with the understanding on the part of the Navy Department and of the State Department that the British had, since the treaty was made, done that same thing with their boats. When the departments came to investigate it was found that the British had done those things before the treaty was signed and before the treaty was entered into. Therefore, in response to Mr. MADDEN's request, the \$6,500,000 was not expended.

The question as to whether or not that appropriation could be expended and the guns elevated within the treaty has not been raised and passed upon by the State Department and has not been conceded by the Navy Department. The only reason why it was not expended was because the appropriation was obtained from the House under a misapprehension. The question, I understand, will be brought up again under legislation coming from the Committee on Naval Affairs, and the House will then be given an opportunity to pass on it again with the full facts before it as to what they should do.

Mr. RANKIN and Mr. NEWTON of Minnesota rose.

Mr. FRENCH. Mr. Chairman, may I ask unanimous consent that the debate on this paragraph end in five minutes? Or make it 10 minutes, 5 for the gentleman from Minnesota [Mr. NEWTON] and 5 for the gentleman from Mississippi [Mr. RANKIN].

The CHAIRMAN. The gentleman from Idaho asks unanimous consent that the debate on this paragraph end in 10 minutes, 5 to be used by the gentleman from Minnesota [Mr. NEWTON] and 5 by the gentleman from Mississippi [Mr. RANKIN]. Is there objection?

There was no objection.

Mr. NEWTON of Minnesota. Mr. Chairman, in view of what has been said here to-day as to changing the elevation in the guns on most of our capital ships, I want to make a few observations in reference to this very important question. A fleet that is outranged is well on the way to destruction. In his annual report for 1923 the Secretary of the Navy quotes from a report made in the year 1275 and found in The Book of Marco Polo, reading as follows:

On this subject (length of range) the engineers and experts of the army should employ their very sharpest wits. For if the shot of one army, whether engine stones or pointed projectiles, have a longer range than the shot of the enemy, rest assured that the side whose artillery hath the longest range will have a vast advantage in action. Plainly, if the Christian shot can take effect on the Pagan forces, whilst the Pagan shot can not reach the Christian forces, it may be safely asserted that the Christians will continually gain ground from the enemy, or, in other words, they will win the battle.

If that principle was true in those days of primitive artillery and projectiles, it is doubly true to-day.

It is undisputed that there is a serious difference in the ranges at which the British and American fleets can engage. I compare with the British, for under the terms of the limitation of armaments treaty the two navies, so far as capital ships were concerned, were to be of equal strength. If the 5-5-3 ratio then means anything, it means substantial equality in hitting power. A fleet that is outranged can not hit.

I quote from page 75 of the same report, as follows:

It is quite obvious that in a fleet action all the vessels of a fleet can not be firing upon the enemy until the enemy is under fire by the ship of shortest range. In such a fleet action we would have seven ships that can fire slightly over 20,000 yards, whereas the ships of shortest range in the British Fleet, according to the British naval writer, Mr. Bywater, can fire 23,800 yards, making a difference of practically 2 miles. In other words, if the British remained at a range just equal to their shortest-ranged ships, the fire of over a third of our ships could not reach them. This would automatically reduce the size of our fleet by one-third. Expressed in terms of elevation of guns, the 13 ships of the American Navy have a designed elevation of 15 degrees, whereas none of the 22 ships of the British Navy has less than 20 degrees, thus leaving the American ships much inferior in this regard to those of Great Britain.

With these facts in mind there can be no question of our obligation in providing for the common defense to authorize the correction of this inequality. A change in the elevation of our guns will do it. We, therefore, should authorize this change unless it is in violation of this treaty. Furthermore, we should do it promptly.

With this in mind and upon representations that Great Britain had made elevation changes in her guns after the treaty was signed, Congress authorized the change and appropriated \$6,500,000 for that purpose. Later, and before the work had begun, the Navy Department ascertained that Great Britain had made these changes after the close of the great war, but before the treaty was signed. The Navy Department felt that the money had been paid under a misapprehension and did not use the appropriation. The chairman of the Committee on Appropriations then took steps to see that the money went back into the Treasury.

Mr. STEVENSON. Will the gentleman yield?

Mr. NEWTON of Minnesota. I regret I can not at this time. So that the question is again before Congress. The only question is whether a change in elevation is a violation of the treaty. This provision, and this only, in the treaty can in any way apply to a change in gun elevation:

No alterations in side armor, in caliber, number, or general type of mounting of main armament shall be permitted.

Mr. LITTLE. Will the gentleman yield for a question?

Mr. NEWTON of Minnesota. Yes.

Mr. LITTLE. Does the gentleman's reference to misapprehension refer to the same thing that the gentleman from Illinois stated, but marked by different terms?

Mr. NEWTON of Minnesota. The gentleman from Minnesota was not present when those statements were made; he does not know who made them; and he is not characterizing them.

Mr. LITTLE. The gentleman heard the gentleman from Illinois [Mr. MADDEN] speak, did he not?

Mr. NEWTON of Minnesota. Yes.

Mr. LITTLE. The gentleman was sitting by me, and I heard him.

Mr. NEWTON of Minnesota. I heard him; yes.

Mr. LITTLE. Is the gentleman referring to the same thing when he uses the term "misapprehension"? I want to get the facts, because I am tired of evasion.

Mr. NEWTON of Minnesota. I am not going to say whether anyone lied or anyone was mistaken. I prefer, if the gentleman from Kansas wants to know, to believe that any man who made a statement of that kind was mistaken, and I do not believe the gentleman from Illinois intended to tell this House that the gentlemen who informed him in the committee did so with the intention of lying.

Mr. MADDEN. I did not say they did it deliberately, but they did lie.

Mr. NEWTON of Minnesota. Somebody may have lied away back in the distance somewhere. As to that, I do not know.

Mr. LITTLE. I think we ought to be able to get the facts.

Mr. NEWTON of Minnesota. I can not yield any further. I wanted merely to call attention to the remarks of the Secretary on pages 75 and 76 of the annual report and then to Appendix C of the annual report, being a memorandum by Capt. Frank H. Schofield, of the United States Navy. I shall ask to have them inserted with my remarks.

Gentlemen, when this question was first put before the House I thought a change of elevation would be a change in the mounting, and therefore a violation of the treaty. That was my first impression, but I have since studied it—

Mr. BLANTON. Will the gentleman yield?

Mr. NEWTON of Minnesota. I can not yield.

Mr. BLANTON. I shall object to those remarks going in the Record unless the statement from the Secretary of State—

Mr. NEWTON of Minnesota. I have not offered the remarks yet.

Mr. BLANTON. Well, when the gentleman does offer them I will make my objection.

Mr. NEWTON of Minnesota. Mr. Chairman, I do not want this taken out of my time. I was under that impression, as I say, but I have since read the memorandum of Captain Schofield, and I suggest that every Member of this House ought to read it. I suggest the reasonableness of the argument. In fact, it is unanswerable.

Now, Mr. Chairman, I ask leave to extend my remarks by attaching Appendix C, referred to.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to extend and revise his remarks by inserting the material which he has just described. Is there objection?

Mr. BLANTON. Mr. Chairman, reserving the right to object, I have no objection if I may have permission to put in the press reports of what the State Department found in connection with this matter. If that is allowed to go in with this, I have no objection.

Mr. NEWTON of Minnesota. If the gentleman desires, he can insert that in with his own remarks.

Mr. BLANTON. I will put that in myself, but I want to put it in following the gentleman's statement, so the public may know the facts.

Mr. CONNALLY of Texas. Mr. Chairman, reserving the right to object, the gentleman has a little time left, and I want to ask him a question.

The CHAIRMAN. Is there objection?

Mr. BLANTON. I have no objection provided they may go in together.

The CHAIRMAN. The request is that the gentleman from Minnesota be permitted to insert certain material in connection with his remarks. The gentleman from Minnesota, if he so desires, may amend his request so as to include the matter referred to by the gentleman from Texas.

Mr. BLANTON. If the gentleman from Minnesota will amend his request so that the material may go in together, I will not object.

Mr. NEWTON of Minnesota. I do not care to amend my request.

Mr. BLANTON. Mr. Chairman, I am constrained to object. The CHAIRMAN. The gentleman from Texas objects. The time of the gentleman from Minnesota has expired.

Mr. BLANTON. Mr. Chairman, I withdraw the objection I made to the request of the gentleman from Minnesota [Mr. NEWTON].

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to revise and extend his remarks in the RECORD to include the material just mentioned. Is there objection? [After a pause.] The Chair hears none.

APPENDIX C.

THE GUN-ELEVATION QUESTION.

[Memorandum by Capt. Frank H. Schofield, United States Navy.]

Foreword: The Sixty-seventh Congress made an appropriation of \$6,500,000 to increase the elevation of the turret guns of 13 United States capital ships. Congress was informed erroneously but with candid intent that the guns of the British fleet had had their elevations similarly increased. The British Government stated that this information was incorrect. The American Government immediately and unhesitatingly accepted the British statement. The question of the legality of the action contemplated by the appropriation of six and a half millions was not questioned by the British.

As Congress had made the appropriation under the impression that the British guns had been similarly elevated, it was decided to postpone action on increasing the elevation of the turret guns of 13 ships until Congress had again considered the subject.

There has been some agitation in the press to the effect that it would be contrary to the letter or the spirit of the Washington treaty to increase the elevation of our turret guns. The following paragraphs deal with this question:

The gun-elevation question has two separate and distinct parts:

- (1) Is it allowable under the treaty?
- (2) Is it worth doing?

This memorandum deals first with the first question. This question is a matter of written law—the treaty. The decision of this question must depend upon a correct interpretation of written law. There are two separate laws on the subject, each equally operative, equally conclusive, both intended to express identical ideas. These two laws are the English version of the treaty for limitation of armament and the French version of the same treaty.

I shall examine the English version of the treaty first to determine whether or not the elevation of the turret guns on American battleships may be increased without violating the treaty. The following words in the treaty and no others bear on this subject:

"* * * No alterations in side armor, in caliber, number or general type of mounting of main armament shall be permitted * * *"

The italicized words in the above quotation are the only words in the treaty that bear on the gun-elevation question. Our problem, therefore, is simply to examine what we propose to do in the light of the meaning of these words.

There are five necessary steps in increasing the elevation of the turret guns on the 13 of our battleships that are under consideration.

These steps are:

- (1) Increasing the size of the gun port opening.
- (2) Lengthening the elevating screw so that the breech of the gun may be lowered and raised through a greater distance.
- (3) Cutting away some of the plates and framing under the breech of the gun so that the breech may be lowered further.
- (4) Changing the position of the ammunition hoists slightly.
- (5) Making a more powerful counterrecoil system.

Let us consider each step separately:

"(1) Increasing the size of the gun port opening."

The turret guns stick out through holes in the face of the turret. When the guns are pointed at their greatest range—that is, when the muzzles of the guns are elevated—the guns touch or almost touch the top of the hole in the armor through which the guns project. If we wish to point the guns higher, we must lengthen the hole upward, so that the muzzle of the gun may be raised higher.

Question. Is lengthening the hole (port opening) in the front of the turret armor an "alteration in the general type of mounting of main armament"?

Answer. No. The general type of mounting might be the same if all the turret armor were removed. The guns might still be in the same position with the same general type of mounting. The armor is simply protection to the guns, mounts, and crew. No matter how many or how big the holes cut in the armor, the general type of mounting remains the same.

"(2) Lengthening the elevating screw so that the breech of the gun may be lowered and raised through a greater distance."

The elevating screw extends from under the breech of the gun to a part of the gun mount below, where it runs through a nut fixed to the mount. It is connected to an electric motor that turns it in either direction. If the screw turns in one direction, the elevating screw runs up through the fixed nut and its upper end pushes the breech of the gun up, thus lowering the muzzle of the gun; if the screw turns in

the opposite direction, it runs down through the fixed nut and pulls the breech of the gun down, thus elevating the muzzle of the gun. If the length of the elevating screw is increased and if the distance between the breech of the gun and the fixed nut through which the elevating screw travels is increased, it will be possible to raise and lower the breech of the gun through greater distances.

Question. Is the lengthening of the elevating screw so that the breech of the gun may be lowered and raised through a greater distance an "alteration in the general type of mounting"?

Answer. No. It is not a change in type of mounting. The same type of mounting is preserved in making this change, but the capacity for up and down motion of the breech of the gun is increased. A short broomstick is of the same general type as a long broomstick. Size does not alter type.

"(3) Cutting away some of the plates and framing under the breech of the gun, so that the breech may be lowered farther."

As guns are now installed in the ships there are various platforms and framings directly underneath the breech of the gun that the breech of the gun comes near to when the muzzle is pointed as high as possible. If we propose to point the muzzle higher, these frames and plates and fittings must have their position changed so there will be a clear road for the breech of the gun when it is lowered for extreme long-range pointing and firing.

Question. Is the cutting away of platforms, frames, and fittings within the turret structure so as to permit the breech of the gun to be lowered farther an "alteration in the general type of mounting of main armament"?

Answer. No. All fittings that would have to be changed in position would still be retained in a modified form and in a modified position. Nothing would be taken away or added to the gun mount that would change its type so far as this particular step is concerned. It is not a change in type of writing desk, for example, if more room is made under the desk so that a fat man can get his legs where a thin man gets them without any trouble.

"(4) Changing the position of the ammunition hoists slightly."

Question. Would this be an "alteration in the general type of mounting of main armament"?

Answer. No. The reply to this question is similar to No. 3, and, in fact, might be included under No. 3.

"(5) Making a more powerful counterrecoil system."

When a turret gun is fired its muzzle is always pointed up some, otherwise the projectile would fall in the water close to the ship. The farther you wish to fire the gun the higher the muzzle must be pointed. When the gun is fired it recoils some little distance back into the turret. Its recoil is stopped by a hydraulic or pneumatic system, reinforced by springs which act as brakes on its recoil. Before the gun can be reloaded it must be shoved forward again into the same position it had at the start. This is done by means of the counterrecoil system, which may be by springs, by air pressure, or by hydraulic pressure.

It is evident that the more the breech of the gun is depressed the more the gun has to be elevated in shoving it back into place after firing. When the gun is level it is just a question of overcoming the friction of the gun in the slide enough to push it forward. When the gun is elevated 10° you must not only overcome this friction but you must push the gun up an incline of 10°. When the gun is elevated 30° you must overcome the friction and, in addition, lift the gun up an incline of 30°. This requires a considerable increase of power over that required for the 10° elevation. It will therefore be necessary to provide more power to return the gun to loading position after firing, but it will not require a change in the type of the mounting or a departure from established practice in the design in order to accomplish this object.

Question. Is making a more powerful counterrecoil system an "alteration in the general type of mounting of main armament"?

Answer. No. The same type of automobile jack can be used to lift the wheel of a Ford touring car and the wheel of a 5-ton truck. The only differences involved are those of size and power.

From the preceding analysis of the five steps necessary in making changes in our ships to permit of increased elevation of the guns it is obvious that since no one of these steps involves a change in the general type of mounting of the main armament that the proposal itself does not involve a change of type and that therefore it is permissible for us to change the elevation of our guns.

If, however, we should propose installing two turrets for one turret or should take turrets from the center line of the ship and put them on the sides of the ship or should take them from the sides of the ship and put them on the center line or should take turrets that can not fire over each other and arrange them so they could fire over each other, we would be changing the general type of mounting of the main armament; in fact, we would be making of our ships ships of a decidedly different character. It was this sort of change that the treaty sought to guard against. No such changes as these are proposed or even suggested. We simply propose changes that will enable us to use

more effectively and more efficiently the guns and mountings we already have.

We come now to the French version of the treaty and its bearing upon the question under consideration. The following words in the French version of the treaty and no other words in this version bear on this subject:

"Sera interdit tout changement dans la cuirasse de flanc, le calibre et le nombre des canons de l'armement principal, ainsi que tout changement dans son plan general d'installation."

The italicized words of the above quotation are the only words in the French version of the treaty that bear on the gun-elevation question. For convenience in discussing their meaning, let us translate these words as literally as possible into English.

"All change in the side armor, the caliber and number of guns in the main armament, as well as all change in its general plan of installation is forbidden."

From this translation we can separate out, by italicizing, the words that bear directly on the question under discussion. It will be found that the whole question hinges on the meaning of "general plan of installation of main armament." No stretch of the imagination can make these words mean that any one or all of the five steps above enumerated as necessary for increasing the elevation of our turret guns are changes in the "general plan of installation of main armament." It is perfectly obvious that these words do refer to such changes as are indicated in a paragraph above, namely:

- (1) Installing two turrets for one turret.
- (2) Taking turrets from the center line of the ship and putting them on the sides of the ship.
- (3) Taking turrets from the side of the ship and putting them on the center line.
- (4) Placing turrets that can not fire over the other so that one of them can fire over the other, etc.

Such changes would be changing the "general plan of installation of main armament."

So much for the common-sense legal phases of the question.

The public is very generally under the impression that the British Admiralty have stated officially through the proper channels that by their interpretation of the treaty it would be illegal for us to change the elevation of our turret guns as proposed. No such contention has ever been put forward either by the British Admiralty, the British Government, or by any other official in any government signatory to the treaty. This is a categorical denial that can be substantiated by anyone at any time who chooses to make official inquiry either of the State Department or of the Navy Department.

The general intent of the treaty was to grant to each power full right to keep step with material and scientific progress, subject only to specific limitations. Nowhere is there to be found a "spirit" of the treaty that contravenes this right.

(2) IS IT WORTH DOING?

When we place guns on a ship we do it in the hope that if that ship ever goes into battle it will be able to hit its enemy oftener and harder than the enemy ship hits it, no matter at what range the battle is fought. If we fail to have this object in view all the time, the ship is likely to fail. In naval battle, more than in any other kind of contest, it is the advantage at the very start of the contest that is most important and may be decisive. Let us see what increasing the elevation of our turret guns might do to gain that initial advantage in battle.

When most of our battleships were designed and built 10 miles was considered an extreme battle range. The thought of the day was that no battle would open with gunfire at greater ranges than 10 miles. We know now that effective firing can be done by ships up to a range of 20 miles and that battle is likely to open at that range. Thirteen of our 19 battleships are built to fire at an extreme range of about 11 miles. The gun mounts on these ships can be modified without changing the general type of mounting, so that the guns will all be able to fire at a range of 18 miles. The five newest of our ships can all fire their guns at 19 miles.

The accompanying sketches show what an overwhelming handicap our battleship fleet may have to accept in battle if we fail to increase the elevation of our turret guns. As data regarding foreign fleets is difficult fully to assemble and to understand, no attempt has been made in the sketches to make comparisons of our fleet with foreign fleets. The comparison in each and every case is a comparison of what our present fleet in its present condition can do, with what our fleet could do were the elevation of the turret guns of 13 of our capital ships increased to 30°.

In each sketch the column of ships to the left represents our battleship fleet as at present without the mounts altered so as to permit elevating the guns 30°, and the dots near that column represent the number of hits made on those ships, at the range indicated, by the right-hand column of ships.

The right-hand column of ships represents what our fleet would be were they all given a gun elevation of 30°. The dots near the right-hand column of ships indicate the number of hits that might be made

by our fleet as at present on the ships of that column while they were making the much larger number of hits shown on the left-hand column.

The number of hits in each sketch represents the same length of time of firing. The greater number of hits shown at the shorter ranges is due solely to the greater ease of hitting at the shorter ranges. For instance, under identical conditions about twice as many hits are made at 25,000 yards as are made at 32,000 yards, and about twice as many hits are made at 20,000 yards as at 25,000 yards.

The sketches make no allowance for the heavy fire that the left-hand column is under as compared with the right-hand column. In actual battle the left-hand column of ships would not be able to fire as many shots nor as well-aimed shots as the right-hand column, because ships that are being hit frequently never fire as well as those under less severe fire. If we should take this fact into account, the right-hand column would have a still greater advantage. As this special advantage can not be determined accurately it is not taken account of in the sketches.

Only about one-quarter of the guns of our fleet can now reach ranges above 24,000 yards. If our fleet were to meet in battle at these ranges another fleet of equal strength that could deliver all its gunfire, our fleet would be hopelessly defeated by superior gunfire before it could get close enough to bring all its own guns into action.

At ranges between 20,000 and 24,000 yards our present fleet is about one-half as effective as it might be. These ranges are likely to be decisive ranges. We know by official foreign statements that our fleet is inferior to a foreign fleet in hitting power at these ranges in about the ratio of 10 to 14. If a battle were to be fought to a conclusion between two fleets of 18 otherwise equal ships at a range of 22,000 yards, and if the ratio of hitting powers of these fleets at the start were as 10 to 14, at the conclusion of the battle one fleet would be entirely destroyed, sunk—ours—and the other would have 11 good ships left. If, however, we were to increase the elevation of our turret guns so that all may fire at the higher ranges, the ratio of hitting powers would then be about as 10 to 11.4, a ratio which, though reduced, is still against us, and one which we can not overcome by any change in our present ships. This is the meaning of the gun-elevation question.

If it is worth while at all to have a navy, then it is worth while to give that navy a fair chance in a self-respecting stand-up fight. It is not only worth while, it is imperative, that we elevate our turret guns so that they all can fire at the highest ranges. Even then we shall still be decidedly inferior to the strongest fleet at certain ranges.

The CHAIRMAN. The gentleman from Mississippi [Mr. RANKIN] is recognized.

Mr. RANKIN. Mr. Chairman, I have just listened with a great deal of interest to the remarks made by the gentleman from Illinois [Mr. MADDEN], relative to the action taken by the House last year in appropriating \$6,500,000 for the elevation of the turret guns of our battleships, which, if carried out, would have been a clear violation of our disarmament treaties.

We all appreciate the services of the gentleman from Illinois in helping to prevent the expenditure of this money, and in that way saving us from further international embarrassment, but I must demur to his statement that this matter was cleared up by the Secretary of State "categorically" asking the question of the British Government what they had done with reference to this matter.

The facts are that during the month of February, 1923, the Assistant Secretary of the Navy, Mr. Theodore Roosevelt, and possibly other representatives of the Navy Department went before the Committee on Appropriations and advocated this appropriation for the purpose of elevating the turret guns on our battleships on the ground that Great Britain was doing the same thing. Mr. Roosevelt also stated that "other powers have been doing so or are contemplating the same thing." Acting upon this information, the House voted the appropriation above mentioned which I have just referred to. I refused to vote for it at the time, as did a great many other Members of the House, for the reason that we did not believe the British Empire would flagrantly violate her treaty obligations solemnly entered into with the other great powers of the earth without some justification or excuse. I had attended the Disarmament Conference, and had listened to the speeches of Mr. Balfour and other representatives of the British Government, and I could not believe that the appeals they had made for the safety of civilization had been insincere, or that the nation they represented had willfully failed to comply with the treaties which that conference had agreed upon.

On December 20, 1922, Hon. Charles E. Hughes, Secretary of State, made a speech at New Haven, Conn., in which he referred to the action of the British Government in elevating their turret guns. This speech was based on information

which he says had been furnished him by the Navy Department. On February 26, 1923, only a short time after Mr. Hughes delivered this speech, and almost immediately after Mr. Roosevelt appeared before the Appropriations Committee, it was stated on the floor of the British Parliament by Lieutenant Colonel Amery, First Lord of the Admiralty, that none of the capital ships of the British Navy had had the elevations of the guns in its main armament altered since the original fitting. This statement was elicited by a question from Commander Bellairs, Unionist, as to whether the Admiralty's attention had been drawn to a statement attributed to the American Secretary of State, Mr. Hughes, to the effect that Great Britain had increased the elevation of the turret guns on her battleships.

The British Government took this matter up through diplomatic channels and convinced Mr. Secretary Hughes that he had been misinformed, and that the British Empire was not elevating the turrets on her battleships, as the Secretary of State and the House Appropriations Committee had been led to believe. On March 20, 1923, the Secretary of State issued the following statement:

DEPARTMENT OF STATE,
March 20, 1923.

The Secretary of State to-day made the following statement:

"In my speech at New Haven on December 29, 1922, I made the following statement with regard to alterations in the British capital ships: 'The result is that in a considerable number of British ships bulges have been fitted, elevation of turret guns increased, and turret-loading arrangements modified to conform to increased elevation.' In making this statement I relied upon specific information which had been furnished me by the Navy Department and which, of course, the Navy Department believed to be entirely trustworthy.

"The Department of State has been advised by the British Government categorically 'that no alteration has been made in the elevation of the turret guns of any British capital ship since they were first placed in commission,' and further, 'that no additional deck protection has been provided since February 6, 1922, the date of the signing of the Washington treaty.'

"It gives me pleasure to make this correction, as it is desired that there shall be no public misapprehension."

Thus we have one of the most humiliating spectacles that has ever occurred in the history of our international affairs. The Secretary of State—the prime minister, if you please—of this great Republic being compelled to come out publicly and retract or apologize for a statement which he had made in a public address reflecting upon the British Government, and giving as his reasons or excuse for making these charges the fact that he had derived his information from the officials of the Navy Department, on whom he had the right to rely.

I thought when I read the statement of Mr. Hughes, and I still think, that it was most unfortunate and humiliating to have had the head of our international affairs forced into this embarrassing position as a result of the flagrant incompetency or gross irresponsibility of those in charge of the Navy Department.

The Clerk read as follows:

CONTINGENT, NAVY.

For all emergencies and extraordinary expenses, exclusive of personal services in the Navy Department or any of its subordinate bureaus or offices at Washington, D. C., arising at home or abroad, but impossible to be anticipated or classified, to be expended on the approval and authority of the Secretary of the Navy, and for such purposes as he may deem proper, \$40,000.

Mr. CRAMTON. Mr. Chairman, I move to strike out the last word, and I would like to have the attention of the gentleman from Texas [Mr. BLANTON].

When this bill was first taken up the gentleman from Texas [Mr. BLANTON] called attention to a matter concerning some furniture, saying, in brief:

This report, which seems to be based on definite information, that in a department of government furniture may be sold by order of the Secretary and bought in for him and shipped out to his own home in his own State. Has that gone on in the office of the former Secretary? There is a well-defined report that such did occur in the Department of the Interior. There is a report of several weeks' standing that that has been done. I would like to know something about it.

The same inquiry was made by the gentleman from Texas when the Interior Department bill was before the House. It is my recollection that at that time the inquiries were made in terms as if perhaps thousands of dollars were involved.

Mr. BLANTON. Oh, no; not thousands of dollars. That is a mistake.

Mr. CRAMTON. If the gentleman will permit, I at that time made a telephonic inquiry of the department and received some information that led me to believe that it was a much smaller affair than the gentleman from Texas had in mind, and in my desire to push the Interior bill along I did not give any further attention to it. The matter having been brought up again I have renewed my inquiry of the department, and I have here a letter setting forth the circumstances and facts about the matter, which I will ask unanimous consent to put in the Record, because I do not desire to delay the consideration of the bill. I am willing the gentleman from Texas should have an opportunity to examine it.

In presenting this statement I want it understood that I am not accompanying the statement with any justification of the facts set forth or the transaction, nor am I indulging in any criticism. I am simply presenting facts which have twice been requested by a Member of the House.

Mr. MADDEN. Will the gentleman yield?

Mr. CRAMTON. I will not present a further statement as to my attitude than this. I do think that publicity as to these transactions will not be lacking in helpfulness. I question the ethics of such transactions. I yield to the gentleman.

Mr. MADDEN. I think such practices have been frequent, and I recall that when Mr. Wilson went out of the Presidency he purchased the automobile which he had been using, and his secretary did the same thing. I am making a little investigation about things like that which have happened, and one of these days I hope to make a report to the House about them.

Mr. CRAMTON. I understand it is quite customary for Cabinet members to purchase the chairs which they have used during their term of office, and I just present this in response to the inquiry.

Mr. BLANTON. I have no objection to it.

Mr. CRAMTON. Mr. Chairman, I ask unanimous consent to revise and extend my remarks for the purpose indicated.

The CHAIRMAN. The gentleman from Michigan [Mr. CRAMTON] asks unanimous consent to revise and extend his remarks by including the matter mentioned. Is there objection?

Mr. CONNALLY of Texas. Reserving the right to object, Mr. Chairman, what is it?

Mr. CRAMTON. It is a statement of facts requested by the gentleman from Texas.

SEVERAL MEMBERS. Regular order!

Mr. MOREHEAD. Mr. Chairman, I insist that the gentleman is in order. This thing of sneaking things into the Record—

Mr. CRAMTON. Mr. Chairman, I resent that.

Mr. MOREHEAD. I object to it.

Mr. CRAMTON. Mr. Chairman, in my own time I want to resent the term used by the gentleman about something being sneaked in.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CRAMTON. The matter had been presented to the gentleman from Texas for his examination.

Mr. MOREHEAD. The gentleman from Texas is all right, but the gentleman does not represent this entire House.

Mr. BLANTON. Do not object to it.

Mr. MOREHEAD. Mr. Chairman, I withdraw the objection.

Mr. CRAMTON. Mr. Chairman, I ask unanimous consent that my time may be extended for the purpose of reading the letter from the desk. It is not my desire to sneak in anything.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that his time be extended for the purpose indicated.

Mr. SNYDER. I would like to say, Mr. Chairman, that this is one of the finest exhibitions of playing pennant politics I have ever seen in this House.

Mr. CONNALLY of Texas. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CONNALLY of Texas. Under the rules of the House, is it permissible for a gentleman in his speech to have read and made a part of his remarks in that manner matter that has been objected to?

The CHAIRMAN. It is according to the matter attempted to be read. If it is matter pertinent to the issue, the gentleman has a right to do it. If it is matter extraneous to the matter being discussed, a point of order can be made against it, and unanimous consent is required to extend it in the Record.

Mr. CRAMTON. I simply want to suggest this to the gentleman from Texas [Mr. CONNALLY], it is entirely immaterial to me whether it is read or not, but by asking to have it read I have removed any possible criticism of attempting to sneak something in.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan? [After a pause.] The Chair hears none. The Clerk will read the matter referred to.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR,
Washington, March 18, 1924.

Hon. LOUIS C. CRAMTON,

Chairman Subcommittee on Appropriations,

House of Representatives.

MY DEAR MR. CRAMTON: Referring to inquiry of the clerk of the Committee on Appropriations, relative to disposition of certain furniture to former Secretary Fall, I have to advise that our records show that certain Jacobean oak furniture, purchased when the Interior Department Building was constructed in 1917, for furnishing the room of former Secretary Lane, was appraised and disposed of through the General Supply Committee of the Treasury to former Secretary Fall on or about January 17, 1923.

Same was appraised by representatives of the General Supply Committee at \$231.25, which sum was paid to the order of the General Supply Committee by check of Secretary Albert B. Fall, dated January 17, 1923. I inclose copy of the said invoice and check.

It is my understanding that at the time Secretary Fall desired to purchase this furniture, the matter of whether it could be properly and legally disposed of was taken up orally by a representative of the supply division of this department with the members of the General Supply Committee under the supervision of the Treasury Department, and advice given that the surplus furniture could be appraised and disposed of, as was later done.

I am further advised that the furniture was shipped on a commercial bill of lading, the freight charges being paid by Secretary Fall.

Sincerely yours,

E. C. FINNEY,
First Assistant Secretary.

(Inclosure 17516.)

No.-----

WASHINGTON, D. C., January 17, 1923.

DISTRICT NATIONAL BANK OF WASHINGTON,

Pay to the order of General Supply Committee, \$231.25 (two hundred thirty-one and twenty-five one-hundredths dollars).
(Furniture.)

ALBERT B. FALL.

Department or Establishment No. 3. Transfer Invoice. G. S. C.
Invoice No. —.

JANUARY 17, 1923.

GENERAL SUPPLY COMMITTEE,

Fourteenth and B Streets SW., Washington, D. C.:

In accordance with Executive order, dated December 3, 1918, and Treasury Department Circular No. 129, dated December 6, 1918, you are advised that the Department of the Interior, Office of the Secretary, has the following articles available for transfer, which were purchased under appropriation equipment and operation, building for Interior Department offices, 1917-18:

NOTE.—Make separate invoice for each class of article and submit in duplicate.

Quantity.	Item No.	Description.	Unit cost price.	Amount.	Article or lot No.
1	1	Jacobean oak chair.....	\$38.00	\$38.00	81390
1	1	do.....	25.00	25.00	81395
1	1	Jacobean oak settee.....	55.00	55.00	81394
1	1	Jacobean oak chair.....	21.00	21.00	81286
1	1	do.....	30.00	30.00	76048
1	1	do.....	20.00	20.00	76047
1	1	do.....	18.00	18.00	23479
1	1	Jacobean oak desk.....	50.00	50.00	76045
1	1	Jacobean oak stand.....	9.00	9.00	81383
2	1	Jacobean oak tables.....	10.25	20.50	81284
1	1	Jacobean oak basket.....	8.50	8.50	81385
1	1	Jacobean oak A-chair.....	37.50	37.50	81380
2	2	Jacobean oak chairs.....	15.00	30.00	80984
2	2	Jacobean oak A-chairs.....	21.00	42.00	80987
1	1	Jacobean oak stand.....	12.00	12.00	80986
1	1	Jacobean oak chair.....	20.00	20.00	80988
2	2	Jacobean oak tables.....	10.00	20.00	80989

JOHN HARVEY, Chief Clerk.

Triplicate: Department or establishment retain this copy.

Transfer invoice, check, and tags sent to K. D. McRae, general supply commissioner, January 17, 1923.

Mr. BLANTON. Mr. Chairman, I rise in opposition to the pro forma amendment. I never claimed that Secretary Fall bought thousands of dollars' worth of furniture. I asked the committee if they knew anything about the rumor going around that a Cabinet officer, the ex-Secretary of the Interior, Mr. Fall, had bought some Government furniture and shipped it out to his ranch.

Mr. SEARS of Florida. Mr. Chairman, I rise to a point of order.

Mr. BLANTON. It may suit the gentleman from New York [Mr. SNYDER] to have this gentleman buy various pieces of Government furniture, but it is an unwise policy, even when the purchases are small.

Mr. SEARS of Florida. Mr. Chairman, I make the point of order that the gentleman from Texas is not discussing the bill.

Mr. BLANTON. What I want to discuss in all fairness—

Mr. SEARS of Florida. Mr. Chairman, I wanted to discuss some matter that was before the House the other day, and the gentleman demanded the regular order.

Mr. BLANTON. Mr. Chairman, I ask unanimous consent to proceed for one minute out of order.

The CHAIRMAN. Is there objection?

Mr. SEARS of Florida. Mr. Chairman, I object.

The Clerk read as follows:

SALARIES, NAVY DEPARTMENT.

For personal services in the District of Columbia in accordance with the classification act of 1923, \$66,840.

Mr. BYRNES of South Carolina. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. BYRNES of South Carolina: On page 8, at the end of line 25, insert before the period the following: "Provided, That no money appropriated by this act shall be available for the pay of any commissioned officer of the Navy while attached to the office of the Chief of Naval Operations and engaged upon work not specifically assigned by law to such office."

Mr. BYRNES of South Carolina. Mr. Chairman, I do not care to say more than a few words with reference to the amendment. I discussed this matter under general debate. The law provides specifically the duties of a Chief of Operations of the Navy. This amendment will not interfere in any way with the performance of those duties, but it would interfere with the performance by the Chief of Operations or any commissioned officer in that bureau of duties not assigned by law to that office. No one can complain if the appropriation is limited to pay officers for work assigned by law to that office. Under this amendment, however, the Chief of Operations could not serve as the Budget officer of the Navy, he could not exercise the duties of the Chief of the Bureau of Yards and Docks, or of the Chief of the Bureau of Engineering. I do not think that it was ever the intention of the Congress that all powers should be centralized in one office. This amendment would permit the Chief of Operations to exercise every duty which is his under the law.

Mr. FRENCH. Mr. Chairman, I could not hear everything that the gentleman from South Carolina said, but as I understand it the amendment pertains to limitations on officers performing services under orders within the department itself.

Mr. BYRNES of South Carolina. Yes. It simply provides that the money shall not be expended for the payment of officers assigned to the office of the Chief of Operations who engage in work which is not assigned by law to the office of the Chief of Operations. Every duty which by law is assigned to that office can be discharged by the officers assigned to that bureau, but this is to prevent the performance of duties by the Chief of Operations when such duties are not by law assigned to that office and are specifically assigned to other offices. It is aimed at the concentration in the office of the Chief of Operations of various powers and duties which are beyond the scope of the duties of that office as fixed by the law.

Under the language of the amendment it can not affect any officer unless he is engaged in some work not assigned by law to that office. I do not think the gentleman from Idaho would contend that the Chief of the Bureau of Operations ought to be engaged in work which is not assigned to that office. I do not think that the officers themselves can successfully contend that they ought to be empowered to discharge duties specifically assigned by law to other bureaus of the department.

Mr. FRENCH. Might it not interfere very materially with the assignment of work within the department?

Mr. BYRNES of South Carolina. No. If this office is authorized by law to perform a given duty, it would not interfere with it.

Mr. FRENCH. If work were to be assigned contrary to law, I can see, then, that the gentleman's amendment would be pertinent.

Mr. BYRNES of South Carolina. That is it.

Mr. FRENCH. But if it were to be assigned without the law, but within the discretion of the department and not

properly within the scope of the work normally performed by a particular office, the money ought to be available to care for the payment of the expenses.

Mr. BYRNES of South Carolina. The money will be available unless the officer performs some duty which, under the law, that office has not jurisdiction of.

Mr. FRENCH. The gentleman believes his amendment merely interprets into this part of the bill that which is already the law?

Mr. BYRNES of South Carolina. That is all. It is to prevent the setting aside of law by regulation.

Mr. OLIVER of Alabama. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of South Carolina. Yes.

Mr. OLIVER of Alabama. The law itself imposes certain duties on the bureau itself.

Mr. BYRNES of South Carolina. Yes.

Mr. OLIVER of Alabama. And the gentleman is simply seeking here to preserve the law that we already have written on the statute books?

Mr. BYRNES of South Carolina. That is the only purpose of the amendment. It is to preserve the law as it now exists.

Mr. FRENCH. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LITTLE. Mr. Chairman, will the gentleman yield?

Mr. FRENCH. Yes.

Mr. LITTLE. How many employees of the Navy are regularly employed and paid out of this fund?

Mr. FRENCH. Approximately 2,000.

Mr. LITTLE. That would include them all?

Mr. FRENCH. Does the gentleman mean this particular section?

Mr. LITTLE. Yes.

Mr. FRENCH. Approximately 41. I thought the gentleman referred to civilian employees in the District.

Mr. LITTLE. Does this refer to naval employees?

Mr. FRENCH. The paragraph refers to civil employees.

Mr. LITTLE. How many of them are in the employ of the department in the District under pay here?

Mr. FRENCH. The gentleman means under this particular section, approximately 41.

Mr. LITTLE. They are paid from this fund?

Mr. FRENCH. Under this head.

Mr. LITTLE. That is where the money goes, to those 41?

Mr. FRENCH. In that particular paragraph; yes.

Mr. STENGLE. Will the gentleman yield?

Mr. FRENCH. I will be glad to yield.

Mr. STENGLE. This particular section refers to civilian employees only.

Mr. FRENCH. I understand so.

Mr. STENGLE. Because they are the only class that comes within the purview of the transportation act of 1923. Are there any naval officers on the pay roll?

Mr. FRENCH. No; not at all.

Mr. STENGLE. Then there should be no objection to the amendment because it simply clarifies the situation.

Mr. FRENCH. Suppose the amendment be read again.

The CHAIRMAN. Without objection the amendment will be again reported.

There was no objection.

The amendment was again reported.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

TRANSPORTATION AND RECRUITING.

For travel allowance or for transportation and subsistence as authorized by law of enlisted men upon discharge; transportation of enlisted men and apprentice seamen and applicants for enlistment at home and abroad, with subsistence and transfers en route, or cash in lieu thereof; transportation to their homes, if residents of the United States, of enlisted men and apprentice seamen discharged on medical survey, with subsistence and transfers en route, or cash in lieu thereof; transportation of sick or insane enlisted men and apprentice seamen to hospitals, with subsistence and transfers en route, or cash in lieu thereof; apprehension and delivery of deserters and stragglers, and for railway guides and other expenses incident to transportation; expenses of recruiting for the naval service; rent of rendezvous and expenses of maintaining the same; advertising for and obtaining men and apprentice seamen; actual and necessary expenses in lieu of mileage to officers on duty with traveling recruiting parties; transportation of dependents of enlisted men; in all, \$3,600,000.

Mr. McKEOWN. Mr. Chairman, I move to strike out the last word. I want to ask the chairman what the rule is in reference to the requirement for enlisted men in the Navy to pay themselves out, as the expression goes; whether the same rule applies to the Navy as it does to the Army?

Mr. FRENCH. That practice is not followed at this time.

Mr. McKEOWN. I am very glad to learn it is not followed. I want to say that the practice in the Army of allowing men to pay their way out is an outrage, because it permits a man who has enough money to pay his son out, to do so; but if the father of a boy, or a widow, is not able to pay the money, his boy is left in the service, because they are not able to pay him out.

Mr. SNYDER. Will the gentleman yield?

Mr. McKEOWN. I will.

Mr. SNYDER. I know the gentleman is a very fair man and wants to be fair, and the gentleman does not want to leave the impression that the boy who pays his way out is rich or the son of a rich parent.

Mr. McKEOWN. No; I am saying the men who pay themselves out are people who have the money in some instances, and in some instances they are not able to get it and pay their boy out, and there are a great many people who are not able to pay their way out.

Mr. SNYDER. I agree with the gentleman; I would like to have it done away with entirely, so there can be no purchasing themselves out.

Mr. McKEOWN. I want them all on the same plane. I know the proposition arose from the effort on the part of the War Department in trying to get something back to the Government for the expense they were put to by taking them into the Army, the expense of transportation and things of that character, but if they are entitled to be discharged then they ought to be discharged upon the same plane and principle without any discrimination. Now they send out a statement that upon the payment of so much money after having so many days or months in the Army that a man can buy himself out. Now, that rule has been promulgated from a desire to save the Treasury of the United States, but it is wrong in principle, because I know of cases where they say that this boy can be discharged from the Army upon the payment of a certain sum of money, and unfortunately his family is unable to raise that much money and he is kept in the Army when he is needed at home worse than boys who are discharged and whose parents are able to buy them out. But I want to say I am glad, and I compliment the Navy, that there is no such practice in the Navy now. I think if a boy is entitled to be discharged he should be discharged, but if he is not entitled to be discharged he ought not to be discharged. They all should be given the same opportunity. I withdraw the pro forma amendment.

The Clerk read as follows:

INSTRUMENTS AND SUPPLIES.

For supplies for seamen's quarters; and for the purchase of all other articles of equipment at home and abroad; and for the payment of labor in equipping vessels therewith and manufacture of such articles in the several navy yards; all pilotage and towage of ships of war; canal tolls, wharfage, dock and port charges, and other necessary incidental expenses of a similar nature; services and materials in repairing, correcting, adjusting, and testing compasses on shore and on board ship; nautical and astronomical instruments and repairs to same, and pay of chronometer caretakers; libraries for ships of war, professional books, schoolbooks, and papers; maintenance of gunnery and other training classes; compasses, compass fittings, including binnacles, tripods, and other appendages of ship's compasses; logs and other appliances for measuring the ship's way, and leads and other appliances for sounding; photographs, photographic instruments and materials, printing outfit and materials; and for the necessary civilian electricians for gyrocompass testing and inspection; in all, \$640,000.

Mr. SNYDER. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I rise for the purpose of giving some information and attempting to get some. I would like to ask the chairman of the committee if it is the practice under the law to make purchases of these supplies, if possible, from manufacturers in the United States, or whether it is the rule to advertise for supplies and buy them in the market where they can be purchased the cheapest?

Mr. FRENCH. Yes; it is the rule to advertise; it is the invariable rule.

Mr. SNYDER. And buy in the market where they can be bought the cheapest?

Mr. FRENCH. Yes.

Mr. SNYDER. I desire to ask the Clerk to read this letter in my time.

Mr. FRENCH. Let me say this: In the case of certain articles purchased for particular purposes—

Mr. SNYDER. No; I am speaking of supplies.

The CHAIRMAN. Without objection, the Clerk will read the letter.

There was no objection.
The Clerk read as follows:

UTICA, N. Y., February 26, 1924.

HON. HOMER P. SNYDER,
House of Representatives, Washington, D. C.

DEAR CONGRESSMAN: On Navy Department's, Bureau of Supplies and Accounts, Schedule No. 1570, Class 783-Pliers-opened, December 4, 1923, contract 59402.

Items 3-2b, items 4-1a-3b-1c, items 6-2c, and items 5, were awarded to H. Boker & Co., New York, on pliers manufactured in Germany and furnished from their stock in New York.

To put it mildly it hardly seems just that we as manufacturers on this line of tools, who have capacity to supply in any quantity and quality what the Government specifies, and who have employees who are not fully employed at this time, and are called upon to assume taxes in support of the Government, can not help but feel that we should be entitled to this business on a fair competitive basis.

These are not the only contracts that have been awarded to Boker, but we specifically mention the above.

Very few of our high-grade hardware jobbers are handling German tools, and we can demonstrate very easily that the tools furnished by Boker are not the quality such as would have been furnished by us and some of our other competitors.

If we could run our printing presses and make the money to pay our help, of course we could quote lower prices than we do on these Government specifications.

During the war we were told to, "Give! Give! Give! until it hurts, to stop this awful Hun from conquering the world." Most everyone did give to their limit, and in face of all the facts, it does seem strange that our Government will award contracts to these German dealers.

We know your fairness and earnestness toward everything American, and are putting this up to your good judgment as to what is best to do, and we will be governed by your advice.

Thanking you very much for your kind consideration, we remain,
Respectfully yours,

UTICA DROP FORGE & TOOL CO.
R. B. BILLINGS, President.

Mr. SNYDER. Gentlemen, there is no question as to the facts in that letter. I ask the membership of this House and this country if they believe it is a proper policy for our Navy to buy the merchandise it needs in the ordinary operation of the Navy from Germany, in the face of the opportunity to buy merchandise of equal quality in this country, perhaps not at quite the price it can get it from Germany, due to the fact that we know that money in Germany as well as labor is depreciated and practically discredited. This concern which produces and makes these small forgings is like all the rest of us—trying to make a profit. If it makes a profit it pays a portion of it into the Government of the United States in the form of taxes. The question in my mind is whether the Government, on the whole, makes a saving by buying this article from Germany, even though at a smaller price if, in turn, it puts out of business the man who makes it in this country and thereby collects no tax.

Mr. MORTON D. HULL. Does the gentleman know the difference in the prices?

Mr. SNYDER. It would be infinitesimal in this case. I do not know what it is, but it could not be much, because the item is not large. But it is the policy about which I am talking. If the Navy of this country is buying pliers made in Germany in competition with pliers made in America, and is buying German items instead of American items; if it is doing it in other cases as well as this, then I maintain that the policy is wrong.

Mr. SNELL. Mr. Chairman, will my colleague yield?

Mr. SNYDER. Yes.

Mr. SNELL. Does not that come about on account of the restrictions that we put on the department, compelling them to buy after advertising for competitive bids?

Mr. SNYDER. It may be so. But in the face of conditions existing to-day in Germany, where there is no basis of value on anything, whether it be merchandise or anything else, no matter how much duty we might put on articles coming from abroad, no country in the world can compete with the Germans at this moment. This concern to which I refer, like every other one, endeavors to make a profit on its products; and if it does, it pays taxes to the Government; and the question is whether the difference that may exist in the price the Government pays for the German items, as compared with what it would pay for American-made items, compensates for the loss in profits in America and in taxes to the Government. I believe the policy is wrong. I believe that the American Navy

and the American Army, in so far as they can, ought to buy their supplies from the producers in this country.

Mr. BOX. Mr. Chairman, will the gentleman yield?

Mr. SNYDER. Yes.

Mr. BOX. Does the gentleman know whether or not these articles were bought under such conditions as to enable the Government to avoid the payment of the import duty?

Mr. SNYDER. I do not know as to that. I understood it was a competitive bid, and that the Navy bought these articles from the Herman Boker Co., importers of these German-made goods.

Mr. BOX. There was a case that came up some time ago where the Navy Department had bought a large quantity of duck in Germany, and it was shown that thereby the department had saved the import duty.

Mr. SNYDER. Yes. But if even they got it at a lower price, and at the same time forced some American manufacturer out of business, is the Government justified, I ask, in doing that when it has the effect of putting our own people out of work?

Mr. BLACK of New York. Is there any substantial reason why the American-made goods should bring a higher price than similar goods made in Germany?

Mr. SNYDER. Well, there is no fixed value in Germany to-day, either on money, or commodities, or products, or anything else. In this country we have to pay for our labor and our materials.

Mr. FRENCH. As I stated a moment ago, Mr. Chairman, it is the practice of the Navy Department to purchase such articles on the basis of competitive bids. Standard specifications are set forth. I do not know the facts in such a particular instance as this, but I have no doubt that it would be disclosed on inquiry that the articles themselves met the specifications and standards set forth, and the bidder, who was a responsible bidder, was able to comply with the offer to purchase these articles under the law, and the Navy Department could not do otherwise than to accept the tender of the articles at the price quoted.

Mr. SNYDER. I agree with the gentleman, and I have not the slightest doubt that the Navy Department was forced to do what it did. But I question the wisdom of that policy. I think I was a Member of this House when that restriction was put on—a provision providing that they must buy in a competitive market.

Mr. FRENCH. There is another suggestion that could be made. It is possible that this particular tool might be of a kind that the Navy Department had special use for.

Mr. SNYDER. This was a general line of tools. It was not just one kind of plier. The Utica Drop Forge Co. makes a general line of small tools; not one single item only, but probably 500 different items, and the Navy probably uses from 1 to 50 different items.

Mr. FRENCH. The gentleman would recognize that the country would not approve of the Navy Department or any other department of the Government, in buying great quantities of material, doing it on another basis than on a competitive basis.

Mr. SNYDER. But the Navy does not have its ships built on the Clyde or elsewhere abroad; and so long as it does not build or purchase its ships in foreign shipyards and so long as the Congress does not authorize the purchase of its ships in foreign shipyards, why should it authorize the purchase of any part of the guns or any parts of the equipment if they can be purchased in this country? We certainly pay more for building our ships in this country than we would have to pay if they were built abroad, and why should we particularize?

Mr. SNELL. Mr. Chairman, will the gentleman yield?

Mr. SNYDER. Yes.

Mr. SNELL. Is there anything in the bill that provides that such articles must be homemade articles or that foreign-made goods can be purchased in certain cases?

Mr. FRENCH. I do not think it is specifically provided in the law.

Mr. SNYDER. Well, it may be that they can buy those things in any place they see fit. If so, they might buy them abroad and buy enough to last for 50 years; and in that case what would happen to American labor in the meantime?

The CHAIRMAN. The pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

NAVAL RESERVE FORCE.

For expenses of organizing, administering, and recruiting the Naval Reserve Force; for the maintenance and rental of armories, including the pay of necessary janitors; and for wharfage, \$170,000; for pay

and allowances of officers and enrolled men of the Naval Reserve Force, other than class 1, while on active duty for training; mileage for officers while traveling under orders to and from active duty for training; transportation of enrolled men to and from active duty for training, and subsistence and transfers en route or cash in lieu thereof; subsistence of enrolled men during the actual period of active duty for training; pay and allowances of officers of the Naval Reserve Force and pay, allowances, and subsistence of enrolled men of the Naval Reserve Force when ordered to active duty in connection with the instruction, training, and drilling of the Naval Reserve Force; and retainer pay of officers and enrolled men of the Naval Reserve Force, other than class 1, \$3,400,000; in all, \$3,570,000, which amount shall be available, in addition to other appropriations, for fuel and the transportation thereof and for all other expenses in connection with the maintenance, operation, repair, and upkeep of vessels assigned for training the Naval Reserve Force; *Provided*, That no part of the money appropriated in this act shall be used for the training of any member of the Naval Reserve Force except with his own consent; *Provided further*, That retainer pay provided by existing law shall not be paid to any member of the Naval Reserve Force who fails to train as provided by law during the year for which he fails to train.

Mr. BUTLER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BUTLER: Page 13, line 3, after the word "force," insert the following: "and Naval Militia."

Mr. BUTLER. Mr. Chairman, I will ask the subcommittee in charge of the appropriation bill to accept this amendment. They know what it will lead to—another amendment to be offered later in the paragraph. It is to restore to this bill the provision which has been stricken out. It would carry for five years, providing for what I think is one of the most important parts of the naval service, and that is the Naval Militia maintained by the different States. I will ask the chairman of the subcommittee whether he is willing to accept it and restore it to the bill, and I will endeavor to make you a promise—and what is better, I will endeavor to keep it—that the Naval Committee will go ahead and bring legislation in that will be regular and not require us to come asking the House to overlook the violation of a rule of the House.

Mr. FRENCH. By that the gentleman indicates that his committee is considering the question of reorganizing the laws under which the Naval Reserve Force operates.

Mr. BUTLER. I will say to my friend that we have been considering but one thing for 42 days.

Mr. FRENCH. But you hope to do it.

Mr. BUTLER. We hope, if we live, to be able to get down to something that is entirely and fairly practical.

Mr. FRENCH. I will answer the gentleman by saying that the members of the Appropriations Subcommittee are agreeable to the language proposed, and we omitted it from the bill primarily because we had no jurisdiction.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania.

The amendment was agreed to.

The CHAIRMAN. The gentleman from Pennsylvania offers another amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BUTLER: On page 14, at the end of line 1, insert a new proviso, as follows:

"*Provided further*, That until June 30, 1925, of the Organized Militia as provided by law, such part as may be duly prescribed in any State, Territory, or for the District of Columbia shall constitute a Naval Militia; and until June 30, 1925, such of the Naval Militia as now is in existence and as now organized and prescribed by the Secretary of the Navy under authority of the act of Congress approved February 16, 1914, shall be a part of the Naval Reserve Force, and the Secretary of the Navy is authorized to maintain and provide for said Naval Militia as provided in said act: *Provided further*, That upon their enrollment in the Naval Reserve Force, and not otherwise until June 30, 1925, the members of said Naval Militia shall have all the benefits, gratuities, privileges, and emoluments provided by law for other members of the Naval Reserve Force; and that, with the approval of the Secretary of the Navy, duty performed in the Naval Militia may be counted as active service for the maintenance of efficiency required by law for members of the Naval Reserve Force."

Mr. BLANTON. Mr. Chairman, I reserve a point of order. Is the chairman of the subcommittee going to make a point of order against this amendment?

Mr. FRENCH. As I understand it, the gentleman from Texas reserves his point of order?

Mr. BLANTON. Yes; but I was wondering whether the chairman of the subcommittee was going to make one.

Mr. FRENCH. I will not make a point of order against the amendment.

Mr. BLANTON. Then I do make it, Mr. Chairman.

Mr. FRENCH. I trust the gentleman from Texas will reserve his point of order.

Mr. BLANTON. I will reserve it.

Mr. BUTLER. I am going to talk to my friend from Texas, who has reserved a point of order.

Mr. BYRNES of South Carolina. Perhaps if the gentleman from Pennsylvania will explain his amendment, the gentleman from Texas may be willing to withdraw his point of order.

Mr. TILSON. Before the gentleman from Pennsylvania begins will he permit me to ask him this question: Is not that in the present law?

Mr. BUTLER. We have already amended the bill by putting in the Naval Militia. My first amendment included the Naval Militia.

Mr. TILSON. I do not mean the permanent law, but it is in the present current law, is it not?

Mr. BUTLER. Yes.

Mr. BLANTON. If it is so meritorious, why on earth did the committee overlook it?

Mr. FRENCH. I will say to the gentleman from Texas that the committee did not include the language proposed, and which has been carried in the bill for several years, for the reason that it is legislation and we had no jurisdiction. But here is the point: The State Naval Militia of New York shares in an expenditure that has been made, or an investment, of approximately \$6,000,000 by the State of New York, mostly armories and grounds. That is turned over for the use of the Naval Reserve in New York, the State Naval Militia there being a part of it. If this amendment can go through and the State Naval Militia can function with the National Reserve, of which it will become a part, it will save us rents for armories and it will make possible in addition appropriations made by the State in excess of \$200,000. I believe it is the desirable thing to do. As I say, it was omitted by our committee because, in the first place, we do not have jurisdiction from a legislative standpoint and, in the second place, we understand that the naval legislative committee is considering, or will consider, legislation looking to the rounding out of the laws under which the Naval Reserve operates.

Mr. BLANTON. The gentleman says this is in the interest of economy. I want to ask him just how much economy there is in this paragraph:

The members of said Naval Militia shall have all the benefits, gratuities, privileges, and emoluments provided by law for other members of the Naval Reserve Force; and that, with the approval of the Secretary of the Navy, duty performed in the Naval Militia may be counted as active service for the maintenance of efficiency required by law for members of the Naval Reserve Force.

Does the gentleman know how much that is going to cost the Government?

Mr. FRENCH. Let me say this: If those gentlemen shall not be permitted to be carried as a part of the State Naval Militia, they will be carried—because they want this service—as a part of the naval force by enrolling in that force. But by permitting them to occupy the status of members of the New York State Naval Militia they will receive only what we would pay them if they did not have that status, but, on the other hand, they will bring to the use of the Naval Reserve Force, in New York, buildings, equipment, and all of that which has been provided by the State of New York.

Mr. BLANTON. But they will cost the Government just as much as though they belonged to the naval force itself.

Mr. FRENCH. No.

Mr. BLANTON. Why not? This amendment says so. It provides that they shall have all "the benefits, gratuities, privileges, and emoluments provided by law for other members of the Naval Reserve Force."

Mr. FRENCH. But the Government will be spared rents and other large expenditures. The expenses the gentleman enumerates we would need to meet anyway in support of members of whatever Naval Reserve Force would be built up in the State of New York. But if we can let the Naval Reserve Force of New York have the status of Naval Militia for New York, then the State of New York will turn over to the use of the Naval Reserve Force within that State several millions of dollars' worth of property, and we will save the payment of rents for armories and also receive material advantages for the Naval Reserve Force which the gentleman's State is helping to maintain.

Mr. BLANTON. The gentleman admits that for seven years we have not had any law authorizing this provision. Why has not the chairman of the legislative Naval Committee, which

is functioning all the time, brought in a bill in seven years to authorize this?

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. BUTLER. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to proceed for five additional minutes. Is there objection?

There was no objection.

Mr. BUTLER. I will state to the gentleman from Texas the reason why this has not become permanent law. It has been carried along in the naval bill several years. We always considered it one of the most desirable parts of the whole bill. The time has come now, since the new rules have been made, that it is necessary for us to legislate in order that we may properly appropriate.

Mr. BLANTON. Will the gentleman yield?

Mr. BUTLER. Yes.

Mr. BLANTON. After we grant these men all of these gratuities and privileges and emoluments, how much extra is that going to cost the Government?

Mr. BUTLER. Nothing.

Mr. CULLEN. Not a dollar.

Mr. BUTLER. If it would, I would not be for it.

Mr. BLANTON. Why do they want it in here?

Mr. BUTLER. I will tell you why. Under this provision these men may for two months join what is known as the Fleet Naval Reserve, which fits them further for the service, but only for two months.

Mr. BLANTON. And get a junket trip over the world on a ship.

Mr. BUTLER. No; I will say to my friend it is regular training. There is another provision which follows which provides that unless they take this regular training under military rule they can not draw a penny of this money, and it is only for two months.

Mr. BLANTON. I am going to say this to the gentleman: If the members of this Appropriations Committee can not protect their bill and keep this legislation out, I am not going to make a point of order against my old friend from Pennsylvania. [Applause.]

Mr. BUTLER. I am glad of that. I want to publicly acknowledge my gratitude to my friend for his confidence.

Mr. BLACK of Texas. Will the gentleman yield?

Mr. BUTLER. Yes.

Mr. BLACK of Texas. I want to get some information as to how many men are included.

Mr. TABER. Eighteen hundred.

Mr. BLACK of Texas. Has there been any estimate of cost made by anyone?

Mr. TABER. The State of New York pays \$256,000 for the maintenance of these men and the equipment, which otherwise would be a charge upon the Government if the State of New York did not do it and if we did not have this provision.

Mr. BLACK of Texas. No; it would not be a charge against the Federal Government unless they were members of this Naval Reserve Force. Can the gentleman give any figures as to how much this amendment will cost the Federal Government?

Mr. TABER. If we did not have this provision, to reasonably take care of the situation, we would have to increase our Federal Naval Reserve to the same extent that it would be decreased by the cutting out of this militia.

Mr. BLACK of Texas. Upon what does the gentleman base that statement? These men are not members of the Naval Reserve, are they?

Mr. TABER. They are, as a result of this amendment; yes.

Mr. BLACK of Texas. They would be. But the amendment has not yet been adopted.

Mr. BUTLER. They have been for four years.

Mr. TABER. They have been for several years.

Mr. FRENCH. I think this statement will clear up the situation. We went into the question to see whether or not these men and officers were doubly paid; that is, whether they were paid as members of the Naval Reserve Force by the Government and paid also by the State of New York as members of the State Naval Militia. We found that was not the case at all, but by letting them be paid, as we want them to be, as members of the Federal Naval Reserve, we then have the advantage of various plants and armories that have been built in New York, and in addition to that approximately \$200,000 appropriated by the State of New York to help pay for additional incidental expenses connected with the armories and establishments, and that, probably, otherwise there would be vast rents and appropriations upon the Government.

Mr. BLACK of Texas. Mr. Chairman, for the reason I think that our naval appropriations are now ample, and, in fact, more than they ought to be, I feel compelled, out of a sense of duty, to make the point of order.

Mr. FRENCH. Mr. Chairman, I make the point of order that that now comes too late.

Mr. BLACK of Texas. It was reserved, Mr. Chairman.

Mr. FRENCH. But not by the gentleman from Texas [Mr. BLACK].

Mr. TILSON. The gentleman from Texas [Mr. BLANTON] withdrew his point of order some time ago and the amendment has been under debate.

Mr. BLACK of Texas. No; the gentleman did not make a withdrawal. If the gentleman had, I would at once have renewed it. The gentleman did make the statement that he did not intend to make it, but he did not withdraw the reservation of point of order.

Mr. TILSON. Was not that tantamount to a withdrawal?

Mr. BLACK of Texas. If that had been my understanding, I would at once have made a reservation, but I considered that a reservation had been made and that all the discussion was had with that understanding.

Mr. TILSON. The gentleman from Texas plainly said that if the chairman of the subcommittee did not protect his bill, he was not going to make the point of order against his old friend from Pennsylvania.

Mr. BLACK of Texas. I submit the gentleman did not withdraw the point of order, and all the discussion proceeded under the reservation of the point of order.

Mr. BUTLER. I did not understand it so.

Mr. BLACK of Texas. Mr. Chairman, I make the point of order that there is no law authorizing the amendment to the appropriation bill.

Mr. BUTLER. Mr. Chairman, I make the point of order it is too late. We have argued it and debated it for five minutes.

The CHAIRMAN. The Chair is inclined to believe the point comes too late. Debate was progressing. The gentleman from Pennsylvania [Mr. BUTLER] was on the floor. He yielded to the gentleman from Texas. The gentleman from Texas [Mr. BLANTON] then stated that in consideration of the gentleman from Pennsylvania [Mr. BUTLER] he would withdraw his point of order.

Mr. BLANTON. Oh, Mr. Chairman, I do not want to be misquoted. Here is what I said exactly—that if the members of this Appropriation Committee were not going to protect their own bill and make the point of order themselves I would not make it, but I did not say that I would do it.

Mr. FRENCH. Mr. Chairman, may I be heard right there? When the gentleman made that statement I think the RECORD will show that I immediately asked for recognition to state why the committee desired to have the item in.

The CHAIRMAN. Does the gentleman from Texas now state to the Chair that he did not withdraw his reservation of the point of order?

Mr. BLANTON. I merely said that if they would not make it themselves I would not make it.

The CHAIRMAN. That does not answer the inquiry of the Chair. The Chair wants to know whether the gentleman withdrew it?

Mr. BLANTON. That intimates that I was going to do it, but I did not do it.

The CHAIRMAN. Did the gentleman from Texas withdraw his reservation?

Mr. BLANTON. I did not in that language. The reporter's notes will show what I said.

The CHAIRMAN. The gentleman from Texas has reserved the point of order. Does the gentleman now make it?

Mr. BLANTON. I withdraw my point of order.

Mr. BLACK of Texas. Then I renew the point of order and make the point of order.

The CHAIRMAN. The gentleman from Texas [Mr. BLACK] makes the point of order.

Mr. FRENCH. Mr. Chairman, I make the point of order that that comes too late. I think the language of the gentleman from Texas [Mr. BLANTON] plainly indicated that he had withdrawn his point of order, and that if the gentleman had said nothing further the Chairman would have gone ahead and put the question upon this amendment. The Chair would not have asked the gentleman from Texas [Mr. BLANTON] whether or not he had withdrawn his point of order.

The CHAIRMAN. The Chairman of the Committee of the Whole must be governed largely by the good faith of the individual Members on the floor. If the gentleman from Texas [Mr. BLANTON] did not intend to withdraw his reservation,

and he now says that he did not, the Chair must take his word for it.

Mr. BLANTON. Mr. Chairman, I did not say that. I want to be quoted correctly. I said that I had not done so, but I intended to do it.

Mr. FRENCH. I ask to have the record read where the gentleman from Texas [Mr. BLANTON] made the statement indicating to me and I think to the gentlemen of the House generally that he withdrew his point of order.

Mr. BUTLER. Mr. Chairman, the gentleman from Texas [Mr. BLANTON] states it exactly as he said it. The gentleman from Texas pleased me very greatly by what he said.

The CHAIRMAN. The Chair is reasonably clear on this. The Chair may be wrong about it, but the Chair will entertain the point of order made by the gentleman from Texas [Mr. BLACK]. Is there anything to be said on the point of order?

Mr. OLIVER of Alabama. Will the Chair hear me for a moment?

Mr. BUTLER. Do I understand that the Chair sustains the point of order?

The CHAIRMAN. The Chair has not passed on the point of order.

Mr. OLIVER of Alabama. I think the point of order comes too late, inasmuch as the Chair seems to base his ruling on what he understood to be the language of the gentleman from Texas [Mr. BLANTON] that he intended to withdraw his point of order. The gentleman from Texas, as I recall his language, said that he would not make the point of order.

Mr. BLANTON. That is what I said.

Mr. OLIVER of Alabama. And a proper construction of the words "would not make" certainly is that he withdrew it. One need not use the word "withdraw" in order to inform the Chair that a point of order has been withdrawn. If a gentleman rises and states "I will not make it," or "I would not make it," he has stated in positive language a withdrawal of the point of order, even though he may not use the word "withdraw." The gentleman from Idaho [Mr. FRENCH] is entirely correct in that after that language was used by the gentleman from Texas [Mr. BLANTON], there was discussion of this matter by the gentleman from Pennsylvania [Mr. BUTLER], and, of course, it comes too late now for some one else to rise and make the point of order.

The CHAIRMAN. The Chair is having the Reporter make a transcript of the particular language of the gentleman from Texas.

Mr. STEPHENS. I call attention to the fact that after the gentleman from Texas [Mr. BLANTON] had said that he would not make the point of order, the gentleman from Pennsylvania [Mr. BUTLER] had really given up the floor and started to take his seat. When the gentleman from Texas [Mr. BLACK] attracted his attention, he began to again discuss the subject.

Mr. BLACK of Texas. Mr. Chairman, the gentleman is incorrect in that statement. The gentleman from Pennsylvania had asked for five additional minutes and the committee had granted it. The whole discussion had proceeded under the reservation of the point of order, which, under the custom of the House, proceeds until the one discussing it has finished. Then the point of order is either made or withdrawn. I had fully intended all along to make the point of order if my colleague from Texas [Mr. BLANTON] did not, but I did not think there was any advantage in making two reservations, and when he announced that he would not make the point of order I think I had the right to assume that at the conclusion of the discussion by the gentleman from Pennsylvania [Mr. BUTLER], Mr. BLANTON would announce his withdrawal of the point of order and that I would then renew it. But I did not think it was necessary to do that until the gentleman from Pennsylvania had concluded his remarks.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. TILSON having taken the chair as Speaker pro tempore, a message from the Senate by Mr. Crockett, one of its clerks, announced that the Senate had insisted upon its amendment to the House amendment to Senate amendment No. 47 to the bill (H. R. 5078) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1925, and for other purposes, had asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. Smoot, Mr. CURTIS, and Mr. HARRIS as the conferees on the part of the Senate.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

Mr. BUTLER. Mr. Chairman, an amendment already has been adopted that was not in order, to which no point of order

was made, including in this bill this very thing, and now, having adopted an amendment which is out of order, would it not make this amendment in order, because it includes the Naval Militia. If it comes to that, we will argue it.

Mr. BLANTON. Mr. Chairman, this is the parliamentary situation: I reserved the point of order. That is for the benefit of every member of the committee, under our rules. That reservation stands, of course, until it is definitely withdrawn. Debate ensued, and after debate I stated that if the committee would not protect their own bill themselves, I would not make the point of order. After I said that any one of the 35 members of the committee or any other Member of the House could have risen and made the point of order, and all Members in the House could have made it. The reservation, however, stood until some one made the point of order or it was withdrawn. Of course, I expected to withdraw the reservation, and, so far as I was concerned, it was a closed incident. There is no question about that; but, as a matter of fact, I did not do it. I intended to do it, but I did not do it, and my reservation inured to the benefit of every man on this floor, each of whom had just as much interest and rights in my reservation as I did myself.

Mr. BYRNES of South Carolina. Will the gentleman yield?

Mr. BLANTON. I will.

Mr. BYRNES of South Carolina. The gentleman did not intend at some subsequent time to get up formally and withdraw his point of order?

Mr. BLANTON. I expected then and there to drop the whole fight, so far as I was concerned.

Mr. BYRNES of South Carolina. That is what I thought.

Mr. BLANTON. But, as a matter of fact, I did not withdraw the reservation, although I stated positively I would not make the point of order; but the rules of the House under which we proceed are more important than the present expediency of any question.

Mr. BYRNES of South Carolina. Mr. Chairman, I asked the gentleman from Texas this question as his intention of whether he intended to rise formally and say, "I withdraw the reservation," and frankly he declared he had no such intention; that so far as he was concerned he was through with the matter. I submit, had he said nothing the Chair would never have ruled on that reservation. The Chair certainly believed the gentleman from Texas believed he was through with the discussion on the point of order, and there is nothing else for him to do or the Chair to do. Debate ensued before the gentleman from Texas [Mr. BLACK] made the point of order.

Mr. BLACK of Texas. If the gentleman will yield, debate was proceeding at the time. The gentleman from Texas [Mr. BLANTON] did not as a matter of procedure withdraw the point of order, but in the colloquy with the gentleman from Pennsylvania [Mr. BUTLER] he said that if the committee did not make it, he would not. I did not know but what some member of the committee would feel constrained to make the point of order at the conclusion of the discussion by the gentleman from Pennsylvania [Mr. BUTLER], and I did not consider it necessary for me to rise and reserve the point of order again.

The CHAIRMAN. The Chair is ready to rule. The Chair, of course, believed that he heard the gentleman from Texas [Mr. BLANTON] make the remark that it was his purpose to withdraw the reservation of the point of order, and as soon as the Chair announced that was his belief the gentleman from Texas [Mr. BLANTON] interposed and said that he did not want his language misunderstood, that all he said was he would not make the point of order. Now, the Chair has had the Reporter make him a rough transcript of this matter, and this is what happened: Mr. BUTLER was on the floor, the gentleman from Pennsylvania; and in the middle of his five-minute extension that was granted him by the committee he yielded to the gentleman from Texas [Mr. BLANTON] to ask him a question, and some discussion ensued, in the course of which Mr. BLANTON said:

Mr. BLANTON. I am going to say this to the gentleman: If the members of this Appropriation Committee can not protect this bill and keep this legislation out, I am not going to make a point of order against my old friend from Pennsylvania.

Mr. BUTLER. I am glad of that.

And then offered some other observations. What the gentleman from Texas said, that he was not going to make the point of order, might be construed two ways. It might be that he was announcing that he withdrew his reservation; but he did not say that. He said, "I am not going to make it," which might be interpreted that he would not make it at the expiration of the five minutes granted to the gentleman from Pennsylvania. Now, the Chair thought as the majority of the

committee seems to feel on this matter, but irrespective of what the Chair thinks, the Chair must take a gentleman's statement on the floor of the House in stating his own express intentions, and the Chair thinks he is right in recognizing the point of order of the gentleman from Texas.

Mr. BUTLER. Let me ask the gentleman from Texas [Mr. BLACK] if he will not withhold—

Mr. BLACK of Texas. I will withhold.

Mr. BUTLER. I desire to appeal from the decision of the Chair. With the utmost respect for the fairness of the Chair, I appeal from his decision, and let us understand right here what the English language means.

The CHAIRMAN. The gentleman from Idaho [Mr. FRENCH] made a point of order that the point of order was too late, and the Chair supposes it is on that point of order by the gentleman from Idaho [Mr. FRENCH] that this matter comes up and on which the Chair overruled the point of order, and from that decision the gentleman from Pennsylvania appeals.

Mr. BUTLER. I appeal, and it is the first time I have ever done it in 27 years.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the decision of the committee.

The question was taken.

The CHAIRMAN. The Chair is in doubt. Those in favor of sustaining the decision of the Chair will rise and stand until counted.

The House again divided; and there were—ayes 52, noes 27.

So the decision of the Chair was sustained.

Mr. BUTLER. Let us argue the point of order.

Mr. FRENCH. May I ask the gentleman from Texas [Mr. BLACK] if he will withhold the point?

Mr. BLACK of Texas. I will withhold the point of order?

Mr. FRENCH. Let me suggest this: The first amendment offered by my friend from Pennsylvania [Mr. BUTLER] was not objected to. It was adopted by the committee and inserted on page 13, line 2—the words "and Naval Militia." I submit to the gentleman that we have already put into the bill the organization of the Naval Militia, to which the language defining more particularly what shall be done pertains. It leaves the matter in a rather awkward state. I will say to the Chair that the amendment of the gentleman from Pennsylvania saves money rather than adds an additional burden. It maintains these men as a part of the Naval Reserve, and it is to the direct advantage of the Government. There is no duplication of pay. We have checked that up thoroughly. The only ones who would be paid are one or two on the governor's staff, and they are not paid because they are members of the militia but because they are members of the governor's staff.

Mr. BLACK of Texas. Why does not the Committee on Naval Affairs bring in legislation to make it in order, if this is a saving?

Mr. FRENCH. Until two years ago the Committee on Naval Affairs was the appropriating committee which prepared and brought in the naval appropriation bill, and as was the custom then the legislative committees brought in items year after year that were not supported by legislation. They did not have authority in law, but it was concurred in because it was done by the legislative committee, and no objection was made. The Naval Committee has had this item before it for a year, and the chairman of the committee has just told us that he hopes before the expiration of another year to have an adequate bill reported covering the matter.

Mr. BLACK of Texas. Two years is a good long time, and I am not convinced that this amendment would work any economy for the Government, and therefore I make the point of order.

The CHAIRMAN. Does the gentleman from Pennsylvania care to be heard?

Mr. BUTLER. If the Chair would care to hear me I would like to be heard.

The CHAIRMAN. The Chair will be glad to hear the gentleman.

Mr. BUTLER. I do not know, in my ignorance, whether I shall be able to make the Chair understand me. This committee has already adopted one amendment that is out of order, in my opinion. This other amendment relates to the same subject, and under the rules a point of order can not be made against it.

The CHAIRMAN. The Chair is of opinion that it is legislation upon an appropriation bill, and the point of order is sustained.

Mr. BUTLER. There is no doubt in the world but that it is legislation. That is the reason why I offered it.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

NAVAL WAR COLLEGE, RHODE ISLAND.

For maintenance of the Naval War College on Coasters Harbor Island, including the maintenance, repair, and operation of one horse-drawn passenger-carrying vehicle to be used only for official purposes; and care of ground for same \$91,800; services of a professor of international law, \$2,000; services of civilian lectures, rendered at the War College, \$1,200; care and preservation of the library, including the purchase, binding, and repair of books of reference and periodicals, \$5,000; in all, \$100,000: *Provided*, That the sum to be paid out of this appropriation under the direction of the Secretary of the Navy for clerical, inspection, drafting, and messenger service for the fiscal year ending June 30, 1925, shall not exceed \$50,000.

Mr. BEGG. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Ohio moves to strike out the last word.

Mr. BEGG. I do so for the purpose of asking the chairman of the subcommittee a question. What happened with respect to this Naval War College on Coasters Harbor Island that requires an increased appropriation of \$10,600 this year, and at the Naval War College here, with an increased appropriation of over \$11,000? I put the inquiry in order to know what is being done or contemplated this year that is going to cost that much more money at each of these war colleges.

Mr. FRENCH. The Navy Department believes that it is desirable to maintain this War College just as the War Department maintains an Army War College, in order that men who are especially interested in various lines of study pertaining to the Navy may have a place to go and accept a detail for a year and do intensive studying. And especially it has to do with the larger aspects of the movements of a fleet and the operations of the Navy, with strategy and all that sort of thing. Then the reason why we are giving a little less than \$11,000 this year, more than they had last year, is because the department feels that a somewhat larger enrollment would be desirable at this time. We have 79 officers who are doing this work at that college. The desire of the department is to increase that up to 100, having a junior college for junior members, and a senior college for senior members, with probably 50 enrolled in each. The department asked us for \$130,000.

Mr. OLIVER of Alabama. The committee thought we would not be justified in making a large appropriation or to extend it beyond two years. We thought this might apply to the senior school.

Mr. FRENCH. The department, as I say, asked for \$130,000, and in harmony with what the gentleman from Alabama [Mr. OLIVER] has suggested, we withheld the larger part that was recommended and provided for an increase of approximately \$11,000. Let me mention this also as one of the functions performed at that college. There is a correspondence course maintained by officers of the Navy, whether on shore or sea duty, that is of tremendous value in keeping the officers abreast of the times and fit, and that work finds its center and supervision at the War College.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Salaries, Navy Department.

Mr. BEGG. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Ohio moves to strike out the last word.

Mr. BEGG. I would like to have the chairman of the committee tell me why it is necessary to raise any salaries at these homes and increase the number of employees until they have increased the expense of the operation of this Naval Home by \$32,000, in round numbers, this year. And I want to know if that is the policy all the way through, and if that is the way we expect to economize?

Mr. FRENCH. Mr. Chairman, let me say to the gentleman first that, as I recall it, the salary increases amount to only \$1,000, and the other items going to make up the increase account for the expansion. Let me say also that this money is not an appropriation from the Treasury, but it is from the fund that is built up by the institution itself and those who go there.

Mr. BEGG. These expenses are met out of the pension fund?

Mr. FRENCH. Yes. The demand for the better care and comfort of those who are enjoying that as a home seems to require that they receive the little extra attention that the Navy Department felt should be accorded them out of moneys

furnished by this pension fund, and the committee concurred in that thought on the part of the department.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

For apparatus and instruments and for repairs of the same, \$2,500.

Mr. HOWARD of Nebraska. Mr. Chairman, I move to strike out the last word. There is no last word, so I move to strike out some figures.

The CHAIRMAN. The gentleman from Nebraska moves to strike out the last word and is recognized for five minutes.

Mr. HOWARD of Nebraska. Mr. Chairman and gentlemen of the House, this morning I received some very valuable information from a sea-going Member of the House. I do not know much about naval affairs, so I asked for information at the hands of one who knew how to give it; he did give it, too, and I owe my thanks to the gentleman from Massachusetts.

Now, I have some further information to request of Members of the House, and any of you may answer who are capable. You know I am rather new here, and I want to know the way of procedure, and I always want to be within the lines of the right and to see that I shall never transgress any of the rules of propriety.

Several of you have told me that it would be very untoward on my part if I should ever speak the name of a Senator of the Nation, or if I should ever refer in debate here to the action of the Senate on any pending matter. Well, taking your advice, I have consistently and religiously refrained. But in this morning's newspaper I behold the portrait of one whom I greatly love, the portrait of the titular head of this House, and I see him quoted in the newspaper—his exact words being quoted—and a statement is made wherein he took the hide off of the Senate over here, hung it up on the barn door, and threw brickbats at it. [Laughter and applause.] I do not know but what I indorse a good deal of the throwing. [Laughter.]

But what I want to know now is this: Am I to follow the precedent laid down by the titular head of this House, or am I to follow the admonition given to me by its worthy membership generally?

Mr. BLANTON. Will the gentleman yield?

Mr. HOWARD of Nebraska. Yes.

Mr. BLANTON. The Speaker was perfectly safe. He was away off up in Boston, Mass.

Mr. DENISON. Will the gentleman yield?

Mr. HOWARD of Nebraska. Yes.

Mr. DENISON. The rule to which the gentleman's attention has been called only applies to statements made in this Chamber. Any Member of this body is at liberty to say what he pleases about the other legislative body in a public place, but not in this Chamber. So there is the distinction.

Mr. HOWARD of Nebraska. I thank the gentleman for his information.

Mr. DENISON. I thought the gentleman ought to have that information, as he apparently does not have it, and does not understand the distinction, which is a very material distinction.

Mr. HOWARD of Nebraska. Again I give my thanks. I am seeking information. [Laughter.] Then I take it it will be all right for me to step outside the sacred precincts of this House and give my own professional, private, and public opinion of any Senator all the way from Florida to Washington—Washington State, I mean.

Mr. WATKINS. Will the gentleman yield.

Mr. HOWARD of Nebraska. Yes.

Mr. WATKINS. The gentleman will not have to go that far. If he will just go back here and tell it secretly, so it will not be heard, he can say anything he wants to about a Senator.

Mr. HOWARD of Nebraska. I may say it secretly, and I will still be within the lines of propriety? Why, only yesterday, or day before, Mr. Chairman, the body over at the other end of this Capitol committed an awful crime in my eyes, and I wanted to speak about it, but a good friend of mine pulled my sleeve and said it would not be within the proprieties. I really did want to express my opinion about a Senate over there which would vote to confirm a colored brother in a high public office down in New Orleans. [Laughter and applause.]

The CHAIRMAN. The time of the gentleman has expired. Without objection, the pro forma amendment is withdrawn and the Clerk will read.

The Clerk read as follows:

BUREAU OF ENGINEERING.

ENGINEERING.

For repairs, preservation, and renewal of machinery, auxiliary machinery, and boilers of naval vessels, yard craft, and ships' boats, distilling and refrigerating apparatus; repairs, preservation, and re-

novals of electric interior and exterior signal communications and all electrical appliances of whatsoever nature on board naval vessels, except range finders, battle order and range transmitters and indicators, and motors and their controlling apparatus used to operate machinery belonging to other bureaus; searchlights and fire-control equipments for antiaircraft defense at shore stations; maintenance and operation of coast signal service; equipage, supplies, and materials under the cognizance of the bureau required for the maintenance and operation of naval vessels, yard craft, and ships' boats; care, custody, and operation of the naval petroleum reserves; purchase, installation, repair, and preservation of machinery, tools, and appliances in navy yards and stations, pay of classified field force under the bureau; incidental expenses for naval vessels, navy yards and stations, inspectors' offices, the engineering experiment station, such as photographing, technical books and periodicals, stationery, and instruments; instruments and apparatus, supplies, and technical books and periodicals necessary to carry on experimental and research work in radiotelegraphy at the naval radio laboratory; in all, \$18,012,300, of which \$2,562,300 shall be available immediately, and not less than \$600,000 of the amount last named shall be available for developing and testing submarine motive power under actual service conditions: *Provided*, That the sum to be paid out of this appropriation, under the direction of the Secretary of the Navy, for clerical, drafting, inspection, and messenger service in navy yards, naval stations, and offices of United States inspectors of machinery and engineering material for the fiscal year ending June 30, 1925, shall not exceed \$1,475,000: *Provided further*, That no part of this or any other appropriation contained in this act shall be available for maintaining, other than in a decommissioned status, more than four cargo ships, two transports, and one ammunition ship, unless, in case of emergency, the President should otherwise direct.

Mr. FRENCH. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Idaho offers an amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment, page 21, lines 4 and 5, strike out "other than in a decommissioned status," and insert in lieu thereof the following: "in commission, exclusive of vessels of other types."

Mr. FRENCH. The language I have sent to the Clerk's desk is calculated to clear up an ambiguity in the proviso.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Idaho.

The amendment was agreed to.

Mr. BLACK of New York. Mr. Chairman, I move to strike out the last word. I am making this motion at this time in order to direct the attention of this committee to an item of \$600,000 here appropriated for the purpose of experimental work on motive power for submarines under service conditions. I have no particular objection to the experiment. My objection lies in the fact that the committee has not gone as far as some experts think it should go in the matter of submarine preparation.

The disarmament conference made no provision for the limitation on the number of submarines that might be constructed by any of the powers. That conference did engage in the question of restricting the conduct of submarine warfare, with the result that a humane treaty was drawn, limiting the use of this type of war craft to something like humane purposes in time of war. Immediately after the conference adjourned the Japanese engaged upon a building program whereby they were to have in course of time 22 fleet type submarines. We in 1916 authorized by the naval act of August 23, the building of nine fleet type submarines, and three of those submarines are in the course of construction.

Mr. BLACK of Texas. Will the gentleman yield?

Mr. BLACK of New York. Yes.

Mr. BLACK of Texas. If I understand correctly, we now have three fleet submarines, but they are not successful and are out of commission. The purpose of this \$600,000 is to see if by some investigation they can not overcome that difficulty and build submarines that will be efficient.

Mr. BLACK of New York. I realize that that is the purpose of this provision. Now we have three fleet type submarines, as the gentleman from Texas says. They are known as T-boats. They were originally experimental propositions, and it is proposed to take this \$600,000, plus a German engine that we bought from the British, and put it in one of the hulls of these decommissioned T-type vessels. The T types were always experimental. The T-type hull is not a perfect hull, I understand from the naval experts, and I think, and I honestly believe from what I have heard from the Navy Department, that this experiment is foredoomed to failure.

Mr. BLACK of Texas. Will the gentleman permit another question?

Mr. BLACK of New York. Certainly.

Mr. BLACK of Texas. The gentleman will agree, I suppose, that we ought not to go ahead building these fleet submarines until we do perfect one that will work. We ought not to waste that money.

Mr. BLACK of New York. I understand, first of all, from the Navy Department that they have perfected an engine and that they are satisfied with the engine they have. It is along the same lines as this engine they propose to use in this old hull of the T type. The Navy experts are satisfied they can do that. The President of the United States has called upon this Congress to appropriate for submarines, for mine-laying submarines, and the distinguished Assistant Secretary of the Navy, the very capable Assistant Secretary from my State, has appeared before the committee and requested mine-laying submarines.

Gentlemen, it is a serious proposition, when one of the powers that attended the conference, immediately after the conference was over, violated absolutely the spirit of the conference in relation particularly to ratios, and went back home and started to erect 22 submarines of a large cruising radius that are a direct menace and a direct threat to this country. I think we should do something more than experiment. By the experiment we may find we will get something better than what we have, and I say to you gentlemen that while we are experimenting let us build something just as good as anybody else has.

Mr. WATKINS. Will the gentleman yield?

Mr. BLACK of New York. Certainly.

Mr. WATKINS. In the matter of submarines is it not a fact that we are superior to Great Britain but decidedly inferior to Japan?

Mr. BLACK of New York. That is about the situation. The experiments may work out something constructive, and we may learn something from them. I have no particular objection to going ahead with the experiments, although I do believe they are foredoomed to failure. But we want something more than experiments. This country is not going to be protected by any experiment. We are going to be protected by boats. The report of the subcommittee says that our submarines are not inferior to any submarines, and I say to you, if our submarines are not inferior to other submarines, then let us go ahead and build something just as good as anything the other fellow has.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FRENCH. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker pro tempore having resumed the chair, Mr. GRAHAM of Illinois, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill (H. R. 6820) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1925, and for other purposes, had come to no resolution thereon.

APPROPRIATIONS—INTERIOR DEPARTMENT.

Mr. CRAMTON. Mr. Speaker, I call up the conference report on the Interior Department appropriation bill (H. R. 5078) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1925, and for other purposes.

The SPEAKER pro tempore. The gentleman from Michigan calls up the conference report on the Interior Department appropriation bill (H. R. 5078), which the Clerk will report by title.

The Clerk read the title of the bill.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent that the House insist upon its disagreement and agree to the conference asked by the Senate.

The SPEAKER pro tempore. The gentleman from Michigan asks unanimous consent that the House insist upon its disagreement and agree to the conference asked by the Senate. Is there objection? [After a pause.] The Chair hears none.

Without objection, the Chair appoints the following conferees:

Mr. CRAMTON, Mr. MURPHY, and Mr. CARTER.

APPROPRIATIONS—NAVY DEPARTMENT.

Mr. FRENCH. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 6820) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1925, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 6820, with Mr. GRAHAM of Illinois in the chair.

The Clerk reported the title of the bill.

Mr. FRENCH. Mr. Chairman, the statements that have just been made by my colleague from New York [Mr. BLACK] deserve this attention: First, I do not believe that the gentleman is accurate when he charges another power signing the limitation of armament treaty with violating the spirit of the treaty. As a matter of fact, when he refers to the 22 submarines that Japan is building, those submarines are in lieu of 46 smaller submarines which had been projected and which had been voted prior to the meeting of the conference. It is my judgment that the great nation of Japan is striving to live up to the letter and the spirit of the compact.

Let me make this further observation. In providing for the experiment to be carried on in a large fleet-going submarine type of ship, your committee had the advice of the Chief of the Bureau of Engineering of the Navy Department, and it is his judgment that if an engine can be found to function adequately in a ship of the submarine type, for which we now have a hull, it will be adequate for the fleet submarine type that is in the minds of officers of the Navy.

We believe it is wise to proceed along these lines rather than to proceed by way of appropriating millions of dollars for the laying down of additional fleet submarines when we do not have at this time a type of engine that will meet the situation.

Mr. WATKINS. Will the gentleman yield?

Mr. FRENCH. Further than that, there are three fleet submarines to-day being built at Portsmouth, and they are about 45 to 65 per cent completed. We do not know for sure that we have types of engine that will be adequate to the situation there, although we believe and we hope we have.

Mr. WATKINS. Will the gentleman yield for a question?

Mr. FRENCH. I shall be glad to yield.

Mr. WATKINS. The gentleman will admit, I believe, that the Armament Conference did not limit the building of cruisers and that Japan since that conference is building 25 cruisers of 7,500 to 10,000 tons each.

Mr. FRENCH. A good many ships were being built by the various nations, including the United States, at the time the conference was held. Japan was building a limited number. At this present moment we are building, as I recall, 30 or 31 ships that were laid down before the conference. Japan, however, in the light cruiser line is building four of 10,000 tons that are substituted for four of 8,000 tons that had been projected before the conference. She is building four others of 7,500 tons in lieu of five of 5,570 tons which had been voted for prior to the conference.

Mr. WATKINS. And some of those are of the first class instead of the second class, are they not?

Mr. FRENCH. Probably so. I would say that her building program has been reduced rather than increased. Since the conference was held her new ships which she had voted to build and upon which she had begun construction have been reduced from approximately 51 or 52 in number to 37.

Mr. BLACK of New York. Does not the gentleman think that the elaborate program of Japan for fleet submarines seriously affects the relative strength of her navy and ours?

Mr. FRENCH. The addition of any ships of any type to any navy modifies, of course, to that extent; but the committee—and, I would say, speaking for myself as chairman—believes that there is not the slightest occasion for our feeling apprehensive because of the activities of any other nation.

Mr. BLACK of New York. The gentleman, of course, realizes that the President of the United States when he delivered his message here felt a little apprehensive, that the Budget Bureau must have felt apprehensive when it suggested the appropriation for three additional submarines, and that the experts in the Navy Department must have felt apprehensive when they suggested the appropriation. I think, also, the chairman should bear in mind the fact that the Japanese are not building submarines of great cruising capacity for purely defensive purposes in and about Japan; and in view of the fact that our experts have testified before the gentleman's committee that they have a satisfactory engine which they can install in the V type of submarine, and that, moreover, we need mine-laying submarines, surely the gentleman thinks that it is within the province of this Congress to appropriate along those lines, so that we can do as much as possible in our way with our greater resources to meet the naval competition of Japan.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CONSTRUCTION AND REPAIR OF VESSELS.

For preservation and completion of vessels on the stocks and in ordinary; purchase of materials and stores of all kinds; steam steerers, steam capstans, steam windlasses, and all other auxiliaries; labor in navy yards and on foreign stations; purchase of machinery and tools for use in shops; carrying on work of experimental model tank and

wind tunnel; designing naval vessels; construction and repair of yard craft, lighters, and barges; wear, tear, and repair of vessels afloat; general care and protection of the Navy in the line of construction and repair; incidental expenses for vessels and navy yards, inspectors' offices, such as photographing, books, professional magazines, plans, stationery, and instruments for drafting room, and for pay of classified field force under the bureau; for hemp, wire, iron, and other materials or the manufacture of cordage, anchors, cables, galleys, and chains; specifications for purchase thereof shall be so prepared as shall give fair and free competition; canvas for the manufacture of sails, awnings, hammocks, and other work; interior appliances and tools for manufacturing purposes in navy yards and naval stations; and for the purchase of all other articles of equipment at home and abroad; and for the payment of labor in equipping vessels therewith and manufacture of such articles in the several navy yards; naval signals and apparatus, other than electric, namely, signals, lights, lanterns, running lights, and lamps, and their appendages for general use on board ship for illuminating purposes, and oil and candles used in connection therewith; bunting and other materials for making and repairing flags of all kinds; for all permanent galley fittings and equipment; rugs, carpets, curtains, and hangings on board naval vessels, \$15,605,000: *Provided*, That the sum to be paid out of this appropriation, under the direction of the Secretary of the Navy, for clerical, drafting, inspection, watchmen (ship keepers), and messenger service in navy yards, naval stations, and offices of superintending naval constructors for the fiscal year ending June 30, 1925, and shall not exceed \$1,630,000.

Mr. STENGLE. Mr. Chairman, I move to strike out the last word for the purpose of inquiring of the chairman of the committee if the committee can inform us whether this classified field force mentioned on page 22, line 9, will be paid in accordance with the classification act of 1923?

Mr. FRENCH. We are not able to give that information at this time. The classification as to the field force has not yet been accomplished. If it is not accomplished before the adjournment of the Congress, we hope that the matter will be taken care of through the passage of some legislation carrying appropriations that will make whatever adjustments may be necessary, if they are necessary.

Mr. STENGLE. In the event that we do not reach that former conclusion, upon what basis will the pay of this classified field force be reckoned?

Mr. FRENCH. I am not authorized at all to make any statement under that head. The matter is one that is not before the Congress now. I realize that to some extent in the naval force those in the field service have received compensation upon the basis of reports made by the wage adjustment board under the Navy, which has been adjudicating wages and salaries at different navy yards and establishments.

Mr. STENGLE. It will be in accordance with the wage board action, then.

Mr. FRENCH. It may, and it may not. I think as to those field employees a different policy has been applied, possibly without the intention of Congress, than has been applied to the field employees of other departments. I doubt if Congress intended that the wage board should fix the compensation of classified employees in the field service. That question is one that will need to have the attention of the committee at a later time. It is not now before the subcommittee that reported this bill, and all I can say is that it is a matter for future hearing.

Mr. STENGLE. The gentleman can not give the information?

Mr. FRENCH. Not at this time.

The Clerk read as follows:

ORDNANCE AND ORDNANCE STORES.

For procuring, producing, preserving, and handling ordnance material; for the armament of ships, for fuel, material, and labor to be used in the general work under the cognizance of the Bureau of Ordnance; for furniture at naval ammunition depots, torpedo stations, naval ordnance plants, and proving grounds; for technical books; for machinery and machine tools; for maintenance of proving grounds, powder factory, torpedo stations, gun factory, ammunition depots, and naval ordnance plants, and for target practice; not to exceed \$10,000 for minor improvements to buildings, grounds, and appurtenances, and at a cost not to exceed \$750 for any single project; for the maintenance, repair, and operation of horse-drawn and motor-propelled freight and passenger carrying vehicles, to be used only for official purposes at naval ammunition depots, naval proving grounds, naval ordnance plants, and naval torpedo stations, and for the pay of chemists, clerical, drafting, inspection, and messenger service in navy yards, naval stations, naval ordnance plants, and naval ammunition depots, \$9,000,000: *Provided*, That the sum to be paid out of this appropriation under the direction of the Secretary of the Navy for chemists, clerical, drafting, inspection, watchmen, and messenger service in navy yards, naval stations, naval ordnance plants, and naval ammunition depots for the fiscal year ending June 30, 1925, shall not exceed \$900,000.

Mr. BUTLER. Mr. Chairman, I offer the amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. BUTLER: Page 24, line 4, strike out the word "and," the comma preceding it, and insert a semicolon in lieu thereof; and in line 7 strike out "\$9,000,000" and insert in lieu thereof the following: "and for care and operation of schools built at ordnance stations pursuant to authority contained in the act entitled 'An act to authorize the President to provide housing facilities for war needs,' approved May 10, 1918, \$9,025,000."

Mr. BEGG. Mr. Chairman, I make the point of order against the amendment.

Mr. BUTLER. Mr. Chairman, I admit that the point of order is well taken. Will the gentleman withhold the point of order and be patient for a few minutes?

Mr. BEGG. I reserve the point of order just as long as the gentleman desires.

Mr. BUTLER. Mr. Chairman, I offer this amendment for one of our colleagues in the House who is away sick, and I do not know when he will return. The amendment is clearly out of order, but so that the House may not think that we are endeavoring to do what we should not do, let me make this little explanation. Below here at a point called Dahlgren, during the war there was built for the use of the service a number of houses and a school.

The same occurred in West Virginia, and there is no place for these children to go to school. I have asked to have it inserted here. I think it is a good thing to have accommodations for these children to go to school. There are two things I have never made any contest against; one is in regard to public schools and the other churches. If it is the wisdom of the House that these children shall have no place to go to school, that is for the House to determine. One side of it is water and the other side they can not get out, and unless this appropriation is made here and authority is given these little fellows will have no place to go to school. I have made this explanation; it is not within my congressional district, but it is within my promise to offer this amendment on account of the gentleman's absence on account of sickness. I admit it is out of order.

Mr. FRENCH. Mr. Chairman, when the matter was first brought to the attention of our committee we felt that it was probably out of order; and as it came before the committee it seemed to carry such provisions as might be offered in support of a school adjacent to the Navy Yard at Mare Island or at Philadelphia or anywhere else in the country. The committee believed it would be a bad policy to carry any such authorization or appropriation in the bill. However, in the way in which this amendment is drafted that objection is overcome, for this reason: At the three places where the amendment would carry aid the schools are maintained in buildings upon reservations that are owned by the United States and upon which buildings have been constructed by the Government. Under the Housing Corporation these schools have been maintained for several years. There is no opportunity for taxation, because the Government owns the property. It occurs to me that there could be no objection to the plan proposed, because, other than these three institutions, there is no place in the Naval Establishment where any such request could be made of the Government for money in support of schools. Most of these children live in houses owned by the Government; and, as I said, they can not be taxed, and it seems to be desirable that a way could be found, without establishing a precedent that would be unfortunate, to care for these children. In the District of Columbia the Government bears 40 per cent of the expenses for school and for other purposes. Why? Because the Government owns approximately 40 per cent of properties that can not be taxed. So at these three naval establishments the Government owns the land, the school buildings, the residences which it rents to employees, and in justice to the children we should find a way for them to go to school.

Mr. STEPHENS. Mr. Chairman, I would like to have a few minutes to speak on this subject. I understand the point of order has been reserved. It first particularly applies to Indian-head, Md., more than it does to Dahlgren or South Charleston. Dahlgren is just a recent activity. Just in the last two years Dahlgren has been established. If you remember, a couple of years ago I had an amendment passed to this appropriation bill that stated that none of these appropriations could be used at Dahlgren, Va. In other words, it passed the House and went to the Senate and the Senate committee threw it to one side, and the amendment, of course, was not effective over here, and they went on at Dahlgren. I think, however, that at Indian-head, where they have been in existence for so many years and where they paid a part of this rental of these houses owned by

the Government or the Housing Committee, which went to the sustenance of the school, which has been done for years up to within the last year when, under the opinion of the Comptroller General, it was thrown out, it particularly applies. So far as I am concerned, I would really approve of this, so far as Indianhead is concerned, because they are entitled to it. They have lived there for years, and a part of the rental is given to keep up the schools. Now, the Government owns all of that land, which leaves them without any appropriation for their school.

Mr. HILL of Maryland. Mr. Chairman, I would like to be heard on the point of order for a moment. I submit under the reservation that this item is clearly in order. Section 5 of the act of May 16, 1918, supra, as amended by the act of March 21, 1922 (42 Stat. 468), grants authority to care for, rent, operate, and sell such property as remains undisposed of. The Navy has been operating the schools in question since their completion, but the Comptroller General has raised the question as to whether or not the word "operate" as used in the law was intended to go beyond transportation and other facilities. He has signified that he will place no obstacle in the way of operating the schools during the remainder of the present school year, but that he would oppose their operation thereafter if specific authority of law were not in the meantime procured.

The Comptroller General, it would seem, is very technical. The school buildings are there, built in accordance with law, and certainly it was never intended that they should be shut down so long as a need existed to keep them in operation. All of the schools are now attended, and there are no public schools adjacent to these reservations. At Indianhead the distance is more than 5 miles. The law gives authority to care for and operate such property, and such property includes general community utilities, which was construed to include school buildings.

The expenditures made during 1923 on account of these schools ran as follows: Indianhead, \$15,700; Dahlgren, \$2,499.78; South Charleston, \$7,318.33; total, \$25,518.11.

Mr. FRENCH. May I ask the gentleman a question? The Comptroller General held, I understand, it would be necessary to obtain authority before the appropriation could be approved by him.

Mr. HILL of Maryland. I will say to the gentleman the Comptroller General was in doubt entirely on the technical question. The Comptroller General is always very technical.

Mr. FRENCH. I know that.

Mr. HILL of Maryland. As the chairman of the committee well knows, it is his proper function to consider technicalities. My colleague from Maryland [Mr. MUND], a member of the Naval Affairs Committee, has always taken a very great interest in this matter. The reservation at Indianhead is in a rather unique situation. Unless we adopt this amendment we will deprive the little children of school facilities. But I submit that this is in order, and we can make the appropriation, and if the committee sees fit to continue this appropriation it is not out of order.

The chairman of the Naval Affairs Committee, the gentleman from Pennsylvania [Mr. BUTLER], has offered this amendment in the necessary absence of my colleague [Mr. MUND], and I hope we shall have a chance to vote on it and pass it. [Applause.]

Mr. BEGG. Mr. Chairman, the merits of the proposition, to my mind, are not to be considered in passing an appropriation bill. Of course, under the rules of the House there are times when a practical emergency exists, where it seems almost essential that an appropriating committee should pass some legislation. And to digress just a minute, I believe I am safe in saying there are several places in the bill now where, if a man wanted to be technical, he can make a point of order on the ground that the committee has introduced legislation. But I do believe that on the question of the policy of the Government going into the educational field beyond the two special institutions for military purposes we ought to go slowly, and I can not conceive of an emergency existing down there that can not be remedied by the people already there.

Now, if in the past they have been charged a certain rental, and in that rental a certain amount of money was counted on for tuition, it is the easiest thing in the world to lower the rental and have them maintain their school. But to have the Government accept the responsibility of maintaining institutions of learning for children in the common-school field is going beyond the point I want to go; and it is because of that fact that I shall insist on the point of order—on the ground that it is clearly legislation unauthorized by law or by any previous act, even during war time.

The act that was passed during the war time authorizing the building of these communities may have been construed during the emergency of war time as carrying with it the au-

thority to operate a school for the children living in that community incident to war work. But I submit, Mr. Chairman, that it is a stretch of the imagination to apply that kind of an interpretation to a peace-time project in the face of the attitude of the Government ever since in trying to get out from under all these operations, and I think that the ruling of the comptroller puts it beyond all question.

Mr. HILL of Maryland. I want to say to the gentleman that, as usual, he is very well informed on all these matters, and I agree with him on the general subject of the Government engaging in education; but I will say to the gentleman that our colleague from Maryland [Mr. MUND], who is necessarily absent from the House at this moment on account of personal illness, has made a very careful and deep study of this question, and I know that he feels that this is entirely necessary to that community. I am sure that if he were here he would be able to show in an abler way than I have attempted to do that this is entirely in order. He is deeply interested in the development of Indianhead and all that pertains to the welfare of that community. If the amendment is in order, as I am sure it is, I feel confident that the committee will pass it. [Applause.]

Mr. MOORE of Virginia. It seems to me, Mr. Chairman, that the method suggested by the gentleman from Ohio for taking care of the situation, as against the method proposed by this amendment, would not be to the advantage of the Government or save the Government anything.

Mr. BEGG. It is not a question of the merits of the proposition at all, but it is a question of legislation, and unless the emergency is so great that great damage would be done, it seems to me it is out of order.

Mr. MOORE of Virginia. The gentleman went into figures, but I think he failed to demonstrate that the Government would lose anything under the method proposed as compared with the existing condition.

Mr. SNYDER. Mr. Chairman, I call for the regular order. The CHAIRMAN (Mr. TEMPLE). The gentleman from Virginia has the floor.

Mr. SNYDER. I understand a point of order was made.

Mr. MOORE of Virginia. I do not care to go further into the matter. I submit the question to the consideration of the Chair.

The CHAIRMAN. The Chair is ready to rule. Rule XXI, section 2, provides that—

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress.

Two questions of fact arise: First, whether this appropriation has been authorized by law, or, second, if it has not been authorized by law, whether it is a public work already in progress?

The fact seems to be that these buildings were constructed under the housing act. Later, under the act of March 1, 1922, section 5, authority is given for caring for, renting, and operating such property as remains undisposed of under that act. Still later, by Executive order, this property was transferred from the Housing Corporation to the Navy Department. It seems to have been provided for by law, and it is a public work in progress. The amendment seems to be in order under that rule. The Chair therefore overrules the point of order.

Mr. STEPHENS. Mr. Chairman, may I call attention to the fact that part of this is not housing property? Part of these activities never belonged to the Housing Corporation. It was built during the war at Indianhead. The increase of its capacity was under the Housing Corporation, and perhaps that at Charleston, W. Va., was also under the Housing Corporation; but I am not sure as to that. But so far as the other activities are concerned they do not come under the Housing Corporation in any way whatever.

The CHAIRMAN. I call the gentleman's attention to the limitation in the language of the amendment itself:

For care and operation of schools built at ordnance stations pursuant to authority contained in the act entitled "An act to authorize the President to provide housing facilities for war needs," approved May 16, 1918.

This amendment applies only to housing facilities provided under the housing act.

Mr. BEGG. Mr. Chairman, I simply want to make this observation to the chairman of the committee, not criticizing the ruling of the Chair in the least. But under the ruling by the Chair, that community, under the guise of a Government operation not yet completed, can put a carnival on the street this summer for their entertainment, and you will be compelled to

appropriate for it. I contend, Mr. Chairman and gentlemen, that the fact that a man joins the military service, or joins the Army or Navy, does not in itself impose on the Government the duty of educating his children.

It carries no obligation on the part of the Government of the United States to educate his children in the common schools at public expense, and it is a wrong theory for the Navy branch itself.

I will submit again that the Navy Department officials, the officers and beneficiaries of this particular amendment, are not the poorest paid people in the world. Their salaries are commensurate and on a par with the salaries which are drawn in any other branch of the Government service, in any profession or in any business. Even the men in the enlisted service are drawing pay on a par with the same kind of work in other avenues of private life. If the Government is going to construe a war act in peace times as imposing an obligation on the Government to educate the children of the people in the service, I want to ask you where the cost of the military service of the United States is going to end? And I submit again that if the three sections of the service located at the three points affected are to be the recipients of a bounty from the Government in the way of free education for their children, with no taxes to pay, why are not the officers in the city of Washington exempt from taxation on their property when they live in homes of their own? It seems to me, my good friends of the committee, that in a time of peace and five years after the war this is the most outrageous step that has ever been taken by a committee.

Mr. MAPES. Is the gentleman appealing from the decision of the Chair?

Mr. BEGG. No; I am arguing against the amendment.

Mr. LOWREY. Will the gentleman yield?

Mr. BEGG. Not now, because I would like to go one step further. Let us assume a case. That if the children of those in any other branch of the service in any other State of the United States should fall to be provided with educational facilities in the particular section of the State in which they happened to live, would it devolve upon the Government of the United States to go there and provide them with educational facilities so that their children could get an education? It seems to me it is not reasonable and outside all the policies of a free country. I will now yield to the gentleman from Mississippi.

Mr. LOWREY. I just wanted to express my surprise at the monumental ignorance of my friend the gentleman from Ohio.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. BEGG. Mr. Chairman, I will now ask for extra time. I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to proceed for five additional minutes. Is there objection?

There was no objection.

Mr. LOWREY. I thought the gentleman knew that only the sky is the limit in the right of this Congress to appropriate anything for education. We have even determined that we can appropriate money to one university here in Washington, if it suits our fancy. And we are now going on with other bills pertaining to education in which it is thoroughly established that there is no law against the right of the United States Congress to appropriate money for anything pertaining to education, and that there is no limit.

Mr. BEGG. Mr. Chairman, the gentleman may express some surprise at the ignorance of the gentleman from Ohio on things educational, but I submit to the gentleman from Mississippi that both he and I received our education through another source entirely than as beneficiaries of the Government of the United States, and the tendency to which the gentleman refers is just the thing I am deploring. The great mass of the people of this country, not only in the military services but in some other sections of the United States, want to shift the responsibility for every single activity of the social human being onto the shoulders of the Government and have the Government pay for every single activity. I for one am against such a policy.

Mr. LOWREY. I am for the gentleman, and I just wanted to help him out. [Laughter.]

Mr. TAYLOR of West Virginia. Mr. Chairman, I do not know whether I can throw much light on this perplexing question or not, but I want to say that one of these institutions is located in my district. At South Charleston the citizens gave a quarter of a million dollars' worth of property for the purpose of establishing an armor-plate plant, where 85

children attended school last year. This money has been taken away from the local taxing power and has been given to the Government. I would like to ask the gentleman from Ohio whether he thinks it is fair to compel the State of West Virginia and the county of Kanawha to give all this money to the United States Government or take it away from the local taxing power there and yet at the same time compel the board of education of that district to educate the children who live on this reservation?

Mr. BEGG. Does the gentleman want an answer?

Mr. TAYLOR of West Virginia. I do.

Mr. BEGG. I will say no, of course not. But the people who live there ought to pay for tuition instead of paying taxes; if they are not taxed they ought to pay for tuition, the same as everybody else in the United States does outside of Annapolis and West Point.

Mr. TAYLOR of West Virginia. Can the Government require them to pay tuition?

Mr. BEGG. What obligation does the Navy Department have for the education of any children of its employees?

Mr. TAYLOR of West Virginia. I am asking that of the gentleman.

Mr. BEGG. It should not do it down there. They ought to pay tuition to the local taxing unit there for the privilege of education.

Mr. TAYLOR of West Virginia. But they live on a Government reservation and that property is not taxed.

Mr. BEGG. Then, let them maintain their own schools and pay for them.

Mr. TAYLOR of West Virginia. I do not see how they can do it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken; and on a division (demanded by Mr. LOWREY) there were—ayes 29, noes 11.

So the amendment was agreed to.

The Clerk read as follows:

For the purchase and manufacture of torpedoes and appliances, to be available until expended, \$500,000.

Mr. TAYLOR of West Virginia. Mr. Chairman, I move to strike out the last word.

Mr. Chairman and gentlemen of the committee, I desire to receive some information from the chairman in charge of this bill, and perhaps I can give some in return. I represent the sixth West Virginia district in which is located the Government armor-plate plant at South Charleston. Patriotic citizens of that section contributed approximately a quarter of a million dollars toward the purchase of the site for this plant, and it was erected at a cost of approximately \$25,000,000 to the Government. Because of the naval armament limitation agreement this great plant is now closed, although the people who contributed to the purchase of the site had every reason to believe that it would be continued. In the bill now before us I find that on page 23 there is a provision for an appropriation for "the armament of ships." In this connection I would like for the chairman to explain what ships are in need of armament and what amount if any of armor plate there is on hand. On the next page of the bill there is provision for "armor piercing and other projectiles," and so on, "including the purchase of armor."

My understanding is that the steel mills of Pennsylvania that formerly supplied armor plate have torn out their forges, and that the Government-owned armor-plate plant is now the only plant in the country equipped for the manufacture of armor plate. This is a great plant, and if the Government is in need of armor plate, projectiles, ordnance, or anything that can be fabricated in it then we have every reason to hope and expect that it will be opened and operated for the purpose for which it was erected. I would like for the gentleman in charge of this bill to give me information concerning these things, confidently believing that if the bill means what it says, that if armor plate or armor-piercing projectiles are needed, that this great and costly plant can produce them as cheap, if not cheaper, than they could be produced at any other place.

Mr. FRENCH. Let me say to the gentleman that the institution at Charleston, W. Va., has been maintained, and is being maintained now, on a closed-down basis, because it was thought that the amount of materials of the kind that could be produced there was such that economically the Government would not be justified in keeping up the institution. We are carrying in the present bill \$100,000 for the maintenance and upkeep of the establishment. We are not maintaining it as a manufacturing and producing plant. The different items the gentleman refers to in the paragraph are such items as

will be necessary for replacement purposes, largely upon ships that are now in the Navy. It is the ordinary language. In some instances no materials might need to be purchased at all in one year. In some instances it might be necessary that the articles enumerated would all need to be purchased, but the quantities that the Navy will need are not of such magnitude as to justify the department in continuing the plant in operation at Charleston.

Let me say that further on in the bill there is a provision that would require the Government to obtain materials, such as the gentleman has indicated, from plants of the Government, which it has and operates, provided they are able to produce them, and provided also they can be produced as economically as they can be produced elsewhere. It seems to me that after full consideration we were not justified in opening up this institution as a manufacturing plant.

Mr. TAYLOR of West Virginia. Would the gentleman tell me what part of the bill that comes in?

Mr. FRENCH. On the last page of the bill.

Mr. TAYLOR of West Virginia. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the Record on this subject.

The CHAIRMAN (Mr. GRAHAM of Illinois). The gentleman from West Virginia asks unanimous consent to revise and extend his remarks on the subject indicated. Is there objection? [After a pause.] The Chair hears none.

Mr. TAYLOR of West Virginia. Mr. Chairman, I withdraw the pro forma amendment.

Mr. STEPHENS. Mr. Chairman, I move to strike out the last two words. I would like to ask the chairman of the committee if he can give me any information as to the amount of the expense during the past year of running and operating the proving station at Dahlgren, Va.?

Mr. FRENCH. For maintenance and upkeep, \$300,000.

Mr. STEPHENS. And what part of this appropriation will go to the operation and upkeep of the proving station there for the coming year?

Mr. FRENCH. The committee has recommended \$320,000.

Mr. STEPHENS. Can the gentleman give me the number of civilian employees?

Mr. FRENCH. As I remember, it is between 90 and 95.

Mr. STEPHENS. At Dahlgren?

Mr. FRENCH. I find on turning to my notes that at present there are 96 nonclassified employees, 3 technical, and 10 clerical, making a total of 109.

Mr. STEPHENS. The gentleman has not any information as to the number of large guns that were either ranged or proved there during the past year?

Mr. FRENCH. We do not have the data, I would say, in the particular form in which the gentleman has called for it.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn.

The Clerk read as follows:

EXPERIMENTS, BUREAU OF ORDNANCE.

For experimental work in the development of armor-piercing and other projectiles, fuses, powders, and high explosives, in connection with problems of the attack of armor with direct and inclined fire at various ranges, including the purchase of armor, powder, projectiles, and fuses for the above purposes and of all necessary material and labor in connection therewith; and for other experimental work under the cognizance of the Bureau of Ordnance, in connection with the development of ordnance material for the Navy, \$195,000.

Mr. KELLY. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman a question. I wish to get a little information, if possible, as to this \$195,000 which has been carried in a number of the bills, and it seems to me carries some of the same items appropriated for in other paragraphs of the bill. I should like to ask the gentleman from Idaho to state just how the \$195,000 is expended?

Mr. FRENCH. Perhaps I should say that in every bureau there is carried a certain amount for experimental work. This is an amount that we have carried in the Bureau of Ordnance for the specific purpose. Just how it will be expended, manifestly it is impossible to say, else probably we would not need to call it experimental. Let me say to the gentleman that, in my judgment, the experimental laboratory that the Navy Department is maintaining to-day at a cost of about \$125,000 annually has, during the last few years, produced economies that have meant hundreds of thousands of dollars in saving to the Government and the development of devices and processes by which not only the Navy but the industries of the country have benefited immensely.

Mr. KELLY. Mr. Chairman, some years ago it was my pleasure to spend a day or two at Indianhead. At the time they

were experimenting on the 14-inch shell and the 14-inch armor plate. I presume that is carried in this item?

Mr. FRENCH. It may be that work would be done along that line from money carried in this item. I do not know. The gentleman will recall, turning to the torpedo, that when the World War began a torpedo would explode upon its first impact. Experiments were carried on because it was necessary. If a torpedo were to penetrate a vital part of a ship, to meet the protection that was afforded through a fender alongside of the ship, or through a blister that was put on the ship itself. A type of torpedo had to be developed that would explode not on the first impact but on the second. So it is that constantly devices are being developed as necessity arises.

Mr. KELLY. I was told at the time that the money came out of the experimental fund appropriation, and I notice in the testimony before the gentleman's committee that the admiral testified that at the present time they have something like 16,000 of those 16-inch projectiles, costing each \$925, and that they have been declared excess. In carrying on these experiments, do they count the cost of the projectiles?

Mr. FRENCH. If it were possible for us to call a halt on the progress of all the nations, probably it would not be necessary for us to make experiments. Other nations are experimenting and developing different types of guns and projectiles and means of control, radio control and all that, and if the United States is to keep a Navy that will be able to meet the discoveries, devices, inventions, and appliances of other nations, we must keep abreast along experimental lines.

Mr. KELLY. I agree thoroughly with the gentleman. I am not objecting to the item. I wanted to know whether they were duplicating any items covering the cost of projectiles; whether they were figured in the experimental item at the same time.

Mr. FRENCH. No; that is not carried in the same item, nor would articles declared to be of no further value be lumped off as an item chargeable to experiments.

Mr. KELLY. That is not done under this?

Mr. FRENCH. Not at all.

The Clerk read as follows:

PAY OF THE NAVY.

For pay and allowances prescribed by law of officers on sea duty and other duty, and officers on waiting orders—pay \$26,431,298, rental allowance \$5,438,284, subsistence allowance \$2,331,700, in all \$35,201,282; officers on the retired list, \$3,804,292; for hire of quarters for officers serving with troops where there are no public quarters belonging to the Government, and where there are not sufficient quarters possessed by the United States to accommodate them, and hire of quarters for officers and enlisted men on sea duty at such times as they may be deprived of their quarters on board ship due to repairs or other conditions which may render them uninhabitable, \$20,000; pay of enlisted men on the retired list, \$1,554,480; extra pay to men reenlisting after being honorably discharged, \$1,527,225; interest on deposits by men, \$7,500; pay of petty officers, seamen, landmen, and apprentice seamen, including men in the engineer's force and men detailed for duty with the Fish Commission, enlisted men, men in trade schools, pay of enlisted men of the Hospital Corps, \$66,961,412; pay of enlisted men undergoing sentence of court-martial, \$198,000; and as many machinists as the President may from time to time deem necessary to appoint; and apprentice seamen under training at training stations and on board training ships, at the pay prescribed by law, \$1,512,000; pay and allowances of the Nurse Corps, including assistant superintendents, directors, and assistant directors—pay \$713,680, rental allowance \$31,200, subsistence allowance \$22,740, in all \$767,620; rent of quarters for members of the Nurse Corps, \$2,000; retainer pay and active-service pay and allowances of members of the Naval Reserve Force class 1 (Fleet Naval Reserve), \$5,309,180; reimbursement for losses of property under act of October 6, 1917, \$10,000; payment of six months' death gratuity, \$125,000; in all, \$117,000,000; and the money herein specifically appropriated for "Pay of the Navy," shall be disbursed and accounted for in accordance with existing law as "Pay of the Navy," and for that purpose shall constitute one fund: *Provided*, That additional commissioned, warrant, appointed, enlisted, and civilian personnel of the medical department of the Navy, required for the care of patients of the United States Veterans' Bureau in naval hospitals, may be employed in addition to the numbers appropriated for in this act: *Provided further*, That no part of this appropriation shall be available for the pay of any midshipmen whose admission subsequent to February 9, 1924, would result in exceeding at any time an allowance of three midshipmen for each Senator, Representative, and Delegate in Congress; of one midshipman for Porto Rico, a native of the Island, appointed on nomination of the governor, and of one midshipman from Porto Rico, appointed on nomination of the Resident Commissioner; and of two midshipmen for the District of Columbia: *Provided further*, That nothing herein shall

be construed to repeal or modify in any way existing laws relative to the appointment of midshipmen at large or from the enlisted personnel of the naval service.

Mr. FRENCH. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Committee amendment: Page 26, line 2, before the amount, insert the following: "Extra pay for men for diving."

Mr. FRENCH. Mr. Chairman, that language is not intended to impose any additional burden upon the Treasury. Rather it is language offered for the purpose of simplifying accounting. These men are being paid extra for that work at this time.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Idaho.

The amendment was agreed to.

Mr. BYRNES of South Carolina. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. BYRNES of South Carolina: On page 27, line 12, add a new paragraph, as follows:

"That nothing contained in section 11 of the act entitled 'An act to increase the efficiency of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, and Coast and Geodetic Survey and Public Health Service,' approved May 18, 1920, shall be construed as having repealed, amended, or modified the provision contained in the naval appropriation act approved March 4, 1913 (37 Stat. 891), reading as follows:

"Hereafter the service of a midshipman at the United States Naval Academy or that of a cadet at the Military Academy, who may hereafter be appointed to the United States Naval Academy or the United States Military Academy, shall not be counted in computing for any purpose the length of service of any officer in the Navy or in the Marine Corps."

Mr. CONNALLY of Texas. Mr. Chairman, I reserve the point of order on that.

Mr. JONES. Mr. Chairman, a parliamentary inquiry: This being offered as a separate paragraph, perfecting amendments to the paragraph just read will have to be offered before this is considered, will they not?

The CHAIRMAN. The Chair understood that it was offered as a part of the paragraph just read.

Mr. BYRNES of South Carolina. Mr. Chairman, I ask unanimous consent to so change the amendment that it will read to add the language after line 12, so as to make this a part of the paragraph which has just been read.

Mr. CONNALLY of Texas. If it is offered as a new paragraph it would cut out perfecting amendment of the former paragraph.

The CHAIRMAN. It is now offered as additional language, as the Chair understands the gentleman from South Carolina.

Mr. CONNALLY of Texas. Mr. Chairman, I reserved the point of order for the reason that I have an amendment to the original paragraph, and I wanted to know whether, if we adopt a new paragraph, that would be tantamount to passing the paragraph?

The CHAIRMAN. In view of the change suggested by the gentleman from South Carolina, which will be made, without objection, does the gentleman still reserve the point of order?

Mr. CONNALLY of Texas. No. I withdraw it with that understanding.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina that he may modify his amendment in the manner suggested?

There was no objection.

Mr. BYRNES of South Carolina. Mr. Chairman, the object of this amendment is to correct a situation that has resulted from a decision of the Court of Claims. Under the law of 1912, in computing longevity, the service of a man at West Point or at Annapolis is not counted. In 1920 we passed what we called the bonus bill, which contained this language:

That hereafter longevity pay for officers in the Army, Navy, Marine Corps, Coast Guard, Public Health Service, and Coast and Geodetic Survey shall be based on the total of all service in any or all of said services.

That language was written in conference. The gentleman from Michigan [Mr. KELLY] was the chairman of the House conferees. When the bill was reported, no man on the conference committee, no Member of this House, ever dreamed that the language would be construed as repealing the law of 1912, but an officer of the Army brought suit against the Govern-

ment, claiming that under this language the act of 1912 was repealed, and that he was entitled to longevity pay based upon his four years of service at West Point. The Navy Department as a department has not placed such construction upon this language, nor has the Army. The officer acted only in his individual capacity in bringing the suit.

Mr. BEGG. Will the gentleman yield?

Mr. BYRNES of South Carolina. I will.

Mr. BEGG. The gentleman knows, of course, a bill has been reported out of the Committee on the Judiciary authorizing an appropriation that may cost a million dollars to do the very thing the gentleman is seeking to stop.

Mr. BYRNES of South Carolina. No; I think that is an entirely different thing.

Mr. BEGG. It is in reference to longevity pay.

Mr. BYRNES of South Carolina. It includes an entirely different group of officers.

Mr. BEGG. If the gentleman will permit, I do not wish to use any of the gentleman's time, but this bill is to cover the time served at Annapolis and West Point for men in computing their longevity pay.

Mr. BYRNES of South Carolina. The gentleman from Ohio does not get the point. That is to cover an entirely different group of officers and in no way applies to this situation.

Mr. BEGG. My understanding, and I have looked it over very carefully, is that it includes any officer who ever graduated from either one of those schools.

Mr. BYRNES of South Carolina. That does not affect this situation.

Mr. BEGG. I would ask the gentleman to be specific, because—

Mr. BYRNES of South Carolina. If the gentleman will let me alone for a moment I will try to be. The result of the decision of the Court of Claims is that only those officers who were graduated between June 30, 1920, and June 30, 1922, would be affected. In 1922 we passed what is known as the service pay bill. Under that pay bill this provision was made:

That officers appointed after July 1, 1922, should not count for purposes of pay any other than active commission service.

So that as to those officers graduating after July 1, 1922, this specific prohibition would prevent their benefiting by the decision of the Court of Claims, but as to those who were graduated prior to that time and after the passage of the bonus bill in 1920, they would receive longevity for the time served at the Academy and West Point, and in addition, by reason of the provisions of the pay bill, that group of officers would benefit by having that four years computed in ascertaining the pay period to which they belong. So that for the rest of their service they would receive compensation in excess of that which the Congress intended they should receive. The Judge Advocate General of the Army asked for a rehearing of the case. The Judge Advocate General contended that the act of 1920 did not repeal the act of 1912, and for the purpose of making plain that the Congress did not intend to repeal it, I insert a letter from the gentleman from Michigan, Mr. Kelley, who was the chairman of the conferees, and who states as follows:

LANSING, MICH., January 12, 1924.

HON. JAMES F. BYRNES, M. C.,

House of Representatives, Washington, D. C.

MY DEAR MR. BYRNES: I WAS very glad to get your letter of December 29.

It was a distinct surprise to me to learn from your letter that the Court of Claims had rendered a decision which had the effect of restoring to graduates of the Military and Naval Academies who were appointed to those institutions subsequent to August 24, 1912, and March 4, 1923, respectively, constructive service for their time put in at the schools prior to graduation, the decision, I understand you to say, being based on the following provision contained in the act entitled "An act to increase the efficiency of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved May 18, 1920, viz:

"That hereafter longevity pay for officers in the Army, Navy, Marine Corps, Coast Guard, Public Health Service, and Coast and Geodetic Survey shall be based on the total of all service in any or all of said services."

Not having a copy of the act at hand I must rely more or less upon memory, but, as you state, I had a large share in getting that measure through Congress, and from my recollection of the provisions of the law, its purposes and scope, I find it difficult to understand how the court could have handed down such a ruling. Taking the section of the law I have quoted singly the court could not very well have ruled

other than as you say it has, but coupled with the other provisions of the law and the manifest conditions the law was drawn to remedy, I can assure you most emphatically that the decision revives a practice which I feel sure no one who had anything to do with handling the legislation ever dreamed of.

Wishing you a most happy and prosperous New Year,
Sincerely yours,

PATRICK H. KELLEY.

The CHAIRMAN. The time of the gentleman has expired. Mr. BYRNES of South Carolina. I would ask for an additional five minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BYRNES of South Carolina. But notwithstanding the chairman of the conference committee, who was responsible for the insertion of the language in question, expresses that view as to the intent of the legislative body, the court has said he meant something entirely different and that the language did repeal the act of 1912. The case may be appealed to the Supreme Court of the United States, and if it sustains the decision of the Court of Claims the Government would have to pay this longevity and would have to pay it during the rest of the services of these officers, compensation in excess of that which we intended they should receive when we passed the pay bill and which would be manifestly unfair to all the other officers in the service.

Mr. OLIVER of Alabama. Will the gentleman yield?

Mr. BYRNES of South Carolina. I will.

Mr. OLIVER of Alabama. Supplementing the reason given in the letter of Governor Kelley the very fact that the Congress at no time had carried an appropriation to cover that additional service also shows that Congress at no time intended to place the construction upon it that the court has.

Mr. BYRNES of South Carolina. The gentleman from Alabama is right, and I should say this in justice to the service, that at the time the pay bill was framed representatives of the Army, the Navy, the Marine Corps, and the Coast Guard appeared before that committee and no one of them ever asserted that the act of 1912 had been repealed, nor did they believe it. The pay bill was framed on the theory that the act of 1912 was in force, and as far as the Navy Department is concerned they did not ask any repeal of the act of 1912. As I said before, it is the act of an individual, but the act of this individual may result in costing the Government an enormous sum of money unless we place in this bill such a provision as I have offered.

Mr. BEGG. Will the gentleman yield for a question?

Mr. BYRNES of South Carolina. I will.

Mr. BEGG. I did not gather, it may be my fault, just what specific years the gentleman seeks to cover?

Mr. BYRNES of South Carolina. Nineteen hundred and twenty to 1922.

Mr. BEGG. It is the same class of service to which I referred.

Mr. BYRNES of South Carolina. But different groups.

Mr. STEPHENS. What would their status be?

Mr. BYRNES of South Carolina. Those who graduated from 1920 to 1922 their longevity pay would be based upon four years of service in Annapolis or West Point, in addition to their commissioned service. And in addition to that in fixing the pay group to which they belong they would be given four years at Annapolis or West Point, whereas officers graduating after July 1, 1922, would not be credited with their service at West Point or at Annapolis. Only those men who graduated between 1920 and 1922 would be affected, and this group of men would get four years' advantage over other officers in the service. Of course, it is possible that, while not involved in this case, if the act of 1912 is held to have been repealed all officers graduated between 1912 and 1922 may claim credit for this service.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from South Carolina.

The question was taken, and the amendment was agreed to.

Mr. CONNALLY of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

Mr. CONNALLY of Texas. I will ask, Mr. Chairman, that the amendment may come in at the end of the amendment just adopted.

The CHAIRMAN. Without objection, the amendment will be offered to follow the amendment offered by the gentleman from South Carolina [Mr. BYRNES]. The Clerk will report it.

The Clerk read as follows:

Amendment offered by Mr. CONNALLY of Texas: At the end of the Byrnes amendment insert the following: "Provided, That no part of the funds appropriated by this act shall be utilized for the recruiting or enlistment of boys under 21 years without the written consent of the parents or guardians, if any, of such boys to their enlistment."

Mr. FRENCH. Mr. Chairman, I make a point of order against the amendment.

Mr. CONNALLY of Texas. Mr. Chairman, I make the point of order that the gentleman's point of order comes too late, because I had practically started to speak on the amendment.

Mr. FRENCH. I will be glad to reserve the point of order.

Mr. BLANTON. We thrashed that matter out before.

Mr. CONNALLY of Texas. I have a reference here, Mr. Chairman. What is the gentleman's point of order?

Mr. FRENCH. If the gentleman wants to speak on the point of order, I make the point of order because it is in conflict with the rule providing that the limitation must not give affirmative direction, must not impose new duties, and must not be accompanied by any limitation on the appropriation; and, further, it does not come within the Holman rule.

The language in the naval bill is different from the language in the bill that was before the House a year ago in connection with the Army appropriation bill. The language under which the recruiting for the Navy is carried on is section 1418, and it reads as follows—

The CHAIRMAN. What is the gentleman reading from now?

Mr. FRENCH. The Revised Statutes, section 1418, provides that—

Boys between the ages of 14 and 18 years may be enlisted to serve in the Navy until they shall arrive at the age of 21 years; other persons may be enlisted to serve for a period not exceeding five years, unless sooner discharged by direction of the President.

And section 1419, Revised Statutes, provides that—

Minors between the ages of 14 and 18 years shall not be enlisted for the naval service without the consent of their parents or guardians.

It has been held repeatedly by the courts and by the Attorney General that a minor of the age of 18 can enlist in the Navy without the consent of his parents or guardians.

The rule that I have just read, pertaining to the limitation that will be in order, provides that it must not impose new duties, and must be accompanied by language not limiting the appropriation, and must not give affirmative direction. I submit that the amendment offered by the gentleman from Texas [Mr. CONNALLY] violates and is contrary to the rules of the House in the particulars to which I have referred. And I would cite to the Chair the Hicks decision on the Army bill, in the RECORD of January 17, 1923, page 1907. I have here a copy of the decision of the Chairman at that time, in which his decision clearly sustains the point that I have made; in other words, that this language is not in order on the pending bill.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. FRENCH. Yes.

Mr. BLANTON. Did not the Chairman of the Committee of the Whole House in the last Congress hold that this amendment on the Army appropriation bill was a limitation and not legislation?

Mr. FRENCH. I do not recall that that point of order was made.

Mr. BLANTON. It was. We thrashed it out on the floor here last year.

Mr. JONES. The decision is found on page 586 of the CONGRESSIONAL RECORD, volume 64, part 1, December 16, 1922.

Mr. BLANTON. The Chairman is bound by that action until the committee sets it aside. The Chairman is bound to follow the precedent set, at least, in the preceding Congress.

Mr. FRENCH. I am of the opinion that the point was not finally passed upon; that it was withdrawn. But whatever may be the decision touching that particular case, the situation there is not on all fours with the present situation.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. FRENCH. Yes.

Mr. BLANTON. Even if it were a new question, not decided by the House in the last Congress, I can tell the gentleman why it is in order now. It follows the amendment offered by the gentleman from South Carolina [Mr. BYRNES], which was legislation. It is legislation pure and simple, and nothing but legislation; and the gentleman in charge of this bill having permitted that legislative amendment to go on, this amendment is now in order.

Mr. FRENCH. That would not follow at all. This amendment does not refer to the amendment just adopted.

Mr. JONES. In this volume of the Record that I have here, after three pages of discussion, the Chairman made this ruling:

The Chairman is quite clear that the amendment is a limitation.

The CHAIRMAN. What is the gentleman reading from?

Mr. JONES. The CONGRESSIONAL RECORD. It is the ruling of the Chairman last year on practically this same amendment when it was offered to the naval appropriation bill. It is practically the same language. This is the amendment:

Provided, That no part of the funds herein appropriated shall be available for the pay of any enlisted man or officer who may be assigned to recruiting men or boys under 21 years of age without the written consent of the parent or guardian of such minor or minors.

The Chair uses this language:

The Chair is quite clear that it is a mere limitation.

The CHAIRMAN. Who was the Chairman at that time?

Mr. JONES. I think it was Mr. LONGWORTH, of Ohio. He says:

The Chair is quite clear that the amendment is a limitation, especially in view of recent rulings by several Chairmen.

This is the Chair's language. I recall that the first time the question was discussed in my hearing the amendment was offered by the gentleman from Kentucky [Mr. Fields] on the Army appropriation bill, depriving certain Army officers of pay if they did certain acts in social relations in regard to privates and other officers, and the Speaker sustained the amendment. The point of order was overruled.

Mr. CONNALLY of Texas. This decision, Mr. Chairman, was also made during the consideration of the Army appropriation bill on the 17th of January, 1923. An amendment offered by me to that bill and adopted was in identically the same language as this, except that in the present amendment I have added a few words. I will read it:

Provided, That no part of the funds herein appropriated shall be utilized for the recruiting or enlistment of boys under the age of 21 years without the written consent of the parents or guardians of such boys.

This amendment follows that language identically until it gets to the words "of such boys"—"consent of the parents or guardians of such boys, if any, to such enlistment." So there is no change, in effect, at all.

The history of this amendment is this: It was first offered last year to the naval appropriation bill; it was held in order on that bill, but was voted down. The gentleman from Texas [Mr. JONES] has called the attention of the Chair to the ruling.

Since the gentleman from Idaho [Mr. FRENCH] has called my attention to the ruling made by Mr. Hicks, I will say that if the Chair will read the debate he will find that Mr. Hicks admitted on the floor that my amendment was in order. He said it was clearly a limitation. He was opposed to it, but notwithstanding that fact he admitted that the amendment I offered to the naval appropriation bill in the last Congress was strictly a limitation. Later on it was so ruled as to practically the same language in the Army bill, and that language is in the Army bill to-day, having been adopted and become the law. It is now contained in the Army appropriation act of last year, on page 8 of the act, and this is the language:

Provided, That no part of the funds herein appropriated shall be utilized for the recruiting or enlistment of boys under the age of 21 years without the written consent of the parents or guardians, if any, of such boys, or unless the applicant furnishes a birth certificate or the affidavit of two disinterested witnesses showing such applicant for enlistment to be 21 years of age.

Now, if the Chair please, I want to present one phase of this matter, and that is the question of limitation. What is a limitation? A limitation is simply the limiting of an appropriation within the purposes for which it could be legally appropriated. Now, under the present law the Navy may enlist any boy from 18 to 21 years of age without the consent of his parents or with such consent.

We have a perfect right to appropriate all the money that is necessary for the enlistment of boys from 18 years up, including men, but in making an appropriation we have a right to limit its application if we desire. So a limitation is merely the expression of the congressional will in singling out some of the objects for which money can be legally appropriated, and we have a right to say that we will only appropriate for certain of those objects and exclude certain others. As Speaker Clark once very strikingly said, "If this House should see fit to do so it could provide in this bill that no funds appropriated under the bill should be paid to any red-headed man, and it would be

legal." It might be ridiculous and absurd, but it illustrates the power we have in limiting an appropriation.

I do not care to take up any more time unless the Chair is still in doubt about this question. I think this amendment is clearly a limitation within the rulings of former Chairmen of the committee as well as the Speaker of the House.

Mr. JOHNSON of Kentucky. Mr. Chairman, I have read the pending amendment very carefully, and I wish the Chair would take his copy of it, if he has it before him, and follow me closely. Argument has been made along the line that boys should not be enlisted in the Navy without the consent of their parents, while there is nothing of that sort in the proposed amendment. The amendment provides that the money shall not be spent without the consent of the parents or guardians, if there be any. I invite the Chairman's attention to the language and ask that he take the time to read it. It reads:

That no part of the funds herein appropriated shall be utilized for the recruiting or enlistment of boys under the age of 21 years without the written consent of the parents or guardians, if any, to such enlistment.

Reference has been made to the amendment contained in the Army appropriation bill of last year, and it was stated that this is exactly like that. That statement is not quite correct, because the amendment to the Army bill, which is now a part of the law, goes further than the proposed amendment.

The Constitution of the United States is the highest law in our Nation, but there are rights and privileges that the people of the Nation have not surrendered to the Government, and many of those are just as dear to the American people as are those they have surrendered. One of those is the well-established law of "public policy."

There could be nothing more impossible of execution, and there could be nothing that would go so far toward completely abolishing the Navy of our country, which would be such a disaster that it would be against public policy, as the submission of the question to the parents or the guardians of boys throughout the Nation, not whether or not boys under 21 should enlist but whether or not the money should be spent. So I take it that inasmuch as by this amendment—upon the theory of public policy—all national defense upon the waters would be destroyed, it would be against public policy.

To sustain a point of order on the ground that it would reduce enlistments is one thing, but an amendment that would absolutely abolish the Navy is subject to a point of order, because you could not get any enlistments at all, for the reason that the opinion of parents and guardians of boys throughout the country as to whether or not the proposed appropriation should be spent could never be ascertained.

Again, I wish to impress that the draftsman of the amendment intended to prevent the enlistment of boys under 21 years; but he actually has written that the money for conducting the bureau for enlistment could not be spent unless parents and guardians throughout the United States approved the spending, and a referendum must of necessity be submitted to them for their opinions.

Mr. FRENCH. May I call the Chair's attention to another decision that was made a little less than a year ago? It was made when the Army bill was pending and an amendment was offered providing that—

no part of the appropriations made in this act shall be available for the salary or pay of any officer, manager, superintendent, foreman, or other person having charge of the work of any employee of the United States Government while making or causing to be made with a stopwatch or other time-measuring device a time study of any job of any such employee—

And so forth.

This question was argued and we have the decision upon the subject under the same rule we are considering to-day made by Mr. TILSON, of Connecticut, who is a recognized parliamentarian. Mr. TILSON said this, at page 1970 of the CONGRESSIONAL RECORD, volume 64, part 2.

Mr. BLANTON. On what date was that decision rendered?

Mr. FRENCH. January 18, 1923. The Chair said:

What is the effect of the language in the case before us? It is to prohibit the officials in charge of our arsenals and other governmental establishments from doing what they might legally do if this restriction were not in force. For instance, without a restriction of this character they could make a time study with a time-measuring device. If this amendment is added to the bill, as it has been for many years past, then it will not be permissible for these time studies to be made. It is clearly and admittedly the effect and purpose of the language.

It is not the province of the Chair to say whether the time studies ought or ought not to be made. That is a question for Congress to decide by appropriate legislation. It is the duty of the Chair to deter-

mine whether this amendment is a proper limitation on an appropriation bill under the rules of the House and to say whether the proposed language simply limits the appropriation or whether as a matter of fact it changes existing law, and is, therefore, legislation. The Chair believes that it is not a mere limitation on an appropriation but in effect is legislation, and therefore sustains the point of order.

Mr. HULL of Iowa. Will the gentleman yield?

Mr. FRENCH. I will.

Mr. HULL of Iowa. Has not a ruling on that same question been made since 1914 and exactly opposite?

Mr. FRENCH. Oh, this is the latest ruling of the Chair, I would say, on that subject, and the gentleman will find that different Chairmen have construed it different ways.

Mr. HULL of Iowa. Never but one Chairman. If the gentleman will go back the gentleman will find that since 1914 that same amendment has been carried in two or three appropriation bills and the point of order has been raised upon it in the case of practically every bill.

Mr. DOWELL. But even that does not apply to this case.

Mr. BLANTON. That does not apply. We will come to that after a while.

Mr. HULL of Iowa. But the gentleman from Idaho is citing a rule and we are citing some others.

Mr. DOWELL. But the ruling does not apply to this case.

Mr. BLANTON. Mr. Chairman, I would like to be heard.

The CHAIRMAN. The gentleman from Idaho has the floor.

Mr. FRENCH. Mr. Chairman, that is all I have to offer at this time.

Mr. BLANTON. Mr. Chairman, I would like to be heard a moment. The Committee of the Whole House on the state of the Union is governed by precedents. If we destroy precedents for the government of this body and for the government of the Chair we might as well not have any rules at all.

What are the precedents and what are the late precedents on this particular point of order? My colleague from Texas has called the attention of the Chair to the fact that this very amendment on the last naval bill was held in order with a point of order raised against it. That is an exact precedent applicable to this exact case and not upon something that is extraneous, such as was cited by the gentleman from Idaho. Then again on the last Army bill it was held in order and it was passed into the Army bill. It is now part of the present Army bill, and it was held in order and forms another recent precedent, and I want the parliamentarian to look up for the Chair the decision three years ago when this question was first raised against a similar amendment offered by Mr. Fields, of Kentucky. It was then held in order and then it was first passed in the Committee of the Whole and placed in the naval bill and was not taken out of the naval bill until we went back into the House. It has thus been held in order as a proper limitation on three different occasions and it was held in order when it was raised here in the committee on the last three occasions successively. What is the Chair going to do? Just dismiss all these precedents, disregard them and pay no attention to them? If he does we will be in a condition of chaos.

The CHAIRMAN. Let the Chair ask the gentleman from Idaho a question. Is there any appropriation in this particular paragraph for recruiting?

Mr. BLANTON. Why, of course.

The CHAIRMAN. The Chair asked the gentleman from Idaho.

Mr. FRENCH. I would say, Mr. Chairman, that the item for recruiting is on page 9 of the bill, and the appropriation here would be for the payment of the salaries of officers who might be assigned, among their other duties, to that duty.

Mr. DOWELL. Mr. Chairman, even if there was no appropriation here for the purpose of recruiting—and there is in this bill—the fact that once being recruited, unless they received the consent of their parent or guardian they would not be permitted to enter the service, would be a limitation, and it seems to me this amendment is clearly in order. I can see no way whereby this could be construed as anything except a limitation upon this appropriation, and I believe that the amendment is clearly in order, and it has been so held. As was stated here, there is now on the Army bill precisely the same qualification and limitation upon the appropriation. It does not prevent recruiting, but it simply places a restriction upon it, requiring the approval of the guardian or parent.

The CHAIRMAN. The gentleman from Idaho made a general point of order against the amendment. What are the grounds of the gentleman's point?

Mr. CONNALLY of Texas. If the Chair please, the record shows very clearly what they were.

Mr. FRENCH. The essential ground was that it changed existing law.

Mr. DOWELL. Just a moment, Mr. Chairman. It does not change the law.

Mr. FRENCH. And also imposes new duties and is in violation of the Holman rule.

The CHAIRMAN. For the information of the Chair, is there any further point except that it changes existing law?

Mr. FRENCH. It imposes new duties, and also is a violation of the Holman rule.

Mr. DOWELL. No, Mr. Chairman; it has neither one of those effects. The law is not changed at all. It simply provides for recruiting under certain conditions and it permits enlistments over 18 years of age in the same way as without this amendment, except it places a restriction or limitation requiring consent of the parent or guardian.

The CHAIRMAN. The Chair is ready to rule. The point of order is that this amendment would be legislation upon an appropriation bill. The Chair had concluded in an inspection of this bill that the appropriation for recruiting ought to be included under that portion of the bill in respect to the Bureau of Navigation, Transportation, and Recruiting.

Mr. CONNALLY of Texas. Mr. Chairman, I call the attention of the Chair to the fact that the paragraph to which the Chair refers does not provide for the pay, but simply for the expenses of recruiting.

The CHAIRMAN. If the gentleman from Texas had framed his amendment as the amendment was framed which was offered to the Army appropriation bill of 1922, which has been referred to, there would be no question about it. That is why the Chair asked the gentleman from Idaho [Mr. FRENCH] to specify the grounds of his point of order. The gentleman from Idaho has not raised the point of germaneness by this point of order but he simply makes the point of order that the amendment is legislation.

Mr. FRENCH. If I am not too late, I want to include that in the point of order.

Mr. BLANTON. I make the point of order that it is too late.

The CHAIRMAN. The Chair thinks that it is probably a little late now on this point of order, after the Chair has partially announced his decision upon it; but as a matter of fact the amendment which was offered when the gentleman from Ohio [Mr. LONGWORTH] was the Chairman of the Committee of the Whole House on the state of the Union, when he ruled said amendment in order, was not like this in the respect that it provided that no officer should receive any pay out of the appropriation for recruiting, while this amendment provides that no part of the funds appropriated by this act shall be utilized for recruiting, the gentleman not including, in this amendment, the element of the pay of officers. This section deals only with the pay of officers.

Mr. CONNALLY of Texas. And of enlisted men also.

The CHAIRMAN. It does not cover the expenses of recruiting.

Mr. CONNALLY of Texas. It covers the pay of enlisted men engaged in recruiting.

The CHAIRMAN. It covers the expenses of men who do the recruiting and, therefore, it seem to the Chair it would not be germane to this particular section. That point, however, is not raised thus far and the question is whether this is a limitation or is not a limitation.

What does it do? It provides that no part of the funds appropriated by this act shall be utilized for recruiting or enlistment of boys under the age of 21 years without the written consent of the parent or guardian. It provides that no part of this money shall be used for that purpose. Suppose the amendment had provided that no part of it should be used for the support of men or officers in Porto Rico or anywhere else. Suppose it provided that no part of the funds might be used in paying for certain specified services. Such amendments would be concededly proper limitations. The Congress can place any necessary limitations on the expenditure of money that it desires as long as it does not create new administrative duties on the part of executive officers. That is the rule, as the Chair understands it. What new duty does this create? The officer can do this or not do it as he pleases. He has no additional duties imposed upon him. Therefore, it seems to the Chair that under a reasonable construction it is a limitation.

The gentleman from Ohio [Mr. LONGWORTH], while Chairman of the Committee of the Whole House on the state of the Union on the naval bill for 1924 on December 16, 1922, in ruling on practically the same amendment, used the following language:

The Chair is quite clear that the amendment is a limitation, especially in view of recent rulings by several chairmen. I recall that the first time the question was discussed in my hearing an amendment was offered by the gentleman from Kentucky [Mr. Fields] on the Army appropriation bill, depriving certain Army officers of pay if they did cer-

tain acts in social relation with regard to privates and other officers, and the Speaker sustained the amendment. The point of order is overruled.

The Chair, both on principle and following precedent, overrules the point of order.

Mr. FRENCH. Mr. Chairman, if an amendment is offered that the Chair himself recognizes is not germane to a paragraph, as I think the Chair indicated a while ago, then the Chair raising that question should rule as though any other Member had made the point. The Chair does not lose his membership of this committee by virtue of being Chairman. However, I now raise the question, and no debate having occurred on the amendment itself, submit that it is not in order because it is not germane.

Mr. DOWELL. Mr. Chairman, I do not believe the gentleman can insist upon a point of order that he did not raise himself.

The CHAIRMAN. The Chair had that particular thing in mind.

Mr. FRENCH. Then I make the point of order now that the amendment is not germane to the pending paragraph. We have not discussed the merits of the amendment, and are still discussing points of order.

Mr. BLANTON. Mr. Chairman, I make the point of order that the gentleman's point of order comes too late.

The CHAIRMAN. The Chair thinks not.

Mr. CONNALLY of Texas. Does the Chair hold this point can be made now?

The CHAIRMAN. The Chair sees no reason why it can not.

Mr. CONNALLY of Texas. But the Chair has already ruled on the point of order.

The CHAIRMAN. A point of order was made by the gentleman from Idaho and has been overruled.

Mr. CONNALLY of Texas. I was on the floor asking for recognition to debate my amendment, and I was entitled to recognition.

The CHAIRMAN. Suppose any other Member on either side of the House should now rise and make another point of order. The query in the Chair's mind is whether such a point could be properly made at this time. The Chair has no preconceived ideas about that. If it is not in order, the Chair does not want to entertain it.

Mr. CONNALLY of Texas. Mr. Chairman, I have always been under the impression that when an amendment is read, if anybody had a point of order they either had to make it or reserve it. When the gentleman from Idaho made his point of order he made the point of order that he made and no more [laughter]—I said that purposely—and the Chair asked the gentleman if he had any other grounds to suggest, and the gentleman from Idaho, it occurred to me, would see what the Chair was trying to put into his mind, and that was that the amendment ought to go somewhere else in the bill, but he did not.

Mr. BLANTON. This was not a reservation, but a point of order.

Mr. CONNALLY of Texas. If the Chair pleases, if the gentleman from Idaho, or anybody else on this floor, had an additional point of order, it was their duty, when the gentleman from Idaho failed to suggest the point, to get up and make the other point of order or reserve it, but no one did. If this kind of proceeding is going to go on, we can debate a thing for a day or two and some Member can make a point of order to-morrow or the next day; orderly procedure will be retarded.

Mr. BEGG. Mr. Chairman, I think the Chair can settle this if he decides one thing: If a point of order is makable at any time before debate has started on an amendment. There has been no debate on the amendment. Regardless of where a man receives consideration to make the point of order he is entitled to make it, by decisions of the Chair. Now, let us suppose the gentleman from Idaho had not made this last point of order of germaneness. Suppose the gentleman from Ohio had intended to make it. I submit to the Chair there has not been an opportunity to make it until the Chair ruled on the other, and that the gentleman from Ohio would have lost none of his rights to have made that motion or that point until after debate was had or somebody recognized for debate; and I will make the point of order, Mr. Chairman, that the amendment is not germane to the paragraph to which it is offered.

Mr. CROWTHER. Mr. Chairman, and I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from New York makes the point of order that there is no quorum present. The Chair will count. [After counting.] Ninety Members are present; not a quorum.

Mr. FRENCH. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. TILSON, Speaker pro tempore, having resumed the chair, Mr. GRAHAM of Illinois, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill H. R. 6820 had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. DOYLE, for 10 days, on account of important business.
To Mr. JACOBSTEIN, for one week, on account of illness.

EXTENSION OF REMARKS.

Mr. BARBOUR. Mr. Speaker—

The SPEAKER pro tempore. For what purpose does the gentleman from California rise?

Mr. BARBOUR. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the adjusted compensation bill.

Mr. BEGG. Mr. Speaker, I hate to do it, but I must object.

HOOR OF MEETING TO-MORROW.

Mr. LONGWORTH. Mr. Speaker, I think it is very highly important that this bill be finished by to-morrow night, and I hope there will not be any objection to meeting at 11 o'clock to-morrow. I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow.

The SPEAKER pro tempore. The gentleman from Ohio asks unanimous consent that when the House adjourns to-night it adjourn to meet at 11 o'clock to-morrow. Is there objection? [After a pause.] The Chair hears none.

ADJOURNMENT.

Mr. LONGWORTH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 47 minutes p. m.) the House adjourned until to-morrow, Friday, March 21, 1924, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

408. Under clause 2 of Rule XXIV, a letter from the Acting Secretary of the Navy, transmitting request for \$500,000 appropriation instead of \$335,000 for the construction of a building for use as a supply depot for the Marine Corps at San Francisco, Calif., was taken from the Speaker's table and referred to the Committee on Naval Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. HUDSON: Committee on Indian Affairs. H. R. 7239. A bill authorizing the Secretary of the Interior to pay certain funds to various Wisconsin-Pottawatomie Indians; without amendment (Rept. No. 331). Referred to the Committee of the Whole House on the state of the Union.

Mr. HOWARD of Oklahoma: Committee on Indian Affairs. H. R. 7453. A bill to amend an act approved March 3, 1909, entitled "An act for the removal of the restrictions on alienation of lands of allottees of the Quapaw Agency, Okla., and the sale of all tribal lands, school, agency, or other buildings on any of the reservations within the jurisdiction of such agency, and for other purposes"; without amendment (Rept. No. 332). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS: Committee on Indian Affairs. H. R. 7913. A bill conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Creek Indians may have against the United States, and for other purposes; without amendment (Rept. No. 333). Referred to the Committee of the Whole House on the state of the Union.

Mr. SCHALL: Committee on Flood Control. H. R. 8070. A bill authorizing preliminary examinations and surveys of sundry streams with a view to the control of their floods; without amendment (Rept. No. 334). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,
 Mr. McREYNOLDS: Committee on Claims. S. 646. A bill for the relief of Ethel Williams; with an amendment (Rept. No. 326). Referred to the Committee of the Whole House.
 Mr. SNYDER: Committee on Indian Affairs. S. 1703. A bill for the relief of J. G. Seupelt; without amendment (Rept. No. 327). Referred to the Committee of the Whole House.
 Mr. SEARS of Nebraska: Committee on Claims. H. R. 5136. A bill for the relief of Eva B. Sharon; with an amendment (Rept. No. 328). Referred to the Committee of the Whole House.
 Mr. EDMONDS: Committee on Claims. H. R. 6383. A bill for the relief of the Maryland Casualty Co., the United States Fidelity & Guaranty Co. of Baltimore, Md., and the National Surety Co.; with amendments (Rept. No. 329). Referred to the Committee of the Whole House.
 Mr. EDMONDS: Committee on Claims. H. R. 6384. A bill for the relief of the Maryland Casualty Co., the Fidelity & Deposit Co. of Maryland, and the United States Fidelity & Guaranty Co. of Baltimore, Md.; with an amendment (Rept. No. 330). Referred to the Committee of the Whole House.
 Mr. BOX: Committee on Claims. H. R. 4432. A bill for the relief of Jennie Kingston; with amendments (Rept. No. 335). Referred to the Committee of the Whole House.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:
 By Mr. DALLINGER: A bill (H. R. 8080) to amend section 2 and section 4 of the act relative to naturalization and citizenship of married women, approved September 22, 1922; to the Committee on Immigration and Naturalization.
 By Mr. HOCH: A bill (H. R. 8081) to amend paragraph (f) of section 19a of the Interstate commerce act; to the Committee on Interstate and Foreign Commerce.
 Also, a bill (H. R. 8082) to amend paragraph (5) of section 20 of the Interstate commerce act; to the Committee on Interstate and Foreign Commerce.
 By Mr. LYON: A bill (H. R. 8083) to designate the Croatan Indians, of Robeson and adjoining counties in North Carolina, as Cherokee Indians; to the Committee on Indian Affairs.
 By Mr. McLEOD: A bill (H. R. 8084) to extend the times for commencing and completing the construction of a bridge across Detroit River within or near the city limits of Detroit, Mich.; to the Committee on Interstate and Foreign Commerce.
 Also, a bill (H. R. 8085) to amend subdivisions (h) and (i) of section 206 of the transportation act, 1920; to the Committee on Interstate and Foreign Commerce.
 By Mr. WEFALD: A bill (H. R. 8086) to amend the act entitled "An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1915," approved August 1, 1914; to the Committee on Indian Affairs.
 By Mr. TILLMAN: A bill (H. R. 8087) to establish a fish hatchery in the third congressional district of the State of Arkansas; to the Committee on the Merchant Marine and Fisheries.
 By Mr. BACON: A bill (H. R. 8088) authorizing a transfer of certain abandoned or unused lighthouse reservation lands by the United States to the State of New York for park purposes; to the Committee on Interstate and Foreign Commerce.
 By Mr. HUDSON: A bill (H. R. 8089) to amend an act entitled "The classification act of 1923," approved March 4, 1923; to the Committee on the Civil Service.
 By Mr. McDUFFIE: A bill (H. R. 8090) authorizing the Secretary of the Treasury to remove the quarantine station now situated at Port Morgan, Ala., to Sand Island, near the entrance of the port of Mobile, Ala., and to construct thereon a new quarantine station; to the Committee on Interstate and Foreign Commerce.
 By Mr. NEWTON of Minnesota: A bill (H. R. 8091) to amend section 28 of the merchant marine act, an act of 1920; to the Committee on the Merchant Marine and Fisheries.
 By Mr. SUTHERLAND: A bill (H. R. 8092) to grant certain tide lands to the city of Ketchikan, Alaska, and for other purposes; to the Committee on the Public Lands.

By Mr. SCHNEIDER: A bill (H. R. 8093) to establish Nicolet National Park, in the State of Wisconsin; to the Committee on the Public Lands.

By Mr. McLEOD: A bill (H. R. 8094) to amend Article IV of the war risk insurance act by adding to section 408 thereof, as added by section 27 of the act creating the Veterans' Bureau, approved August 9, 1921, a new proviso; to the Committee on World War Veterans' Legislation.

By Mr. MORTON D. HULL (by request): Joint resolution (H. J. Res. 225) creating a commission to purchase and erect bronze cast known as Indian Buffalo Hunt; to the Committee on the Library.

By Mr. GARNER of Texas: Resolution (H. Res. 228) providing that each Member of the House shall have five days to extend his remarks in the Record on H. R. 7959, the adjusted compensation bill; to the Committee on Rules.

By Mr. WEFALD: Memorial of the Legislature of the State of Minnesota urging construction of additional buildings and facilities at the Federal Leper Hospital in Carville, La.; to the Committee on Public Buildings and Grounds.

Also, memorial of the Legislature of the State of Minnesota urging the immediate construction of a neuropsychiatric hospital at St. Cloud; to the Committee on Public Buildings and Grounds.

Also, memorial of the Legislature of the State of Minnesota urging the construction of a 500-bed tubercular hospital for the care of tubercular persons who served in the World War, in Minnesota; to the Committee on Public Buildings and Grounds.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GLATFELTER: A bill (H. R. 8095) granting an increase of pension to Magdalena King; to the Committee on Invalid Pensions.

By Mr. JONES: A bill (H. R. 8096) for the relief of J. Frank Norfleet; to the Committee on Claims.

By Mr. LOGAN: A bill (H. R. 8097) for the relief of H. W. Hamlin; to the Committee on Claims.

By Mr. LONGWORTH: A bill (H. R. 8098) granting an increase of pension to Verrelle S. Willard; to the Committee on Invalid Pensions.

By Mr. MCKENZIE: A bill (H. R. 8099) granting a pension to Mary E. Kunding; to the Committee on Invalid Pensions.

By Mr. NEWTON of Minnesota: A bill (H. R. 8100) for the relief of the estate of Charles L. Freer, deceased; to the Committee on Ways and Means.

By Mr. PURNELL: A bill (H. R. 8101) for the relief of Louis Martin; to the Committee on Military Affairs.

Also, a bill (H. R. 8102) granting an increase of pension to Lucinda Welch; to the Committee on Invalid Pensions.

By Mr. ROBSION of Kentucky: A bill (H. R. 8103) granting a pension to Joe Ann Dees; to the Committee on Invalid Pensions.

By Mr. STRONG of Pennsylvania: A bill (H. R. 8104) granting a pension to Malissa Blair; to the Committee on Invalid Pensions.

By Mr. UNDERWOOD: A bill (H. R. 8105) granting an increase of pension to Sarah A. Morris; to the Committee on Pensions.

Also, a bill (H. R. 8106) granting a pension to Mary E. Brittenham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8107) granting a pension to Elizabeth Palmer; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1914. By Mr. CONNERY: Petition of Chamber of Commerce of Lawrence, Mass., indorsing the Kelly-Edge bill calling for reclassification of salaries of post-office employees; to the Committee on the Post Office and Post Roads.

1915. By Mr. CRAMTON: Petition of Mrs. Idella Engel, secretary Woman's Club, Bad Axe, Mich., urging on behalf of her organization favorable consideration of the child labor amendment; to the Committee on the Judiciary.

1916. By Mr. FENN: Petition of the Società di M. S. Umberto Primo, of Hartford, Conn., protesting against the passage of the Johnson immigration bill; to the Committee on Immigration and Naturalization.

1917. Also, petition of Eddy-Glover Post, No. 6, American Legion, New Britain, Conn., favoring the adoption of House Joint Resolution 69, which provides that the Star Spangled Banner shall be recognized as our national anthem; to the Committee on the Judiciary.

1918. Also, petition of citizens of Collinsville, Conn., in favor of the establishment of free shooting grounds and game refuges as provided in House bill 745; to the Committee on Agriculture.

1919. Also, petition of the Lions Club of Hartford, Conn., favoring the passage of the Winslow bill (H. R. 3243) with regard to the development of commercial aviation; to the Committee on Interstate and Foreign Commerce.

1920. By Mr. HAWES: Petition of Board of Aldermen of St. Louis, Mo., urging an increase in salary for postal employees; to the Committee on the Post Office and Post Roads.

1921. By Mr. HUDSON: Petition of the commission of the city of Royal Oak, Mich., favoring the passage of House bill 4123; to the Committee on the Post Office and Post Roads.

1922. By Mr. MEAD: Petition of Italian Medical Society, Buffalo, N. Y., opposing that part of the Johnson immigration bill that discriminates against immigration from southern Europe; to the Committee on Immigration and Naturalization.

1923. Also, petition of members of Lodge Med. Narod. Zarta No. 405, S. N. P. J., opposing the Johnson immigration bill; to the Committee on Immigration and Naturalization.

1924. By Mr. O'SULLIVAN: Petition of the United Lithuanian organizations of Waterbury, Conn., protesting against the passage of the Johnson immigration bill; to the Committee on Immigration and Naturalization.

1925. By Mr. ROUSE: Petition of the McKinley Council, No. 18, Daughters of America, of Bellevue, Campbell County, Ky., in favor of the immigration bill; to the Committee on Immigration and Naturalization.

1926. By Mr. TEMPLE: Petitions of Lodge Glas Noroda No. 89, S. N. P. J., Midway, Pa.; Lodge Postonjska Jama No. 138, S. N. P. J., Canonsburg, Pa.; and Lodge No. 241, S. N. P. J., Slovan, Pa., protesting against certain proposals before the Congress of the United States regulating immigration; to the Committee on Immigration and Naturalization.

1927. By Mr. TINKHAM: Petition of Boston Central Labor Union, favoring modification of the Volstead enforcement act; to the Committee on the Judiciary.

1928. By Mr. WEFALD: Petition of 17 farmers of Fanny Township, Polk County, Minn., urging the passage of the McNary-Haugen bill, providing for the relief of agriculture; to the Committee on Agriculture.

1929. Also, petition of 20 farmers of Arveson Township, Minn., urging the passage of the McNary-Haugen bill, providing for the relief of agriculture; to the Committee on Agriculture.

1930. Also, petition of 29 farmers of Good Hope Township, Minn., urging the passage of the McNary-Haugen bill providing for the relief of agriculture; to the Committee on Agriculture.

1931. Also, petition of 24 farmers of Garden Township, Minn., urging the passage of the McNary-Haugen bill, providing for the relief of agriculture; to the Committee on Agriculture.

1932. Also, petition of 26 farmers of Lake Eunice Township, Minn., urging the passage of the McNary-Haugen bill, providing for the relief of agriculture; to the Committee on Agriculture.

1933. By Mr. WELSH: Petition of Philadelphia Board of Trade, in re Senate bill 2576, as amended, approving the general purpose of said bill and petitions for its passage; to the Committee on Immigration and Naturalization.

1934. By Mr. WHITE of Kansas: Papers to accompany House bill 8079, granting a pension to Thomas Colburn; to the Committee on Invalid Pensions.

1935. By Mr. YOUNG: Petition of E. A. Johnson, of Harvey, N. Dak., and 25 other rural mail carriers, urging the passage of legislation increasing their equipment allowance; to the Committee on the Post Office and Post Roads.

1936. Also, petition of 38 citizens of Homer, N. Dak., urging the passage of the McNary-Haugen bill for farm relief; to the Committee on Agriculture.

1937. Also, petition of North Dakota Retail Mercantile Association, urging reduction in first-class postage rates; to the Committee on the Post Office and Post Roads.

SENATE.

FRIDAY, March 21, 1924.

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

O Lord, Thou knowest us altogether. Everything concerning our history is known to Thee. Our thoughts, our actions, are subject to Thy scrutiny. We would, therefore, walk circumspectly before Thee, so that in all we may think and say and do we shall be in harmony with Thy mind and will. Give us such an understanding of Thyself and of Thy purposes for us that in all the way of life we shall walk in harmony with Thy greatest direction. Be with us to-day. Give us light in our darkness, strength in our weakness, and vision of Thyself in our cloudiness. We ask in Jesus' name. Amen.

NAMING A PRESIDING OFFICER.

The Secretary, George A. Sanderson, read the following communication:

UNITED STATES SENATE,
PRESIDENT PRO TEMPORE,
Washington, D. C., March 21, 1924.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. WALTER E. EDGE, a Senator from the State of New Jersey, to perform the duties of the Chair this legislative day.

ALBERT B. CUMMINS,
President pro tempore.

Mr. EDGE thereupon took the chair as Presiding Officer.

THE JOURNAL.

The reading clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CALL OF THE ROLL.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The principal clerk called the roll, and the following Senators answered to their names:

Adams	Dill	Jones, N. Mex.	Robinson
Ball	Edge	Kendrick	Sheppard
Bayard	Ernst	Keyes	Shields
Borah	Fletcher	King	Shipstead
Brandeggee	Frazier	Ladd	Simmons
Broussard	George	Lodge	Smith
Bruce	Gerry	McKellar	Smoot
Bursum	Glass	McKinley	Spencer
Cameron	Gooding	McNary	Stephens
Capper	Hale	Mayfield	Wadsworth
Caraway	Harrel	Neely	Walsh, Mass.
Copeland	Harris	Norris	Walsh, Mont.
Coxzens	Harrison	Oddie	Warren
Curtis	Heflin	Pepper	Watson
Dale	Howell	Ralston	Weller
Dial	Johnson, Minn.	Reed, Mo.	Willis

Mr. CURTIS. I wish to announce that the Senator from Iowa [Mr. BROOKHART], the Senator from Washington [Mr. JONES], the Senator from New Hampshire [Mr. MOSES], the Senator from Arizona [Mr. ASHURST], and the Senator from Montana [Mr. WHEELER] are detained in a committee hearing.

Mr. WATSON. I was requested to announce that the Senator from North Carolina [Mr. OVERMAN], and the Senator from California [Mr. SHORTIDGE] are absent on official business of the Senate, being engaged in a hearing before a subcommittee of the Committee on the Judiciary.

The PRESIDING OFFICER. Sixty-four Senators having answered to their names, a quorum is present.

PUBLICATION OF COTTON STATISTICS.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 2113) to amend the act entitled "An act authorizing the Director of the Census to collect and publish statistics of cotton," approved July 22, 1912, which was to amend the title so as to read: "An act authorizing the Director of the Census to collect and publish statistics of cotton."

Mr. HARRIS. Mr. President, I move that the Senate concur in the amendment of the House.

Mr. ROBINSON. What is the effect of the House amendment?

Mr. HARRIS. It merely changes the title, making it brief and yet clear.

The motion was agreed to.

PETITIONS AND MEMORIALS.

Mr. WARREN presented a resolution of Riverton Lodge, No. 44, I. O. O. F., of Riverton, Wyo., favoring the passage of legislation to further restrict immigration, which was referred to the Committee on Immigration.

Mr. CAPPER presented a telegram in the nature of a petition from Spearville Lodge, No. 388, Ancient Free and Accepted Masons, of Spearville, Kans., praying for the passage of legislation suspending immigration for a period of five years, which was referred to the Committee on Immigration.

Mr. ROBINSON presented a telegram in the nature of a petition from J. H. Steward, director of the Arkansas Service Bureau, at Little Rock, Ark., praying, on behalf of ex-service men of Arkansas, for a cash option in legislation providing adjusted compensation to veterans of the World War, which was referred to the Committee on Finance.

Mr. SHIPSTEAD presented a petition, numerously signed, of sundry Chippewa Indians of the White Earth Reservation, of Mahanomen, Minn., praying for the passage of Senate resolution 34 (submitted by Mr. KING on December 10, 1923) instructing the Committee on Indian Affairs to investigate the controversy between the Chippewa Indians of Minnesota and the Government of the United States, which was referred to the Committee on Indian Affairs.

He also presented a resolution adopted at the annual meeting of the Minnesota School Board Association, at St. Paul, Minn., favoring the passage of the so-called McNary-Haugen bill, providing aid to agriculture, which was referred to the Committee on Agriculture and Forestry.

He also presented a resolution of the Christoforo Colombo Society, of Duluth, Minn., protesting against the passage of the so-called Johnson selective immigration bill, which was referred to the Committee on Immigration.

He also presented a resolution adopted by the Ramsey County Central Committee of the American Legion, Department of Minnesota, protesting against the adoption of sections 7, 10, 13, and 18 of the second preliminary report of the Select Committee on Investigation of the United States Veterans' Bureau, which was referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. ODDIE, from the Committee on Mines and Mining, to which was referred the bill (S. 2797) to authorize the payment of claims under the provisions of the so-called war minerals relief act, reported it without amendment and submitted a report (No. 292) thereon.

Mr. SMOOT, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 668) to establish the Utah National Park in the State of Utah, reported it without amendment and submitted a report (No. 294) thereon.

He also, from the same committee, to which was referred the bill (S. 667) granting to the State of Utah the Fort Duchesne Reservation for its use as a branch agricultural college, reported it with an amendment and submitted a report (No. 295) thereon.

CHANGE OF REFERENCE.

On motion of Mr. WALSH of Montana, the Committee on Public Lands and Surveys was discharged from the further consideration of the bill (S. 308) to reimburse the State of Montana for expenses incurred by it in suppressing forest fires on Government land during the year 1919, and it was referred to the Committee on Claims.

WHITE RIVER DAM, ARK.—DIXIE POWER CO.

Mr. FLETCHER. From the Committee on Commerce I report back favorably without amendment the bill (S. 2686) to authorize the Federal Power Commission to amend permit No. 1, project No. 1, issued to the Dixie Power Co., and I submit a report (No. 290) thereon. I call the attention of the Senator from Arkansas [Mr. CARAWAY] to the report.

Mr. CARAWAY. Mr. President, I ask unanimous consent for the immediate consideration of the bill.

The PRESIDING OFFICER. The Senator from Arkansas asks unanimous consent for the immediate consideration of the bill.

Mr. WARREN. Will the bill lead to any debate? If it will lead to no debate, I have no objection to its consideration.

Mr. CARAWAY. It will not lead to any debate.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. CURTIS. May the bill first be read, Mr. President?

The PRESIDING OFFICER. The Secretary will read the bill.

The reading clerk read the bill, as follows:

Be it enacted, etc., That the Federal Power Commission be, and it is hereby, authorized and directed, on application made therefor by the Dixie Power Co., to amend preliminary permit No. 1, project No. 1, on the White River in Arkansas, issued on March 3, 1921, as amended by order of said commission on March 14, 1923, extending the expiration of said amended permit to March 1, 1924, so as to extend said permit as amended by authority of this act for 18 months from the approval of this act, such extension being desired and necessary in order to enable the permittee to prepare maps, plans, and estimates for incorporation in its application for license and to finance its project and to enable it to further test the river bed by core drilling to determine the most suitable foundation for its dam under said permit, and to enable it to comply with any other requirements of law and regulations of said power commission in making an application for a license.

SEC. 2. That all laws and parts of laws in conflict herewith be, and the same are hereby, repealed.

Mr. CURTIS. I have no objection to the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARKING THE SITE OF CHARLES FORT, S. C.

Mr. WARREN. From the Committee on Appropriations I report back without amendment the bill (S. 1530) providing for the marking with an enduring monument the site of Charles Fort, S. C., and I submit a report (No. 291) thereon.

Mr. SMITH. Mr. President, I think the passage of the bill just reported by the Senator from Wyoming will be agreeable to the Members of the Senate, and I therefore ask unanimous consent, if it does not create debate, that it may be now considered.

Mr. CURTIS. What is the bill for which the Senator from South Carolina asks consideration, Mr. President?

The PRESIDING OFFICER. The Secretary will read the bill for the information of the Senate.

The reading clerk read the bill, as follows:

Be it enacted, etc., That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$10,000, or so much thereof as may be necessary, for the purpose of marking with an enduring monument the site of Charles Fort, on Parris Island, S. C., the site herein designated being the place where a fort was erected by a colony of Frenchmen, who settled at this point in the year 1662.

Mr. CURTIS. I have no objection to the consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NAVAL OIL LAND LEASES.

Mr. WALSH of Montana. Mr. President, I ask unanimous consent to have inserted in the Record, without reading, an editorial which appeared in the North American of Philadelphia of yesterday morning.

The PRESIDING OFFICER. The Senator from Montana asks unanimous consent to have inserted in the Record, without reading, an article which he has sent to the desk. Is there objection? The Chair hears none, and such an order will be made.

The editorial is as follows:

GETTING BACK TO THE LEASES.

Somewhere beneath the towering accumulation of charges countercharges, wild rumors, and sworn testimony concerning the multiple scandals in Washington there lies buried the immediate cause of the devastating avalanche—buried so deep that it has passed out of the memory of most citizens. In a vague fashion readers of the news are aware that all this turmoil, with its amazing revelations ranging from irrelevant improprieties to monumental corruption, had its origin in the leasing of public oil lands to private interests nearly three years ago. But few of them retain any clear idea of what the initial offense was. And their uncertainty of mind is increased by the persistence of some Republican statesmen and newspapers in echoing the defiant assertion of the accused men—that there is no real oil scandal at all, but that, on the contrary, the officials who signed away the Nation's resources were far-seeing patriots and the oil speculators who obtained control of the properties acted from motives of the purest altruism.

By no means are we overstating the case they present. An eminently respectable Republican newspaper, for example, recently derided the Senate investigating committee and charged that the diversion of the Navy's oil reserves was authorized by Congress at the solicitation of Secretary Daniels, of the Wilson administration.

"As to the terms of the leases," it went on; "Mr. Doheny makes them appear skillful bargains, yielding the country urgently needed and costly naval protection for no outlay of money. Was Mr. Denby after all a courageous defender of his country, who won oil tanks in Hawaii and a ready supply of oil the country round in place of oil below ground that outsiders were rapidly draining off?"

Secretary Fall, recipient of the \$100,000 satchel from Doheny, has not yet had the hardihood to argue that in making the leases he performed an unselfish service to the Nation, but others concerned, including the donor of that costly piece of baggage, vehemently defend the transactions. "If I had it to do, I would do it all over again tomorrow," said Secretary Denby. "The leases were beneficial to the United States, and my action was as clean and patriotic as any other act of my life." Doheny says his leases "are the best the United States ever got," and asserts that the deal he made with Denby and Fall, by assuring to the Navy stores of oil, "saved the Pacific coast from attack." His explanation of the \$100,000 payment to Fall is equally conclusive. "Any man," he declares, "who says I ever corrupted any public official is a liar."

The determined propaganda designed to minimize the corruption that has been exposed by contending that the oil leases of themselves were beneficial to the country is transparent enough. On the other hand, it is no more than just that the leases should be considered apart from any criminal taint they may have derived from the actions of those who made them. Unfortunately for the men accused and for their partisan apologists, such an examination exposes more clearly than ever the falsity of their pretensions. It shows that the leasing was wrong in conception, contrary to public policy and the judgment of all competent experts, illegal in execution, and immeasurably injurious in its terms to the interests of the United States.

The Roosevelt policy of conserving national resources foreshadowed the setting apart of petroleum-bearing lands for emergency use. In 1911 the construction of the first oil-burning battleships suggested to the Navy authorities that reserve supplies of fuel should be assured, and in the following year President Taft, under an act of Congress, withdrew from entry large areas of public lands in California, constituting naval oil reserves Nos. 1 and 2. In 1915 President Wilson set aside reserve No. 3, in the Teapot Dome district of Wyoming. The purpose was thus stated in the proceedings of the naval consulting board:

"It was the intention to hold these areas, and not utilize their oil content until the shortage of domestic production or the increased price of fuel rendered it advisable. These reserves were designed to serve as an assurance against the possibility of having a large fleet of exclusively oil-burning warships, with no oil available. At this time many students of the petroleum reserves of the United States had estimated that the supply in the ground would last only approximately 22 years."

That policy was reaffirmed in a report by Secretary Daniels to President Wilson in 1914, in which he wrote:

"I am of the opinion that the Navy should use its own oil lands, and ultimately produce, transport, refine, and store its own supply of oil, in order that the Navy may at all times be assured of an adequate and dependable supply of fuel oil at reasonable cost."

But the policy was to receive support so authoritative that its reversal by Denby and Fall stands out as an act of hardihood utterly indefensible. In 1915, when the World War was casting its shadow over this country, Secretary Daniels invited the great engineering societies of the United States to form a civilian naval consulting board. Thomas A. Edison became president of the board, which was made up of foremost representatives of the engineering professions—chemical, mathematical, civil, aeronautical, automotive, mining, electro-chemical, and mechanical—together with high officers of the Navy. This body spent nearly a year in studying the various problems in its field.

One of its main sections was a committee on fuel and fuel handling, which made an exhaustive investigation of the whole subject of naval fuel, and reported at sessions held in July and August, 1916. At these meetings there were present, besides the civilian engineers, the members of the naval fuel board and the ablest experts on oil problems in the whole country. The discussions covered every phase of the subject, and the conclusions reached were tested by delegating experts to make cruises on naval vessels. In December the final report was issued, with these precise and unequivocal findings:

"It is the unanimous opinion, therefore, of your committee that the requirements of national defense demand that the Nation hold with unassailable title reserves of oil land within its own borders, located with reference to economical transportation and containing sufficient oil to meet the requirements of our Navy for a period of not less than 50 years."

That was the judgment reached after months of minute inquiry by civilians representing every branch of American engineering, cooperating with the Engineering Bureau of the Navy. The passage of time, revealing the rapid depletion of the world's petroleum supplies, only added force to the authoritative conclusions. Yet within a month after the change of administration in 1921 Denby and Fall were busy upon the scheme of turning over the Navy's oil reserves in California to Doheny and the Wyoming reserve to Sinclair.

Denby's "clean and patriotic act" was committed in the face of urgent warnings. Admiral Griffin has testified as to his protests to Denby when he heard of the proposal to transfer the reserves to the keeping of Fall:

"I told him I hoped he would reconsider; that the Navy for 10 years had been fighting to retain this oil, and that if he turned the administration over to the Interior Department we might just as well say good-bye to our oil. I told him I did not agree with him that these were public lands; that I thought that after they had been set aside for the exclusive use of the Navy they were as much naval property as the navy yards."

Denby and his partisans join Doheny and his press agents in contending that the policy of turning over the Navy's oil reserves to private exploitation was initiated by Secretary Daniels, whereas in fact Daniels stood like granite against the intrigues of the speculators to get control of the deposits. The basis for the false pretense is that early in 1920 naval engineers reported that private wells on the borders of the Navy's lands were draining off some of the oil; as a result Daniels procured an amendment to the naval appropriation bill authorizing the Secretary to "conserve, develop, use, and operate" the reserves, "in his discretion, directly or by contract, lease, or otherwise, and to use, store, exchange, refine, sell, or otherwise dispose of the oil and gas products thereof."

Undoubtedly the authority here given was broad. Possibly it was broad enough to render technically legal the leases signed by Denby. But the plain intent was to "conserve" the supplies for the Navy, not to deliver them into the hands of private interests. One fact will show how this purpose was distorted for the benefit of Doheny and Sinclair. The Daniels amendment limited the Secretary to the expenditure of \$500,000 out of the royalties from leases; the Denby-Fall deals provided that more than \$100,000,000 worth of the oil received by the Government in royalties from the lessees should be expended for storage facilities constructed by them. In other words, the Navy Department was to spend \$100,000,000 without authorization of Congress.

"My recommendation," says Daniels, "was to preserve and protect underground storage of oil, and only oil that otherwise would have been lost. Neither my recommendation nor the act of Congress justified the leases subsequently made. They have no warrant in law and are illegal spoliation of the naval reserves and a worse blow to the Navy than any enemy has ever struck."

But the interests that resent the exposure of corruption in the oil deals keep asking, What about the leases? Why not tell the public that Denby and Fall drove a shrewd bargain, inducing the oil interests to supply "costly naval protection for no outlay of money"? Well, let us look into this.

Under Sinclair's Teapot Dome lease the Government gets a royalty ranging from 12½ to 50 per cent, depending upon the production of the wells. The average is less than 17 per cent. But the Government does not get the royalty in oil. Sinclair gives for it oil certificates, which may be used in three different ways—first, in buying fuel oil from Sinclair, a barrel of fuel for a barrel of crude; second, in buying gasoline or other products from Sinclair at market prices; third, in paying Sinclair to construct steel storage tanks at the seaboard.

Now, it takes two barrels of oil to pay for one barrel of storage capacity, so that while getting 17 per cent of the Teapot Dome oil as royalty the Navy ultimately receives less than 6 per cent in oil, the rest being paid back to Sinclair for tanks to hold it. A similar arrangement was made with Doheny, who was to construct a huge storage plant in Hawaii, taking about two-thirds of the Navy's oil royalty in payment. In other words, the Denby-Fall leases provide that out of the reserves set apart for national defense the Navy would get between 5 and 6 per cent of the oil in the ground, plus storage tanks built by the oil interests without competitive bidding. If this is not sufficiently convincing as to the pure and profitable nature of the deal made for the Government by these two patriots, there are two additional facts—Fall received \$100,000 in cash from Doheny, who blandly told the Senate committee, "We will be in bad luck if we do not get \$100,000,000 profit."

But those who profess to believe that the leases were legal, honest, and advantageous to the Nation need not any longer pretend that those documents have not been adequately explained to the public. They are quite minutely analyzed in the bills filed by the Government in Federal courts at Cheyenne, Wyo., and Los Angeles, Calif., asking their cancellation upon grounds of fraud, corruption, and conspiracy.

The complaints set forth that President Harding's order transferring the Navy's oil reserves to Fall's custody was "invalid and ille-

gal," procured by false representations from Fall. The Teapot Dome lease is declared "null and void," being "effected without authority in law"; likewise the contract for building tanks. It is charged that Fall and Sinclair "did combine, conspire, and confederate to defraud the United States" by leasing the lands "at an improper, inadequate, and fraudulent consideration."

The California leases and contracts are described as being illegal and void, the result of a corrupt deal by Fall and Doheny, who "conspired to defraud the United States," pursuant to which conspiracy Doheny paid Fall \$100,000 "lawful money of the United States" as a "reward." It is charged that the proposals for the Hawaii storage plant were part of the conspiracy "to insure to defendant, to the great detriment and in fraud of the rights of the United States, any and all oil which might be found within said naval reserve." Wherefore orders are sought declaring all the agreements void and restoring the oil reserve to the Government.

Some astonishing miscalculations have been revealed by the uncovering of the oil scandals. But quite the most fantastic delusion is that afflicting those who, for partisan or even less creditable reasons, hope to gain something by turning the searchlight from the corruption in the diversion of the Navy's oil reserve to the leases themselves.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NEELY:

A bill (S. 2888) for the relief of James H. Kelly; to the committee on Military Affairs.

By Mr. McKINLEY:

A bill (S. 2889) for the relief of John H. Fesenmeyer, alias John Wills; to the Committee on Military Affairs.

By Mr. McKINLEY (for Mr. McCormick):

A bill (S. 2890) for the relief of Dennis Sweeny; to the Committee on Claims.

By Mr. HALE:

A bill (S. 2891) for the relief of William Sands; to the Committee on Military Affairs.

By Mr. SPENCER:

A bill (S. 2892) granting an increase of pension to Anna Mapel (with accompanying papers); to the Committee on Pensions.

By Mr. ELKINS:

A bill (S. 2893) providing for the erection of a monument over the grave of Patrick Gass, at Brooke Cemetery, Wellsburg, W. Va., a soldier of the War of 1812 and the last surviving member of the Lewis and Clarke expedition; to the Committee on the Library.

A bill (S. 2894) to amend section 9 of the act entitled "An act to increase the efficiency of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved May 18, 1920; to the Committee on Military Affairs.

By Mr. CAMERON:

A bill (S. 2895) for the relief of W. P. Dalton; and

A bill (S. 2896) for the relief of Joseph B. Tanner; to the Committee on Claims.

By Mr. SHEPPARD:

A bill (S. 2897) to reinstate Charles McKee Krause as a captain in the Marine Corps; to the Committee on Naval Affairs.

A bill (S. 2898) for the relief of William R. Bailey and Charles G. Dobbins; and

A bill (S. 2899) for the relief of the heirs of Frank Boddeker; to the Committee on Claims.

By Mr. BURSUM:

A bill (S. 2900) for the relief of E. C. Cook and others; to the Committee on the Judiciary.

By Mr. SPENCER:

A bill (S. 2901) granting an increase of pension to Ann E. McKinnon (with accompanying papers); to the Committee on Pensions.

By Mr. WADSWORTH:

A joint resolution (S. J. Res. 102) authorizing the Secretary of War to modify certain contracts entered into for the sale of boats, barges, tugs, and other transportation facilities intended for operation upon the New York State Barge Canal; to the Committee on Military Affairs.

By Mr. KING:

A joint resolution (S. J. Res. 103) authorizing expenditure of the Fort Peck 4 per cent fund now standing to the credit of the Fort Peck Indians of Montana in the Treasury of the United States; to the Committee on Indian Affairs.

FIRST DEFICIENCY APPROPRIATIONS.

The PRESIDING OFFICER. Morning business is closed.

Mr. WARREN. Mr. President, agreeably to the notice which I gave on yesterday, I ask unanimous consent that the Senate proceed to the consideration of House bill 7440, being the first deficiency appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7440) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1924, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1924, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. WARREN. I ask that the formal reading of the bill may, as is usual, be dispensed with; that the bill be read for amendment—the committee amendments to be first considered.

The PRESIDING OFFICER. The Senator from Wyoming asks unanimous consent that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments be first considered. Is there objection? The Chair hears none, and it is so ordered.

AGRICULTURAL RELIEF—ALIEN PROPERTY CUSTODIAN FUND.

Mr. DIAL. Mr. President, we have been trying to legislate in the Senate now for something over three months to aid agriculture in the United States. What the farmers of this country need is to be enabled to get a better price for what they produce. If they produce more than the domestic demand for consumption, Congress should aid them in exporting the surplus. Some time ago Senator STEPHENS, of Mississippi, and I introduced a bill, being Senate bill 2710, for the purpose of using \$150,000,000 of the money in the hands of the Alien Property Custodian as a revolving fund with which to export raw agricultural products to Germany, Austria, and Hungary; but nothing is decided under the bill as to the rights of those claiming ownership of the fund.

The bill is strongly recommended by the Alien Property Custodian. It seems to me to be sound, and, if enacted, will accomplish the purpose which we have been laboring here to accomplish for three or four months past.

I notice in Commerce and Finance, a most influential publication, in the issue of March 12 a short article concerning the bill to which I refer, and I shall ask unanimous consent to have that article inserted in the Record as a part of my remarks. First, however, I desire to call the attention of the Senate to a paragraph or two of the article, which appears at page 528 of the publication:

The proposal—

Referring to the bill which I have introduced—

The proposal is quite unlike that of the McNary-Haugen bill which contemplates the formation of a \$200,000,000 corporation financed by the Government to buy farm products at a stated price and sell them abroad. The Dial-Lowrey bill is far sounder in principle, and if any of these bills are to pass, it or its magnificent prototype may with advantage be substituted for the entirely vicious McNary-Haugen measure, which would merely leave the Government holding a bag full of unprofitable losses as well as invite retaliation by "dumping" our wheat abroad.

Mr. President, I myself am saying nothing against the McNary-Haugen bill at this particular time.

This article says further:

If some way could be found by which ultimate repayment could really be made and which no future Congress would block, we would strongly favor the passage of the Dial-Lowrey bill or some similar measure. It would be, as its sponsors declare, a wonderful aid to the depressed agricultural industry, on which our national prosperity depends so largely, and a real help to the distressed countries of Europe.

I ask that the entire article may be published in the Record. The PRESIDING OFFICER (Mr. PEPPER in the chair). Without objection, it is so ordered.

The article referred to is as follows:

REVIVING AGITATION FOR EXPORT CREDITS.

(By Stephen Bell.)

It is an accepted axiom of physics that what goes up must come down. An economic analogue of this axiom would seem to be that goods exported from a country must be balanced by the importation of an equivalent value, if a fair commerce is to continue. We are led into this reflection by a revival of the agitation for credits with which to finance our export trade.

Senator DIAL, of South Carolina, and Representative LOWREY, of Mississippi, have simultaneously introduced in their respective branches of Congress a bill to provide for the utilization of \$150,000,000 now in the hands of the Alien Property Custodian as a revolving fund, after the methods of the War Finance Corporation, for the financing of exports of raw materials to Germany, Austria, and Hungary. It is proposed that the consent and cooperation of these foreign governments are to be secured, that the use of these funds shall not affect the rights of their alien owners, that ample security shall be exacted for loan by liens on the raw material as they pass through their successive stages of manufacture and marketing, and that the revolving fund shall be administered by the Secretary of the Treasury, the Alien Property Custodian, and three others appointed by the President.

It is no secret that the bill aims at the facilitation of cotton exporting, and cotton already has responded favorably to the stimulating nature of the suggestion, but the American Farm Bureau Federation, representing more the agricultural West, is quite as favorably impressed with the possibilities of the principle, and the agricultural bloc in Congress is considering a Government revolving fund of some half a billion dollars to be used to finance all manner of farm products and raw materials to the countries named and to many others.

The proposal is quite unlike that of the McNary-Haugen bill, which contemplates the formation of a \$200,000,000 corporation, financed by the Government, to buy farm products at a stated price and sell them abroad. The Dial-Lowrey bill is far sounder in principle, and if any of these bills are to pass, it or its magnificent prototype may with advantage be substituted for the entirely vicious McNary-Haugen measure, which would merely leave the Government holding a bagful of unprofitable losses as well as invite retaliation by "dumping" our wheat abroad.

At the conclusion of the war, commerce and finance strongly favored the continued extending of credits to Europe to rebuild her shattered industrial fabric that had been destroyed, but there was then only the low rates of the Underwood tariff law to block the ultimate repayment of such credit loans. Congress in its wisdom decided otherwise. But it may as well be understood once for all that Europe has not now and probably never will have the means to pay for these exports with cash, for American dollars do not grow in Europe. The only money crops which grow there are pounds, francs, lire, marks, pesetas, crowns, etc., which are quite valueless here.

If some way could be found by which ultimate repayment could really be made and which no future Congress would block, we would strongly favor the passage of the Dial-Lowrey bill or some similar measure. It would be, as its sponsors declare, a wonderful aid to the depressed agricultural industry, on which our national prosperity depends so largely, and a real help to the distressed countries of Europe.

In fact, we are inclined to believe that if European countries were now free to pay in the only way payment can be made for the foods and raw materials they need, there would be no necessity for these elaborate, costly, and risky financing plans. It was because of this belief that we opposed the enactment of the Emergency and Fordney tariff bills, whose perfect fruits the farmers are now eating so disgustedly.

It may be pointed out that the prospects for the passage of the Dial-Lowrey bill are good, if it is so drawn as to command the joint support of the South and West. If the \$150,000,000 were equally divided between wheat and cotton credits, it would represent 75,000,000 bushels of wheat and 500,000 bales of the cotton. The McNary-Haugen bill, on the other hand, is sure to meet violent opposition, even from those sections of the West which it is designed to benefit. And Secretary Wallace, who favors it, may resign if President Coolidge refuses to back it.

Mr. BAYARD. Mr. President—

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Delaware?

Mr. BAYARD. I merely wish to ask a question.

Mr. DIAL. I yield with pleasure.

Mr. BAYARD. I ask the Senator if he has taken into consideration the fact that the Alien Property Custodian has declared in court and in several public documents that he considers himself a trustee for the money now held in his hands?

Mr. DIAL. I have taken that into consideration.

Mr. BAYARD. He considers himself a trustee for the purpose eventually of turning the money or the property in kind, whatever it may be, back to the people in Germany, if it shall be decreed that they own the property, money, or in kind.

Mr. DIAL. I fully realize that.

Mr. BAYARD. What would be said of the Alien Property Custodian if he should take trust funds and should engage in a business with those trust funds which may not be for the benefit of the real beneficiaries in the end when the matter is settled, but may perhaps be lost? Would this Government guarantee the owners of that fund?

Mr. DIAL. I think the Government should be very careful indeed how it handles that fund. This bill proposes to have the consent of the nationals of those other countries through their governments to this proposition. The idea is to lend this money to parties who need our raw agricultural commodities and to encourage them to trade. By so doing we would get relief in this country from a surplus here, particularly of cotton, wheat, and tobacco. The prices are depressed in this country because we have too much of those commodities. The countries with which we are trying to trade need those commodities, and they ought to be encouraged to use this money in that way. The bill decides nothing as to the ownership of the money, but merely allows its use as a revolving fund temporarily to encourage trade with those countries.

Mr. BAYARD. The expression "those countries" as I understand, means Austria and Germany.

Mr. DIAL. It means Austria, Germany, and Hungary.

Mr. BAYARD. How is the question to be determined as to the amounts to be used as against the individual Germans, Austrians, and Hungarians?

Mr. DIAL. It is to be determined according to the amount of the fund that is impounded in this country from the nationals from each of those countries.

Mr. BAYARD. Will the claimants in Austria, Hungary, and Germany have no individual say as to the use of this fund?

Mr. DIAL. Yes; they would have a say, and they would have to put up security if they borrowed.

Mr. BAYARD. Then it would not be used until the individual say of the claimants upon the other side is had?

Mr. DIAL. No; not the say of the claimants, but the respective Governments must consent for the claimants; but the borrower will do as he pleases with it. Take, for instance, cotton. Under the law in those countries the raw commodity can be followed through its various processes by lien, and that lien is stamped on the commodity. It would be a perfectly safe proposition. I do not believe in the Government dealing lightly at all with a question of this kind; but those who get the money must put up security, and I understand they are willing to put up security. They are anxious to get these commodities.

Mr. BAYARD. I do not think the Senator understands me. The point I make is that the individual claimants are in Austria, Hungary, and Germany.

Mr. DIAL. Yes.

Mr. BAYARD. And eventually they may or may not be determined as the owners of their several portions of this fund now held by the Alien Property Custodian.

Mr. DIAL. That is correct.

Mr. BAYARD. And they will not have anything to say about this matter, because their governments will represent them and will take over the responsibility on their behalf.

Mr. DIAL. Yes; the respective governments are required under this bill to consent.

Mr. BAYARD. Can those governments act without the consent or approval of the individuals?

Mr. DIAL. That is a matter between those governments and their own nationals.

Mr. BAYARD. Yes; but does not the Alien Property Custodian hold this fund as trustee for the individuals and not for the governments?

Mr. DIAL. We are holding that fund to protect our nationals here against claims which they may have against those governments. As I understand, their respective governments pledged those funds for this purpose. That question will be settled by the Congress at the proper time. I wish we could adjust it one way or the other. I am not willing to turn that money, so far as I am concerned, back to those claimants until those governments settle for claims that our people have against them. But in the meantime this bill does not decide anything. If they can not put up satisfactory security, they do not get the money. The bill has been considered very carefully by a subcommittee of the Senate and also a committee of the House of Representatives, with the aid of the Alien Property Custodian.

Mr. BAYARD. Has the question of his power as trustee been gone into with the aid of legal advice?

Mr. DIAL. I presume the Alien Property Custodian has legal advice. He is a lawyer himself and advocates the measure very strongly. It is before the Agricultural Committee of the Senate, and I hope they will consider it most carefully. I will say to the Senator that my whole thought is safety, not only for private but for public loans. I do not believe in

adopting unconstitutional methods, and I do not believe in taking great risks; but, under this bill, if we can get rid of our surplus cotton, which we are now selling under cost, before the next crop comes in, then we will be enabled to help our people get a better price. I understand that the tobacco market is stagnated now, and yet one of the claimants of this very money wants to buy \$4,000,000,000 worth of our tobacco, but his own money amounting, I believe, to \$8,000,000 is impounded with the Allen Property Custodian. If he could get the use of that money he would buy that large amount of tobacco and help the market for that commodity.

Mr. McNARY. Mr. President, I rise to a parliamentary inquiry.

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Oregon?

Mr. DIAL. I will be glad to yield in a moment.

Mr. McNARY. I am not asking the Senator to yield; I desire to make a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McNARY. I wish to know what was the request of the Senator from South Carolina?

Mr. DIAL. I am speaking on a bill before the Senate, Mr. President.

Mr. McNARY. I want to know what the request was respecting the article which the Senator from South Carolina handed up to the Secretary?

Mr. DIAL. I do not hear the Senator.

The PRESIDING OFFICER. The Senator from Oregon desires to be informed what the Senator from South Carolina wished to have done with the article he sent to the desk.

Mr. DIAL. I desired to have it published in the RECORD as a part of my remarks.

The PRESIDING OFFICER. The Chair put the request, but heard no objection, and the article was ordered to be printed in the RECORD.

Mr. DIAL. Mr. President, as I was saying, we have a surplus of these raw agricultural products, and for that very reason the price is depressed. If the farmers of the Northwest and the West could get rid of their surplus wheat, they would be able to get a better price for the growing crop. So it is with us in the South with our cotton and tobacco. There is not so very much there, but according to figures it is made to appear a good deal, and we should like to get rid of that before the next crop is harvested.

Under the law of Germany, particularly, a loan can be made to buy cotton, and a lien can be had on it, and the lien follows the cotton through the various processes of manufacture, and it still obtains until the goods are sold and the money is paid; and that is one of the objects of this bill. Now, the Germans want a very large quantity of our cotton. I understand that they want a very large quantity of wheat. They have been here recently and wanted 50,000,000 bushels of wheat. I see nothing unconstitutional about this bill. I see nothing radical about it. I see nothing wrong about the bill. By passing it we would encourage the people to whom the money belongs to trade with us. They would thereby be using practically their own money; and if they thought they were using it to make interest upon it and at the same time benefiting their people and building up their country and giving employment to their labor, they would be encouraged to do the very thing that this bill undertakes to accomplish.

I know that the Agricultural Committee is very busy. It is one of the busiest committees of the Senate; but I should be very glad if the committee would consider this bill at the very earliest opportunity, and if it considers that there is merit in the bill report it back. I believe that if the bill were passed we would be relieved of a good many measures here that are unsound, such as the one we defeated the other day, the Norbeck bill. This would answer the purpose, and would get our Government out of business at as early a date as possible, and would help us prosper in the United States. We can not afford to go on raising cotton at the present price.

Mr. REED of Missouri. Mr. President, what is the present price?

Mr. DIAL. About 28 to 30 cents a pound.

Mr. REED of Missouri. What was it before the war?

Mr. DIAL. Before the war it ranged up to 18 cents or above; but we have had the boll weevil since then. It costs about twice as much to produce cotton now as it did before, and not only that, but everything else is higher. Fertilizer is higher; labor is scarce; land is depleted; and plenty of other things have come along. Furthermore, I will tell the Senator from Missouri that even before the war, in the case of an average crop, a man and his wife and four children working on a farm, getting 18 cents a pound for cotton, earned the magnificent sum of 10 cents a day

each. That was figured out by a joint committee of the House and the Senate, and the figures are on record, and I put them in the CONGRESSIONAL RECORD a few years ago. With a few exceptions, we have never since the Civil War gotten what it cost to produce cotton if we had taken into consideration the labor necessary in its production and some other costs which we ignored. The time has come, however, when we can not clothe the world by making cotton under the cost of production; and in all probability in the next year, perhaps, or certainly in a very short time, unless the Creator helps us to destroy the boll weevil, there will not be enough cotton raised to keep the spindles of the world at work. Cotton was scarce last summer, and many mills shut down. It is scarce now, and our mills are shutting down, and the people who work in them are being thrown out of employment almost daily on this account. They have my deepest concern and sympathy.

Mr. REED of Missouri. Mr. President—

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Missouri?

Mr. DIAL. I yield with pleasure.

Mr. REED of Missouri. If the Senator will permit me, if there is a scarcity of cotton all over the world, and mills are being shut down for want of it, and people are going naked because they do not have it, and there is this universal demand, I should like to inquire why cotton markets need any stimulation?

Mr. DIAL. One reason is that we can not export. The doors of import to this country are closed by our high tariff, and the people of the world who need this cotton to-day, who are going naked, can not get their products into this country to exchange them for our cotton or cotton goods. That is one of the reasons.

Mr. REED of Missouri. When the Senator comes to that remedy—opening the American markets in order to encourage foreign manufacture and consumption—he and I will be back on the old Democratic platform, and we will be in complete harmony.

Mr. DIAL. We usually stand together on tariff questions.

Mr. REED of Missouri. But if the Senator has just given the cause—namely, that we have shut foreign countries out of our market and thus destroyed manufacture abroad—why should he now propose this remedy, which is not a remedy for the evil that he says has caused the trouble?

Mr. DIAL. This is a partial remedy. I think this would help Germany get on its feet and thus enable us to export our cotton to Germany. A few years ago, as the Senator knows, we exported more than 8,000,000 bales of cotton per annum.

Mr. REED of Missouri. Yes; I know we did.

Mr. DIAL. During the last year or two we exported only about 5,000,000 bales.

Mr. REED of Missouri. A few years ago we did not have the present tariff. It seems to me that if we say that the trouble with a man is that he has not enough food to eat the thing to do is to give him food and not to give him a pair of boots. The Senator says the trouble here is not that these people do not desire the cotton, not that they do not need the cotton—that desire and that need exist—but that they can not gratify that desire or meet that necessity, because when they manufacture the goods we have shut them out of the market where they must sell those goods. It is perfectly plain, therefore, if that statement of facts be correct, that the remedy they need is not money to help them manufacture goods which they can not sell because they have been shut out of the market but to open the market to them so that they can sell even the goods they now produce.

Mr. DIAL. We ought to do both. We ought to let them have cotton with which to make goods to sell to other countries, even if they can not sell their product in this country. Both would help.

Mr. REED of Missouri. That means a modification of the statement the Senator made awhile ago. Now it appears from the Senator's modified statement that there is this sort of condition: They want cotton, the world wants cotton, and there is a market for it outside of the United States if they have money to get the cotton to manufacture. That is the Senator's present statement?

Mr. DIAL. Yes.

Mr. REED of Missouri. And that this bill, in his judgment, will furnish them some of that money with which to buy this cotton?

Mr. DIAL. Yes.

Mr. REED of Missouri. Now, will the Senator tell me this. I am not asking this question in a controversial spirit. I want to get at the facts.

Mr. DIAL. Yes; I understand.

Mr. REED of Missouri. The Senator has studied the bill. I have not. If it be true that under the German law a lien is

created upon the raw material for the purchase price, and that that lien follows the article clear through to its ultimate manufacture—

Mr. DIAL. I am so told.

Mr. REED of Missouri. If that is the case, will the Senator tell me why it is that a German manufacturer, with his factory in working order, with the labor there to operate the factory, with a law which creates a lien on behalf of the seller of raw cotton, can not under those circumstances get raw cotton on credit, manufacture it, and sell it? In a word, without taking the Senator's time or proceeding too far in the argument, will the Senator tell me why the very character of security which the Senator says under this bill can be given to our Government, and through it to the owner of the German securities or property which we hold, and which security he says is good enough for the Government and good enough for the German citizen, is not good enough for the cotton planter or the cotton factor?

Mr. DIAL. That process has been practiced to a limited extent; but the cotton planter is not organized sufficiently to grant that accommodation.

Mr. REED of Missouri. But there are plenty of large dealers in cotton who buy it in large quantities and look for a market for it; and if it be true that they can sell it over there and have a perfectly good security so far as lien is concerned, and then that there is a market for the goods so that the price can be realized and the lien holder can realize upon his lien, it seems to me that if that be the case these large dealers in cotton would speedily enter that market and dispose of their goods on that market.

Mr. DIAL. It takes a very large sum of money to handle cotton, and the turnover has to extend over a long number of months. It takes a good long while to realize upon it, and this practice has not been indulged in much so far. My idea in presenting this bill was that it would encourage the Germans to buy more of our commodity when they feel that they are using their own money, and that the bill will encourage good feeling between the nationals of that country and the nationals of this country. I shall be glad if the Senator from Missouri will read the bill and give it his consideration on its merits.

Mr. REED of Missouri. Is not this the difficulty? The Senator says the proposal is to use their own money.

Mr. DIAL. This money is impounded. This money has been taken from them.

Mr. REED of Missouri. We frequently make mistakes by the mere use of terms and get in a very illogical position. Whose money is it? The money is the money of a large number of individuals who reside in Germany. It is not proposed to take this money and turn it over to the people who equitably own it, because that would discharge our obligation, and would, of course, give these people the money with which to proceed in business as they saw fit; so when we propose to turn over money we do not propose to turn it over to the owners of the money at all. We propose to turn it over to different individuals than the owners, and to take some kind of security and hold ourselves obligated in the future to pay to the real owners of the money that which is due them, just as we are at present obligated to do that. In other words, we are going to take the money of A, B, C, and D and turn it over to E, and then tell A, B, C, and D that at some time in the future we are going to settle with them.

Mr. DIAL. The Senator did not catch my remarks earlier in what I had to say. We do not propose to turn over the money to anybody without security; but some of the persons who want to use this money were in the manufacturing business, some of this money was taken from them, or at least property out of which it arose, and they would like to borrow some of this very money for the present.

Mr. REED of Missouri. Some of their own, or some that belongs to other people?

Mr. DIAL. Some of the people from whom this money was taken. I cited one.

Mr. REED of Missouri. If the Senator will limit his bill to loaning to a German citizen that portion of this fund which we already owe him, turn the money over to him and discharge his obligation—

Mr. DIAL. Oh, no; not without security. I am not ready to do that.

Mr. REED of Missouri. That would be all right, because I think this money has been held an unconscionable time now, and has been handled in a most unconscionable manner, and in some instances in a disgraceful manner. If it were proposed to turn over to A \$4,000,000 which we

owe A, paying him, and then letting him buy cotton or wheat with it, I should have no objection to that, provided, of course, that the claims of American citizens are properly taken care of, and in a way we are holding this money as a sort of a guaranty of that; but that matter ought to be settled, and ought to have been settled long ago. I am not saying that I am going to oppose the Senator's bill, but I have had this colloquy for the purpose of trying to clarify the matter in my own mind.

Mr. DIAL. I thank the Senator very much for interrupting me. As he knows, there are two schools of thought here in Congress. One believes that this money ought to be turned back to the parties from whom it was taken. Another school thinks that this money ought to be held until the claims of our people against those Governments are settled. I do not propose to go into that question at the present time, but I agree with the latter view on that point. This bill does not propose to turn the money back to the claimants without security, but, as a matter of information for the Senate, I am informed that a great deal of this money was taken away from people who are in the manufacturing business. I have not the list before me, but I was told that there was one claimant who was in the tobacco business, and who wants to buy a very large quantity of tobacco, perhaps \$4,000,000 worth, and we have impounded something like \$8,000,000 of his money.

If we can encourage trade and good feeling, we will have accomplished two purposes—getting rid of the surplus in this country and encouraging industries in those countries, enabling those people to work and to get back on their feet, to regain their prosperity, and to be better able to trade with us and trade with other parts of the world. I think everybody ought to be encouraged to go to work.

Mr. BAYARD. Mr. President, I would like to ask the Senator this question, following the suggestion of the Senator from Missouri: Suppose part of this fund is loaned on behalf of some Germans or Austrians or Hungarians whose property is now held by the American Alien Property Custodian; suppose it is loaned to them individually in the same amount in which they hold claims against funds in the hands of the Alien Property Custodian. Having loaned it, or placed it in the hands of these foreign claimants, do we not discharge the trust to that extent?

Mr. DIAL. Oh, no; that is a different matter altogether. They borrow the money from us.

Mr. BAYARD. The claimant borrows his own trust fund?

Mr. DIAL. Yes; he might borrow his own trust fund and put up security, or some one else might borrow it.

Mr. BAYARD. Who puts up the trust security for him?

Mr. DIAL. The borrower, whoever he is.

Mr. BAYARD. The Senator means that under this bill the Alien Property Custodian has to go around and look into the national solidity of all these people who borrow money in their individual names?

Mr. DIAL. This bill provides for a commission of five—the Secretary of the Treasury, the Alien Property Custodian, and three other commissioners to be appointed by the President. They are a body to handle this matter. If satisfactory security comes to them, they make the loan; but if not, they do not make it. I am told that a great many applicants are now just ready and willing and anxious to borrow this money for the purpose of building up trade with those countries.

Mr. BAYARD. Would these loans be made pro rata to these individuals upon their prorated interests in the funds in the hands of the Alien Property Custodian of this country?

Mr. DIAL. That is a matter of detail to be decided by the commission according to the applications.

Mr. BAYARD. The claimant would have no right just because he is a claimant?

Mr. DIAL. No; I do not know that he would have any prior right. It would be a matter for the commission. They would inquire, in the first place, whether it was safe; in the next place, the equity of the claim would be considered, no doubt.

Mr. President, I hope the Senate will consider the bill, because we are getting along late in the session, and if we are going to do anything to benefit agriculture we had better go ahead and act quickly.

RAILROAD ACROSS FORT SNELLING MILITARY RESERVATION, MINN.

The PRESIDING OFFICER (Mr. PEPPER in the chair) laid before the Senate the amendment of the House of Representatives to the bill (S. 1982) granting the consent of Congress to the construction, maintenance, and operation by the Chicago, Milwaukee & St. Paul Railway Co., its successors and assigns, of a line of railroad across the northeasterly portion of the

Fort Snelling Military Reservation in the State of Minnesota, which was, on page 2, line 2, after the word "War," to insert: "including proper compensation for use of the land covered by the permit."

Mr. SHIPSTEAD. I move that the Senate concur in the amendment of the House.

Mr. KING. Is this a bridge bill?

The PRESIDING OFFICER. It relates to the railway crossing at Fort Snelling Military Reservation. The question is on the motion of the Senator from Minnesota.

The motion was agreed to.

NAVAL OIL LAND LEASES.

Mr. DILL. Mr. President, an article in the New York Times this morning concerning the probable testimony of Mr. Will Hays takes on a new meaning in the light of the proceedings this morning before the Public Lands Committee investigating the Teapot Dome scandal. This article, written in New York, with a New York date line, reads in part as follows:

WILL H. Hays, formerly chairman of the Republican National Committee, is to leave New York this morning for Washington to testify before the Senate oil-lease investigating committee. He spent a good part of yesterday consulting his lawyers in this city, and he declined to make any statement whatever last evening as to matters upon which the committee is to examine him.

At the office of Harry F. Sinclair, who is to appear before the committee to-day, it was said that Mr. Sinclair was already on his way to Washington. Mr. Sinclair and Mr. Hays have been close friends for many years.

It is understood that Mr. Hays will tell the committee that the report that 75,000 shares of Sinclair stock figured in the settlement of a deficit in the fund of the Republican National Committee in 1920 is true. There is reason to believe that he will testify that Mr. Sinclair supplied the stock.

What moved Mr. Sinclair to make so large a contribution and what was done with the stock Mr. Hays will also tell, but until he appears before the committee these and other details are to remain secret.

ESTIMATES STOCK AT \$1,875,000.

Mr. Hays made an appeal on November 24, 1920, for funds to wipe out the Republican campaign deficit, stating that the deficit then was \$1,000,000.

On December 1, 1920, the Sinclair Oil stock was valued at \$25 a share, which would make the 75,000 shares, said to have been presented to the Republican National Committee, worth \$1,875,000 at that time.

This morning, Mr. President, the brilliant and able lawyer, Mr. Martin W. Littleton, appeared before the Committee on Public Lands and Surveys when we were about to call Mr. Sinclair and questioned the right of that committee to subpoena anybody before it. He stated in his argument that the committees of the House and Senate have no right to call a man by subpoena before them and ask questions concerning their affairs. He made an argument which took up more than an hour, and on cross-examination clearly showed that he is now leading the fight to stop all congressional investigations which would be effective.

It is significant that just when Mr. Sinclair is to be asked questions relating to this campaign fund, and when Mr. Hays is to be asked questions relating to this fund, the great New York lawyer appears and contends that these committees have no right to subpoena anybody. He had prepared a printed brief on the subject, which he presented to members of the committee.

It is an interesting fact that in the estimation of the editors of the big newspapers of the eastern cities the argument that these investigations on the part of committees of Congress became nauseating, that they were the product of hysteria, began the day the Committee on Public Lands and Surveys exposed the White House telegrams. Since then we have been told by these editors, through their newspapers, that the country is tired of this. Senators in this body have been called all the objectionable names that can be applied to men who seek to ferret out the facts underlying the conditions which caused these investigations.

Mr. REED of Missouri. Mr. President—

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Missouri?

Mr. DILL. I yield.

Mr. REED of Missouri. I just rose for information. Does the Senator take issue with an editorial statement that these investigations are nauseating, that everybody is nauseated, that the country is nauseated, and that even the culprits who have been brought to the bar of investigation are nauseated? I

think the term a very happy one, and very appropriately applied, myself.

Mr. DILL. I want to say, in answer to the Senator's question, that no doubt they are nauseating to everybody; but I was commenting on the fact that the big newspapers did not find them sufficiently nauseating to publish that argument all over their front pages until we began to get close to the big characters in the Republican organization. As long as we were exposing the little fellows, as long as we were exposing individuals here and there, it was not so bad, but it got extremely nauseating when we published telegrams from the White House sent to Mr. McLean, who had admitted that he had deceived the committee and lied to them about a loan of Mr. Fall, which Mr. Fall tried to get another man up in Cleveland to lie about.

Mr. REED of Missouri. But was not that all calculated to disturb the stomachs of these great newspaper writers?

Mr. DILL. Ah, Mr. President, it did disturb their stomachs, and they knew it was disturbing the mental stomachs of the common people of America, too.

Mr. REED of Missouri. I agree with the Senator.

Mr. DILL. And now, when not able to stop the men on these committees from pursuing the investigations, they send the most brilliant lawyer, probably, at the New York bar to challenge a right Congress has had and exercised ever since the Government began, namely, to call witnesses before the committees of Congress investigating facts, the effort being to stop us from asking the questions which may bring forth the truth, which they do not want the country to know.

Mr. McKELLAR. Mr. President—

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Tennessee?

Mr. DILL. I yield.

Mr. McKELLAR. I just rise for information. Did the committee take the same view of the matter that was presented by Mr. Littleton?

Mr. DILL. I may say, in reply to the Senator, that the committee has not yet acted on the matter. From expressions given by the committee, they certainly did not take that view at all; but that matter will be passed upon at the next meeting of the committee. No testimony was taken this morning, because the time was taken up in the discussion of the rights of the committee to bring about these investigations.

Mr. President, I agree with the Senator from Missouri that these facts are nauseating, but the most nauseating thing about it is that there should be men, honorable men, supposedly, men in high positions of power, controlling great newspapers, who want to suppress the facts that are nauseating. That, to me, is the most nauseating thing about it.

Mr. REED of Missouri. Mr. President, I do not want to interrupt the course of the Senator's remarks—

Mr. DILL. I am perfectly willing to yield to the Senator.

Mr. REED of Missouri. But I want to ask him if he does not think that about the most nauseating spectacle presented to the American people to-day is to be found in the fact that with all the evidence of graft and criminality it has been at least suggested, if not absolutely proven, that the Department of Justice not only found its arm paralyzed, but worse than paralyzed. Apparently it has been used, to some extent, for the protection of these culprits, and, with all that evidence before him, or a large part of it before him for four or five weeks, the Chief Executive of this Nation has not placed some one at the head of the Department of Justice who can start its vast machinery in motion for the protection of the people, as it would be in motion promptly if some small criminal were to commit some petty offense. Is not that the most nauseating spectacle we have to-day?

Mr. DILL. I agree with the Senator that it is, in view of the facts now coming out in the committee hearings or about to come out, showing that oil stock was turned over for the purpose of paying campaign debts, the other story of which we have had rumors so continuously that the Republican presidential nomination in Chicago in 1920 was controlled by the oil interests becomes doubly important to the committee.

I, for one, and I hope I speak for others on the committees that are doing investigating, not only will not be deterred by agitation and propaganda against investigations, will not be turned aside by any legal phraseology which brilliant lawyers of the New York bar may present here, but instead will become more determined, more intent upon finding out all the facts connected with the oil scandal and with the other scandals that seem to permeate one department after another.

Mr. President, I do not want to take more of the time of the Senate, but I did want to call attention to the fact that with these questions about to be propounded to men whom the

New York Times, a great reliable newspaper, says will tell these damaging things at the very hour when we are ready to ask those questions, the jurisdiction and right of the committees of the House and Senate is challenged even to call anybody before them at all in order to get facts upon which to legislate intelligently.

Mr. HEFLIN. Mr. President, I can tell my good friend the Senator from Washington [Mr. DILL] why certain people are becoming so nauseated at oil-scandal disclosures. I hold in my hand an editorial from the Wheeling Register, a West Virginia paper, of March 6, 1924. I will read an excerpt from it:

The Senate is not hysterical. It is the Republican politicians and Republican newspapers that are hysterical. Therefore the attacks on the Democrats who are honest enough and have courage enough to continue pushing the probes under way. Because they have exposed Fall and Denby and Daugherty and are going further they are termed "character assassins."

Mr. President, that editorial presents the situation as it exists here. Some of the agents of the subsidized press are seeking to injure and discredit the Senate of the United States. Instead of trying to help the Senate get at the truth and punish those guilty of wrongdoing, they are trying to hamper and hinder the Senate, and even to discredit and destroy Senators who dare to stand here and fight for clean politics and common honesty in the Government service. They would have us shut our eyes and remain silent while scandals are cropping out on every hand under the disgusting order of things that now so sorely afflict the country. They are attacking every Senator who is wholeheartedly trying to punish crime and drive criminals from office. I, for one, feel complimented when I have one of these pusillanimous and villainous sheets assail me. I feel complimented, because they do not attack a Senator unless he is interfering with the plans and purposes of predatory interests.

If a Senator will show himself friendly to their interests and do their bidding, they will praise him as a great constitutional lawyer and as a broad-minded statesman. But he who puts his country first and makes bare his arm for battle against the sinister interests of the country they immediately turn loose upon him their venomous attacks and denounce him as a demagogue, a slanderer, or a mud gunner. So whenever they assail me, along with others in this Chamber who are doing battle in their country's cause at this time, I feel that it is a mark of honor and distinction that we ought to appreciate, because we are driving the sword of righteous indignation up to the hilt in the bowels of scandal and crime in the Capital of the Nation.

They are not going to frighten any Senator worthy to be a Senator. They are not going to intimidate anybody in this Chamber. The Republican Speaker of the House may go up to Massachusetts and make a speech about how the Senate has lowered itself in dignity and in intellectual standing, and remind his hearers of the old days when the Senate used to discuss great constitutional questions and do so in a dignified way.

When the Senate was far removed from the people and the people had but little to do with the selection of Senators, and this Chamber was filled largely with men who looked wiser than they really were, and many of them never condescended to discuss matters that merely affected the well-being of the masses of the people, these brazen agents of the subsidized press would have us believe that those were the glorious days of the Republic.

But, Mr. President, I honor more the Senate which responds to a conscious sense of duty to the country, a Senate that will not hesitate to attack and continue to attack the things that it believes are harmful and hurtful to the Government that it has sworn to protect and safeguard. The founders of the Republic never intended that the Senate should be the rendezvous of crooks and the citadel of special privilege. I honor more that Senate which seeks to do that which will redound to the common good of our common country. We are one branch of the greatest law-making body of the greatest Government on the globe. Why should we not be bravely responsive to the demands of duty, and is there any higher duty than that of exposing crooked officials and driving criminals from positions of trust? I know that these brazen agents of the crooked interests want the Senate to sit here or sleep here and never say a word against those who, through Republican connivance or Government license, have made millions in making barter of Government property. Oh, Mr. President, I thank God that we have come to a time when the people can elect their United States Senators, when they are in close personal touch and contact with them and feel a direct interest in them, and when a Senator is made more responsive to the people who sent him here,

I know that this bunch that is carrying on this propaganda would like to have men here who are afraid of their shadows. They would like to be able to tell a Senator, "If you take this stand or that we will pounce on you with our editorial columns and we will mistreat you in the matter of carrying news about your service in the Senate; not only that, we will do everything we can to destroy you in the estimation of the people of your State and to get you out of the Senate." In order to get yourself properly played up in such newspapers—I mean the crooked and corrupt ones, because there is a portion of the press, I am thankful to say, which is clean and honest—they tell you, in effect, "If you want to have yourself properly played up in these papers, you just do what we want you to do. You do our bidding and we will make you, whether you are or not, a great constitutional lawyer. We will hold you up as one of the biggest men who ever came to the Senate of the United States. Oh, we will play you up so strong that the people back home will think that you are the whole cheese up here. If you will serve the interests we represent, we will not let anything appear in our papers that is at all detrimental to you."

Mr. CARAWAY. Mr. President, may I ask the Senator to what kind of cheese he refers?

Mr. HEFLIN. I did not say oil cheese or old cheese. I said the whole cheese.

Oh, Mr. President, we have some men in public life who are weak-kneed, namby-pamby creatures, and we wonder sometimes when we see their indifference and inactivity just how they got into places of importance and trust. I repeat the concerted plan to frighten Senators away from their duty will not be successful. It can not succeed as long as we have men in this body who appreciate the duty and responsibility that are theirs. I believe that there are Senators here to-day who realize that the fight we are making is a fight to save the life of this Nation from the dangers that threaten it.

Mr. President, I have another newspaper clipping which I will read. This is from the Buffalo Commercial, of Buffalo, N. Y. A great many of these attacks are coming from New York. If there is a place that ought to be grateful to those fellows who have had a pipe line connected with the Treasury of the United States it is that New York bunch. I want to know soon just how much of that \$123,000,000, which Mr. Mellon gave back to them, refunded in taxes in one year—1923—went to Wall Street and to that New York bunch that has editorials like this written. What I have said before and am saying now are the reasons they do not like me. For similar reasons they do not like the Senator from Arkansas [Mr. CARAWAY], the Senator from Mississippi [Mr. HARRISON], and others that I could mention, because we have dared to speak out about them and their crooked conduct and to put the facts concerning them in the record of Congress which will be preserved as long as the Government lives. They do not want men here who can not be controlled. They do not want men here to whom they can not go and say, "Now, you lay off of this. It is all right for you to make a speech on this or that subject, providing you do not touch on this phase of it. We want you to do what we want you to do, and if you do that we will praise you to the skies." That is their game.

Here is the item from the paper I have just mentioned:

Already the high traditions of the most august, deliberative body in the world have sunk to degrading depths. A Senate that once discussed the constitutional questions with statesmanlike dignity and gave time and thought to legislation for the best interests of the Nation, has degenerated into an assembly of vile slanderers, character assassins, political freebooters, Bolshevik sympathizers, and blatant blackguards.

Oh, Mr. President, I just wonder what it would take to arouse that paper to a sense of its duty to the country. We have shown here by the testimony that those in charge of the treasure house of the Nation, its great oil reserves, have opened the doors, the officials have been bribed, and the pillagers and plunderers have gone in and helped themselves to the extent of hundreds of millions of dollars worth of oil in this country. And yet that does not affect a paper like this; that does not cause this paper to cry out to the Senate and to the country to "go to it and punish those guilty of wrongdoing—go to it and restore this property to the Government." Not a line in that direction, not a word, but an attack is made upon Senators who are commenting upon that awful situation, and who are urging that the property be restored, and yet this agency of the crooked interests assails Senators who are daring to expose crooks and do their duty to their country.

Not only that, Mr. President, but the testimony has shown that Doheny, the great oil magnate of America, had his taxes

refunded to him from the Federal Treasury to the extent of \$40,000.

Yes, Mr. President, Doheny, the great oil magnate of America, had taxes refunded to him to the amount of \$40,000; and it turns out that the clerk in the department who worked that out, and made it possible for Doheny to get back that \$40,000 has been employed by Doheny and is now drawing a fine salary out of the Government-filled purse of that great oil magnate. This morning the newspaper discloses the fact that in a hearing before another committee conducted by the Senator from Michigan [Mr. Couzens] the Standard Oil Co. got \$18,000,000 lopped off its taxes at one sitting, and the clerk in the department who brought that about is now working for that company at a big salary.

Oh, Mr. President, the awful doings disclosed here are enough to arouse every patriotic man and woman in the country. Have we come to a time when the mighty rich, with their dollars constituting passports right into the citadel of the Government itself, can buy immunity from taxation, and if, through the processes constituted by Congress we force them to pay, they can go back afterwards and have the money refunded and thereby escape their fair share of the burdens of government?

The able Senator from Idaho [Mr. BORAH] said the other day that the people out in his section of the country and in other places were hard pressed to get money with which to pay their taxes; that some of them had had their property sold for taxes. I said then that that was an awful situation. Yet while those poor unfortunate people are struggling to get money enough in order to pay their taxes and save their homes to themselves and their children the Standard Oil Co. and Doheny's company can come right into the heart of the Government itself and have money refunded to them by hundreds, thousands, and even millions of dollars.

Another thing of importance was discussed here the other day by the able Senator from West Virginia [Mr. NEELY] in a strong speech, replying to the Senator from Massachusetts [Mr. LODGE], who took the Senate to task for criticizing the President. That is something new under the sun—that the Senate of the United States can not discuss the policies, the acts, the conduct of the head of the Government. Who ever heard of such a thing? Of course the President's policies are open to discussion. He is not a king, as I have heretofore said; and one of the ablest speeches which I have ever heard since I have been in the Senate was the speech of the junior Senator from West Virginia when he pleaded a few days ago for the preservation of free speech in the Senate of the United States. Not only are certain interests trying to frighten us with attacks from their great daily newspapers, but they are trying to suppress free speech in the Senate. They do not want the facts of these terrible disclosures to go to the country.

Mr. President, I trust that the people of the country are finding out something about what is going on here. This morning I read an editorial from the Philadelphia North American, a Republican newspaper, criticizing the President for continuing Mr. Daugherty as Attorney General. The Department of Justice is hamstrung; the Department of Justice is out of commission, so far as functioning in the interest of the American people. The head of that great department is under fire; he is under serious charges. Testimony day by day is hampering and associating him with all kinds of crooked doings; yet we can not get any relief from that situation. I have made the statement before, and I am going to continue to make it, that the Attorney General has no business being at the head of the Department of Justice when we are trying to get testimony out of that department with which to establish the charges against him. Yet he has got charge of all of it. He has no right to be in possession of it.

Mr. President, think of the agents under him. I have in mind now a case where a young man prepared the papers; he was ready to bring suit, I am told, against a certain big concern and he was just ready to file the suit, but the story is that Mr. Daugherty told him to do nothing until he heard from him, and he has not heard from him yet. The committee would like to summon that young man to ask him how long ago this incident occurred and what it was Mr. Daugherty said to him, to tell the whole story about it, and other things like that, but they are not going to do it.

The Attorney General is telling the department agents and the public that he is going to come out all right and be acquitted. The agents under him, having been appointed by him, are not going to testify against their chief. I repeat that the papers all over the department which ought to be opened and ought to be laid before the investigating committee are under the charge of the Attorney General. He can either let

them come to light or not do so. If there were any damaging statements in those papers, it would be easy to destroy them and not leave a trace behind.

Mr. President, suppose a man were in charge of some great department of the Government where the Government kept its ammunition in war time, and it should be charged that faulty explosives were being used by our soldiers in the Army, and that such a man were a party to that act, and we were to arraign him and bring charges against him, do Senators think that the Commander in Chief of the Army and Navy would let that man stay in that department continuing to send out such material to the battle front until he could have a trial and find out whether or not he was guilty? No; Mr. President, the head of the Government would say, "We are not going to take any chances; we are going to try this matter out; but the first thing we are going to do is to remove that man from the position which he holds"; and he would be removed. Why? In the first place, in order to keep him from being in a position to do any harm to the country; and, in the second place, because a man with such charges resting on him ought not to be trusted in a place like that at a time like that; and he would be ousted.

Suppose in another situation, Mr. President, that you were trying a case before a judge and you could show that when the court adjourned to-day the witnesses went home with the man whom you were prosecuting; that the State's witnesses, the Government's witnesses, were found with him, subject to his orders, and the testimony on which you relied to convict him was turned over to him and nobody else had access to it; and suppose you should go into court the next morning and say to the judge, "Do you know that these witnesses are going and spending the night at this man's house? Do you know that all the testimony we are relying upon to convict him is in his care and keeping and nobody else can get it?" The next morning when the court opened the judge would issue an order or he would make a statement that would break up that situation. But here we are in the Nation's Capital, with the Attorney General under the most serious charges that ever rested on anyone, in control of all the testimony and with all the living witnesses right under his hands in the Department of Justice, and the President sits silent as the tomb.

The Philadelphia North American uses this language referring to Roxie Stinson's testimony against Daugherty:

The story has opened lines of inquiry which the committee will undoubtedly find helpful. Not only has it put Daugherty on the defensive but it has made his continuance as Attorney General a gross affront to the Nation, for the evidence is direct that Smith made corrupt use of his position, and the man who gave Smith his opportunities and power and who was Smith's closest friend and confidant is, through that circumstance, unfitted to administer the Department of Justice. To expect Daugherty to yield to the dictates of propriety would be absurd; to await legal judgment upon his record would be to continue for months the demoralization of the Department of Justice. President Coolidge alone has the power to end a situation which has become intolerable, and he alone bears the responsibility of ending it without further delay.

Mr. President, there is a newspaper that dares to speak out. It does not belong to that common herd of the crooked interests that assails the Senate and tries to destroy Senators because they are uncovering and disclosing an ugly, corrupt condition that exists in the Government. Every newspaper in the Nation ought to be crying out daily that the Senate should go on and on, until this fight is finished and we have had a genuine house cleaning at Washington.

Mr. President, it has been the history of every government in the world that when it reached that point where predatory interests get together and become a danger and a menace to the liberties of the people, they buy newspapers and employ such vehicles to shape public opinion and crush those who fight them and promote those who serve them. It has been the history, I say, of all governments that such things have happened. We have reached the point where the dollar is more potent and corruption in politics more dangerous than at any time ever in the history of this Government.

Mr. President, it is a challenge to the courage and honor of every honest man who sits in this body. I do not care whether he is a Democrat or a Republican, I propound to him—as the inspired writer did in the old days—the question "Who is on the Lord's side?" On which side do you battle in this conflict? Are you on the side of those who would pull down these institutions, who would barter justice, who would sell immunity from prosecution, who would rob the Nation and paralyze the instrumentalities of government to enrich them-

selves? Would you support and truckle to those who would refund money to the mighty rich and impose tax burdens upon the pitiful poor until their very homes are sold on the block for taxes? Oh, Mr. President, it is disgusting when we consider just how many agents of that kind there are under this Government.

And now, to-day, we have one of the ablest lawyers of the country—who also comes out of New York—challenging the right of a Senate committee to summon witnesses and take testimony. That is the climax of the whole thing. They have been trying for months to suppress the truth; they have tried to suppress free speech in this body; they have slandered those of us who dared to fight to get at the truth against the crooks in the Government; and now comes one of their brilliant lawyers and tells the constituted authority of the country, "You have no right to bring in these witnesses and ask them to tell their Government the truth."

I made the statement here the other day that if "Old Hickory" Jackson were living he would not hesitate to act in a situation of this kind, and a Republican paper—the official organ of the Republican Party, the National Republican, of March 22, 1924—attacked me in its columns. It says:

Senator HEFLIN, of Alabama, leader of the Democratic mud-gun battalion in the United States Senate, has asked the question, "What would 'Old Hickory' say if he were here?" The National Republican herewith gives the answer in the precise words of "Old Hickory" himself.

On March 28, 1834, the then President of the United States—Andrew Jackson, "Old Hickory"—having removed from office the Secretary of the Treasury—

The President of the United States, Andrew Jackson, made a statement regarding a resolution passed by the Senate condemning him not for failing to remove a Cabinet officer but for removing the Secretary of the Treasury.

Mr. President, it is nice to have a paper like this call you "the leader of the mud-gun battalion." It shows that they have felt my sword point, and I can assure them that they are going to feel it a good many more times, and they have also felt the sword points of the other members of the battalion. So when they single you out and mention you in an attack like this you may know that you have been operating on them and bringing great discomfort to them; so I appreciate the compliment.

Mr. President, I would rather have that said of me by this crooked bunch than to have them praise me as the greatest statesman who ever sat in this body. If I were ever to see such a statement from men like that about myself I would fall on my knees immediately and search my heart in an effort to find out what crooked thing I had done to cause that bunch to compliment me.

Mr. President, this very bunch would have called Patrick Henry a mud gunner. He was the eloquent man who went through the Colonies in the old days, when many were halting and hesitating about what they would do, and threw himself into the thick of the debate and said, "I know not what course others may take, but as for me, give me liberty or give me death"; and schoolboys to this day quote him the country over yet and the world over.

This crowd that call me a "mud gunner" are descended from those who burned Washington in effigy in New York in the days of the Revolution. They are descended from those who fled the country and went to Europe and remained in Great Britain until liberty had been achieved, and then they, who were too pusillanimous and cowardly to remain to fight for liberty, came back and enjoyed that which they were afraid to contend for in the days of the Revolution.

Here is the Jackson resolution that the Senate passed at the time I mentioned:

Resolved, That the President, in the late Executive proceedings in relation to the public revenue (removal of the Secretary of the Treasury), has assumed upon himself authority and power not conferred by the Constitution and laws but in derogation of both.

Here is the point I want to call attention to in that:

President Jackson went on to discuss the proposition in his reply to the Senate. Speaking about to whom the President was responsible, and so forth, he said:

Subject only to the restraints of truth and justice, the free people of the United States have the undoubted right, as individuals or collectively, orally or in writing, at such times and in such language and form as they may think proper, to discuss his official conduct and to express and promulgate their opinions concerning it.

I commend that to the Senator from Massachusetts [Mr. LODGE].

Indirectly, also, his conduct may come under review of either branch of the Legislature, or in the Senate when acting in its executive capacity; and so far as the executive or legislative proceedings of these bodies may require it, it may be examined by them.

He was for free speech, and he was for these bodies performing their proper functions.

At another place he said:

But to authorize the Senate to enter on such a task—

Inquiring into the President's acts—

In its legislative capacity the inquiry must actually grow out of and tend to some legislative or executive action; and the decision, when expressed, must take the form of some appropriate legislative or executive act.

What was the situation here? We had just passed the legislative act. We passed a joint resolution condemning the leases of the oil lands. We said that they were corrupt, that the act was fraudulent, and that Denby had violated the law and set aside the established custom of the Government when he did it. After this legislative act was out of the way we recited these things, and asked the President to call on the man guilty of them to retire from the Cabinet. I submit that we were within our rights when we did it; but the President rather lectured the Senate for even suggesting it to him. The right of petition has not yet been denied the common masses of the common people of this Government. They can petition the President now, signing their names to petitions; and surely the Senate of the United States, elected by the people in the various States in the sisterhood, has the right to petition the President in the form of a resolution asking him not to do something against the best interests of the country, but to do something in the interest of good judgment and in the interest of keeping honest, clean men in office. That is the offense of which we were guilty. The Republicans who printed President Jackson's letter overlooked the things that I am reading. Continuing, he said:

But the moral influence of a solemn declaration, by a majority of the Senate, that the accused is guilty of the offense charged upon him has been as effectually secured as if the like declaration had been made upon an impeachment expressed in the same terms.

Mr. President, in that instance it was a bare majority. They condemned the President for removing a dangerous public official, a member of his Cabinet, the Secretary of the Treasury. A bare majority passed a resolution condemning the President, and he was making answer to them; but what was the case here? My recollection is that there were 91 votes in favor of our joint resolution. Does anyone remember as to that?

I do not think there was a dissenting vote in the passage of this joint resolution. My recollection is that the whole Senate unanimously voted for it. So there was no division here; and some of the President's own partisans were in that column, in the list of those who voted to ask him to take this action, when we passed the Robinson resolution.

Here is another statement which runs parallel to the situation we have here. Listen to what "Old Hickory" said, this man of the people, who is quoted to this day as saying, "By the Eternal, the people shall rule!" If this bunch that attacks us and calls us "mud gunners" were to have something to say on that line now, they would say, "The oil magnates and purse-proud plutocrats shall rule," instead of the people.

Here is what he says:

The whole executive power being vested in the President, who is responsible for its exercise, it is a necessary consequence that he should have a right to employ agents of his own choice in the performance of his duties and to discharge them when he is no longer willing to be responsible for their acts.

Mr. President, how is it with the present President? Is he willing to be responsible longer for the acts of Mr. Daugherty? "Old Hickory" says that is the measure; that is the standard to go by. If the President is willing to be responsible for his acts, let him take the responsibility. Again I say the Republican editor of this paper, whoever he was, got the wrong document and printed it here.

In strict accordance with this principle, the power of removal, which, like that of appointment, is an original executive power, is left unchecked by the Constitution in relation to all executive officers for whose conduct the President is responsible.

Mr. Daugherty is under fire. Complaint is coming from all over the country. Senators are assailing him on this floor. Members are attacking him in the House. The committee is bringing out damaging testimony every day, and still he sits at

the head of the Department of Justice, refusing to retire. Jackson said it was up to the President as long as he was willing to be responsible for his conduct. Well and good.

Here is what he said in conclusion:

The President is the direct representative of the American people, but the Secretaries are not.

Meaning members of the Cabinet.

If the Secretary of the Treasury be independent of the President in the execution of the laws, then is there no direct responsibility to the people in that important branch of this Government to which is committed the care of the national finances?

Now, listen:

And it is in the power of the Bank of the United States or any other corporation, body of men, or individuals, if a Secretary shall be found to accord with them in opinion, or can be induced in practice to promote their views, to control through him the whole action of the Government (so far as it is exercised by his department), in defiance of the Chief Magistrate elected by the people and responsible to them.

Mr. President, what has been shown here? President Jackson was right. He ought to have removed this man. The situation in many respects was different. In the other instance the Senate was moving to ask the Chief Executive to remove a Cabinet officer. Why? Because the Senate had found that he had done something born in corruption and fraud, in violation of the law of the land, and against the fixed policy of the country. If that is not enough to cause a lawmaking body to ask the President to take action, I should like to have some Senator suggest to me what would be good cause for action. What did President Jackson say? He said that if a Secretary of the Treasury could be controlled by the United States Bank or other interests at that time, and the President had no control over him to remove him, the people would be helpless and that those interests could control the finances of the country.

What have we now? We have testimony here to the effect that an agent with the knowledge and consent of the Department of Justice was sent into the various States of this Union to see Federal district attorneys and Federal district judges; for what purpose? To see if arrangements could be made for these people to violate the law and not be punished, so that they could make thousands and hundreds of thousands of dollars.

As they were journeying around the country to corrupt district attorneys and corrupt district judges in order that they might carry on their criminal practice, the head of the Department of Justice was as silent as the tomb. Is there any testimony to the effect that he tried to stop it? Not one scintilla.

Mr. Quimby, you are the owner of these fight films?

Yes, sir.

Was any injunction ever issued to stop you?

No, sir.

Mr. President, that is an awful situation. The man whose duty it is to sit at the head of this great department, to see that the law is enforced, to see that criminals the country over are apprehended and punished, what is he doing? We are told that his friends and agents are going to the temple of justice and trying to corrupt those who are sworn to administer justice, and some district attorneys were satisfied, they tell us, and some judges, too, it would seem from the testimony, were satisfied, and no real prosecutions were had. One judge was so hostile, the witness states, and so angry when they sought to corrupt him, that they got away from there in a hurry, they did not get any comfort from him; therefore, they did not violate the law in that State.

Senators, these are terrible disclosures. This editorial in the Philadelphia paper calls attention to the fact that Jess Smith killed himself in Mr. Daugherty's apartment, and that he had willed Mr. Daugherty some of the estate he had left behind. Still, these foul and pusillanimous papers are assailing Senators for daring to bring these things out.

Senators who are shocked at these terrible disclosures are criticized and condemned because they do not hush and let the Republican Party have smooth sailing in its efforts to force upon the country another four years of corruption and scandal and crime.

Mr. President, the truth must be known. A political party ought to be held responsible for its acts from the time it takes control of the Government until it goes out of power. No party should and no party can escape that responsibility. Whenever the Democratic Party comes into power I want that party held responsible for the conduct of the President, of his Cabinet, of the Democratic Congress, and of Democratic officials the country over. If my party does not conduct the affairs of the Government in such a way as to commend it to the judgment and favor of the people whose Government this is, it ought to be

driven out of power; and if my party should forget its oath and should forget its training and its traditions and follow off false gods, and do what the Republican Party has done, it ought to be driven out of power, scorned and lashed from power.

Here we find the Republican Party, puny, whining, whimpering around, trying to hush up discussion and saying that the Senate is hysterical, that we have hysteria down here. I imagine they would say, "What if they did sell all the oil reserves of the Nation? What if they did leave the Government without a gallon of oil to fight some day to save the life of the Nation? What if they did sell hundreds of millions of dollars worth of oil? What of it? What if they did corrupt district attorneys and district Federal judges, barter justice, and sell immunity from prosecution? What if they did refund millions of money to big taxpayers and drive the poor man to the wall and sell his home for taxes? What of it?"

Mr. President, they will find "what of it." There are enough men and women in this country who have such courage and conviction, who have such an abiding love for right principles, that when they are heard from there will be a new order of things in the Capital of this Nation. If the things which are going on here now are not changed, if they are not destroyed outright, this Government can not survive.

Every public man who has dared to fight predatory interests in the past has been assailed and denounced as a demagogue or Bolshevik. What do I care for their denunciation of me when I stand and fight for the liberties of the people, the preservation of free institutions, for clean conduct in governmental affairs, for honest officials at the Capital of the Nation.

MUSCLE SHOALS.

Mr. HARRIS. Mr. President, I notice that the Senator from Nebraska [Mr. NORRIS], the chairman of the Committee on Agriculture and Forestry, is in the Chamber. I do not want to delay the consideration of the appropriation bill, but I want to ask the Senator from Nebraska if he will not give us some information as to when the Muscle Shoals bill passed by the House may be considered? I know he is doing his utmost in the matter and that his committee has been hard at work, but I wanted to ask him about this matter, as the farmers are deeply interested in the completion of the Muscle Shoals project so they may obtain cheaper fertilizers.

Mr. NORRIS. Mr. President, in reply to the Senator from Georgia, I will say that it will be taken up by the committee, in my judgment, just as soon as the committee can consider it. The Senate Committee on Agriculture and Forestry has been meeting every day since Congress began, with the exception, I think, of about four days. We have ahead of us now at least one bill besides the one on which we are having hearings, which we have agreed to take up, and the Senator from South Carolina [Mr. DIAL] was talking just to-day about a bill, unique in its character, I think something new along agricultural lines, but if it will work out as the Senator from South Carolina has outlined it, it will be something of a great improvement in the handling of agricultural products, including, particularly, cotton, in which the Senator from Georgia is himself interested.

I express no opinion about the Muscle Shoals bill. I have not examined it. I have been waited on by quite a good many people who are demanding a hearing on it. I expect to lay it before the committee, and inasmuch as it touches directly the present agricultural situation, I think we ought to take it up just as soon as we can possibly reach it. The committee will not take any recess, it will not take any rest, it will keep on going every day, and it will get to the Muscle Shoals matter just as soon as it possibly can. There is no doubt but that the bill will be properly and fully considered.

Mr. HARRIS. Mr. President, I know the Committee on Agriculture and Forestry has been busy ever since this session began; but in regard to the so-called Dial bill, to which the Senator from Nebraska has referred, I hope the Committee on Agriculture and Forestry will consider the Muscle Shoals matter first, and before anything else is considered, after they get through with the bill now before them. There is no doubt but that a majority of Senators would like to have the Muscle Shoals question settled ahead of the matter suggested by the Senator from South Carolina, or any other new measure, and I am glad to have the assurance of the Senator from Nebraska that there will be no delay about it.

Mr. HEFLIN. Mr. President, in this connection I wish to say to the Senator from Georgia that day before yesterday the Senator from Mississippi [Mr. HARRISON] and myself took up the matter of the Muscle Shoals development with the committee, mentioned our interest in the Ford offer to the chairman of the committee, and told him how anxious we were to get it up at an early date for consideration. My

understanding then was that the forestry bill was pending, and that they wanted to get that out of the way first. We hope to take the Ford offer up immediately following that. We will work to that end, and I may say to my friend from Georgia that we will leave no stone unturned in our efforts to get early and favorable action upon it.

Mr. HARRIS. Mr. President, of course those who are opposed to the development of Muscle Shoals are going to try to delay it by bringing in new offers, and doing everything else they possibly can to keep it in the committee and delay it, hoping Congress may adjourn before it is disposed of, but I know the Senator from Nebraska, as well as other Senators, members of the Agricultural Committee, will not allow that.

The people of my section are more interested in this legislation than almost any measure before Congress, and I sincerely hope there may be no unnecessary delay. I visited Muscle Shoals last fall and was assured by those in charge that the plant would be ready next year, and I think Congress should dispose of the matter during this session. It means cheaper fertilizers for the farmers who are now in such financial distress and we should give them every assistance possible.

AGRICULTURAL RELIEF—ALIEN PROPERTY CUSTODIAN FUNDS.

Mr. KING. Mr. President, the Senator from South Carolina [Mr. DIAL] a few moments ago called attention to a bill now pending before the Committee on Agriculture and Forestry. On its face the bill is very intriguing and commends itself to many persons. However, there are questions both national and international in character, which are involved and deserve careful consideration before this bill is passed. I rise not for the purpose of combating the general purpose of the bill but to call the attention of the author of the bill and the chairman of the committee [Mr. NORRIS] to some important international questions which must be considered.

In the first place, Mr. President, property in the hands of the Alien Property Custodian has been pledged by the German Government for the liquidation of claims of American nationals as they may be determined by the Mixed Claims Commission. The German Government has exercised the sovereign power, which belongs to all governments, to expropriate the property of its nationals. I do not go so far as to say that it has expropriated the corpus of the property, but it has expropriated the corpus for the time being, and the use of it for an indefinite period, and perhaps perpetually.

The Government having expropriated it and placed it in our hands as bailee or as custodian charged or impressed with certain obligations and restrictions, manifestly we may not dispose of the property, even though benefits might inure to the advantage of German nationals who may have an equitable interest in the property.

The constitution of the German Empire authorized the expropriation of property by the Government. The Republic of Germany has embodied in its constitution provisions authorizing the Government to exercise the right of eminent domain and to take the property, both real and personal, of its nationals for public use.

If the Government may take the fee of the property, the corpus of the property, for public use, obviously it may take the use of the property for a limited or for an indefinite period. If it may confiscate, so to speak, the body of the property, it may confiscate the use of the property, or any lesser part of the property than the entire fee or the entire ownership.

Under the treaty of Versailles Germany exercised its undoubted rights to expropriate the property of its nationals which was then in the hands of the Alien Property Custodian of the United States. It did exercise that right. It took that property, which was then in the hands of the Alien Property Custodian, by virtue of American statutes and in virtue of a treaty between the Government of Germany and the United States; agreed to leave it in the hands of the United States until Germany made suitable arrangements to pay whatever sums might be found to be due to American nationals from the German Government.

The Alien Property Custodian now holds such property in virtue of a statute of Congress or in virtue of the treaty which was negotiated between the United States and the German Government; he holds it as trustee, or as a bailee. When Congress legislated and authorized the seizure of the property of German nationals found within the United States it was solemnly declared upon the floor of the House and the Senate that the property was to be held in trust. It was

understood by Congress that when the war was over the property would be returned to its owners. No public official of the United States would have dared to espouse a cause which contemplated confiscation of the property of German nationals for any purpose. The United States for more than 100 years has led the fight for the immunity of private property of nationals of belligerent nations. We have stated that the property of American nationals upon the high seas, where not contraband, ought not to be subject to seizure in time of war. We have contended for a theory and practice more in consonance with civilization and with the development of a spirit of comity in all international relations.

So I say that when we passed the act of sequestration, we, in effect, said that the property seized was to be held in trust, not confiscated, not to be applied to the payment of the claims of the American Government or American nationals against Germany. However, when the treaty of Versailles was written Germany exercised, as I have stated, her undoubted right to say "The German Government will expropriate the use of the property of its nationals and will leave it in the hands of the Alien Property Custodian until the Mixed Claims Commission which may be established shall determine what is due to American nationals by the transgressions of the German Government against American nationals and until suitable provisions have been made to pay all just claims of American nationals."

When the treaty of Berlin was ratified nearly two years afterwards between the United States and the Berlin Government the same provision was placed in the treaty, but in the treaty it was stipulated that the property should be held by the Alien Property Custodian until the Mixed Claims Commission should report and Germany had made provision to pay any judgments that might be awarded against the German Government. It therefore becomes clear that the property, or at least the use of it, does not belong to the German nationals. I regret it. I regret that Germany seized, under the power of eminent domain, the property of its own nationals, because I have believed ever since the war was over that the property ought to have been restored to the German nationals; and in 1919 I offered a bill in the Senate to restore that property regardless of the claims which American nationals or the American Government might have against German nationals or against the German Government. I was unwilling that the United States should be charged with having confiscated the property of the nationals of any country who had invested their property in virtue of treaty provisions in the United States.

So the German Government having taken over the property, at least the use of it, we can not legislate respecting it without the consent of the German Government. If we should tomorrow pass an act of the character indicated by the Senator from South Carolina [Mr. DIAL] and organize a corporation and use that property for commercial purposes as indicated by the Senator's bill, without the consent of the German Government, the German Government could say to us, "We put into your hands as bailee three or four hundred million dollars to guarantee the payment of claims of American nationals against the German Government. You have squandered the assets so placed in your hands as bailee. We therefore claim a credit pro tanto upon all judgments that may be entered by the Mixed Claims Commission against the German Government."

Mr. DIAL and Mr. NORRIS addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Utah yield, and if so, to whom?

Mr. KING. I first yield to the Senator from South Carolina, and then I shall be glad to yield to the Senator from Nebraska.

Mr. DIAL. I want to call the Senator's attention to the fact that my bill does not change the existing situation in that respect at all. It provides merely for the use. Perhaps the Senator has overlooked the idea that the consent of Germany to these things must be obtained. If they do not consent there is no way to compel them to do so. Therefore I fear the Senator has not studied the measure carefully on that point.

Mr. KING. If we attempt to control the use of it or to use it, that is a violation of the terms under which the ballment was created and to that extent is an infringement upon its title even if we transmute it from bonds into cash and from cash into stocks which are employed for commercial purposes. The bill of the Senator if enacted into law and executed would be tantamount to a conversion of the property.

Mr. DIAL. By consent of all the parties in interest.

Mr. KING. Of course, if the consent of every owner and the consent of the German Government is obtained, and if the German Government will waive its rights as an owner of the use, if not the corpus of the property, and consent that the terms of the bailment may be abrogated, a different question is presented.

Mr. DIAL. I do not want to mislead the Senator. I do not mean the consent of the former owner, but the consent of the German Government itself, and, of course, of the Alien Property Custodian, if that be necessary.

Mr. KING. I yield now to the Senator from Nebraska.

Mr. NORRIS. Of course, I am very much interested in this matter for two reasons; first, because, from the slight examination I have made of the bill, it is a very unique proposition. If it can be worked out, I have no doubt that vast good would come to the agricultural people of the country as well as to the people of foreign countries with which we would do business with this money. I have not tried to analyze it yet, but the thing that struck me right away was that we have no honorable right to use this money that is not ours unless we use it with the consent of the people to whom it may belong.

I understand the fund is being held as a guaranty only for the losses that our nationals may have sustained by the acts of the German Government. When those losses, if any, are ascertained and paid for, whatever balance is left in the hands of the Alien Property Custodian goes not to the German Government or the Austrian Government or the Hungarian Government but to the nationals of those Governments whose property has been seized by our Government. Now, this question arose at once in my mind—

Mr. KING. But the Senator will see that the assertion of the right of eminent domain was exercised by the German Government in taking the use of the property, if it did not take the corpus. It said, "We take the use of that property for an indefinite period under the power of eminent domain and we leave it with the Alien Property Custodian and make him our bailee." There probably is a divided ownership of the property. The German Government has an interest in it, asserted under the power of eminent domain, and the owners of the property have an interest in it, equitable or otherwise. We can not determine that until we know exactly the position which Germany is going to take with respect to the property.

Mr. NORRIS. This is the question I wanted to ask the Senator: Would we clear ourselves and be acting in a perfectly equitable way if we use this money, even with the consent of the German Government?

Mr. KING. No.

Mr. NORRIS. I am speaking now of the Government. If it is required, furthermore, not only in order to act honorably—and I assume nobody would want to take any other course—if we provide in the law that it should be necessary before any of this money could be used that the consent not only of the German Government should be secured but of the German nationals to whom the money might ultimately have to be paid, would that relieve it of all question, assuming we could get the consent from those two sources?

Mr. KING. I will say frankly to the Senator that the matter was called to my attention a moment ago by the Senator from South Carolina [Mr. DIAL]. I did not hear all of his discussion. I came into the Chamber when he was speaking. I was prompted to make these rather desultory observations because of a statement which he made which seemed to me did not recognize the restrictions under which title to the property was held.

I am inclined to think, and I am merely thinking aloud without having carefully reflected, that if we could get the consent of all owners of the property freely expressed, and of all persons who may have any liens or interest in the property, as well as the consent of the German Government expressed by a proper and solemn declaration, as solemn as the treaty itself—perhaps it should be a statute—then, speaking as a mere question of right, we might have the right to carry out the plan suggested by the Senator from South Carolina.

The question of policy is one as to which I express no opinion, but I invite the attention of the Senator to the fact that much of that property is held by estates or by corporations. It is impressed with various trusts. A multitude of people in Germany may be interested in one trust or one piece of property. We might have to get the consent of the courts, of minor heirs, of insurance companies, of hundreds and thousands of individuals and organizations and corporations and partnerships and trustees, so that it would be practically impossible to clear the title and to secure consent. It would take years.

We would have to bring an action in equity, perhaps in Germany, and bring into court all persons having an interest and then get a decree of the court authorizing and permitting the thing to be done.

Mr. NORRIS. The Senator is assuming in that statement that we would have to get the consent of all of those people. I do not know what the facts are, but I understand that some of the items making up the large fund now held by the Alien Property Custodian are very large and that there could be used a large amount of this property by getting the consent of a comparatively few corporations or individuals. I do not know what the facts are in regard to it, though I have been told that is true by persons before whom I have laid practically the same proposition which the Senator has now so much better laid before the Senate. I have been told that that is the case; that in carrying out the idea there would be no difficulty, and that there is no intention of those behind the bill to use any of the money in a manner that would in any way violate any duty that the Government owes as custodian and trustee of the fund. As I said to the Senator awhile ago, I do not know whether or not it can be worked out, and at first blush I cast it aside, as I had cast aside hundreds of propositions which had been presented to me in the last year or so to relieve the agricultural situation. I thought there was nothing in it. It struck me, however, when I went into the matter a little further and talked to others about it, without ever attempting to go to the bottom of it, that it was well worthy of investigation. If it can be done, if we can devise a scheme by which this fund which is now lying idle may be utilized in promoting trade in agricultural products between this country and the countries of the nationals who really own the fund or are expected to own it in the end, in my judgment, it would be a wonderful thing; and because I think it would be so wonderful I am in favor of the committee examining the matter, going into it, and seeing whether we can reach any solution. We have been rather unsuccessful so far in getting any relief which, in my judgment, would be of very much benefit to agriculture in this country.

Mr. BAYARD. Mr. President—

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Delaware?

Mr. KING. I yield.

Mr. BAYARD. I desire to suggest to the Senator from Utah that last summer, when the case of the Alien Property Custodian against the Allied Chemical Foundation was tried in the district court of Delaware, Mr. Miller, the Alien Property Custodian, testified, in substance, on the stand upon cross-examination, that if he were able to get back into his hands as custodian the several patents for which he was suing in that case he would eventually, after the adjustment of the fund in his hands, turn those patents over to individual owners in Germany. He kept protesting all the way through his testimony that he was the custodian, the trustee of this fund. If the power is given to obtain a repossession of those patents, which had been sold by a prior custodian, for the purpose eventually of turning them back to the owners, with his continued reiteration of his trusteeship, I do not see how he could possibly undertake in this case to father this measure, thrust aside the terms of that trust, and let the property go out of his hands under any guaranty of legislative action, of court action, or otherwise, he being a continuing trustee. Nor do I see how we, having created his office, having created the possibility of his becoming trustee and therefore having made him trustee, can undertake at this time to turn around and allow him to do otherwise with these trust funds than the original act provided. That is the suggestion I have to make to the Senator from Utah.

Mr. KING. Mr. President, I think the Senator from Delaware has stated the matter very clearly. In brief, the proposition is this: For many years we had treaties with Germany. The first one was negotiated with Prussia in 1787—more than a hundred years ago—and another treaty was negotiated in 1832, as I recall, or 1837. Under the terms of those treaties—and I might say that their terms were perpetuated and existed between the United States and the German Government when the World War broke out—the nationals of the United States had the right to invest in Germany and German nationals had the right to invest in the United States and to come here freely subject, of course, to the immigration laws. Under those treaties German nationals invested in the United States hundreds of millions of dollars.

When the United States entered the World War Congress passed a law authorizing the sequestration of this property. It was stated in solemn manner, however, that that property was

to be held by the United States as trustee; and it was clearly indicated in the debate, both in the House and in the Senate, that when the war was over the property would be returned to its owners.

When the war was over, however, we did not return the property. I introduced a bill in 1919 providing for the restoration of the property, which slumbered in the committee. The sentiment was against it, and I could get no favorable action. At the last session, in a spirit of magnanimity and belated justice, we did enact a law for the restoration of property aggregating between forty-five million and fifty million dollars.

The Allen Property Custodian holds that property either as trustee for the German nationals or trustee for the German Government or both. It is clear that it would be a violation of all of the obligations resting upon the United States if we should take that property, convert it or change its form without the consent of every person and every government that has the remotest interest therein. So I suggest to the chairman of the Committee on Agriculture and Forestry that the legislation proposed should be carefully scrutinized. Otherwise, we shall be charged in the years to come with a breach of international duty and of solemn obligations, and we may lose property or lose guaranties under which we may require the German Government to pay the claims of American nationals for the transgressions of Germany during and before the World War.

During the delivery of Mr. KING's speech,

The PRESIDING OFFICER (Mr. NEELY in the chair). The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The READING CLERK. A joint resolution (S. J. Res. 4) proposing an amendment to the Constitution of the United States relative to the adoption of amendments thereto.

Mr. WADSWORTH. I ask unanimous consent that the unfinished business be temporarily laid aside for the purpose of permitting the Senate to continue consideration of the deficiency appropriation bill now before it.

Mr. WARREN. I thank the Senator, and hope permission may be granted.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

After the conclusion of Mr. KING's speech,

Mr. HARRIS. Mr. President, I should like to ask a question of the Senator from South Carolina [Mr. DIAL]. I have been very much interested in his bill, as other Senators have, for the able Senator from South Carolina always has practical suggestions to offer. I want to know, however, if he will not agree not to press his bill before the Agriculture Committee until after action shall have been taken on the Muscle Shoals proposition by that committee. I know the Senator, in common with other Senators from the South, is greatly interested in the Muscle Shoals measure, as it means cheaper fertilizers for the farmers and makes our Government independent of Chile nitrates, which are necessary in war time in the manufacture of munitions.

Mr. DIAL. I am greatly interested in the Muscle Shoals bill. The people of my State need a great deal of fertilizer, and they need cheap fertilizer. I hope that the Muscle Shoals bill will provide it. I have no objection to giving way to the Muscle Shoals bill, if a promise can be made as to early action on it. I do not wish, however, to lie down here and go to sleep and accomplish nothing. I think we ought to go ahead and pass some real legislation for the benefit of the country, and especially the agricultural interests.

Mr. HARRIS. The chairman of the Committee on Agriculture and Forestry says there will be no delay in the consideration of the Muscle Shoals measure, and I sincerely hope the matter may soon be disposed of by the Senate.

FIRST DEFICIENCY APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7449) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1924, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1924, and for other purposes.

The PRESIDING OFFICER. The bill will be read for action on the amendments of the committee.

The reading clerk proceeded to read the bill.

The first amendment of the Committee on Appropriations was, under the heading "Legislative," on page 2, after line 1, to insert:

SENATE.

To pay Ida G. Nelson, sole surviving child and heir at law of Hon. Knute Nelson, late a Senator from the State of Minnesota, \$7,500.

The amendment was agreed to.

The next amendment was, on page 2, after line 5, to insert:

To pay Paul Dillingham, sole heir at law of Hon. William P. Dillingham, late a Senator from the State of Vermont, \$7,500.

The amendment was agreed to.

The next amendment was, on page 2, after line 8, to insert:

To pay Edward D. Nicholson and Ruth Nicholson Melville, sole surviving children and heirs at law of Hon. Samuel D. Nicholson, late a Senator from the State of Colorado, \$7,500.

The amendment was agreed to.

The next amendment was, on page 2, after line 12, to insert:

To enable the Secretary of the Senate to pay from the appropriation for 1924, for compensation for clerical assistance to Senators not chairmen of committees, to Henry G. Telgan for services as clerk rendered Hon. MAGNUS JOHNSON, Senator from the State of Minnesota, at the rate of \$2,500 per annum, and increase of compensation at the rate of \$240 per annum from July 17 to 31, 1923.

The amendment was agreed to.

The next amendment was, on page 2, after line 19, to insert:

For payment to James R. Wick for services rendered the Committee on the District of Columbia during the investigation of traffic conditions in the District of Columbia, from November 10, 1923, to February 10, 1924, \$1,000.

The amendment was agreed to.

The next amendment was, on page 2, after line 23, to insert:

For additional salary of the Deputy Sergeant at Arms and storekeeper of the Senate for the fiscal year 1924, \$860.

The amendment was agreed to.

The next amendment was, at the top of page 3, to insert:

For payment of expenses incurred by the Sergeant at Arms on account of attendance of Senators at the funeral of the late President Warren G. Harding, \$5,000.

The amendment was agreed to.

The next amendment was, on page 3, after line 3, to insert:

For purchase of furniture, \$5,000.

The amendment was agreed to.

The next amendment was, on page 3, after line 4, to insert:

For stationery for Senators and the President of the Senate, including stationery for committees and officers of the Senate, \$5,000.

The amendment was agreed to.

The next amendment was, on page 5, after line 6, to insert:

PUBLIC BUILDINGS COMMISSION.

For expenses of the Public Buildings Commission, including an allowance of \$20 per month, from October 1, 1923, for the use of a motor-propelled passenger-carrying vehicle, and the General Accounting Office is authorized to credit the account of the disbursing officer of the said commission with \$180 for expenditures heretofore made for such purpose, and to remain available until expended, \$10,000.

The amendment was agreed to.

The next amendment was, under the subhead "Architect of the Capitol," on page 5, after line 19, to insert:

Senate Office Building: For construction of an additional suite of rooms, including personal and other services and printing, as authorized by the Senate Committee on Rules, \$12,000.

Mr. WARREN. Mr. President, I have here an amendment to correct an error in the amendment as printed, striking out the words "and printing," and inserting "painting and."

The PRESIDING OFFICER. The Senator from Wyoming offers an amendment to the committee amendment, which will be stated by the Secretary.

The PRINCIPAL CLERK. On page 5, line 22, in the committee amendment, it is proposed to strike out the words "and printing," and in line 21, after the word "including," to insert the words "painting and."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 5, after line 23, to insert:

For the purchase of rugs and repair of old rugs for the Senate Office Building, including personal and other services, \$12,500.

The amendment was agreed to.

The next amendment was, on page 8, after line 22, to insert:

STATE, WAR, AND NAVY DEPARTMENT BUILDINGS.

Of the appropriation for salaries, office of the Superintendent State, War, and Navy Department Buildings, provided by the executive and independent offices appropriation act for the fiscal year 1924, ap-

proved February 13, 1923, \$75,000 shall be available for the erection of a temporary boiler plant for heating the Navy and Munitions Buildings and other Government buildings in the vicinity of such buildings, including expenses incident to the setting of the boilers, the procurement of oil-burning equipment, and so forth, and shall remain available therefor until June 30, 1925. Any balance of the appropriation for fuel, light, and miscellaneous items provided by the aforementioned act for the same office shall be available for use in connection with the erection of the temporary heating plant referred to above if expended during the fiscal year for which it was appropriated.

The amendment was agreed to.

The next amendment was, under the head "District of Columbia, contingent and miscellaneous expenses," on page 12, after line 14, to insert:

For rent of offices of the recorder of deeds, \$1,600.

The amendment was agreed to.

The next amendment was, on page 12, after line 14, to insert:

PUBLIC CONVENIENCE STATIONS.

For maintenance of public convenience stations, including compensation of necessary employees, \$5,000.

The amendment was agreed to.

The next amendment was, on page 14, after line 10, to insert:

PARKS.

Kling Valley Boulevard and Highway: The Commissioners of the District of Columbia are authorized and directed to acquire, by purchase or condemnation, the land that may be necessary for boulevard and highway purposes to preserve the Kling Valley Road, as said land is designated on the map filed in the office of the surveyor of the District of Columbia, known as Kling Valley Park Map No. 1002; and for the purposes stated there is hereby appropriated \$200,000, or so much thereof as may be necessary: *Provided*, That should the said commissioners decide to institute condemnation proceedings in order to secure any or all the land herein authorized to be acquired, such proceedings shall be in accordance with the provisions of the act of Congress approved August 30, 1890, providing a site for the enlargement of the Government Printing Office (Stat. L., vol. 26, ch. 837): *Provided further*, That the said commissioners are authorized to reduce the area to be acquired as indicated on said map, where, by reason of improvements constructed, or unreasonable prices asked, or for other reasons in their judgment, the public interest may require: *Provided*, That said lands, when acquired, shall form part of the park system of the District of Columbia.

The amendment was agreed to.

The next amendment was, under the heading "Department of Agriculture," on page 17, after line 2, to insert:

General expenses, Office of Experiment Stations: For necessary expenses to repair damage by typhoon to buildings, fences, etc., of the agricultural experiment station on the island of Guam, \$3,500.

The amendment was agreed to.

The next amendment was, on page 17, after line 20, to insert:

Protection of the so-called Oregon and California railroad lands and Coos Bay wagon road lands: To enable the Secretary of Agriculture to establish and maintain a patrol to prevent trespass and to guard against and check fires upon the land revested in the United States by the act approved June 9, 1916, and the lands known as the Coos Bay wagon road lands involved in the case of Southern Oregon Co. v. United States (No. 2711) in the Circuit Court of Appeals of the Ninth Circuit, \$11,900.

The amendment was agreed to.

The next amendment was, on page 18, after line 6, to insert:

BUREAU OF ENTOMOLOGY.

Preventing spread of moths: To enable the Secretary of Agriculture to meet the emergency caused by the continued spread of the gypsy moth by conducting field-control operations in the New England States, New York, and New Jersey, in cooperation with the States concerned, including the employment of persons and means in the city of Washington and elsewhere and all other necessary expenses, \$70,000.

The amendment was agreed to.

The next amendment was, under the heading "Department of Labor, Bureau of Immigration," on page 32, after line 13, to insert:

For refund to French Line, New York City, of immigration fine erroneously assessed and collected in the case of the alien Mordechai Waintraub, \$200.

The amendment was agreed to.

The next amendment was, at the top of page 38, to insert:

DEPARTMENT OF STATE.

BRIEF AND PROTECTION OF AMERICAN SEAMEN.

For relief and protection of American seamen in foreign countries, including the same objects specified under this head in the Diplomatic and Consular appropriation act for the fiscal year 1922, \$4,311.31.

The amendment was agreed to.

The next amendment was, at the top of page 38, to insert:

TRANSPORTING REMAINS OF DIPLOMATIC AND CONSULAR OFFICERS, CONSULAR ASSISTANTS, AND CLERKS TO THEIR HOMES FOR INTERMENT.

For defraying the expenses of transporting the remains of diplomatic and consular officers of the United States, including the same objects specified under this head in the act making appropriations for the Departments of State and Justice and for the judiciary for the fiscal year 1923, \$1,675.74.

The amendment was agreed to.

The next amendment was, on page 38, after line 15, to insert:

INTERNATIONAL RADIOTELEGRAPHIC CONVENTION.

For an additional amount to meet the share of the United States, as a party to the International Radiotelegraphic Conventions heretofore signed, of the expenses of the radiotelegraphic service of the International Bureau of the Telegraphic Union at Berne, for the fiscal years that follow:

For 1922 and 1923, \$2,439.76; for 1923 and 1924, \$3,500.

The amendment was agreed to.

The next amendment was, at the top of page 39, to insert:

EMBASSY BUILDING AND GROUNDS, PARIS, FRANCE.

For the acquisition in accordance with the acts approved February 17, 1911, and March 2, 1923, of a site and building or buildings in Paris, France, to be used as the American Embassy, and for the repair, alteration, and furnishing of said building or buildings, \$150,000, in addition to the amount already appropriated.

The amendment was agreed to.

The next amendment was, on page 39, after line 7, to insert:

INTERNATIONAL RAILWAY CONGRESS.

To pay the quota of the United States as an adhering member of the International Railway Congress, \$400.

The amendment was agreed to.

The next amendment was, on page 39, after line 10, to insert:

INTERNATIONAL BUREAU OF THE PERMANENT COURT OF ARBITRATION.

For an additional amount to meet the share of the United States of the expenses for the calendar year 1922 of the International Bureau of the Permanent Court of Arbitration created under article 22 of the convention concluded at The Hague July 29, 1899, \$575.

The amendment was agreed to.

The next amendment was, on page 39, after line 17, to insert:

INTERNATIONAL SANITARY BUREAU.

For an additional amount to meet the annual share of the United States for the maintenance of the International Sanitary Bureau, \$154.29.

The amendment was agreed to.

The next amendment was, on page 39, after line 21, to insert:

CAPE SPARTEL LIGHT, COAST OF MOROCCO.

For annual proportion of expenses of Cape Spartel and Tangier Light on the coast of Morocco, including loss by exchange, \$136.

The amendment was agreed to.

The next amendment was, at the top of page 40, to insert:

INTERNATIONAL INSTITUTE OF AGRICULTURE AT ROME, ITALY.

For expenses of delegates to the general assembly of the International Institute of Agriculture, to be held at Rome during the year 1924, \$10,045, to be expended under the direction and in the discretion of the Secretary of State, and for the payment of additional quotas of the United States incident to the admission of Hawaii, the Philippines, Porto Rico, and the Virgin Islands to membership in the International Institute of Agriculture at Rome, Italy, \$5,000; in all, \$15,045; to remain available until June 30, 1925: *Provided*, That no part of this appropriation shall be used for travel pay of any person unless said person travels on United States ships.

Mr. HARRIS. Mr. President, the International Institute of Agriculture at Rome has done a splendid work. I happen to be familiar with what it has accomplished. If a personal reference may be pardoned, when I was Director of the Census and Acting Secretary of the Department of Commerce Mr. David Lubin, who was entirely responsible for the organization of this

institute and has done great work, was in Washington and had a meeting of representatives of the different departments of the Government interested in this work. I was chairman of the committee of the Government department representatives, and I took a great interest in it.

Heretofore the United States has sent only three delegates to this institute. The sending of nine, to my mind, is a waste of money and is simply to let several men have a junket.

Mr. WARREN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Wyoming?

Mr. HARRIS. Certainly.

Mr. WARREN. I was going to ask if we had not better lay this amendment aside now and take it up at the end of the bill. There is a rather small attendance here now, and we may want to call in other Senators.

Mr. HARRIS. I shall be glad to do so, and will discuss the matter later on.

The PRESIDING OFFICER. The amendment will be passed over for the present. The Secretary will continue the reading of the bill.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the subhead "Federal Farm Loan Bureau," on page 42, after line 6, to insert:

For traveling expenses of the members of the board and its officers and employees; per diem in lieu of subsistence not exceeding \$4; and contingent and miscellaneous expenses, including books of reference and maps, and exclusive of stationery and printing and binding, payable from assessments upon Federal and joint-stock land banks, \$5,000.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Internal Revenue," on page 42, after line 13, to insert:

To enable the Secretary of the Treasury to refund money covered into the Treasury as internal-revenue collections, under the provisions of the act approved May 27, 1908, \$242,000.

The amendment was agreed to.

The next amendment was, on page 47, after line 7, to insert:

MINTS AND ASSAY OFFICES.

Boise, Idaho, assay office: For incidental and contingent expenses, \$300.

The amendment was agreed to.

The next amendment was, on page 47, after line 19, to insert:

MARINE HOSPITALS.

Key West, Fla., Marine Hospital: For wells, pump, pump house, electric feeders, pneumatic-pressure tank, piping and fittings, to provide water supply for plumbing and for fire protection, \$5,500.

The amendment was agreed to.

The next amendment was, under the heading "Judgments, United States Courts," on page 51, line 13, before the word "House," to insert "Senate Document No. 69 and," so as to read:

For payment of the final judgments and decrees, including costs of suits, which have been rendered under the provisions of the act of March 3, 1887, entitled "An act to provide for the bringing of suits against the Government of the United States," as amended by the Judicial Code, approved March 3, 1911, certified to Congress during the present session by the Attorney General in Senate Document No. 69 and House Document No. 146, and which have not been appealed, namely:

The amendment was agreed to.

The next amendment was, under the heading "Judgments, United States Courts," on page 51, after line 15, to insert:

Under the Department of Commerce, \$7,500;

The amendment was agreed to.

The next amendment was, on page 51, line 17, to insert:

Under the Department of Labor, \$3,074.30;

The amendment was agreed to.

The next amendment was, on page 51, line 21, after the words "War Department," to strike out "\$10,331.14" and to insert "\$12,381.44," so as to read:

Under the War Department, \$12,381.44;

The amendment was agreed to.

The next amendment was, on page 51, line 25, after the words "in all," to strike out "\$50,355.93" and to insert "\$62,980.23," so as to read:

Under the United States Shipping Board, \$4,782.47; in all, \$62,980.23, together with such additional sums as may be necessary to

pay interest on the respective judgments at the rate of 4 per cent from the date thereof until the time this appropriation is made.

The amendment was agreed to.

The next amendment was, on page 53, line 22, before the word "House," to insert "Senate Document No. 70 and," so as to read:

JUDGMENTS, COURT OF CLAIMS.

For payment of the judgments rendered by the Court of Claims and reported to Congress during the present session in Senate Document No. 70 and House Document No. 147, excluding the judgment in favor of the New York and Porto Rico Steamship Co., namely.

The amendment was agreed to.

The next amendment was, on page 54, at the end of line 1, to increase the appropriations for payment of judgments rendered by the Court of Claims, under the Navy Department, from "\$454,294.17" to "\$547,837.05."

The amendment was agreed to.

Mr. WARREN. Mr. President, the rest of the bill consists of judgments of courts and adjustments of accounts which have been settled and which merely require the appropriation of the money. Unless there is some desire to have them read we can accept them as they are, because there is no question as to their origin or their settlement, I think; but, of course, I will conform to whatever the pleasure of the Senate may be. I have, however, some amendments here to offer in the meantime.

Mr. KING. Mr. President, may I inquire of the Senator whether the amendments of the Senate committee have been passed upon?

Mr. WARREN. The amendments of the Senate committee have been passed upon; and there is one which I think the Senator will wish to have reconsidered, as it was agreed to in some haste. I am sending to the desk, however, a matter that I am instructed by the committee to offer, which may be out of order, and I simply present it for unanimous consent.

The PRESIDING OFFICER. The chairman of the committee offers an amendment, which will be stated by the Secretary.

The READING CLERK. On page 31, line 5, after the word "years," it is proposed to insert:

And amounts heretofore and hereafter appropriated under this title shall be available for expenses properly chargeable thereunder authorized or approved by the Attorney General.

The amendment was agreed to.

The READING CLERK. On page 11, after line 22, it is proposed to insert the following:

PUBLIC UTILITIES COMMISSION.

For the employment of special legal services for the Public Utilities Commission, as authorized by paragraph 91, section 8, of the act approved March 4, 1913, entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes," to continue available until June 30, 1925, \$4,500.

The amendment was agreed to.

The READING CLERK. On page 43, line 22, after the numerals "1925" and before the semicolon, it is proposed to insert:

Provided, That any part of this appropriation may be used, in the discretion of the Secretary of the Treasury, for repairs or alterations to, or for equipping and placing in commission, vessels or boats transferred from the Navy Department to the Treasury Department for the use of the Coast Guard.

Mr. KING. Mr. President, may I inquire of the Senator if that is the appropriation of some \$13,000,000 for the buying of boats to be employed in the enforcement of the prohibition act?

Mr. WARREN. Mr. President, there are appropriations other than the \$13,000,000 that the Senator speaks about; but this matter of changing the boats is undoubtedly for that purpose, either under appropriations that are made in the regular way, annually, or under that particular amendment. It simply provides that he may spend a small amount to alter boats or to buy new ones.

Mr. KING. I should like to ask the Senator, with respect to the very large item under the head of Coast Guard, nearly \$14,000,000, whether the question was considered of utilizing the boats which are now owned by the Navy, and which with perhaps but slight repairs would be available for the purpose desired?

Mr. WARREN. It not only was considered, but it is so provided, and right in line with that is the amendment which has just been read. In order to make these boats useful it is necessary to have some that are very swift. There are some of these Navy boats that can be made useful that are

not sufficiently swift to overtake others within the limit. Consequently, these small craft that are provided for in the appropriation will be so equipped as to make perhaps 30 or 35 knots, where these other slower vessels could not do the work. The proposition is to use everything that the Navy has that can be spared for this new use, and, as I have said, the amendment at the desk deals with repairs. Of course we shall increase the speed of the boats, because then they will be in perfect order. The Senator does not object, does he, to the amendment that I have just sent up?

Mr. KING. I confess that I did not understand its full significance. If the Senator will explain its purpose I shall be very glad.

Mr. WARREN. That is the purpose; to put those boats of the Navy in condition for this work of the Coast Guard.

Mr. LODGE. What is the amount of this appropriation?

Mr. WARREN. It is no appropriation at all in itself. It simply provides that of one of the appropriations made some of the money may be used in this way.

Mr. LODGE. I have not looked into this carefully, but I do know that at the close of the war, and at the time of the Conference on Limitation of Armament, we had a larger number of destroyers than any other power. We had more than Japan and England together, because we set aside all other building, as that was the weak point, and, as the Senator will probably recall, our allies wanted us to build that class of ships.

Mr. KING. I remember.

Mr. LODGE. I do not know what boats are referred to, but we have a great many more destroyers than we can possibly use; they are out of balance with the rest of the Navy, and most of those boats which are built must be new boats. I have always understood they were 30-knot boats. They are the last word in destroyers.

Mr. KING. That was my understanding.

Mr. LODGE. They are 1,100-ton boats, and very fast. I do not know whether those are the boats they plan to use or not, but they are extremely fast.

Mr. HALE. Mr. President, I think I can tell the Senator about those.

Mr. LODGE. No doubt the Senator can.

Mr. HALE. The plan is to take 20 of the older destroyers of the Navy, which are now out of commission, and turn them over to the Coast Guard for their use. Those are the smaller of the destroyers, and most of the 20 boats are destroyers of 750 tons, with a speed of from 30 to 32 knots an hour. They are boats about 238 feet long, I think. In addition to those 750-ton boats, there are also a few boats of 1,000 tons, which are to be used, which have a little higher speed than the 30 to 32 knot boats. None of the more modern destroyers, which have a speed of 35 knots and which are now in the first line, are to be used; but, as the Senator from Massachusetts has said, we have a large number of older destroyers which are now out of commission, and some of which can well be used for this purpose.

Mr. LODGE. But the more recently built boats are very fast, as the Senator from Maine knows. They are about 1,100-ton boats.

Mr. HALE. They are 1,200-ton boats.

Mr. LODGE. I thought we had a great surplus of those.

Mr. HALE. We have a surplus of those also, which are kept out of commission.

Mr. KING. I would like to ask the Senator from Maine if it is not the intention to build new ships with this \$12,000,000 or more?

Mr. HALE. I think not at all. Certainly no large ships.

Mr. KING. Is there any limitation?

Mr. HALE. I have not seen any limitation. My information is simply about the ships of the Navy.

Mr. WARREN. Would it not simplify matters to have the paragraph of the bill as it passed the House, commencing on page 43, under the head of "Coast Guard," read for the information of the Senate?

Let me say that at the end of that paragraph there should be read the last one of the amendments I offered, so that the Senate may have that in mind. Before that is read, I want to say that it does become a part of that \$12,000,000 item as an amendment.

Mr. KING. It is obvious that under this the Secretary has the right to construct boats. He can spend that \$12,000,000 in that way.

Mr. WARREN. Would it not be better to have the amendment read?

Mr. KING. I would be glad to have the section read.

The PRESIDING OFFICER. The Secretary will read.

The reading clerk read as follows:

Following the amendment heretofore agreed to, on page 43, after line 22, it is proposed to insert the following:

"The Secretary of the Navy is hereby authorized to transfer to the Treasury Department, for the use of the Coast Guard, such vessels of the Navy, with their outfits and armaments, as can be spared by the Navy and as are adapted to the use of the Coast Guard.

"The President, by and with the advice and consent of the Senate, is authorized, in his discretion, temporarily to appoint in the Coast Guard not exceeding 2 captains, 15 commanders, 25 lieutenant commanders, 45 lieutenants, 42 lieutenants (junior grade) and ensigns, 1 commander (engineering), 11 lieutenant commanders (engineering), 10 lieutenants (engineering), 40 lieutenants (junior grade) (engineering) and ensigns (engineering), in addition to the number now allowed by law in those grades; said temporary appointments shall continue in force only until otherwise directed by the President or until Congress shall amend or repeal the same.

"All original temporary appointments shall be made in grades not above that of lieutenant in the line or lieutenant (engineering) in the Engineer Corps; *Provided*, That the original temporary appointments authorized by this act shall be made only after the candidate in each case has satisfactorily passed such examinations as the President may prescribe; the maximum age limit shall be 40 years for original temporary appointment.

"Names of all persons who receive original temporary appointments as commissioned officers of the Coast Guard, other than as chief warrant officers, under the authority contained in this act shall be placed upon a special list of officers of the Coast Guard as distinguished from the list of regular officers of the Coast Guard as now authorized by law. Officers on said special list may be promoted, in the discretion of the President and without regard to length of service, to grades not above lieutenant or lieutenant (engineering) on said special list, or may be reduced in grade in the discretion of the President, provided that the number of additional temporary officers as authorized in this act for any grade be not exceeded; *Provided*, That the President may, in his discretion, call for the resignation of, or may dismiss, any officer on said special list for unfitness or misconduct; *Provided further*, That no person on said special list shall be entitled to any right of retirement on account of his status as a temporary officer of the Coast Guard.

"Officers holding permanent commissions in the Coast Guard may be temporarily advanced in order of seniority to fill any of the temporary commissioned positions authorized by this act. The permanent commissions of officers thus temporarily advanced shall not be vacated by reason of such temporary advancement nor shall said officers be prejudiced in their relative lineal rank in regard to their promotion as provided for in existing law; *Provided*, That no officer who shall receive a temporary promotion under this act shall be entitled to pay or allowances except under such temporary promotion; *Provided further*, That upon the termination of the temporary promotions authorized by this act the regular officers so promoted shall revert to the rank and grade from which temporarily promoted unless such officers in the meantime, in accordance with law, become entitled to promotion to a higher grade or rank in the permanent Coast Guard, in which case they shall revert to said higher grade or rank, and shall, after passing the prescribed examinations, be commissioned accordingly.

"Any regular officer of the Coast Guard temporarily promoted in grade or rank in accordance with the provisions of this act who shall be retired from active service under his permanent commission while holding such temporary grade or rank, shall be placed on the retired list with the grade or rank to which his position in the permanent Coast Guard at the date of his retirement would entitle him.

"The President, by and with the advice and consent of the Senate, is authorized, in his discretion, temporarily to appoint in the Coast Guard not exceeding 25 chief warrant officers who shall have the same rank, pay, and allowances as are now, or may hereafter be, prescribed for chief warrant officers of the Navy; *Provided*, That such temporary appointments shall be made, under regulations prescribed by the President, from the list of warrant officers of the regular Coast Guard who are in the service at the time of the passage of this act; said temporary appointments shall continue in force only until otherwise directed by the President or until Congress shall amend or repeal the same. The warrants of warrant officers thus temporarily advanced shall not be vacated by reason of their temporary appointments as chief warrant officers; *Provided*, That any warrant officer of the Coast Guard temporarily promoted to chief warrant officer under the authority contained in this act who shall be retired from active service while holding a temporary appointment as chief warrant officer, shall be placed on the retired list with the grade or rank to which his position as a warrant officer in the permanent Coast Guard at the date of his retirement would entitle him.

"The Secretary of the Treasury may, in his discretion, temporarily appoint warrant officers in the Coast Guard and make special temporary enlistments, and persons thus temporarily appointed as warrant

officers or thus specially enlisted shall not be entitled to any right of retirement on account of such temporary or special status.

"Nothing contained in this act relating to the Coast Guard shall operate to reduce the rank, pay, or allowances that would have been received by any person in the Coast Guard except for the passage of this act."

Mr. KING. Mr. President, it seems to me that there is nothing in the amendment which has just been read, and which, of course, I have had no chance to examine, as it is very long, and contains numerous provisions, many of which are somewhat complicated, to indicate that the Secretary of the Treasury may not enter into the construction of ships, and consume a very large part of the appropriation of \$13,000,000 for the construction of ships. The Senator from Massachusetts has very properly just stated that the Government has a large number of boats, which are of the very best, not needed by the Navy. We have a superfluous number of certain swift sea craft. My recollection is that there are nearly 210 of the boats I have in mind.

Mr. HALE. There are about 300 destroyers.

Mr. KING. So that it seems to me most absurd that we should authorize construction when we have boats which are now rotting in the harbors and deteriorating every year.

Mr. HALE. Mr. President, I think the 20 destroyers which the Coast Guard is to take over are all that they want of that class of boats. They also looked at the Eagle boats and subchasers, and they decided that they would be of no particular use to them because of their draft and because they are not fast enough boats. All they want from the Navy, I think, is the 20 destroyers.

Mr. KING. Mr. President, it seems to me that this amendment and this provision we are now considering might very properly have been labeled "A bill to increase the number of employees in the Government service," and particularly to increase the number of officers in the Coast Guard. We are very particular here to authorize the creation of places for a multitude of new officers—captains, warrant officers, and lieutenants—hundreds of them, so far as I can see from a hasty reading of this amendment.

Mr. WARREN. The Senator probably has noticed that they are all to be temporary. For instance, this language appears:

The Secretary of the Treasury may, in his discretion, temporarily appoint warrant officers in the Coast Guard and make special temporary enlistments, and persons thus temporarily appointed as warrant officers or thus specially enlisted shall not be entitled to any right of retirement on account of such temporary or special status.

Mr. LODGE. They have to have men to run the boats.

Mr. KING. The Senator can see that the President is authorized to appoint not to exceed 25 warrant officers, and various other officers.

Mr. WARREN. They have to have the officers temporarily to run the boats.

Mr. KING. And those in the service will have promotions by reason of the creation of these new positions.

Mr. WARREN. Oh, no.

Mr. KING. I think the Senator is in error in that.

Mr. WARREN. The boats are not run only by captains, or by commanders. Of course, they have to have the bone and sinew of the men of lower grades.

Mr. KING. I call the Senator's attention to this provision:

Officers holding permanent commissions in the Coast Guard may be temporarily advanced in order of seniority.

This provides for the advancement of a large number of officers who are now holding commissions in the Coast Guard.

Mr. WARREN. I do not understand that it opens up the number any further than is authorized by law.

Mr. KING. The Senator knows that it would mean the advancement of a large number, and therefore does automatically raise them.

Mr. WARREN. The Senator probably noticed that in the World War time a man who served overseas might be a captain in the Regular Army, but might be made a lieutenant colonel, perhaps, or a major, during his service there, during the emergency, and then be sent back to his regular commissioned grade when the war was over. To prevent the permanent enlargement of the number of officers of high degree, it is much cheaper and more reasonable from every standpoint to take those of lower grade and temporarily advance them. It is more satisfactory, both to the men and to the Government.

Mr. KING. As I understand, this bill adds to the expense of the prohibition service more than \$30,000,000. If I am in error, I should be glad to be advised.

Mr. WARREN. The exact amount is \$12,194,900.

Mr. KING. The Senator must be in error. The Senator will find in page 43, \$12,194,900; on page 44 he will find a large number of appropriations; and at the bottom of page 45 the figures \$13,887,000. Does the Senator say that the \$12,194,900—

Mr. WARREN. Thirteen million eight hundred and eighty-seven thousand dollars is the total for the Coast Guard, but the \$12,194,900 is that part which is directly appropriated for this particular purpose, which may be called, if you please, rum running on the ocean.

Mr. KING. With all due respect to the Senator, he has not answered my question.

Mr. WARREN. What was the question?

Mr. KING. I ask the Senator now if the \$12,194,900 found on page 43 is included in the item of \$13,887,007.07 found on page 45?

Mr. GLASS. It undoubtedly is, as may be seen by an examination of the proposed amendment printed on page 5.

Mr. WARREN. On page 45 the language is:

In all, Coast Guard, \$13,887,007.07.

Mr. KING. I am not satisfied that the Senator's construction is right. It says:

For additional motor boats and their equipment for the use of the Coast Guard, etc., \$12,194,900.

Mr. WARREN. This is simply the usual deficiency for the year under these subheads, but when we come to the end of the subheads the total for the Coast Guard includes all.

Mr. KING. Then the Senator gives me the assurance that the committee understands that the \$12,000,000 is included as a part of the \$13,000,000?

Mr. WARREN. That is my understanding and that is the understanding of the committee, I think.

Mr. GLASS. Oh, undoubtedly that is correct.

Mr. KING. May I inquire whether or not this is a deficit for the current year?

Mr. WARREN. The \$12,194,900 is a supplemental estimate, and is not only for the balance of the year but for the future; but the difference between that sum and the \$13,887,000 is composed of the deficiencies in the various items here set forth.

Mr. KING. I would like to inquire of the Senator how many additional officers and employees will be added to the pay roll of the Government by virtue of the bill?

Mr. WARREN. I can not tell the Senator how many. I do not suppose they could tell us at headquarters until the work is commenced. I think we shall have to trust that to the future. But with the appropriation made and the statements that have been made before the committees we have no question about it. The item could not go in as a committee amendment, as it might smack of legislation; but I can assure the Senator that it has been thoroughly digested.

Mr. KING. Is the Senator willing to appropriate without knowing the number of employees that are to be added? It seems to me the committee ought to have inquired how many additional employees are to be added to the rolls.

Mr. WARREN. We are starting a new enterprise. If the Senator is opposed to it, of course he can object, and that would cut out the particular thing we have asked for, but the \$12,194,900 rests simply upon the question whether we shall undertake to carry out the law, or not. Shall we undertake to carry out the law about ending the use of wet goods, so called, and shall we protect the sea according to treaty and laws, or not? I do not wish to go into that angle of the discussion.

Mr. KING. I do not think that is a frank answer to the question which I propounded. I signified no opposition to the measure, but I do want to know the obligations we assume and how many additional employees will be added.

Mr. LODGE. If the Senator from Wyoming will permit me, the money, of course, is to furnish additional and fast boats for the Coast Guard Service in order to put down the smuggling of liquor. The boats are to be furnished, as I understand it, for the most part by the Navy Department. I do not understand that they are going to build new boats. I think they will be furnished by the Navy Department. It is almost impossible to tell beforehand just how many men will be required for a crew on each of those vessels. They must be manned, because otherwise they would be useless. The Navy has no men to spare, and the Treasury Department, which has charge of the Coast Guard, of course must have additional men in the Coast Guard for temporary service, but it gives them no place on the permanent list.

Mr. KING. I understand that, of course; but I wanted to know, if it could be determined—and the Budget committee must certainly have had it in mind—what the increase in the personnel would be.

Mr. LODGE. I suppose they could make a general estimate of about what number of additional men would be needed.

Mr. WARREN. It would be a mere guess, and a guess might make the whole matter ineffective if it were incorporated in the amendment. We have to trust to them in these matters, of course.

Mr. KING. Do I understand that the \$12,000,000 of it is to be used exclusively for the purchase or the repair of boats?

Mr. WARREN. For providing the temporary help necessary. That comes out of the appropriation covered in this item.

Mr. JONES of Washington. Mr. President, may I state that the Commerce Committee had under consideration yesterday a bill that passed the House a few days ago, the bill (H. R. 6815) to authorize a temporary increase of the Coast Guard for law enforcement? I have in my hand a favorable report which the Commerce Committee authorized me to make to the Senate. It is the same proposition as is presented in the appropriation bill, and I hope the amendment offered by the Senator from Wyoming will be accepted. I would like to present the report out of order, but of course action upon it will be unnecessary if this item is put in the pending bill and accepted in conference. There was only one member of the committee who was opposed to the general proposition of taking vessels over from the Navy. I therefore report the bill favorably without amendment and submit a report thereon (Rept. No. 293).

The PRESIDING OFFICER (Mr. EBOE in the chair). The question is upon the amendment offered by the Senator from Wyoming in behalf of the committee, on page 43, after line 22. The amendment was agreed to.

The reading clerk resumed the reading of the bill.

The next amendment of the Committee on Appropriations was, on page 54, at the end of line 3, to increase the appropriation for payment of judgments rendered by the Court of Claims, under the Treasury Department, from "\$15,840.82" to "\$17,918.82."

The amendment was agreed to.

The next amendment was, on page 54, at the end of line 5, to increase the appropriation for payment of judgments rendered by the Court of Claims, under the War Department, from "\$869,670.94" to "\$1,050,592.46."

The amendment was agreed to.

The next amendment was, under the heading "Judgments, Court of Claims," on page 54, line 7, after the words "in all," to strike out "\$1,439,805.93" and to insert "\$1,616,348.33, together with such additional sum as may be necessary to pay interest on judgment No. A-177 as specified in such judgment"; so as to read:

In all, \$1,616,348.33, together with such additional sum as may be necessary to pay interest on judgment No. A-177 as specified in such judgment.

The amendment was agreed to.

Mr. KING. Are these amendments offered by the committee? The PRESIDING OFFICER. They are amendments offered by the committee.

Mr. KING. Is the bill still open to amendment?

The PRESIDING OFFICER. The committee amendments have not yet been disposed of.

Mr. WARREN. Does the Senator have an amendment that he desires to offer on page 18?

Mr. KING. I will ask a question first, because I am not sure that I want to offer it.

Mr. WARREN. I asked that because the item was agreed to while my attention was otherwise engaged. I will move to reconsider the vote by which it was agreed to if the Senator wishes to offer an amendment to it, because he was not present at the time it was agreed to.

Mr. KING. I find an item on page 18 containing an appropriation of \$70,000 for the Bureau of Entomology. May I inquire of the Senator what number of additional employees is contemplated to be required in the District under that appropriation item?

Mr. WARREN. I would not be able to give the Senator any information upon that particular point, because it came in as a supplemental estimate after the committee closed its hearings; but we have a letter from the Secretary of Agriculture to the Director of the Budget that explains it.

Mr. KING. Will the Senator accept my amendment and let it go to conference to inquire into that feature?

Mr. WARREN. Let the proposed amendment be stated.

Mr. KING. It is in my own handwriting, so I will read it. On page 18, line 14, after the numerals "\$70,000," add the following:

Provided, That no part of this appropriation shall be used to pay compensation of additional employees within the District of Columbia; *And provided further*, That all persons employed under this appropriation outside of the District of Columbia shall not be continued in service after said appropriation has been exhausted.

I find that in many of these appropriations there is no limitation, and they get employees on the rolls and keep them there.

Mr. WARREN. May I say to the Senator that the purpose of the appropriation is to prevent a continuance of the gypsy moth in the New England States, New York, and New Jersey, in cooperation with the States concerned, including the employment of persons and means in the city of Washington and elsewhere, and all other necessary expenses. I imagine that the amendment would prevent further employment of any stationary employees in the District. Whether that might injure the service or not, I am unable to say.

Mr. KING. It may be that a full investigation would demonstrate that the language ought to be somewhat modified. I ask that the Senator accept my amendment and let it go to conference.

Mr. WARREN. The matter came up at the last moment. It is a Senate committee amendment, and therefore the whole matter goes to conference and, of course, the conferees can accept it all or part of it.

Mr. KING. I ask the chairman of the committee to accept it and make such disposition as a more complete examination may disclose to be desirable.

Mr. WARREN. I am willing to accept it.

The PRESIDING OFFICER. Does the Senator from Utah request that the vote by which the amendment on page 18 be reconsidered so that he may offer his amendment?

Mr. KING. I make that request.

The PRESIDING OFFICER. Without objection, the vote by which that amendment was agreed to will be reconsidered.

Mr. KING. I now offer my amendment to the amendment.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The READING CLERK. On page 18, line 14, after the numerals "700,000," and before the period, insert a colon and the following proviso:

Provided, That no part of this appropriation shall be used to pay compensation of additional employees within the District of Columbia; *And provided further*, That all persons employed under this appropriation outside the District of Columbia shall not be continued in service after said appropriation has been exhausted.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was continued.

The next amendment of the Committee on Appropriations was, on page 60, after line 3, to insert an additional section, as follows:

AUDITED CLAIMS.

SEC. 3. That for the payment of the following claims, certified to be due by the General Accounting Office under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1921 and prior years unless otherwise stated, and which have been certified to Congress under section 2 of the act of July 7, 1884, as fully set forth in Senate Document No. 68, reported to Congress at its present session, there is appropriated as follows:

LEGISLATIVE.

For contingent expenses, House of Representatives, miscellaneous items, \$991.85.

INDEPENDENT OFFICES.

For preservation of collections, National Museum, \$5.50.
For housing for war needs, \$825.
For national security and defense, food and fuel administrations, educational, \$4.81.
For Federal Trade Commission, \$21.11.
For contingent expenses, United States Employees' Compensation Commission, \$5.
For United States Tariff Commission, \$16.
For Interstate Commerce Commission, \$25.98.
For salaries and expenses Federal Board for Vocational Education, \$28.87.
For medical and hospital services, Veterans' Bureau, \$15,144.47.
For vocational rehabilitation, Veterans' Bureau, \$5,552.70.

DEPARTMENT OF AGRICULTURE.

For library, Department of Agriculture, \$28.25.
 For general expenses Bureau of Animal Industry, \$14.40.
 For general expenses Forest Service, \$62.
 For general expenses Bureau of Chemistry, \$20.68.
 For general expenses office of public roads and rural engineering, \$4.81.
 For general expenses Bureau of Plant Industry, \$34.80.
 For general expenses Bureau of Crop Estimates, \$40.
 For stimulating agriculture and facilitating distribution of products, \$101.58.

DEPARTMENT OF COMMERCE.

For contingent expenses Steamboat Inspection Service, 75 cents.
 For industrial research Bureau of Standards, \$779.53.
 For promoting commerce in the Far East, \$57.50.
 For general expenses Lighthouse Service, \$207.88.
 For miscellaneous expenses Bureau of Fisheries, \$10.85.

DEPARTMENT OF THE INTERIOR.

For scientific library, Patent Office, \$4.
 For fees of examining surgeons, \$3.
 For purchase and transportation of Indian supplies, 52 cents.
 For support of Indians in California, \$428.40.
 For diversion dam and distribution and drainage system, Yakima Reservation, Wash., reimbursable, \$7.14.
 For canals and laterals, ceded portion of Wind River Reservation, Wyo., reimbursable, \$24.
 For diversion dam, canals, and laterals, ceded portion of Wind River Reservation, Wyo., reimbursable, \$20.

DEPARTMENT OF JUSTICE.

For salaries, fees, and expenses of marshals, United States courts, \$226.30.
 For salaries and expenses of district attorneys, United States courts, \$2.89.
 For fees of commissioners, United States courts, \$5.50.
 For fees of witnesses, United States courts, \$30.70.

DEPARTMENT OF LABOR.

For enforcement of the child labor law, \$1.02.
 For expenses of regulating immigration, \$10.

NAVY DEPARTMENT.

For aviation, Navy, \$3.20.
 For pay, miscellaneous, \$12.31.
 For pay, Marine Corps, \$2.90.
 For contingent, Marine Corps, \$24.43.
 For maintenance, quartermaster's department, Marine Corps, \$103.41.
 For transportation, Bureau of Navigation, \$2,326.70.
 For ordnance and ordnance stores, Bureau of Ordnance, \$81.
 For maintenance, Bureau of Yards and Docks, \$8.05.
 For pay of the Navy, \$3,740.71.
 For provisions, Navy, Bureau of Supplies and Accounts, \$203.16.
 For fuel and transportation, Bureau of Supplies and Accounts, \$3.40.
 For freight, Bureau of Supplies and Accounts, \$1,460.46.

DEPARTMENT OF STATE.

For contingent expenses, foreign missions, \$243.49.
 For transportation of diplomatic and consular officers, \$24.73.

TREASURY DEPARTMENT.

For increase of compensation, Treasury Department, \$113.49.
 For labor-saving machines, Treasury Department, \$1.80.
 For expenses of loans, act September 24, 1917, as amended, \$1.39.
 For salaries and expenses of collectors of internal revenue, \$16.40.
 For salaries and expenses of collectors, etc., of internal revenue, \$5.46.
 For collecting the war revenue, \$138.18.
 For enforcement of narcotic and national prohibition acts, internal revenue, \$135.85.
 For refunding internal-revenue collections, \$10.
 For punishment for violation of internal revenue laws, \$242.78.
 For Coast Guard, \$2,316.96.
 For compensation of employees, Bureau of Engraving and Printing, \$36.11.
 For pay of personnel and maintenance of hospitals, Public Health Service, \$2,198.25.
 For medical and hospital services, Public Health Service, \$390.55.
 For contingent expenses, office of Director of the Mint, \$68.
 For vaults and safes for public buildings, \$5.15.
 For general expenses of public buildings, \$12.37.
 For operating force for public buildings, \$6.50.
 For furniture and repairs of same for public buildings, \$7.10.
 For furniture, post office, courthouse, and customhouse, Honolulu, Hawaii, \$13.68.

WAR DEPARTMENT.

For additional employees, War Department, \$12.22.
 For contingent expenses, War Department, \$1.50.
 For increase of compensation, Military Establishment, \$9,231.52.
 For increase of compensation, rivers and harbors, \$1,811.87.
 For registration and selection for military service, \$1,301.70.
 For Signal Service of the Army, \$19,038.08.
 For Air Service, Army, \$12,363.27.
 For Air Service, military, \$29,652.97.
 For pay, etc., of the Army, \$842,234.18.
 For mileage to officers and contract surgeons, \$16.66.
 For general appropriations, Quartermaster Corps, \$29,021.86.
 For transportation of the Army and its supplies, \$23.17.
 For barracks and quarters, \$2,021.69.
 For incidental expenses, Quartermaster Corps, \$99.83.
 For roads, walks, wharves, and drainage, \$713.35.
 For subsistence of the Army, \$1.50.
 For supplies, services, and transportation, Quartermaster Corps, \$39,877.99.
 For medical and hospital department, \$3,983.50.
 For engineer operations in the field, \$2,390.12.
 For ordnance service, \$363.47.
 For ordnance stores, ammunition, \$35,985.20.
 For ordnance stores and supplies, \$321.34.
 For automatic rifles, \$8,120.50.
 For armored motor cars, \$4.22.
 For gun and mortar batteries, \$154.86.
 For armament of fortifications, \$13,977.09.
 For fortifications in insular possessions, \$463.91.
 For searchlights and electrical installations at seacoast fortifications, \$45,971.74.
 For manufacture of arms, \$1.88.
 For proving-ground facilities, \$6,491.48.
 For replacing ordnance and ordnance stores, \$307.44.
 For quartermaster supplies, equipment, etc., Reserve Officers' Training Corps, \$96.94.
 For armament of fortifications, Panama Canal, \$4.90.
 For aviation stations, seacoast defenses, \$7,483.66.
 For transportation of disabled soldiers, sailors, or marines on furlough, \$58.18.
 For maintenance, United States Military Academy, \$15.32.
 For arming, equipping, and training the National Guard, \$2,056.52.
 For encampment and maneuvers, Organized Militia, \$194.85.
 For extra-duty pay to enlisted men as clerks, etc., at Army division and department headquarters, \$265.36.
 For arrears of pay, bounty, etc., \$543.72.
 For pay, etc., of the Army, war with Spain, \$169.52.
 For National Home for Disabled Volunteer Soldiers, Pacific Branch, \$1.61.
 For National Home for Disabled Volunteer Soldiers, Central Branch, \$167.59.
 For National Home for Disabled Volunteer Soldiers, Northwestern Branch, \$27.99.
 For National Home for Disabled Volunteer Soldiers, Eastern Branch, \$51.24.
 For National Home for Disabled Volunteer Soldiers, Mountain Branch, \$8.10.
 For medical and hospital services, National Home for Disabled Volunteer Soldiers, \$20.18.
 For national cemeteries, \$8.45.
 For disposition of remains of officers, soldiers, and civil employees, \$20.78.
 For headstones for graves of soldiers, \$5.62.
 For prevention of deposits, harbor of New York, \$122.40.
 For transportation facilities, inland and coastwise waterways service, \$3,369.37.
 For payment of claims for loss of firearms, etc., taken by United States troops during labor strikes in 1914 in Colorado, \$15.

POST OFFICE DEPARTMENT.

For balances due foreign countries, \$6,141.89.
 For city delivery carriers, \$1,750.12.
 For clerks, first and second class post offices, \$3,780.67.
 For compensation to assistant postmasters, \$475.31.
 For compensation to postmasters, \$101.
 For electric and cable car service, \$564.97.
 For freight on stamped paper and mail bags, \$32.87.
 For indemnities, domestic mail, \$966.50.
 For indemnities, international registered mail, \$454.28.
 For post-office equipment and supplies, \$65.
 For power-boat and airplane service, \$50.51.
 For power-boat service, \$132.01.
 For railroad transportation, \$18,837.39.
 For rent, light, and fuel, \$1,316.15.

For rural-delivery service, \$20.07.
 For shipment of supplies, \$290.71.
 For temporary clerk hire, \$5,538.26.
 For vehicle service, \$64.84.
 Total, audited claims, section 3, \$1,190,204.64.

The amendment was agreed to.

The next amendment was, on page 78, line 13, to change the section number from "3" to "4."

The amendment was agreed to.

The PRESIDING OFFICER. The Chair will state that that completes the amendments reported by the committee, with one exception.

Mr. WARREN. There is one item that was laid aside on account of something the Senator from Georgia [Mr. HARRIS] wished to discuss briefly in connection with it.

Mr. HARRIS. Mr. President, the item appropriating for nine delegates to attend the International Agricultural Institute at Rome is one to which I wish to invite the attention of the Senate.

I hope that I may be pardoned a personal reference. My knowledge of this is by virtue of the fact that Mr. Lubin, who had established the institute, was here in August, 1913, when I was Director of the Census and Acting Secretary of the Department of Commerce.

I am heartily in favor of sending delegates to the institute. I am in sympathy with the work they are doing, but to increase the number of delegates from three, which is the number we have been sending heretofore, to nine is, in my judgment, simply paying Government money out for a junket for six additional men. I think this is more of a statistical bureau than it is otherwise. They do other work, but that is the principal thing. I have been disappointed in what they have accomplished in regard to statistics on cotton and the world supply. The purpose of the institute was to give condition of crops, the world supply of wheat and cotton and other products, but they have not given us the information about cotton that I had hoped for.

Last year, at my request, the Secretary of Commerce did this work, issued a report as to the amount of cotton in the world, and it was very beneficial to our cotton-producing people. I believe in and have voted for appropriations to help the farmers of the country in the West, in the South, and in other sections. I know how the farmers of the South and West have suffered financially and I believe in helping them, but when we decline to vote for measures that would be genuinely beneficial to the real farmers and then propose to send nine men to Rome when we heretofore have sent only three, I think we are not warranted and that the extravagance is inexcusable. We should first be generous to the farmers in finding some way to get rid of the boll weevil, produce cheaper calcium arsenate, and find markets for the surplus crops of the farmers in the West and South before we squander the Government's money on a junket for six additional delegates. No Senator is more anxious to help the farmers, but they know these junkets do them little good. The farmers can not be fooled as formerly, and they want and need substantial help from Congress.

I have no criticism of the Senators who differ with me in my viewpoint, but I think that it is time we were cutting down on all of these junket trips. There have been a large number of them under this administration and under past administrations. I am not making a partisan speech; I am simply criticizing what I consider is a waste of Government money and what is a bad thing in many ways. I know the committee feel differently about the matter, but I feel it my duty to make this statement.

I wish to say further that I make this statement, too, although I understand that one of the men to be appointed is to be from my State; but I am not going to let that deter me from calling attention to the abuse. It is a waste of money to send nine delegates, three times the number heretofore sent by our Government.

Mr. BORAH. May I ask the Senator from Georgia a question?

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Idaho?

Mr. HARRIS. I yield with pleasure.

Mr. BORAH. When was the number of these delegates increased from three to nine?

Mr. HARRIS. During the World War the Institute of Agriculture at Rome did not hold a convention, or whatever it may be called. The last time such a convention was held my understanding is that only three delegates were sent from this country, the Director of the Census and two others. Mr. Durand went, as I recall; that was before I was Director of the Cen-

sus. I do not think we have sent any delegates since 1912, when the Democrats came into power. Before that, on one occasion, Mr. Stuart, who is now the very able Director of the Census, was one of the delegates, and Mr. Armstrong, of the Agriculture Department, was another. I have forgotten the name of the third one; but we have never, according to my information, sent more than three delegates. I repeat, to send more than that number, Mr. President, in my judgment, would be simply a waste of the money of the Government.

Mr. BORAH. Mr. President, may I ask the Senator in charge of the bill what is the difference in the expense of sending three delegates and sending nine delegates?

Mr. WARREN. The difference would be between \$6,000 and \$7,000.

Mr. LODGE. The proposition came through the Committee on Foreign Relations; it was reported here and agreed to. I do not know how much it would cost for each delegate. The total amount is \$10,045.

Mr. BORAH. The first I knew of any increase in the number was just now. I thought the proposition was to provide the same number as has always been provided for.

Mr. LODGE. I have not examined the matter to ascertain the number of delegates who were previously sent, but I should have said that six were previously sent. The ocean transportation is \$4,500, and the per diem allowance for 60 days, at \$5 each, is \$2,700. It is not a very large amount. They get no salary.

Mr. WARREN. They will receive \$116 each.

Mr. LODGE. Yes; \$116 each.

Mr. BORAH. I quite agree with the suggestion of the Senator from Georgia [Mr. HARRIS] as to the number of delegates. It does not seem to me that it is necessary to send nine delegates over there for the purpose for which I understand they are sent.

Mr. WARREN. We propose to send one from Hawaii and one from the Philippine Islands and one from Porto Rico. Our dependencies have not heretofore been represented.

Mr. BORAH. Have we passed a bill here providing for nine delegates?

Mr. LODGE. Yes.

The PRESIDING OFFICER. The bill is before the Senate as in Committee of the Whole and is open to further amendment.

Mr. KING. Mr. President, on page 42, I move to strike out from line 19 to line 25, both inclusive, being the provision reading as follows:

Refunding taxes illegally collected: For refunding taxes illegally collected under the provisions of sections 3220 and 3689, Revised Statutes, as amended by the acts of February 24, 1919, and November 23, 1921, including the payment of prior year claims, \$105,467,000: *Provided*, That a report shall be made to Congress of the disbursements hereunder as required by the acts of February 24, 1919, and November 23, 1921.

Mr. President, a subcommittee of the Finance Committee is now investigating the Internal Revenue Bureau. Recommendations have been made, and I am sure recommendations of some character will be crystallized into law for the purpose of providing suitable machinery to determine the claims by the Government for taxes and the claims for refunds by taxpayers. The hearings this afternoon disclosed that \$25,000,000 of the \$105,000,000 proposed to be appropriated has been allowed and refunds have been ordered. Refunds have not as yet been ordered to cover the remainder of the amount carried in the bill. This measure anticipates what refunds to the extent of \$105,000,000 will be authorized, and accordingly we appropriate, though the future is uncertain.

Mr. President, the information obtained by the subcommittee referred to seems to indicate that the method of adjusting tax claims is not scientific, or rational, or fair either to the Government or to the taxpayers. We ought to have some judicial or quasi-judicial body for the purpose of passing upon these claims. We are now asked to appropriate \$105,000,000, seventy-odd million dollars of which has not been allowed, in anticipation of some future act by the Internal Revenue Bureau.

Mr. McKELLAR. Mr. President—

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Tennessee?

Mr. KING. I yield to the Senator.

Mr. McKELLAR. I call the Senator's attention to the fact that in 1921 the Treasury Department paid back in refunds \$28,000,000; in 1922, it paid back \$48,000,000; in 1923, it paid back \$123,000,000. I wish to say to the Senator that if his committee or the subcommittee of his committee is examining

into this matter, I believe it would be well for the committee to examine the records in which the 1921 and 1922 refunds are shown and the Record of a short time ago in which the 1923 refunds were shown. It seems to me to be rather an alarming situation. In 1922 one concern in Chicago, the Cudahy Co., was refunded about \$2,200,000, and Mr. William Rockefeller's estate was refunded over \$1,000,000, possibly \$1,200,000. There are other numerous instances of this kind. Evidently the Treasury Department is very inefficient in assessing the taxes if they make such enormous blunders in the collection of taxes as the refunds would seem to indicate. I am glad to know that a subcommittee of the Senator's committee is investigating this matter, and I think it will save the Government a great deal of money if it will make that investigation effective.

Mr. KING. Mr. President, I think that in addition to those items to which the Senator has referred an examination will disclose that some taxpayers have had refunds of more than \$3,000,000, and I think one or two have had refunds aggregating approximately \$9,000,000.

Mr. McKELLAR. That is true, as shown by the records for 1923.

Mr. KING. And it is claimed that one corporation in the United States which has a number of subsidiaries received refunds the aggregate of which was approximately \$18,000,000.

Mr. McKELLAR. Mr. President, before the Senator passes from that question I should like to interrupt him for a moment longer.

Mr. KING. I yield.

Mr. McKELLAR. It appears also from statements by the Secretary of the Treasury that in April, 1923, a refund of \$3,300,000 was made to the Gulf Refining Co., a corporation in which Mr. Mellon is very largely interested, and of which I am informed his brother is president. It is due to Mr. Mellon to say, however, that it was done without his knowledge at the time and that the negotiations were carried on under a previous administration; but it is quite remarkable that any man would not know that one of the companies in which he was such a large stockholder had received the enormous sum of \$3,300,000.

Mr. KING. Mr. President, I think it is fair to Secretary Mellon and his companies to state that there were probably 13 subsidiary corporations, and that the refund to which the Senator refers covered the refunds allowed to all of the subsidiary companies with which Mr. Mellon was connected. I might say—

Mr. McKELLAR. But they are all owned by the Gulf Refining Co.

Mr. KING. I understand that. I might say that Colonel Drake, one of the principal officers of that organization, was before the subcommittee yesterday, and he referred us to Messrs. Ernst & Ernst, attorneys of Cleveland, Ohio, for full information as to the reasons for those refunds, and, as he contended—and I make no comment one way or the other—the justice of making such refunds.

Mr. President, I do not mean to assert that in some instances refunds ought not to be made; indeed, I believe there have been assessments which were illegal and unjust. What I am complaining about is that we have, in my judgment, no satisfactory machinery for passing upon contested claims. The Government, in many instances, insists upon increasing the taxes—the increases being very large in a number of instances—and it is unfair to the taxpayer to be denied a proper tribunal before which his rights may be vindicated. I am as interested in setting up a court or some proper tribunal to protect the taxpayer as I am to protect the Government. Injustices undoubtedly have been inflicted upon some taxpayers, and they should be protected against a repetition of these wrongs. The reason I have made the motion is not that I believe refunds ought not to be made to taxpayers in some cases, but I do think that, in view of the investigation which is now going on, which will result, in my opinion, in legislation which will rectify what is manifestly an unsatisfactory condition, we ought not to make this large appropriation, particularly when approximately from seventy-five to eighty million dollars of it have not as yet been allowed.

We will be in session at least until the day when the Republican convention meets and possibly longer; and the Committee on Finance will report before that, and there is every reason to suppose that it will in the bill reported make satisfactory provision to protect both the taxpayer and the Government. The present system of handling claims, contested and uncontested, for refunds and for additional taxes is wholly unsatisfactory. It provokes criticism, suspicion, and charges of fraud, graft, and inefficiency. Inferior and subordinate officials pass upon claims of millions; this is done in secret and often without

full information or upon ex parte statements. It is charged that undue influence is sometimes exercised over them and that extraneous matters are brought into the picture. The present system is unfair to the taxpayer and to the Government, and it is provocative of suspicion against the taxpayer if a refund is ordered and against the Government if the contrary course is pursued, all of which, it is urged by many, reveal the necessity of amending the present tax law so that the reports of taxpayers shall be open to the public and the controversies over taxes shall be determined in the open and not in secret.

If the subcommittee, when it completes its investigation, recommends some other system, then the items which it is contemplated will be cared for by this \$76,000,000 may be properly provided for. Why should we appropriate seventy or eighty million dollars now in anticipation that refunds will be made when they have not yet been made? There might be some excuse for Senators to insist upon a division of my motion, so that \$25,000,000 might be carried in the bill to cover refunds already ordered, but eliminating the residue of the appropriation to be cared for when the Finance Committee reports.

Mr. McKELLAR. Mr. President, if the same ratio of increase is maintained in the repayment of these refunds that has been going on for the last three years, the \$105,000,000 appropriated in this bill will not be sufficient to pay the refunds of the ensuing year. As I have already stated, they amounted to \$123,000,000 this year, and only \$48,000,000 last year; and if they increase in that way we will have nearly as large a sum to appropriate in the next year's deficiency bill as we are now appropriating in this bill.

I wanted to ask the Senator what kind of a tribunal he would suggest. My own judgment is that it ought to be a tribunal unconnected with the Treasury Department, where a claimant for a refund of taxes can go; and, of course, I am not disputing the accuracy of these refunds. I do not know what the facts are; but I do believe there ought to be an independent tribunal before which any taxpayer who has paid too much taxes may go and prosecute his claim for refund in exactly the same way that other claimants against the Government now have the right to go into the Court of Claims and prosecute their claims there. It seems to me that such a tribunal ought to be composed of not exceeding three men, and it ought to be wholly disconnected from the Treasury Department, so that the taxpayer and the Government can have an absolutely square deal in the matter of refunds of taxes.

Mr. KING. Mr. President, any opinion that I might venture at this time I am afraid would not be entitled to much weight; but, answering the Senator's question as best I may, my opinion is that the proper course to pursue would be to organize within the Treasury Department a tribunal with quasi-judicial powers, having jurisdiction over all questions growing out of the enforcement of the tax laws. This tribunal would hear all cases and matters in the open, not in secret; there would be no star-chamber proceedings. If Mr. Rockefeller or Mr. Doheny or the Standard Oil Co. or any other individual or organization contends that an illegal assessment has been made, he or it ought to go before this tribunal and file a suitable complaint, as would be done in a court of law or equity.

The Government would plead to the complaint, and the matter would be set down for hearing and tried as any other lawsuit is tried, with right of appeal both by the Government and the taxpayer, to a court outside of the Treasury Department—either the Court of Claims or the Court of Customs Appeals or some other court of the United States.

May I say to the Senator that many controversies grow out of mistakes that can be easily corrected and without trial by any judicial or quasi tribunal? Challenging attention to such mistakes will usually correct them, but where there is a controversy, where the Government claims that the return is not sufficient or where the taxpayer claims that the assessment is too high and asks for a refund, that ought to be made a matter of public investigation and not a secret investigation.

Mr. McKELLAR. Mr. President, as the Senator suggested a few moments ago, publicity of tax returns would do away with probably nine-tenths of the refunds that are made. There would not be the necessity for doing it if we had publicity of tax returns.

Mr. KING. I do not care to take up any further time. I ask the Senator from Wyoming if he will not accept my amendment.

Mr. WARREN. Oh, no; I think instead the Senator should withdraw the motion, because I know the Senator does not want to put thousands of men in the position, first, of having to pay a tax about which they are none too happy, and having

taxes assessed to them improperly, and then put a bar across so that they can not get their money back after the errors are found and refunds are ordered. It may be that Doheny and the Standard Oil Co. and some other persons or corporations have paid large taxes, as undoubtedly they have, and they may have had large sums coming back. The main portion of the people who pay these taxes, however, are people who do not pay large amounts, but are unacquainted with the law; they live out in the country, and they either neglect paying them entirely—that number amounts to thousands—or they return what they believe is right, and afterwards additional assessments may be made against them, and when they are called upon they bring the proof and clear themselves, and then this money goes back to them.

Mr. KING. Let me say to the Senator that the facts are, as I understand them, and Mr. Nash and other officials of the Treasury Department have stated within the past hour, that not to exceed \$25,000,000 of this appropriation has been ordered refunded, and that the residue is in anticipation of refunds which will be ordered or may be ordered by the instrumentalities set up in the Treasury Department as they consider from time to time the cases brought before them.

Mr. WARREN. I take my figures directly from the department, and I will give some of the figures here.

We have collected in the Internal Revenue Bureau during seven years, 1917 to 1923, \$26,101,157,118.05. Of that sum, almost two billions—that is to say, \$1,920,880,250—covered additional assessments of amounts found, through field audits and investigations, to be due the Government and collected, or not due, perhaps, but supposed to be due. These additional amounts were assessed against those who did not return their taxes or failed to return as much as the revenue office thought they should have returned. Of that sum—a vast sum, surely, over \$26,000,000,000—the amount that has been paid back up to the present year is \$226,540,269.33. In the first three months of this year there have been \$112,062,570 of additional assessments assessed and collected, and the amount erroneously collected and allowed for refund has been but \$35,624,968.73.

I do not know whether the Senator meets, as I do, a great many of these people who have to pay taxes, who are out in the far country; but I know that in my State when they started in originally with these taxes there were very few of the farmers, the livestock men, or the smaller business men who kept any sort of books upon which they could predicate a correct statement, and either through their incorrect statements or through the statements of certain specialists who looked after them, they were outrageously overassessed; and, of course, those matters have been brought out and from time to time they have been righted. I may say, however, that a man who has had any experience in undertaking to get back from the Internal Revenue Bureau any overpayment or any amount improperly paid certainly has my sympathy, as I should ask the sympathy of others, for I have had to go through the performance once or twice, and it is one of the hardest things in the world. If any man thinks it is an easy thing to do, let him neglect to put in his tax return and try it.

Mr. WADSWORTH. Mr. President, will the Senator yield to me to draw a conclusion from the figures which the Senator just reached, which I think any fair-minded man will agree displays an extraordinary achievement and will go far toward dispelling the criticisms or innuendoes and insinuations about these refunds?

Mr. WARREN. I yield.

Mr. WADSWORTH. We have actually received from the taxpayers, or have assessed additional assessments upon them—and those additional assessments in part are now pending—a total of \$26,000,000,000 in the years between 1917 and 1923, inclusive.

Mr. WARREN. It is within a few dollars of \$27,000,000,000 altogether.

Mr. WADSWORTH. Yes; it would be \$27,000,000,000, in round figures. Of that vast sum of \$27,000,000,000 there has been refunded only \$362,000,000, or less than 1 per cent. To my mind, it is an extraordinary thing.

Mr. McKELLAR. But the remarkable part of it, if the Senator will permit me, is that of that two hundred and odd million dollars to which the Senator has just referred, \$123,000,000 was paid out last year.

Mr. WADSWORTH. Yes; as errors were found in the assessments of 1917, 1918, 1919, and 1920, accumulated through the years, and the more difficult cases took longer to dispose of, it is quite natural that a larger amount was paid in 1922 or 1923 than in 1918, when the taxes were first assessed. That is bound to be the case.

Mr. WARREN. If the Senator will allow me to say so, they are still adjudicating the returns of 1917. Waivers were signed in many instances when they became overcrowded, and claims of those who executed waivers are being adjusted even now, as well as all of those from 1917 up to the present time.

Mr. WADSWORTH. May I interject a further observation on these figures? The new assessments are twelve times as much as the refunds, so that as the years have been going by, instead of paying back money to an extent to reduce the revenues, we have been making additional assessments to an extent to increase the net revenues.

Mr. McKELLAR. Mr. President, the Senator probably will admit, however, that an increase from \$28,000,000 in 1921 to \$48,000,000 in 1922, and then \$123,000,000 in 1923, is a rather startling increase.

Mr. WARREN. That is simply because we gave them more help, so that they might look up these matters and settle them. They were very short of help for many years.

Mr. WADSWORTH. They were away behind, up to a year ago or two years ago, in settling these old accounts.

Mr. McKELLAR. Evidently they must have been.

Mr. WADSWORTH. And as they caught up with them in the matter of additional help and the straightening out of many rulings and regulations, the amount refunded for 1923 naturally was much larger than the amount refunded the year before; but we must view this thing from the broad standpoint of what has actually been accomplished. It is an extraordinary record—less than 1 per cent refund of all the taxes collected in all these years.

Mr. McKELLAR. I am not disputing the accuracy of these refunds, but I do think that unless we either call a halt or establish a public tribunal by which they can be examined and passed upon in a public way this will be a very serious drain upon the Treasury. Talk about a bonus bill—a bonus bill will be a very small drain in comparison with what the refunds will bring about.

Mr. WARREN. Would the Senator compel these people, with all these millions of overcharges, to go into court?

Mr. McKELLAR. Anyone who has a claim against the Government can go before the courts now.

Mr. WARREN. The courts are open to any taxpayer, but to insist that they all had to go to court, with the millions that are due, would mean very large expense.

Mr. CARAWAY. May I interrupt the Senator?

Mr. WARREN. Certainly.

Mr. CARAWAY. I find myself in sympathy with any effort to enable the taxpayer to get justice before the department in the way of a refund. The little experience I have had with three or four people from Arkansas who were trying to get refunds of taxes paid has shown me that it is very difficult.

Mr. WARREN. It never is overeasy, I assure the Senator.

Mr. CARAWAY. I have one particular case in mind of a man in my own town who was overcharged and who got some of the overpayment back after two or three years' work, and the next year they insisted on collecting it back in a penalty. The truth about the matter is that there ought to be some better and more efficient and quicker way of adjusting the differences. I knew of one man who paid \$11,000, and after two or three years he got it back, but it cost him a third of it to get it back.

Mr. WARREN. Anyone who deals with the Government in extracting funds must always be ready to leave civilization and God behind him.

Mr. CARAWAY. He certainly leaves the flag behind him when he tries to get anything like quick and exact justice.

Mr. WARREN. That is nothing new. But let me say to the Senator, if he will allow me, that now when we are undertaking to fix this up extending as far back as 1917, to pay back to the smaller men what the Government owes them, is no time to throw obstacles in the way of quick action.

Mr. CARAWAY. I was trying to say that I am in sympathy with making it quick and easy to get it back. In the first place, they should not have to pay it, and as soon as any question is raised about it they ought to have it refunded.

Mr. WARREN. That is in line with what I was about to say. Of course, these required funds will last only until in the summer. They will not last until Congress meets again; and shall we hold up all of these people, when their money has become due? Shall we cut the appropriation down and let them suffer longer, especially when we consider that some of them have suffered so much?

Mr. CARAWAY. I find myself out of patience with any desire to make it more difficult for any man to get justice.

Mr. WARREN. I want to say to the Senator, and to all Senators who have spoken, that I am very glad we are getting further information in regard to the departments, and, as the Senate and the Senator know, my mind is continually harassed not only by personal appeals, but in connection with the position I occupy, in connection with expenditures of appropriations, and I am very glad that these things are being investigated. I have made no objection to any examination of the Treasury Department or any other department. I hope that if there is any way of making it easier for these things to be adjusted, it may be brought out. But we have reached the time now when we are short of funds and when we have been owing people a long time what is justly due. I remember one case of my own where there was an overpayment of \$3,200, and when it was paid back it was \$2,700. The balance leaked out at various places along the way. So it does not seem to me that we should cut anything out of this appropriation. I would rather enlarge it than make it smaller.

Mr. CARAWAY. Mr. President, I wish there were some way to penalize people who go around and make it their business to try to collect more out of others than they owe.

Mr. KING. Mr. President, I have attempted to make my position clear. I have stated that in my opinion many taxpayers have suffered injustice, and in many instances the Government has been wronged, and I have been anxious to have some instrumentality set up which would obviate these difficulties and speedily dispose of these controverted claims.

My motion, however, is directed more to a practical question. Twenty-five million dollars only have been ordered refunded. I will say to the chairman of the committee that that is the testimony given within the past hour by persons who are familiar with the Interior Department.

Mr. WARREN. How long will that last at the rate at which they are adjudicating these claims? It would last only through-out a period of a few days.

Mr. KING. It may or it may not.

Mr. WARREN. The motion of the Senator from Utah would mean an extension of the time of payment of those entitled to refunds.

Mr. CARAWAY. The money will not be paid out until the claims are allowed.

Mr. WARREN. The claims are being allowed every day.

Mr. KING. If we throw the claims out, the claimants do not get the money. They do not get anything until the claims are allowed.

Mr. WARREN. Oh, of course not.

Mr. KING. But as soon as the judgment has been entered 6 per cent interest is drawn—

Mr. CARAWAY. It ought to be 12 per cent.

Mr. KING. So that the person who is found to be a creditor of the Government will not only get the amount due him, but the interest. But the point I have in mind is this: That many taxpayers are not satisfied with the present method of adjudicating these claims. Before we adjourn we will set up some suitable machinery, and I had in mind the fact that in view of the suspicion attending many of these refunds the contention that refunds are made to great corporations which which are not entitled to them, under circumstances which excited suspicion, it would be wiser to refer the claims to this machinery which we will set up instead of paying out money at the present time. It does seem to me that to make this appropriation in anticipation of claims is not wise.

Mr. WARREN. It is nothing of that kind.

Mr. KING. It is in anticipation.

Mr. WARREN. So are all of the appropriations in the bills we bring in. We bring in appropriations of millions upon millions and not a dollar of it is due until the time comes to expend it. Others are not different from this.

Mr. KING. The Senator knows our appropriations usually take effect at the beginning of the fiscal year. We make appropriations now for the next fiscal year. Appropriations are for payments to be made in futuro. The expenditures will start in the 1st of next July and run for a year. This appropriation may be made before we adjourn. If we were going to adjourn to-morrow, then I would not press the motion which I have submitted.

Mr. WARREN. If the Senator will allow me, these refunds have been paid in this way always, and we make no appropriation of consequence for the future in respect of such claims. The claimants will have to depend on this bill, because the Treasury Department appropriation bill has already been passed. These are matters which develop only as we find out what we owe Tom, Dick, Harry, and so forth; then we pay them.

Mr. KING. The point I am trying to make is this, that we will be in session for at least two months, possibly three.

Mr. WARREN. The Senator may think it will be all summer, but I would rather play it the other way.

Mr. KING. By that time, Mr. President, we will know more definitely what the obligations will be against the Government, and what the charge will be upon the Treasury to meet these refunds. It does seem to me that it is injudicious and unwise to make the appropriations now, in view of impending legislation.

Mr. WARREN. It amounts to \$10,000,000 a month or more, and it will last only part of the year. I do not want the Senator to be guilty of holding back money that is due to our constituents, where they have overpaid their taxes. I will help him in any future legislation, and help him in any other way, but in view of the trouble we have from the calling for a quorum, I would rather the Senator would recall his amendment, if he will. I think he should do that.

Mr. KING. Mr. President, I think the Senator ought to be satisfied with \$30,000,000, and if refunds have been ordered to any considerable extent by the end of another 30 days, he can bring in a deficiency bill.

Mr. WARREN. Over \$10,000,000 a month of this is absorbed, taking the last few months as a guide.

Mr. KING. I have no doubt that the rapidity with which they are passing upon these claims—

Mr. WARREN. The Senator certainly does not mean to use the word "rapidity." Does the Senator think that it is "rapid" when we are settling claims four or five years old?

Mr. KING. It is rapid if they are paying out \$10,000,000 a month on these refunds.

Mr. WARREN. It may be a rapid dispensation of money, but it is going over a wide stretch of country.

Mr. KING. When Uncle Sam is dispensing money, even when the appropriations are in charge of our very economical Committee on Appropriations, it is very rapid.

I will amend my motion, and move to amend by striking out the numerals "\$105,467,000," inserting in lieu thereof "\$30,000,000." That will more than cover all of the refunds which have been ordered to date, and then if further refunds are allowed, Congress will be in session, and we can speedily meet them.

The PRESIDING OFFICER. The Senator from Utah modifies his amendment so as to strike out of the text of the bill the numerals "\$105,467,000," on line 22, page 42, and to insert "\$30,000,000" in lieu thereof.

Mr. McKELLAR rose.

Mr. WARREN. Does the Senator wish to debate this motion?

Mr. McKELLAR. Not this motion, but I have another matter I wish to take up.

Mr. WARREN. Let us settle this first.

Mr. McKELLAR. That is agreeable to me.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Utah.

The amendment was rejected.

Mr. McKELLAR. Mr. President, there is an item in this bill, on page 33, to which I desire to call attention. The item is as follows:

The appropriation of \$6,500,000 for making changes in the turret guns of certain battleships so as to increase the range of such guns, contained in the deficiency appropriation act approved March 4, 1923, is hereby repealed.

That appropriation of six and a half million grew out of a recommendation made by President Harding and the Secretary of the Navy last March. The recommendation of the Secretary of the Navy reads as follows:

This department has heretofore maintained the attitude that it was better, in the interests of efficiency, to construct new capital ships rather than to fully modernize, from time to time, similar but older vessels already in service. The treaty for the limitation of naval armaments, which this Nation has ratified, definitely stops, for the powers signatory, the construction of new capital ships for many years and therefore imposes on this Nation a different policy if our capital ships are to be maintained at a standard of efficiency comparable to that of similar vessels of foreign powers. Careful studies have been made as to the measures to be taken to place this new policy in effect, and this department is now ready to proceed with the modernization of certain capital ships provided funds for the project may be obtained. The program tentatively adopted is necessarily spread over a considerable period. The money requested in this estimate is sufficient to make a beginning on the project and to undertake necessary work on 13 vessels. That this policy should be

inaugurated at the earliest moment is believed by me to be of major and vital importance from the standpoint of efficiency of our national defense. I strongly urge its favorable consideration.

Mr. President, upon that report coming from the Secretary of the Navy Congress at once appropriated the \$6,500,000 for the purpose of elevating our guns on these 13 capital battleships. The reason advanced was that it had been found after the limitation of armaments agreement that British capital ships could throw their shells very considerably farther than the American capital ships could, and that therefore the supposed 5-5-3 agreement, the equality agreement as to the ratio between the American Navy and the British Navy, so far as capital ships was concerned, was not in fact carried out, because the British ships, as a rule, could throw their shells farther, and therefore in certain kinds of warfare the American Navy would be at a serious disadvantage.

The Congress at once carried out the recommendation of the Secretary of the Navy and appropriated the money.

I stop here long enough to call attention to, and I desire to put in the Record at this point, a portion of part 1, chapter 2, of the treaty, rules relating to the execution of the treaty and definition of terms, pages 97 and 98. That is a mere statement of the vessels of each nation, showing that of capital ships the American Navy would have 500,650 tons and the British Navy 580,450 tons. I ask that that may be placed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

On the completion of the two ships of the *West Virginia* class and the scrapping of the *North Dakota* and *Delaware*, as provided in article 2, the total tonnage to be retained by the United States will be 525,850 tons.

Names of ships which may be retained by The British Empire.

	Tonnage.
Royal Sovereign	25,750
Royal Oak	25,750
Revenge	25,750
Resolution	25,750
Ranulph	25,750
Malaya	27,500
Valiant	27,500
Barham	27,500
Queen Elizabeth	27,500
Warspite	27,500
Benbow	25,000
Emperor of India	25,000
Iron Duke	25,000
Marlborough	25,000
Hood	41,200
Renown	26,500
Repulse	26,500
Tiger	28,500
Thunderer	22,500
King George V.	28,000
Ajax	23,000
Centurion	23,000
Total tonnage	580,450

On the completion of the two new ships to be constructed and the scrapping of the *Thunderer*, *King George V*, *Ajax*, and *Centurion*, as provided in article 2, the total tonnage to be retained by the British Empire will be 558,950 tons.

Mr. McKELLAR. The provision in controversy as to our right to elevate the guns upon our own ships is found on page 701 of the pamphlet from which I am reading and in the treaty, and is as follows:

(d) No retained capital ships or aircraft carriers shall be reconstructed except for the purpose of providing means of defense against air and submarine attack, and subject to the following rules: The contracting powers may, for that purpose, equip existing tonnage with bulge or blister or anti-air attack deck protection, providing the increase of displacement thus effected does not exceed 3,000 tons (8,048 metric tons) displacement for each ship. No alterations in side armor, in caliber, number, or general type of mounting of main armament shall be permitted except—

There are two exceptions, which I need not read. Now, Mr. President, when that appropriation was made Great Britain at once protested to the United States that under this provision of the limitation of armaments treaty the United States had no right to elevate its own guns upon its own capital ships, but was precluded from doing so. It is fair to say that it had been stated in the United States that the British were elevating their guns on their principal battleships, but it seems that that was found to be not correct.

My purpose in bringing the matter to the attention of the Senate at this time is to show that the limitation of armaments treaty, heralded throughout the country as to the wonderful

advantage of the United States, has resulted in an agreement that the United States has not the right even to elevate the guns on its own capital ships so as to make them the equal of the guns of Great Britain. Of course, as long as the agreement is in force the United States is at a disadvantage in naval warfare in so far as our capital ships are concerned. Our ships can not throw their shells as far as Great Britain's ships can, and in certain kinds of warfare it might be that we would be helpless.

What is the department doing? I call attention to an article prepared by Capt. Frank H. Schofield, of the United States Navy, printed in the annual report of the Secretary of the Navy for 1923, showing that even under the present treaty we might elevate the guns on our capital ships. I ask at this point to have inserted in the Record as a part of my remarks the article by Captain Schofield, without reading.

The PRESIDING OFFICER. Without objection, it is so ordered.

The article is as follows:

THE GUN-ELEVATION QUESTION.

[Memorandum by Capt. Frank H. Schofield, United States Navy.]

Foreword.—The Sixty-seventh Congress made an appropriation of \$6,500,000 to increase the elevation of the turret guns of 13 United States capital ships. Congress was informed erroneously but with candid intent, that the guns of the British fleet had had their elevations similarly increased. The British Government stated that this information was incorrect. The American Government immediately and unhesitatingly accepted the British statement. The question of the legality of the action contemplated by the appropriation of six and a half millions was not questioned by the British.

As Congress had made the appropriation under the impression that the British guns had been similarly elevated, it was decided to postpone action on increasing the elevation of the turret guns of 13 ships until Congress had again considered the subject.

There has been some agitation in the press to the effect that it would be contrary to the letter or the spirit of the Washington treaty to increase the elevation of our turret guns. The following paragraphs deal with this question:

The gun-elevation question has two separate and distinct parts:

(1) Is it allowable under the treaty?

(2) Is it worth doing?

This memorandum deals with the first question. This question is a matter of written law—the treaty. The decision of this question must depend upon a correct interpretation of written law. There are two separate laws on the subject, each equally operative, equally conclusive, both intended to express identical ideas. These two laws are the English version of the treaty for limitation of armament and the French version of the same treaty.

I shall examine the English version of the treaty first to determine whether or no the elevation of the turret guns on American battleships may be increased without violating the treaty. The following words in the treaty and no others bear on this subject:

"No alterations in side armor, in caliber, number, or general type of mounting of main armament shall be permitted."

The italicized words in the above quotation are the only words in the treaty that bear on the gun-elevation question. Our problem, therefore, is simply to examine what we propose to do in the light of the meaning of these words.

There are five necessary steps in increasing the elevation of the turret guns on the 13 of our battleships that are under consideration.

These steps are:

- (1) Increasing the size of the gun port opening.
- (2) Lengthening the elevating screw so that the breech of the gun may be lowered and raised through a greater distance.
- (3) Cutting away some of the plates and framing under the breech of the gun so that the breech may be lowered farther.
- (4) Changing the position of the ammunition hoists slightly.
- (5) Making a more powerful counter-recoil system.

Let us consider each step separately.

"(1) Increasing the size of the gun port opening."

The turret guns stick out through holes in the face of the turret. When the guns are pointed at their greatest range—that is, when the muzzles of the guns are elevated, the guns touch, or almost touch, the top of the hole in the armor through which the guns project. If we wish to point the guns higher we must lengthen the hole upward, so that the muzzle of the gun may be raised higher.

Question. Is lengthening the hole (port opening) in the front of the turret armor an "alteration in the general type of mounting of main armament"?

Answer. No. The general type of mounting might be the same if all the turret armor were removed. The guns might still be in the same position with the same general type of mounting. The armor is simply protection to the guns, mounts, and crew. No matter how many or how

big the holes cut in the armor the general type of mounting remains the same.

"(2) Lengthening the elevating screw so that the breech of the gun may be lowered and raised through a greater distance."

The elevating screw extends from under the breech of the gun to a part of the gun mount below where it runs through a nut fixed to the mount. It is connected to an electric motor that turns it in either direction. If the screw turns in one direction the elevating screw runs up through the fixed nut and its upper end pushes the breech of the gun up—thus lowering the muzzle of the gun; if the screw turns in the opposite direction it runs down through the fixed nut and pulls the breech of the gun down—thus elevating the muzzle of the gun. If the length of the elevating screw is increased and if the distance between the breech of the gun and the fixed nut through which the elevating screw travels is increased, it will be possible to raise and lower the breech of the gun through greater distances.

Question. Is the lengthening of the elevating screw so that the breech of the gun may be lowered and raised through a greater distance an "alteration in the general type of mounting"?

Answer. No. It is not a change in type of mounting. The same type of mounting is preserved in making this change but the capacity for up and down motion of the breech of the gun is increased. A short broomstick is of the same general type as a long broomstick. Size does not alter type.

"(3) Cutting away some of the plates and framing under the breech of the gun, so that the breech may be lowered farther."

As guns are now installed in the ships there are various platforms and framings directly underneath the breech of the gun that the breech of the gun comes near to when the muzzle is pointed as high as possible. If we propose to point the muzzle higher, these frames and plates and fittings must have their position changed so there will be a clear road for the breech of the gun when it is lowered for extreme long-range pointing and firing.

Question. Is the cutting away of platforms, frames, and fittings within the turret structure so as to permit the breech of the gun to be lowered farther an "alteration in the general type of mounting of main armament"?

Answer. No. All fittings that would have to be changed in position would still be retained in a modified form and in a modified position. Nothing would be taken away or added to the gun mount that would change its type, so far as this particular step is concerned. It is not a change in type of writing desk, for example, if more room is made under the desk so that a fat man can get his legs where a thin man gets them without any trouble.

"(4) Changing the position of the ammunition hoists slightly."

Question. Would this be an "alteration in the general type of mounting of main armament"?

Answer. No. The reply to this question is similar to No. 3, and, in fact, might be included under No. 3.

"(5) Making a more powerful counterrecoil system."

When a turret gun is fired, its muzzle is always pointed up some, otherwise the projectile would fall in the water close to the ship. The farther you wish to fire the gun the higher the muzzle must be pointed. When the gun is fired, it recoils some little distance back into the turret. Its recoil is stopped by a hydraulic or pneumatic system, reinforced by springs which act as brakes on its recoil. Before the gun can be reloaded, it must be shoved forward again into the same position it had at the start. This is done by means of the counterrecoil system, which may be by springs, by air pressure, or by hydraulic pressure.

It is evident that the more the breech of the gun is depressed the more the gun has to be elevated in shoving it back into place after firing. When the gun is level it is just a question of overcoming the friction of the gun in the slide enough to push it forward. When the gun is elevated 10° you must not only overcome this friction, but you must push the gun up an incline of 10°. When the gun is elevated 30° you must overcome the friction and in addition lift the gun up an incline of 30°. This requires a considerable increase of power over that required for the 10° elevation. It will therefore be necessary to provide more power to return the gun to loading position after firing, but it will not require a change in the type of the mounting or a departure from established practice in the design in order to accomplish this object.

Question. Is making a more powerful counterrecoil system an "alteration in the general type of mounting of main armament"?

Answer. No. The same type of automobile jack can be used to lift the wheel of a Ford touring car and the wheel of a 5-ton truck. The only differences involved are those of size and power.

From the preceding analysis of the five steps necessary in making changes in our ships to permit of increased elevation of the guns, it is obvious that since no one of these steps involves a change in the general type of mounting of the main armament that the proposal itself does not involve a change of type and that, therefore, it is permissible for us to change the elevation of our guns.

If, however, we should propose installing two turrets for one turret or should take turrets from the center line of the ship and put them on

the sides of the ship or should take them from the sides of the ship and should put them on the center line or should take turrets that can not fire over each other and arrange them so they could fire over each other, we would be changing the general type of mounting of the main armament; in fact, we would be making of our ships ships of a decidedly different character. It was this sort of change that the treaty sought to guard against. No such changes as these are proposed or even suggested. We simply propose changes that will enable us to use more effectively and more efficiently the guns and mountings we already have.

We come now to the French version of the treaty and its bearing upon the question under consideration. The following words in the French version of the treaty and no other words in this version bear on this subject:

"Sera interdit tout changement dans la cuirasse de flanc, le calibre et le nombre des canons de l'armement principal, ainsi que tout changement dans son plan general d'installation."

The italicized words of the above quotation are the only words in the French version of the treaty that bear on the gun-elevation question. For convenience in discussing their meaning let us translate these words as literally as possible into English.

"All change in the side armor, the caliber and number of guns in the main armament, as well as all change in its general plan of installation is forbidden."

From this translation we can separate out, by italicizing, the words that bear directly on the question under discussion. It will be found that the whole question hinges on the meaning of "general plan of installation of main armament." No stretch of the imagination can make these words mean that any one or all of the five steps above enumerated as necessary for increasing the elevation of our turret guns are changes in the "general plan of installation of main armament." It is perfectly obvious that these words do refer to such changes as are indicated in a paragraph above, namely:

(1) Installing two turrets for one turret.

(2) Taking turrets from the center line of the ship and putting them on the sides of the ship.

(3) Taking turrets from the side of the ship and putting them on the center line.

(4) Placing turrets that can not fire over the other so that one of them can fire over the other, etc.

Such changes would be changing the "general plan of installation of main armament."

So much for the common-sense legal phases of the question.

The public is very generally under the impression that the British Admiralty have stated officially through the proper channels that by their interpretation of the treaty it would be illegal for us to change the elevation of our turret guns as proposed. No such contention has ever been put forward either by the British Admiralty, the British Government, or by any official in any government signatory to the treaty. This is a categorical denial that can be substantiated by anyone at any time who chooses to make official inquiry either of the State Department or of the Navy Department.

The general intent of the treaty was to grant to each power full right to keep step with material and scientific progress, subject only to specific limitations. Nowhere is there to be found a "spirit" of the treaty that contravenes this right.

Mr. McKELLAR. Notwithstanding this article, notwithstanding the recommendation of the Secretary of the Navy of a year ago that it was imperative for the national defense that the \$6,500,000 be immediately appropriated, and that the guns be elevated at once in order to make them equal to like ships of Great Britain, there now comes to the Congress, without any recommendation from the Navy Department, a provision or bill repealing the appropriation of \$6,500,000, and according to the Navy Department or those in charge of the Government we would still be at that disadvantage. In other words, if the Navy Department was correct one year ago in its recommendations, then the American Navy would probably be helpless as opposed to the British Navy. If it was not correct, if that provision is not correct, then the Navy Department a year ago asked us to appropriate \$6,500,000 for which there was no necessity whatsoever.

Mr. KING. Mr. President, will the Senator pardon me to make a brief statement in that connection? It will take but a moment.

Mr. McKELLAR. Certainly. I yield to the Senator from Utah for that purpose.

Mr. KING. I am inclined to think there is one aspect of the matter about which the able Senator from Tennessee has not been advised. The Navy Department asked for this appropriation at the last session of Congress, but their request was denied. In the closing hours of the session some of the officials of the Navy Department went before the committee of the House and again asked for the appropriation, and the item

was then inserted. When the appropriation bill came before the Senate I challenged it, and the Senator from Wyoming [Mr. WARREN] stated to me—and I hope I am not betraying any secrets—that representations had been made to the committee that Great Britain had entered upon a program calling for the raising of the guns on her capital ships, and that as a result the United States would be placed at a disadvantage. As I recall, Japan, it was claimed, was also elevating the guns upon her vessels. The committee felt constrained upon those representations to make the appropriation. I stated to the Senator that I was not satisfied with the representations of the Navy Department, but in the absence of information contravening their position I would not obstruct the passage of the bill. Immediately after Congress adjourned I made investigation and found that the representations made were not true. Neither Great Britain nor Japan had modernized the ships in question or elevated the guns thereon. Our Government was placed in a very embarrassing situation owing to the action of Congress in appropriating so large a sum to modernize our capital ships, and the Secretary of State was compelled to notify Great Britain that our course was not warranted, and, as I now recall, advised the British Government that the United States would not change the battleships as contemplated by the appropriation.

It seemed to me then that the recommendations of the Navy were in violation of the naval treaty prepared at the Limitation of Arms Conference and that the Navy Department was not frank and candid in its dealings with Congress. The facts proved that my surmises were well founded.

After making an investigation as to the representations of the Navy, I wrote a letter to Secretary Denby, copy of which is as follows:

UNITED STATES SENATE,
March 26, 1923.

Hon. EDWIN DENBY,
Secretary of the Navy, Washington, D. C.

MY DEAR MR. SECRETARY: I was greatly surprised to read in the press that both the Secretary of State and the Assistant Secretary of the Navy had made public statements contradictory of statements heretofore made, as I was advised, by the State Department and by the Navy Department, with reference to the so-called modernization of battleships of Great Britain.

When the Navy bill was under consideration in the Senate, I was advised that it was the intention of the Navy Department to ask for a large appropriation to modernize battleships, and particularly to enter upon the work of increasing the angle of elevation of the guns upon the battleships. I stated that I was opposed to the proposition because I believed it was in contravention of the treaty and because I believed that the scheme was unwise and unnecessary. The Navy appropriation bill passed without including this proposed appropriation.

In the closing hours of the session I was approached and urged not to oppose the scheme to appropriate approximately six millions of dollars for the purpose of making changes in the mounting of the guns in order to give them a longer range. I was told that Great Britain had secretly entered upon the work of making similar changes upon her battleships and that Japan had either contemplated doing the same or had already started upon this work. There was some secrecy about the matter which was exceedingly obnoxious to me, but because of the strong representations made as to the necessity of these changes, and the importance of immediate action, I stated that I would not oppose the appropriation.

From what I can learn now, I was deceived, and other Senators were deceived, and I am writing to enter my protest against the method of obtaining the appropriation and also against the inauguration of these changes for which the \$6,500,000 was appropriated.

I have seen in the press that some officials of the Navy Department say that they have a "mandate" from Congress to proceed at once to make these changes. Speaking as a Senator, I submit that there is no "mandate" which demands that this work shall be entered upon at once, and I am constrained to state that in my opinion there never would have been any appropriation made for this purpose if Congress had been fully advised in the matter.

With the information which I now have, I shall offer a bill as soon as Congress meets to repeal the appropriation referred to.

Yours very truly,

WILLIAM H. KING.

As stated, the action of Congress in authorizing changes in the capital ships resulted in some communication from the British Government, amounting to a protest, and the Secretary of State very properly took steps to relieve our Government of the charge of being a treaty breaker. His action, as well as the general protests which were made by many Americans, restrained the Navy Department in its purpose to elevate the guns and make other changes upon our battle-

ships, or at least some of them. I submit that Congress was deceived by the Navy Department, and the appropriation was improvidently made.

Mr. HALE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Maine?

Mr. McKELLAR. I will yield in just a moment. I just want to call the attention of the Senator from Utah to his accuracy in the legal position which he has taken. Unquestionably the limitation of armament treaty prohibits alterations in American ships by the American Navy or the American Government. It provides as follows:

No alterations in side armor, in caliber, number, or general type of mounting of main armament shall be permitted.

Unquestionably it was in contravention of this treaty for us to have undertaken the work that was recommended by the Secretary of the Navy a year ago. Unquestionably that was true, and I am calling it to the attention of the country today to show that as long as we have the treaty there can not be equality of battleships or capital ships in the navies, as between the United States and Great Britain, but the United States is compelled to be in second place in so far as her guns are concerned.

I now take pleasure in yielding to the Senator from Maine. Mr. HALE. I thought the purpose of the Senator in speaking to-day to the Senate was to ask that the House provision repealing the appropriation be stricken out.

Mr. McKELLAR. Oh, no. The Senator has not heard my discussion. There has been no suggestion of that at all.

Mr. HALE. Then I was mistaken in the Senator's attitude. I do not agree with the Senator at all about the matter of the elevation of the guns being in contravention of the treaty.

Mr. McKELLAR. I do not see how it is possible for the Senator to have looked at the treaty and come to any other conclusion than as I have stated. It provides that no alteration of side arms in caliber, number, or general type, and so forth, shall be permitted. Of course the Senator must dispute the ordinary plain everyday meaning of words if he says that the United States Government has the right to change the mounting of its guns with that prohibition against it.

Mr. HALE. That is a matter about which there is considerable argument, and neither the Senator nor I are the ones to decide it.

Mr. McKELLAR. The Navy has given it up, and now, as I understand, the Senator recommends that the appropriation be agreed to.

Mr. HALE. I think the Senator is entirely mistaken. Will he allow me to make a statement?

Mr. McKELLAR. I shall be very glad to have any information the Senator may have upon the matter.

Mr. HALE. In the report of the Secretary of the Navy for 1923, Appendix II, is a statement relative to the gun elevation question, by Capt. Frank H. Schofield.

Mr. McKELLAR. I referred to that a few moments ago and asked that it be printed in the Record, and I have read it very carefully.

Mr. HALE. Has the Senator from Tennessee asked that it be put into the Record?

Mr. McKELLAR. I have already done so.

Mr. HALE. I was going to do so, but that is not now necessary.

Mr. SWANSON. Mr. President—

Mr. McKELLAR. I yield first to the Senator from Maine.

Mr. HALE. Mr. President, I should like to state the facts about this matter as I understand them to be. Last year subsequent to the passage of the naval appropriation bill, but prior to the adjournment of Congress, the Navy Department came to Congress and informed us that on information which it had since the signing of the limitation of armament treaty here in Washington the British had raised the elevation of their guns; that with that raised elevation they were getting a longer range than we were getting with our guns; and that, therefore, in order to put us on a parity with them, it was necessary for us to make an appropriation providing for the elevating of our own guns.

Mr. McKELLAR. I call the Senator's attention to the fact that I have here a recommendation from Secretary Denby made at the time, and no reference is made to the change of the elevation of British guns. I will put the statement into the Record so that the Senator can read it in the morning.

Mr. HALE. The information to which I have referred was put before us at the time, and that was the reason for the appropriation. The appropriation, therefore, was put on one of the deficiency appropriation bills and it became a law. Last

summer it was found that the British had not done as we had supposed they had done, that they had not raised the elevation of their guns, as the Senator from Utah has explained. A number of people went to the department and protested against our taking action in view of the fact that the British had not done so, and the matter was held up.

In the annual report of the Secretary of the Navy for 1923 the following statement is made:

The matter will again be brought to the attention of Congress at the coming session, and unless adverse action is taken by Congress, the department will proceed with the employment of this money for elevation of the guns.

I do not think that it is a matter of any very great importance whether the House provision be stricken out or not. I think, on the whole, it is probably not best to strike it out. In view of the statement I have just read, unless the provision be stricken out, and unless Congress shall take some affirmative action, the department would feel that it had a right to go ahead. I do not understand that the department objects to the provision being stricken out at the present time. I do not understand that they have taken any new position or made any change in their position about the elevation of the guns. They do not object to this provision being stricken out of the bill.

Mr. McKELLAR. Well, if the elevation of those guns was vital to the defense of the United States in 1923, as the department then reported, how can it be a matter of no moment at this time?

Mr. HALE. I think it was vital at that time, in their opinion, because they thought the British had raised the elevation of their guns. They now find that the British have not done so.

Mr. McKELLAR. Just one moment. The Senator from Maine is chairman of the Naval Affairs Committee?

Mr. HALE. I am.

Mr. McKELLAR. Will the Senator state to us what the facts are? Do the guns on the capital ships which are mentioned in the treaty belonging to Great Britain shoot farther than do the guns on the capital ships which are mentioned in the treaty belonging to the United States?

Mr. HALE. The guns on some of the capital ships of the British do have a longer range than do the guns on some of ours, while on others this is not the case.

Mr. McKELLAR. How are those ships classified?

Mr. HALE. There are seven of our older ships whose guns have an elevation of 15 degrees and a range of 20,900 yards. Then we have six battleships the guns of which have an elevation of 15 degrees with a range of about 24,000 yards. Then the guns on the last five, the newer five of our battleships, have an elevation of 30 degrees and a range in the neighborhood of 35,000 yards. The guns on the British ships all have an elevation of 20 degrees with the exception of the *Hood*, which is their latest ship. The guns on that ship have an elevation of 30 degrees and a range substantially the same as have the guns on our last five ships. The British have the right to replace two more ships, the guns on which will also have an elevation of 30 degrees and a range of around 35,000 yards; but at the present time we have five battleships the guns on which have a greater range than any which the British have, with the exception of the guns on the *Hood*. When the British shall have put in their other two replacement ships we shall have five ships to their three the guns of which will have the maximum range.

Mr. McKELLAR. But all the guns on the remainder of the British ships have the maximum range?

Mr. HALE. No; they have not the maximum range.

Mr. McKELLAR. But have they a better range than have the guns on the American ships of the same kind?

Mr. HALE. The guns on those British ships have a little better range; they have from 1,000 to 2,000 yards better range than the range of the guns on our best ships, with the exception of the guns on our five last ships.

Mr. McKELLAR. Does not the able chairman of the Committee on Naval Affairs think that that is a very serious disadvantage for the United States to be living under while we have a treaty supposedly providing for equality of armament?

Mr. HALE. I will say to the Senator that I want see us with a Navy whose guns have a range second to none in the world.

Mr. McKELLAR. I agree with the Senator. I also think we should have such guns; but I call the attention of the Senator to the fact that the administration of which the Senator is a part in 1923 entered into a solemn agreement with Great Britain, Japan, and France by which we are, in my judgment, prohibited from having an equality with Great Britain as to ships.

Mr. HALE. But, as I said to the Senator before, neither the Senator nor I can decide that matter. That is a matter that the State Department has in its hands at the present time.

Mr. McKELLAR. But I thought that the State Department had not only decided the question in Great Britain's favor but had humbly apologized for this country having taken a different position.

Mr. HALE. I think the Senator is mistaken about that. I think the apology we made was for stating that the increase in the elevation of our guns was necessary because they had increased theirs, if that may be called an apology.

Mr. McKELLAR. Mr. President, I happen to have here the debate in the House of Commons, from which I read that Commander Eyres-Monsell said:

We do not propose to alter the elevation, and although the Americans appropriated money for that purpose, they have, on our assurance that we are not going to do so, abandoned the idea.

The Senator from Utah, I believe, just a moment ago said that we had apologized for it, and in one of the articles that I have made a part of my remarks—

Mr. HALE. I have never seen any such apology.

Mr. McKELLAR. It is stated that Secretary Hughes has apologized.

Mr. HALE. I repeat I do not recall any such apology.

Mr. McKELLAR. It was commonly quoted in the newspapers, and there is no doubt about it that when it was found that we ourselves proposed to violate our own treaty we naturally apologized for it, and I am rather inclined to think that the State Department was right in making an apology. They certainly were right in making a correction, at any rate, because, in my judgment, under that treaty we have no right to change the elevation of the guns on our capital ships.

Mr. HALE. I still say that the matter of whether the elevation of those guns is in contravention of the treaty is in the hands of the State Department.

Mr. SWANSON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Virginia?

Mr. McKELLAR. I will yield in just a moment. Representative NEWTON of Missouri has written a most instructive statement in regard to this matter. It is very short and is found on page 4587 of the RECORD under the title "Is it worth doing?" He is so clear in his exposition of this question that I ask to have his statement made a part of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The statement referred to is as follows:

(2) IS IT WORTH DOING?

When we place guns on a ship we do it in the hope that if that ship ever goes into battle it will be able to hit its enemy oftener and harder than the enemy ship hits it, no matter at what range the battle is fought. If we fail to have this object in view all the time, the ship is likely to fail. In naval battle, more than in any other kind of contest, it is the advantage at the very start of the contest that is most important and may be decisive. Let us see what increasing the elevation of our turret guns might do to gain that initial advantage in battle.

When most of our battleships were designed and built 10 miles was considered an extreme battle range. The thought of the day was that no battle would open with gunfire at greater ranges than 10 miles. We know now that effective firing can be done by ships up to a range of 20 miles and that battle is likely to open at that range. Thirteen of our 18 battleships are built to fire at an extreme range of about 11 miles. The gun mounts on these ships can be modified without changing the general type of mounting, so that the guns will all be able to fire at a range of 18 miles. The five newest of our ships can all fire their guns at 19 miles.

The accompanying sketches show what an overwhelming handicap our battleship fleet may have to accept in battle if we fail to increase the elevation of our turret guns. As data regarding foreign fleets are difficult fully to assemble and to understand, no attempt has been made in the sketches to make comparisons of our fleet with foreign fleets. The comparison in each and every case is a comparison of what our present fleet in its present condition can do with what our fleet could do were the elevation of the turret guns of 13 of our capital ships increased to 30°.

In each sketch the column of ships to the left represents our battleship fleet as at present without the mounts altered so as to permit elevating the guns 30 degrees, and the dots near that column represent the number of hits made on those ships, at the range indicated, by the right-hand column of ships.

The right-hand column of ships represents what our fleet would be were they all given a gun elevation of 30 degrees. The dots near the right-hand column of ships indicate the number of hits that might be made by our fleet as at present on the ships of that column while they were making the much larger number of hits shown on the left-hand column.

The number of hits in each sketch represents the same length of time of firing. The greater number of hits shown at the shorter ranges is due solely to the greater ease of hitting at the shorter ranges. For instance, under identical conditions about twice as many hits are made at 25,000 yards as are made at 32,000 yards, and about twice as many hits are made at 20,000 yards as at 25,000 yards.

The sketches make no allowance for the heavy fire that the left-hand column is under as compared with the right-hand column. In actual battle the left-hand column of ships would not be able to fire as many shots nor as well-aimed shots as the right-hand column, because ships that are being hit frequently never fire as well as those under less severe fire. If we should take this fact into account, the right-hand column would have a still greater advantage. As this special advantage can not be determined accurately it is not taken account of in the sketches.

Only about one-quarter of the guns of our fleet can now reach ranges above 24,000 yards. If our fleet were to meet in battle at these ranges another fleet of equal strength that could deliver all its gunfire, our fleet would be hopelessly defeated by superior gunfire before it could get close enough to bring all its own guns into action.

At ranges between 20,000 and 24,000 yards our present fleet is about one-half as effective as it might be. These ranges are likely to be decisive ranges. We know by official foreign statements that our fleet is inferior to a foreign fleet in hitting power at these ranges in about the ratio of 10 to 14. If a battle were to be fought to a conclusion between two fleets of 18 otherwise equal ships at a range of 22,000 yards, and if the ratio of hitting powers of these fleets at the start were as 10 to 14, at the conclusion of the battle one fleet would be entirely destroyed, sunk—ours—and the other would have 11 good ships left. If, however, we were to increase the elevation of our turret guns so that all may fire at the higher ranges, the ratio of hitting powers would then be about as 10 to 11.4, a ratio which, though reduced, is still against us, and one which we can not overcome by any change in our present ships. This is the meaning of the gun-elevation question.

If it is worth while at all to have a navy, then it is worth while to give that navy a fair chance in a self-respecting stand-up fight. It is not only worth while, it is imperative, that we elevate our turret guns so that they all can fire at the highest ranges. Even then we shall still be decidedly inferior to the strongest fleet at certain ranges.

Mr. McKELLAR. I now yield to the Senator from Virginia.

Mr. SWANSON. Mr. President, as the Senator from Maine [Mr. Hale] has well and correctly said, last year the Committee on Appropriations in considering the naval appropriation bill—and the Senator from Maine and I both were on the subcommittee which had that bill in charge—failed to include this item. It was afterwards included in a deficiency bill. The officers of the Navy Department who appeared before us took the position that elevation was different from mounting, and that consequently they had a right to elevate the guns because that was not included in the term "mounting" which was used in the treaty. At the time I thought it was a very doubtful question even if Great Britain had been elevating the guns of her battleships, and so I suggested that it would be well at the time for the Secretary of the Navy to make an inquiry before we should proceed even by indirection to violate or be placed in the position where we could be suspected of violating a treaty to negotiate which we had called a conference and to which we had agreed.

Mr. McKELLAR. The Senator was exercising his usual good sense in making that suggestion.

Mr. SWANSON. So the item was not included in that bill. Afterwards the committee thought from information furnished by the Navy Department that the British were elevating their guns, which would give them a superiority they did not possess at the time the treaty was signed. Acting on that information, which it was thought was very accurate, but which could not be given out inasmuch as it was secret, it was considered urgent that our fleet should be brought on an equality with the British fleet. That was the main idea of the treaty which came out of the Washington conference, namely, that the fleet of Great Britain and the fleet of the United States should be equal.

Mr. McKELLAR. Of course, and that is the main idea that has gone out to the people, that the capital ships of the navies of the two countries should be equal, but when we come to examine the question carefully it can not be disputed that

instead of being equal to, our Navy is inferior to that of Great Britain.

Mr. SWANSON. I do not think so, Mr. President.

Mr. CARAWAY. Mr. President, if I may interrupt the Senator, let me say that if one cares to believe the propagandists for a big navy we have always had the worst navy that ever floated on the sea.

Mr. McKELLAR. The propagandists say that.

Mr. CARAWAY. I have never seen a time when an appropriation bill was under consideration when we had a fleet that was worth stretching canvas over. I remember the time when we were hurried into an appropriation to elevate the guns on our battleships because of some kind of a propaganda that the British had elevated their guns; but later we were compelled in good conscience to refuse to expend that money because it had been obtained under false pretenses. I do not want us to be swept off our feet as we have been sometimes in the past. At one time the propagandists said we were afraid of Germany, of Japan, of France, and of Italy, and now they try to make us afraid of Haiti on the ground that our fleet is inferior.

Mr. McKELLAR. And in the short space of one year a policy that the Navy Department urged as being vital to the national defense is no longer deserving of any attention?

Mr. CARAWAY. Oh, yes. And they wanted more battleships when all we could do with our battleships when the war came was to put them in the York River and stretch a screen around them so that nobody could get to them. We all know that the type of fighting ships has changed and why should we want to rush in and expend millions of dollars on ships that are obsolescent, if not obsolete, right now?

Mr. SWANSON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Virginia?

Mr. McKELLAR. I am through; I yield the floor.

Mr. SWANSON. Mr. President, in connection with this matter of \$6,000,000 to increase the elevation of the guns of the American ships, as I previously stated, the Appropriations Committee of the Senate and the Appropriations Committee of the House refused to include it in the general appropriation bill. It was presented to us, I think, under great stress. We did not think it was wise to do it at that time. The information furnished us did not satisfy us that the British were elevating their guns, and even if they were elevating their guns the Appropriations Committee thought it was a doubtful question as to whether we had a right under the treaty to elevate our guns. Afterwards, on information that the Navy Department was satisfied was accurate, the Appropriations Committee included this item in the deficiency bill. If Great Britain had been elevating her guns and thus giving them a greater range, the equality would have been destroyed and the American Navy would not have been equal to the British Navy, which was the central idea under the treaty.

I think the American Navy is equal to the British Navy under that treaty, with the new ships that we have built, with their superior range of guns, and all that; and, regardless of this propaganda that a great many naval people are always putting out to the effect that our Navy amounts to nothing, I think our Navy is equal to the British Navy; and I think if a war should come our present Navy would be able to meet, on fair and equal terms, the British Navy.

Mr. CARAWAY. Our Navy is always all right except when they are trying to get more money for it; is it not?

Mr. SWANSON. I do not know; I generally speak for the Navy, whether more money is asked for it or not. I do not know to whom the Senator is alluding.

Mr. CARAWAY. I am alluding to a whole lot of folks who come around here every time an appropriation bill is on and want more and more money for the Navy and claim that the Navy is absolutely worthless for the time being.

Mr. SWANSON. I have never thought that. I think we have a fine, splendid Navy.

Mr. CARAWAY. The Senator never ought to have been on the Committee on Naval Affairs then, because he could not be swept off his feet by this propaganda that the vessels of our Navy could not float.

Mr. SWANSON. I have an idea that our Navy now, regardless of what the Senator from Tennessee thinks, is equal to the British Navy.

Mr. McKELLAR. Mr. President, will the Senator yield? I know nothing about the relative strength of the two navies. I am just taking the statements of others. The distinguished chairman of the Naval Affairs Committee stated a few moments ago that quite a large number of British ships could shoot farther than the American ships.

Mr. HALE. And also quite a number of American ships can shoot farther than the British ships.

Mr. McKELLAR. No; only a very small number of American ships.

Mr. SWANSON. Not a very small number. As I understand, five of our recent ships can shoot farther and have larger guns than any ship in the British Navy, except one.

Mr. HALE. Except the *Hood*.

Mr. SWANSON. Except the *Hood*. These later ships, equivalent to the older ships of Great Britain, I think, make our Navy really a better navy than that of Great Britain.

Mr. McKELLAR. The Senator is an expert; and I am delighted to know that we are in good condition, notwithstanding the emergency proposal of the Secretary of the Navy of a year ago, wherein he said that the defense of America was absolutely dependent upon the elevation of these guns on our ships.

Mr. SWANSON. The Senator may remember that the Naval Affairs Committee refused to make that appropriation because we were not satisfied that the British were elevating their guns. Not being satisfied, they convinced the members of the Appropriations Committee that that necessity existed, and the Appropriations Committee gave them what the Naval Affairs Committee had refused.

Mr. CARAWAY. Mr. President, may I interrupt the Senator?

Mr. SWANSON. Yes.

Mr. CARAWAY. I am sincerely hopeful that that confidence in the American Navy will last beyond the next appropriation bill, but I do not think it will.

Mr. SWANSON. I do not think anything along this line is contemplated in the next appropriation bill.

Mr. CARAWAY. It does not make any difference whether it is contemplated or not; it will be in there, and I am just hopeful that we will have some faith in our ships long enough to get by one appropriation bill.

Mr. SWANSON. As to the Japanese Navy, our Navy is vastly superior to the Japanese Navy; but, as I was stating to the Senator, when this accusation was made the British Government came out officially and stated that they were making no elevation of their guns, and did not think they could do it under the treaty.

Mr. McKELLAR. And thereupon our Secretary of State apologized.

Mr. SWANSON. Our Secretary of State apologized for the misinformation, or rather corrected it, and accepted the official statement of the British Government that they intended to make no elevation.

Mr. CARAWAY. As I recollect, our Secretary of State said that he had merely repeated the rumor that he had heard, and that he had ascertained that the rumor was not well founded.

Mr. SWANSON. The Naval Affairs Committee and the Appropriations Committee did not think it was well founded at the time, and they did not give the appropriation; and I think this ought to go out. At the time I thought it not to have been passed. I think if there is any question with regard to the interpretation of that treaty, which was made in pursuance of a conference called by America, of which we were the inviting party, we ought honestly to comply with our treaty and have a fair interpretation of it before we proceed to violate the treaty framed at a conference that we called. I felt so at that time, and I feel so now.

Mr. McKELLAR. I think the Senator is exactly right about that. I do not see how there can be two opinions with regard to it. Unquestionably there is an inhibition in that treaty against changing the elevation of our guns.

Mr. SWANSON. The Navy Department insisted that the elevation was different from the mount, and that the treaty limited the mounting; but I do not see how they could change the elevation much without altering the mount. If, however, Great Britain had violated the treaty and had proceeded in violation of that treaty to create a navy greater than ours—the navies were to be on a parity—she having violated it, as they understood, secretly, they felt themselves justified, even if it took that interpretation, in doing so.

Mr. CARAWAY. But the Senator knows that Great Britain was not the only party to that treaty. France and Italy and Japan were also parties to it. Would not the Senator say that we ought not to have commenced by violating the treaty because Great Britain had done so? If we felt that she had violated it, we ought to have denounced the treaty. We ought not to have gone ahead to violate it ourselves.

Mr. SWANSON. The Senator is correct in that. We ought to have denounced the treaty before we violated it. I think the Senator's suggestion is right.

Mr. CARAWAY. We certainly ought to have.

The PRESIDING OFFICER. The bill is before the Senate as in Committee of the Whole and open to amendment. If there be no further amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

AMENDMENTS TO THE CONSTITUTION.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 4) proposing an amendment to the Constitution of the United States relative to the adoption of amendments thereto.

Mr. WADSWORTH. Mr. President, I apprehend that it is not the desire of Senators to take up the joint resolution for serious discussion this afternoon, as it is now 4.35 o'clock. I do desire, however, to ask unanimous consent to offer an amendment to the text of the original joint resolution which will be found on page 2 of the print.

I send the amendment to the desk and ask to have it stated.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. On page 2, line 13, after the word "proposed," strike out all down to and including the word "vote," on line 15, and insert in lieu thereof:

That any State may provide for a popular vote to affirm or reverse the action of its legislature, such vote to stand in lieu of the prior action of the legislature.

The PRESIDING OFFICER. The Senator from New York asks unanimous consent for the consideration of the amendment just sent to the desk and read. Is there objection? The Chair hears none. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WADSWORTH. Mr. President, I now ask unanimous consent that the joint resolution be reprinted with the amendment just adopted contained in it in order that the Senate to-morrow, when it takes up the joint resolution, will have an opportunity of having before it a print containing the original proposition as finally perfected.

The PRESIDING OFFICER. Is there objection to the request made by the Senator from New York? The Chair hears none, and the joint resolution will be reprinted with the amendment just agreed to incorporated therein.

Mr. WADSWORTH. I remind the Senate that the pending amendment—which will be taken up, I assume, on to-morrow—is the amendment offered by the Senator from Iowa [Mr. BROOKHART].

The PRESIDING OFFICER. The Chair will state that the status of the pending amendment has been in no way changed by the adoption of this amendment.

Mr. WADSWORTH. Not at all.

EXECUTIVE SESSION.

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After three minutes spent in executive session the doors were reopened, and (at 4 o'clock and 43 minutes p. m.) the Senate adjourned until to-morrow, Saturday, March 22, 1924, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate March 21, 1924.

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY.

Irwin B. Laughlin, of Pennsylvania, formerly counselor of the embassy at London, to be envoy extraordinary and minister plenipotentiary of the United States of America to Greece.

MEMBER OF THE FEDERAL BOARD FOR VOCATIONAL EDUCATION.

Harry L. Fidler, of Indiana, to be a member of the Federal Board for Vocational Education for a term of three years from March 23, 1924. (A reappointment.)

COMMISSIONERS FOR THE DISTRICT OF COLUMBIA.

Cuno H. Rudolph, of the District of Columbia. (A reappointment, his term having expired March 14, 1924.)

James F. Oyster, of the District of Columbia. (A reappointment, his term having expired March 14, 1924.)

REGISTER OF THE LAND OFFICE.

Arthur Wellington Doland, of Washington, to be register of the land office at Spokane, Wash., effective upon completion of consolidation under the act of October 28, 1921.

APPOINTMENTS IN THE REGULAR ARMY.

MEDICAL CORPS.

To be first lieutenants, with rank from March 17, 1924.

First Lieut. Hubert Maurice Nicholson, Medical Officers' Reserve Corps.

First Lieut. Edward John Kallus, Medical Officers' Reserve Corps.

First Lieut. Arthur David Hawkins, Medical Officers' Reserve Corps.

First Lieut. Howland Allan Gibson, Medical Officers' Reserve Corps.

APPOINTMENTS BY TRANSFER, IN THE REGULAR ARMY.

FIELD ARTILLERY.

Second Lieut. George William Hartnell, Air Service, with rank from June 12, 1923.

COAST ARTILLERY CORPS.

Second Lieut. John Delany Bureau, Air Service, with rank from June 12, 1923.

INFANTRY.

Maj. Karl Truesdell, Signal Corps, with rank from July 1, 1920.

PROMOTIONS IN THE NAVY.

Lieut. (Junior Grade) Francis E. Matthews to be a lieutenant in the Navy from the 16th day of June, 1923.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 5th day of June, 1923:

Charles A. Whiteford.

Delamer L. Jones.

Gunner Casper H. Husted to be a chief gunner in the Navy, to rank with but after ensign, from the 2d day of July, 1923.

Gunner Bruce M. Parmenter to be a chief gunner in the Navy, to rank with but after ensign, from the 2d day of July, 1923.

The following-named gunners to be chief gunners in the Navy, to rank with but after ensign, from the 24th day of September, 1923:

Felix A. Geissert.

Merle E. Rothenburg.

Carlton A. McKelvey.

Daniel H. Love.

Gunner William J. Murphy to be a chief gunner in the Navy, to rank with but after ensign, from the 15th day of November, 1923.

Gunner John E. Fredericks to be a chief gunner in the Navy, to rank with but after ensign, from the 2d day of July, 1923.

Machinist Thomas F. Morris to be a chief machinist in the Navy, to rank with but after ensign, from the 2d day of July, 1923.

Pharmacist Emil E. Heun to be a chief pharmacist in the Navy, to rank with but after ensign, from the 24th day of September, 1923.

Gunner George W. Allen to be an ensign in the Navy from the 9th day of February, 1924.

The following-named chief gunners to be ensigns in the Navy from the 9th day of February, 1924:

Steve V. Edwards.

Frank S. Miller.

POSTMASTERS.

ARKANSAS.

Eustace A. Davis to be postmaster at Hatfield, Ark., in place of R. H. Johnson. Incumbent's commission expired January 23, 1924.

CALIFORNIA.

James Gillies to be postmaster at Napa, Calif., in place of J. E. Walden. Incumbent's commission expired August 15, 1923.

Lulu F. Thornton to be postmaster at Durham, Calif., in place of S. T. Mason, resigned.

HAWAII.

Joseph F. Xavier to be postmaster at Puunene, Hawaii, in place of J. S. Medeiros, resigned.

IOWA.

Thompson C. Moffit to be postmaster at Tipton, Iowa, in place of T. C. Moffit. Incumbent's commission expires March 22, 1924.

Wynema Bower to be postmaster at State Center, Iowa, in place of Wynema Bower. Incumbent's commission expires March 22, 1924.

George R. Hughes to be postmaster at Shellrock, Iowa, in place of F. E. Wood. Incumbent's commission expired March 9, 1924.

Orlo L. Creswell to be postmaster at Kenwood Park, Iowa, in place of H. L. Emerson, declined.

George W. Goss to be postmaster at Blairstown, Iowa, in place of W. J. Hoebel. Incumbent's commission expires March 22, 1924.

KENTUCKY.

Charles A. Niles to be postmaster at Dawsonsprings, Ky., in place of Len Beshear. Incumbent's commission expired August 20, 1923.

MISSOURI.

Henry F. Kratzer to be postmaster at Festus, Mo., in place of H. F. Kratzer. Incumbent's commission expired February 4, 1924.

NEW HAMPSHIRE.

Lauriston M. Goddard to be postmaster at Ashland, N. H., in place of G. F. Plummer. Incumbent's commission expired February 20, 1924.

NEW YORK.

Charles K. Williams to be postmaster at Phoenix, N. Y., in place of A. C. Moyer. Incumbent's commission expired February 4, 1924.

John Jack to be postmaster at Lawrence, N. Y., in place of M. H. Ryan, resigned.

Vida O. Helnold to be postmaster at Cold Brook, N. Y., in place of J. E. Nellis. Office became third class October 1, 1923.

OHIO.

Harry L. Liebhart to be postmaster at Wadsworth, Ohio, in place of F. B. Malaney, resigned.

PENNSYLVANIA.

Ambrose S. Plummer to be postmaster at Elizabethtown, Pa., in place of H. R. Schneftman. Incumbent's commission expired August 5, 1923.

SOUTH CAROLINA.

Bessie T. Cooper to be postmaster at Mayesville, S. C., in place of C. D. Cooper. Incumbent's commission expired August 5, 1923.

TEXAS.

Harry Wheeler to be postmaster at White Deer, Tex., in place of J. C. Jackson. Office became third class April 1, 1920.

Annie S. Morgan to be postmaster at Caddo Mills, Tex., in place of A. S. Morgan. Incumbent's commission expired January 31, 1924.

WEST VIRGINIA.

Bessie Worley to be postmaster at Eckman, W. Va., in place of A. J. Calfee. Incumbent's commission expires March 23, 1924.

James H. Latham to be postmaster at Ravenswood, W. Va., in place of M. E. Ginther. Incumbent's commission expires March 23, 1924.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 21, 1924.

POSTMASTERS.

ALABAMA.

John M. Stallworth, Beatrice.

George F. Schad, Brewton.

John T. Mizell, Clio.

James F. Baker, Columbiana.

Annie K. Fazenbacker, Fulton.

Belvins S. Perdue, Greenville.

Robert O. Atkins, Heflin.

Annie K. Jones, Irondale.

Grover C. Warrick, Millry.

George B. Pickens, Moundville.

Samuel B. Wininger, Pisgah.

Albert H. Quinn, Quinton.

William A. Armistead, Searles.

Clyde Oldshue, Sulligent.

James C. Falkenburg, Tunnel Springs.

Lucious E. Osborn, Vina.

CONNECTICUT.

Clarence B. Emery, Terryville.

Walter R. King, Willimantic.

MAINE.

Bernard V. Thompson, Easton.

Harold C. Gates, Millinocket.

MINNESOTA.

Lucien M. Helm, Tower.

MONTANA.

George I. Watters, Victor.

NEBRASKA.

Myron A. Gordon, Stratton.

NEW JERSEY.

Everett N. Crandell, North Hackensack.

OHIO.

Edgar C. Allison, Cumberland.

Marion E. Campbell, Sardinia.

Nathan S. Hall, Summerfield.

PENNSYLVANIA.

Thomas W. Watkins, Frackville.

WITHDRAWAL.

Executive nomination withdrawn from the Senate March 21, 1924.

POSTMASTER.

Carlos A. Goldthwait to be postmaster at Biddeford Pool, in the State of Maine.

HOUSE OF REPRESENTATIVES.

FRIDAY, March 21, 1924.

The House met at 11 o'clock a. m., and was called to order by the Speaker pro tempore (Mr. TILSON).

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

We gratefully pause in this silence, O Lord! Thou art our loving Heavenly Father, whom we embrace by faith—trusting Thee where we can not prove. Thou hast shared Thy infinite nature with man and thus so wondrously endowed him; may we not fail in its use and in its development but strive little by little to grow characters that are after the pattern and similitude of the Master's. Bless us with the sense of gain that comes with grateful hearts. May our love and faith look out upon the future and fear no ill. Through Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

ELECTION OF MEMBERS TO COMMITTEES.

Mr. GARNER of Texas. Mr. Speaker, I submit a resolution, which I send to the Clerk's desk.

The SPEAKER pro tempore. The gentleman from Texas offers a resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 229.

Resolved, That the following Members be, and they are hereby, elected members of the standing committees of the House, as follows, to wit:

Irrigation and Reclamation: SAMUEL B. HILL, of Washington.

War Claims: C. B. HUDSPETH, of Texas.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

EXTENSION OF REMARKS.

Mr. LITTLE. Mr. Speaker, the House allowed me to extend my remarks on the wheat problem and to insert some remarks I made before the Committee on Agriculture. I ask leave now to extend those remarks, made before the Committee on Agriculture, in 8-point type, so that they will be like the rest of the speech.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

NO QUORUM—CALL OF THE HOUSE.

Mr. FRENCH. Mr. Speaker, I make the point of no quorum.

The SPEAKER pro tempore. The gentleman from Idaho makes the point of order that there is no quorum present. Evidently there is no quorum present.

Mr. BEGG. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER pro tempore. The Doorkeeper will close the doors, the Sergeant at Arms will bring in the absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Anderson	Driver	Kless	Ransley
Andrew	Eagan	Knutson	Reed, N. Y.
Anthony	Fairfield	Kunz	Reed, W. Va.
Beers	Faust	LaGuardia	Reld, Ill.
Bell	Fitzgerald	Langley	Rogers, N. H.
Black, Tex.	Foster	Lindsay	Sanders, N. Y.
Bland	Fredericks	Linberger	Schneider
Boylan	Freeman	McClintic	Smithwick
Britten	Funk	McNulty	Speaks
Browne, Wis.	Gallivan	McSwain	Stalker
Buckley	Gerau	Madden	Steagall
Campbell	Gifford	Martin	Sullivan
Carew	Gilbert	Merritt	Swoope
Celler	Greenwood	Michaelson	Taylor, Colo.
Chindblom	Griffin	Miller, Ill.	Taylor, Tenn.
Connolly, Pa.	Hammer	Mills	Upshaw
Cooper, Ohio	Haugen	Minahan	Vare
Corning	Hawes	Mooney	Vestal
Crosser	Hickey	Morin	Ward, N. C.
Curry	Holaday	Morris	Ward, N. Y.
Darrow	Huddleston	Newton, Mo.	Wason
Davoy	Hull, Tenn.	Nolan	Welsh
Deal	Hull, Morton D.	O'Brien	Williams, Ill.
Denison	Jacobstein	O'Connor, La.	Winslow
Dickstein	Johnson, S. Dak.	O'Sullivan	Wood
Domnick	Kahn	Oldfield	Zihlman
Doughton	Kelly	Perkins	
Doyle	Kendall	Perman	
Drewry	Kent	Phillips	

The SPEAKER pro tempore. Three hundred and eighteen Members have answered to their names. A quorum is present.

Mr. BEGG. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER pro tempore. The Doorkeeper will open the doors.

The doors were opened.

NAVAL APPROPRIATION BILL.

Mr. FRENCH. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 6820, the naval appropriation bill.

The motion was agreed to.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. GRAHAM] will please resume the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 6820) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1925, and for other purposes, with Mr. GRAHAM of Illinois in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 6820, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 6820) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1925, and for other purposes.

The CHAIRMAN. When the committee rose on yesterday a point of order had been made to an amendment offered by the gentleman from Texas [Mr. CONNALLY]; a point of order had been made by the gentleman from Idaho, and also one by the gentleman from Ohio [Mr. BEGG], the ground in each case being that the amendment was not germane to the section. The question then arose whether a point of order could be made at that time after the former point of order made by the gentleman from Idaho had been overruled.

The Chair has looked into the precedents a little about the matter, and while he announced tentatively yesterday that he thought the point of order could be made, he was not entirely sure of his ground. He has looked somewhat at the authorities. In the fifth volume of Hinds' Precedents, page 935, is a decision made by the Hon. Henry S. Boutell, of Illinois, the Chairman of the Committee of the Whole. It seems to be the only decision in point on that particular subject.

I will read the decision as it appears in Hinds' Precedents:

On March 22, 1904, during consideration of the Post Office appropriation bill in Committee of the Whole House on the state of the Union, Mr. THOMAS S. BUTLER, of Pennsylvania, proposed an amendment, against which Mr. Jesse Overstreet, of Indiana, raised a point of order.

Mr. James R. Mann, of Illinois, and John S. Snook, of Ohio, having risen to parliamentary inquiries concerning additional points of order, the Chairman said:

"The Chair will state that he considers the better practice for all points of order to be made at one time. The Chair thinks that if one makes the point of order against an amendment which should be overruled that other gentlemen have the right to raise

points of order against the pending amendment. * * * The Chair stated that the gentleman making the point of order should, according to the best usage, include all the reasons for making his point of order, but that other gentlemen could make other points of order if the Chair overruled the point first made."

In view of that decision, which the Chair thinks is sound, the Chair will entertain the point of order made by the gentleman from Ohio [Mr. BEGG] that the amendment is not germane. Is anything to be said on that point of order?

Mr. CONNALLY of Texas. Mr. Chairman, I desire to submit a few remarks. I submit that the amendment is germane for the reason that this section provides for the pay of all men in the service, officers and enlisted men, and if there is any recruiting to be done it necessarily follows that some officer or some enlisted man will perform that duty.

Now, the Chair suggested that because on a preceding page of the bill there was a heading entitled "Recruiting" that necessarily this amendment ought to be offered to that particular section, but if the Chair will examine that section I think he will find that it refers to advertising, contingent expenses, the transportation of the recruits, the care of the recruits pending enlistment and incidental expenses of that kind, but in no way affects the pay of the officers and men who may be engaged in recruiting. So if that be true it seems, in the opinion of the gentleman from Texas, that both of these items—the items included under the heading of "Recruiting" and the items included under the heading of "Pay"—would necessarily enter into the matter of recruiting and that this amendment might properly be offered at either place. If offered to the recruiting section it would be germane to the items of expenses included therein and if offered to the pay section it would be germane to the pay of the men who are engaged in that particular service.

I would like to call the attention of the Chair to what is commonly called the Hull amendment—with which the Chair is familiar—appearing in the last part of the bill and which applies to all portions of the bill, the Hull amendment providing that no part of the funds appropriated by this act shall be utilized for time devices, and so forth. As the Chair knows that has repeatedly and almost immemorially been held in order, with one exception.

I do not care to argue at length, but it seems to me this amendment is germane because it affects the pay of officers and men who do the recruiting.

The CHAIRMAN. The Chair is ready to rule. The amendment offered by the gentleman from Texas [Mr. CONNALLY] is as follows:

Provided, That no part of the funds appropriated by this act shall be utilized for the recruiting or enlistment of boys under the age of 21 years without the written consent of the parents or guardians, if any, of such boys for such enlistment.

The particular language to which the Chair desires to call attention is this: "For the recruiting or enlistment." The question is whether that is germane to the paragraph just read. The paragraph which has been read provides for the pay of officers and men, some of whom, doubtless, are engaged in the business of recruiting. The amendment, however, does not allude specifically to the pay of officers and men but to the expenses of recruiting. The paragraph beginning on page 9, headed "Bureau of Navigation, transportation and recruiting," contains the following language, which appears on page 10:

Expenses of recruiting for the naval service.

Now, manifestly, this amendment alludes to that same thing, namely, the expenses of recruiting. The Chair is of the opinion that if this amendment is germane it should have been offered to that paragraph. It does not refer to the pay of officers and men, but refers to the expenses of recruiting, which are expressly carried in the paragraph on pages 9 and 10. For that reason the Chair sustains the point of order.

Mr. CONNALLY of Texas. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CONNALLY of Texas: Page 27, at the end of the paragraph, insert the following: "*Provided, That no part of the funds appropriated by this act shall be utilized for the pay of any officer or man who may recruit or enlist any boy under the age of 21 years without the written consent of the parent or guardian, if any, of such boy for such enlistment.*"

Mr. BEGG. Mr. Chairman, I make a point of order against the amendment, and the point of order is that it is not germane

to that section. I think, Mr. Chairman, it is almost a waste of time to argue the point of order after the recent decision of the Chair, but I do want to call the attention of the Chair to this added fact: That this paragraph has to do solely with supplies and the keeping of accounts; that it has to do with various classes of men and not with their activities at all. The activities of the men are not specialized in the paragraph at all, but it is only the classes of men that are referred to in the paragraph, while the amendment offered by the gentleman from Texas specifically selects the kind of work that is to be limited, and that class of work is not referred to in the paragraph anywhere.

The CHAIRMAN. The Chair takes it there is no doubt about one proposition. The pay of the officers or the men who would do this recruiting work is included within the paragraph which has just been read. If the Chair is wrong about that, he will be glad to be corrected, but it is the judgment of the Chair that the pay of such officers and men was included in this paragraph. The amendment offered by the gentleman from Texas [Mr. CONNALLY] is almost exactly the same amendment offered in the Army bill, to which the Chair referred yesterday in his decision. That amendment, which was also offered by the gentleman from Texas [Mr. CONNALLY], reads as follows:

Provided, That no part of the funds herein appropriated shall be available for the pay of any enlisted man or officer who may be assigned to recruiting men or boys under 21 years of age, without the written consent of the parent or guardian of such minor or minors.

The language is almost identical, with just a slight change.

As the Chair called attention yesterday, the Chairman of the Committee of the Whole, the gentleman from Ohio [Mr. LONGWORTH], on that occasion held that that was a proper amendment; that it was a limitation, and overruled the point of order which was made to it.

Mr. BEGG. Would the Chair permit just one interjection there? If that amendment is germane and a man was assigned to enlistment duty, and through accident should happen to enlist a boy 19 years of age, and his pay was to be held up—

Mr. CONNALLY of Texas. Mr. Chairman, I make the point of order that is not a parliamentary inquiry. That is an argument.

Mr. DOWELL. That is an argument, Mr. Chairman.

Mr. BEGG. I submit, Mr. Chairman, that the proper form to make the amendment germane would be to make it applicable to the age of enlistment and not to the salary or to the money paid.

In spite of the precedents heretofore, to be consistent and to be at all intelligent in language and avoid complexities, the only kind of an amendment that is applicable is one that says enlistments in the Navy can not be made unless the boy under 21 years of age has the written consent of his parents; and, again, let me call the attention of the Chair to the fact that this paragraph does not refer to enlistments in any way, and an amendment should not be held in order simply because it says "no part of the moneys." What moneys? The moneys that are to be paid to the retired officers or what class of appropriations in this paragraph is to be curtailed in case an officer does make such enlistments? That is the point I want to submit to the Chair for his consideration. How would the comptroller know to which paragraph to apply this limitation in case the officer did make a mistake and enlist such a man?

The CHAIRMAN. The suggestions made by the gentleman from Ohio [Mr. BEGG] are pertinent in an inquiry by the committee as to the merits of this proposition. They do not, however, go to the matter of parliamentary law involved. The Chair is not called upon, nor is the committee now, to decide just how this would be administered. The only question involved is, Is it such an amendment as the House ought to consider? The Chair thinks he should follow the precedent, the only one there is; however, if the Chair were deciding it upon the merits, as to whether it is a limitation or not, the Chair is entirely frank in saying he thinks it is a limitation and that the former ruling of Chairman LONGWORTH was correct. The Chair, in view of that opinion, feels that the point of order should be overruled.

Mr. CONNALLY of Texas. Mr. Chairman, I rise to debate the amendment. I understand the Chair holds the amendment in order.

The CHAIRMAN. The point of order is overruled, and the gentleman from Texas [Mr. CONNALLY] is recognized for five minutes.

Mr. CONNALLY of Texas. Mr. Chairman—

Mr. FRENCH. Mr. Chairman, I am wondering if we can agree on a limit of time for the discussion.

Mr. CONNALLY of Texas. I would be glad to agree.

Mr. FRENCH. Would 20 minutes on a side be satisfactory?
Mr. CONNALLY of Texas. I would suggest making it 30 minutes on a side.

Mr. FRENCH. Then, Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto be limited to one hour, the time to be in control of the Chair.

Mr. CONNALLY of Texas. Oh, no; I want control of half of the time.

Mr. FRENCH. All right; then I ask that one-half the time be in the control of the gentleman from Texas and one-half to be controlled by myself.

The CHAIRMAN. The gentleman from Idaho asks unanimous consent that all debate on this amendment and all amendments thereto close in one hour, one-half the time to be controlled by himself and one-half by the gentleman from Texas [Mr. CONNALLY]. Is there objection?

Mr. BYRNES of South Carolina. Mr. Chairman, reserving the right to object, as I said yesterday, I do not want the gentleman on that side of the House to conduct a filibuster here. We ought to get this bill through, and if the gentleman does not reduce the time I will object.

Mr. FRENCH. Mr. Chairman, the gentleman from South Carolina has suggested his objection to 30 minutes on a side, and therefore I ask unanimous consent that we limit debate to 30 minutes, one half to be controlled by the gentleman from Texas and the other half by myself.

The CHAIRMAN. The gentleman from Idaho [Mr. FRENCH] modifies his request and asks unanimous consent that all debate on this amendment and all amendments thereto close in 30 minutes, one-half of the time to be controlled by himself and one-half by the gentleman from Texas [Mr. CONNALLY]. Is there objection?

Mr. BLANTON. I object. This is the most important question we have had before us in the bill.

The CHAIRMAN. Objection is heard.

Mr. CONNALLY of Texas. Mr. Chairman and gentlemen of the committee, I would have much preferred that this amendment could have been considered in the original form in which I drafted it, but, gentlemen of the committee, the gentleman from Idaho [Mr. FRENCH] made a point of order against the form in which it was originally presented, and it will not lie in the mouths of gentlemen of the committee or the gentleman from Ohio [Mr. BEGG] to now make the objection that the amendment is drawn in a fashion that will be objectionable on account of its form.

What is proposed by this amendment? It is simply proposed that the Navy Department in recruiting boys who are minors, who are under 21 years of age, who under the law of every State in this Union are supposed to be under the control of their parents for the purpose of their education, for the purpose of contributing to the support of the families, shall, before it enlists any boy under 21 years of age, secure the consent of the parents of that minor, if he has parents. Of course, if he has no parent or guardian, he may enlist in the Navy under this amendment. The amendment in practically the same form is already the law with reference to the Army.

Mr. MADDEN. It cost the Army about \$1,000,000 last year.
Mr. CONNALLY of Texas. Mr. Chairman, while I did not yield to the gentleman, I shall yield to him retroactively. The gentleman says that it cost the Army nearly \$1,000,000 last year. I do not see how the gentleman can arrive with exactitude at those figures. How can he speculate as to how many men and at what expense the Army would have enlisted if it had not been governed by this provision? I have a quotation here from the press, from the War Department, headed as follows, showing that the Army has not been embarrassed by this provision:

ARMY GETTING RECRUITS.

War Department gets increases in enlistments. Recent figures show that recruiting for the Army is improving in a most satisfactory manner.

Mr. BEGG. Mr. Chairman, will the gentleman yield?

Mr. CONNALLY of Texas. No.

Mr. BEGG. It is a serious question.

Mr. CONNALLY of Texas. Since it is a serious question from the gentleman from Ohio, I yield.

Mr. BEGG. What would happen in case the naval officers were to enlist a boy who looked the age of 24 and who was only 18, but who swore that he was 24?

Mr. CONNALLY of Texas. I will answer the gentleman. Here is what the effect of this amendment on the Army bill was: The effect of the amendment on the Army bill was that the War Department simply issued instructions to its recruiting officers not to enlist boys under 21, and when they did enlist them under

21, without the consent of their parents, their discharge was ordered. That is all it amounted to. If the gentleman from Ohio [Mr. BEGG] had not made the point of order against my amendment in the form originally drawn, it would have been in identically the same language as it is in the Army appropriation act, and the Navy could have adopted that same policy, so that if recruiting authorities should make a mistake in the enlistment of a boy without the parents' consent, the error could be rectified by discharging the boy when the fact was ascertained. What does The Adjutant General of the Army say? Under this amendment he says in the news clipping that the recruiting by the 1st day of June of this year will be up to the limit that is permitted under the law, that the Army will have all of the enlisted men on June 1 that is permitted by existing law, and it is operating under practically this very amendment as to enlistments.

Mr. FROTHINGHAM. Mr. Chairman, will the gentleman yield?

Mr. CONNALLY of Texas. Yes.

Mr. FROTHINGHAM. I have great respect for the gentleman and his opinion, but I merely want to point out to him something that he does not know because he was not on the committee.

Mr. CONNALLY of Texas. I am sorry.

Mr. FROTHINGHAM. The Adjutant General's Office, through Major Carter, gave evidence before the Military Affairs Committee that they had lost 16,000 men during the first five months of this fiscal year because of this restriction.

Mr. CONNALLY of Texas. Very well. I will answer the gentleman.

Mr. FROTHINGHAM. It is not a matter of answering me. I merely wanted to put that into the Record.

Mr. CONNALLY of Texas. Suppose the Army did lose 16,000 men. What does that mean? It means that the parents of 16,000 boys wanted those boys at home rather than in the Army. [Applause.] That is all it means.

Mr. FROTHINGHAM. Oh, no. If the gentleman will kindly yield again, it shows the difficulty of getting hold of the parents or getting any answer from the parents. That was the difficulty.

Mr. CONNALLY of Texas. There ought not to be any difficulty about getting in touch with the parents. Where are those boys when they want to enlist? Why does not the boy get the consent of his parents and then go to the recruiting officer to enlist?

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. CONNALLY of Texas. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FRENCH rose.

The CHAIRMAN. Does the gentleman from Texas yield?

Mr. CONNALLY of Texas. Yes; if it is to close debate.

Mr. FRENCH. I want to move to fix the time. I move to close debate on this amendment and all amendments thereto in 25 minutes.

The CHAIRMAN. The gentleman from Idaho moves to close debate upon this amendment and all amendments thereto in 25 minutes.

Mr. CONNALLY of Texas. Mr. Chairman, I did not yield for a motion of that kind.

The CHAIRMAN. The Chair asked the gentleman whether he yielded for that purpose.

Mr. CONNALLY of Texas. I yielded for a unanimous-consent request. I did not know that I was yielding for a motion to break up my speech.

The CHAIRMAN. Then the gentleman declines to yield for that purpose?

Mr. CONNALLY of Texas. In all good conscience I thought the gentleman was going to propound a request for unanimous consent.

Mr. FRENCH. I thought the gentleman had just concluded his speech.

The CHAIRMAN. The gentleman had his time extended by unanimous consent for five minutes and had been recognized.

Mr. FRENCH. Then I withdraw my motion for the present.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. CONNALLY of Texas. Yes.

Mr. COOPER of Wisconsin. As I understand this situation, there is not a State in this Union which permits a boy 18 years of age to sell or purchase property. He can not do anything, so far as the sale of property is concerned. The gentleman's amendment does not want him to be permitted to do a thing which his father and mother may think that at 18 years of age may affect his whole life.

Mr. CONNALLY of Texas. Absolutely.

Mr. COOPER of Wisconsin. That is all.

Mr. CONNALLY of Texas. Absolutely.

Mr. RAMSEYER. Mr. Chairman, will the gentleman yield?

Mr. CONNALLY of Texas. Yes.

Mr. RAMSEYER. Does not the gentleman know that in nearly every State in the Union a boy 18 years of age can be licensed by the State to teach school and that the Civil Service Commission accepts them into the civil service at 18 years of age without first getting permission from the parents, either to teach school or to enter the Government service at that age?

Mr. CONNALLY of Texas. I will ask the gentleman this question: Does not the gentleman from Iowa also know that there is a great deal of difference between entering into voluntary civil employment which can be terminated at the will of either the parent or the child and enlisting under a military contract to serve for five years or three in the Army or the Navy? [Applause.]

Mr. RAMSEYER. A minor teaching school contracts, and he is held to his contract and—

Mr. CONNALLY of Texas. A minor—

Mr. RAMSEYER. Yes; one over 18 years of age.

Several gentlemen rose.

Mr. CONNALLY of Texas. I can not yield any further just now. But the gentleman from Iowa says that a minor can contract to teach school, and is bound by his contract. How is he bound by it? He can put on his hat and walk out of the school-room and never come back.

The gentleman from Iowa taught school and he ought to know that fact. Let the boy pick up his hat and walk out of the Navy and he will have a sheriff or a deputy United States marshal with a lasso around his neck dragging him back and putting him in the brig for some two or three years; that is what would happen. [Applause.]

Mr. STEPHENS. Will the gentleman yield for a question in regard to the effect of the gentleman's amendment?

Mr. CONNALLY of Texas. Yes.

Mr. STEPHENS. The amendment states that no pay shall be made to an officer who enlists a boy?

Mr. CONNALLY of Texas. Yes.

Mr. STEPHENS. Suppose the Navy had a volunteer officer who enlists the boy, could not the Navy enlist them just the same?

Mr. CONNALLY of Texas. If that is true, the gentleman ought not to object, for then he can get men in the Navy. If that is true, then the gentleman ought to be in favor of my amendment, because it will not hinder the Navy from doing what the gentleman wants it to do, and that is enlisting boys in the Navy, regardless of the wishes of their parents.

Mr. STEPHENS. Is not that the real effect of it?

Mr. CONNALLY of Texas. If it is, the gentleman ought to be mighty well comforted, because it will not hurt the Navy's wishes. I can not yield any more. What does the Navy do about these boys? It tells them in flaming headlines, "Join the Navy; travel; see the world; get an education and promotion; get good pay," and about two weeks after the boy enlists, running away from home and leaving his old father out in the field and leaving his mother at the cowpen milking cows; why, he runs away and joins the Navy, because he wants to see the world, and then in about two weeks this boy, filled with dreams of travel and romance, wakes up down in the bowels of the ship heaving coal, and he wires the old man, "For God sake, get me out." The old man wires his Congressman, "For God sake, get my boy out," and the Congressman beats it down to the Navy Department, and the Navy Department says, "We are sorry; we have no power under the contract of enlistment to discharge the young man, because the law allows us to enlist men 18 years of age and over without their parents' consent, and we have entered into a contract with this young man, and we can not release him unless you show that the old man is almost dead with paralysis and the old woman is not able to do the milking and housework." [Applause.]

The CHAIRMAN. The time of the gentleman has again expired.

Mr. CONNALLY of Texas. I ask for an additional two minutes.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for two minutes.

Mr. MADDEN. I think I shall have to object to that. I do not think any one man should consume all the time to be consumed on this question.

Mr. CONNALLY of Texas. I proposed this amendment, and the burden is upon me to show that it is a proper amendment.

I hope the very genial and gallant gentleman from Illinois will not do that.

Mr. MADDEN. Mr. Chairman, I am overpersuaded.

The CHAIRMAN. Is there objection?

Mr. MAPE. Mr. Chairman, reserving the right to object, I think if we are going to get through with this bill this session there ought to be a limitation made upon debate, and without any limitation on it I object.

The CHAIRMAN. Objection is heard.

Mr. CONNALLY of Texas. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record by printing this poster from the Navy Department [exhibiting]. [Laughter and applause.]

Mr. MADDEN. That can not be done, because no such thing can be printed in the Record without the consent of the Committee on Printing.

Mr. DOWELL. Mr. Chairman and gentlemen of the committee, there is no greater abuse practiced anywhere than by the Navy on the question of enlistment. [Applause.] Last year when we were considering the Army appropriation bill I read into the Record a letter from a widow woman whose boy had just been taken into the Navy. I inserted that into the Record at that time, and in my time I am going to ask the Clerk to read the letter I received from the lady whose boy had just been taken into the service. The letter is addressed to the governor of my State, Hon. N. E. Kendall. I want you to listen to this letter because it represents what is going on over the country to-day. Since that time I have received letters where they claim misrepresentations have been made and boys have been taken into the service under 21 years of age and who are not able to get out afterwards except under the usual form of securing a release. I will ask the Clerk to read the letter.

The CHAIRMAN. Without objection, the Clerk will read the letter designated.

The Clerk read as follows:

ADEL, IOWA, January 5, 1923.

HON. N. E. KENDALL,
Governor State of Iowa.

DEAR SIR: I am writing you in regard to my son, Raymond Marker. Thursday there was a Navy recruiting officer came to Adel and got my son with another boy to run away from home and enlist. Got the boys to go to the high-school superintendent and tell him a falsehood to get their age, and also got them to come to their own homes to take their insurance policy, not letting me know one thing about it. As soon as we found it out our sheriff called the recruiting station to find them. We asked them to hold the boy until we got there, and the captain said he would do so, but instead he turned right around and sent the boy out on the 5.15 train, only giving us 40 minutes to make the trip in, and they were gone when we got there, and they only laughed and made fun of us. Does this Government approve of such work? I have been left alone with my family on my hands to support and I have did it by washing and day work. Now I am sick and broke down, when my boy was trying to help me along, and then to have some officer come and do as he certainly has done surely can't be the ways our Government should do. Is there any way I can get him out, as I sure need him, as you will find? I have lived right here in this town and people here know. Would you please do what you can to help us get the boy? I will sure appreciate it more than I can tell.

His mother,

Mrs. MINNIE MARKER STEELE.

Mr. MADDEN. How old was this boy?

Mr. DOWELL. Over 18. And, gentlemen, this is going on all the time. These men are representing to the boys the great things that will come to them if they will enlist. They get them into the service, and when they take it up with the department the department invariably indorses the action of the recruiting officer, and they can get no consideration from the department. In this case I took the matter up with the department, and this is the last clause of the letter which the department sent to me:

Before the bureau can consider the question of discharging young Marker it will be necessary that he present a written request by way of his immediate commanding officer, with affidavits from disinterested persons, testifying as to the circumstances of the case.

That, in fact, means that the boy could not be released from the service. Since that time I have had others call upon me and tell me that their boys had been taken into the service upon representations which they claimed, at least, were not correct. It seems to me, gentlemen, that the Navy Department ought to be required to consult the mothers and fathers of these boys under 21 years of age if they desire the enlistment of the boys.

Mr. BYRNS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. DOWELL. Yes.

Mr. BYRNS of Tennessee. I was interested to know whether the boy made his request, and whether or not the proof outlined in the letter was presented and what action the department took on that.

Mr. DOWELL. I do not know what was presented to the department.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. DOWELL. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. BLANTON. Mr. Chairman, I move to strike out the last word.

Mr. KEARNS rose.

The CHAIRMAN. For what purpose does the gentleman from Ohio rise?

Mr. KEARNS. Mr. Chairman, I move that the debate on this amendment and all amendments thereto close now.

The CHAIRMAN. The gentleman from Ohio moves that the debate on this amendment and all amendments thereto be now closed.

Mr. JONES. Mr. Chairman, I move to amend that by making it close in 30 minutes.

The CHAIRMAN. The gentleman from Texas moves to amend by making it 30 minutes.

Mr. FRENCH. Mr. Chairman, I move as a substitute that the debate close in 20 minutes.

The CHAIRMAN. The gentleman from Idaho moves as a substitute that the debate on this amendment and all amendments thereto close in 20 minutes. The question is first on the amendment to the motion offered by the gentleman from Texas [Mr. JONES].

Mr. MCKENZIE. Mr. Chairman, a parliamentary inquiry. The CHAIRMAN. The gentleman will state it.

Mr. MCKENZIE. Are these speeches all to be made on one side of the question?

The CHAIRMAN. That is a matter to be decided later. The Chair will, as far as he can, alternate if gentlemen ask for recognition. The question is on the amendment offered by the gentleman from Texas [Mr. JONES] fixing the time at 30 minutes.

Mr. LITTLE. Mr. Chairman, what are we voting on?

The CHAIRMAN. For the information of the gentleman from Kansas the Chair will state that we are voting on the 30-minute proposition offered by Mr. JONES.

Mr. ROACH. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ROACH. The motion was first made that the debate be now closed. Then a substitute motion was offered by the gentleman, making it 15 minutes.

Mr. TREADWAY. Twenty minutes.

The CHAIRMAN. The motion was made by the gentleman from Ohio [Mr. KEARNS] to close debate at once. The gentleman from Texas [Mr. JONES] moved as an amendment to the motion that it should close in 30 minutes. The gentleman from Idaho [Mr. FRENCH] moved a substitute, that it close in 20 minutes. The question comes up first on the amendment to the motion.

Mr. BARKLEY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BARKLEY. Suppose the amendment of the gentleman from Texas is adopted to the motion offered originally. Then will the House vote on the substitute for 20 minutes after it has been fixed at 30?

Mr. BLANTON. Yes.

The CHAIRMAN. That is the Chair's understanding.

Mr. SANDERS of Indiana. Mr. Chairman, as I understood the substitute, it was a substitute for the amendment. If there is a motion offered by way of substitute for the amendment, then the substitute is first voted upon. If it were a question of substitute for the motion, it would be a different proposition. But when an amendment is offered, Mr. Chairman, and there is a substitute offered for that amendment, that is practically an amendment to the amendment, and before the amendment is voted on you are going to find out whether that amendment is amended by the substitute.

The CHAIRMAN. Of course, the gentleman is right. The question turns to a considerable degree upon what the substitute was, whether it was a substitute for the amendment or for the motion. If it was a substitute for the motion, of course the

vote can not be had until the motion is perfected. But if it is a substitute for the amendment, then it is an amendment to the amendment, and then it would be voted on first.

Mr. SANDERS of Indiana. As I recollect, Mr. Chairman, the gentleman said, "I move a substitute for that that it be 20 minutes." That is, it would be a substitute for the amendment.

The CHAIRMAN. The Chair holds it would be a substitute for the motion to close debate at once.

Mr. BLANTON. Mr. Chairman, we would have closed the debate by this time if there had not been a filibuster.

Mr. FRENCH. I had in mind, Mr. Chairman, to move it as a substitute to the motion.

The CHAIRMAN. If that is right, then the Chair is proceeding properly.

Mr. LITTLE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LITTLE. Can not the Chairman have his motion read? I remember it just as the gentleman from Indiana [Mr. SANDERS] did. Can we not have it read and see what the motion was?

The CHAIRMAN. The Clerk, without objection, will report the amendment offered by the gentleman from Texas.

Mr. LITTLE. The gentleman from Idaho made the last motion.

Mr. BLANTON. As a substitute.

Mr. LITTLE. I would like to have his motion read.

The CHAIRMAN. It is offered verbally, and is taken by the Reporter. But the Clerk has no record of it at the desk here.

Mr. SANDERS of Indiana. Mr. Chairman, I ask for the regular order.

Mr. LITTLE. The regular order is a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LITTLE. Can the Chairman have the stenographer read the motion of the gentleman from Idaho? Then we will know what we are talking about.

The CHAIRMAN. The Chair will state what his understanding of it is.

Mr. SANDERS of Indiana. You can not go back of the demand for the regular order.

The CHAIRMAN. The Chair thinks that a statement by the Chair is all that can be furnished at this time. The gentleman from Ohio [Mr. KEARNS] had made a motion to close the debate. The gentleman from Texas [Mr. JONES] moved an amendment to it that the debate close in 30 minutes. As a substitute for the original motion the gentleman from Idaho [Mr. FRENCH] moved that the debate close in 20 minutes. We are now about to vote on the motion of the gentleman from Texas [Mr. JONES].

Mr. LITTLE. Is there no way to know what he did say? I remember what he said myself. We are wasting time. I have the right to find out.

Mr. FRENCH. The Chair has indicated to the House what I said.

Mr. LITTLE. No; he thinks he has, but he has not.

Mr. FRENCH. He has indicated what I think I said.

Mr. LITTLE. Mr. Chairman, a parliamentary inquiry. May we not have the Reporter read it?

Mr. BEGG. I call for the regular order, Mr. Chairman.

The CHAIRMAN. Business will be suspended until the committee is in order.

Mr. LITTLE. Mr. Chairman, let me ask this plain question. Does the Chair hold we can not have the Reporter read it?

Mr. BEGG. Mr. Chairman, I make the point of order that is not a parliamentary inquiry.

Mr. LITTLE. I insist it is.

Mr. BEGG. The Chair has stated the situation.

The CHAIRMAN. The Chair will now put the motion. The regular order is demanded, and the regular order is—

Mr. BARKLEY. Mr. Chairman, I desire to offer an amendment to that amendment.

Mr. JONES. That is not in order, because it is an amendment in the third degree.

The CHAIRMAN. The gentleman from Kentucky will offer his amendment.

Mr. BARKLEY. I move an amendment to the amendment offered by the gentleman from Texas that debate be closed in 20 minutes.

The CHAIRMAN. The gentleman from Kentucky moves an amendment to the amendment that debate close in 20 minutes.

Mr. JONES. Mr. Chairman, I make the point of order that that is an amendment in the third degree. I offered an amendment to the amendment, and the gentleman from Kentucky offers an amendment in the third degree. [Cries of "Regular order!"]

The CHAIRMAN. The point of order is overruled. The question is on the amendment to the amendment offered by the gentleman from Kentucky.

The question was taken, and the amendment to the amendment was agreed to.

The CHAIRMAN. The question now comes on the amendment as amended.

The question was taken; and the amendment as amended was agreed to.

The CHAIRMAN. The question is now on the motion to close debate.

Mr. FRENCH. Mr. Chairman, I withdraw the substitute I offered.

The CHAIRMAN. The question is now on the motion as amended.

The question was taken; and the motion as amended was agreed to.

The CHAIRMAN. The gentleman from Idaho [Mr. FRENCH] is recognized.

Mr. FRENCH. Mr. Chairman, no one has a higher regard for the judgment of the gentleman from Texas than have I, and I regret to be compelled to differ from him. Here is a matter of policy which has to do with the Navy and its welfare, and it has to do with the welfare of the young men of the country.

I hope the members of the committee will realize that upon the passage of this amendment depends, in large part, the fate of the Navy for the next fiscal year. The passage of the amendment would be one of the most disastrous actions that could be taken by this House.

You are familiar with the present situation. No young man under 18 to-day can enlist unless he has the written consent, in affidavit form, of his parents. More than that, the orders which are issued by the department require that a young man under 21 years of age shall furnish proof as to his age. The effect of the amendment of the gentleman from Texas is to place the burden of proof upon the Navy instead of upon the individual who applies for enlistment or upon his people.

Let me hastily refer to a few of the salient points that have to do with this amendment.

Mr. WATKINS. I did not quite understand the gentleman. Did the gentleman say that men under 18 had to have the consent of their parents, and is that the law?

Mr. FRENCH. Yes; under 18 years of age. Let me make a statement, which I think will answer all questions and save time, because we are hurried for time this morning.

Upon the 31st of last December there were 26,865 men under 21 years of age in the Navy. That is nearly one-third of the entire enlisted personnel of the Naval Establishment. When you recognize that many of these men attained their twenty-first birthday after they had enlisted it is fair to assume that between one-third and one-half of the new enlistments in the year are of young men under 21 years of age. During the current year approximately 25,000 new men are entering the Navy and that will be true approximately for the next year, the number estimated being about 24,500.

Between July 1, 1923, and January 1, 1924, there were 17,293 men enlisted in the Navy. Of that number 287 were discharged. Why? Because they were either of nonage or else they were subject to some physical disability. Assuming, however, that they were all of nonage then what is the situation? Out of 17,293 only 287 were of nonage, and this included all of them, whether of nonage or physically disabled, men who were discharged because they had not furnished the proper affidavits or because they had furnished false affidavits.

The number I have indicated as having been discharged represents less than 2 per cent of those who were enrolled in the Navy. Under the amendment offered by the gentleman from Texas you would place the burden of proof on the Navy, and you would require not that the 287 but that the 17,293 come forward with affidavits from their parents or guardians showing that they were of the proper age.

Not only that; under the present system 287 were discharged because it developed they were of nonage. Those 287 went out not with a dishonorable discharge, but they went out with a discharge that was marked "discharged for nonage." The old policy that was followed of giving a young man a dishonorable discharge under such circumstances has been discontinued and abandoned.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FRENCH. Mr. Chairman, I ask unanimous consent to continue for five minutes, if I may.

The CHAIRMAN. The gentleman from Idaho asks unanimous consent to proceed for five additional minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. OLIVER of New York. Reserving the right to object, may I ask the gentleman if he will say whether he saw the sign "Spend the winter at Palm Beach" which is held up to these boys of 18 years or less, and does he approve of that policy of the Navy?

Mr. FRENCH. It may be that some of the advertisements are too lurid. It may be that there are some that are misleading, and if so we ought to find a way to stop it. We ought not to mislead, but that is not the point involved here.

Mr. OLIVER of New York. I think it is, because that is a lure to the young man, especially when they advertise and make statements like this, "Go out to Hawaii," with a picture where there are dancing maidens on a beach and the man in the Navy is on a ship sailing toward the dancing maidens. That is exactly what would appeal to a young man.

Mr. HARDY. If the gentleman will permit, the very things the gentleman talks about have been omitted from the advertisements of the Navy and are no longer being used.

Mr. FRENCH. And the lurid advertisements have also been discontinued and I have not seen any lately.

Mr. OLIVER of New York. I saw one last month on Pennsylvania Avenue.

Mr. FRENCH. If there are unreasonable or extravagant advertisements, manifestly they ought not to be continued.

There are a great many young men in our country who can not show the date of their birth for the reason that they were born in States where birth registrations are not required, and not only will this operate to the great disadvantage of the Navy touching men who are under 21, but it will operate also to the disadvantage of the men above 21. Take the experience of the Army, for instance, last year, and you will find that something like 6,000 young men applied for enlistment in the Army who were over 21 years of age, but when the recruiting officer asked them to furnish affidavits showing they were of age they did not choose to go to that trouble, or it would take too much time, or, as to others, they became offended and went away from the recruiting station and the Government lost that many men who otherwise would have joined the Army.

Let me make this further suggestion: It is the greatest advantage to the Navy to have young men below 21 years of age, because they readily adjust themselves to Navy life and they begin to learn a trade.

More than that, the Navy is not in position to make an appeal that is attractive to young men above 21 years of age. In the first place, the pay is too small. Twenty-one dollars per month, plus subsistence, is what the Navy can offer. Young men above 21 years of age are apt to have trades. They are more apt to be married and have families dependent upon them; but young men who are under 21 years of age are not so apt to have these responsibilities. The Navy furnishes an opportunity to young men to go into the Navy and acquire a trade in one of many lines and after a few years of service be able to take part in the citizenship of this country as a well-trained man. Go, if you please, to the employment agencies throughout the United States and you will find that those in charge will tell you that the young men who come from the Navy with honorable discharges have no trouble in being placed in the industrial world, although there may be a surplus of men from elsewhere who are competing for places. Why? Because the young men from the Navy are trained young men and they are proficient in the lines they desire to follow. They are skilled machinists, or carpenters, or electricians, or are skilled in some other of many attractive crafts.

Under present conditions every year 20,000 or 25,000 men approximately go from the Navy of the United States to mingle with the citizenry of every State in this Union. Gentlemen, here is a great body of men who mean for the efficiency of our Government from the standpoint of national defense. In event of crisis they are ready for service. If you pass this amendment you will stop or retard this flow. The next thing you will probably need to consider will be the question of raising the pay of enlisted men in order to induce men to enter the service and make it a profession. Then what do you do further? You build up a permanent enlisted personnel—professional sailor men, if you please—and you diminish the reserve of available men in the United States who could respond to the defense of their country in the event of a national emergency.

Gentlemen, I want to tell you that this amendment is one of the most unfortunate propositions that could have been proposed touching the efficiency of the Navy, touching the welfare of your country, and touching even the welfare of thousands of the young men under 21 who are restless, who are dissatisfied, who want to make something of themselves, and

who crave the opportunity of this service and of the training they will receive. [Prolonged applause.]

Mr. BLANTON. Mr. NEWTON of Minnesota, and Mr. TREADWAY rose.

The CHAIRMAN. The Chair thinks he should now recognize some one in favor of the amendment.

Mr. BLANTON. Mr. Chairman, I ask recognition in favor of the amendment.

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. BLANTON. Mr. Chairman, in every State in this Union the contract of a young man under 21 years of age is not lawful and can be set aside in the courts at the instance of the young man when he becomes 21. That is the law of your home States where you live and where your constituents live. In every State of this Union the father and the mother of a boy, under the laws of your States, are entitled to his earnings, if you please, until he is 21 years old. That is the law of your home State. That is the law that governs your constituents, if you please, who sent you to Congress. There is not a man in this House to-day who would have his boy, 18 years of age, join the Navy. I challenge any man to get up here now and say he would like to see his 18-year-old boy join the Navy. You will not do it, because you do not believe in it as applied to your own 18-year-old son.

Mr. UNDERHILL. Mr. Chairman, I accept that challenge. If my boy wanted to join the Navy, I would be glad to have him join.

Mr. BLANTON. Yes; and you would be the first man who would want to get him out three months afterwards, because your boy would write you and say, "For God's sake, Dad, get me out." How many boys have you?

Mr. UNDERHILL. Two.

Mr. BLANTON. How old are they.

Mr. UNDERHILL. One is 19 and the other is 26.

Mr. BLANTON. Oh, well, they are past the 18-year age. You are ineligible to accept the challenge. I am asking men who have boys 18 years of age. You think you have control over your boy, and you are able to keep him out of the Navy. There are lots of families living on farms who have much less control over their 18-year-old boys, and these alluring naval offers are made in these lurid advertisements, in every color of the rainbow, offering inducements attractive to all boys of this age, and these boys are inveigled into enlisting and their families know nothing about it until it is too late. Then they appeal to us, and we can not get them out. I say it is an outrage, and a Member here who will not put his own 18-year-old boy in the Navy, who would not like to see his own 18-year-old boy go in, ought not to vote the 18-year-old boys of other men and women of the country into the Navy without the consent of their parents.

I want to give you a concrete case. An 18-year-old boy from my district enlisted in the Army on June 30, just the day before this similar provision now in the Army bill went into effect. The Army provision went into effect on the 1st day of July, and that prevented the Army from enlisting boys under 21 years of age after July 1 without the consent of their parents. This boy enlisted the day before that provision went into effect, and when I sent the affidavits in to the War Department showing that he was 18 years of age, showing that he did not have the consent of his father and mother, showing that his enlistment was without their knowledge, and asked that he be discharged, The Adjutant General came back with the statement that the law had not yet gone into effect; that it lacked just one day of going into effect; and that he could not release him. I said, "Mr. Adjutant General, if you make that kind of a technical construction in this case to hold this boy in the Army, I am going to place your ridiculous ruling before the Members of the House when Congress meets." The idea of holding a boy back because of one day!

Mr. SANDERS of Indiana. Could The Adjutant General do otherwise than to follow the law?

Mr. BLANTON. He did do otherwise. He turned him loose. He saw how ridiculous it looked, and he turned him loose.

Mr. OLIVER of New York. The gentleman knows that in the Navy now they have only the consent of one parent, and if the boy can obtain the consent of his mother they take him in.

Mr. BLANTON. They ought to have the consent of both parents. The gentleman from Illinois [Mr. MADDEN] said that this cost \$1,000,000.

Mr. MADDEN. Two million dollars.

Mr. BLANTON. I do not care whether it costs \$10,000,000, and I am an economist. I would rather see \$10,000,000 paid out of the Government Treasury than have one boy of 18 years of age taken away from his parents in peace times by the

Government when they did not want him taken away. It is a matter of principle, it is a question of taking a man's son away from him when he is under 21 years of age, when the man by law is entitled to that son. I do not believe that you will vote to do it.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. FULBRIGHT. Mr. Chairman, I desire to speak briefly on the amendment to the naval appropriation bill offered by the gentleman from Texas [Mr. CONNALLY]. The object of this amendment is to prevent recruiting officers from enlisting young men between the ages of 18 and 21 years without the consent of the parent or guardian of such minors. I am heartily in favor of this amendment and hope it will prevail. I recognize the fact that we should maintain a navy sufficient to place this Nation on an equal footing with the naval powers of the earth for the purposes of protection and defense, but the personnel of the Navy should be recruited from young men who have reached their majority, except in emergencies and in cases where the consent of the parent or guardian has been obtained.

The methods resorted to by the naval authorities in their effort to recruit young men under the age of 21 years without the consent of the fathers and mothers, in my judgment, can not be too strongly condemned. In every post office and in every public building throughout the land flaming posters are displayed, misleading in the extreme, designed to attract young men and lure them from the farms, schools, and homes. The boy reads these glowing accounts of travel, sight-seeing, and adventure, rushes to the recruiting office, joins the Navy, and in a short time there comes a pathetic appeal from the parents for his release. Such a condition should not prevail. In justice to the boys, in justice to the fathers and mothers, the recruiting officer should secure the consent of the parents of such young men before they are inducted into the service. [I shall never consent to the enlistment of minors in the Army or Navy in times of peace unless the consent of the fathers and mothers shall have first been obtained.] It is suggested that the Navy affords an opportunity for education and training that the young man from the families of the poor can not otherwise obtain. I agree that it does afford an opportunity for excellent training, but it is a sad commentary on this great Republic to intimate that young men of this country because of poverty are compelled to join the fighting forces of the Nation in order to secure an education. It has often been said that the poor fight the battles of the rich, but let it never be truthfully said of this great Republic of ours. Rather let it be said that patriotism, not poverty, prompts our boys to join the Army and Navy.

The hope of the Nation abides in the home. The best citizenship is molded in the home under the influence of mother. If we could keep all the boys of the Nation in the schools and in the homes under the influence, guidance, and direction of the mothers of this country until they reached the age of 21 years, and if such a policy were possible in all the other nations of the earth, it would work mightily for loyalty, patriotism, happiness, contentment, and the peace of the world. To my mind there is but a twilight zone between a mother's love and the atmosphere of heaven. It twinkles over the cradle of innocence, the stronghold of youth, the citadel of silver-haired age. Let its hallowed influence be undisturbed. Let us protect the boys, respect the mothers, and preserve the integrity of the homes.

Mr. NEWTON of Minnesota. Mr. Chairman, I ask for recognition against the amendment.

Mr. KEARNS. Mr. Chairman, is it now in order to offer the motion that I did 10 minutes ago, notwithstanding the action of the House?

The CHAIRMAN. To close debate at once?

Mr. KEARNS. Yes.

The CHAIRMAN. The Chair has very serious doubt about that. Only five minutes remain.

Mr. TREADWAY. Mr. Chairman, I ask for recognition.

Mr. JONES. Mr. Chairman, I have a bona fide amendment to this amendment and I would like to have a few minutes.

The CHAIRMAN. Is the gentleman from Minnesota [Mr. NEWTON] opposed to the amendment or in favor of it?

Mr. NEWTON of Minnesota. I am opposed to the amendment.

The CHAIRMAN. The situation is this: Before the time was limited 15 minutes had been used in favor of the amendment, 10 minutes by the gentleman from Texas [Mr. CONNALLY] and 5 minutes by the gentleman from Iowa [Mr. DOWELL]. After debate was limited, 10 minutes was used by the gentleman from Idaho [Mr. FRENCH] against the amendment and 5 minutes were used in favor of it. The question is now whether the Chair

should equally divide the 20 minutes that was fixed between those who were opposed to the amendment and those in favor of it, or whether he should take into consideration the amount of time used before debate was limited.

Mr. MADDEN. Mr. Chairman, I think it is clearly the right of those who are opposed to the amendment to have the remaining time.

The CHAIRMAN. In view of the fact that 20 minutes have already been used in favor of the amendment and but 10 minutes against it, the Chair thinks it only just to recognize gentlemen who are opposed to the amendment. The Chair recognizes the gentleman from Minnesota [Mr. Newton].

Mr. NEWTON of Minnesota. Mr. Chairman, there is something that can be said for legislation requiring the consent of the parents up to the point of 21 years of age, but that is a matter that ought to be brought in here as legislation and not by way of a limitation upon an appropriation bill. Here we have this provision that no part of the money appropriated shall be utilized for the pay of any officer or any enlisted man who may recruit any men for the Navy under the age of 21 years without the written consent of the parent or guardian. There are some men who may want to enter the Navy. They have been known to get others to impersonate and forge the names of the parents. They have brought the ostensible parent to the recruiting office and have gotten him to make the statement or the affidavit, and the boy has gone into the Navy. Under this limitation the officer who was thereby imposed upon would not be entitled to his pay, and it would be the duty of the finance officer in the Navy, the duty of the Comptroller General, to hold up the officer's pay. I submit that this is the wrong way to go about this matter. Furthermore, let me say this, that after a boy gets to be of the age of 18 years and care is exercised on the part of the Navy Department in an endeavor to ascertain whether the parents consent or not, the idea, if they do happen to let the boy in, of letting him understand that he can get out of the agreement into which he entered because he has a Congressman or parent who will go to the front for him, is mighty bad training for the boy. Generally speaking, he ought to be made to understand that he should live up to his agreement, and he ought to be told at the age of 18 years that he is going to be kept to it.

Mr. UNDERHILL. How about the number of parents who exploit their children and take their wages away from them, where the boy goes into the Navy to get rid of that thing?

Mr. NEWTON of Minnesota. The gentleman is correct. The gentleman from Idaho [Mr. French] mentioned 286 of these cases. We have something like 86,000 men in the Navy. I am not willing to write a policy of Congress in respect to the Navy on account of 280 men when it is likely to affect a fair portion of the 86,000 men who are in the Navy.

Mr. SNYDER. Will the gentleman yield?

Mr. NEWTON of Minnesota. I will.

Mr. SNYDER. Does not the gentleman know and does not every man here know that the lure to these young men is largely to get the boys from around the streets and pool rooms who will not work for their mothers or anybody else, and is it not a fact that if these fellows should go home and ask their fathers and mothers for papers that their mothers would scrub their hands off rather than let them go into the Navy?

Mr. NEWTON of Minnesota. Any man who has been in the Navy and met those boys and has seen them at work and play know it is a mighty good place. I yield back the balance of my time.

Mr. SNYDER. Let somebody tell the truth about this proposition.

Mr. CONNALLY of Texas. Mr. Chairman, I claim recognition.

The CHAIRMAN. The gentleman from Texas.

Mr. CONNALLY of Texas. Mr. Chairman and gentlemen of the committee, I want to answer something the gentleman from Idaho [Mr. French] said. He said the Navy had no attraction for these men, that they were not lured in, that the pay was poor; but that is not what the Navy says in its recruiting posters. I hold one in my hand. It advertises "excellent pay, unlimited promotion, health, recreation, sports, early retirement with an independent income, medical and general attention, board and room." These are some of the things the Navy offers to secure these young men.

Mr. MACLAFFERTY. Will the gentleman yield?

Mr. CONNALLY of Texas. No; I do not yield.

Mr. MACLAFFERTY. Is it not true—

Mr. CONNALLY of Texas. I will not yield. My time is limited. After getting them in the Navy, what do they do? After they are once in the Navy the boys are like partridges in

a trap, they can see the door to get in, but they can not find the door to get out. The Navy does lure these boys by the attraction of travel, by the attraction of special training, and this special training generally consists in shoveling coal down in the bunkers in the bowels of the ship or to scrub—

SEVERAL MEMBERS. Ah!

Mr. CONNALLY of Texas. Oh, you may "ah." I want to ask the gentleman from New York if he has got a boy 18 years of age that he is willing to have go in and join the Navy?

Mr. SNYDER. I have recommended a good many.

Mr. CONNALLY of Texas. Your own?

Mr. SNYDER. I have not got any. [Laughter.]

Mr. CONNALLY of Texas. The gentleman from New York, like lots of other people, is willing for somebody else's boy to go in the Navy, but he is not willing for his own.

Mr. SNYDER. This time the gentleman from New York wants to build up the Army and the Navy and the gentleman from Texas wants to break it down.

The CHAIRMAN. Debate is exhausted. The question is on the amendment offered by the gentleman from Texas [Mr. CONNALLY].

Mr. JONES. I have an amendment to offer which I have been trying to offer for a half hour.

The CHAIRMAN. The gentleman from Texas offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. JONES: At the end of the Connally amendment insert the following: "or unless the applicant furnishes a birth certificate or the affidavit of two disinterested witnesses showing such applicant for enlistment to be 21 years of age."

The CHAIRMAN. The question is on the amendment to the amendment offered by the gentleman from Texas [Mr. JONES].

The question was taken, and the amendment to the amendment was rejected.

The CHAIRMAN. The question now recurs on the amendment offered by the gentleman from Texas [Mr. CONNALLY].

The question was taken, and the Chair announced the Chair was in doubt.

The committee divided; and there were—ayes 107, noes 93.

Mr. FRENCH. Mr. Chairman, I demand tellers.

Tellers were ordered.

The committee again divided; and the tellers (Mr. French and Mr. CONNALLY of Texas) reported that there were—ayes 119, noes 104.

So the amendment was agreed to.

The Clerk read as follows:

FUEL AND TRANSPORTATION.

For coal and other fuel for steamers' and ships' use, including expenses of transportation, storage, and handling the same; maintenance and general operation of machinery of naval fuel depots and fuel plants; water for all purposes on board naval vessels; and ice for the cooling of water, including the expense of transportation and storage of both, \$14,500,000: *Provided*, That fuel acquired other than by purchase shall not be issued without charging the applicable appropriation with the cost of such fuel at the rate current at the time of issue for fuel purchased: *Provided further*, That the President may direct the use, wholly or in part, of fuel on hand, however acquired, to be charged at the last-issue rate for fuel acquired by purchase, when, in his judgment, prices quoted for supplying fuel are excessive.

Mr. NEWTON of Minnesota. Mr. Chairman, I move to strike out the last word. I rise for the purpose of asking the chairman of the subcommittee a question. May I have the attention of the gentleman from Idaho? The appropriation for fuel in the bill here is \$14,500,000. As I understand it that is the figure that was allowed by the Budget. Has the gentleman the figure that was requested by the Navy from the Budget officer?

Mr. FRENCH. No; we do not have that.

Mr. NEWTON of Minnesota. You do not have that?

Mr. FRENCH. That is not in regular order submitted to the committee, and we did not call for it.

Mr. NEWTON of Minnesota. Well, it is my understanding that the Navy requests, in order to carry out their program for the next year, will require, so far as they can now estimate, \$435,000 more than that which was recommended by the Budget and which has been recommended by the committee. Now, I want to say just this. A Navy is of use not only because it has a number of ships, but only when those ships can meet in fleet formation for maneuvers. That was clearly demonstrated to some of us who were favored with the trip down to Panama one year ago. Now, the maneuvers then were very extensive and profitable. This year they have had similar ones, but in the Caribbean Sea. The Navy has planned ex-

tensive maneuvers elsewhere for this next year. Estimates were made upon that basis and were submitted to the Director of the Budget. The amount allowed will not permit of those maneuvers, if the price of fuel remains as it is, and if the price of fuel will go up—and it has been going up during the past two months—then it will still further handicap them. Now, these maneuvers ought to be carried out. They will be in a strategic position where the fleet has not yet been engaged in extended maneuvers. It seems to me it is not in the interest of sound economy to go to work and cut down the Navy requests for fuel to the extent of \$435,000.

Now, I have the utmost confidence in the subcommittee and the work of its members and of the distinguished chairman of that committee. But I have not the same confidence in some of those who are employed in the office of the Director of the Budget and their knowledge of naval affairs. The gentleman from Idaho [Mr. FRENCH] has been with the fleet; he has studied its needs intensively and sympathetically. That is not true of the men in the office of the Bureau of the Budget. They have little or no knowledge of what the real needs of the fleet are.

The CHAIRMAN (Mr. TEMPLE). The time of the gentleman from Minnesota has expired.

Mr. NEWTON of Minnesota. Mr. Chairman, I ask to proceed for two minutes more.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to proceed for two minutes more. Is there objection?

There was no objection.

Mr. NEWTON of Minnesota. They have no idea of just what the fleet does in these maneuvers. They set this figure, \$14,500,000, arbitrarily, without any reason whatever.

Now, then, there might be an occasion for restricting the amount if the Navy were running amuck on this question of fuel; but the fleet is only at sea one-fifth of the time during the year. You can not make sailors and you can not have that cooperation of action from the bridge clear down to the boiler room without these extended fleet maneuvers. Last year the Navy turned back into the Treasury unexpended something over \$1,500,000, or nearly \$2,000,000. They can be trusted not to use any more than is necessary. Therefore the Budget Bureau ought not to go to work and arbitrarily cut down the amount requested. I am not offering any amendment, but I do hope that the distinguished chairman of the subcommittee, when this bill gets into conference, with fuel going up in price, will have all these matters in mind in the event that there should be a change in this bill in the other body. That is the only purpose of my statement at this time.

The CHAIRMAN. The time of the gentleman from Minnesota has again expired.

Mr. FRENCH. Mr. Chairman, while no amendment has been offered, probably I should make a short statement touching the fuel situation. In 1923 the appropriation was \$16,000,000, of which amount the Navy used for fuel purposes \$13,279,476.57, and during that year extensive maneuvers of the Navy were had off Panama. Secretary Denby, in his report to the President touching the operations of the Navy for 1923, said that these maneuvers "were the most extensive maneuvers the Navy had ever attempted." For the current year the Navy will use \$14,400,000. For the coming fiscal year we have recommended \$14,500,000. This year the Navy has had extensive maneuvers, and next year it has planned that still further extensive maneuvers will be held.

The gentleman from Minnesota [Mr. NEWTON] suggested that the appropriations made were not made upon adequate consideration of the functions to be performed. On the contrary, the appropriations are made only on the basis of extensive hearings and upon the basis of the classification of the different functions to be performed by the Navy. We considered what will be required for Navy ships to be maintained in Asiatic waters and ships to be stationed in the Mediterranean, in the West Indies, in handling the transport service, in handling the cargo and freight service, and in handling the ordinary business of the Navy about the navy yards and naval establishments throughout the United States. In addition to that we considered estimates based upon maneuvers that the fleet will likely hold during the year.

Taking into consideration all these elements, the committee believed that we had recommended an amount that would have been adequate.

The gentleman from Minnesota has suggested the increased price of fuel. I recognize that the price now is probably 60 cents a barrel—referring to fuel oil—above what the prices were at the time the hearings were held. It may be that there

will be elements that will need to be taken into consideration in that connection.

Mr. NEWTON of Minnesota. I know that the gentleman appreciates the necessity of the fleet being at sea. My purpose was not to criticize the committee. My principal purpose was not to criticize the committee, but to criticize the Budget for making an arbitrary figure. That is what they did do.

The CHAIRMAN. The time of the gentleman from Idaho has expired.

Mr. FRENCH. Mr. Chairman, I ask for one minute more.

Mr. HASTINGS. Mr. Chairman, I ask that the gentleman from Idaho may have two minutes more.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that the gentleman from Idaho may proceed for two minutes more. Is there objection?

There was no objection.

Mr. NEWTON of Minnesota. The gentleman, of course, would not want these complicated maneuvers to be crippled by a lack of \$400,000.

Mr. FRENCH. We know that the ships must be handled together as part of a great fleet, and necessary appropriations must be made. But the gentleman must also remember that the amount carried in the bill is \$100,000 in excess of the amount that will be used during the current year and is approximately \$1,200,000 more than was used in 1923.

Mr. NEWTON of Minnesota. The gentleman also will recognize that the contemplated maneuvers will necessarily consume much more fuel in the coming year than in the present year or in the year preceding.

Mr. MADDEN. Why?

Mr. NEWTON of Minnesota. Because of the greater distance.

Mr. MADDEN. They should not go a greater distance.

Mr. HASTINGS. Mr. Chairman, it seems to me that the gentleman from Minnesota [Mr. NEWTON] has leveled the severest criticism that has ever been made on the floor of this House against the Bureau of the Budget, in that he has stated that the Director of the Bureau of the Budget knew nothing whatever about this item and did not make the proper investigation, and that it was a rather haphazard guess. If that sort of statement could be made with reference to this one item, why could not the same criticism be directed against every other item in every appropriation bill? I want to ask the chairman of this committee whether he thinks that criticism is justified, and whether as a matter of fact the Bureau of the Budget does not investigate carefully all the items that make up the several appropriation bills that we are called upon to vote upon and pass upon? I would like to have the gentleman's view on that.

The CHAIRMAN. The time of the gentleman from Idaho has again expired.

Mr. FRENCH. As the gentleman probably knows, the subcommittees do not call upon the Budget officers to come before the committees to give testimony touching the facts upon which the estimates were based. However, it must be said that the estimates that come to the Congress are the estimates of the administration. I have no doubt that the Budget officers go into great detail in shaping the estimates, and I will say that the committee, in calling for a justification of each of the several items, has furnished to it in great detail the proposed work to be carried forward under any appropriation and as complete an itemization as would be helpful either to the Congress or to the committee, and as a result we feel the item is approximately correct.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAYLOR of West Virginia. Mr. Chairman, I move to strike out the last two words for the purpose of asking a question of the gentleman from Idaho. The gentleman said that during the last year approximately \$13,000,000 was spent for fuel?

Mr. FRENCH. That was for the fiscal year 1923.

Mr. TAYLOR of West Virginia. Can the gentleman tell me how much of that \$13,000,000 was spent for coal and how much for oil?

Mr. FRENCH. I do not have the exact figures for that year, but I would say that probably the expense for coal was a trifle less than one-third of the total expenditures for fuel.

Mr. TAYLOR of West Virginia. When vessels have been converted into oil-burning vessels, does that preclude them from burning coal?

Mr. FRENCH. On those that are oil burners, yes.

Mr. TAYLOR of West Virginia. Coal can not be used after that time?

Mr. FRENCH. No; when they are converted into oil burners they become exclusively oil burners.

Mr. TAYLOR of West Virginia. Has the Navy Department ever thought of the possibility or the practicability of burning coal in time of peace to the exclusion of oil in order to save our fast-dwindling oil supply for a possible war emergency?

Mr. FRENCH. That would go to the structure of the ships themselves. It would go to the matter of maintaining two distinct types of fuel-supply vessels, each one adequate for most of the fleet, one type to supply coal and the other to supply oil, and it would involve vast expenditures which I think the gentleman does not have in mind when he asks the question. It would not be a practicable thing to do.

Mr. MADDEN. You could not have coal-burning machinery and oil-burning machinery on the same vessel.

Mr. TAYLOR of West Virginia. I come from a State which furnishes the finest steaming coal in the world and naturally am interested. I would like to know to what extent the Navy is substituting the use of oil for coal?

Mr. MADDEN. They are putting in oil wherever they can.

Mr. TAYLOR of West Virginia. And letting out oil wherever they can.

Mr. FRENCH. I will say to the gentleman that all the navies of the world are doing just what the United States is doing—substituting oil burners for coal burners.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn and the Clerk will read.

The Clerk read as follows:

CONTINGENT, BUREAU OF MEDICINE AND SURGERY.

For tolls and ferrages; purchase of books and stationery; hygienic and sanitary investigation and illustration; sanitary, hygienic, and special instruction, including the issuing of naval medical bulletins and supplements; purchase and repairs of nonpassenger-carrying wagons, automobile ambulances, and harness; purchase of and feed for horses and cows; maintenance, repair, and operation of three passenger-carrying motor vehicles for naval dispensary, Washington, D. C., and of one motor-propelled vehicle for official use only for the medical officer on out-patient medical service at the Naval Academy; trees, plants, care of grounds, garden tools, and seeds; incidental articles for the Naval Medical School and naval dispensary, Washington, naval medical supply depots, sick quarters at Naval Academy and marine barracks; washing for medical department at Naval Medical School and naval dispensary, Washington, naval medical supply depots, sick quarters at Naval Academy and marine barracks, dispensaries at navy yards and naval stations, and ships; and for minor repairs on buildings and grounds of the United States Naval Medical School and naval medical supply depots; rent of rooms for naval dispensary, Washington, D. C., not to exceed \$1,200; for the care, maintenance, and treatment of the insane of the Navy and Marine Corps on the Pacific coast, including supernumeraries held for transfer to the Government Hospital for the Insane; for dental outfits and dental material, and all other necessary contingent expenses; in all, \$395,000.

Mr. VINSON of Georgia. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Georgia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. VINSON of Georgia: Page 32, line 16, before the period insert: "Provided, That the Secretary of the Navy be, and he is hereby, authorized to replace the present old frame buildings at the naval hospitals, Canacao, Philippine Islands, and Mare Island, Calif., with modern reinforced concrete buildings, and to construct necessary additional buildings at the naval hospitals at San Diego, Calif., Pearl Harbor, Hawaii, and Mare Island, Calif., at a total cost not to exceed \$2,257,500, which total expenditure, for the purposes aforesaid, shall be made from the naval hospital fund."

Mr. VINSON of Georgia. Mr. Chairman and members of the committee, this is one item in the bill which does not cost the Government a single penny from its Treasury. The \$2,000,000 required to replace these buildings and to make these changes in the hospitals enumerated in the amendment comes from what is known as the naval hospital fund. A short time after the establishment of this Government, on July 16, 1793, an act was passed levying a tax of 10 cents per capita on the officers and men of the Marine Corps and the Navy; in addition to that, all fines and forfeitures go to make up this hospital fund. The fund now amounts to something in the neighborhood of \$4,313,000. It is proposed to use approximately \$2,500,000 of this fund for hospitals.

It is essential that this improvement be made in view of the fact that they have no contagious wards at the hospital in San Diego. Over 200 patients are required to be kept out in the tents. The hospital at San Diego is a 500-bed hospital, and this amendment proposes to make it a 750-bed hospital.

It is proposed by this amendment to do away with the old fire-trap wooden buildings at Mare Island and to construct concrete buildings. It is proposed to do away with the wooden buildings at the hospital at Canacao, in the Philippine Islands, which serves the Asiatic Fleet. I might state that since the earthquake in Japan at Yokohama we have no other hospital for the Asiatic Fleet except the one at Canacao, and it is intended to make that institution fireproof. This is necessary in view of the fact that we have a large naval base at Pearl Harbor, which is the advance base of the fleet. That hospital should be brought up to meet the requirements.

Now, I want to impress this fact upon every member of the committee, that not one dollar of this expenditure comes out of the Treasury of the United States; but it comes out of the naval hospital fund, put there by the officers and men and by the fines and forfeitures.

Mr. FRENCH. Will the gentleman yield?

Mr. VINSON of Georgia. Yes.

Mr. FRENCH. Will the gentleman indicate the items and the amounts?

Mr. VINSON of Georgia. I have that information right here:

Naval hospitals.

CANACAO.

Replacement of two ward buildings, subsistence building, power house, and certain minor buildings, all of wood construction, destroyed by the white ants and other tropical conditions; new buildings to be of reinforced-concrete construction	\$400,000
---	-----------

SAN DIEGO.

Extension of nurses' quarters to house a sufficient number of nurses to meet the requirements of the completed hospital	145,000
Quarters for Hospital Corps men receiving practical instruction in the hospital	200,000
Quarters for four medical officers	75,000
An isolation ward building for contagious cases	225,000
Grading; roads; planting; sprinkler system	50,000
Mortuary building	10,000
Gatehouse	4,500
	730,500

PEARL HARBOR.

Two sets quarters for pharmacists	20,000
Two sets quarters for chief pharmacists' mates	10,000
Storehouse	90,000
Roads, walks, grading, and drainage	18,000
	138,000

Mr. FRENCH. And for Mare Island?

Mr. VINSON of Georgia. For Mare Island it was testified by Admiral Stitt, Chief of the Bureau of Medicine and Surgery, that \$980,000 will be necessary to replace the wooden buildings which have been used there as part of the hospital for many years.

Mr. FRENCH. That amount to which the gentleman refers was appropriated some six years ago by the Congress for war emergency purposes and has been held with the thought in the minds of officers that it was available for this use; is that correct?

Mr. VINSON of Georgia. Does the gentleman have reference to the appropriation for Mare Island or for all of them?

Mr. FRENCH. For Mare Island.

Mr. VINSON of Georgia. My understanding is that during the war Congress appropriated \$25,000,000 for hospitals for the Navy. That is all the money that Congress has ever appropriated for the construction of hospitals for the Navy. Prior to that time all expenditures came out of this fund. A portion of the \$25,000,000 was used at Mare Island for the construction of these wooden buildings, and that is how these buildings were built there, and that is where they got the money.

Mr. FRENCH. Then, instead of spending money that was appropriated and could have been expended had it been expended while the emergency was on, you propose to substitute moneys in the naval hospital fund.

Mr. VINSON of Georgia. Exactly.

Mr. FRENCH. And to turn the other back into the Treasury.

Mr. VINSON of Georgia. I propose to take out of the hospital fund over \$2,000,000 of their \$4,000,000 and use it for these hospitals.

Mr. OLIVER of Alabama. Will the gentleman yield?

Mr. VINSON of Georgia. Yes.

Mr. OLIVER of Alabama. The committee had this matter under advisement and, of course, recognized it would be necessary for the legislative committee to indicate their desire that this work should be done, and the committee also, as I understand, had directed that this money to which the gentleman has referred, which was appropriated during the war, should be turned back into the Treasury.

Mr. VINSON of Georgia. That is it exactly.

Mr. OLIVER of Alabama. And this is a means of accomplishing what Congress has heretofore directed should be done, without any charge on the Federal Treasury.

Mr. VINSON of Georgia. Exactly. In other words, the portion of the \$25,000,000 that has not been used in building hospitals must go back into the Treasury and the hospitals must be built out of the hospital fund.

I might state that all the maintenance of the hospitals for the Navy also comes out of this fund.

The CHAIRMAN. The time of the gentleman has expired.

Mr. VINSON of Georgia. I ask for a vote, Mr. Chairman.

Mr. FRENCH. Mr. Chairman, I rise just to say that I concur in the amendment. I believe this thought is shared by other members of the subcommittee. We did not have authority over the items proposed in the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia [Mr. VINSON].

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

CARE OF THE DEAD.

For care of the dead; for purchase of cemetery lots; for funeral expenses and interment or transportation to their homes or to designated cemeteries of the remains of officers (including officers who die within the United States and supernumerary patients who die in naval hospitals) and enlisted men of the Navy and Marine Corps, of members of the Nurse Corps, and of officers and enlisted men of the Naval Reserve Force, when on active service with the Navy who die or are killed in action or afloat, and also to enable the Secretary of the Navy, in his discretion, to cause to be transported to their homes the remains of civilian employees of the Navy Department and Naval Establishment who die while employed outside of the continental limits of the United States, \$40,000: *Provided*, That the sum herein appropriated shall be available for payment for transportation of the remains of officers and men who have died while on duty at any time since April 21, 1898.

Mr. FRENCH. Mr. Chairman, I ask unanimous consent that on page 33, line 1, a comma be inserted after the word "Navy."

The CHAIRMAN. Without objection, the correction will be made.

There was no objection.

The Clerk read as follows:

Navy yard, Boston, Mass.: Additional facilities, Dry Dock No. 8, \$175,000.

Mr. DALLINGER. Mr. Chairman, I wish to offer an amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. DALLINGER: Page 34, line 25, after the figures "\$175,000," insert a semicolon and the words "for the removal of the roof of foundry building No. 42-6, \$45,000."

Mr. DALLINGER. Mr. Chairman, It is poor economy to allow property of the United States Government upon which the people have spent tens of millions of dollars to fall into a state of disrepair and decay.

The navy yard at Boston has successfully met all requirements pertaining to ship repair and the manufacture of standard accessories for the United States Navy under circumstances that demanded the most careful administration of Government funds, and notwithstanding limited allotments with increased work loads, the performance here by all concerned is exceptionally creditable.

If this yard is to maintain its reputation, its existence and progress as a "naval necessity" will depend on the condition of water-front facilities, piers, and docks.

The present condition of the water-front piers at this navy yard is such that a battleship of the first line of defense of the Texas type or a vessel of similar draft and length could not be tied up to any pier at this yard with safety.

In addition to the weakened condition of the pilings, the elements on the floor of the basin around the piers have piled up the mud in such quantities that dredging is essential to permit at least a 35-foot depth of water around piers. You can readily see that the berthing spaces for vessels and the piers should be of first priority in maintenance if a navy yard is to prosper.

It is estimated from a reliable source that \$300,000 will be required to make the piers safe, although this does not include the cost of dredging.

No extensive repair program has been undertaken on these piers for a number of years and it has become necessary to

place warning signs on each pier forbidding weights to exceed certain limits prescribed by the civil engineer.

Another matter of vital importance is the roof of the foundry at this navy yard. The foundry is a building covering an area of 50,000 square feet of land, and during the World War it became necessary to enlarge the building, which up to that time was about 250 feet in length. The annex to the old building is of modern design and construction, with a saw-tooth roof, affording light, good sanitation, and working spaces. The roof of the old foundry remains in the same shape as when the building was erected and is not of fireproof design. This roof is now in such a condition that the trusses, of wood construction, have been reduced to punk from age, a liability for continual repairs, a fire hazard, and unsafe. The roof is in a leaking condition, the rain water lodging on the floor of the shop making it extremely precarious to carry or pour molten metal into molds; and, in general, a very unsatisfactory condition prevails. The Director of the Budget has recommended that a sum of money be set aside to repair the roof of the foundry, navy yard, Boston, but for some unknown reason when the Budget recommendations were reviewed by the Naval Appropriations Committee this particular item was omitted from the bill. In this appropriation bill there is an appropriation of \$20,000 for dredging at Charleston, S. C., while metropolitan Boston, the third largest city on the Atlantic seaboard, with a large naval establishment, with a history and record of achievement, is required to progress under these apparent difficulties.

The Budget recommended \$45,000 for repairing this roof, which is in a positively dangerous condition and liable to fall down upon the men working underneath, and liable to cause injury to life and limb, and I fail to see where the economy lies in allowing this sort of condition to go on.

Mr. Chairman, I have repeatedly stated on this floor that either the Government should abandon these navy yards and arsenals, sell them, and put the money into the Treasury, or else it ought to keep them in an efficient condition. Many of these navy yards are absolutely essential to carrying on the work of the Navy, and it is the poorest kind of economy to allow a condition of affairs such as I have described to exist; and when the Budget has made an estimate for this absolutely necessary purpose, it seems to me that the Committee on Appropriations ought to have included the item, and I trust my amendment will prevail.

Mr. FRENCH. Mr. Chairman, undoubtedly the different naval establishments and bases need the attention of the Congress from the standpoint of upkeep. A year ago, when the department called upon the different superintendents and commanding officers of the different stations for estimates of the work needed in respect of yards, the estimates came in totaling approximately \$68,000,000. When the department made its recommendations to the Budget it had scaled those estimates down to approximately \$3,000,000, as I recall, from \$68,000,000. I recall this to remind you that efficient superintendents of yards or stations are alert and bring to the attention of the department the various matters that could well have attention if the times were propitious for the appropriation. This year again the different superintendents made their reports, and this year this item came to the committee in regular order through the Budget and was recommended by the Navy Department. It was the judgment of the committee, however, that the item did not present the important characteristics that were presented in connection with other items, and I believe, too, there are items which were omitted from the bill that are of more importance than this particular item. As a result of weighing the evidence that was brought to the committee the committee felt it should not recommend the appropriation asked for.

Mr. DALLINGER. Mr. Chairman, will the gentleman yield?

Mr. FRENCH. Yes.

Mr. DALLINGER. How could anything be more pressing than the repair of the roof of a building being used and which is liable to fall in at any time and injure workmen?

Mr. FRENCH. That testimony was not submitted to the committee. The roof is a slate roof, and I would assume that as a slate roof it would not be as hazardous as the gentleman has suggested.

Mr. TAGUE. Mr. Chairman, I rise to support the amendment offered by my colleague from Massachusetts [Mr. DALLINGER]. Notwithstanding the piling down of the appropriation bills, it should be taken into consideration that public property must be kept in such condition that the lives of the workmen in the various institutions are not imperiled. Since the appropriation bill was reported there has been a fire at this foundry. The roof is practically destroyed. There is practically no roof there at all. It is the third or fourth time that this roof has taken fire from the sparks from the foundry, and I believe the time has come when we ought to protect the property and not give

way to a program of economy which is nothing more nor less than wasting money when we could save the money by improvements at this time.

Mr. FRENCH. Mr. Chairman, will the gentleman yield?

Mr. TAGUE. Yes.

Mr. FRENCH. The gentleman does not mean that any fire has occurred since we reported the bill?

Mr. TAGUE. I understand that the fire took place within two weeks.

Mr. FRENCH. How extensive was the fire?

Mr. TAGUE. It destroyed the roof. The roof was about gone, but it is practically all gone now.

Mr. FRENCH. Let me suggest that in various items in the bill the Navy Department has called attention to unforeseen matters that have arisen and that this matter has never been brought to the attention of the committee.

Mr. TAGUE. I think the report upon this bill was in the House before this fire happened. I think that it has been within a week or two weeks. It was brought to my attention, at least, and I think it is worthy of the consideration of this House.

Mr. FRENCH. Does not the gentleman think that inasmuch as another committee will hold hearings upon this bill, since the matter has not been brought to the attention, even informally, of the Appropriations Committee, it would be well to have the matter inquired into by that other committee in regular order?

Mr. TAGUE. That is just the question I raise here. Where an appropriation of \$45,000 is called for we are asked to wait until the Naval Affairs Committee can go out and investigate, and in the meantime more than \$45,000 worth of property will be destroyed if another storm or fire takes place.

Mr. OLIVER of Alabama. Mr. Chairman, will the gentleman yield?

Mr. TAGUE. Yes.

Mr. OLIVER of Alabama. I think, perhaps, the gentleman from Massachusetts failed to understand the purport of the question asked by the gentleman from Idaho [Mr. FRENCH]. If there is an urgent need, and the matter making it so has occurred since the hearings before the House Committee on Appropriations, the facts could be laid before the committee of the Senate. Surely the House should not vote this appropriation without a hearing. As the gentleman from Idaho stated, we went fully into all of these matters, recognizing that there was much work that we had to postpone for the time being. We have made appropriations where we thought they were absolutely necessary, and surely a hearing can be had on the matter before the Senate committee, if it is so urgent, and is due to something occurring since the hearings before the House committee a few weeks ago.

Mr. TAGUE. I will say to the gentleman that I may be mistaken as to the exact time of the last fire or the matter may have been overlooked when supplementary hearings on urgent matters were held. However, the necessity for these repairs is urgent, and this amendment should be adopted.

In a conversation yesterday with the admiral in charge of the Bureau of Yards and Docks, he not only said it was absolutely essential at this time to have this appropriation made but also to have other improvements made, for which I am going to offer an amendment as soon as this amendment is voted upon. I know this situation. It is in my district. I know where the foundry is and the condition of the building and the condition of the surroundings, and I know that while we are waiting here for a committee to report on the matter this is the time to get the appropriation, while the appropriation bill is under consideration in the House. Forty-five thousand dollars is a small amount when we look over this appropriation bill and see the amounts of money that are being expended for matters of less importance than this.

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. TAGUE. Yes.

Mr. TABER. Is it not a fact that if there has been a fire which has totally destroyed the roof since the estimate was made, the proper proceeding would be to go back to the Budget and submit the matter anew, because necessarily there must be a different situation to deal with than there was at the time the matter was heretofore considered.

Mr. TAGUE. I emphasize again that I think the proper place and time to ask for the appropriation is when the appropriation bill is before the House. This matter has been already before the Budget and the Navy Department has recommended it.

Mr. TABER. It has not been before the Budget since the fire to which the gentleman refers.

Mr. TAGUE. It was before the Budget, and the conditions are worse now than when the matter was before the Budget, and the Budget Bureau has already recommended it.

Mr. DALLINGER. Mr. Chairman, will the gentleman yield?

Mr. TAGUE. Yes.

Mr. DALLINGER. Is it not a fact that the Budget estimate was based on the fact that this roof was in an unsafe condition at that time?

Mr. TAGUE. The records show that.

Mr. DALLINGER. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

The question was taken; and on a division (demanded by Mr. DALLINGER) there were—ayes 29, noes 15.

So the amendment was agreed to.

Mr. TAGUE. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. TAGUE: Page 34, line 25, after the period, insert: "For water-front repairs and improvements to certain docks and piers at the Boston Navy Yard, \$300,000."

Mr. TAGUE. Mr. Chairman, I believe this is a most important amendment. At the Boston Navy Yard there are 10 piers which are in use at all times for tying up ships and the repair of ships. At the present time five of the piers are entirely out of commission.

It is an utter impossibility to tie up any ship at any one of these piers with safety. It is also a tremendous risk on the part of the Government if they would permit a ship to be tied to any one of these piers and attempt to do any kind of work upon any ship sent in there for repair. This question has been before the Director of the Budget. It is true that it was not placed before the Subcommittee on Appropriations, but I have in my hand a copy of a letter, which I will not take the time of the committee to read, sent from officials at the Boston Navy Yard in their appeal that something should be done and done immediately to prevent accidents and loss of life at the yard. They state that five of these piers at the present time are out of commission, and so much out of commission they will not permit the safe operation thereon of the yard locomotives or locomotive cranes. That there should be a general repair and strengthening of the piers, so as to provide safety in the use of the overhauling of any of our fighting craft. When this was presented to the Director of the Budget he gave it consideration to the end that he was in favor of reporting a bill for \$150,000 for this work, and I hold in my hand a letter from Mr. Lord, Director of the Budget, under date of February 13, 1924, which is as follows:

BUREAU OF THE BUDGET,
Washington, February 13, 1924.

HON. PETER F. TAGUE,
House of Representatives.

MY DEAR MR. TAGUE: I have your letter of February 11 concerning water-front improvements at the Boston Navy Yard.

The Navy Department, in its regular estimates for the fiscal year 1925, submitted September 15, 1923, included an item for \$150,000 (limit of cost, \$300,000) for water-front repairs and improvements to certain docks and piers at the Boston yard.

The total amount requested by the department for public works was \$8,536,800. This bureau at first proposed \$3,000,000 as the maximum amount that should be allowed for public-works projects. The department protested so strongly that the matter was taken up with the President, who decided that \$4,000,000 should be allowed for this purpose. The department was advised of the President's action, and the matter of selection of the projects that should be included within this amount was left with the Secretary of the Navy. It is assumed that the Navy Department selected the items that were included in the Budget in the order of priority of importance. The item of \$150,000 first proposed for repairs and improvements of docks and piers at the Boston yard was not included in the department's final list of projects selected and, therefore, was not included in the Budget.

Very truly yours,

H. M. LORD, Director.

Mr. TREADWAY. Will the gentleman yield?

Mr. TAGUE. I will.

Mr. TREADWAY. Is the work of the department hampered by the lack of the use of piers to which the gentleman refers?

Mr. TAGUE. Yes; they are deprived of the use of these piers.

Mr. TREADWAY. And more work could be performed in the way of repairs if these piers were in a proper condition?

Mr. TAGUE. Not only could more work be done, but it could be done more economically. These piers are adjacent to the machine and repair shops of the navy yard and are practically out of commission, and it is almost impossible to put a crane or a locomotive on these piers without risking the lives of the workmen and destroying the property of the Government.

Mr. OLIVER of New York. Are not these some of the most valuable piers in Boston Harbor?

Mr. TAGUE. Yes. The navy yard is the most valuable piece of water-front property in Boston Harbor.

Mr. DALLINGER. Will the gentleman yield?

Mr. TAGUE. I will.

Mr. DALLINGER. Is it not a fact at the present time, because of the fact that these piers are unsafe, to which the gentleman refers, that vessels have to wait to be repaired, whereas if they were in proper condition they could be repaired at the same time with other vessels?

Mr. TAGUE. That is so. And further, to show the extent to which these piers have rotted out recently, before the sending of the fleet to the south, the *Florida* was tied up to one of these piers and the officers of the navy yard were obliged to move her and tie the boat up to another pier.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAGUE. I ask for two additional minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. TAGUE. I am going to call attention to another condition, so as to show you the real condition of these piers. No money has been expended on these piers for almost 50 years—I say no money, at least very little money. Recently there was launched at the Boston Navy Yard the supply ship *Whitney*, built in the navy yard. When that ship was launched there were thousands of people at the yard to see the launching, and many of them were on one of these piers. Before that ship started off her ways it became necessary to clear one of these piers of people for fear of accident; and when that ship struck the water the pier moved in such a way that it really imperiled the lives of the men stationed there to brake the ship from going across the stream. Yesterday I talked with Admiral Gregory about this matter and he said if it was impossible to get this appropriation in the House, that because of the conditions that have been called to his attention recently, that he may be obliged to go over to the Senate and ask for an appropriation.

Mr. WILLIAMSON. Will the gentleman yield?

Mr. TAGUE. I will.

Mr. WILLIAMSON. Is there necessity for these piers down there at all? Is there a necessity for maintaining these piers of which the gentleman is speaking? Have you not got ample space without these old piers?

Mr. TAGUE. I have emphasized the fact these piers are in the immediate center of the yard, the most important piers in the yard. I would not be here advocating the appropriation if it were not necessary to have the piers to do the work.

Mr. WILLIAMSON. It seems to me the gentleman has had ample time to go before the subcommittee and present this matter without presenting it here.

Mr. TAGUE. That kind of talk is ridiculous if the gentleman knows anything about conditions. I have just read the report of the Director of the Budget. I am going to place in the Record letters from men employed at the navy yard. This appropriation is something that has been asked for for the last four years. It is absolutely necessary to immediately repair and increase the capacity of the docks at the Boston Navy Yard.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAGUE. I ask unanimous consent to extend my remarks in the Record.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The letters referred to are as follows:

UNITED STATES NAVY YARD,
Boston, February 21, 1925.

Memorandum for the commandant.

Subject: Supporting data for the item "Water-front repairs and improvements," estimated cost \$300,000, included as project No. 1 in the annual estimates for public works for the fiscal year 1925.

Reference: (a) Letter of Congressman PETER F. TAGUE.

Inclosure: (A) Marked plan of the yard having indicated thereon in red the pier railroad tracks on which no rolling stock is permitted or else on which the load has been greatly restricted.

1. The project entitled "Water-front repairs and improvements," estimated cost \$300,000, which was placed first in importance in the

list of annual estimates for public works items at the Boston Navy Yard, to be undertaken during the fiscal year 1925, covered two main features; first, the strengthening of Piers Nos. 2, 3, 6, 7, and 8, so as to permit safe operation thereon of the yard's locomotives and locomotive cranes; and second, the general repair and strengthening of all the piers of the yard, Nos. 1 to 10, inclusive, so as to enable them to be safely used for the overhaul and repair of the Navy's fighting craft.

2. The inclosure, a marked print of the yard plan, indicates in red the pier railroad tracks on which, by reason of their dilapidated and worn-out condition, it has been necessary either to prohibit entirely the use of the yard's rolling stock, such as locomotives and locomotive cranes, or to seriously restrict such use.

3. Since the construction of these piers there has been a steady increase in the weights which must be handled by locomotive cranes and railroad cars, and if this yard is to continue to successfully compete with other navy yards and private establishments in the economical overhaul and repair of ships, it is evident that it can not suffer the handicap of inadequate weight-handling facilities on its water front. More serious, however, than the restriction which has been placed upon the operation of yard cranes and locomotives is the fact that, due to lack of funds during recent years for ordinary repairs and maintenance, the general condition of the piers at this yard has become such that it is no longer entirely safe to continue their use for their normal function. For example, it has recently been necessary to barricade a portion of Pier No. 1 and to prevent the placing of any load whatever thereon on account of its dangerous condition; similarly the remainder of the piers at the yard are so decayed and rotten that ships are not moored at the yard with entire safety. Recently during the dock trial of the *Florida*, during which the loads applied on the pier were not abnormal, there was a rupture of no less than four bollard piles, revealing a decayed condition of the timber which is indicative of the generally deteriorated condition of all the wooden piers.

4. At the present time the cost of replacing dangerously defective portions of the piers is so great as to be beyond the scope of the appropriation which is available for regular routine repairs, and accordingly a specific appropriation for this purpose is necessary.

5. Each year that the matter of major repairs to the piers is deferred will result in increased final cost of the work. It is not too much to say that unless funds are made available in the comparatively near future for this very necessary work the continued operation of the yard will be jeopardized.

BOSTON, MASS., February 16, 1925.

HON. PETER F. TAGUE, M. C.

House of Representatives, Washington, D. C.

DEAR CONGRESSMAN: 1. The present condition of certain utilities at the navy yard, Boston, warrants me to respectfully invite your attention to the following facts, with the object in view of soliciting your cooperation, to prevail on the congressional body to provide adequate appropriations for the navy yard, Boston, when the naval appropriations bill is read before Congress.

2. The navy yard, Boston, has successfully met all requirements pertaining to ship repair, and the manufacture of standard accessories for the United States Navy, under circumstances that demanded the most careful administration of Government funds and, notwithstanding limited allotments with increased work loads, the performance here by all concerned is exceptionally creditable.

3. If this yard is to maintain its reputation, its existence and progress as a "naval necessity" will depend on the condition of water-front facilities, piers, and docks.

4. The present condition of the water-front piers at this navy yard is such that a battleship of the first line of defense of the *Texas* type or a vessel of similar draft and length could not be tied up to any pier at this yard with safety.

5. In addition to the weakened condition of the pilings, the elements on the floor of the basin around the piers have piled up the mud in such quantities that dredging is essential to permit at least a 35-foot depth of water around piers. You can readily see that the berthing spaces for vessels and the piers should be of first priority in maintenance if a navy yard is to prosper.

6. The naval appropriation bill for the next fiscal year has not set aside a sum of money to be expended for repairs to our piers, and unless the present bill can be amended the navy yard, Boston, will be severely handicapped.

7. It is estimated from a reliable source that \$300,000 will be required to make the piers safe, although this does not include the cost of dredging.

8. No extensive repair program has been undertaken on these piers for a number of years, and it has become necessary to place warning signs on each pier forbidding weights to exceed certain limits as prescribed by the civil engineer.

9. Another matter of vital importance is the roof of the foundry at this navy yard. The foundry is a building covering an area of 50,000 square feet of land, and during the World War it became nec-

essary to enlarge the building, which up to that time was about 250 feet in length. The annex to the old building is of modern design and construction, with a saw-tooth roof affording light, good sanitation, and working spaces. The roof of the old foundry remains in the same shape as when the building was erected and is not of fire-proof design. This roof is now in such a condition that the trusses of wood construction have been reduced to punk from age, a liability for continual repairs, a fire hazard, and unsafe. The roof is in a leaking condition, the rain water lodging on the floor of the shop making it extremely precarious to carry or pour molten metal into molds, and, in general, a very unsatisfactory condition prevails. The Budget has recommended that a sum of money be set aside to repair the roof of the foundry, navy yard, Boston, but for some unknown reason when the Budget recommendations were reviewed by the Naval Affairs Committee this particular item was omitted from the bill. In reviewing the appropriation bill a recommendation exists to appropriate \$20,000 for dredging at Charleston, S. C.; while metropolitan Boston, a city rated in fourth priority, with a naval establishment of historical record, is required to progress under apparent difficulties.

10. An appropriation should be provided to remodel the old foundry roof after the type of the new, thereby removing fire hazards caused by overheated stacks from cupolas and steel converters that are in operation daily.

11. I feel that in forwarding this information to you that you will make a special effort to induce your colleagues to support a measure to provide funds to make the corrections that have been set forth.

Thanking you for past courtesies, I am,

Respectfully,

WM. A. McDONALD,

45 Speedwell Street, Dorchester, Mass.

Mr. FRENCH. Mr. Chairman, the gentleman's amendment proposes an appropriation of \$300,000 for the work he has indicated in his remarks. The items to which he refers are entirely new items. They were not submitted to the Committee on Appropriations. They were not submitted by the gentleman himself or by the Budget officers. They come to this House as unknown quantities other than as the gentleman himself presents them in his speech. And without attempting to impair the statement that he makes, I want to say that there could be justified on the same basis excessive appropriations for probably every establishment in the country. Our committee members and the chairman of the subcommittee have received memorials and petitions and letters from chambers of commerce, from labor bodies, from boards of trade, from different organizations that are immediately in touch with just such establishments as this, and I have had letters bearing upon this particular proposition, although it is a proposition not recommended by the Budget. I want to appeal to the Members of this House and say that we can not, if we are to proceed in an orderly manner here, act upon the basis of a statement such as that which has just been made, no matter by what Member, and appropriate \$300,000 out of hand, as though it were some free gift we had at our disposal. The facts have not been presented to the committee that is charged with the responsibility of holding hearings and considering the many items of the bill. The items may be worthy, but they were not regarded as so worthy as to justify the administration through the Bureau of the Budget in submitting them in the orderly way to the Congress, and I appeal to Members of Congress to refuse to support the amendment.

Mr. TAGUE. Mr. Chairman, will the gentleman yield? As a member of the Committee on Appropriations can you kindly tell me how any Member of this House can ask for an appropriation for his district when the Budget Bureau has not reported the bill to the House except upon the floor of this House?

Mr. FRENCH. The limitations under the law do not refer to Members of Congress. The limitations refer to officers of the department. The department officers could not come here unless the committee asked the officers to do so and urge this particular appropriation. That, of course, does not apply, as the gentleman knows, to the Members of this body; and different Members of this body did come before the subcommittee and ask for a hearing upon one item and another.

The CHAIRMAN. The time of the gentleman from Idaho has expired.

Mr. WEFALD. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Minnesota is recognized.

Mr. WEFALD. Mr. Chairman, I have heard a great deal about Boston, but I have never been there.

Mr. TAGUE. I extend to the gentleman an invitation.

Mr. WEFALD. Thank you. But if I should ever go to Boston I believe I would have to be very careful if I car-

ried in mind the fears of the gentleman from Massachusetts [Mr. TAGUE] who has spoken on this amendment. I am in a state of mind now as though if I went to Boston I would be afraid of taking the next step because of the chance that something might happen to me. The good old city of Boston must be in a bad state of repair; they say that roofs are falling down and that the piers are crumbling in. [Laughter.]

Mr. OLIVER of New York. I am from New York, and I agree with the gentleman.

Mr. WEFALD. It looks to me, if we were to allow this amendment and give to Boston \$300,000 for this purpose, as though we would give it to them in the shape of "pork." I have heard so much about Boston beans that I do not wonder that the gentlemen from Boston would want to get a little pork for their beans.

We have just voted on an amendment here for \$40,000 with which to repair a roof in the city of Boston. The gentleman that proposed that amendment pleaded so earnestly that we were afraid that every roof in Boston was coming down. When we consider the fears that these gentlemen have had, I want to remind them that the foremost son of Massachusetts, the President of the United States, has not got nearly as many fears as these men have. I would like to see every building in this country put in a state of good repair, public buildings and other buildings. I read in the newspapers a little while ago that the White House was in bad condition and that it ought to be repaired; in fact, it was said to be in such a bad condition that when Mr. Ford called on Mr. Coolidge he got so scared that he quit his race for the Presidency. [Laughter.] But the President is sticking it out bravely against all his troubles. He does not even seem to be afraid that the Daugherty affair will pull the roof down over his head. The gentlemen from Massachusetts should emulate his example—the good old city of Boston can not need so much repair.

Mr. BLANTON. Has the gentleman noticed how quiescent the committee is on this proposition? When have you ever before seen the committee become quiescent to keep an amendment from getting in?

Mr. WEFALD. I understand that the gentlemen from the State of Massachusetts have had a habit of getting anything they wanted heretofore. Massachusetts rules this Nation; a committee will be quiescent when Massachusetts wants it to be; for that reason I could not be quiet. I want to suggest that we, the Representatives of the Northwest, are going to vote in this Congress, and we are going to ask that something be done for the farmers. We do not want all of the money to be taken out of the United States Treasury at this time. We do not know how much more Boston is going to ask if this item is given to her; if Boston gets all she and Massachusetts wants, some one else will ask for like amounts or more, and the first thing we know we will have no money left for real necessary expenditures; I am against the amendment.

Mr. TREADWAY. Mr. Chairman, the gentleman from Texas [Mr. BLANTON] is such a constant attendant on the floor of the House that it is extremely unfortunate when he acknowledges his absence.

Mr. BLANTON. How does the gentleman know I am always here?

Mr. TREADWAY. I did not hear the gentleman. [Laughter.]

Mr. BLANTON. I asked the most distinguished gentleman from Massachusetts how does he know that I stay here?

Mr. TREADWAY. Well, I stay here myself so much that I have to go out once in a while to escape listening to the gentleman's speeches. I noticed that the gentleman of the committee spoke in strenuous terms in opposition to my colleague from Massachusetts [Mr. TAGUE] five minutes ago, and either the gentleman from Texas has a poor memory, or poor hearing, or he was absent from the Chamber. One of those three things is true, because the committee is not in favor of this amendment. The gentleman from Idaho [Mr. FRENCH] made a very vigorous speech in opposition to it. As a generality I agree with him that matters of this kind ought to come before the committee in the first instance, but so far as the argument in this case is concerned, my colleague from Massachusetts [Mr. TAGUE] absolutely covered the case. I submit that the evidence of a Member representing the particular section having to do with an item coming up is much better than the evidence of a man from the Northwest, as in the case of the gentleman from Minnesota [Mr. WEFALD], who says that he never was in the city where the improvements are desired.

The gentleman from Minnesota [Mr. WEFALD] seems to think it has something to do with beans; on the contrary it has to do with the building of a pier where the vessels of the United States Government are under repair. Therefore, I consider

that the evidence submitted by my colleague [Mr. TAGUE] is of a great deal more value as to the merits of the case than that of the gentleman from Minnesota [Mr. WEFALD], who acknowledges he does not know anything about it and does not know anything about where the money is to be expended.

Mr. BLANTON. Will the gentleman yield?

Mr. TREADWAY. Yes; I am glad to yield to my friend.

Mr. BLANTON. I am in a different class.

Mr. TREADWAY. Yes; the gentleman is in a class by himself.

Mr. BLANTON. Some of the most delightful hours I ever spent were spent in the city of Boston, but I want to say to the gentleman that I gave him credit for being able to distinguish between a smoke barrage and a real fight when the chairman of the subcommittee was speaking.

Mr. TREADWAY. The gentleman is now questioning the sincerity of the chairman of the subcommittee, which I do not agree with at all. I know of no gentleman on the floor who states his case more explicitly, more firmly, and more honestly than does the chairman of this subcommittee of the Committee on Appropriations having this naval bill before us. So I do not recognize that there was any smoke screen there whatever. The merits of the case have been vouched for by my colleague [Mr. TAGUE], and when one Member attempts to belittle it by getting beans mixed into it he is making a serious blunder, because that has nothing to do with the case.

Mr. OLIVER of Alabama. Will the gentleman yield?

Mr. TREADWAY. Yes.

Mr. OLIVER of Alabama. I understand the gentleman from Massachusetts recognizes that the proper procedure would be to first present this matter to the subcommittee.

Mr. TREADWAY. I do. I have said I agreed with that as a general proposition.

Mr. OLIVER of Alabama. It would be a dangerous thing to make appropriations purely on the statements of Members deeply interested in the appropriations.

Mr. TREADWAY. It would be a dangerous thing, and I agree with my friend from Alabama in that particular.

Mr. OLIVER of Alabama. That is not said as reflecting in any way on any Members of the House, but the orderly procedure would be to first present such matters to the subcommittee.

Mr. TREADWAY. But this is not based on that; it is based on the evidence of the Navy Department itself as to the needs of the Charlestown Navy Yard.

Mr. TAGUE. Will the gentleman yield?

Mr. TREADWAY. Yes.

Mr. TAGUE. The evidence is based upon the request of the officers at the Boston Navy Yard, the evidence of the Navy Department itself, and as set forth in the letter—a part of which I have read and the whole of which I will put in the Record—from the Budget Director, and in that letter he acknowledges that the matter was under consideration by the Budget Director.

Mr. OLIVER of Alabama. However, the Budget Director did not recommend this item.

Mr. TAGUE. I said that in my opening remarks.

Mr. OLIVER of Alabama. In other words, the Budget is an administrative body and supposedly represent the views of the President and the President has not recommended or urged this item.

Mr. LOZIER. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. LOZIER. I rise to address the committee in opposition to this amendment.

The CHAIRMAN. The gentleman from Missouri is recognized.

Mr. LOZIER. Mr. Chairman and gentlemen of the committee, I desire to register my opposition to the amendment offered by the gentleman from Massachusetts [Mr. TAGUE]. The naval appropriation bill we are now considering calls for an appropriation of approximately \$272,000,000. The paragraph we now have under review appropriates the sum of \$175,000 for additional facilities for Dry Dock No. 3, Boston Navy Yard. The gentleman from Massachusetts [Mr. TAGUE] proposes an additional appropriation of \$300,000 for the repair of the docks or piers in the Boston Navy Yard. I am convinced that this amendment should not prevail and I shall vote against it.

After weeks of painstaking investigation and after considering carefully all requests for appropriations, the Appropriations Committee has submitted a report and recommendations of the amount it considers reasonably necessary to meet the needs of the Navy Department for the fiscal year of 1925. I believe the

committee has performed its work honestly, intelligently, and efficiently.

The only complaint I have to the bill is that it already carries too much money, or at least more than I think should be appropriated for the Navy Department this year in view of present economic conditions. I do not want to be understood as criticizing the subcommittee having the appropriation in charge, for I am sure they have done the best they could under the circumstances. The committee had to deal with the Navy and the Navy Department as they found them. They had to make provision for the Navy Department, the Navy, the personnel, and employees as now constituted. Here was a great big machine that the committee has to keep running until we can, by orderly processes, dispense with a part of the equipment.

I very much regret that a way has not been found to reduce the expenditures for our War and Navy Departments. Undoubtedly these departments are costing us too much money, and I favor a substantial reduction all along the line. However, the present bill carries \$23,024,333 less than the last naval appropriation bill, which is a good sign and points in the right direction. Moreover, the present bill carries \$4,452,927 less than the Budget estimate, which is further proof that the present Appropriations Committee has reduced expenses as much, probably, as can be done at the present time.

But, seriously, I can see no good reason why we should spend annually anything like \$270,000,000 for the maintenance of the Navy Department. These expenditures must be reduced each year and the only way to do this is to "pare to the bone" at all times where by so doing we will not materially impair the efficiency of the Navy. To do this we must begin at the bottom, reorganize the department on an efficiency basis, eliminate all superfluous and unnecessary employees, reduce expenses, destroy the bureaucratic system that has grown up in the department and Navy, discontinue the competitive shipbuilding plans, and everywhere in the department and Navy introduce necessary reforms. I assert this can be done without impairing the efficiency of our Navy.

I do not want to be understood as desiring to withhold any necessary appropriations from the Army and Navy, but I do insist that the naval and military policy of this Nation be not dictated, controlled, or even formulated by the officers of the Army and Navy. The size of our Army and Navy should be determined by the people and not by the military and naval officers, nor by those under the influence of the Army and naval forces. The people of the United States determine our internal, domestic, foreign, and economic policies. The people take advice from all sources, weigh that advice, and then accept or reject it as to them seems right and proper.

So while the Army and naval officers may with propriety make recommendations as to the size of our Army and Navy and in relation to our military and naval policy, still the people are the final judges as to whether we are to have a large or small Army and Navy, and while we welcome the advice of our military and naval officers it does not follow that we will follow their advice.

May I call to your attention that history teaches us that in all ages military and naval officers have advocated the creation and maintenance of large standing armies and strong navies and have insisted that this policy was necessary to protect governments from rebellion within and from foes without. History has also demonstrated the weakness, vice, and extreme danger of this policy. Standing armies and strong navies have more often been a menace to the liberties and safety of nations than a protection, for in the tide of time few governments have fallen where military intrigue and coercion have not materially contributed to national disintegration.

There is something in the life, environment, and atmosphere in which military and naval men live that breeds a contempt for the masses and imbues them with a consciousness of their superior judgment, attainments, and divine right to rule the so-called "common herd." Expert and professional soldiers have a distorted vision of their relation to the rest of mankind—an astigmatism that blinds them to the common affairs of life and to the rights and aspirations of the ordinary man. Military life breeds an autocratic disposition and a desire to rule, as well as a contempt for the opinions that run counter to their imperious will.

I can conceive of no greater calamity that could come to this Nation than would follow giving to our professional military and naval leaders control and entire direction of our military and naval policies. I do not mean to charge that the military and naval leaders are venal or lacking in patriotism, but I do say that many of them are blind to the consequences

of their own policies and lack experience in the practical affairs of life and government.

I concede that the national defense should at all times be uppermost in our minds and plans, but this is not to be secured by the adoption of an aggressive naval or military policy, but by the exercise of the ethics of government and by holding fast to the traditional policies bequeathed to us by the founders of our Republic.

But, Mr. Chairman, I am opposed to this amendment aside from the reasons I have already stated.

I have listened to this argument with all the thoughtful attention and deliberation it is possible for me to exercise, and I can not escape the conviction that we will make a very serious mistake if this amendment should be adopted.

Now, there is an orderly, systematic, safe, and proper method of securing appropriations for purposes of this character. There are probably as strong reasons for increasing the appropriations for every navy yard in the United States as in this particular instance; there is just as great reason for a public building program throughout the United States, and in every department of our Government there are just as urgent needs and opportunities for the expenditure of money in order to increase the efficiency of our Government. But we have reached the point where it is important to economize at every stage of the game.

Now, here is a proposition to appropriate \$300,000 over the heads of the committee, without the advice of the committee, and against the recommendation of the committee. If you let down the bars and begin increasing these appropriations, where will the end be?

Mr. TAGUE. Will the gentleman yield?

Mr. LOZIER. Yes; I yield.

Mr. TAGUE. The gentleman says this is a recommendation over the head of the committee, but the committee admits it never considered it; and that being the case, how could it be a recommendation over its head?

Mr. LOZIER. Well, it seems to me that if these conditions prevail in the Boston Navy Yard, and if they are as bad as represented, it was the duty of the gentleman from Massachusetts and his colleagues from that State to go before the Appropriations Committee and present these matters, and if the gentleman's case was meritorious and the needs as imperative as he represents, undoubtedly the committee would have given careful consideration to his request and granted the appropriation.

Mr. WEFALD. Will the gentleman yield?

Mr. LOZIER. Yes; I yield.

Mr. WEFALD. Would not an item of this kind more properly belong to a rivers and harbors bill?

Mr. LOZIER. I do not know that I can answer the gentleman from Minnesota satisfactorily. I think the item could very properly have been included by the committee in this bill if the committee had found that the appropriation should be granted; but I do say there should be a limit to the practice of this body in impulsively and without due deliberation appropriating large sums in excess of the amount recommended by the committees for projects not considered by the committees and concerning which there may be little or no evidence before the committee or House. While we may be justified occasionally in adding small items in excess of the amounts recommended by the committees where the need is obvious and justified, still, as a rule, if we make any changes the changes should reduce rather than increase the aggregate appropriations.

I have not only listened to this debate, but I listened carefully to the address of the gentleman from Idaho [Mr. French], chairman of the subcommittee, when he presented the report, and I desire to say that it has not been my privilege to hear in this House a clearer, fairer, more logical, more forceful, and more persuasive presentation of an appropriation bill than that with which the gentleman from Idaho [Mr. French] presented this measure. It was indeed refreshing to hear the illuminating address with which the gentleman from Idaho favored us. I think we should draw the line here and now and refuse to reach into the Treasury of the United States, without so much as a recommendation from the Appropriations Committee, and take \$300,000 of public funds for the purpose mentioned in this amendment when there are probably hundreds of propositions in the United States that are just as meritorious and where the needs and demands are just as great as in the instant case.

Mr. TREADWAY. Will the gentleman yield?

Mr. LOZIER. Yes; I yield.

Mr. TREADWAY. Then the gentleman does not agree with our colleague from Texas that the statement of the gentleman from Idaho was a smoke screen?

Mr. LOZIER. I never saw or heard the gentleman from Idaho [Mr. French] in action on this floor until he presented this report of the Committee on Appropriations for the Navy Department, but after listening to that report I could not refrain from giving expression to my opinion that a clearer, more logical, and more convincing report had not been presented on the floor of this House during the short time I have been a Member of this body. Moreover, I am convinced the gentleman from Idaho [Mr. French] and his committee associates are wholeheartedly opposed to this amendment. [Applause.]

Mr. BLANTON. Will the gentleman yield?

Mr. LOZIER. Certainly.

Mr. BLANTON. I agree with the gentleman. I was only trying to prod this committee into defeating the amendment. You have got to prod them sometimes, and I was trying to get some of the committee to help the distinguished gentleman from Idaho [Mr. French].

Mr. LOZIER. I would like, gentlemen, in conclusion, to agree with my good friend from Massachusetts [Mr. Tague], but we ought to draw the line here and now, and stand by the report of this committee, defeat this amendment, and keep this \$300,000 in the Treasury. Later on, when economic conditions are more favorable, we may be able to do something for the Boston Navy Yard.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. Tague].

The question was taken; and on a division (demanded by Mr. Tague) there were—ayes 19, noes 39.

So the amendment was rejected.

The Clerk read as follows:

Navy yard, New York, N. Y.: Sprinkler system, building No. 4, \$13,500; repairs and extensions to steam-heating distributing system, \$17,500; central power plant improvements, \$40,000; in all, \$71,000.

Mr. BLACK of New York. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from New York [Mr. Black] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. BLACK of New York offers the following amendment: Page 35, line 4, after the semicolon insert: "Conversion of building No. 13, \$60,000; transfer of yard telephone exchange from building No. 13 to some other place within the yard, to be designated by the commandant, \$10,000; in all, \$141,000."

Mr. BLANTON. Mr. Chairman, I make the point of order that the amendment is legislation on an appropriation bill, unauthorized by law, and that it is not germane to the paragraph.

The CHAIRMAN. Does the gentleman from New York [Mr. Black] care to be heard on the point of order?

Mr. BLACK of New York. Mr. Chairman, I, of course, can lay no claim to any special familiarity with the traditions or the precedents of this institution, and having that in mind I have consulted various experts in the parliamentary practice of this House, submitting to them this amendment, and they informed me this was the proper place to attach the amendment. I understand that this is only an administrative proposition. It calls for work in progress in the navy yard and is not legislation in that sense.

Mr. BLANTON. Mr. Chairman, I reserve the point of order; if the gentleman wants to speak upon it, it is new construction. It is an entirely new building.

Mr. BLACK of New York. No; it is not a new building. It is an alteration of an existing building.

The CHAIRMAN. Does the gentleman from Texas reserve the point of order?

Mr. BLANTON. I reserve it.

The CHAIRMAN. The gentleman from New York [Mr. Black] is recognized for five minutes.

Mr. BLACK of New York. Mr. Chairman and gentlemen of the committee, this amendment was to have been introduced by my colleague, the gentleman from New York [Mr. Quattle], in whose district the navy yard is situated, but unfortunately he was called away from the Chamber yesterday because of illness, and he asked me to submit the amendment. I must therefore apologize to the committee for not having that detailed information on this project that a man should have before addressing himself to this committee.

However, I wish to state that the amendment simply provides that we alter a building in the Brooklyn Navy Yard for the purpose of properly housing the marine garrison at our navy yard.

To-day we devoted a great deal of time to the welfare of men who might or might not come into the Navy, depending on the ultimate fate of the Connally amendment. My amendment takes care of those men now in the Navy, and I do think that no outfit connected with the United States Government in any way is entitled to more consideration than the United States marines.

In November, 1918, the old marine barracks in the navy yard was demolished to make way for a machine shop. The men were then housed in two other buildings that were makeshift buildings for that purpose—buildings 93 and 425. It seems now that the Bureau of Medicine and Surgery have set forth certain minimum requirements for the housing of men, and under the regulations suggested by the Bureau of Medicine and Surgery the buildings in which the men are now housed can only properly accommodate 117 men, whereas they are actually accommodating 232 men. The buildings now used for housing the men of the marines stationed in the third naval district—and all the men of the marines stationed in the third naval district—are now housed in our yard—will only accommodate two-fifths of the number of men that the old marine barracks would accommodate.

This is a small appropriation—\$60,000 for the proper alteration of building No. 13 to accommodate the men and \$10,000 for the removal of the telephone exchange now in building No. 13. It is a great navy yard that comes here for a great outfit asking a very modest appropriation, and I trust that my good friend from Texas may now withdraw his point of order to my amendment.

Mr. BLANTON. Mr. Chairman, I think it is clearly legislation. There is legislation in both paragraphs of the amendment, and I make the point of order against it on that account, and also because it is not germane to the paragraph.

The CHAIRMAN. The amendment offered by the gentleman from New York [Mr. BLACK] reads:

Transfer of yard telephone exchange from building No. 13 to some other place within the yard, to be designated by the commandant, \$10,000.

The only question is whether this might be held to be an appropriation in continuation of appropriations for public works and objects already in progress.

Mr. BLANTON. This requires them to do something that they are not now required to do by present law.

Mr. FRENCH. Mr. Chairman, does the amendment say some other place in the yard or some other place?

The CHAIRMAN. Some other place within the yard. The Chair does not know anything about the physical situation in this particular navy yard, but under this amendment it would be possible for the commandant to direct the taking of the telephone exchange out of building No. 13 and to even erect a suitable building for it at some other place within the yard and there house it.

Mr. FRENCH. Then, Mr. Chairman, I also reserve a point of order.

The CHAIRMAN. The Chair thinks it is plainly subject to a point of order, and therefore sustains the point of order.

The Clerk read as follows:

Navy yard, Mare Island, Calif.: Rebuilding dikes, wharves, and quay walls, and maintenance dredging (limit of cost, \$2,800,000), to complete, \$350,000; dredging equipment, \$150,000; mooring dolphins, replacement, \$28,000; in all, \$728,000.

Mr. HAWLEY. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. HAWLEY: Page 35, after line 17, insert: "For continuance of the development of a submarine and destroyer base, Columbia River, Oreg., \$350,000."

Mr. FRENCH. Mr. Chairman, I make a point of order on that.

Mr. VINSON of Georgia. Mr. Chairman, I reserve a point of order.

Mr. HAWLEY. I would rather have the gentleman make it.

Mr. FRENCH. Mr. Chairman, I make the point of order that there is no law authorizing the proposed expenditure.

Mr. BLANTON. And the additional point of order that it is not germane.

Mr. FRENCH. And that it might contemplate work not authorized.

Mr. HAWLEY. Mr. Chairman, in the last appropriation act reported by the Committee on Naval Affairs when that committee was an appropriating committee, approved June 4, 1920, found in the Forty-first United States Statutes, at page 822, the following language was used:

Submarine and destroyer base, Columbia River: Toward the development of a submarine and destroyer base, and the Secretary of the Navy is hereby authorized to accept from the city of Astoria, Oreg., free from incumbrances and conditions and without cost to the United States Government, a certain tract of land at Tongue Point, Columbia River, for use as a site for a naval submarine and destroyer base, and containing 115 acres, more or less, of hard land, and 256 acres of submerged land, \$250,000.

I call the attention of the Chair to the first words of this item—"toward the development of a submarine and destroyer base."

Mr. BEGG. Mr. Chairman, will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. BEGG. The language the gentleman is quoting is in an appropriation bill instead of in the permanent statutes, is it not?

Mr. HAWLEY. It is in the last appropriation act reported by the Committee on Naval Affairs when it was an appropriating committee.

Mr. BEGG. The gentleman admits that it dies with the end of the fiscal year.

Mr. HAWLEY. Oh, not all the provisions of a bill die with the end of the year, because legislation was frequently carried in appropriation bills in those days. The use of the words "toward the development" would indicate that it is a work in progress and that further appropriations were contemplated to be necessary to complete the work in question.

Mr. FRENCH. Does not the gentleman think that under the language of his amendment new buildings could be constructed, piers could be constructed, projects carried forward, that were not necessarily contemplated when the language was put into the bill originally?

Mr. HAWLEY. I think the gentleman is going somewhat afield when he says it was not necessarily intended in any appropriation bill previously. How can the gentleman know what the committee had in mind except from what they put into the bill?

Mr. FRENCH. Is it not true that under the language the gentleman has offered new buildings could be constructed?

Mr. HAWLEY. It might be, but that is a matter extraneous to the proposed amendment.

Mr. FRENCH. But it is contrary to the rule. Our committee can not bring in an authorization.

Mr. STENGLE. Mr. Chairman, I demand the regular order.

The CHAIRMAN. The regular order is to discussion of the point of order.

Mr. HAWLEY. Mr. Chairman, in answer to the point of order that the amendment is not germane at this point, I call the attention of the Chair to the fact that there are provisions in the bill for navy yards and submarine bases, but that they are not arranged in order. Navy yard provisions occur on page 36, and in line 22 provision is made for a submarine base, and this is followed by provisions for another navy yard. There was no attempt to arrange in order the items in this section. The amendment is as much germane here as it is to any other part of the section under consideration.

Mr. WATKINS. Mr. Chairman, I desire to call the attention of the Chair to the language of the Statutes at Large dealing with this matter, 1919-1921, volume 41, page 822. The language used is:

Submarine and destroyer base, Columbia River: Toward the development of a submarine and destroyer base, and the Secretary of the Navy is hereby authorized to accept from the city of Astoria, Oreg., free from incumbrances and conditions and without cost to the United States Government, a certain tract of land at Tongue Point, Columbia River, for use as a site for naval submarine and destroyer base, and containing 115 acres, more or less, of hard land and 256 acres of submerged land, \$250,000.

In support of the amendment of the gentleman from Oregon [Mr. HAWLEY], I claim that under Rule XXI, subdivision 2, of the rules of this House this is clearly in order and it is certainly germane. The rule in question reads as follows:

No appropriation shall be in order in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are clearly in progress.

This work there is in progress. It needs more money to continue it. The gentleman's amendment has that purpose in view. I maintain that under the act of June 4, 1920, establishing this base and appropriating \$250,000 for its development, that this amendment asking for \$300,000 is clearly in order, and is merely in continuation of a work already in progress and that it is germane.

Mr. VINSON of Georgia. Mr. Chairman, will the gentleman yield?

Mr. WATKINS. Yes.

Mr. VINSON of Georgia. The expenditure of this \$250,000 completed the project, did it not?

Mr. WATKINS. Oh, no. It will not complete it, as the Helm reports disclosed, also that signed by Parks, McKean, and Hilton, for it is recommended that an appropriation of \$1,500,000 be obtained from the present Congress. The gentleman himself was there last June, and he must know that it is not completed.

Mr. VINSON of Georgia. I differ with the gentleman.

Mr. WATKINS. I ask for a ruling.

The CHAIRMAN. The Chair is ready to rule. The gentleman from Oregon [Mr. HAWLEY] offers an amendment, which reads as follows:

For continuance of the development of a submarine and destroyer base, Columbia River, Oreg., \$350,000.

The gentleman from Oregon submits in support of his contention that it is a proper amendment; that it is an appropriation in continuance of an appropriation for a public work already in progress.

The naval act passed in 1920 contains this provision:

Submarine and destroyer base, Columbia River: Toward the development of a submarine and destroyer base, and the Secretary of the Navy is hereby authorized to accept from the city of Astoria, Oreg., free from encumbrances and conditions and without cost to the United States Government, a certain tract of land at Tongue Point, Columbia River, for use as a site for a naval submarine and destroyer base, and containing 115 acres, more or less, of hard land and 256 acres of submerged land, \$250,000.

There is in this particular section which the Chair has read no limit as to the cost of that improvement. Congress did not attempt in this legislation to limit the cost of that improvement, but simply appropriated \$250,000 to start the project, namely, the development of a submarine and destroyer base by acquiring certain land.

Mr. BLANTON. Will the gentleman yield for a question?

The CHAIRMAN. The Chair thinks—

Mr. BLANTON. May I ask the Chair to what this language applies where it says "without cost to the Government"?

Mr. HAWLEY. The acquisition of the base.

The CHAIRMAN. It says "accept from the city of Astoria, Oreg., free from any encumbrance and conditions without cost a tract of land at Tongue Point." Now, this amendment is in order in the judgment of the Chair. Just what the appropriation can be used for is a matter of administration, but the Chair is of opinion that, judging by the language of the original appropriating act, this present appropriation can only be used to carry out the purposes made in the original appropriation and the only work that can be conducted under this appropriation would be the work authorized by the section which the Chair has just read. The question as to whether a new building might be built or some other construction does not arise. It is sufficient to say that the amendment is framed in the language of the original statute and is properly a continuation of work in progress. The Chair overrules the point of order.

Mr. HAWLEY. Mr. Chairman, on October 8, 1919, a special board of inspection of naval bases, and so forth, on the Pacific Coast made a report to the Secretary of the Navy on the then proposed submarine and destroyer base on the Columbia River, which contained the following language:

The board recommends that this area be secured at the earliest date practicable, either by gift or purchase; that its development to the capacity or for the successful maintenance and operation of a minimum of 12 submarines, 6 destroyers, and the necessary aircraft for the patrol of the waters in the vicinity of the mouth of the Columbia River be proceeded with at once; that the project be planned to be completed within three years; and that the plans be so made as to permit of the operation of double the force recommended above in time of emergency.

The report in full reads:

OCTOBER 8, 1919.

From: Special Board of Inspection of Naval Bases, etc., on the Pacific coast.

To: Secretary of the Navy.

Subject: Proposed submarine, destroyer, and aviation base, Columbia River.

1. The board is in full agreement with the report of the Helm Commission as to necessity for the location of a submarine, destroyer, and aviation base between Puget Sound and San Francisco, and is in further agreement with the commission in its selection of the Tongue Point site at Astoria, Oreg., as the best site both strategically and tactically. The board recommends the site in the locality chosen, but

that a larger area, including all the shore front between the railroad and the pier land line extending from the western point where Tongue Point Peninsula joins the mainland around and including Tongue Point and along the shore line to the mouth of John Day River, is essential.

2. The board recommends that this area be secured at the earliest date practicable, either by gift or purchase; that its development to a capacity for the successful maintenance and operation of a minimum of 12 submarines, 6 destroyers, and the necessary aircraft for the patrol of the waters in the vicinity of the mouth of the Columbia River be proceeded with at once; that the project be planned to be completed within three years; and that the plans be so made as to permit of the operation of double the force recommended above in time of emergency.

3. It is further recommended that the Navy Department take up with the War Department the desirability of the dredging of the necessary channel and anchor ground in the vicinity of this proposed base to permit a safe entrance and anchorage of at least a division of dreadnoughts. This anchorage and channel development will not only be of great service to the fleet but will be of greater aid to commerce and will permit and provide for the full use of the fine harbor facilities built and building at Astoria. It is the opinion of the board that the problem of the Columbia River bar has been satisfactorily solved, there now being a depth of 42 feet over the bar, and the board is also of the opinion that it will be only a short time until a minimum of 50 feet will be obtained, thus making this a practicable port in any weather.

4. It is recommended that an appropriation of a million and a half be obtained from the present Congress, with authorization of the completed project not to exceed five millions, to be completed within three years.

5. Although not, strictly speaking, a part of this report, the board calls attention of the department to the desirability, primarily, from a commercial point of view, but also from the Navy point of view, of the continued development of the Columbia River and the Willamette River as far as Portland, Oreg.

C. W. PARKS, Rear Admiral (C. E. O.), U. S. Navy,
Chief, Bureau of Yards and Docks.
J. E. MCKEAN, Rear Admiral, U. S. Navy,
Assistant Chief of Naval Operations.
J. C. HILTON, Commander (S. C.), U. S. Navy,
Supplies and Accounts.

On July 13, 1920, the office of the Solicitor of the Navy Department addressed a letter to the mayor of the city of Astoria, Oreg., as follows, calling attention to the act approved June 4, 1920, authorizing the Secretary of the Navy to accept the gift of a site for a base on the Columbia River.

NAVY DEPARTMENT,
OFFICE OF THE SOLICITOR,
Washington, July 13, 1920.

The honorable the MAYOR,
Astoria, Oreg.

SIR: I have the honor to direct your attention to the following provision contained in the naval appropriation act for the fiscal year 1921, approved June 4, 1920 (Public No. 243, 66th Cong.):

"Submarine and destroyer base, Columbia River: Toward the development of the submarine and destroyer base the Secretary of the Navy is hereby authorized to accept from the city of Astoria, Oreg., free from encumbrances and conditions and without cost to the United States Government, a certain tract of land at Tongue Point, Columbia River, for use as a site for a naval submarine and destroyer base and containing 156 acres of submerged land."

It is the desire of the department to begin the development of this site, but before any money can be expended title to the tract of land must be vested in the United States.

An unconditional deed to the United States of America represented by the Secretary of the Navy without cost to the Government is required, as will be seen from the provisions of the act above quoted. The deed should be accompanied by an abstract title showing title in grantee free and unencumbered. If the city of Astoria is the grantee, evidence of compliance with the laws of the State of Washington relating to the conveyance of real estate by municipalities should also accompany deed.

The abstract of title and deed will have to be approved by the Attorney General of the United States. It is suggested that the evidence of the title and the right of the grantee to convey be submitted to the United States district attorney for the district of Oregon, Portland, Oreg., in order to quickly secure this approval.

The solicitor has requested the Attorney General to issue appropriate instructions to the district attorney at Portland, Oreg., to insure prompt consideration in the matter.

Very respectfully,

PICKENS NEASLER, Acting Solicitor.

In compliance with the suggestions in this letter, the county of Clatsop, in which the city of Astoria is situated, transferred to the United States, by warranty deed, for the consideration of \$1—that is, by gift—a large tract of land said to comprise about 1,300 acres, for the purposes set forth in paragraph 2 of the report of the special board, which reads as follows:

2. The board recommends that this area be secured at the earliest date practicable, either by gift or purchase; that its development to a capacity for the successful maintenance and operation of a minimum of 12 submarines, 6 destroyers, and the necessary aircraft for the patrol of the waters in the vicinity of the mouth of the Columbia River be proceeded with at once; that the project be planned to be completed within three years; and that the plans be so made as to permit of the operation of double the force recommended above in time of emergency.

The work so far provided for will accommodate only three vessels with berthing accommodations.

The people of Clatsop County, moved by patriotic zeal, bonded the county in the sum of \$100,000, and with the proceeds of the issue purchased the lands deeded to the Government. The owners of the lands made large concessions in the prices asked to such an extent that the lands were obtained for \$100,000, although reasonably worth \$200,000 for commercial and other purposes. The deed to the Government is dated January 31, 1921.

That the requirements of paragraph 3 of the report of the special board have been fully met is evidenced by the statement of Maj. R. Park, Corps of Engineers, United States Army, under date of January 16, 1924, addressed to the editor of the Oregonian, of Portland, Oreg.:

The facts are these: The shoals at the entrance to the Columbia River have, by the art of man, been so deepened and controlled by the construction of twin jetties that for years there has been a channel over 40 feet deep and over 1 mile wide; that this channel has improved year by year until now there is a channel 43 feet deep and over 2,000 feet wide; that the largest freight vessel afloat can and has navigated this channel; that the largest vessels in the world can regularly navigate this channel at high tide in any but the most severe weather; that the 40-foot channel is far wider than the Ambrose Channel into the harbor of New York; and that the 43-foot channel is deeper and safer than the entrance channels of the greatest ports of the world.

The river channel proper is, of course, a succession of deep, wide pools and some 25 shoals, where dredging is necessary. Out of 114 miles of river there are some 35 miles of shoals. Channels are provided through these shoals from 300 to 500 feet wide and 30 feet deep.

In the last appropriation act reported by the Committee on Naval Affairs of the House (41 U. S. Stat. L. p. 822, ch. 228, approved June 4, 1920), the following provision was made:

Submarine and destroyer base, Columbia River: Toward the development of a submarine and destroyer base; and the Secretary of the Navy is hereby authorized to accept from the city of Astoria, Oreg., free from encumbrances and conditions, and without cost to the United States Government, a certain tract of land at Tongue Point, Columbia River, for use as a site for a naval submarine and destroyer base, and containing 115 acres, more or less, of hard land and 256 acres of submerged land, \$250,000.

The expenditure of the money provided in this act has accomplished "dredging of an entrance channel with depth of 28 feet, a turning basin 600 feet in width with 22 foot depth, the construction of a timber-retaining bulkhead, a timber pier, and three timber finger piers for berthing of submarines and destroyers," as stated by the Secretary of the Navy in a letter to me, dated February 7, 1924.

This work by no manner of means conforms to paragraph 2 of the report of the special board, upon which the people of Clatsop County relied when they made their generous gift of the site for a real and effective base.

Submarine-destroyer base is described to include workshops, including machine shops, repair shops, barracks, quarters, and so forth; wharves and dockage, warehouses for storage of torpedoes, armament, and so forth; roads and approaches to dockages; utilities necessary to keep up repair work, power connections, and so forth.

Harbor facilities include sufficiently dredged channel, with enough space to assure accommodation of all anchored crafts and all boats out of commission. This should also include dry dockage in case it was to be utilized for boats undergoing repair.

The mouth of the Columbia is the only fresh-water harbor on the Pacific coast of the United States. This is a particularly important fact, from the naval standpoint, as it immediately frees all vessels entering the harbor from the salt-water

accumulation of barnacles and other sea débris. This accumulation of salt-water débris is sufficient to lessen their speed from 10 to 20 degrees.

The mouth of the Columbia is the entrance to the Columbia River Basin, which is the only natural egress from the interior for large maneuvering bodies of troops. This fact is further emphasized by the condition by which it is necessary for 60 per cent of our transcontinental railroad lines to pass through the Columbia gorge in order to approach the western coast. The Columbia taps, through its tributaries and main river, approximately 300,000 square miles of northwestern territory, whereas the sound has just 40,000 square miles of tributary territory and San Francisco about 70. The entrance to the Columbia effected by an enemy's army would mean the occupation of Portland, Oreg., and the severing of the only strategic line of railroad we have from the Pacific coast, namely, the Southern Pacific, whereas our troops would be kept immobilized by the loss of this parallel communicating system.

Therefore the necessity of protecting the only logical approach to this line, namely, the Columbia River, and particularly the only approach from the sea, is obvious.

On January 28, 1924, Brig. Gen. Henry D. Todd, Jr., commanding the ninth Coast Artillery district, which comprises all the coast defenses on the Pacific coast, having completed a tour of inspection of the fortifications guarding the Puget Sound and the mouth of the Columbia River, made a report, from which I quote his findings as to the defenses on the Columbia River:

WAR DEPARTMENT,
HEADQUARTERS NINTH CORPS AREA,
Presidio of San Francisco, January 28, 1924.

Brig. Gen. Henry D. Todd, Jr., commanding the ninth Coast Artillery district, which comprises all coast defense on the Pacific coast, recently completed a tour of inspection of the fortifications guarding Puget Sound and the mouth of the Columbia River. General Todd's report follows:

"Between the 8th and 18th of December I inspected the coast defenses of Puget Sound and of the Columbia, including the works at Grays Harbor and Willapa Bay. As is the case in the coast defenses of San Francisco, I found the armament to consist of guns designed in 1895 and unable to shoot at ranges beyond 17,000 yards. At that time, however, the best foreign battleships carried but four 12-inch guns and twelve 6-inch guns each, and these guns were no better than the American guns—that is, it would have taken a number of the British *Majestic* class, the Japanese *Fuji* class, or the German *Wittelsbach* class to furnish as many guns of the larger calibers as are mounted in Puget Sound. To-day each ship of the British *Royal Sovereign* class carries eight 15-inch guns and fourteen 6-inch guns, the 15-inch guns being able to outrange our 12-inch guns by at least 10,000 yards, and each ship of the Japanese *Nagato* class carries eight 16-inch guns and twenty 5.5-inch guns, of which the 16-inch guns also greatly outrange our 12-inch guns. Consequently the coast defenses of the northwest part of the country would be utterly unable to protect units of the American Battle Fleet while leaving the harbor and before they could take up battle formation.

"The armament, with its accessories, power plants, etc., however, old fashioned as they are, I found in excellent condition. While the work entailed on the depleted garrisons is enormous, the morale of both officers and enlisted men was high, and everyone seemed to realize he must do double work to make up for the shortage in personnel.

"We always considered that it took at least 1,300 Coast Artillery officers and men to maintain the Puget Sound forts in a serviceable condition and be able to repulse a surprise attack from a raiding force, yet in the Puget Sound forts to-day there are but 11 Coast Artillery officers and 281 enlisted men.

"Conditions are worse in the coast defenses of the Columbia. There the garrison is so small—2 Coast Artillery officers and 20 enlisted men for the three forts at the mouth of the Columbia and for the batteries at Grays Harbor and Willapa Bay—that all that can be done is to keep the material in good condition.

"If the Coast Artillery National Guard organizations in the State of Washington were called into the Federal service, they would increase the garrisons of the Puget Sound forts by but 210 officers and men, and the forts at the mouth of the Columbia could be increased by the Oregon National Guard organizations to the extent of 350 officers and men. The war strength authorized by the War Department for the Puget Sound forts is 3,235 officers and men, while that for the forts at the mouth of the Columbia is 1,341. Consequently, in case of sudden attack, these forts could not put up much resistance until the units of the Organized Reserves had been enlisted, equipped, and transferred to these forts."

F. D. GRIFFITH, JR.,
Assistant Chief of Staff, Military Intelligence.

The need for an effective, well-equipped base on the Columbia River is apparent. That it is the most exposed portion of our national coast line and therefore the part most inviting attack is clear. That it is practically undefended is evident. The Columbia River is the only river on the coast whose sources lie east of both the Coast and Cascade Mountain Ranges and extend to the Rocky Mountains. It is a most fertile area, capable of subsisting a large force, which, through its railroad systems and hard-surfaced roads, could be rapidly distributed to whatever point an invader might desire in an area of over 250,000 square miles. The products of grains, meat animals, vegetables, and other products would subsist a large army indefinitely. Its timber products alone, comprising more than one-third of the standing merchantable timber of the United States, would be in itself a great prize. This great area is separated from the rest of the United States by the great mountain systems of the Rockies on the east and of the Siskiyou on the south, which would afford effective barriers to protect an invader who controlled the road and railroad systems.

We on this far-flung line are asking for a protection that will discourage any attempt at invasion, and which in case of war will keep an invader at a distance on the sea and destroy him before he can reach the land or turn him back.

Our pioneer fathers and mothers, before the middle of the last century, after enduring great hardships and sufferings and the attacks of savage foes, won and held this important area for the United States against the claims of other powers who endeavored to secure it for their possession. We now ask the United States to prepare in time against the ever-recurring eventuality of war. It may seem to those who reside at places far distant that no danger can ever arise. So may Belgium have thought. Our people are greatly concerned and are unanimous in favor of the development of the base on the Columbia. The people of Clatsop County made their gift, understanding that a very active, fully equipped, and effective base would be developed upon the site.

At a meeting of the Clatsop County Council, held on the 24th day of January, 1924, the following resolution was unanimously adopted:

Whereas the county of Clatsop, State of Oregon, having presented deed of gift to the United States Government of about 1,300 acres of land and water, known as the Tongue Point naval base site, under an act of Congress instructing the Secretary of the Navy to accept the said deed, and the people of Clatsop County having anticipated through an act of Congress that the site would be improved by the construction of an aviation base, submarine base, destroyer base, and anchorage for superdreadnaughts, and taxpayers of Clatsop County having expended for the site \$100,000; and

Whereas an appropriation by Congress of \$250,000 will have been expended by the 1st of April next: Therefore be it

Resolved, That the Clatsop County Council, an advisory body composed of the municipalities listed below, urge upon Congress that an appropriation of \$350,000 be included in the naval appropriation bill at the present session of Congress or a special act introduced and passed for the said amount, to be expended in the construction of quarters, barracks, machine shop, and other appurtenances and equipment necessary for the proper conduct of a minor naval base in accordance with the understanding of the people of Clatsop County through the acceptance by the Secretary of the Navy of a deed of gift for the so-called Tongue Point naval base site, and the combined efforts of the Oregon delegation in Congress are hereby requested to strenuously secure the amount stated, to be expended as stated, during the present session of Congress.

Representatives of the following bodies were present at the meeting above stated:

Mayor and councilmen of city of Astoria, Oreg.
Mayor and councilmen of city of Seaside, Oreg.
Mayor and councilmen of city of Warrenton, Oreg.
Mayor and councilmen of city of Hammond, Oreg.
Mayor and councilmen of city of Gearhart, Oreg.

CLATSOP COUNTY COUNCIL,
By H. F. STONE, President,
By THOS. J. JORDAN, Secretary.

COUNTY COURT, CLATSOP COUNTY,
Port of Astoria.

The work done by the expenditure of the \$250,000 heretofore appropriated is well done as far as it goes, and money's worth has been fully obtained for the money expended, but it provides for the berthing of only three vessels at a time and for nothing more.

Mr. VINSON of Georgia. Will the gentleman yield?

Mr. HAWLEY. I will.

Mr. VINSON of Georgia. Will the gentleman inform the committee what improvement is contemplated by this additional appropriation?

Mr. HAWLEY. I will restate the matter and will come to that if the gentleman will permit. In conformity with this recommendation and with the act in Public Law No. 243, Sixty-sixth Congress, approved June 4, 1920, the people of Clatsop County bonded themselves in the sum of \$100,000 and bought a tract of land designated by the Navy Department. The land was reasonably worth twice the amount the county paid for it, but out of consideration to the wishes of the rest of the people the owners of the tracts sold them for about 50 per cent of their value. The area includes 1,300 acres of the very best sites for manufacturing purposes near the mouth of the Columbia River and is an ideal site for a submarine and destroyer base. There was an appropriation made in 1920 of \$250,000 with which there has been constructed a timber bulkhead and timber pier and three timber fingers providing berthing space for submarines. Now, the original proposal of the special board was that there should be berthing space for 12 submarines and 6 destroyers and for the necessary aircraft, with the necessary appliances for the maintenance and operation of all craft. There is no provision at this time for maintenance, nothing for operation, and berthing spaces for only 3 out of the 18 vessels have been provided, and no place has been provided for the landing or rise of aircraft or—

Mr. VINSON of Georgia. Is there any space there where an aircraft or a hydroplane or a lighter than air craft could land?

Mr. HAWLEY. There are more than 50 square miles of water in which the hydroplane could land. I have seen them land many times in these waters and rise from them.

Mr. VINSON of Georgia. That is in reference to the Columbia River, but there is no landing field there; there is no place for a landing field?

Mr. HAWLEY. There is the best possible.

Mr. VINSON of Georgia. On the top of the mountains?

Mr. HAWLEY. Just across from the bulkheading, as the gentleman will remember who did us the honor to visit Oregon last summer, there is a bay called the Cathlamet Bay. By bulkheading as large a space as may be desired and filling in with a suction dredge a magnificent place for a flying field could readily be made. A field so made would be long enough, wide enough, and smooth enough for any aircraft to rise or land.

Now, the people when they made this gift—very generous for a county—expected that a real base would be constructed, but nothing has been done to make it a usable station. A vessel could come in, having been injured by an enemy or crippled by a storm, and run into one of the slips, but that is all that it could do. There is no machine shop, no repair shop, or supplies, nothing at all to assist a vessel in distress. Now, the Columbia River is the one river on the Pacific coast that breaks through both the Coast Range and the Cascade Mountains.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAWLEY. I ask unanimous consent for an additional five minutes.

The CHAIRMAN. The gentleman from Oregon asks unanimous consent to proceed for five additional minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. HAWLEY. Its drainage basin includes an area of 250,000 square miles of land as fertile as there is in this country. It opens a way into the interior of the country. An enemy vessel drawing 30 feet of water can go up to Portland by using the Willamette River, and could go very far inland by using the Columbia River. It is a country rich in grain production, in food animals, and in vegetables and fruits, and if an invader ever entered that country he could subsist upon it indefinitely. It is segregated from the rest of the United States by the barrier of the Rocky Mountains on the east and the Siskiyou on the south. There is only one railroad out of Oregon to the south at present, and there are only a few passes to the east, and if the roads east and south were seized by an enemy invader it would be almost impossible for the American troops to get in there and dislodge them by land attack.

Mr. VINSON of Georgia. Mr. Chairman, will the gentleman yield there?

Mr. HAWLEY. Yes.

Mr. VINSON of Georgia. Was the appropriation recommended by the Budget Bureau, or has the Navy Department recommended to the committee the consideration of this additional work that you contemplate having done there?

Mr. HAWLEY. There was no recommendation by the Budget—

Mr. VINSON of Georgia. Has the Navy Department recommended this additional expenditure?

Mr. HAWLEY. I do not know of any recommendation from the Navy Department.

Mr. VINSON of Georgia. Is it not a matter of fact that the Navy Department has all the necessary facilities for the activities that are required there now?

Mr. HAWLEY. If the gentleman means that all the activities required for vessels are provided, he is mistaken. There are three finger piers at which they can berth, but there are no shops, storehouses, or any other means of repairing a vessel or furnishing it with ammunition, fuel, food, or anything else it may need.

Mr. VINSON of Georgia. Does the gentleman contemplate doing anything at Tongue Point to have a base for the destroyers, or merely for having a berth pier there? What does the gentleman contemplate?

Mr. HAWLEY. We contemplate what the report I read a moment ago contemplates, and which I have previously described.

Mr. VINSON of Georgia. But the Navy Department does not need any more there.

Mr. HAWLEY. How does the gentleman know?

Mr. VINSON of Georgia. Because they have not asked Congress for anything more. The gentleman is trying to read into the bill the conclusions contained in the Helm report for the development there. Does not the gentleman know that it would cost many millions of dollars to carry out the recommendations of the Helm report?

Mr. HAWLEY. Not at all. There never was a suggestion of anything more than a little over a million dollars for complete construction.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. BLANTON. When the distinguished gentleman from Georgia was up in Oregon did he approve of this item?

Mr. VINSON of Georgia. I thought it was a waste of money ever to have spent one dollar at Tongue Point, and I could never see any justification in trying to build a submarine base 50 miles up the Columbia River.

Mr. HAWLEY. The gentleman from Georgia is entirely in error about his figures. It is only about 13 miles from the mouth of the Columbia River. There is better water at the entrance of the Columbia River than in any other waterway in this country, so the engineers of the War Department say, and there is ample water in the river channel for vessels of great draft. At the entrance there is a channel a mile wide and 40 feet in depth, and a section of the channel 2,000 feet wide has a 45-foot depth; and in all except the roughest weather large vessels can enter and depart at will.

I was speaking, when I was interrupted by the gentleman from Georgia, about the segregation of this area from the rest of the country. It may seem to gentlemen who come from localities far removed from that section that we are unduly alarmed, but we are the farthest-flung post in the United States. If attacked by an enemy and if the roads and railroads are seized, we are segregated from the rest of the United States by mountain barriers that would afford an invader a great protection.

Little Belgium assumed that she was perfectly safe until it was proven that she was not safe. We are asking Congress at this time to proceed with the development of the land which was obtained from the citizens of Clatsop County as a gift, with the understanding that the proposal would be carried out, as stated in the report of the special board.

The CHAIRMAN. The time of the gentleman from Oregon has expired.

Mr. HAWLEY. May I have one minute more?

The CHAIRMAN. The gentleman from Oregon asks unanimous consent to proceed for one minute more. Is there objection?

There was no objection.

Mr. HAWLEY. We are asking that the proposal shall be carried out to some complete development. There is in all this Northwest territory drained by the Columbia River one-third of all the standing timber in the United States. One-third of all our standing merchantable timber is in this Northwest section that is to be protected by this base. At the mouth of the Columbia River there is a fort with some 20 men. If an enemy should approach it and begin firing, he could fire effectively at a distance of 10,000 yards; that is, or nearly 6 miles, beyond the range of any guns at the mouth of the Columbia River.

This timber alone would be an invaluable prize of war, scarce as timber is becoming in the world. These people having made all these sacrifices, understanding that a complete development

would be made here, donated 1,800 acres of valuable land to the Government on that understanding. In their behalf my colleagues and I are asking that the Congress make this appropriation. [Applause.]

Mr. FRENCH. Mr. Chairman, I am always reluctant to oppose a proposition urged by my persuasive and able friend from Oregon [Mr. HAWLEY], who never overlooks an opportunity to advance every interest of his district, but I am opposed to the proposition that he now brings to the House.

In the first place, the project was begun two years prior to the Limitation of Armaments Conference. It was started on the basis of the Helm report, which in turn had been made before that armaments conference was held and the treaty entered into.

We have at this time throughout the United States different naval establishments that are tied up, that are out of commission, for which we have no use whatever, any more than a wagon has use for a fifth wheel. I am very sure that if the proposition had not been acted upon favorably prior to the Limitation of Armaments Conference it would never have been approved by the Government.

There is another point: This proposition has not come before the House through the Budget Bureau. It does not have the backing of the department. It is not an urgent proposition, and we have at this time an abundance of facilities to care for the submarines and destroyers that are upon the Pacific coast.

Another thought I must not fail to mention: If this proposition is to be adopted it ought not to be adopted unless a limit of cost shall be fixed.

Of course, that would be legislation pure and simple. Here we are asked to appropriate \$300,000 for the continuation of a project, turning over to the department complete authority and discretion as to how the money shall be handled, without limitation or restriction and without the Congress knowing what may be in the minds of the Navy Department. The proposition has never come to the committee that shaped this bill from the Navy Department. We do not have one word from naval officers to indicate that it is desirable, but we do know that there are bases upon the Pacific coast ample and sufficient to care for all our submarines and destroyers on the Pacific, and we do not need at this time to carry on the development program suggested by the gentleman's amendment.

Mr. WATKINS. Mr. Chairman and gentlemen of the committee, I want to submit some observations which I hope will convert and induce the committee to favor this amendment.

The act of June 4, 1920, appropriated \$250,000 toward the development of a submarine and destroyer base at Astoria, and the project, now nearing completion, undertaken with the funds appropriated by this act, includes the dredging of an entrance channel with depth of 28 feet, a turning basin 600 feet in width with 22-foot depth, the construction of a timber retaining bulkhead, a timber pier, and three timber finger piers for berthing of submarines and destroyers.

The people of Astoria, Oreg., acting in good faith and believing that the United States intended to develop, establish, and maintain a submarine, destroyer, and airplane base and anchorage for superdreadnaughts, at an expense of \$100,000, presented a deed of gift to the United States for the site embracing about thirteen hundred acres. The correspondence is fully covered in the President's message, Sixty-fourth Congress, second session, Document No. 1946, part 7, pages 93, 99, 132, 139, and 150.

By act of June 4, 1920, the Secretary of the Navy was authorized to accept said land for said purposes—Statutes at Large, 1919-1921, volume 41, page 822.

In June, 1921, Lieutenant Commander Church, of the United States Navy, arrived in Astoria and took possession of the site in the name of the United States Government, since which time improvements have been going on under the original appropriation of \$250,000, which will be exhausted upon the completion of the present contract.

Unless the Congress appropriates more money for further development the money expended so far will be useless, as is the case with any construction or development not maintained. Admiral Coontz, in his report, No. 1946, part 4, Navy Yards and Naval Stations Commission, fourth report, page 76, Appendix E, Sixty-fourth Congress, has the following to say on this matter:

At Astoria should be placed the best temporary base on the Washington and Oregon coasts. Land, Government or otherwise, at a place recommended by the commission, should be acquired to allow for distilling plant, motor generator plant, and a small repair shop for emergency.

The Pacific Ocean is likely to be our most important theater of future commercial growth and activity, involving problems of both a national and international character. The long

Pacific coast line, with its many important cities and harbors, the rapid development of our shipping and commerce generally, the constantly increasing quantity of food, forest, and other products which go from the west coast to supply the needs of other sections of our own country, as well as the needs of other countries, seem to make it advisable, if not indeed quite imperative as a naval policy, that the major part of our naval forces should be maintained and accommodated in the Pacific Ocean.

I believe that any broadly conceived, well-rounded plan for Pacific coast naval development should include the location and development of at least a secondary base in the Columbia River. Depth of water, anchorage area, easy access from the ocean, and other necessary physical conditions exist. The shipping and general commercial importance of the Columbia River is large and rapidly growing. From its shores easy access is obtained, free from natural obstacles, to rich and populous regions, north and south, from the mouth of the river to approximately 150 miles eastward. The water grade it affords through the Cascade Mountains is the gateway to a great producing region east of these mountains. The strange value and necessity of naval defense is obvious.

Prior to the World War we were concerned with the strict observance of and the universal respect for the Monroe doctrine; for this reason we stationed our fleet in the Atlantic, and to maintain and preserve it we developed navy yards at various and sundry places on the Atlantic coast. The possible and almost probable theater of war has now been shifted to the Pacific, due to a combination of circumstances. And this fact necessitates the development and establishment of proper facilities on the Pacific coast so as to meet the needs for the fleet.

One of the most strategic places on the Pacific coast for a naval base is Tongue Point, near the mouth of the Columbia River. It is strategic because of the following facts:

1. It is the only fresh-water harbor on the Pacific coast.
2. It is protected from wind and strong currents.
3. It is without range of the enemy's gun.
4. It commands commodious water frontage.
5. It is protected from the fire of any gun by a hillside of rock which no gun can penetrate.
6. In time of war base is imperative.
7. It protects the entrance of the Columbia River, the second largest river in the United States, and the most vulnerable place of attack on the Pacific coast.
8. There is no base—no place for ships of the Navy to go—nearer than 700 miles to the south or 150 miles to the north—nearly 900 miles of unprotected sea coast.
9. It is ideal for defensive and offensive fighting.
10. It is the only water grade on the Pacific coast.
11. It is ideal for an observation tower in aviation matters.
12. Finally, it protects and defends an empire wherein is raised enough food and munitions of war to maintain our Army and Navy indefinitely. An empire the enemy could seize, if unprotected, and feed its army, support its navy, and fight the American people on their own territory with their own resources, and with the railroads and other means of transportation available move its army to the inland, slowly but surely, to the final goal.

We now have a fleet but do not have sufficient bases.

We need to unify the Pacific coast line of defense.

We need to protect the one vulnerable point on the Pacific coast.

Help us to secure appropriation for Tongue Point and you serve the whole country.

I take the liberty of submitting at this point a naval report most instructive on this matter, reading as follows:

OFFICIAL INSPECTION BOARD REPORT.

[From special board of inspection of naval bases, etc., on the Pacific coast.]

To: The Secretary of the Navy.

Subject: Proposed submarine, destroyer, and aviation base, Columbia River.

1. The board is in full agreement with the report of the Helm Commission as to necessity for the location of a submarine, destroyer, and aviation base between Puget Sound and San Francisco, and is in further agreement with the commission in its selection of the Tongue Point site at Astoria, Oreg., and the best site both strategically and tactically. The board recommends the site in the locality chosen, but that a larger area, including all the shore front between the railroad and the pierhead line extending from the western point where Tongue Point Peninsula joins the mainland around and including Tongue Point and along the shore line to the mouth of John Day River, is essential.

2. The board recommends that this area be secured at the earliest date practicable, either by gift or purchase; that its development to a capacity for the successful maintenance and operation of a minimum of 12 submarines, 6 destroyers, and the necessary aircraft for the patrol of the waters in the vicinity of the mouth of the Columbia River be proceeded with at once; that the project be planned to be completed within three years, and that the plans be so made as to permit of the operation of double the force recommended above in time of emergency.

3. It is further recommended that the Navy Department take up with the War Department the desirability of the dredging of the necessary channel and anchor ground in the vicinity of this proposed base to permit a safe entrance and anchorage of at least a division of dreadnoughts. This anchorage and channel development will not only be of great service to the fleet, but will be of greater aid to commerce and will permit and provide for the full use of the fine harbor facilities, built and building at Astoria. It is the opinion of the board that the problem of the Columbia River bar has been satisfactorily solved, there now being a depth of 42 feet over the bar, and the board is also of the opinion that it will be only a short time until a minimum of 50 feet will be obtained, thus making this a practicable port in any weather.

4. It is recommended that an appropriation of a million and a half be obtained from the present Congress, with authorization for the completion of project not to exceed \$5,000,000, to be completed within three years.

5. Although not, strictly speaking, a part of this report, the board calls attention of the department to the desirability, primarily from a commercial point of view, but also from the Navy point of view, of the continued development of the Columbia River and the Willamette River as far as Portland, Oreg.

C. W. PARKS, Rear Admiral (C. E. C.), U. S. Navy,

Chief, Bureau Yards and Docks.

J. S. MCKEAN, Rear Admiral, U. S. Navy,

Assistant Chief of Naval Operations.

J. C. HILTON, Commander (S. O.), U. S. Navy,

Supplies and Accounts.

Mr. FRENCH. What is the date of that report?

Mr. WATKINS. That was in 1917.

Mr. FRENCH. That was during the war and, of course, some years prior to the Limitation of Armament Conference?

Mr. WATKINS. Yes.

Mr. BLANTON. Will the gentleman yield?

Mr. WATKINS. Yes.

Mr. BLANTON. It is the duty of the United States to protect all of her citizens and to keep them in a condition of safety and prevent their minds from being disturbed. Are the people out there as scared up as the other gentleman from Oregon indicated?

Mr. WATKINS. Well, I do not think that the people out there are scared, but I know that if any foreign power wants to jump on this Government the people on the Pacific coast are ready to a man to repel the invader.

At this point I want to read from a report of an Army official dated January, 1924, which is as follows:

Brig. Gen. Henry D. Todd, Jr., commanding the Ninth Coast Artillery District, which comprises all coast defense on the Pacific coast, recently completed a tour of inspection of the fortifications guarding Puget Sound and the mouth of the Columbia River. General Todd's report, *inter alia*, said:

"Between the 8th and 18th of December I inspected the coast defenses of Puget Sound and of the Columbia, including the works at Grays Harbor and Willapa Bay. As is the case in the coast defenses of San Francisco, I found the armament to consist of guns designed in 1895 and unable to shoot at ranges beyond 17,000 yards. At that time, however, the best foreign battleships carried but four 12-inch guns and twelve 6-inch guns each, and these guns were no better than the American guns. That is, it would have taken a number of the British *Majestic* class, the Japanese *Fuji* class, or the German *Wittelsbach* class to furnish as many guns of the larger calibers as are mounted in Puget Sound. To-day each ship of the British *Royal Sovereign* class carries eight 15-inch guns and fourteen 6-inch guns, the 15-inch guns being able to outrange our 12-inch guns by at least 10,000 yards, and each ship of the Japanese *Nagato* class carries eight 16-inch guns and twenty 5.5-inch guns, of which the 16-inch guns also greatly outrange our 12-inch guns. Consequently the coast defenses of the Northwest part of the country would be utterly unable to protect units of the American Battle Fleet while leaving the harbor and before they could take up battle formation.

"Conditions are worse in the coast defenses of the Columbia. There the garrison is so small, 2 Coast Artillery officers and 20 enlisted men for the three forts at the mouth of the Columbia and

for the batteries at Grays Harbor and Willapa Bay, that all that can be done is to keep the material in good condition.

"Of course if an enemy determined to make a base near the mouth of the Columbia, he could outrange and overpower the batteries there just as he could at Puget Sound."

Mr. VINSON of Georgia. The gentleman does not think that a submarine and destroyer base with 12 submarines would protect that whole coast, does he?

Mr. WATKINS. No; but I do say that the Pacific coast for 1,000 miles is defenseless and unprotected.

Mr. VINSON of Georgia. The Navy can protect the coast.

Mr. WATKINS. The Navy has no place of refuge and no place to seek shelter in case a boat is crippled, as I pointed out heretofore.

The following table shows the distance between certain points and for that reason is most timely:

[From United States Hydrographic Office records.]

	Nautical miles.	Statute miles.
From Tongue Point, Astoria, Oreg., to—		
Cape Flattery, Wash.	224	269
Seattle, Wash.	399	415
San Francisco, Calif.	660	749
Honolulu, Hawaii.	2,332	2,686
Vladivostok, Siberia.	4,422	5,092
Hongkong, China (Rhumb.)	6,063	7,016
Hongkong, China (G. C.)	5,994	6,902
Shanghai, China, via Yokohama	5,278	6,073
Manila, P. I.	6,023	6,935
Nagasaki, Japan via Yokohama	5,943	6,806
Yokohama, Japan (G. C.)	4,310	4,963
Auckland, New Zealand (G. C.)	6,075	6,995
Wellington, New Zealand	6,327	7,286
Sydney, Australia, via Honolulu and Pago Pago	6,965	8,044
Melbourne, Australia, via Honolulu	7,274	8,376
Newcastle, Australia	6,833	7,969
Singapore, Straits Settlements, Composite	7,142	8,224
Batavia, Java, via Ballintang, Channel and Composite	7,415	8,539
Panama, Canal Zone	3,969	4,455
Callao, Peru	4,611	5,310
Valparaiso, Chile	5,764	6,638
New Orleans, La., via South Pass	3,315	6,120
Norfolk, Va., via Windward and Crooked Island Passage	5,691	6,554
New York, N. Y., via Windward and Crooked Island Passage	5,886	6,778

The following facts, submitted to me from a reliable source, are most interesting:

The mean depth of entrance channel from Pacific Ocean through mouth of Columbia River leading to port of Portland is 43 feet for width of 4,000 feet, and for width of 1½ miles, mean depth of 40 feet obtains. (From survey United States Army Engineers' Department, June, 1921.)

Rock jetties, extending miles into ocean, protect harbor entrance, with open-water space between of about 2 miles. (Constructed by United States Government at cost of \$16,000,000.)

Channel entrance is well supplied with all necessary aids to navigation, including lightship, buoys, pilotage service, and other facilities for uninterrupted navigation day or night. (Listed in United States Government publications, United States Coast and Geodetic Survey charts, etc.)

Mean rise of tide at channel entrance, 7.5 feet, extending in diminishing amount up river to port of Portland Harbor.

At entrance to Columbia River pilots are placed aboard or taken off vessels by pilot tugs of the port of Portland.

Minimum fog condition at Columbia River entrance is important item in reducing delays and subsequent financial loss to shipping. Records of United States Lighthouse Service, * * * indicate most favorable conditions as compared with other Pacific port entrances.

Port.	Station.	Hours of fog, 1921.	Average 10-year period.
Entrance to Puget Sound.	Swiftsure Bank, Lightship No. 59.	1,113	1,413
Entrance to San Francisco.	San Francisco, Lightship No. 70.	1,962	1,725
Entrance to Columbia River.	Columbia River, Lightship No. 88.	325	694

Approximately 100 miles from the mouth of the Columbia River is America's foremost American city, Portland, Oreg.

Portland is the greatest lumber manufacturing city in the world, with region tributary to Columbia River basin having standing timber amounting to 500,000,000,000 feet, board measure, with approximately one-fifth of standing timber in United States located in Oregon. During 1921, 526,298,929 feet of lumber were shipped by water from the Columbia River.

Portland is the leading wheat shipping port on the Pacific Ocean and one of the largest in the United States, with cargo wheat shipments during calendar year 1921 totaling 37,290,188 bushels.

Portland ranks equal of any Pacific coast city in flour manufacture, besides being distributing point for thousands of tons of flour manufactured elsewhere in Pacific northwest. Flour shipments for calendar year 1921 totaled 1,419,304 barrels, being equivalent of 6,386,808 wheat bushels, thus making port's total water-borne wheat shipments during 1921 amount to 43,677,058 wheat bushels.

Extensive sheep raising in northwestern group of States has led to concentration of wool clip at Portland, for storage, manufacture, and annual auction. Portland ranks second only to Boston as Nation's wool market. Eight woolen mills are established in vicinity. Portland is largest wool manufacturing city west of the Mississippi.

Portland was world ranking shipbuilding center during war, resulting in being well equipped to continue the industry as conditions demand.

Ten railway lines serve Portland, five of which are transcontinental systems.

Portland's water supply is world famous and unlimited, originating from mountain streams of the Cascades.

Tributary to this wonderful city is an empire unequalled and unsurpassed by any land anywhere.

Because of strategic position at foot of only down grade from the rich productive plateaus of the Rocky Mountains, which extends from Canada to the Mexican border, Portland is natural outlet for a vast hinterland.

It is estimated 100,000,000 bushels of grain are annually raised within immediate tributary territory and which, with other products of 10,000,000 acres of land under crop, naturally seek market through the port of Portland.

The Columbia River drainage basin has approximate area of 254,000 square miles, with Portland the industrial center, where basic raw material supplies from this territory are converted into staple commodities and shipped to world markets.

The Pacific Northwest, of which Portland's hinterland is a major portion, leads in supply of raw materials on which industry is based. It is estimated that approximately one-fifth of remaining standing timber in United States is located in Oregon alone.

Minerals abound throughout tributary territory, with one of world's largest phosphate rock deposits in southern Idaho, so located that marketing is naturally through the port of Portland. Rich deposits of coal in Wyoming and Utah fields likewise find a route of least resistance via port of Portland.

The port of Portland is the only Pacific coast port where transcontinental rail lines from Rocky Mountain plateaus connect with ocean carriers without having to climb over the snow-covered peaks of Cascade and Sierra Ranges.

Population of countries bordering on Pacific Ocean is estimated at 910,000,000 people. This great consuming market becomes more attractive each year, developing water-borne traffic in the resources of the Pacific Northwest with its neighbors of the Far East.

The Pacific Northwest, one of the last sections of the United States to be developed, is fast fulfilling the prophetic words of ex-President Roosevelt:

"The Mediterranean era died with the discovery of America; the Atlantic era has reached the height of its development; the Pacific era, destined to be the greatest, is just at the dawn."

Now, Mr. Chairman and gentlemen, the Pacific coast is like a football line. There is no need to have your right and left wings protected and your center wide open, and no need to protect San Francisco, the California coast, and Washington and leave the Oregon coast unprotected. The enemy can push right up the Columbia River and in that market basket of the world plant its army on American shores and with our food maintain itself for years and years, and fight us with our own food, munitions, and material.

The CHAIRMAN. The time of the gentleman has expired. Mr. WATKINS. I ask for one more minute.

The CHAIRMAN. The gentleman asks unanimous consent to proceed for one additional minute. Is there objection?

There was no objection.

Mr. WATKINS. It can transport its soldiers down through California by the railroads, north by the railroads, and east by the railroads.

Not only that, this submarine base would afford a chance for the biggest ships of the Navy to have a place of shelter; in case a boat were crippled out in the Pacific Ocean it could enter this place and have safety; to go south it has to sail 700 miles, and if it goes north it has to cover 150 miles.

We have authorized the expenditure of \$250,000, and this amendment is asking for \$300,000 more. If we do not give

something, it will mean that the piers and the base as it now is will deteriorate.

Mr. VINSON of Georgia. Does not the gentleman know that they have not finished it?

Mr. WATKINS. No; they have not finished it.

Mr. VINSON of Georgia. Then how is it going to deteriorate?

Mr. WATKINS. The same as any pier or building exposed and abandoned to the elements.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. WATKINS. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the Record.

The CHAIRMAN. The gentleman from Oregon asks unanimous consent to revise and extend his remarks in the Record. Is there objection?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon [Mr. HAWLEY].

The question was taken, and the Chair announced that he was in doubt.

The committee divided; and there were—ayes 19, noes 33.

So the amendment was rejected.

Mr. HAWLEY. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the Record.

The CHAIRMAN. The gentleman from Oregon asks unanimous consent to revise and extend his remarks in the Record. Is there objection?

There was no objection.

Mr. JONES. Mr. Chairman, this is a very important bill, and I make the point of order there is no quorum present.

Mr. MADDEN. I hope the gentleman from Texas will not do that. Let us go on with the bill. I ask the gentleman as a personal favor to withdraw that. I do not think there is anything to be gained by it except to kill time.

Mr. JONES. I will withdraw the point of order, Mr. Chairman.

The Clerk read as follows:

BUREAU OF AERONAUTICS.

AVIATION, NAVY.

For aviation, as follows: For navigational, photographic, aerological, radio, and miscellaneous equipment, including repairs thereto, for use with aircraft built or building on June 30, 1924, \$325,000; for maintenance, repair, and operation of aircraft factory, helium plant, air stations, fleet activities, testing laboratories, and for overhauling of planes, \$6,716,950, including \$300,000 for the equipment of vessels with catapults; for continuing experiments and development work on all types of aircraft, \$1,573,224; for drafting, clerical, inspection, and messenger service, \$710,000; for new construction and procurement of aircraft and equipment, \$5,264,826; in all, \$14,590,000; and the money herein specifically appropriated for "Aviation" shall be disbursed and accounted for in accordance with existing laws as "Aviation" and for that purpose shall constitute one fund: *Provided*, That the Secretary of the Navy is hereby authorized to consider, ascertain, adjust, determine, and pay out of this appropriation the amounts due on claims for damages which have occurred or may occur to private property growing out of the operations of naval aircraft, where such claim does not exceed the sum of \$250: *Provided further*, That all claims adjusted under this authority during the fiscal year shall be reported in detail to the Congress by the Secretary of the Navy: *Provided further*, That no part of this appropriation shall be expended for maintenance of more than six heavier-than-air stations on the coasts of the continental United States: *Provided further*, That no part of this appropriation shall be used for the construction of a factory for the manufacture of airplanes.

Mr. BLANTON. Mr. Chairman, I make a point of order against the paragraph, because it embraces legislation not authorized on an appropriation bill, and I call the attention of the Chair to the new construction in the paragraph and also to the provisos in the last paragraph, both of which make it subject to a point of order.

The CHAIRMAN. Does the gentleman from Idaho have any suggestions to make on this point of order? The gentleman from Texas [Mr. BLANTON] has made a point of order on the two provisos.

Mr. BLANTON. Mr. Chairman, I made the point of order to the whole paragraph, because of legislation in it.

The CHAIRMAN. The gentleman makes the point of order, calling attention particularly to the first proviso.

Mr. FRENCH. In regard to that, Mr. Chairman, I would say that these planes are in the nature of replacements and this is in the nature of continuing work. The airplanes are upon a somewhat different basis from battleships. We use up planes in the course of training and we have to carry

money in every bill in order to care for replacement of parts and replacement of machines.

Mr. BLANTON. Will the gentleman yield?

Mr. FRENCH. Yes.

Mr. BLANTON. What about the language in line 13, on page 37, where it says for new construction and procurement of aircraft and equipment, \$5,264,826?

Mr. FRENCH. That was the item to which I was referring.

Mr. BLANTON. That has never been authorized by legislation at all. I challenge the gentleman to show any substantive law whatever authorizing it.

Mr. TILSON. Will the gentleman from Texas yield?

Mr. BLANTON. I have not the floor. The gentleman from Idaho has the floor.

Mr. TILSON. Does the gentleman mean to say that every time a new airplane is constructed we would have to come to Congress and get an authorization for building an airplane, the same as in the case of a battleship?

Mr. BLANTON. I will answer the gentleman by asking him a question. Does the distinguished parliamentarian from Connecticut believe that this Appropriations Committee can build a dreadnaught without coming to Congress for legislation that would authorize the appropriation? What is an airship but an air dreadnaught. It has the same position with respect to legislation and appropriations that a dreadnaught on the sea occupies.

Mr. TILSON. No; I think it has much more the relationship of building a rifle or an automobile or something of that sort.

Mr. BLANTON. Oh, I do not think so and I do not believe the gentleman really thinks so.

Mr. TILSON. Oh, I can not believe that the Bureau of Aeronautics is without any power to construct any airplanes at all.

Mr. BLANTON. What is the difference between an air dreadnaught and a sea dreadnaught, so far as the principle is concerned? They are both fighting machines, one to fight on the sea and one to fight in the air.

Mr. TILSON. And the gentleman contends that he would have to come Congress and get an authorization for each individual airplane built?

Mr. BLANTON. For every new construction; yes.

The CHAIRMAN. Let the Chair ask the gentleman from Idaho, does the gentleman from Idaho contend that the language contained in the first proviso is in order if a point is made against it?

Mr. FRENCH. I think the language in the first proviso is probably subject to the point of order.

The CHAIRMAN. The Chair thinks so, too. It seems to the Chair that it is plainly legislation.

Mr. FRENCH. Likewise the second proviso.

The CHAIRMAN. The point of order is sustained on account of the legislative matter in the paragraph.

Mr. FRENCH. Then do I understand the whole paragraph goes out? I offer an amendment in that case.

Mr. BLANTON. I will not require the gentleman to reoffer it, because that just delays matters. I will direct the point of order specifically, in view of the Chair's ruling, to the first and second provisos.

The CHAIRMAN. As to the first and second provisos, the point of order is manifestly good.

Mr. FRENCH. Mr. Chairman, I offer an amendment. On page 38, line 1, strike out the word "further."

The CHAIRMAN. The gentleman from Idaho offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. FRENCH: On page 38, line 1, after the word "Provided," strike out the word "further."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Idaho.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

NAVAL ACADEMY.

Pay, Naval Academy: Pay of professors and others, Naval Academy: Pay of professors and instructors, including one professor as librarian, \$275,000: *Provided*, That not more than \$36,500 shall be paid for masters and instructors in swordsmanship and physical training.

Mr. STENGLE and Mr. BEGG rose.

The CHAIRMAN. For what purpose does the gentleman from Ohio rise?

Mr. BEGG. I offer an amendment, Mr. Chairman. I want the amendment offered at the end of line 15, on page 38.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BEGG: At the end of line 15, on page 38, insert: "No part of any sum in this act appropriated shall be expended in the pay or allowances of any commissioned officer of the Navy detailed for duty as professor or instructor in academic subjects at the United States Naval Academy to perform the duties which were performed by civilian professors or instructors on January 1, 1922, whenever the number of civilian professors or instructors employed in such duties shall be less than 80: *Provided*, That in reducing the number of civilian professors no existing contract shall be violated: *Provided further*, That no civilian professor, associate or assistant professor, or instructor shall be dismissed, except for sufficient cause, without six months' notice to him that his services will be no longer needed."

Mr. FRENCH. Mr. Chairman, I make the point of order against the provisos on the ground that they are new legislation and impose duties and will not retrench expenditures, but, on the contrary, will have a tendency to increase the expenses, and also that it is not a proper limitation.

Mr. BEGG. Mr. Chairman, in answer to the points of order, I will say, first, which is not conclusive at all, that this language is contained in the appropriation act of last year. As to its not being a limitation, it is a limitation on where the money and how the money shall be expended. It has been repeatedly held by various Chairmen that the House can direct the expenditures of any part of an appropriation to any channel or in any direction it desires.

As to the point of order that it is legislation on an appropriation bill, the only reply that a man can make to that is that the whole appropriation is legislation, and that it is not legislation within the terms of the rule which seeks to exclude legislation when direction is given to the authorities as to how they shall expend the money. Technically, you can not pass an appropriation bill unless you legislate, but the rule is intended to keep basic legislation off appropriation bills. I submit this is not basic legislation but that it is made directory.

The other point is that this adds new duties. I submit that to stipulate that instructors in the Naval Academy shall be a minimum of 80 civilians is to add no new duty or responsibility upon the superintendent of the academy nor any other official. On the contrary, these civilian employees are now there working, and instead of putting an added burden on the superintendent, it would keep them there, but to discharge them, and substitute military instructors would add labors to the officers who are now responsible for the conduct of the institution. I think that covers the points of orders that have been made against the amendment and I believe answers the contention completely.

Mr. SANDERS of Indiana. Mr. Chairman, I desire to be heard in support of the point of order. The point of order is directed against the entire amendment which purports to be a limitation. It does not purport to come under the proposition of a retrenchment of expenditures. That is not involved in the point of order. The sole question, as I gather it, that the Chair must decide is whether this is a proper limitation upon an appropriation. It is legislation. The gentleman from Ohio [Mr. BEGG] quite well says that that does not bar it. We have a right to put on legislation if it is merely by way of a limitation on an appropriation, the theory being that the appropriation committee has the entire jurisdiction to appropriate, and having entire jurisdiction to appropriate it may appropriate for a purpose, it may appropriate for the entire naval program, it may appropriate for part of it, and anyone can offer an amendment which limits it properly. Mr. Chairman, I had in mind a decision with which the Chair is no doubt familiar, but I can not turn to it for the moment. It is the decision by Chairman Saunders, of Virginia, which says that a limitation can not go clear out beyond the purpose of the limitation and bring in legislative matters not properly connected with the limitation. This amendment was put in last year by way of amendment, but no point of order was addressed to the two provisos, which clearly are in no way connected with the limitation itself. It seems to me they are clearly legislation. The first proviso is that in reducing the number of civilian professors no existing contract shall be violated. That is plain, straight-out legislation. It has nothing in the world to do with a limitation. There is a second proviso that no civilian professor or instructor, and so forth, shall be dismissed except for sufficient cause after six months' notice to him that his services will no longer be required. I do not think any plausible contention can be made that either of those provisos has anything to do with the limitation, and no plausible contention can be made that they are not both straight-out legislation within the rules which exclude legislation. In other words, the rule provides that there can be no legislation upon an ap-

propriation bill, but there has been read into that rule a provision that a limitation is proper. Whenever a limitation goes outside of the strict interpretation of a limitation then it is subject to the point of order, and either one of those provisos being subject to the point of order makes the entire amendment fall.

Mr. DENISON. Mr. Chairman, if I understood the point of order correctly it was first made to the two provisos.

The CHAIRMAN. The point of order is made to the entire amendment.

Mr. DENISON. I was listening very carefully. I understood the gentleman to say that the point of order was made separately to the two provisos. Possibly afterwards he made it to the entire amendment.

Mr. SANDERS of Indiana. Mr. Chairman, if there is any question about it I make the point of order to the entire amendment.

Mr. DENISON. Mr. Chairman, I do not think there is any doubt but that the point of order is well taken against the provisos, but the point of order is not well taken against the amendment proper. Whether the two provisos will invalidate the entire amendment I am not sure.

Mr. BEGG. Mr. Chairman, will the gentleman yield?

Mr. DENISON. Yes.

Mr. BEGG. To end the argument and expedite time I am willing to withdraw the amendment and reoffer it without the two provisos. I concede the argument on the last proviso. I question the other.

The CHAIRMAN. The better method of procedure would be to have the point of order sustained to the existing amendment and then the gentleman can offer another amendment.

Mr. DENISON. I was about to state that the limitation was put on the bill in the House, and that these two provisos were inserted in the bill in the Senate, but that is how they came to be in the last year's bill. I think the point of order is well taken against the proviso.

The CHAIRMAN. The Chair thinks the point of order is well taken, and the point of order is sustained.

Mr. BEGG. Mr. Chairman, I reoffer the amendment without the proviso.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report, being that part of this amendment down to the first proviso. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. BEGG: Page 38, after line 15, insert: "*Provided*, That no part of any sum in this act appropriated shall be expended in the pay or allowances of any commissioned officer of the Navy detailed for duty as professor or instructor at the United States Naval Academy to perform the duties which were performed by civilian professors or instructors on January 1, 1922, whenever the number of civilian professors or instructors employed in such duties shall be less than 80."

Mr. BEGG. Mr. Chairman, all I want to say is this, and it will not take but a minute: The military teachers that can be permitted to teach in Annapolis must first have served the minimum of 12 years on outside service. Now, the only training they get for teaching purposes is that training they receive at Annapolis. Now, the absence from teaching work for 12 years disqualifies any man, and we all know that from our experience, to be a first-rate instructor in academic subjects, and the only interest I have is to maintain the high order of instruction that has always been maintained at the Annapolis Academy.

Mr. STENGLE. Will the gentleman yield?

Mr. BEGG. I will.

Mr. STENGLE. Why fix the number of civilians at 80?

Mr. BEGG. Because it was fixed last year as a proper proportion of civil instructors on academic subjects. This does not interfere at all with that branch of instruction that applies to the military or navigation.

Mr. TABER. Does the gentleman know the number of civilian instructors at present is only 77?

Mr. BEGG. If that is the case, I also know we need all the more to put our amendment in, because if Admiral Wilson, superintendent at Annapolis, is going to defy the direct order of this House, the only conclusion is we need a new superintendent at Annapolis. I know this to be a fact: The instructors of the military end of it who have been placed to instruct in academic subjects have gone before their class and have made the cold-blooded statement, "Boys, go ahead to the blackboard, put on the problems; if you can work it out, we will try to be a fair referee between you and the textbooks." Now, I have had that told me by no less than three boys in my own home. If that be true, it seems to me we ought to protect the academic

end. I have nothing but the highest praise for the navigation and the military end of both our academies, but I am not so sure though that the academic end is on a par with good institutions in civil life. But I do think that these naval men in this country who graduate at West Point and Annapolis should be superior, if possible, in every single line of training, and it is only in sympathy with that idea that I offered my amendment and in no way of criticism of the efficiency of it.

Mr. DENISON. Mr. Chairman, I rise to speak on the amendment. Gentlemen, perhaps I can give you a brief history of this proposition. In 1913 the Superintendent of the Naval Academy, Captain Gibson, came over and recommended to the committee that all the civilian professors be put out of the institution; he did not want them around. Congress put this same limitation in the appropriation act of 1913, which would prevent them from substituting naval officers for civilian professors in the academic branches at the academy. The limitation was carried in every appropriation bill from 1913 down to 1918, if I remember correctly, during the war. Then the committee, when we were appropriating for war purposes, left it out because all the naval officers were at sea fighting; they could not get any to detail to the academy to take the place of civilians, so the committee omitted the limitation from the bill. Two years ago Admiral Wilson came before the committee and made another recommendation—he was then superintendent of the academy—that a large part of the civilian professors be discharged and naval officers be put in their places. The Appropriations Committee apparently were willing to permit it, for they reported the bill with a greatly reduced amount for the pay for civilian professors.

When this item was reached during the consideration of the bill I offered an amendment similar to the one now pending, and we put back in the bill this limitation which had been carried so many years, and we also increased the appropriation so as to provide a sufficient amount to pay the civilian professors. So the House, by an overwhelming vote, put this limitation into the bill; but when it went to the Senate the Senate inserted the provision for 80 professors into the limitation which had been inserted in the House, so that the 80 part of the limitation was put in by the Senate. Now, I want to say also these other provisions in the limitation, which have gone out on the point of order, and I think properly so, were also put into the bill by the Senate.

Mr. BYRNES of South Carolina. Will the gentleman yield?

Mr. DENISON. I will.

Mr. BYRNES of South Carolina. Will the gentleman state the difference in the number of civilian instructors in 1913, when the limitation was first placed, and the number of civilian instructors after the war?

Mr. DENISON. The number of civilian professors at the academy has varied from time to time. There was a time back after the Civil War when a great part of the teachers at the academy were civilians, but the ratio changed; sometimes there were many more civilians than military instructors and at other times there were less.

Mr. BYRNES of South Carolina. In 1913 there were very few civilian instructors, and after the war we had the 80 limitation.

Mr. DENISON. I think there were about 126 civilian professors and instructors at the academy and possibly 140 or 150 naval officers when this question again came up two years ago. But of course in the meantime we had materially increased the number of cadets at the academy. Formerly there were but two from each district. That was before the World War. Two years ago, when this limitation was put back in the bill, there were five from each congressional district. So that the number of teachers of both classes had to be increased materially on account of the great increase in the number of cadets. That limitation was put into the bill, gentlemen of the committee, to prevent the superintendent of the academy from discharging civilian professors and appointing naval officers in their places to teach academic subjects. The civilian professors are confined, of course, to the teaching of English and mathematics and history and modern languages.

The naval instructors teach navigation, marine engineering, gunnery, and discipline and various other subjects that are of a military character, and that is proper. But I do think that trained civilians, professors and instructors, ought to be in charge of teaching all strictly academic subjects, and I am sure that everyone who has ever investigated this subject agrees to that proposition.

I did not intend to offer this amendment myself, because I felt that the members of the committee in charge of the bill agree with me on this question of policy, and I have understood that they had been given some positive assurances. They had

Admiral Wilson come before them, and the admiral has assured them, as I understand, that he would not carry out this policy of discharging the civilian professors any further. Now, with me it is a serious question whether or not it is wise for us, who, after all, are charged with the responsibility of seeing that the Naval Academy is conducted properly as a naval educational institution, to leave this limitation entirely out of the bill, and thereby allow to the superintendent the right to go ahead, if he chooses to do so, and discharge many of the able, trained, efficient civilian teachers and put in their places naval officers who do not have the first qualifications as teachers of academic subjects. I have grave doubts about it.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. DENISON. Mr. Chairman, may I have two minutes more?

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DENISON. It is a question whether we should leave that provision out of the bill, as I say, so as to give the superintendent the right to go ahead and discharge these civilian professors and to assign naval officers to teach academic subjects in their places. I am not in a position to decide it, but I have serious doubts. I will be glad to hear from the members of the committee. I see the gentleman from Alabama [Mr. OLIVER] is here. He is very much interested in this matter. He assisted me two years ago in putting this limitation in the bill. The matter was thoroughly discussed at that time, and the House decided by a considerable majority to put the limitation in the bill.

Mr. OLIVER of Alabama. I was in thorough sympathy with the position taken by the gentleman from Illinois at that time, and I am still in sympathy with that position.

Admiral Wilson at my request came before the committee, just before the committee completed its work on this bill, and stated to the committee that in view of the fact there would be fewer students at the academy next year than we have this year it would not be necessary to keep the large staff of civilian instructors now there, and the committee made an appropriation for less money for the civilian instructors on that account. He also stated that under no circumstances would he dismiss a civilian instructor and replace him with a naval officer to teach the same subject. In other words, he assured the committee that the only civilian instructors he would dismiss or excuse would be those not needed because of the smaller attendance. He further stated, I may add, that there would be fewer military instructors next year than he now has, and he gave the committee to understand that under no circumstances would any civilian instructor be excused and a military man put in his place to teach the same subject.

Mr. DENISON. Of course, the clear purpose and meaning of this amendment is not to prohibit or to prevent the superintendent from letting civilian professors go when they are not needed. It goes only this far, that it prohibits the superintendent from discharging civilian teachers and putting naval officers in their places.

I would like to ask the gentleman from Alabama another question. He has been with the Naval Committee for a long time, and he knows the Naval Academy and was a member of the Board of Visitors at the same time I was. Can he assure us that Congress can accept the statement of Admiral Wilson in good faith, that he will not discharge civilian instructors and appoint naval officers in their places, and further that any civilian instructors excused or discharged will be discharged in accordance with existing methods and practice?

Mr. OLIVER of Alabama. Absolutely, in my judgment.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. OLIVER of Alabama. Mr. Chairman, I ask that the gentleman be given two minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. OLIVER of Alabama. I feel that the superintendent will administer this appropriation strictly in the interest of wise economy and the efficient administration of the academy and, further, in absolute accord with the declared purposes and policies of Congress relative to civilian instructors.

Mr. DENISON. Well, with that assurance I will be content; but I want to state this, that if this House does rely on the statement of the superintendent of the academy, as presented by the gentleman from Alabama, if it does accept that policy and not put this limitation in the bill, and then if the superintendent does not observe that agreement in good faith, but

proceeds to discharge any of the civilian professors, most of whom are efficient and capable and high-class teachers and instructors, trained instructors—if he should do that, it is my intention to introduce a resolution and ask for an investigation of the academy and the entire administration of Admiral Wilson, with a view to securing a new management of the institution and providing by legislation a definite policy with reference to this subject of civilian professors and instructors.

Mr. NEWTON of Minnesota. Mr. Chairman, will the gentleman yield there?

Mr. DENISON. Yes.

Mr. NEWTON of Minnesota. It is my understanding that Admiral Wilson, for whom I have the highest regard and respect—and I have the utmost confidence in the statement of the gentleman from Alabama [Mr. OLIVER]—will quit some time this year. In that case, will this statement bind his successor in the same way that it will bind Admiral Wilson?

Mr. OLIVER of Alabama. Unquestionably. I think he would carry out any assurance given the committee by Admiral Wilson.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. DENISON. Mr. Chairman, may I have two minutes more?

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HILL of Maryland. Mr. Chairman, will the gentleman yield?

Mr. DENISON. Yes.

Mr. HILL of Maryland. Mr. Chairman, I am very much interested in the Naval Academy, having been on the Board of Visitors last year on behalf of the House, and I would like to ask the gentleman from Alabama [Mr. OLIVER] if Admiral Wilson, when he came before your committee, advocated the removal of the graduate school from Annapolis as part of his program for the reduction of civilian professors?

Mr. OLIVER of Alabama. I was not present when the admiral first came before the committee, but he did not in his last appearance before the committee, because at such last time he was asked only as to the matter now being discussed.

Mr. DENISON. I now yield to the gentleman from Indiana [Mr. SANDERS.]

Mr. SANDERS of Indiana. I would like to suggest this to my friend from Illinois with reference to the present superintendent, Admiral Wilson: I think the gentleman will find that Admiral Wilson is in perfect good faith trying to carry out any legislation passed here, and also that he has a record as superintendent which has not been equaled—it may have been equaled—but the admiral has a record as superintendent which has not been excelled. I think Admiral Wilson is one of the best superintendents who has ever been at the academy.

Mr. DENISON. I want to say to the gentleman from Indiana that I believe Admiral Wilson is a splendid naval officer; he is one of our most efficient and most deserving naval commanders; but you can not run an educational institution like you would command a battleship; the very best naval officer may not be at all qualified to superintend an educational institution; and when we are trying to educate the future officers of our Navy we ought to provide trained and experienced civilian instructors and professors to instruct them in academic subjects.

Mr. LOZIER. Will the gentleman yield?

Mr. DENISON. Yes.

Mr. LOZIER. Is it not the function of this body to definitely determine by legislation the policy of the Government with reference to the conduct of that institution and not leave it to a bureaucratic system or body to determine at their will how it shall be run?

Mr. DENISON. I think the gentleman is right. I really think there ought to be definite legislation on this subject.

Mr. BYRNES of South Carolina. Will the gentleman yield?

Mr. DENISON. Yes.

Mr. BYRNES of South Carolina. Does the gentleman think he can by law run an educational institution in all of its details? Does not the gentleman think we must leave it to the discretion of the officer who is placed in charge of the Naval Academy—give him some power and discretion and rely upon the statements he makes to the committee?

Mr. DENISON. The gentleman from South Carolina knows that Congress has for years had to put this same limitation into appropriation bills in order to save the academy and protect it from the arbitrary ideas of some of the superintendents with reference to the use of civilian professors. The gentleman knows that I am sure.

Mr. BYRNES of South Carolina. The gentleman from South Carolina does not agree with that at all but does agree it has been done.

Mr. DENISON. When it has been done for several years, after very thorough and careful investigation and discussion, does not the gentleman think we have the right to assume that Congress knew what it was doing and was doing it for a good purpose?

Mr. STENGLE. Will the gentleman yield to me?

Mr. DENISON. Yes.

Mr. STENGLE. If we insert this particular amendment in the bill, will we reflect upon Admiral Wilson at all? On the contrary, will we not be simply safeguarding the institution rather than reflecting upon an individual?

Mr. DENISON. I do not think, of course, that the superintendent or anyone else ought to take it as a reflection. Certainly it is not intended as such.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BEGG. Mr. Chairman, I ask unanimous consent to modify my amendment by inserting the words "in academic subjects" right after the word "instructor," in line 3.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to modify his amendment. The Clerk will report the amendment as sought to be modified.

The Clerk read as follows:

Amendment offered by Mr. BEGG: Page 38, after line 15, insert a new paragraph to read as follows:

"No part of any sum in this act appropriated shall be expended in the pay or allowances of any commissioned officer of the Navy detailed for duty as professor or instructor in academic subjects at the United States Naval Academy to perform the duties which were performed by civilian professors or instructors on January 1, 1922, whenever the number of civilian professors or instructors employed in such duties shall be less than 80."

The CHAIRMAN. Is there objection to the modification of the amendment? [After a pause.] The Chair hears none.

Mr. BEGG. Mr. Chairman, may I have one minute in order to explain why I have done that? The question was raised that if my amendment were adopted they could not get rid of an athletic or football coach if he happened to be a civilian. I have inserted the words "in academic subjects" so that they can hire and discharge athletic and football coaches as they please.

Mr. FRENCH. Mr. Chairman, I am opposed to the proposition of inserting this limitation in the bill. Two years ago I was one of the Members of the House who supported the amendment advocated by the gentleman from Illinois [Mr. DENISON]. The amendment was similar to the one that has just been offered. Two years ago a different situation entirely confronted the House of Representatives. Generally speaking, I am opposed to a legislative body assuming to perform the functions that ought to be performed by a board of regents charged with the administrative duties of an educational institution. Two years ago, however, a condition confronted the country and the Congress that does not confront us now. The Limitation of Armaments Conference had just been concluded. The Appropriations Committee did not have an opportunity to report this bill until late in the session. As I recall, it was late in April when the House passed the bill.

I remembered then that colleges and universities oftentimes begin, shortly after the commencement of the second semester, to look out for faculty members for the approaching year, and I was one who felt it was not fair to the members of the faculty at the academy to take the chance of securing positions in colleges and universities throughout the country at a time when those colleges and universities had, in large part, filled their better positions.

There is another thing that confronts the House at this time that did not confront it then. At that time we were not reducing the number of midshipmen at the academy. The number was running at approximately 2,400. This year, for the first time, we are considering the appropriation of an amount for the academy to carry on that institution with an enrollment of something like 500 or 400 less than are at the academy at this time. I submit, gentlemen, we can not know for sure whether there are to be 80 civilian professors or 70, or 60, or any other particular number.

Mr. DENISON. Will the gentleman yield?

Mr. FRENCH. I yield.

Mr. DENISON. I submit this does not stop them from cutting the number of civilians down to 50 if they do not need them. It only prevents them from letting them go and substituting naval officers in their places; that is all.

Mr. FRENCH. Let me say that we had regard to the practical situation we were confronting with the language that had been incorporated in the bill in Congresses heretofore. The gentleman from Alabama [Mr. OLIVER] has stated very accurately the position of Admiral Wilson before our committee—that he did not propose to have a civilian removed to provide a place for an official. With that assurance, and having in mind the reduction that would be necessary at the academy in civilian professors and instructors and also among the officials of the Navy who were serving in a similar capacity, we did not feel it would be right or wise to attempt to put limitations into the bill, but we felt we rather could afford to leave it to the honor of those in charge of the academy, and I have no doubt myself that that honor will be respected.

Mr. OLIVER of Alabama. In other words, we were very clear in explaining to the admiral the views of Congress on this subject, and he assured us that those views would be reflected and absolutely followed in this matter, and the committee then was unanimous in leaving this language out of the bill.

Mr. FRENCH. Yes; and I will say further there was some nervousness on the part of the members of the faculty touching dismissals without giving them notice for a period of six months. This came up after the hearings had been concluded. Delegations from the faculty came over to see me about the matter, and I wrote a letter to Admiral Wilson calling his attention to that apprehension. In reply I received a letter from the superintendent under date of February 27, in which he said:

It has been my practice and my intention to so continue, never to sever the connection of any civilian instructor from the Naval Academy except for cause, without giving him six months' notice that his services will no longer be required. During those six months he is under pay.

Mr. BEGG. Will the gentleman yield?

Mr. FRENCH. Yes.

Mr. BEGG. I will say to the gentleman that I am not interested in the man at all that is going to be retired for any cause. That is not the idea. I am only interested in maintaining the ratio between the academic and the military. Admiral Wilson is the superintendent to-day. He has no guaranty that he will live. Suppose he were to die in a month or in six months and a new man should come in. The new man would have no instructions whatever regarding the ratio, and suppose he were a believer, as evidently Admiral Wilson was at one time, or his predecessor, in the view that the institution ought to be manned by military officers. Is this Congress invading the province of the administration of the institution when it specifically sets forth its ideas and beliefs as to the kind of men that ought to be instructors in the academic course?

Mr. FRENCH. I think the department itself, which, after all, has the administrative charge of this institution, would regard itself bound by the representations made by the head of the academy and concurred in by officers of the department.

The CHAIRMAN. The time of the gentleman from Idaho has expired.

Mr. FRENCH. I ask for two minutes more.

The CHAIRMAN. Without objection it is so ordered.

There was no objection.

Mr. DENISON. Will the gentleman yield for a question there?

Mr. FRENCH. Yes.

Mr. DENISON. I want to ask the gentleman from Idaho this question. A great many of these professors have contracts which call for employment for a period of five years. That was formerly the policy of the institution and was only abolished after Admiral Wilson became superintendent. Under regulations established during the former administration the professors were given a written contract for five years. Some of those who are interested in the institution have been afraid that those professors would be discharged contrary to the terms of those contracts. Did the gentleman from Idaho discuss that with the admiral and does he have any doubt at all about what his policy will be along that line? These contracts have been construed and have been held to be perfectly valid and binding.

Mr. FRENCH. It is my judgment that Admiral Wilson proposes to deal in absolute good faith with all the members of the faculty, and I can not conceive of him violating any contract in the administration of the academy.

Mr. BYRNES of South Carolina. I want to say to the gentleman that I have no idea whether Admiral Wilson ever said it or not that he would ever violate any contract he had with a civilian professor. I am satisfied he would not.

Mr. FRENCH. I do not believe he would; and I think that was the understanding of members of the committee.

I want to say in conclusion that, personally, I have perfect sympathy with the maintenance at the academy of approximately the percentage of civilian professors and instructors maintained at the academy at this time, but I do not think it is the province of a legislative body to attempt to guide in minute detail the percentage of civilian and official faculty members any more than I think it is the province of a legislature to say, for instance, how many members shall be in the medical department of a State university who are giving part of their time to the practice of medicine and surgery and how many shall be there who are giving all their time to the classroom and to the laboratory. I believe the civilian professors and instructors are necessary at the academy if highest efficiency in various branches is to be maintained, and I have no thought that the general plan that is now followed will be broken down.

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment offered by the gentleman from Ohio [Mr. BEGG].

The question was taken; and on a division (demanded by Mr. BEGG) there were—ayes 13, noes 47.

So the amendment was rejected.

The Clerk read as follows:

For expenses of the Board of Visitors to the Naval Academy, \$3,000.

Mr. HILL of Maryland. Mr. Chairman, I move to strike out the last word. The Board of Visitors to the Naval Academy consists of a certain number of Members of the House of Representatives, appointed by the Speaker of the House; a certain number of Senators of the United States, appointed by the President of the Senate; and a certain number of important and experienced business men, appointed, I think, by the President of the United States. This Board of Visitors meets in Annapolis, usually in the spring, and goes very carefully into all of the activities of the Naval Academy, more or less in the attitude of a board of inspection. I had the honor to be one of your representatives on the board last year. I was an inspector last year. This year there are new groups on the board. It is a wise practice that the personnel of the board differs from year to year in order that a fresh point of view may be brought to the work of the academy by the Senate and the House. Last year at a session of the board the question was brought before the board of the wisdom or unwisdom of removing from the present Naval Academy to some other place the graduate school, which is a school, as its name implies, for officers of the Navy who return for special work in special branches for the good of the service. I do not find anything in this bill relating to the removal from Annapolis of the graduate school, but I do know that the Board of Visitors last year was strongly opposed to the removal of the graduate school on the ground that the removal of that school would be enormously extravagant and expensive to the Government, and also entirely unwise in that it would deprive the graduate students of the benefit of the existing system of tuition and the existing educational plant at the Naval Academy. However, in spite of the views of the Board of Visitors, I understand that certain officials of the Naval Academy have persisted in their attempt to have the graduate school removed.

I rise for the purpose of asking a full statement from the chairman of the subcommittee, the gentleman from Idaho [Mr. FRENCH], in charge of this bill, as to whether or not this bill contemplates or in any way authorizes or in any way encourages the removal of the graduate school from the present Naval Academy to some other place? The graduate school should not be removed from Annapolis. I am advised by certain responsible officers of the Navy Department here in Washington that the department is against the removal of the graduate school from Annapolis. It should not be removed.

I am not influenced in this opinion by the fact that I was born in Annapolis, or that the Naval Academy was founded by Secretary of the Navy George Bancroft, a cousin of my father, who was once an instructor at the Naval Academy immediately after he left college. I love old Annapolis, but that does not influence me. The Board of Visitors has opposed the removal of the graduate school, such removal would cost from \$500,000 to \$3,000,000, would injure the work of the graduate school, and be entirely detrimental to the work of the graduate school. I hope that the chairman of the subcommittee [Mr. FRENCH] can assure us that the graduate school will not be removed from Annapolis, and I understand he can so assure us, otherwise I should offer an amendment. I know how alert he is to the real interests of the Navy. We must keep up the standard of the Naval Academy. [Applause.]

Mr. FRENCH. Mr. Chairman, it does not. The gentleman from Maryland [Mr. HILL] has stated clearly and succinctly the

situation touching this graduate school. It was not brought to the attention of the committee that there was in the minds of the officers of the department the removal of the school. However, following our hearings I noticed in the press that the matter was being considered. One item carried the story that it was possible that it would be removed to the city of Chicago to be handled in connection, I think, with the University of Chicago. The observation made there came as a surprise to me, and I immediately took up the matter with the chief of the Bureau of Navigation, Admiral Long. Admiral Long told me that the matter had been brought officially to the attention of the department, and that it had been referred to a board of three members, as I recall, the chairman of which is Admiral Shoemaker. At the time he told me that he did not know what the board would report, but it was giving the matter consideration. I heard that it would cost \$500,000 to make the change.

Then I saw in a newspaper a few days later that some one stated it would cost \$3,000,000 to make the change. Personally, I do not know what it would cost, but I have been assured by Admiral Long that upon the completion of this report of the board he will submit the matter to the chairman of the Naval Subcommittee.

Mr. HILL of Maryland. Mr. Chairman, I am very glad to hear that statement from the chairman of the Naval Subcommittee, and he has the matter in charge under his observation.

Mr. CONNALLY of Texas. Mr. Chairman, I ask unanimous consent that Members may have the right to extend their remarks in the Record upon the enlistment amendment which I offered this morning.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that all Members have the right to extend their remarks in the Record upon the matter of enlistment and recruiting in the Navy. Is there objection?

Mr. SANDERS of Indiana. Mr. Chairman, reserving the right to object, I think that ought to be limited to those who spoke upon the subject.

Mr. CONNALLY of Texas. I do not want to extend my remarks, but some gentlemen here could not get the time to speak and desire to have opportunity to extend their remarks.

Mr. MADDEN. I think nobody ought to do it except those who spoke upon it.

Mr. CONNALLY of Texas. Some gentlemen who had no opportunity to speak want to extend their remarks in the Record.

Mr. MADDEN. That can not be done in committee. That would have to be done in the House.

Mr. CONNALLY of Texas. It has been done in the committee by unanimous consent.

Mr. SANDERS of Indiana. If the gentleman will modify his request and limit it to those who spoke, I shall not object.

Mr. TILSON. Mr. Chairman, I should object to that. Each gentleman who wants to get permission to extend his remarks on any subject may do so.

Mr. CONNALLY of Texas. Then I ask unanimous consent that the gentleman from Missouri, Mr. FULBRIGHT, may have leave to extend his remarks in the Record upon that subject.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that the gentleman from Missouri, Mr. FULBRIGHT, have leave to extend his remarks in the Record. Is there objection?

There was no objection.

Mr. LOZIER. Mr. Chairman, I ask unanimous consent to extend and revise my remarks upon the recent amendment.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HILL of Maryland. Mr. Chairman, I make the same request.

Mr. OLIVER of Alabama. Mr. Chairman, I ask unanimous consent that I may be permitted to extend any remarks I may have made upon this bill.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland and the gentleman from Alabama that they may extend their remarks in the Record?

There was no objection.

Mr. SNYDER. Mr. Chairman, I ask unanimous consent to address the committee for half a minute out of order?

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SNYDER. Mr. Chairman, the Committee on World War Veterans requests me to announce to the House that on Tuesday morning next hearings will be given to Members of the House who desire to appear before that committee; that we will adopt the five minute rule, that those who want to make a statement will be heard for five minutes and be granted leave to extend their remarks further in the Record;

and that those who do not want to appear in person will be granted the right to extend their remarks.

Mr. HASTINGS. Upon what question?

Mr. SNYDER. On the World War Veterans' Committee.

Mr. HASTINGS. On what bill?

Mr. SNYDER. On the question of the modification of the act that is now before the committee.

Mr. DENISON. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record.

The CHAIRMAN. Is there objection?

There was no objection.

The Clerk read as follows:

Maintenance and repairs, Naval Academy: For necessary repairs of public buildings, wharves, and walls inclosing the grounds of the Naval Academy, improvements, repairs, and fixtures; for books, periodicals, maps, models, and drawings; purchase and repair of fire engines; fire apparatus and plants, machinery; purchase and maintenance of all horses and horse-drawn vehicles for use at the academy, including the maintenance, operation, and repair of three horse-drawn passenger-carrying vehicles to be used only for official purposes; seeds and plants; tools, and repairs of the same; stationery; furniture for Government buildings and offices at the academy, including furniture for midshipmen's rooms; coal and other fuels; candles, oil, and gas; attendance on light and power plants; cleaning and clearing up station and care of buildings; attendance on fires, lights, fire engines, fire apparatus, and plants, and telephone, telegraph, and clock systems; incidental labor; advertising, water tax, postage, telephones, telegrams, tolls, and ferriage; flags and awnings; packing boxes, fuel for heating and lighting bandmen's quarters; pay of inspectors and draftsmen; music and astronomical instruments; and for pay of employees on leave, \$1,050,000.

For commutation of rent for bandmen, at \$15 per month each, \$13,500.

Mr. FRENCH. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 41, after line 22, insert a new paragraph, as follows:

"Any money that may not be required under any of the foregoing appropriations for the objects for which provided as the result of decommissioning, or placing in reduced commissions, or in reserve, any capital ship or vessel of other types not required to be kept in full commission as the result of such action respecting any capital ship, may be applied, in the discretion of the Secretary of the Navy, to the repair, exclusive of changes and alterations, of vessels and/or to supplement the appropriation 'Maintenance, Bureau of Yards and Docks.' Prior to the obligation of such sums as may be diverted in pursuance of this authority the Secretary of the Navy shall certify to the Secretary of the Treasury the sum or sums to be diverted and the appropriation to be debited and credited."

Mr. FRENCH. Mr. Chairman, the purpose of this amendment would be apparent if Members had an opportunity to look at the language closely. It provides that any savings that may be effected or that could be effected as a result of decommissioning or placing in reduced commission or in reserve certain ships could be used in the discretion of the Secretary of the Navy to supplement appropriations for maintenance under the Bureau of Yards and Docks. It seems that it is a desirable amendment, because it would encourage, it would seem, the department to focus the attention of officers charged with the responsibility of the different craft upon the alternative proposition as to whether or not a certain type of ship should be repaired, and to what extent it should be repaired, and, if not, whether or not the money could be wisely and more advantageously expended in the way indicated.

Mr. VINSON of Georgia. Will the gentleman yield?

Mr. FRENCH. I will.

Mr. VINSON of Georgia. Will this amendment have the effect of increasing the amount that can be expended on the repair of any one ship during a year?

Mr. FRENCH. It is not intended to have that effect and I do not think it does.

Mr. VINSON of Georgia. Under the law to-day only \$300,000 could be used to repair any ship during a year. Now, would it be permissible to use a greater amount than that in the repair of a ship?

Mr. FRENCH. I am sure the amendment does not affect that at all.

Mr. OLIVER of Alabama. May I offer to the gentleman from Idaho a little suggestion as to the change in verbiage?

Mr. FRENCH. The gentleman from Alabama has suggested a change in the language. I have looked over the proposed

modifications and can see no objection to the modification of my amendment in the manner indicated. The effect would be to broaden to some extent the power sought to be conferred by my amendment. The suggestion is agreeable to me and I offer the new language as a substitute for the original amendment.

The CHAIRMAN. The gentleman from Idaho offers a substitute, which the Clerk will report.

The Clerk read as follows:

Page 41, after line 22, insert a new paragraph, as follows:

"Any money that may not be required under any of the foregoing appropriations for the objects for which provided as the result of decommissioning, or placing in reduced commission, or in reserve, any capital ship or other type of vessel may be applied, in the discretion of the Secretary of the Navy, to the repair, exclusive of changes and alterations, of vessels and/or to supplement the appropriation, 'Maintenance, Bureau of Yards and Docks.' Prior to the obligation of such sums as may be diverted in pursuance of this authority the Secretary of the Navy shall certify to the Secretary of the Treasury the sum or sums to be diverted and the appropriation to be debited and credited."

Mr. BLANTON. Mr. Chairman, I make the point of order that is legislation unauthorized by law and not germane.

Mr. FRENCH. We have already had debate.

Mr. TILSON. Debate has been had on the original amendment.

Mr. BLANTON. This amendment when offered becomes subject to the point of order.

Mr. TILSON. The other amendment was not withdrawn. This was offered as a substitute for the other. This one might be out of order, but the other was not.

Mr. BLANTON. This stands on its own feet and is to be controlled by the rules.

The CHAIRMAN. The Chair did not hear the contention of the gentleman from Connecticut.

Mr. TILSON. That even though this substitute were ruled out on a point of order, it would not affect the original amendment, which has been already the subject of debate.

The CHAIRMAN. The question in the Chairman's mind is this, that on the original amendment no point of order was made.

Mr. BLANTON. It was withdrawn.

The CHAIRMAN. No point of order was made to it, and if it is germane to the original amendment it is in order even though a point was made against it. The point of order is overruled, and the question is on the substitute.

The question was taken, and the substitute was agreed to.

The CHAIRMAN. The question is on the amendment as amended.

The question was taken, and the amendment as amended was agreed to.

The Clerk read as follows:

In all, \$16,482,639, and the money herein specifically appropriated for pay of the Marine Corps shall be disbursed and accounted for in accordance with existing law as pay of the Marine Corps, and for that purpose shall constitute one fund.

Mr. VINSON of Georgia. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Georgia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. VINSON of Georgia: Page 43, after line 18, insert a new paragraph as follows:

"No officer of the Navy or Marine Corps shall, unless the President otherwise directs, be entitled to any pay or allowances while on leave of absence for a period in excess of that for which he is entitled to full pay."

Mr. VINSON of Georgia. Mr. Chairman and members of the committee, just a brief statement in regard to the amendment that I have proposed. Under the law an officer of the Navy or Marine Corps who is on leave is entitled to draw full pay for 30 days, which may be accumulated for four years. After that he is entitled to half pay for a period of a year.

We all know that the distinguished marine officer, Gen. Smedley Butler, by Executive order, has been granted leave of absence and has been employed by the city of Philadelphia. I understand that it is the earnest desire of General Butler, and I know it is the desire of his distinguished father, that this amendment should prevail.

Mr. FRENCH. Mr. Chairman, I concur in everything that has been said by the gentleman from Georgia [Mr. Vinson]. The Subcommittee on Appropriations in charge of the naval bill had its attention directed to this matter by Gen. Smedley

Butler shortly after he was granted leave of absence. It was under the assumption that he could turn back into the Treasury his pay as an officer of marines that he accepted the position of law enforcement officer in Philadelphia.

After he had assumed his office it was discussed in the papers that no matter what his wish might be he could not accomplish that thing under the law as it now exists. General Butler met it just as General Butler would be expected to meet it. In other words, he called upon Congress to make a provision in the law so that he could be relieved from receiving any pay from the Government while occupying his present position in Philadelphia. He wired me, urging an amendment to the law, and the amendment offered by the gentleman from Georgia meets the situation fully.

I pay tribute to Gen. Smedley Butler upon his remarkable record as an officer, and I pay tribute to him upon the immediate and prompt way in which he met this proposition. I hope the amendment will prevail.

Mr. HILL of Maryland. Mr. Chairman, will the gentleman yield there for a question?

Mr. FRENCH. Yes.

Mr. HILL of Maryland. I would just like to ask the chairman of the subcommittee on what legal authority General Butler is performing his functions in a civil capacity in Philadelphia while he is still in the Marine Corps?

Mr. BLANTON. It is a case of necessity.

Mr. FRENCH. The general law provides that leave of absence may be granted to officers in excess of the 30 days per year upon half pay.

Mr. HILL of Maryland. I would like to ask the gentleman a further question. Is there any limitation as to the time in which a marine officer or naval officer may be permitted to do special work under authority of this kind?

Mr. FRENCH. I do not know of any law limiting it.

Mr. VINSON of Georgia. It is discretionary with the President. In this instance the President has granted a leave of absence to General Butler for the period of a year.

The CHAIRMAN. The time of the gentleman from Idaho has expired.

Mr. BLANTON. Mr. Chairman, I ask that half a minute more be given to the gentleman from Idaho.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BLANTON. Mr. Chairman, will the gentleman from Idaho yield?

Mr. FRENCH. Yes.

Mr. BLANTON. I want to say to the gentleman from Maryland [Mr. Hill] that when the wet crooks of Philadelphia quit violating the law there Gen. Smedley Butler will come back to Quantico and again take charge of the marines.

Mr. HILL of Maryland. That is what I had in mind. I do not expect that the condition referred to by the gentleman from Texas will ever exist, and I do not expect Gen. Smedley Butler will ever return.

The CHAIRMAN. The time of the gentleman from Idaho has again expired.

Mr. HILL of Maryland. Mr. Chairman, I move to strike out the last word.

Mr. WEFALD. Regular order, Mr. Chairman.

The CHAIRMAN. The regular order is demanded. The regular order is the amendment of the gentleman from Georgia [Mr. Vinson]. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For forage and stabling of public animals and the authorized number of officers' horses, \$60,000.

Mr. FRENCH. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Idaho moves to strike out the last word.

Mr. FRENCH. Mr. Chairman, through many amendments covering a good many years the language touching the Marine Corps has become very cumbersome. As a result, the committee shaping the bill called upon the Comptroller General to draft language that would be brief and would cover the different points that had been covered by some pages in the law. The language that we now have is the language written by the Comptroller General. However, with a view to the orderly keeping of the records in the Marine Corps it would seem that two lines—lines 16 and 17 on page 44—should be transferred to page 45, following line 16; and I ask unanimous consent that

the paragraph embracing lines 16 and 17 be inserted in the bill on page 45, following line 16.

The CHAIRMAN. The gentleman from Idaho asks unanimous consent to insert the language in lines 16 and 17 on page 44 at the place designated on page 45. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For repairs and improvements to barracks, quarters, and other public buildings at posts and stations; for the renting, leasing, and improvement of buildings in the District of Columbia with the approval of the Public Buildings Commission and at such other places as the public exigencies require, and the erection of temporary buildings upon the approval of the Secretary of the Navy at a total cost of not to exceed \$10,000 during the year, \$375,000.

Mr. BLACK of New York. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLACK of New York: Page 45, line 16, after the semicolon, insert "for repair and improvement of building No. 13, New York Navy Yard, for use of Marine Corps, \$60,000."

Mr. FRENCH. Mr. Chairman, I make the point of order that the amendment is not germane.

Mr. BLACK of New York. Mr. Chairman, may I be heard on the point of order?

The CHAIRMAN. The Chair will be glad to hear the gentleman.

Mr. BLACK of New York. Mr. Chairman, the amendment I have now offered provides for repairs and improvements to a public building at the New York Navy Yard, which also happens to be a Marine Corps post. I think it is quite within the language at the head of the paragraph. Not only that, but the committee in its hearings on this bill, at this stage of the hearings, considered marine activities—

Mr. MADDEN. Mr. Chairman, I make the point of order that the gentleman is not discussing the point of order.

Mr. BLACK of New York. I think that the action of the committee in its method of considering this bill, in its time allotment and in its order of consideration, has a bearing on the germaneness of my proposition. I wish to point out that at the very time the committee was considering this portion of the bill it heard my proposition for the Marine Corps.

Now, it simply goes toward the alteration and improvement of an existing building at a marine post for marine services.

Mr. FRENCH. Will the gentleman yield?

Mr. BLACK of New York. Yes.

Mr. FRENCH. Does not the gentleman recognize that this is a naval establishment and not a marine post?

Mr. BLACK of New York. It has a distinct double character, and it was designated as a marine post for the third naval district. This application comes from the Marine Corps, and the committee heard the Marine Corps on this application.

Mr. FRENCH. Mr. Chairman, I submit there is no law defining it as a marine post.

The CHAIRMAN. The whole question, as it appears to the Chair, hinges on that particular point. This part of the bill, beginning on page 44, deals with general expenses of the Marine Corps.

Mr. FRENCH. That is my understanding, and upon that theory I have made the point of order. I think the burden is upon the gentleman from New York to furnish the law and not an order or detail issued by the department designating this building for any particular use.

Mr. VINSON of Georgia. Will the gentleman yield?

Mr. FRENCH. Yes.

Mr. VINSON of Georgia. I am satisfied that if the gentleman knew the merits of this he would not be so insistent in making his point of order. This is a very meritorious amendment which the gentleman offers.

Mr. FRENCH. Does the gentleman believe the point of order is sound?

Mr. VINSON of Georgia. Well, that is for the Chair to rule upon, not for me.

The CHAIRMAN. The Chair is trying to get information in order to rule upon it, and the merits of it can not be considered.

Mr. BLACK of New York. There is no question about its being a marine post; the marines are all there; all the marines for the third district have been transferred there. There is no question about that.

Mr. MADDEN. Sometimes marines are detailed for duty on battleships, but that does not make the battleship a marine post.

Mr. FRENCH. Marines are detailed at many navy yards, but that does not make any particular place a marine post. It has just been remarked to me that there are even some marines in Honduras at this time and there are marines elsewhere, but that does not make these particular places marine posts.

Mr. BLACK of New York. Without reflecting on the chairman of the subcommittee, I rather think I would get more favorable consideration for my amendment if it concerned Honduras, but it does not; it concerns Brooklyn, the Brooklyn Navy Yard and the entire Marine Corps. It is a marine post and not a battleship; it is not Honduras; it is the navy yard at Brooklyn and a marine garrison.

The CHAIRMAN. Let the Chair ask the gentleman from New York a question. Is building No. 13 now used by the Navy or by the Marine Corps?

Mr. BLACK of New York. It is a building now used by the Navy.

The CHAIRMAN. That being true the Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

For miscellaneous supplies, material, equipment, personal and other service, and for other incidental expenses for the Marine Corps not otherwise provided for; purchase, repair, and exchange of typewriters and calculating machines; purchase and repair of furniture and fixtures; purchase and repair of motor-propelled and horse-drawn passenger-carrying and other vehicles; veterinary services and medicines for public animals and the authorized number of officers' horses; purchase of mounts and horse equipment for all officers below the grade of major required to be mounted; shoeing for public animals and the authorized number of officers' horses; books, newspapers, and periodicals; printing and binding; packing and crating of officers' allowance of baggage; funeral expenses of officers and enlisted men and accepted applicants for enlistment and retired officers on active duty and retired enlisted men of the Marine Corps, including the transportation of their bodies, arms, and wearing apparel from the place of demise to the homes of the deceased in the United States; construction, operation, and maintenance of laundries; and for all emergencies and extraordinary expenses, \$1,876,800: *Provided*, That there may be expended out of this appropriation for the purchase of motor-propelled passenger-carrying vehicles not more than \$33,000, as follows: One vehicle to cost not more than \$2,500, 4 vehicles to cost not more than \$1,500 each, 10 vehicles to cost not more than \$1,200 each, and 25 vehicles to cost not more than \$500 each:

In all, \$8,851,800, to be accounted for as one fund.

Mr. BLANTON. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman of the subcommittee as to the necessity for all these automobiles.

Mr. HARDY. The gentleman from Texas should have seen the list that was brought in and how much the list has been cut down.

Mr. BLANTON. The bill provides \$33,000 more than they already have for extra ones.

Mr. FRENCH. I would reply to the gentleman from Texas by saying that no appropriations have been made for the purchase of automobiles for the Marine Corps or for the Navy, either, since the war. At the end of the war we had a good many automobiles that could be detailed to different branches of the service. Now, however, we have gotten to the point where the upkeep—

Mr. BLANTON. I know how easy it is to explain away a proposition, but I would like some definite information. How many have they now?

Mr. FRENCH. They have 96 of all kinds.

Mr. BLANTON. They have 96 automobiles there now, and this is to give them \$33,000 more?

Mr. FRENCH. This would give them \$33,000 for replacement. We had an estimate from the Bureau of the Budget in the amount of \$56,200. It has gotten to a point where the upkeep is enormous and where, as to many machines, a private citizen would no longer endeavor to make repairs.

Mr. BLANTON. And I think this is just growing and growing all the time. Unless the committee stops it we are going to have to organize a bunch of men here, outside of the committee, to stop it, and we are going to do it, I believe, if the committee does not do it.

Mr. FRENCH. If the gentleman believes that these departments should be maintained as a business house would maintain a similar establishment, then from the standpoint of efficiency and economy it is oftentimes necessary to have automobiles of certain types.

Mr. BLACK of Texas. Will the gentleman yield?

Mr. FRENCH. Yes.

Mr. BLACK of Texas. I notice under the appropriations for the purchase of passenger vehicles for the Navy that the maximum amount of \$1,500 was fixed. Now, why should we go ahead and spend \$2,500 for the purchase of passenger-carrying automobiles for the Marine Corps?

Mr. FRENCH. That is a car which would probably be detailed to the commandant of marines.

Mr. BLACK of Texas. A Packard, too, I suppose.

Mr. FRENCH. The department had asked for two at a cost of \$4,500 each. We felt we could grant this one at a cost not to exceed \$2,500, and of the others only four of them may be purchased at a cost of \$1,500, while 10 may be purchased at a cost of \$1,200, and then 25, of a different type, at \$500.

Mr. HILL of Maryland. Will the gentleman yield for a question?

Mr. FRENCH. I yield.

Mr. HILL of Maryland. I was very much interested in what the gentleman from Texas [Mr. BLANTON] said on the subject of economy. I agree with him and I vote with him very often, and I would like to ask the chairman of the committee, in view of the fact that one of these automobiles is probably for General Butler, and he will be in Philadelphia for the next year, could not the amount of \$33,000 be reduced by the price of one automobile, which will not be necessary for General Butler?

Mr. FRENCH. We anticipated the gentleman and have omitted at least 10 automobiles.

Mr. HILL of Maryland. Then I understand from the chairman of the committee that none of these automobiles is for General Butler during his absence?

Mr. FRENCH. Not as long as he is absent.

Mr. HILL of Maryland. Then I withdraw my objection.

Mr. BLACK of Texas. Mr. Chairman, I offer an amendment. On line 16, page 46, after the word "than," I move to strike out the figures "33,000" and insert the figures "32,000," and in lines 16 and 17, strike out the language "One vehicle to cost not more than \$2,500," and in the same line strike out the word "four" and insert the word "five."

The CHAIRMAN. The gentleman from Texas [Mr. BLACK] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLACK of Texas: Page 46, line 16, strike out "33,000" and insert "32,000," and in the same line strike out the words "one vehicle to cost not more than \$2,500," and in line 17 strike out the word "four" and insert in lieu thereof the word "five."

Mr. BLACK of Texas. Mr. Chairman, I do not wish to make any lengthy speech on this matter, but when we appropriated for the passenger-carrying vehicles for the Navy we restricted the maximum amount that could be spent to \$1,500. I do not think any argument is needed at all to say that we ought to put the same limitation as to the Marine Corps. Of course the Government of the United States can spend \$2,500 for an automobile. It can spend \$5,000 for an automobile, but I think the time has come when the Congress of the United States ought to use economy, even in small items, and I hope the amendment will be agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. BLACK].

The question was taken; and on a division (demanded by Mr. BLACK of Texas) there were—ayes 25, noes 40.

So the amendment was rejected.

The Clerk read as follows:

INCREASE OF THE NAVY.

The Secretary of the Navy may use the unexpended balances on the date of the approval of this act under appropriations heretofore made on account of "Increase of the Navy," together with the sum of \$7,500,000, which is hereby appropriated for the prosecution of work on vessels under construction on such date, the construction of which may be proceeded with under the terms of the treaty providing for the limitation of naval armament; for continuing the conversion of two battle cruisers into aircraft carriers, including their complete equipment of aircraft and aircraft accessories, in accordance with the terms of such treaty; for the procurement of gyro compass equipments, and for the installation of fire-control instruments on destroyers not already supplied; and for the completion of armor, armament, ammunition, and torpedoes for the supply and complement of vessels which may be proceeded with as hereinbefore mentioned: *Provided*, That in addition to the funds hereinbefore made available for "Increase of the Navy," the Secretary of the Treasury is authorized and directed to make transfers during the fiscal year 1925 from the naval supply account fund to the appropriation "Increase of the Navy" of sums aggregating \$22,500,000.

Mr. BLANTON. Mr. Chairman, I make the point of order against the paragraph that it is seeking to authorize expenditures for new construction unauthorized by law and contains legislation not authorized by law.

The CHAIRMAN. Will the gentleman from Texas direct the Chair to the legislation he thinks is involved?

Mr. BLANTON. It is all through the paragraph, but I call attention especially to the language beginning with line 22, on page 46, and ending with line 18, on page 47.

Mr. FRENCH. Mr. Chairman, a brief statement probably will be sufficient to meet the situation. Every dollar that is provided for in that paragraph is to carry on work that is already on the way. There is no new construction provided for. We are laying down no new craft. We are carrying on toward completion or to completion ships that are already authorized and are being built.

Mr. BLANTON. I would like to ask the gentleman what substantive law authorizes the change of the two battle cruisers into aircraft carriers, and what substantive law authorizes the Secretary of the Navy to make these transfers aggregating \$22,500,000; and if there is substantive law, why do you put this in the bill?

Mr. FRENCH. The gentleman will recall that the limitation of armament treaty carries provisions that are law, under which our committee would be bound to function in considering the conversion of the two battle cruisers into aircraft carriers.

Mr. BLANTON. Oh, but that is not substantive law authorizing this.

Mr. FRENCH. I think the gentleman will find that the treaty has the same binding effect.

Mr. BLANTON. It provides a limitation, but it takes substantive law to authorize a matter of this kind, and the treaty itself does not provide for this. The gentleman is mistaken. I challenge him to produce the four-power pact and call our attention to the provision in it which authorizes it.

Mr. FRENCH. The gentleman will recall that the treaty itself provides that two of these cruisers may be converted into aircraft carriers.

The CHAIRMAN. Of course, the Chair does not want to shut off any argument, but the Chair is only in doubt about one proposition, and that is the proposition for continuing the conversion of two battle cruisers into aircraft carriers. Has that been heretofore authorized by law?

Mr. FRENCH. Mr. Chairman, it is not clear in my mind whether it has been authorized in law, apart from the treaty, but I think I can show the Chair in just a moment that it is one of the provisions of the treaty which has been ratified.

Mr. BEGG. Mr. Chairman, while the gentleman is finding that document I would like to submit that the Chair, of course, knows that a treaty can repeal law, and, that being true, then if the treaty provides that two battle cruisers may be converted, that is authority enough.

The CHAIRMAN. If there has been a treaty which has been duly ratified by the countries entering into it, our country being one of them, and it contains that provision, it has the force of law.

Mr. BLANTON. I deny that, and I ask the gentleman to produce it and show the Chair where there is any such authority. There are limitations in that treaty, but the limitations in the treaty do not constitute substantive law authorizing this exchange.

The CHAIRMAN. The Chair thinks there is perhaps a short way out of this without referring to it. The naval act of last year contained the same item:

For continuing the conversion of two battle cruisers into aircraft carriers, including their complete equipment of aircraft and aircraft accessories.

Therefore it is a work already in progress. The Chair can not find in this paragraph any authorization for the appropriation for any new work. The opening language is— which is hereby appropriated for the prosecution of work on vessels under construction.

Then there is the item for continuing the conversion of two battle cruisers, which the Chair has already said is a work in progress.

Mr. BEGG. It further says in the law of last year:

In accordance with the terms of such treaty.

That is a part of the naval appropriation act of last year.

The CHAIRMAN. There is no question in the Chair's mind that this is proper. The point of order is overruled.

Mr. FRENCH. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. FRENCH: Page 47, before the matter appearing in line 8, insert the following: "For the settlement of contracts on account of vessels already delivered to the Navy Department, for reimbursement to contractors and subcontractors of carrying charges heretofore approved by the Secretary of the Navy, to cover additional expenses resulting from the deferring of deliveries or payments under contracts and subcontracts, for materials for vessels, the construction of which may be continued under the terms of such treaty."

Mr. BLANTON. Mr. Chairman, I make the point of order that it is unauthorized and is legislation on an appropriation bill.

Mr. FRENCH. Mr. Chairman, the first part of the amendment that I have offered is authorized. I think probably the second part is not, but I think if the gentleman would withhold his point of order he would regard the amendment as desirable. My thought in offering the amendment is that it would effect economies rather than expenditures. This language was carried in the appropriation act of last year. It provides for the settlement of contracts on account of vessels already delivered to the Navy Department in the first instance. The second part of it provides for adjudication on account of ships that were held up as a result of the Limitation of Armaments Conference agreement. It was hoped by the subcommittee that this work could be completed by the end of the present fiscal year. The department feels that probably most or all of the work of adjudicating these contracts will be completed by that time, but the representation was made to us by the Secretary of the Navy that he did not think it would be desirable that we require these settlements to be made by a given time. If they shall not be made prior to the end of this fiscal year, the Government will not attempt to escape any liability but the items will be carried over during an indefinite period and will be cared for by some subsequent deficiency appropriation act. I have no doubt that that would probably entail additional expense that would either be regarded in lieu of interest or interest itself, and that the total expenditure would be greater than if we permit the provision to go into the bill now and permit the items to be adjudicated possibly in July or August or September or at some other time prior to the convening of the regular session of the Congress.

Mr. BLANTON. Mr. Chairman, if the gentleman is sure he will effect economy, I shall not insist upon the point of order. My effort is to save these millions of dollars that are continually being turned over to the Navy Department, and of which we hear very little thereafter.

The CHAIRMAN. The point of order is withdrawn. The question is on the amendment offered by the gentleman from Idaho.

The amendment was agreed to.

Mr. BYRNES of South Carolina. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. BYRNES of South Carolina: Page 47, at the end of the French amendment just adopted, add: "Provided, that the President is requested to enter into negotiations with the Governments of Great Britain, France, Italy, and Japan, with a view of reaching an understanding or agreement relative to limiting the construction of all types and sizes of subsurface and surface craft of 10,000 tons standard displacement or less, and of aircraft."

Mr. BYRNES of South Carolina. Mr. Chairman, I desire to say only a few words with reference to this amendment. I discussed the subject during general debate. The facts are that whereas in 1916 the appropriations for the Navy amounted to approximately \$150,000,000, the appropriations carried in this bill amount to approximately \$300,000,000, and whereas the Army appropriation act for 1916 carried \$101,000,000, this year the Army bill will carry approximately \$250,000,000.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of South Carolina. Yes.

Mr. BLANTON. I am in favor of the gentleman's amendment, but will he not accept an amendment adding officers and personnel? Why should not they be limited? They are the ones who spend the money, after all, in these times.

Mr. BYRNES of South Carolina. It would be impracticable to include men in any such agreement. One navy will use civilian employees to perform duties that are performed by enlisted men in some other navy. Discussion of the proposal at the previous conference proved it could not be done. I think that the language of this amendment, which is the same language carried in a previous bill, is sufficient. My firm belief is that instead of decreasing appropriations, unless something is done we will be forced to continue to appropriate a

sum equal to that carried in this bill, if not greater. Our representatives at the conference endeavored to secure an agreement as to auxiliary craft.

They failed to do so. The treaty now applies only to ships of 10,000 tons or over and to aircraft. As to a ship with a tonnage of less than 10,000 tons there is no agreement, and as a result of that situation Great Britain has 49 cruisers and Japan approximately 25 and we have 10. The people of this country, I believe, were under the impression when we said we had an agreement based on a 5-5-3 ratio, that it meant naval strength and not solely capital ships. If I am correct in interpreting the views of the American people they will never be content to have a navy inferior to any other power on the face of the earth. [Applause.] And because that is true today the administration is asking the Committee on Naval Affairs to report a bill authorizing the construction of eight additional cruisers, which will cost approximately \$88,000,000.

When we contemplate the expenditure of \$88,000,000 for the construction of cruisers the time has come when we should say to the other naval powers of the world, "we do not believe in this naval competition in auxiliary craft of less than 10,000 tons, and before we embark upon a program of construction to compete with the navies of Great Britain and Japan in the construction of cruisers and submarines we want to meet you around the conference table and there arrive at an agreement limiting the number of cruisers and submarines and aircraft." If we do not do that we will soon find ourselves engaged in this costly and dangerous competition. The taxpayers of this Nation and of other nations who will be called upon to make these enormous appropriations in order to keep the pace in this naval competition will gladly respond to an appeal to stop it now.

Mr. FRENCH. Will the gentleman yield?

Mr. BYRNES of South Carolina. I will.

Mr. FRENCH. The gentleman would not want the amendment that he has offered to be compelling upon the administration if in the sound judgment of the President and the Secretary of State they did not deem there was a reasonable prospect of an agreement resulting from such a conference?

Mr. BYRNES of South Carolina. No; we can not compel the President by this request. It is an expression of the opinion of the representatives of the people.

Mr. FRENCH. Then let me ask this—

Mr. BYRNES of South Carolina. The reason I am offering this amendment at this place and in the form it is offered is that I feared the point of order would be made, and if made I had another amendment which I desired to offer as a limitation to this paragraph. As no point of order was made, I want to ask unanimous consent to modify the amendment by striking out the word "provided," preceding the amendment, and make the amendment a separate paragraph.

Mr. FRENCH. Would the gentleman agree to this language following the last word of the gentleman's amendment, "when ever there appears to be reasonable prospect of agreement to any further limitation in competitive armaments"?

Mr. BYRNES of South Carolina. I do not think it necessary, but I see no objection, because the President is not going to comply with the request of the Congress unless he wants to do so.

Mr. MOORE of Virginia. That makes the provision bigger than in the last bill.

Mr. BYRNES of South Carolina. I think so; but I know my friend from Virginia realizes this is merely a request, an expression of the views of the Congress that a conference should be called.

Mr. MADDEN. We can all agree to this.

Mr. BYRNES of South Carolina. The amendment requests the President to do that which the Congress thinks should be done.

Mr. MADDEN. But he ought not to be embarrassed by being forced to do it.

Mr. BYRNES of South Carolina. I have no serious objection to the amendment. I believe the President ought to make an effort to secure such an agreement at the very earliest possible moment for this reason. It will not do to say it can not be done.

If we had taken that position three years ago we never would have called a conference which resulted in the limitation of capital ships. There is more reason for hope now when it has been demonstrated that nations can agree to limit armament. When the taxpayers of the Nation realize the conditions in the world and that we are entering into another form of naval competition they will not refuse the request of the President of the United States to meet at this time in order to arrive at such an agreement as is desired by all people.

Mr. MADDEN. Mr. Chairman, will the gentleman yield to me?

Mr. BYRNES of South Carolina. I do.

Mr. MADDEN. I just want to make a suggestion. I think if the reparations problem should be adjusted through the commission that is now at work, the atmosphere in every country in Europe will be more or less clarified. There will be more of a desire on the part of every European nation to meet the situation that is provided for in this request on the President, and I believe that then there will be some hope that such a conference as is proposed here would have some influence.

Mr. BYRNES of South Carolina. I think so; and I think it is true that this Congress certainly owes it to itself, when it appropriates \$300,000,000 of the money of the people, to put itself on record as saying, "While making this appropriation, we earnestly hope that the powers of the earth will agree to a further restriction of naval armament. While conscious of our superior wealth we do not want to use it in the construction of additional implements of warfare."

Mr. CONNALLY of Texas. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of South Carolina. Yes.

Mr. CONNALLY of Texas. I would like to ask if that last suggestion of the gentleman from Idaho, adding the words "whenever there appears to be a reasonable prospect of agreement in a further limitation of competitive armament," will give the idea that we do not expect it of foreign governments, and that will tend to make a bad impression. We must assume that there is a reasonable prospect.

Mr. BYRNES of South Carolina. The gentleman's amendment is "when, in the opinion of the President of the United States, there is a prospect."

Mr. CONNALLY of Texas. By using that language would it not be casting some doubt upon the action of European countries?

Mr. FRENCH. No. It is merely a courteous expression of the thought of Congress and a proof that we are in harmony with the President when he thinks an opportunity for action shall arrive.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Idaho [Mr. FRENCH] to the amendment of the gentleman from South Carolina [Mr. BYRNES].

The Clerk read as follows:

Amendment offered by Mr. FRENCH to the amendment offered by Mr. BYRNES of South Carolina: Add "whenever there appears to be a reasonable prospect of agreement in a further limitation of competitive armaments."

Mr. FRENCH. The reason I offer the amendment has been indicated by the statement I made a moment ago. There is no doubt in my mind that the greatest achievement of the administration of President Harding and President Coolidge and the administration of Mr. Hughes as Secretary of State is the consummation of the treaty that resulted from the Limitation of Armament Conference. The greatest evidence of the purpose of the administration to pursue the policy suggested by the gentleman from South Carolina in his amendment lies in the fact that the conference was held, with the happy results that flowed from it.

Gentlemen know why the conference two years ago found itself unable to arrive at an understanding touching certain types of ships mentioned in the amendment offered by my friend from South Carolina [Mr. BYRNES]. Europe was unstable. France was apprehensive, and I recall the stirring address of Premier Briand indicating the fears of the Government for which he spoke.

One year ago we passed a provision containing the language that is now before us. The administration has been in heartiest accord. Conditions within Europe, however, have not been such as to permit of a successful conference. To-day, however, an economic conference is in progress that involves the settlement of matters of grave concern, and it may be that from this conference there will eventuate such an understanding as will open the way at once for a new conference to deal with limitation of construction of types of ships where no limit as to numbers exists to-day.

But this is not alone my own prayer; it is the prayer of right-thinking people everywhere.

President Coolidge, in his address in New York City on Lincoln's birthday anniversary last month, in speaking on this subject, said:

We do not believe in great armaments. Especially are we opposed to anything like competitive armaments. While the present time does not appear propitious for a further effort at limitation, should a Euro-

pean settlement be accomplished, something might be hoped for in that direction. The United States stands ready to join with the other great powers whenever there appears to be a reasonable prospect of agreement in a further limitation of competitive armaments.

So, then, the amendment that has been proposed will express not alone the voice of the Congress of the United States but it will underscore and affirm the declared policy of the President. The United States, rich in material wealth, strong in man power, dedicated to the doctrine of justice to all mankind, and with no selfish purpose to serve, can well afford to take the lead in inviting the world powers as opportunity may appear to further conferences that will lessen the burdens of war and point the way to world peace.

The amendment that I have offered, I believe, will let it distinctly appear that teamwork in this great enterprise is going forward upon the part of the President and the Congress of a united Nation.

Mr. GARRETT of Tennessee. Mr. Chairman, may we have the amendment reported as it would read?

The CHAIRMAN. Without objection, the amendment of the gentleman from South Carolina will be reported as it would read as amended by the amendment of the gentleman from Idaho [Mr. FRENCH].

Mr. BYRNES of South Carolina. Mr. Chairman, I ask leave to amend my amendment by striking out the word "Provided," so that it will appear as a separate paragraph.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent to strike out the word "Provided" in his amendment. Is there objection?

Mr. BLACK of Texas. Reserving the right to object, Mr. Chairman, I have an amendment to offer to the text as a separate paragraph. I would have no objection but for that fact.

Mr. BYRNES of South Carolina. Then I withdraw my request for the time being.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from South Carolina, with the amendment of the gentleman from Idaho, as they will read.

The Clerk read as follows:

Amendment offered by Mr. BYRNES of South Carolina: Page 47, at the end of the French amendment, add a new paragraph to read as follows:

"Provided, That the President is requested to enter into negotiations with the Governments of Great Britain, France, Italy, and Japan with a view to reaching an understanding or agreement relative to limiting the construction of all types and sizes of subsurface and surface craft of 10,000 tons standard displacement or less, and of aircraft."

At the end of the Byrnes amendment add the following:

"Whenever there appears to be a reasonable prospect of agreement in a further limitation of competitive armaments."

So that when amended it will read as follows:

Provided, That the President is requested to enter into negotiations with the Governments of Great Britain, France, Italy, and Japan with a view to reaching an understanding or agreement relative to limiting the construction of all types and sizes of subsurface and surface craft of 10,000 tons standard displacement or less, and of aircraft, whenever there appears to be a reasonable prospect of agreement in a further limitation of competitive armaments.

Mr. MOORE of Virginia. Mr. Chairman, the most important question for our Government and other governments—and that is the view of people generally, I believe—is the possibility of doing something to prevent war and avoid the hideous destruction and loss which war causes and less the financial burden of preparation for war; and I venture to say, without any disrespect at all and not hypercritically, that the administration has done extremely little in that direction, and Congress has manifested a strange reluctance to act.

In 1921, when the naval appropriation bill was here, the gentleman from Texas [Mr. CONNALLY] endeavored and I endeavored to amend the bill so as to request the President to bring about a conference of the great naval powers with the United States. The leader of the majority expressed the opinion that the request would be disrespectful to the President, and a point of order made against my proposition was sustained and Mr. CONNALLY's proposition was voted down. The bill went to the Senate. Senator BONAHR, then and perhaps now a powerful figure in that body, renewed the suggestion in an amendment which he offered to the same bill, and it was adopted; and when the bill came back to the House the leader and his associates, who had scoffed at the attempt of Mr. CONNALLY and myself, urged unanimous support of the BonaHR amendment.

Whether we would have gotten the conference without the positive pronouncement by Congress no one can say certainly, but the fact is that a conference pretty quickly accomplished something, although, as gentlemen have said here, not a great deal to boast of, since it applies only to ships of a certain character.

None can doubt that there is continuing danger, not only of the maintenance and multiplication of smaller vessels, submarines, aircraft, and other weapons of naval warfare and of increasing expenditures, and that there is little or no hope of a better condition without further cooperation by international conference of the nations interested.

With this knowledge we should certainly do no less than adopt the provision carried in the last naval appropriation bill, and reiterated in the amendment as first offered by my friend from South Carolina [Mr. BYRNES]. Its terms are not more drastic than those of the Borah amendment; it renews the statement carried in the last naval appropriation bill, and it should not be whittled away in the manner proposed by the gentleman from Idaho [Mr. FRENCH].

If I had my way I would go much further and at least favor the passage of a joint resolution not only requesting but advising the administration to bring about an international conference for the purpose of endeavoring to limit not only naval equipment and naval expenditures but limiting land forces and armaments as well. [Applause.]

But we do next to nothing of that kind. We use our time very largely in talking about matters that are of comparative unimportance, certainly of unimportance compared with the great matter of international peace.

It does not require much political understanding; it does not require any unusual philosophic outlook; it does not require scientific teaching or eloquent preaching for us to perceive the danger of future awful wars following that which has occurred unless this powerful Nation, more powerful and influential than all others, takes the action which I respectfully submit we ought to take, but which the present administration and this Congress have not taken. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. GREEN of Iowa. Mr. Chairman, while the gentleman who has last spoken has stated with substantial correctness what occurred in 1921, when the proposition for disarmament first came before this House the record should not be made up upon the chance remark of the gentleman who happened at that time to be the Republican floor leader. The real fact is, as everyone knows, that later when the matter came back from the Senate information was conveyed to the House that the proposition was entirely pleasing to President Harding. More than that, the final success of the conference was due to the untiring efforts of President Harding and his special counselor on that occasion, Secretary Hughes. An extremely liberal proposition that was made on behalf of this Government at that time by which the foreign governments for the moment were taken completely by surprise, although they finally acceded, but it is largely because of the fact that they could not possibly complain that the agreement was not perfectly fair to them.

It was, as the gentleman from Idaho [Mr. FRENCH] has stated, one of the greatest achievements of any administration in the history of this country.

I am in entire accord with this amendment, but I think the strictures of the gentleman from Virginia in his statement, to the effect that no effort has been put forward on the part of the present administration up to this time to carry the present treaty for disarmament further, are based upon a wrong foundation. It is only recently, if at all, that the time has arrived when it is possible to make any changes in the results of the Washington conference. At that particular time it was impossible to get any more, and I am not sure that there is any hope at this time of getting any further restriction of the treaty and further restriction of armament, but I would not for that reason in any way delay this proposition, and I hope the administration will not fail to press the proposition for further restriction for the reasons so cogently stated by the gentleman from South Carolina [Mr. BYRNES].

Mr. BLANTON. Will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. BLANTON. Suppose it had not pleased the President, as it did not please the then majority leader, what would have happened?

Mr. GREEN of Iowa. Fortunately we had a President too great to overlook any chance to bring about disarmament.

Mr. TINCHER. Will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. TINCHER. I do not know just what the Record discloses as to what the majority leader said, but is it not true that in the debates at the time the amendment was offered it was suggested that it was not becoming Congress to put that in as the President had announced that he contemplated the calling of a conference of that kind, and that it was a matter of bad taste to put an amendment in at that time? And then when the bill came back was there not a letter read into the Record from President Harding telling us to go ahead and that he was going to call the conference?

Mr. GREEN of Iowa. Yes; there was a statement from the President to that effect.

Mr. TINCHER. I do not think it was the offering of an amendment by gentlemen on the other side of the aisle that caused the President to call the conference.

Mr. GREEN of Iowa. Not at all. What I want to see is some practical results at this time, and I believe that right now there is an opportunity for a further extension of that treaty in the way of a further restriction of armament. Japan has experienced a great disaster and wants to economize in every possible way. The ministry which at present controls the Government of England is far different in respect to its ideas of naval construction than any that has heretofore controlled that Government. The time is now as favorable as it ever could be for a further restriction.

Mr. BLACK of Texas. Will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. BLACK of Texas. Bearing out what the gentleman has just said, I notice that the Prime Minister of Great Britain has withdrawn the Singapore project, to cost \$50,000,000, a naval station in the Pacific, showing that the present labor ministry of Great Britain takes the view that the time has arrived when we should have a real limitation of armament.

Mr. GREEN of Iowa. Yes; it shows there is a desire to curtail naval expenditures on the part of England.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GREEN of Iowa. Mr. Chairman, I ask unanimous consent to proceed for three minutes more.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to proceed for three additional minutes. Is there objection?

There was no objection.

Mr. GREEN of Iowa. I am glad to say that there is a government in England that is not afraid of the United States Navy in this sense—it is not afraid it will ever be used unjustly against England, and it has no occasion to fear that.

But, Mr. Chairman, when I originally asked for recognition, I wanted to call attention very briefly to one matter that has not been mentioned in connection with this bill. This paragraph applies to increase of the Navy. There has been a most extraordinary decrease in the Navy of the United States brought about, possibly, by mishap, but I fear, much of it, by mismanagement in the last few years. Certain it is that in the last six years we have lost far more vessels than the English Navy has lost, although they have a great many more in commission. We have lost three or four large cruisers which in some way have drifted upon the rocks and have been lost. We lost a collier and nobody knows for what reason. It started on a voyage and has never been heard of since. Recently, we lost seven fine destroyers through recklessness, as it appeared to me, although I would hardly undertake to pass judgment upon it, having only seen the newspaper reports of evidence; but the findings of the court-martial practically exonerated anyone from serious fault by reason of these destroyers having been run upon the shore.

At the beginning of our Navy, following the custom of England, any captain, even in the old sailing days when they were more or less at the mercy of the wind and waves, who would let his ship drift upon the rocks was certain to be court-martialed and was in danger of being dismissed from the service. Any captain that took a battleship down the tortuous and shallow channel that leads to the Norfolk Navy Yard and for any reason happened to let that vessel graze the bottom was sure to be court-martialed and was liable to receive a number of demerit marks. That is the history of the old Navy. For some reason, we seem to be reaching a different period, when seven fine destroyers can be thrown upon the rocks by reason of reckless speed and careless calculation of the distance from shore.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. NEWTON of Minnesota. The gentleman has stated that these officers were not reduced or disciplined. Captain Watson, the commander of that squadron, was given demerits of some-

thing like 150 points and Commander Hunter and several others were likewise disciplined, but to a lesser extent. This means that Captain Watson can never hope to be an admiral.

Mr. GREEN of Iowa. I would not call that "disciplined."

Mr. LOZIER. Will the gentleman yield for a question?

Mr. GREEN of Iowa. Yes.

Mr. LOZIER. Is it not a fact that the newspapers have stated that the report and the findings of the court-martial have been disapproved? I have read that in the newspapers and I would like to inquire whether that is a fact or not.

Mr. GREEN of Iowa. Such was the statement made in the papers, but my understanding was that the disapproval was because the judgment of the court-martial was too lenient. I did not say that no demerits were imposed. Demerit marks are trifling incidents compared to the loss of several fine vessels by inexcusable recklessness. For anything of that kind in the old days the offender would have been dismissed from the Navy.

Mr. STEPHENS. Mr. Chairman, I move to strike out the last word.

Mr. CONNALLY of Texas. Mr. Chairman, I rise in opposition to the French amendment to the amendment.

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. CONNALLY of Texas. Mr. Chairman, I do not desire to take up much of the time of the House except to refer to one or two suggestions made by the gentleman from Iowa [Mr. GREEN] with reference to the history of this amendment.

If the gentleman from Iowa [Mr. GREEN] will bear with me a moment he will find that this amendment was offered in the House on April 26, 1921, on the naval appropriation bill by the gentleman from Virginia [Mr. MOORE] and myself. It appears in the RECORD for that day. What occurred? The Republican leader, Mr. Mondell, made a point of order against it. The point of order was overruled, and the Republican leader in charge of the bill, Mr. Kelley of Michigan, and the gentleman from Illinois [Mr. MADDEN] made speeches against it, and it was voted down in this House. The bill then went to the Senate and Senator BORAH was able to secure the adoption of his amendment providing for the calling of a conference. When the bill was then brought back to the House on the conference report gentlemen of the Republican side raised no opposition to it and it was adopted. Now, that is the history of the amendment. Does the gentleman dispute that?

Mr. GREEN of Iowa. All I wanted to say was that the gentleman at least should not hold me responsible for that because I supported the proposition from first to last.

Mr. CONNALLY of Texas. Yes; I am very glad to have the support of the gentleman from Iowa, and I appreciated his support at that time, but his side of the House, which was then in control, voted this amendment down when presented here. After it went to the Senate and after word went out to the country and sentiment was crystallized, and after Senator BORAH had made a number of speeches in the Senate calling it to the attention of the country, gentlemen on the Republican side joined then in the request.

Mr. MADDEN. Will the gentleman yield?

Mr. CONNALLY of Texas. I yield.

Mr. MADDEN. The President, after all, called the conference.

Mr. CONNALLY of Texas. Certainly.

Mr. MADDEN. And did the job.

Mr. CONNALLY of Texas. And he deserves credit for it. I am not seeking to detract in any way from President Harding with relation to the calling of this conference. He had the authority under the Constitution to call it without request of Congress, but he did not do so until Congress acted, and I object to gentlemen now seeking to detract from the efforts of some of us on this side who were sincerely endeavoring to bring about some movement for the limitation of armament before the President acted and before Congress was willing to act.

Mr. GREEN of Iowa. Nothing was further from my intention than anything of that kind.

Mr. MADDEN. The gentleman from Texas is always patriotic.

Mr. CONNALLY of Texas. Thank you. The gentleman from Illinois [Mr. MADDEN] made a very fervid speech on that occasion.

Mr. MADDEN. Sometimes that happens.

Mr. CONNALLY of Texas. And charged the gentleman from Texas, in offering that amendment, with undertaking to insult the President of the United States. What is the fact? However much credit President Harding deserves on account of the

disarmament conference, looking at it now with our hindsight rather than with our foresight, we all see that while it accomplished some good it did not limit the building of cruisers and auxiliary craft and airplanes. The purpose of the amendment of the gentleman from South Carolina [Mr. BYRNES] is to now invite the nations of the world to another conference and let them go into that conference under our invitation and enter into agreements that will not only limit the building of capital ships but will limit the building of all branches of naval armament, so that the United States, in its strength, in its power, may say to all the world that while we are proud of our eminence, while we are proud of our strength, while we are proud of our man power, and while we are proud of our material resources, we want to lead the world in the dedication of those resources, not to the destructive policies of war, but to the constructive policies of peace and industry and happiness; to direct those resources and powers to making more things that will contribute to the happiness and peace of mankind, rather than to the construction of machines for the destruction of human life and the visitation upon the people of the world of hunger and misery and despair. [Applause.]

Mr. FRENCH. Mr. Chairman, I wonder if we can not bring this amendment to a vote. We have a session to-night at 8 o'clock.

Mr. STEPHENS. I want to address the committee for about two minutes.

Mr. FRENCH. Mr. Chairman, I ask unanimous consent that all debate upon this section and all amendments thereto close in two minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. STEPHENS. Mr. Chairman, I want to state that my memory of this limiting of armament was inaugurated in the Naval Affairs Committee. I remember that we had hearings in the Naval Affairs Committee in the latter part of 1920 or perhaps the first part of 1921, and we had before this committee General Tasker Bliss, Admiral Sims, General Pershing, an ex-ambassador to England, and some great English newspaperman. Hearings were held along the line of what plan would be best to pursue in respect to disarmament toward limiting armament. Those hearings were public and they are to be found in the Naval Affairs Committee. That is the first that I remember of ever hearing the idea discussed or investigated. The opinions of all the men to whom I refer will be found in that report. I believe that was before President Harding was inaugurated.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. STEPHENS. Yes.

Mr. GARRETT of Tennessee. Does the gentleman say that back in 1920 was the first time that he ever heard of this?

Mr. STEPHENS. I think it was in 1920 when I first heard of its coming up for public discussion.

Mr. GARRETT of Tennessee. Does the gentleman recall having read what was known as the Hensley amendment, adopted to the naval bill I think in 1913?

Mr. STEPHENS. Oh, I was speaking of what occurred since the war, the discussion of limiting armament since the war.

Mr. GARRETT of Tennessee. Oh, the gentleman's recollection goes no further back than that?

The CHAIRMAN. The time of the gentleman from Ohio has expired. All time has expired. The question is on the amendment to the amendment offered by the gentleman from Idaho [Mr. FRENCH].

The question was taken; and on a division (demanded by Mr. GARRETT of Tennessee) there were—ayes 44, noes 64.

So the amendment to the amendment was rejected.

Mr. BLANTON. Mr. Chairman, I offer a perfecting amendment after the word "aircraft" to insert "and officers and enlisted personnel."

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLANTON to the amendment offered by Mr. BYRNES of South Carolina: At the end of the amendment after the word "aircraft" strike out the period, insert a comma and the words "and officers and enlisted personnel."

Mr. BLANTON. I ask unanimous consent that the Clerk may be permitted to report it in the form it would read if the amendment were agreed to.

The CHAIRMAN. Without objection, the Clerk will report the amendment as it would read if the amendment were adopted.

The Clerk read as follows:

The President is requested to enter into negotiations with the Governments of Great Britain, France, Italy, and Japan, with a view of reaching an understanding or agreement relative to limiting the construction of all types and sizes of subsurface and surface craft of 10,000 tons standard displacement or less, and of aircraft, and officers and enlisted personnel.

Mr. GABRIEL of Tennessee. Mr. Chairman, I make the point of order that the amendment to the amendment is not germane. The amendment proposed by the gentleman from South Carolina has to do with physical property, and not with personnel.

Mr. GREEN of Iowa. It has to do with naval construction.

Mr. TEMPLE. Mr. Chairman, I call attention to the fact that the amendment as it stands refers to limiting the construction of officers and of enlisted personnel. The gentleman who offered the amendment should have read it before he proposed his amendment.

Mr. BLANTON. I think it will work out all right if it is adopted. I desire to be heard upon the point of order.

The CHAIRMAN. The Chair wishes that the gentleman would reduce his amendment to writing.

Mr. BLANTON. I want only to add those words. It will not take more than a moment for the Clerk to add them.

The CHAIRMAN. The Chair has not yet been able to get a copy of the gentleman's amendment because it is not in writing.

Mr. BLANTON. I hope the Chair will not insist upon stopping the proceedings to put it in writing. I merely want to add those five words.

The CHAIRMAN. The Chair will hear the gentleman from Texas upon the point of order.

Mr. BLANTON. Mr. Chairman, in the first place this point of order is not well taken with respect to the amendment being legislation, for the reason that the amendment offered by the gentleman from South Carolina [Mr. BYRNES], which my amendment seeks to amend, is itself legislation. That is, the amendment of the gentleman from South Carolina [Mr. BYRNES] is legislation, and therefore mine would not be subject to the point of order on that ground.

As to whether it is germane, all naval ships are effective only when they are manned. Whenever you commission an officer you construct him. I say to the distinguished doctor from Pennsylvania that if I were a doctor I believe I would understand that without any trouble. You can not commission a man without constructing him. [Laughter.]

He is not an officer until you construct him an officer. [Laughter.] That may be laughable, but it is true.

The CHAIRMAN. The Chair is ready to rule. The amendment reads:

That the President is requested to enter into negotiations with the Governments of Great Britain, France, Italy, and Japan with a view of reaching an understanding or agreement relative to limiting the construction of all types and sizes of subsurface and surface craft of 10,000 tons standard displacement or less, and of aircraft.

Now, the gentleman from Texas offers as an amendment to that the words "and officers and enlisted personnel." Manifestly that is not germane, and the Chair sustains the point of order.

Mr. BLANTON. Mr. Chairman, I offer another amendment. After the word "aircraft" insert the following: "And in limiting the force of officers and enlisted men."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment to the amendment of the gentleman from South Carolina [Mr. BYRNES]: At the end of the amendment, after the word "aircraft," insert "and in limiting the force of the officers and enlisted men."

Mr. NEWTON of Minnesota. May we have the amendment reported with the amendment?

Mr. TILSON. I make the point of order it is clearly not germane.

The CHAIRMAN. The Chair sustains the point of order. The question is on the amendment offered by the gentleman from South Carolina.

The question was taken, and the amendment was agreed to.

Mr. BLACK of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. BLACK of Texas: Page 46, line 25, after the word "of," strike out the figures "\$7,500,000" and insert in lieu thereof the figures "\$4,000,000"; and on page 47, line 2, after the

word "date," insert the following language: "except three fleet submarines, V-1, V-2, V-3, now under construction, which construction is hereby suspended until further order of Congress."

Mr. BLACK of Texas. Mr. Chairman, under the naval program of 1916 and as permitted by the limitation of armament treaty the following vessels are now under construction. I do not wish to take any unnecessary time of the committee, but I think this is a very important proposition. There are now under construction the following vessels: Battleship, 1; aircraft carriers, 2; scout cruisers, 6; submarines, 13; fleet submarines, 3; gunboat, 1; destroyer tenders, 2; submarine tender, 1; repair ship, 1. Now, the purpose of the amendment which I have offered is to suspend the construction of three fleet submarines. Now, why so? The reason for it is that the committee itself under the provisions in the bill appropriate \$600,000 for the engineering department to make an investigation to see whether or not we can construct fleet submarines that will operate. Now, does it not seem illogical, does it not seem unbusinesslike for Congress to appropriate \$600,000 to be spent by the Engineering Department of the Navy to find out if we can construct a fleet submarine that will really operate, and in the same bill nearly \$4,000,000 to proceed with the construction of three that are now in process of construction? Now, I read from page 591 of the hearings showing that the amount carried in this appropriation bill for the construction of three submarines, V-1, V-2, V-3, in 1925 is \$3,489,000, or in round numbers \$3,500,000, and for that reason I have offered the amendment to reduce the appropriation nearly \$4,000,000. Now, I do not want, gentlemen of the committee, any better testimony to sustain this proposition than the report of the committee itself, and with the indulgence of the committee I will read from that report. It says—

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLACK of Texas. I ask for three additional minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. BLACK of Texas. The report of the committee says:

The Navy has but three fleet submarines, designated the T-1, T-2, and T-3, and these three have been placed out of commission. One was authorized in 1914 and two were authorized in 1915. The T-1 was commissioned January 30, 1920, the T-2, January 7, 1922, and the T-3, December 7, 1920. The contract price of the T-1 was \$1,350,000, and of the T-2 and T-3, \$1,494,000 each. As to these three vessels the Chief of Naval Operations in his last annual report states:

"The performance of the three fleet submarines, T-1, T-2, and T-3, was of such an inferior character as to make it inadvisable to retain them in commission longer. These vessels were also sent to Hampton Roads, and decommissioned."

In this connection the attention of the House is invited to the last annual report of the Chief of Naval Operations. It is a revelation as to the difficulties the Navy has experienced and is experiencing with this type of craft. The committee does not believe nor has it any reason to assume that our submarines, generally speaking, are inferior or less effective than those of foreign navies, but that is no reason why this Government should go on, it may not be improper to say, experimenting by building whole units, costing \$6,000,000 and upward apiece, when perhaps an expenditure of a tenth of the cost of one boat in experimentation with submarine motive power would result in the development of a thoroughly dependable and efficient type of submarine propulsion.

Now, gentlemen of the committee, in conclusion the report of the committee goes on and makes mention of the fact that the bill itself authorizes \$600,000 to conduct this experimentation, and therefore I say that it would be the logical thing and the businesslike thing to do to put the amendment in the bill authorizing the suspension of the construction of these three fleet submarines until the experimentation is complete. Why, the committee itself says that the sensible thing to do is not to go ahead and build these \$6,000,000 units, but that the sensible thing to do is to spend one-tenth of the amount and conduct an experiment that would show this House how to build them. I think the logical thing to do is to suspend operations. [Applause.]

Mr. FRENCH. Let me take the time merely to say that the observations of the gentleman could well have been followed if they had been made several years ago. These ships, however, are on the ways. One of them is 63.1, another is 53.8, and another 42.1 per cent completed. The committee felt that as to these three, which are 500 or 1,000 tons less than those that were contemplated and reported by the Budget this year, we ought to proceed.

Mr. BLACK of Texas. Mr. Chairman, will the gentleman yield for a question?

Mr. FRENCH. Yes.

Mr. BLACK of Texas. According to the gentleman's statement the average completion of these vessels is around 50 per cent, and if they are to cost, as the report says, \$6,000,000 apiece, does the gentleman think that we ought to go ahead and spend that \$9,000,000 until we have conducted the experimentation for which the committee is making an appropriation in this bill?

Mr. OLIVER of Alabama. Mr. Chairman, will the gentleman yield for just a moment?

Mr. BLACK of Texas. Yes.

Mr. OLIVER of Alabama. The three submarines to which the gentleman refers are, as he said, less in tonnage than those the committee was asked to appropriate for and for which we declined to appropriate. The committee was assured as to those now under construction that the mistakes made on the three submarines that have been decommissioned had been corrected as to that type, and that it was the opinion of the naval experts that the engines they would install on these smaller submarines would prove satisfactory. The larger type of submarines which we declined to appropriate for were intended to secure wider radius of action and greater depth of submergence.

Mr. BLACK of Texas. If these are complete successes, as the gentleman says, why are they not provided for in this report?

Mr. OLIVER of Alabama. An engine that will function well for the size of submarines now under construction may not function at all in the larger types asked for. They were to have a submersive depth far greater and radius of action far more extensive and so we thought it best to test out an engine that would prove effective for that purpose. That is why we provided the test money for this new design of fleet submarines, and withheld appropriations for construction until advised by the naval experts that they had developed an engine that would unquestionably meet all requirements.

The CHAIRMAN. The time of the gentleman from Idaho has expired.

Mr. HOWARD of Nebraska rose.

The CHAIRMAN. For what purpose does the gentleman from Nebraska rise?

Mr. HOWARD of Nebraska. For the purpose of suggesting that there does not seem to be a sufficient number here to legally transact the business of the House.

The CHAIRMAN. Does the gentleman from Nebraska make the point of no quorum?

Mr. HOWARD of Nebraska. He does.

The CHAIRMAN. The Chair will count.

Mr. HOWARD of Nebraska. Mr. Chairman, I withdraw the point.

The CHAIRMAN. The point of no quorum is withdrawn. The question is on agreeing to the amendment offered by the gentleman from Texas [Mr. BLACK].

The question was taken, and the amendment was rejected.

Mr. BLACK of New York. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 46, line 25, strike out "\$7,500,000" and insert in lieu thereof "\$10,350,000." On page 47, line 4, after the semicolon insert "toward the three submarines authorized by the naval act of August 29, 1916, in addition to those under construction at the date of the approval of this act."

Mr. BLANTON. Mr. Chairman, I make a point of order on the ground that it is legislation and new construction, not authorization.

Mr. BLACK of New York. Mr. Chairman, can I be heard on the amendment?

The CHAIRMAN. The Chair will be glad to hear the gentleman.

Mr. BLACK of New York. Mr. Chairman, the amendment provides for initial construction on three fleet submarines that were authorized by the naval appropriation act of August 29, 1916. The fleet submarines designed to be procured by this amendment are permissible under the disarmament treaty arrangement. Moreover, they have been suggested by the Budget Bureau.

The CHAIRMAN. The gentleman has offered this amendment, and a point of order has been made against it on the ground that it is legislation. The Chair would like to hear from the gentleman from Texas [Mr. BLANTON] on the point of order.

Mr. BLANTON. I would like to know what authorized the construction of three new submarines at \$3,000,000.

The CHAIRMAN. This amendment reads as follows:

Toward the construction of three submarines authorized by the naval act of August 29, 1916.

Now, if three submarines are authorized—

Mr. BLANTON. I submit that they were not authorized.

The CHAIRMAN. Of course, the burden of proof on that proposition is on the gentleman offering the amendment.

Mr. OLIVER of Alabama. They were authorized in 1916, but no work has been commenced on them and no appropriation made for that purpose.

The CHAIRMAN. Does that authority still exist?

Mr. OLIVER of Alabama. That authority still exists.

Mr. BLANTON. If the gentleman from Alabama states that, I accept it.

The CHAIRMAN. The point of order is overruled. The gentleman from New York [Mr. BLACK] is recognized.

Mr. BLACK of New York. Mr. Chairman, this amendment is designed to fill a serious gap in our naval force, to begin the initial construction work on three submarines authorized, as I have already stated.

Mr. HUDSON. Mr. Chairman, will the gentleman yield?

Mr. BLACK of New York. Yes.

Mr. HUDSON. Would not the gentleman prefer to have that \$3,000,000 go to pay increased salaries to postal employees?

Mr. BLACK of New York. I will say to the gentleman that the probabilities are under the present arrangement that we may have a few Japanese postal employees if we do not have the submarines.

Mr. HARDY. Will the gentleman yield?

Mr. BLACK of New York. Yes.

Mr. HARDY. Would not the gentleman prefer to wait until we can build a submarine of that class which is going to be a success?

Mr. BLACK of New York. I feel quite confident, from the reports we have from the Navy Department, that we can make such a submarine. I feel confident of that because the Budget Bureau has recommended this, and I feel confident of that because the President of the United States stood up there at that desk and suggested it. All the experts of the Navy Department have said that this is all right.

Now, we will always have trouble with submarine construction; we will never get the last word in submarines. They have been having trouble with submarines ever since 300 years ago, when King James I went under the Thames River in a rowboat. That was the first submarine.

Now, the Assistant Secretary of the Navy, Mr. Roosevelt—a capable and distinguished citizen of my State—has gone into this very thoroughly, and he made an earnest, masterful, and forceful plea before this subcommittee for this appropriation. He knew what he was talking about, and he was backed up by the men in the Navy Department to whom we look for expert advice.

A moment ago there was the suggestion—which was adopted—that we have some more treaty arrangements. I think the most dangerous thing we can do in this country is to have our diplomats get together with these foreign diplomats. We were lucky at the last disarmament conference to escape with the White House in our possession, and I do not believe we will accomplish anything by any further arrangement. So I suggest we go ahead along this line. I do not suggest this out of spiritual fervor, but I suggest this as an absolutely practical matter.

We are living in a temporal world. We are living here under force and under the sanction of force, and we shall have to meet nations along that line no matter how much we try to avoid it, because all the other nations believe in force. The Japanese left Washington having agreed to a 5-5-3 ratio, and then what did they do? They commenced to build submarines and they commenced to build cruisers. Did they wait for experiments? No. They started in on a building program whereby they will have, in the course of time, 23 fleet submarines, but no better than the fleet submarines I suggest in my amendment.

Now, we have in this country about 5,000 miles of seacoast to protect; we have about 22,000 miles of inland waterways to protect, and I want the gentlemen from the central part of this country to realize that we ourselves sent a submarine squadron up the Mississippi River. I also want the gentlemen to realize that not only have the Japanese embarked on the program I have suggested—

Mr. LARSEN of Georgia. Will the gentleman yield?

Mr. BLACK of New York. Yes.

Mr. LARSEN of Georgia. Does the gentleman think that if we can get three more submarines and spend \$3,500,000 in getting them that we will have our defense completed?

Mr. BLACK of New York. By no means. You will never have your defense completed until you are equal to or better than any other power in the world.

Mr. LARSEN of Georgia. Why does not the gentleman offer such an amendment at this time?

Mr. BLACK of New York. Because I have learned to-day, by having two points of order sustained against me, that I must get legislation for my propositions. [Applause.] Now, gentlemen, I leave it to your good judgment. It is not necessary to have any pyrotechnics on this proposition. It is a plain business proposition. The other nations are building ships; we can build just as good here without waiting for experiments, so why should we not go along with the President, the Bureau of the Budget, and our naval experts and adopt this amendment?

The CHAIRMAN. The time of the gentleman has expired.

Mr. WATKINS. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. WATKINS. I rise to support this amendment.

The CHAIRMAN. The gentleman from Oregon is recognized.

Mr. WATKINS. Mr. Chairman, I want to take just a moment or two to tell this House about a condition existing on the Pacific coast which I think the House ought to know about. A strip of land probably 80 miles wide from the northern boundary of Washington to the southern boundary of Oregon on the Pacific coast is the only place in America where we can get airplane material. That material is now being purchased under the guise of commercial contracts by foreign people, ostensibly for commercial purposes, but, in fact, for war purposes. The next war will be on water and in the air, and we need to do something to remedy that situation. One of the things we can do is to build some submarines, and the other is to stop the destruction of this most valuable timber and thereby prevent other nations securing it.

Now, we have renounced the right to fortify naval bases in our island possessions beyond Hawaii, while Britain is left free to build a great base at Singapore and another at Kowloon, opposite Hongkong, and has a chain of naval stations all the way from Gibraltar, and all of Japan's outlying bases were fortified before the treaty was signed, while we, I assert, are asleep.

I maintain, Mr. Chairman, in view of the fact that we are inferior to Japan in the number of submarines and in view of the fact that the next war is going to be on the Pacific, and that it is going to be between the white and the yellow races, that the sooner we begin to build submarines and things of that kind that will play a most important rôle in the next war, the sooner will we begin to prepare for the crisis that is dawning on us; and I urge the House to support this amendment and authorize the construction of a few submarines.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. BLACK].

The question was taken, and the amendment was rejected.

Mr. BYRNES of South Carolina. Mr. Chairman, I ask unanimous consent that the amendment which I offered and which was adopted be modified so as to eliminate the words "Provided, That" and have the amendment appear as a separate paragraph.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that the amendment offered by himself and already adopted have the words "Provided, That" stricken from the first part of it and that it appear as a separate paragraph. Is there objection?

There was no objection.

The Clerk read as follows:

No part of the appropriations made in this act shall be available for the salary or pay of any officer, manager, superintendent, foreman, or other person having charge of the work of any employee of the United States Government while making or causing to be made with a stop watch or other time-measuring device a time study of any job of any such employee between the starting and completion thereof, or of the movements of any such employee while engaged upon such work; nor shall any part of the appropriations made in this act be available to pay any premiums or bonus or cash reward to any employee in addition to his regular wages, except for suggestions resulting in improvements or economy in the operation of any Government plant; and that no part of the moneys appropriated in each or any section of this act shall be used or expended for the purchase or acquirement of any article or articles that, at the time of the proposed acquirement, can be manufactured or produced in each or any of the Government navy yards of the United States, when time and facilities permit, for a sum less than it can be purchased or acquired otherwise.

Mr. BLANTON. Mr. Chairman, I make a point of order against the paragraph for the reason that it is legislation unauthorized on an appropriation bill. It is not a limitation, and I want to be heard just a moment.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. BLANTON. Mr. Chairman, I trust that the latest precedents of the House and of the Committee of the Whole House on the state of the Union are of such grave importance and seriousness to all of us that the Chair will be willing to follow them, even though this might require him to decide against a question of which he himself might be in favor.

There is a recent precedent that is absolutely controlling on this point of order, I take it, because it is the last precedent on the question. It is the last decision of a Chairman of the Committee of the Whole House on the state of the Union where this particular and specific amendment was involved, and not only that but it is also a precedent established by the Committee of the Whole House on the state of the Union by a vote of at least 8 to 1, and it is the last decision of the Committee of the Whole House on the state of the Union on that subject. Therefore, I take it, it will be absolutely controlling with the Chair, and I want to state that that decision was rendered by one of the best parliamentarians in this House, and I refer to the distinguished gentleman from Connecticut [Mr. TILSON]. [Applause.] Well, he is, and everybody knows it.

When the last Army bill was before this House the gentleman from Iowa [Mr. HULL] offered this particular amendment to that bill, in practically the same language. As a matter of fact, except as to the last paragraph of the amendment that is now in this bill, in the paragraph to which I make the point of order, practically four-fifths of the paragraph is in the exact language and the exact words, punctuation and all, and I made the point of order, and I want to call the attention of the Chair to what the distinguished gentleman from Connecticut [Mr. TILSON] decided:

The CHAIRMAN. The Chair is ready to rule. It is my belief that nothing is ever finally settled until it is settled right. The amendment now offered by the gentleman from Iowa [Mr. HULL] has been ruled upon a number of times during my experience in this House and has been decided both ways. The greater number, however, and all of the later decisions have been one way, holding that it is a limitation.

Now, right in that connection I want the Chair to remember that he goes on to show that those decisions were based upon a wrong decision in the beginning, and many of the various Chairmen when passing upon this question would assert that they believed themselves it was subject to a point of order but that they would be forced to follow the precedent that had been set, and that they would have no right to turn aside and disregard a precedent that controlled them, and therefore the decisions, except the original one, were absolutely worthless under those conditions; but note further what the gentleman from Connecticut [Mr. TILSON] held in such decision:

The present occupant of the chair quite probably was one of those who, guided entirely by a recent precedent, held it to be a limitation. However that may have been, he now believes, in the light of a more thorough consideration, that such rulings were fundamentally wrong, that it is not a limitation of an appropriation, but a positive restriction upon executive authority, and to the extent of such restriction a change of existing law.

In a decision of Mr. Speaker Cannon, to which I referred a few days ago, when a somewhat similar question was pending before the Chair, the effect of the language was held to be decisive, and this became the point upon which the decision in that case turned.

And then Chairman TILSON cites Hinds' Precedents, section 3935. But let me read his decision further:

What is the effect of the language in the case before us? It is to prohibit the officials in charge of our arsenals and other governmental establishments from doing what they might legally do if this restriction were not in force. For instance, without a restriction of this character they could make a time study with a time-measuring device. If this amendment is added to the bill, as it has been for many years past, then it will not be permissible for these time studies to be made. This is clearly and admittedly the effect and purpose of the language. It is not the province of the Chair to say whether time studies ought or ought not to be made. That is a question for Congress to decide by appropriate legislation. It is the duty of the Chair to determine whether this amendment is a proper limitation on an appropriation bill under the rules of the House, and to say whether the proposed language simply limits the appropriation or whether, as a matter of fact, it changes existing law and is therefore legislation. The Chair believes that it is not a mere limitation on an appropriation, but in effect is legislation, and therefore sustains the point of order.

Now, notice, Mr. Chairman, that this is the last precedent on this particular point of a Chairman of this Committee of the Whole House on the state of the Union. It is not a haphazard decision of some Member not versed in parliamentary procedure who happened to be called to the chair. It is a decision by one of our distinguished Members of long service, who has many times occupied that distinguished position in which the Chair now finds himself and who has made close, diligent, and careful study of the rules of this House.

He is a parliamentarian, I say, of great ability and great capacity. Notice, then, what happened. I quote from the RECORD:

Mr. HUIE. I respectfully appeal from the decision of the Chair.

And in deciding the appeal the gentleman from Oregon [Mr. HAWLEY] took the chair.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the committee.

Subsequently the point of no quorum was made. It developed that there were over 100 Members present, a quorum, and then the committee divided and the tellers reported that there were, ayes, 66, for sustaining the Chair; and noes, 26. It was thus a 3 to 1 decision, about, by the Committee of the Whole House on the state of the Union. It therefore is not merely the precedent of a Chairman's decision that I am asking the present occupant of the Chair to follow. It is also the solemn decision of this committee of the membership of the House of Representatives by a 3 to 1 decision. It is the last precedent that has been set; I would say to my colleagues that it is more important to have definite, dependable rules, which we can depend upon here, than to agree upon something because of expediency.

I want to cite to the Chair quite an exhaustive discussion of this same subject by the gentleman from Connecticut [Mr. TILSON], and a decision following that made by the gentleman from New York, our former colleague, Mr. HICKS.

I quote from the RECORD of January 8, 1923, as follows:

Mr. TILSON. Mr. Chairman, I profess to know nothing about the merits of this paragraph. I have purposely refrained from a consideration of the merits of the paragraph because I wish to discuss it entirely from the parliamentary standpoint, and hope that it may be decided upon this alone and without reference to the merits of the proposition. It is perfectly clear to my mind, and I believe it will be to the Chair, that the latter part of the paragraph in question is legislation and clearly subject to a point of order; but in deciding the point of order I think that the whole paragraph should be considered, so that the ruling may be made broadly upon the whole paragraph and not upon the last clause only. Therefore I shall address my remarks entirely to the first part of the paragraph.

It is one of those cases where the Chair may decide either way and find himself in distinguished company because there is a very long line of decisions, many of them not very well considered; but some of them extremely well considered; and they are not all on one side by any means. I believe that by discerning and distinguishing clearly between those cases in which the ruling was necessary in order to decide the question before the House and those upon which the ruling was merely obiter the Chair will come to the conclusion, as I have, that this is not strictly a limitation but is legislation couched in the form of a limitation. I believe that legislating upon an appropriation bill is a bad way to legislate and that it ought to be discouraged in every proper way. I believe further that legislation under the guise of a limitation is distinctly bad; and therefore that there should always be strict construction of a limitation in order to be sure that it is only a limitation and not legislation, though couched in the form of a limitation.

The decisions are quite uniform that where it is simply a limitation, where it simply refers to qualifications that must be possessed by the recipient or beneficiary of the appropriation, the point of order will not lie. It is also clear on the other side that where the language requires additional duties on the part of an official, it is legislation and is subject to a point of order. Between these two there is a rather broad twilight zone, a sort of "no man's land," in which there is room for considerable latitude in decisions. I think that this "no man's land" ought to be captured and organized, as far as possible, on the side of strict construction, so far as limitations are concerned, and I think that in this case the Chair will find ground for deciding it on this side.

I refer the Chair in the first place to volume 4, Hinds' Precedents, section 3973. The syllabus of that section is as follows:

"While a limitation may provide that no part of an appropriation shall be used except in a certain way, yet the restriction of Executive discretion may not go to the extent of an imposition of new duties."

The bill on which this ruling was made brought about two very important decisions. The first one was upon an amendment offered by

Mr. John A. Sullivan, of Massachusetts, to the paragraph in the sundry civil bill relating to the Panama Canal. This is the proviso:

"Provided, That no part of this appropriation shall be expended for materials and supplies to be used in the construction of the canal or in connection therewith except as the result of bids advertised in the manner now established by the Isthmian Canal Commission under existing law."

Mr. Tawney, of Minnesota, made the point of order against the amendment, and after the debate the Chairman, who was JAMES E. WATSON, now Senator WATSON, held as follows:

"The Chair is of opinion that the amendment is only a limitation on the appropriation and not a change of existing law. Every limitation is, in effect, finally a limitation on the discretion of an officer. It is not permitted that this be affirmatively done, but it may be negatively done, and this amendment, while not drawn in the usual form, and therefore because of its language making it a somewhat closer question, is yet in substance but a limitation, in the opinion of the Chair, on the appropriation, and therefore the Chair overrules the point of order."

On the following day, after the Committee of the Whole had ordered the bill reported back to the House, it was under consideration in the House when again Mr. Sullivan, of Massachusetts, offered a motion to recommit with instructions containing this proviso, which is to be found in section 3935 of Hinds' Precedents, volume 4:

"Provided, That no part of this appropriation shall be expended for materials and supplies which are manufactured or produced in the United States unless said articles are sold to the Isthmian Canal Commission at export prices whenever such export prices are lower than the price charged consumers in the United States."

Mr. Tawney again made the point of order that the proposed instructions constituted legislation. Debate arising, Mr. Martin E. Olmstead, of Pennsylvania, well known to the older Members of this House as one of the best parliamentarians we have ever had, readily distinguished these instructions, as they appeared in the motion to recommit in the form of instructions to the committee, from the amendment proposed the day before in the Committee of the Whole. Mr. Olmstead distinguishes the two in the following language:

"While the amendment which he offered yesterday was merely a limitation upon the appropriation itself, this amendment, if I correctly heard it as read by the Clerk, imposes upon the Isthmian Canal Commission, or those who purchased these supplies, an additional duty. The amendment yesterday which the gentleman offered provided that no part of the appropriation should be expended except as the result of bids advertised in the manner now established by the Isthmian Canal Commission under existing law—that is to say, it imposed upon them no duties except those already existing under present law."

At the conclusion of the debate Mr. Speaker Cannon, then in the chair, made a ruling. I shall read only a part of Mr. Cannon's ruling:

"It is conceded that under the law as it is at this time these supplies may be bought anywhere, without regard to where they may be produced, whether in the United States or elsewhere in the world. Now, this is an appropriation for supplies and equipment for construction and engineering and administration departments of the Isthmus of Panama, \$9,000,000.

"The merits of the proposition are not involved in the point of order. What is the object of the motion and of the instruction? If it does not change the existing law then it is not necessary. If it does change the existing law, then it is subject to the point of order. Much has been said about limitation, and the doctrine of limitation is sustained upon the proposition under the rule that, as Congress has the power to withhold every appropriation, it may withhold the appropriation upon limitations. Now, that is correct. But there is another rule; another phase of that question. If the limitation, whether it be affirmative or negative, operates to change the law or to enact new law in effect, then it is subject to the rule that prohibits legislation upon a general appropriation bill; and the Chair, in view of the fact that the amendment would impose upon the officials new duties as to purchasing canal supplies, has no difficulty in arriving at the conclusion that the instructions are subject to the point of order for the reasons stated."

Mr. John Sharp Williams, of Mississippi, having appealed from the decision of the Chair, the appeal was, on motion of Mr. Tawney, laid on the table—yeas 156, nays 69.

It seems to me, Mr. Chairman, that the reasoning of Mr. Speaker Cannon applies with full force to the question now before the Chair. So far as the principle involved is concerned the case then under consideration was more nearly on all fours with the present case than is usually to be found in precedents.

What are the provisions of this proposed paragraph? First:

"That none of the money appropriated by this act for the payment of jurors' fees in any of the courts shall be available or used

for that purpose unless the actual cost of the trial jury in each case first be ascertained and fixed by the court, and taxed as part of the costs and judgment rendered therefor against the defendant in a criminal case against whom a verdict of guilty has been rendered."

This is the first part of the paragraph only. Mr. Chairman, I believe that the Chair can not find otherwise than that in the form of a limitation this language imposes new duties upon the court. It certainly makes it impossible for this sum to be disbursed, or any part of it, until the court has performed certain new duties. It would be safe to assume that these duties are new because the court is here required to perform them. If it be otherwise, this paragraph would be futile and the committee would not bring it in here, because I am sure this great committee would not propose to do a futile thing. Reading further in the paragraph:

"Nor shall any money be available or used for that purpose until execution has been issued and a return of nulla bona thereon has been made by the proper officer. Neither shall any of the money appropriated by this act for the payment of jurors' fees be disbursed or used to pay any jurors' fees whatsoever unless the actual cost of the trial jury be ascertained and fixed by the court and taxed as costs and judgment rendered therefor against the defendant where either the United States or the District of Columbia is plaintiff and the defendant is unsuccessful in the suit."

Mr. Chairman, what is the effect of this language and of the entire proposed paragraph? It is very clear that the House has a perfect right to limit an appropriation to any particular class. Also that it may require any qualifications on the part of the beneficiary as a prerequisite to receiving it. If the paragraph provided that each person who receives any portion of this appropriation shall be able to turn a back handspring and to read the Koran backward and forward, we have, if we so desire, the right to make such a foolish requirement. This paragraph, however, does not confine itself to the qualifications of jurors or to limiting the payment of money to only those jurors having such qualifications. In effect the court is here required to do a considerable number of important things that at the present time it is not required to do. It is evident that it is not now required to do them, because if it were there would be no excuse for bringing in this provision. Therefore it seems to me, Mr. Chairman, that in construing this matter the Chair should take into consideration, as Mr. Speaker Cannon says, "what is the effect" of the proposed language. Considering it from this standpoint, it seems to me that the Chair will be constrained to come to the conclusion that the effect of this language and the inevitable effect will be to impose additional duties upon officials, and therefore "in effect" it changes existing law.

Mr. BLANTON. I agree with the gentleman from Connecticut. This paragraph does change existing law, and is therefore out of order, and it does not come within the Holman rule.

The CHAIRMAN. The Chair, realizing the importance of this ruling due to the precedent it may establish, has given no little thought to it. The Chair at the outset thanks the gentleman from Connecticut [Mr. TILSON] for his able argument and clear presentation of the case. The Chair is cognizant of a conflict of rulings in cases somewhat akin to this one, and realizes that in considering questions of limitations as in determining germaneness there is considerable latitude between what is clearly permissible and what is as clearly repugnant to the rule. The Chair feels that in traversing this twilight zone he is justified in leaning toward the side of conservatism in regard to admission of legislation on appropriation bills. In the last few years there has been a very perceptible increase in the amount of legislative provisions incorporated in bills reported by the Appropriations Committee. The growth of this practice, in the opinion of the Chair, is unwise and is not warranted by the rules or procedure of the House. The Chair is therefore constrained to take the view that we should restrict rather than enlarge the power of the Appropriations Committee in placing legislation upon appropriation bills. [Applause.] Approaching the point of order, the Chair will cite a number of precedents that bear on the subject of limitations, quoting from volume 4 of Hinds' Precedents:

"No. 3931. Legislation may not be proposed under the form of a limitation.

"No. 3970. The language of limitation prescribing the conditions under which the appropriation may be used may not be such as, when fairly construed, would change existing law.

"No. 3812. The enactment of positive law where none exists is construed as a 'provision changing existing law,' such as is forbidden in an appropriation bill.

"No. 3067. A limitation is negative in its nature and may not include positive enactments establishing the rules for executive officers.

"No. 3854. A proposition to establish affirmative directions for an executive officer constitutes legislation and is not in order on a general appropriation bill. Also a ruling of Chairman Towner, April 15, 1920.

"Chairman Caisp, March 11, 1916: Limitations must not impose new duties upon an executive officer.

"No. 3984. Where a proposition might be construed by the executive officer as a modification of a statute, it may not be held as such a limitation of appropriation as is permissible on a general appropriation bill.

"Chairman Saunders, of Virginia, February 18, 1918: Limitations must not be coupled with legislation not directly instrumental as affecting a reduction."

In section 3935, page 629, of Hinds' Precedents, volume 4, is a ruling by Speaker Cannon, which has been referred to and which the Chair feels covers the point under consideration. The language is clear and specific, and in view of Mr. Cannon's approaching retirement from Congress after a long and distinguished career, the Chair is glad to refer to it in this instance:

"The merits of the proposition are not involved in the point of order. What is the object of the motion and of the instruction? If it does not change existing law, then it is not necessary. If it does change existing law, then it is subject to the point of order. Much has been said about limitation; and the doctrine of limitation is sustained upon the proposition under the rule that, as Congress has the power to withhold every appropriation, it may withhold the appropriation upon limitation. Now, that is correct. But there is another rule, another phase of that question. If the limitation, whether it be affirmative or negative, operates to change the law or to enact new law in effect, then it is subject to the rule that prohibits legislation upon a general appropriation bill; and the Chair, in view of the fact that the amendment would impose upon officials new duties as to purchasing canal supplies, has no difficulty in arriving at the conclusion that the instructions are subject to the point of order for the reasons stated."

The use of the word "unless" in several places in the proviso seems to the Chair to imply—yes, to assert—that certain things must be done before the appropriation becomes available. This is a direction to officers and imposes new duties upon them, which is repugnant to the rule. It also involves a change of law under the guise of a limitation, which is repugnant to the rule. The Chair feels that too much latitude has been given to the use of limitations and that the practice of resorting to this method of securing, in an indirect way, legislation on appropriation bills has been abused and extended beyond the intention of the rule. The Chair therefore sustains the point of order.

Mr. BLANTON. Mr. Chairman, the foregoing decisions and precedents are absolutely controlling in favor of my point of order, it seems to me. What could be more controlling? If this point of order is not sustained, then no value whatever is to be attached to precedents most recently established by decisions of the Chair and decisions of the Committee of the Whole House on the state of the Union.

I realize full well that unless this provision can be stricken from the bill by point of order it will be impossible to strike it out by amendment, for this is a provision that is demanded by the union employees in our navy yards to prevent any supervision by the Government over them while they are at work. And any Member who votes against them will be "marked for slaughter," as I have been in the past. And I can hardly blame my colleagues for seeking the path of least resistance.

The former Assistant Secretary of the Navy testified that since Congress has been placing this ridiculous provision in our Army and Navy bills each year, preventing the Government from exercising supervision over its thousands of employees in its navy yards and arsenals, it has been impossible to secure more than 67 per cent of efficiency from the employees.

Let me ask my colleagues whether, if this were their private business enterprise, how long would they last if they were prevented from exercising any supervision over their employees? I submit the question.

The CHAIRMAN. The Chair is ready to rule. The Chair regrets very much that he has to rule on this proposition. As the Chair understands it, the rule is that where a matter of this kind has been decided by a Speaker of the House it sets a ruling precedent. Where it has been decided by a Chairman of the Committee of the Whole it does not set such a precedent, and this decision need not be followed by succeeding chairmen of the committee. This point has never been passed upon by a Speaker of this House. Therefore, we have no guide here. I hope some one in the near future acting as Speaker of the House will determine this matter. Thus far we must be guided simply by the ideas of the one who happens to be acting as presiding officer of the Committee of the Whole. Let me trace the history of this amendment for just a moment. The first time the present occupant of the chair can find that this amendment was ever passed upon was during the Sixty-third Congress,

in the third session, when the gentleman from Tennessee [Mr. GARRETT] was in the chair.

An amendment was offered exactly like this, a stop-watch provision, and a point of order was made against it. Mr. Mann, of Illinois, an able parliamentarian, was one of those who argued for the amendment, that it was not legislation upon an appropriation bill, and among other things made the following comment. Mr. Buchanan, of Illinois, was discussing the matter and Mr. Mann interjected with this remark:

Will my colleague yield? He has probably seen the amendment before. I have only heard it read. But as I heard the amendment read, if I got it rightly, it does not require anybody to do anything.

Mr. BUCHANAN of Illinois. No.

Mr. MANN. But only requires that the appropriation shall not be made if something is done?

Mr. BUCHANAN of Illinois. That is it.

Mr. MANN. It does not require positive action. It is not a change of law. It only says that the appropriation shall not be available if they do something which they now have the privilege of not doing.

Mr. Hay had made the point of order, and soon afterwards he withdrew his point of order after this discussion, and the matter proceeded to a vote upon the amendment. The Chairman of the committee did not have to rule upon it.

Afterwards, in the Sixty-fifth Congress, second session, the gentleman from Tennessee, Mr. GARRETT, was again in the chair, and the same amendment came up. On that occasion the Chair ruled after the point of order had been made:

The Chair will rule. The Chair is necessarily bound by the precedents, and the precedent just quoted is binding. The Chair overrules the point of order.

Again, in the Sixty-fifth Congress, in the third session, the gentleman from Virginia, Mr. Saunders, a very able parliamentarian and a man whom all who served with regarded very highly, was required to rule upon this same amendment. The point of order was made by the gentleman from New Jersey, Mr. Parker. Mr. Saunders, without discussing it at all, said:

The point of order is overruled.

Again, in the Sixty-sixth Congress, at the second session, the same amendment was before the House. The gentleman from Illinois, Mr. Mann, was in the chair. The point of order was made by the gentleman from Texas [Mr. BLACK]. Mr. Mann said:

The Chair overrules the point of order.

Again, in the Sixty-seventh Congress, at the second session, the gentleman from Ohio [Mr. LONGWORTH] was in the chair, and this same amendment was before the House. The point of order was made against it. Mr. LONGWORTH said:

The Chair is ready to rule. Whatever the opinion of the Chair may have been if this were being brought up for the first time, he feels bound by the precedents and practices in ruling upon this and similar amendments. The Chair overrules the point of order.

On another occasion in the Sixty-sixth Congress, at the third session, the gentleman from Connecticut [Mr. TILSON] was in the chair. This amendment was before the House. The point of order was made, and this is what the Chairman said:

Regardless of what the present occupant of the chair may think of the wisdom of this amendment, it is his duty as Chairman of the Committee of the Whole House on the state of the Union, to rule in accordance with the rules of the House, and the best precedents made in accordance with the rules of this House. This identical amendment has been offered numerous times and ruled upon by numerous able Chairmen who have filled the chair before, and on all occasions uniformly, so far as the present occupant of the chair now recalls, it has been held that it is a limitation on the appropriations made in the act. Therefore, the Chair overrules the point of order.

Following that, as suggested by the gentleman from Texas [Mr. BLANTON], the gentleman from Connecticut being again in the chair on January 18, 1923, held as the gentleman has suggested.

The Chair has the greatest admiration and respect for the opinion of the gentleman from Connecticut [Mr. TILSON]. The Chair knows of no man in this House who stands higher in his estimation than does the gentleman from Connecticut, and in saying what the Chair has to say about this, he does not want to be understood by the committee as reflecting in any way upon the ability or opinion of the gentleman from Connecticut. It is simply a question where Chairmen look at things from a different standpoint. The present occupant of

the chair looks at it from the standpoint that this amendment is a proper amendment and a proper limitation. Here is an amendment that provides that no part of this money can be used for the purpose of paying the salaries of officers who make time studies in arsenals and navy yards. Suppose the amendment had read that no part of the funds appropriated by this act shall be used in making time studies?

Does anyone contend that would not be a proper limitation? Congress has the right to say whether it shall be used for that purpose or not. Now go a step further and say that no part shall be used for paying the time of the men who make such time studies. The Chair thinks that is a limitation. Following this long line of authorities by able Chairmen, without any attempt to reflect upon anyone who has ruled differently, the Chair overrules the point of order.

Mr. BLANTON. Mr. Chairman, in view of the fact that the committee itself sustained the gentleman from Connecticut by a vote of 3 to 1, I respectfully appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from Texas appeals from the decision of the Chair.

Mr. BEGG. Mr. Chairman, I move to lay that appeal on the table.

Mr. BLANTON. I make a point of order that can not be done in the committee.

The CHAIRMAN. That is correct. The Chair does not care to pass on this appeal.

Mr. GARRETT of Tennessee. Mr. Chairman, I do not think there will be any complaint on that score.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the decision of the committee?

The committee divided; and there were—ayes 79, noes 1.

So the decision of the Chair was sustained.

Mr. HOWARD of Nebraska. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. HOWARD of Nebraska: Page 43, line 24, after the word "otherwise," insert: "Provided further, That no part of the money appropriated by this act shall be expended for the maintenance or operation of any gunboat on patrol duty on any river in China."

Mr. HOWARD of Nebraska. I do not care to discuss it.

Mr. FRENCH. Mr. Chairman, I make the point of order against the amendment that it is not germane. [Cries of "Vote!"]

The CHAIRMAN. Does the gentleman from Idaho withdraw the point of order?

Mr. FRENCH. I withdraw the point of order.

The question was taken, and the amendment was rejected.

Mr. BLANTON. Mr. Chairman, I ask leave to revise and extend my remarks made on the point of order.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. FRENCH. Mr. Chairman, I ask that all debate on the paragraph do close within five minutes.

The CHAIRMAN. The gentleman from Idaho asks unanimous consent that all debate on this paragraph and all amendments thereto close in five minutes.

Mr. TAYLOR of West Virginia. Mr. Chairman, reserving the right to object, if I can get a couple of minutes of that time.

Mr. FRENCH. In seven minutes.

The CHAIRMAN. The gentleman from Idaho modifies the request that all debate on this amendment close in seven minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. HULL of Iowa. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 43, line 10, at the end of the line insert "repairs." Line 21, after the word "proposed" insert "repairs, purchase of." Line 23, after the word "permit" strike out the balance of the line and insert in lieu thereof the words "at the actual expenditure of."

Mr. HULL of Iowa. Mr. Chairman and gentlemen of the committee, this amendment is simply to clarify the language in the paragraph. We are all very anxious to do away with war. There is one way, and most people believe it would be a most effective way, to lessen the probability of war and that is to do away with profiteering in war times, and I submit to this committee that you can not do away with the profiteering in war times if you can not do away with profiteering in peacetime preparedness. This Congress can at any time stop the

profiteering that is going on in preparedness if it wants to do so. I am trying to do that. I have been trying for nine long years to stop the profiteering that has been going on in the War Department and in the Navy Department. It is easy enough for Congress to do it. You have \$350,000,000 worth of the best manufacturing facilities in the world standing idle. Contract after contract is being let, rich contracts going out to private contractors and the navy yards are standing idle. I am trying to stop it. That one amendment will in a small way help to do it. It is not drastic enough, because if I make it drastic enough a point of order might prevail against it, but I hope the time will come when this Congress will take this matter in hand and stop both the Army and the Navy from letting these contracts that keep up the competition in armaments, which increase the cost of preparation, while at the same time lessening our actual preparedness and increasing manifold the probability of war. The curse of war is largely due to private profiteering before war is declared. Why not put a stop to it. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The question was taken, and the amendment was agreed to. Mr. TAYLOR of West Virginia. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TAYLOR of West Virginia: Page 48, line 23, after the word "States," strike out "when time and facilities permit."

Mr. TAYLOR of West Virginia. Mr. Chairman and gentlemen of the committee, I want to say there is no desire on my part to hamstring the Navy in respect to this, but it seems to me that if this amendment is adopted it will require the Navy to exercise some foresight in its needs. Now, the Navy is a cool, calculating machine. It knows at all times what material it will need, and if this amendment is adopted it will compel the Navy, if they can buy this material in one of its plants at a price less than the open market, to exercise a little foresight and look ahead and find what they need and buy accordingly.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia.

The question was taken, and the Chair announced the Chair was in doubt.

On a division there were—yeas 78, noes 17.

So the amendment was agreed to.

Mr. FRENCH. Mr. Chairman, I move that the committee do now rise and report the bill and amendments to the House, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and Mr. TILSON as Speaker pro tempore having resumed the chair, Mr. GRAHAM of Illinois, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 6820) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1925, and for other purposes, had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. FRENCH. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The previous question was ordered.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment? If not, the Chair will put them en bloc. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill as amended was ordered to be engrossed and read a third time, and was read the third time.

Mr. BLANTON. Mr. Chairman, I offer a motion to recommit.

The SPEAKER pro tempore. The gentleman from Texas offers a motion to recommit. Is the gentleman opposed to the bill?

Mr. BLANTON. I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. BLANTON moves to recommit the bill to the Committee on Appropriations with instructions to report the same back to the House forthwith, with the following amendments: On page 48, lines 10 and 11,

strike out the words "or other time-measuring device" and in line 12 strike out the words "or of the movements of any such employee while engaged upon such work."

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken, and the Speaker announced that the noes appeared to have it.

Mr. BLANTON. A division, Mr. Speaker.

The SPEAKER pro tempore. A division is demanded.

The House divided; and there were—yeas 1, noes 65.

Mr. BLANTON. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman withhold that?

Mr. BLANTON. I will, with the understanding that I shall be protected.

Mr. BEGG. I want to say to the gentleman from Texas that he will lose no rights, so far as I am concerned, if he will let us recess until 8 o'clock. We have to stay here until 11 o'clock.

Mr. BLANTON. Provided a record vote be had to-morrow, I would be willing. Mr. Speaker, I will let that stand and ask for the yeas and nays.

Mr. BEGG. You can not get the yeas and nays.

Mr. BLANTON. Why not?

Mr. BEGG. There are not enough Members here.

Mr. BLANTON. Then I will have to insist on a record vote.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent that the final vote on the motion to recommit may be taken to-morrow immediately after the reading of the Journal.

The SPEAKER pro tempore. The gentleman from Tennessee asks that the final vote on the motion to recommit be taken immediately after the reading of the Journal to-morrow. Is there objection?

Mr. BEGG. Reserving the right to object, Mr. Speaker, I want to be absolutely fair to the gentleman from Texas.

Mr. BLANTON. That gives me everything I am entitled to.

Mr. BEGG. That would not kill off the right to make the point of no quorum.

The SPEAKER pro tempore. The point of order that there is no quorum present has been withdrawn.

Mr. BLANTON. I withdraw that.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent that the vote on the motion to recommit and the final vote shall be taken immediately after the reading of the Journal to-morrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

EXTENSION OF REMARKS.

Mr. BYRNES of South Carolina. Mr. Speaker, I ask unanimous consent to extend my remarks on the naval bill.

The SPEAKER pro tempore. Is there objection to the gentleman's request?

There was no objection.

SPECIAL COMMITTEE TO INVESTIGATE THE PREPARATION, DISTRIBUTION, SALE, PAYMENT, RETIREMENT, SURRENDER, CANCELLATION, AND DESTRUCTION OF GOVERNMENT BONDS.

Mr. BIXLER. Mr. Speaker, I submit a privileged report from the Committee on Rules.

The SPEAKER pro tempore. The gentleman from Pennsylvania submits a privileged report from the Committee on Rules, which the Clerk will report by title.

The Clerk read as follows:

A resolution (H. Res. 231) providing for a special committee to investigate the preparation, distribution, sale, payment, retirement, surrender, cancellation, and destruction of Government bonds.

The SPEAKER pro tempore. Referred to the House Calendar and ordered to be printed.

RELIEF OF THE DISTRESSED AND STARVING WOMEN AND CHILDREN OF GERMANY.

Mr. BIXLER. Mr. Speaker, I submit a privileged report from the Committee on Rules.

The SPEAKER pro tempore. The gentleman from Pennsylvania submits a privileged report from the Committee on Rules, which the Clerk will report by title.

The Clerk read as follows:

A resolution (H. Res. 232) providing for the consideration of House Joint Resolution 180, entitled "Joint resolution for the relief of the distressed and starving women and children of Germany."

The SPEAKER pro tempore. Referred to the House Calendar and ordered printed.

EXTENSION OF REMARKS.

Mr. MINAHAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record by inserting an address delivered by Hon. Joseph P. Tumulty, at Orange, N. J., on March 17, 1924, on Woodrow Wilson and the League of Nations.

The SPEAKER pro tempore. The gentleman from New Jersey asks unanimous consent to extend his remarks in the Record by inserting an address by Hon. Joseph P. Tumulty on Woodrow Wilson and the League of Nations. Is there objection?

Mr. BEGG. Reserving the right to object, Mr. Speaker, what is the speech about?

Mr. MINAHAN. It is a speech delivered by Mr. Tumulty at Orange, N. J., on March 17, on Woodrow Wilson and the League of Nations.

Mr. BEGG. I object.

The SPEAKER pro tempore. Objection is heard.

Mr. KVALE. Mr. Speaker, I ask unanimous consent that all Members may have the privilege of extending their remarks on the adjusted compensation bill.

Mr. BEGG. I object.

The SPEAKER pro tempore. Objection is heard.

Mr. TAGUE. Mr. Speaker, I ask unanimous consent to extend my remarks on the pending bill—the naval appropriation bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. CONNALLY of Texas. Mr. Speaker, I make the same request.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. HOWARD of Nebraska. Mr. Speaker, reserving the right to object, let me ask the gentleman if he will not kindly incorporate with that request a request for unanimous consent that we may also have an opportunity to extend our remarks in the Record on the subject of adjusted compensation?

Mr. BEGG. I did not make any request.

Mr. BLANTON. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. BEGG] be granted leave to extend his remarks in the Record on the adjusted compensation bill.

Mr. BEGG. I object.

The SPEAKER pro tempore. Objection is heard.

RECESS.

Mr. BEGG. Mr. Speaker, I move that the House stand in recess until 8 o'clock p. m., on the order of the House itself, upon the motion made by the gentleman from Ohio [Mr. LONGWORTH] as of yesterday.

The SPEAKER pro tempore. Without objection, the Chair designates the gentleman from Iowa [Mr. DOWELL] as Speaker pro tempore, to preside at this evening's session.

There was no objection.

The SPEAKER pro tempore. Does the gentleman from Ohio ask unanimous consent that the House stand in recess until 8 o'clock p. m.?

Mr. BEGG. Yes.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. BEGG] asks unanimous consent that the House stand in recess until 8 o'clock p. m.

Mr. BLANTON. Mr. Speaker, I make the point of order that that is the automatic order.

Mr. BEGG. There is no hour.

The SPEAKER pro tempore. It does not so appear in the Record. Is there objection to the request of the gentleman from Ohio that the House stand in recess until 8 o'clock p. m.?

There was no objection.

Accordingly (at 6 o'clock and 16 minutes p. m.) the House stood in recess until 8 o'clock p. m.

EVENING SESSION.

The recess having expired at 8 o'clock p. m., the House was called to order by the Speaker pro tempore, Mr. DOWELL.

THE PRIVATE CALENDAR.

Mr. EDMONDS. Mr. Speaker, I believe to-night was set aside for the consideration of unobjected-to bills on the Private Calendar. I ask unanimous consent that they be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the first bill on the Private Calendar.

ISAAC JACK, A SENECA INDIAN.

The first bill on the Private Calendar was the bill (H. R. 1629) authorizing the removal of the restrictions from 40 acres of the allotment of Isaac Jack, a Seneca Indian, and for other purposes.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the restrictions upon the northeast quarter of the southeast quarter of section 21, township 25 north, range 24 east of the Indian meridian, in Oklahoma, which is land heretofore allotted to Isaac Jack, Seneca allottee No. 264, are hereby removed, and the Secretary of the Interior is hereby authorized and directed to cause to be issued to said Isaac Jack a patent in fee simple for said described land.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

COMPENSATION TO THREE COMANCHE INDIANS OF THE KIOWA RESERVATION.

The next business on the Private Calendar was the bill (H. R. 2881) to compensate three Comanche Indians of the Kiowa Reservation.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to pay, out of the Apache, Kiowa, and Comanche 4 per cent fund, into the individual bank accounts of Nehio or Len Parker, Comanche allottee No. 721, \$2,150; Arrushe, Comanche allottee No. 1081, \$2,300; and Neho, Comanche allottee No. 2322, \$1,550; for lands erroneously allotted to them in the Chickasaw Nation, Okla., and for which they are unable to obtain title.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

LUKE RATIGAN.

The next bill on the Private Calendar was the bill (H. R. 1475) for the relief of Luke Ratigan.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, I ask that it be reported.

The SPEAKER pro tempore. The Clerk will read the bill.

The Clerk read the bill, as follows:

FOR THE RELIEF OF LUKE RATIGAN.

Whereas Luke Ratigan, of San Francisco, Calif., was employed in the United States Revenue Cutter Service as fireman for a period of over 25 years; and

Whereas the said Luke Ratigan, while in the discharge of his duty in said service and in the saving of human life, received physical injuries which compelled him to relinquish the position of a petty officer, to which he had just been promoted, and continue in the United States Revenue Cutter Service at the lower rating; and

Whereas by act of Congress approved January 28, 1915, the Revenue Cutter Service and the Life Saving Service were combined as the Coast Guard; Therefore

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to place the name of Luke Ratigan on the retired list of the Coast Guard as an oiler, first class, retired, at the rate of pay he would be entitled to receive had he held the rating of oiler, first class, when retired.

With the following committee amendment:

Strike out the preamble on page 1.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Reserving the right to object, may I ask my colleague from Texas, who is on this committee, why it is not sufficient for this man to get his rights in another way?

Mr. LEA of California. If the gentleman will permit—

Mr. BLANTON. Would the gentleman mind making a short statement about this case?

Mr. LEA of California. Luke Ratigan was for 27 years in the service of the Coast Guard. He received a physical injury in line of duty from which he never recovered. He remained on the rolls—

Mr. BLANTON. Right there; that is what I wanted to ask you about. We have a compensation commission—

Mr. LEA of California. He is on the retired list already.

Mr. BLANTON. What I have in mind is that we have a commission to compensate all employees of the Government, and in these different establishments when they get hurt in line of duty why is not that method sufficient to meet his requirements?

Mr. LEA of California. Because on account of his physical disability he was voluntarily demoted from the grade that we ask him to be placed in to a lower grade, and he remained in the service.

Mr. BLANTON. This is suggested so he may get a higher rating?

Mr. LEA of California. That is all; and it only amounts to \$11.25 a month, and the old man is 82 years of age.

Mr. BLANTON. Has he a young wife?

Mr. LEA of California. No; he has not; not to my knowledge.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The question was taken, and the amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

RUSH O. FELLOWS.

The next business on the Private Calendar was the bill (H. R. 3183) for the relief of Rush O. Fellows.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BEGG. Mr. Speaker, reserving the right to object, I should like to ask the man responsible for this bill one or two questions about the itemization. This man was a postmaster, as I understand it, and he puts in vouchers for janitor service and rent and water tax and for the removal of ashes, and so forth. The inquiry I have to make is this: This was a third-class post office—

Mr. WILLIAMSON. This was a third-class post office, and was raised from the third class to the second class, and under the regulations in a second-class class office the Government pays all expenses for rent, water, light, fuel, janitor service, and distribution of ashes and refuse.

Mr. BEGG. When was it raised to the second class?

Mr. WILLIAMSON. It was raised to the second class before Mr. Fellows became postmaster, but through ignorance of the rules and regulations the former postmaster had been paying these sums out of his own pocket.

The SPEAKER pro tempore. Is there objection?

Mr. CRAMTON. I reserve the right to object.

Mr. BLANTON. I reserve the right to object.

Mr. CRAMTON. In any event, if we are to take care of the ashes, I think we ought to cut off the \$10 that the Post Office Department calls attention to.

Mr. WILLIAMSON. I understand that that has been deducted.

Mr. BLANTON. Mr. Speaker, this is a small matter, it is true, but when the Postmaster General has one of these claims submitted to him and he sends back to the committee a statement that the bill ought to be amended and revised in a certain amount, I am wondering why the committee does not make that reduction before it brings the bill in on the floor of the House with a report.

Mr. WILLIAMSON. Mr. Speaker, I could not answer the question of why the committee did not make the reduction. I had not noticed that the amendment had not been made. But the amendment can be agreed to at this time so as to cut the amount from \$364 to \$354.

Mr. BLANTON. If the matter had not been mentioned by the gentleman from Michigan [Mr. Cramton], whose eagle eye does not let anything pass, probably the committee, having overlooked the matter in reporting it, might have overlooked the matter here.

Mr. EDMONDS. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. EDMONDS. I rise just to apologize, because it is my fault.

Mr. BLANTON. If the amendment is going to be made I shall withdraw the objection.

Mr. EDMONDS. The committee authorized me to do it, and I forgot about it.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Rush O. Fellows, of Bellefourche, S. Dak., the sum of \$364.50 to repay him for private funds expended for governmental purposes while he was postmaster at Bellefourche, S. Dak.

Mr. WILLIAMSON. Mr. Speaker, I move to amend the bill by striking out "\$364.50" in line 6, and inserting in lieu thereof "\$354.50."

The SPEAKER pro tempore. The gentleman from South Dakota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WILLIAMSON: Line 6, strike out the figures "\$364.50" and insert in lieu thereof the figures "\$354.50."

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

UNDERWOOD TYPEWRITER CO.

The next business on the Private Calendar was the bill (H. R. 4647) for the relief of the Underwood Typewriter Co. and Frank P. Trott.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BEGG. Reserving the right to object, I notice that this bill is brought in because some gentlemen disregarded the law, either through ignorance or otherwise. They ordered 19 typewriters when they had authority to order only 2. They exceeded the authority only by 17. I am wondering if we pay this if they will continue in that practice. Could the gentleman from Arizona give us any assurance about that?

Mr. HAYDEN. Mr. Speaker, I think the case is so thoroughly understood in the General Land Office that it will not happen again if the bill is paid.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, I want to find out from the distinguished gentleman from Arizona what has become of the surplus 17 typewriters?

Mr. HAYDEN. The typewriters purchased are now in the service of the Government in exchange for worthless typewriters that were taken and credit allowed for.

Mr. BLANTON. Are they all out there is the surveyor general's office in Arizona?

Mr. HAYDEN. Oh, no; only one of them is there. The rest of them were scattered around in various offices, and when I went to look after my surveyor general's office I found a similar situation elsewhere.

Mr. BLANTON. And the gentleman took care of them all?

Mr. HAYDEN. I thought I would clean it all up.

Mr. BLANTON. As a matter of fact, then, there were not 17 surplus machines ordered at one office?

Mr. HAYDEN. Oh, no.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay \$707.50, from the appropriations originally applicable to the Underwood Typewriter Co. for 17 Underwood typewriters delivered to various field offices of the General Land Office during the fiscal year 1921, valued at \$1,147.50, less the value of 17 unserviceable typewriters taken in exchange, valued at \$400, claims for which were disallowed by the Auditor for the Interior Department because of the act of May 29, 1920 (41 Stat. L., p. 688).

That the Comptroller General be, and is hereby, directed to allow credit in the accounts of Frank P. Trott, United States surveyor general of Arizona, the sum of \$42.50, being the amount suspended by the Comptroller General in the settlement of his accounts for the period October 1, 1920, to June 30, 1921, under the appropriation, "Deposits by individuals for surveying public lands," for payment to the Underwood Typewriter Co. for one Underwood typewriter.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

CLIFFORD W. SEIBEL AND FRANK A. VESTAL.

The next business on the Private Calendar was the bill (H. R. 5448) for the relief of Clifford W. Seibel and Frank A. Vestal.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, reserving the right to object, I have noticed in every appropriation bill that we have passed thus far an increase in authorization for automobiles. It is getting so that almost every employee of the Government demands of Congress an automobile in connection with his service. I do not think that ought to be continued. It is a question of policy. If we allow this bill for these two automobiles we would have to allow one to every field agent who serves the Government. If these disbursing agents find out that we are going to pay them for going beyond the law, what is to keep other disbursing agents from doing likewise and furnishing machines when the law does not authorize it? I feel constrained to object.

Mr. THOMAS of Oklahoma. Mr. Speaker, will the gentleman withhold his objection for a moment?

Mr. BLANTON. Certainly.

Mr. THOMAS of Oklahoma. Mr. Speaker, the two items in this bill are based on a technicality. The Bureau of Mines during the war was authorized to investigate the production of helium gas.

The bureau assigned two of its members to this investigation. In making the investigation down about Fort Worth, Tex., it became necessary to use some automobiles. These two men were unable to procure Ford trucks or trucks of any character and they did employ some Ford automobile passenger cars and I think a Hudson passenger car. They went ahead and made the investigations and spent some money in buying gasoline and repairs for these cars. Later on when the items were to be checked up by the comptroller it was found that they had actually used passenger cars instead of freight cars or trucks, and the comptroller held that he could not pay the expenses of these passenger-carrying vehicles, because the law allowed him to O. K. bills for only freight-carrying cars. It is a technicality. They did the work, but they used these passenger cars. The comptroller is holding these two men responsible for this account. It is a matter of bookkeeping. They did not buy any cars. These items are simply for gasoline and repairs, and, as I stated before, it is a mere technicality. I trust the gentleman from Texas will not insist upon his objection.

Mr. BLANTON. What is the significance of this trip which was begun September 9, set forth on page 5 of the report, from Haskell, N. Y., and on down through Pennsylvania and Ohio, and winding up at Wellston, Ohio, on October 9, then on through West Virginia, back to Ohio and Indiana, and so on, down to St. Louis on November 5?

Mr. THOMAS of Oklahoma. These men were assigned to this work by the Bureau of Mines.

Mr. BLANTON. And they knew they were not entitled to automobiles. They were getting salaries, they were getting field allowances, they were getting subsistence allowances. They were not entitled to automobiles.

Mr. THOMAS of Oklahoma. They were investigating the production of helium gas and exploring gas fields to see whether or not the gas in those fields would make helium gas.

And replying further to the gentleman from Texas, I will say this, that if this was a Ford truck or any other truck there would be no question about it, but by using passenger-carrying vehicles because they could not get trucks, it caused the comptroller to hold up this claim.

Mr. BLANTON. I want to say to our distinguished friend from Oklahoma who did not know that peyote was made from the cactus—

Mr. THOMAS of Oklahoma. I knew that; but the gentleman from Texas, living in a peyote field, did not know it. [Laughter.]

Mr. BLANTON. No; it was just the reverse. I want to say to him that I happen to know more about Petrolia, Tex., than he does. There is a boulevard running from Fort Worth, Tex., to Petrolia where these men were then operating and there were jitney cars running back and forth almost every hour and they could have used them if they had wanted to do so.

Mr. UNDERHILL. Do these jitneys take freight?

Mr. BLANTON. They take anything that will go in a jitney.

Mr. UNDERHILL. I never saw one that would.

Mr. BLANTON. Well, the gentleman has not had much experience with jitneys in Massachusetts. He usually rides in a limousine.

Mr. UNDERHILL. Oh, no.

Mr. BLANTON. Mr. Speaker, it is just one continual encroachment upon the Government after another. I hate to object to these matters. I know the attitude it places me in. I can see about five or six Members here who have no bills on the calendar. There are but five or six who have not bills on the calendar. Every other man has a bill on this calendar; and he can not object to any of them, because he knows if he

did everybody else would object to his, and therefore it puts the work of objecting on the four or five here to make these objections. I realize that, and that it inculcates a somewhat unfriendly feeling from authors of bills when I object. But these bills ought to stop. My colleague from Texas [Mr. BLACK] this afternoon tried to stop the granting of some of the automobiles but could not do it. I hate to object, but I do object. The SPEAKER pro tempore. Objection is heard.

ELIZABETH THORNTON, FOSTER MOTHER OF EDWARD SHORT.

The next business on the Private Calendar was the bill (H. R. 3386) authorizing the Secretary of the Treasury to pay war-risk insurance to Elizabeth Thornton, foster mother of Edward Short.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WINGO. Mr. Speaker, reserving the right to object, I would like to know about the merits of this bill.

Mr. BULWINKLE. I would be glad to tell the gentleman. Elizabeth Thornton and her husband live in Chicago. Years ago they adopted into their family a foundling boy. They cared for him and they educated him. The war came on and the boy enlisted. He took out Government insurance, and, not having any next of kin, he made the insurance payable to himself. He was killed in France.

Mr. WINGO. It is just a question, then, of a foster parent where there had not been a legal adoption?

Mr. BULWINKLE. That is the only question. General Hines does not object.

Mr. WINGO. I do not object.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Elizabeth Thornton, foster mother of Edward Short, formerly a member of Company B, One hundred and thirty-second Regiment United States Infantry, the sum of \$10,000 in 240 installments, the first payment to commence as of the date of the death of the said Edward Short, as is provided in the war risk insurance act, and upon the death of the said Elizabeth Thornton all payments shall cease.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

CANCELLATION OF ALLOTMENT OF LAND MADE TO MARY CRANE, ETC.

The next business on the Private Calendar was the bill (H. R. 3900) to cancel an allotment of land made to Mary Crane or Ho-tah-kah-win-kaw, a deceased Indian, embracing land within the Winnebago Indian Reservation, in Nebraska.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WINGO. Mr. Speaker, reserving the right to object, what are the merits of this bill?

Mr. SNYDER. I will say to the gentleman that the merits are these: This is an old Indian woman who died a number of years ago. She had no heirs, and under the law, after a search for heirs, the property or interest can be turned back into the funds of the tribe. That is what this proposition does here.

Mr. WINGO. The effect of it would be practically to make the tribe the heir of this old woman?

Mr. SNYDER. Yes; and there is another bill following of the same identical nature.

Mr. HASTINGS. I desire to say that while this bill is being considered, the one following is of exactly the same nature.

Mr. WINGO. Then the legal effect of her leaving no heirs would be that the property goes to the tribe?

Mr. SNYDER. We passed a law which gave the right to do this after a search by the Secretary of the Interior, and the two bills following are exactly the same.

Mr. HOWARD of Nebraska. Mr. Speaker, this bill was presented by me, and I suppose it is taken for granted I know something about it. I never had any acquaintance with Ho-tah-kah-win-kaw during her lifetime, but I have conversed with members of my committee, and I rely upon their knowledge of the situation.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to cancel the restricted fee patent issued to Mary Crane, or Ho-tah-kah-win-kaw, deceased Winnebago allottee No. 43 on

the Winnebago Reservation in Nebraska, embracing the southwest quarter of the northeast quarter of section 29, township 26 north, range 9 east of the sixth postmeridian in Nebraska, containing 40 acres; and to thereupon restore the land involved to the status of tribal property of the Winnebago Indian Reservation.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

CANCELLATION OF ALLOTMENTS TO RICHARD BELL.

The next business on the Private Calendar was the bill (H. R. 3900) to cancel two allotments made to Richard Bell, deceased, embracing land within the Round Valley Indian Reservation in California.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. BLANTON. Reserving the right to object, Mr. Speaker, I have been here just seven years; that is not long; but this is the first time I ever saw the House begin the wholesale cancellation of Indian holdings. The gentleman from Nebraska [Mr. HOWARD] seems to be responsible for it.

Mr. HOWARD of Nebraska. Oh, no. The gentleman is in error about that.

Mr. BLANTON. Well, I will not object.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to cancel two certain trust patents issued to Richard Bell, deceased, Round Valley allottee, Nos. 604 and 662, on the Round Valley Indian Reservation in California, embracing lands described as lot 13, in section 2, township 22 north, range 13 west of Mount Diablo meridian, containing 10 acres, for which a trust patent was issued as of date of April 15, 1895; also the northwest quarter of the southwest quarter and the north half of the north half of the southwest quarter of the southwest quarter of section 21, township 23 north, range 13 west of the Mount Diablo meridian, in California, containing 50 acres, for which a trust patent was issued on December 22, 1910; and to thereupon restore the lands involved to the status of tribal property of the Round Valley Indian Reservation.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

Mr. BLANTON. Mr. Speaker, I raise a point of order on the bill. There are two gentlemen from Nebraska and both named "Howard." Something must be wrong with the report.

Mr. SNYDER. Nothing is wrong with the report. The bill was introduced regularly by the gentleman from Nebraska. He must have introduced it.

Mr. BLANTON. He is one of the soberest men in the House.

Mr. HOWARD of Nebraska. It is quite likely that that is the kind of bill I introduced.

Mr. HASTINGS. Mr. Chairman, the chairman of the committee [Mr. SNYDER] introduced this bill, and it was reported by the gentleman from Nebraska [Mr. HOWARD].

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

LONG ISLAND RAILROAD CO.

The next business on the Private Calendar was the bill (H. R. 1823) for the relief of the Long Island Railroad Co.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. I ask that the bill be reported.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read as follows:

Be it enacted, etc., That the claim of the Long Island Railroad Co. against the United States for damages alleged to have been sustained by said railroad company's dock, vessels, and marine equipment at Whitestone Landing, N. Y., on the 11th day of December, 1940, as a result of swells caused by the alleged negligent operation of the United States destroyer *Broome* at an excessive rate of speed, may be sued for by said company in the United States District Court of the eastern district of New York, sitting as a court of admiralty and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such suit and to enter judgment or decree for the amount of such damages, including interest and costs, if any, as shall be found to be due against the United States in favor of the Long Island Railroad Co., or against the Long Island Railroad Co. in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the At-

torney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

With a committee amendment, as follows:

Page 2, lines 3 and 4, after the word "damages" on line 3, strike out the words "including interest."

Mr. BLANTON. Reserving the right to object, Mr. Speaker, I want to ask the gentleman from Massachusetts [Mr. UNDERHILL], who has reported this bill, how much is involved?

Mr. UNDERHILL. There is a difference in the amount which the Navy Department seems to think is sufficient and the amount which the Long Island Railroad Co. claimed; and so, following the usual practice of the committee where there is a dispute, we referred this matter to an admiralty court.

Mr. BLANTON. There is a difference of \$1,825?

Mr. UNDERHILL. Not quite that.

Mr. BLANTON. How much is the whole claim?

Mr. UNDERHILL. The whole claim is \$1,825, and the Navy Department offered \$651.

Mr. BLANTON. The gentleman from Massachusetts has investigated the matter and the gentleman thinks it all right?

Mr. UNDERHILL. I have; yes.

Mr. WINGO. The gentleman's reason for not sending it to the Court of Claims is that you want to send it to an admiralty court?

Mr. UNDERHILL. We want to send it to an admiralty court as the court to which all these admiralty claims are referred, rather than to the Court of Claims.

Mr. WINGO. I may be in error, but I was under the impression that we sent claims against the Government to the Court of Claims instead of the district admiralty court.

Mr. EDMONDS. That is the usual practice of the committee and has been for years.

Mr. WINGO. That is, to send out admiralty cases to admiralty courts and not to the Court of Claims?

Mr. EDMONDS. That is correct.

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER pro tempore. The Clerk will report the next bill on the calendar.

Mr. HOWARD of Nebraska. Mr. Speaker, I move that the House rule with reference to smoking be suspended for three hours. [Laughter.]

Mr. BLANTON. Mr. Speaker, I make the point of order that that is not in order.

Mr. HOWARD of Nebraska. We are suspending the Constitution of the United States here to-night. I do not see why we should not do that. I ask unanimous consent that the rule be suspended.

A MEMBER. Regular order!

The SPEAKER pro tempore. The regular order is demanded.

Mr. HOWARD of Nebraska. I did not suppose there were enough of us here to constitute the regular order.

Mr. BLANTON. Mr. Speaker, I ask unanimous consent that the gentleman from Nebraska may speak out of order.

Mr. BEGG. Does the gentleman from Nebraska want time?

Mr. HOWARD of Nebraska. No; I want to smoke. [Laughter.]

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. BEGG. Reserving the right to object, is it bill No. 12 on the calendar?

The SPEAKER pro tempore. Yes. No. 12 will be reported.

FANNIE M. HIGGINS.

The next business on the Private Calendar was the bill (H. R. 1860) for the relief of Fannie M. Higgins.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. BEGG. Reserving the right to object, Mr. Speaker, on page 18 of the report I notice that the department refuses to O. K. this bill.

Mr. BOX. That is a very usual procedure in the War Department when it involves some irregularity in the handling of the men.

Mr. BEGG. Is it not a fact that there is some question about this man being killed? There is no question about the fact

that he was struck by an automobile, but is there not reasonable ground to doubt that the death was due to the accident?

Mr. BOX. The committee found, and the gentlemen on the subcommittee especially considering the case found, that by a very clear preponderance of evidence the facts show that the deceased was in the best kind of health and worked 215 days in a year and was earning over \$200 a month, living and working out of doors.

He had had some years before some symptoms of tuberculosis; those symptoms had been arrested, and the man had continued for some years working, as has been stated. He received this injury, an injury in the chest, a broken leg, and other injuries. He was then confined in a hospital for some time, languished there, was shut in, became debilitated, and lost the fine health he had enjoyed before, and the man died. The tuberculosis developed some months after his injury and after he had been confined in the hospital in a debilitated condition.

Mr. BEGG. The gentleman has practically stated what is in the report, which I have gone over carefully, I think. Will the gentleman answer this question, or is he in a position to answer it? Was the attention of the Committee on Claims, or whoever introduced this bill, called to this particular thing by some lawyer, some claim attorney, or was it by the widow?

Mr. MOORE of Virginia. Let me answer that. The matter was brought to my attention soon after I came to Congress by the widow of this man. I had not known him, and I only know she is a very excellent woman—an old woman who lives in this neighborhood.

Mr. BEGG. Does the gentleman know whether any attorney is going to collect a fee out of this if it is granted?

Mr. MOORE of Virginia. I do not know who the attorney is, but I see the report limits the amount of any charge that an attorney may make.

Mr. BEGG. I would like to ask the gentleman who is responsible for this bill whether he would be willing to accept an amendment which has to do with the amount of money that an attorney may collect?

Mr. BOX. Will the gentleman read the amendment proposed in the bill?

Mr. BEGG. I have it right before me, and under that amendment a man can violate the provisions of a bill, pay the fine of \$1, and get off with it.

Mr. BOX. What amendment would the gentleman propose?

Mr. BEGG. An amendment striking out "exceeding \$1,000" and substituting "not less than \$300 nor more than \$2,000."

Mr. BOX. That amendment is acceptable.

Mr. CRAMTON. Before we get too far on that I would like to call attention to another amendment that is probably more important.

Mr. BLANTON. And I want to call attention to something that is even more important than that, which will dispose of the bill without amendment.

Mr. CRAMTON. What I have read of the report leads me to the conclusion that we ought not to consider anywhere near as large an amount of money under the conditions in this case. I do not know just what rules the Committee on Claims has in fixing the value of human life or the amount that the Government should pay.

Mr. UNDERHILL. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. UNDERHILL. I think it is just as well that the House should know in the beginning that the Committee on Claims has adopted the general proposition—and I do not think we deviated from it last session nor do we propose to deviate from it this session—of referring all claims for personal injuries to the Workmen's Compensation Commission which carries on the business of insuring Government employees. We take the table of rates, the actuary's table of rates, the rates laid down for injuries to Government employees, and apply them to private citizens or citizens in private life who are injured through the negligence of Government employees.

Mr. CRAMTON. As I understand the gentleman, the committee does not really refer the matter to the commission, but the committee takes the commission's table of rates and tries to figure them out itself, and I am afraid the committee does not know how to handle the table of rates.

Mr. UNDERHILL. There has not been a case that the committee has figured out; every case has been referred to the commission.

Mr. CRAMTON. Then I want to suggest it would be very interesting if the report of the commission could be carried in the committee's report.

Mr. BLANTON. I am going to object.

Mr. CRAMTON. Will the gentleman defer that for a moment, because I should like to bring this to the attention of the committee?

Mr. BLANTON. I think when I call the gentleman's attention to some facts about this bill, he will not want it to go through.

Mr. CRAMTON. Just a minute. This applies to the program of the committee generally. I have in my hand H. R. 3504, which we come to later on the calendar and in which I have not the slightest interest personally; but it proposes to give for a man \$3,000 who had been some 30 years in the Government service, an assistant engineer, who was killed without any fault on his part and in the line of duty, when he was in health and between 50 and 60 years of age, with a wife and several children, while in this case a man who was 60 years of age, who was a private citizen, was tubercular, and who was partly at fault, as the Judge Advocate General of the Army holds, is to receive \$5,000, according to the proposal of the committee; so it would seem to me something went wrong with that table of logarithms.

Mr. UNDERHILL. The table of rates of the Workmen's Compensation Commission allows \$5,000 for death, but when a Member of the House introduces a bill asking for \$3,000 it is not within the province of this committee to raise it \$2,000.

Mr. CRAMTON. Yes; I think it is in the province of the committee, when they are sitting as a court of equity, to do equity regardless of some underestimation of a Member of Congress as to the generosity of the committee.

Mr. BULWINKLE. Will the gentleman yield?

Mr. BLANTON. Mr. Speaker, I reserve the right to object, to make a statement. There are two big principles and policies involved in this bill. Until five years ago, when the distinguished gentleman from Pennsylvania [Mr. EDWARDS] became chairman, and until our friend from Massachusetts [Mr. UNDERHILL] became a member and brought new policies into the Committee on Claims, this Government did not pay losses by reason of torts committed by employees of this Government. There is not a lawyer in this House who will get up and contend that there is any law that makes the Government responsible for a tort.

Mr. BEGG. Will the gentleman yield?

Mr. BLANTON. In a moment. So this is merely a gratuity. There are cases galore in the records of the Congress where Government employees have caused the death of individuals under the most extreme circumstances of gross negligence and not a dollar of damages has been paid. I want to call attention to the three cases that came from San Antonio, well-known cases, that were pending before this House for years and pending from the district of my colleague from Texas [Mr. WUTZBACH]; and Congress after Congress turned them down. I want to call attention to the cases from Houston, Tex., in the district of the gentleman from Texas [Mr. GARNETT], where a bunch of colored soldiers became drunk and ran rampant and went up and down the streets of Houston with bayonets and rifles and shot people down like they were dogs and stuck their bayonets into the stomachs of little girls and women and killed a number of them and wounded many. About 30 of them were convicted for those crimes, but not a dollar has been paid to any of those individual victims or to the relatives of the ones thus murdered, and not a bill is on this calendar to pay one of them.

Mr. UNDERHILL. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. UNDERHILL. Do you think that is right and is justice on the part of the Government and Congress?

Mr. BLANTON. No; but the Government ought to pay them all and ought not to wait until a man gets hurt here on the streets of Washington, in front of the Bureau of Engraving and Printing, when Adjutant General Crowder in his report says that the man hurt was guilty of contributory negligence, if you please, and then pay him. General Crowder says the man who ran over this party was guilty of no negligence at all, but that the man who was hurt was guilty of contributory negligence, and he holds that the Government is not responsible at all.

Mr. BOX. Will the gentleman yield?

Mr. BLANTON. Certainly.

Mr. BOX. Mr. Chairman, we do not arrive at justice between parties in cases like this in a court or in a deliberative assembly where we are trying to find out the right of cases by allowing an injustice that has occurred in other cases or may have occurred in other cases to defeat justice in this case. The facts in this case are that a hale, productive, vigorous, active man—it is true he was 60 years old—earning \$2,000 a year—

Mr. BLANTON. I am willing to pay them if you will pay them all.

Mr. BOX. This committee can not pay them all at one time. We are trying to do the right thing, case by case.

Mr. BLANTON. None of these cases are from my district.

Mr. BULWINKLE. How can we do what you suggest when there is no bill pending?

Mr. WINGO. Will the gentleman yield?

Mr. BLANTON. Certainly.

Mr. BOX. Mr. Chairman, if I may be allowed—

Mr. BLANTON. I will yield first to the gentleman from Arkansas.

Mr. WINGO. Let me suggest this to my friend from Texas: Assuming that what the gentleman says is true, and it is true, we ought to pay them all. The Government only a few years ago adopted what I think is a correct rule. The gentleman says there is not any law—

Mr. BLANTON. There is a moral law, of course.

Mr. WINGO. I want to suggest this, and I am trying to appeal to what I think the gentleman really has back of the objection he has made: There is a higher law than any mere statute, and I feel sure that the gentleman feels, as I have felt many times, that it is a disgrace for a great and powerful and wealthy Government to escape a liability that any citizen or corporation in the land would have to meet in the courts of the country for the same acts.

These people are dependent solely upon the conscience of Congress to meet the obligations of that moral law. I think the cases cited from Texas are an outrage, but because we have failed to do justice in those cases shall we deny justice in this case? And if the gentleman representing the districts in which these unfortunate victims or their relatives live will introduce bills asking for relief, I am sure that upon a proper showing of facts this House will grant relief.

Mr. UNDERHILL. Will the gentleman yield?

Mr. WINGO. But let us at least respond in this small measure to this old woman who has lost her husband and helpmate through no negligence of his own, but because, forsooth, a driver, who sounds no horn, running recklessly, as we know they do—

Mr. BOX. He did not know he had hit him until he had dragged his victim 50 feet.

Mr. WINGO. Oh, my God; can not a great Government meet its moral obligations when it knows the same facts would cause any jury in the land to make any private corporation respond in damages to the extent of more than any \$5,000? I beg the gentleman not to object.

Mr. BLANTON. Mr. Chairman, I agree with what the gentleman from Arkansas has said, but I want this House to consider this as a precedent for the cases I have mentioned and at least 20 others in other States that I had cognizance of when I was on this committee. I am going to help my colleagues from those districts to get these bills before this committee next week, and I want to see them here the next time we take up the private calendar.

Mr. UNDERHILL. If the gentleman will yield, I reported in the Claims Committee one of the bills the gentleman refers to with a favorable report.

Mr. BLANTON. Good; I withdraw my objection.

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I know that an appeal such as just has been made by the gentleman from Arkansas [Mr. Wingo] is very affecting. It is always fine to think that we can pay liberally with other people's money, but I want to read you a little from the report, because I am not going to permit my feelings to be run away with here and establish precedents and put unnecessary burdens on the Treasury. The report of the Acting Secretary of War says:

In connection with the case of relief for Mrs. Fannie M. Higgins, the attached papers indicate very clearly that Mr. Higgins was partially responsible for the accident—

Mr. BOX. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. BOX. I want to ask the gentleman as a lawyer if he is going to conclude adversely to this claimant on conclusions reached by an official in the office, on a few official reports presented to him by men who must protect themselves from imputation of wrong, as against an array of facts not presented by any counsel for the claimant, but carefully examined and considered by the committee?

Mr. CRAMTON. The gentleman's question has not anything whatever to do with this case that I can see, with all due respect. In the first place the Acting Secretary of War has

nothing to defend himself against. He is not responsible, and if the Congress does not see fit to follow the recommendations of the departments charged with responsibility in matters pertaining to administration, we should certainly have a very clear showing of facts to justify our overruling the report. As I tried to call to the attention of gentlemen, the facts in this case are against the gentleman's contention. The finding of the court that was convened in the Army was to the effect that the deceased, who did not die for a number of months and then died of tuberculosis, was at fault, that the driver was not at fault.

Mr. BOX. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. I am going to insist that I be permitted to make a connected statement.

Mr. BOX. I wanted to ask—

Mr. CRAMTON. Well, just wait until I have made a statement, and then the gentleman may not have to ask me so much. And I want to be courteous. The finding of the court was that the deceased was at fault and that the driver of the car was not at fault, but the officer who reviewed the finding, General Crowder, said:

The board has found these facts and has concluded that Private Roundtree was not at fault, and that Mr. Higgins was at fault but recommends that "if there are funds available Mr. Higgins be reimbursed for expenses incurred for medical attendance and for wages lost on account of accident, provided the said charges are reasonable." In the finding that Mr. Higgins was negligent in crossing the street in the manner he did, and having seen the approaching auto, took no further notice of it but proceeded across the street, this office concurs. In the finding that Private Roundtree was not negligent this office does not concur. The weather and existing circumstances at the time the accident occurred—that is, the darkness, rain obscuring the wind shield, and the light from the approaching street car blinding him—put upon Roundtree, an experienced driver, the burden of exercising extreme care, which, from all the facts stated in the papers, he did not do.

Further, the driver of the bread wagon, who was an impartial witness, does not corroborate the story of the claimant as to the degree of negligence on the part of the driver. He is about the only impartial witness there was.

The Adjutant General indorses the idea that there was negligence but suggests that there be some recompense. I have no objection to that. I think it is fair to make some recompense, but with this showing, that this man did have tuberculosis, that he died of tuberculosis—

Mr. BLANTON. Mr. Speaker, I demand the regular order.

Mr. CRAMTON. I object to such a large finding as the committee makes.

The SPEAKER pro tempore. The regular order is demanded. Is there objection?

Mr. BOX. I want an opportunity to make a statement.

Mr. BLANTON. I withdraw the demand for the regular order.

Mr. BOX. That is, when the gentleman from Michigan gets through.

Mr. CRAMTON. I want to suggest to the gentleman, if it is agreeable, that there be a reduction in the sum, but the amount of \$5,000 is out of proportion in view of the circumstances of the case.

Mr. BOX. Would the gentleman permit a statement as to the facts after they were found on thorough investigation of all of the facts?

Mr. CRAMTON. I have read the report.

Mr. BOX. The committee can not report all of the evidence, the gentleman understands. The gentleman also understands that the committee that investigates these cases tries to approach them without partiality, guided by as strong a desire to protect the Public Treasury as our colleagues and Members of the House are guided by. The facts in this case are that the deceased was a man earning \$2,000 a year, in fine health, contributing what he earned to the welfare of his aged wife, working 315 or 320 days of the year, putting in overtime. He had had tuberculosis in a very incipient stage, years before, it is true. That was wholly arrested and he was a strong, hale man. He was going to his work that morning before good light. He started across Fourteenth Street, going west. As he stepped into the street he looked to his left. Some distance down the street to his left he saw the light of an approaching automobile. He went on across the path of that automobile and reached a place of safety in the street, out of its path. The automobile proceeded on up its way behind him, just as they do up the street after the gentleman crosses, every time he crosses it. While he was standing by or between the street car tracks to take a street car, to carry him to his work, another vehicle

drove into a street nearby, perhaps the one that he had come out of and suddenly appeared near the driver of the automobile that had injured him.

Mr. EDMONDS rose.

Mr. BOX. If the gentleman will just wait a moment, I want to state the facts as we obtained them from a large number of affidavits after very careful inquiry. Then I shall be glad to yield, if I have the time. Then the automobile driven by Private Rountree, the morning being dark and foggy, he keeping no lookout, sounding no horn, suddenly turned to the left out of its path. The deceased had gotten out of the place of danger where he would have been if he had stopped in front of the approaching automobile. As he stood there ready to catch the car coming down his way, the man driving the machine who was coming up the street, keeping no lookout, driving fast, suddenly turned out of his course to the left and struck him and dragged him 40 or 50 feet, ran over him and broke his leg and mangled him.

And your committee is no more anxious to help this particular man than anybody else, just merely trying to do the right thing, and your committee has no doubt that the man was injured without any fault on his part, notwithstanding any conclusion that might have been reached up in the office, and that it caused that man's death. It is part of the history of tuberculosis that a man of good constitution by living out of doors, as the doctors say this man did, working outside, taking exercise and taking care of himself, the man had the promise of a long and productive life. I yield to the gentleman from Ohio [Mr. BEGG].

Mr. BEGG. Referring back to where he was waiting for the street car, is it not a fact now—I shall not object to the bill but I think it well enough to get it in the Record—is it not a fact that the man was not where he should be for the purpose of mounting the street car, and is it not a further fact that the driver of any automobile had the right to expect a clear passage and no obstruction other than one with a light on it?

Mr. BOX. I think it is plain that the deceased was at the point where the street car was to be taken.

Mr. BEGG. If the gentleman will permit, this report gives exactly the opposite; that he was on the opposite end of the street crossing from where the street car stopped.

Mr. BOX. The gentleman is in error.

Mr. BEGG. As I read the report the gentleman was not in what we call the safety zone.

Mr. BOX. Well, he had passed beyond the crossing of the street, and gotten to a place where passengers usually took the car—went there for that specific purpose—and the obstacle appearing here in the street, entering or crossing Fourteenth Street, caused the driver in that street, who was driving the car that killed Higgins, without keeping a lookout, on a dark, cloudy morning to strike him. He did not know he had struck the man until he felt the jolt and dragged him 40 or 50 feet.

The SPEAKER pro tempore. Is there objection?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I was trying to bring the matter to the attention of the gentleman from Virginia. The gentleman from Texas, of course, makes a very appealing statement, but I feel that the amount is entirely out of proportion in view of these circumstances as to contributory negligence.

Mr. BOX. I am going to ask the gentleman from Virginia [Mr. MOORE] to discuss the matter with the gentleman from Michigan.

Mr. CRAMTON. I think I ought to complete this statement. I am like the gentleman from Texas, and the appeal of the widow is as strong to me as to anyone. I had this bill marked after I had gone through the report, and I thought \$1,000 sufficient under the belief that the death was one of indirect result of the accident and because of contributory negligence. The gentleman has so far worked upon my feelings that I would be willing to compromise the matter with the gentleman by putting it as high as \$3,000, but that is the limit.

Mr. DEMPSEY. Let me suggest two things. The gentleman from Virginia [Mr. MOORE] and myself were talking over the law. Of course in a Federal court upon General Crowther's report the widow of the deceased would be entitled to recover a proportionate amount.

Mr. CRAMTON. Yes; and the same committee, if the gentleman will pardon me, where there was no question of contributory negligence, where a man was killed immediately in line of duty, a younger man, a man about whose health there was no question, recommended \$3,000, and in this case recommends—

Mr. DEMPSEY. Let us deal with the question we have here. I had a case of a man with the New York Central Railroad for the death of a coal driver who was killed by an automatic gate falling upon his head and crushing his skull. The New York

Central Railroad, and it came into my mind since this matter was under discussion, paid the widow \$6,000. Now, he only earned \$12 a week, and the husband here earned \$2,000 a year.

Mr. CRAMTON. The gentleman from New York can not get me off in a discussion of some other case; just one at a time. My understanding of this is that a precedent of this kind would be far reaching in its effect.

Mr. MOORE of Virginia. May I say to my friend that this is a case where this woman is in great need, because she frequently came into my office about the claim. Now, if the gentleman tells me he will object if there is not a reduction, I will be compelled to recede and accept the \$3,000.

Mr. CRAMTON. I dislike to be in that position—

Mr. MOORE of Virginia. I am sorry the gentleman finds himself in that position. I had the view in my mind the gentleman from New York [Mr. DEMPSEY] has just presented, that the rule of apportionment applies in general terms in this country now, not only in the Federal courts but in the State courts, and \$10,000 is the standard amount in death cases where they have no limitation at all, and here you have negligence upon both sides, according to your showing, and it seems to me it is fair to make the amount \$3,000, assuming there may be contributory negligence.

Mr. CRAMTON. I withdraw the objection.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Fannie M. Higgins the sum of \$10,000 for damages suffered by reason of her husband, John H. Higgins, being struck and fatally injured by a Government automobile which was driven by a regularly enlisted soldier of the United States Army:

With committee amendments, as follows:

Page 1, line 6, strike out "\$10,000" and insert in lieu thereof "\$5,000," and after the word "or," in line 6, insert the word "all." Page 1, line 10, after the word "Army," insert a colon and "Provided, That no part of the amount of any item appropriated in this bill in excess of 5 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered or advances made in connection with said claim; Provided further, That it shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum which in the aggregate exceeds 5 per cent of the amount of any item appropriated in this bill on account of services rendered or advances made in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

Mr. CRAMTON. Mr. Speaker, I move an amendment to the committee amendment.

The SPEAKER pro tempore. The question is on agreeing to the first amendment.

Mr. CRAMTON. Mr. Speaker, I move to strike out "\$5,000" and insert "\$3,000."

The SPEAKER pro tempore. The Clerk first will report the amendment offered by the gentleman from Michigan.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Page 1, line 6, strike out "\$5,000" and insert "\$3,000."

Mr. UNDERHILL. Mr. Speaker, I want to say a word regarding this amendment. I do not want to be understood as opposing the amendment. This Committee on Claims is as hard-boiled a committee as this House has seen. We have gone into the details of every claim that has been brought before us, and have tried to bring out some equitable and at the same time some scientific solution. In following out that plan of procedure we have in every instance called upon the Workmen's Compensation Board, maintained by the Government for the protection of workmen and for the purpose of seeing that justice is done to workmen employed by the Government, to tell us the amount in each case to which an injured civilian or a citizen would be entitled, provided that citizen were in the employ of the Government when injured.

Now, if an employee of the Government is killed through the fault of one of his fellow employees, or by carelessness has caused the injury or death of a fellow employee, the dependents of the injured or deceased would be given a certain specified amount by the United States Compensation Board. Now, we have taken the amount that the Federal Workmen's Compensation Board allows for the death of a workman. In some States it is \$7,000, in other States it is \$6,000; under the Federal Gov-

ernment it is \$5,000. We have held to that sum as the basis of all our reports.

Now, if this House wants to establish something that is unscientific, if it wants to establish a price for the lifeblood of one of our citizens at \$3,000, it will do so in this amendment. I am sorry for Mrs. Higgins and I am in sympathy with Judge Moore, but there is something more in this than Judge Moore or Mrs. Higgins or the \$5,000. It is the establishment of the precedent of what you are going to pay for the life of a breadwinner.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. RANKIN. I have been listening to this argument for some time. The gentleman from Michigan [Mr. CRAMTON] proposes to reduce this amount from \$5,000 to \$3,000. It is not the work of the committee; it is not the work of Congress. But it is one man, reducing this from \$5,000 to \$3,000. Now, the question of considering this bill and the question of fixing the amount are two different things. If this is a meritorious claim, if it is one for Congress to consider, it seems to me that it is not up to one man to exercise the power that he has here, of objecting to a bill, to club Congress into fixing that arbitrary amount that he would fix, in the face of what the committee recommends and what Congress itself does.

Mr. UNDERHILL. The gentleman from Michigan [Mr. CRAMTON] is well within his rights, as any other Member of this House is within his rights, in objecting to the consideration of any report which the committee may make. But what I want to impress upon Members of the House is this: You have a Committee on Claims. Have you any confidence in that committee? Have they shown you that they are worthy of confidence? You gentlemen do not see the hundreds of bills that are turned down, even when reports from the departments say they are at fault, but we find that they are not; we refuse to present the bill to the House.

The SPEAKER pro tempore. The time of the gentleman from Massachusetts has expired. The question is on agreeing to the amendment offered by the gentleman from Michigan.

The question was taken, and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. CRAMTON. Mr. Speaker, I make the point of order that there is no quorum present. I made an agreement with the gentleman in charge of this bill, and that agreement will be kept. No one proposed any objection while the agreement was being made. I am simply performing my duty, and that agreement will be kept, and unanimous consent is not necessary if you get a quorum here.

Mr. BOX. I will say to the gentleman that Judge Moore, who made the agreement, and the members of the committee on this side have stuck to the agreement.

Mr. MOORE of Virginia. I will say to the gentleman, because I want to be understood by the House, that I stand by what I agreed to.

Mr. BOX. And the committee that conferred with Judge Moore understand the same thing.

Mr. CRAMTON. If we go back to this it, of course, comes up anew. We are proceeding under the regular rules. I withdraw the point of no quorum for the present, Mr. Speaker.

Mr. BEGG. I would like to have the attention of the members of the committee. The Private Calendar, as everybody knows, is a little different from any other calendar. I appreciate the fact that you are not obligated to accept an amendment offered as this amendment was offered, but when any gentleman makes the flat statement that he will object unless the amount is cut down, unless somebody interposes an objection and the man who introduced the bill and fathers it says he will accept it, we are either morally bound to do that or we shall have to adjourn. And I will say that before I will consent to calling the roll I will make a motion to adjourn.

The SPEAKER pro tempore. Does the gentleman from Michigan [Mr. CRAMTON] insist upon his point of order?

Mr. CRAMTON. Mr. Speaker, I will first ask a division upon the pending question.

The question was taken; and on a division (demanded by Mr. CRAMTON) there were—yeas 45, yeas 22.

So the amendment was agreed to.

The SPEAKER pro tempore. The question is now upon the amendment as amended.

The question was taken, and the amendment as amended was agreed to.

Mr. ABERNETHY. Mr. Speaker, I do not like any such proceeding as this, and I think I will make the point of order of no quorum.

Mr. BOX. Mr. Speaker, a parliamentary inquiry.

Mr. ABERNETHY. Mr. Speaker, I demanded that the vote be taken by the yeas and yeas, but the Chair did not put the question that way. I demand a division.

The question was taken; and on a division (demanded by Mr. ABERNETHY) there were—yeas 57, yeas 3.

So the amendment as amended was agreed to.

Mr. BEGG. Mr. Speaker, I want to offer an amendment.

The SPEAKER pro tempore. There is another committee amendment.

Mr. BEGG. My amendment is an amendment to the committee amendment.

The SPEAKER pro tempore. The question now is on the next committee amendment, the word "all" in line 6.

The question was taken, and the committee amendment was agreed to.

The SPEAKER pro tempore. The question now is on the adoption of the committee amendment commencing in line 10, the proviso.

Mr. BEGG. Mr. Speaker, I offer an amendment to that proviso. On page 2, line 13, strike out the words "exceeding \$1,000" and insert "less than \$300 nor more than \$2,000."

Mr. EDMONDS. Mr. Speaker, I will accept that amendment.

The SPEAKER pro tempore. The gentleman from Ohio offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment to the committee amendment, offered by Mr. BEGG: Page 2, line 13, strike out the words "exceeding \$1,000" and insert in lieu thereof the words "less than \$300 nor more than \$2,000."

Mr. BLANTON. Mr. Speaker, I rise in opposition to the amendment.

The SPEAKER pro tempore. The gentleman from Texas is recognized.

Mr. BLANTON. Mr. Speaker, I want to ask the gentleman from Ohio what kind of fees they pay over in Ohio? Where a man gets \$3,000, does he pay a fee of \$2,000 to his attorney?

Mr. BEGG. I will just say to the gentleman from Texas—

Mr. BLANTON. That is going pretty steep.

Mr. BEGG (continuing). That there are instances in this city where attorneys have taken claims for individuals on a percentage basis as high as 25 and even 50 per cent.

Mr. BLANTON. The gentleman from Ohio does not want us to accept that kind of a proposition, does he?

Mr. BEGG. This amendment does not relate to fees, but is the fine in case an attorney violates the 5 per cent provision.

Mr. BLANTON. Oh, I see. I thought this related to the fee to be paid an attorney.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Ohio.

The question was taken, and the amendment was agreed to.

The SPEAKER pro tempore. The question now is on the committee amendment as amended.

The question was taken, and the committee amendment as amended was agreed to.

The SPEAKER pro tempore. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER pro tempore. The Clerk will report the next bill.

RELIEF OF DR. O. H. TITTMANN.

The next business on the Private Calendar was the bill (H. R. 1917) for the relief of Dr. O. H. Tittmann, former Superintendent of the United States Coast and Geodetic Survey.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BEGG. I object.

Mr. NEWTON of Missouri. Will not the gentleman from Ohio reserve his objection, as I would like to make a statement concerning this bill.

Mr. BEGG. I will reserve it briefly so that we may go on, but I will say to the gentleman that I intend to object.

Mr. BLANTON. I also reserve the right to object.

Mr. BEGG. I will reserve my objection, if the gentleman from Missouri wants to make his statement.

Mr. NEWTON of Missouri. I would like to make a statement. I introduced this bill about three years ago. Old man Tittmann went into the Government service and was in the service 47 years. He started at the bottom of the Geodetic Survey and built it. During the time of his service he did a great many notable things for the Government. One thing he did was to save this Government from losing millions of dollars when it was discovered that money was being stolen on imports and

when there was great theft going on in Philadelphia. At that time he was selected as an expert on weights and measures, and he worked out a system by which the officials of the department saved this Government literally millions of dollars. When we had a dispute with Canada over the boundary line, they assigned old Doctor Tittmann to that boundary dispute, and officials of the department say nobody ever did better work for the Government than old man Tittmann, and he did settle the dispute between the two countries.

He went on for 47 years in the service of the Government, and in 1915 he was forced out by ill health. He is now in Pennsylvania with his wife, who has been with him all these years, on a 10-acre rented lot trying to make a living up there, while there are a great number of others who entered the service long after Tittmann entered it and have retired since that time and are getting \$300 a month. If he could have stayed in the service five years longer, he would have gotten \$300 a month as retirement pay. It looks like poor gratitude on the part of this Government, when a man has served the Government as long as Doctor Tittmann and yet when he comes down to this town he comes with his clothes threadbare, and the Government which he served so long has not enough gratitude to keep him out of the poorhouse.

Mr. BEGG. Will the gentleman yield?

Mr. NEWTON of Missouri. Yes.

Mr. BEGG. If the gentleman had a bill including all the employees who retired five years before the retirement act was passed, I probably would not object; but there are probably 1,000 others who are in that same situation.

Mr. NEWTON of Missouri. No; I do not agree with that at all.

Mr. BEGG. And if we pass this bill there will be 1,000 others in here making the same request, and unless there is a general provision to include them all, I shall object.

Mr. BLANTON. Will the gentleman from Missouri yield?

Mr. NEWTON of Missouri. Yes; I yield.

Mr. BLANTON. The gentleman from Missouri sat here with the distinguished gentleman from Illinois, Uncle Joe Cannon, who served in this House a longer period of time than Doctor Tittman served the Government. You are not proposing to pay Uncle Joe Cannon any pension for life.

Mr. NEWTON of Missouri. And Uncle Joe Cannon is not threatened with the poorhouse.

Mr. BLANTON. He might be.

Mr. NEWTON of Missouri. If he was, I would vote in favor of a pension for him; and if there is any other man who was in the Government service and who served the Government as long and as faithfully as this old man has done, I would vote for a pension for him.

Mr. BLANTON. Our regular Civil War pensions now aggregate nearly \$300,000,000, and what is the gentleman going to do when we get to taking care of the soldiers of the late war as they come on, to say nothing of putting civilians on the pension roll who never served the Government in any war at all?

Mr. NEWTON of Missouri. We have got men walking the streets to-day on \$100 a month.

Mr. BEGG. Mr. Speaker, I object.

EAST LAHAVE TRANSPORTATION CO. (LTD.), OWNER OF SCHOONER "CON REIN."

The next business on the Private Calendar was the bill (H. R. 2498) for the relief of the East LaHave Transportation Co. (Ltd.), owner; A. Picard & Co., owner of cargo; and George H. Corkum, Leopold S. Conrad, Wilson Zinck, Freeman Beck, Sidney Knickle, and Norman E. LeGay, crew, of the schooner *Con Rein*, sunk by United States submarine K-4.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the claim of the East LaHave Transportation Co. (Ltd.), owner of the schooner *Con Rein*, of the port of LaHave, in the Province of Nova Scotia, Canada; that the claim of A. Picard & Co., the owner and consignee of the cargo aboard the said schooner, and the claims of the several members of the crew of said schooner, namely, George Corkum, Leopold S. Conrad, Wilson Zinck, Freeman Beck, Sidney Knickle, and Norman LeGay, against the United States for damages alleged to have been caused by collision between said schooner and the submarine K-4, owned by the Government of the United States and operated by the United States Navy, which occurred near Block Island, R. I., on August 20, 1921, may be sued for by the said claimants in the United States District Court for the District of Massachusetts, sitting as a court of admiralty and acting under the rules governing such court, with jurisdiction to hear and determine such suit

and to enter judgments or decrees for the amounts of such damages and costs, if any, as may be found against the United States in favor of the said claimants, or any of them, or against said claimants in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

SEC. 2. That the mode of service of process shall conform to the provision of the act of March 3, 1887, entitled "An act to provide for the bringing of suits against the United States."

With the following committee amendment:

On page 3, strike out section 2.

The SPEAKER pro tempore. The question is on the committee amendment.

The question was taken, and the amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

WILLIAM H. FLAGG AND OTHERS.

The next business on the Private Calendar was the bill (H. R. 4012) to reimburse William H. Flagg and others for property destroyed by mail airplane No. 73, operated by the Post Office Department.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Reserving the right to object, which I do not expect to do, I notice there is no provision in this bill, as in the former one, as to attorney's fees, and I should take it from the figures set out in the bill that there are no attorney's fees contemplated. Can the gentleman state as to that?

Mr. BULWINKLE. I could not. In the Sixty-seventh Congress Mr. Norton introduced the bill, and you will note the committee amendment which I proposed in the subcommittee. At that time Mr. Crosser represented these claimants. Mr. Crosser is in the House now, and he told me that, of course being in the House, he could not collect one cent in the way of fees.

Mr. CRAMTON. I hoped that statement would be made and I was sure that was the situation.

Mr. BULWINKLE. Yes; that is what he told me.

Mr. CRAMTON. And I withdraw any objection.

Mr. UNDERHILL. Will the gentleman yield?

Mr. CRAMTON. I yield.

Mr. UNDERHILL. May I make a statement? I want the Members of the House to know what the committee is trying to do, and the committee, unless it is brought to their attention that an attorney is trying to exact a large fee or unless we have our suspicion that an attorney is going to get a large fee out of these things, we do not feel it necessary to include that provision.

Mr. CRAMTON. Mr. Speaker, with all due respect to the committee, I think the opposite ought to be the case, and unless the committee is sure that there is no danger of an exorbitant attorney's fee they should put in the restriction and guard the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

A bill (H. R. 4012) to reimburse William H. Flagg and others for property destroyed by mail airplane No. 73, operated by the Post Office Department.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay to William H. Flagg and E. B. Flagg, of the city of Cleveland, Ohio, out of any money in the Treasury of the United States not otherwise appropriated, the sum of \$6,038 for property losses sustained by them as a result of the destruction of their residence, furniture, and personal effects, caused by mail airplane No. 73, operated by the United States Post Office Department, striking the said Flaggs' residence, and thereby wrecking and burning the same.

SEC. 2. That the Secretary of the Treasury be, and he is hereby, authorized to pay to Mary Torok and Elmer Torok, of the city of Cleveland, Ohio, out of any money in the Treasury of the United States not otherwise appropriated, the sum of \$2,175 for property losses sustained by them as a result of the destruction of their house, caused by mail airplane No. 72, operated by the United States Post Office

Department, striking the said Mary and Elmer Torok's house and thereby wrecking and burning the same.

Sec. 3. That the Secretary of the Treasury be, and he is hereby, authorized to pay to Perry J. Lotz, of the city of Cleveland, Ohio, out of any money in the Treasury of the United States not otherwise appropriated, the sum of \$1,297 for property losses sustained by him as a result of the destruction of his furniture and personal effects, caused by mail airplane No. 73, operated by the United States Post Office Department, striking the said Lotz's residence and thereby wrecking and burning the same.

With the following committee amendments:

In line 7, page 1, strike out the figures "\$6,038" and the words "for property losses" and insert in lieu thereof "\$2,500 in full settlement of all damages."

In line 2, page 2, strike out the period and substitute a colon and add the following: "Provided, That no insurance company shall be subrogated to the rights of the said William H. Flagg and E. B. Flagg."

In line 9, page 2, strike out the figures "\$2,175" and the words "for property losses" and insert in lieu thereof "\$460 in full settlement of all damages."

In line 14, page 2, strike out the period and substitute a colon and add the following: "Provided, That no insurance company shall be subrogated to the rights of the said Mary Torok and Elmer Torok."

Line 20, page 2, strike out the figures "\$1,297" and the words "for property losses" and insert in lieu thereof "\$432.24 in full settlement of all damages."

Page 3, line 1, strike out the period and substitute a colon and add the following: "Provided, That no insurance company shall be subrogated to the rights of the said Perry J. Lotz."

The committee amendments were severally reported and severally agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

D. H. MACADAM.

The next business on the Private Calendar was the bill (H. R. 1438) for the relief of D. H. MacAdam.

The Clerk reported the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, I reserve the right to object. I want to ask whether the Postmaster General approved this bill in toto?

Mr. EDMONDS. The Postmaster General, in the letter the gentleman will see on the second page of the report, calls attention to the fact that Mr. Peterson, the assistant postmaster, had served two terms, and when Mr. MacAdam took the office his embezzlement had covered the term of his predecessor and of Mr. MacAdam. Mr. Peterson was arrested, and he was charged with embezzlement. He was punished. They proceeded to collect all they could. His embezzlement was \$27,000, and it is now reduced to \$5,514.39.

Mr. BLANTON. Does the Postmaster General recommend that that amount be paid?

Mr. EDMONDS. I am sure that he did somewhere.

Mr. BLANTON. He has not done it in the two letters which I have read.

Mr. UNDERHILL. On page 3, the first paragraph of Mr. Bartlett's letter, the gentleman will find the following:

Under these circumstances, while the department has no doubt of the legal liability resting upon Mr. MacAdam, the facts are submitted for such action as the Congress may deem appropriate.

Then there are two other lines in the third paragraph—

In the present case, however, the department recognizes that there are some unusual conditions deserving of the consideration of Congress. During the time of Mr. Peterson's services as assistant postmaster the personnel of the office was made up largely of Chinese, Japanese, Hawaiians, and Portuguese, many of whom understood and spoke the English language to a very limited extent.

That made it possible for this Peterson to get away with this large sum of money, and he got away with it before Mr. MacAdam came to be postmaster; and after he became postmaster, after an inspection by two or three inspectors of the Post Office Department, the funds were found short.

Mr. BLANTON. I want to say to the gentleman from Pennsylvania [Mr. EDMONDS] and the gentleman from Massachusetts [Mr. UNDERHILL] that if they will just get a report from the Department of Justice and find out just how many embezzlements are going on all of the time over the United States in post offices, it would surprise them. There is hardly a Federal court meets nowadays that does not have some

of these cases on its docket, and we apparently have a system here, after the embezzlement takes place, of going through the Committee on Claims and reimbursing the losses that the Government has sustained.

Mr. EDMONDS. Of course, the postmaster is charged with this shortage. The assistant postmaster working under two different terms had been embezzling. The assistant postmaster was arrested and sent to jail. They collected everything they could. Is it fair that the present postmaster, who was an innocent victim, should have to pay the \$5,514?

Mr. BLANTON. If the gentleman were a cashier of a bank and had funds under his control, and his assistant was handling the funds, and the gentleman did not see that he handled them properly, he would be the man who would be held responsible.

Mr. EDMONDS. Very well; let that be so. Then in this case why should Mr. MacAdam be charged with this shortage because it was the postmaster before him that had charge of the matter? The United States sent their inspectors around. The inspectors passed on these amounts of the embezzlements and said that it was all right.

Mr. BLANTON. What has been done about collecting this money under the bond?

Mr. EDMONDS. Everything has been collected except \$5,514. Originally the sum was \$27,000.

Mr. BLANTON. We ought to take some steps to require better bonds.

Mr. EDMONDS. Possibly that may be true; but these are the facts in this case, and I do not believe it is fair that the postmaster, who is an innocent victim, should be charged with the shortage of embezzlement made by another man under another term.

Mr. BLANTON. I withdraw the objection.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to D. H. MacAdam, of Honolulu, Hawaii, the sum of \$8,749.39, being the extent of liability of D. H. MacAdam, as postmaster at Honolulu, Hawaii, to the Government of the United States, owing to the embezzlement of Federal funds by the assistant postmaster at Honolulu, Hawaii, prior to and during the term of office of D. H. MacAdam as postmaster at Honolulu, Hawaii.

With the following committee amendment:

Line 6, strike out the figures "\$8,749.39" and insert the figures "\$5,514.39."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

HUBERT REYNOLDS.

The next business on the Private Calendar was the bill (H. R. 5541) for the relief of Hubert Reynolds.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, I object.

Mr. TIMBERLAKE. Mr. Speaker, will the gentleman withhold his objection?

Mr. BLANTON. If I do, it will be to the tune of \$69,300.

Mr. TIMBERLAKE. I hope the gentleman will remember that this bill was passed in the last Congress and to repass the bill at this time is a saving to the Government of the United States of \$11,318.80. That is all this bill is. It is a law now. The Congress authorized the Postmaster General to settle with the bondsmen on account of the robbery at the Greeley post office for \$69,300.

Mr. BLANTON. The gentleman will remember that I have made objection to this bill in three different sessions of Congress.

Mr. TIMBERLAKE. It is a law now.

Mr. EDMONDS. We passed it last year for \$69,300.

Mr. BLANTON. Over my protest.

Mr. EDMONDS. But we have been able to collect part of the money and we are amending it to correct the account and reducing it to \$57,983.20. It saves the Government \$11,000.

Mr. CRAMTON. This bill is in a class by itself. It is the only one that saves the Government anything.

Mr. EDMONDS. If the gentleman is working in the interest of economy, he ought to be in favor of this bill.

Mr. BLANTON. Mr. Speaker, I withdraw my objection.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the act entitled "An act for the relief of Hubert Reynolds," approved September 21, 1922, be, and the same is hereby, amended by substituting \$57,983.29 for the amount \$69,300, in line 5, in order that the Postmaster General may be authorized to credit the former postmaster at Greeley, Colo., for the actual value of certain war savings stamps instead of their maturity value as provided by the act.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

BERNICE HUTCHESON.

The next business on the Private Calendar was the bill (H. R. 3143) for the relief of Bernice Hutcheson.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to E. H. Hutcheson, guardian for Bernice Hutcheson, the sum of \$2,318 for expenses incurred and permanent injury, the results of injuries sustained through being struck by a truck, the property of the War Department and driven recklessly by a soldier of the United States Army.

The committee amendments were read as follows:

Page 1, line 5, strike out the words "E. H. Hutcheson, guardian for."

Page 1, line 6, insert after the figures "\$2,318," "in full settlement of all damages against the Government."

The question was taken, and the amendments were agreed to.

Mr. VINSON of Georgia. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 6, strike out the figures "\$2,318" and insert in lieu thereof "\$2,587.50."

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. VINSON of Georgia. I yield with much pleasure.

Mr. BLANTON. Does the gentleman think it is fair to the House that let the bill go by under unanimous consent when any man here could have objected and stopped it because the committee had reported the bill—

Mr. VINSON of Georgia. I will make this statement, and if the gentleman thinks the amendment should not prevail I will withdraw it. I will leave it to the judgment of the Member.

Mr. BLANTON. I was willing to let the committee action go by and adopt it, but if I had known the gentleman was going to offer an amendment I would have objected.

Mr. VINSON of Georgia. I am inclined to think the gentleman would not have objected if he had studied the bill.

Mr. BLANTON. How was it the gentleman did not get that amount in the committee?

Mr. VINSON of Georgia. Because I did not ask for it then.

Now, Mr. Speaker, this amendment provides for the payment of hospital expenses. When this accident occurred in December, 1918, and this young lady was run over by a Government automobile in the city of Augusta and had her leg broken, which resulted in an injury by which her left limb is some 2 inches shorter than her right, she was sent to the hospital, and that hospital bill amounted to \$318. On the 27th day of December, 1918, she left the hospital but was compelled to return in about 15 days or two weeks and stayed in the hospital some two or three weeks longer, until her hospital bill amounted to \$587.50. Now, I am asking to have this young lady compensated for the total amount of the hospital expenses. The committee was perfectly willing to compensate her in the total amount of \$318, as I introduced the bill at that time, and when I reintroduced the bill at this session of Congress my secretary failed to include all the hospital expenses up to date, which amounted to \$518, and that is the reason I offer the amendment.

The SPEAKER pro tempore. The question is on the adoption of the amendment offered by the gentleman from Georgia.

The question was taken, and the amendment was agreed to.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

LEBANON NATIONAL BANK, LEBANON, TENN.

The next business on the Private Calendar was the bill (H. R. 3748) for the relief of Lebanon National Bank.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, I object—

Mr. HULL of Tennessee. Will the gentleman withhold his objection?

Mr. CRAMTON. I will withhold the objection.

Mr. HULL of Tennessee. With the gentleman's permission, I want to call attention to this fact: This bill authorizes the Secretary of the Treasury to redeem certain coupons which were detached from Treasury certificates and United States bonds, I believe. They were lost out of a letter by inadvertence in the bank building. That fact is established by a number of affidavits of the bank officials that are on file before the Committee on Claims. This bill raises the question of whether Congress in any case will authorize the Treasury to redeem destroyed coupons which have been detached where the proof is absolutely clear and beyond controversy not only as to the fact of the destruction, but shows a complete detailed description of the bonds from which the coupons were detached.

Mr. CRAMTON. If the gentleman will permit, I do not agree with the gentleman that this case will determine our policy. This case relates to coupons, and the Treasury Department says this about this case:

Moreover, the Treasury Department is opposed to any bill, such as H. R. 3748, providing for relief on account of the loss, theft, or destruction of coupons detached from bonds or notes.

And why should we overrule them unless we have a pretty good reason? Here is what they say, and it appeals to me as a good reason that we let it stand where they left it.

They say:

Moreover, the Treasury Department is opposed to any bill, such as H. R. 3748, providing for relief on account of the loss, theft, or destruction of coupons detached from bonds or notes. The chief reason for this is that there are several million pieces of coupon obligations of the United States outstanding, interest coupons from which are normally collected through the usual banking channels and come to the Treasury through the Federal reserve banks. The coupons are handled throughout the course of collection and payment without regard to their serial numbers, and manifestly any other course of procedure would be impossible in view of the vast number of pieces involved. The Treasury is quite unable as a practical matter to place stops against the payment of interest coupons which have been reported lost, stolen, or destroyed, and a bond of indemnity would, therefore, give little or no protection to the United States against the payment of coupons alleged to have been lost, stolen, or destroyed, which subsequently turn up and are presented for payment.

I do not need to read all the details. The department says that as to the coupons your provision for giving bonds would give us no protection, and there is no clear showing of their destruction. It is admitted they are lost.

Mr. HULL of Tennessee. In that connection, if the gentleman will bear with me for a moment, we find that when the coupons come into the Treasury they are passed on by the Treasurer and checked up according to the serial number. In this case the bank gives a detailed description of the number and the date and every other particular about the coupons that were detached. The gentleman from Oklahoma [Mr. THOMAS], I think, carefully examined the stack of affidavits by the bank officials, who identified the coupons and stated precisely how they were burned.

Mr. CRAMTON. There are a number of bills here as to bonds where the situation is different, and my point of view is different, and the department's point of view is different. We have a long calendar, and I could not, in view of that report and the logic behind it, let the bill go by.

Mr. WINGO. Mr. Speaker, if the gentleman from Michigan will yield, I want to offer this suggestion: The coupon is the evidence of the debt. Where there is clear proof that the coupons were lost, where there is provision for the bonds, that is, for a bond to indemnify the Government, then the Government is protected. Now, the statement of the Treasury that they can not keep track of this flood of coupons coming in is not an accurate statement. I think that the Treasury itself will admit that it is reforming its methods along that line. It is incredible—it is almost unbelievable—that you can not organize the Bond and Redemption Division of the United States Treasury with as much efficiency as you can organize certain other business concerns that do have to be efficiently organized to protect themselves against things of that kind. Bonds are issued in series.

They are issued in number, and it would be the easiest thing under the sun to put in a system—and that system will be in operation inside of 12 months—whereby an efficient file clerk in the Treasury will be able to go as promptly to the canceled coupon or bond that is still on file as for the bank to go and in five minutes find a deposit slip or a group of deposit slips.

I happen to know of an instance that was brought to my attention recently, where they went back for years. So it is possible for the Government to put in an efficient filing system. If that be true, then ought we not to make a proper provision, because coupons are going to be lost and destroyed? Bonds also are going to be lost and destroyed. Of course we ought to be careful. But where there is a loss of that kind, and the claimant establishes that loss, and makes an indemnifying bond to the United States Government in double the amount, why is not that a safe precaution and a businesslike way of handling it?

Mr. BEGG. I will concede what the gentleman says as to the registered coupon bonds. Now, when you detach a coupon it has the same value as a \$2 bill or a \$5 bill in the way of exchange. That is, if you detached the coupon from a serial-number bond and started to the bank with it and lost it on the street and I found it, I can take it into my bank and cash it.

Mr. WINGO. The gentleman is not a lawyer. There is a clear distinction between the transfer—

Mr. BEGG. I know there is a technical difference, but I am talking about the practical result.

Mr. WINGO. The gentleman is not a lawyer, is he?

Mr. BEGG. No; I do not claim to be.

Mr. WINGO. I do not say that to the gentleman's discredit. But there is a clear distinction between a coupon of that kind and a \$1 bill. That is the illustration that the gentleman gave.

Mr. BEGG. Now, supposing I take that coupon; I can get it cashed.

Mr. UNDERHILL. You have to make out a slip.

Mr. WINGO. You can sell a mule that is stolen.

Mr. BEGG. No; that is not the point. It is not stolen. The evidence in this case does not show whether they burned these coupons or lost them, or somebody stole them and sold them, and they can not find them.

Mr. WINGO. We have a right to rely on this committee to find the facts that demonstrate that somebody met with the loss.

Mr. EDMONDS. These papers were shown to have been put in an envelope and were inadvertently thrown into the waste basket and swept out. I believe that is the circumstance that was brought out in the evidence on this bill. The cashier of the bank stated that they were inadvertently lost out of a letter and were swept up with the sweepings and taken away.

Mr. WINGO. Where the loss is absolutely proven there certainly ought to be a safe, sound way by which that loss can be made good, especially if people are willing to indemnify the Government in double amount.

Mr. BEGG. I want to ask this question: Morally and legally, wherein is the Government obliged to redeem the coupon or the \$5 bill that is burned?

Mr. WINGO. Because the bond on the coupon, whether registered or otherwise, is nothing but an evidence of debt. If the gentleman gives me a note and that note is burned, it does not cancel his moral or legal obligation. I can bring a suit and get a judgment in a court of law; and certainly there is no difference between the legal and moral obligation, because the debtor is obligated to pay.

Mr. CRAMTON. The report of the department makes it apparent that the department is not satisfied that the proof is clear and positive that the coupons were destroyed by fire, and hence their report that the department does not care to approve the bill, nor can it be stated that the department would interpose no objection to the passage of this bill or one substantially similar.

Mr. WINGO. Do they say they had the proof that was offered to this committee?

Mr. CRAMTON. Well, the committee does not make a clear showing of proof.

Mr. WINGO. Does the gentleman think that a finding by the department as to the sufficiency of either the merit of the proposition or the establishment of a fact is binding on Congress?

Mr. CRAMTON. I think it ought to be if it is within their province, unless we have facts before us which clearly demonstrate to the contrary, and that is not true here. Therefore I am obliged to object.

Mr. BLANTON. Will the gentleman yield?

Mr. CRAMTON. Certainly, although it seems too bad to take up the time which other bills require.

Mr. BLANTON. I will not insist.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. I object.

The SPEAKER pro tempore. The Clerk will report the next bill.

RELIEF OF EDWARD T. WILLIAMS.

The next business on the Private Calendar was the bill (H. R. 5808) for the relief of Edward T. Williams.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to credit the accounts of Edward T. Williams, acting postmaster at Niagara Falls, N. Y., in the total sum of \$87,932.77, due the United States on account of losses as the result of burglary on June 2, 1920, as follows: Postal funds, \$4,306.27; postage stamps, \$32,734.27; 8,044 war savings stamps at \$4.17 each, \$33,543.48; 20,225 thrift stamps at 25 cents each, \$5,056.25; and internal revenue stamps, \$12,292.50.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER pro tempore. The Clerk will report the next bill.

RELIEF OF WILLIAM R. BRADLEY.

The next business on the Private Calendar was the bill (H. R. 1316) for the relief of William R. Bradley, former acting collector of internal revenue for South Carolina.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, I reserve the right to object.

Mr. FULMER. I would like to state to my friend from Texas that this bill only proposes to allow the Internal Revenue Department to adjust the accounts of Mr. Bradley, who was acting internal-revenue collector in South Carolina in 1921, for one package of stamps lost during the time that he served and of no value, according to the statement of Mr. Mellon.

Mr. BLANTON. Well, Mr. Speaker, this bill provides that the Postmaster General be, and he is hereby, authorized and directed to credit the accounts of Edward T. Williams—

Mr. FULMER. I am sure the gentleman has the wrong bill.

Mr. BLANTON. What happened to this Williams bill?

The SPEAKER pro tempore. That bill has been passed.

Mr. BLANTON. I have no objection to this bill.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read as follows:

Be it enacted, etc., That the Commissioner of Internal Revenue is hereby authorized and directed to credit the account of William R. Bradley, former acting collector of internal revenue for South Carolina, with the sum of \$100, this amount now being charged against him for the loss of one special stamp book of the value of \$100.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

Mr. BULWINKLE. Mr. Speaker, I ask that H. R. 3748, a bill for the relief of Lebanon National Bank, retain its place on the calendar.

The SPEAKER pro tempore. It will retain its place on the calendar. The Clerk will report the next bill.

RELIEF OF CLEVELAND STATE BANK, CLEVELAND, MISS.

The next business on the Private Calendar was the bill (S. 75) for the relief of the Cleveland State Bank, of Cleveland, Miss.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BEGG. Mr. Speaker, unless I can get some information which will make me change my mind I will object.

Mr. THOMAS of Oklahoma. Mr. Speaker, this bill provides means for indemnifying the bank against the loss of a certificate of indebtedness. The Treasury Department admits that the certificate has never been presented for payment. In other words, it is still outstanding. The bill provides also for a proper bond to indemnify the Government against loss, and

I do not understand how any good reason could be interposed against allowing this special bill to be passed.

Mr. BEGG. The report shows that the department records do not show that certificate number so-and-so has been presented for redemption, consequently no interest thereon has been paid, and therefore it is thought that a bill for relief on account of the loss of this certificate should be passed. But that is not the point I am trying to find. The report says that the department has no evidence except certain papers on file and says these papers show that there are no claims that the certificate has been destroyed, but merely a claim that it has been lost. I would like to ask the gentleman from Oklahoma or the chairman of the committee or whoever has the information how long it has been since this claim was presented and the claim made that it was lost?

Mr. EDMONDS. The exact dates are not in the report, but these bonds matured November 7, 1918. The letter from the department states:

In view of the fact that a considerable time has elapsed since the maturity of the certificates and no claimant other than the Cleveland State Bank has appeared, the department will interpose no objection to the granting of the relief sought.

This is the usual form suggested by the Treasury Department, and we are protected by a bond for double the amount.

Mr. BEGG. Does the committee usually take up such claims for payment within three or four years?

Mr. EDMONDS. Oh, yes; we have done it in a shorter time than that, I think. Of course, we are protected by a bond for double the amount.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem United States Treasury certificate of indebtedness No. 22223, in the denomination of \$1,000, payable to bearer, series IV-B, dated July 9, 1918, and maturing November 7, 1918, with interest at the rate of 4½ per cent per annum from July 9, 1918, to November 7, 1918, in favor of the Cleveland State Bank, Cleveland, Miss., or its assigns, without presentation of the said certificate, the certificate of indebtedness having been lost, stolen, or destroyed: *Provided*, That the said certificate of indebtedness shall not have been previously presented for payment and that no payment shall be made hereunder for any interest which shall have been previously paid: *And provided further*, That the said Cleveland State Bank, Cleveland, Miss., shall first file in the Treasury Department a bond in the penal sum of double the amount of the lost, stolen, or destroyed Treasury certificate of indebtedness, and the interest payable thereon, in such form and with such surety or sureties as may be acceptable to the Secretary of the Treasury to indemnify and save harmless the United States from any loss on account of the lost, stolen, or destroyed certificate of indebtedness herein described.

The SPEAKER pro tempore. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

The SPEAKER pro tempore. The Clerk will report the next bill.

RELIEF OF THE OLD NATIONAL BANK OF MARTINSBURG, MARTINSBURG, W. VA.

The next business on the Private Calendar was the bill (S. 214) for the relief of the Old National Bank of Martinsburg, Martinsburg, W. Va.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BEGG. Reserving the right to object, I would like to ask the chairman of the committee or the gentleman responsible for it about the facts connected with this bill.

Mr. ALLEN. I trust the gentleman will not insist on his objection.

Mr. BEGG. I suspect the gentleman states the truth.

Mr. ALLEN. The report on this bill indicates very clearly that this bill ought to be passed.

Mr. BEGG. The report indicates that it is lost, strayed, or stolen.

Mr. ALLEN. The report also shows that the Treasury certificates were burned, and the evidence also shows that Secretary Mellon is perfectly willing that this bill should pass.

Mr. BEGG. Will the gentleman permit a question there?

Mr. ALLEN. Yes.

Mr. BEGG. I did not read in this report any absolute evidence that these things were burned.

Mr. ALLEN. Then the gentleman did not read the report.

Mr. BEGG. I beg the gentleman's pardon, I did read it. On the contrary, I want to ask the gentleman if these certificates were burned, why the ludicrous language which he has put in his bill when he says they are to be paid provided the said certificates of indebtedness shall not have been previously paid. I want to ask the gentleman how could these certificates have been previously paid or presented for payment if he knows they were burned?

Mr. ALLEN. I did not draw the bill, I will give the gentleman to understand.

Mr. BEGG. Well, whoever drew the bill.

Mr. BULWINKLE. This is a Treasury Department bill.

Mr. BEGG. It does not make any difference to me who drew the bill; the gentleman says there is conclusive evidence in the report that they were burned. If they were, why this language?

Mr. ALLEN. There is an affidavit to that effect, and I say that if the gentleman has not seen it he has not read the report.

Mr. CRAMTON. Mr. Speaker, I might observe, in order to get down to the real evidence, the man who made the affidavit simply says that he took up the waste from the basket at the desk of the cashier and without making an examination of the contents thereof destroyed said contents by burning. That is a long way from saying these certificates were burned, but I think I ought to say that so far as I am concerned I make a distinction between this case and the coupon case. In the coupon case the department says that without an undue amount of red tape and expense and trouble they can not guard the interests of the Treasury even with an indemnity bond, but in this case they say that the indemnity bond will protect them if these certificates later show up, so I do not object personally, although I am bound to point out that there is a lot of question about their being burned.

Mr. BEGG. Will the gentleman from Michigan yield? Would the gentleman want to do business or put his bonds in a bank that is filling them in a wastebasket?

Mr. CRAMTON. I do not know. That may be customary.

Mr. BEGG. I think I shall have to object.

Mr. BULWINKLE. Will the gentleman withhold his objection?

Mr. BEGG. I will withhold it if the gentleman thinks he can convince me I am wrong.

Mr. BULWINKLE. The committee went into this matter very carefully through the gentleman from Oklahoma [Mr. THOMAS], and he is quite ready to tell you fully about it.

Mr. THOMAS of Oklahoma. The evidence in this case showed that the bank official took out a bunch of these certificates and mailed some of them out to its correspondent and left the balance on the desk in the bank. Forgetting these bonds for some little time, the janitor came along and cleaned the desk and in cleaning the desk took the envelopes and papers and also these bonds. The evidence further showed that they made an effort, of course, to locate these bonds where they had been burned, but that was an impossibility, and no proof of that kind could be forthcoming. The evidence convinced the committee that these bonds had been destroyed. That being true and the bonds not having shown up at the Treasury Department, and a sufficient bond being filed to guarantee the Government against loss in the event they should hereafter show up, it occurred to the committee it would be proper to pass this bill.

Mr. BEGG. It was three years ago that this happened—in 1921?

Mr. ALLEN. Yes; that is right.

Mr. BEGG. Mr. Speaker, I withdraw my reservation.

The SPEAKER pro tempore. The objection is withdrawn, and the Clerk will report the bill.

The Clerk read the bill, as follows:

An act (S. 214) for the relief of The Old National Bank of Martinsburg, Martinsburg, W. Va.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem certificates of indebtedness of the United States of America Nos. 4980, 4981, 4982, and 4983, each of the denomination of \$500; 8175 and 8176, each of the denomination of \$1,000, and all of the issue of United States Treasury coupon certificates of indebtedness, series TM 2-1921, dated July 15, 1920, and maturing March 15, 1921, with interest from July 15, 1920, to March 15, 1921, in favor of The Old National Bank of Martinsburg, of Martinsburg, W. Va., without presentation of the certificates, the said certificates of indebtedness having been lost, stolen, or destroyed: *Provided*, That the said certificates of indebtedness shall not have been previously presented for payment and that no payment shall be made hereunder for any interest which shall have been previously paid: *Provided further*, That the

said The Old National Bank of Martinsburg, of Martinsburg, W. Va., shall first file in the Treasury Department of the United States a bond in the penal sum of double the amount of the principal of said certificates of indebtedness of the United States of America, in such form and with such sureties as may be acceptable to the Secretary of the Treasury, to indemnify and save harmless the United States from any loss on account of the said certificates of indebtedness hereinbefore described which were lost, stolen, or destroyed.

With the following committee amendment:

Page 1, line 4, strike out all of lines 4, 5, 6, 7, 8, 9, and 10, and on page 2 strike out lines 1, 2, 3, and down to and including the word "destroyed," in line 4, and insert in lieu thereof the following: "authorized and directed to redeem in favor of The Old National Bank of Martinsburg, Martinsburg, W. Va., United States Treasury certificates of indebtedness Nos. 4980, 4981, 4982, and 4983, each in the denomination of \$500, and Nos. 8175 and 8176, each in the denomination of \$1,000, series TM 2-1921, dated July 15, 1920, and matured March 15, 1921, with interest from the date of issuance to the date of maturity at the rate of 5½ per cent per annum, without presentation of the said certificates of indebtedness, which have been lost, stolen, or destroyed:"

The SPEAKER pro tempore. The question is on the committee amendment.

The question was taken, and the amendment was agreed to.

The Clerk read another committee amendment, as follows:

In lines 22 and 23, page 2, strike out the words "of the United States of America" and insert "and the interest which had accrued when the principal became due and payable."

The SPEAKER pro tempore. The question is on the committee amendment.

The question was taken, and the amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

HENRY M'GUIRE.

The next business on the Private Calendar was the bill (H. R. 1306) for the relief of Henry McGuire.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. I object.

A. W. SMITH.

The next business on the Private Calendar was the bill (H. R. 6557) to allow credit in the accounts of A. W. Smith.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States is hereby authorized and directed, in the settlement of the accounts of A. W. Smith, fiscal agent, Forest Service, United States Department of Agriculture, to allow credit in the sum of \$111.75 now standing as a disallowance in said accounts on the books of the General Accounting Office, covering expenses incurred during the fiscal year ended June 30, 1917, in the erection of a building at the Bacon ranger station on the Klamath National Forest, Calif.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

NELLIE ROCHE M'ANDREW.

The next business on the Private Calendar was the bill (H. R. 2574) granting a pension to Nellie Roche McAndrew.

The Clerk reported the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. I object.

STATE NORMAL SCHOOL, GUNNISON, COLO.

The next business on the Private Calendar was the bill (H. R. 3104) granting 160 acres of land to the Colorado State Normal School, of Gunnison, Colo., for the use of their Rocky Mountain biological station.

The Clerk reported the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, I reserve the right to object. May I ask the gentleman from Montana [Mr. LEAVITT], if he has charge of the bill, why we should grant this particular normal school 160 acres of land and not make a similar grant to other normal schools?

Mr. LEAVITT. Mr. Speaker, the report in this case was prepared by my colleague from Montana [Mr. EVANS], who was not able to be here to-night. I recall the discussion before the Committee on the Public Lands, however. It seems that the

Western State College of Colorado, situated near Gunnison, wishes to carry on some studies in biology.

Mr. BLANTON. Every college in the United States carries on research work in biology.

Mr. LEAVITT. Yes; if the gentleman will allow me to complete the statement, in order to carry on work of that kind they must be in control of an area of land which they can fence and have control of over a considerable period of years.

Mr. BLANTON. Why do they not buy it?

Mr. LEAVITT. That is a question, of course, presented by the gentleman from Colorado [Mr. TAYLOR] and he said that there was no reason for buying. It is a piece of land that is not valuable for agriculture. Its location is such that its timber is not commercially valuable. This is the highest use to which it could be put. The bill contains every provision for reversion to the Government if the land is used for anything else.

Mr. BLANTON. I am 51 years of age, and I do not believe that I ever heard of any reversion back to the Government in any case yet.

Mr. HAYDEN. Mr. Speaker, if the gentleman will permit, let me say that the gentleman from Colorado [Mr. TAYLOR] is unable to be present to-night, and asked me to explain the situation if any question was raised about it. This is a piece of utterly worthless, rocky, mountain side, absolutely unsuited for cultivation. It would not make a home for anybody or anything else. They may graze a few goats on it or something of that kind. These people want to put a fence around it and study the biological condition there. It can do no harm. Why not let them have it inasmuch as this situation is peculiarly located where studies of that kind would apply to that entire rocky mountain region, not alone to this particular spot.

Mr. BLANTON. Why were not the mineral rights reserved to the Government in this bill?

Mr. LEAVITT. They are reserved. All mineral rights and all of these things are taken care of in the amendments which have been added to the bill.

Mr. BLANTON. Is that the standard form of reservation?

Mr. HAYDEN. Yes; that is the standard form, but there is no known mineral there.

Mr. BLANTON. If we were to let this go by and two years from now a Teapot Dome lid was to come off, we would all be to blame, would we not?

Mr. HAYDEN. No. The mineral is reserved to the United States.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to convey to the board of trustees of the Colorado State Normal School, Gunnison, Colo., subject to the provisions and reservations of section 24 of the Federal water power act, the following-described land, to wit, the south half of the southwest quarter of section 14 and the west half of the northwest quarter of section 23, all in township 51 north, range 1 east, New Mexico meridian, consisting of 160 acres, more or less, for use of the Rocky Mountain biological station of the said Colorado State Normal School.

With the following committee amendments:

Page 1, lines 4 and 5, strike out the words "Colorado State Normal School" and insert "Western State College of Colorado."

Page 1, line 7, after the word "as," insert the words "and with a reservation to the United States of all the coal and other minerals in the lands granted, together with the right of the United States, its grantees, or permittees, to prospect for, mine, and remove the same."

Page 2, line 7, strike out "Colorado State Normal School" and insert in lieu thereof the following: "college: *Provided*, That the lands hereby granted shall be used by the State only for the purpose of a biological station, and if the said land or any part thereof shall be abandoned for such use for a period of two years, said land or such part shall revert to the United States; and the Secretary of the Interior is hereby authorized and empowered to declare such a forfeiture of the grant and to restore said premises to the public domain if at any time he shall determine that for a period of two years subsequent to the passage of this act the State has abandoned the land for the use of a biological station, and such order of the Secretary shall be final and conclusive, and thereupon and thereby said premises shall be restored to the public domain and freed from the operation of the grant aforesaid."

The SPEAKER pro tempore. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time.

Mr. BEGG. Mr. Speaker, is it too late for me to ask a question, to determine whether or not an amendment is needed, which I think everybody in the committee would agree to if it is needed? Is oil classed as a mineral?

Mr. HAYDEN. It is.

Mr. BEGG. Then why is coal named specifically?

Mr. HAYDEN. Because that is the form that has been used for a great many years.

The bill was read a third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken, and the bill was passed.

The title was amended so as to read: "A bill granting 100 acres of land to the Western State College of Colorado at Gunnison, Colo., for the use of the Rocky Mountain biological station of said college."

NEW JERSEY SHIPBUILDING & DREDGING CO.

The next business on the Private Calendar was the bill (S. 1572) for the relief of the New Jersey Shipbuilding & Dredging Co., of Bayonne, N. J.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I notice that this bill provides for \$152,278.28, of which \$150,000 is for the boat itself, but on page 8 of the report, when we got past the fellows at the top who indorsed without knowing much about it and got down to the real finding of facts under No. 31, I find the following:

31. That Mr. Charles D. Pullen, vice president and treasurer of the New Jersey Shipbuilding & Dredging Co., stated that his company would make a claim against the United States Government in the sum of \$100,000, being the value of drill boat No. 3, plus a further sum of \$1,244.28 for each working day that elapses between the date of the sinking of drill boat No. 3 and the date upon which one of the company dredges is placed back on the work for the removal of blasted rock.

They were going to ask something farther for a loss by reason of lost time. That has been eliminated by the committee. Therefore it appears that the bill has \$50,000 more than the owner originally thought that he would ask for.

Mr. BEGG. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. BEGG. I find in the report also where he carried \$100,000 worth of insurance.

Mr. CRAMTON. Yes.

Mr. BEGG. If that is the case, it does not seem to me that we owe them very much.

Mr. UNDERHILL. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. UNDERHILL. The gentleman will find on page 3, at the bottom of the page, that two inspectors representing the engineer's office in New York constantly employed on the work fixed the value of the boat, one of them at \$150,000 and the other at \$250,000.

Mr. CRAMTON. I know. That is the trouble we have with that kind of inspectors going around.

Mr. UNDERHILL. Then you will find that this is not an ordinary scow type of boat, but that she was thoroughly equipped and fitted with machinery and tools, to the value of a considerable amount. I do not know just where to find that exact amount. The boat was entirely destroyed by this collision and disintegrated. These tools became scattered at the bottom of Hell Gate in New York and could not be recovered, and some allowance had to be made for that, but the committee did cut down from over \$53,000 from the original bill of \$205,928.28.

Mr. CRAMTON. As to that, Mr. Speaker, I am frank to admit there is good reason for this \$150,000 if it can be produced, and I think maybe if the case goes over the committee can perhaps produce a good defense for their report. There is one other consideration I would like to call attention to with a view of having information upon it next time the bill comes up. Here is a case where the Government is going to suffer a loss of \$100,000 or \$200,000 because of the inefficiency and negligence in the handling of a boat by a naval officer, a lieutenant in the Navy. They had a board go into it, and the report does not indicate that the inefficient officer who occasioned this loss has been at all disciplined by the Navy. The Navy rushes in and takes complete responsibility of all the blame and renders the Treasury liable for this money. I would like to know if the Navy takes that position seriously enough so that they have disciplined their officer, and I hope when the bill comes up again we can have something tangible on that point.

Mr. UNDERHILL. If the gentleman will yield, the Committee on Claims could not very well go into this question or refer the bill to the Naval Committee, and I hardly think it would be right for the Member from Michigan to suggest that we keep this money from these people who are justly entitled to it because the Navy Department may or may not have punished one of its officers.

Mr. BEGG. Right there, what is the gentleman's answer to the fact in his own report he says they carried \$100,000 insurance and when sunk the man said he only asked the Government \$100,000?

Mr. UNDERHILL. Well—

Mr. BULWINKLE. That is true, but there is \$53,000 of other expenses.

Mr. BEGG. Why did not they bring in a bill for \$53,000?

Mr. BULWINKLE. That would make \$153,000 and—

Mr. CRAMTON. I want to say to the gentleman from Massachusetts I think there is reason we should know as to the question as to the discipline of that naval officer. The Navy Department rushes in and takes the responsibility. Did they ever take the same view in dealing with their officer when they were dealing with placing the burden on the Treasury?

Mr. UNDERHILL. I am willing for the matter to go over and try to find out.

The SPEAKER pro tempore. Is there objection?

Mr. FISH. Will the gentleman yield?

Mr. CRAMTON. If I may yield, I believe this is the gentleman's bill?

Mr. FISH. I am interested in it and I am interested because this man has gone without his money for a number of years. This bill passed the Senate last year and came over here and was lost in the congestion of the last day of the session. Does the gentleman know how much it included when it passed the Senate and came over here? Was it not over \$200,000? It was agreed on the part of the leaders of this House that it should go through, but the very last day's congestion lost it. The Speaker had agreed to recognize it for passage. These people have been going without \$150,000 or \$200,000 for a long time and—

Mr. CRAMTON. Can the gentleman from New York explain why it should cost \$150,000 when the owner said he would only make a claim of \$100,000?

Mr. FISH. It is all in black and white.

Mr. BULWINKLE. The additional claims would bring the matter up to a great deal more.

Mr. FISH. The bill was reduced from \$200,000 to \$150,000. I am perfectly willing for the gentleman to object, but we want a chance to go into the details.

Mr. CRAMTON. I object.

The SPEAKER pro tempore. Objection is heard.

STANSFIELD A. AND ELIZABETH G. FULLER.

The next business on the Private Calendar was the bill (H. R. 914) granting six months' gratuity pay to Stansfield A. and Elizabeth G. Fuller.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$90 to Stansfield A. Fuller and Elizabeth G. Fuller as compensation for the loss of their son, Stansfield A. Fuller, late of Troop M, Rhode Island National Guard Cavalry, who died at Fort Bliss, Tex., September 11, 1916, as a result of injuries received in line of duty.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

THOMPSON-VACHE BOAT CO.

The next business on the Private Calendar was the bill (H. R. 2123) for the relief of the Thompson-Vache Boat Co., of Bonhomie Mill, Mo.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BEGG. Reserving the right to object, I have looked over this report very carefully and I find the report from the department to be unanimously against the Government's liability. Now, I will say to the gentleman sponsoring this bill I am perfectly willing to have it go through the Court of Claims.

Mr. BLANTON. That is where it ought to go; it ought to go to a tribunal for a trial on its merits.

Mr. LITTLE. Mr. Speaker, permit me to make a few remarks before the gentleman goes further. Mr. Speaker, I re-

gret to say that the report in this case does not present the evidence at all.

Mr. BEGG. That is not our fault.

Mr. LITTLE. I know that; it is my own, perhaps. I am supposed to make the report, but I never saw it. The Clerk prepared it, I understand, and he never reported to me and let me see it. While the department reported against it first, here are the circumstances, if the gentleman will yield to me a little time, and I will make it very clear. There is at Kansas City a snag boat called the *Missouri*, run by the Government.

Mr. BLANTON. Mr. Speaker, I want it understood that I reserve the right to object.

Mr. LITTLE. The Government undertook to fix the course of the river there, and the stuff they collected was partially swept out. The snag boat went down and tried to pull the snags out. They pulled them down the stream until they had them under water, with the ends invisible sticking up, but under the water; so that the steamer had a nice chance to run into them. This Thompson-Bache Boat Co. had a nice little steamer called the *Floyd*, which they sold for \$7,000. They ran into these snags, which wrecked their boat. They ask for the \$7,000 that they would have gotten at Kansas City for the boat. The committee reported the bill last time, but it did not get on the calendar. The committee has reported it again.

The Government official, Captain Wilkes, reported against it. The snag-boat man, Captain Campbell, had a boatman named Fariss, and Fariss went to see Thompson, the man who owned the boat, and went back and told what Captain Thompson had said to him. He showed that he ran the boat with great care, and that nothing would have happened if the snags had not been under water. They deliberately lied about what was said by Thompson to Fariss, and Fariss to them. Upon that the Government held against Thompson. Then the evidence came before me on the subcommittee. I supposed it was in this report. I have not been able to find out why it does not appear. Captain Thompson says he told Fariss, who told Captain Campbell, the snag-boat man, the facts in the case, and Campbell lied about it.

I am not surprised that the gentleman from Ohio [Mr. BEGG] feels this way about it. I make this statement here because my name is appended to the report; it is nominally attached to this report.

Mr. BLANTON. Mr. Speaker, will the gentleman yield there?

Mr. LITTLE. In a moment. I am apparently at fault here, and that is why I am taking some pains about it and making this statement. The gentleman from Missouri, Mr. Ellis, was on the committee last year, and he made a report. I find in the report this statement:

On the 28th of March, 1922, T. J. Fariss made the following affidavit, which is in evidence before the committee.

I will read it:

"I am mate on board the United States snag boat *Missouri* and have held the same office for the last seven seasons. During the month of April, 1920, I was sent by Captain Campbell, master of the *Missouri*, to interview Captain Thompson concerning the loss of the steamer *Floyd*. Captain Thompson stated that he was in the channel near the outside end of the high dike when the *Floyd* struck what he believed to be a submerged piling. I reported Captain Thompson's statements correctly to Captain Campbell, but he apparently misunderstood me, as I later saw his report to the district office in which he misquoted me by stating that Captain Thompson said he was running outside the tip of the low dike (more than 600 feet from the shore). I saw this report was in error, and so told Mr. Field, the clerk on the snag boat. I neither spoke of the mistake to Captain Campbell nor to anyone in the district office."

The fact is that Fariss told Captain Campbell that Thompson was running in the channel, and so stated to him; that Campbell turned right around and had Wilkes make a report that Thompson told Fariss Thompson was not in the channel. Captain Campbell's word, of course, is of no value whatever, and upon Campbell's report the whole War Department case on first report was based. Fariss told Campbell that Thompson was in the channel. Campbell reported that Thompson admitted being outside the channel. The whole War Department case is based upon the falsehood passed up to the War Department, and Fariss, in the evidence that comes from the War Department, clears the whole thing up.

The clerk, for some mysterious reason, left out this Fariss affidavit, which is the basis of the whole case. When the claim was presented before the committee, as Judge McREYNOLDS, of the committee, will tell you, attention was called particularly

to this, and we saw the affidavit from Fariss. It is not here to-night. I think none of the papers are.

Now, this is a very clear case. The evidence is very clear. It all shows that there is no blame attaching to Captain Thompson at all. The evidence shows that. The department says that nobody claims that Captain Thompson was not competent. Nothing happened here except the deliberate, willful—vicious, almost—conduct on the part of the snag people in going to work in turning upstream under water the very things that killed the boat, and they have been lying about it, not misrepresenting it.

My name is at the head of this infernal thing, and I want to make it clear, and to that end you ought to give me a little leeway.

Mr. BLANTON. Is the gentleman going to object to it?

Mr. LITTLE. I call Judge McREYNOLDS's attention to the matter and ask him if I have stated the facts correctly.

Mr. McREYNOLDS. I understand so, as I understood the gentleman.

Mr. LITTLE. I have in my hand the report by Congressman Ellis. He says that in 1922 Secretary Weeks wrote the committee and sent there the affidavit from Fariss, which the committee should read.

This—

He said—

of course disposed of the original objection, and Mr. Weeks presented it from some other angle. But for this false statement of what Thompson said, the original objection never would have been made. Whether people who made this report told an untruth purposely, or whether they were simply lacking in ordinary decent care to tell the truth, I do not know; but in either event their reports have no value, and therefore the Government really has nothing at all to go on.

Now, gentlemen, I think we have presented to you the essential facts in this case, and I hope that this situation will get the same equity here and the same consideration as it would have if the report really showed the evidence.

Mr. BLANTON. Mr. Speaker, will the gentleman yield for a moment?

Mr. LITTLE. Yes.

Mr. BLANTON. I am not certain whether I shall object to this or not. If I do, that will stop the debate. I want to state to the House that I hate to object to a bill with which the gentleman from Kansas is connected directly. The last bill that I objected to with which he was connected was the Sevier case.

Mr. LITTLE. That is the case I had referred to the gentleman from Texas as a committee of one.

Mr. BLANTON. The gentleman reported it, and I helped to kill it. The gentleman is acquainted with our colleague from New York, Mr. WAINWRIGHT, who formerly was Assistant Secretary of War. There happens to be in this report a statement officially made from our colleague, Mr. WAINWRIGHT, as Assistant Secretary of War. Here is what he says about the bill:

It is therefore believed that the claim of the Thompson-Bache Boat Co. is without merit, and that it should not receive a favorable report from the Committee on Claims.

That is signed by J. M. WAINWRIGHT, Assistant Secretary of War. What are we going to do with that?

Mr. LITTLE. That was the report that was made on the false testimony.

Mr. BLANTON. Oh, yes; but it is from the Department of War.

Mr. LITTLE. Well, what of it? [Laughter.]

Mr. ROACH. Mr. Speaker, will the gentleman reserve his objection?

Mr. BLANTON. I want to say this, that if the gentleman will reintroduce this bill and ask permission to submit the claim to the court, I shall not object.

Mr. ROACH. I ask the gentleman from Texas to withhold his objection.

Mr. O'CONNOR of Louisiana. Mr. Speaker, a parliamentary inquiry.

Mr. ROACH. Mr. Speaker, I ask the gentleman from Texas to withhold his objection on this bill until I have made a statement.

Mr. CRAMTON. Mr. Speaker, I call attention to the fact that it is nearly 11 o'clock, and there is no chance of changing the situation.

Mr. ROACH. I think the gentleman from Texas ought to withhold his objection in order to permit me to make a statement about a bill of which I am the author.

Mr. BLANTON. I will withhold my objection if the gentleman from Missouri can get other gentlemen to do the same.

Mr. ROACH. I have been decorous this evening, and it is always customary for gentlemen to withhold their objections in order to permit the author of a bill to make a statement in regard to it. If the gentleman from Texas does not want to do that, then he can object to it.

Mr. BLANTON. I have already withheld my objection.

Mr. McREYNOLDS. Mr. Speaker, I just want to say one thing, if the gentleman from Missouri [Mr. ROACH] will pardon me one minute.

Mr. ROACH. I yield to the gentleman in order to make a statement.

Mr. McREYNOLDS. I just want to refer the gentleman from Texas to the statement made by Mr. WAINWRIGHT, which was made on May 17, 1921. Now, there is a later statement in this record from Secretary of War Weeks in reference to this controversy, bearing out the statement which the gentleman from Kansas [Mr. LITTLE] has made, namely, that Mr. WAINWRIGHT's statement was based on other and false testimony, and that is the reason Mr. WAINWRIGHT said that evidently there was no liability.

The proof in this case at present shows that the Government had undertaken to change the channel of this stream and put this piling in the stream; that the piling had broken loose, and the Government had gone there with a vessel and undertaken to drag the piling out of the stream.

Mr. CRAMTON. Will the gentleman yield?

Mr. McREYNOLDS. Yes.

Mr. CRAMTON. Does the gentleman want to take up the time until 11 o'clock, when other bills are waiting? If he does, it is all right with me.

Mr. McREYNOLDS. I have taken about two or three minutes, and I judge the gentleman from Michigan, who is not a member of the Committee on Claims, has taken at least three-quarters of an hour this evening.

Mr. CRAMTON. I have no interest in the bills to follow.

Mr. McREYNOLDS. I am on this subcommittee and I helped to pass on this testimony. I think this is a just claim. This boat was shown to be worth twice the amount; it was going up the Missouri River with an experienced man in charge; these piles were left in the center of the river, and it was on account of the Government having tried to pull them out of the river that this accident occurred and caused the destruction of this vessel. Therefore it has looked to me as though you should not force these people to go into court and undertake to recover there. I will not take any more of your time.

Mr. O'CONNOR of Louisiana. Mr. Speaker, is it in order for me to make a parliamentary inquiry at this time with the gentleman from Missouri on the floor?

The SPEAKER pro tempore. The gentleman from Missouri has the floor, and if he yields the gentleman may make his parliamentary inquiry.

Mr. ROACH. Mr. Speaker, I would like to make a brief statement in regard to this matter, if I may be permitted to do so. In response to what the gentleman from Texas said just a moment ago, it appears in the report—if the gentleman from Texas will give me his attention—

Mr. BLANTON. I am listening.

Mr. ROACH. In the report made by the Secretary of War the statement is found that they have no objection to conferring jurisdiction upon a court to determine this case and the merits of this claim. The point I wish to make to the gentleman from Texas is this: That a subcommittee of the Committee on Claims held hearings upon this measure and went thoroughly into the facts; likewise the Committee on Claims, a responsible committee of this House, heard the testimony which a court would have to hear, and after hearing that testimony reached the inevitable conclusion that this was a just and meritorious claim.

Mr. BLANTON. Will the gentleman yield?

Mr. ROACH. In just a moment and I will. There are precedents in this House where responsible committees, having inquired into the facts and merits of a claim, as in this case, have allowed the claim and paid the bill in Congress rather than to put the claimants to the delay and the expense incident and necessary to carrying the case into court.

Mr. BLANTON. Will the gentleman yield now?

Mr. ROACH. I will be glad to yield.

Mr. BLANTON. If the gentleman can get our colleagues, Judge Box and Major BULWINKLE, who are on this committee, to make a speech for this bill, I will withdraw my objection; but I do not believe the gentleman can do it.

Mr. ROACH. I am quite sure that if the gentlemen referred to had had all the facts before them that the subcommittee which reported this claim had before it and heard all of the

testimony they would get up on the floor of this House and make a speech in favor of this claim.

I have not a particle of personal interest in the claim except to see equity and justice done to honest citizens of this country, and I make this statement for the reason that these two men had their earthly possessions invested in this boat and it was sunk as the result of gross negligence and carelessness of Government employees in attempting to pull piling out of the main channel of the river, and that such employees did it in such a careless manner as to make a veritable death trap for boats that had a right to travel in that channel.

Now, with these unquestioned facts before the subcommittees and with these unquestioned facts before the main committee, they have recommended payment in this case. Now, why in the name of high heaven does the gentleman want to subject honest citizens, who have their all invested in a boat that is sunk through the carelessness of Government employees, to be put to the expense of employing counsel, summoning witnesses, and going into court when a committee of this House has passed upon the bill.

I hope the gentlemen, who have objections in mind, will not make any objection to so meritorious and just a claim as this one?

Mr. BEGG. Will the gentleman permit a question?

Mr. ROACH. I will gladly yield and answer any question the gentleman has in mind.

Mr. BEGG. There are only two questions I want to ask and I can ask both of them in one. In the first place, everybody knows, and no one knows it better than the gentleman speaking, and I am referring to the gentleman from Missouri, that the channel in the river shifts from time to time. The evidence states that this particular captain had not piloted a boat on this river for over two years.

Mr. ROACH. I beg to differ with the gentleman.

Mr. BEGG. The report says two years. I do not know whether it was one year or six months; all I know is what the report says. The report also says that the pilot, who had been a skilled pilot, made no effort by going to the navigation office to ascertain any shifts in the channel, and that a Government boat, the *Missouri*, a larger boat, did navigate the channel unmolested and unharmed.

Mr. ROACH. Will the gentleman now let me answer the questions? His first question goes to the experience of the pilot who was in charge of this boat. Let me state for the information of the House that the clear, convincing, unquestioned testimony—and the record is replete with it—is that this was one of the most experienced pilots who ever operated a boat upon the Missouri River; that he had acted in the capacity of a pilot and had had a pilot's license from the Government for a period of 20 years or more. Now, a member of this firm had died, which made it necessary to sell this boat, and they had contracted the boat for sale at Kansas City, to be delivered. Not willing to risk his own judgment upon the currents at that season of the year, this experienced pilot, with over 20 years of experience, called to his aid and assistance another experienced pilot. They were proceeding cautiously, as the evidence showed, up the Missouri River to deliver this boat when they struck this submerged piling that had been pulled right down in the middle of the channel by the Government agents and was lying there concealed beneath the water and the boat sunk.

So much for the experience of the pilot. Now, as to the responsibility of the pilot for not making inquiry at the Kansas City office, the evidence shows that the Kansas City office did not know a thing about what their agents had so criminally and negligently done there in the stream with reference to leaving this submerged piling, and they did not know about it until it had been proven in this case that they were criminally negligent. So if they had made inquiry at the Kansas City office they would not have got any information because the Kansas City office did not know anything about it.

Furthermore, we have the testimony of experienced river pilots upon the Missouri River in this record that shows that it is not the custom, that it is not the practice, and that it is not required that pilots shall make inquiry at the district engineer office with reference to the condition of the stream. I believe that fully answers both inquiries that the gentleman has made.

Mr. BEGG. I do not believe it does, for this reason: Navigation had not opened. This was in March and navigation had not yet opened, and there had been only one boat, the *Missouri*, to make the trip and, as I understood it, that was a Government boat. Now, would not just common, ordinary precaution urge a man not having navigated the river for two years to have gone to the navigation office to find out something.

Mr. ROACH. Let me ask the gentleman this question in answering his: It was the plain duty, admitted by all, of the Government agents who left this piling in that dangerous condition to put a buoy on it or a marker to indicate that they had left a dangerous condition in that channel. Are you now going to say that these men had to inquire of the men who made this dangerous condition as to whether they had left it there or not, or otherwise they can claim the benefit of their own negligent act? That is exactly what you would require them to do if you required them to inquire at the Kansas City office for information which they did not have.

Mr. BEGG. Will the gentleman yield further?

Mr. ROACH. I will gladly yield.

Mr. BEGG. I would not be absolutely positive about the accuracy of this, but I think the statement is in the report that even if a buoy had been put at this place, the ice would have washed it away.

Mr. ROACH. That is true.

Mr. BEGG. Because of the season of the year, and there was no way to physically mark this or for them to learn about it except to go to the district office and get the information.

Mr. ROACH. It is true that the Government office at Kansas City undertakes to justify itself in not placing a buoy or a marker there to indicate the danger by stating that at that season of the year the river was liable to have ice in it, which would have swept such a buoy away; and, as a matter of fact, within two or three days after this accident the river did have ice in it which would evidently have swept the buoy away, but to meet that sort of an unfair contention on the part of the Government—and I want the gentleman from Ohio to listen to this—the river pilots on the Missouri River testify that if there had been a buoy placed there, and if it had only remained one day, the notice would have gone up and down the river that a buoy had been placed there and accidents would have been avoided. I hope the gentleman will not make an objection to this bill.

The SPEAKER pro tempore. The time of the gentleman from Missouri has expired.

Mr. EDMONDS. Mr. Speaker, in all fairness to the clerk of the committee, I would like to state that the papers in this report were taken by myself and ordered printed out of the data furnished us to prove the case. I have published pretty nearly all of the papers that I had. I did not know of the affidavit the gentleman from Kansas [Mr. LITTLE] speaks of, and the Clerk knew nothing of it. I had no evidence of it in my docket. If it had been there it would have gotten into the report. Another thing I would like to say is this: I think the evidence clearly shows that there was a lot of piling driven down the river. It was not exposed at high water, and the steamer hit it.

Mr. BLANTON. Mr. Speaker, I object.

The SPEAKER pro tempore. The gentleman from Texas objects.

Mr. O'CONNOR of Louisiana. Mr. Speaker, I desire to submit a parliamentary inquiry. Has a bill any priority by reason of the fact that a similar Senate bill in identical language is on the Speaker's desk, and could it be called up out of order?

The SPEAKER pro tempore. The Chair thinks not.

GREENPORT BASIN & CONSTRUCTION CO.

The next business on the Private Calendar was the bill (H. R. 3348) authorizing the Secretary of the Treasury to pay a certain claim as the result of damage sustained to the marine railway of the Greenport Basin & Construction Co.

The Clerk reported the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and hereby is, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$559.98 to the Greenport Basin & Construction Co., of Greenport, N. Y., as compensation for damage to their marine railway caused by the United States Coast Guard cutter *Pequot*.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time; was read the third time, and passed.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted to—

Mr. TYDINGS, for to-day, on account of important business, at the request of Mr. HILL of Maryland.

Mr. BLACK of Texas, for to-day, on account of illness in his family.

ADJOURNMENT.

Mr. EDMONDS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 11 o'clock p. m.) the House adjourned until to-morrow, Saturday, March 22, 1924, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII.

Mr. LEAVITT: Committee on the Public Lands. H. R. 3511. A bill to extend relief to the claimants in township 16 north, ranges 82 and 33 east, Montana meridian, Montana; without amendment (Rept. No. 336). Referred to the Committee of the Whole House on the state of the Union.

Mr. GIBSON: Committee on the District of Columbia. S. 1787. A bill authorizing the extension of the park system of the District of Columbia; without amendment (Rept. No. 387). Referred to the Committee of the Whole House on the state of the Union.

Mr. KENT: Committee on the District of Columbia. S. 1348. A bill to authorize the widening of Fourth Street south of Cedar Street NW., in the District of Columbia, and for other purposes; with an amendment (Rept. No. 338). Referred to the Committee of the Whole House on the state of the Union.

Mr. ABERNETHY: Committee on the Public Lands. H. R. 4437. A bill to quiet titles to land in the municipality of Flomaton, State of Alabama; with an amendment (Rept. No. 340). Referred to the Committee of the Whole House on the state of the Union.

Mr. VINSON of Kentucky: Committee on the Public Lands. H. R. 5204. A bill to authorize the Secretary of the Interior to adjust disputes or claims by settlers, entrymen, selectors, grantees, and patentees of the United States against the United States and between each other, arising from incomplete or faulty surveys in township 28 south, ranges 26 and 27 east, Tallahassee meridian, Polk County, in the State of Florida, and for other purposes; with an amendment (Rept. No. 341). Referred to the Committee of the Whole House on the state of the Union.

Mr. VINSON of Kentucky: Committee on the Public Lands. H. R. 5573. A bill granting certain public lands to the city of Shreveport, La., for reservoir purposes; with amendments (Rept. No. 342). Referred to the Committee of the Whole House on the state of the Union.

Mr. BIXLER: Committee on Rules. H. Res. 231. A resolution providing for a special committee to investigate the preparation, distribution, sale, payment, retirement, surrender, cancellation, and destruction of Government bonds and other securities; without amendment (Rept. No. 344). Referred to the House Calendar.

Mr. BIXLER: Committee on Rules. H. Res. 232. A resolution providing for the consideration of H. J. Res. 180, for the relief of the distressed and starving women and children of Germany; without amendment (Rept. No. 345). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII.

Mr. WURZBACH: Committee on Military Affairs. H. R. 7805. A bill reconveying to Elizabeth Moore the camp site of Camp Robert E. L. Michie; with an amendment (Rept. No. 339). Referred to the Committee of the Whole House.

Mr. WILLIAMS of Michigan: Committee on War Claims. S. 1861. A bill authorizing the Court of Claims of the United States to hear, determine, and render final judgment in the claim of Elwood Grissinger; with amendments (Rept. No. 343). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 7949) granting a pension to Mary J. Baldwin; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 7951) granting an increase of pension to Charles A. Bushey; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 7901) granting a pension to Clara C. Cox; Committee on Invalid Pensions discharged, and referred to Committee on Pensions.

A bill (H. R. 7902) granting a pension to Joseph Willms; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 8039) granting an increase of pension to Frank E. Putnam; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. ASWELL: A bill (H. R. 8108) to place the agricultural industry on a sound commercial basis, to encourage agricultural cooperative associations, and for other purposes; to the Committee on Agriculture.

By Mr. NEWTON of Missouri: A bill (H. R. 8109) providing for the improvement and completion of prescribed sections of the Ohio, Mississippi, and Missouri Rivers; to the Committee on Rivers and Harbors.

By Mr. LARSON of Minnesota: A bill (H. R. 8110) authorizing the Secretary of Commerce to convey certain land to the city of Duluth, Minn.; to the Committee on Public Buildings and Grounds.

By Mr. McSWAIN: A bill (H. R. 8111) to provide further for the national defense and make available upon the declaration of war by Congress means by which the plans for the mobilization of industry required by section 5a of the national defense act may be made effective; to the Committee on Military Affairs.

By Mr. HILL of Maryland: A bill (H. R. 8112) to amend the national prohibition act; to the Committee on the Judiciary.

By Mr. RUBEY: A bill (H. R. 8113) to declare Big Niangua River, in Webster, Dallas, Laclede, and Camden Counties, Mo., nonnavigable; to the Committee on Interstate and Foreign Commerce.

By Mr. CURRY: A bill (H. R. 8114) to amend section 4 of the act approved August 24, 1912, entitled "An act to create a legislative assembly in the Territory of Alaska, to confer legislative power thereon, and for other purposes"; to the Committee on the Territories.

By Mr. CRISP: Resolution (H. Con. Res. 17) to print 5,000 copies of the report of the Commissioner of Internal Revenue showing refunds made taxpayers during the fiscal years ending June 30, 1922, and 1923; to the Committee on Printing.

By Mr. KINDRED: Resolution (H. Res. 230) authorizing the appointment of a committee to investigate the office of the Federal prohibition commissioner; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ARNOLD: A bill (H. R. 8115) granting an increase of pension to Samantha Elliston; to the Committee on Invalid Pensions.

By Mr. BERGER: A bill (H. R. 8116) granting an increase of pension to John F. Brannan; to the Committee on Pensions.

By Mr. BRAND of Ohio: A bill (H. R. 8117) for the relief of Mrs. William F. Baxley; to the Committee on Claims.

By Mr. BROWNE of New Jersey: A bill (H. R. 8118) for the relief of Burton Tettemer; to the Committee on Claims.

By Mr. BROWNING: A bill (H. R. 8119) to authorize the burial of Edward E. Kemp in a national cemetery; to the Committee on Military Affairs.

By Mr. CROWTHER: A bill (H. R. 8120) for the relief of A. J. Baker Co. (Inc.), Horwitz & Arbib (Inc.), and Richard Evans & Sons Co.; to the Committee on Claims.

By Mr. CULLEN: A bill (H. R. 8121) for the relief of Mrs. John Jones; to the Committee on Claims.

By Mr. FULLER: A bill (H. R. 8122) granting an increase of pension to Mary A. Force; to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 8123) granting an increase of pension to Dennis Holland; to the Committee on Pensions.

By Mr. GLATFELTER: A bill (H. R. 8124) for the relief of William F. Redding; to the Committee on War Claims.

Also, a bill (H. R. 8125) granting an increase of pension to Margaret M. Burger; to the Committee on Invalid Pensions.

By Mr. HASTINGS: A bill (H. R. 8126) granting a pension to Mary E. Robertson; to the Committee on Invalid Pensions.

By Mr. HILL of Maryland: A bill (H. R. 8127) for the relief of Daisy Brown; to the Committee on Claims.

By Mr. LINEBERGER: A bill (H. R. 8128) granting a pension to Nettie I. Moffatt; to the Committee on Pensions.

Also, a bill (H. R. 8129) granting a pension to Olive J. Hurst; to the Committee on Invalid Pensions.

By Mr. MLLIGAN: A bill (H. R. 8130) granting a pension to Sarah J. Fuller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8131) granting a pension to Mahala Shaw; to the Committee on Invalid Pensions.

By Mr. MOREHEAD: A bill (H. R. 8132) granting a pension to Josephine Roush; to the Committee on Invalid Pensions.

By Mr. PHILLIPS: A bill (H. R. 8133) granting a pension to Maria L. Reed; to the Committee on Invalid Pensions.

By Mr. PURNELL: A bill (H. R. 8134) granting a pension to Ada I. Murphy; to the Committee on Invalid Pensions.

By Mr. RUBEY: A bill (H. R. 8135) granting an increase of pension to John W. Harmon; to the Committee on Pensions.

By Mr. SWING: A bill (H. R. 8136) for the relief of L. H. Phipps; to the Committee on Claims.

By Mr. TABER: A bill (H. R. 8137) for the relief of Genevieve Hendrick; to the Committee on Foreign Affairs.

By Mr. TINKHAM: A bill (H. R. 8138) granting a pension to Alfred Bonaccorsi; to the Committee on Pensions.

By Mr. UNDERWOOD: A bill (H. R. 8139) granting an increase of pension to Margaret S. Higgins; to the Committee on Invalid Pensions.

By Mr. WAINWRIGHT: A bill (H. R. 8140) for the relief of the owner of the American steam tug *O'Brien Brothers*; to the Committee on Claims.

By Mr. WURZBACH: A bill (H. R. 8141) to reinstate Charles McKee Krause as a captain in the Marine Corps; to the Committee on Naval Affairs.

By Mr. CURRY: Joint resolution (H. J. Res. 226) for the relief of special disbursing agents of the Alaskan Engineering Commission, authorizing the payment of certain claims, and for other purposes, affecting the management of the Alaska Railroad; to the Committee on the Territories.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1938. By Mr. ALDRICH: Petition of Little Rhody Council, No. 30, Sons and Daughters of Liberty, of Westerly, R. I., urging the passage of the Johnson immigration bill; to the Committee on Immigration and Naturalization.

1939. By Mr. CELLER: Petition of Polish Falcons Alliance of America, urging that the Star Spangled Banner be adopted as the national anthem; to the Committee on the Library.

1940. Also, petition of American Association for the Recognition of the Irish Republic, against any recognition being accorded to a diplomatic representative of the so-called Irish Free State by the Government of the United States; to the Committee on Foreign Affairs.

1941. Also, petition of Utica Heights Board of Trade, favoring House bill 4123, to increase salaries of postal employees; to the Committee on the Post Office and Post Roads.

1942. By Mr. FULLER: Petition of the Peoria (Ill.) Clearing House Association, opposing any amendment of the transportation act at this time; to the Committee on Interstate and Foreign Commerce.

1943. By Mr. LEAVITT: Petition of William Tibbles, secretary-treasurer of the Custer County Farm Bureau (Mont.), and 28 other farmer members of the organization, petitioning Congress to adopt speedily such legislation as will enable the creation of an agricultural export corporation to handle farm commodities that must of necessity find a market abroad; to the Committee on Agriculture.

1944. By Mr. MacGREGOR: Petition of Lodge M. N. Zartava, No. 405, S. N. P. J., Tonawanda, N. Y., and Italian Medical Society, Buffalo, N. Y., protesting against certain proposals in the immigration bill before Congress; to the Committee on Immigration and Naturalization.

1945. By Mr. MAGEE of Pennsylvania: Petitions of the Cynosam Club; Gold Cross Sisterhood, No. 108, D. of M.; executive committee American Association of Engineers; South Hills Republican Club; Thursday Afternoon Club, of Wilkinsburg; Overbrook Council; Woman's Civic Club, of Emsworth; Amalgamated Association of Iron, Steel, and Tin Workers, all of Pittsburgh, Pa., favoring increased compensation to postal employees; to the Committee on the Post Office and Post Roads.

1946. Also, petitions of Local Union No. 256, O. P. and C. F. I. A.; O. R. T. Club, representing telegraphers and station

agents of all railroads; Keystone District Loyal Orange Lodge, No. 6; St. Joseph Lyceum; Fort Pitt Lodge, No. 155, L. L. O. A.; Chapter No. 1, Women of Mooseheart Legion; and Sheik Temple, No. 246, D. O. K. K., all of Pittsburgh, Pa., favoring increased compensation to postal employees and favoring House bill 4123; to the Committee on the Post Office and Post Roads.

1947. Also, petitions of Amalgamated Association of Iron, Steel, and Tin Workers; the Rose Building & Loan Association; International Brotherhood of S. S. and D. M., Local No. 3; Jones Loan Post, No. 845, Veterans of Foreign Wars; directors of Catholic Men's Club; West End Board of Trade; Automobile Club of Pittsburgh; Chateau Post, No. 258, Veterans of Foreign Wars; United Garment Workers of America, Local Union No. 51; Arsenal Bank; B. P. O. E., No. 11; American Woodmen; Carlisle Club; Young Men's Institute of Sharpsburg; and Pittsburgh Association of Credit Men, all of Pittsburgh, Pa., favoring increased compensation to postal employees; to the Committee on the Post Office and Post Roads.

1948. Also, petitions of Building Trades Council; Equitable Aid Society; the Broadway Club, Lodge No. 50, K. of P.; Millvale Post, No. 118, V. F. W.; W. Ralph McNulty Post, No. 214; Bell-Haid-Murray Post, No. 520; Kietzly Egli Post, No. 441; Jene-Mager Post, No. 278; German Beneficial Union, No. 506; Martin-O'Donnell Post, No. 274; Northside Board of Trade (Inc.); Brookline Board of Trade; Wilson-Golden Post, No. 842; Order of Owls; Steam Fitters and Helpers, No. 449; Paperhangers' Local, No. 282; Corporal C. A. Everett Post, No. 514; Painters' District Council No. 1; First National Bank of Etina; Retail Grocers' Association; Hazelwood Lodge, No. 180, K. of P.; Private John Naujokitis, No. 373; Oakland Lodge, No. 421, K. of P.; and Charles Q. Zischkan Post, No. 207, all of Pittsburgh, Pa., favoring increased compensation to postal employees; to the Committee on the Post Office and Post Roads.

1949. Also, petitions of Brewery and Soft Drink Workers' Union, No. 67; Brewery and Soft Drink Workers' Union, No. 22; and St. George's Lodge, No. 6, S. B. S., of Pittsburgh, Pa., favoring increased compensation to postal employees; to the Committee on the Post Office and Post Roads.

1950. By Mr. MEAD: Petition of the Buffalo Chamber of Commerce, protesting against the McNary-Haugen bill; to the Committee on Agriculture.

1951. By Mr. MORROW: Petition of Zvezda Lodge, No. 207, S. N. P. J., of Raton, N. Mex., against immigration measures now before Congress; to the Committee on Immigration and Naturalization.

1952. Also, petition of Albuquerque Lodge, No. 896, Independent Order of B'nai B'rith, Albuquerque, N. Mex., opposing the Johnson immigration bill; to the Committee on Immigration and Naturalization.

1953. Also, petition of Gorenjec Lodge, No. 120, S. N. P. J., of Gallup, N. Mex., against immigration proposals now before Congress; to the Committee on Immigration and Naturalization.

1954. By Mr. NEWTON of Minnesota: Petition of Gopher Local, No. 205, opposing the provisions of the bill for the registering, photographing, and finger printing of foreign-born workers; to the Committee on Immigration and Naturalization.

1955. Also, petition of Mr. Fred A. Ossanna, on behalf of certain Greek, Italian, Polish, Russian, Slovak, and Ukrainian citizens of Minneapolis, voicing their protest against the Johnson immigration bill; to the Committee on Immigration and Naturalization.

1956. By Mr. SMITH: Petition of the United States Brotherhood of Carpenters and Joiners of America, Boise, Idaho, favoring the enactment of the child-labor amendment; to the Committee on the Judiciary.

SENATE.

SATURDAY, March 22, 1924.

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

O Lord, our God, the heavens declare Thy glory and the firmament sheweth Thy handiwork. We bless Thee this morning that Thou art ours, related to us in such a blessed way through Thy Son. We would recognize our obligations to serve Thee acceptably. In all the varied duties which come to our hands we beseech of Thee to help us, so that to the country as well as to Thyself, our God, we may render acceptable service. Through Jesus Christ our Lord. Amen.

NAMING A PRESIDING OFFICER.

The Secretary, George A. Sanderson, read the following communication:

UNITED STATES SENATE,
PRESIDENT PRO TEMPORE,
Washington, D. C., March 22, 1924.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. JAMES W. WADSWORTH, Jr., a Senator from the State of New York, to perform the duties of the Chair this legislative day.

ALBERT B. CUMMINS,
President pro tempore.

Mr. WADSWORTH thereupon took the chair as Presiding Officer.

THE JOURNAL.

The reading clerk proceeded to read the Journal of yesterday's proceedings when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

GRAVES OF SOLDIER DEAD ABROAD.

Mr. REED of Pennsylvania. Mr. President, I move a reconsideration of the vote by which House bill 7449, the first deficiency appropriation bill, was passed, and I ask unanimous consent for the present consideration of the motion.

Mr. HEFLIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The principal clerk called the roll, and the following Senators answered to their names:

Adams	Frazier	Ladd	Sheppard
Ball	George	Lodge	Shields
Bayard	Gerry	McKellar	Shipstead
Borah	Glass	McKinley	Simmons
Brandegee	Gooding	McLennan	Smith
Breussard	Hale	McNary	Smoot
Bursum	Harrell	Mayfield	Stanfield
Cameron	Harris	Neely	Stephens
Capper	Harrison	Norris	Swanson
Canaway	Heflin	Oddie	Wadsworth
Curtis	Howell	Overman	Walsh, Mont.
Dial	Johnson, Minn.	Owen	Warren
Hedge	Jones, N. Mex.	Ralston	Watson
Ellis	Kendrick	Ransdell	Weller
Ernst	Keyes	Reed, Pa.	Willis
Fletcher	King	Robinson	

Mr. FLETCHER. I desire to announce that my colleague [Mr. TRAMMELL] is unavoidably absent. I ask that this announcement may stand for the day.

Mr. CURTIS. I wish to announce that the Senator from Iowa [Mr. BROOKHART], the Senator from Washington [Mr. JONES], the Senator from New Hampshire [Mr. MOSES], the Senator from Arizona [Mr. ASHBURST], and the Senator from Montana [Mr. WHEELER] are detained in a committee meeting.

The PRESIDING OFFICER. Sixty-three Senators having answered to their names, a quorum is present.

Mr. REED of Pennsylvania. Mr. President, my purpose in moving a reconsideration of the vote by which the Senate passed the first deficiency appropriation bill yesterday is to enable me to present an amendment for the insertion of a limitation on the expenditure of an item which is found on page 49 of the bill, appropriating \$548,550 for headstones to be placed in American cemeteries in Europe. The amendment was suggested to the Committee on Appropriations and I understood that it was acceptable to that committee, but it seems there was a misunderstanding and that they expected me to offer the proviso on the floor of the Senate, which I was unable to do as I was necessarily absent yesterday. My purpose in asking for reconsideration now is simply to offer an amendment to that one item, and I understand there is no objection to it.

Mr. ROBINSON. Will the Senator have read the amendment he proposes in advance of action on the motion to reconsider?

The PRESIDING OFFICER. The Secretary will read the amendment which the Senator from Pennsylvania proposes to submit.

The READING CLERK. On page 49, line 21, after the word "expended" and before the period, insert a colon and the following proviso:

Provided, That none of the money so appropriated shall be expended except for headstones or markers to be placed upon the graves in American military cemeteries overseas, which shall be of the same general form and design and having the same general effect as the existing wooden markers.

Mr. REED of Pennsylvania. In explanation of the proposed amendment I will say that the Quartermaster General plans to remove all of the white crosses now marking the graves of

American soldiers abroad. The American Legion, the Veterans of Foreign Wars, the American Battle Monument Commission, the Gold Star Mothers, the association of fathers of men who died overseas, General Pershing himself, everybody that I know of, except the Quartermaster General, want to have the crosses retained. They can be retained in durable, permanent form, either of bronze, painted white, of the same dimensions of the present crosses, or in some other permanent material, at a much lower expense than would be entailed in putting in the little cubes of marble which the Quartermaster General has in mind. We can do it more cheaply and we can do it to the satisfaction of the relatives and comrades of the men who are buried there.

There are about 30,300 graves there, and I believe the plan which we propose of perpetuating the crosses which have been immortalized in the poetry of the war will cost the United States in the end less than the inappropriate little marble headstones proposed by the Quartermaster General.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. REED of Pennsylvania. Certainly.

Mr. CARAWAY. Referring to the proposed limitation which the Senator contemplates, are all the American dead now gathered in those American cemeteries or are there some yet buried in the French cemeteries?

Mr. REED of Pennsylvania. All the American soldier dead in Europe have been concentrated in eight main cemeteries. The only exception to that statement is that a very few bodies have been retained at points of disaster, like the point in northern Scotland where the men who were drowned on the *Tuscania* were buried when the bodies came ashore. They are buried in well-kept little cemeteries devoted only to American dead.

Mr. CARAWAY. Under the limitation proposed by the Senator from Pennsylvania, no part of this appropriation could be expended to pay for markers on the graves of those buried in Scotland?

Mr. REED of Pennsylvania. I think so, because those are American dead.

Mr. CARAWAY. I know, but the amendment would seem to recite that the dead must be buried in an American cemetery.

Mr. WARREN. Mr. President, if the Senator from Pennsylvania will excuse me, I desire to say merely a few words as to the business aspect of the pending proposition. The proposal is largely of a sentimental nature. The matter was brought before our committee and favorably considered by, if not all, quite a proportion of the committee. It seemed, however, to trench a little upon the rule, and it was agreed that it should be offered on the floor as a unanimous-consent matter rather than to include it in the bill. The understanding of the chairman of the committee and of the clerk of the committee was that the Senator from Pennsylvania would offer the amendment from the floor or would ask some other Senator in his place to do so. The Senator, however, very naturally—and perhaps it may have been my fault—left with the idea that the amendment would be offered by the chairman of the committee. Hence I made no objection to the recall of the bill. Unusual as it may be, still it is within the rule to call the bill back.

Mr. ROBINSON. Mr. President, let me see if I understand the proposal. A difference exists between the Quartermaster General and other military authorities as to the material to be used and the character or design of the markers which are to be erected. All authorities except the Quartermaster General desire that the form of a cross shall be used, and also that material other than marble shall be used. The Quartermaster General wishes to use a marker similar to that which is placed at the graves of Union soldiers, which consists of a small marble slab.

Mr. REED of Pennsylvania. Yes; he desires that substantially the same character of markers shall be used as is placed at the graves of Union soldiers.

Mr. ROBINSON. The object of the amendment is to prevent the design of the Quartermaster General prevailing and to give effect to the decision of the other authorities whom the Senator from Pennsylvania named in his opening statement?

Mr. REED of Pennsylvania. The Senator from Arkansas states the matter very well.

Mr. ROBINSON. The limitation in the amendment is to the graves in military cemeteries overseas, I understand?

Mr. REED of Pennsylvania. Yes, Mr. President. Therefore I ask, in accordance with the suggestion of the junior Senator from Arkansas [Mr. CARAWAY] that the words "the American military" be stricken from the amendment now on the table, so that it will read:

Provided, That none of the money so appropriated shall be expended except for headstones or markers to be placed upon the graves in cemeteries overseas, which shall be of the same general form and design and having the same general effect as the existing wooden markers.

That will take care of the very few bodies that are buried in spots like the cemetery in northern Scotland.

The PRESIDING OFFICER. Is there objection to the reconsideration of the votes by which the bill was read the third time and passed? The Chair hears none, and the votes are reconsidered. The bill is in the Senate. The question is on agreeing to the amendment offered by the Senator from Pennsylvania [Mr. REED]. The Chair hears no objection, and the amendment is agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the bill (S. 75) for the relief of the Cleveland State Bank, of Cleveland, Miss.

The message also announced that the House had passed the bill (S. 214) for the relief of the Old National Bank of Martinsburg, Martinsburg, W. Va., with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 914. An act granting six months' gratuity pay to Stansfield A. and Elizabeth G. Fuller;

H. R. 1310. An act for the relief of William R. Bradley, former acting collector of internal revenue for South Carolina;

H. R. 1448. An act for the relief of D. H. MacAdam;

H. R. 1475. An act for the relief of Luke Ratigan;

H. R. 1629. An act authorizing the removal of the restrictions from 40 acres of the allotment of Isaac Jack, a Seneca Indian, and for other purposes;

H. R. 1829. An act for the relief of the Long Island Railroad Co.;

H. R. 1860. An act for the relief of Fannie M. Higgins;

H. R. 2498. An act for the relief of the East LaHave Transportation Co. (Ltd.), owner; A. Picard & Co., owner of cargo; and George H. Corkum, Leopold S. Conrad, Wilson Zineck, Freeman Beck, Sidney Knickle, and Norman B. LeGay, crew, of the schooner *Con Rein*, sunk by United States submarine K-4;

H. R. 2881. An act to compensate three Comanche Indians of the Kiowa Reservation;

H. R. 3104. An act granting 180 acres of land to the Western State College of Colorado, at Gunnison, Colo., for the use of the Rocky Mountain biological station of said college;

H. R. 3143. An act for the relief of Bernice Hutchison;

H. R. 3183. An act for the relief of Rush O. Fellows;

H. R. 3348. An act authorizing the Secretary of the Treasury to pay a certain claim as the result of damage sustained to the marine railway of the Greenport Basin & Construction Co.;

H. R. 3386. An act authorizing the Secretary of the Treasury to pay war-risk insurance to Elizabeth Thornton, foster mother of Edward Short;

H. R. 3800. An act to cancel an allotment of land made to Mary Crane or Ho-tah-kah-win-kaw, a deceased Indian, embracing land within the Winnebago Indian Reservation in Nebraska;

H. R. 3900. An act to cancel two allotments made to Richard Bell, deceased, embracing land within the Round Valley Indian Reservation in California;

H. R. 4012. An act to reimburse William H. Flagg and others for property destroyed by mail airplane No. 73, operated by the Post Office Department;

H. R. 4047. An act for the relief of the Underwood Type-writer Co. and Frank P. Trott;

H. R. 5541. An act for the relief of Hubert Reynolds;

H. R. 5808. An act for the relief of Edward T. Williams;

H. R. 6557. An act to allow credit in the accounts of A. W. Smith; and

H. R. 6820. An act making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1925, and for other purposes.

ENROLLED BILLS SIGNED

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were there-

upon signed by the Presiding Officer [Mr. WADSWORTH] as Acting President pro tempore:

S. 2420. An act granting the consent of Congress to the State of South Dakota for the construction of a bridge across the Missouri River between Potter County and Dewey County, S. Dak.; and

S. 2446. An act granting the consent of Congress to the Clarks Ferry Bridge Co., and its successors, to construct a bridge across the Susquehanna River at or near the railroad station of Clarks Ferry, Pa.

PETITIONS AND MEMORIALS.

Mr. REED of Pennsylvania presented a petition of the Philadelphia (Pa.) Board of Trade, praying for the passage of Senate bill 2576, as amended, to limit the immigration of aliens into the United States, and for other purposes, which was referred to the Committee on Immigration.

Mr. ROBINSON presented a resolution adopted by Igloo No. 15, at Anchorage, Alaska, protesting against the passage of legislation providing further restrictions depriving the people of Alaska of the use for food purposes of the game and wild life of the Territory, which was referred to the Committee on Territories and Insular Possessions.

He also presented a resolution adopted by the City Federation of Women, of Fort Smith, Ark., favoring the restriction of narcotic production to the medical and scientific needs of the world, which was referred to the Committee on Foreign Relations.

Mr. FLETCHER presented a resolution adopted by the Rotary Club of St. Paul, Minn., favoring adequate appropriations to carry out the purposes of the national defense act, which was referred to the Committee on Appropriations.

Mr. WARREN presented a resolution of the Women's Delphian Club of Riverton, Wyo., favoring the passage of the so-called Johnson immigration bill, which was referred to the Committee on Immigration.

He also presented a telegram in the nature of a petition from The Bon Co., of Cheyenne, Wyo., praying for the passage of the so-called Capper truth-in-fabric bill, which was referred to the Committee on Interstate Commerce.

Mr. HARRIS presented a resolution adopted by the Civitan Club of Atlanta, Ga., favoring the establishment by the Federal Government of sanitariums for the treatment of drug addicts, which was referred to the Committee on the Judiciary.

Mr. CAPPER presented a petition, numerously signed, of sundry citizens of Coldwater, Kans., praying for the passage of the so-called Johnson immigration bill, which was referred to the Committee on Immigration.

He also presented telegrams and a paper in the nature of petitions, numerously signed, of sundry citizens of St. John, Neosho Falls, and Ransom, all in the State of Kansas, praying for the passage of legislation more stringently restricting immigration, which were referred to the Committee on Immigration.

Mr. WILLIS presented a resolution adopted at the annual meeting of the Ohio State Industrial Traffic League, at Columbus, Ohio, protesting against the passage of Senate bill 2327, to amend section 4 of the Interstate commerce act, which was referred to the Committee on Interstate Commerce.

He also presented a resolution of the board of education, Fulton County public schools, of Wauseon, Ohio, protesting against the passage of legislation creating a Federal department of education, which was referred to the Committee on Education and Labor.

Mr. CURTIS presented a petition, numerously signed, of sundry citizens of the United States, praying an amendment to the Constitution granting equal rights to women, which was referred to the Committee on the Judiciary.

He also presented a resolution of Wyandotte Post, No. 83, the American Legion, of Kansas City, Kans., favoring the passage of legislation granting adjusted compensation to veterans of the World War, which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Shawnee County, Kans., praying that the quota allowed in pending immigration legislation be based on the census of 1890 rather than the census of 1910, which was referred to the Committee on Immigration.

OPERATION OF VETERANS' BUREAU IN ARIZONA.

Mr. CAMERON. Mr. President, I present a letter from Governor Hunt, of Arizona, with reference to the compensation of hospitalized veterans, which I ask be referred to the Committee on Finance and printed in the Record.

There being no objection, the letter was referred to the Committee on Finance and ordered to be printed in the Record, as follows:

EXECUTIVE OFFICE, STATEHOUSE,
Phoenix, Ariz., March 14, 1924.

Hon. RALPH CAMERON,

United States Senate, Washington, D. C.

MY DEAR SENATOR: On February 19 I addressed a letter to the members of the Arizona delegation in Congress, calling attention to the objection on the part of the Disabled American Veterans of the World War in Arizona to section 10 of the recommendations of the senatorial committee with reference to the compensation of hospitalized veterans.

I have just been informed by Mr. J. A. Billingsley, vice commander of the State Department of the Disabled American Veterans of the World War, of Arizona, that immediately following the publication of my communication Maj. Louis T. Grant, manager of the Veterans' Bureau, District No. 12, overnight issued an order that any disabled veteran in District No. 12 receiving vocational training and receiving any wage, commission, or bonus from the employer under whom he was learning a trade or profession would have the amount received from his employer deducted from his Government check each month.

I am further advised that this is the only district in which such an order has been made.

I call this to your attention in order that you may inquire why this discrimination should be made against the veterans of this district. This matter does not concern the veterans of Arizona alone, in fact only to a limited extent, because there are very few in this State affected. It concerns the veterans who are being hospitalized in Arizona from every State in the Union, men who have been sent here because of the climatic conditions and the fact that they are suffering from diseases which this climate will benefit.

I do not know whether the fact that I had the temerity to address the Arizona delegation in Congress on behalf of the disabled veterans is responsible for this order, but the fact remains that it has been put into effect. I would appreciate it, and I know the disabled veterans of District No. 12 will appreciate it, if you will call this outrageous discrimination to the attention of the American people.

A little sidelight upon the manner in which the Veterans' Bureau in Arizona is being treated in the way of funds: I am advised that there are 3,000 disabled veterans in this State, and the subdistrict office is allowed only 20 cents per day for telegrams to be sent on behalf of disabled veterans.

Respectfully yours,

GEO. W. P. HUNT, Governor.

REPORTS OF COMMITTEES.

Mr. NORRIS, from the Committee on Agriculture and Forestry, to which was referred the joint resolution (S. J. Res. 98) authorizing the President to extend an invitation for the holding of the Third World's Poultry Congress in the United States in 1927, and to extend invitations to foreign governments to participate in this congress, reported it without amendment, and submitted a report (No. 297) thereon.

Mr. BURSUM, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 1762) providing for the acquirement by the United States of privately owned lands within Taos County, N. Mex., known as the Santa Barbara grant, by exchanging therefor timber, or lands and timber, within the exterior boundaries of any national forest situated within the State of New Mexico, reported it with amendments and submitted a report (No. 298) thereon.

MISSISSIPPI RIVER BRIDGE NEAR NEW ORLEANS, LA.

Mr. RANDELL. From the Committee on Commerce I report back favorably without amendment the bill (S. 2656) granting the consent of Congress to the construction of a bridge across the Mississippi River near and above the city of New Orleans, La., and I submit a report (No. 296) thereon. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the city of New Orleans, a municipal corporation existing under the laws of the State of Louisiana, its successors and assigns, through its public belt railroad commission, as authorized by the constitution of the State of Louisiana, to construct, maintain, and operate a bridge and approaches thereto across the Mississippi River, at a point suitable to the interests of navigation, near and above the said city, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That this act shall be null and void unless the construction of said bridge is commenced within two years and completed within five years from the date of approval hereof.

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GOODING:

A bill (S. 2902) authorizing the acquiring of Indian lands on the Fort Hall Indian Reservation, in Idaho, for reservoir purposes in connection with the Minidoka irrigation project; to the Committee on Indian Affairs.

By Mr. SHEPPARD:

A bill (S. 2903) to permit loans under the Federal farm loan act on 60 per cent of the value of permanent, insured improvements; to the Committee on Banking and Currency.

By Mr. McKINLEY:

A bill (S. 2904) to declare a certain portion of the Kankakee River nonnavigable waters; to the Committee on Commerce.

By Mr. McLEAN:

A bill (S. 2905) to amend section 25 (a) of the act approved December 23, 1913, known as the Federal reserve act; to the Committee on Banking and Currency.

By Mr. McKELLAR:

A bill (S. 2906) for the relief of Robert K. Christenberry; to the Committee on Naval Affairs.

A bill (S. 2907) for the relief of the heirs of Robert E. L. Rogers; and

A bill (S. 2908) for the relief of the Crystal Steam Laundry (with accompanying papers); to the Committee on Claims.

By Mr. SPENCER:

A bill (S. 2909) for the relief of Peter Shell; to the Committee on Military Affairs.

By Mr. WALSH of Massachusetts:

A bill (S. 2910) to pension blind or partially blind children of persons who served in the Army, Navy, or Marine Corps of the United States during the Civil War; to the Committee on Pensions.

By Mr. WILLIS:

A bill (S. 2911) granting an increase of pension to Mary V. Jones (with accompanying papers); to the Committee on Pensions.

By Mr. McKINLEY:

A joint resolution (S. J. Res. 104) requesting the President to invite the Interparliamentary Union to meet in Washington City in 1925 and authorizing an appropriation to defray the expenses of the meeting; to the Committee on Foreign Relations.

REDUCTION OF TAXES.

Mr. HARRISON submitted an amendment intended to be proposed by him to House bill 6715, the revenue bill, which was referred to the Committee on Finance and ordered to be printed.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred as indicated below:

H. R. 1475. An act for the relief of Luke Ratigan; to the Committee on Commerce.

H. R. 3104. An act granting 160 acres of land to the Western State College of Colorado at Gunnison, Colo., for the use of the Rocky Mountain biological station of said college; to the Committee on Public Lands and Surveys.

H. R. 3386. An act authorizing the Secretary of the Treasury to pay war-risk insurance to Elizabeth Thornton, foster mother of Edward Short; to the Committee on Finance.

H. R. 6557. An act to allow credit in the accounts of A. W. Smith; to the Committee on Agriculture and Forestry.

H. R. 6820. An act making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1925, and for other purposes; to the Committee on Appropriations.

H. R. 1629. An act authorizing removal of the restrictions from 40 acres of the allotment of Isaac Jack, a Seneca Indian, and for other purposes;

H. R. 2831. An act to compensate three Comanche Indians of the Kiowa Reservation;

H. R. 3800. An act to cancel an allotment of land made to Mary Crane or Ho-tah-kah-win-kaw, a deceased Indian, embracing land within the Winnebago Indian Reservation in Nebraska; and

H. R. 3900. An act to cancel two allotments made to Richard Bell, deceased, embracing land within the Round Valley Indian Reservation in California; to the Committee on Indian Affairs.

H. R. 914. An act granting six months' gratuity pay to Stansfield A. and Elizabeth G. Fuller;

H. R. 1316. An act for the relief of William R. Bradley, former acting collector of internal revenue for South Carolina;

H. R. 1438. An act for the relief of D. H. MacAdam;

H. R. 1823. An act for the relief of the Long Island Railroad Co.;

H. R. 1860. An act for the relief of Fannie M. Higgins;

H. R. 2498. An act for the relief of the East LaHave Transportation Co. (Ltd.), owner; A. Picard & Co., owner of cargo; and George H. Corkum, Leopold S. Conrad, Wilson Zinck, Freeman Beck, Sidney Knickle, and Norman E. LeGay, crew of the schooner *Con Rein*, sunk by United States submarine K-4;

H. R. 3143. An act for the relief of Bernice Hutcheson;

H. R. 3183. An act for the relief of Rush O. Fellows;

H. R. 3348. An act authorizing the Secretary of the Treasury to pay a certain claim as the result of damage sustained to the marine railway of the Greenport Basin & Construction Co.;

H. R. 4012. An act to reimburse William H. Flagg and others for property destroyed by mail airplane No. 73, operated by the Post Office Department;

H. R. 4647. An act for the relief of the Underwood Type-writer Co. and Frank P. Trott;

H. R. 5541. An act for the relief of Hubert Reynolds; and

H. R. 5808. An act for the relief of Edward T. Williams; to the Committee on Claims.

CONDUCT OF FOREIGN AFFAIRS.

Mr. SHIPSTEAD. Mr. President, I hold in my hand a morning newspaper carrying in its headlines the information that United States marines have landed in Honduras. From time to time we get information from the newspapers as to various happenings in countries in Central America in which the armed forces of the United States seem to be involved.

Up to this time I have had no further source of information than the newspapers. Sometimes I wonder if we are not developing another Balkan problem down in Central America. I sometimes wonder—I am forced to wonder—what is the foreign policy of the Government of the United States. I do not question the motives of the President and the Secretary of State, but sometimes I can not do otherwise than be compelled to question their viewpoint.

Some days ago I submitted a resolution, to which I expect to call the attention of the Senate next week or in the near future, asking the Secretary of State to inform the Senate to what extent the American Government sanctioned the loan that was made last week to the Government of France by the Morgan syndicate of American bankers. That information we also received from the newspapers. When I addressed the Senate on that subject I called attention to the fact that the newspapers said the sum of the loan amounted to \$50,000,000.

Mr. EDGE. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from New Jersey?

Mr. SHIPSTEAD. I yield.

Mr. EDGE. The Senator opened his remarks by referring to the landing of American marines in Honduras for the announced purpose, according to newspaper dispatches from that country, of protecting American lives and American interests in the capital of Honduras. While it has no particular connection with the case, it happens that the minister to Honduras is a citizen of the State of New Jersey, and I read with a great deal of personal satisfaction and gratification in the reports from the State Department that the American minister, Franklin E. Morales, was highly commended for his activity and foresight in the handling of the situation. It appears that he had constructed, as I recall the press dispatch, a wireless apparatus over the legation, with which he was able to communicate with an American man of war. The capital of Honduras, as the Senator undoubtedly knows, is in the interior, some hundred miles away from the coast, but, through the medium of that wireless apparatus, he was able to secure the presence of a hundred-odd marines for the protection of American property and American interests. Does the Senator intend by the statement in his opening remarks to criticize the action of the American representative in taking that summary action, or what is the nature of his comment, so far as it refers to Honduras?

Mr. SHIPSTEAD. Mr. President, allow me to say to the Senator that my remarks were not directed in criticism; I was merely calling the attention of the Senate to various incidents that are happening which involve the armed forces of the United States, and, so far as I am concerned, very little information is furnished as to the reason for these happenings. The only information we have we derive through the newspapers. In my opinion, this condition was of sufficient importance to be called to the attention of the Senate.

Mr. LODGE. Mr. President, will the Senator allow me to interrupt him for a moment?

Mr. SHIPSTEAD. I am glad to yield to the Senator from Massachusetts.

Mr. LODGE. Simply on the question of general practice, it is the undoubted right of the Executive to send forces, either of the Navy or of the Army, for the protection of American lives and property, and for that purpose alone, in foreign countries. It has been done over and over and over again; constantly. It is a recognized power of the Executive. Very prompt action may be required, and it would be utterly impossible for Congress to do anything. The danger would be over; the Americans would be killed and their property would be destroyed if the Commander in Chief did not have that authority to order troops or ships to any point where he was satisfied that American lives and property were in danger. It is a very common thing; there are scores of such incidents in our history.

Mr. BORAH. Mr. President, may I make a suggestion?

Mr. SHIPSTEAD. I yield.

Mr. BORAH. Of course, as the Senator from Massachusetts states, it is one of the duties of the Chief Executive to protect American lives and American property under such circumstances and conditions as seem to be indicated in the press dispatches, but the policy which has obtained for the last 10 or 15 years with reference to Central America has gone much further than merely protecting the lives and property of Americans. Just what this particular instance means I do not know; I am not informed as to that; but I do know, with reference to Nicaragua and Haiti and Santo Domingo that we proceeded much further than was necessary to protect American lives and American property. The fact is that we are establishing over the Central American countries the dominancy of the United States Government. The question whether it is a wise policy or not would justify considerable consideration and much discussion, in my judgment, before we should conclude ourselves upon it.

Our action in Nicaragua resulted in practically destroying the sovereignty of Nicaragua. We established our marines in the capital of Nicaragua some 10 or 11 years ago. They have been kept there, as I am informed, ever since. We practically named as the President of the country a clerk of a Pittsburgh corporation, and have kept him there. I say "ever since"—I would not be certain as to the immediate present, but we kept him there for a number of years. Admiral Long, who went there for the purpose of investigating the situation, said, in his report—which can be had by anyone who desires to investigate the matter—that the President of Nicaragua was being maintained against the desires of 80 per cent of the people of Nicaragua. Any time that the marines had left the capital at Managua, the President, whom we had practically installed, would have had to depart. While we were there we concluded a treaty with Nicaragua, a treaty with a government which we had set up, with a President that we were maintaining, which was, in effect, making a treaty with ourselves. That goes much further than merely protecting the lives of individuals and the property of individuals in any particular instance, and I think it is a matter of serious import.

Mr. LODGE. Mr. President, the Senator must have noticed, of course, that I confined my statement to general principles, as I said.

Mr. BORAH. Exactly.

Mr. LODGE. I do not mean to say that there have not been cases where they have begun on that principle and have pushed it much further. I think those are comparatively rare, however. Nicaragua is a very gross instance.

Mr. EDGE. Mr. President—

The PRESIDING OFFICER. The Senator from Minnesota has the floor.

Mr. SHIPSTEAD. Mr. President, I did not hear what the Senator from Massachusetts said. Will he kindly repeat it?

Mr. LODGE. I said that the Senator from Idaho noticed, of course, when I made that brief explanation to the Senator from Minnesota, that I was speaking only of the general principle, and not of specific instances. The instance of Nicaragua, of which he has just been speaking, undoubtedly began with the action under the general principle of sending the forces of the United States to protect American lives and American

property. It was extended in a very extraordinary way. It has gone on, I think, for more than 10 years. It dates very far back. Zelaya is the man who was driven out and another man was put in, and undoubtedly was sustained by the presence of American marines. I think we had 100 at Managua, and they were sufficient to control the situation.

That is going further than protecting American lives and property, of course; but I think those cases are exceptional and rare, and while I do not know the details of the Honduras case, the general policy always has been and always must be that the Executive, the Commander in Chief, should have the power to protect American lives and property.

Mr. SHIPSTEAD. Of course.

Mr. LODGE. I will take a striking case, and that is the Boxer rebellion.

Mr. SHIPSTEAD. I will say to the Senator that I did not mean to question the desirability or the right of the executive or any other branch of the Government to protect the rights and lives of American citizens. There have been instances, however, that seemed to me to go a great deal further than that; and having no particular information on the Honduras situation, I simply called it to the attention of the Senate with the possibility in view that some information would be brought out here so that we may know whether this is simply a bona fide action for the protection of the lives and property of American citizens or whether it is a military penetration into a friendly foreign country.

Mr. EDGE. Mr. President, if I may say just a brief word, I have had some personal interest in this matter, mainly because of the fact that a man I had recommended for the office of American minister had received the appointment; and for that reason, seeing the reports in the newspapers of the insurrection in Honduras, I naturally followed it with some interest and made some inquiries. The result of those inquiries, while not made in the form of a request for official information but just for my personal satisfaction, was in effect—and I think the newspapers have printed most of the same information—that there was a revolution in Honduras, which is still under way, with, in this case, three opposing armies, three men each attempting to become President of the Republic. The American legation in the capital of Honduras was made to a great extent, as I presume is usually the case, the refuge for Americans and other foreigners whose lives, according to the information I received, were in danger because of indiscriminate shooting throughout the streets of the capital. As I stated before, the American minister was able, through his wireless device, to communicate with the authorities and secure the necessary permission, I presume, so that the marines were landed for the sole purpose of protecting American lives and American property and those who had asked the American minister for such protection.

I personally know none of the details beyond that; but having read in one of the New York papers only yesterday, or perhaps the day before, that the American minister was highly complimented for his ingenuity and his promptness in handling this situation, which arose through the presence of drunken, riotous soldiers on the streets of Tegucigalpa, and that his promptness had met the approval of the American Government, I felt very much pleased with it so far as it has gone. If it goes beyond that, as in the case of Nicaragua, that is quite another matter; but certainly with a revolution going on, with three opposing armies entering the city, and with the looting and drunkenness that was reported by the press dispatches, it seems to me the American minister took the action that a representative of the American Government should take; and if that information is correct, I am quite sure that every Member of the Senate will approve of the action he took.

Mr. BORAH. Mr. President, may I say just one word more? Then I will not interrupt the Senator further.

Mr. SHIPSTEAD. Certainly.

Mr. BORAH. The proposition of protecting American lives and American property as a principle is correct; but it covers a multitude of sins, as we have found during the last 10 or 15 years in Central America. There is a book just out, written by a Frenchman, which makes some startling revelations as to what we mean when we say we protect American lives and American property in Mexico and Central America. If the author gives the facts correctly—and I rather think he does, because he goes into details, and states facts and figures and dates and individuals—the fight in Mexico for the last 10 or 12 years has been a fight between individuals, oil interests, organizing revolutions and supplying the means by which these insurrections should be carried on. The English interests, represented by Cowdray, and the Standard Oil Co. have ac-

tually organized and carried on revolutions there, and finally we get interested under the theory of protecting American lives and American property. As a matter of fact, we are protecting or opposing a revolution which has been initiated, financed, and carried on by people who of course are Americans, but who are down in a friendly country actually violating the laws of the country.

Mr. HARRELD. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. The Senator from Minnesota has the floor. Does he yield to the Senator from Oklahoma?

Mr. SHIPSTEAD. I yield.

Mr. HARRELD. Did not the investigation before the Public Lands Committee show that Mr. Doheny had personally contributed over \$5,000,000 to one of those insurrections?

Mr. BORAH. Yes; I think something of that kind was brought out; but it seems that Doheny was following a long-established custom. He was not initiating any new policy.

Mr. HARRELD. I want to call attention to the fact that in August, 1922, I made a speech on the floor of the Senate in which I charged that the Doheny interests, the Royal Dutch Shell interests, and the Standard Oil interests controlled 90 per cent of the production in Mexico, and the facts I stated at that time have never been disputed; and they were furnishing money for these very things at that time.

Mr. BORAH. I think the Senator was very likely correct in the percentage of control which he stated they had; and the revolution which is now on in Mexico is in all probability the same kind of revolution that we have been dealing with for the last 10 or 12 years.

Mr. SHIPSTEAD. Mr. President, I said at the beginning that I do not question the integrity or the motives of those who conduct our foreign affairs, but I said that I might be forced to question their point of view. It is a question of how far the Government of the United States, backed by its resources, shall go in becoming involved in quarrels and financial deals which are promoted by private individuals under the often-reiterated slogan that the American flag must follow the American dollar. For that reason I called the attention of the Senate last week to the loan made by Morgan & Co. to the Government of France. The day after I addressed the Senate the newspapers carried the information that the loan was not one of fifty million but of one hundred million. The newspapers also intimated that the negotiations for this loan had been conducted under the supervision and had been closed with the consent of the State Department.

I therefore introduced this resolution, because I considered it of the utmost importance that the Senate should be informed of the foreign policy of the Government of the United States as conducted by the President through the Secretary of State without the advice and consent of the Senate.

When we take into consideration the condition of the world to-day, I think it only the part of prudence to expect that Congress shall keep informed, so far as it can, in order that the Nation's interests may be protected. It would seem also the public duty of the State Department to keep the Senate informed from time to time of matters pertaining to our relations with other countries not only concerning questions of a political nature but also questions of a financial nature, because, sooner or later, financial matters become political and financial entanglements become political entanglements.

I do not like the idea that has been so often reiterated that the "American flag follows the dollar," because that implies that the dollar controls the flag; that the owner of the dollar will then control our foreign policy. I would rather have it said that the "American flag follows American principles and American ideals," and then see to it that these principles and ideals are of such a character that an American need not be ashamed to have his flag follow them. I am aware, however, that there are citizens who hold that the other slogan is a better one and insist that the American flag follow the American dollar. People who apparently hold to that view have had control of the Government, and therefore our foreign policy, for some time, and the American flag has followed the dollar into Haiti, Santo Domingo, Salvador, Honduras, Mexico, and France. There is an ever-increasing number of people in America, however, who are beginning to realize that the American dollar represents the crystallized sweat of American labor. Therefore they are very much concerned as to where these American dollars, wrung by toll out of the bodies of the American people, are going, and for what purpose they are being used. Forty billions of these American dollars were spent with reckless abandon on an experiment called "a war to end war," "a war

to end militarism," and a "war that was fought for the purpose of establishing a peace of justice."

The experiment, of course, was a failure, although some people evidently found it so interesting and so profitable that they have forgotten the expense and the sacrifices that it entailed. They also seem to have forgotten the purposes and principles for which we were told we entered the war.

After the war was over we were told that the day we went into the war the British Government had overdrawn its bank account with J. Pierpont Morgan & Co. to the amount of \$400,000,000, and did not have the money to "make good" the overdraft; that a few days after we entered the war this money was taken out of the Federal Treasury of the United States and deposited in the bank of J. Pierpont Morgan. (See article by Burton J. Hendrick in *World's Work* for September, 1922, and article by Oscar T. Crosby in *Atlantic Monthly*, December, 1922.) How much more paper of foreign governments was held in the banks and trust companies affiliated with the Morgan group at that time we have not been informed. But I believe it is reasonable to assume that so many American dollars had found their way to the European battle fields in the shape of war contracts that about \$40,000,000,000, 4,000,000 men, and the American flag had to be sent over to protect them. In other words, these loans formed a financial entanglement that later became a political entanglement, which finally led us into the war.

The American bankers had put their money on the Allies to win. They had bet on a losing horse. So they had to rush \$40,000,000,000 of the American people's money, and sacrifice 150,000 lives of the "flower of American youth," to fix the horse race so that the horse upon whom they had placed their money could win.

German militarism was destroyed. But we find in its place French militarism. The Government of France, one of the Allies in the late war, whose confession of faith was as laudable and whose ideals for "world peace" were as loudly protested as were those of any ally, or any opposing government, has, since the war, repudiated that confession of faith. She has not kept faith with the United States in adhering to the principles for which we entered the war. She has spent vast sums of money to maintain a large standing army, and for other war purposes, not only in France, but in other countries. And in her attempt to accomplish the hegemony of Europe she has now shed the mantle of justice and peace, and stands revealed to the world clothed in the armor of imperialism and conquest. As such she is a menace to all humanity, endangering the peace of the world.

The French industrialists want iron mines, coal mines, oil wells belonging to other people. To get these things, they use their Government. If through the use of their Government they can not get these things by diplomacy, they resort to force. When governments use force, it means war. That is one of the reasons industrialists are so anxious to control governments, for in controlling governments they can use them and their power to get the things that they want. To get these things they will sacrifice their own people and all humanity on the altar of the god of greed.

I find in the *Chicago Tribune* the headline, quoting Morgan & Co., to the effect that United States bankers are confident France will win. J. Pierpont Morgan & Co., by his loan, are betting \$100,000,000 that France will win in her conquest of Europe. How much more they have bet on France we do not know. An investigation into the amount of French paper held in the American banks and other corporations would give us some light on this subject.

To what extent the American Government is involved in this transaction should be the concern of all Americans, particularly of those who are not interested in oil wells, iron mines, and coal mines, or interest on foreign securities. With our bankrupt farmers, with our tremendous burden of taxes, with our soldiers of the late war without adjusted compensation, with Europe already owing us \$10,000,000,000 on their last war, with all of these things in view, it would seem the part of prudence to inquire whither we are now drifting. But it is said this loan is made for the purpose of establishing peace in Europe, for stabilizing the franc, to restore the crumbling financial houses and governments of Europe. It is done "in the name of peace."

We who have so recently been over the course of history ought to remember the danger signals. The war makers always do their work in the "name of peace." When Germany, Austria, and Italy formed their triple alliance and built large armaments on land and sea, they did not say that Germany wanted the Bagdad Railroad in order to tap the markets of

the Orient; that Italy wanted more territory; that Austria wanted more territory. They said they formed the alliance and built the large armaments on land and sea because they wanted peace. They told their people so. Their newspapers and statesmen told their people that they must gladly pay the taxes to support this military program in order to have peace.

When Russia, France, and England formed their triple entente, and taxed their people to support large armies and large navies, they did not tell their people that Russia wanted Constantinople in order to control the Black Sea and so possess a harbor on warm water. They did not say that England wanted German colonies and the trade of the Orient, and that in order to keep that trade she must be mistress of the seas. They did not say France wanted the German colonies in Africa and the control of the iron and coal of the European Continent, and that in order to get these things they must have a large army and go to war. No; they did not tell the people that. They told their people that they had to have a large army in order to maintain peace; that the people must gladly pay taxes to support large armies and large navies in order that they might enjoy "peace on earth and good will among men." The people did not get peace. They got war.

Then, after our bankers had loaned vast sums of money to the allied governments, we became obsessed with that same desire for peace that the governments of Europe had shown. A Government that had been "too proud to fight" became so desirous for peace that it decided to go to war, a "war to end war," a "war to annihilate militarism," a war that should put an end to "government by dictators," a war that should bring peace. But there is no peace. There is more militarism than ever. There are more governments by dictators than ever before. Still the voice of humanity is clamoring for peace, and can have no peace because those who control their governments do not want peace. They want oil wells, coal mines, iron mines, and interests on bonds. So they are getting ready for another war in order to "save the white man's civilization."

Can we never learn from history? Hegel says, "The only thing we learn from history is that we are so stupid that we can not learn from history." But we who have lived the last 10 years have seen 100 years of history made within that time. And having seen 100 years of history made in the last 10, we ought to have learned something from history. Having learned something, we surely can see that this frightful game of the world's industrialists in charge of the various governments is not preserving and protecting the white man's civilization but is destroying it.

Shall America, through the loans of its bankers, be again drawn into this maelstrom of destruction that will make another shambles of God's green earth? Shall we again be drafted into the game of selfishness and greed that will multiply the poverty and disease, the misery, the debts, taxes, and death among the white race? Are American statesmen going to continue to be pawns in the hands of its financiers and foreign diplomats? Shall America again be the tail to the kite of an imperial foreign government, to the sacrifice of our own interests and our own people? Is Uncle Sam again going to play the boob at the poker table of international politics? Shall we pile up larger debts and heavier taxes by financing imperial European governments in their game of destruction? If we do, we shall have to pay the price. We shall pay the price that European governments and peoples are paying now.

That price will be paid by the people of America who produce wealth by toil in the mines and in the factories, on the farms and in the shops, for nations, like individuals, must pay for their mistakes. It is for us, who are intrusted by the people with the power of government, to so conduct the affairs of the Government, both in domestic and foreign relations, that the price of our mistakes shall not be the life of the Nation.

NAVAL OIL LAND DEBATES.

Mr. CARAWAY. Mr. President, I have sat here for almost two days hoping that some Republican Senator would feel compelled to rise in his place and defend the Speaker of the House [Mr. GILLET] against an attack made on him by the New York Times. In an editorial, quoting from the Speaker of the House [Mr. GILLET] in his Massachusetts speech of this week, the New York Times said:

"Mr. GILLET's animadversions on the new senatorial 'types which seem to revel in personalities, which never grapple with policies, but find delight in circulating abuse and besmirching reputations,' and on one bizarre ornament of the Senate, 'inflamed beyond even his usual recklessness by partisan malice,' violate the parliamentary proprieties and traditions."

Then the paper says:

"These ought to be followed even if they are sometimes broken. Severe personal criticism by a Member of one branch of the legislature of the conduct of another, or of Members of it, is not supposed to be made publicly."

I think the New York Times is without justification in its criticism of the Speaker of the House on his violating the proprieties and the rules of the body over which he presides, because I never knew that anyone thought that the Speaker understood or had any regard for the rules of the body over which he presides. He never has given any evidence that he knew what the rules were or that he had any respect for them. Therefore I think some Republican Member of the Senate should have rebuked the New York Times for criticizing the Speaker for doing a thing which the Speaker did not know was wrong.

Speaking of the Senate, the Speaker said:

"I wish the stature of its Members had kept pace. It still has wise statesmen, but they are not the ones who of late have filled the columns of the Record. There have recently come into prominence new types which seem to revel in personalities, which never grapple with policies but find delight in circulating abuse and besmirching reputations."

I want to ask the Speaker if he will be so good, when he goes again to Massachusetts to lecture the Senate, if he will tell the country which Members of the Senate he thinks are violating the best traditions of the Senate. I wish the Speaker would do more than that. That applies to all those, both individuals and papers, including the New York Times and the Washington Star and the Philadelphia Ledger and others, that are moved by sinister interests to cry out against investigations. I wish they would tell the country, when they are bemoaning the investigations that are going on in the Senate and decrying the motives of Senators who carry on the investigations, just what it is that has been revealed by those investigations that they do not approve.

Are they disturbed and is the Speaker upset because Fall was disclosed as a traitor who had sold the oil reserves of the country for a consideration? Are they angry because the Attorney General now stands stripped before the American people as a man who perverted his office to protect crime and to profit by the sale of permits to violate the law? Is that the thing that moves the Speaker of the House to criticize the Senate and to decry the efforts put forth by certain Senators to uncover corruption in this country? Does he object to the testimony that discloses that the whiskey ring in this country had bought withdrawal permits for hundreds of thousands of dollars worth of liquor and paid to people near the Attorney General for the privilege to bootleg this liquor? Is that what he objects to?

Or does he object, and do the papers who criticize the Senate object, that Forbes is no longer the Director of the Veterans' Bureau and therefore not in a position to rob and plunder the disabled and maimed soldiers of the recent war? Are those the things that disturb the Speaker? Are those the things that fill the newspapers with their denunciations of investigations going on in the Senate?

I would like to say that the distinguished and very able senior Senator from West Virginia [Mr. ELKINS], who has added so much to the legislative success of his party since he has been in the Senate, says he is coming back from Florida and make the fur fly on Democrats who have been carrying on investigations in the Senate. Oh, it would be a revelation to some of us to see him do anything in the Senate. His activities do not seem to have been carried on on the floor of the Senate if the investigating committee's report can be relied upon.

I am not inclined to let pass without discussion another thing. The Senator from Idaho [Mr. BONAR] said he wanted to call the attention of the Senate that it ought to quit its grand-jury probing and go to work. I would like to yield now to any Senator who will tell the country one single piece of legislation that has not been acted upon by the Senate by reason of the fact that there is an investigation going on. The tax bill, to which the Senator from Idaho referred, is right where it would have been if there had been no Senate investigation. The Senate could not take hold of it until the House acted upon it, and the House only recently passed it. The Senate can not pass it until the Committee on Finance shall have reported it to the Senate. Therefore, when anyone says that the Senate investigations are delaying legislation I would be glad for him to point out what particular legislation is being delayed by reason of the Senate investigations.

There is no use, because people have no sympathy with investigations, because they would rather that crime should go unpunished and undiscovered, to say that the country is being deprived of helpful legislation by reason of the fact that the Senate is engaged in investigating criminals.

The Washington Star recently had an editorial that I want to read. I presume that no editorial that ever appeared in that paper was read on the floor of the Senate before. It was entitled "Speaking of politics," and is as follows:

When President Coolidge said that "guilt is personal" he made a sapient observation with an application bearing upon the general political situation. Events are rapidly justifying the statement, especially with regard to the Republican Party's interests and his own candidacy for the Presidency. It has been the hope of the Democrats that the disclosures in the oil investigation and the inquiry into the Department of Justice, now pending, would diminish the prospects of the Republican Party and even impair those of President Coolidge getting the nomination.

The administration's prompt action in the possible criminal aspects of the Teapot Dome affair, already yielding results, relieved the President and the party of any charge of dilatoriness or of trying to shield any Republican involved. Demonstration of the country's faith in President Coolidge has been made in recent elections for the selection of delegates by the selection of Coolidge delegates in widely separated sections over his only opponent.

There is reaction from the first horrifying shock over the oil disclosures as the investigation takes on such a partisan status disclosing political animus. There is further reaction on account of the character of the probe. One hears comment from the man in the street expressing impatience over the scope of the inquiry and with the development of so much that seems immaterial politically.

The political drive is not registering effectiveness. There is evidence that against the time when the elections come on politics will still be politics along old lines, and the two parties will go to the polls facing normal issues, and perhaps a third entry.

Let the Star say what it is that the investigation has disclosed that the country objects to. Let the Star say what criminal has been uncovered that the Star objects to. Let the Philadelphia Ledger, that was horrified at disclosures made and so out of patience with the Senate, tell the country just what criminal it wanted protected or just what criminal is about to be uncovered whose protection it seeks, because, Mr. President, I know and every thinking man knows that nobody decries the activity of the Senate in the investigations now going on unless there has been some criminal uncovered whom he wanted to protect or there is some crime about to be disclosed which he does not want revealed.

There is no use to raise the cry that the country wants legislation because there is nobody familiar with the legislative situation who does not know and absolutely know that there is not a single piece of legislation that has been delayed one day by reason of the investigations.

Nobody tells a falsehood unless it becomes necessary, and therefore when the papers and interests outside of the Senate complain about the investigation as delaying legislation or shaking the confidence of the people in their Government it is because there is some reason that they do not dare to tell the people why they object to the investigation. Do they object to it because it has disclosed the fact that Ed McLean did not tell the truth when he said he loaned Mr. Fall \$100,000? Do they object to it because the investigation disclosed that Fall, in his hunt for somebody who would lie for him, before he found McLean had tried to get McKinney? Do they object because Homer wired McLean to "make haste and put in your wire so that you can have quick and easy access to the White House"? Do they object to it because Wahlberg, who said he had \$68,000 of canceled checks in his possession that Sinclair had given to Fall's ranch foreman in New Mexico, later said it was only six or eight cows that he was talking about, and has now run away from the country to keep from answering further about the cows that he had canceled?

Do they object to it because Bennett, the editor of the Post, had such a treacherous memory that he did not know anything that was true and undertook to blacken the reputation of a Member of the Senate who occupies a political position diametrically opposite to me—I speak of the senior Senator from Kansas [Mr. Curtis]—by swearing that he meant Curtis in his telegram when he said "principal"? I know that is not true.

Everybody that reads it knows it is a lie. I started to say about Mr. Curtis that he is a Republican. I am a Democrat. We occupy as radically different positions politically as any two men could, and yet I know that everyone who knows Curtis knows that Curtis does not lie; that he is an honest and honorable man; and that they seek to besmirch his reputa-

tion to conceal somebody else's activities under the word "principal"; we know that the truth has not been told. I know that Curtis was not the "principal" and everybody else knows it, and yet because there is some comment made on who is the principal we are criticized for it. I know that Curtis was not the principal.

Mr. STANFIELD. Mr. President—

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Oregon?

Mr. CARAWAY. I yield.

Mr. STANFIELD. What does the Senator mean by "principal"—principal of what?

Mr. CARAWAY. The witnesses testified about that. The Senator is a member of the committee, and he ought to have some little idea about it.

Mr. STANFIELD. I have an idea, but I would like to be enlightened. I would like to have the Senator's version of the word, because the Senator talks a great deal about the word "principal."

Mr. CARAWAY. If the Senator were not so active in trying to keep witnesses from answering questions, we might get more information. Everybody knows that CHARLIE CURTIS was not the principal. Everybody knows that Bennett knew he was not. Everybody knows that CURTIS is an honest man. Everybody knows that whoever was referred to as "principal" was helping Fall to cover up evidence of his sale of the oil reserves and also was trying to keep Ed McLean from testifying. We know that.

Oh, well, we were criticized also because we called attention to the fact that the President sent a wire to Ed McLean in Florida and afterwards said he did it because McLean had congratulated him on his Lincoln Day speech when he had not delivered his Lincoln Day speech and did not do so until six hours later. Then the President said it was to congratulate him about his stand on Denby. He had already decided to drop Denby. So, of course, we know another explanation should be made.

Then when the President had to hunt up his private secretary, Mr. Slomp, in Florida, he wired Ed McLean. It was 9.30 at night, and his other help, he said, had gone to bed, or something of the kind.

Of course, at the White House they go to bed at 6 o'clock. But the help would be back on the job the next morning at 9. As I understand, the explanation was that he wanted to talk to somebody about whom he should appoint as Commissioners of the District of Columbia. Everybody knows that he was not going to call up somebody here in the District of Columbia at 9.30 at night and ask who should be appointed Commissioners of the District of Columbia when the appointment was not to be made for a month, and his clerk would be in the office the next morning. And then because we simply ask questions about it we are denounced.

Let the people who have the information give it to the country, and there then will be no occasion to ask questions. There will be no occasion for the Speaker of the House to go to Massachusetts and regret the new type of Senators who have come into the Senate. There will be no occasion for the papers to complain about delaying legislation because a grand jury is sitting in the Senate, because, as I said a moment ago, nobody can truthfully say that there has been one day of delay in any legislation by reason of the "grand jury" in the Senate.

But I should like further to call the Speaker's attention to a fact. Quoting now from the newspaper published on the day after his speech, he said that the Senate was a veritable school for scandal. Well, I should like for him to tell the country that his party furnished the scandal.

Mr. STANFIELD. Mr. President, will the Senator from Arkansas yield to me?

Mr. CARAWAY. I yield.

Mr. STANFIELD. Does the Senator think that the discourse he is now delivering is constructive and is aiding in constructive legislation, or is it delaying the time of the Senate from the consideration of constructive legislation and such legislation as the people are interested in, or is the Senator making a speech for the purpose of prejudicing the mind of the public politically?

Mr. CARAWAY. Oh, well, Mr. President, I do not answer such questions as that. Whenever a man asks me that sort of a question his motive is so plain that everybody knows it; and if he does not find it out himself there is no use wasting time. If the Senator has sat on a committee here for months and does not know what I am talking about, he ought to resign from the committee and let somebody who has some sympathy with the efforts and aims of the committee take his place.

Mr. STANFIELD. Mr. President—

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Oregon?

Mr. CARAWAY. I yield.

Mr. STANFIELD. I take exception to the aspersion of the Senator from Arkansas as to myself and my interest in the committee. I wish to say to the Senate that there is no Member of this body who has taken more interest than I have taken in the work of the committee when any revolutions have been made. I do take exception to the Senator's statement—

Mr. CARAWAY. Well, let me ask a question while the Senator is taking exception. Who objected this morning to Will Hays telling whether or not Sinclair had financed the Republican Party?

Mr. STANFIELD. I do not think such a question was propounded to the committee or such an objection was made before the committee.

Mr. CARAWAY. Who objected to his answering any questions about the contributions to the Republican committee?

Mr. STANFIELD. There were various members of the committee who objected.

Mr. CARAWAY. Who made the objection?

Mr. STANFIELD. I made an objection to the question—

Mr. CARAWAY. I thought the Senator did, and I am glad we have found it out. [Laughter in the galleries.]

The PRESIDING OFFICER. The galleries will not be permitted to indulge in any demonstrations.

Mr. STANFIELD. I made objection to certain questions on the ground of immateriality and irrelevancy. I was within my rights when I did so, because I think a great deal of time is being wasted by the committee. I think the Public Lands Committee has many serious matters to consider, and I did not want to see the time of the committee taken in matters that are immaterial and irrelevant and are not before them, so far as the resolution adopted by the Senate is concerned.

Mr. CARAWAY. I remember when I submitted a resolution to cancel the oil leases which Fall had sold to Sinclair and Doheny a Senator on the other side objected to its immediate consideration. I remember when I gave notice that I would ask to have the committee discharged a member of the committee sitting on the Republican side objected. I remember that in answer to the speech I made seeking action upon this matter the suggestion was made that it was a reflection on the committee. I remember that I was taken to task because I had said that Fall was guilty of treason in selling the national resources. I was called a scandal monger; and, if it could have been done by those who had no sympathy with the investigation, Doheny and Sinclair would still be exploiting the oil reserves of this country and they would still be contributing to the Republican National Committee and electing men in sympathy with them; hiring the ex-Cabinet officials—and some of them who were not "ex"—to carry out their policies, and the country would have been none the wiser. Everybody knows what I am trying to do here except the Senator from Oregon.

I say, Mr. President, that whoever has been guilty of wrongdoing ought to be punished, and whoever has been guilty of transactions that raise a serious question in the minds of the people as to his motive ought, if he is innocent, to welcome an opportunity to explain it.

I should think if the Attorney General thought it was entirely proper to gamble in Sinclair and Doheny oil stocks—Sinclair stock particularly, as I remember—at the time Sinclair was negotiating and just had purchased the Teapot Dome from the Government that he would have carried the stock in his own name; that he would not have had a dummy. I do not know what right anyone has now to complain when it is disclosed that Smith, who never pretended to be a lawyer, but was merely a dry-goods man, was brought to Washington with Daugherty and installed in an office next to him, and in the absence of the Attorney General, so the testimony shows, sat in the Attorney General's office. But naturally questions arise, Mr. President, about the reason for bringing a merchant away from his store and installing him in the Department of Justice, and those questions have been accentuated by testimony that has recently been disclosed before the investigating committees that are so much denounced. It has been shown that Smith was the man one should see if he wanted to transport a prize-fight film in violation of law; that Smith was the man one should see if he wanted a permit to withdraw liquor illegally so that it might be turned over to the bootleggers of this country, and that a man—I will inquire of the Senator from Montana the name of the lawyer who did not have any law practice, but got money from the bootleggers.

Mr. WALSH of Montana. His name was Mannington.

Mr. CARAWAY. The country has the right to know, Mr. President, of the activities of Mannington and Muma and

Thomas B. Felder and a few men like that, and those who seek to stifle that knowledge are going to arouse in the minds of many people the suspicion that they do not want the facts disclosed; that there is some criminal they want protected; there is some criminal interest there disclosed about which they are angry or is about to be disclosed, and they are hoping for silence. Therefore I do not purpose to sit here and have the presiding officer at the other end of the Capitol denounce Members of the Senate for their activities in this matter without replying to him. I should like to have him tell me if he is angry because Fall was uncovered as a traitor, or if he is angry because Daugherty has been shown to be a protector of criminals instead of a punisher of crime, or if he is angry because, by reason of the disclosures made in the Senate investigations, Forbes can no longer rob the disabled soldiers, or if he is angry because witnesses are testifying now that the Secretary of the Treasury seems to have been overkind to himself when it comes to remitting taxes or making refunds. If those things excite his anger, I shall not question him further; but unless they do, Mr. President, he owes the people some explanation, for those are the things which the Senate investigation has disclosed, those are the things about which Senators speak here on the floor. For doing that the Speaker has denounced us in his Massachusetts speech.

We want him to answer; and recurring again to the newspapers that have said that this investigation has gone too far, that the people are tired of it, that everybody now wants us to sit down and pass the Mellon plan and defeat the soldiers' bonus and go home, they have some other interest, and they had as well disclose it, for there has not been, I want to repeat, any delay of legislation by reason of these investigations or the discussion thereon. There has not been a bill yet brought to the floor of the Senate this session that has not received prompt consideration when the Senators who were in charge of it desired it. The Republican Party is in charge of this Government, and whenever they have desired a measure discussed and passed, it has been promptly done. No Senator on this side of the Chamber has undertaken to delay legislation, and I do not say that any Senator on the other side has done so; but I am showing how unjust it is to try to make the people of the country believe that these investigations are robbing them of needed legislation; that we are holding back the tax reduction bill or any other measure, for there is not any evidence upon which such a statement can rest. Therefore, to repeat, I think that those who make these statements ought to come from under cover and state what their real motives are.

Again, my good friend from West Virginia, without whose intelligent direction of affairs in the Senate there could be no successful legislation—

Mr. NEELY. To which Senator from West Virginia does the Senator from Arkansas refer?

Mr. CARAWAY. I am speaking of the Senator from West Virginia who says he is going to "make the fur fly" when he comes back here. I am speaking of the senior Senator from West Virginia [Mr. ELKINS]. I wish to read that classic of his. If I have lost it, I shall always regret it. Anyway, it was a threat that as soon as he arrived, after having gotten oriented, he is going to make all Democratic Senators exceedingly sorry that in his absence in Florida they loafed upon the job; that he had heard just about as much of this investigation as he was going to stand, and it was not anybody's business what anybody did. It was a fair warning that he was coming back to the Senate to make everybody rue the day when resolutions were offered in the Senate to investigate anybody for wrongdoing.

Mr. President, there may be in the minds of some people a belief that these investigations are partisan. That is what the Star says. However, the majority of the committee is Republican, the Senator who was its chairman until recently is as ardent a partisan as I have ever known. Many of its members are partisan Republicans; but I do not mean by that that they are not fair. I simply want to show how foolish it is for any silly anywhere to say that the Democrats could manipulate the committee for partisan reasons, because the Democrats were in the minority; they could not have a meeting of the committee without the consent of the majority. If there has been any wrongdoing by Democrats, the Republicans know it, and, if they are not very much changed from what they were in 1920, they would not hesitate to criticize a Democrat.

When they came into power in 1918 in the House and in 1920 in the Senate they instigated sixty-odd investigations and spent millions of dollars hoping to disclose that there had been corruption in the administration that waged the war. If there had been they would have revealed it, and if there had been they ought to have done so.

I do not care whether a man is a Democrat or a Republican, if he has been unfaithful to his trust, and anybody knows it and does not reveal it he is not a good citizen. If there is any reason to believe that Democrats have been dishonest, a man can not be honest who does not try to disclose that fact. On the other hand, if the investigation shows that there have been some Republicans who have not been honest in office, no honest Republican is going to complain because that fact has been made known.

Therefore I hope that the next person who criticizes the Senate will at least at the same time enlighten the country upon just those things that investigating committees have brought to light against which he protests. I want him to tell the country whether he objects because the Senator from Pennsylvania [Mr. REED] brought to light the fact that Forbes was robbing the crippled soldiers of this country. I want him to say whether he objects because it has been brought to the country's attention that Fall was a traitor and sold the national resources. I want him to say whether he objects because it has been disclosed that Daugherty, the Attorney General, was harboring in his office men who were trafficking in permits to violate the law. I should like to have him say whether he objects to the country knowing that the Cabinet met at the house of the moral and intellectual leader of this administration, Mr. McLean, and viewed fight films brought here in violation of the law. If it was wrong to do those things, Mr. President, why is it wrong to have the public know, and if it was not wrong to do it, why do they object to letting the people know.

DISTRICT GASOLINE TAX—BUSINESS OF THE SESSION.

Mr. McNARY. Mr. President, I ask unanimous consent, out of order, for the immediate consideration of House bill 655, Order of Business No. 282.

The PRESIDING OFFICER. Is there objection?

Mr. ROBINSON. Let the title of the bill be read first.

The PRESIDING OFFICER. The Secretary will state the title of the bill.

The READING CLERK. A bill (H. R. 655) to provide for a tax on motor-vehicle fuels sold within the District of Columbia, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia, with amendments.

Mr. McNARY. I ask unanimous consent that the formal reading of the bill may be dispensed with.

Mr. McKELLAR. Mr. President, I do not know whether there are any amendments to this bill or not. This is an important bill to the people of the District. There is one provision of it that exempts automobile owners from taxation, and I do not think I can give my consent to dispensing with the formal reading of the bill. I think it had better be read. I think the Senate had better know what is in the bill.

Mr. BORAH. Mr. President, it is not my purpose to take up the time of the Senate with any extended remarks relative to the subject which has been under discussion by the Senator from Arkansas [Mr. CARAWAY]. He made some reference, however, to the views which I expressed a day or two since with reference to speeding up legislation, which perhaps makes it appropriate for me to say something more on that subject.

Lest I forget it, I want to say at this time that I quite agree with the Senator from Arkansas as to his views in regard to the nonpartisan conduct of the investigation relating to the Teapot Dome matter. Without referring to others, I think that the leading Democrat upon that committee has conducted the investigation with impartiality, without partisanship, and with extraordinary ability; and so far as I am concerned I want to go on record as believing that the investigation has been conducted upon high lines and without partisan purposes. I join with them in that proposition.

Mr. President, the other day I called attention to the fact that we have been in session three months and a half and that practically no important legislation has been enacted. I stated at the same time that so far as the committees were concerned which had these matters under investigation they should proceed to their conclusion and make such investigations as the committees deemed it proper to make, but that ought not to interfere any longer or at all with the proper consideration and disposition of legislative matters. I contended then, and I contend now, that the investigations can proceed and that we can, if we will to do so, proceed here with legislation. It is not legitimate investigation of which I complain and the waste of time here in the Senate.

The Senator from Arkansas says that no one can truthfully say that these investigations have delayed legislation. So far as the investigations proper are concerned, I might entirely agree with the Senator from Arkansas; but I do think that by reason of the investigations we here in the Senate Chamber have unnecessarily directed our attention to those matters rather than to the matter of legislation. I have no doubt that our conduct here has delayed legislation.

Mr. CARAWAY. Mr. President, may I interrupt the Senator for just a moment?

Mr. BORAH. I yield.

Mr. CARAWAY. What bill is it that would have been considered if we had gone on without these investigations?

Mr. BORAH. My opinion is that there are several bills which would have been here for consideration; the whole field of legislation has been delayed.

Mr. CARAWAY. Are they on the calendar?

Mr. BORAH. They may not be on the calendar now, although some are. But committee work has been delayed.

Mr. CARAWAY. Then the investigations or what happened here on the floor did not delay the committee work, did they?

Mr. BORAH. The Senator knows quite well that when a subject matter is receiving the attention of the Senate other matters are not considered in committee or pushed along, because our minds and time are upon another subject, and the presence of quorums in committees and the consideration of matters here are inevitably interfered with, not by the acts of individuals, but the body itself, by reason of giving its attention to other matters. Delay is inevitable. If we had been content to let the committees go ahead and withheld discussion here until something in the nature of reports had been made, undoubtedly legislation would not have been retarded. But we have been debating, to the delay of legislation, when the subject matter of investigation was still before the committees.

The consideration of these measures need not interfere with the work of the several committees which are doing this work. When the reports come in from the committees, if there is anything submitted to us here for consideration it will be entirely proper for us to consider and dispose of it; but in the meantime we are under the highest obligations to the country and to ourselves to push these legislative matters and to present them here as rapidly as possible and to dispose of them as speedily as possible.

We have been here, as I have said, for three months and a half, and no such condition of affairs ever before prevailed. It must be due, of course, to the fact that our attention has been riveted upon other matters; but we can afford, in view of the progress which has been made with reference to the investigations, so far as the Senate Chamber is concerned, until the reports come in, to devote our attention to the question of legislation, and it need not interfere with the investigations at all.

As I said the other day in making these remarks, I was not speaking to the opposite side of the Chamber; I was speaking principally to those who are responsible for legislation, who are in power.

Mr. HARRISON. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Mississippi?

Mr. BORAH. Yes, sir.

Mr. HARRISON. There are some of us over here, of course, who want to cooperate and expedite the passage of wholesome legislation. May I ask the Senator what there is on the program of the majority party in the Senate that they intend to pass at this time in the form of legislation?

Mr. BORAH. Of course, I can not speak for anybody except myself. I have certain bills in mind—tax reduction, farm relief, immigration, and so forth.

Mr. HARRISON. I was curious to know just what the program is, what bills they want to expedite.

Mr. BORAH. The Senator from Mississippi knows that the Senator from Idaho is not familiar with programs. I do not wait for or wait upon programs.

Mr. HARRISON. I thought the Senator from Idaho was familiar with everything.

Mr. BORAH. I have in view, however, certain measures which I am exceedingly anxious to see passed.

Mr. CURTIS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Kansas?

Mr. BORAH. I do.

Mr. CURTIS. The Senate itself can not agree upon a program until bills are reported from the committees and are on the calendar.

Mr. HARRISON. I did not understand what the Senator said.

Mr. CURTIS. I say that the Senate can not agree upon a program as to what bills will be taken up until bills are reported out from committees.

Mr. HARRISON. That is very true, but the Republican side of the Chamber controls by a majority number of Senators each committee.

Mr. CURTIS. The members of every committee would have to speak for themselves.

Mr. HARRISON. Yes.

Mr. BORAH. That is what I am going to do. That is what I am doing, and I am going to continue to do it until we get down to legislation.

Mr. BURSUM. Mr. President, I suggest that there is one bill on the calendar that ought to have been taken up long ago, and that is the pension bill. I should like to inquire why it has not been given consideration.

Mr. DIAL. Mr. President, it will be a long time before it will be passed.

Mr. BORAH. Mr. President, there is no need of our fooling ourselves. We are not fooling the country a particle. The country knows that if we, as a body, regardless of politics and regardless of party, were as anxious to pass legislation as the country is to have us pass it, this legislation would be passed. We may be fooling ourselves but we are not fooling the people.

Mr. FLETCHER. Mr. President, may I ask the Senator a question? I quite agree with his thought along that line. We are all interested, for instance, as the Senator mentioned the other day, in tax reduction. How can the Senator account for the statement which appears in the metropolitan papers this morning that the leaders on the other side who have the confidence of the President state that we can not have this tax bill until after the recess?

Mr. BORAH. After what recess?

Mr. FLETCHER. After the recess of Congress. I do not know what recess is referred to. I presume the idea is that we are to have a recess some time in June, or about the 1st of June.

Mr. BORAH. My opinion is that if we do not do something we will have something more than a recess.

Mr. FLETCHER. Why should we wait until after the recess to act upon that very important matter?

Mr. BORAH. I agree with the Senator as to that.

Mr. CURTIS. Mr. President, I have not read the account in the newspaper, but I want to state that there is absolutely no foundation for any such report. The Committee on Finance is working every day upon a revenue bill, and expects to get it out at the earliest possible moment.

Mr. ROBINSON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield; and if so, to whom?

Mr. BORAH. I yield to the Senator from Arkansas.

Mr. ROBINSON. The morning papers carried a report that on yesterday the chairman of the Committee on Finance, the Senator from Utah [Mr. Smoot], and other distinguished members of the same committee—I am not sure that the Senator from Kansas [Mr. Curtis] was among them; if not, his absence was their misfortune—had positively informed the President that under no possible condition could the tax reduction bill be considered and disposed of prior to the recess. I take it he meant the recess which would become necessary in order to hold the Republican convention, which assembles on the 10th of June.

Mr. CURTIS. Mr. President—

Mr. ROBINSON. Just a moment. The statement was made and given publicity throughout the United States that the chairman of the Committee on Finance, one of the leaders of the majority in this body, has declared to the President that it is a physical impossibility to secure the passage of this legislation before the recess. I want to say, Mr. President, that if the Finance Committee will bring in the tax reduction bill, the Senate will take it up and dispose of it within two short weeks, in all probability.

Mr. CURTIS. Mr. President—

Mr. ROBINSON. There is not the slightest disposition on this side of the Chamber to delay the consideration and disposition of that bill, and if it is not passed before the recess occurs, if it is not passed before the next election, the fault will be attributable to the majority, led by the Senator from Utah, the chairman of the committee, who stated to the President yesterday that it is impossible to pass it before the recess.

Mr. CURTIS. Mr. President—

The PRESIDING OFFICER. The Senator from Idaho has the floor. Does he yield; and if so, to whom?

Mr. BORAH. I do not yield now.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. ROBINSON. I thank the Senator.

Mr. BORAH. I understood that the Senator from Arkansas was through.

Mr. ROBINSON. I had concluded for the present.

Mr. BORAH. It is the last sentence of the able Senator from Arkansas which, as I indicated the other day, we will hear more about in the coming campaign if the Republicans do not take hold of the matter and shove legislation through this body. We are in power. We are responsible for legislation. We are responsible for this situation. We shall have to answer to the constituency of this country for whatever is done and whatever we fail to do, and when we come to the campaign we will hear very little about anything except the fact that there was no legislation, that we were in power, and that we are responsible for having no legislation.

Mr. CURTIS. Mr. President—

Mr. BORAH. Just a moment. If you will take the time which has been devoted to the discussion of matters wholly aside from legislation, the hours and hours that have been devoted to it, you will see very easily why we have not been able to make progress with this legislation. I am making this suggestion, not as a criticism upon the other side of the Chamber alone, but I am making the suggestion to the Senate as a whole, that if we want legislation we know that it is within our power to pass legislation, and the country knows that it is within our power to do it, and they will not be deceived for a single moment if we do not do it.

Mr. CURTIS. Mr. President, I want to state that I heartily agree with the statement made by the Senator from Idaho. The responsibility is with us. If we want to pass legislation, we can do it. But I wanted to correct what the Senator from Arkansas claims he read from the paper. I was present at that conference, and I will say that no such conversation as reported in the newspaper and read upon the floor of the Senate occurred. There was nothing said about when the revenue bill should be passed. The President simply urged that we get the bill out and pass it as soon as possible, so that the people of the country might know what they could expect in the way of reduction of taxation. As a member of the Committee on Finance, I want to say that the committee, Republicans and Democrats alike, are meeting every morning at 10 o'clock and considering that bill, and we want to get it out, and expect to report it at the very earliest possible moment.

Mr. ROBINSON. Mr. President, will the Senator from Idaho be good enough to yield?

Mr. BORAH. I will yield to the Senator from Arkansas, but after that I would like to conclude.

Mr. ROBINSON. If the Senator would prefer to conclude his remarks first—

Mr. BORAH. No; I yield to the Senator.

Mr. ROBINSON. Mr. President, I have already referred to the announcement in the morning press that the chairman of the Committee on Finance has informed the President that it will be impossible to pass the tax reduction bill prior to the recess of Congress, which it is expected will be taken in order to hold the Republican National Convention on the 10th of June. I quote from the Washington Post, which is admittedly an administration organ.

Mr. BORAH. Who makes that admission?

Mr. ROBINSON. The Senator from Idaho will certainly not deny it, being a Senator of more than ordinary information.

Mr. BORAH. I think I will.

Mr. ROBINSON. Mr. President, the Senator from Idaho is the only Senator who will deny it, and there is no one outside of the Chamber familiar with the course of recent political events who will corroborate the viewpoint indicated in the Senator's statement. The Washington Post says:

President Coolidge is taking an active hand in speeding up legislation in both Houses of Congress in order to bring about adjournment before the national conventions are held. At a dinner-conference at the White House last night the President discussed with members of the steering committee phases of legislation now before the House and Senate.

Those who took part in the conference were Representative LONGWORTH, Republican leader; Chairman MADDEN, of the Appropriations Committee; Chairman SNELL, of the Rules Committee; and Representatives DARROW, of Pennsylvania; SANDERS, of Indiana; ANDERSON, of Minnesota; MAGEE, of New York; GRAHAM, of Illinois; TINCER, of Kansas; and SINNOTT, of Oregon, members of the steering committee.

Earlier in the day Senators SMOOT and CURTIS had an extended conference with the Chief Executive. The whole legislative program was gone over.

Now I ask the Senator if he will yield to me to inquire of the Senator from Kansas what the legislative program is. Let us find out now what legislation the majority propose to consider and pass, and what the program discussed with the President was.

Mr. BORAH. Would not the Senator from Kansas and the Senator from Arkansas be willing to take up that discussion after I have concluded?

Mr. ROBINSON. I can conclude in a moment.

Mr. CURTIS. Mr. President, I can answer the question. I will state that the measure discussed was the revenue bill, and the legislative program was not discussed.

Mr. ROBINSON. The only measure discussed then was the revenue bill, and it appears now, from the statement of the Senator from Kansas, that the majority have no program, unless it is the passage of the tax reduction bill. But let me proceed for just a moment, and then I will not trespass further on the patience of my good friend the Senator from Idaho. I read further from the article in the Washington Post:

The whole legislative program was gone over, but the tax bill came in for the most earnest discussion. Senator SMOOT, it is understood, told the President that while he would like to agree with the Chief Executive's view that Congress will have cleared decks in time to adjourn for the conventions, conditions at this time certainly do not warrant such a view.

The President is understood to have pressed Senators SMOOT and CURTIS to use every effort to expedite legislation, particularly the tax bill. The Senate has passed three of the appropriation bills, including the deficiency bill yesterday. Mr. Coolidge told the Senators and members of the steering committee of the House that he is desirous of cooperating in every way he can to facilitate legislation, that there may be adjournment at a reasonable date. He has been told that all of the appropriation bills are substantially ready to be reported to the House.

The article goes on to say that the President thinks Congress can clear the decks and thinks that the tax reduction bill can be passed, but the chairman of the Committee on Finance, which has charge of that bill in the Senate, is firmly of the conviction that it is impossible.

Mr. BORAH. It may be that the chairman of the Committee on Finance entertains that view, but the Senator from Arkansas knows full well that if the Senate makes up its mind to dispose of three or four of these bills we can convince the Senator from Utah that his pessimistic view is ill founded.

Mr. President, of course I do not know that there is any particular program in view, but we all know that there are certain things to which we are all committed, Democrats and Republicans alike, the Farm-Labor men as well, that there are three or four prominent measures which we came here to dispose of at this session, and which we will not dispose of if we proceed as we have been proceeding for the last three months and a half.

Let us take the case of tax reduction. It does not necessarily follow, as suggested by the junior Senator from Arkansas [Mr. CARAWAY], that it is the Mellon proposition which we will pass. What we propose to do, I presume, is to pass a bill embodying the principles of tax reduction which will meet the approval of the Senate rather than meet the approval of any particular individual. I do not know how others are, but I am not committed to the details of Mr. Mellon's bill; but I am committed, we are all committed, and the country is exceedingly anxious that we proceed, to the consideration of a tax reduction bill. If the Mellon bill is thought undesirable, it is within our power to pass such bill as we think is proper; but tax reduction is a thing upon which we are all agreed, as I understand.

Mr. ROBINSON. Will the Senator yield?

Mr. BORAH. I yield.

Mr. ROBINSON. Of course, the Senator recalls that the Mellon plan was repudiated, in its most substantial features, by a majority of the body at the other end of the Capitol, and that the bill which came to the Senate was a radically different bill from the Mellon plan, so different that it has been said that the President contemplates vetoing it if the Congress should pass it and sends it to him for his signature. I do not think, however, there is any probability of the President pursuing that course.

Mr. BORAH. No; Mr. President, if the President wants to veto any bill which we pass, that is the President's business. I am not worrying about that at all. What I am worrying about is that if we proceed as we have been proceeding we will not give him an opportunity to veto anything, and it looks

as if we were not going to give him an opportunity to approve anything.

Mr. ROBINSON. Will the Senator yield at that point?

Mr. BORAH. I yield.

Mr. ROBINSON. The Senator does not contend that discussions in the Senate or before the committees have delayed consideration of the revenue bill by the Senate, does he?

Mr. BORAH. I do not know that they have, because the revenue bill has not been over here a great while; but it is apparent that if we continue as we have been proceeding heretofore, it will be delayed.

Mr. ROBINSON. The Senate can not consider the revenue bill until it is reported by the Committee on Finance. The Senate could take up the revenue bill now if the committee had found it consistent to report it a day or two ago.

Mr. BORAH. The chairman of the Committee on Finance has been one of the leading members in one of these investigations, and it is perfectly apparent that he can not attend to both that and to the tax-reduction proposition. As I said, it seems to me that we could lay down this settled proposition to ourselves, that these committees proceed with these investigations and make them as thorough and complete as the committees desire to make them, but that in the meantime the different measures which are here for consideration, and which are to come along for consideration, should receive the attention of the Senate until such time as reports of the committees upon these investigations come in. In that way we could discharge our duty with reference to the investigations, and meet our obligations with respect to legislation. I see no objection to that. I see no obstacle in our way to completing both the programs, if we will make up our minds to do so. Certainly neither the Democrats nor the Republicans want to adjourn this session without lifting a part of the tax burden, if it is possible for them to do it. Certainly they do not want to adjourn this session without granting some relief to the agricultural interests, if it is possible to do so. Measures looking to those ends will take some time to dispose of, and we ought to be about the work as soon and as speedily as possible.

There is another matter which should be disposed of, which is not of such prime concern to eastern Senators, but which is of concern to the western Senators, the question with reference to legislation touching relief for farmers on reclamation projects. It involves the interests of thousands and hundreds of thousands of farmers, and any Senator who lives in the West, it does not make any difference how much he may be interested in the investigations which are here going on, when he opens his mail almost any morning and reads the messages from those people on those reclamation projects, must come to the conclusion that we have a duty there to perform of the very utmost importance to a large body of our citizens.

I do not say that these investigations have up to this time delayed this matter, although it would be very easily argued that a number of the Senators who are engaged in these investigations are the Senators upon whom we must depend for the other work in the committees in reference to these particular subjects. I do not say that. What I undertook to say the other day, and what I now repeat, is that unless we make up our minds to address ourselves to legislation we will be precisely in the same position on the 1st day of June that we find ourselves in on the 22d day of March, 1924.

Mr. President, I am not going to pursue this matter further at this time. I only wish to say that from day to day and from time to time I shall feel under obligation to call attention to matters which appear upon the calendar and which ought to be disposed of, not with a view of criticizing anyone who has a particular subject in mind or a particular duty to perform, as he views it, but rather with a view, if possible, of speeding up legislation and getting some results in this session of Congress. I shall continue to urge that we set about the business of legislation and give relief to the taxpayers and the agricultural situation.

Mr. BAILL. Mr. President, I trust the Senate will proceed with and dispose of this reciprocity bill. We have taken up two hours in telling each other the importance of legislating. Now I trust that in the next three minutes we can legislate. On the 31st day of this month reciprocity between Maryland and the District of Columbia will expire unless some bill of this kind is passed. The House passed a bill, amendments to which have been recommended by the Senate Committee on the District of Columbia. The bill will have to go back to the House. Unless we pass it within the next few days, of course

the extension given by the Governor of Maryland will expire. I ask if we can not proceed.

Mr. ROBINSON. Mr. President—

The PRESIDING OFFICER (Mr. Edge in the chair). Does the Senator from Delaware yield to the Senator from Arkansas?

Mr. ROBINSON. I do not ask the Senator to yield. The Senator had concluded his remarks, and I desire to take the floor in my own right.

The PRESIDING OFFICER. Has the Senator from Delaware concluded?

Mr. BALL. I am only asking that we proceed and pass the bill if possible. We have only about two minutes left.

Mr. ROBINSON. We will proceed in regular order.

Mr. HEFLIN. Mr. President, I suggest to the Senator from Delaware that at any time this afternoon he can ask unanimous consent to pass the bill. We are discussing a matter here now upon which some of us want to be heard.

Mr. BALL. Of course, I understand that at 2 o'clock the unfinished business will be taken up, and we have only about a minute left now.

Mr. McKELLAR. Mr. President, an important bill like this could not be passed in a minute, I assure the Senator, because some amendments are to be offered to it.

Mr. ROBINSON. Mr. President—

The PRESIDING OFFICER. Has the Senator from Delaware yielded the floor?

Mr. ROBINSON. The Senator from Delaware has several times yielded the floor. The Chair has been unable to recognize that fact.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is the joint resolution (S. J. Res. 4) proposing an amendment to the Constitution of the United States relative to the adoption of amendments thereto.

Mr. ROBINSON. Mr. President, of course it is impossible in a minute or two minutes to pass a measure of the importance of House bill 655. Its consideration, however, can be secured, if not to-day, at a very early day and a fair disposition then made of it.

Let me take occasion at this time to say that the minority in the Senate has not pursued a course either designed or calculated to delay or prevent the consideration of legislation in the Senate. There has been, however, a total lack of ability on the part of the majority in the Senate to formulate and bring forward a program or to define a policy of legislation in this body. Senators who have complained this morning that investigations in progress before the various committees of the Senate are delaying the passage of necessary legislation have not been able to state a single measure the consideration of which has been deferred by the Senate for any cause. The sole reason why legislation has lagged is that the majority has not known what legislation it wants to have considered and has not brought forward the measures which it proposes to enact. The truth is now that with the exception of the tax reduction bill the majority has no program. I asked the Senator from Kansas [Mr. CURTIS] about a minute ago what is the legislative program of the majority.

Mr. CURTIS. Mr. President, the Senator ought to be fair.

Mr. ROBINSON. The Senator certainly would not interrupt me to imply that I am not?

Mr. CURTIS. Oh, no.

Mr. ROBINSON. The Senator certainly would take advantage of an opportunity to take the floor in his own time to do that.

Mr. CURTIS. I did not intend to be unfair to the Senator.

Mr. ROBINSON. Certainly not. I am not supersensitive.

Mr. CURTIS. A moment ago I said that we could not very well determine what measures would be considered until bills are reported out from the committees.

Mr. ROBINSON. The Senator has had a great deal of experience with legislation, and he knows that the usual practice is to determine what measures will be brought forward and then see that the committees give consideration and report those measures to the Senate. That is the plan that is usually pursued. If the Senator desires to say that his party can not formulate a legislative program until all the committees have concluded their labors and brought in all the bills and that they propose to determine then just what measures shall be considered, he must know that there never will be a legislative program formulated.

Mr. CURTIS. That is not what the Senator intended at all. Of course, the Senator from Arkansas knows that there is certain legislation intended to be passed, but the bills can not be determined upon until the reports come from the committees. The committees are working on the bills. The Com-

mittee on Agriculture and Forestry meet every day in the consideration of agricultural legislation. It is the intention, of course, to enact agricultural relief legislation. They are trying now to agree upon such a measure.

Mr. ROBINSON. Does the Senator take the position that the investigations in progress in the Senate have delayed legislation and prevented its consideration?

Mr. CURTIS. I have not said so.

Mr. ROBINSON. I would like the Senator's viewpoint. I would like to have him say.

Mr. CURTIS. I have said, and I say again, that the President has recommended certain legislation, and whenever the committees report bills they will be taken up; but the committee on order of business can not say that this bill or that bill will be taken up until bills are on the calendar.

Mr. ROBINSON. No.

Mr. CURTIS. They can urge the committees, as has been done, to report the bills.

Mr. ROBINSON. Will the Senator tell us what bills the committees have been urged to report as a part of the legislative program? That is exactly the information I have been trying to secure.

Mr. CURTIS. The Committee on Agriculture and Forestry have been urged time and time again, and they are meeting every day, as they will tell the Senator, to formulate some satisfactory measure to give relief to agriculture.

Mr. ROBINSON. Oh, the measure has not even been formulated. That is the extent of the majority's legislative program respecting relief for agriculture. Now, the session has progressed for three months and yet the Committee on Agriculture and Forestry has not even formulated a measure that is to constitute the majority's program with reference to relief of agriculture.

Mr. CURTIS. Oh, yes; Mr. President—

Mr. ROBINSON. That exposes and discloses the true state of facts with reference to the situation.

Mr. CURTIS. Oh, no.

Mr. ROBINSON. The majority does not know what it wants to do, and therefore I declare it has no legislative program. I now yield with pleasure to the Senator from Kansas.

Mr. CURTIS. The Senator is not justified in making the statement he has made. The Senator from Oregon [Mr. McNARY] has a measure upon the calendar. It has not been taken up because the committee is considering several amendments to the measure. It would not be fair to force that measure for consideration until the amendments are determined upon. The Finance Committee is meeting every day and so are other committees.

Mr. ROBINSON. In order that we may be specific, is the McNary-Haugen bill, to which the Senator has just referred, a part of the administration legislative program?

Mr. CURTIS. That I could not tell the Senator.

Mr. ROBINSON. Now I think I have developed the further fact that even the Senator from Kansas, who knows everything that is to be known concerning the business of the Senate, has not the slightest idea of what constitutes the majority's legislative program for the relief of the farmer.

Mr. BORAH. Mr. President—

Mr. ROBINSON. All this means simply that the majority has no program, and I make the further statement that it will not develop one. I yield with pleasure to the Senator from Idaho.

Mr. BORAH. I was merely going to say that we might let the Senator from Arkansas and one or two of us over here make the program on the McNary-Haugen bill and put it through.

Mr. ROBINSON. Oh, Mr. President, I am talking now about the majority program. The Senator from Idaho apparently admits that the majority has no policy and appeals to me that he and I shall make an individual program. I submit we had better not assume that responsibility alone.

Mr. BORAH. I have been here for 17 years—

Mr. ROBINSON. Yes; and the country has been blessed by reason of the Senator's presence.

Mr. BORAH. I thank the Senator. I have never seen a legislative program since I have been here. I have never known of one.

Mr. ROBINSON. I doubt if the Senator from Idaho would recognize one if he saw it.

Mr. BORAH. No; I would not.

Mr. ROBINSON. The Senator from Idaho is so independent, so creditably independent, in his views respecting legislation, that he does not know what constitutes a legislative program.

Mr. BORAH. That may be the reason, but I have never seen a legislative program since I have been here.

Mr. ROBINSON. Mr. President, I think I have demonstrated conclusively the assertion which I made in the beginning. I think the statement of the Senator from Kansas corroborates that declaration. There is no disposition on this side of the Chamber to defer legislation. Nothing has happened that I know of that has prevented the other side of the Chamber from considering any measure that they are ready to bring forward.

Mr. BROOKHART. Mr. President—

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Iowa?

Mr. ROBINSON. I yield to the Senator from Iowa.

Mr. BROOKHART. If it will help matters along any, I am willing to concede that we have not any program on this side of the Chamber, and I am ready to vote for any program the Senator from Arkansas may bring in.

Mr. ROBINSON. It looks like we Democrats may have to get up one.

Mr. BROOKHART. With reference to the farm bill, it has been on the calendar since March 1. If Senators on the other side will bring in a better farm bill I will vote for it in a minute.

Mr. ROBINSON. When the majority admits its total incapacity to run the Government; whenever the majority in the Senate admits its inability to legislate, then perhaps the minority will assume that responsibility.

Mr. CARAWAY. Mr. President—

Mr. ROBINSON. I yield with pleasure to my colleague.

Mr. CARAWAY. I would like to call the attention of the Senator from Iowa to the fact that the very farm bill which he mentions was discussed the other day and those in charge said they were not ready yet to bring it before the Senate.

Mr. ROBINSON. I have been advised—in fact, the Senator from Kansas just said a moment ago—that some amendments are in contemplation by the committee, and for that reason the bill is not to be taken up.

Mr. CARAWAY. Is there a single piece of legislation that the Senator knows of that has been delayed by any investigation that is being conducted by the Senate?

Mr. ROBINSON. No. I have just challenged every Senator to designate a single measure of importance that has not been considered by the Senate that the majority wanted to have considered. It is true that the Senator from New Mexico [Mr. BURNUM] has a pension bill, which many of us favor and which some of us oppose, and he has been unable to get action upon that bill. But that measure, I understand, is not an administration measure. It was vetoed by the President of the United States during the last Congress.

Mr. BROOKHART. Mr. President—

Mr. ROBINSON. I yield to the Senator from Iowa.

Mr. BROOKHART. After the minority side has found out, and after some of us have conceded, that we have not any very good program started over here on this side of the Chamber, is it not the duty of the minority to bring forward a program if they want to claim any great credit before the country?

Mr. ROBINSON. It may be that the country will impose that responsibility upon us. I think the best thing the majority could do would be to confess its impotency and surrender control of the Government to the Democratic Party, as I believe they will have to do after the 4th of next March.

Mr. BROOKHART. But that will not get us any very speedy farm relief legislation.

Mr. ROBINSON. I suggest to the Senator that that is probably impossible anyway until there is a change in the White House.

Mr. BROOKHART. Let me say that if the minority side is united upon a good program and will come forth with it, it will pass at this session. I know there are votes enough on this side of the aisle to pass it. Now, let us see how you are united over there.

Mr. ROBINSON. Oh, we are not talking about that now. We have another subject under consideration.

Mr. GLASS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Virginia?

Mr. ROBINSON. I yield with pleasure to the Senator from Virginia.

Mr. GLASS. Does the Senator from Iowa undertake to say that the only real measure of relief for the farmers of the country would stand one bit of chance on the other side of the Chamber, to wit, a radical revision of the tariff that causes the American farmer to pay three prices for everything that he has to buy?

Mr. BROOKHART. Let me suggest that the Senator and his colleagues get together on a tariff bill and we will show him what will happen.

Mr. GLASS. Does the Senator think he could get together any votes on the other side of the Chamber for it?

Mr. BROOKHART. Yes; if it is a good one.

Mr. GLASS. What does the Senator call a good one? Is it one that taxes the farmer 300 per cent on everything that he has to buy?

Mr. BROOKHART. Oh, no.

Mr. GLASS. That is the one we have now.

Mr. BROOKHART. I have seen no amendment offered by the Senator from Virginia at this session.

Mr. GLASS. The Senator has not even suggested a revision of the tariff nor has any such suggestion been made on his side of the Chamber, and that is the responsible side. The Senator knows perfectly well that there is not a product of the farm to-day, from chickens to wheat, that is not selling at a higher price than it sold for during a quarter of a century before the last war. Everything that the farmer has to buy is so inordinately high that he has no money left with which to buy it.

Mr. BROOKHART. I pointed that out early in the session, on the 17th of January to be exact, and I called for the enactment of such legislation as would bring the farmer upon an equality with his fellow citizens.

Mr. GLASS. But the Senator does not seem able to induce his own party, which is the responsible party here, to accept his views and legislate accordingly.

Mr. BROOKHART. I have admitted that, but neither am I able to get the minority party to do it.

Mr. ROBINSON. Mr. President, I will conclude the few observations I intended to submit in this connection. There is no disposition nor has there been any on this side of the Chamber to prevent the consideration of important legislation. Your failure and incompetency can not be justified on that ground, and your responsibility can not be evaded behind any such mask.

The suggestions that we should stop investigating and proceed to legislate come from many sources. The primary duty of the Congress is to legislate. But I wonder if the Senator from Idaho or any other Senator on the other side of the Chamber, or on this side, will take the position that in general the investigations which have been authorized by the Senate and the procedure under the resolutions which we have passed providing for investigations have not been justified.

Mr. BORAH. I concede it very gladly.

Mr. WALSH of Massachusetts. And all such resolutions have been adopted unanimously.

Mr. ROBINSON. Very well. Then, Mr. President, what is the ground of complaint? It may be true that some Senators have made speeches that have not pleased all Members of the Senate; it may be true that some speeches have been made that have offended powerful and influential persons, but, Mr. President, when it became known here and in the country that the administration of public affairs is tainted with incompetence, with indifference to the public interest, and with corruption, then the first duty of the Congress was to make known the facts in order that adequate remedies might be applied and in order that the future might be saved the embarrassment and humiliation incident to such disgraceful transactions as have been disclosed by these investigations.

There is no disposition on this side of the Chamber unduly to prolong investigations. I wonder if there is a disposition anywhere prematurely to terminate them, to stop them before the truth becomes known, and to cover up what ought to be revealed. If that disposition exists here or elsewhere it will meet with the opposition of honest men in the Senate and of honest citizens throughout the country.

Mr. NEELY. Mr. President, the distinguished Senator from Idaho [Mr. BORAH], whose words are always "like apples of gold in pictures of silver," a few moments ago spoke wisely and well. But on last Tuesday he spoke even better than he did this afternoon. On that day he looked through the field of his political telescope and swept the entire circle of the horizon without being able to discover any land of promise or haven of rest for this administration. On the contrary, the lenses of the Senator's instrument being constructed upon the principle of Addison's magic mirror, they deceived not with distorted images but revealed the truth. The distinguished statesman accordingly had the experience of seeing at once the distressed condition of much of the country and the hopeless plight of the present administration very much as they really are.

Mr. BROOKHART. Mr. President—

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Iowa?

Mr. NEELY. I prefer not to yield now. When I shall have finished I shall be glad to yield.

There passed before the eagle eyes of the Senator an endless procession of the ghosts of prosperity that normalcy had made; of the specters born of deflation, and an innumerable throng of American farmers made bankrupt since the 4th day of March three years ago. Under the spell of the awful fascination the spirit of prophecy came upon the honorable Member from Idaho and the mournful muse of Jeremiah inspired him to speak to his fellow Republicans and the country, in part, as follows:

We have been in session now about three months and a half. In two months and a half more we will be practically in the midst of a national campaign for the election of a President. One of the candidates will have been nominated probably and the other convention will be near at hand.

After that shall have occurred there will be little opportunity, even if we are in session, for anything in the nature of legislation. When we look back over what we have accomplished in the last three and a half months and contemplate that we have only two and a half months to complete our task, we are confronted with the proposition that this session of Congress is going to end with practically no legislation enacted. We shall do well from this time on if we give proper consideration even to the appropriation bills.

I can not imagine anything more humiliating to the Republican Party in the coming campaign, and in all probability more disastrous, than for us to spend the next two and a half months as we have the last three and a half.

Mr. President, if during the next two and a half months we should reveal as much crime and corruption in high places as we have revealed in the three months that have just passed away, and then could find some one to prosecute the criminals who have been preying upon the vitals of the Government, the next campaign would be one of honesty instead of bribery and rascality. In such circumstances the debauchers of officials and the corrupters of the voters would be crowded into the jails and penitentiaries of the country until their feet would be sticking out of the windows. That, of course, would be a very great calamity to a party that depends upon a slush fund to elect its candidates to office.

Continuing, the Senator from Idaho says:

Homes are being sold over this country because people are unable to pay their taxes.

Think of that under this "normalcy" administration!

Business men are distressed because they are unable to meet their taxes. Farms upon which people have lived for half a century, giving their time and their industry and their effort to making homes and rearing families, are now passing from them by reason of tax sales.

I hope my friend from the agricultural State of Iowa, who attempted to interrupt me a moment ago, heard that, and will also hear the following, of which Senator BORAH is the author:

Equally distressing with the tax situation is the agricultural condition in this country. It would be difficult to command language adequately to describe the condition of the agricultural interests, especially through the great 15 Northwestern States, those great agricultural States. Speaking upon this matter some months ago, I referred to the fact that in one county in a great agricultural State there were 6,000 items in a single newspaper advertising property for sale which belonged to farmers. I received many letters from over the country wanting to know if that was not an error, whether it was not 600 instead of 6,000. It was not an error; it was a correct statement of the fact, and that is only indicative of a distressed condition which prevails throughout the agricultural regions, certainly in all the Northwestern States and, in my judgment, to a marked extent in all the States.

That is the deplorable condition of the farmers of the United States, as certified by one of the greatest if not the greatest of Republican Senators.

Thousands and thousands of them in the West are not only in bankruptcy but at the door of the poorhouse or near the point of starvation, and the "best minds" have been directing the affairs of the country during the last three years.

While the distinguished Senator from Idaho has drawn a very vivid picture of the suffering of the farmers, yet unless he has recently been away from the Capital, he can not imagine the hostility prevailing against this administration generally and those who constitute it and who are now seeking nominations as their own successors.

The following story is in point: A man intoxicated by drinking bootleg whisky and "jackass brandy" was brought before a

police judge for trial. His honor said, "Your conduct has been disgraceful; what have you been drinking?" The man replied, "I have been drinking 'jackass brandy,'" and as he spoke his breath set fire to his whiskers. The magistrate said, "Can you describe that liquor?" The accused answered, "I can. One drink of that liquor would make a man go into a den of roaring lions; two drinks of it would make him fight the whole German Army; three drinks of it would make him jump from the top of the Woolworth Building; and four drinks of it would make him yell, 'Hurrah for Coolidge.'" [Laughter.]

That indicates the sentiment all over the land.

But after this administration has for three years failed to pass a soldiers' adjusted compensation law; after it has failed for three years to lower the people's taxes, and after it has for three years proved itself unable to pass a single great constructive measure, why should it now attempt to throw off its lethargy and begin to serve the people? Almost everyone will probably understand why Republican politicians are now beginning to kneel at the mourners' bench and advocate instant reformation.

I wish expressly to acquit the patriotic statesman from Idaho from being in the class I have in mind, but the most of the Republican spokesmen and Republican newspapers that are now calling for legislative action are inspired by the same motive that prompted little Willie in Field's delightful poem, "Jest 'fore Christmas," to be on his good behavior. The motive for the improvement in conduct is indicated in the following lines:

* * * Old Sport he hangs around, so solemn-like an' still,
His eyes they keep a-sayin': "What's the matter, little Bill?"
The old cat sneaks down off her perch an' wonders what's become
Of them two enemies of hern that used to make things hum!
But I am so perlitte an' 'tend so earnestly to biz,
That mother says to father: "How improved our Willie is!"
But father, havin' been a boy hisself, suspicious me
When, jest 'fore Christmas, I'm as good as I kin be!

For Christmas, with its lots an' lots of candles, cakes, an' toys,
Was made, they say, for proper kids an' not for naughty boys;
So wash yer face an' bresh yer hair, an' mind yer p's and q's;
And don't bust out yer pantaloons, and don't wear out yer shoes;
Say "Yessum" to the ladies, and "Yessur" to the men,
An' when they's company, don't pass yer plate for pie again;
But, thinkin' of the things yer'd like to see upon that tree,
Jest 'fore Christmas be as good as yer kin be!

Mr. President, while the Senator from Idaho, like a true Democrat, thinks of a political victory as an opportunity for service, yet the great majority of the officeholders of his party think of it only as a means of controlling and distributing the plums and pies and cakes of political patronage and as an opportunity to grant special privileges and bestow special favors.

But the distinguished Senator's warning comes too late. One can say to this administration, in the words of the prophet, under the spell of whose inspiration the Senator has sounded his political fire alarm, "The harvest is past, the summer is ended, and this administration is not saved." And when, continuing in the language of the old Semitic seer, he asks, Is there no balm in Gilead; is there no physician here? We must frankly answer, there is no balm in Gilead for the reason that the present Republican law imposes a tariff of 10 per cent on balm in Gilead, which, prior to this administration, had been on the free list ever since the days when Solomon, King of Israel, bought fir and cedar trees from Hiram, King of Tyre. So, "Yes; we have no balm in Gilead to-day."

And if a physician were here he could give no relief, because the existing Republican tariff law imposed a prohibitive duty on everything in the line of medicine from bismuth to castor oil.

The condition of this administration is the same as that of the grasshopper in the fable. It may be recalled that this common pest had spent the entire summer in filling the air with his discordant music, while the ant, with commendable prudence and industry, had stored her barn with food. When winter came—and winter always comes—and the grasshopper was on the verge of starvation, he went to the ant and begged for a crust of bread. The thrifty and industrious ant inquired of the grasshopper:

"What were you doing last summer during the time of harvest?"

The grasshopper replied:

"I was singing."
To which the ant responded:

"If you spent the summer singing, you may spend the winter dancing."

That is, in substance, the answer that the voters will make to this administration when its candidates face the crucial test of reelection next November.

Those responsible for the inefficiency, the failure, and the scandal of the present régime at last know that although it is easy to abuse a Democratic administration and malign a Democratic President, it requires brains and vision and industry and integrity to govern a great people.

Many centuries ago on the occasion of a great feast the fingers of a mysterious hand appeared and wrote the doom of a king and his kingdom, because when weighed in the balances that king was found wanting. This administration has, by the rank and file of Republicans, Independents, and Democrats alike, been weighed in the balances and found wanting as no other administration has ever been found wanting before; and on the 4th day of next November not one hand but countless millions of hands of progressive and patriotic men and women of all parties will write this administration's doom upon their ballots.

On election day the voters will say to those responsible for this administration: "You have been weighed in the balances and found wanting. Your kingdom is finished; it is given to another." And that other will be the party of Thomas Jefferson, of Andrew Jackson, of William Bryan, and Woodrow Wilson. When that shall have come to pass, the people of the United States, with a feeling of security and serenity that they have not known for three long years, will once more be able to wrap the drapery of their couch about them and lie down to pleasant dreams.

AMENDMENTS TO THE CONSTITUTION.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 4) proposing an amendment to the Constitution of the United States relative to the adoption of amendments thereto.

Mr. WADSWORTH. Mr. President, I know it is dangerous to venture a guess, but I venture the guess that the Senate is not going to do anything to-day.

I have heard certain observations on the floor this morning and this afternoon to the effect that the majority was responsible for the doing of business, or should be held so. While ordinarily I would not deny that assertion, it has occurred to me that neither the majority nor the minority is in control of the business of the Senate, nor that either of them should be regarded as responsible for the conduct of business, because the simple fact is that talk is king. Some of those who have been here the shortest time talk the most.

Mr. President, we did not even finish the routine morning business this morning. I think there were only two or three petitions presented. There were three or four committee reports; no resolutions were introduced; perhaps four or five bills; and when that order of business was reached and the next order of business, resolutions coming over from a previous day were still to be taken up, the hour of 2 o'clock has arrived. During that period of two hours we discussed Central America and the causes of war; we discussed the oil scandals, of course; we discussed at considerable length why we did not do any business. For a moment a bill was pending which had been taken up by unanimous consent on the request of the Senator from Oregon [Mr. McNARY], but its provisions were scarcely mentioned.

There is now pending before the Senate a joint resolution proposing an amendment to the Constitution of the United States, but it is not going to be mentioned this afternoon. I have a suspicion that the junior Senator from Alabama [Mr. HEFLIN] is incubating a speech, and I do not believe that he is going to discuss the pending question or the unfinished business.

Mr. ROBINSON. Mr. President, will the Senator from New York yield for a question?

Mr. WADSWORTH. I will yield for a question, but not for a speech.

Mr. ROBINSON. Well, Mr. President, I shall have to preface my question with a brief statement, and that is—

Mr. WADSWORTH. Mr. President, I know this "brief statement" business.

Mr. ROBINSON. My question is, When the Senator from New York complains about other Senators not speaking to the subject, does he think that he is himself speaking to the subject before the Senate?

Mr. WADSWORTH. No; Mr. President.

Mr. ROBINSON. If so, by what process of reasoning does the Senator reach that conclusion? And if it is improper for other Senators to discuss subjects not before the Senate why does not the Senator from New York confine himself to the question before us?

Mr. WADSWORTH. Mr. President, I have fallen into the habit, following the example of the Senator from Arkansas.

Mr. ROBINSON. The Senator must think it is a good one, or he would not pursue it.

Mr. WADSWORTH. Why, Mr. President, I would go almost anywhere with the Senator from Arkansas.

Mr. ROBINSON. Ah, the Senator has disarmed me. There is no place that I could take him where it would not be proper for him to go.

Mr. WADSWORTH. So, Mr. President, I suppose those of us who would like to have the joint resolution which is now pending before the Senate get some consideration, and have some action taken upon it, will have to stay here patiently for the rest of the afternoon and listen to the conversation.

NAVAL OIL LAND LEASES AND DEPARTMENT OF JUSTICE.

Mr. HEFLIN. Mr. President, the Senator from New York was correct in one of his conclusions, and that was that I was going to discuss the doings of Republican officials.

Mr. President, I know that the able and clever Senator from New York, like many of his colleagues, has grown weary of the discussion of the Teapot Dome oil matter and other things connected with the oil scandal and crime. They have heard so many crooked doings discussed that have touched the leaders of their party that they have reached the point where they are very much like the negro boy down in North Carolina who decided that he would whip somebody in order to get up a reputation for being brave. He was at a ball, and one of the dusky damsels told him that he had not gone to the war, and in order to show that he would fight he had better whip somebody. He said, "Whip who?" She said, "Anybody." So he walked out of the dance hall and found a negro standing down at the foot of the steps smoking a cigar, looking off in the other direction, and he walked up to him and struck him. The other negro dropped his cigar and whirled on his assailant and a fierce and long-drawn-out fight was on. Afterwards, when the first negro was talking to one of his white friends, Buck Bryant, of North Carolina, Buck said, "Did you whip him?" The negro, weary and badly beaten and bruised, said mournfully, "I want to tell you the truth, Mars' Buck, I never got so tired of a nigger in all of my lifetime." [Laughter.]

So it is, Mr. President, with Republican Senators who are hearing the Teapot Dome scandal and the Doherty scandal frequently discussed here, involving the bribery of Republican officials, and other Republican officials guilty of wrongdoing, some using the instrumentalities of the Government to make money for themselves and their crooked friends.

I know that Senators on the other side never got as tired of a discussion in all their lifetime; but there is but one way for them to get rid of it, and that is to let us finish the investigation and stop doing like some of the Republican Senators did this morning in this oil-land investigating committee. They are not going to get rid of this thing by suppressing testimony, as was attempted this morning. I do not agree with Mr. Sinclair's lawyer from New York that the Senate is without authority, that the Senate is helpless. I do not agree that the Senate is impotent. I believe that the Senate has the right to summon citizens from any part of the United States and have them testify before a committee that is seeking to find out why Government property has been disposed of by Government officials to their friends.

I was in the committee room this morning a little while, and I heard the Senator from Montana [Mr. WALSH] ask this question of Mr. Will Hays:

What part did Mr. Sinclair have in paying off the debt owed by the Republican National Committee?

The Senator from Oregon [Mr. STANFIELD] objected to having him answer that question, and the Senator from New Mexico [Mr. BURSUM], if I remember correctly, was for sustaining that objection. The able and smooth lawyer from Missouri [Mr. SPENCER] objected to having Mr. Hays answer that question, and I think the Senator from Arizona [Mr. CAMERON] opposed having him answer that question.

Mr. President, that incident was astounding to me—four Republicans sitting on this committee, representing the Senate, directed by the Senate to go into the facts and bring out the material facts in the case, are apparently preventing important facts from coming out. If that question is not pertinent, there is no question that can be propounded by that committee that is pertinent.

Who got the oil lands? Mr. Sinclair. Who transferred them to him? Mr. Denby and Mr. Fall. I connect them both up with it. Fall could not have transferred this property if Denby had not said: "Here it is; go ahead and let him have it." That was the effect of his part in it. Who were they?

Secretary of the Navy and Secretary of the Interior? What party do they belong to? The Republican Party. Who is this man? Mr. Sinclair. What is he doing? He is the man who is taking over this property. Is he paying money over to these people? Why certainly he is. Is he paying money to their organization to help them win the election? Certainly he is; and after they have won the election and are in control of the Government and have in hand the property that he wants, what do you find him doing?

Contributing money to help pay the debt which the Republican National Committee owed, left over from the campaign in which these men were elected and put into office, the men from whom he is expecting favors. I saw these Republican Senators sitting there blocking the way, hampering the Senator from Montana [Mr. WALSH] and those with him in bringing out this very important testimony.

Mr. President, I got this impression from it: That from now on the Republicans are going to try to prevent vital facts from coming out. I trust I am mistaken about that. I would hate to think that in this great Republic of ours, not yet 150 years old, we had reached a time under Republican rule when men showed an interest keener and a friendship stronger for their political party than for the Government that they have sworn to protect and safeguard, and in effect aiding those on the outside to corrupt those on the inside. I should hate to believe that any Senator had reached the point when for partisan purposes he would undertake to prevent the disclosure of the truth, tie the hands of the committee, and therefore stifle the investigation and prevent the facts from being known and criminals from being apprehended and punished.

The Senator from Idaho [Mr. BORAH] talks about delaying business here. I find that three appropriation bills have passed the House. The Senate has passed all the appropriation bills sent to it by the House. What is the justification for the complaint that we are not passing appropriation bills? These appropriation bills or supply bills originate in the House and must be acted on by the House first. Then they come over to the Senate, and we have already passed those they have sent over to us, and there are none pending on the calendar which the House has sent over, which the Senate has not considered and passed. So the claim that the Senate is delaying action on these measures falls to the ground.

Mr. President, I hope Senators will be very frank. If they oppose carrying on these important investigations, let them say so. Do not let them assume an attitude of saying, "It is all right to carry on your investigations, but we ought to get busy with these other things." I want to say to the Senator from Idaho, for whom I have high regard and esteem, that the most important thing that we can do is to drive from office unfaithful officials who are not only permitting but aiding in the deadly work of attacking and undermining the free institutions intrusted to their care and protection. What is the use of passing bills, writing new statutes upon the books when corruption and tyranny are driving their fangs into the vitals of the Nation? Mr. President, there is nothing more important to the American people than the work the Senate is having done through these investigating committees.

One of the worst signs that I have seen in this Republican administration—one of the worst things that I have discovered in it all—is the apparent unconcern and indifference of certain Republican Senators toward a determined and thorough investigation of the most shocking, scandalous disclosures ever revealed in the history of the Government. That is painful and alarming to me. I regret to see it. The idea of men selling the instrumentalities of justice; the idea of men squandering all that the Government holds in the form of oil reserves for its national defense, worth hundreds of millions of dollars! Yet certain Senators are not doing what they should do in helping to get at the truth and relieving the Government of the enemies now striking at its very vitals. Some object to making Mr. Sinclair tell whether he helped to pay off the debt owed by the Republican National Committee.

What is the purpose of asking Mr. Sinclair that question? He has benefited to the extent of hundreds of millions of dollars through favors granted by Republican officials. If he has contributed money to help pay the debt of the Republican National Committee we will understand why he has contributed. Has he gotten favors from the Government? He has. What is he doing? He is returning favors to Republican officials for the favors he received. Yet I saw four Republican United States Senators try to prevent that testimony from going into the record, and if they had had their way, he would not have been permitted to testify.

Then they stand up here and undertake to deceive the country and tell us that we are wasting time. Wasting time?

Mr. President, if this crime and corruption in office is not stopped the day is not far distant when the Government will have no national forest reserves; we will have no coal lands. We have already lost the Nation's oil reserves. And now, step by step, they are encroaching upon the liberties of the people. Yet some Senators are not shocked and stirred to action as I should like to see them. I should like to see them display a determination to push the investigations until they are completed. Every Senator here ought to become a crusader in this fight. Every official of the Government ought to get busy. The President himself ought to ring the changes around this Republic, ought to sound the trumpet call to the people telling them to back him and back us, as all together we are fighting to free the Government of crooks and criminals. But we do not hear anything from him along this line; not a word, not a word.

What would "Hickory" Jackson do? What would Theodore Roosevelt or Woodrow Wilson do with all these terrible things laid bare day by day, showing the rottenness and the crime of the Republican officials? What would they do? They would at least say something in condemnation of the crookedness of public officials. I think that the head of the Government should speak out at a time like this.

Mr. President, the National Republican of March 22, 1924, the mouthpiece of the Republican administration, characterizes the investigation now going on as a "political inquisition now in progress on Capitol Hill." Are Republican officials and Senators weary because of these investigations? Then I ask them, who made it necessary for the investigations to be made? What conduct is it that engages the attention of these investigation committees now? It is the conduct of unfaithful and crooked Republican officials. If they had been honest and had been true to their trust, if they had not betrayed the people, no investigation would have been necessary, not an hour's time would have been consumed by investigating committees. Why is it that these committees are now investigating things here day after day? It is because of revealed crookedness and crime on the part of Republican officials. Should we expose it and punish it, or should the Democratic Party say, "If we go into and expose these things they will say we are doing it for political purposes, therefore we will not disclose anything—just let them be crooked and criminal, to the hurt of the country?" Then when we get in power if any Democrat becomes a crook and criminal in office we, I suppose, would expect the Republicans not to say anything about it, because if they did somebody would say they were partisans and playing politics. If that silly situation should exist, what would happen to the country in the meantime? The country would go to the bow-wows.

There is no use for Republican officials elsewhere and Republican Senators here to try to escape responsibility. The Republican Party has to take responsibility for all this crookedness and crime. It ought to take it. As I said on yesterday, it can not escape that responsibility.

Mr. President, the American people are aroused. They have been amazed and shocked at the disclosures made here. I was away from the Capital for nearly a week, and I made some speeches. The people are talking about these scandals and they are warmly commending the Senators who are fighting to get at the truth and to punish those guilty of wrongdoing. That is how the people feel about it. But here is the National Republican organ calling this important investigation a political inquisition that is being conducted at the Capitol.

That is not all, Mr. President. This editor is jumping on the boys in the press gallery for giving publicity to these matters. He says:

A significant feature of the congressional investigations conducted as curtain raisers for the Democratic radical political campaign of 1924 has been the sensational exploitation, by the American press generally, of trivial and unreliable "evidence," given by irresponsible witnesses, reflecting upon the character of men in public life.

No man in public life, Mr. President, has been reflected on by the reports these boys have made. Such men have been reflected on and their country reflected on by their own crooked conduct. That is how the reflection came about. If any shame or humiliation attaches, it is because of crooked conduct, and not because of what these boys have reported from the committee room.

"Democratic radical political campaign of 1924?" I want to say to the credit of the Senator from North Dakota [Mr. LAND], a member of the oil investigating committee, that he does not vote to suppress testimony. No partisan appeal has moved him. He votes to have the truth come out, and I com-

mend him. That is what ought to be done by all the members. He is a Republican and the Senator from Montana (Mr. WALSH) is a Democrat. There should be no politics between a Democrat and a Republican when they are fighting the common enemy of our country. If they say "It is going to redound to the good of the Democratic Party if this thing is exposed and the truth is known, it will elect Democrats," the right kind of Republican ought to say "If we can not get an honest Republican into office, I am in favor of putting an honest Democrat in." That is what they ought to say. If partisan politics is played to that extent, on the firing line in France a Republican boy and a Democratic boy fighting side by side, the Republican boy might have said "If the war is won Wilson, a Democratic President, will get the credit, because the war would be won under the leadership of the Democratic Commander in Chief. Therefore I will not fight." He would be putting his party interest above the welfare of his country. Such a situation would be utterly ridiculous, Mr. President. The American people will have no patience with such a spirit here or elsewhere. Democrats and Republicans alike ought to go into that committee room with fixedness of purpose to do one thing, to get at the truth, and let the exposure fall wherever it will, and let the truth come out and the country know who is guilty of misusing and abusing power intrusted to them.

When Sinclair was wanted, when it was found out that some ugly disclosures were about to come forth, he sailed for Europe and was gone for weeks.

"Mr. Archie Roosevelt, what is he doing over there?"

"I don't know. He has no business over there."

But he went away. He is a big man. He has millions of dollars in his purse, given him by crooked Republican officials by bartering property intrusted to their care—property that belonged to the people of the United States.

No wonder he can and does contribute large sums to the campaign fund of the Republican Party. Where was he then? Gone to Europe. Where is he now? Why, he is back. Will he testify? "Pardon me; will you testify, Mr. Sinclair?" "No; I do not think I will." The ordinary citizen, the rank-and-file fellow, is just yanked around, and they say to him, "Sit down here and tell the truth," and they scare him half to death. But Mr. Sinclair can employ Martin Littleton, a fine fellow personally and one of the ablest lawyers in the United States. He is a very brilliant man. He can employ the best lawyers in the land, because he has the money to do it. Where did he get it? He got it out of the Government's treasure house, turned over to him by crooked Republican officials. Oh, yes; he can employ great lawyers to undertake to lead and lose the investigating committee in a maze of technicalities, and hide behind precedents, many of which are nothing more nor less than errors grown old.

Mr. Littleton, Mr. Sinclair's great lawyer, took the position that the committee had no right to summon witnesses and take testimony in an investigation of this kind. I want the Senate to pass on that question. I want to see how many Senators will vote on a roll call to sustain that objection. A vote like that would be nothing more nor less than saying that this investigation has got to stop; that too much has come out already. It would mean "the election is approaching; damaging testimony is coming out every day; it must stop." Then what? Are we going to say to the men involved, "You are free now; go"? Then what do we say to other officials in the Government if they are inclined to do something crooked? It will enable them to say, "Thank God, we are out of the reach of the Senate. They can not investigate us now. They have settled that question. We can go into court, and if we can fix the court like certain crooks and Government agents did in the fight-film pictures we can buy immunity from prosecution."

Then what is the situation with the Government itself? The legislative body has been paralyzed by the shrewd argument of learned lawyers employed by these old-made millionaires, made millionaires by pillaging and plundering the oil property of the people. Then you go into court, and if the court can be manipulated as the witnesses swear they did manipulate them, what is the remedy? Mob law. That is what you are encouraging. The legislative branch of the Government is paralyzed, shorn of its power. The court instrumentalities are tied up and you can not get action there. Then what? You have chaos, riot, and you contribute to the mob spirit amongst the masses and then stand up and abuse people for being Bolsheviks. Mr. President, when I look this country over and see the Bolsheviks that have sprung up, the socialists and anarchists that have sprung up under the reign of the Republican Party,

I think that those who condemn them for being what they are ought to acknowledge the truth and say, "We have administered the instrumentalities of government and so shown favors to some and worked hardships on others that we have produced you. You are simply the fruits of our administration." That is what they are. Then they abuse them. Then here is this partisan sheet, this Republican administration mouthpiece, referring to the Democratic radical campaign movement for 1924. If there are radicals in the country, whose administration produced them?

Mr. President, they condemn Roxie Stinson for her testimony. They say that she offered to sell to the Attorney General all she knew and all the documentary evidence against him and his friends for \$150,000, and they seek in that way to discredit this poor woman who was separated from her husband, Jess Smith, who was such a warm friend of Mr. Daugherty, and who finally killed himself or was killed in Mr. Daugherty's apartment after having willed to Mr. Daugherty about \$25,000, I believe. It is said that she offered to sell her testimony and therefore she is a discredited witness. I come back to the proposition, the like of which I announced a little while ago. Why did she offer to sell? Because she had something to sell. Who was responsible for her having something to sell? The conduct of Daugherty and his intimate friends. If they had not been guilty of the things that she had set out, why would she have had anything of value to them, and why did she go to them wanting to dispose of something unless it was of interest and of value to them?

Mr. President, that is the story in a nutshell. This girl knew something. She wanted to sell it to them, they said, for \$150,000. I submit that she must have thought that what she knew was pretty valuable to Mr. Daugherty and his friends if she demanded \$150,000 for it. Daugherty and his friends undertake to discredit her now.

Another important witness has gone—Mr. Howard Mannington. When the people of this country learn just what is going on here to prevent a real investigation they will be astounded. Here is what occurred in the committee room. I read from the hearings:

Senator ASHURST. Mr. Chairman, the observation you made a while ago that this committee was being spied upon and its witnesses intimidated by the entire Secret Service of this Government is quite true.

Think of that! The Secret Service of the Government not backing and aiding the men who are trying to get at the truth in behalf of the Government, to help preserve its institutions, but being used to spy upon the members of the committee, to hamper them in their investigations.

Continuing, he said:

Now, in all the courts of this land the party that suppresses evidence can not complain if the suppressed evidence or the intimidated witness may be presumed to have testified against them. That is the rule of law everywhere. Now, this committee needs the testimony of Howard Mannington—

Senator WHITTIER. Yes.

Senator ASHURST. If the Secretary of State of the United States is a faithful officer of this Government, if the Attorney General is not attempting to conceal something, they will return Howard Mannington from Europe to the United States forthwith. I have reason to believe, and upon such reason charge it to be a fact, that collusion exists on the part of the Attorney General toward spiriting away Howard Mannington so that he could not be present, but would be and is now, beyond the reach of the process of this committee. That impression that exists in my mind as to this conspiracy can only be removed by their prompt production of Howard Mannington.

Senator JONES of Washington. Well, Senator, what connection has the Secretary of State with the matter?

Senator ASHURST. He probably issued the passport, and he has the power to ask his return.

Senator JONES of Washington. Should we not request the State Department to do that?

Senator ASHURST. I am doing that. I ask the Secretary of State—

Senator JONES of Washington. Well, should not we do it in a formal request by the committee?

Senator ASHURST. Yes; I am asking that it be done in a formal way. I am asking now—

Senator JONES of Washington. But let us have the letter signed by the chairman.

Senator ASHURST. I want it signed. I hereby formally demand that the Hon. Charles E. Hughes, Secretary of State of the United States, furnish to the committee the original application of Mr. Mannington for his passport; and I further ask and demand that he cause Mr.

Mannington to be returned to the United States at the earliest date. I ask that the clerk of the committee may do that.

Senator WHEELER. Let me interrupt you a minute. I understand from the newspaper accounts that Mr. Mannington is now on the Dawes Commission in Paris.

On the Dawes Commission in Paris representing the Government. Think of that, Senators.

Senator ASHURST. I want to say that when the Teapot Dome investigation began it was found that important witnesses had been sent to the uttermost parts of the earth. I will not sit here silently and permit one of the most important witnesses to be sent away. Those who sent this witness away will have to get him back, or I have a right to presume bad faith.

No wonder certain Republican Senators are getting weary of this discussion.

Mr. HOWLAND (attorney for Mr. Daugherty). On behalf of the Attorney General I deny every implication contained in the Senator's remarks of wrongdoing.

Senator ASHURST. Will you produce Howard Mannington?

Mr. HOWLAND. I have no control over Howard Mannington.

Senator ASHURST. Your client can order his return.

Mr. HOWLAND. Don't worry. Don't be so anxious. Howard Mannington will be here if we want him.

If "we" want him. Do you get that, Senators?

Senator ASHURST. If you want him? Why, of course.

Mr. HOWLAND. And if you want him, subpoena him.

I am reading from the hearings before the committee. This is the stenographic report of the hearings taken by the committee.

These facts disclose an awful situation, Mr. President. I read this for the purpose of letting the country know what unfriendly conditions we are laboring under as we seek to get at the truth in the interest of honesty in government at Washington. Here Senator ASHURST sits, an able Senator who has served for more than 12 years in this body, and says they are guilty of bad faith, and he has a right to believe they are sending witnesses out of the country in order to keep the truth from being had. It is disclosed that this fellow is over there on some commission representing the Government.

Jess Smith, at the instance of Mr. Daugherty, was in the Government service. Jess Smith was the right-hand man of Mr. Daugherty, we are told. Jess Smith, I understand, was a dry-goods clerk out in Ohio and never had any experience in any of the work he was called on to do here.

I asked the other day and I ask again, and I want members of the committee to ask Mr. Daugherty or his friends, why he brought Jess Smith to Washington? Separated from his wife, but it was said afterwards they continued to be friends and that she knew all about what Jess Smith was doing. He gave her a lot of the money he took in. She testified about seeing him, I believe, with large sums of money and what he told her he was doing with it. Does anybody doubt that he told her the truth? He knew what was going on. Finally some say that he killed himself and some say that he was killed. I do not know. He died under very suspicious circumstances. He knew a great many things; he was a very important witness, but he is gone.

Here we are with Mr. ASHURST, a Senator of the United States, saying that the Secret Service of the Government is not giving any aid, but that the Senators themselves who are making this investigation are being spied upon and every handicap possible that the Secret Service instrumentalities can control are thrown in their way and used to hinder and hamper them.

Mr. President, why will not the President act? Why will he not ask Mr. Daugherty to resign? I have been told—I have said this before and I want to repeat it—that the Senator from Massachusetts [Mr. LODGE], speaking for the President, suggested to Mr. Daugherty that he ought to resign; that the Senator from Pennsylvania [Mr. PEPPER] was with him; that they both suggested that Mr. Daugherty ought to resign; but he has not resigned.

What ought the President do in view of all these disclosures? This is not Roxie Stinson testifying, but it is a United States Senator, who has been honored by this body by electing him on this committee to investigate these grave charges and to get at the truth. He says on his responsibility that the Secret Service of this Government is hampering the committee, is spying on the committee, and is doing what it can to hinder it; and yet the President will not act. Mr. President, I have a right to ask the President to act.

The whole country has the right to ask him to act. The people want him to act.

I stated on yesterday, and I am going to state again, that the President has no right to permit the Attorney General to be in charge of the testimony that is to be brought out in his own case; he has no right to keep him at the head of the Department of Justice, where many of the agents under him would like to testify, but they are not free; they are embarrassed and hampered and may be intimidated by the situation as we find it in the Department of Justice. Then Senators get up here and complain that we do not let them take up some proposition to amend the Constitution of the United States. There is not anything that pleases some Senators so much as getting away from this proposition and discussing some intricate constitutional measure. If ever they can strike that, they are properly on the trail, for some of them would like to get away from what is going on here now. Nothing now being considered by Congress is so important and imperative as that every man here should bare his arm for battle and keep on battling until the whole truth is known regarding the bribery of public officials and the betrayal of public trust by Federal officials.

Mr. President, I remember in 1920 when investigating committees were sitting every day and I could hardly come into this Chamber from the other House that I did not hear Republicans assailing the Democratic administration and talking about the mistakes of Democratic officials. That was all right; I am not complaining. If the Democratic administration did wrong, that wrong ought to be pointed out not only for the good it would do the Government but in order to call the party leaders' attention to its wrongdoing and so that they might profit by those mistakes and avoid such mistakes in the future. I like legitimate criticism; it is right and proper to have it. We did not whine and say that you were neglecting public business—certainly, I did not—but now, when we are talking about corruption and crime in nearly every department of the Government, you run to cover and try to prevent the investigations.

Already one Cabinet officer has gone out branded all over with bribery, fraud, and corruption; another one has been retired from the Navy Department after the President had been asked by the Senate to put him out; and the Attorney General, the head of the Department of Justice, is under fire; scandals are suggested in connection with the immigration law, it being stated that thousands of immigrants are coming in and no account being kept of them, that they are flooding the country because of the action of corrupt agents who permit it to be done; the Secretary of the Commerce Department, Mr. Undermyer says, is setting at naught the antitrust laws, and he is now accused by a whole section of the country of having permitted reports of cotton in existence in the United States to be padded and 600,000 bales to be added to the amount reported as having been produced and imported, all this to the hurt and injury of the cotton producers of the United States.

Mr. President, it seems that there is something wrong in nearly every department of the Government. If that be true, we ought to clean up. We have no right to permit crooked men to remain in these high and important places. We have no right to let injury be done the people of the country and the Government itself because we may be indifferent and do not want to do our duty here. We owe it to ourselves and we owe it to the country to perform our duty faithfully.

I know the Senator from Idaho [Mr. BORAH] has stated that if we have three more months like the past three the Republican Party had just as well shut up shop. That is the substance of his statement. I know it is a gloomy situation, but men and women throughout the history of the world have had to fight in order to preserve their institutions. Free institutions never are preserved by any namby-pamby tactics; they can not preserve themselves. Eternal vigilance on the part of human beings is the price of human liberty. I know the past three months have been very demoralizing and deplorable for some people. While the Senator from Idaho was speaking I thought of this little verse:

O, I have passed a miserable night,
So full of ugly sights, of ghastly dreams,
I would not spend another such night.

I know it is bad, Mr. President, but we have got to go through with this job. When a boy is brought into the hospital and the doctor makes a diagnosis of his case and says, "We have got to make an incision in his side; we have got to remove his appendix; it has burst; it has got to come out or poison will get him"; and the boy who is to be operated on says, "No; do not do that; it will be painful"; they do not let him have his way because it is painful and because he would like to

be let alone. They operate on him; they take out his appendix, and thereby save his life. The boy gets well, and then he thanks the doctors for having operated on him and having saved his life and not having yielded to his pitiful pleas not to operate on him because it would be painful. Yes, I know the present situation is painful for the Republican Party, Mr. President, but the operation has got to be performed, for there is a cancer eating on the very vitals of the Federal Government. Instead of each Senator gathering around and asking, "Is there anything I can do? I want to aid in it; I want to give service to my country"; we find some of them standing back and saying, "Let the operation alone. No; you can not perform the operation." And they are doing everything they can to prevent a much-needed—a very necessary—operation.

In conclusion, I wish to say that the Senator from Idaho speaks of enacting certain legislation. Mr. President, of what value will legislation be when the main instrumentalities of the Federal Government have been taken from the hands of the friends of the people and turned over to their enemies? Already we have found that the mighty rich have had their taxes refunded in one year to the amount of over \$100,000,000; that this favoritism has been shown by one of the three richest men in all the world, Mr. Mellon, Secretary of the Treasury, and it is suggested that some taxes of his own have been refunded.

No wonder the beneficiaries of that favoritism indorse the Mellon plan, having had \$123,000,000 handed back to them, while other taxpayers are having a hard time getting individual loans for \$500 passed on by the War Finance Corporation in order to save their homes from sale, and still others are hard pressed because their homes are being sold for taxes. There is favoritism, class legislation, centralization of power in the Government at Washington, and concentration of wealth in the hands of a few, and a few are made rich at the expense of the many. That is what we have under Republican rule; and yet Senators on the other side tell us that we ought to let them pass certain supply bills.

I ask again, what will it amount to to pass a few measures here at this session of Congress if we permit the corrupt condition to continue—conditions that have existed since 1921 and which have been getting worse each year until to-day they have become a national scandal and crime, so bad that a United States Senator under his oath states that the Secret Service of the Department of Justice is used to spy on and hamper a Senate committee which is investigating a great crime against the Government of the United States?

There is nothing more important, nothing of greater national concern in all the confines of the country than the grave matters that now engage our attention. As the Senator from Idaho was speaking about getting ordinary legislation passed I thought of what Thomas Moore had said in his poem on "Corruption." I will close my speech with a quotation from it.

Senators, I repeat, this Government is sick; it needs quick and decisive treatment. Those who feed and fatten on Republican favor at Government expense and make their millions out of the national resources sold to them by Republican officials who have betrayed their trust are now proclaiming that the country is prosperous. It is not so. The instrumentalities of Government are being used to favor the money lords of the land, while they impose burdens grievous to be borne on the masses of the people. Our fathers fought to achieve our independence; it is our duty to fight to preserve it.

If Washington and Jefferson could come back to life they would be shocked and grieved to see the processes of destruction that are at work in the very strongholds of the Nation. The Government is being stripped of the things that make it the free, upstanding, clean, and helpful instrumentality of what a government of the people, by the people, and for the people should be. Under Republican rule it has become the handy instrument of the enemies of constitutional government. Unless we free it from the things that now seek to drag it down and destroy it this quotation from Thomas Moore will indeed be appropriate:

The people!—Ah! that freedom's form should stay
Where freedom's spirit long hath passed away!
That a false smile should play around the dead
And flush the features when the soul hath fled.

AMENDMENTS TO THE CONSTITUTION.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 4) proposing an amendment to the Constitution of the United States relative to the adoption of amendments thereto.

The PRESIDING OFFICER (Mr. McNARY in the Chair). The question is on the amendment proposed by the Senator

from Iowa [Mr. BROOKHART] to the amendment reported by the committee.

BUSINESS OF THE SESSION.

Mr. SHIELDS. Mr. President, I was greatly interested in a discussion of the business that is being now prepared in committees and which we have assurances will soon come before the Senate. I agree with Senators in the necessity for tax reduction, for, in my opinion, that is the commanding and imperative business of this Congress. The country is now suffering under a greater burden of taxation than ever before in its history. The demand for relief comes from all sections of the country, from all classes of people. I hope the revenue bill will soon be reported and passed and this country given substantial and speedy relief.

I am also in favor of some substantial relief for the agricultural interests. I think that is the next most important business of the session, and it is gratifying to hear that a proper measure will soon be reported.

There are, however, other matters which must be disposed of during the present Congress. The immigration bill is one of the most important matters under consideration. A bill, known as the Johnson bill, has been reported in the House and is on the calendar there. I do not know when it will be considered, but I hope soon. That bill, soon after it was reported, was taken up by the Immigration Committee of the Senate and hearings were had upon it and a substitute offered by the Senator from Pennsylvania [Mr. REED]. It has been thoroughly considered and is practically ready for action. There has been no delay by the Immigration Committee of the Senate. There is a demand and a necessity that we have a permanent immigration policy, and that that policy be written into law. The immigration that would have flooded this country had it not been for our quota law would have been a great menace to Americans and American institutions. The safety of our people and our institutions demands that there be a rigid limitation of immigration, both in quality and in quantity. I hope that a proper bill will be enacted at this session.

Mr. FLETCHER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Florida?

Mr. SHIELDS. I do.

Mr. FLETCHER. The Senator says that the committee has practically closed its hearings and consideration of the bill. Can the Senator inform us what the difference will be between the Johnson bill and the Reed bill, or whether the Senate committee proposes to report a substitute, or what action the Senate committee is about to take?

Mr. SHIELDS. The bill that probably will be reported by the Immigration Committee is the substitute of the Senator from Pennsylvania [Mr. REED]. Largely it is the Johnson bill, but important modifications of it have been proposed and practically agreed upon by the Senate Committee on Immigration; but that is a subject too large for me to go into at this hour and on this occasion. I wish to discuss it fully some other day.

Mr. DIAL. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from South Carolina?

Mr. SHIELDS. I do.

Mr. DIAL. Are the hearings completed?

Mr. SHIELDS. The hearings are closed.

Mr. DIAL. They are just waiting on the report?

Mr. SHIELDS. And to some extent they are waiting on the action of the House.

Mr. President, there is another measure which should be considered and finally disposed of speedily. I refer to the lease of the potential water power that will be developed by the Government navigation dams in the Tennessee River at Muscle Shoals in Alabama.

Propositions have been made by a number of parties and corporations to lease this water power, several of which have been pending for years. The House of Representatives has accepted the proposition submitted by Henry Ford and has passed a bill for that purpose, which, coming to the Senate, was referred to the Committee on Agriculture and Forestry, where it is now pending. There are other propositions for the lease of this power also before that committee.

I have discussed the necessity of prompt action with the chairman and several members of the committee, calling their attention to the necessity of Congress making a lease of this great power at this session, and I am assured by them that there will be no delay, and that, consistent with other duties in regard to other bills which they have under consideration, final action will be taken and report made to the Senate. I

hope and believe there will be no unreasonable delay and that the report may be made at an early date.

Mr. President, the development of the great potential water power at Muscle Shoals challenged my interest soon after I came to the Senate, but as special bills concerning the development of the water power of our navigable rivers had repeatedly failed, I introduced a general bill under which the development could be made at Muscle Shoals. When I presented this bill to the Senate, while calling attention to the fact that it was a general bill, I frankly stated my object was to make possible the development and utilization of the great water power at Muscle Shoals, primarily for the manufacture of air nitrogen to be used in explosives in time of war and in fertilizers in time of peace. The bill passed the Senate at two different sessions, but upon each occasion was defeated in the House. It was again introduced in a modified form and became a law.

When the war came on and the necessity for the manufacture of air nitrogen in this country for explosives and fertilizers was emphasized as never before, the Government began the construction of the Wilson Dam, and constructed two plants, known as plant No. 1 and plant No. 2, for the manufacture of nitrogen. These plants were operated during the war to some extent by steam power, but as this could not be successfully done for commercial purposes, when the war was over they were shut down. The Government continued after a lapse of some time the construction of the Wilson Dam, and I am informed that it will be completed during the next year. There will be developed there about 600,000 horsepower of water power, which can be used for the operation of these plants, as well as to furnish cheap power to the surrounding country.

There should be no Government operation of the hydro-electric power to be developed, but it should be leased to some responsible persons or corporations under proper regulations in the public interest, and primarily devoted to the manufacture of air nitrogen for the manufacture of cheap fertilizers in aid of the agriculture interests of the country. There, of course, should be proper safeguards against this great property of the people falling under the control of any trust or monopoly, and I believe that any legislation that is passed will have strong provisions for this purpose.

The proposition of Henry Ford has met with the favor of the House of Representatives, as expressed by a very large majority, and presumably is the most favorable to the interest of the people. What modifications may be made of the McKenzie bill by the Committee on Agriculture and Forestry, when it is reported to the Senate, can not be anticipated, but we must await the report.

I have never committed myself to any of the propositions for the lease and operation of this great property, but have kept myself in a position to urge a contract which will best protect the interests of the people. I want the contract providing for the manufacture of cheap fertilizer, and I would be glad to see a portion of the surplus power available to the towns and cities of my State for manufacturing purposes. I understand Mr. Ford is willing to make provisions of this kind.

This property is worth over a billion dollars, and the improvements have cost the Government over \$125,000,000. Any lease made of it must be for a long term of years, and the disposition of it should be considered carefully, thoughtfully, and in a businesslike manner.

Mr. President, I can not urge too strongly upon the Senate prompt legislation for the leasing of this power. It would be a calamity to the whole country, and especially to the Southern States, for it to be delayed longer than this session. It is one of the most important measures before the Congress. The dams will be completed and the power developed next year, and the lessee, whoever he may be, should have time to put the nitrogen plants in condition and make other arrangements to proceed to the manufacture of fertilizer and the utilization of the power promptly. The farmers of the South, where fertilizers are absolutely necessary for successful cultivation of crops, have too long been compelled to pay unreasonable prices for fertilizer, and in their depressed condition they should have relief at the earliest date it can be given. I therefore urge, Mr. President, that this matter have the attention of the Senate without fail before the Congress shall adjourn.

Mr. FLETCHER. Mr. President, I understand that an executive session is desired. Before that motion is made, however, in order to place myself right with reference to an interruption this morning in connection with the remarks of the Senator from Idaho [Mr. BORAH], I desire to say that in what I said I had reference to what the newspapers had reported regarding the conference held yesterday—not to what took place at the conference, not to what was said to the President or said

by the President, but the statement made by the chairman of the Finance Committee as reported in the press. Naturally I deplored the attitude that we might not expect any action on this important subject of tax reduction before the recess; and simply to confirm what I stated, I will say that I have before me the New York Times of March 22, in which this statement appears in the headlines:

SMOOT, in talk at White House, says tax bill can't pass before recess.

Also, the New York Journal of Commerce, which says in a headline:

Finance chairman declares action will not be taken before June conventions.

It was the appearance of those items in these papers that prompted me to suggest that we ought at least to try to get action upon that important bill intended to reduce the taxes of the people promptly and without such delay as seems to be contemplated.

AMENDMENTS TO THE CONSTITUTION.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 4) proposing an amendment to the Constitution of the United States relative to the adoption of amendments thereto.

Mr. WADSWORTH. As it is the purpose of the Senator from Kansas to move an executive session, I ask that the unfinished business be informally laid aside.

The PRESIDING OFFICER. Without objection such will be the order.

EXECUTIVE SESSION.

Mr. CURTIS. Mr. President, I move that the Senate proceed to the consideration of executive business.

Mr. WALSH of Montana. Mr. President, I have no objection to going into executive session, but I will say to the Senator from Kansas and the Senate that I should like to have the Senate rise after the executive session and renew the legislative session. The Senator from North Dakota [Mr. LADD], the chairman of the Committee on Public Lands and Surveys, has a brief report which he desires to submit, and which I should like to get in this afternoon.

Mr. CURTIS. I will withhold the motion now for that purpose.

Mr. WALSH of Montana. The report is in process of preparation. I suggest to the Senator that we have the executive session and then come back briefly into legislative session.

Mr. CURTIS. It is not intended to transact any legislative business this afternoon.

Mr. WALSH of Montana. None except to receive the report. I may say, Mr. President, in explanation, that during the morning session of the Committee on Public Lands and Surveys Mr. Sinclair was called to the stand, and refused to be interrogated by the committee, and declined to answer the questions which were submitted to him. It is the purpose of the chairman of the committee, as I understand, to make a formal report on the proceedings to the Senate this afternoon.

Mr. CURTIS. Then I move, Mr. President, that the Senate proceed to the consideration of executive business. After the executive session we can return to legislative session.

The PRESIDING OFFICER. The question is on the motion of the Senator from Kansas.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

NAVAL OIL-LAND LEASES—HARRY F. SINCLAIR.

Mr. LADD. Mr. President, from the Committee on Public Lands and Surveys, I desire at this time to submit to the Senate the report of to-day's proceedings before that committee.

The PRESIDING OFFICER (Mr. McNARY in the chair). Does the Senator from North Dakota desire to have the report read?

Mr. WALSH of Montana. I ask that the report be read. The PRESIDING OFFICER. Without objection, it will be read.

Mr. BRANDEGEE. Is the Senator from North Dakota going to ask the Senate to take any action at the conclusion of the reading of the report?

Mr. LADD. I think that is up to the Senate. Mr. BRANDEGEE. I was simply going to suggest that very few Senators are on the floor, and if the Senator intended to ask for any action I think a quorum should be present.

Mr. WALSH of Montana. I do not think it is the purpose to ask the Senate to take any action on the matter to-day.

Mr. BRANDEGEE. Very well.

Mr. KING. May I inquire whether the plan is to have the report read?

Mr. WALSH of Montana. I have asked that it be read. The PRESIDING OFFICER. The Secretary will read the report.

The reading clerk read the report (No. 299), as follows:

BEFORE THE COMMITTEE ON PUBLIC LANDS AND SURVEYS OF THE UNITED STATES SENATE, PROCEEDING UNDER SENATE RESOLUTION NO. 147.

Harry F. Sinclair, called to the stand as a witness before the committee, made the following statement:

"I do not decline to answer any question upon the ground that my answers may tend to incriminate me, because there is nothing in any of the facts or circumstances of the lease of Teapot Dome which does or can incriminate me.

"In January of last year I was called before the Manufactures Committee of the Senate and produced all books and papers called for and testified fully regarding the lease of Teapot Dome and the organization of Mammoth Oil Co., which holds that lease. On October 28 last past I came before your committee and answered all questions put to me by your committee in respect to the lease of Teapot Dome and the organization of Mammoth Oil Co., and was excused. In the afternoon of the same day I was recalled and answered all questions put to me by your committee, and was again excused. On December 4 last past I was called again before your committee and answered all questions put to me and had my auditor present, who also testified. I was requested to furnish the committee with certain papers and memoranda, which was promptly done. On December 27 last past I was again called before your committee and answered all questions put to me and produced all books and papers asked for by the committee. I was then excused until the 4th of January, on which date I again appeared and answered all questions put to me by the committee and produced all books and papers asked for, and I was finally excused from further attendance.

"Thus it appears that I have been before your committee at five different sessions and answered all questions and produced all books and papers called for, and I was finally excused from further attendance. I went abroad on business which had been delayed owing to the necessity of my attendance on your hearings, as I had a perfect right to do, without secrecy and without evasion.

"When I appeared before your committee at these dates and answered your questions and produced all books and papers asked for, your committee was acting under Senate Resolution 282 of the Sixty-seventh Congress, which authorized you—

"To investigate the entire subject of leases upon naval oil reserves, with particular reference to the protection of the rights and equities of the United States and the preservation of its natural resources."

"Since the date of my last appearance before your committee, and at the instance of your committee, the Senate and House passed Senate Joint Resolution No. 54, which has been signed by the President. I make that resolution a part of this statement:

"Whereas it appears from evidence taken by the Committee on Public Lands and Surveys of the United States Senate that certain lease of naval reserve No. 3, in the State of Wyoming, bearing date April 7, 1922, made in form by the Government of the United States, through Albert B. Fall, Secretary of the Interior, and Edwin Denby, Secretary of the Navy, as lessor, to the Mammoth Oil Co., as lessee, and that certain contract between the Government of the United States and the Pan American Petroleum & Transport Co., dated April 25, 1922, signed by Edward C. Finney, Acting Secretary of the Interior, and Edwin Denby, Secretary of the Navy, relating, among other things, to the construction of oil tanks at Pearl Harbor, Hawaii, and that certain lease of naval reserve No. 1, in the State of California, bearing date December 11, 1922, made in form by the Government of the United States, through Albert B. Fall, Secretary of the Interior, and Edwin Denby, Secretary of the Navy, as lessor, to the Pan American Petroleum Co., as lessee, were executed under circumstances indicating fraud and corruption; and

"Whereas the said leases and contract were entered into without authority on the part of the officers purporting to act in the execution of the same for the United States and in violation of the laws of Congress; and

"Whereas such leases and contract were made in defiance of the settled policy of the Government, adhered to through three successive administrations, to maintain in the ground a great reserve supply of oil adequate to the needs of the Navy in any emergency threatening the national security:

"Resolved, etc., That the said leases and contract are against the public interest, and that the lands embraced therein should be

recovered and held for the purpose to which they were dedicated; and

"Resolved further, That the President of the United States be, and he hereby is, authorized and directed immediately to cause suit to be instituted and prosecuted for the annulment and cancellation of the said leases and contract and all contracts incidental or supplemental thereto; to enjoin the further extraction of oil from the said reserves under said leases or from the territory covered by the same; to secure any further appropriate incidental relief; and to prosecute such other actions or proceedings, civil and criminal, as may be warranted by the facts in relation to the making of the said leases and contract.

"And the President is further authorized and directed to appoint, by and with the advice and consent of the Senate, special counsel who shall have charge and control of the prosecution of such litigation, anything in the statutes touching the powers of the Attorney General of the Department of Justice to the contrary notwithstanding."

"This resolution, in effect, denounces the lease between the Government and the Mammoth Oil Co., of which I am president, as void, because of fraud and corruption and for want of lawful authority on the part of the Secretary of the Navy and the Secretary of the Interior to execute it. This is an assertion that under the 'rights and equities' of the United States the land covered by the lease of Teapot Dome belongs to the United States. The resolution further asserts that the lease was made 'in defiance of the settled policy of the Government, adhered to through three successive administrations, to maintain in the ground a great reserve supply of oil adequate to the needs of the Navy in any emergency threatening the national security.' This is a definite outline of the policy of the Government with respect to the 'preservation of its natural resources.' The resolution further declares said lease is 'against the public interest, and the lands embraced therein should be recovered and held for the purpose to which they were dedicated.' This is a further definite declaration of the policy of the Government for the 'preservation of its natural resources.' It further provides:

"That the President of the United States be, and he hereby is, authorized and directed immediately to cause suit to be instituted and prosecuted for the annulment and cancellation of the said leases and contract and all contracts incidental or supplemental thereto; to enjoin the further extraction of oil from the said reserves under said leases or from the territory covered by the same; to secure any further appropriate incidental relief; and to prosecute such other actions or proceedings, civil and criminal, as may be warranted by the facts in relation to the making of said leases and contract."

"The President was further authorized to employ special counsel to prosecute such litigation, and in a further resolution instituted in the House \$100,000 was appropriated to cover the expenses incurred in such litigation.

"Thereafter the President, by and with the advice and consent of the Senate, did appoint counsel, who were duly sworn and took their office as special counsel to the Government authorized by said Senate Joint Resolution No. 54; and the said counsel, by bill of complaint in the District Court of the United States for the District of Wyoming, sued the Mammoth Oil Co., the holder of the lease, the Sinclair Crude Oil Purchasing Co., and the Sinclair Pipeline Co., and applied for relief by temporary injunction and receivers, which was granted. In said bill of complaint it is charged, in paragraph 28:

"In negotiating and concluding said agreement, said Albert B. Fall and said Harry F. Sinclair, acting for and on behalf of the defendant Mammoth Oil Co., did fraudulently and covinously combine, confederate, and conspire, in the manner and in the acts hereinabove set forth and other matters and things, to defraud the United States of America—

"(a) By granting said lease upon said naval petroleum lands in violation of law;

"(b) To favor and prefer said defendant Mammoth Oil Co. over and above other persons desirous of taking lease upon said lands;

"(c) To insure to said defendant Mammoth Oil Co. the valuable right to receive and take to exhaustion all of the oil and gas which might be obtained from said lands in said agreement mentioned; and

"(d) To lease the said lands to said defendant Mammoth Oil Co. by said agreement at an inadequate, improper, and fraudulent consideration."

"And thereafter the said special counsel, acting for the Government, made an official announcement that application had been made for the organization of a special grand jury in the District of Columbia, for the purpose of inquiring into offenses and crimes growing out of the circumstances attending the execution of this lease.

"It is perfectly clear, therefore, from the language of the resolution that your committee by reason of any constitutional power which it may possess or by virtue of the resolution under which it is acting is not now engaged, nor could it be engaged, in an investigation with particular reference to the protection of the rights and equities of the United States and the preservation of its natural resources"; because the Senate, from whom you derive your authority, has unanimously passed upon all questions embraced within that authorization and exhausted whatever power or authority it had in the premises. It is further perfectly clear that the Congress and the President have made of the whole matter a judicial question, determinable solely by the courts of the country, and such question is now actually pending in the district court of the United States for the district of Wyoming, and whatever criminal act is claimed is about to be investigated by a special grand jury of the District of Columbia. With due respect to your committee, I claim that you are without any jurisdiction to question me further regarding the procurement of the lease or the validity thereof or any fact or circumstance pertaining thereto; that such an examination of me by your committee would not only be clearly outside of your jurisdiction but would be, in effect, an examination before trial in a civil action between the Government and the company I represent, by a body of men wholly unauthorized by law and in a wholly unauthorized manner. Or, if your examination should be directed toward eliciting facts concerning fraud or corruption, your committee in effect would have constituted itself a grand jury as to a matter which Congress and the President, by Joint Resolution 54, have directed should be presented to the constitutional authorities of the country.

"I am the president of the Mammoth Oil Co. and, as such, represent all others interested in that company. I negotiated the lease of Teapot Dome and am responsible for those negotiations. Any pertinent question which your committee could ask would necessarily relate to the procurement of that lease and its validity. You and the body from which you derive your authority have already sat in judgment on these questions and remitted them to courts of proper jurisdiction. I shall reserve any evidence I may be able to give for those courts, to which you and your colleagues have deliberately referred all questions of which you had any jurisdiction, and shall respectfully decline to answer any questions propounded by your committee."

Thereupon the following proceedings were had:

"Senator WALSH, Mr. Sinclair, I desire to interrogate you about a matter concerning which the committee had no knowledge or reliable information at any time when you had heretofore appeared before the committee and with respect to which you must then have had knowledge. I refer to the testimony given by Mr. Bonfils concerning a contract that you made with him touching the Teapot Dome. I wish you would tell us about that.

"Mr. SINCLAIR. I decline to answer on advice of counsel on the same ground.

"Senator WALSH of Montana. Since you were last upon the stand we had, Mr. Sinclair, before us a copy of a contract entered into between the Mammoth Oil Co., under which or as a consequence of which the Pioneer Oil Co. ceased to be a competitor of yours in this lease of the Teapot Dome. Will you tell us about that matter?

"Mr. SINCLAIR. I decline to answer on advice of counsel on the same ground.

"Senator WALSH of Montana. When your private confidential secretary, Mr. Wahlberg, was before the committee he told us about the loan of some stock of the Sinclair Consolidated Co. to one Hays. Will you tell us about that transaction?

"Mr. SINCLAIR. I decline to answer by advice of counsel on the same ground.

"Senator WALSH of Montana. Since you were on the stand last Mr. John C. Shaffer told us about an agreement between yourself and Secretary Fall, under which Mr. Shaffer was to receive from you a certain portion of the territory covered by the lease which you secured for the Mammoth Oil Co. Will you tell us about that matter?

"Mr. SINCLAIR. I decline to answer on the advice of counsel on the same ground.

"Senator WALSH of Montana. Mr. Sinclair, will you tell the committee where and when you met Secretary Fall during the months of November and December last?

"Mr. SINCLAIR. I decline to answer on the advice of counsel on the same ground.

"Senator WALSH of Montana. On the 3d day of February, 1923, Mr. Sinclair, as my information is, you caused to be transmitted to the National Metropolitan Bank, of this city, from the National Park Bank, of New York, the sum of \$100,000, payable to your order, which, on the 7th day of February, 1923, you transmitted

to the Chase National Bank upon your direction. Will you tell us about that transaction?

"Mr. SINCLAIR. On advice of counsel I decline to answer on the same ground.

"Senator WALSH of Montana. Information has come to the committee to the effect that you contributed 75,000 shares of the stock of the Sinclair Consolidated Co. to Mr. Hays, or to some one representing the National Republican Committee, for the purpose of making up the deficit in the account of that committee. Will you tell us about that matter?

"Mr. SINCLAIR. On advice of counsel I decline to answer, on the same ground.

"Senator WALSH of Montana. The committee is still desirous, Mr. Sinclair, of examining the books of the Hyva Corporation. Are you prepared to produce those books?

"Mr. SINCLAIR. On advice of counsel I decline to bring the books before this committee, upon the same ground.

"Senator WALSH of Montana. Then, Mr. Chairman, I offer to prove by the witness, if he would answer, that, among other things—

"Senator SPENCER (Interposing). Do I understand, Senator WALSH, that what you propose to put into the record is what you think the witness would testify if he did not claim exemption?

"Senator WALSH of Montana. Yes, sir. I propose to prove certain facts by this witness.

"Mr. LITTLETON. If I have any rights at all here—I am counsel for the witness—I certainly object to your putting into this record what you imagine the witness would have answered when he has claimed his rights here under the law.

"Senator WALSH of Montana. All right, Mr. Littleton.

"Mr. LITTLETON. I protest most earnestly against it as an outrage.

"Senator WALSH of Montana. I protest, Mr. Chairman, against any such remarks from counsel as an abuse of his privilege. Counsel yesterday, here by the courtesy of this committee, said that certain things that this committee propose to do were monstrous, and now we are told this morning that what I offered to do, with the privilege of the committee, is an outrage. That is an abuse of the privilege of counsel, and I desire the chairman to admonish counsel to that effect.

"The CHAIRMAN. It is the opinion of the chairman that counsel went beyond his rights, both yesterday and to-day, in his statements.

"Senator WALSH of Montana. Now, Mr. Chairman, inasmuch as the witness, through his counsel, has objected and protested against the proposal which I make to set out what I expect to prove by the witness, I do not press my purpose to state the facts to the committee. That is all, Mr. Chairman.

"The CHAIRMAN. Any further questions?

"Senator DILL. I wanted to ask Mr. Sinclair whether he was willing to answer any questions about the services that Mr. Archie Roosevelt performed for his organization in reference to testimony given here since he was last before us.

"Mr. SINCLAIR. I decline to answer, by advice of counsel, on the same ground.

"Senator ADAMS. Mr. Sinclair, I believe in an earlier hearing you testified, in answer to a question, that you had in no way, and none of your companies had in any way, given or loaned anything to Secretary Fall. Is that correct?

"Mr. SINCLAIR. I decline to answer, on advice of counsel, on the same ground.

"The CHAIRMAN. Are there any further questions on the part of any member of the committee? Senator ADAMS, have you any further questions?

"(No response.)

"Mr. Sinclair, you are excused.

"Mr. LITTLETON. Mr. Chairman, I desire to put on the record the subpoena duces tecum which was served upon Mr. Sinclair, and ask that it be made a part of the record.

"The CHAIRMAN. There is no objection.

"(The subpoena duces tecum above referred to is as follows:)

"UNITED STATES OF AMERICA,
CONGRESS OF THE UNITED STATES.

"To HARRY F. SINCLAIR.

"Sinclair Consolidated Oil Co., New York City, greeting:

"Pursuant to lawful authority, you are hereby commanded to appear before the Senate Committee on Public Lands and Surveys of the Senate of the United States on Friday, March 21, 1924, at 10 o'clock a. m., at their committee room in the Senate Office Building, Washington, D. C., then and there to testify what you may know relative to the subject matters under consideration by said committee, and bring with you all the books and records of the Hyva Corporation.

"Hereof fail not, as you will answer your default under the pains and penalties in such cases made and provided.

"To David S. Barry, Sergeant at Arms of the Senate of the United States, to serve and return.

"Given under my hand, by order of the committee, this 19th day of March, in the year of our Lord 1924.

"(Signed) E. F. LADD,

"Chairman Committee on Public Lands and Surveys.

"[Indorsed on the reverse by signature of David S. Barry, Sergeant at Arms of the Senate of the United States.]

"Mr. SINCLAIR, I thank you very much, gentlemen.

"The CHAIRMAN, Mr. Hays?"

Mr. WALSH of Montana. Mr. President, the provisions of the statute applicable to the conditions before us in consequence of this action are sections 101, 102, 103, and 104 of the Revised Statutes, as follows:

SEC. 101. The President of the Senate, the Speaker of the House of Representatives, or a chairman of a Committee of the Whole, or of any committee of either House of Congress, is empowered to administer oaths to witnesses in any case under their examination.

SEC. 102. Every person who, having been summoned as a witness by the authority of either House of Congress to give testimony or to produce papers upon any matter under inquiry before either House, or any committee of either House of Congress, willfully makes default, or who, having appeared, refuses to answer any questions pertinent to the question under inquiry, shall be deemed guilty of a misdemeanor, punishable by a fine of not more than \$1,000 nor less than \$100, and imprisonment in a common jail for not less than one month nor more than twelve months.

SEC. 103. No witness is privileged to refuse to testify to any fact, or to produce any paper, respecting which he shall be examined by either House of Congress, or by any committee of either House, upon the ground that his testimony to such fact or his production of such paper may tend to disgrace him or otherwise render him infamous.

SEC. 104. Whenever a witness, summoned as mentioned in section 102, fails to testify, and the facts are reported to either House, the President of the Senate or the Speaker of the House, as the case may be, shall certify the fact, under the seal of the Senate or House, to the district attorney for the District of Columbia, whose duty it shall be to bring the matter before the grand jury for their action.

Mr. President, in view of the recusancy of the witness shown by the report just submitted, there are two questions open to the Senate, either to bring the witness before the bar of the Senate and, persisting in his contumacy, to commit him to the custody of the Sergeant at Arms for imprisonment until he shall consent to answer, or to report the matter, as contemplated by the statute which I have just read, for appropriate action by the district attorney of the District of Columbia and a grand jury. The committee is not prepared this afternoon to ask the Senate to take either of these courses. The Members are desirous, among other things, of conferring with counsel employed to aid us in these proceedings, and we shall probably be ready to take action on the matter on Monday.

The questions presented, however, are of the most far-reaching and profound importance. Much is said in the statement of the witness, which has been read for your information, about the importance upon the question presented of the pendency of the suit instituted in the United States District Court for the District of Wyoming to cancel and annul the lease of the Mammoth Oil Co. to naval reserve No. 3. But the objection of the witness is much more fundamental than that. It challenges the right of any committee of either House of Congress to compel the attendance of a witness to give any testimony before such a committee.

Mr. NORRIS. Mr. President, may I ask the Senator a question before he discusses that point?

Mr. WALSH of Montana. Yes.

Mr. NORRIS. I want to ask the Senator whether in his judgment both courses could not be pursued. The Senator said we could take one of two courses. What is to hinder and what is the objection to both courses being pursued? In other words, if a witness who refuses to answer was brought to the bar of the Senate and confined by order of the Senate in jail until he answered, would that be any reason why he should not be punished in regular court proceedings according to the statute which the Senator has read?

Mr. WALSH of Montana. I am sure that either of the remedies is exclusive of the other as matter of law, but as matter of practice they become practically so, I think. The situation would be this: If the witness were brought before the bar of the Senate and an order, after his commitment, were made to the effect that he should stand committed until he should answer—I assume that he is in perfect good faith in the objection that he makes and in the position that he takes—

he would, of course, then sue out a writ of habeas corpus, and he would be held under that writ. If the court should decide against him, that his objection is not well taken, he would be remanded to the custody of the Sergeant at Arms. He would then sue out a writ of error, and he would be entitled to bail under that writ of error.

Mr. NORRIS. The point I am trying to call to the attention of the Senator I could well illustrate by saying that if he came to the Senate under arrest, and it was ordered that he should be confined to jail until he answered, whenever he answered he would clear himself of the contempt proceedings here.

Mr. WALSH of Montana. Yes.

Mr. NORRIS. But the statute which the Senator has read makes it an offense for a person to refuse to answer in either case.

Mr. WALSH of Montana. Undoubtedly, and he would be guilty of a crime.

Mr. NORRIS. He would be guilty of a crime independently of the contempt proceeding.

Mr. WALSH of Montana. That crime would have been already committed.

Mr. NORRIS. Of course we know that if a court should hold that he was right in his objection, that the questions were not properly asked, and that the witness was not required to answer, the court would give him freedom in either case.

Mr. BRANDEGEE. Mr. President, if it will not interrupt him, will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Connecticut?

Mr. WALSH of Montana. I yield.

Mr. BRANDEGEE. As the Senator has allowed himself to be interrupted a number of times at this point, perhaps this is a good time to ask a question. Will the Senator again kindly read the latter portion of the statute that he last read to us? I refer to the portion of the paragraph which provides that the committee shall report the refusal to answer, and then that the President of the Senate—if I heard the reading correctly—should certify that fact.

Mr. WALSH of Montana. The section reads as follows:

Whenever a witness, summoned as mentioned in section 102, fails to testify, and the facts are reported to either House, the President of the Senate, or the Speaker of the House, as the case may be, shall certify the fact, under the seal of the Senate or House, to the district attorney for the District of Columbia, whose duty it shall be to bring the matter before the grand jury for their action.

Mr. BRANDEGEE. I wanted to ask the Senator, in view of that language, does he not consider it to be the duty of the President of the Senate now to certify the fact to the district attorney, irrespective of any action of the Senate?

Mr. WALSH of Montana. The language—

Mr. BRANDEGEE. Is mandatory.

Mr. WALSH of Montana. The language is not so clear as it might be. It will be observed that the first thing is that the witness must have failed to testify. I imagine that some one must decide whether or not he has failed to testify. The committee has reported that he has so failed, but I suppose the Senate must first decide whether, as a matter of fact, the witness has failed to testify, and if the Senate decides that he has failed to testify, then it automatically becomes the duty of the President of the Senate to report that fact.

Mr. BRANDEGEE. Does not the language of the statute read "when such failure is reported to the Senate," and so forth?

Mr. WALSH of Montana. Yes. Two things must occur: The witness must have failed, and that fact must have been reported to the Senate.

Mr. BRANDEGEE. Of course I am not holding the Senator to a final opinion, but, as at present advised, does the Senator think that the Senate should find as a fact that the witness had failed to testify?

Mr. WALSH of Montana. I should think so. Suppose, for instance, that one member of the committee should come in and tell the Senate that a witness had failed to testify; or, we will suppose, for that matter, that some onlooker had so stated or that some Member of the Senate had come in and had told the Senate that a witness had failed to testify, of course it would not then be the duty of the President of the Senate to certify the fact that the witness had so failed. Now, the committee, as a whole, has come in and has advised the Senate of the fact, and it seems to me there must be a determination by the Senate that the witness has failed to testify.

Mr. BRANDEGEE. I had not taken the broad interpretation of the word "report" that the Senator suggests might

prevail. I thought the provision meant whenever the committee having jurisdiction of the matter had reported to the Senate that the witness has refused to testify or failed to testify before it, the committee.

Mr. WALSH of Montana. If the Senator will pardon me, he will observe that the statute does not say "when the facts are reported to either House by the committee"; it merely says when the facts are reported to either House.

Mr. BRANDEGEE. It never occurred to me to construe the word "report" as meaning that a single Senator might stand up and say that it was so.

Mr. WALSH of Montana. I do not mean to assert that the position the Senator from Connecticut advances about the matter is not correct; but my own judgment is that the Senate ought to determine the matter.

Mr. BRANDEGEE. I assume that there is no time limit within which the President pro tempore must act. The statute does not say that he must do it immediately. Of course there is time for consideration as to the proper course to pursue.

Mr. GEORGE. Mr. President—

Mr. WALSH of Montana. I yield to the Senator from Georgia.

Mr. GEORGE. I should like to inquire of the Senator from Montana as to his construction of the language of section 102, which is as follows:

or who, having appeared, refuses to answer any questions pertinent to the question under inquiry.

Does not that language indicate that there must be a refusal to answer and that the question must be pertinent, and does not that indicate that the Senate, as a whole, would have to determine the question before the President of the Senate would be called upon to take the action which is prescribed in section 104?

Mr. SPENCER. Mr. President—

Mr. WALSH of Montana. I yield to the Senator from Missouri.

Mr. SPENCER. I should like to ask the Senator from Montana a question. The failure of the witness, of course, must be a failure before either the Senate or a committee of the Senate. When that failure occurs, no individual member of the committee can report it. It must be, as it is in this case, the report of the committee. Therefore does not the Senator think, under section 104, that when a witness has been summoned and fails to testify, and the facts are reported, bearing in mind that there can not be a report by an individual member—the very fact that a report is made indicates that the committee reports—then the President of the Senate as a matter of course certifies the facts to the district attorney for presentation to the grand jury?

Mr. WALSH of Montana. The question still is an open one as to who determines, first, the pertinency of the question, and, second, whether the witness has failed to testify or not.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Arkansas?

Mr. WALSH of Montana. I yield to the Senator from Arkansas.

Mr. CARAWAY. Does it not occur to the Senator from Montana that the word "report" in dealing with matters before a committee has the technical meaning that the committee shall make the report?

Mr. WALSH of Montana. I am inclined to agree to that.

Mr. CARAWAY. Then if that be true, and if that were not the thing upon which the President of the Senate should act, would it not say upon the adoption of the report by the Senate, or upon the recommendation of the Senate, the President of the Senate shall transmit the facts? Does not the language make it absolutely imperative, when the committee shall have reported the facts, to transmit that report to the district attorney, who then shall act? Otherwise, it would be upon the adoption of the report by the Senate that the President shall transmit it; in other words, when the committee reports, it seems to me that the Senate has nothing more to do with it, but the President of the Senate must transmit the report.

Mr. SPENCER. Does the Senator from Montana intend to ask for action this afternoon?

Mr. WALSH of Montana. No.

Mr. BRANDEGEE. Mr. President, is there any doubt in the Senator's mind that the witness did fail to testify?

Mr. WALSH of Montana. None whatever.

Mr. President, I merely desire to add a few observations. As I have pointed out, a considerable portion of the statement made by the witness in justification of his refusal to answer the

questions propounded to him is based upon the pendency of the lawsuit. Section 103 of the statute provides:

No witness is privileged to refuse to testify to any facts, or to produce any paper, respecting which he shall be examined by either House of Congress, or by any committee of either House, upon the ground that his testimony to such fact or his production of such paper may tend to disgrace him or otherwise render him infamous.

That is, the statute has gone so far as to provide that, no matter how much the testimony given by a witness may tend to degrade him in the public estimation or to render him infamous or to bring him into disgrace, that is no reason why he should not answer the pertinent questions that are asked him. Mr. President, I know of no rule of law which will exempt a witness from testifying upon the ground that he has a lawsuit pending somewhere in which his interest will be affected if he gives testimony in another proceeding.

Mr. CARAWAY. I should like to ask the Senator a further question about the duty of the President of the Senate when the report of the committee shall be received. I understood the Senator from Montana a while ago to say—and I believe it was also the suggestion of the Senator from Georgia [Mr. GEORGE]—that the Senate must determine the pertinency of the questions. The rule is that the committee shall determine the pertinency of questions, is it not?

Mr. WALSH of Montana. Yes.

Mr. CARAWAY. Therefore, that question would not be considered by the Senate.

Mr. BRANDEGEE. Mr. President, in view of the last remark of the Senator from Montana, that he did not think a witness was excused from testifying—

Mr. WALSH of Montana. If the Senator will pardon me, I should like to say a word further in reply to the Senator from Arkansas.

Mr. BRANDEGEE. Very well.

Mr. WALSH of Montana. If the Senator from Arkansas will give me his attention, I should like to say that, of course, it is altogether within the province of the committee to determine the pertinency of questions addressed to the witness, but I do not think by any means that that is final. It certainly would not be final if a motion were made to cite a witness to the bar of the Senate for contempt.

Mr. GEORGE. I should like to say, Mr. President, that in the very nature of things that would simply be prima facie. When it is further provided in section 104 that when such report is made to the Senate, the President of the Senate will certify the facts under the seal of the Senate to the district attorney, it necessarily follows that either the President of the Senate or the Senate itself must determine to be true what the committee has found prima facie, namely, that it has propounded a pertinent question and the witness has refused to answer that pertinent inquiry.

Mr. LODGE. Mr. President—

Mr. WALSH of Montana. Unless the Senator from Arkansas desires to ask me a further question, I will yield to the Senator from Massachusetts.

Mr. CARAWAY. No.

Mr. LODGE. Mr. President, I am having the record examined; but in 1894, I believe it was, there was an investigation by a committee of the Senate of charges that Senators had been speculating in sugar stocks. The witness, Mr. Chapman, a member of a large brokerage firm in New York, declined to testify as to the purchase of stock through his firm by any Member of the Senate. Judge Gray, who was then a Senator from Delaware and chairman of the committee, reported the fact to the Senate, and my memory is—and I hesitate to trust to memory so far back—that it was determined to be the duty of the President of the Senate to report it, without further action, to the district attorney. At all events, that is what was done, and Mr. Chapman was tried and convicted and went to jail for three months.

Mr. BRANDEGEE. Mr. President, referring to the statement of the Senator from Montana that the witness would not be excused from testifying, because he might have a lawsuit about the same matter pending in another place, I agree with the Senator about that; but, as I listened to the reading of the statement made by Mr. Sinclair before the committee, I understood that he went further than that, if I caught the meaning correctly.

Mr. WALSH of Montana. The Senator is quite right.

Mr. BRANDEGEE. He seemed to claim that because the Senate had authorized the institution of the lawsuit against him, and the President had brought it through the special counsel, the committee in some way was ousted of further jurisdiction in the premises.

Mr. WALSH of Montana. The Senator is correct. Three contentions were made. In the first place, the contention is made that the witness ought not to be called upon to answer concerning these matters because of the pendency of the lawsuit. The second contention is that he ought not to be compelled to answer because the committee was ousted of all jurisdiction it had when Joint Resolution 74 was passed. The third is that he ought not to be compelled to answer because under no circumstances can a witness be forced to come before a committee of either House of Congress or forced to testify when he does come there.

Mr. BRANDEGEE. For any purpose?

Mr. WALSH of Montana. For any purpose; yes.

Mr. BORAH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Idaho?

Mr. WALSH of Montana. I do.

Mr. BORAH. It seems to me that the only one of those objections that is debatable is the last one. I do not see how the mere fact that a lawsuit is pending could possibly give any basis for objection, or the fact that the committee has made a report in part.

Mr. WALSH of Montana. I remind the Senator from Idaho, as I stated this morning before the committee, that the committee has made no report up to the present time. The report that the Senate has heard this afternoon is the first report the committee has made. It will be recalled that the action taken by the Senate was taken first upon the joint resolution introduced by the Senator from Arkansas [Mr. CARAWAY], who is not a member of the committee at all, and that a substitute was offered by myself, not by the committee, but by myself, acting in my own right as a Senator, the same as the Senator from Arkansas [Mr. CARAWAY] acted in his own right.

Mr. CARAWAY. Mr. President—

Mr. WALSH of Montana. If the Senator will pardon me, at a meeting of the committee, however, it was agreed that the committee would indorse and support the principle of the substitute joint resolution which I had said I would offer as an amendment to the joint resolution offered by the Senator from Arkansas. So the committee has made no report on anything. Furthermore, Mr. President, the committee has not by any means concluded its work; and I think it is in the mind of every member of the committee to recommend to the Congress legislation which will help, at least, to prevent a recurrence of this wanton abuse of power of which, as we contend, the heads of departments have been guilty under the act as it stands.

Mr. BORAH rose.

Mr. WALSH of Montana. If the Senator will pardon me for just a moment, I desire to say something in that connection.

Some considerable criticism has been directed against the late Secretary of the Navy, Mr. Daniels, as the author of the statute under which these leases were made, and an effort has been made to involve me in that criticism. I have heretofore stated to the Senate the facts with respect to that matter. I had nothing whatever to do with it; but I fear that it might have been inferred from something I said that Secretary Daniels was blamable in the matter. I want to disclaim any such purpose. I do not see that Secretary Daniels is open to any criticism whatever in the matter, except that he might have been a little more guarded in the powers that he contemplated reposing in the Secretary of the Navy. The act ought to be restricted, as I think, and I think the committee will recommend legislation to that effect; but, of course, it was drafted in the first place upon the assumption that it would be executed by honest officials, by officials diligent and vigilant in the discharge of their duties. No legislation that we can enact in this body can ever be made safe against corruption, and this particular statute is no exception to it. We pass many statutes here reposing power in officers of the Government. We expect that they are going to discharge their duties faithfully and with regard to the settled policy of the Government with reference to these powers. It is a very old and a very well-established principle that power may be abused, whatever safeguards are put about it. It is necessary to trust to some extent to the honesty and to the vigilance of the officials charged with the execution of the duties. As I say, however, we can safeguard the thing by some restrictive amendments.

I now yield to the Senator from Idaho.

Mr. BORAH. Mr. President, of course the Senator from Montana was not any more responsible for that legislation than every other Member of the Senate.

Mr. WALSH of Montana. No. I bear my fair share of it.

Mr. BORAH. But I do think that all of us, if we had it to do over again, would restrict the terms of that act, in view of what has happened; but that is not a responsibility which at-

taches to an individual. That is a responsibility which attaches to the Senate.

I want to say here that I hope the experience which we have had will warn us against accepting just any amendment which comes down here from a department. Because an amendment is drawn in a department, and it is so stated on the floor of the Senate, we have been in the habit of simply passing it over without very much scrutiny, which we do with too much carelessness. I trust that in the future we will examine an amendment just as carefully when it comes from a department as if it is drawn here; and, in my judgment, that is about all the criticism that can be lodged against that particular provision.

Mr. WALSH of Montana. I may say that I am in entire agreement with the Senator from Idaho. I think we ought to be particularly scrupulous in the future about vesting in the heads of these departments large powers, with little limitations or restrictions, not hedged about at all. These statutes are not made for to-day or for to-morrow, but they are made for all time, and some time or other a reckless or an incompetent man will be charged with the administration of these duties.

Mr. NORRIS. Mr. President—

Mr. WALSH of Montana. I yield to the Senator.

Mr. NORRIS. I of course agree to everything that the Senator from Montana and the Senator from Idaho have said; but I should like to get the Senate back to the question at bar.

As I understand, the only question now is whether the Presiding Officer of the Senate shall certify these proceedings to the prosecuting attorney, or whether the Senate will pass a resolution authorizing or directing him to do it. If the Senator from Montana would prefer that the Senate act and direct the Presiding Officer to do that, I, for one, shall be glad to take that action now, if the Senator wants it, or to wait until Monday, as he sees fit.

Mr. WALSH of Montana. That is very nice of the Senator. I think the appropriate action is for the Senate to resolve that the witness has failed to testify.

Mr. NORRIS. I think so. I think that will do away with any technicalities.

Mr. WALSH of Montana. It will remove any question, and that is what I want to do.

Mr. NORRIS. And I suppose the Senator will present that kind of a resolution?

Mr. WALSH of Montana. It is my purpose to do so.

Mr. HEFLIN. Mr. President, if what the Senator from Nebraska suggests were done, would it then be in order for the Senate to suggest that he should testify, or permit the committee to go back and try him out again?

Mr. WALSH of Montana. Mr. President, the committee has gotten through with the witness. We have exhausted our power to get an answer from him. We are reporting that fact to the Senate. If this is reported to the district attorney for the consideration of the grand jury, the grand jury will proceed either to indict or to return no bill. If they return an indictment, he will be tried upon the indictment.

Mr. BRANDEGEE. Mr. President, before the Senator from Montana leaves the floor I desire to ask him a question. It may be entirely overrefined and technical, but I assume that the paper which has just been read from the desk, which was presented by the Senator from North Dakota [Mr. LADD], is to be the basis—if the last section of the statute read by the Senator is proceeded with strictly—of an attempt to commit Mr. Sinclair to jail for contempt, and to bring upon his head, possibly, the pains and penalties prescribed in the statute. Now, the statute provides that certain action shall be taken when the refusal to answer shall be reported to the Senate. I assume that means as a fact. Since this is the basis of the whole proceeding I want to call the Senator's attention to the fact that the paper which the reading clerk has just read to Senate is headed in this way:

Before the Committee on Public Lands and Surveys of the United States Senate, proceeding under Senate Resolution No. 147, Harry F. Sinclair, called to the stand as a witness before the committee, made the following statement—

And then, after a few pages, it states:

Thereupon the following proceedings were had—

That consisted simply of some questions asked by the members of the committee, and the replies of Mr. Sinclair refusing to answer. That does not seem to me to be a report of the committee with the finding of the committee back of it that the man in fact did refuse or fail to answer upon which it would be safe to base proceedings for commitment for contempt. As

I say, it may be an overrefinement and a technicality merely, but if it is a criminal suit I think perhaps the foundation could be more securely laid for it.

Mr. WALSH of Montana. My view about that matter is that the offense defined by section 102 of the statute depends in no manner whatever upon compliance with section 104.

Mr. BRANDEGEE. No; the commission of the offense does not, but I assume that the reporting to the Senate of the commission of the offense is a necessary condition precedent to a successful prosecution.

Mr. WALSH of Montana. The only importance that might be given to any inadequacy of the report now submitted by the Committee on Public Lands and Surveys would be this: If the district attorney should refuse to bring the matter to the attention of the grand jury, it would be a question then as to whether or not this was sufficient. My own view about the matter is that it would not be proper for the committee to report that Mr. Sinclair, being a witness before the committee, refused or failed to testify, and to make such a report as that to the Senate; that we should report the facts to the Senate.

Mr. BRANDEGEE. I hear what the Senator says, but I do not see the impropriety of the committee saying that in its opinion Mr. Sinclair had refused to testify, and I think it would be a fair inference from the facts stated that he has.

Mr. WALSH of Montana. I can see no impropriety in it in connection with the statement of the facts.

Mr. CARAWAY. Mr. President, may I ask the Senator a question? I do not gather from the statute that it is necessary for the committee to report to the President of the Senate, and for the President of the Senate to certify the matter to the district attorney, in order to make the crime complete.

Mr. BRANDEGEE. Oh, no.

Mr. CARAWAY. Then I just misunderstood the Senator. It would make no difference how that information reached the district attorney, provided competent testimony was put before the grand jury; the grand jury would have a right to return a true bill.

Mr. WALSH of Montana. This is important only as it affects the question as to whether the district attorney did or did not move when he ought to have moved, as it seems to me.

Mr. BORAH obtained the floor.

Mr. SPENCER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Missouri?

Mr. BORAH. I yield.

Mr. SPENCER. Mr. President, I think we should facilitate the decision of this question in any way we possibly can. In a word, I want to present the question to the Senate as I understand it to be, for it seems to me one of exceeding importance.

The fundamental question which will be decided by the courts in this case is this: Has the Senate, or any committee of the Senate, the power to go into a man's private papers, private business, personal conduct, to secure information for the Senate which may be a basis for legislation in the future, or to correct legislation in the past?

The contention is made in this case that that is a judicial function, and not a legislative function, and that a man's business and a man's papers and a man's personal conduct can not be examined into in a legislative proceeding for the purpose merely of securing information. I say to the Senator in all candor that I think the question is one of tremendous importance.

We have for a hundred years, perhaps, certainly for more than one generation or two, gone on the assumption that the Senate can inquire into anything, and compel a man who has committed no crime, who has done nothing wrong, to bring his business, his papers, his information, his conduct, before a public inquiry of a committee of the Senate, and then proclaim it to the world for our information. That is challenged now, and the challenge is worthy of serious consideration.

Mr. WALSH of Montana. Will the Senator from Idaho yield?

Mr. BORAH. I yield.

Mr. WALSH of Montana. Mr. President, the question presented by the remarks of the Senator from Missouri, to which the Senate has just listened, may be a very interesting one, but it is not here at all. There is no question of the presentation of any private paper. Nothing of that kind is involved in the controversy. Nor is there any question about the private business concerns of anybody. Let us disabuse ourselves of that idea right at the start.

The contract in question is between the Government of the United States on the one side and the Mammoth Oil Co. on the other, not Harry Sinclair. Mr. Sinclair was a witness, the same as any other witness. Senators will observe that a

question was propounded to him this morning as to certain transactions between the Mammoth Oil Co. and the Pioneer Oil Co., concerning which he refused to testify. He was also interrogated as to whether he had produced the books of the Hyva Corporation, and he declined to answer, and heretofore has declined to produce the books of the Hyva Corporation. We never asked Mr. Sinclair to produce his private books or his private papers. We never inquired into his private business, or anything of the kind.

The rule is perfectly well established, Mr. President, that even in a criminal case a man can not refuse to produce the books of a corporation, even though that corporation is what is spoken of as a private corporation, or a personal corporation, as it is sometimes called.

Take the Hyva Corporation. That is said to be a personal corporation. Mr. Sinclair passes through that formality matters of a personal character, but it does not make any difference how personal they are, the Hyva Corporation is an individual, just the same as John Jones is an individual, or Peter Robinson is an individual. It does not make a bit of difference that Mr. Sinclair is an officer of that corporation. It does not make a bit of difference that he is a stockholder of that corporation.

It does not make a bit of difference that he is the sole stockholder of that corporation; he can not claim any exemption from producing the books of the Mammoth Oil Co. or the Hyva Corporation. That has been so well settled by decisions of the Supreme Court of the United States as to be put past any controversy or question.

But even if it is a matter of the private business of a private person, let me remark that the attorney for Mr. Sinclair, Mr. Stanford, told us that the Hyva Corporation was a personal corporation of Mr. Sinclair; that he handles his personal and private business through that corporation. It was organized, among other reasons, for the purpose of escaping the income tax. That was one purpose. That is a good purpose, perhaps; but when Mr. Sinclair chooses to escape his just share of the taxes to support the Government of the United States by putting his private affairs into corporate form he has to take the consequences, namely, that that is a corporation whose books and papers are open to inspection at any time, and they are divested of the character of private papers and books and private business.

I go a little further than that. Let us assume that some man who has not resorted to this method of escaping Federal taxes handles his own business in his own name. Let us assume that he has certain information which, of course, he got in the course of his business; that he has certain information about a matter of public interest; that he has certain information which the Senate of the United States can not get from any other source and which it needs in order to be advised as to whether certain legislation before it is wise or unwise, as to whether the Congress of the United States ought to take this course or that course. What is the difference, whether it is his private business or his private information or whether it is the private business of some one else?

Of course, there is not a fact or circumstance that happens in human life which is not the private affair of somebody. This "private" business does not appeal to me.

Mr. SPENCER. Mr. President, with the courtesy of the Senator from Idaho, I may be permitted to say that the Senator from Montana has ended precisely where I began; that is, that there is no difference between the private papers of a private individual and the papers and business of a corporation; that the question in issue in this case is this: Can the Senate or its committee, merely for information, compel a man or compel a corporation—and the Senator says there is no difference between the two, to which I agree—to bring their papers, their conduct, their business, before a committee for investigation? I say to the Senator that there is a grave question about the Senate having any such power, and I hope we agree, and I am sure we do, that it is a fortunate thing that that question in this case will now be decided for all time.

Mr. BORAH. Mr. President, I do not understand that it makes any difference whether it is the papers of an individual or the papers of a private corporation, unless the witness is claiming exemption on the ground that his testimony will incriminate him. That is not the ground upon which this witness bases his plea.

The Senator from Montana [Mr. WALSH] is quite correct in saying that even if he were claiming it upon that ground, if the papers were the papers of a corporation, he would not be permitted to withhold them upon that ground. It would make a difference if he were claiming exemption and they were private papers, but that is not the contention which the attorneys for Mr. Sinclair are making. They are contending that

the Senate has no right to call for information in the hands of any individual for the purpose of legislating.

The Senator from Missouri is quite right, if that is true, in stating that it is a matter of extraordinary moment. I do not want to discuss the question so late in the afternoon; but the case of Kilbourn against Thompson has been cited, and heretofore discussed in the newspapers throughout the country, as sustaining the contention of the attorneys for Mr. Sinclair.

In the case of Kilbourn against Thompson the Supreme Court specifically stated that it was not passing upon that question at all; that it declined to pass upon any other question than the particular question which was before the court, which was whether the committee could call for information which was concededly information relative to a lawsuit, and about which it was not suggested that the Congress intended to take any action in the way of legislation at all.

The court held in that case that by reason of the fact that the matter was in litigation, and that the House committee was not proposing to gather information for the purpose of legislation, they would decide it upon the sole question of whether they could call for information which was peculiarly information designed to enable a judicial body to pass upon a particular question.

I will read just a paragraph from that case, and that will be all I desire to say this afternoon. After reviewing the English cases and reviewing the power of Parliament to cite for contempt, the court said:

Taking what has fallen from the English judges, and especially the later cases on which we have just commented, is much aid given to the doctrine that this power exists as one necessary to enable either House of Congress to exercise successfully their function of legislation.

This latter proposition is one which we do not propose to decide in the present case, because we are able to decide it without passing upon the existence or nonexistence of such a power in aid of the legislative function.

So far as I have been able to ascertain, the court has never decided the question now before us, and there are no decisions sustaining the contention made by the counsel for Mr. Sinclair upon the proposition which is now before us.

Again, the court said:

The resolution adopted as a sequence of this preamble contains no hint of any intention of final action by Congress on the subject. In all the argument of the case no suggestion has been made of what the House of Representatives or the Congress could have done in the way of remedying the wrong or securing the creditors of Jay Cooke & Co., or even the United States. Was it to be simply a fruitless investigation into the personal affairs of individuals? If so, the House of Representatives had no power or authority in the matter more than any other equal number of gentlemen interested for the government of their country. By "fruitless" we mean that it could result in no valid legislation on the subject to which the inquiry referred.

So it ought to be borne in mind, while we are discussing the case of Kilbourn against Thompson, that the court specifically except that proposition from their decision.

Mr. ADAMS. May I interrupt the Senator?

Mr. BORAH. Certainly.

Mr. ADAMS. The Senator suggests that the matter has not been decided. I simply suggest that, in my judgment, the principle involved has been decided, in a case in One hundred and fifty-fourth United States Reports, involving the power of the Interstate Commerce Commission to examine witnesses; and that was reaffirmed in Two hundred and eleventh United States Reports. I do not happen to have the page and the title of the case, but I have examined the decision, and I think the Senator will find the principle involved very clearly stated.

Mr. BORAH. I examined that case last night; but, in my opinion, the proposition which is now before this body, or which will be finally submitted to a court, has not been decided by the court of last resort in this country, or by any court, so far as I can find. Some similar principles and kindred principles have been passed upon, but when the Congress of the United States is asking for information which will aid it in legislation, which it could be said in good faith is designed for the purpose of aiding in legislation, in my opinion the witness must answer, unless he claims that the answer would incriminate him.

Mr. KING. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Utah?

Mr. BORAH. I yield.

Mr. KING. It seems to me the decision from which the Senator just read indeed goes too far in its dictum in placing

a limitation upon the powers of Congress. If Congress is not seeking legislation, but is seeking a legitimate inquiry into matters affecting the Government and the legislative branch of the Government, the power of inquiry exists and the power to punish as prescribed by the statute is involved.

I want to ask the Senator whether a recent decision of the Supreme Court, which I have not had opportunity to examine, in reviewing the action of the Federal Trade Commission, throws any light upon the question or attempts in any way to limit the powers of a body, judicial or quasi judicial, administrative or legislative, to make inquiry into the affairs of private individuals?

Mr. BORAH. I do not think that decision throws any light upon this particular question. I have not examined it since this question came up, but I did so at the time it came out.

Mr. KING. The case to which I have reference was only decided within the past few days, and I have had no chance to examine the advance sheets.

Mr. BORAH. The case was reported pretty fully in the New York papers.

Mr. WALSH of Montana. I have examined the opinion, and my understanding is that it asserts the proposition that under the existing Federal Trade Commission act there is no general power to examine the books and records of a corporation. There must be some particular matter pending and the examination must be confined to the particular matter under inquiry. The decision goes no further than to mention the authority of Congress to give the inquisitorial power to the Federal Trade Commission. The court said that if such a general power were conferred by the statute it might then be an interesting and perhaps important question to inquire whether it is competent for the Congress to repose such power in the commission, but it found it unnecessary to go into that question because it was held that no such power was conferred by the act.

Mr. KING. Then, as I understand the Senator, the decision does not in any way abridge the right and authority of the Federal Trade Commission to discharge the duties which Congress sought to impose upon that important body.

Mr. WALSH of Montana. That is the way the court held.

Mr. CURTIS. Mr. President, I understand no action is desired to-night. I move that the Senate adjourn.

The motion was agreed to, and the Senate (at 5 o'clock and 5 minutes p. m.) adjourned until Monday, March 24, 1924, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 22, 1924.

UNITED STATES ATTORNEY.

John L. Gay to be United States attorney, district of Porto Rico.

POSTMASTERS.

CONNECTICUT.

Michael J. Stanton, Lakeville.
Katie M. Spencer, New Milford.

DELAWARE.

William R. Risler, Lincoln.

IOWA.

Eugene Owen, Allison.
Charles O. McLean, Ankeny.
James T. Bevan, Cascade.
Grace F. Newton, Dickens.
Ivan B. Wilcox, Dumont.
Chester A. Baker, Farley.
Roscoe I. Short, Hazelton.
Edward A. Hansen, Holstein.
Marinus Jansma, Hospers.
Fred K. Foster, Humeston.
Ray C. Edmonds, Le Mars.
John E. Klutts, Mondamin.
Leon R. Valentine, Murray.
Perry B. Wilson, Shannon City.
Wayne C. Solleder, Thurman.
Ora L. Garton, Weldon.

KANSAS.

James M. Lear, Mound Valley.

MINNESOTA.

George H. Veldt, Anoka.
Samuel S. Michaelson, Montevideo.

MISSISSIPPI.

James C. Ellis, Bucatunna.
Susan R. T. Perry, Tchula.

NEW JERSEY.

Fred F. Dennis, Fair Haven.
Mabel E. Tomlin, Sewell.

NEW YORK.

Will J. Davy, Bergen.
Stephen E. Terwilliger, Candor.
Henry E. Thompson, Chateaugay.
Frank A. Haugh, Clyde.
Sidney B. Cloyes, Earlville.
Julia J. Tyler, Kennedy.
Earle U. McCarthy, Mineola.
Frank Dobbin, Shushan.

NORTH DAKOTA.

Edward P. Starr, Tower City.

OKLAHOMA.

Charles E. Wilson, Savanna.
James W. McKay, Stonewall.

PENNSYLVANIA.

Mary K. Schambach, Beaver Springs.
Samuel M. Carnell, Dott.

TENNESSEE.

Alfred V. Boyce, Manchester.

VERMONT.

James S. Brownell, Woodstock.

WEST VIRGINIA.

James O. Buskirk, Holden.
Henry C. Getzendanner, Charles Town.

HOUSE OF REPRESENTATIVES.

SATURDAY, March 22, 1924.

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Give ear, O Lord, unto our prayer and listen unto the voice of our supplications. We bow at Thy altar to claim Thy mercy in the forgiveness of our sins and beseech Thee to extend Thy arm of sheltering care. Bless us with a sweet, uncomplaining faith, obedient to all Thy providential dispensations. Supply all our hearts with an affection that strengthens and refines them, and direct our wills to cling to the will of God. Be present in the labors of this day. O God of wisdom and Prince of Peace, guard with watchful eye the affairs of our beloved country and give divine guidance to all who make and execute the laws of the land. O lead us as a people to know that it is righteousness that exalteth a nation and that the Galilean Teacher has made revelation of the sublimest truth that ever entered the conception of mortal man. May the light of His cross shine forth and direct us in the paths of His glorious truths. Amen.

The Journal of the proceedings of yesterday was read and approved.

THE LATE HON. B. G. HUMPHREYS.

Mr. COLLIER. Mr. Speaker, I offer the following resolution and ask unanimous consent for its immediate consideration.

The SPEAKER. The gentleman from Mississippi offers a resolution, which the Clerk will report.

The Clerk read as follows:

Ordered, that Sunday, the 6th day of April, 1924, at 11 o'clock a. m., be set apart for addresses on the life, character, and public services of Hon. B. G. HUMPHREYS, late Representative from the State of Mississippi.

The SPEAKER. Is there objection to its present consideration? [After a pause.] The Chair hears none.

The resolution was agreed to.

GEN. SMEDLEY D. BUTLER.

Mr. FRENCH. Mr. Speaker, yesterday when we were considering the amendment offered by the gentleman from Georgia [Mr. Vinson] providing that no officer of the Navy or Marine Corps shall, unless the President otherwise directs, be entitled to any pay or allowances while on leave of absence for a period

in excess of that for which he is entitled to full pay, I brought to the attention of the House that the amendment was suggested in line with the recommendation of Gen. Smedley D. Butler, who is now on leave and who is law-enforcement officer in Philadelphia.

I read to the House the telegram from General Butler urging the legislation, and through inadvertence I omitted it from the RECORD on yesterday.

I ask that it be printed in the RECORD at this point.

The SPEAKER. Without objection, the correction will be made.

There was no objection.

The telegram is as follows:

JANUARY 5, 1924.

HON. BURTON FRENCH,

House of Representatives, Washington, D. C.:

Before entering service of city of Philadelphia as its director of public safety, I desire that you know I do not intend to accept any part of my pay or allowances as a Marine officer during my connection with Philadelphia. Welcome any change in basic law providing for this loss of pay.

SMEDLEY D. BUTLER,

Brigadier General United States Marines.

CORRECTION.

Mr. WILLIAMS of Michigan. Mr. Speaker, I desire to correct the RECORD. Under date of March 10 there was presented from my office a petition by Rev. Florence E. Gilbert and others, No. 1663, found on page 3937. The RECORD then recites that the petitioners are in favor of a uniform marriage and divorce law. I desire to have the record changed so it will appear that this petition and resolutions in connection therewith be stated as bearing upon the matter of uniform marriage and divorce laws and collateral matters.

The SPEAKER. Is there objection. [After a pause.] The Chair hears none.

Mr. PARKS of Arkansas. Mr. Speaker, I make the point of order there is no quorum present.

The SPEAKER. Will the gentleman withhold that for another correction of the RECORD?

Mr. PARKS of Arkansas. I withhold it and then I will renew it.

Mr. WILLIAMS of Michigan. Mr. Speaker, in accordance with the request contained in this petition and resolutions I ask this petition be temporarily withdrawn from the Judiciary Committee and that it may be printed in the RECORD.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the petition be printed in the RECORD. Is there objection?

Mr. BEGG. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Michigan what that petition is.

Mr. WILLIAMS of Michigan. It is a petition bearing upon this matter and it would take about two or two and a half pages of the RECORD.

Mr. BEGG. Well, Mr. Speaker, I am in sympathy with the gentleman's interest in his constituency, but I do not believe that is the purpose of the RECORD, and I object.

The SPEAKER. The gentleman objects.

Mr. BLANTON. I think I can avoid that roll call if the gentleman will permit—

Mr. PARKS of Arkansas. I withdraw the demand.

NAVAL APPROPRIATION BILL.

The SPEAKER. The unfinished business is the naval appropriation bill, and the previous question has been ordered. The question is on the motion of the gentleman from Texas [Mr. BLANTON] to recommit the bill, which motion the Clerk will report.

The Clerk read as follows:

Mr. BLANTON moves to recommit the bill to the Committee on Appropriations with instructions to report the same back to the House forthwith, with the following amendment: On page 48, lines 10 and 11, strike out the words "or other time-measuring device," and in line 12 strike out the words "or the movements of any such employee while engaged on such work."

The SPEAKER. The question is on agreeing to the motion to recommit.

The question was taken, and the motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the bill was passed.

On motion of Mr. FRENCH, a motion to reconsider the vote by which the bill was passed was laid upon the table.

ORDER OF BUSINESS.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent for recognition for one minute.

The SPEAKER. The gentleman from Tennessee asks unanimous consent for recognition for one minute. Is there objection? [After a pause.] The Chair hears none.

Mr. GARRETT of Tennessee. Mr. Speaker, if I may have the attention of the gentleman from Ohio, I think it would be of great interest and benefit to the House if the gentleman from Ohio would state to us the legislative program, in so far as he can, for the next week or two weeks.

Mr. LONGWORTH. I would be glad to do so. It is expected on Monday to act on several rules, among them the consideration of the so-called German relief bill. On Tuesday—and I hope the gentleman from Kansas will have concluded the general debate on the Army bill to-day—the Army bill will be taken up. After the Army bill it is expected that the independent offices appropriation bill will be taken up and disposed of. That will dispose of the Navy, the Army, and the independent offices appropriation bills.

Mr. CARTER. Mr. Speaker, I did not understand what the gentleman said about the independent offices appropriation bill.

Mr. LONGWORTH. It is to follow immediately after the Army appropriation bill.

Mr. GARRETT of Tennessee. Calendar Wednesday will not be dispensed with, or does the gentleman know about it?

Mr. LONGWORTH. I understand that the Committee on the Merchant Marine and Fisheries is very anxious to consider some bills on that day. I have not consulted with any Members about the advisability of it. If we have Calendar Wednesday, the bills from the Committee on the Merchant Marine and Fisheries will be considered; if not, the Army bill will go on. Immediately after the passage of the independent offices bill it is expected that the immigration bill will be considered, and a rule brought in for its consideration, and it may be possible that during the consideration of the immigration bill the contested-election case of Chandler against Bloom will be taken up and disposed of.

Mr. GARRETT of Tennessee. Do I understand the gentleman to say that during the time the immigration bill is pending it may be taken up, or when?

Mr. LONGWORTH. Either at the conclusion or perhaps during the general debate. That has not been decided upon. I have heard it suggested.

Mr. GARRETT of Tennessee. That will probably mean, so far as we can speculate about it, that the immigration bill would not be reached before Friday or Saturday of next week?

Mr. LONGWORTH. I should personally very much doubt whether it would be reached next week or not, although the gentleman from Illinois [Mr. MADDEN] is hopeful that both the Army bill and the independent offices bill will be disposed of.

Mr. MADDEN. I think we ought to be able to finish the Army bill and the independent offices bill by Friday night of next week.

Mr. LONGWORTH. In that case the immigration bill would come up on Saturday. In any event it will follow immediately after the disposition of the independent offices bill.

Mr. GARRETT of Tennessee. Then there is not the slightest probability of the contested-election case coming up next week?

Mr. LONGWORTH. No; I think there is no possibility of it; in fact, I am sure of it.

Mr. SNELL. I do not think there is a possibility of getting any start on it next week—that is, the immigration bill.

Mr. LONGWORTH. It may be started on Saturday, but it will take some days.

Mr. SNELL. The immigration bill?

Mr. LONGWORTH. Yes; the immigration bill.

Mr. GARRETT of Tennessee. A good many of my colleagues have been looking for the posting of a bulletin.

Mr. LONGWORTH. For the past two weeks I have been posting a bulletin. I think that is fairly accurate.

Mr. GARRETT of Tennessee. Where is that posted?

Mr. LONGWORTH. On the board behind the Speaker's chair. I have endeavored to be as accurate as possible.

Mr. MOORE of Virginia. May I ask the gentleman when there will be further consideration of the Private Calendar?

Mr. LONGWORTH. I will be glad to assign any evening that will be satisfactory to the House.

Mr. MOORE of Virginia. I hope when the gentleman makes the motion to take up the Private Calendar he will apply to it the rule that there must be at least three objections to prevent the consideration of a bill. Last night we had a performance here that demonstrated how absolutely the House is in the hands of one man, when it is possible for a single Member to control consideration by his objection. I think in fairness

to the House the gentleman ought to think of the expediency of making the rule a little more liberal.

Mr. LONGWORTH. That had not occurred to me before. I doubt whether under the rules, as they are at present, it would be possible.

Mr. CRAMTON. Mr. Speaker, if the gentleman will yield, it will be perfectly possible, providing you have a quorum here—it will be perfectly possible to consider the Private Calendar and pass a bill, if you get a majority vote, if you can get a quorum.

Mr. LONGWORTH. The usual procedure—and I think that was my request—is to consider bills unobjected to.

Mr. MOORE of Virginia. That is true; but that is just a method adopted by the agreement of the House. Of course, if the Private Calendar were called in the usual way, one objection would not suffice to prevent consideration of a bill.

Mr. LONGWORTH. I think the rule requiring three objections at a time applies to the Consent Calendar, not to the Private Calendar.

Mr. MOORE of Virginia. Yes. I was asking the gentleman to think of the wisdom and fairness of modifying the method that prevailed last night when he makes another motion similar to that which brought on last night's session.

Mr. LONGWORTH. The gentleman thinks of modifying the rule?

Mr. MOORE of Virginia. Yes; so that one gentleman, however excellent he may be and however good a friend he may be to other gentlemen, may not have his own way entirely.

Mr. CRAMTON. Mr. Speaker, as I said before, whenever you have a quorum a majority can pass a bill. But if for the convenience of those who have private bills on the calendar a special time is established or set aside at an hour when the House will be without a quorum, when one objection can stop or prevent the consideration of a bill, and then certain gentlemen make an agreement that certain amendments will be made, then I suggest to the gentleman from Virginia that under any kind of an agreement you have such agreements must be lived up to.

Mr. MOORE of Virginia. They have been lived up to.

Mr. CRAMTON. They certainly have been lived up to. I have the fullest confidence in the gentleman from Virginia.

Mr. BLANTON. I think the gentleman from Michigan was strictly within his rights last night. He was one of the 60 men who stayed here until 11 o'clock. He was right.

Mr. SWING. Mr. Speaker, will the gentleman from Tennessee [Mr. GARRETT] yield to me, in order that I may ask the majority leader a question?

Mr. MADDEN. Regular order, Mr. Speaker.

The SPEAKER. The regular order is demanded.

WAR DEPARTMENT APPROPRIATION BILL.

Mr. ANTHONY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 7877, making appropriations for the War Department for the fiscal year 1925.

The SPEAKER. The gentleman from Kansas moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 7877, making appropriations for the War Department.

Mr. ANTHONY. And pending that, Mr. Speaker, I would like to ask the gentleman from Kentucky [Mr. JOHNSON] if we can agree upon an amount of time for general debate on the bill?

Mr. JOHNSON of Kentucky. I sincerely trust that we may be able to agree. This bill carries far more than \$300,000,000 and is open to some discussion, and I, as the ranking Democrat on the subcommittee, want at least an hour. The gentleman from Virginia [Mr. HARRISON], another member of the subcommittee, wishes an hour, and three other gentlemen, members of the Committee on Appropriations, have asked me for half an hour each. So the gentleman can see from that—and they are legitimate demands—that we must have some little time for discussion.

Mr. ANTHONY. I will say to the gentleman that the desire has been expressed to me that general debate on this bill be limited to this day, and with that idea in mind I want to suggest to the gentleman that general debate be limited to four and a half hours.

Mr. JOHNSON of Kentucky. I very greatly trust that the gentleman will not insist on that for this reason: That nobody can foresee how many roll calls we may have during the day, and that would shorten the time for discussion. I can say further that my remarks will be confined to the bill itself; the remarks of the gentleman from Virginia [Mr. HARRISON] will be confined to the bill, and the others say the same thing.

There is a real desire to discuss this bill, but if the time should be fixed by hours rather than by the day it would certainly be more equitable. I can see no reason at all for any particular hurry on this bill, and I hope the gentleman entertains no idea of shutting off debate.

Mr. ANTHONY. Mr. Speaker, I move that general debate on this bill be limited to four and one-half hours, one-half of the time to be controlled by the gentleman from Kentucky [Mr. JOHNSON] and one-half to be controlled by myself.

Mr. JOHNSON of Kentucky. Then it would seem that that length of time would only give time to the gentleman from Virginia [Mr. HARRISON] and myself.

Mr. ANTHONY. On this side of the House we have condensed all the applications for time and will try to compact them into that 2 hours and 15 minutes, with the idea of expediting the legislation, and I want to express the hope that we can finish general debate on this bill to-day.

Mr. JOHNSON of Kentucky. I do not believe that the cutting off of general debate will gain anything, for the reason that those who are cut off will later avail themselves many times of the five-minute rule, and we shall really lose time rather than gain it.

I wonder whether the gentleman would agree to this proposition: To proceed as far as possible to-day without agreeing upon hours, and then seeing what we can agree to late this afternoon or Monday morning as to time. There is no particular reason why a real demand for shortening the time for discussion upon such an important bill is fair.

Mr. ANTHONY. The gentleman can readily see that that will sadly disarrange the legislative program which was discussed between the gentleman from Ohio [Mr. LONGWORTH] and the gentleman from Tennessee [Mr. GARRETT] awhile ago.

Mr. JOHNSON of Kentucky. But I trust that that ex parte arrangement has not been made for the purpose of shutting off debate on this bill.

Mr. GARRETT of Tennessee. I did not understand it to be an arrangement, if the gentleman will permit.

Mr. ANTHONY. I spoke of it as a discussion.

Mr. GARRETT of Tennessee. The gentleman from Kentucky referred to it as an ex parte arrangement, but the gentleman from Ohio simply announced what was in his mind as to the legislative program, and he did not put any time limit on this debate.

Mr. BYRNS of Tennessee. May I say this: On every other appropriation bill that has been up for consideration the chairman in charge of the bill has been extremely liberal as to time for general debate. That was true of the gentleman from Idaho [Mr. FRENCH], and that has been true on two other occasions—as to the gentleman from Illinois, the chairman of the Appropriations Committee, and also as to the gentleman from Michigan [Mr. CHAMBERS] with reference to the Interior Department appropriation bill. It does seem to me that the request of the gentleman from Kentucky, that we proceed with debate to-day and then late this afternoon or Monday morning agree upon some time, is a fairly reasonable request.

Mr. ANTHONY. Let me say that I have every desire to accommodate the gentleman from Kentucky with all the time needed for a discussion of the vital things contained in this bill, and I know there are some things in the bill that the gentleman wants to talk about, and he should talk about considerably. But I think under the five-minute rule we can perhaps accommodate him and some of the other gentlemen.

Mr. JOHNSON of Kentucky. I believe that the gentleman from Kansas is anticipating some of the subjects which I wish to discuss, but I wish to say to the gentleman that those subjects can not properly be discussed under the five-minute rule, and when we get under the five-minute rule somebody may object to my having more than five minutes.

Mr. ANTHONY. Well, I will take the matter up with the gentleman later on in the afternoon.

I ask, Mr. Speaker, that the time be controlled equally by myself and by the gentleman from Kentucky [Mr. JOHNSON].

The SPEAKER. The gentleman from Kansas asks unanimous consent that the time for general debate be controlled equally by himself and the gentleman from Kentucky [Mr. JOHNSON]. Is there objection? [After a pause.] The Chair hears none.

The question is on agreeing to the motion made by the gentleman from Kansas that the House resolve itself into Committee of the Whole House on the state of the Union.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 7877) making appropriations for the military and nonmilitary activities of the War Department for

the fiscal year ending June 30, 1925, and for other purposes, with Mr. TILSON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 7877, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 7877) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1925, and for other purposes.

Mr. ANTHONY. Mr. Chairman, I ask that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none.

Mr. ANTHONY. Mr. Chairman and gentlemen of the committee, this is the measure which carries the money for the conduct of the activities of the War Department for the next fiscal year. It does not alone cover the expense of the United States Army but provides as well for the river and harbor work, which as you know is done under the supervision of the engineers of the War Department. It covers also the operations of the Panama Canal, of the National Soldiers' Homes, and of a multitude of other smaller activities of the Government which are in charge of the War Department or under its supervision.

This bill carries a total of \$326,224,003.13. It represents a reduction from the Budget estimates of \$3,632,777.87 and a reduction under the appropriations for the current year of \$16,224,267.87. It is interesting in this connection to give some consideration to the figures of the cost of the Army in the years following the war, taking first the cost of the Military Establishment in the fiscal year, 1921, which was the first year in which the appropriations were not considerably increased by reason of carrying over items from the war. In that year the cost of our Army was \$473,000,000. In 1922 the cost was reduced to \$345,000,000. In 1923 the cost was still further reduced to \$263,000,000. In 1924 the cost was reduced to \$251,000,000, and this bill carries for the Army itself \$254,000,000, an increase for purely military purposes of nearly \$3,000,000 over the current year.

This is accounted for by the fact that the Army has consumed many of the stores with which it was well supplied when we came out of the war. We find that the horses, for instance, are now running down in number and that a considerable percent of the animals in the Army are now 14 years of age or over, and the time has arrived when we should begin to replace them with younger animals.

We are beginning this year to undertake the much-needed work of construction in the Army. We are going to build some modern barracks at Fort Benning in Georgia. We are going to build a modern storehouse at Gatun in the Canal Zone. We are going to undertake some construction at West Point, which is badly needed and which has been in the approved program for many years.

This, with the increase in ordnance and engineering items for the fortification program, accounts for the increase, for the purely military purposes in this bill, over the current year.

As for the Army itself, there has been no change whatever in its size, either as to officers or men. We propose to appropriate money sufficient to maintain the Army with a maximum of 12,000 officers and 125,000 men, the same as for the current year. The present strength of the Army in enlisted men is 114,000. We have 11,650 officers, and with the graduation of this year's class at West Point we will probably have the full authorized maximum number. So all the money required to carry the Army at an average of 118,000 men, with a maximum of 125,000, and the full number of officers, is carried in this bill.

It is true that in the last few years Congress has directed that some very radical surgical operations be undertaken in reference to our Military Establishment. These operations were duly performed, and I am glad to say to the House that they were successful and that the patient recovered nicely in each instance, and to-day is in the best state of health and efficiency that it has been for many years. These congressional operations have done the Army good. They have reduced its size but increased its efficiency. Having reached the size for the Regular Army deemed most practical for the country, it should now be so maintained without further disturbance.

There are practically very few things in this bill of a controversial nature. In the few years which have followed the war, since we have brought the Army from a war to a peace basis, we have more or less standardized the expenditures under the various items in the bill, until now they have reached that point where there is but little controversy in regard to them.

One great expense in the Military Establishment, and an increasing expense, is the training activities. First, we have the National Guard, which now numbers 163,000 men. It has not grown in the last year to the size that the War Department predicted or that we had hoped. Appropriations were made last year to carry the guard this year to a maximum of 215,000 men, but the guard has not grown during the year. We are making preparations, however, this year with the idea that it will expand to a total of 190,000 by the 1st of July next, although its strength to-day is but 163,000. The reason for this failure to increase is due largely to the fact that the tables of organization prescribed by the War Department for the National Guard are so rigid in their character and provide so many technical and expensive units for the States to maintain that many of the States have reached the limit for their share to which they care to go financially and many do not have the armory facilities or the housing to properly accommodate the guard beyond its present strength, and the recommendation which our committee has repeatedly made to the War Department is that the department should modify its requirements in regard to compelling the States to organize and continue units which they do not desire to carry, and permit the guard to expand along more simple lines, such as infantry and a proper proportion of the regular branches of the service. For instance, the guard in many States is compelled by the War Department to maintain medical regiments, sanitary regiments or organizations, motor-transport organizations, and regiments of military police, which, in my opinion, should have no place whatever in our National Guard in times of peace, because these are all organizations which can be most readily put together in time of war within a few weeks' work at the most, and they should not encounter or add to the expense of the maintenance of the guard in peace time.

The next in our training activities is the Organized Reserves. This bill carries a considerable increase for the Organized Reserves over the current year. We increased the amount from \$1,700,000 to \$2,850,000. This amount will provide for the 15-day training of 12,000 reserve officers and 615 for longer periods, and in addition there are 5,000 reserve officers in the National Guard, making a total of over 17,000 reserve officers who will receive training under this bill. The only reduction we have made in the reserve appropriations is that we are endeavoring to hold expenditures for offices, regimental headquarters, and things of that kind within some reasonable bounds. This year they were limited to \$60,000 for that purpose. During the fiscal year we permit them to increase the expenditures for rent and maintenance of regimental headquarters to \$100,000, believing that to be a fairly liberal allowance. In all other respects every one of the Budget estimates for the reserves was allowed by the committee.

So also for the R. O. T. C., the Reserve Officers' Training Corps, which is the organization under which we undertake the training of young men in the schools and colleges of the country. We have 115,000 men this year under military training in the schools and colleges, in place of 110,000 last year, and we increase the appropriation by \$380,000 for next year in consequence of the increased number.

Mr. NEWTON of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. NEWTON of Minnesota. In respect to the reserve officers, the committee has provided for the training of 12,000 men?

Mr. ANTHONY. Twelve thousand officers for the 15-day period.

Mr. NEWTON of Minnesota. What is the total enrollment of officers at the present time?

Mr. ANTHONY. There are 84,000 commissions in the Organized Reserves.

Mr. NEWTON of Minnesota. This would really allow training for all who want to train about every seventh year?

Mr. ANTHONY. No; as I told the gentleman, there are 5,000 reserve officers included in the National Guard, and they receive their training when the National Guard is called out, so that would make 17,000 of the 84,000 reserve officers who will be trained under this bill. In addition to that there will be 615 reserve officers trained for a longer period than 15 days, in addition to the 17,000.

Mr. NEWTON of Minnesota. So that they would come up if all took it about every fifth year?

Mr. ANTHONY. There are approximately 18,000 reserve officers who will be trained during the next year under this bill?

Mr. HULL of Iowa. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. HULL of Iowa. These officers who are in the National Guard do not change every year, so that you are only training 12,000 out of the 75,000.

Mr. ANTHONY. That would probably be true, and yet there are 5,000 of these National Guard officers who are also reserve officers and who get their training every year with the National Guard.

Mr. HULL of Iowa. But the real merit of the thing is that these officers must have training every three years. If you provide for training only every six or seven years, you destroy the efficiency of the reserve officers. Is not that true?

Mr. ANTHONY. That depends upon whether the first statement of the gentleman is correct. I seriously doubt if all officers need training every three years. There are some of them I would not train at all, I would say to the gentleman.

Mr. OLIVER of Alabama. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. OLIVER of Alabama. The gentleman mentioned that the committee had made an increased appropriation for the Reserve Officers' Training Corps of \$3,818,020.

Mr. ANTHONY. Yes.

Mr. OLIVER of Alabama. Was the committee informed as to whether the number of officers that the Army now has would be sufficient to assign men for this work at the different colleges?

Mr. ANTHONY. I feel that the Army has an ample supply of officers for that purpose. In fact, there has been some criticism that there were more officers than we really needed. I do not think that is so, because I think the surplus officers can well be utilized along the lines the gentleman suggests.

Mr. OLIVER of Alabama. The gentleman thinks there will be sufficient officer personnel to provide for the Reserve Officers' Training Corps?

Mr. ANTHONY. Yes. We have an enormous number of officers in the Regular Army now assigned to training activities—some 1,750, I think.

Mr. SWING. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. SWING. I personally know of several instances in my State where under present regulations, where a school has the minimum number specified by the War Department and desires to have military training, it can not secure from the War Department an instructor for that purpose. It seems to me that this proposition of training these schoolboys is the most economical and cheapest insurance the country can have, because you can train them when they are in school and you are not withdrawing them from any productive industry, and you are training them at a time when they can readily absorb and retain the information that is given to them. It is something that ought to be encouraged, instead of the Army saying that they have not sufficient officers to furnish instructors when a school has made an application.

Mr. ANTHONY. A little later on, when I can get the figures, I can show the gentleman that the Army has an unusually large number of officers who are now serving away from troops. For instance, if my memory is correct, there are over 2,000 officers of the Army who are now in the various Army schools and there are over 2,000 officers away from troops engaged in running the overhead organization of the War Department, and, as I say, 1,750 engaged in training work.

Mr. SWING. I do not care how many there are. Does not the gentleman think that as many as can be advantageously used should be used in this way? There is no better use to which to put officers than training young men who want to be trained.

Mr. ANTHONY. The gentleman is entirely correct.

Mr. MCKENZIE. Is it not a fact that the gentleman from Kansas [Mr. ANTHONY], in making the statement just made, refers particularly to the commissioned officers of the Army?

Mr. ANTHONY. Yes; entirely.

Mr. MCKENZIE. It has not been my understanding that there is any shortage in that respect, but that there is a shortage, or it is so alleged, in the higher grades of noncommissioned officers who are usually detailed for this particular work.

Mr. ANTHONY. Yes; and I agree that you can often get more practical results through the teaching of an old noncommissioned officer in certain branches of training activity than a commissioned officer.

Mr. SNYDER. Will the gentleman yield?

Mr. ANTHONY. I will.

Mr. SNYDER. I am interested in the reserve officer proposition, as the gentleman knows. I would like to know what

number of reserve officers applied for training last year, for instance?

Mr. ANTHONY. There were no figures given the committee this year, but I think the figures last year showed 18,000 applied, and there were 7,000 trained last year. The committee provided for 9,000, but after the passage of our appropriation bill the House passed additional legislation giving rental allowance to the reserve officer on training duty which consumed several hundred thousand dollars of the appropriation.

Mr. SNYDER. I would like to know the gentleman's opinion in regard to the money we spend in the training of officers. Does not the gentleman think that we should provide money sufficient for all reserve officers who desire to be trained annually?

Mr. ANTHONY. Well, I can say to the gentleman I do not think we should. I think in reference to training the reserve officers we have to approach this gradually. The Regular Army to-day is not of sufficient size; it has not the troops to undertake the training of all of our reserve officers as I think they should be trained. They could not digest more than one-fourth of them, in my opinion, and give them practical training. Now, the bulk who got training last summer and the summer before consisted very largely of going to camp and hearing lectures every night, with a few little field problems. My own idea is that the reserve officer should be trained with troops in the branch of the service to which he belongs and get actual practical training, so that it will stick by him.

Mr. SNYDER. I visited three training camps last year myself, and I found in each case they did something besides lectures, and I desire to say that, in my judgment, in an emergency need a well-trained officer is the cheapest possible way of preparing the country for an emergency, and I believe that it is false economy to appropriate less than the amount of money that is necessary to train all the officers who desire to be trained in each activity annually.

Mr. ANTHONY. The next branch of training undertaken by the Army is that of the civilians, and to my mind we get nearer 100 per cent return from the money we are spending on civilian training than in any of the other branches.

Mr. RANKIN. Will the gentleman yield?

Mr. ANTHONY. I will.

Mr. RANKIN. I want to ask the gentleman a question about the new barracks which are suggested to be constructed at Gatun, Canal Zone.

Mr. ANTHONY. A storehouse.

Mr. RANKIN. A storehouse. Now, as I understand it—I may be misinformed—the barracks in the Canal Zone are located at Colon. Am I correct?

Mr. ANTHONY. There are military posts near both ends of the canal, at Colon and Panama, and about midway across.

Mr. RANKIN. At Colon, at Gatun, and also at Panama City?

Mr. ANTHONY. Yes. A new storage plant is needed, which eventually will replace the storage plant located up near Balboa. I do not know whether the gentleman went through the old storage warehouse with the party which was in Panama last April or not.

Mr. RANKIN. The gentleman will remember I was in the hospital at that time and did not make the trip.

Mr. ANTHONY. The present storage plant is a building probably 2,000 feet long, depending for part of its roof and protection from the elements upon a lot of canvas, strips of rusty iron, and things of that kind, a sort of makeshift shelter, and it was at once apparent to Members of Congress who inspected these storage facilities that a modern building was needed.

Mr. RANKIN. I desire, first, to ask this question: It seems to me that with barracks at Panama and at Colon, it would not be necessary to build one midway between them, as they are only about 38 miles apart. The next question, since the gentleman says it is to be a storage plant, is whether or not it would be sufficiently convenient to the Colon and Panama City barracks to conduct the business of the Army?

Mr. ANTHONY. The idea of locating it at Gatun, as I understand it, is that it will be close to the water, where they will have dock facilities and probably slips will be constructed adjacent to the plant, so that ships can unload their cargoes directly at the storage plant and be distributed from there to both ends of the Canal Zone.

In reference to the civilian military training, to which I just alluded, this bill carries the small increase that is recommended by the Budget and calls for the training of approximately 28,000 men during this summer. There are about 25,000 that came to the camps this last summer. I saw one of the civilian camps, and I will say to the House that I am thoroughly convinced that the money we are spending under this head brings back, as I said, nearer 100 per cent return than any other money in the

bill. I saw nearly 2,000 raw boys, most of them coming from the hills of Arkansas, Missouri, and the plains of Kansas, who, when they arrived at camp, were typical, green, and unfledged youngsters of about 18 years of age, but absolutely as unutilitary a lot of youngsters as I ever saw, but within a week or 10 days' time you never saw a finer aggregation of young American manhood in your life. They walked about with their heads erect, their shoulders thrown back, and looked like real men, like real soldiers.

The statistics that are given out this year by the officers in charge of these camps are very remarkable, from the fact that they show not only an increase of weight of 2 or 3 pounds for every man during the month's training but they show increases in chest expansion and a development that was in other ways satisfactory from the physical standpoint for these 25,000 young men that received this training.

Mr. BACON. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. BACON. I am delighted to hear the gentleman's statement of that particular phase of training, but does it go far enough? Could we not train as many as 50,000 or 75,000?

Mr. ANTHONY. We might train 100,000. President Harding expressed the hope that we could ultimately reach that number.

Mr. BACON. How many applied?

Mr. ANTHONY. I understand about 35,000 applied.

Mr. HULL of Iowa. What is the cost per man in a civilian training camp?

Mr. ANTHONY. About \$81.40 per man.

Mr. HULL of Iowa. What is the cost of training reserve officers in a training camp?

Mr. ANTHONY. Last year the cost was \$100. To-day it has increased to \$135. Of course, it depends on the rank of the officers called out. If they are of the lower grades, the cost falls; but if they are of the higher commissioned grades, the cost goes up.

Mr. HULL of Iowa. I understand this training is very valuable, but I do not believe it yields as large returns as the training of reserve officers. What becomes of these men that go to the camp? Are they enlisted in the Reserve Corps?

Mr. ANTHONY. They are not enlisted in the Reserve Corps, but they are permitted to pursue their military work in two successive training camps in the following years. They can then qualify for a noncommissioned status in the reserve or commissioned status, either.

Mr. HULL of Iowa. But that is up to the man?

Mr. ANTHONY. Yes; that is up to the man.

Mr. HULL of Iowa. And if he wants to he goes out and you lose all?

Mr. ANTHONY. You do not lose him. But there is no compulsory service.

Mr. HULL of Iowa. Do you keep track of them?

Mr. ANTHONY. I think they do. Each corps area headquarters has a list of the men trained each year, and undoubtedly they keep the rosters.

Mr. HULL of Iowa. But the Army Reserve men are regarded as units. The others are merely enlisted men.

Mr. BARBOUR. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. BARBOUR. I understand the average cost of training civilians is \$81 for a month's training, and that is compared with the cost of training a Regular soldier for the Army, which is from \$1,000 to \$1,500 a year?

Mr. ANTHONY. Yes. I thank the gentleman.

The time will not permit discussion of all the items in the bill. We will reach them under the five-minute rule. But briefly, for the information of the House, I will say that this bill carries the money to begin work on the big gun fortifications of the Panama Canal. It provides for emplacement for four 16-inch guns on the Pacific end of the canal. Instead of locating them on the island of Taboga, it is proposed to locate them on Bruja Point, across from Balboa. Probably the bill in the year following this will carry amounts for the 16-inch emplacements at the Atlantic end of the canal.

Mr. NEWTON of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. NEWTON of Minnesota. This Bruja Point on the Pacific end of the canal that the gentleman referred to—where is that with reference to the present fortifications?

Mr. ANTHONY. The guns that the gentleman refers to are located on two or three small islands near Pacific entrance of the canal. Bruja Point, as I understand it, is directly across the bay at the mouth of the canal from those islands.

Mr. NEWTON of Minnesota. Is that in what is known as the Canal Zone proper?

Mr. ANTHONY. Yes; that is in what is known as the Canal Zone proper, and directly across the bay.

Mr. NEWTON of Minnesota. What was the occasion of locating on this point instead of on the island of Taboga?

Mr. ANTHONY. There is quite a story connected with that. As the gentleman knows, the Secretary of War visited the canal last April, and invited a number of Members of Congress to go with him. On the steamer going down to the canal I remember we had a lecture from a member of the General Staff, the officer who had charge of this fortification work in Panama. He outlined to us the general program of fortification in the canal one night. It was that the 16-inch guns would be located on Taboga Island, lying about 8 miles out in the Pacific. When we got down to the Canal Zone, in conversation with gentlemen of our party it occurred to me that the Taboga Island project was not a practical one, and I remember I asked the Army officers the question, "How are you going to defend those 16-inch guns when you get them on Taboga Island? Are they not too far isolated out there and susceptible to attack?" This officer replied promptly, "Yes; you would have to defend them by auxiliary fortifications."

And so, instead of spending about \$1,000,000 to mount these 16-inch guns out there on Taboga Island, we would have to appropriate about \$12,000,000 additional, or thereabouts, to defend the 16-inch guns after we got them out there, whereas if mounted on the mainland they would practically cover the same territory and the same defensive zone and will need no auxiliary defense works to protect them. That is the argument for putting them on the Bruja Point. The Secretary of War has approved the Bruja Point site.

Mr. NEWTON of Minnesota. And they would have about the same range of fire as they would have if located on Taboga Island or elsewhere?

Mr. ANTHONY. Not the same, but an effective range of fire, and the guns would not be so exposed to an enemy.

Mr. MCKENZIE. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.
Mr. MCKENZIE. There has always been more or less of a difference of opinion as to the fortifications of the Panama Canal and the expenditure of money in different ways to fortify it.

I notice in the present bill that you have rather heavily cut into the appropriations asked for antiaircraft guns and for the France Flying Field. I would like to have the gentleman from Kansas tell us the reason why these appropriations were not granted, conceding, of course, the premise that the canal should be fortified.

Mr. ANTHONY. I will take up first the gentleman's inquiry with regard to the France Field, which is the Army flying base in Panama. They asked money with which to enlarge that field. It is not entirely safe for landing or take-off purposes at the present time. They need additional land in order to get the benefit of the prevailing winds. It involves the question of extensive filling in, the pumping of mud from the bay, and filling in this low-lying land. They asked for a total of about \$250,000, and they divided it up into area A and area B.

We decided we would give them about half the money they asked for this year, because we figured they could fill in area A during the next year; and if that was a success, then during the following year we would let them fill in area B. In other words, we are taking two bites at the cherry instead of one.

In reference to the antiaircraft defense of the Panama Canal let me say that is a mooted question. There is probably no man able to make a bald assertion as to what we should or should not do in regard to the defense of so important a place as the Panama Canal. But in reference to the defense from hostile aircraft, your committee was of the belief that there is but one real defense to attacks from hostile aircraft, and that is by other aircraft. [Applause.] The Army maintains quite a sizable force of airplanes on the Canal Zone, and the Navy likewise, so that we are fairly well provided with a peace-time garrison of aircraft.

In addition there are now emplaced 35 antiaircraft guns at the vulnerable points of attack on the canal. These guns are now in position. I think they are 4-inch guns of modern type. But it is conceded that during the war for each hit obtained by an antiaircraft gun there was a cost of 15,000 rounds of ammunition expended. So when we considered the possibilities of defense from aircraft attack by these antiaircraft guns we felt we would rather rely upon airplanes of our own. Nevertheless the War Department asked for the construction of 30 more of these antiaircraft guns for Panama, to cost \$30,000 apiece, or a total of \$900,000. We decided we would permit

them to go ahead on 15 of these guns and cut the total cost to \$450,000, and we felt that would be ample under the circumstances.

Mr. BARBOUR. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. BARBOUR. Will that make a total of 15 antiaircraft guns?

Mr. ANTHONY. That will make 15 new guns to be constructed under the terms of this bill for Panama.

Mr. BARBOUR. And with the 35 already installed—

Mr. ANTHONY. Would make a total of 50 altogether when these are emplaced.

Mr. McSWAIN. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. McSWAIN. Please tell us where the 4-inch antiaircraft guns, to cost \$30,000 apiece, would be manufactured.

Mr. ANTHONY. They would be manufactured at our own arsenals. All of the ammunition and all of the guns provided in this bill will be manufactured at our own arsenals.

And along that line let me say to the gentleman that we came out of the war with a tremendous military manufacturing plant; our arsenal facilities were greatly expanded, and we are trying to maintain the principal arsenals intact so that in time of war and when necessity arises they can be quickly utilized. So the bill carries just enough money to maintain them in a stand-by condition, with a skeletonized working force. There is work enough in the shape of new types of guns of an experimental nature, field and coast artillery, experimental new types of ammunition, and things of that kind, to keep this skeletonized force busy during the year.

This bill also carries the appropriation for rivers and harbors, and let me say just a few words in regard to that appropriation. I want to leave that subject for discussion—when we get to the item—to my colleague on the committee, the gentleman from Iowa [Mr. Dickinson], who has made a very careful study of the river and harbor situation.

But, briefly, gentlemen, the situation is this: This bill carries \$37,200,000 for rivers and harbors, the exact amount of the Budget estimate. The War Department engineers in their report this year felt they could expend next year a total of \$44,000,000. The Budget allowed them \$37,200,000, and we have allowed that amount.

Now, what is the situation? We find that on January 1 last there was an unexpended balance on hand of \$60,000,000 of river and harbor money. We find that on July 1 next, instead of an unexpended balance of \$7,000,000, as was anticipated, there will be an unexpended balance of \$33,000,000, with the work going on at its present maximum month by month. We figure that if the work is allowed to continue as it is going on now, at an expenditure of about \$4,800,000 a month, that by the time the 1926 bill is available, which will be in March of the following fiscal year, we shall be able to carry on this work at an expenditure of \$5,000,000 a month and go into the new bill with approximately \$30,000,000 on hand unexpended. So it was agreed in our committee that with \$37,000,000 in this bill there would be ample money to carry on the river and harbor work at its present rate and in its present volume.

The reason why the engineers have not been able to expend all the money that was appropriated in last year's bill is, according to their statement, that they were unable to find contractors with the capacity to carry on the work in many instances, and this and other conditions has caused a slowing down in the river and harbor program. We believe that with the appropriation of this amount the work will go forward at practically the volume authorized by Congress last year.

Mr. BLACK of Texas. Will the gentleman yield?

Mr. ANTHONY. Certainly.

Mr. BLACK of Texas. The gentleman does not mean to say he is sorry the money has not been spent?

Mr. ANTHONY. I think we have spent all the money that could profitably be spent.

Mr. BLACK of Texas. I am quite sure we have.

Mr. COLE of Iowa. And some of it unprofitably.

Mr. SHERWOOD. Does this bill provide for any new projects?

Mr. ANTHONY. This committee has no authority to authorize new projects. They must come from legislation from the River and Harbor Committee.

Mr. MILLER of Washington. Will the gentleman yield?

Mr. ANTHONY. I will.

Mr. MILLER of Washington. These appropriations are for projects that have already been accepted and the work will go right on in the river and harbor improvements?

Mr. ANTHONY. Yes; this bill will provide sufficient funds, as I said, to carry on the work at its present rate and will

leave \$30,000,000 unexpended when the next river and harbor bill follows.

Mr. MILLER of Washington. In other words, they have an abundance of money to pursue the program on projects that have already been adopted?

Mr. ANTHONY. That is the statement made to us.

Mr. BLACK of Texas. May I ask the gentleman just one other question? I was not present when the gentleman began his remarks and I am sorry I did not hear him. Did the gentleman state what the size of the Army will be under this bill?

Mr. ANTHONY. I made the statement there would be no change whatever in the size of the Army, either as to officers or enlisted men.

Mr. BLACK of Texas. What is the present enlisted strength?

Mr. ANTHONY. At present it is 114,000.

I thank you, gentlemen. [Applause.]

Mr. BOX. Mr. Chairman, I make the point of no quorum.

The CHAIRMAN. The gentleman from Texas makes the point of no quorum. The Chair will count. [After counting.] Eighty-five Members are present.

Mr. ANTHONY. Mr. Chairman, I move the committee do now rise.

Mr. SANDERS of Indiana. I demand tellers, Mr. Chairman.

Tellers were ordered, and the Chair appointed Mr. ANTHONY and Mr. BOX to act as tellers.

The committee divided; and the tellers reported—ayes 1, noes 100.

So the motion to rise was rejected.

The CHAIRMAN. The report of the tellers discloses the presence of a quorum.

Mr. JOHNSON of Kentucky. Mr. Chairman and gentlemen of the House, first, I wish to congratulate the gentleman from Kansas [Mr. ANTHONY] upon his wonderful knowledge of the many intricacies in this bill. He has more knowledge relative to this bill than I have ever seen displayed relative to any appropriation bill that has come before the House. [Applause.] In all of its features I do not indorse the bill. In most of them I do. There are some features of the bill which the gentleman from Kansas himself does not approve; but in every instance the result has been a case of majority rule. I trust that the bill may not be so amended that I can not vote for it on final passage.

I wish now to approach a subject, and because it contains so many figures I find it necessary that I read at least a part of my remarks, because I can not carry the many figures in mind. During the reading of that part of my remarks I shall be glad to have no gentleman interrupt me. After that, whatever questions I may be able to answer, I shall be glad, indeed, to undertake to answer.

The atmosphere around our National Capital is laden with scandal. I sincerely trust that the matter of which I am now about to speak is merely bad judgment or, at worst, a reckless expenditure of public money rather than a corrupt one. Whether it be bad judgment, recklessness, or corruption, the fact remains that more than a million dollars have been expended for a purpose for which a few thousands would have sufficed, even if the money had been used most liberally.

Several years ago there was an uprising throughout the Nation because some of the officers of the railroad corporations were receiving yearly salaries around \$50,000. It was plain that the greater these salaries were the greater the rates upon freight and passengers must be in order to meet extravagant expense.

Then, about 20 years ago, when the salaries of Members of Congress were increased from \$5,000 to \$7,500 per year, another hue and cry went up throughout the land because such salaries were thought by the masses of the people to be too large.

Then, again, when the salary of the President of the United States was increased from \$50,000 to \$75,000 a year, another public protest was heard.

During the last two or three years not only Congress but the public at large have complained bitterly because a few lawyer had been employed by the Government and their salaries fixed at \$18,000 a year.

The matter with which it is now my purpose to deal makes these salaries infinitesimal by comparison.

When the war was over a lot of surplus goods were sold, and some still are being sold. As a member of the Subcommittee on Appropriations which wrote the Army appropriation bill I heard a side remark in the committee room that an auctioneer had been paid a thousand dollars a day—or rather for 30 or 40 minutes of a day—for merely crying the sale of some Army goods. In answer to questions propounded to some of the officials I

learned that not only had a thousand dollars a day been paid to auctioneers but that many thousands a day had been so paid. I then had the committee to ask the War Department for the names, post-office addresses, and the fees paid to the auctioneers who had cried these sales. In answer to that request the War Department furnished the list which I shall now discuss. The communication which accompanied the list was signed by the acting director of sales. That communication is divided into two paragraphs, numbered 1 and 2. Paragraph 1 related only to complying with the request to furnish the list. Paragraph 2 gave a reason for not furnishing a complete list. However, it may be deemed best to quote paragraph 2, which reads as follows:

Due to the necessity of submitting this report at this time, the Ordnance Department has been unable to furnish data relative to auctioneers employed by that department. The records on this subject at the various district ordnance offices have been boxed and stored; therefore there will be a delay in the submission of their report. As soon as it is received in this office it will be forwarded to your office promptly.

It developed that the plan of compensating the auctioneers was on the percentage basis, instead of by the day, week, month, or year. Just what the motive may have been for adopting the percentage plan is one of conjecture only. However, it can be safely stated that no more effective way of paying large fees could possibly have been devised.

The report which was furnished by the War Department, and to which I have just referred, discloses that M. Fox & Sons, of Baltimore, Md., were employed on 113 different days for merely crying auction sales. The testimony showed that the auctioneer did not pay for the advertising nor for any other expense incident to the sale. The compensation allowed the auctioneer in every instance was merely for saying, "How much am I offered for this piece of property?" then stating the offer or offers, and then saying, "Look out! All in! Once, twice, three times, and sold!" For those 113 days the auctioneer was paid the enormous sum of \$230,370.72. For less than one-third of a year he was paid more than the President's salary for three years. To go more into detail, he was paid \$2,038.67 for only a part of each of those 113 days. This auctioneer was paid at the rate of approximately three-quarters of a million dollars a year.

Gerth's Realty Experts, of New York, were employed as auctioneer for 18 days. Their compensation was \$11,450.56 a day, making a total for the 18 days of \$206,110.08. For each of those 18 days the auctioneer received only a little less than the annual salary of a justice of the Supreme Court of the United States, and for the 18 days he received nearly enough to pay the annual salaries of the nine members of the Supreme Court for nearly two years. And for each and every one of those days he received nearly as much as is paid to a Cabinet officer for a whole year.

Gordon & Williams, of Chicago, Ill., were employed as auctioneer for 16 days. For those 16 days they were paid \$42,289.79, an average of \$2,643.11 for each day. Congress will discuss for hours the propriety of adding \$143 to the salary of a Government clerk who already is receiving \$2,500 per year, but we find that in this case the auctioneer was paid more than such a salary for a comparatively short portion of one day's work without a word of protest.

The Louisville Real Estate & Development Co., of Louisville, Ky., was employed one day as auctioneer. For that one day that concern was paid \$24,194.80, which amount would almost pay the salary of the collector of internal revenue at Louisville for four years. If the collector had been paid on the same basis, his compensation while the whisky tax was being collected would have amounted to \$200,000 a day, or \$7,300,000 a year. If one is paid on the percentage plan, why not the other? The amount received by this auctioneer for one day's services would not fall far short of paying the salary of the governor of my native State for four years.

J. Hall Miller, an auctioneer, of Atlanta, Ga., was employed for 30 days, for which he was paid \$37,209.44, a daily average of \$1,240.31. At that rate his compensation for a year would have been \$439,593.15. His compensation for one month was more than sufficient to pay the salaries of three Cabinet officers for 12 months.

Arthur C. Sheridan, an auctioneer, of New York City, was employed for one day, for which he received \$4,603.20. At that rate his compensation for a year would have been \$1,680,168.

Smith & Jaffe, auctioneers, of New York City, were employed for 39 days, for which they were paid \$73,719.28, a daily average of \$1,890.24. The amount paid that firm for 39 days would very nearly pay the annual salaries of 10 United States Senators. At the rate of \$1,890.24 per day the annual compensation would amount to \$689,937.60.

A. T. Swepston, of Chillicothe, Ohio, was employed for 10 days, for which he was paid \$24,889.50, a daily average of \$2,488.95. At that rate his annual compensation would be \$908,247.75.

Michael Tauber, of Chicago, Ill., was employed for 26 days, for which he was paid \$60,600.50, a daily average of \$2,330.78, at which rate his annual compensation would be \$850,734.70.

Willmerding, Morris & Mitchell, of New York City, were employed for nine days as auctioneers, for which service they were paid \$18,789.90, a daily average of \$2,087.77; at which rate the annual compensation would be \$762,089.05.

Samuel Wintermiltz, an auctioneer, of Chicago, Ill., was paid \$59,995.48 for 13 days. His compensation averaged \$4,615.03 a day. At that rate his annual compensation would amount to \$1,684,485.95. The amount paid this man for 13 days would lack only \$5 of paying six members of the Interstate Commerce Commission their annual salaries.

Mr. McSWAIN. Will the gentleman yield? I did not hear the source of the gentleman's information. Was it from the War Department?

Mr. JOHNSON of Kentucky. Yes; these figures are obtained from the War Department itself.

Mr. McSWAIN. I just wanted to be sure. I did not want to get my feelings wrought up by an Arabian Nights' tale.

Mr. JOHNSON of Kentucky. Samuel T. Freeman, of Philadelphia, Pa., was employed for 64 days, for which he was paid \$167,163.43, a daily average of \$2,611.93. At that rate his annual compensation would be \$953,354.45. The amount paid this man for 64 days would pay the salaries of the nine Cabinet officers for a year and in addition would lack but little of paying the annual salaries of six district Federal judges.

Atlantic Coast & Realty Co., of Petersburg, Va., was paid \$2,870.18 for one day.

Auctioneer Newell D. Atwood, of Boston, Mass., was paid \$1,189 for eight days.

Auctioneer W. L. Bennett, of Columbia, S. C., was paid \$1,202.57 for four days.

Jacob Cash, of New York City, was paid \$4,046.85 for one day. At that rate his compensation for a year would amount to \$1,477,100.

P. L. Crouch, of Des Moines, Iowa, for 9 days was paid \$17,962.74, a daily average of \$1,984.98, at which rate his annual compensation would be \$724,627.70.

Fay W. Danford, of Rochester, N. Y., was employed for three days, for which he received \$13,585.88, a daily average of \$4,528.62; at which rate his annual compensation would amount to \$1,652,946.30.

Danford-Bless, of Buffalo, N. Y., was employed for two days, for which was paid \$4,445.48, a daily average of \$2,222.74.

Joseph P. Day, of New York City, was paid \$3,723 for two days, a daily average of \$1,861.50.

Isidoro D. Delgado, of San Juan, P. R., for six days received \$567.64.

John J. Erwin, of Jersey City, N. J., for one day received \$1,775.

Fitzpatrick Tell Auction Co., New Orleans, for three days received \$1,321.23.

Abe Franklin (no address given) for four days received \$247.43.

Alfred Freeman, of New York City, for nine days received \$21,007.50.

Samuel T. Freeman, of Philadelphia, for 12 days was paid \$28,470.21.

Leo Fresh, of Atlanta, Ga., was paid \$1,136.85 for one day.

Julius Gollober, of San Francisco, Calif., was paid \$8,143.04 for seven days.

Dan Greenberg, of Los Angeles, Calif., was paid \$1,775.36 for one day.

Henry J. Healy, of Worcester, Mass., was paid \$2,175 for 23 days.

Bryan Kennelly, of New York City, was paid \$7,725.96 for two days, an average of \$3,862.98 per day; at which rate his yearly compensation would have been \$1,409,987.70.

Aleck Licatu (no address given) received \$621.54 for seven days.

Thomas B. Lovatt, of Philadelphia, was paid \$8,096.35 for seven days.

Joseph Rubin, of San Antonio, Tex., for 34 days received \$34,389.11.

R. E. Swepston, of Chillicothe, Ohio, for one day was paid \$2,488.95.

David B. Traxler, of Greenville, S. C., was paid \$7,973.60 for five days.

Joseph P. Tupper, of Logan, Iowa, was paid \$2,488.93 for one day.

A. A. Weschler, of Washington, D. C., was paid \$153.82 for four days.

Fox, of Baltimore, was paid \$13,650.45 on the 19th day of September, 1922, for crying a sale on that day.

Smith & Jaffe, 68 West Forty-fifth Street, New York City, were paid \$28,102.26 for making a sale on August 16, 1921.

Gerth's Realty Experts, 565 Fifth Avenue, New York City, were paid \$23,538.84 for sales made from the 16th to the 19th day of August, 1921; and for crying sales on the 10th to the 16th day of October, 1921, they were paid \$56,030.82; and for crying sales on the 16th and 17th days of December, 1921, they were paid \$45,407.52; and for crying a sale on December 7, 1922, they were paid \$42,750. For the four sales just referred to that same firm was paid \$167,747.73.

Early in my remarks I read the second paragraph of the letter of the War Department, in which it was stated that because many of the reports dealing with the sale of the surplus Army goods were filed away in boxes, the department was unable at that time to give me a complete list of the auctioneers and the commissions paid them.

The total compensation paid to auctioneers, as just recited by me, amounts to \$1,187,097.83, of which amount 14.659 per cent was paid during the Woodrow Wilson administration and 85.34 per cent under the administrations of Presidents Harding and Coolidge.

Upon a former occasion the gentleman from Illinois [Mr. MADDEN] called attention to another abuse about these auction sales.

Mr. MADDEN, in his statement, said:

I want to be distinctly understood as saying that the men in charge of the sales of war surplus supplies are in combination with men on the outside to whom an advantage is given, and that in no case, except an exceptional case, is anybody advised that war supplies are declared surplus except these men, who are given the inside.

Mr. QUIN. I would like to ask the gentleman who in the War Department authorized those payments?

Mr. JOHNSON of Kentucky. I have not that information.

Mr. McSWAIN. Does not the gentleman think we ought to have that information?

Mr. JOHNSON of Kentucky. Yes.

Mr. McSWAIN. Nobody blames the auctioneer for taking it if somebody would let him have it. Somebody had to let him have it by a contract, and we ought to know about that.

Mr. McKENZIE. Will the gentleman yield for a question? These sales took place under the direction of an officer known as the director of sales?

Mr. JOHNSON of Kentucky. Yes; I think so.

Mr. McKENZIE. He handled the whole matter and hired the auctioneers, I presume.

Mr. JOHNSON of Kentucky. If you could use the word "hired"; yes.

Mr. McKENZIE. My recollection is—and pardon me if I make a statement—that when this matter came up in the Committee on Military Affairs way back yonder there were some of us who protested very strenuously against the necessity of this Government having to hire a director of sales to instruct the men to do the work who really had to do it; and, as a matter of fact, I have always felt that this director of sales was just simply an officer fastened onto this country unnecessarily.

Mr. DICKINSON of Iowa. When was that officer of sales created?

Mr. McKENZIE. Way back in 1919, right after the war; and the first director of sales was in Philadelphia on a salary that was enormous.

Mr. JOHNSON of Kentucky. I hope from the remark made by the gentleman from Iowa [Mr. Dickinson] that because the director of sales may have been authorized back in another administration, it is not the purpose of the present administration to reject all that is good in the former administration and accept all that is bad.

Mr. BYRNS of Tennessee. May I say that these accounts had to be passed on by somebody under the administration?

Mr. JOHNSON of Kentucky. I would take that for granted.

Mr. BYRNS of Tennessee. They were passed on by the administration, and I presume approved by the Secretary of War or his duly accredited representatives, and whether the director of sales or some one else authorized it, it seems to me that the Secretary of War himself is responsible for the payments made.

Mr. ANTHONY. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. ANTHONY. Is it not true that this system, which we must all condemn as being wasteful and extravagant, prevailed under both administrations?

Mr. JOHNSON of Kentucky. I just so stated.

Mr. ANTHONY. And was caused by the laxity of Congress in this case in authorizing the War Department to make these sales of surplus property and to consume 5 per cent of the total amount realized in the expense of selling?

Mr. JOHNSON of Kentucky. I can not answer the gentleman's question, because I have not the information.

Mr. BYRNS of Tennessee. Mr. Chairman, does the gentleman mean to say that Congress authorized a 5 per cent commission?

Mr. ANTHONY. I think I am correct in stating that Congress authorized them to spend 5 per cent of the amount realized in the cost of selling, and in this bill we are undertaking to curb their advertising costs.

Mr. BYRNS of Tennessee. I would like to have the gentleman present that authority; but even if it be true, that would not justify any public official who wanted to conserve the public money in spending these immense amounts the gentleman has referred to.

Mr. ANTHONY. It is stated in the hearings by the War Department officers that they are authorized to spend 5 per cent.

Mr. JOHNSON of Kentucky. I trust that gentlemen will not take up too much of my time, because I have some other interesting details to which I wish to call attention.

Mr. KVALE. Mr. Chairman, could the gentleman tell us how much additional information of the same kind may be stored away in those boxes which are referred to in the letter of the acting director of sales?

Mr. JOHNSON of Kentucky. I have no idea.

Mr. KVALE. It might be very interesting to know.

Mr. WINGO. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. WINGO. I was unavoidably called from the Chamber and did not hear the first part of the gentleman's discussion, but I gather from the last part, and I want to know if I am correct, that these were not dollar-a-year men the gentleman is talking about.

Mr. JOHNSON of Kentucky. Some of them were a million and a half dollars a year, at least on that basis.

Mr. WINGO. The gentleman from Kansas [Mr. ANTHONY], the chairman of the subcommittee, pleads the helplessness of these directors of sales, that they had to go to the maximum authorized by law, and he lays the blame on Congress. I suppose that he hesitated to lay the blame on a Republican Congress which has been in session during nearly all of this period.

Mr. ANTHONY. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. ANTHONY. I may be in error about Congress having passed a law, but it is either an act of Congress or a regulation of the War Department; and if it was a regulation of the War Department, it is one that went into effect during a previous administration.

Mr. WINGO. Is it the policy of the War Department, when Congress fixes a limitation, that the responsible officers have no discretion and are compelled to go to the maximum of that limitation?

Mr. ANTHONY. I am not able to answer that question.

Mr. BARBOUR. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. BARBOUR. It was testified, as I recall, at the hearings that these auctioneers were paid on a sliding scale.

Mr. JOHNSON of Kentucky. No; that was not so testified to. But a bad custom prevails here, and this is no exception to its evils. When one testifies before a committee he takes a transcript of his testimony for revision and extension. I heard all that was said.

As the gentleman from California well knows, relative to these auction sales, I was present. I have read what is in the printed hearings on the subject, and I can hardly recognize it as being the same subject, because what the witness testified to has been so extensively doctored. I have no doubt that it is quite true there is a sliding scale, but that 5 per cent is the maximum.

Mr. BARBOUR. I am not asking that question or offering that information for the purpose of defending this policy—

Mr. JOHNSON of Kentucky. I know the gentleman does not defend it.

Mr. BARBOUR. Of paying these large fees, but it was merely to throw a possible light on the system itself.

Mr. OLIVER of Alabama. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. OLIVER of Alabama. Many of these sales were through retail stores conducted by the War Department, where very

reasonable salaries were paid, not exceeding \$150 or \$200 a month in the aggregate, and although that service extended over a year's time, it did not exceed or even equal the 5 per cent of the returns. Congress, of course, in fixing a maximum—

Mr. JOHNSON of Kentucky. I beg the gentleman's indulgence right there. I have come across nothing which indicates that Congress has fixed a maximum at all. It most probably has been fixed by regulation.

Mr. OLIVER of Alabama. If Congress fixed a 5 per cent maximum it, of course, had in mind the fact that the character of the service would be such as to entail long-time employment, and never for a moment did Congress, I am sure, have in mind an amount such as the gentleman has indicated would be paid for one day's mere crying off of articles to be sold, amounting to some two or three or four thousand dollars.

Mr. JOHNSON of Kentucky. If the gentleman heard what I said in the beginning of my remarks, he will know that it comes to approximately \$25,000 for some days and nearly \$50,000 for other days.

Mr. COLTON. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. COLTON. Is this employment by the day or is it contract work? How are these particular auctioneers selected in the various localities?

Mr. JOHNSON of Kentucky. I have no real information as to the latter part of the gentleman's question, but I take it for granted that the director of sales, as a matter of course, selected the auctioneers.

Mr. MILLER of Washington. Mr. Chairman, the gentleman has given a great deal of data. Could not the gentleman have ascertained in the hearings the manner in which these selections were made; that is, the names of the auctioneers and the procedure under which these sales were made, and by whom? Could he not have gotten the information?

Mr. JOHNSON of Kentucky. The gentleman seems to overlook very many things in a very large piece of work that have been done, singling out just one piece that has not been done, which he himself might do just as readily as anybody else.

As I was about to say a few moments ago, there is another feature connected with these auction sales that is worthy of the most serious consideration. I obtained the impression in the committee that three men were concerned, but since that time in talking with the clerk of the committee I have reached the conclusion that a larger number, say, some six or eight men, were selected to place the advertisement of the auction sales in the newspapers of the Nation.

It seems that they were not asked to place these advertisements in the newspapers to the best advantage of the Government. I put in, "to the best advantage of the Government" advisedly. These few men, whatever the exact number may be, were brought in and told to go and place the advertisements in the newspapers of the United States. They were told that the Government would not pay them for so doing, but when they went to place them that they should tell the publishers that they—the publishers—are to pay 10 per cent, that being the first figure named; but the report received since then shows that they did receive for placing these advertisements, 8 per cent, 9 per cent, and 10 per cent. For doing that which the newspapers would have gone to the War Department and sought these men were paid approximately \$57,000. If these newspapers, in my humble judgment, could have gotten these advertisements directly they would have been willing to rebate to the United States Government the sum of \$57,000 that they paid to these men who did place them. Let us look a little further into this subject. I have examined, and I will say to the gentleman who has just propounded a question as to why I did not ascertain more, that I have examined approximately 50 newspapers to find the advertisements of the auction sales of Government property.

I wish to call the attention of the committee to the first one. I am hesitating because I am having difficulty in finding from the ad where the sale is to be. Here it is. The sale is to be at Symington, Chicago. You see the difficulty I am having to find out from the ad where it is to be. The first part of the advertisement reads this way:

On December 7 at 2.30 p. m., the War Department will offer at auction all the land and buildings comprising the Symington Gun Plant.

My eye did not fall on that at first, or I would have found it more quickly than I did. Now, that gives the month, the day of the month, and the hour of the day, and it further says that the auction will take place on the premises.

Mr. GRIFFIN. What year?

Mr. JOHNSON of Kentucky. November 25, 1922. Now, out of a number of newspaper advertisements I found this to be

the only one which states where the auction sale is to be and at what hour it is to be held.

Mr. GRIFFIN. Did the gentleman state the paper in which that advertisement appeared—what is the name of the publication?

Mr. JOHNSON of Kentucky. The Electric Railway Journal.

Mr. GRIFFIN. But this was an advertisement in some paper paid for by the Government?

Mr. JOHNSON of Kentucky. Oh, yes. I wish to repeat that out of all the Government auction sales that advertisement is the only one that I came across that states the place where the sale is to be and the hour at which it is to be held. Here, in another paper, is the ad of a sale out at Chicago for May 17, 1923. This is an advertisement of 13,630 sets of harness, various; 2,097 saddles; 23,494 bridles; 6,055 surcingles; 2,877 buckets, watering, canvas; 14,670 bags, feed, grain, supply; and other things in proportionate number. Suppose you or I wished to attend that auction sale which was then to be held in Chicago; where would we go, and at what hour would we go?

Mr. SPEAKS. Is there any record of the proceeds of that sale?

Mr. JOHNSON of Kentucky. I have not them separately. Just in that connection allow me to invite your attention to the ad of two Government sales to be held in Los Angeles. One is an auction sale of United States Government property and the other is an auction sale of a merchant of Los Angeles, advertising that on a certain day he would dispose of \$75,000 worth of goods at auction. Now, let us see the difference between the two ads. The advertisement of the sale of Government property does not say where the sale will be or the hour at which it will be. Then let us take that of the business man. It reads as follows:

Auction. Close-out sale of Buttress & McClellan's entire stock of machinery, valued at \$75,000, to be sold Wednesday, April 25, at 9.30 a. m., 211 Alpine Street, Los Angeles.

At the bottom of that advertisement, after some intervening matter, it says this:

Do not miss it! How to get there: Go north on Broadway to Alpine Street, two blocks north of Sunset Boulevard. Turn east one-half block.

Will somebody tell me why there was not some such business method interjected into the sale of Government property so that a man could find the place of sale.

Here is an ad of a big sale at Brooklyn, May 24, 2,290 ponchos, various; 466 pairs shoes, field, 94 to 14, B to EE; 56,050 bags cotton, white; 77,765 bags, kit; 4,192 belts; and a whole lot of other stuff. Now, that is advertised to be sold in Brooklyn on a specified day, but when a man goes to Brooklyn and wants to attend a sale, where is he to find out the hour the sale is to take place and where in Brooklyn.

Mr. STENGLE. I want to interject in there that Brooklyn occupies 81 square miles.

Mr. McSWAIN. And has how large a population?

Mr. STENGLE. Two million one hundred and fifty thousand people; how easy (?) it is to find your way.

Mr. JOHNSON of Kentucky. Next, here is the ad of a sale advertisement in Chicago to be held May 17, 1923:

Chicago auction, May 17; 2,877 buckets, watering, canvas; 14,670 bags, feed, grain, supply; 17,710 straps for saddlebags; 29,207 pieces of leather, strap, russet; and various other things in like proportion.

Now, that sale is advertised to be in Chicago on May 17. How could I or any of you, or even anybody living in Chicago, know where to go in order to attend that sale? How could anyone know where to go, as neither the place of sale nor the hour was given in the ad?

Mr. MOORE of Virginia. May I ask my friend whether he has been able to ascertain who were the purchasers at these "blind auctions"?

Mr. JOHNSON of Kentucky. No; I have not been able to. But I have a very interesting picture here in another ad. If you gentlemen will pardon me a minute I will find it. I will find these things as rapidly as I can among my papers. One of these advertisements contains a picture of an auction sale, and it is worth looking at. Now I have it. Up here on the auctioneer's stand is a man with a cane in his hand, pointing to No. 103, indicating that lot No. 103 is being sold. By his side stands an auctioneer, crying the sale. The picture shows that there were 25 or 30 people present. Others, probably, could not find their way there. But we see one man standing up with a piece of paper in his hand, attracting the attention of the auctioneer, presumably to make a bid. It looks like a one-man sale.

Mr. RAKER. Mr. Chairman, will the gentleman yield for a question right there?

Mr. JOHNSON of Kentucky. Yes.

Mr. RAKER. Who prepared these notices of the sale?

Mr. JOHNSON of Kentucky. The people who got the \$57,000 that I have just been talking about.

Now, gentlemen, if I may go back just a little: In committee, the director of sales was asked what duties the auctioneer had to perform besides that of crying the sale and what expense he had. One instance of expense, he said, was that in some instances the auctioneer provided some sale catalogues for distribution. But, later along in his remarks, it comes out that while the auctioneer may have advanced the money for the catalogues, when the money was collected for the sale the cost of the catalogues was taken out, and at last the Government had to pay it. Then I asked the witness, or at least he volunteered—but it is put in here as coming by a question from me—"Does the auctioneer ever have a bond?" I never asked such a question as that. The witness volunteered it.

I never supposed for a minute that the auctioneer was required to give bond, because at the end of all these advertisements the "Government reserves the right to reject any and all bids." I do not know whether any were rejected or not, as that would interfere with the auctioneer's compensation; but the excuse for the bond was that the auctioneer might fraudulently knock off a sale too quickly to somebody. In another advertisement they say they want to give bargains; that they do not want a purchaser to pay too much; in substance, that they do not want to glut the market with any particular kind of goods.

Those goods were bought with money taken from people in the way of taxation. But the people were denied the right, and intentionally denied the right, to get back any part of it by making purchases at auction in small quantities, as they were compelled to buy in too large quantities or not buy at all.

I have a lot of these newspaper advertisements here, and none of them, except one, gives the hour of sale and the place of sale. I will leave these out on the table, and if any Member wants to look at them, he may do so.

Mr. RAKER. Mr. Chairman, will the gentleman tell us how this committee of three or five was constituted or appointed?

Mr. JOHNSON of Kentucky. I understand the director of sales delegated that authority to them.

Mr. RAKER. Were they connected with the Government in any way?

Mr. JOHNSON of Kentucky. I think not.

Mr. RAKER. They were citizens?

Mr. JOHNSON of Kentucky. Apparently they were selected just to stand back and catch the \$57,000 among themselves.

Mr. McKENZIE. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. McKENZIE. I want to ask the gentleman if in his investigation he found any evidence that from this kind of advertising and having the ability of this wonderful (?) director of sales the War Department was helped to sell these goods? Did the Government get a better price for the stuff sold than it would have gotten ordinarily? Have you any evidence of that?

Mr. JOHNSON of Kentucky. No; I have not. But a few days ago one of the most reliable men in this city was talking to me, and he told me that just a few days before, week before last, some Army office furniture was sold down here at Potomac Park at public auction. He said there were some 30 office tables to be sold. He inquired into the subject and found that these tables had cost the Government about \$30 apiece. He tried to buy one, but could not, and they put up the 30 and sold them at \$1.10 apiece. I suppose that answers the gentleman's question, so far as my real knowledge and information of the subject goes.

Mr. THATCHER. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. THATCHER. Were all these commissions paid out of the proceeds of the sale or by an appropriation by Congress?

Mr. JOHNSON of Kentucky. It is my understanding that the commissions were paid out of the proceeds of sales.

Mr. THATCHER. There has been no legislation in Congress about it?

Mr. JOHNSON of Kentucky. Certainly no recent legislation.

Mr. McSWAIN. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. McSWAIN. Have you ascertained if there is still on hand any amount of surplus property, so that we may lock the stable door against some colts before they all escape?

Mr. JOHNSON of Kentucky. I am glad the gentleman asked that question. The director of sales told the committee that by the end of June next these sales would all be completed, but he asked for, and receives in this bill, a large amount of money with which to pay clerks for the ensuing fiscal year, when there will be no sales. I must admit that I did not detect that until I read the hearings this morning, and I am sure that no other member of the committee did, else that item would not be in the bill. I want to say that so far as I know—and I think I know—every member of the committee views this whole subject just as I do, and I hope my views are not misunderstood.

There are just a few other matters that I wish to take up.

When the subcommittee reported the bill to the whole committee the gentleman from Kansas [Mr. ANTHONY], in a facetious spirit, of course, in complimenting the different members of the subcommittee for the diligent work they had done, complimented me for having called attention to the low price of mules. The purchase of a number of them is provided for in this bill. It is true that mules have gone down and down in value. There are many causes for it; but, perhaps, there is one that did not occur to the gentleman from Kansas, and that is that, according to common rumor, elephants have become so confounded cheap that they can be bought cheaper than mules and can do more work than a whole field of mules.

The gentleman from Kansas has referred to the building of a barracks at Fort Benning, Ga. Three hundred and eighty-five thousand dollars is appropriated in this bill for beginning the construction of a barracks at that place which will cost \$1,500,000 when completed.

The expert testimony before the committee was to this effect: That if all of the buildings were authorized now, to be let in one contract, instead of letting the work a piece this year, a piece next year, and a piece the next year, that \$250,000 could be saved. A quarter of a million dollars could be saved, according to the expert testimony before the committee, if this contract were let all at once. You can see the reasons. If a man gets a contract for building the \$385,000 part of it, has his machinery, his hands, and everything else, then fails to get the next contract on competitive bidding, he must move his plant away and another man must move his in; so you can readily see that whoever gets the contract can build the whole thing cheaper than if he were uncertain as to what extent he would be given a future contract.

Next, great economy has been exercised during the last few years on appropriation bills. For that the chairmen of the Appropriations Committee, the gentleman from Illinois [Mr. MADSEN], is to be commended; but the first question which arises is: Has he not cut into the very bone? I insist that there are numerous places in this bill, and in the ones which have preceded it, where economy has been practiced to such an extent that every time a dollar has been saved \$100 and maybe more have been lost.

For instance: There is a railroad running from Fort Bragg to the next town. Everything which goes into that fort must be hauled over that railroad. Appropriations have not been made to keep it up until now a railroad engine or a railroad car can not go over a great portion of that road. The train goes up to the dangerous point, and there the supplies are unloaded and hauled by truck to the camp. That has been remedied in this bill, but it should have been remedied before. So, where dollars were saved in refusing to keep that railroad in proper conditions hundreds of dollars have been lost in hauling—loss in wear and tear of trucks, and damage to the highway.

Next, in this Government of ours there is a monstrous system of duplication. Take the Intelligence Bureau, for instance. One of the witnesses who appeared before the committee told of the enormous work that bureau was doing, what they were getting out, and the demand for their work. One of their alleged great pieces of work was that they were furnishing war maps to the Army and maps to Members of Congress for distribution; but at last there leaked out the fact that these maps were suggested to members. They were told that the maps were available and, consequently, Members of Congress availed themselves of the opportunity to get them and send them out. But, when witnesses from other departments of the Government came before the committee, those for whom this Intelligence Bureau was pretending to make war maps, they said they were making their own war maps. Then, when we reached the question as to whether the Intelligence Bureau was making maps and furnishing them to Members of Congress and various people throughout the United States, it was found that they were making comparatively only a few maps, and that they were borrowing maps from the other departments of the Government and sending them out to

Members of Congress. There is a clear case of duplication of work.

Then, while it does not appear in this bill—but I came across it a year ago and spoke of it then—we have the Department of Commerce, that gets financial reports and agricultural reports from every part of the world. They distribute our agricultural reports to every part of the world.

Then there is the Pan American Congress, which is as big a fraud as was ever put upon the American people. That was gotten up by a man whom many of you know, a smart fellow, who rose from bellboy to a great, big man because he had wonderful ability. But that scheme of the Pan American Building down here was gotten up in order for one man to make a fine position for himself. He has lost it, but another man has it, and it is the purest and simplest sinecure in the world.

They, under the terms of the agreement between this Nation and the South American nations, receive certain amounts of money, contributed by each nation. We are paying many, many times more than our agreed share. Some of the South American nations are paying nothing, yet these salaries go on. Then, with the money that was taken from the taxpayers of the United States to pay not only its part, and more than its part, for the support of the Pan American Building, the lives of the people employed down there were insured and paid for out of public money. The very reports which the Pan American Building distributes are distributed from the Agricultural Department, and can be gotten for anybody just as effectively and conveniently if there was no such thing as the Pan American Congress.

I realize how much time I have taken; and in order that others may have some time I shall not address the House further, but hope to do so when we go into the bill, section by section. [Applause.]

The CHAIRMAN. The gentleman from Kentucky has consumed one hour.

Mr. DICKINSON of Iowa. Mr. Chairman, does the gentleman from Kentucky want to use further time now?

Mr. JOHNSON of Kentucky. I prefer that the gentleman from Iowa use some time on his own side.

Mr. DICKINSON of Iowa. Mr. Chairman, I yield 10 minutes to the gentleman from California [Mr. BARBOUR].

The CHAIRMAN. The gentleman from California [Mr. BARBOUR] is recognized for 10 minutes. [Applause.]

Mr. BARBOUR. Mr. Chairman, I just want to take a few moments' time in calling attention to one or two matters that impressed themselves upon me during the hearings on this bill.

In examining into the various items which go to make up the river and harbor appropriation it was found that as to some of the projects the local communities cooperate in bearing the expense of those projects, in some instances to a considerable extent. This is true of many of the later projects which have been authorized and in connection with which local cooperation has been required. It is the rule on the Pacific coast for ports to cooperate in paying the cost of harbor-improvement work, as a general rule about 50 per cent of the cost of such improvement being contributed by the localities benefited thereby. Cooperation is required in the work of flood control on the Mississippi River, the local communities being required to pay one-third of the cost, and in many instances the localities contributed as high as 50 per cent of the expense. The attitude of the War Department is that the local communities should cooperate to the fullest extent possible. This, in my opinion, should be the rule in connection with local harbor improvements. Every improvement confers a certain benefit on the town to which the channel leads or the harbor is adjacent. I am not speaking of through channels but those which lead to a certain harbor or city, in which case the city does derive direct benefit.

But the Federal Government is now carrying on projects, many of which were authorized in the past and in connection with which no local cooperation is required, the expense being paid entirely by the Federal Government, while the benefits are almost wholly local. The usefulness of many of these projects is rapidly diminishing, the necessity for them being supplanted by motor trucks and other means of conveyance which have superseded water transportation in these localities.

Reference to a few of these projects will illustrate the point that I am making.

In one the entire tonnage for the year 1922 consisted of 2,202 tons, comprising mostly oysters, clams, fruits, and vegetables. This traffic is practically all local. The estimates for the

next fiscal year call for \$5,000 for maintenance. The only cooperation required in connection with this project was the building of a drawbridge. The estimate for 1925 shows a cost to the Federal Government of more than \$2 per ton for every ton of freight handled.

Another project bore a tonnage in 1922 of 40,047 tons. Maintenance estimated for 1925 is \$45,000, with an annual estimate of \$3,000 for future maintenance. Commerce consisted of lumber, petroleum products, and general merchandise, and was practically local. No local cooperation has been required.

Another project furnishes entrance to a certain resort city on the Atlantic coast. The 1922 tonnage was 4,054, although it is estimated that 300,000 passengers arrived by water. The 1925 estimate for this improvement is \$148,000, and local cooperation has consisted of experimental work with a view to deepening the harbor and improvements in the inner harbor.

There is another project, which handled in 1922 2,597 tons. The estimates for the next fiscal year are \$45,000 for improvement work and \$10,000 for maintenance. Maintenance alone for the fiscal year 1925 will cost almost \$4 per ton of traffic handled. The only local cooperation required has been the furnishing of title to certain lands used for cut-offs. There is no direct railroad connection with this project, and the traffic handled is largely of a local nature.

Another shows that 872 tons were handled in 1922. The estimate for 1925 calls for \$5,000 for maintenance. The only local cooperation has been that certain private parties have dredged some channels. This project affords a waterway from certain small towns to some larger cities. The commerce handled consists of oysters, clams, and fish. It is estimated that the Federal Government will spend \$5.73 in 1925 for every ton of freight transported, based on the records of 1922.

I have cited but a few instances to show a condition that exists. There are others of a similar nature. Many of these projects have been in existence for a considerable period of years. No local cooperation was originally required. The project having been authorized and appropriated for and the work begun, there is nothing for the War Department to do but to carry it on.

If Congress would adopt a policy and lay down a rule that not only every new project of a local nature but those heretofore authorized which confer principally local benefits should require local cooperation, it would result in a large saving to the Government and at the same time would do as much as anything else to refute the charge of "pork-barrel legislation" so frequently made against river and harbor appropriations.

No matter what the custom has been in the past, the Federal Government should not be required to maintain at its expense works which contribute principally to the benefit of some particular locality. If local cooperation is required in such great harbor improvements as those at Los Angeles and other great seaports, then there is all the more reason for requiring local cooperation in connection with works which are principally of local benefit.

In preparing the estimates for the present bill the Secretary of War and the officers of the Army and War Department, who have this work in charge, have shown a commendable spirit of cooperation with the committee and the Budget officers. They have been of real assistance in preparing and bringing out a bill that has for its purpose the preservation of the national safety and security and at the same time is in line with the avowed policy of economy in governmental expenditures.

It may be that some of the activities of the Army have not been given as much as those in charge believed they should have for their fullest development. The desire of officers of the Army to carry on to the fullest extent possible in their particular lines of activity is to be commended. Yet, notwithstanding that desire, there has been throughout the preparation of this bill an apparent realization of the need for economy and of the fact that the Budget system, which is aimed to secure the economical administration of the Government's business, has become a part of our Government system and places a responsibility upon administrative officials as well as upon Congress.

I would commend the spirit of cooperation shown by the officers of the War Department in connection with this bill to other administrative officers of the Government who have fallen into the habit of criticizing Congress through the newspapers and in speeches, and to those officials of our executive departments and bureaus who write letters, in reply to communications received, that owing to insufficient appropriations by Congress certain activities of the Government have had to be curtailed. There is, in my opinion, altogether too much of a desire on the part of certain administrative officials to criticize Congress. It may be that the appropriation, or lack of appro-

priation, complained of was based upon the best judgment of the Bureau of the Budget after a thorough investigation of the subject and concurred in by the committee and Congress after further investigation, and that Congress has only carried out the spirit and intent of the Budget act. The Budget act has met with the approval of the people as has no other act of Congress in recent years. It has become an established part of our governmental policy. It will be useful only to the extent that Congress and the administrative branches of the Government are guided by its purpose and intent. Instead of criticism of Congress by administrative officers on account of appropriations, there should be whole-hearted cooperation to the end that there should be no waste or extravagance in governmental expenditures. It is possible for mistakes to be made and that certain items and appropriations for certain activities will be underestimated rather than overestimated. The Bureau of the Budget may not always be right, and Congress is not infallible.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DICKINSON of Iowa. Mr. Chairman, I yield the gentleman one more minute.

The CHAIRMAN. The gentleman from California is recognized for one additional minute.

Mr. BARBOUR. If mistakes do occur it is the duty of the officer in charge of the particularly activity affected to inform the proper persons in authority, rather than through newspaper interviews and banquet speeches to pose as patriots who would save the Nation from destruction at the hands of Congress. What is needed is real wholehearted cooperation between the officials of the executive departments and Congress in carrying out the spirit and intent of the Budget act.

I yield back the balance of my time.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. SNYDER having taken the chair as Speaker pro tempore a message from the Senate, by Mr. CROCKETT, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested.

S. 2686. An act to authorize the Federal Power Commission to amend permit No. 1, project No. 1, issued to the Dixie Power Co.;

S. 1530. An act providing for the marking with an enduring monument the site of Charles Fort, S. C.; and

S. 2821. An act to amend section 3 of an act entitled "An act to incorporate the National McKinley Birthplace Memorial Association," approved March 4, 1911.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

S. 2113. An act authorizing the Director of the Census to collect and publish statistics of cotton; and

S. 1982. An act granting the consent of Congress to the construction, maintenance, and operation by the Chicago, Milwaukee & St. Paul Railway Co., its successors and assigns, of a line of railroad across the northeasterly portion of the Fort Snelling Military Reservation in the State of Minnesota.

ARMY APPROPRIATION BILL.

The committee resumed its session.

Mr. HARRISON. Mr. Chairman, I yield 30 minutes to the gentleman from Tennessee [Mr. BYRNS].

The CHAIRMAN. The gentleman from Tennessee [Mr. BYRNS] is recognized for 30 minutes. [Applause.]

Mr. BYRNS of Tennessee. Mr. Chairman, it is my intention to consume but a very small portion of the time which has been allotted to me. I have asked for this time in order to present for the Record, by way of extension, some of the reasons which induced me to vote against the so-called adjusted compensation measure when it passed the House several days ago. That bill—which has been misnamed an adjusted compensation measure, but which was really an insurance bill, with the exception of the \$50 and less that is to be paid in cash to those who under its provisions are not entitled to a greater amount—passed by a big vote in this House under a motion to suspend the rules, which cut off all amendments and which denied the privilege of debate to Members except for 20 minutes to a side. It was passed under circumstances which were pronounced at the time to be a parliamentary outrage. It was a bill which its sponsors declared would cost the Treasury more than \$2,000,000,000, and it was presented here by 13 members of the Ways and Means Committee. Members of the House were asked to vote for it without the privilege of amending it or even expressing their views. And after its passage the gentleman from Ohio (Mr. BIGGS), assuming leadership, saw fit—and has repeatedly since seen fit—by an objection which evidences neither statesmanship nor ordinary courtesy to his

colleagues to deny to Members the privilege of extending their remarks in the Record showing why they were either for or against that measure.

Never in all my experience as a Member of this House have I ever known of any Member on either side of the Chamber being guilty of such discourtesy to his colleagues and such very great unfairness to the membership. Knowing the gentleman from Ohio [Mr. BRAD] as I do, I am constrained to believe that he did it under the impelling insistence of leaders upon the Republican side, who were unwilling themselves to resort to any discourtesy or any such evidence of unfairness to the Members, and put upon him that burden.

I do not know just why the gentleman has objected to Members extending their remarks in the Record, their own remarks, unless it be that he or those for whom he is acting are unwilling for the Record to show the circumstances under which that bill was passed and the methods used in putting it through.

I have served in this House for 15 years. I had the privilege of serving as a Member of the House when that remarkable and grand old man, Uncle Joe Cannon, was Speaker of the House. I served in the House during the time when it was dominated and controlled by a Committee on Rules, and when newspapers throughout the country claimed that the House was laboring under and was controlled by gag rule, but never in my experience have I known a situation where one Member of the House, who, much as I respect him, I do not put in the class of those statesmen, has assumed upon his own prerogative as a Member to apply the gag rule and prevent 434 other Members from exercising the right of free speech and the mere privilege of extending in the Record an explanation of the vote which they cast.

Gentlemen, was it fair? Was it courteous? Was it what you would have done or what any other Member would have done? The gentleman from Ohio is the most shining example I have known of a Member who is willing to put the gag upon his colleagues and refuse to permit free Representatives upon this floor to exercise their rights, and who is willing to use the rules in order to inflict gag rule upon the membership of this House, and to deny to the people the right of the fullest information as to what their Representatives are doing. By so doing he has certainly not gained the admiration of the membership on either side of the Chamber, or raised himself in the estimation of his own constituents, who, I assume, favor free speech.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. BYRNS of Tennessee. I yield to the gentleman.

Mr. CONNALLY of Texas. Does the gentleman realize that the gentleman from Ohio is what is called the substitute whip and was acting in a semi, if not a full, official capacity in making that objection?

Mr. BYRNS of Tennessee. I have just said that knowing the gentleman from Ohio as I do, and respecting him as I do, I am constrained out of charity to believe that he did it at the instance—I will not say at the order—of the real leaders upon his side of the Chamber.

Mr. SNYDER. Will the gentleman yield?

Mr. BYRNS of Tennessee. I yield to the gentleman.

Mr. SNYDER. I can not agree with the gentleman about that. I do not believe the gentleman was acting upon the suggestion of anybody but himself. I know a great many men on our side who desired to extend their remarks, and while I do not claim to be one of those who is near to the leaders, yet I heard no such suggestion on the part of anyone, except the man himself.

Mr. BYRNS of Tennessee. I am quite sure that the gentleman from New York, whose great fairness and whose courtesy I admire, would not have objected. I am quite sure that the overwhelming majority upon that side of the Chamber would not have objected.

Mr. CONNALLY of Texas. Will the gentleman yield further for another question? I want to say that I was prompted in asking my question by my friendship for the gentleman from Ohio, and I was trying to give him an excuse so he could escape the odium which might have attached if he had done this on his own responsibility. [Laughter.]

Mr. HARDY. Has not that same thing been done on the gentleman's side of the House in the past quite frequently?

Mr. BYRNS of Tennessee. Can the gentleman cite an instance?

Mr. HARDY. I do not need to mention any name, but I do know of men who object to things of this kind. Have we not had men on either side who would object to things of that kind?

Mr. BYRNS of Tennessee. We have now and then instances of Members objecting to extension of remarks—

Mr. HARDY. It seems to me that it was not such an extraordinary thing in this House.

Mr. BYRNS of Tennessee. Will the gentleman let me complete my answer to his question? We have now and then instances of gentlemen upon either side of the Chamber objecting to an extension of remarks, assigning good reasons therefor at the time, and no question is made of their rights and no criticism offered, but this is the first time—and I dare say the gentleman will say it is the first time—he has ever known any Member of this House to deny every other Member of this House the right to express themselves through the Record and to give an honest explanation of the action which they took upon any bill pending here, especially when they were denied the privilege of doing so in regular debate. Does the gentleman think that comports with fairness? Does the gentleman approve of it?

Mr. HARDY. Whether I approve of it or not, I did not ask for an extension of remarks, nor have I ever objected to any, but I remember a good many times when, from that side of the House, the same sort of objections have come.

Mr. BYRNS of Tennessee. I beg the gentleman's pardon. Never, never. There have been individual objections, and there will continue to be individual objections, but never a blanket objection where a gentleman stands upon his feet and, taking advantage of the rules, undertakes to say that no man, although he be a Representative upon this floor, shall have the privilege of inserting in the CONGRESSIONAL RECORD an explanation of his vote upon any bill pending here. There have been objections to the extension of extraneous remarks, remarks made by others, and editorials, but so far as I know I do not now recall any Member who has ever objected to a colleague extending his own remarks, especially when he wanted to do it in explanation of some action that he had taken and when he had been denied an opportunity to discuss it when the proposition was before the House, and that is the complaint I make.

Mr. SNYDER. Mr. Chairman, will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. SNYDER. I want to say that I tried to get an arrangement whereby everybody could extend their remarks in the Record.

Mr. BYRNS of Tennessee. Oh, yes. I hope that neither the gentleman from New York nor any other Member will think that I am personal in this, because I know that not only the gentleman from New York, who is always eminently fair, but also the gentleman from Iowa [Mr. GARDNER], who is the chairman of the committee and who brought in the bill, and the gentleman from Texas [Mr. GARNER], ranking Democratic member of the committee, sought to obtain unanimous consent for every Member to extend his remarks for five legislative days. The gentleman from Ohio [Mr. BRAD] was the only gentleman on the floor who rose to his feet and made objection. That is my criticism. There is nothing personal to me in the matter. I have the opportunity to extend my remarks, and I propose to do so in connection with those that I am now making; but I insist that every Member whether he voted for or against the bill, no matter whom or where he comes from, should have a chance to extend his own remarks in the Record, and no Member, although he may have the power under the rules to do so, ought to deny his colleagues that opportunity and that privilege. [Applause.]

Mr. KVALE. Mr. Chairman, will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. KVALE. Why not object henceforth to the extension of any remarks, to the granting of these concessions at all until that objection is withdrawn?

Mr. BYRNS of Tennessee. Oh, so far as I am concerned, I do not recall that ever in the history of my legislative experience of 15 years have I objected to any request made by Representatives on either side of the Chamber to extend their remarks in the Record and, regardless of what the gentleman from Ohio or others may do, I do not propose to make any objection in the future.

Mr. YOUNG. Does not the gentleman believe that whenever that request is granted then from the point where the extension begins it ought to show in the Record, so that anyone reading the Record will know just what occurred on the floor?

Mr. BYRNS of Tennessee. Mr. Chairman, the rules of the House, as the gentleman should know, provide now that remarks extended in the Record, unless delivered upon the floor, shall appear in the back of the CONGRESSIONAL RECORD, in the Appendix, as an extension of their remarks.

Mr. YOUNG. But the gentleman knows that a great many of these extensions do now appear as though regularly delivered on the floor.

Mr. BYRNS of Tennessee. I would say to the gentleman that under the new rule adopted no remarks which are actually extension remarks, and which are not a part of remarks made upon the floor, can appear except as an extension in the Appendix of the Record.

Mr. YOUNG. In the interest of an accurate record I think that wherever an extension is made, when it is partly delivered on the floor and partly extended, the part that is extended ought to be clearly indicated in some way, so that we will know just what the proceedings on the floor are.

Mr. BYRNS of Tennessee. That may be true; but the point of my objection is that Members are denied any opportunity to extend their remarks. They were first denied the right of debate upon the over \$2,000,000,000 bill, and then they were denied the right to place in the Record an explanation of their position on the bill.

I submit for the Record, under the leave granted, the statement to which I have referred, which, because the privilege of debate was denied, I had hoped to have printed at the time the bill was under consideration.

It is proposed to pass the bill reported by 13 members of the Ways and Means Committee and providing very meager insurance for the ex-service men instead of adjusted compensation in cash as desired by many of the veterans under a suspension of the rules which cuts off all possibility of amendments and limits the debate to 20 minutes on a side. Since no opportunity will be afforded to discuss the measure before the House, I have asked leave to extend my remarks in order to express briefly my views upon the pending measure. The House is supposed to be a representative body and it is a reflection upon its fairness and the political courage of its Members that the Republican leaders should insist upon passing this measure which it is conceded will ultimately cost the people more than two billions of dollars under a gag motion which cuts off the privilege of debate and denies to the Members the opportunity to offer amendments.

In other words the House is asked to accept the measure which has been reported by 13 Members without opportunity on the part of the other 422 Members to have a voice.

In the last few days in the course of debate on other measures this bill has been denounced on the floor by ex-service Members of Congress, among them the gentleman from Tennessee, Captain BROWNING, the gentleman from North Carolina, Major BULWINKLE, the gentleman from Alabama, Major JEFFREYS, the gentleman from Mississippi, Captain RANKIN, the gentleman from Missouri, Mr. HAWES, the gentleman from Massachusetts, Mr. CONNERY, and others, some of whom rendered distinguished service overseas in the World War; as "an abortion under the guise of adjusted compensation"; "a joke which is being sent out and called a bonus bill"; "an insult to the intelligence of every service man in the United States"; "a political subterfuge"; "a cheap and disappointing gold brick"; "a tombstone bill"; "infamous subterfuge," and "a sham"; One distinguished overseas veteran declared: "The bill is wrong, it is absolutely wrong." It is difficult for me under such circumstances to see how anyone can vote for this bill.

No ex-service Member has arisen in his place to defend it or to call in question the terms which have been applied to it. If the motion to suspend the rules is voted down, then the bill will go upon the calendar and can be taken up very quickly through the method provided by the new rules of the House, and every Member will then have an opportunity to discuss it and to offer such amendments for cash options, with methods of securing the necessary revenue as he feels will more nearly meet the wishes of those who favor a bona fide adjusted compensation measure. This would preserve the dignity and importance of the House as a representative body and prevent its being placed before the country in the light of being without the courage to meet the real issue. It has been whispered around that the House can pass it in this form and depend upon the Senate to amend it. I submit that this is a position which no Member of the House should take, and is a reflection upon the political courage of the Member who votes for this measure with such a reservation. What would you think of a doctor who gave to his sick patient a medicine which he knew in advance would be unsatisfactory and would afford no relief with the hope that some other doctor later on would administer a medicine which would cure him?

The objections to the pending measure were summed up by the gentleman from Missouri [Mr. Hawes], as follows:

First, it will disappoint and anger 90 per cent of the ex-service men and women; second, it will cost more than the cash plan; third, it will create another bureau at enormous expense with thousands of employees and prepare the way for premature pensions which will add annually billions of dollars to the burden of taxpayers; fourth,

it will not settle this question, but will open up a new controversy and start new discussions which will arise with continued and greater vehemence; fifth, it will crowd banks and trust companies with loans, raise the rate of interest, and withdraw from investment capital badly needed for expansion, building, farming, and trading; sixth, it will start endless discussion and disputes about the rate of interest charged by various banking institutions and create discord, uncertainty, and trouble; seventh, it will throw the whole matter back into politics to become a football to be tossed back and forth for partisan political purposes.

I agree with him that it is time we stopped "playing politics" with this serious subject and that it should be settled now.

It is generally conceded that by eliminating the commissioned officers and providing only for the noncommissioned officers and privates a cash bonus could be provided for possibly \$1,000,000,000. If a bonus is to be granted a cash option should be given and the service man not required to wait for 20 years or until he is dead in order to receive the small sum provided for in this bill. It is stated that under this bill 1,000,000 of the ex-service men will receive an insurance certificate of about \$170 or less. Such a cash option should be accompanied also by proper methods of raising the revenue so as to provide that it should be paid by those who profited as the result of the war and not by those who not only received no profits during the war but who suffered thereby, and by the soldiers themselves.

Under this measure those who were drafted at the close of the war and who are entitled to less than \$50 will receive their payments in cash while those who rendered longer service, and who suffered and sacrificed in the shock of battle overseas will be given a certificate payable at the end of 20 years or at their death. It is stated by the committee that the average amount of this certificate will be \$962. A veteran whose length of service under the terms of this bill entitles him to receive \$400 will receive in lieu thereof a certificate of something less than \$1,000 which must be held for 20 years or until his death. At the end of two years he will be generously permitted to borrow thereon \$57.30. At the end of the third year he can borrow about \$30 more; at the end of the fourth year about \$32 and at the end of the fifth year about \$34 and so on provided some bank can be found which will loan it to him. And under the terms of the bill he must pay that bank 2 per cent interest in excess of the prevailing rate in the Federal reserve district for the discount of commercial paper. If he fails to pay the note at maturity, then the bank may send his note to Washington for payment. If subsequently he wishes to redeem his certificate from the Government he must pay to the Government 6 per cent interest on the sum so paid compounded annually.

What is to be thought of the provision providing that our Government shall charge these ex-service men who need these little sums to meet current expenses 6 per cent interest compounded which they must pay in order to redeem their certificates when the Government can borrow its money at 4 per cent? This is a rate of interest which is greater than that allowed under the law in Tennessee and most of the other States of the Union.

Let me say again that the man who is entitled to less than \$50 will receive his pay in cash, but the man who is entitled, say, to \$160 will receive an insurance certificate. He can not borrow anything on this certificate for two years and then he can borrow only about \$14. Can anyone doubt but that he would rather have the \$50 that is coming to the other fellow than the \$160 that is coming to him if he has to take it in a policy?

I regard this measure as infinitely worse than the bill which was passed two years ago and which was vetoed by President Harding and which provided a form of deferred compensation and loan to the extent of 50 per cent of the service amount of the certificate. Having voted against that measure for reasons which I expressed at the time, I would not be true to my convictions but would stultify myself should I vote for this measure which has been prepared by 13 members of the Ways and Means Committee and for which the House is asked to vote without opportunity for debate or amendment. This bill is a fraud and a sham which is sought to be put over to meet a political exigency, and if it becomes a law it will be universally condemned by those in whose interest it is said to be drawn.

This bill was prepared behind closed doors in the Committee on Ways and Means and with the utmost secrecy and with no opportunity for the Members of Congress, the ex-service men, or the people to learn of its provisions until two days before it was to be taken up and passed in the manner above set forth. I am driven to the conclusion that this was

done because it was known that if its provisions became public there would be a flood of protests on the part of the ex-service men themselves.

In conclusion let me say that I have always in committee and in the House consistently voted for the most liberal appropriations which those in charge said were necessary for the proper hospitalization, vocational training, and compensation for the disabled soldier, and will continue to do so. I believe that the provisions of the war risk act should be made more liberal so as to provide hospitalization, medical care, and treatment for those suffering disability and who are now adjudged not to come within its provisions. Some time ago I introduced a bill to that effect, a copy of which is as follows:

A bill (H. R. 4887) providing for hospitalization, medical treatment, nursing, and all necessary care of honorably discharged disabled ex-service men.

Be it enacted, etc., That the Director of the Veterans' Bureau be, and he is hereby, authorized and directed to provide hospitalization, medical treatment, nursing, and all necessary care for honorably discharged members of the military or naval forces of the United States who served in the World War who are disabled or who may hereafter become disabled, regardless of the origin of said disability.

SEC. 2. Be it further enacted that such hospitalization, medical treatment, nursing, and necessary care shall be furnished upon application and the presentation of a certificate from a reputable practicing physician certifying that such hospitalization, medical treatment, and nursing is necessary; and when hospitalization is required transportation to and from the place of hospitalization shall be furnished.

Mr. DICKINSON of Iowa. Mr. Chairman, I yield 20 minutes to the gentleman from Texas [Mr. WURZBACH].

Mr. WURZBACH. Mr. Chairman, in view of the fact that I shall not be able to fully discuss the matter that I intend to discuss, I ask unanimous consent to extend my remarks in the Record.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to extend his remarks in the Record. Is there objection?

Mr. CONNALLY of Texas. Mr. Chairman, reserving the right to object, is the gentleman from Ohio [Mr. BEGG] present?

Mr. BEGG. He is always here.

Mr. CONNALLY of Texas. I am wondering why he does not object, I do not.

Mr. KVALE. Mr. Chairman, reserving the right to object, does the gentleman from Ohio withdraw his objections?

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. WURZBACH. Mr. Chairman, I shall direct my remarks solely to that one provision in the pending Army appropriation bill set out on the top of page 9, as follows:

Pay of officers: For pay of officers of the line and staff, \$30,338,000: *Provided*, That no part of this sum shall be paid to Maj. Charles C. Cresson, United States Army.

I am sure I will be pardoned for taking a very particular interest in that portion of the bill which attempts to cut off the pay of Major Cresson. Charles C. Cresson is a boyhood friend of mine. I have grown up with him in the city of San Antonio, Tex., and have known him all of my life, and knowing him as I do I unhesitatingly testify to his honesty and integrity as a citizen and as an officer of the United States Army. There is no higher or better type of man to be found anywhere than Major Cresson. He volunteered for service in the late war, almost immediately after its outbreak, and held a commission as lieutenant colonel in the National Army, and was later commissioned as major in the Regular Army of the United States.

There should not, and I hope will not, be any partisanship in the discussion and determination of this proviso, and I shall endeavor to present my remarks in a fair and dignified manner, and without attempting to ascribe motives for the action of any Member of this House.

The first proposition I desire to discuss is the propriety of the Appropriations Committee of the House in writing such a provision in an appropriation bill. The Appropriations Committee is not a legislating committee, but in this instance this committee is attempting to deprive an officer of the Army, duly commissioned by the President of the United States, of his office by taking away from him the pay provided by law. It does not require argument to convince any fair-minded Member of this House that it is not only unfair and unjust but contrary to all of the principles of Americanism. The law provides that if any officer in the Army has acted corruptly or in a manner prejudicial to military law or regulation he shall be tried by a court-martial.

The recommendations of the Appropriations Committee, if enacted into law, would establish a most dangerous precedent. It would authorize the enforced withdrawal of every officer in the Army or Navy and would permit Congress to destroy the Army and Navy and would also empower Congress to withhold from any officer in the executive or judicial branch of the Government the pay allowed by law and force his retirement. It would establish a precedent whereby Congress could control the action of the Supreme Court of the United States or any other Federal judge. It can be argued with as much reason that the Appropriations Committee, if it saw fit, could appropriate money for the pay of Members of Congress and also provide that none of the money so appropriated shall be paid to Congressman "A" or Congressman "B," or even go so far as to prohibit the pay to all Congressmen belonging to the minority party. Many similar illustrations might be given. In short, such a precedent, if established, could be made to destroy the Government itself and to prevent it from functioning.

I am not sure whether the proviso under consideration will be subject to a point of order. I am informed that it would not be. If that is a fact, then it behooves Members of Congress to be all the more careful in the consideration of the motion to strike out the proviso which I intend to make when the bill is read under the five-minute rule. I desire at this time to call attention to the fact that Maj. Charles C. Cresson has never at any time had an opportunity to appear and be heard before any committee to defend the charges and insinuations that have been brought against him. In my opinion, no unfairer or more unjust action has ever been taken than is contemplated in this bill. The fundamental principle of our Government that the three departments of government should be kept separate, distinct, and independent is absolutely destroyed if the proviso is not stricken from the bill. It is an alarming situation that confronts us when it is proposed to deprive a citizen of his rights without being given an opportunity to be heard in his own defense. It is nothing less than "lynch law" practiced in the city of Washington, the heart of the Republic, and under the very dome of the Capitol.

I want to say that I am appearing in behalf of Major Cresson and no other officer whose name is also mentioned in this bill. Others may speak for him and present his case. I do know, and I want to repeat, that Charles C. Cresson is as blameless of any wrongdoing as is any officer of the Army or even any Congressman that sits in this body.

Mr. BLANTON. I would just like to ask my colleague one question.

Mr. WURZBACH. Yes, sir.

Mr. BLANTON. Has the gentleman ever read the report that was filed by a committee of this House on the escape of Grover Cleveland Bergdoll?

Mr. WURZBACH. Yes.

Mr. BLANTON. Has he read what that committee has said about this particular officer and his apologies for prosecuting the man who let Bergdoll get away?

Mr. WURZBACH. I am glad the gentleman from Texas has injected that remark, because I intended to go into a full discussion of that report, and I know that that discussion will cover considerable ground, and the Members of the House will realize that I should be given sufficient time to discuss that report, but which will be impossible for me to do in the limited time granted me. I can see from the gentleman's statement that he is under the same suspicion that a great many Members of this House are under—

Mr. BLANTON. We are not under suspicion; it is Major Cresson who is under suspicion.

Mr. WURZBACH. I am sure that probably not a Member of this House excepting perhaps the gentleman from Kentucky [Mr. JOHNSON] has ever read the court-martial proceedings against Major or Colonel Hunt. Probably only one-tenth of the membership of this House has read the report of the special House committee that had under investigation a resolution seeking to ascertain the responsibility for the escape of Bergdoll and for the failure to recapture him. In order to discuss that report fully as well as to refer to the court-martial proceedings of Colonel Hunt I ought to be given sufficient time to go into the whole proceedings thoroughly.

Mr. BLANTON. What is the decision of the court-martial—

Mr. WURZBACH. Please let me go on and I will get to that if you will only give me time. I desire now to give a brief history of the transactions leading up to the act of the Appropriations Committee in stopping the pay of Major Cresson. Grover Cleveland Bergdoll was tried and convicted in the early part of March, 1920. He was prosecuted and convicted by Charles C. Cresson, who at that time was a colonel in the

National Army, not in the Regular Army, but an emergency officer.

Mr. HUDSPETH. Will the gentleman yield just a second?

Mr. WURZBACH. I will, with pleasure.

Mr. HUDSPETH. I would like to suggest to my colleague that if it is too long to read, will he publish that report of the court-martial proceedings on extension of your remarks or the verdict so we may read it? We have not access to it.

Mr. WURZBACH. I am glad my friend from Texas has made that suggestion, and I am going to ask now that the address of Major Cresson at the court-martial proceedings of Colonel Hunt and also the testimony offered by Major Cresson in that case be made a part of the record. I am going to refer to it, but I would like to have it inserted and extend all of it.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. BLANTON. Mr. Chairman, reserving the right to object—and I shall not object—but for the information of the Members I would like to have all the facts before them, and I am going to ask when they read this to turn to the record of last February, 1923, and read part of the report our colleague [Mr. JOHNSON] made on this case that I put in the CONGRESSIONAL RECORD at that time in regard to the Bergdoll case, and he will see what was in the minds of the committee of our House.

Mr. WURZBACH. I am not making any charges against any Member of this Congress nor impugning the motives of any Member. I have always tried to discuss controversial matters in a decent and dignified way, but I do expect to compare the report mentioned by the gentleman from Texas [Mr. BLANTON] with the court-martial proceedings, a copy of which I have before me.

When I was interrupted I had stated that Bergdoll was convicted in March, 1920. I want to state further that on May 21, following, Bergdoll escaped. His escape was due, it was charged at that time, and as I am also inclined to believe, to the negligence of one or more officers of the Army. Some of the negligence may be traced to Washington and the Adjutant General, Gen. P. C. Harris, and a great deal more negligence may be attributed to Colonel Hunt. Certain it is that Bergdoll's escape within about two months after his conviction was effected under circumstances that would naturally arouse the suspicion that there was negligence on the part of the officers who had him in charge at that time. On July 12, 1920, court-martial proceedings were accordingly instituted against Colonel Hunt. The charge and specification were prepared in Washington, and Major Cresson was detailed as acting judge advocate in his trial. Colonel Hunt was charged with a violation of the ninety-sixth Article of War, and the specification set out negligence upon his part in permitting Bergdoll's escape, but I call attention to the fact that it was not charged that he was guilty of any corruption or that he was bribed, but the charge was based solely upon allegations of negligence. I will briefly narrate the facts surrounding Bergdoll's escape. Sometime prior to May 21 Gen. P. C. Harris, after listening to the cock-and-bull story that was put up to him by attorneys for Bergdoll and General Ansell, who had then retired from the Army, but who seemed to have had considerable influence in the Adjutant General's Office, wrote a confidential letter to Colonel Hunt at Governors Island instructing him to send Bergdoll under guard to West Philadelphia and thence to the mountains of Maryland to seek a supposed pot of gold holding \$150,000. It is not now necessary to go into the details of what transpired in Philadelphia and how Bergdoll escaped while at his mother's home. It is sufficient to say that the two sergeants who were acting as guards for Bergdoll were guilty of the grossest negligence, but it may also be said that such negligence was due to the negligence of Colonel Hunt in not having a commissioned officer accompany the two sergeants, in not providing the sergeants with handcuffs, and without giving them sufficient instructions as to their duties while guarding said prisoner.

Major Cresson vigorously prosecuted Colonel Hunt, as will appear from a reading of the court-martial proceedings, but the latter was found not guilty by a court made up of 11 colonels of the Army. It is not for me to criticize the verdict and judgment, but I do insist that the record will bear me out in the statement that Major Cresson did all in his power to secure a conviction, as will appear from a reading not only of his testimony and closing argument but from the entire court-martial record. Major Cresson did the unusual thing of testifying, and, in fact, furnished the most damaging testimony that was introduced against Colonel Hunt. At this time I want to call attention to the fact that after Colonel Hunt's acquittal, Major Cresson prosecuted and convicted Erwin Bergdoll in a military court and assisted in the prosecution and conviction

of Mrs. Emma Bergdoll, one Braun, a brother of the other Bergdoll, and also assisted in the prosecution of one Romig, a friend of the Bergdoll family. This action ought to furnish conclusive proof that Major Cresson was not under the influence of any of the Bergdolls at the time he prosecuted Colonel Hunt, and, strange to say, without any proof whatever to support it, the Johnson report almost directly charges corruption upon the part of Major Cresson in his prosecution of Colonel Hunt. All the cohorts of the Bergdoll family except Grover C. and Erwin were prosecuted in the Federal courts of the United States, and Major Cresson, on his own time and at his own expense, assisted in their prosecutions. He made two trips to Kansas City, at his own expense, to prevent the release of Erwin Bergdoll on habeas corpus proceedings instituted by him.

I have before me the report referred to by the gentleman from Texas [Mr. BLANTON], which is the report filed by the gentleman from Kentucky [Mr. JOHNSON]. I do not think the report was exactly fair, although I do not want to say there was any intention to deceive, or anything of that kind. But just looking at the report—

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. WURZBACH. I ask for additional time.

The CHAIRMAN. The time is controlled by the two sides.

Mr. BANKHEAD. Give him some more time if you can. We would like to hear something about this case.

Mr. DICKINSON of Iowa. Mr. Chairman, I yield the gentleman five minutes more.

Mr. WURZBACH. Can I not get some time from the other side? This is not a partisan matter.

Mr. JOHNSON of Kentucky. Mr. Chairman, I yield the gentleman 10 minutes.

Mr. WURZBACH. I thank the gentleman.

The CHAIRMAN. The gentleman from Texas is recognized for 15 minutes.

Mr. WURZBACH. I think I shall now read part of Major Cresson's address to the court in order to fully convince Members of the House that the case against Colonel Hunt was most vigorously prosecuted.

Mr. JONES. Mr. Chairman, will the gentleman yield?

Mr. WURZBACH. Yes.

Mr. JONES. I wanted to know if Major Cresson appeared before the special committee of which the gentleman from Kentucky [Mr. JOHNSON] was a member and before the Committee on Military Affairs?

Mr. WURZBACH. No. I want to say that Major Cresson did not appear before any committee, either the appropriations subcommittee or general committee, nor the special congressional committee; nor, in fact, has he had any hearing at all. I want to add that he requested, both by letter and telegram, an opportunity to appear before that special committee, and he was not afforded an opportunity to do so.

Mr. JOHNSON of Kentucky. Before the gentleman proceeds further will he permit me to inject just a few remarks right there?

Mr. WURZBACH. Yes.

Mr. JOHNSON of Kentucky. The facts are these about Major Cresson not appearing before the committee: I was a member of the committee, and—

Mr. WURZBACH. This will not be taken out of my time?

Mr. JOHNSON of Kentucky. Yes; it will; but I will give you 10 minutes more. I have already given you 10 minutes. I will give you full opportunity.

I was a member of the committee which investigated the fake trial of Colonel Hunt. The proceedings of the trial of Colonel Hunt, as conducted by Major Cresson, were read, including his speech. I made the remark that Hunt had been whitewashed. That statement found its way into the public press to the effect that I had said Major Cresson had whitewashed Colonel Hunt. I believed when the report was written that he did attempt and did succeed in whitewashing Hunt, and I believe that now. But when that statement appeared in the papers, that Cresson had whitewashed Hunt, Cresson telegraphed me from out in Nebraska, inviting attention to what he had seen in the papers, and asked that I would read the court-martial proceedings of Hunt before the committee and that I would read his speech before the committee, and, further, that he would like to appear before the committee. I complied with his request by reading the record and his speech, just as he had asked. Then I took up with Mr. Peters, the chairman of the committee, that part of Cresson's request that he be permitted to come before the committee and told Mr. Peters that I favored his coming, because, for one reason at least, I regarded his prosecution of Hunt so vulnerable that I would like to meet him face to face and ask him a lot of questions. I told Mr.

Peters I thought this man ought to come before the committee, and that was the very reason for it. I sent Cresson a telegram saying that his request, in so far as I was concerned, had been complied with, and that the chairman of the committee, Mr. Peters, would answer him as to the question of whether he should appear before the committee or not.

Now then, we who wrote the report criticizing Cresson favored his coming here, while those who wrote the minority report refusing to criticize Cresson, did not permit him to come. So it is now being made to appear that what I and others, constituting the majority of the committee, did was wrong, and that what those who represented the minority opinion did in not letting this man come was right.

Mr. Chairman, I yield the gentleman three more minutes on account of the time I have taken.

Mr. WURZBACH. I read not only the report but I read the hearings, and that was not the impression I received, unless the matters the gentleman from Kentucky refers to occurred in executive session.

Mr. JOHNSON of Kentucky. No; they did not appear in executive session; that is, this latter part of it. I went to Peters's room and asked him to telegraph this man to come on, but Congressman Peters telegraphed him the opposite. I followed the matter up to his office.

Mr. WURZBACH. Here it is, what I gathered from the hearings. As appears on page 395 of said hearing:

PORT CROOK, NEBR., May 11.

Mr. JOHNSON,

House of Representatives, Washington, D. C.:

With your kind permission, I desire to state my acts did not whitewash Col. John Hunt. Being detailed as trial judge advocate, I prosecuted him vigorously. I was also the trial judge advocate who convicted both the Bergdolls, and during Grover Bergdoll's trial had disagreements with Colonel Hunt. In justice to you and myself, please present to the Bergdoll investigating committee the court-martial record of Hunt's trial, especially testimony and exhibits I offered, my testimony and my arguments to the court, all showing I earnestly tried for and insisted on conviction. My opinion then was record and trial would justify conviction through Hunt guilty. Still have the same ideas. Have written you fully. Would gladly appear before your committee as witness if adjourned meeting could be held after June 5. Have many important conferences, meetings, cases set here up to June 5. Impossible to leave here before then. Please read this telegram publicly to your committee. Many thanks to you in advance. Wait your advice.

CHARLES C. CRESSON.

Mr. JOHNSON, it appears from the hearings immediately preceding the above-quoted wire, read the same to the committee, and immediately following the insertion of the same in the hearing further stated:

In that connection I may say, Mr. Chairman, that the record, including the testimony taken at the trial of Hunt, is already in, and that I shall content myself with that record to show that Hunt was whitewashed.

Chairman Peters stated:

The evidence of Colonel Cresson, of course, would be entirely collateral and have no bearing whatever in what we are trying to arrive at in our investigation.

As before stated, I gathered from a reading of the hearings that it was stated by one or more members of the committee that anything that Cresson might say to that committee was not pertinent to any issue, and I think they were right. The congressional committee had no authority under the House resolution they were acting under to make any findings with reference to Cresson at all for the reason that the resolution provided for only two things; first, to ascertain and fix the responsibility for the escape of Bergdoll, and, second, to fix the responsibility for the negligent failure to recapture him after his escape. That is all that committee had power to do under that resolution. The investigation of Hunt's action with reference to Bergdoll's escape was entirely proper, but it was not contemplated nor intended that there should be any investigation of Colonel Cresson's action in the matter of the prosecution of Colonel Hunt. Notwithstanding all of this and notwithstanding the fact that Colonel Cresson was not given an opportunity to appear before said committee a large part of the report of the said committee was devoted to criticism and denunciation of Colonel Cresson's alleged failure to prosecute Colonel Hunt. This report was filed in the House, but never acted upon, and I learn for the first time to-day that it was through the efforts of the gentleman from Texas [Mr. BLANTON] that the same was inserted in the CONGRESSIONAL RECORD. It is now being brought up again in this Army appropriation bill.

I will now read you parts of the address of Colonel Cresson in the court-martial trial, and after I have done so I want to refer to some of the statements made in the report of the congressional committee.

Mr. JOHNSON of Kentucky. Will the gentleman read Colonel Cresson's opening remarks?

Mr. WURZBACH. Yes; that is the very thing I am about to do.

Mr. JOHNSON of Kentucky. And that is the very thing I want the gentleman to read.

Mr. WURZBACH. And I want the gentleman from Texas [Mr. BLANTON] to hold before him the report that he has mentioned and note what portions were taken out of Colonel Cresson's speech and what was omitted from the speech, because the parts omitted qualify and change in toto the substance and meaning of the parts that were put into the report.

Mr. JOHNSON of Kentucky. I would like to ask the gentleman a question which has been asked and answered in a part of the time he has taken, and that is if he thinks the entire record should have been put into the report in view of the fact that the entire record and Colonel Cresson's speech were put in the record.

Mr. WURZBACH. The speech of Colonel Cresson was not put in the record, and I think, in view of the fact that he requested it, it should have been done; it was not a very long speech, and I think it might have been put in; in fact, this report states that it is a part of the record.

Mr. JOHNSON of Kentucky. If that is correct, then the word "report" was inadvertently used for "record."

Mr. WURZBACH. Well, that is a fact. I will now read Colonel Cresson's opening remarks in part submitted to the court before the introduction of testimony:

Briefly, the issue in this case, stripped of any phraseology, is that Lieut. Col. John E. Hunt, being commandant, did not use sufficient precaution in guarding prisoner Bergdoll, especially in not having a commissioned officer accompany him, in view of the circumstances contained in the letter signed by Col. Julius Penn, and in not handcuffing the prisoner and in not sufficiently instructing the guard; that on account of such neglect and lack of care and prudence on the part of the accused, Colonel Hunt, the prisoner was enabled to escape in Philadelphia, and did so escape, on the 21st day of May, 1920.

The Government disclaims, and personally and on behalf of the prosecution, any idea of there being anything crooked or any collusion on the part of Colonel Hunt in this matter, or that any money was used, the only charge in the matter being simply a neglect of duty and failure to take due precautions in the matter.

I have called attention to these remarks because of the fact that particular attention was called to the last paragraph by the report of the congressional committee, and I have included the first paragraph in order to explain why Colonel Cresson made the statement contained in the latter paragraph.

I will now read from the court-martial proceedings, beginning on page 302 thereof, portions of Colonel Cresson's remarks after the evidence was all in and the cause was submitted to the court.

PROSECUTION (Colonel Cresson). May it please the court, on behalf of the prosecution, it becomes my duty to sum up and endeavor to place before this court the facts and the evidence on which the Government relies—on which we honestly and earnestly ask a verdict of guilty on the charge and specification.

Of course, the court realizes, as everyone does, that it is not a pleasant duty that devolves on the prosecution in any case, civil or criminal, to come before the court and ask that a brother officer be punished, or be admonished, or held guilty of a neglect of duty. But the prosecution has tried to do its duty in this case, proposes to do it now, and leave it to you gentlemen of the court to do your duty under your oaths.

As I stated in the opening of this case, I want to state again that the prosecution does not for a minute think, nor does it intimate, nor does it care to have anyone think or intimate, that Colonel Hunt in any way wanted Bergdoll to escape, that he colluded in the matter, or was in any way in any conspiracy. We realize that to-day Colonel Hunt is probably the sorriest man of all that this man did escape.

Mr. JOHNSON of Kentucky. That is the part I wanted the gentleman to read.

Mr. WURZBACH. Well, I have read that and I am going to comment on it. I think that was a most appropriate statement to make, especially in view of the fact that in the charge and specification under which Colonel Hunt was prosecuted—and the specification and charge were prepared here in Washington—there is not one syllable or allegation claiming that there was any collusion; that it was purely a matter of negligence. I have those specifications and that charge in this court-martial proceeding, and I will also ask that they be incorporated in the Record.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to insert the specifications and charge in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. WURZBACH. Major Cresson continues right after that:

But we do maintain that the accused in this case did not use the proper, necessary precautions that he should have used in this particular case under the advice and instructions that he received.

In this case we are not trying whether the method of governing any prison is right or wrong, whether the conscientious objector is a valued institution in this land or not; we are not trying the policy of the War Department; we are not trying the policy in any barracks.

Colonel Hunt has a fine record as a prison officer, and the Government is not denying that. We are not trying The Adjutant General of the Army for having issued the order. We are not trying the sergeants for having let him escape. Whether or not they are guilty is for another court to decide if they should be tried.

The only issue in this case is, Is Colonel Hunt guilty of that degree—we might use it to follow counsel for the defense in his flight in civil law—of "contributory negligence" as to constitute him an accessory before the fact, and to make him guilty in failing to use precautions charged as necessary in this case?

I am just picking these things out at random, but I am going to have the entire speech inserted in the RECORD, and I trust all the Members will read it. At another place he says:

Colonel Hunt puts people on the stand to tell you what they would have done, that they thought they would do what he did, and therefore that he did use sufficient force. Gentlemen, there is no use arguing a hypothetical question on this.

The system or practice that prevailed at that institution had been cited as an excuse for Colonel Hunt's conduct, and Cresson here is making light of that defense.

The physical facts show that Colonel Hunt sent that man to Philadelphia, and that the prisoner is gone. Sufficient force was not used.

He goes on further and discusses the question of the good record of Colonel Hunt, and I would like to have the gentleman from Kentucky [Mr. JOHNSON] hear this. They complain of the fact that this was not a vigorous prosecution on the part of Cresson and as an evidence of that fact refer to the fact that Cresson refers to the good character of Hunt and his previous good character as an officer. Major Cresson goes on and says this in his address:

There is no doubt about it. The question of the good record of Colonel Hunt, however, is a question that goes to the question of clemency, a question for the reviewing authority after a verdict of guilty, but not to the question of was he guilty or not guilty in this particular case.

At another point he refers to Lieutenant Heffernan, who was counsel for the defense, as follows:

Lieutenant Heffernan said had the guards been watchful, had they done their full duty, this man would not have escaped. Possibly he would not. Guards do not always stay where they should. But what caused the guards to relax in their duty? It was due to Colonel Hunt. The question of handcuffs was brought up and Colonel Hunt said to the man, "You do not even have to take handcuffs; this man is a model prisoner"—that he told you about—and "he will not escape." He paid so little attention to it that he sent out this expedition and only instructs one sergeant. He did not instruct both sergeants. He tells it to only one sergeant and takes the chance of the orders being boggled in transmission.

All the time pointing out the neglect of Colonel Hunt in not giving proper instructions to these sergeants, and only giving one of the sergeants instructions, and then he says:

And the only place where there is much of a conflict in the testimony in this case between the prosecution and the defense is as to what Sergeant O'Hare thought, and it is clear to every man in this court that Sergeant O'Hare got the impression from Colonel Hunt that Gibboney was to tell him what to do; that he was to go to Gibboney. He only had \$15 and could not have come back should he wanted to unless he had gone to Gibboney or gone to Bergdoll.

I want you to note the strength and the force of the argument that Major Cresson is making against Hunt, and I challenge gentlemen of the House, after hearing his words, to reconcile such a speech with a failure to vigorously prosecute Hunt. It has been intimated that there was not only a failure to properly prosecute but also corruption is charged on the part of Colonel Cresson, an honored officer in the Army of the United States.

Major Cresson continues his argument as follows:

By Colonel Hunt's actions those two sergeants were put down there in Philadelphia absolutely at the mercy of as pretty a set of crooks that ever got loose, and as the result the prisoner gets away. They were put in the hands of men who have been indicted—some of them—by the grand jury in Philadelphia for conspiracy in this case and another man who has been reprimanded.

As I said a while ago, the men he now refers to were later prosecuted by Colonel Cresson.

Those two ignorant sergeants were left to match their wits with a trio of sharpers, the likes of which we have never run across before. They were disarmed. They were disarmed by what Colonel Hunt told them and by his actions in the matter.

They did not have the two letters that Colonel Hunt had had relative to the guarding of this man. They were not fully advised, and yet even the War Department's suggestion that an officer accompany this guard was not followed by the accused.

I want to mention right in this connection that the two letters therein referred to were written in the judge advocate's office at Governors Island. They were written at the suggestion of Colonel Cresson, and those letters were written to Hunt and called Hunt's attention to the dangerous character of this man Grover Bergdoll and warned him, which shows that at that time Cresson was using every effort to bring about a proper guarding of this man. He was not content with that. He also went on the witness stand in this case and testified to those facts, stating that he had secured the writing of these letters, and also testified to his complaining of the laxity in the guarding of Bergdoll during the time of the trial about March 4. Then he goes on in his argument—

Colonel Hunt said that the only directions in this case, the only orders he had, were the orders contained in this letter signed by Colonel Penn, the adjutant general, and he was not going to follow the intimations, the suggestion, contained in that letter. In other words, he followed out just what he wanted to; those that he did not want to follow out he did not.

He did not follow out the suggestion as to a commissioned officer. There was a commissioned officer there on duty, Captain Shackford, I think the name was, who said he was acting as adjutant. Certainly if he was capable of acting as adjutant he was capable enough to go down there, and that would have left Colonel Hunt and Major Humphrey, and one or two officers up there. Captain Shackford was also there, and he could have gone. He is a line officer, and as a line officer, not on sick report, he could have gone.

There is not a single line anywhere in these instructions that would prohibit or inhibit the use of handcuffs. The only thing here is to keep this confidential and not divulge the purpose of the expedition, and that purpose as shown by the other letter was to dig the gold. Of course, it was not expected that some people would not see Bergdoll. That is the situation.

"Take your handcuffs—handcuff him whenever necessary—watch him, for he is a slippery customer." Had Colonel Hunt used any such proper language—the words that the old sergeant used—"Don't let the blankety-blank get away"—this situation would have never occurred. But they were not used. The sergeants were disarmed.

They went down there. What did they do? They were to meet men with fine records—they had confidence in Mr. Gibboney—they expected to do as he told them to—Mr. Gibboney was really in command of that expedition—and they expected to do anything that he wanted. And Sergeant O'Hare was mixed up. He thought the main trip was to Washington to see Mr. Samuel T. Ansell and get a pardon down there. It was not beaten into him what his duty was in this case—that is the whole point as to Colonel Hunt's negligence.

What is the indictment? The charge and specification show in this case, as the record also shows, there was prepared and forwarded to this officer, the accused, two letters which Colonel Hunt denominated as being a great deal of "bunk."

I now want to run through the case briefly to show you that the prosecution has proved every word and line.

"You will complete such arrangements as may be necessary with the counsel for this prisoner, and will send him under suitable guard."

What was the suitable guard? In this very letter that came to him the suggestion for a suitable guard was that they be accompanied by a commissioned officer.

Had handcuffs been taken down there in conformity with the suggestion in the letter of Colonel Weigel, had a suitable guard been sent, there would have been no trial to-day of Colonel Hunt, there would have been no intimation that he was neglectful of his duty, that his acts tended to bring discredit upon the military service and were to the prejudice of good order and military discipline. You gentlemen know

that when an officer is advised by the adjutant for the commanding general, directed by the commanding general to do a certain thing, and then by The Adjutant General of the Army, and neglects all those directions, he neglects them at his peril.

"Under a suitable guard to accompany at least one of his counsel to such places as may be necessary"—places referred to in such letter—and wherein it was also suggested that an officer accompany the guard. That is the suitable guard that is charged in this count.

"Did at Governors Island on or about the 29th day of May, 1920, having been previously advised, informed, and warned that said Bergdoll was a prisoner of dangerous character and likely to attempt to escape from restraint at the first opportunity, suffered and permitted, in spite of said advice, information, and warning, and in violation of and contrary to the custom of said barracks prevailing in like cases, said prisoner Bergdoll to leave said barracks on the date aforesaid not properly and suitably guarded, in view of said information and warning"—that is, not with a commissioned officer, not with handcuffs, not with the two guards properly instructed.

Let us go back to the letter. When this man Bergdoll escaped—it was common talk here and generally known all over the island he would do so at the first chance—these are the things proven in this case: Colonel Hunt was not tried for the escape of the other 12 prisoners, but for this thirteenth man he is. And why? Because in this specific case, on account of the notoriety of the man escaping, on account of the character of this man—not the danger that he would kill anyone; nobody ever thought that that miserable, contemptible slacker who deserted his country in the hour of need would kill anybody; men of that stripe of yellow are not dangerous in that way. He was dangerous as to trying to escape; he was dangerous as trying to escape from control, as he has shown, and as he has done.

In the letter of January 20 there is not a line about any man not coming back from the hospital. It warns him of the reputed dangerous character—the escaping character. There is nothing here that he was going to kill anybody, but to watch him; and it says, "Until the trial of Bergdoll it is the request of the department commander that Bergdoll be not permitted to leave the disciplinary barracks unless in response to a written request signed by the department adjutant or one of his assistants . . . and not intrusted to the sole custody of the trial judge advocate," but always guarded.

Then what comes up? The question came up about the man being brought down here to court-martial, guarded by a sentinel equipped with only a stick, and General Weigel writes a letter calling attention to the other letter. "The department commander directs"—and we are not trying Colonel Hunt for a disobedience of this order. If so, there might be some technical question of whether the barracks was within the jurisdiction of the department commander. This was merely introduced in evidence in this case to show that Colonel Hunt, as commandant of that barracks, had notice of the dangerous, escaping character, the slippery elm character, of Grover Cleveland Bergdoll. Specific instructions were given. This letter is written and is dated after he was taken from the island, after Colonel Hunt had been advised, after the carrying of this man over to New York City on his application for a writ of habeas corpus, that he had been handcuffed. He had been brought down without any handcuffs, and they were using the handcuffs of the civil authorities. There was not any way to handcuff him then provided by the accused, and, the evidence shows, that was done at my request, because I did not want to take any chances on that fellow escaping. We handcuffed him, we took him over, and we brought him back. And Colonel Hunt sent him down without handcuffs, without sufficient guard, and he is gone, and the Army is a laughing stock to-day. That is the contrast between the actions of an officer of the department judge advocate's office and the commandant of the barracks. We will face the issue and meet the contrast.

In addition, his character had been reported by the police authorities.

As to the guard contemplated by the instructions. "And then and there failed and neglected to instruct said guard or either of them to handcuff said prisoner, or to direct that said guard be provided with handcuffs for that purpose in case of need therefor, and failed and neglected to give said guard, or either of them, sufficient and adequate instructions as to their journey, the care and safeguarding of the prisoner, and their course of conduct," and O'Hare and York testified on the stand that York was not even seen by Colonel Hunt, so it rests entirely on what he told O'Hare. The only idea O'Hare had was to go down there and meet Mr. Gibboney in Philadelphia, that was about all he got from the instructions, and after that to do anything Gibboney said. He had those two careful old sergeants going around riding in an automobile all one afternoon, going to the theater in the evening, playing pool with the prisoners.

Colonel Humphrey on the witness stand said that the seventy-third article of war tells you everything, and the seventy-third article of war tells you the offense those sergeants committed in permitting the prisoner to escape. The seventy-third article of war is merely a way of "passing the buck" from Colonel Hunt to those

sergeants, and if the sergeants were on trial they might possibly "pass the buck" back to somebody else. There was not any passing of the buck in the testimony of that sergeant. He told you what he did. The prosecution in this case does not want to "pass the buck" from Colonel Hunt to those sergeants. Let each bear his share, and they can all be guilty, Colonel Hunt for failing to instruct them properly and for failing to supply those handcuffs. If Colonel Hunt had instructed them properly and they had been supplied with handcuffs they might not have brought back Bergdoll, arguing the hypothetical question, whether or not there was sufficient force used.

But there is no hypothetical question in this case. It is a physical fact that you can not get away from. Bergdoll, the slippery, dangerous prisoner, serving a five-year affirmed sentence, with every desire to get away, got away. He is gone, he is not back, and he is gone because he was sent to Philadelphia. Those guards were improperly instructed by the accused in this case, and "by reason of which carelessness, negligence, failure, and neglect of duty in the premises" on the part of Colonel Hunt, said prisoner escaped from the custody of his guard.

That is the whole charge in this case. Every bit of it. And the prosecution believes it has made a case out on that line.

We believe honestly that we have done our duty and shown to this court Colonel Hunt's negligence, that he knew of the bringing of this man here in handcuffs, and the general publicity, had knowledge that the only way to handle him properly was as was done when the man was on trial; the letter written in January, and the subsequent letter, all bringing home notice to Colonel Hunt that this was a special case and needed special attention.

One of the sergeants on the stand said that with a man like that he certainly would have handcuffed him. One of the sergeants on the stand testified to that—not O'Hare. All the evidence brings it home to the accused, especially the letter, to which the main defense by the accused is that it was outside of the jurisdiction of General Bullard. He is not being tried for a violation of an order of General Bullard.

Did that give him notice? Was the letter signed by Colonel Weigel, Chief of Staff, of sufficient worth to put a man on notice of the dangerous escaping character of this man? It was not the statement of a mere "fly-by-night."

It has been suggested that possibly Mr. Gibboney should have been called as a witness in this case, and the prosecution wants to state why he was not, so that it will be on record why this was not done. When I represent the prosecution, put a witness on the stand, I want to be able to vouch for his good character, his reliability, and his credibility, and I could not put, and would not put Mr. Gibboney on the stand, vouch and stand sponsor for what Mr. Gibboney would tell this court. It might have been, probably he would have "passed the buck" and unloaded on Colonel Hunt, and I do not think the prosecution would have gained a thing if Mr. Gibboney had done that.

Gentlemen, I would not try—I would not attempt to wring a verdict even from a jury by oratorical effort, or an impassioned plea, and certainly I do not think it proper in a court-martial. I think it proper to present the case dispassionately, giving all credit for everything that is due to the defendant, as I have endeavored to do in this case. I have sympathy for Colonel Hunt. He has a fine record, has been retired as a colonel. Colonel Hunt has indeed made a magnificent record as an officer and as to the care of some prisoners. But that is not the question in this case. All that goes to clemency. I am glad to be able to say that no one can throw any suspicion of crookedness on the part of Colonel Hunt in this matter. I want to be well understood by the press and everybody else that this is a technical violation, such a violation of military law as to bring discredit on the military service and prejudicial to good order and military discipline.

I am going to ask you gentlemen by your verdict of guilty in this case to say, so that all officers will know, when the adjutant, when the commanding general, and when the chief of staff suggests to them a certain line of action that if they do not follow that line of action, it is at their own peril. Colonel Hunt had his choice; he is responsible for the acts of his agents and he is responsible for his own actions. He was warned and he deliberately made his choice.

On behalf of the United States Army, on account of these regulations, and for the sake of good order and military discipline, I respectfully ask you gentlemen for a verdict of guilty of the charge and the specifications.

I thank you.

I have called attention heretofore to the fact that Major Cresson not only vigorously prosecuted Colonel Hunt but also did the rather unusual thing of testifying for the Government against the accused, and I now present the following excerpt from the court-martial proceedings appearing on pages 102, 103, and 104:

It is generally rather bad practice for a prosecuting attorney in any case to testify, but owing to the exigencies in this case, and the fact that I happened to be prosecuting attorney and Captain Hannay as-

stant in the Bergdoll case, and some matters came up then directly bearing on it, I deem it my duty to be sworn and testify in this case as to those facts.

Lieut. Col. Charles C. Cresson, judge advocate, a witness for the prosecution, was sworn and testified as follows:

Questions by prosecution:

Q. What is your full name, rank, organization, and station?—A. Charles C. Cresson, lieutenant colonel, Judge Advocate's Department, assistant judge advocate, Eastern Department, stationed at Governors Island.

Q. Do you know the officer on trial in this case?—A. I do.

Q. State who he is.—A. Lieut. Col. John E. Hunt, Infantry, retired, now on active duty.

Q. Do you desire to make a statement before the court in this case?—A. I do; in connection with the question of notice, I desire to state that as trial judge advocate of the general court-martial, which tried Grover C. Bergdoll in this room—trial began on the morning of March 4—at that time the prisoner, Bergdoll, was brought down here guarded by a man with a stick—I instructed Captain Hannay to telephone about the matter, or endeavored myself to take the matter up with, I think it was, Major Humphrey, but I think Captain Hannay reached him or the adjutant and complained about the matter; that was on Thursday, the 4th. The court-martial adjourned over the 5th, and we went from Governors Island to New York City on a habenas corpus which was sued out by Bergdoll, to appear before Judge Hand at the hearing of the writ; the prisoner was then brought down. I found him down there with two sentries, not handcuffed. I objected and instructed Mr. Sparks over there in the court to handcuff him and to use his own handcuffs in bringing him back. They brought him back here and took him back to the court again that afternoon. At that time it was his open boast that "an hour's liberty and there would be no court-martial." The next day was Saturday. The prisoner came down here guarded by a soldier with a stick. I then took the matter up again with Colonel Gullion and with General Weigel, the chief of staff, and stated that I had been advised by police officers of Philadelphia; by John O'Connor, of the Department of Justice; and others of the dangerous character of this man. I had investigated his police record. It was evident that he would get away on the first chance, and it was an open boast that "an hour's liberty and there would be no court-martial." Colonel Gullion then took it up and an order was issued, signed by General Weigel, that whenever he was moved away from the island to have him handcuffed. The first letter was written by Colonel Gullion in our office, on information and complaint possibly that originated with me on account of the man having come back from the hospital without a guard. The guard was with him and left him, and he came back without a guard. I do not think there is anything further I have to state now.

Questions by defense:

Q. At that time, Colonel, the Twenty-second Infantry could have provided all the guard that your department considered necessary, couldn't it?—A. I do not know, Lieutenant Heffernan, whether it could or could not; I do not know.

Q. Couldn't the department commander give any order he wished to the commanding officer of the Twenty-second Infantry?—A. I assume he could; certainly.

Q. There is no question that he could have provided within the department all the guard that he needed?—A. Certainly he could; he could have ordered out a battalion if he wished, but the man was in the custody of Major Hunt, as commandant, holding him for us; they were guarding him for us, and we were responsible up to March 30, when the general approved that sentence. Before that we were responsible for him, and I did not want him to get away when I had anything to do with it.

In closing I wish to offer for the consideration of the Members of the House the following statement of R. L. Bullard, major general, United States Army, in command of Second Corps Area at the date of the trial of Colonel Hunt, as follows:

HEADQUARTERS SECOND CORPS AREA, GOVERNORS ISLAND,
New York City, August 23, 1921.

Maj. Charles C. Cresson, judge advocate, prosecuted for the Government the charges against Maj. John E. Hunt, in connection with the escape of G. C. Bergdoll, draft deserter. I noted especially Major Cresson's zeal and interest for the Government in this case. It seemed to me too great. It was so strong that I felt it necessary to caution him to feel less personal concern in the prosecution of the case, and that he should limit himself to doing his official duty (without too much of such personal concern) as laid down in the Army regulations and military law. Laxity in prosecution of the case, which took place at my headquarters, nowhere appeared to me either in the actual fact or in the report of the case.

R. L. BULLARD,
Major General, United States Army.

I also present for the consideration of my colleagues copy of resolutions adopted by Alamo Post, No. 2, American Legion, San Antonio, Tex., which I received through the mails this morning:

HEADQUARTERS ALAMO POST, NO. 2, AMERICAN LEGION,
San Antonio, Tex., March 17, 1924.

Whereas an attempt is now being made to obtain the passage of a provision in the Army appropriation bill now pending in Congress which would withhold the pay of Maj. Charles C. Cresson, a member of this post, a respected citizen of this community, and an officer with a long and honorable record of faithful service in the Army of the United States; and

Whereas the sole basis or excuse for this attempt is the wholly unwarranted, unfounded, and unjustifiable accusation that Major Cresson was lax in the prosecution of Colonel Hunt on charges growing out of the draft evasion of Grover and Erwin Bergdoll, who were prosecuted and convicted by Major Cresson; and

Whereas the plain facts, as apparent from the record of the Hunt trial and the uncontroverted statements of every unprejudiced person connected therewith and familiar with the facts, show conclusively that Major Cresson was not only in no way lax in the prosecution of the said case but that his zeal therein was so great as to elicit from his commanding officer, Maj. Gen. R. L. Bullard, in command at Governors Island at the time of the said prosecution, the following statement in connection with the Hunt and Bergdoll cases:

"I noticed especially Major Cresson's zeal and interest for the conviction of these cases. It seemed to me too great. It was so strong I felt it necessary to caution him to feel less personal concern in the prosecution of the cases and that he should limit himself to doing his official duty, without too much personal concern, as laid down in Army regulations and military law"; and Whereas this is the second of what appears to be a series of persistent efforts, all evidently coming from the same ultimate source and obviously inspired by the sinister design of the convicted Bergdolls to carry out their threat to destroy the good name of Major Cresson in revenge for the zeal which he showed in prosecuting and convicting them, the first attempt having been made before a congressional investigating committee over two years ago, at which time Major Cresson was denied, as he is now denied, an opportunity to be heard in his own defense: Now, therefore, be it

Resolved, First, that we hereby ratify and reaffirm the resolution passed by this post on the occasion of the former attack on Major Cresson, a copy of said resolution being hereto attached.

Second, That we, as members of the American Legion and as American citizens, unqualifiedly condemn as a violation of constitutional right, justice, fairness, and every principle for which we stand the obviously malicious and wholly unjustifiable attempts that have been and are being made to destroy the well-merited reputation of a man whose character we know to be above reproach and whose record as an officer and a citizen is unimpeachable, and to deprive him of remuneration to which he is justly entitled without even giving him an opportunity to be heard in answer to the charges against him.

Third, That we regard it as a compliment to Major Cresson, and as an indorsement of our own high opinion of his integrity, courage, and fidelity to duty, that he has incurred the enmity of the persons immediately and ultimately responsible for the said attacks upon him.

Fourth, That copies of these resolutions be transmitted to State and National headquarters of the American Legion, with the request that appropriate action be taken, since this matter is not merely local in its scope, but grows out of, and is an incident of, a matter of national importance, in which the American Legion as a national organization, as well as every patriotic American citizen individually, remains vitally interested, and that a copy be also transmitted to each member of the House Appropriations and Military Affairs Committees and to each representative from this State in the Senate and House of Representatives.

CARTER J. LYNCH, Chairman,
LEO BREWER,
C. N. DICKSON,
W. B. LOUGHBOROUGH.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. WURZBACH. Then I will continue my remarks where I left off when the bill comes up for amendment under the five-minute rule. [Applause.]

Mr. HOWARD of Nebraska rose.

The CHAIRMAN. For what purpose does the gentleman from Nebraska rise?

Mr. HOWARD of Nebraska. I rise for the purpose of asking unanimous consent that this Member of the House be permitted to continue. He is speaking in the defense of a friend, and friendship is too scarce in this world, and I would like him to have an opportunity to proceed. I will give him my time.

The CHAIRMAN. Unfortunately the time is divided between the gentlemen representing the two sides, and the Chair has no control over it.

Mr. HOWARD of Nebraska. I know the Chair would give it if he could.

Mr. ANTHONY. I yield 10 minutes to the gentleman from New York [Mr. WAINWRIGHT].

Mr. WAINWRIGHT. Mr. Chairman and gentleman of the committee, if there is one lesson of the World War which stands out with impressive clearness and force, it is the vital necessity in advance of war and in time of peace of making preparation along the industrial side of warfare. As all know, the lack of provision in this regard was a source not only of delay and greatly increased cost, but, had the conditions been otherwise, without allies to hold the sea and the battle lines while we were preparing, it might have been the source of great embarrassment, if not discomfiture. In refashioning the national defense act after the World War to write into it the lessons of our experience, no subject more seriously engrossed the attention of Congress than that of making some provision to insure adequate supplies in time of war.

The principle that the whole matter of procurement of supplies for our military forces, both in peace and war, was a business rather than a purely military function was recognized. The control of supervision of this task had previously never been definitely fixed. In consequence the Congress wrote into the national defense act section 5 (a), imposing the responsibility of this supervision and control upon a civilian official, the Assistant Secretary of War, really raising that office to one of great importance. The Assistant Secretary of War was thereby charged not only with supervision of the procurement of supplies generally, but was made responsible for preparing plans in time of peace for industrial mobilization in time of war, or, in the words of the statute, with—

the assurance of adequate provision for the mobilization of matériel and industrial organizations to meet war-time needs.

This latter responsibility marks a turning point in our political and military history, for it recognizes the importance of planning for war on the industrial side, something to which little thought had been given before the World War in any country. Even militaristic nations like Germany had not studied this subject further than to estimate and keep on hand war reserves to carry them through an anticipated period of hostilities. The result was—quite contrary to general belief—that Germany was at a standstill after the first battle of the Marne for artillery ammunition and many other supplies just the same as the Allies were. On account of the thorough business organization which Germany had built up as a part of her world-wide ambition she was able to get into quantity production more quickly than either England or France.

It was my privilege to have been the first Assistant Secretary of War to be charged with this responsibility. When I left the War Department about a year ago this work had been in progress about 16 months, and during that time and since so much of fundamental character has been accomplished that I have deemed it not inappropriate to take advantage of the opportunity accorded by general debate upon the Army appropriation bill to give you some information on the subject and to call your attention to the vital need of further legislation on the side of industrial preparedness. There is, I believe, a very general misconception of the scope of the national defense act as a means of preparing for war. So far as any real or complete preparation for war is concerned the national defense act merely scratches the surface of the subject.

To be sure, it provides for a flexible and an expansible organization of the Regular Army, for drafting of the National Guard, for a properly organized General Staff, and for the creation of an Officers' Reserve Corps; it recognizes the principle that the supervision of procurement of supplies, as distinguished from their care and distribution, is a business proposition, and places this responsibility and that of preparing plans for industrial mobilization upon the Assistant Secretary of War; it authorizes the placing of compulsory orders for munitions, and provides means for procuring a nitrate supply. It will thus be seen that it makes no provision for actually mobilizing either the man power or the industrial resources of the country. It provides for the making of plans, but practically stops there. The successful waging of a great war, of course, as we now know, requires not only the mobilization of an army but of the whole Nation as well.

In any event, success will depend on four kinds of mobilization; first, of morale; second, of money; third, of men; and fourth, of munitions. Before we can intelligently plan for war we must ask ourselves what we have and what we re-

quire as to each of these. Much might be said of each of these elements, but, due to limitations of time, I would pass over the first three, except to say that in another emergency I hope we will find the principle firmly imposed upon the hearts and minds of our countrymen that there shall be no profiteering on the part of capital or labor or any other element of the population. [Applause.] As President Harding said in his inaugural address:

There is something inherently wrong with the democracy which sends its young men to war and at the same time gives their fellow countrymen at home the opportunity to make enormous profits.

[Applause.]

As to the mobilization of men, I hope it will not be long before we shall, in time of peace, write into our law the principle of selective service. Such a system would become operative, of course, only when war has been declared, and Congress—depending upon the emergency—had authorized it to be used. Failing to provide such a law will result, in the beginning of any war, in the flower of our young manhood leaving their tasks and volunteering, thereby throwing industry and the country generally out of gear, economically, at a time which we should expect the maximum efficiency in our economic life. The adoption of the selective-draft principle would make our people conservative in the matter of declaring war, because it would splash with blood the door post of rich and poor alike, and no man could shout for war on the theory that his neighbor would have to fight it.

The mobilization of man power and the mobilization of industry are, of course, twin problems. Man power alone can not win the war; munitions alone can not win the war. It is only when our fighting forces are properly, adequately, and punctually supplied with munitions that they can win the war. The mobilization of man power and the mobilization of industry must proceed hand in hand. The problem of industrial mobilization is to insure, so far as foresight may make possible, that our industrial establishments, our factories, and other sources of supply shall upon the outbreak of war turn as rapidly as possible from peace-time tasks to the production and creation of those things required for war effort. The rate of mobilization of our men and the speed with which they may be called to the colors and trained and sent forward must be regulated by our ability to supply them with munitions and all essential things they will require. The Army and Navy must have priority or first call upon all facilities for production. Of course, this call and the load so placed must be so adjusted that the essential needs of the people shall be disturbed or impaired only so far as necessary. In the comparatively short time since this work was started the following are some of the things that have been done:

There has been established in the office of the Assistant Secretary a central organization, and in each of the great supply branches of the Army a similar organization charged with the preparation of plans for obtaining munitions and all other needed supplies. The needs of the Army for a major war have been definitely defined and computed, something that has never been done before. The first real tentative mobilization program laid down in the history of our Government was given to the supply branches of the Army by the General Staff in October, 1921. General plans for industrial mobilization based thereon have been worked out, starting with the fundamental principle that the War Department must be able to state to industry what it wants and the rate of delivery. The War Department has figured out these requirements in the hundreds of thousands of items involved, has set up industrial procurement districts, and for some time since has been making the necessary survey of the industrial field to see how such requirements can best be met. Supply branches of the Army are now breaking these requirements into raw materials to determine where shortages may occur, and they will soon begin estimating requirements in power, labor, and transportation.

In fact, what the War Department has done to date in planning for procurement of munitions in time of war is concretely set forth in the first of a series of notes entitled, "Notes of Industrial Mobilization," issued under authority of my successor, Hon. Dwight F. Davis, the Assistant Secretary of War, which I shall include in the record of my remarks under permission for their extension. The War Department, I believe, has done and is doing all that it can reasonably be expected to do under the national defense act.

But the execution of mobilization involves a very definite and drastic control of industry, as was forcibly demonstrated not only here but in all other countries involved in the World War, where controls were found to be absolutely fundamental. These controls may be grouped as follows.

First. Control of raw materials, including power to establish priority of access and conservation measures intended to safeguard them.

Second. Control of foreign commerce, essential in order to prevent the exportation of needed raw materials and to facilitate the importation of such as we may require; also it is necessary to prevent raw materials reaching the enemy.

Third. Control of prices: Prices must be stabilized to the utmost extent possible and must be controlled by agreement or by coercion in order to prevent this economic snowball getting started on its career.

Fourth. Control of food: If the price of labor is to be stabilized, there must be an ample supply of food at reasonable prices. Nothing affects the morale of a people so quickly as a shortage of food or inordinate price demanded for same.

Fifth. Control of fuel: Even with our colossal resources in fuel, a fuel administrator was found necessary in the World War for the purpose of conserving fuel and maintaining the output with a diminished labor supply. Keeping down the cost of fuel keeps down the cost of manufacturing and eliminates this item of prospective trouble.

Sixth. Control of power: This is closely associated with the question of fuel. Power, like transportation, is dependent on peace-time industrial development. The placing of heavy war orders in limited areas results in shortages of power which must be overcome and can only be foreseen and eliminated by a central control agency.

Seventh. Control of capital: We found it necessary to control capital during the World War not only by means of excess-profit taxes but by the creation of a capital issues committee to prevent the creation of fly-by-night corporations and their issues of stock. A War Finance Corporation for the purpose of assisting legitimate concerns to obtain necessary credit through the medium of the Federal reserve system, and a War Credits Board for the purpose of advancing to contractors part payments on their work were also found essential.

Eighth. Control of labor: Labor, of course, is our biggest problem in time of war as it is in time of peace, but the various agencies set up in the World War for the purpose of controlling and directing its activities warn us that such control is inevitable and must be judiciously but effectively inaugurated immediately upon the outbreak of war.

Ninth. Control of transportation: The experience of the World War in the matter of the control of rail transportation by the Government is still fresh in the public mind. That some control will be necessary is absolutely certain, because our peace-time transportation system can hardly meet the demands made upon it when the channels of trade are normal. When they become abnormal, as they inevitably must in time of war, nothing but the pooling of the rolling stock of the railroads can solve the problem. Just so far as we plan intelligently for such control in time of peace, just so far will we avoid the perils of Government management and possible ultimate Government ownership. But rail transportation, however important, is only one of our means of transportation. We must control ocean shipping, which will be easy so long as the Emergency Fleet Corporation is in existence. We must inevitably assume control in time of war of all ocean shipping under the American flag in order that we may keep our trade routes open and assure ourselves a flow of raw materials, for which we are dependent on foreign countries, as well as insure the transportation of men and munitions to possible theater of operations overseas. Our inland waterways must be utilized in order to relieve the railroads as much as possible of the strain placed upon them. Nor can we neglect the importance of highway truck transport as a part of any nationally controlled and coordinated system of transportation.

Tenth. Control of communications: Due to the efficiency of our communication system, there is less control required in this respect than in most of the others, but even with our efficient telephone and telegraph systems, as well as with growing cable and radio systems, there will be congestion and new installations, which only centralized control can direct. At the same time, there will be demands for voluntary censorship and publicity measures needed by the Government to keep the people advised, as far as possible, how the war is being conducted.

Intelligently administered, these controls, with industry loyally cooperating, can, like traffic policemen, keep the stream of raw materials flowing without congestion from the source to the finished product. All of these controls were exercised during the World War, but were only developed from the stern exigencies of the situation as the war progressed. I shall include in the record of my remarks a description of all the controls exercised with their methods of operation. Our experience and the enormously increased cost ensuing from

the lack of these controls in the early stages of the war make it our duty, I believe, to provide for each of these in time of peace so as to become available immediately upon the outbreak of a war. Now, what have we in this regard already? A rapid survey of laws heretofore enacted which have any relation to the mobilization of industry for war reveals the following:

(1) A Council of National Defense (act of August 29, 1916): This body can be useful in building up morale. The World War demonstrated that its advisory committee can not function properly, due to lack of executive power.

(2) Control of transportation: (a) The Army appropriation act, August 29, 1916, grants authority to the Federal Government to take over and operate any systems or system of transportation. (b) Authority to establish priorities in transportation for the distribution of troops and material. (Navy appropriation act, August 29, 1916.) No further authority is needed, therefore, to plan for the control of transportation, whether ocean, rail, highway, or inland waterway.

(3) Railway Labor Board: To adjust disputes between carriers and employees. (Act of February 28, 1920.) This legislation is quite insufficient to solve the question of control of labor in time of war.

(4) Obstructing war operations: Sabotage has been prohibited. (Espionage act, June 15, 1917.)

(5) Destruction of war materials: War materials have been defined and punishment provided for their destruction. (Act of April 20, 1918.)

(6) Explosives: Their manufacture, use, possession, and so forth, in time of war has been prohibited. (Act of October 3, 1917.)

(7) Patents: The Government is authorized during war to withhold patents detrimental to public safety. (Act of October 3, 1917.)

It will thus be seen that with the single exception of the control of transportation, which was inserted as a rider on the Army appropriation act in 1916, there exists no authority for a single one of the control agencies which I have indicated as necessary in order intelligently to mobilize industry in time of war.

Mr. McSWAIN. Mr. Chairman, will the gentleman yield?

Mr. WAINWRIGHT. Yes.

Mr. McSWAIN. The gentleman has been an Assistant Secretary of War and is a distinguished Member of this House. Does he not believe that Congress ought to proceed now to legislate?

Mr. WAINWRIGHT. That is what I am coming to. I am trying to impress upon the House that there is a great deal more vital legislation that is needed.

Mr. McSWAIN. Has the gentleman introduced any bill as yet? If he has not, I call attention to one that I have introduced—H. R. 3111.

Mr. WAINWRIGHT. I think I can satisfy the gentleman's feeling in that respect. I am just coming to that. There are pending before the House at the present time, as I was about to say, three bills—the so-called Johnson bill, the French bill, and the bill introduced by the distinguished gentleman from South Carolina [Mr. McSWAIN]—seeking to confer upon the President the power to set up all of these controls, and to control and mobilize industry in time of war and also to stabilize prices. I believe the enactment of any one of these will tend to give us all the control required. It certainly should be our duty to write into law effective measures to crystallize the experience of the late war to prevent a repetition of the confusion, waste, delay, extravagance, and unnecessary cost, now so fresh in our minds but which is liable to be forgotten by those who follow. At least, provision should be made for the intelligent consideration of this whole subject by some commission or body charged with that duty, in order to induce action at the next session if not at this session. We give praise to the soldiers who died, but of our obligations to see that their sacrifices are not in vain, except in the limited field covered by the amended national defense act, not a single thing has been done in the legislative field to write into permanent law any of the lessons of the World War. As General Upton said in his masterly analysis of the military policy of the United States:

Battles are lost beneath the dome of the Capitol and in the Cabinet councils and the executive councils, but, however lost, it is the people who pay and the people who die.

Now, let me direct your attention to another phase of the question and give you some facts and figures showing what the people have paid and are paying for our folly in not having prepared industrially.

Treasury disbursements, as a result of the war, from April 7, 1917, to April 30, 1919, not including loans to our allies nor the normal expenses of the Government, amounted to \$21,850,000,000. Quoting from Ayres's War with Germany:

The figure is twenty times the pre-war national debt. It is nearly large enough to pay the entire cost of our Government from 1791 up to the outbreak of the European war. Our expenditure in this war was sufficient to have carried on the Revolutionary War continuously more than a thousand years at the rate of expenditure which that war actually involved.

The expenditures by War Department bureaus were as follows:

	Expended to Apr. 30, 1919.	Per cent.
Quartermaster Corps:		
Pay of the Army, etc.	\$1,831,273,000	12.9
Other Quartermaster Corps appropriations	6,242,745,000	43.8
Ordnance Department	4,057,347,000	28.7
Air Service	859,291,000	6.0
Engineer Corps	638,974,000	4.5
Medical Department	314,544,000	2.2
Signal Corps	128,920,000	.9
Chemical Warfare Service	83,299,000	.6
Provost Marshal General	24,301,000	.17
Secretary's office and miscellaneous	33,367,000	.23
Total	14,244,061,000	100.00

Figures are for Dec. 31, 1918. Expenditures after that date were small.

War Department disbursements represent, therefore, about 64 per cent of the entire cost of the war. The total for the War Department alone about equals the value of all the gold produced in the whole world from the discovery of America up to the outbreak of the European war. During the first three months of the war expenditures for the entire Government were at the rate of \$2,000,000 per day. During the next 12 months they reached \$22,000,000 per day. For the final 10 months—up to April 30, 1919—they rose to \$44,000,000 per day, or nearly \$2,000,000 per hour. But these figures, which stagger the imagination, are only the beginning. The last figures prepared by the National Industrial Conference Board show that the purchasing price of the consumer's dollar, based on wholesale commodity prices compared with July, 1914, is now 60.9 cents; that is, 39.1 cents is now taken out of every dollar spent by a consumer as a tribute to the World War. If we consider the employer's dollar, we find its purchasing value for different commodities as follows: Newspaper printing, 54.1 cents; book and job printing, 45.7 cents; paper and wood pulp, 45.2 cents; foundries and machine shops, 47.2 cents; electrical apparatus, 45.9 cents; agricultural implements, 45.5 cents; automobiles, 45 cents; hosiery and knit goods, 45 cents; meat packing, 44.4 cents; chemicals, 44.4 cents; leather, 43.7 cents; furniture, 43.3 cents; boots and shoes, 41.5 cents; iron and steel, 41.2 cents; paper products, 41 cents; rubber, 40.8 cents; cotton—North, 38.2 cents; cotton—South, 32.2 cents; silk, 37.7 cents; wool, 34.6 cents.

The country has shown widespread interest in the President's proposal to reduce the tax burden of our people \$300,000,000 annually. This represents just about one week's expenditure of the Government during any one of the last 10 months of the war.

That the Nation, that Congress, and even the Army had not realized the complexity and magnitude of the business side of war must be our excuse for the past. But for the future, what excuse can be offered if we permit a repetition of those errors which we now foresee and might avoid? As President Adams once said:

The national defense is the cardinal duty of the statesman.

What excuse will we have for neglecting our obligation under the Constitution to "provide for the common defense." [Applause.]

[By unanimous consent, Mr. WAINWRIGHT was granted leave to extend his remarks in the RECORD.]

NOTES ON INDUSTRIAL MOBILIZATION.

The national defense act, as amended June 4, 1920, establishes the broad outlines of a military policy for the United States. Under the provisions of this law the Army of the United States, consisting of the Regular Army, the National Guard, and the Organized Reserves, is at present organized, trained, administered, and supplied. Congress, in amending the national defense act, made a fundamental change in the business organization of the War Department. The Assistant Secretary of War, under the supervision of the Secretary, is now charged with the control of policies affecting the business administration of the Army.

The duties of the Assistant Secretary of War are defined in section 5a of the national defense act. As prescribed therein he has two distinct functions: First, he is responsible for supervising the procurement of all military supplies for the War Department and other duties relating thereto; second, he is required to see that adequate provision is made for the mobilization of material and industrial organizations. The statute says he shall be charged with "the assurance of adequate provisions" for industrial mobilization, but this must be taken to mean that he is responsible that adequate plans are made.

Wars are no longer fought by the armed forces alone. Every man, woman, and child, every resource and every dollar in the entire Nation must throw its weight toward victory in time of war. Industry alone can not win a war; but it can lose a war by failing to supply the armies with munitions, vital to their fighting efficiency.

In planning for procurement of supplies in time of war, it is, of course, necessary to know what kind of supplies will be required, and how much will be needed. The General Staff indicates to the Secretary of War the military program which is believed adequate for any emergency and determines the types of equipment and tables of allowances. All questions affecting the procurement of supplies—that is, where they can be procured, who will procure them, the rate of production, and maintenance of an economical program—are determined under policies laid down by the Assistant Secretary of War, the business head of the War Department. The cost of the supply program must be estimated in order that Congress may know the extent of appropriations required and the Treasury Department may have the necessary data upon which to make plans for financing the war.

In this connection the War Department is giving most careful attention to the ways and means whereby profiteering may be controlled in time of war. The principle that the men at home shall not profit from war while their fellows are staking their lives and their health for their country is fundamental as a proposition of common justice. Such a policy was affirmed in a nation-wide referendum by the Chamber of Commerce of the United States during the World War and has been repeatedly commended as a principle of government by President Harding. It may, therefore, be regarded as a fixed national policy for the future.

An army requires hundreds of thousands of items of supply, many of which are a special design not produced commercially in time of peace. Before the War Department could approach industry in order to discuss production it was first necessary to standardize specifications for supplies wherever practicable. This has been done by adopting, as far as possible, commercial standards, thereby insuring quicker production and reduced costs. At the same time, it has reduced the large number of contract forms previously in use to one single form which is about to be adopted for all war contracts. The adoption of such a simple form should obviate many of the mistakes made in the World War by inexperienced buyers for the Government.

Plans for procurement do not stop with the determination of the finished article, but the War Department must go further and plan for the procurement of machines for the making of its matériel, for securing the necessary raw materials which might become critical in time of war, and for insuring an adequate supply of labor, of power, and of transportation facilities.

This phase of procurement planning goes beyond the strictly military features and merges into the broader field, which for want of a better term has been called "industrial mobilization." By this term we mean the conversion of the industrial effort of the Nation from peace production to war production in an orderly manner, so that supplies can be furnished promptly, economic losses minimized, and the return to normal economic conditions at the conclusion of the war facilitated.

In order that these plans may be complete it is necessary that the war requirements of the Navy, shipping, the railroads, and of the civilian needs be considered. Cooperation with the Navy will be accomplished by the recently created Army and Navy Munitions Board. It will be necessary in time of war to create an agency similar to the War Industries Board to coordinate the civilian demands with those of the Army and Navy.

The following indicates the steps which are being taken in working out a plan for the procurement of supplies for the War Department in time of war:

First. Having determined what will be required, it became necessary to figure out how much would be required. This necessarily depends upon the tables of allowances and the mobilization rate, which rate also determines when the supplies will be required.

Second. Having worked out in detail the amount of supplies required, it then became necessary to determine where and how they could be procured. This has been done by the establishment of procurement districts by each branch of the War Department, to each of which has been apportioned a proper share of the total requirements. A table showing the location of district headquarters for each of the procurement branches is attached hereto. In order to prevent competition among procuring branches, facilities requested by them

have been tentatively allocated for the purpose of procuring the supplies required. The officers in charge of procurement districts are engaged during the present war in making a survey of establishments required to meet the supply program.

There are seven supply branches in the Army. The Quartermaster Corps is responsible for the procurement of all subsistence and forage, all clothing, personal equipment, tentage and general equipage, fuel, oil, paints, vehicles, harness and saddlery, hardware, stoves, tools, furniture, mess equipment, cordage, construction materials, motor vehicles, marine equipment, repair machinery, laundry machinery, and all animals.

The Ordnance Department procures rifles, pistols, machine guns, artillery and ammunition of all kinds, fire-control instruments, target materials, grenades, trench-warfare materials, pyrotechnics, special motor vehicles, tanks, and tractors.

The Signal Corps procures communication equipment of all sorts, wire and cable, radio equipment, batteries, photographic and meteorological equipment, and pigeons.

The Corps of Engineers procures surveying equipment, lithographic and map-making materials, searchlights, bridges, railroad rolling stock, railroad shops, lumber for troops in the fields, and water-supply equipment.

The Air Service procures all airplanes and balloons, the engines thereof, aircraft bombs, special raw materials which are needed for its aircraft, such as spruce and airplane dope. It also buys special trucks needed for its work, lubricants, aerial signaling apparatus, and special aircraft armament.

The Medical Department procures hospital supplies; surgical, dental, and veterinary instruments; drugs, chemicals, reagents, and laboratory supplies; and all hospital equipment and furniture.

The Chemical Warfare Service procures war gases and their containers, chemicals, smokes, incendiary materials, gas masks, and other gas-defense equipment.

Each branch has a distinct problem. We have those branches of which the Quartermaster Corps is the chief representative dealing in vast quantities of supplies, mostly commercial in character. On the other hand, we have the case of the Ordnance and Air Service dealing in items which are either not produced commercially in time of peace or in such limited quantities as to have little effect upon war-time procurement. With the first class (those dealing in commercial products) the problem is merely one of stimulating production for which peace-time facilities already exist. The main thing in this connection is to see that specifications follow as closely as possible commercial standards.

The problems facing the Ordnance Department and Air Service are peculiarly critical. In the case of the Ordnance Department, the maintenance of war reserves is vital. While at the present moment we are fairly well off in this connection, 10 years or even 5 years hence we probably will be in much worse shape, especially in the matter of explosives. Weapons of war change rapidly and it is very difficult to forecast 10 years in advance the types that will be required. It is very unlikely that Congress will ever consent to appropriate in time of peace sufficient money to maintain a war reserve which military men would like to have in order to insure a more rapid mobilization. There seems to be, therefore, but one thing to do in connection with the ordnance problem, and that is to secure sufficient appropriations annually to keep the art of manufacture alive. This will involve placing annually "educational" or "experimental" orders with selected facilities, furnishing them with the necessary jigs, dies, gauges, etc., in order to encourage them to experiment in the manufacture of these noncommercial articles.

The Air Service problem is even more critical. It is wholly dependent upon an infant industry which offers considerable hope for the future, but which at the present time is in bad condition due to lack of interest in commercial aviation. Congress is considering proposals to encourage civilian aviation, and through some legislative stimulus of flying, as well as the encouragement of mail service by airplanes, it is hoped to encourage aircraft production so that it may furnish some foundation for expansion for war-time requirements.

The chiefs of the supply branches have assigned various officers of the Regular Army to the duty of making continuous studies of the problems of procurement and submitting professional papers on the subject assigned. Several hundred officers are now making these studies in addition to their regular duties. Some reserve officers also have agreed to make similar studies.

The general idea is that for each class of supplies, of which there are about 10 in each branch, there will be a small group of Regular officers and a group of reserve officers who are studying the question from various angles; this will give to each procuring service a number of officers who are well qualified to carry out the responsibilities of the service in procurement matters. In this manner Regular officers will learn something of industry; reserve officers and others engaged in industry will become familiar with the military features involved, and all working together will be able to prepare the necessary detailed plans and keep them up to date to meet any changes in probable war needs or industrial progress. As the planning develops, critical features

will become known and deliberate decisions can be made, the advice and judgment of men of great experience in industry being obtained on questions of major importance. The plans for expansion of personnel in time of war must go far beyond the personnel available in the Regular Army. By interesting reserve officers and patriotic civilians in this work, keeping them informed of the scope of the plans; and, in the case of reserve officers, calling them to active duty occasionally, a reserve of industrial staff specialists corresponding to the military reserve will be created. In this way the work of furnishing the expanded Army in an emergency with adequate supplies and munitions will proceed smoothly and without confusion as the work will be directed by men familiar with the war-time problem they are confronting and bring to it their special knowledge and training from civil life. Where the plans reach beyond the operations of the War Department in time of war and deal with such activities as were handled in the World War by the War Industries Board, the War Trade Board, the Food Administration, the Fuel Administration, the Railroad Administration, and similar bodies the functions of the department are confined to making plans and keeping them up to date, based upon a thorough study of what happened here and abroad during the last war. Prominent men who had experience along these lines are called upon for advice. When war comes these plans will be submitted to the President for consideration. As above noted, the national defense act placed upon the Assistant Secretary of War the responsibility for preparing plans for mobilizing material and industrial organizations essential to war-time needs.

Some of the problems which will confront the Government and which must be solved by industrial experts are:

1. Capital: Finance manufacturers to whom war contracts have been allocated. Prevent profiteering. Stabilize prices in time of war.
2. Labor: Provide machinery for the settlement of industrial disputes in time of war. Insure a proper distribution of labor. Prevent the assumed necessities of industry becoming a haven for "slackers."
3. Facilities: Equalize the war load so that industries are neither overloaded nor made inactive. Determine what industries are less essential and provide for them in time of war. Plan conservation in industrial methods.
4. Raw materials: Provide for a constant flow of raw materials. Provide for the equitable distribution for the best interests of the Nation. Effect of tariff on strategic raw materials.
5. Power: Prevent overloading of districts to meet increased demands. Utilize power most economically.
6. Transportation: Maintain railroads and rolling stock in good condition. Obtain maximum efficiency in the use of rolling stock. Make best use of highways and waterways to supplement railroad transportation.

It is hardly necessary to point out what a tremendous saving a sound plan for industrial mobilization will be in time of war. During the World War the Government departments competed with each other and there was much confusion and lack of coordination. Some industries found themselves swamped with orders they were unable to fill, while other industries were ruined by a sudden cessation of their normal business. In a well-devised industrial mobilization scheme much of this can be avoided. This is a matter of vital importance to the taxpayers. The Army will be equipped for war months sooner than it was during the World War. The war will be shortened by just that much, thereby saving thousands of lives and billions of dollars. It will also mean a minimum dislocation of the normal economic effort and facilitate a return to peace conditions.

It is proposed that one or more of the supply branches have field agencies in the following cities: Atlanta, Baltimore, Birmingham, Boston, Bridgeport, Buffalo, Chicago, Cincinnati, Cleveland, Dayton, Detroit, Jeffersonville, New Orleans, New York, Philadelphia, Pittsburgh, San Francisco, Schenectady, St. Louis. (From "Industrial Notes," issued by the Hon. Dwight F. Davis.)

AGENCIES ESTABLISHED FOR THE CONTROL OF INDUSTRY IN THE UNITED STATES DURING THE WORLD WAR.

I. THE COUNCIL OF NATIONAL DEFENSE.

The Council of National Defense was created by an act of Congress April 29, 1916, and organized March 8, 1917. It was composed of the Secretaries of War, Navy, Interior, Agriculture, Commerce, and Labor, and functioned under the advice of its advisory commission.

It was the duty of the council "to make available to the United States the best thought and effort of American industrial and professional life for the successful prosecution of the war."

Due to lack of executive power in its advisory commission, its economic functions were transferred to the War Industries Board.

II. WAR INDUSTRIES BOARD.

Created July 28, 1917, by the Council of National Defense, the President made it a separate Executive agency May 28, 1918. Ultimate decision of all questions rested with the chairman. Functions of the board included: (1) Creation of new facilities; (2) conversion of facilities; (3) conservation of resources; (4) advice as to prices; (5)

determination of priorities; (6) purchases for Allies. The board exercised its functions through committees, among which price-fixing, labor, requirements, priorities, conservation, and about 50 commodity committees.

MAJOR FUNCTIONS.

A. Computation of requirements: The requirements division was created March 27, 1918. It was furnished information regarding all contracts, purchases, and needs of the Supply Department. Requirements of the several services in both commodities and raw materials were computed under direction of the Purchase, Storage, and Traffic Division of the General Staff.

B. Priorities: Created originally to determine priority among orders given by the Government for war purposes. Extended activities to subcontractors. Under fuel control acts and the preferential shipment acts the Government was given power to withhold fuel and transportation from recalcitrant concerns. By classifying all work on hand and all industries into AA, A, B, C, or D classifications, much work became automatic. Finally included all commodities. Certificates for classes AA, A, and B were issued for all war work to assure preferential treatment.

C. Allocation of raw materials: Controlled by means of clearances issued by priorities division, War Industries Board, based on preference lists and information from commodity section.

D. Allocation of war orders to industry: Priorities division, War Industries Board, classified industry and plants by means of preference lists, rating them as to relative importance for war work. Plants so listed given preference in raw materials, labor, power, and transportation by clearances from priorities division.

E. Conservation measures: Commercial Economy Board, created under the Council of National Defense November 24, 1917; reorganized as the conservation division, War Industries Board. President's letter of March 4, 1918, reorganizing the War Industries Board, charged that body with "the conservation of resources and facilities by means of scientific, industrial, and commercial economies."

Methods: Trade associations agreed to reduction of consumption of raw materials up to certain percentages, after which agreement consumption of raw material was controlled through the priorities division, War Industries Board, by issue of certificates for supply of fuel, labor, and transportation.

F. Power: (See VII, p. 4, Control of power.)

III. CONTROL OF PRICES.

Exercised by the President under the following powers:

1. Pledge of all resources of the country by Congress in declaration of war.
2. Commander in Chief of the Army and Navy.
3. Section 120, national defense act, authorizing the requisition of facilities.
4. Section 10, food and fuel act, August 10, 1917.

The power was exercised by the President in person, assisted by a price-fixing commissioner, and after March 4, 1918, by a price-fixing committee. Prices were usually fixed by negotiation with industry, assisted by cost-production facts collected by the Federal Trade Commission, the only limitation of law being that "just compensation should be paid in all cases."

IV. CONTROL OF FOREIGN COMMERCE.

War Trade Board (created under "trading with the enemy act"): Main function was to injure the enemy by restricting his trade and stiffening the blockade and to conserve shipping and commodities for American and allied use. It negotiated trade agreements with neutral countries, whereby these might receive their necessary imports from the United States without contributing to the strength of the enemy.

V. CONTROL OF FOOD.

Food Administration (created by the President of the United States under the food and fuel act of August 10, 1917).

Functions: Its functions were the conservation of food supplies by (a) control of commodities; (b) coordination of purchases, exports, imports, and transportation; (c) stimulating production.

Methods: Its methods of control were (a) educational campaigns, (b) voluntary agreements, (c) licensing and regulations, (d) minimum price guaranties, (e) cooperation with other Federal agencies.

Its control was exercised through and in cooperation with (a) United States Grain Corporation, (b) Sugar Equalization Board, (c) Collateral Commodities Committee, (d) Division of Coordination of Purchases, (e) War Trade Board, (f) Railway Administration, (g) United States Department of Agriculture, (h) War Department, (i) Navy Department.

VI. CONTROL OF FUEL.

Fuel Administration: Created August 23, 1917, under the food and fuel act. Organized into administrative distribution, and oil divisions. Administration was decentralized by the State administrators, who, with their various local committees, functioned in the State. The engineering committee developed a thorough system of cost accounting as a basis for price fixing by districts. Numerous conservation campaigns were carried on by the conservation bureau. A zone plan of

distribution served to relieve the railroads by the elimination of cross-hauling. The bureau of production mapped out a program and brought production to a high point by the summer of 1918.

VII. CONTROL OF POWER.

The first power committee was organized under the Council of National Defense. In May, 1918, it became the power section of the War Industries Board. It made a survey of the power situation throughout the country, cooperated with the power companies, and distributed power in accordance with priorities where there was a shortage. It issued monthly summaries of the power situation.

VIII. CONTROL OF CAPITAL.

A. Capital Issues Committee: Authorized by Title II of the War Finance Corporation act to investigate, pass upon, and determine whether it was compatible with the national interest that there should be sold or offered for sale securities issued after April 5, 1918, by any person, firm, corporation, or association with an aggregate par value of \$100,000. No statutory power was provided to enforce its decisions or mandates. Without voluntary cooperation of industries, it could have accomplished but little. Ceased to function December 31, 1918.

B. War Finance Corporation: Provided for by act of Congress approved April 5, 1918. Authorized capital stock, \$500,000,000, all to be Government owned. Secretary of Treasury and four directors appointed by the President exercised control. Fundamental purpose of corporation was to furnish financial relief to essential industries affected by stringency of money market resulting from inflation of war business and flotation of Federal loans. Authorized to issue bonds in amount equal to six times paid-in capital. Functioned through financial organizations and cooperative industrial machinery, principally agricultural in character. Actual financial assistance rendered immaterial as compared with stabilizing effect of restoration of confidence at critical times and strategic points. A handy and efficient war agency continued to date with extended powers.

C. War Credits Board: Created by the Secretary of War November 20, 1917, under authority of act of October 6, 1917, permitting the Secretary of War and the Secretary of the Navy to make 30 per cent advance payments to contractors on "adequate security."

To December 31, 1919, the board authorized advances by supply departments aggregating \$69,000,000. Secretary of Navy seems to have exercised this authority without the aid of a special board.

IX. CONTROL OF LABOR.

A. Selective service law: The exemption and deferment features of the selective service laws with the amendments, including the "Work or fight order," was an important factor in assuring a supply of labor in war industries. No Government control of labor was attempted until January, 1918.

B. Labor administration: Organized in January, 1918. Secretary of Department of Labor appointed labor administrator. His influence exerted mainly through the War Labor Policies Board, of which the Assistant Secretary of Labor was president, and through the United States Employment Service.

C. The United States Employment Service: This was expanded and became the sole recruiting agency for unskilled labor by Executive order, August 1, 1918. This was about to be extended to skilled labor at the close of the war.

D. War Labor Policies Board: Organized by labor administrator in spring, 1918, to coordinate and centralize the activities of the various labor boards and industrial services of the production departments of the Government. Policies involving distribution of labor, wages, hours, and working conditions.

E. National War Labor Board: With membership representing equally capital and labor organized by presidential proclamation, April 8, 1918, as an arbitration board, acted as a supreme court of industry. Could order a plant to be commandeered by the Government and could order the withdrawal of industrial deferments from the laborer.

F. War Industries Board: Indirect control of labor exerted through the issuing of preference lists. List of preferred industries which were favored by the Government in supplying labor, raw material, power, and transportation. Price fixing had not extended to labor at time of armistice.

X. CONTROL OF TRANSPORTATION.

A. Railroad Administration: Under authority of section I of the Army appropriation act approved August 29, 1916, the President, by a proclamation dated December 26, 1917, assumed possession and control of the railroads of the United States with the object of facilitating the transportation of troops, war material, and equipment. Control was exercised by the Railroad Administration, which was organized by the director general. The country was divided into several regions, each under a regional director. By Federal control act of March 21, 1918, Congress provided that by way of compensation each road should receive an annual sum equivalent to its average annual railway operating income for the three years ended June 30, 1917, and that the properties taken over were to be maintained in as good repair and with as complete equipment as when placed under Federal control. After the Railroad Administration was organized and functioning the enormous

traffic involved in the movement of troops, supplies, and war material was handled in a satisfactory and successful manner.

B. Inland water transportation: On June 15, 1917, the Council of National Defense created a committee on inland water transportation. On February 10, 1918, the records were turned over to a committee on inland waterways of the Railroad Administration. This became the division of inland waterways, Railroad Administration, on September 5, 1918.

The general purpose was to investigate and determine methods for increasing the use of inland waterways in order to relieve the railroads of a part of the traffic burden imposed upon them by war conditions. It also supervised the operation and construction of vessels for use upon inland waterways, such as the New York Barge Canal and the Mississippi and Warrior Rivers.

C. Ocean shipping: The United States Shipping Board was created under the Federal shipping act of September 7, 1916, for the purpose of regulating foreign and domestic shipping and promoting the development of an American merchant marine. The Emergency Fleet Corporation, authorized by the same act, was incorporated under the laws of the District of Columbia on April 16, 1917, with a capital stock of \$50,000,000, subscribed by the Shipping Board in behalf of the United States, organized for the "purchase, construction, equipment, lease, charter, maintenance, and operation of merchant vessels in the commerce of the United States."

The powers of both these agencies were enlarged during the war by emergency powers granted by presidential proclamation and war legislation. The trustees of the Emergency Fleet Corporation included all the members of the Shipping Board, so that the two together possessed all the power and authority of a Government agency, together with the capacity of a business corporation for prompt and direct action. They were concerned with practically every phase of the shipping problem which confronted the United States during the war.

XI. CONTROL OF COMMUNICATIONS.

A. Federal control of telegraphs, telephones, cables, and radio systems. Joint resolution of Congress, July 10, 1918. Authorized the President, as a war measure, to assume possession of and operate any and all telegraph, telephone, marine cable, or radio systems.

Telegraph and telephone systems placed under Federal control July 31, 1918, by proclamation of the President, July 22, 1918.

Cables taken over by proclamation of the President November 2, 1918, effective same date.

Radio stations needed for naval communications taken over by the Navy Department, per Executive order, dated April 6, 1917, and all other radio stations not needed for naval communications closed.

B. Censorship. Censorship Board.—Established by Executive order October 12, 1917, to censor communications by mail, cable, radio, etc., between the United States and foreign countries. It included representatives of the Secretaries of War and Navy, Postmaster General, War Trade Board; also the chairman Committee on Public Information.

Purpose: To prevent transmission of propaganda and the disclosing of information of military value.

C. Propaganda: Committee on Public Information created April 14, 1917, by Executive order, with Secretaries of State, War, and Navy as members and Mr. George Creel, chairman. It was the central agency for releasing news of Government activities and the distributing agency for educational work to support morale in the United States and allied and neutral countries.

Mr. JOHNSON of Kentucky. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman, due to press reports concerning a matter that interests the Members probably but very little, I want to read the following letter that I sent to Inspector W. S. Shelby, of the police department of Washington:

MARCH 22, 1924.

Inspector W. S. SHELBY,
Washington, D. C.

DEAR SIR: Your letter of yesterday, marked personal but broadcasted by you in every newspaper in Washington, is received.

I never make any statement in Congress that I won't repeat to any man's face on the outside. I stand behind every statement I have made about you in the House or to you in committees.

When we passed the salary increases for police, I assured Congressman LARSEN and others opposing it that we had been promised "the best police force in the Nation," and that if you didn't make good on strict law enforcement, I would be the first to ask that your salary be abolished.

The Herald on March 17 quoted Mr. TINKHAM as saying that:

"Washington is 300 per cent more drunken than Paris and 2,000 per cent more murderous than London."

I felt shocked, because I believed our splendid Metropolitan police to be against both drinking and murder.

The Times on March 18 said:

"Representative TINKHAM's attack on the morals of Washington was supported by Inspector William S. Shelby, acting superintendent of police, yesterday."

And quoted you as saying:

"There is more lawlessness in the country than ever before. Liquor laws will never be enforced."

And the Times then said that you "blamed" prohibition for it, and said:

"Shelby favors a provision for the sale of light wines and beers, and the disposal of strong intoxicants under Government supervision."

I hoped that you would repudiate the press report. When you didn't, I then made my just comment in the House on March 19, which I now back up 100 per cent.

Altogether you spent several hours before our subcommittee on salary increases. The state statistics you persisted in reading in full had no application whatever to this bill. I then called your attention to complaints sent me that the unnumbered establishment on H Street NE., which should be "No. 406," as it is just between No. 404 and No. 408, was alleged to be dispensing intoxicating liquor daily, notwithstanding that it had been raided three times at long intervals by prohibition officers, it being reopened immediately after each arrest and deposit of bond. I asked you if you could not stop such continuous violations. I watched you carefully, and noted that you did not even take down the address and that you evidenced no interest whatever in the information.

Then, when our subcommittee on the Rathbone resolution met, you presumptuously insisted that the committee not interrogate any of the eyewitnesses to the shooting of Senator GARNER other than his wife. I had to call you down then and tell you that you should not presume to dictate to a committee of Congress. And when you then insisted on again reading in full your big file of state statistics and offered your gratuitous opinion that prohibition was the cause of crimes in Washington, I took issue with you again and told you that policemen could not enforce unless their superior officer believed in strict enforcement.

And I then asked you what you had done about the complaints against No. 406 H Street NE., and you admitted no arrest had been made and that the place had not been closed up. I told you then that complaints alleged that numerous boys went in and out of there every evening and night, and I again noted that you made no notation whatever of the address. I also then read you a letter giving the number of the property and street, the name of the owner, and his description, near the House Office Building, where liquor was said to be sold regularly, and I noted again that you did not seem interested and did not take down the name or address.

I noted also that at the time I proposed my amendment to grant all police and firemen a day off each week in lieu of Sunday you raised opposition, and I had to force it into the bill over your opposition. This made me think that you did not have properly at heart the interests of the 900 brave men under you who weather the rain, sleet, snow, dangers, and hot sun, performing their arduous duties.

Mr. Shelby, you must make good your promise that you would enforce the law and give us the best police force in the Nation. I pledged that promise to my colleagues when they withdrew opposition to the salary bill. For if you don't make good I shall ask that your salary be abolished.

But can you wonder that a United States Senator peacefully walking with his wife on the main street of Washington, within four blocks of the Nation's Capitol, is shot down by bootleggers who had loaded into their car there a "still" so large that they had to raise the car top, and in choosing an avenue of escape drove down historic "Pennsylvania" after the shooting, without a policeman interfering, when you, the acting inspector of the police department, publish in all Washington newspapers that you are for wine and beer, and that liquor laws will never be enforced, and that you support Mr. TINKHAM in asserting that Washington is 300 per cent more drunken than Paris and 2,000 per cent more murderous than London? Can you wonder, I ask you, that bootleggers become so bold with their stills and murderous assaults within four blocks of the Capitol?

I am sure that you are against murder. Then why not strictly enforce the laws against it? Even though you permit the Times to publicly say that you stand for wine and beer, why don't you strictly enforce the prohibition laws?

If Washington is so terribly drunken and murderous as Mr. TINKHAM and you assert, why don't you clean it up as Gen. Smedley Butler is doing Philadelphia? You seem to be in charge of law enforcement, or at least the statistical end of it. Why don't you enforce? But to do it you will have to learn to take down addresses when given to you.

I commend you for your rapid promotion since your Army experience in Virginia. For you have gone over the heads of many worthy captains here with long, faithful service. If you will enforce the laws

here I will be your most ardent backer. But if you don't, I am going to be frank enough to tell you that I shall do everything within my power to have eliminated from the police force all impediments to strict law enforcement.

Very truly yours,

THOMAS L. BLANTON.

Mr. DICKINSON of Iowa. Mr. Chairman, I yield 20 minutes to the gentleman from Iowa [Mr. RAMSEYER].

Mr. RAMSEYER. Mr. Chairman, the gentleman from New York [Mr. WAINWRIGHT], who preceded me, spoke on the lessons to be learned from the Great War. During his discussion he quoted approvingly from the late President Harding's inaugural address that war should be fought without financial profit to any individual, corporation, or combination. Now, by a strange coincidence I follow him in a prepared address with my manuscript before me, the subject of which is, "The Harding Plan to Finance Future Wars."

There is no subject that has been before the people of this country that has received such universal indorsement as the subject of conscription of wealth for war purposes. I have pondered over this subject myself ever since the European war broke out. Upon our entrance into the world conflict I advocated it on the floor of this House and introduced bills to conscript war profits and to mobilize and conscript the labor of the country for war purposes. Since the war, by resolutions and speeches, I have repeatedly urged the appointment of a select committee to give this subject special study and to recommend legislation to Congress to conscript the material as well as the personal resources of the country in the event of another war.

A few days ago the distinguished gentleman from Ohio [Mr. BURTON], in speaking on the Muscle Shoals bill and relating his connection with legislation resulting in the water power act of 1920, quoted the following from the German poet, Goethe: "What a man earnestly desires in his youth that shall he have in its fullness in his old age." I have earnestly desired and still desire with my whole soul action on the part of this Congress on this very vital subject; and, for the sake of the country and the people, I do not want to wait until my old age to realize in its fullness the consummation of a policy to conscript wealth as well as men in the event of another war.

The policy of conscription of wealth has been given mature and deliberate consideration by thoughtful men in all walks of life. At the beginning of our entrance into the late war over 400 teachers of political economy, public finance, and political science in the leading universities and colleges of the country jointly memorialized this Congress to adopt the policy of taxation rather than that of bond issues as the principal means of financing the expenditures of our own country in the war on which it had embarked.

I shall not take the time of the House to quote from or to discuss the principles set out in this memorial of American economists. Suffice it to say that our experiences in the war confirmed every statement of principle and of warning contained in that memorial. For the benefit of Members I shall have that memorial printed in the CONGRESSIONAL RECORD at the conclusion of my remarks.

Since the war numerous patriotic, political, and commercial organizations have by resolutions urged and appealed to Congress to act. The American Legion in national convention has most earnestly called upon Congress for legislation. State Legion organizations, including my own State of Iowa, have unanimously appealed to Congress in favor of the universal draft in time of war of all available human and material resources of the country.

In 1922 the Iowa Republicans, in convention assembled at Des Moines, Iowa, incorporated the following plank in their platform:

We indorse the principle of universal conscription of material and personal resources, and urge such action on the part of Congress in times of peace as will automatically effect such result upon the declaration of war.

On the 27th day of February last the two Houses of Congress met in joint session in this Chamber to honor the memory of the late President Harding. This ceremony in his honor was most fitting and impressive. In no way can we honor the memory of the late President in a more effective manner than in the consideration of policies which he advocated for the welfare of our great country. On no proposition did the late President speak more earnestly or with more feeling or with a deeper sense of conviction than when he spoke of requiring all the resources of the Nation in the next war to serve without "one penny of war profit." Mr. Harding had ideals, but only ideals within the range of the practical and attainable were

ever advocated by him. There was nothing of the impractical or the visionary in the make-up of Warren G. Harding. This great President, not only in one public address, but again and again and again, appealed to the country and to this Congress to make war profiteering impossible in the event of another war.

In order to remind you—"Lest we forget; lest we forget"—permit me to call to your mind again the stand of the late President on this vital question by quoting short excerpts from a few of his addresses. In his inaugural address, the first address he delivered as President, in outlining the policy of his administration for the conduct of war, if war is again forced upon us, he said:

If, despite this attitude, war is again forced upon us, I earnestly hope a way may be found which will unify our individual and collective strength and consecrate all America, materially and spiritually, body and soul, to national defense. I can vision the ideal republic, where every man and woman is called under the flag for assignment to duty, for whatever service, military or civil, the individual is best fitted; where we may call to universal service every plant, agency, or facility, all in the sublime sacrifice for country, and not one penny of war profit shall inure to the benefit of private individual, corporation, or combination, but all above the normal shall flow into the defense chest of the Nation. There is something inherently wrong, something out of accord with the ideals of representative democracy, when one portion of our citizenship turns its activities to private gain amid defensive war while another is fighting, sacrificing, or dying for national preservation.

Out of such universal service will come a new unity of spirit and purpose, a new confidence and consecration, which would make our defense impregnable, our triumph assured. Then we should have little or no disorganization of our economic, industrial, and commercial systems at home; no staggering war debts; no swollen fortunes to flout the sacrifices of our soldiers; no excuse for sedition; no pitiable slackness; no outrage of treason. Envy and jealousy would have no soil for their menacing development, and revolution would be without the passion which engenders it.

This statement is clear and emphatic. The second paragraph of this statement is the strongest indictment of our inequitable and unscientific method of financing war that I ever read anywhere. In it he clearly pointed out what would be avoided if the next war were financed in the method outlined by him in the first paragraph. The things he hoped to avoid, as outlined in the second paragraph, were experienced in the late war. As the result of our method of financing the late war we had, and still have, "disorganization of our economic, industrial, and commercial systems at home." We have "staggering war debts"; we have "swollen fortunes to flout the sacrifices of our soldiers"; we had "sedition," "slackness," and "treason"; and in many countries passions engendered by the war led to bloody revolutions.

Now, I read to you from his address delivered at the Arlington Cemetery on Decoration Day, May 30, 1923:

The arguing veterans, 50 years after Gettysburg, on the scene of the world-famed combat, were thinking of industrial greed in the North and slave-owning greed in the South. But in reality their prejudices had been inspired by the hateful profiteering incident to war.

In all the wars of all time the conscienceless profiteer has put the black blot of greed upon righteous sacrifice and highly purposed conflict. In our fuller understanding of to-day, in that exalted consciousness that every citizen has his duty to perform, and that his means, his honor, and his life are his country's in a time of national peril, in the next war, if conflict ever comes again, we will not alone call to service the youth of the land, which has, in the main, fought all our wars, but we will draft every resource, every activity, all of wealth, and make common cause of the Nation's preservation. God grant that no conflict will come again, but if it does it shall be without profit to the noncombatant participants, except as they share in the triumphs of the Nation.

It will be a more grateful Nation which consecrates all to a common cause, and there will be more to share the gratitude bestowed. More, there will be a finer conscience in our war commitments and that sublimity of spirit which makes a people invincible.

On his fateful journey, from which he never returned, at Helena, Mont., on June 20, 1923, he spoke these earnest words:

I have said before, and I choose to repeat it very deliberately now, that if war must come again—God grant that it shall not—then we must draft all of the Nation in carrying on. It is not enough to draft the young manhood. It is not enough to accept the voluntary service of both women and men whose patriotic devotion impels their enlistment. It will be righteous and just, it will be more effective in war and marked by less regret in the aftermath, if we draft all of capital, all of industry, all of agriculture, all of commerce, all of talent and capacity and energy of every description to make the supreme and

united and unselfish fight for the national triumph. When we do that there will be less of war. When we do that the contest will be aglow with unsullied patriotism, untouched by profiteering in any service.

Of course, we are striving to make conditions of foreign relations and so fashion our policies that we may never be involved in war again. If we are committed to universal service—that is, the universal commitment of every American resource and activity—without compensation except the consciousness of service and the exaltations in victory, we will be slower to make war and more swift in bringing it to a triumphant close. Let us never again make draft on our manhood without an exacting a draft on all we possess in the making of the industrial, financial, commercial, and spiritual life of the Republic.

[Applause.]

Let me call your attention, for the purpose of emphasis, to one sentence in the last paragraph where he said:

If we are committed to universal service . . . we will be slower to make war and more swift in bringing it to a triumphant close.

I am not going to say anything against other proposals that have been urged upon the American people to make wars less frequent, such as the League of Nations, the World Court, and others. It is my deliberate judgment, after studying all other plans, that if we adopt the plan for financing future wars so earnestly and eloquently advocated by the late President, it will do more to prevent wars and to insure continuing peace than any plan ever proposed by any man or organization in the wide world.

During the last session of Congress, in his message at a joint session of the two Houses of Congress on December 8, 1922, the late President made a direct appeal to this body for action. These are his words:

The proposed survey of a plan to draft all the resources of the Republic, human and material, for national defense may well have your approval. I commended such a program in case of future war in the inaugural address of March 4, 1921, and every experience in the adjustment and liquidation of war claims and the settlement of war obligations persuades me we ought to be prepared for such universal call to armed defense.

What heed has this body given to the proposal or plan of the late President to finance future wars? What heed has this body given, or will it give, to the late President's request for action by this body in one of his messages to the last session of Congress? Are we going to heed any of the lessons taught and impressed by our experiences in the late war? What do we propose to do now "to be prepared for such universal call to armed defense"? Or are we going to go on blindly and heedlessly, as other countries have, to our ruin and destruction in the event of another war? These are questions that this Congress is called upon to answer. These are questions that were submitted to us by the late President as head of the Nation and head of his party and on which he demanded most earnestly and most emphatically some action on the part of Congress. This Congress can not escape the responsibility of some action on this very vital issue. The safety and perpetuity of the Nation, the welfare of its people, and the security and happiness of coming generations are involved.

Gentlemen of the House, I am firmly convinced that conscription of wealth for war purposes is based on right, justice, and sound economic principles. Furthermore, I am convinced that the enactment of legislation to put such a policy automatically into effect upon a declaration of war by Congress would have a tendency to avert war, would reassure foreign nations of our unselfishness in international affairs, and in case war became unavoidable would guarantee a united and victorious America.

Inasmuch as the principle of conscription of human and material resources of the Nation for national defense has been universally indorsed by the people of the United States, it is now the duty of Congress to make the proposed survey of a plan as requested by the late President Harding, and to enact such legislation, or if necessary to make such changes in the fundamental law of the land, in times of peace as will automatically effect such a result upon the declaration of war.

What I seek is action by this Congress and I am not particular on whose resolution or on whose bill such action is predicated. What I want to bring about is the concentration of the best thought of this Congress and of the Nation on this proposition. In the two preceding Congresses I introduced resolutions for the appointment of a select committee to give this question study and report its findings and recommendations to Congress.

At the beginning of the present session of this Congress I introduced a resolution (House Concurrent Resolution No. 1) providing for the creation of a joint commission to be known

as the Joint Commission on National Defense to consist of five Senators and five Representatives to investigate and report to Congress the best and most practical plan for drafting all the resources of the United States, human and material, for national defense in the event of future wars.

The conscription of all the resources of the Nation, both human and material, is a big and very complex proposition. It extends beyond the jurisdiction of any one of the standing committees of either House of Congress. It is a subject that covers every activity of the people—labor, agriculture, industry, finance, business, and others. The committee or commission authorized to investigate this subject should have wide powers, including the power to call before it the best experts of the country both in and out of the Government service. To go into this question thoroughly will involve the expenditure of some money, which no committee of either House of Congress can do without special authorization.

For the reasons I have urged I am firmly convinced that those of the membership of the House who believe as I do should get back of my proposal, or a similar proposal, to create a joint commission, made up of Members of both the Senate and the House of Representatives. The creation of such a commission would at once attract wide public attention and assure the people of the country of the earnestness of Congress in the matter. Such a commission would become the clearing house of the Nation for everyone who has valuable suggestions and concrete proposals to present. The existence of such a commission would put everybody to thinking—its effect would be good and, I believe, would lead to legislation that would tend to lessen wars; and in event war became unavoidable it would mean that the war would be fought and financed with equity to all and without war profits to the few.

Every lawyer is familiar with this maxim in equity: "Equity will not suffer a wrong to be without a remedy." Everybody concedes the wrong in our system which permits a portion of our citizenship to turn its "activities to private gain amid defensive war while another is fighting, sacrificing, or dying for national preservation." The wrong in the system is conceded. To find the remedy and apply it in future wars is the duty of statesmanship. [Applause.]

Mr. WEFALD. Mr. Chairman, will the gentleman yield?

Mr. RAMSEYER. I yield for a question.

Mr. WEFALD. I have been very much interested, as I always am when the gentleman is speaking, and I am one of those that are continually seeking light. I would like to know if the gentleman can tell me what the reason can be that he can deliver a speech here to-day and read quotations from a speech by the late President and be applauded, when a few short years ago a man in my State said practically the same words and had to serve a time in prison for it. What is the reason for this change in the opinion?

Mr. RAMSEYER. Whatever the reason for the change may be, the gentleman will certainly concede that the change is wholesome.

Mr. WAINWRIGHT. Mr. Chairman, will the gentleman yield?

Mr. RAMSEYER. Yes.

Mr. WAINWRIGHT. Is it not a fact that the gentleman following me on this theme is a matter of pure coincidence?

Mr. RAMSEYER. Absolutely. I did not know that the gentleman was going to speak until he was yielded time, and I did not know what he was going to discuss until I heard him speak.

Mr. McSWAIN. Mr. Chairman, will the gentleman yield?

Mr. RAMSEYER. Yes.

Mr. McSWAIN. To what committee have these resolutions been sent?

Mr. RAMSEYER. My resolution is pending before the Committee on Rules. It is for the purpose of creating a joint committee or commission to give the subject special study and to recommend legislation to Congress.

Mr. McSWAIN. Has the gentleman been unable through two or three Congresses to get action upon such a resolution?

Mr. RAMSEYER. I appeared before the Rules Committee during the last Congress and was unable to get any action. I intend to appear before that committee at an early date and insist upon action. I think this is the way to study the question. I understand the gentleman has a similar resolution. Is the gentleman's resolution pending before the Committee on Rules?

Mr. McSWAIN. My resolution is pending before the Committee on Military Affairs.

Last year my resolution to the same effect was referred to the Committee on the Judiciary. I followed it up by having hearings upon it. My resolution is Resolution No. 128. We are now having hearings upon it before the Committee on Military Affairs, and have been for three weeks. I announced in

the CONGRESSIONAL RECORD the day, the hour, and the room number, and we would be very glad to have anybody in Congress or in the United States come before us upon the subject.

Mr. RAMSEYER. Does the gentleman's resolution provide for the creation of a committee or a commission?

Mr. McSWAIN. It does.

Mr. RAMSEYER. Of course I do not know just what the Committee on Military Affairs is doing or can do, because the Committee on Rules is the committee that has jurisdiction over the subject for the creation of special commissions or committees.

Mr. KVALE. Mr. Chairman, will the gentleman yield?

Mr. RAMSEYER. Yes.

Mr. KVALE. In view of the tenor of the gentleman's speech, I am wondering why the gentleman made such a statement as to say that the conscription of wealth automatically on the declaration of war would tend to avert the war. Will not the gentleman state that such a provision would practically stop all war?

Mr. RAMSEYER. I made the statement that it would do more to avert wars than any proposal that has yet come from any source. Maybe it will do as much as is suggested in the gentleman's question.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. RAMSEYER. Mr. Chairman, under leave to extend my remarks, I submit herewith for printing in the RECORD:

1. House Concurrent Resolution No. 1, referred to in the course of my address.

2. Memorial of American economists to Congress regarding war finance. I wish to say in regard to this memorial that it was submitted to Congress during the month of April, 1917. At the time I had it printed in the CONGRESSIONAL RECORD. I regard this memorial as the ablest document on war finance that was presented to Congress during the late war. It should be read and reread by every student of finance. Our experiences in the war confirm every statement of principle and of warning in that memorial:

1. House Concurrent Resolution 1.

Resolved, by the House of Representatives (the Senate concurring), That a joint commission is hereby created, to be known as the Joint Commission on National Defense, which shall consist of five Senators, three of whom shall be members of the majority party, and two of whom shall be members of the minority party, to be appointed by the President of the Senate, and five Representatives, three of whom shall be members of the majority party, and two of whom shall be members of the minority party, to be appointed by the Speaker.

Said commission shall investigate and report to Congress, on or before the first Monday in December, 1924, the best and most practical plan for drafting all the resources of the United States; human and material, for national defense, so that in event of future war every man and woman may be called under the flag for assignment to duty for whatever service, military or civil, the individual is best fitted; and every plant, agency, and facility may be called to universal service, all in sublime sacrifice for country, and not one penny of war profit shall inure to the benefit of private individual, corporation, or combination.

The commission shall include in its report recommendations for legislation which in its opinion will tend to carry out the purpose of this resolution, and shall specifically report upon the limitations of the powers of Congress in enacting such legislation.

The commission shall elect its chairman, and vacancies occurring in the membership of the commission shall be filled in the same manner as the original appointments.

The commission or any subcommittee of its members is authorized to sit during the sessions or recesses of Congress, in the District of Columbia or elsewhere, to send for persons and papers, to administer oaths, to summon and compel the attendance of witnesses, and to employ such personal services and incur such expenses as may be necessary to carry out the purpose of this resolution; such expenditure shall be paid from the contingent funds of the Senate and House of Representatives in equal proportions upon vouchers authorized by the commission and signed by the chairman thereof.

2. MEMORIAL OF AMERICAN ECONOMISTS TO CONGRESS REGARDING WAR FINANCE.

We, the undersigned, teachers of political economy, public finance, and political science in American universities and colleges, respectfully urge upon Congress to adopt the policy of taxation rather than that of bond issues as the principal means of financing the expenditures of our own country in the war on which it has embarked.

The taxation policy is practical. It will prevent the price inflation which must result from large bond issues. It is demanded by social justice. It will increase the efficiency of the Nation in the conduct of the war.

The argument in support of these statements is briefly as follows:

THE TAXATION PLAN IS PRACTICABLE.

The taxation policy is practicable because the current income of the people in any case must pay the war expenditures. The choice between bond issues and taxation is merely a choice whether the Government shall take income with a promise to repay those who furnish it or take income without such promise. The actual arms, munitions, and other equipment and supplies for use in the war, except to the small extent that they have been stored up in the past, must be produced now, during the war itself, not after the war, and, moreover, must be produced by our own people. The policy of borrowing within the country itself does not shift any part of the Nation's burden of war expenditures from the present to the future. All it does is to make possible a different distribution of the burden among individuals and social classes, to permit repayment to certain persons who have contributed income during the war by other persons after the war. If the people can support the war at all, they can do it on a cash basis. Borrowing creates nothing. Except by borrowing abroad, which we can not do, we can get nothing which we do not ourselves produce.

It may be necessary for a month or two at the outset to issue a limited amount of bonds pending the collection of increased taxes, but beyond these, which might well be made repayable within a year, no necessity for bonds exists.

TAXATION PREVENTS PRICE INFLATION.

The taxation policy and no other will enable the country to escape the enormous evils of further inflation. The present high level of prices in Europe and America is primarily due to the war bonds and the paper money issued abroad. If the United States joins on a huge scale in this policy of borrowing, prices are bound to become far higher still.

Price inflation is harmful even in times of peace. During a war it is disastrous. It increases the cost of conducting the war. It postpones victory and thus adds to the war's toll of lives as well as to its money expenditures. By every bond issue the Government enhances the prices it must pay and thus creates the need of more bonds. The policy works against itself.

Moreover, inflation of prices works injustice between different classes of society. The burden rests chiefly upon wage earners and salary receivers, whose pay never rises as fast as prices, and upon those who receive fixed or contractual incomes. The hardship which millions of our people are already suffering from the increased cost of living will be made manifold greater if the Government issues billions of dollars of bonds to finance the war.

The manner in which bond issues inflate prices may be briefly explained. The bond policy increases the amount of bank credit, which is equivalent in effect, to an increase in the currency.

For example, if the Government takes \$1,000 from a man in taxes, his credit or purchasing power is lessened to the same extent as the Government's is increased. On the other hand, if the Government borrows \$1,000 from him, the quantity of purchasing power in existence is greatly increased. He now has a bond worth \$1,000 on which he can and very often will borrow at the bank. Say he borrows \$800; he lend him \$800 the bank does not have to give up 800 actual dollars. Instead, it gives him a deposit account of \$800, and, inasmuch as most of those who present checks do not ask for actual cash but have their checks credited to their deposit accounts, the bank can keep this \$800 in checks floating by setting aside, say, only \$200 of actual cash. In other words, this bond issue transaction has resulted in increasing the Government's credit by \$1,000 in decreasing the man's credit by only \$200, and in decreasing the bank's money by only \$200; that is, there has been a net increase of credit currency—checking deposit accounts—of \$800, in contrast with no net increase if taxes had been adopted instead of bonds.

If the man had given up his money in taxes, he would have ceased to compete with the Government and other buyers of commodities and labor to the extent of \$1,000; but when the Government gives him a bond for his payment, he is still enabled to compete to the extent of \$800. The purchasing power of society as a whole has increased by \$600. This inevitably forces up prices.

The above illustrates the result of a bond issue that is taken by the public. As a matter of fact, if bonds are issued, a large part of them will be taken by banks. It is likely that the Federal reserve banks will buy these bonds wholesale by giving the Government checking accounts to the extent of the bonds. This causes immediate inflation to the full amount of the checking accounts thus created; that is, inflation to 100 per cent instead of to 60 per cent of the bond issue, as outlined in the illustration above.

As the Government draws checks on these bank accounts to meet its requirements, the banks will try to recoup themselves by retelling the bonds to the public. To the extent that they succeed, the bonds get into the hands of the ultimate investor, with the resulting inflation already described. In so far as the banks are unsuccessful in this distribution, they are almost certain to issue bank notes on the basis

of bonds left in their hands, and these notes will cause inflation even worse than that due to the checking accounts of the public based on bond collateral.

JUSTICE DEMANDS THE TAX POLICY.

The policy of taxation for war expenditures is demanded by justice. Apart from the injustice arising from price inflation, the policy of paying for the war by bond issues gives property a preference over life; it deals unjustly as between citizen and citizen. The question of taxation versus bonds is not merely one of economics; it is one of morals, of right against wrong.

This war is a great social enterprise. The American people have undertaken it as a people. The future welfare of the country as a whole is involved; the future welfare of every citizen is involved. It is the duty, therefore, of every citizen to share in war's burdens to his utmost. For some the duty is to fight; for others to furnish money. For all the duty is without limit of amount. The citizen who contributes even his entire income, beyond what is necessary to subsistence itself, does less than the citizen who contributes himself to the Nation.

The man who goes to the front can not be paid back the life or the limb he may lose. The man who stays at home should contribute his just share of the money cost without expectation of repayment. That the soldier or sailor who gives himself to his country should, if he be so fortunate as to return, be taxed to pay interest and repay principal to him who has contributed the lesser thing—money—is a crying injustice. If conscription of men is just and right, conscription of income is the more so; conscription of both is just and right when the Nation's life and honor are at stake.

TAXATION WILL INCREASE WAR EFFICIENCY.

The policy of taxation for war expenditures will increase the efficiency of the Nation in the war. Its effect in keeping down the cost of the war has already been pointed out. Its effect on the spirit of the people is still more important. The general recognition of the justice of requiring everyone, according to his ability, to share the burdens of war will bind the people together; the sense of injustice in the policy of borrowing will tend to drive them apart, to array class against class. Our soldiers and sailors will fight loyally in any case, but their spirit will be the more indomitable if they feel that every man who stays at home is serving the country to the utmost with his substance. An America in which every citizen, without discrimination, is called upon to do and to give all that he can, all that his powers permit, will be a united America, and a united America is bound to be victorious.

Mr. JOHNSON of Kentucky. Mr. Chairman, I yield to the gentleman from Indiana [Mr. CANFIELD]. [Applause.]

Mr. CANFIELD. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman? [After a pause.] The Chair hears none.

Mr. CANFIELD. Mr. Chairman and gentlemen of the committee, I wish to direct my remarks to the agricultural situation that is facing the Nation, a question which I consider second to none in importance at this time. We have heard several very able speeches on the floor of this House about the wheat farmers of the West and Northwest, and a few have spoken about the farmers of our country in general. While it is true the wheat farmers of the West and Northwest are entitled to consideration, I feel that the farmers in other parts of the country are also justly entitled to consideration, as I find them everywhere in a distressed condition, and I see no reason why this Congress should not consider some of the many agricultural questions that are being brought before it, and do everything within its power to see that the farmers of our country, who at the present time are facing a deplorable situation, are given the consideration to which they are justly entitled and be put in position so they can at least expect to make a fair living after putting forth their effort for from 12 to 18 hours a day on the farm almost every day in the year.

There is at the present time and there has been for the last two or three years much unrest and uncertainty in the minds of our farmers, due to the fact that when they put in their crop they have no way of knowing whether or not they will be able to get their cost of production. This condition as you all well know should not exist and it is time that this Congress should take up this question and find out why it exists and do everything within its power to restore the farmers of our country to their proper place and put them in position to again receive a just compensation for the efforts put forth by them.

Many millions of people who reside on the farms in our country find themselves, as we are informed, in an intolerable situation and they are demanding, and I think rightly so, that

they be given some consideration, for this condition can not go on as it is at the present time.

There can be no lasting prosperity in trade and industry unless the farmer is reasonably prosperous, and neither can we expect the farmer to be willing to put forth his every effort as long as he harbors the resentful feeling that he is not accorded a square deal.

Not only is the farmer entitled to relief from his present conditions, which place him at a big disadvantage as compared to men in other walks of life, but the continuance of these conditions can not help but cause a very serious condition to prevail throughout our country.

We can not expect the farmer to remain satisfied and contented with his conditions over which he has no control when the purchasing power of his dollar is only worth one-half what it formerly was, or, in other words, when it takes twice as many bushels of wheat or corn to buy a plow, wagon, harness, or the clothing that is necessary for him to buy.

The President called attention to the economic distress that disturbs agriculture and the financial condition of the farmer in his first message to Congress; while calling attention to the acute agricultural situation that has resulted in bankruptcy and bank failures all over the farming sections of the country he did not discuss the causes that have led to the deplorable change in the condition of the people engaged in the farming industry and neither did he propose any remedy except more diversification, and, as I remember, an extension of credit. A few years ago the farmers were admitted to be prosperous, but to-day it is quite the contrary.

At present the Indiana farmer is selling his principal products at pre-war prices or lower and is buying his supplies at about double pre-war prices, and this has been the situation most of the time since the war. For example, fat hogs are now selling for less than 7 cents per pound on the farm, and Indiana farmers sold their wheat at threshing time for about 80 cents per bushel. Both these figures are below pre-war prices and much below cost of production. Corn, the other leading product of Indiana farms, is largely marketed through hogs and cattle to which it is fed, and the amount of money the farmer realizes for his corn crop is represented more in the price of hogs and cattle than in the market price of corn.

On the other hand, when the farmer buys the clothing, fuel, building material, agricultural implements, transportation, and other things he must have he is compelled to pay double pre-war prices, and when he goes to pay his taxes he pays on more than a double pre-war basis. It does not take a mathematician to figure out that the farmer can not long continue to sell at pre-war prices and buy at double pre-war prices.

As a matter of fact, many of our Indiana farmers have already reached their limit in this connection and are going bankrupt. In the leading agricultural counties in Indiana within the last 90 days quite a number of the very best and heretofore considered most substantial farmers have failed and many others are sure to follow unless conditions improve rapidly.

Within the past two years thousands of farmers have found it impossible to make a living on the farm and have given it up as a bad job. These same things are happening all over the country, and I wish to impress upon you with all the earnestness at my command that the agricultural situation is in an extremely critical condition and demands immediate and effective treatment.

Many bills have been introduced at this session of Congress that have for their purpose giving relief to the great agricultural interests of our country, or, a better way to say it would be, to give relief to the distressed farmers of our country, and I have made it a point to give much study to the different bills that have been introduced, and have attended the meetings that have been called to discuss the different plans that are proposed in the different bills, but I am very much afraid with possibly the exception of one plan none of the plans introduced so far can be worked out in the interest of the farmer without being amended in many ways, due to the fact that the expenses of the Government are continually increasing. Government employees are demanding increased compensation, and most of the plans will call for hundreds of extra Government employees at a large increased expense to the Government.

Even though the conditions of our farmers are deplorable, they can be made much worse than they are at the present time by adoption of dangerous methods of relief under the theory that it is the best proposition proposed, and that while it is not everything that could be desired, still it promises something. This, in my mind, would be a very

poor excuse for voting for a measure that might result in untold injury to an industry which is now almost prostrate, and if a plan can not be worked out that we know positively will give relief we should take up this great question and work it out from an entirely different angle.

Mr. Chairman and gentlemen of the committee, in my opinion there are three big questions that should be considered at this time, and when they are taken care of and adjusted in the interest of all the people, instead of in the interest of the "special privileged classes," then, and not until then, will the desperate condition in which our farmers find themselves at the present time be improved.

The three questions that I feel should be considered at this time and adjusted without delay are:

The present high protective tariff;

The transportation question, especially in so far as it affects the distribution of agricultural products; and

Our foreign relations policy.

It is said that our present high protective tariff law, known as the Fordney-McCumber tariff law, costs the average American farmer with a family of five \$159 more annually than the benefit he receives from it.

A number of estimates of the cost of the tariff to farmers have been made, and one of the most conservative estimates that I have ever seen shows the extra cost of the tariff on dutiable commodities bought by the farmers is increased by import duties to the extent of some \$426,000,000 and the gains to farmers as producers by tariff in all parts of the country are \$125,000,000, which makes a net loss to the American farmers of \$301,000,000.

It has well been said that "the cob is the farmer's share," and as conditions are to-day, when the farmer produces a bushel of corn and shells it, the part he gets is the cob and the other fellow gets everything else.

Mr. Speaker and gentlemen of the House, as long as this condition prevails and the laws of our country are favorable to the "special interests" or "privileged classes" I see no way for the farmers to prosper or in any way for his present condition to even be improved.

The transportation question should also be given prompt attention. There should be an immediate adjustment of freight rates on the agricultural products of our country. I contend that the rates on all food products should be lowered at once, as agricultural freight rates are at present out of their normal pre-war rates and should be readjusted. The present high rates on other articles that are not so essential will more than take care of the reduction on food products and still enable the railroads of the country to make large profits on their real investments.

The railroads have attempted to prove by figures that they can not reduce freight rates on agricultural products, but we find them before the Interstate Commerce Commission asking permission to make a reduction in their coast-to-coast rates. So there is no question but what the freight rates of farm products can be reduced, and when they are reduced it will be a great help to the American farmer.

Third and last, but not least by any means, I think that the farmer needs the consuming units abroad for his products who are able to pay a price for his surplus.

Under the unfortunate condition which exists at the present time, this country has abandoned its relations with other nations and the market for the surplus produced on the farms of this country is cut off, to the detriment of our farmers. Whenever we abandon our present policy and do our part toward the nations which consume our surplus food products, then we will have done much in the matter of helping our farmers to better their condition, for it is the market for the surplus produced by the farmer that makes a real profit possible.

When all these things are accomplished, gentlemen, and the farmer is placed upon an equal basis with the rest of the business world, then will the American farmer by organization and cooperation be able to see success and prosperity ahead.

We hear much criticism coming from certain interests because the farmers are seeking relief through congressional action. I feel that our farmers are not asking for Government favors, but for a square deal, and that he has a right to ask for it, and if he does not get it he will see that men are placed in the next Congress that will see that his interests are looked after.

Gentlemen, the prosperity that others enjoy can not long endure if agriculture does not prosper, and it is up to the business and financial interests to immediately commence to

cooperate with the farming interests of our country or the prosperity others are enjoying and the foundation for all permanent national prosperity will be destroyed.

As I stated before, I feel that the three questions that must be taken up and settled before our farming conditions can be improved to any great extent are tariff, transportation, and foreign relations. Congress is in position to take up these three great questions and regulate and adjust them, and when Congress does this our farmers will have relief.

If any of you should have a sick child and you were to call a doctor, the first thing he would do would be to find out what caused the troubled condition before he prescribed the remedy. This country has a very sick member in its family. I have pointed out to you the cause of the trouble and firmly believe I have prescribed the remedy by which this Congress can relieve the deplorable condition of our farmers.

It is my hope and wish, gentlemen, that this Congress will take up these questions and pass legislation at once that will result in giving to the farmers a new lease on life and prosperity and give them an opportunity to regain financial independence, and when this is accomplished the prosperity of our Nation will have a firm foundation on which it can stand. [Applause.]

Mr. JOHNSON of Kentucky. Mr. Chairman, I yield 15 minutes to the gentleman from Georgia [Mr. LARSEN]. [Applause.]

Mr. LARSEN of Georgia. Mr. Chairman and gentlemen of the committee, according to the press perhaps there never was in the history of this country a greater wave of crime sweeping over it than during the past few years. Only this week we are told by the press that in one department of the Government under the present administration there have been discharged from the service within two years nearly 800 employees, all of whom were discharged on account of theft and graft. That is in the Department of the Treasury. It appears further that a majority of those persons who have attempted to graft and steal from their Government in its trying hours of need have gone without punishment; that the amounts stolen have been repaid by bonding companies. It is not only true that graft has existed in the Treasury, but very much to our humiliation and shame it has existed in many other departments of this Government; for instance, in the Veterans' Bureau, in the Department of Justice, in the Department of the Interior, and perhaps in other departments. Every day new evidence comes to us that some one is grafting. It is usually some man occupying a high position. This is a very serious situation. If the employees of the Government can not be trusted with its funds the Republic can not exist. Are the taxpayers to be burdened with the payment of taxes that are to be stolen by public officials? Something should be done to protect them. In this connection I want to say another thing while it occurs to me, and that is that not only are these grafting public officials escaping punishment but men occupying high places in the business world, who make it a daily practice, if we are to believe the press, to induce these poor Government officials to violate their oath of office and to prove unfaithful to their trust, are guilty of grave crimes and should be punished. Every time the President has been before this body for the last two or three years we have been asked to do something to encourage business. I am in favor of legitimate business, gentlemen, but I want to say to you that much of the kind of business and the kind of business methods that we are tolerating in America to-day should wash its dirty linen. It is these business men in high places with great funds who are corrupting the poor Government officials.

I think it is not only the duty of this Government to see that the officials who yield to temptation are punished, but that business men who cause them to commit these crimes should be punished also. [Applause.] It is all right to sing, "Yield not to temptation, for yielding is sin," but it is time we had a new song entitled "Tempt not to corruption, for corrupting is sin." There is one sad thing to me in reading the Bible; when we get to poor old Judas the Bible does not even tell who it was that gave him the 30 pieces of silver to betray his Christ, but Judas from that time to this has been held up to ridicule and scorn. Judas as a man was far better than some of those we have trusted in public positions because he had enough decency to commit suicide. Some of the rascals now at large in this country have not even that much decency. [Applause.] I want to call your attention to what, in my judgment, is a kind of slow train moving over the Government's highway at this time. There was evidence before this House, before the Senate, and before the country that a high official, occupying a position in the Veterans' Bureau, was guilty of graft and guilty of almost every crime except murder that one could think of in the dis-

charge of a public trust, but some two years passed before anybody seemed to take much notice of it. Finally when the President of the United States had to force the man to resign, what was done? Not a thing. The President of the United States, knowing that he was a crook and a criminal, the Department of Justice knowing that fact, yet he was permitted to roam at large from one end of this country to the other and in foreign countries without even an effort to arrest or to apprehend him, and without being prosecuted. I refer to Charles R. Forbes, late Director of the Veterans' Bureau. I believe, gentlemen, that he never would have been arrested and that he never would have been indicted except for the investigation of the department over which he presided, and which I obtained through a Senate committee. Yet at this time we are told that the President is getting tired of investigations. Well, gentlemen, I am satisfied he has some reason for being tired of investigations. But I doubt the policy of ceasing investigations so long as they disclose corruption, graft, and wrongdoing. [Applause.] I am for exposing graft and wrongdoing, not because I am not a member of the majority party, which happens to be carrying the burden at this time, but because I believe that it means the good of this country and the protection of this Republic. What is being done by the administration or the Department of Justice to punish crime or to suppress it?

In the early days of January I wrote to the Attorney General, and I made a speech on the floor of this House demanding that these crooks and criminals and grafters be punished. After several days of delay I was assured by a polite letter from that high official that he had appointed a distinguished attorney who would push those cases to which I referred immediately. Now, what has been done? Some parties are in foreign lands; even Sweet, the secretary to Mr. Forbes, appears to be a fugitive from justice at this time. No effort has been made to bring him back to this country for trial, and none will be. He flatly refuses to return. If he has committed no crime, he knows full well that crime was committed, how it was done, and who committed it. He was at least needed as a witness and could have been kept for the purpose, but no effort was made to do it.

The wealthy and politically prominent who commit crime are no better to be punished than are the poor and insignificant who violate the law.

Now, let us see who the gentleman is that is charged with the prosecution of these crooks and criminals. Mr. John W. Crim, an ex-assistant attorney in the Department of Justice, whose salary supposedly was about \$7,500 a year. For some reason he suddenly decided to resign, ostensibly for the purpose of retiring into private practice, but he is given the place of special attorney to prosecute these crimes at a salary of \$1,000 per month.

Now, mind you, the salary is by the month. Gentlemen in private practice usually take cases for a stipulated amount; but Mr. Crim, appointed on the 15th of December, 1923, entered upon his service the following day, December 16, 1923, at \$1,000 per month. And what has he done? Indicted two men, and that is all, except to draw a salary of more than \$3,000.

Why, the testimony was already in print. He had it before him, and any man who was a half-way lawyer could have been prepared to go before the grand jury in one week. What does Mr. Crim say now? Although the papers said, when Mr. Forbes had been indicted, that the grand jury would be called together in another place at an early date, and that other parties would be indicted, but what does he say? Mr. Crim says, "Oh, no. I can not call the grand jury together in other districts where crimes were committed until I get through with the prosecution of those that I have already indicted." "When will they be tried, Mr. Crim?" "Oh," says Mr. Crim, "I hope to get a trial some time during April."

When, in the name of God, gentlemen, will this magnificent attorney, who is paid by the taxpayers \$1,000 per month, ever finish prosecuting the grafters in the Veterans' Bureau? The cases will be soon barred by the statute of limitations. The district attorney of my own district was until recently, if not now, paid \$3,500 a year. He is a real prosecuting attorney, a trial lawyer, a man of ability. He tries something like 700 or 800 cases a year. What is true of that district is true also of almost every other district in the United States. There is hardly a district, I take it, in the whole United States where 500 or 600 criminal cases are not tried within a year. And yet Mr. Crim, drawing \$1,000 a month, on the job since December 16, 1923, has indicted only two men. The rest are going at large, and no grand jury is impaneled to indict them.

Mr. McSWAIN. Mr. Chairman, will the gentleman yield?

Mr. LARSEN of Georgia. Yes.

Mr. McSWAIN. You remember the statement of the gentleman from Illinois [Mr. KINO] was that this same Mr. Crim, either ignorantly or purposely, failed to draw the indictment in the harness case properly, so that all the parties who should have been indicted to establish the case were not indicted, and the case fell down?

Mr. LARSEN of Georgia. Yes. I remember that. Thank you for bringing it to our attention.

Mr. WATKINS. Mr. Chairman, will the gentleman yield?

Mr. LARSEN of Georgia. Yes.

Mr. WATKINS. The newspaper reports show that that is about the same situation as the case in Chicago.

Mr. BLACK of New York. Is not the gentleman afraid that the local district attorneys are underpaid?

Mr. LARSEN of Georgia. Probably they are. Some of them may be underpaid. But they get their per diem allowance and their expenses, and there is no law under the sun that forces them to serve against their own will. We will never have any trouble in getting good, efficient district attorneys throughout the country.

Mr. OLIVER of New York. Does not the gentleman think that all this talk about tax reduction is an effort to draw a greenback across a crime trail?

Mr. LARSEN of Georgia. That may be.

Now, why was Mr. Crim employed? Why was not General O'Ryan employed? He was more familiar with it and developed it before the investigating committee. It may be that he was too good a lawyer. It may be in view of the press statements of to-day that he was employed for a special purpose. It may be that the hurried visit of our Attorney General to Chicago, according to statements appearing in the press of to-day, and his appearance before the grand jury there, amounts to more than grave suspicions concerning the commission of crime involving the Attorney General himself, along with some Members of this House. It may be that Mr. Crim was put in there because they knew he could not write an indictment, and because they knew he ran a slow train and would not overtake a criminal. This may also explain why the grand jury is not convened in another place.

Mr. OLIVER of New York. The Attorney General has been given an opportunity to appear before the grand jury, and yet Members of this House were denied it.

Mr. LARSEN of Georgia. Yes; that is true also.

Now, gentlemen, I want to call your attention to another very sad condition existing in this Government, and that is that men who are shown to have been unfit for public service, if not guilty of crime, in connection with the investigation of the Veterans' Bureau, are allowed to remain in official positions and on the pay roll of the Government.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. LARSEN of Georgia. May I have five minutes more?

Mr. JOHNSON of Kentucky. I regret that I am so hard pressed now for time that I can not.

Mr. LARSEN of Georgia. I can get through in five minutes if the gentlemen can let me have that much.

Mr. JOHNSON of Kentucky. I would like to give the gentleman five minutes, but I realize that it would cut somebody out.

Mr. LARSEN of Georgia. Give me three minutes.

Mr. JOHNSON of Kentucky. I will yield to the gentleman three minutes.

The CHAIRMAN. The gentleman from Georgia is recognized for three minutes more.

Mr. LARSEN of Georgia. Mr. Chairman, I want to show what kind of men are employed in this Government. Here is a letter written by an employee to Mr. W. C. Black, now in the employ of the Veterans' Bureau. Mr. Black is a man who was, it seems, clothed with full authority to employ and discharge men; and yet receives a letter like this and never called in the man from the field to discharge him, or to investigate, or report his act. When the investigating committee permits it to be read into the record, he simply whines that it was written to him in a personal way and that some one slipped, or stole it from his office. Mind you, "his office," the Veterans' Bureau.

Let me read it (pages 701-702 of the record of the investigation):

MY DEAR MR. BLACK: Just a line to thank you for sending our checks. Evans leaves to-night for D. C., after loading around here for the past week. Say, this is some town. You are missing the real old times. Hunting season is on—rabbit dinners, pheasant sup-

pers, wines, beers, and booze—and, by God, we haven't missed a one yet. Collins and I get invitations to 'em all. Last Wednesday I was soused to the gills on rabbit, etc. Last Saturday, wines—Oh, boy! New Jersey is "dry," but Ohio—you pronounce it O-H-I-O—and these fellows here are some "treaters." We eat and wine with the mayor, the sheriff, the prosecuting attorney.

To hell with the central office and the work. And the fun is in the field—'tis all the work I want—just travel around. Say, Dexter, I think, is on the "rocks," and unless Forbes changes the administration, the school will be. I see the handwriting on the wall. We occupy the cottage of General ——. Pay rent and "heat."

The school has a supply now of junk. God, it's bigger than the depot ever was. The "puzzle" is—it is stuff they will never use—so why waste hundreds of dollars freight? 'Tis some joke.

— has been relieved as property chief, and —, assistant, is now chief school supply —; knows his job. — (referring to the other man) is a joke, but personal friend of —'s, you know. 'Tis some ring they are all playing. I am. 'Tis funny, though, the way they handle inspectors and visitors.

If Forbes could only see the "lovely" high (8) grass; and if fire comes—boom! up she goes. Tell old "Bob" Forbes there will be hell to pay on his heat problem, even with the employees. All of 'em won't turn in and pay for heat and then build their fires like C. and I. * * * Well, old boss, 'tis a wonderful time—as happy as can be—as soon as we can lift the freight embargo we will be through.

Let me know when Forbes is going to sell by sealed proposals; then's when I get a Rolls-Royce. Got a good drink coming; so here's back to you.

TRIPP.

P. S.—If you want to use certain information in this, quote it to them. Thanks. If you want more, ask.

The record and sworn testimony of W. C. Black shows that the writer of this letter was not discharged. The man Black, who was chief clerk at the time and under whose special supervision Tripp came, whines that the letter was personal to him, and continues to draw \$4,500 per annum in the Veterans' Bureau.

That is some of the kind of makeshifts we have down in the Veterans' Bureau. When a man like Black is sitting down there drawing \$4,500 a year with authority over other employees, what can we expect in the way of service? Such men as this should not be on the Government pay roll.

What about Commander O'Leary, who has a place in the Navy to-day, and whose honesty was questioned in 1913? He was undoubtedly brought into the Veterans' Bureau under the direction of Forbes, and, I believe, for the special purpose of aiding the disgraceful graft at Perryville. If you will just read these records and see the scoundrels who are now on the Government pay roll and note their conduct during the past year or two, you will not wonder that the people of this country are getting tired of paying taxes to support a set of skunks who steal it as fast as they can pay. [Applause.]

Mr. OLIVER of New York. Will the gentleman state from what record he is reading?

Mr. LARSEN of Georgia. I am reading from the printed record of the Veterans' Bureau investigation.

The CHAIRMAN. The time of the gentleman has expired. Mr. LARSEN of Georgia. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the Record.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to revise and extend his remarks in the Record. Is there objection? [After a pause.] The Chair hears none.

Mr. DICKINSON of Iowa. Mr. Chairman, I yield 15 minutes to the gentleman from Ohio [Mr. FITZGERALD].

The CHAIRMAN. The gentleman from Ohio [Mr. FITZGERALD] is recognized for 15 minutes.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the Record.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to revise and extend his remarks in the Record. Is there objection? [After a pause.] The Chair hears none.

Mr. FITZGERALD. Mr. Chairman and gentlemen of the committee, I wish to call the attention of the Members of this House to the deplorable conditions in the National Military Home and its 10 branches from Maine to California. The standard of living and the subsistence in the hospitals has been going down steadily under a Board of Managers which has felt the pressure of economy until our sick are virtually being fed on skimmed milk, spoiled eggs, and wormy cereals, and the Board of Managers comes before Congress, the Budget Commissioner, and the committee asking merely to maintain

this revolting standard in the hospitals of the soldiers' homes, and their requests for funds have been met by a cut in this bill of \$315,597, which means a further lowering of the already vile conditions. It means cutting down of food and cutting down of the already inadequate hospital care.

Mr. ANTHONY. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. ANTHONY. Does the gentleman believe it is possible that men are being fed upon spoiled eggs because of the economy in appropriations? Is not that the fault of the man who buys rotten eggs?

Mr. FITZGERALD. I hope so.

Mr. ANTHONY. I trust the gentleman will not lay the blame on Congress for a condition like that.

Mr. FITZGERALD. I want it understood that I am not reflecting upon this subcommittee or the Appropriations Committee; that I am not attacking the Board of Managers of the National Military Home, but I am appealing to the conscience of the Members of this House, which is responsible for these conditions.

The Board of Managers was created in a time of political excitement, when the President of the United States did not have the confidence of either the Senate or the House, and that Board of Managers reports and is responsible to no administrative department of our Government. The reports of the Board of Managers are made to the Speaker of the House or to the House, and have not been published for a number of years. The Speaker of this House, in his efforts to promote economy, has prevented my attempts, and the attempts of others, to secure the publication of these reports.

I want you to know what the standard is in the treatment of these fine old veterans of the Civil War, the veterans of the Spanish-American War, and of the World War. On the 11th of December, 1923, despite the fear of making complaints, which are constantly present in the minds of these boys, 152 tubercular patients in the hospital at the Central Branch of the Soldiers' Home at Dayton, Ohio, signed a petition and sent it to me complaining about the condition of their food.

NATIONAL MILITARY HOME,
Dayton, Ohio, December 11, 1923.

HON. ROY G. FITZGERALD,

House of Representatives, Washington, D. C.:

We, the undersigned, patients of the tuberculosis section of the National Military Home, Dayton, Ohio, do hereby file this letter of complaint of the food conditions here with you and trust that some action will be taken on this matter.

The food is of poor quality and improperly cooked, being served cold most of the time, and at times there is an insufficient quantity.

I shall add this petition with the signatures at the end of my remarks, the report of the official investigation, the comment of the Veterans' Bureau, and then a letter to Congressman COLE showing that things have become worst than before.

I want now to tell you that I laid this complaint before the Inspector General of the War Department, and that I laid it before the Veterans' Bureau, because all of these 152 boys, who had the courage to tell of conditions there, were members of the Army during the late war.

Mr. DICKINSON of Iowa. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. DICKINSON of Iowa. Did the gentleman ever make any complaint to any member of this subcommittee as to the conditions to which he refers?

Mr. FITZGERALD. Yes; I talked with Mr. ANTHONY about it and talked with Mr. BARBOUR about it, both of whom are here.

Mr. DICKINSON of Iowa. Did the gentleman ever appear before our committee?

Mr. FITZGERALD. I spent parts of two days listening to the testimony and what was going on.

Mr. DICKINSON of Iowa. Did the gentleman ever present that petition to the committee?

Mr. FITZGERALD. That petition was presented openly and was referred to several times before, and it has been going on for weeks and months.

Mr. DICKINSON of Iowa. I mean was it brought to the attention of Mr. ANTHONY.

Mr. FITZGERALD. Only to tell about it.

Mr. DICKINSON of Iowa. Does it appear in the hearings anywhere?

Mr. FITZGERALD. I think not. I am not finding any fault with this subcommittee, but I am revealing conditions which went on there.

Now, what does the inspection show? I have before me—which I desire to insert in the RECORD—a letter from the Veterans' Bureau, dated February 9, 1924, from which I will read just a word or two:

With further reference to your letter of December 26 to the director, dealing with the complaint of 152 men in the National Military Home, Dayton, Ohio, concerning subsistence in that institution, you are advised that through Gen. George H. Wood, president Board of Managers National Home for Disabled Volunteer Soldiers, the complaint has been investigated. A copy of the complete report, which is self-explanatory, is attached for your information.

The Veterans' Bureau is of the opinion that the complaint of the petitioners was justifiable, and is so recognized by Col. B. K. Cash, Inspector General, whose report was transmitted by General Wood.

This whole letter will be inserted in the RECORD along with the complete report at the end of these remarks.

That is the present standard. Do you want me to analyze it? I have here some of the figures as to cost of subsistence. Do you know what it is costing to feed the men in the hospital who are attempting to get well from consumption in that national military home? They are fed at an expense of 55 cents a day. In the common jail at Dayton, Ohio, we allow 70 cents a day for each criminal and prisoner. In the hospitals of the Veterans' Bureau, where they are feeding the same kind of patients in tuberculosis hospitals, it costs 88 cents a day. Do you know what they are feeding these fine old men, these veterans of the Civil War who preserved this Federal Union—those splendid veterans of the war with Spain, every man a volunteer? In the general hospital they are feeding them for 34 cents a day. The Veterans' Bureau pays 64 cents a day. Do you know that they are feeding those not in the hospitals—the attendants—at the cost of 26 cents a day, and can you imagine what kind of attendants these men get, where they are fed at 26 cents a day in the national military home?

Mr. BYRNS of Tennessee. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. BYRNS of Tennessee. I remember that it was distinctly testified before the committee a year ago that in the case of tuberculosis patients in soldiers' homes they were giving them steaks, eggs, rich cream, and other food suitable for patients suffering from that sort of a disease.

Mr. FITZGERALD. Would the gentleman like to hear some of the evidence?

Mr. BYRNS of Tennessee. I am telling the gentleman the testimony before the committee.

Mr. FITZGERALD. I had it inspected, and I can tell my good friend from Tennessee that a charitable institution at Dayton, Ohio, has had to go out and help feed men in the tuberculosis hospital because of the scandalous character of their treatment. I have just read to you the complaint of 152 men of the World War, and I have read to you a report stating that their complaint was justified. Now, what do you suppose has happened since then? I will read a letter written to my colleague, Hon. CLINT COLE, by a boy from his district in that same tuberculosis hospital at Dayton who wrote about these conditions, after I had had the complaint of 152 patients investigated and, I hoped, corrected.

That letter is as follows:

WARD 33, N. M. H.,
Dayton, Ohio, February 18, 1924.

Hon. CLINT COLE,
Washington, D. C.

DEAR SIR: During the late war I served six months in the United States Army at Camp Jackson, S. C. Seven weeks of this time I was in the base hospital with pneumonia and aspirated chest, seven days unconscious. Previous to this time I had never been sick a day in my life. Yet the Veterans' Bureau tells me they can not possibly connect my present tuberculosis disability to the service. For this service I received monthly pay of \$7.40, plus \$60 additional at discharge.

That is all right. I try not to complain on that score. But when we come to this home because we must, certainly we can expect the Government to give proper treatment. No doubt they are paying for it, but we are sure as hell—not getting it. If any tuberculous man or woman can live, let alone get well, on the food they serve, I would like to see him. All eggs are cold storage. Have very bad odor and taste, not to mention looks. No butter or crackers part of the time. Poor milk. Sauerkraut, bologna, corned beef, and the like. Boiled potatoes and beef every meal. Nothing seasoned. The dishes and pitchers are often dirty. The food is usually poorly cooked.

Sometimes excellent meals are served, but very seldom. We patients are complaining about the usual run of meals, especially the breakfasts and suppers. Some time ago complaint was made through petition. For a couple weeks things seemed to improve. They are much worse at present than previously.

Of course, I understand we ex-service men are a bunch of bums, Treasury robbers, etc. There seem to be a few up your way, too. Well, Clint, I am from Findlay where we try to treat everyone square.

Will you, or will you not, lend your support in trying to improve the eats and conditions here?

Very truly yours,

FAY W. FELLER.

That followed the official investigation which proved the truth of the allegations which I had known from an independent source, and I say to you that the home management is not wholly to blame. I hold no brief for Gen. George H. Wood. He is president of the Board of Managers, the only one receiving any salary at all, and that most inadequate. He is well informed, active, loyal, and industrious, but he is acting under the great pressure of economy exerted upon Congress and all departments of the Government, and from men who do not know the conditions and do not understand. Yielding to a constant pressure for economy, the board has pared its estimates to a scale that is niggardly and on which our veterans, whose care should be our sacred trust, can neither be fed nor treated on a decent human standard. And now the standard is proposed to be cut by this bill so that every twelfth day the veteran is to have nothing to eat at all.

The United States Veterans' Bureau hospitals and the hospitals in the National Home for Disabled Volunteer Soldiers are devoted solely to caring for former service men and women. All are maintained by appropriation of public money.

The hospitals operated by each agency are divided into three groups: First, general; second, tuberculosis; and third, neuropsychiatric. The requirements of food supplies vary considerably in the different groups. The average daily cost of food supplies for the month of January is as follows:

	Veterans' Bureau.	National Home.
General.....	\$0.64	\$0.34
Tuberculosis.....	.88	.55
Neuropsychiatric.....	.62	.26
Domiciliary members and general employees.....		.26

The estimate of the National Home for subsistence for the Central Branch for 1925 was reduced \$29,000. It is estimated that 2,800 members and employees will be subsisted. The reduction amounts to 3 cents per day on each person subsisted.

If the home maintains the same standard for 1925 as obtains now, and furnishes exactly the same food supplies, the cut in the provision would require that there be a fast day for the tuberculosis patients every nineteenth day, for the patients in the general hospital every twelfth day, for the patients in the neuropsychiatric hospital every twelfth day, and for the domiciliary members and general employees who are maintained by the home every ninth day.

Mr. DICKINSON of Iowa. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. DICKINSON of Iowa. Why did not the gentleman present this matter to the subcommittee in written testimony in the way he presents it here this afternoon? Why did the gentleman save a bombshell like this and come in here and let it explode this afternoon?

Mr. FITZGERALD. I am delighted to know that the gentleman considers it a bombshell. I spent part of two days before the gentleman's subcommittee and did not see him there at all.

Mr. DICKINSON of Iowa. But there is not a word in the testimony about this.

Mr. FITZGERALD. I did see the gentleman from Kentucky [Mr. JOHNSON] and my friend from California [Mr. BARBOUR], and I did see Mr. ANTHONY, who is about the most industrious and hard-working Member that I know of in this House, and it ill becomes the gentleman from Iowa to criticize me when he was not there attending to his duty. I was there, and I did see the members of the gentleman's subcommittee, who were attending to their duties.

Mr. DICKINSON of Iowa. Mr. Chairman, will the gentleman yield further?

Mr. FITZGERALD. Yes.

Mr. DICKINSON of Iowa. Will the gentleman tell me why he did not give some testimony so that I could have known of this condition?

Mr. FITZGERALD. I was ready to give the testimony.

Mr. DICKINSON of Iowa. Did the gentleman give it?

Mr. FITZGERALD. I was not asked to give it, but I told the gentleman's committee that I had this information and was anxious to give testimony.

Gen. George H. Wood was there testifying to the facts and figures. The very able general treasurer of the home was there, Col. C. W. Wadsworth, and I shall in extending my remarks put in the Record a résumé of the testimony of General Wood and the treasurer of the home, which the latter has prepared for me in chart form, showing exactly what they demanded as necessary to maintain even this present loathsome standard with its vile conditions. I want to say that an irresponsible—and I say that advisedly—employee of the Budget Commission took the estimates of the Board of Managers and deliberately and arbitrarily, not ever having been in a national military home, and having concluded that these managers did not know what they were talking about, lopped off almost \$600,000 from subsistence, repairs, hospital estimates, and this Subcommittee on Appropriations, I think, went as far as it felt it dared to go, under the pressure of economy in this administration and the impulse and pressure uphold this sacred Budget system, by putting back some hundreds of thousands of dollars onto the estimates.

Mr. BARBOUR. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. BARBOUR. The gentleman knows, of course, that the committee raised the Budget estimate for the soldiers' homes something in the neighborhood of \$300,000.

Mr. FITZGERALD. I am very glad to have the statement made. The Budget Commission cut the estimates of the Board of Managers \$580,900, and the Appropriations Committee, by the bill, restores \$265,303, leaving now a deficit of \$315,597, which I want this House to make up and more than make up.

Mr. BARBOUR. The committee felt that the Budget officials had themselves been rather strict in handling some of these estimates.

Mr. FITZGERALD. I agree with the gentleman. I am not criticizing this committee. I am now calling the attention of this House to its responsibility. The managers of the soldiers' home report to no administrative department of this Government and no bureau of this Government has supervision over this board. They report to Congress, and you never see their reports, because they are not published, for the reason that we are so economical these days that we can not afford the money necessary to print the reports, and so you are not to be informed about them. Do you know what is the present standard of the hospitals of the 10 soldiers' homes? I want to read to you a letter which I received in response to a letter from me asking that complaints be put in the form of affidavits. The young man could not get any affidavits from the home. Is he responsible? Is this true which I am going to read? Three reputable men of my city—T. C. Lehman, a jeweler; Charles H. Hennessy, a merchant tailor; and Frederick W. Howell—testified to the responsible character of the man who wrote this letter, and General Wood in my office said to me that he knew this splendid though crippled veteran soldier, and that he is entitled to be believed:

DAYTON, OHIO, March 21, 1924.

Hon. ROY FITZGERALD, M. C.,

Washington, D. C.

DEAR SIR: Your letter of March 8 received. I am sure discouraged. I paid \$6 to get some statements and charges written out against the Board of Managers and the governor of the Dayton home. I can't get any of the members of the home to sign them—they are afraid.

I tell you how they did to me. I had to get out of the home. They put old men on both sides of me in Company 7 that could not hold their bowels or water and they would remain in a filthy condition for 8 or 10 days at a time. My stomach wouldn't stand it any longer. They put a man across the table from me with a cancer on his face. I went to the major, Doctor Grover, and had this man put in the cancer ward where he died. This man was a Spanish war man by the name of Benson.

The Regular Army Inspector that comes to inspect the home is aware of the conditions of the home. I think it was in 1917 that I signed charges against the doctors. About the conditions of ward 11 at the home hospital, that ward was torn down in a short time after the Inspector was there from Washington. That same Inspector was at the Dayton home not long ago. All I have to say is that it is a dirty shame the way the old men of the Dayton home are treated.

I come from a family of soldiers. I had two uncles and a grandfather in the War of the Rebellion. My father enlisted in the Civil War as a private soldier and was a colonel at the close of the war after four years and a half service. Eighty-third Indiana Volunteer Infantry. He died in 1897 and I am glad that he didn't have to go to the soldiers' home.

I know it is not the fault of Congress or the Government of the United States, for they are not aware of the conditions that exist at the Dayton home. I was discharged from the Regular Army by reason of disability in 1905 after four years and nine months service. I put

over two years in the Philippine Islands. I lost my limbs while in employ of the quartermaster at Fort Benjamin Harrison, Ind., doing my duty as a citizen of the United States. I had to go from Indiana to Milford, Ohio, to vote in 1908. I was on my way back to work when I was hurt. I have been a cripple for 16 years and put 16½ years in the Dayton home. I am very thankful to Congress and the Senate that I get \$30 a month pension and I think I can live out of the home on that.

What you want to do, Mr. FITZGERALD, is to get rid of that Board of Managers. Put the home under the War Department, then it will be a place to live.

With best regards and thanks for what you are trying to do for the soldiers of all wars,

Yours respectfully,

HARRY SCOTT,

125 S. Western Avenue, Dayton, Ohio.

The bill as reported makes radical reductions from estimates submitted by the home.

At the Central Branch the total cut of about \$76,000 falls principally on three items—subsistence, hospital, and repairs. The estimates submitted were based on maintaining service on present standard. The reduction would have to be met by sacrificing the standard. This would reduce what heretofore has been considered a low standard. No question but what it would result in general dissatisfaction and bring discontent in the home.

The cut in the hospital of more than \$15,000 would have to be met by reducing personnel. The attendants in the hospital now are not more than one attendant to three patients, being only about one-third of the approved schedule as adopted by the hospitalization board.

Similar reductions for the several branches of the home are similar to the reductions in the Central Branch, and the result of the reduction would be exactly the same at the different branches and would bring the same discomfort to the members of the home.

The Southern Branch at Hampton, Va., has been set aside and is caring for the senile and demented members of the Civil and Spanish-American Wars. The care of these members is very exacting, and funds available have not permitted the employment of sufficient number of attendants to properly care for these helpless members. The estimates submitted were on the basis of handling the situation as economically as possible. The bill as reported reduces the amount asked for under hospital. This will require the dropping off of some of the attendants now employed and further increase the discomfort of the helpless members. The amount asked for under subsistence has been reduced. This is especially unfortunate and can not be met without denying to these old men the kind of diet best suited for them, such as milk, eggs, and so forth. The cost of maintaining the hospital at the Southern Branch was less than the cost at any other branch of the home, and less than \$1.50 per day per patient. The reduction in the bill will force a reduced cost and a materially reduced service.

It should be borne in mind that at the home hospitals, such as the Mountain Branch and the Marion Branch, practically all of the patients cared for are World War men, and the major portion of them are beneficiaries of the Veterans' Bureau who are entitled either to be cared for in the soldiers' home or Veterans' Bureau hospitals, as they may elect, and that the home hospitals have been expending for subsistence not more than two-thirds of the amount per day as expended by the Veterans' Bureau hospitals.

The bill as reported cuts the limited amount spent by the home, so it will make the disparity greater than it has been in the past. At all the other branches World War men are admitted and cared for.

Up to February a year ago the soldiers' home classified as an old soldiers' home, the Civil War veterans being in the majority. Since that date the number of Civil War veterans has become reduced until to-day only 42 per cent of the whole membership are Civil War veterans.

I now read the petition in full:

PETITION.

NATIONAL MILITARY HOME,

Dayton, Ohio, December 11, 1923.

Hon. ROY G. FITZGERALD,

House of Representatives, Washington, D. C.:

Copies to Director F. T. Hines, United States Veterans' Bureau; Capt. William Coffin, director district No. 7, United States Veterans' Bureau; Hon. FRANK B. WILLIS, United States Senate; James A. McFarland, national commander Disabled American Veterans.

We, the undersigned patients of the tuberculosis section of the National Military Home, Dayton, Ohio, do hereby file this letter of

complaint of the food conditions here with you and trust that some action will be taken on this matter.

The food is of poor quality and improperly cooked, being served cold most of the time, and at times there is an insufficient quantity, and we, the undersigned, believe that food of this character is a detriment to the treatment of tuberculosis patients and that this condition should be remedied.

We feel that we are not getting the full benefit of the amount of money appropriated for us here.

Respectfully submitted by:

Harold L. Allen, Cleveland, Ohio; Frank J. Busser, Cleveland, Ohio; Carl C. Potter, Fort Wayne, Ind.; Orville H. McCormick, Cecil, Ohio; Charles N. Sampson, West Liberty, Ohio; Dewey Turley, Muncie, Ind.; Emil Witt, Massillon, Ohio; Willard G. Christian, Ironton, Ohio; Port Bretzius, Akron, Ohio; Joe Nardelli, Akron, Ohio; Rosario Dangelo, Cincinnati, Ohio; Albert C. Baumgartner, Cincinnati, Ohio; Jno. S. Sandermeier, Dayton, Ohio; I. E. Holden, Bowling Green, Ohio; John H. Miller, Cincinnati, Ohio; James Shumate, Cleveland, Ohio; Harry A. Van Gries, Dayton, Ohio; Young Alonso, Russellville, Ky.; Oscar H. Matre, Cincinnati, Ohio; Walter E. Huchholy, Akron, Ohio; Russell Adair, Covington, Ky.; Homer C. Dodd, Columbus, Ohio; Henry H. Jegley, Batavia, Ohio; Orville E. Haley, Paoli, Ind.; T. P. McCarty, Covington, Ky.; James Fuller, Cleveland, Ohio; Geo. W. Deller, Cincinnati, Ohio; C. E. Hines, Lebanon, Ohio; William Boehm, Cincinnati, Ohio; George Bilhu, Toledo, Ohio; Tony Pompalane, Dayton, Ohio; Shelby T. Moony, Hamilton, Ohio; Frank Goslicki, Detroit, Mich.; E. J. Helket, Chicago, Ill.; Wm. H. Parody, Dayton, Ohio; Robert Newman, Toledo, Ohio; J. P. Kroeger, Cleveland, Ohio; K. G. Ballard, Jackson, Ohio; R. T. Tooley, Troy, Ohio; Harry Sartwell, Indianapolis, Ind.; Arthur Silber, Cincinnati, Ohio; Edwin Clarendshaw, Cincinnati, Ohio; Philip Fishback, Dayton, Ohio; Wm. K. Harrison, Milwaukee, Wis.; Sam McLean, Dayton, Ohio; Frank A. Keifer, Fostoria, Ohio; H. I. McKendry, Denver, Colo.; Ralph Baldassare, Dayton, Ohio; Theo. Combs, Hamilton, Ohio; Howard Daly, Norwood, Ohio; Oary S. North, Toledo, Ohio; Robie Nenstiel, Albany, Ind.; Frank Cook, Cincinnati, Ohio; Lee A. O'Hara, Lancaster, Ohio; H. E. Benigar, Columbus, Ohio; Arthur F. Runyon, Akron, Ohio; William L. Baltzell, Mount Vernon, Ohio; H. M. Moore, Indianapolis, Ind.; F. L. Wilkerson, ——— City, Ohio; Harry Ammon, Muncie, Ind.; Clarence Biederman, Lima, Ohio; Clarence F. Forste, Cincinnati, Ohio; Troy F. Rich, Boone, Ky.; Sam Wheeler, Warsaw, Ky.; Harry A. Engel, Batesville, Ind.; Roy Jackson, Indianapolis, Ind.; Robt. I. Hersberger, Fort Wayne, Ind.; Alex Cadin, Cleveland, Ohio; McQueny Jack; Cameron Sillus, Muncie, Ind.; John Voss; Charles L. Schroupe, Urbana, Ohio; David A. Tyler, Alexandria, Ind.; F. A. Thayer, Indianapolis, Ind.; Wm. M. McMillen, Akron, Ohio; Chas. J. Roehmer, Ewing, Ind.; Wiert Bragg, Akron, Ohio; A. P. Harrison, Indianapolis, Ind.; Cecil Clay, Union City, Ind.; R. A. Rice, Cleveland, Ohio; Henry Nlacc, Jackson, Ky.; C. G. Bimer, Fort Wayne, Ind.; Oliver L. Frank, Tiffin, Ohio; F. W. Feller, Findlay, Ohio; Frank Hoovek, Cleveland, Ohio; C. J. Ratcliffe, Cincinnati, Ohio; Harry B. Knight, Cincinnati, Ohio; Chas. F. Perkins, Cleveland, Ohio; Icy Fitzpatrick, Russell, Ky.; Everett D. Fawley, Argos, Ind.; Mack Chrobot, South Bend, Ind.; Chris C. Fields, Holden, W. Va.; Frank Luke, Georgetown, Ky.; Dallas Newman, Cincinnati, Ohio; Austin Flynn, Dayton, Ohio; Wm. L. McCoy, Indianapolis, Ind.; Michael J. Farrell, Dayton, Ohio; Charles Abraham, Battle Creek, Mich.; N. L. Morey, Dayton, Ohio; Ben Albertson, Laporte, Ind.; Sarah Snider, Washington, Ind.; Jonus Neal, Middletown, Ohio; Harold C. Butz, Dayton, Ohio; Chas. W. Morris, Newark, Ohio; Charitee Hendricks, Barbourville, Ky.; Paul R. Craig, Richmond, Ind.; Ole Stillien, Grafton, W. Va.; Larry Heaney, Cleveland, Ohio; Ludwik Majewski, Cleveland, Ohio; Joseph Simmonds, Cleveland, Ohio; Dewey O. Stiller, Columbiana, Ohio; Richard Henderson, Louisville, Ky.; Robert Ogden, Chillicothe, Ohio; Fretic Anthony; Chas. D. Lyon, Cincinnati, Ohio; Wm. J. Brown, Fort Wayne, Ind.; George W. Letta, Enid, Okla.; Frank Keelan,

Akron, Ohio; Edward Bord, Arcadia, Ind.; Arthur E. Johnson, Cleveland, Ohio; Lulla J. Moore, Oxford, Ohio; R. F. Brown, Nathans Creek, N. C.; Verna L. Spreuer, Howe, Ind.; August Prykon, Elyria, Ohio; T. B. Gornlinson, 1782 Denham Street, Cincinnati, Ohio; B. E. Karl, Cleveland, Ohio; Harry G. Herbat, Cincinnati, Ohio; Owen E. Bell, New Castle, Ind.; Henry B. Perria, Dayton, Ohio; Paul D. Kruppe, Bryan, Ohio; Frank Hanna, Stony Ridge, Ohio; Christopher Liebel, Cincinnati, Ohio; Ben Tanner, Kouts, Ind.; Otto P. Smith, Fostoria, Ohio; Thomas Harris, Cincinnati, Ohio; Daniel Day, Franklin, Ohio; D. M. Humes, Urbana, Ohio; R. J. Sonn, Canton, Ohio; J. E. Wells, Youngstown, Ohio; T. F. Rowley, Toledo, Ohio; Louis Sax; Albert Klein, Buffalo, N. Y.; Orville Chandler, Upper Sandusky, Ohio; Elba Eames, Huntington, W. Va.; Fred Weigel, Louisville, Ky.; Fred Nowbrey, Indianapolis, Ind.; Pearl Moon, Garrett, Ky.; John C. Mundy, Urellaton, Ohio; Martin Day, Cincinnati, Ohio; Joseph Salski, Toledo, Ohio; Leonard Russell, Milwaukee, Wis.; August J. Ciceu, Braill, Ind.; Dorse Loper, Marion, Ohio.

I now read the reply from General Hines, Director of the Veterans' Bureau, acknowledging receipt of the complaint:

JANUARY 2, 1924.

HON. ROY G. FITZGERALD,

House of Representatives, Washington, D. C.

MY DEAR MR. FITZGERALD: Receipt is acknowledged of your letter of December 26, 1923, with reference to a petition signed by 152 ex-service men in the tuberculosis section of the hospital at the National Military Home in Dayton, Ohio, complaining of the food.

Immediate investigation is being requested, and upon receipt of report of investigation you will be fully informed.

Very truly yours,

FRANK T. HINES, Director.

I now read the letter from the Veterans' Bureau telling me that the complaint was justified and inclosing report of the investigation:

UNITED STATES VETERANS' BUREAU,
Washington, February 9, 1924.

HON. ROY G. FITZGERALD,

House of Representatives, Washington, D. C.

MY DEAR MR. FITZGERALD: With further reference to your letter of December 26 to the director dealing with the complaint of 152 men in the National Military Home, Dayton, Ohio, concerning subsistence in that institution, you are advised that through Gen. George H. Wood, president Board of Managers National Home for Disabled Volunteer Soldiers, the complaint has been investigated. A copy of the complete report, which is self-explanatory, is attached for your information.

The Veterans' Bureau is of the opinion that the complaint of the petitioners was justifiable, and is so recognized by Col. B. K. Cash, inspector general, whose report was transmitted by General Wood.

It is believed that every effort is being made by the National Military Home at Dayton, Ohio, to obviate this condition and to give claimants a more liberal and well-balanced diet, as well as a diet more suitable to the physical condition of your petitioners.

The Veterans' Bureau appreciates your interest in this matter and believes that under the new arrangement which has been made the cause for complaint will be eliminated.

For the director:

E. H. HALL,
Chief Inspection Division.

I now read the letter from the general treasurer of the Soldiers' Home and present the abstract:

NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS,
HEADQUARTERS NATIONAL MILITARY HOME,
Dayton, Ohio, March 13, 1924.

From: The general treasurer National Home for Disabled Volunteer Soldiers.

To: Hon. ROY FITZGERALD, House of Representatives, Washington, D. C.

Subject: Statement re appropriation.

MY DEAR CONGRESSMAN: I am inclosing herewith an abstract of the estimates of the National Home for Disabled Volunteer Soldiers, which sets out in plain figures the Home's estimate, the budget figured, the amount included in the bill, and the amount reduced, believing that you will find this very much more convenient than to try to unravel tangled figures shown up in the different papers. This shows the item that is short under each of the several subheads of appropriation and fixes it so that an amendment to restore can be made under each item when it is considered.

Sincerely yours,

C. W. WADSWORTH.

Abstract of estimates, 1925—National Home for Disabled Volunteer Soldiers.

	Central.	North-western.	Eastern.	Southern.	Western.	Pacific.	Marion.	Danville.	Mountain.	Battle Mountain Sanitarium.	Total.
Current expenses:											
Home estimate.....	\$70,000	\$50,300	\$48,500	\$55,400	\$50,100	\$69,000	\$49,500	\$56,250	\$40,500	\$34,950	
Budget.....	66,700	55,500	43,100	51,100	56,250	62,400	44,200	51,750	42,400	32,950	
Bill.....	66,350	57,500	45,000	52,500	57,500	66,000	46,500	54,000	45,100	33,500	
Reduction.....	2,250	1,800	3,500	2,900	1,000	3,600	3,000	2,250	4,300	1,450	
Subsistence:											
Home estimate.....	352,000	288,564	94,784	222,000	204,340	402,300	241,000	210,300	280,000	82,950	
Budget.....	342,100	276,614	88,584	206,650	197,940	375,500	207,200	194,900	219,600	79,650	
Bill.....	353,460	287,000	90,000	215,000	202,500	395,000	230,000	204,000	225,000	80,500	
Reduction.....	29,140	1,564	4,784	7,000	1,840	7,300	11,000	6,300	5,000	2,450	
Household:											
Home estimate.....	209,000	139,400	100,286	129,494	134,940	129,750	109,520	115,500	99,800	59,920	
Budget.....	169,800	134,700	95,036	125,284	128,280	111,750	105,350	104,500	92,800	59,920	
Bill.....	191,800	139,000	100,000	125,284	132,600	118,000	107,000	109,000	99,500	59,920	
Reduction.....	9,800	400	286	4,200	2,440	11,750	2,520	6,300			
Hospital:											
Home estimate.....	274,228	236,500	59,500	122,700	95,450	204,900	272,950	86,500	213,500	67,100	
Budget.....	260,528	226,200	46,200	104,200	99,890	238,800	202,450	69,800	228,000	61,700	
Bill.....	260,528	220,000	50,000	100,000	94,300	255,000	228,000	78,000	256,000	63,000	
Reduction.....	13,700	6,500	9,500	13,700	950	9,900	14,950	8,500	8,500	4,100	
Transportation:											
Home estimate.....	1,000	500	500	1,000	500	1,000	1,000	500	500	500	
Budget.....	1,000	500	500	1,000	500	1,000	1,000	500	500	500	
Bill.....	1,000	500	500	1,000	500	1,000	1,000	500	500	500	
Repairs:											
Home estimate.....	91,900	57,400	32,000	55,000	49,640	75,500	50,315	49,772	47,500	22,300	
Budget.....	71,450	47,050	26,900	43,380	43,820	50,250	43,115	30,872	38,950	18,300	
Bill.....	71,450	47,050	27,000	50,000	46,500	65,000	46,500	45,000	43,500	20,000	
Reduction.....	20,450	10,350	5,000	5,000	3,140	10,500	3,815	4,772	4,000	2,300	
Farm:											
Home estimate.....	23,100	14,440	19,772	12,270	20,286	26,300	18,650	12,320	30,000	7,500	
Budget.....	22,350	13,790	19,772	11,500	18,296	18,650	18,650	10,550	28,800	5,500	
Bill.....	22,350	13,790	19,772	11,500	19,500	22,500	18,650	11,000	28,800	6,000	
Total:											
Home estimate.....	1,063,028	798,104	355,342	595,854	554,926	1,000,900	742,935	531,192	701,700	276,220	\$6,620,201
Budget.....	963,928	764,354	322,992	543,114	539,408	978,350	651,965	471,922	654,750	268,520	6,039,301
Bill.....	976,938	774,840	332,272	564,284	553,500	982,500	707,650	501,500	677,700	283,420	6,304,604
Reduction.....	76,090	23,284	23,070	51,570	11,426	46,400	35,285	29,692	24,000	12,800	315,597
Clothing: Bill.....											\$161,200
Salaries and incidental expenses: Bill.....											61,700
State aid: Bill.....											700,000
Total branches.....											6,304,604
Total.....											7,227,504

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. FITZGERALD. Is the committee disposed to allow me any more time?

Mr. ANTHONY. I am sorry we have not any more time available.

Mr. JOHNSON of Kentucky. Mr. Chairman, I yield 10 minutes to the gentleman from Missouri [Mr. LOZIER].

[Mr. LOZIER was given permission to revise and extend his remarks in the Record.]

Mr. LOZIER. Mr. Chairman and gentlemen of the House, a few days ago I voted for a soldiers' adjusted compensation bill. When this measure was reported by the Ways and Means Committee the Republican members of the Rules Committee brought in a special rule prohibiting amendments and limiting debate to 40 minutes.

Mr. SNELL. Will the gentleman yield there?

Mr. LOZIER. I prefer not to yield now.

Mr. SNELL. In making such a statement, I think the gentleman should be fair in stating it.

Mr. LOZIER. If I have made a misstatement, I ask the gentleman to correct me.

Mr. SNELL. Neither the Republican members of the Rules Committee nor any other members brought in a rule to consider that bill. Your statement is entirely wrong.

Mr. LOZIER. Yes; I accept the gentleman's correction. I now recall that it was by a suspension of the rules, which had the same effect, and the motion to suspend the rules came from the Republican side of the House. This was in accordance with the predetermined plans of the Republican leaders to prevent debate and prevent amendment. It was a parliamentary method of applying the "gag" rule, thereby preventing us from amending the bill so as to provide for an optional cash bonus.

If this time—40 minutes—allowed for debate had been divided equally between the 435 Members of the House, each Member would have had five and one-half seconds in which to discuss this bill that carries ultimately an expenditure approximating \$2,025,889,696, covering a period of 20 years. It is estimated that this bill affects 4,293,607 ex-service men and the families of 183,805 ex-service men who died between January 1, 1919, and January 1, 1924. Moreover, this bill vitally affects our entire

population, approximating 110,000,000 souls, most of whom are taxpayers, by reason of which they have a substantial interest in this legislation. And although billions of dollars of public funds are involved in this legislation, and notwithstanding the fact that 110,000,000 people in the United States, more than 4,000,000 of whom are ex-service men, are materially interested in this measure, the Republican leaders in this House decided to consider this bill under a rule that limited debate to 20 minutes on a side, or 40 minutes, all told; and absolutely prohibited any amendment of any kind or character.

Of course, in the 40 minutes allowed for debate only a few of the 435 Members of the House had an opportunity to express their views. As another evidence of the desire of our Republican friends to suppress debate and avoid publicity, the gentleman from Ohio [Mr. BROS], the evening star of protection and plutocracy, refused unanimous consent to Members to extend their remarks in the Record. This objection deprived more than 200 Republican Members of this House and a like number of Democrats of the privilege of expressing their views on this bill. But, Mr. Chairman, a few self-constituted leaders of the Republican Party in the House can not suppress debate or gag the Members indefinitely. As representatives of sovereign constituencies, the Members of this House have and should exercise the privilege of pointing out the merits or demerits of any pending legislation. To deny this right is tyranny.

Since I became a Member of this body I have not consumed any time in unnecessary debate, nor have I thrust myself forward, but I have endeavored to conduct myself with the modesty and reserve that should and does actuate new Members of this legislative assembly. However, I have not abdicated my rights as the Representative of a great district to express my views on economic problems and matters affecting the public welfare.

Now, while the adjusted compensation was being considered, by the enforcement of the arbitrary rule limiting debate to 40 minutes only about 20 of the 435 Members of the House were permitted to express their views on the pending bonus bill, and, of course, no one was permitted to discuss the measure at length or in detail. I shall to-day exercise my rights as a Member of this House and briefly state the reasons why I voted for the soldiers' adjusted compensation bill, and at the same time point out what I consider the defects of the bill.

I am not a new convert to the policy of granting the soldiers of the World War an adjusted compensation. I was nominated and elected on a platform one plank of which called for the immediate enactment of a fair, just, and liberal soldiers' compensation law.

I still favor granting our ex-service men an adjusted compensation that will be fair, liberal, and just. This we must do if we are to keep faith with the men who sacrificed and suffered in the late World War.

We owe a moral duty to the ex-service men to readjust their compensation. They were drawn from the farms, stores, shops, mills, offices, and from every other department of activity. They were not consulted as to their compensation. Their time, their bodies, and their souls were drafted. They were compelled to sever home and business ties. They were suddenly withdrawn from employment and from business activities and thereby lost the opportunity of earning high wages or otherwise participating in the tremendous wealth that came to our people as an incident to the World War. They suffered severe financial losses when they gave up their possessions, parted with their equipment, sold their little belongings, and marched away following "Old Glory."

Those who remained at home shared in the great wealth that came to all classes during the war period. The merchant, banker, broker, tradesman, manufacturer, capitalist, master of finance, and captain of industry prospered immensely and many accumulated fortunes far exceeding the dreams of avarice. Approximately 22,000 new millionaires were created by liberal payments made by the Government for munitions, military equipment, war supplies, and commodities directly or indirectly connected with our military operations, while vast multitudes of our citizens engaged in mercantile, industrial, and commercial pursuits multiplied their wealth over and over many times.

The service men contributed more than their just proportion toward winning the war. They risked everything, including their lives. The Government drafted these boys—conscripted the man power of the Nation. These boys did not in the time of our national peril offer a few paltry dollars to the Government, to be repaid with interest. They tendered their lives, their time, their all, cheerfully, loyally, and uncomplainingly on the altar of their country. This was devotion and sacrifice, compared with which the contribution rendered by those who stayed at home sinks into insignificance.

The Government did not conscript business, industry, and capital. The manufacturing, industrial, and commercial resources of the Nation were not drafted like the man power of our country. The manufacturing barons and industrial lords bargained and haggled with "Uncle Sam" on a "dollar and cent" basis. They permitted their plants to be utilized in the manufacture of munitions, war supplies, and equipment on condition that they be allowed to profiteer at the expense of their country. When the history of this great war is written the most damnable and dastardly page will be the one that records the unblushing, infamous, and shameless profiteering by the manufacturing classes, the powerful interests, and the beneficiaries of special privilege, who preyed on the necessities and distress of their war-swept country. With practically no limit on their profits, these economic vultures plundered the Nation as complacently and unconscionably as Captain Kidd or Jean Lafitte plundered and scuttled ships on the Spanish Main or Seven Seas. [Applause.]

The service men came out of the war poorer than when they entered and without having profited as a result of the war. They had to begin life over again, and as yet this great Nation has done absolutely nothing to equalize the men who won the war with those who remained at home and financially profited by the war.

I ask only fair treatment for the ex-service men. They fought your battles; they defended your Government; they preserved your cherished institutions; they protected your property, and by their service and sacrifice they insured for you and your posterity national tranquility and the continued enjoyment of the blessings of a free people.

Now the ex-service men are not asking for a bonus, as this term is generally understood, but they are asking for a readjustment of their compensation on an equitable basis. They are asking the Government to equalize the insufficient pay of the soldier, taking into consideration the exceedingly low compensation paid the service man and the very serious economic loss he and his family sustained, which is out of all proportion to the contribution made by other classes toward the winning of the World War. Is there anything wrong with this request? I think not.

The Government, during the war, gave something like a half million civilian employees a bonus of \$20 per month, and that

bonus is still being paid to all civilian employees who receive a salary of less than \$2,500 annually. This bonus to employees to date amounts to nearly \$300,000,000. The members of the Regular Army and Navy have also received an adjusted compensation amounting approximately to \$135,000,000, and as yet the big financial interests have not complained of these allowances or charged that they were unpatriotic, or that they threatened the business stability or economic life of our Nation. The Government has paid the railroads an adjusted compensation amounting to \$1,096,000,000 for the use of the railroads during the war, an amount not only liberal but grossly excessive in the opinion of every thoughtful student of the history of the Government's attitude toward the railroads during and following the war period. Moreover, after the war was over, the Government paid the war contractors nearly three-fourths of a billion dollars as adjusted compensation, notwithstanding the fact that these profiteers had already made billions of dollars on their war contracts.

And, mind you, the adjusted compensation paid the civilian employees, the members of the Regular Army and Navy, the railroads, and the war contractors was all paid in cash and not with insurance policies payable at death or in 20 years. No, indeed; all these other adjusted compensations were paid in cash; but when the Government tardily concludes to allow the ex-service men the shadow of adjusted compensation while withholding the substance or real compensation, it says, in effect, "the business and financial conditions of the Nation you protected and saved will not permit us to pay you in cash, so we will make you a present of a nicely engraved policy of insurance, printed in the seven colors of the rainbow, promising to pay you something in 20 years, provided you live that long; and if you die within the 20-year period, we will pay to your heirs or legal representatives the money that you are entitled to now."

The ex-service men have asked us to enact a fair and just compensation bill, with options for cash payment or insurance. This request you have denied. The bill you and I voted for is not the bill the ex-service men want and not the bill that the American people demand. In secret caucus, behind barred doors, the Republican leaders conspired to defeat the just and reasonable plans and appeals of the ex-service men, and ruthlessly proceeded to emasculate the bill indorsed by the ex-service men and sanctioned by the American people of all political faiths. You know that this bill is a makeshift and you did not dare let down the bars and give the Members of this House a chance to amend it, so as to allow the soldier boys what they want and what they are entitled to.

I voted for this bill not because I considered it a fair, just, and final settlement with the ex-service men, but because it was the only bill that I had a chance to vote for. If I had been given an opportunity of voting for a bill that would give the ex-service men the option of accepting insurance or a cash payment, I most certainly would have voted for such a measure.

Any bill that does not give the ex-service men the option of accepting a cash settlement in lieu of insurance is not a fair and just measure and does not discharge our duty and obligation to the men who won the World War and thereby preserved the privileges and blessings of our free institutions for future generations. The Democratic members of the Ways and Means Committee favored a bill granting the ex-service men the choice of insurance or a cash settlement, and the Democratic Members of this House now favor a bonus bill carrying both those options.

The Republican leaders in the House, secretly conspiring with the present Republican national administration, arrogantly said to the Members of this House and to the ex-service men, "Here is our bonus bill; it is all you are going to get; take this or nothing." The Republican Members of this House knew that this bill was not satisfactory and did not go far enough, but they allowed their leaders to ram this bill down their throats and they swallowed it without a protest. If they had done what they wanted to do as real friends of the ex-service men, they would have said to their Republican leaders, "We will not accept this makeshift, and we insist upon the right to amend it so as to give the ex-service men the option of accepting the cash payment in lieu of the insurance certificate."

I say to the Republican Members of this House, that while you had a majority here, you had no right to refuse us the small privilege of amending this bill so as to provide for a cash payment at the option of the ex-service men in lieu of the insurance provision. My Democratic colleagues challenge the leaders on the Republican side of the House to "take the bridles off" and let the rank and file of the Republican Members vote their real sentiments on this bill. The great majority of the Re-

publican Members, deep down in their hearts, were and are opposed to this bill in its present form, because it does not carry a cash option. If the President, Mr. Mellon, and "big business" had turned them loose and let them vote their sentiments, they would have joined the Democrats in passing a real, honest-to-goodness compensation bill that would provide a cash payment in lieu of the insurance feature. But the Republican leaders "put on the muzzle" and applied the "gag rule," because they knew that this bill does not go far enough and does not give the ex-service men what they want or what they are entitled to. The ex-soldier has asked for bread, and you offer him a stone. Deep down in your hearts you know that this bill is a makeshift and that it falls short of what we should do, if we are to do anything, for the ex-service men. This is the first time in our history when this Nation has settled its obligations with insurance policies. The Members of this House are getting cash for what the Government owes them in the way of salaries, and they are not accepting insurance policies in lieu of cash.

This bill was planned and is now fathered by those who are now opposed and who have always been opposed to any soldier-bonus legislation—men who have schemed, planned, and conspired to defeat the passage of any adjusted-compensation measure of any kind or character. This bill was not drawn by the friends of adjusted compensation but by its enemies. [Applause.]

You are not fooling the ex-service men. They know that you are not giving them what they want and what they are entitled to. Those of us who favor a real adjusted-compensation bill, such as the ex-service men want and deserve, voted for this bill, although we were not satisfied with it, because it is the best we could do for the ex-service men at the present time. In voting for this bill I want the world to know that I did not and do not consider it a just, full, and final settlement of the soldier-bonus question. I will not admit for one moment that we can escape our duty to the men who suffered and sacrificed to perpetuate our institutions by merely granting them the grossly inadequate relief this bill carries.

No question is settled finally until it is settled right, and the passage of this pending measure will not settle the bonus problem. It will come up again in succeeding sessions of Congress, and ultimately this Nation will right the wrong that you are now doing, and ultimately the Congress of the United States will grant to the ex-service men the full justice and consideration that you are denying them to-day.

I contend that we should look this question squarely in the face. We should grapple with this problem and solve it now. It is folly to evade, postpone, or equivocate. The bill that passed the House, if it should become a law, will sooner or later be amended and supplemented by additional legislation, because the bill does not settle the question and does not fairly reflect the sentiment of the American people. No thoughtful student of public events can question the accuracy of these conclusions. Until this bonus question is settled and settled right, it will disturb political and business conditions throughout the Nation. It is unwise to postpone a fair and final settlement of the problem.

The Government can settle the bonus question now for less money and on more favorable terms than at any time in the future. We are interested in compensating the ex-service men and giving them something that will help them; something they can get, use, and enjoy now while they need help. This Congress is not specially interested in providing funds for the use and enjoyment of the heirs and legal representatives of these boys 20 years from now, after these ex-service men have crossed over the "great divide." When these boys lie mute and motionless in death it will not help them if their heirs collect their insurance from the Government. We ought to legislate for these boys, for people now on this earth, and not primarily for the next generation. Why not pass a fair, just, and final adjusted compensation bill that will settle the question for all time, and thereby eliminate it from politics and from the business affairs of the Nation?

I voted for the adjusted compensation bill, although I realized it did not and does not offer adequate and equitable compensation for the ex-service men, but it was the only bill that the Republican majority in this House has given us an opportunity to consider and vote upon, and under the "gag rule" imposed on us we were not permitted to offer amendments to perfect the bill and convert it into a fair and just compensation measure. I was not and am not satisfied with the bill, because it does not go far enough; but as a friend of the ex-service men I accepted it for the time being, well knowing that it will be supplemented by additional legislation in succeeding sessions of Congress.

If this bill becomes a law, some succeeding Congress will enact legislation under which these insurance certificates may be commuted and redeemed by the payment to the ex-service men of the cash value of such certificates at the time of such redemption. Why not do this now? [Applause.]

Mr. JOHNSON of Kentucky. Mr. Chairman, I yield 15 minutes to the gentleman from Texas [Mr. SUMNERS].

Mr. SUMNERS of Texas. Mr. Chairman and gentlemen, I want to direct the attention of the committee to a bill in which it seems to me every Member of the House should be interested. The purpose of this bill is to provide a modern, practical, safe, economical method for assembling the certificates of presidential electors from the several States. The present method, as you gentlemen are advised, is to have a special messenger bring from each State the certificate of election. The cost of this method is approximately \$15,000 each presidential election.

To have these certificates brought by an individual as contrasted with the possibility of having them brought by registered mail is not only ridiculous from the standpoint of unnecessary expense, but it is clearly more hazardous.

Going briefly into the details of the present procedure, the electors of President and Vice President are selected in each State on Tuesday after the first Monday in November. Approximately three months thereafter, to wit, on the second Monday in January, they meet and give their votes.

It is provided in the existing law that the governor of the State shall communicate, under the seal of the State, to the Secretary of State of the United States a certificate of the selection of the electors as soon as practicable after the determination. When the electors meet, it is the duty of the governor of the State to deliver to them three duplicates original of the certificate of their election. They in turn certify by three duplicates original their determination. They attach one of the certificates issued by the governor to each of the certificates made by themselves. They "appoint a person to take charge of and deliver to the President of the Senate at the seat of government one of the certificates." It will be noted that this certificate is left in the custody and protection of this person until the time of its delivery. Another copy of the certificate is forwarded "by the post office to the President of the Senate at the seat of government" and the remaining of the certificates is delivered to the judge of the district in which the electors shall have assembled.

It is provided that—

whenever a certificate of votes from any State has not been received at the seat of government on the fourth Monday of the month of January in which their meeting shall have been held, the Secretary of State shall send a special messenger to the district judge in whose custody one certificate of the votes from that State has been lodged, and such judge shall forthwith transmit that list to the seat of government.

It is also provided that if the President of the Senate is not at the seat of government when the person intrusted with the certificate of the votes of the electors arrives, the certificate shall be delivered into the office of the Secretary of State, to be delivered to the President of the Senate.

The messenger is allowed 25 cents per mile for bringing up the certificate to the seat of government.

Mr. O'CONNELL of Rhode Island. Will the gentleman be kind enough to state for the benefit of Members very briefly the alternative method provided for in the gentleman's bill?

Mr. SUMNERS of Texas. The bill which I have introduced, and shall ask to be incorporated as a part of my remarks, proposes that in lieu of the meeting of the electors in January they shall meet on the second Monday of December, which, it will be observed, is two months after their selection. In lieu of three duplicates original of these certificates this bill provides for the issuance of six duplicates original, one copy to be left with the district judge, as is now provided for by law, another copy to be forwarded by registered mail to the President of the Senate at the seat of government, as is now provided by law, except that "registered mail" is used instead of "post office."

Two copies are to be delivered to the secretary of state of the State, one copy of which is to be kept as a public document in his office, open to public inspection. Two copies are to be sent to the Secretary of State at the seat of government. One copy is to be a public document in his office, the other copy is to be held subject to the order of the President of the Senate. It is provided that when no certificate shall have been received by the President of the Senate or Secretary of State by the fourth Monday in December, the secretary of state of the State shall be directed to send to the President of

the Senate the copy of the certificate being held by him subject to the order of the President of the Senate. That when no certificate shall have been received at the seat of government by the fourth Monday of January, a special messenger shall be sent to the district judge of the district to send up the copy in his possession.

There can be no question that this proposed arrangement would add to the security and certainty or proper delivery.

Depositing one copy of this certificate with the secretary of state of the State and another copy with the Secretary of State of the United States as public documents would afford a better method of giving publicity and public access to the information contained therein than the present method of publishing the certificate of the selection of the electors in a newspaper, as is now provided.

The services of a special messenger would probably never be required, but if required, it could be availed of. The expenses of getting these returns to Washington would probably be less than \$100, whereas the total cost of the present method is approximately \$15,000 each presidential election.

The present absurd, unnecessarily expensive method stands as a constant witness against the capacity of the Congress and against the professions of Members of Congress that they are interested in the economical administration of the Government. In my judgment, it is not only required of the public official that he shall honestly and earnestly be interested in the economical administration of government, but it is his duty to remove every just ground for suspicion that he is not interested in the economical administration of the Government. It does a substantial hurt to the public interest to have the citizenship of the country question the sincerity of the motives of public officials.

Gentlemen, how can you answer the criticism directed generally against a responsible governmental agency when each four years the people are again reminded of the fact that through the failure of congressional action they are compelled to pay, in my State for instance, about \$425 out of the hard-earned money taken from the taxpayer of the country in order to get to Washington the presidential election returns, with regard to which the whole country has been advised for months, and which ought to be brought to Washington, all of them, for less than \$100? And how can we, in fact, if we are genuinely interested in our people whom we know now are tax burdened, permit longer this unnecessary expense which must be paid by the people of the country?

At a time like this, especially when there are grave questionings in the country as to whether or not the Congress is really in sympathy with the people of the country, burdened with taxation, what answer can you make to the people when some man goes down to the station, as is true with reference to my State, gets on the train to bring the election returns here and the people are compelled to pay \$425, by the authority of the Congress, to get to Washington the results of an election which the people have known about all over the country for months, and which could be sent to Washington for 50 cents?

Outside of saving money, which is our duty, and ought to be our ever present earnest purpose always, it is not a good thing for the people to be pointing their finger and saying, "That is all rot. Those people get up there in Congress and talk about being interested in the taxpayers. Don't you remember when so and so went up to Washington to carry the returns, under a law that was applicable to conditions before we had a developed postal system even the conditions of the pony express and the stagecoach." And yet for three years this bill has been pending here. I want some action on it, gentlemen, and I respectfully ask of the Congress, in the name of the country, that when the election returns come to Washington at the next election that no man be able to say that he has a concrete illustration and a demonstration of the fact that these professions on the part of Congressmen that they are interested in economy are false.

The present chairman of this committee has not long been chairman of the committee. This bill has not been reintroduced very long. I want to make that statement because the failure to have action earlier is as much my failure and responsibility as that of the members of this committee.

Mr. WURZBACH. Will the gentleman yield?

Mr. SUMNERS of Texas. Yes.

Mr. WURZBACH. How great a saving would be effected by the change?

Mr. SUMNERS of Texas. We pay about \$15,000 when we ought to pay about \$50 at most.

Mr. WURZBACH. What is the total expense to the Government of the transportation of these people from the different States?

Mr. SUMNERS of Texas. The whole thing, transportation and advertisement, costs about \$15,000.

Mr. WHITE of Kansas. Will the gentleman yield?

Mr. SUMNERS of Texas. Yes.

Mr. WHITE of Kansas. I dislike to take even a moment of the gentleman's time because he is so nice and courteous, but is it not a fact that the whole arrangement is a fiction in our Government and the Electoral College never had any practical use? It never effectuated the purpose that was intended by the framers of the Constitution. They cast the vote of their respective political parties; and, I will ask the gentleman, is not the result sent to Washington in many different ways and long before the official bearer of these returns gets to the Capital of the Nation?

Mr. SUMNERS of Texas. Everybody knows all about it long before the messenger arrives. It will not take long to pass this bill. I am going to ask to incorporate in my remarks a copy of it. I wish you gentlemen would examine it and I hope that it will be gotten through and change this expense and ridiculous method of getting up to Washington the election returns each four years.

Mr. WHITE of Kansas. Will the gentleman yield for another question?

Mr. SUMNERS of Texas. I will.

Mr. WHITE of Kansas. I believe the bill came to the Committee on Elections from the gentleman now addressing the House, an amended bill; is that right?

Mr. SUMNERS of Texas. Yes; I have recently reintroduced it.

Mr. WHITE of Kansas. And the gentleman will insert the amended bill?

Mr. SUMNERS of Texas. Yes.

Mr. WHITE of Kansas. Well, I want publicly here and in this manner to assure the gentleman from Texas that the bill will have very prompt consideration—

Mr. SUMNERS of Texas. I thank the gentleman.

Mr. WHITE of Kansas. And although it might seem that the Committee on Elections did not have much business before it, it is a hard-working committee and has a great mass of legislation referred to it.

Mr. SUMNERS of Texas. I take all the responsibility upon myself for the bill up to the present time, and if the gentleman will take it from now on I will be very much obliged and be in a good humor.

I know the House is anxious to adjourn. Mr. Chairman, I ask leave to extend my remarks in the Room by inserting the bill.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to extend his remarks in the Record. Is there objection? [After a pause.] The Chair hears none.

The bill is as follows:

A bill (H. R. 8054) providing for the meeting of electors of President and Vice President, for the issuance and transmission of the certificates of their selection and of the result of their determination, and for other purposes.

Be it enacted, etc., That the electors of President and Vice President of each State shall meet and give their votes on the second Monday, in December next following their appointment at such place in each State as the legislature of such State shall direct.

SEC. 2. That it shall be the duty of the executive of each State, as soon as practicable after the conclusion of the appointment of electors in such State, by the final ascertainment, under and in pursuance of the laws of such State providing for such ascertainment, to communicate by registered mail under the seal of the State to the Secretary of State of the United States, a certificate of such ascertainment of the electors appointed, setting forth the names of such electors and the canvass or other ascertainment under the laws of such State of the number of votes given or cast for each person for whose appointment any and all votes have been given or cast; and it shall also thereupon be the duty of the executive of each State to deliver to the electors of such State, on or before the day on which they are required by section 1 of this act to meet, six duplicates original of the same certificate under the seal of the State; and such certificate shall be inclosed and transmitted by the electors at the same time and in the same manner as is provided by law for transmitting by such electors to the seat of government the lists of all persons voted for as President and of all persons voted for as Vice President; and if there shall have been any final determination in a State in the manner provided for by law of a controversy or contest concerning the appointment of all or any of the electors of such State, it shall be the duty of the executive of such State, as soon as practicable after such determination, to communicate under the seal of the State, to the Secretary of State of the United States, a certificate of such determination, in form and manner as the same shall have been made; and

the certificate so received by the Secretary of State shall be preserved by him for six months and shall be a part of the public records of his office and shall be open to public inspection; and the Secretary of State of the United States at the first meeting of Congress thereafter shall transmit to the two Houses of Congress copies in full of each and every such certificate so received at the State Department.

Sec. 3. That the electors shall make and sign six certificates of all the votes given by them, each of which certificates shall contain two distinct lists, one of the votes for President and the other of the votes for Vice President, and shall annex to each of the certificates one of the lists of the electors which shall have been furnished to them by direction of the executive of the State.

Sec. 4. That the electors shall dispose of the certificates so made by them in the following manner:

First. They shall forthwith forward by registered mail one of such certificates to the President of the Senate at the seat of government.

Second. Two of such certificates shall be delivered to the secretary of state of the State, one of which certificates shall be held subject to the order of the President of the Senate or of the Secretary of State, the other copy to be preserved by him for six months, and shall be a part of the public records of his office and shall be open to public inspection.

Third. On the day thereafter they shall forward by registered mail two of such certificates to the Secretary of State at the seat of government, one copy of which certificate shall be held subject to the order of the President of the Senate; the other copy shall be preserved by the Secretary of State for six months and shall be a part of the public records of his office and shall be open to public inspection.

Fourth. They shall forthwith cause the other of the certificates to be delivered to the judge of the district in which the electors shall have assembled.

Sec. 5. That when no certificate of votes mentioned in this act from any State shall have been received by the President of the Senate or by the Secretary of State by the fourth Monday in December of the year in which the meeting shall have been held, the President of the Senate, or if he be absent from the seat of government, the Secretary of State, shall request by the most expeditious method available the secretary of state of the State to send up the certificate lodged with him by the electors of such State, and it shall be his duty upon receipt of such request immediately to transmit such certificate by registered mail to the President of the Senate at the seat of government.

Sec. 6. That when no certificate of votes from any State shall have been received at the seat of government on the fourth Monday of the month of January, after the meeting of the electors shall have been held, the President of the Senate, or if he be absent from the seat of government, the Secretary of State, shall send a special messenger to the district judge in whose custody one certificate of the votes from that State has been lodged, and such judge shall forthwith transmit that list by the hand of such messenger to the seat of government.

Mr. DICKINSON of Iowa. I yield a half minute to the gentleman from California [Mr. BARBOUR].

Mr. BARBOUR. Mr. Chairman. I ask the Clerk during my time to read this telegram.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

BAKERSFIELD, CALIF., March 20, 1925.

HENRY E. BARBOUR,

Washington, D. C.

Please convey to Members of House of Representatives the congratulations and appreciation of the hosts of the Kern County Council of the American Legion for the splendid expression of fair play and justice to the service men of the World War exemplified by overwhelming passage of adjusted compensation bill.

R. L. CURRAN,

Commander Kern County Council.

Mr. DICKINSON of Iowa. Mr. Chairman, I yield five minutes to the gentleman from Wisconsin [Mr. SCHAFER].

Mr. SCHAFER. Mr. Chairman and gentlemen of the committee, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. SCHAFER. At this time I intend to confine my discussion to the part of this appropriation bill appearing on page 97, lines 20 to 24, inclusive, namely, the appropriations for the Northwestern Branch National Home for Disabled Volunteer Soldiers. I have spent considerable time at the national home in my district, in which reside veterans of all wars, and have had personal contact with most of its residents, both domi-

cillary and hospital patients. A new tuberculosis annex has recently been added, in which there are at present about 300 World War veterans in all stages of tuberculosis.

During the summer a petition was circularized by the tuberculosis-annex patients, in which they complained bitterly about conditions, especially regarding the food. This petition, containing about 200 signatures, was sent to General Hines, Director of the United States Veterans' Bureau, as these patients were Veterans' Bureau patients. After a careful study of the committee hearings on the appropriation for the National Home for Disabled Volunteer Soldiers, and considering other evidence which was brought to me, and after consulting with the officers of the Disabled Veterans of the World War of this hospital, I do not hesitate to say that the patients had ample grounds to complain.

I believe it to be the wish of the great majority of the citizens of the Republic that the disabled soldiers be taken care of, be they veterans of the Civil, Spanish-American, World, or other wars. Even the bitterest enemies of the adjusted compensation bill use the phrase, "Everything for the disabled."

I will at the proper time offer amendments to that part of the appropriation bill which relates to the Northwestern Branch, which is in my district, and trust my colleagues, in whose districts the other national homes are located, will offer similar amendments to the appropriations for the homes in their districts. The amendments which I will offer will be as follows:

On page 97, line 21, after the word "expenses," strike out the figures "\$57,500" and insert in lieu thereof the figures "\$100,000."

In line 21, after the word "subsistence," strike out the figures "\$287,000" and insert in lieu thereof the figures "\$600,000."

At the beginning of line 22 strike out the figures "\$139,000" and insert in lieu thereof the figures "\$200,000."

In line 22, after the word "hospital," strike out the figures "\$230,000" and insert in lieu thereof the figures "\$400,000."

In line 23, after the word "repairs," strike out the figures "\$47,050" and insert in lieu thereof the figures "\$80,000."

In line 23, after the word "farm," strike out the figures "\$13,790" and insert in lieu thereof the figures "\$33,790."

In line 24, after the word "branch," strike out the figures "\$774,840" and insert in lieu thereof the figures "\$1,414,290."

I believe that this amount is absolutely necessary to take care of the disabled veterans at the Northwestern Branch, National Home for Disabled Volunteer Soldiers.

The president of the Board of Managers of the National Home for Disabled Volunteer Soldiers on September 5, 1923, submitted to the Budget officer a statement estimating the amount necessary for support of the National Homes for Disabled Volunteer Soldiers for the fiscal year ending June 30, 1925. This letter appears on pages 1357 to 1363, inclusive, of the committee hearings, which reads in part as follows:

Supplemental statement accompanying estimate of appropriation, National Home for Disabled Volunteer Soldiers, fiscal year 1925.

There is inclosed herewith estimate for appropriation for the support of the National Home for Disabled Volunteer Soldiers, fiscal year 1925. In compliance with letter of the Director, Bureau of the Budget, dated August 14, 1923, limiting the total amount of estimates to not exceed \$7,500,000, the various items have been reduced to amounts below what will be required to keep the service up to the standard that has heretofore been maintained.

Each and every item has been carefully considered, and to maintain a proper standard of service based upon the continuation of rates of pay as now authorized it is believed that the estimates should be submitted for the various items, as follows.

The estimate for the Northwestern Branch at Milwaukee, Wis., is as follows:

Northwestern Branch:	
Current expenses.....	\$74,000
This amount will provide for maintaining the present service at rates of pay now authorized.	
Subsistence.....	300,000
This is estimated to provide food supplies and service for the subsistence of about 1,000 hospital patients and hospital employees and 900 domiciliary members and general employees, on a basis of less than 60 cents per day for the tuberculous patients, 40 cents per day for the general patients, and 33 cents per day for the domiciliary members and general employees.	
Household.....	150,000
This amount will be required to provide fuel, gas, water, electricity, laundry supplies and service, and for the purchase of such household supplies as may be required, estimated on present prices.	
Hospital.....	300,000
This provides for the personnel, equipment, and supplies for operating the general hospital of 309 beds and tuberculosis hospital of 800 beds.	
Transportation.....	5000

Northwestern Branch—Continued.

Repairs.....\$65,000
This amount is believed to be necessary for maintaining the service and keeping buildings, machinery, etc., in proper repair.

Farm.....18,000
This amount is believed to be necessary for maintaining proper service, keeping cemetery, roadways, grounds, parks, etc., in proper condition.

In all, Northwestern Branch.....907,500

The total estimate for the fiscal year ending June 30, 1925, for this home, submitted by the president of the Board of Managers, amounts to \$907,500 for the Northwestern Branch at Milwaukee. The appropriation provided by the present bill for this branch is only \$774,840. The total amount for the Northwestern Branch which would be provided if my amendment is adopted would be \$1,414,290. I submit my amendment after careful consideration and a thorough digest of the reports of the hearings and other information which I have accumulated as well as personal observations at this institution and personal contact with the ex-service men who reside or are hospitalized therein.

The present pay of the employees at this home is inadequate to provide for efficient service.

On March 15 I wrote the following letter to General Wood, president of the Board of Managers:

MARCH 15, 1924.

Gen. GEORGE H. WOOD,

National Home, Dayton, Ohio.

DEAR GENERAL WOOD: Referring to the matter of expenditures in the National Home, would you kindly give me the number of employees at the National Home, Wisconsin, and the salaries paid each class, and the number of employees in each class. I note, for instance, that surgeons are paid \$342. Under what heading in the Budget are included the salaries of the staff and employees? I note on page 1370 of the hearings that the Budget estimate for upkeep of the grounds and the three and one-half miles of road amounted to \$13,790, for the Northwestern Branch. Can you give me the amount the government at the home requested? I know that the grounds are in a deplorable condition, and that they need attention. I question whether \$13,790 is sufficient to satisfactorily repair the roads and improve the grounds.

Cordially yours,

JOHN C. SCHAFER.

And received the following reply:

NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

HEADQUARTERS, NATIONAL MILITARY HOME,

Dayton, Ohio, March 19, 1924.

From: The president, Board of Managers, National Home for Disabled Volunteer Soldiers.

To: Hon. JOHN C. SCHAFER, House of Representatives, Washington, D. C.

Subject: Expenditures in the National Home.

MR. DEAR MR. SCHAFER: Upon my return from Washington I find your letter of March 15. I am going to endeavor to answer it as fully as possible, but it is rather difficult to give some of the classifications and sum totals asked for. To start with, answering your question, "Under what heading in the Budget are included the salaries of the staff and employees?" would say that the salaries of the staff and employees are paid under every heading of the Budget except transportation, being classified under the head of Budget according to their duties at the branch.

There are at the present time at the Northwestern Branch 222 member employees, 845 civilian employees, and about 20 officers of the branch, the largest proportion of whom are assistant surgeons in the two hospitals. Naturally there is a very wide scope in the pay, running from \$350 per month, paid the governor, down to \$24 for janitors, orderlies, etc. As the employees are scattered through seven heads of appropriation it is impossible to accurately group them under classes, but I would say that at least 75 per cent of the employees receive less than \$75 per month.

The governor of the Northwestern Branch requested a special appropriation of \$25,000 for improvement and building up of roads. This was not submitted as a special item, as it would not be consistent with the law governing, but the total appropriation under "Farm" asked for was \$14,440, which was cut to \$13,790.

I have endeavored in the above letter to answer the specific questions contained therein, and if there is any further information which you want, please do not hesitate to call on this office for same.

Sincerely yours,

GEORGE H. WOOD,

President Board of Managers,

National Home for Disabled Volunteer Soldiers.

The estimate for subsistence made for the Northwestern Branch by General Wood is \$300,000, which is made on the basis

of less than 60 cents per day for the tuberculosis patients, 40 cents per day for the general hospital patients, and 33 cents for the domiciliary members and general employees. This meager estimate is, of course, inadequate.

I insert in the Record a table showing the cost of rations January, 1924, for the nine branches of the N. H. D. V. S. and the cost of rations at the Northwestern Branch shown by this table is 27 cents per day for domiciliary men, 35 cents per day for general hospital patients, and 52 cents per day for tubercular patients.

Cost of rations, January, 1924.

Branch.	General.	Hospital.	T. B.	Noncombination.	Combination.
Central.....	\$0.25	\$0.28	\$0.47 .37 .63		\$0.27 \$0.26
Northwestern.....	.27	.35	.52	\$0.25	.34
Eastern.....	.30	.35	.27		
Southern.....	.26	.36			.25
Western.....	.22	.30		.21	.24
Pacific.....	.21	.43	.58	.20	.27
Marion.....	.52	.36	.50	.23	.32
Danville.....	.24	.29		.25	.27
Mountain.....	.30		.57 .61 .57 .52	.36	
Sanitarium.....		.30	.66		

It is impossible to feed these men sufficient nutritious food at these prices. This is a great deal less than the usual allowance at prisons and poorhouses. Who in the name of goodness can provide proper food, cream, fresh eggs, and so forth, for a tubercular patient on an expenditure of 60 cents per day.

Mr. BEGG. Will the gentleman yield?

Mr. SCHAFER. I shall be glad to do so.

Mr. BEGG. Is there any reason that the gentleman knows of—I think there is much in what the gentleman says—but is there any reason why the managers of any hospital for tuberculosis patients would deny first-class, clean, wholesome food to a patient even though the appropriation was not big enough; could he not feed them and ask for a deficiency appropriation?

Mr. SCHAFER. The president of the Board of Managers stated in substance at the committee hearing that after the Budget Committee had cut down his estimates, which were on the basis of 60 cents per day for subsistence for tubercular patients, if the appropriation was based on the Budget recommendation it necessarily would reduce the subsistence allowance in his estimate which was based on 60 cents per day per capita for tubercular patients, and they would not expend more and come to Congress for a deficiency appropriation.

One of the gentlemen asked the question of Mr. FITZGERALD whether or not the man who purchased the eggs was not responsible for the stale eggs. Where, in the name of goodness, can you find fresh eggs and good cream and good food for these patients at the rate of 60 cents a day?

In the Veterans' Bureau hospitals the ration cost per day for general hospital patients is 64 cents and for tubercular patients is 88 cents. It is remarkable that the national homes can obtain rations for the same class of patients at a price so much lower than the Veterans' Bureau hospitals. The Veterans' Bureau ration cost is so much higher than the national home ration cost that it is plainly evident that the national home veterans are not properly fed.

Let me ask you Members of Congress how far 27 cents, 35 cents, or 52 cents per capita per day would go for food in your own homes? Many of the men who are fed on these prices are in the last stages of pulmonary tuberculosis. Are we to believe that this Government of ours will only spend these paltry sums for rations for the disabled veterans?

This new tubercular hospital at the national home in Wisconsin was erected in a vacant plot of the national home grounds. The grounds around the hospital have never been landscaped. The roads in the home grounds are in a deplorable condition. The proper landscaping of the grounds and the repair of the roads will be of material benefit and comfort to the residents of the home. The roads are in such a poor condition that on my many visits to the home I was reluctant to drive my Ford into the grounds. The \$20,000 added by my amendment to the appropriation under the heading of "Farm" is for the purpose of landscaping around the new tuberculosis hospital and properly repairing the roads in the home grounds.

I believe in all fairness to the men who have served this Nation in times of war that a special congressional investigating committee should be provided to thoroughly investigate all conditions in the national homes and report back to the next session of Congress.

There are many men in the tuberculosis hospital and the home hospital who are slipping by inches into their graves; many of them who were in the flower of youth when they went into service; and many of them had long duration of service and were in the thick of the fight for months, and because of their service have contracted a disease which is frequently incurable and which is sapping their energy and life.

It is an oft-heard complaint from department heads that they can not remedy conditions because of insufficient appropriations by Congress. I am submitting these amendments to Congress so that the disabled will know by our action whether or not the fault lies with Congress or with the department heads. It is a false economy to cut appropriations for the soldiers' homes for the purpose of reducing the expenditures of the Government. The total appropriation for all the National Homes for Disabled Volunteer Soldiers provided in this appropriation bill, H. R. 7877, amounts to \$6,527,504, as shown on page 100, line 7. It is not unreasonable to increase this appropriation properly to provide for those men who offered their lives for the country.

On page 93 of this appropriation bill I note an appropriation of \$7,000,000 to be made available for the work on Dam No. 2, on the Tennessee River at Muscle Shoals. If this House of Representatives can appropriate \$7,000,000 as a further gift to Mr. Ford, it is not unreasonable to ask that they appropriate an additional amount sufficient properly to take care of the Nation's disabled soldiers.

The House of Representatives very recently appropriated approximately \$14,000,000 for the Coast Guard for the purpose of providing that service with the means to combat the so-called rum running, and it certainly can not in justice fail to appropriate sufficient money to take care of the disabled soldiers.

I sincerely hope that proper consideration will be given to the appropriation for the National Homes for the Disabled Volunteer Soldiers, so that all former soldiers in all of the homes can be decently cared for.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. ANTHONY. Mr. Chairman, I would like to ask the gentleman from Kentucky if he would be willing to concede the general debate at this time, so that the committee might rise?

Mr. JOHNSON of Kentucky. I would be very glad if we could use 10 minutes of it now.

Mr. LONGWORTH. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. LONGWORTH. Does the gentleman in charge of the bill think we ought to close general debate this evening?

Mr. JOHNSON of Kentucky. I do not believe that we ought to close general debate this evening, when one of the members of the subcommittee, the gentleman from Virginia [Mr. HARRISON], has not had an opportunity to speak. He really does not desire to speak until Monday morning. He has not had opportunity yet.

Mr. LONGWORTH. It will not be possible for this committee to go ahead on this bill on Monday morning, and possibly it might be late in the afternoon before the consideration of it could be resumed. A number of reports from the Committee on Rules will be considered on Monday morning, so that in all probability the consideration of this bill will not be resumed until Tuesday.

Mr. JOHNSON of Kentucky. Well, the fact that this bill can be put aside for consideration of other bills shows in itself that there is no particular hurry about the disposition of this bill.

Mr. LONGWORTH. The gentleman knows that it is very rare that any appropriation bill is considered on a Monday. I only express the hope that the general debate could be concluded this evening, so that we can go ahead on this bill as soon as possible.

Mr. JOHNSON of Kentucky. The gentleman from Ohio ought to remember that some of us have been here all day without anything to eat, while he himself has been out of the Chamber.

Mr. LONGWORTH. Yes; I admit that I have had something to eat. [Laughter.]

Mr. JOHNSON of Kentucky. I think we ought to give a little more time to the bill to-day, and give a little time the next day; not much, but some.

Mr. LONGWORTH. I was simply hoping that we could finish general debate this evening.

Mr. HARRISON. Mr. Chairman, I understood that as a member of the subcommittee I should have an hour's time, like

some other members of the committee. I do not care whether that comes up under the general debate or under the five-minute rule. If I could get unanimous consent to speak under the five-minute rule for an hour, I shall be glad. Perhaps I might not use all of the time. I ask for it now.

Mr. ANTHONY. Mr. Chairman, will the gentleman yield?

Mr. HARRISON. Yes.

Mr. ANTHONY. I find also that one of the members of the committee on this side of the House has not spoken yet and desires to speak. I am sure we do not desire to prevent both of the gentlemen having an opportunity to present their views to the House. How would this suggestion do: That the general debate on the bill shall close in one hour; the committee will rise shortly; and one additional hour of general debate hereafter, and then proceed with the reading of the bill for amendment?

Mr. JOHNSON of Kentucky. To-day?

Mr. ANTHONY. Not to-day; but that one additional hour of general debate shall be had, and the time shall be equally divided.

Mr. JOHNSON of Kentucky. How can the gentleman from Virginia [Mr. HARRISON] be allowed time under that arrangement?

Mr. ANTHONY. We will deal liberally with the gentleman from Virginia. Our understanding is that he would prefer not to use the time to-day, but under the five-minute rule.

Mr. HARRISON. I will take it either way.

Mr. JOHNSON of Kentucky. He will take it either way he can get it.

Mr. ANTHONY. I can not tell what the House will do under the five-minute rule.

Mr. HARRISON. I understand that the agreement as to time has to be made in the House instead of in committee.

The CHAIRMAN. The committee can make its own arrangements about the time.

Mr. GARRETT of Tennessee. Not about closing debate.

The CHAIRMAN. Yes; not about closing debate, but as to time.

Mr. SEARS of Florida. Mr. Chairman, I think we will save time by moving to rise.

Mr. ANTHONY. Mr. Chairman, I move that the committee rise.

The CHAIRMAN. The gentleman from Kansas moves that the committee do now rise. The question is on agreeing to that motion.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 7877) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1925, and for other purposes, had come to no resolution thereon.

ORDER OF BUSINESS.

Mr. ANTHONY. Mr. Speaker, I would like to have some agreement with the gentleman from Kentucky [Mr. JOHNSON] with regard to the ending of the general debate on the War Department appropriation bill. I will ask if he will agree that general debate shall continue for one hour more, and then we will proceed with the reading of the bill.

Mr. JOHNSON of Kentucky. I think it has been understood all along that one of the minority members of the subcommittee, the gentleman from Virginia [Mr. HARRISON], shall have an hour, and if the general debate is to continue only an additional hour and be divided between the two sides, I think it would be impossible for him to get the hour.

Mr. ANTHONY. He said he would prefer to use his time under the five-minute rule. Of course, we could not make an agreement to cover that.

Mr. JOHNSON of Kentucky. We can make an agreement in the House that would be binding on the Committee of the Whole. We are in the House now, and I would be very glad to see an arrangement made by which the gentleman from Virginia can have an hour, and if the other member of the subcommittee wishes an hour I do not see why he should not have it.

Mr. ANTHONY. Then let us make the agreement that we will close general debate in an hour and a half, the time to be controlled by the gentleman from Kentucky [Mr. JOHNSON] and myself.

Mr. JOHNSON of Kentucky. But that will not give the gentleman from Virginia [Mr. HARRISON] his hour.

Mr. ANTHONY. We will give the gentleman from Virginia his hour if he wants it.

Mr. SEARS of Florida. Mr. Speaker, reserving the right to object, and I shall not object, I believe my good friend from Kansas [Mr. ANTHONY] will be liberal. I have a matter in this bill in which I am vitally interested, and I may want to use, perhaps, 10 minutes under the five-minute rule. I have not taken up any time in general debate.

Mr. ANTHONY. As far as I am concerned I will be very glad to have the gentleman use that time.

Mr. JOHNSON of Kentucky. Mr. Speaker, so that there can be no misunderstanding about it—and as the gentleman from Virginia [Mr. HARRISON] himself does not understand it quite clearly—I understand that the gentleman from Virginia [Mr. HARRISON] is to have an hour.

Mr. ANTHONY. If he wishes it.

The SPEAKER. The Chair would like to know what the situation is.

Mr. ANTHONY. The understanding is that general debate on the bill now under consideration shall close within an hour and a half when the bill is next taken up, after which time we shall proceed with the reading of the bill.

The SPEAKER. The gentleman from Kansas asks unanimous consent that general debate close at the end of an hour and a half when the bill is next taken up. Is there objection? [After a pause.] The Chair hears none.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 2686. An act to authorize the Federal Power Commission to amend permit No. 1, project No. 1, issued to the Dixie Power Co.; to the Committee on Interstate and Foreign Commerce.

S. 1530. An act providing for the marking with an enduring monument the site of Charles Fort, S. C.; to the Committee on Appropriations.

S. 2821. An act to amend section 3 of an act entitled "An act to incorporate the National McKinley Birthplace Memorial Association," approved March 4, 1911; to the Committee on the Judiciary.

ENROLLED BILLS SIGNED.

Mr. ROSENBLOOM, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same.

S. 2446. An act granting the consent of Congress to the Clarks Ferry Bridge Co., and its successors, to construct a bridge across the Susquehanna River at or near the railroad station of Clarks Ferry, Pa.; and

S. 2420. An act granting the consent of Congress to the State of South Dakota for the construction of a bridge across the Missouri River between Potter County and Dewey County, S. Dak.

ADJOURNMENT.

Mr. ANTHONY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 15 minutes p. m.) the House adjourned until Monday, March 24, 1924, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. BURTNESS: Committee on Interstate and Foreign Commerce. H. R. 6142. A bill amending an act for the promotion of the welfare of maternity and infancy, and for other purposes; with amendments (Rept. No. 346). Referred to the Committee of the Whole House on the state of the Union.

Mr. GREENE of Massachusetts: Committee on the Merchant Marine and Fisheries. S. 1724. An act to amend section 4414 of the Revised Statutes of the United States, as amended by the act approved July 2, 1918, to abolish the inspection districts of Apalachicola, Fla., and Burlington, Vt., Steamboat Inspection Service; without amendment (Rept. No. 347). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAYBURN: Committee on Interstate and Foreign Commerce. H. R. 6816. A bill to authorize payment of compensation to retired warrant officers and enlisted men employed by the Panama Canal; without amendment (Rept. No. 348). Referred to the Committee of the Whole House on the state of the Union.

Mr. VAILE: Committee on the Public Lands. H. R. 2811. A bill to amend section 7 of the act of February 6, 1909, entitled

"An act authorizing the sale of lands at the head of Cordova Bay, in the Territory of Alaska, and for other purposes"; without amendment (Rept. No. 349). Referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 8014) granting a pension to Mrs. J. C. Work, and the same was referred to the Committee on World War Veterans' Legislation.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. ZIHLMAN: A bill (H. R. 8142) to provide for the establishment in the State of Maryland of a fisheries station, to be under the direction of the Bureau of Fisheries of the Department of Commerce; to the Committee on the Merchant Marine and Fisheries.

By Mr. WHITE of Maine: A bill (H. R. 8143) for the protection of the fisheries of Alaska, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

By Mr. BRAND of Georgia: A bill (H. R. 8144) to amend section 300 of the war risk insurance act as amended by the acts approved August 19, 1921, and March 4, 1923, providing compensation for enlisted men suffering from effects of venereal disease; to the Committee on World War Veterans' Legislation.

By Mr. MURPHY: A bill (H. R. 8145) to increase the limit of cost of public building at Steubenville, Ohio; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 8146) providing for the purchase of a site and the erection thereon of a public building at Cadiz, in the State of Ohio; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 8147) providing for the purchase of a site and the erection thereon of a public building at East Palestine, in the State of Ohio; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 8148) providing for the purchase of a site and the erection thereon of a public building at Toronto, in the State of Ohio; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 8149) providing for the purchase of a site and the erection thereon of a public building at Wellsville, in the State of Ohio; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 8150) providing for the purchase of a site and the erection thereon of a public building at Barnesville, in the State of Ohio; to the Committee on Public Buildings and Grounds.

By Mr. SCHALL: A bill (H. R. 8151) to provide for the transportation of blind persons, with their guide, for one fare; to the Committee on Interstate and Foreign Commerce.

By Mr. CORNING: Joint resolution (H. J. Res. 227) authorizing the Secretary of War to modify certain contracts entered into for the sale of boats, barges, tugs, and other transportation facilities intended for operation upon the New York State Barge Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. OLIVER of New York: Memorial of the Legislature of the State of New York, favoring the speedy enactment of legislation that will equalize disability pay to veterans of all wars; to the Committee on Pensions.

By Mr. WEFALD: Memorial of the Legislature of the State of Minnesota, urging that Congress establish a national park at the Dalles of the St. Croix River, on the boundary line between the States of Minnesota and Wisconsin, and include the interstate parks of the States of Minnesota and Wisconsin; to the Committee on the Public Lands.

By Mr. ROBSION of Kentucky: Memorial of the Legislature of the State of Kentucky, urging Congress to pass the adjusted compensation bill; to the Committee on Ways and Means.

By Mr. TAGUE: Memorial of the Legislature of the Commonwealth of Massachusetts, requesting the Congress of the United States to appropriate funds to carry out certain recommendations of the Chief of Staff of the United States Army made in furtherance of the national defense act of 1920; to the Committee on Appropriations.

By Mr. PAIGE: Memorial of the Legislature of the Commonwealth of Massachusetts, favoring the passage of legislation increasing the compensation of postal employees; to the Committee on the Post Office and Post Roads.

By Mr. ROGERS of Massachusetts: Memorial of the Legislature of the Commonwealth of Massachusetts requesting the Congress of the United States to appropriate funds to carry out certain recommendations of the Chief of Staff of the United States Army made in furtherance of the national defense act of 1920; to the Committee on Appropriations.

Also, memorial of the Legislature of the Commonwealth of Massachusetts favoring the passage of legislation increasing the compensation of postal employees; to the Committee on the Post Office and Post Roads.

By Mr. PAIGE: Memorial of the Legislature of the Commonwealth of Massachusetts requesting the Congress of the United States to appropriate funds to carry out certain recommendations of the Chief of Staff of the United States Army made in furtherance of the national defense act of 1920; to the Committee on Appropriations.

By Mr. TAGUE: Memorial of the Legislature of the Commonwealth of Massachusetts favoring the passage of legislation increasing the compensation of postal employees; to the Committee on the Post Office and Post Roads.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BYRNES of South Carolina: A bill (H. R. 8152) to provide for an examination and survey of Port Royal Harbor, S. C.; to the Committee on Rivers and Harbors.

By Mr. CABLE: A bill (H. R. 8153) granting a pension to William Arthur Crampton; to the Committee on Invalid Pensions.

By Mr. FAIRCHILD: A bill (H. R. 8154) granting a pension to Olive A. B. McLaughlin; to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 8155) for the relief of Lewis Williams, formerly collector of internal revenue for the State of Idaho; to the Committee on Claims.

By Mr. HAUGEN: A bill (H. R. 8156) granting an increase of pension to Jennie A. Davis; to the Committee on Invalid Pensions.

By Mr. KETCHAM: A bill (H. R. 8157) granting a pension to William C. Hagelgans; to the Committee on Pensions.

Also, a bill (H. R. 8158) granting a pension to Eva L. Wood; to the Committee on Invalid Pensions.

By Mr. LOZIER: A bill (H. R. 8159) granting a pension to Serilda C. Parker; to the Committee on Pensions.

By Mr. MILLIGAN: A bill (H. R. 8160) granting a pension to James C. Mooney; to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 8161) granting a pension to Charlye H. Lannert; to the Committee on Pensions.

Also, a bill (H. R. 8162) granting a pension to Rosanna Uman; to the Committee on Invalid Pensions.

By Mr. REECE: A bill (H. R. 8163) for the relief of Robert K. Christenberry; to the Committee on Naval Affairs.

By Mr. ROBSON of Kentucky: A bill (H. R. 8164) granting a pension to Ellen Brewer; to the Committee on Invalid Pensions.

By Mr. SCHAFER: A bill (H. R. 8165) granting a pension to Fred B. Hofer; to the Committee on Pensions.

By Mr. SCHALL: A bill (H. R. 8166) granting an increase of pension to George J. Ziegelmaier; to the Committee on Pensions.

Also, a bill (H. R. 8167) granting an increase of pension to Ludwig L. Johnson; to the Committee on Pensions.

By Mr. SITES: A bill (H. R. 8168) granting an increase of pension to Elizabeth Yocum; to the Committee on Invalid Pensions.

By Mr. SPROUL of Illinois: A bill (H. R. 8169) for the relief of John J. Dobbertin; to the Committee on Naval Affairs.

By Mr. SWEET: A bill (H. R. 8170) granting an increase of pension to Norma McEnhill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8171) granting an increase of pension to Margaret J. Relyea; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8172) granting a pension to Martha Phillips; to the Committee on Invalid Pensions.

By Mr. TAGUE: A bill (H. R. 8173) granting a pension to Patrick J. Maguire; to the Committee on Pensions.

By Mr. TINKHAM: A bill (H. R. 8174) to extend the benefits of the employers' liability act of September 7, 1910, to James H. Lomasney; to the Committee on Claims.

By Mr. VESTAL: A bill (H. R. 8175) granting a pension to Reuben R. Romey; to the Committee on Pensions.

By Mr. WILLIAMSON: A bill (H. R. 8176) for the relief of Alfred Sjöstrom; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1957. By Mr. BLOOM: Petition of Mrs. Hennie Strouse and 25 other women, New York City; also Miss Emma Weglein and 25 other women, New York City, urging Congress to pass the equal rights amendment (S. J. Res. 21); to the Committee on the Judiciary.

1958. By Mr. DARROW: Memorial of the Philadelphia Board of Trade, protesting against the enactment of House bill 7111, giving authority to the Secretary of State to accredit to the embassies and legations of the United States "agricultural attachés"; to the Committee on Agriculture.

1959. By Mr. FULLER: Petition of the La Salle County (Ill.) Farm Bureau, favoring the McNary-Hugen bill; to the Committee on Agriculture.

1960. By Mr. GARBER: Petition of Oklahoma City Real Estate Board, Oklahoma City, Okla., urging that necessary appropriations be provided to carry out the provisions of the national defense act of 1920; to the Committee on Appropriations.

1961. By Mr. KIESS: Evidence in support of House bill 7864, granting a pension to Blanch H. Sims; to the Committee on Invalid Pensions.

1962. By Mr. KVALE: Petition of voters of Marysland Township, Swift County, Minn., urging enactment of the Haugen-McNary bill; to the Committee on Agriculture.

1963. By Mr. MacGREGOR: Petition of the Bersaglien Society, Buffalo, N. Y.; also M. S. Montedoro Society, Buffalo, N. Y., opposed to the Johnson immigration bill; to the Committee on Immigration and Naturalization.

1964. By Mr. MAPES: Petitions of Mida E. Longyear, Mrs. E. W. Dooge, Mabel M. Remington, Mrs. J. Ley, Esther Van Brockton, Mrs. J. G. Kopf, Mrs. A. M. Smith, Mrs. J. A. Cox, Sadie E. Heaney, Mrs. H. H. Balk, Mrs. D. S. Black, Mrs. M. W. Frost, Lynette A. White, Mrs. Mabel W. Willson, Mrs. R. L. Newnam, Mrs. A. E. Mosely, Mrs. H. N. Moore, Helen L. Dean, Barbara B. Klumple, Mrs. Bordelle Cady, Mrs. H. L. Felton, members of the Federation of Women's Clubs of Grand Rapids, Mich., advocating the passage of the Kelly bill (H. R. 4123) and the Edge bill (S. 1898); to the Committee on the Post Office and Post Roads.

1965. By Mr. MEAD: Petition of council of the city of Buffalo, N. Y., protesting against the unlawful Chicago hydroelectric-power diversion; to the Committee on Rivers and Harbors.

1966. By Mr. O'CONNELL of Rhode Island: Resolution of the members of St. Anthony Council, No. 1618, Knights of Columbus, Providence, R. I., opposing the Johnson immigration bill; to the Committee on Immigration and Naturalization.

1967. By Mr. PHILLIPS: Evidence in support of House bill 8133, granting a pension to Maria L. Reed; to the Committee on Invalid Pensions.

1968. By Mr. RAINEY: Petition of First Baptist Church, Jerseyville, Ill. (275 persons present); also the Carrollton W. C. T. U., Illinois, opposed to legalizing of beer or change in the prohibition law; to the Committee on the Judiciary.

1969. By Mr. ROSENBLUM: Petition of Potomac Camp, No. 5, United States War Veterans, Department of West Virginia, signed by Norris Bruce, commander, S. C. Rice, quartermaster, and Charles A. Boyles, adjutant, indorsing House bill 5934, providing an increase of pension for the Spanish-war veterans and to certain maimed soldiers; to the Committee on Pensions.

1970. By Mr. SITES: Petition of Lodge No. 1165, International Association of Machinists, Harrisburg, Pa., urging the enactment into law of the Brookhart-Hull bill (S. 742 and H. R. 2702) requiring that all strictly military supplies be manufactured in the Government-owned navy yards and arsenals and providing for the stabilizing of production and employment in Government industrial establishments by the use of these plants for the manufacture of articles required by other departments of the Government; to the Committee on Naval Affairs.

1971. By Mr. TEMPLE: Petition of Lodge Slavick, No. 501, S. N. P. J., Rices Landing, Pa., protesting against certain proposals before the Congress of the United States regulating immigration; to the Committee on Immigration and Naturalization.

1972. By Mr. WATSON: Petition signed by residents of Haverford, Ardmore, and Rosemont, Pa., favoring that "men and women shall have equal rights throughout the United States and every place subject to its jurisdiction"; to the Committee on the Judiciary.

1973. By Mr. WEFALD: Petition of 28 farmers of Tordenskjold Township, Otter Tail County, Minn., urging the passage of the McNary-Haugen bill providing for the relief of agriculture; to the Committee on Agriculture.

1974. Also, petition of 24 rural letter carriers of Roseau, Kittson, Pennington, Red Lake, and Marshall Counties, Minn., urging the passage of the bills providing for equipment allowance, and retirement of rural carriers after 25 years of service or at the age of 50 after 15 years of service; to the Committee on the Post Office and Post Roads.

1975. Also, petition of 35 farmers of Pine Lake Township, Clearwater County, Minn., urging the passage of the McNary-Haugen bill, providing for the relief of agriculture; to the Committee on Agriculture.

1976. Also, petition of 25 farmers of Thompson Township, Kittson County, Minn., urging the passage of the McNary-Haugen bill, providing for the relief of agriculture; to the Committee on Agriculture.

1977. Also, petition of 23 farmers of Hammond Township, Minn., urging the passage of the McNary-Haugen bill, providing for the relief of agriculture; to the Committee on Agriculture.

1978. Also, petition of 14 farmers of Roome Township, Polk County, Minn., urging the passage of the McNary-Haugen bill, providing for the relief of agriculture; to the Committee on Agriculture.

1979. Also, petition of 16 farmers of Fanny Township, Polk County, Minn., urging the passage of the McNary-Haugen bill, providing for the relief of agriculture; to the Committee on Agriculture.

1980. Also, petition of the Rock County Bankers' Association, Luverne, Minn., urging the passage of the McNary-Haugen bill, providing for the relief of agriculture; to the Committee on Agriculture.

1981. Also, petition of the Business and Professional Men's Association, Minneapolis, Minn., urging the appropriation of \$25,000,000 for the relief of the German people; to the Committee on Foreign Affairs.

1982. Also, petition of the custodians of Federal buildings, assembled in convention in Minneapolis, Minn., urging an increase in salaries of the employees in Federal buildings; to the Committee on the Civil Service.

1983. Also, petition of the Commercial Club, Moorhead, Minn., protesting against the modification of the transportation act; to the Committee on Interstate and Foreign Commerce.

1984. Also, petition of the Minnesota State Federation of Women's Clubs, urging that disabled emergency officers of the United States Army during the World War be placed on the same retirement basis as Regular Army officers; to the Committee on Military Affairs.

1985. Also, petition of the State Agricultural Society of Minnesota, urging the construction of the Great Lakes-St. Lawrence waterway, which is so vital to the welfare of the State of Minnesota and the entire Northwest; to the Committee on Interstate and Foreign Commerce.

1986. Also, petition of the Legislature of the State of Minnesota, urging the construction of the Great Lakes-St. Lawrence tidewater international canal; to the Committee on Interstate and Foreign Commerce.

1987. By Mr. WILSON of Indiana: Petition of 42 members of the League of Woman Voters, of Vanderburgh County, Ind., urging the passage of the child welfare amendment, which provides that labor of persons under 18 years of age should be prohibited or limited; to the Committee on the Judiciary.

1988. By Mr. YOUNG: Petition of Erick M. Oman and 36 other citizens of Napoleon, N. Dak., favoring reduction in taxes, particularly removal of tax on industrial alcohol; to the Committee on Ways and Means.

1989. Also, memorial of Mrs. J. A. Yunker and other citizens of Fargo, N. Dak., protesting against any reduction in the tariff on eggs; to the Committee on Ways and Means.

SENATE.

MONDAY, March 24, 1924.

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, we thank Thee for this morning. Surely winter is past and the time of the singing of birds has come. We pray that in our own hearts there may be a springtime of gladness, of larger hope, and a desire to be more and more identified with the things which last. Speak unto us this morning, we beseech of Thee, and enable us to enter upon the duties of the day with the consciousness of Thy presence, and with an increased willingness to walk in the paths of Thy commandments. Hear and help us. Guide us, we beseech of Thee, along life's pathway until duties end. We ask in Jesus Christ's name. Amen.

NAMING A PRESIDING OFFICER.

The Secretary, George A. Sanderson, read the following communication:

UNITED STATES SENATE,
PRESIDENT PRO TEMPORE,
Washington, D. C., March 23, 1924.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. GEORGE H. MOSES, a Senator from the State of New Hampshire, to perform the duties of the Chair this legislative day.

ALBERT B. CUMMINS,
President pro tempore.

Mr. MOSES thereupon took the chair as Presiding Officer.

THE JOURNAL.

The reading clerk proceeded to read the Journal of the proceedings of Saturday last when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CALL OF THE ROLL.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll. The principal clerk called the roll, and the following Senators answered to their names:

Adams	Edwards	King	Shields
Ashurst	Elkins	Ladd	Shipstead
Ball	Ferris	Lodge	Shortridge
Bayard	Fess	McKellar	Simmons
Borah	Fletcher	McKinley	Smith
Brandegee	Frazier	McLean	Smoot
Brookhart	Geary	McNary	Spencer
Broussard	Gerry	Mayfield	Stanfield
Bruce	Glass	Moses	Stephens
Burnham	Gooding	Neely	Swanson
Cameron	Hale	Norris	Wadsworth
Capper	Harrell	Oddie	Walsh, Mass.
Caraway	Harris	Overman	Walsh, Mont.
Copeland	Harrison	Pepper	Warren
Couzens	Heflin	Pittman	Watson
Curtis	Howell	Ralston	Weller
Dale	Johnson, Minn.	Ransdell	Wills
Dial	Jones, N. Mex.	Reed, Pa.	
Dill	Kendrick	Robinson	
Edge	Keyes	Sheppard	

Mr. CURTIS. I desire to state that the Senator from Washington (Mr. JONES) is necessarily detained from the Chamber on business of the Senate.

The PRESIDING OFFICER. Seventy-seven Senators having answered to their names, a quorum is present. The presentation of petitions and memorials is in order.

ORDER OF BUSINESS.

Mr. HARRISON. Mr. President, there appeared this morning in the Washington Post—

Mr. WADSWORTH. Mr. President, what is the order of business, may I ask?

The PRESIDING OFFICER. The presentation of petitions and memorials. The Senator from Mississippi is recognized under that order.

Mr. HARRISON. There appeared an article headed The Republican Crisis. It is an editorial from the Washington Post, Ned McLean's paper.

The PRESIDING OFFICER. Is the Senator presenting a petition or memorial?

Mr. HARRISON. I ask that it be read for the delectation of Republican Senators.

Mr. WADSWORTH. Is it a petition or memorial?

Mr. HARRISON. It is a remonstrance.

The PRESIDING OFFICER. Does the Senator from New York demand the regular order?

Mr. WADSWORTH. I certainly do.

The PRESIDING OFFICER. The regular order is the presentation of petitions and memorials.

Mr. HARRISON. It is a memorial I desire to have read to the Senate, an editorial in the form of a petition addressed to the Republican Party—

Mr. WADSWORTH. I inquire of the Chair as to whether in his judgment this is a petition under the meaning of the rule.

The PRESIDING OFFICER. The Chair is not of that opinion. The Chair is of the opinion that the regular order having been demanded, the Senator from Mississippi is not in order. The presentation of petitions and memorials is in order.

Mr. HARRISON. If my friends on the other side will stay with me I shall read it a little later.

Mr. KING. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Utah will state the inquiry.

Mr. KING. I submit that the editorial which the Senator from Mississippi is about to read, if not a petition, is a memorial. It presents certain features respecting the Republican Party and memorializes the leaders of that party to do something to save the party from wreck and disaster.

The PRESIDING OFFICER. The Chair is still of the opinion, as highly as he regards the leaders of the Republican Party, that they are not the Senate of the United States and can not be memorialized under this head of business.

Mr. CARAWAY. Mr. President, may I ask the Chair a question? Are they not Members of the Senate any longer?

The PRESIDING OFFICER. It is the Chair's opinion that if they ask recognition the Chair will recognize them.

Mr. CARAWAY. I thought perhaps the Chair was ruling that they were no longer Members of the Senate and could not be memorialized for that reason.

The PRESIDING OFFICER. Does the Senator from Utah desire to appeal from the ruling of the Chair that the Senator from Mississippi is not in order?

Mr. KING. I think the ruling of the Chair is erroneous, but I shall not appeal.

The PRESIDING OFFICER. The presentation of petitions and memorials is in order.

PETITIONS AND MEMORIALS.

Mr. LODGE presented resolutions of the General Court of Massachusetts, which were referred to the Committee on Post Offices and Post Roads, as follows:

THE COMMONWEALTH OF MASSACHUSETTS, 1924.

Resolutions favoring the passage by Congress of legislation increasing the compensation of postal employees.

Whereas there is pending in the Congress of the United States legislation increasing the compensation of postal employees from the present unreasonably low rates to amounts that will more nearly accord with the increased cost of living and the efficiency and loyalty which have always characterized the service rendered by said employees, an act of simple justice that has been too long deferred: Therefore be it

Resolved, That the General Court of Massachusetts respectfully urges upon Congress the speedy enactment of legislation that will enable such employees to maintain their families in accordance with American standards of living and will provide for them compensation comporting with the importance and dignity of the Postal Service; and be it further

Resolved, That copies of these resolutions be sent by the secretary of the Commonwealth to the President of the United States, to the presiding officers of the Senate and the House of Representatives of the United States, and to the Senators and Representatives in Congress from Massachusetts.

In house of representatives, adopted, March 6, 1924.

In senate, adopted in concurrence, March 10, 1924.

A true copy. Attest:

F. W. COOK,

Secretary of the Commonwealth.

Mr. LODGE also presented resolutions of the General Court of Massachusetts, which were referred to the Committee on Appropriations, as follows:

THE COMMONWEALTH OF MASSACHUSETTS, 1924.

Resolutions requesting the Congress of the United States to appropriate funds to carry out certain recommendations of the Chief of Staff of the United States Army made in furtherance of the national defense act of 1920.

Whereas the President of the United States in a recent message to the Congress of the United States has stated that the Army and Navy of the United States should be strengthened and that a people who neglect their national defense are putting in jeopardy their national honor; and

Whereas, in furtherance of the national defense act of 1920 and in order to increase and promote the strength and effectiveness of the Army, the Chief of Staff of the Army of the United States has recommended substantially as follows:

(a) That the Regular Army be brought back to the strength of 150,000 enlisted men and 13,000 officers, and that it be suitably housed and enabled to conduct annual maneuvers on a moderate scale.

(b) That the National Guard be given the support necessary to permit its progressive development toward a strength of 250,000.

(c) That the skeleton organization of the Organized Reserves be adequately maintained.

(d) That all reserve officers receive an average of 15 days' training in each three years.

(e) That the Reserve Officers' Training Corps units be further developed.

(f) That provisions may be made for a gradual increase in the number accommodated annually in the citizens' military training camps: Therefore be it

Resolved, That the General Court of Massachusetts respectfully and earnestly urges upon the Congress the necessity of appropriating such funds and enacting such legislation as will adequately provide for the effective carrying out of the provisions of the national defense act of 1920, and also the recommendations of the Chief of Staff of the Army of the United States hereinbefore set forth; and be it further

Resolved, That copies of these resolutions be sent by the secretary of the Commonwealth to the President of the United States, to the presiding officers of both branches of Congress, to the Senators and Representatives in Congress from this Commonwealth, and to the members of the congressional Committees on Appropriations and on Military Affairs.

In house of representatives, adopted, March 5, 1924.

In senate, adopted in concurrence, March 10, 1924.

A true copy. Attest:

F. W. COOK,

Secretary of the Commonwealth.

Mr. WADSWORTH presented petitions of sundry citizens in the State of New York, praying an amendment to the Constitution granting equal rights to women, which were referred to the Committee on the Judiciary.

Mr. REED of Pennsylvania presented a memorial of the Philadelphia (Pa.) Board of Trade, remonstrating against the passage of House bill 7111, authorizing the Department of State to accredit to the embassies and legations of the United States agricultural attachés, etc., which was referred to the Committee on Foreign Relations.

Mr. WARREN presented a petition of sundry citizens of Powell, Park County, Wyo., praying for the passage of legislation repealing the excise tax on motor vehicles and accessories, which was referred to the Committee on Finance.

Mr. PEPPER presented a memorial of the Philadelphia (Pa.) Board of Trade, remonstrating against the passage of Senate bill 2012, creating an agricultural export commission, etc., which was referred to the Committee on Agriculture and Forestry.

Mr. DIAL. Mr. President, I present resolutions adopted by Clemson College Post, No. 42, of the American Legion, in the nature of a petition, which I ask may be inserted in the Record and referred to the Committee on Foreign Relations. These are the most comprehensive set of resolutions which I have ever read coming from the American Legion or any other association in our country on the subject. They present an example which ought to be emulated by the whole world. I compliment and congratulate this post. I am proud of it.

There being no objection, the resolutions were referred to the Committee on Foreign Relations and ordered to be printed in the Record, as follows:

RESOLUTIONS OF CLEMSON COLLEGE POST, NO. 42, AMERICAN LEGION.

[Adopted November 7, 1923. Clemson College, S. C.]

For a long time the members of Clemson College Post, No. 42, American Legion, have felt that if the world is to have peace and if the last war is to be a war to end war, then some steps other than and different from those already taken must be now advanced. The resolutions printed below are the product of much thought and were adopted only after careful consideration. It is the sense of this post and others who have made a study of these resolutions that they offer the only real rock-bottom solution of the greatest problem now before the world. Disarmament, limitations, conferences, etc., must follow and not precede the course suggested in the following:

"Resolutions of Clemson College Post, No. 42, of the American Legion.

"Whereas in the recent World War we fought against the antiquated system of national rivalries which foment war, and thought that at the end of that struggle some means would be devised for settling international disputes by process of law based upon justice among nations; and

"Whereas that thing seems not to have come to pass in spite of the efforts made to that end, but instead the old system of suspicious, war, and national rivalries in trade and armament is continuing, although the very existence of civilization and of whole peoples depends on displacing this system with a better, and this after five years of reconstruction; and

"Whereas the American Legion has gone on record on numerous occasions as favoring a judicial procedure in settling all international disputes; and

"Whereas Clemson College Post, No. 42, of the American Legion, having considered the foregoing facts carefully and realizing that the accomplishment of the thing for which we fought and which made our sacrifices seem worth while is still in the indefinite and

uncertain future, has come to the conclusion that the only way to make the realization of our object sure is to further in every way possible the education of all peoples to the fact that war is unnecessary, illogical, and can be dispensed with: Therefore be it

Resolved by Clemson College Post, No. 12, of the American Legion, That we do all in our power at all times to further this end and that we urge all peace-loving people throughout the world to do likewise; be it further

Resolved, That we consider the only safe basis for permanent peace to be that spirit of brotherly love and mutual understanding among nations which will insure a full measure of justice to all nations; be it further

Resolved, That we suggest the following concrete activities as being among those suitable for this purpose:

"1. Believing that the existence of permanent peace depends upon the proper education of the coming generations along these lines, that we urge writers and teachers of history and allied subjects to guard against anything which might create an unfriendly spirit in the minds of their readers and pupils toward any other country than their own; and

"2. That we urge the International Sunday School lesson committee to set aside at least one Sunday per year for the consideration of world peace and human brotherhood, and request ministers of the gospel to devote one or more sermons per year to this theme; and

"3. That this post establish an annual prize or series of prizes for the best essays produced on this topic by any pupil in the local schools, and that we urge all Legion posts and post auxiliaries and all interested organizations in all counties to do likewise; that we urge our State Legion to give a similar series of prizes open to entries throughout the State; that we urge the national Legion to make some phase of this topic the subject for the annual essay contest; that we urge the national and State Legions to work out a series of prizes for college students, to include, if practicable, prizes given in each college so as to draw out as large a number of entries as possible; and that the widest publicity be given these things.

"4. That we subscribe for the American Legion Weekly for each room in the local schools seating pupils of the sixth grade and above, and urge all other posts to do likewise.

"5. That we urge the American Legion to attempt to associate itself with the other World War veterans' associations (including those of former enemy countries) and all other societies which will cooperate in the adoption of an international slogan to the general effect that war is not inevitable, that it can be prevented without the sacrifice of the national honor of any country, and that the time is ripe for such prevention; such slogan to be selected as the result of a world-wide contest, and that it appear upon the first cover page of every issue of the American Legion Weekly and of as many cooperating journals as possible.

"6. That we urge the national Legion to require each post in its annual report to make reply to the question: 'What have you done during the past year to further the cause of world-wide peace?'

"7. That we urge all posts and other public-spirited organizations to adopt these or similar resolutions with a suitable plan of action and to present this topic on suitable occasions; be it further

Resolved, That a copy of these resolutions be filed with the papers and other records of this post, that a copy be sent to the national and all State headquarters, to the American Legion Weekly with a request that it be published in every Legion post in South Carolina, to our representatives in the House of Representatives and in the Senate of the South Carolina State Legislature and the Congress of the United States, to the Governor and Lieutenant Governor of South Carolina, to the President of the United States and his Cabinet, and to such other individuals and organizations as this post may from time to time direct.

"THE PLAN OF ACTION.

"In furtherance of the provisions of the foregoing resolutions this post on the same date as the adoption of the resolutions also adopted a plan of action putting the provisions into specific form. This plan of action, on the execution of which the post is now engaged, is briefly this:

"1. Offering of three prizes in the local high school for the best essays on the subject: 'How can permanent peace be achieved?'

"2. Subscription for the American Legion Weekly for each room in the local school seating pupils of the sixth grade and above.

"3. Getting in touch with the other posts in adjacent counties with the idea of getting county prizes offered similar to those above.

"4. Getting in touch with department headquarters with the idea of getting similar prizes offered in other schools and in the colleges.

"5. Having these resolutions and plan of action printed for distribution.

"8. Reading the resolutions and plan of action at our annual Armistice Day banquet, November 12, 1923."

We request all Legion posts and other interested organizations or individuals to give this their careful study. We suggest that the matter be brought up at one meeting and be acted upon at a later one. If you feel as we do about these things we urge you to adopt these or similar resolutions with a suitable plan of action, and do all you can to further the peace idea.

Mr. McKELLAR. Mr. President, I present a resolution adopted by Memphis (Tenn.) Post, No. 1, of the American Legion, in reference to soldiers' pardons. I ask unanimous consent that it may be referred to the Committee on the Judiciary and printed in the Record.

There being no objection, the resolution was referred to the Committee on the Judiciary, and ordered to be printed in the Record, as follows:

THE SOLDIERS' PARDON RESOLUTION.

[Passed by Memphis Post, No. 1, American Legion.]

Whereas this post of the American Legion stands staunchly and steadfastly for the objects declared in the preamble of our constitution, and that among these are:

"To foster and perpetuate a 100 per cent Americanism * * * to inculcate a sense of individual obligation to the community, State, and Nation * * * to safeguard and transmit to posterity the principles of justice, freedom, and democracy."

Whereas this post at all times endeavors to practice as well as profess those declared principles, and is determined to transmit to succeeding generations these basic and cardinal principles untarnished and undiminished, and to repel every assault upon them, open or insidious, so that they shall not become high sounding but empty phrases; and

Whereas the existence of the Nation, its culture, ideals, civilization, material and moral welfare demand that future generations be imbued with the ideal of patriotism and performance of duty to one's country regardless of all personal considerations, and any act of our Government which gives to the coward or traitor greater consideration than that given to the loyal citizen establishes a precedent which induces and encourages treason and cowardice is destructive of patriotism, and is in defiance of our declared purposes and previous personal sacrifices; and

Whereas the United States of America, subsequent to the declaration of war, has knowingly or unknowingly committed acts which give every appearance of encouraging disloyalty and treason in that—

"Our Government has not prosecuted and has not punished the draft dodger, slacker, coward—all willing to abandon this country in a crisis—while its loyal citizens were subjecting themselves to rigid military discipline, strict military law, undergoing personal sacrifice, loss, and danger—many being killed and wounded in its defense;

"Our Government has not punished, and made to disgorge, the profiteer and others of his stripe who were willing to and did hold up and loot this country in its national crisis, and wring blood money out of our patriotic citizens while the loyal civilians and soldiers were foregoing personal gain and making sacrifices;

"Our Government has permitted waste and mismanagement in the agencies designed to alleviate our disabled and wounded comrades, which agencies were provided only after compulsion from the American Legion and loyal civilians;

"Our Government has pardoned the I. W. W.'s, the spreader of sedition, the advocate of resistance to necessary military measures in time of war, the enemy spy; in fact, all who were willing to overthrow the Government and wreck the Nation;

"Our Government continues to hold imprisoned the men who were willing to uphold and defend the Nation, and who in its defense temporarily departed from the path of rectitude, which departure could in no event be a crime against the person or property of more than a few individuals, whereas the unpunished offense of the slacker and profiteer, the pardoned crime of the seditionist and spy were crimes against 110,000,000 people—the entire Nation—showing deliberation and a fixed, settled, mental attitude of treason and disloyalty, which palliated and pardoned offenses were infinitely greater than those of the unpardoned soldiers"; and

Whereas the aforementioned favoritism and neglect have occurred subsequent to the trial and convictions of soldiers, which court-martial proceedings we do not impugn, criticize, or question, as the latter conduct of our Government renders the questions of guilt or innocence, severity of sentences, and such matters wholly immaterial: Now, therefore, be it

Resolved by this post of the American Legion, That it condemns the acts and policy of our Government heretofore specified as destructive of our national existence, subversive of patriotic principles, and unmindful and unappreciative of the sacrifices of loyal soldiers

and loyal citizens; as an inducement to, and encouragement of, cowardice and disloyalty—rewarding treason and penalizing patriotism; be it further

Resolved, That as it is too late to even the scales of justice and too late to prevent cowardice and treason from being rewarded with pardons we can and will even the scales of mercy, and will not in any event permit the traitor and coward to receive greater consideration than that accorded the loyal; be it further

Resolved, That as no other course is open we urge and demand the release of all soldiers under sentences for offenses committed during the period of hostilities to the end that succeeding generations shall not be convinced that it is safer to abandon or betray the United States of America than to defend it; be it further

Resolved, That the term "soldiers" as used in this resolution shall include any man serving in land, water, or air forces of the United States during the war; be it further

Resolved, That we forward copies of this resolution to our State posts, department officers, national headquarters, and other patriotic and civic organizations, and request their aid and cooperation; be it further

Resolved, That we pledge our delegates to support the soldiers' pardon resolution in the State and national conventions.

Mr. WALSH of Massachusetts. I present two resolutions of the General Court of Massachusetts, which I ask may be appropriately referred and printed in the Record.

The PRESIDING OFFICER. The resolutions presented by the Senator from Massachusetts will be received, and unless they are duplicates of those presented by the Senator's colleague, the senior Senator from Massachusetts [Mr. LODGE] they will be, under the rule, printed in the Record.

The resolutions were referred to the Committees on Post Offices and Post Roads and on Appropriations, respectively.

(See identical resolutions previously presented to-day by Mr. LODGE on page 4776.)

Mr. CAPPER presented a resolution of the Kiwanis Club, of Emporia, Kans., favoring the passage of legislation creating a Federal department of education, which was referred to the Committee on Education and Labor.

He also presented a petition, numerous signed, of sundry citizens of Havensville, Kans., praying for the passage of legislation placing more drastic restrictions upon immigration, which was referred to the Committee on Immigration.

Mr. WILLIS presented a resolution of the Kiwanis Club, of Alliance, Ohio, favoring more adequate appropriations for the national defense, which was referred to the Committee on Military Affairs.

He also presented a resolution of the Toledo Clearing House, of Toledo, Ohio, favoring the passage of legislation granting increased compensation to postal employees, which was referred to the Committee on Post Offices and Post Roads.

He also presented the petition of Dr. O. L. Sims and 33 other citizens of Pleasantville, Ohio, praying for the passage of restrictive immigration legislation, which was referred to the Committee on Immigration.

He also presented resolutions of Lodge No. 279 of Ramsey, of Lodge No. 315 of Canton, of Lodge No. 33 of Blaine, of Lodge No. 48 of Barberton, of Lodge No. 237 of Conneaut, and of Lodge No. 13 of Bridgeport, S. N. P. J. (being fraternal bodies of Jugoslavs), all in the State of Ohio, remonstrating against the passage of the so-called Johnson selective immigration bill, and especially against the proposal to register, photograph, and fingerprint immigrants, which were referred to the Committee on Immigration.

Mr. FESS presented resolutions of the Ohio Engineering Society, opposing plans to withdraw Federal aid in highway construction, and favoring the prompt passage of legislation providing for a three-year Federal aid program beginning on July 1, 1925, in the amount of \$100,000,000 for each of the three succeeding years, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Medina and Fairfield Counties, Ohio, praying for the passage of legislation further restricting immigration, which were referred to the Committee on Immigration.

He also presented a resolution adopted by citizens of Norwood, Ohio, in mass meeting assembled, favoring the passage of legislation granting adjusted compensation to veterans of the World War, which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Piqua, Ohio, praying for a reduction of taxes and for a more simple, efficient, and economical government, which was referred to the Committee on Finance.

He also presented a resolution of the Minerva Club of Kenton, Ohio, favoring the restriction of production of narcotics to

the medical and scientific needs of the world, etc., which was referred to the Committee on Foreign Relations.

He also presented a resolution of the Toledo (Ohio) Clearing House Association, favoring the granting of increased compensation to postal employees, which was referred to the Committee on Post Offices and Post Roads.

He also presented the memorial of the board of education, Fulton County public schools, of Wauseon, Ohio, remonstrating against the passage of legislation creating a Federal department of education, which was referred to the Committee on Education and Labor.

Mr. JOHNSON of Minnesota presented resolutions of Slovanski Budar Lodge, No. 182, S. N. P. J., of Gilbert; of Lodge No. 215, S. N. P. J., of Virginia; of McKinley Lodge, No. 175, S. N. P. J., of McKinley; of Vseslovani Lodge, No. 161, S. N. P. J., of Kitzville; of Freja Lodge, No. 16, I. O. G. T., of Minneapolis; and of Gopher Local, No. 205, of Minneapolis, all in the State of Minnesota, remonstrating against the passage of the so-called Johnson selective immigration bill and especially against the proposal to register, photograph, and fingerprint immigrants, which were referred to the Committee on Immigration.

He also presented the petition of M. J. Christenson and 46 other citizens of Worthington, Minn., praying for the passage of legislation restricting immigration, which was referred to the Committee on Immigration.

He also presented the petition of Edward Hughes and 53 other citizens of St. Paul, Minn., praying for the passage of legislation granting increased compensation to postal employees, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of E. J. Hinn and 43 other citizens of Ella; of F. W. Rosenberg and 44 other citizens, of Louis Speltz and 17 other citizens, of E. T. Connelly and 50 other citizens of Green Isle Township; of A. Wagstrom and 21 other citizens of Fraser Township; of Richard Day and 18 other citizens of Tara Township; of O. Enge and 31 other citizens of Big Woods Township; of Ben Borsen and 20 other citizens of Eldsvold Township; of Ole J. Winjun and 24 other citizens of Deer Township; of James Dever and 35 other citizens of Rollingstone Township; of A. L. Dolney and 15 other citizens of Palania Township; of B. B. Nornes and 18 other citizens of Scandia Township; of Lane Hill, jr., and 39 other citizens of Waconia Township; of J. M. Southwick and 31 other citizens of Medo Township; of A. J. Boldighelmer and 46 other citizens of Pine Lake Township; of G. J. Nordhagen and 17 other citizens of Norden Township; of P. P. Kukowski and 34 other citizens of Barta Township; of W. J. T. Kersen and 18 other citizens of Gregory Township; of William Karol and 29 other citizens of Caribou Township; of L. A. Campbell and 18 other citizens of Saratoga Township; of Elmer Edlund and 32 other citizens of Alfsborg Township; of F. R. Marrs and 20 other citizens of Battle Township; of A. N. Anderson and 20 other citizens of Jo Davis Township; of E. B. Stroutruberg and 14 other citizens of Timothy Township; of Orton Gullickson and 9 other citizens of Garfield Township; of C. A. Steen and 28 other citizens of Canton Township; of F. C. Wirt and 35 other citizens of Drammen Township; of Peter Sorensen and 8 other citizens of Surfwater Township; of A. D. Miller and 22 other citizens of Hammond Township; of Fred Prahl and 47 other citizens of Mulligan Township; of Knut M. Anderson and 14 other citizens of Nereson Township; of H. H. Steerdage and 25 other citizens of Fair Haven Township; of Oscar S. Anderson and 21 other citizens of Foster Township; of John J. Strom and 11 other citizens of Solem Township; of J. A. Swenson and 17 other citizens of Fish Lake Township; of Alfred Nelson and 41 other citizens of Silver Creek Township; of Arthur Nelson and 16 other citizens of Nordland Township; of Sam Ramiller and 61 other citizens of Sinnott Township; of R. J. Olson and 32 other citizens of Hoff Township; of J. A. Oslund and 32 other citizens of Brunswick Township; of H. F. Nerge and 37 other citizens of Freeland Township; of C. W. Quick and 15 other citizens of Fanny Township; of H. S. Dahlin and 22 other citizens of Thief River Falls; and of G. H. Smith and 51 other citizens of Browns Valley Township, all in the State of Minnesota, praying for the passage of the so-called McNary-Haugen bill, providing aid to agriculture, which were referred to the Committee on Agriculture and Forestry.

MARIA HELENA AMERICA VESPUCCI

Mr. WADSWORTH. I desire to make a request for unanimous consent of the Senate to permit the withdrawal from the records of the Senate under the jurisdiction of the Secretary of the Senate of a certain petition. The petition was presented to Congress by one Maria Helena America Vespucci

on January 29, 1839. The petition, with no other connected papers, is now on file with the Secretary of the Senate. Madame Vespucci was connected with the early history of the city of Ogdensburg. At that city there has been established an institution which is known as the Remington Memorial, which occupies the house in which Madame Vespucci lived for more than 18 years. If consent of the Senate be granted to my request, it is the understanding that the petition will be sent to that memorial and made a part of its records.

Mr. ROBINSON. Will the Senator state what is the request that he is submitting? It was impossible to hear the request.

The PRESIDING OFFICER. The Senator from New York requests unanimous consent for the withdrawal from the files of the office of the Secretary of the Senate of a certain petition which was filed in 1839 by a Madame Vespucci. The Chair would ask the Senator from New York if any adverse action has been taken upon the petition?

Mr. WADSWORTH. If any adverse action has been taken upon the petition itself?

The PRESIDING OFFICER. Yes.

Mr. WADSWORTH. I am not informed as to that.

The PRESIDING OFFICER. The usual form for the withdrawal of papers from the files of the Senate is "there having been no adverse action thereon."

Mr. CURTIS. Under the rule a paper may not be properly withdrawn from the files of the Secretary of the Senate unless there shall have been no adverse action thereon.

Mr. WADSWORTH. That is, the order of withdrawal must be so worded?

Mr. CURTIS. I suggest to the Senator from New York to let the matter go over until he ascertains the exact state of facts in reference to the petition.

Mr. WADSWORTH. I shall do so.

Mr. ROBINSON. I suggest that an arrangement may be effected to leave copies of the petition on file.

The PRESIDING OFFICER. The request of the Senator from New York is withdrawn.

CORRUPT PRACTICES IN BRITISH PARLIAMENTARY AND AMERICAN CONGRESSIONAL ELECTIONS.

Mr. ROBINSON. Mr. President, Mr. Stuart Lewis has prepared a very exhaustive and, I believe, accurate and reliable treatise on the subject of "corrupt practices in British parliamentary and American congressional elections." I present that treatise for reference to the Committee on Printing with the suggestion and request that the committee report and recommend that it be printed as a public document for the use of the Senate.

The PRESIDING OFFICER. The manuscript, with the request accompanying it, will be referred to the Committee on Printing.

REPORTS OF COMMITTEES.

Mr. CARAWAY, from the Committee on the Judiciary, to which was referred the bill (H. R. 4439) to amend section 71 of the Judicial Code as amended, reported it without amendment.

Mr. CAPPER, from the Committee on Claims, to which was referred the bill (S. 80) for the relief of the Long Island Railroad Co., reported it without amendment and submitted a report (No. 300) thereon.

SOUTHERN JUDICIAL DISTRICT OF TEXAS.

Mr. OVERMAN. From the Committee on the Judiciary I report back favorably without amendment the bill (S. 2625) to detach Jim Hogg County from the Corpus Christi division of the southern judicial district of the State of Texas, and attach the same to the Laredo division of the southern judicial district of said State. I call the attention of the Senator from Texas [Mr. SHEPPARD] to the bill.

Mr. SHEPPARD. Mr. President, the bill reported by the Senator from North Carolina is one relating to a local change in the southern judicial district of Texas. I ask for the immediate consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That Jim Hogg County of the Corpus Christi division of the southern district of the State of Texas be, and the same is hereby, detached from the said Corpus Christi division and attached to and made a part of the Laredo division of the southern district of said State.

Mr. HARRISON. Mr. President—

Mr. SHEPPARD. Mr. President, I hope the Senator from Mississippi will permit the bill to be passed.

Mr. HARRISON. I shall.

Mr. SHEPPARD. Very well.

Mr. HARRISON. Mr. President, I understand that no objection was raised to the immediate consideration of the bill?

The PRESIDING OFFICER. None was raised, and it is before the Senate.

POLITICAL LEADERSHIP.

Mr. HARRISON. Mr. President, there is now quite a full attendance of Senators on the other side of the aisle, and I think they should listen while the Secretary reads the editorial from the Washington Post which I send to the desk. Then, of course, under the rules of the Senate any Senator may respond and answer the editorial. It would seem to some of us on this side of the Chamber that the editorial calls for an answer from some of the Republican leaders over there. So I ask that the Secretary read the editorial.

The PRESIDING OFFICER. The Secretary will read as requested.

The reading clerk read from the Washington Post, of Monday, March 24, 1924, as follows:

THE REPUBLICAN CRISIS.

Members of the Republican Party throughout the United States are dazed and shamed by the lack of leadership in their great organization. They can not understand why the Republican Party is subjected to the most humiliating and damaging charges without arousing the resentment of a single leader in Congress. The leaders are not only defied, but insulted, and they take their punishment as if they deserved it. The administration is vilified and the entire Republican organization brought into contempt and worse than contempt. It is even charged with protecting criminals and with being itself a participant in crime. The Government is terribly injured by the wholesale accusations heaped against the party in power. Paralysis has overtaken Congress. There is widespread defiance of the law. The people are beginning to suffer because the party to which they confided the Government is unable to function.

What is the matter with the Republican leaders? Can it be true that they are trembling for fear that further revelations will confirm the truth of what now seems to be infamous calumnies? Or are they craven weaklings who are afraid to stand up for truth and right, because of a selfish desire to keep their own individual names out of the current scandals? One or the other supposition seems to be the truth.

Scoundrels or moral cowards—it is a hard alternative, and the people shrink from imposing judgment. But the people will not wait forever. Republicans by the millions, whose pride in their party is a part of their life, are not disposed to tolerate the cowardice of their leaders in Congress when abominable allegations are made attacking the integrity of their party.

There is beginning to be widespread belief that there is corruption back of the silence which the leaders fear to face.

Where are the great men of the Republican Party? Where are the Hannas, Quays, Platts, Spooners, Aldriches, Chancellors, Hales, Allison, Doolivers, Reeds, Cannons, Paynes, Dalzells, Grosvenors, Moodys, Manns, Tawnays, and scores of other champions of Republicanism who regarded an assault upon the honor of their party as a personal insult, and who never failed to carry the war into the enemy's camp? Is the Republican Party dead? Is it so lacking in leaders that it is about to disintegrate and disappear?

The rank and file of the Republican Party are true and loyal Americans. They will follow great leaders. But they will not follow men who do not have the courage to defend the party against unjust assault. The time has come when leadership in the Republican Party must be asserted at once by the men who have been elected as leaders, or these men will be repudiated and the party itself will run the risk of destruction.

A presidential campaign is approaching. Through the lack of stalwart and vigilant leadership the Republican Party goes into the campaign as if it were a criminal on the way to execution. Senators who should have defended the Republican Party against villainous insinuations are now silent and apologetic, afraid to confess that they are Republicans. Not one of them has done his duty by his party, and all of them know they are recreant to their party trust.

It is not the Republican Party that is on trial. It is the leaders who are on trial, but if this venality is established the party crashes to ruin. Let them make good while there is time.

Mr. BROOKHART. Mr. President, I should like to ask the Senator from Mississippi a question.

Mr. HARRISON. I had hoped that some one else on the other side would ask me a question, but I think some Senator on that side should ask me a question.

Mr. BROOKHART. Is not the Mr. McLean of whom we have been hearing in the investigations the editor of the newspaper from which the editorial has just been read?

Mr. HARRISON. Yes; and I think he is owner of the newspaper also.

Mr. BROOKHART. Does not that editorial sound like he is perilously near going over to the Democratic Party? [Laughter.]

Mr. HARRISON. I think he is thoroughly disgusted with the Republican leadership, as the whole country is.

Mr. BROOKHART. Is not that very much to the credit of the Republican leadership?

Mr. HARRISON. I think he should have exercised the same good common sense long ago and joined the Democratic Party, and he would not have gotten into all the mess in which he now finds himself.

Mr. BROOKHART. Right now I will say to the Senator that the Democratic Party may have him so far as I am concerned. [Laughter.]

Mr. NEELY. Mr. President, I should like to ask the Senator from Iowa a question if he will permit me. If he is going to give Ned McLean to the Democratic Party, will he also separate the Republican Party from Henry Ford, whom it recently acquired?

Mr. BROOKHART. Yes; I will say that you can have him, too.

SOUTHERN JUDICIAL DISTRICT OF TEXAS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2625) to detach Jim Hogg County from the Corpus Christi division of the southern judicial district of the State of Texas, and attach the same to the Laredo division of the southern judicial district of said State.

The PRESIDING OFFICER. The bill is before the Senate as in Committee of the Whole and open to amendment.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

INVESTIGATIONS BY THE SENATE.

Mr. McKINLEY. Mr. President, I ask unanimous consent to have read at the desk a letter which I have recently received.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Secretary will read as requested.

Mr. KING. Mr. President, may I inquire whether the letter is in the nature of a memorial or a petition?

The PRESIDING OFFICER. The Senator from Illinois has asked unanimous consent for the reading of the letter, and consent has been granted.

The reading clerk proceeded to read the letter.

Mr. McKELLAR. Mr. President, I rise to a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Tennessee will state the parliamentary inquiry.

Mr. McKELLAR. Is that letter the beginning of the defense of the Republican side of the Senate? [Laughter.]

The PRESIDING OFFICER. The Chair does not recognize that as a parliamentary inquiry, and therefore does not feel called upon to answer.

The reading clerk resumed and concluded the reading of the letter, which is entire, as follows:

ROCKFORD ILL., March 21, 1914.

Senator W. B. McKinley,

Washington, D. C.

MR. DEAR SENATOR: John Smith says that he heard a man with red whiskers talking to a stranger on the street and saying that Bob White's wife said that her mother had told her that a man who looks like some of the pictures of some of the United States Senators was on a Chicago & North Western Railway train a year ago, and she heard him bet a box of cigars with another man who looked like a bootlegger that the stock of the New York Central Railroad Co. would advance 2 points within 60 days, and that it was "a good buy" and he was going to purchase a couple of shares.

There is considerable excitement here about it, and because of the very clear, relevant, competent, and convincing evidence being produced before the senatorial committees now, the publication of which is convincing the people generally of the wonderful statesmanship and patriotism of the membership of said committees, the people—three or four—want this outrage investigated.

There are those who think the three or four above referred to are the only ones in this State who still retain respect for and confidence in our form of government and our Congress, but they are probably feeling depressed because spring is late.

Really, Senator, I hope that I am not—but fear that I am—right in thinking that our Senate to-day is doing more to bring upon Congress and our whole Government the contempt, the suspicion, and the fear of good citizens than anything which has happened in our lives. I think it tragic.

Am glad that the Senators from Illinois are not a part of it; and please pardon the liberty I take in writing this. The writing keeps me from swearing.

Very respectfully,

STANTON A. HARR.

Mr. HEPLIN. Mr. President, I suggest that this able defense of the Republican side should be printed in the Record immediately following the editorial just read from the Washington Post.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ODDIE:

A bill (S. 2912) granting a pension to Sarah Elizabeth Robinson; to the Committee on Pensions.

By Mr. BROOKHART:

A bill (S. 2913) for the establishment of migratory-bird refuges to furnish in perpetuity homes for migratory birds, the establishment of public shooting grounds to preserve the American system of free shooting, the provision of funds for establishing such areas, and the furnishing of adequate protection for migratory birds, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. WATSON:

A bill (S. 2914) authorizing the construction of a bridge across the Ohio River approximately midway between the city of Owensboro, Ky., and Rockport, Ind.; to the Committee on Commerce.

By Mr. FESS:

A bill (S. 2915) to amend and supplement an act entitled "An act relating to bills of lading in interstate and foreign commerce," approved August 20, 1916; to the Committee on Interstate Commerce.

By Mr. SHIELDS:

A bill (S. 2916) for the relief of William Jones; to the Committee on Military Affairs.

By Mr. WADSWORTH:

A joint resolution (S. J. Res. 105) authorizing the President to detail an officer of the Corps of Engineers as Director of the Bureau of Engraving and Printing, and for other purposes; to the Committee on Military Affairs.

By Mr. PEPPER:

A joint resolution (S. J. Res. 106) authorizing the erection on public grounds in the city of Washington, D. C., of an equestrian statue of General San Martin, which the people of Argentina have presented to the United States; to the Committee on the Library.

By Mr. SMITH:

A joint resolution (S. J. Res. 107) declaring agriculture to be the basic industry of the country, and for other purposes; to the Committee on Interstate Commerce.

THE CALENDAR.

The PRESIDING OFFICER. The morning business is closed. The calendar under Rule VIII is in order.

Mr. CURTIS. Mr. President, I ask unanimous consent that the calendar be considered, and that only unobjected bills be taken up.

Mr. BALL. Mr. President—

The PRESIDING OFFICER. The Senator from Kansas asks unanimous consent for the consideration of the calendar, and that only unobjected bills shall be taken up. Is there objection?

Mr. McKELLAR. Mr. President—

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Tennessee?

Mr. CURTIS. I do.

Mr. McKELLAR. I should like to ask the Senator from Kansas whether it is his intention to begin at the beginning of the calendar?

Mr. CURTIS. It has been several weeks since the calendar was called from the first, and I think we ought to begin at the beginning.

Mr. McKELLAR. I have no objection.

The PRESIDING OFFICER. Is there objection?

Mr. BALL. Mr. President, I do not wish to object, but I do feel that we ought to decide whether or not we are to pass H. R. 655, which is the bill providing for reciprocity with Maryland. This is the last week we shall have in which to consider that proposition. I shall be out of the city after Wednesday. If we are to have reciprocity, it will be necessary to take up the bill to-day.

Mr. CURTIS. Mr. President, under the rule it would require unanimous consent to take it up now. I suggest that

the Senator wait until after 2 o'clock, and see if he can not get up his bill then. Personally, I am in favor of the measure; I think it ought to be passed; but if it is taken up now it means that the morning hour will be exhausted on this bill alone. We have not had the calendar under consideration for several days, and under the rules this day is set aside for that purpose.

Mr. BALL. Mr. President, the only reason why I make this request is that a month ago the Governor of Maryland wrote asking as to whether in my judgment it would be worth his while to extend the reciprocity for one month. I asked him to extend it, and told him I was sure that by the 1st of April we would know whether or not Congress was willing to grant reciprocity.

Mr. McKELLAR. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Delaware yield to the Senator from Tennessee?

Mr. BALL. I yield.

Mr. McKELLAR. Did the Committee on the District of Columbia report in favor of exempting all the automobiles in Washington from property taxation?

Mr. BALL. Mr. President, when the bill is up before the Senate for consideration those matters will be taken up. I think it is necessary, first, to decide whether or not we are going to consider it.

Mr. McKELLAR. When the Senator is asking unanimous consent for the consideration of the bill, it seems to me it is fair to ask the question.

The PRESIDING OFFICER. The unanimous-consent request before the Senate is the one preferred by the Senator from Kansas to proceed with the consideration of the calendar at its beginning, and that none but unobjected bills shall be taken up. Is there objection?

Mr. BALL. I shall not object, Mr. President, with the understanding that—

Mr. CURTIS. I call for the regular order.

The PRESIDING OFFICER. The Chair hears no objection.

Mr. BRUCE. Mr. President, I should like to ask the Senator from Kansas whether his motion contemplates taking up the measures on the calendar from the beginning?

Mr. CURTIS. It does.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kansas? The Chair hears none, and it is so ordered. The calendar under Rule VIII is in order.

REPRESENTATION BEFORE SENATE INVESTIGATING COMMITTEE.

The first business on the calendar was the resolution (S. Res. 118) providing that any person or agency investigated by any Senate committee shall have the right to be present in person and by attorneys and to present evidence in their own behalf.

Mr. ROBINSON. Mr. President, that resolution has been under discussion heretofore, and I am satisfied that it can not pass and that it should not pass. I therefore move that the resolution be indefinitely postponed.

Mr. CURTIS. Mr. President, the Senator from Utah [Mr. Smoot], who introduced the resolution, is not here. I suggest that the Senator ask that it be transferred to the calendar under Rule IX.

Mr. ROBINSON. Very well; I make that motion.

The PRESIDING OFFICER. It is moved by the Senator from Arkansas that Senate Resolution 118 be transferred from the calendar under Rule VIII to the calendar under Rule IX.

The motion was agreed to.

BILLS PASSED OVER.

The bill (S. 1330) for the relief of the estate of Ely N. Sonnenstrahl, deceased, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1918) relative to officers in charge of public buildings and grounds in the District of Columbia was announced as next in order.

Mr. KING. Mr. President, before I consent to the consideration of that bill I should like to know its purpose. As I understand, it is merely to increase the compensation of some officer.

Mr. WADSWORTH. Mr. President, the Senator from Wyoming [Mr. Warren] is familiar with the provisions of this bill, and in discussing it with him two or three days ago he indicated to me that he would like to offer an amendment by which the bill would be confined merely to the renaming of the office now held by the incumbent, so I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1867) for the relief of the estate of John Stewart, deceased, was announced as next in order.

Mr. KING. In the absence of explanation I shall object.

Mr. McKELLAR. The Senator from Oklahoma [Mr. Harreld], who reported the bill, is here.

Mr. HARRELD. Yes.

Mr. McKELLAR. Will the Senator make a statement about the bill?

Mr. HARRELD. I think the report had better be read, or a part of it.

Mr. McKELLAR. The report is quite long.

Mr. CURTIS. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. HARRELD. I am not prepared to make a statement about it from recollection.

The PRESIDING OFFICER. Objection is made. The bill will be passed over.

FRANK VUMBACA.

The bill (S. 243) for the relief of Frank Vumbaca was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby directed to pay, out of any money in the Treasury not otherwise appropriated, to Frank Vumbaca, of Portland, Me., the sum of \$419 to reimburse him for damages to his house, No. 409 Washington Avenue, Portland, Me., caused by concussion from blasts.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

KATE CANNIFF.

The bill (S. 334) for the relief of Kate Canniff was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, in full compensation for the death of her husband, James Canniff, who received injuries April 15, 1901, while in the service of the United States on the lighthouse tender *Haze*, and as a result of which he died on October 20, 1909.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DE KIMPKE CONSTRUCTION CO.

The bill (S. 970) for the relief of the De Kimpke Construction Co., of West Hoboken, N. J., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the De Kimpke Construction Co., of West Hoboken, N. J., the sum of \$5,655.69 in full settlement of damages suffered by reason of the withdrawal by the Navy Department in November, 1918, of the award of contract to said company for the construction of an oxidation absorption building at the naval proving ground, Indianhead, Md.

Mr. ROBINSON. Mr. President, this appears to be a bill of considerable importance. I think the author of the bill, or the Senator who reported it, should make an explanation of it.

Mr. BAYARD. Mr. President, this bill is for the relief of the De Kimpke Construction Co., who were awarded a contract with the Navy Department some time in October, 1918. Without notice to them in the early part of November the contract was rescinded by the Navy Department, although the De Kimpke Co. at that time had incurred certain expenses and had sublet a part of the contract. It being a Navy Department bill, the De Kimpke Co. could not take advantage of the so-called Dent act and come in and obtain redress under that act by suing in the courts, so that the company had to come before Congress and ask for an award.

The facts in the case are that the De Kimpke Co. sublet a part of this contract, with the result that they were sued by the subcontractor. The jury returned a verdict in favor of the De Kimpke Co., and the amount asked for here is for the expenses incurred by the De Kimpke Co. in defending that suit and for other expenses in laying out their plans under the terms of the contract.

Mr. ROBINSON. Mr. President, why should the Government pay the expenses of the contractor in defending a lawsuit?

Mr. BAYARD. Because the De Kimpke Co. in perfectly good faith made this contract with the Government; it sublet a part of the contract, and the subcontractor sued the De Kimpke Co., and the De Kimpke Co. won the suit. May I say to the Senate that this bill passed the Senate favorably last winter.

Mr. ROBINSON. The Navy Department, I see, makes no opposition respecting it.

Mr. BAYARD. Absolutely none.

Mr. ROBINSON. I have no objection.

The PRESIDING OFFICER. The bill is before the Senate as in Committee of the Whole and open to amendment. If there be no amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELIZABETH B. EDDY.

The bill (S. 85) to carry into effect the finding of the Court of Claims in the claim of Elizabeth B. Eddy was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Elizabeth B. Eddy, widow of Charles G. Eddy, of New York, N. Y., the sum of \$602.92, and the said sum is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purposes of this act.

Mr. KING. Mr. President, I should like some explanation of this bill. This seems to be a claim going back to the year 1863. It is hoary with age. I hope that it has merit.

Mr. WADSWORTH. Mr. President, this bill has been reported favorably in three Congresses. It is to pay for service which this man rendered during the war as a military telegraph operator, and for which he was not paid. The Court of Claims has examined the figures in the case and the date upon which he joined the military telegraph service. Having been a private in Company A of the Twenty-fourth Regiment of Wisconsin Infantry from July 23, 1862, he was thereafter detailed to the Military Telegraph Corps and served with them, and later on was furloughed and reduced to the rank of private. The report of the committee itself and the findings of the Court of Claims make it perfectly clear that at the time the man was finally discharged from the service he had coming to him the sum of \$602 and some cents. The auditor for the War Department, or the appropriate authority, when the claim was presented to him, stated that he had no authority under the statute to pay it. It is true that the claim has been pending for many, many years, but that does not detract from the merit of the claim. The money was owing to the man.

Mr. KING. Mr. President, will the Senator permit an inquiry? My understanding is that this man was an enlisted soldier, and that because of his ability as a telegrapher he was detailed to discharge the duties of telegraph operator in connection with the military operations of the Government. If that be true, it would seem to me that he ought not to receive more compensation than was paid to other soldiers in the Army.

Mr. WADSWORTH. Mr. President, perhaps the easiest way is to read a portion of the report. I read from the report, as follows:

Charles G. Eddy enlisted as a private in Company A, Twenty-fourth Regiment Wisconsin Infantry, July 23, 1862.

On December 23, 1862, he was detailed as a telegraph operator by order of Gen. A. D. McCook for duty at his headquarters; that he served on said detail until June 14, 1863, when he was directed by Special Field Orders, No. 192, from headquarters of General Rosecrans, to report to Capt. J. C. Van Buzer for service in the United States Military Telegraph Corps.

That on February 26, 1864, he was furloughed by Special Order No. 93 of the War Department to enable him to enter the service of the United States Military Telegraph Corps, and that from and after February 26, 1864, he was carried on the rolls at civilian's pay at \$100 per month.

That during the period from December 23, 1862, to February 26, 1864, he performed the duties of a telegraph operator and was only paid the pay of a private at \$13 per month, and that there is due the claimant the difference between the pay of a private at \$13 per month and \$100 per month, the compensation paid to telegraph operators during said period, amounting to \$1,230.80.

Mr. KING. I would like to ask the Senator from New York, who is a fair man, if he can see any justice in a situation of this kind—

Mr. WADSWORTH. Yes; I can.

Mr. KING. A man enlists, or is drafted into the Army as a private, and after serving some time it is discovered that he has, for instance, ability as a cook, or ability as a chauffeur, or ability as a telegrapher, and he is detailed, during his period of enlistment, to serve as a cook, or chauffeur, or telegrapher. Does the Senator think he ought then to be lifted

out of the enlistment class and given the same compensation that civilians would obtain for like services?

Mr. WADSWORTH. Mr. President, the trouble is that this man was by special order assigned to this corps, and performed the duties of the position alongside of men paid at the rate at which he should have been paid.

Mr. KING. The Senator knows that during the war a good many soldiers were detailed for work in the departments here, and they were doing work of the same character as that performed by some civilians. Does not the Senator think that if we pass this bill we will establish a precedent under which thousands of soldiers who were doing work similar to that civilians were doing in the Army might make claim for compensation?

Mr. WADSWORTH. In the days of the Civil War there was no branch of the Army doing this kind of work in the strictly military sense. The Military Telegraph Corps was organized during the Civil War. It was manned by civilians in the first instance, and later given a certain military status. During the last war the Signal Corps of the Army did all the telegraph work, and the statutes provide what the men of the Signal Corps shall receive in pay, in accordance with their grades, just as is provided in regard to men in the Infantry, the Cavalry, and the Field Artillery.

In the Civil War the situation was entirely different, and the men who were in the Military Telegraph Corps were paid at the rate of \$100 per month. This man was in the corps, having been assigned to that duty by special order.

Mr. KING. I would like to ask the Senator, if he can answer, whether this man is not now obtaining a pension of \$50 a month or more?

Mr. WADSWORTH. The man is dead.

Mr. KING. Is his widow drawing a pension; or are his dependents drawing pensions upon the theory that he was in the military service and would be entitled to a pension if living?

Mr. WADSWORTH. I am not aware as to whether or not Mrs. Eddy, the widow, is drawing a pension. I assume she is, as the widow of a veteran.

Mr. KING. Then, if she is drawing a pension as the widow of a veteran, she certainly should not receive compensation for civilian work which Mr. Eddy did, drawing compensation as the widow of a veteran, and then refusing to have him labeled a veteran for the purpose of obtaining compensation aside from that.

Mr. WADSWORTH. No claim is made in Mr. Eddy's behalf that he was not a veteran—nothing of the sort. He was a soldier all through. If the Senator insists that a man shall not be paid for services at the rate paid other men who worked right alongside of him, very well.

Mr. FLETCHER and Mr. DIAL addressed the Chair.

The PRESIDING OFFICER. Does the Senator yield; and if so, to whom?

Mr. WADSWORTH. In just a moment I shall yield, and I shall not indulge in any further discussion of the matter. Three Committees on Claims and three Congresses have passed upon this claim. The pay could not have been given to the man, under the statute, after he was discharged from the Army.

Mr. FLETCHER. Mr. President, I call the attention of the Senator from New York to the statement in the report, under the head of "Finding of facts":

On December 22, 1862, he was detailed as telegraph operator at the headquarters of Gen. A. D. McCook, and served under said detail from December 23, 1862, until June 14, 1863.

It seems that he had severed his connection as a telegraph operator, then, on June 14, 1863. Then they found—

It does not appear that said Charles G. Eddy received any pay for services as a telegraph operator for any time prior to January 1, 1864.

The final finding of fact is:

VIII. The claim herein was duly presented to the accounting officers of the Treasury Department, but by them disallowed April 30, 1896, on the ground that they found nothing due the claimant's decedent under existing law.

That seems to have been a finding by the Auditor of the Treasury Department and, as far as I can see, the finding does not quite justify this appropriation.

Mr. DIAL. The Senator from Florida just read paragraph 8 on page 4 of the report, which I had in my hand and intended to read. If Congress is to go back into these old claims, we shall never get through with them. They should not be passed upon here favorably. It adds no dignity to the claim, to my

mind, and no authority to say that it passed the last Congress, because many things passed which should not have been passed.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, and was read the third time.

Mr. DIAL. Mr. President, we want a vote. We are going to beat some of these claims. The taxpayers are watching us.

The PRESIDING OFFICER. The question is, Shall the bill pass?

The bill was passed.

MASSACHUSETTS STATE CLAIM.

The bill (S. 35) making an appropriation to pay the State of Massachusetts for expenses incurred and paid, at the request of the President, in protecting the harbors and fortifying the coast during the Civil War, in accordance with the findings of the Court of Claims and Senate Report No. 764, Sixty-sixth Congress, third session, was announced as next in order.

Mr. DIAL. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

SEAT OF GOVERNMENT.

The bill (S. 1181) naming the seat of government of the United States was announced as next in order.

Mr. SMOOT. I would like to have some explanation of the bill.

Mr. McKELLAR. What is the meaning of the bill?

Mr. SMOOT. That is what I want to find out. If there is no one to explain it, I ask that it may go over.

The PRESIDING OFFICER. The bill will be passed over.

STEAMBOAT INSPECTION SERVICE.

The bill (S. 1718) to amend section 4404 of the Revised Statutes of the United States as amended by the act approved July 2, 1918, placing the supervising inspectors of the Steamboat Inspection Service under the classified civil service was announced as next in order.

Mr. REED of Pennsylvania. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

APPROPRIATIONS FOR THE DISTRICT OF COLUMBIA.

The bill to amend sections 5, 6, and 7 of the act of Congress making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, approved July 1, 1902, and for other purposes, was announced as next in order.

Mr. KING. My understanding of this bill is that it relates to the revenue laws of the District, the method of assessment, and so forth. It is a very long bill. I am not quite clear as to its provisions. Doubtless we ought to pass this bill, but it seems to me we will not have time this morning, and in the absence of the Senator from Washington [Mr. Jones], who is the sponsor of the bill, I think it had better go over.

The PRESIDING OFFICER. The bill will be passed over.

VETERANS' BUREAU HOSPITAL, CORPUS CHRISTI, TEX.

The bill (S. 2100) authorizing the sale of the United States Veterans' Bureau hospital at Corpus Christi, Tex., was announced as next in order.

Mr. SHEPPARD. Mr. President, no report accompanies the bill, and I think there should be a report showing the reasons for the passage of the legislation. I move that it be recommended to the Committee on Public Buildings and Grounds with instructions to submit a report. The bill certainly should be accompanied by a report.

Mr. SMOOT. Let me suggest to the Senator that he ask that it go over, because the Senator from Minnesota [Mr. SHIPSTEAD], who introduced the bill, is not in the Chamber. Will not the Senator just ask that it go over until the calendar is taken up the next time?

Mr. SHEPPARD. Very well.

The PRESIDING OFFICER. The Senator from Texas withdraws his motion, objects to the bill, and it will go over.

EDWARD N. McCARTY.

The bill (S. 225) to extend the benefits of the employers' liability act of September 7, 1916, to Edward N. McCarty was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the United States Employees' Compensation Commission shall be, and it is hereby, authorized and directed to extend to Edward N. McCarty, a former employee in the post office in Mattoon, Ill., the provisions of an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, compensation hereunder to commence from and after the passage of this act.

Mr. FLETCHER. I would like to know what the bill involves.

Mr. McKINLEY. Mr. President, this bill has been before the House and Senate in different years. It passed the Senate last year. The Assistant Postmaster General, Mr. Roper, in 1915, recommended that the claim be paid. I know the individual, and I know that it is an extremely worthy case.

Mr. FLETCHER. I did not understand what the injury was. I see by the report that the man is totally blind as the result of an accident. I have no objection to the passage of the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to extend the benefits of the United States employees' compensation act of September 7, 1916, to Edward N. McCarty."

JOHN H. McATEE.

The bill (S. 107) for the relief of John H. McAtee was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That in the administration of the pension laws and laws conferring rights and privileges upon honorably discharged soldiers, their widows, and dependent relatives, John H. McAtee, late of Company K, Sixth Regiment Missouri State Militia Volunteer Cavalry, shall be held and considered to have been honorably discharged from the military service of the United States as a member of said organization on the 25th day of April, A. D. 1864: Provided, That no back pay, pension, bounty, or other emolument shall accrue prior to the passage of this act.

Mr. DIAL. I would like to hear some explanation of the bill. From reading the report it occurs to me that it is a pretty ancient proposition. They have been waiting a long time to get this man back on the roll, since 1864, I believe. I rather think this kind of a measure ought to be relegated to the past. I would like to hear what the Senator from Oklahoma [Mr. HARRELD], who introduced the bill, has to say about it.

Mr. HARRELD. Mr. President, the facts of this case are these, as the Senator will see if he will look at the report: John H. McAtee joined the Army in Missouri when he was 14 years of age. He served nine months, was captured, was paroled, and was sent home. At that time he was only 15 years of age, but he had rendered nine months of very valuable service in the Army.

Mr. McKELLAR. Was he a regularly enlisted man?

Mr. HARRELD. He was enlisted in the Missouri Militia, which was called into service in the regular way. Other members of that same militia have been recognized as Federal soldiers.

This man produced proof to show that his captain told him that as soon as he could get an exchange for him he would let him know, when he could return and be mustered out. Instead of that, a mistake was made, and he was marked as a deserter, and now he wants to get the record corrected to show that he was not a deserter. The proof is absolutely conclusive that the boy, only 15 years of age, acted in good faith in every step he took in the matter, and I think he is entitled to the relief he asks. The senior Senator from Texas [Mr. SHEPPARD] was the subcommittee to whom the bill was referred. He made a favorable report upon the bill, and I would like to hear what he has to say about it.

Mr. OVERMAN and Mr. SHEPPARD addressed the Chair. The PRESIDING OFFICER. Does the Senator from Oklahoma yield; and if so, to whom?

Mr. HARRELD. I yield first to the Senator from North Carolina.

Mr. OVERMAN. I would like to inquire why almost 60 years were allowed to elapse before application was made?

Mr. HARRELD. He has been trying to get this relief for many years. It came before the Fifty-eighth Congress and several other Congresses since that time.

Mr. OVERMAN. If he was a deserter, I can not see the justice in passing the bill.

Mr. SHEPPARD. He was not a deserter. This young man was not in any sense a deserter. He was captured and was regularly paroled and never received any orders to return to service during the remainder of the war. He never received an order to return to his command. Therefore it is an injustice to carry him on the rolls as a deserter.

Mr. McKELLAR. How late in the war did he enlist, and how late was it when he left?

Mr. HARRELD. The record shows that he served nine months.

Mr. SHEPPARD. He was enrolled January 9, 1862, mustered into service January 13, 1862, and was present with his company until October 4, 1863, and then he was captured and paroled and sent back to his home.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXTENSION AND WIDENING OF STREETS.

The bill (S. 114) to vacate certain streets and alleys within the area known as the Walter Reed General Hospital, District of Columbia, and to authorize the extension and widening of Fourteenth Street from Montague Street to its southern terminus south of Dahlia Street, Nicholson Street from Thirteenth Street to Sixteenth Street, Colorado Avenue from Montague Street to Thirteenth Street, Concord Avenue from Sixteenth Street to its western terminus west of Eighth Street west, Thirteenth Street from Nicholson Street to Piney Branch Road, and Piney Branch Road from Thirteenth Street to Blair Road, and for other purposes, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That in order to provide for the necessary extensions and additional buildings to be erected at the Walter Reed General Hospital, in the District of Columbia, all public streets, except Fourteenth Street, and alleys included within the area bounded by Sixteenth Street on the west, Alaska Avenue on the northwest, Fern Street on the north, Georgia Avenue on the east, and Aspen Street, as platted on the official survey map, on the south, be, and the same hereby are, vacated, abandoned, and closed, the portions of public streets within said area which are hereby abandoned and closed by this act being known as Thirteenth Street, Fifteenth Street, Dahlia Street, Dogwood Street, and Elder Street.

SEC. 2. That under and in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the Supreme Court of the District of Columbia a proceeding in rem to condemn the land that may be necessary for the extension and widening of Fourteenth Street from Montague Street to the southern boundary of the Walter Reed General Hospital grounds, Nicholson Street from Thirteenth Street to Sixteenth Street, Colorado Avenue from Montague Street to Thirteenth Street, Concord Avenue from Sixteenth Street to its western terminus west of Eighth Street west, Thirteenth Street from Nicholson Street to Piney Branch Road, and Piney Branch Road from Thirteenth Street to Blair Road, all in accordance with the plan of the permanent system of highways for the District of Columbia: *Provided, however,* That of the amount found to be due and awarded by the jury in said proceedings as damages for, and in respect of, the land to be condemned for said extensions or widening, plus the cost and expenses of the proceedings hereunder, four-tenths shall be assessed against the property which the jury shall find to be benefited.

SEC. 3. That when Fourteenth Street shall be opened for traffic to the south boundary of the property known as the Walter Reed General Hospital grounds, numbered for purposes of assessment and taxation as parcel 89 sub 7, the control and jurisdiction of that part of Fourteenth Street as laid down on the plan of the permanent system of highways of the District of Columbia which lies within the said hospital grounds shall immediately pass to the Commissioners of the District of Columbia, the same in all respects as other streets and avenues in the District of Columbia: *Provided,* That the grade of the street through the hospital grounds shall be subject to the approval of the Secretary of War.

SEC. 4. That an amount sufficient to pay the necessary costs and expenses of the condemnation proceedings taken pursuant hereto, and for the payment of the amounts awarded as damages, is hereby authorized, payable out of the revenues of the District of Columbia; the amounts collected as benefits to be covered into the Treasury of the United States to the credit of the revenues of the District of Columbia.

Mr. WILLIS. I desire to offer two amendments to the bill. On page 2, at the bottom of the page, in line 25, I move to strike out the words "Blair Road" and to insert in lieu thereof the words "Butternut Street."

Mr. McKELLAR. What is the meaning of the amendment?

Mr. WILLIS. I was about to explain it. If this amendment is adopted I shall offer another amendment, on page 3, line 2, after the word "Columbia," to insert:

And Piney Branch Road to a width of not exceeding 60 feet between Butternut Street and Blair Road.

I will state what is simply the purpose of the amendment. As it is now proposed, and as the bill now stands, here is what we would be doing if we pass the bill without amendment: We would provide for a street 110 feet wide to extend into a street 120 feet wide and then contract and finally end in a street 32 feet wide. I recently visited that section of the city,

my attention having been called to the situation by residents there, and I have a blue print of the situation here if Senators care to examine it. That is a very beautiful residence section.

If the 120-foot development should be carried on between Butternut Street and Blair Road it would have the effect, first, of destroying practically the school grounds, the street line going almost even with the front of the school building and practically destroying the school grounds, and it would also necessitate the moving of a number of houses. The effect of the two amendments which I have proposed is that that part will be straightened out at the end of the extension, providing just as it does in the bill that the rest of it shall be 120 feet, but at the end of the square between Butternut Street and Blair Road, instead of being 120 feet it shall be only 60 feet, and even then the outlet is only 32 feet. It seems to me that the amendment is eminently fair.

The PRESIDING OFFICER. The question is on agreeing to the first amendment proposed by the Senator from Ohio.

The amendment was agreed to.

Mr. WILLIS. I now offer my second amendment, page 3, line 2, after the word "Columbia," to insert:

And Piney Branch Road to a width of not exceeding 60 feet between Butternut Street and Blair Road.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to vacate certain streets and alleys within the area known as the Walter Reed General Hospital, District of Columbia; and to authorize the extension and widening of Fourteenth Street from Montague Street to its southern terminus south of Dahlia Street, Nicholson Street from Thirteenth Street to Sixteenth Street, Colorado Avenue from Montague Street to Thirteenth Street, Concord Avenue from Sixteenth Street to its western terminus west of Eighth Street west, Thirteenth Street from Nicholson Street to Piney Branch Road, and Piney Branch Road from Thirteenth Street to Butternut Street, and for other purposes."

Mr. WILLIS. I ask to have printed in the Record at this point a resolution passed by the Takoma Park Citizens' Association with reference to the bill.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

A resolution passed by the Takoma Park Citizens' Association on February 11, 1924, in regular meeting assembled.

Whereas a bill now before Congress, known as H. R. 4531 and as Senate 114, provides for the widening and extension of various streets, including Piney Branch Road from Georgia Avenue to Blair Road to a width of 120 feet, all the land to be taken from the west side of Piney Branch Road; and

Whereas, in the opinion of the Takoma Park Citizens' Association, such a width from Butternut Street to Blair Road is not needed for the traffic now on this street or which may reasonably be expected to pass on this street for many years to come; and

Whereas the widening of the portion of Piney Branch Road between Butternut Street and Blair Road would destroy all the yard and playground space now in front of the public school and would place the school directly on the street, would disfigure and ruin what is at present one of the most attractive streets in that part of Takoma Park, D. C., and would work unnecessary and unjustifiable hardship on the property owners on the west side of Piney Branch Road between Butternut Street and Blair Road, as well as impose unnecessary and unjustifiable assessments on all the near-by property owners: Therefore be it

Resolved, That the Takoma Park Citizens' Association is opposed to the widening of that portion of Piney Branch Road between Butternut Street and Blair Road to a width of 120 feet, and hereby respectfully petition the Congress to so amend H. R. 4531 and Senate 114 as to order the widening of that portion of Piney Branch Road between Butternut Street and Blair Road to a total width of not over 60 feet; and, further, be it

Resolved, That the president of this association is hereby instructed to appoint a special committee to consist of Mr. Charles Johnson, chairman; Maj. D. S. Fletcher, a former president of the association; and H. K. Hobart, E. W. James, Jesse C. Suter, H. L. Thornton, B. G. Wilkinson, James Hetherman, J. F. Thomas, and Alex. McKenzie (amended to include Mr. Reynolds and some others), and that this committee be instructed to wait upon the proper committees in both the Senate and the House in order to convey to them the sense of this association and to take such steps as may be desirable to bring to the attention of these committees the unnecessary injury and damage that would be caused if the bills referred to were to pass without the amendment suggested.

ESTATE OF JOHN STEWART, DECEASED.

Mr. HARRELD. Mr. President, I ask unanimous consent to revert to Calendar No. 76, the bill (S. 1867) for the relief of the estate of John Stewart, deceased, which was called awhile ago and passed over because I was not ready to report.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William L. Browning, administrator of the estate of John Stewart, deceased, late civil engineer, for extra compensation for services rendered by him to the Government in connection with the Potomac Flats case, the sum of \$2,000.

Mr. McKELLAR. Will the Senator explain the bill?

Mr. HARRELD. The bill was referred to me as a subcommittee of the Committee on Claims, and I made the report. It happens that the Government had some litigation going on here in the District known as the Potomac Flats litigation. It appears that at that time Mr. John Stewart was a clerk in the War Department drawing a salary of \$1,400 a year. He was requested by the department to make a special investigation of the records of the District of Columbia appertaining to the litigation known as the Potomac Flats litigation. He was assigned by the Secretary of War to do that work, in addition to his other duties, and to assist the United States attorney in the District of Columbia in getting the evidence ready for him to use in presenting the case. He was engaged in that work off and on for four or five years, and the result was, as I understand from the report, that the litigation was won in the court largely due to his efforts in digging up the old records concerning the litigation and furnishing the evidence to the United States attorney.

For several years he tried to get a bill passed allowing him \$5,000 for his extra services. The War Department once or twice has recommended that \$2,000 be allowed. The committee made a favorable report. He has since died and his administrator has been appointed and the matter is being conducted for the relief of his estate. The committee was of the opinion that the \$2,000 was well earned and should be paid, owing to results in the way of benefits derived by the Government from his extra services.

Mr. DIAL. The amount seems to be excessive, judging from the report. On page 5, in a letter from the Assistant United States District Attorney for the District of Columbia, it is said:

These visits and conversations were numerous and seriously encroached, no doubt, upon time that would have otherwise been devoted to the ordinary work of this office.

It seems he just took whatever time was necessary from his other duties.

The encroachments upon his time were very considerable, as I have stated, but could hardly have reached the extent claimed, as I judge from my own experience, in the preparation of the case and in attending to the taking of the testimony in it.

The report all through seems to indicate that not so much time was taken as is claimed. It seems to me a bad precedent to allow extra pay for a man when he does the work by taking the time from his other duties. I do not know where we will land if we legislate along this line. I know the great proclivity of the Senate to vote for whatever is asked, but I am going to move to amend by reducing the amount to \$1,000. In line 9 I move to strike out "\$2,000" and insert "\$1,000."

Mr. HARRELD. I desire to call the attention of the Senator to the fact that the report shows that very frequently he worked until after midnight on this case.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from South Carolina.

On a division the amendment was rejected.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NAVAL OIL LAND LEASES—HARRY F. SINCLAIR.

Mr. WALSH of Montana. Mr. President, I understand the Senator from North Dakota [Mr. LADD] has a matter of highest privilege which he desires to present.

Mr. LADD. From the Committee on Public Lands and Surveys I desire to make a further report of Saturday's proceedings as approved by the committee this morning. I send the report to the desk and ask that it be read up to the place of the signing of my name.

The PRESIDING OFFICER. The Senate is proceeding under a unanimous-consent agreement. The Senator from North Dakota asks unanimous consent to present a report. Is there objection? The Chair hears none and the Secretary will read as requested.

The reading clerk read as follows:

BEFORE THE COMMITTEE ON PUBLIC LANDS AND SURVEYS OF THE UNITED STATES SENATE, PROCEEDING UNDER SENATE RESOLUTION 147.

On April 29, 1922, the Senate adopted the following resolution (S. Res. 282):

"Resolved, That the Secretary of the Interior is directed to send to the Senate:

"(a) Copies of all oil leases made by the Department of the Interior within naval oil reserve No. 1, and separately, naval oil reserve No. 2, both in the State of California, and naval oil reserve No. 3, in the State of Wyoming, showing as to each the claim upon which the lease was based or issued; the name of the lessee; the date of the lease; the area of the leased property; the amount of the rent, royalty, bonus, and all other compensation paid and to be paid to the United States.

"(b) All Executive orders and other papers in the files of the Department of the Interior and its bureaus, or copies thereof if the originals are not in the files, authorizing or regulating such leases, including correspondence or memoranda embodying or concerning all agreements, instructions, and requests by the President or the Navy Department as to the making of such leases and the terms thereof.

"(c) All correspondence, papers, and files showing and concerning the applications for such leases and the action of the Department of the Interior and its bureaus thereon and upon all the several claims upon which such leases were based or issued, all in said naval reserves.

"(d) And all contracts for drilling wells on naval oil reserves, date and terms of same, reasons therefor, and the number and date of the drilling of wells on private lands adjacent to oil reserves.

"Resolved further, That the Committee on Public Lands and Surveys be authorized to investigate this entire subject of leases upon naval oil reserves, with particular reference to the protection of the rights and equities of the Government of the United States and the preservation of its natural resources, and to report its findings and recommendations to the Senate."

Thereafter, on the 5th day of June, 1922, the Senate adopted the following supplemental resolution (S. Res. 294):

"Resolved, That Senate Resolution 282 is hereby amended by adding at the end of said resolution the following:

"That the said committee is hereby authorized to sit and perform its duties at such times and places as it deems necessary or proper and to require the attendance of witnesses by subpoenas or otherwise; to require the production of books, papers, and documents; and to employ counsel, experts, and other assistants, and stenographers, at a cost not exceeding \$1.25 per printed page. The chairman of the committee, or any member thereof, may administer oaths to witnesses and sign subpoenas for witnesses; and every person duly summoned before said committee, or any subcommittee thereof, who refuses or fails to obey the process of said committee or appears and refuses to answer questions pertinent to said investigation shall be punished as prescribed by law. The expenses of said investigation shall be paid from the contingent fund of the Senate on vouchers of the committee or subcommittee, signed by the chairman and approved by the Committee to Audit and Control the Contingent Expenses of the Senate."

And thereafter, on the 5th day of February, 1923 the Senate anticipating an early adjournment, adopted the following resolution, S. Res. 434:

"Resolved, That S. Res. 282, agreed to April 21, 1922, and S. Res. 292, agreed to May 15, 1922, authorizing and directing the Committee on Public Lands and Surveys to investigate the entire subject of leases upon naval oil reserves, with particular reference to the protection of the rights and equities of the Government of the United States and the preservation of its natural resources, and to report its findings and recommendations to the Senate, and providing that the expenses of such investigation be paid from the contingent fund of the Senate, be, and the same are, continued in full force and effect until the end of the Sixty-eighth Congress.

"The committee or any subcommittee thereof is authorized to sit during the sessions or the recesses of the Senate, and after the expiration of the present Congress until the assembling of the Sixty-eighth Congress, and until otherwise ordered by the Senate."

Pursuant to the foregoing resolution the said committee, on the 22d day of October, 1923, entered upon the investigation which it was thereby directed to prosecute, and having heard a large number of witnesses and taken much evidence, its right to proceed was challenged

upon the ground that the power of the committee under the original and supplemental resolutions expired on the 4th day of March, 1923, with the close of the Sixty-seventh Congress. Thereupon on the 7th day of February, 1924, the Senate adopted the following resolution, S. Res. 147:

"Resolved, That the Secretary of the Interior is directed to send to the Senate:

"(a) Copies of all oil leases made by the Department of the Interior within naval oil reserve No. 1, and, separately, naval oil reserve No. 2, both in the State of California, and naval oil reserve No. 3, in the State of Wyoming, showing as to each the claim upon which the lease was based or issued; the name of the lessee; the date of the lease; the area of the leased property; the amount of the rent, royalty, bonus, and all other compensation paid and to be paid to the United States.

"(b) All Executive orders and other papers in the files of the Department of the Interior and its bureaus, or copies thereof, if the originals are not in the files, authorizing or regulating such leases, including correspondence or memoranda embodying or concerning all agreements, instructions, and requests by the President or by the Navy Department as to the making of such leases and the terms thereof.

"(c) All correspondence, papers, and files showing and concerning the applications for such leases and the action of the Department of the Interior and its bureaus thereon and upon all the several claims upon which such leases were based or issued, all in said naval reserves.

"(d) And all contracts for drilling wells on naval oil reserves, date and terms of same, reasons therefor, and the number and date of the drilling of wells on private lands adjacent to oil reserves.

"Resolved further, That the Committee on Public Lands and Surveys be authorized to investigate this entire subject of leases upon naval oil reserves, with particular reference to the protection of the rights and equities of the Government of the United States and the preservation of its natural resources, and to ascertain what, if any, other or additional legislation may be advisable, and to report its findings and recommendations to the Senate."

"Resolved further, That the said committee is hereby authorized to sit and perform its duties at such times and places as it deems necessary or proper and to require the attendance of witnesses by subpoenas or otherwise; to require the production of books, papers, and documents; and to employ counsel, experts, and other assistants, and stenographers, at a cost not exceeding 25 cents per hundred words, to report such hearings. The chairman of the committee, or any member thereof, may administer oaths to witnesses and sign subpoenas for witnesses; and every person duly summoned before said committee, or any subcommittee thereof, who refuses or fails to obey the process of said committee or appears and refuses to answer questions pertinent to said investigation shall be punished as prescribed by law. The expenses of said investigation shall be paid from the contingent fund of the Senate on vouchers of the committee or subcommittee, signed by the chairman and approved by the Committee to Audit and Control the Contingent Expenses of the Senate."

under which the said committee has continued the inquiry begun by it on October 22, 1923.

That on the 22d day of March, 1924, a witness, Harry F. Sinclair, being called before the committee and being on the stand refused to answer any questions that might be propounded to him by any member of the committee, as set forth in the report made by the committee to the Senate on Saturday, the said 22d day of March, 1924, a copy of which report is hereto appended and made a part hereof.

That upon such statements so being made by the said witness, Harry F. Sinclair, questions pertinent to the inquiry being prosecuted by the said committee were addressed to the witness, as set forth in the said report so submitted on Saturday, the 22d day of March, 1924, which the witness severally declined and refused to answer, as therein set forth.

And now your committee reports to the Senate that the said Harry F. Sinclair, having appeared as a witness before your said committee, refused to answer questions pertinent to the question under inquiry, and is in contempt of the said committee and of the Senate.

Respectfully submitted.

E. F. LADD,

Chairman Committee on Public Lands and Surveys,
United States Senate.

BEFORE THE COMMITTEE ON PUBLIC LANDS AND SURVEYS OF THE UNITED STATES SENATE, PROCEEDING UNDER SENATE RESOLUTION NO. 147.

Harry F. Sinclair, called to the stand as a witness before the committee, made the following statement:

"I do not decline to answer any question upon the ground that my answers may tend to incriminate me, because there is nothing in any of the facts or circumstances of the lease of Teapot Dome which does or can incriminate me.

"In January of last year I was called before the Manufactures Committee of the Senate and produced all books and papers called for and testified fully regarding the lease of Teapot Dome and the organization of Mammoth Oil Co., which holds that lease. On October 28 last past I came before your committee and answered all questions put to me by your committee in respect to the lease of Teapot Dome and the organization of Mammoth Oil Co., and was excused. In the afternoon of the same day I was recalled and answered all questions put to me by your committee and was again excused. On December 4 last past I was called again before your committee and answered all questions put to me and had my auditor present, who also testified. I was requested to furnish the committee with certain papers and memoranda, which was promptly done. On December 27 last past I was again called before your committee and answered all questions put to me and produced all books and papers asked for by the committee. I was then excused until the 4th of January, on which date I again appeared and answered all questions put to me by the committee and produced all books and papers asked for, and I was finally excused from further attendance.

"Thus, it appears that I have been before your committee at five different sessions and answered all questions and produced all books and papers called for, and I was finally excused from further attendance. I went abroad on business which had been delayed owing to the necessity of my attendance on your hearings, as I had a perfect right to do, without secrecy and without evasion.

"When I appeared before your committee at these dates and answered your questions and produced all books and papers asked for, your committee was acting under Senate Resolution 282 of the Sixty-seventh Congress, which authorized you:

"To investigate the entire subject of leases upon naval oil reserves, with particular reference to the protection of the rights and equities of the United States and the preservation of its natural resources."

"Since the date of my last appearance before your committee, and at the instance of your committee, the Senate and House passed Senate Joint Resolution 54, which has been signed by the President. I make that resolution a part of this statement:

"Whereas it appears from evidence taken by the Committee on Public Lands and Surveys of the United States that certain lease of naval reserve No. 3, in the State of Wyoming, bearing date April 7, 1922, made in form by the Government of the United States, through Albert B. Fall, Secretary of the Interior, and Edwin Denby, Secretary of the Navy, as lessor, to the Mammoth Oil Co., as lessee, and that certain contract between the Government of the United States and the Pan American Petroleum & Transport Co., dated April 25, 1922, signed by Edward C. Pinney, Acting Secretary of the Interior, and Edwin Denby, Secretary of the Navy, relating among other things to the construction of oil tanks at Pearl Harbor, Territory of Hawaii, and that certain lease of naval reserve No. 1, in the State of California, bearing date December 11, 1922, made in form by the Government of the United States through Albert B. Fall, Secretary of the Interior, and Edwin Denby, Secretary of the Navy, as lessor, to the Pan American Petroleum Co., as lessee, were executed under circumstances indicating fraud and corruption; and

"Whereas the said leases and contract were entered into without authority on the part of the officers purporting to act in the execution of the same for the United States and in violation of the laws of Congress; and

"Whereas such leases and contract were made in defiance of the settled policy of the Government, adhered to through three successive administrations, to maintain in the ground a great reserve supply of oil adequate to the needs of the Navy in any emergency threatening the national security:

"Resolved, *etc.*, That the said leases and contract are against the public interest, and that the lands embraced therein should be recovered and held for the purpose to which they were dedicated; and

"Resolved further, That the President of the United States be, and he hereby is, authorized and directed immediately to cause suit to be instituted and prosecuted for the annulment and cancellation of the said leases and contract and all contracts incidental or supplemental thereto, to enjoin the further extraction of oil from the said reserves under said leases or from the territory covered by the same, to secure any further appropriate incidental relief, and to prosecute such other actions or proceedings, civil and criminal, as may be warranted by the facts in relation to the making of the said leases and contract.

"And the President is further authorized and directed to appoint, by and with the advice and consent of the Senate, special counsel, who shall have charge and control of the prosecution of

such litigation, anything in the statutes touching the powers of the Attorney General of the Department of Justice to the contrary notwithstanding.

"This resolution, in effect, denounces the lease between the Government and the Mammoth Oil Co., of which I am president, as void because of fraud and corruption and for want of lawful authority on the part of the Secretary of the Navy and the Secretary of the Interior to execute it. This is an assertion that under the 'rights and equities' of the United States the land covered by the lease of Teapot Dome belongs to the United States. The resolution further asserts that the lease was made 'in defiance of the settled policy of the Government, adhered to through three successive administrations, to maintain in the ground a great reserve supply of oil, adequate to the needs of the Navy in any emergency threatening the national security.' This is a definite outline of the policy of the Government with respect to the 'preservation of its natural resources.' The resolution further declares said lease is 'against the public interest, and the lands embraced therein should be recovered and held for the purpose to which they were dedicated.' This is a further definite declaration of the policy of the Government for the 'preservation of its natural resources.' It further provides:

"That the President of the United States be, and he hereby is, authorized and directed immediately to cause suit to be instituted and prosecuted for the annulment and cancellation of the said leases and contract and all contracts incidental or supplemental thereto; to enjoin the further extraction of oil from the said reserves under said leases or from the territory covered by the same, to secure any further appropriate incidental relief, and to prosecute such other actions or proceedings, civil and criminal, as may be warranted by the facts in relation to the making of said leases and contract."

"The President was further authorized to employ special counsel to prosecute such litigation, and in a further resolution instituted in the House \$100,000 was appropriated to cover the expenses incurred in such litigation.

"Thereafter the President, by and with the advice and consent of the Senate, did appoint counsel, who were duly sworn and took their office as special counsel to the Government authorized by said Senate Joint Resolution No. 54, and the said counsel by bill of complaint in the District Court of the United States for the District of Wyoming sued the Mammoth Oil Co., the holder of the lease, the Sinclair Crude Oil Purchasing Co., and the Sinclair Pipe Line Co., and applied for relief by temporary injunction and receivers, which was granted. In said bill of complaint it is charged in paragraph 28:

"In negotiating and concluding said agreement said Albert B. Fall and said Harry F. Sinclair, acting for and on behalf of the defendant Mammoth Oil Co., did fraudulently and covinously combine, confederate, and conspire, in the manner and in the acts hereinabove set forth and other matters and things, to defraud the United States of America:

"(a) By granting said lease upon said naval petroleum lands in violation of law;

"(b) To favor and prefer said defendant Mammoth Oil Co. over and above other persons desirous of taking lease upon said lands;

"(c) To insure to said defendant Mammoth Oil Co. the valuable right to receive and take to exhaustion all of the oil and gas which might be obtained from said lands in said agreement mentioned;

"(d) To lease the said lands to said defendant Mammoth Oil Co. by said agreement at an inadequate, improper, and fraudulent consideration."

"And thereafter the said special counsel, acting for the Government, made an official announcement that application had been made for the organization of a special grand jury in the District of Columbia for the purpose of inquiring into offenses and crimes growing out of the circumstances attending the execution of this lease.

"It is perfectly clear, therefore, from the language of the resolution that your committee, by reason of any constitutional power which it may possess, or by virtue of the resolution under which it is acting, is not now engaged, nor could it be engaged in an investigation 'with particular reference to the protection of the rights and equities of the United States and the preservation of its natural resources'; because the Senate, from whom you derive your authority, has unanimously passed upon all questions embraced within that authorization and exhausted whatever power or authority it had in the premises. It is further perfectly clear that the Congress and the President have made of the whole matter a judicial question, determinable solely by the courts of the country, and such question is now actually pending in the district court of the United States for the district of Wyoming, and

whatever criminal act is claimed is about to be investigated by a special grand jury of the District of Columbia. With due respect to your committee I claim that you are without any jurisdiction to question me further regarding the procurement of the lease or the validity thereof or any fact or circumstance pertaining thereto; that such an examination of me by your committee would not only be clearly outside of your jurisdiction but would be, in effect, an examination before trial in a civil action between the Government and the company I represent by a body of men wholly unauthorized by law and in a wholly unauthorized manner. Or, if your examination should be directed toward eliciting facts concerning fraud or corruption your committee in effect would have constituted itself a grand jury as to a matter which Congress and the President, by Joint Resolution 54, have directed should be presented to the constitutional authorities of the country.

"I am the president of the Mammoth Oil Co. and as such represent all others interested in that company. I negotiated the lease of Teapot Dome and am responsible for those negotiations. Any pertinent question which your committee could ask would necessarily relate to the procurement of that lease and its validity. You and the body from which you derive your authority have already sat in judgment on these questions and remitted them to courts of proper jurisdiction. I shall reserve any evidence I may be able to give for those courts to which you and your colleagues have deliberately referred all questions of which you had any jurisdiction, and shall respectfully decline to answer any questions propounded by your committee."

Thereupon the following proceedings were had:

"Senator WALSH of Montana. Mr. Sinclair, I desire to interrogate you about a matter concerning which the committee had no knowledge or reliable information at any time when you had heretofore appeared before the committee, and with respect to which you must then have had knowledge. I refer to the testimony given by Mr. Bonfils concerning a contract that you made with him touching the Teapot Dome. I wish you would tell us about that.

"Mr. SINCLAIR. I decline to answer, on advice of counsel, on the same ground.

"Senator WALSH of Montana. Since you were last upon the stand we had, Mr. Sinclair, before us a copy of a contract entered into between the Mammoth Oil Co., under which, or as a consequence of which, the Pioneer Oil Co. ceased to be a competitor of yours in this lease of the Teapot Dome. Will you tell us about that matter?

"Mr. SINCLAIR. I decline to answer, on advice of counsel, on the same ground.

"Senator WALSH of Montana. When your private confidential secretary, Mr. Wahlberg, was before the committee he told us about the loan of some stock of the Sinclair Consolidated Co. to one Hays. Will you tell us about that transaction?

"Mr. SINCLAIR. I decline to answer by advice of counsel on the same ground.

"Senator WALSH of Montana. Since you were on the stand last Mr. John C. Shaffer told us about an agreement between yourself and Secretary Fall, under which Mr. Shaffer was to receive from you a certain portion of the territory covered by the lease which you secured for the Mammoth Oil Co. Will you tell us about that matter?

"Mr. SINCLAIR. I decline to answer on the advice of counsel on the same ground.

"Senator WALSH of Montana. Mr. Sinclair, will you tell the committee where and when you met Secretary Fall during the months of November and December last?

"Mr. SINCLAIR. I decline to answer on the advice of counsel on the same ground.

"Senator WALSH of Montana. On the 3d day of February, 1923, Mr. Sinclair, as my information is, you caused to be transmitted to the National Metropolitan Bank of this city from the National Park Bank of New York the sum of \$100,000 payable to your order, which, on the 7th day of February, 1923, you transmitted to the Chase National Bank upon your direction. Will you tell us about that transaction?

"Mr. SINCLAIR. On advice of counsel I decline to answer on the same ground.

"Senator WALSH of Montana. Information has come to the committee to the effect that you contributed 75,000 shares of the stock of the Sinclair Consolidated Co. to Mr. Hays, or to some one representing the National Republican Committee, for the purpose of making up the deficit in the account of that committee. Will you tell us about that matter?

"Mr. SINCLAIR. On advice of counsel, I decline to answer on the same ground.

"Senator WALSH of Montana. The committee is still desirous, Mr. Sinclair, of examining the books of the Hyvas Corporation. Are you prepared to produce those books?

"Mr. SINCLAIR. On advice of counsel, I decline to bring the books before this committee upon the same ground.

"Senator WALSH of Montana. Then, Mr. Chairman, I offer to prove by the witness, if he would answer, that, among other things—

"Senator SPENCER (interposing). Do I understand, Senator WALSH, that what you propose to put into the record is what you think the witness would testify if he did not claim exemption?

"Senator WALSH of Montana. Yes, sir. I propose to prove certain facts by this witness.

"Mr. LITTLETON. If I have any rights at all here—I am counsel for the witness—I certainly object to your putting into this record what you imagine the witness would have answered when he has claimed his rights here under the law.

"Senator WALSH of Montana. All right, Mr. Littleton.

"Mr. LITTLETON. I protest most earnestly against it as an outrage.

"Senator WALSH of Montana. I protest, Mr. Chairman, against any such remarks from counsel as an abuse of his privilege. Counsel yesterday, here by the courtesy of this committee, said that certain things that this committee propose to do were monstrous, and now we are told this morning that what I offered to do, with the privilege of the committee, is an outrage. That is an abuse of the privilege of counsel, and I desire the chairman to admonish counsel to that effect.

"The CHAIRMAN. It is the opinion of the chairman that counsel went beyond his rights, both yesterday and to-day, in his statements.

"Senator WALSH of Montana. Now, Mr. Chairman, inasmuch as the witness, through his counsel, has objected and protested against the proposal which I make to set out what I expect to prove by the witness, I do not press my purpose to state the facts to the committee. That is all, Mr. Chairman.

"The CHAIRMAN. Any further questions?

"Senator DILL. I wanted to ask Mr. Sinclair whether he was willing to answer any questions about the services that Mr. Archie Roosevelt performed for his organization in reference to testimony given here since he was last before us.

"Mr. SINCLAIR. I decline to answer, by advice of counsel, on the same ground.

"Senator ADAMS. Mr. Sinclair, I believe in an earlier hearing you testified, in answer to a question, that you had in no way, and none of your companies had in any way, given or loaned anything to Secretary Fall. Is that correct?

"Mr. SINCLAIR. I decline to answer, on advice of counsel, on the same ground.

"The CHAIRMAN. Are there any further questions on the part of any member of the committee? Senator ADAMS, have you any further questions?

"(No response.)

"Mr. Sinclair, you are excused.

"Mr. LITTLETON. Mr. Chairman, I desire to put on the record the subpoena duces tecum which was served upon Mr. Sinclair, and ask that it be made a part of the record.

"The CHAIRMAN. There is no objection.

"(The subpoena duces tecum above referred to is as follows:)

"UNITED STATES OF AMERICA,
"Congress of the United States.

"To HARRY F. SINCLAIR,
"Sinclair Consolidated Oil Co., New York City.

"Greeting:

"Pursuant to lawful authority, you are hereby commanded to appear before the Senate Committee on Public Lands and Surveys of the Senate of the United States on Friday, March 21, 1924, at 10 o'clock a. m., at their committee room in the Senate Office Building, Washington, D. C., then and there to testify what you may know relative to the subject matters under consideration by said committee, and bring with you all the books and records of the Hyva Corporation.

"Hereof fail not, as you will answer your default under the pains and penalties in such cases made and provided.

"To David B. Barry, Sergeant at Arms of the Senate of the United States, to serve and return.

"Given under my hand, by order of the committee, this 19th day of March, in the year of our Lord one thousand nine hundred and twenty-four.

(Signed) R. P. LADD,

Chairman Committee on Public Lands and Surveys.

"(Indorsed on the reverse by signature of David B. Barry, Sergeant at Arms of the Senate of the United States.)

"Mr. SINCLAIR. I thank you very much, gentlemen.

"The CHAIRMAN. Mr. Hays?"

Mr. WALSH of Montana. I now move that the President of the Senate be by the Senate directed to certify to the district

attorney for the District of Columbia the facts as reported in the report by the Committee on Public Lands and Surveys.

The PRESIDING OFFICER. The question is upon agreeing to the motion of the Senator from Montana.

Mr. WALSH of Montana. Mr. President, I desire to say just a word or two in relation to this matter. This is one of the gravest matters that can possibly have the attention of this body affecting, as it does, the power to proceed in an orderly way to secure such information as it may need to aid it in the all-important task confided to this body by the Constitution and by the people. A contempt of a court, however humble that court may be, is always a matter of supreme importance. A contempt of this high tribunal can not be measured by any words.

An effort has been made, Mr. President, to impress the public mind with the idea, in the first place, that the power of the Senate of the United States to require witnesses to attend before it or before its committees in connection with matters of legislation, and particularly to require from such witnesses, as it is said, information of a "private" character and in relation to the "private" business of the witness, is involved in "very grave doubt"; that it is a matter that requires the adjudication of the courts and of the highest tribunal of the Nation. I suppose this is done with a view to expecting some leniency of action if it should be eventually determined that this power is reposed by the Constitution in the Senate of the United States. I do not think, Mr. President, that either of the questions suggested, or any of those which have been raised as a ground for the refusal of the witness to testify, are involved in this "serious doubt." I can not read the decisions touching the power of either branch of Congress to compel the attendance of witnesses and to compel witnesses to testify as suggesting in any way that the question is one of "grave doubt" that can justify anyone in attempting, as a speculative matter, to secure an adjudication upon the subject. I think it involves the very life of the effective existence of the House of Representatives of the United States and of the Senate of the United States.

For my part, Mr. President, I can not regard this offense against the dignity of this body as a light or trivial one, or the right to question a witness as being involved in such obscurity as to justify the suspension of the proceedings of the Committee on Public Lands and Surveys in an important inquiry until, indeed, an adjudication of the question shall be secured from the Supreme Court of the United States. The witness takes all the chances, to my mind, of the extreme penalty of the law for his contumacy should it eventually be determined that his ground of objection was not well taken; and for my part, Mr. President, I shall hope to see him, if it shall be determined that the grounds of the objection are not sound, visited with the utmost rigor of the law. Moreover, if it shall be possible to consider his several refusals as each an independent offense, I trust he shall be given the limit of the law with respect to each offense.

Something was said, Mr. President, in the discussion of this matter the other day, for the purpose of mitigating the offense against the dignity of this body, to the effect that there is a serious question involved as to whether this body may inquire into the "private" business and the "private" affairs of the citizen and require him to produce his "private" papers and his "private" records for inspection. I do not regard that as a matter of any consequence at all. The humblest justice's court in the land may by process compel any man to come forward and to tell the utmost details of his business and to disclose the most private papers that he has in his possession if they contain evidence material to the trivial matter over which such a court has jurisdiction. The fact that these are private papers, the fact that they relate to his private business, does not excuse any witness from coming even before a justice's court and being interrogated with reference thereto if it has any relevancy to the matter under consideration. How much more, Mr. President, should a witness be required to disclose upon an inquiry prosecuted for the benefit of the people of this great country of ours whatever information he may have. How feeble and how futile is the suggestion that he ought not to do so because it appertains to his private affairs or to his private business. Of course, there is not anything of that kind involved in this matter, as I indicated to the Senate the other day.

There is just one other thing that I desire to advert to in this connection. The witness thus having defied and having flouted its authority openly, contemning its process and its officers and declining to say a word with reference to these matters, then rushes into the newspapers to tell the story that he declined to tell upon the witness stand. I shall not detain

the Senate with an analysis of this statement given to the press, except to advert to two circumstances.

The witness has detailed that he was called before the committee five different times and that this would be the sixth time. It never occurred to me, Mr. President, that the power of a court to compel a witness to testify depended upon how many times he had been called before the court. Of course the statement is made for the purpose of indicating that the committee has been unreasonably oppressive in its conduct of these proceedings so far as this witness is concerned.

Mr. President, it is true that this witness was called five times before the committee, chiefly, however, by reason of the fact that the witness did not disclose when he was on the witness stand in the first place all matters within his knowledge material to the inquiry. Little by little the matter leaked out, and so the witness was called back again to obtain from him more information. Everyone who witnessed the proceedings will be able to testify that he did not tell anything more than he was obliged to tell in answer to the searching inquiries which were addressed to him.

Among other things, Mr. President, it was disclosed after he testified the last time that, in addition to having paid a million dollars, as I have heretofore advised the Senate, for fake claims to the Teapot Dome—a pure cover for the purchase of the silence of the Standard Oil Co. and its competitors as a possible potential competitor for these leases—it was disclosed that he paid another million dollars, or the equivalent thereof, to purchase the silence of a newspaper. He did not tell us anything about that million dollars at all, and we desired to inquire of him of the circumstances under which he paid that million dollars. It was to avoid inquiry into that and other matters that the objection to the jurisdiction of the Senate was made on Saturday last. Another thing the committee desired to inquire into was this—

Mr. HARRELD. Mr. President—

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Oklahoma?

Mr. WALSH of Montana. I yield to the Senator.

Mr. HARRELD. Do I understand the Senator to say that the statement published in the newspapers yesterday by Mr. Sinclair was not filed with the committee or made any part of its proceedings?

Mr. WALSH of Montana. It was not.

Mr. HARRELD. I read the statement in the newspapers, but I also understood that it had been filed with the committee.

Mr. WALSH of Montana. It was not filed with the committee, so far as I know. I will inquire of the chairman of the committee, when he returns, as to that; but I have no information that it was ever filed with the committee.

Another matter the committee desired to inquire about was a subject that was not disclosed by Mr. Sinclair when he was previously on the stand, namely, that he had loaned Liberty bonds to the extent of \$25,000 to Mr. Fall, who had secured for the Mammoth Oil Co. this lease.

The chairman of the committee [Mr. LADD], I see, is in the room at the present time. I will say to the Senator that inquiry has been made as to whether the statement by Mr. Sinclair published in yesterday morning's newspapers, in which he discussed many things, including the testimony of the Roosevelts, the trip to Russia, the employment of Mr. Fall in that connection, the loan of bonds to Mr. Fall, and the testimony of Mr. Bonfils, was filed with the committee or put in evidence.

Mr. LADD. It has not been filed with the committee, so far as I have any knowledge. It has not come to my attention nor has it been given to me.

Mr. WALSH of Montana. That is my understanding about it. I wish to read what the statement says about the \$25,000 of bonds. After telling about his desire to have Mr. Fall accompany him to Russia, Mr. Sinclair says:

This is about three months after Mr. Fall had retired from President Harding's Cabinet. As he was then a private citizen and ready to resume the practice of his profession, I saw no reason why I should not employ him as legal counsel in connection with negotiations we were about to undertake with representatives of the Russian Government. Accordingly I set about securing his services, and, as we were to sail from New York on May 20, 1923, and that date was then close at hand, I instructed Mr. Zevely, one of my attorneys, to endeavor to have Mr. Fall either sail with us or follow us to Europe at the earliest possible moment.

Mr. Zevely later advised me that if Mr. Fall was to leave on such short notice for an extended European trip it would be necessary for him to have a sum of money approximating \$25,000 to meet certain obligations.

I do not understand that that means certain obligations which he would incur by way of expenses upon the trip, but certain other obligations, independent of the trip, because provision is later made for his expenses on the trip.

It was more convenient at the moment for me to let him have securities rather than cash amounting to \$25,000, so I instructed Mr. Zevely, in case Mr. Fall should make the trip, to get the amount in Liberty bonds from my private secretary. I left for Europe before the matter was arranged, but was, of course, informed about it.

I wish to state, however, that there was not the slightest secrecy connected with this transaction.

But I desire to state in this connection myself, Mr. President, that Mr. Fall told us, and my recollection is that Mr. Sinclair's testimony was in accordance with that, that Mr. Fall had never received a dollar in any form from Mr. Sinclair.

I wish to state, however, that there was not the slightest secrecy connected with this transaction. The bonds were sent by express to the bank designated by Mr. Fall, and a letter was written by Mr. Zevely requesting the bank to place the bonds to Mr. Fall's credit.

It is obvious that no need was felt to practice concealment or subterfuge.

Mr. President, I wonder how the matter could be any more effectually concealed. What means did the committee have to know anything about this loan of \$25,000? According to the statement here, Mr. Zevely, the private and confidential attorney of Mr. Sinclair, told Mr. Sinclair that Mr. Fall needed \$25,000 to meet certain obligations. Mr. Zevely, by the way, made a trip clear out to New Mexico to interview Mr. Fall with reference to his going to Russia. It appears that the employment could not have been carried on by mail or by telegraph or that kind of thing. Zevely made a trip from New York clear out to New Mexico in order to secure Mr. Fall to accompany Mr. Sinclair upon the trip to Russia. So, I ask, what greater concealment could be practiced?

Mr. Zevely told Mr. Sinclair that Fall needed \$25,000 to meet certain obligations. Mr. Sinclair tells his private secretary to deliver the bonds to Mr. Zevely. Mr. Zevely transmits them to a bank in El Paso suggested by Mr. Fall. Mr. Fall gets the bonds there. How could the public know anything about this? How could the committee ascertain anything about it except, as it did, by a rigid examination of Mr. Zevely, who was eventually forced to tell about the transaction?

I wish to state, however, that there was not the slightest secrecy connected with this transaction. The bonds were sent by express to the bank designated by Mr. Fall, and a letter was written by Mr. Zevely requesting the bank to place the bonds to Mr. Fall's credit.

It is obvious that no need was felt to practice concealment or subterfuge. Testimony has been offered before the committee regarding \$10,000 which was advanced to Mr. Fall against the expenses of his trip to Europe. This money was paid by the interests concerned in the Russian transaction.

I do not care to comment further upon this matter, Mr. President, than to say that the offense is grave; it is undeniable; and the real question involved in it, if there is any question at all, is whether the Senate of the United States can compel a witness to come before it and give it such information as it needs in order to discharge the duties which are reposed in it by the people and by the Constitution.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana [Mr. WALSH].

Mr. ROBINSON. I call for the yeas and nays.

Mr. SPENCER. Mr. President, I do not want to delay a vote if the Senate is ready for a vote, but after the vote I wish to make some observations.

Mr. ROBINSON. I call for the yeas and nays.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana [Mr. WALSH]. On that motion the yeas and nays are demanded. Is the demand seconded?

Mr. SPENCER. I wonder if a yea-and-nay vote is necessary?

Mr. ROBINSON. I call for the yeas and nays, Mr. President.

Mr. SPENCER. I do not think there is a bit of objection to it.

Mr. CURTIS. Mr. President, I desire to ask what we are voting on. Is it on referring this matter to the District attorney?

The PRESIDING OFFICER. The motion of the Senator from Montana is that the certificate as provided by the statute shall be signed by the Presiding Officer and sent to the United States attorney for the District of Columbia.

Mr. CURTIS. A question of order only: Is that necessary? Does not the law require the Presiding Officer to certify without a vote to that effect?

The PRESIDING OFFICER. The opinion of the Chair is that it is an automatic proceeding; but inasmuch as the Senator from Montana has made a motion, the Chair felt that it might be entertained as fortifying the automatic procedure under the statute.

The question is on agreeing to the motion made by the Senator from Montana.

Mr. WALSH of Montana. Mr. President, this matter was considered on Saturday. Perhaps the Senator from Kansas was not present during the discussion.

Mr. CURTIS. I was here for a few moments only during the discussion on Saturday.

Mr. WALSH of Montana. The idea advanced was that the automatic action of the Presiding Officer takes place only after it is determined, first, that the witness did actually refuse to testify, and second, that he refused to testify in answer to a pertinent question; and it seemed to some of us that those were matters that needed the action of the Senate.

Mr. WADSWORTH. Is it not for the committee itself to pass upon those two facts?

Mr. WALSH of Montana. I would rather avoid that. The committee has passed on them. The committee has reported to the Senate that the witness declined to answer the pertinent questions that were addressed to him; but lest there should be any question about it, I ask the action of the Senate.

The PRESIDING OFFICER. The Chair is of the opinion that the action is automatic; that the committee this morning having reported the facts in the case, the Chair should sign a certificate without further action of the Senate; but the action of the Senate might seem, as the Chair has previously suggested, as fortifying the automatic procedure of the occupant of the chair, and therefore the Chair entertained the motion.

Mr. ROBINSON. Mr. President, I think the Chair is eminently correct in his decision of the matter. The Senate unquestionably has the right to adopt a resolution or motion respecting the subject.

The PRESIDING OFFICER. That is the opinion of the Chair—that it is an automatic action which the Presiding Officer should take, but the Senate may express itself by motion or resolution if it wishes.

Mr. BRANDEGEE. Mr. President, I desire to ask the Senator from Montana if the report of the committee or if the motion which he submitted contains a finding by the Senate that the witness refused to testify?

Mr. WALSH of Montana. No; it does not. The report of the committee finds that the witness refused to answer, and refused to answer pertinent questions.

Mr. BRANDEGEE. Of course, I am not familiar with the discussion that took place in the committee on this point. I assume that the committee has considered it, and thinks the present procedure is sufficient. If it had not been for the motion made by the Senator I should have thought that the Presiding Officer of the Senate, under the statute which was read by the Senator from Montana here Saturday afternoon, would have certified the matter to the District attorney, the language of the statute being in substance that whenever a witness shall have refused to testify, and that fact shall have been reported to the Senate, the President of the Senate shall make the certificate to the District attorney.

In view of the fact that the Senator has moved that the Senate direct the Presiding Officer to sign such a certificate, I wondered whether it had better be preceded by an acceptance of the report of the committee, so that it would appear on the face of the papers that the Senate certified that the Senate had found the fact that the witness had refused to testify. I assume that the committee has considered that matter.

Mr. WALSH of Montana. I think the suggestion of the Senator is quite pertinent, and I will modify the motion now pending so that it will read that the Senate adopt the report of the committee and direct the Presiding Officer, and so forth.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

Mr. LODGE. Mr. President, in the Chapman case the committee submitted a formal report and made a formal recommendation, if it may be called so, a formal statement at the end, saying that the report was made so that the President of the Senate could certify the said witness for said failure to testify, and so forth. This report is not even entitled a report. It has no formal words of introduction and makes no formal statement in regard to the certificate at the end. I can find no evidence of further action on the Chapman case. My remembrance is that the Presiding Officer proceeded at once to certify the case to the district attorney. This report, so called, is sim-

ply an extract from the proceedings of the committee, as far as I can make out. I think it would work automatically; but owing to the character of the report I think the Senate ought to take a vote, formally accepting the report and directing the Presiding Officer to transmit the case to the district attorney.

Mr. FLETCHER. Mr. President, it seems to me clear that the proposed action by the Senate now would simply mean that the Senate accepts what is submitted to it as a report of the committee and finds it sufficient upon which to base the step to be taken by the Presiding Officer of the Senate.

Mr. LODGE. The report of the committee consists simply of an extract from their record.

Mr. FLETCHER. I realize that.

Mr. BRANDEGEE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Florida yield; and if so, to whom?

Mr. FLETCHER. I only want to state that when the Senate now by its action directs the President of the Senate to make the certificate which the statute provides for that means that the Senate accepts what has been submitted to it as the formal and sufficient report by the committee and finds that report sufficient upon which to base its action.

Mr. BRANDEGEE. Mr. President, I simply wanted to say to the Senator from Massachusetts that the action now proposed, as I understand, is based not only upon the paper which was read to the Senate Saturday afternoon, from which I think the Senator from Massachusetts was reading from the Record when he spoke—

Mr. LODGE. Yes.

Mr. BRANDEGEE. But upon a further report made this morning by the chairman of the committee, a voluminous report of the committee.

Mr. LODGE. I have not seen that further report, made this morning. In any event, I think it is perfectly proper that the Senate should take action.

Mr. BRANDEGEE. Oh, I do, too.

The PRESIDING OFFICER. The question is upon agreeing to the motion of the Senator from Montana [Mr. WALSH], as modified. On that question the yeas and nays are demanded.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. DIAL (when his name was called). I have a pair with the senior Senator from Colorado [Mr. PHIPPS]. I transfer that pair to the Senator from Massachusetts [Mr. WALSH], and vote "yea."

Mr. JONES of New Mexico (when his name was called). I have a general pair with the senior Senator from Maine [Mr. FERNALD]. I understand that if he were present he would vote as I intend to vote, and I therefore vote "yea."

Mr. LODGE (when his name was called). I have a general pair with the senior Senator from Alabama [Mr. UNDERWOOD]. As I am sure that he would vote on this question as I am about to vote, I feel at liberty to cast my vote; I vote "yea."

Mr. OVERMAN (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. WARREN], but I understand that if present he would vote as I shall vote; therefore I vote "yea."

Mr. FLETCHER (when Mr. TRAMMELL's name was called). I desire to announce that my colleague [Mr. TRAMMELL] is unavoidably absent. He has a general pair with the senior Senator from Rhode Island [Mr. COLT]. If my colleague were present, he would vote "yea."

The roll call was concluded.

Mr. SMITH. I have a general pair with the senior Senator from South Dakota [Mr. STERLING]. I transfer that pair to the senior Senator from Montana [Mr. WHEELER], and vote "yea."

Mr. GERRY. I desire to announce that the senior Senator from Kentucky [Mr. STANLEY] is paired with his colleague, the junior Senator from Kentucky [Mr. ERNST]. If present the senior Senator from Kentucky would vote "yea."

I also desire to announce that the junior Senator from West Virginia [Mr. NEELY] and the junior Senator from Massachusetts [Mr. WALSH] are necessarily absent. If present they would both vote "yea."

Mr. WALSH of Montana. I desire to announce that the junior Senator from Montana [Mr. WHEELER] is absent on account of illness. If present he would vote "yea."

Mr. CURTIS. I desire to announce the necessary absence from the Senate and the general pairs of the Senator from Rhode Island [Mr. COLT] with the Senator from Florida [Mr. TRAMMELL]; of the Senator from Illinois [Mr. MCCORMICK] with the Senator from Oklahoma [Mr. OWEN]; and of the junior Senator from Kentucky [Mr. ERNST] with the senior Senator from Kentucky [Mr. STANLEY].

The result was announced—yeas 72; nays 1, as follows:

YEAS—72.

Adams	Edwards	Kendrick	Reed, Pa.
Ashurst	Ferris	Keyes	Robinson
Ball	Fess	Ladd	Sheppard
Bayard	Fletcher	Lodge	Shields
Borah	Frazier	McKellar	Shipstead
Brandeggee	George	McKinley	Shortridge
Brookhart	Gerry	McLean	Simmons
Bruce	Glass	McNary	Smith
Bureau	Gooding	Mayfield	Smoot
Capper	Hale	Moses	Spencer
Caraway	Harrell	Norris	Stanfield
Copeland	Harris	Oddie	Stephens
Cousens	Harrison	Overman	Swanson
Curtis	Hedlin	Pepper	Wadsworth
Dale	Howell	Pittman	Walsh, Mont.
Dial	Johnson, Minn.	Ralston	Watson
Dill	Jones, N. Mex.	Ransdell	Weller
Edge	Jones, Wash.	Reed, Mo.	Willis

NAYS—1.

Elkins

NOT VOTING—23.

Broussard	Greene	Neely	Trammell
Cameron	Johnson, Calif.	Norbeck	Underwood
Colt	King	Owen	Walsh, Mass.
Cummins	La Follette	Phillips	Warren
Ernst	Lenroot	Stanley	Wheeler
Fernald	McCormick	Sterling	

So the motion of Mr. WALSH of Montana as modified was agreed to.

Mr. SPENCER. Mr. President, I want to lay before the Senate very briefly what the question is which will be decided in this proceeding which we have now instituted. I said Saturday, and I repeat to-day, that in my judgment the question is one not only of exceeding importance, but of grave doubt, as to the right of the Senate to conduct these investigations. I do not intend this morning to argue the question, but I do propose to present to the Senate the statements of the Supreme Court, so far as they relate to this matter, to sustain what I undertake to sustain; that is, that the question is one of grave doubt and of exceeding importance.

Senate Resolution 282, under which the Committee on Public Lands and Surveys has whatever power it does have, concludes with this sentence of resolution:

Resolved, That the Committee on Public Lands and Surveys be authorized to investigate this entire subject of leases upon naval oil reserves, with particular reference to the protection of the rights and equities of the Government of the United States and the preservation of its natural resources; and to report its findings and recommendations to the Senate.

On Saturday last a witness came before that committee, and, when the interrogation of that witness began, he challenged the right of the committee to proceed, on three grounds. Two of them, I conceive, are of but transitory importance. The third is fundamental. He challenged the right of the committee to proceed, fundamentally, upon the ground that the Senate had no right to conduct an investigation and inquire into the business and conduct of an individual citizen, and compel him to produce his papers, and to submit himself and his book and papers to investigation by a committee of the Senate unless that investigation had to do with some one or more of the matters as I shall in a moment enumerate them in the language of the Supreme Court, with which the Senate undoubtedly had the right to proceed in investigation. In other words, he challenged at the beginning the right of the Senate to conduct any of these investigations for the mere purpose of securing information, even though that information was desired for the purpose of legislation.

In the second place, he challenged the right of the committee to proceed, because he claimed that in adopting Senate Resolution 54, which the Senate passed, and by which we authorized the President to employ counsel and to institute proceedings to cancel the leases in the naval oil reserves, we had completed our duty in the matter and had no right to proceed further. Whether or not that challenge is well taken does not touch or affect the main question.

In the third place, he challenged our sense of fairness in that he said in effect, Here I am brought to the bar of the United States district court in Wyoming in a proceeding which you have directed shall be instituted against me. I am ready to go there, and, to use the expression of his counsel, "to stand toe to toe" with the Government before that court. He continued, You have charged me with conspiracy to secure by fraudulent means leases from the Government, and I understand that a grand jury is empaneled, or is to be empaneled, to consider my alleged criminal guilt. I am ready to meet it there; but in fair-

ness, I ask this committee that they proceed no further with my investigation here while these matters are pending.

I assume, Mr. President, that that challenge is also a mere transitory matter which affects this individual case, but which has nothing to do with the main proposition as to whether the Senate has the right to proceed at all in this class of investigation.

As the Senator from Idaho [Mr. BORAH] well said on Saturday, so far as I know this question has never yet been decided by any court of last resort. There are one or two decisions which bear clearly and most interestingly upon the subject. The first one of them is a case which arose out of an action in the House of Representatives, where in the Sixty-second Congress they passed a resolution authorizing the members of the Committee on Banking and Currency to investigate and make a report as to the financial affairs and activities of national banks, interstate corporations, and groups of financiers, and, mark this, they did it expressly as a basis for remedial and other legislative purposes.

When that committee met they summoned Mr. Henry, of New York, to testify. He testified that the company with which he was connected were accustomed to form syndicates for the acquisition and sale of blocks of stock, and then in detail he referred to a particular transaction conducted by his firm and the allotment of the shares and the distribution. Then he was asked the question, "Who are those who compose the New York syndicate?" And he refused to answer.

He was brought before the House, and the House took the same action we have taken to-day and directed that the district attorney should proceed with the case. Mr. Henry was indicted, a warrant for his arrest was issued, and he was arrested; and then, before trial, before a court heard the testimony and had a chance to decide upon the facts in the case, he sued out a writ of habeas corpus on the ground that his arrest was unwarranted and that the court had no right to proceed. That case finally came to the Supreme Court of the United States. Justice Lamar outlined the two contentions in that case, and his language is applicable to the case now before us.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived the Chair lays before the Senate the unfinished business, which is Senate Joint Resolution 4, proposing an amendment to the Constitution of the United States relative to the adoption of amendments thereto.

Mr. SPENCER. I read:

The petitioner insists—

And I am quoting from the decision of Justice Lamar—that the resolution—

That is, the resolution of the House of Representatives—

did not authorize an inquiry as to the matter about which Henry refused to testify; that the facts charged do not constitute an offense under the statute; or, if so, that the statute is void. On the authority of *In re Chapman* (166 U. S. 681) and *Kilbourn v. Thompson* (103 U. S. 168)—

To which I shall refer in a moment—

and other cases they insist that in the trial of contested elections, in cases involving the expulsion of Members or other quasi-judicial proceedings, the House or Senate may, like any other court, compel material and noncriminating disclosures, but they argue that in view of the provision of the fourth amendment to the Constitution—

And that is the amendment which guarantees the people's right "to be secure in their persons, houses, papers, and effects against unreasonable search and seizures"—

neither House can compel a citizen to disclose his private affairs as a basis for legislation—particularly where, as in the present case, the witness was not contumacious but fully and freely answered all questions; had disclosed the fact that national banks and their officers were often members of the same syndicate and only refused to give the names of certain bank officials when the names themselves could not, by any possibility, be of assistance in shaping legislation. They therefore contend that the papers show on their face that there was no jurisdiction to issue the warrant on which he was held, and that Henry should not be subjected to the hardship of being removed to the District of Columbia to stand trial upon an indictment which affirmatively shows that no crime has been committed.

Mr. Justice Lamar then summed up the other side of the case in a sentence, which is the side that the Committee on Public Lands and Surveys has taken in the pending case:

The Government, on the other hand, insists that Revised Statutes, section 104—

Which is the section under which we are acting in this proceeding—

is constitutional and that Congress may provide for the punishment of witnesses who in answer to a question propounded by its authority fail to make noncriminatorial disclosures and furnish information deemed necessary as a basis for legislation.

In that case the Supreme Court said, We will not pass upon those propositions. We will let the trial court, before whom the case is to come, decide them in the first instance, as of right they ought to do. Said they in this language:

These important and far-reaching questions, though elaborately argued, should not be decided on this record in view of the rule relied on by the Government that such issues must primarily be determined by the trial court.

Perhaps the most significant case is the one to which I briefly now refer. It is the case of Kilbourn against Thompson. One hundred and third United States, 168. It also arose out of an action in the House of Representatives. Here were the facts in that case: The Government of the United States was a creditor of Jay Cooke & Co. in 1876, and there was a real-estate pool in the city of Washington that was involved in the settling up of the bankruptcy proceedings in the Jay Cooke & Co. case. The House did not believe that there was sufficient care taken to preserve the Government's rights, and they passed this resolution:

Resolved, That a subcommittee of five Members of this House, to be selected by the Speaker, be appointed to inquire into the nature and history of said real-estate pool and the character of said settlement, with the amount of property involved in which Jay Cooke & Co. were interested, and the amount paid or to be paid in such settlements, with power to send for persons and papers and report to this House.

Undoubtedly the basis of that resolution was that in some way the House of Representatives expected they would not only preserve the rights of the Government in that particular case, but that the information sought might be a basis for legislation to take care in the future of subsequent cases of similar character. Under that resolution the committee of the House of Representatives proceeded to investigate. They summoned a man named Kilbourn to answer a question as to where the members of the pool resided and what their names were. He refused to answer. He refused to produce, in obedience to subpoena duces tecum, the records, papers, and maps which the committee had expressly called for. Kilbourn was arrested by the Speaker on a charge of contempt, and was, by the sentence of the House of Representatives, committed to the common jail of the District of Columbia. He was released on a writ of habeas corpus, issued by the Chief Justice of the Supreme Court of the District of Columbia, and then proceeded to sue the Sergeant at Arms of the House of Representatives for his alleged unlawful imprisonment. When the case came to trial the court was presented with the proposition that the Sergeant at Arms could not be sued in such a case for damages because, admittedly, he had back of him the authority of the committee and of the House of Representatives in the resolution which I have read and that such authority protected the Sergeant at Arms in carrying out the order of the House.

A demurrer was interposed to the contention that he had a right to sue the Sergeant at Arms, and that came before the Supreme Court of the United States. Here seems to me as near a decision upon the pending question as I have yet been able to find. The Supreme Court of the United States, speaking by Mr. Justice Miller, said this:

As we have already said, the Constitution expressly empowers each House to punish its own Members for disorderly behavior. We see no reason to doubt that this punishment may, in a proper case, be imprisonment and that it may be for refusal to obey some rule on that subject made by the House for the preservation of order. So also the penalty which each House is authorized to inflict in order to compel the attendance of absent Members may be imprisonment, and this may be for a violation of some order or standing rule on that subject. Each House is by the Constitution made the judge of the election and qualification of its Members. In deciding on these it has an undoubted right to examine witnesses and inspect papers subject to the usual rights of witnesses in such cases, and it may be that a witness would be subject to like punishment at the hands of a body engaged in trying a contested election for refusing to testify that he would if the case were pending before a court of justice.

Mr. KING. Mr. President, would it interrupt the Senator to ask him a question at this point?

The PRESIDING OFFICER (Mr. GLASS in the chair). Does the Senator from Missouri yield to the Senator from Utah?

Mr. SPENCER. I am in the midst of reading a decision of the Supreme Court. If the Senator will allow me to conclude the quotation, I shall be glad to answer any question he may wish to ask.

The House of Representatives has the sole right to impeach officers of the Government and the Senate to try them. Where the question of such impeachment is before either body acting in its proper sphere on that subject we see no reason to doubt the right to compel the attendance of witnesses and their answer to proper questions in the same manner and by the use of the same means as courts of justice can in like cases.

There is where it is contended the right of the Senate or House of Representatives to compel the attendance and testimony of witnesses ended, for the court continues:

Whether the power of punishment in either House, by fine or imprisonment, goes beyond this point we are sure that no person can be punished for contumacy as a witness before either House unless his testimony is required in the matter into which that House has jurisdiction to inquire.

The court had just enumerated the cases in which in their judgment the House or the Senate had the right to inquire.

And we feel equally sure that neither of those bodies possesses the general power of making inquiry into the private affairs of the citizen.

Again Justice Miller said, in this case—

In looking to the preamble and resolution under which the committee acted before which Mr. Kilbourn refused to testify, we are of opinion—

And note that the committee was acting under a resolution of the House of Representatives in connection with a matter in which the Government was directly interested and which had back of it, therefore, not only the interests of the Government in that particular matter, but had also the main question that it might be helpful as a basis for future legislation to remedy similar defects in the future.

Mr. ADAMS. Mr. President, will the Senator yield?

Mr. SPENCER. Will the Senator from Colorado wait until I finish, and then I shall be glad to yield. The court said:

We are of opinion that the House of Representatives not only exceeded the limit of its authority, but assumed a power which could only be properly exercised by another branch of the Government, because the power was in its nature clearly judicial. The Constitution declares that the judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain. If what we have said of the division of the powers of the Government among the three departments be sound, this is equivalent to a declaration that no judicial power is vested in the Congress, or either branch of it, save in the cases specifically enumerated, to which we have referred.

In the case of Pacific Railway Co., Thirty-second Federal Reporter, 241—

Mr. KING, Mr. BORAH, and Mr. ADAMS addressed the Chair. The PRESIDING OFFICER. Does the Senator from Missouri yield; and if so, to whom?

Mr. SPENCER. I yield first to the Senator from Utah.

Mr. KING. I was about to ask the Senator two questions. First, did not the Senator vote for the motion which was adopted a few moments ago; and, secondly, if he did vote for it, what profit is there to read from the decisions, because evidently the Senator is contradicting his vote.

Mr. SPENCER. The second question as to the need of relevancy of anything said on the floor of the Senate coming from the Senator from Utah [Mr. KING] astounds me. As to the first question, it is undoubtedly true that I voted for the motion, and I am exceedingly glad that the question is now to be presented to the judicial department of Government for what, I hope, will be a final decision. I yield to the Senator from Colorado.

Mr. ADAMS. The question I wish to propound to the Senator from Missouri is whether the decision in the Kilbourn case does not contain a specific paragraph in which the court declared that it did not pass and did not propose to pass upon the very question which the Senator is discussing—that is, the right of the Senate to appoint a committee in order to secure information.

Mr. SPENCER. I think there is a great deal of truth in what the Senator has stated. I would not have put it in quite the same way that he has, but undoubtedly the Kilbourn case

did definitely not decide the question which is before us. I said so at the beginning.

Mr. ADAMS. The Senator is reading from the case. Is there not such a paragraph in the reported decision?

Mr. SPENCER. I am reading from the case, and I am reading paragraphs contained in the decision of Justice Miller in deciding that case not for the purpose of showing that the case was decisive of the present question, but as indicating the trend of mind of the Supreme Court in discussing the question and as emphasizing the doubt connected with it and its exceeding importance. I do not pretend to say the question has been decided.

Mr. ADAMS. I think I recall a specific paragraph of the opinion in which the judge rendering the opinion specifically declared that the court did not propose to pass upon this particular question.

Mr. SPENCER. The decision of the court was that the claim that the Sergeant at Arms could not be sued was a claim not well founded, and therefore the court sent the case back, in order that Kilbourn might proceed with his suit for damages against the Sergeant at Arms, and that could not have been done unless the Sergeant at Arms was acting under an authority that was absolutely void.

Mr. BORAH. Mr. President—

Mr. SPENCER. I yield to the Senator from Idaho.

Mr. BORAH. The Senator from Colorado [Mr. ADAMS] has made the suggestion which was in my mind. I think the Supreme Court in the case of Kilbourn against Thompson, at page 189, specifically excepts from its decision the proposition which is now before the Senate. The court said:

This latter proposition—

That is the proposition with reference to aid of legislation—

This latter proposition is one which we do not propose to decide in the present case, because we are able to decide it without passing upon the existence or nonexistence of such a power in aid of the legislative function.

Mr. SPENCER. That is undoubtedly true.

Mr. BORAH. Yes. Let me read just one other sentence from the bottom of page 194, where the court said:

The resolution adopted as a sequence of this preamble contains no hint of any intention of final action by Congress on the subject. In all the argument of the case no suggestion has been made of what the House of Representatives or the Congress could have done in the way of remedying the wrong or securing the creditors of Jay Cooke & Co., or even the United States. Was it to be simply a fruitless investigation into the personal affairs of individuals? If so, the House of Representatives had no power or authority in the matter more than any other equal number of gentlemen interested for the Government of their country. By "fruitless" we mean that it could result in no valid legislation on the subject to which the inquiry referred.

I think that the case specifically in two or three instances excepts the question which is now before us from the decision of the court.

Mr. SPENCER. I am very glad the Senator from Idaho read those excerpts from the decision. It is a very long decision, or I should like to have it all printed in the Record. I do not think the decision anywhere specifically decides the question with which the Senate is now concerned, because, as the Senator from Idaho indicated in what he has read, the question then before the Supreme Court could be decided and was decided without passing directly upon the powers of Congress or of either branch of Congress.

Mr. McKELLAR. Mr. President, will the Senator from Missouri yield to me?

Mr. SPENCER. I yield to the Senator from Tennessee.

Mr. McKELLAR. The Senator from Missouri is a member of the committee, I think?

Mr. SPENCER. I have very recently become a member.

Mr. McKELLAR. Does the Senator believe that the witness Sinclair ought to be required to answer the questions?

Mr. SPENCER. I will be very frank with the Senator from Tennessee and say that my mind is not yet made up upon the question as to the right of the Senate to require a witness to answer questions affecting his private papers or business. My point is that it is not a matter to be lightly passed upon. Fortunately it is now on its way to what I hope will be a final judicial decision; but, if I may say so to the Senator from Tennessee, it is a question of real doubt and of great importance.

Mr. McKELLAR. Then, if it is a question of real doubt and, as I understand, the Senator from Missouri voted in the committee against requiring the witness to answer, why did

the Senator vote a while ago in favor of now requiring him to answer?

Mr. SPENCER. The Senator from Utah [Mr. KING] asked me that same question, and I did not give him the reason. I will, however, give the reason.

Mr. McKELLAR. I shall be very glad if the Senator will do so.

Mr. SPENCER. My vote in the Senate was based on the assumption that the action taken will facilitate a final judicial decision upon this question, which is of the utmost importance to the Senate. I shall be glad to do anything to facilitate that decision. I think the question is not clear. I myself can not say to-day whether the Senate has that power or whether it has not; and the Senator from Tennessee will agree with me that it is a matter of extreme importance that we should know what constitutional power the Senate has in such a matter. That is the reason why I voted for the motion.

Mr. McKELLAR. I desire to ask the Senator another question. I ask if the Senator so voted to facilitate the settlement of this question, and that if it is a matter of great importance, why did the Senator vote in the committee against requiring the witness to answer?

Mr. SPENCER. As I recall, there was no division in the committee about requiring the witness to answer.

Mr. McKELLAR. The newspapers reported that there was and reported the Senator from Missouri as voting against requiring the witness to answer.

Mr. SPENCER. It may be so, and I shall be glad to explain to the Senator from Tennessee the reason for it.

Mr. McKELLAR. If the Senator voted in committee against requiring the witness to answer, he was not thereby facilitating the settlement of the question.

Mr. WALSH of Montana. Mr. President, if the Senator will pardon me, I shall be glad to state the proceedings in the committee.

Mr. SPENCER. I yield for that purpose.

Mr. WALSH of Montana. Upon the reading by the witness of his statement and raising his objections to testifying, the Senator from Oregon [Mr. STANFIELD] moved that the objection of the witness be sustained, and I think a yea and nay vote was taken, although I do not recall with certainty.

Mr. SPENCER. Was there not some modification of the motion of the Senator from Oregon, which I recollect as the Senator from Montana says; but my recollection is that to the motion as originally proposed there was some amendment with regard to matters that had already been decided or that were now in court. I may be wrong, however, in my recollection.

Mr. WALSH of Montana. The Senator from New Mexico [Mr. BURSUM] proposed that the examination of the witness be confined to matters other than those which might have some bearing upon the pending lawsuit.

Mr. SPENCER. The Senator from Montana may be quite right.

Mr. WALSH of Montana. The motion to which I have referred, however, did not obtain. The question came up under the objection of Mr. Sinclair to testifying in accordance with his written statement.

Mr. SPENCER. The Senator from Montana may be quite right.

I now wish to say to the Senator from Tennessee that I do not remember the vote to sustain the objection, made to the further testimony of the witness, but I do know that in my mind was not all the question as to the abstract right of the Senate to conduct the examination but was a sense of fairness, for, I am free to say, the contention of the witness appealed to me strongly as presented to the committee that while this man was now being sued in a civil case at our instance and was threatened with a criminal proceeding by the grand jury, it was unfair to subject him to an examination and require him to answer questions that might be of vital importance to him in either the civil or the criminal case or in both.

Mr. McKELLAR. Well, Mr. President, if that was a valid reason on Saturday, surely it would be a valid reason on to-day, Monday. The Senator felt one way on Saturday and exactly the contrary way to-day. If the witness comes in and answers, in response to the Senator's vote and other Senators' votes, then the Senator will be doing him a grave injustice by his vote to-day, if the Senator is correct.

Mr. SPENCER. Either I did not make myself clear or the Senator from Tennessee does not understand me, for, while I was quite willing that the examination of the witness should be postponed pending the trial of the cases against him in court, yet, when the committee insisted upon his testifying, I am glad to hear the right of the committee in the matter

passed upon by the courts. In either event, it does not affect the main question. Mr. President, I will proceed further with this matter.

Mr. EDGE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from New Jersey?

Mr. SPENCER. I yield.

Mr. EDGE. I should like to ask the Senator a question. Is it possible to define legally where an inquiry or investigation begins or stops in the matter of contributing to information for legislative relief? I do not know whether or not I make my point entirely plain, but, as I followed the reading of the decision, the court seemed to hesitate on the question of how far an investigating committee can go. How is it possible, in other words, legally to define when an inquiry ceases to secure the information that would be necessary for the preparation and enactment of legislation?

Mr. SPENCER. I should say to the Senator that it is entirely possible to define or limit the investigating power of the Senate. Its expediency rather would be the question. Undoubtedly, in any investigation that the Senate may institute, in this or in any other matter, most of the information which it seeks to get will be voluntarily and patriotically given. The question arises as to how far the Senate is empowered to require a citizen to come any distance, and at any cost or inconvenience, and compel him to disclose his papers and personal matter that are private to himself for the purpose merely of giving information to the Senate.

Mr. EDGE. Then, as I follow the Senator, his viewpoint is that it is more a matter of common fairness on the part of the committee than that it can be clearly defined by the courts?

Mr. SPENCER. No; I think the courts can clearly define it, and I hope in this case there will be a clear line laid down by the Supreme Court, when this case comes before them, as to whether the Senate of the United States has power, for example, not only to compel the attendance and testimony of witnesses in regard to matters such as contested elections or disorderly behavior or enforcing its own rules, but that it also has the power to compel the attendance and testimony of witnesses as to any matter concerning which, in its judgment, it is necessary to secure information in order to legislate. If the Supreme Court decides that the Senate has such full power of investigation there can be no question that this witness would be in contempt in this case, and the rule would be laid down clearly for the future. It seems to me extremely desirable that we have a distinct decision as to the limitation of our constitutional right.

Mr. WALSH of Montana. Mr. President—

Mr. SPENCER. I yield to the Senator from Montana.

Mr. WALSH of Montana. I find by reference to the record that I was confused in my recollection, having in mind some proceedings that were had in connection with the testimony of Mr. Hays and not Mr. Sinclair. I have the record now, and I advise the Senate that before Mr. Sinclair made his statement the Senator from New Mexico [Mr. BURSUM] said:

My motion was that in the examination the inquiry shall not relate to pending controversies before any of the Federal courts in which Mr. Sinclair is a defendant, and which questions would involve his defense.

Upon that motion of Senator BURSUM a roll call was had.

Senator CAMERON. What are we voting on? I would like to find out. We are down here so far that we can not hear anything. Are we voting on the amendment of Senator BURSUM?

The question then came on the motion of Senator BURSUM.

The yeas were BURSUM and CAMERON; the nays were SPENCER, PITTMAN, JONES of New Mexico, KENDRICK, WALSH of Montana, ADAMS, DILL, and LADD.

Then the question was raised as to whether Mr. Sinclair should testify at all or not, and upon that the vote was unanimous that he should be required to testify.

Mr. SPENCER. Mr. President, I desire briefly to call attention to two other cases. On March 30, 1887, Congress passed a law authorizing an investigation by the Interstate Commerce Commission regarding the accounts and methods of railroads which had received aid from the United States. The commissioners called before them Leland Stanford, who was president of the Central Pacific Railroad Co., and asked him certain questions. He refused to answer them, and the case came up before the Circuit Court for the Northern District of California as to whether the commission had the power to ask the questions and as to whether the witness was right in declining to

answer. I only wish to read a paragraph from the court's decision to emphasize the one point I am making, and that is that the question is one of grave doubt and of exceeding importance.

The Circuit Court for the Northern District of California said:

The Pacific Railway Commission is not a judicial body and possesses no judicial powers under the act of Congress of March 3, 1887, creating it, and can determine no rights of the Government or of the corporations whose affairs it is appointed to investigate.

Then this sentence:

Congress can not compel the production of private books and papers of citizens for its inspection except in the course of judicial proceedings or in suits instituted for that purpose, and then only upon averments that its rights in some way depend upon evidence therein contained.

Mr. BAYARD. Mr. President, did that refer only to the powers of the Interstate Commerce Commission or to the powers of Congress itself in the conduct of an investigation?

Mr. SPENCER. In that instance Congress had expressly referred to the Interstate Commerce Commission the investigation of this question; and the Interstate Commerce Commission, in carrying out that authority, asked these questions which the witness refused to answer.

Mr. BAYARD. Yes; but did not the court decide in that case that Congress had only given such powers, thus and so, to the Interstate Commerce Commission, and that those powers did not embrace the powers sought to be exercised by the Interstate Commerce Commission in that very case?

Mr. SPENCER. Perhaps this will answer it: The court, continuing, said:

Congress can not empower a commission to investigate the private affairs, books, and papers of the officers and employees of corporations indebted to the Government, as to their relations to other companies with which such corporations have had dealings, except so far as such officers and employees are willing to submit the same for inspection.

It seems to me that that throws a distinct light upon this question.

Mr. BAYARD. If the Senator will bear with me a moment, the court does not say or hint in any part of that decision that Congress itself has not the power in its examination to do what it is now seeking to do.

Mr. SPENCER. I quite agree with the Senator that the decision of the court in that case is not decisive of the case in which we are interested. It is merely a side light. In other words, the Senator believes that Congress might confer upon a commission greater powers than it has itself. It is quite possible. I do not dispute it.

The Senator from Colorado [Mr. ADAMS], in the record, referred to two cases, one of them Interstate Commerce Commission against Brimson, One hundred and fifty-fourth United States, the page of which he did not remember, but which is found on page 447 of that report, and the other the subsequent case of Harriman against The Interstate Commerce Commission in Two hundred and eleventh United States, page 407. He was of the opinion that these two cases practically decided the question that we now have before us. I do not so find on reading the cases. I leave them with a brief statement and a brief quotation.

Both of those cases had to do with railroads; and of course the railroad, as a quasi-public corporation, has a different relationship to the Government and to investigations than a private citizen has. In the case of Interstate Commerce Commission v. Brimson, in 154 U. S., to which the Senator referred, the only question that was up before the court was as to whether the statute which provided that the circuit court should punish witnesses who failed to answer the question of the Interstate Commerce Commission was a valid one—whether the court had the right to exercise that authority given them by Congress. It was contended by the court that Congress could not put that duty upon them; that it was an extrajudicial duty, and that if any witness summoned by the Interstate Commerce Commission refused to answer, even though the statute especially so provided, the commission could not come before the circuit court and seek its compulsory process to compel that answer or to punish the witness for not answering, and that was all that was decided in that case.

In that case, however—and with this I close—the court took occasion to make the following observation, which does have a distinct bearing upon the question which we will have decided, I trust, by the Supreme Court in the case we have now started on its way.

The court said:

We do not overlook these constitutional limitations which, for the protection of personal rights, must necessarily attend all investigations conducted under authority of Congress. Neither branch of the legislative department, still less any merely administrative body, established by Congress, possesses, or can be invested with, a general power of making inquiry into the private affairs of the citizen. *Kilbourn v. Thompson* (103 U. S. 168, 190). We said in *Boyd v. United States* (116 U. S. 610, 630)—and it can not be too often repeated—that the principles that embody the essence of constitutional liberty and security forbid all invasions on the part of the Government and its employees of the sanctity of a man's home, and the privacies of his life. As said by Mr. Justice Field in *In re Pacific Railway Commission* (32 Fed. Rep. 241, 250)—

"Of all the rights of the citizen, few are of greater importance or more essential to his peace and happiness than the right of personal security, and that involves, not merely protection of his person from assault, but exemption of his private affairs, books, and papers from the inspection and scrutiny of others. Without the enjoyment of this right, all others would lose half their value."

Mr. WALSH of Montana. Mr. President—

Mr. SPENCER. I will yield the floor in a moment. I yield to the Senator, however.

Mr. WALSH of Montana. I just wanted to ask the Senator what is the document from which he reads?

Mr. SPENCER. I was reading from a memorandum that was prepared, as the Senator will remember, in connection with the Sinclair proceeding. It has some of these references from the decisions in a type easier to read than in the original volumes, which I have in my desk.

Mr. WALSH of Montana. The brief of Mr. Littleton?

Mr. SPENCER. That is it.

Mr. ADAMS. Mr. President—

The PRESIDING OFFICER (Mr. NEELY in the chair). Does the Senator from Missouri yield to the Senator from Colorado?

Mr. SPENCER. I yield to the Senator.

Mr. ADAMS. Will the Senator permit me to read three paragraphs from that case which do not seem to have been included in the brief?

Mr. SPENCER. I shall be very glad to have the Senator do it. Will the Senator defer it for a moment, until I say another sentence? Then I will yield the floor to him.

Mr. ADAMS. I simply wanted it to appear in connection with what the Senator has read. I have no desire to do other than to add to the Senator's quotation from the case three paragraphs.

Mr. SPENCER. Then I yield now, and will defer my concluding observation.

Mr. ADAMS. In the *Brimson* case, the court says:

It was clearly competent for Congress, to that end, to invest the commission with authority to require the attendance and testimony of witnesses, and the production of books, papers, tariffs, contracts, agreements, and documents relating to any matter legally committed to that body for investigation. We do not understand that any of these propositions are disputed in this case. . . . Congress is not limited in its employments of means to those that are absolutely essential to the accomplishment of objects within the scope of the powers granted to it. It is a settled principle of constitutional law that—

"The Government which has a right to do an act, and has imposed on it the duty of performing that act, must, according to the dictates of reason, be allowed to select the means; and those who contend that it may not select any appropriate means, that one particular mode of effecting the object is excepted, take upon themselves the burden of establishing that exception." (4 Wheat. 316, 409.)

The test of the power of Congress is not the judgment of the courts that particular means are not the best that could have been employed to effect the end contemplated by the legislative department. The judiciary can only inquire whether the means devised in the execution of a power granted are forbidden by the Constitution. It can not go beyond that inquiry without intruding upon the domain of another department of the Government. That it may not do with safety to our institutions. (*Sinking Fund Cases*, 99 U. S., 700, 718.)

An adjudication that Congress could not establish an administrative body with authority to investigate the subject of interstate commerce and with power to call witnesses before it, and to require the production of books, documents, and papers relating to that subject, would go far toward defeating the object for which the people of the United States placed commerce among the States under national control. All must recognize the fact that the full information necessary as a basis of intelligent legislation by Congress from time to time upon the subject of interstate commerce can not be obtained, nor can the

rules established for the regulation of such commerce be efficiently enforced, otherwise than through the instrumentality of an administrative body, representing the whole country, always watchful of the general interests, and charged with the duty not only of obtaining the required information but of compelling by all lawful methods obedience to such rules.

Mr. SPENCER. I thank the Senator very much for reading the quotations. They emphasize and illustrate at least one thing, namely, the doubt surrounding the question, and the necessity of final determination.

Mr. WALSH of Montana. Mr. President—

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Montana?

Mr. SPENCER. I do.

Mr. WALSH of Montana. I just want to get the view of the Senator. The Congress of the United States has invested the Interstate Commerce Commission, as just indicated, with the power to subpoena witnesses and compel them to testify in order to get information upon which it may very properly act. It has invested the Federal Trade Commission with the power to subpoena witnesses and to compel them to testify in order that it may get the information upon which it may act. It has invested the Secretary of Agriculture, in the matter of the stockyards act, with the power to subpoena witnesses and compel them to testify, so that that officer may get the requisite information upon which he may proceed. I suppose the Senator from Missouri will have no doubt about the power of Congress thus to act?

Mr. SPENCER. I have no doubt about it.

Mr. WALSH of Montana. And yet the Senator would take the view that it is a matter of grave doubt as to whether the very body that thus invests these commissions and officers with power to subpoena witnesses and compel them to testify has the right itself to get that information by the compulsory process?

Mr. SPENCER. Why, Mr. President, Congress is a legislative body. Surely the Senator from Montana has not considered this phase of it—that a legislative body, of course, can, by legislation, invest courts or commissions with authority to do things which it can not do itself. Congress can authorize courts of law upon certain conditions of facts to hang a man, but Congress can not do it itself.

Mr. WALSH of Montana. Oh, yes; there is a difference.

Mr. SPENCER. Congress can separate a man from his property, as well as from his life, by courts or tribunals which it creates in its legislative function; but as a legislative body it can not perform those functions itself. The Senator must see the distinction.

Mr. WALSH of Montana. The Senator from Montana recognizes fully the distinction between a court and a legislature. He has at least some vague idea of the difference.

Mr. SPENCER. I am sure the Senator has a clear idea.

Mr. WALSH of Montana. But I want to inquire of the Senator whether he accedes to the view that Congress, instead of vesting in the Interstate Commerce Commission the power to establish railroad rates in interstate commerce, could exercise that power itself? In other words, have we the power to pass a bill providing for a 3-cent fare?

Mr. SPENCER. I should think so; yes.

Mr. WALSH of Montana. The Senator, then, takes the position that we have the power to delegate to the Interstate Commerce Commission the question as to whether or not we should establish a 3-cent fare rate, and to invest that commission with the power to subpoena witnesses and compel them to give it information which will enable it to judge of the wisdom or justice of such a rate as that, but that if the Congress of the United States itself attempted to investigate that question—if, for instance, the Senator from Oregon should to-morrow introduce a bill fixing the rate for transport of passengers in interstate commerce at 3 cents per mile, and that matter were referred to the Committee on Interstate Commerce—the Senator from Missouri thinks it is a grave matter as to whether the Committee on Interstate Commerce could compel witnesses to come before it and advise the committee of facts in their possession which would enable the Senate to determine whether it is a good thing or a just thing or a wise thing to pass the bill proposed by the Senator from Oregon?

Mr. SPENCER. The Senator from Missouri hopes he will be in the company of the Senator from Montana when the decision of the Supreme Court is rendered in this case, for if by any chance the decision should be adverse to the contention of the Senator from Montana I am sure that in the fairness of his heart he would then agree with me that it was, as a matter of fact, a very grave question, and one that hitherto had been in great doubt.

Mr. WALSH of Montana. I am not fearful that the Supreme Court will consider it grave at all.

Mr. SPENCER. "Let not him that girdeth on his harness boast himself as he that putteth it off."

Mr. WALSH of Montana. Quite true.

Mr. SPENCER. I want to say to the Senator from Montana that in the illustration which he gives he confuses an act of Congress, signed by the President, and thus a law, creating certain authority in commissions, with a mere resolution of one House of Congress to investigate for its own information. They are two entirely different propositions. I am not now referring to what a law of Congress might provide, but I am saying, as I conclude, that either House of Congress which attempts to bring a man any distance and compel him to disclose his private business, and books, and papers, merely to give one House of Congress information about something into which it desires to inquire, has presented a doubtful proposition and one of exceedingly grave importance.

Mr. DILL. Mr. President—

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Washington?

Mr. SPENCER. I yield.

Mr. DILL. I wanted to ask the Senator whether, if by any surprising chance—and to most of us it would be surprising—the Supreme Court should say that Congress does not have that power under the Constitution, he believes that the Congress ought to have that power and that the Constitution should be amended to give it that power?

Mr. SPENCER. Sufficient unto the day is the evil thereof.

Mr. DILL. I take it the Senator is not in favor of Congress having that power.

Mr. SPENCER. I would not say that to the Senator, but I would say, for myself, that I would prefer very much to wait until I read the decision of the Supreme Court and consider the reasons they may advance. Then it might well be that the Senator from Washington and myself would entirely agree as to any proposed amendments to the Constitution; but I do not intend now to say what ought to be done under those future circumstances.

Mr. DILL. I will say to the Senator that whatever reasons were given by the Supreme Court, should it decide that a committee of Congress did not have the power we contend it has, would probably be constitutional reasons. Whatever reasons they might base their refusal upon would be constitutional reasons, and I want to say to the Senator now that if they should give constitutional reasons why the Congress has not that power, I should be most heartily in favor of amending the Constitution to remove those constitutional reasons.

Mr. SPENCER. Again the Senator is referring to the power of Congress. What we have before us is the power of one branch, in its own investigation, not the enforcement of a law.

Mr. DILL. If one branch has it, both have.

Mr. WALSH of Montana. Mr. President, at this time I ask leave to submit for the Record a brief memorandum upon this subject which I have hurriedly prepared, and which gives a reference to some of the cases before the courts which have considered the subject. I ask that this be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

The position of counsel for Mr. Sinclair is stated on page 2 of the "Memorandum respecting jurisdiction of Committee on Public Lands and Surveys," filed with the committee, as follows:

"A committee of the Senate or House, though authorized so to do by resolution, is not empowered to compulsorily compel witnesses to aid the Senate or the House in the discharge of its legislative duties.

"This practice has obtained in both Houses for a great many years, but has never been challenged to a final conclusion in the higher courts. The right to summon and compel persons to appear and give testimony or to produce books, papers, and documents is essentially and historically an attribute of courts of justice authorized to determine finally cases and controversies between litigants, and the extent to which the practice of committees of the House and the Senate has been judicially sanctioned is only in those inquisitorial investigations the right to conduct which is expressly conferred upon the House or the Senate by the Constitution of the United States or the one exception which is to enable either the House or the Senate to protect itself against decay or contamination by the expulsion of offending Members."

An examination of the reports of the Supreme Court of the United States discloses no case deciding the question raised in this case.

In *Kilbourn v. Thompson* (103 U. S. 168, 189), the court said:

"We are of opinion that the right of the House of Representatives to punish the citizen for a contempt of its authority or a breach of its privileges can derive no support from the precedents and practices of the two houses of the English Parliament, nor from the adjudged cases in which the English courts have upheld these practices. Nor, taking what has fallen from the English judges, and especially the later cases on which we have just commented, is much aid given to the doctrine that this power exists as one necessary to enable either House of Congress to exercise successfully their function of legislation.

"This latter proposition is one which we do not propose to decide in the present case, because we are able to decide it without passing upon the existence or nonexistence of such a power in aid of the legislative function."

In *Henry v. Henkel* (235 U. S. 219), the court said:

"After argument the district judge discharged the writ, and an appeal was entered to this court, where the petitioner's counsel, renewing the objections made in the district court, insist that the resolution did not authorize an inquiry as to the matter about which Henry refused to testify; that the facts charged do not constitute an offense under the statute; or if so, that the statute is void. On the authority of *In re Chapman* (166 U. S. 661, 668), *Kilbourn v. Thompson* (103 U. S. 168), and other cases, they insist that in the trial of contested elections, in cases involving the expulsion of Members, or other quasi judicial proceedings, the House or Senate may, like any other court, compel material and non-criminatory disclosures. But they argue that, in view of the provisions of the fourth amendment to the Constitution, neither House can compel a citizen to disclose his private affairs as a basis for legislation, particularly where, as in the present case, the witness was not contumacious, but had fully and freely answered all material questions; had disclosed the fact that national banks and their officers were often members of the same syndicate, and had only refused to give the names of certain bank officials when the names themselves could not by any possibility be of assistance in shaping legislation. They, therefore, contend that the papers show on their face that there was no jurisdiction to issue the warrant on which he was held, and that Henry should not be subjected to the hardship of being removed to the District of Columbia to stand trial upon an indictment which affirmatively shows that no crime has been committed.

"The Government, on the other hand, insists that Revised Statutes 104 is constitutional, and that Congress may provide for the punishment of witnesses who in answer to a question propounded by its authority fail to make noncrimatory disclosures and furnish information deemed necessary as a basis for legislation.

"These important and far-reaching questions, though elaborately argued, should not be decided on this record in view of the rule relied on by the Government that such issue must primarily be determined by the trial court."

In *Sullivan v. Hill* (73 W. Va. 79 S. W. 870), the court said:

"The second ground, namely, want of authority to require petitioner to respond to the questions propounded to him presents a different question. If the subject of investigation covered by the joint resolution was within the range of legitimate legislative inquiry and the questions were pertinent thereto and not calling for privileged matter, the authorities generally agree that either House, if authorized, or a committee of either House, though sitting in recess, may summon witnesses and compel obedience thereto.

"(*People v. Keeler*, 90 N. Y. 463, 42 Am. Rep. 49; *Kilbourn v. Thompson*, 103 U. S. 168; *In re Chapman*, 166 U. S. 661; *In re Falvey*, 7 Wis. 630; *In re Gunn* (Kan.), 19 L. R. A. 519; *Ex parte Lawrence* (Calif.), 48 Pac. 124; *People v. Learned*, 5 Hun. 626; *Ex parte Parker*, 74 S. C. 466; and dissenting opinion in *In re Davis*, 49 Pac. 160, and cases cited and reviewed.)

"In *Kilbourn v. Thompson* discharge was ordered on the ground that the subject of inquiry was not within the range of legitimate legislative investigation. Whether if otherwise obedience to its process could be enforced as attempted was reserved and not decided."

In *State v. Brewster* (59 N. J. L., 665) the court said:

"In *Kilbourn v. Thompson* (103 U. S. 168) the United States Supreme Court, in 1880, is supposed to question the broad liberality of the opinion in *Anderson v. Dunn* (6 Wheat. 204), but the limitation, if any, imposed by the later decision, is that contained in this language of the opinion of Mr. Justice Miller, by which it is made obvious that the case for sub judice was determined only upon the consideration that 'the whole plea shows the House was without authority in the matter.' That such was the only differentiation is made clear by the language of Chief Justice Fuller in *In re Chapman* (166 U. S. 661). There the question was in some respects identical with that presented in the case at bar. The de-

fendant was indicted and convicted under United States Revised Statutes 102 for refusing to testify before a committee of the United States Senate. The learned Chief Justice there held that Kilbourn v. Thompson was authority for the proposition 'that there exists no general power in Congress, or in either House, to make inquiry into the private affairs of a citizen,' but he declared 'the refusal to answer pertinent questions in a matter of inquiry, within the jurisdiction of the Senate, of course, constitutes a contempt of that body, and by the statute this is also made an offense against the United States.' The question of authority of the investigating committee manifestly, therefore, was resolved into a question of the jurisdiction of the appointing body, and the rule enunciated in *Anderson v. Dunn* remained unshaken, so that process possessing all the indicia of regularity issued by a legislative committee could not be attacked or questioned by a refractory witness for matters aliunde."

Willoughby on the Constitution, volume 2, section 750, says:

"In 1821 the Supreme Court by a decision rendered in the case of *Anderson v. Dunn* (6 Wheat. 204) recognized the existence in Congress of a general power to punish for contempt persons disobeying its orders, especially those with reference to the giving of testimony and the production of papers before its committees and commissions of inquiry.

"In the case of *Kilbourn v. Thompson* (103 U. S. 168), however, decided in 1871, the court very much narrowed this power, holding that Congress had the power to compel information only with reference to matters over which it had legislative power, and that, therefore, it might not punish for contempt a refusal to testify or produce papers bearing upon other subjects. In this respect, being a legislature of limited powers, Congress could not measure its powers by those exercised by the English Parliament."

Willoughby draws the line apparently where Congress is investigating a matter over which it has legislative power and where it has no such legislative power.

Then he states the rule governing the State legislatures as follows:

"With reference to the authority of the State legislatures to punish for contempt, it may be observed that their powers are much broader than those of Congress. Possessing all powers not expressly or impliedly refused them, they have a general inquisitorial power and a corresponding general authority to punish a refusal to testify or to produce papers."

Therefore, Willoughby considered the question of the power to compulsorily summon witnesses to aid the Congress in the discharge of its legislative functions and not in the discharge of a judicial or quasi judicial function.

By his statement that the powers of the State legislatures are much broader than those of Congress, Willoughby clearly refers to the legislative powers of the bodies. Surely he did not refer to the power to try contested-election cases, or to the power to expel members of the body, or to the power of impeachment. Therefore, Willoughby takes the position that the inquisitorial power of a legislative body is coextensive with its power to legislate.

Cooley in his treatise on Constitutional Limitations, seventh edition, page 193, says (chap. 6, on the enactment of laws):

"Each House must also be allowed to proceed in its own way in the collection of such information as it may seem important to a proper discharge of its functions, and whenever it is deemed desirable that witnesses should be examined the power and authority to do so is very properly referred to a committee, with any such powers short of final legislative or judicial action as may seem necessary or expedient in the particular case. Such a committee has no authority to sit during a recess of the House which has appointed it without its permission to that effect, but the House is at liberty to confer such authority if it sees fit. A refusal to appear or to testify before such committee, or to produce books or papers, would be a contempt of the House. (In re Falvey, 7 Wis. 630; *Burnham v. Morrissey*, 14 Gray, 226; *People v. Keller*, 99 N. Y. 463.)

"In the last case a statute expressly permitted the House to punish for such contempt. But the privilege of a witness to be exempt from a compulsory disclosure of his own criminal conduct is the same when examined by a legislative body or committee as when sworn in court. (Emery's case, 107 Mass. 172.)

"In the matter of *Kilbourn* (May, 1876), Chief Justice Carter, of the Supreme Court of the District of Columbia, discharged on habeas corpus a person committed by the House of Representatives for contempt in refusing to testify, holding that as the refusal was an indictable offense by statute a trial therefor must be in the courts and not elsewhere. If this is correct, the necessities of legislation will require a repeal of the statute, for if, in political case, the question of punishment for failure to give information must be left to a jury few convictions are to be expected and no wholesome fear of the consequences of a refusal. The legality of the same arrest was considered afterwards by the Federal Supreme

Court and was not sustained, the court holding that the House exceeded its authority in the attempted investigation." (*Kilbourn v. Thompson*, 103 U. S. 168.)

It is to be noted that Judge Cooley discusses the question of the power to compulsorily summon witnesses in connection with the subject of "the enactment of laws," and not in connection with the subjects of the qualification of the members of the legislature, the expulsion of the members of the legislature, or impeachment proceedings.

Watson on the Constitution, volume 1, page 286, says:

"In *Lilley v. United States* (14 Ct. of Cl. 542) Richardson, J., delivering the opinion for the court, said:

"Either House of Congress, in discharge of the great powers and duties devolved upon it by the Constitution and as necessarily incident thereto, has the undoubted right to require the personal attendance before its committees, as a witness or otherwise, of any citizen of the country, to be paid or not, according to its own will and pleasure. Attendance in such a case is not by agreement, but is the voluntary or involuntary submission of a subject to a power of the Government, which must be obeyed, and which can not be resisted."

In *Wilchens v. Willet* (1 Keyes, N. Y. 521) it was held, quoting from the syllabus:

"When a person confined in the limits of a jail within this State is taken by virtue of the warrant of the Speaker of the House of Representatives to Washington to answer for a contempt in not appearing before a committee of the House, when duly summoned, it is not an escape from such limits.

The Court of Appeals said:

"Any extended examination of the question of the general power of the House of Representatives of the United States Congress to subpoena witnesses to testify before it or before one of its committees, and to compel their attendance from any portion of the territorial limits of the United States, is rendered unnecessary in this case by the full and unreserved concession of the learned counsel for the plaintiff of the existence of such a power in that body. That the power exists there admits of no doubt whatever. It is a necessary incident to the sovereign power of making laws; and its exercise is often indispensable to the great end of enlightened, judicious, and wholesome legislation. The power is rather judicial in its nature, but in a legislative body exists as an auxiliary to the legislative power only. In the earlier history of the country, from which our institutions, both of law and legislation, are principally derived, judicial and legislative functions existed in and were exercised by the same body. And when they were afterwards separated, and each came to be exercised by a separate tribunal or body, the legislative body necessarily retained a sufficient amount of the judicial power to enable it to investigate fully and to comprehend thoroughly any and every subject upon which the body proposed to act in its legislative capacity. This included the power to subpoena witnesses to give evidence to compel them to attend and testify, and to punish for disobedience and contempt in refusing to attend, or in refusing to testify upon attendance. The power to punish for disobedience and contempt is a necessary incident to the power to require and compel attendance. This is not denied by the plaintiff's counsel. He contends, however, that the only way in which the attendance of Williamson before the House of Representatives could have been lawfully enforced and secured was by habeas corpus to testify or to answer for the contempt."

This case was cited by the approval by the Court of Appeals in the case of *People v. Keeler* (99 N. Y. 463).

The Supreme Court of Massachusetts in the case of *Burnham v. Morrissey*, reported in 14 Gray, page 230, states the following:

"The house of representatives has many duties to perform, which necessarily require it to receive evidence and examine witnesses. It is the grand inquest for the Commonwealth, and as such has power to inquire into the official conduct of all officers of the Commonwealth, in order to impeachment. It may inquire into the doings of corporations, which are subject to the control of the legislature, with a view to modify or repeal their charters. It is the judge of the election and qualifications of its members. It has power to decide upon the expulsion of its members. It has often occasion to acquire a certain knowledge of facts, in order to the proper performance of legislative duties.

"We therefore think it clear that it has the constitutional right to take evidence, to summon witnesses, and to compel them to attend and to testify. This power to summon and examine witnesses it may exercise by means of committees.

"Especial attention is called to this lucid statement of the law on this important question. Judge Hoar clearly includes the duty to 'acquire a certain knowledge of facts, in order to the proper performance of legislative duties,' among the several duties, the performance of which 'necessarily require it to receive evidence and examine witnesses.' And to this end the

legislature may exercise its 'constitutional right to take evidence, to summon witnesses, and to compel them to attend and to testify.'"

That such power resides in the legislatures of the States generally, and that it is incident to the power to legislate, seems to be accepted without question by the courts.

It is unnecessary at this time to cite any cases on the subject other than the case of *People v. Keeler*, reported in 99 New York Court of Appeals at page 463. As this case discusses the subject rather exhaustively I quote from it the following:

"In the later case of *Kilbourn v. Thompson* (103 U. S. 168), which was a similar action, the plaintiff had, on proceedings similar to those taken in the present case, been convicted of a contempt and sentenced by the House of Representatives to imprisonment. It appeared on the face of the proceedings that the contempt consisted of his refusal to answer a question propounded by a committee of the House appointed by a resolution, which was set forth. This resolution directed the committee to investigate certain business transactions in which the United States Government was interested simply as a creditor of one of the parties, and the Supreme Court held that the preamble and resolution under which the committee was appointed showed upon their face that the investigation ordered did not have for its object any legislative action, or the impeachment of any officer of the Government, but the collection of a debt owing to the Government, a power which Congress could not exercise, but which was vested only in courts of justice; that in ordering such an investigation the House of Representatives exceeded the limits of its powers, and consequently the committee had no authority to require the plaintiff to testify before it. On this sole ground the decision of the court was placed, but in arriving at this conclusion, several important points, which have a bearing upon the question now before us, were discussed in the highly instructive opinion of Miller, Judge.

"The case of *Anderson against Dunn*, in so far as it held the resolution of the House finding the plaintiff guilty, conclusive, was distinctly overruled.

"This decision necessarily involved the point, stated in other parts of the opinion, that a legislative body is not to be assimilated to a court of general jurisdiction; that Congress has no general power of adjudicating upon contempts. The reasoning and authorities upon which this decision is based convince us that it is incontestible. (*Stockdale v. Hansard*, 9 Ad. and EL. 1 [opinion of Coleridge, J.]; *Killey v. Carson*, 4 Moore's 4 P. C. 63; *Burnham v. Morrissey*, 14 Gray, 226.)

"The case of *Anderson against Dunn* was also distinguished in *Kilbourn against Thompson* on the ground that as the plea in the first-mentioned case did not disclose the ground on which the plaintiff had been held guilty of contempt, it was no precedent for a case where the plea established by its recital of the facts that the House had exceeded its authority. It was also held, following a course of reasoning which need not be repeated here, that the right of the House of Representatives to punish a citizen for a contempt of its authority, derived no support from the precedents and practice of the two houses of the English Parliament nor from the adjudged cases in which the English courts have upheld those practices. That the powers of Congress were derived solely from the Federal Constitution, and that such as were not conferred by that instrument, either expressly or by fair implication, were reserved to the States, respectively, or to the people, and that while the House had power to punish contempts by fine and imprisonment in certain cases, it had no general jurisdiction on the subject, but was confined to those cases where the power was expressly conferred by the Constitution, or was necessary to enable the House to exercise its lawful functions. Express power is given by the Constitution to each House to punish its Members for disorderly behavior and to compel the attendance of absent Members under such penalties as the House may prescribe, and the opinion concedes that among the incidental and implied powers of Congress may be that of compelling the attendance of witnesses and punishing contumacious witnesses in the same manner as could be done by a court of justice, in dealing with cases which Congress is empowered to decide, such as the election and qualification of its Members, the trial of a contested election, and proceedings in the House to impeach officers of the Government. Whether their power over recalcitrant witnesses extends beyond those cases, the court, in reviewing the case of *Anderson against Dunn*, expressly declines to decide, but the court does emphatically declare that, whether the power of punishment in either House by fine or imprisonment goes beyond the specified cases or not, no person can be punished for contumacy as a witness before either House unless his testimony is required in a matter into which the House has jurisdiction to inquire, and that neither of those bodies possesses the general power of making inquiry into the private affairs of the citizen. To the like effect is the opinion of

the Supreme Court of Massachusetts in the case of *Burnham v. Morrissey* (14 Gray, 226). The House of Representatives has the power under the Constitution to imprison for contempt, but the power is limited to cases expressly provided for by the Constitution or to cases where the power is necessarily implied from those constitutional functions and duties to the proper performance of which it is essential."

"It must be borne in mind that the cases cited did not arise under any act of Congress authorizing either House to punish contumacious witnesses, for there is no such act. The question was whether a general power to punish contempts was inherent in Congress as necessary to the exercise of its functions independent of any statute. That such a power could be exercised to compel the attendance of witnesses in certain cases was conceded. Whether it existed in cases of investigations properly instituted for purposes of legislation was left an open question. So far as the statutes of the United States were concerned, a different course of proceeding was prescribed. The act of January 24, 1857 (ch. 19), provided that any person summoned as a witness before either House or a committee thereof, and refusing to appear or to answer any question pertinent to the matter in consideration, should, in addition to the pains and penalties then existing, be liable to indictment and punishment as for a misdemeanor, and it was made the duty of the President of the Senate to certify the fact to the district attorney for the District of Columbia, who was required to lay the matter before the grand jury. This act was incorporated with modifications in the Revised Statutes of the United States. (Secs. 102, 104.) The other pains and penalties alluded to must have had reference to the supposed power to punish for contempt. But if, as contended, no such power can be exercised by Congress under the limited authority delegated to it by the Constitution, the power could not be created and conferred by any act of Congress.

"The case now before us is entirely different. It arises under a statute enacted by the Legislature of the State of New York. The inquiry is not whether the power to enact such a law is to be found in the State constitution, but whether such legislation is prohibited or restrained by that instrument or by the Constitution of the United States. Except as thus limited, the State legislature possesses the whole legislative power of the State. (*Bank of Chenango v. Brown*, 26 N. Y. 460; *People v. Dayton*, 35 id. 380.)

"The power of obtaining information for the purpose of framing laws to meet supposed or apprehended evils is one which has from time immemorial been deemed necessary and has been exercised by legislative bodies. In this State it does not rest upon precedent merely, but is expressly conferred by statute (1 R. S. 108, secs. 1, 2), which provides that every chairman of a committee, either of the senate or assembly, or of any joint committee, is authorized to administer oaths to witnesses; and when the committee is by the terms of the resolution appointing it authorized to send for persons and papers, the chairman has the power, under the direction of the committee, to issue compulsory process for the attendance of any witness within the State whom the committee may wish to examine, and to issue commissions for the examination of witnesses out of the State. To subject a witness to punishment as for a contempt, the testimony sought must, as has already been shown, relate to a legislative proceeding. (1 R. S. 154, sec. 13, subd. 4.)

"It is difficult to conceive any constitutional objection which can be raised to the provision authorizing legislative committees to take testimony and to summon witnesses. In many cases it may be indispensable to intelligent and effectual legislation to ascertain the facts which are claimed to give rise to the necessity for such legislation and the remedy required, and, irrespective of the question whether in the absence of a statute to that effect either house would have the power to imprison a recalcitrant witness, I can not yield to the claim that a statute authorizing it to enforce its process in that manner is in excess of its legislative power. To await the slow process of indictment and prosecution for a misdemeanor might prove quite ineffectual, and necessary legislation might be obstructed and perhaps defeated if the legislative body had no other and more summary means of enforcing its right to obtain the required information. That the power may be abused is no ground for denying its existence. It is a limited power and should be kept within its proper bounds, and when those are exceeded a jurisdictional question is presented which is cognizable in the courts. My conclusion is that subdivision 4 of section 18, First Revised Statutes is constitutional and valid. These views are supported by the decision of this court in *Wickens v. Willet* (1 Keyes, 521, 525), where it was held that the House of Representatives of the United States had the power to compel the attendance of witnesses. In that case this court said, per Johnson, Judge: 'That the power exists admits of no doubt whatever. It

is a necessary incident of the sovereign power of making laws, and its exercise is often indispensable to the great end of enlightened, judicious, and wholesome legislation. The power is rather judicial in its nature, but in a legislative body it exists as an auxiliary to the legislative power only; and further at page 526. The power to punish for disobedience and contempt in refusing to attend is a necessary incident to the power to require and compel attendance. (8 C., 4 Ct. of App. Dec. 596; 10 Abb. Pr. 164; 12 Id. 319.) It was in deference to this decision and to the case of *People v. Learned* (5 Hun, 626) that Westbrook, judge, sitting in the Oyer and Terminer, dismissed the writ of habeas corpus in this case, at the same time delivering a learned and able opinion in support of the opposite view, which has been of much service to the court in examining the case. The learned judge treats the case of *Wilckens against Willet* as based upon the reasoning in *Anderson against Dunn*, and the latter case as overruled in *Kilbourn against Thompson*, but a careful examination shows that the case of *Anderson against Dunn* was overruled in *Kilbourn against Thompson* only in so far as it recognized a general power in the House to punish for contempts and the conclusiveness of its judgment; while in regard to the proposition that the power exists for the purpose of compelling the attendance of witnesses as auxiliary to the legislative power, the opinion in *Kilbourn against Thompson* (p. 189), said in terms that that proposition was one which the court did not propose to decide in the case then before it, as it was able to decide it without passing upon the existence or nonexistence of such a power in aid of the legislative function. Throughout this Union the practice of legislative bodies, and in this State, the statutes existing at the time the present Constitution was adopted, and whose validity has never before been questioned by our courts, afford strong arguments in favor of the recognition of the right of either house to compel the attendance of witnesses for legislative purposes, as one which has been generally conceded to be an appropriate adjunct to the power of legislation, and one which, to say the least, the State legislature has constitutional authority to regulate and enforce by statute."

Mr. DILL. Mr. President, I want to take just a moment to call the attention of the Senate to the difficult and, it seems to me, embarrassing situation with which we are confronted in the presentation of this case to the court.

The action taken by the Senate provides that the President of the Senate shall certify the name of Mr. Sinclair to the United States attorney for the District of Columbia, and that the case shall then be in charge of the district attorney.

The District attorney is an appointee through the recommendation of the Attorney General, Mr. Daugherty, and while the old investigation is not particularly concerned with Mr. Daugherty's fitness for his position, there has been sufficient evidence before that committee, and certainly sufficient other evidence before the committee investigating Mr. Daugherty, to make it an embarrassing situation. The relationship, to say the least, has been most close and friendly between Mr. Daugherty and Mr. Sinclair, and now, when for the first time, as the Senator from Missouri maintains, the question is raised as to whether or not the Congress has the power to compel a witness to testify at the instruction or request of a committee of the Senate, the matter is to be handled and presented to the courts by an appointee of Mr. Daugherty.

The junior Senator from Montana [Mr. WHEELER] some days ago suggested in the hearing that under the present situation the President should suspend the Attorney General pending these investigations. It seems to me that now, when this question of the right of the committees of Congress to compel witnesses to testify is to be taken to the Supreme Court, the man who is to do it, namely, the United States attorney for the District of Columbia, should be freed from a superior who has had as close connection as Mr. Daugherty has had with Mr. Sinclair. I make no charges. I do not even criticize the United States attorney for the District of Columbia. So far as I can learn, he is an able and a fearless man. But I submit that in the very nature of the situation he can not be as free to prosecute this case as he should be. If some other man were Attorney General, or even Acting Attorney General, the embarrassment would be removed.

So it seems to me that there is an added reason now why the President should suspend Mr. Daugherty and allow this case to be handled, and the other matters of the Department of Justice to be handled, free from any possible influence on the part of the present Attorney General of the United States.

Mr. JONES of Washington. Mr. President, will my colleague yield?

Mr. DILL. Certainly.

Mr. JONES of Washington. It occurred to me that this would be treated as a part of this special transaction, and that the special counsel would surely look after the interests of the committee and the Senate in the matter. Does not the Senator think that is the case?

Mr. DILL. I think not.

Mr. JONES of Washington. I would think so.

Mr. DILL. I do not think so, for the reason that the law provides that the name of Mr. Sinclair shall be certified to the United States attorney for the District of Columbia; and the law would have to be changed if the special counsel, Mr. Pomerehne and Mr. Roberts, were to handle it. So that I do not think the Senator's suggestion is correct.

Mr. JONES of Washington. If the Senator will permit, I realize the force of the suggestion the Senator makes, and I think there is a good deal in it, but I would think that at any rate those gentlemen would be named as special counsel in the case.

Mr. DILL. I think the District attorney might well do that, and I think it would be very desirable that he should do that. I think it would give the country more confidence, and possibly would give the Senate as a whole more confidence, if some such action were taken.

AMENDMENTS TO THE CONSTITUTION.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 4) proposing an amendment to the Constitution of the United States relative to the adoption of amendments thereto.

Mr. ROBINSON. Mr. President, does the Chair know what is going on in the Senate?

The PRESIDING OFFICER (Mr. MOSES in the chair). The Chair understands that Senate Joint Resolution No. 4 is the pending business.

Mr. ROBINSON. Yet it would be impossible, from the debate, to arrive at the conclusion that a proposed amendment to the Federal Constitution is the subject really before the Senate.

I wonder where the Senator from New York [Mr. WADSWORTH] has gone, and I wonder where the Senator from Idaho [Mr. BORAH] is? On last Saturday those Senators lectured other Members of this body for irrelevant discussion, and the Senator from Idaho expressed the fear that the Senate was neglecting its constitutional functions and duties in order to serve as a grand jury. To-day the Senate passed a motion made by the Senator from Montana [Mr. WALSH] referring to the United States attorney for the District of Columbia for action the failure of a witness to testify before the Committee on Public Lands and Surveys in the investigation of the naval oil reserve leases. That motion was agreed to unanimously—no; the senior Senator from West Virginia [Mr. ELKINS] proudly and defiantly stood alone and hurled his negative vote in the face of an otherwise unanimous Senate. After the motion had been disposed of, after the Senate had lost jurisdiction of the question, the junior Senator from Missouri [Mr. SPENCER], with characteristic inconsistency—no; with inconsistency unusual even for him—proceeded impliedly to argue that he had voted wrong when he voted for the motion of the Senator from Montana. Every word the junior Senator from Missouri said, every precedent he cited, was intended to show that the witness, Mr. Sinclair, was within his sacred constitutional rights when he refused to answer questions propounded to him by the Committee on Public Lands and Surveys.

The Senate can not determine the legal question; it has referred the subject to the United States attorney for the District of Columbia, as provided in the statute, for proceedings appropriate to compel the witness to testify, if, as a matter of law, he ought to be required to answer the questions propounded to him. It is therefore a waste of time now to discuss the question in the Senate.

I wonder how the Senator from New York [Mr. WADSWORTH] and the Senator from Idaho [Mr. BORAH] reconcile themselves so easily to this waste of the Senate's time involved in a discussion by a Senator of a motion which had already been disposed of by the Senate, and in hearing an argument as to what the court's decision ought to be.

It is necessary and desirable that the investigations which the Senate has authorized should proceed to a conclusion, and it seems necessary and desirable in the public interest that there be brought out all the facts which involve the integrity or the dishonesty of transactions by which hundreds of millions of dollars worth of public property have been bartered away, or as has been said by this body in a solemn resolution in disregard of law, in violation of the public interest and the well-settled policies of the Government.

But the Senator from Missouri [Mr. SPENCER], a member of the majority, and the Senator from New York [Mr. WADSWORTH], the Senator from Idaho [Mr. BORAH], and other Senators of the majority will have difficulty in explaining, if it is necessary to terminate investigations designed to expose fraud and corruption in order that legislation may proceed, why the time of the Senate should be wasted in debate over motions that have already been agreed to and in arguments as to what should be the decision of the court in cases which the Senate under the law has referred to the court, and the Senator from Missouri [Mr. SPENCER] will have difficulty in explaining why he voted one way and argued another.

The pending resolution, a proposal by the Senator from New York [Mr. WADSWORTH] to modify Article V of the Constitution, relating to amendment of that instrument, involves an important question of public policy. The amendment as presented by its author contemplates certain changes in the present Constitution as it relates to amendments. The first change proposed by the Senator from New York is that where the legislature exercises the power of ratification the members of at least one house in the legislature shall be elected after the amendment has been proposed, the object being, of course, to make certain that the members of the legislature who are to determine the question of ratification or rejection shall have been chosen with due regard to the proposed constitutional amendment which they are to ratify or reject.

The second proposition, as I read it in the proposal of the Senator from New York, is that if any State desires to do so it may require that the ratification by its legislature shall be subject to confirmation by popular vote. Under the present Constitution the question of ratification can not be submitted to popular vote. The revised language of that feature of the amendment has just been handed to me by the Senator from New York, and reads as follows:

That any State may provide for a popular vote to affirm or reverse the action of its legislature, such vote to stand in lieu of prior action of the legislature.

That is an improvement over the method of ratification as provided in the present Constitution. Now, if the people of the States overwhelmingly oppose an amendment submitted and in the face of public opinion the legislature sees fit to ratify it, there is no remedy except the choice of a new legislature, and that is not effective, since a ratification when once made is binding under the present Constitution and can not be changed by subsequent action of the legislature. It seems to me it is desirable to have a uniform process of ratification and that it is better to establish the method contemplated in the amendment known as the Walsh proposal, which requires that ratification of constitutional amendments shall be by the qualified electors of the respective States.

The third feature of the proposal of the Senator from New York is that a State may change its vote upon the subject of ratification at any time before the legislatures of three-fourths of the States have effected a ratification and made the proposed amendment a part of the Constitution. Under the present system a State having once ratified an amendment to the Constitution is not at liberty to change its action, or, rather, if it does attempt to do so its attempt will not be effective. It is also true that a State may repeatedly reject a proposed amendment to the Constitution; it may vote on it an indefinite number of times, and yet, if it finally ratifies, the action is binding and effective.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. ROBINSON. I gladly yield to my colleague.

Mr. CARAWAY. In the amendment proposed by the Senator from New York is it provided that if more than one-fourth of the States shall have rejected it is then a final rejection?

Mr. ROBINSON. Yes; that is a fourth important change. Under the amendment proposed by the Senator from New York if the legislatures of more than one-fourth of the several States reject an amendment to the Constitution that operates as a final rejection of the amendment. Under the prevailing practice that would not be true. There is apparently an indefinite time in which the legislature of a State, having once rejected, may reverse its action and ratify.

The proposal carried in the Walsh substitute has also four important features, and contemplates four important changes in the present system of making amendments. Legislatures now ratify. Under the amendment the ratification must be by vote of the qualified electors in three-fourths of the States. That is the first important change. The second change is included, I believe, in the proposal of the Senator from New York, and is that until three-fourths of the States shall have

ratified or not more than one-fourth of the States shall have rejected a proposed amendment any State may change its vote. The third change proposed in the Walsh substitute is that if at any time more than one-fourth of the States have rejected the proposed amendment such rejection shall be final and further consideration thereof by the States shall cease. That is closely analogous to the provision of the original amendment as presented by the Senator from New York.

The fourth important change in the method of making amendments to the Constitution as carried in the substitute or amendment is that any constitutional amendment hereafter proposed shall be inoperative unless it shall have been ratified within six years from the date of submission thereof by the Congress. Under the present practice there is no time limit. A constitutional amendment submitted now apparently may be voted upon 50 years hence if not ratified previously. The Senator from Tennessee [Mr. SHIELDS] informs me that there is now pending a constitutional amendment which has been pending for 50 years.

Mr. WADSWORTH. One has been pending for 100 years.

Mr. ROBINSON. The Senator from New York states that there is another amendment which has been pending for 100 years. Manifestly that system is wrong and ought to be corrected. Not even the Members of this body know what are the provisions or purposes of those amendments, and if the legislature of a State which has never voted to ratify it should now see fit to do so, it might make effective an amendment which has been pending for so long a time. It is proper and necessary that some limitation of time be imposed so that proposal for amendments which become obsolete and which are forgotten and are no longer issues may not be considered as pending and may not be the subjects of ratification.

Mr. SHIELDS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Tennessee?

Mr. ROBINSON. I yield with pleasure to the Senator from Tennessee.

Mr. SHIELDS. I suggest to the Senator from Arkansas that we have adopted the policy of providing a limited time in which an amendment must be accepted, by limitation of six years in the prohibition amendment. We are committed in a way to that.

Mr. ROBINSON. At least that is a precedent.

Mr. SHIELDS. It is not the law, but I think it is the policy.

Mr. ROBINSON. I believe that the Walsh substitute, while it is in many features similar to the proposal of the Senator from New York, is preferable to it in that it provides a uniform method of ratification, namely, by the votes of the qualified electors of the several States, although I find no objection to requiring action by both the legislature and the electors.

Mr. WADSWORTH. Mr. President, will the Senator, before he takes his seat, submit to an observation or inquiry from me?

Mr. ROBINSON. Certainly.

Mr. WADSWORTH. The Senator overlooked—unintentionally, of course—that another very important difference between the so-called substitute and the original joint resolution, and a difference also as between the substitute and the present Article V, is the fact that the substitute abolishes the submission of proposed constitutional amendments to conventions to be called within the States. I make this observation in that connection for the Senator's consideration. Of course, we can not tell what is going to happen in the future. We only know that from time to time amendments of extraordinary importance are going to be proposed in Congress to the Federal Constitution, and that from time to time the Congress in the generations yet to come is more than apt to submit many proposed amendments to the States. I would not be at all surprised, if I live long enough, to observe such an instance; that an amendment of a very involved character might be submitted by Congress to the States. For example, there has been a good deal of discussion in this country—it has not as yet come forward very emphatically in the Halls of Congress, but there has been a good deal of discussion from time to time—as to changing the form of our Government in such fashion as that the Cabinet shall be responsive to the legislative branch in a more or less direct degree. That suggestion just comes to my mind as I try to project my mind toward the future.

Mr. ROBINSON. Mr. President—

Mr. WADSWORTH. Let me finish the observation.

Mr. ROBINSON. Very well.

Mr. WADSWORTH. And it may well be, after we are dead and gone, that Congress will think it advisable to submit to the States an amendment involving a number of questions,

each interlocking with the others, of a somewhat complicated character. I apprehend that the men who wrote Article V of the Constitution back in 1787 figured that the only way in which the people of the States could give thorough and comprehensive consideration to an involved, interlocking set of subjects in a single amendment was through the election of delegates to conventions called by the States, just as was done when the original Constitution was ratified by the thirteen original States in 1789.

Mr. ROBINSON. Mr. President, will the Senator yield to me for just a moment?

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Arkansas?

Mr. WADSWORTH. I will yield in just a moment. Does not the Senator from Arkansas believe—

Mr. ROBINSON. I believe I have the floor. However, I make no objection to the interruption. I merely wanted to point out to the Senator from New York that his very interesting statement is based upon the theory that the proposed substitute does not permit of conventions.

Mr. WADSWORTH. It does not.

Mr. ROBINSON. The Senator is mistaken about that in so far as the copies of the joint resolution which are available to my use are concerned. For instance, I read as follows:

Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, upon the application of two-thirds of the legislatures of the several States, shall call a convention for proposing amendments, which, in either case—

And so forth.

Mr. WADSWORTH. That is a national convention. If the Senator will turn to page 2, and read the language of article 2 as now existing, he will find that it reads:

The Congress, . . . shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as a part of this Constitution, when ratified by three-fourths of the several States through their legislatures or conventions.

Mr. ROBINSON. Yes. So it was the latter convention to which the Senator referred.

Mr. WADSWORTH. That is what I was referring to. The Walsh substitute denies to the people of a State the right to call a convention composed of delegates elected solely for the purpose of considering an amendment to the Federal Constitution.

Mr. ROBINSON. The convention process of ratification has never been resorted to.

Mr. WADSWORTH. That is true.

Mr. ROBINSON. It would seem, therefore, not to have been approved by experience and not to be necessary. Of course, the Senator's argument implies that conditions may change—

Mr. WADSWORTH. Oh, yes.

Mr. ROBINSON. That they are changing, and that the present provision of the Constitution which has not been invoked and which has never been regarded as useful may hereafter, by reason of changed conditions, become necessary; but I think, Mr. President, that the process of ratification contemplated in the amendment which is called the Walsh substitute for convenience, is more in conformity to the desires of the public and will work every beneficial result that could be accomplished through the convention plan, which, as I have already said, has never been resorted to. There is, however, distinction between the two proposals in that particular.

Mr. WILLIS. Mr. President, I desire, if I may, to submit an inquiry to the Senator from New York. That inquiry relates particularly to the authority which determines the method of ratification. I have here his modified resolution. On page 2, beginning in the middle of the sentence, it reads:

. . . which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by three-fourths of the several States through their legislatures or conventions, as the one or the other mode of ratification may be proposed by the Congress or the convention.

The Senator will note that there is a material change there as compared with the original constitutional provision which reads:

. . . which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress.

In other words, the Constitution as it now stands places in Congress entirely the authority to determine upon the mode of ratification, while the Senator from New York proposes to transfer that, so that the convention, if there shall be one, shall have authority to determine. I wondered what reason there was for that change.

Mr. WADSWORTH. Mr. President, there is no change in the meaning. Under Article V of the Constitution as written to-day there are two methods of initiating an amendment to the Federal Constitution:

First, it may be initiated in the Congress at Washington; or, second, upon the petition of two-thirds of the States, it may be initiated in a national convention called for the purpose. When an amendment is initiated in a national convention the amendment is submitted by that convention directly to the State legislatures or to State conventions.

Mr. WILLIS. That is all a matter of theory, of course, because we never have utilized such a process as that.

Mr. WADSWORTH. Under Article V of the Constitution as existing to-day in the case of amendments originating in the Congress—and all of them thus far have originated in the Congress—Congress decides whether the amendment shall be submitted to the legislatures of the States or to conventions called in each of the States. The language of the joint resolution which is printed on page 2 maintains exactly that same relation.

Mr. WILLIS. I may be obtuse, but I can not see that the Senator has made that clear. As the Constitution now stands, the authority resides in Congress to determine whether the ratification shall be by the legislatures of three-fourths of the States or by conventions in three-fourths of the States.

Mr. WADSWORTH. Yes.

Mr. WILLIS. The Congress itself has that authority. The Senator's amendment proposes to divide the authority which now rests entirely in Congress with a convention, because, if the Senator will note the language of his amendment, he will see that it is quite different from the language in the Constitution. I call his attention particularly to lines 9 and 10 of his amendment, which read:

As the one or the other mode of ratification may be proposed by the Congress—

If he would stop right there he would have the language the same as it is in the Constitution, but his amendment says, "or the convention."

Mr. WADSWORTH. That is the national convention.

Mr. WILLIS. I understand that it is the national convention; but that is different from the language which is now contained in the Constitution. I wonder if there is any reason for that.

Mr. WADSWORTH. I think the Senator will find that the language is not different in the article of the Constitution.

Mr. WILLIS. The Senator from New York is mistaken; the language is quite different. At the risk of being tedious, I desire to make a further statement. The Constitution now provides that Congress itself shall determine whether ratification shall be by legislatures of three-fourths of the States or by conventions in three-fourths of the States. The language is very clear. I read from the Constitution, as found in the manual, on page 386, beginning in media res—

which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress.

The Senator says in his amendment "by the Congress or the convention." Unless he desires to change it otherwise or can give some good reason for it, I think he ought to strike out those three words, "or the convention." In other words, I think it desirable to retain in the Congress the power that is now there. At the appropriate time I shall move to strike out those words, because, in my opinion, there is no reason for that change.

Mr. SHIELDS. Mr. President, I should like to ask the Senator from Ohio a question.

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Tennessee?

Mr. WILLIS. I yield to the Senator from Tennessee.

Mr. SHIELDS. The present Constitution provides that Congress may submit proposed constitutional amendments to conventions or to the legislatures.

Mr. WILLIS. I so understand.

Mr. SHIELDS. What would the Senator say to an amendment to strike out the provision that Congress may submit

proposed amendments to the legislatures so that the only manner in which an amendment might be ratified would be by a convention of delegates elected in the several States, which is the alternative method now provided and is the manner in which the Constitution originally was ratified?

Mr. WILLIS. Mr. President, I do not see any good reason for making such a change. I can see a reason, in fact several reasons, for the adoption of the amendment that is proposed by the Senator from New York, but I think it is safe to retain in Congress the power that it has heretofore possessed. There is not any reason for changing the grant of power as it exists in the present fifth amendment, and I trust the Senator from New York will not oppose it if I shall offer an amendment to strike out the words to which I have referred.

Mr. WADSWORTH. Mr. President, I misunderstood at the beginning of the Senator's observation to just what he was referring. He now asks me why power should be given to a national convention. I use that descriptive phrase in order to differentiate between State and national conventions. I believe that power should be given to a national convention to prescribe the method of ratification. Here is the point which the authors of this change have in mind. In cases where Congress has had nothing whatsoever to do with originating an amendment, in cases where the movement has originated in the States themselves, followed by a petition joined in by two-thirds of all the States, and a national convention shall be held, it seems logical that the Congress should stay out of the picture.

Mr. WILLIS. Of course, the Congress is in the picture; there can not be a national convention except when Congress calls it. Congress is already in the picture.

Mr. WADSWORTH. Only for the calling of the convention, but the origin of the whole matter is in the States. Article V now reads that Congress—

on the application of the legislatures of two-thirds of the several States shall call a convention.

The convention proceeds to discuss the matter submitted to it by the several States. The Congress has nothing to do with that discussion. The convention may sit in the city of Chicago or the city of St. Louis. No debate occurs in the Congress on the question. It is not before the Congress. The convention finishes its work and drafts an amendment to the Constitution to be submitted to the several States. My contention is that that convention should have the power to say what method of ratification should be followed in the States, and not the Congress, which has never had anything to do with it.

Mr. WILLIS. Mr. President, that seems logical; and yet I am adhering to the idea that we ought to change this Constitution, if we do change it, only where the experience of the country has shown that change is absolutely necessary. The Senator knows that there is no difficulty growing out of the particular matter to which we refer. Congress has always exercised that power, and I know of no good reason why it should not continue to exercise that power. Personally, I believe it would be a mistake to change that provision, though I am not disposed to be contentious about it.

Mr. WADSWORTH. Neither am I.

Mr. WILLIS. Mr. President, I will not offer the amendment now, as I am advised that there is another amendment pending. At the proper time I shall offer the amendment.

The PRESIDING OFFICER. There is an amendment pending, namely, the amendment of the Senator from Iowa [Mr. BROOKHART].

Mr. JONES of Washington. Mr. President, I want to ask the Senator from New York if an amendment to the substitute something like this would not meet, very largely, at any rate, the situation that he has in mind and has embodied in his amendment. I think the Senator is very strongly of the opinion that an amendment, when submitted by Congress, should be considered and acted upon in some way by the legislatures of the States; that that would aid the people in arriving at a correct conclusion. It occurred to me that that result would be brought about if we should amend the substitute as follows:

After the words "In either case" in line 1 of the original print reported by the committee—I have not the other correct copy—insert the words "shall be submitted to the legislatures of the several States and." Then the substitute reads:

Shall be valid to all intents and purposes, as a part of this Constitution, when ratified by a vote of the qualified electors in three-fourths of the several States—

Then, after the words "several States," insert "after action by their respective legislatures."

So that it would then read in this way:

Shall call a convention for proposing amendments, which, in either case, shall be submitted to the legislatures of the several States, and shall be valid to all intents and purposes, as a part of this Constitution, when ratified by a vote of the qualified electors in three-fourths of the several States after action by their respective legislatures, said election to be held—

And so forth.

The effect of that amendment would be that when Congress submits an amendment it would be referred to the legislatures of the different States, and they would pass upon it, whether favorably or unfavorably makes no difference; but after their action, whether favorable or unfavorable, the amendment would be submitted to the voters of the States, and, if they ratified it, then it would become a part of the Constitution regardless of what action the legislature took upon it. In other words, it would simply provide what, as I understand, the Senator has been urging very earnestly and very strongly—that the people should have the benefit of the discussion of the matter in the legislature.

Mr. WADSWORTH. Plus affirmative or negative action in the legislature.

Mr. JONES of Washington. They would have their opinion, then, on the amendment, but it would not be controlling.

Mr. WADSWORTH. No.

Mr. JONES of Washington. In other words, they would have the judgment of the legislature, for instance, that the amendment should not be agreed to, but they would be left entirely free to overturn that judgment.

Mr. BAYARD. Mr. President—

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Delaware?

Mr. JONES of Washington. I am ready to yield the floor.

Mr. BAYARD. I just want to ask a question. Would the Senator from Washington make that a condition precedent, that the legislatures must first pass upon it before the people pass upon it?

Mr. JONES of Washington. I have required that first; yes—that it shall be submitted to the legislatures and be passed upon.

Mr. BAYARD. Then it must be passed upon by the people, no matter what action the legislature takes?

Mr. JONES of Washington. Yes.

Mr. BAYARD. In other words, the legislative action is not prohibitive in either case?

Mr. JONES of Washington. Not at all; it is merely advisory.

Mr. ADAMS. Mr. President, there is one matter of verbal construction on which I want to submit an observation or two.

In line 12, on page 2, the amendment reads:

Provided, That the members of at least one house in each of the legislatures which may ratify shall be elected after such amendments shall have been proposed.

The query that is in my mind is in reference to rejection; I am wondering if it might not be an improvement in that to say, instead of the word "ratify," "take action upon the amendment," or something of that kind.

Mr. WADSWORTH. When that point is reached, if it is reached without further modification of the so-called Walsh amendment, I was going to propose to insert, after "ratify," the words "or reject." That point was raised the other day, and I see the strength of it. It should be made perfectly clear that they should take no action whatever unless one house has been elected subsequent to the submission.

Mr. ADAMS. In further reference to the amendment, I have this to submit:

I have followed the discussion of this matter as closely as I could, somewhat at variance from the general membership of the body. It is a matter of very great interest to me, and I think of very great importance. I was very much impressed with the premise which the Senator from New York laid for his argument. As I gathered, the basis of his conviction that the amendment should be adopted was certain things that had happened in connection with certain amendments. I do not mean, as was suggested in debate at one time, that he had objected to what had happened, but that as a result of proceedings in connection with the ratification of some of the amendments he had become convinced that the people as a whole were a safer repository of ultimate power than the legislature; that there was more danger of hasty and ill-considered action on the part of legislatures than on the part of the people.

I accept that. I think that is sound doctrine. I was a bit surprised to find what is rather the vindication of Jefferson coming out of the Hamiltonian headquarters. I say that not

in a partisan sense, but with the utmost regard, because I am a great admirer of Hamilton. I am one of those who regard him as a man of great brilliancy and great patriotism. My reading of constitutional history always keeps in mind Hamilton's position at the close of the Constitutional Convention, when he said that, notwithstanding the fact that the Constitution as submitted was probably more remote from his own desires in the matter than those of any other man in the convention, he proposed to support it, and he was one of the three men who did the most to secure its ratification.

Then, I recall again his patriotic action in the Burr-Jefferson presidential election. I have those two things in my mind, and they always occur to me when I differ with Hamilton as to his principles; but I feel that the Senator from New York and those concurring with him have not followed their premise to a logical conclusion. I think it is true, both as a matter of practice and as a matter of theory, that the people are a wiser and a safer repository of ultimate authority for the revision of our constitutional provisions than legislatures. I think it has been demonstrated.

Mr. OVERMAN. Mr. President, will the Senator yield to me? The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from North Carolina?

Mr. ADAMS. Certainly.

Mr. OVERMAN. In an investigation we had of this matter before the Judiciary Committee some startling facts were presented, so far as the ratification of constitutional amendments was concerned. It was shown that 3,700 people in the legislatures of the country have ratified the amendments that have been adopted, as against 110,000,000 people. I should like to put in the RECORD, with the Senator's permission, this table headed "At the mercy of the lobby—Number of legislative votes required to amend the United States Constitution."

Mr. ADAMS. Certainly.

Mr. OVERMAN. This table gives the name of every State, with the number of members of the legislature of the house and members of the senate, and gives the total. It shows that in the whole country, counting every State, the number of members of the legislatures in both bodies, all told, is only 7,403, or, in other words, that less than 4,000 men can ratify amendments to the Constitution. That fact, together with the fact that every State in the Union submits amendments to its constitution to the people, is the reason why the Judiciary Committee reported this amendment providing that it should be left directly to the people, so as to have uniformity in the adoption of constitutional amendments.

I ask that this table be inserted in the RECORD at this point.

There being no objection, the table referred to was ordered to be printed in the RECORD, as follows:

At the mercy of the lobby—Number of legislative votes required to amend the United States Constitution.

State.	Members of senate.	Majority in senate.	Members of house.	Majority in house.
Alabama.....	35	18	106	54
Arizona.....	19	10	35	18
Arkansas.....	35	18	100	51
California.....	40	21	80	41
Colorado.....	35	18	60	31
Delaware.....	17	9	35	18
Florida.....	32	17	75	38
Idaho.....	37	19	65	33
Indiana.....	30	16	100	51
Iowa.....	30	16	108	55
Kansas.....	40	21	125	63
Kentucky.....	35	18	100	51
Louisiana.....	41	21	115	58
Maryland.....	37	19	102	52
Michigan.....	32	17	100	51
Minnesota.....	37	19	130	66
Montana.....	41	21	95	48
Nebraska.....	35	18	100	51
Nevada.....	17	9	37	19
New Jersey.....	21	11	60	31
New Mexico.....	24	13	40	26
North Carolina.....	50	26	120	61
North Dakota.....	40	21	113	57
Ohio.....	36	19	128	65
Oklahoma.....	44	23	111	56
Oregon.....	30	16	60	31
Rhode Island.....	39	20	100	51
South Carolina.....	44	23	124	62
South Dakota.....	45	24	103	52
Tennessee.....	33	17	99	50
Utah.....	15	8	45	24
Virginia.....	40	21	100	51
Washington.....	41	22	97	49
West Virginia.....	36	19	94	48
Wisconsin.....	33	17	100	51
Wyoming.....	27	14	57	29
Total.....	1,290	673	3,229	1,643

That is, 673 State senators and 1,643 State representatives, or 2,316 legislators in all, can ratify a Federal amendment, with all members of 36 legislatures present and voting.

The figures for the remaining 12 States are shown in the following table:

State.	Members of senate.	Majority in senate.	Members of house.	Majority in house.
Connecticut.....	35	18	258	130
Georgia.....	44	23	180	95
Illinois.....	51	26	182	72
Maine.....	31	16	181	76
Massachusetts.....	40	21	340	121
Mississippi.....	49	25	133	67
Missouri.....	34	18	142	72
New Hampshire.....	24	13	404	203
New York.....	51	26	180	76
Pennsylvania.....	50	26	207	104
Texas.....	31	16	142	74
Vermont.....	30	16	240	122
Total.....	470	244	2,414	1,212
36 other States.....	1,290	673	3,229	1,643
Total, 48 States.....	1,760	917	5,643	2,855
Total members of 48 State legislatures.....	7,403			

The 2,316 legislators in 36 States who can amend the Federal Constitution amount to less than 32 per cent (31.5) of the total number of legislators, 7,403, in 48 States.

To block repeal of any amendment requires only 167 votes in the 18 State senates of Arizona, Delaware, Maine, Maryland, Nevada, New Hampshire, New Jersey, New Mexico, Oregon, Utah, Vermont, West Virginia, and Wyoming. (See table above, senate majorities.)

Mr. ADAMS. Mr. President, I am thoroughly convinced that the people are safer and saner, less liable to ill-considered action, less subject, certainly, to pressure from organized minorities than legislatures. I have had that opinion for some years, and my brief experience here has not in any way weakened or varied that opinion—that is, that legislatures are subject to pressure from minorities, from organized propaganda, and that it is quite useless to endeavor to put that pressure on the people as a whole. The voters as a whole are not subject to pressure from minorities. They are almost brutal in their disregard of minorities with which they disagree. In the Constitutional Convention I think Elbridge Gerry was one of those who declined to support the Constitution as framed because he thought it was leading to what he thought was the greatest possible evil in government, which was too much democracy.

I think it has been demonstrated in the past few years, comparatively, that the people are the safest repository of ultimate authority; that those who are genuinely conservative—that is, those who want to conserve our institutions as democratic institutions for the benefit of the people as a whole—have been driven to abandon fear of the people generally. It seems to me that very wisely we are departing from the theory of our original Constitutional Convention, which was not to leave to the people any real, direct authority. We have broken away from it first, in providing the direct election of Senators. That is the first place where the people of the United States have been permitted to put their hands directly on real authority, with the single exception of the House of Representatives, so that Congress is now directly responsible to the public. We are now seeking, in the substitute, to place the power of constitutional amendment in the hands of what is the safer repository, and is not only safer but we all concede as a matter of right that that is where the right to determine the form of our government belongs.

Our whole political theory is based upon the fact that the people generally are the source of political power, and the only question is, How shall that power be applied? Here we have a proposed constitutional amendment submitted to the Congress, put through the careful scrutiny of committees, and then it receives the debate and the discussion of the deliberative assembly, and is then ready for submission to those who should have the power to approve or to reject. It seems to me that under the amendment proposed by the Senator from New York we are not escaping the evil which he observes and of which he complains—that is, his amendment leaves in the hands of the legislatures the determination as to whether or not the people shall have any voice in the ratification of these amendments.

If you have a legislature of the kind that the Senator apprehends, where impulse and pressure will prevail, it will be just that legislature which will refuse to permit the people to vote in the matter. In other words, the very places where we are seeking to escape that danger will be the places where we will not escape it.

The Senator conceded the other day that he believed that ultimately all of the States would make a part of their permanent law provisions requiring submission to the people. It

seems to me that that is the ultimate outcome. If it is the thing that is to come because it is the will generally both of legislatures and of the people, it seems to me that we should do that immediately, and have a standard and uniform method of consideration of constitutional amendments; not have in one State consideration by the legislatures, and in another State submission to the people.

I am also apprehensive on this ground: I concur with the Senator that we should not have constitutional amendments put through in haste, and without consideration. On the other hand, if we have a grave situation, where an amendment is required, we should be able to put an amendment through with as much expedition as is consistent with consideration, and I am apprehensive that the plan which the Senator from New York proposes will result in delay to an extent greater than is really justified by the situation. That is, it may involve the double process of legislative action as well as popular action, possibly, in every State. That is an ultimate possibility. So that it seems to me that upon the ground of sound principle, upon the very premise upon which the original constitutional amendment was founded, and to accomplish the purposes desired, the Walsh amendment is preferable.

Mr. OVERMAN. I have given notice of an amendment that I propose to offer providing that the election shall be held under such rules and regulations as the legislature shall require; so that, after all, it would be a matter of legislative requirement as to the time and the rules.

Mr. ADAMS. I believe the matter has been guarded with a good deal of care in that respect.

The Senator from Pennsylvania [Mr. PEPPER] suggested a thing which is very pertinent—that constitutional amendments should receive the utmost possible consideration, and he asked, will they receive greater consideration as a part of the election of a legislator who is to pass upon it, or upon submission to the people directly?

I am disposed to feel that the submission of an amendment directly to the voter, when he would vote "yes" or "no" upon the adoption of the particular amendment, would insure to that amendment greater consideration than if the voter merely considers in connection with the election of members of the legislature the question, "Shall I vote for this man because he is for or against this amendment?" where the choice of individual legislators is bound up with a multitude of other questions. I am disposed to think that if we can conceive of a public question involved in a constitutional amendment of very great public interest we might get back into our legislatures the thing we sought to get out when we voted for a constitutional amendment providing for the direct election of Senators. One of the things which impressed me most in my desire for the direct election of Senators was the necessity of protecting the legislature of my State and the legislatures of other States from the influences which continually creep in for the purpose of controlling the election of Senators. If we have national questions involved in the election of the State legislators, we may again find the State legislature elected, not upon State issues, as it should be, but upon the basis of national issues, a thing which, I think, is undesirable. That is, I am among those who think the national party emblems do not help in the selection of city councilmen, for instance. I think the intrusion of national questions into city, county, and State elections frequently is detrimental to the results at the polls. So that I am disposed to answer the question of the Senator from Pennsylvania by saying that in my judgment the greater consideration will be given by the voter when the question is submitted to him as a separate and independent question.

We have in my own State the initiative provided by constitutional amendment. We have had the matter tested there. We have found our people reasonably careful in the exercise of that power. The weakness is this, that the initiation of measures submitted under the initiative comes from small groups, groups having no authority whatsoever. That is, one may sit down in his office and frame an amendment to the Constitution, or a law, and then, through the process of petition circulation, initiate it. We are providing here for the formulation of a carefully drawn amendment by a deliberative body elected by the people so that the weakness which exists in our initiative procedure does not exist in this case. But even in its operation our provision for the initiative has not operated badly.

One of the Senators on the floor called attention to what happened in Oregon, where two conflicting provisions were adopted. I would only suggest that if that Senator will examine the session laws of the various States and see what the legislatures have done, he will find that this record of the people of Oregon on this one question does not compare unfavor-

ably with the general product of State legislatures, because we have had very, very remarkable productions from State legislatures, which has indicated that there is much careless and much hasty legislation.

So, following this debate, not having any preconceived ideas in reference to it, but largely basing my conclusion on the very premise of the gentleman who is fathering the original amendment, I have come to the conclusion that I should vote for the committee amendment.

WILLIAM B. BRADLEY.

Mr. DIAL. Mr. President, a short time ago I introduced a bill in the Senate, being Senate bill No. 383, relating to a small local matter which was passed and went to the House of Representatives. One of the Representatives from South Carolina in the House introduced a similar bill, being House bill 1316, which passed the House and has been sent to the Senate and referred to the Committee on Claims. I now desire to move to discharge the Committee on Claims from the further consideration of the House bill; and if that motion shall be adopted, I shall then ask unanimous consent for the present consideration of the House bill. The Senator from Kansas [Mr. CAPPER] has been consulted and is perfectly willing that this action shall be taken. It will straighten out the matter.

The PRESIDING OFFICER. The Secretary will state the title of the bill.

The READING CLERK. A bill (H. R. 1316) for the relief of William B. Bradley, former acting collector of internal revenue for South Carolina.

Mr. WADSWORTH. Do I understand that a request has been made to lay aside the unfinished business temporarily?

Mr. DIAL. No; I merely ask unanimous consent for the passage of the House bill. It will take only a moment.

Mr. WADSWORTH. If it shall not involve debate, I will not object.

Mr. DIAL. There will be no debate at all. Identical separate bills have been passed by each House. This will correct the matter, and one bill will stand passed by both Houses.

The PRESIDING OFFICER. The Chair understands the Senator from South Carolina asks unanimous consent that the Committee on Claims be discharged from the further consideration of House bill 1316?

Mr. DIAL. That is correct.

The PRESIDING OFFICER. And that the Senate shall proceed to the consideration of that bill?

Mr. DIAL. That is correct.

The PRESIDING OFFICER. Is there objection to the Committee on Claims being discharged from the further consideration of the bill? The Chair hears none, and the Committee on Claims is discharged from the further consideration of the bill.

Mr. DIAL. I now ask unanimous consent for the immediate consideration of House bill 1316.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 1316) for the relief of William B. Bradley, former acting collector of internal revenue for South Carolina. It authorizes the Commissioner of Internal Revenue to credit the account of William B. Bradley, former acting collector of internal revenue for South Carolina, with the sum of \$100, that amount now being charged against him for the loss of one special stamp book of the value of \$100.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMENDMENTS TO THE CONSTITUTION.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 4) proposing an amendment to the Constitution of the United States relative to the adoption of amendments thereto.

Mr. WADSWORTH. Mr. President, I do not intend longer to debate this question this evening. I regret that the Senator from Montana [Mr. WALSH] has left the Chamber for the moment, but the Senator from Connecticut, the chairman of the Committee on the Judiciary, is present, and I am wondering if he has any idea as to whether we may get a vote tomorrow?

Mr. BRANDEGEE. Mr. President, I do not know what Senators wish to speak on the constitutional amendment.

Mr. OVERMAN. The Senator does not desire a vote this afternoon, does he?

Mr. WADSWORTH. It so happens, I will say in reply to the inquiry of the Senator from North Carolina, that the Senator from Arkansas [Mr. ROBINSON] left the Chamber on an important engagement, with the implied understanding that

no important phase of the joint resolution would be voted on this afternoon; and there are other Senators in the same position.

Mr. OVERMAN. For that reason I will not consent that a vote be taken this afternoon, if I can prevent it.

Mr. CURTIS. I suggest to the Senator that he ask that the joint resolution be temporarily laid aside, because the Senator from Delaware [Mr. BALL] has a bill he would like to have considered, and the Senator from Ohio also has a bill for which he would like consideration. Then we could take a recess until to-morrow, which would save the Senator two hours in the morning.

Mr. WADSWORTH. Before I follow out the suggestion of the Senator from Kansas, let me say, not by way of debate, that the Senator from Washington a little while ago made a very interesting and to me it seemed a very important suggestion in connection with the proposed constitutional amendment. I regret especially that the Senator from Montana [Mr. WALSH] is not present. Perhaps he did not hear it at the time. I am not going to put a definite question to the Senator from Connecticut, who is the chairman of the committee reporting the bill, or to any other Senator; but the Senator from Washington suggests that the Walsh amendment be amended in such form as to make the submission of an amendment to the legislature mandatory, and that the legislature shall act upon it, and thereafter there shall be a further submission to the people themselves, which shall be mandatory, and the people's decision shall be final and controlling.

Mr. OVERMAN. It seems to me that would meet both contentions.

Mr. WADSWORTH. It rather appeals to me. It accomplishes the purpose desired by Senators who have been discussing this matter in a perfectly friendly manner from both sides of the question.

Mr. BRANDEGEE. Of course, Mr. President, that is a new feature of it. The effect of that would be that the Constitution of the United States could not be amended without a two-thirds vote of both branches of Congress favorable to it, the legislatures of three-fourths of the States, and of the people.

Mr. WADSWORTH. Oh, no; that is not the effect, if the Senator will pardon me.

Mr. BRANDEGEE. Then I do not understand it.

Mr. WADSWORTH. Under the suggestion of the Senator from Washington [Mr. JONES], it makes no difference what the legislature does. It may vote for or against ratification. Whatever it does, under the Senator's suggestion, the proposal must then be put before the people mandatorily, and what they say controls and decides.

Mr. BRANDEGEE. The legislature, then, is to serve the purpose of giving it publicity?

Mr. WADSWORTH. Just so.

Mr. OVERMAN. That is it exactly. That meets both views.

Mr. BRANDEGEE. If they wanted it the people could have it, and if they did not want it the people could reject it, irrespective of the action of the legislature?

Mr. WADSWORTH. Yes; just so.

Mr. BRANDEGEE. I see no objection to that myself.

Mr. WADSWORTH. Neither do I. I wanted to bring this matter to the attention of the few Senators who are here this evening before we recess or adjourn in order that they might think it over before we meet to-morrow.

I now ask that the unfinished business may be informally laid aside.

MAHONING RIVER BRIDGE.

Mr. WILLIS. Mr. President, I ask unanimous consent to report a bill from the Committee on Commerce and submit a report (No. 301) thereon. I also ask unanimous consent for its present consideration. It is a bridge bill.

Mr. CURTIS. Let it be read.

The PRESIDING OFFICER. Without objection, the report will be received. The Secretary will state the title of the bill.

The READING CLERK. The Senator from Ohio reports back favorably, from the Committee on Commerce, House bill 6623, granting the consent of Congress to the Pittsburgh, Youngstown & Ashtabula Railway Co., its successors and assigns, to construct a bridge across the Mahoning River in the State of Ohio.

The PRESIDING OFFICER (Mr. MOSES in the chair). The Senator from Ohio asks unanimous consent for the present consideration of the bill. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Pittsburgh, Youngstown & Ashtabula Railway Co., and its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Mahoning River, at a point suitable to the interests of navigation, at or near Haseltown, in the county of Mahoning, in the State of Ohio, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DISTRICT GASOLINE TAX.

Mr. BALL. Mr. President, I ask unanimous consent for the immediate consideration of House bill 655, Order of Business 282, to provide for a tax on motor-vehicle fuels sold within the District of Columbia, and for other purposes.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with amendments.

Mr. McKELLAR. Mr. President, as reported by the committee I am opposed to the passage of this bill, for several reasons.

While this is called a reciprocity bill, the real purpose of it is that the automobile owners of the District of Columbia shall be allowed to evade taxation. There is hardly a State in the Union where gasoline is not taxed. In nearly all of them it is taxed at 2 cents a gallon. In Virginia, just across the river, it is taxed at 3 cents a gallon. In Maryland, just across the District line, it is taxed at 2 cents a gallon. It is not taxed at all now in the District of Columbia; and at present the automobile owners of the District of Columbia have to pay a small license fee both to the District and to the State of Maryland, if they run their cars in the State of Maryland.

In the State of Tennessee, using it as an illustration, automobile owners pay a \$15 license tax, which, I believe, is the highest tax which automobile owners in the District of Columbia pay for any car now. They pay a property tax of a little more than 3 per cent on a valuation quite as large as in the District, and in addition they pay a 2-cent tax on gasoline. Under these circumstances, the idea of Congress passing a bill to exempt from taxation the automobile owners of the District of Columbia is, in my judgment, absolutely indefensible.

I do not understand how any Senator, knowing that in his own State there is a license tax, there is a tax on gasoline, and there is a property tax on automobiles, can knowingly vote to exempt automobiles in the District of Columbia from a property tax altogether, and yet that is what this bill proposes to do.

In addition to that, the tax rate in the city of Washington is \$1.20. In my city it is just a little more than 3 per cent. In nearly every other city of the Union it is about 3 per cent, State, county, and municipal tax. The tax rate here is very low. The assessment is very moderate. It is not based on a cash value, as we all know. To exempt the automobiles of the District from any property tax is something that is very unfair and unjust.

Mr. CURTIS. Mr. President, I understand that the Senator has a substitute to offer for this measure which provides for the taxation to which he refers.

Mr. McKELLAR. I want to strike out the portion of it that exempts the District automobiles from a property tax.

Mr. BALL. Mr. President—

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Delaware?

Mr. McKELLAR. Just one moment. I understand that the Senator from Delaware, the chairman of the committee, was opposed to this exemption from taxation, and has already made a report opposing the exemption from taxation, and I hope he will accept an amendment striking out the provision of the bill which does permit an exemption from the property tax.

I now yield to the Senator.

Mr. BALL. Mr. President, if the Senator will permit me just to make a short statement—

Mr. McKELLAR. Yes; I yield.

Mr. BALL. The bill as originally reported provided for the 2-cent tax on gasoline and also the personal tax on automobiles. The one as reported now relieves the personal tax on machines, and 1 cent of the gasoline tax goes in lieu of that. I find that in many States when they put the 2-cent tax on gasoline they relieved the automobile personal tax.

Mr. McKELLAR. What States are they?

Mr. BALL. My own State did it. I made the statement before the general committee that there was no State that did that; but I find on examination that there are a number of States that have done it, so their contention in that respect is fair. I have agreed to report this bill, though, for this reason—

Mr. McKELLAR. Mr. President, will the Senator yield right there? Does not his own State provide a license tax?

Mr. BALL. My State provides a license tax. So does this bill.

Mr. McKELLAR. This is only \$1, which is a nominal tax. That is not a tax. That is a subterfuge.

Mr. BALL. Will the Senator permit me just to make one statement? Then I shall be through.

Mr. McKELLAR. Surely.

Mr. BALL. It makes very little difference how Congress levies the tax in the District of Columbia; an appropriation is made by Congress, and the District of Columbia raises 60 per cent of that appropriation. If the people here are not paying a sufficient rate, it is because Congress does not make sufficiently liberal appropriations for the District. They paid last year almost \$2,000,000 more than Congress appropriated. That is the reason why the people of the District object to raising this additional \$500,000 tax; but, as I say, Congress compels the District Commissioners to raise enough revenue to equal the 60-40 proposition, whatever appropriations Congress makes. As far as I can see, it makes very little difference whether we pass this bill with this tax or without this tax.

Mr. McKELLAR. Then suppose the Senator accepts my amendment?

Mr. BALL. I have no objection.

Mr. McKELLAR. All right, Mr. President.

The PRESIDING OFFICER. The bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. McKELLAR. Mr. President—

The PRESIDING OFFICER. Will the Senator permit the committee amendments to be disposed of first?

Mr. McKELLAR. Just one moment. Let us pass on this, as we have it under consideration. I ask unanimous consent that this amendment may be passed upon at this time.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. McKELLAR. Let me get the wording of this bill.

Mr. CURTIS. Where is the amendment? What page is it on?

Mr. McKELLAR. I am just hunting for it.

The PRESIDING OFFICER. The top of page 3.

Mr. McKELLAR. On page 3, I move to strike out, in line 4, the words "in lieu of the personal-property tax on motor vehicles."

Mr. BALL. That language is offered as a substitute—to strike out all after the enacting clause and substitute the words in italics.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Tennessee to the amendment proposed by the committee.

Mr. McKELLAR. That is the way to get at it.

The READING CLERK. On page 3, lines 4 and 5, it is proposed to strike out "in lieu of the personal-property tax on motor vehicles."

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now is upon the amendment of the committee as amended.

Mr. McKELLAR. Mr. President—

The PRESIDING OFFICER. Let us dispose of this amendment as amended first.

Mr. McKELLAR. But I want to offer another amendment to that amendment.

The PRESIDING OFFICER. Oh! The Chair begs the Senator's pardon.

Mr. McKELLAR. On page 3 the amendment provides that—

One half of such tax shall be paid into the Treasury of the United States to the entire credit of the District of Columbia, and the other half shall be paid into the Treasury of the United States to the credit of the United States and to the credit of the District of Columbia in the same proportions as appropriations for the District of Columbia are paid from the Treasury of the United States and from the revenues of the District of Columbia during the fiscal year in which the tax is collected.

I move to strike out that language. This tax that is imposed on automobiles should, of course, go into the Treasury and be expended as other taxes are raised and expended in the District of Columbia. It is not at all fair to vote one half of

it to the District absolutely and the other half to the District and the United States in the proportions of 40-60. I move to strike that out, and I hope the Senator will accept that amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Tennessee to the amendment proposed by the committee.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question recurs upon agreeing to the amendment proposed by the committee, as amended.

Mr. McKELLAR. In order to make it complete, it will be necessary now to strike out the words "Except as provided in section 10," because all of that section has been stricken out by the Senate committee. That will all be stricken out.

Mr. COPELAND. How would it read then?

Mr. McKELLAR. It would read:

That a tax of 2 cents per gallon on all motor-vehicle fuels within the District of Columbia sold or otherwise disposed of by an importer or used by him in a motor vehicle operated for hire or for commercial purposes shall be levied, collected, and paid in the manner hereinafter provided.

That is all there will be in it.

Mr. COPELAND. Then will the Senator cut out all the rest?

Mr. McKELLAR. All the rest of it has gone out on amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Tennessee to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to, as follows:

On page 1, after line 2, strike out "That on and after the passage of this act a registration fee of 15 cents per horsepower for all motor vehicles registered, and a tax of 2 cents per gallon on all motor-vehicle fuels sold, within the District of Columbia shall be levied and collected in the manner hereinafter provided, which tax shall be paid into the Treasury of the United States to the credit of the District of Columbia, to be available for appropriation and exclusively for road and street improvement and repair, without contribution by the United States to match such expenditure of the revenues derived from such tax; but no registration fee shall be charged for any motor vehicle bearing a registration marker or plate of any State which grants to the actual residents of the District of Columbia the privilege of using the roads of that State in return for a like privilege granted the actual residents of that State by the District of Columbia, and on and after the passage of this act no tax of any character or description, except as in this act provided, shall be levied or assessed upon any motor vehicle in the District of Columbia: *Provided*, That this act and any section thereof shall be inoperative and of no effect unless the State of Maryland shall agree to permit, on and after the passage of this act, the free and unrestricted use of the public highways of that State by motor vehicles bearing registration markers or plates of the District of Columbia in like manner and to the same extent as the free and unrestricted use of the public highways of the District of Columbia is extended to motor vehicles bearing registration markers or plates of the State of Maryland," and in lieu thereof insert "That a tax of 2 cents per gallon on all motor-vehicle fuels within the District of Columbia sold or otherwise disposed of by an importer or used by him in a motor vehicle operated for hire or for commercial purposes shall be levied, collected, and paid in the manner hereinafter provided."

Mr. McKELLAR. There is an amendment on page 3, line 16, so as to make the paragraph read:

(a) The term "motor vehicle" means all vehicles propelled by internal-combustion engines, electricity, or steam, except traction engines, road rollers, and vehicles propelled only upon rails and tracks.

I ask the chairman of the committee why those exceptions are put in. If we are going to have a tax on gasoline, why make those exceptions?

Mr. BALL. Those exceptions are made in all the States. I do not know any special reason why there should be those exceptions.

Mr. McKELLAR. I move that all of lines 18 and 19 on page 3 be stricken out.

Mr. BRUCE. May I ask the Senator from Tennessee just how the amendments he has offered affect the relations between the District of Columbia and Maryland in this matter?

Mr. McKELLAR. I am not prepared to say.

Mr. BRUCE. Then I ask the Senator from Delaware.

Mr. BALL. These amendments, I think, will not affect reciprocity. They will not affect Maryland in any way.

Mr. BRUCE. That is what I thought.

Mr. BALL. The only provision Maryland desires to have made is the imposition of a 2-cent tax on gasoline.

The remaining amendments of the committee were, on page 3, line 12, after the word "That," to strike out "the following words, terms, and phrases are, for the purposes hereof, defined as follows, viz:

"(a) 'Motor vehicles' as used in this act shall be held and construed to mean and include," and to insert "as used in this act."

On page 3, line 16, before the word "all," to insert "(a) The term 'motor vehicle' means," so as to read:

(a) The term "motor vehicle" means all vehicles propelled by internal-combustion engines, electricity, or steam, except traction engines, road rollers, and vehicles propelled only upon rails and tracks.

On page 3, line 20, after "(b)," to strike out "Motor-vehicle fuels" as used in this act shall be held and construed to mean and include," and to insert "The term 'motor-vehicle fuels' means," so as to read:

(b) The term "motor-vehicle fuels" means gasoline and other volatile and inflammable liquid fuels produced or compounded for the purpose of operating or propelling internal-combustion engines.

On page 4, line 2, before the word "fuel," to strike out "liquid" and insert "motor-vehicle," so as to make the proviso read:

Provided, That kerosene shall not be considered to be a motor-vehicle fuel in the meaning of this act.

On page 4, line 3, after the word "term," to strike out "dealer" as used in this act shall be held and construed to mean and include any person, firm, or corporation who imports or causes to be imported for sale or disposition, or distribution for commercial purposes, or use in public vehicles, into the District of Columbia gasoline and other volatile and inflammable liquid fuels, produced or compounded for the purpose of operating and propelling motor vehicles as herein defined, and also any person, firm, or corporation who produces, refines, manufactures, or compounds such motor-vehicle fuels in the District of Columbia for use, distribution, or sale and delivery in the District of Columbia, and to insert: "Importer" means any person who brings into, or who produces, refines, manufactures, or compounds in, the District of Columbia motor-vehicle fuel to be sold or otherwise disposed of by him or to be used by him in a motor vehicle operated for hire or for commercial purposes.

"(d) The term 'person' includes individual, partnership, corporation, and association.

"(e) The term 'commissioners' means the Board of Commissioners of the District of Columbia."

So as to read:

(c) The term "Importer" means any person who brings into, or who produces, refines, manufactures, or compounds in, the District of Columbia motor-vehicle fuel, etc.

On page 4, after line 22, to strike out:

Sec. 3. That on and after the passage of this act, each and every dealer, as defined in this act, who is now engaged or who may hereafter engage in his own name, or in the name of others, or in the name of his representatives or agents, in the District of Columbia, in the sale or use of motor-vehicle fuel, as herein defined, shall, not later than the last day of each calendar month, render to the assessor of the District of Columbia a statement of all motor-vehicle fuel sold, or disposed of as hereinbefore provided, by him or them in the District of Columbia during the preceding calendar month, and shall pay a tax of 2 cents per gallon to the collector of taxes on all motor-vehicle fuel as shown by such statement, in the manner and within the time hereinafter stipulated.

On page 5, line 12, to change the section number from "4" to "3"; in the same line after the word "That," to strike out "all dealers in motor-vehicle fuel in the District of Columbia," and to insert "each importer of motor-vehicle fuel"; in line 17, after the word "such," to strike out "dealer," and insert "importer"; in line 19, after the word "the," to strike out "firm," and to insert "association"; in line 23, after the word "No," to strike out "dealer as herein defined shall, on and after the passage of this act, sell, use, or distribute any motor-vehicle fuel," and to insert "importer shall sell or otherwise dispose of or use any motor-vehicle fuel within the District of Columbia"; and on page 6, line 2, before the word "as," to strike out "furnished," and insert "filled"; so as to make the paragraph read:

Sec. 3. That each importer of motor-vehicle fuel shall file with the assessor of the District of Columbia a duly acknowledged certificate, on forms prescribed, prepared, and furnished by the said assessor, containing the name under which such importer is transacting business within the District of Columbia, the names and addresses of the several persons constituting the association or partnership, and, if a corporation, the corporate name under which it is authorized to transact business, and the names and addresses of its principal officers, resident general agent, and attorney in fact. No importer shall sell or otherwise dispose of or use any motor-vehicle fuel within the District of Columbia until such certificate is filed as is required by this act.

On page 6, line 3, to change the section number from "5" to "4"; in the same line, after the word "That," to strike out "on and after the passage of this act, all dealers in motor-vehicle fuel" and to insert "each importer engaged in the District of Columbia in the sale or other disposition or use of motor-vehicle fuel"; in line 8, before the word "month," to insert "calendar"; in line 10, after the words "gallons of," to strike out "motor fuel sold, used, or disposed of by them as in this act provided," and to insert "motor-vehicle fuel within the District of Columbia sold or otherwise disposed of by such importer or used by him in a motor vehicle operated for hire or for commercial purposes, and of the number of gallons of such fuel so sold or otherwise disposed of for exportation from and resale without the District of Columbia"; in line 17, after the word "month," to strike out the comma and the word "which" and insert a period; in the same line, before the word "report," to insert "Such"; after line 21, strike out "firm or association, which report shall contain a statement of the quantities of motor-vehicle fuel so sold, used, or disposed of within the District of Columbia from his or their respective places of business. Bills shall be rendered to all purchasers of motor-vehicle fuel by dealers in motor-vehicle fuel as herein defined" and insert "partnership or association," so as to make the section read:

Sec. 4. That each importer engaged in the District of Columbia in the sale or other disposition or use of motor-vehicle fuel shall render to the assessor of the District of Columbia, on or before the last day of each calendar month, on forms prescribed, prepared, and furnished by the said assessor, a sworn report of the total number of gallons of motor-vehicle fuel within the District of Columbia sold or otherwise disposed of by such importer or used by him in a motor vehicle operated for hire or for commercial purposes, and of the number of gallons of such fuel so sold or otherwise disposed of for exportation from and resale without the District of Columbia, during the preceding calendar month. Such report shall be sworn to by one of the principal officers in case of a domestic corporation, by the resident general agent, or attorney in fact, or by a chief accountant or officer in case of a foreign corporation, or by the managing agent or owner in case of a partnership or association.

On page 7, after line 2, to insert "Sec. 5. That invoices shall be rendered by importers to all purchasers from them of motor-vehicle fuel within the District of Columbia"; at the beginning of line 6, to strike out the word "bills" and insert "invoices"; in line 9, after the word "the," to strike out "dealer or dealers in question will pay said tax," and insert "importer has paid the tax or will pay it"; and in line 11, after the word "the," to strike out "following month" and insert "calendar month next succeeding the purchase," so as to read:

Sec. 5. That invoices shall be rendered by importers to all purchasers from them of motor-vehicle fuel within the District of Columbia, except in cases of retail sales. Said invoices shall contain a statement, printed thereon in a conspicuous place, that the liability to the District of Columbia for the tax herein imposed has been assumed, and that the importer has paid the tax or will pay it on or before the last day of the calendar month next succeeding the purchase.

On page 7, line 14, after the word "or," to strike out "disposed of" and insert "otherwise disposed of"; in line 15, after the word "paid," to insert "by the importer"; in line 16, before the word "month," to insert "calendar"; in line 17, after the word "shall," to insert "issue a"; in line 18, after the words "receipt to the," to strike out "dealer therefor and cover same into the Treasury of the United States to the credit of the District of Columbia in the manner provided by section 1 of this act; Provided, however, That the collector of taxes of the District of Columbia may retain in his hands, at all times, such sum not exceeding \$1,000 as in the judgment of the collector of taxes of the District of Columbia shall be sufficient to enable him to pay promptly all claims for re-

funds," and to insert "Importer therefor," so as to make the section read:

SEC. 6. That the tax in respect to motor-vehicle fuel so sold or otherwise disposed of or used in any calendar month shall be paid by the importer on or before the last day of the next succeeding calendar month to the collector of taxes of the District of Columbia, who shall issue a receipt to the importer therefor.

On page 8, line 2, after the word "sales," to strike out "distribution, and use" and to insert "other dispositions, and uses"; in line 3, before the word "shall," to strike out "dealer" and insert "importer," and in line 8, after the word "Commissioners," to strike out "of the District of Columbia," so as to make the section read:

SEC. 7. That the records of all purchases, receipts, sales, other dispositions, and uses of motor-vehicle fuel of every importer shall, at all times during the business hours of the day, be subject to inspection by the assessor and the collector of taxes of the District of Columbia, or by their duly authorized agents, or by any other agent duly authorized by the commissioners to make such inspection.

On page 8, line 9, after the word "person," to strike out the comma and the words "firm or corporation, or any dealer or distributor of motor-vehicle fuel to receive and accept any shipment from any dealer or to pay for the same, or to sell or offer for sale any motor-vehicle fuel," and to insert "to receive or accept from any importer, except in cases of retail sales, any motor-vehicle fuel"; in line 16, after the word "invoices," to strike out "of said shipment" and to insert "for the fuel"; beginning with line 17, to strike out "shipment originating and terminating within the District of Columbia" and to insert "such motor-vehicle fuel"; in line 19, after the word "person," to strike out the comma and the words "firm, or corporation, or any dealer or distributor, from any dealer, or is sold or offered for sale by him or them"; and, in line 22, after the word "person," to strike out the comma and the words "firm or corporation, or dealer or distributor," so as to make the section read:

SEC. 8. That it shall be unlawful for any person to receive or accept from any importer, except in cases of retail sales, any motor-vehicle fuel, unless the statement provided for in section 5 of this act appears upon the invoices for the fuel. If any such motor-vehicle fuel is received and accepted by any person upon the invoice of which said statement does not appear, such person shall pay to the collector of taxes the tax herein imposed or be liable to the District of Columbia for double the amount of the said tax, which amount may be recovered by civil suit or action in any court of competent jurisdiction.

On page 9, line 3, after the word "tax," to strike out "on motor-vehicle fuels exported or sold for exportation from the District of Columbia to any other jurisdiction or nation," and in line 5, after the word "imposed," to insert "on motor-vehicle fuels in the District of Columbia sold or otherwise disposed of for exportation from and resale without the District of Columbia," so as to make the section read:

SEC. 9. That no tax shall be imposed on motor-vehicle fuels in the District of Columbia sold or otherwise disposed of for exportation from and resale without the District of Columbia.

On page 9, line 9, after the word "person," to strike out the comma and the words "firm, or corporation who shall buy or use any motor-vehicle fuel as defined in this act for the purpose of," and to insert "who purchases any motor-vehicle fuel in the District of Columbia to be used for"; in line 15, after the word "or," to strike out "who shall purchase or use any of such fuel"; in line 16, before the word "purpose," to insert "other"; in the same line, after the word "than," to insert "use"; in line 17, after the word "vehicle," to strike out "used or"; at the beginning of line 18 to strike out "used or"; in line 19, after the word "which," to strike out "motor" and insert "motor-vehicle"; in line 21, after the word "paid," to strike out "shall be reimbursed and repaid" and insert "shall be refunded"; in line 22, after the word "tax," to strike out "paid by him" and to insert "so paid by the importer"; in line 24, after the word "the," to strike out "original"; on page 10, line 5, after the name "District of Columbia," to strike out the comma and the words "and the said collector of taxes of the District of Columbia, upon the presentation of such statement and such vouchers, shall cause to be repaid to such consumer from the taxes collected on motor-vehicle fuel the said taxes paid on motor-vehicle fuels purchased or used other than for motor vehicles, as aforesaid: *Provided*, That applications" and to insert "Such refunds shall be made by the collector of taxes from moneys paid him for taxes under this act and not covered into the Treasury. For the purpose of such refunds the collector of taxes is authorized to retain on hand at all

times moneys from such taxes in an amount not in excess of \$1,000. Applications"; in line 19, after the word "purchase," to strike out "or invoice"; in the same line before the word "That," to strike out the word "further," and in line 20, after the word "made," to strike out "such claimant" and insert "the applicant," so as to make the section read:

SEC. 10. That any person who purchases any motor-vehicle fuel in the District of Columbia to be used for operating or propelling any stationary gas engine, tractor used for agricultural purposes, motor boat, aeroplane, or aircraft of any character, or for cleaning or dyeing, or for any other purpose other than use in a motor vehicle operated, or intended to be operated, in whole or in part, upon any of the public highways of the District of Columbia, on which motor-vehicle fuel the tax imposed by this act shall have been paid, shall be refunded the amount of such tax so paid by the importer, upon presenting to the collector of taxes of the District of Columbia a sworn statement accompanied by the invoices showing such purchase, which statement shall set forth the total amount of such motor-vehicle fuel so purchased and used by such consumer other than in motor vehicles operated, or intended to be operated, on any of the public highways of the District of Columbia. Such refunds shall be made by the collector of taxes from moneys paid him for taxes under this act and not covered into the Treasury. For the purpose of such refunds the collector of taxes is authorized to retain on hand at all times moneys from such taxes in an amount not in excess of \$1,000. Applications for refunds, as provided herein, must be filed with the collector of taxes of the District of Columbia within 30 days from the date of purchase: *Provided*, That before any refund shall be made the applicant shall furnish to the collector of taxes of the District of Columbia satisfactory evidence by sworn statement of the exempted use of such fuel purchased by him.

On page 10, line 24, before the word "That," to insert "(a)"; in line 24, after the word "person," to strike out the comma and the words "association, firm, or corporation violating any of the provisions of this act, or any person, firm, or agent of any corporation, who shall make any false statement in connection with the sale or use of any motor-vehicle fuel intended to be used for any of the purposes described in this act" and to insert "violating any provision of sections 3 to 6, inclusive, or refusing or obstructing inspection under section 7, or falsely making any statement or report required by this act," so as to read:

SEC. 11. (a) That any person violating any provisions of sections 3 to 6, inclusive, or refusing or obstructing inspection under section 7, or falsely making any statement or report required by this act, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$50 nor more than \$500, or by imprisonment for not more than one year, or by both such fine and imprisonment.

On page 11, after line 10, to insert:

(b) Any person who fails to pay any tax upon motor-vehicle fuels imposed by this act shall be liable to the District of Columbia for a penalty equal to twice the amount of such tax. Such penalty may be collected in a civil suit in any court of competent jurisdiction.

On page 11, line 16, after the numerals "12," to strike out "That owners," and to insert "(a) That there shall be levied, collected, and paid a registration fee of \$1 for each calendar year for each motor vehicle operated in the District of Columbia; except that for motor vehicles propelled by steam or electricity the fee shall be as provided in subdivision (b)," so as to read:

SEC. 12. (a) That there shall be levied, collected, and paid a registration fee of \$1 for each calendar year for each motor vehicle operated in the District of Columbia; except that for motor vehicles propelled by steam or electricity the fee shall be as provided in subdivision (b).

On page 11, line 21, before the word "of," to insert "(b) Owners"; and in line 23, after the word "fees," to strike out "which shall include the registration fee referred to in section 1 of this act," so as to read:

(b) Owners of electrically driven and steam operated motor vehicles shall be charged the following annual registration fees:

On page 12, after line 6, to insert:

(c) The registration fee shall be paid to the collector of taxes. Upon the payment of any such registration fee there shall be issued for the motor vehicle two identification tags of such design and a registration certificate in such form as the commissioners may prescribe.

On page 12, after line 11, to insert:

(d) All registration fees collected during any fiscal year shall be paid into the Treasury of the United States to the credit of the United States and to the credit of the District of Columbia in the same proportions as appropriations for the District of Columbia are paid from

the Treasury of the United States and from the revenue of the District of Columbia during the fiscal year in which the fees are collected.

On page 12, line 21, after the word "registration," to strike out "markers or plates" and to insert "tags"; in line 22, after the word "and," to insert "the operator of any such motor vehicle shall be"; and in line 25, after the word "registration," to strike out "markers or plates" and to insert "tags and all registration certificates," so as to make the section read:

SEC. 13. That all motor vehicles owned and officially used by the United States or by the District of Columbia shall carry registration tags of the same character, and the operator of any such motor vehicle shall be subject to the same regulations and provisions as apply to all other motor vehicles operated within the District of Columbia, all such registration tags and all registration certificates to be furnished without charge.

On page 13, line 11, after the word "act," to insert "or regulations prescribed thereunder," and in line 14, after the word "assistants," to insert a semicolon and the words "and all suits for the collection of any tax or penalty under this act or such regulations shall be instituted by the corporation counsel or any of his assistants," so as to make the section read:

SEC. 15. That all prosecutions for violations of the provisions of this act or regulations prescribed thereunder may be in the police court of the District of Columbia, upon information filed by the corporation counsel of the District of Columbia or any of his assistants; and all suits for the collection of any tax or penalty under this act or such regulations shall be instituted by the corporation counsel or any of his assistants.

On page 13, after line 17, to strike out:

SEC. 16. That the Commissioners of the District of Columbia are authorized and directed to make refunds of registration fees paid under existing law on motor vehicles to the extent that the payments may be in conflict with the provisions of this act.

On page 13, line 23, to change the section number from "17" to "16"; and in the same line, after the word "That," to strike out "all laws inconsistent with the provisions of this act be, and the same are hereby, repealed: *Provided*, That nothing herein contained" and to insert "nothing in this act"; and on page 14, line 2, before the words "of the," to insert "of section 7," so as to make the section read:

SEC. 16. That nothing in this act shall be construed in any wise to affect the provisions of paragraphs 11, 13, and 14 of section 7 of the act of Congress relating to license taxes approved July 1, 1902.

On page 14, after line 3, to insert a new section, as follows:

SEC. 17. (a) That the provisions of this act relating to the tax on motor-vehicle fuels shall take effect 30 days after the enactment of this act. The personal-property tax on motor vehicles provided in existing law shall not be in effect for any fiscal year ending June 30 and commencing while such tax on motor-vehicle fuels is in effect.

(b) The provisions of this act relating to the registration tax on motor vehicles shall take effect January 1, 1925; and the provisions of the twenty-ninth paragraph under the heading "Contingent and miscellaneous expenses" in the District of Columbia appropriation act for the fiscal year 1918, except the third and fifth provisions thereof, are repealed.

(c) Any violation of any provisions of law or regulation issued thereunder which is repealed by this act, and any liability arising under such provisions or regulations, may, if the violation occurred or the liability arose prior to such repeal, be prosecuted or enforced to the same extent as if this act had not been enacted.

On page 14, after line 22, to insert a new section, as follows:

SEC. 18. That the commissioners may make such regulations as in their judgment are necessary for the administration of this act and may affix thereto such fines and penalties as in their judgment are necessary to enforce such regulations (in cases in which a penalty is not otherwise provided by law).

So as to make the bill read:

Be it enacted, etc., That a tax of 2 cents per gallon on all motor-vehicle fuels within the District of Columbia sold or otherwise disposed of by an importer or used by him in a motor vehicle operated for hire or for commercial purposes shall be levied, collected, and paid in the manner hereinafter provided.

SEC. 2. That as used in this act—

(a) The term "motor vehicle" means all vehicles propelled by internal-combustion engines, electricity, or steam, except traction engines, road rollers, and vehicles propelled only upon rails and tracks.

(b) The term "motor-vehicle fuels" means gasoline and other volatile and inflammable liquid fuels produced or compounded for the purpose of operating or propelling internal-combustion engines: *Pro-*

vided, That kerosene shall not be considered to be a motor-vehicle fuel in the meaning of this act.

(c) The term "importer" means any person who brings into, or who produces, refines, manufactures, or compounds in, the District of Columbia motor-vehicle fuel to be sold or otherwise disposed of by him or to be used by him in a motor vehicle operated for hire or for commercial purposes.

(d) The term "person" includes individual, partnership, corporation, and association.

(e) The term "commissioners" means the Board of Commissioners of the District of Columbia.

SEC. 3. That each importer of motor-vehicle fuel shall file with the assessor of the District of Columbia a duly acknowledged certificate, on forms prescribed, prepared, and furnished by the said assessor, containing the name under which such importer is transacting business within the District of Columbia, the names and addresses of the several persons constituting the association or partnership, and, if a corporation, the corporate name under which it is authorized to transact business, and the names and addresses of its principal officers, resident general agent, and attorney in fact. No importer shall sell or otherwise dispose of or use any motor-vehicle fuel within the District of Columbia until such certificate is filed as is required by this act.

SEC. 4. That each importer engaged in the District of Columbia in the sale or other disposition or use of motor-vehicle fuel shall render to the assessor of the District of Columbia, on or before the last day of each calendar month, on forms prescribed, prepared, and furnished by the said assessor, a sworn report of the total number of gallons of motor-vehicle fuel within the District of Columbia sold or otherwise disposed of by such importer or used by him in a motor vehicle operated for hire or for commercial purposes, and of the number of gallons of such fuel so sold or otherwise disposed of for exportation from the resale without the District of Columbia, during the preceding calendar month. Such report shall be sworn to by one of the principal officers in case of a domestic corporation, by the resident general agent, or attorney in fact, or by a chief accountant or officer in case of a foreign corporation, or by the managing agent or owner in case of a partnership or association.

SEC. 5. That invoices shall be rendered by importers to all purchasers from them of motor-vehicle fuel within the District of Columbia, except in cases of retail sales. Said invoices shall contain a statement, printed thereon in a conspicuous place, that the liability to the District of Columbia for the tax herein imposed, has been assumed, and that the importer has paid the tax or will pay it on or before the last day of the calendar month next succeeding the purchase.

SEC. 6. That the tax in respect to motor-vehicle fuel so sold or otherwise disposed of or used in any calendar month shall be paid by the importer on or before the last day of the next succeeding calendar month to the collector of taxes of the District of Columbia, who shall issue a receipt to the importer therefor.

SEC. 7. That the records of all purchases, receipts, sales, other dispositions, and uses of motor-vehicle fuel of every importer shall, at all times during the business hours of the day, be subject to inspection by the assessor and the collector of taxes of the District of Columbia, or by their duly authorized agents, or by any other agent duly authorized by the commissioners to make such inspection.

SEC. 8. That it shall be unlawful for any person to receive or accept from any importer, except in cases of retail sales, any motor-vehicle fuel unless the statement provided for in section 5 of this act appears upon the invoices for the fuel. If any such motor-vehicle fuel is received and accepted by any person upon the invoice of which said statement does not appear, such person shall pay to the collector of taxes the tax herein imposed or be liable to the District of Columbia for double the amount of the said tax, which amount may be recovered by civil suit or action in any court of competent jurisdiction.

SEC. 9. That no tax on motor-vehicle fuels exported or sold for exportation from the District of Columbia to any other jurisdiction of nation shall be imposed.

SEC. 10. That any person who purchases any motor-vehicle fuel in the District of Columbia to be used for operating or propelling any stationary gas engine, tractor used for agricultural purposes, motor boat, airplane, or aircraft of any character, or for cleaning or dyeing, or for any other purpose other than use in a motor vehicle operated or intended to be operated in whole or in part upon any of the public highways of the District of Columbia, on which motor-vehicle fuel the tax imposed by this act shall have been paid, shall be refunded the amount of such tax so paid by the importer, upon presenting to the collector of taxes of the District of Columbia a sworn statement accompanied by the invoices showing such purchase, which statement shall set forth the total amount of such motor-vehicle fuel so purchased and used by such consumer other than in motor vehicles operated or intended to be operated on any of the public highways of the District of Columbia. Such refunds shall be made by the collector of taxes from moneys paid him for taxes under this act and not covered into the Treasury. For the purpose of such refunds the collector of taxes is authorized to retain on hand at all times moneys from such taxes

in an amount not in excess of \$1,000. Applications for refunds, as provided herein, must be filed with the collector of taxes of the District of Columbia within 30 days from the date of purchase: *Provided*, That before any refund shall be made the applicant shall furnish to the collector of taxes of the District of Columbia satisfactory evidence by sworn statement of the exempted use of such fuel purchased by him.

SEC. 11. (a) That any person violating any provision of sections 3 to 6, inclusive, or refusing or obstructing inspection under section 7, or falsely making any statement or report required by this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$50 nor more than \$500, or by imprisonment for not more than one year, or by both such fine and imprisonment.

(b) Any person who fails to pay any tax upon motor-vehicle fuels imposed by this act shall be liable to the District of Columbia for a penalty equal to twice the amount of such tax. Such penalty may be collected in a civil suit in any court of competent jurisdiction.

SEC. 12. (a) That there shall be levied, collected, and paid a registration fee of \$1 for each calendar year for each motor vehicle operated in the District of Columbia; except that for motor vehicles propelled by steam or electricity the fee shall be as provided in subdivision (b).

(b) Owners of electrically driven and steam operated motor vehicles shall be charged the following annual registration fees:

All motor vehicles operated by steam, \$15 per annum.

Electrically driven passenger-carrying vehicles, \$11 per annum.

Electrically operated trucks, having 1,000 pounds or less rated carrying capacity, a minimum charge of \$20 per annum, plus \$2 for each additional 1,000 pounds or less rated carrying capacity.

(c) The registration fee shall be paid to the collector of taxes. Upon the payment of any such registration fee there shall be issued for the motor vehicle two identification tags of such design and a registration certificate in such form as the commissioners may prescribe.

(d) All registration fees collected during any fiscal year shall be paid into the Treasury of the United States to the credit of the United States and to the credit of the District of Columbia in the same proportions as appropriations for the District of Columbia are paid from the Treasury of the United States and from the revenues of the District of Columbia during the fiscal year in which the fees are collected.

SEC. 13. That all motor vehicles owned and officially used by the United States or by the District of Columbia shall carry registration tags of the same character, and the operator of any such motor vehicle shall be subject to the same regulations and provisions as apply to all other motor vehicles operated within the District of Columbia, all such registration tags and all registration certificates to be furnished without charge.

SEC. 14. That when under authority of law gasoline or other motor-vehicle fuel is sold by an agency of the United States within the District of Columbia, for use in privately owned vehicles, such agency of the United States shall, by agreement with the Commissioners of the District of Columbia, arrange for the collection of the tax of 2 cents per gallon herein authorized to be imposed, and for accounting to the collector of taxes of the District of Columbia for the proceeds of such tax collections.

SEC. 15. That all prosecutions for violations of the provisions of this act or regulations prescribed thereunder may be in the police court of the District of Columbia, upon information filed by the corporation counsel of the District of Columbia or any of his assistants; and all suits for the collection of any tax or penalty under this act or such regulations shall be instituted by the corporation counsel or any of his assistants.

SEC. 16. That nothing in this act shall be construed in any wise to affect the provisions of paragraphs 11, 13, and 14 of section 7 of the act of Congress relating to license taxes, approved July 1, 1902.

SEC. 17. (a) That the provisions of this act relating to the tax on motor-vehicle fuels shall take effect 30 days after the enactment of this act. The personal property tax on motor vehicles provided in existing law shall not be in effect for any fiscal year ending June 30 and commencing while such tax on motor-vehicle fuels is in effect.

(b) The provisions of this act relating to the registration tax on motor vehicles shall take effect January 1, 1925; and the provisions of the twenty-ninth paragraph under the heading "Contingent and Miscellaneous Expenses" in the District of Columbia appropriation act for the fiscal year 1918, except the third and fifth provisions thereof, are repealed.

(c) Any violation of any provision of law or regulation issued thereunder which is repealed by this act, and any liability arising under such provisions or regulations may, if the violation occurred or the liability arose prior to such repeal, be prosecuted or enforced to the same extent as if this act had not been enacted.

SEC. 18. That the commissioners may make such regulations as in their judgment are necessary for the administration of this act and may affix thereto such fines and penalties as in their judgment are necessary to enforce such regulations (in cases in which a penalty is not otherwise provided by law).

Mr. McKELLAR. I would like to call the attention of the chairman of the committee to section 9, on page 9, which reads:

That no tax shall be imposed on motor-vehicle fuels in the District of Columbia sold or otherwise disposed of for exportation from and resale without the District of Columbia.

It seems to me that sort of a provision arranges for two prices of fuel oils in the District of Columbia, and there is no reason for it. I wonder if the chairman would be willing to accept an amendment to strike that out?

Mr. BALL. Should any gas be sold for distribution in another State, they would have to pay the additional 2 or 3 cents in the State in which they sold it to the distributor. This provides only for the gas which is sold to be distributed in another State or sold in another State.

Mr. McKELLAR. If the Senator will yield, it must have had some other purpose, because the bill as it came from the House, as the Senator will see if he reads the language, provided for what the Senator says, and that was intended, I take it, from the House language. That language was stricken out. If the purpose is what the Senator has said, that there should be no tax on motor-vehicle fuels exported or sold for exportation from the District of Columbia or in any other jurisdiction of the Nation—and that is all the Senator mentions—then, there was no reason for striking that language out of the House text and putting this language in, which I think would be very confusing, and would allow some company to sell to people in Maryland and Virginia at one price and to the people of Washington at another price.

Mr. BALL. There was but the one reason for changing that. The legislative draftsmen thought the original language of the bill as it came from the House was very confusing, and thought the language as amended could not be misconstrued.

Mr. McKELLAR. I do not feel that I am able to construe the language.

Mr. BALL. I am willing to accept the original language.

Mr. McKELLAR. I hope the amendment will be rejected.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the committee.

The amendment was rejected.

The PRESIDING OFFICER. The question is on agreeing to the remaining committee amendments.

The amendments were agreed to.

Mr. McKELLAR. Turning back to page 2, I call the attention of the chairman of the committee to the fact that the only part of the committee amendment now left is these words:

That a tax of 2 cents per gallon on all motor-vehicle fuels within the District of Columbia sold or otherwise disposed of by an importer or used by him in a motor vehicle operated for hire or for commercial purposes shall be levied, collected, and paid in the manner hereinafter provided.

The words "manner hereinafter provided" have been stricken out, and I suggest to the Senator that the entire amendment be stricken out and that the language adopted by the House be adopted in the Senate.

The PRESIDING OFFICER. May the Chair suggest to both the Senator from Tennessee and the chairman of the committee that there is a manner hereinafter provided for the levying, collecting, and paying of these taxes, with a lot of details as to how they are to be paid and when?

Mr. BALL. I am sure the Senator from Tennessee will not wish to have that clause stricken out if he will read it carefully. The part stricken out is that commencing with the language "Except as provided in section 10," as to whether that should be paid to the credit of the District or whether it should be paid partly to the credit of the District and partly to the credit of the United States.

Mr. McKELLAR. That has been stricken out?

Mr. BALL. Yes.

Mr. McKELLAR. I think the Chair is right in what he has said. As a part of my remarks I ask that there be incorporated in the Record a short extract from the minority report of the House committee on the bill.

There being no objection, the matter referred to, submitted to the House by Mr. BLANTON, was ordered to be printed in the Record, as follows:

Every man, woman, and child in the United States is vitally affected by this proposed legislation in that it puts upon their shoulders the burden of paying a still larger proportion of the local taxes of the 487,000 people living in the District of Columbia.

Until recently this bill was generally understood to be a reciprocity measure, designed to bring about harmony between Maryland and the District of Columbia, so as to abolish the necessity of motor-vehicle

owners living within the District of Columbia procuring licenses and number tags from Maryland, and vice versa. Now, in the bill and report it is titled "tax on motor-vehicle fuels."

There is but one proper title for this measure, and that is: "The District Commissioners' latest tax-dodging scheme."

During 1923 there were 110,973 motor-vehicle licenses and number tags issued by the District of Columbia. For same the following charge was made: Ten dollars for over 30 horsepower, which embraced Rolls-Royce, Pierce Arrow, Lincoln, Packard, Cadillac, Marmon, Peerless, Locomobile, Stutz, Studebaker, and other cars of similar makes; \$5 for all cars between 24 and 30 horsepower; and \$3 for all cars not over 24 horsepower, embracing Fords.

In addition there is a property tax of \$1.20 per \$100 on the value of the car, which on a \$15,000 Rolls-Royce amounts to \$180.

Under present law the 437,000 people living in the District of Columbia, many of whom have no connection whatever with the Government, are allowed a personal property exemption (motor vehicles not included) of \$1,000, exempt from taxation, and pay a total tax only \$1.20 per \$100 on real and personal property, and a tax of only five-tenths of 1 per cent on intangibles. All of the balance of the expenses of this big city is paid by the whole people of the United States under what is known as the present 60-40 system of charging 60 per cent of the appropriations embraced in the District of Columbia appropriation bill to the District of Columbia and 40 per cent of same to the Government (but prior to the fiscal year ended June 30, 1922, the ratio was 50-50, the Government paying half of all such appropriations), and the additional system of carrying large appropriations for civic projects purely local in character, in Government department appropriation bills, chargeable wholly to the Government. In other words, in every other city of any size in the United States the people are paying taxes running from \$2.75 to \$6 per \$100, and in addition to their own taxes are paying a large proportion of the taxes that should be paid by the people of Washington by letting the 437,000 people living in the District of Columbia pay a total tax on real and personal property of only \$1.20 per \$100, with an exemption from tax on \$1,000 personal property.

This bill (H. R. 655) was framed by the Commissioners of the District of Columbia, who claim that if it is passed the Governor of Maryland will grant reciprocity to the District of Columbia, whose motorists will not then be required to get license tags in Maryland.

But the terms of this bill are quite different from the demands made by Maryland. All that the Governor of Maryland required was a tax of 2 cents per gallon on gasoline, as his State assessed such a tax, and he didn't want people to have an advantage of buying gasoline cheaper in the District than in Maryland.

Under present law certain receipts collected by the District of Columbia are placed in the Treasury, 60 per cent to the credit of the District and 40 per cent to the credit of the Government, to accord with the 60-40 ratio respecting appropriations.

But in framing their so-called reciprocity measure the District Commissioners did not stop with fixing a 2-cent tax on gasoline, which was all that Maryland demanded, but they seek to change the law in the following vital particulars, to wit: (1) They abolish the \$10 and \$5 and \$3 charges for licenses and provide that all cars—Rolls-Royce and Fords alike—are to be charged a license fee of only \$1 each, which entitles them to number tags; (2) they abolish all of the property tax, which even at the small rate of \$1.20 per \$100 paid in the District, amounted to \$180 per annum on a \$15,000 Rolls-Royce; and (3) they provide that instead of placing the receipts from the 2 cents per gallon tax on gasoline in the Treasury 60 per cent to the credit of the District and 40 per cent to the credit of the Government, 80 per cent would be placed to the District and only 20 per cent to the Government, thus changing the present 60-40 ratio, respecting disbursements, to a ratio of 80-20, respecting receipts, with the Government, as usual, getting the little end of it.

The committee has amended the bill by exempting all motor vehicles up to the value of \$1,000 from a property tax, but providing that the present property tax of \$1.20 per \$100 shall apply above the valuation of \$1,000. The committee admits that this will exempt at least five-sixths of all the automobiles in the District of Columbia from the payment of any property tax whatever, for at least five-sixths of such automobiles would be assessed at a valuation of not more than \$1,000, which is the value the committee exempts from all taxation.

Illustrating how discriminating this bill is, say Smith and Brown each have \$2,000. Smith invests his \$2,000 in a residence, which impairs in no way the city streets or roads, requires no traffic cops, occupies no rights of way, and imposes no hazard or danger to the public, yet upon his \$2,000 residence he pays his \$1.20 per \$100 tax, or a tax of \$24. While Brown, who runs an automobile for hire invests his money, \$1,000, in an automobile and \$1,000 in household furniture. His \$1,000 furniture will be exempt from all taxes. And his \$1,000 automobile will be exempt from all taxes, except he will pay the measly little sum of \$1 for his license, inasmuch as the 2-cent gasoline tax will be no more than all other citizens of other States pay,

in addition to their heavy license tax, State property tax, and municipal property tax; and Brown will be operating his automobile day and night upon the streets and boulevards, wearing out the surface, menacing the safety of the public, occupying his right of way, and receiving the benefit of traffic cops to guide and protect him. Such discrimination is manifestly unjust.

Every State in the United States other than Maryland has reciprocity with the District of Columbia. Out of the United States Treasury by direct appropriation Maryland has had more public money spent upon her State highways than practically all other States combined. And in addition Maryland has received her fair share of the good-roads appropriations made by Congress, the Bureau of Public Roads advising that Maryland has already received from it alone the sum of \$4,013,004.99. And in addition thereto Congress has already appropriated an additional \$75,000,000, out of which Maryland will receive approximately \$640,000 more.

And until this year Maryland and Virginia had approximately 2,500 children attending the public schools of Washington, receiving free their tuition and schoolbooks, paid for by the District of Columbia and the Government. These 2,500 children are still attending Washington's schools, but this year are charged a small tuition.

Yet Maryland has refused to permit any automobile bearing a District of Columbia license to even pass from the Nation's Capital along any of her roads without paying for a Maryland license.

Let me illustrate just how difficult it is to procure a Maryland license. Our colleague from Louisiana, Mr. ASWELL, testified before the committee that on the appointed day he took his place in the long single-file line, and after working his way toward the office for three long hours, the office closed for that day. He went back the second day and took his place in the long line already formed. There was a little frail woman just ahead of him. It took them three and one-half hours to get to the office, where only one at a time was admitted. Mr. ASWELL heard the pompous official ask the little frail woman a question, which she was slow in answering, saw this official hand her a card, and say in a most abrupt manner: "Take this card and get out of here and don't come back until you learn the regulations." Mr. ASWELL described this office as a dingy, dirty, disreputable sort of a place presided over by insolent officials. He finally procured a card similar to the one handed the woman, which was a blank to be filled out by him answering numerous questions by way of examination. He was compelled to fill in this blank on the outside, and was compelled to take his place in line on two succeeding days, waiting approximately three hours each time before he finally secured his Maryland license tag. Thus to get his Maryland license permitting him to drive from his Nation's Capital through any part of Maryland he was compelled to stand in line over 12½ hours and lose the best part of four days.

Learning that he could ship his Ford car to Texas much cheaper by boat from New York our colleague, Mr. MANSFIELD, had his son drive his Ford from Washington to New York for shipment; but he had to pass through a part of Maryland. He was promptly arrested, detained over night, fined nearly \$30, was put to expense incident to the delay, and caused to miss his boat. On the return trip, knowing that he couldn't pass through Maryland, and to avoid the red tape and annoying delay of trying to procure a Maryland license, he paid \$40 extra freight to ship his Ford from New York to Washington.

In their letter of December 3, 1923, which the District Commissioners wrote to our committee chairman, when they transmitted this bill for immediate passage, they assign reciprocity with Maryland as its great emergency purpose. Yet it is titled "A bill to provide for a tax on motor-vehicle fuels, and for other purposes." The "other purposes" constitute its real design. No clause in the bill even mentions reciprocity. No part of the bill authorizes reciprocity. The bill nowhere compels reciprocity. Should we pass this bill, Maryland still could compel all cars from the District of Columbia to procure Maryland licenses.

The State of Virginia, surrounding the District on the other side, has a tax on gasoline of 3 cents per gallon. With equal propriety, the next day after passing this bill, Virginia could demand that Congress pass a new law increasing the tax on gasoline to 3 cents per gallon, so that the people would not all buy their gasoline in the District and in Maryland, only a few miles removed. The people of the United States do not expect Congress to thus specially legislate at the command of any State.

The people of the United States are entitled to have Maryland grant to the Nation's Capital the same automobile reciprocity which all of the States grant both to the District of Columbia and to Maryland, or else they are entitled to have Maryland account for the \$4,013,004.99 which she has already received from the United States Treasury through the Federal Bureau of Public Roads and to have stopped the payment of the \$640,000 more which Maryland will receive from such bureau during the coming fiscal year.

After the first section of this bill shall have been read, I intend to offer as a substitute for the measure an amendment to the Federal

highway act, proposed by our colleague, Mr. ASWELL, which, if passed, will force Maryland to grant reciprocity, same being the following:

"That section 21 of the Federal highway act is amended by adding at the end thereof the following new paragraph:

"No sums shall be apportioned or reapportioned under this act to any State which does not recognize the motor-vehicle identification tags or licenses issued by any other State or by the District of Columbia."

The above was introduced in the House by Mr. ASWELL as H. R. 32 on December 5, 1923, and has been pending ever since.

The committee report is misleading in stating that all States within 100 miles of the District of Columbia have adopted this method, viz, of making the registration license tag fee only \$1 for all cars, exempting at least five-sixths of all the automobiles from a property tax and depending upon the tax on gasoline for raising the revenue.

Maryland is on one side of the District of Columbia and Virginia is on the other side. These two States surround it.

In the State of Maryland, under its present 1924 law, motor vehicles have to pay besides the 2 cents per gallon tax on gasoline a property tax to the State of \$2.70 per \$100 on the valuation of the car, and in addition have to pay for their registration and license tags a tax of 32 cents per horsepower on all cars.

In the State of Virginia motor vehicles, for instance, in the city of Alexandria, only a short distance away from Washington, have to pay a State license tax of 60 cents per horsepower, which averages about \$15 per car, and a State property tax of \$1.50 on the \$100, full value of the car, and in addition have to pay a municipal license tax, averaging about \$4 per car, and also a municipal property tax, averaging about \$7.50 per car, and then in addition to all of the above have to pay a gasoline tax of 3 cents per gallon.

Yet our District Commissioners' bill, sought to let all cars, Rolls Royces, Pierce Arrows, Lincolns, on down, escape all taxation by merely paying a registration fee of \$1 each and a gasoline tax of 2 cents on a gallon, and our committee is attempting to allow five-sixths of all the automobiles in the District of Columbia escape all taxation by paying this \$1 and the 2-cent gasoline tax.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

THE OLD NATIONAL BANK OF MARTINSBURG, W. VA.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 214) for the relief of The Old National Bank of Martinsburg, Martinsburg, W. Va., which were, on page 1, to strike out all after "hereby," in line 3 down to and including "destroyed" in line 14, and to insert "authorized and directed to redeem in favor of The Old National Bank of Martinsburg, Martinsburg, W. Va., United States Treasury certificates of indebtedness Nos. 4980, 4981, 4982, and 4983, each in the denomination of \$500, and Nos. 8175 and 8176, each in the denomination of \$1,000, series TM 2-1921, dated July 15, 1920, and matured March 15, 1921, with interest from the date of issuance to the date of maturity, at the rate of 5½ per cent per annum, without presentation of the said certificates of indebtedness, which have been lost, stolen, or destroyed"; and on page 2, lines 7 and 8, to strike out "of the United States of America" and to insert "and the interest, which had accrued when the principal became due and payable."

Mr. CAPPER. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

ORDER FOR RECESS.

Mr. LODGE. I move that when the Senate concludes its business to-day it take a recess until 12 o'clock to-morrow.

The motion was agreed to.

COAST GUARD INCREASE.

Mr. JONES of Washington. Mr. President, I ask unanimous consent for the present consideration of Calendar No. 307, the bill (H. R. 6815) to authorize a temporary increase of the Coast Guard for law enforcement.

I desire to say that this is a bill making a temporary addition to the Coast Guard. It passed the House. Then the Senate on last Friday put a similar provision on the deficiency appropriation bill. The Commerce Committee in the Senate reported the House bill to the Senate at the same time. There is quite an opposition in both bodies of Congress to putting legislation upon appropriation bills. While the provision was put on an appropriation bill in the Senate, if we should pass House bill 6815 as the House passed it, that would take it out of conference on the deficiency appropriation bill and would relieve both

Houses of Congress and both committees from the embarrassment of putting legislation on an appropriation bill.

Mr. OVERMAN. I understand this is the very legislation that we put on the deficiency appropriation bill we just passed.

Mr. JONES of Washington. Yes; it is.

Mr. BRUCE. Does the Senator ask unanimous consent for the consideration of the bill?

Mr. JONES of Washington. I ask unanimous consent for its present consideration.

Mr. BRUCE. Does it not provide for an appropriation?

Mr. JONES of Washington. No. I call the Senator's attention to the fact that the Senate passed it as a provision on the deficiency bill last Friday. I shall be glad to talk the matter over with the Senator, because I do not believe the Senator would object if he understood the situation. This is substantially the same language that was put on the deficiency appropriation bill passed last Friday, and therefore it has passed really both Houses; so I thought there would be no objection to putting it through in a legislative way.

Mr. BRUCE. I should like to have an opportunity to look into it.

Mr. JONES of Washington. I should be glad if the Senator would do so. I trust the Senator will look at it between now and to-morrow and possibly we can act on it to-morrow.

Mr. BRUCE. I shall endeavor to do so.

The PRESIDING OFFICER. Objection is made to the present consideration of the bill.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the Senate (at 5 o'clock and 8 minutes p. m.) took a recess until to-morrow, Tuesday, March 25, 1924, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 24, 1924.

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY.

Irwin B. Laughlin to be envoy extraordinary and minister plenipotentiary to Greece.

POSTMASTERS.

IOWA.

George W. Goss, Blairstown.
Orlo L. Creswell, Kenwood Park.
George R. Hughes, Shellrock.
Wynema Bower, State Center.
Thompson C. Moffit, Tipton.

PENNSYLVANIA.

Sherwood B. Balliet, Coplay.
William D. Hellig, Stroudsburg.

HOUSE OF REPRESENTATIVES.

MONDAY, March 24, 1924.

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Father in heaven, Thou art a God who giveth to all men liberally and Thy gracious promise is, as thy days so shall thy strength be! We praise Thee and give Thee offerings of our most thankful hearts. Hear, then, in love, O Lord, as we come to Thee for wisdom and guidance. May every affection, every sympathy, every act of the will be raised and strengthened by the inspiration of Thy holy presence. We bless Thee that we are the creatures of Thy redeeming love. We have received it through the pain, the sorrow, the death, and the spiritual conquest of the Teacher of men and the Savior of human destiny. O God of our fathers, we thank Thee. Amen.

The Journal of the proceedings of Saturday, March 22, 1924, was read and approved.

QUESTION OF PRIVILEGE.

Mr. TREADWAY. Mr. Speaker, I rise to a question of privilege.

The SPEAKER. The gentleman will state his question of privilege.

Mr. TREADWAY. The question of privilege is one affecting the rights of the House in its safety, dignity, and integrity, under Rule IX.

Mr. BLANTON. I make the point of order that is not privileged, Mr. Speaker.

The SPEAKER. The Chair does not see how a point of order could hold until the Chair knows what the question of privilege is. The Chair does not know what it is.

Mr. BLANTON. I presumed the gentleman would state his question of privilege.

Mr. TREADWAY. I rise under Rule IX, Mr. Speaker.

The SPEAKER. Affecting the privileges of the House?

Mr. TREADWAY. Affecting the privileges of the House.

The SPEAKER. In order to do that the gentleman must present a resolution.

Mr. TREADWAY. I have a resolution, which I send to the Clerk's desk.

The SPEAKER. The Chair has not seen the communication to which the gentleman refers, but the Chair knows its purport. It has been told to the Chair, and the Chair would personally feel much obliged if the gentleman would not present this.

Mr. TREADWAY. I realize the attitude of the Speaker, and at the same time I do not feel that the membership of the House should yield to his personal wishes. It affects the dignity of the House rather than the individuality of the Speaker, and I claim the right to present the resolution.

Mr. BLANTON. Mr. Speaker, I make a point of order.

Mr. TREADWAY. The gentleman can not make a point of order on something he does not know anything about.

Mr. BLANTON. I make the point of order that the membership of the House, as well as the gentleman and the Speaker, have a right to know what the gentleman is basing the privilege upon.

The SPEAKER. The Chair has requested the gentleman to withdraw his question of privilege. The gentleman refuses and the Chair lays the resolution before the House.

Mr. TREADWAY. I regret I can not accept the Speaker's request.

The Clerk read as follows:

Resolved, That the language published in the CONGRESSIONAL RECORD on Saturday, March 22, 1924, in the first column of page 4708 in the report of an address to the Senate by the Senator from Arkansas [Mr. CARAWAY] is improper, unparliamentary, and a reflection upon the dignity of the House and its procedure, and constitutes a breach of privilege and is calculated to create unfriendly relations and conditions between the House of Representatives and the Senate.

And resolved further, That a copy of this resolution be transmitted to the Senate and that the Senate be required to take appropriate action concerning the subject.

Mr. GARRETT of Tennessee. Mr. Speaker, I make the point of order there is not a quorum present.

The SPEAKER. The gentleman from Tennessee makes the point of order that a quorum is not present. It is evident there is not a quorum present.

Mr. LONGWORTH. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll; and the following Members failed to answer to their names:

Aldrich	Garner	McNulty	Schneider
Anderson	Gifford	McSwain	Sears, Fla.
Bloom	Gilbert	Madden	Shreve
Britten	Graham, Pa.	Merritt	Smithwick
Carew	Green, Iowa	Michaelson	Strong, Pa.
Christopherson	Hammer	Miller, Ill.	Sullivan
Clarke, N. Y.	Holaday	Mills	Swoope
Cole, Ohio	Hooker	Morris	Taylor, Colo.
Connolly, Pa.	Howard, Okla.	Nolan	Taylor, Tenn.
Corning	Johnson, Ky.	O'Brien	Tinkham
Crowther	Johnson, S. Dak.	O'Connell, N. Y.	Vare
Denison	Kahn	Oldfield	Vestal
Dickinson, Mo.	Kelly	Peavey	Ward, N. Y.
Domineck	Knutson	Phillips	Weller
Doughton	Langley	Prall	Welsh
Doyle	Lee, Ga.	Quayle	Werts
Drewry	Lineberger	Ransley	Williams, Ill.
Edmonds	Luce	Reed, N. Y.	Zihlman
Fredericks	Lyon	Reed, W. Va.	
Frothingham	McClintic	Reid, Ill.	
Gallivan	McFadden	Sanders, N. Y.	

The SPEAKER. Three hundred and fifty Members have answered to their names. A quorum is present.

Mr. LONGWORTH. Mr. Speaker, I move to dispense with further proceedings under the call.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The resolution was again reported.

Mr. TREADWAY. Mr. Speaker, the item to which I refer, appearing in the address of the Senator from Arkansas, reads as follows:

I think the New York Times is without justification in its criticism of the Speaker of the House on his violating the proprieties and the rules of the body over which he presides, because I never knew that anyone thought that the Speaker understood or had any regard for the rules of the body over which he presides. He never has given any evidence that he knew what the rules were or that he had any respect for them.

Mr. Speaker, I appreciate that this remark was made on the floor of the United States Senate, to which body all respect and parliamentary courtesy must be shown. It, nevertheless, is a reflection on the membership of this House and should not, in my opinion, be allowed to pass unnoticed from this floor. [Applause.] Any Member of Congress who has served with or under Speaker GILLET knows that he is a man of the very highest integrity, than whom no one has a higher regard for the dignity of this House, and is certainly thoroughly familiar with the rules of this body, which he interprets with absolute fairness and impartiality. [Applause.]

I maintain that the sentences to which I have referred are, in the phrase of Rule IX, a reflection upon the safety, dignity, and integrity of this body.

There is absolute precedent for the resolution which I have introduced. It is phrased in accordance with a resolution adopted by this House in the Sixty-seventh Congress, first session, page 5563, CONGRESSIONAL RECORD, and the resolution to which I refer was adopted by a vote of 181 to 3, showing that the House appreciated the maintenance of its dignity when a Member was criticized on the floor of another body.

It seems to me the case in point is more flagrant than any to which precedents can be brought, in view of the fact that it reflects upon the Presiding Officer of this body; and if, in the language of the gentleman from Arkansas, he did not know the rules, the House membership should have taken cognizance of that fact long since. I maintain that he does know the rules, that he acts under them and interprets them impartially to both sides of this body. [Applause.]

I, however, find myself in an extremely embarrassing position. I read an account of that speech in the newspaper yesterday morning, and as soon as a copy of the CONGRESSIONAL RECORD was available I was extremely provoked that such a reflection should be made. This morning I consulted two of my colleagues in whose judgment I have the very highest regard. Both of them felt as I do about following this matter up with this resolution, and so I introduced the resolution, absolutely without the knowledge of the Speaker or any of his close associates or the Committee on Rules. I introduced the resolution entirely upon my own responsibility, asking that the House defend its dignity here. I now find myself embarrassed by the Speaker's personal request. As a Member of the delegation from Massachusetts representing a district adjoining that of the Speaker, being very closely associated with him at home as well as I hope here, I can do nothing else than yield to the request of the Speaker made since I introduced the resolution—as the Members on the floor heard him ask me not to present it before being read by the Clerk. In view of that circumstance, the personal request he has made to me that I shall not pursue the matter further, out of regard for him and our personal association, I feel constrained to withdraw the resolution.

The SPEAKER. The gentleman does not have to have unanimous consent, and the resolution is withdrawn.

Mr. WINGO. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

Mr. ROSENBLUM. Mr. Speaker, I object.

The SPEAKER. The gentleman from Arkansas asks unanimous consent to address the House for 5 minutes. Is there objection?

There was no objection.

Mr. WINGO. Mr. Speaker, I should not be candid with the House if I did not say that I regret that the gentleman from Massachusetts saw fit to take the action he has taken this morning. My sole purpose in taking the floor is to direct attention to the spirit of the rule which the House has against referring to Members of the other body or mentioning the other body. Whatever may be the technical language of the rule—it is the intention to avoid friction based solely on personalities that might affect the orderly processes of legislation and destroy amicable relations between the two Houses. I am sure that my friend the gentleman from Massachusetts, Mr. TREADWAY, realized when he read the speech of the Speaker, Mr. GILLET, criticizing the Senate, that however fair might be the rulings of

the Speaker who presides over this body, however delightful may be his personality, and however strong his character, I am sure the gentleman will concede that the Speaker of this body got off his accustomed poise and violated the spirit of the rule, and had every reason to know that that violation by him would provoke reply to it on the floor of the United States Senate. [Applause on the Democratic side.]

I am not willing for the occasion to pass without adding this, that if you will lay aside partisanship there is not a man here who will search his conscience and who is familiar with the spirit of the rule but that will say that the speech of the distinguished Speaker of this House, occupying the position that he does in public life, in attacking the motives and conduct of the Members of the United States Senate was a greater breach of the spirit of the rule of this House than was the reply by a Member of that body to the speech by the Speaker outside of the House. [Applause on the Democratic side.]

Mr. SANDERS of Indiana. Mr. Speaker, will the gentleman yield?

Mr. WINGO. I yield to the gentleman from Indiana.

Mr. SANDERS of Indiana. With the permission of the gentleman I suggest that he ought to know there is not anything in the rules of the House or the rules of the Senate which forbids a Member of either body in a public address, outside of the Senate or the House, making any statement he desires. The rule applies only to actions in the two bodies, in a representative capacity.

Mr. WINGO. Oh, my friend begs the question. The spirit of the rule is to maintain amicable relations between the two bodies, and no man who is of the high character and standing in the Nation that goes with the Speakership of this body can take advantage of the technical provisions of the rule and attack the Senate of the United States without knowing that he will provoke a violation of that rule by a Member of that body. To say otherwise would be to impeach the intelligence of the Speaker, and I impeach neither his intelligence nor his character. [Applause.]

The SPEAKER. The Chair requests the gentleman from Indiana [Mr. SANDERS] to take the chair for a moment.

Mr. SANDERS of Indiana assumed the chair as Speaker pro tempore.

Mr. GILLETT. Mr. Speaker, I ask unanimous consent to address the House for five minutes. [Applause.]

The SPEAKER pro tempore. The gentleman from Massachusetts asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. GILLETT. Mr. Speaker, I had no idea that anything of this sort was coming up this morning. The action of my colleague from Massachusetts, Mr. TREADWAY, was utterly unsuspected by me, and at my request he has withdrawn the resolution. Personally I do not care about such a resolution, and if there has been a violation of the rules of the Senate in its conduct toward the House, and if the House should feel it its duty to take action to maintain its dignity I do not think the initiative should be taken by a Member of the House from my own State, or by a particular friend of mine. I should prefer any action taken should be so initiated that there could be no suspicion of personal or partisan relationship.

Just a word in respect to the remarks of the gentleman from Arkansas [Mr. WINGO]. I had no idea that what I said in the address which I made would excite so much attention. I think if all that I said—if my whole address had been seen by Members of Congress, the reaction would have been different. But I do not at all agree with the argument made by the gentleman from Arkansas. I do not think I have violated either a rule of the House or the spirit of any rule in saying what I did about the conduct of the Senate. As the gentleman from Indiana [Mr. SANDERS] has pointed out, our rules, of course, apply to our conduct here on the floor of the House, and nowhere else. We are all free to state what we please in respect to the Senate if it be not done on the floor of the House in our representative capacity. When speaking on the floor of the House I have always been most scrupulous not to violate that rule which forbids any reflection on the Senate, but outside of the House I think all of us can say what we please, so long as it is the truth. [Applause.] And I venture to say that every Member on the Democratic side, that the gentleman from Arkansas himself, in the last presidential campaign constantly made attacks upon the Senate.

I venture to say they all criticized the conduct of the United States Senate in its action on the treaty of peace, and I suspect they went much further than I did, and that they criticized individual Senators and referred to them by name. We are

all free outside of this House. Here on the floor we are not; we must recognize the limitations which the rules prescribe.

Mr. WINGO. Mr. Speaker, will the gentleman yield?

Mr. GILLETT. Certainly.

Mr. WINGO. I state to the gentleman that I think he will find that whatever may have been my political zeal in the last campaign, never, even in a partisan debate, have I attacked the personal integrity of a Member of the Senate or questioned the honesty of his motives in any vote or position that he took on the floor of that body.

Mr. GILLETT. And neither did I.

Mr. WINGO. But the gentleman says that I attacked them.

Mr. GILLETT. Certainly, the gentleman must have.

Mr. WINGO. I never denounced the United States Senate as a school for scandal or said that they were trying to besmirch people's reputations. I simply do not want the gentleman from Massachusetts to be laboring under a misapprehension as to my conduct.

Mr. GILLETT. I am not, but I have no doubt that the gentleman attacked the action of the United States Senate.

Mr. WINGO. I questioned the policy of that body, but did not question the individual motives.

Mr. GILLETT. That is what I mean.

Mr. WINGO. And I never attributed corrupt motives to any of them.

Mr. GILLETT. Nor have I.

Mr. WINGO. Or improper motives. I never accused Members of the United States Senate of being actuated by a desire to besmirch somebody's reputation.

Mr. GILLETT. I made no accusations as to motives. [Applause.]

Mr. CONNERY. Mr. Speaker, will the gentleman yield?

Mr. GILLETT. Certainly.

Mr. CONNERY. Mr. Speaker, I merely wish to state to the gentleman, as a Democrat from Massachusetts, that I am heartily in accord with his views, and I am firmly convinced he should have his right to free speech when not presiding over this House. [Applause.]

Mr. GILLETT resumed the chair as Speaker.

Mr. ROSENBLUM. Mr. Speaker, I ask unanimous consent to address the House for one minute.

The SPEAKER. The gentleman from West Virginia asks unanimous consent to address the House for one minute. Is there objection?

Mr. BLANTON. Mr. Speaker, I am just wondering if the Washington Post editorial has precipitated all of this impetuosity.

Mr. DYER. Mr. Speaker, I object.

Mr. RANKIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RANKIN. I want to submit a question to the Speaker about this rule. As I understand the operation of the rule, we are forbidden to criticize Members of the Senate on the floor of this House. The Senate is likewise prohibited from criticizing our action here. I want to know if it is the understanding of the rule that a Member of the House or a Member of the Senate has the right to go to the country and attack Members of the other body in any manner he sees fit, and that then the Members of the body attacked are forbidden to answer the attack or reply to the criticism on the floor of the body attacked?

The SPEAKER. Well, the Chair thinks, no matter what a person says outside, a person attacked has a right outside to say what he pleases and has a right also on the floor of the House to answer any argument or attack, provided he does not violate the rule as to personalities. As to them the Chair thinks the rules apply, no matter what the provocation may be. However, this is a moot question which the Chair does not think he ought to rule on until a specific issue arises.

Mr. RANKIN. With deference to the Chair, I think it is a very pertinent question, touching the issue now before the House.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed, with amendments, the bill (H. R. 7449) making appropriation to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1924, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1924, and for other purposes; in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 2650. An act granting the consent of Congress to the construction of a bridge across the Mississippi River near and above the city of New Orleans, La.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 2656. An act granting the consent of Congress to the construction of a bridge across the Mississippi River near and above the city of New Orleans, La.; to the Committee on Interstate and Foreign Commerce.

ORDER OF BUSINESS.

Mr. SNELL. Mr. Speaker, I yield to the gentleman from Ohio to submit a unanimous-consent request.

Mr. LONGWORTH. Mr. Speaker, I ask unanimous consent that the business in order to-day, which is District of Columbia business, shall be in order on next Monday.

The SPEAKER. The gentleman from Ohio asks unanimous consent that the business in order to-day may be in order next Monday. Is there objection?

Mr. CLARK of Florida. Mr. Speaker, I object. Reserving the right to object, I would like to say to the gentleman from Ohio that next Monday is unanimous-consent day—

The SPEAKER. No.

Mr. CLARK of Florida. Oh, it is not. Well, then, I do not object.

The SPEAKER. The Chair hears no objection.

SPECIAL COMMITTEE TO INQUIRE INTO THE ARMY AIR SERVICE, NAVAL BUREAU OF AERONAUTICS, AND THE MAIL AIR SERVICE.

Mr. SNELL. Mr. Speaker, I call up House Resolution 192.

The SPEAKER. The gentleman from New York calls up the resolution which the Clerk will report.

The Clerk read as follows:

House Resolution 192.

Resolved, That the Speaker of the House of Representatives be, and he is hereby, directed to appoint from the membership of the House a select committee of seven Members for the Sixty-eighth Congress, and which said committee is hereby authorized, and directed to inquire into the operations of the United States Army Air Service, United States Naval Bureau of Aeronautics, the United States Mail Air Service, or any agency, branch, or subsidiary of either; said inquiry shall include investigation of contracts, settlements, or audits thereof, letters, expenditures, reports, receipts, or other documents in any way connected with any or all transactions of the said United States Army Air Service, the United States Naval Bureau of Aeronautics, the United States Mail Air Service, or any agency, branch, or subsidiary of either, and any corporations, firms, or individuals or agencies having any transactions with or being in any manner associated with or controlled or regulated by the said Air Service.

For the purpose of said inquiry, the committee, or any subcommittee designated by it, shall have the power to send for persons and papers, administer oaths, affirmations, to take testimony, to sit during the sessions of the House or during any recess of the House, and may hold its sessions at such places as the committee may determine.

Such committee shall have the right at any time to report to the House in one or more reports the result of its inquiry, with such recommendations as it may deem advisable.

The Speaker is hereby empowered to issue subpoenas to witnesses upon the request of the chairman of said committee at any time, including any recess of the House, during the inquiry of the committee; and the Sergeant at Arms is hereby empowered and directed to serve all subpoenas and other processes transferred to him by the said committee.

Mr. HOWARD of Nebraska. Mr. Speaker, I take it for granted this is a good resolution because of the character of the Member who introduced it, but what it is I do not know—

The SPEAKER. It is going to be discussed now.

Mr. HOWARD of Nebraska. I have not heard a word of it.

Mr. SNELL. Mr. Speaker, this resolution is presented to the House, and if adopted, it provides for an investigation by a special committee, to be appointed by the Speaker, of the United States Army Air Service, the Naval Bureau of Aeronautics, and the mail air service. We appreciate the fact that the Air Service of the United States has been investigated several times. It is not the intent or purpose of the proponents of this legislation that they are going to uncover much scandal or any crookedness, but it is their desire to do something that will have real value to the Air Service of this country and present some constructive suggestions for its future conduct.

Mr. WAINWRIGHT. Will the gentleman give way—

Mr. SNELL. I will.

Mr. WAINWRIGHT. I would like to ask the gentleman, so as to obviate the possibility of the offering of an amendment to this resolution, which, I understand, will be entirely acceptable to the gentleman from Wisconsin who originally suggested this, whether, in the judgment of the gentleman, the scope of this resolution is broad enough to authorize an inquiry into the whole subject of air defense of the United States?

Mr. SNELL. It is the intent of the proponents of the resolution, as expressed before our committee, that they should get some constructive proposition before the Air Service of this country. We appreciate that we are spending a whole lot of money in this arm of defense, and we hope to bring something out from this investigation that will be of definite benefit to that service.

Mr. WAINWRIGHT. I am entirely satisfied, Mr. Speaker, with the gentleman's construction of the resolution, and I think that the scope of the inquiry should be broad enough to include that very important subject, so we may get some constructive legislation from the investigation.

Mr. LANHAM. Will the gentleman yield?

Mr. SNELL. I will.

Mr. LANHAM. Is it contemplated that this investigation shall go back and take cognizance of the operations in this regard during the war or be restricted to the period subsequent to the termination of the war?

Mr. SNELL. Well, there is no definite limit, so far as I know, on the investigation, but whatever investigation is held will go far enough, we hope, to produce some definite results.

Mr. LANHAM. Has there not been already a pretty thorough congressional investigation covering the period of the war?

Mr. SNELL. There have been several investigations, and I understand that these investigating committees have made some definite recommendations, and they want to see if these recommendations are being carried out at the present time. I understand some of the practices which the former investigation severely condemned are being carried on at the present time and—

Mr. LANHAM. Then are we to understand that the investigation subsequent to the war period is simply to be in the direction of these recommendations to see if the same evils exist to-day?

Mr. SNELL. I could not say definitely it is all subsequent to the war period; but it is to be a constructive investigation.

Mr. LANHAM. It appears to me there is a possibility of an unnecessary duplication of work if we are to go back into the investigations made covering the period of the war.

Mr. SNELL. I think there is a possibility; but I hope the good judgment of the men on the committee will see that is not the case, unless they discover some definite reason for doing so.

Mr. LANHAM. If the gentleman will yield for another question, is it the purpose of the Committee on Rules in recommending the passage of this resolution that the members of this special committee shall be selected from the House in general or from the membership of any particular committee?

Mr. SNELL. As far as the Committee on Rules is concerned, they have been interested only in the adoption of the special committee proposition, and it is up to the Speaker to appoint whoever he sees fit.

Mr. LANHAM. Does not the gentleman think, in view of the fact that there has been heretofore an investigation into the operation of the Air Service during the war, that some of the members of the former investigating committee should certainly be appointed upon this committee in order that some Members who have a familiarity with this investigation should serve in this capacity?

Mr. SNELL. That may be a constructive suggestion, but that has nothing to do with the appointment here.

Mr. LAGUARDIA. Mr. Speaker, will the gentleman yield right there?

Mr. SNELL. Yes.

Mr. LAGUARDIA. I understand the gentleman's purpose, as indicated by the reply he made to the gentleman from New York [Mr. WAINWRIGHT], is to go beyond the past conduct and submit constructive suggestions for the development of the Air Service of the Government?

Mr. SNELL. Yes. That is what the proponents of this resolution had in mind.

Mr. LAGUARDIA. I noticed the subject of the inquiry includes looking into the contracts and audits and receipts. Should not the resolution provide for the operation and conduct of the respective branches of the Air Service of the country?

Mr. SNELL. It is intended to cover all those things in connection with the Air Service.

Mr. LAGUARDIA. Does not the gentleman think we should amend the resolution in that particular?

Mr. SNELL. I do not think it is necessary.

Mr. MILLER of Washington. Mr. Speaker, will the gentleman yield?

Mr. SNELL. Yes.

Mr. MILLER of Washington. What particular thing, may I ask, has precipitated this resolution?

Mr. SNELL. Statements, definite statements, to the effect that practices that were severely condemned by prior investigating committees are still being carried on at the present time. That is one of the particular things.

Mr. MILLER of Washington. Did it relate to the criticisms of the gentleman from Wisconsin [Mr. NELSON]?

Mr. SNELL. He is one of the proponents of the resolution.

Mr. ROGERS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. SNELL. Yes.

Mr. ROGERS of Massachusetts. I was interested to know what the attitude of the Committee on Rules was when the request for an investigation was made. Of course, the committee allows the Member who seeks the investigation to make allegations with respect to the conditions in the particular department that he thinks requires investigation. Does the Committee on Rules, before it reports out a resolution of inquiry like the present one, confine itself to the finding of probable causes on these allegations, or does it accept the fact that allegations have been made, unsupported, as the basis of the inquiry?

Mr. SNELL. The gentleman is partly right and partly wrong. I will say to the gentleman that we had the head of the aircraft service, General Patrick, before us, and he explained the conditions. So far as I am concerned, the explanation was proper and satisfactory and right, but all the members of the committee did not agree with me, and he himself thought that an investigation would be proper and had no objections to it.

Mr. ROGERS of Massachusetts. I think that in these days, when investigations are rampant, the Committee on Rules should not report out rules for investigations unless something was found *prima facie* justifying the report.

Mr. LONGWORTH. Mr. Speaker, I would not ordinarily make this suggestion to the gentleman from New York [Mr. SNELL], but I should think that a committee of seven was a sufficiently large committee. In this case, however, in view of the fact that there are a number of men familiar with the subject, and in view of the fact that a number of gentlemen have spoken to me about the advisability of slightly increasing the size of the committee, I would like now to ask the gentleman from New York if he would have any objection to amending his resolution so as to provide for a committee of nine, instead of seven?

Mr. SNELL. I would say to the gentleman from Ohio that personally I think a committee of five is better than a committee of seven; but the Committee on Rules did not agree with me on that proposition, and between seven and nine I do not think there is any great difference. If there is a real desire on the part of the House to increase that from seven to nine I shall not personally make an objection, although I have not been authorized by the committee to do that.

Mr. LONGWORTH. The gentleman would not oppose such an amendment if offered by myself or some other gentleman?

Mr. SNELL. I would have no objection.

Mr. SNYDER. Mr. Speaker, will the gentleman yield?

Mr. SNELL. I yield to the gentleman.

Mr. SNYDER. Mr. Speaker, while I have the very highest regard for the Committee on Rules and the members of the committee, I have not had it pointed out to me that there is any reason for the investigation at all. We have had investigations until we are all neglecting the work of Congress in our efforts to chase rainbows. We have had one investigation of the Aircraft Bureau conducted by a very able committee. It seems to me it is perfectly absurd for this House to keep on starting out "smelling" committees all over the country that are of no value except to produce newspaper notoriety.

Mr. SNELL. I think the gentleman is about 90 per cent correct, and to a large degree expresses my sentiments. But we were in a position where we could not very well refuse to grant this investigation, provided the House approves this resolution.

Mr. LAGUARDIA. Mr. Speaker, will the gentleman yield?

Mr. SNELL. Yes.

Mr. LAGUARDIA. The gentleman from New York, who is always looking out for economy in the Government, knows that every other country in the world has had this same sort of a

situation, where aircraft is carried on under different branches of the government service, and an inquiry into the whole subject was necessary in order to bring the governmental activities with respect to aircraft in relation to the navigation of the air up to date.

Mr. SNYDER. We have regular committees in this House whose duty it is to look after the Air Service in the different branches of the Government.

Mr. LAGUARDIA. Other countries have had that same problem before them, and the question here is whether the different branches of this service should be combined or whether they should be kept separate.

Mr. FITZGERALD. Mr. Speaker, in view of the fact that we ought to get something constructive out of any investigation that is to take place, I would like to ask the gentleman if he has any objection to enlarging the scope of this investigation to find out what proper place the Air Service has in the national defense.

Mr. SNELL. It is the intention of the committee to let the investigation go forward and report back to the House with the hope of getting results.

Mr. BUTLER. Does the gentleman think this investigating committee will have authority under any of these resolutions to find out whether it is practicable or not to join these services of the Army and Navy without adding to the cost to the Government? Is this resolution broad enough to cover that?

Mr. SNELL. They can make recommendations back to the House as to what they think ought to be done. There is no limitation as to their recommendations.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. SNELL. Yes.

Mr. BLANTON. The gentleman frankly states that in presenting his resolution his committee does not expect to uncover anything. If we are going to appoint that kind of a committee in that kind of a way, what is the use of spending this money?

Mr. SNELL. I did not say exactly that. I said that was not the only purpose of it.

Mr. BLANTON. That is what I understood the gentleman to say.

Mr. SNELL. I did not mean it that way, and the gentleman knows it.

I yield seven minutes to the gentleman from North Carolina [Mr. POU].

The SPEAKER. The gentleman from North Carolina is recognized for seven minutes.

Mr. POU. Mr. Speaker, if I remember correctly, during the last two years of Woodrow Wilson's administration a Republican Congress created more than 80 investigating committees. It became my duty to represent the minority of the Committee on Rules when those investigations were proposed, and on every occasion, whenever an investigation was proposed, I said, by authority of the Democratic members of the Committee on Rules, "If there is anything rotten we want to uncover it as well as you do, and if there is any rascality being practiced we want the rascal uncovered just as much as you do." We reiterate that position here to-day. We do not care how far back you go with your resolution. If you take in the whole Democratic administration we have no fear that you will be able to find any wrongdoing on the part of any high official of the Democratic administration. I am sorry you can not say as much for your party since you have come into power. [Applause.]

Mr. OLIVER of New York. Will the gentleman yield?

Mr. POU. Yes.

Mr. OLIVER of New York. Did the gentleman read Congressman BRITEN's interview in the Washington Post this morning to the effect that the reputation of America was very low in Cuba because of the revelations as to the crimes of the present Republican administration?

Mr. BARKLEY. He might have added the Philippines, too, in view of many damaging disclosures.

Mr. POU. That is not a surprising statement at all. The Democratic membership in this House is ready and willing at all times to cooperate with the majority in uncovering anything that ought to be uncovered. We say, so far as this resolution is concerned, that if there is any lead that this eighty-ninth smelling committee—I think it is No. 89—erected by the Republican membership of this House can uncover we are just as anxious for you to expose wrongdoing as you are yourselves, but I can not help reminding the majority that you utterly failed to connect the Wilson administration with any wrongdoing whatsoever. Not millions but billions of dollars of the people's money were appropriated and expended by the Wilson administration at a time when money could not be

cautiously expended, because we wanted to win the war and win it quickly and thereby save American lives.

When peace was declared and you put your smelling committees in motion—more than 80 of them—not one single member of the Democratic administration could be held up to public condemnation.

This is a remarkable record, particularly remarkable when one considers the large number of crooks who descended upon Washington as soon as a new administration came in. Recent disclosures have shaken the confidence of the people in their Government. The Democratic minority will not attempt to prevent the passage of this resolution. We have not attempted to prevent the passage of any of these so-called investigating resolutions presented while our party had the Presidency. We wanted wrongdoing, if any there was, exposed then. We want any wrongdoing which may exist now exposed, no matter who the guilty person may be. [Applause.]

Mr. SNELL. Mr. Speaker, I yield two minutes to the gentleman from Ohio in order that he may offer an amendment.

Mr. LONGWORTH. Mr. Speaker, I desire to offer the following amendment: Page 1, line 3, strike out the word "seven" and insert the word "nine."

The SPEAKER pro tempore (Mr. SANDERS of Indiana). The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LONGWORTH: Page 1, line 3, strike out the word "seven" and insert the word "nine."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. SNELL. Mr. Speaker, I move the previous question on the resolution.

The question was taken; and on a division (demanded by Mr. FITZGERALD) there were—ayes 160, noes 0.

So the previous question was ordered.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

INVESTIGATION OF PREPARATION, DISTRIBUTION, ETC., OF GOVERNMENT BONDS AND OTHER SECURITIES.

Mr. SNELL. Mr. Speaker, I call up House Resolution 231.

The SPEAKER pro tempore. The gentleman from New York calls up a privileged resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, That a special committee of five Members be appointed by the Speaker to investigate the preparation, distribution, sale, payment, retirement, surrender, cancellation, and destruction of Government bonds and other securities. Said committee is authorized to sit during the sessions of the House or during any recess thereof and to hold its sessions in such places as the committee may determine; to require by subpoena or otherwise the attendance of witnesses, the production of books, papers, and documents; to administer oaths, and to take testimony. The Speaker is authorized to issue subpoenas to witnesses upon the request of the committee, and the Sergeant at Arms is hereby empowered and directed to serve all such subpoenas and other processes.

Resolved further, That said committee shall report to the House as promptly as possible the results of its inquiries, together with such recommendations as it may deem advisable.

Mr. SNELL. Mr. Speaker, this resolution explains itself. It provides for the appointment of a special committee of five to investigate the preparation, distribution, sale, payment, retirement, surrender, cancellation, and destruction of Government bonds and other securities.

There have been several reports going about the country that there is a large duplication in Government securities, securities which were put out during the war. The evidence which came before the Committee on Rules was quite positive in several specific respects. I went to the Treasury Department and talked with Secretary Mellon relative to this proposition. In all fairness to the Secretary, it should be said, of course, that these matters took place before he became Secretary of the Treasury. The Secretary says they have spent a great deal of time in checking over these various securities, and that, outside of a few small bonds that they knew were stolen but which have been accounted for, he does not believe there is any very great amount of duplication in these securities. Furthermore, he does not think any securities have gotten out which have not been paid for by the people who bought them, and that the Treasury itself has had full and complete payment for all the bonds that are in the hands of the public. But, notwithstanding that fact, he thought that perhaps, on account of these reports that were going about the country, we should have a

small select committee of Congress go into the matter, clean it up, and tell the whole story, so that the public would know the true condition, and then the public would be satisfied with the simple statement from the Treasury Department.

For that reason we have brought in this proposition at this time. But it is fair to state to the House that when you pass a resolution of this kind, of course, you are interfering with the everyday work of the Treasury Department, and it will cost a good deal in extra help for additional employees to make the check-up that will be required in an investigation of this kind, and while, perhaps, as far as the House is concerned, it will not cost very much money, it will certainly cost the Treasury Department considerable money before it is all completed, to say nothing about the delay in current work.

Mr. SNYDER. Will the gentleman yield?

Mr. SNELL. I yield to the gentleman.

Mr. SNYDER. I do not want to interfere at all, but the gentleman told us what evidence he got from the Secretary of the Treasury. Will the gentleman also tell us what evidence he got from others who came before the committee?

Mr. SNELL. There was a gentleman who came before the committee with copies of bonds that a man like myself or any inexperienced man would say were duplicates in a good many cases, and the evidence was quite effective that was produced before the committee, and while common laymen would think there was duplication that needed attention and explanation, still the Treasury Department say they have a full and complete explanation of it all. Nevertheless we felt that the statements were so direct that there was a reasonable excuse for the investigation.

Mr. WATKINS. Will the gentleman yield for a question?

Mr. SNELL. I yield.

Mr. WATKINS. This resolution does not take into contemplation the discharge and the reinstatement of 28 employees of that bureau?

Mr. SNELL. Only incidentally, but that will probably be considered in connection with the investigation.

Mr. WATKINS. Do you not think that the committee ought to be given full power to investigate that matter in view of the fact it may dovetail into this investigation.

Mr. SNELL. I think that will be considered along with the other, although the only request to us was to investigate the duplication, sale, cancellation, and so forth, of bonds, and we have provided for that in this resolution.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. SNELL. I yield to the gentleman.

Mr. GARRETT of Tennessee. In view of the fact that what the gentleman is saying might be used as a guide in their work by the committee that will be appointed, I feel it is proper to say in regard to the observation made by the gentleman from Oregon [Mr. WATKINS] that if the discharge of those employees does in any way dovetail into this transaction and has a connection with it, in my opinion, it comes within the jurisdiction of the committee.

Mr. SNELL. I meant to convey the idea that, incidentally, that was true, or where it had any direct connection with the other, but that that was not the primary purpose of the resolution.

Mr. BLANTON. Will the gentleman yield for a question?

Mr. SNELL. I yield.

Mr. BLANTON. The gentleman, as I understood, said that there was evidence before his committee which to a common man might indicate the duplication of bonds, but to the Treasury Department would not.

Mr. SNELL. No; I did not quite say that.

Mr. BLANTON. I think the gentleman ought to revise his remarks, because that would indicate that all men are common, except those in the Treasury Department.

Mr. SNELL. I said the Treasury Department had a full and complete explanation for that apparent duplication.

Mr. O'CONNELL of Rhode Island. Will the gentleman yield?

Mr. SNELL. I yield.

Mr. O'CONNELL of Rhode Island. I understood the gentleman to say that this investigation probably would not cost this body very much, but that it would cost the Treasury Department considerable money by reason of the extra number of employees who would be required to check up this data. Does the gentleman contemplate that the checking up in this investigation is to be done by the employees of the very department that is to be investigated and not by special employees engaged by this committee?

Mr. SNELL. I did not mean that at all, but necessarily they will have to do a good deal of the work under the supervision of the committee—done by the department itself.

Mr. MOORE of Virginia. May I interrupt the gentleman?

Mr. SNELL. I yield to the gentleman from Virginia.

Mr. MOORE of Virginia. In view of the fact that the gentleman has said that perhaps the matter of the discharge of some 30 employees nearly two years ago may be incidentally involved in the work of this committee, may I not say, just for the purpose of directing the committee's attention to an essential feature of that transaction, that if it goes into the transaction it ought to ascertain exactly under what circumstances the order of March 31, two years ago, was issued by the President.

Mr. SNELL. There are no limitations on the work of the committee, as far as it pertains to the main subject under investigation.

Mr. MOORE of Virginia. I hope there will not be. I would like to know the facts as to that matter.

Mr. SNELL. The committee will be authorized to make a full investigation.

Mr. LEA of California. Was there any evidence presented to the committee to show that the Treasury had actually been injured financially in these transactions?

Mr. SNELL. I definitely stated that Secretary of the Treasury Mellon did not think the Treasury had been hurt financially in the transactions.

Mr. LEA of California. Did those who demanded these investigations claim there was any such evidence?

Mr. SNELL. I could not state exactly in regard to that, but I think they inferred that it had.

Mr. BANKHEAD. Will the gentleman yield me two or three minutes?

Mr. SNELL. I yield the gentleman three minutes.

Mr. BANKHEAD. I simply desire to say that there seems to have been criticism on the majority side with reference to the appointment of these investigating committees during the present session of Congress. I think it only fair to say that so far as I remember there have been only four special committees authorized by the House at this session of Congress; the Shipping Board investigation, which was introduced by a Democrat, the gentleman from Tennessee [Mr. DAVIS]; a special committee for the investigation of charges against two Members of Congress, which was demanded as a matter of right on that side of the House; an investigation authorized a few moments ago of the aircraft situation, which was originated by the gentleman from Wisconsin [Mr. NELSON], a distinguished Republican; and the pending resolution on which we are now about to vote, which has as its author the distinguished Representative from Illinois [Mr. KING], also a Republican Member of the House. So that as far as the record goes, about 75 per cent of the suspicion with reference to the efficiency of administration under the present régime has originated on that side of the House.

Mr. WATKINS. Will the gentleman from New York yield?

Mr. SNELL. I yield for a short question.

Mr. WATKINS. Will the gentleman yield for the purpose of my offering an amendment?

Mr. SNELL. No; not at this time. I move the previous question, Mr. Speaker.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

BELIEF OF DISTRESSED AND STARVING WOMEN AND CHILDREN OF GERMANY.

Mr. SCOTT. Mr. Speaker, I offer a privileged resolution. The Clerk reported the resolution, as follows:

House Resolution 232.

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the joint resolution (H. J. Res. 180) entitled "Joint resolution for the relief of the distressed and starving women and children of Germany." That after general debate, which shall be confined to the joint resolution and shall continue not to exceed two hours, to be equally divided and controlled by the gentleman from New York [Mr. FISH] and some member of the Foreign Affairs Committee opposed to this resolution, the resolution shall be read for amendment under the five-minute rule. At the conclusion of the reading of the resolution for amendment the committee shall arise and report the resolution to the House, with such amendments as may have been adopted, and the previous question shall be considered as ordered on the joint resolution and the amendments thereto to final passage without intervening motion, except one motion to recommit.

Mr. BLANTON. Mr. Speaker, I make a point of order.

The SPEAKER. The gentleman will state it.

Mr. BLANTON. I make the point of order, Mr. Speaker, that even under a resolution that comes from the Rules Committee the opposition should have a right to be heard. The time here is fixed, with one hour only of debate, as I understand it, half to the gentleman from Michigan [Mr. SCOTT] and half to the gentleman from New York [Mr. O'CONNOR], both of whom are for this rule. These two gentlemen are both in favor of the legislation to follow.

The SPEAKER. The Rules Committee has the right to make any report it pleases.

Mr. BLANTON. Yes; unfortunately, that is true. But those against the rule ought to have a chance to be heard, especially on so important a matter as making a gift of \$10,000,000 to Germany.

The SPEAKER. The gentleman from Michigan has one hour, and he can dispose of the time as he sees fit. If the gentleman from Texas does not think that the House has used him fairly, the gentleman has his remedy.

Mr. BLANTON. The only thing that remedy provides is to vote down the previous question, which is almost impossible to do, but I think those against the resolution ought to have a chance to be heard against it, and the Rules Committee should always so provide in order to be fair.

Mr. SEARS of Florida. Mr. Speaker, in view of the importance of this appropriation of \$10,000,000, I make the point of order that no quorum is present.

The SPEAKER. The gentleman from Florida makes the point of order that no quorum is present. Evidently there is no quorum present.

Mr. SNELL. Mr. Speaker, I move a call of the House.

The motion was agreed to.

Accordingly the doors were closed; and the Sergeant at Arms was directed to bring in absent Members.

The Clerk called the roll, and the following Members failed to answer to their names:

Aldrich	Prothingham	McClintic	Schneider
Anderson	Gallivan	McFadden	Smithwick
Beedy	Garber	McKenzie	Strong, Pa.
Bloom	Garner, Tex.	McNulty	Sullivan
Brand, Ga.	Gifford	Martin	Swoope
Britten	Gilbert	Merritt	Taylor, Colo.
Chidbloom	Graham, Pa.	Michelson	Taylor, Tenn.
Christopherson	Hammer	Miller, Ill.	Temple
Clark, Fla.	Hayden	Morehead	Tinkham
Cole, Ohio	Hickey	Morris	Vare
Connolly, Pa.	Holaday	Newton, Minn.	Vestal
Crisp	Howard, Okla.	Nolan	Ward, N. Y.
Crowther	Johnson, S. Dak.	Oldfield	Wason
Curry	Kahn	Peavey	Weller
Dempsey	Kelly	Phillips	Welsh
Dominick	Kindred	Porter	Wertz
Doughton	Knutson	Quayle	Williams, Ill.
Doyle	Langley	Ransley	Winslow
Drewry	Lee, Ga.	Reed, N. Y.	Winter
Edmonds	Lineberger	Reed, W. Va.	Wright
Fenn	Loe	Reld, Ill.	Yates
Fredericks	Lyon	Sanders, N. Y.	Zihman

The SPEAKER pro tempore (Mr. LEHLBACH). Three hundred and forty-three Members have answered to their names. A quorum is present.

Mr. SNELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

Mr. SCOTT. Mr. Speaker, I desire to ask if it is possible to agree on a limitation of debate on the rule. I would suggest to the gentleman from New York that we have one hour, to be equally divided, for discussion of the rule, and at the end of that hour the previous question be considered as ordered.

Mr. O'CONNOR of New York. That will be entirely agreeable to me. I want to say that we had already decided on 15 minutes for those in favor and 15 for those opposed on this side.

Mr. SCOTT. Under my request the gentleman from New York will have control of his own time. Mr. Speaker, I ask unanimous consent that debate on the rule be confined to one hour, to be equally divided between the gentleman from New York [Mr. O'CONNOR] and myself, and at the end of the hour the previous question be considered as ordered.

The SPEAKER pro tempore. The gentleman from Michigan asks unanimous consent that the debate on the resolution be concluded in one hour, one-half to be controlled by him and one-half by the gentleman from New York [Mr. O'CONNOR], and at the end of the hour the previous question shall be considered as ordered. Is there objection?

Mr. BLANTON. Reserving the right to object, I want to ask the gentleman from Michigan a question. Is the gentleman in favor of the rule?

Mr. SCOTT. Yes.

Mr. BLANTON. And also of the resolution?

Mr. SCOTT. I shall vote for the resolution.

Mr. BLANTON. So will the gentleman from New York [Mr. O'CONNOR]. It seems to me, Mr. Speaker, that is rather an unfair request. There are men here who honestly, sincerely, and conscientiously oppose both the rule and the resolution.

Mr. SNELL. I think if the gentleman will wait he will find that those opposed to the resolution will get their share of the time.

Mr. BLANTON. It looks rather unfair on the face of it.

Mr. SCOTT. The rule provides that one-half of the time shall be controlled by proponents of the bill and one-half by opponents. If the gentleman can suggest a more equitable distribution of time, I would be glad to have him do so.

Mr. SEARS of Florida. Will the gentleman yield? My recollection is that we had 10 hours in general debate on a three hundred million proposition, and the most of the speeches were not on the bill.

Mr. SNELL. I will say that all this debate must be confined to the resolution, for it is so provided in the rule.

Mr. RANKIN. Will the gentleman yield?

Mr. SCOTT. Yes.

Mr. RANKIN. Will there be opportunity to amend this resolution and for debate under the 5-minute rule?

Mr. SCOTT. Yes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. SCOTT. Mr. Speaker, I yield four minutes to myself. Mr. Speaker and Members of the House, in behalf of the committee I present this rule authorizing the immediate consideration of House Resolution 180. The resolution to which I have just referred provides for an expenditure of \$10,000,000 to purchase food and cereals in the United States for shipment to Germany. The subject matter of this resolution was fully considered by your Committee on Foreign Affairs in extended public hearings and the resolution was reported favorably to the House. The testimony before the Committee on Foreign Affairs came almost entirely from our embassy in Germany, the State Department, and American citizens. This testimony, undisputed, showed that at the present moment there are approximately 2,000,000 women and children in Germany who are starving and unless relief is offered within the next 30 days a large proportion of that number must necessarily perish. The Committee on Foreign Affairs came before the Committee on Rules asking for a rule permitting immediate consideration of House Resolution 180 insisting that although such resolution had been reported favorably by the committee it could not be reached under the present call of the calendar before the latter part of April and such delay would virtually defeat the object and purpose of such resolution. In other words they urged to your Committee on Rules that if the Congress wished to render this humanitarian aid it should be given immediately. Your Committee on Rules concurred in the opinion entertained and expressed by the Committee on Foreign Affairs and we have therefore submitted this special rule for the immediate consideration of such resolution.

In the brief time at my disposal it is obviously impossible to discuss the merits of the resolution in justification or support of the rule. That will occur if the House shall accept the judgment of the Committee on Foreign Affairs and the Committee on Rules as to the urgent necessity of the immediate consideration of this resolution. However, I do wish to call the attention of the House to the fact that this terrible distress has elicited the assistance of Great Britain, France, Italy, Austria, and even Russia. Allies and erstwhile enemies, to the extent of their respective abilities, have joined in an effort to aid this suffering humanity.

Mr. KEARNS. Mr. Speaker, will the gentleman yield?

Mr. SCOTT. How much time have I, Mr. Speaker?

The SPEAKER pro tempore. The gentleman has 30 seconds remaining.

Mr. SCOTT. I yield.

Mr. KEARNS. The resolution recites that this relief is for the women and children of Germany. Are any of the men hungry over there?

Mr. SCOTT. Yes.

Mr. KEARNS. Why was not that put in the resolution?

Mr. SCOTT. Because the committee felt the United States could not carry the entire burden and the immediate urgency was in behalf of the women and children. I am sure the gentleman will agree that the women and children should have our first consideration.

Mr. KEARNS. Is any of this money to be used for the purpose of feeding of men?

Mr. SCOTT. No. Mr. Speaker, I yield five minutes to the gentleman from Wisconsin [Mr. NELSON].

Mr. NELSON of Wisconsin. Mr. Speaker, this rule gives a legislative right of way for making a gift of \$10,000,000 for the relief of the distressed and starving women and children of Germany. This relief is to be made up of grains, fats, milk, and other foodstuffs. I am for the rule and for the relief. I urged both before the steering committee and I spoke and voted for them as a member of the Committee on Rules.

I am for the relief, because it appeals to my mind as exceedingly reasonable. We are not taking a step in the dark. We have an abundance of light on this subject. We have the reports of our diplomatic and consular officers in Germany, the testimony of American citizens who have visited that country, and the evidence of our colleagues in Congress who have been eye witnesses of the present affliction of this now stricken but uncomplaining people.

To my mind two things stand out distinctly—Germany's present need of relief and America's present ability to meet that relief.

With reference to conditions in that country I have time to touch upon only a few figures and facts, leaving it to others to complete the picture presented to us. But these facts are sufficient to move any normal mind to serious thought. So vividly have I been stirred that it seems to me now that I can see in this land of war-oppressed people 20,000,000 actually starving; thousands of children in the densely populated industrial cities standing daily in line for hours waiting for their turn to buy the allotted pound of potatoes upon which life depends; other children filling hospitals so enfeebled from hunger that the emaciated skin folds loosely over youthful bones like cloth; children of 12 look like children of only 5 years. In Berlin we are told 50 per cent of the children are tubercular for want of nourishment.

So many pictures of suffering have been called to our attention that I seem to see German mothers staggering under ordinary burdens, falling down faint from hunger; mothers without swaddling clothes in which to wrap new-born babes save newspapers. No wonder each week there are 75 suicides in Berlin.

Before the discussion on this resolution is completed, I am sure these pictures will be made real to you, as they have been to me. Truly Germany's need is great, and we are told that by the latter part of this month or the first of the next this great need will reach its highest point of distress, despair, and death.

That the United States has the foodstuffs, grain, fats, and milk, and the means with which to afford this relief requires no argument.

While there is some financial distress among us, especially among the farmers in the Northwest, there is everywhere an abundance of food; indeed, the complaint of the farmer is that his crops are so plentiful and the prices so low as to make it unprofitable for him to pay the cost of bringing them to market. Surely we do not suffer want. We are not starving; we are not dying from hunger. Compared with the other nations of the world, we are enjoying to-day marvelous prosperity.

What more evidence do we need of our means than the Navy appropriation bill just passed, carrying \$300,000,000? This is double the amount carried before the war, and for the destructive object of preparedness for more war and misery. The Army bill coming up Monday next will carry \$250,000,000, more than doubled by the war—all for destructive purposes on land and sea. Five hundred and fifty millions for preparedness. No foe in sight. Not even Japan or England or France. Our allies confederated with us in a treaty of disarmament. And Germany prostrate. No man will deny the fact of our ability to give this relief; and there is far more of reason in these \$10,000,000 than in the \$550,000,000 annually wasted for militarism in America.

But not only does this relief appeal to my mind as reasonable, but also to my conscience as right. Whether Germany was wrong or wronged is not at issue here. The war is over and the penalties have been assessed. But taking an account of stock after the war, it is difficult to point out one righteous thing that was settled by it. In the last campaign I asked my constituents in a score of speeches made in a county which was the hotbed of opposition to me six years ago what good thing came to the world or to the United States out of the war? What great principle was settled right? I paused for an answer, but no answer came. Speaking in the county seat of another county, however, I did get an answer from a man in a front seat, who yelled out "Not a damn thing." In what he intended to say he was right. But strictly construed, he was mistaken. We got many "a damn thing" out of the war. Evils were multiplied. The aftermath of the war is still with

us heavily. Sherman was right when he said, "War is hell." Hell produces no other fruitage than more hell.

During the propaganda for war the charge was made that Germany began the war and that German militarism was a menace to the world. The stories of German atrocities filled the press, and likewise Germany's plan to cross the ocean to conquer Uncle Sam. Uncle Sam's righteous wrath was aroused. He entered for the first time war in Europe, disregarding the sage advice of George Washington. He sent over millions of men and billions of dollars for what he thought was a war to end war, for humanity and for the freedom of nations. But he is now a sadder and, perhaps, a wiser man. The revelation of the secret treaties, clearer light on the so-called atrocities, the absurdity of Germany's intent to conquer America, and the utter failure of peace, freedom, and humanity in the world has completely restored him to reason.

Indeed, Uncle Sam knows that there was guilt on the part of all nations. To-day he beholds France and England at odds. France has now become twice as militaristic as was ever Germany. France is now the menace to the peace of the world. As for atrocities, her maintaining the black troops on the Rhine and her seizure of the Ruhr do not appear to him as consistent with a belief in chivalrous and liberty-loving France.

Certainly Uncle Sam never made war on the children and women of Germany. President Wilson proclaimed that we were not making war on the German people. It is not, therefore, for Uncle Sam to reply to this appeal for relief to the starving children and women of that country. "It is none of my affair; am I my German brother's keeper?" Uncle Sam is not without responsibility for conditions in Germany. Was it not he who came to the rescue of France and England, fighting with their backs against the wall, and who finally overthrew the German forces? Was it not he whose word was so potent in bringing about the ruthless armistice and whose pen dictated the harsh treaty of Versailles? Does not Uncle Sam now silently sanction the seizure of the Ruhr by France, well knowing that it is France's purpose to destroy the German people? He certainly has made but a very feeble protest.

Let him beware of self-righteousness and hypocrisy. There is a Judge who looks to the heart, who knows that Uncle Sam, too, was not without blame for going into this adventure of a world war. He can not say to this Supreme Judge when asked, "Where are thy brother's starving and dead children, 'I know not; am I my brother's keeper?'" lest he shall hear these fateful words: "What hast thou done? Thy brother's blood calleth to me from the ground." It is because I wish to avert the curse of God upon my country that I would make this public acknowledgment that we are no longer the German people's foes but friends and brothers.

Not only is this relief reasonable and right but it appeals also to my heart as of the loftiest spirit of humanity. There is too much of hate in the world. The spirit of hate is destructive. Its fruitage is starvation, disease, and death. What the world needs is human love. Love is the cement of society. Love binds together and builds up home, country, and the whole human family.

This relief of \$10,000,000, taking the form of bread, fats, milk, and other foodstuffs, will speak more eloquently to the heart of Germany and to the world for peace and good will on earth than all the five hundred and fifty millions that we are again voting for purposes of war on land and sea. When will human beings understand the folly of hate and war and the wisdom of love and peace?

In conclusion, Mr. Speaker, as this measure before us is an expression of the highest sentiments of the human soul, righteousness, reason, and love, I am for the rule and for the relief that this rule gives a right of way. I did what I could for both before the steering committee. I voted for a favorable report as a member of the Committee on Rules, and I am for this relief to the distressed and starving children and women of Germany—mind, conscience, and heart approving my action. [Applause.]

Mr. O'CONNOR of New York. Mr. Speaker, I yield five minutes to the gentleman from Alabama [Mr. BANKHEAD].

Mr. BANKHEAD. Mr. Speaker and gentlemen of the House, I can not conscientiously support the pending resolution, and, therefore, to be consistent in my position, I shall vote against the adoption of the rule. I base my opposition to this proposition very largely upon the specific ground that in my deliberate opinion—and I have tried to give it careful consideration—there is no warrant in the Constitution of the United States which justifies the Congress of the United States in voting out of the Treasury for the benefit of suffering foreign populations sums of money paid into the Treasury by taxation for public purposes. I am not here posing as the guardian of any other

man's legislative conscience. I am only expressing my own views on the question, and when the matter was before the Committee on Rules I tried to secure from the proponents of the resolution some authority as to the constitutional justification for this resolution, and up until this good hour I have heard no gentleman who has been able to quote any provision of the Constitution of the United States which justifies an appropriation of this character. We all stood here and took this oath:

I do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

I can not regard that obligation lightly or as a mere trivial formula of service as a Representative. To me it is a solemn thing.

Abraham Lincoln, in his Cooper Union speech, February 17, 1860, said:

No man who has sworn to support the Constitution can conscientiously vote for what he understands to be an unconstitutional measure, however expedient he may think it.

There are gentlemen here who will to-day vote for this measure who might well ponder the admonition of one of the great men who largely founded the Republican Party.

In the Committee on Rules I asked the gentleman from Missouri [Mr. NEWTON], who is a very earnest advocate of this legislation, how he justified a vote for a resolution of this sort, and he said it might be justified upon the theory of maintaining the public health of this country in that if this period of starvation continues in Germany they might have there an epidemic of typhus fever, and that by some tortuous method it might be conveyed back into the United States and, therefore, as a matter of justification in the preservation of the public health of this country we should vote this \$10,000,000 out of the Treasury. That is the nearest to any constitutional justification I have heard. Oh, they will cite precedents, of course, but I do not believe that the Constitution can be defended and supported by deliberately violating its provisions. In the course of this debate I should like to hear some of the able and learned attorneys who have given this matter consideration point out what, in their opinion, is the constitutional authority for this legislation. Or course, I do not mean by that precedents, because many can be cited.

Here is how I feel about the proposition, and I think I have ordinarily as sympathetic an attitude toward humanity as any other man. I try to be as liberal in my personal gifts as my means will justify, but this is not a question of that character. We are asked here to go into the Treasury of the United States and take out of it money that the taxpayers of this country, out of their toll and sweat and labor, went down in their pockets and paid into the Treasury, and deliberately to give it away to a foreign population. If we can give away \$10,000,000 of the taxpayers' money for purposes of this sort we can give away every dollar in the Treasury of the United States as a logical conclusion. I regard myself in a measure as a trustee of the taxpayers, and here is a specific fund of my people in part with which we are dealing. I say that the way these things ought to be handled is by soliciting funds from the public, and it can be raised in that way as it has been done before. But, say others, that is too much trouble; that will take too long; it will involve probably some delay. The easier matter, of course, is to pass a joint resolution granting it out of the Treasury of the United States.

I protest against this measure as not only unconstitutional but as inexpedient and unwise, and also as unfair to the taxpayers of America. How can we reduce taxes if we give away millions at a clip out of the public funds? My constituents have not authorized me to do so, and I will not, by my vote, contribute to this tapping of the public till. I have a right to give away what belongs to me, but I have no right to give away that to which I own no title.

Mr. O'CONNOR of New York. Mr. Speaker, I yield myself five minutes. Mr. Speaker, it is obvious that this is not a partisan matter, because at the outset of this debate on the rule I disagree with my distinguished colleague on the committee [Mr. BANKHEAD]. It is not a partisan question; it is a question of charity.

Mr. SANDERS of Texas. Will the gentleman yield for a question?

Mr. O'CONNOR of New York. Yes.

Mr. SANDERS of Texas. Will the gentleman point out the provision in the Constitution of the United States that authorizes this legislation?

Mr. O'CONNOR of New York. I shall not point it out except to refer you to the "general welfare" clause, and I am confident that position is going to be presented very ably by the distinguished gentleman from Ohio [Mr. BURTON].

Mr. SANDERS of Texas. Another question, please. Does not the general welfare clause apply only to the United States and not to foreign nations?

Mr. O'CONNOR of New York. Not by specific or direct language.

Now, Mr. Speaker, I know the reaction on this proposition many may experience. What I hope is not going to happen here to-day is that the war is going to be fought over again. No such thing enters into this proposition. I might say in passing, and I do not say it offensively to anybody, that many people during the war had hate for the German people—and I use the word "hate" advisedly—or had repulsion at the mere word "German." No German blood courses through my veins. My district is not German; so I, for one, approach the subject with an open mind.

If any Member of this House would take the time to read the minutes of the hearing before the Foreign Affairs Committee and then sit down and say conscientiously, barring this question of constitutionality, "I will not help these German women and children, even though we have to place our hands in the Treasury," I can not figure him anything but a partisan, not in politics but in nationality. You will be told what is happening in Germany, a great nation of 60,000,000 people, with 20,000,000 starving, and we are asking only \$10,000,000 for the women and children who are starving and dying for bread to put in their mouths. It costs but 50 cents a month for a starving little baby to give it more milk than it gets to-day, and the testimony shows that in the hospitals they are receiving only a teaspoonful of milk.

Mr. SEARS of Florida. Will the gentleman yield?

Mr. O'CONNOR of New York. I will.

Mr. SEARS of Florida. If the men should all die, would it not be hard on the women?

Mr. O'CONNOR of New York. Well, if you mean certain men died, I might answer yes.

Mr. SEARS of Florida. I was not referring to Members of Congress. I was referring to the Germans.

Mr. O'CONNOR of New York. Well, I do not know how to answer that, Mr. Speaker, except to say that I am not particularly concerned with the men of Germany. One can feel in any way he wants toward them. You can hate them and their officers and their soldiers who went through Belgium and all that, but you can not hate these little children, many of whom were born after the war. We can argue and it may be argued here to-day—and I fear it will be, but I hope it will not be—about retribution, about spite and hate entering into this matter. Will any living human being here support the principle of retribution, that the sins of the fathers shall be visited upon the young? That is what you say if you deny relief to these children.

Now the war is over. We are at peace with Germany. As has been said, the other nations, her former enemies—France and England—are helping these women and children.

Mr. VAILE. Will the gentleman yield?

Mr. O'CONNOR of New York. I will.

Mr. VAILE. The gentleman from Michigan made a statement that many of the other countries had aided Germany, and the gentleman is now making a similar statement. Can the gentleman cite whether any other nation has given aid out of public funds raised by taxation?

Mr. O'CONNOR of New York. I can not state it.

Mr. VAILE. Has the gentleman any information of the subject?

Mr. O'CONNOR of New York. I am relying on my recollection of the testimony, but that will be sufficiently covered by others in the debate.

The SPEAKER. The time of the gentleman has expired.

Mr. O'CONNOR of New York. I ask unanimous consent to revise and extend my remarks in the Record.

The SPEAKER. The gentleman from New York asks unanimous consent to revise and extend his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. O'CONNOR of New York. The witnesses before the Foreign Affairs Committee were not Germans. They were Americans testifying to the appalling conditions of these women and children. Can anyone say Maj. Gen. Henry T. Allen is biased? He fought Kaiserism, yet he tells us of these 2,500,000 babes being ground in the mills of international dis-

pute. They are destitute of food, of clothing, of fuel. Tuberculosis is rampant.

Mr. Speaker, this proposal would do more toward promoting international friendship than anything yet suggested. We have the wealth of the world. Our foodstuffs are rotting on the ground. Shall we begrudge these sufferers this crumb until their harvest in July?

Let us call Mr. Herbert Hoover as an authority on these conditions existing in Germany. He has told of conditions there. In his words we—

can argue very heartily on the failure of adults and the misdoings of the governments that bring these conditions about, but I refuse to apply these arguments to children.

Germany would not need our aid if she could obtain the \$70,000,000 she asked leave to borrow three months ago through the Reparations Commission. At the present moment, however, there is no assurance she will obtain this loan before these innocent sufferers shall have been laid in their graves.

Gentlemen, read the testimony, please. Picture, if you can, these children, the weakened, expressionless faces, narrow chests, covered with skin so flabby that it folds over their bones like a cloak; their deformed and twisted bodies, often too apathetic and too weak to cry. The hospitals are filled with such little angels.

Food lines—thousands of men, women, and children waiting 20 hours in the cold of winter for a meager ration! Educated, cultured women lying in wait in the streets begging and fainting, and dying from hunger. Thousands of children living exclusively on dry bread and thin coffee without any milk. Suicides increasing daily.

Mr. Speaker, whether one is pro-French or pro-German or simply indifferent to the squabbles of Europe, he can not remain indifferent to this proposition, because every good, red-blooded American is always emphatically prochildren. The American people never did and, please God, never shall believe in making war on women and children!

There may be some who out of hate for Germany during the war may never forget. Possibly some may never forgive. But who, Mr. Speaker, will continue to bear this malice for all time and against women and children? Should we not be guided by the sportsmanlike gallantry of Grant toward the indomitable Lee—heroic in defeat, unconquerable in spirit? Should we not be inspired by those words of the immortal Lincoln, "With malice toward none, with charity for all"?

Mr. SCOTT. Does the gentleman desire to use more time now?

Mr. O'CONNOR of New York. No.

Mr. SCOTT. I yield five minutes to the gentleman from Minnesota [Mr. SCHALL]. [Applause.]

Mr. SCHALL. Mr. Speaker, it seems to me that no father, or any person who has come in contact with tender babyhood, could read the hearings on this bill and not be for it. I have three youngsters, two bouncing boys, one tender, dimpled, tangle-curly headed little girl. She will be 4 her next birthday, and just the other evening before going to bed she crawled upon my lap, rubbed her nose against mine, and said to me, "Daddy, can't you see me?" I said, "No; little curlyhead, I can't." After a moment of silence she said, "Well, your heart sees me, doesn't it, Daddy?" In her childish philosophy she encompassed life. It is the heart that sees aright. The vision of the heart is the true guide. The heart is the foundation of whatever power and greatness there is in man or woman or nation. [Applause.]

Because the politician Pontius Pilate evaded the answer to the question, "What is truth?" our Master was crucified, who said, "Suffer little children to come unto me, and forbid them not, for of such is the kingdom of heaven."

When God asked King Solomon what he most desired, he answered:

Give me a heart of understanding, that I may discern between right and wrong.

That is the only question involved in this bill to-day. What is right and what wrong? There ought not to be any hesitancy in the heart of any Member, when 3,000,000 babies are crying for food, starving. It is a question of humanity. We are in luxury. No one over here but the farmer is in need, and this \$10,000,000 which must be spent right here for food, grains, and fats will benefit the very class in this country most in need, for it will be purchased direct from the farmer and afford him that market for which he is in such woeful distress.

It is inconceivable to think of the United States standing calmly by, well fed and sleek, while little children are wasting away with hunger, dying in awful agony, while misery on the

most enormous scale is crushing out life. Surely the framers of the Constitution, built upon equality of brotherhood, never meant that it should shackle a generous impulse, place a barrier before a righteous act. And yet these Pontius Pilates wash their hands in smug self-justification, though they find no fault with the facts that inspired this bill. [Applause.]

Under express declaration of the President, we fought the system, not the German people. These are the innocent victims of that system; and we can not sit by and see another militaristic system, reared in part upon our money and our efforts, do the thing our boys fought to put down.

The need is an imminent emergency. He gives twice who gives quickly. They are starving now; they will be dead; and it will be too late if we do not get the machinery in motion.

The testimony of the hearings stands undisputed that there are rows on rows of tubercular babies in the hospitals in a country where formerly tuberculosis in children was practically unknown; that there are to-day in Germany little children screaming from the awful torments of starvation on whose gaunt forms there is not one ounce of muscle or fat, whose skin is stretched taut across their bones, whose little bodies are but life in death, living skeletons; that thousands upon thousands of little ones are suffering from hunger-bred rickets, twisted out of all semblance of childhood's proper forms, their abdomens distended, their limbs shrunk and wasted.

Eyewitnesses testify to seeing children fainting in the street from hunger after having stood in line all day, from 3 o'clock in the morning, to get the dole of a pound of potatoes which is allotted every other day to each member of a family, and little children found dead in the streets, in the alleys, clutching in their tiny emaciated hands a partly eaten potato or crust of bread, the other part having been too suddenly taken into a starving stomach. These are actual conditions, seen by big-hearted Americans without a drop of German blood in their veins, who went as travelers, but stayed to help, stricken to the heart by the awful misery on all sides. This while our tables are groaning with plenty, our surplus crying for a market, our crops allowed to rot in the field because there is no outlet for them. Even Russia in her poverty is collecting gifts of pence from the workers for the relief of the suffering at her door. French occupants in the Ruhr can not look on unmoved at the horrors that the despotic hand of the conqueror has brought on a defeated and defenseless people and are putting no obstacles in the way of the voluntary helpers who are trying to aid the situation.

In the name of all those loyal Germans in this country who denied the pull of tender ties and stood unflinchingly by the cause of their adopted land, in the name of those boys of German blood who volunteered without an instant's hesitation and rendered service to the United States in deeds that blaze with heroism, and more than all, in the name of childhood, tender, appealing babyhood that should be so protected and surrounded with well-being and comfort, I appeal to you men and fathers to come to the aid of these little ones. Lighten the cross that is too heavy for their suffering little lives to endure. Save them, give them back their health and their opportunity. Eighty-three cents a month in our money will spare the life of a child. Can we hesitate or quibble in the face of such proven distress, destitution, and grief? The deaths are so many that the German Government is not giving out the figures. Despair is driving many to suicide.

France, by its greed and its strangle hold on Germany's coal region, its giving away of Germany's best agricultural land to Poland, has reduced by 50 per cent Germany's food-producing ability. Then, too, by being deprived of the coal of the Ruhr, which they must have to produce fertilizer, their soil is being continually impoverished and their output still further cut. Even if they have money or property they can not trade it for food, because the mark has no value outside Germany, and there is no food in Germany. Food packages to the value of \$5,000,000 a month are being sent in from this country by people of German blood to their relatives, but even with this outside aid there will be, it is estimated from the visible food supply, 20,000,000 human beings in starvation throes between April and November. France's policy is slowly starving a people of 60,000,000 to death. They can not ask for a loan, because France has a mortgage on everything they have.

This proposed measure is the only way that relief can get where we want it to go—to the babies—the innocent, suffering little ones. I have no fear of what the American people will think. The great heart of America never failed to respond to a plea for actual need. There are 70 precedents in the history of our country for this act. Two're times we have appropriated money for distress. We appropriated \$20,000,000 for Russian relief two years ago. The Government aided the starving

women and children in Belgium and France and the Balkan States. America responded instantly to the need of the Japanese in their recent frightful devastation by earthquake.

We gave our suffering allies \$100,000,000 at the close of the war, \$48,000,000 of which was transferred to Austria by three of our allies, none giving us any credit for it. The League of Nations passed a loan to the starving Austrians of \$50,000,000, \$25,000,000 of which the United States gave. Of all the speakers on this project, representing our recent allies, no one gave the United States credit for a penny, but did not neglect to laud themselves whether they gave anything or not. And the sum total of all who joined this self-praise amounted to far less than the United States gave alone. And yet this wonderful League of Nations is composed of our recent allies! And many of our uninformed but well-meaning citizens seem bound to drag us into it, regardless of consequence.

The Austrians do not know to-day that they were the recipients of over \$70,000,000 worth of food from the United States.

I talked but yesterday to my friend, HAMILTON FISH, of New York, who is the author of this bill and who led a colored Infantry regiment and was decorated for bravery in actual conflict amid the smoke and welter and carnage of the French battle front. This gallant soldier and fearless, conscientious statesman has recently returned from a visit to Germany. He says there is a propaganda studiously circulated in Germany that the United States went into the war to make money. He heard it in crams, in shops, in streets, in hotels, everywhere. Even our recent allies, instead of squelching these outrageous lies, are silent. So far from making money, the war lost us \$50,000,000,000, 125,000 lives, and untold thousands of maimed, crippled, despondent American citizens for whom the Government is paying in part compensation yearly millions and millions of dollars. We wanted nothing, we got nothing out of it, and Germany ought to know. If we give this money now when they need it, it will bring to their attention that we are their brothers and their friends, and the time will not be far distant when, in the working out of the hugely unjust Versailles treaty, if Europe is again in war, we may need them.

In any event, we will be doing our duty as God would have us do it. We can not let prayers for help go up and close our ears against them. We must save these little ones lest their minds and their bodies be permanently blighted. Because they have not food enough they are forced to the policy of letting the weaker die and putting what food they have into the stronger. Lives are being snuffed out daily that could be saved and made an asset to humanity. They are being robbed of their right to a fair start in life through no fault of their own. We have what they need. Shall we withhold it? Shall we fail in our chance to distinguish the Holy Grail, to see the bidding of the Master in these pleading little hands outstretched to us for aid? [Applause.]

The SPEAKER. The time of the gentleman from Minnesota has expired.

Mr. SCHALL. Mr. Speaker, I ask unanimous consent to extend my remarks.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to extend his remarks. Is there objection?

There was no objection.

Mr. SCOTT. Mr. Speaker, will the gentleman from New York use some of his time? If not, I yield 10 minutes to the gentleman from Ohio [Mr. BURTON].

The SPEAKER. The gentleman from Ohio is recognized for 10 minutes.

Mr. BURTON. Mr. Speaker and gentlemen of the House, we should, of course, all prefer that provision be made for this frightful situation by private benevolence. But the emergency is so pressing that action by the Government and an appropriation from the Federal Treasury are necessary.

I wish to call attention, first, to the international situation. The Great War has left a legacy of hatred and vindictiveness which threatens the very existence of civilization. The threat of chaos rests upon the world. Europe is seething with feelings of repulsion. There is but one nation in the world that can stand out prominently for peace and good will, and that is our own United States. It is not enough that we should spread and swell in a stuffed prosperity. We owe a duty to the rest of the world. We have declined to join the League of Nations. We have not yet, although I hope we may, become a member of the International Court, but there is one great field in which we can take part, and that is in the holy cause of humanity, in helping the suffering and the starving. Some one who has not seen the suffering in Germany, some one that does not hear and know about conditions there, ought to raise the constitutional question. I can not do it. [Applause.]

There are millions of women and children on the very edge of starvation. The anguish of the women is not alone on their own account, but for their precious offspring. The children are even worse off. Their wan, pale faces seem to utter a mute, inarticulate protest against existence, but louder than words, with no language but a cry. If they had the gift of speech, they would ask, "Why were we brought into this scene of sorrow and of pain?"

Now it is for us to aid them.

I will not let go by the question of constitutionality. The general welfare clause of the Constitution has had very different interpretations, but there is a plain reason for its application to this question. For the promotion of peace and in the cause of liberty and free government, we spent tens of billions of dollars for war. Can we not after a victorious peace spend a smaller amount—the strikingly disproportionate sum of \$10,000,000—for the permanence of peace and the restoration of good-will? Is it not for the general welfare of this country, for furnishing a market for our abounding surplus, that a nation with which we have such social and economic relations as we have with Germany should not fall into decay? Is it not for our interest to prevent the pangs of hunger from causing the spread of revolution and Bolshevism in Europe?

Again, if starvation should gain the prominence which it threatens, contagious diseases would spread from that country to this. Under this general welfare clause, beginning 112 years ago, we have made many appropriations of this nature. In the month of April, 1812, there was a discussion in this body on the granting of relief to sufferers in Venezuela, because of an earthquake, and a resolution for an appropriation of \$50,000 was offered.

Mr. John C. Calhoun, afterwards the prince of strict constructionists, earnestly supported that resolution. It unanimously passed this House. And what did our President, James Madison do, the scholar of the Constitutional Convention, who had as much to do in the framing of the Constitution as anyone? Did he raise the point of strict construction upon it? No. He approved that resolution. And in the years from then until 1916 some 70 resolutions and bills granting aid have passed in this House, of which 12 or more were for the relief of suffering abroad, including relief to Ireland, India, Cuba, China, and those on the island of Martinique, to the people of Italy who had suffered from the earthquake near Messina, and quite recently, in 1921, \$20,000,000 to Russia. In my judgment those benefactions are among the proudest distinctions of this country of ours.

I stood here and saw, by unanimous vote, \$800,000 appropriated in 1909 for the relief of the sufferers in Italy, and I think it did more to promote peace and good will than anything we did in that session.

Why, gentlemen, to-day \$76,000,000 is due to the United States Treasury for supplies furnished to various countries by the American Relief Association and \$56,800,000 for money paid from the Treasury by the United States Grain Corporation. Both amounts at present might be increased to cover large arrears in interest payments. We call these loans, but if we have the authority to make loans for supplies for the suffering and starving of other countries, do we not have the right to freely and generously give supplies? The proposition was made before the committee to make this a loan. For one, I opposed it. I thought if we did anything we ought to do that which had character in it—make it a gift and give it to the German people.

During the last year of the war and in the years succeeding authorization was made for loans and gifts to foreign countries aggregating the enormous sum of \$177,558,000. In this amount are included advances made by the American Relief Administration and the United States Grain Corporation. A very recent case of foreign relief is the expenditure by the Navy Department for aid to Japan following the earthquake, amounting to \$700,000. Appropriation by Congress has not yet been made for this amount, but it is expected that it will be made. Was the question of constitutionality ever raised in these cases? From the appropriation of \$50,000,000 for national defense in the sundry civil act of 1919 President Wilson made allotments of \$10,000,000 for European relief. Was the question of constitutionality raised in this connection?

Oh, Mr. Speaker, in face of the pressing demands and the terrible situation in Germany, we ought not to hesitate. The world is torn and rent with feuds; peace seems far off; but at least we hope that the tempest may be stilled and antagonisms may be buried. It may be only a dream; at any rate it is a time for forgetting and forgiving. These poor babes did not bring on the war; they did not whisper in the ears of the Kaiser to take up the sword; most of them were not born at

the time, and this country of ours, so rich and so great, can do nothing better to promote the cause of peace, which we all love so well, to bring a brighter day, than by showing that the heart of the American people is behind this measure; that we are not waiting for private benevolence, though we trust that may be abundant and that we will all do our share; but that we have an ever-living regard for suffering and sorrow, even to the remotest bounds, even in the country of an enemy, as making so strong an appeal to us that we, the Congress of the United States, from out of the abundance of our Treasury will devote money to save the lives of the starving and suffering women and children of Germany. [Applause.]

The following is a list of appropriations made from the year 1803 down to the present. It is probable that some are omitted. Note that provisions for relief from floods on the Mississippi River make up a considerable share.

Relief granted by Congress to sufferers on account of fires, floods, earthquakes, etc.

U. S. Stat. L.	Page.	Date of approval.		Amount.
6	49	Feb. 13, 1803	Sufferers from fire at Portsmouth, N. H., to be relieved from paying duties on merchandise.	
6	58	Mar. 10, 1804	Sufferers from fire at Norfolk, Va., given extension of time within which to pay certain duties.	
2	730	May 8, 1812	Earthquake in Venezuela.	\$50,000
8	211	Feb. 17, 1815	Earthquake in New Madrid, Missouri Territory, authority to select a like quantity of public land, etc.	
6	356	Jan. 24, 1827	Relief of sufferers from fire at Alexandria, Va.	30,000
5	131	Feb. 1, 1836	Rations to be given sufferers from Indian depredations in Florida.	Indefinite.
6	6	Mar. 10, 1836	Relief of sufferers from fire in New York City, to be relieved from paying certain duties.	
9	207	Mar. 3, 1847	Authority to use U. S. Ship Macedonian for transportation of supplies to sufferers in Ireland.	
12	662	Feb. 16, 1848	Relief of persons damaged by Indian depredations in Minnesota.	200,000
13	416	July 4, 1864	Relief of sufferers from explosion in cartridge factory at District of Columbia Arsenal.	2,000
14	304	July 4, 1866	Admission free of duty of articles for relief of sufferers from fire at Portland, Me.	
14	351	Mar. 17, 1866	Relief of sufferers from explosion at District of Columbia Arsenal.	2,500
14	360	July 27, 1866	Relief granted in payment of taxes of citizens who suffered from fire at Portland, Me.	
14	567	Feb. 22, 1867	Authority given to use public vessels in transportation of supplies to Southern States.	
15	24	Mar. 29, 1867	Authority given to charter vessel for the transportation of supplies to Southern States.	
16	28	Mar. 30, 1867	Secretary of War authorized to issue supplies of food to sufferers in the South.	
15	28	do.	Purchase of seeds for distribution in Southern States.	50,000
16	246	Jan. 31, 1868	Authority given Secretary of War to distribute certain food supplies to sufferers in the South.	
16	596	Feb. 10, 1871	Authority given to use naval vessels for the transportation of supplies to the destitute and suffering people of France and Germany.	
17	51	Apr. 5, 1872	Relief of fire sufferers at Chicago, Ill.	Indefinite.
17	646	Mar. 12, 1872	Relief of the postmaster at Chicago, Ill., on account of loss due to fire.	
18	24	Apr. 23, 1874	President authorized to issue supplies of food and clothing to Mississippi River flood sufferers.	
18	45	May 13, 1874	Relief of Mississippi River flood sufferers.	190,000
18	308	Jan. 25, 1875	Purchase of seeds for sufferers from ravages of grasshoppers.	30,000
18	314	Feb. 10, 1875	Supplies and food to sufferers from ravages of grasshoppers.	150,000
21	66	Mar. 5, 1880	Articles for relief of colored immigrants to be admitted free.	
21	303	Feb. 23, 1880	Secretary of the Navy authorized to use naval vessels for transportation of supplies to Ireland.	
21	306	May 4, 1880	Secretary of War authorized to send 4,000 rations to sufferers from cyclones at Macon, Miss.	
22	44	Apr. 11, 1882	Purchase of seeds for Mississippi River flood sufferers.	20,000
22	378	Feb. 25, 1882	Rations for relief of destitute sufferers from Mississippi River floods.	100,000
22	378	Mar. 10, 1882	Secretary of War authorized to use hospital tents for flood sufferers of Mississippi River.	
22	378	Mar. 11, 1882	Secretary of War authorized to use Government vessels for transportation and distribution of rations to Mississippi River flood sufferers.	
22	379	Mar. 21, 1882	Furnishing food to flood sufferers of Mississippi River.	150,000

Relief granted by Congress to sufferers on account of fires, floods, earthquakes, etc.—Continued.

U. S. Stat. L.	Page.	Date of approval.		Amount.
22	379	Apr. 1, 1882	Purchase and distribution of subsistence stores to Mississippi River flood sufferers.	\$100,000
23	267	Feb. 12, 1884	Purchase and distribution of subsistence stores, clothing, etc., for Ohio River flood sufferers.	300,000
23	268	Feb. 15, 1884	Relief of Ohio River flood sufferers.	200,000
26	33	Mar. 31, 1890	Purchase of tents for people driven from their homes on account of floods in Arkansas, Mississippi, and Louisiana.	35,000
26	671	Apr. 21, 1890	Relief of sufferers from Mississippi River floods.	150,000
26	679	Sept. 1, 1890	Certain unexpended balances of appropriations made available for relief of citizens of Oklahoma rendered destitute by drought.	
28	932	Mar. 2, 1895	Payment to heirs or legal representatives of persons killed in Ford Theater disaster.	125,000
29	273	June 8, 1896	Payment to employees on account of Ford Theater disaster.	131,550.00
29	701	Feb. 19, 1897	Authority to transport supplies to the poor of India.	
30	219	Apr. 7, 1897	do	
30	219	Apr. 7, 1898	Relief of Mississippi River flood sufferers.	200,000.00
30	220	May 24, 1897	Relief of citizens of the United States in Cuba.	50,000.00
30	220	June 1, 1897	Use of vessels authorized to aid suffering poor of India.	
30	346	Mar. 30, 1898	Payment to sufferers on account of the destruction of the Maine.	
30	419	May 18, 1898	To provide assistance to the inhabitants of Cuba, and arms, munitions, and military stores to the people of Cuba.	
30	1069	Mar. 3, 1899	Making appropriations for support of army and for subsistence supplies to be issued to Cuba.	100,000.00
32	198	May 13, 1902	Relief of citizens of French West Indies.	200,000.00
34	827	Apr. 19, 1906	Relief of sufferers from earthquake at San Francisco, Calif.	1,000,000.00
34	828	Apr. 24, 1906	do	1,500,000.00
34	850	Jan. 18, 1907	For relief of citizens of the Island of Jamaica.	
35	572	May 11, 1908	Relief of sufferers from cyclone in States of Georgia, Alabama, Mississippi, Louisiana, Texas, Arkansas, and Tennessee.	250,000.00
35	584	Jan. 5, 1909	Relief of citizens of Italy.	800,000.00
36	919	Feb. 18, 1911	Relief of sufferers from famine in China.	50,000.00
37	633	May 9, 1912	Relief of sufferers from floods in the Mississippi Valley.	1,236,179.65
87 pt. 2	1286	Aug. 2, 1912	Relief of sufferers from flood in Allegheny River in January, 1907.	17,577.88
37	897	Aug. 26, 1912	To reimburse Revenue Cutter Service for expenditures incurred in relief of sufferers from volcano at Kodiak, Alaska, 1912.	30,000.00
38	211	Oct. 23, 1913	To reimburse Life Saving Service for amount expended in 1913 on flood sufferers in Middle West.	5,000.00
38	215	do	To reimburse War Department for expenditures on sufferers from floods, tornadoes, and conflagrations in Mississippi and Ohio Valleys, Peach Tree, Ala., and in Nebraska in 1913.	654,448.49
38	216	do	To reimburse War Department for expenditures on flood sufferers in States of Ohio and Indiana, and on the Ohio and Mississippi Rivers and tributaries.	150,942.38
38	637	Aug. 1, 1914	Relief of sufferers from flood in Ohio Valley in March, 1913, to be relieved from paying rental on leased Government property on Muskingum River.	
38	240	Nov. 15, 1913	Relief of natives and residents of Alaska suffering from action of storm in Bering Sea Oct. 6-7, 1913. Unexpended balance of the \$30,000 appropriated by act of Aug. 26, 1912, to be employed.	
38	687	Aug. 1, 1914	Relief of sufferers from recent conflagration in Salem, Mass.	200,000.00
39	11	Feb. 15, 1916	Authorizing Secretary of War to loan, issue, or use quartermaster's medical supplies for relief of destitute persons in districts overflowed by Mississippi and tributaries.	
39	80	Apr. 11, 1916	Authorizing Secretary of War to supply tents for temporary use of sufferers from recent conflagration in Paris, Tex.	
39	434-435	Aug. 3, 1916	Relief of sufferers from floods in North Carolina, South Carolina, Georgia, Alabama, Florida, Tennessee, and Mississippi.	540,000.00
39	534	Aug. 24, 1916	Making available for flood sufferers in West Virginia the appropriation of \$540,000 approved on Aug. 3, 1916.	

Relief granted by Congress to sufferers on account of fires, floods, earthquakes, etc.—Continued.

U. S. Stat. L.	Page.	Date of approval.		Amount.
40	1161	Feb. 25, 1919	Relief of population of Europe outside the Central Powers (to be reimbursed so far as possible by the governments or peoples to whom relief is furnished).	\$100,000,000.00
41	548	Mar. 30, 1920	U. S. Grain Corporation authorized to sell 5,000,000 barrels of flour for cash or credit in order to relieve the population of Europe.	53,450,000.00
42	19	June 3, 1921	Authorizing the Secretary of War to use quartermaster's supplies for the relief of Arkansas River flood sufferers in Colorado.	
42	351	Dec. 22, 1921	Relief of the people of Russia with the funds of the U. S. Grain Corporation.	20,000,000.00
42	357	Jan. 20, 1922	Authorizing the President to transfer surplus medical supplies of the War and other departments to relief organizations in Russia.	4,000,000.00
42	460	Mar. 20, 1922	Deficiency appropriation for European food relief.	107,746.17

Mr. O'CONNOR of New York. Mr. Speaker, I yield two minutes to the gentleman from Maryland [Mr. TYDINGS]. [Applause.]

The SPEAKER. The gentleman from Maryland is recognized for two minutes.

Mr. TYDINGS. Mr. Speaker and gentlemen, it was my fortune to take a part in the last war, and I saw active service in France and Germany. While so engaged I did not bear any hatred toward the German people in the aggregate. [Applause.] When I laid aside my uniform any hostility that I might have had was laid aside with it. [Applause.]

I would be only too glad to contribute out of my slender means toward any amount that was to be used for this purpose, but I have a duty to perform here this afternoon. I am not acting as an individual but as a trustee for the people of the United States of America, and, God giving me the strength, in spite of these moving appeals, I am going to remain true to that oath.

Let us look at Article I, section 8, of the Constitution:

The Congress shall have power to lay and collect taxes, duties, imposts, and excises; to pay the debts and provide for the common defense and general welfare of the United States.

Of what? Of these United States and not of the entire world. Who are we to sit here and take the money of the people of America and parcel it out to charity? The Government has no business in charity; its duty is to run the machinery of this Nation.

I am only too glad to contribute to this movement; in fact, in all honesty, I can say that three times since January 1 it was my privilege, out of my slender means, to contribute to the starving children of Germany, and I am glad to do it as an individual; but, gentlemen, we have not the right to take the people's money and apply it for this purpose under the authority from which we gain all the power we have.

Therefore, while I agree with the moving appeals which have been made as to the worth of this cause, am I to understand that the American people have sunk so low in charity that if this movement, properly headed, were properly called to their attention they will not respond with this \$10,000,000 and render this relief? I believe they will, and they are the proper agency through which to do it, and not through us. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. O'CONNOR of New York. Mr. Speaker, I yield two minutes to the gentleman from New York [Mr. BOYLAN].

The SPEAKER. The gentleman from New York is recognized for two minutes.

Mr. BOYLAN. Mr. Chairman and gentlemen of the House, the only argument we have heard against the adoption of this rule is that there is no provision of the Constitution that permits this appropriation.

We are told that the Government should distribute no charity. That the Supreme Court has never passed on the question whether the Congress had the power to make appropriations of this character. If we violate the provisions of the Constitution in passing this resolution, we will simply do exactly what has been done by many Congresses that have sat in this Hall before us. When a man comes to our door starving and in great need, we do not say to him that we have a duty to perform to the charitable society, and that under its constitution we can not help him. No; we do not do that; we extend

to such a sufferer immediate help and assistance and attempt to relieve his distress. [Applause.]

We ask for the passage of this resolution in the name of the helpless mothers and hungry children of Germany.

They have done no wrong, they are the innocent sufferers swept on the shoals of adversity by the receding tides of the World War. Mutely they stretch out their hands and look to America to alleviate their distress. Will we stand by with the accumulated wealth of the world and surplus foodstuffs rotting on the ground and watch these helpless women and children slowly starve to death?

The generous spirit of America will never permit this. America that has always responded to the call of distress from every clime. America that has helped France, Great Britain, Belgium, Italy, Russia, other European States, and Japan will respond in her usual broad, noble, and generous manner and send food to the needy mothers and hungry little children of Germany.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the Record.

The SPEAKER. The gentleman from New York asks unanimous consent to revise and extend his remarks in the Record. Is there objection? [After a pause.] The Chair hears none.

Mr. SCOTT. May I ask the gentleman from New York how much time he has remaining?

The SPEAKER. The gentleman from New York has 16 minutes remaining, and the gentleman from Michigan has 3 minutes remaining.

Mr. O'CONNOR of New York. Mr. Speaker, I yield three minutes to the gentleman from Texas [Mr. SANDERS].

The SPEAKER. The gentleman from Texas is recognized for three minutes.

Mr. SANDERS of Texas. Mr. Speaker and gentlemen of the House, as you see, I have knocked down the Constitution and that is what we are trying to do now [applause], judging from some of the remarks made on this subject.

In this very brief time I shall cut out some of the sob machinery that seems to be at work in this House. The gentleman from Ohio [Mr. BURTON]—and I was surprised to hear him say it—said, "I will leave it to others to invoke the Constitution of the United States." That is the very trouble with this country to-day. It is, "The Constitution be damned." [Applause.]

As far as I am concerned, I expect to cast every vote under the Constitution of the United States, and if the time comes when I want to say "To hell with the Constitution" then I want to say to you frankly that I will resign and go home. [Applause.]

This has already been called to your attention, but I want to refer to it once more. This is section 8 of Article I of the Constitution, and I will venture to assert that there are not 50 Members of the House who have read it this session:

The Congress shall have power to lay and collect taxes, duties, imports, and excises—

For what purpose?—
to pay the debts and provide for the common defense and general welfare of the United States.

If any man in this House will show me where it includes Germany or any other nation in this world, then I will vote for your resolution. The truth about the matter is that you want to go into the charity business. If you want this Congress to be a charity broker, then I call your attention to the fact that, according to reliable statistics, 10,000,000 Mexicans—I do not mean Mexicans, either, but Chinamen—are starving now—and they have starvation in Mexico.

Mr. BRITTEN. Will the gentleman yield?

Mr. SANDERS of Texas. Yes.
Mr. BRITTEN. Does not the gentleman agree with most people in the world that charity extended in the past to destitute nations has always redounded to the interest and welfare of the United States itself?

Mr. SANDERS of Texas. No, sir; and I defy the gentleman to sustain that.

Mr. BRITTEN. There is no question about it. It has always proven to be so.

Mr. SANDERS of Texas. Mr. Speaker, I do not yield for an argument, because my time is limited, but I want to defy the gentleman to point to one decision under the Constitution of this country ever rendered by any court of this country that will authorize us to make this expenditure. The gentleman can not do it.

Mr. BRITTEN. I can refer you to 70 precedents and to many Presidents of the United States who have acted accordingly.

Mr. SANDERS of Texas. The gentleman can not do it. The truth about the matter is that, as Sam Jones once said, "A hit dog hollers," and I defy the gentleman to show one decision of the courts rendered under the Constitution that authorizes this expenditure. [Applause.]

I have sat here and have seen them vote \$20,000,000 for Russian relief, and the truth is that this proposition is one to vote \$10,000,000 to buy votes, and when asked a reason for doing it they hide behind the petticoats of women and children.

I am aware that there are congressional precedents for appropriations and gifts of this kind, but I can not bring myself to the conclusion that I ought to follow a wrong and illegal precedent. Under the oath I took as a Member of this House, and in view of the plain constitutional provisions which I have quoted, I can not support this resolution. That provision of the Constitution states specifically for what purposes taxes may be levied and collected, and, in my judgment, when we otherwise apply the money which has been collected from the taxpayers of this country for these specific purposes it simply constitutes embezzlement. This \$10,000,000 of the people's money which you are giving away to-day was wrung from the overburdened taxpayers of this Nation for the purposes mentioned in the Constitution and not for charity. I believe in charity and have always practiced it to the extent of my ability. It has properly been called "the star-eyed queen of all virtues." But it has its proper place just like everything else. This is a question of not what we would like to do. It is a question of what we have a right to do and of what we have sworn to do. The gentleman from Ohio [Mr. BURTON] asks the question:

Can we not spend ten millions for the permanence of peace and the restoration of good will?

I want no one's friendship that I have to purchase, and while I would rejoice to see our country enjoying the friendship and good will of all the nations of the earth, yet I am not willing to vote to purchase such good will out of the trust funds of the people. Friendship purchased is a very sorry sort of a thing and not worth the price. I do not believe that the conditions in Germany are such that they can not be taken care of by her own people. From reading articles written by people who have been there and talking to some people who have been there, I am persuaded that Germany is able to relieve her own suffering. A news dispatch from Paris, under the date of March 18, and printed in the Times-Picayune under date of the 19th instant, states:

PARIS, March 18.—The controversy within the conference of experts relative to Germany's capacity to pay has developed revelations in the evasion of German capital which appear to justify the French demand of immediate payments.

The methods employed by the Germans in their gigantic international swindle, as fully investigated by the McKenna committee, have been shown the correspondent in documentary form by one of the officials close to the conference.

This report indicates that the \$1,200,000,000 salted away in the United States is only one portion of Germany's wealth hidden from the Allies.

The document reads in part:

"Before receiving authority to export goods German tradesmen may declare their view and hand to the Reichbank against paper marks at the official rate of the day the foreign money they receive. They may, however, deduct 50 per cent from their invoices to cover expenses and with the help of some neutral intermediary are thus able to invest huge sums of money abroad to the credit of their firms.

"Export of capital is also permitted to pay just debts abroad, hence the creation of imaginary debts in neutral countries. "Debts" are allowed to remain outstanding on increasingly usurious terms until large sums have been sent into safety from Germany to "settle" them.

"Patent rights have been used to the same end. German investors and manufacturers have founded companies in neutral countries to demand from the German patent office patents for German inventions. The factory where the invention is made has then to pay royalties to a neutral company for the use of its own invention."

But if the women and children of Germany are suffering so much as some of those favoring this resolution claim, then why can not we meet it by public and private subscription, just as we have met and aided and assisted Japan last year when she was torn asunder by a terrible earthquake? Why

did not the charity brokers of the people's money—which is but a trust fund for us—who have proposed this legislation offer an appropriation for Japan? My thought is that it is because the Japanese can not vote. Should not charity begin at home anyway? Do we not have much poverty and misery and suffering here in the United States? This talk of prosperity in this country, like the report about Mark Twain's death, has been "greatly exaggerated" and overworked. According to statistics, 1 farmer out of every 12 lost his home in 1923 for debts. Ten thousand farmers in the United States out of fifty-nine thousand farmers would have lost their farms, but were given more time by their creditors. Many farms were sold last year and this year for taxes. A multitude of farmers have no money now with which to make a crop, and many families are actually suffering. We have crowded tenements in our cities, poor people in filth and disease and suffering from starvation. If you are going to give the people's money away to buy the peace and good will of Germany, then why not buy the peace and good will of China and Mexico in the same manner? Is it because of German-American votes? Our Constitution contains no charity provision for foreign countries. Years ago when Savannah, Ga., was swept by fire and many people rendered homeless Congress refused to make an appropriation, and we have had many calamities in this country for which no appropriation was ever made. That was a time, however, when there seemed to be more reverence for our supreme law than we have now. During the Cleveland administration a part of my own State was swept by a drought and young cotton destroyed, and an appropriation was passed by the Senate and the House to aid the farmers in the drought-stricken areas and Cleveland vetoed it.

Would it not have been better to have applied the \$20,000,000 voted for Russian relief in the Sixty-seventh Congress and this \$10,000,000 to the payment of the people of the South for the illegal cotton tax levied in 1867? Years ago Ireland suffered from a potato blight and the generous people of the United States helped her out of their own private funds and not out of the taxpayers' money by an appropriation through Congress. The same may be said of the famines which have swept China and India and some other countries. Our people have never failed to answer the Macedonian call by going down in their own pockets and out of their own private funds contributing what they thought they were able to contribute. Why is it that this Congress, under Republican leadership, is giving right of way to matters of this kind and neglecting more important matters which directly affect our own people? Why is it that of the many bills pending in this Congress which seek to give relief to agriculture all are swept aside for measures of this kind, and why is it that the immigration bill is ignored for legislation of this kind?

In a recent issue of the Brooklyn Eagle, that paper stated:

The Johnson bill on immigration, which goes back to the 1890 census as a quota basis and reduces the quota from 3 to 2 per cent, is practically dead. It has been placed at the end of the House Calendar, and both NICHOLAS LONGWORTH, the majority leader of the House, and Chairman SNELL, of the Rules Committee, are perfectly willing to leave it there. When, near the end of the session, the Johnson bill is rescued from oblivion, the House will have the choice of two courses. It can accept something akin to the Senate measure, which leaves the 1910 census as the basis but reduces the quota from 3 to 2 per cent, or it can pass a resolution continuing the present law for another year.

I am wondering if the statement in the Brooklyn Eagle is true and I am wondering whether the leaders of this House are going to fall to respond to the demands of the people and pass an immigration law in due time and before the present law expires. Time will tell.

Mr. RATHBONE. Mr. Speaker, I am for this resolution, because it will promote good will between nations. The cultivation of international friendship is one of the wisest forms of governmental policy.

In the long run, even in cold, hard dollars it pays. A striking proof of this was shown when we remitted the Boxer indemnity to China. Her people have been our friends ever since and with the money which we so generously gave back to them they have sent their brightest young men to this country to study in American institutions of learning and take back to the mother country American principles and American civilization.

I am for this resolution also because it will provide protection for western civilization against the menace of Bolshevism. If Germany, with its 60,000,000 of people, is permitted to go down in the dust the chief barrier on the continent of Europe against revolution will be swept away. The red specter looms to the east and Germany to-day bars its progress toward the

west. If the children of Germany perish, what will prevent the tide of Bolshevism from rolling toward us and menacing the future of the world?

They have told us that this measure is unconstitutional, but no precedents have been cited. This resolution can be defended under the "general welfare" clause of the Constitution. It will both provide for the common defense and promote the general welfare.

It is universally recognized that contemporaneous construction is one of the best of all tests as to the meaning of any document. We have the precedent of the Congress of 1812, which appropriated \$50,000 for the relief of Venezuela. The men who passed that measure were contemporaries of the fathers of the Constitution and founders of the Republic. We can not presume to call ourselves wiser than they in construing that immortal instrument. They knew, and we have a right to suppose that they knew, the limitations of congressional action and the proper powers of the House of Representatives. If an appropriation to Venezuela was constitutional in 1812, then an appropriation for the starving people of Germany is constitutional in 1924.

But I am not here to pry into musty volumes of law when the cry of suffering humanity rings in our ears. America has always been a nation of the noblest charity. Our country never yet turned a deaf ear nor closed a stony heart to the appeal of the starving and the suffering anywhere in the world. We have always been ready to come to the aid of distressed human beings, no matter who they were nor where they were found. This noble spirit is one of the chief glories of our country.

These people are not our enemies. Whatever may have been the wrongs committed by their former government, these starving children were innocent of any crime. America does not believe in punishing the innocent for the faults of others.

The war is over, and with it let there vanish also the passions engendered by the war. We have heard enough of the hymn of hate; now let us preach the gospel of friendship.

Let us not think of the great struggle, with all its blood and tears. If we think of Germany, let our minds turn to earlier days, when no nations cherished a greater feeling of amity than Germany and the United States. Let us not forget the debt we owe to those who came to the assistance of this country in the days of the American Revolution, to those millions of German blood who have done so much to upbuild this Nation. Let us forget that Germany was the land of Wilhelm and remember only that it was the land of Steuben, DeKalb, and Carl Schurz.

Across the water there are millions of children who can not play, who have lost even the desire to play. There they are, listless, pale, emaciated, stunted, undernourished, in patched rags, exposed to the storm, their faces pinched and drawn, their eyes dull and deep circled, living skeletons—even babies feebly walling over a misery they can not comprehend, but can only feel, handicapped at the very outset of the race of life, who, even if they live, without food can never grow up into strong, vigorous men and women. We can fill these hearts with joy, those homes with light. We can say to these children, "Live and grow, live and play, live and be happy."

In this enlightened age we recognize no such thing as vicious sacrifice. Those who have done no wrong should suffer none.

Gentlemen, we are called up to paint a picture of America. Which shall it be? Shall our country be shown to the world as a miser, seated upon his moneybags, gloating over his gold piled mountain high, looking with disdain, with cold indifference on the sufferings of others, with heart of stone, with ears deaf to every cry of human entreaty, with merciless countenance, set like an iceberg, stern and unmelting, against the most harrowing sights in the world, in whose cold eyes the starving children can read but one answer to their cry for bread, "No mercy and no hope?"

Not such is the picture that my imagination paints of our own beloved country. I raise before your eyes another picture, Columbia, strong and great, bending in loving sympathy above the emaciated and prostrate child, pressing to its enfeebled lips from her abundant store the bread that will nourish it back to life, re-create its vigor, stimulate its God-given soul, open the door for mental development, restore to it the natural joys and play of infancy, refute forever the malignant charge that America cares only for gold, and fill millions of human hearts with love and gratitude toward the "wonder Nation," the savior of the children from starvation and death.

Let us hope that it can still be said of America, "the strongest are the tenderest." I want to see my country the leader in everything that is good and great for the welfare of the human race, the economic leader, the financial leader,

the commercial leader, the industrial leader of the world; but most of all I want to see this country the humanitarian leader of all nations and to see her set the example to others of forgiveness, benevolence, and mercy toward all mankind.

It is now our opportunity to prove our country such. [Applause.]

Mr. O'CONNOR of New York. Mr. Speaker, I yield two minutes to the gentleman from New York [Mr. CELLER].

[Mr. CELLER was given permission to revise and extend his remarks in the Record.]

Mr. CELLER. Mr. Speaker and gentlemen of the House, my interest in the adoption of this resolution is measured by the fact that I, too, introduced a resolution in this House to succor, to the extent of \$25,000,000, the starving people of Germany.

Circumstances sometimes so shape themselves that even a nation, like an individual, must give charity. It has been said that the deplorable plight in which Germany finds itself at the present time is most pitiful. There women and children are practically dying on their feet. We in America can not close our eyes to this wretched sight nor lend a deaf ear to their plea for charity. Bacon said that there can never be too much charity, and that it was the desire for excess of power that caused the angel to fall, and that it was the desire for excess of knowledge that caused man to fall; but "there never can be a desire for an excess of charity." It can make neither man nor angel—nor nation—fall.

A perfect legalistic argument has been made that there is no warrant in the Constitution for this charitable dole. We always have with us those who split legal hairs. We had them in the times of the Bible. I refer the constitutional lawyers of the House to the parable of the good Samaritan, found in the tenth chapter of St. Luke. There we find that the lawyer asked the question, "And who is my neighbor?" And Christ told him the story of the man who had been attacked by thieves and left in the road, and how the good Samaritan came and bound up his wounds, giving him oil and wine, and putting him upon his beast and directing him to shelter.

I shall vote for the resolution because I am not unmindful of our debt to 30,000,000 people of German blood in our midst. They are more than a fourth of the Nation and will probably pay more than a fourth of this charity. They came to this country in our early history, built our canals and railroads, planted orchards, tilled the soil, went into business, organized churches, reared schoolhouses, and contributed their share to our arts and sciences.

I shall vote for this resolution because I am not unmindful of our incalculable debt to Baron Steuben as Inspector General of Washington's armies, not unmindful of Carl Schurz during the Civil War, not unmindful of what President Adams said in his message to Congress published in 1826:

In the infancy of their political existence, under the influence of those principles of liberty and of right, so congenial to the cause for which we have fought and triumphed, they (the United States) were able to obtain the sanction of but one great and philosophic, although absolute, sovereign in Europe for their liberal and enlightened principles.

That sovereign was the German Frederick the Great.

The gentleman from Virginia, Judge Moore, whose opinions and wisdom I always respect, has stated that the matter should be one exclusively the subject of private charity. In answer I say private charity can not grapple with this enormous problem.

Mr. Hoover has stated that \$120,000,000 is needed to prevent 20,000,000 people from starving. Such a task is too gigantic for private charities.

My good friend from Oklahoma [Mr. McKEOWN] has stated that "charity begins at home," and that there are a great many tubercular ex-service men. To him I say, two wrongs do not make a right. Surely we must take care of our disabled veterans, but in doing so we must not be blinded to the needs of others.

Objection is made to this largess because of the great sums of money that have been spirited out of Germany. Of course, there will always be in any nation certain rich renegades who in that fashion seek to avoid paying their debts of charity. Furthermore, Germany is entitled to have, and must have, certain credits abroad in order to carry on commerce. Then, too, the amounts of money Germans have in other countries are much exaggerated. It is difficult to see how this transportation of moneys could escape the French, ever on the alert to prevent just such transfers of securities and money.

It is also argued that there are many signs of affluence and even prodigality in Berlin and other cities. It may be that

the night life in the German capital is gay, but the frivolity of a comparative few in Leipzig or Dresden or Berlin is no criterion. We see wealthy and flashy people at the Ritz or Plaza Hotels in New York, but it would be idle to judge that therefore all the people of the United States must be teeming in wealth.

We are told that 15 per cent of all German babies under 2 years of age are tubercular, and that since 1914 few, if any, children over 4 years of age have tasted cow's milk. Dr. Haven Emerson, professor of public health at Columbia University, and formerly health commissioner of the city of New York, sent to Germany by the American Committee for the Relief of German Children, in part reports as follows:

• • • If this were due solely to restraint in child bearing, and to a conscious and successful effort to raise the standard of living, one could envy such a record; but the facts are that stillbirths have increased, mothers have died more from puerperal fever, fewer mothers can nurse their babies—scarcely 50 per cent—and in some places not more than one-third. Nursing is for a shorter period and the amount of milk in most cases is not more than half that usually given by German mothers.

• • • Never in the history of the country has Germany's general death rate or her infant mortality rate been as low as in the years 1920 and 1921, and upon this fact many fallacious arguments have been built. The reasons are quite simple. A rapid fall in the birth rate, amounting to one-third, and in some communities to one-half of the pre-war and the 1919 rate, has reduced very materially the age group of infancy in which the greatest specific death rate occurred. • • • The evidence is overwhelming and universal throughout the Reich that the general death rate and the tuberculosis death rates for all age groups have risen since 1922 very materially.

• • • From infancy to school age marked rickets is so common—*anemia*, listlessness, poor muscular bone, sunken eyes, and emaciation are so generally seen that one loses a sense of proportion and is inclined to underestimate the extent of depreciation of vitality which is almost everywhere obvious among the children of the wage earners, the lesser public officials, and the 20 to 40 per cent of the adult population who are unemployed.

One, indeed, would be as hard as flint not to be moved by such utter woe and desolation. To deny this charity would be as—

Cruel as the Tartar foe,

To death injured, and nursed in scenes of woe.

In Leviticus we are told that we must leave a corner of the field for the poor, and we are exhorted to shake the olive bough gently, so that a few of the olives might remain as gleanings for the poor, and that when we gather the grapes from the vine we should not take all, as the poor are entitled to their share. We are told to leave a tithe for those in less favorable circumstances, and, indeed, Isaiah says a fifth of our worldly goods should be for charity, for only then will we earn the reward of the Kingdom of Heaven. We should, indeed, abide by these admonitions and extend the hand of charity to Germany.

However, I can not let the occasion go by without saying that despite these Hebraic lessons of charity certain classes of Germans are at work at most uncharitable deeds. I call attention to the Hitlers and the Ludendorffs and their damnable anti-Semitism. They have stirred up a religious blood lust in certain quarters and induced pitiless assaults upon innocent people. Rathenau was murdered. Einstein, author of relativity, flees Berlin in fear of his life.

The poor and suffering women and children, however, are not to blame for this. They need our help. We can not refuse.

Mr. O'CONNOR of New York. Mr. Speaker, I yield four minutes to the gentleman from Texas [Mr. BLACK].

Mr. BLACK of Texas. Mr. Speaker, the eloquent gentleman from Illinois [Mr. RATHBONE] in his remarks in this debate said that he aspired to see the United States not only the industrial and financial leader of the world but that he aspired to see it the moral leader of the world. I submit that nothing has contributed more to the loss of the moral leadership of America in world affairs than the utter lack of foreign policy on the part of the Republican administration. [Applause on the Democratic side.] A strong and vigorous policy of the United States directed toward a settlement of the reparation question between Germany and France would do a great deal more good than charitable doles as provided in this bill.

Gentlemen, one of the easiest things in the world to do is to vote away other people's money, and this proposition that we have before us now is to dispense charity at the expense of the American taxpayers.

Mr. RATHBONE. Will the gentleman yield?

Mr. BLACK of Texas. In just a moment. Now, I grant that there may be cases where the emergency is so great and the urgency is so compelling that a proposition of this kind may be justified, but I do not view that situation to exist in Germany at the present time. Why, gentlemen, the American people have always been a generous and charitable people. We have in this country hundreds of thousands of people who are of German blood and lineage and I can not believe that they would be deaf to an appeal of their brethren across the seas, I can not believe that the American people in general would be deaf to such an appeal, but no national appeal of that kind has been made. The Members of Congress who are promoting passage of this bill seem to think that the easier and quicker and the more expedient thing to do is to vote the money out of the pockets of the American taxpayers.

Mr. EAGAN. Will the gentleman yield?

Mr. BLACK of Texas. In a moment; let me complete this statement and then I will be glad to yield. The gentleman from Minnesota [Mr. SCHALL], for whom I have the highest regard and respect, says that the people of the United States are rolling and reveling in luxury. I do not know what the conditions are in Minnesota, but speaking of the conditions in the district that I represent, I can not say the people are reveling in wealth and luxury. On the contrary, some of them are heavily in debt and are having difficulty in meeting their own obligations. If the State of Minnesota is rolling in luxury and wealth, why have appeals for \$75,000,000 out of the Public Treasury to enable the farmers to buy dairy cows and other livestock, as provided in the Norbeck-Burtness bill, been made? Gentlemen know that in the Senate that bill was defeated only a few days ago. The Republican majority would not vote money out of the Treasury to buy livestock for American farmers. The appeal was denied, but now the Republican majority comes forward with a bill to vote \$10,000,000 to the people of Germany, and it is readily granted.

Now, I yield to the gentleman from New Jersey.

Mr. EAGAN. I want to remind the gentleman that a nationwide appeal is now being made in behalf of the destitute women and children of Germany, and the people of New Jersey up to March 20 have contributed more than \$115,000 in cash toward the fund.

Mr. BLACK of Texas. I am glad to have the gentleman make the statement. Private subscription is the way the money should be raised. It ought not to come out of the Public Treasury.

Mr. SCOTT. Mr. Speaker, I yield one minute to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Speaker, I believe that in my heart I have as much of the milk of human kindness for my fellow man as any other man in this House or in the Nation. And with my own money I am generous and liberal, and that is one reason, I suppose, why I have not got any. I want to say that with my own money I stop to remember that "after all he is my brother" and I help him.

But this is the public money, \$10,000,000 of it that you are now giving away, as my colleague from Texas has stated, and if you continue setting this precedent it will not be more than 10 or 20 years before every European nation in the world will be depending on the Treasury of the United States in times of an emergency. I am not willing to set that precedent, even in this an election year on the eve of going on the hustings. [Laughter.] I am not willing to say even to the American people of German extraction "I am going to vote to take \$10,000,000 out of the people's Treasury of the United States and send it over to Germany just because we are going on the hustings and expect to need their votes." [Applause.]

Mr. O'CONNOR of New York. Mr. Speaker, I yield two minutes to the gentleman from New York [Mr. OLIVER].

Mr. OLIVER of New York. Mr. Speaker, I do not believe that this measure is unconstitutional. If you remember a short time ago the Navy of the United States was sent to Japan and some of the Army was there too, and they took part in the rescue relief after the great earthquake. Upon whom was the expense of the great expedition levied? Every dollar came out of the Federal Treasury and every dollar of every expedition that has been sent from America for relief work in foreign lands has been paid for out of the Federal Treasury. It must have cost hundreds of thousands of dollars to send half a fleet to Asia, Europe, or South America or some other continent where disaster has befallen the people, and yet we have done it time and time again. If it is unconstitutional to appropriate money from the Federal Treasury for relief work then we have been engaged in unconstitutional practices for many long years in America. We can not make a miser out of Uncle Sam. It is impossible to say that the only

nation he can aid or do anything for is his own Nation. The beloved symbol of Uncle Sam was not created to represent an inhumane Nation. Uncle Sam was created for generous as well as for just purposes. We have struck down an enemy and that enemy's children are starving, and we are asked by those who make the argument that this is unconstitutional to say that not a single dollar of the great wealth of this Nation can be used for taking care of these children.

Yet the same men will admit that if we wanted to we could send the Navy and the Army over there for the purpose of doing rescue work at the expense of Uncle Sam. There is no argument in the proposition that this is an unconstitutional measure. We have been acting under this character of charity for generations, and I am glad to say that the record of America is a noble record in this regard.

I favor the resolution to appropriate \$10,000,000 for the benefit of the starving women and children in Germany. Humanity sanctions and blesses the gift. A great and good man in the Bronx—Justice Peter A. Hatting—ever since the war closed has been in charge of a relief organization having for its purpose the same objects as this bill. He told me of the pitiful conditions existing among the German children, the disease and death that has spread among them as a result of starvation. We never fought the German people. Our fight was against the German Government. The Government against which we fought has been destroyed and the people of Germany remain. One of the greatest and noblest acts of mercy we could do would be to pass this bill and start the great work of rescue among the women and children who suffer. We ought to do it, first, because civilization imposes a duty upon all who can afford it to extend help to those who suffer. That duty rests upon nations as well as upon individuals. America has never failed to answer the call of humanity. This is one of the most glorious parts of our record. No matter how powerful we grow, we use that power not to destroy but to help others. The highest test of modern civilization is the mercy and aid it extends to a prostrate foe. In the ancient days the foe conquered in the field was made a slave and held in bondage. To-day the luster of the achievements of men at arms must be supplemented by the benevolence of statesmen toward the conquered, else the purpose of modern government is not attained. This great Government is merely the trustee of God's gifts. He has endowed each man with certain inalienable rights, "the right to life, liberty, and the pursuit of happiness." Our great Government was organized to back up by the force of civil authority those great rights. The Government did not grant them. God is the benefactor, the Government the trustee, and mankind the beneficiary. Since we have assumed the sacred task as a Government to carry out the will of the Almighty, nowhere to-day can we find an opportunity so great as is this one to bring His aid and solace to poor and dying children. The children are God's children. Let us provide for them generously and build up again through this helpless generation the friendship of a century that blessed the relationship of America and the German people.

[By unanimous consent, Mr. OLIVER of New York and Mr. BLANTON were granted leave to extend their remarks in the RECORD.]

[By unanimous consent, Mr. McSWEENEY was granted leave to extend his remarks in the RECORD.]

Mr. O'CONNOR of New York. Mr. Speaker, I yield two minutes to the gentleman from Ohio [Mr. McSWEENEY].

Mr. McSWEENEY. Mr. Speaker, the constitutionality of this question has been raised, and I have sat for three months in the Agricultural Committee planning some relief for agriculture which may involve the expenditure of many millions. We find that this bill allows us to kill two birds with one stone. We can give at least some relief, although but \$10,000,000, to the agricultural interests of America and at the same time carry relief to the suffering people of Germany. Here is an opportunity now for us to allow some of the surplus to be exported to where it will do some good. In my youth I remember reading with much interest the fact that General Grant in his magnanimity gave back to General Lee—that splendid soldier, and America has produced no greater—the horses that had charged the Federal cannon, in order that they might be put back into the field to work with the plow. America when victorious is always magnanimous. We have always realized that to the victor belongs the spoils, but let us distribute them back to a suffering people and bring to them some prosperity. If you were to ask for \$10,000,000 to send directly to Germany, I would oppose it, but you are asking for that money with which to purchase American foodstuffs, which in reality will bring some relief to our agricultural interests and at the same time relieve the suffering in Germany. I am heartily in

favor of it and hope that the House will do something at this time, not to set a new precedent, but to merely follow the old precedents of America's generosity in the past. [Applause.]

Mr. SCOTT. Mr. Speaker, I yield five minutes to the gentleman from Indiana [Mr. Wood].

Mr. WOOD. Mr. Speaker and gentlemen of the House, if the argument made by gentlemen on the Democratic side of the Chamber were carried to its logical conclusion, this Congress never in the past nor ever in the future could vote a single dollar for charity. Gentlemen from the South say that the Constitution has nothing to do with charity. If that is true, we have been violating the Constitution since its adoption. If that be true, we have violated it time and time again by making generous appropriations for the flood sufferers of the South. If that be true, we have violated it when that great catastrophe came to the city of San Francisco, and when other disasters came to Chicago and to Boston, and when we came to the rescue of the starving people throughout the western part of our country time and time again.

Gentlemen, there is a warrant for this action to-day, and that warrant has been put into execution every time that a suffering people in the world have appealed to the heart and conscience of the people of the United States and we found truth and virtue in their appeal. It ill becomes us now to make an exception in this case because, perchance, this charity goes to a country that was a short time ago at war with us. I saw more suffering in Germany this year than I hope shall ever be my lot to look upon again. I saw some of these suffering babes. Perhaps they have gone over by this time. There are tens of thousands of them there that are starving. It was not an uncommon sight in the city of Berlin, in the city of Munich, in the city of Leipzig, in the morning to see a woman hitched up with a dog hauling a milk cart up alongside of the curb, where there would be a procession of perhaps forty or fifty or a hundred women and girls there with little containers that would not hold over three or four ounces, seeking food for the babies, and half of them would go away with their containers empty because there was not enough milk to go around. At that time Mr. Houghton, our ambassador, told me that by reason of a survey that had been made but a few days before it was ascertained that there was not one-fifteenth part of milk enough to feed the babies in the city of Berlin.

Mr. Speaker, it is responses like the one that we are going to make to-day, as we have made them in the past, that have placed the United States and the American people upon the highest pinnacle of estimation ever occupied by a nation or a people. If we had more of this character of spirit and less of the spirit of hate and of war, there would be less of war in the world. We could afford this appropriation for no other purpose than as a defense measure, because whenever you touch the heart of a man or a woman by such unselfish generosity as this bill proposes you are taking from the heart of that man or woman the spirit of hate and of spite, and if this were practiced the world around there would be no need of our appropriating \$300,000,000 in a Navy bill and \$250,000,000 in an Army bill. If we were to look at this matter from a purely selfish standpoint without regard to our technical quibbles with reference to constitutional questions, it would be a splendid investment. I am a little amazed to see gentlemen upon the Democratic side occupying the position they are to-day with reference to this proposition. Those of you who were here at the time remember very well that when President Wilson went across to help make the treaty of peace one of the first things he did was to send a dispatch over here asking us to send him \$100,000,000 to take care of the starving people in France and Belgium and Italy and other places.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. WOOD. Did anybody vote against that? I understand what the gentleman from Mississippi is going to say; that it was a loan, but as a matter of fact it was a charity, and not one cent of it was ever paid back, and it never will be.

If this donation is made, it will not only save the lives of thousands of German women and children, but it will perform another great service; it will prove a concrete demonstration to the people of Germany that there is no hate in the hearts of American people against the German people.

Repeatedly during the war, President Wilson stated from this rostrum that we have no war to make against the people of Germany. It is against the ruling class that we are directing our forces, and during the last days of the war he appealed to the people of Germany, saying that "if you will throw off the yoke of monarchy and establish some democratic form of government you will be recognized and treated fairly in the treaty of peace that is to be made." They took him at his word, and did change their form of government to a Republic.

If we had no war to make against the German people, then is it not our bounden duty now to show by our acts that our heart of sympathy goes out to the suffering there, and to those who were entirely irresponsible for that war, as it has gone out to sufferers around the world from time to time during the history of our country? Again, it will not only relieve great suffering in Germany, but this gift will prove a blessing to our own people. The farmers of our country are complaining because they can not get prices sufficient for their grain to pay for the raising. This money will be spent in this country, and will in a large measure go directly to the farmer. It will help to stabilize prices of farm products, and increase prices, if you please, of those sold.

Carl Vrooman said, with reference to the \$20,000,000 that we gave to Russia, for it has proven to be a gift, that that was a splendid business investment, that every dollar we spent for the relief of Russia brought \$10 to the American farmer. In other words, that \$20,000,000 invested for the relief of Russia proved a boon amounting to \$200,000,000 to the grain producers of the United States.

We are, therefore, amply justified in making this donation; first, and above all, the dictates of humanity justify it; second, the desire of the American people to show to the suffering people of Germany that there is no hatred in our hearts, and never has been in so far as they are concerned, justifies it; the relief that it will bring to the farmers of this country justifies it. In making this donation we will add another laurel to the crown of America's greatness and generosity. By making this donation we will also be making acknowledgment of an appreciation of the friendship of a people that came to our rescue when the very fate of the Nation was trembling in the balance. [Applause.]

The SPEAKER. The time of the gentleman from Indiana has expired. All time has expired. The previous question is ordered on the resolution. The question is on agreeing to the resolution.

The question was taken; and on a division (demanded by Mr. BANKHEAD) there were—ayes 158, noes 59.

So the resolution was agreed to.

Mr. FISH. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of House Joint Resolution 180, for the relief of the distressed, starving women and children of Germany; and pending that motion, Mr. Speaker, I would like to come to some arrangement as to who shall have charge of the time provided under this rule, and if Mr. CONNALLY of Texas is to have charge, I would like to make a unanimous-consent request to that effect. I ask unanimous consent that the gentleman from Texas [Mr. CONNALLY] have half the time provided for by this rule.

Mr. CONNALLY of Texas. The rule, as I understand it, provides that the time shall be divided half for and half against the joint resolution.

The SPEAKER. Half for and half against, to be equally divided by the gentleman from New York [Mr. FISH] and some member of the Committee on Foreign Affairs opposed to the resolution.

Mr. CONNALLY of Texas. I understand that almost all the time of the gentleman from New York is pledged to those in favor of the resolution, so if that be true the gentleman from Texas will have to accept the situation and control time against it and yield—

The SPEAKER. The Chair does not understand—is there any member of the Committee on Foreign Affairs opposed to the bill?

Mr. CONNALLY of Texas. I am opposed to it.

The SPEAKER. Of course that is really a matter that should be within the jurisdiction of the Chairman of the Committee of the Whole House on the state of the Union as to whom he should recognize, and naturally he would recognize the ranking member of the minority opposed to the bill.

Mr. BANKHEAD. I understood the gentleman from New York to ask unanimous consent that before going into the Committee of the Whole that he control half the time and the gentleman from Texas half.

The SPEAKER. The Chair did not understand the gentleman.

Mr. LONGWORTH. Mr. Speaker, I do not think it is necessary to ask unanimous consent; certainly the Chair would recognize—

The SPEAKER. The Chair thinks the Chairman would recognize the gentleman. The question is on the motion of the gentleman from New York.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of H. J. Res. 180, with Mr. GRAHAM of Illinois in the Chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of House Joint Resolution 180, which the Clerk will report.

The Clerk read as follows:

House Joint Resolution 180.

For the relief of the distressed and starving women and children of Germany.

Resolved, etc., That the President is hereby authorized, through such agency or agencies as he may designate, to purchase in the United States and transport and distribute grain, fats, milk, and other foodstuffs adapted to the relief of the distressed and starving women and children of Germany. That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the President, a sum not exceeding \$10,000,000, or so much thereof as may be necessary, for the purpose of carrying out the provisions of this joint resolution: *Provided*, That the President shall, not later than December 31, 1924, submit to the Congress an itemized and detailed report of the expenditures and activities made and conducted through the agencies selected by him under the authority of this joint resolution: *Provided further*, That the commodities above enumerated so purchased shall be transported to their destination in vessels of the United States, either those privately owned or owned by the United States Shipping Board.

The committee amendments were read as follows:

Page 1, line 6, after the word "foodstuffs" insert the words "for and."

Page 2, line 6, strike out the words "not later than" and insert in lieu thereof "on or before."

Page 2, line 12, strike out the words "to their destination" and in line 12 after the word "vessels" strike out the words "of the United States, either those privately owned or."

Mr. McKEOWN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. McKEOWN. When will it be in order to offer amendments to the resolution?

The CHAIRMAN. After general debate. The resolution will then be read. The gentleman from New York.

Mr. FISH. Mr. Chairman, I yield 10 minutes to the gentleman from Missouri [Mr. Newton].

Mr. NEWTON of Missouri. Mr. Chairman, seven years ago the United States declared war on Germany. At that time Germany had been engaged for three years in a deadly conflict with three of the most powerful nations of Europe. Germany had long prepared for that war, as had likewise her adversaries, and we were told that the Kaiser and his war lords were obsessed with ambitions for conquest and expansion. Our President, who spoke for the Nation and upon whose declared policy this Nation went to war, professed a profound sympathy and friendship for the German people. In the President's message to Congress, which served as a basis for the Nation's declaration of war, he said:

We have no quarrel with the German people; we have no feeling for them but a feeling of sympathy and friendship; we are glad now that we can see the facts with no veil of false pretense about them, to fight thus for the ultimate peace of the world and for the liberation of its peoples, the German people included.

It was this declaration of proffered friendship, oft repeated after war was declared, which appealed to the masses in Germany and made them yearn for peace and for freedom, and no one can conjecture how much this proffered friendship contributed toward the banishment of the Kaiser and the sudden termination of the conflict while Germany's soldiers were yet on foreign soil. The President had laid down certain fundamental principles of liberty and justice in which the Allies at that time acquiesced and upon which the President declared that peace should be made. With faith in these lofty ideals declared by the President of these United States and relying upon our pledge of sympathy and friendship for the people of that country, Germany surrendered. After they had surrendered and laid down their arms they were forced to sign the treaty of Versailles under the terms of which France and certain of her allies procured a mortgage upon all the resources and all the credit of Germany.

Immediately after the war ended, and while France and Belgium were victors in the conflict, while their resources were unhampered and their property unpledged, the Congress of the United States appropriated and delivered to these countries

\$100,000,000 for the relief of hunger and distress. Some three years later the Congress of the United States appropriated \$20,000,000 for relief of hunger and famine conditions in Russia at a time when Bolshevism and communism prevailed in that country and while the representatives and propagandists of those doctrines were trying to undermine and overthrow our free Government. About that time we learned that there was hunger, distress, and suffering in the Balkan States. Congress forthwith appropriated funds, and provided for relief in these countries by supplying them with 10,000,000 barrels of flour. When we learned that there was hunger and suffering in Austria, formerly our enemy, we appropriated and expended, through the United States Grain Corporation, some \$72,000,000 for the relief of distress in that country, and to-day Austria is not only dealing with her own problems but is contributing much toward the relief of hunger and starvation in Germany.

There are those in this country, some who are Members of Congress, who pretend to doubt that there is real need for an appropriation from Congress for the relief of hunger and famine conditions in Germany. Much propaganda has been used and much effort has been made to cultivate that impression in this country, and if I may have the attention of this House I will undertake to furnish the proof of a situation among the people of Germany and particularly among the women and children of that unfortunate country, which will justify an appropriation far in excess of the amount provided in the resolution now under consideration.

On the 14th of last December I wrote a letter to Secretary Hughes, calling upon him for official information concerning food and health conditions in Germany. On December 29 last he responded, and in his letter he said:

I have the honor to transmit herewith memoranda on this subject prepared by the appropriate officers of this department. The information contained in the memoranda is based chiefly on reports that have been received recently from our consular and diplomatic officers in Germany.

Only recently a Member of this House said to me:

If I thought there was a real shortage of food in Germany I would be willing to appropriate funds for relief, but as I understand the situation there is plenty of food in that country, but the difficulty results from a lack of proper distribution.

I have repeatedly heard from different persons, some of them Members of this House, this same statement in substance, but what are the facts? Secretary Hughes, in his report to me, said:

Germany has never been self-sustaining in food production. Prior to 1914 she depended upon imports to supply approximately 20 per cent of her requirements. As a result of the war this condition has not improved. The population has not been reduced proportionately with the loss of agricultural territory. It must be borne in mind that the lost territory, especially that in east and west Prussia, comprised some of Germany's most productive grain and potato land.

Mr. SNYDER. Will the gentleman yield? Will the gentleman tell us why she is so short; she has land there, has she not?

Mr. NEWTON of Missouri. Yes; it is a notable fact that prior to the war Germany's food production was tremendously stimulated by the use of fertilizers made from nitrates which she extracted from the air. It required large quantities of coal to extract nitrates and produce these fertilizers. Her coal fields are now held by France, and she is utterly without fuel with which to produce nitrates. As a result, the yield of her land is far less than it was prior to the war.

In 1913, the year before the war began, according to the official report of Secretary Hughes, Germany produced 171,075,000 bushels of wheat. In 1923, according to the same report, she produced only 103,604,000 bushels of wheat. So that Germany last year produced only 60 per cent as much wheat as she did the last season before the war. In 1913, according to the official report of Secretary Hughes, Germany produced 481,169,000 bushels of rye. In 1923, according to the same report, she produced 282,452,000 bushels of rye. So that Germany produced last year only 58 per cent as much rye as she produced the last season before the war. According to the official report of Secretary Hughes, in 1913 Germany produced 1,617,896,000 bushels of potatoes, and, according to the official report of Secretary Hughes, this production was 500,000,000 bushels less in 1923 than in 1913. According to the official report of Secretary Hughes, Germany in 1913 had 10,555,000 milch cows, well fed, healthy, and in good condition, producing large quantities of wholesome health-giving milk. According to the same report, in 1923 Germany had only 5,139,828 milch cows, and these cows, because Germany had no funds with

which to import oil cake and other milk-producing cattle feed, were producing a very poor, unwholesome quality of milk. According to the official report of Secretary Hughes, Germany in 1913 slaughtered 3,820,300 head of hogs, while Germany in 1923 slaughtered only 1,307,221 head of hogs. According to the same report, Germany in 1913 slaughtered 118,789 head of oxen, while in 1923 she slaughtered only 44,585 head of oxen. In the official report of Secretary Hughes I find the following:

Germany even in pre-war days depended upon imports for a large portion of her supply of fats and oils. In 1913, 58 per cent of the fats and oils were produced in Germany from domestic animals, home-grown seeds, and certain imported seeds. In 1922 the home-grown production constituted only 49 per cent of the total supply.

Thus it will be observed from the official report which comes from our American representatives in Germany that that country is producing less than 50 per cent of the fats and oils necessary to supply the needs of her people, and if she only produced 80 per cent of her foodstuff before the war, in view of the decreased production of wheat, rye, and other foodstuffs, as shown by the official report from our State Department, it is only fair to assume that she is now producing less than 60 per cent of enough cereals to sustain life among her people. She has no resources. Her money is of no value. She has no credit, and it is perfectly evident that unless America goes to her rescue more than 25,000,000 of her people must actually starve and die of hunger. Is it possible that free America in this alleged age of civilization will stand sullenly by and see this tragedy come without an effort to prevent it?

One of the conspicuous figures of the World War was Maj. Gen. Henry T. Allen, of the American Expeditionary Forces. After the war was over General Allen was placed in command of the American forces left in Germany. His chivalry and patriotism during the World War, his high character, and unquestioned loyalty to our country justify great faith in his statements. While testifying on February 6 before the Committee on Foreign Affairs of this House regarding the necessity for relief in Germany General Allen said:

The highest peak need will come at the end of March and early in April. Between that period and the next harvest it is predicted that over 20,000,000 people will be utterly dependent upon outside charity. The most essential foodstuffs and those which Germany herself is unable to provide are fats, cereals, milk, and cod-liver oil, all of which are now reported almost unobtainable for children.

Other witnesses before the committee testified to the same effect. I think Secretary Hoover, while describing the deplorable conditions over there, made a statement to the effect that unless the Ruhr situation is adjusted, 20,000,000 people will be out of food by the middle of April.

Mr. ANDREW. Mr. Chairman, will the gentleman yield?

Mr. NEWTON of Missouri. Yes.

Mr. ANDREW. When did Mr. Hoover make the statement that in April there will be 20,000,000 people without any food? I can not find it in the record. Did he say that by April 1 there would be no food at all? The statement in the record by Mr. Hoover is that by the 1st of July the situation will be clear.

Mr. NEWTON of Missouri. I heard Mr. Hoover's testimony before the committee. His testimony has been revised, and I am unable to say at this moment how much of the facts presented to the committee has been eliminated.

In discussing the distressing effect of the depreciation of the mark, General Allen said:

Owing to the depreciation in value of the mark, the farmers have bought little or none of the oil cake and other imported food and forage supplies for milk cattle. The cows, fewer in number than before the war, produce much less milk and of a lower butter-fat content and presumably lower also in other vitamin elements. There is a reduction to one-sixth and one-eighth commonly, and in some instances to one-twentieth of the milk formerly taken daily in the cities now brought in, and of this sometimes one-sixth is not sold because of the rise in price and inability to purchase.

It is well known that the compensation in marks received by workmen is not sufficient to buy the food necessary to keep themselves and their families from suffering from hunger. In addition to this, there is much unemployment in Germany. General Allen, in his statement before the Foreign Affairs Committee on February 6, said:

Unemployment is intensifying the distress. The latest figures of the German ministry of labor indicate that in December there were about 3,500,000 totally unemployed persons and an equal number on

part time. Several municipalities have reported that the number of destitutes is more than one-half of the population.

When 3,500,000 workmen are out of employment and thereby deprived even of the paltry wages which workmen receive in Germany, think of the countless dependent women who must go hungry and the millions of little children who must cry for bread. General Allen further states:

Among children of school age the crisis is such that there is lack of breakfast and often of lunch for these children. There is also lack of shoes and stockings, underclothes, and winter coats, and undersled, pallid, listless, thin children seem but the natural result. Also among these children there is a prevalence of tuberculosis not known to school physicians heretofore. Up to 20 per cent of the children applying at 6 years for admission to schools have to be sent home as unfit to attend. School hours are from 8 to 1 o'clock with no afternoon session. The temperature of classrooms can rarely be kept up to 60° Fahrenheit. Meat once a week, no milk, bread with margarine or vegetable fat, potatoes, turnips, and meal soup constitute the most liberal diet of the average school child.

Think of frail, weak, undernourished, starved children trying to study in a room where the temperature is below 60. How would you like to try it, healthy and well nourished as you are? How would you like for your children to study while chilled and shivering with cold and while weak from the pangs of hunger?

General Allen further states:

It has been shown by investigations of our committee that 2,000,000 German children are slowly starving, and that an appalling increase in disease and death will result unless outside aid is provided. Our committee's conclusion, based on the recommendations of Doctors Emerson and Patterson and other credible persons, is that such sums be raised in the United States as will permit a supplementary feeding and additional clothing for approximately 2,000,000 school children and at least 500,000 younger children for at least six months.

Our American ambassador at Berlin, in a report to the State Department a little more than a year ago, made the following statement:

In large areas of Berlin more than 50 per cent of the children are tubercular. They are weak from undernourishment. There is less than 50 per cent of the amount of milk necessary to supply their needs, and they are entirely without fuel with which to warm the homes in which they live.

Imagine, if you can, a mother with helpless, hungry babies suffering from tuberculosis in a home where the fire is never kindled while the cold chill of winter is on.

Much propaganda has been circulated to the effect that the farmers in Germany have an abundance of food but that they are withholding same and refusing to sell to the cities for the worthless mark, and the impression prevails in some quarters that this food if distributed would suffice to meet the entire needs of the people of Germany. The data which I have given utterly explodes the fallacy of this contention. General Allen, in his statement relative to the attitude of the farmers in Germany, made the following statement:

The farmers have taken charge of 850,000 children from the cities, in addition to that they have been sending 40,000 tons of food a month to the industrial centers and places where food is especially short; so that the story is not true in regard to the farmers not doing their share. Of course, they will not dispose of their products for those worthless ordinary marks.

There are those who would harbor the malice and prejudice of war and would visit their hatred and revenge upon the babes unborn during the conflict, but such a course does violence to the ideals and charity of free America. America, which has fed the yellow-skinned coolies of China, the brown-skinned natives of India, and who would feed the negroes of Africa if they were starving—surely America would not see millions of white babies die in Germany. Where are our churches, where is our religion, that such an awful tragedy can continue? As bearing upon this question General Allen said:

But, as a peace treaty has been made with Germany there should be no desire to continue hostility toward the German people, especially the children and the newly created constitutional government in that country. They are a virile people who have contributed to the progress of civilization, and the world, it seems to me, needs them with their strength restored. Moreover, owing to the instability of international friendships, this gesture of humanity, such as the people of the United States are now showing, should prove a valuable asset for our Government in its future international relations.

There appeared before the Committee on Foreign Affairs in support of this relief measure Mrs. Theodore Spiering, a social

worker in New York City who went abroad with the intention of seeing and hearing for herself. She stayed in Germany for 18 months and visited hospitals, schools, and homes. Fresh from the awful tragedy she appeared before the committee and said:

I will tell you what I saw. I went to the Childrens' Hospital, in Karlsruhe, and whereas some time before the war tuberculosis was not known among the infants in Germany, I saw rows of tubercular infants in little cribs on balconies. They had tubercular children of all ages. I saw cases of rickets. The limbs of these children were greatly contorted and their stomachs were distended. They did not look like children at all, except for their faces. They looked more like some freak creation. The most ghastly thing which I saw—and I doubt if any gentleman in this room, no matter how stout, could have viewed that spectacle without horror—was the skeleton children. Their skin is laid over bones. There is not one inch of flesh, muscle, or fat on their little frames. One can scarcely imagine that they are living.

Rev. H. A. Dooley, of St. Louis, appeared before the Foreign Affairs Committee and read a statement prepared by Father Lubeley, rector of the Holy Trinity Church of St. Louis, who recently returned from Germany. Father Lubeley said in part:

There are six or seven millions of children in Germany who are suffering actual want and hunger. A large percentage of these children are either threatened with or have already contracted tuberculosis, rachitis, and other afflictions incident to undernourishment. They are poorly clad and shod. I have seen hundreds of boys who had no shirts or underwear, covering their naked bodies only with a torn coat. In several schools that I visited in Munich, Darmstadt, Frankfurt on the Main, Hanover, and other cities, I found that 50 per cent of the children had come without breakfast. The majority had only one meal a day, consisting of potatoes, turnips, and coarse bread. There is an appalling shortage of milk in all large cities. The supply is not sufficient for even the smallest and most needy infants.

One of the saddest features is the plight of expectant mothers. Thousands of them are aware that they must enter the shadow of the valley of death without any of the loving ministrations that have been made impossible by the existing conditions.

Can it be possible that liberty-loving America, known for her charity and her love of mankind, could sit idly by with a surplus of 100,000,000 bushels of wheat and a surplus of other food commodities and see these millions of helpless men, women, and children in Germany die of hunger? If the American public only knew the real conditions over there, the demand upon Congress would come so strong that we would not hesitate at \$10,000,000 but would appropriate \$70,000,000 or more without faltering.

The American Friend Service Committee, of which General Allen is the chairman, before undertaking its relief work, selected two able, disinterested men, one of them Prof. Ernest M. Patterson, of the University of Pennsylvania, and the other Prof. Haven Emerson, of the department of public health of Columbia University. These great scientists, wholly disinterested, made a trip to Germany to study conditions there in order that the committee might have a first-hand report from impartial sources as to the extent of hunger and starvation over there. Both of these men submitted reports to the Committee on Foreign Affairs in support of this resolution for relief in Germany, and they have both sustained to the fullest extent the facts which I have presented from the testimony of other witnesses.

A striking and outstanding figure who appeared before the Foreign Affairs Committee in support of congressional relief for the starving women and children in Germany was Dr. Wilbur K. Thomas, secretary American Quaker Service Committee, an organization which has charge of the marvelous charity work which has been and is being done in Europe by the Quakers of the United States. Doctor Thomas, testifying on February 6, 1924, stated that they bought their food in the United States; that on that date they were feeding 625,000 children in Germany; that this number would be increased to a million in a short time, and he stated that there was need for much more than that. Doctor Thomas stated further:

As to the food that we are serving, we are feeding at the present one meal per day, which costs 47 cents per month per child.

Think of buying food in the United States at American prices, shipping it to Germany, and feeding each child food valued at 1½ cents per day, and yet Doctor Thomas states that this small quantity when taken in addition to the limited amount of food which the children are able to procure in Germany is enough to sustain life. Doctor Thomas states:

About 1,400 calories is what a child who is 14 years of age needs. In our previous feeding we gave 667 calories a day to a child. Just now the amount is about 500 calories a day. The ingredients are flour, sugar, cocoa, fats, vegetable compounds, corn grits.

To show you how desperate the situation is I will quote further from Doctor Thomas:

Most of the feeding is done through schools, but we are feeding other children in hospitals and homes, selecting those suffering the most. We try to concentrate on the children that give the most promise of recovery. It is hard-hearted to do that, but when you have one-tenth enough you have to discriminate some place. It is a question of keeping those threatened with tuberculosis from contracting it.

It is hardly conceivable that such a condition could exist in a civilized world. We in America are prone to boast of our charity and love for humanity, while there are others among us who are constantly talking of brotherly love for mankind. It is inconceivable to think that such a condition could exist among the women and children in Germany while we have in this country a surplus of 100,000,000 bushels of wheat which will be left over after everyone has been fed; and while we have great quantities of eggs, milk, butter, and meats of all kinds.

Think of this land of plenty and then try, if you can, to realize that the American Quaker Relief Association, now working in Germany, is compelled to do the hard-hearted thing of trying to save the children who are threatened with tuberculosis while permitting the unfortunate ones who are afflicted to starve and die in their awful affliction without giving food to them, because these Quakers who are trying to administer to the needs of those suffering people have not sufficient food to go around.

Doctor Thomas further states:

Referring to the schools in Germany, they have discontinued the afternoon sessions. The figures from one district may be of interest to you. Falkenstein, in Saxony, had 2,200 school children in November, 1923. Of that number, 1,351 were in need of extra food, as they did not have enough at home; 1,500 had not sufficient clothes; 1,000 were without sufficient shoes. Grown persons can be starved almost to the point of starvation, and then if given proper food they can be brought back to normal; but if you starve children you permanently injure them.

Doctor Thomas made the further statement relative to the extent of the distress in Germany:

The information I have was gathered from Mr. Hoover's figures, from the American Ambassador's figures in Germany, and from our own people. These indicated that approximately one-third of the total population of Germany are in need of help.

When you add to this statement the testimony of General Allen that the highest peak need will come at the end of March and early in April; that between that period and the next harvest it is predicted that over 20,000,000 people will be utterly dependent upon outside charity; when you consider evidence such as this, you have abundant proof that this relief bill, as a temporary measure, ought to be enacted immediately.

If General Allen's committee succeeds in raising five or six million dollars, this sum, in addition to \$10,000,000 provided in this bill, will give considerable temporary relief. If the Dawes Commission should succeed in inducing the French to release the spiteful death grip which they hold upon Germany, then when the raw materials become available and the people are able to work, as they will be when the Ruhr is evacuated and the nation is given credit with which to buy food, in that event this temporary relief may be sufficient. At any rate, the situation is desperate, and this bill ought to be enacted, and enacted at once.

Another most impressive witness, wholly disinterested, who appeared before the Committee on Foreign Affairs, was James H. Causey, an investment banker of Denver, Colo., who recently returned from Germany. Mr. Causey states that he went into the Ruhr last fall. In his description of conditions he said:

Awakening very early in the morning on just such a day as this (a cold, freezing day, February 6) only with a driving rain, I saw outside of my hotel a long, almost countless, line of women and children waiting in the rain. I asked the porter in the hotel what it was all about, and he said they were women and children waiting to buy potatoes. I went out, understanding no German. I counted that line of people and found 2,200 people at 8 o'clock in the morning, and the porter said they had begun at 3.30 o'clock in the morning. I watched that line all day. It slowly moved, and late in the evening many were still there. I found they could buy only 1 pound of potatoes every other day for each member of the family.

Mr. Causey's interest and sympathy were aroused by this spectacle, and he began an investigation. He visited a hospital at Gelsenkirchen. Describing conditions there, he said:

I saw little children, 120 in one hospital, suffering from tuberculosis, and bear in mind that tuberculosis among little children between the ages of 2 and 6 was not known in Germany before the war. It is simply due to malnutrition and absence of food. I saw little children, suffering from tuberculosis, screaming that day—that Sunday afternoon—a sight that I will not forget to my dying day. One little mother had a 4-months-old baby that weighed 7 pounds when born. I saw the chart over the bed, as in every German hospital. It weighed 9 pounds that day on her breast. The mother came 30 minutes every day to feed it from her breast to supplement the hospital feeding, and for three weeks at a time she could not get a single drop of milk. She had to feed the baby with warm tea. I went among other babies and nurses in the hospital, and I am satisfied that children of Gelsenkirchen and Essen were literally starving to death, and babies that were not born during the war.

Mr. Causey said further:

The good that I think America would do by way of this relief would be beyond all the millions that this committee could possibly give, whatever you appropriate. It would be a matter of good will to starving children, who were not born during the war, who are this moment dying. I think how they shivered in the cold in October, November, and December, and think of a day like this in the Ruhr among the little children who have not the necessary food for cold weather. There is suffering in an industrial civilized community such as was never known before.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. NEWTON of Missouri. Yes.

Mr. RAKER. Other people have control of the transportation, have they not?

Mr. NEWTON of Missouri. Yes.

Mr. RAKER. How will we get these provisions into the Ruhr if we appropriate this money?

Mr. NEWTON of Missouri. Mr. Causey, a banker of Denver, who was over there two or three months last fall, said in his testimony before the committee that Americans have no trouble in getting into the Ruhr. He has been buying and bringing carloads of supplies in there at his own expense from Holland.

Mr. RAKER. We were advised last August or September that carloads of provisions were lost and were not usable when they got there because those who had control of transportation held them until they spoiled.

Mr. NEWTON of Missouri. I have read testimony to the same effect as the gentleman states, but the food which will be bought by the money which we are to-day appropriating will be under the control and will be distributed by American representatives.

Mr. Causey testified that the job of feeding the hungry women and children of Germany is entirely too big for any private subscription. He says that there is starvation there now and that immediate relief is necessary. Upon this point he said:

The distress is immediate. It is there now. I saw two old women going into a feeding station so weak they could not carry the bucket of food they could get. A little boy was trying to take a bucket home, but he was too weak to carry it to his young starving brothers and sisters. The need is now.

If there is love for humanity, if there is charity, if there is Christianity left in America, this tragedy among the helpless of our fallen foe can not continue. We pledged our faith to the people of Germany when we entered the war. Our President declared, "We have no quarrel with the German people; we have no feeling for them but a feeling of sympathy and friendship; we are glad to fight for the ultimate peace of the world and for the liberation of its peoples, the German people included." If America was sincere in that statement, if by her deeds she will fulfill her pledge, then starvation among the helpless in Germany must cease. I can not believe that America with 100,000,000 bushels of surplus cereals for which she has no market, with an abundance of meats, milk, butter, and eggs, will stand sullenly by and see 25,000,000 people, most of them helpless women and innocent children, perish from hunger, cold, and disease without helping them. I know that if the great mass of the people in this country were permitted to know of the awful tragedy that is being enacted over there they would arise in mass and demand that instant relief be extended, and I sincerely hope that the time may soon come when America will know how awful the tragedy is.

Mr. MOORE of Virginia rose.

The CHAIRMAN. The rule provides that the Chair shall recognize some member of the Foreign Affairs Committee.

Mr. MOORE of Virginia. I was about to explain that the gentleman from Texas [Mr. CONNALLY] is obliged to leave the room, and he told me to control the time in his absence. I will yield to myself five minutes.

The CHAIRMAN. The gentleman from Virginia is recognized for five minutes.

Mr. MOORE of Virginia. Mr. Chairman, as a member of the Committee on Foreign Affairs I have no contest with any gentleman who tells us about the prevailing conditions in Germany, and particularly in the Ruhr, so far as the women and children are concerned. The pamphlet which I hold in my hand contains a report of the hearings and affords evidence which no one can put aside. The fact of suffering is undisputed. It has come mainly since France went into the Ruhr; and that adventure of France has not met, so far as I know, with any serious opposition from the United States. And if you appropriate now, then next year, in the event France maintains her occupancy of the Ruhr, you will be asked to appropriate again. And if Congress appropriates now for the relief of people who are undoubtedly suffering in Germany, where is its charity to stop? Certainly not with Germany. The world has passed through a great cataclysm and been subjected to such an ordeal of loss and waste and wreckage as never occurred before. If there is a contribution out of the Public Treasury for the relief of Germans, on what basis can there be refusal to contribute out of the Treasury for the relief of the Japanese, who are certainly, many of them, in dire straits now? How are we going to turn away from the Chinese, millions of whom are in danger of starvation and of disease consequent upon it? How are we to turn away from the people of the Near East, Greece, and the other States in the Balkans; from the people of Asia Minor, where the great tragedy at Smyrna illustrates what has transpired there and its awful results? There can be no limit to public charitable contributions, and no satisfactory explanation will be found in the fact that incidentally there may be a purchase of farm products involved. The cold fact must be faced that the public funds placed by our action in the Treasury are to be expended for the benefit of those across the water.

There is suffering, extreme suffering, and that suffering should be relieved; how? There has been much talk about the heart of the United States; and I hope the heart of our country is still true and loyal to the highest aspirations, in spite of circumstances which sometimes discourage that belief. What is in the heart of the country should have been made manifest by the administration appointing a member of the Reparation Commission two years ago, when such men as Norman Davis recommended it, not contenting itself with casual observers having no official connection at all with the Reparation Commission.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CONNALLY of Texas. I yield the gentleman five additional minutes.

The CHAIRMAN. The gentleman from Virginia is recognized for five additional minutes.

Mr. MOORE of Virginia. No man can rise here and say that the pulses of the administration have been quickened by reports of suffering in Germany or elsewhere to the extent of attempting effective action. And yet some of us who stand here from a sense of duty to oppose this measure are talked about as conscious wrongdoers. Some one even spoke of Pontius Pilate as illustrating, in a way, the position which we occupy; and another said we are repudiating the teachings of Christ Himself by the position which we occupy. With all of our reverence for the noblest code of ethics the world has known or ever will know, and for the God Man who gave it to the world, what should we do? Surely we are not taught that it is our right and duty to thrust our hands ruthlessly into the Treasury and withdraw the money of the people and send it across the water.

It is rather a disagreeable task for me to rise here and oppose this measure. It is a rather unprofitable task in view of the fact that it is a foregone conclusion that the measure will be passed by the House. I wish to say it is not any lack of sympathy which compels me to do this. I for one, after I heard the evidence submitted to the committee, gave and gave until it hurt, because I have no prejudice against the women and children of Germany.

I have no prejudice against the people at large in Germany. My undying prejudice is against the little coterie that brought on the World War and disordered all of the conditions of the world and produced so much suffering. I am not restrained, therefore, by any prejudice, because I have done all I could

as an individual. It is our own money we should use instead of the public money in order to express our sympathy.

The very way to prevent people from contributing privately is to point them to the fact that Congress has taken charge of the business of giving charity; that Congress is doing it and, therefore, they can fold their arms and decline to aid. The surest method of thwarting the purpose of General Allen and his associates to raise funds by private action is to pass this measure and inspire the belief that the Government is always going to do things of this sort, and that those of means, who are amply able to do it, should stand back and look to Government initiation and action.

In my opinion the measure is inexpedient and wrong, whatever the Constitution may be and however the Constitution may be construed. It is hardly worth while, gentlemen, to talk here about the Constitution. It is often discussed here, and the discussion is usually regarded with indifference. You may see in the British Museum, as I have seen, the original of the Magna Charta. It has become a mass of pulp, so that not one line is legible, not even the signatures; some of the seals of the lords who signed it remain, but that is all, and in a figurative way, just as in a physical way, so far as the Magna Charta is concerned, our Constitution bids fair to become here an unread and illegible thing.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. CONNALLY of Texas. Mr. Chairman, I yield the gentleman from Virginia two additional minutes.

The CHAIRMAN. The gentleman from Virginia is recognized for two additional minutes.

Mr. RATHBONE. Will the gentleman yield?

Mr. MOORE of Virginia. Certainly I will yield.

Mr. RATHBONE. As an eminent lawyer, would you not agree that contemporaneous construction, or nearly so, is one of the very best tests of what was constitutional or not, and if the fathers of this Republic—

Mr. MOORE of Virginia. I catch the gentleman's question. I am afraid of his rhetoric, but I have gotten his question. His thought is that because something has been done once it may be properly done again.

Mr. RATHBONE. Many times.

Mr. MOORE of Virginia. The Supreme Court has never passed upon the matter, and we are charged with a heavier responsibility for the reason that it is difficult if not impossible to invoke the court's jurisdiction. My distinguished friend from Ohio [Mr. BURTON] talked about precedent, as the gentleman from Illinois [Mr. RATHBONE] has just mentioned precedent. The use of precedent has not infrequently destroyed in some cases and in other cases has threatened the destruction of institutions. Let me read the language of Junius in the preface to his Letters, which sounded a cry of alarm to England in a time of corruption, but put hope in the breasts of the English people. Warning against the unconsidered regard for precedent, he said:

One precedent creates another. They soon accumulate and constitute law. What yesterday was fact to-day is doctrine. Examples are supposed to justify the most dangerous measures, and when they do not suit exactly, the defect is supplied by analogy.

Precedent is now glorified and tortured as well for the purpose of supporting the argument in support of this measure. We are told about the \$100,000,000 which was sent across at the request of Mr. Wilson; but that was a proper exercise of the war power, the war not then having terminated. Many of the other precedents cited are liable to as much criticism in respect of their real application as that one is. [Applause.]

Then, there was something said about the Russian relief bill. Many of us opposed that bill as we oppose this, but yet as to the Russian relief measure it might have been contended that the action of the Congress followed so closely upon the termination of the war that it was perhaps justified. [Applause.]

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. FISH. I yield to the gentleman from New York [Mr. FAIRCHILD].

[Mr. FAIRCHILD was given permission to revise and extend his remarks in the RECORD.]

Mr. FAIRCHILD. Mr. Chairman, I am for this resolution. I am heartily for it. I am for it because of the evidence that was presented before the Foreign Affairs Committee as to the terrible suffering among the women and children in Germany, and I am for it because in my conscience I believe that we are acting well within the authority of the Constitution. You have heard quite a little regarding the suffering in Germany. I wish every Member of the House and every member of this

committee could have heard the testimony of General Allen and of the witnesses who appeared before the Foreign Affairs Committee. I wish every House Member had the opportunity to read all the testimony. I am going to quote from one witness, Mr. James H. Causey, of Denver, Colo., and I first want to quote from his opening statement, where he says:

I went over to Europe in June, 1923, with the chancellor of the University of Denver, of which I am a trustee, because I had been very much interested in the matter of international good will and gave some property which I owned in Denver to the university as a foundation for that purpose. We went over to talk with some of the university men of England and France to see what we could do about bringing students to our university and sending some of our students over there. That was my background. I spent a few days in Berlin and saw some food queues in that city and went with a pastor and visited two or three of the homes in the poor part of Berlin. I got the idea that I was being shown the same kind of poverty that I would see in Chicago, Washington, or Denver, and did not accept some other invitations to go into other homes, because I had that idea in my mind. Then I went down into the Ruhr, as one would go out of curiosity to visit the zoological garden in Washington, for example, and from my first day I saw a sight that I shall never forget as long as I live, which altered the whole course of my trip to Europe.

Then Mr. Causey describes what he saw in the Ruhr and going through Germany and through the industrial centers, all of which vividly enforced his statement when he said:

From my first day I saw a sight that I shall never forget as long as I live, which altered the whole course of my trip to Europe.

This Denver banker, this member of a Colorado university, over in Europe, when he saw the suffering among the women and children of Germany, abandoned all his business and all the purposes of his trip, and from that day to the day he appeared before the committee he has been working to bring relief to these suffering German women and children. Oh, I thank God there are such men in the world, and I thank God that such men come from America. And what does he say about the suffering?

Mr. VAILE. Will the gentleman yield for a moment? I want to call attention to the fact that Mr. Causey's wife died while he was in Germany. He had written her about his works and her own heart was so engaged in it that, although she knew she was stricken with a fatal malady, she did not tell him of her illness, and asked her daughters in Denver not to tell him for fear that if he knew he would come back.

He never did know until after she was dead, and then at the urgent solicitation of his daughters he stayed on with a breaking heart to get his work further under way.

Mr. FAIRCHILD. I am glad for the interruption so that that information can be given here.

Now, what did Mr. Causey say about the suffering? Time will permit only a brief quotation from the heartrending details given by him and other witnesses who appeared before our committee:

Mr. CAUSEY. May I speak about the suffering I saw? I went into the hospital at Gelsenkirchen. Everybody had been turned out of the city hospital excepting very little children, and if I should bring a picture to this committee of what I believe to be the typical condition of the children in the Ruhr there would not be a moment's hesitation about relief from America. I saw little children, 120 in one hospital, suffering from tuberculosis; and bear in mind that tuberculosis among little children between the ages of 2 and 6 was not known in Germany before the war. It is simply due to malnutrition and absence of food. I saw little children suffering from tuberculosis, screaming that day, that Sunday afternoon, a sight that I will not forget to my dying day. One little mother had a 4-month-old baby that weighed 7 pounds when born. I saw the chart over the bed, as in every German hospital. It weighed 6 pounds that day on her breast. The mother came 30 minutes every day to feed it from her breast to supplement the hospital feeding, and for three weeks at a time she could not get a single drop of milk. She had to feed the baby with warm tea. I went among other babies and nurses in the hospital and with the doctors in the hospital, and I am satisfied that children of Gelsenkirchen and Essen were literally starving to death, and babies that were not born during the war.

I myself went immediately to The Hague and sent down, through the Dutch Red Cross, two carloads of milk and essential medicines and rice and a few things of that kind. I went into schools where I was not expected, simply dropped in casually, had plenty of time, not as a tourist, as I had given up sailing home, and I saw children in the various schoolrooms. They would call them up, and I said, "What is the age of this child?" I saw this in more than one school building, and I saw children who, as they would come up, I would say, "What is the age?" I figured the children's ages in these various schools

from the standpoint of undernourishment, and in many cases my guess was half their real ages. I saw one woman actually fainting in the street from hunger. I saw long lines of people waiting for food. The condition of suffering and hunger among children and women in and out of hospitals and feeding stations is such as you would not imagine could exist in a civilized industrial district just a few miles from Holland.

Now permit me to quote from another witness, Dr. Wilbur K. Thomas, secretary of American Friends Service Committee, where he says:

You have heard something about the worst cases. You would not know that anything was the matter with the great mass of children, however, unless you examined their general condition, height, weight, etc. Then you would find they are 2 to 10 inches under height and 5 to 20 pounds under weight. If you saw them playing about on the streets you would say they are fairly normal children until you began to compare them with normal children, then you would begin to realize the terrible conditions that exist. I do not wish to dwell upon the unusual cases of deformed children and tubercular patients in hospitals. I wish to refer, however, to some conditions that are brought out more fully in Doctor Emerson's report, copy of which I desire to leave with you. Doctor Emerson refers particularly to the large increase of pulmonary tuberculosis among babies under 6 months of age. Such conditions are almost unknown to medical science in our generation. I do not speak, therefore, of an unusual class of hospital patients or the deformed or dwarfed, but of that great mass of children under height and under weight, who, unless they get food that will make them strong before the age of puberty, will be permanently dwarfed in mind and body. It is that group of children for whom I especially plead.

There were a number of witnesses who all gave similar testimony, including General Allen, whose first observation of the distressing conditions was while he commanded the American Army of occupation. Among other things he said:

From 1 to 2½ per cent of school children in some districts are found to have open pulmonary tuberculosis. Crippling rickets, bone and joint and gland tuberculosis are common, and there is much skin infection among school children. Scurvy is less common but increasing. A form of ulceration of the eye easily leading to blindness unless quickly recognized, but speedily curable with fresh milk and suitable diet, is noticeable.

The weakness of children from hunger is a common cause of fainting, dizziness, headache, and inability to study, and inability to pay attention simply because of hunger. The record of collapse cases in the schoolrooms was never before known to be so great as now.

The extent of undernourishment in the schoolroom is best expressed by the fact that practically everywhere there is a discrepancy of almost two years between the age, the height, and the weight of the children in contrast with the normal child.

In the face of these terrible heart-rending conditions we are told by some that we have no power under the Constitution to grant any relief. We are told that the general-welfare clause of the Constitution does not give us the power. We are told that no matter how much each of us in his conscience believes that in present world conditions the welfare of the United States will be served by affording relief to the starving women and children, yet there is no power.

The objection answers itself. When the broad power was granted by the Constitution to the United States Congress and to no other body to provide for the general welfare, the determination in each instance of what is for the general welfare rests of necessity only with Congress. Those who object to this joint resolution on constitutional grounds state that the question can not come before the United States Supreme Court in any way that can secure a determination that an act such as this is unconstitutional. That statement from the objectors is an admission that this appropriation is within the constitutional power of Congress. It is an admission that the power to determine what is or is not for the general welfare rests only with Congress.

For the United States Supreme Court to determine that an appropriation such as this is unconstitutional would be tantamount to the United States Supreme Court assuming to decide what is or what is not for the general welfare notwithstanding that the Constitution confers that power upon Congress.

Early in our history in 1803 Congress exercised the power to appropriate for humanitarian purposes, and again in 1804. In 1812 Congress appropriated \$50,000 for the earthquake sufferers in Venezuela. During all the years from 1803 there have been numerous precedents, some 60 or 70. Thirteen precedents have been appropriations for needed relief in foreign lands, including Ireland in 1847, France and Germany in 1871, Ireland in 1890, India in 1897, French West Indies in 1902,

Jamaica in 1907, Italy in 1909 and China in 1911. My learned friend the gentleman from Virginia [Mr. Moore] quotes an eminent authority in England that precedents are detrimental. He overlooks the broad distinction between England where there is no written constitution and precedents create the only constitution they have, and this country with a written Constitution where precedents merely interpret.

Major General Allen in his testimony said that "owing to the instability of international friendships, this gesture of humanity, such as the people of the United States are now showing, should prove a valuable asset for our Government in its future international relations."

Is it not for the general welfare of the United States that we by our action to-day improve our future international relations with the spirit of good will that comes from a humanitarian act, even though the primary impulse is humanitarian and sympathy for helpless, starving, undernourished children?

Unity and good-fellowship between nations make for peace and are a preventive of future wars. As surely as our Saviour gave to mankind the new religion, the new gospel of brotherly love, so true it is that our forefathers in creating this Republic gave to the political relations between man that heavenly doctrine of brotherly love.

The starving women and children in Germany appeal for this proposed relief. The wealth of our Nation demands that it be given. Unity among the people of this country suggests favorable action. All the ideals and traditions of America are in accord with this proposed action.

The war is over. It was not fought against the women and children of Germany. It was fought against an autocracy that has ceased to exist. In its place has been born a new republic. The lovers of freedom in Germany have asserted themselves. Their women and children are suffering, starving, and dying. It is to them, to the little undernourished starving children born since the war, we wish to offer relief.

During the war in large numbers American boys of German blood and German ancestry went forward to fight the battle of our country against the Germans. In time of peace their desire should be the desire of all to succor these starving children. I speak for the doctrine of love and against the doctrine of hate. I speak for a unity in this country where people of many nations, including the Germans, tracing their ancestry back to the Revolutionary War and before have formed a new American race, a mighty people.

During all the years of American history the Germans who came to this country came as lovers of liberty, fleeing from oppression, and here they helped fight the battles of liberty that made and preserved this Nation. Such men as Carl Schurz and Franz Sigel were among the great generals who helped in the battles that saved the Union during the Civil War. In the Revolutionary War General Herckheimer, for whom Herkimer, N. Y., is named, with German troops arrived in time to fight and win the battle that prevented the British troops from Canada uniting with the British Army in the South, when a union of the British troops would have lost the Revolutionary War for America. He died of wounds received in that battle. Of him General Washington said he "served and gave his life to his country because he loved it and not because he desired preferment, fame, or riches."

General von Steuben will always live in the glorious pages of American history. In the darkest days of Valley Forge he gave his services to General Washington and organized the Continental troops into the fighting force that brought victory.

It was Friedrich August Mühlberg, the first Speaker of the House of Representatives of the United States of America, who was president of the Pennsylvania convention that ratified our Constitution.

Let us not forget American history. Let us not forget American traditions nor American ideals. Let this Congress in the interest of humanity and in the interest of the general welfare, international peace abroad, and unity at home extend a helping hand across the sea to do America's part toward saving the lives of the starving women and children in Germany.

Mr. CONNALLY of Texas. Mr. Chairman, I yield five minutes to the gentleman from Oklahoma [Mr. McKeown].

Mr. McKEOWN. Mr. Chairman and gentlemen of the committee, in the past I have called attention to the fact that when it came to dealing with peoples other than our own people we are always generous, but when it comes to dealing with our own people we are always tight with our money. I think the children and the women of Germany are in a very serious condition, and this appeals to the great American heart and to the charitable disposition of Americans, but I want to call your attention to another fact. You speak of tuberculosis

among the children of Germany. There are American soldiers that were on the front that have tuberculosis in this country and they can not get a cent out of your Veterans' Bureau. [Applause.] They are here trying to get some help every day. I take the position that the United States Government is able to help Germany, but she ought to help her own people first or at least at the same time. I have no objection to your helping the people of Germany if you will help the people of your own country.

There are farmers in the United States who are in distress. I have received reports of the conditions of many farmers. I have introduced into this House a measure asking for a loan, not a gift, but a simple loan, of \$1,000,000 to help destitute farmers in the State of Oklahoma who are to-day so poor that they offer to give half of their oat crop and will furnish the land and labor to grow it if they can get enough money to buy seed oats. Are you going to take the taxpayers' money of this country under these conditions and vote it out as a gift without helping Americans? No; gentlemen, here is the whole secret of this matter. Let us be honest and candid with one another. France has Germany by the throat and instead of the United States taking the stand she ought to take in foreign affairs we are going to pay money out of our Treasury to try to make good to the German people for failing to help her to get straightened out with France. The United States ought to say to France, "You must not pursue a policy that will starve the women and children of Germany. If you do you must pay us at once what you owe us."

We should take some strong stand in the affairs of the world, and then we would not have this condition that makes it necessary that you have to go into the Treasury and take this money out of it. This is simply trying to find a chance to get out of a hole that incompetent statesmen have gotten this country into in reference to its foreign affairs. If the thing had been handled properly at the right time this condition would never have arisen, and now you say, "We will take \$10,000,000 of the taxpayers' money and give it to these people." No doubt the distress is great, and no doubt the situation is intense, but, gentlemen, I will say to you that the taxpayers of this country will call you to account, and you remember, when you do this, that there are soldiers in this country crying now for treatment, soldiers crying now for hospitalization, soldiers in the last stages of tuberculosis who can not get a single dollar out of the Veterans' Bureau, and you should remember that there are farmers and their families in this country that are in dire distress.

As evidence of the conditions of the very poor and unfortunate farmers of Oklahoma, I will submit to you for your consideration some excerpts from farm organizations in Oklahoma, as follows:

The farmers in this county are having to buy their feed and seed and are absolutely unable to get money or credit for same. Some are offering to give one-half of the oats and furnish the land and the labor for some one to furnish the money to buy the seed. Others are giving one-third just for the man furnishing the seed. Unless something is done immediately thousands of acres of good land will lay idle this year, which, if allowed to do so, will mean still harder times for Oklahoma. (From M. B. Eberhard, county president, and R. T. Conn, county secretary, Mays County Farmers' Union.)

A similar communication was received from C. G. Hetzel, president, and C. R. Jackson, secretary, Central Local No. 693, Farmers' Union, Pryor, Okla.

An indorsement of the resolution was received from Joseph L. Payne, secretary Farmers' Union No. 633, Mulhall, Okla.

Also a letter from L. G. Chriss, Tupelo, Okla., as follows:

In Coal County we now have 3 banks out of 11 banks that were here in 1920. The three banks have all of their own customers that they can take care of, and the balance of us that have been doing business with banks that have failed are unable to get any assistance to make this crop. In other words, we do not have sufficient banking facilities at this time. And, of course, the county has been hit so hard by boll weevil, drouth, floods, etc., that we are sure in a pitiful condition.

And W. O. Woods, secretary of Okfuskee County Farmers' Union, forwarded resolution favoring immediate relief.

Also, letter from W. H. Summers, of Ada, Okla., which states:

All wagon yards in Ada are filled up with old plows, wagons, horses, and mules, and I guess there have been 150 foreclosures this winter in Pontotoc County alone.

Also, letter from M. B. Williams, Fort Towson, Okla., which says:

There are 100 farmers in this township who would like to make a crop this year, but can not get any help. For myself, I have my

land already to plant, but haven't any seed corn yet. I went to the bank yesterday and asked for a loan of \$100 and they turned me down, saying my debts were too heavy. The Dallas Federal Reserve Bank closed our bank here, but they offered to release my stuff for that amount, but the banker said he could get all the loans he could carry from people who did not owe but small amounts, and there are a thousand farmers in the same fix I am in. I only owe \$305.18, secured by two good mules, two good milch cows, two good yearlings, wagon and harness. My crop will consist of 15 acres of corn, 20 acres of cotton on good land, besides my truck patches.

This is the true conditions of many farmers in Oklahoma. It seems if the Government loans money to the big corporations they could loan we farmers a little until we could get out of this strain, for it is not our fault, but due to the drouth and boll weevil. We can go without clothes as far as the law will permit it, but we have to have a little food and feed to work a crop. We need help here in Choctaw County.

I do not know what the condition of other farmers in the United States is, but in Oklahoma I do know there are very many of them who need financial assistance despite the talk of some of their leaders that they do not need any more credit.

The credit will only give temporary relief, but it is absolutely necessary to have this temporary relief.

In answer to the statement that many of their conditions are due to their own fault and thrift, I want to say that the greatest cause of the conditions has been the season and ravages of the boll weevil.

The conditions in Germany are the result of the conduct and the fault of the leaders of the German people.

Gentlemen, in view of these conditions that exist in my State and the failure of the Congress up to this time to make any provision for them, I respectfully submit to you that it is not right, and that it violates the principle of Americanism to leave your own people in dire distress for lack of a little credit while with lavish hands you give the taxpayers' money to the citizens of a foreign Government. I believe in charity and think that the unfortunate people of Germany need immediate assistance, but I also believe that charity begins at home, and if the Congress will immediately pass a resolution granting relief to the poor and distressed farmers of the United States, then I am willing to immediately extend credit to the distressed people of Germany; but this action on the part of the Congress is merely for political effect and disregards the necessity of their own people.

An American citizen in his own country ought to have first consideration, and this Congress ought to at least extend him the right to survive the unfortunate financial conditions of which he is the victim and for which he is not responsible.

The Government is able to give the necessary assistance to the deserving and distressed people of the United States and at the same time extend this relief to the German people.

The thing I am complaining about is the failure of this Congress to take care of the meritorious and deserving people of this country before or at the time of the passage of this bill.

I do not believe in handing out the taxpayers' money to the people indiscriminately, or anything of that kind, but I do say that it is the duty of the lawmakers of this country to assist in the preservation of the wealth and resources of the country, and it is the duty of the Government to encourage every industry, and especially is it necessary to encourage agriculture, upon which the permanent prosperity and wealth of America depends.

This morning's Washington Post, of date Monday, March 24, 1924, carries the following headlines:

HALF BILLION RISE IN STEEL BUSINESS SHOWS PROSPERITY—BIG CORPORATION REPORTS GREAT EXPANSION DURING 1923—TOTAL, \$1,571,414,463; PROFIT, \$166,707,064—EMPLOYEES SHARE IN PROSPERITY; EARNED \$5.58 A DAY AGAINST \$4.91 IN 1922.

CHICAGO, March 23.—The United States Steel Corporation to-morrow will add its testimony to the record of American prosperity last year. The report is remarkable in showing how rapidly the steel industry recovered from depression and is illuminative when the complaints and forebodings of last summer are recalled.

With this industry showing such prosperity while the farmers of the country are going bankrupt is sufficient evidence to show that the present Congress and administration is satisfied to have prosperity in the great industrial centers of the country, due to special privileges granted under the tariff laws, while the cries of the toiling masses engaged in agricultural pursuits for a chance to survive are unheeded.

Gentlemen, if this Republic is to survive it must encourage and foster agricultural pursuits, educate its citizenship, and give to every man in America an opportunity to live and prosper in his own country by closing the doors to the undesirable

immigrants who are seeking to rush in and imperil its prosperity and destroy its Government.

[Mr. McKeown was given permission to revise and extend his remarks in the Record].

Mr. FISH. Mr. Chairman, I yield two minutes to the gentleman from New York [Mr. MacGREGOR].

Mr. MacGREGOR. Mr. Chairman, the whole question before the House is whether we shall grant this immediate aid. The most of you believe in the Holy Scriptures, and the best argument is contained in the Scriptures:

When the Son of man shall come in his glory, and all the holy angels with him, then he shall sit upon the throne of his glory;

And before him shall be gathered all nations, and he shall separate them one from another, as a shepherd divideth his sheep from the goats.

And he shall set the sheep on his right hand, but the goats on the left.

Then shall the King say unto them on his right hand, Come, ye blessed of my Father, inherit the kingdom prepared for you from the foundation of the world.

For I was an hungered, and ye gave me meat; I was thirsty, and ye gave me drink; I was a stranger and ye took me in;

Naked, and ye clothed me; I was sick, and ye visited me; I was in prison, and ye came unto me.

Then shall the righteous answer him, saying, Lord, when saw we thee an hungered, and fed thee? thirsty and gave thee drink?

When saw we thee a stranger, and took thee in? or naked and clothed thee?

Or when saw we thee sick, or in prison, and came unto thee?

And the King shall answer and say unto them, Verily I say unto you, Inasmuch as ye have done it unto one of the least of these my brethren, ye have done it unto me.

The spirit of Christ is the guiding star of our Nation. The cry of helpless and starving children reaches us. Let us be true to our faith. Let us not hesitate in our ministrations unto those who are in distress. [Applause.]

Mr. FISH. Mr. Chairman, I yield five minutes to the gentleman from Wisconsin [Mr. Browne].

Mr. BROWNE of Wisconsin. Mr. Chairman and gentlemen of the committee, I would agree with my distinguished friend from Virginia [Mr. Moore] that the relief for Germany ought to be raised by private charity, but we have tried private charity, and it has been inadequate to cope with the terrible emergency. General Allen when he came home from the occupation of the Rhine started immediately a campaign to raise sufficient funds to take care of the destitution that he knew existed over in Germany. The Quaker society, a charitable organization, and one of the most efficient organizations, also attempted to relieve the suffering and destitution of Germany by private charity. Several millions of dollars have been raised through private charities, and millions of dollars in money and the necessities of life have been sent by American citizens having relatives over in Germany. These people came before the committee and proved that private charity was not sufficient to meet the great emergency that had arisen in Germany and to alleviate the suffering and the ultimate starvation of several millions of women and children. Germany tried to help herself. She had property and she went before the reparations committee and wanted to pledge her property and borrow \$70,000,000 to relieve the great distress of her people, but the reparations commission, speaking through Poncalre, refused to authorize her to make the loan.

General Allen in January, 1924, appointed two experts with national reputations, Dr. Ernest Patterson and Dr. Haven Emerson, to make an intensive survey of conditions in Germany. Both of these men reported that 20,000,000 people in Germany were dependent on charity for their support, and that there were several million of little children who would die of starvation and tuberculosis and other diseases brought about by undernourishment unless immediate aid was provided.

Dr. Wilbur K. Thomas, secretary of the Quakers' service committee, also corroborated these other witnesses that came before the Foreign Affairs Committee, of which I am a member.

I will not restate what has already been stated as to the great destitution now existing in Germany, but I want to point out what it means if we do not grant relief at this time. It may mean the dissolution and the breaking down of the German Republic. If the German Republic is dissolved, what will we have in its place? The people will either go back to the old monarchists, the militaristic junker class, which will get control of Germany, or the communists will come into power, and we will have a communistic or soviet form of government instead of the young Republic that started over there so auspiciously with a constitution patterned after that

of the United States. That will be the result unless we furnish some relief to Germany in this great emergency. Starving people do not reason calmly; they naturally lay their condition to their government. The monarchist and communist take advantage of the situation and are both seeking to overthrow the new Republic of Germany.

The stability of Europe concerns the United States. You can not have a stable Europe unless you have a stable Germany. I believe, as has been said, a great German Republic, standing there between Russia and the west, in the center of Europe, with the industrious, frugal, and liberty-loving people of Germany, will be a stabilizing influence all over the world. Therefore, we should support this resolution, not only because of the appeal that it makes to our sympathies, not only because of the great value that such an act of generosity will make in cementing the friendship between the peoples of the two nations, but for the further reason that the United States can not afford to see the overthrow of the German Republic and a great military autocracy or a soviet government take its place.

GERMANY OUR FRIEND.

Germany has always been friendly to the United States. President Adams said in a message to Congress, published in 1826:

In the infancy of their political existence under the influence of those principles of liberty and of right, so congenial to the cause for which we have fought and triumphed, they (the United States) were able to obtain the sanction of but one great and philosophic, although absolute, sovereign in Europe for their liberal and enlightened principles.

That sovereign was Frederick the Great.

Germany, under Frederick the Great, not only sympathized with the American Colonist, but also recognized the independence of the Colonies in concluding a treaty with the United States.

General von Steuben, an officer of high rank and ability under Frederick the Great, left his native land and a place high in the councils of his nation, leaving behind him his home, his friends, and the achievements of a lifetime, to help the colonists of America in their struggle for independence that seemed like a hopeless cause. Listen to his letters to Congress and to General Washington:

EXCERPT OF LETTER ADDRESSED TO THE CONTINENTAL CONGRESS BY GENERAL VON STEUBEN.

CONTINENTAL CONGRESS,

Portsmouth, December 6, 1777.

HONORABLE GENTLEMEN: The honor of serving a respectable Nation engaged in the noble enterprise of defending its rights and liberty is the only motive that brought me over to this continent. I ask neither riches nor titles. I am come here from the remotest end of Germany at my own expense and have given up an honorable and lucrative rank. My only ambition is to serve you as a volunteer, to deserve the confidence of your general in chief, and to follow him in all his operations, as I have done during seven campaigns with the King of Prussia.

EXCERPT OF LETTER OF GENERAL VON STEUBEN TO GENERAL GEORGE WASHINGTON, THE COMMANDER IN CHIEF OF THE AMERICAN ARMY.

DECEMBER 6, 1777.

SIR: The inclosed copy of a letter, the original of which I shall have the honor to present to Your Excellency, will inform you of the motives that brought me over to this land. I shall only add to it that the object of my greatest ambition is to render the country all the service in my power and to deserve the title of a citizen of America by fighting for the cause of your liberty. If the distinguished ranks in which I have served in Europe should be an obstacle, I had rather serve under Your Excellency as a volunteer than to be an object of discontent to such deserving officers as have already distinguished themselves among you. Such being the sentiments I have always professed, I dare hope that the respectable Congress of the United States of America will accept my services.

In the Civil War when the sympathies of many of the European nations were against us and some of them openly hostile and desirous of seeing our Nation torn to pieces by internal dissensions, Germany was our friend, and our German citizens wherever they were found were loyal to our flag and the Union.

I do not feel that the United States will be doing its duty if it does not render assistance to the German people in their hour of need. I have never felt satisfied that we did as much as we should to encourage the Russian Republic under Kerensky. The result of the breakdown of the Kerensky government was a victory for the communists and the triumph of the red flag, and for five or six years 140,000,000 people were practically without a government, and even now they are without a government that the United States is willing to recognize.

Do we want another republic overthrown and 65,000,000 more people thrown into chaos, or do we want to help them and help preserve the Republic of Germany, the young Republic that is struggling to get a foothold in Europe to-day. [Applause.]

Mr. CONNALLY of Texas. Mr. Chairman, I yield five minutes to the gentleman from Virginia [Mr. TUCKER].

Mr. TUCKER. Mr. Chairman, this resolution has for its object the appropriation by Congress of the United States of \$10,000,000 for the suffering women and children of Germany. I am opposed to the resolution for two reasons: I have been unable to find anywhere in the Constitution of the United States any power given to Congress to pass such a resolution, and, if it had the power, the resolution amounts to nothing and is a mockery under the name of charity. What is it? These suffering people ask for bread and you offer them a stone. The babies ask for milk and you give them vinegar. The report of the committee says there are 2,500,000 children starving in Germany, and they propose in this resolution \$10,000,000 to save them. That amounts to \$4 for each child, to last until the crops are harvested, which will be about six months. Four dollars per child for six months would amount to exactly 2½ cents per day. Two and one-fifth cents per day is the amount of charity which the eloquent gentlemen who have spoken here offer to these destitute women and children.

Mr. SCHAFER. Mr. Chairman, will the gentleman yield?

Mr. TUCKER. Yes.

Mr. SCHAFER. Along the line of the gentleman's argument, I believe it may be in order for him to offer an amendment to increase the appropriation.

Mr. TUCKER. Yes; I might offer an amendment to include among the beneficiaries of the resolution 2,000,000 or 3,000,000 of Anglo-Saxon people who live in the Blue Ridge and Allegheny Mountains, extending from the Potomac to where they drop into the Tombigbee River in Alabama, people who are bone of our bone and flesh of our flesh—pure Americans—whose children, many of them, and wives, many of them, are in as much need as the women and children of Germany. Gentlemen say in their report, "How any man can fight little children who are crying for bread is hard to understand." The eloquent gentleman from Minnesota [Mr. SCHALL] brought tears to my eyes in the exquisitely pathetic scene which he depicted to us with one of his little ones. He says he has three lovely children, but I also have children. I have six, and only one pair of twins. [Applause.] Have I, with six children, no heart for suffering children? The total inadequacy of this proposed appropriation—2½ cents a day—to save the lives of dying children shows on its face that that can not be its real object. This resolution should more properly be denominated not a resolution for the relief of the suffering babies of Germany, but a resolution for the consolidation of the German vote in America in the election this fall. [Applause.] Why do I say this? Because the amount you have put in the resolution is nothing, absolutely nothing, for accomplishing its nominal purpose. It would not preserve a baby's life for two hours. But I am opposed to the resolution because we have not the power to give it. My eloquent friends, Mr. BURTON, of Ohio, and Mr. RATHBONE, of Illinois, contend that we have the power to pass this resolution, first, under the general welfare clause, and, second, because we have passed similar resolutions in the years gone by. In five minutes a satisfactory discussion of that great question can not be accomplished, and, therefore, the argument can only be summarized.

Judge Story, in his great work on the Constitution, holds that the Congress has the power to appropriate money for any object for the general welfare of the whole people of the United States. Mark you, it must be for the general welfare; not special; not for a certain class, but general; and secondly, it must be for the people of the United States and not for foreigners. Mr. Pomeroy follows Judge Story—afar off. And against these two are arrayed the great names of Jefferson, Madison, Chief Justice Marshall, Justices Miller and James Wilson and Von Holst, Cooley, Curtis, Willoughby, Duer, Grover Cleveland, and Randolph Tucker. And surely the fact that we have done a similar thing before can not justify the passage of this resolution unless what was done before was rightly done. This question has never been decided by the courts, and therefore we have not that guide in our action. It will hardly be contended that if the first precedent and those following it were wrong, illegal, and unconstitutional that they would justify the passage of this resolution, unless it be admitted that the continued repetition of illegal acts can make that which is illegal legal. It may well be asked how long can a man continue in sin and in the repetition of wrong-

ful acts before we recognize that from their continuance they must be right and proper.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. CONNALLY of Texas. Mr. Chairman, I yield two minutes more to the gentleman.

Mr. TUCKER. This question, as I have said, has never been decided by the courts; therefore, we have a right to rely upon the preponderance and strength of those who oppose this view, and Judge Story distinctly states in his great work, Volume I, section 922 that it is not constitutional. I quote:

If the tax be not proposed for the common defense or general welfare, but for the other objects wholly extraneous—as, for instance, for propagating Mahometanism among the Turks, or giving aid and subsidies to a foreign nation, to build palaces for its kings, or erect monuments to its heroes—it would be wholly indefensible upon constitutional principles.

Mr. FAIRCHILD. Mr. Chairman, will the gentleman yield?

Mr. TUCKER. I yield to the gentleman.

Mr. FAIRCHILD. Did my friend hear the remarks of the gentleman from Virginia [Mr. MOORE], when he said that the Supreme Court recently decided that it can not decide the question?

Mr. TUCKER. I know what the gentleman was referring to.

Mr. FAIRCHILD. Was not that a decision that it is for the conscience of this House and no other body to decide what is for the general welfare?

Mr. TUCKER. Oh, no. If my friend said that, he is mistaken. The court had before it a law which you gentlemen passed a few years ago, known as the maternity law—an unconstitutional law, in my opinion, if you will permit me to say so—they merely said they could not decide the question because they did not have jurisdiction of it.

Mr. RATHBONE. Will the gentleman yield?

Mr. TUCKER. Yes.

Mr. CONNALLY of Texas. Mr. Chairman, I suggest to the gentleman that he had better not yield, because I have no more time to give him.

Mr. TUCKER. I accept my friend's suggestion. Now, if we have not the power to do this thing, why should the pathetic pictures of distress which have been detailed swerve us from our duty? We are trustees of the people for the money in the Treasury brought there from their pockets.

The deed of trust under which we are acting has been written for one hundred and thirty odd years. Our powers are specified in that deed—the Constitution. How can we surrender that trust duty for any purpose? Let me illustrate. The most pathetic pictures have been drawn here of the suffering and distress in Germany. I was in a certain bank awhile ago, and while there a poor woman came in with five emaciated children. There could be no mistake as you looked at them of their need for food and clothing. She met the cashier and pleaded with him for money, saying "I know you have a plenty of money here in this bank; can't you give me enough to save these starving children?" Suppose he had gone to the till and taken money out to give to the woman, would he have been justified? What would the depositors and stockholders of that bank have said? Did he do that? Oh, no. He went down into his own pocket, as did every officer in the bank, and gave freely to the distressed woman and her children. And that is the way we should meet this question, for we have no more right to take the money from the Treasury of the United States for these distressed children than that bank officer would have had the right to go into the till and rob the depositors of their money to carry out his act of charity.

The CHAIRMAN. The time of the gentleman from Virginia has again expired.

Mr. FISH. Mr. Chairman, I yield five minutes to the gentleman from Maryland [Mr. LINTHICUM].

Mr. LINTHICUM. Mr. Chairman, the resolution under consideration provides for the appropriation of \$10,000,000, or so much thereof as may be necessary, to purchase in the United States and transport and distribute grain, fats, milk, and other foodstuffs adapted to the relief of the distressed starving women and children of Germany. Certainly no greater appeal can possibly be made to the hearts and conscience of the American people, and I am for it. [Applause.]

There are many precedents for what we are proposing. We appropriated \$100,000,000 for relief among the people of Belgium and France; \$20,000,000 for the distressed of Russia; we appropriated 10,000,000 barrels of flour to relieve the hungry in the Balkan States, and have expended millions in Austria.

Mr. BURTNESS. Mr. Chairman, will the gentleman yield with reference to that appropriation?

Mr. LINTHICUM. Yes.

Mr. BURTNESS. The gentleman does not mean to say that that came out of the Treasury. That was money appropriated that equitably belonged to the wheat farmers.

Mr. LINTHICUM. That was money appropriated out of the funds belonging to the Grain Corporation, which belongs to the United States, and I can not see any difference.

There are those who will claim that the resolution is unconstitutional. To this I reply that in my judgment it is absolutely constitutional under the welfare clause. We have often appropriated money to prosecute work in other lands for the protection of the health of our people and the crops of our country. Certainly with a country with which we have had such great commercial relations to help reestablish them so that they may become physically and mentally fitted for future work and for future generations is to the welfare of our country. There are times when Congress must be its own judge as to the constitutionality of certain measures. This is one of them, because I see no way anyone can test the constitutionality of this resolution after it has been passed, and I for one feel that such resolutions are constitutional under that clause.

It would perhaps appear strange to onlookers that the Congress of the United States should be considering the appropriation of \$10,000,000 to benefit the starving women and children of Germany so soon after the great war in which so many of our men were engaged. Some will say, why does not Germany borrow money to relieve the starving and needy of Germany? To this I reply that on December 15, 1923, realizing the condition of her people, Germany addressed a communication to the Reparation Commission stating that the results of the last cereal harvest and the experience of the last few years show that Germany requires to import a further quantity of about one and a half million tons of bread cereals up to August, 1924, and asking the Reparation Commission to declare in principle that a three-year credit to an amount not exceeding \$70,000,000 for the purchase of bread cereals and fats, in accordance with paragraph 2 of article 251 of the treaty of Versailles, be granted priority over Germany's reparation obligations.

To this certain objections were made with the consequence that the communication has never been acted upon, and Germany is thereby precluded from giving any security for a loan. Had we been a party to the commission we could possibly have influenced a favorable decision and allowed Germany to help herself.

We must recognize that in declaring war it was against the German Empire; and the President of the United States, Woodrow Wilson, distinctly announced in a message before Congress that we had no quarrel with the German people but with the German Empire. The German people, under the autocratic powers of the Emperor, had no chance, nor did they ever express themselves in favor of the war. After it had been declared, through tremendous propaganda and a desire for victory, the German people, like all patriotic citizens, were desirous of winning.

These very people, after America had entered the war, and after we were able to disseminate in their midst literature explaining the situation, brought on a revolution, deposed their rulers, and, as a great compliment to the Government of this Nation, established a republican form of government. To-day, owing to the exhaustion of resources of Germany, the breaking down of its financial system, the unemployment of its people, the lessened production of food, and the occupation of a large part of the country—Ruhr section—many of the citizens of Germany, especially the women and children, are starving and are crying aloud for help sufficient to sustain life.

Germany did not before the war produce more than 80 per cent of her necessary food supplies, depending upon imports for the balance, which have now broken down. The supply produced by Germany has greatly decreased since the war. In 1910 she produced 141,000,000 bushels of wheat, whereas in 1923 she produced but 103,000,000 bushels, or some 83 per cent less. The rye production in 1910 was 413,000,000 bushels, while in 1923 it was 282,000,000 bushels, a reduction of some 45 per cent. The production of potatoes has fallen off some 300,000,000 bushels. In 1913 there were 22,000,000 hogs in Germany, while in 1923 they had been reduced to 14,000,000. In 1913 Germany slaughtered 31,000 horses; in 1922, 41,000; and in 1923, 86,000. In 1913 they killed 113,000 oxen, while in 1923, so depleted have they become, they killed 44,000, or about one-third.

It will be seen that recently they have been compelled to kill off their stock for food. Realizing, as I have said, that they produced but 80 per cent before the war, we can readily

see how difficult it is to feed the people with these great depreciations of production which confront them.

America has always been known for her generosity in time of need. Never in the history of our country have our people refused to help the starving people of other nations. We want the world to know that America can be brave, strong, and invincible in time of war; but in time of peace when there are starving women and children she "will not pass by on the other side," but will lend a helping hand, and can practice charity just as graciously, just as generously, as she can strenuously prosecute war.

If we look at it even from a mercenary standpoint, when we realize that for more than a hundred years Germany and her people have been our second-best customers for the products of the factory and the soil; that she has purchased from our people billions of dollars' worth of goods and has carried on with us a commerce second alone to that of Great Britain, we would be forced to grant this appropriation. What merchant prince is there who, having had trade relations with another merchant and finding his customer bankrupt and his wife and children starving for want of food, would not lend a helping hand?

Then, too, we must not forget that our country enjoys a German-American population of more than 7,000,000 of people and their descendants, all of whom have been an integral part of this great country of ours. They, too, have helped to fell and clear the forest, to extend the domains, and to fight the wars, as all other American citizens. They have been thrifty and earnest citizens and helped to build up the great wealth of America and to extend her prestige until she has become the foremost Nation of all the world.

Mr. Michael F. Girtan in his testimony before the committee tells of Jane Addams speaking of visiting families in Germany, taking clothing and food to them. She had been telling how she lauded, what she had to eat and drink; and a little girl 7½ years old snuggled up to her mother and said, "Mother, is it true that there are some places in the world that you can eat until you don't want to eat any more?" "The children, the biggest asset we have," said he, "are starving there."

I was impressed recently with an article I read, written by Dr. Frank Crane, in which he spoke of the children, that they were the great asset of every country, in that they were to rule the destinies in the years to come.

It is proposed that this money shall be expended in the purchase of cereals and fats in America to be shipped to Germany and there distributed by the American Friends Service Committee. The work that this organization has accomplished in feeding the starving people of Europe has been one of the most commendable things ever performed in the name of charity. When I was in Germany in 1920 I visited the American Friends Service. I was taken to several of the places where this society was feeding the children. I remember one place where there were about 300 children being fed. They were given a very substantial soup, with some meat, bread, and milk. This was but one meal a day intended as a supplement to the meals which they received at home. It was sad indeed to see how many of these children had rickets, the number who seemed to be on the verge of tuberculosis, and how thin and pale they were. It was also astonishing to see them brighten up and become playful and cheerful again after they had this meal. Truly they became real children again.

I was told that one would be surprised how quickly a child recovered from rickets if he had sufficient food for proper nourishment; that tuberculosis invaded the children at such a tender age, such as had never occurred in children of that age before. I visited the schools where trained doctors selected from the various classes the children which needed this additional nourishment, and there I beheld this same Quaker association giving them such meals as before described. This society, thinking the worst had passed, retired from Germany in July, 1922, leaving this supplemental feeding in the hands of a German society which represented all the charitable organizations of Germany—Protestant, Catholic, and Jewish. Times have, however, become so much worse in Germany that it is absolutely necessary that this work be again taken up and prosecuted if we would alleviate the starving, suffering, and diseased conditions of the people.

I was much impressed in the hearings with the testimony given by Mr. James H. Causey, banker, of Denver, Colo. I was particularly impressed when I realized that Mr. Causey had been born in Baltimore, that he had been a schoolmate of mine at the old No. 1 Grammar School, now known as the Edgar Allan Poe School, because in Westminster burial ground, just opposite this school, is buried that illustrious poet, at the head of whose grave stands a beautiful marble monument erected by the school children of Baltimore. Mr.

Causey spent much time in Germany, especially in the Ruhr. In speaking of the suffering, he says:

Everybody had been turned out of the Gelsenkirchen City Hospital, excepting very little children, and if I should bring a picture to this committee of what I believe to be the typical condition of the children in the Ruhr, there would not be a moment's hesitation about relief from America. I saw little children, 120 in one hospital, suffering from tuberculosis, and bear in mind that tuberculosis among little children between the ages of 2 and 6 was not known in Germany before the war. I saw little children suffering from tuberculosis screaming that Sunday afternoon, a sight I shall not forget to my dying day. It is simply due to malnutrition and absence of food. One little mother had a 4-months-old baby that weighed 7 pounds when born. I saw the chart over the bed, which showed the baby then weighed 6 pounds. The mother came for 80 minutes every day to feed it from her breast to supplement the hospital feeding. I went among other babies and nurses in the hospital and am satisfied that children in Gelsenkirchen and Essen were literally starving to death.

Mr. Causey went on to tell how he proceeded to The Hague, bought two carloads of milk, medicines, and so forth, and sent down to these starving people; that in visiting schools he saw children whose ages he guessed to be from 2 to 3 years under what they really were from the standpoint of undernourishment; that he saw one woman actually faint in the street from hunger, and long lines of people waiting for food.

In the city of Essen, a city of 500,000 people, Mr. Causey said the only railroad station available was 2 miles from the center of the city to which all foodstuffs must come. In 1922, 170,000 liters of milk came daily, but while he was there but 60,000 came, much of it sour.

Mr. Causey said he could not possibly exaggerate the need of those little babies of the Ruhr who were not born during the war. He laid aside his banking business in Denver, gave up his family, and stayed there three months; he went to England to raise money and said the people could hardly believe what he told them. He asked the English people for \$150,000 and they gave him \$205,000; he further arranged an international food-credit loan of \$500,000.

From the testimony of Doctor Thomas, secretary to the American Friends Service, one-third of the population of Germany is badly in need of help. He said many of the children have to be sent home from school because of being in a fainting condition.

This is perhaps sufficient as to the real conditions in Germany, which is borne out by every witness before our committee, including Gen. Henry T. Allen, of the American Committee for Relief of German Children; Dr. Wilbur K. Thomas, secretary to the American Friends Service Committee; Mr. Michael Girtlen, of Chicago; Baroness von Schoen, now of Washington; and many other witnesses, all of whom tell the same sad story of conditions in Germany.

I am not entirely resting my case, however, upon their testimony, but supplementing it by my personal observations when in Germany.

To-day 20,000,000 of people need help in Germany. Starvation and death stalk the country. Shall we not with our great abundance of food help them upon their feet? There are 100,000,000 bushels of cereal which has no market, and a great abundance of meat, milk, and eggs. For the purchase of these products this money will be used and sent for distribution in Germany. We will not alone be doing a great humanitarian act but we will at the same time be helping the farmers of our country by relieving them from their present financial straits through the purchase of their food products.

I have great faith in what our Secretary of Commerce, Mr. Herbert C. Hoover, recommends. It has been his great province to relieve just such conditions throughout the world. If there is any man in the world who knows what should be done under these conditions, it is certainly Mr. Secretary Herbert C. Hoover. He tells us that in October and early in November there was a complete breakdown of currency in Germany and consequently great difficulty in internal distribution and a slackening of imports. I asked Mr. Hoover the plain question, to wit:

Would it be asking too much for you to say how you feel in reference to this bill?

He replied:

I can only feel one way about children. I have engaged a very large part of my time and energies for 10 years in remedying famine and privation among European children as well as in major questions of food supply to some 23 different nations in Europe. I have felt that

in the larger view the real hope of recovery in the world and rehabilitation of Europe lies in sustaining the children. I could not oppose but must support provision against the undernourishment of children anywhere. Our one hope is that the next generation will be better than this one, and there is no hope if they are to be stunted and degenerated from undernourishment.

From what I have said there can be no doubt that this relief should be granted at once, so that it will become available while it is yet time. [Applause.]

Mr. FISH. Mr. Chairman, I ask unanimous consent that every Member be granted the privilege of extending his remarks in the Record for the next three days on this joint resolution.

Mr. CONNALLY of Texas. Mr. Chairman, reserving the right to object, does the gentleman mean everybody in the House or only the Members who speak?

Mr. FISH. I meant every Member of the House, but I withdraw the request. Will the gentleman from Texas use some of his time?

Mr. CONNALLY of Texas. I yield 10 minutes to the gentleman from Massachusetts [Mr. ANDREW], and I hope you will all listen to him.

Mr. ANDREW. Mr. Chairman and gentlemen, I trust you will let me speak without interruption until I shall have finished, as I am to speak along a somewhat different line from that touched upon by other speakers. In the first place, there have been a number of speakers who alluded to Mr. Hoover's testimony and the implication has been that he had indorsed this measure. This measure differs from the bill for the relief of Russia which passed this House three years ago in several respects, and notably in that it is not supported either by the President or any Cabinet officer, and the bill for the Russian relief was presented to Congress by a special presidential message and had the support of the Department of State and the Department of Commerce. Mr. Hoover in the hearing quite naturally said that he hoped that "the next generation of children would be better off than the present generation," but he does not any time in the hearings indorse this measure. In fact, he discouraged it and said he would prefer to see this sum of \$10,000,000 raised by private subscription. Now, I am opposed to this measure for two reasons. First, because the conditions prevailing in Germany, unfortunate as they are, have been, in my judgment, greatly misunderstood, as to their origin and as to their extent. Second, because the situation is certainly not beyond remedy by the German people themselves. In anything I may say I hope I shall not be accused of prejudice tainly not beyond remedy by the German people themselves. In Germany, and as a young man I studied in German universities for more than a year. I have tender recollections of those days, and pleasant relations with German acquaintances of pre-war times. I sympathize with the effort to relieve the distress in Germany by private charity, but I am opposed to the forceful levy upon American citizens by taxation for this purpose. Let me direct your attention first to the fact that there has not been in Germany any drought or crop failure or famine. The official German census shows that cattle, hogs, and sheep have all greatly increased during the past year. In the 10 months from December 1, 1922, to October 1, 1923, cattle had increased by 350,000, sheep by 500,000, and hogs by 2,500,000. There went recently to Germany the largest shipment of hogs the United States has ever made. According to Mr. Hoover's testimony before the committee the German bread grain crop was better in 1923 than in the preceding year, and as for the exports of edible fats from the United States to Germany he says they were greater by 30 per cent in the last six months of 1923 than they were during the similar period of 1922.

The major problem of large food imports—

Mr. Hoover says—

is being solved. Every month of continued imports into Germany diminishes the major problem between now and the next harvest.

Mr. KINDRED. Will the gentleman yield for a short question?

Mr. ANDREW. My time is limited, but I yield for a question.

Mr. KINDRED. How does the gentleman harmonize his statement with that of General Allen, who lived in Germany and knows her present conditions?

Mr. ANDREW. Those are the statements that Mr. Hoover, Secretary of Commerce, gave in the hearings. I was in Germany last October and spent some time in the Ruhr. I visited every sizeable city in that region—Essen, Dusseldorf, Duisberg, Dortmund, Bochum, and many others. I went, as you would go, expecting to find on all sides evidence of suffering and distress. I found food in variety and abundance every-

where in the restaurants, which were crowded with people. I found music in most of them and a great popping of corks. The opera houses and theaters were packed. The stores were thronged, and what impressed me most of all was the vast amount of new building which was going on, great office buildings and stores and factories and immense new chimneys under construction. There was the great Rhein Herne Canal under construction, and on the outskirts of every city were great land-development projects, rows and rows of new dwellings going up. I have photographs of some of them here (exhibiting). I talked with many Germans of different walks in life, clerks in stores and banks, workmen on the street and in the beer halls. And the conclusion that I came to was this, that Germany was suffering not from a lack of food or wealth but from its maladministration or maldistribution. The country as a whole had more wealth than it ever had before.

The rank and file of the people were the victims of the most colossal fraud the world has known since the time of John Law. The rich had fattened themselves at the expense of their fellow citizens. You have no conception of what the effect upon the country is of the issue of millions and billions and trillions and quintillions of paper money; and that paper money was issued not only by the national government but by every state and by every corporation. In the Krupp plant, which I visited, I found that notes in denominations of 500,000,000 and a billion and a billion and a half were being issued. The same was true of Stinnes and Thyssen and scores of factories and mines and cokeries. Notes were being issued with authority of the German Government by these firms for the payment of their men. The issuance of this vast amount of paper money resulted in the suffering that exists to-day.

Mr. RATHBONE. Mr. Chairman, will the gentleman yield?

Mr. ANDREW. Yes.

Mr. RATHBONE. Granting that that is all true, are the starving children to be punished for it?

Mr. ANDREW. I think not. But I think the remedy is to be found in the resources which Germany herself has. [Applause.]

Now, I want to quote from the great German editor and writer, Maximilian Harden, who said in an interview published in the American Hebrew:

It is all very well for Herr Stresemann and others, before and since, to shout to America for help for starving Germany. Why should America help? Germany is literally crammed with food. Half of last year's harvest is still untouched, and the reason why the people in the towns are starving is because the farmers and the landlords are deliberately keeping back foodstuffs. If I were Mr. Hoover, I would not send a single bushel of grain until the stocks now in Germany were consumed.

But even if there were a lack of food—and I admit what the gentleman from Illinois [Mr. RATHBONE] has said, that there is suffering in Germany because the majority of the people have not the money to buy—if there were a lack of food in Germany, if they can not supply from their own farms the grains and fats that are necessary, why should they not use the abundant resources which Germany has elsewhere in the world? The situation is certainly capable of alleviation by the people of Germany without resort to our Government.

Only last week our papers carried extracts from the report of the committee of experts who under Reginald McKenna, formerly Chancellor of the Exchequer, have been investigating the amount of money which Germans have transferred abroad. It indicates that in the United States alone no less than \$1,300,000,000 has been invested. This is what he says:

In the United States German deposits, according to present information, amount to \$200,000,000 as regards accounts opened by firms obliged to keep visible credit. But to this figure must be added the \$100,000,000 deposits made by Germans under the names of German friends or relatives, the \$500,000,000 of the Stinnes enterprises in the United States, plus another \$500,000,000 invested by various German manufacturers, thus reaching an estimated total of \$1,300,000,000 in America alone.

All this is in addition to German holdings in other countries—England, Switzerland, Italy, Holland, Spain, the Scandinavian countries, South America, and the Orient.

It is a matter of record that during 1923 Germany bought copper and cotton in the United States to the enormous amount of over \$50,000,000. During the first eight months of last year more copper and more cotton than was sold to any other country in the world was sold to Germany. Furthermore, correspondents and tourists in Switzerland and in Italy and in the French and Italian Riviera sent back from all of these resorts the same report.

The most expensive hotels and restaurants are crowded with Germans. They drive the most expensive automobiles. They buy the most expensive luxuries. Cablegrams from Berlin at New Year's published in hundreds of American newspapers, showed how Germany, while crying for help abroad, passed the most extravagant New Year since the pre-war days. The Berlin correspondent of the New York Times sent to his paper the following cable:

A canvass of the principal hotels indicates increase of New Year's business, with practically 100 per cent German patronage, for this New Year Berlin and Germany generally was denuded of foreigners.

The Hotel Adlon is sold out with 550 dinner places at \$10 each, plus a 10 per cent obligatory tip, which merely covers the table d'hôte food, and no drinks. Champagne is the favorite beverage here, selling for around \$5 for German and \$6 to \$8 for French champagne, many Germans frankly preferring the latter, despite the Ruhr and Rhineland occupation. Hugo Stinnes is already assured of 800 cash customers at his Esplanade Hotel, who pay a charge of 45 gold marks plus 10 per cent. The Bristol has between 600 and 700; the Kaiserhof, the Central, and the Excelsior are all booming. The Rheingold alone to-night holds 2,000 Germans who are not going thirsty.

Berlin's "Great White Way," the Kurfurstendamm, is lined for miles with resorts with elaborate facilities for spending. Everyone, from the lobster palaces and the "champagne only" emporiums to the beer halls holding several thousands, is jammed and overflowing.

There are, in other words, two Germanies to-day; the Germany of the rank and file of the people, and the Germany of the great industrial capitalists who have absorbed, in the course of the last year through this vast inflation, the larger proportion of the wealth of the country.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. CONNALLY of Texas. I will give the gentleman two minutes more.

The CHAIRMAN. The gentleman from Massachusetts is recognized for two minutes more.

Mr. ANDREW. If the wealthy classes in Germany can afford these luxuries that I have referred to; if there is no shortage of crops; if there is no difficulty about the importing of food; if they have resources to the amount of \$1,300,000,000 in this country; if they are able to import from this country the copper and cotton and other raw materials they need, why in the name of common sense should we make them a present of \$10,000,000 at our taxpayers' expense? [Applause.]

Under authority to extend my remarks I want to append here an interview which I gave in Dusseldorf on October 9 last, and which was cabled to the New York Times. It portrays more in detail than I have been able this afternoon to present the conditions prevailing in the Ruhr at that time:

(Copyright, 1923, by the New York Times Co.)

(By wireless to the New York Times.)

DUSSELDORF, October 9.—Representative A. PIATT ANDREW, of Massachusetts, gave the representative of the New York Times to-day some of his impressions of German finance. Mr. ANDREW, before his election to the House, was an assistant professor of economics at Harvard and Assistant Secretary of the Treasury.

"No one can visit Germany to-day," said Mr. ANDREW, "without great sympathy for the rank and file of the German people, unwitting victims of one of the most colossal frauds the world has seen since the time of John Law. The period of feverish buying and spending through which Germany has been passing during the last year is, in many respects, not unlike that which occurred in Europe in 1720, and now, as then, the net result is a complete and chaotic redistribution of the country's wealth. Those who were shrewd and foresighted and who enjoyed governmental favor have absorbed the greater part of the wealth of the country. Some have grown immensely rich. The majority of the German people, however, have grown rapidly poorer."

FOUR BILLION MARKS FOR \$7.

"I have paper money in denominations of fifty and a hundred million marks, amounting in all to over 4,000,000,000 of marks, which I purchased yesterday at the Dresdner Bank in Essen in exchange for seven American dollar bills. A few years ago these notes were worth \$1,000,000,000. Next month they will probably be of no value at all. One curious thing about this paper money, which was paid me by one of the leading banks of the Ruhr, is that, although authorized by the German Government, it has been issued by factories, foundries, and mines of that district, such as Krupp's, Thyssen's, and the like, and issued without security of any kind and without any limitation of amount."

The CHAIRMAN. The time of the gentleman has expired.

"I visited the Krupp plant at Essen day before yesterday and was shown over a considerable part of it by one of the officials. I had expressed great wonder and admiration at the incredible variety of things manufactured in this single establishment, when the amiable Krupp official accompanying me added with evident pride:

"This is not all Krupp has produced. We even have our own printing presses and print money to pay the wages of the employees."

HOW GERMANY HAS STORED UP CAPITAL.

"That chance remark is the key to the situation in the Ruhr. What Krupp has been doing Thyssen has been doing, and all the other great industrial mining magnates in the Ruhr. It is indicated by the paper money issued by scores of Ruhr firms which I obtained at the Dresdner Bank. It is evidenced also by the scores of mines and cokeries and foundries which I saw in traveling through the Ruhr, which are producing nothing to-day, but in whose plant one sees vast new chimneys and factory walls rising in process of construction.

"In order to prevent Belgium and France from getting reparations the German industrialists in the Ruhr ceased to turn out merchandise, but have turned their employees into new construction work, into work adding to their capital. And to pay their employees during the long period when income has not been forthcoming they have, with the authority of the Government in Berlin, printed and issued fabulous quantities of unsound and unredeemable paper currency.

"This policy seems to have been followed not only in the Ruhr but throughout the length and breadth of Germany. The national Government has built, extended, or improved canals, railroads, and public works. The municipalities and other local governments have built schools and other public buildings. Great corporations have built new factories and large foundries, improved docks, constructed ships, erected immense apartment houses, stores, office buildings, and long rows of dwellings. On almost every street in German cities, and especially in industrial towns, one sees building operations going on.

UNEMPLOYED STAYED OFF BY PAPER.

"There has been no unemployment, no shutting down. The whole German people has been feverishly active adding to the country's capital, but not creating immediate income or produce that could be taxed, and the workers have been paid in currency that likewise could not be taxed for reparations, since it has little or no value beyond the German frontier. They have been paid in currency printed and issued without limit by their employers, irrespective of whether the employers were national and municipal governments or owners of factories, foundries, or mines.

"I shall not speak of the wisdom of this policy as a means of preventing or reducing reparations payments to the countries whose territory was devastated during the war. I speak only of its effect upon the German people. No one can measure the suffering and injustice this policy has wrought upon helpless and innocent groups of German citizens. The very Germans who were most loyal to their country during the war have suffered the utmost, for with the degradation of the currency every bond in Germany has been made worthless, including the bonds issued by the Government for the prosecution of the war. No purchasers of German war bonds can ever hope to get anything in return except worthless papers.

"SAFE" INVESTMENTS WIPED OUT.

"Ordinarily, Government and municipal bonds are considered the safest form of investment and are purchased by trustees of hospitals, schools, and charitable institutions, by widows and people who on account of age, ill health, or other circumstances have retired from active affairs. The value of all such investments in Germany is to-day wiped out, and the institutions and people who held them are left penniless. By the same token the vast aggregate of deposits in savings banks of working people and others in humble circumstances have also been shorn of all their value.

"As wages have not been raised in proportion to the falling value of the currency, the working people generally find themselves not only confronted by the annihilation of all that they have ever saved, but also by a fabulously mounting price level to which their wages are very slowly and inadequately adjusted. Car fare or a newspaper to-day costs 10,000,000 marks, and everything else in proportion. In a fortnight they will probably cost twice as much, but wages are readjusted only once a fortnight or perhaps a month, and then but partially.

"What is true of the wage earner is even more true of salaried men and women; clerks in offices, banks, and stores; teachers in schools and universities; clergymen; and Government officials. Their pay, being for longer periods, is still more tardily read-

justed, and their wage is still further behind in the dizzy upward flight. The collapse of the value of money has brought them not merely hardships, but humiliating poverty and often abject misery.

WEALTH IN THE HANDS OF THE FEW.

"On the other hand, what the many have lost the few have gained. By so much as some have been made poor, others have been made rich. For the real wealth of Germany remains to-day all that it was before. In fact, it has been steadily increasing through additions to the country's capital in new buildings and construction, which have gone hand in hand with the country's diminished consumption. The old factories, foundries, and mines, ships, and docks, office buildings, and stores, mills, and farms are still there, and somewhat larger than before. Only their ownership has changed. Their owners are no longer encumbered with mortgages, bonds, or promissory notes, for with the depreciation of the currency all debts have been wiped out. The land-owning classes, whether those who owned great country estates or those who owned land and buildings in mining companies, need think no more about paying capital or interest on their bonds. Whatever income formerly went to the bond or mortgage holders will hereafter be retained by the stockholders.

"Business men and manufacturers who have carried on or extended their business with borrowed money now own the properties they have controlled, with virtually nothing to pay for other people's money that they borrowed. Stockholders in all sorts of enterprises have not only gained in this way, but they have also reaped another profit, because the prices of goods which they sell have risen far more rapidly than the wages and salaries they pay.

BANKS AMONG BIGGEST PROFITEERS.

"The larger banks also have been great profiteers. Not only have they had peculiar facilities for purchasing foreign money and securities and thus taking advantage of the falling exchange, but they have charged fabulous rates for loans and given relatively low interest on deposits. In Essen yesterday the leading banks were lending at the rate of 5 per cent per day, or 150 per cent per month; and, although this meant that they were charging for money at the rate of 1,800 per cent per year they were paying only a rate of 18 per cent per year for deposits, or one-hundredth of what they charged.

"The owners of large department stores also profited from the situation. The largest dry goods stores, haberdashers, booksellers, jewelers, hat shops—even hotels—sell what they sell at prices adjusted to the daily fluctuating exchange. Goods are marked with basic prices, and when sold their prices are multiplied by a coefficient, which varies each day according to 'the value of the mark.' Thus, in a restaurant, on the menus and wine cards the same prices may appear from day to day, but at the top of the card appears the coefficient of the day—commonly called the 'multiplier,' or 'Schlüsselzahl.' In a restaurant where I lunched yesterday the prices of the menus would have seemed moderate, even according to old-time standards, till one observed at the bottom of the card that the 'multiplier' of the day was 91,000,000. The bill for a very fair meal for two persons amounted to one and a half billions, to which I added four hundred millions as a tip, making a total cost of about \$3."

I wish to insert certain passages from the most recent report of the United States Department of Agriculture upon foreign crops. The report is dated March 19 and the passages cited are from pages 223 and 224. It will be interesting for Members of the House to discover that while they were voting a gift of \$10,000,000 to purchase grains and other foodstuffs for supposed starving Germans the German farmers, millers, and flour merchants were petitioning their government for relief not for the starving population of their country but for the ruinous importation of flour. Should the petition of these farmers and merchants be granted, it will be interesting to know whether our Government will be obliged to pay German customs dues upon the shipments of foodstuffs purchased by the \$10,000,000 when they reach the German frontier. As we have not been deaf to the cries of one class of Germans seeking relief, we ought certainly to listen to the cries for relief of these others.

[From the weekly foreign crop reports published by the Bureau of Agricultural Economics of the United States Department of Agriculture March 19, 1924.]

GERMAN MEAT SUPPLIES INCREASING.

The German meat situation has been vastly improved in the past three months as a result of the stabilization of the currency early in December. Farmers have been marketing their livestock in increasing numbers after holding them back all during the summer and fall months because of the worthlessness of the currency. The increase

in slaughtering over previous months has been general for all animals, but has been particularly important in the case of hogs, and the number still available makes it seem probable that a high rate of slaughter will be maintained for several months unless the currency again suffers a drastic decline.

The policy of holding livestock on the farm adopted by farmers while depreciation of the mark was most rapid, according to Mr. E. C. Squire, agricultural commissioner at Berlin, resulted in the accumulation on October 1 of about two and three-quarter million more hogs intended for slaughter during the following nine months than had existed on the same date a year previous. There was also some increase in the numbers of other animals, but it was not large. None of these stocks were dissipated by increased slaughtering during October and November, when killing is normally high, especially for hogs, and they are only now coming into the market. The slaughter of cattle and sheep since stabilization occurred, it should be noted, has been comparatively low, partially because of the small increase in those animals during 1923, but also because supplies of hay and straw are greater than at any time since the war. There was a tendency in normal times, moreover, for such a slaughter to appear low in comparison with that of hogs at that time of year.

The prospects for hog production in Germany, at least until the fore part of February, were quite favorable, according to Mr. Squire, as the feeding ratio between hogs and grain was still satisfactory, though not so unusually profitable to farmers as earlier in the season. It is not likely that there will be any great increase over production, as shown by the census of last October, principally because the potato crop was only of medium size, but there is at present no reason to expect decreased production.

The increased slaughtering is already being reflected in the trade in pork products. German official statistics show decreasing imports of bacon at the end of the year, and there has recently been some tendency for imports of lard to accumulate at German ports. Data on American exports of pork products during February indicate that a considerable decline in trade with the Continent took place during the month, and a very large share of our continental trade is with Germany. The most important decrease occurred in lard exports, but trade in meat products also fell off.

The figures for inspected slaughtering at the 36 most important establishments as given below are an accurate indication of the trend of meat production in Germany.

Inspected slaughter at 36 important establishments in Germany.

Month.	Cattle.	Calves.	Sheep.	Hogs.
January, 1923.....	65,966	61,006	49,268	131,548
February, 1923.....	48,761	50,124	34,866	97,149
March, 1923.....	40,389	76,277	32,680	136,901
April, 1923.....	47,871	85,736	35,986	122,222
May, 1923.....	39,115	89,540	38,890	128,118
June, 1923.....	33,801	69,327	48,304	121,301
July, 1923.....	34,711	57,636	38,691	69,064
August, 1923.....	36,646	46,913	46,272	64,149
September, 1923.....	32,629	30,532	40,588	58,633
October, 1923.....	38,264	38,167	47,765	66,177
November, 1923.....	38,031	38,635	32,639	69,463
December, 1923.....	35,778	46,369	35,214	139,969
January, 1924.....	51,771	65,232	41,650	178,239

DEMAND FOR FLOUR TARIFF IN GERMANY.

The German flour milling industry has been laboring under difficulties for some time. The millers claim that under present conditions it is impossible for the German flour mills to compete with the flour mills of other countries, particularly those of the United States and Canada. Until the ending of the German bread control in October, 1923, the flour mills were materially aided by receiving their allotments of grain to grind for Government account. Consequently conditions have become worse in recent months.

It is reported that during the first part of February there were over 50 meetings held by the farmers associations and the milling industries to demand relief, and their chief demand was for an import tariff on flour to compensate for the turnover tax. The German minister of food maintained that this import tariff can not be imposed, as it would be shifted to the consumer. However, many milling associations and merchants are hopeful that some form of tariff will be provided.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman yields back one minute.

Mr. BROWNE of Wisconsin. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

Mr. CONNALLY of Texas. Mr. Chairman, may I inquire as to the time?

The CHAIRMAN. The gentleman has used 27 minutes.

Mr. FISH. Mr. Chairman, I yield five minutes to the gentleman from Wisconsin [Mr. COOPER].

The CHAIRMAN. The gentleman from Wisconsin is recognized for five minutes.

Mr. COOPER of Wisconsin. Mr. Chairman, the gentleman from Massachusetts [Mr. ANDREW] was mistaken—innocently so, of course—in some of the statements he has just made. He said that Secretary Hoover did not indorse this bill. He also read from the testimony of Mr. Hoover his statement that the major problem in Germany is now being solved without our assistance.

But the gentleman did not read all of the Secretary's testimony. Let me read to you from the testimony of Secretary Hoover some things which the gentleman from Massachusetts omitted. The Secretary pointed out—page 132 of the hearings—the difference in the two problems which he had presented. The first of these, he says, is the food supply and the other the idleness and destitution and suffering among certain classes. He said, "The first problem is the maintenance of a basic food supply for the country." This first problem, the "major problem of imports," he says, "appears to be in process of solution."

But the gentleman from Massachusetts made no mention of the second problem to which Mr. Hoover specifically alluded; "the problem of poverty, unemployment in the country, and of inability of a certain class in the country to reach the food supply, even if it is available."

See what a difference is made in the testimony of a witness when we quote all that he said on a given subject. Not only is the food supply a problem, but so also is the inability of the people to reach it, because they are out of work and can not get money to buy anything. The first, Mr. Hoover said, the major problem, should solve itself in normal fashion without calling on the American people. The second is simply the problem of relief for millions of innocent women and children too poor to buy food and now slowly starving. That is the testimony.

Now, the gentleman from Massachusetts said that Mr. Hoover did not specifically indorse this bill. Let us see whether he did. Turn to page 134. "Would it be asking too much," inquired Mr. LINTHICUM, "for you to say how you feel with reference to this bill?" Secretary Hoover answered, "I can feel only one way about children."

I will read from a part of Secretary Hoover's statement at that point (p. 135):

With a record of having engaged in the relief of somewhere upward of 20,000,000 children in these 23 different countries in Europe, I could not oppose but must support provision against the undernourishment of children anywhere. I can argue very heartily on the failures of adults and the misdoings and misdeeds of the governments that bring these situations about, but I can not apply those arguments against children. Our one hope is that the next generation will be better than this one, and there is no hope if they are to be stunted and degenerate from undernourishment. I recognize the many arguments that may be brought against charitable action either by private agencies or by our Government, but I refuse to apply these arguments to children.

[Applause.]

Now, what is the condition of the children in Germany? Here is the testimony of General Allen, a gallant soldier, brave in battle, decorated for conspicuous service to his country.

Crippling rickets, bone and joint and gland tuberculosis are common and there is much skin infection among school children. Scurvy is less common but increases. A form of ulceration of the eye easily leading to blindness unless quickly recognized, but speedily curable with fresh milk and suitable diet, is noticeable.

Then General Allen speaks of the weakness and faintness in school of children because of the lack of food.

Now listen and hear what undoubtedly was in the mind of Secretary Hoover when he said that he could not apply some of the arguments we have heard to-day to children:

The extent of undernourishment in the schoolroom is best expressed by the fact that practically everywhere there is a discrepancy of almost two years between the age, the height, and the weight of the children in contrast with the normal child. Photographs have shown that, and I noticed it myself before leaving Germany. Few, if any, children over 4 have had milk in the cities since 1914, unless they were sick in hospitals.

Listen to that—

Few, if any, children over 4 have had milk in the cities since 1914, unless they were sick in hospitals.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FISH. I yield two additional minutes to the gentleman from Wisconsin.

The CHAIRMAN. The gentleman from Wisconsin is recognized for two additional minutes:

Mr. COOPER of Wisconsin (reading):

During our first days on the Rhine none of us drank cow's milk. We thought it was advisable to reserve it for the children. That was as long ago as 1919.

There is very much more of that sort of testimony that I ought to read but can not for lack of time. It shows the dreadful condition of thousands of women and children in Germany.

The Constitution has been invoked against this bill. It has been suggested repeatedly that no fair interpretation of the general-welfare clause of the Constitution would justify this appropriation. One gentleman went so far as to say that the Constitution does not permit an appropriation of money that is to be used outside of this country. But such appropriations have been repeatedly made for more than a hundred years. Men who were living when the Constitution was adopted voted for those appropriations.

Suppose that to-day the cholera were raging in Mexico, and that it were beyond the control of the Mexican people and of the Mexican Government. There is nothing between Mexico and this country to prevent such an epidemic from spreading throughout our Southern States—and could not the Congress of the United States constitutionally make an appropriation of Government funds, and send the money to the Mexican Government for use there to prevent the cholera from coming here? Would not such use of public money tend powerfully to promote the "general welfare" of this country? When we gave thousands of dollars to the people of the South, who had had their homes washed away and their property destroyed, did we violate the Constitution?

Mr. TYDINGS. That was within the United States.

Mr. COOPER of Wisconsin. That makes no difference. The cholera could come across the invisible boundary into the United States and do vastly more damage than could a Mississippi River flood; and we would have a perfect right to make such an appropriation "to provide," in the language of the Constitution, "for the general welfare."

The CHAIRMAN. The time of the gentleman has again expired.

Mr. ANDREW. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the Record.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to revise and extend his remarks in the Record. Is there objection? [After a pause.] The Chair hears none.

Mr. FISH. Mr. Chairman, I yield a quarter of a minute to the gentleman from Iowa [Mr. KOPP].

Mr. KOPP. Mr. Chairman, I am heartily in favor of the resolution, and I ask unanimous consent to revise and extend my remarks in the Record. [Applause.]

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to revise and extend his remarks in the Record. Is there objection? [After a pause.] The Chair hears none.

Mr. KOPP. Mr. Chairman and gentlemen, the resolution to donate \$10,000,000 to relieve the starving women and children in Germany, which we are now considering, was introduced by Congressman Fish, of New York, who served with great distinction in the World War. It was referred to the Committee on Foreign Affairs, and, after extended hearings, said committee made a favorable report to the House.

The first question that naturally arises is this: What is the actual condition of the women and children of Germany? For an answer to this question we must carefully examine the evidence that was presented to the committee. The men and women who appeared before the committee were of the highest character, whose good faith no one can question. They were also intelligent, and had made careful and thorough investigation.

I know of no one whose word would be entitled to more weight on this subject than Gen. Henry T. Allen, of the United States Army. He was commander of the Ninetieth Division during the World War, and later was commander of the American Army of Occupation until our troops were withdrawn from Europe. Since then he has been deeply interested in this matter, and has been at the head of a charitable organization which has been raising money among the American people to relieve distress in Germany, the money raised being turned over to a committee of Quakers for distribution among the needy. It may safely be assumed that no man has more accurate information than General Allen. After referring to

the funds that had been raised by private subscriptions he said:

Much larger sums are necessary and the crisis does not permit of delay in providing relief. . . . To cope effectively with the situation, to provide the immediate relief that is imperative, will be beyond the capacity of private undertakings. . . . I feel that the movement is one in which all civilization is directly and deeply concerned. It is nonpolitical and nonracial. . . . It is a question of humanity, of civilization, of peace, and for them we make our appeal.

Among those who appeared before the Foreign Affairs Committee was Mr. James H. Causey, an influential banker of Denver, Colo. He visited Europe last summer on a mission for Denver University, a well known Methodist institution, of which he is a trustee, with no thought of taking part in any charitable enterprise, but he was so impressed with the poverty and distress prevailing in Germany that he became deeply interested in the problem of relieving it, and remained there long after the time he had fixed for his return. Let me quote a few passages from his statement to the committee:

. . . In the Ruhr there are 6,000,000 people. There is hunger on the most enormous scale that I have ever seen, and I have had a great deal to do with charity and relief work.

. . . May I speak of the suffering I saw? I went into the hospital at Gelsenkirchen. Everybody had been turned out at the city hospital excepting very little children, and if I should bring a picture to this committee of what I believe to be the typical condition of the children in the Ruhr there would not be a moment's hesitation about relief from America. I saw little children, 120 in one hospital, suffering from tuberculosis; and bear in mind that tuberculosis among little children between the ages of 2 and 6 was not known in Germany before the war. It is simply due to malnutrition and absence of food. . . . I am satisfied that children of Gelsenkirchen and Essen were literally starving to death, and babies that were not born during the war.

. . . I myself went immediately to The Hague and sent down, through the Dutch Red Cross, two carloads of milk and essential medicine and rice and a few things of that kind. I went into schools where I was not expected, simply dropped in casually, not as a tourist, as I had given up sailing home, and I saw children in the various schoolrooms. They would call them up; and I said, "What is the age of this child?" I saw this in more than one school building, and I saw children who, as they would come up, I would say, "What is the age?" I figured the children's ages in these various schools from the standpoint of undernourishment, and in many cases my guess was half their real ages. I saw one woman actually fainting in the street from hunger. I saw long lines of people waiting for food. The condition of suffering and hunger among children and women in and out of hospitals and feeding stations is such as you could not imagine could exist in a civilized industrial district just a few miles from Holland.

. . . I could not possibly exaggerate the need of those little babies of the Ruhr, who were not born during the war. To show you how deeply it gripped my heart, I laid aside my banking business in Denver; I gave up my family and stayed there three months. I went from door to door in England, where I was not known, to raise money. They could hardly believe what I told them about it. An economist of Cambridge University went, at the request of several bankers in England, to find out if it was true, and reported that it was true.

. . . The good that I think America would do by way of this relief would be beyond all the millions that this committee could possibly give, whatever you appropriate. It would be a matter of good will to starving children, who were not born during the war, who are this moment dying. I think how they shivered in the cold in October, November, and December, and think of a day like this in the Ruhr among the little children who have not the necessary food for cold weather. There is suffering in an industrial civilized community such as was never known before.

. . . The distress is immediate. It is there now. I saw two old women going into a feeding station so weak they could not carry the bucket of food they could get. A little boy was trying to take a bucket home, but he was too weak to carry it to his young starving brothers and sisters. The need is now. When I was in Essen in front of a hospital under Sister Johanna a woman dropped, having fainted from hunger; another was dead with a few potatoes in her pocket, having died of starvation in a tramcar while I was there.

Dr. Wilbur K. Thomas is secretary of the American Friends Service Committee. The Quakers, true to their traditions and convictions, have been doing a noble work in Europe. Doctor Thomas has been on the ground. He has heard with his own ears and has seen with his own eyes. Said he, among many other things, to the Foreign Affairs Committee:

. . . Germany is much worse off than any other country. . . . Figures from one district may be of interest to you. Falk-

enstein, in Saxony, had 2,200 school children in November, 1923. Of that number 1,351 were in need of extra food, as they did not have enough at home; 1,500 had not sufficient clothes; 1,000 were without sufficient shoes. * * * A great many have to be sent home during school hours because they are in a fainting condition.

Prof. Ernest M. Patterson, of the University of Pennsylvania, went to Germany in December, 1923, for the express purpose of investigating the extent to which relief was necessary, and this is the estimate that he gave to the Foreign Affairs Committee:

* * * The situation has been described by so many this morning that I will not dwell on many aspects, although they are serious. The total number of people in Germany that are in need of more or less relief has been estimated this morning as high as 20,000,000. I have reached approximately the same conclusion with such information as I have before me.

Dr. Haven Emerson, of New York, is professor of public health administration of Columbia University. This is one of the great universities of the world. On January 14, 1924, he made a written report of an investigation he had made of conditions in Germany just prior thereto. Doctor Emerson was especially fitted by training and experience to make such investigation, and his report may therefore be looked upon as authoritative. It would be most enlightening to incorporate herein the entire report, but time and space forbid, and I therefore give only the following extracts:

* * * It is not uncommon to find 15 per cent and even 25 per cent of the children under 2 years of age in hospitals suffering from lung tuberculosis. This has been a development of the past 12 to 18 months and is a new experience in the hospitals visited.

The runabout child—2 to 5 years—is less commonly sturdy than the infant under 1, partly because no child over 4, unless in the hospital, and in most places no child over 2 years of age, gets any fresh cow's milk, except as a rare treat, and partly because of lack of suitable shoes and outer clothing they are kept indoors and suffer from lack of light and air.

* * * From infancy to school age marked rickets is so common, anemia, listlessness, sunken eyes, and emaciation are so generally seen that one loses a sense of proportion and is inclined to underestimate the extent of depreciation of vitality which is almost everywhere obvious among the children of the wage earners, the lesser public officials, and the 20 to 40 per cent of the adult population who are unemployed.

* * * Among children of school age there is a prevalence of tuberculosis not known to school physicians heretofore. Lack of breakfast, and often of lunch, lack of shoes, or worn-out or felt shoes, lack of stockings, underclothes, and winter coats are all so common that the undersized, pallid, listless, thin children seem but the natural result. The weakness of children from hunger is a common cause of fainting, dizziness, headache, and inability to study. Up to 20 per cent of children applying at 6 years for admission to school have to be sent home as unfit to attend. * * * The temperature of classrooms can rarely be kept up to 60° F.

* * * Few, if any, children over 4 have had milk in the cities since 1914, unless they were sick in the hospitals.

* * * Examinations which I made of upward of 300 children of preschool and school ages fully confirms the reports which had been received by the health officers of districts and cities throughout Germany in November, 1923, to the effect that ragged, soiled, thin, unsuitable, or worn-out underclothes and shoes were to be found to an extent never known to teachers, nurses, or doctors before.

* * * Premises formerly forbidden as unfit for human habitation are now crowded, in cellars below street level, in attics with no artificial light, with the occasional heat from the cook stove, warmed up once a day—and still whole families have to resort to the municipal lodging house for lack of other shelter. Every city visited has thousands of homeless people for whom housing in any reasonable sense of the word is impossible. The children suffer most from these conditions, and while public and private institutions are closing for lack of means to meet the upkeep, the appeals to them to give shelter to the children increase.

Representatives of the Protestant and Catholic churches appeared before the Foreign Affairs Committee. On this question they were in one accord. On this question there could be no difference among the followers of the Master.

Rev. Samuel McCrea Cavert, general secretary of the Federated Council of Churches of Christ in America, representing 29 Protestant denominations, thus stated the attitude of the Protestant churches represented by him:

* * * I am glad of the opportunity to say a brief word about the interest of the churches in this question which you are considering. That interest, I am convinced, is rapidly becoming very great, and for two reasons: First, because our churches are now becoming aware of

the fact that there is a desperate need in Germany; and, second, because they are convinced that in the face of this need there is an opportunity to manifest the spirit of good will in an unusual way.

This interest of the churches is not based merely upon secondhand information or upon hearsay evidence. Beginning with last summer we have made very deliberate efforts to find out what is happening in Germany. Last summer there were more than a score of leading church officials of the denominations which are represented in the Federated Council of Churches who made it their business to go, or who happened to be in Germany, for greater or shorter periods, and they all bear unanimous testimony to the need that exists. I shall not go into it in detail, because it simply corroborates what you have already heard in a convincing way.

I will only add that to my knowledge, after having talked to certainly more than 20 leading church people who were in Germany last summer, we are convinced that the facts that have been given us by people like General Allen, Doctor Emerson, and Doctor Patterson are understated rather than overstated.

Father Joseph Lubeley, rector of Holy Trinity Church of St. Louis, Catholic, traveled through Germany during the summer and fall of 1923, for the purpose of learning the truth about conditions in Germany. He made a thorough investigation and reported his findings to the Foreign Affairs Committee. In this report I call your attention to the following statements:

* * * There are six or seven millions of children who are suffering actual want and hunger. A large percentage of these children are either threatened with, or have already contracted tuberculosis, rickets, and other afflictions incident to undernourishment. They are poorly clad and shod. I have seen hundreds of boys who had no shirts or underwear, covering their naked bodies only with a torn coat. In several schools that I visited in Munich, Darmstadt, Frankfurt on the Main, Hanover, and other cities I found that 50 per cent of the children had come without breakfast. The majority had only one meal a day, consisting of potatoes, turnips, and coarse bread.

There is an appalling shortage of milk in all large cities. The supply is not sufficient even for the smallest and most needy infants.

* * * It is practically impossible to secure medical attention in case of sickness. Parents are not able to pay doctors' bills and the price of medicine is prohibitive. I have seen many cases where children, who were seriously ill, were permitted to remain without medical care, without proper food, without heat, hopelessly abandoned to their fate.

One of the saddest features is the plight of expectant mothers. Thousands of them are aware that they must enter the shadow of the valley of death without any of the loving ministrations that have been made impossible by existing conditions.

A great deal of relief work has been done by private and collective charity, most of which has come from the United States. In this way individuals and families and, in some instances, entire communities have been reached. But the misery is so general and the existing relief measures so inadequate that nothing short of a large and generous appropriation by the Congress of the United States can insure even a small measure of relief. * * * Now that peace has been restored we see the German nation prostrate and crucified. Innocent women and children, many of the latter born after the end of the war, are literally starving to death. * * * It is for us to say whether thousands, yes, millions, should be abandoned to a slow and agonizing death when we are in a position to prevent further anguish by lending a helping hand.

Much other evidence of like character was submitted to the Foreign Affairs Committee. I wish I could make specific reference to all of it, but that is manifestly impossible. However, I do want to add the following extract from a communication of the American ambassador in Berlin:

In large areas of Berlin more than 50 per cent of the children are tubercular; they are weak from undernourishment. There is less than 50 per cent of the amount of milk necessary to supply their needs and they are entirely without fuel with which to warm their homes.

Who can doubt such testimony? No one. Who can doubt that many, many women and children of Germany will die of starvation unless the American Government comes to their rescue? No one. We are then confronted with this question. Shall we save them or shall we let them perish? The responsibility rests upon us. There is no way in which we can escape it. We must determine the issue of life or death for helpless women and innocent children. We can not ease our consciences by closing our eyes. We can not evade our duties and obligations by passing by on the other side. Two well known biblical characters attempted that many years ago and thereby gained eternal condemnation. The good Samaritan will be one of the most beloved characters as long as the world stands. Every

individual and every nation should remember the closing words of the parable, as spoken by Jesus Himself: "Go, and do thou likewise."

Bear in mind to whom this resolution proposes to render aid—women and children. By common consent they are exempt from the conflicts of the world. And well it is that such is the case.

Women personify the gentler virtues. They are the mothers of the race. They pass through the valley of the shadow of death to give us life. They care for us and watch over us from the cradle to the grave. Their holy ministrations are ever with us. They never cease in well doing. They have infinite patience. A thousand duties are theirs, but they never falter and never grow weary. They are angels of mercy. Again and again in the home and in the hospital they ease our pain and suffering. Their love surpasseth all understanding. Their charity, forgiveness, and mercy are akin to the divine. Shall we stand by and let women perish from starvation when we have the power to save them? No! No! Such a course would not represent the humane and generous impulses of the American people.

The devotion of women to a cause or an ideal is often extraordinary. In this connection I can not refrain from making reference to Mrs. Causey, now deceased. She was the wife of the Denver banker who has done so much to relieve distress and hunger in Germany. Let me tell the story in the words of Congressman VAILE, of Denver, who is personally familiar with it:

I want to call attention to the fact that Mr. Causey's wife died while he was in Germany. He had written her about his work, and her own heart was so engaged in it that, although she knew she was stricken with a fatal malady, she did not tell him of her illness, and asked her daughters in Denver not to tell him for fear that if he knew he would come back.

He never did know until after she was dead, and then at the urgent solicitation of his daughters he stayed on with a breaking heart to get his work further under way.

Children typify innocence. They come into a world which they do not understand. They are the innocent victims of its passions, discords, and strife. Yet, in many ways they redeem the world. None ever paid greater tribute to children than the Savior of mankind, when he said:

Suffer little children, and forbid them not, to come unto me; for of such is the kingdom of heaven.

Children often bring heaven down to earth. Many of the children in Germany have already succumbed to starvation and sickness. The skies were dark when they were born, and the skies were still dark when they passed out. The joys of childhood, which should belong to all, they never knew. Hunger was their lot, death their grim relief. We do not know how providence adjusts things, but perhaps a kind and merciful God will make up for them in the next world what they lost in this. Millions of children may yet be saved. It is, indeed, true that many, though saved from death, may never be able to take any real part in this world. Their little bodies are broken, and, in a large measure, they will always be helpless. But we can not abandon them to their cruel fate. He, whom we profess to follow, left this message to all generations:

Inasmuch as ye did it not to one of the least of these, ye did it not to me.

In all the world nothing is sadder and more heart-rending than the wailing cry of starving and dying children.

In a matter of this kind I would not make an argument from a selfish standpoint. Such an argument would be wholly out of place, for the American people do not mingle a selfish spirit with their charities. But even from a selfish standpoint, it may prove a blessing to us to give this assistance, for it will partially relieve the very serious depression that now exists among the farmers of this country, by disposing of part of their surplus products, the resolution providing that the grain, fats, and other products shall be purchased in this country and transported to Europe in American ships.

Europe is now torn and bleeding. Things have been going from bad to worse. To be sure, a generous act on our part can not restore Europe to a normal condition, but to some extent at least it will assist in bringing peace to a troubled world. In this connection permit me to call your attention to this further statement from General Allen:

I look upon this matter not only as a matter of humanity and civilization, but also as having a direct bearing in the matter of peace.

Some have expressed a doubt as to the constitutionality of this resolution. I have no such doubt, but if I did I would not

resolve a doubt against starving women and children. If this resolution were unconstitutional, we would be in this unfortunate situation: We could spend billions for war, but nothing to promote peace. We could destroy life, but we could not save life. Such a construction would not be in harmony with the spirit or letter of the Constitution. There are many precedents to sustain this resolution. For more than a hundred years we have followed the same policy. In 1812 we extended aid to Venezuela to relieve the suffering resulting from an earthquake. James Madison was then President. He had been one of the leading members of the convention that framed the Constitution, but he approved the resolution for the relief of Venezuela. If he did not know what the Constitution meant, who did? In great emergencies we have extended aid to foreign nations on a dozen or more occasions. Presidents Polk, Grant, Hayes, Cleveland, McKinley, Roosevelt, Taft, and Harding approved similar legislation. No President ever disapproved such legislation. At this late day, therefore, we need not be disturbed as to the constitutionality of the policy which this country has followed consistently for more than a century.

But why argue about this resolution? Starving women and children are not a subject for argument. They make their own appeal. If their distress does not touch the heart, then no argument can convince the mind.

This is, indeed, a time for action rather than for words. I think I know what the result will be. This House, representing the great American people, the greatest and most generous people on earth, will never vote against relief for dying women and children.

Gentlemen of the House, I am heartily in favor of this resolution. [Applause.]

Mr. FISH. Mr. Chairman, I yield a quarter of a minute to the gentleman from Texas [Mr. WURZBACH].

Mr. WURZBACH. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to extend his remarks in the Record. Is there objection? [After a pause.] The Chair hears none.

Mr. WURZBACH. Mr. Chairman, in the short time allotted to me I will not be able to give all the reasons that prompt me to support this resolution. The dictates of humanity and the sympathy all men have for suffering and dying children is my justification. There is ample precedent for the adoption of the resolution. The women and children of Germany are the innocent victims of war, and America as a great Christian Nation can perform no finer service nor a service that will live longer in the hearts of all Germany than to extend its helping hand to a suffering people, as provided in the pending resolution. Therefore I shall vote for the resolution.

Mr. FISH. Mr. Chairman, I yield a quarter of a minute to the gentleman from New York [Mr. PERLMAN].

Mr. PERLMAN. Mr. Chairman, this Congress could pass no more humane resolution or bill than this resolution appropriating \$10,000,000 for the relief of the starving women and children in Germany. I ask unanimous consent to revise and extend my remarks in the Record.

The CHAIRMAN. The gentleman from New York asks unanimous consent to revise and extend his remarks in the Record. Is there objection? [After a pause.] The Chair hears none.

Mr. FISH. Mr. Chairman, I yield a quarter of a minute to the gentleman from Massachusetts [Mr. CONNERY].

Mr. CONNERY. Mr. Chairman, I had the honor of fighting against the Germans over in France but I did not make war on women and children. I am going to support this resolution and will be very happy to vote for it. [Applause.]

Mr. FISH. Mr. Chairman, I yield two minutes to the gentleman from New York [Mr. KINDRED]. [Applause.]

Mr. KINDRED. Mr. Chairman and gentlemen of the committee, to adopt the pending measure, the Fish bill, means to extend the era of good feeling in Germany and throughout our distraught world, and to extend the era of good feeling and good will fundamentally lays the foundation for the banishment of war and the stabilization of the troubled world of to-day.

To pass this resolution means to provide for real and lasting peace in the future, in my humble opinion. Therefore, I favor the prompt emergency relief provided in this resolution, not only for the humanitarian reasons which have been mentioned but for the reasons which I have also briefly referred to. To adopt this resolution also means to relieve, in a certain measure, our distressed farmers of the Northwest, the farmers who grow wheat and grain, who will be relieved and benefited to the extent to which this appropriation will go in order to buy grain for the starving women and children of Germany who are, to

my personal knowledge as a physician, to-day suffering, to the number of hundreds of thousands with malnutrition, with tuberculosis, with inanition, with marasmus, and other diseases incident to malnutrition and starvation.

I, therefore, urge that we may, without quibbling over constitutional questions and without hairsplitting over the real desires of the taxpayers of this country, pass this measure, because I know the people wish this resolution to pass, and I urge that it pass as speedily as possible. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. FISH. Mr. Chairman, I yield two minutes to the gentleman from Maryland [Mr. HILL].

Mr. HILL of Maryland. Mr. Chairman and gentlemen of the committee, the gentleman from Massachusetts, Colonel ANDREW, said that there are at the present time two distinct Germanies; that there exists to-day the Germany of the rich industrial, who spends his money at French watering places and Italian watering places and who drives high-powered motors, and that there also exists to-day the Germany of the common people—that means the Germany of the poor, the Germany of starving women and starving children.

I am just as much to-day against the Germany of the rich industrial as I was in 1917 and 1918. I am glad the French went into the Ruhr and they should have gone in sooner. [Applause.] But I am not against the women and children who are starving in Germany. [Applause.]

Ordinarily, I am against such legislation as this; I am heartily for this legislation, however, and I propose to vote for it, with the majority of the rest of you. I know this House will pass this resolution.

We have in this country a moral obligation which I hope we can partially pay off by this resolution through the aid which we give. The armistice came on the 11th of November, 1918.

Theodore Roosevelt said in 1915 in *Fear God and Take Your Own Part* that—

There exist in this Nation, as in other nations, two types of idealists—the practical idealists, who are the true servants of the people and the true leaders of the State, and the impractical idealists, who are actuated by high motives but who lead to disaster.

I sat in wet French villages after the armistice and watched back of us in Paris the impractical idealism of those who sought to apply to the immediate and pressing needs an attempted ultimate solution of world peace. [Applause.] From after the armistice until April, 1919, I served on the staff of General Allen himself, the distinguished commander of a combat division, a brave and gallant soldier, one who fought the Germans, but one who to-day leads the movement for aid to the starving women and children of the former enemy. [Applause.]

The impractical idealism of the United States in December, 1918, and during the conference at Versailles, prevented France and England and Belgium from within a few weeks of the armistice promptly fixing the amount of the indemnity, re-establishing stable economic conditions in Germany, feeding the women and children, and starting the beaten enemy on the payment of just and due reparations.

Instead of this, impractically ideal, we delayed the just and final settlement until France was forced to go into the Ruhr. We so mixed the ultimate hope of world peace with the immediate business settlement of the war itself that, eager to settle the affairs of all the world, we settled none. So to-day the conditions in Germany, as well as the reparations, are unsettled. No man who ever saw real war wants war again. No human being can be more opposed to war than those who have known its actual horrors; but those who have known real war recognize that the practical and realizable ideal is often delayed by the impractical idealist.

In December, 1918, there were two problems—immediate settlement and ultimate world peace. We delayed that immediate settlement. Part of the results of that delay we can to-day alleviate by this aid to the starving women and children of Germany. We never did and never will make war on babies and mothers. I am for the bill. [Applause.]

Mr. FISH. Mr. Chairman, I yield two minutes to the gentleman from Nebraska [Mr. SIMMONS].

[Mr. SIMMONS was given permission to revise and extend his remarks in the Record.]

Mr. SIMMONS. Mr. Chairman and gentlemen, I propose to vote for this resolution because I believe it is right and because I believe that the people who live in the heart of America, the great Mississippi Valley States, approve of it; but I can not do it without calling to the attention of this Congress the fact that here in America, out in the great Northwest section, are

American citizens and American children whose parents are facing bankruptcy, enduring privations, suffering poverty, and hoping against hope for the future.

They have been before this Congress asking that the generous consideration of the American people be extended toward its own citizens and they are coming again asking for that relief. Out in this same section American citizens, parents of American children, on reclamation projects are trying to bring the desert to produce abundantly. They are coming before this Congress asking that generous consideration be given to their welfare, to their future, and the future of their children. They are going to expect that relief in the same measure as this day we propose to extend in relief to the children of Germany. I can not but think that in America, in the factory towns and cities, there are children who are undernourished, underfed, and denied proper educational advantages, such as we want American children to have, and they are waiting for this Congress to put in motion the legislation that will bring them relief through the submission to the States of the child labor amendment to the Constitution. It is high time, gentlemen, that we give a thought to America and to American children and to needed legislation for the relief of the farmers of the Northwest. [Applause.]

Mr. CONNALLY of Texas. Mr. Chairman, I yield five minutes to the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT of Tennessee. Mr. Chairman and gentlemen of the committee, there are a number of reasons why I sincerely wish I could see my way clear to support this bill. The conditions as described before the Committee on Foreign Affairs by the witnesses who appeared to testify concerning this measure were harassing to the heart. I think I have as much of human sympathy as most men, and I do not wish to do any act that would make it seem that I did not possess such sympathy. I am not unmindful, either, of the political psychology of this situation. I would be blind, indeed, if I were. I am not unmindful of the possible effect that it may have upon our international relations. That is a thing to be seriously considered. But, Mr. Chairman, I am unable to find anywhere in the Constitution of this country, which I have sworn to support, the authority which enables me to give my support to this measure. I regard myself as the trustee of an express trust in disposing of the moneys collected by taxation upon the people of this country. I can not subscribe to the doctrine which gentlemen have laid down here that because, forsooth, the issue has never been presented to the Supreme Court of the United States in a form in which it could pass upon and determine the constitutionality of such measures I am thereby excluded from the duty of considering and construing the Constitution for myself. Indeed, the very fact that the matter has not been determined by the Supreme Court to my mind charges me more solemnly with the duty of scrutinizing that instrument before I undertake to pass upon legislation of this kind and character.

I wish, therefore, Mr. Chairman, to make it clear that I am not in any respect whatever influenced in my vote by the slightest prejudice against the German people—by the slightest feeling growing out of the war itself. I do deplore, I do resent, the action of the German Government, as distinguished from the German people, in deliberately violating the integrity of their own financial system in order to escape the obligations that rested upon the German Government, as described by the gentleman from Massachusetts [Mr. ANDREW]. Even that will not influence me in my vote upon this question. I am influenced solely and alone, as I have been on all similar bills that have arisen in the past, by the determination in my own mind that I can not consistently with my duty as a Representative under the terms of the Constitution and the genius of this Republic give my support to any such measure. [Applause.]

Mr. WILSON of Mississippi. Mr. Chairman and gentlemen of the House, I have listened attentively to the speeches that have been made upon this resolution this afternoon. I think it is a sad day in the history of this great deliberative body when Members of this House arise on the floor and declare that they care not what the Constitution of the United States says, and as the gentleman from New York [Mr. CLELLER] said a few moments ago, he intended to vote for this measure, "Constitution or no Constitution," and thus tread upon it with unholy feet. One of the first flags of our country had an inscription written upon it, "Don't tread on me!" I think we had better write these words anew in letters of fire across the Constitution of the United States.

The gentleman from Illinois [Mr. BATHURNE], a gentleman for whom I have the highest regard, said he thought that the passage of this resolution would be a panacea for Bolshevism;

but I want to suggest to the gentleman from Illinois that the best insurance against Bolshevism in America is fidelity to the fundamental law of this great Republic. [Applause.]

The best engine that can be put into the ship of state to drive you safely over a treacherous sea—and we are sailing a treacherous sea in this awful hour in which we live—is the great, propelling force of the Constitution of the United States.

The gentleman from Wisconsin [Mr. BROWNE] has said that private charity has failed, and by virtue of the fact that private charity has failed us in this emergency, we should run roughshod, as it were, over the Constitution of the United States and take out of the pockets of the taxpayers money for the alleviation of the suffering people on the other side of the sea. There is not a warrant to be found in the Constitution of the United States that will authorize this Congress to take money out of the Public Treasury and appropriate it for the alleviation of the suffering of any people outside of the United States. [Applause.]

Mr. Justice Story, in his commentaries on the Constitution of the United States, said:

A power to lay taxes for any purposes whatsoever is a general power; a power to lay taxes for certain specified purposes is a limited power. A power to lay taxes for the common defense and general welfare of the United States is not in common sense a general power. It is limited to those objects. It can not constitutionally transcend them. If the defense proposed by a tax be not the common defense of the United States, if the welfare be not general, but special or local as contradistinguished from national, it is not within the scope of the Constitution. If the tax be not proposed for the common defense or general welfare, but for other objects wholly extraneous—*as*, for instance, for propagating Mohammedanism among the Turks or giving aids and subsidies to a foreign nation to build palaces for its kings or erect monuments to its heroes—it would be wholly indefensible upon constitutional principles. The power, then, is under such circumstances necessarily a qualified power.

There is absolutely no grant by the Constitution, either expressed or implied, of any such power to Congress. We have no constitutional right to take \$10,000,000, or any other sum, out of the Public Treasury and give it to foreigners "over there."

As was well said in an argument at the hearings against the proposed taxation of American citizens for so-called relief of Germany:

It is respectfully submitted that under the Constitution of the United States no power has been delegated to Congress to take money by force from American citizens, through taxation, for any purpose whatever except as clearly expressed or implied in the Constitution itself.

The power to appropriate the funds of American citizens and taxpayers, held in trust in the Federal Treasury, to pay the debts and to provide for the common defense and general welfare of the United States is a limited power. Otherwise the repeated declaration of the Supreme Court that this is a "Government of limited powers" is without meaning.

Whatever the limitations of the power of Congress under the "general welfare" clause may be, whatever difference of opinion existed between Hamilton and Madison, Story and Jefferson, Monroe and Pierce as to the extent of this power within the United States, it is submitted that even the broadest interpretation of the "general welfare" clause stops at the 3-mile limit. Neither by legal sophistry nor by stretch of imagination can it be maintained that Congress can tax the American people for local relief in a foreign country—a recent enemy of the United States—under pretext of providing for the "general welfare" of the United States.

Mr. RATHBONE. Will the gentleman yield for a question?

Mr. WILSON of Mississippi. I have only four minutes. I hope the gentleman will let me have them. By refusing to yield I do not mean to be discourteous in any way.

Not only that, gentlemen, but Alexander Hamilton, I think, one of the greatest men who have contributed of his ability to the sum total of this Republic's greatness, has even questioned the right of the Congress of the United States to appropriate money out of its Public Treasury for the alleviation of suffering where it is confined to localities in this Nation in which we live. And yet we propose here by the passage of this resolution to send money to Germany to alleviate human suffering on the other side of the sea.

I have no prejudice in my heart against the German people, but I can not agree with the gentleman from Wisconsin [Mr. BROWNE], who said that Germany had always been a friend to the United States of America.

In 1914 the world was set on fire by a people whose ambition for power led innocent peoples everywhere into the valley of destruction. Our country, one of the last to take up arms in defense of a Christian civilization, stood for years upon the brink of this great catastrophe and prayed if it was possible that the bitter cup of war might not be pressed to the lips of this Republic. But war was finally waged upon us, an innocent, unoffending Nation, by Germany; our country was forced by those people to enter the World War and rescue civilization. In this holy task our country spent not only billions of dollars but the blood of its brave men.

Many hillside of Europe are now dotted with almost countless crosses as a sad testimonial of the awful sacrifice. Not only that, but we loaned to foreign countries billions and billions of dollars in order to carry on the great conflict. Our people, as far as responsibility for this war was concerned, were as innocent as the babies of the world. Yet the innocent people of my country suffered, and are still suffering, for the sins of the guilty.

Europe, not contented with billions of American dollars and thousands of human lives, still draws another draft upon us in the form of a request for \$10,000,000 for the relief of the German people. I am in accord with all humanitarian movements. I recognize personally the responsibility of all those who are able to contribute to the needy millions of the world. But charity should begin at home. The same blessed voice that said: "Go ye into all the world" also said "Begin at Jerusalem."

Thousands of people in our great country even now are without sufficient food or clothing. Countless thousands of our people are still suffering from the effects of a war instigated and brought about by a people who now propose to have \$10,000,000 contributed to them out of our Treasury. There are poor people all over our country without the necessities of life. The farmers of America, that great body of people who contribute most and get the least back from civilization, are now in want in many sections. They are literally crying for bread, and you have only given them stones, and yet you propose now to give the people of Germany \$10,000,000 for their relief out of our Treasury and thus take it out of the taxpayers' pocket. The cry of this country is for tax reduction and relief for our people, and you in answer to that cry intend to put \$10,000,000 additional burden upon their backs and give it to a bunch of foreigners, when you have in your own country thousands of poor people who are in dire need. If you want to raise a fund for the alleviation of suffering people on the other side of the sea, it is a worthy undertaking, but raise it by public subscription as you have done frequently in the past, and let those who are able contribute to it of their own free will and accord, but for the sake of the poor, oppressed people of my country, do not press down another burden upon their already bruised and bleeding shoulders. [Applause.]

Mr. FISH. Mr. Chairman, I yield to the gentleman from New York [Mr. LA GUARDIA] two minutes.

Mr. LA GUARDIA. Mr. Chairman, the appropriation called for in this resolution which will bring happiness and health to millions of children is exactly the cost of laying a barrage in time of war of 20 minutes' duration. When we will have passed this resolution the House of Representatives will have done more in three hours toward a constructive movement for good will, friendliness, and peace on earth than the League of Nations has accomplished in five years. [Applause.]

In reply to the forceful statement made by the gentleman from Massachusetts [Mr. ANDREW] I will say that the place to get information about the starving children of Germany is not in the beer halls of Germany. [Applause.] If the economic conditions described by the various speakers exist in Germany, it is well to appropriate money so that the children can grow up and destroy an economic condition where all the wealth is held by a few individuals while millions are permitted to starve. [Applause.]

This bill typifies the generous spirit of the American people. It is a move in the right direction. It will bring a ray of hope to the people of Europe that the American spirit of love, kindness, and charity is still alive. It will be an inspiration to the new countries of Europe. It is far better to appropriate money to relieve such conditions than to spend money to send troops to maintain confines artificially created. [Applause.]

Gentlemen, I, too, represent a poor district, and I will say that the underfed people of my district are in favor of such an appropriation by the American Congress. [Applause.]

I want to appeal to my colleagues who are ex-service men to support this resolution. Why? What American soldier is

there but would share the water of his canteen with a wounded enemy soldier? Did not the boys of the A. E. F. touch the hearts of all Europe by their kindness to women and children, even in the enemy's country, during the period of occupation? This is the opportunity for America to teach the world to sing instead of a hymn of hate a new hymn of love.

Mr. FISH. Mr. Chairman, I yield one minute to the gentleman from Missouri [Mr. HAWES].

Mr. CONNALLY of Texas. And I yield two minutes to the gentleman from Missouri [Mr. HAWES].

Mr. HAWES. Mr. Chairman, my mind is upon the words of our great war chief, Woodrow Wilson, who took us through war. At the very outset he drew a distinction between the German Army and the German people. As that war progressed every influence of diplomacy and agencies of the War Department itself carried messages to the civil population of Germany of the fact that there was no hostility in America to them; that the war was directly against the German autocrats and militarists. Now, the war has been over for six years. We know there is suffering in Germany, we know there is distress there, and this is the first time that the American Government has had an opportunity of carrying out the thought of President Wilson, recently emphasized by the statement of President Wilson's wife, that the United States of America has no unkind thought for the civilian population of Germany. [Applause.]

When General Allen, of the American Army, appeared before one of our committees and gave individual testimony that there is suffering in Germany, that hardship does exist, that babies are dying, that food is necessary, I for one must accept his statement at its full face value.

What do these \$10,000,000 mean? We spent \$22,000,000,000 to destroy the great German war machine, and \$10,000,000 as a token of our desire to express to the German people the thoughts that were in the minds of Lincoln, the thoughts that were in the mind of Grant, when our Great War was over, it will be money well spent. More than diplomacy, more than words, more than speeches, the \$10,000,000 sent to the women and children of Germany will make good the thought that Wilson had, that Wilson's wife has, and that I know exists throughout the United States in the generous hearts of our men and women. [Applause.]

[By unanimous consent, Mr. HAWES, Mr. LA GUARDIA, and Mr. COOPER of Wisconsin were granted leave to extend their remarks in the Record.]

Mr. FISH. Mr. Chairman, I yield one minute to the gentleman from Maryland [Mr. GOLDSBOROUGH].

Mr. CONNALLY of Texas. Mr. Chairman, I yield the gentleman two minutes.

Mr. GOLDSBOROUGH. Mr. Chairman and gentlemen of the committee, Germany has been living on her fat for about five years. Due to the inflation of the German currency, the great middle classes of the German people have been economically wiped out; they have been changed from a condition of reasonable prosperity to a condition of absolute want. That condition exists among an entire class in that country. This, as I see it, is an opportunity not only to help that condition but an opportunity to express the fact that the soul of the American people recognizes the principle that human suffering creates universal brotherhood. I can support this resolution with my whole heart. [Applause.]

Mr. FISH. Mr. Chairman, I yield one minute to the gentleman from Michigan [Mr. CLANCY].

Mr. CONNALLY of Texas. Mr. Chairman, I yield three minutes to the gentleman from Michigan [Mr. CLANCY].

[By unanimous consent, Mr. CLANCY was granted leave to extend his remarks in the Record.]

Mr. CLANCY. Mr. Chairman, I have heard some arguments here as to the constitutionality of this appropriation, but I have not heard quoted any Supreme Court decision against such an appropriation. I am not a lawyer, but I have enough horse sense to know that until the Supreme Court declares such an item unconstitutional it is constitutional. The learned constitutional lawyers of this body opposing this measure did not mention any adverse Supreme Court decisions because they could not. There are none.

The distinguished gentleman from Massachusetts [Mr. ANDREW] tried to quote Secretary of Commerce Hoover as being doubtful about the propriety of this bill, that he was lukewarm or even hostile.

On page 137 of the Foreign Affairs Committee of the hearings reporting Mr. Hoover's appearance before the committee,

the gentleman from New York [Mr. FISH], whose bill it was, said after continued efforts to draw out Mr. Hoover and if possible get something from him that might be used against the measure, as well as in favor of it, because he was vigorously cross-questioned by both friends and opponents of the bill, Mr. FISH said:

I am perfectly satisfied with the testimony of the Secretary.

Meaning Secretary Hoover.

That was the way every champion of the bill in the committee felt. We all realized the delicate position of Mr. Hoover as a member of the Cabinet and one who might be construed as a spokesman for the administration and one who might embarrass the administration which apparently did not want to take a definite stand on the bill.

I quote from Mr. Hoover, on page 136 of the hearings:

As to the question of appropriations for the relief of undernourishment in children due to poverty, I must say that I stand for it, provided you are satisfied that private charity or resources from Germany are unable to cope with it.

He left the latter points to the committee as having heard more testimony than he on those questions, and they decided that neither private charity of the United States nor resources of Germany would save the starving children and women of Germany.

Again, on page 134, he said:

I can feel only one way about children.

And then he went on to say he was in favor of feeding them by one agency or another, and in that paragraph, on page 135, he said:

I recognize the many arguments that may be brought against charitable action either by private agencies or by our Government, but I refuse to apply those arguments to children.

One might just as well try to quote Christ against feeding starving women and children as one who has been in the work and seen the actual sufferings as Herbert Hoover.

Another objection raised this afternoon by some of the gentlemen against this appropriation is that we can not spare the money and that we are voting the people's money for another nation when we have pressing needs, and that our own people are in distress in some quarters of this country.

I have heard some of these gentlemen orate here in favor of spending \$24,000,000 this year to prevent workmen in Detroit and Americans in other sections of the country from getting a glass of beer. Now some of them argue just as fervently that we can not spare any money to buy millions of starving women and children a bottle of milk per day.

Their slogan is, Millions of the taxpayers' money against a bottle of beer for the American and not a dollar for a bottle of milk for a starving child.

What promotes the general welfare of Germany in this one instance promotes the general welfare of the United States. This is bread upon the waters, and will come back manyfold.

This is one country, and what helps American business helps the American people. If you vote this ten millions it will be well spent in American food and under the supervision of the Red Cross or American Quakers.

We will get it back a hundredfold in German trade and German good will. It will tend to wipe out the bitterness of the recent war.

The American farmer is sick. Agriculture in this country is sick. The chief reason is because the American farmer can not sell his products abroad. Europe must be rehabilitated and Europe can not be rehabilitated until Germany is rehabilitated and can pay the reparations they owe the Allies. Then, also, they can buy our products to the tune of hundreds of millions.

Help to lift Germany out of chaos, help her millions of starving children and women and you help the United States. You help the American farmer, for whom so many gentlemen here this afternoon have pleaded in talking for this bill.

You also save Germany from throwing itself into the arms of Bolshevik Russia. The Washington Herald this morning carries a story of friendly relations beginning between the Soviet of Russia and the laborite Government of England. The screaming headlines clear across the front page say, "Soviet to back aims of British labor."

How much easier to establish a cordiale entente between Germany and Russia in Germany's present condition. I developed that line of thought in questioning the military and political and social authorities who appeared before the For-

ign Affairs Committee on this bill. They agreed with me that this menace does exist.

Gen. Henry Allen, formerly a brigade commander in France in the Great War, and later commander of the American Army of occupation in Germany, agreed that it was a matter for most serious thought. So did George Schreiner, Associated Press correspondent for a number of years in Germany.

Contemplate, gentlemen, the danger to Europe and to the United States and to the world if the German organizing genius, its unquestioned bent for leadership, its manufacturing ability, its splendid factories and resources are added to the vast man and soldier power, the food, metals, and raw materials of the giant Russia. Consider the menace of a Russian-German alliance.

What would become of France then and other European countries?

This money should be voted to save Europe from a real menace, from the potential threat of another World War. It should be voted to save starving women and children, aside from any other considerations.

The rule of the sea when the ship is going down is:

Women and children first. Shoot all others who force the lifeboats.

This is surely a case of children and women first.

As a member of the Foreign Affairs Committee which considered this question most carefully for a number of days, hearing many experts on present conditions in Germany and discussing the question vigorously pro and con in executive session, I made my position clear to the committee as an advocate of this relief fund for the starving women and children of Germany. I voted to report the bill favorably to the House.

It was an unusually high grade of experts who appeared before the committee to advocate a favorable report by the committee. The most important of them were patriotic Americans with a record of loyalty and service to this country and to mankind. They could not be accused of German blood, German affiliations, or German sympathies. But even if they could have been accused of German bias, they could not have appealed more earnestly, more sincerely, nor warmly for favorable action by the committee.

Some of them appealed with tears in their eyes for this appropriation. They had seen this terrible suffering of little children and of women, of many mothers, and they had tried to relieve it, and failing, had come to ask our aid.

Secretary Hoover did not want to place the administration in an embarrassing position, but he did declare as an individual and as a man who had powerfully helped starving children and women everywhere during the past 10 years as being in favor of this appropriation.

He did declare himself unqualifiedly for the general principle of this relief, but he did not think himself well enough informed to know whether private charity of Americans was sufficient. He left that to the committee studying the question.

Three days ago I lunched with the Japanese ambassador, Mr. Hanihara. He told me with deep emotion of the gratitude of the Japanese people to the American people who had come to their aid in the recent terrible disaster in Nippon.

He told me the American people had given ten millions first and then about five millions more, a total of fifteen millions. Japan had not asked for the money, but the United States had lived up to its finest traditions. There was no waving of the bloody shirt, no secret jubilation over a mortal blow to a rival in the Pacific.

But there was a deep and sincere expression of horror, of sorrow, and sympathy, and a spontaneous flow of hard, round American dollars to bind up the wounds and heal the spirit of a sorely afflicted people—yellow men—of a race which some would have us hate because we are whites, just as some would have us hate the German women and children who are starving to-day—children born since the war—hate them because we were recently at war with the German people and because they are of a different nationality, although of the same Caucasian race. Formerly the boast in this country was that our ancestors were Germanic, Teutonic, and we will hear more of that when the Immigration bill comes up, but of course the word Germanic will then be camouflaged as Nordic.

The Japanese ambassador put his hand on his heart and he said:

Your people's wonderful generosity touched me here deeply, and it touched the hearts of my people. They will remember that brotherhood-of-man spirit shown in our time of deepest distress when other

matters may arise between Japan and the United States unfortunately calculated to disturb the amity of two proud and independent nations.

Gentlemen, that fifteen millions will come back to us a hundredfold in trade with Japan, which buys hundreds of millions of dollars' worth of our products. We know that in Detroit, because we are one of the great exporting cities of the world. We know how many millions you authorize here in Congress to develop American foreign trade.

That fifteen millions will come back to us many fold in retrenchment in military expenditures, because it will tend to relieve the apprehensions of the two countries. Fifteen millions is a mere drop in the bucket in our naval expenditures for defense in the Pacific and in our Army and Navy yearly appropriations.

That statesmanship was engineered by the American Red Cross, not by the American Congress. The Red Cross did not wave the bloody shirt. It just asked what would Christ have done under similar circumstances, and it went ahead confidently to do it, knowing that the American people would ratify the action and respond in ungrudging measure to the appeal.

Some people have said in a deprecatory spirit that much of the Japanese relief fund was given by our banking houses and by our big manufacturers who were doing or hoped to do business in Japan. But, my friends, that merely proves that it was good American business when these hard-headed industrial leaders spent their money in that way.

For all these reasons you should vote for this \$10,000,000 appropriation for the starving millions of German children and women.

I fought for relief for the starving women and children of Germany in the committee which reported the bill, my own committee, the House Foreign Affairs Committee, when there was very little sentiment for the appropriation. I am very happy to fight for it on the floor of the House.

I helped to organize in 1914 the Detroit Patriotic Relief Fund to take care of the women and children left in distress by our soldiers who went to the Mexican border in the crisis caused by Villa, the Mexican bandit leader. That fund became the Home Service Section of the American Red Cross, the grandest charity organization in the world's history.

For eight years I worked to relieve distress among women and children, particularly those of the hundred thousand soldiers who left Detroit in the World War. My committee handled hundreds of thousands of dollars and spent it for food, fuel, clothing, medicine, and the necessities of life. I passed upon these cases. Personally I signed the warrants authorizing the expenditures for vast sums for these necessities for women and children.

No taint of scandal, of misappropriated funds, or of waste has ever been made in charges against me or that committee. We aimed to give service in Christ's spirit.

With that record and with the experience of having seen many hungry and needy women and children in those eight years and having contributed to their relief, I can not but vote for this \$10,000,000 appropriation.

Mr. FISH. Mr. Chairman, I yield half a minute to the gentleman from Missouri [Mr. CANNON].

Mr. CANNON. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FISH. Mr. Chairman, I yield a minute and a half to the gentleman from New York [Mr. O'CONNELL].

Mr. O'CONNELL of New York. Mr. Chairman, I am not very much concerned or distressed about the political possibility of this situation. I am thinking about the money that we spent to destroy these people and how little it will cost to bring them back. We have heard a lot this afternoon about the Constitution. The Constitution has been pretty well torn in the last two years, and some of the wounds it has received have not redounded very much to the advantage of our people or anybody else.

I quote from the report of the Committee on Foreign Affairs, of which I have the honor of being a member:

Imagine, if you will, a mother with helpless, hungry babies, suffering from tuberculosis in a home where the fire is never kindled, even during the coldest winter days. We did not fight women and children, and they were not responsible for the war. Many of the babies have been born since the war. Immediate action by America, through both private and governmental aid, is the only hope of the children in Germany.

How any man can fight little children who are crying for bread is hard to understand, but there are men in the United States who are doing just that because of their hatred for Germany. There is a sinister attempt being made to poison the minds of the American people and to convince them that the Germans are not in desperate circumstances.

We will not stand by with the accumulated wealth of the world and surplus foodstuffs rotting on the ground and watch these helpless children slowly starve to death. We can not afford to be a party to such a policy. There is no other alternative except to let these children starve to death or afford them some immediate relief to maintain them until the next harvest in July. We must and will respond for the sake of humanity and the future peace of the world. Let us not forget the words of Abraham Lincoln, "With malice toward none and charity for all." We should look upon this relief measure as a matter of humanity and civilization, having a direct bearing on peace and good will throughout the world. What is needed in the world to-day is the triumph of the gospel of good will over hatred and revenge.

Secretary Hoover told the committee that "our only hope is that the next generation will be better than this one and there is no hope if they are to be stunted and degenerate from undernourishment. I recognize the many arguments that may be brought against charitable action, either by private agencies or by our Government, but I refuse to apply these arguments to children."

Maj. Gen. Henry T. Allen, who was commander in chief of the American army of occupation, testified that "relief for the children in Germany will not only save the starving youngsters, but it will help American farmers by taking the surplus food supplies, and is in the interest of peace."

In the light of the suffering of innocent people in Germany I can not stand idly by and refrain from voting for this relief. It would, indeed, be pitiless to refuse to assist and help the people of those districts of Germany where tuberculosis, rickets, anemia, sunken eyes, and emaciation are common occurrences. Hospitals, homes, and asylums of every description are taxed to the uttermost in caring for the sick, but all are handicapped for lack of funds. Worthy respectable institutions have to close their doors. Among the many that can no longer continue are homes for infants, kindergartens, dispensaries for mothers and babies. The infant mortality is astounding. There is a tremendous increase in the mortality from childbirth fever—puerperal poisoning. There is also a large increase in stillbirths and a great diminution in the proportion of mothers who can nurse their babies. The facts concerning this suffering are indisputable.

This is purely a charitable dole. Seneca said:

I must give him that wants else I want. I must give him who is perishing else I perish.

And later Cicero defined charity:

One's purse should not be closed too tightly that a generous impulse can not open it.

I can not help reading of the miserable conditions in Germany without being overwhelmed with an impulse to give. I am sure that the rank and file of the Nation thinks similarly, and Congress must be responsive to that sentiment.

One of the proverbs says:

Withhold not good from them to whom it is due.

We can not and must not withhold this charity. In all common humanity it is due. An old Egyptian legend tells us that before the departed spirit could rest it had to answer certain questions and pass an examination. The spirit could not enter the realm of eternal peace unless it could say:

I have not permitted any man to go hungry. I have not taken milk from the mouths of children. I have given bread to the hungry and water to the thirsty, and I have helped the sick.

To deny this relief would be like turning back the hands of the clock. What the Egyptians did centuries ago, we can do now. It means the relief of children about whom the Master said centuries ago:

Suffer little children to come unto Me, and forbid them not, for of such is the kingdom of God.

[By unanimous consent, Mr. O'CONNELL of New York was granted leave to extend his remarks in the Record.]

Mr. FISH. Mr. Chairman, how much time have I left?

The CHAIRMAN. The gentleman has 12½ minutes and the gentleman from Texas 7 minutes.

Mr. CONNALLY of Texas. Mr. Chairman, I yield three minutes to the gentleman from Texas [Mr. BOX].

Mr. BOX. Mr. Chairman and gentlemen, such generosity as I possess, which I believe to be not less than that of my colleagues, is limited in this connection by the controlling fact that money in the National Treasury is a trust fund, collected, held, and to be disbursed for governmental purposes according to directions given in the Constitution. I can not ignore or violate those directions and be faithful in the discharge of my duty as a Member of the National Congress. We have no right to expend in charities to the needy of other nations funds raised by taxation for governmental purposes. That is a misuse of public moneys. That alone would control my vote; but there are other considerations. We are sending funds of foods to a country where the food is said to be fairly abundant but badly distributed. Gentlemen seem to have the hope that the funds we send over there will be withheld from the well-to-do and the strong and given to the weak and needy. We seem to expect that in some extraordinary manner it will be even kept from the men and given to women and children, that food and money sent from America will be handled much more fairly and humanely by the German people, when it gets among them, than they are handling their own supplies. There is no warrant for that assumption. In addition to that we are starting on a road that has no end. Last year there were 1,250,000 women and children refugees in Greece from Turkey. They slept on the bare ground without cover and were hungry. Since I have been a Member of this body it has been reported that eight or ten million people have died in China of hunger. There is great want in Porto Rico now. The Near East, Russia, even England, and much of the Old World are filled with want at this time, and will always be. If the contents of the Public Treasury are to be disbursed for such purposes as this I wonder where it is to end. I wonder if it will stop when it is claimed that there are millions of men in America without work while their families are in want. Will they be here asking for aid from the Treasury? Will they find us ready to distribute the public funds in charity to them? What will we say to their demands for support from the taxpayers' money? We are starting on a long road which may lead us into dangerous territory.

Mr. RATHBONE. Will the gentleman yield for a question?

Mr. BOX. I regret I have not the time. I decline to yield, and pass back what time remains, because I promised to use very little time.

The gentleman yields back one minute.

Mr. BOX. I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection. [After a pause.] The Chair hears none.

Mr. CONNALLY of Texas. Mr. Chairman, I yield two minutes to the gentleman from Texas [Mr. HUDSPETH].

Mr. HUDSPETH. Mr. Chairman and gentlemen of the committee, I seem to be somewhat in the minority on my delegation on the subject of this resolution. My good friend from Mississippi [Mr. WILSON] stated that there are people in his district who were in dire distress. I state there is no district that has had any greater financial depression than the district I represent. The gentleman says there are children in his district that now have no shoes. Well, I have a few 80-year-old children in my district who never had a pair of shoes in their lives; they wear sandals and are of the Spanish proclivity. But I am in favor of extending this relief to the starving women and children of Germany. Now, it has been urged that this is unconstitutional. I am not a constitutional lawyer. [Applause.] But there was passed a resolution of this character in 1812 by the Congress, granting aid to a foreign people, that had such distinguished and able constitutional lawyers as Henry Clay, John C. Calhoun, Daniel Webster, Haynes, of South Carolina, Pinckney, of Massachusetts, great outstanding statesmen and lawyers of that day, who, I think, were sticklers for the Constitution, and who were pretty fresh from the making of that great instrument, and I am willing to take their judgment. Now, my colleague from Texas, my good friend [Mr. BLACK], in reply to the statement of the gentleman from Minnesota that the people in Minnesota were reveling in plenty—and the gentleman did draw a picture of great bounty—says his constituency in Texas were not so fortunate, and some in dire distress, and many have not enough milk for children, and so forth. Now, let me state to my friend and colleague from the great farming section of Texas that I trust he has no children there who are greatly undernourished on account of lack of milk. The great livestock district I represent is long on milk.

If he has, we will ship him all the milk he wants from west Texas. We have plenty of it, I will state to my friend, both of the cow and the goat. [Laughter and applause.] And it is said by some who claim to know, my friends, that the goat milk is of great sustenance, and especially for children.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CONNALLY of Texas. I yield the gentleman a minute.

Mr. HUDSPETH. I thank my colleague for that minute. This is no new thing, gentlemen. The Congress has voted aid to starving people of foreign countries many and many a time, and to the unfortunate people of our own country in different parts. If my memory does not play me false, the Government extended aid to the people of my home State some 30 years ago, when farming was new and an unprecedented drouth such as was never known before or since visited the lower Rio Grande section, which is now one of the most productive farming sections of the State. Take the report here of our own General Allen, who is fresh from there, and read it, gentlemen, and it depicts a story of suffering on the Ruhr that would make the heart of any red-blooded American respond in sympathy and the eyes fill with sympathetic tears. I think he said it—someone did in these hearings on the bill—that unless aid was extended 20,000,000 people, mostly women and children, in Germany would perish in six months. I have no sympathy for the war lords of Germany—the Hohenzollerns and the Ludendorffs—but they will never suffer, perhaps now are supplied with every luxury and revel in plenty, while the poor peasant class are starving at their very door. We did not war, my friends, on the women and children of Germany; they are now suffering from the sins of a tyrannical bunch of monarchs who never had a sympathetic thought for the plain people. Read the letter here of Mrs. Wilson, the wife of the great war President, who urges this aid. Pass this bill and I tell you—outside of the humanitarian feature that moves me—and it will have a beneficent and wholesome effect upon world peace; peace and good will toward all mankind, and also tend to reestablish our great pre-war export trade with Germany. I thank you. [Applause.]

Mr. CONNALLY of Texas. Mr. Chairman, I yield one minute and a half to the gentleman from Mississippi [Mr. Lowrey].

The CHAIRMAN. The gentleman from Mississippi is recognized for a minute and a half.

Mr. LOWREY. Mr. Chairman, I shall hardly try to discuss this question in a minute and a half. I have no criticism for the men who in the tenderness of their hearts want to contribute to the relief of suffering women and children, and I have no abuse for those who interpret the Constitution in a way different from the way I view it. But I do resent both for myself and others the insinuation that we are acting through bitterness or hate toward Germany.

If I have time to tell the story, I want to say that my friend Tucker, of Virginia, handed me \$100 the other day and asked me to carry it down and settle a little matter for him at the bank. As I went down I came across a tramp with a cancer on his face and a crippled leg. I gave the money to the tramp and came back without going to the bank at all. I should have been heartless to do otherwise.

If Tucker did not relieve that poor tramp voluntarily, it was clearly my Christian duty to appropriate to that cause the money committed to me for the other purpose. You know, of course, that is a fable. First, you knew that when I said Tucker had \$100; and second, when I said he trusted it to me [laughter], then you knew it was a plain lie. [Laughter.] But it has a moral in it; and the moral of that fable shows why some of us can not conscientiously vote for this bill.

I want to see the American people come with great liberality to the relief of these suffering Germans. Let the Red Cross, the churches, and other great benevolent organizations bring the appeal strongly to the hearts of our people, and, true to our American traditions, they will respond as they have so recently done to the calls of Japan, Russia, and the Near East.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. LOWREY. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. FISH. Mr. Chairman, I yield three minutes to the gentleman from Georgia [Mr. Upshaw].

The CHAIRMAN. The gentleman from Georgia is recognized for three minutes.

Mr. UPSHAW. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. UPSHAW. Mr. Chairman and gentlemen, speaking very frankly, I thought when I entered the House to-day I would vote against this measure, upon the strength of some of the arguments that have been laid down. But I have not been able to get away from the music, the beauty, and the truth of the words that I am going to read to you from a little Testament that I love to carry along in my pocket. I read from that wonderful epitome of the Christian graces, the twelfth chapter of Romans:

Dearly beloved, avenge not yourselves, but rather give place unto wrath: for it is written, Vengeance is mine; I will repay, saith the Lord.

Therefore, if thine enemy hunger, feed him; if he thirst, give him drink: for in so doing thou shalt heap coals of fire on his head.

Be not overcome of evil, but overcome evil with good.

A nation needs this sacred injunction as much as an individual.

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. UPSHAW. Yes.

Mr. RANKIN. The gentleman is not recommending that we send them "a drink"?

Mr. UPSHAW. Pshaw, no! Why, the gentleman from Maryland [Mr. Hull] and the gentleman from Georgia are voting together on this question. [Laughter.] This is the thing upon which I put emphasis: These suffering children are not our enemies; they are the children of worthy parents, for the most part, who are suffering from the industrial kaiserism that wrecked Germany, and that is cruel enough to see the German Government stay forever on the rocks for the sake of money in their pockets and power in their own selfish hands.

I would not vote for this relief measure if it should take a single crust from any suffering child in America. It does not do that, but it simply shows to the world that a great-hearted wealthy Nation like the United States of America is willing to reach out its hand of human sympathy to the starving children of our former national enemy. That is the spirit of that mercy which is akin to the divine.

Mr. BYRNS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. UPSHAW. Yes; I yield to you, although my time is short.

Mr. BYRNS of Tennessee. Does the gentleman believe that a single Member of this House will vote against the resolution on account of prejudice against the German men and women?

Mr. UPSHAW. Not at all! But I want the word to go out to the world that the United States of America that struck the blow which, according to Lloyd-George, turned the tide of victory against Germany—I want the word to go out to the world that the United States of America, in the spirit of a divinely taught humanity, has voted to send this handclasp of sympathy, wrapped in an earnest "God bless you," to the people of Germany, especially the suffering children of our former enemy. That will win Germany's heart and warm the heart of the watching world. [Applause.]

I honor my colleagues who oppose this bill on constitutional grounds, but I would like to ask them if they think it was unconstitutional for this Government to refuse to accept the Boxer indemnity from China? Surely nobody thought then, or would think now, of making such a charge. And everybody knows that the few paltry millions thus invested in China's everlasting good will has borne a golden fruitage of practical friendship that has made, and will continue to make, an increasing contribution to America's financial and ethical prosperity. Chinese students have streamed toward our American colleges and universities, carrying back American ideals to enrich the Orient—yes, and sending the trade and the fellowship of the Orient to enrich America through all the coming years. If this indemnity money had been accepted by America, it would have been just as "unconstitutional" to vote it out of the Treasury as to vote it out of our grasp back into China's heart and purse.

I count it in consonance with my constitutional loyalty to vote for any human relief that will "provide for the common defense and promote the general welfare" by bringing to us the many-sided friendship of a great national aggregation like China.

The active good will of half a billion of such militant people, as the awakened Chinese are becoming more and more every

day, has been won—not by the money involved but by the benevolent attitude of the United States.

In these testing days of international volcanics I count it a great stroke of national preparedness to show the coming nation of Germany that America's heart is in the right place—as warm in peace as our arm is strong in war.

We are helping our own people by buying the German food from American farmers, and I only wish that our country that spent twenty-odd billions of dollars to help crush the military prowess of Germany would send even more now to help lift up the children of the people who are down.

Of course, we understand that the real Christian citizenship of America harbors no spirit of revenge upon Germany, but in the eyes of the unregenerate world Germany and the United States of America are regarded as enemies. It is America's priceless opportunity to show the forgiving, humanitarian spirit of the Prince of Peace.

This action to-day will electrify the world and create a zone of light around the earth in which the Stars and Stripes will shine with new and wondrous glory. [Applause.]

Mr. CONNALLY of Texas. Mr. Chairman, I yield one minute to the gentleman from New York [Mr. DICKSTEIN].

The CHAIRMAN. The gentleman from New York is recognized for one minute.

Mr. DICKSTEIN. Mr. Chairman, I do not think I can make much of a speech in that time, so I will ask unanimous consent to revise and extend my remarks in the Record.

The CHAIRMAN. The gentleman from New York asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

Mr. DICKSTEIN. Mr. Chairman and fellow colleagues, this resolution, H. J. Res. 180, for the relief of the distressed starving women and children of Germany, has my sympathy and no doubt the sympathy of this entire House and the American people. Much has been said on the floor of the House that Congress can not appropriate this money because of no provision in the Constitution. I do not agree with my colleagues. As Representatives of this body we know the sentiment of our constituents, which is the sentiment of the American people. This sentiment has well been expressed by many Members who favor the resolution. This is not a new proposition before the House. We have voted millions for the same character to Russia; we have done some humane work and saved the starving of Russia; we have done other humanitarian work from the floor of this House, and why raise the question against starving Germany is beyond me to conceive.

I am an American, but I also have a heart that can not ignore the appeal of suffering humanity. Millions of women and children are to-day starving in Germany. We are called upon to relieve their suffering by the appropriation of \$10,000,000, not in money, but in food supplies, bread, meats, fats, milk, etc. How can we turn our deaf ears to their appeals for succor? How can we fail to respond to their appeal for the sustaining of life?

The war is over. Whatever may be our views as to that war we must agree these suffering women and starving children did not cause the war and if they could have voted on the war they would have opposed and prevented it.

Even though I still feel keenly against Germany for having dragged us into the war, the war in which my own flesh and blood, in which my own dear brother lost his life in the Argonne, nevertheless, I can not close my ears to the cry of the hungry.

The \$10,000,000 of food which we shall distribute will be not only an act of great charity but a worth-while investment. This giving of food will produce a feeling of good will in German hearts which will be remembered in history and will operate to our mutual advantage from a humanitarian point of view. Also this giving of food to the hungry may even avoid a revolution within Germany.

The evidence before the Committee on Foreign Affairs fully sustains the proof, not only from what we heard said in the newspapers but what we heard from representatives from the churches, charity workers, specialists, and students of the conditions in Germany. There are approximately two million and a half undernourished, starving German children and other millions of helpless mothers. The condition has brought about not only famine but disease, and there is now ten times the former tuberculosis rate among the school children. The figures as to the number of undernourished and starving children were substantiated by Prof. Ernest M. Patterson, of Penn-

sylvania, and Dr. Haven Emerson, of Columbia, both specialists, who investigated and made extensive reports of the economic conditions in Germany. Professor Patterson testified—

that the total number of people in Germany that are in need of more or less relief is approximately 20,000,000, or one-third of the population.

The following is an extract from a communication from the American ambassador in Berlin:

In large areas of Berlin more than 50 per cent of the children are tubercular; they are weak from undernourishment. There is less than 50 per cent of the amount of milk necessary to supply their needs and they are entirely without fuel with which to warm their homes.

Imagine if you will a mother with helpless, hungry babies suffering from tuberculosis in a home where the fire is never kindled, even during the coldest winter days. We did not fight women and children and they were not responsible for the war. Many of the babies have been born since the war. Immediate action by America both through private and governmental aid is the only hope of the children in Germany.

The great feeder of mankind, Hon. Herbert Hoover, who has fed over 20,000,000 children in 23 different countries of Europe, has endorsed this German relief resolution, and the following words which I quote from him may be found on pages 134 and 135 of the hearings before the Committee on Foreign Affairs:

Secretary Hoover. I can only feel one way about children. I have engaged a very large part of my time and energies for 10 years in remedy of famine and poverty among European children, as well as in major questions of food supply to some 23 different nations in Europe. I have felt that in the large view the real hope of recovery in the world and rehabilitation of Europe lies in sustaining the children; that it is of primary importance that we should contribute where solution can not be found otherwise to maintain the health and welfare of their children. With a record of having engaged in the relief of somewhere upward of 20,000,000 children in these 23 different countries in Europe, I could not oppose but must support provision against the undernourishment of children anywhere. I can argue very heartily on the failures of adults and the misdoings and misdeeds of the governments that bring these situations about, but I can not apply those arguments against children. Our one hope is that the next generation will be better than this one, and there is no hope if they are to be stunted and degenerate from undernourishment. I recognize the many arguments that may be brought against charitable action either by private agencies or by our Government, but I refuse to apply these arguments to children.

Again we have that soldier, honored for his heroic service in the war, General Allen, who gave this picture of the tragic situation in Germany, who testified before the Committee on Foreign Affairs in support of this resolution and recited the story of a banker and which I quote from his own remarks found on page 11 of the hearings:

General ALLEN. Here is a report from the head of the Quakers over there. Of course, this money that we collect is turned over directly to the Quakers there, who are charged with its distribution; and this is from the head of the Quaker commission in Germany.

There has recently come back from Germany a banker in Denver, Colo., by the name of Causey, who has no German blood in his veins. He stopped in Essen a day or two as a tourist; that was his intention, at least. But one morning, looking out of the window in a certain town, he saw a long line of people standing in the rain, many women and children; and he went out and found out that it was a bread line—or a potato line—and he counted those people, and found there were 2,200 of them; and when they got to their goal, the potato stand, they were allowed to purchase 1 pound of potatoes only.

And this man, a hard-headed banker, was so moved by that condition that he turned over his letter of credit to the burgomaster of that town; and since that time he has been devoting himself, in conjunction with a Dutchman and an Englishman, trying to send food and money to the Ruhr.

Now, that was quite a disinterested man; and he tells a very affecting story.

I had a letter yesterday morning from a man with whom I was associated years ago in Russia; and he refuted in Wiesbaden. He has lost most of his property. He was a large manufacturer over there, a Scotchman. And he tells a most plaintive story. I intended to bring that letter with me.

Mr. Speaker and gentlemen of this House, I am surprised to see so much opposition to this worthy resolution. It seems to me in whatever light we may look at this resolution we can only come to one decision, from a practical, a humanitarian, and from a greater national point of view that this resolution should be passed. I am going to support the resolution by voting for it.

Mr. CONNALLY of Texas. Mr. Chairman, I yield one-quarter of a minute to the gentleman from Texas [Mr. JOHNSON].

The CHAIRMAN. The gentleman from Texas is recognized for one-quarter of a minute.

Mr. JOHNSON of Texas. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. CONNALLY of Texas. Mr. Chairman, I yield half a minute to the gentleman from Texas [Mr. MANSFIELD].

The CHAIRMAN. The gentleman from Texas [Mr. MANSFIELD] is recognized for half a minute.

Mr. MANSFIELD. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. HUDSPETH. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. CONNALLY of Texas. Mr. Chairman, how much time have I left?

The CHAIRMAN. A quarter of a minute.

Mr. CONNALLY of Texas. I yield that quarter of a minute to the gentleman from Nebraska [Mr. HOWARD].

Mr. HOWARD of Nebraska. Mr. Chairman, I ask unanimous consent to talk quite a while now, and if I can not get that I will ask unanimous consent to extend my remarks.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

Mr. HOWARD of Nebraska. Mr. Chairman, I was granted one-quarter of a minute to voice my sentiment touching the resolution to appropriate the sum of \$10,000,000 for the relief of women and children in the famine-stricken districts in Germany. Manifestly it was impossible in that brief period to intelligently tell the House why I favored the resolution, and so I asked and received permission to revise and extend my remarks in the Record.

But even under that kindly authorization I shall be brief. I favored the resolution for three best reasons:

1. Because I regarded it as the call of conscience and humanity to run to the rescue of millions of unfortunate non-combatants, rendered indigent through no fault nor act on their part, but wholly as a result of a great war in which they were not participants.

2. Because I felt that by the adoption of that resolution we of America might forever establish in the minds of the people of the German Republic that in the late World War the United States did not seek the harm of the German people, but only the overthrow of a mighty military machine which was threatening the civilization of all nations by its arrogant and insolent claim of right to rule by the right of might.

3. Because by the passage of that humane resolution our own great Republic would thereby give encouragement to all people in all lands to throw off the yoke of monarchs and establish free republics, confident in the belief that our own great mother of stable republics would lend all possible aid and encouragement to sister republics in the hour of need. If the new German Republic is to live and take a place among the republics of the earth, now is the time for sister republics to so act as to give notice to the world that they will not view with approval the efforts of the combined monarchs of Europe to hamper and hinder the work of the German people in effort to build a free republic upon the ruins of the house of Hohenzollern.

And if another best reason should be needed in favor of the passage of the resolution, I assign as that reason the palpable fact that such humane action as contemplated in this vote of food to the famine sufferers in Germany must further serve to show to the peoples of the earth, and especially to the German people, that in the good heart of America there is no sentiment of bitterness toward the common people of any realm in which the masses shall arise and throw off the yoke of a monarchical oppressor. It is my fond hope, and my sincere belief, that the passage of this humane resolution will lead the world to acceptance of the fact that America never has fought for conquest, and that in peace America can and will be as grand as her armies have been glorious in war.

Mr. FISH rose.

Mr. WINSLOW. Mr. Chairman, will the gentleman yield to me to submit an inquiry?

Mr. FISH. Yes; I yield.

Mr. WINSLOW. On some occasions like the present, help has been rendered to foreign countries through private contributions. I am reminded that General Allen, who was in Germany a long while, was going about the country undertaking to help that country for the very purpose stated in this resolution. Can the gentleman give us any idea of the undertaking of General Allen and the purposes of this resolution?

Mr. FISH. General Allen is at the head of a committee raising funds throughout this country. Up to date he has raised something like \$2,000,000 from private sources. But General Allen and other members of that committee have testified that that amount is totally inadequate to take care of the present appalling situation. In spite of what has been said on the floor of the House by the gentleman from Massachusetts [Mr. ANDREW], all the witnesses agree that there are at the present time 20,000,000 people in Germany who are living on relief, furnished mostly by the German Government, by the German cities, and by the rich people of Germany.

This small sum of \$2,000,000 which has already been raised by General Allen's committee, added to the \$10,000,000 which I hope we are about to appropriate, is not adequate by a long way to relieve the distress in Germany. Twice ten million is needed, and General Allen's committee has a mighty task ahead of it and should be given every encouragement.

When I introduced this measure before the Committee on Foreign Affairs, I offered to withdraw it unless we could produce evidence by competent witnesses as to the tragic conditions in Germany which necessitated the supplying of women and children with food until the next harvest is ready in July. We proved to the entire satisfaction of the committee, and even to those who were against this bill, that it was necessary to supply food to these starving children if we were going to keep them alive until the next harvest.

The main issue before the House to-day is whether the United States, out of its abundance, with its granaries bulging with corn and wheat and with the accumulated wealth of the world, is willing to meet that issue, and whether we will appropriate money out of the funds of the Treasury to maintain these starving women and children. That is the real issue. We did not fight women and children and they were not responsible for the war. Many of the babies have been born since the war. Immediate action by America both through private and governmental aid is the only hope of the children in Germany.

A great many of the Members from the South, who advocated that we should go into the League of Nations, have come here to-day and opposed this resolution; a few years ago they were advocating that we should enter the League of Nations because of humanitarian reasons and because of the brotherhood of man; and were prepared to urge us to appropriate money to maintain the league and to see that the league functioned in a way that would provide relief of this kind whenever the need should arise. Yet those very men are the ones who are opposing this resolution at the present time on constitutional grounds. They would have you believe that the Constitution was framed expressly to prohibit grants of this kind; they would have you believe that the Constitution was written purposely to deny the right of Congress to afford relief of this kind, to deny the commandments of religion, and to deny the very law of God.

We have plenty of precedents in this House. In 1812 the House of Representatives appropriated \$50,000, by unanimous vote, to afford relief to the people of Venezuela. In that House were such strict constructionists as Calhoun, Randolph, and others from the South, and Madison, who did as much to frame the Constitution as anyone, approved of that resolution.

And what does the court hold? The court says:

A long acquiescence in repeated acts of legislation on particular matters is evidence that those matters have been generally considered by the people as properly within legislative control. Such acts are not to be set aside or treated as invalid because upon a careful consideration of their character doubts may arise as to the competency of the legislature to pass them.

Mr. TUCKER. From what is the gentleman reading?

Mr. FISH. I am reading from the case of Maynard against Hill, in the Supreme Court of the United States. There are a number of other precedents of similar character.

Mr. TUCKER. Has the gentleman the case of United States against Fairbanks before him?

Mr. FISH. I have a number which I can turn over to the gentleman, and they are exactly the same in point as this.

All of us who are in favor of this resolution admit that this is not the best way to provide these funds; we all admit that it should have been done by giving Germany the right to float the loan of \$70,000,000 which was asked of the Reparation Commission. But Premier Poincaré, speaking for the French Government, said he would oppose any such loan giving priority over reparations, and the Reparation Commission apparently concurred. The result is that Germany itself is not able to secure a loan and is not able to raise the money with which to secure food for its undernourished and starving women and children.

Mr. ANDREW. Will the gentleman yield?

Mr. FISH. I will yield.

Mr. ANDREW. Why should not the German Government borrow from her own people?

Mr. FISH. I thought I answered the gentleman. I said that the German Government is now providing for 20,000,000 people and that the cities are providing for all they can. The rich people are specially taxed and those of moderate means are taking care of their relatives and are taking care of their immediate circle of friends. So to-day a vast amount of the charity that is being doled out in Germany comes from German sources. Germany can not even float a loan of a thousand dollars in order to raise funds for charitable purposes because of the veto by the Reparations Commission. Is that an answer to the gentleman?

Mr. ANDREW. May I direct the attention of the gentleman from New York to the testimony of Dr. Haven Emerson, who says that a government such as Germany has to-day receives 80 per cent of its income from the wage earners and is not in a position to tax the rich people of Germany. The gentleman will find that on page 61 of the hearings.

Mr. FISH. The German Government does tax the rich, and taxes them far more than we tax them, and they are taxing them in a special way to raise money for this specific purpose. I refuse to yield any further.

If we are going to err on the question of constitutionality, as has been stated here in the House by so many Representatives from the South, who claim that we can not do this because of the Constitution; if it is a disputable constitutional question—and I do not believe it is—but if it is, let us err on the side of humanity, on the side of charity, and on the side of peace.

This bill will do more than the League of Nations has done in five years to promote peace and good will in the world. [Applause.] It is sound policy, high policy, American policy. We recognize our obligation to help others, reserving, however, the right to decide on the time, place, and the method. It will not only save the 2,000,000 children who are starving as we stand here discussing this bill but it will promote peace and good will and friendly relations with Germany. What is needed in the world to-day is the triumph of the gospel of good will over hatred and revenge. There can be no peace in the world until there is a desire for peace based on conciliation, cooperation, and justice. This is an investment in humanity and civilization, and its dividends will be good will and peace. It is certainly upholding our own interests and public welfare if we can save the lives of these German children and at the same time secure the friendship and gratitude of 62,000,000 people by a small appropriation of this kind. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

[Mr. FISH was given leave to revise and extend his remarks in the Record.]

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

House joint resolution (H. J. Res. 180) for the relief of the distressed and starving women and children of Germany.

Resolved, etc., That the President is hereby authorized, through such agency or agencies as he may designate, to purchase in the United States and transport and distribute grain, fats, milk, and other food-stuffs adapted to the relief of the distressed and starving women and children of Germany. That there is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the President, a sum not exceeding \$10,000,000, or so much thereof as may be necessary, for the purpose of carrying out the provisions of this joint resolution: *Provided*, That the President shall, not later than December 31, 1924, submit to the Congress an itemized and detailed report of the expenditures and activities made and conducted through the agencies selected by him under the authority of this joint resolution: *Provided further*, That the

commodities above enumerated so purchased shall be transported to their destination in vessels of the United States, either those privately owned or owned by the United States Shipping Board.

With the following committee amendments:

Page 1, line 6, after the word "foodstuffs," insert the words "for and."

The CHAIRMAN. The question is on the committee amendment.

The question was taken, and the amendment was agreed to.

Page 2, line 5, strike out the words "not later than" and insert in lieu thereof the words "on or before."

Mr. RAKER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman and gentlemen of the committee, I shall not say much on the amendment. Whichever way it reads, whether you leave the words as they are now or put in the words suggested by the amendment, the effect is identically the same. I want to say that I shall support this resolution, and it is remarkable how men differ in what they see. Possibly, at the same time that my friend from Massachusetts was traveling in Germany, in Berlin and through the Ruhr, I possibly was going around through the Ruhr on another road. It was told us then by responsible parties who gave us information that could not be denied that men and women and children were dying of starvation in the month of October last in the Ruhr. Everybody who saw that country and saw the condition of those people must have realized and must have known that before March of this year there would be thousands and tens of thousands of innocent children and innocent women who would die of actual starvation. During last October in the great city of Essen of 500,000 people the stores were open in the morning an hour and in the afternoon an hour with nothing to sell and nothing with which to buy. The same thing was true in Bochum. We saw these things with our own eyes. You would drive down through some of these large cities on a street a mile and a half in length and you would drive through 100,000 people, mostly men and women on the street, and not see one smile, but see them hungry, emaciated, and practically all they had in their arms was a little bag of potatoes or perhaps some carried a little bit of bread. There is no need to disguise the facts. What has been said in this testimony is true and the testimony does not contain all of the facts.

This is not a question of who started the war. These women were not responsible, and God knows these children were not responsible; and should we not now, under the circumstances and conditions, place this meager sum at the disposal of the Government so that the produce we now have that is going to waste may be given to these people to prevent them from starving. Humanity demands it. A great big-hearted Government requires it and it ought to be done, and now is the time to do it.

Mr. McSWAIN. Will the gentleman yield?

Mr. RAKER. I yield to the gentleman.

Mr. McSWAIN. Has the gentleman ever made this powerful and pathetic appeal to the humanitarian side of men in the churches or before any public audiences anywhere in America since he came back?

Mr. RAKER. My dear sir, I do not have to make it in the churches and before other people. This is the place to make it, among the men who are to vote upon this question to-day. [Applause.] We have the right to use our good, common sense. We have the right to use our judgment. We have the right to vote upon matters that will affect our people, and I want to call your attention to the fact that I am voting for this not only from a humanitarian standpoint but I am voting for it as a matter of defense. I want to tell you to-day, sir, that the German people have for the last year stood between Bolshevik Russia on one side and France on the other, and this will do more to prevent the spread of Bolshevism than this country could accomplish by spending a billion dollars; and why not do it when the opportunity comes. [Applause.]

Mr. CANNON. Mr. Chairman, a deplorable situation, unprecedented in modern times, confronts one of the great nations of the earth. Incredible as it may seem in this day of abundant food production, an entire nation is in the clutch of a famine which threatens to exterminate millions within the next three months.

Germany is slowly starving. According to Secretary Hoover, three-fourths of her people never get enough to eat, and from

ten to twenty millions of her vast population are in dire danger of starvation, and must perish unless help can be secured.

The children particularly are in imminent peril. An adult may pass through a period of starvation and with proper care may regain former health and return to normal without serious injury. But a child denied food during the critical period of growth and development even if it survives is permanently stunted, both physically and mentally.

In industrial centers of Germany 90 per cent of the children have not seen milk for months. In certain areas of Berlin 50 per cent of the children under the age of 14 are tubercular, a condition practically unknown in Germany before the war and due solely to undernourishment and lack of proper clothing and heat. The American Ambassador reports that children are being reared in homes in which fire is never kindled on the coldest winter days. Forty per cent of the German children go to school without any kind of breakfast, and 90 per cent to 95 per cent are habitually underfed.

One baby out of every ten born alive in Berlin is given over to an institution, because the parents are unable to provide food for it. I quote from the testimony of one of the witnesses who appeared before the Committee on Foreign Affairs during the hearings on this resolution:

I went into the hospital at Gelsenkirchen. Everybody had been turned out of the city hospital excepting very little children, and if I should bring a picture to this committee of what I believe to be the typical condition of the children in the Ruhr there would not be a moment's hesitation about relief from America. I saw little children, 120 in one hospital, suffering from tuberculosis; and bear in mind that tuberculosis among little children between the ages of 2 and 6 was not known in Germany before the war. It is simply due to malnutrition and absence of food. I saw little children suffering from tuberculosis, screaming that day, that Sunday afternoon, a sight that I will not forget to my dying day. One little mother had a 4-months old baby that weighed seven pounds when born. I saw the chart over the bed as in every German hospital. It weighed 6 pounds that day on her breast. The mother came 30 minutes every day to feed it from her breast to supplement the hospital feeding, and for three weeks at a time she could not get a single drop of milk. She had to feed the baby with warm tea. I went among other babies and nurses in the hospital and with the doctors in the hospital, and I am satisfied that children of Gelsenkirchen and Essen were literally starving to death, babies that were not born during the war.

General Allen, commander of the American Army of Occupation in Germany, testified before the committee that after an exhaustive investigation he estimates two million German children are now dying of starvation.

It is an appalling situation, and all the more distressing because it falls upon a people hitherto among the most provident and prosperous in the history of the world, a people who have been noted for the care and affection with which they reared their children.

It is a condition which appeals at once to the heart and conscience of every compassionate man or woman regardless of creed or nationality, and it is a duty as well as a privilege to alleviate such wholesale suffering and destitution and to render a service to a stricken people which will contribute to their welfare and the welfare of the world for generations to come. A generous and immediate response to this urgent call of distress is not only an economic necessity but a humanitarian obligation, and will in future years bring us greater returns in European markets, as well as in the gratitude of a distressed nation and the respect of the civilized world, than any other investment the American people could possibly make.

And while we do not contribute to the relief of misfortune with any hope or expectation of any immediate material reward, it is pertinent to note that in purchasing food and sending it to the people of Germany we are literally casting bread upon the waters, which will return to us almost immediately many times the amount invested, in the form of increased prices for agricultural products.

One of the most difficult and important questions now before the Nation and the Congress is the relief of distress in the agricultural districts of the United States. According to the Secretary of Agriculture, practically one-fourth of the farmers of the country are bankrupt, and the other three-fourths, with the merchants and bankers and professional men who do business with them, are facing imminent financial disaster.

The losses of the American farmer are largely due to the depleted purchasing power of Europe, notably of Germany.

Germany has consumed less than 6 bushels of bread cereals per capita during the past year as compared with 9 bushels per capita in 1909-1913. (United States Department of Agriculture, January 28, 1923.)

That is a decreased consumption for the past three years' period of half a billion bushels. The same situation obtains as to meat and meat products.

To restore the pre-war per capita of supplies of meats and fats it would be necessary for Germany to import over 1,000,000,000 pounds of beef, over 2,000,000,000 pounds of pork, and about 1,000,000,000 pounds of animal fats. (United States Department of Agriculture, January 28, 1923.)

In the same period American markets have been glutted with farm products which Germany needed, but could not purchase, partly because of disorganized industrial conditions, partly because of the occupation of the Ruhr, partly because of depreciated currency, and partly because the high tariff wall erected by America prevented her exchanging her manufactured goods for American farm products.

It is universally conceded that if some satisfactory disposition could be made of this surplus, or at least a part of it, the question would be solved. Various remedies have been suggested, but I wish to call attention to the one which is now before us, namely, that we give away this surplus or a part of it to those who need it most.

At first glance that may seem a radical and startling remedy, but it has been suggested by a very eminent official, no less an authority than the Secretary of Agriculture himself.

The distinguished gentleman from Massachusetts (Mr. ANDREW) tells us that neither the President nor any member of his Cabinet approves this bill. That may be true, but one of the members of his Cabinet, and the one best qualified to pass upon the subject, has specifically approved, if not recommended, this plan before this bill was ever introduced. On November 30, 1923, the Secretary of Agriculture, in a report to the President, rendered after long and painstaking investigation, said:

The sale or gift of a substantial part of our surplus wheat to countries which are not able to buy, and which would therefore take out of the ordinary channels of trade and competition the wheat sold or given, would unquestionably have a helpful effect upon the domestic prices of wheat. (The Wheat Situation, p. 74.)

The effect of such a plan is neither conjectural nor speculative. It is not merely a theory or an untried experiment, but has been proven by actual trial to be both practical and effective.

In December, 1921, Congress passed a bill appropriating \$20,000,000 for Russian relief. The bill was approved by the President December 22, 1921. Soon after its approval the United States Grain Corporation began the purchase by bids of wheat, corn, and other foodstuffs. The effect was immediately reflected in the price of both wheat and corn. On January 1, 1922, the average price of wheat in the United States as reported by the Bureau of Statistics of the Department of Agriculture was 93.3 cents per bushel. Purchases continued during January and February, and on March 1 the price had risen to \$1.169, an increase of 23.6 cents per bushel. This is all the more impressive when the seasonal trend of prices is considered. The trend of prices for the last five years is shown in the following table, supplied, with the exception of the prices for 1924, which are not yet available, by the Department of Agriculture:

Year.	January 1.	March 1.
1919-20.....	231.8	226.6
1920-21.....	149.2	147.2
1921-22.....	93.3	116.9
1922-23.....	105.6	105.1
1923-24.....	97	96

¹ January 15.
² March 17.

It will be observed that each year, with the significant exception of the year 1922, the price of wheat declined from January 1 to March 1. The only exception it found in the period during which wheat was being sent to Russia, and during which, instead of a decline, there was an increase of almost 25 per cent.

A like effect was noted for the same period upon the price of corn. The first purchases of corn for the Russian relief made in the last week of December, 1921, were at an average price of 62 cents per bushel f. o. b. steamer, while at the end of February and the first of March, 1922, the corresponding price ranged

from 70 to 72 cents per bushel, an increase of more than 16 per cent in the price of corn brought about by America's contribution to Russia.

The passage of this resolution will not only relieve the situation in Germany, but it will also dispose of sufficient of our surplus foodstuffs which now depress our domestic markets, to repay in the increased prices of farm products and in the consequent prosperity of the farmer, many times the amount which the resolution appropriates.

If we can by this one measure relieve the distress of a sister nation and at the same time contribute to the prosperity of our own people its enactment will constitute an achievement of the highest statesmanship.

The passage of this resolution means health and in many instances life itself to suffering women and children. In the darkest periods of the mediæval ages when the light of chivalry shown faintest the care and protection of women and children was the supreme test of knighthood. Surely in this enlightened age we can not measure modern civilization by any less humane standard or criterion.

When the Nazarene gathered about Him upon the hills of Judea such as would be fed, physically as well as spiritually. He gave particular care and attention to the children. He recognized no distinction of sect or creed or race or people or nationality. The children of friend and foe, of Pharisee and Sadducee, of Jew and Gentile were alike the object of His tenderest care and solicitude. Through all the tenor of His discourse the regard and reverence for childhood is stressed and emphasized and reiterated. Surely, now as then, *inasmuch as we minister unto the least of these we minister unto Him*.

When a ship goes down at sea the safety of the women and children is the first consideration. In all the long annals of American heroism, on land or sea, in peace or war, there is no finer figure than that of the gallant Captain Jason, of the *Atlantic*, giving his life belt that a child might live, or the knightly Major Butt forming the line of embarkation on the reeling deck of the *Titanic*. Can we invalidate that splendid record here to-day?

It is the glory of America that she has always protected the weak; that she has succored the distressed and ministered to the helpless and the unfortunate. She has never yet, at home or abroad, from French, Belgian, Slav, Russian, or Japanese, failed to heed the call of humanity, and I can not believe that she will fail now.

The salvaging of starving women and children is not a question which admits of debate. I trust this resolution will have the approval and indorsement of the House by a decisive majority. [Applause.]

Mr. FISH. Mr. Chairman, I ask unanimous consent that all debate on this bill and all amendments thereto close in 10 minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent that all debate on this resolution and all amendments thereto close in 10 minutes. Is there objection?

Mr. CONNALLY of Texas. I object.

Mr. JONES. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I have an amendment which I propose to offer and I ask that it be read for information in my time.

The CHAIRMAN. The gentleman from Texas asks that an amendment that he proposes to offer be read in his time. The Clerk will read.

Mr. LONGWORTH. Mr. Chairman, the committee amendment has not been disposed of.

Mr. JONES. I am asking that this amendment, which I propose to offer, may be read in my time.

The CHAIRMAN. The Clerk will read the amendment. The Clerk read as follows:

Page 2, line 14, after the word "board" insert the following proviso: *Provided further, That in purchasing such grain and other foodstuffs as are herein provided for, preference shall be given wherever practicable to purchases from farmers and cooperative organizations of the farmers.*

Mr. JONES. I regret that I can not support the bill. But I believe we are trustees for other people's money, and that we have not the right to vote funds out of the Treasury for other than governmental purposes.

Mr. Chairman, however, the temper of the House indicates a determination to pass the measure, and if it is to be passed I do not see why anyone should object to giving preference to cooperative organizations in making purchases. There are many cooperative organizations which have millions of bushels

of wheat. They are struggling to better the condition of the farmers. There is other wheat in the hands of speculators, and it seems to me that while it is being done, these organizations should be favored in every possible way. Therefore I think it is advisable to go to the cooperative organizations in making these purchases wherever it is practicable.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. JONES. Yes.

Mr. NEWTON of Minnesota. Here is a world commodity; how is a provision of that kind going to be of any benefit to the individual farmer? The gentleman certainly does not expect the Government to pay more than the market price?

Mr. JONES. Mr. Chairman, I am talking about cooperative associations. Here is an easy market for great quantities of wheat. Why not give first chance to the cooperatives?

Mr. NEWTON of Minnesota. Does the gentleman want the Government to pay cooperative organizations more than it will pay anyone else?

Mr. JONES. There is a surplus of wheat in this country and there always is a surplus of wheat in this country. Somebody must ship that wheat away. The United States Government is going to do that if this resolution should pass. Does the gentleman prefer that the Government should buy from speculators or from cooperative organizations? Does the gentleman object to the Government buying from cooperative organizations? We have wheat growers' associations all over the United States. There is the Northwestern Wheat Growers' Association, which operates in the gentleman's own country. There is the Texas Wheat Growers' Association and the Oklahoma Wheat Growers' Association, and a number of others that have wheat that they must dispose of somewhere, and while doing this, why not give them the benefit of it?

Mr. WEFALD. Mr. Chairman, will the gentleman yield?

Mr. JONES. Yes.

Mr. WEFALD. I call the gentleman's attention to the fact that right in the city where the gentleman from Minnesota lives, Minneapolis, the Government representatives could buy from a cooperative association, the Cooperative Equity Exchange, one of the largest in the country.

Mr. JONES. Does not the gentleman favor that?

Mr. WEFALD. I do.

Mr. JONES. Why should the Government go out and buy from some speculator when there are cooperative associations all over the country which have surplus products in their hands who are praying for relief? Why not give them relief?

The CHAIRMAN. The time of the gentleman from Texas has expired. Without objection, the pro forma amendment will be withdrawn, and the question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report a further committee amendment.

The Clerk read as follows:

Committee amendment: Page 2, line 12, after the word "transported" strike out the words "to their destination," and in lines 12 and 13, after the word "vessels" in line 12 strike out the words "of the United States, either those privately owned or."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The amendment was agreed to.

Mr. VAILE. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. VAILE: Page 2, line 2, after the word "Treasury" insert the words "derived from miscellaneous receipts and."

Mr. VAILE. Mr. Chairman, the effect of this amendment would be to make the resolution read: "There is hereby authorized to be appropriated out of any money in the Treasury derived from miscellaneous receipts and not otherwise appropriated," and so forth, instead of simply providing generally that the sum is appropriated out of any money in the Treasury.

I offer this amendment as a friend of the resolution for the purpose, if possible, of avoiding an objection which seems to me to be well founded in point of law. It has been urged here all day that, as a matter of constitutional principle, you can not devote money raised by the compulsory process of taxation to the relief of people of another country, no matter how urgent their need or how strong its appeal to our sympathies. If that objection should be raised in court by a taxpayer and carried to the Supreme Court of the United States it seems to me very clear indeed that the court would say we could not do

it. Of course, we hope and believe that no such objection will be made. We hope and believe that the American people in their abundance and prosperity will not grudge a sum equal to less than 10 cents per person to save the innocent victims of a cruel war—noncombatants who did not cause and who could not have prevented the war, many of whom did not know of it, and many of whom were born after it was ended.

But, to be perfectly frank about it, the reason why we are going to adopt this resolution to-day is not because we think it is constitutionally sound. It is because we are sure it is morally sound. And consequently we hope that the people whom we represent will not be disposed to insist upon their strict technical rights.

We are voting for it, or at least I am, because we can not endure the thought of millions of little children, whose lives are of so much importance to the future of civilization, dying from starvation, while our own children are plentifully fed and warmly clothed. We are voting for this donation because we dare not reproach ourselves in the future with the vision of emaciated little bodies and weakened faces, aged children looking piteously at death inflicted upon them from no fault of their own.

But for these very reasons I would like, if I can, to remove what seems to me a technically correct ground of opposition to this resolution. Let us consider what happens when a man does not pay his taxes. Upon his final inability to do so his property is sold. His house may be sold over his head. And it seems to me that the Supreme Court would be bound to hold that a man's property can not be sold in order to obtain money any part of which is to be used to meet the needs of people in another part of the world, and consequently that the resolution in its present form is beyond our power to pass. Is there any way in which that can be avoided? The Government has some revenues not derived from taxation, and they amount to a very considerable sum.

Those revenues are the revenues known as miscellaneous receipts, and they include, among other items, such things as interest on foreign debts, sales of Government property, receipts from the public domain, such as sales of public lands and timber, canal tolls, fines, forfeitures, penalties. Of course the ultimate burden on the country is just exactly the same, whether you take it from that class of funds or from funds raised by taxation.

Mr. McKEOWN. Mr. Chairman, will the gentleman yield?

Mr. VAILE. Yes.

Mr. McKEOWN. Under the gentleman's amendment there would be no danger of penalizing some man who did not pay his taxes.

Mr. VAILE. He could not be heard to say that his property was sold for the purpose of taking money, even a part of the amount, for the benefit of some other people. Of course it comes out of the Treasury finally in the long run, but that particular objection is gone. I hope the committee will agree to this amendment. I believe it is sound.

I am in favor of this resolution, and I am sorry that the argument has been made that we should pass it because any particular class of people in the United States, even the farmer, will derive some benefit from it. It seems to me that cheapens this gift, if we are going to make it.

Mr. GRIFFIN. Does the gentleman think there is enough money in the Treasury of the class referred to to meet this obligation?

Mr. VAILE. There was \$658,000,000 in that class of funds last year. There will be at least that much next year, none of it raised by taxation. Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado.

The question was taken, and the Chair announced the yeas seemed to have it.

On a division (demanded by Mr. VAILE) there were—yeas 29, noes 125.

So the amendment was rejected.

Mr. McKEOWN. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. McKEOWN: Page 2, line 14, after the word "Board" strike out the period and insert the following: "Provided further, That the Secretary of Agriculture is hereby authorized, for the spring of 1924, to make advances or loans to farmers in the boll weevil, drought, and flood stricken areas of the United States, where he shall find that special need exists for such assistance,

for the purchase of seed, feed, food, and for actual farming expenses, not including the purchase of equipment, as he may find need for the cultivation of farm lands within the said State, not to exceed in any instance the sum of \$6 per acre. Such advances or loans shall be made upon such terms and conditions and subject to such regulations as the Secretary of Agriculture shall prescribe, including an agreement by each farmer to use the money obtained by him for the production of such crops as the Secretary of Agriculture may designate. A first lien on the crop to be produced from money obtained through this loan or advance made under this act shall, in the discretion of the Secretary of Agriculture, be deemed sufficient security therefor. All such loans or advances shall be made through such agencies as the Secretary of Agriculture shall designate, and in no instance shall any portion of funds obtained through the administration of this act be used for the payment of obligations other than those incurred under the regulations as provided by the Secretary of Agriculture in the administration and in accordance with the provisions herein contained.

"Sec. 2. That for the purposes of this act there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$5,000,000, to be immediately available, and not more than \$15,000 may be used in the District of Columbia by the Secretary of Agriculture in the administration of this act."

Mr. BEGG. Mr. Chairman, I make the point of order on that; the Clerk does not need to read further. I make the point of order that it is not germane.

The CHAIRMAN. The Chair thinks sufficient of the amendment has been read to convince the Chair that it is not germane, and the point of order is sustained.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment—

Mr. SEARS of Florida. Mr. Chairman, a parliamentary inquiry.

The Clerk read as follows:

Page 2, line 14, after the word "Board" strike out the period and insert the following: "Provided further, That this act shall take effect only if and when the adjusted compensation measure for the American veterans of the World War shall become a law."

Mr. BEGG. Mr. Chairman, I make the point of order on the amendment.

Mr. FISH. Mr. Chairman, I make the point of order that the amendment is not germane.

The CHAIRMAN. The gentleman from Florida made a parliamentary inquiry.

Mr. SEARS of Florida. I desire to withdraw it.

The CHAIRMAN. Does the gentleman from New York make the point of order?

Mr. FISH. I do; that it is not germane to the bill.

Mr. BLANTON. Mr. Chairman, I want to be heard in that connection, if the Chair will permit.

The CHAIRMAN. The Chair will state that this is an extremely close question of parliamentary law.

Mr. FITZGERALD. Mr. Chairman, I am heartily in favor of this joint resolution, and I do not want to see it postponed, but I do believe that there should be an orderly progression of legislation. I do not believe this House is justified in granting this relief to a foreign nation with which we have been lately at war until we fulfill a great moral obligation due to our own people. [Applause.] This amendment is directed to the time when this act shall take effect. I do not believe a point of order can lie against its germaneness. I shall not cite any particular authority because if it is not apparent to the Chair that this is a limitation on the time that the act shall take effect, even though that time may never occur, then I do not want to argue the matter further. I shall vote for this measure whether this amendment is adopted or not, but I hope that this Congress will be as scrupulous in the discharge of its duties to our own people as it is quick to respond to the needs of suffering humanity in the lands beyond the seas.

Mr. BLANTON. I want to be heard on the amendment. I cite the Chair to an authority that ought to be controlling because it is a decision by the present occupant of this Chair. It is a limitation under the decision of the Chair pure and simple, and I cite the Chair to the decision which the Chair rendered the other day on the stop-watch proposition. If the Chair will read that decision he will see it is a limitation and it is a proper limitation.

Mr. LONGWORTH. Of course the argument of the gentleman from Texas falls absolutely flat because he is classing this as an appropriation bill which it is not, and it only applies to an appropriation bill.

Mr. BEGG. I would like to offer the observation also that this is not an appropriate amendment for the simple reason that it would defeat the will of this House. If it developed that the will of the House is in favor of German relief and if this amendment would be incorporated and then the soldiers' adjusted compensation would never become a fact, then the will of the House would be defeated, and any amendment that is designed to defeat the majority purpose of a bill is not germane to it.

The CHAIRMAN. The Chair will hear the gentleman from Texas.

Mr. CONNALLY of Texas. Mr. Chairman, I submit that this amendment is in order for this reason: Regardless of its being an appropriation bill, and granting that it is legislation, this Congress has the right to make its legislation effective at any time it sees fit. Suppose, instead of saying "when the bonus bill passes," this amendment said, "Provided, however, That this act shall not become effective until the first day of July, 1924." Would not that be in order? Would it not be within the power of this Congress to fix the time when this act shall become effective?

Mr. BLANTON. Just like the reclassification act.

Mr. CONNALLY of Texas. I submit to the Chair, Would it not be proper for this House to provide in this bill that it should become effective on the happening of any contingency that this committee might see fit to name? Would it not, as suggested by the gentleman from Oklahoma [Mr. CARTER], be in order to provide that this bill should not become effective until the adjournment of this Congress?

And is it not possible for this Congress to fix the effectiveness of this legislation upon any reasonable contingency? The only hypothesis upon which it could be reasonably contended that that is not true would be on the hypothesis that the bonus bill would never become a law and that it is not intended that it shall become a law.

Mr. BRITTEN. Mr. Chairman, will the gentleman yield?

Mr. CONNALLY of Texas. Yes.

Mr. BRITTEN. Does the gentleman think it would be in order to amend the resolution by providing that it shall not be effective until a subsidy has been granted to American ships?

Mr. CONNALLY of Texas. Certainly it would. It might be a foolish amendment, and in that case I think it would be foolish; but the House can vote down a foolish amendment. That does not go to the question of the power of the House. It goes to the question of the wisdom of the amendment.

Mr. FAIRCHILD. Mr. Chairman, will the gentleman yield?

Mr. CONNALLY of Texas. Yes.

Mr. FAIRCHILD. Does not the gentleman from Texas recognize the difference between a limitation of a certain event and an uncertain event?

Mr. CONNALLY of Texas. Yes; certainly. This is not a limitation. This is fixing the time when the act shall become effective. It has been held on several occasions that limitations on appropriation bills providing that such and such an appropriation shall only become available upon the happening of a contingency are in order. If that can be done by a limitation why can not it be done on a legislative bill? If such a limitation on an appropriation is germane, why is not a similar provision as to the effective date of legislation germane? Does not the rule as to germaneness apply to an appropriation bill as well as a legislative bill? If the limitation is germane, this provision is germane. If this amendment is not germane, how can the limitation on an appropriation be germane?

Mr. LONGWORTH rose.

The CHAIRMAN. The Chair will hear the gentleman from Ohio.

Mr. LONGWORTH. Mr. Chairman, following the argument of the gentleman from Texas [Mr. CONNALLY] to an ultimate conclusion, you might provide that this bill should not obtain until the passing of any or all of the bills now on the Calendar of the House. It is an absolute absurdity. You might just as well add that this bill shall not take effect until the tax reduction is accomplished, or until this or that or every bill on the calendar has become a law, or until agricultural relief is given, or something of that sort. I think that after a moment's thought the Chair will say that such an amendment can not obtain.

The CHAIRMAN. The Chair is ready to rule. This House joint resolution is for the relief of distressed and starving women and children of Germany. It deals with that question exclusively. At the end of the resolution the gentleman from Ohio seeks to add a proviso, as follows:

Provided further, That this act shall take effect only if and when an adjusted-compensation measure for the American veterans of the World War shall become a law.

The Chair will state that he finds himself in some doubt because of two decisions which at first blush seemed to him to be conflicting. I think, however, upon analysis and some thought, that there is a distinction, which I shall endeavor to point out. The War Department appropriation bill was before the House on June 24, 1922, with Speaker GILLET in the chair, and an item had been read for the continuation of work on Dam No. 2 on the Tennessee River, at Muscle Shoals, Ala., to be immediately available, \$7,500,000; and to that Mr. HUNDLESTON offered a substitute, an amendment which had the following language in it:

Provided, however, That this appropriation shall not become available until such time as the Congress shall have taken final action on H. R. 11903, and not then if the subject matter of said bill is enacted into law in a manner as will result in the consummation of contracts for lease and sale of the Government Muscle Shoals properties to Henry Ford: Provided further, That this provision shall not operate to postpone such availability later than January 1, 1923.

To that amendment Mr. Stafford, of Wisconsin, offered a point of order. The Speaker said during the discussion:

The Chair will state that it seems to the Chair very clear that the provision carrying out the purposes of the Government as to contracts for lease or sale is legislation. The Chair will hear the gentleman on that.

After further discussion the Chair ruled on the matter. The Speaker said:

The Chair is ready to rule. It seems to the Chair that this is purely a limitation on the appropriation. It does not make an appropriation available that the present law does not make available. It simply makes it contingent on a future event, and that seems to the Chair is merely a limitation. The Chair overrules the point of order.

That would seem, on the face of it, to be authority, but there is this distinction: That was an appropriation bill and the Chair was deciding the matter on a question of limitation under the limitation rule, and not on the question of making the appropriation available on the passage of some other act.

Mr. LONGWORTH. Mr. Chairman, may I interrupt the Chair for just a moment?

The CHAIRMAN. Yes.

Mr. LONGWORTH. Is there not this main distinction: That that was a bill which provided for a definite appropriation while this bill is merely an authorization?

The CHAIRMAN. There was that distinction and this other distinction which distinguishes it from the case before the committee now, namely, that the subject matter—even if it had not been an appropriation bill—covered by the limitation was another act relative to the same subject matter.

Now, then, afterwards, on the 9th day of February, 1923, with Mr. Speaker GILLET in the chair, a bill was before the House, and a motion to recommit was made, as follows:

Mr. O'CONNOR moves to recommit the bill to the Committee on Ways and Means with instructions to that committee to report the same back forthwith with the following amendment: At the end of the bill insert: "This resolution shall not go into effect until the Hay-Pauncefote treaty is repealed."

A point of order was made against it by Mr. Stafford, and Speaker GILLET sustained the point of order. The Chair thinks that is authority, and sustains this point of order.

Mr. CONNALLY of Texas and Mr. BURTNESS rose.

The CHAIRMAN. For what purpose does the gentleman from Texas rise?

Mr. CONNALLY of Texas. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The Chair will recognize the gentleman from North Dakota.

Mr. BURTNESS. Mr. Chairman, I offer the amendment which is at the Clerk's desk.

The CHAIRMAN. The gentleman from North Dakota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BURTNESS: Page 1, line 3, after the word "distribute," strike out "grain, fats, milk, and other," and also the word "foodstuffs," in line 6, and insert in lieu thereof the word "wheat."

Mr. BURTNESS. Mr. Chairman and gentlemen of the committee, I want to correct, first of all, the misstatements which

have been made on the floor time and time again this afternoon to the effect that the appropriation of \$20,000,000 to Russia— [Cries of "Vote!" "Vote!"] Mr. Chairman, I could not get any time in general debate, and I think gentlemen will be courteous.

The CHAIRMAN. The gentleman is entitled to the floor for five minutes.

Mr. BURTNESS. Claims have been made that those appropriations were made out of the Federal Treasury and at the expense of the Federal Government. That is not the fact. I have here the act which was approved on December 22, 1921, a portion of which reads as follows:

The President is hereby authorized to expend, or cause to be expended, out of the funds of the United States Grain Corporation, a sum not exceeding \$20,000,000—

And so forth.

Reference has also been made to the amounts that were furnished the different Balkan countries. I sent for that act and have it here. It was approved on March 30, 1920, and provided for the sale of 5,000,000 barrels of flour to relieve populations in the countries of Europe suffering for lack of food and the act gave permission to take securities in exchange for such flour. Under the terms of that act the sales were made and securities were accepted, not one of which has been paid, amounting to \$56,858,802.49. So on those two items alone you made possible contributions of almost \$80,000,000 to starving peoples in Europe, and at the expense of whom? At the expense of the taxpayers of this country? Not at all, but at the expense of wheat farmers of the United States. How did that become possible? Simply by reason of the fact that Congress authorized a law by which, by one stroke of the pen, the price of wheat to the wheat producers of the country was reduced practically \$1 a bushel, and thereafter through the operations of the Grain Corporation—in fact, after the war was over—you continued buying the farmers' wheat at a price which was much lower, as everybody concedes, than the price would have been if the ordinary laws of supply and demand had operated.

The Grain Corporation therefore made profits, and out of such profits on the purchase and resale of wheat you have made these contributions in the past. This being the case, and if I further prove to you by the testimony of the German authorities themselves and by the testimony of Secretary Hoover that the thing that is really needed over there in Germany to-day is 25,000,000 bushels of wheat, is it not a fair proposition under those facts and circumstances which I will bring before you if I have the time, that when you are going to expend \$10,000,000 for further relief over in Europe, that you at least buy from the farmers who, at their own expense and at their own cost, made it possible for you to expend \$80,000,000 for these charitable purposes in the past? Should they not have your first consideration?

In the request made by the German Government to the Reparations Commission for a \$70,000,000 loan you will find a request for two purposes only. Those purposes are wheat and edible fats. You will find that formal request at page 5 of the hearings. Secretary Hoover in his testimony states specifically that those two are Germany's needs. Read the Secretary's testimony and you find that the fats have been procured by importations larger than in 1922, leaving the present great need that of grain for bread.

The CHAIRMAN. The time of the gentleman from North Dakota has expired.

[Mr. BURTNESS was given leave to revise and extend his remarks in the Record.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Dakota.

The question was taken, and the amendment was rejected.

Mr. JONES. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas [Mr. JONES] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. JONES: On page 2, line 14, after the word "board," insert the following proviso: *Provided further*, that in purchasing such grain and other foodstuffs as are herein provided for, preference shall be given, wherever practicable, to purchases from farmers and cooperative organizations of farmers."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. JONES.]

The question was taken; and on a division (demanded by Mr. JONES) there were—ayes 165, noes 68.

So the amendment was agreed to.

Mr. UNDERHILL and Mr. CONNALLY of Texas rose. The CHAIRMAN. The gentleman from Massachusetts is recognized.

Mr. UNDERHILL. Mr. Chairman, I offer an amendment. Mr. CONNALLY of Texas. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CONNALLY of Texas. Is not a member of the committee entitled to recognition?

The CHAIRMAN. The gentleman is right.

Mr. SEARS of Florida. I make the point of order, Mr. Chairman, that the gentleman from Massachusetts was recognized.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. UNDERHILL: At the end of the bill insert: "*Provided further*, that the German Government appropriate and expend an equal amount for the same purpose."

Mr. UNDERHILL. Mr. Chairman, the amendment speaks for itself. If they care for their people, let us make this a 50-50 proposition.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. UNDERHILL].

The question was taken; and on a division (demanded by Mr. UNDERHILL) there were—ayes 84, noes 180.

So the amendment was rejected.

Mr. CONNALLY of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas [Mr. CONNALLY] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CONNALLY of Texas: Page 2, line 14, at the end of the paragraph, insert: "*Provided*, That this act shall not become effective until January 1, 1925."

Mr. SNYDER. Mr. Chairman, I make a point of order against that.

The CHAIRMAN. Did the gentleman from New York [Mr. SNYDER] make a point of order?

Mr. SNYDER. I withdraw it.

Mr. RANKIN. I make a point of order, Mr. Chairman.

The CHAIRMAN. The gentleman will state the point of order.

Mr. RANKIN. I make the point of order, which is the same as the point of order that was made against the amendment offered by the gentleman from Ohio [Mr. FITZGERALD].

Mr. BEGG. Mr. Chairman, I make the point of order that that is not a point of order at all.

Mr. RANKIN. And I also make the point of order if it is not germane.

The CHAIRMAN. The Chair overrules the point of order. The question is on the amendment offered by the gentleman from Texas [Mr. CONNALLY].

Mr. CONNALLY of Texas. Mr. Chairman, I withdraw the amendment. I just wanted the Chair to rule on it.

Mr. FISH. Mr. Chairman, I move that all debate on this resolution and all amendments thereto do now close.

The motion was agreed to.

Mr. McSWAIN. Mr. Chairman, I had an amendment at the desk which I wanted to submit; and I ask that I be permitted, as I am not allowed to talk, to extend my remarks in the Record.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent to revise and extend his remarks in the Record. Is there objection?

Mr. CONNALLY of Texas. Mr. Chairman, I make the point of order that under the rules the committee can not shut off debate, as long as there are amendments, until the amendments offered have at least been debated five minutes.

Mr. LONGWORTH. Mr. Chairman, there is nothing in the rules to that effect. It is still within the power of gentlemen to offer amendments after all debate has been shut off.

The CHAIRMAN. That was the understanding of the Chair, that at any time during the consideration of a bill by the Committee of the Whole a motion could be made to close debate.

Mr. CONNALLY of Texas. After there has been debate, Mr. Chairman; and there must be some debate on the amendment.

Mr. SANDERS of Indiana. Mr. Chairman, there are no pending amendments. The gentleman makes the motion, and it certainly applies here. There is nothing in the rules that excludes it.

Mr. CONNALLY of Texas. Mr. Chairman, the gentleman from Georgia [Mr. CRISP] has corrected me, and states that the rule is that after five minutes' debate on the section the motion can be made; so I withdraw the point of order.

The CHAIRMAN. The Chair was about to read that rule. The Clerk will report the amendment offered by the gentleman from South Carolina.

The Clerk read as follows:

Amendment offered by Mr. McSWAIN: Page 2, after the last word of the bill, insert: "Provided, That the provisions of this act shall be effective only upon evidence to the satisfaction of the President that the sum of \$10,000,000 shall have been paid into the treasury of the National Committee for Relief of German Women and Children from private sources and contributions."

Mr. LONGWORTH. Mr. Chairman, I make a point of order against that amendment. I do not think that is germane to this bill.

Mr. Chairman, this proposition, while nominally the same, is not directly related to the subject matter of the bill. It would render ineffective perhaps the passage of the bill. It seems to me it comes under the ruling that the Chair has previously made. It is not properly related to the subject matter, and therefore is not germane.

The CHAIRMAN. The Chair will say that this amendment is different from the one the Chair ruled upon. It reads as follows:

Provided, That the provisions—

The Chair assumes that it means the provisions of this act—

Mr. McSWAIN. It means the provisions of this act.

The CHAIRMAN. Reading that into it, it says:

Provided, That the provisions of this act shall be effective only upon evidence to the satisfaction that the sum of \$10,000,000 shall have been paid into the treasury of the National Committee for the Relief of German Women and Children from private sources and contributions.

Mr. McSWAIN. Mr. Chairman, I ask unanimous consent that I may modify the amendment by writing into it "to the satisfaction of the President."

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent to modify his amendment. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the modified amendment.

The Clerk read as follows:

Page 2, after the last word of the bill, insert: *Provided, That the provisions of this act shall be effective only upon evidence to the satisfaction of the President that the sum of \$10,000,000 shall have been paid into the treasury of the national committee for the relief of German women and children from private sources and contributions.*

Mr. LONGWORTH. Mr. Chairman, there is no evidence whatever that there is such a committee to relieve German women and children.

Mr. RANKIN. Mr. Chairman, I make the point of order that all debate on the resolution is closed.

The CHAIRMAN. The gentleman from Ohio is speaking upon his point of order.

Mr. LONGWORTH. I want to call attention to the fact that nowhere in the resolution itself, either directly or indirectly, does it appear that there is any other fund being raised or attempted to be raised to supply foodstuffs for the German starving children. How could you satisfy the President that such a fund had been applied to the extent of \$10,000,000? We do not know that such a committee exists, and to make this resolution take effect on a contingency that the President shall be satisfied that somewhere, somehow, by some kind of agency, a similar contribution has been made is as ungermane to the bill as anything upon which the Chairman has ruled.

The CHAIRMAN. The Chair is ready to rule on this matter. The joint resolution provides that the President is authorized to purchase foodstuffs and to use therefor \$10,000,000, which is to come out of the Treasury of the United States; to carry out the provisions of the act he is to purchase foodstuffs, distribute them through his agencies to the hungry and needy women and children in Germany, and report the same to Congress, and to transport the same in American ships.

Now, this amendment provides that the provisions of this act shall be effective only upon evidence to the satisfaction of the President that a sum of \$10,000,000 has been paid into the

treasury of the National Committee for Relief of German Women and Children from private sources and contributions. Thus far in the consideration of this act that is the first mention, the first notice anyone has had that there is such an organization as a National Committee for the Relief of German Women and Children. The contribution proposed in the act is an appropriation from the Federal Treasury, with which Congress has a right to deal and with which it is legislating. The amendment seeks to take notice of acts of contributions from private sources. It introduces the new and foreign matter to the bill at issue, and the point of order is sustained.

Mr. WEFALD. Mr. Chairman, I move to amend, on page 2, in line 4—

Mr. BANKHEAD. Mr. Chairman, I make the point of order that if the gentleman is going to offer an amendment, under the rules that amendment should be in writing and read from the desk by the Clerk.

The CHAIRMAN. The gentleman is correct. The gentleman from Minnesota will send his amendment to the desk.

Mr. OLIVER of Alabama. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. OLIVER of Alabama: Page 2, line 14, after the word "Board," strike out the period and add the following: "*Provided further, That the President may transport the commodities in vessels other than those owned by the United States Shipping Board, if in his judgment it can be done at a lower cost.*"

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Alabama.

The amendment was rejected.

Mr. WEFALD. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. WEFALD: Page 2, line 4, strike out the figures "\$10,000,000" and insert in lieu thereof the figures "\$20,000,000."

Mr. WEFALD. Mr. Chairman, having moved the adoption of the amendment to raise the amount of the relief for starving women and children of Germany from \$10,000,000 to \$20,000,000, it is needless to say that I am for the bill. I have carefully watched the debate and the trend of opinion among the best-informed gentlemen who have taken part in the debate has been that \$10,000,000 dollars will not be enough. When the distinguished gentleman from New York [Mr. FISH], who is the author of the bill, closed the general debate, he stated that "\$10,000,000 is not adequate by a long way to relieve distress in Germany; twice \$10,000,000 is needed." It seems to me that the author of the bill should have asked for a larger amount. I understood, after debate started here to-day, that some of the gentlemen interested were going to try to amend the bill in this particular, but as no one else found courage to do this, I felt in honor bound to do so by proposing to double the amount of the aid, but found no opportunity to do it until after debate was cut off.

My reasons for amending the bill so as to double the amount of the relief is that if 20,000,000 people in Germany are starving or needing relief we can not very well donate anything less than a dollar apiece. It has been said in this debate that there are 2,000,000 babies that are suffering for lack of food, especially milk, and if there are that many babies suffering there are that many mothers also that ought to have assistance.

I have met some young men who came as immigrants from Germany last summer and heard the stories these simple, truthful, young rustics had to tell. They were tales of horror, and these young boys will always have stamped upon their faces the shadow of the greatest tragedy that has ever come upon any nation. I have seen photos of starving German children who were as gruesome to look at as any that came out of India in a time of famine. The newspaper and magazine articles that we read, telling about Germany's economical recovery and her hidden wealth are written to order and for pay. We are yet under the spell of French propaganda and will continue to be so as long as our stock gamblers have money invested in European, especially French, stocks and securities.

German childhood to-day is the greatest tragedy of the ages. The small northern countries of Europe, Holland, and the Scandinavian countries have done all they could with their slender means ever since the close of the war to ameliorate the awful conditions that German childhood suffers under. Norway and Sweden have from year to year taken whole shiploads of German school children and given them a rest and

vacation and sent them back to their school work in the autumn like new beings. These Scandinavian people not only gave their money, but took these little unfortunates into their homes, where—so I have been told—these little unfortunates after a while were able to laugh, which they had not done for years. Can we then give less than a few dollars?

On the question of the relief itself I wish to say that as to the question of constitutionality the best legal minds in the House are divided. The great old Roman from Ohio [Mr. Burton] has convinced me that the Constitution is no bar to this gift; but in the discussions on the question of constitutionality I have been forcefully reminded that eloquence and tenderness of heart do not always go hand in hand. I am sure that the founders of our Constitution never intended that we should shut our hearts against suffering and that only our reason and not our conscience should be accountable to God who gave us both.

Aside from humanitarian reasons, I vote for this appropriation because I want to save our national conscience. We are partly guilty for the terrible conditions in Germany to-day. The gentleman from Virginia [Mr. Moore], one of the few real big men here, has expressed the truth when he said, "the fact of suffering is undisputed. It has come mainly since France went into the Ruhr; and that adventure of France has not met, so far as I know, with any serious opposition from the United States." Indeed, it has not. Our bankers have loaned France money—our people's money—and our administration says it approves of it. This money is, of course, to be used to bolster up the cause of France in the Ruhr, and to prolong, not only the suffering of Germany, but the misery of Europe as a whole. I am in favor of telling France what the American people think about it. Let such a note follow upon the heels of this gift.

Some platitudes have been uttered in this debate about Germany having stood between the rest of the world and Russian Bolshevism. Such talk is pure bunk. If Germany has served any purpose at all, in her stricken condition, as a buffer between the rest of the world and any military or social danger to our civilization, it has been that of being a carrion upon which the French vulture has been so busily engaged in feeding that it has sought no other prey.

I hope this act of mercy that we are now undertaking here will come to the stricken people like a ray of hope from heaven and as a word of warning to the French. Let it go over there as a protest against the negroes and barbarians that the French have saddled upon the Germans in the Rhineland and the Ruhr. There is nothing but hatred where the dumb suffering has not calloused the soul so it can not even hate. France is taking from Germany her coal and iron and pays for it with insults and fresh crimes.

I quote from a recent book by Francesco Nitti:

If the impressionable minds of the French and Belgian children are being filled with savage hate, and the memory of past crimes is being kept alive among them, the German teachers might be excused for going to any lengths to keep alive, not past crimes, but present ones. The negroes and barbarians who have been stationed on the Rhine to humiliate the Teutons are a spectacle to which they can not close their eyes. To be sure, the Germans broke the treaty of 1839 in regard to Belgium, but the Entente has broken, in regard to Germany, not only all their promises and pledges but even the treaty of Versailles of 1919. It is true that the Germans shot Miss Cavell, and the deed to their shame will not be soon forgotten, but the negroes in time of peace have assaulted with impunity the German women on the Rhine, who have died of shame and anguish.

The Germans have as much right as anyone else to remember their martyrdom. Of course the Germans, during the war, confiscated property of conquered people, but this was done as a military measure, whereas the events in the Ruhr, which are independent of any military or industrial program, aim at establishing a hegemony, both in war and in peace, through obtaining control of the coal and iron of the whole continent.

Hatred is kept alive in the boys of Belgium and France by reminding them of the sins of the Germans in the war, but hatred blazes in the souls of the German boys at sight of daily crimes, and is further inflamed by constant privations. Amid all these old and new hatreds, what will Europe become? Must the uninterrupted sequence of crimes and murders continue as in the family of Atreus? The endless chain of wrongs is forged, and each link is the inevitable result of the last.

Where such conditions exist there must be disorder, unemployment, and starvation.

Will it not be worth ten or twenty millions to throw a ray of hope into such despair as there must be? We were a party to

the treaty of Versailles, and we stand idly by and see it violated and thrown to the winds.

In these days, right here in our own country, there is much talk about the superiority of certain race strains. We are shaping our immigration laws with a view to admitting into our country more of the so-called Nordics, and less of other strains. From Germany, in time, will come a great number of the immigrants we will be willing to admit into our country. For that reason it is fitting that we now do something that those who shall be our future citizens will be fit and worthy of admission. Under the present law she is entitled to send us 67,607 persons per year, and no matter what census we adopt as a basis for a new immigration law, she will be allowed to send us a number of her sons and daughters that can only be exceeded in number by those that Great Britain and Ireland will send us.

According to the census of 1920 we had 7,259,902 persons of German blood foreign-born or of foreign or mixed parentage, or about 20 per cent of the total foreign stock population. When you think of this it brings the German crisis much closer to us; makes it something akin to our own problem, as far as saving lives of innocent women and children and as far as upholding the ethics of the Christian religion goes. I think of what a national asset our people of German blood have been to us and what it has cost Germany to rear and fit for usefulness the sturdy sons and daughters she has sent us.

Then I, for one, am willing to vote this little donation toward milk for German babies because of what Germany has been to world civilization and progress, in spite of what she has sinned, for which she has suffered so much and yet will suffer. The cause of humanity is the cause of the whole world. I could find no fitter word to close this, my justification for my vote on this matter, than by again quoting from the war premier of Italy, Francesco Nitti, when he says:

We would blush if we were accused of treating a half-savage race in the way we are treating Germany. We believe that everything is lawful against the Germans; that is, against the people which in 150 years has given to the world the greatest thinkers, from Kant to Schopenhauer, the greatest artists, from Beethoven to Wagner and Goethe, and has made the greatest contributions to science and industry.

Even if there is in the persecution a keen desire to torment those who were most loved, there is also a fervent hope of depressing and disintegrating the German nation.

What kind of future are we preparing for our children? What will be our own future? As we make our bed, so we shall have to lie in it. We shall not find peace at home again in any nation, or prosperity, or healthy conditions of life, until this sad period of ignorance and brutality has passed away.

The cause of Germany and of the other vanquished peoples is henceforward the cause of the whole world, for on that cause alone depend the peace and the economic prosperity of the whole earth.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Minnesota.

The amendment was rejected.

Mr. RANKIN. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. RANKIN: Page 1, Line 7, after the word "Germany," insert the words "and Porto Rico."

Mr. RANKIN. Mr. Chairman, I would like to have that clause read with the amendment in it.

Mr. BEGG. I make the point of order on the amendment.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that the House joint resolution may be read with his amendment included within it, as if it had been agreed to. Is there objection?

Mr. LONGWORTH. Mr. Chairman, I object.

Mr. SARATH. I object.

Mr. BEGG. Mr. Chairman, I make the point of order on the amendment offered by the gentleman from Mississippi.

Mr. BLANTON. Mr. Chairman, I make the point of order that the gentleman's point of order comes too late.

The CHAIRMAN. What is the gentleman's point of order?

Mr. BEGG. It is not germane. This is relief for Germany.

Mr. BLANTON. Mr. Chairman, I submit that the gentleman's point of order comes too late, business having intervened.

The CHAIRMAN. The Chair is of opinion that it does not come too late. The point of order is sustained.

Mr. SEARS of Florida. Mr. Chairman, I offer an amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. SEARS of Florida: Page 1, line 5, after the word "grain," add the word "fuel."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Florida.

The amendment was rejected.

Mr. FISH. Mr. Chairman, I move that the committee do now rise and report the joint resolution to the House with the amendments, with the recommendation that the amendments be agreed to and that the joint resolution as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GRAHAM of Illinois, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration House Joint Resolution 180 and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the resolution as amended do pass.

The SPEAKER. The previous question is ordered by the rule. Is a separate vote demanded on any amendment? If not, the Chair will put them on grosse. The question is on agreeing to the amendments.

The amendments were agreed to.

Mr. SEARS of Florida. Mr. Speaker, a parliamentary inquiry. When is the motion to recommit in order?

The SPEAKER. After the third reading.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time.

Mr. SEARS of Florida. Mr. Speaker, I demand the reading of the engrossed copy of the joint resolution.

The SPEAKER. The gentleman from Florida demands the reading of the engrossed copy of the House joint resolution.

DEPARTMENT OF INTERIOR APPROPRIATIONS—CONFERENCE REPORT.

Mr. CRAMTON. Mr. Speaker, I present a conference report upon the bill H. R. 5073, making appropriations for the Department of the Interior for printing under the rules.

The SPEAKER. The conference report will be referred to the Committee of the Whole House on the state of the Union.

Mr. GARRETT of Tennessee. Is it a complete report?

Mr. CRAMTON. It is except as to one item, the Bright Angel Trail.

Mr. GARRETT of Tennessee. Is it the gentleman's intention to call it up in the morning?

Mr. CRAMTON. It must be first acted upon by the Senate. I shall call it up on the first opportunity.

RELIEF OF WOMEN AND CHILDREN OF GERMANY.

Mr. LONGWORTH. Mr. Speaker—

Mr. SEARS of Florida. Mr. Speaker, at the request of my friends, I withdraw my demand for the reading of the engrossed bill. [Applause.]

The bill was ordered to be read the third time; was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. FISH. Mr. Speaker, I demand the yeas and nays.

Mr. BRITTEN. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from New York demands the yeas and nays. Obviously there is a sufficient number, and the yeas and nays are ordered.

The question was taken; and there were—yeas 240, nays 97, answered "present" 3, not voting 91, as follows:

YEAS—240.			
Ackerman	Cable	Cullen	Foster
Allen	Campbell	Cummings	Frear
Arnold	Canfield	Dallinger	French
Bacharach	Cannon	Darrow	Fulbright
Barbour	Carew	Davey	Fuller
Barkley	Casby	Davis, Minn.	Funk
Beck	Celler	Danison	Gardner, Ind.
Beers	Clague	Dickinson, Iowa	Gernan
Begg	Clancy	Dickinson, Mo.	Glatfelter
Berger	Clarke, N. Y.	Dickstein	Goldsborough
Black, N. Y.	Cleary	Dowell	Graham, Ill.
Boies	Cole, Iowa	Dyer	Green, Iowa
Boyer	Cole, Ohio	Eagan	Greenwood
Boylan	Colton	Ellott	Griffin
Britten	Connery	Evans, Iowa	Hardley
Browne, Wis.	Cook	Evans, Mont.	Hardy
Brown	Cooper, Ohio	Fairchild	Haugen
Buchanan	Cooper, Wis.	Fairfield	Hawes
Buckley	Cornish	Faust	Hawley
Burkwick	Cramton	Fayrot	Hayden
Burdick	Croll	Fish	Hickey
Burleson	Crosser	Fisher	Hill, Md.
Burton	Crowther	Fitzgerald	Hill, Wash.

Howard, Nebr.	McLaughlin, Nebr.	Patterson
Huddleston	McLeod	Perkins
Hudson	McSweeney	Perlmann
Hudspeth	MacGregor	Porter
Hull, Iowa	MacLafferty	Prall
Hull, Tenn.	Magee, N. Y.	Furnell
Hull, William E.	Major, Ill.	Ragon
Jacobstein	Major, Mo.	Rainey
James	Manlove	Raker
Johnson, Wash.	Mansfield	Ramsayer
Johnson, W. Va.	Mapes	Rathbone
Jost	Mead	Richards
Kearns	Michener	Roach
Keller	Miller, Wash.	Robinson, Iowa
Kent	Milligan	Rogers, Mass.
Kerr	Mills	Rogers, N. H.
Ketcham	Minahan	Romjue
Kindred	Mooney	Rosenbloom
King	Moore, Ill.	Rouse
Kopp	Moore, Ohio	Rube
Kunz	Moore, Ind.	Sabath
Kurtz	Morehead	Sanders, Ind.
Kvale	Morgan	Schafer
La Guardia	Morin	Schall
Lampert	Murphy	Scott
Larson, Minn.	Nelson, Wis.	Sears, Nebr.
Lee, Calif.	Newton, Minn.	Sear
Letherwood	Newton, Mo.	Shallenberger
Leibach	O'Brien	Sherrwood
Lindsay	O'Connell, N. Y.	Shreve
Linthicum	O'Connell, R. I.	Simmons
Little	O'Connor, La.	Sinclair
Logan	O'Connor, N. Y.	Sinnott
Longworth	O'Sullivan	Sites
Lozier	Oliver, N. Y.	Smith
McKenzie	Palge	Speaks
McLaughlin, Mich.	Parker	Spruiell, Ill.

NAYS—97.

Abernethy	Collins	Seimon
Allgood	Connally, Tex.	Sanders, Tex.
Almon	Crisp	Sandlin
Andrew	Curry	Sears, Fla.
Anthony	Davis, Tenn.	Snyder
Aswell	Deal	Spruiell, Kans.
Ayres	Dominick	Stearns
Bacon	Drane	Swank
Bankhead	Driver	Taber
Bell	Fleetwood	Taylor, W. Va.
Birler	Free	Thomas, Okla.
Black, Tex.	Freeman	Tillman
Blanton	Fulmer	Tincher
Bowling	Garrett, Tex.	Tucker
Box	Gasque	Underhill
Brand, Ga.	Gibson	Vinson, Ga.
Brand, Ohio	Harrison	Vinson, Ky.
Browne, N. J.	Hastings	Williams, Tex.
Browning	Hensay	Wilson, La.
Bundy	Hill, Ala.	Wilson, Miss.
Buster	Hood	Woodrum
Byrnes, S. C.	Hosker	Wright
Byrns, Tenn.	Humphreys	
Carter	Jeffers	
Collier	Johnson, Tex.	

ANSWERED "PRESENT"—3.

Garrett, Tenn.	Kress	Sumners, Tex.
----------------	-------	---------------

NOT VOTING—91.

Aldrich	Graham, Pa.	Madden	Stevenson
Anderson	Greene, Mass.	Magee, Pa.	Strong, Pa.
Beedy	Griest	Merritt	Sullivan
Blaid	Hammar	Michaels	Summers, Wash.
Bloom	Holiday	Miller, Ill.	Swope
Briggs	Howard, Okla.	Montague	Taylor, Colo.
Chubbok	Hull, Morton D.	Morris	Taylor, Tenn.
Christopherson	Johnson, Ky.	Morrow	Temple
Clark, Fla.	Johnson, S. Dak.	Nolan	Thomas, Ky.
Connolly, Pa.	Kahn	Oldfield	Tinkham
Dempey	Kelly	Peavey	Tydings
Doughton	Kendall	Phillips	Vare
Doyle	Knutson	Rea	Vestal
Drewry	Langley	Quayle	Ward, N. C.
Edmonds	Leavitt	Ransley	Ward, N. Y.
Fenn	Lee, Ga.	Reed, N. Y.	Wason
Fredericks	Lilly	Reed, W. Va.	Weller
Frethingham	Linberger	Rvid, Ill.	Weish
Gallivan	Luce	Sanders, N. Y.	Werts
Garber	Lyon	Schneider	Williams, Ill.
Garner, Tex.	McIntire	Smithwick	Yates
Gifford	McLadden	Snell	Zelman
Gilbert	McNulty	Stalker	

So the joint resolution was passed.

The Clerk announced the following pairs:

On the vote:

Mr. Williams of Illinois (for) with Mr. Gilbert (against).
 Mr. Doyle (for) with Mr. Beedy (against).
 Mr. Bloom (for) with Mr. Garrett of Tennessee (against).
 Mr. Quayle (for) with Mr. Thomas (against).
 Mr. Weller (for) with Mr. Reed of Virginia (against).
 Mr. Schneider (for) with Mr. Kendall (against).
 Mr. Vestal (for) with Mr. Oldfield (against).
 Mr. Michaelson (for) with Mr. Lee of Georgia (against).
 Mr. Ransley (for) with Mr. Stevenson (against).
 Mr. Peavey (for) with Mr. Greene of Massachusetts (against).
 Mr. Sullivan (for) with Mr. Sumners of Texas (against).

General pairs.

Mr. Langley with Mr. Clark of Florida.

Mr. Snell with Mr. Fox.

Mr. Graham of Pennsylvania with Mr. Drewry.
 Mr. Christopherson with Mr. Howard of Oklahoma.
 Mr. Reid of Illinois with Mr. McClintie.
 Mr. Johnson of South Dakota with Mr. Morris.
 Mr. Griest with Mr. Vare.
 Mr. Frothingham with Mr. Garner of Texas.
 Mr. Aldrich with Mr. Ward of North Carolina.
 Mr. Reed of New York with Mr. Lilly.
 Mr. Swope with Mr. McNulty.
 Mrs. Nolan with Mr. Montague.
 Mr. Wason with Mr. Smithwick.
 Mr. Luce with Mr. Morrow.
 Mr. Kahn with Mr. Johnson of Kentucky.
 Mr. Strong of Pennsylvania with Mr. Lyon.
 Mr. Lineberger with Mr. Hammer.
 Mr. Yates with Mr. Gallivan.
 Mr. Fenn with Mr. Doughton.
 Mr. Edmonds with Mr. Briggs.
 Mr. Fredericks with Mr. Taylor of Colorado.
 Mr. Miller of Illinois with Mr. Tydings.

Mr. SUMNERS of Texas. Mr. Speaker, I voted "no." I am paired with the gentleman from New York, Mr. SULLIVAN, and I desire to withdraw my vote and answer "present." He is against the bill.

Mr. GARRETT of Tennessee. Mr. Speaker, I am paired with the gentleman from New York, Mr. BLOOM, who is in favor of the bill. I desire to withdraw my vote of "no" and answer "present."

The result of the vote was announced as above recorded.

Mr. LONGWORTH. Mr. Speaker, in the absence of the gentleman from New York I desire to move to reconsider the vote by which the bill was passed and to lay that motion on the table.

The motion was agreed to.

APPOINTMENT TO COMMITTEES.

The SPEAKER. The Chair desires to announce the following appointments to committees:

Committee on Aircraft: LAMPERT, VESTAL, PERKINS, FAUST, REID of Illinois, LEA of California, PRALL, O'SULLIVAN, and ROGERS of New Hampshire.

Treasury Department: MCFADDEN, KING, STRONG of Kansas, STEAGALL, and STEVENSON.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. GARNER of Texas, on account of illness.

To Mr. QUAYLE for an indefinite period on account of illness.

To Mr. TYDINGS for to-day on account of official business.

ENROLLED BILLS SIGNED.

Mr. ROSENBLOOM, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles:

S. 1982. An act granting the consent of Congress to the construction, maintenance, and operation by the Chicago, Milwaukee & St. Paul Railway Co., its successors and assigns, of a line of railroad across the northeasterly portion of the Fort Snelling Military Reservation in the State of Minnesota;

S. 2113. An act authorizing the Director of the Census to collect and publish statistics of cotton; and

S. 75. An act for the relief of the Cleveland State Bank, of Cleveland, Miss.

GERMAN RELIEF RESOLUTION.

Mr. MICHENER. Mr. Speaker, I ask unanimous consent to extend my remarks on this joint resolution.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. MICHENER. Mr. Speaker, this resolution provides:

That the President is hereby authorized, through such agency or agencies as he may designate, to purchase in the United States and transport and distribute grain, fats, milks, and other foodstuffs for and adapted to the relief of the distressed and starving women and children of Germany. That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the President, a sum not exceeding \$10,000,000, or so much thereof as may be necessary, for the purpose of carrying out the provisions of this resolution.

And so forth.

The war with Germany has ended. Germany is vanquished, and our action to-day should in no way be affected by the feeling which we entertained toward Germany during the war. Of course we do not favor the course pursued by the German Government during the war, nor in many instances by the German Government or the German people since the war. These, however, are matters beside the question. We are to-day

confronted with a condition. It matters not what the cause, the facts are clear and undisputed.

There are approximately two and one-half millions of undernourished and starving German children and millions of helpless mothers in Germany to-day. These mothers and these little tots are not responsible for the war. They are the victims of that conflict.

The statistical statement compiled by the American Friends headquarters in Germany tells us that 2,500,000 German children are to-day starving and that the tuberculosis rate among school children is appalling. Competent authorities who have made a careful investigation of the situation in Germany to-day tell us that 20,000,000 of people in that country are in need of relief at this hour. Mr. Houghton, a former Member of this House, and now the ambassador to Germany, tells us that in large areas of the city of Berlin more than 50 per cent of the children are tubercular; they are weak from undernourishment, and there is less than 50 per cent of the amount of milk to supply their needs, and that they are entirely without fuel with which to warm their homes. Picture, if you will, these starving and freezing women and children in Germany, and then ask yourselves the question: Is there a man or woman in this land, understanding the situation, who would hesitate for a moment to grant all the relief possible?

I think the spirit of America is exemplified in the action of our colleague, the gentleman from New York [Mr. FISH], who introduced this resolution, and who is its principal sponsor on the floor of the House. Germany had no more bitter foe during the World War than this same [Mr. FISH.] He was a typical American then; he served his country well on the field of battle, and was decorated for gallantry in battle. He is a typical American to-day. America has never fought women and children, we have ever extended a hand to the helpless. We do not want to punish the innocent for the wrongs of others, and we will in this hour of distress extend the hand of friendship to this people.

When the women and children of Russia were starving but a few years ago America did not hesitate to come to the rescue, even though those starving people were living under a government which this country would not recognize, and even though conditions were brought about by that very form of government, nevertheless our people recognized the condition and regardless of the cause unhesitatingly gave of their wealth.

Gentlemen on the floor of this House, who have visited Germany within the last few months, have told us of the appalling conditions, and I can not understand how anyone present could listen to the statement of the gentleman from Indiana. [Mr. WOOL] and then vote against this resolution. I am unable to fathom the mind of the man who attempts on some constitutional ground to escape doing what seems to be the demand of humanity in this instance.

It is true that this money which we are appropriating is the people's money and that we are the representatives of the people, and I for one am proud to say that I believe that the people of the district which I have the honor to represent in Congress will approve of this action. Those people did their duty during the war and they have hearts. Conscience is not dead. We are not being generous; we are only preventing starvation.

One of the great economic questions in the country to-day is to find relief for the farmer. There is not a lack of foodstuffs in this country, there is a surplus, and the question with which we are now wrestling is how to dispose of that surplus in a way that will give the farmer a fair price for what he produces.

When this country bought \$20,000,000 worth of wheat and corn to send to the starving Russians, the effect was immediately felt by the farmer of the country when he was relieved of this surplus. Ten millions of dollars spent at this time for the purposes provided in this resolution will not only save millions of lives, but will at the same time give a measure of relief to our agricultural interests.

Then, again, if we are viewing this matter from a selfish standpoint, it seems to me that the effect of this action will be most wholesome upon the relation between these two countries.

Before the war it was not a disgrace to be of German extraction, and a reconstructed Germany means much for the generations of the future. America has no desire to annihilate the German people. We appreciate their value and their worth and our purpose should be to encourage and not discourage. General Allen, of the American Army, who has made a survey of the needs of Germany at this time, in speaking before the committee, said:

They are a virile people who have contributed greatly to the progress of civilization, and the world, it seems to me, needs them with their strength restored. Moreover, owing to the instability of inter-

national friendships, this gesture of humanity, such as the people of the United States are now showing, should prove a valuable asset for our Government in its future international relations.

General Allen's words do honor to the Nation and are worthy of its best traditions.

The hope of the starving children in Germany depends upon our action here to-day, and I for one shall cast my vote on the side of humanity, and in so doing I believe I speak the hearts and the souls of the American people.

Mr. McSWAIN. Mr. Speaker and gentlemen of the House, I am opposed to the passage of this House Joint Resolution 180, providing for the appropriation of \$10,000,000 to be invested in foodstuffs and transported by the President for the relief of the distress amongst the German people. My opposition does not grow out of lack of sympathy for those unfortunate people. In fact, I have for them an intense and genuine sympathy, and I had a great sympathy for them even in 1917. I felt then, and I still believe, that the masses of the German people were innocent victims, having been caught in the whirlpool of imperialism and militarism and were powerless to assert themselves. I do not question the sincerity of the motives of those who sponsor and vote for this resolution; but I do very respectfully submit that, though the motive may be good, the method is bad. It is another example of using the wrong way to do the right thing. Undoubtedly many of the German people are in distress. Undoubtedly some of their great barons of imperialism, having heaped their millions upon millions both during the war and since the war, and those selfish individuals, drunk with their great power of rotten riches representing the distillation of blood and tears of millions of German men and women and children, do not open their hearts and purses to their own fellow countrymen. Undoubtedly gentlemen are right in saying that we, the victors, should be generous and we should show a liberal spirit by deeds of merciful ministrations. But to appropriate the money from the Federal Treasury is not the proper way to represent the hearts of the American people, and it will not produce the same effect upon the minds and hearts of the German masses as a voluntary donation would.

THE APPROPRIATION IS UNCONSTITUTIONAL.

The money collected by taxation in all forms, but especially from the income tax, is exacted under penalties of law from the American people, and this fund is impressed with a trust and that trust is that the Congress shall appropriate that money for public purposes and for nothing else. If we can appropriate money to feed suffering people in Russia, and in Germany, and in China, and in Africa, and in Japan, and anywhere, then we can appropriate money to promote the cause of foreign missions in China, and to advance the cause of education in Africa, and to promote the financial progress of Europe, and to encourage the study of art in Paris. When we leave the definite path of the Constitution and cease to acknowledge that the public purpose for the common defense and general welfare of this country alone is the guide for appropriations of tax money from our Treasury, and having left this well-beaten path to go into strange fields, then there is no limit that can be set, and when that begins then tax reduction will hardly be a dream.

IMPEDES AND PREVENTS MELLON PLAN.

The plan of tax reduction begins with the fundamental proposition of reduction of appropriations. Until we start to reduce and cut down the money appropriated from the Treasury, it is worse than idle and more foolish than folly to talk about tax reduction, and, in fact, most of this talk about tax reduction has been devoted to the matter of tax shifting. It has been a discussion as to how some of the burden may be taken from the shoulders of one man, or one group, or of one class and cast upon the shoulders of another. No great commanding voice has yet pronounced the fundamental solution of the problem, which is the reduction of appropriations. Now here is the chance of some of the ardent enthusiasts of the Mellon plan to render the country a genuine service. Let some of these so anxious for tax reduction go into the courts and ask for an injunction to restrain the President from expending this money for the purpose as stated on the ground that it is a violation of the trust by Congress and is a conversion of the funds belonging to the people and is a void and illegal effort to take money extracted by penalty of law from the people for a specific purpose, to-wit, for the common defense and general welfare, and to divert that money to other and unlawful and unconstitutional purposes.

THE RESOLUTION IS UNAMERICAN.

The foundation of Americanism is individualism. Taxes are paid grudgingly. When America goes with her gift of mercy and generosity to the German people, it ought to be such a gift as will bless the giver and the receiver. To tax for the purpose of manifesting a spirit of generosity is destructive of generosity. The way to have done this was to organize a great national committee and then to enlist the assistance of all the churches and of all fraternal societies and of all Y. M. C. A.'s and of all Y. W. C. A. bodies and of chambers of commerce and put on a nation-wide campaign that would speak from every home and hamlet, from every town and city, from every farm and factory, from the heart of the whole American people to the heart of the whole German people, the thought that the Americans do not now and never did entertain any malice toward the unfortunate masses of the German people. Woodrow Wilson spoke truly when, in his great war message, he proclaimed in effect that we were to set out upon a war that would result in the betterment in the long run of the German people themselves, and all of his war messages constituted a powerful appeal to the civilian population in the German nation, reminding them that we were fighting for human liberty, and therefore for German liberty, and that the German people, along with other people, would ultimately be the beneficiaries of our mighty crusade for democracy. Undoubtedly the German armies had not been defeated in the field on November 11, 1918. Undoubtedly the morale of the people back home was broken and the Government and the army felt that they no longer had the support of the civilian population, and realizing this they felt that defeat in a military way would come inevitably, and therefore they should seek for the best terms possible before final destruction. But if the civilian population had continued to support in a loyal way the Government and the army, though the Germans would undoubtedly in the end have been defeated in the field, it would have taken at least a year longer, because the Germans were on the defensive and the Allies must expose themselves in order to advance, and the German machine guns and riflemen and artillery and gas would have snuffed out the lives of perhaps 2,000,000 or 3,000,000 more of the Allies before final surrender. We need to show these masses of the German people in a certain and substantial way that we are their friends and that so long as they shall continue to be the friends of freedom and be loyal to liberty and devoted to democracy, then we shall continue our friendship.

MY AMENDMENT TO DOUBLE DONATION.

For the purpose of real generosity, I offered the following amendment in the nature of a proviso at the end of the resolution:

Provided, That the provisions of this act shall be effective only upon evidence to the satisfaction of the President that the sum of \$10,000,000 shall have been paid into the treasury of the national committee for the relief of German women and children from private sources and contributions.

It is manifest that my purpose was to lash into activity the latent individualism of America. We are losing our old true personal independence, and to that extent we are losing our pristine greatness. We are encouraging a disposition to rush to the Government for everything. Even private and denominational schools and colleges and universities are not relatively as important as they were a few decades ago. Private enterprise in elementary education is practically a thing of the past. And yet I am one of those who still believes that the denominational colleges of this country, though small in number of students, and weak in finances as many of them are, have contributed an incalculable blessing to the building up of the citizenship of this Nation. Such a campaign for voluntary contributions as I formerly mentioned and as would be necessary by my amendment in order to raise the additional \$10,000,000, would be a blessing to the American people themselves. It would root out the war prejudices that still cling in the minds and hearts of our people. It would teach everywhere the brotherhood of man. It would develop an international perspective among our own people. It would be a great factor for peace in the future.

If now the gentlemen from New York (Messrs. FIAM and LaGUARDIA) claim that this resolution as proposed would do more for the cause of peace in one year than the League of Nations could do in five years, then I think I am safe in saying that the American people, by a great voluntary movement, such as that they employed to raise money for Red Cross purposes during the war, would raise this money to relieve suffering

amongst the women and children of the very nation against which we were but little more than five years ago actually fighting in the field, would do more for the cause of permanent peace, and do more to eliminate those passions that finally flame into war, in one year than 10 such resolutions as that under consideration could do, even if each of them appropriated ten times as much money as the one under consideration does.

In other words, \$1 given voluntarily, but speaking the same sincerity that the "widow's mite" spoke, would do more for the cause of international peace and of world understanding than \$100 extracted from the unwilling pockets of the protesting taxpayers and appropriated unconstitutionally and illegally from the Treasury.

THE FITZGERALD AMENDMENT.

This amendment proposed, in effect, to postpone the appropriation of the money contemplated by the resolution until after the ex-service men in the American Army and Navy should have had their compensation adjusted, and thus should have received a recognition in an official way of a normal obligation toward them by the American Government and people not heretofore discharged. In this connection I produce a letter expressing fairly and reasonably what is undoubtedly the sentiment of an overwhelming majority of the American people on the subject of adjusted compensation written by F. Gentry Harris, a prominent attorney at Spartanburg, S. C.:

SPARTANBURG, S. C., March 10, 1924.

Hon. J. J. McSWAIN,
Member of Congress, Washington, D. C.

DEAR MR. McSWAIN: I notice through the press that the bonus question will probably come up in the House soon.

As an ex-service man I want to give you my opinion on the matter, and I believe it is the opinion of a great majority of the men in this section who served in the war. I am talking now for the privates and not for the commissioned officers who received a fairly adequate compensation in the Army. If you will pardon a personal allusion, it will give you an insight into my viewpoint: I entered the Army as a private at \$30 per month. I was then getting a salary of \$1,900 per year in civilian life. I could have stayed out altogether on account of a blind right eye. And, also, just 10 days before I went to camp I was offered, and urged to accept, a job which would have paid me \$1,800 per year, as chief clerk of the registration board here in Spartanburg. I thought over the matter for a day and night and then decided that I had rather serve in uniform in camp as a private at \$30 a month than to wear civilian clothes at a time like that and hold down an easy job at five times the salary. And if the bonus is not granted I shall never be sorry of my choice. But the feeling of satisfaction that such a course now gives me does not pay grocers' bills and does not pay debts that I could have paid long ago if I had accepted the better job. I think there are thousands of other boys who did the same thing in the same spirit. And you and I know full well that without that spirit in the individual heart and mind there would have been no volunteers and conscription could never have been enforced with enough success to combat such a menace as confronted the world in 1917 and 1918.

Since getting out of the Army in March, 1919, I have married and now have two young Americans started on their way. It is my fondest hope for them that in man's estate they will stand ready for any sacrifice to keep Old Glory floating triumphantly in its battles for justice and humanity. But with how much more ardor can I train them to this attitude if I know that the Government they serve will in a measure remunerate them for material losses suffered in that service.

I will state frankly that up to a few months ago I was opposed to granting any bonus; but upon a more careful study of the subject I am convinced that it is the thing to do. Our country is prosperous, and it only seems fitting that our Government should show this much appreciation of the boys who kept her, as well as the whole world, secure from the threat of imperialism.

From reports in the papers some of the leading Republicans are against the measure; and if I am correct, the present administration is opposed to it. We are trusting you Democrats, together with the red-blooded, fair-minded Republicans, to put the thing over in spite of the opposition. I don't believe any Member of Congress will regret his support of this measure. The ex-service men are fast coming into positions of influence in this section, and I presume in all other sections of our country.

You are no doubt very busy and an answer to this letter is not especially expected; but if you feel so inclined I should appreciate a line telling me whether or not you are in favor of the bonus.

Very cordially yours,

F. GENTRY HARRIS.

A LESSON FROM THE WAR.

If the American people learn properly and apply one great lesson that has been taught by their participation in the World War, then their mighty investment of forty thousand million dollars in treasure and 300,000 wounded and disabled men and 75,000 thousand men killed, then this great sacrifice will not have been in vain, but will prove a blessing to posterity to the remotest generation. That lesson is that never again should the profiteer in time of war be permitted to put his hand into the Treasury of the war or of a private citizen. Consequently, it is the duty of this Congress and of the American people now, while the memory of the piratical practices of the selfish profiteer is still fresh in the minds of the people, to put legislation on the statute books to keep him from resuming his nefarious business when the next war breaks. It is, furthermore, our public duty, while many of those who served in the war Congress are still here, to give us the benefit of their experience and observations. Furthermore there are persons, such as officers in the Army and Navy and those who were officers in the civilian departments of the Government, and especially those who were connected with the War Industries Board, to give us now the benefit of their advice so that our legislation may be bottomed on actual experience and look to a practicable and workable solution of that all-to-be-desired principle that in time of war "equal burdens for all and special profits to none."

ONE AMERICAN LEGION POST TACKLES THE PROBLEM OF PEACE.

At Clemson College, in South Carolina, an institution of about 1,000 students, where all cadets are required to take four years' military training, there is an active American Legion Post, and at their meeting on November 7, 1923, resolutions looking toward discouraging the spirit of militarism and toward spreading the principles of brotherly love and mutual understanding among the nations were adopted, and I here insert those resolutions as worthy of preservation and dissemination:

INTRODUCTION.

For a long time the members of Clemson College Post, No. 42, American Legion, have felt that if the world is to have peace and if the last war is to be a war to end war, then some steps other than and different from those already taken must be now advanced. The resolutions printed below are the product of much thought and were adopted only after careful consideration. It is the sense of this post and others who have made a study of these resolutions that they offer the only real rock-bottom solution of the greatest problem now before the world. Disarmament, limitations, conferences, etc., must follow and not precede the course suggested in the following:

"Resolutions of Clemson College Post, No. 42, of the American Legion.

"Whereas in the recent World War we fought against the antiquated system of national rivalries which foment war, and thought that at the end of that struggle some means would be devised for settling international disputes by process of law based upon justice among nations; and

"Whereas that thing seems not to have come to pass, in spite of the efforts made to that end, but instead the old system of suspicious, war, and national rivalries in trade and armament is continuing, although the very existence of civilization and of whole peoples depends on displacing this system with a better, and this after five years of reconstruction; and

"Whereas the American Legion has gone on record on numerous occasions as favoring a judicial procedure in settling all international disputes; and

"Whereas Clemson College Post, No. 42, of the American Legion, having considered the foregoing facts carefully, and realizing that the accomplishment of the thing for which we fought and which made our sacrifices seem worth while is still in the indefinite and uncertain future, has come to the conclusion that the only way to make the realization of our objects sure is to further in every way possible the education of all peoples to the fact that war is unnecessary, illogical, and can be dispensed with: Therefore be it

"Resolved by Clemson College Post, No. 42, of the American Legion, That we do all in our power at all times to further this end and that we urge all peace-loving people throughout the world to do likewise; be it further

"Resolved, That we consider the only safe basis for permanent peace to be that spirit of brotherly love and mutual understanding among nations which will insure a full measure of justice to all nations; be it further

"Resolved, That we suggest the following concrete activities as being among those suitable for this purpose:

"1. Believing that the existence of permanent peace depends upon the proper education of the coming generations along these lines, that we urge writers and teachers of history and allied subjects to guard against anything which might create an unfriendly spirit in the minds of their readers and pupils toward any other country than their own; and

"2. That we urge the International Sunday School Lesson Committee to set aside at least one Sunday per year for the consideration of world peace and human brotherhood, and request ministers of the Gospel to devote one or more sermons per year to this theme; and

"3. That this post establish an annual prize or series of prizes for the best essays produced on this topic by any pupil in the local schools, and that we urge all Legion posts and post auxiliaries and all interested organizations in all counties to do likewise; that we urge our State Legion to give a similar series of prizes open to entries throughout the State; that we urge the National Legion to make some phase of this topic the subject for the annual essay contest; that we urge the National and State Legions to work out a series of prizes for college students, to include, if practicable, prizes given in each college, so as to draw out as large a number of entries as possible; and that the widest publicity be given these things.

"4. That we subscribe for the American Legion Weekly for each room in the local schools seating pupils of the sixth grade and above, and urge all other posts to do likewise.

"5. That we urge the American Legion to attempt to associate itself with the other World War veterans' associations, including those of former enemy countries, and all other societies which will cooperate in the adoption of an international slogan to the general effect that war is not inevitable, that it can be prevented without the sacrifice of the national honor of any country, and that the time is ripe for such prevention, such slogan to be selected as the result of a world wide contest, and that it appear upon the first cover page of every issue of the American Legion Weekly and of as many cooperating journals as possible.

"6. That we urge the national Legion to require each post in its annual report to make reply to the question, 'What have you done during the past year to further the cause of world-wide peace?'

"7. That we urge all posts and other public-spirited organizations to adopt those or similar resolutions with a suitable plan of action and to present this topic on suitable occasions; be it further

Resolved, That a copy of these resolutions be filed with the papers and other records of this post; that a copy be sent to the National and all State headquarters, to the American Legion Weekly, with a request that it be published, to every Legion post in South Carolina, to our representatives in the House of Representatives and in the Senate of the South Carolina State Legislature and the Congress of the United States, to the Governor and Lieutenant Governor of South Carolina, to the President of the United States and his Cabinet, and to such other individuals and organizations as this post may from time to time direct."

THE PLAN OF ACTION.

In furtherance of the provisions of the foregoing resolution, this post on the same date as the adoption of the resolutions also adopted a plan of action putting the provisions into specific form. This plan of action, on the execution of which the post is now engaged, is briefly this:

1. Offering of three prizes in the local high school for the best essays on the subject "How can permanent peace be achieved?"
2. Subscription for the American Legion Weekly for each room in the local school seating pupils of the sixth grade and above.
3. Getting in touch with the other posts in adjacent counties with the idea of getting county prizes offered similar to the above.
4. Getting in touch with department headquarters with the idea of getting similar prizes offered in other schools and in the colleges.
5. Having these resolutions and plan of action printed for distribution.
6. Reading the resolutions and plan of action at our annual armistice day banquet, November 12, 1923.

We request all Legion posts and other interested organizations or individuals to give this their careful study. We suggest that the matter be brought up at one meeting and be acted upon at a later one. If you feel as we do about these things, we urge you to adopt these or similar resolutions, with a suitable plan of action, and do all you can to further the peace idea.

THE WAR IS NOT OVER.

While the actual fighting at the front has ceased, or suspended, the war itself, the clash between nations, the struggle to carry on, is not ended and will not be ended until every grave heaped up to cover fallen soldiers shall have sunk to the

level of the common sod; until all scars shall have disappeared; until all sorrow shall have been assuaged; until the last sick and diseased and bruised soldier shall have been buried out of sight; until this vast debt of \$23,000,000,000 shall have been paid and until the damage inflicted upon civilization itself shall have been repaid, and a conservative estimate of the time necessary to do these things is 100 years.

TRIUMPHANT DEMOCRACY.

Though in reality and fundamentally the war did become a clash between the ideals of selfish hereditary class government on one side and of free and popular democratic institutions on the other, yet, as was inevitable, the full fruits of triumphant democracy have not been realized and may not be for 100 years. The laboratory of history is vast and the processes of reaction in her crucibles are slow, but they are inevitable and inexorable. The student of history is not disturbed by the dictatorship of a Mussolini and his fanatical Fascists in Italy. The evolution of Bolshevism in Russia he recognizes as but a passing phase of social evolution. The disturbances in Spain and in Greece and the political instability of old England, the mother of freedom, and the absolutism in France and demoralization in Germany, the student of history recognizes as the fevers always incident to a major surgical operation. The great net result is that the people of all nations, great and small, have now the freedom to prescribe their own governmental institutions. If these people, suddenly set free, for a time choose Bolshevism, or militarism, or capitalistic despotism, or proletariat demoralization, or political confusion, that is but an incident to the cause of freedom itself; it is but the evidence of their freedom, and if we believe in the Declaration of Independence and if we believe in the perfectability of human nature, and if we believe in the development of human intelligence, then we must believe that these free nations will finally settle down to such orderly governments as will best suit their own economic and social circumstances.

"DOUBTING THOMASES" IN AMERICA.

And yet even in America, the homeland of Thomas Jefferson, where the people are supposed to believe in and even to reverence the principles of the Declaration of Independence, we find some highbrow persons outside of Congress, railing at Congress, which is the expression of free institutions, and charging that Congress is degenerate and debauched and degraded and inefficient. These hypercritical and hypersensitive Americans claim that the Senate of the United States has been degraded by the adoption of the seventeenth amendment, requiring the Senators to be elected by the people in their respective States. If the Senate has become degenerate by the election of their 96 Members during the last 12 years by the people, then to what indescribably low degree of degeneracy must the House have descended during these 135 years of history, during which time all of its Members have been elected by the people every two years. If contact with the people will pollute the Senate in 12 years, then by the same token, the foulness of political degeneracy in the House would be indescribable in words and mathematically incalculable. We take no stock in such sentimentality. The legislative department of this Government is Congress, and it always has been clean, and always will be clean, because of the fact, and only because of the fact, that it must go before the people for election and reelection, and because all its acts are done in the open, where all men may hear and are recorded upon the printed page, where all men may read. It is this "pitiless publicity" that prevents corruption and preserves integrity and perpetuates official honesty.

IT IS NOT UNCLEAN TO EXPOSE UNCLEANNESS IN OTHERS.

The Congress, and especially the Senate, has spent some highly valuable time ferreting out and bringing into light of publicity some of the secret machinations of the executive and administrative departments of this Government. It is not only highly valuable service, but it is indispensable service. If this rottenness should continue to eat at the vitals of our Government and life, then but a few decades would measure our national existence. Furthermore, the legislative department is the only department that can perform this service. The judiciary department can not act until some one else brings matters to its attention in a judicial way.

It is unthinkable that a corrupt administrative department would expose its own corruptness. Therefore it remains for the legislative branch alone to speak the protest of 100,000,000 American hearts against wrongdoing in high places and to punish, not only by legal penalties prescribed by law and ad-

ministered by courts but to punish by exposure, to hold up to public scorn by making an example for all others that will deter wrongdoing and keep the Government clean.

TRUE DIGNITY CONSISTS OF SERVICE.

It has been complained that the Congress, and especially the Senate, is no longer dignified, since they are elected by the people. It is claimed that to act as a grand jury of inquest is undignified. It is charged that its motives are not patriotic but political. It is said that we are a bunch of scandal mongers instead of lawmakers. But let me say to all such supersensitive highbrows that true dignity consists in service and not in lazy and languid performance of public functions. The times demand it, the people demand it, duty demands it, that exploitation of official station and political influence for personal gain and private profit shall stop. The conscience of the Nation demands that public office shall be a public trust, not only with regard to property and money but with regard to that influence which goes with public office and which proceeds from the people and should be restored to the people and should never be converted into cash by the officeholder. It makes no difference what was the motive behind those Members of Congress that have been digging beneath the surface that seemed so respectable, and they have discovered down there corruption and bribery and graft and breach of trust that have shocked the conscience of the Nation. I believe that the motives of all of them of both parties have been and are patriotic. But the motive for the investigation did not create the wrongdoing that was disclosed by the investigation. The malfeasance in office, the breach of trust, must have been committed, as it was months or years before Members of Congress, after tedious and laborious effort, succeeded in discovering it and forcing it into publicity by rigid, scrutinizing cross-examination.

WHY WAS LINCOLN GREAT.

People everywhere praise the memory and applaud the name of Abraham Lincoln. Why do they regard him great? He was not one of those hypocritical highbrows that fear political contamination to result from contact with the people. Whatever greatness Lincoln had, manifested itself in his trust of the people, his confidence in the people, and his devotion to the cause of the people. And yet the Washington Post's chief editorial on March 24, 1924, under the heading "The Republican Crisis," denounces the Republican Members of Congress as leaderless and without courage, and says that "paralysis has overtaken Congress." Again, "What is the matter with the Republican leaders?" Again, "Can it be true that they are trembling for fear that further revelations." Again, "Scoundrels or moral cowards—it is a hard alternative, and the people shrink from imposing judgment." Again, "There is beginning to be widespread belief that there is corruption back of the silence which the leaders fear to face." Of course, I have no authority and am under no obligation to defend the Republican Members of Congress, but I do say that I believe as a class they are clean men, largely because they are elected periodically by the people, and that they are patriotic men, and I do know that they are courageous men. Therefore, when the Post in its editorial says, "There is beginning to be widespread belief that there is corruption back of the silence which the leaders fear to face," we have a significant confession of something that the Post must know, that the people have not yet learned. This corruption is not in and of the Republican Members of Congress. It must be, therefore, where the corruption has been found already, to wit, in the executive and administrative branches of the Government. If that be so, then the American people say, "More strength to the arm of Congress." "Let the Congress go on with its inquisitorial duty." Do not stop for any cause or reason until the last faithless officeholder shall have been exposed and driven from his place, whether high or low. Dig deep into the Bureau of Internal Revenue. Expose all the transactions of the Shipping Board. Lift into the sunlight the aircraft transactions. Let the Department of Justice be judged by the requirements of justice. Let the Veterans' Bureau understand that the money—nearly \$500,000,000—is collected in taxes from the people and appropriated by Congress to that bureau for the relief of the wounded and sick ex-service men of the World War and not to be eaten by overhead charges and not be consumed by corrupt and corrupting contracts.

It must be that such corruption as this is destroying the courage of the Republican Members of Congress; that must be the reason that all of them voted for the resolution to cancel the oil leases; that must be the reason that the Republican members of the investigating committees have in general done their duty to expose wrongdoing; that must be the reason that 72 Members of the Senate voted to certify Harry Sinclair to the United States court on charges of contempt of the power

and privileges of the Senate while only 1 Senator recorded his vote against it. The truth is, that the editorial of the Post is a manifestation of bad temper and is outrageously unjust to the Republican Members of Congress. It forgets that these Members of Congress must go back before the people in their several States and districts for reelection this fall, and if these Members of Congress by their records here show that they would cover up crime, that they sympathize with sinners against the civil laws, that they put party above country and would defend the Republican officeholder who is clearly shown to have breached his public trust, then the people will leave these Members of Congress home and will send others, either Democratic or Republican, but above all Americans, to stand for the clean thing in public life above party. The attitude of the Republican Members of Congress toward these investigations has, as a general thing, been highly creditable to them, and they must feel deeply the insult that has been heaped upon them by that very paper that they have been led to believe would be their defender.

CHARITY BEGINS AT HOME.

Before the Government can consistently take money derived from taxes to relieve distress, however grievous in other countries, it would be becoming that all distress in our own country should be first relieved. While labor is generally employed and while capital has been making unprecedented returns, the farmers of the country have been suffering as never before by reason of the dislocation in prices. This Congress ought to institute a great program of economic legislation for the rehabilitation of agriculture. It is not class legislation to give the farmers a chance to prosper. It is of the very highest policy of preparedness. Just as we must maintain a reasonable Army and arsenals, establish a factory to fix nitrates from the air for explosives in war, and just as we must build battleships with trained crews, and just as we must have coast defenses and airplanes and submarines, so, far more essential to prosperity in peace and to victory in war is a thrifty and contented agricultural class. It is so obvious that argument seems idle.

One of the most ardent advocates of the cause of agricultural relief legislation in this Nation is the Hon. J. S. Wanamaker, of St. Matthews, S. C., and we herewith produce a brief statement from his pen relating to that subject:

SUGGESTED SOLUTION OF FARMERS' PROBLEMS.

Efforts by governmental legislation to increase the money credits of farmers at high rates of interest charged through the agencies of local banks will not solve the problem of rehabilitation of American agriculture. Such legislation will be of only temporary benefit faced with extended disaster as future pay days present themselves. The foundation of permanent reconstruction and rehabilitation must be established upon broader lines of governmental cooperation and assistance if existing distressing conditions are to be ameliorated with encouragement and hope for renewed effort in the future.

Credits for production are worthless without markets that will absorb the products of the farm at a price that will return to the growers a fair and reasonable profit. Without profitable markets there is no incentive to produce, and unless markets are sufficient to profitably absorb the present gross measure of production, the only recourse for American farmers is to begin a drastic reduction in staple crops planted, if domestic requirements are to be primarily and largely the limit of absorption. Broadly suggested, the following economic fundamental necessities are presented to your thoughtful consideration, which the Government should at once seriously consider and act upon as measures of real relief to the pending distressful and suffering condition of American agriculture:

First. Regardless of political or divergent party views, the President of the United States should be urged by his Cabinet and memorialized by Senators and Congressmen looking to the best welfare of this Nation and the world at large to assemble without delay an international conference embracing the leading representatives of the principal European countries and make an earnest and effectual effort (a) to affect a prompt and satisfactory adjustment of the German reparations based upon Germany's ability to pay; (b) urge and, if possible, secure a speedy reduction of European armament to the end that peace may be established, industry revived, and debtor nations placed in position to begin a gradual liquidation of the enormous war obligations due this country.

Second. That immediate steps be taken by every available avenue of governmental facilities in foreign countries and at home to broaden and expand the present limited exports of American staple farm products with every country engaged in international trade with the United States. Surplus crops must be exported if the present measure of production is to be maintained and increased.

Third. To bring every possible pressure to bear upon Congress to speedily enact legislation for reducing the present high and unbearable rates of Federal taxation upon the rank and file of the people.

Fourth. To urge and secure without delay a lowering of the red-count interest rates on agricultural paper for short-term loans by the Federal reserve banking system and enforce, by agreement with member banks, that such reduction shall be passed to the benefit of the borrowing farmers. Farmers can not pay from 8 to 12 per cent on past due or new loans and rehabilitate their industry from existing burdens.

Fifth. That existing inflated freight rates on staple farm products be lowered materially by action of the Interstate Commerce Commission or by effective congressional legislation. Present freight rates on many staple farm products absorb existing market values of such products between points of origin and destination. The rates on all farm products are excessive and constitute a direct charge upon the growers in the transportation of their crops to domestic markets or to the ports for foreign shipment.

There can be no permanent prosperity for this Nation without a strong, virile, and prosperous agriculture. The downfall of every great nation recorded in the past has been due to the decadence of its agriculture and concentration of wealth in social and industrial centers. The present high standards of American living, education, and refinement are as much desired and essential to the forward progress of our civilization on the farm as to those who reside in centers of population and are supported from the products of the farms. Tenantry or peasantry is rapidly increasing.

WOODROW WILSON—IRELAND AND THE LEAGUE OF NATIONS.

Mr. MINAHAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record by inserting a speech of the Hon. Joseph T. Tumulty on the subject of Woodrow Wilson—Ireland and the League of Nations.

The SPEAKER. Is there objection?

Mr. LONGWORTH. Mr. Speaker, reserving the right to object, did not a gentleman object here the other day? I would rather the gentleman would not ask this at this time. I have no personal objection.

Mr. GARRETT of Tennessee. Mr. Bagg objected.

Mr. MINAHAN. He withdrew the objection. He told me the other day he would not object.

Mr. LONGWORTH. Very well, then I will not object.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. MINAHAN. Under leave granted to extend my remarks, I insert a speech of the Hon. Joseph P. Tumulty, at Orange, N. J., March 17, 1924, on the subject of "Woodrow Wilson, Ireland, and the League of Nations."

"History," wrote Bancroft, "is the high court of humanity, where truth must be heard and justice must be pronounced." The difficulty one finds in attempting to reach a fair interpretation and appraisal of a great man and his work is that, unfortunately, the appraisal and interpretation must come hot and be born out of the passions of the hour in which he labored and sought to achieve. The testimony as to the value of his achievements and the greatness of his career must necessarily come from those who are one-sided practitioners in that great forum of public opinion; the evidence is not fairly analyzed by the great jury nor adjudicated upon by impartial judges.

No, my friends, destiny, that inscrutable nuncio of God, works in a peculiar way its wonders to perform, and discredits the present as a safe standard by which to guide our judgments and our actions. Time, and time alone, the great solvent in the last analysis, is the final determinator.

Woodrow Wilson now being dead, in estimating the value of his life's work, his intentions, his motives, his high purposes, we are dealing with facts, hard and inescapable facts. In seeking to appraise the value of his career to the Nation and the world we are no longer affrighted or disturbed by the hobgoblins of political slogans and shibboleths, nor are we terrified by the upsets of election returns. Events in our own Nation's life and in the life of the world demonstrate that neither great careers nor grave public questions are ever permanently settled by the adversity of elections. No man can therefore be charged with politics who seeks before an audience like this, made up of all blends of political opinion, to exalt a great figure, an American, a beloved son of New Jersey, whose ideals are now making conquest of the heart of the world.

It is the sincere interest of Woodrow Wilson in Ireland and everything affecting her place in the sun that I would emphasize in my talk to you to-night. There was nothing sudden or ephemeral about it. Its basis was not political expediency. Indeed, it represented a veritable passion for freedom and liberty of men everywhere. He would not deny liberty to a nation or a people whose sons were ever ready to sacrifice their lives and expend their blood to attain it. To find the roots of that passion for liberty and freedom we are obliged to go back over the road to yesterday, where we learn how, years ago, as a candidate for office at the hands of the people of New Jersey, he laid down those doctrines of liberty and freedom out of which, in subse-

quent years, he attempted to weave a policy that became world-wide in its effect.

Speaking in New Jersey more than a decade ago, he said, "The Declaration of Independence was, indeed, the first audible breath of liberty, but the substance of liberty is written in such documents as the declaration of rights attached, for example, to the first constitution of Virginia, which was a model for the similar documents read elsewhere into our great fundamental charters. That document speaks in very plain terms. The men of that generation did not hesitate to say that every people has a right to choose its own forms of government—not once, but as often as it pleases—and to accommodate those forms of government to its existing interests and circumstances. Not only to establish but to alter is the fundamental principle of self-government." Woodrow Wilson believed that "when at any time the people of a Commonwealth find that their government is not suitable to the circumstances of their lives or the promotion of their liberties, it is their privilege to alter it at their pleasure and alter it in any degree. That is the foundation, that is the very central doctrine, that is the ground principle of American institutions." Continuing, Woodrow Wilson said, "I want to read a passage from the Virginia Bill of Rights, that immortal document which has been a model for declarations of liberty throughout the rest of the continent:

"That all power is vested in, and consequently derived from, the people; that magistrates are their trustees and servants and at all times amenable to them.

"That government is, or ought to be, instituted for the common benefit, protection, and security of the people, nation, or community; of all the various modes and forms of government, that is the best which is capable of producing the greatest degree of happiness and safety, and is most effectually secured against the danger of maladministration; and that when any government shall be found inadequate or contrary to these purposes, a majority of the community hath an indubitable, inalienable, and indefeasible right to reform, alter, or abolish it, in such manner as shall be judged most conducive to the public weal."

Again, in New Jersey, at New Brunswick, on October 26, 1910, he said:

"There is a voice that has been crying in Ireland, this voice for home rule. It is a voice which is now supported by the opinion of the world; this impulse is a spirit which ought to be respected and recognized in the British constitution. It means not mere vague talk of men's rights, men's emotions, and men's inveterate and traditional principles, but it means the embodiment of these things in something that is going to be done, that will look with hope to the program that may come out of these conferences. If those who conduct the Government of Great Britain are not careful, the restlessness will spread with rapid agitation until the whole country is aflame, and then there will be revolution and a change of government."

In a message addressed to Congress under date of February 11, 1918, he became the world's spokesman for the right of self-determination when he said:

"Self-determination is not a mere phrase. It is an imperative principle of action which statesmen will henceforth ignore at their peril. I have spoken thus only that the world may know the true spirit of America, that men everywhere may know that our passion for justice and self-government is no mere passion of words, but a passion which once set in motion must be satisfied."

In San Francisco on September 17, 1919, in his last swing around the circle, arguing for self-determination for all peoples, he aroused an audience of thousands to high enthusiasm when he declared:

"I look forward with confidence and with exalted hope to the time when we can indeed legitimately and constantly be the champions and friends of those who are struggling for right anywhere in the world, and no nation is likely to forget, my fellow countrymen, that behind the moral judgment of the United States resides the overwhelming force of the United States."

And as Lincoln interpreted the aspiration of freedom of an enslaved people, so also did Woodrow Wilson define, understand, and appreciate the plight of Ireland. No statesman of modern times better understood Ireland's cause. Woodrow Wilson could not see a world permanently at peace and at the same time deny liberty to a people who for 700 years had struggled forward to that great goal. It was he, an American President, who first gave utterance to the ideal of self-determination for all the oppressed peoples of the world, a principle which, like a fire, will burn and burn and burn steadily until the hopes for liberty and freedom of struggling peoples everywhere reach consummation. And I know, my friends, that Woodrow Wilson's declaration with reference to the right of self-determination contemplated and included Ireland. His interest in and advocacy of Irish freedom sprang from a desire to help the oppressed of all lands, and the fruitage of that benevolent policy is now found throughout Europe—in Poland, Czechoslovakia, Yugoslavia, and throughout Central and South America. As a noted writer said:

"I can see no excuse for keeping Ireland in the pit while other peoples are climbing from darkness to light."

Did he not urge in every way larger measures of self-government for the people of the Philippines? In a message addressed to Congress in December, 1914, he said:

"And there is another great piece of legislation which awaits and should receive the sanction of the Senate—I mean the bill which gives a larger measure of self-government to the people of the Philippines. How better, in this time of anxious questioning and perplexed policy, could we show our confidence in the principles of liberty, as the source as well as the expression of life, how better could we demonstrate our own self-possession and steadfastness in the course of justice and disinterestedness than by thus going calmly forward to fulfill our promises to a dependent people, who will look more anxiously than ever to see whether we have indeed the liberality, the unselfishness, the courage, the faith, we have boasted and professed. I can not believe that the Senate will let this great measure of constructive justice await the action of another Congress."

Again speaking of the right of the people of Mexico to determine their own government, he said at Indianapolis, in 1910:

"I hold it as a fundamental principle, and so do you, that every people has the right to determine its own form of government, and until this recent revolution in Mexico, until the end of the Diaz reign, 80 per cent of the people of Mexico never had a look-in in determining who should be their governors or what their government should be. It is none of my business and it is none of your business how long they take in determining it. It is none of my business and it is none of yours how they go about the business. The country is theirs, the Government is theirs, and the liberty, if they can get it—and God speed them in getting it!—is theirs, and so far as my influence goes, while I am President, nobody shall interfere with it."

A distinguished Irish writer, commenting on this policy of Woodrow Wilson with reference to Mexico, said:

"Between what President Wilson has said of the Filipinos and of the Mexicans, there is to be found the root of statesmanship for Ireland."

Woodrow Wilson bitterly resented that kind of European statesmanship which insisted upon following the bloody trail and trying to vindicate a policy of force which England has relied upon for centuries to check the fine impulses and aspirations for freedom of Ireland—a statesmanship which is now shown to be futile and of no avail. Why is it that statesmen disregard the obvious lessons of history and think that force and force alone is a conquering thing? You will recall, some of you with poignant regret, that his own Secretary of State disagreed with him on the policy of self-determination. Mr. Lansing agreed (and I quote from his own book) that—

"Self-determination is as right in theory as the more famous phrase 'the consent of the governed,' which has for three centuries been repeatedly declared to be sound by political philosophers and has been generally accepted as just by civilized peoples, but which has been for three centuries commonly ignored by statesmen because the right could not be practically applied without imperiling national safety, always the paramount consideration in international and national affairs. The two phrases means substantially the same thing and have to an extent been used interchangeably by those who advocate the principle as a standard of right. Self-determination was not a new thought. It was a restatement of the old one."

Therefore Mr. Lansing vigorously criticized and held up to scorn the principle of self-determination. Quoting from his book again, Mr. Lansing said:

"The more I think about the President's declaration as to the right of self-determination, the more convinced I am of the danger of putting such ideas into the minds of certain races. It is bound to be the basis of impossible demands on the Peace Congress and create trouble in many lands. What effect will it have on the Irish, the Indians, the Egyptians, and the nationalists among the Boers? Will it not breed discontent, disorder, and rebellion? Will not the Mohammedans of Syria and Palestine and possibly of Morocco and Tripoli rely on it? The phrase is simply loaded with dynamite. It will raise hopes which can never be realized. It will, I fear, cost thousands of lives. In the end it is bound to be discredited, to be called the dream of an idealist who failed to realize the danger until too late to check those who attempt to put the principle in force. What a calamity that the phrase was ever uttered! What misery it will cause!"

Woodrow Wilson was in no way daunted in his advocacy of the right of self-determination by the direful prediction of calamity of Mr. Lansing. He was too much the student of history not to understand that everyone who seeks to raise a slumbering world from its lethargy to a recognition of the justice of humane principles, is always called a disturber, a dreamer, an idealist. Christ Himself when He sung Himself against the servitors in the temple, crying out, "My house shall be called the house of prayer, but ye have made it a den

of thieves," disturbed the peace and serenity of the slaves of Mammon; but He did not cease "brandishing His whip of scorn high, and driving the money changers toward the door."

These cries and lamentations of Mr. Lansing were like many prophecies which, through the centuries, have put obstacles in the way of the progress of nations and peoples. The prophecy of Mr. Lansing as to the calamitous effects of the announcement of the policy of self-determination was akin to the prophecy and prediction of a distinguished Republican United States Senator, Mr. Elihu Root, who at the time that Woodrow Wilson blazed the way for financial reform in this country by the enactment of the Federal reserve law, said that, were it passed, it would bring on a period of green-backism that would result in a panic that would be disastrous to the country. These predictions were similar to those uttered by Colonel Harvey during the war—that the end of the war would finally come in a great naval contest in the North Sea. Vain and innocuous, indeed, are the predictions of those who allow pettiness to become the basis of their judgments and actions. The idealism of Woodrow Wilson won, as subsequent events have shown. It won in Ireland and Egypt and is bound to be a conquering force wherever men cry out for freedom. Thus we find the predictions of these distinguished gentlemen wrecked and shattered things amidst the ruins of a world which is slowly but gradually working its way to the light, to a realization of the things for which Woodrow Wilson fought, suffered, and gave the last full measure of his devotion.

The trouble with the gentlemen who try to forecast the future by ominous predictions is this—that when they predict, they are but feeling their own pulse which, unfortunately, is a pulse of passion, sometimes of vindictiveness. When Woodrow Wilson strove to do something great for the world, he sought to diagnose the ills of the world by feeling the pulse of the world and not his own pulse. And thus diagnosing, he reached the conclusion that force was not the determining factor in the conquest of a free people or their ideals; that those who believed in that ancient theory live in a fool's paradise. Do you not recall the delightful colloquy between Edmond Dantes and the old abbe recorded in Dumas' "The Count of Monte Cristo" concerning the effect of pressure and tyranny upon men and governments? Recalling his own troubles, the abbe says that "It needs trouble and difficulty and danger to hollow out various mysterious and hidden mines of human intelligence. Pressure is required, you know, to ignite powder; captivity has collected into one single focus all the floating faculties of my mind; they have come into close contact in the narrow space in which they have been wedged; and you are well aware that from the collision of clouds electricity is produced—from electricity comes the lightning; from whose flash we have light amid our greatest darkness."

Pressure, tyranny, adversity and machine guns can not crush out the aspirations of the Irish heart. These unkind forces seem to bring forth from the Irish the very things that make them beloved of people—poetry, song, love of the arts and sciences and a love of their land and the faith of their fathers, to which they cleave in an irresistible embrace.

Statesmen are, therefore, beginning to understand that while you may be able to kill the body of the man who spreads the truth abroad, you can not kill his soul. From the death of such a man, thousands of men are born into a newness of life; and now that we are far away from the hurly-burly of politics and slogans, let us seriously contemplate the story of how Woodrow Wilson sought to do the right thing for Ireland in the right way at the psychological moment, just as Lincoln with almost uncanny forethought emblazoned the truth and right in words of enduring fame when he wrote his Emancipation Proclamation at a time when it was thought its effect upon the border States would be hurtful to the Union cause, although the fierce and ruthless opposition of certain members of his own Cabinet cried down Lincoln's statesmanship in this matter as being impotent, ineffective, and futile.

In connection with Woodrow Wilson's interest in Irish affairs and recalling the bitterness of opposition on the part of certain of our friends in this country, I remember an interesting conference as I sat in my room in a hotel in far-off Munich at a time when a tragical event in my own life (the serious illness of my oldest girl) two years ago brought me far across the seas. Across the table from me sat a man who at that time was and still continues to be a distinguished member of the Free States cabinet. As an ardent advocate of the Irish cause, he was recounting to me melancholy tales of the bloody civil war then rampant in Ireland and the hopes and prayers of Erin's sons that out of this melange would come a rebirth of freedom. He was recalling Gladstone's statement of 1890 when Gladstone said:

"I know of no blacker or fouler transaction in the history of man than the making of the union between England and Ireland."

The discussion ran its easy way along until finally we touched upon the much despised League of Nations, Ireland's entry into it, Wilson's advocacy of it, the opposition of Irish-Americans to it in the elections

of 1920, and the guarantees of Ireland's freedom under the aegis of the League. It was surprising, my friends, to note the difference, the marked difference, in this Irishman's whole-souled, hearty advocacy of the League and the disparagement of it by some of the distinguished sons of Ireland in my own country. When I laid before this gentleman, now secretary of agriculture for the Free States, the opposition of America to Article X, which I called the "bloody angle" of the whole controversy in this country, he surprised me by saying that he and his associates in the Irish cabinet considered Article X the shield and armour of Ireland's grant of freedom. When I interrogated him as to what attitude the Free States cabinet would take toward entrance into the League of Nations, in high confidence he asserted that in a few months Ireland would apply for membership in the League. Paraphrasing Robert Emmet's words, he said, Ireland will then take her place among the nations of the world. This prediction uttered in my presence by Mr. Hogan, the Secretary of Agriculture for the Free States, was subsequently verified, for on September 30, 1923, an Irish delegation representing the Free State government appeared at Geneva, complied with all the conditions precedent to entrance into the League of Nations and, in accordance with the rules and regulations of the League, was admitted to membership, paying the sum of \$40,000, the cost of admission therein, and agreeing to the plan of disarmament laid down in the council of the League.

"And, furthermore, my friends, we have the words of the Irish people themselves, as expressed editorially in that worthy champion of Irish independence, the Irish Statesman, that Ireland's entry into the league means not only freedom from injustice and domestic strife but an international renown and distinction that will place her on an equality with other great powers of the world.

"Admission of the Irish Free State to the League of Nations," says the Irish Statesman, "develops a sense of interdependence and human solidarity. Ireland's entry into the league constitutes international recognition of the status of the league, and Great Britain, by offering no opposition to Ireland's entry, thereby admits that Ireland can no longer be regarded merely as one of its domestic problems, and our disputes with it may lawfully be adjudicated upon by an international tribunal. Every such recognition helps the Free State morally; it helps to fix the position of Ireland among the nations of the world.

"The league will bring forth a spokesman for Ireland and the high-soul of the people like Lincoln in America, Massine in Italy, or Gladstone in England. . . .

"To be in the league is to have access to a knowledge the onlooker can never acquire, because only those engaged in movements can gauge truly the strength of the forces with or opposed to them. Nowhere else could Ireland learn the policy and motives animating other nations."

Therefore to-night there is a real cause for congratulation to lovers of freedom in Ireland. Peace, with all of its salutary benefits, now prevails there, and soon ultimate prosperity, contentment, and happiness will be realized. Thus 700 years of oppression, of tears, and of tragedy are at an end.

The only disparity of opinion between Woodrow Wilson and those who ardently advocated Ireland's freedom in this country was as to the method of approaching this great goal. It was the case of different men seeing the same thing in a different way and approaching a settlement of it from different angles. Woodrow Wilson, by reason of his trusteeship of a nation and his responsibility to a world that was torn and littered by the results of war, could not be a free-lance, a knight-errant. "Enthusiasm is good material for the orator, but the statesman must have something more durable to work with." His leadership in this matter was embarrassed by delicate diplomatic precedents, which to a great extent governed his conduct. He did not feel free himself openly to espouse the cause of Ireland, for to have done so might have added difficulties to an already chaotic world situation. As a distinguished American essayist said:

"The course of a great statesman resembles that of navigable rivers, avoiding immovable obstacles with noble bends of concession, seeking the broad levels of opinion on which men soonest settle and longest dwell, following and marking the almost imperceptible slopes of national tendency, yet always aiming at direct advances."

Long before the outbreak of the European war Woodrow Wilson discussed with me the Irish question, not indifferently, but with deep and fervent passion. "The faith that he had in the cause of Ireland wore well and held its colors in all weathers, because it was woven of conviction and set with the sharp mordant of experience." He was of the opinion that the Irish problem could not be settled by force and that the spirit of Ireland, which for centuries has been demanding justice, was unconquerable. In his opinion, force and the use of machine guns "merely ignite the powder" and bring only resentment. Shaking his head as if he despaired of settlement, Woodrow Wilson said, "European statesmen must be taught that humanity can be welded together only by love, by sympathy, and by justice, and not by jealousy and hatred."

Woodrow Wilson was certain that the failure of the English to find an adjustment of the Irish question was intensifying feeling not only

in our country but throughout the world, and that the agitation for a settlement would spread like a contagion and would inevitably result in a great international crisis.

Discussing the Irish question with a member of the English Parliament before the war, he said, "Go home and settle the Irish question and there will be no doubt as to where America will stand." "Faith on the part of Great Britain," he said, "in the deep humanity and inherent generosity of the Irish people is the only spiritual force that will ever lead to a settlement of this question." He tried to impress this upon the Englishman with whom he discussed the matter. To Mr. Balfour he said:

"There never can be a real comradeship between America and England until this issue is definitely settled and out of the way."

In the New Brunswick speech to which I have adverted, he plainly indicated that his plan for the settlement of the Irish question was the establishment of some world forum to which the cause of Ireland might be submitted, where the full force of public opinion of the world, including the United States, could be brought into full play in a vigorous and wholehearted insistence upon a solution of this disturbing question.

Sir Edward Carson, leader of the Unionist forces in the British Parliament, said, in a statement carried in the American press, that "in the event of this proposed settlement being thrust upon us, we solemnly and mutually pledge ourselves not to recognize its authority. I do not care twopence whether this is treason or not."

Discussing Carson's utterance, the President said:

"I would like to be in Mr. Asquith's place. I would show this rebel whether he would recognize the authority of the Government or flout it. He ought to be hanged for treason. If Asquith does not call this gentleman's bluff the contagion of unrest and rebellion in Ireland will spread until only a major operation will save the Empire. Dallying with gentlemen of this kind who openly advocate revolution will only add to the difficulties. If those in authority in England will only act firmly now their difficulties will be lessened. A little of the firmness and courage of Andrew Jackson would force a settlement of the Irish question right now."

The President did not agree with the enthusiastic friends of Irish freedom in America that coercive methods put upon England through the instrumentality of the United States could accomplish anything. When he left for the other side to take part in the Peace Conference the future of Ireland was much in his thoughts. Indeed, the last conversation I had with him on board the *George Washington* was on this very vital question. But his solution of the problem lay in the establishment of a forum under the League of Nations before which not only the cause of Ireland but the cause of any oppressed people might be brought to the judgment of mankind.

The following two communications from the President when he was in Paris show his interest in the Irish question:

DEAR TOWNLEY: Confidentially (for I beg that you will be careful not to speak of or intimate this) I have been doing a number of things about this [the Irish question] which I hope may bear fruit.

THE PRESIDENT.

DEAR TOWNLEY: You are right about Mr. Crimmins having been a good friend, but I don't like to write any letters on this subject at present. I would appreciate it very much if you would assure him of my interest and of your knowledge of the fact that I am showing in every way I possibly can my sympathy with the claim of Ireland for home rule.

THE PRESIDENT.

On December 3, 1919, Bishop Shanahan, of the Catholic University, addressed a letter to the President in behalf of the rector and faculties of the Catholic University of America with reference to the question of home rule, to which the President replied:

DECEMBER 3, 1919.

MY DEAR BISHOP SHANAHAN: Allow me to acknowledge your letter of November 30, written in behalf of the rector and faculties of the Catholic University of America, and to say that it will be my endeavor in regard to every question which arises before the Peace Conference to do my utmost to bring about the realization of the principles to which your letter refers. The difficulties and delicacy of the task are very great, and I can not confidently forecast what I can do. I can only say that I shall be watchful of every opportunity to insist upon the principles I have enunciated.

Cordially and sincerely yours,

WOODROW WILSON.

On December 3, 1919, he addressed a letter to Senator THOMAS J. WALSH as follows:

DECEMBER 3, 1919.

"MY DEAR SENATOR: I appreciate the importance of a proper solution of the Irish question and thank you for the suggestions of your letter of yesterday. Until I get on the other side and find my footing in delicate matters of this sort I can not forecast with

any degree of confidence what influence I can exercise, but you may be sure that I shall keep this important interest in mind and shall use my influence at every opportunity to bring about a just and satisfactory solution.

"I greatly value the expressions of your confidence and feel very much strengthened by them.

"With best wishes,

"Cordially and sincerely yours, "WOODROW WILSON."

While the President was in Paris I constantly kept him in touch with the situation in this country. That he was interested in bringing to the attention of the Peace Conference the cause of Ireland was evidenced by the cables that were exchanged between us.

It was Woodrow Wilson's hope that when the League of Nations was established the hopes of Ireland would be realized.

This is evidenced by the following cable which he sent to me under date of June 27, 1919:

"TUMULT, Washington:

"I entirely agree with the general tenor of your cable of the 25th about the Irish question, and I firmly believe when the League of Nations is once organized it will afford a forum not now available for bringing the opinion of the world and of the United States in particular to bear on just such problems.

"WOODROW WILSON."

Of course, the thing which lay close to Woodrow Wilson's heart was should consent to the establishment of a league as a part of a world the setting up of the League of Nations. Unless England and France settlement, any solution of the Irish question through the influence of world opinion was not in the reckoning. The wise, prudent thing, therefore, to do was first to establish a world court before which the cause of any oppressed peoples might be brought. This is just what he had in mind and what he succeeded in doing. To have thrust a settlement of Ireland's affairs into the foreground of the Peace Conference and to have made it a *sine qua non* would have been futile and foolish and might have resulted in disaster. Unfortunately, the friends of Irish freedom, deprecating and bitterly resenting well-considered methods like this, were desirous of having the matter thrust into the early conferences at Paris. The President knew that England would never consent to this and would resent any attempt on his part to carry out this idea. If the President had done so, England would undoubtedly have withdrawn from the conference, and thus the great cause of the League of Nations, which formed the foundation stone upon which the armistice was based, would have gone by the board. The President was looking far beyond a mere recognition of the Irish Republic. He was seeking to accomplish its security and guarantee its permanency through the instrumentality of a world court like the League of Nations. What would it have availed Ireland to have been granted dominion government or independence unless contemporaneously with the grant there was set up an instrumentality that would guarantee and protect it? The only thing upon which the Peace Conference functioned was the settlement of the affairs of those nations affected by the war.

Why didn't Wilson bring Ireland's cause to the attention of the Peace Conference? was the query which frequently reached us at the White House. The President in his western speeches discussed this matter in the following way:

"It was not within the privilege of the conference of peace to act upon the right of self-determination of any peoples, except those which had been included in the territories of the defeated empires—that is to say, it was not then within their power—but the moment the covenant of the League of Nations is adopted it becomes their right. If the desire for self-determination of any people in the world is likely to affect the peace of the world or the good understanding between nations, it becomes the business of the league; it becomes the right of any member of the league to call attention to it; it becomes the function of the league to bring the whole process of the opinion of the world to bear upon that very matter.

"Article XI is the favorite article in the treaty, so far as I am concerned. It says that every matter which is likely to affect the peace of the world is everybody's business; that it shall be the friendly right of any nation to call attention of the league to anything that is likely to affect the peace of the world or the good understanding between nations, upon which the peace of the world depends, whether that matter immediately concerns the nation drawing attention to it or not. In other words, at present we have to mind our own business under the rules of diplomacy and established custom. Under the covenant of the League of Nations we can mind other people's business, and anything that affects the peace of the world, whether we are parties to it or not, can, by our delegates, be brought to the attention of mankind. We can force a nation on the other side of the globe to bring to that bar of mankind any wrong that is afoot in that part of the world which is likely to affect the good understanding between nations, and we can oblige them to show cause why it should not be remedied.

There is not an oppressed people in the world which can not henceforth get a hearing at that forum, and you know what a hearing will mean if the cause of those people is just. The one thing that those doing injustice have most reason to dread is publicity and discussion. At present what is the state of international law and understanding? No nation has the right to call attention to anything that does not directly affect its own affairs. If it does, it can not only be told to mind its own business but it risks the cordial relationship between itself and the nation whose affairs it draws under discussion, whereas under Article XI, which I had the honor of advocating, the very sensible provision is made that the peace of the world transcends all the susceptibilities of nations and governments, and that they are obliged to consent to discuss and explain anything which does affect the good understanding between nations."

The friends of Ireland in this country have often asked me the question, "Would Woodrow Wilson have intervened in behalf of Ireland?"

I can answer this question only by saying that Ireland has never had a truer friend than Woodrow Wilson. From the day that we went to war, it was his steadfast purpose to induce the Government of England to settle the Irish question justly and permanently.

When I think of Woodrow Wilson, I have often compared him to the character of the prime minister discussed by Israel Zangwill in his book, *The Mantle of Elijah*. These lines, in my opinion, draw a perfect picture of Woodrow Wilson.

Speaking of *Allegro's* father, Zangwill said:

"With him freedom was no nebulous figure, aureoled with shining rhetoric, blowing her own trumpet, but free trade, free speech, free education. His millennium was earthly, human; his philosophy sunny, untroubled by Dantesque depths or shadows; his campaign unarmorial, constitutional, a frank focusing of the new forces emergent from the slow dissolution of feudalism and the rapid growth of a modern world. Toward such a man the House of Commons had an uneasy hostility. He did not play the game. Whig and Tory, yellow and blue, the immemorial shuffling of cabinet cards, the tricks and honors—he seemed to live outside them all. He was no clubman in 'The best club in England.' He was not bounded by the walls of the chamber nor ruled from the speaker's chair; the house was resentfully conscious it had no final word over his reputation or his influence. He stood for something outside it, something outside himself, something large, vague, turbulent, untried, unplumbed, unknown—the people."

We are under fire, gentlemen. We are suspected by certain insignificant groups in the country who foolishly think we are plotting against America and her well-being. They forget that there is not a battle field in America that has not been saturated with the blood of our sons; that, though the pressure of the tyranny of centuries is upon us, we still cling to the faith of our fathers. That faith and reverence for everything American now holds us steady in the midst of the storm. We Irish have one delightful characteristic—we are able to smile through our tears and laugh to scorn the criticism of those little men, those provincials, whose eyes never sweep the great horizons.

English oppression and tyranny drove us away from the Green Isle across the sea with the result that America and the world have been flowered by the genius of Irishmen, whose love of America and everything that affects her destiny will some day be utilized to save and protect her in case adversity from within or without shall threaten her. America neither doubts our honor nor questions our loyalty; nor shall we ever be unready when the great call shall come to vindicate America's conceptions of liberty and freedom upon any battlefield of the world.

Woodrow Wilson dared with courage and solemnity to do what he believed to be the right thing for Ireland. I believe that the torch of self-determination which he held high will by his death be again relighted to illumine and warm the world and thus point the way to the ultimate freedom of those people whose limbs are held by the shackles of unjust and tyrannical government.

The following lines visualize the poise, the quietude, the serenity of Woodrow Wilson "as he approached the guardian of the gate on his way out of the mighty city, whose towers are loftier than the pillars of smoke and the mountain peaks in the sky":

"Peace and plenty be with thee forever, keeper of the gate," said he, touching with two fingers of his right hand his bowed forehead.

"God walk before thy feet forevermore, stranger," answered the keeper of the gate. "Whither goest thou?"

"Wherever men are and the highroads lead. For the wisdom I seek does not remain in one place. It beckons and I follow, keeper of the gate."

"Hast thou found any wisdom in our city, stranger?"

"Aye, much wisdom have I found and great knowledge for the wayfarer who seeks a home to rest in his old age. My home is farther on the road, keeper of the gate."

"Who told thee that thy home is not in our city, stranger?"

"The man ye crucified yesterday. He cried not, nor did he weep nor curse as such men do, but he smiled and he smiled and he looked at me strangely, oh, so strangely!"

"Then my knowledge goes not further, keeper of the gate. I beg of thee to tell me outright why ye crucified him, if thou wouldst teach a poor wayfarer who is seeking after wisdom."

"Aye, I will tell thee, stranger, though thy curiosity is great for a walker of Caesar's roads. It was not because of any of these things, but because of all these things, because he said and did them all at once and because he talked too much and was beginning to be heard and because . . . But whither art thou going, stranger?"

"Where the highroad leads, keeper of the gate."

GERMAN RELIEF RESOLUTION.

Mr. KENT. Mr. Speaker, I ask unanimous consent to extend my remarks on the subject under discussion to-day.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. KENT. Mr. Speaker, I will vote for this resolution authorizing the President to expend a sum not exceeding \$10,000,000 for the purchase and distribution of grains, fats, milk, and other foodstuffs, for the relief of distressed and starving women and children of Germany. I feel that the amendment of the gentleman from Texas should be adopted, providing that in the purchase of these materials preference should be given American farmers and cooperative farm associations. The middleman and profiteer must be eliminated.

The great World War is over. No causes and incidents should be forgotten. Each belligerent nation should naturally mourn the loss of the flower of its manhood, and build up its economic and social system upon a basis for the prevention of future wars—universal and lasting peace among nations.

We have not now and never had any quarrel with the German people. It was their government which had misled that great people, and it had to be subdued and eliminated. And now that Germany has established a republic, deriving its powers from the consent of the governed, it is our duty to see that hunger does not breed eternal hatred for all those who participated against her in the great conflict.

For four years the most perfectly organized governmental and military machine held at bay practically all the nations of the world. Germany showed the world organization to the nth degree. Prior to that time our students had sat at the feet of her philosophers, scientists, and artists, and had brought here the product of the skill of her people. But to-day, through no fault of her people, because her rulers had fallen out with other rulers, she lies prostrate at the feet of modern civilization. Two million five hundred thousand children are starving there now. Among her school children there is ten times the former tuberculosis rate. One-third her population, or 20,000,000 people, are in need of some form of relief. In large areas of Berlin more than 50 per cent of the children are tubercular—weak from undernourishment. There is less than 50 per cent of the amount of milk necessary to supply their needs, and they are entirely without fuel with which to warm their homes. We did not fight women and children and they are not responsible for their present condition. Many of these starving children were born since the war, and now, with the real wealth of the world within our borders, shall we sit idly by and permit a conquered foe to die of starvation and breed into continental European minds eternal hatred for American example?

America must have Germany on her feet as well as all the nations of Europe before we can prosper. I am mindful of the fact that this administration has no foreign policy; that our Government has been shaken to its foundations by the revelation of fraud and corruption practiced by those in public places in this administration. We hear of millions of dollars passing illegally from the Public Treasury, and yet there are those who deny a comparatively small sum for charity.

Let us act now, while starvation is upon this great people. Let the word go out that America regards the war as ended; that she wants a strong, upstanding Germany, with nourished, strong, and healthy children for the next generation, with whom commercial relations will be maintained.

There are many thousands of people of German extraction among our citizenship. In my veins flows the blood of Germany, mixed profusely with a French and Belgian strain. My people came over before the Revolution, fresh from the valleys of Germany, France, and Belgium; hence I may be expected to approach this question impartially. There is an insistent desire on the part of thousands of our citizens that their former countrymen be assisted, not for a selfish motive but that peace and good will may again prevail. And we can not attach improper motives to such a desire, for, as the poet has said:

Breathes there the man with soul so dead,
Who never to himself hath said:
This is my own, my native land.

Whose heart has ne'er within him burned
As home his footsteps he hath turned

From wandering on a foreign strand.
If such there breathe, go, mark him well;
For him no minstrel raptures swell;
High though his titles, proud his name,
Boundless his wealth as wish can claim—
Despite those titles, power, and self,
The wretch, concentered all in self,
Living, shall forfeit fair renown,
And, doubly dying, shall go down
To the vile dust from whence he sprung,
Unwept, unhonored, and unsung.

This \$10,000,000 will prove one of the best investments ever made by our people. Although a gift, the gratitude of the German people will always be displayed, and the money will be "bread cast upon the waters, to return a thousandfold."

When the new Germany assumes her place among the nations, when her people are fed and prosperous, future commercial and diplomatic relations will be predicated upon the fact that in her hour of need Germany's women and children were ministered to by an erstwhile foe, the good Samaritan, who eliminated malice and "with charity for all" bound up the wounds made by a conflict which has passed into history.

Mr. Chairman, I do not base my support of this resolution upon a desire for future commercial gain. God knows it will be a century before Europe is stabilized if the attitude of this administration is followed. But I want to see Germany and all Europe saved from Bolshevism. Hunger breeds madness, and my great fear is that this administration will procrastinate until the peoples of Europe, crazed by starvation, will cast aside their leaders and governments which can not bring them safety and prosperity, and resort to the law of self-preservation. Then, indeed, we will have a problem on our hands great enough to attend the efforts of all the people of the world, with civilization itself in the balance.

The question of the power to make this appropriation under the Constitution does not worry me. We can "promote the general welfare" and "secure the blessings of liberty to ourselves and our posterity." Our greatest statesmen in the days of Jefferson, Madison, Adams, Webster, Clay, and Calhoun, some of them fresh from the constitutional conventions and later debates, made similar appropriations without question, and we have the custom and usage established throughout a century of legislation, dispensing charity to Venezuela, Italy, Martinique, and Poland. Let us not hesitate in this enlightened day to show our Christian citizenship and raise our fallen foe, that she may help herself to a just and lasting place among the nations.

EXTENSION OF REMARKS.

Mr. KENT. I ask unanimous consent to extend my remarks in the Record on the inflation of the currency in 1920 and 1921 and to extend my remarks further by inserting an editorial of the Carbon Citizen on the same subject.

The SPEAKER. The gentleman asks unanimous consent to extend his remarks by printing a certain editorial. Is there objection?

Mr. LONGWORTH. Reserving the right to object. Mr. Speaker, I do not like to object on an occasion like this, but a number of gentlemen on this side and also a number on that side have made it a practice to object to the insertion of newspaper editorials, and I feel constrained to object now.

The SPEAKER. Objection is heard.

Mr. SCHAFER. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record relative to the adjusted compensation for veterans of the World War.

The SPEAKER. Is there objection?

Mr. LONGWORTH. Again reserving the right to object, I regret very much that this unpleasant duty should be imposed upon me. I wish the gentleman would reserve his request until to-morrow. Objections to such requests have heretofore been made.

Mr. SCHAFER. Mr. Speaker, seeing that we have had considerable logrolling on the adjusted compensation bill, I will not withdraw my request, but will leave it to anybody who opposes my request to extend my remarks to make objection.

Mr. LONGWORTH. I shall object this evening. Possibly I shall not object again.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent that the gentleman from Georgia [Mr. BRAND] may extend his remarks on the German relief bill.

The SPEAKER. Is there objection?
There was no objection.

Mr. SCHAFER. Mr. Speaker, I ask unanimous consent to extend my remarks in reference to the German relief bill just passed.

The SPEAKER. Is there objection?

There was no objection.

DUPLICATE BONDS.

Mr. KING. Mr. Speaker, I ask unanimous consent to extend my remarks on House Resolution No. 231, passed this afternoon.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks on House Resolution 231. Is there objection?

There was no objection.

Mr. KING. Mr. Speaker, on the 27th day of February last before a joint session of the House and Senate the Hon. Charles E. Hughes delivered a most eloquent and touching eulogy upon the life and services of the late Warren G. Harding. Among other things he said of the dead President, "But, above all, we give the tribute of the deep affection which moves us to speak in tender remembrance of a generous and kindly spirit who counted human fellowship more precious than all the pomp and circumstance of power." How masterfully and in an almost personal way did he develop the principal traits of his subject! Above all, one could see the late President Harding as a careful, conscientious man, a man who stood for justice to all men, and a man who would not act until he was certain he possessed all the facts, the last man who would pursue an unfair or unjust course toward a fellow man. An avoidance on his part of injuring or offending any fellow man was his constant endeavor. Keeping this fine character in mind, one may easily see that when on the 31st day of March, 1922, he took a sudden and dramatic stand and with one stroke cut off "for the good of the service," as he said, 28 employees of the Bureau of Engraving and Printing, he must have had a sufficient reason for such action, and no presumption can be indulged in that he acted through mere whim. His nature did not so proceed. As one "who had been so clear in his great office," his sense of fairness bravely rose, and for the good of the State he drew his sword and with one stroke, like the god Perseus, he severed the head of the gorgon Medusa.

His only answer to inquiries was "for the good of the service." What did he mean? What did he have in mind? At this time it is very easy for us to-day, in the light of the facts, to ascertain a part at least of what was in his mind that 31st day of March, 1922. No doubt he acted with his usual care, because we know now that he then knew that there had been divers and mysterious transferring of individuals, changing of regulations, limiting and moving of divisions in the Treasury, and that there had been particular and unheard-of confusion in the shifting, adjusting, and readjusting of those divisions of the Treasury which had to do with the inspection of surrendered bonds, commingled and simultaneous sleight-of-hand performances in the register's office, showing kaleidoscopic changes of persons as well as divisions who might inspect bonds.

He knew on that day that the long-established practice in the Treasury of audit checks for surrendered bonds had been in a most unexplainable manner abandoned.

Early in his administration the fact that duplicate bonds existed was known to him, and that this information had reached the Department of Justice as early as April, 1921. He knew also that Brewer as an attorney of the Department of Justice had in June, 1921, conversed with Mellon and sought him to stop the destruction of such duplicate bonds. He had received letters from some of the operatives in the Bureau of Engraving and Printing charging crookedness in that bureau. He had had high officials in the administration, who were also trusted friends, look into these charges. He knew at that time of the continued persistency of Secretary of the Treasury Mellon in his duplicate bond destruction campaign.

Evidently President Harding had endeavored to get at the duplicate bond matter himself in the various divisions of the Treasury quietly as he had the matters in the Bureau of Engraving and Printing, no doubt afraid that an announcement of the existence of such bonds would affect the market value of all Liberty bonds. This he naturally wished to avoid.

Hamstrung, tied hand and foot, and surrounded, as he must have been, by the satellites, spies, sycophants of the Treasury ring, he finally, in despair, drew his sword and struck the blow that cleaved the snaky head of Medusa; but it seems that Perseus flew with her bleeding head over the hot sands of Africa while every drop of blood falling therefrom developed into a snake, and so multiplied that for centuries adventurers would not go there.

So Harding, having severed, as he thought, the head of the trouble, or at least produced a terrific blow upon the body of

the offending department, soon found that every drop of blood he spilled multiplied and magnified the number and venom of those who opposed his efforts.

Even a President of the United States could not prevail against a Treasury ring which, organized in the time of Franklin MacVeagh, in the year of our Lord 1922 dominated completely the personnel and policy of the United States Treasury Department.

The President therefore called to his assistance an attorney of the Department of Justice, who had performed long and faithful service there, Mr. Charles B. Brewer. The President, having already learned of Brewer's work in the Department of Justice on duplicate bonds, called him to the White House on April 18, 1922, and informed him that he, the President, had personally taken charge of the whole situation regarding the duplication of bonds, and he instructed Brewer—and these are his own words—"to go out and get the truth, and if there are any blocks put in your way, let me know."

Thus was Brewer made a confidential and trusted agent of the President, and he had and held that great confidence of the President until the latter's death in August, 1923.

Blocks had been put in Brewer's way and on more than one occasion President Harding had removed them. During the long period of abuse heaped upon Brewer no one has had the effrontery to lodge a charge against his honor or against his ability as a lawyer and as an investigator. Some individuals, apparently fearful of possible disclosure of their wrongdoings, began at once a whispered propaganda against Brewer for the purpose of discrediting him with President Harding, which was of no effect however, and it is related that one day, when the President, Mr. Mellon, and others were present, including Mr. Brewer, that the President turned to his Secretary of the Treasury and said, "Mellon, they call this man a nut. It takes a nut to bring me such things as you see there," pointing to a large pile of duplicate bonds spread before them. He continued, "They are after this man good and hard, and I do not intend to let a thing happen to him." To which statement the Secretary of the Treasury made no response, but nodded his assent; but the Mephistopheles of the administration used no spoken word.

After the President's death the nut propagandists became very numerous and very loud. All along the line one could hear their voices, particularly whenever they thought they had found some breach in Mr. Brewer's proofs. They cried, "He is a nut! He is a nut! He is a nut!" in the Department of Justice, about the Treasury. Everywhere he went one could hear the whisper or the cry, "He is a nut!" "They say he is a kind of a nut!" It was whispered to Coolidge; it was whispered about the corridors and purviews of the Capitol and passed about in the cloakrooms; the resolution in question being introduced, it was whispered to the Speaker and to the chairman of the Rules Committee. Everywhere was heard the chirpings of the acolytes, "He is a nut! He is a nut! He is a nut!" until the sounds seemed to resemble a million of katydids in the forest on a hot, clear August night, continually declaring, "He is a nut! He is a nut! He is a nut!"

The truth being that a more modest, intelligent man does not live. An honest and reliable lawyer who takes the position that while he is in its employ he is acting as attorney for the Government and not against it.

Of course, such a campaign of abuse was only indulged in to discredit his work and to minimize the effect of what was about to occur—the filing of his final report, which would have been delivered personally to President Harding, had he been alive to receive it.

The very next day after the discharge of the 28 employees the Department of Justice, with a party of auditors who were also bank examiners, marched down to the Bureau of Engraving and Printing for the purpose of making an audit. About the same time a committee was appointed in the Treasury which also marched down to the same bureau, and in July made a report whitewashing the whole affair and declaring that no irregularities of any character existed, and found that the differences in the accounts were of no consequence, and the report of the ancient and honorable auditors from the Department of Justice was of a similar nature—a perfect whitewash. The rings in both departments were then certainly cooperative in the cover-up program, and all of this in the face of an ignored President, whom they defied. Why should they care? Presidents come and Presidents go, but the rings go on forever.

Mind you, the President was nevertheless busy in the work of going to the bottom of the affair himself, and then and there his confidential agent, Mr. Brewer, was making his first report to the President.

Brewer continued his investigation. It became necessary for him to go to various banking houses and to the Federal Reserve Bank of New York. On the last Sunday in December, 1922, a meeting was called at the private office of the President on the second floor of the White House by President Harding, a meeting which is bound to become celebrated in history.

The purpose for which it was called, when the overburdened President planned it two months before, was to show to Secretary of the Treasury Mellon and Attorney General Daugherty the proofs which had been disclosed to the President of the United States having to do with the matters subject to investigation by the President and his assistant, Mr. Brewer. There were also present S. Parker Gilbert, Undersecretary of the Treasury; W. H. Broughton, commissioner of the public debt; Elliott Wadsworth, Assistant Secretary of the Treasury; William H. Moran, Chief of the Secret Service of the Treasury; and Mr. Brewer, who then exhibited the proof of the duplication of bonds and the further evidence that the numbering could not in any way be made by the machine repeating, because the said numerals on the duplicate bonds were of type of different fonts, all of which proof Mr. Brewer had before disclosed to the President. Mr. Brewer showed those present that he had secured impressions from every numbering block then in use in the Bureau of Engraving and Printing or which had been used during the printing of Liberty bonds, and that the figures on some of the bonds had not been made from any numbering blocks in the possession of the Bureau of Engraving and Printing. The cover-up policy right in the teeth of the President's efforts to unearth the truth immediately after this meeting began to increase and become more subtle and dangerous.

Although this was necessarily a confidential meeting, yet there were enemies of the President there, for within less than two months the representatives of the bureaus and the misinterpreters of the President and his motives began to insert their articles in the Washington papers. Not only was the cover-up squad kept busy but the contingent of confusion, misrepresentation, and falsehood appeared in its best working form.

Instead of reporting the real purpose of this meeting, it was given out that the meeting was held for the express purpose of calling Brewer to task, with the further statement that he had failed to produce proof in support of his claim that bonds had been duplicated and that the numbers on the duplicate bonds were not due to the mechanical errors of the numbering machine. All of these statements and articles were falsehoods pure and simple. One piece of documentary evidence and proof in existence which proves conclusively that no such thought existed of putting Brewer to task at that meeting on December 30, 1923, is a letter written to Mr. Brewer by the President within four days after that memorable meeting.

THE WHITE HOUSE,
Washington, January 4, 1923.

MR. CHARLES B. BREWER,

Department of Justice, Washington, D. C.

MY DEAR MR. BREWER: I am inclosing you herewith a request which I have from the Attorney General for service at your hands. I am very much disposed to oblige the Attorney General in this matter. He has come to have a high regard for your services and he feels that you can be of very great assistance in a matter of deep concern to the Department of Justice. I trust this request will find you so situated that you can give him the service requested without serious interference with the important work you have in hand. I suggest that you report to General Daugherty personally.

Very truly yours,

WARREN G. HARDING.

This letter shows that the President was pleased with Brewer's work and was for giving him more power, as he said at their first meeting, "Go out and get the truth, and if there are any blocks put in your way let me know"; and so this propaganda against Brewer and his efforts to carry on and complete President Harding's work in regard to his investigation as to the duplication of bonds has not only been misrepresented by false articles inserted in the newspapers, not only blocks but mountains of opposition have been put in his way, one department having spent many thousands of dollars in obstruction and cover-up work. That there was a conspiracy both in the Department of Justice and in the Treasury among officials of both, as exercised by and through the influence of their organized rings, to discredit not only Brewer but the late Warren G. Harding, President of the United States, in his endeavors to protect and save the taxpayers of the United States from the loss of revenue to the Government as a result of these duplicate-bond frauds, there can be no doubt.

That his persistency and determination to go to the bottom of the affair, even into the very rendezvous of the master whose Machiavellian mind originated and directed the game sinister of duplicating and distributing \$10,000,000 of fraudulent Liberty bonds, made him secret, silent, powerful, resourceful, and relentless enemies, there can be no doubt. How far they were willing to go one can only judge by the extremes to which they have been willing to go since his death, which tortuous activities indicate that their resources and organization was not exceeded by the effectiveness of that celebrated and remorseless ring operated by Cesare Borgia in the fifteenth century; however—

Duncan is in his grave;
After life's fitful fever he sleeps well.
Treason has done his worst; nor steel, nor poison,
Malice domestic, foreign levy, nothing
Can touch him further.

Practically at every turn of this presidential investigation Mr. Brewer, in his efforts to secure for his chief the evidence he sought, was interfered with, hindered, delayed, and distracted by certain officials of the United States Government who should have assisted him in his effort. To such an extent was this carried on that it became necessary for Mr. Harding to give him a further letter to aid him in seeking the truth, which he did on June 30, 1922.

THE WHITE HOUSE,
Washington, June 30, 1922.

MR. CHARLES B. BREWER,

Special Assistant to the Attorney General,

Washington, D. C.

MY DEAR MR. BREWER: It is well understood throughout the Treasury Department and by Secretary Mellon that you are to be permitted to secure all information you desire in making the investigations which have been committed to you. The presentation of this letter to any concern dealing with the Government or with the department will undoubtedly make available to you all necessary opportunity for investigation. If these credentials are not ample please report to me the specific case and a special order will be issued.

Very truly yours,

WARREN G. HARDING.

Such action on the President's part was specifically necessary to overcome the efforts to thwart the investigation made by no less a person than Assistant Secretary of the Treasury Gilbert. This incident is illustrated in the following memorandum made by C. H. Hearst, assistant cashier of the division of securities:

NOVEMBER 2, 1922.

Mr. Charles B. Brewer, attorney of the Department of Justice, called at this office to-day, being introduced to Mrs. Turner, confidential clerk, by Mr. Warner in my absence and Mr. Ellis's absence. He asked for a date of shipment of bonds from New York in 1919, saying Mr. Mellon had authorized capital heads to permit him to examine records if accompanied by a representative of the division.

I telephoned Mr. Gilbert's office and Mr. Gilbert stated that Mr. Brewer's authority extended only to the public-debt service.

C. H. HEARST,

Assistant Chief, Division of Securities,
Office of the Treasurer of the United States.

The death of the good President removed the sole man who had the power and the willingness to push aside the blocks laid in Brewer's way. The effect was instantaneous. It was as though a gleeful shout arose, "Hurrah! The President is dead, and in his coffin. Now let us get Brewer without delay. He is getting too near his goal." It was necessary for Brewer to go to New York, Chicago, and San Francisco, and about a week after the President's funeral and while Brewer was in California, to wit, on August 18, 1923, the Attorney General wrote to Brewer as follows:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., August 18, 1923.

CHARLES B. BREWER, Esq.,

Department of Justice.

(Addressed to College Park, Md.)

SIR: Your resignation as special assistant to the Attorney General, Department of Justice, is hereby requested, the same to take effect at the expiration of your accrued leave of absence.

Respectfully,

H. M. DAUGHERTY, Attorney General.

It was addressed to his home at College Park, Md., when it was well known that he was in the West.

Again, on August 31, 1923, the Attorney General wrote another letter.

OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., August 31, 1923.

CHARLES B. BREWER, Esq.,
Department of Justice.

DEAR SIR: Your resignation as special assistant to the Attorney General, Department of Justice, is hereby requested, the same to take effect at the expiration of your accrued leave of absence.

Respectfully, H. M. DAUGHERTY, Attorney General.

None of these were received until his arrival home, which was required of him while engaged in his important work by this telegram:

[Western Union telegram.]
WASHINGTON, D. C., September 11, 1923.

CHARLES B. BREWER,
Auditorium Hotel, Chicago, Ill.:
Return to department immediately.

DAUGHERTY, Attorney General.

And again the following letter was received:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., September 19, 1923.

CHARLES B. BREWER, Esq.,
Department of Justice, Washington, D. C.

SIR: Under date of August 18, 1923, I wrote you requesting your resignation as Special Assistant to the Attorney General, Department of Justice, the same to take effect at the expiration of your accrued leave of absence.

No response having been received to such request, you are advised that your connection with the Department of Justice is hereby severed and your appointment as Special Assistant to the Attorney General, Department of Justice, is hereby canceled, the same to be effective at the close of business September 30, 1923.

Respectfully, H. M. DAUGHERTY, Attorney General.

It then became necessary to call the attention of the Hon. Calvin Coolidge, then President, to the matter, and he assigned Hon. Charles G. Washburn, a trusted friend, to hear and consider the same. Thereupon the Attorney General's order was revoked and Brewer directed to proceed and hand in his report by January 15, 1924, and on that date Brewer placed his report in the hands of Washburn.

One of the methods of hindrance of the investigation was the continual effort of Andrew Mellon to keep on with the destruction of the very bonds that would be necessary to prove whether or not they had been duplicated. Mellon said he would have it stopped. This was said June 27, 1921. He did not do so, but continued to destroy them until December 18, 1921, when it became necessary for President Harding himself to take Mr. Mellon in hand, as shown by the President's letter written next day. This letter was:

THE WHITE HOUSE,
Washington, D. C., December 19, 1921.
(Personal and confidential.)

The honorable the SECRETARY OF THE TREASURY,
Washington, D. C.

MY DEAR MR. SECRETARY: I talked with you this morning over the telephone about suspending the destruction of bonds which have been exchanged for new ones, etc., and was very greatly pleased to have your assurance that this destruction would be permanently suspended. I think this administration ought to take that course as the surest manner of self-defense.

These bonds will not require any very extended storage space, and we will have very valuable refutation of neglect on the part of this administration if these exchanged securities and other questionable cancellations are reserved for future reference and inspection.

I trust you will make the order a very explicit one and allow no variation therefrom.

Very sincerely, WARREN G. HARDING.

Nevertheless, the destruction of the valuable evidence was not stopped until April 22, 1922, and after the President had issued another letter on the subject.

When the House investigation of the truth of the whole matter began to appear on the horizon and the discussion of the elimination of the evidence of duplication by destruction of canceled bonds was received as an important factor by the membership of the House the Assistant Secretary of the Treasury began an argument in the newspapers that there was full authority of law to destroy canceled bonds. He set his lawyers to work on the matter, and after days of search they reported that they could find no such law, and Assistant Secretary Winston admitted that they had no authority, and now talk about resourcefulness—now something happened which nearly be-

came a joke on the House. A great mass of coupons, which are absolutely necessary in tracing duplications, were very recently presented to the committee of this House on the disposition of useless executive papers, which I have been trained to think was an unimportant committee; and had it not been for a member of that committee from Kentucky, who objected, the humorous tragedy would have been enacted.

In constant fear of losing his bonds, in which the interests of the Government were vital and in which lay his own reputation, Brewer did as every honest man should, he fled to the people's sanctuary—Capitol Hill. I had known something of his work. Several weeks before he had exhibited some of the bonds to me. If they were taken from him, he wanted some one to prove that he had had them. I agreed to make an affidavit for him; but the Departments of Justice and the Treasury were bearing down upon him and his evidence. It seemed that to save him on his third time down he and his case must be given the publicity treatment.

The truth must be brought to light. I then called, haphazard, as I could reach them by telephone, 25 Members of this House, to whom in my office Brewer spoke and detailed his case. The result was a vote of confidence in Brewer and his claim. A volunteer organization was then perfected and an executive committee appointed, which volunteer organization can easily work in harmony, if necessary, with any regularly appointed committee of this House to obtain the truth, the whole truth, and nothing but the truth. Later 10 members of this committee visited the safety vaults of the Union Trust Co. and saw, held in their hands, and examined several million dollars' worth of duplicated, uncanceled, or other bonds about which the records had been falsified which the special attorney and investigator for former President Harding had obtained.

While Brewer was endeavoring to make his final report he was subjected to all sorts of interruptions tending to annoy and delay him. For instance, at this time the Treasury Department demanded the taking of an inventory of the bonds in the possession of Brewer and necessary for the making up of this report, and this when the Treasury held individual receipts for every piece of paper he had, and efforts were made to secure his evidence to the extent that his private office was broken open under the orders of Cunningham, assistant to W. J. Burns, connected with the Department of Justice. His telephone lines were tapped, and Treasury sleuths followed him from place to place, and in the banks in San Francisco, where it was necessary to go, and even his room at his hotel was ransacked. Brewer was determined that he would protect his evidence and produce it where it would be available for the use of Congress or the grand jury, and when one Rush Holland, an employee of the Department of Justice, demanded that he turn over his evidence to the Undersecretary of the Treasury and deliver to him all the duplicate bonds and evidence in his possession, and appeared with a written demand from Andrew Mellon that the same be turned over to Winston, Assistant Secretary of the Treasury, Charles B. Brewer, at his own expense, employed a lawyer and applied to a local court as a citizen and taxpayer for an order protecting him in his possession of this evidence, which was necessary to exonerate the late President Harding and to protect his own reputation and honor and to prevent irreparable damage resulting to the people from the loss or destruction of the same.

Upon filing of the bill, Brewer turned over to me the keys to the safety boxes containing the bonds and other evidence for the benefit and use of the House of Representatives. The complainant, Brewer, on motion of the attorneys for the Department of Justice and the Treasury, was ordered to turn over his evidence to the defendants in order that they might make a case in defense. Brewer was threatened with contempt unless he turned the bonds over to the clerk of the court where the proceeding was pending, and I caused the keys to be turned over to the clerk on the express understanding that an inventory was made of the securities and a receipt given me for the same before any access was given to any other person.

And now the Treasury is attempting to get its hands on the exhibits and remove them from the court to the Treasury Building. These bonds represent the truth. If they were destroyed, accidentally, or otherwise, they would have no more force or effect than a dead witness who had ceased to talk. The dead tell no tales, and destroyed bonds speak no language. Such is the present status of these duplicate bonds.

Brewer prayed the court that the Department of Justice and the Treasury Department be enjoined from interfering with him in his possession of these Liberty bonds and other evidence and from interfering with his possession of the keys to the

safety boxes containing the bonds and other evidence which he had turned over to said Member of Congress, and from destroying said bonds which were necessary to preserve in order to determine with certainty whether there were duplicates which had not as yet been surrendered, and from molesting, coercing, or in any way humiliating or embarrassing the persons in the employ of the Government who have been called upon to state what they know with reference to said Liberty bond issues, and their destruction. He further prayed the court that said injunction be made permanent until at least the United States grand jury could investigate and act upon such evidence.

Mr. Speaker, I have no doubt about this resolution passing the House, and I realize that it could have been passed without argument, but for the benefit of the historical features of the case I thought it would not be amiss to put the foregoing into the Record.

The resolution may be a little weak and whey-faced; but with the statutes of the United States governing an investigation of this kind and with the promise of that able legislator from New York [Mr. SNELL], chairman of the Rules Committee, that if any further authority is needed to come back to him and it would be given, I am satisfied that when the committee is appointed it will have sufficient power granted it now or hereafter to thoroughly investigate the subject in question.

I predict for the committee which the Speaker in his wisdom may appoint a thorough, painstaking inquiry wherein no innocent man shall suffer and no guilty man shall escape.

There is one other word—a word of warning. Remember that though securities are printed in the Bureau of Engraving, they are issued, surrendered, and retired through other divisions of the Treasury. The opposition to this investigation has attempted from the beginning to keep the public mind centered on the Bureau of Engraving in order that it might not be remembered that other divisions of the Treasury have been accused of as many, if not more, irregularities than the engraving division; and also that the public might lose sight of the question of duplicate bonds—the real subject under investigation. This opposition attempted to use such a smoke screen on Members of Congress and failed. It has, however, been powerful enough to have a part of the press emphasize the Bureau of Engraving to the exclusion of the real subject. If the papers are read with this idea in mind, it is not difficult to recognize the ones affected. It is reflected in the tone and particularly in the headlines which oftentimes bear little resemblance to the text. Headlines generally form an interesting study and a tolerably accurate barometer of a journal's sincerity.

INVENTORY OF DUPLICATE AND IRREGULAR BONDS AND COUPONS AND OTHER SECURITIES OF THE LIBERTY LOAN ISSUES FORMERLY HELD IN TRUST FOR CHARLES B. BREWER, SPECIAL ASSISTANT TO THE ATTORNEY GENERAL, BY CONGRESSMAN EDWARD J. KING, IN THE VAULTS OF THE UNION TRUST CO., AND BY EDWARD J. KING DELIVERED TO THE CLERK OF THE SUPREME COURT OF THE DISTRICT OF COLUMBIA FEBRUARY 21, 1924, AND LOCKED IN THE VAULTS OF RIGGS NATIONAL BANK FOR SAFE-KEEPING.

[NOTE: Where the same number appears twice it means that both bonds are in existence; where only one number appears it usually means that the duplicate has been destroyed.]

BONDS.

First \$50 4's.				First \$1,000 4's.	
102300	999763	1925525	785835	103992	
186765	999764	1928672	835925	103993	
210213	999804	1928686	853618	126586	
239163	999834	2108099	853619	267763	
289038	999837	2108100	1035409	3000468	
450056	999910	1666002	1062301	3000474	
452285	999915	1666005	1123795	3000513	
561720	1023005	1666009	1123796	3000572	
577446	1059365	1666014	1123797	3000616	
577446	1060004		1259081	3000659	
577446	1140418			3000681	
577446	1222914			3000707	
577446	1254577			3000729	
577446	1254577			3000730	
577446	1254577			3000731	
577446	1254577			3000732	
577446	1254577			3000733	
577446	1254577			3000734	
577446	1254577			3000735	
577446	1254577			3000736	
577446	1254577			3000737	
577446	1254577			3000738	
577446	1254577			3000739	
577446	1254577			3000740	
577446	1254577			3000741	
577446	1254577			3000742	
577446	1254577			3000743	
577446	1254577			3000744	
577446	1254577			3000745	
577446	1254577			3000746	
577446	1254577			3000747	
577446	1254577			3000748	
577446	1254577			3000749	
577446	1254577			3000750	
577446	1254577			3000751	
577446	1254577			3000752	
577446	1254577			3000753	
577446	1254577			3000754	
577446	1254577			3000755	
577446	1254577			3000756	
577446	1254577			3000757	
577446	1254577			3000758	
577446	1254577			3000759	
577446	1254577			3000760	
577446	1254577			3000761	
577446	1254577			3000762	
577446	1254577			3000763	
577446	1254577			3000764	
577446	1254577			3000765	
577446	1254577			3000766	
577446	1254577			3000767	
577446	1254577			3000768	
577446	1254577			3000769	
577446	1254577			3000770	
577446	1254577			3000771	
577446	1254577			3000772	
577446	1254577			3000773	
577446	1254577			3000774	
577446	1254577			3000775	
577446	1254577			3000776	
577446	1254577			3000777	
577446	1254577			3000778	
577446	1254577			3000779	
577446	1254577			3000780	
577446	1254577			3000781	
577446	1254577			3000782	
577446	1254577			3000783	
577446	1254577			3000784	
577446	1254577			3000785	
577446	1254577			3000786	
577446	1254577			3000787	
577446	1254577			3000788	
577446	1254577			3000789	
577446	1254577			3000790	
577446	1254577			3000791	
577446	1254577			3000792	
577446	1254577			3000793	
577446	1254577			3000794	
577446	1254577			3000795	
577446	1254577			3000796	
577446	1254577			3000797	
577446	1254577			3000798	
577446	1254577			3000799	
577446	1254577			3000800	
577446	1254577			3000801	
577446	1254577			3000802	
577446	1254577			3000803	
577446	1254577			3000804	
577446	1254577			3000805	
577446	1254577			3000806	
577446	1254577			3000807	
577446	1254577			3000808	
577446	1254577			3000809	
577446	1254577			3000810	
577446	1254577			3000811	
577446	1254577			3000812	
577446	1254577			3000813	
577446	1254577			3000814	
577446	1254577			3000815	
577446	1254577			3000816	
577446	1254577			3000817	
577446	1254577			3000818	
577446	1254577			3000819	
577446	1254577			3000820	
577446	1254577			3000821	
577446	1254577			3000822	
577446	1254577			3000823	
577446	1254577			3000824	
577446	1254577			3000825	
577446	1254577			3000826	
577446	1254577			3000827	
577446	1254577			3000828	
577446	1254577			3000829	
577446	1254577			3000830	
577446	1254577			3000831	
577446	1254577			3000832	
577446	1254577			3000833	
577446	1254577			3000834	
577446	1254577			3000835	
577446	1254577			3000836	
577446	1254577			3000837	
577446	1254577			3000838	
577446	1254577			3000839	
577446	1254577			3000840	
577446	1254577			3000841	
577446	1254577			3000842	
577446	1254577			3000843	
577446	1254577			3000844	
577446	1254577			3000845	
577446	1254577			3000846	
577446	1254577			3000847	
577446	1254577			3000848	
577446	1254577			3000849	
577446	1254577			3000850	
577446	1254577			3000851	
577446	1254577			3000852	
577446	1254577			3000853	
577446	1254577			3000854	
577446	1254577			3000855	
577446	1254577			3000856	
577446	1254577			3000857	
577446	1254577			3000858	
577446	1254577			3000859	
577446	1254577			3000860	
577446	1254577			3000861	
577446	1254577			3000862	
577446	1254577			3000863	
577446	1254577			3000864	
577446	1254577			3000865	
577446	1254577			3000866	
577446	1254577			3000867	
577446	1254577			3000868	
577446	1254577			3000869	
577446	1254577			3000870	
577446	1254577			3000871	
577446	1254577			3000872	
577446	1254577			3000873	
577446	1254577			3000874	
577446	1254577			3000875	
577446	1254577			3000876	
577446	1254577			3000877	
577446	1254577			3000878	
577446	1254577			3000879	
577446	1254577			3000880	
577446	1254577			3000881	
577446	1254577			3000882	
577446	1254577			3000883	
577446	1254577			3000884	
577446	1254577			3000885	
577446	1254577			3000886	
577446	1254577			3000887	
577446	1254577			3000888	
577446	1254577			3000889	
577446	1254577			3000890	
577446	1254577			3000891	
577446	1254577			3000892	
577446	1254577			3000893	
577446	1254577			3000894	
577446	1254577			3000895	
577446	1254577			3000896	
577446	1254577			3000897	
577446	1254577			3000898	
577446	1254577			3000899	
577446	1254577			3000900	
577446	1254577			3000901	
577446	1254577			3000902	
577446	1254577			3000903	
577446	1254577			3000904	
577446	1254577			3000905	
577446	1254577			3000906	
577446	1254577			3000907	
577446	1254577			3000908	
577446	1254577			3000909	
577446	1254577			3000910	
577446	1254577			3000911	
577446	1254577			3000912	
577446	1254577			3000913	
577446	1254577			3000914	
577446	1254577			3000915	
577446	1254577			3000916	
577446	1254577			3000917	
577446	1254577			3000918	
577446	1254577			3000919	
577446	1254577			3000920	
577446	1254577			3000921	
577446	1254577			3000922	
577446	1254577			3000923	
577446	1254577			3000924	
577446	1254577			3000925	

BONDS—Continued.

1265526	562380	2642981	6126217	6369097	6769621
12894301	562383	2720722	6126261	6369701	6785339
12903503	562384	2724711	6126262	6369702	6838498
13481834	932789	2725827	6126263	6369703	6838527
13212757	932789	2804035	6126263	6369707	6850000
13326083	1662374	2826206	6126265	6369708	6863727
13491433	1562375	2873444	6126296	6369709	6924247
13498150	1562378	2885280	6126301	6369710	6964649
13644491	1562378	2885191	6126312	6369711	6971510
13658804	1562384	2885191	6126315	6369715	6971633
13816495	1562385	3064098	6126316	6369716	6971763
13865790	1562386	3120081	6126316	6369717	6991128
13664631	1562387	3340151	6126318	6369719	6991143
14015683	1878516	3404538	6126318	6369720	6991143
14032802	1878516	3573828	6126325	6369721	6991143
14032803		3625272	6126328	6369721	6991219
14047577		3706359	6126333	6369722	6991219
14168281		3706359	6126334	6369723	6991242
14168284		3739024	6126334	6369724	6991242
14168291		3759401	6126335	6369725	6991242
14244019		3761195	6126335	6369726	6991242
		3913887	6126337	6369727	6991242
		3970640	6126337	6369728	6991242
		4022398	6126338	6369729	6991242
		4022820	6126341	6369730	6991242
		4030338	6126341	6369731	6991242
		4075282	6126344	6369732	6991242
		4088900	6126359	6369733	6991242
		4082850	6126359	6369734	6991242
		4082850	6126359	6369735	6991242
		4082853	6126368	6369736	6991242
		4082945	6126369	6369737	6991242
		4086201	6126378	6369738	6991242
		4168752	6126389	6369739	6991242
		4297678	6126392	6369740	6991242
		4337033	6126392	6369741	6991242
		4339222	6126394	6369742	6991242
		4339277	6126394	6369743	6991242
		4339288	6126394	6369744	6991242
		4339288	6126394	6369745	6991242
		4339288	6126394	6369746	6991242
		4339288	6126394	6369747	6991242
		4339288	6126394	6369748	6991242
		4339288	6126394	6369749	6991242
		4339288	6126394	6369750	6991242
		4339288	6126394	6369751	6991242
		4339288	6126394	6369752	6991242
		4339288	6126394	6369753	6991242
		4339288	6126394	6369754	6991242
		4339288	6126394	6369755	6991242
		4339288	6126394	6369756	6991242
		4339288	6126394	6369757	6991242
		4339288	6126394	6369758	6991242
		4339288	6126394	6369759	6991242
		4339288	6126394	6369760	6991242
		4339288	6126394	6369761	6991242
		4339288	6126394	6369762	6991242
		4339288	6126394	6369763	6991242
		4339288	6126394	6369764	6991242
		4339288	6126394	6369765	6991242
		4339288	6126394	6369766	6991242
</					

BONDS—Continued.

13679466	550378	2308341	0000014	712271	2338185
1408376	550379	2808345	0753480	707090	2338186
14101399	550380	2808345	0815047	927734	2338187
14620075	550390	2808350	0640330	7008398	2338188
14620178	550381	2808350	0640390	1019467	2338189
14620178	550382	2808353	0608816	1019857	2338190
15385875	550383	2808353	0608610	1067753	2338191
15389875	550384	2808354	7030315	1316589	2338192
15631281	550384	2808355	7065284	1316598	2338193
15647008	550385	2808355	7065285	1417859	2338194
15647008	550386	2808355	7203804	1417869	2338195
15644886	550387	2808357	7222900	1625258	2338196
15644886	550387	2808357	7222903	1625258	2338197
157278724	603294	2808357	7446029	1673612	2338198
15757254	637587	2808358	7442462	1673612	2338199
15760254	637587	2808362	7597186	1680980	2338200
15762495	642525	2808365	7619093	1680985	2338201
15793235	674890	2808365	7619093	1680995	2338202
15793235	674890	2808365	7631356	1680997	2338203
15863816	375180	2808370	7751536	1689997	2338204
16019112	696014	2808370	7753196	2338111	2338205
16401912	908333	2808372	7812172	2338112	2338207
16435374	908341	2808372	7812172	2338114	2338208
16584502	908493	2808373	7812189	2338115	2338209
16576454	916511	2808376	7812189	2338116	2338210
16657490	916511	2808370	8020458	2338117	2338211
16657490	929962	2808378	8020458	2338119	2338212
26605105	979980	2808377	8100820	2338119	2338213
16928757	979980	2808384	8147515	2338120	2338214
17010544	1000033	2808385	8147516	2338121	2338215
17140096	1000033	2808387	8147517	2338122	2338216
17140096	1003027	2808384	8306077	2338123	2338217
17405453	1113003	2808385	8604949	2338123	2338218
17425593	1113008	2808385	8604949	2338124	2338219
17428785	1188990	2808385	8714112	2338125	2338220
17428945	1420358	2808388	8714112	2338126	2338221
17450133	1500527	2808388	8717228	2338126	2338222
17510823	1539028	8033084	8717228	2338127	2338223
17626064	1539028	8033084	8779805	2338127	2338224
17628948	1667785	8104765	8779805	2338128	2338225
17628948	1667801	3245327	8790670	2338129	2338226
17604922	1747004	3245327	8790670	2338130	2338227
17604922	1747004	3367663	8853953	2338131	2338228
17604933	1756543	3387425	8853953	2338131	2338229
17604948	1766599	3388869	8978141	2338132	2338230
17604949	1766999	3416574	9035426	2338132	2338231
17604950	1780993	3535762	9081071	2338133	2338232
17604951	1813644	3549249	9141467	2338133	2338233
17604953	1839199	3568737	9147703	2338134	2338234
17840243	1913817	3569096	9147703	2338134	2338235
17800785	1913817	3569096	9259833	2338135	2338236
17892588	2057529	3730132	9271204	2338135	2338237
17900862</					

COUPONS—Continued

Fourth \$1,600 41's—Coupon No. 4.			
Single.	Two coupons to each number.	Single.	Two coupons to each number.
2338001-2338100		2338440-2338446	
2338113-2338122		2338448-2338450	
	2338123	2338452-2338458	
2338124-2338136		2338459-2338472	
	2338126-2338127	2338473-2338478	
2338128		2338479-2338486	
	2338129-2338135	2338487-2338494	
2338130		2338495-2338500	
	2338137-2338141	2338501-2338508	
2338142-2338149		2338509-2338516	
	2338150-2338154	2338517-2338522	
2338155-2338200		2338523-2338528	
2338202-2338238		2338529-2338536	
2338201-2338300		2338537-2338544	
	2338300	2338545-2338552	
2338265-2338308		2338553-2338560	
2338371-2338390		2338561-2338568	
2338385-2338388		2338569-2338576	
2338391-2338400		2338577-2338584	
	2338400	2338585-2338592	
2338407-2338427		2338593-2338600	
2338434-2338438			

Adjustment First \$500 4¢. (Coupon date, June 18, 1920.)	9162	14949	20384	23348	24183
	9343	15090	20504	23404	24193
	9385	15325	20595	23412	24196
	9781	15713	20596	23413	24197
	9857	15924	20598	23420	24213
	10049	16047	20600	23466	24214
	10151	16339	20601	23479	24231
	10307	16399	20602	23594	24326
	10400	16399	20603	23595	24327
192	10415	16399	20604	23611	24333
412	10415	16391	20605	23639	24351
886	10742	16392	20606	23654	24376
887	10888	16442	20607	23659	24369
1067	10916	16456	20608	23691	24370
1119	10935	16461	20702	23768	24377
1120	10990	16467	20703	23769	24383
1148	10997	16468	20706	23794	24342
1282	11085	16469	21193	23805	23851
1439	11132	16470	21295	23834	23857
1640	11335	16471	21862	23855	23867
1843	11353	16472	21991	23872	23878
2303	11424	16473	22014	23880	23879
2507	11432	16474	22023	23894	23950
2555	11446	16475	22041	23898	24099
2686	11485	16476	22043	23899	24264
3073	11506	16482	22050	23900	24357
3632	11507	16483	22216	23902	24358
3707	12271	16515	22275	23905	24671
3960	12272	16523	22279	23908	24726
8961	12274	17086	22280	23916	24727
8978	12484	17228	22439	23931	24788
9979	13437	17386	22460	23945	24791
4209	13443	17394	22476	23972	24825
4779	13506	17444	22477	23974	24916
4896	13872	17470	22503	23991	25004
4901	13873	17464	22505	23997	25021
5641	13882	17989	22604	24001	25407
5916	14075	18127	22616	24007	25469
6396	14569	18175	22624	24051	25554
6558	14697	18322	22674	24052	25558
6784	14698	18342	22696	24062	25564
7073	14699	18343	22739	24096	25584
7296	14700	18344	22820	24103	25676
7638	14701	18345	22877	24107	25671
7761	14702	18346	22878	24109	25761
7762	14757	18347	22879	24132	25806
7827	14858	18562	22880	24136	25833
8008	14863	18563	22915	24138	25847
8108	14866	19360	23103	24139	25855
8141	14874	19361	23153	24140	26214
8671	14920	19425	23256	24141	26200
8684	14921	19481	23275	24143	
8995	14938	20518	23301	24149	
8997	14942	20549	23314	24150	
9027	14946	20555	23315	24181	
9093	14948	20561	23342	24182	

\$10,000 note, 4 sheets, 4 bonds each (16 \$10,000 bonds).
Back, Series B, 1925, 4½ per cent. Face, Series A, 1926, 4½ per cent.
28 coupons to each, \$237.50. Sixteen coupons not printed.

Fourth \$1,000 4½'s—Coupon No. 3.

[illegible]

COUPONS—Continued

Coupon No.	Temporary Second \$1,000 4 1/2's.	Coupon No.	Temporary Third \$50 4 1/2's.	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																													
1	1353092	1	4997546	1	4997553	1	4997560	1	4997567	1	4997574	1	4997581	1	4997588	1	4997595	1	4997602	1	4997609	1	4997616	1	4997623	1	4997630	1	4997637	1	4997644	1	4997651	1	4997658	1	4997665	1	4997672	1	4997679	1	4997686	1	4997693	1	4997700	1	4997707	1	4997714	1	4997721	1	4997728	1	4997735	1	4997742	1	4997749	1	4997756	1	4997763	1	4997770	1	4997777	1	4997784	1	4997791	1	4997798	1	4997805	1	4997812	1	4997819	1	4997826	1	4997833	1	4997840	1	4997847	1	4997854	1	4997861	1	4997868	1	4997875	1	4997882	1	4997889	1	4997896	1	4997903	1	4997910	1	4997917	1	4997924	1	4997931	1	4997938	1	4997945	1	4997952	1	4997959	1	4997966	1	4997973	1	4997980	1	4997987	1	4997994	1	4998001	1	4998008	1	4998015	1	4998022	1	4998029	1	4998036	1	4998043	1	4998050	1	4998057	1	4998064	1	4998071	1	4998078	1	4998085	1	4998092	1	4998099	1	4998106	1	4998113	1	4998120	1	4998127	1	4998134	1	4998141	1	4998148	1	4998155	1	4998162	1	4998169	1	4998176	1	4998183	1	4998190	1	4998197	1	4998204	1	4998211	1	4998218	1	4998225	1	4998232	1	4998239	1	4998246	1	4998253	1	4998260	1	4998267	1	4998274	1	4998281	1	4998288	1	4998295	1	4998302	1	4998309	1	4998316	1	4998323	1	4998330	1	4998337	1	4998344	1	4998351	1	4998358	1	4998365	1	4998372	1	4998379	1	4998386	1	4998393	1	4998400	1	4998407	1	4998414	1	4998421	1	4998428	1	4998435	1	4998442	1	4998449	1	4998456	1	4998463	1	4998470	1	4998477	1	4998484	1	4998491	1	4998498	1	4998505	1	4998512	1	4998519	1	4998526	1	4998533	1	4998540	1	4998547	1	4998554	1	4998561	1	4998568	1	4998575	1	4998582	1	4998589	1	4998596	1	4998603	1	4998610	1	4998617	1	4998624	1	4998631	1	4998638	1	4998645	1	4998652	1	4998659	1	4998666	1	4998673	1	4998680	1	4998687	1	4998694	1	4998701	1	4998708	1	4998715	1	4998722	1	4998729	1	4998736	1	4998743	1	4998750	1	4998757	1	4998764	1	4998771	1	4998778	1	4998785	1	4998792	1	4998799	1	4998806	1	4998813	1	4998820	1	4998827	1	4998834	1	4998841	1	4998848	1	4998855	1	4998862	1	4998869	1	4998876	1	4998883	1	4998890	1	4998897	1	4998904	1	4998911	1	4998918	1	4998925	1	4998932	1	4998939	1	4998946	1	4998953	1	4998960	1	4998967	1	4998974	1	4998981	1	4998988	1	4998995	1	4999002	1	4999009	1	4999016	1	4999023	1	4999030	1	4999037	1	4999044	1	4999051	1	4999058	1	4999065	1	4999072	1	4999079	1	4999086	1	4999093	1	4999100	1	4999107	1	4999114	1	4999121	1	4999128	1	4999135	1	4999142	1	4999149	1	4999156	1	4999163	1	4999170	1	4999177	1	4999184	1	4999191	1	4999198	1	4999205	1	4999212	1	4999219	1	4999226	1	4999233	1	4999240	1	4999247	1	4999254	1	4999261	1	4999268	1	4999275	1	4999282	1	4999289	1	4999296	1	4999303	1	4999310	1	4999317	1	4999324	1	4999331	1	4999338	1	4999345	1	4999352	1	4999359	1	4999366	1	4999373	1	4999380	1	4999387	1	4999394	1	4999401	1	4999408	1	4999415	1	4999422	1	4999429	1	4999436	1	4999443	1	4999450	1	4999457	1	4999464	1	4999471	1	4999478	1	4999485	1	4999492	1	4999499	1	4999506	1	4999513	1	4999520	1	4999527	1	4999534	1	4999541	1	4999548	1	4999555	1	4999562	1	4999569	1	4999576	1	4999583	1	4999590	1	4999597	1	4999604	1	4999611	1	4999618	1	4999625	1	4999632	1	4999639	1	4999646	1	4999653	1	4999660	1	4999667	1	4999674	1	4999681	1	4999688	1	4999695	1	4999702	1	4999709	1	4999716	1	4999723	1	4999730	1	4999737	1	4999744	1	4999751	1	4999758	1	4999765	1	4999772	1	4999779	1	4999786	1	4999793	1	4999800	1	4999807	1	4999814	1	4999821	1	4999828	1	4999835	1	4999842	1	4999849	1	4999856	1	4999863	1	4999870	1	4999877	1	4999884	1	4999891	1	4999898	1	4999905	1	4999912	1	4999919	1	4999926	1	4999933	1	4999940	1	4999947	1	4999954	1	4999961	1	4999968	1	4999975	1	4999982	1	4999989	1	4999996	1	5000003	1
1	1353093	2	4997546	1	4997553	1	4997560	1	4997567	1	4997574	1	4997581	1	4997588	1	4997595	1	4997602	1	4997609	1	4997616	1	4997623	1	4997630	1	4997637	1	4997644	1	4997651	1	4997658	1	4997665	1	4997672	1	4997679	1	4997686	1	4997693	1	4997700	1	4997707	1	4997714	1	4997721	1	4997728	1	4997735	1	4997742	1	4997749	1	4997756	1	4997763	1	4997770	1	4997777	1	4997784	1	4997791	1	4997798	1	4997805	1	4997812	1	4997819	1	4997826	1	4997833	1	4997840	1	4997847	1	4997854	1	4997861	1	4997868	1	4997875	1	4997882	1	4997889	1	4997896	1	4997903	1	4997910	1	4997917	1	4997924	1	4997931	1	4997938	1	4997945	1	4997952	1	4997959	1	4997966	1	4997973	1	4997980	1	4997987	1	4997994	1	4998001	1	4998008	1	4998015	1	4998022	1	4998029	1	4998036	1	4998043	1	4998050	1	4998057	1	4998064	1	4998071	1	4998078	1	4998085	1	4998092	1	4998099	1	4998106	1	4998113	1	4998120	1	4998127	1	4998134	1	4998141	1	4998148	1	4998155	1	4998162	1	4998169	1	4998176	1	4998183	1	4998190	1	4998197	1	4998204	1	4998211	1	4998218	1	4998225	1	4998232	1	4998239	1	4998246	1	4998253	1	4998260	1	4998267	1	4998274	1	4998281	1	4998288	1	4998295	1	4998302	1	4998309	1	4998316	1	4998323	1	4998330	1	4998337	1	4998344	1	4998351	1	4998358	1	4998365	1	4998372	1	4998379	1	4998386	1	4998393	1	4998400	1	4998407	1	4998414	1	4998421	1	4998428	1	4998435	1	4998442	1	4998449	1	4998456	1	4998463	1	4998470	1	4998477	1	4998484	1	4998491	1	4998498	1	4998505	1	4998512	1	4998519	1	4998526	1	4998533	1	4998540	1	4998547	1	4998554	1	4998561	1	4998568	1	4998575	1	4998582	1	4998589	1	4998596	1	4998603	1	4998610	1	4998617	1	4998624	1	4998631	1	4998638	1	4998645	1	4998652	1	4998659	1	4998666	1	4998673	1	4998680	1	4998687	1	4998694	1	4998701	1	4998708	1	4998715	1	4998722	1	4998729	1	4998736	1	4998743	1	4998750	1	4998757	1	4998764	1	4998771	1	4998778	1	4998785	1	4998792	1	4998799	1	4998806	1	4998813	1	4998820	1	4998827	1	4998834	1	4998841	1	4998848	1	4998855	1	4998862	1	4998869	1	4998876	1	4998883	1	4998890	1	4998897	1	4998904	1	4998911	1	4998918	1	4998925	1	4998932	1	4998939	1	4998946	1	4998953	1	4998960	1	4998967	1	4998974	1	4998981	1	4998988	1	4998995	1	4999002	1	4999009	1	4999016	1	4999023	1	4999030	1	4999037	1	4999044	1	4999051	1	4999058	1	4999065	1	4999072	1	4999079	1	4999086	1	4999093	1	4999100	1	4999107	1	4999114	1	4999121	1	4999128	1	4999135	1	4999142	1	4999149	1	4999156	1	4999163	1	4999170	1	4999177	1	4999184	1	4999191	1	4999198	1	4999205	1	4999212	1	4999219	1	4999226	1	4999233	1	4999240	1	4999247	1	4999254	1	4999261	1	4999268	1	4999275	1	4999282	1	4999289	1	4999296	1	4999303	1	4999310	1	4999317	1	4999324	1	4999331	1	4999338	1	4999345	1	4999352	1	4999359	1	4999366	1	4999373	1	4999380	1	4999387	1	4999394	1	4999401	1	4999408	1	4999415	1	4999422	1	4999429	1	4999436	1	4999443	1	4999450	1	4999457	1	4999464	1	4999471	1	4999478	1	4999485	1	4999492	1	4999499	1	4999506	1	4999513	1	4999520	1	4999527	1	4999534	1	4999541	1	4999548	1	4999555	1	4999562	1	4999569	1	4999576	1	4999583	1																																																																																																																								

COUPONS—Continued.

[illegible]

COUPONS—Continued.

2	200632-200636	4	200,82-200,8137	1	1991001
2	200638	4	200139	1	1991001
2	200642-200643	4	200142-200153	1	1994994
2	200647-200649	4	200160	1	2187793
2	200653	4	200170-200175	1	2187793
2	200658-200659	4	200209-200210	1	2407796
2	200675-200676	4	200222	1	2621580
2	200688-200689	4	200224-200225	1	2621580
2	200705-200709	4	200234-200235	1	2621008
2	200730-200735	4	200242-200248	1	2621008
2	200737-200738	4	200254-200259	1	2624989
2	200778	4	200262-200265	1	2624989
2	200784-200785	4	200305	1	2132065
2	200792	4	200309-200312	1	2132065
2	200794	4	200314-200322	2	2003
2	200796	4	200330	2	1012003
2	200799	4	200350-200354	2	1012003
2	200801-200808	4	200370	2	1600289
2	200821-200820	4	200376	2	1994099
2	200863-200863	4	200387-200389	2	2003
2	200890	4	200391-200396	3	1012003
2	200966-200967	4	200400-200405	3	896237
2	200969-200969	4	200405-200408	3	896237
2	200995	4	200421-200422	3	896237
2	200999-200912	4	200424	3	1600289
2	200914-200922	4	200427-200430	3	2078412
2	200930	4	200437	4	2003
2	200930-200934	4	200443-200444	4	1012003
2	200937	4	200449-200452	4	826817
2	200972	4	200455-200456	4	826817
2	200975-200976	4	200458-200460	4	826817
2	200977-200979	4	200462-200463	4	826817
2	200981-200989	4	200467	4	826817
2	200990-200993	4	200471	4	826817
2	200995-200999	4	200475-200478	4	826817
2	200999-201000	4	200479	4	826817
2	200999-201000	4	200482-200487	4	826817
2	200999-201000	4	200489-200495	4	826817
2	200999-201000	4	200499-200500	4	826817
2	200999-201000	4	200510-200521	4	826817
2	200999-201000	4	200524-200525	4	826817
2	200999-201000	4	200538-200540	4	826817
2	200999-201000	4	200554	4	826817
2	200999-201000	4	200559	4	826817
2	200999-201000	4	200561-200564	4	826817
2	200999-201000	4	200566	4	826817
2	200999-201000	4	200568-200569	4	826817
2	200999-201000	4	200570	4	826817
2	200999-201000	4	200572	4	826817
2	200999-201000	4	200574-200575	4	826817
2	200999-201000	4	200576	4	826817
2	200999-201000	4	200578	4	826817
2	200999-201000	4	200581	4	826817
2	200999-201000	4	200584	4	826817
2	200999-201000	4	200586	4	826817
2	200999-201000	4	200588-200589	4	826817
2	200999-201000	4	200591-200594	4	826817
2	200999-201000	4	200596	4	826817
2	200999-201000	4	200598-200600	4	826817
2	200999-201000	4	200601-200611	4	826817
2	200999-201000	4	200613	4	82681

COUPONS—Continued.

Cou- pon No.	Third Liberty loan 4½'s, \$50.	
	Numbers, single.	Numbers, double.
2	-----	4997540-4997545
2	-----	4997547-4997548
2	-----	4997550
2	-----	4997552-4997560
2	-----	4997562
2	-----	4997564-4997566
1	4997567	-----
2	-----	4997568-4997573
1	4997574	-----
2	-----	4997575-4997627
2	-----	4997629-4997631
1	4997632	-----
2	-----	4997633-4997644
1	-----	4997646-4997660
1	4997661-4997662	-----
2	-----	4997663-4997665
1	4997666	-----
2	-----	4997667-4997669
1	4997670	-----
2	-----	4997673-4997677
1	4997678	-----
2	-----	4997679-4997681
1	4997682-4997684	-----
2	-----	4997686-4997687
1	4997688-4997695	-----
2	-----	4997696-4997701
1	4997702-4997703	-----
2	-----	4997704-4997714
1	4997715	-----
2	-----	4997716
1	4997717	-----
2	-----	4997718-4997733
1	4997734	-----
2	-----	4997735-4997739
1	4997740	-----
2	-----	4997741
1	4997742	-----
2	-----	4997743-4997747
1	4997748	-----
2	-----	4997749-4997756
1	4997757	-----
2	-----	4997758-4997770
1	4997771	-----
2	-----	4997772
1	4997773-4997778	-----
2	-----	4997779-4997789
1	4997790	-----
2	-----	4997791-4997822
1	4997823	-----
2	-----	4997824
1	4997825	-----
2	-----	4997826-4997829
1	4997830	-----
2	-----	4997831-4997843
1	4997844	-----
2	-----	4997845-4997851
1	4997852	-----
2	-----	4997853
1	4997854	-----
2	-----	4997855-4997862
1	4997863	-----
2	-----	4997864-4997870
1	4997871	-----
2	-----	4997872-4997888
1	4997889	-----
2	-----	4997890-4997905
1	4997906-4997918	-----
2	-----	4997919-4997920
1	4997921-4997937	-----
2	-----	4997938-4997959
1	4997960	-----
2	-----	4997961-4997963
1	4997964	-----
2	-----	4997965-4997991
1	4997992-4997993	-----
2	-----	4997994
1	4997995	-----
2	-----	4997996-4998000
1	-----	5434594
2	-----	2042723
1	-----	1925742
2	-----	1975504
1	-----	2592810
2	-----	4564007
1	4997540-4997542	-----
2	4997544-4997545	-----
1	4997548	-----
2	4997550	-----
1	4997552-4997560	-----
2	4997563-4997566	-----
1	4997568-4997572	-----
2	4997574	-----
1	4997576-4997582	-----
2	4997584	-----
1	4997588-4997593	-----
2	4997595-4997609	-----
1	4997611-4997618	-----
2	4997620-4997625	-----
1	4997627-4997634	-----
2	4997636-4997653	-----
1	4997655-4997660	-----
2	4997663-4997665	-----
1	4997667	-----
2	4997673-4997674	-----
1	4997677	-----
2	4997679-4997681	-----
1	4997686-4997687	-----

COUPONS—Continued.

Cou- pon No.	Third Liberty loan 4½'s, \$50.	
	Numbers, single.	Numbers, double.
2	4997696-4997701	-----
2	4997704-4997710	-----
2	4997712-4997731	-----
2	4997733-4997739	-----
2	4997741-4997748	-----
2	4997750-4997765	-----
2	4997768-4997772	-----
2	4997774-4997778	-----
2	4997780	-----
2	4997783-4997789	-----
2	4997791-4997801	-----
2	4997803-4997819	-----
2	4997821-4997829	-----
2	4997832-4997851	-----
2	4997853-4997870	-----
2	4997872-4997878	-----
2	4997880-4997891	-----
2	4997893	-----
2	4997895-4997901	-----
2	4997903-4997917	-----
2	4997919	-----
2	4997923-4997932	-----
2	4997934-4997949	-----
2	4997951-4997953	-----
2	4997955-4997958	-----
2	4997960	-----
2	4997962-4997963	-----
2	4997966	-----
2	4997968-4997983	-----
2	4997985-4997991	-----
2	4997993-4997995	-----
2	4997998-4998000	-----
2	10909352	-----
3	-----	4997542
3	4997547-4997548	4997544-4997545
3	-----	4997550
3	4997552	-----
3	-----	4997553
3	4997555	-----
3	-----	4997556
3	4997557	-----
3	-----	4997558-4997559
3	4997560	-----
3	-----	4997564-4997565
3	4997566	-----
3	-----	4997568
3	4997569-4997571	-----
3	4997574	-----
3	4997576-4997578	-----
3	4997580	4997579
3	4997583-4997584	4997581-4997582
3	4997588	-----
3	4997591-4997592	4997589
3	-----	4997593
3	4997594	-----
3	-----	4997595
3	4997596	-----
3	4997606-4997607	4997597-4997603
3	4997610	4997608-4997609
3	-----	4997611
3	4997614	4997613
3	-----	4997615
3	4997616	-----
3	4997618	4997617
3	4997621-4997622	-----
3	4997624-4997628	4997623
3	-----	4997629-4997630
3	4997632	4997633-4997634
3	4997635	-----
3	4997636	4997637
3	4997638	-----
3	4997640-4997641	4997639
3	4997643	-----
3	4997645-4997646	4997644
3	4997648-4997650	-----
3	-----	4997651
3	4997652-4997653	-----
3	4997655-4997656	-----
3	4997660-4997661	4997659
3	4997663-4997664	-----
3	-----	4997665
3	4997666	-----
3	4997668	4997667
3	4997670	-----
3	4997674-4997676	-----
3	4997678	4997677
3	-----	4997679
3	4997680-4997681	-----
3	4997684	-----
3	4997686	-----
3	4997689	-----

COUPONS—Continued.

Third Liberty loan 4½'s, \$50.		
Coupon No.	Numbers, single.	Numbers, double.
3	4997691-4997692	-----
3	4997695-4997696	-----
3	4997699-4997700	4997697-4997698
3	4997703	-----
3	-----	4997704-4997705
3	4997706	-----
3	-----	4997707
3	4997708-4997709	-----
3	-----	4997710
3	-----	4997712
3	4997713	-----
3	-----	4997714
3	-----	4997716
3	4997717	-----
3	-----	4997718-4997723
3	4997724-4997726	-----
3	-----	4997727-4997729
3	4997730	-----
3	4997732	-----
3	-----	4997733
3	4997734-4997739	-----
3	4997741	-----
3	4997743	-----
3	-----	4997744
3	4997745	-----
3	-----	4997746
3	4997747	-----
3	4997749	-----
3	4997750-4997756	-----
3	-----	4997757
3	4997758-4997760	-----
3	-----	4997762
3	4997763	-----
3	-----	4997764
3	4997765	-----
3	4997767	4997766
3	-----	4997768-4997770
3	4997771-4997772	-----
3	-----	4997774
3	4997775	-----
3	4997779-4997785	4997776-4997778
3	-----	4997786-4997789
3	4997790	-----
3	-----	4997791-4997799
3	4997800	-----
3	-----	4997801
3	4997802	-----
3	-----	4997803-4997804
3	4997807	-----
3	-----	4997808-4997809
3	4997812	-----
3	4997816-4997817	-----
3	4997819	-----
3	4997822-4997825	-----
3	-----	4997826-4997829
3	4997830	-----
3	4997832	-----
3	-----	4997833-4997834
3	4997835	-----
3	-----	4997836-4997839
3	4997840-4997841	-----
3	-----	4997842
3	4997843	-----
3	4997846-4997851	-----
3	-----	4997853-4997854
3	4997855	-----
3	-----	4997856
3	4997857	-----
3	4997859	-----
3	4997861-4997862	4997864-4997867
3	-----	4997868
3	4997870-4997874	-----
3	-----	4997876-4997878
3	4997879-4997880	-----
3	4997882	-----
3	4997886-4997890	-----
3	-----	4997891
3	4997893	-----
3	4997895-4997896	-----
3	-----	4997897-4997898
3	4997899	-----
3	4997902-4997904	-----
3	-----	4997905
3	-----	4997907-4997908
3	4997909	-----
3	-----	4997910-4997911
3	4997912-4997913	-----
3	-----	4997914-4997917
3	4997918	-----
3	-----	4997919
3	4997920-4997923	-----
3	-----	4997920
3	4997924-4997925	-----
3	-----	4997928
3	4997927	-----
3	4997930	4997928-4997929
3	-----	4997931
3	4997932	-----
3	4997934	-----
3	-----	4997935
3	4997936-4997938	-----

COUPONS—Continued.

Third Liberty loan 4 1/2's, \$50		
Coupon No.	Numbers, single.	Numbers, double
3	4997940-4997941	-----
3	4997943	-----
3	-----	4997944-4997946
3	4997947-4997950	-----
3	-----	4997951-4997952
3	4997953-4997954	-----
3	-----	4997956
3	4997956-4997959	-----
3	-----	4997960
3	4997961-4997962	-----
3	-----	4997963
3	4997966-4997967	-----
3	-----	4997969
3	4997969	-----
3	-----	4997971-4997972
3	4997973	-----
3	4997975-4997980	-----
3	-----	4998981
3	4997982	-----
3	-----	4997983
3	4997984-4997985	-----
3	-----	4997988-4997991
3	4997993	-----
3	-----	4997994
3	4997995-4997998	-----
3	4997999	-----
3	-----	4998000
3	3181009	-----
3	-----	14168279
3	-----	1845131
3	4997540-4997542	-----
3	4997544-4997545	-----
3	4997548	-----
3	4997550	-----
3	4997552-4997559	-----
3	4997564-4997566	-----
3	4997571	-----
3	4997576-4997577	-----
3	4997579-4997582	-----
3	4997589-4997593	-----
3	4997595-4997608	-----
3	4997611	-----
3	4997614-4997619	-----
3	4997621	-----
3	4997623-4997625	-----
3	4997627-4997630	-----
3	4997632-4997634	-----
3	4997637-4997638	-----
3	4997642-4997653	-----
3	4997655-4997657	-----
3	4997659-4997660	-----
3	4997663-4997665	-----
3	4997667	-----
3	4997673	-----
3	4997677	-----
3	4997679	-----
3	4997681	-----
3	4997686	-----
3	4997697	-----
3	4997699	-----
3	4997701	-----
3	4997704-4997710	-----
3	4997712	-----
3	4997715-4997720	-----
3	4997722-4997725	-----
3	4997727-4997729	-----
3	4997733-4997736	-----
3	4997738-4997739	-----
3	4997743-4997744	-----
3	4997746-4997747	-----
3	4997752-4997755	-----
3	4997757	-----
3	4997760	-----
3	4997762-4997764	-----
3	4997766-4997771	-----
3	4997774-4997778	-----
4	-----	645432
4	-----	1763490
4	-----	8963436
4	-----	12555526
4	-----	13658904
4	4997783-4997789	-----
4	4997791-4997794	-----
4	4997796	-----
4	4997798-4997799	-----
4	4997801	-----
4	4997803	-----
4	4997805	-----
4	4997806-4997809	-----
4	4997817	-----
4	4997819	-----
4	4997822-4997829	-----
4	4997834	-----
4	4997836-4997851	-----
4	4997853-4997856	-----
4	4997860	-----
4	4997862	-----
4	4997864-4997865	-----
4	4997870-4997874	-----
4	4997876-4997878	-----
4	4997880	-----
4	4997882	-----
4	4997884	-----
4	4997886-4997888	-----
4	4997890-4997891	-----
4	4997896-4997899	-----

COUPONS—Continued.

Cou- pon No.	Third Liberty loan 4½'s, \$50.	
	Numbers, single.	Numbers, double.
4	4997904-4997905	.....
4	4997907-4997917	.....
4	4997919	.....
4	4997924-4997931	.....
4	4997935	.....
4	4997937	.....
4	4997940-4997941	.....
4	4997945-4997947	.....
4	4997949	.....
4	4997951-4997953	.....
4	4997955-4997956	.....
4	4997962-4997963	.....
4	4997966	.....
4	4997968	.....
4	4997969	.....
4	4997971-4997973	.....
4	4997975-4997977	.....
4	4997980-4997981	.....
4	4997983	.....
4	4997986-4997988	.....
4	4997990-4997991	.....
4	4997993-4997995	.....
4	4997998-4997999	.....
4	3181009	.....
7	.....	674277
7	.....	674278
7	.....	674279
7	.....	674282
7	.....	674283
7	.....	674284
7	.....	674285
7	.....	674286
7	.....	674288
7	.....	674289
7	.....	674290
7	.....	674291
7	.....	674292
7	.....	674294
7	.....	674295
7	.....	674297
7	.....	674298
7	.....	674299
7	.....	674300
7	.....	2870443
7	.....	2870444
7	.....	2870445
7	.....	2870446
7	.....	8919939
7	.....	4725569
7	.....	5883785
7	.....	4443810
7	.....	4599022
7	.....	4599023
7	.....	4599024
7	.....	4599025
7	.....	4599032
7	.....	4599034
7	.....	4599035
7	.....	4599036
7	.....	4599037
7	.....	4599038
7	.....	4599039
7	.....	4599040
7	.....	4599044
7	.....	4599045
7	.....	4599047
7	.....	4599048
7	.....	4599049
7	.....	4599050
7	.....	4599051
7	.....	4599056
7	.....	4725569
7	.....	8911003
1	4687	.....
1	14210	.....
1	28973	.....
1	33723	.....
1	53303	.....
1	83278	.....
1	150505	.....
1	164981	.....
1	202408	.....
1	276409	.....
1	279387	.....
1	306274	.....
1	351441	.....
1	351447	.....
1	367814	.....
1	404069	.....
1	468416	.....
1	483978	.....
1	.....	491886
1	.....	491999
1	537119	.....
1	587632	.....
1	.....	645432
1	666527	.....
1	774973	.....
1	787648	.....
1	822281	.....
1	823239	.....
1	823325	.....
1	.....	823332
1	839307-839308	.....
1	.....	877215
1	902258	.....
1	909476	.....
1	.....	1254665
1	.....	1254775
1	.....	1254776

COUPONS—Continued.

Cou- pon No.	Third Liberty loan 4½'s, \$50.	
	Numbers, single.	Numbers, double.
1	1383071	.....
1	1416220	.....
1	1541659	.....
1	1542470	.....
1	.....	1763460
1	.....	1886129
1	.....	1886189
1	1997097	.....
1	2042748	.....
1	2260467	.....
1	2358142	.....
1	.....	2423899
1	2543863	.....
1	.....	2592043
1	.....	2592700
1	2690683	.....
1	.....	2690941
1	.....	2821528
1	.....	2822523
1	.....	2823528
1	2824529	.....
1	2874513	.....
1	.....	3049855
1	3057990	.....
1	3181009	.....
1	.....	3284323
1	3433888	.....
1	3503423	.....
1	3536808	.....
1	.....	3537453
1	.....	3785870
1	3795440	.....
1	3940630	.....
1	.....	4007504
1	4067079	.....
1	.....	4144178
1	.....	4327336
1	.....	4327728
1	.....	4327740
1	4997632	.....
1	4327830-4997830	.....
1	4570779-4997992	.....
1	4801308-4997993	.....
1	6166678-4997995	.....
1	.....	5325489
1	.....	5325490
1	.....	5357033
1	5366376	.....
1	5444679	.....
1	.....	5468806
1	.....	5535364
1	4545292	.....
1	5578038	.....
1	.....	5620767
1	.....	5620793
1	.....	5620834
1	.....	5637898-5637900
1	.....	5655683
1	5907349	.....
1	6335913	.....
1	6387819	.....
1	6661578	.....
1	.....	6862572
1	6882585	.....
1	7032886	.....
1	7109561	.....
1	7140274	.....
1	7221359	.....
1	7231039	.....
1	7435436-7435437	.....
1	7631079	.....
1	7991546	.....
1	8006910	.....
1	8135670	.....
1	.....	8187387
1	.....	8189284
1	.....	8350746
1	8752705	.....
1	.....	8999849-8999850
1	9161140	.....
1	.....	9199037
1	9330005	.....
1	9647302	.....
1	9815923	.....
1	.....	9948509
1	9968024	.....
1	.....	10066391
1	.....	10161434
1	10201072	.....
1	.....	10479476
1	.....	10474518
1	.....	10475727
1	.....	10504852
1	10665714	.....
1	.....	10669303
1	11170685	.....
1	.....	11512422
1	11517806	.....
1	.....	11574467
1	.....	11590023
1	12054387	.....
1	.....	12031528
1	.....	12137124
1	.....	12459471
1	.....	12563759
1	.....	12594301
1	12633961	.....
1	12903503	.....

COUPONS—Continued.

Third Liberty loan 4 1/2's, \$50.		
Coupon No.	Numbers, single.	Numbers, double.
1	13181834	-----
1	13212989	-----
1	13244418	-----
1	13355810	-----
1	13391433	-----
1	13547739	-----
1	-----	13583819
1	13594491	-----
1	-----	13658904
1	-----	13827556
1	-----	13848299
1	18895790	-----
1	-----	13959833
1	14015483	-----
1	14032802-14032803	-----
1	14047537	-----
1	-----	14240658
2	3181009	-----
2	3997546	-----
2	3997549	-----
2	3997551	-----
2	3997561	-----
2	3997563	-----
2	3997671-3997672	-----
2	3997773	-----
2	-----	4144175
2	-----	41168298
3	3181009	-----
3	4997708	-----
4	3181000	-----

Third Liberty loan 4½'s, \$100.

[illegible]

COUPONS—Continued

Third Liberty loan 4½'s, \$100.		
Coupon No.	Numbers, single.	Numbers, double.
1	0045110	-----
1	-----	0092964
1	0231175	-----
1	-----	6340881
1	-----	6443001
1	0491148	-----
1	-----	6502738
1	6636242	-----
1	-----	6552831
1	-----	6570839
1	6617879	-----
1	6980020	-----
1	6989020	6900063
2	4010010	7076611
2	4019010	-----
2	8401164	-----
3	4010016	-----
3	4019016	-----

Third Liberty loan 4½'s, \$500

Specimen No.	Numbers, single.	Numbers, double
1	52189	285419

Third Liberty loan 4½'s, \$1,000

pon No.	Numbers, single.	Numbers, double.
1	7941	.....
1	9402	.....
1	79401	.....
1	79406	.....
1	79410	.....
1	79412	.....
1	86514-86516	.....
1	86518-86521	.....
1	194280	.....
1	190342	.....
1	.....	374376
1	.....	374876
1	862378	.....
1	582380-582394	.....
1	662503	.....
1	.....	712867
1	.....	1061979
3	1622986	.....
4	[?]7941[?]	.....
4	[?]17350	.....
4	[?]79401	.....
4	[?]79406	.....
4	[?]79410	.....
4	[?]79412	.....
4	[?]86514	.....
4	[?]86516	.....
4	[?]86518	.....
4	[?]86521	.....
4	[?]86519-1622986	.....

Fourth Liberty loan 4½'s, \$60.

pon No.	Numbers, single.	Numbers, double.
1	-----	5126106
1	-----	5126337-5126538
1	-----	5817743-5817754
1	-----	5817756-5817765
1	-----	5817769-5817775
1	-----	5817778-5817779
1	-----	5817781-5817798
1	-----	5817800-5817861
1	-----	-----
1	0828639	-----
1	0828632-0828633	-----
1	0828635-0828636	-----
1	0828639-0828639	-----
1	0828674-0828675	-----
1	0828720	-----
1	-----	12661367
1	14405	-----
1	18154	-----
1	32710	-----
1	78652	-----
1	80087	-----
1	154399	-----
1	164079	-----
1	-----	181852
1	274897	-----
1	-----	363950
1	393999	-----
1	529507	-----
1	-----	571651
1	609647	-----
1	625902	-----
1	683353	-----
1	685085	-----
1	710394	-----
1	813339	-----
1	-----	885679
1	859016	-----
1	-----	859852
1	892971	-----
1	972298	-----

COUPONS—Continued.

Cou- pon No.	Fourth Liberty loan 4 1/2's, \$50	
	Numbers, single.	Numbers, double.
2	1025324	-----
2	1049999	-----
2	1057251	-----
2	1068593	-----
2	1068746	-----
2	1124980	-----
2	1203638	-----
2	1246425	-----
2	1292981	-----
2	1352930	-----
2	1444671	-----
2	1553557	-----
2	-----	1560915
2	-----	1659831
2	1679883	-----
2	1817974	-----
2	1823675	-----
2	1892995	-----
2	-----	1941915
2	1949475	-----
2	2064890	-----
2	2119878	-----
2	-----	2249644
2	2307547	-----
2	2352909	-----
2	-----	2359898
2	2374587	-----
2	2404756	-----
2	2437545	-----
2	2472870	-----
2	2573028	-----
2	2630142	-----
2	2634760	-----
2	2642931	-----
2	-----	2755827
2	2837056	-----
2	2982880	-----
2	2985191	-----
2	3064098	-----
2	3310151	-----
2	3406458	-----
2	3635272	-----
2	3709359	-----
2	3761195	-----
2	3913887	-----
2	3970646	-----
2	4028220	-----
2	4039338	-----
2	4088900	-----
2	4092850	-----
2	-----	4092853
2	4092846	-----
2	4098201	-----
2	4163752	-----
2	4297678	-----
2	4337430	-----
2	4433036	-----
2	4433977	-----
2	4439088	-----
2	4439115	-----
2	4439172	-----
2	-----	4439202
2	4439216	-----
2	-----	4439387
2	4469570	-----
2	4495073	-----
2	4538321	-----
2	4741411	-----
2	4840893	-----
2	4840898	-----
2	4844349	-----
2	4902889	-----
2	-----	5115368
2	5126090-5126101	-----
2	5126103	-----
2	-----	5126104
2	-----	5126109
2	5126108	-----
2	5126117	-----
2	5126122	-----
2	-----	5126147
2	5126166	-----
2	-----	5126183-5126184
2	5126185	-----
2	-----	5126197
2	5126198-5126199	-----
2	5126201	-----
2	-----	5126206
2	5126208	-----
2	5126210	-----
2	-----	5126217
2	5126301	-----
2	5126303	-----
2	5126305	-----
2	5126306	-----
2	5126307	-----
2	5126309	-----
2	5126315	-----
2	-----	5126316-5126318
2	5126328	-----
2	5126335-5126336	-----
2	-----	5126337
2	5126338	-----
2	-----	5126341
2	5126344	-----

12 pairs.

12 pairs.

COUPONS—Continued.

Cou- pon No.	Fourth Liberty loan 4 1/2's, \$50	
	Numbers, single.	Numbers, double.
2	-----	5126359
2	-----	5126368
2	5126369	-----
2	5126378	-----
2	-----	5126386
2	-----	5126399
2	5126391	-----
2	5126394	-----
2	5126404	-----
2	-----	5126430
2	-----	5126508-5126509
2	-----	5126348
2	5470063	5469348
2	-----	5543603
2	5543725	-----
2	-----	5543761
2	5543820	-----
2	5683119	-----
2	5826919	-----
2	5830339	-----
2	5867797	-----
2	5978639	-----
2	6218987	-----
2	6262542	-----
2	6269852	-----
2	-----	6269848
2	6352012	-----
2	6380610-6380619	-----
2	6380620-6380628	-----
2	6380629-6380641	-----
2	6380642-6380649	-----
2	6380651-6380662	-----
2	6380671-6380679	-----
2	6380681-6380689	-----
2	6380691-6380697	-----
2	6380699	-----
2	6380701-6380712	-----
2	6380714-6380716	-----
2	6380718-6380739	-----
2	6380741-6380744	-----
2	6416551	-----
2	6431551	-----
2	6550954	-----
2	6769874	-----
2	6812771	-----
2	6969291	-----
2	6992162	-----
2	-----	6992162
2	-----	7130021
2	7185567	-----
2	7210625	-----
2	7315766	-----
2	7378171	-----
2	7434621-7434623	-----
2	7434636	-----
2	7434726	-----
2	7434753	-----
2	7434821	-----
2	7434835	-----
2	7434903	-----
2	7434962	-----
2	7448216	-----
2	7503995	-----
2	7652889	-----
2	7663647	-----
2	-----	7664779
2	7774968	-----
2	-----	7835610
2	7899989	-----
2	7905513	-----
2	8034258	-----
2	-----	8034316
2	8043264	-----
2	8141992	-----
2	8170580	-----
2	8170829	-----
2	8196535	-----
2	-----	8205944
2	-----	8501647
2	8531924	-----
2	8546868	-----
2	-----	8556388
2	8559101	-----
2	8559388	-----
2	8559489	-----
2	8618013	-----
2	8620021	-----
2	8719369	-----
2	8789281	-----
2	-----	8789339
2	8838498	-----
2	-----	8838527
2	-----	8838747
2	8924237	-----
2	8961649	-----
2	8971510	-----
2	-----	8971553
2	8991128	-----
2	-----	8991143
2	-----	8991219
2	8991242	-----
2	8991332	-----
2	8991350	-----
2	8991364	-----
2	8991379	-----
2	-----	8991697
2	-----	8991719

COUPONS—Continued.

Cou- pon No.	Fourth Liberty loan 4 1/2's, \$50.	
	Numbers, single.	Numbers, double.
9119536	8991793
9142017-9142018
9368187
9405908	9405934
9426238	9405995
9498152
9500849
9602690
9827644
9868169
10129566
10221869
10315871
10853807
10884153
10754528
10885576
10889467
11295288
11249169
11308347
11396554
11396556
11396576	11396557
11432368
11509990
11562785
11574809
12041414	11622513
12142638
12446547	12429254
12464425	12434563
12465966
12566227
12681322
13232769	12797965
13553914	13433306
13553938
13608727
13679466	13634756
14098376
14620035	14101368
15647098
15664536
15750254
15782495
15863316	15793623
16401912
16695103	16576454
16721711	16657490
16928487
17040095
17267799
17405453
17425503
17428785
17428845
17458813
17516823
17529848
17604037
17604938
17604923
17604943
17604950-17604951
17604952
17604953
17604954
17604955
17604956
17604957
17604958
17604959
17604960
17604961
17604962
17604963
17604964
17604965
17604966
17604967
17604968
17604969
17604970
17604971
17604972
17604973
17604974
17604975
17604976
17604977
17604978
17604979
17604980
17604981
17604982
17604983
17604984
17604985
17604986
17604987
17604988
17604989
17604990
17604991
17604992
17604993
17604994
17604995
17604996
17604997
17604998
17604999
17605000
17605001
17605002
17605003
17605004
17605005
17605006
17605007
17605008
17605009
17605010
17605011
17605012
17605013
17605014
17605015
17605016
17605017
17605018
17605019
17605020
17605021
17605022
17605023
17605024
17605025
17605026
17605027
17605028
17605029
17605030
17605031
17605032
17605033
17605034
17605035
17605036
17605037
17605038
17605039
17605040
17605041
17605042
17605043
17605044
17605045
17605046
17605047
17605048
17605049
17605050
17605051
17605052
17605053
17605054
17605055
17605056
17605057
17605058
17605059
17605060
17605061
17605062
17605063
17605064
17605065
17605066
17605067
17605068
17605069
17605070
17605071
17605072
17605073
17605074
17605075
17605076
17605077
17605078
17605079
17605080
17605081
17605082
17605083
17605084
17605085
17605086
17605087
17605088
17605089
17605090
17605091
17605092
17605093
17605094
17605095
17605096
17605097
17605098
17605099
17605100
17605101
17605102
17605103
17605104
17605105
17605106
17605107
17605108
17605109
17605110
17605111
17605112
17605113
17605114
17605115
17605116
17605117
17605118
17605119
17605120
17605121
17605122
17605123
17605124
17605125
17605126
17605127
17605128
17605129
17605130
17605131
17605132
17605133
17605134
17605135
17605136
17605137
17605138
17605139
17605140
17605141
17605142
17605143
17605144
17605145
17605146
17605147
17605148
17605149
17605150
17605151
17605152
17605153
17605154
17605155
17605156
17605157
17605158
17605159
17605160
17605161
17605162
17605163
17605164
17605165
17605166
17605167
17605168
17605169
17605170
17605171
17605172
17605173
17605174
17605175
17605176
17605177
17605178
17605179
17605180
17605181
17605182
17605183
17605184
17605185
17605186
17605187
17605188
17605189
17605190
17605191
17605192
17605193
17605194
17605195
17605196
17605197
17605198
17605199
17605200
17605201
17605202
17605203
17605204
17605205
17605206
17605207
17605208
17605209
17605210
17605211
17605212
17605213
17605214
17605215
17605216
17605217
17605218
17605219
17605220
17605221
17605222
17605223
17605224
17605225
17605226
17605227
17605228
17605229
17605230
17605231
17605232
17605233
17605234
17605235
17605236
17605237
17605238
17605239
17605240
17605241
17605242
17605243
17605244
17605245
17605246
17605247
17605248
17605249
17605250
17605251
17605252
17605253
17605254
17605255
17605256
17605257
17605258
17605259
17605260
17605261
17605262
17605263
17605264
17605265
17605266
17605267
17605268
17605269
17605270
17605271
17605272
17605273
17605274
17605275
17605276
17605277
17605278
17605279
17605280
17605281
17605282
17605283
17605284
17605285
17605286
17605		

COUPONS—Continued.

[illegible]

COUPONS—Continued

Coupon No.	Victory 4's, \$1,000.	Certificate of indebtedness, series T, \$500.	Coupon No.	Second 4's, \$100.
2	2245183 K	2413	2	2432854
2	2245183 K	2413	2	(2432854)*
2	2245183 K		2	3818987
3	2245183 K	Certificate of indebtedness, tax series 1919, \$500.	2	(3818987)*
3	2245183 K		2	3818987
4	1215670 F		2	(3818987)*
4	1215670 F	10743	3	3818987
4	1215678 F	10743	3	(3818987)*
4	1215678 F		4	(3818987)*
First Liberty loan 4's, \$100, adjustment.		Coupon No.	Second 4's, \$50.	* Star bond 942. * Star bond 2791.
	126784			
	126784			
Second Liberty loan 4's, \$50.		2	3034601	
		2	(3034601)*	
		2	4708174	
		2	(4708174)*	
		2	5740850	
	21571	2	(5740850)*	
	21571	3	4708174	
		3	(4708174)*	
Second Liberty loan 4's, \$100.		* Star bond 403. * Star bond 1173. * Star bond 2491. * Star bond 1173.	Coupon No.	Treasury note, Series D, 1924, 54 per cent, \$100,000.
	35212			
	35212			

DISPENSING WITH CALENDAR WEDNESDAY

Mr. LONGWORTH. Mr. Speaker, I ask unanimous consent that next Calendar Wednesday be dispensed with.

Mr. WHITE of Maine. Mr. Speaker, reserving the right to object, am I right in understanding that the Committee on the Merchant Marine and Fisheries have the call on next Calendar Wednesday?

Mr. LONGWORTH. Yes: I think so.

The SPEAKER. The Chair is informed that the Committee on Rivers and Harbors have the call.

Mr. LONGWORTH. Yes; but they have nothing to present, as I understand.

Mr. WHITE of Maine. Has the gentleman from Ohio any objection to postponing his request and make it apply to Calendar Wednesday of next week?

Mr. LONGWORTH. There are two very vitally important and rather contentious appropriation bills before the House, and I think it would be very advisable to dispose of them this week in order that we may take up the immigration bill next week.

The Committee on Appropriations thinks that if we can have this week, including Wednesday, we can pass both these bills I have referred to by Saturday. That would be postponing only by a week the time for the committee of which the gentleman from Maine is a member.

Mr. WHITE of Maine. There would be no intention to postpone Calendar Wednesday next week?

Mr. LONGWORTH. No; there would be no such intention, so far as I know.

Mr. WHITE of Maine. The Committee on Merchant Marine and Fisheries has two bills on the calendar in which members are very much interested. The chairman is not here, and two members of the committee ranking me are absent. In the absence of the chairman I should not be inclined to object.

Mr. SEARS of Florida. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record by inserting an editorial upon Woodrow Wilson, written by Mr. Edwin B. Lambright, of Tampa, Fla., and a sonnet on Woodrow Wilson, written by Herbert Felkel, of St. Augustine, Fla. Mr. Lambright is one of the ablest editorial writers in the South.

Mr. LONGWORTH. If the gentleman from Florida desires to interrupt the business of the House by making a request of that kind, I can not help it, but I can not make any agreement.

Mr. SEARS of Florida. The gentleman and I sometimes disagree, but on this occasion I have no objection to his request.

Mr. LONGWORTH. I think I shall be compelled to object, because I have already objected to a similar request. The gentleman should not ask leave to extend his remarks pending a request such as I have made as to Calendar Wednesday, and make his consent to my request contingent upon my assent to his request.

Mr. SEARS of Florida. Well, considering that the House has accomplished so much business, I have not objected and do not intend to object.

The SPEAKER. Is there objection to the request of the gentleman from Ohio that Calendar Wednesday be dispensed with this week?

There was no objection.

EXTENSION OF REMARKS.

Mr. SEARS of Florida. Now, Mr. Speaker, I make my request.

Mr. LONGWORTH. I am sorry, Mr. Speaker, that the gentleman puts me in a disagreeable position. Personally, I would not have any objection to his request to insert the editorial referred to; but, as I say—

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. LONGWORTH. Yes; I yield.

Mr. GARRETT of Tennessee. General permission was given many days ago for the extension of remarks in the Record by Members upon the late President Wilson. Of course, they are supposed to be their own remarks, and, as to this article, there is nothing of a partisan character in it. I do not believe that even the gentlemen who have been accustomed to object would object to this.

Mr. LONGWORTH. I want to assure the gentleman it is not any personal question with me.

Mr. GARRETT of Tennessee. I realize the proprieties of the situation, and the gentleman from Florida does. But this is a tribute to Mr. Wilson without the slightest political significance. I do not believe that the gentlemen who have heretofore objected would object to this.

Mr. LONGWORTH. I certainly would have no objection myself to anything of this sort. Of course, I have not seen the editorial; and it is only a question of the propriety of using the pages of the CONGRESSIONAL RECORD, which are much too congested now, for the expression of the views of newspaper writers and others instead of the views of the Members of the House. I would have no objection to the gentleman from Florida expressing his own views, of course.

Mr. SEARS of Florida. The only reason why I ask to print this article in the Record is because it expresses—perhaps better than I could—some tributes to Woodrow Wilson.

Mr. CRAMTON. Does not the gentleman think he could have read it in the time we have already taken?

Mr. SEARS of Florida. I thought, as the late President Wilson has passed to the great beyond, that perhaps a tribute might go into the Record.

Mr. LONGWORTH. As the gentleman knows, I have not had an opportunity to examine the article. Perhaps if the gentleman would show it to me I would have no objection.

I will say this to the gentleman: If this editorial is merely a tribute to the memory of the late President Wilson and nothing else, I will not object, but if it brings in any other questions I think I must object for the present. If the gentleman assures me of that I shall not object.

The SPEAKER. Is there objection?

Mr. LONGWORTH. Does the gentleman assure me of that?

Mr. SEARS of Florida. Personally, I do not think there is anything the gentleman would object to, but I would not state that after reading the editorial he would not object.

Mr. LONGWORTH. Then I will ask the gentleman from Florida not to press me this evening.

Mr. SEARS of Florida. I will not press him, but I will make the point of no quorum.

Mr. KENT. I hope the gentleman from Florida will not press his point of order for the present.

Mr. SEARS of Florida. Mr. Speaker, I will withdraw my point of order and also withdraw my request, and I will assure the gentleman from Ohio that he will not have the pleasure of reading the editorial.

Mr. LONGWORTH. I will be very glad to read it.

Mr. KENT. Mr. Speaker, a few moments ago I asked unanimous consent to extend my remarks in the Record and include an editorial. I find—addressing myself to the gentleman from Ohio—that it is an open letter addressed to me as a Member of Congress from one of the newspapers of my district, calling for a congressional investigation as to the deflation of currency, which caused quite a number of industries in my district to go into the hands of receivers. The statement is made in this letter that the same letter has been sent to a large number of other Members of Congress.

Mr. LONGWORTH. Then it is a letter addressed to the gentleman in his official capacity as a Member of Congress?

Mr. KENT. Yes; and I would like to extend my remarks generally in defense of myself and others.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. LONGWORTH. Mr. Speaker, I withdraw my objection. There was no objection.

DEFLATION OF CURRENCY.

Mr. KENT. Mr. Speaker, so much has been written and said since January 1, 1920, upon the subject of currency deflation that I deem it not improper to offer a few observations of my own on the subject. I do not propose to deal with the matter in a partisan way, but from this floor many remarks have been made recently by gentlemen on the Republican side tending to cast responsibility for commercial failures upon the Democratic Party. We had just passed through the greatest war in history when the people sent a Republican House and Senate to the Nation's Capital. They began to function in 1919.

Over \$36,000,000,000 were raised, spent, or loaned to the Allies by a Democratic administration during the war, and when their rivals came into power in the legislative branch of the Government 69 separate investigations were started in an effort to fasten fraud and corruption upon Democratic officials in the expenditure of this money. After the passing of four years and the expenditure of millions of dollars in investigations not a scintilla of fraud has been laid upon the threshold of a Democrat. In marked contrast are the revelations of the past few months which have shaken our Government to its foundations, depriving this administration of the confidence of the people, and almost forfeiting the confidence of the people in their own Government. The mere drawing of witnesses from any source in civilian life and questions to them concerning the conduct of the Government departments suffice to reveal a sad and corrupt state of affairs in any department affected.

The currency deflation of 1920-1922 is to be laid upon the threshold of the present administration and its forerunner, the Sixty-sixth Congress. A resolution was introduced and adopted in the United States Senate on May 17, 1920, by Senator McCORMICK, to which is traceable the failure of 51,148 industries from March, 1920, to December, 1922, involving liabilities of \$1,523,408,649. It is estimated that the actual losses in assets of those industries and the resultant loss in wages through involuntary idleness total the stupendous figures of over \$30,000,000,000, more than the cost of the World War.

A very able and exhaustive argument on the part of Hon. J. CHARLES LINTHICUM, of Maryland, is found in his campaign book for the campaign of 1922, showing conclusively that the general policy of currency contraction and deflation was permitted by those who expected to be in control of this administration, and those who had their hopes realized as the result of the elections of 1920. The general purpose, through this contraction of credit and deflation of currency, was to eliminate the reserves of a number of small but honest and thriving industries, to cause depreciation in Liberty bonds and many securities saved by the small wage earner during the war, and to eliminate farm credits and throw the farmer back upon the reserves which he had built up during the war, so that agriculture would be compelled to consume its reserves and throw its product upon the market at prices which could be controlled by those holding the financial reins of the country.

Several industries in my district suffered in this deflation, some failed, and some are now failing because of inability to carry the load imposed in the deflation period. A great many of my people feel that the direct cause of the loss was the action of the Federal Reserve Board in contracting the currency and making credit impossible. They feel that the actual cash losses in labor earned and assets dissipated should be cared for by the Government. I am not prepared to go so far as to say that there is a constitutional warrant for such payment, or that it is good governmental policy, but it will do no harm to comment thus wise upon the general subject. The innocent laborers and mechanics who suffered through the action of governmental agencies in the deflation period should be reimbursed in some way, especially since governmental action has so dissipated the assets upon which they were working as to deprive them altogether of their wages.

Under permission granted, I take pleasure in fortifying my remarks by presenting an open letter, addressed to me by Emerson P. Jennings, Esq., of Lehighton, Pa., editor and proprietor of the Carbon Citizen, a progressive and independent

journal of my district. It is an exhaustive and logical presentation of the general subject:

A LETTER TO CONGRESS.

A CONSPIRACY THAT COST US OVER \$30,000,000,000—IT RUINED OVER 50,000 MANUFACTURERS AND BUSINESS CONCERNS.

To the Hon. EVERETT KENT, M. C.,
Washington, D. C.

HONORABLE SIR: This letter to you, which is printed for convenience because it is sent to some other Members of Congress, is to ask for a congressional investigation—

First, of the bankers' conspiracy of 1910-20, which cost the United States and its citizens many billions of dollars in losses—losses, when figured out, amount to more than the German indemnity.

Second, it is to ask for a congressional investigation of the receivership of the Lehigh Machine Co. and the failure of promised banking credits which directly caused it and the resultant losses inflicted upon innocent stockholders, creditors, and wage claimants. It is to ask for a congressional investigation of the political conspiracy in connection with the personnel of this receivership and the deliberate and outrageous wrecking of an absolutely solvent industry and the wanton and malicious dissipation of its assets and the utter disregard for obligations to stockholders, creditors, and wage claimants and even for the payment of labor employed under this receivership.

Third, it is to ask for a congressional investigation of the conduct of the judge of the United States district court in connection with this case and other matters.

For the purpose—

First. Of bringing the conspirators to justice and proper punishment and to provide for legislation to make a repetition of such a stupendous and disastrous conspiracy impossible.

Second. For the purpose of reimbursement or compensation for the losses to the innocent stockholders, creditors, and wage claimants by special appropriation by Congress, if satisfied after investigation that these losses were caused by improper action of the Federal Reserve Board or other agents for which the Government of the United States should be held accountable and if in the judgment of Congress such action is warranted.

Third. For the purpose of impeachment proceedings if the facts disclosed by the investigation warrant such action by Congress.

CHAPTER I.—MY STORY.

When war was declared I was operating a machine shop in the beautiful little town of Lehigh, located in the mountains of Pennsylvania and in the picturesque valley of the Lehigh, in Carbon County. It was the plant of the Lehigh Machine Co.

Our first act immediately upon the receipt of news of the declaration of war was to write to Washington and offer our plant and facilities unconditionally to our Government.

Our offer was not accepted. We were tendered contract work for the Ordnance Department, and for the duration of the war we were employed entirely upon the making of master-inspection gauges for the Bureau of Standards and other work of extreme accuracy, including some of the most exacting and most difficult jobs required by the Government.

We earned and won a reputation for accuracy in high-class machine work and in the accomplishment of difficult and exacting requirements and in the solving of perplexing technical problems in connection with our line of work that placed us in the very front line of the quality machine shops of the country, a reputation that every one of our organization of skilled mechanics proudly shared with us.

We overcame some trying financial problems with the help of our stockholders and some of our local banks.

AFTER THE WAR.

When the war was over we returned to peace-time production and undertook the manufacture of Jennings automatic printing presses, textile machinery, and calculating machines.

We secured contracts for all of these machines, and our contracts for textile machinery totaled \$1,630,000.

All these contracts were accepted in good faith and upon terms that were absolutely sound and businesslike, and we were congratulated by our bankers as well as by many others for our success in obtaining them.

The 1st of January, 1920, found us with between two hundred and three hundred thousand dollars cash in the banks and our plant and machinery paid for and in perfectly sound financial condition, with plenty of good profitable work for the year ahead.

General business conditions were good. Prices were high, and we encountered a scarcity of materials, particularly in steel, of standard sizes.

CHAPTER II.—THE CONSPIRACY OF DEFLATION.

PRELIMINARY PROPAGANDA.

There was much talk in the newspapers about high prices, and the general trend of the editorial and newspaper propaganda in 1919 and early 1920 was all in the direction of urging production.

"We have been engaged in war, and our industries have neglected peace-time requirements for war work. The industries of the country must produce the peace-time products. Work! Work! Work! Produce! Produce! Produce! And prices will be brought down by the natural law of supply and demand."

In brief, that was the sentiment that filled our newspapers in the year 1919.

The result was that the thousands of progressive little manufacturing plants throughout the country in a short time loaded up with orders and were not only getting busy to the extent of their cash in bank but were beginning to use the banks in a natural and conservative way for discounts to carry through their work in process. The business outlook seemed good for several years ahead.

They knew nothing of the dastardly conspiracy against them, against labor, against the farmer, that the big bankers were about to put over to accomplish their ruin, to eliminate this new and progressive competition, to force down wages and subjugate labor, to bring down the farmers' prices with a crash.

The manufacturer, the farmer, and the wageworker, each one, took the newspapers seriously. We, some of us, may have remembered the "Pujo money investigation" and the facts it disclosed about the control of the press by big banking interests and its use as their propaganda tool, but we did not think of it at the time in connection with its "work-work-work, produce-produce-produce" propaganda, and probably not one of the victims realized what it meant or its purpose.

CHAPTER II.—MY STORY.

OUR CREDIT ARRANGEMENTS MADE.

Notwithstanding the Lehigh Machine Co.'s substantial cash balance in the banks at the beginning of the year of 1920, which amounted to more than \$200,000, we knew that we would need reasonable bank discounts during the year to carry through our contracts.

After making inquiry in New York and finding that we could get a line of credit of two hundred to three hundred thousand dollars by transferring our cash balance there we took the matter up by letter with our largest local bank. This letter addressed to the board of directors stated that we knew that their limited capital and surplus did not permit them to extend the necessary credits, and this situation would make it compulsory for us to transfer the larger part of our balances from local banks to larger city banks, where we could get the required credit accommodations, unless they could arrange a line of credit, up to \$200,000, at least, for us through their connections.

OUR BANK ARRANGES A LINE OF CREDIT.

The board of directors sent their president to Philadelphia to see their correspondent, the Girard National Bank. He took our financial statements with him, and he returned, saying that he had made arrangements for a line of credit for us up to \$200,000 which we could draw against at any time. This was in February, 1920. He understood that we did not expect to use it for several months, but we were just making our arrangements ahead so as to be absolutely sure that we would not be disappointed when we were ready for it. Having received positive assurances that we could depend on a line of discount up to \$200,000 as and when we needed it, we allowed our deposits to remain in local banks.

CHAPTER II.—THE CONSPIRACY OF DEFLATION.

THE CONTRACTION OF CREDITS.—AN "ELASTIC CURRENCY" IS SNAPPED IN.

January and February found business good. The country, so far as employment was concerned, quickly adapted itself from war work to peace work.

Most of the men thrown out of work by the cancellation of Government orders following the armistice were again back at work, and, though prices were high and there was much general complaint by the people against them, nevertheless almost everyone was working and earning good wages.

Suddenly the newspaper propaganda changed. It was no longer "work, work" or "let the law of supply and demand do it."

The papers announced that the speculators were all to blame and the Government was going to get the speculator by curtailing his credits.

This was the camouflage.

The speculator was supposed to be aimed at.

The independent manufacturer was hit.

He was hit too squarely to permit of any doubt as to the accuracy of the aim.

Credits were contracted, notes were called, promised loans were denied, just credits were refused to the manufacturer, though the Wall Street speculator got the money he needed, but at a higher price.

Thousands of manufacturers, though thoroughly solvent, with large assets and small liabilities, were forced into receiverships.

The elastic currency of the Federal reserve was contracted with a snap! It struck the independent manufacturers like a bolt of lightning from a clear sky.

The Federal reserve banking system, organized to take the control of money away from the money trust of Wall Street, had fallen under the money trust's control.

The decision to contract credits was made at a meeting of certain great banking interests in New York, and the Federal reserve just played the part of their efficient tool. McKenna says English financial interests had a hand in the game.

The Federal reserve, organized for the purpose of making it impossible for the scoundrels of Wall Street to ever again play that sort of a dastardly trick on the manufacturers and business interests of the country, was used to accomplish the very purpose it was established to prevent.

An elastic currency was for the purpose of reasonable expansion to meet any crisis or unusual situation. Who ever thought of it being used to produce a crisis and hard times? Who ever thought it would be used to ruin thousands of the most enterprising industries of the country, to wipe out the young, progressive, and enthusiastic constructive life of our industry, so as to eliminate this competition to the old-established Morgan and Wall Street controlled monopolies and manufacturers?

I presume every Congressman knows that such private banking houses as the Morgan concern control a great many great industrial enterprises, either through stock control, directorates, financial loans, or bonds or mortgages.

It would be interesting to know the details as to just how many competitors the big bankers wiped out in the crime and conspiracy of this Federal reserve action in the contraction of credits of the spring of 1920.

It was said labor was too independent and had to be subjugated, and that wages had to be cut.

The farmer was prosperous and getting good prices; his prices, too, they wanted to cut.

Too much competition by live-wire, enterprising, industrious, progressive, hustling manufacturers who had gotten on their feet during the war.

Too much new blood here for the old war-horse industrial monopolists.

The people had too many Liberty bonds, and they had to be taken away from them.

Hence the conspiracy.

It was carried out perfectly; not a spark plug missed once, not a back-fire, not even a sound in the gear shift. The machine worked as smoothly as a Rolls-Royce.

It was done so suddenly, so adroitly, so efficiently that there was not even a yell from the despairing victims as small industry after industry was deliberately choked and strangled to death.

Have you heard a squeal? The farmers of the West were the first to realize what had happened and how it had happened. The strangled industries are too dead to ever know, but the people who have suffered will learn. Labor, to some extent, knows. Instigated by Wall Street, the average business man of the East has been too much interested in helping to deflate wages and subordinate labor to realize that he himself has been made the goat by the great big fellows who have successfully pumped him full of propaganda until he is all swelled up with the emptiness of his own importance. He falsely thinks his interests are identical with those of the big vultures whose prey he is.

The newspaper propaganda got the independent manufacturers busy. The camouflage about hitting the speculator fooled the manufacturers, the farmer, and labor equally. The farmer in the West has awakened to how it was done, but the eastern farmer, the independent business man and manufacturers, and labor for the most part are still absolutely ignorant of the conspiracy of the big bankers that—

Ruined thousands of manufacturers and business men.

That crushed the farmer and ruined his market.

That artificially created 5,000,000 unemployed, which cost the country twenty to thirty billion dollars in lost wealth production, forced wages down, and compelled the people to sell their Liberty bonds at sacrifice prices in order to live.

A congressional investigation of the right kind—not a "white-wash"—will show up the meeting of these bankers in New York when they laid the plot and took action deciding to carry it out.

A congressional investigation of the right kind will again bring out the facts, so plainly exposed by the "Pujo money investigation," of the absolute control of the sources of newspaper propaganda by those who put this conspiracy over.

A congressional investigation of the right kind will by publicity teach the people what a terribly heartless and traitorous enemy is in control of their economic destiny.

A congressional investigation of the right kind may create such a political upheaval in this country that the power of some of these scoundrels may be removed for all time, and they may be landed where they belong, in the Government penitentiary, for the rest of their lives. I don't believe in capital punishment or I might say that they should be lined up against the wall and shot as traitors to their country. I believe that the right kind of a congressional investigation will bring out facts that will absolutely convict them.

The individuals concerned and every step in the carrying out of this conspiracy which has cost the country in losses almost as much as our war debt, has ruined thousands of concerns, has cost labor and the farmer billions of dollars in losses and taken most of their Liberty bonds from them should be shown up in every detail.

CHAPTER III.—BACK TO MY STORY.

BANKERS' PROMISES DEFAULTED.

Our bank credit, up to \$200,000, was arranged for in February. With a cash bank balance of over \$200,000, we did not need to draw against the credit then, but in the latter part of April we tried to use this promised line of credit only to find that we could not get one cent of it.

In a letter to the Citizens' National Bank of Lehighton, Pa., the Girard National Bank, of Philadelphia, Pa., returned the notes sent for discount and admitted that they remembered the conversation or the arrangement, but they stated that owing to money shortage they could not grant the discount.

We got absolutely not one cent of it and no satisfaction whatever from this promised line of credit.

We have ample proof of the arrangement made with our own bank and the Philadelphia bank in the form of letters and the testimony that must be forthcoming from the president and directors of our local bank.

We had ordered our materials, pushed our production, had our work well along, and expected to use this credit to carry us over the turning point when we could realize on our deliveries and repay it. With this promised credit we should have cleaned up our contracts and have made a profit of over \$500,000 for the year of 1920. Without it we were unable to meet our demands for cash for payments for materials and were forced into the hands of receivers.

Suppose you had a contract to build a house for which you were to receive \$10,000. Suppose that you knew that you could complete the contract for less than \$8,000 and could make a profit of \$2,000. Suppose that you had on deposit in the bank \$4,000 in cash, and you went to your banker and laid your whole proposition before him and asked for a line of credit of \$4,000 to complete your job.

Suppose he promised it to you as you needed it. Suppose that you went ahead, as any business man would, and ordered your materials, put your men to work, and after you had gotten well along with the work and had spent a good part of your \$4,000 for labor and materials you went to your banker and said: "Now I am ready to use some of that credit you promised me. I have the work well along and here is my note for \$2,000; will you please credit it to my account?"

Suppose your banker said, "Oh, yes; I remember the arrangement, but conditions are different now; I am short of money and can't see my way clear to do it."

What would happen to you?

Suppose the amount of the loss was three-quarters of a million dollars instead of \$4,000?

What is confiscation?

I have seen industries that were seized and wrecked by the Bolsheviks in Russia.

This plant of the Lehigh Machine Co. was seized, the owners driven out, and it was deliberately wrecked and the business ruined.

Thousands of other plants were driven into receiverships and ruined.

It was, in my opinion, the intention of the big bankers who started the trouble that they should be wrecked and ruined.

Who are the Bolsheviks of America? Are they not these wreckers?

I was a candidate for Congress in the primary elections of 1920. My friends put me up on both tickets. I came within 149 votes of getting the Republican nomination and within 500 votes of the Democratic nomination. I polled about 95 per cent of all the votes cast in my home city and about 70 per cent of all the votes in my own county on both sides.

Please understand that there are two separate and unrelated complaints in this letter: The one the bankers' conspiracy, which caused the trouble. The other the conspiracy of political enemies which aggravated it.

Owing to the contraction of credits by the Federal Reserve Board in carrying through the conspiracy of the big bankers, we found it impossible to secure the necessary credits elsewhere to meet our needs.

We went into the hands of receivers with over \$750,000 of real tangible assets and about \$150,000 of liabilities, and all because of this most damnable and outrageous conspiracy of the Money Trust, who used the Federal Reserve Board as a tool to carry out their traitorous purpose of crushing independent industrial competition, for the purpose of subordinating labor, through an enforced period of unemployment, for the purpose of forcing down the farmers' prices, for the purpose of taking away the Liberty bonds from the common people at scandalously low prices, for the double purpose of profit and tightening their grip and securing more absolute control of American industry.

Do you remember that you couldn't borrow more than 50 to 70 per cent on your Liberty bonds? Try it now and you'll find you can borrow almost 100 per cent.

Why should not the Federal reserve have insisted on a loan value close to par for Liberty bonds?

Why the forced depreciation?

When the squeeze had been worked to the limit how did they bring the Liberty bonds to par? Was it not largely by increasing the loan value through the Federal reserve banking system? Cut down the loan value to 50 per cent, and see how quickly Liberty bonds will decline.

Congress has the power and, I think, a duty to protect the people—the common people—the industries and manufacturers, the producers, and the business interests of the country from all enemies, from traitors within or from enemies outside the country.

We have sent people to jail for expressing opinions differing from ours, because they were considered dangerous.

Have any of them proven the traitors by act and deed that these conspirators have proven themselves to be?

Please take your pencil and figure out the cost of 5,000,000 unemployed for two years. Suppose the wages only average \$4 a day. Multiply it by 5,000,000 men and you have \$20,000,000 a day lost in wages alone. Twenty million a day in wages means a loss of at least \$50,000,000 a day in manufactured wealth. Fifty million a day for 600 working days in two years means \$30,000,000,000. Now discount these figures as you wish and see what the cost of this "deflation" conspiracy has meant.

Then add to it the tremendous sums lost through receiverships and the wrecking of thousands of manufacturing industries, such as the Lehigh Machine Co., and the wrecking of other thousands of business houses.

I ask you, is it not a crime? Is it not a traitorous crime against the Nation? Should it not be investigated and punished by congressional action? What other authority is there in the land that can bring such predatory and powerful traitors to justice? Is it not the duty of Congress to do it?

I should welcome an opportunity to give my testimony before a congressional investigating committee.

I should welcome an opportunity to suggest some of the individuals to be summoned.

I should welcome an opportunity to draft some of the questions to be asked.

I feel that I have been deliberately robbed of a fortune, produced by years of hard toll, by this atrocious conspiracy, and I ask Congress to act for my protection and to bring the guilty to justice.

The receivership of the Lehigh Machine Co. deserves investigation along with the bankers' conspiracy because it is not an ordinary receivership honestly and fairly conducted. It is deliberate destruction of a business, paralleled only by the methods of confiscation in Russia.

I have been in Russia. I know what happened there. I have seen the wrecks of what were productive, thriving, industrial manufacturing plants.

They have nothing on the confiscation and wrecking of the Lehigh Machine Co. plant for destructiveness and wanton ruin.

It was a political job.

The receivers of the Lehigh Machine Co. are E. N. Sanctuary and William C. McConnell; the latter is under indictment in connection with liquor frauds. He was formerly prohibition director.

This letter is already too long, but it leaves volumes unsaid. I can bring evidence of the wanton dissipation of assets by the receivership—specific cases of thousands upon thousands of dollars thrown into the scrap pile or dissipated by neglect and willful mismanagement.

I can furnish affidavit proof of what I have to say about the judge, but I prefer to take this up directly at the proper time with an authorized committee, if possible.

Will Congress investigate?

Will Congress pass a special appropriation to reimburse those suffering from the results of this confiscation and destruction?

The wage claimants are too poor to take proper legal proceedings to recover the \$30,000 now owing to them by this receiver. They have suffered hunger and cold and untold misery.

I, too, have lost everything and have no funds for a long drawn-out legal battle, if such were practical before the court of jurisdiction in this case.

As an American citizen, I appeal to Congress, as the only practical source of relief, for consideration of not only myself but for all others who have suffered as a result of this conspiracy of the big bankers and the results which followed.

Yours respectfully,

EMERSON P. JENNINGS.

Address: LEHIGHTON, PA.

THIS ADDITIONAL POSTSCRIPT IS TO SUBSTANTIATE TO SOME EXTENT SOME STATEMENTS MADE IN THIS LETTER.

WHO STARTED IT?

Prior to the meeting of the Federal Reserve Board at which the deflationary measures were taken, a meeting of certain big banking interests was held at which this action was decided upon and the program planned.

HOW WAS IT CARRIED OUT?

Let the Federal Reserve Bulletin answer that question (p. 345, April, 1920):

"The advance in discount rates previously put into operation, however, is having an effect which is particularly noticeable in a few of the larger financial centers. At these points bankers have actively taken up the work of credit restriction and limitation."

(The emphasis of italics is mine.)

That the deflation was premeditated and deliberate, and that it had a very definite purpose, I need only quote from the Federal Reserve Bulletin of March, 1920, wherein the closing paragraph of a review says:

"As to whether the present 6 per cent rate for rediscount of 90-day paper is sufficiently high, the council holds that experience has thus far been insufficient for conclusive opinion."

Was the real purpose of the deflation camouflaged? Of course it was; in the Federal Reserve Bulletin as well as in the newspapers, in the dispatches, and other propaganda of the money trust. Would you expect the money trust to come out plainly and tell the world that it was carrying out a campaign to ruin their industrial competitors, to subjugate labor and crush the farmer? Hardly. They are too clever for that. But intelligent men can understand and read between the lines much that is not stated in cold type. The results tell the story, and between themselves the big fellows freely discussed the real motives, but not for publication, naturally.

The New York Journal, in an editorial on the recent New York State bankers' dinner, says:

"Mr. McKenna informs American bankers (their own Government never told them, apparently) that in 1920 and 1921 the United States adopted 'deflationary methods in concert with our own English financial authorities.' American business men were not allowed to know that this country was deflating in concert with British financial authorities. There was pretty violent deflation here, and it ruined a good many men suddenly. It helped a few, probably."

That McKenna was not so sure of his ground or so ready and deliberate in purpose as his American associates is shown by the following warnings. In an address by him, which was printed in small type in the Federal Reserve Bulletin, we find this little gem:

"Any attempt to bring it [deflation] about rapidly would cause widespread ruin among manufacturers and traders."

Also, he says:

"I can not help thinking that the advocates of dear money are premature in their policy."

Both these quotations are taken from the Federal Reserve Bulletin of March, 1920, page 252.

PROOF OF THE EFFECTS OF DEFLATION.

The deflation increased the commercial failures from about 500 per month, with liabilities \$8,000,000 per month, to a monthly maximum of 2,444 failures with liabilities of \$87,502,382 during the deflation period. Here are the figures from Dun's record of commercial failures:

	Number of failures.	Liabilities.
1919.		
(Before the deflation began.)		
November.....	551	\$9,177,321
December.....	581	8,309,942
1920.		
January.....	569	7,240,032
February.....	492	9,793,142
(After the deflation started.)		
March.....	566	12,699,325
April.....	594	13,224,135
May.....	547	10,826,277
June.....	674	32,990,965
July.....	681	21,906,412
August.....	673	28,372,805
September.....	677	29,554,283
October.....	923	38,914,659
November.....	1,050	30,758,130
December.....	1,525	98,871,543
Total for 1920.....	8,881	295,121,805
1921.		
January.....	1,895	52,136,631
February.....	1,641	60,852,449
March.....	1,336	67,408,909
April.....	1,487	38,567,769
May.....	1,356	57,066,471
June.....	1,320	34,639,375
July.....	1,444	42,274,153
August.....	1,562	42,904,409
September.....	1,466	37,020,837
October.....	1,713	53,058,659
November.....	1,988	33,460,859
December.....	2,444	87,502,382
Total for 1921.....	19,652	627,401,883

	Number of failures.	Liabilities.
1922.		
January.....	2,723	\$73,795,750
February.....	2,331	72,608,393
March.....	2,463	71,608,192
April.....	2,167	73,056,637
(Here the deflationary period ended, but heavy failures continued as an after effect.)		
May.....	1,960	44,402,896
June.....	1,740	33,242,450
July.....	1,753	40,010,313
August.....	1,714	40,279,718
September.....	1,696	36,900,000
October.....	1,700	34,647,438
November.....	1,737	40,265,297
December.....	1,814	52,069,021
Total for 1922.....	23,670	\$17,885,125

Summary of failures during and after deflation.

	Liabilities.
March to December, 1920, 7,820 failures.....	\$278,118,631
January to December, 1921, 19,652 failures.....	327,401,883
January to December, 1922, 9,684 failures.....	291,071,002
April to December, 1922, 13,992 failures.....	326,817,123

Recorded total of 51,148 failures..... 1,523,408,649

Failures, 51,148.

Liabilities, \$1,523,408,649.

How is that for a record of Bolshevik executions?

FIFTY-ONE THOUSAND INDUSTRIES ASSASSINATED.

Over 51,000 of the most enterprising, new-blood, young American industries taken out against the wall and shot to pieces—murdered by "deflation," the same old cruel and barbarous weapon that has always been used by this gang of financial Bolsheviks.

And why did these industry wreckers of Wall Street plot and plan and execute and murder young American industry?

Because it didn't want the competition.

Because they were too cowardly to stand up and play a fair game with the young enterprising manhood of American industrial life that had gotten on its feet during the war. Many American industries that had served the country well during the war were prepared to serve it well in times of peace.

Because these scoundrels of Wall Street are not clean sports or fair fighters. They are crooks and bandits by nature.

They are not constructionists. They are destructionists. They thrive on the wealth that others create, because they have the power to steal it. They murder their victims and rob them.

Their pretended patriotism is pure camouflage.

They do many of these things within the law because they often make the laws to suit their purposes.

Have they not overstepped the bounds of all law and reason in the plain murder of 51,000 of the most desirable and enterprising of American industries and business concerns?

On page 8 of the Federal Reserve Bulletin for January, 1923, is a diagram showing the bank credit line of 800 member banks in the leading cities. The line shows a deflation of \$2,000,000,000 worth of credits from January to December, 1920.

A reduction of loans and discounts of \$2,000,000,000 in one year.

What did this do to industry in America?

Dun's statement of failures tells the story.

And I am confident that an investigation capable of commanding the facts will prove that—terrible as this showing is, and meaning all that every business man knows that it means—that it is but half the story.

It would be interesting to know how much of the credit taken away from the independent manufacturers throughout the country was re-loaned to protect the industries controlled by these Wall Street wreckers.

When this is ascertained it will show, I am sure, a much greater deflation than even \$2,000,000,000—stupendous as this figure is—for the rest of the country.

An investigation will show that these Wall Street money kings deflated almost every industry in the country but those controlled by themselves.

After this \$2,000,000,000 deflation of credits, in 1920, I am told that about two-thirds of all the credits of the Federal reserve system then outstanding were loaned by the New York district.

Does this not prove that Wall Street was taking care of its own at the expense of the rest of the Nation?

Here are some interesting tables taken from the Federal Reserve Bulletin, pages 901 and 902.

These tables show what happened in past years when the same old money trust played the same old game, as compared with its most recent performance.

Number of commercial failures.

	1893	1894	1907	1908	1920	1921	1922
January.....			1,355	1,949	569	1,895	2,723
February.....	3,202	4,304	924	1,621	492	1,641	2,331
March.....			863	1,339	508	1,336	2,463
April.....			799	1,309	504	1,487	1,167
May.....	3,199	2,734	857	1,379	547	1,356	1,960
June.....			815	1,112	674	1,320	1,740
July.....			777	1,232	681	1,444	1,753
August.....	4,015	2,868	850	1,199	673	1,502	1,714
September.....			856	1,028	677	1,466	1,594
October.....			1,139	1,187	923	1,718	1,708
November.....	4,826	3,979	1,180	1,120	1,059	1,968	
December.....			1,316	217	1,525	2,444	

Liabilities of commercial failures.

(In thousands of dollars.)

	1893	1894	1907	1908	1920	1921	1922
January.....			13,628	27,100	7,240	52,137	73,796
February.....	47,338	64,137	10,284	27,065	9,763	60,852	72,608
March.....			8,164	21,542	12,699	67,499	71,608
April.....			11,082	20,316	13,224	38,568	73,057
May.....	121,541	37,596	9,965	13,643	10,826	57,066	44,403
June.....			16,466	14,709	32,991	34,639	33,243
July.....			12,335	14,222	21,906	42,774	40,010
August.....	82,469	29,411	15,198	23,782	28,373	42,904	40,279
September.....			18,935	12,298	24,554	37,021	36,900
October.....			27,415	15,899	38,915	53,059	34,647
November.....	93,431	41,848	17,637	12,660	30,788	63,470	
December.....			36,297	14,140	68,873	87,502	

Though the deflation wrecked over 50,000 concerns, with liabilities of over one and a half billion of dollars, this does not begin to properly picture the losses. The liabilities of the Lehigh Machine Co. were \$180,000 and assets over \$750,000 when the receivers were placed in control. But the assets have been so thoroughly dissipated and the concern so thoroughly wrecked by these receivers that there is not enough left to pay the receivers' debts. Stockholders, creditors, and even wage claimants are wiped out, meaning a loss of really over a million dollars when all direct and indirect consequences are considered.

Thus the losses shown by the liabilities in this statement would undoubtedly have to be multiplied a great many times to include the losses of stockholders, partners, principals, etc., as the "liabilities" in Dun's probably only cover the unpaid obligations to creditors. It is safe to presume that in many cases these "liabilities" would be less than one-tenth the total losses involved.

Also, this statement does not take into account the concerns driven out of business that did not fail but simply paid their bills in full and quit.

In talking with the export manager of one of the largest farm-machinery concerns in March, 1923, he made this remarkable statement to me:

"In early 1920 there were over 150 manufacturers of farm tractors in the United States. Now there are 3."

To read the bankers' magazines and some of the foolish newspapers that do the propaganda work for the money trust it appears that they are very proud of the job they have done.

Can any sane or sensible, patriotic citizens or citizens be proud of such destructive work?

What outside devastating force could do worse?

Did the invading German armies do more damage in France and Belgium than these industry wreckers have done here in our own country?

The ruins are to be found in almost every town and city throughout the Nation.

The industrial destruction of the Bolsheviks of Russia was small when compared with the ruin and devastation wrought by these Bolsheviks of Wall Street.

The fraud and fake of the propaganda that the contraction of credits was for the purpose of curbing the speculation are obvious to anyone who knows that the speculator and Wall Street gambler can legally pay any rate of interest and the bank can legally lend him money "on call" at any rate of interest. But the manufacturer must borrow from his bank only at the legal rate.

When the rediscount rate was raised to 6 and 7 per cent it was to "get" these independent manufacturers, not the speculator. The Money Trust and the fakers guilty of this propaganda knew it full well.

The propaganda was a camouflage to fool the manufacturers, to fool the people.

The call rate for money went up to 15 per cent, and the stock gamblers got the needed money at the higher rate; but the manufacturers were ruined, because they could not buy the needed credits at any price.

How could your local bank lend a manufacturer money at the legal rate of 6 per cent and then rediscount that paper with its Federal reserve?

Could it afford to lend its money to the Wall Street speculator at 15 per cent and rediscount paper at 7 per cent?

Well, I guess, yes!

Now, can you understand the fake and fraud of all that propaganda that filled the newspapers in early 1920 about bringing down prices by taking the credits away from the speculator?

With the Associated Press and other news-distributing agencies and almost the entire press of the country under the absolute control of these Wall Street highbinders, what chance have the people or the common business interests of the country?

I ask this question in all seriousness.

On March 12, 1920, the call money rate in New York was 15 per cent. The president of a bank in a near-by town, to whom I applied in the spring of 1920 for credit accommodation, told me very frankly that he had some money in New York drawing 12 per cent "on call," and that he would consider it poor business and not to the interest of his stockholders to take that money from New York, where he was then getting 12 per cent, and lend it to me for 6 per cent, which was all that he could under the law or in any legal way charge me.

The speculators were paying high, but they did get the money, and the manufacturers, except the favored ones, could not get it at any price. They were being deliberately ruined.

The money trust's own industries were, of course, protected, but the independents were purposely and heartlessly ruined by the deflation.

The United States Senate, March 8, 1920, passed a resolution wherein the Federal Reserve Board was requested to advise concerning the—

"Cause and justification for the usurious rates of interest on collateral loans in the financial centers, under what law authorized, and what steps, if any, were required to abate this condition."

Mr. W. P. G. Harding, then chairman of the Federal Reserve Board, answered the Senate's inquiry with the statement that "broad and fundamental questions of economic policy" were involved. I agree with this part of his statement. The "economic policy" was the policy of the money trust to crush competition and subordinate labor and farmer and make fast its controlling grip on the industry and life of the Nation.

While our bankers have been so "short of money" that they could not take care of the necessary domestic industrial financial needs to save over 50,000 manufacturers and business concerns from under-served ruin, they have lent, according to financial statements in the New York Times and statements of the Guaranty Trust Co., to European countries and manufacturers a total of \$869,902,000 in 1922, of which \$680,505,000 was loaned to European governments and municipalities and \$189,397,000 to European industries; and during the last three years a total of \$2,070,000,000 has been borrowed here by foreign governments and foreign industries.

According to international bankers who have made a survey of the situation, the New York Times says that in 1921 \$625,820,000 and in 1920 \$576,322,000 was lent abroad.

Remember, please, that this was during the height of the deflation here, while the money trust was forcing failures at the rate of about 2,000 a month through a deflation of credits.

The same statement says that the loans to foreign corporations amounted to \$189,427,000 in 1922, \$118,750,000 in 1921, and \$189,400,000 in 1920.

Were American bankers just lying to American manufacturers about the shortage of money?

While they were forcing a condition of ruin on our own country loans were made in 1922 alone in other lands, as follows:

Australia—Government and municipal	\$10,758,000
Australia—to corporations	2,500,000
Dutch East Indies—government	100,000,000
Belgian—to corporations	2,500,000
Czechoslovakian—public loans	21,500,000
Denmark—to corporations	5,000,000
France—public communities	31,000,000
France—to corporations	41,975,000
Netherlands—public loans	47,400,000
Netherlands—to corporations	18,220,000
Yugoslavia—public loans	15,250,000
Argentina	21,575,000
Do	28,095,000
Norway	21,575,000
Bolivia	24,000,000
Brazil—public loans	61,380,000
Brazil—to corporations	4,000,000
Chile	19,350,000
Colombia	5,000,000
Peru	2,750,000
Uruguay	6,000,000
Cuba—to corporations	28,500,000
Dominican Republic	6,700,000
Haiti	10,000,000
Canada—provincial and municipal	207,220,000
Canada—to corporations	46,526,000
Newfoundland	6,000,000

In France (to American corporations)	\$10,000,000
In Cuba (to American corporations)	23,421,000
In Canada (to American corporations)	2,800,000

The New York Times, March 18, 1923, under the heading, "Billion a year to rebuild the world advanced from American pocket," says:

"Since 1914 we have put up \$21,000,000,000, and the tide of loans is rising—nations, provinces, cities, and corporations aided in tasks of reconstruction."

Briefly, this is how we have put up \$21,000,000,000 since 1914:

American securities repurchased at the outbreak of the war, 1914	\$3,000,000,000
American Government loans to Allies	10,000,000,000
Funded interest on these loans	2,000,000,000
Commercial credits extended abroad	3,000,000,000
Dollar securities purchased from foreign holders	2,631,000,000
Foreign currency securities purchased	620,000,000
Foreign currency bought by Americans	500,000,000

Total 21,751,000,000

The Times adds that "this compilation, made by the office of the Comptroller of the Currency, is believed to be an underestimate."

Thus, while American bankers in 1920, 1921, and 1922 were telling the American manufacturers that they were "short of money" and not only could not accommodate them but were compelling them to undergo ruinous liquidation to pay off the small amount of discounts that had been given them, the bankers were sending billions of dollars of the American people's money abroad.

I am not opposed to helping foreign countries with credits if we can afford it, but I believe that American manufacturers should come first.

I am opposed to being lied to by the big money trust propagandists, who have been deceiving American industry.

I am opposed to being made one of the victims of this most monstrous, traitorous, and villainous conspiracy which has deliberately robbed millions of this country's best and most constructive citizens of the earnings of a lifetime and has deprived the country of over 50,000 of its most enterprising industries.

I am opposed to the control of the billions of dollars of the American people's money and the billions more of the American people's credit by the Wall Street money trust and its traitorous use to crush out the lifeblood of young American business energy that the money trust may monopolize the field exclusively and extend its control to the industries of foreign countries.

Can the deposits of the American people, the savings funds, the great insurance funds, continue to be left in the hands of this powerful money trust for the purpose of ruining all the ambitious, enterprising, constructive new blood that may arise in our industrial life?

Surely we must have some laws in our country under which these traitorous scoundrels can be brought to justice for their crimes.

What can be done to make the guilty traitors pay for the damage they have done in the wrecking of American industry?

They surely should be made to pay, for the destruction was willfully planned and deliberately carried out.

Government agencies were used to help ruin American manufacturing industries at the instigation of these traitorous conspirators.

These Bolshevik industry destroyers of Wall Street must be dealt with or real Americanism will soon cease to exist entirely.

These comparatively few men are now practically ruling 110,000,000 people for the private interest of the few and against the welfare and best interest of the 110,000,000. Their control of the press and their control of legislative, judicial, and executive branches of Government is demonstrated day in and day out.

Thousands of banks, hundreds of thousands of manufacturers and business men, thousands of chambers of commerce, a few independent newspapers have proven to be the simple-minded, propagandized dupes of these few powerful and traitorous conspirators and have, with the innocence of babes, often helped in the destruction of their own industries.

CONCERNING LIBERTY BONDS.

How is this for cold-blooded sarcasm? I quote the following from the Federal Reserve Bulletin, page 555, June, 1920, when Liberty bonds were selling in the seventies:

"The pronounced fall in the quotations of the bonds is attributed by financial authorities to large realizing sales originating with certain classes of bondholders who found the cheapest and easiest way of obtaining funds of which they stood in need."

WERE THE FARMERS LIFT?

During the deflation period, or from January, 1920, to August, 1921, the price of Chicago corn dropped from \$1.47 to 55 cents; New Orleans middling cotton, from 40 cents to 12 cents; Chicago red winter wheat, No. 2, from \$2.63 to \$1.28; and wool from \$1.28 to 40 cents; Chicago steers, from \$15.93 to \$8.77; and Pennsylvania crude oil, from \$5.06 to \$2.25.

For the first six months of 1921 there were 7,016 suicides, as against 2,996 for the first six months of 1920. It is claimed that this increase is due entirely to the deflation and business failures and resulting despondency.

UNEMPLOYED STATEMENT VERIFIED.

Secretary of Labor Davis in August, 1921, placed the number of unemployed at 5,735,000.

The New York Post, October 4, 1921, says:

"WASHINGTON, October 4.—Losses in earnings of workers throughout the country during the past fiscal year due to involuntary idleness were put at more than \$6,500,000,000 in an estimate prepared to-day by economic experts of the National Conference of Unemployment."

The report of the National Industrial Conference Board, issued January 18, 1922, states that one-fourth of all industrial wage earners were out of employment on June 1, 1921.

CONVICTING PROPAGANDA.

We find here and there in the propaganda sent out to the bankers some rare, choice bits which show the heart and purpose of the money trust so clearly that it leaves no room for doubt for even the most gullible if read with reasonable intelligence.

What other interpretation can be placed on the following sentence, which appears in the Federal Reserve Bulletin, page 902, August, 1922?

This came out after the deflation had ceased.

Was it not a warning to the banks that the new extension of credits might go far enough to help some poor soul, some independent manufacturer who had weathered the storm, who had survived the deflation ordeal?

Who else was it aimed at?

Here it is:

"It was at one time felt that this process [the revival of the extension of credits is referred to] might go too far and result in preserving a good many concerns that actually had no claim to existence."

It would be interesting to have a congressional committee compel the Federal Reserve Board to explain in full detail just who these concerns are that they are fearful may be "preserved"—these concerns who "actually had no claim to existence."

From what authority does the Federal Reserve Board assume to dictate to the banks what concerns shall be permitted to live and which ones "actually have no claim to existence"?

At least, have they not criminally exceeded their authority as conferred by Congress in the willful murder of 51,000 manufacturing and business firms?

MORAL DEGENERACY.

If you want to get an idea of the psychology of these big bankers and brokers of Wall Street and an inside view of their business morality and a fair conception of their ruthlessness when it comes to the extremes they will resort to to drive out and eliminate competition, get a copy of the report of the "Pujo committee" and read it through.

I quote from page 87, section 8. The questions and answers, word for word, are here given in the examination of the president of the New York Stock Exchange:

"The president of the New York Stock Exchange admitted that the purpose of the rule is to drive the Consolidated out of business.

"Q. Do you not regard that as a most oppressive and unjust rule?—A. I do not.

"Q. How do you justify it? You are the president of the stock exchange. We would like to know how you justify it.—A. I justify it by the fact that the Consolidated Exchange is an organization that is a rival organization of our own, and this is a business that we should be able to keep. I do not see any reason why we should not strengthen our institution as much as we can.

"Q. But you do not keep all that business when your own listed stocks are sold on your exchange through your brokers?—A. What business?

"Q. The business to which you refer. It does not take any business away from you, does it, for a member of the Consolidated Exchange to sell through your exchange stocks that are not listed on his exchange; but it gives you business, does it not?—A. Yes.

"Q. And your refusal to take it really drives away business. You are willing to drive away business, are you not, in order to prevent a man, who is a member of another exchange from doing business at all and to drive him out of business?—A. Yes.

"The committee can find no justification for the methods adopted by the New York Stock Exchange to exterminate its weaker rival."

Again, in this same report of the "Pujo committee," see how the big controlling bankers ruthlessly ruined other banks to eliminate competition in 1908. Read pages 23, 24, and 27, concerning the cases of the Mechanics & Traders Bank, the Oriental Bank of New York, the Brooklyn Bank, and the Borough Bank.

You should read the testimony by Mr. Cannon, page 24, and then read the findings of the committee on pages 130 and 131, and note particularly the third paragraph on page 132.

Page 133 says:

"Sufficient has, however, been developed to demonstrate that neither potentially competing banking institutions or competing railroad or industrial corporations should be subject to a common source of private control."

Do not overlook the testimony of Mr. Morgan, commencing on page 136. I personally think that if anyone but Mr. Morgan had the audacity to give such testimony which is apparently so illogical and untrue that he would have been called a brazen liar and considered a very suspicious character.

But, after all, is it not all in harmony with the deception and heartless savagery of the money trust's deflation conspiracy?

Did Mr. Morgan compel Mr. Ryan to sell some \$3,000 par value of life insurance company stock to him just because Mr. Morgan thought it would be "a good thing" for Mr. Morgan "to hold" or because Mr. Morgan wanted to control the peoples' money that was controlled by that life insurance company? Why would not Mr. Morgan tell the truth and tell it frankly as any other citizen would have been compelled to do?

Could not a man of the character plainly shown exact a policy through powerful control over and with his associates to ruin millions of men?

Mr. Morgan says a lot about lending money on character. What kind of character can you see in his testimony?

On page 159, among the conclusions of the Pujo committee, we find the following statement which is worthy of space to repeat:

"Far more dangerous than all that has happened to us in the past in the way of elimination of competition in industry is the control of credit through the domination of these groups over banks and industries. It means that there can be no hope of revived competition and no new ventures on a scale commensurate with the needs of modern commerce, or that could live against existing combinations without the consent of those who dominate these sources of credit. A banking house that has organized a great industrial or railway combination or that has offered its securities to the public is represented on the board of directors and acts as its fiscal agent thereby assumes a certain guardianship over that corporation. In the ratio in which that corporation succeeds or fails the prestige of the banking house and its capacity for absorbing and distributing future issues is affected. If competition is threatened it is manifestly the duty of the bankers, from their point of view of the protection of the stockholders as distinguished from the standpoint of the public, to prevent it if possible. If they control the sources of credit they can furnish such protection. It is this element in the situation that unless checked is likely to do more to prevent the restoration of competition than all other conditions combined."

The Federal reserve banking system organized after this Pujo money and credits investigation for the purpose of taking the control of credits out of the hands of the money trust in order to prevent just what happened in 1920-21 and 22 was captured by the money trust and used to accomplish the very purpose it was organized to prevent

A SUMMING UP.

To sum up there is ample evidence to prove:

That a small group of men whom I have called the money trust on Wall Street conspired together to wreck and ruin industry and independent manufacturing in the United States for the purpose of eliminating competition.

That they conspired to manipulate and use the powers of certain functions of the Government for their traitorous purposes.

That they deliberately conspired to ruin and impoverish the farmers.

That they conspired to deflate wages and subordinate labor.

That they conspired to rob the common people of millions in Liberty bond values.

That they did use their control of newspapers and news agencies for preliminary propaganda and the Federal reserve banking system which had become their tool to effect their malicious purposes.

That over 51,000 manufacturing and business establishments were wrecked and ruined in the period from March, 1920, to December, 1922, entailing losses to 110,000,000 people totaling a stupendous sum of more than \$30,000,000,000.

Does this warrant congressional attention?

Will Congress put these most traitorous, dangerous, and powerful criminals in jail for the rest of their lives and take measures as far as possible to redeem the losses caused by the participation of such Government agencies as were used by these traitors?

EDMONDS INSURANCE BILL (H. R. 3689).

Mr. BLANTON. Mr. Speaker, there has been favorably reported from the Committee on the District of Columbia the new Edmonds insurance bill, H. R. 3689, and it is now on the calendar ready to be called up for passage, same being a bill of 152 pages and embracing many vicious provisions that should never be passed into law. If our colleague from Pennsylvania [Mr. EDMONDS] had known all the facts connected with this bill,

he would never have fathered it and would never have introduced it for Superintendent Miller. And if my colleagues on the Committee on the District of Columbia had known all the facts surrounding this proposed legislation, they would never have favorably reported it so hurriedly. And if I can get these facts before my colleagues, both of the House and the Senate, the Congress will never pass this bill into law.

And I have secured this permission to extend my remarks in order that I may be able to bring to the personal attention of each Member of the House and of the Senate the facts ascertained in an investigation I have made concerning this bill.

It is the practice of the Committee on the District of Columbia to submit to subcommittees the various bills referred to it, so that the subcommittee may report to the full committee its recommendations on each bill. There seems to be some sentiment in the committee to the effect that whenever a subcommittee favorably recommends a measure, the full committee should accept it without debate, and favorably report the bill without further consideration of it. I have consistently fought against such a policy.

During the seven years I have labored in Congress I have diligently served without complaint upon every committee and subcommittee to which I have been appointed. I have never sought appointment on any subcommittee other than the one to which this bill was referred.

In the last Congress, when the Edmonds insurance bill was passed, I then investigated conditions sufficiently to convince me that no greater powers should be conferred upon the superintendent of insurance in the District of Columbia, and I insisted that Acting Chairman Zihlman, when appointing the subcommittee to report on this bill, should give me representation on it, so that I could develop all facts against its passage. He saw fit to leave me off of the subcommittee. While I felt the injustice, I did not complain.

FAVORABLY REPORTED WITHOUT READING.

When the subcommittee reported to the Committee on the District of Columbia that it had investigated the bill, and recommended that it be favorably reported to the House for passage, I then protested and called attention to the fact that this bill contained 152 pages, and that I felt sure that the subcommittee had not had time to give it proper investigation. Yet, without reading a page of it, the committee passed a motion favorably reporting the bill, mine being the sole vote against it. When the committee met the succeeding week I requested permission to question the superintendent of insurance before the committee, with the assurance that if the committee would allow it, not 1 of the 21 Congressmen on the committee thereafter would vote for the bill, but such request was denied by the committee. In thus acting, the committee intended no discourtesy, but, as expressed by the gentleman from North Carolina [Mr. HAMMER], they felt perfectly satisfied with the investigation made by the subcommittee and could not afford to waste further time on it. That is the one great trouble. This committee presumes and takes it for granted that every bill prepared by others and sent us for passage is both meritorious and necessary, when frequently it is neither.

THE EDMONDS INSURANCE BILL PASSED LAST CONGRESS.

Public law No. 162, passed by the Sixty-seventh Congress and approved March 4, 1922, was first introduced by Mr. EDMONDS, of Pennsylvania, as H. R. 175, and, slightly amended to conform to Senate bill 2265, was reintroduced by Mr. EDMONDS as H. R. 6775, which was favorably reported to the House, which, however, substituted and finally passed the Senate bill 2265.

While called "An act to regulate marine insurance," this Edmonds bill was a comprehensive insurance code of numerous pages, for under the head entitled "Kinds of insurance that may be written" was the following:

First. On marine risks as described in section 1 of this act under the definition of "marine insurance."

Second. On property and rents and use and occupancy against loss or damage by fire, lightning, tempest, earthquake, hail, frost, snow, explosion (other than explosion of steam boilers or flywheels), breakage or leakage of sprinklers or other apparatus erected for extinguishing fire, and on such apparatus against accidental injury; and against liability of the insured for such loss or damage; and on automobiles against loss or damage from collision or theft, and against liability of the owner or user for injury to person or property caused by his automobile.

Third. Against bodily injury or death by accident, and against disablement resulting from sickness, and every insurance appertaining thereto, including quarantine and identification.

Fourth. Against liability of the insured for the death or disability of another.

Fifth. Against loss of or damage to property resulting from causes other than fire, marine and inland navigation hazards, and against liability of the insured for such loss or damage, and on motor vehicles against fire, marine and inland navigation hazards, and against personal injury and death, and liability of the insured therefor, from explosions of steam boilers and engines, pipes and machinery connected therewith, and breakage of flywheels or machinery, and to make and certify inspections thereof; and against loss of use and occupancy from any cause; against loss by burglary, theft, and forgery.

Sixth. Against loss or damage from failure of debtors to pay their obligations to the insured.

Seventh. Against loss from encumbrances on or defects in titles.

Eighth. Against loss or damage by theft, injury, sickness, or death of animals, and to furnish veterinary services.

Ninth. Against any loss or liability arising from any other casualty or hazard not contrary to public policy other than that appertaining to or connected with (1) life insurance (including the granting of endowments and annuities) and (2) fidelity and surety bonding.

An insurance company organized for the transaction of one or more of the kinds of insurance permitted under subdivisions 3 to 9, inclusive, of this section, shall also, if complying with this act, be admitted or licensed to write any or all insurance and reinsurance comprised in any one or more of the other subdivisions of this section: *Provided*, That nothing in this section shall be construed as preventing any insurance company now formed, admitted, or licensed to transact insurance in the District from continuing the writing of those kinds of insurance which it may have been authorized to write on the date when this act goes into effect.

In fact, it was a bill regulating and reorganizing generally the insurance laws and the insurance department of the District of Columbia. It increased the number of employees, granting an additional examiner at \$8,000, an additional clerk-stenographer at \$1,800 plus the \$240 bonus, and gave to the superintendent of insurance an additional \$800 for contingent expenses.

In speaking before our committee for his above bill, Mr. EDMONDS said:

We had an expert, Prof. S. S. Huebner, who has made a study of this subject, so I am going to ask you first to hear Professor Huebner, and let Professor Huebner explain to you why this bill was drawn, how it was drawn, and why it is necessary, and so forth.

And I quote from page 4 of the hearings the following:

THE CHAIRMAN. How do you happen to be here; by whose request?

PROFESSOR HUEBNER. At the request of Mr. EDMONDS.

THE CHAIRMAN. The author of the bill; and he is acting in behalf of the interests?

PROFESSOR HUEBNER. Mr. EDMONDS asked me to be here and explain the reasons why this bill was framed and the main ideas in the bill.

And the Congress passed that bill for Mr. EDMONDS, it being Public Law No. 162.

PRESENT EDMONDS NEW INSURANCE BILL.

This present bill now before us, H. R. 3680, was introduced in this Congress by Mr. Edmonds on December 14, 1923. It is an exact copy of a bill which in November, 1923, Supt. Burt A. Miller had printed in Baltimore by Kuehn Bros. & Co. (Inc.), and for which printing they charged him \$1,500 for 500 copies.

In view of the fact that Superintendent Miller paid Mr. Louis A. Dent \$2,500, which he claims was paid for drafting this bill, I respectfully suggest to my colleagues that they compare this H. R. 3680 with the bill which Senator Pomerene introduced in the Senate on July 11, 1921, being Senate bill 2229, and they will be convinced that it was copied from the Pomerene bill.

MILLER TRIED TO PASS SUCH A BILL IN JANUARY, 1923.

On January 10, 1923, there appeared before our committee in behalf of the House bill, H. R. 13834, embracing 150 pages, which was practically the same as the Pomerene bill, S. 2229, Superintendent Miller; Mr. Edmonds; Prof. S. S. Huebner; Mr. William Montgomery, president of the Acacia Mutual Life Association; David M. Lea; and five others.

When calling the committee to order, Chairman Focht observed that the bill was an extensive one; that it would be needless to submit it to a subcommittee, as it could not be hoped to get a bill of that character and size passed before the session closed in March, and that he figured it would take some years to get it through. Superintendent Miller said it was the last word on insurance.

EXCERPTS FROM MILLER'S TESTIMONY JANUARY 10, 1923.

MR. MILLER. Gentlemen of the committee, let me give you briefly the history of this bill, and in that way I can answer the statement of my good friend, the Congressman across from me [Mr. BLANTZ], in reference to this bill.

In the first place, this bill gathers together everything that has been considered by Congress in what was known first as a bill growing out of the 1915 report a number of years ago, following the investigation of the Armstrong Committee of New York. That bill was introduced by Butler Ames, of Massachusetts. Subsequently, a committee of the American Bar Association introduced a bill in Congress, and hearings were had on it. It was introduced originally, I believe, by Senator Sherman and then, later, and is now before the District Committee of the Senate known as S. 2229, introduced by Senator Pomerene.

Shortly after I was appointed to the office of superintendent of insurance that bill, together with the marine insurance bill, which you passed last March, was sent to me with the idea of reconciling the two bills and making one code, without repealing or interfering with the marine insurance bill in the least, but taking every important thing that was in the marine insurance bill and making it adaptable to general insurance.

Mr. FITZGERALD. Right at this point, Commissioner Miller, might I ask you if GEORGE EDMONDS has gone over this bill and approved it?

Mr. MILLER. GEORGE EDMONDS has gone over this bill from beginning to end; in the language of the old story, he has gone over it from cover to cover.

Mr. FITZGERALD. You mean in the language of the author of *The Jockings*, instead of the Good Book, don't you?

Mr. MILLER. Yes. After that, I then called in the representatives both of the companies and the agents, and of the people who have insurance to place and were interested in it. I have had hearings at my office all summer and these gentlemen have been here and have been heard. I had with me on this proposition, assisting me, Doctor Huebner, of the University of Pennsylvania, an authority on insurance. I had the Hon. Herman Ekern, former commissioner of the State of Pennsylvania and now attorney general of that State; the Hon. Walter Chorn, superintendent of insurance of the State of Missouri; Hon. A. I. Vooris, former superintendent of insurance of the State of Ohio and also representing, as he did, the American Bar Association; Hon. T. W. Blackburn, of Omaha; representatives from the Life Presidents' Association of New York; representatives from the Casualty Association, representing casualty companies; Mr. R. B. Gilkey, of New York, secretary of the Insurance Association of America, and last, but not least, I have had the representatives of the agents and of the Board of Trade of the city of Washington, as represented by Mr. D. M. Lea, of this city.

Mr. UNDERHILL. They have all agreed on the provisions of the bill?

Mr. MILLER. They have all agreed.

Mr. UNDERHILL. And what opposition has developed?

Mr. MILLER. There is no opposition.

And Superintendent Miller testified that on January 10, 1923, nearly a year before he paid Mr. Dent \$2,500 to copy this present bill from that Pomerene bill, S. 2229.

WHY WAS DENT PAID \$2,500 IN NOVEMBER, 1923?

When I cross-examined Superintendent Miller on January 10, 1923, notice what he then testified about the bill then pending, and then determine whether it was necessary in November, 1923, for him to pay Louis A. Dent \$2,500 to draft a new bill. I quote from the hearings of January 10, 1922, on the former bill, the following:

Mr. BLANTON. Now, with all this eminent talent you had associated with you in passing upon this bill, who drew it?

Mr. MILLER. It was as I said to you, sir, Mr. Congressman; we met there at my office and I worked out the details and submitted it to these various people.

Mr. BLANTON. Then, you drew the bill?

Mr. MILLER. I simply acted as a secretary to the bunch of advisers.

Mr. BLANTON. Well, somebody must be the father of the bill; who is the father?

Mr. UNDERHILL. It is a joint bill?

Mr. MILLER. It is the joint bill of all this talent I could get together, the best talent I could get together on the subject, and using the American Bar Association's bill and the marine insurance bill, which you gentlemen passed, as a guide, and this is an advance step in commercial insurance to-day.

And let me show you further what Miller testified to on January 10, 1923:

Mr. BLANTON. You have been superintendent how long?

Mr. MILLER. Since the 24th of June, sir.

Mr. BLANTON. Just since the 24th of June?

Mr. MILLER. Yes, sir.

Mr. BLANTON. Less than a year?

Mr. MILLER. Less than a year; yes, sir.

Mr. BLANTON. And would you mind stating the salary you now draw?

Mr. MILLER. I draw the magnificent salary of \$3,500 a year, sir.

Mr. BLANTON. And you start out, in framing this bill, by providing for an increase of \$1,000, to start with, to wit, \$4,500?

Mr. MILLER. I did not put that provision in there, sir.

Mr. BLANTON. Which one of this eminent talent you had put that in? Mr. MILLER. That was done by the Commissioners of the District of Columbia.

Mr. BLANTON. Somebody did put that in, though?

Mr. MILLER. The Commissioners of the District of Columbia did put that in upon their own motion and upon their own suggestion and recommendation to me, sir.

Mr. BLANTON. May I say that that is the great trouble about all such bills; they all call for an increase of salary.

Pardon me; I do not want to reflect on your services, or the value of your services in the observation I made, but if the gentleman will look it up he will find that the commissioners of insurance in many of the States do not get a bit more than you are getting now, \$3,500.

Mr. UNDERHILL. What States?

Mr. BLANTON. A number of them.

Inasmuch as Superintendent Miller thought that his salary of \$3,500 was such a very insignificant sum, let me mention what 35 governors are now receiving:

States whose governors receive not over \$5,000.

State.	Salary of governor.	Name of governor.	Politics.	Expiration of term of office.
New Hampshire.....	\$3,000	Fred H. Brown.....	Democrat.....	January, 1925.
South Dakota.....	3,000	W. H. McMaster.....	Republican.....	Do.
Vermont.....	3,000	Redfield Proctor.....	Do.	Do.
Delaware.....	4,000	Wm. D. Denney.....	Do.	Do.
Tennessee.....	4,000	Austin Peay.....	Democrat.....	Do.
Texas.....	4,000	Pat M. Neff.....	Do.	Do.
Wyoming.....	4,000	Wm. B. Ross.....	Do.	January, 1927.
Maryland.....	4,500	A. C. Ritchie.....	Do.	Do.
Oklahoma.....	4,500	M. E. Trapp.....	Do.	Do.
Alabama.....	5,000	W. W. Brandon.....	Do.	Do.
Arkansas.....	5,000	T. C. McRae.....	Do.	January, 1925.
Colorado.....	5,000	Wm. E. Sweet.....	Progressive Democrat.....	Do.
Connecticut.....	5,000	C. A. Templeton.....	Republican.....	Do.
Georgia.....	5,000	C. Walker.....	Democrat.....	June, 1925.
Idaho.....	5,000	C. C. Moore.....	Republican.....	January, 1925.
Iowa.....	5,000	N. E. Kendall.....	Do.	Do.
Kansas.....	5,000	J. M. Davis.....	Democrat.....	Do.
Maine.....	5,000	P. D. Baxter.....	Republican.....	Do.
Michigan.....	5,000	A. J. Groesbeck.....	Do.	Do.
Mississippi.....	5,000	H. L. Whitfield.....	Democrat.....	January, 1928.
Missouri.....	5,000	A. M. Hyde.....	Republican.....	January, 1925.
New Mexico.....	5,000	Jas. Hinkle.....	Democrat.....	Do.
North Carolina.....	5,000	C. Morrison.....	Do.	Do.
North Dakota.....	5,000	R. A. Nestos.....	Republican.....	Do.
Oregon.....	5,000	W. M. Pierce.....	Democrat.....	January, 1927.
South Carolina.....	5,000	T. G. McLeod.....	Do.	January, 1925.
Virginia.....	5,000	E. L. Trinkle.....	Do.	February, 1925.
Wisconsin.....	5,000	J. J. Blaine.....	Republican.....	January, 1925.

Thus 28 governors of 28 States now receive salaries from \$3,000 to \$5,000. Do you know why? It is because of the fact that our constituents at home pass on these salaries. And these constituents at home are the people who send you and me here to Congress. And yet hardly a day passes that you do not provide some huge sum of money for somebody to receive.

Now of the remaining 20 States, let me show you the number of governors who receive less than we do:

State.	Salary of governor.	Name of governor.	Politics.	Expiration of term of office.
Florida.....	\$6,000	C. A. Hardee.....	Democrat.....	January, 1925.
Utah.....	6,000	C. A. Mabey.....	Republican.....	Do.
Washington.....	6,000	L. F. Hart.....	Do.	Do.
Arizona.....	6,500	G. W. F. Hunt.....	Democrat.....	Do.
Kentucky.....	6,500	W. J. Fields.....	Do.	December, 1927.
Minnesota.....	7,000	J. A. O. Preus.....	Republican.....	January, 1925.
Nevada.....	7,200	J. J. Scrugham.....	Democrat.....	January, 1927.

Hence you will see that the governors of 35 out of the 48 States of this Union now receive less salary than we do, and we ought to take a lesson from that fact when we are daily granting excessive pay to various individuals who do some little service for the Government. For if we do not heed and quit raising these salaries, sooner or later we are going to hear from the people at home in a most decisive way.

IS SUPERINTENDENT MILLER AN INSURANCE EXPERT?

I quote the following from page 8 of the hearings on the old bill in the Sixty-seventh Congress, being Mr. Miller's testimony given on January 10, 1923:

Mr. BLANTON. Now, right there, if you do not mind, I would like to get some information. Prior to June last, when you became commissioner, were you then in business for yourself or working on a salary?

Mr. MILLER. If you want to know, sir, I will tell you that history, and tell you about it quick.

Mr. BLANTON. You can just answer that question.

Mr. MILLER. I can tell you about it quick. I came to Washington in April, 1921, at, I might say, I believe, at the suggestion of the President, to be Director of the War Risk; but I was not a soldier of the last war.

Mr. BLANTON. What business were you in then?

Mr. MILLER. I had been prior to that time and was in the insurance business, as I have said to you already, since 1897.

Mr. BLANTON. In the private insurance business?

Mr. MILLER. Private; I was both an agent and an executive officer of a company and a field man—have gone out and solicited business.

Mr. BLANTON. What company was that?

Mr. MILLER. I was vice president of the Bankers' Surety Co., of Cleveland.

Mr. BLANTON. In 1921?

Mr. MILLER. No. I was in the insurance business prior to coming to Cleveland. The Bankers' Surety Co. sold out—

Mr. BLANTON. Let us get one thing at a time. I want to know this, these facts, as one Member of Congress—

Mr. MILLER. You are entitled to know them.

Mr. BLANTON (continuing). When you came here in 1921 at the instance, you say, of the President, in what business were you then engaged?

Mr. MILLER. I had been in the insurance business, sir.

Mr. BLANTON. I mean then; what business did you have then?

Mr. MILLER. I was with the United States Fidelity & Casualty Co., in the Cleveland office.

Mr. BLANTON. In the Cleveland office—working on a salary?

Mr. MILLER. No, sir.

Mr. BLANTON. Working on a commission?

Mr. MILLER. Working on a commission.

Mr. BLANTON. Working as a field man?

Mr. MILLER. I had a large business of my own that I was placing with that company on a commission basis.

Mr. BLANTON. You were working on a commission, then, in Cleveland?

Mr. MILLER. You might say I was what is commonly called a broker of general insurance.

Mr. BLANTON. You were a broker?

Mr. MILLER. I was a broker.

Mr. BLANTON. Working on commissions?

Mr. MILLER. Working on commissions.

Mr. BLANTON. You received no salary from them at all?

Mr. MILLER. No, sir.

Mr. BLANTON. And from 1921 until June, 1922, when you became commissioner of insurance in the District of Columbia, in what business were you engaged?

Mr. MILLER. I told you I was with the War Risk.

Mr. BLANTON. You were working with the War Risk?

Mr. MILLER. Yes, sir.

Mr. BLANTON. What salary did you receive?

Mr. MILLER. I received \$3,000, and I was to have been promoted to a higher salary, when I took the present place.

Mr. BLANTON. During the time you worked for the War Risk Bureau, before you took the present place, from 1921 to June, 1922, you received \$3,000?

Mr. MILLER. Yes, sir.

Mr. BLANTON. That was \$500 less than you are now receiving.

Mr. MILLER. Mr. Chairman, as I said to you, with all respect to my good friend, whom I like, over here on the right [Mr. BLANTON], if this honorable body will report this bill out, I will take my chances—and I come from Ohio, where we think we know something about the game of politics, although not as well as they do in Pennsylvania, but I will take my chances, with you gentlemen behind me, of getting this bill through before the 4th of March, and I know the President will sign the bill when you get it to him. Is that a fair proposition?

Mr. BLANTON. Well, you make me more suspicious of the bill than ever. [Laughter.]

Mr. MILLER. I did not intend to do that. Now, Mr. BLANTON, hold on there—

The CHAIRMAN. You think they are in a big hurry about it?

Mr. BLANTON. Yes.

Mr. MILLER. Wait a minute, Mr. BLANTON; be fair, and that is what you always are; be fair. I would not press this thing if the conditions in the District of Columbia did not warrant it now.

Mr. BLANTON. Is there as great an urgency for this bill as there is for the President's ship subsidy?

EDMONDS SAID OLD BILL WAS LAST THOUGHT IN INSURANCE.

Let me quote just a few words from the testimony of our colleague, Mr. EDMONDS, at said hearing January 10, 1923:

Mr. EDMONDS. Mr. Chairman and gentlemen of the committee, in the first place, this bill does not conflict with the marine insurance bill at all. As a matter of fact, there are a great many points it supplements. My interest particularly, of course, lies in the marine insurance bill. * * *

It is only when some commissioner, like Mr. Miller, who is interested in insurance and gathers together the best thought in modern insurance laws and brings it here to you, that you can correct that situation. * * *

Now, this bill is the last thought in insurance legislation. I have talked to Professor Huebner about it. I had no hand in drawing it, but I followed it as it went along.

Mr. BLANTON. How many more 148-page insurance bills is the gentleman going to father this session?

Mr. EDMONDS. I am not fathering this bill, you understand; I did not draw this bill.

Mr. BLANTON. When we passed this marine insurance bill, which embraced many insurance provisions, I understood from the gentleman that was the last word on insurance here in the District of Columbia.

Mr. EDMONDS. It only covers marine insurance.

Mr. BLANTON. Why could not this have been included?

Mr. EDMONDS. It could have been, but I did not care myself personally to father a code for the District of Columbia. * * *

The CHAIRMAN. As far as you know about insurance, you approve of this bill?

Mr. EDMONDS. Yes, sir.

The CHAIRMAN. You have read it?

Mr. EDMONDS. I have read it.

The CHAIRMAN. And know what is in it?

Mr. EDMONDS. Yes.

The CHAIRMAN. And there is not, as far as you can find, any opposition to it?

Mr. EDMONDS. Any trouble, I believe, will be disposed of shortly. I believe there is nothing in here there is any radical objection to. I think there are little things in here that can be smoothed out by Mr. Miller, as he states. I think there are some little things that can be cleaned up. I believe, on the other hand, that in the body of the bill—the idea of the bill—it is the most advanced word in insurance. I have the New York insurance laws and the insurance laws of three or four different States in my office, and I have been going through them, and I think this contains the most advanced ideas in insurance it is possible to get together to-day; and it is my belief, after smoothing out these little things, that you ought to pass it.

Mr. BLANTON. Have you carefully read over the provisions of the bill?

Mr. EDMONDS. I would say to you I have gone over the bill, and I know in principle what is in it.

Mr. BLANTON. Have you carefully studied every section in it? It has 148 pages.

Mr. EDMONDS. If you ask me if I have read every word in it, no; and I could not tell you the effect of it, because I am not an insurance man. * * *

Mr. BLANTON. If you will pardon me, this bill has a peculiar feature about it. The bill is presumed to be designed to protect the people against insurance companies, and yet you do not find a single insurance company here objecting to it, but their general attorneys from New York are here all favoring it.

Mr. EDMONDS. For the simple reason, Mr. BLANTON, that to-day the insurance companies would a great deal rather come to you and get a piece of legislation that is fair than to go up to a legislature and have to go to work and go through a whole lot of inside committees and do things that maybe they ought not to do. That is the real truth of the matter.

PEOPLE PAYING THE BILLS NOT HEARD FROM.

At the conclusion of the hearings on January 10, 1923, let me quote a few excerpts:

Mr. MILLER. Now, Mr. Chairman, let us talk a little home here.

The CHAIRMAN. A little gossip?

Mr. MILLER. A little gossip; yes.

The CHAIRMAN. Local scandals?

Mr. MILLER. Local scandals. What is this going to do for the District of Columbia? It is going to raise us \$269,000 of revenue for the District instead of \$269,000 under the old bill. * * *

Mr. LAMPERT. I have heard from just one angle of this proposition, the people who are interested directly or indirectly in the insurance business. We have not heard from the great mass of people who pay the bills in the District for the various kinds of insurance. Before I act on this bill I would like to hear what the representatives of the

people have to say about it. I am sorry that the District has not a Delegate at the present time to represent it.

Mr. MILLER. Mr. Lea is on the insurance committee of the board of trade.

Mr. LAMPERT. Well, the board of trade is only a very small part of the District.

The CHAIRMAN. I saw in the papers several weeks ago that there was some combination formed of insurance companies here. What was that?

Mr. MILLER. I have not heard of it.

And on January 16, 1923, the bill was favorably reported by Chairman Focht for passage to the House, but the Sixty-seventh Congress expired on March 4, 1923, and it was never passed.

SUPERINTENDENT MILLER'S QUALIFICATIONS BECAME IMPORTANT.

In view of the fact that our distinguished colleague, Mr. EDMONDS, had testified in the last Congress that he was not an insurance man, that he did not care to father an insurance code, and that he believed the former bill to be the most advanced word in insurance, because Superintendent Miller had gathered together the best thought in modern insurance laws in it, when Mr. EDMONDS introduced this bill, H. R. 3689, on December 14, 1924, containing 152 pages, I naturally scrutinized it closely, because I had convinced myself that our colleagues had too exalted an idea of the ability and qualifications of Superintendent Miller.

RESULTS OF MY INVESTIGATIONS.

In the former bill Superintendent Miller was seeking to raise his own salary only \$1,000. In this bill he seeks to raise it \$1,700. And in this bill he seeks to give himself the following employees in addition to the ones authorized by the act of March 4, 1922;

A deputy superintendent at \$4,000 per annum; an actuary at \$4,500 per annum; an examiner at \$3,500 per annum; a chief statistician at \$2,500 per annum; an assistant statistician at \$1,800 per annum; a license clerk at \$1,800 per annum; a clerk-stenographer at \$1,800 per annum; a stenographer at \$1,680 per annum; four clerks at \$1,500 per annum.

And, in connection with the above, I will state that I have lately had evidence satisfactory to Majority Leader LONGWORTH and Appropriations Chairman MADDEN to testify before them convincing them that no additional employees are needed by said department, but that at least one of those now employed could be dispensed with without injury to the service.

In the former bill Superintendent Miller asked that there be allowed him "a fund for contingent and miscellaneous expenses of not less than \$2,000 per annum." Notice the way that it was drawn—"not less than." Thus, so long as he spent more than \$2,500 miscellaneously, he would be complying with the law.

And when, in November, 1923, Superintendent Miller had Kuehn Bros. print the 500 copies of his propaganda bill—for \$1,500—it provided, and so did Mr. EDMONDS's bill, H. R. 3689, which he introduced on December 14, 1923, provide:

The department shall also be allowed a fund for contingent and miscellaneous expenses of not less than \$2,500 per annum.

And to prove that Superintendent Miller considered that under such language he would be authorized to spend any sum so long that it "was not less than \$2,500," when the committee reported the bill on February 26, 1924, they limited him to \$4,500, for they provided:

The department shall also be allowed a fund for contingent and miscellaneous expenses of not less than \$2,000 or more than \$4,500 per annum.

In my 51 years I have never before witnessed that language as a limitation on expenditures. It is usually framed, "not more than."

And in his copy sent for his propaganda bill to Kuehn Bros. for printing, and in the first print of same they made for him, where it authorized him to appoint actuaries and examiners, without limitation as to number, except that whenever he deemed it necessary, it provided:

That the amount charged for such compensation shall not exceed \$75 per day for an actuary and \$25 per day for an examiner.

But before the printing job was completed he had this language changed so that in his propaganda bill (for which Kuehn Bros. charged him \$1,500 for 500) and also in the copy he had Mr. EDMONDS introduce for him, it appears as follows:

That the amount charged for such compensation shall be in accordance with the rules of the National Convention of Insurance Commissioners.

Which means identically the same thing, because the present rules of the National Convention of Insurance Commissioners, in force when this bill was introduced, provided pay of \$75 per day for an actuary and \$25 per day for an examiner. But Superintendent Miller thought it wiser to veil the provision in language that would not apprise Congress of the fact that he was being given authority to appoint an unlimited number of actuaries at \$75 per day for an unlimited number of days, and to appoint an unlimited number of examiners at \$25 per day for an unlimited number of days.

And in various paragraphs of this 152-page bill Superintendent Miller had had the old Pomerene bill changed just far enough to give him authority, powers, privileges, and patronage that could be abused in a thousand particulars, if the superintendent happened to be the kind of a man who would abuse same.

INVESTIGATED HIM AND HIS DEPARTMENT.

I therefore took it upon myself to investigate Superintendent Miller and his department of insurance, and when he brought his deputy superintendent, Mr. Baldwin, who had never met me before, to my office in an endeavor to get me to withdraw my opposition to his bill, I was prepared with my file of indisputable evidence to make him admit things that had happened.

HAD GIVEN BAD CHECKS TO BANKS.

In the presence of his deputy, Mr. Baldwin, Superintendent Miller admitted that just before he was appointed superintendent he gave as many as four checks to the Riggs National Bank which were turned down, and that the vice president of said bank informed him that he did not want his account or business. Superintendent Miller further admitted that after becoming superintendent, on a trip to New York on his own business, in order to pay a hotel bill there he gave a check for \$100 on Brosnan's Bank in Washington, and it was turned down, and that he had also had a smaller check of about \$50 turned down by the Brosnan Bank. He further admitted that he was agency superintendent of the Metropolitan Surety Co., of New York, from 1906 until it went broke and failed in 1908. He also admitted that he was general agent for the New England Equitable Insurance Co., of Boston, from about 1911 until it went broke and failed in 1916; also that he was an insurance broker from 1917 to 1920. He also admitted that he had borrowed money from his employees in his insurance department here—Mr. Joseph J. McDermott and Mrs. Helen McKinney.

CERTIFIED COPIES OF COURT RECORDS IN OHIO.

DISTRICT COURT OF THE UNITED STATES,
NORTHERN DISTRICT OF OHIO, CLERK'S OFFICE,
Cleveland, Ohio, March 5, 1924.

HON. THOMAS L. BLANTON,

Representative of the Seventeenth District, Texas,

House of Representatives, Washington, D. C.

DEAR SIR: Replying to your inquiry of recent date, in re Burt A. Miller, Canton, Ohio, bankruptcy case No. 2161.

On September 30, 1905, a voluntary petition was filed by the above-named bankrupt and on the same day, in the absence of the judge from the district, the matter was referred to the Hon. A. M. McCarthy, referee in bankruptcy at Canton, Ohio, for further proceedings, and I find by the record of said referee, that an order of adjudication was entered on October 2, 1905. A petition for discharge was filed on the 28th of November, 1905, and on December 30, 1905, no opposition appearing, a discharge in bankruptcy was granted.

The schedules filed with the petition show liabilities as follows: Secured claims, \$8,800; unsecured claims, \$573.75; making a total of \$9,373.75. No assets were scheduled except household furniture in value of about \$200, which was claimed as exemption, and in view of these circumstances no trustee in bankruptcy was appointed. The estate was closed by the referee on January 19, 1906.

Trusting this answers your inquiry to your full satisfaction, I remain,

Very sincerely yours,

B. C. MILLER, Clerk.

By F. J. DENSLER, Deputy Clerk.

STATE OF OHIO,

Stark County, ss:

In the court of common pleas: Jane R. Miller, plaintiff, v. Burt A. Miller, defendant. Petition for divorce, alimony, and custody of children.

Plaintiff has been a resident of the State of Ohio for one year last past and has a bona fide residence in the county of Stark, Ohio. That on or about the 27th day of December, 1899, at Canton, Ohio, she was married to the defendant.

The following children were born of such marriage: _____

Plaintiff says she was obliged to leave defendant in the early part of June, 1918, and that ever since said date they have been living separate and apart, and defendant declares that he has refused to contribute anything to her support, although he is earning sufficient money so to do.

That defendant spent large sums of money in extravagant living and became financially involved so that plaintiff and defendant were obliged to abandon their home in East Cleveland, Ohio, store their household goods, and this plaintiff was compelled to move to Canton, Ohio, and take up her abode with her father and to bring with her their daughter, and that she has been living with her father at Canton, Ohio, ever since said date.

Plaintiff further says the defendant has been guilty of extreme cruelty toward her in that on or about the early part of 1918, on account of his own extravagance and reckless expenditure of money and without any fault on the part of plaintiff he became dissatisfied, morose, and discontented, and resorted to excessive use of intoxicating liquors and would come home and abuse plaintiff and charged her with being extravagant and with being responsible for his physical and financial condition and acted so cruelly toward her that she was obliged to separate from him.

That on or about the 15th day of February, 1918, she visited him at his office in Cleveland, Ohio, and his conduct was so cruel and abusive that she suffered a nervous breakdown from which she suffered for several days, and plaintiff says that his conduct was so cruel and abusive that plaintiff can not possibly live with him again as man and wife.

Plaintiff says that she has always conducted herself as a true and faithful wife toward the defendant.

Wherefore, plaintiff prays that she may be divorced from the defendant; that she may be decreed to have reasonable alimony, the custody of said children, and such other and further relief as is proper in the premises.

McCARTY, ARMSTRONG & RAINSBERGER,
Attorneys for Plaintiff.

STATE OF OHIO,

Stark County, ss:

Court of common pleas.

I, Ross H. Hurford, clerk of the court of common pleas within and for said county, having the custody of the files, journals, and records of said court, hereby certify that the foregoing is a true copy of the original pleading filed in the above-entitled case as the same appears from the files and records of said court.

In testimony whereof I subscribe my name and affix the official seal of said court, Canton, Ohio, this 5th day of March, A. D. 1924.

[SEAL.]

ROSS H. HURFORD, Clerk.

CERTIFIED COPY OF JOURNAL ENTRY.

STATE OF OHIO,

Stark County, ss:

In the court of common pleas. Jane R. Miller, plaintiff, v. Burt A. Miller, defendant. Journal volume u/4; page 298.

This cause came on this day to be heard on the petition of the plaintiff and the evidence, the defendant failing to appear, and on consideration thereof the court find that at the time of the filing of her petition herein had been a resident of the State of Ohio for one year next preceding the filing of the petition, and was at that time a bona fide resident of Stark County, Ohio; that the defendant was duly served with summons and a copy of the petition and that he failed to appear and defend in this action, and that the parties hereto were married, as in the petition set forth.

The court further find, upon the evidence adduced, that the defendant has been guilty of extreme cruelty and gross neglect of duty toward the plaintiff, as set forth in the petition, and that by reason thereof the plaintiff is entitled to a divorce as prayed for.

It is therefore ordered and adjudged by the court that the marriage contract heretofore existing between the said Jane R. Miller and Burt A. Miller be, and the same is hereby, dissolved, and both parties are released from the obligations thereof.

It is further ordered that the custody, care, education, and control of the said children of the parties hereto be and is conferred to said plaintiff, Jane R. Miller, exclusively, and the said Burt A. Miller is hereby enjoined from interfering with either of said children or Jane R. Miller in the custody of them. But it is hereby ordered that the defendant, Burt A. Miller, have the privilege of visiting said children as may be reasonable and proper.

It is further ordered and adjudged that the defendant be divested of any interest, either by dower or otherwise, in any real estate of which the plaintiff is now possessed or has any equitable interest in and from any future acquired property, be the same real or personal, and that he be absolutely divested of any interest in any property of whatever character now owned or hereafter acquired to the same extent as though said parties had never been married.

It is further considered by the court that said plaintiff recover from said defendant her costs herein expended.

STATE OF OHIO,

Stark County, ss:

I, the undersigned, clerk of the court of common pleas, within and for said county, and in whose custody the files, journals, and records of said court are required by the laws of the State of Ohio to be kept, do hereby certify that the foregoing is taken and copied from the journal of the proceedings of said court within and for said county, and that said foregoing copy has been compared by me with the original entry on said journal, and that the same is a correct transcript thereof.

In testimony whereof I have hereunto subscribed my name officially and affixed the seal of said court at the courthouse in Canton, in said county, this 5th day of March, A. D. 1924.

[SEAL.]

ROSS H. HURFORD, Clerk.
By ORA M. BOWMAN, Deputy.

WENT INTO VOLUNTARY BANKRUPTCY TO ESCAPE ONLY \$573.

You will note that the clerk from the United States District Court for the Northern District of Ohio certified that when Supt. Burt A. Miller sought a bankrupt's discharge from his debts in 1905, his total liabilities amounted to only \$8,873.75, of which \$8,300 was secured, and that the unsecured claims against him from which he sought relief amounted to only \$573.75.

Also note that Superintendent Miller well said that he was an "insurance broker," for he was general agent for a company that broke in 1908, and he was general agent for another company that broke in 1916.

STATEMENT FROM HIS RETIRING DEPUTY AND EXAMINER.

WASHINGTON, D. C.,

14 Eye Street NW., March 3, 1924.

Hon. THOMAS L. BLANTON, M. C.,

Room 300, House Office, Washington, D. C.

DEAR SIR: Answering your questions, I will state:

(1) Until February 15, 1924, when I resigned, I was deputy superintendent and examiner in the department of insurance for the District of Columbia, drawing a salary of \$2,240. I resigned voluntarily, and I attach hereto a copy of my resignation, and also a letter I received from Superintendent Miller, requesting me to come back, and also a letter Superintendent Miller had Mrs. McKinney send me, begging me to come back.

(2) Prior to the time I became deputy and examiner I formerly held the position of statistician, and prior to that time the position of clerk; hence I am thoroughly familiar with every feature of the business of said department. There is only one employee there who has been with the department longer than I was with it.

(3) I quit said department because it had become so rotten in its methods of business that I could not afford to be with it any longer.

(4) In my judgment there is no necessity whatever for the new code Superintendent Miller is seeking to pass. The present laws are sufficient. He collected money from numerous insurance companies by assessing them so much and used it to pay a \$1,500 propaganda printing account used in trying to pass the bill and in paying a big attorney fee to a lawyer to help pass it.

(5) I attach hereto a galley proof showing that Superintendent Miller has in mind to pay the examiners this new bill would authorize him to appoint remuneration of from \$25 to \$75 per day, but he veiled this language in the bill so that one unfamiliar with such matters would not know of the amount.

(6) Within six months after Superintendent Miller came in office he borrowed \$20 from me, and after waiting three months for him to pay it back I finally had to insist on his paying it before I got my money.

(7) Mrs. Helen McKinney told me that on one occasion she loaned Superintendent Miller some money.

(8) Within the past 30 years there have not been over five insurance companies of all kinds which have failed that were licensed by the District of Columbia.

(9) In my best judgment there is no necessity for the extra additional employees provided for in the new code.

(10) In my best judgment it would be dangerous to grant the enlarged powers to Superintendent Miller which the new code provides.

In conclusion, permit me to state that I would have had nothing to say about the above if you had not asked me the direct questions, as I am not a tale bearer.

Very truly yours,

JOSEPH J. McDERMOTT.

FEBRUARY 15, 1924.

Hon. BURT A. MILLER,

Superintendent of Insurance, District of Columbia.

I, J. J. McDermott, do hereby tender my resignation, said resignation to take effect on and after February 16, 1924.

Very respectfully,

J. J. McDERMOTT, Statistician.

[Burt A. Miller, superintendent. Rooms 221-227 District Building.]

COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
DEPARTMENT OF INSURANCE,
Washington, February 15, 1924.

Mr. J. J. McDERMOTT,
District Building, Washington, D. C.

MY DEAR SIR: I have your communication handed to me by Mrs. McKinney, and I am lost to understand the action you have taken in this letter.

I desire to see you. I feel that some explanation is due me for your action.

I will be glad to see you to-morrow morning before I go to the Capitol.

Reassuring you of my appreciation for the valuable service you have rendered, I am,

Very truly yours,

BURT A. MILLER, Superintendent.

MY DEAR MR. McDERMOTT: Mr. Miller seems very sorry that you left and says he has very kind feelings toward you and intends that you are to get more money.

Come back and have a talk with him. I know he would like to have you reconsider.

Please do this.

Respectfully,

HELEN C. MCKINNEY.

[Board of Commissioners: Cuno H. Rudolph, president; James F. Oyster; J. Franklin Bell, major Corps of Engineers, United States Army; Daniel B. Gargen, secretary.]

COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
EXECUTIVE OFFICE,
Washington, July 19, 1923.

Ordered, That by reason of ability and qualifications personal to Joseph J. McDermott, appointed deputy and examiner at \$2,000 per annum in the department of insurance, to take effect on and after April 16, 1923, which justify the allowance of increased compensation, as provided by law, such increase is hereby granted, to be effective on and after July 1, 1923.

Official copy furnished Joseph J. McDermott.

By order:

EMILE BUEHLER, Acting Secretary.

PROPAGANDA FUND COLLECTED FROM INSURANCE COMPANIES.

Superintendent Miller admitted that he had collected from insurance companies quite a large fund which he had spent since last August trying to get this bill passed. When I insisted on his giving me the names of all such companies making such contributions and how he had spent same, he gave me the following:

SPECIAL CONTRIBUTIONS AND DISBURSEMENTS.

Statement of special contributions and disbursements in connection with the legislation now pending for the purpose of bettering and stabilizing the insurance conditions in the District of Columbia by means of a modern and adequate code.

CASH RECEIVED.

Equitable Life Insurance Co., of Washington, D. C.	\$300
Continental Life Insurance Co., of Washington, D. C.	800
Peoples Mutual Benefit Insurance Co., of Washington, D. C.	600
Provident Relief Association, of Washington, D. C.	600
Acacia Mutual Life Association, of Washington, D. C.	500
Mutual Fire Insurance Co., of Washington, D. C.	150
Mutual Protection Fire Insurance Co., of Washington, D. C.	75
Mutual Investment Fire Insurance Co., of Washington, D. C.	75
National Union Fire Insurance Co., of Washington, D. C.	150
Firemen's Insurance Co., of Washington, D. C.	150
Potomac Fire Insurance Co., of Washington, D. C.	150
National Capital Fire Insurance Co., of Washington, D. C.	150
American Fire Insurance Co., of Washington, D. C.	150
Corcoran Fire Insurance Co., of Washington, D. C.	150
Mr. Burt A. Miller, superintendent of insurance, District of Columbia	500
Mr. H. P. Janisch, for various mutual fire insurance companies	500
Mr. Charles M. Howell, for various reciprocal insurance companies	500
Total	4,000

SUPERINTENDENT MILLER STATED HE CONTRIBUTED \$500 HIMSELF.

Note in the foregoing statement that Superintendent Miller gave me of the contributions made, that he claimed that he himself contributed \$500. I will show you a little later on that I secured evidence to the contrary, and made Superintendent Miller admit that this claim was error. Also note later on what Superintendent Miller says regarding Mr. H. P. Janisch and Mr. Charles M. Howell, each of whom contributed \$500.

DISBURSEMENTS.

L. A. Dent, seven months' professional services (legal codifying, revising, and redrafting proposed insurance code for the District of Columbia and passing upon the various amendments submitted)	\$2,560.00
Anne B. Hull, clerical	350.00
Minneapolis, traveling expenses in connection with submission of proposed code to the insurance commissioners of the various States, assembled in convention at Minneapolis, meeting of the National Convention of Insurance Commissioners of the United States	225.00
Kuehn Bros. (Inc.), printing	1,430.00
Watts Printery, printing	11.00
Postage	28.00
Telegrams	21.55
Telephone (long distance)	33.85
Total	4,000.00

ASSESSED CERTAIN COMPANIES FOR INFORMATION BUREAU.

Superintendent Miller admitted to me that to all companies engaged in the industrial life, health, and accident business in the District of Columbia he had sent a letter from his department that he was establishing a bureau of information, in which letter he used this language:

Due to lack of funds, it was thought a small assessment should be made against each company doing business in the District of Columbia, not to exceed \$125.

And when I insisted on his giving me a list of all companies who had made him contributions in response to such letter, he gave me the following list:

Southern Aid Society of Virginia	\$125
Equitable Life Insurance Co.	125
Eureka Life Insurance Co.	125
Life Insurance Co. of Virginia	125
Metropolitan Life Insurance Co.	125
National Benefit Life Insurance Co.	125
National Life Insurance Co. of America	125
Prudential Insurance Co. of America	125
Baltimore Life Insurance Co.	125
Continental Life Insurance Co.	125
Home Beneficial Association	125
Home Friendly Insurance Co.	125
Life and Casualty Insurance Co.	125
Peoples Mutual Benefit Life Insurance Co.	125
Provident Relief Association	125
Richmond Beneficial Insurance Co.	125
Reliance Life Insurance Co.	40
Supreme Life & Casualty Co.	40
Shenandoah Life & Casualty Co.	40
North Carolina Mutual Life Insurance Co.	40
Acacia Mutual Life Insurance Co.	40
Total	2,000

HOW SUPERINTENDENT MILLER HANDLES COLORED COMPANIES.

The Federal Life Insurance Co., of Washington, D. C., is a colored company, for colored people. Its president, J. H. Foster, and its secretary and manager, C. T. Taylor, are colored men.

WASHINGTON, D. C., March 18, 1924.

HON. THOMAS L. BLANTON, M. C.,
House of Representatives, Washington, D. C.

DEAR SIR: Replying to your questions, will state:

(1) I am secretary and general manager of the Federal Life Insurance Co., of Washington, D. C.

(2) I attach hereto a letter received from F. H. Smith Co., wherein it was indicated that the superintendent of insurance, Mr. Burt Miller, had agreed to approve our taking \$25,000 of stock in said company in lieu of our cash deposit for that sum.

(3) Yes; he borrowed \$400 from Jesse A. Foster, our first vice president of our company.

(4) Yes; Superintendent Miller tried to borrow \$300 from me, but I did not make the loan.

(5) Yes; I attach the letter he sent our company, of September 17, 1923.

(6) Mr. A. B. Dawson and Superintendent Miller called at our office and wanted us to take over the CHIEF ROBE Association and spent about 30 minutes with us, but we refused to do it. Later we received a bill for \$154.20 for Mr. Dawson's services, which we refused to pay. I attach the bill hereto. I attach hereto a copy of my letter to Mr. Dawson and his reply. When I went to see Superintendent Miller about the matter, he advised me that Mr. Dawson was going to be actuary for his department of insurance. But we refused to pay the bill.

I will state further that Superintendent Miller has in his possession \$25,000 of our securities, and in instances he has collected the interest due on same. I have made no complaint to you or to anyone else and have given you this information only in response to your inquiry.

Very truly yours,

C. T. TAYLOR,

Secretary-Manager the Federal Life Insurance Co.

[Founded 1878. First mortgage investments. Temporarily located at 1414-1416 Eye Street NW., pending completion of the new Smith Building.]

THE F. H. SMITH CO.,

Washington, D. C., December 11, 1923.

Mr. J. H. FOSTER,

Chairman Executive Committee,

The Federal Life Insurance Co. (Inc.),

1937 Eleventh Street, Washington, D. C.

DEAR SIR: Pursuant to our recent conversations with regard to the placing of \$25,000 of your funds in our first mortgage coupon bonds secured on the Insurance Building (maturing 1932) at the southeast corner of Fifteenth and Eye Streets NW., we beg to advise that the matter has been taken up with the superintendent of insurance for the District of Columbia and that he has indicated his approval of these securities as a deposit by you in compliance with the laws and regulations incident to your conducting an insurance business in the District of Columbia.

The superintendent of insurance has expressed his approval of, and has designated the Merchants Bank & Trust Co. (Fifteenth and H Streets NW.) as a depository with which these securities shall be left under such rules and regulations as apply in cases of this kind. As soon, therefore, as you are ready we shall be pleased to make delivery of the bonds, at which time, of course, interest on the bonds will begin immediately to accrue in your favor.

Awaiting your further advice in the matter, we beg to remain,
Very truly yours, D. M. EARLE, Sales Manager.

[Information furnished for industrial, life, health, and accident agents and solicitors for the District of Columbia.]

BUREAU OF INFORMATION,

INSURANCE DEPARTMENT, 223 DISTRICT BUILDING,

September 17, 1923.

FEDERAL LIFE INSURANCE CO.,

1937 Eleventh Street NW., Washington, D. C.

(Attention of Mr. Foster.)

DEAR SIR: We beg to advise that all industrial companies operating in the District of Columbia are expected to join the bureau of information, and we ask that you kindly let us hear from you before September 24, as this is the time limit set for the companies to join voluntarily.

We are awaiting your list of solicitors connected with your office here and ask that you let us have same immediately, as we are anxious to complete the files of the bureau.

Awaiting your check for \$125, we are,

Yours very truly,

BURT A. MILLER, Superintendent.

[Consulting actuaries, auditors, and accountants, 36 West Forty-fourth Street. Telephone, Murray Hill 8626. Established 1894. Cable: Menander, New York. Miles Menander Dawson, Fellow Institute of Actuaries of Great Britain, Fellow Actuarial Society of America, etc. Alfred Burnett Dawson, Fellow Casualty Actuarial and Statistical Society, Fellow Fraternal Actuarial Association.]

MILES M. DAWSON & SON,

New York, February 1, 1924.

FEDERAL LIFE INSURANCE CO.,

1937 Eleventh Street NW., Washington, D. C.:

In account with Miles M. Dawson & Son, Dr.

To bill rendered May 24, 1923. \$154.20

DECEMBER 5, 1923.

Messrs. MILES M. DAWSON & SON,

36 West Forty-fourth Street, New York, N. Y.

GENTLEMEN: After receiving your statement of December 1, 1923, we carefully searched our records and files and failed to find any contract or an agreement entered into between the Federal Life Insurance Co. and Miles M. Dawson & Son for any services rendered whatsoever. In view of this, we fail to see where we owe Miles M. Dawson & Son the sum of \$154.20.

Very truly yours,

THE FEDERAL LIFE INSURANCE CO.,
Secretary and Manager.

[Consulting actuaries, auditors, and accountants, 36 West Forty-fourth Street. Telephone, Murray Hill 8626. Established 1894. Cable: Menander, New York. Miles Menander Dawson, Fellow Institute of Actuaries of Great Britain, Fellow Actuarial Society of America, etc.; Alfred Burnett Dawson, Fellow Casualty Actuarial and Statistical Society, Fellow Fraternal Actuarial Association.]

MILES M. DAWSON & SON,

New York, December 17, 1923.

Mr. C. T. TAYLOR,

Secretary Federal Life Insurance Co.,

1937 Eleventh Street NW., Washington, D. C.

DEAR Mr. TAYLOR: In reply to yours of December 5 regarding our bill for \$154.20, covering my personal attendance in Washington under

date of May 18, 19, and 20, no, I do not presume that you will find any contract in your files regarding that attendance. We were simply informed by the superintendent of insurance that you wished to see me at the time specified, and the fact that you, Mr. Foster, and myself put in the time we did on the matter, as well as my attendance at your special board meeting on May 19, meeting and conferring with your president and others, would seem to me to be all sufficient for all records required by your office.

I am mighty sorry that the proposed Men's Cliff Rock Association reinsurance deal did not go through, but I can not see where that has anything to do with the services rendered. Furthermore, if you will but recall, I have not as yet billed the company for the special actuarial computations which were furnished you under date of May 4 and which involved considerable office work here, nor for the time devoted to the preparation of the proposed reinsurance agreement.

I held off billing you for that because the Cliff Rock deal did not go through and in the hope that it would go through, when we could bill you at one time for the services rendered in connection with the tables and the final reinsurance agreement. If you are definitely certain that there are no further computations required on this matter, kindly let me know and I will send you in a bill to date covering all services.

For the time being I certainly do expect you to take care of the office disbursements and my special attendance in Washington for your company. We dealt with you in good faith and expect to be accorded the same treatment.

Yours very truly,

ALFRED B. DAWSON.

PRINTING 500 COPIES FOR PROPAGANDA.

The following is the first statement Kuehn Bros., of Baltimore, sent Superintendent Miller for the galley proofs of bill mailed to New York to companies there:

WASHINGTON, D. C., December 3, 1923.

INSURANCE DEPARTMENT,

223 District Building.

55 galley proofs "A bill" (55 of these proofs mailed to New

York Sunday, December 2) \$75.05

The above proofs were corrected and printed on Sunday, which required double time. We did not receive O. K'd proof from Mr. Dent until 3 p. m. Sunday, and we rushed this through in order to catch mail train to New York. Proofs to New York were sent by first-class mail.

INVOICE FOR THE JOB.

WASHINGTON, D. C., December 13, 1923.

Mr. MILLER,

Superintendent Department of Insurance,

223 District Building.

500 copies, "A bill," 100 pages and index \$290.00
55 galley proofs (55 sent to New York Dec. 2, 1923) 75.05
Corrections, changes of various galley proofs, including night and Sunday work, index and extra composition over 100 pages on first set of galley proofs 1,155.00

Less 3 per cent for cash as per our original estimate. 1,500.05

LETTER RELATIVE TO COMPLETED JOB.

DECEMBER 12, 1923.

Mr. MILLER,

Insurance Department, District Building, Washington, D. C.

DEAR SIR: We are inclosing herewith our invoice covering 500 copies, "A bill," complete, in the amount of \$1,500.05.

This invoice included corrections of various galley proofs; index, which we are to receive copy to-day; night and Sunday work, and extra pages on the first set of galley proofs over the 100 pages figured on.

We wish to advise that on all galley proofs where three or four words have been taken out or where three or four words have been added it required the resetting of the balance of those paragraphs. Our figures show that, due to the corrections on the various galley proofs, we have destroyed 7 galleys of type. In order to get this job finished on time, we started five linotype machines last night on the corrections of the galley proofs given us yesterday evening. The proof given us yesterday has been changed again on each galley and on two of the galleys there are additional paragraphs and changing of sections, which require considerable time to straighten out before copy is ready for the linotype operators. We have figured this work as close as possible and have kept an accurate check on all corrections and changes since order was given, September 15, 1923. This invoice includes the original price of \$290, also the \$75.05 for the 55 galley proofs which we have already invoiced to you.

If we can straighten out the galleys given us yesterday without submitting proof on the two galleys that have additional paragraphs, we will deliver complete job Thursday afternoon, December 13, 1923.

We are sure you will find this job O. K. in every respect and thank you for the business.

Yours very truly,

KUEHN BROS. & Co. (Inc.),
D. O., Manager.

MONEY FOR PRINTING WAS WASTE AND EXTRAVAGANCE.

You will note from the foregoing letter that Kuehn Bros. delivered the 500 copies of this printed bill to Superintendent Miller on Thursday afternoon, December 13, 1923. And Superintendent Miller had Mr. EDMONDS introduce a copy of it in the House of Representatives the next day, Friday, December 14, 1923, when 600 more copies were printed by the Government Printing Office as H. R. 3689. And if Superintendent Miller had given his bill in typewritten form to Mr. EDMONDS for introduction, it would have saved the \$1,500 printing bill at Baltimore.

BUT DID MILLER PAY \$1,480 TO KUEHN BROS.?

Remember that in showing his disbursements in the statement Superintendent Miller gave me he specified \$1,430 he paid to Kuehn Bros. Note my questions in the following letter I wrote Kuehn Bros., and then note their answers:

WASHINGTON, D. C., March 3, 1924.

MR. F. OSTENDORF,

Manager Kuehn Bros. & Co. (Inc.),
411-14 East Pratt Street, Baltimore, Md.

MY DEAR MR. OSTENDORF: I am writing to have you confirm what you told me when I questioned you about a contract which Mr. Burt A. Miller, superintendent of insurance, gave you in October, 1923, to print for him 500 sample copies of his new insurance bill, which you printed into a 76-page document. If I correctly understood the statement you made me, you said:

- (1) That you agreed to print these 500 copies, so that Mr. Miller could use same for propaganda purposes, for the sum of \$290, but Mr. Miller was to pay extra for all corrections made in copy, and for extra galley proofs, and rental of type, during delay of completion caused by him. State whether this is correct.
- (2) That on October 10, 1923, Mr. Miller himself paid you a check for \$57.50, signed by him as superintendent, covering 66 galley proofs of the bill furnished him. Is this correct?
- (3) That on October 16, 1923, Mr. Miller himself paid you a check for \$23, signed by himself as superintendent, covering 23 galley proofs extra of the bill that you furnished him. Is that correct?
- (4) That on November 10, 1923, Mr. Miller himself paid you a check for \$100, signed by himself as superintendent, covering rental of type that you were holding in the forms for him. Is this correct?
- (5) That Mr. Miller had you to work a force overtime on Sunday in order to have ready for mailing to a certain group of insurance companies in New York the night of December 2, 1923, 35 galley proofs, and that such 35 galley proofs were so sent to New York on the night of December 2, 1923, and 20 extra copies of such galley proofs were furnished Mr. Miller, for which you charged the sum of \$75.65. Is this correct? In this connection please state the names of the insurance companies in New York to which said 35 galley proofs were sent, and how long was it thereafter before Miller had you make final corrections and print the 500 documents.
- (6) That on account of Mr. Miller making repeated changes in his copy from time to time, causing you to destroy 67 galleys of type which was set up and not used, and in making the final changes which caused you to destroy 19½ additional galleys of type that were set up and not used, and the overtime and Sunday, causing you to pay time and a half and double time, these extra charges amounted to \$1,176.88, which, with the \$75.65 for the 55 extra galley proofs mentioned in the preceding paragraph and the main charge of \$290 for the bills printed, aggregated a total due you of \$1,542.03, in addition to the three items for which Mr. Miller had already paid you, but that because of an error of \$41.38 you had made against your own interest in stating the original invoice you agreed to deduct it, and rendered your bill for \$1,500.65. Is this correct?
- (7) That had Mr. Miller stood by his original copy and had made no changes after same was set in type, the job would have cost him only \$290 for printing the 500 bills. Is this correct?
- (8) That while Mr. Miller wanted these bills to be printed, ready for distribution when Congress met, because of his delaying the matter and making so many changes from time to time, that you were not able to deliver the job until December 13, 1923. Is this correct?
- (9) That not receiving pay for the said \$1,500.65, your firm had to write Mr. Miller a very pointed letter on December 19, 1923, requesting him to have payment made at once. Is this correct?
- (10) That about December 22, 1923, Mr. David Lea sent you checks from various insurance companies aggregating \$500, and that on January 7, 1924, Mr. David Lea gave you numerous additional checks from insurance companies aggregating \$1,250 more, and at the same time told you that if you didn't accept it in full you wouldn't get anything,

as Mr. Miller had no money. Is this correct? If Mr. Lea said anything additional, state it.

(11) That neither Mr. Miller nor Mr. Lea have paid you the remaining \$250.65 due, and that you advised me that such deficit is still on your books due to the unfairness of Mr. Burt A. Miller. Is this correct?

Very truly yours,

THOMAS L. BLANTON.

REPLY FROM KUEHN BROS.

[Printers and publishers, 66 Home Life Building, Fifteenth and G Streets NW. Phone Main 2073. Baltimore office, 418-424 East Pratt Street. Proudfit binders, paper ruling. Loose leaf sheets. Blank books.]

KUEHN BROS. & Co. (INC.),
Washington, D. C., March 18, 1924.

HON. THOMAS L. BLANTON,

House Office Building, Washington, D. C.

DEAR SIR: Since speaking to you last week the writer again has been ill and unable to attend his office in Washington, but on my return I am answering your letter of March 3.

(1) We agreed to print 500 copies "new insurance bill" for Mr. Burt Miller, superintendent of insurance, for the sum of \$290, and from what I understood these copies were to be distributed to different insurance companies throughout the United States. Mr. Miller was to pay for all corrections, galley proofs, rental of type. The charge of rental of type was due to the fact that completion of this job was delayed, due to the different conferences held in Washington and New York City.

(2) Your question in this paragraph regarding check for \$57.50, covering 66 galley proofs, on October 10, 1923, is correct.

(3) Your question in this paragraph regarding check for \$23, covering 23 galley proofs, on October 16, 1923, is correct.

(4) Your question in this paragraph regarding check for \$100, covering rental of type, on November 10, 1923, is correct.

(5) Your questions in this paragraph are correct. We do not know the names of the insurance companies in New York to whom these galley proofs were sent, as part of them were mailed to Mr. Miller personally, with the understanding that Mr. Robertson Jones, secretary and treasurer of the Workmen's Compensation Publicity Bureau of New York City, was to receive 15 of these galley proofs. We did not get final corrections and copy of this bill until December 13, 1923, and delivered same the following morning by working the entire night on corrections and presswork.

(6) Your questions in this paragraph are absolutely correct.

(7) Your question in this paragraph is correct.

(8) Regarding this paragraph, beg to advise that the delay was caused by the different conferences at different times, and at each conference the galley proofs were cut to pieces and rearranged by Mr. Dent in the new insurance building, who gave us revised copy to be sent to Baltimore for new proofs. This copy was handed us every couple of days in small portions, which not only inconvenienced us at our Baltimore factory but delayed the completion of the bill itself. We delivered the bill on the morning of December 14, 1923, at about 11 a. m., at Mr. Burt Miller's office, 223 District Building.

(9) Your question in this paragraph is correct. Also might add that Mr. Miller told our Mr. Kuehn over the long-distance phone that unless he did not cease asking him for money he (Mr. Miller) would sue our company for blackmail. Mr. Miller also told the writer personally the same thing, and said that if Mr. Kuehn could not wait until a committee investigated our invoice as to the amount, before paying, that he (Mr. Kuehn) could go to "hell." This was said after Mr. Kuehn and myself were promised money by Mr. Miller on different days and at his home one evening, but not once had he kept his promise, with the result that he finally advised me that he had nothing more to do with the payment of bills and that this was turned over to a Mr. Lea, 1410 G Street NW.

(10) On December 22, 1923, Mr. Lea gave me two checks amounting to \$500 after a heated discussion in Major Donovan's office, auditor of the District Building. It was through Major Donovan speaking to Mr. Lea in behalf of the writer, as being the middleman in this deal, that Mr. Lea consented to give me \$500 with the understanding that we would not worry Mr. Miller any more regarding money, although the invoice was past due. On January 7, 1924, Mr. Lea visited my office in the Home Life Building and said that our invoice of \$1,500.65, less \$500 paid on December 22, 1923, was too high, and that after going over the invoice we have decided to pay you \$750 instead of a balance of \$1,000.65, and that we had better close the account at this amount, as otherwise if we entered suit we would not get one cent, as Miller had no money to pay. Believing this as more of a threat than anything else, I agreed to take the \$750 and gave Mr. Lea a receipt in full. (You state in this paragraph \$1,250. This should be \$750.) Mr. Lea told me that this was a badly mixed-up affair and that we had better accept this amount. The writer had explained to both Mr. Miller and Mr. Lea on a previous day that we

were in a pinch for money at our Baltimore plant. Mr. Lea also said that Mr. Dent, who had written this bill, had not been paid all of his money and that he understood that \$1,000 was still due him. I told him I understood that Mr. Dent had been paid \$1,500 and that there still was due him \$1,000.

(11) Your question in this paragraph is correct.

The writer also wishes to advise that on December 23, 1923, in Major Donovan's office in the District Building that Mr. Lea was very strong in his assertions that if we did not wait for our money and decided to enter suit that he would use his fortune to keep us from collecting one cent. Mr. Lea, the writer is of the opinion, seems to have been the committee of one to investigate our invoice, although not knowing anything about printing, and as a last resort claimed our bill was too high. On the same day in the corridor of the insurance department office Mr. Lea met the writer and asked whether I was trying to blackmail Mr. Miller. Mr. Lea said, "I have some checks in my hand here, but I will not give you a cent." I told him that I was only asking Mr. Miller to keep his promise and that I came to Mr. Miller's office at the appointed time to collect the money when I was advised that this matter was turned over to Mr. Lea. It was then that we went to Major Donovan's office, where I finally received the two checks amounting to \$500. Major Donovan said that as this was not printing done under the District contract he could not give any opinion as to the amount of the invoice, but after speaking to Mr. Lea I was given the \$500.

The writer believed that this was all done in order to reduce the amount of our invoice as much as possible, and we are sure and know that we are still due \$250.65, which shows a deficit on our books.

Very truly yours,

KUEHN BROS. & Co. (INC.),
F. OSTENDORF, Manager.

LETTER FROM KUEHN BROS. TO SUPERINTENDENT MILLER.

WASHINGTON, D. C., December 19, 1923.

Mr. MILLER,
Superintendent of Insurance,
223 District Building, Washington, D. C.

DEAR SIR: As per your request to our Baltimore factory, we are inclosing herewith itemized statement covering your order for 500 copies "A bill," including changes and corrections, and extra composition on the first galley proof, over 100 pages.

We wish to advise that on the first, second, and third sets of proofs that were given you we had to destroy 67 galleys of type, which was set up and not used, and in the balance of the last four lots of proofs there were 19½ galleys that were set up and not used that had to also be destroyed.

You will also notice that in itemizing this job our price is greater than the original \$1,500.65 by \$41.38, but we are fair enough to deduct this amount.

At the time we made this estimate we figured on type the size of which was larger than the type we used. We were advised to use the smaller type so as to condense this job as much as possible, as you did not want the job, when completed, ready for Congress, to run over 100 pages, including the index.

We did our part on this job and delivered same one day ahead of time, as you advised the writer that it was very important that this job be delivered not later than Friday morning, and requested me to let you have bill a day or two before so you could make necessary collections. When invoice was presented you told me you would let me have part of the money the following day (Friday, December 14, 1923), and on Sunday, December 16, 1923, you told our Mr. Gibson that you would let him have some money on Tuesday, besides the other promises you gave me in between those dates. Up to the present writing we have not received a penny on this job.

To-day you informed the writer that this job is entirely out of your hands and is now in the hands of Mr. David Lea, chairman of the committee. We certainly do not understand why this bill has not been paid, as it was clearly understood at the time order was awarded that we were to be paid at time of delivery of books. Furthermore, the invoice of \$75.65 for galley proofs sent to you in New York was to be paid at the time proofs were delivered, but we were advised to add this amount to our final invoice, which we have done. Our original price was lower than any other bidder on this job, and Mr. Dent told us that the Washington printers were high on all their work. You yourself roughly estimate this job around \$1,250, not including the \$75.65 for proofs, notwithstanding the fact that we gave Mr. Dent proofs that you did not see.

We trust the above information, together with our itemized statement, is clear and that we may receive settlement in full by to-morrow afternoon, December 20, 1923.

Yours truly,

KUEHN BROS. & Co. (INC.),

INVOICE SENT WITH LETTER OF DECEMBER 19, 1923.

DECEMBER 19, 1923.

Mr. MILLER,
Insurance Department, 223 District Building,
Washington, D. C.

500 copies "A bill," including index.....	\$290.00
65 galley proofs (35 sent to New York City 12/2/23).....	75.65
81½ hours, machine time, daywork at \$3.....	244.50
64½ hours floor time, daywork at \$2.50.....	161.25
42½ hours machine time (double time) at \$6.....	255.00
29 hours floor time (time and one-half) at \$3.75.....	108.75
51½ machine time (time and one-half) at \$4.60.....	238.03
27½ hours floor time (double time) at \$5.....	138.75
	<hr/> 1,542.03
Error in our original invoice which we allow you.....	41.38
	<hr/> 1,500.65

TELEGRAM AND TRIP TO CHICAGO.

In August, 1922, the Acacia Mutual Life Association, of Washington, D. C., was then operating here and in various States as a fraternal beneficiary society, and known as the Masonic Mutual Life Association. Its charter was forfeited by the Illinois Insurance commissioner. At the instance of its president, Mr. William Montgomery (the one who later appeared at our hearing and testified for the new bill), Superintendent Miller sent the following telegram:

WASHINGTON, D. C., August 21, 1922.

HON. THOMAS J. HOUSTON,
Commissioner of Insurance, Chicago, Ill.:

Your action in revoking license of Masonic Mutual Life Association just brought to my attention. Will you not, as a courtesy to this department, rescind such order and accept the proposition made to you by Mr. Sees, the general counsel, and this department will guarantee the fulfillment of that obligation. I know personally that every step is being taken to rapidly pass this bill and can vouch for the character of the men composing the board of directors and officers of this association. Action such as you contemplate at this time would do a great wrong to thousands of members of this organization. If you will grant this personal request at this time and await action of Congress this department will be glad to return the courtesy to you at a future date.

BURT A. MILLER,
Superintendent of Insurance of the District of Columbia.

And following the above, Superintendent Miller left his office and business here and went with Mr. William Montgomery, president of said company, to Chicago in an effort to help him get reinstated. This is definitely shown by the following excerpts from the letter of said company's general attorney, which I quote:

[Chartered by special act of Congress March 3, 1869. Home office, Homer Building, 601 Thirteenth Street NW. Wm. Montgomery, president; J. Harry Cunningham, vice president; J. P. Fort, secretary and actuary; Charles E. Baldwin, treasurer; George W. Evans, assistant treasurer; John V. Sees, general counsel; John B. Nichols, M. D., medical director.]

ACACIA MUTUAL LIFE ASSOCIATION,
Washington, D. C., March 12, 1924.

HON. THOMAS L. BLANTON,
House of Representatives, Washington, D. C.:

DEAR MR. BLANTON: Your letter of March 8 was received while President Montgomery was temporarily absent from the city. As he had certain of the information necessary to answer your letter, I awaited his return.

Answering your letter, I wish to say that in August, 1922, this association was operating in the various States as a fraternal beneficiary society, and was licensed as such in the State of Illinois. On August 8, 1922, the superintendent of Insurance of the State of Illinois notified this association that its license was canceled in that State.

I went to Chicago to take the matter up with the superintendent of Insurance, who maintains an office in Chicago as well as in Springfield. While there it was suggested to one of our representatives that the firm of Schuyler & Weinfeld was very successful in handling matters before the insurance department. Acting on the hint, I called on that firm and interviewed Mr. Weinfeld. He said the firm would take the case and that he could get our license restored. He further said that the fee would be \$10,000. We declined to pay any such fee and did not employ the firm.

We then took the matter up directly with the attorney general and the director of trade and commerce, the latter official having jurisdiction over the insurance department.

We also sought the intervention of the insurance department of the District of Columbia, which department has direct supervision over this

¹ This includes in and after 6 o'clock on Saturdays and Sundays, which is double time, also after 10 o'clock at night.

association. Mr. Burt A. Miller, the superintendent of insurance, sent a telegram to Mr. Houston asking him to reconsider his action with reference to revoking our license.

We again sought the intervention of the insurance department of the District of Columbia to induce the insurance department of Illinois to grant us the same privilege that had been extended by every other insurance department in the country. At our solicitation Mr. Miller, the superintendent, in company with Mr. Montgomery, the president of the association, made a trip to Chicago to see Mr. Houston. This was some time during October, 1922.

There was no fund at the disposal of the insurance department for the purpose of paying the attorney, and the insurance interests of the District contributed to that purpose. Our contribution was \$500. After the bill was redrafted it was necessary to reprint it. Again there was no fund at the disposal of the insurance department for the purpose, and the insurance interests of the District of Columbia contributed sufficient to pay the bill. Our contribution for this purpose was \$250.

I have tried to give you the full information with reference to these transactions, but if there is any further information that you desire, either Mr. Montgomery or myself will supply it, if within our power.

Trusting this will be satisfactory, I am,
Very truly yours,

JOHN V. SEES, General Counsel.

Now, in my letter of March 8 I requested the following:

Your company has made contributions to two funds raised by Supt. Burt A. Miller, one of such funds to pay the expense in getting the new insurance code passed, and the other fund known as the information bureau. Please advise me when and in what amounts you made contributions to such fund, stating fully all of such contributions your company made to such funds.

Yet, in his reply dated March 12, he stated that all the contributions that this company had made were \$500 toward paying Attorney Louis Dent for drafting the bill and \$250 toward the expense of printing the bill by Kuehn Bros., and he said nothing whatever about the information bureau, which I had underscored in my interrogatory to him. But later I received the following letter from him, dated March 14, to wit:

[Chartered by special act of Congress March 3, 1869.]

ACACIA MUTUAL LIFE ASSOCIATION,
OFFICE OF THE PRESIDENT,
Washington, D. C., March 14, 1924.

Hon. THOMAS L. BLANTON,
House of Representatives, Washington, D. C.

DEAR SIR: In accordance with my promise over the telephone, I wish to inform you that the amount contributed to the bureau of information maintained by Mr. Miller at the insurance department by this association was \$40. Trusting that this will be satisfactory, I am,

Very truly yours,

JOHN V. SEES, General Counsel.

CORKSCREWING THE FACTS FROM HIM.

On March 3, 1924, I sent to Superintendent Miller the following:

WASHINGTON, D. C., March 3, 1924.

Hon. BURT A. MILLER,
Superintendent of Insurance, Washington, D. C.

MY DEAR MR. SUPERINTENDENT: This morning you gave a list to me of 21 companies with their subscriptions to the bureau of information listed, aggregating the sum of \$2,200.

Concerning the above, will you please advise me—

(1) Did the said companies ever make any other subscriptions? If so, when and how much each?

(2) Did any companies other than these 21 ever contribute anything to this bureau of information? If so, which ones, how much, and when?

(3) Did all of said \$2,200 go to your credit in the bank as superintendent?

(4) Please give me an itemized list of disbursements from this \$2,200 showing names of parties and amount paid each.

This morning you also gave me a list of 14 insurance companies and three individuals who contributed \$4,600 to a fund to help pass the new code bill.

Will you please advise me concerning this \$4,600—

(1) Did this entire \$4,600 go in the bank to the credit of your account as superintendent? If not, what part went in the bank, and what part of same did not get through your said superintendent account in said bank?

(2) Were all the disbursements specified on the list you gave me concerning this \$4,600 disbursed by your giving your check as superintendent against such account in the bank? If not, what part of same was disbursed in another way, and how?

(3) What is the business of Mr. H. P. Janish?

(4) What is the business of Mr. Charles P. Howell?

Thanking you for the above, I am, very truly,

THOMAS L. BLANTON.

Superintendent Miller immediately replied that he had already given me all the facts. I saw him in person on March 5 and told him that I insisted on his giving me a specific answer to the questions I had propounded in my letter of March 3, and he promised to do so. I repeated my request numerous times, both by telephoning and by seeing him personally, and failing to get a reply I told Superintendent Miller that I had positive evidence of sums contributed to him by insurance companies which he had not listed in the statements he gave me, and I finally wrote his deputy, Mr. Baldwin, demanding that I be furnished with the information.

I received from the Southern Aid Society of Virginia a letter dated March 20, 1924, in reply to one I had written to them on March 13, 1924, requesting specific information; the parts of same pertinent to my inquiry I now quote:

SOUTHERN AID SOCIETY OF VIRGINIA (INC.),
Richmond, Va., March 20, 1924.

Hon. THOMAS L. BLANTON,
United States House of Representatives, Washington, D. C.

DEAR SIR: Reference is made to your letter of the 13th instant * * *

We take pleasure in furnishing you from our records the information called for in your letter, as follows:

1923.		
Feb. 12.	Paid 1 per cent on gross premium income in District for 1922	\$214.93
Apr. 20.	Paid general agency license for 1923	50.00
Aug. 20.	Paid maintenance bureau of information	125.00
Dec. 22.	Paid in connection with preparation and printing of new insurance code, same included as part of the sum of \$500 paid by Mr. Miller	300.00
1924.		
Feb. 14.	Paid 1 per cent on gross premium income in District for 1923	315.32
Mar. 1.	Paid general agency license for 1924	50.00
Mar. 15.	Paid license fees for individual agents operating in District	54.00
Total		1,109.25

Trusting that the above data will reach you in time to be of service, and regretting the delay in answering your very important letter, we are, with great respect,

Very truly yours,

SOUTHERN AID SOCIETY OF VIRGINIA (INC.),
W. A. JORDAN, Assistant Secretary.

STRANGE COINCIDENCE.

And by a rather strange coincidence I received in that same mail a letter from Superintendent Miller, dated March 20, 1924 (the same identical date of the above letter from the Southern Aid Society). This strongly indicated that Superintendent Miller was conferring with insurance companies in regard to the information to be sent me, especially because of the fact that C. T. Taylor, secretary and manager of the Federal Life Insurance Co., when I first asked him for information, told me that Superintendent Miller had advised him that I would likely call on him for information, and if I did, "to tell me nothing."

Let me call your attention to some pertinent excerpts from this letter from Superintendent Miller, which I quote:

[Burt A. Miller, superintendent. Rooms 221-227, District Building.]

COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
DEPARTMENT OF INSURANCE,
Washington, March 20, 1924.

Hon. THOMAS L. BLANTON,
House Office Building, Washington, D. C.

MY DEAR CONGRESSMAN: In reply to your communication of recent date, which I have been unable to answer on account of illness, absence from the office, and the pressure of other matters, I beg to advise as follows:

In the account rendered to you, I accounted for the money that was disbursed through my office in connection with this bill, and in the list of contributors there is a contribution of \$500 which was put in my name; \$200 is my own personal contribution and \$300 was contributed to me by the Southern Aid Society, of Richmond, Va. This company is an outside organization which learned of this work, and to show their appreciation of services rendered by this department contributed \$300.

In answer to question 2:

The \$4,600 was deposited in a separate bank account from any other account that I had in that bank at that time. A record was kept of all disbursements that I made; a copy of same was sent to you some time ago.

In answer to question 3:

Mr. Janisch is an insurance man of a great many years' standing and a lawyer of Chicago, Ill.

In answer to question 4:

Mr. Howell is a lawyer in Kansas City, Mo., whom I have known for a long time, and a former partner of _____, of Kansas City, Mo.

These men knew of the work that was going on here and they made voluntary contributions to help out.

Trusting this is the information you desire, I am,

Very truly yours,

BURT A. MILLER, *Superintendent.*

You will therefore note that until I forced it out of him with a corkscrew Superintendent Miller never admitted that he received the \$300 contribution from the Southern Aid Society of Virginia, an outside company entirely. And up to this good hour he has never admitted that the Acacia Mutual Life Association has contributed more than \$540, when, in fact, it contributed \$790, or \$250 that he has never in any way listed. And quite a number of companies I wrote to for specific information have refused to answer my letters. I am wondering whether he closed their mouths, as he attempted to do the mouth of Secretary C. T. Taylor, manager of the Federal Life Insurance Co. In the statement he had given me, note that he claimed that he had contributed himself \$500 toward the expense of printing, attorney's fee, and so forth, in the propaganda work he had done in trying to get the bill passed, but in the same mail I forced the information from the Southern Aid Society of Virginia that they had paid him \$300 for such purpose; he claims that he listed same in the said \$500 he had claimed to have contributed, and he had this Southern Aid Society of Virginia to so explain that their \$300 contribution was listed as coming from Superintendent Miller.

But many insurance companies did answer my requests for information, and I want to quote just a few of the letters which acknowledged that they had made contributions:

FROM THE PEOPLES MUTUAL BENEFIT LIFE INSURANCE CO.

WASHINGTON, D. C., March 13, 1924.

Hon. THOMAS L. BLANTON,

House of Representatives, Washington, D. C.

DEAR SIR: Replying to your inquiries, will state I am the president of the Peoples Mutual Benefit Life Insurance Co., of Washington, D. C. I have contributed for my company to Mr. Burt A. Miller, superintendent of insurance, the sum of \$725 for purposes as follows: \$125 toward the expenses of his conducting an information bureau and \$600 toward the expense of printing and legal expenses in drafting the new insurance code for presentation before Congress. Mr. Miller suggested that the above contributions be made.

Very truly yours,

N. N. CHISWELL,

President Peoples Mutual Benefit Life Insurance Co.

FOR "ENTERTAINMENT OF OUT-OF-TOWN INSURANCE MEN."

[Chartered by Congress. Telephone Franklin 0600. 820 Washington Loan and Trust Building. Trustees: Bernard Leonard, real estate; Franklin P. Nash, builder; Horace L. Beall, patent attorney; G. D. Duncan; M. Frank Ruppert, merchant; Wilbur F. Nash, retired merchant; Vincent L. Toomey, attorney at law. Officers: Bernard Leonard, president; M. Frank Ruppert, vice president; Horace L. Beall, secretary; Franklin P. Nash, treasurer.]

MUTUAL INVESTMENT FIRE INSURANCE CO.

OF THE DISTRICT OF COLUMBIA,

Washington, D. C., March 13, 1924.

Hon. THOMAS L. BLANTON,

Room 300, House Office Building.

DEAR SIR: In compliance with your phone request that I submit a statement in regard to the contribution of \$75 by this company to Mr. Burt Miller, superintendent of insurance for the District of Columbia, I beg to say as follows:

During the early part of last year I attended several conferences in the office of the superintendent of insurance with reference to the insurance bill then before Congress, and at which there were present the superintendent and the secretaries of the three mutual fire insurance companies of the District of Columbia. The superintendent explained that he contemplated revising the bill and wished to have our views in regard to those portions thereof relating to mutual insurance. As a result of these conferences several suggestions or amendments affecting mutual insurance were to be incorporated in the new bill. During one

of the later conferences the superintendent remarked that the preparation of the original bill had necessitated expenses, some portion of which had to be met from his personal funds, and inasmuch as the revising of the bill would incur considerable additional expenses—printing, traveling expenses on his part, entertainment of out-of-town insurance men, and other incidental expenses—he was embarrassed at the prospect of a further drain on his personal funds, and it was suggested that the insurance companies of the District might contribute to establish a fund to be used in meeting these contingencies. I explained to the superintendent that the company I represented conducted a comparatively small business, but I thought the trustees would contribute, and I agreed to ask for an appropriation of \$75 at the next regular meeting. Subsequently the board of trustees of this company voted the amount (\$75), which was remitted by the treasurer's check to the superintendent of insurance and its receipt duly acknowledged by letter.

I have been secretary of this company for the past 15 years, and will say that the \$75 hereinabove mentioned is the only money that has ever been paid to the superintendent of insurance, Mr. Burt Miller, or anyone connected with the insurance department.

Very truly yours,

HORACE L. BEALL, *Secretary.*

THE CONTINENTAL LIFE WAS \$425 GENEROUS.

[Incorporated under the laws of the State of Virginia. Home office, eighth floor, District National Bank Building. I. S. D. Sauls, president and general manager; Emory L. Coblenz, vice president and chairman executive committee; R. E. Ankers, actuary; H. A. Bartholomew, secretary and treasurer; W. W. Doub, assistant secretary and treasurer; Charles O. Hall, auditor.]

CONTINENTAL LIFE INSURANCE CO.,

Washington, D. C., March 14, 1924.

Hon. THOMAS L. BLANTON,

House of Representatives, Washington, D. C.

DEAR SIR: Replying to yours of the 13th.

This company contributed to superintendent of insurance on August 7, 1923, \$125 for maintaining bureau of information, and \$300 on October 11 in connection with preparation of the new insurance code for the District of Columbia.

I was not president of the company at the time these contributions were made, but it is my understanding the latter one was for the purpose of defraying expenses already incurred in the preparation of the bill, such as printing, attorney's fees, traveling expenses of committees, etc.

Yours truly,

H. A. BARTHOLOMEW, *President.*

ONE HUNDRED AND FIFTY DOLLARS MORE FOR PREPARATION AND PRESENTATION TO CONGRESS.

[Chartered by special act of Congress in 1865. Office, No. 918 F Street NW. Albert F. Fox, president; Charles B. Bailey, B. F. Saul, vice presidents; Philip F. Larnier, secretary; Wm. H. Somervell, assistant secretary.]

THE NATIONAL UNION INSURANCE CO. OF WASHINGTON, D. C.

Washington, D. C., March 13, 1924.

Hon. T. L. BLANTON,

Room No. 300, House Office Building.

DEAR SIR: As requested by you, I have examined our records and find that on August 17, 1923, this company sent to Mr. Burt A. Miller, superintendent of insurance of the District of Columbia, at his request, a check for \$150 as a contribution toward the expenses in connection with the preparation of the new insurance code and the presentation of the same to Congress.

Very respectfully,

PHILIP F. LARNIER, *Secretary.*

AT THE SOLICITATION OF SUPERINTENDENT BURT A. MILLER \$150 MORE.

[Chartered by Congress, 1837. Seventh Street and Louisiana Avenue NW. William M. Hoffman, president; Albert W. Howard, secretary.]

FIREMEN'S INSURANCE CO. OF

WASHINGTON AND GEORGETOWN,

Washington, D. C., March 13, 1924.

Hon. THOMAS L. BLANTON,

No. 300 House Office Building, Washington, D. C.

DEAR SIR: Replying to your interrogatories made over the phone at 11.30 a. m. to-day regarding the amount this company contributed toward the preparation of the insurance bill, etc., beg to state as follows:

At the solicitation of Mr. Burt A. Miller, superintendent of insurance for the District of Columbia, this company contributed \$150 toward a fund to be used in defraying the expense incident to the preparation of an insurance bill for said District of Columbia. This contribution

was paid by the company's check No. 12486, dated August 17, 1923, to the order of Burt A. Miller for the above-stated purpose.

This is the only amount this company has ever paid to Mr. Miller for any purpose whatsoever.

Very truly yours,

FIREMEN'S INSURANCE CO.,
WILLIAM M. HOFFMAN, President.

GENEROUSLY GIVES UP \$25 MORE TO SUPERINTENDENT MILLER.

[William A. Bennett, second vice president, Equitable Building.]

EQUITABLE LIFE INSURANCE CO.
OF THE DISTRICT OF COLUMBIA,
Washington, D. C., March 14, 1924.

Hon. THOMAS L. BLANTON,

Member of Congress, Washington, D. C.

MR. DEAR SIR: We have your favor of the 13th requesting certain information relative to contributions made by this company to insurance department, etc. On August 16 we contributed \$125 toward the maintenance of a bureau of information attached to said insurance department.

On October 16 we further contributed the sum of \$300 to defray expense of preparing a new insurance bill and the printing thereof.

This constitutes our entire contributions.

Yours very truly,

WM. A. BENNETT.

\$100 FOR EXAMINATION OF COMPANY.

[700 North Second Street. Sick benefits, \$1.25 to \$10 per week. Death benefits, \$15 to \$250. Officers and directors: S. J. Gilpin, president; M. H. Payne, vice president; J. J. Carter, cashier and treasurer; John T. Taylor, secretary and general manager; Anderson Knox, Quinn Shelton, H. E. Harris, P. A. Marth, C. Bernard Gilpin, E. M. Canaday, Percy Wilson.]

THE RICHMOND BENEFICIAL INSURANCE CO.,
Richmond, Va., March 19, 1924.

MR. THOMAS L. BLANTON,
Washington, D. C.

DEAR SIR: In response to your request under date of March 13, 1924, respecting contributions made to Mr. Burt A. Miller, superintendent of insurance, will say that on August 13, 1923, check was made to Mr. Burt A. Miller for \$100 on account of examination of the company, and the balance, \$89.31, was paid to Mr. H. S. Nickols on August 27, 1923.

On August 16, 1923, check was made to Mr. Burt A. Miller for \$125 for expenses of the bureau of information.

Other licenses and taxes, of course, were paid to the collector of taxes for the District.

Very truly yours,

THE RICHMOND BENEFICIAL INSURANCE CO.,
By JNO. T. TAYLOR, Secretary and General Manager.

SEEMS THAT SUBSCRIPTIONS ARE TO BE ANNUAL.

[Organized 1871. John G. Walker, president; W. L. T. Rogerson, vice president; L. R. Walker, vice president; A. E. Hurt, vice president; A. C. McKenney, secretary; I. T. Townsend, assistant secretary.]

LIFE INSURANCE CO. OF VIRGINIA,
Richmond, Va., March 15, 1924.

Hon. THOMAS L. BLANTON,
House of Representatives, Washington, D. C.

DEAR SIR: We are in receipt of a letter from our district manager, Mr. L. L. Chandler, Washington, D. C., under date of March 14, inclosing your letter of March 13, asking the dates on which contributions were made by this company to Mr. Burt A. Miller, superintendent of insurance, either for maintaining his bureau of information or for any other expenses connected therewith.

In reply we will state that under date of October 9, 1923, we forwarded to Mr. Miller our check for \$125 for our first year's subscription to said bureau. This is the only payment which we have made.

Trusting that this information is satisfactory, we remain,

Very truly yours,

E. D. HARRIS,
Assistant Vice President.

ASSESSED SOME COMPANIES ONLY \$40.

On January 11, 1924, Superintendent Miller wrote a letter to the Reliance Life Insurance Co., at Pittsburgh, Pa., in which he requested a contribution for his bureau of information, and from this letter I quote the following:

If all the life companies would join with us, it is estimated that an assessment of \$40 per year would be sufficient to cover all expenses. The superintendent makes this personal appeal to you.

AND SUPERINTENDENT MILLER GOT HIS \$40.

[Office of H. G. Scott, vice president and secretary. James H. Reed, president.]

MARCH 19, 1924.

Hon. THOMAS L. BLANTON,
Washington, D. C.

DEAR SIR: Your letter of March 13, 1924, addressed to this company at Washington, D. C., has been forwarded to us by our general agent, Mr. W. W. Britt.

The only contribution this company has made is \$40, which we subscribed on January 15, 1924, to the bureau of information. This was subscribed in compliance with a request from the insurance commissioner in a letter dated January 11, 1924. Our company has not paid attorney's fees, printing bills, or any other expense in connection with the proposed new insurance code or for any other purpose. For your further information, I am inclosing you photographic copy of the letter of the commissioner dated January 11, 1924.

Yours very truly,

H. G. SCOTT,
Vice President and Secretary.

SUPERINTENDENT MILLER SUGGESTED THAT THE INSURANCE COMPANIES DONATE.

[George W. White, president; Thos. C. Moore, vice president and manager; Alex. K. Phillips, secretary.]

THE POTOMAC INSURANCE CO.,
OF THE DISTRICT OF COLUMBIA,
Washington, D. C., March 13, 1924.

Hon. THOMAS L. BLANTON,
Room 300, House Office Building, Washington, D. C.

DEAR SIR: In keeping with our conversation of this a. m., beg to make the following statement: During the fall of 1923 Superintendent Burt A. Miller requested that an executive officer of each local company call at his office on a certain date. The writer was present, and Superintendent Miller briefly outlined the purpose of the gathering, stating that the new insurance bill would be taken up and that it necessitated quite a good deal of work and expense of printing, and as there was no fund available for such, he suggested that the insurance companies donate a sufficient amount to care for the particular items. After some little discussion the sum of \$150 each was agreed upon by the representatives present. The writer sent a check for the amount, and this is the only donation that has been made.

Trusting that the above is the information you desire, I beg to remain, Yours very respectfully,

ALEX. K. PHILLIPS, Secretary.

FOLLOWING LETTER IS SELF-EXPLANATORY.

WASHINGTON, D. C., March 2, 1924.

Hon. W. GWYN GARDINER,
Attorney at Law, Washington, D. C.

MY DEAR MR. GARDINER: As you have been one of the Commissioners of the District of Columbia, and while holding such office had under your supervision the insurance department, and also because I am reliably informed that in your practice you have had a wide experience in insurance business, I am writing you for information.

I am sending you under another cover a copy of H. R. 3689, a bill to amend the insurance laws of the District of Columbia, which has already been favorably reported for passage by the District Committee, of which I am a member.

You will note that this bill contains 152 pages and raises the salary of the superintendent \$1,700 above what it is now, and provides for a number of new officials ranging in salaries of from \$4,500 down, and grants powers to the superintendent that could be very much abused.

This bill wasn't even read before our committee, but was favorably reported upon the recommendation of a subcommittee.

If it is not imposing too much upon your loyalty to the District, will you kindly advise me—

(1) Whether the present insurance code is adequate to protect the interests of the insuring public?

(2) If not, in what particulars does it need amending?

(3) Is such a bill as this H. R. 3689 needed now?

(4) What criticisms, if any, have you to offer to H. R. 3689?

(5) Do you know anything about the birth of this bill, and why Superintendent Burt A. Miller has been so anxious to pass it for the past year or more?

(6) What do you know about the qualifications and fitness of the said Burt A. Miller to act as superintendent under such a law as he is proposing to pass?

Kindly let me have this information at your very earliest convenience. Thanking you, I am,

Very sincerely yours,

THOMAS L. BLANTON.

INFORMATION FROM FORMER COMMISSIONER GARDINER.

[Woodward Building. Leroy Pumphrey, J. D. Eason, jr. Phone Main 5637-S.]

W. GWYNN GARDINER,
ATTORNEY AND COUNSELLOR AT LAW,
Washington, D. C., March 6, 1924.

Hon. THOMAS L. BLANTON,
House Office Building, Washington, D. C.

MY DEAR MR. BLANTON: I have found the following facts with reference to the insurance bill of the District of Columbia:

Burt A. Miller, the present superintendent of insurance, was indebted in some manner to Louis A. Dent, a lawyer in the Southern Building, and this resulted in Louis A. Dent being employed by Burt A. Miller to draft an insurance law, which he did, and which bill presented to Congress was so drafted. Mr. Miller called upon the insurance companies to contribute to Mr. Dent for his services, and I am reliably informed that Mr. Dent received from the insurance companies \$2,500 for his services in drafting this bill. I am also reliably informed that the various classes of insurance as set forth in the bill and in the language appearing in the bill were in conference through their representatives with the result that a group of men representing the old-line companies drafted that portion of the bill covering old-line insurance, while a group of fraternal men drafted the portion of the bill covering fraternal insurance, and so on throughout the list of the several kinds and classes of insurance enumerated in said bill.

After the bill was drafted these several groups of men were called together by Mr. Dent and the bill was redrafted in order to meet the several objections made by the various classes of insurance represented.

I am reliably informed that the companies were, and are, opposed to the increases of salaries in the bill as reported as well as the new positions created under the bill as reported, and that they have expressed themselves to the said Burt Miller as being opposed to these provisions.

I am also reliably informed that all bills contracted by said Miller for printing incident to the work in connection with this bill were paid for by the insurance companies.

I hope that what I have given you will be useful to you.

Very respectfully,

W. GWYNN GARDINER.

REMEMBERING MR. LOUIS A. DENT.

In placing this Mr. Louis A. Dent, to whom Superintendent Miller paid \$2,500 for adding a few amendments to the old Pomerehne bill, it will be remembered that when the Government took over the Center Market here not long ago for use as a market center by the public, Mr. Louis A. Dent was one of the three appraisers to fix the value, and he forced the Government to pay over \$500,000 more for the property than the other two appraisers thought it was worth.

SPLENDID MAN PUT OUT TO LET SUPERINTENDENT MILLER IN.

I am reliably advised that when Superintendent Miller was placed in charge of this department there was then a splendid, capable, efficient, expert insurance executive at its head, to wit, Dr. Lewis A. Griffith, against whose record I have been able to find not a shadow. He now has a suit pending against the District of Columbia Commissioners, claiming that by reason of the fact that he had been paying 5 per cent out of his salary each month to the civil-service employees' retirement fund, that his removal was wrongful, when there was no charge against him, as such removal caused him to lose all he had paid to the retirement fund, and in his pleadings he swears that when he asked Commissioner Rudolph why he was to be removed Commissioner Rudolph replied, "Your services are all right, but those d— fellows on the 'hill' won't let me alone," meaning that some man in Congress was insisting that he be supplanted by Mr. Miller.

DEPARTMENT TOOK IN \$263,000 LAST YEAR.

The superintendent of insurance took in \$263,000 last year in fees from various insurance companies, that went to the tax collector of the District of Columbia. Besides, said superintendent handles hundreds of thousands of dollars in securities of various companies, or designates where they shall deposit same. For these reasons, no man should be given the powers, privileges, and unlimited discretion that by this new 152-page bill is lodged in the superintendent of insurance, especially when the evidence adduced in this report shows that such powers are abused.

AFFECTS ENTIRE PEOPLE OF THE UNITED STATES.

This is not a bill that affects merely the people living in the District of Columbia. It affects all of the people in the whole United States, for the whole people of the Nation pay 40 per cent of all the salaries of the officers and employees of this

insurance department and of all of the other expenses of the District of Columbia. And the people of Washington pay a total tax rate of only \$1.20 on the \$100, assessed at about half valuation, while, counting the State, county, school, and other civic taxes, all of the other cities of the United States, both small and large, pay taxes running from \$2.75 to \$6 and \$7 per \$100.

THE OLD SLOGAN HAS WORN THREADBARE.

Whenever a Member of Congress seeks to change the unjust system of allowing the people of Washington to pay the ridiculous tax rate of only \$1.20 on the \$100, the newspapers and citizens' associations immediately resort to their old battle cry—

That Washington is the Nation's Capital and must be made the most beautiful city in the world; that the Government should pay a big part of the local city expenses because it owns so much property here.

Washington is the Nation's Capital and should be made the most beautiful city in the world, and I will go just as far as any other man through all legitimate and proper means to make it the most beautiful city in the world. Before the Government built all of its fine institutions here Washington was a mere village. Property here was of little value. It is because of the fact that the United States has spent its millions here that has caused some lots to jump in value from \$100 to \$100,000. Every piece of property owned by the Government in Washington is daily enjoyed by the people of Washington.

The local pay roll of the Government is a bonanza to the merchants and business enterprises of Washington. The Government pays its nearly 100,000 employees in Washington their wages promptly every two weeks in new money that has never been spent before. Chicago, or any other big city in the United States, would gladly exempt the Government from paying all taxes on its property to get it to move its capital to such city.

Because we want to make it the most beautiful city in the world is no reason why the Government should pay for building million-dollar school buildings and employing 2,500 teachers and buying the schoolbooks for the 70,000 school children of the thousands of families living in Washington who have no connection whatever with the Government except to bleed it on all occasions and to grow rich on the Government pay rolls expended here. Because we want to make Washington the most beautiful city in the world is no reason why the Government should pay for the army of garbage gatherers, the army of ash gatherers, the army of trash gatherers, the army of street cleaners and sprinklers, the army of tree pruners and sprayers, and the street-lighting system for the several hundred miles of private residences owned by rich tax dodgers who have no connection whatever with the Government; nor is it any reason why the Government should pay for their water system, their sewer system, their police protection, their fire protection, for playgrounds for their children, for parks for their enjoyment, for their municipal golf grounds, for their numerous public tennis courts, for their bathing beaches, for their skating ponds, for their cricket grounds, for their baseball and football grounds, for their horseback riding paths, for paving the streets in front of their residences and maintaining and keeping them in repair, for building their million-dollar bridges, furnishing million-and-a-half-dollar market houses, their municipal trial and appellate courts, their jails and houses of correction, their municipal hospitals, asylums for their insane, special asylum schools for their deaf and dumb, asylums for their orphans, a university for their 110,000 colored people, their municipal libraries, their municipal community-center facilities, salaries of all their municipal officers, employees, buildings, furnishings, equipments, sanitary and health departments, and the hundreds of other things that all other cities of the United States must furnish and pay for themselves, but a very substantial part of which the people of Washington have been getting out of the Federal Treasury for years.

The magnificent Capitol and its beautiful grounds are daily enjoyed by Washington people. The Congressional Library, which cost \$6,032,124, in addition to the sum of \$535,000 paid for its grounds, and for the upkeep of which Congress annually spends a large sum of money, is daily enjoyed by the people of Washington. The Government furnished and maintains the magnificent Botanic Garden here for the pleasure and enjoyment of Washington people. The Government furnished and maintains the wonderful Zoo Park, with all of its interesting animals, for the instruction and amusement of Washington children. The Government furnished and maintains the extensive and most beautiful Rock Creek Park, with its picturesque picnic grounds, its miles of wonderful boulevards, its incom-

parable scenery, all for the pleasure of Washington people. Congress has spent millions of dollars reclaiming and purchasing the lands now embraced in the Potomac Parks and Speedway, daily used and enjoyed by Washington people. The Government has spent several million dollars building the various bridges spanning the Potomac River, and huge sums for the bridges spanning the Anacostia River, and spent \$1,000,000 building the beautiful "Million Dollar Bridge" on Connecticut Avenue. The Government has spent millions of dollars on the Lincoln Memorial, grounds, and reflecting pools, the Washington Monument Grounds, Lincoln Park, on East Capitol Street, and the numerous beautiful little parks scattered all over the city, all for the pleasure and benefit of Washington people.

During the recess of Congress I wrote to the mayor of every city of any size in the United States and asked them to advise us of their local tax rate, of the charges for water, sewer, paving, and so forth, and what rate, in their judgment, they thought Washington people should pay as a minimum. I want to insert just a few in this report. The consensus of opinion was that the rate here should be at least \$2.50 per \$100, and there was a large per cent who were in favor of it being much higher, and the rates for taxation ranged from \$2.75 to over \$6.50, and in all these cities the people were charged more for water, sewer, and paving.

Let me again quote a few excerpts from the letter sent me by the mayor of the city of Peoria, Ill.:

[City of Peoria, Ill. Mayor's office. Edward N. Woodruff, mayor.]

NOVEMBER 1, 1923.

Hon. THOMAS L. BLANTON,

Representative, Washington, D. C.

DEAR SIR: Answering your questionnaire of October 15 concerning relative tax rates of the cities of Washington and Peoria:

The tax rates on each \$100 taxable valuation levied against the real and personal property of the citizens of Peoria for the year 1922 are itemized as follows:

City corporate tax, including library, tuberculosis, garbage, and police and fire pension fund.....	\$1.94
Street and bridge.....	.24
School district.....	2.70
Park district.....	.41
State.....	\$5.20
County.....	.45
County highway.....	.59
	25
	1.20

Total, all purposes.....

6.58

Unless there is a tremendous revenue derived from sources other than from taxes, the rate of \$1.20 for Washington is ridiculous. While I have never had my attention called to this disparity, I am amazed that the light has not been let into financial affairs of the Capital City long before this time.

You should be supported by every colleague in your effort to compel the citizens of Washington to do theirs, even as every citizen outside the District is doing his.

Wishing you success, I am,

Very truly yours,

E. N. WOODRUFF, Mayor.

The foregoing statement from the mayor of Peoria, Ill., fairly indicates the sentiment of the people over the United States. It might be enlightening to quote from a few of the letters received the tax rates of some of the cities over the United States as certified to me by the mayors of such cities.

When I speak of the tax rate of these cities, I, of course, mean their total tax—State, county, school, and municipal—which is the total tax citizens of those respective cities have to pay on their property, as compared with the \$1.20 on the \$100 rate Washington people have to pay in the District of Columbia.

The tax rate paid by the people in Baltimore, Md., \$3.27 on the \$100; in New Orleans, La., \$3.16 on the \$100; in Portland, Oreg., \$4.52 on the \$100; in my birthplace, Houston, Tex., \$4.29 on the \$100; in Ogden, Utah, \$3.33 on the \$100; in Cheyenne, Wyo., \$3.75 on the \$100; in Fort Smith, Ark., \$3.32 on the \$100; in New Bedford, Mass., \$3.13; in Burlington, Vt., \$3.10 on the \$100; in Pittsburgh, Pa., \$3.22 on the \$100; in St. Louis, Mo., which is a distinct political subdivision of the State, the city tax is \$2.43 on the \$100; in Boston, Mass., \$2.47 on the \$100; in Rochester, N. Y., \$3.33 on the \$100; in Portland, Me., \$3.40 on the \$100; in Boise City, Idaho, \$4.29 on the \$100; in Mobile, Ala., \$3.40 on the \$100; in Detroit, Mich., \$2.75 per \$100; in Duluth, Minn., \$5.79 on the \$100; in Atlanta, Ga., \$3.15 on the \$100; in Kansas City, Mo., \$2.93 on the \$100; in Minneapolis, Minn., \$6.52 on the \$100; in Salt Lake City, Utah, \$3.18 on the \$100; in Oakland, Calif., \$4.02 on the \$100; in Austin, the capital of Texas, \$3.54 on the \$100; in Denver, Colo., \$2.76 on the \$100; in Trenton, N. J., \$3.22 on the \$100; in Racine, Wis., \$2.87 on the \$100; in Nashville, Tenn., \$2.80

on the \$100; in Charlottesville, Va., \$2.85. And let me illustrate as the tax rate runs generally over Texas: In Paris, Tex., \$4.10 on the \$100; in Port Arthur, Tex., \$3.54 on the \$100; in Tyler, Tex., \$4.61 on the \$100; in Denison, Tex., \$3.32 on the \$100; in Waco, Tex., \$3.03 on the \$100; in Amarillo, Tex., \$3.55 on the \$100; in Temple, Tex., \$3.15; in Wichita Falls, Tex., \$3.05 on the \$100; in Beaumont, Tex., \$4.04.

Mr. Edward F. Bryant, tax collector for San Francisco, Calif., has sent me a statement certifying that the following is the tax rate paid by the citizens in the following cities: In Seattle, Wash., \$8.80 on the \$100; Chicago, Ill., \$8 on the \$100; in Reno, Nev., \$7.38 on the \$100; in New York, N. Y., \$5.48 on the \$100; in Philadelphia, Pa., \$6 on the \$100; in Detroit, Mich., \$4.48 on the \$100; in San Francisco, Calif., \$3.47 on the \$100; in Los Angeles, Calif., \$3.89 on the \$100.

What excuse have we to offer to our constituents back at home who are paying the above tax rates for permitting by our votes here the 437,000 people in Washington, D. C., to continue paying the measly little pittance of only \$1.20 on the \$100, based on a half to two-thirds valuation, when our constituents have to pay all the balance of the expenses of this great city?

MUST NOT WASTE OUR CONSTITUENTS' MONEY.

Our constituents pay 40 per cent of the expenses of this insurance department, and we must not waste their money on such a propaganda 152-page bill as the one before us. But if the District needs any new insurance laws, let us properly frame same when we have time to give the matter careful attention.

WOODROW WILSON, LEADER.

Mr. HAWES. Mr. Speaker, Woodrow Wilson, Democrat, was of Scotch-Irish ancestry, a fighting stock. From this he inherited his persistence and courage. His spirit never broke under any strain. He had a trained mind, the gift of expression, the ability to plan, and the capacity to execute.

He had rigidity of purpose and inflexibility of will. He taught a new international morality. His vision was of a world freed from war and hate.

Men will divide upon the practicability of his plan of world agreement, but all will admit its lofty ideal and not dispute the fact that he planted a new thought in Europe that may come into growth with the years.

His democracy was not a political faith, it was a conviction that the people were capable of self-government; they could be trusted with self-government; and, when warned and advised, their average judgment, expressed in an orderly, constitutional way, gave the best government.

For many years he studied, and for 17 years he taught government and political history to women and men in two of our greatest universities, and then made practical application of his training as the chief magistrate of a State, and then brought his theory of democracy, supplemented by practical experience as governor, to the high office of Chief Executive of our Nation.

He, like Cleveland, brought to this office a fine public conscience. Cleveland struck special privilege and the tariff its first staggering blow.

These two were leaders. If they believed a thing was right they contended for it, and their fights were real. They asked for new laws to change and improve conditions. Their demands for reform and change were not mere assertions of opinions. They forced opinions into statutes and change in personal administration by discharge and removal of officials.

When there was not that cooperation of powers necessary for action, they demanded cooperation and secured it.

They had personality that impressed itself upon the Nation and the Nation, responding, brought the necessary legislation which secured reform.

Mr. Wilson was not only a President; he was, in addition, a leader. He led in college, he led as President, and for a period was a world leader.

He was not content with a perfunctory performance of constitutional duties. He not only advocated change; he first explained to the Nation, then demanded, and finally secured, the essential things he deemed beneficial.

That same leadership is demanded now—not mere motion, not words, not gestures, but acts and performances.

We should repeal all war legislation, reduce taxes to the minimum, discharge useless employees, let business alone, help agriculture, change the tariff which destroys the markets for agriculture, settle the railroad problem, and, above all things, have done with uncertainty, bureau-made law and clerk legislation.

Wilson did things. He established the Federal reserve banking system, rural credits system, the Tariff Commission, the Federal Trade Commission, Employees' Compensation Commission, the 8-hour day.

He settled the question of whether human labor was a commodity to be sold like coal, iron, or steel. He fixed the thought that labor was blood and brain, with a conscience and a soul.

He put property rights and human liberty, protected by our Bill of Rights, into their constitutional place.

He believed in temperance and vetoed the Volstead Act because it was intemperate.

He lived up to the first amendment of our Constitution providing for religious liberty, and would be the first to denounce organized intolerance and religious bigotry which would divide our Nation into creeds or classes.

He knew each cold word of the Constitution, but he put warmth and blood into each line he interpreted.

He knew the limitations of government, but found the way for necessary change without violating fundamentals or attacking constitutional provisions.

He was sturdy in partisanship in times of peace, because he believed our Government could not function without the clash of opinion which could only be expressed by party action.

But when the great war began he forgot men's politics and selected for war leaders the best, without considering creed, political affiliation, social or financial standing.

He had but one rule for political measurement; it was that of capacity, experience, and fitness.

He consulted the great labor leaders, heard the big captains of industry, but he fawned upon none. He bent the knee to none but God and the Constitution.

He asked for brains in public service, but demanded and secured honesty.

He early announced to our Latin-American neighbors that just government rested upon the consent of the governed and could not rest upon force.

Later, when the World War came, he remained steadfast in this contention in treating with the affairs of Europe.

He withstood the tremendous pressure for three years before entering the war, although in his last campaign his opponent made quick entrance a popular issue, hard to combat.

But he waited, and in the end made war not only with an Army but with a Nation—he caused the whole Nation to fight.

He knew the temper of the people and he struck not too soon, but only when he knew the united spirit was ready.

The Nation was amazed when he asked that the war should be fought not by volunteers but by those chosen in a draft, upon the principle of universal service.

The Nation responded, and then Congress acted. He was sustained.

Wilson, the pacifist, determined that all the wealth, resources, power, and brains of the Nation should be utilized for war.

Again the Nation approved and again Congress responded.

He secured national approval first and then legislation followed. But he was not content with public explanation and appeal; he added political persuasion.

He aroused a high and lofty spirit in America and united all classes for victory.

He made it clear that we were not warring upon the German people, upon its civil population, but upon the German war lords who brought on the war.

He did not fight for glory, for conquest, for territory.

The war as he saw it was to preserve international law and world democracy.

He believed that with victory democracy would be made safe; with defeat, monarchy would rule.

It was in his mind a great world battle for rule by the few or government by the many.

Wherever articulated sound makes words his name is known.

Armies suspended their deadly work that he might be heard. It was his pleading that stopped the war. It was his appeal to the civil population of Germany which, working its way to the German Army, broke its military morale and quickened the end.

Many laws were put upon our national statute books because of the necessities of war. Many acts were done, many changes made, because we believed it would take three years to win, and preparation was made for that purpose.

Liberty was curtailed, property was taken, enterprise begun, and things done which only a world war could justify.

But the armistice was signed in 1918. Five years have passed, and the war laws and war wreckage have not yet been cleared away.

The high courage that took us through the war seems now to be lacking in our efforts to return to the normal.

Our foreign policy is uncertain; our domestic course is undefined; union labor is guessing, and business is ruled by regulations made by department clerks in Washington.

One portion of our population is trying to put the full burden of all taxation upon another portion, and millions of our

money are being spent so that a small minority group may be held in line for political purposes.

We lack the vigorous and courageous Executive who, well grounded in the fundamentals of our Government, will fight for the things he believes to be right regardless of the political consequences.

Timid leadership makes for a timid nation, and a timid nation, like a timid man who avoids settlements and lacks decision, is productive of national paralysis.

Small minority groups are writing our laws.

The fundamentals of our Government are assailed again and again by these minorities, and an uncertain Executive permits them to have their way.

During the war we proclaimed to the world that we would make the world safe for democracy. Since the war we have been making democracy unsafe even in our own country by centralizing all political power in Washington.

The Nation falters in alarm because of uncertainty as to what Washington will do next.

Uncertainty, like fear, is more to be dreaded than actual danger.

We pay a high price for uncertainty, and this price usually comes out of the pockets of purchasers of supplies and materials—out of the pockets of the men and housewives who need them.

What the American people require is leadership, a leadership that will bravely take us back to normal conditions; a leadership that will not always count the cost and not always measure everything by votes.

Wilson commenced his term in office with a progressive peace program designed for domestic victories. His work was interrupted by war, and after the war control of the Senate and House was lost.

We need another leader of his kind, who will settle quickly the big outstanding things that beg for solution.

One of the great losses of the war was the lost opportunity for him to play the same rôle in peace as he did in the greatest war of history.

We need new laws but they should square with American fundamentals.

We require a leader who will remove war measures and give the Nation a long legislative rest; a man who will oppose intemperance with moderation; a leader who will seek disinterested advice, but will not accept dictation from any organized group; one who loves America and has no prejudice against any part of the Nation or any portion of its population.

We need a short, concrete national program that will do a few things well and quickly.

The Nation needs the trained constitutional mind, the courage of a Wilson, the understanding and the ability to decide.

He is not here to lead, but his example and his thought may guide the way to settlement and stability.

We need the same Wilson courage that took us through the war to bring us back quickly and safely to economic, industrial, and business peace.

ADJOURNMENT.

Mr. LONGWORTH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 11 minutes p. m.) the House adjourned until to-morrow, Tuesday, March 25, 1924, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

400. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Norfolk Harbor, Va., with a view to securing increased depth and width in the channel in the South Branch of Elizabeth River above the inner end of the 40-foot channel; also with a view to securing increased depth and width in the channel in the Eastern branch of Elizabeth River from Norfolk and Western Railroad Bridge to the Virginian Railroad Bridge (H. Doc. No. 226); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

410. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Fernandina Harbor, Fla. (H. Doc. No. 227); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

411. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Delaware River, Pa., and N. J.,

with a view to securing increased depth and width in the channels between Philadelphia and the upper railroad bridge at Trenton (H. Doc. No. 228); to the Committee on Rivers and Harbors and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII.

Mr. BLANTON: Committee on the District of Columbia. H. R. 3689. A bill to amend the insurance laws of the District of Columbia (minority views of Rept. No. 231, pt. 2). Referred to the Committee of the Whole House on the state of the Union.

Mr. BEERS: Committee on the District of Columbia. H. R. 6296. A bill to change the name of Thirty-seventh Street between Chevy Chase Circle and Reno Road; without amendment (Rept. No. 351). Referred to the House Calendar.

Mr. GRAHAM of Pennsylvania: Committee on the Judiciary. H. R. 7270. A bill to amend section 1025 of the Revised Statutes; with amendment (Rept. No. 352). Referred to the House Calendar.

Mr. JOHNSON of Washington: Committee on Immigration and Naturalization. H. R. 7995. A bill to limit the immigration of aliens into the United States and for other purposes; with amendments (Rept. No. 350). Referred to the Committee of the Whole House on the state of the Union.

Mr. WHITE of Maine: Committee on the Merchant Marine and Fisheries. H. R. 8143. A bill for the protection of the fisheries of Alaska, and for other purposes; without amendment (Rept. No. 357). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII.

Mr. SIMMONS: Committee on War Claims. H. R. 2126. A bill for the relief of C. C. Carson; with an amendment (Rept. No. 353). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 905. A bill for the relief of Gerard E. Bess; with an amendment (Rept. No. 354). Referred to the Committee of the Whole House.

Mr. BULWINKLE: Committee on Claims. S. 793. A bill for the relief of William H. Lee; without amendment (Rept. No. 355). Referred to the Committee of the Whole House.

Mr. BULWINKLE: Committee on Claims. S. 1021. A bill for the relief of the Alaska Commercial Co.; without amendment (Rept. No. 356). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Military Affairs was discharged from the consideration of the bill (H. R. 3630) for the relief of Bertha Witt, and the same was referred to the Committee on Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. DALLINGER: A bill (H. R. 8177) to amend the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909; to the Committee on Patents.

By Mr. ROUSE: A bill (H. R. 8178) authorizing and empowering the Interstate Commerce Commission to inquire into and determine the rate of toll on interstate highway bridges, prescribing the maximum rate for such bridges, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BOX: A bill (H. R. 8179) to amend an act entitled "An act relating to the liability of common carriers by railroad to their employees in certain cases," approved April 22, 1908; to the Committee on the Judiciary.

By Mr. BYRNES of South Carolina: A bill (H. R. 8180) to revive and reenact the act entitled "An act authorizing the counties of Aiken, S. C., and Richmond, Ga., to construct a bridge across the Savannah River at or near Augusta, Ga.," approved August 7, 1919; to the Committee on Interstate and Foreign Commerce.

By Mr. KINCHELOE: A bill (H. R. 8181) authorizing the construction of a bridge across the Ohio River approximately midway between the city of Owensboro, Ky., and Rockport, Ind.; to the Committee on Interstate and Foreign Commerce.

By Mr. DALLINGER: A bill (H. R. 8182) to amend an act entitled "An act to reclassify postmasters and employees of the Postal Service and readjust their salaries and compensation on an equitable basis," approved June 5, 1920; to the Committee on the Post Office and Post Roads.

By Mr. BRAND of Georgia: A bill (H. R. 8183) to amend section 300 of the war risk insurance act as amended by the acts approved August 19, 1921, and March 4, 1923, providing compensation for enlisted men suffering from effects of venereal disease; to the Committee on World War Veterans' Legislation.

By Mr. SHALLENBERGER: A bill (H. R. 8184) for the purchase of a site and the erection of a public building at Beaver City, Nebr.; to the Committee on Public Buildings and Grounds.

By Mr. JOHNSON of Washington: Resolution (H. Res. 234) for the immediate consideration of H. R. 7995, the immigration bill; to the Committee on Rules.

By Mr. GALLIVAN: Memorial of the Legislature of the State of Massachusetts favoring the passage by Congress of legislation increasing the compensation of postal employees; to the Committee on the Post Office and Post Roads.

Also, memorial of the Legislature of the State of Massachusetts, requesting Congress of the United States to appropriate funds to carry out certain recommendations of the Chief of Staff of the United States Army made in furtherance of the national defense act of 1920; to the Committee on Military Affairs.

By Mr. ANDREW: Memorial of the Legislature of the State of Massachusetts, requesting Congress to appropriate funds to carry out certain recommendations of the Chief of Staff of the United States Army made in furtherance of the national defense act of 1920; to the Committee on Military Affairs.

Also, memorial of the Legislature of the State of Massachusetts, favoring the passage of legislation by Congress increasing the compensation of postal employees; to the Committee on the Post Office and Post Roads.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDREW: A bill (H. R. 8185) granting a pension to Sarah K. Marshall; to the Committee on Invalid Pensions.

By Mr. BLAND: A bill (H. R. 8186) to provide for examination and survey of Cockrells Creek, Northumberland County, Va., and of the channel connecting said creek with Great Wicomico River, Va.; to the Committee on Rivers and Harbors.

By Mr. BURTNES: A bill (H. R. 8187) for the relief of Emmett Edward O'Hara; to the Committee on Claims.

By Mr. BYRNS of Tennessee: A bill (H. R. 8188) granting an increase of pension to Rachael J. Smith; to the Committee on Pensions.

By Mr. DEAL: A bill (H. R. 8189) to provide for an examination and survey of the Western Branch of Elizabeth River, Va.; to the Committee on Rivers and Harbors.

By Mr. FRENCH: A bill (H. R. 8190) granting a pension to Kathryn Hatley; to the Committee on Pensions.

By Mr. GARBER: A bill (H. R. 8191) granting an increase of pension to Susanna E. Shannon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8192) for the relief of Frank Rector; to the Committee on Military Affairs.

By Mr. HILL of Maryland: A bill (H. R. 8193) granting an increase of pension to Edward P. Aler; to the Committee on Pensions.

By Mr. MACGREGOR: A bill (H. R. 8194) granting an increase of pension to Mary H. Templeton; to the Committee on Invalid Pensions.

By Mr. MILLIGAN: A bill (H. R. 8195) granting a pension to Mary Carroll; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 8196) to authorize the Federal Power Commission to amend permit No. 1, project No. 1, issued to the Dixie Power Co.; to the Committee on Interstate and Foreign Commerce.

By Mr. TABER: A bill (H. R. 8197) granting a pension to Margaret S. Palmer; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 8198) granting an increase of pension to Nancy Adams; to the Committee on Invalid Pensions.

By Mr. THOMPSON: A bill (H. R. 8199) granting an increase of pension to Eliza Ewing; to the Committee on Invalid Pensions.

By Mr. WINGO: A bill (H. R. 8200) to make a preliminary survey of Red River in Arkansas, south of the southeast corner of the State of Oklahoma, with a view to control of its floods; to the Committee on Flood Control.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1990. By the SPEAKER (by request): Petition of owners of Kaakaukukui Beach lands and members of the Kaakaukukui Improvement Club, Mrs. Mary Hanheo Atcherley, president, for an amendment to the Hawaiian commission act of 1920, under which they will be authorized to occupy certain lands; to the Committee on the Territories.

1991. By Mr. ARNOLD: Petition of certain citizens of Eflingham, Ill., favoring the passage of the Fish bill, providing for relief to the people of Germany; to the Committee on Foreign Affairs.

1992. By Mr. COOK: Petition of 402 members of Central Christian Church, of Huntington, Ind., in support of the eighteenth amendment; to the Committee on the Judiciary.

1993. By Mr. CRAMTON: Petition of the Rotary Club of Mount Clemens, Mich., urging favorable action in regard to increased compensation for postal employees; to the Committee on the Post Office and Post Roads.

1994. Also, petition of the Home Circle, Lapeer, Mich., urging passage of a stringent immigration law; to the Committee on Immigration and Naturalization.

1995. Also, petition of the Charles J. Fulton Post, American Legion, St. Clair, Mich., recommending extending to five years the period within which tuberculosis might be presumed to be of service origin; to the Committee on World War Veterans' Legislation.

1996. By Mr. CULLEN: Petition of Lieutenants Association, Fire Department, New York City, N. Y., indorsing the proposed increase in salaries for postal employees; to the Committee on the Post Office and Post Roads.

1997. By Mr. FULLER: Petition of the Macon County (Ill.) Farm Bureau, favoring the McNary-Haugen bill; to the Committee on Agriculture.

1998. By Mr. HULL of Iowa: Petition of citizens of Davenport, Iowa, opposing two antifirearm bills introduced by Senator COWLEY, of New York, and by Congressman MILLER of Washington; also favoring a bill for 2.75 per cent beer; to the Committee on Ways and Means.

1999. By Mr. LINDSAY: Petition of General Motors Export Co., 224 West Fifty-seventh Street, New York, G. D. Mooney, president, favoring the passing by Congress of laws which regularize three foreign services of the United States Government; that acting on Secretary Hughes's suggestion it would seem that the Rogers and Winslow bills should be considered together and so amended as to insure complete coordination between the three services before the bills were turned over to Congress for action; to the Committee on Foreign Affairs.

2000. Also, petition of persons requesting that preventive measures be taken so far as the putting into effect by the Naturalization Bureau of a rule or regulation affecting the naturalization of foreign-born aliens; it is desired that this measure be barred, because if it goes into effect it will greatly retard and interfere with the naturalization of foreign-born persons in Greater New York; to the Committee on Immigration and Naturalization.

2001. Also, petition of American Exporters' & Importers' Association, E. C. Hines, secretary to the board of directors, that increased revenue already produced by second-class matter be at once applied to giving a reduced rate of 1 cent on "drop" letters, and that legislation be enacted requiring each class of mail to pay cost of service in order that no class need pay over cost; to the Committee on the Post Office and Post Roads.

2002. By Mr. O'SULLIVAN: Petition of Bridgeport, Conn., section of Council of Jewish women, protesting against the Johnson Immigration bill; to the Committee on Immigration and Naturalization.

2003. Also, petition of citizens of New Milford, Conn., in favor of legislation increasing the wages of postal employees; to the Committee on the Post Office and Post Roads.

2004. By Mr. OLIVER of New York: Petition of the county committee of the American Legion, Bronx County, N. Y., asking the President of the United States to review the sentences of all war veterans now in prison under sentence of military courts; to the Committee on the Judiciary.

2005. Also, petition of a mass meeting at the Academy of Music, Brooklyn, N. Y., Sunday night, March 23, 1924, calling upon the President of the United States to take steps through diplomatic channels to secure the release from prison of Hon. Eamon De Valera; to the Committee on Foreign Affairs.

2006. By Mr. SITES: Papers accompanying House bill 8168, granting a pension to Elizabeth Yeom; to the Committee on Invalid Pensions.

2007. By Mr. SMITH: Petition of Women's Christian Temperance Union, Payette, Idaho, protesting against enactment of legislation for 2.75 per cent beer; to the Committee on the Judiciary.

2008. By Mr. TEMPLE: Petition of Lodge LI, Gorica No. 287, S. N. P. J., Burgettstown, Pa., protesting against certain proposals before the Congress of the United States regulating immigration; to the Committee on Immigration and Naturalization.

2009. By Mr. WILSON of Indiana: Petition of 29 members of the Missionary Society of Grace Methodist Church and Loyalty Club of Grace Methodist Church, Evansville, Ind., urging the passage of the child welfare amendment which provides that labor of persons under 18 years of age should be prohibited or limited; to the Committee on the Judiciary.

2010. Also, petition of 180 members of the Service Star Legion, Gresham Chapter Vanderburg County, Evansville, Ind., urging the passage of the child welfare amendment which provides that labor of persons under 18 years of age should be prohibited or limited; to the Committee on the Judiciary.

2011. Also, petition of 22 members of the Emma Roach Parent Teachers' Association, urging favorable consideration of the child labor amendment; to the Committee on the Judiciary.

SENATE.

TUESDAY, March 25, 1924.

(Legislative day of Monday, March 24, 1924.)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MOSES in the chair). The Secretary will call the roll.

The principal clerk called the roll, and the following Senators answered to their names:

Adams	Edge	Kendrick	Reed, Pa.
Ashurst	Edwards	Keyser	Robinson
Ball	Ferris	Klog	Sheppard
Bayard	Fess	Ladd	Shortridge
Borah	Fletcher	Lodge	Simmons
Brandegee	Frazier	McKellar	Smith
Brookhart	George	McKinley	Smoot
Broussard	Gerry	McLean	Spencer
Burns	Glass	McNary	Stanfield
Cameron	Gooding	Mayfield	Stephens
Capper	Hale	Moses	Swanson
Caraway	Harrell	Neely	Tierney
Copeland	Harris	Norris	Wadsworth
Couzens	Harrison	Oddie	Walsh, Mass.
Curtis	Heflin	Overman	Walsh, Mont.
Dale	Howell	Pepper	Warren
Dial	Johnson, Minn.	Pittman	Watson
Dill	Jones, N. Mex.	Ralston	Weller
	Jones, Wash.	Randall	Willis

Mr. FLETCHER. I wish to announce that my colleague [Mr. TRAMMELL] is necessarily absent. I ask that this announcement may stand for the day.

The PRESIDING OFFICER. Seventy-six Senators having answered to their names, a quorum is present. The joint resolution (S. J. Res. 4) proposing an amendment to the Constitution of the United States relative to the adoption of amendments thereto is before the Senate as in Committee of the Whole, and the pending question is on agreeing to the amendment proposed by the Senator from Iowa [Mr. BROOKHART] to the amendment reported from the Committee on the Judiciary.

Mr. BORAH obtained the floor.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed a joint resolution (H. J. Res. 190) for the relief of the distressed and starving women and children of Germany, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and they were thereupon signed by the Presiding Officer [Mr. MOSES] as Acting President pro tempore:

S. 75. An act for the relief of the Cleveland State Bank, of Cleveland, Miss.

S. 1982. An act granting the consent of Congress to the construction, maintenance, and operation by the Chicago, Milwaukee & St. Paul Railway Co., its successors and assigns, of a

line of railroad across the northeasterly portion of the Fort Snelling Military Reservation in the State of Minnesota; and

S. 2113. An act authorizing the Director of the Census to collect and publish statistics of cotton.

PETITIONS AND MEMORIALS.

Mr. ROBINSON presented a telegram in the nature of a memorial from W. G. Bean, president of Local No. 266, Musicians' Protective Union, of Little Rock, Ark., remonstrating against the passage of House Joint Resolution 211, conferring authority upon the President of the United States to order and direct the United States Marine Band to visit and play at certain annual expositions or fairs to be held in Missouri, Iowa, Nebraska, Kansas, Oklahoma, Texas, Louisiana, and Arkansas, which was referred to the Committee on Naval Affairs.

He also presented petitions, numerous signed, of sundry citizens of Hartford, Ark., and vicinity, praying for the passage of the so-called Johnson immigration bill, with quotas based on the 1890 census, which were referred to the Committee on Immigration.

Mr. JONES of Washington presented petitions, numerous signed, of sundry citizens of South Bend, Lebam, Seattle, and Raymond, in the State of Washington, praying for the passage of legislation granting adjusted compensation to veterans of the World War, which were referred to the Committee on Finance.

Mr. KEYES presented a resolution adopted by the congregation of the Congregational Church of Temple, N. H., favoring an amendment to the Constitution regulating child labor, which was referred to the Committee on the Judiciary.

Mr. CAPPER presented a telegram in the nature of a petition from Earl E. Stock, commander of the Moore Post, the American Legion, of Wakeeney, Kans., praying for the passage of legislation granting a cash bonus to veterans of the World War, which was referred to the Committee on Finance.

He also presented a petition of the Brotherhood of Locomotive Firemen and Engineers, of Neodesha, Kans., praying for the passage of legislation abolishing the Railroad Labor Board, which was referred to the Committee on Interstate Commerce.

He also presented a petition of sundry citizens of Somerset and St. John, Kans., praying for the passage of more restrictive immigration legislation, with quotas based on the census of 1890, which was referred to the Committee on Immigration.

He also presented a resolution of the Chamber of Commerce of Hiawatha, Kans., favoring the passage of legislation restricting immigration, with quotas based on the census of 1890, which was referred to the Committee on Immigration.

Mr. WILLIS presented a resolution of the Canton (Ohio) Central Labor Union, favoring the passage of legislation restricting the production of narcotics to the medical and scientific needs of the world, which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Somerset, New Lexington, Thoraville, and Crooksville, in the State of Ohio, praying an amendment to the Constitution granting equal rights to women, which was referred to the Committee on the Judiciary.

He also presented a resolution adopted by Philip R. Colebank Post, No. 13, the American Legion, Department of Ohio, of Cincinnati, Ohio, favoring the passage of legislation changing the name of Mount Rainier and Rainier National Park to Mount Lincoln and Lincoln National Park, which was referred to the Committee on Public Lands and Surveys.

He also presented petitions signed by 1,161 citizens of Massillon, Ohio, praying for the passage of legislation granting adjusted compensation to veterans of the World War, which were referred to the Committee on Finance.

Mr. McLEAN presented the petition of M. I. Bates, of New Haven, Conn., praying for the passage of the so-called Johnson restrictive immigration bill, which was referred to the Committee on Immigration.

He also presented a resolution adopted by Fidelity Council, No. 47, Daughters of Liberty, of Waterbury, Conn., favoring the passage of the so-called Johnson restrictive immigration bill, which was referred to the Committee on Immigration.

He also presented resolutions adopted by the directors of the Young Men's Hebrew Association of New Haven and the Societa' di M. S. Umberto Primo, of Hartford, Conn., protesting against the passage of the so-called Johnson restrictive immigration bill, which were referred to the Committee on Immigration.

He also presented a petition of the directors of the Putnam Chamber of Commerce, of Putnam, Conn., protesting against the passage of the so-called McNary-Haugen bill, providing aid

to agriculture, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of G. Merle Jones Post, No. 95, the American Legion, of Hebron, Conn., praying for the passage of legislation granting adjusted compensation to veterans of the World War, which was referred to the Committee on Finance.

He also presented petitions of members of the Republican Town Committee of Shelton; of H. W. Voight, pastor of the Evangelical Lutheran Emanuels Church, of New Haven; and of sundry citizens of Shelton, all in the State of Connecticut, praying for the passage of House Joint Resolution 180, for the relief of the distressed and starving women and children of Germany, which were referred to the Committee on Foreign Relations.

He also presented memorials of the Thompson Woman's Christian Temperance Union, of Putnam, and the Woman's Baptist Mission Society of New Haven, in the State of Connecticut, remonstrating against the passage of legislation raising the percentage of alcohol allowable in wine and beer, which were referred to the Committee on the Judiciary.

He also presented a petition of the National Society United States Daughters of 1812, of Manchester, Conn., praying for the passage of legislation confirming the "Star-Spangled Banner" as the national anthem, and also making adequate appropriation for the repair of the ship *Constitution*, which was referred to the Committee on the Library.

He also presented petition of Mulvoy-Tarlov Post, No. 603, Veterans of Foreign Wars, of South Norwalk; of officers and members of A. C. Tyler Auxillary, No. 14, United Spanish War Veterans, of Willimantic; of Frederick A. Hill Camp, No. 15, United Spanish War Veterans, of Stamford; and of Adjutant Ward Cheney Camp, No. 13, Spanish War Veterans, of South Manchester, all in the State of Connecticut, praying for the passage of the so-called Bursum bill, granting increased pensions to certain soldiers and sailors, etc., which were referred to the Committee on Pensions.

He also presented petitions of the Merchants' Credit Association of Bridgeport; of Local No. 25, International Metal Polishers' Union, of New Haven; and of William H. Gordon Post, No. 50, the American Legion, of Ansonia, all in the State of Connecticut, praying for the passage of legislation granting increased compensation to postal employees, which were referred to the Committee on Post Offices and Post Roads.

REPORTS OF COMMITTEES.

Mr. GOODING, from the Committee on Interstate Commerce, to which was referred the bill (S. 2327) to amend section 4 of the interstate commerce act, reported it with amendments and submitted a report (No. 302) thereon.

Mr. LADD, from the Committee on Commerce, to which was referred the bill (H. R. 6724) granting the consent of Congress to the counties of Sibley and Scott, Minn., to construct a bridge across the Minnesota River, reported it without amendment and submitted a report (No. 303) thereon.

ENROLLED BILLS PRESENTED.

Mr. WATSON, from the Committee on Enrolled Bills, reported that on the 24th instant they presented to the President of the United States the following enrolled bills:

S. 2420. An act granting the consent of Congress to the State of South Dakota for the construction of a bridge across the Missouri River between Potter County and Dewey County, S. Dak.; and

S. 2446. An act granting the consent of Congress to the Clarks Ferry Bridge Co., and its successors, to construct a bridge across the Susquehanna River at or near the railroad station of Clarks Ferry, Pa.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. PITTMAN:

A bill (S. 2917) directing the Secretary of the Treasury to complete purchases of silver under the act of April 25, 1918, commonly known as the Pittman Act; to the Committee on Banking and Currency.

By Mr. McLEAN:

A bill (S. 2918) granting a pension to Mary E. Starr (with accompanying papers); to the Committee on Pensions.

A bill (S. 2919) to extend the provisions of the national bank act to the Virgin Islands of the United States; to the Committee on Banking and Currency.

By Mr. BRUCE:

A bill (S. 2920) to authorize the registration of trade-marks used in commerce with foreign nations or among the several States or with Indian tribes, and to provide remedies for infringement of the same; to the Committee on Patents.

By Mr. McKINLEY:

A bill (S. 2921) granting a pension to Newton Ernest McElvain; to the Committee on Pensions.

By Mr. WADSWORTH:

A bill (S. 2922) to authorize the President to reconsider the case of Frederic K. Long and to reappoint him a captain in the Regular Army; to the Committee on Military Affairs.

By Mr. ELKINS:

A bill (S. 2923) granting an increase of pension to Hannah Wiles; to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 2924) for the relief of Aktieselskabet Marie di Giorgio, a Norwegian corporation of Christiania, Norway; to the Committee on Claims.

By Mr. JONES of Washington:

A bill (S. 2925) granting a pension to Harmon Everett Meacham; to the Committee on Pensions.

A bill (S. 2926) authorizing and directing the Secretary of the Interior to patent certain lands to school district No. 58 of Clallam County, State of Washington, and for other purposes; to the Committee on Public Lands and Surveys.

By Mr. McKELLAR:

A bill (S. 2927) to limit the liability of the United States in cases of breached, terminated, or suspended World War contracts; to the Committee on the Judiciary.

By Mr. FLETCHER:

A bill (S. 2928) authorizing the Secretary of the Navy to accept certain lands in the vicinity of Pensacola, Fla., to assure a suitable water supply for the United States naval air station at Pensacola; to the Committee on Naval Affairs.

A bill (S. 2929) granting the consent of Congress to the States of Georgia and Florida, through their respective highway departments, to construct a bridge across the St. Marys River at or near Wilds Landing, Fla.; to the Committee on Commerce.

By Mr. HOWELL:

A bill (S. 2930) reaffirming the use of the ether for radio communication or otherwise to be the inalienable possession of the people of the United States and their Government, and for other purposes; to the Committee on Interstate Commerce.

By Mr. CAPPER:

A bill (S. 2931) to promote the safety of employees on railroads; to the Committee on Interstate Commerce.

By Mr. BURSUM:

A bill (S. 2932) to quiet the title to lands within Pueblo Indian land grants, and for other purposes; to the Committee on Public Lands and Surveys.

BUILDINGS AT CAMP LEWIS, WASH.

Mr. JONES of Washington submitted an amendment providing an appropriation of \$1,000,000 for beginning the construction of permanent buildings at Camp Lewis, Wash., etc., intended to be proposed by him to House bill 7877, the War Department appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

HOUSE JOINT RESOLUTION REFERRED.

The joint resolution (H. J. Res. 180) for the relief of the distressed and starving women and children of Germany was read twice by its title and referred to the Committee on Foreign Relations.

CLARENCE C. CHASE.

Mr. WALSH of Montana. Mr. President, I ask leave to submit a resolution of privilege. I ask that it may be read, and then I should like to ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. The Senator from Montana asks unanimous consent, out of order, to submit a resolution. The resolution will be read for the information of the Senate.

The reading clerk read the resolution (S. Res. 195) as follows:

Whereas one Clarence C. Chase is and, for more than a year last past, has been a civil officer of the United States, to wit, the collector of customs at the port of El Paso, Tex.; and

Whereas in the prosecution of an inquiry by the Committee on Public Lands and Surveys of the Senate under Senate Resolution 147, it became necessary to inquire into the source from which one A. B. Fall, late Secretary of the Interior, secured large sums of money at or about the time or shortly after he entered upon negotiations resulting in the execution of leases or contracts relating to the naval oil reserves; and

Whereas it appears from the testimony taken and proceedings had before the said committee that the said Clarence C. Chase entered into a conspiracy with the said A. B. Fall to mislead and deceive the said committee concerning the source of such moneys, and that pursuant to

such conspiracy the said Clarence C. Chase, on or about the 29th of November, 1923, endeavored to induce one Price McKinley to represent to and testify before the said committee that he had loaned to the said Fall at or about the time heretofore mentioned the sum of \$100,000; and

Whereas the said Clarence C. Chase well knew that the said Price McKinley had made no such loan to the said Fall; and

Whereas the said Clarence C. Chase being, on the 24th day of March, 1924, called before the said committee and interrogated concerning the matters herein referred to by the said committee, declined and refused to answer any questions in relation to the same upon the ground that his answers might tend to incriminate him: Now, therefore, be it

Resolved, That a copy of the testimony adduced and the proceedings had before the said Committee on Public Lands and Surveys under Senate Resolution 147 be, with a copy of this resolution, transmitted to the House of Representatives for such proceeding against the said Clarence C. Chase as may be appropriate.

Mr. BORAH. Mr. President, there is so much confusion in the Chamber I could not hear the resolution read. I heard the whereases. May I ask to have just the resolving part read again?

The PRESIDING OFFICER. It will be again read.

The reading clerk read as follows:

Resolved, That a copy of the testimony adduced and the proceedings had before the said Committee on Public Lands and Surveys under Senate Resolution 147 be, with a copy of this resolution, transmitted to the House of Representatives for such proceedings against the said Clarence C. Chase as may be appropriate.

Mr. BORAH. I think that is eminently proper.

Mr. BURSUM. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from New Mexico?

Mr. BORAH. I yield.

Mr. BURSUM. I call the attention of the Senator from Montana to the fact that it is my information that Mr. Chase has resigned or is ready now to resign. I obtained that information yesterday.

Mr. ROBINSON. What difference would that make?

Mr. BURSUM. Why would there be any necessity for the resolution then?

Mr. ROBINSON. Why should the Senate fail to inform the House of the course which the matter has taken and give the House an opportunity to proceed?

Mr. BURSUM. The purpose of the resolution, I presume, is to institute impeachment proceedings.

Mr. ROBINSON. Does the Senator say that Mr. Chase has resigned?

Mr. BURSUM. I think so.

Mr. ROBINSON. The Senator said a moment ago that he had resigned or has indicated that he will resign?

Mr. BURSUM. That he is ready to resign.

Mr. ROBINSON. The Senator ought to be willing to say which is true if he has information with respect to it. But I call the attention of the Senator from New Mexico to the fact that a public officer can not escape responsibility, that he can not escape the process of impeachment by resigning when impeachment proceedings are about to be instituted.

Mr. BURSUM. I take it impeachment proceedings are not proposed to be instituted because of any misconduct in office. The proceeding arises out of the fact that Mr. Chase, who is the son-in-law of Mr. Fall, attempted to secure testimony which was not true in the case of Fall, and in that way, indirectly, Mr. Mr. Chase was guilty of misconduct. There is no question about that.

Mr. ROBINSON. Clearly, if the statement which the Senator has just made is correct, the officer would be guilty of subornation of perjury; at least, he would be chargeable with it.

Mr. BURSUM. It is not subornation of perjury, because the perjury was never committed.

Mr. BORAH. I see no objection to passing the resolution. Even if the officer has resigned, the House could consider the question if it desired to do so.

The PRESIDING OFFICER. The Chair understood the Senator from Montana to ask unanimous consent for the present consideration of the resolution.

Mr. SPENCER. Mr. President, I happen to be a member of the committee—

The PRESIDING OFFICER. The Senator from Idaho has the floor. Does he yield?

Mr. BORAH. I yield.

Mr. SPENCER. I happen to be a member of the committee. I knew nothing of this until this minute, and I should like

to look into it. I suggest that the resolution ought to be referred to the committee.

The PRESIDING OFFICER. The Chair understands the Senator from Missouri to object; objection is made.

Mr. WALSH of Montana. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Montana?

Mr. BORAH. I yield.

Mr. WALSH of Montana. With the permission of the Senator from Idaho, I desire to advise the Senate briefly of the facts in relation to the matter referred to in the resolution.

The testimony was first adduced before the Committee on Public Lands and Surveys about the 1st of December last that Senator Fall had come into possession of some considerable sums of money, having been theretofore in somewhat straitened financial circumstances. About the close of the year 1921 a telegram was sent by him to the then chairman of the committee, the Senator from Utah, to the effect that his son-in-law, Mr. C. C. Chase, was coming on, that he was entirely familiar with all of the business affairs of Senator Fall, and would advise the committee fully in relation to the matters testified to by the New Mexico witnesses who had told of the expenditures of very considerable sums of money in the purchase of additional land and in improvements made upon the ranch of Senator Fall.

Mr. Chase did not come before the committee, but when we got an opportunity to examine the telegrams some three weeks ago it was disclosed that Mr. Chase did actually start for the East and came to the city of Washington; that he stopped en route at the city of Cleveland, came on to Washington, and from Washington telegraphed to Senator Fall that the interview which he had had in the city of Cleveland was unsatisfactory; that he would meet him on the train at Kansas City and come back to Chicago with him. Thereafter, on the 27th day of December, Senator Fall sent his letter to the committee, in which he stated that he borrowed \$100,000 with which to make the purchase of the so-called Harris ranch from Mr. Edward B. McLean, of Washington, and that he had had business transactions in a foreign country with an old associate, and he had made arrangements to get the money from that old associate.

At the same time there was found in the files of the committee a memorandum, the origin of which no one has been able to ascertain, which recited also, in effect, that Mr. Fall had had business transactions in a foreign country with a gentleman; that out of those transactions there was an account standing under which this gentleman was obligated to Senator Fall to the extent of somewhere between \$75,000 and \$125,000, and that that gentleman had traveled with him on the train from Chicago to Los Angeles and had loaned him \$100,000.

In one way or another it became apparent to the committee that the gentleman thus referred to in those two letters was Mr. Price McKinney, of the city of Cleveland. It was discovered that Mr. Price McKinney had, indeed, traveled with Mr. Fall from the city of Chicago to Los Angeles some time toward the close of the year 1921. It was also learned that Mr. Chase had visited Mr. Price McKinney in the city of Cleveland. Mr. McKinney was called to the stand and interrogated concerning the conversation and the transaction between him and Mr. Chase in Cleveland. He told the committee that a short time before Thanksgiving Day last he had received a letter from Senator Fall in which Senator Fall recalled to him the fact that they had traveled together on the train from Chicago to Los Angeles, and in that letter Mr. McKinney was asked if he would say that upon that trip he had loaned to Senator Fall the sum of \$100,000.

Mr. BURSUM. Mr. President—

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from New Mexico?

Mr. WALSH of Montana. I yield.

Mr. BURSUM. That letter, however, was written by Senator Fall, as I recall.

Mr. WALSH of Montana. Of course it was written by Senator Fall, and I have so stated.

Mr. BURSUM. It was not written by Chase.

Mr. WALSH of Montana. I know it was written by Senator Fall, asking Mr. McKinney if he would so state. Mr. McKinney advised us that he did not answer that letter, but that shortly thereafter he was visited by Mr. Chase, who asked him if he was prepared to make that statement to the committee, and he said that he was not, that he would not make any such statement, because he had not loaned any such sum of money or any money to Senator Fall.

When Mr. Chase was then called before the committee on yesterday morning, as recited in the resolution, he declined to

answer any questions concerning the transaction upon the ground that the testimony might incriminate him.

Accordingly, Mr. President, it appears by the most indubitable evidence that Mr. Chase, an officer of the United States, whose effort at subornation of perjury was disclosed by the testimony of Mr. McKinney more than a week ago, is still holding the office of collector of customs at the port of El Paso.

Mr. SPENCER. Mr. President, so far as I am concerned, I withdraw the objection which I made.

The PRESIDING OFFICER. The Senator from Montana asks unanimous consent for the present consideration of the resolution which he has presented and which has been read for the information of the Senate. Is there objection?

Mr. BURSUM. Mr. President, I should like to have the resolution go over until to-morrow, and if to-morrow the Senator from Montana desires to press it I will then have no objection.

Mr. WALSH of Montana. I will say to the Senator that I will press it at any time, no matter for how long it goes over, because it is a perfectly well-established rule, as stated by the Senator, that the resignation of an offending officer does not in any manner whatever affect impeachment proceedings. The impeachment proceedings should go on whether he resigns or not.

Mr. BURSUM. That may be true, but as I look at this matter, Mr. Chase was merely a messenger for Mr. Fall and he was unfortunate in being Mr. Fall's son-in-law. I do not regard Mr. Chase as a principal in any of the matters relating to the naval oil reserves or the many complications in which Mr. Fall has involved himself, but, being his son-in-law, it was a natural thing that on request of Mr. Fall he should carry this message, and that, as I recall, was the testimony of Mr. Price McKinney, that Mr. Chase was merely a messenger. It seems to me that, of course, he should resign, that he should not continue to hold that office, but by resort to impeachment proceedings under the peculiar circumstances it seems to me that there is nothing to be gained.

Mr. BORAH. The resolution does not subject him to impeachment?

Mr. BURSUM. That is my understanding.

Mr. BORAH. It merely refers the question to the body which has the power to bring impeachment charges. They may do so if they see fit, or they may not do so if they see fit, or they may take the question up without this resolution at all.

Mr. BURSUM. Of course.

Mr. BORAH. The resolution simply refers the matter to the proper tribunal.

Mr. BURSUM. I do not regard this as a question for impeachment.

Mr. NORRIS. Mr. President—

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Nebraska?

Mr. BURSUM. I yield.

Mr. NORRIS. I think the Senator from New Mexico ought to realize that the impeaching power under the Constitution of the United States is the House of Representatives. There has come to a committee of the Senate in its official capacity certain evidence tending to show that an officer of the United States Government was trying to induce a citizen to commit perjury.

Mr. BURSUM. No; not quite that. The inducement—

Mr. NORRIS. Even if it is not quite that—

Mr. BURSUM. The inducement was by Mr. Fall. That was the testimony.

Mr. NORRIS. No.

Mr. BURSUM. This man was merely a messenger.

Mr. NORRIS. I do not care as to that; call him a messenger, if you please, but he was an officer of the United States, and the testimony of Mr. McKinney, as I understand, is that he, Chase, this officer of the United States, not Fall, came to him—

Mr. BURSUM. As a messenger.

Mr. NORRIS. Very well; consider him as a messenger.

Mr. BURSUM. That is what Mr. McKinney said about him.

Mr. NORRIS. I do not care what he may be called. He did not go to Mr. McKinney as an official of the United States, of course, nobody claims that; but at the same time he was an officer of the United States, and he went to Mr. McKinney and asked him if he would say that Senator Fall had borrowed \$100,000 from him at a certain time. That standing alone may be insufficient in the judgment of the House of Representatives to justify an impeachment proceeding, but the Committee on Public Lands, as I understand, has gone no further with it.

It is a fact that ought to be laid before the House of Representatives; and when we lay it before the House of Representatives we make no recommendation but simply say that "one of our committees in an official capacity investigating another subject has been confronted with this evidence, and we give it to you for your investigation and for such action as you may deem best."

Mr. President, unless we do that, it seems to me that we are officially standing in the way of an investigation by the proper body that has jurisdiction and sole jurisdiction of impeachment proceedings. We are violating our duty if when that evidence is presented to us in our official capacity we remain silent and do nothing. We have no jurisdiction, but the House of Representatives have. It may be that after investigation in some way they will find an excuse for it all, but it is now contradicted evidence tending, and tending very strongly, to show that an officer of the United States, holding an official position in the name of the United States, has been guilty, if you want to put in that way, of acting as a messenger boy to induce somebody to tell a lie.

Mr. DILL. Mr. President—

The PRESIDING OFFICER. The Senator from New Mexico has the floor. Does he yield to the Senator from Washington?

Mr. BURSUM. I yield.

Mr. DILL. I merely wanted to make a suggestion, namely, that when this same officer came before the committee he refused to testify on the ground that it might incriminate him.

Mr. BURSUM. Very well; if he is guilty of subornation of perjury, of course that is a matter which we can not decide here; that is a matter of evidence.

Mr. NORRIS. Does not the Senator think that it should go before the proper body?

Mr. BURSUM. He may be prosecuted.

Mr. NORRIS. Let him be prosecuted by the proper tribunal, the House of Representatives, which has jurisdiction of impeachment proceedings. Are we going to shield a Government official when something has happened before one of our committees tending to show that he has been instrumental in trying to induce somebody else to tell a falsehood in order to shield a former official of the Government who was trying to dispose of some of the property of the Government?

Mr. BURSUM. I would not quite justify the conclusion that he had been instrumental. My view is that he was simply a messenger; that he was made use of; that in view of his peculiar relationship with Mr. Fall he did the natural thing that almost anyone under the circumstances might have done, which was merely to carry a message. The request was made by Mr. Fall. That is in the evidence. That was testified to by Mr. Price McKinney. I think this boy should have a chance to resign if he has not already resigned. I will object to the consideration of the resolution at this time.

The PRESIDING OFFICER. Objection is made.

Mr. BURSUM. To-morrow, if he has not resigned, I will vote for it.

Mr. HEFLIN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Alabama?

Mr. BORAH. Does the Senator from Alabama desire to address the Senate or simply to ask a question?

Mr. HEFLIN. I am going to address the Senate. I will wait, however.

Mr. BORAH. If the Senator desires to address the Senate upon the matter which the Senator from Montana had up I will yield, because I should like to take up another matter after we have gotten away from that.

Mr. HEFLIN. That is what I propose to speak about briefly.

Mr. BORAH. Very well, Mr. President, I will yield the floor.

Mr. HEFLIN obtained the floor.

Mr. WALSH of Montana. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. WALSH of Montana. I take it that the resolution which I submitted a little while ago is a resolution of the very highest privilege. I inquire whether the rule applicable to resolutions generally applies to a privileged resolution?

The PRESIDING OFFICER. The Chair is of the opinion that the rule would not apply to a privileged resolution.

Mr. WALSH of Montana. I should think so. I ask the Senator from Massachusetts [Mr. LODGE], whose views upon the matter are usually sound—

Mr. LODGE. Whether this is a privileged resolution?

Mr. WALSH of Montana. I presume there is no doubt about its being a privileged resolution; but the question is—of

course, it involves that as well—is it a privileged resolution, and if it is a privileged resolution, will an objection by one Senator carry it over the day?

Mr. LODGE. If it is a privileged resolution, I should suppose not.

Mr. WALSH of Montana. I should think so.

Mr. NORRIS. Mr. President. I do not think there is any doubt but that it is a privileged resolution.

The PRESIDING OFFICER. The Senator from Montana asked unanimous consent for the consideration of the resolution, and the Chair was proceeding upon the request preferred by the Senator from Montana.

Mr. WALSH of Montana. The Chair was quite right. If I am in order, then, Mr. President, if the Senator will pardon me, I move that the Senate proceed to the consideration of the resolution just offered by myself.

The PRESIDING OFFICER. That the Chair holds to be a privileged motion.

Mr. WADSWORTH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from New York? The Senator from Alabama has the floor.

Mr. HEFLIN. For a question.

Mr. WADSWORTH. I notice that the Senator from Montana has made a motion that the Senate proceed to the consideration of the resolution offered by him.

The PRESIDING OFFICER. The Senator from Alabama yielded to the Senator from Montana, as the Chair understood, and, having yielded, the Senator from Montana made a motion which the Chair deemed to be privileged.

Mr. WADSWORTH. Just so. I am not addressing myself to that side of it, but I am wondering if there is any objection in the Senate to giving unanimous consent to have the unfinished business temporarily laid aside in order that this resolution may be acted upon. The motion of the Senator from Montana would displace the unfinished business.

Mr. WALSH of Montana. I shall be very glad to change it in that way. I ask unanimous consent that the unfinished business be temporarily laid aside for the purpose of considering the resolution tendered by me.

The PRESIDING OFFICER. Is there objection?

Mr. BURSUM. I object.

Mr. WALSH of Montana. Then I renew my motion.

The PRESIDING OFFICER. The question is upon agreeing to the motion of the Senator from Montana.

DEMAND TO PUNISH WITNESSES WHO REFUSE TO TESTIFY IN SENATE INVESTIGATION.

Mr. HEFLIN. Mr. President, this is a very important resolution. Action ought to be taken on it now. As one Senator, I want to enter my protest against any dilly-dallying method that may be employed now or hereafter concerning witnesses summoned here to testify and who refuse to give testimony. I want quick and rigid action taken regarding them. They invite it. Let us respond in a way that will be felt and heeded.

I am in favor of bringing Mr. Sinclair, the oil king, before the Senate now, in addition to what we have done in turning him over to the investigation of the grand jury of the District of Columbia. The Senate itself ought to punish him for contempt. I am in favor of turning him over to the Sergeant at Arms and imprison him until he is willing to testify. No man in this country, I do not care whether he is worth a million or a hundred million dollars, has a right when called by the Government to testify to strut around this Capitol and ignore or defy the constituted authorities of the Nation. Are we going to have two standards of conduct in the United States—one for the pompous rich and another for the struggling poor? Are some men going to be permitted to employ learned lawyers who will advise them to refuse to testify and hide them away in a maze of technicalities, and thus dodge, evade, and trample upon the lawful processes of the United States Government?

Mr. BURSUM. Mr. President—

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from New Mexico?

Mr. HEFLIN. I yield to the Senator.

Mr. BURSUM. I see that this matter is going to result in considerable discussion, and I do not regard it as sufficiently important—

Mr. HEFLIN. I can not yield to the Senator for a speech. I thought the Senator wanted to ask me a question.

Mr. BURSUM. Just a minute. I want to save time. I am going to save some time.

Mr. HEFLIN. The Senator is not going to save me any time, because I am going to discuss this resolution now.

Mr. BURSUM. I desire to withdraw my objection.

The PRESIDING OFFICER. The Senator from New Mexico having objected to the unanimous-consent request preferred by the Senator from Montana, and the question being privileged, the Senator from Montana then made a motion that the Senate proceed to the consideration of the resolution, and that motion is now under discussion. The withdrawal of the Senator's objection to the unanimous-consent request does not go to the question now before the Senate.

Mr. HEFLIN. Now, I want to proceed. The Senator can speak later in his own time.

Mr. BURSUM. Mr. President—

The PRESIDING OFFICER. Does the Senator from Alabama yield further to the Senator from New Mexico?

Mr. HEFLIN. Not now.

Mr. BURSUM. I simply desire to ask unanimous consent that the matter be taken up and disposed of.

Mr. HEFLIN. Not just now.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. HEFLIN. The Senator is too late. Judgment time has come.

Mr. BURSUM. All right; go ahead.

Mr. HEFLIN. Mr. President, there ought not to be a single objection in this whole Senate to a matter of this kind. No Senator ought to be found within the confines of this Chamber who will object to a proceeding of this character. Desire for immediate action ought to be unanimous. We ought to be of one mind when a proposition like this comes up.

What are we doing here in the Senate? Are we here for the purpose of protecting crooks and criminals in Federal office and aiding them in dodging and evading punishment and helping them to prevent the Government from obtaining pertinent and valuable testimony, or are we here to represent the Government and to try to preserve in all their integrity the civic institutions of our country?

Mr. President, I am astounded at some of the things I have witnessed here recently. On yesterday the Senator from Missouri [Mr. SPENCER] made a lengthy speech in a way defending Sinclair's effort to evade testifying before the committee of which he is now a member. He had just a moment before voted for the resolution which in effect requested the grand jury of the District of Columbia and the district attorney here to indict Sinclair. The RECORD would show that the Senator from Missouri favored having the district attorney and the grand jury take him over, and his speech would show that he was not in favor of doing anything until the highest court in the country should pass on it finally. This Government is nearly 150 years old. Certainly it has the power to protect itself. Certainly Congress has the right to create a court and empower that court to sit in witnesses, and if they refuse to come in and testify, that court can fine or put the witnesses in prison for contempt of court. Then can it be said that the creator, authorized to establish courts and empower them to do these things, has not itself authority to compel witnesses to come and testify? Such a contention is simply ridiculous.

If Congress can set up a body and give that body power to bring in a witness and compel him to testify or punish him, certainly the Congress itself conducting an investigation can compel witnesses to come and testify.

The Senate ought to take a decisive stand on this matter. The Senate ought to make an example of Mr. Sinclair. Now, what have you done? He has set an example and a precedent; and here comes a Government official, Mr. Chase, the son-in-law of Mr. Fall, and he declines to testify, upon what ground? Upon the ground that it might incriminate him. What does he admit by that? He admits that he has done something or he knows something of a criminal nature, still holding office under this administration, and refusing to aid the Government itself in ferreting out crime and punish the criminal. The Senator from New Mexico rises and objects to the consideration of the proposition when it is brought up in the Senate. He says Chase may resign. I repeat, have we two standards of conduct for people in this country? You take the poor wretch who would refuse to testify and put him in prison, but you let the big fellows resign. Is that the situation with this Government? Mr. President, the people are entitled to know and they are going to know the truth about these things.

Mr. NORRIS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Nebraska?

Mr. HEFLIN. I yield.

Mr. NORRIS. I would like to call the attention of the Senator from Alabama, and particularly the attention of the Senator from New Mexico, to the fact that even if Chase does resign, that is no reason why he should not be impeached. A resignation, as a matter of constitutional law, will not defeat

an impeachment and the trial of the offender by the Senate, even though he may have resigned before the impeachment was commenced.

Mr. ROBINSON. That is particularly applicable where the resignation comes after the facts upon which proceedings against the officer had been developed.

Mr. NORRIS. I did not understand the remark of the Senator.

Mr. ROBINSON. The suggestion is particularly forceful where the facts have already developed which would justify charges against the officer. He can not escape by resigning after the charges have been developed.

Mr. NORRIS. No; the House of Representatives can proceed just the same if he resigns to-day as though he did not resign at all, and the action is not at all dependent upon the man being an officer at the time of the impeachment or the trial. That is clearly established.

Mr. ROBINSON. That was decided a half century ago.

Mr. NORRIS. Yes; that is true.

Mr. HEFLIN. Mr. President, the Senator from Nebraska and the Senator from Arkansas are absolutely correct in that. Why should we permit one of these men to treat the committee in this fashion, treat the Senate in this fashion, and treat this important arm of the Government in this fashion, and then say, "I will resign, step down and out, and then I am beyond your reach and control"? Of course, we should not permit such a thing to be done.

These things are enough to arouse the righteous indignation of every man in both branches of Congress and of every official in the Federal Government. Yet a week ago Mr. McKimney testified that this Government official came to him and asked him if he would not say that he had loaned this money, \$100,000, to Mr. Fall, asking an American citizen to tell a lie to help protect a man bribed in office while in the President's Cabinet. A week has passed and no official of the Government has acted, and Chase has remained in office and he has not been disturbed.

Mr. President, these things should not continue. Why does not the President remove Chase and men like him when things of this kind come out? We have a right to ask these questions. Some of us are fighting an important battle here. God knows there is much to be done, and how we are hampered in what we are trying to do. We can not get unanimous consent to consider a proposition of this character. A man comes up and says, "I will not testify, because I have done something, or I know something that will affect me injuriously and might cause me to be prosecuted." "Who are you?" "I am holding a Federal office under the President."

Then the Senator from New Mexico [Mr. BURSUM] says, "He has resigned, or he is ready to resign." Do you want to walk up to him and fan him gently and say, "Will you not resign? If you will not testify, will you not please resign"? And just let him say, "Well, I do not believe I will resign, because the way you are acting I do not think you will make me resign, and I believe I will just hold on to my job." And in effect say: "I have been in here a week or more since this damaging testimony came out, since this testimony has developed that I have been instrumental in defeating justice and trying to get somebody tell a falsehood in order to protect a former Government official in doing wrong to the hurt and injury of the Government."

Oh, Mr. President, it is high time that we were waking up here in this Capital. I want to say this—and I do not intend to speak longer this morning—the district attorney in this city stated yesterday, so the newspapers say, that he is going right after the prosecution of Mr. Sinclair vigorously. I hope he will.

If something is not done within a week, I want Mr. Sinclair brought in here for immediate consideration. I see no reason why we should not bring him here. But if those in charge want the grand jury to have an opportunity to act, if they will act speedily, all well and good, but action must be had. This man can not come here to the Capital of the Nation and brazenly defy the constituted authority of the Government of the United States and get away with it.

Mr. President, if that situation prevails, the time will come when the crooks that now infest the Government will not only become more impudent and arrogant, but they will escape punishment for their crimes. They will laugh at the constituted authorities of the country and say, "Oh, well, they can not make you testify unless you want to. You can just say, 'It might incriminate me, and therefore I decline to testify,' and walk out of the committee and still remain in office or go back to your place of business."

I can not understand the disposition and the spirit that I see manifested in some people. I can not understand it at all.

There should not be any secrets kept from the Government where the wholesome, healthful life of the Nation is at stake. There should not be any confidential notes or reports in departments that vitally affect the welfare of the Nation where corruption and crooked conduct on the part of officials are involved. Is it right and proper to protect the unfaithful officials who commit these crimes to the hurt and injury of the Government that we as guardians have sworn to protect and defend? Whom do we represent here? If this situation continues here for many more weeks, I am going to ask some very pertinent questions. If we must wait until we can have a judicial decision on Mr. Sinclair's conduct, I am in favor of bringing him before the Senate and having him turned over to the Sergeant at Arms. Let him stay in prison while the court is passing on the issue raised by his refusal to testify at the request of the Senate of the United States.

I want to emphasize this point before I close: That we have reached a time in the life of this Nation when we should unmistakably declare what are the paramount and supreme things in this Government, fidelity to duty, honesty, and integrity in public service, or corruption in office, crime in high places, and utter betrayal of public trust. That is the battle that is on today in this Nation, as sure as you live, Mr. President, and I live, and God reigns. Crookedness, corruption, crime are gnawing at the very vitals of the Nation, and crooks in high places are going upwhipped of justice, and nothing is being done by those who have the power to put the crooks and criminals out.

That is all I have to say this morning.

Mr. DILL. Mr. President, I can not agree with the Senator from Alabama in the suggestion he makes regarding what should be done with Mr. Sinclair. I believe that we have taken the only course which we can legally take in the face of Mr. Sinclair's refusal to testify, for the reason that Congress many years ago provided by statute the method whereby a witness should be punished when he refused to answer questions of a committee of the House or Senate. When the Congress has specifically provided by statute that a certain procedure shall be followed, then I believe it has lost its right to proceed by another method, and for that reason I think we have taken the only course which can properly be taken in dealing with Mr. Sinclair.

I want to suggest why I think Mr. Sinclair refused to testify. As I said a few days ago, the agitation in this country for stopping these investigations began when we got too close to some of the big men and some of the big deals. If Mr. Sinclair had submitted himself to answer questions and brought in the books of the Hyva Corporation, which was his personal corporation, we would have found out what happened to all the 500,000 shares of Sinclair stock which he took over and delivered to that organization, and that would have produced some very damaging evidence, probably, as to who was benefited by this lease in addition to Mr. Sinclair and those immediately associated with him.

I think it is pertinent at this time to call attention to some of the facts which have developed in the Committee on Public Lands and Surveys since the efforts to stop this investigation were started. Since that agitation was started we have shown that the story that was concocted by Mr. Fall to deceive the committee as to where he got the \$100,000 was concocted in Atlantic City by Mr. McLean and Mr. Fall. Mr. McLean testified that he went there at the request of Mr. Fall and that the story was then and there agreed upon for the purpose of telling it to the committee.

We have developed the fact, further, that Mr. Price McKinney, of Cleveland, had been asked to tell the same story before Mr. McLean was asked.

We have developed the further fact that an officer of the Government, Mr. Chase, collector of customs in El Paso, has attempted to suborn perjury by going to Mr. Price McKinney in compliance with the request of Mr. Fall.

We have developed further that Mr. Sinclair, the man who secured one of these leases, contributed at least \$75,000 to pay up the campaign deficit of the party whose officials gave him the lease. Only yesterday we had presented before the committee what I think is one of the most effective analyses of these leases that has yet been made. Mr. W. W. Tarbell, an old man, analyzed these leases and made clear their weaknesses in such a complete manner that I want to present just a small part of his testimony to show some of the weak points he brought out.

He said, first, that this Teapot Dome lease was not granted with open bidding; that it was under cover, without the payment of a bonus; and he called attention to the fact that even wildcat leases, made for farm lands where there is no oil

known of at all, pay a bonus of at least \$1 an acre, and that it runs from that up to as high as \$10,000 an acre sometimes.

He said, in the second place, that this lease carries an attractive but deceptive royalty. He developed the fact that under this lease it is to the advantage of those holding it to keep down the production of these wells in order to keep down the royalty. Then he showed how, with almost mechanical regularity, the production of the wells has been kept down.

He called attention, in the third place, to the exclusive concession for pipe-line transportation of these royalty oils, so that there is no bidding on the carrying of the oil.

Fourth, he showed that it put into the hands of Mr. Sinclair a noncompetitive sale or exchange privilege of the oil to the value of the royalty for supplying the Navy.

Most of all, he showed that the securing of the leases on the Teapot Dome gave to the Standard of Indiana, and its associated organizations that were developed since, the power to control the price of crude oil in the country in their respective districts, and that its greatest value was that connecting link that gave the oil monopoly a chance to control the price of crude oil. He showed that since the lease was completed, or shortly afterwards, they were able to lower the price of crude oil 70 per cent while they lowered the price of gasoline only 22 per cent.

It seems to me that any one of these matters almost would justify our having gone ahead with the investigation. It is true that sometimes we have investigated rumors. It is true that some of the testimony is not pertinent and is not important. But when we consider the fact that we have had no assistance from that branch of the Government that ought to assist, namely, the Attorney General's Department; when we consider the fact that we have had no trained investigators in connection with the committee, the remarkable thing is that there has not been more inconsequential testimony than we have had. By the tedious and persistent processes carried on particularly by the Senator from Montana we have gradually but surely unearthed this great conspiracy. I believe if we continue we may be able to get all the facts that can humanly be gotten by the methods we are now using.

I think Mr. Sinclair's attitude in this case is the most contemptible that has been shown in many years. Refusing to give any testimony to the committee, he then gave interviews to the newspapers and said he was willing to tell the people these facts but would not tell the committee. I believe that he will be found guilty, and I hope that he will be put in the common jail and kept there for the maximum period provided by law, and thus the people of the country may know that the big millionaire, who has already gotten forty or fifty million dollars out of the one-fourth interest he transferred to the Hyva Corporation, must suffer the penalty that would come to any common, ordinary citizen who should commit a much smaller offense.

Mr. NORRIS. Mr. President, I did not intend to say anything on this question, but I do not want my silence to be misunderstood on the question that has been discussed by the Senator from Washington [Mr. DILL] and also by the Senator from Alabama [Mr. HEWERS]. I intend in this matter to follow the lead of the Committee on Public Lands and Surveys, particularly the Senator from Montana [Mr. WALSH]. I think when a person employs an attorney he ought to follow his advice, even though he does not always agree that just the proper method has been taken. If the committee or the Senator from Montana does not want to proceed any further with Mr. Sinclair than has been done, I shall accept that decision, because the burden is going to be on the committee and has been on the committee in the investigation, and I want them, as long as they are acting fairly and judiciously, as they have been, in my judgment, in the past, to have their leadership unquestioned.

But, Mr. President, I do not agree with the Senator from Washington [Mr. DILL], much as I admire him, in the proposition that when we certify to the prosecuting attorney the failure of Mr. Sinclair to answer questions asked him by the committee our duty is complete or that we have by that action made it impossible for us to bring him before the Senate and turn him over to the Sergeant at Arms to be held in jail until he does answer the questions. I think we can, and I think we ought to, follow both methods. The statute which was read here Saturday provides that when a witness appearing before a committee of the Senate refuses to answer he has thereby committed a crime, and when that is certified to the prosecuting attorney it shall be the duty of the prosecuting attorney to take it before the grand jury with the view of getting an indictment, and after that a trial and then a conviction and then punishment. But that crime was completed, absolutely

completed, in every sense when he refused to testify. He would not clear himself from that crime except as a matter of punishment which might be taken into consideration, but he would not clear himself of the crime if the next day he came back and offered to answer the questions.

I want to call attention to the fact that in my judgment when he refused the commission of the crime was complete. Of course, it must be a question that the committee had a right to ask. That would be determined in due time in court procedure. But then we have not succeeded in getting the testimony. He has still frustrated the will of the committee and of the Senate in making the investigation. We have first the right to declare him in contempt and turn him over to the custody of the Sergeant at Arms to be confined in jail until he answers the question. That is not a criminal procedure. That is something of which he can relieve himself in a minute by answering the questions. When he does signify a willingness to answer the questions, or answers them here in the Senate, he has relieved himself of that contempt procedure absolutely.

There is then nothing left of that, but he has not relieved himself of the crime which he committed, which is made a crime by statute and for which he can be punished. It seems to me it is in the nature of a replevin suit where a man, for instance, has stolen a horse. The crime of stealing the horse is complete just as soon as he feloniously takes it. He can bring it back to the owner the next day and say he is sorry for stealing it, but he has not purged himself of the crime. The court, it is true, in administering sentence in that kind of a case, would be lenient, but the crime in all its qualities still exists. After the horse is stolen the owner can proceed to replevin the horse. That is a civil suit. The man can end the civil suit in a moment by turning the horse over to the owner and saying "I quit on this replevin suit," but it does not affect the criminal suit in any degree.

Mr. DILL. Mr. President—

The PRESIDING OFFICER (Mr. CARAWAY in the chair). Does the Senator from Nebraska yield to the Senator from Washington?

Mr. NORRIS. I yield.

Mr. DILL. Does the Senator know of any instance, in either the House or the Senate, where they have proceeded by that method since the enactment of the statute of 1857?

Mr. NORRIS. No; I do not. I will say to the Senator that in my judgment we could proceed in that way if we had no statute.

Mr. DILL. I agree with the Senator that we could do so if there were no statute.

Mr. NORRIS. I understood the Senator to infer by his question that there was no statute authorizing the procedure I have advocated.

Mr. DILL. I agree with the Senator if there were no statute, but my contention is that when the House and Senate and President have made a statute they have thereby settled the procedure as to that particular action.

Mr. NORRIS. No; they have settled the procedure as far as the commission of the crime is concerned. Here are two things. First is a crime made out by statute. It would not be a crime if it were not for the statute. The other is a proceeding to get the evidence entirely independent of the crime. That is inherent in the Senate. Unless it is, then we can not compel anybody to answer any question on earth. It is inherent in a court. We can compel a man to testify or go to jail and stay confined in jail until he is willing to testify.

That is the procedure to get evidence. That is not a procedure to punish for crime. The other thing is a crime, a statutory crime, completed the moment he refuses to testify. This is a civil procedure, the object of which is to compel him to testify to get evidence. It goes with every investigating body. Every organization, judge, court, committee, or legislative assembly that has any authority to investigate must have authority to compel witnesses to answer questions; otherwise such an investigation would be a farce. The procedure which, it seems to me, we ought to follow is to get that evidence, and that would bring results quicker than the other method. I favor the other.

I am not opposing the sending of the matter under the resolution to the district attorney. I voted for it. I think that is all right. Let them go on. But if we brought Mr. Sinclair before the bar of the Senate and he refused to answer, and we ordered that he should be confined in jail until he did answer, he would commence habeas corpus proceedings the same day, and we would immediately have determined whether or not the Senate has any authority to investigate or to ask questions

of witnesses, and if so, whether the questions were properly propounded and were within the jurisdiction of the committee under the resolution that gave them authority to make the investigation.

I only wanted to say this much, so that in the future it would not be said that by my silence I have indicated that I thought we could not have both remedies. I am going to follow whichever course the Senator from Montana [Mr. WALSH] wants to take. If he thinks it better to take only one instead of two, I am going to submit my judgment to his.

The PRESIDING OFFICER. The question is on the motion of the Senator from Montana [Mr. WALSH], that the Senate proceed to the consideration of the resolution (S. Res. 195).

The motion was agreed to, and the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is now upon agreeing to the resolution.

Mr. NORRIS. I think we ought to have the yeas and nays.

Mr. HEFLIN. I think so, too.

Mr. NORRIS. I call for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. SMITH (when his name was called). I have a general pair with the Senator from South Dakota [Mr. STERLING]. I transfer that pair to the Senator from Mississippi [Mr. HARRISON] and vote "yea."

The roll call was concluded.

Mr. NORRIS. I have been requested to announce that the senior Senator from Minnesota [Mr. SHIPSTEAD] is detained from the Senate on account of illness. If he were present, he would vote "yea."

Mr. OVERMAN. I have a general pair with the Senator from Maine [Mr. FERNALD]. I understand, however, that if he were present, he would vote as I intend to vote. I therefore vote. I vote "yea."

Mr. DIAL. I have a general pair with the Senator from Colorado [Mr. PHIPPS], which I transfer to the Senator from Montana [Mr. WHEELER] and vote "yea."

Mr. FLETCHER. I desire to announce that my colleague, the junior Senator from Florida [Mr. TRAMMELL], is unavoidably absent. He has a general pair with the Senator from Rhode Island [Mr. COLT]. If present, my colleague would vote "yea."

Mr. CURTIS. I wish to announce the following general pairs:

The Senator from Rhode Island [Mr. COLT] with the Senator from Florida [Mr. TRAMMELL];

The Senator from Illinois [Mr. MCCORMICK] with the Senator from Oklahoma [Mr. OWEN]; and

The junior Senator from Kentucky [Mr. ERNST] with the senior Senator from Kentucky [Mr. STANLEY].

I am not advised as to how these Senators would vote on the pending matter if they were present.

I desire also to announce the absence of the Senator from South Dakota [Mr. NORBECK]. If he were present, he would vote "yea."

Mr. GERRY. I wish to announce that the Senator from Mississippi [Mr. HARRISON] is necessarily absent. He is paired on this vote with the Senator from South Dakota [Mr. STERLING]. If present, the Senator from Mississippi would vote "yea."

I also wish to announce that the Senator from Missouri [Mr. REED], the Senator from Tennessee [Mr. SHIELDS], the Senator from Massachusetts [Mr. WALSH], the Senator from Kentucky [Mr. STANLEY], and the Senator from Oklahoma [Mr. OWEN] are all necessarily absent. If present, they would all vote "yea."

Mr. WALSH of Montana. I wish to announce that my colleague [Mr. WHEELER] is detained from the Senate on account of illness. If present, he would vote "yea."

The result was announced—yeas 71, nays 0, as follows:

YEAS—71.

Adams	Edge	Keyes	Reed, Pa.
Ashurst	Edwards	King	Robinson
Bail	Ferris	Ladd	Sheppard
Bayard	Fess	Lodge	Shortridge
Borah	Fletcher	McKellar	Simmons
Braudegee	Frazier	McKinley	Smith
Brookhart	George	McLean	Smoot
Broussard	Gerry	McNary	Spencer
Bruce	Glass	Mayfield	Stanfield
Cameron	Gooding	Moans	Stephens
Capper	Hale	Neely	Swanson
Caraway	Harrell	Norris	Underwood
Copeland	Harris	Oddie	Wadsworth
Couzens	Healin	Overman	Walsh, Mont.
Curtis	Howell	Pepper	Watson
Dale	Jones, N. Mex.	Pittman	Weller
Dial	Jones, Wash.	Ralston	Willis
Dill	Kendrick	Randell	

NOT VOTING—25.

Hursum
Cott
Cummings
Elkins
Ernst
Fernald
Greene

Harrison
Johnson, Calif.
Johnson, Minn.
La Follette
Leuroot
McCormick
Norbeck

Owen
Phipps
Reed, Mo.
Shields
Shipstead
Stanley
Sterling

Trammell
Walsh, Mass.
Warren
Wheeler

So the resolution submitted by Mr. WALSH of Montana was agreed to.

AMENDMENTS TO THE CONSTITUTION.

Mr. BRANDEGEE. I move that the Senate resume the consideration of the unfinished business, which was temporarily laid aside when it was under consideration last evening.

The PRESIDING OFFICER (Mr. LONG in the chair). The Senator from Connecticut moves that the unfinished business, which was temporarily laid aside on yesterday, be now taken up.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 4) proposing an amendment to the Constitution of the United States relative to the adoption of amendments thereto.

Mr. SMITH and Mr. SMOOT addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from South Carolina.

STATISTICS OF COTTON.

Mr. SMITH. Mr. President, attention was called by me some days ago to an overestimate of 579,000 bales in the report of the Census Bureau as to the amount of available cotton for spinning purposes for the year 1923-24. That discrepancy has been brought about by the action of the Census Bureau. This is a matter which I think will interest every Senator here, because it shows a condition in one of our bureaus which has worked tremendous disaster to the producers of one crop and calling attention to the matter may lead to a correction. I hope, in the other departments, if like abuses shall be there discovered.

There was an overestimate of 579,000 bales in the census report in the amount of cotton for distribution. From the figures ascertained from the consuming establishments, over and against the figures obtained from the ginners, from imports, and what was known as the "city crop," was subtracted domestic consumption, exports, and destruction by fire, then the accurate enumerated checkable figures as to supply were added, and from these were subtracted the checkable figures as to exports, consumption, burning. The consuming establishments and warehouses were then asked what stock of cotton they had on hand. The reply was that the amount was 579,000 bales in excess of what the bureau found by subtracting their known figures of distribution from their known figures of supply.

We called a meeting of Senators representing the cotton-growing States and protested against the Census Bureau putting in an item under the heading "to balance distribution" of 579,000 bales.

After numerous meetings with the chief statistician and with Mr. Stewart, the chief of the bureau, we found it impossible to reach any agreement. Finally Mr. Hoover came before us and suggested that in place of a Senate investigation of the whole matter, if he were allowed to do so with our concurrence, he would appoint a committee of five expert statisticians to consider the matter in all of its phases and bring in a report. That committee was composed of statisticians of national reputation, one of them at least being connected with the department of economics in one of our leading universities—Cornell University. They went over the situation and as a result they reported that they deducted 355,860 bales from the supply as being beyond the possibility of accounting for at all, but they leave in the body of their report a doubt as to the accuracy of the remaining amount making up the 579,000 bales.

Mr. President, I am very much gratified at the result of the investigation by this committee. They doubtless would have found, had they had the technical knowledge of the method of ascertaining these statistics, a larger amount, but they have done remarkably well and their statement is very clear. The fact remains, however, that on account of more than a half million bales being arbitrarily lugged into this account since August, 1923, up to date, the cotton market has suffered a decline that has meant millions of dollars to the producers.

This is but one item. I want the committee of southern Senators to join me and ascertain to what extent the report from the Commerce Department is accurate as to the world supply of cotton. There is a question with reference to that involving in the neighborhood of 2,000,000 bales.

Mr. SHORTRIDGE. Mr. President, to what does the Senator attribute the decline in the market to-day?

Mr. SMITH. I think one of the reasons why the market has declined is because, by virtue of these excess amounts added to the supply, they have been led to believe that there will be enough cotton to run the spindles until the new crop comes in; and then they will begin, or they have already begun, speculating as to the size of the incoming crop. I think these two elements have entered in largely, and I think there is another element, perhaps. This is a mere matter of opinion on my part, but I think there are certain influences that are determined to destroy the possibility of cooperative marketing. Our cooperative organizations in the South have on hand a certain amount of cotton. Not being able to name the price, by virtue of not having control of a sufficient percent of the cotton to fix the price themselves, they must be dependent upon the price current, and can only hope to affect the market by holding from the market for a reasonable time this cotton that may be needed; and now that practically the amount of cotton still on hand is held by these cooperative marketing associations, if the price can be forced down now so that the members of the cooperative associations will have to take less than those who are not members, the result necessarily will be disaster upon the morale of the cooperative marketing associations.

I believe that is one feature of this decline; but the fact remains that neither the wheat growers nor the cotton growers may hope for any better condition than that that has been occurring and reoccurring from the time these markets have been established until they have organized themselves sufficiently strong to manage and market and finance their own output. I think this Government ought to devote itself and its energies to aiding the agricultural interests of this country so to finance and distribute their produce as to compete with the organizations and trusts that control the price of the things the farmer has to buy.

Mr. SHORTRIDGE. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER (Mr. ASHURST in the chair). Does the Senator from South Carolina yield to the Senator from California?

Mr. SMITH. I yield.

Mr. SHORTRIDGE. I have listened heretofore with great profit to the remarks of the Senator touching this particular product. I have understood the Senator to express the opinion that the price of American cotton has been fixed by foreign manipulation; that for some reason we seem to be unable to fix the price of this great American product. How can the Government meet that difficulty, assuming the fact to be as indicated?

Mr. SMITH. I do not think the Government can fix the price. I do not think the Government ought to fix the price. I think the Government should aid and encourage the producer so to organize himself that ultimately he can control his price within the same bounds that other organizations control their price. I think it ought to lend every aid that it can, and even strain a point so to finance the farmer's product and so to aid him in his organizing effort as ultimately to bring him to a point where, through cooperation and the pooling of his product—be it wheat, be it cattle, or be it cotton—he can at least have a say-so in the price of the article that he gives to the world.

Mr. SHORTRIDGE. I do not mean to interrupt the Senator; but, in the Senator's opinion, would it be necessary to modify the Sherman law—to liberalize, if you will, the provisions of the Sherman so-called antitrust law—to achieve the object in view?

Mr. SMITH. We have already done that. We now have laws exempting these farm organizations from the operation of the Sherman antitrust law, and I think that was a very worthy act on the part of Congress, recognizing the fact that these cooperative organizations were for the purpose of protecting their members against the encroachments of other organizations who were operating in violation of the spirit, at least, if not of the text, of the Sherman antitrust law.

Mr. SHORTRIDGE. Then in its final analysis it is up to the people to organize, and in that way seek to control?

Mr. SMITH. Yes; and I think it is up to us to recognize the fact that the financing of agriculture does not fall in the same class as providing banking facilities for commerce. They are not in the same class.

Let me use an illustration. Suppose any woolen manufacturer or any cotton manufacturer took nine months to so manipulate his raw material and adjust his machinery that when it was so manipulated and adjusted he would be forced within 30 days to turn out a 12 months' supply of woolen or

cotton goods—9 months or 10 months taken in the processes of developing, and 30 to 60 days taken in turning out the completed product—whereas now he has a commercial asset every day to meet the commercial liabilities incurred in its production. In other words, he produces a part of his year's crop every day. The farmer only produces it once in 12 months. The statement has been made, here on the floor of the Senate and elsewhere, that it takes 12 months for the farmer to have a turnover in his business. It takes 24 months—12 months to produce, and the subsequent 12 months to distribute. We ought to have some banking arrangement by which, within legitimate, conservative bounds, his business could be financed for his benefit as the 30, 60, and 90 day paper now meets the needs of commercial paper. We ought to address ourselves to that, because in the last analysis the farmer's independence is going to depend upon his control of the thing that he produces in the market place.

It is monstrous for us in America to wait every morning for Liverpool to determine the price of a great American monopoly; to have every buyer and every millman in America wait for the cablegram to bring a statement of what a foreign country, dependent upon American cotton, is willing to give to America in return for her incomparable gift to the world—what she will give us for the result of our labor and our work.

Mr. SHORTRIDGE. Mr. President—

The PRESIDING OFFICER. Does the Senator from South Carolina further yield to the Senator from California?

Mr. SMITH. I yield.

Mr. SHORTRIDGE. The Senator will bear in mind that I am not questioning him for any other purpose than to show that I am deeply interested in this subject, because we are raising a great deal of cotton in California and increasing the acreage every year. Hence I am very deeply interested in the remarks of the Senator.

Mr. SMITH. Mr. President, I rose to call attention to the report of this unprejudiced and unbiased committee. As I said, they have reported that there are, in round numbers, 400,000 bales as to which no legitimate reason or account can be given for their having been inserted in the published statement as to the amount of cotton to be available for the world's use.

Mr. President, in conclusion I want to make one statement. I have been more or less impressed that our great market places, properly controlled, have been a great factor in creating a broad market for the different products of the country. I still believe that. I believe that there should be a place where buyer and seller may reflect their different desires; but I am opposed to the prostitution of that market place for gambling purposes. I do not want to destroy a market place. I want to drive out of it those who would prostitute the market place; and I am persuaded that the unlimited short selling of either wheat or cotton is absolutely unwarranted in morals, and should not be allowed under the law. The idea of a man having the power to go on the market and sell any amount of a given commodity when he does not own a pound of the commodity itself, and never intends to own it, but simply intends to reap a reward, if any there be, in the way of the difference between the price at which he sells it and the price at which he ultimately settles is monstrous. I think we should enact legislation forbidding men with tremendous capital at their disposal going upon the market places for grain and for wool and for cotton and selling, without let or hindrance, any amount that they see fit, with its inevitable effect upon the market; and I think that if no other Senator does it I shall introduce an amendment to the present cotton futures act looking toward some restraint on this unlimited onslaught on the market by those who do not intend to handle a pound of the article, but simply to manipulate the market at their own will.

Mr. HARRIS. Mr. President, I desire to say that I served on the committee with the Senator from South Carolina, and I want to concur in all that he says. He failed, however, to give the name of the committee that has done such splendid work, and I want to know if he will not put that in.

Mr. SMITH. I ask the privilege of inserting this report in the Record.

The PRESIDING OFFICER. The Senator from South Carolina asks unanimous consent to insert in the Record a certain statement. Is there objection? There being none, the statement will be inserted in the Record.

The matter referred to is as follows:

The result of the efforts of the investigation of Mr. Hoover's cotton committee is to make several important changes in the figures of the report in dispute, namely, that of August 18, 1923. The leading item of contention was 579,504 bales which appeared in that report under the head of "To balance distribution." In the revised report of the

committee this item shows as 355,868 bales, with the following explanation:

"It is impossible to determine just how much of this may be due to further duplication in mill and warehouse stocks or to the understatement of stocks and carry over at the beginning of the year. The committee recommends that in future statements of the Census Bureau no attempts be made to balance the figures of supply and distribution. The Census Bureau should issue figures which are the result of enumerations, avoiding estimates."

WASHINGTON, D. C., March 25, 1924.

HON. HERBERT HOOVER,

Secretary of Commerce, Washington, D. C.

Sir: In calling into existence the committee which signs this report you outlined its purposes, as follows:

"A contention has arisen over the methods of the Census Bureau in cotton statistics and also over the accuracy of a cotton statement issued last August. There is also a question as to whether the bureau has sufficient authority to secure adequate information on the subject. With a view to having independent advice on the entire matter I have arranged with the Senators from the cotton States that a committee should be appointed of leading statisticians on commerce to examine into the whole matter."

The work of the committee therefore falls under these heads:

- (1) To study "the methods of the Census Bureau in cotton statistics."
- (2) To determine "the accuracy of a cotton statement issued last August." The figures of this report are as follows:

SUPPLY.		Bales.
Aggregate		13,610,218
Stocks Aug. 1, 1922, total		2,831,553
In consuming establishments, total	1,218,388	
In cotton-growing States	531,312	
In all other States	687,076	
In public storage and at compresses, total	1,488,165	
In cotton-growing States	1,123,101	
In all other States	365,064	
Elsewhere (estimated)	125,000	
Ginnings		9,720,308
Imported Aug. 1 to July 31, 1923		469,954
To balance distribution		579,504
DISTRIBUTION.		
Aggregate		13,610,218
Consumed Aug. 1, 1922, to July 31, 1923, total		6,664,710
In cotton-growing States	4,248,525	
In all other States	2,416,185	
Exported Aug. 1, 1922, to July 31, 1923		4,822,589
Burned		35,000
Stocks July 31, 1923, total		2,087,919
In consuming establishments, total	1,089,230	
In cotton-growing States	532,203	
In all other States	557,027	
In public storage and at compresses, total	938,689	
In cotton-growing States	752,888	
In all other States	185,801	
Elsewhere (estimated)	60,000	

- (3) To determine "whether the bureau has sufficient authority to secure adequate information on the subject."

- (4) To make recommendations for improving the methods of collecting and presenting cotton statistics by the Bureau of the Census.

Your committee has given consideration to these matters in the order thus indicated.

I. METHOD.

The Bureau of the Census under authority of an act of Congress approved July 22, 1912, obtains from ginneries, manufacturers, and warehousemen information on the supply and distribution of cotton. It also obtains through the Bureau of Foreign and Domestic Commerce records of imports and exports. From these sources the statement of the supply and distribution is prepared. The various items under the heading of "Supply" are obtained in part through the agency of employees of the bureau and statements by the ginneries and warehousemen. On the other hand, the figures under "Distribution" are obtained through correspondence without the authority either to verify statistics furnished to employees of the bureau or to make actual counts of the cotton in storage places. As a result, the opportunities for duplication and other errors in the statistics of distribution are greater than in the statistics of supply.

It has been the custom of the Bureau of the Census at the close of each cotton year to present in a single statement the figures of supply and of distribution. In view of the different methods employed in obtaining the two sets of figures it is not at all surprising that there should be marked discrepancies between them. Each year a difference has appeared and on a few occasions it has been significant. In these discrepancies we have found no evidence of any willful misstatement of figures by any of the informants or by the employees of the bureau. It has been the custom of the Bureau of the Census in making its annual statement to attempt, unfortunately, as we think, to balance the figures for supply and those for distribution by adding the requisite number of bales to the supply. The committee has

found no instructions to this effect in any act of Congress and doubts the wisdom of continuing the practice. It is in this way that the disputed figure, 579,405 bales, in the report of August 18, 1923, had its origin.

II. ACCURACY.

Representatives of the committee have made an exhaustive study of the data at the bureau and in the field as the time available would permit and have sought to verify these data through conferences with representative cotton statisticians, holders of cotton stocks, manufacturers, and warehousemen. From these investigations it is impossible for the committee to state to what extent duplications entered into the report of last August, but after analyzing it the committee has agreed upon the following corrections which later it has entered in this report.

(1) Cotton taken from the original bales as samples by buyers; cotton picked from bales damaged by weather or fire; and cotton from press sweepings, grouped together in the trade as "city crops," are estimated by the committee as at least 125,000 bales. While this would not increase the number of pounds it does increase the number of bales, and should therefore appear on that side of the statement.

(2) According to the annual report of the New Orleans Cotton Exchange, supported by other data, Mexican cotton to the amount of approximately 45,000 bales entered the country without appearing as imports. These bales should also be added to the supply.

(3) According to a statement from the Bureau of Foreign and Domestic Commerce, supported by other data, American cotton to the amount of 33,708 bales exported during the year was brought back into the country. This was reported in the exports but not in the imports, and should therefore be deducted from the figures of distribution.

(4) The report of the census was not supposed to include statistics of linter cotton; that is, the short fiber secured from reginning cottonseed. Evidence has been discovered, however, that 15,000 bales of such linters which had been bleached were exported as lint cotton. These 15,000 bales should likewise be deducted from the figures of distribution.

(5) Investigation of certain storages showed duplications of mill and warehouse stocks to a degree which, if applied to other storages, would amount to not less than 25,000 bales. These should be deducted from the figures of distribution.

(6) Foreign cotton to the amount of 20,171 bales which had appeared in the figures of imports was reexported without appearing in the figures of exports. This cotton should be subtracted from the supply.

There is one other item of adjustment of which the committee was cognizant, namely, the ginnings in southern Texas prior to August 1, 1922 and 1923, but for various reasons thought it best not to include it. The committee has been convinced that the ginnings up to August 1, 1923, were in excess of those to the corresponding date in 1922, but because of the lack of data for 1922 it is impossible to definitely determine this adjustment. For this reason the committee has preferred not to deal with this feature, especially as Congress has provided for an additional report of ginnings in the future prior to August 1, thus enabling the treatment of a statistical composite year in the future that will include ginnings for the 12-month period ending with July 31.

The effect of these additions to and subtractions from supply and subtractions from distribution is shown in the following revision of the figures of August, 1923:

Revised statement of supply and distribution of cotton, exclusive of linters, in the United States for the 12 months ending July 31, 1923.

SUPPLY.		Bales.
Stocks, Aug. 1, 1922, total.....		2,831,553
Ginnings, crop of 1922.....		9,729,396
City crop, rebaled samples, pickings, press sweepings, etc. (estimated).....		125,000
Mexican cotton, not included in imports.....		45,000
Imports, Aug. 1, 1922, to July 31, 1923.....		469,954
Total.....		13,200,813
LESS.		
Reexports of foreign cotton.....		20,171
Aggregate supply.....		13,180,642
DISTRIBUTION.		
Consumption, Aug. 1, 1922, to July 31, 1923.....		6,664,710
Exported.....		4,822,589
Burned.....		35,000
Stocks at end of year, total.....		2,087,919
Total.....		13,610,218
LESS.		
Reimports of domestic cotton.....	33,708	
Correction for bleached linters exported.....	15,000	
Duplication in reports of mills and warehouses.....	25,000	
Total reduction.....		73,708
Total distribution less reduction.....		13,536,510
Excess of reported distribution over reported supply.....		355,868

The foregoing revised statement shows that the committee has been able to make material corrections in the August figures, but that a difference of 355,868 bales, about three-fifths of the original difference of 579,504 bales, remains unexplained. It is impossible to determine just how much of this may be due to the underestimate of stocks and carry over at the beginning of the year or to further duplication in mill and warehouse stocks. The important point is not to bring this discrepancy between the figures of supply and distribution into relief. The committee, therefore, recommends that in future statements of the Census Bureau no attempts be made to balance the figures of supply and distribution. The Census Bureau should issue figures which are the result of enumerations, avoiding estimates.

III. AUTHORITY.

The committee agrees that regarding supply the Bureau of the Census now has sufficient authority to secure adequate information. The committee does not believe that the bureau has sufficient authority for the collection of information on distribution. The present law does not give employees of the Bureau of the Census the right to examine books or other papers or to make an actual count of the cotton in storage places. The committee is of the opinion that such authority should be given.

IV. RECOMMENDATIONS.

In addition to the above, the committee submits the following recommendations:

(1) That an additional report to show the quantity of cotton ginned prior to August 1 be introduced as provided in a bill now pending.

(2) That in sections of the country where the entire crop has not been ginned by March 1 another ginning report be made for April 1 to ascertain the total amount of the crop.

(3) That plans be developed to enumerate the cotton baled from samples and in pickeries, the so-called "city crops."

(4) That the department be urged to take action to secure an enumeration of the cotton now brought in from Mexico, but not appearing in the imports statistics.

(5) That the bureau plan to collect statistics of cotton consumption and of cotton held in storage at various points in such manner as to diminish the danger of overstatement or understatement of the supply. The committee believes that this end can be secured only by substituting collection through paid agents in place of the present method of collection by correspondence.

(6) Reports on cotton statistics are now issued by two bureaus in the Department of Commerce, and by one in the Department of Agriculture. They are based in part on estimates and in part on enumerations, and the difference between them sometimes leads to serious confusion. These reports should, if possible, be coordinated under a committee or other harmonizing agency.

Respectfully submitted,

B. W. KILGORE,
L. I. DUBLIN,
W. S. ROSSITER,
W. F. WILCOX,
Committee.

Mr. HARRIS. Mr. President, I only want to say further that Doctor Rossiter and Doctor Wilcox, who served on this committee, had many years' experience in the Census Bureau, and their report will have more weight than would reports from people who did not understand the matter. I want to say also that Secretary Hoover was sympathetic with our committee, as the Senator from South Carolina has said, and has cooperated with us in a spirit that we appreciated very much.

EXCLUSION OF ALIENS INELIGIBLE TO CITIZENSHIP.

Mr. SHORTRIDGE. Mr. President, there is pending in the House bill 7995, for the purpose of controlling or restricting immigration into our country. There is also pending in the Senate an immigration bill. We of the West, particularly of California and the other Pacific Coast States, have fixed and unalterable convictions as to certain features of this proposed legislation. We are unalterably opposed to the further immigration of aliens ineligible to citizenship. I have been furnished with a statement prepared by Mr. V. S. McClatchy, of California, setting forth the views of the California delegation, which, I think I may say, are the views of many of the delegations of the West—a statement which states that it embodies the deliberate views of the American Federation of Labor, the American Legion, the National Grange, and other State and national organizations. I ask to have this statement printed in the Record.

The PRESIDING OFFICER (Mr. ASHURST in the chair). Is there objection to the inclusion in the Record of the matter referred to by the Senator from California? The Chair hears none.

The matter referred to is as follows:

WASHINGTON, D. C., March 19, 1924.

THE EXCLUSION OF ALIENS INELIGIBLE TO CITIZENSHIP.

The exclusion as permanent residents in future of all aliens ineligible to citizenship, as provided in the House immigration bill, was the subject of a conference held by the California congressional delegation with ex-United States Senator J. D. Phelan of that State and V. S. McClatchy, of Sacramento, who presented the matter last week to the Senate Immigration Committee on behalf of four California organizations, the American Legion, State Federation of Labor, State Grange, and Native Sons of the Golden West, State Attorney General Webb appearing at the same time for the State.

It was decided unanimously that the passage of the measure should be pressed as representing, not only the overwhelming sentiment of the Pacific and Western States but also the judgment of those throughout the Union who had given consideration to the matter, as evidenced by the resolutions unanimously passed last year in national convention by such widely different organizations as the American Legion, American Federation of Labor, and National Grange.

The following statement was ordered issued:

"Exclusion of all aliens ineligible to citizenship offers a logical, simple, practical, and effective solution of the entire Asiatic immigration problem. It follows the Federal law, which, for 134 years, has made all the yellow and brown races ineligible to citizenship because of unassimilability and the menace they would offer if established here. Certainly, if immigration is to be restricted, we should commence with that element which is barred from citizenship.

"That the demand for such legislation is general is shown by the resolutions in favor thereof, unanimously passed last year in national convention after lengthy committee investigation by such widely different organizations as the American Legion, the American Federation of Labor, and the National Grange.

"Japan has protested against such legislation on the grounds of discrimination, and she is the only nation which has protested. The measure is not discriminatory against Japan, for it applies to half the population of the globe, and the Japanese constitute not more than 7 or 8 per cent of those affected. It should be remembered, too, that Japan, in protection of her own people, wisely excludes Chinese and Koreans, thus discriminating against people of her own color.

"A demand has been made on Japan's behalf that her immigration to this country be regulated by a continuance of the present gentlemen's agreement, or by a treaty.

"Our immigration from Japan should be regulated, as is our immigration from all other countries, by act of Congress and enforced by our own department officials. Immigration is a domestic question. Treaties and international agreements may properly care for matters of commerce and navigation.

"In any case the gentlemen's agreement should be canceled, since it surrenders to Japan the sovereign right of determining how many and what particular immigrants shall come into this country from Japan. Under the present agreement the immigration officials at ports of entry, under instructions from Washington, must admit any Japanese who presents a passport from Japan unless he have contagious disease.

"The gentlemen's agreement should be canceled for the further reason that it has signally failed to accomplish the specific purpose for which President Roosevelt explains it was made, to wit: To prevent an increase in continental United States of unassimilable Japanese population with its menace in economic competition and attendant provocation of racial strife.

"Therefore, under no consideration should Japanese immigration continue under the gentlemen's agreement, or a modification thereof, or under another similar agreement, or even under the treaty of 1911, of which the gentlemen's agreement is made a part in effect by the note attached thereto and signed by the Japanese ambassador.

"Since future immigration from Japan should not be regulated by agreement or treaty, it becomes unnecessary to treat with Japan as to terms of agreement or treaty in the matter. It should be sufficient to give courteous notice under the six-months' clause of cancellation of the treaty of 1911, so far as it may affect immigration, and provide that the measure for exclusion of aliens ineligible to citizenship shall become operative at the end of such six months.

"There would be no discourtesy to Japan in enacting a measure excluding aliens ineligible to citizenship under the plan suggested, because it was specifically agreed by Japan that the United States should enact an exclusion law directed against Japanese solely if she failed under operation of her passport system under the agreement to accomplish the purpose sought.

"We are unalterably opposed to placing Japan under the quota, or to any compromise which would permit the settlement in this

country of aliens ineligible to citizenship, for the following reasons:

"(a) It would be an abandonment of the principle that aliens unfitted for citizenship should not be permitted to enter this country and establish independent and unassimilable communities.

"(b) To place Japan under the quota would concede at once her demand for racial equality and treatment of her nationals on the same basis as Europeans, a demand already refused in the World Peace Conference. It would give her foundation for further pressing her other demand for naturalization of her nationals in opposition to our law, now in force 134 years.

"(c) To place Japanese under the quota would be to discriminate in their favor as compared with all other races ineligible to citizenship, all of which, and particularly the Chinese, would have just cause for complaint. If we aim to please Japan without unfair discrimination to others, we must open our gates under the quota plan to all aliens ineligible to citizenship. Such a policy would constitute an unthinkable abandonment of a great principle, the enforcement of which is necessary for protection of the Nation and of the white race on this continent.

"(d) The quota plan as applied to Asiatics would be a temporary makeshift, not only dangerous in principle but subject at any time to change that might prove disastrous in results.

"For instance, if provision be made for wives outside the quota, this country could be flooded with picture brides, or kankodan brides, for the 40,000 or more adult bachelor Japanese in continental United States.

"If the census of 1910 be adopted as basis, instead of 1890, 8,000 Japanese could come in annually, while under the 1920 census the admissions would increase to 4,400, and every one of the number could be, and most of them probably would be, brides destined to raise an average family of five each.

"Japan, notwithstanding the plain intent of the gentlemen's agreement, has been able to secure a measure of peaceful penetration for her nationals under the Stars and Stripes not permitted her in any other English-speaking country. When Great Britain, the ally of Japan, made a treaty with her giving her nationals free access to and citizenship in all her dominions, all the dominions except Canada took exception thereto and passed exclusion laws which have been rigidly enforced since. The Canadian Parliament, by an overwhelming majority, has requested the Government to secure for Canada also exclusion of all oriental immigration. Japan has never protested this action on the part of any of the dominions of her ally."

These facts and deductions seem to furnish ample justification for the demand that Congress should provide now for exclusion hereafter, as permanent residents, of all aliens ineligible to citizenship, making the usual exception for tourists, students, merchants, etc.

Mr. SHORTRIDGE. Also, Mr. President, I hold in my hand a letter addressed to me by the Chamber of Commerce of Long Beach, Calif., accompanied by a report which that chamber of commerce furnished the Las Vegas and San Miguel Chambers of Commerce upon this general subject of immigration, with special reference to the exclusion of aliens ineligible to citizenship. I similarly ask that the letter and the report be incorporated in the Record.

The PRESIDING OFFICER. Is there objection to the request of the Senator from California? There being none, the matter referred to will be inserted in the Record.

The matter referred to is as follows:

CHAMBER OF COMMERCE,
LONG BEACH, CALIF., March 8, 1924.

Senator SAMUEL M. SHORTRIDGE,
Washington, D. C.

DEAR SENATOR SHORTRIDGE: Herewith is copy of report of special committee appointed by the Long Beach Chamber of Commerce regarding the Japanese situation as requested by the Las Vegas-San Miguel Chamber of Commerce.

The directors of our chamber of commerce, believing that our committee had given thorough study to this situation and had rendered such an excellent report, same should be submitted to you for your information.

From correspondence received by our organization from Eastern States, particularly Florida, New Mexico, and some of the Southern States where they have been having trouble with scarcity of labor, it is apparent that these States are giving some consideration to either inviting Japanese to come to their communities, or may tolerate Japanese colonizations in their neighborhoods, and we are somewhat fearful that this menace may spread throughout our country.

For the reasons stated above and because we believe you will be pleased to have the result of our committee's study of this situation, we are pleased to furnish you with a copy of their report.

Very truly yours,

LONG BEACH CHAMBER OF COMMERCE,
HARBERT R. FAY, Executive Secretary.

LONG BEACH, CALIF., March 5, 1924.

The BOARD OF DIRECTORS OF THE
LONG BEACH CHAMBER OF COMMERCE,
Long Beach, Calif.

GENTLEMEN: Your committee, consisting of Oscar P. Bell, Clyde Doyle, B. B. Stakeholder, and R. W. Robinson, appointed to make investigation re the communication from the Las Vegas-San Miguel Chamber of Commerce, begs to report as follows:

We have studied the Japanese situation in a fair and impartial manner, entirely free from any prejudice or animus. Our review of collateral literature on the subject leads us to enumerate the following facts which yield themselves to the conclusions which we herewith present to you:

First. The Japanese people are a frugal, industrious, and thorough class of people; in the main they are ambitious and keen—as a rule well trained in the lines of activity they seek to enter. They always are persistent and thus generally successful in their endeavors.

Second. They are not eligible to citizenship.

Third. They are practicing price manipulation.

Fourth. They maintain language schools (Japanese).

Fifth. They boycott their neighbors.

Sixth. They are not permitted to own or lease land in California.

Seventh. They live on a scale that is under the margin for self-respecting Americans to live.

Eighth. They undercut wage scales in agricultural and horticultural lines.

Ninth. They compel their women to work at heavy manual labor, together with their men.

Tenth. They register their American-born children in Tokyo as Japanese subjects.

Eleventh. "Picture brides" that are imported to this country are returned to Japan and others sent to take their places in case they prove to be barren.

Twelfth. Until the passage of the California "alien land law" they practiced agricultural sabotage on such ranches as they desired to purchase at a price below its real value, and when the desired land was "junked" would buy it in the name of an American-born child and then restore it to its former fertility.

Our conclusions from the above facts are:

They are a menace to our country socially, because—

First. They can not become citizens.

Second. Intermarriage with them is undesirable.

Third. Their women do not establish and maintain American homes.

Fourth. They maintain an oriental social system in their colonies.

They are a problem to our country economically, because—

First. They practice the boycott.

Second. They practice price manipulation.

Third. They destroy the economic balance.

Fourth. They practice sabotage.

Fifth. They maintain "close corporation" Japanese commercial organizations.

They are a hazard to our country politically, because—

First. They maintain a Japanese military standing.

Second. They can not function as citizens.

Third. They can not own or lease land (in California).

Fourth. They register American-born children as Japanese subjects.

Fifth. They maintain an oriental civic life within their colonies.

These things we believe indicate clearly the fact that the presence of these people in considerable numbers in any one place constitutes a positive un-American liability and not an asset.

Thanking you for the confidence you have shown in us in intrusting this investigation to us, and trusting the above report will be of assistance to you in responding to the inquiry, we are,

Very truly yours,

O. P. BELL.

B. B. STAKEHOLDER.

R. W. ROBINSON.

INTERIOR DEPARTMENT APPROPRIATION—CONFERENCE REPORT.

Mr. SMOOT. Mr. President, I submit a conference report on the Interior Department appropriation bill.

Mr. CAMERON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The principal clerk called the roll, and the following Senators answered to their names:

Adams	Cameron	Elkins	Harrell
Ashurst	Copper	Ferris	Harris
Bayard	Caraway	Foss	Heflin
Borah	Copeland	Fletcher	Howell
Brandageo	Cousens	Frazier	Jones, Wash.
Brookhart	Curtis	George	Kendrick
Broussard	Dale	Glass	King
Bruce	Dial	Goulding	Ladd
Bursum	Edwards	Hale	Lodge

McKellar
McKinley
McNary
Mayfield
Moses
Neely
Oddie

Overman
Pepper
Pittman
Ralston
Ransdell
Reed, Pa.
Robinson

Sheppard
Shields
Shortridge
Smith
Smoot
Spencer
Stanfield

Stephens
Underwood
Wadsworth
Walsh, Mass.
Walsh, Mont.
Weller
Willis

The PRESIDING OFFICER. Sixty-four Senators having answered to their names, a quorum is present.

Mr. SMOOT. I ask unanimous consent that the unfinished business be temporarily laid aside that I may submit the conference report.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. SMOOT submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 5078) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1925, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 17 and 19.

That the House recede from its disagreement to the amendments of the Senate numbered 15, 18, and 39, and agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the sum proposed, insert "\$150,000"; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following: "\$400,000, of which amount \$245,000 shall be used for drainage purposes, but only after execution by the Truckee-Carson Irrigation district of an appropriate reimbursement contract satisfactory in form to the Secretary of the Interior, and after confirmation of such contract by decree of a court of competent jurisdiction and final decision on all appeals from such decree"; and the Senate agree to the same.

The committee of conference have been unable to agree on the amendment of the Senate numbered 47.

REED SMOOT,
CHARLES CURTIS,
WM. J. HARRIS,

Managers on the part of the Senate.

LOUIS C. CHAMTON,
FRANK MURPHY,
C. D. CARTER,

Managers on the part of the House.

Mr. SMOOT. Mr. President, I will say to the Senate that this is a partial report. The conferees have agreed upon every item with the exception of the amendment of the Senate to the amendment of the House to Senate amendment No. 47, known as the Bright Angel Trail amendment. I move that the conference report be accepted as to the items on which the conferees have agreed.

Mr. McNARY. Mr. President—

Mr. ROBINSON. When may we expect a complete agreement on this appropriation bill and the elimination of the age-long controversy respecting the Bright Angel Trail?

Mr. SMOOT. Just as soon as this report has been agreed to I shall move that the Senate insist further upon its action on the amendment of the House to Senate amendment No. 47, known as the Bright Angel Trail amendment.

Mr. McNARY. Mr. President, the explanation of the Senator from Utah is quite satisfactory and covers the point I was about to raise.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

Mr. SMOOT. I move that the Senate further insist upon its amendment to the amendment of the House to Senate amendment No. 47, that we ask a further conference with the House, and that the Chair appoint the conferees on the part of the Senate at the further conference.

The motion was agreed to, and the Presiding Officer appointed Mr. SMOOT, Mr. CURTIS, and Mr. HARRIS conferees on the part of the Senate.

POLICY OF WILSON ADMINISTRATION AS TO LEASING OIL LANDS.

Mr. FLETCHER. Mr. President, I ask to have inserted in the Record the statement which I hold in my hand, dated March

22, 1924, with reference to the policy of the Wilson administration as to the leasing of oil lands. It has been approved by the Hon. John Barton Payne, and throws very considerable light upon that subject, which has been discussed and considered here to a very considerable extent.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the statement was ordered to be published in the Record, as follows:

MARCH 22, 1924.

(The following authoritative statement, by the Democratic National Committee, which has been read and approved by John Barton Payne, Secretary of the Interior during the second administration of President Wilson, is an answer to the contention of Republicans that Secretaries Denby and Fall were following the Democratic policy and practice when they leased the naval oil reserves in Wyoming and California to private individuals and interests. This statement gives also in summary the history of the disposition of certain claims in these reserves and the action taken by Secretary Payne with regard to application for leases during his administration of the Interior Department.)

The attempt to justify the secret leasing of all the naval reserves, the entire Teapot Dome and Elk Hills to Sinclair and Doheny by the specious and confusing statement that 150 leases were made by Secretary Payne outside the naval reserves, and that certain lands or wells were leased in a naval reserve during the Wilson administration, is like comparing the making of a back fire to prevent the spread of a prairie fire with the deliberate starting of an incendiary fire such as caused the destruction of Smyrna. What the Wilson administration did was to follow the national policy established by Presidents Taft and Wilson, and by the Congress when it passed the leasing law to protect and conserve the naval reserves—to keep the oil for the use of the Navy for some great emergency; while Secretaries Fall and Denby deliberately defied this national policy and secretly leased the reserves, thus destroying the reserves.

A simple statement of fact will make this plain.

Before the passage by Congress February 25, 1920, of the leasing act authorizing the leasing of Government-owned oil lands on a royalty basis the only law by which the public could take out oil was the old placer mining law, which allowed a person to make a mining location on 20 acres, or eight persons to club together and locate 160 acres, the same law which applied to gold or silver. If the claimant followed up his claim with diligence and brought in a producing well, he became the owner and entitled to a patent, and the Government received nothing.

The leasing act changed this policy, authorized the Secretary of the Interior to issue rules and regulations, to fix the royalty to be paid at not less than 12½ per cent of the oil taken out, and pursuant to such regulations to lease the public lands. Thus the Government received substantial royalty and retained ownership of the lands.

Before the passage of this leasing law two things had happened—

First. Many locations had been filed under the placer mining law by people who thus claimed title to the lands. To the extent that these claims were valid the claimants had to be recognized. This was true even inside the naval reserves where locations were made in good faith before the reserves were created.

Second. The Government established the national policy of setting aside oil lands for the use of the Navy for a future emergency, it being well known that our supply of commercial oil would in a few years be exhausted, thus—

Naval reserve No. 1, in California: The Elk Hills, containing some 32,000 acres, was created by President Taft September 2, 1912.

Naval reserve No. 2, also in California, was created by President Taft December 13, 1912, containing, roughly, 30,000 acres, but more than 20,000 acres of this was at the time privately owned and much of the remainder covered by mining locations.

Naval reserve No. 3: Teapot Dome, in Wyoming, was created by President Wilson April 30, 1915; this contained 9,481 acres; was all Government land.

Some claims under the old placer law had been filed on lands in these naval reserves before the reserves were created.

WHEN PAYNE BECAME SECRETARY.

This was the situation when John Barton Payne was appointed Secretary of the Interior February 23, 1920 (qualified March 15, 1920). The leasing law (in force February 25, 1920) made it the duty of the Secretary of the Interior to administer the law, i. e., to issue rules and regulations for prospecting and leasing, and to fix the royalty to be paid on lands outside the naval reserves, and to decide not only as to the validity of claims pending under the old law but where two or more persons had conflicting claims to decide between them. It was the policy of the Congress that lands outside the naval reserves should be leased, but that the naval reserves should not be leased unless a claimant under the old law came strictly under the terms of the leasing law.

REPUBLICAN SMOKE SCREEN.

The Republicans try to defend Secretaries Fall and Denby and attempt to make a smoke screen of the fact that Secretary Payne leased certain oil lands. They do not state what everyone should know, now fully brought out by the Senate committee, that Secretary Payne made no secret leases, that his door was wide open, everything was public, and the leasing law strictly followed and the policy of the Government upheld and maintained; that with the approval and support of President Wilson and Secretary of the Navy Daniels the naval reserves were fully protected, and, but for Secretaries Fall and Denby, would now be safe and intact.

A brief reference to the leasing law and the undisputed facts make this clear.

1. THE LAW AS TO LANDS NOT KNOWN TO CONTAIN OIL OUTSIDE NAVAL RESERVES.

Following the policy of Congress to develop and lease oil lands, the leasing act provided (sec. 13) that persons who desired to prospect for oil on lands not known to contain oil might obtain permits as follows:

"That the Secretary of the Interior is hereby authorized, under such necessary and proper rules and regulations as he may prescribe, to grant to any applicant qualified under this act a prospecting permit, which shall give the exclusive right, for a period not exceeding two years, to prospect for oil or gas upon not to exceed 2,500 acres of land wherein such deposits belong to the United States and are not within any known geological structure of producing oil or gas field upon condition that the permittee shall begin drilling operations within six months."

If the prospector found oil or gas, section 14 provided in terms that he should be entitled to a lease, as follows:

"That upon establishing to the satisfaction of the Secretary of the Interior that valuable deposits of oil or gas have been discovered within the limits of the land embraced in any permit, the permittee shall be entitled to a lease for one-fourth of the land embraced in the prospecting permit * * * for a term of 20 years upon a royalty of 5 per cent * * * and shall be entitled to a preference right to a lease for the remainder of the land in his prospecting permit at a royalty of not less than 12½ per cent * * * the amount of the royalty to be determined by competitive bidding or fixed by regulations prescribed by the Secretary."

And in section 16 it is provided—

"That no wells shall be drilled within 200 feet of any of the outer boundaries of the lands within the permit, unless adjoining lands belonging to private persons."

2. AS TO PUBLIC LANDS KNOWN TO CONTAIN OIL.

Section 17 of the leasing act provides:

"That all unappropriated deposits of oil or gas situated within the known geological structure of a producing oil or gas field and the unentered lands—lands not entered under the old law—containing the same, not subject to preferential lease, may be leased by the Secretary of the Interior to the highest responsible bidder by competitive bidding under general regulations to qualified applicants in areas not exceeding 640 acres * * * such leases to be conditioned upon the payment by the lessee of such bonus as may be accepted and of such royalty as may be fixed in the lease, which shall not be less than 12½ per cent in amount or value of the production and the payment of \$1 per acre per annum.

"As to lands where locations had been made under the old placer law and the claimant was willing to compromise by accepting a lease under the leasing act, section 18 provided:

"That upon relinquishment to the United States * * * of all right, title, and interest claimed and possessed prior to July 2, 1910, and continuously since * * * under the preexisting placer mining law to any oil or gas bearing land upon which there has been drilled one or more oil or gas wells to discovery embraced in the Executive order of withdrawal issued (by President Taft) September 27, 1909, and not within any naval petroleum reserve, and upon payment as royalty * * * if in possession of such land, undisputed by any other claimant prior to July 1, 1919, shall be entitled to a lease thereon from the United States for a period of 20 years at a royalty of not less than 12½ per cent."

(Note.—From the foregoing section it is clear that as to lands not known to contain oil Congress desired to encourage prospecting and gave the successful prospector the absolute right to a lease, and as to lands known to contain oil, but outside the naval reserves, provided in terms for their leasing by the Secretary of the Interior by competitive bidding; and required that the rights of persons who in good faith had made locations under the old law should be protected, and gave them the right to come in and surrender their claims acquired under the old law and accept leases under the leasing act. For the

Secretary of the Interior to have refused to carry out these provisions would have been an arbitrary violation of the law and would have made him subject to action by mandamus.)

B. AS TO LANDS WITHIN THE NAVAL RESERVES.

Section 18 provides also—

"That as to all like claims (under old placer law) situate within a naval petroleum reserve the producing wells thereon only shall be leased, together with an area of land sufficient for the operation thereof, upon the terms and payment of royalties for past and future production as herein provided for in the leasing of claims. No wells shall be drilled in the land subject to this provision within 600 feet of any such leased well without the consent of the lessee."

Then this provision as to the President—

"The authority of the President—must use his discretion."

The act continues:

"Provided, however, That the President may, in his discretion, lease the remainder of any part of any such claim upon which such wells have been drilled and in the event of such leasing said claimant or his successor shall have a preference right to such lease: And provided further, That he may permit the drilling of additional wells by the claimant or his successor within the limited area of 600 feet theretofore provided for upon such terms and conditions as he may prescribe."

No claimant guilty of fraud shall have a lease.

NOTE.—From the above it is clear that where a claimant under the old placer law had located on lands within the naval reserve before the reserve was created, and had brought in a producing well, he was entitled as of right to a lease on his producing well. The Secretary of the Interior had no authority to refuse such a lease and had no authority to grant a lease for anything beyond the producing well with land adjacent only sufficient for its operation. The President, however, in his discretion had the right to lease to the claimant the remainder of his claim, or to permit the drilling of additional wells by the claimant within the 600 feet; this authority was vested in the President and denied to the Secretary.

Under section 18a, the President was also authorized to direct the compromise and settlement of any controversy as to lands withdrawn under the order of September 27, 1909, upon such terms and conditions as may be agreed upon, to be carried out by an exchange or division of land or division of the proceeds.

Section 19 of the leasing act provides for the protection of persons who had made a bona fide claim and expended money, but not brought in a well. This, however, did not apply to lands within the naval reserves.

This sufficiently shows the provisions of the law and policy of the Government as embodied in the leasing act.

WHAT WAS DONE UNDER THE WILSON ADMINISTRATION.

The leasing act became effective on February 25, 1920. Prior to this time there had been filed and were pending an enormous volume of claims for locations under the old placer law on lands both within and without the naval reserves, and many suits were pending. Rules and regulations, with a fixed scale of royalties providing for the carrying out of the law, were promptly issued under section 13, and leases were issued under sections 14, 17, and 18. The legal rights of claimants were recognized, and such was the care under which the law was executed that not a single public criticism resulted, notwithstanding the tremendous volume of work imposed upon the Secretary.

NOW AS TO THE NAVAL RESERVES.

As to naval reserve No. 1 not a single claim was allowed, nor a single lease made. It was left intact.

The contrast between the two administrations, aside from the general policy, is shown by the record as to section 33 in this reserve. The title to this 640 acres passed to the State of California with the distinct provision that it contained no minerals. When it was found to contain mineral—oil is mineral—and became part of the naval reserve the question was whether the title still belonged to the United States. Meantime the Standard Oil Co. had acquired the right of the State of California to the major portion of the section, and the Doheny interests the remainder, and were in possession. In February, 1921, Secretary Payne gave all parties in interest a public hearing, and decided that the title had not passed to the State of California, but remained in the United States; that the Standard Oil Co. and the Doheny interests acquired no title and were wrongly in possession; and Secretary Payne directed the Land Office to make entry accordingly, and made formal written request to the Department of Justice that proceedings be instituted in the courts, and to recover for the United States the land and oil taken out.

After Secretary Fall came in he reversed this action, withdrew the request made by Secretary Payne to the Department of Justice to proceed against the oil companies, and permitted them to remain in possession.

Due to the Senate investigation, counsel has recently been appointed to sue the oil companies to recover this land, and to do now what Secretary Payne directed be done in February, 1921.

This naval reserve No. 1 was therefore left intact.

As to naval reserve No. 2: In this reserve it was found that claimants had brought in about 50 producing wells. These, under the mandatory provisions of the leasing act, were leased to the claimants. With the concurrence of the Secretary of the Navy and the President, five offset wells were leased, i. e., where it was manifest that private wells had been drilled so near the line of the reserve as to drain the Government oil from the reserve, a well was drilled just within the reserve on a 25 per cent royalty basis, so that the Government would receive the royalty and not permit the private interest to take the oil out without payment of royalty. Another claimant for 540 acres in section 23 was compromised with and given lease on 120 acres.

With these exceptions, naval reserve No. 2 was left intact.

In this reserve the Honolulu Oil Co. claimed title to 17 quarter sections—some 2,000 acres—and applied for a patent. Secretary Payne after a public hearing decided the claim invalid and the company not entitled to a patent and denied the same. The only criticism directed against the Wilson administration in the oil matter grew out of this Honolulu decision, and that, of course, came from the oil company and its friends.

As to naval reserve No. 3, the Teapot Dome, Wyo.: All of the claims on this reserve were rejected and no leases made. Among other claimants who filed against this reserve was John C. Shaffer, who testified before the Senate committee; he said his claim was later recognized by Secretary Fall, and he was paid some \$92,000 by Sinclair.

The Wilson administration left reserve No. 3 intact.

ACTION OF REPUBLICAN ADMINISTRATION—STRIKING CONTRAST.

Within less than three months after the close of the Wilson administration upon the recommendation of Secretaries Fall and Denby, President Harding issued an Executive order purporting to transfer all of the powers and discretion the law imposed upon the President under the leasing act and the powers and discretion conferred upon the Secretary of the Navy by the act passed June 4, 1920, to Secretary Fall. How Secretary Fall used this power in disposing of the naval reserves is well known. Whether this Executive order has any validity will be decided by the courts.

As to naval reserve No. 1: Secretary Fall reversed the decision of Secretary Payne as to section 33, and secretly gave that to the Standard Oil Co. and to Doheny, and secretly leased all of the remainder of reserve No. 1 to Mr. Doheny's companies.

In naval reserve No. 2, where Secretary Payne had leased only the producing wells, Secretary Fall leased claimants their entire claims, and then leased the remainder of the reserve; and as to the 17 quarter sections claimed by the Honolulu Oil Co., which Secretary Payne had held invalid, Secretary Fall reversed to the extent of making the company a lease for the entire 2,000 acres.

As to naval reserve No. 3, which the Wilson administration had left intact, Secretary Fall secretly leased the entire reserve to the Sinclair interests.

REPUBLICAN DEFENSE.

Secretaries Fall and Denby protest that their action was in the public interest. The fallacy of this claim is conclusively shown:

(a) The national policy established by the Taft and Wilson administrations and approved by the Congress was reversed secretly by them without opportunity for public discussion or consideration.

(b) While the negotiations for naval reserve No. 1 were pending with Mr. Doheny, he sent Mr. Fall \$100,000 in currency in a satchel delivered to Fall by Doheny's son. Sinclair sent to Mr. Fall \$25,000 in Government bonds. What other secret considerations passed have not yet been disclosed.

(c) By action of a unanimous Senate (except Senator ELKINS) the United States Government has recently employed Messrs. Pomerehne, Roberts, and Knight as special counsel to undo the work of Messrs. Fall and Denby. Suits by the United States against the oil companies in possession of reserves Nos. 1 and 3 have been brought in the courts of the United States, charging fraud and unlawful acts, and preliminary injunctions restraining the operation of the wells have been granted, and receivers have been appointed.

AMENDMENTS TO THE CONSTITUTION.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 4) proposing an amendment to the Constitution of the United States relative to the adoption of amendments thereto.

The PRESIDING OFFICER. The pending amendment is the amendment offered by the Senator from Iowa [Mr. BROOKHART] to the amendment of the committee.

RELIEF OF SETTLERS ON IRRIGATION PROJECTS.

Mr. BORAH. Mr. President, if the Senator from New York will indulge me for a few moments, I want to call attention to a matter which is of particular concern to the West and the western Senators. It relates to the question of relief for the settlers upon irrigation projects.

When we came here last fall it seemed to be understood upon all sides that some relief was absolutely necessary for the settlers upon these projects. The economic conditions which have overtaken agriculture have been more accentuated with the settlers upon irrigation projects than with other farmers, for the simple reason that while they have had to carry what farmers generally have to carry and to meet the economic situation which they have generally had to meet, in addition, they have had to meet their construction and maintenance charges. The result has been that a large number of them are unable to meet the situation, and the question arose as to how their condition could be relieved.

A number of measures were introduced for relief, I introducing some myself; but they have been retained in the committees, as I understand, waiting upon the report of what is known as the fact-finding commission. I do not criticize the committee for waiting for that report up to the present time, but I do think that if we are going to have relief for these settlers we will have to proceed without waiting longer upon this fact-finding commission. That is what I now desire to urge.

I have a number of letters from different projects of late, and I read a single paragraph from one received this morning which states the whole situation in a very brief way:

Unless relief is granted soon it will be too late for a great many farmers on these projects. They are hanging on in the hope that such relief will be granted that they can go ahead, or will feel justified in going ahead, in the hope of pulling through and saving their property. Delay in this matter to a great many means a denial of relief. I can not tell you how very serious, how very bad, the conditions are. We are hoping that something will be done within the near future to give us an assurance of what we can depend upon for the coming season.

Now, Mr. President, I have not complained, as I said, of the fact-finding commission failing to report. I presume they are at work. I presume, of course, that they are making progress as rapidly as they can. But I understand that their task, as it has either been imposed upon them or as they have assumed it, involves not only the question now of immediate relief upon these projects but the entire subject matter of reclamation and the redrafting and reconstructing of the whole reclamation law and the reclamation program. Necessarily we can not wait upon any such program as that being enacted at this session if the immediate relief which is necessary is to be had.

I have been informed that the fact-finding commission might report some time about the 10th of April, but further information comes to me now that it may be the middle of April or the first of May. Certainly there will be no opportunity to legislate upon the subject after the report comes in, if it is not due until the middle of April or first of May. I want to suggest, therefore, to those who are deeply interested in the subject that we proceed through the committees to the consideration of the bills which are now before the committees and secure a report upon some measures which will give relief. The measure which I introduced at the first of the session may or may not be the proper measure for relief. I think it is. At any rate, it is perfectly apparent that we ought to proceed to the consideration of it or some better measure without waiting longer upon the fact-finding commission. I do not feel disposed at this time to present the facts and figures showing the condition of settlers upon the projects. Perhaps that would be more relevant and more effectual when the bill is reported out; but they are serious enough, as everyone knows who is connected with the Western States.

Mr. McNARY. Mr. President, I would like to ask the able Senator from Idaho to which bill he refers?

Mr. BORAH. The bill providing for an extension of 20 years, making the total time 40 years. There has been a bill passed by the Senate which is now in the House and seems to have very hard sledding there, and I doubt very much if it passes the House, although I am only drawing that inference from general information and not from any specific knowledge as to what the situation is. But that bill relates only to the power of the Secretary of the Interior to review the conditions of particular individuals or particular projects and, in my opinion, is not sufficient in and of itself. The bill to which I refer is one extending the time, which, of course, in my opinion, will have to be accompanied by a bill suspending payment for the next three or four years. We must either do this or the Government is going to have back on its hands a large proportion of the land. On any number of projects under present conditions many of the settlers will not be able to hold their lands.

Mr. McNARY. Mr. President—

Mr. BORAH. I yield to the Senator from Oregon.

Mr. McNARY. I desire to inform the Senator from Idaho that a bill was passed similar to the one he introduced, which was known as the Phipps bill.

Mr. BORAH. No. The one I introduced is entirely different from the Phipps bill. The Phipps bill simply gives the Secretary authority to extend time of payments in particular cases, possibly as to particular projects. The bill I am now urging extends the payments, spreads the payments over 40 years. The Phipps bill and the bill I introduced are both necessary, absolutely necessary.

Mr. McNARY. I want to observe again that while it is true that the construction charges will have to be written off on many of the projects that are the subject of inquiry now by the fact-finding commission, and this body could not act, nor could the Secretary of the Interior, with the information now in our possession.

Mr. BORAH. The bill to which I have referred is one extending the payments over 40 years instead of 20 years, and is a bill which in my opinion depends upon nothing that the fact-finding commission is purporting to do. It is a bill which would be essential under any conditions. I am quite well satisfied that if we wait upon the fact-finding commission we will not get any relief upon the projects this year.

Mr. PITTMAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Nevada?

Mr. BORAH. I yield.

Mr. PITTMAN. I am in entire accord with the Senator from Idaho. I do not disapprove of the work being done by the fact-finding commission. I think it is a work that should be done. But it is perfectly evident that unless we can start legislation in this body within the next week or two we shall not be able to get it through both branches of the Congress before we adjourn. I am in accord with the bill which the Senator from Idaho has introduced. I would like to have it placed upon the calendar so the Senate might act upon it one way or the other. I also agree that nothing the fact finding commission could report would change my view of the situation.

There has been a great deal of indiscriminate and thoughtless criticism of the results of the reclamation work. Those criticisms fail to announce that in the great majority of cases the result was due to the mistakes of the Government agents and that the homesteaders and settlers had suffered severely by the unintentional misrepresentation of agents of the Reclamation Service. They have brought about a condition that is deplorable. They have brought about a condition that makes impossible the carrying out of the original policy under the Newlands Act. It is no fault of the homesteaders. It was on account of no defect in the land nor the farming conditions. In nearly all the instances it was on account of the mistakes and inefficiency of the department, and when a wrong has occurred in that way which necessitates a delay in payment, the Government should stand the consequences. That is about all I can see in it.

Mr. BORAH. I find myself in accord with the views of the Senator.

Mr. ODDIE. Mr. President—

The PRESIDING OFFICER (Mr. Moses in the chair). Does the Senator from Idaho yield to the junior Senator from Nevada?

Mr. BORAH. I yield.

Mr. ODDIE. As I understand it, there is an item of something like \$7,000,000 available now for the completion of existing projects. I should like to have the opinion of the Senator from Idaho as to whether we should not get this money in action right now and do something to have the department bring about a completion of the reclamation projects. Failure to complete the projects is causing a great deal of suffering and misery and loss to people in the Western States. I know of a number of projects that could be completed and can see no reason why they should not be promptly completed. Should we not take action now before the fact-finding commission has completed its report? In my opinion we should get busy right now.

Mr. BORAH. Then we are in accord. The Senator's suggestion, however, relates to a feature of the matter which I am not discussing, but I am not inimical to it at all nor unfriendly to the suggestion which he has made. If a measure is to be presented to the Senate covering the particular feature of the matter to which the Senator has referred, I shall be glad to consider it in a friendly attitude. But the matter with which I am now dealing is one of extending the time or alleviating the situation with reference to present payments to the people who are now upon the farms, people who have

been there for years and suffered and sacrificed to a marked extent and are now facing an economic situation from which they will have to be relieved if they are to retain their farms. That situation can be relieved without the building up of bureaus, without the building up of any machinery, without going to the expense of creating any commission. It is a very simple proposition so far as the action of the Government is concerned. It involves no new departure upon the part of the Government and no new principle. It is simply the position of a creditor relieving a situation by voluntary act until the debtor is in a position where he can respond.

Mr. McNARY. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Oregon?

Mr. BORAH. I yield.

Mr. McNARY. I am not conversant with the provisions of the Senator's bill, otherwise I perhaps would not propound this inquiry. I assume from what the Senator from Idaho said that he wants to defer payment until the water users can accumulate sufficient profit to meet the demands of the Government. The theory upon which the fact-finding commission is working is that there shall be a cancellation, a charging off, of excessive charges laid against the water users up to the point of their ability to pay. That is a different proposition from the one advocated by the Senator from Idaho.

Mr. BORAH. Exactly.

Mr. McNARY. In either case it would require legislation. We can not ascertain those facts until we have some commission constituted, such as the one now known as the advisory committee, which shall report to the Congress or to the Secretary of the Interior.

Mr. BORAH. I am not interested in the question now of how much they are going to charge off. That is immaterial to me as I view it. I am interested in the proposition of having the time extended for the payments regardless of the fact that they are charging off in certain specific instances, because I think the situation is such that we will have to have that relief anyway. Besides, as the senior Senator from Nevada [Mr. PITTMAN] said, I know the conditions with reference to these projects. I think I know them quite as well as I will know them after I read the report of the fact-finding commission. I say that with utmost respect for the commission. But being possessed of ordinary intelligence and a fair capacity to observe, and having been upon the projects myself and thoroughly examined them, I am perfectly informed now as to what I want. I do not need to wait on the fact-finding commission.

Here is the situation as stated by the senior Senator from Nevada: Men went on those projects in some instances where, for instance, the estimated cost was \$25 to \$30 per acre. They were supposed to pay out in 20 years. As it turned out, the cost increased to as high as \$75 or \$80 an acre. It is a matter of common equity, of common justice, to extend the time of payment in correspondence with the increased indebtedness which they have to meet. They simply can not meet the expenses and expenditures upon the basis upon which they were supposed to meet them in the first place, due to the fact very largely that the cost has doubled and trebled in many instances above that which was anticipated. When we get the bill before the Senate, which I trust will be very shortly, I will go more fully into the facts. My object at this time is to urge that we wait no longer in the consideration of these matters.

Mr. ODDIE. Mr. President, in the case of the Newlands project in Nevada, the cost is over six times the original estimate, which shows a greater need than ever for the Government to carry out its obligations in completing the project.

AMENDMENTS TO THE CONSTITUTION.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 4) proposing an amendment to the Constitution of the United States relative to the adoption of amendments thereto.

The PRESIDING OFFICER (Mr. MOORE in the chair). The question is upon agreeing to the amendment proposed by the Senator from Iowa [Mr. BROOKHART] to the amendment of the committee. The Chair suggests the absence of a quorum and directs the Secretary to call the roll.

The principal clerk called the roll, and the following Senators answered to their names:

Adams	Bronaard	Curtis	Ferris
Ashurst	Brace	Dale	Fess
Ball	Burns	Dial	Fletcher
Bayard	Cameron	Dill	Fraser
Borah	Capper	Edge	George
Brandeggee	Caraway	Edwards	Gooding
Brookhart	Copeland	Elkins	Harrold

Harris	McKinley	Ralston	Stephens
Heflin	McNary	Ransdell	Underwood
Howell	Mayfield	Reed, Pa.	Wadsworth
Johnson, Minn.	Moss	Robinson	Walsh, Mass.
Jones, Wash.	Neely	Sheppard	Walsh, Mont.
Kendrick	Norris	Shields	Watson
Keyes	Oddie	Shortridge	Walter
King	Overman	Smith	Wills
Ladd	Pepper	Smoot	
Lodge	Pittman	Spencer	

The PRESIDING OFFICER. Sixty-six Senators having answered to their names, a quorum is present. The question is upon agreeing to the amendment proposed by the Senator from Iowa [Mr. BROOKHART] to the committee amendment.

Mr. ROBINSON. Let the amendment to the amendment be stated, Mr. President.

The PRESIDING OFFICER. The amendment to the amendment will be stated for the information of the Senate.

The READING CLERK. The junior Senator from Iowa [Mr. BROOKHART] proposes in the committee amendment on page 2, line 22, of the original print of the joint resolution, to strike out the words "two-thirds of both Houses" and to insert in lieu thereof the words "a majority of the Members elected to each House."

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question now is upon the amendment proposed by the committee. The amendment will be stated for the information of the Senate.

Mr. JONES of Washington. That is the substitute, as I understand?

The PRESIDING OFFICER. Yes; it is the committee substitute.

Mr. OVERMAN. That is merely the Walsh amendment as reported by the committee.

Mr. JONES of Washington. I desire to offer an amendment to the substitute.

The PRESIDING OFFICER. The amendment to the committee amendment will be stated.

The READING CLERK. After the words "in either case," in line 1, page 3, of the original print of the joint resolution it is proposed to insert the words "shall be submitted to the legislatures of the several States and," and after the word "States," in line 4, page 3, to insert the words "after affirmative or negative action by the respective legislatures."

Mr. JONES of Washington. Mr. President, I desire to say just a word or two on the amendment.

Mr. BRANDEGEE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Connecticut?

Mr. JONES of Washington. I do.

Mr. BRANDEGEE. If the Secretary now has the amendment in form so that he can read it to the Senate, I should like to have him do so, in order to show how the amendment of the committee would read if the two amendments suggested by the Senator from Washington be incorporated in it.

Mr. WALSH of Montana. Will the Senator from Connecticut permit the Secretary again to read the last amendment proposed by the Senator from Washington?

Mr. BRANDEGEE. Certainly.

The PRESIDING OFFICER. The Secretary will read the last amendment proposed by the Senator from Washington.

The READING CLERK. The second amendment proposed by the Senator from Washington [Mr. JONES] is, after the word "States," in line 4, page 3, to insert the words "after affirmative or negative action by the respective legislatures."

The PRESIDING OFFICER. The Secretary will now, in response to the request of the Senator from Connecticut [Mr. BRANDEGEE], report the substitute as it would read if the amendment proposed by the Senator from Washington should be adopted.

The READING CLERK. As proposed to be amended by the Senator from Washington [Mr. JONES] the committee substitute would read as follows:

ARTICLE —

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, upon the application of two-thirds of the legislatures of the several States, shall call a convention for proposing amendments, which, in either case, shall be submitted to the legislatures of the several States and shall be valid to all intents and purposes, as a part of this Constitution when ratified by a vote of the qualified electors in three-fourths of the several States, after affirmative or negative action by the respective legislatures, said election to be held under such rules and regulations as each State shall prescribe and that until three-fourths of the States shall have ratified, or more than one-fourth of the States shall have rejected a proposed amendment

any State may in like manner change its vote: *Provided*, That if at any time more than one-fourth of the States have rejected the proposed amendment, said rejection shall be final and further consideration thereof by the States shall cease: *Provided further*, That any amendment proposed hereunder shall be inoperative unless it shall have been ratified as an amendment to the Constitution as provided in the Constitution within six years from the date of submission hereof to the States by the Congress: *Provided further*, That no State, without its consent, shall be deprived of its equal suffrage in the Senate.

Mr. JONES of Washington. Mr. President, I desire to say merely a few words. The substitute reported to the Senate provides for the ratification by direct vote of the people. The amendment which I have offered does not interfere with that; it still preserves that feature of the substitute. There are many Senators who think it would be wise to have a proposed constitutional amendment after submission by Congress passed upon by the State legislature, feeling that is a body which would bring out better the merits or demerits of the proposal, and that much would be gained by having a discussion in the legislature of the proposed amendment. My amendment intends to preserve that feature also, and requires the amendment to go to the legislature for action. Whether that action is affirmative or negative, after it is taken, the amendment goes to the people for a direct vote. The only advantage, of course, that I see—

Mr. GEORGE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Georgia?

Mr. JONES of Washington. I will yield in a moment. The only advantage that I see in reference to that is that the people in passing upon it will have the advantage of the discussion in the legislature. They may agree with the decision of the legislature or they may disagree with it. In either event, their decision is the one that is effective and controls. I now yield to the Senator from Georgia.

Mr. GEORGE. Does the Senator really believe that there would be any serious discussion in the legislature if its action had no force or effect one way or the other on the final ratification or rejection of a proposed amendment?

Mr. JONES of Washington. I think there would be. If it were a matter of such importance that we deemed it necessary to submit an amendment to the Constitution, I believe that the members of the legislature would be very anxious to have their views with reference to the matter known by the people. If they thought that the sentiment of the people was different from their own, they would be glad to have their reasons and their position known and considered by the people. At any rate—

Mr. ROBINSON. Will the Senator yield to a question?

Mr. JONES of Washington. I will yield in just a moment. At any rate, I can see no harm to come from it, no injury to come from it, and it does seem to me that it is likely to bring out discussion and valuable information and points in connection with it that the people otherwise might not get. I now yield to the Senator from Arkansas.

Mr. ROBINSON. As to the effect of the amendment which the Senator proposes, it would seem to make the action of the legislature merely advisory and not controlling or conclusive.

Mr. JONES of Washington. That is really what is intended.

Mr. ROBINSON. If the legislature rejects the proposed amendment of the Federal Constitution, notwithstanding its rejection, the amendment might be ratified by the qualified electors of the States.

Mr. JONES of Washington. That is the intention.

Mr. ROBINSON. On the other hand, if the legislature ratified or approved an amendment, its ratification would not be effective until the qualified electors of the State had passed upon the matter under the rules and regulations prescribed by the State itself.

Mr. JONES of Washington. That is the intention of the amendment, and that is the way I tried to word it.

Mr. ROBINSON. The amendment, then, does not require ratification by both the State legislature and by the qualified electors?

Mr. JONES of Washington. It does not.

Mr. ROBINSON. The only effect of the legislature's action is advisory.

Mr. JONES of Washington. It is really advisory, and to give the people the benefit of whatever may come from the discussion in the legislature.

Mr. President, that is all that I care to say. It appeals to me that it would be of considerable benefit to the people in making up their minds.

Mr. FESS and Mr. EDGE addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Washington yield; and if so, to whom?

Mr. JONES of Washington. I yield first to the Senator from Ohio.

Mr. FESS. Is it to be understood that when one-fourth of the States reject a proposed amendment to the Constitution that action forecloses any effort thereafter to amend the Constitution along the same line?

Mr. JONES of Washington. My amendment does not deal with that question at all.

Mr. FESS. I thought I heard such a provision read in the amendment.

Mr. JONES of Washington. No; that is not in my amendment; that is in the text of the proposal. I do not interfere with that at all.

Mr. FESS. Would the Senator allow me to ask that question of the Senator from New York?

Mr. JONES of Washington. Certainly.

Mr. FESS. In listening to the reading the last time I thought that the reading suggested that when one-fourth of the States rejected an amendment, that foreclosed ever after any effort to amend along that same line.

Mr. JONES of Washington. I have before me what the Senator has in mind. I read from the text of the substitute:

Provided, That if at any time more than one-fourth of the States have rejected the proposed amendment, said rejection shall be final and further consideration thereof by the States shall cease.

I do not affect that provision at all by my amendment.

Mr. FESS. I should like to ask the Senator from New York whether that provision forecloses consideration of a similar proposal after this one has been rejected?

Mr. OVERMAN. It does not, as we understand it. It forecloses it for the amendment then submitted. Congress could, after that, submit another amendment of the same kind. It only forecloses it as to the amendment then submitted.

Mr. FESS. It does not prevent, then, any progress in amending the Constitution to reach a certain conclusion later on?

Mr. OVERMAN. That same conclusion can be reached if Congress desires to do it.

Mr. EDGE. Mr. President, I should like to ask the Senator from Washington a question. Do I understand the result of his amendment to be that if a legislature voted against a proposed constitutional amendment referred to the various States—in other words, voted “no”—under the terms of his amendment it would necessarily go to the people for a popular vote, and if the people, through the popular vote, voted “yes”—in other words, reversed the action of the legislature—that would be the result of the State's position in the matter?

Mr. JONES of Washington. That would be the decision.

Mr. WILLIS. Mr. President, I desire to ask a question of the Senator from Washington.

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Ohio?

Mr. JONES of Washington. I yield; yes.

Mr. WILLIS. I desire to direct the attention of the Senator to the language beginning in line 14. I understand that his amendment does not cover that, but since he is offering an amendment to this section I want to call his attention to this language. It says:

Provided further, That any amendment proposed hereunder shall be inoperative unless it shall have been ratified as an amendment to the Constitution, as provided in the Constitution, within six years from the date of submission hereof to the States by the Congress.

In other words, we never could amend the Constitution after six years from the time this amendment should be submitted to the States.

Mr. FLETCHER. I think that is a misprint.

The PRESIDING OFFICER. Does the Senator from Washington yield; and if so, to whom?

Mr. WILLIS. It says “the date of submission hereof.”

Mr. FLETCHER. That is a misprint.

Mr. JONES of Washington. That, I understand, is a misprint. It should be “thereof.”

Mr. WILLIS. Oh, very well. If it were “thereof” it would be all right. That answers that question.

Mr. HEFLIN. Mr. President, I do not know that I understood the suggestion to the effect that if one-fourth of the States defeated an amendment, the proceedings would stop so far as elections are concerned on that amendment. Is that correct?

Mr. OVERMAN. That is the end of that.

Mr. HEFLIN. That is the end of the amendment?

Mr. OVERMAN. Yes.

Mr. HEFLIN. If that is true, when an amendment is submitted those who oppose the adoption of it can hurry up elections in the States that they think they can control, and forestall action by the other States that are favorable to it, but that could not, perhaps because their legislature did not meet in time, get their machinery ready to hold elections on the subject.

Mr. BRANDEGEE. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Connecticut?

Mr. HEFLIN. I yield.

Mr. BRANDEGEE. It is true that that might happen; but the one-quarter of the States that act promptly upon it, as the Senator has said, are enough to defeat it in the end anyway, even if they should delay, because it is necessary to get three-quarters of the States in favor of it.

Mr. HEFLIN. That may be true; but if the other States were permitted to vote, then the action of the other States and the reasons for their action might influence some of the States that were encouraged to take early action, before a thorough campaign could be made.

Mr. GEORGE. Mr. President, if the Senator from Connecticut will pardon me—

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Georgia?

Mr. HEFLIN. Certainly.

Mr. GEORGE. There may be a change in this vote.

Mr. BRANDEGEE. Yes.

Mr. GEORGE. It never has been considered that a negative vote is any action at all. It is the equivalent of no action; and although you must have three-fourths of the States voting finally affirmatively, yet if one of several States should vote in the negative two or three or four times they might yet, until the amendment has been determined, if this six-year provision should become operative, change their vote.

Mr. BRANDEGEE. That is true. The object of the committee, however, and the suggestion in the committee, was that after it became manifest by more than a quarter of the States voting against it that the amendment would not be adopted it was rather a useless proceeding to make three-quarters of the States go through the motions of voting for something that they could not get; but I admit that there is a possibility that some of the States that voted against it might change. If the Senator thinks that is a sufficient objection to it the proviso could be stricken out, but there was a very strong demand for that proviso to be put in.

Mr. HEFLIN. Mr. President, there is another point, if the Senator will permit me, right there. I understand, too, that if an amendment is to be passed on by the legislature it has been urged that the legislature should have been elected after the amendment was submitted or was pending.

Mr. BRANDEGEE. That does not amount to anything if we provide that the legislatures are simply to be the advisers of the people, and that the thing is ultimately to be controlled by the people themselves.

Mr. HEFLIN. I know; that is in the original plan.

Mr. BRANDEGEE. Yes.

Mr. HEFLIN. In some States the governor and the legislature are elected for two years. In my State the governor is elected for four years and the legislature is elected for four years. Those where they are elected for two years might bring in their new members and take action such as they wanted to take, providing the machinery, and so forth, and those who had the four-year term would have old legislatures holding on.

Mr. BRANDEGEE. But the Senator's objection does not apply now, as he understands, if this amendment of mine shall be adopted.

Mr. HEFLIN. I understand that.

Mr. WALSH of Montana. Mr. President, the substance of the amendment now offered by the Senator from Washington [Mr. JONES] was communicated to me yesterday, and I gave the matter some very serious consideration; but I have not been able to give my approval to it, and I trust that it will not be adopted.

Of course, the action of the legislature is simply academic. The consideration of the amendment is purely so, because it does not make any difference what the legislature does, either one thing or the other; the action is the same. It goes to the people for their vote.

Mr. President, I do not think that when the action of the legislature is academic, anyway, it is to be expected that the proposition is going to be debated in the legislature with any degree of interest or concern. The fight will be made, of course,

before the people; but it does, as a matter of fact, give the opponents of the amendment another opportunity.

This is the way the thing will work; this is the way it has worked in the past.

No amendment to the Constitution has ever been adopted except in response to an agitation for the reform that has been carried on through a series of years. Just think back about the history of the last amendments to the Constitution. The income-tax amendment was agitated before the people for 20 years; the amendment for the election of Senators by direct vote the same way. Time and again they came before the Congress of the United States, and time and again the Congress of the United States, or one House of Congress, refused to submit the matter. Finally, it went through; but it became a matter of controversy in the election of practically every Member of Congress from practically every State. The question as to whether the candidate for Member of Congress was in favor of the election of Senators by direct vote of the people or was not in favor of it was an issue in his election. So that in the first instance, when a movement is made for the purpose of amending the Constitution of the United States, it goes before the people of each congressional district in the United States, and they pass upon it; and after a time sentiment grows so powerful and so strong, the mandate of the people is so imperative, as declared in the election of Members of Congress, that they finally elect a Congress two-thirds of the Members of which in each House agree to submit the matter.

That is the first time the issue is submitted to the people. Then it goes to the States for ratification; and if it is a stoutly contested thing, such as I have indicated, or such as the prohibition amendment, the question as to whether or not it shall be ratified is an issue in the election of every member of the legislature, and the people of the country for the second time are called upon to express their opinion as to whether or not the amendment ought to become a part of the Federal Constitution; and in due course of time they do express their opinion to the extent of three-fourths of the States.

Now, twice, you will observe, at least, if not twenty times, the issue has gone before the people, and at least twice they have expressed themselves, to the extent of two-thirds in the one instance and three-fourths in the other.

It seems to me we have gotten the opinion of the people pretty well, but now it is proposed that there be a further discussion of this matter. Meanwhile the press of the country, during all of this agitation, and particularly in the election of Members of Congress by whom the matter is to be submitted, and in the election of the members of the legislature by which the thing is to be ratified, is agitating and discussing this subject, and speakers upon the stump are discussing it before the people. Now it is proposed to give the opponents of the measure another whack at it, and go before the legislatures of the States; to go before the people in the election of the legislators and fight the thing out there, then to go before the legislature of the State and fight the thing out there and endeavor to get an adverse recommendation from the legislature if possible, and then finally, the fourth time, to go before the people for an expression from them upon the subject.

Mr. President, the Senator from Iowa offered an amendment the object of which was to make it easier to amend the Constitution than is now the case. I believe that any movement ought to be in that direction than in the direction of making it a little more difficult to amend the Constitution of the United States. Besides, is it not boy's play, is it not just making the legislatures of the several States debating societies, debating the subject without any conclusion upon the matter either one way or the other? It seems to me it is not consistent with the dignity which ought to attach to these bodies.

There is a further objection to this; that is, that the proposal now made must inevitably defer the ratification of an amendment to the Constitution by at least two years. That is the way it would operate. Here is the situation: To-day we pass a resolution, by the requisite vote of both Houses of Congress, submitting an amendment to the people of the various States. Under the amendment as reported by the committee in all reasonable possibility the various States would provide that the matter should be submitted to the people at the next ensuing general election. Assuming that the resolution were passed at this time, it would be submitted to the people at the election next November, when they would act upon it either one way or the other. But under the amendment it could not be voted on next November, because it would first have to go before the legislatures of the States. The legislatures will not meet until January, 1925, and then it would be submitted at the next general election, which would be in November, 1926. No matter

how you fix this, this amendment now proposed would operate to delay the ratification of a proposed amendment to the Constitution by just two years, and I am opposed to that.

As I said the other day, I do not believe there is any occasion at all to amend the Constitution of the United States in this particular. I do not believe the people of this country have expressed themselves upon this subject in any such way or with any such unanimity as calls for the submission of the amendment. As I said, if we were going to draft the amendment as an original proposition, I would, of course, be in favor of submitting the matter to the people directly, as is proposed in the amendment; but I do not believe there is any occasion for this. I submit that up to the present time, Mr. President, the voice of the people of the country has been sufficiently expressed and sufficiently accurately expressed through the action of the legislatures, and there is no occasion for amending the Constitution in this particular at all. But if it is amended, I trust it will be amended, in general at least, after the plan of the amendment submitted by the committee.

Mr. GEORGE. Mr. President, it so happens that I have heard very little of the debate on this most important matter. That I regret, since, I think, this proposed amendment to Article V of the Constitution is a very important matter.

I would like to say, in addition to what the Senator from Montana has said, just a word further in reference to the amendment offered by the Senator from Washington [Mr. JONES]. It is undoubtedly true, as he points out, that to require the submission of an amendment both to the legislatures of the States and finally to a vote of the people of the States is but an added step, and but delays the amendment of the Constitution in respect to a matter concerning which the people may be assumed to desire a change of the Constitution.

Of course, the amendment would provide for some discussion before the legislative bodies of the several States, but that discussion would be purely perfunctory. It would be had with the conscious view before the legislature that it made no difference how they voted upon the proposed amendment, the people themselves would finally decide whether there should be an amendment to the Federal Constitution or not. It might induce debate, but it would induce debate, it seems to me, having very little worth.

It certainly would delay the ratification of an amendment, because the vote of the legislature could be used with powerful effect before the people of the States, and those who really wished to defeat an amendment to the Constitution could go before the legislative bodies of the several States and there indulge in a prolonged and hard fight for the purpose of getting an expression of opinion from the legislature of the State to carry before the people, so as to say to the people of the State, "Your legislative body has rejected this amendment, and we therefore ask you to give consideration to that fact when you cast your vote on the question of ratifying the amendment."

I can not believe that the amendment offered by the Senator from Washington [Mr. JONES] could be productive of any possible good. I appreciate the fact that he desires to obtain both an expression by the legislative body of the State, and by the electorate of the State, and I can see a strong reason why the legislatures of the several States should be called upon to express themselves on the adoption or the rejection of an amendment to the Federal Constitution. That I wish to notice briefly in just a moment.

I further agree with the Senator from Montana [Mr. WALSH] in his contention that if the Federal Constitution were now submitted to the people for adoption, and if we were first dealing with the question of perfecting that instrument by amendments, unquestionably most of us, I take it, would be in favor of submitting the ratification or rejection of amendments to the Federal Constitution to the electorate of the States. I am quite sure of that, for this reason: If there is any place under the American system where the genius for self-government has expressed itself forcibly and clearly it is within the State itself, and not within the National Government. Therefore, if it were proposed to solve this question anew, I would have no hesitancy in concluding that amendments to the Federal Constitution should be accepted or rejected by a vote of the electorate in three-fourths of the States, because I know that the students of constitutional history and of the perfected American system of government will have to turn finally and at last to a study of the degree of perfection attained by our system within the several States.

Mr. Bryce long ago observed, and most European critics of our Constitution have observed, that the emphasis has been placed too much upon the Federal Constitution and not enough upon the development of the American people along the lines of self-government within the States respectively. So if it

were a new proposition I would have not the slightest hesitancy in voting to leave to a vote of the people of three-fourths of the States the question of the acceptance or of the rejection of an amendment to the Constitution.

At first I thought that the proposed constitutional amendment offered by the Senator from New York [Mr. WADSWORTH] was a most meritorious amendment, and I expressed myself as favoring that amendment; but on reflection I believe that it would be a mistake to amend the Constitution in the manner proposed by the distinguished Senator from New York. Therefore I shall vote, first, for the substitute, but not as proposed to be amended by the Senator from Washington [Mr. JONES], and then I shall vote against the proposed constitutional amendment of the Senator from New York, for this reason, Mr. President, which seems to me to be fundamental:

Every amendment to the Federal Constitution is likewise an amendment to every State constitution in the United States. Whenever assent is given by the States to a proposed amendment to the Federal Constitution assent is also given by those States to an amendment to their respective constitutions, and I think that the decision of the question by the legislatures of the States is a matter of fundamental importance, because I believe that in determining the all-important question of whether the power should reside in the States or should be transferred to the General Government, the legislatures of the States are much more apt to have in mind the interest and the rights and the powers of the States even than the electorate of the States, because the voter, when he is called upon to pass upon a proposal to amend the Constitution, is likely to weigh it upon its intrinsic merits, and is not likely to consider the question of whether the power ought to be exercised by the General Government, or whether the power ought to be left with the governments of the several States.

For that reason, which I have but briefly indicated, it is my purpose and my conviction to vote for the Constitution as it now is and against the amendment proposed by the Senator from New York. As an original proposition, I should say that it should be submitted to the electorate of each State. Undoubtedly that is true, for the reason that I have but briefly tried to indicate; but considering the question as it actually is, and as a practical one, conceding fully that the electorate of the several States unquestionably will consider the merits of every proposed amendment to the Constitution, and that they will not be entirely unmindful of the effect upon the States themselves of an amendment, which I do not assert, I nevertheless believe that it is proper and that it is wise to leave to the legislatures of the States the question of the adoption or the rejection of an amendment to the Constitution, for the reason that the legislatures, because they are the law-making bodies of the States, will keep steadily in mind the line between the State power and the Federal power, and that they will consider that question as of importance, and not merely the question of the merits or demerits of the amendment itself.

I do not want to be misunderstood. I do not mean to intimate that the electorate themselves will not have regard for State powers. I am not speaking of State rights and State sovereignty in the sense that might be objectionable to men who do not hold that view. I am speaking of the rights and powers of the States in the broad sense in which we are all agreed. I do not mean, I repeat, to say that the electorate will not have regard to the rights of the States, the powers that should rightly be retained by the States, but I do mean to say that in the heat of a political campaign, when some great good is about to be accomplished by an amendment to the Federal Constitution, some great good for which the people of the country have fought for years and years and years, the individual voter within the State is likely to accept the amendment without much thought of how far it cuts into the clear rights and prerogatives of the State itself.

For these reasons, Mr. President, I shall vote for the substitute as originally reported by the committee and then I shall vote against the proposition in any form.

Mr. BRANDEGEE. Mr. President, the constitution of every State in the Union is amended by recommendation of its legislature and the submission of that recommendation to the people. The constitution of no State can be amended except the people of that State approve it. Now, the Constitution of the United States can be amended without any reference to the people whatever. An amendment to the Constitution of the United States is proposed, and if it gets a two-thirds vote in both Houses of Congress it is referred to the legislatures of the States. If the legislatures of three-fourths of those States approve of it, it becomes a valid part of the Constitution of the United States. In other words, while each State requires that the electors of that State shall vote affirmatively before

its State constitution can be amended, we can amend the Constitution of the United States by the vote of purely legislative bodies. It has never seemed right to me since I have thought about it at all that the fundamental law of the United States of America should be amended without the people of the country or the electors of a single State having anything whatever to say about it. It is for that reason that when we come to amend the Federal Constitution I think it would be wiser to follow the plan by which each State amends its own constitution, and the amendment which was reported from the Committee on the Judiciary provided for that and nothing else.

If we are going to amend the Constitution of the United States, if we would have the Congress, which is the national legislative body, recommend the amendment to the people of the several States, which is the national electorate, we would do exactly the analogous thing to what the State does. Each State legislature recommends the amendment of the State constitution to the electors of that State. They both have to agree before the constitution is amended. But it seems to me, as I think of it, to be a deplorable thing—I will not say that it is an anachronism, but we hear much about the rights of the individual in America and his sovereignty—and it seems to me to be out of date to say that he shall be prohibited from having anything to say about the amendment to the Constitution of the United States except what he can say indirectly when he elects a member of the State legislature. Why not pursue the exact course that is pursued by the State?

The resolution which amends the Constitution of the United States which is to be passed by Congress does not even have to have the signature of the President. Now, to say that we can amend the Constitution of the United States by the act of a purely legislative body, it seems to me, shows a great lack of faith in the capacity of the people to express their wants.

There are a great many constitutional amendments pending before the Judiciary Committee now. I think that the tendency is to make them more numerous as the years go by. I myself think that the people will be more conservative about tinkering with the Constitution of the United States than the legislatures would be.

As to the suggestion of the Senator from Montana [Mr. WALSH] that if the amendment proposed to the committee amendment by the Senator from Washington [Mr. JONES] should be adopted the legislature of the State would simply advise the electors whether to vote for it or not, that is exactly the function that the legislature performs now in the matter of an amendment to a State constitution. An amendment to a State constitution is submitted by the legislature, and that means that they approve of it, and they therefore submit it to the people for their approval.

A good many Senators, including the Senator from New York [Mr. WADSWORTH], objected to the amendment of the committee, which was the amendment of the Senator from Montana, the Walsh amendment so called, because they said it did not give the opportunity for any quiet judicial consideration; that it was submitted directly by the Congress of the United States, where the debate on the question had not been published in the newspapers generally of the country and the people of the several States might be more or less ill informed about how to act. The amendment submitted by the Senator from Washington is intended to remedy that defect. The legislature will not be able to stand in the way of the people if they want the amendment, and at the same time will afford a forum in which the amendment can be adequately debated, first by the judiciary committees of both branches of the legislature and then on the floor of both of those branches; and the State press would of course discuss the matter. That seems to me to be a perfectly proper amendment and a perfectly proper method. I agree that it may defer final action upon the amendment for a year or possibly two years in some cases; but if that should prove to be an objection, of course we could extend the time provided in the amendment from six years to eight years in which the amendment might be adopted.

I would be willing to submit it directly to the people, as the amendment of the Senator from Montana provides, but we have to get a two-thirds vote in this body for this amendment, and when it is apparent that the Senator from New York [Mr. WADSWORTH] and other Republican Senators—I think mostly Republicans, though I am not sure about that—think that the legislatures of the States would be of value in discussing the question and informing the people of their several States, if it makes it easier for them to vote for what I think on the whole is a good amendment, I can see no objection to adopting the amendment of the Senator from Washington. I certainly would rather have the Constitution amended as proposed by the amendment of the Senator from Washington than to have

the people of the whole country deprived entirely of taking any part in the constitutional amendment process, and I therefore see no objection to it. For that reason I shall support the amendment of the Senator from Washington to the Walsh substitute.

Mr. WILLIS. Mr. President—

The PRESIDING OFFICER (Mr. KENDRICK in the chair). Does the Senator from Connecticut yield to the Senator from Ohio?

Mr. BRANDEGEE. I yield.

Mr. WILLIS. I desire to submit an inquiry to the Senator from Connecticut. I should like to ask whether he does not think that the inevitable result of the adoption of the amendment offered by the Senator from Washington would be to make out of the proceedings by the State legislatures a purely perfunctory matter? If the Senator will permit me a moment, my experience with the referendum proposition has been that whatever sense of obligation there is in a State legislative body when it is understood that the matter is to be subjected to referendum anyhow, the argument is always made, "Well, we do not have the final say upon this matter. Let us just pass it and let the people vote upon it." It seems to me that the effect of the amendment offered by the Senator from Washington would be to make it merely perfunctory. I would like the opinion of the Senator on that suggestion.

Mr. BRANDEGEE. I will give it very freely. I had intended to indicate what my view of that was. I do not think so at all. The Senator says because a body like the legislature does not have the final say, therefore they will say, "Let us pass it on," and we thus do not get their real conviction about it and do not have a real debate on it. The Senator from Montana said the debate would be a mere academic debate. I do not think so at all. Legislatures do not have their final say about it now. They have to pass it on to the people to amend the constitutions of their own States as their constitutional provisions stand now; but it is not an academic matter with them, and it is not a matter without any interest. It can not be said to be an academic question when the legislature is advising the constituents who elect it as to what course they ought to take on amending the Constitution of the United States. The fact that the advice of the legislature may not be taken will not diminish the interest in the debate, and the advice may be either way. The people will hear it, whether they heed it or not. It will not be an academic question at all, any more than it is academic here. We are not going to have the final say on the disposition of this question. It is to be submitted to the State legislatures because it is a constitutional amendment, and is to be approved by the old method and not the new.

Mr. WALSH of Montana. Mr. President—

Mr. BRANDEGEE. I yield to the Senator from Montana.

Mr. WALSH of Montana. Let me submit to the Senator, however, that they do have a say as to whether it shall be submitted or not, and the legislatures would have no say.

Mr. BRANDEGEE. Oh, they would have no say as to whether it should go to the people or not. They would have a say as to whether they approved it or not.

Mr. WALSH of Montana. But we do.

Mr. BRANDEGEE. Oh, yes, we do; but our vote to submit it is no more binding or weighty than a vote of the legislature which would recommend it to the people or advise the people against it.

Mr. WALSH of Montana. I was simply endeavoring to present the difference in the two situations as affecting the character of debate. Of course, the matter would be as strenuously debated in this body, because this body is called upon to act, either to submit or not to submit. The character of debate in the State legislature would be essentially different, in my judgment, because they have no discretion about the matter at all.

Mr. BRANDEGEE. They have a discretion as to whether to recommend it or to advise its rejection. Of course, what the Senator means, I assume, and what is true is that the action of Congress in submitting an amendment to the legislatures is necessary to the taking effect of the amendment, while the action of the legislature would only be advisory.

Mr. WALSH of Montana. I would put it this way: We can block the amendment. They can not do so.

Mr. BRANDEGEE. Yes; that is true. We can block the amendment and the legislatures could not under the amendment of the Senator from Washington. But I say the reason for proposing the amendment is to meet the objection entertained by certain Senators that it would be done without consideration and too hastily if submitted to the people without some intermediary. That they wish a process of having the legislature discuss the matter and having it discussed in the press for their benefit. I think when we are amending the

Constitution, the more discussion of it by everybody the better it will be. So I think there is virtue in the amendment. It certainly provides a forum of debate. The calm consideration by a judiciary committee—

Mr. EDGE. And, Mr. President, in that connection, after having lived under the Constitution for nearly 140 years, possibly a year's delay will not be a great detriment to the public.

Mr. BRANDEGEE. No; it would not be a great detriment. So far as the merits of this particular measure are concerned, the Senator from Montana [Mr. WALSH] says he does not believe there is any demand for it anyway and that we have lived for 135 years under the present system. As the Senator from New Jersey [Mr. EDGE] says, the matter of one year or more or less in the adoption of future amendments will not be a very serious thing.

Mr. FESS. Mr. President, when first I read the joint resolution, and began to give it study, I was inclined not to favor it. I at first thought that a portion of the joint resolution would make it very difficult to amend the Constitution in response to some great demand on the part of the people, but after reading the resolution more carefully and considering the changes proposed, I am now rather inclined to believe that the amendment suggested to the Constitution would be beneficial rather than detrimental. The proposal to require one of the branches of the legislature to be elected after the authorization has been given by Congress seems to be in accordance with modern democratic progress, and it seems to me to be entirely logical. While I do not appreciate all of the criticisms and the comments which have been made as to the great number of legislatures that have ratified recent amendments although elected before such amendments were proposed, yet I can understand that some benefit might accrue from the course proposed. Consequently, I see no detriment in requiring at least one branch of the ratifying legislature to be elected after the authorization by Congress has been given, and I have no objection to voting for that phase of the resolution.

I did at first think that the permission to withdraw a ratification when once the legislature had given it would be rather a dangerous authority. I recalled the history of my own State when it undertook to revise its political decision in the ratification of one of the war amendments, when there was great claim in the legislature by the lawyers of the State that such permission should be granted. As has been stated on the floor of the Senate, it was decided, and I think correctly, that the right to withdraw should not be exercised.

It seems to me that if, after three-fourths of the legislatures had ratified, the legislature of one State could withdraw its ratification, it would be very serious; but the joint resolution does not involve that proposition. It involves the proposition of withdrawing the ratification before the necessary three-fourths of the legislatures have ratified the amendment; and if a subsequent legislature should decide that a former legislative ratification was wrong, I do not see any injury to come if the subsequent legislature should withdraw the former ratification, provided, of course, it shall be done before the three-fourths which would be necessary to make the amendment a part of the organic law had been secured. That is as far as this proposition goes. It seems to me that also is logical and can not involve any injury to anybody.

The suggestion of ratification of constitutional amendments by a vote of the people rather than by the legislatures is also in accordance with the modern democratic movement, though I have some doubt about the wisdom of the drift toward the primary system and toward the general movement in the law-making process away from the legislatures to the people of the States, and though I sometimes question the wisdom even of the change effected by the seventeenth amendment. Whether or not we have elevated the standard of this body by the change in the manner of the election of Senators is still an open question; and yet that is the modern movement; that seems to be the order of the day. It is not only so in this country, but it is so all over the world where the drift is away from the decision of the representatives back to the decision of the original voters.

Mr. WALSH of Montana. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Montana?

Mr. FESS. I yield to the Senator from Montana.

Mr. WALSH of Montana. I should like to ask whether the doubt which the Senator has expressed of the wisdom of the adoption of the seventeenth amendment has risen since the adoption or whether the Senator entertained the doubt before the amendment was adopted?

Mr. FESS. The Senator from Ohio was in favor of the change which was worked by the amendment, but a doubt has come in his mind as to whether or not we have bettered the situation by the adoption of the amendment.

Mr. WALSH of Montana. The Senator's answer is not very direct. The Senator has stated he was in favor of the amendment. That was not the question I asked. The Senator has not even yet stated that he is not in favor of the amendment but has stated that he is now in doubt of its wisdom. I wish to know, merely as a matter of information, what the sober judgment is of those who believed in the wisdom of the seventeenth amendment, whether or not any of them have changed their views about the matter; and I thought possibly the Senator from Ohio had changed his mind about it.

Mr. FESS. I am of the opinion that the Senator from Ohio has, in a measure, changed his mind. Originally, in the midst of the general drift throughout the country to give more power to the people, and even to extend that power to the election of Senators, I was a believer that the change proposed by the seventeenth amendment would be a benefit to the country. That was when the amendment was adopted. Since then I have come to have, as I have intimated, serious doubt as to whether or not the change was beneficial.

Mr. DALE. Mr. President—

Mr. FESS. I yield to the Senator from Vermont.

Mr. DALE. Aside from the question as to whether the seventeenth amendment is a benefit to the country, the Senator will not question that the present arrangement affords an opportunity to ascertain more nearly the expression of the will of the average voter?

Mr. FESS. No; the Senator from Ohio would not deny that the direct vote of the people is a closer and more accurate expression of the momentary judgment of the people than when that judgment is voiced through some intermediary body. The only question is whether the direct judgment of the people this year is not entirely different from what the direct judgment of the people was last year, and whether it will not be entirely different next year from what it is now. In other words, when we talk about following the popular pulse we find that the popular pulse changes very rapidly, so that any man who would attempt to respond entirely to what he thinks the public wants him to do would find himself much confused, for he would find himself going in one direction one year and in an opposite direction another year.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield?

Mr. FESS. I yield to the Senator from Pennsylvania.

Mr. REED of Pennsylvania. Does not the Senator think that one reason why the seventeenth amendment is not a success is that so small a proportion of the electorate takes advantage of the opportunities that it gives, so that Senators actually are elected by a very small fraction of the popular vote and not by a general outpouring of sentiment?

Mr. FESS. The observation of the Senator from Pennsylvania is accurate, as everyone will recognize who has studied the operations of the primary law. As an officer of the Ohio Constitutional Convention, when it had the question of the primary before it, I supported the direct primary as being the inherently proper method to adopt, because the people themselves ought to have the authority to say who shall be the men to represent them in various capacities.

Mr. DALE. Mr. President, will the Senator yield?

Mr. FESS. I will yield in a moment. Every close observer of the operation of the primary law in my State must have noticed the very small fraction of the citizenry that goes to the polls to determine who the candidates shall be. So, while the principle is inherently right, the practice of it is woefully inefficient. I now yield to my friend from Vermont.

Mr. DALE. Mr. President, I do not quite like the way in which both the Senator from Ohio and the Senator from Pennsylvania leave this matter. They have been talking about "the reasons why the seventeenth amendment is not a success." Do I understand that the Senator from Ohio and the Senator from Pennsylvania take the position that the seventeenth amendment in its results is not a success?

Mr. REED of Pennsylvania. Mr. President, will the Senator yield to me?

Mr. FESS. I yield.

Mr. REED of Pennsylvania. I think the seventeenth amendment, which calls for the popular election of Senators, would be a conspicuous success if people would take advantage of it; but the fraction of the electorate that votes in such elections is discouragingly small, and we do not get the best thought of our people in most of the elections. While I criticize the re-

sults of the seventeenth amendment, I do it with a full consciousness that I should not be here myself if the old system still prevailed, because I do not think any Pennsylvania legislature ever would have elected me to the Senate. Nevertheless, I think that on the whole, and with my own case perhaps as an illustration, the amendment has not worked anything like as well as we had hoped.

Mr. WALSH of Montana. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Montana?

Mr. FESS. In just a moment.

The observation made by the Senator from Pennsylvania is a fine concrete example of the exception to the rule that I had in mind. Pennsylvania, in its last vote for election of Senators by a popular vote, certainly did great credit to itself and to the Nation and to this body. The question is whether or not the same thing was done in my own State and in other States.

I yield to my friend from Montana.

Mr. WALSH of Montana. I was going to remark that it would not be at all to the credit of the Legislature of the State of Pennsylvania if they should refuse to elect the junior Senator from that State a Member of this body. His election is an argument, and a strong one, in favor of the existing system, because I am sure that in the estimation of all of his colleagues he suffers not at all by comparison with his predecessors in this body who were sent here by the Legislatures of the State of Pennsylvania.

Mr. FESS. I certainly concur in the statement of the Senator.

Mr. REED of Pennsylvania. I beg that the unfortunate illustration which I picked will not be followed any further.

Mr. FESS. I would have picked it if the Senator had not.

Mr. WALSH of Montana. I am moved to say a word, however, in this connection, by what was said by the Senator from Pennsylvania. Of course it is a deplorable fact that there is so much absenteeism at the time of our elections. It is a matter of general animadversion and universal regret that so small a percentage of the qualified electors vote at the election, but if you should institute a comparison between the number of electors who vote directly for United States Senators now and the number of electors who voted indirectly under the old system, I think probably you would not find much difference. In other words, bad as it is now, it is no worse than it was under the old system, and so it is with the primary election system.

It is too bad that so small a proportion of the electorate vote at the primary elections, but I am perfectly certain that if you figured up the number who attended the caucuses under the old system—I mean away down; the precinct caucuses—and summed up those, as compared with the number who vote at the primaries, you would find that at least 100 per cent more votes are cast in the primaries now than there ever were at the caucuses when they were conducted honestly. Of course, we all know that under the old caucus system there were more votes cast in the caucus sometimes than there were voters in the precincts; but I am speaking now about the honest expression. Everybody knows—if I may use that expression—that more people vote in the primaries now than voted under the old system, and yet from every platform from which the opponents of the primary election system talk you will hear the welkin ring about "the failure of the system" because so few people attend the primaries.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield to me to say a word in reply to the Senator from Montana?

Mr. FESS. I yield.

Mr. REED of Pennsylvania. I do not believe that the Senator from Montana is any greater believer in popular government than we are, but the Senator surely must realize that it is a great problem that we have before us in the limited participation in elections by our people.

Mr. WALSH of Montana. I recognize that fully.

Mr. REED of Pennsylvania. That being so, is not any check on hasty judgment by that small minority advisable? I believe that if the whole population, or substantially all of it, would take part in these elections, we might safely leave to a referendum of those people the decision on such questions as this; but when we remember that only a small fraction, sometimes as low as 10 per cent, will attend those elections, is it not wise to have that intermediate check of action by the legislature?

I will grant you that probably that legislature is not exceptionally capable, not as capable as it would be if all people voted in its election, but its presence there acts as a check on

rash and ill-considered measures; and it seems to me that there is some value, particularly where our people will not vote, in interposing that check against the impulsive action of the minority.

Mr. WALSH of Montana. Of course, the difference between the Senator from Pennsylvania and myself is that he is apprehensive of hasty and ill-considered action. I am not. Like Patrick Henry, I have no way of judging of the future but by the past. I know of no time in the past when there has been hasty, ill-considered, and precipitate action with reference to a constitutional amendment, and therefore I am not apprehensive of anything of the kind in the future. I think the checks that we now have are checks enough. Of course, I agree that there ought to be some checks as against hasty or ill-considered action. No one can dispute that. We have those checks, as I think, now.

Mr. FESS. Mr. President, reverting to the observation of the Senator from Montana on the old caucus system, I would not want to be regarded as believing that we should go back to that system. It had its very serious drawbacks, and the abuses that grew out of it were such that it will never be resumed. There may be some intermediary plan by which we might help the primary system. I do not know whether that is possible or not. Some States have attempted it, like New York, and other States are discussing other intermediary plans. But, to revert to the joint resolution that is before us—

Mr. DILL. Mr. President, before the Senator leaves that subject will he permit me to interrupt him?

Mr. FESS. I yield to the Senator from Washington.

Mr. DILL. I want to make just one observation about the seventeenth amendment in answer to the suggestion of the Senator from Pennsylvania, namely, the small number of voters taking part in the election. It is my belief, and I think the statistics of elections will bear me out, that as many people vote in the elections for Senators as vote for governors or Congressmen, and that if it is an argument against the direct election of Senators that not enough people vote, the same argument can be made in regard to nearly all of our State officials.

Mr. FESS. It has been alleged in some quarters that the Wadsworth joint resolution will make it quite difficult to amend the Constitution. I do not see that objection as valid. In fact, it is not easy to amend the Constitution under Article V. I go further to state that it ought not to be made easy to amend it. In other words, the Constitution is the organic law that ought not to be changed, in the language of Jefferson, for light and transient causes, and should never be regarded as a mere code of law.

Mr. GERRY. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Rhode Island?

Mr. FESS. I yield.

Mr. GERRY. As I understand the Senator from Ohio, he was talking about the question of the lack of interest on the part of the voters and the small number of voters who often voted on important questions, such as the election of Senators. I should like to call the Senator's attention to certain States—for example, my own State, Rhode Island—where, under the old system of Senators being elected by the legislatures, a very small percentage of the people of the State were represented in a majority of their legislatures. As a concrete example of what I mean, the city of Providence, with its large population of over 200,000, has only one Senator. The town of West Greenwich, with three or four hundred population, has one Senator, with the result that we have a minority in the State controlling the legislature, and thus under the old system a minority of the voters of the State were able to choose the representative of the State in the United States Senate.

Mr. FESS. I will say to my friend from Rhode Island that I only repeat what I said a moment ago. I am not defending the old method, and that is not an issue, for the simple reason that the seventeenth amendment is a part of the organic law of the land. Without doubt, it will always remain in the Constitution. It is a question that is settled. I am glad to have the statements of the various Senators that demonstrate the wisdom of the proposed change in this amendment to give the right to ratify to the people instead of to the legislatures, if they so choose to do; so that there is no point of difference. I presume that my suggestion earlier in the day of a doubt of the wisdom of the change has provoked all of these comments, which I appreciate very much.

Mr. GERRY. I will say to the Senator that I just made that comment as showing the necessity of a change in the amendment suggested by the Senator from New York; that we should have the question submitted directly to the people, so as really

to get the true views of the different States. Minority approval could happen again on any other question that might come up in the States where we did not have a majority of the people of the States properly represented.

Mr. FESS. I am glad to have the Senator's approval of the matter.

Mr. DALE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Vermont?

Mr. FESS. I yield.

Mr. DALE. I am sorry to break in on the Senator's time so much, but this is a matter of great consequence.

Mr. FESS. I yield gladly to the Senator. There is no breaking in.

Mr. DALE. I should like to ask the Senator's opinion on this element of the matter; To my mind it is not so much a question of the number of voters; it is the question of the powers that control the caucus, and that can not control under the present system, which, to my mind, is the vital question.

Mr. FESS. That consideration will without doubt prevent the caucus method ever being resumed in the country, because just the matter suggested by the Senator from Vermont is the one outstanding objection to that method of nomination. The only thing that I am concerned about is with our present method. Can we improve it so as to make it of general interest, so that the general citizen will be interested in naming the candidates for office?

Now, Mr. President, to resume, I am one of the Senators who do not believe there is any great danger in the difficulty of amending the Constitution. In other words, I should think that the greater danger would be in the ease with which a constitution might be amended. There ought to be a sharp distinction between constitutional sanction which is found in the organic law and legislative enactment which is the product of this body and the other body. One of the greatest comments that can be made upon the stability of our system is the few amendments that have been made to the organic law in the nearly 150 years of our national existence.

That matter was gone over by the Senator from New York [Mr. WADSWORTH] in the opening of the discussion of this joint resolution. Originally there were 12 amendments proposed and submitted to the people. Those amendments were all discussed at the Constitutional Convention that ran through from May until September, but they were not discussed as amendments. They were discussed as a bill of rights. There were two schools of thought in that convention. One was led by James Madison, who believed in a bill of rights. The other was led by Alexander Hamilton, who insisted that there was no such thing as a bill of rights in a democratic government; that a bill of rights presupposed the existence of a power above, sending down authority to those below. He said there was no place for a bill of rights in a constitution of the people, where the people themselves wrote or drafted the constitution, and while there was a desire to inculcate somewhere the principle of the Bill of Rights for the protection of the people against despotic government, the question was, Shall it be a part of the organic law or shall it be added as an addendum to the organic law? It was decided that it should be added, and it was added in the form of amendments. We usually refer to them as the first 10 amendments, but the first 11 amendments are our Bill of Rights. The eleventh ought to be included, for that is an amendment which forbids a State being dragged into court as a defendant upon the complaint of a citizen. No one in the convention thought that the Constitution would permit that. It was even discussed in the Constitutional Convention, but later on a citizen of South Carolina, one Chisholm, actually sued the State of Georgia and made it a defendant in court, and when that incident occurred the only remedy, the only way to make the Constitution as the fathers thought they originally had it was the submission of an amendment, and that is the eleventh amendment, adopted in 1798, which ought to have been a part of the original Bill of Rights. So, Mr. President, the first 11 amendments are not amendments in the sense that they are changes of the organic law from what the fathers themselves intended originally the organic law should be.

Mr. GERRY. Mr. President, will the Senator yield?

Mr. FESS. Yes.

Mr. GERRY. I do not want to break into the Senator's argument, but I want to ask him a question. I have not heard all his argument, as I came into the Chamber just a few moments ago. Is he in favor of the proposed amendment to the Constitution submitted by the Senator from New York, which provides that a State may provide for the affirming or

reversing of the action of its legislature; in other words, have the legislature pass on a constitutional amendment first, and then have it submitted to the electors, or submit it directly to the electors?

Mr. FESS. I see no objection to that.

Mr. GERRY. Of course, in a State like my own, where a majority of the legislature does not represent a majority of the State, with the word "may" included it is possible that the amendment would not be submitted to the voters of the State. Is it not?

Mr. FESS. I should prefer to leave it permissive, rather than make it mandatory.

Mr. GERRY. In my State it is practically impossible to amend the constitution. We have tried to amend it for years, but we have a minority controlling the legislature, preventing progressive legislation, and preventing amendments to the constitution. We even go so far that we have a property qualification for voters, and voters have to register before the 30th of June in each year.

Mr. FESS. They need a campaign of education over there.

Mr. GERRY. We have been conducting one, but so far we have not been successful. So that really the Senator's amendment, so far as my State is concerned, would not go half far enough, if we are to have a popular expression of opinion.

Mr. FESS. I should prefer to leave it permissive than to make it mandatory. In my own State the legislature would probably refer ratification to the people. Under our trend over in Ohio we might require that it be done by a vote of the people. There was much said about our experience with the nineteenth amendment. We thought the Constitution was perfectly clear on that, that it was the legislature's function, and when an effort was made to prevent that action being taken by having it referred to the vote of the people, a great many people, including myself, stated that that would not do a bit of good, because the Constitution specified how it should be done, that it was already done, and we made no effort whatever to stir up the people on the matter, thinking it was already done. But my opinion is that if this proposed amendment is ratified the act of ratification of an amendment in Ohio will be by the people rather than by the legislature. That would be my judgment.

Mr. EDGE. Mr. President, if the amendment remains as proposed by the Senator from New York and such a situation should exist as has been presented by the Senator from Rhode Island—in other words, if a legislature refused to submit an amendment to a vote of the people—the result would be that in such State they would be following just exactly the law we have to-day.

Mr. FESS. Precisely.

Mr. EDGE. There would be absolutely nothing gained by the ratification of this constitutional amendment, so far as those States were concerned.

Mr. WADSWORTH. The Senator will note that one house of the legislature would have to be elected subsequent to the submission of an amendment.

Mr. EDGE. Yes; but the actual machinery would be exactly the same as exists now in any State where the legislature refused to submit it to the people. Is not that correct?

Mr. GERRY. Exactly.

Mr. FESS. That is correct now, but let me state to the Senator from New Jersey that if this amendment is not ratified, then the present method must always be followed, no matter what campaign of education might be carried on in the States; but if the amendment is put into the Constitution, then whenever the State, through its majority, decides in favor of the popular ratification, it has the authority; otherwise it would not have.

Mr. EDGE. But if we go a step further, in view of the fact that we are now considering this as an improvement of the present system—as we are, or we would not be considering it at all—if the amendment offered by the Senator from Washington is adopted we will assure ourselves of a change in the system, will we not?

Mr. FESS. Yes; then the change must be made whether the legislature wants it or not.

Mr. GERRY. That, Mr. President, is really what those of us who are in States where we have the rotten borough system are heartily in favor of, so as to get popular government, because we really now have to go out and conduct a campaign for registration every year, in the spring, so as to inform the people that they must register before the 1st of July if they wish to be heard on election day, which is six months off.

Mr. FESS. I prefer to leave it permissive. In nearly 150 years of national development, during which time the most wonderful changes which have taken place in the history of

the world took place, we have virtually had only half a dozen amendments to the Federal Constitution, which to me is the suggestion of the great genius of the framers of that instrument. While it is true that we ordinarily refer to them as 19 amendments, the first 11 really were not amendments. The first real amendment to the Constitution was the twelfth, and the thirteenth, fourteenth, and fifteenth are all war amendments, growing out of the slavery question, one designed to give freedom, the second citizenship, and the other suffrage. Therefore, from the standpoint of the framers of the Constitution, they would stand as only one change, applying to the liberated citizens of the country. That makes but two amendments. Then the sixteenth, seventeenth, eighteenth, and nineteenth make the six.

In fact, the sixteenth amendment was regarded by very many people as unnecessary, and only by a vote of 4 to 5 in the Supreme Court was it made necessary. In other words, many of our best legal minds thought that we could lay an income tax without changing the Constitution. If that had not been necessary there would have been only five changes in this fundamental instrument in 150 years.

Mr. OVERMAN. It was generally believed also that if that question had been brought before the Supreme Court again they would have decided in favor of the income tax. One judge changed his mind overnight, the Senator will remember.

Mr. FESS. I really have no doubt of the accuracy of the statement of the Senator.

Mr. OVERMAN. When we adopted the joint resolution proposing the income tax amendment, it was understood that if another case were brought before the Supreme Court they would hold the law constitutional.

Mr. FESS. May I say that here is an instrument of only 7 short articles, only 39 sections, only 84 paragraphs, couched in less than 4,000 words, which has stood the test for 150 years, with only half a dozen amendments, covering a period marking the greatest development the world has ever seen, written for 3,000,000 people, now serving 110,000,000, during the most marvelous transitions of our whole social, industrial, and political system. I regard it as the greatest concrete example of governmental genius, unlike anything in the history of the world.

Mr. OVERMAN. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from North Carolina?

Mr. FESS. I yield.

Mr. OVERMAN. The Senator is a historian and knows all about this matter, and is very interesting in what he says. I ask the Senator if he has ever known of so many resolutions being introduced in Congress with the object of changing the Constitution in all the history of this country?

Mr. FESS. No; I have not, and I deplore it.

Mr. OVERMAN. I know the Senator deplores it. It seems to me there is an agitation to change the Constitution; and that is why this amendment is urged. The people feel there is a menace, a warning, and that we ought to take some action and let the people say whether an amendment should be adopted or not.

Mr. FESS. For the reason offered by the Senator, and the reason I stated a moment ago, I am not afraid of the allegation that this is going to make it impossible to amend the Constitution when an amendment ought to be effected. I have no fear of that. I am averse to the ease with which we attack the fundamental law of the land, and I am not an adherent of those who think that the Constitution should be put on the basis of a statute. On the other hand, it ought to be maintained as the body of constitutional sanction instructing Congress, within its limits, what to do.

I shall therefore support the joint resolution offered by the Senator from New York. I do not see my way clear to support the substitute, and I do not believe the amendment offered by the Senator from Washington [Mr. JONES] would effectively strengthen the joint resolution.

Mr. WALSH of Massachusetts. Mr. President, I have been aided in reaching a decision on this question by asking myself and keeping in mind this query, Why is this proposal here? Why should anybody ask us to change the method of amending our Constitution? It is because, is it not, that there have been certain abuses under the present system. Is this true? Unquestionably that contention has been proven by the Senator from New York [Mr. WADSWORTH] and by other Senators, who have recited what has occurred in certain legislatures when amendments have been ratified in the past. Those irregularities, it is claimed, are of such a character that at times the popular judgment has been thwarted. I would like to know if there is any more serious indictment of a system of

democratic government than the claim that it is possible to change the organic law against the will of the people? I repeat, Is there anything more serious than that? Has it been done? In my own State it has been done. The legislature of my State voted to ratify one of those amendments which a majority of the people were, are, and always have been opposed to.

Mr. WADSWORTH. Mr. President, will the Senator yield? The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from New York?

Mr. WALSH of Massachusetts. Certainly.

Mr. WADSWORTH. May I remind the Senator that the legislature of his State ratified an amendment to the Federal Constitution, the subject matter of which had been voted upon in the State of Massachusetts and the people not only in the State at large but in every county, every city, every town, and every ward but two in the State rejected it.

Mr. WALSH of Massachusetts. The Senator is absolutely correct.

Mr. WADSWORTH. The legislature thereafter ratified it in spite of that vote.

Mr. WALSH of Massachusetts. I thank the Senator for elaborating upon my statement. Massachusetts, however, is not the only State that could be cited.

Mr. President, I restate the proposition. There has been such an operation of the provisions in our law for amending the Constitution that abuses have grown up so that it is possible in the future, as it has actually happened in the past, that there may be incorporated in the fundamental law of this country amendments to the people's Constitution that they themselves would not approve if they should be submitted to them? What additional reasons are needed to necessitate a change? Is such a system tending to make democracy secure and inviolate in America?

How can this be prevented? What remedy is proposed? Place, some say, another check upon State legislatures where, in some, irregularities or abuses have been practiced; change the constitution in order to make it a little more difficult for the State legislature to act arbitrarily and defeat the popular will.

Even if there have been evils, if there have been irregularities, but the public will has not been nullified, then the importance of a change is of little consequence. The real complaint, let us not forget, is that it is possible for State legislatures to fasten upon the American people amendments to their Constitution which they themselves do not want; that minority groups, political or sinister influences, can control a sufficient number of the legislators of the several States to change the organic law that the people do not desire changed, and the people must remain helpless, must accept the verdict of their legislatures despite their own desires and regardless of the unworthy motives or improper influences exerted upon their legislatures.

Mr. President, there is only one remedy that is honest, that is straightforward and direct—it is to give to the people themselves the power to determine their organic law. When Congress proposes a change in the Constitution we should submit the proposal, not to State legislatures that may be manipulated politically, corruptly, or otherwise, as such bodies have been occasionally manipulated, but to the people themselves. This argument can not be refuted effectively. There is no answer except an evasive one. The antithesis to this proposition is that the agencies or representatives of the people have a right to misrepresent the judgment of the people and the people must remain helpless and powerless if they do so. If the people have any inherent rights at all, it is the right to change their Constitution, to determine their form of government. Yes, Mr. President, they have the right to make mistakes, but no legislature has a right to make mistakes, inadvertent as they might be.

Therefore I shall support the only direct way of correcting methods that have been and may again be employed to thwart the people from expressing themselves about the basic law of the country under which they shall live, under which they shall serve, under which they shall, if necessary, fight and die. They can not have abiding respect for a constitutional amendment in which they do not believe and which is fastened upon them against their judgment—in the manner in which it was done in my State—by legislative action contrary to the clearly expressed sentiment of the people. Such possibilities make for indifference and distrust of it not eventually utter disrespect and disregard for the laws of the country.

Mr. President, if we are really in earnest and sincerely trying to find an improved method by which to change and correct these irregularities, abuses, evils, whatever you want to call them, it is to go directly to the people and submit any proposed

constitutional amendment to them. After the people act there can be no further questioning of the popular will and authority.

As to the amendment of the Senator from Washington [Mr. JONES], I do not see any special danger in it. So strongly do I favor the submission of constitutional amendments to the people that I would accept his amendment even if it makes for indirect action and delay. I do not think it contributes greatly to obtaining a more direct and intelligent expression from the people. I would prefer not to have it inserted, but if it will help get the two-thirds votes in the Senate necessary to give the people the final word on their Constitution, I will accept it, but on that ground only. If we can not obtain a direct road to the people, I would take an indirect one as long as it is possible to get their final verdict before they are bound.

Mr. President, the desideratum to insist upon is that the people themselves shall finally, at some stage in the proceedings to change their Constitution, say what they want their organic law to be.

I am not alarmed about the agitations to amend the Constitution. Those who talk about the people not being trusted in the amending of their own Constitution are really at heart distrustful of popular government. Only a very few amendments have been made to our Constitution that are not now practically unanimously approved by our people.

When you assert that the election of Senators by direct vote instead of by legislatures was a mistake, I ask you to say which Senator here elected by a constituency in one of the States should not be here? Are you charging that a mistake was made because in the opinion of some the caliber of the Senate has deteriorated, because there are not as many millionaires, because there are not as many social celebrities or highly educated men here as there used to be?

The test of whether the Senate has deteriorated or not is whether we are turning out legislation that is truly more popular, more inclined to the promotion of the general welfare, that is more and better expressive of the will of all the people and not the test that some, I fear, apply, to wit, that the Senate is not so easily controlled by reactionary forces or special interests. Is not the real reason of you who complain about the Senate since popular elections came the fact that your political theories have been scorned, your political powers have been lessened since the people began to elect? I agree with the Senator from Connecticut [Mr. BRANDEGEE] that the people are conservative, more conservative than some legislatures, and, indeed, I believe not so likely to be influenced by minorities or selfish political interests as the legislatures might be. The people of the several States can be relied upon as well as the legislatures to protect State rights, even more so than the legislatures themselves. There is a deeper and more sincere appreciation manifested and inherent in the body politic for their constitution, especially its fundamental principles, than with which we credit them.

Mr. President, there is one and only one way to remedy this condition, and it is to leave the decision to the people. Trust them. They have a right to make mistakes, but their legislators have no right to make mistakes for them. The agent has no business to be mistaken if he can get an honest expression of judgment of his principal. The people should and must, if democracy is to grow and be a reality, have this right, and we should at once rid ourselves of the possibility of further abuses of legislatures when passing upon constitutional amendments.

Mr. EDGE. Mr. President, it appeals to me to be particularly important that we should adopt the amendment proposed by the Senator from Washington [Mr. JONES]. As I interpret the resolution before us, without the adoption of that amendment we are really accomplishing very little. The results at least might be doubtful. The resolution as it has been modified or perfected, without the amendment offered by the Senator from Washington, as has been brought out by questions on the floor, does not finally refer a proposed constitutional amendment to the people unless the legislature desires to have that action taken; in other words, unless the legislature by an act of the legislature, or amendment of the State constitution providing for it, refers it to the public for a referendum vote of all the people. There can not be any other interpretation of the proposed amendment without the acceptance of the amendment of the Senator from Washington. To me, and, I am sure, to every Senator, its meaning is perfectly clear:

That any State may provide for a popular vote to affirm or reverse the action of its legislature, such vote to stand in lieu of prior action of the legislature.

Mr. OVERMAN. The Senator is not reading the amendment of the Senator from Washington.

Mr. EDGE. I am reading now from the resolution as modified by its introducer, the Senator from New York [Mr. WADSWORTH], with the anticipation that we will finally reach that resolution. The effect of it, as I have said, is perfectly clear. If the legislature, acting arbitrarily, as suggested by the Senator from Massachusetts [Mr. WALSH], decides to ratify or not to ratify a proposed constitutional amendment referred to the country by the Congress and declines to refer the resolution to the people for a popular vote, of course, the people would have no opportunity to vote upon it.

I entirely agree with the Senator from Massachusetts that there have been occasions where the vote of the people of the States would undoubtedly have changed the action taken by the legislature. Therefore, there is reason for the passage of some constitutional amendment to correct that evil, and I fail to see where we are really accomplishing the apparent undeniable purpose by making it permissive with the legislature. It is just the type of legislature that arbitrarily refuses to permit the people to vote that the Congress wants to reach. We can not reach them if we leave it entirely within their jurisdiction as to whether they are going to refer it to the people or otherwise.

Therefore, if we are adopting an amendment to the Federal Constitution which will later cause constitutional amendments to be referred to the people of every State in the Union, let us at least give the States the opportunity, when their legislatures meet to consider it, to ratify the constitutional amendment that will not only permit the people, possibly, to vote, but will make it positive that the people of every State in the Union will have the opportunity to vote on any change in the organic law of the Nation.

It appeals to me that in these days particularly, where the State of the public mind seems to be of a higher tension than it was, generally speaking, before we engaged in the war, where extreme viewpoints seem to take hold of certain sections of the country or the population of certain sections of the country, and those viewpoints are so far different and—I have been hesitating to use the word, but I will use it, because, perhaps, it is the only word I can use to express my viewpoint—so radical in comparison with the general trend of the public mind of eight or ten years ago, when these thoughts seemed to develop with great rapidity and, as has been said by several Senators in the course of the debate, we are now receiving and considering more suggestions to amend the organic law of the land, then it makes it all the more important, in my judgment, that an amendment should be adopted to the Constitution making it even more difficult to change the organic law.

Mr. WILLIS. Mr. President—

Mr. EDGE. I yield to the Senator from Ohio.

Mr. WILLIS. I wish to call the attention of the Senator to the fact that the amendment offered by the Senator from Washington [Mr. JONES] does not apply to the Wadsworth amendment, so called, but is intended to apply to the substitute therefor; so that if the amendment offered by the Senator from Washington shall be adopted, it will have no effect at all upon the original proposition.

Mr. EDGE. I thoroughly appreciate the parliamentary situation, and I stated, in answer to a question of the Senator from North Carolina [Mr. OVERMAN], that I was directing my remarks to the amendment which had been proposed by the Senator from Washington, recognizing that as it now appears before the Senate it is an amendment to the so-called Walsh substitute, as stated by the Senator from Ohio. My main purpose, however, was to discuss briefly what I consider the necessity for mandatory action upon the part of the people. If this amendment to the Walsh substitute be adopted, then, of course, the Walsh substitute, as amended, will come before the Senate for adoption or rejection as an amendment to the original proposal of the Senator from New York [Mr. WADSWORTH]. It seems, by an analysis of the debate, that the Senate believes that some amendment along this line is proper, judicious, and wise, but there seems to be a difference of opinion as to just the form the amendment should take. That seems to be the only difference that is expressed on the floor.

I suggest that we should at least get the amendment into such form as to make sure that we will accomplish the fundamental desire and not leave to the legislatures of some States, or all the States, so far as that is concerned, unless their State constitutions provide otherwise the same power that they have to-day. By the adoption of the amendment proposed by the Senator from Washington we shall at least have met and solved that problem, so far as the Walsh substitute is concerned.

Speaking personally, I should like to embody the same suggestion in the Wadsworth proposal in order that the legislatures may be an intermediary. That is where I differ with

the Walsh proposal. I believe that the legislature should be an intermediary and that the opportunity on their part to discuss a suggested amendment to the organic law would be helpful and might postpone action upon the part of the people. If it should, in my judgment, in most cases such postponement would be justified and warranted and would probably be for the best interest of the people of all the country. So I shall be very glad to see provided that additional check, if it may be called that, in order to make it just that much more difficult to amend the organic law, by the legislatures first considering, and disposing if they see fit, of a proposed amendment submitted by Congress, and then denying them the power to take it out of the hands of the public to make a final decision.

Mr. OVERMAN. Mr. President, so far as I am concerned, I am in favor of the Jones amendment. I voted in the committee for the Walsh amendment because it proposed always to refer the matter to the people for settlement. We may always trust the people. The difference between the Wadsworth amendment and the Walsh amendment is that the Wadsworth amendment proposes to submit the question of ratification first to the legislatures, with the power given to the legislatures to refer the matter to the people, but provides that one house of the legislature must be elected after the submission by Congress of the amendment for ratification. It provides that the question of ratification may not be voted upon unless one branch of the legislature shall have been elected since the submission of the amendment. It is provided, however, that the State may do so and so, so that there may be an entire lack of uniformity, as has been argued by the Senator from Colorado [Mr. ADAMS]. In the State of North Carolina the legislature might refer the question to the people; the Legislature of New York might refuse to do so. Therefore, we would have one method followed in one section of the country and another method followed in another section. The Walsh amendment, however, requires that the question shall be submitted directly to the people. In order to compose these differences and that we may, if possible, all get together, as all seem, with a few exceptions, to be working to the same end, let the question of the ratification of constitutional amendments be first submitted to the legislatures, as the Jones amendment provides. Let the question be submitted to the legislatures and let the legislatures discuss it. I think it is wise that the legislatures should discuss it. In order that the people may better understand the question on which they are called upon to vote; but, no matter what the action of the legislature may be, either affirmative or negative, let the question of the ratification of amendments be submitted to the people. With a few exceptions, that seems to be what we all desire.

Mr. President, shall the condition longer continue that less than 4,000 men out of 110,000,000 people shall have power to amend our organic law? That is what has been happening; that is what has been done. In this day of lobbying and of propaganda the people can not say whether they are in favor of a constitutional amendment or against it. Four thousand men, or ever less than 4,000 men, under our present system can say whether or not an amendment shall be added to this charter, this organic law of ours.

Such a condition ought not to be permitted longer to exist. We should permit the people to decide the question of the ratification of amendments. The people always act wisely. Have not the people always acted wisely in the States? They settle their own constitutional questions in every State of the Union. Then let them settle the question of the ratification of amendments to the National Constitution in the same manner as they have settled those questions wisely in the States.

Therefore I am in favor of the Jones amendment, because, I say, it will compose the differences which exist amongst Senators on this question. I think if the amendment proposed by the Senator from Washington shall be adopted, the Senator from New York will vote for the substitute for the joint resolution as reported by the committee, and I think that every Senator who believes that the legislature ought to have some share in deciding the question of the ratification of amendments will vote for the Walsh amendment, so called, as reported by the committee. Mr. President, I hope that the so-called Jones amendment may be adopted.

Mr. FLETCHER. Mr. President, it is unnecessary, I think, to review this subject at any length at all. I confess to some hesitation about tinkering with the Constitution. I think the Constitution is a remarkable instrument. Some of the Senators who have discussed it have undertaken to quote Viscount Bryce on it, I believe, and perhaps complimented him on his great work, *The American Commonwealth*; but it was Gladstone who said that it was "the most wonderful work ever

struck off at a given time by the brain and purpose of man." In the face of the proposals to amend the Constitution which have been submitted in both branches of Congress, and about which we hear so much, I feel that we ought to see to it that this great instrument is protected against any hasty, ill-conceived proposal of amendment. Whenever I hear the rumbling of a resolution proposing to amend the Constitution I almost feel like raising the sign we see at railroad crossings, "Stop! Look! Listen!"

I am not opposed to the thought that is suggested in the Walsh or committee amendment that the people of the various States ought to pass upon any proposed amendment submitted to them by Congress. I think that is an advisable thing to do. The Senator from Washington proposes to add to that a requirement for action by the legislatures. I really see no objection to that. It seems to me that perhaps it would be worth while to secure the judgment and the opinion and the recommendation of the legislature in each State.

Mr. McKELLAR. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Florida yield to the Senator from Tennessee?

Mr. FLETCHER. I do.

Mr. McKELLAR. If it has to go to the legislature first, will not that make it very much more cumbersome and make it very much harder for an amendment finally to get to the people? As it is now, we have in a way a comparatively simple method of amending our Constitution, namely, both bodies of Congress have to pass on a proposed amendment by a two-thirds majority, and then it has to be ratified by three-fourths of the legislatures of the States; but if we add to that another ratification, so as to make one by Congress, another by the legislatures, and another by the people, will not that take a long time, and will it not make the method very cumbersome?

Mr. FLETCHER. I think, perhaps, it will cause some delay—perhaps, as the Senator from Montana [Mr. WALSH] has said, two years' delay—but we now have to submit proposed amendments to the legislatures, and they have to act. In this instance we are simply not limiting ratification to the action of the legislature, but the proposal which seems to meet with great favor here is that a proposed amendment shall be submitted as well to the electors of the various States, and that is the essential thing. Providing that it shall go to the legislatures first does not do away with the necessity of submitting it to the electors of the States, nor does the action of the legislatures conclude the matter. The action of the legislatures, if this amendment shall be adopted as proposed by the Senator from Washington, simply means that we will get the best thought and judgment of the legislature in each State upon the subject, and we will get the recommendation of the legislative body. That recommendation may be accepted or may not be accepted by the electors of the State. It will have weight one way or the other, no doubt, and if the legislature has seriously considered the subject—and the legislature probably will do that—its action should have weight with the electors; but it will not bind the electors in any way and will not be conclusive. The action of the State will be the action of the electors, without regard to what the legislature may or may not do.

I see no objection to that amendment. I propose to vote for the amendment of the Senator from Washington, and also for the so-called Walsh substitute, as amended, for the original joint resolution.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Washington to the amendment reported by the committee.

Mr. BRANDEGEE. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum being suggested, the Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Adams	Dale	Jones, Wash.	Robinson
Ball	Dial	Lodge	Sheppard
Bayard	Dill	McKellar	Shields
Borah	Edge	McNary	Smith
Brandeggee	Ferris	Mayfield	Stephens
Brookhart	Foss	Moses	Swanson
Broussard	Fletcher	Neely	Wadsworth
Bruce	George	Norris	Walsh, Mass.
Bursum	Gerry	Oddie	Walsh, Mont.
Cameron	Hale	Overman	Weller
Capper	Harris	Pepper	Willis
Caraway	Heflin	Ralston	
Cummins	Howell	Randall	
Curtis	Johnson, Minn.	Reed, Pa.	

Mr. NORRIS. I should like to repeat the announcement I made earlier in the day, that the senior Senator from Minnesota [Mr. SHIPSTEAD] is detained from the Senate on account of illness. I wish that announcement to stand for the day.

The PRESIDENT pro tempore. Fifty-three Senators have answered to their names. There is a quorum present.

Mr. BRANDEGEE. Mr. President, before the amendment is voted upon, may I ask that the Secretary state for the information of the Senate the proposition as it would read if the amendment of the Senator from Washington were adopted?

The PRESIDENT pro tempore. The Secretary will state the amendment which the Senate has adopted to the original joint resolution.

Mr. NORRIS. I wish the Secretary would first read the amendment itself, so that we will know how it would read if it were not adopted.

The READING CLERK. The original joint resolution reads as follows:

The Congress, whenever two-thirds of each House shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by three-fourths of the several States through their legislatures or conventions, as the one or the other mode of ratification may be proposed by the Congress or the convention.

Mr. WADSWORTH. May I interrupt the reading merely to say that the Senator from Nebraska meant, when he made the request, that the original Walsh resolution be read, and then that it be read as it would read if the amendment were adopted.

Mr. NORRIS. I want read the particular amendment to which the amendment of the Senator from Washington is applied, first as it is now, and then as it would be if it were amended.

The PRESIDENT pro tempore. The Chair understands that but one amendment has been adopted to the original Wadsworth joint resolution; and the amendment offered by the Senator from Washington [Mr. JONES] is an amendment to the substitute proposed by the Senator from Montana [Mr. WALSH].

Mr. NORRIS. That is my understanding; yes. Now let us have the substitute read without the amendment, and then read with it.

Mr. OVERMAN. Mr. President, the matter before the Senate is the report of the committee. It is called the Walsh amendment, but it is the report of the committee.

The PRESIDENT pro tempore. It is the amendment proposed by the committee, but it is the amendment proposed by the Senator from Montana [Mr. WALSH] in the committee.

The READING CLERK. The substitute proposed by the committee reads as follows:

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or upon the application of two-thirds of the legislatures of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid, to all intents and purposes, as a part of this Constitution when ratified by a vote of the qualified electors in three-fourths of the several States, said election to be held under such rules and regulations as each State shall prescribe, and that until three-fourths of the States shall have ratified, or more than one-fourth of the States shall have rejected, a proposed amendment, any State may in like manner change its vote: *Provided*, That if at any time more than one-fourth of the States have rejected the proposed amendment, said rejection shall be final, and further consideration thereof by the States shall cease: *Provided further*, That any amendment proposed hereunder shall be inoperative unless it shall have been ratified as an amendment to the Constitution, as provided in the Constitution, within six years from the date of submission thereof to the States by the Congress: *Provided further*, That no State, without its consent, shall be deprived of its equal suffrage in the Senate.

If the amendments offered by the Senator from Washington are agreed to, it will read as follows:

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution or, upon the application of two-thirds of the legislatures of the several States, shall call a convention for proposing amendments, which, in either case, shall be submitted to the legislatures of the several States, and shall be valid to all intents and purposes, as a part of this Constitution, when ratified by a vote of the qualified electors in three-fourths of the several States after affirmative or negative action by the respective legislatures, said election to be held under such rules and regulations as each State shall prescribe, and that until three-fourths of the States shall have ratified, or more than one-fourth of the States shall have rejected, a proposed amendment, any State may in like manner change its vote—

And so forth.

The PRESIDENT pro tempore. The question is upon agreeing to the amendments proposed by the Senator from Washington to the amendment of the committee.

Mr. McKELLAR. Mr. President, I shall vote against the amendments offered by the Senator from Washington on the ground that they will but make the matter more cumbersome. I see no possible use in submitting the matter to the legislature without the legislature having any power or authority over it. As I understand the amendments, whether the legislature passes or rejects a proposed constitutional amendment, it does not prevent its submission to the people, and the people are to pass on it. Surely, if that is a correct interpretation of the amendments they ought not to be adopted by the Senate.

In my judgment, the amendment that has been reported by the committee is an improvement upon the present method of ratifying constitutional amendments. I do not see why anyone should be unwilling to submit an amendment to the Constitution of the United States to the people of the several States instead of to the legislatures. I think it would be a better way. I think it would bring about a better situation. It would make people more satisfied with the result of the action of the Congress and of the States in adopting amendments. It would probably lead us to pay more respect to the amendments after they are adopted.

For that reason I am going to vote for the amendment as reported by the committee. Unless that amendment is adopted, as it appears to me now, there will not be an improvement upon the present situation.

I have read the proposals offered as substitutes. They seem to me to be very cumbersome and not any better than the plan that we have now. I do not see that they are any improvement at all, and unless I change my mind I shall vote against all the amendments except the one reported by the committee, which I think ought to be adopted.

I merely wanted to state my position upon the matter.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment offered by the Senator from Washington [Mr. JONES] to the amendment of the committee.

Mr. BRANDEGEE. I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. DIAL (when his name was called). I am paired with the senior Senator from Colorado [Mr. PHIPPS]. I transfer that pair to the senior Senator from Missouri [Mr. REED] and vote "yea."

Mr. LODGE (when his name was called). I have a general pair with the senior Senator from Alabama [Mr. UNDERWOOD]. I transfer that pair to the senior Senator from Vermont [Mr. GREENE] and vote "yea."

Mr. NORRIS (when Mr. SHIPSTEAD's name was called). I desire to announce that if the Senator from Minnesota [Mr. SHIPSTEAD] were present he would vote "nay."

Mr. SMITH (when his name was called). I have a general pair with the senior Senator from South Dakota [Mr. STELLING], and in his absence I withhold my vote.

The roll call was concluded.

Mr. JONES of New Mexico. I transfer my general pair with the senior Senator from Maine [Mr. FERNALD] to the junior Senator from Montana [Mr. WHEELER], and vote "nay."

Mr. OVERMAN. I have a pair with the senior Senator from Wyoming [Mr. WARREN], but I understand that if present he would vote as I shall vote, and I vote "yea."

Mr. SIMMONS (after having voted in the affirmative). May I inquire whether the junior Senator from Oklahoma [Mr. HARREL] has voted?

The PRESIDENT pro tempore. That Senator has not voted.

Mr. SIMMONS. I transfer my pair with that Senator to the junior Senator from New York [Mr. COPELAND], and allow my vote to stand.

Mr. GLASS. May I inquire whether the junior Senator from Connecticut [Mr. McLEAN] has voted?

The PRESIDENT pro tempore. He has not voted.

Mr. GLASS. I have a general pair with that Senator, and in his absence I withhold my vote.

Mr. CURTIS. I desire to announce the following general pairs:

The Senator from Rhode Island [Mr. COLL] with the junior Senator from Florida [Mr. TRAMMELL];

The senior Senator from Illinois [Mr. McCOMBICK] with the senior Senator from Oklahoma [Mr. OWEN]; and

The junior Senator from Kentucky [Mr. FURST] with the senior Senator from Kentucky [Mr. STANLEY].

The result was announced—yeas 34, nays 29, as follows:

YEAS—34			
Ball	Bursum	Dale	Gooding
Bayard	Cameron	Dial	Hale
Brandegge	Capper	Edge	Jones, Wash.
Broussard	Caraway	Edwards	Keyes
Brace	Curtis	Fletcher	King

Lodge	Overman	Simmons	Watson
McNary	Pepper	Stephens	Weller
Moses	Reed, Pa.	Wadsworth	
Oddie	Shields	Walsh, Mass.	
NAYS—29.			
Adams	Frazier	Kendrick	Robinson
Ashurst	George	McKellar	Sheppard
Borah	Gerry	Mayfield	Swanson
Brookhart	Harris	Neely	Walsh, Mont.
Cummins	Heflin	Norris	Willis
Dill	Howell	Pittman	
Ferris	Johnson, Minn.	Ralston	
Fess	Jones, N. Mex.	Ransdell	
NOT VOTING—33.			
Colt	Harrison	Owen	Stanley
Copeland	Johnson, Calif.	Philips	Sterling
Couzens	Ladd	Reed, Mo.	Trammell
Elkins	La Follette	Shipstead	Underwood
Ernst	Lenroot	Shortridge	Warren
Fernald	McCormack	Smith	Wheeler
Glass	McKinley	Smoot	
Greene	McLenn	Spencer	
Harrell	Norbeck	Stanfield	

So the amendment of Mr. JONES of Washington to the committee amendment was agreed to.

The PRESIDENT pro tempore. The question now is on agreeing to the amendment reported by the committee as amended.

Mr. HOWELL. I wish to offer an amendment to the committee amendment, which I send to the desk.

The PRESIDENT pro tempore. The Secretary will state the amendment to the amendment.

The READING CLERK. In line 17, on page 3, strike out the word "six" and insert in lieu thereof the word "eight," so as to read:

Provided further, That any amendment proposed hereunder shall be inoperative unless it shall have been ratified as an amendment to the Constitution as provided in the Constitution within eight years from the date of submission hereof to the States by the Congress.

Mr. HOWELL. Mr. President, this proposed amendment to the Constitution would limit the time within which an amendment to that instrument could be acted upon by a State. It may be that such a limitation would be wise, but certainly under the circumstances, in view of the adoption of the amendment we have just agreed to, the time, 6 years, should be extended to at least 8 years, if not 10. However I have submitted an amendment extending the limitation to 8 years.

Mr. BRANDEGEE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Connecticut?

Mr. HOWELL. I yield.

Mr. BRANDEGEE. I do not wish to interrupt the Senator, and I do not speak for the committee, but in my opinion there is a reason for the Senator's suggestion, and in view of the fact that we have provided by the amendment just agreed to that the matter should go to the legislatures first, which would take a little more time, I think it is quite reasonable that we make the period eight years instead of six. I favor the Senator's amendment to the amendment.

Mr. HOWELL. Under the present circumstances, in view of the amendment just agreed to, and even irrespective of that amendment, only two legislatures would have the opportunity of acting upon any proposed amendment to the Constitution. I think at least three legislatures should be allowed the opportunity of acting upon a proposed amendment to the Constitution, and therefore I have offered this amendment, and I trust it will prevail.

Mr. WALSH of Montana. Mr. President, whatever merit or lack of merit there may have been in this amendment as it addressed itself to the proposed constitutional amendment as it originally stood it seems to me imperative that the amendment now tendered by the Senator from Nebraska [Mr. Howell] should be adopted, because the inevitable result of the amendment we have just agreed to would be to defer the adoption of any amendment to the Constitution for two years.

Mr. NORRIS. Mr. President, I have been absent from the Senate a good share of the day and have not heard much of the debate that took place. Perhaps if I had heard it I would have felt differently about the amendment offered by the Senator from Washington [Mr. Jones], which has just been agreed to. To my mind that is a very serious handicap to the working of the substitute proposed by the committee, and I hope the Senate will not vote on this to-night, although I am not in a position to ask that it be delayed just on my account; but I would like to look into it, and possibly look over the Record and read the arguments which have been made.

To my mind the amendment offered by the Senator from Washington would go a good way toward destroying what I believe would be the effectiveness of the substitute. To provide

that a proposed amendment must first be submitted to the legislatures to make that imperative, and then provide imperatively that after the legislatures have passed on the amendment, no matter which way they pass on it, it must then be submitted to a vote of the people is providing for an unnecessary waste of time and energy.

I presume the answer to that would be that there would be debate in the legislature enlightening to the people. I doubt that very much. I doubt very much whether there would be any debate in the legislature when the legislature knew it did not make a particle of difference what they did; that it would not count for anything. There would be no interest in a debate here on a legislative proposition coming before us if we knew that no matter which way we decided it would have no effect whatever; that somebody else had to pass finally on the question.

I would be glad to see every State having the referendum apply it and let the people vote on any proposed amendment, but to provide positively that a legislature must first pass on it, and then positively that their judgment would not count for anything, no matter what it was, that the amendment would have to go before the people would only mean delay, as I look at it. I think, therefore, that my colleague's amendment is extremely important now.

A State might provide through its legislature for a method of submitting constitutional amendments to the people and getting a vote perhaps at the next general election. Suppose an amendment should be submitted just at the time a legislature had adjourned? In most States they only have a legislature once in two years and some of them not that often. It would lie there dormant before any other step could be taken until the legislature convened again for the purpose of having the legislature pass on it, when we positively provide by law that no matter which way it passes on it it shall have no effect whatever. I feel doubtful, with that amendment added on to the so-called Walsh substitute or committee substitute, whether I would be justified in voting for the matter itself when it comes to the final vote.

Some people want to make it difficult to amend the Constitution. Others want to simplify it. There is argument on both sides. I concede absolutely that there is good argument each way, but I can not conceive of any argument that simply calls for delay, and that is what I think we have done with this amendment. We have made it so there is bound to be delay. An amendment ought to be debated and ought to be discussed, but to arbitrarily put it over almost an unlimited length of time is very injudicious, it seems to me.

Mr. WADSWORTH. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from New York?

Mr. NORRIS. I yield.

Mr. WADSWORTH. In so far as submission to the legislatures is concerned, in the first instance, the Senator would not contend that there would be no more delay under the Jones amendment than there is to-day under the present situation?

Mr. NORRIS. Yes.

Mr. WADSWORTH. Why?

Mr. NORRIS. Because the legislature must act on it.

Mr. WADSWORTH. I mean so far as submission to the legislature is concerned.

Mr. NORRIS. Oh, yes; but when the legislature gets through with it we have not accomplished anything. We have to go to the people after that.

Mr. WADSWORTH. There is a very decided difference of opinion there.

Mr. NORRIS. There is no need for the action of the legislature. It has to be voted on by the people.

Mr. WADSWORTH. The Senator from New York misunderstood the phrase "when the legislature gets through with it we have not accomplished anything." A lot of us think it will accomplish a very worthy purpose.

Mr. NORRIS. I have not heard the debate, but I suppose the Senator's idea is that in the legislature there would be instructive debate—

Mr. WADSWORTH. Most decidedly.

Mr. NORRIS. And constructive criticism. I doubt very much whether many of the members of the legislature would waste their time when they know they will have no effect on it no matter what they do.

Mr. PEPPER. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Pennsylvania?

Mr. NORRIS. Certainly.

Mr. PEPPER. Is not the process under the amendment similar to that which takes place when a court of first instance passes on a question within its jurisdiction, knowing

that its negative or affirmative decision will be subject to review on ultimate appeal?

Mr. NORRIS. Yes; but when the appeal comes—

Mr. McKELLAR. Oh, Mr. President, does the Senator mean just exactly that? The judgment of the lower court is quite efficacious because the losing litigant may or may not appeal. If he does not appeal the decree or judgment of the lower court is final and binding on everybody, but it makes no difference what the legislature does under the amendment, it is binding on nobody.

Mr. PEPPER. But when the lower court is exercising its functions it does not know whether there is to be an appeal or not, and it gives the same consideration to the matter as if it did know.

Mr. NORRIS. Yes, of course. If there was a law which provided that the decision of the court in this kind of a case would not have any effect no matter how it decided any question, I do not believe the court would give much attention to the cases.

Let me call the attention of the able lawyer from Pennsylvania to the practice that I think prevails in most States in ejectment cases. Most State laws provide—and they do it because it has come down to them from ancient days and they have not got away from that old fiction—that in an ejectment either party can have a new trial by making a written request. I think that is the law in a great many States. I have tried a good many ejectment cases and have been in them a good many times. Everybody knew when we were trying the case the first time that it did not make any difference what the verdict was. It would be a jury trial, and there would be a jury in the box, and the case would be submitted to the jury; but they knew that when the case was over the losing party was going to make a written request for a new trial, and that as a matter of law the judge had to give it to them. What happened? I never yet saw an ejectment case in the first trial that was ever fought. It was a matter of form only. Nobody cared what the judgment was. Nobody would make any effort to win the case the first time. The jury was impaneled and sworn, but nobody offered any evidence and the jury would return a verdict in favor of the defendant, and then a new trial would be granted, and when the next trial came on there would be a real contest. As a matter of fact it was just the same in the end as though there had been but one trial, only they had taken twice as long to do it and extended the time at least over one term of court.

Mr. PEPPER. With the Senator's permission, I would observe that there is this fundamental distinction between the case he suggests and the one before us: In the familiar instance of the two verdicts in ejectment the jury that considers the second case is not permitted to be made aware of the result of the first one. Therefore the analogy breaks down. In the present case the electors are advised of what has occurred in the legislature and, unless all experience counts for nothing, would be materially affected by the decision, affirmative or negative, reached by the legislature. But surely the Senator does not mean to suggest that merely because the body that has jurisdiction of a matter in the first instance is subject to review upon its decision, therefore it is to be anticipated that it will give no consideration to the matter?

Mr. NORRIS. No, I do not claim that. The Senator must not put me in that attitude. If there is a real contest for blood it will give some information to the people, but there will be none, as I believe the facts will demonstrate. There will be no contest there because it is idle, it is foolish to waste time for nothing. In other words, it would be just the same as an ejectment case. I do not know of any reason, at least if it were tried to the court, why the court would not know who won the case the first time. Perhaps six months would elapse and nobody would care. They would not turn over a page to see who won the case the first time, because it means nothing. It is an absolute fiction of law, a relic of ancient days.

Mr. McKELLAR. May I suggest to the Senator that there is an analogy, speaking of the court—

Mr. NORRIS. Let me first reply just a little further to the Senator from Pennsylvania. The able Senator from Pennsylvania said that they would have the benefit of the contest that went on in the legislature, and that they would know what the result was there, and that we ought not to deny an appeal to the people. I would not want to deny an appeal to the people. If I had my way, if I could draft this amendment to suit myself, I would provide for submission to the legislature just as it is now, and then provide that in any State having the referendum, that provision of their constitution should apply to this matter, and an appeal should be

taken from the legislature to the people under the referendum provision of the constitution and the people should vote on it.

But that would still leave the real contest in the legislature. It is like a trial in the district court, a real contest for blood, but the right of appeal still exists and either party, if they can furnish the necessary bond or show the right kind of error or possible error in the court, can carry it on to the higher court. I think that is entirely different from where we provide by law that after the first trial we will have a new trial if anybody asks for it. Just as soon as we do that, it seems to me, we make a mockery of the first trial. The result is only delay. If we have a worthy amendment to the Constitution that the people want, there ought to be an expeditious way of getting it into the law.

Mr. BORAH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Idaho?

Mr. NORRIS. I promised to yield to the Senator from Tennessee.

Mr. McKELLAR. I just want to make this suggestion: The Senator from Pennsylvania suggested the analogy of a court. Let us assume this state of facts. In some of the States they have what are known as intermediate courts—first a trial court, then the court of appeals, and finally the supreme court. Suppose somebody should propose that the court of appeals, for instance, should decide the case; but it would not have any effect, because it might be appealed to the supreme court. Could anybody bring themselves to vote for such a proposition as that in our judicial procedure? I think not. But that is virtually what is being done here. We are submitting it to a tribunal and taking away from that tribunal any power over it.

Mr. NORRIS. And if we had that provision which the Senator from Tennessee suggests—that they could take it away from the intermediate court by simply asking it—then who would care who were the judges of the intermediate court?

Mr. McKELLAR. They would pay no attention to it, of course.

Mr. NORRIS. I yield now to the Senator from Idaho.

Mr. BORAH. As I understand the amendment which is before the Senate, it proposes to extend the time to eight years. I would suggest that if we dispose of that amendment this evening, then if the Senator wants to reconsider the Jones amendment I would vote to reconsider it in the morning.

Mr. NORRIS. Did the Senator vote for it?

Mr. BORAH. I voted against it.

Mr. NORRIS. Then the Senator could not make that motion. I voted the same way, and I can not make the motion, either. I have no objection to a vote on the amendment of my colleague. I think it is apparent to everybody, if we are going to have the Jones amendment that we ought to have my colleague's amendment.

Mr. SHIELDS. Mr. President—

Mr. NORRIS. I yield to the Senator from Tennessee.

Mr. SHIELDS. The Senator from Nebraska will, of course, concede that there will be an opportunity to debate it in the general assemblies.

Mr. NORRIS. Yes; I will concede that.

Mr. SHIELDS. Will he also concede that the same character of men will compose the State general assemblies that compose the United States Senate? If so, it would certainly be debated.

There is one other point I want to make. I think perhaps beyond question there is nothing but Divine Providence that could keep it from being debated by the same class of men who, like Members of the Senate, are inclined to talk. There is some effect in having it so discussed, because it goes to the people with the prestige of having been approved or rejected by the general assembly, and though in many cases it ought to have very little effect, yet upon a great many people it will have some effect. It is a *prima facie* case either for or against.

Mr. NORRIS. I do not believe there will be a *prima facie* case made either way. If it is a *prima facie* case, it will be made of evidence that can be very easily rebutted and overthrown. It is the same as an ejectment case. There the plaintiff makes out a *prima facie* case in the first trial or fails to make any case at all by not offering any evidence, which is usually the situation, and thereupon the defendant wins because the burden of proof is on the plaintiff and he offers no evidence. That does not have any effect on the next trial.

Mr. WADSWORTH. Mr. President, I agree very thoroughly with the Senator from Nebraska that we should extend the period to eight years.

The PRESIDENT pro tempore. The question is on the amendment offered by the junior Senator from Nebraska [Mr.

Howell] to the amendment reported by the committee as amended.

The amendment to the amendment was agreed to.

The PRESIDENT pro tempore. The question now is upon agreeing to the committee amendment, by way of a substitute for the original joint resolution, as amended.

Mr. NORRIS. I would like to inquire of the Senator from New York if he expects to dispose of this measure to-night?

Mr. WADSWORTH. The Senator from New York is not chairman of the committee, and it is a committee report. The Senator from Connecticut has charge of it.

Mr. NORRIS. Does the Senator from Connecticut expect to dispose of the matter to-night?

Mr. BRANDEGEE. I have no information about it whatever.

Mr. NORRIS. It is now a quarter past 5, and unless the Senator does want to dispose of it to-night I suggest that we stop for the day.

Mr. BRANDEGEE. I was going to say that the subject mentioned by the Senator from Nebraska, who says he has not been on the floor very much to-day, has been virtually the subject of debate all day long here, and has been discussed by many Senators and they have voted in view of that discussion. Now, I do not—

Mr. NORRIS. I am not putting my personal wishes against those of the Senate, of course. In view of what the Senator from Connecticut has stated I am not in any position to ask that the joint resolution go over for the day if Senators desire to conclude the discussion to-night.

Mr. BRANDEGEE. It is immaterial to me; I wish to accommodate the Senator; but I know if we let the joint resolution go over to-night some other Senator, perhaps, will want it to go over further.

SEVERAL SENATORS. Vote! Vote!

Mr. BRANDEGEE. I had thought that the subject had been pretty well exhausted and that we might get a vote.

SEVERAL SENATORS. Vote! Vote!

Mr. WALSH of Massachusetts. I ask for the yeas and nays. The PRESIDENT pro tempore. The Senator from Massachusetts demands the yeas and nays.

The yeas and nays were ordered.

Mr. ASHURST. Let the amendment be reported, Mr. President.

Mr. WADSWORTH. Mr. President, just before the vote is taken, may I have an opportunity to speak a sentence or two setting forth my attitude?

I think the Jones amendment, which has now been adopted to the Walsh amendment, so called, makes it very much better than it was before. In fact, I think the actual practical workings of the amendment, if it becomes a part of the Constitution, will be very much like those under the original joint resolution which was introduced by myself. There are two or three little differences, however. For example, the State conventions will be abolished under the Walsh amendment. I rather regret that, although I do not think it is controlling. On a roll call, I think I should vote in favor of the original joint resolution; but I am bound to say that the committee amendment, as perfected by the Jones amendment, is pretty satisfactory.

SEVERAL SENATORS. Vote! Vote!

The PRESIDENT pro tempore. The Secretary will call the roll.

Mr. WALSH of Montana. I think the question ought to be stated. I do not know what we are to vote on.

Mr. BURSUM. The vote is to be taken on the Howell amendment.

SEVERAL SENATORS. Oh, no.

Mr. OVERMAN. The vote is to be upon the Walsh amendment as amended.

The PRESIDENT pro tempore. The Chair will state what the Senate is voting upon whenever the Senate shall be in order. [Applause.] The Senate is voting upon the question of substituting for the original Wadsworth joint resolution, as amended, the amendment reported by the committee as amended.

The reading clerk proceeded to call the roll.

Mr. DIAL (when his name was called). I am paired with the Senator from Colorado [Mr. PHIPPS]. I transfer that pair to the Senator from Missouri [Mr. REES] and vote "yea."

Mr. McNARY (when the name of Mr. JOHNSON of California was called). The senior Senator from California [Mr. JOHNSON] is of necessity absent from the Senate. I am advised, however, that if he were present he would vote "yea."

Mr. JONES of New Mexico (when his name was called). I transfer my general pair with the Senator from Maine [Mr. FERNALD] to the Senator from Montana [Mr. WHEELER] and vote "yea."

Mr. LODGE (when his name was called). Making the same announcement as before in reference to my pair and its transfer, I vote "yea."

Mr. OVERMAN (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. WARREN], but knowing that if present he would vote as I intend to vote, I shall vote. I vote "yea."

Mr. NORRIS (when Mr. SHIPSTEAD's name was called). I have been requested to announce that the Senator from Minnesota [Mr. SHIPSTEAD] is absent, as I have previously stated, on account of illness. If he were present, he would vote "yea."

Mr. SMITH (when his name was called). I have a general pair with the Senator from South Dakota [Mr. STERLING]. I transfer that pair to the Senator from Mississippi [Mr. HARRISON] and vote "yea."

Mr. FLETCHER (when Mr. TRAMMELL's name was called). My colleague, the junior Senator from Florida [Mr. TRAMMELL], is unavoidably absent. He is paired with the senior Senator from Rhode Island [Mr. COLT]. If my colleague were present he would vote "yea."

The roll call was concluded.

Mr. GLASS. I transfer my general pair with the junior Senator from Connecticut [Mr. McLEAN] to the Senator from New York [Mr. COPELAND] and vote "yea."

Mr. JONES of Washington. The Senator from Kansas [Mr. CURTIS] is necessarily absent, having been called from the Chamber. If he were present, he would vote "yea."

I desire to announce the following general pairs:

The Senator from Rhode Island [Mr. COLT] with the Senator from Florida [Mr. TRAMMELL];

The Senator from Illinois [Mr. McCORMICK] with the Senator from Oklahoma [Mr. OWENS]; and

The junior Senator from Kentucky [Mr. ERNST] with the senior Senator from Kentucky [Mr. STANLEY].

The result was announced—yeas 51, nays 12, as follows:

YEAS—51.

Bayard	Ferris	Jones, Wash.	Ralston
Borah	Fletcher	Kendrick	Robinson
Brandegee	Frazier	Keyes	Sheppard
Broussard	George	Lodge	Shields
Bruce	Gerry	McKellar	Simmons
Bursum	Glass	McKinley	Smith
Cameron	Gooding	McNary	Stephens
Capper	Hale	Mayfield	Swanson
Caraway	Harrell	Moses	Walsh, Mass.
Cummins	Harris	Oddie	Walsh, Mont.
Dial	Heflin	Overman	Watson
Edge	Johnson, Minn.	Pepper	Weller
Edwards	Jones, N. Mex.	Pittman	

NAYS—12.

Adams	Dill	King	Reed, Pa.
Brookhart	Foss	Neely	Wadsworth
Dale	Howell	Norris	Willis

NOT VOTING—33.

Ashurst	Greene	Owen	Stanley
Ball	Harrison	Phipps	Sterling
Colt	Johnson, Calif.	Randall	Trammell
Copeland	Ladd	Reed, Mo.	Underwood
Cowan	La Follette	Shipstead	Warren
Curtis	Lenroot	Shortridge	Wheeler
Edkins	McCormick	Smoot	
Ernst	McLean	Spencer	
Fernald	Norbeck	Stanfield	

So the committee amendment as amended was agreed to.

Mr. ASHURST. Mr. President, I did not vote on the last roll call. I saw no practical way to give expression to my true view of the question. I may be in error, but I fear that by adding the Jones amendment we have, with due respect to the author of the amendment, made it more difficult to amend the Federal Constitution. We have certainly made it, in the point of time, more difficult to do so.

When we started out on this proposal to amend the Constitution there were two differing views, and there was plenty of room for correct thought on each side. It was thought by some that the State legislatures should be the eligible authority to ratify amendments to the Federal Constitution. I have nothing but respect for those who so believe, but I do not agree with that view. The other opinion was that the people themselves, the qualified electors of the several States, should be the eligible authority to ratify amendments proposed to the Federal Constitution.

Now, forsooth, we are confronted with an amendment which proposes that the eligible authority to ratify amendments shall be the legislatures, whose judgment, we declare in advance, is a brutum fulmen—a harmless thunderbolt. I make no charge of bad faith—that would be most offensive—but it seems to me, after all this time and effort, we at least reach the conclusion that we shall double the difficulties in amending the Federal Constitution. For that school of thought which looks with distrust and disfavor upon amendments to the Constitution I have re-

spect; for that school of thought which desires to make it not particularly easier to amend the Constitution but desires to obtain the vote of the people before it shall be amended I have equal respect; but I confess I can not comprehend the mental strabismus that could at this juncture of affairs cause Senators to say, "We will double the difficulty now existing in the way of amending the Federal Constitution." If the Jones amendment shall be kept in this joint resolution, then the joint resolution richly deserves defeat.

When people ask for bread, I do not believe in giving them a stone; when they ask for fish, I do not believe in giving them a serpent; and that is what I fear may happen if we begin by announcing that we are going to give the people some chance to amend the Federal Constitution and, forsooth, conclude our efforts by making it practically impossible for them to do so. However, I shall reflect upon the subject during the evening and it may be that I ought to vote for the same. It may be that I am called upon to do that doubtful thing of choosing the lesser of two evils now presented to me; but I assure Senators if I vote for it, there may be a smile upon my legislative face but there will be many pains in my legislative stomach.

Mr. WALSH of Montana. Mr. President, unlike my distinguished friend the Senator from Arizona [Mr. ASHUEST], I shall vote without the slightest hesitation against the amendment.

Mr. President, we are now confronted with a straight choice between the committee amendment as amended with the Jones amendment and the existing Constitution. It is a question of which of these two systems we ought to give our adherence to. As I have indicated, my choice is easily made; but it is quite late now, and I have no doubt that the Senators who are desirous of great deliberation in the matter of making amendments to the Constitution probably would be quite willing to let this matter stand over until to-morrow for further debate.

SEVERAL SENATORS. Vote!

Mr. LODGE. Of course this is the final vote that is coming now.

Mr. WALSH of Montana. Yes.

Mr. LODGE. If we could have an agreement to vote at a certain hour to-morrow, that would be satisfactory. Otherwise, I think we had better go on.

Mr. WALSH of Montana. I think the suggestion is a good one. What is the suggestion of the Senator?

SEVERAL SENATORS. Let us vote now.

Mr. WALSH of Montana. Shall we take a recess?

Mr. BRUCE. Mr. President—

Mr. BRANDEGEE. Mr. President, I had hoped that we could get a vote on this matter to-night. It has been the unfinished business for several days. The Senator knows how difficult it is to keep all the Senators on the floor with the various committee meetings that are going on. I think almost everything that can be said pro and con about the merits of this matter has been said. I had assumed that a vote was about to be taken. I hope the Senator will let us vote on the matter to-night and proceed with something else to-morrow.

Mr. WALSH of Montana. I assure the Senator that I shall not indulge in any dilatory tactics.

Mr. BRANDEGEE. The Senator knows that the members of the Judiciary Committee have had to stay on the floor pretty continuously during this debate, and it has been going on now for several days. It does seem to me that we ought not to take the chance of a lot of new Senators coming in to-morrow and the old ones going away, and having no advantage from the delay.

Mr. WALSH of Montana. That is why I suggested going over until to-morrow and fixing a limit on debate.

Mr. BRANDEGEE. But why go over until to-morrow?

Mr. WALSH of Montana. I suggest a limit on debate of 5 or 10 minutes. I have observed that when an agreement of that kind is entered into, and a vote is impending, we have Members here. The unfortunate thing about it is that this tremendously important subject has been before the Senate when the chief discussion has not been listened to by more than a handful of Senators.

Mr. BRANDEGEE. I know; but, Mr. President, we rarely have more Senators attending than on the last roll call, which disclosed the presence of over 70 Senators, if I remember correctly; and we shall have difficulty in getting that number to-morrow.

Mr. NORRIS. Mr. President, may I make a suggestion to the Senator?

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Nebraska?

Mr. WALSH of Montana. I yield to the Senator.

Mr. NORRIS. I should like to suggest that we agree on a 10-minute limitation, or I am willing to agree on a 5-minute

limitation. We have only one question left now, and that is the passage of the joint resolution. Let us agree by unanimous consent that no Senator shall speak more than once nor longer than 10 minutes, and that will run itself out to-morrow.

SEVERAL SENATORS. Five minutes.

Mr. NORRIS. I have no objection to five minutes.

Mr. LODGE. The matter is still open to amendment.

Mr. NORRIS. All right. It is still open to debate.

Mr. LODGE. Oh, of course it is open to debate.

Mr. NORRIS. If Senators want to be technical, there are lots of Senators who will not agree to limiting themselves to five minutes at all and can keep the Senate here for some time.

Mr. LODGE. Oh, undoubtedly. I have witnessed that so often that I know the power of Senators.

Mr. NORRIS. Yes; and the Senator has witnessed it so often that he ought to realize that a reasonable request like that is not a filibuster.

Mr. LODGE. I did not suggest that it was a filibuster.

Mr. ROBINSON. Mr. President—

The PRESIDENT pro tempore. The Senator from Montana has the floor.

Mr. WALSH of Montana. I yield to the Senator from Arkansas.

Mr. ROBINSON. I am satisfied that there will be quite a prolonged debate, and that it is not practicable to take a vote this evening. I suggest that the Senator from Massachusetts—

Mr. LODGE. I started to make a suggestion that we agree on an hour to vote; that is all.

Mr. ROBINSON. I have not any objection to that. I think the time has come when an agreement should be reached and a vote taken.

Mr. WALSH of Montana. Will the Senator from Massachusetts make some suggestion about it?

Mr. LODGE. I think it would be well to name a reasonable hour to-morrow.

Mr. BRANDEGEE. Mr. President—

Mr. HEFLIN. Say 2 o'clock to-morrow.

Mr. LODGE. Very well.

Mr. BRANDEGEE. I was going to ask the Senate, when we conclude to-day's proceedings, to take a recess; and if we recess until 12 o'clock I ask the Senator from Montana whether he will agree to take a vote not later than 2 o'clock?

Mr. WALSH of Montana. Debate to be limited to 10 minutes?

Mr. BRANDEGEE. Debate to be limited to 10 minutes.

Mr. WALSH of Montana. Not later than 2 o'clock to-morrow?

Mr. BRANDEGEE. The joint resolution to be still open to amendment and no Senator to speak on the joint resolution itself or any amendment more than 10 minutes.

Mr. NORRIS. Mr. President, I do not anticipate that any further amendment is going to be offered. As far as I know, all amendments have been disposed of, and no Senator is desirous of offering a further amendment. I dislike to object, but it does not seem to me quite fair that we should fix a definite hour for a vote. If we will limit the speeches, we will get the most intelligent discussion, rather than to have some one Senator take up all the time and have others compelled to go without an opportunity to say a word.

Mr. BRANDEGEE. I do not know that the Senator understood the request. It is that no Senator shall speak more than 10 minutes—

Mr. NORRIS. Well, let us stop at that. I have no objection to making it five minutes.

Mr. BRANDEGEE. And not have any definite hour fixed?

Mr. NORRIS. And not have any definite hour fixed.

Mr. BRANDEGEE. I have no objection to that, Mr. President.

I ask unanimous consent that when the Senate concludes its session to-day it take a recess until 12 o'clock to-morrow, and that no Senator be allowed to speak more than 10 minutes upon the joint resolution—

SEVERAL SENATORS. Five minutes.

Mr. BRANDEGEE. I would say 5 minutes, but the Senator from Montana suggested 10.

Mr. NORRIS. Let me suggest to the Senator that if he will say "not more than 10 minutes, in the aggregate, on the joint resolution and amendments," that will prevent any Senator from offering amendments for the purpose of making speeches.

Mr. BRANDEGEE. That is agreeable to me—no Senator to speak more than 10 minutes on the joint resolution and any amendment thereto.

Mr. McKELLAR. Not more than once or more than 10 minutes.

Mr. LODGE. I ask that the proposed agreement be stated. The PRESIDENT pro tempore. The Secretary will state the unanimous-consent agreement as proposed. The reading clerk read as follows:

It is agreed by unanimous consent that when the Senate concludes its session to-day it take a recess until 12 o'clock to-morrow, and no Senator shall be allowed to speak more than once nor longer than 10 minutes on the resolution (S. J. Res. 4) and any amendment thereto.

Mr. BRANDEGEE. That states my understanding of it.

Mr. LODGE. That is right.

The PRESIDENT pro tempore. Does the Senate understand that the word "and" is used, so that—

Mr. BRANDEGEE. So that no Senator can speak more than 10 minutes on the joint resolution and any amendment thereto—both together.

The PRESIDENT pro tempore. Is there objection to the agreement as proposed? The Chair hears none, and it is so ordered.

The question is upon the joint resolution as amended. Will the Senate propose to the various States the joint resolution as it has been amended? That is the question before the Senate at this moment, and the Chair is of the opinion that the roll must be called.

RECESS.

Mr. BRANDEGEE. I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and (at 5 o'clock and 44 minutes p. m.) the Senate took a recess until to-morrow, Wednesday, March 26, 1924, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

Tuesday, March 25, 1924.

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

They that wait upon the Lord shall renew their strength. Our Father in heaven, verify this merciful promise unto us. Our duties await us, and let Thy wisdom be applied unto each. May all our hearts be vitally touched by the love of the Master and an unceasing desire to help men and homes and make our Nation wiser and better. Teach us that faith in God and a life of Christian fraternity can redeem us from a life of fear and the dread of fate. Give us the will to yield ourselves to Thee both now and ever, through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested.

S. 243. An act for the relief of Frank Vumbaca;

S. 334. An act for the relief of Kate Canniff;

S. 970. An act for the relief of the De Kimpke Construction Co., of West Hoboken, N. J.;

S. 85. An act to carry into effect the finding of the Court of Claims in the claim of Elizabeth B. Eddy;

S. 107. An act for the relief of John H. McAtee;

S. 114. An act to vacate certain streets and alleys within the area known as the Walter Reed General Hospital, District of Columbia, and to authorize the extension and widening of Fourteenth Street from Montague Street to its southern terminus south of Dahila Street, Nicholson Street from Thirteenth Street to Sixteenth Street, Colorado Avenue from Montague Street to Thirteenth Street, Concord Avenue from Sixteenth Street to its western terminus west of Eighth Street west, Thirteenth Street from Nicholson Street to Piney Branch Road, and Piney Branch Road from Thirteenth Street to Butternut Street, and for other purposes;

S. 1867. An act for the relief of the estate of John Stewart, deceased;

S. 2025. An act to detach Jim Hogg County from the Corpus Christi division of the southern judicial district of the State of Texas and attach the same to the Laredo division of the southern judicial district of said State;

The message also announced that the Senate had passed with amendments the bill (H. R. 655) to provide for a tax on motor-vehicle fuels sold within the District of Columbia,

and for other purposes, in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had concurred in the amendment of the House of Representatives to bill (S. 214) for the relief of the Old National Bank of Martinsburg, Martinsburg, W. Va.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 85. An act to carry into effect the finding of the Court of Claims in the claim of Elizabeth B. Eddy; to the Committee on Claims.

S. 107. An act for the relief of John H. McAtee; to the Committee on Military Affairs.

S. 114. An act to vacate certain streets and alleys within the area known as the Walter Reed General Hospital, District of Columbia, and to authorize the extension and widening of Fourteenth Street from Montague Street to its southern terminus south of Dahila Street, Nicholson Street from Thirteenth Street to Sixteenth Street, Colorado Avenue from Montague Street to Thirteenth Street, Concord Avenue from Sixteenth Street to its western terminus west of Eighth Street west, Thirteenth Street from Nicholson Street to Piney Branch Road, and Piney Branch Road from Thirteenth Street to Butternut Street, and for other purposes; to the Committee on the District of Columbia.

S. 243. An act for the relief of Frank Vumbaca; to the Committee on Claims.

S. 334. An act for the relief of Kate Canniff; to the Committee on Claims.

S. 970. An act for the relief of the De Kimpke Construction Co., of West Hoboken, N. J.; to the Committee on War Claims.

S. 1867. An act for the relief of the estate of John Stewart, deceased; to the Committee on Claims.

CHANGE OF REFERENCE.

Mr. GREEN of Iowa. Mr. Speaker, I ask unanimous consent for the rereference of two bills (H. R. 4104 and H. R. 754) which have been referred to the Ways and Means Committee. They relate to the fur-seal industry and the interest which the Government has in the matter, which now belongs to the Department of Commerce. While these matters were probably within the jurisdiction of the Ways and Means Committee at one time, in my judgment they should now go to some other committee.

The SPEAKER. Is there objection to the transfer of these bills from the Ways and Means Committee to the Committee on the Merchant Marine and Fisheries?

Mr. GARRETT of Tennessee. Can the gentleman state whether the Committee on the Merchant Marine and Fisheries feels it has jurisdiction over them?

Mr. GREEN of Iowa. That is my understanding.

Mr. GARRETT of Tennessee. Has there been any conference about it?

The SPEAKER. The matter has been brought to the attention of the Chair, and it was the intention of the Chair to confer with the chairman of the other committee, so that there might be an agreement between the two chairmen.

Mr. GREEN of Iowa. Mr. Speaker, perhaps I should let the matter be laid over until the Speaker has a chance to confer about the matter.

Mr. MONTAGUE. Mr. Speaker, I ask that H. R. 7356, which was referred to the Committee on the Judiciary, the jurisdiction of which has been disclaimed by that committee, be referred to the Committee on Interstate and Foreign Commerce, to which it was obviously intended to go.

The SPEAKER. Without objection, the rereference will be made.

There was no objection.

IS CONGRESS TO BLAME?

Mr. EVANS of Montana. Mr. Speaker, when the World War terminated the Government found itself in possession of many hundreds of millions of surplus goods and supplies for which it had no use, and Congress authorized the sale and disposition of these war supplies with a view to salvaging as much as possible from same. A few days ago the gentleman from Kentucky [Mr. JOHNSON] in a speech on the floor of this House said he had heard a side remark that an auctioneer had been paid \$1,000 a day, or, rather, for a few minutes of the day, for crying the sale of some of these Army goods. He therefore started an investigation and secured from the War Department a report as to how much money had been paid to auctioneers and the names of the men and the place where these sales had been conducted, and that report was laid before this House.

The contents of that report should challenge the attention of Congress and the people of the Nation.

The atmosphere of Washington is so laden with scandals and sensations that the revelations made in that report seem to have made but little impression on the Congress or the people of the country.

It develops that the plan of compensating the auctioneers was on the percentage basis, instead of by the day, week, month, or year. Just what the motive may have been for adopting the percentage plan is one of conjecture only. However, it can be safely stated that no more effective way of paying large fees could possibly have been devised.

The report which was furnished by the War Department discloses that M. Fox & Sons, of Baltimore, Md., were employed on 113 different days for merely crying auction sales. The testimony showed that the auctioneer did not pay for the advertising nor for any other expense incident to the sale. The compensation allowed the auctioneer in every instance was merely for saying, "How much am I offered for this piece of property?" then stating the offer or offers, and then saying, "Look out! All in! Once, twice, three times, and sold!" For those 113 days the auctioneer was paid the enormous sum of \$230,370.72. For less than one-third of a year he was paid more than the President's salary for three years. To go more into detail, he was paid \$2,038.67 for only a part of each of those 113 days. This auctioneer was paid at the rate of approximately three-quarters of a million dollars a year.

Gerth's Realty Experts, of New York, were employed as auctioneer for 18 days. Their compensation was \$11,450.56 a day, making a total for the 18 days of \$206,110.08. For each of those 18 days the auctioneer received only a little less than the annual salary of a justice of the Supreme Court of the United States, and for the 18 days he received nearly enough to pay the annual salaries of the nine members of the Supreme Court for nearly two years. And for each and every one of those days he received nearly as much as is paid to a Cabinet officer for a whole year.

Gordon & Williams, of Chicago, Ill., were employed as auctioneer for 16 days. For those 16 days they were paid \$42,289.79, an average of \$2,643.11 for each day. Congress will discuss for hours the propriety of adding \$143 to the salary of a Government clerk who already is receiving \$2,500 per year, but we find that in this case the auctioneer was paid more than such a salary for a comparatively short portion of one day's work without a word of protest.

The Louisville Real Estate & Development Co., of Louisville, Ky., was employed one day as auctioneer. For that one day that concern was paid \$24,194.80, which amount would almost pay the salary of the collector of internal revenue at Louisville for four years. If the collector had been paid on the same basis, his compensation while the whisky tax was being collected would have amounted to \$200,000 a day, or \$7,300,000 a year. If one is paid on the percentage plan, why not the other? The amount received by this auctioneer for one day's services would not fall far short of paying the salary of the governor of my State for four years.

J. Hall Miller, an auctioneer, of Atlanta, Ga., was employed for 30 days, for which he was paid \$37,209.44, a daily average of \$1,240.31. At that rate his compensation for a year would have been \$439,593.15. His compensation for one month was more than sufficient to pay the salaries of three Cabinet officers for 12 months.

Arthur C. Sheridan, an auctioneer, of New York City, was employed for one day, for which he received \$4,603.20. At that rate his compensation for a year would have been \$1,680,168.

Smith & Jaffe, auctioneers, of New York City, were employed for 39 days, for which they were paid \$73,719.28, a daily average of \$1,890.24. The amount paid that firm for 39 days would very nearly pay the annual salaries of 10 United States Senators. At the rate of \$1,890.24 per day the annual compensation would amount to \$689,987.60.

A. T. Swepston, of Chillicothe, Ohio, was employed for 10 days, for which he was paid \$24,883.56, a daily average of \$2,488.35. At that rate his annual compensation would be \$908,247.75.

Michael Tauber, of Chicago, Ill., was employed for 26 days, for which he was paid \$60,600.56, a daily average of \$2,230.78, at which rate his annual compensation would be \$850,734.70.

Wilmerding, Morris & Mitchell, of New York City, were employed for nine days as auctioneers, for which service they were paid \$18,789.96, a daily average of \$2,087.77; at which rate the annual compensation would be \$762,039.05.

Samuel Wintermiltz, an auctioneer, of Chicago, Ill., was paid \$59,995.48 for 13 days. His compensation averaged \$4,615.03 a day. At that rate his annual compensation would amount to

\$1,684,485.95. The amount paid this man for 13 days would lack only \$5 of paying six members of the Interstate Commerce Commission their annual salaries.

Samuel T. Freeman, of Philadelphia, Pa., was employed for 64 days, for which he was paid \$167,163.43, a daily average of \$2,611.93. At that rate his annual compensation would be \$953,354.45. The amount paid this man for 64 days would pay the salaries of the nine Cabinet officers for a year and in addition would lack but little of paying the annual salaries of six district Federal judges.

Atlantic Coast & Realty Co., of Petersburg, Va., was paid \$2,870.18 for one day.

Auctioneer Newell D. Atwood, of Boston, Mass., was paid \$1,189 for eight days.

Auctioneer W. L. Bennett, of Columbia, S. C., was paid \$1,202.57 for four days.

Jacob Cash, of New York City, was paid \$4,046.85 for one day. At that rate his compensation for a year would amount to \$1,477,100.

P. L. Crouch, of Des Moines, Iowa, for nine days was paid \$17,962.74, a daily average of \$1,984.98, at which rate his annual compensation would be \$724,627.70.

Fay W. Danford, of Rochester, N. Y., was employed for three days, for which he received \$13,585.88, a daily average of \$4,528.62; at which rate his annual compensation would amount to \$1,652,946.30.

Danford-Bliss, of Buffalo, N. Y., was employed for two days, for which was paid \$4,445.48, a daily average of \$2,222.74.

Joseph P. Day, of New York City, was paid \$3,723 for two days, a daily average of \$1,861.50.

Isidoro D. Deigado, of San Juan, P. R., for six days received \$567.64.

John J. Erwin, of Jersey City, N. J., for one day received \$1,765.

Fitzpatrick Tell Auction Co., New Orleans, for three days received \$1,321.23.

Abe Franklin (no address given) for four days received \$247.43.

Alfred Freeman, of New York City, for nine days received \$21,007.59.

Samuel T. Freeman, of Philadelphia, for 12 days was paid \$28,470.21.

Leo Fresh, of Atlanta, Ga., was paid \$1,136.85 for one day.

Julius Gollober, of San Francisco, Calif., was paid \$8,143.04 for seven days.

Dan Greenberg, of Los Angeles, Calif., was paid \$1,775.36 for one day.

Henry J. Healy, of Worcester, Mass., was paid \$2,175 for 23 days.

Bryan Kennelly, of New York City, was paid \$7,725.96 for two days, an average of \$3,862.98 per day; at which rate his yearly compensation would have been \$1,409,987.70.

Aleck Licata (no address given) received \$621.54 for seven days.

Thomas B. Lovatt, of Philadelphia, was paid \$8,096.35 for seven days.

Joseph Rubin, of San Antonio, Tex., for 34 days received \$34,389.11.

R. E. Swepston, of Chillicothe, Ohio, for one day was paid \$2,177.50.

David B. Traxler, of Greenville, S. C., was paid \$7,978.60 for five days.

Joseph P. Tupper, of Logan, Iowa, was paid \$2,486.93 for one day.

A. A. Weschler, of Washington, D. C., was paid \$153.82 for four days.

Fox, of Baltimore, was paid \$13,659.45 on the 19th day of September, 1922, for crying a sale on that day.

Smith & Jaffe, 68 West Forty-fifth Street, New York City, were paid \$28,102.26 for making a sale on August 16, 1921.

Gerth's Realty Experts, 505 Fifth Avenue, New York City, were paid \$23,558.84 for sales made from the 16th to the 19th day of August, 1921; and for crying sales on the 10th to the 16th day of October, 1921, they were paid \$56,030.82; and for crying sales on the 16th and 17th days of December, 1921, they were paid \$45,407.52; and for crying a sale on December 7, 1922, they were paid \$42,750. For the four sales just referred to that same firm was paid \$167,747.18.

The total compensation paid to auctioneers, as just recited by me, amounts to \$1,187,007.83, of which amount 14,659 per cent was paid during the Woodrow Wilson administration and 85.34 per cent under the administrations of Presidents Harding and Coolidge.

The report from the War Department carries this further significant statement:

Due to the necessity of submitting this report at this time, the Ordnance Department has been unable to furnish data relative to auctioneers employed by that department. The records on this subject at the various district ordnance offices have been boxed and stored; therefore there will be a delay in the submission of their report. As soon as it is received in this office it will be forwarded to your office promptly.

Thus it is revealed that only a partial list of these enormous payments are above recited and nobody seems to know what the total expenditures for the services of these auctioneers may be.

In the course of the speech made by the gentleman from Kentucky [Mr. JOHNSON] the following colloquy took place:

Mr. ANTHONY. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. ANTHONY. Is it not true that this system, which we must all condemn as being wasteful and extravagant, prevailed under both administrations?

Mr. JOHNSON of Kentucky. I just so stated.

Mr. ANTHONY. And was caused by the laxity of Congress in this case in authorizing the War Department to make these sales of surplus property and to consume 5 per cent of the total amount realized in the expense of selling?

Mr. JOHNSON of Kentucky. I can not answer the gentleman's question, because I have not the information.

Mr. BYRNS of Tennessee. Mr. Chairman, does the gentleman mean to say that Congress authorized a 5 per cent commission?

Mr. ANTHONY. I think I am correct in stating that Congress authorized them to spend 5 per cent of the amount realized in the cost of selling, and in this bill we are undertaking to curb their advertising costs.

Mr. BYRNS of Tennessee. I would like to have the gentleman present that authority; but even if it be true, that would not justify any public official who wanted to conserve the public money in spending these immense amounts the gentleman has referred to.

Mr. ANTHONY. It is stated in the hearings by the War Department officers that they are authorized to spend 5 per cent.

If, as suggested by the gentleman from Kansas [Mr. ANTHONY], Congress had made any provision as to the expenditure of 5 per cent of the receipts for these goods, I venture the assertion that it was a limitation which provided that not more than 5 per cent of the purchase price should be spent for the sale of the goods.

It was not the intention of Congress that 5 per cent should be allowed for these sales, but it was a direction to the War Department that in no case should more than 5 per cent be so expended, and the law appears to have been interpreted by the officers who were executing same that if they could not find anywhere else to expend the money that they should give it to auctioneers, regardless of the value of their services. The law, of course, was drafted upon the assumption that it would be executed by honest officials, by officials diligent and vigilant in the discharge of their duties, by officials who would have some regard for the taxpayers and the people of the country. No legislation that Congress can enact will ever be made safe against corruption or incompetency, and this law is no exception. We must and do pass many laws reposing power in officers of the Government. We expect and have reason to expect that they will discharge their duties honestly and faithfully, in a businesslike manner, and with due regard for the people and their welfare, including the Treasurer of the United States. It is absolutely necessary for Congress to trust to some extent to the honesty and the vigilance and the common sense of the officials charged with the execution of the laws. It is an outrage upon the American people that any official should construe a limitation such as above recited to mean that he must pay 5 per cent of the selling price for the sale of these goods.

A few days ago the Senator from Idaho [Mr. BORAH] made this significant observation on the floor of the Senate:

Homes are being sold over this country because people are unable to pay their taxes.

Business men are distressed because they are unable to meet their taxes. Farms upon which people have lived for half a century, giving their time and their industry and their effort to making homes and rearing families, are now passing from them by reason of tax sales.

Equally distressing with the tax situation is the agricultural condition in this country. It would be difficult to command language adequately to describe the condition of the agricultural interests, especially through the great 15 Northwestern States, those great agricultural States. Speaking upon this matter some months ago, I referred to the fact that in one county in a great agricultural State there were

6,000 items in a single newspaper advertising property for sale which belonged to farmers. I received many letters from over the country wanting to know if that was not an error, whether it was not 600 instead of 6,000. It was not an error; it was a correct statement of the fact, and that is only indicative of a distressed condition which prevails throughout the agricultural regions, certainly in all the Northwestern States and, in my judgment, to a marked extent in all the States.

Thousands of men and women, not alone in my State but all over the West, are not only bankrupt but at the door of the poorhouse. I wonder if the people in official life realize what these people must think when they read this sordid story of waste, if nothing worse.

Every time waste or corruption is revealed somebody rises in or out of Congress and loudly proclaims Congress is to blame for enacting the law under which it occurred. When the Senate of the United States unanimously passed a resolution which was approved by the President, asserting that the oil reserves set apart for the Navy in time of danger had been bartered away "under circumstances that indicated fraud and corruption, in violation of the law and against the settled policies of the Government," men were heard to assert that Congress was to blame, and if it had not enacted certain legislation these reserves could not have been bartered away.

Why, of course, Mr. Speaker, if Congress had never set apart these reserves there would have been no reserves to lose. I suppose that should we wake up some morning and find somebody had sold or stolen the Goddess of Liberty from the Capitol Building some one would rise and say George Washington was to blame because he and his compatriots provided for a Capitol Building, and if they had made no such provision there would have been no Goddess of Liberty to steal. Again, Mr. Speaker, if we should some day find the Treasury looted of what cash still remains, somebody would say Congress is to blame because it levied taxes upon the people, and if they had levied no such taxes then there would have been no money in the Treasury to be wasted or stolen.

Mr. Speaker, I do not know what other men may think, but I give it as my candid opinion that the revelations in governmental affairs during the past 60 days have rocked the very foundations of this Government. Free institutions and popular government have received such a blow as they never received in the history of America. The right of free government is trembling in the balance; the virus of waste and corruption has gotten into the blood of official life in this country, and the best and only antidote that I can suggest is to promptly put somebody in jail.

INCREASE OF PENSIONS FOR THE SPANISH WAR VETERANS.

Mr. ALLEN. Under leave granted to extend my remarks I insert the following letter:

PIEDMONT, W. VA., March 19, 1924.

Members of Potomac Camp, No. 5, Department of West Virginia, United Spanish War Veterans, at its regular meeting on March 6 indorsed the Knutson bill (H. R. 5934) in the following language:

"Resolved, That the members of Potomac Camp, No. 5, United Spanish War Veterans, Department of West Virginia, do hereby go on record as indorsing the bill (H. R. 5934) which provides for an increase of the pensions for the Spanish war veterans, and to certain maimed soldiers; and be it further

"Resolved, That we pray and petition the United States Congress for immediate passage of this bill, and that a copy of this resolution be sent to Congressman R. E. L. ALLEN, requesting him to have it read into the RECORD.

[SEAL.]

NORRIS BRUCE, Commander.
CHAR. A. BOYLES, Adjutant.
S. C. RICE, Quartermaster.

THE EX-SERVICE MAN IS THE OUTSTANDING VICTIM OF OUR PARTICIPATION IN THE WORLD WAR.

Mr. GARBER. Mr. Speaker, the services rendered by the American soldier were the most important and determining factor in winning the World War. Our obligation to compensate him for such services is a part of the war debt itself and a preferred and prior claim upon the Government, more binding upon the conscience of the Nation than any other of its contractual obligations.

By selective draft nearly 4,000,000 men were pressed into military service. We should have drafted the services of capital and labor as well. We did not. Our neglect to do so caused the discrimination against the soldiers out of which arose the claim for adjusted compensation.

For the services of the men while in camp, we paid \$1 per day; for the services of the men while overseas, \$1.10 per day.

In agricultural States the young men were taken from their recently rented or purchased farms; in the cities and towns from their chosen occupations or professions. By arbitrary draft they were taken from their homes and families and compelled to abandon all their material prospects for the uncertain period of the war. Capital and labor remained at home and without license were permitted to take advantage of the Nation's necessities.

The young men, so taken, were hustled and jammed into hastily constructed and insanitary training camps. There they were subjected to unusual exposure, contagious diseases, and the daily grind of military training. From the camps 2,000,000 men were sent overseas in crowded ships; then in crowded cars were taken inland to camps and finally by weary marches up to the front to the trenches and the firing line.

At the time when the Government was paying its soldiers in camp \$1 per day and overseas \$1.10 per day, it paid its employees working in its navy yards, living at home, in the lap of luxury, convenience, and safety from \$6 to \$12 per day; in its arsenals from \$6 to \$10 per day; on its 10 per cent plus contracts from \$5 to \$12 per day. To its over 500,000 civil-service employees, receiving \$2,500 per year or less, it has paid each a bonus of \$240 per year for the last five years in addition to their regular salaries, or a total bonus of \$1,200 each. Mind you, this is what the Government itself did in the payment of wages and salaries and bonus to its employees who remained at home. Do you believe it was fair for the Government to pay the men at home \$12 per day for working on its ships and to pay the men fighting on the ship only \$1.10 per day? Do you believe employees in its arsenals should have received \$10 per day and the men on the battle field be limited to \$1.10 per day? Do you think \$2.35 per day for our fighting men facing death too much? Do you think \$2 per day for our men training in camps facing disease too much?

The high wages at home were not only paid by the Government but in the channels of trade in the business world as well. Bricklayers, masons, plumbers, carpenters, for eight hours work, exacted from \$8 to \$14 per day. Common labor, in all its various forms, including labor on the farm, was paid from \$4 to \$6 per day.

It is true the soldier received his clothes and board in addition to his wage, but that advantage was largely neutralized by the unusual requirement compelling him to deduct so much for insurance. The business world pays for the insurance of its employees. The Government required the soldiers to pay their insurance out of their monthly wages. From the \$30 per month received, must be deducted the \$15 which the soldier was required to send back to his dependents in addition to the cost of his insurance, leaving him a balance of from \$7 to \$9 per month with which to pay his sundry expenses. When he received the \$60 payment on his return home to begin life anew, he was without sufficient money, at the then existing prices, to purchase a civilian suit of clothes. He was without his chosen employment to earn even a competency. Stripped of everything he had, material and prospective, he was required to make new arrangements and incur new obligations to enter again the industrial world from whence he had been so arbitrarily taken.

The celebrations, greetings, and banquets for heroes home, in a short time had to give way to the menial task of digging in. To readjust himself to the changed conditions was the perplexing and most difficult problem of the returned soldier. He was the outstanding victim of our participation in the World War. He was the heaviest contributor and the heaviest loser.

That the people generally recognize and disapprove of the unadjusted discrimination against him is evidenced by their action in 22 States, authorizing payment of adjusted compensation.

The following table shows the cash bonus paid by the States to their veterans of the World War:

Illinois.....	\$55,000,000
Iowa.....	22,000,000
Kansas.....	25,000,000
Massachusetts.....	22,275,000
Maine.....	3,211,397
Michigan.....	30,657,376
Minnesota.....	23,500,000
Missouri.....	15,000,000
New Hampshire.....	1,961,423
New Jersey.....	11,250,000
New York.....	45,000,000
North Dakota.....	11,000,000
Ohio.....	32,500,000
Oregon.....	20,000,000
Rhode Island.....	2,598,000
South Dakota.....	6,000,000
Vermont.....	1,500,000
Washington.....	13,500,000
Wisconsin.....	16,102,000
Colorado.....	8,000,000
Montana.....	4,500,000
Pennsylvania.....	35,000,000

Wherever the question has been submitted the people in the several States, by overwhelming majorities, have authorized the payment of adjusted compensation to their soldiers. The Representatives from such States might have colorable claim to oppose this measure on the ground that they have already taxed themselves and paid the adjustment provided for. Opposition based on such grounds might well be consistent and valid, but even in the majority of such States the people, through their Representatives, recognize the national obligation as still existing. So long as such unselfish spirit and appreciation exist this country will remain sound to the core and the safety of our cherished institutions will remain assured.

When a majority of the States already having paid a cash bonus to their soldiers are recognizing the national obligation and supporting this measure providing for its payment, what can be justly said in opposition by the people in the States not yet having contributed anything toward the payment of such adjustment? Nothing. Opposition from such sources would be indefensible. It would be ungrateful. To the credit of the people of such States, however, it can be truthfully said they are not ungrateful, not unmindful, or unappreciative. Through their Representatives they are supporting this measure and hope it will be speedily enacted into law as tangible evidence of their sense of justice and appreciation.

When we emerged from the war and took a survey of our finances conditions then existing were alarming. While the people in good faith accepted the slogan "Anything and everything to win the war," and contributed their last dollar toward the purchase of Government bonds, hyenas in human form prowled and plundered. Billions of the hard earnings of the people were wasted and squandered, confiscated and appropriated. The people were induced to borrow money from banks at a high rate of interest to purchase bonds upon the representation that it was necessary to raise funds to sustain our soldiers in camp and field. The moneys thus exacted, to the extent of billions, were loaned without authority of law to foreign countries after the armistice was signed. Corporations, trusts, and unscrupulous organizations of every kind and character pillaged and plundered. Contracts were given for war supplies to favorites at enormous prices without regard to the Nation's interests. The following record from the War Department shows with what criminal abandon the hard-earned dollars of the people were expended:

Forty-one million pairs of shoes for 3,500,000 soldiers, or 12 pairs for each man; 149,456,611 bread cans, or 42 for each man; 2 saddles, 4 covers, 6 halters, and 6 harnesses for each horse; 12,000 sets of ambulance harness, when the Army was using gas-driven ambulances; \$20,000,000 for coke ovens and no coke; \$35,000,000 for acid plants and no acid; \$116,000,000 for poison-gas plants and no poison gas; \$127,000,000 for docks never used; \$60,000,000 for one powder plant, \$90,000,000 for another powder plant, and no powder while the war lasted; \$116,000,000 for a nitrate plant, and no nitrate during the war; over \$1,000,000,000 for aircraft, and not a fighting plane at the front; another \$1,000,000,000 for artillery, and less than 150 American-made cannons on the firing line; \$3,500,000,000 for merchant ships, with less than 600 keels laid during the war, and more than 700 laid after the armistice, and out of a total of 1,300 ships, more than 1,000 were either too small or too slow, or otherwise wholly unfit either for international commerce or for coastwise trade, and now unsalable except for junk.

Unbelievable but true. Add to this \$484,000,000 allowed and paid on post-war activities, mostly with no contract to support the gratuities; \$11,000,000,000 paid to foreign governments with no evidence of debt taken, to say nothing of a contract to repay. I forbear to enumerate the hundreds of millions wasted on cantonments and other contracts on a cost-plus basis.

The Teapot Dome oil revelations showing an exploitation of the Nation's oil reserves are to be deplored. Those responsible must be prosecuted to the limit and imprisoned for their betrayal of the public interests. Every vestige of wrongdoing, grafting, and betrayal must be punished and the perpetrators driven from public life. There is no man in the United States in whom the people have greater confidence in seeing that this shall be done than Calvin Coolidge. But I submit that the attempted exploitation or development of the naval reserves is nothing as compared to the exploitation of the hard-earned dollars of the people's money to the extent of billions through the guise of war necessities during the brief period of the 18 months of the war.

On March 4, 1921, when the Republican administration took charge, there were 5,000,000 men out of employment, whose

annual wage alone was \$5,000,000,000. Importations from foreign countries were flooding our markets at the expense of our own laboring men. Our indebtedness had reached the staggering total of \$26,581,966,852. The remains of the bacchanalian feast had to be cleared away. Unconscionable grafting contracts had to be canceled. Unnecessary employees had to be cut off the pay roll. Expenses had to be cut down. Revenues to pay the enormous annual interest charges and coming due indebtedness had to be provided for. The Nation had to find itself financially. Under a constructive Republican administration these things were done.

During such period opposition to incurring any additional governmental obligations had substantial, if not justifiable, grounds to support it. While our indebtedness is still large the prompt payment of all our national obligations as fast as they become due is assured. Our Budget has been balanced. During the last four and a half years we have paid off \$4,800,000,000 of national indebtedness at the rate of \$1,000,000,000 per year and our surplus annual revenues exceed \$330,000,000 per year. Such marvelous progress in reconstruction work under Republican administration is unapproached by that of any other nation in the world. It stands without parallel and without precedent. Under such administration our national finances are in such condition that we can safely have not only tax reduction but adjusted compensation as provided in the present bill.

Section 201 of the bill provides:

The amount of the adjusted-service credit shall be computed by allowing the following sums for each day of active service in excess of 60 days in the military or naval forces of the United States, after April 5, 1917, and before July 1, 1919, as shown by the service or other record of the veteran; \$1.25 for each day of overseas service and \$1 for each day of home service; but the amount of credit of a veteran who performed no overseas service shall not exceed \$500, and the amount of credit of a veteran who performed any overseas service shall not exceed \$625.

Subsection C of section 203 provides:

If part of the service is overseas service and part is home service, the home service shall first be used in computing the 60-day period.

All applications for benefits under the provisions of the bill must be filed on or before January 1, 1925.

Section 401 provides payment in cash to each veteran upon proper application any time after the expiration of nine months from the enactment of the law the amount of his adjusted service credit, if, and only if, such credit is not more than \$50. This section applies to the men who served 110 days or less, awarding them \$1 per day and deducting the \$60 paid at the time of discharge, leaving the balance in the amount of \$50 or less to be paid in cash. It is estimated that the cash payments thus required will total \$16,000,000.

Section 501 authorizes the issuance, without cost to the veteran designated therein, of a—

nonparticipating adjusted service certificate of a face value equal to the amount of 20-year endowment insurance that the amount of his adjusted service credit increased by 25 per cent would purchase at his age on his birthday nearest the date of certificate, if applied as a net single premium, calculated in accordance with accepted actuarial principles, and based upon the American Experience Table of Mortality, and interest at 4 per cent per annum compounded annually.

The certificate and all rights conferred thereunder shall take effect—

as of the 1st day of the month in which the application is filed, but in no case before January 1, 1925. The veteran shall name the beneficiary of the certificate, and may from time to time, with the approval of the director, change such beneficiary. The amount of the face value of the certificate shall be payable to the veteran 20 years after the date of the certificate, or, second, upon the death of the veteran prior to the expiration of such 20-year period, to the beneficiary named, except that, if such beneficiary dies before the veteran and no new beneficiary in the first instance has yet been named, the amount of the face value of the certificate shall be paid to the estate of the veteran. If the veteran dies after making application, but before January 1, 1925, then the amount of the face value of the certificate shall be paid in the same manner as if his death had occurred after January 1, 1925.

Section 502 provides—

after the expiration of two years after the date of the certificate it may be used as collateral security for the payment of loan to him. The rate of interest shall not exceed by more than 2 per cent per annum the rate charged at the date of the loan for the discount of commercial paper by the Federal reserve bank in the district in which the loan is made.

The amount of the loan is limited to—

90 per cent of the reserve value of the certificate on the last day of the current certificate year or 60 per cent of the face value of the certificate. The reserve value of a certificate on the last day of any certificate year shall be the full reserve required on such certificate, based on an annual premium for 20 years, calculated in accordance with the American Experience Table of Mortality, and interest at 4 per cent per annum compounded annually.

It is estimated as of January 1, 1924, there were 3,038,283 veterans living who would be entitled to the adjusted certificates or insurance policies, and 389,583 veterans who served from 61 to 110 days entitled to the cash payment. Also there were 183,805 veterans who died prior to January 1, 1924, and whose dependents would be entitled to the adjusted service compensation in 10 annual installments.

Commissioned officers above the grade of captain in the Army or Marine Corps, lieutenants in the Navy, first lieutenant or first lieutenant of engineers in the Coast Guard, with others, are excluded from the provisions of the bill.

Section 505 creates a fund in the Treasury of the United States to be known as "the adjusted service certificate fund," and appropriates for each calendar year, beginning January 1, 1925, and ending with the calendar year 1946, an amount sufficient to meet all the payments required by the certificates issued, the appropriation for the calendar year 1925 not to be in excess of \$100,000,000.

Out of a poll of 10,784 veterans, 66 per cent voted in favor of paid-up insurance. The American Legion in its national convention twice approved a bill with an insurance provision similar to the one in the present pending bill. It embodies the foresight and frugality of a Benjamin Franklin for the benefit of the veteran. While not so attractive now, the enduring wisdom of a paid-up insurance policy will be appreciated more and more each year. The financial resources thus extended to the veteran are exempt from all processes of the law, nonassignable, and payable only to him if living, and if dead direct to his beneficiaries. The bill will not disturb present financial conditions. It will permit of tax reduction, and at the same time meet our obligations.

We believe that such adjustment of our obligations to the soldiers will be acceptable alike to them and the people. The same sinister influences that ravished the national revenues during the war opposes now; the malefactors of great wealth, who shed copious tears for the dear soldier while the war was on and the profiteering was good, are now shedding tears of bitter rage at the very thought of paying their share of the necessary taxes. Sordid selfishness will intervene, and the mad, metallic commercialism of the post-war period will continue to oppose. It dare not plead a denial of services rendered. The unselfish sacrifice and undaunted gallantry of the American soldier upon the battle fields of the World War excite the admiration of the world. It dare not deny benefits received. The safety and security of this Republic, with its constitutional guarantees, stand unshaken and unimpaired. Its opposition must be one of subterfuge, misrepresentation, and delay. Professing a superior degree of appreciation, it pompously declares, "We must not 'commercialize patriotism.'" Having commercialized everything else of human relationship during and since the war, it now poses as a superpatriot in making this exception. Pushed to its logical conclusion, it would pay nothing to the men whose services were indispensable in the preservation of our defense and the maintenance of the national honor.

"If you want tax reduction you must defeat the bonus" is the last resort in the last trench of the opposition. Such appeal is an offer of public benefits resulting from administrative duty as a reward for assistance in defeating adjusted compensation. It is a subtle appeal to the taxpayer to oppose, but it will find no response in the bosom of the American people, whose liberality, public spirit, love of fairness, justice, and patriotism has never yet failed to meet the just and honest obligations of their Government in all its history.

The following is a telegram received by me from Cody Fowler, department commander, and J. William Cordell, department adjutant, of the American Legion of Oklahoma, urging support of the bill:

OKLAHOMA CITY, OKLA., March 17, 1924.

M. C. GARDNER, M. C.

Washington, D. C.:

Oklahoma department of American Legion stands solidly behind you in your support and vote for the adjusted compensation measure, which will be before you for consideration on Tuesday, the 18th.

AMERICAN LEGION OF OKLAHOMA,

CODY FOWLER, Department Commander.

J. Wm. CORDELL, Department Adjutant.

I append the following table showing estimated cost:

TABLE NO. 1.—Estimated cost of soldiers' adjusted compensation under proposed legislation.

1. Estimated number entitled to adjusted compensation living Jan. 1, 1919	4,477,412
2. Estimated number in the above group who have died prior to Jan. 1, 1924	183,805
3. Estimated number entitled to adjusted compensation living Jan. 1, 1924	4,293,607
4. Estimated number living Jan. 1, 1924, who served 60 days or less	865,741
5. Estimated number living Jan. 1, 1924, who served from 61 to 110 days	389,583
6. Estimated number living Jan. 1, 1924, who served over 110 days	3,038,283
7. Average age Jan. 1, 1924 (years)	32
8. Average amount of adjusted compensation for those who served over 110 days (maximum service, 560 days)	\$382
9. Adjusted compensation due those who have died prior to Jan. 1, 1924	\$50,318,772
10. Total amount payable in cash to those now living who served 110 days or less	\$14,799,470
11. Total cost of insurance provision by annual appropriations representing the actual premiums	\$2,025,889,696
12. Total cost of insurance provision—equivalent level annual appropriations	\$2,052,679,240

TABLE NO. 2.—Adjusted compensation.
[American Experience Table, 4 per cent.]

Endowment 20 years:	
Single premium per \$1,000	\$496.62
Annual premium per \$1,000	37.94
COST OF INSURANCE PROVISION.	
Maximum service (days)	560
Average amount adjusted compensation	\$382
[1.25 times American Experience Table, 4 per cent.]	
Average amount policy	\$962.00
Average annual premium	36.48
Maximum annual appropriation	110,896,564.00
Minimum annual appropriation	90,835,930.00
Approximate total cost	2,025,889,696.00

TABLE NO. 3.—Table showing the cost of insurance provision (20-year endowment policy purchased by 1.25 times adjusted compensation) to those who served over 110 days—American Experience Table 4 per cent.

Year.	Age.	Number living at beginning of year.	Number dying during year.	Annual appropriation.
1924	32	3,038,283	26,151	\$110,836,564
1925	33	3,012,132	26,260	109,882,575
1926	34	2,985,872	26,368	108,924,611
1927	35	2,959,504	26,476	107,962,706
1928	36	2,933,028	26,584	106,996,861
1929	37	2,906,570	26,692	106,024,378
1930	38	2,879,535	26,799	105,045,394
1931	39	2,852,448	26,907	104,067,094
1932	40	2,825,028	27,015	103,089,575
1933	41	2,797,429	27,123	102,112,810
1934	42	2,769,432	27,231	101,136,879
1935	43	2,741,040	27,339	100,161,780
1936	44	2,712,212	27,447	99,187,511
1937	45	2,682,841	27,555	98,214,061
1938	46	2,652,828	27,663	97,241,429
1939	47	2,622,219	27,771	96,268,614
1940	48	2,591,072	27,879	95,295,614
1941	49	2,559,344	27,987	94,322,429
1942	50	2,527,014	28,095	93,349,051
1943	51	2,494,030	28,203	92,375,480
Total				2,025,889,696
Equivalent level annual appropriations for 20 years				102,633,962

TABLE NO. 4.—Illustration of loan values adjusted service certificate.

Endowment 20 years:	
Amount of certificate	\$1,000
Age at issue	32

Year.	Value of sinking fund end of year.	Loan value, 99 per cent.
3	\$97.71	\$96.73
4	183.88	179.99
5	170.28	163.82
6	200.57	198.61
7	250.36	233.22
8	300.06	267.75
9	327.76	302.98
10	354.58	348.12
11	482.62	390.25
12	485.01	436.50
13	538.88	484.99
14	585.38	535.84
15	634.66	589.19
16	716.02	645.22
17	782.33	704.09
18	851.14	766.02
19	923.59	831.23
20	1,000.00	900.00

PERMISSION TO EXTEND REMARKS.

Mr. OLIVER of New York. Mr. Speaker, I ask unanimous consent to extend my remarks on the subject of adjusted compensation.

Mr. HASTINGS. I make the same request, Mr. Speaker.

Mr. BEGG. Mr. Speaker, I object.

Mr. OLIVER of New York. Mr. Speaker, such permission was granted to a Republican.

AGRICULTURAL RELIEF.

Mr. KINCHELOE. Mr. Speaker, I ask unanimous consent to proceed for four minutes.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to address the House for four minutes. Is there objection?

There was no objection.

Mr. KINCHELOE. Mr. Speaker and gentlemen of the House, as we all know, there are various agricultural bills pending before the Committee on Agriculture, both of the House and of the Senate, seeking to grant relief to the farmers. As far as I am concerned, I want to vote for some relief for the farmers; but I want to vote for a bill that will do them some good, and I do not want to vote for any legislative nostrum that will fool the farmer and make him think he is getting something when he is not.

There is a bill pending before the Senate, introduced by Senator CURTIS, of Kansas, and one before the House, introduced by Congressman ASWELL, of Louisiana, that embody the principles promulgated by Mr. B. F. Yoakum, who, I understand, has given years of study to the agricultural problems of this country. I want to especially invite the attention of the House to those bills; but the purpose I have in addressing the House now is that Mr. Yoakum addressed the Kentucky division of the Farmers' Union at Lexington, Ky., on March 13, 1924, giving an epitomized statement of this bill, which I think is a splendid address, and which, Mr. Speaker, I ask unanimous consent to extend my remarks by including.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

Mr. KING. Will the gentleman yield?

Mr. KINCHELOE. I yield.

Mr. KING. Is it or is it not a fact that Mr. Yoakum is one of the representatives and the propagandist of the international bankers of New York?

Mr. KINCHELOE. I never saw Mr. Yoakum and do not know a thing on earth about him, except I have read the bill introduced by Senator CURTIS, of Kansas, and by Congressman ASWELL. I am not committing myself to the bill; but it seeks to encourage and perpetuate the cooperative marketing system of this country, and I am one who does believe that the only hope for the future permanent prosperity of the farmer of this country, regardless of the crop he raises, is cooperative marketing. [Applause.]

Mr. KING. I agree with the gentleman. I want a bill that will not fool the farmer, but I want to investigate from whom it comes.

Mr. KINCHELOE. I am not standing as sponsor for Mr. Yoakum. I never saw him, but I have read the bill and think it is a step in the right direction for cooperative marketing. I do not care from what source it comes if it is going to benefit the farmer and not hand him a lemon, as some of the bills now before the Agriculture Committee seek to do.

Mr. TILSON. Will the gentleman yield?

Mr. KINCHELOE. Yes.

Mr. TILSON. Is the article directly on the subject now before the House for legislation?

Mr. KINCHELOE. Yes; it is an exposition of the bill that was introduced.

Mr. TILSON. And the bill now before the House.

Mr. KINCHELOE. Absolutely. Before the Committee on Agriculture.

Mr. HOWARD of Nebraska. Will the gentleman yield? I think I can enlighten the gentleman who asked the question with reference to Mr. Yoakum.

Mr. KINCHELOE. Yes. I do not know Mr. Yoakum and never saw him.

Mr. HOWARD of Nebraska. I will say that Mr. Yoakum belongs to the family of the wealthy Yoakums, but he seems to be impressed with the duty to work out what he has suggested here. It is true, as the gentleman from Illinois says, that he is connected with these vast interests in New York, but sometimes I have found magnificent personalities among them, and I believe Mr. Yoakum is one of them.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky [Mr. KINCHELOE]?

There was no objection.

Mr. KINCHELOE. Mr. Speaker, under the leave to extend my remarks in the Record, I include the following:

ADDRESS OF B. F. YOAKUM BEFORE THE KENTUCKY DIVISION OF THE FARMERS' UNION, AT LEXINGTON, KY., MARCH 13, 1924.

Ours is an agricultural country, with 34,000,000 of its population feeding the other 70,000,000.

The world's greatest agricultural country is faced by a situation more menacing to the country's future than can be said of any other economic problem in any part of the world. I do not view the situation darkly, because I know the present disastrous situation is remediable, and in this I am in harmony with the great majority of the farmers of our country.

It is merely a question of devising and applying the proper remedy. To do this we must all earnestly, patiently, and hopefully apply ourselves with vigor, expedition, and determination. We can devise the remedy; Congress must apply it. In our capacity as the sole devisers of that remedy we must first abandon all unsound and impracticable theories. All agricultural societies and organizations should agree upon a sound and constructive program for submission to the lawmakers at Washington. This, then, will give Congress no possible reason or excuse to quibble over the principle involved or the terminology to be employed. In its spiritual as well as material life our Nation has never been so badgered and befuddled as since the unfortunate inheritance of corruption and irregular practices that have developed in the official family of President Coolidge. We are drifting utterly devoid of leadership. Without leadership no stable national progress can be made. We listen with indifference, if not with cynicism, to suggestions of what ought to be done and what can be done. We are losing faith in one another. The result is that there is no cohesion of mass opinion. There is growing a confused psychology of that mass opinion impossible of analysis, definition, or control.

If the farmers will get together, demand a quick remedy of their own condition, and if Congress shall respond promptly to the demand of the farmer's voice, it will have a stabilizing effect upon the entire Nation and restore contentment and prosperity to those engaged in the farming business.

I am not an alarmist. My life work has been constructive and not destructive. My view of America has always been optimistic and not pessimistic; but I would feel remiss if I did not speak with the utmost frankness. I would feel that I was not doing constructive work if I should not point out some of the destructive forces now at work and which must be speedily destroyed or this country of ours will be actually in danger.

Mr. B. C. Moomaw, of Barber, Va., in a recent letter to me, puts this situation correctly and concretely. He says:

"If the business interests compel the farmers to enter as a class into mass movements for the betterment of conditions and the recovery of normal opportunities, they will prove to be obstinate fighters. It would be to the highest interests of all classes to be as jealous for the farmers as they are coming to be for themselves."

This is not an idle prophecy. It is a warning from a thinking citizen.

The affiliations or line-up with which the agricultural vote finally allies itself will determine whether or not in the unsettled condition of the public mind we shall continue as a stable, prosperous Nation or face disastrous results by waiting too long in helping the farmers to receive their just dues from their investment and labor through a national marketing system. There is no subsidy, bonus, or sacrifice asked of the business world, but business interests can afford to be helpful in procuring enabling legislation. I will go further and say that the financial and industrial interests can not afford to remain indifferent to the great needs of agriculture, the supporting industry of every business in the country.

Upon the farm citizenship of the country devolves a responsibility that goes directly to the foundation of the Government. The agricultural population of 34,000,000 people is the only unorganized class of our entire citizenship, the only class not committed to a selfish policy without regard to the effect upon society. I am probably not going too far in saying that the agricultural population constitutes the balance wheel of the Nation's future. As an organized force, which is now rapidly progressing, the farmers will determine the future economic questions on lines equitable to all interests, disregarding its effect upon organized capital or organized labor.

I own farms myself, but I am sorry to say that they represent investments from which I can not make any money.

The spread between the prices paid the farmers and the prices their commodities are sold to consumers presents the most enormous, absurd, and wicked economic condition in the world. For foodstuffs that the farmers receive \$7,500,000,000, the consumers pay \$22,500,000,000. Who gets that \$15,000,000,000?

Why has there grown up and is being maintained in this country a system that doubles the price of our foodstuffs when it reaches the consumer, after leaving the producer?

Why should we need such a vast army of food dealers to distribute from the farm to the consumer?

Why do our lawmakers regard it as necessary for the 34,000,000 farm population to feed and support 19,000,000 food-dealer population, which I have disclosed in my long and thorough investigation? How long can this deplorable condition last?

Why should not the farmer get his just proportion of the \$15,000,000,000 now going for profit and distribution?

Why should not the farmer get 65 cents of the consumer's dollar instead of 35 cents, as under our present system? This would mean to the farmer his cost of production, with a fair profit upon his investment and his labor. The altered economic condition would so adjust itself as to reduce the price on all foodstuffs to consumers, thus bringing down the cost of living.

After an intensive effort for the past three years to find out the fundamental reasons that have brought about the present deplorable agricultural situation, I have devised a plan which students of the question have endorsed, both as to spirit and practice. Much has been printed upon this plan, and I have supplied thousands of the little pamphlets outlining the plan from my New York office. This of itself shows that the farming industry is beginning to receive the attention it deserves.

Under the plan, through boards of directors composed of farmers, a national cooperative system of marketing, operating under a Federal charter, would be established, with actual farmers in control of their industry, unhampered by Government interference or partisan politics. The farmers' product would then go almost directly from the field to the consumers' kitchens, cutting out the enormous middle waste now so expensive, both to the farmers and to the consumers.

Farmers are organizing to demand a marketing system under which they will fix the prices they sell their products for, not in a manner to do injustice to others but to do justice to themselves.

For political reasons, Congress seems determined to adjourn at an early date. I fear, unless the farmers of the Nation vigorously push their claim through a law that will enable them to handle their own business and fix remunerative prices for their products, necessary legislation will be postponed until next session, which means longer suffering for the farmers.

The ownership of the six and one-half million farms in the United States have, through bankruptcy and mortgage foreclosures, been reduced until these farms are now owned by less than three million people.

We could learn a helpful lesson by following the footsteps of the farmers of France. They are the political masters of France so far as their business is concerned. Through the political influence of the rural voters, they put governments in and they put governments out. They tell their government authorities to keep hands off of the farming industry. Through their organized power they control the marketing of their own products under a uniform and profitable marketing system. We might learn from the French farmers how to get the farms that are now being cultivated by tenants, into the hands of the people who till them, not only to the benefit of the farmers themselves, but to the benefit of our entire Nation. The farmers of France will not stand for a tax that is so burdensome that they can not live under it.

The tax upon the farmers of this country has continued to grow until it has caused bankruptcy and ruin to tens of thousands of farmers.

The total wealth of the United States (World's Almanac) is \$300,000,000,000. The same authority gives farm values, including property, equipment, machinery, buildings, livestock, etc., at \$73,000,000,000. Therefore, the balance sheet of the farm wealth of this country shows that approximately 25 per cent of the national wealth is composed of farm values.

It has become a habit of our political friends to tell the farmers that the enormous expenditures and obligations that the Government is incurring are taxed against others than the farmers, but the facts are that the farmers pay their pro rata of all, whether it be in the form of a Federal, State, or local tax. It makes no difference whether it cost \$250,000 to make an oil investigation or it costs \$5,000,000 to build a battleship, the farmers in the final analysis pay their share.

It was the farm vote that defeated the ship subsidy gift of \$50,000,000 a year, of which gift they would have paid their proportion. But let us not now enter into a discussion of the political situation. Let us do our level best to keep this stupendous question out of politics, unless the politicians force the issue by further refusing to aid in organizing a broad and comprehensive national marketing system that will enable farm owners and tenants to make their business profitable.

Tenant farmers are suffering for lack of money to support themselves and families, and to clothe and educate their children, caused by their inability to make anything over a bare and poor living. The tenant farmers should be made a part of this great movement for the farmers' declaration of independence.

In almost every respect the Government has failed to do its part for agriculture. The Government keeps a record of what you sell your

products for. It publishes the results of your business and your revenue once a year. It shows the small measly sum you are allowed yearly for your investment and for the work of yourselves and families. On the other side of the ledger there is nothing to show who gets the enormous sum of twenty-two and one-half billion dollars for which your goods are sold to the consumer.

For 50 years dealers and distributors of farm products have continued under established methods to gain the marketing control of farm products. The fact is that the farmers are supporting ten times as many dealers and their families as are necessary under a uniform national marketing system—a load that is breaking the farmers' back.

The farmers do not want new ways provided for them to get deeper into debt; they want a way to get out of debt, to pay their mortgages, and to become independent home-owning citizens.

The farmers know that their money is lost at the producing end, and they know that the profits are made out of their products at the marketing end. But they are not able to change this unfair and inequitable situation, and they can not change the present practice until they can control the prices of their products and eventually become the producers and the distributors.

The constructive policy of the Government should be dominated through a friendly political party that will regard and treat the business that is in the aggregate ten times larger than its nearest rival as the dominant industry of the country.

The inauguration of any big economic change that is calculated to deprive organized beneficiaries of unwarranted profits will have to face the strongest kind of opposition. These attacks will come through organized efforts, through secret propaganda, and probably through bills introduced in Congress, apparently friendly, usually with the intent of breaking down cooperative farm organizations to prevent farmers from reaping the benefits of prices fixed by their cooperative organizations.

It would be a more serious matter, however, to those antagonistic to a national agricultural cooperative marketing system to attempt to defeat an organization of farmers operating under a Federal charter which has the approval and indorsement of the Government than it would be for them as at present to attack and break down marketing associations composed of individual farmers operating as individuals under an unchartered association.

The agricultural population is against paternalism, a condition to be regarded as extremely dangerous and destructive by all thoughtful and loyal Americans. Yet there are those who would make the farmers wards of the Nation by placing them and their business under the paternal wing of the Government.

There has recently been introduced in Congress a bill which, amongst other things, provides in section 4 thereof the following:

"That within 30 days after the passage of this act the Secretary of Agriculture shall effect the organization of the association provided for herein. This association shall be incorporated when at least 1,000 persons eligible to membership shall have signed and acknowledged the articles of incorporation, which shall be prepared under the direction of the Attorney General in compliance with this act. These articles shall state that the incorporators seek to organize the association provided for in this act, and that they accept all of the provisions of this act in advance on behalf of the association so organized."

This bill is in the nature of a stock subscription association under which the Secretary of Agriculture would be placed in charge of its organization, which means its management by that department of the Government. Under the conditions of this bill the Government is willing to loan the farmers \$10,000,000 at 4½ per cent interest. This is a bid to the farmers to place their industry under the control of the Government for the consideration of a paltry loan of \$10,000,000.

There are two things I want to emphasize. One is that the business of any national marketing system should be under the exclusive control and management of the farmers who produce and own their productions without Government or outside interference.

The other is that all of the present organized and affiliated cooperative associations will be a great strengthening asset to the National Farmers' Marketing Association, without in any manner disturbing their present status or their future work.

Let me briefly tell you how the Interstate Agricultural Cooperative Association will operate.

First. Its headquarters will be at Washington, D. C., under a national board of directors composed of nine members, with authority to increase. The national board of directors will serve without pay. They will employ an active manager who will give his entire time to the business of the association.

Second. The national board will be authorized to organize State boards of directors, composed of seven, which number may be increased. The State boards to be composed of farmers and those with knowledge of farm cooperative work.

Third. The respective State boards will authorize county and community cooperative associations, which cooperatives will be under the general supervision of the respective State boards.

Fourth. The directors of the State boards, with the approval of the national board, will divide the territory of the United States into zones, taking into consideration the relations to the central markets, transportation for shortness of haul, and facilities for distribution.

Fifth. In each zone the State boards will establish zone headquarters with zone managers and with an efficient operating force necessary for economic operation.

Sixth. The zone managers will cooperate amongst themselves in every way necessary for the best results.

Seventh. The directors of the State boards will, with the approval of the national board, establish executive headquarters at some point near or tributary to the Mississippi Valley territory, with branch headquarters if deemed necessary.

Eighth. The executive board to consist of three members, whose entire time shall be devoted to the business of the association.

Ninth. The State boards will establish reasonable prices for the standard farm products which the executive committee will enforce.

Tenth. When it is to the best interests of the association, zone boundaries may be disregarded by the executive committee in determining the distribution of products, the protection of prices, the shortest line transportation, and the supply and demand of food products.

The association will not undertake in the beginning, or until it is fully functioning, to include all products.

The State boards of directors will determine and inaugurate the work with one or more standard products.

To more concretely illustrate, expressed in dollars, I will use the white potato and wheat.

Assume there will be an acreage planted to produce 300,000,000 bushels of potatoes and 700,000,000 bushels of wheat.

An assessment of 1 cent a bushel on potatoes would mean \$3,000,000.

An assessment of one-fourth of a cent a bushel on 700,000,000 bushels of wheat would mean \$1,750,000, and so on through the list of all farm commodities.

For instance: One-half cent of each dollar on a yearly crop, farm value, of seven and one-half billion dollars would produce thirty-seven and one-half million dollars a year to apply on operating expenses and the building up of a surplus fund for handling domestic and foreign trade.

I have gone into every angle and every phase of this problem trying not to fool myself and I am prepared to say that it can be carried out, giving to the farmers an additional seven and one-half billion dollars a year based on present production.

It is unfortunate for the farmers and the country that our Congressmen and leaders of public opinion do not give sufficient time to study and better understand this big problem and to realize what it means to every farmer, every community, and every business.

In conclusion, permit me to remind you that when the present investigation of the naval oil reserves disclosed the fact that the Government had been defrauded out of \$200,000,000 worth of oil, the country was horrified. When our Congressmen realize that the farmers are being cheated every year out of seven and one-half billion dollars, an amount equal to \$200,000,000 a year for 37½ years, they will undoubtedly extend to them a helping hand, especially as it involves no risk or tax upon the public.

LEAVE TO ADDRESS THE HOUSE.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent that I be allowed to speak for 20 minutes following the reading of the Journal on Thursday, April 10.

The SPEAKER. The gentleman from Michigan asks unanimous consent that he be allowed to address the House for 20 minutes on Thursday, April 10, immediately after the reading of the Journal. Is there objection?

Mr. RANKIN. On what subject?

Mr. CRAMTON. With reference to an event of that day and the part of woman in our national life. I am advised that at that time the appropriation bills will be pretty well out of the way.

Mr. RANKIN. What is the significance of that day?

Mr. CRAMTON. The particular subject of my address will be the part of woman in our national life.

Mr. BLANTON. Reserving the right to object, and I shall not object, does the gentleman expect to bring up the statues of the three splendid women out of the dusty basement where they now are?

Mr. CRAMTON. I have no objection to the gentleman from Texas doing that.

Mr. BLANTON. The gentleman ought to do that first. I heard the address of the Speaker when we received the statues, and they ought to be brought up out of the basement.

Mr. RANKIN. There is no objection to the gentleman from Texas bringing it up. [Laughter.]

The SPEAKER. Is there objection to the request of the gentleman from Michigan?
There was no objection.

GERMAN RELIEF.

Mr. SNYDER. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the German relief.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SNYDER. Mr. Speaker and gentlemen of the House, no one can say that I am not in sympathy with the efforts to relieve distress in Germany or that I am prejudiced against the German people or German nation. This matter could and should be cared for by private charity. I have ever been in favor of granting relief when conditions warranted, yet in this case I find myself unable to indorse this measure.

This resolution authorizes the expenditure of \$10,000,000 for the relief of women and children in Germany, which must be taken from the taxpayers of this country, when we now have 43,000 veterans of the World War suffering with diseases and who are without the relief and support to which they are entitled. These men are suffering from tuberculosis and neuropsychiatric diseases and are unable to maintain themselves or their dependents, and relief must be extended to them. This Congress will be asked, and it must pass, remedial legislation for the disabled of the late war. To that end a measure will be presented within a very short time which, when enacted, will call for between \$100,000,000 and \$200,000,000 per annum more than the present cost of the relief for veterans. This will mean an additional burden upon the taxpayer, which will be cheerfully borne; but until our men, the men who fought in the late war, are cared for I am opposed to taking \$10,000,000 from the pockets of the taxpayers of this country and turning it over to a foreign power.

WOODROW WILSON.

Mr. SEARS of Florida. Mr. Speaker, I renew my request that I made last night to insert in the Record an editorial upon Woodrow Wilson, written by Mr. Edward B. Lambricht, of Tampa, Fla., and a sonnet on Woodrow Wilson, written by Herbert Felkel, of St. Augustine, Fla.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. SEARS of Florida. Mr. Speaker, under leave granted to extend my remarks I insert an editorial written by Edwin D. Lambricht, of the Tampa Tribune, and "A Sonnet on Woodrow Wilson," by Herbert Felkel. I make the request because the articles are written by two of the best writers in the country.

[From Sunshine, published at St. Augustine, Fla., March, 1924.]

WOODROW WILSON.

[By Edwin D. Lambricht.]

The long illness ends. The weary patriot falls. The stricken statesman succumbs. Woodrow Wilson is dead! Above his bier, the world speaks its hasty judgment, as it spoke it while he yet lived, but history, which awaits the slow decisions of the years, stands silently aloof. The verdict of history will be rendered when the current storms are silenced, the immediate tempests calmed—in the clear, calm atmosphere of the impartial future.

Not one of our Presidents has borne such a burden as did this man, whose physical strength broke under the strain—not even Lincoln, for Lincoln's responsibility was national, while Wilson's was worldwide, and Lincoln, at least, was not maligned by those for whom he served. Not one of our Presidents was so misjudged, so subjected to the cruel barbs of enmity, jealousy, and hate.

After the war had been fought and won, when he was fighting another battle—this time to guarantee and preserve the things for which we fought, while the poisoned arrows of politics were quivering in his flesh—he was stricken with an illness from which he never recovered. It was the result of his exacting labors, the weight of the burden he bore, increased by the misrepresentations of those who, for partisan or personal reasons, refused to understand. Months of patient suffering, when he sat in his quiet home, forced to be merely a silent spectator of the world drama in which he had played the leading rôle; and then—the end.

No man now living may give a fair or unbiased estimate of Woodrow Wilson. We are too closely connected with the action which he dominated, the events in which he was the foremost figure.

But this much is assured. He will be for all time a figure in world history. Whatever may be the final verdict upon his career and upon his deeds, they will have an epochal significance in the chronicles of the ages. And, whether posterity praise or blame him, whether it pronounces him right or wrong, it must say that he was sincere.

Snatch a man from the studious quiet of a university; place him in the highest place on earth; suddenly thrust him, in the responsibility and gravity of this high place, into a war involving the greatest nations of the world. Nine out of ten men thus treated would succumb early in the struggle. Woodrow Wilson "saw it through." He did not weaken or falter while the battle was on, while the crisis impended. It was not while facing the world as the embodiment of his country, leading the forces of freedom, of humanity, of justice, of democracy, to a glorious victory, that he faltered and fell. It was not until he was fired upon, relentlessly pursued and assailed by his own people, that the mighty arm was palsied, the weary head drooped. And even then the dauntless spirit was unconquered.

Volumes have been written on Woodrow Wilson in his life; many more will be written now that he is dead. As this is being written thousands of other editorials are forming into words, and throughout the world men and women are discussing the lessons of the life that has just ended. Those who maligned him when he was among us doubtless will continue to do so now that he "belongs to the ages"; while those who regarded him as one of our noblest and ablest citizens will bring fresh flowers for his tomb.

But none will dispute this one estimate, this just appraisal, one for which we do not have to await the verdict of history, one which not even partisan rancor will refuse or personal defamation dispute—he was a great American.

A SONNET ON WOODROW WILSON.

(By Herbert Felkel.)

His might of pen sent hope around the sphere,
His classic slogans prince and peasant heard
As kingdoms hung upon his every word;
A will of iron and tongue quick, strong, and clear,
Unknown to him the sense of moral fear,
Listening more to conscience than to men,
While with himself he struggled for the right,
Pausing well before he sent young men to die;
But once in war, he called with all his might,
"Make safe the world"—a battle cry.
Autocracies were withered by his pen!
Peace on earth? Not yet. But strife for him is o'er—
The crippled soldier's heart will ache no more,
As nations' tears make wet a martyr's bier.

INCREASE OF THE SALARIES OF THE MAIL CLERKS AND CARRIERS.

Mr. LILLY. Mr. Speaker, I ask unanimous consent to extend remarks in the Record on the increase of salary of the mail clerks and carriers.

The SPEAKER. The gentleman from West Virginia asks unanimous consent to extend his remarks in the Record on the increase of the salary of the mail clerks and carriers. Is there objection?

There was no objection.

Mr. LILLY. Mr. Speaker and gentlemen of the House, I want to discuss briefly the proposal to increase the salaries of the mail clerks and carriers.

In the first place, these employees are skilled workers, skilled to a very high degree of efficiency due to the requirements of their everyday work. Their duties are hard and exacting. Men of exceptional mental and physical qualifications are required. In order to obtain a position as letter carrier or clerk a man must take a competitive civil-service examination and pass a physical examination which closely parallels that required for enlistment in the Army or Navy.

He is first appointed a substitute, for which he is paid at the rate of 60 cents per hour only for the time he is actually employed, which may range from only one hour per day to eight hours per day, if he works at all. After serving on an average of three years as substitute, learning the business, he may finally be appointed as junior letter carrier and assigned to a regular route. He has to report on schedule time, as early as 6 o'clock a. m., and route his mail for delivery or collect the mail from street letter boxes, and after attending to the many duties of his position starts to make his deliveries, and if he fails to be on time the patrons on his route complain of the delay, whether the mail be heavy or light or the weather be fair or foul. He must be an encyclopedia of postal information; his patrons depend upon him, as he is the only member of the postal organization many of them ever see.

His work is constantly supervised, and he is required to perform a stated amount of work per minute in order to meet the requirements of the efficiency standard.

The same requirements of efficiency and attention to details are made of the clerks, both men and women, who must be out at all hours of the day and night to open, sort, distribute, and handle the mails and keep up the records, and the salaries run about the same as the salaries of carriers.

I wish to make a comparison of the salary received by the mail clerk and carrier with that received by some of the trades not requiring such educational or physical standard. The hourly scale for knit-goods workers is \$1.25; the printing trades average \$59 per week; bakers' trades average \$47 per week; metal trades, boiler makers, and machinists average from \$49 to \$55 per week; clothing trades average \$50 per week; foundries and machine shops average about 69 cents per hour. You can readily see that the laboring men, who have regular hours and not nearly the responsibility, receive a higher wage than mail clerks and carriers.

Considering the preparation it is necessary for them to make, the heavy responsibility of their work, and their long hours of duty, we should not hesitate one moment to grant them a commensurate increase in salary. The Post Office is the largest and most efficiently handled of any department in the Government; the employees are high class, honest, and industrious. This Government should never allow these employees to work at less wages than outside employees of other trades. On account of the increasing cost of living they now hardly receive a living wage.

I think the old saying, "Just because the horse is good he needn't be worked to death," applies to the case of the mail clerks and carriers. As it does not seem expedient at this time to reduce the responsibility or hours of work, in the name of humanity let us give them an adequate raise in salary commensurate with the service and responsibility.

CHANGE OF REFERENCE.

The SPEAKER. There are two bills which it is agreed by the chairmen of the two committees interested should be referred: One is H. R. 4104, to amend an act entitled "An act to prevent the extermination of fur-bearing animals in Alaska," and so forth, and the other is the bill H. R. 754, to authorize the Treasurer of the United States to turn in to the treasury of the Territory of Alaska all moneys received from the sale of fur-seal and other furs as are the property of the United States of America from the Pribilof Islands. Without objection, the reference of these bills will be changed from the Committee on Ways and Means to the Committee on the Merchant Marine and Fisheries.

There was no objection.

PERMISSION TO ADDRESS THE HOUSE.

Mr. SEARS of Florida. Mr. Speaker, I ask unanimous consent to address the House for one minute.

The SPEAKER. The gentleman from Florida asks unanimous consent to address the House for one minute. Is there objection?

There was no objection.

Mr. SEARS of Florida. Mr. Speaker, last night, as the Speaker recalls, I demanded the reading of the engrossed bill. While it places me in an awkward position, I think in fairness to some of my colleagues who understood I was going to demand the reading of the engrossed bill I ought to make a statement. I stated to the gentleman from Kentucky [Mr. THOMAS], who has not been in good health, that I would demand the reading of the engrossed bill, and after the debate had closed, relying on my statement, he left the House. There was no further debate at that time, as the Speaker recalls. It places me in a very embarrassing position, but I am willing to take the odium and feel it due to the gentleman from Kentucky that I make this statement in order that he may be placed in a proper light. I withdrew my demand only because I was so earnestly solicited to do so by so many of my colleagues.

WAR DEPARTMENT APPROPRIATION BILL.

Mr. ANTHONY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 7877) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1925, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the War Department appropriation bill, with Mr. TILSON in the chair.

The Clerk reported the title of the bill.

The CHAIRMAN. When the committee rose on Saturday last, general debate had not concluded.

Mr. ANTHONY. Mr. Chairman, I ask the gentleman from Kentucky to consume some of his time.

The CHAIRMAN. The Chair is informed that general debate was limited in the House to one hour and a half.

Mr. JOHNSON of Kentucky. I suggest that the gentleman from Texas [Mr. WURZBACH] had not concluded his speech. He stopped in the middle of it.

Mr. ANTHONY. I understand there is an hour and a half remaining and that the gentleman from Kentucky may use an hour on his side, if he desires. There is but one speech remaining on this side.

Mr. JOHNSON of Kentucky. Is it insisted that I use my time now?

Mr. ANTHONY. I think it is desirable.

Mr. HARRISON rose.

The CHAIRMAN. How much time has been allotted to the gentleman from Virginia?

Mr. HARRISON. Mr. Chairman, it was the understanding that I was to have an hour's time, but I do not think that I shall use more than half of that time.

Mr. JOHNSON of Kentucky. Mr. Chairman, in order that there may be no misunderstanding, I ask the gentleman from Kansas if I am correct in my view of the matter that I have an hour and that the gentleman from Virginia has an hour.

Mr. ANTHONY. The understanding is that general debate will close in an hour and a half. I also understood that the gentleman from Kentucky was anxious to use the time that he would otherwise have used in general debate when we reach certain items in the bill, to which I shall be perfectly agreeable.

Mr. JOHNSON of Kentucky. My understanding of the agreement made in the House is that it provided for that.

Mr. ANTHONY. I think that was the case.

Mr. HARRISON. Mr. Chairman, I can not begin my discussion of this bill without making my acknowledgment to the gentleman from Kansas [Mr. ANTHONY], the chairman of the subcommittee. His long experience both as a member of the Committee on Military Affairs and as a member of this subcommittee of the Committee on Appropriations, his familiarity with every detail of this work, his ability, his indefatigable energy, have made the task of his associates on this committee very easy. I think it due to the conscientiousness with which he has discharged his duty that I make this acknowledgment. [Applause.]

THE COST OF MILITARISM.

The first thing that strikes our attention in the consideration of this bill is the grand total sum appropriated. Three hundred and twenty-six million dollars is carried in this bill, a sum which in a day not very long ago would have paid all the expenses of the Government. In addition to this, a somewhat similar sum has been appropriated for the maintenance of the Navy; so that the grand total for the maintenance of the military establishments of this country exceeds \$600,000,000. The total sum appropriated in the Agricultural appropriation bill is \$56,000,000, and agriculture is the basic industry upon which all national prosperity is founded. Oh, if this \$600,000,000 could be diverted from the maintenance of these great military establishments which take our young men away from useful vocations and train them to the bloodshed of their fellow human beings, if this enormous appropriation could be directed into some useful channels such as the construction of our public highways, to making fruitful our waste places, to developing our national resources, it would mean a blessing to millions of American citizens now living and to millions of American citizens not yet born.

Mr. HILL of Maryland. Mr. Chairman, will the gentleman yield for a question?

Mr. HARRISON. Yes.

Mr. HILL of Maryland. I ask the gentleman if he agrees with that portion of the farewell remarks of his very distinguished fellow statesman, General Washington, upon the subject of a proper national defense?

Mr. HARRISON. I will come to that, and I am going to show who is responsible for the fact that these enormous appropriations are now demanded. All during the war, when sacrifices were being called for, we were told that this country was fighting to end war. This was to be what America would secure as the price of peace. Nothing else had she to gain out of her vast expenditure of blood and treasure. She desired no territory, she demanded no gold, but she did demand an abiding and enduring peace amongst all the nations of the earth. Against her protest and her utmost endeavor to keep the peace into all the world wars she had been forced, and she demanded security against a recurrence of such a thing in the future. For this she sent her young sons to battle and threw into the scale her national resources. When the war did end, the voice of America predominated in the council of the nations and a great American statesman embodied in the terms of peace the most promising hope of a perpetual surcease of

strife that was ever held out to a war-torn world. Envy, hatred, and party malice thwarted his endeavors and disappointed the longings of the Christian peoples of every nation and race. Woodrow Wilson, after a noble fight, died a hero on the firing line. [Applause.] Now, five years after the termination of this war, we find the same old conditions prevailing, which this country fought to destroy. We find nations arming for future wars, rivaling each other in expenditures for the perfection of the deadliest weapon and all the outfit of war. Groveling in the dust with the burdens that the war has imposed, the nations are piling up still further burdens to meet the threatened devastation and destruction of the war of to-morrow. In this peace-loving country and in this civilized age these appropriations tell the fearful price we are paying for the failure to secure the fruits of the triumph of our arms. The dawn of the better day may not be near, but the seed of the idealism which Woodrow Wilson broadcasted will yet bear its fruit. With each succeeding generation, struggling onward and upward, with the memory of the hero enshrined in their hearts, humanity will attain in time the goal of a war-free world. [Applause.]

THE NECESSITY OF PREPAREDNESS.

I have said, Mr. Chairman, that if these appropriations could be diverted into channels of peace it would be a blessing to the American people, but as long as the old pre-war conditions exist it is as essential to-day to be prepared for emergencies as it has ever been in the past, and I can not say that, vast as this appropriation is, it is out of proportion to the exigencies that have been imposed on this country by a failure to effectuate a proper peace. I think the appropriations in some respects should have been increased, especially along the line of training our citizen soldiers. I have always believed that the Regular Army should be only the framework on which in war we could build our Army of defense out of the trained citizens of civil life. The National Guard is the principal organization of our citizen soldiery and should be liberally encouraged, trained, and equipped.

I must not forget the Officers' Reserve Corps, consisting of those who were trained on the battle field or in the camp. It contains splendid material for service.

The money that is appropriated in this bill for the training of our emergency officers in my opinion is not adequate. Only enough is appropriated as would give 15 days' training to an emergency officer once in five years. It seems to me that such a proposition is ridiculous. If we are going to train properly the emergency officers and the citizen soldiery of this country, sufficient appropriations ought to be made to effectuate that purpose.

Mr. HILL of Maryland. Will the gentleman yield?

Mr. HARRISON. I will.

Mr. HILL of Maryland. I am glad to see that the gentleman does agree with the farewell remarks of his distinguished fellow statesman, General Washington.

Mr. HARRISON. I certainly ought to agree with General Washington, as in colonial days he represented Winchester in the house of burgesses and my unborn spirit, and I represent the shade of Thomas Jefferson, another father of the Republic [applause], and I am speaking what they thought. As I was going to say, I believe that the bulwark of our armed defense should rest with the citizen soldier. This bill, with all its cost, does not increase materially the size of our Regular Army. The great cost of these appropriations for military matters is the equipment in the varied services which is now rendered necessary for modern warfare, and therefore this \$328,000,000 is not more than is sufficient, in my judgment, to meet the necessary demand of the Army service under modern conditions. I hope this country will never be found in the same condition it was at the time of the commencement of the last war. [Applause.] We were totally unprepared to meet the emergency that then existed. Having failed, for the reasons pointed out, to secure the fruits of victory, we must profit by past experience and prepare.

Mr. LA GUARDIA. Will the gentleman yield?

Mr. HARRISON. I will.

Mr. LA GUARDIA. The gentleman, as a member of the committee, knows that the manhood of the fighting part of the war did very well. Where it broke down it was on account of the vicious contractors, did it not?

Mr. HARRISON. I do not consider that it did break down. No tribute is too eloquent to fully portray the magnificent discharge of duty that our soldiers rendered both in the camps and field—

Mr. LA GUARDIA. And within a very comparatively short time?

Mr. HARRISON. In the short time they were in training; I was just coming to that. I think we owe an everlasting obligation to the ex-service men who so faithfully discharged their duties. Nearly every State in the Union has her conspicuous hero, and Virginia has hers; and I now put in the Record a clipping from the News-Leader, of Richmond, in regard to Corpl. Joseph E. Allen, a Virginian, who received the distinguished service medal and received from France the *croix de guerre*:

[From the News-Leader, November 11, 1919.]

CORPL. JOSEPH E. ALLEN, WHO CAPTURED 56 GERMANS, PRESENTS CITY MEMORIAL FLAG—HIGHLAND PARK MAN, MEMBER OF RICHMOND GRAYS, WEARS DISTINGUISHED SERVICE CROSS AND CROIX DE GUERRE FOR DEEDS OF VALOR ON BATTLE FIELDS OF FRANCE—CEREMONIES AT 4 O'CLOCK THIS AFTERNOON IN STATE CAPITOL BUILDING, IN HALL OF HOUSE OF DELEGATES.

Because his record was, in the opinion of his comrades, the most glorious made by a Virginian in the war, rivaling that of Al York, the fighting mountaineer from Tennessee, Joseph E. Allen, of 920 Third avenue, Highland Park, was selected to make the presentation of Richmond's memorial flag to the State of Virginia in the Hall of the House of the Capitol at 4 o'clock this afternoon. Allen, a corporal with the Richmond Grays, was wounded and sent home last March, but before he was put out of the fight he, with four men, had captured eight machine guns and their crews of 56 men, and to-day wears the distinguished-service cross and the *croix de guerre*.

He returned to Richmond Sunday from Newport News, where he has been employed for several months, to participate in Armistice Day exercises. While of a retiring nature, he consented to make the presentation, after the armistice committee had told him that there was no one with a finer record that could be obtained for the purpose, and that it was his duty to act on this occasion.

Young Allen, who was a corporal in Company B, One hundred and sixteenth Infantry (Richmond Grays Battalion), was born in Richmond on March 9, 1896, and is the son of William R. Allen, of Highland Park. He volunteered with the Grays and left Richmond on September 24, 1917, going to Camp McClellan for training. From there he went overseas in May, 1918, with the Twenty-ninth Division, and participated in the occupation of defensive sector "Haunt" Alsace, and in the Meuse-Argonne offensive.

COMRADES SAY NINETY-SEVEN.

In official records Corporal Allen is credited with having captured 56 men. Comrades who saw the Germans being brought in declared that there were at least 97 men in the contingent, but some of them became scattered, it is believed, before the official count was made. In addition, there were 40 or more of the enemy killed in the engagement, in which eight machine-gun nests were raided and silenced.

Marshal Petain of France decorated him with the *croix de guerre*. In the citation he said that "With the approbation of the Commander in Chief of the American Expeditionary Forces in France, the marshal of France, commander in chief of the armies of the east, cites in the orders of the Army corps Allen, Joseph E., corporal, Company B, One hundred and sixteenth Infantry Regiment, because, with the assistance of four soldiers, he attacked and captured eight machine guns and their gunners."

Corporal Allen said today that he was in charge of three other men, Privates Maxey and Mayers, of Richmond, and Teckel, of Michigan, and they were working in the battle of Haumont Woods. When asked to describe the action, he offered the report of Maj. William A. Stack, battalion commander, as the best description of the work.

Major Stack reported that—

"About noon on October 8 our assaulting wave was being held up by galling machine-gun fire from 'fox holes' and 'pill boxes' held by German machine-gun crews who could not be seen. Waiting and watching for a little smoke, which sometimes could be seen on a cloudy day such as this was, Corporal Allen selected four privates from Company B to aid him and went to destroy this resistance.

HUN FELL AT EVERY SHOT.

"Arriving closer to the Huns, Corporal Allen found a great deal more than he expected to find, but by so placing his men and with the aid of that ever-present determination of the American soldier to do or die, he surprised and brought in 8 machine guns and their crews, consisting of 56 prisoners. The success of this great work is almost wholly attributable to good marksmanship, for every shot fired by any of this group of men brought down a Hun. No shots were fired unless a good target presented itself."

Some few days after his raid of the German machine-gun nests, on October 25, Corporal Allen was wounded in the Battle of Grand Montagne and was sent to a hospital. In March he was sent back to this country ahead of his unit, and on April 14 he was discharged from the

Army at Camp Lee. Since then he has spent some time in Richmond, but went to Newport News during the summer for employment in the shipbuilding plant.

[Applause.]

When a demand came for extraordinary gallantry he met it with the spirit which animated the American Army. As I have pointed out, our legislation should show our gratitude to the ex-service men, but it seems impossible to secure any consideration of measures by the Republican Party, in control, devoid of politics.

THE ADJUSTED COMPENSATION BILL.

Every two years the bonus or adjusted compensation bill for the ex-service men is trotted out for its effect on the election. After the elections we hear nothing more about it until the next election requires its resurrection. No question about it, there is a division of sentiment in the country on the propriety of this measure. The big-business interests, who contribute to the Republican campaign funds, are against it, and the ex-service men are for it, and they contribute the votes. The Republican management handles this situation profitably. The Republican President vetoes the bill and gets the contributions, and the Republican Congress votes for the bill to get the votes. The ex-service men get nothing, but are stalled off with promises.

The ex-service men so long denied the benefits of this bill should conform to the requirements of the election law to entitle them to vote, pay their capitation taxes, and register, if required, and visit their wrath upon a party who only under the Democratic lash is forced into even any pretense of action, and betrays them to the extent it is thought feasible.

There is, no doubt, opposition to this bill based on conscientious conviction. To persons who honestly differ, each is entitled to the respect of each other. There has been waged, however, against this bill a mass of false propaganda, which is well calculated to mislead well-intentioned people.

First. A great deal of falsehood is disseminated in regard to the cost. I believe with Mr. T. W. Miller, a distinguished Republican in the public service, that the figures of the Treasury Department are juggled to suit Mr. Mellon's purposes. Anyone with a pencil and pad can figure out that the cost is grossly exaggerated. The basic theory of the adjusted compensation is that each man is to receive \$1 a day for service in this country and \$1.25 a day for oversea service, but in no event to exceed 500 days. In round numbers, 4,000,000 men were in the service—2,000,000 served in this country, 2,000,000 overseas. If every man in the service served the entire period, the total cost could not exceed \$2,250,000,000. But, as we know, very few served such a length of time, and according to fair estimates the average length of service would not exceed 200 days, and the total cost would not be \$1,000,000,000. Just here it is necessary to do a little more juggling with figures. The payment of this money is spread over 20 years with interest, and the accumulated interest is added to the cost, which is wholly unfair in the estimate of the cost. Interest is the price of the use of the money and not a part of the cost. If one buys a horse for \$100 and gives his note payable 50 years after date with interest, at the end of the period he would have to pay \$400, but surely this is not the cost of the horse. It is just such juggling as creates the cost in this case.

This matter, however, ought not to be considered in a commercial sense. If, in good faith and conscience, the ex-service man is entitled to this adjustment, he should be paid the same regardless of cost. If commercial considerations are decisive, then the district I represent is bound to be largely a beneficiary. The tax cost is necessarily negligible, and the distribution of the adjustment a large asset. Ever since the Civil War the pensions to Civil War veterans have been a large outgo from the district with very little or a negligible return. In this the outgo will be negligible, but the money distributed throughout the district will be considerable and it will be largely a reversal of the Civil War pension status.

Second. The equity of the claim is, in my judgment, indisputable. The pay of the soldiers was arbitrarily fixed, and he was arbitrarily brought into the service if he did not volunteer. His business was disrupted and the service he was called on to render was beyond compensation. Out of the \$30 paid him, he must often make family allowances and pay insurance. He was morally coerced to pay money to the Liberty bond vendor and the Red Cross and other charitable collectors. Those who did not go into the service received such pay as was never dreamed possible. Wages advanced phenomenally. After the war there were more multimillionaires and billionaires than millionaires before the war.

The war, by the efficiency of our Army, terminated one year in advance of expectation. In the last appropriation bill ap-

proved by the Military Affairs Committee was carried in round numbers \$13,000,000,000. By the early termination of the war, at least six billions were saved to the taxpayers. Then all sorts of contractors and dealers with the Government flocked to Washington to secure equitable adjustment on their contracts and claims. Those who in prospect of contracting with the Government had made ruinous expenditures applied for equitable consideration. The mine owner, the factory, the supply man, and all others received a fair adjustment. All received respectful consideration except the ex-service man. The cold shoulder was his portion and oratory on his duty as a patriot was the answer to his demands, until the Republican Party saw fit to play politics.

Third. There can be no real question that the precedents favor such an adjustment. There has not been a war in this country in which the principle has not been recognized. The Revolutionary War, the Mexican War, and the Civil War furnish precedents, not only in acts of Congress but in the acceptance of bounties by the most distinguished men in national history. George Washington received a bounty from Virginia. Lafayette received \$200,000 and a land grant. Abraham Lincoln received bounty in the Black Hawk War. Gen. Robert E. Lee applied for and received bounty lands for services in the war with Mexico. A long list of patriots were recipients of like bounties. Other countries in this war have given bounties to their soldiers. Many States of the Union have given bounties to those who served from their States.

Precedents are written on every page of our national history. I have not a word in criticism for the young soldier who dislikes the principle of the bill. Were I a young ex-service man I might be inclined to prefer to be held in esteem for the sacrifices I made in answer to the call of my country than receive any compensation under any plan of readjustment of the compensation. But this is a matter for the ex-service man to determine for himself. Neither on principle nor precedent can he be denied consideration if he chooses to demand an equitable adjustment.

VETERANS' BUREAU.

The Veterans' Bureau is the vehicle by means of which the country has undertaken to take care of the disabled men. Congress has never sought to escape the responsibility and the duty which the country owed to those who were disabled in the line of duty. Millions and millions of dollars have been appropriated, so that there might be no means neglected of furnishing relief to these men. It is a most discouraging reflection that waste and extravagance and dishonesty should have at any time entered into the distribution of these moneys. The recent scandals and the indictment of a former director are distressful occurrences in our national life. These matters are now being investigated in the criminal courts, and punishment should be meted out to guilty parties.

I can not say, however, that the new management is giving satisfaction. There seems to be a determined purpose to show a reduction in appropriations without regard to the suffering inflicted upon disabled men. I have had my attention called since the new régime to many instances of unjust consideration of the compensation due to applicants to relief under this law. This is not a bureau in which economy should be practiced upon those who are entitled to relief. The people of this country have spoken in no uncertain way that every consideration should be given to men suffering from disabilities incurred in the line of duty. There is no division of sentiment in this country on this point, and yet every day instances are brought to my attention in which remuneration to the disabled men has been ruthlessly reduced without adequate justification therefor. I could put into the Record instances which have come under my observation. This, however, it seems to me, is more properly to be considered when the appropriation is brought before the House for this specific purpose.

THE BURSUM BILL.

A bill passed the Senate at the last session of Congress without a dissenting voice and was sent over to the House and referred to the Military Affairs Committee, which simply pigeonholed it. This is known as the Bursum bill, that gave to the emergency officer disabled in the line of duty the same relief which is given to an officer in the Regular Army, disabled under like conditions. It seems to me, as a matter of principle, that where one is serving his country on the battle field or in the camp as an officer, the country should be stopped from denying him the status of an officer of the Army. If he is an officer to fight the battles and incur the suffering and disability, he should be an officer to receive such benefits as those to which an officer of the Regular Army is entitled. [Applause.] In the selective draft law, section 10, under the provisions of which

this emergency officer entered the service, it was thought that such a question had been put beyond dispute. Section 10 reads as follows:

That all officers and enlisted men of the forces herein provided for other than the Regular Army shall be in all respects on the same footing as to pay allowances, and pensions as officers and enlisted men of corresponding grades and length of service in the Regular Army.

And not only this, but another provision of the statute law expressly declares that all distinction shall be obliterated between the emergency army and the Regular Army and the National Guard, and that all should be designated by the single term of the National Army. In spite of this legislative declaration, the War Department has ruled that an emergency officer injured in the line of duty was not entitled to be retired under the provisions which are applicable to disabled officers in the Regular Army. Retired pay should certainly be considered either as "pay," "allowance," or "pension." If it is not one or the other of these, it is hard to determine what would be a proper definition.

Measures to correct these injustices have been introduced in both bodies of Congress and are pending in this body before the Veterans' Committee. I sincerely hope that that committee will not undertake to deny to this House the right to pass upon such a measure, as the Military Affairs Committee has done in the past.

MILITARY PREFERENCE.

The last Democratic Congress enacted on March 3, 1919, a statute that all honorably discharged soldiers should have preference in the consideration of their applications for civil appointments. The Democratic administration carried this statute rigidly into effect. Every applicant who received a rating of 65 in a civil-service examination was placed on a preferred list, and no matter what the rating of an applicant who was not entitled to military preference his application could not be considered until the military list was exhausted. Upon the Republican administration taking charge this regulation was altered so that the man with a military preference was entitled to only five points more than he would have received if he had not had his military preference. Even this defiance of the law has been carried further, and the military preference has been utterly ignored where political considerations could be subserved. Various instances have come under my observation in the district that I have the honor to represent in which this military preference has been absolutely disregarded and men who have been wounded on the field of battle have been denied appointments in favor of some Republican whose only claim was his service to his party.

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. HARRISON. Yes.

Mr. LAGUARDIA. I will say that in the Internal Revenue Service in New York Democrats get all the jobs. I can not get any.

Mr. HARRISON. I wish you would bring them down here.

Mr. LAGUARDIA. I can not get them out. [Laughter.]

Mr. HARRISON. If actions of this character were the unauthorized acts of some petty provincial boss, an apology for such utter disregard of the ex-service men's rights might be found in the belief that higher authority would discourage such practice. I regret to say that the practice seems to have received the direct approval of the President of the United States, and this, too, even where the ex-service man was made to pay for appointment under his application. The huckstering of political appointments was fully known to the President when he selected his secretary. He must also have known of the treatment of men with military preference, that I now put in the RECORD, when he appointed Mr. C. Bascom Slemph his secretary. I read now some interesting letters:

[C. B. Slemph, ninth district Virginia—Committee on Appropriations.]

HOUSE OF REPRESENTATIVES,
Washington, D. C., December 19, 1921.

DEAR BEN: We have a rural-route matter at Meadows of Dan in Patrick County that I want you to try and work out on a way that we can get something out of it.

The eligibles are Alvin M. Barnard, Wm. B. Clark, and John A. Smart, all Democrats. They are ex-service men and we will have to appoint one of them. The question is, can we get the one we appoint to put up some cash. I know you can do it if anyone can.

It would be immaterial which one we appoint. My suggestion would be to work it through Arch Staples so as to not get in any huddle that might hurt. If you can agree to get one of the three to do something we can make the appointment at once. You better not use my name or Mr. Slemph's in the matter. Just say that you have

authority to make the recommendation that will go. I inclose you a little note that will back you up in this connection. See what you can do and let me know. Get all you can.

Your friend,

L. B. HOWARD.

[Laughter.]

In that letter was this inclosure:

[C. B. Slemph, ninth district Virginia—Committee on Appropriations.]
HOUSE OF REPRESENTATIVES,
Washington, D. C., December 19, 1921.

This is to say that Mr. B. R. Powell is authorized to recommend rural-mail carrier at Meadows of Dan, Va.

L. B. HOWARD, Secretary.

[C. B. Slemph, ninth district Virginia—Committee on Appropriations.]
HOUSE OF REPRESENTATIVES,
Washington, D. C., December 19, 1921.

DEAR BEN: Further relative to rural route at Meadows of Dan, I wrote you about to-day, I would get all I could out of the matter. Give it to the one that will give you the most. You should have at least \$200, I think.

With best wishes, I am,
Sincerely,

L. B. HOWARD, Secretary.

Mr. TUCKER. This was from the same Mr. Slemph, and the appointment was made according to his suggestion.

Mr. HARRISON. Oh, yes; and here is another.

[C. B. Slemph, ninth district Virginia—Committee on Appropriations.]
HOUSE OF REPRESENTATIVES,
Washington, D. C., February 4, 1921.

Mr. B. R. POWELL, Gretna, Va.

MY DEAR MR. POWELL: Please accept my thanks for your letter of the 3d, inclosing checks in the amount of \$100.

You are doing good work. Keep it up.

With best wishes, I am
Sincerely yours,

C. B. SLEMP.

Mr. PEERY. Mr. Chairman, will the gentleman give us the date of that letter?

Mr. HARRISON. That letter is on February 4, 1921. The Meadows of Dan matter occurred long after collections for party deficit ceased. There was no possible excuse; there was no canvass pending, and no deficit to be made up, or anything of that character. It would seem that things got to be rather nauseous in Virginia, and we have this letter:

[C. B. Slemph, ninth district Virginia—Committee on Appropriations.]
HOUSE OF REPRESENTATIVES,
*Washington, D. C., December 22, 1921.

Mr. B. R. POWELL, Gretna, Va.

DEAR BEN: I have letters in regard to the collection of money for post offices. One must be very careful about this. It will bring the party into disrepute, which would be bad for everyone. We must preserve our standing with the people and with the administration.

With best wishes, I am
Sincerely yours,

C. B. SLEMP.

And now, as a reward—and as these matters were all published, I suppose, as an indorsement of the principle—we find him appointed by the President his confidential adviser.

It is evident from these letters that, according to the Republican administration, the question is not did a man bleed for his country, but did he bleed for the distribution of patronage? [Laughter.] The first was the question which a Democratic Congress propounded, and the second is that which the present Republican administration propounds. I think the Democratic Party has a right to insist that every measure that has been passed for the benefit of ex-service men and disabled men should be properly enforced, and that the ex-service men, regardless of their political affiliation, should be entitled to receive the benefits of them.

Mr. MOORE of Virginia. Mr. Chairman, may I tell my friend something of my own experience?

Mr. HARRISON. Yes.

Mr. MOORE of Virginia. I long ago found what you and others have doubtless found to be the fact, namely, that in spite of a profession, which turned out to be a mere false pretense, to give some regard to considerations of merit; instead of basing appointments exclusively upon party considerations, this administration, through the officials of the Post Office Department, has not concealed its purpose to appoint a Republican postmaster in every instance where a Republican candidate can be put on the eligible list. In my district all Democratic eligibles, however highly they may be rated on the examinations,

and notwithstanding they may be entitled to the preference accorded ex-service men, have been turned down and Republicans selected. In the very first case that occurred I was frankly told by the officials that the purpose was as I have stated, and time and time again I have been informed that the department had referred or would refer the selection from the list of eligibles to the member of the Republican National Committee from Virginia for the final word.

Mr. HARRISON. And his final word is always in favor of a Republican, notwithstanding the military preference. That has been my experience. I have had cases in which a man has been wounded on the battle field, and in order to prevent the appointment of such a man to the place to which he was entitled, and to which the grateful people of the community desired he should be appointed, they have actually transferred a man from some distant place who was a Republican and cut him out of the appointment in that way.

In order that the country may be fully advised of the extent to which appointments to office have been sold, and which must be now considered indorsed by the President, I put in the Record a number of letters not necessarily pertaining to military appointments but bearing on the general methods followed in appointment to office in the State of Virginia under the present administration.

In explanation, Mr. B. R. Powell was the man selected by Mr. Slomp to make the recommendations.

[C. B. Slomp, ninth district Virginia—Committee on Appropriations.]
HOUSE OF REPRESENTATIVES,
Washington, D. C., December 27, 1921.

DEAR BEN: I inclose you a copy of letter I received from Mr. Jones a short time ago. I have succeeded in pulling his son over the top and am ready to make the appointment, but before we do so it will be necessary for you to get in touch with him and arrange for some money. We will have to have at least \$150 in order to come out whole. It took half of that amount to put the matter over, which I will explain to you when I see you. I want you to handle the matter instead of writing to them direct. It is a very delicate matter, and I had to do some strong wire pulling to get it through, and I know you can work it in the right way. I would not write any letter on the matter but phone the boy to come and see you. If you can, I would like for it to all be arranged by the first of the year. This is a lifetime position for the boy, which he would not have gotten if it had not been for me, and I feel sure they will appreciate fully the circumstances and protect me in the matter. If you think it is worth more than the above amount, you can arrange accordingly. How are you getting along on the Meadows of Dan matter?

Your friend,

L. B. HOWARD.

P. S.: Be sure and destroy this letter after you are through with it.

[C. B. Slomp, ninth district Virginia—Committee on Appropriations.]
HOUSE OF REPRESENTATIVES,
Washington, D. C., July 16, 1921.

Mr. B. R. POWELL, Gretna, Va.

DEAR MR. POWELL: I certainly did enjoy being with you at the convention, and I appreciate the many courtesies extended to me while there.

I am going to depend on you to work out the Henry County appointments. If our friend Doctor Smith does not fall in line as he should, I think you ought to connect with some one else in that county, and still I think the doctor will be all right if you will have a long talk with him.

Of course, you know that it is necessary in making these appointments to get men in that will help us in a financial way, and also I want you to look after the situation in Campbell County.

I will send you copies of letters that I write to Mr. Morgan, the county chairman, so you can keep in touch with the situation. Let me hear from you all along.

With best wishes, I am,
Sincerely yours,

L. B. HOWARD, Secretary.

[C. B. Slomp, ninth district Virginia—Committee on Appropriations.]
HOUSE OF REPRESENTATIVES,
Washington, D. C., July 25, 1921.

Mr. B. R. POWELL, Gretna, Va.

DEAR MR. POWELL: I think I have succeeded in having Clyde Boone appointed rural mail carrier at Wirtz. Had you better see him and have him help a little?

With best wishes I am,
Sincerely your friend,

L. B. H., Secretary.

[C. B. Slomp, ninth district Virginia—Committee on Appropriations.]
HOUSE OF REPRESENTATIVES,
Washington, D. C.

DEAR BEN: I have had Mr. Moon appointed acting postmaster at Saxe. I suggest that you see him at once and have him help us. He should have his appointment within a few days.

Your friend,

L. B. H.

[C. B. Slomp, ninth district Virginia—Committee on Appropriations.]
HOUSE OF REPRESENTATIVES,
Washington, D. C.

DEAR BEN: In reply to copy of letter you wrote Mr. Brady, I am not in a position to know who is getting the money in your county. In order to make sure I believe I would send it all here. Let me hear from you.

With best wishes, I am,
Your friend,

L. B. H., Secretary.

[C. B. Slomp, ninth district Virginia—Committee on Appropriations.]
HOUSE OF REPRESENTATIVES,
Washington, D. C., December 2, 1921.

Mr. B. R. POWELL, Gretna, Va.

DEAR BEN: I thank you very much for your letter of December 7 inclosing clipping. I appreciate your loyalty and shall be glad to reciprocate at all times when I can.

With best wishes, I am,
Sincerely yours,

C. B. SLOMP.

[C. B. Slomp, ninth district Virginia—Committee on Appropriations.]
HOUSE OF REPRESENTATIVES,
Washington, D. C., July 20, 1921.

Mr. B. R. POWELL, Gretna, Va.

DEAR MR. POWELL: The Post Office Department has asked us to give them the name of some one who they can appoint acting postmaster at Scottsburg. Please get in touch with Lee Wolfe and give us the name at your earliest convenience. Be sure and get some one that will help us out in our finances.

With best wishes,
Sincerely yours,

L. B. HOWARD, Secretary.

[C. B. Slomp, ninth district Virginia—Committee on Appropriations.]
HOUSE OF REPRESENTATIVES,
Washington, D. C., July 2, 1921.

Mr. B. R. POWELL, Gretna, Va.

DEAR MR. POWELL: I think I have arranged for the appointment of Mrs. Angel at Boon Mill without an examination, though I prefer that you keep this in confidence.

Do you think it would be wise to ask them for a little more help on our State work. I am just informed that the Post Office Department has called on the civil service to hold examinations at Halifax and Charlotte Court House, Va., so it will not be very long before we can get these matters settled. Let me hear from you all along.

With best wishes, I am,
Sincerely yours,

L. B. HOWARD, Secretary.

[C. B. Slomp, ninth district Virginia—Committee on Appropriations.]
HOUSE OF REPRESENTATIVES,
Washington, D. C., December 26, 1921.

DEAR BEN: The postmaster at Lennig, Halifax County, has resigned and wants to be relieved by January 1. Please get in touch with Lee Wolfe and give us name of some one who can appoint acting postmaster, fourth-class office, paying about \$500 per year. Get some help out of party you recommend.

Sincerely,

L. B. HOWARD.

[C. B. Slomp, ninth district Virginia—Committee on Appropriations.]
HOUSE OF REPRESENTATIVES,
Washington, D. C., February 4, 1921.

Mr. B. R. POWELL, Gretna, Va.

MY DEAR MR. POWELL: Your letter under date of the 3d relative to marshalship received. I know of no promise that has been made in this connection. I have not made any and don't suppose anyone else has.

It is my desire to work everything out satisfactory to all our friends.

With best wishes always, I am,
Sincerely yours,

C. B. SLOMP.

[C. B. Slempp, ninth district Virginia—Committee on Appropriations.]
HOUSE OF REPRESENTATIVES,
Washington, D. C., January 12, 1921.

DEAR BEN: The postmaster at Henry, in Franklin County, has died. The department is asking for the name of some one to appoint acting. The office pays about \$600 per year. I wish you would get in touch with Beverly Davis or some one and let us have name as soon as possible. I would have the party send in a little contribution—say \$25 or \$35.

Sincerely yours,

L. B. H., Secretary.

[C. B. Slempp, ninth district Virginia—Committee on Appropriations.]
HOUSE OF REPRESENTATIVES,
Washington, D. C.

DEAR MR. POWELL: If you can, arrange the balance of the \$200 that I wrote you about. I am leaving for home on about the 23d, and would like to have it before that time. Let me know when I can serve you.

With best wishes, your friend,

L. B. H., Secretary.

[C. B. Slempp, ninth district Virginia—Committee on Appropriations.]
HOUSE OF REPRESENTATIVES,
Washington, D. C., January 15, 1921.

MR. B. R. POWELL, Gretna, Va.

MY DEAR MR. POWELL: I thank you for your letter of the 14th relative the South Boston post office matter. I feel sure we will be able to control the situation when the time comes. I shall appreciate if you will keep me advised all along. With best wishes always, I am

Sincerely yours,

C. B. SLEMP.

[C. B. Slempp, ninth district Virginia—Committee on Appropriations.]
HOUSE OF REPRESENTATIVES,
Washington, D. C., December 28, 1921.

DEAR BEN: Lee Wolfe has recommended Witt H. Henderson for acting postmaster at Lennig. I have recommended him so he can take charge January 1, 1922. Suppose this is all right with you. Lee said he would send \$25 on this. Look after it. Doctor Smith was here yesterday raising hell about matter in Henry County. Will write you fully about it to-day or to-morrow. Keep all my letters confidential, and don't say anything about the Smith matter until you hear further.

Your friend,

L. B. H.

[C. B. Slempp, ninth district Virginia—Committee on Appropriations.]
HOUSE OF REPRESENTATIVES,
Washington, D. C., January 14, 1922.

DEAR BEN: Everything came in O. K. this morning. I gave Mr. S. 200. He has taken your matter up with Judge McD. Let me know when I can serve you.

Your friend,

L. B. H., Secretary.

[C. B. Slempp, ninth district Virginia—Committee on Appropriations.]
HOUSE OF REPRESENTATIVES,
Washington, D. C., July 26, 1921.

MR. B. R. POWELL, Gretna, Va.

DEAR MR. POWELL: I have succeeded in having Mr. Archie H. Kirkland appointed rural mail carrier at Concord Depot.

Can you see him and have him help out a little on expenses. You know how to handle matters of this kind so there will be no come-back. I understand he is a very fine man, a good Republican, coming from Massachusetts.

With best wishes I am,

Sincerely yours,

L. B. H., Secretary.

[C. B. Slempp, ninth district Virginia—Committee on Appropriations.]
HOUSE OF REPRESENTATIVES,
Washington, D. C., July 27, 1921.

MR. B. R. POWELL, Gretna, Va.

DEAR MR. POWELL: The Civil Service Commission has announced examinations for postmasters on August 13 at Charlotte Court House, Halifax, and Concord Depot.

Please get in touch with our people at these places and have them thoroughly prepared for these examinations.

I received your letter this morning in regard to the appointment of rural mail carrier at Wirtz, but it came too late, as on yesterday I succeeded in getting Mr. Clyde Boone appointed and wrote you accordingly.

I think you ought to see Mr. Boone before he gets his appointment and tell him what a fight we have made to have him appointed and make him promise to help out on expenses. Let me hear from you.

With best wishes I am,

Sincerely yours,

L. B. HOWARD, Secretary.

[C. B. Slempp, ninth district Virginia—Committee on Appropriations.]
HOUSE OF REPRESENTATIVES,
Washington, D. C., September 14, 1921.

MR. B. R. POWELL, Gretna, Va.

DEAR BEN: I am just in receipt of your letter and inclosure from Mr. Meen. I wrote you on yesterday that he had been appointed acting postmaster. His appointment should reach him within a few days.

I note what you say about young Parsons doing some work in the eastern end of the district. My advice would be to just let them do what they can and keep in close touch with your friends in your county and the other counties of which you are referee. We have the advantage, for I will keep you posted about any and all vacancies and will refer them to you. You will have to work on Doctor Smith some more, as I wrote you. He is now getting awfully anxious about the post office. We can do nothing now toward making this appointment unless the present postmaster can be removed on charges. If they will get up some charges and send them in, we will go to work on it. I wish you would write Doctor Smith and explain that we are doing everything we can along these lines. You might say to him that we have won out on everything we have undertaken, with one exception, and will win on that sooner or later.

Don't worry about the action of the people in the western end of the district. Just let them do what they can. Remember that we are your friend and will stay with you. Let me hear from you all along.

With best wishes,

Your friend,

L. B. H.

P. E.: Destroy this letter after you have read it.

I may add that the numerous canceled checks presented on a former occasion were indifferently payable to or indorsed by L. B. Howard, secretary, or C. Bascom Slempp.

THE WAR FRAUD CLAIMS.

During the last Congress we heard a great deal about the fraudulent conduct of the contractors during the war time and under the Wilson administration. There have been huge sums of money spent by this administration in the prosecution of the so-called war fraud claims. For the third time, this bill carries a lump-sum appropriation of \$500,000, which is exclusively dedicated to the auditing of war contracts. It is an addition to another \$300,000 lump-sum appropriation that is given to the Department of Justice for the collection of the war fraud claims, so that now \$3,000,000 of lump-sum appropriation has been dedicated to this purpose.

I know of no greater waste of money during this extravagant administration than is exhibited in the prosecution of these so-called war fraud claims.

During the last Congress a special committee was appointed and this special committee was divided into five subcommittees. For months these five subcommittees sat simultaneously. Most diligently they explored every pigeonhole and inquired into every possible clue that might disclose loss to the Government from fraudulent contracts. Incidentally, they spent \$149,000 of public money. They made voluminous reports, and the printed testimony covered many volumes of closely printed matter. It would seem, therefore, that the way of the Department of Justice had been made easy. It was made so easy that in the opinion of two gentlemen on the Republican side of the Chamber the Attorney General should be impeached for failure to take the necessary and proper steps to bring the culprits to justice. Propositions to this end were submitted to the House, and then for the first time the Attorney General comes before the House in the shape of a letter addressed to the President, in which he claims that his failure to prosecute has been due to lack of funds. If he had only the proper appropriation, \$192,000,000 would be unearthed and men high in official life would be exposed. I think that the Attorney General is entitled to speak for himself in this matter, and I read here an extract from his letter:

"The transactions out of which these cases grow, in a vast majority of instances, took place during the preceding administration. Naturally little or nothing was done during that administration to bring these matters to light. As the country will soon have reason to know, influential personages in the Government who had knowledge of these transactions and were in a position to make disclosures were personally interested in concealing them.

It is not to be wondered, therefore, that upon coming into office I found not only that practically nothing had been done in the way of investigating and prosecuting these offenses but that no machinery had been set up for handling the cases in an orderly and systematic way."

At the time this request was preferred it was shown by Mr. BYRNS of Tennessee that the Attorney General had at his command the following list of assistants:

47 special attorneys.....	\$181,200
170 special assistant attorneys.....	850,000
District attorneys.....	900,000
Regular assistants.....	550,000
Special agents.....	2,000,000

And, too, Congress was so impressed with the hundreds of millions of dollars of which the Government had been cheated and were so indignant that men high in official life had escaped punishment that the \$500,000 was immediately forthcoming. It was placed absolutely at the discretion of the Attorney General. At the same time, in order to still further facilitate the work of the Attorney General, a lump-sum appropriation of another \$500,000 was given to the War Department. I here insert from the hearings the expenditures of the \$500,000 given to the War Department:

Salaries, total number of persons, and number employed in each grade.
(\$500,000 audit fund of war claims.)

1 employee, at \$5,000.....	\$5,000
5 at \$3,600.....	18,000
4 at \$3,000.....	12,000
1 at \$2,700.....	2,700
5 at \$2,500.....	12,500
7 at \$2,400.....	16,800
6 at \$2,200.....	13,200
1 at \$2,100.....	2,100
12 at \$2,000.....	24,000
1 at \$1,900.....	1,900
55 at \$1,800.....	99,000
8 at \$1,700.....	13,600
17 at \$1,600.....	27,200
11 at \$1,500.....	16,500
35 at \$1,400.....	49,000
8 at \$1,300.....	10,400
58 at \$1,200.....	69,600
3 at \$1,100.....	3,300
4 at \$1,000.....	4,000
1 at \$720.....	720

Total..... 390,820

Total number of persons employed, 237.

In addition, of course, to the salaries paid, the employees received the \$240 bonus. Two hundred and thirty-one employees were thus employed under this fund to audit the claims so that the Attorney General might have all the necessary information which he could possibly require for the performance of his function. This, too, was in addition to the enormous evidence that had been collected by the investigating committees, of which I have already spoken. I insert here the information given to the committee from the Attorney General's office as to how he expended his \$500,000:

DECEMBER 31, 1923.

War transactions section.

SPECIAL ASSISTANTS TO THE ATTORNEY GENERAL.

	Salary.
T. M. Bigger.....	\$10,000
Charles Kerr.....	10,000
Thomas W. Hardwick.....	10,000
Henry W. Anderson.....	10,000
C. Frank Reavis.....	10,000
Roscoe C. McCulloch.....	10,000
James N. Linton.....	10,000
Milton D. Purdy.....	10,000
Ralph E. Moody.....	7,500
William T. Chantland.....	7,500
Arthur Carnduff.....	7,200
R. R. Farr.....	6,000
Marion C. Early.....	6,000
John Paul.....	6,000
Harry E. O'Neill.....	5,000
Herbert E. Hadley.....	4,500
Archib K. Shipley.....	4,200
P. H. Marcum.....	4,200
F. Donald Enfield.....	4,000
F. Edward Mitchell.....	4,000
Albert Levitt.....	3,600
Simoon Atkinson.....	3,600
H. R. Smith.....	3,600
Richard L. Merrick.....	3,500
Paul S. Dodson.....	3,500
Beverly A. Davis, Jr.....	3,500
Paul J. Mullen.....	2,000

Total..... 169,400

James M. Butler (compensation to be determined).
Robert S. Conklin (compensation to be determined).
Robert C. McClure (compensation to be determined).
John J. Parker (compensation to be determined).
John P. Phillips (compensation to be determined).
Meier Steinbrink (compensation to be determined).

EXAMINERS IN QUARTERMASTER UNIT.

	Salary and bonus.
William Armstrong Hunter (New York).....	\$2,160
J. F. Reardon (New York).....	2,160
F. V. Wills (New York).....	1,800
Dwight H. Williams (New York).....	1,800
Henry M. Matter (New York).....	2,160
Edward T. Gardner.....	1,800
John J. Burke.....	1,760
Francis M. Crawford.....	1,560
H. Dabel Anderson.....	1,560
O. W. Hughes.....	1,560
	19,400

EXAMINERS IN ORDNANCE UNIT.

Leo W. Dunn.....	2,160
John W. Fihelly.....	2,160
W. H. S. Callahan.....	2,160
W. O. Burtner.....	2,160
J. M. Baber.....	2,160
P. J. Friel.....	2,160
Eugene V. Bullett.....	2,000
John F. Moore.....	1,760
Joseph P. Lieb.....	1,760
C. C. Keiser.....	1,760
A. E. Sullivan.....	1,760
J. Arthur Mattson.....	1,560
Edwin J. Pond.....	1,560
Emmett M. Doherty, executive assistant to the Attorney General.....	2,000
	27,120

INDUSTRIAL ENGINEER AND INVESTIGATORS.

Ernest J. Wessen.....	6,000
Stanley B. Attwood.....	3,000
Samuel F. Lambert.....	3,000
James A. Welker.....	3,000
Raymond L. Joy.....	3,000
Daniel H. Dunbar.....	2,400
	20,400

STENOGRAPHERS, TYPISTS, AND CLERKS.

Joseph M. Day, special law clerk.....	2,500
Eva B. Uhl, secretary.....	2,500
Agnes L. Brown, chief file clerk.....	1,800
Margaret M. Kelly, special employee (examiner).....	1,800
Dorothy D. Lewis, stenographer.....	1,800
Mrs. Marjorie Baggarly, stenographer.....	1,000
Dorothy H. Gascon, stenographer.....	1,000
Mrs. Josephine D. Grabill, stenographer.....	1,000
Helen C. Hironimus, stenographer.....	1,000
Ruth C. Lealie, stenographer.....	1,000
Dorothy James, stenographer.....	1,000
Elizabeth Farrell, stenographer.....	1,400
Marguerite C. Furrow, stenographer.....	1,400
Reila M. Lane, stenographer.....	1,400
Mrs. Beatrice M. Paterson, clerk.....	1,400
Vera M. Kelley, stenographer.....	1,300
Vera M. Cleavenger, typist.....	1,200
Ned M. Hughes, clerk (office of Solicitor of Treasury).....	1,200
Winifred Louise Lamb, typist.....	1,000
Mrs. Edith P. Anderson, clerk.....	1,000
Walter K. Caldwell, special employee (chief messenger).....	1,000
Helen P. Mills, typist.....	900
Wade H. Furrow, special employee (messenger).....	720
	33,966

ACCOUNTING—INVESTIGATION DIVISION.

	Salary
James Cameron, director.....	\$18,000
E. C. Andrews, accountant.....	1,760
E. J. Armbruster, accountant.....	2,400
Florence Austin, accountant.....	1,500
F. M. Bellows, accountant.....	3,000
R. D. Betikof, accountant.....	1,560
C. B. Boland, accountant.....	3,000
L. Breslow, accountant.....	3,000
Louise A. Brown, accounting clerk.....	1,200
A. B. Browne, accounting clerk.....	1,200
W. E. Cadwallader, accountant.....	6,500
C. M. Crain, accountant.....	2,160
W. H. Dempsey, accountant.....	2,080
J. E. Espinosa, accountant.....	1,800
J. H. Fortune, accountant.....	4,500
J. H. Fraser, accountant.....	1,200
Helen Gieseking, typist.....	1,200
B. B. Gilliland, accountant.....	1,760
C. W. Hanger, accountant.....	1,760
Max Hers, accountant.....	3,000
R. V. Johns, accountant.....	3,000
L. E. Kieffhaber, accountant.....	4,200
F. S. Langhenry, typist.....	1,200
J. B. Lowell, engineer accountant.....	3,000
H. W. McCally, accountant stenographer.....	2,400
J. W. Maley, accountant.....	1,560
G. C. Mantz, accountant.....	2,160
Julian I. Marks, accountant.....	5,000
J. F. O'Hare, accountant.....	1,560
O. L. Orr, accountant.....	1,760
H. C. Oviatt, accountant.....	3,000
J. M. Owens, accountant stenographer.....	2,260
C. W. Porter, accountant.....	1,800
J. P. Prescott, accountant.....	1,800
F. G. Read, accountant.....	3,300
M. Ruppert, clerk.....	1,200
E. W. Shepherd, accountant.....	2,160
H. J. Simmons, accountant.....	2,160
S. C. Simon, accountant.....	2,160
S. J. Smallwood, accountant.....	1,960
H. A. Smith, accountant.....	4,200

	Salary.
J. H. Smith, accountant	\$3,300
R. D. Spaulding, accountant	1,440
L. W. Townsend, accountant	5,000
W. D. Wilcoxson, accountant	1,900
G. W. Wilson, accountant	2,740
J. A. Wilson, accountant	1,500
B. P. Wheatley, accountant	2,160
Total	134,220
Total plus bonus	404,500

It will be observed that although \$500,000 has been appropriated for the purpose of auditing these claims by the War Department, the salaried list of the Attorney General shows nearly \$330,000 expended for this same purpose. It will be observed that the salaries in the War Department are moderate, but it will equally be observed that the salaries in the Attorney General's department are extraordinary in their amounts, one auditor receiving \$18,000 a year. It is plain, in my judgment, that the auditing ought to be done by one or the other of these departments, in order to prevent duplication. If the \$500,000 is given to the War Department for the purpose of auditing the claims, then the Attorney General should be required to call upon the War Department to make such audits as he deems necessary. The Attorney General has now had three years' appropriations to the War Department to audit his claims. He has now been given three special appropriations of \$500,000 each to collect the claims. He has had the benefit of the \$149,000 expended by the special committee and the five simultaneously sitting subcommittees to ascertain all possible evidence on which to prosecute these claims. It would seem, then, that we should have at least had a perspective of the \$192,000,000, which he informs us in the communications at the last Congress he was going to turn into the Treasury. We should at least have had some perspective of the men in high places that he was going to place behind prison bars. Where are those \$192,000,000? Where are the great men that he was going to punish? It would seem that one indictment has stood the fire of the courts, but that was one case against some Republican national committeeman of the State of Georgia. He has not been tried, but he has been indicted. Of all those that have been indicted, the courts have thrown the indictments out of court as wholly unjustified and unfounded on fact. And where is the \$192,000,000? I notice that the report of the committee claims that some \$2,000,000 was collected in one place, \$5,000,000 collected in another, and \$7,000,000 collected in another, but it is disappointing when we read the testimony as to these collections. I observe that very few of these collections seem to have ever reached the Treasury. In regard to the \$5,000,000 on page 299 of the record, I directly asked that question whether that \$5,000,000 represented money paid in the Treasury, and General Walker answered, "No; it is a settled issue, in so far as the Government is concerned. It was taken into consideration by the claims board when the actual settlement was made." As to the \$7,000,000 item on page 312 of the hearing, it is stated that \$578,507 of the same have been collected, so that there does seem to have been collected about \$2,000,000, but this was collected by the War Department and not by the Department of Justice.

We hardly miss a daily paper which does not contain some item in which the litigation instituted by the Department of Justice has not met disaster. The results obtained from these enormous expenditures of money have been to the last degree humiliating. Nothing worthy of the name has been collected through the expenditures of all these millions of dollars. The court proceedings record one governmental disaster after another. Suits for large sums are placed on the court calendars with a great deal of parade and blowing of trumpets, and there they sleep either without prosecution or they are dismissed by the courts when the cases are called on the calendar.

If, however, the expenditure of all this money has been disastrous there is one happy feeling of congratulation, and that is that the Attorney General founded a hospital for the lame ducks of the administration. One has only to read the names and reflect how happy it is that the Treasury can take care of so many public servants that the people have discredited. It is a proud reflection on us Virginians that of the 28 highly paid attorneys some six or more come from the State of Virginia. How did the Attorney General know that all of this legal talent was lurking in the highways and hedges of that great State? Was the mentor the President selected called on for suggestions? There are 48 States, and each State would be entitled to about half an attorney apiece, but Virginia is given six. Looking at the results in the courts, however, it might seem that in the six we have not exceeded our fair lot. One

of the provisions of the appropriation act was that no attorney should receive over \$10,000, but in another happy exception H. W. Anderson, of Virginia, is provided for by giving him an appointment that draws from the packers of Chicago an additional \$10,000, so that Virginia again is specialized in the fact that one of the attorneys at least receives double the amount authorized by the statute. I am not sure that the additional \$10,000 is paid out of the Treasury, but it is paid as the result of a governmental designation. While it is extremely gratifying, therefore, that these lame ducks are so tenderly provided for out of this lump-sum appropriation, yet I insist that the taxpayer should have some consideration, and that the time is now here, painful as it may be, to shut the door of the Treasury. [Laughter and applause.]

Mr. ANTHONY. Mr. Chairman, I yield three minutes to the gentleman from Michigan [Mr. CRAMTON].

[Mr. CRAMTON was granted leave to revise and extend his remarks in the Record.]

Mr. CRAMTON. Mr. Speaker, some of our friends in the House for some time have been taking a great deal of interest in the matter of campaign funds with particular reference to the question of beer, wine, and so forth.

We have all just received a very appealing letter. It is a letter that is going not only to the House but to the country as well and gives all of those who have a thirst for beer and light wine with a real kick in it an opportunity to subscribe and get into an organization that means business. The organization is the National Liberty League, with headquarters at Omaha, Nebr. The president of it is Mr. William P. Custard, and that name itself, suggestive as it is of the pie counter, is more or less illuminating as to the methods and the real purposes of this organization. Not 2.75 beer, as has now become the slogan of the gentleman from Maryland [Mr. HILL], in his more modest efforts of late, but 5 per cent beer and 20 per cent wine is what this organization promises. Their campaign fund is to be a \$5,000,000 campaign fund, and they want to reach 10,000,000 as to membership.

The letter is as follows:

THE NATIONAL LIBERTY LEAGUE,
NATIONAL HEADQUARTERS,
Omaha, Nebr., March 23, 1924.

[William P. Custard, president, A. L. Bixton, vice president, Dr. A. J. Sabourin, chairman, national campaign fund committee. Help our \$5,000,000 campaign fund (copyright). Don. H. DeBow, national secretary and treasurer. Help reach the ten million mark. For members in every State. Nonpartisan. No saloons. Nonsectarian. Organized by business men, citizens, and taxpayers for the purpose of obtaining a repeal or modification of the Volstead Act and legislation under proper regulations and supervisions of the manufacture and the sale of light wines and beer. We stand for strict governmental regulation and control; for a revenue to be produced, thereby reducing taxes; for strict enforcement of present laws until modified or repealed; for sanity and common sense; for a referendum on this important question; for the election of men to legislatures and Congress to vote for the repeal of prohibition liquor laws. We are glad to cooperate with all similar organizations. It is our plan to enlist the support of every man and woman in the Nation who believes in the league's principles. We stand against the old saloon system; against the prohibition hypocrite; against the bootlegger; against the poison liquor; against commercialization of the liquor traffic. All funds are expended in an educational campaign, circulation of petitions, obtaining members, etc. All donations to our educational campaign fund appreciated. Special membership, \$5 per year; regular membership, \$1 per year.]

Hon. LOUIS C. CRAMTON,
House Office Building, Washington, D. C.

DEAR SIR: You are, of course, well informed as to the change in sentiment regarding prohibition. The majority of the people believed that with the saloon eliminated the prohibition question would be settled and taken out of our State and National politics. It is our belief that the legislative and judicial branches of our State and Federal Governments have gone beyond what the people intended when they voted for prohibition.

Believing it is your desire to represent the will of the majority, the members of The National Liberty League will expect your wholehearted support and ask for your cooperation in fighting:

First, for repeal or modification of the Volstead Act to permit the manufacture and sale of beer and light wines containing not more than 5 per cent and 20 per cent of alcohol by volume, respectively, with revenue derived therefrom to be applied to the reduction of taxes and our national debt.

Second, for the abolishment of the present restrictions placed on physicians in prescribing liquors for medicinal purposes.

Third, against passing any more prohibition laws until the present are efficiently and impartially enforced.

Fourth, against appropriations for unsuccessful prohibition bureaus.

Respectfully yours,

THE NATIONAL LIBERTY LEAGUE,
DON E. DEBOW, *National Secretary.*

In order that you may proceed with due information as to how much of this \$5,000,000 is going to be used to bring back 20 per cent wine, I want to read something from the Sunday Bee, of Omaha, Nebr. The Bee has more or less stung the philanthropic motives of this organization. The heading says "Liberty League patriots consume 90 cents; leave dime for great work," and the article is as follows:

Promotion expense of the National Liberty League, with headquarters in Omaha, eats up 90 per cent of the receipts, Don E. De Bow, organizer, secretary, and treasurer, admitted yesterday in District Judge Stauffer's court.

The other dime in the dollar goes to the league and is used for the purpose of defraying league expenses, he said.

Of the 90 cents, local managers get 50 cents, State managers get 25 cents, and De Bow himself gets 15 cents, according to his testimony.

De Bow was being examined to determine whether or not he has any property to satisfy a judgment of \$6,100 returned against him recently in connection with a suit brought by D. E. Cleveland, in which Cleveland alleged that De Bow gave him a faulty deed to some property in Missouri.

"Isn't it a fact that the Liberty League is merely a phantom organization?" asked J. Dean Ringer, former police commissioner and attorney for Cleveland.

He withdrew the question on objection raised by attorneys for De Bow that the character of the organization was not material to the issue.

De Bow testified that the league has about 1,000 paid-up members. He said he has not opened up a bank account for the organization, due to the fact that expenses have eaten up all the dimes accruing to it, and there have been no funds to deposit.

He said the league has its headquarters at No. 405 Paxton Block, in a doctor's office, and that it pays no rent.

He was ordered to bring the league's books into court next Saturday.

Mr. JOHNSON of Kentucky. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. OLIVER].

Mr. OLIVER of New York. Mr. Chairman, the amazing story told to the House last Saturday by Mr. JOHNSON of Kentucky of the waste of public money in the War Department in the payment of extraordinary fees to auctioneers for the sale of surplus Army stock is the last word in business inefficiency and waste of the present administration. By this system the Government has not only paid millions of dollars to auctioneers but by faulty advertisement of sales and bad distribution of sales has lost millions of dollars in the bargain.

In the meantime the President sits like a sphinx in the White House dreaming of presidential primaries and designing decorations for his band wagon in the next campaign. Meanwhile we see his Attorney General made heir by will to the largest part of the estate of Jesse Smith, his grafting friend and intimate. The intimacy that existed between the two could not be better proven by a thousand witnesses than by the will on file in the probate court in Ohio. And yet the Attorney General's brother, executor of the will, refuses to allow an examination of the assets of the estate by a Senate committee. Surely this is an extraordinary refusal. Did brother Mel act in order to protect the honor of the head of the Department of Justice or merely to protect his property? If he acted merely to protect his property let him know that no one in Washington is trying to take away a single dollar of the property. It has been well known that Jesse Smith was more powerful in the Department of Justice than high officials there. He held no office yet he had his desk there and the right of entrance. He was the Attorney General's pal and companion. Now he wills to his bosom friend more of his estate than he gave to the woman he took as his wife. His brains were blown out in the Attorney General's apartment either by his hand or the hand of another. No autopsy was performed, no inquest was held. He was hurried to the grave. To-day Jesse Smith stands revealed as a collector of graft from whisky deals, fight films, conspiracies, and other piracies. He died when the trial of a great bootleg ring in New York was called. And he willed his money derived from graft to the Attorney General of the United States, the head of America's Department of Justice. But America is forbidden to see the records of that estate. They are now sacred and secret. Why? Is the Attorney General afraid if they are opened they will blacken the character of his dead friend? Or is he afraid that if they are opened they will show that the

head of the Department of Justice of America is fighting a woman so that he might become possessed of the graft his dead friend collected. For whom did Jesse Smith collect the money in life if he provided before death that it should go to the Attorney General? Jesse Smith was merely a storekeeper in a small town in Ohio before Daugherty became Attorney General. Yet he lived by the side of the Attorney General in Washington, shared his office, lived and died in his home. And he never held a position or drew a salary or had a fortune. The records of the probate court in Ohio of Mel Daugherty's bank should be open to the public inspection.

Yet the President merely confers with his campaign managers. Why does he not turn over to Secretary of State Hughes the task of finding out the facts? In New York Mr. Hughes conducted the great insurance investigation which resulted in electing him governor. Why does not the President tell Harry Daugherty to lay before Secretary Hughes the facts about that will? If the President will not help the Senate committee to secure the information, why does he not get it himself? In a few days Secretary Hughes could get the facts for him without interrupting his conferences about the next campaign. The President is not a judge. He is an executive. He is acting like a sleepy judge in court with a jury at his elbow to listen to the evidence and take the responsibility for deciding the facts. There is no complex law point in this case. Plainly it stands, Shall Harry Daugherty be allowed by the President to conceal the evidence that all America demands? If he wants to conceal it, let him step out of the Cabinet and conceal it if he can. If he wants to stay in the Cabinet, why is he afraid to reveal the facts about the will and estate of Jess Smith?

The President made his reputation in Massachusetts by dismissing policemen after they had gone on strike. Must Cabinet officers go on strike before they are dismissed? Or is the President afraid to discharge any public official greater than a policeman.

The President owes it to the country to unlock the secrets of relationship of Harry Daugherty and Jesse Smith, the secrets of the will, the secrets of the estate, or else he must stand before the country approving of an Attorney General who fights a woman for the possession of graft. [Applause.]

Mr. JOHNSON of Kentucky. Mr. Chairman, I yield 10 minutes to the gentleman from Minnesota [Mr. KVALE].

Mr. KVALE. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. KVALE. Mr. Chairman and gentlemen of the committee, I had no idea that I would be granted any time to-day or I would have prepared an address on the subject, but I want to say a few words about matters in general, anyway. I have sat here day after day listening patiently to discussions of bills and amendments providing for all these appropriations for the Navy and for other purposes, and I suppose I shall have a like experience during this debate on the bill providing for Army appropriations. My heart bleeds through it all when I consider what all this money is being used for. I refer not so much to the expenditures that have been revealed here by the gentleman from Kentucky, the hundreds of thousands of dollars to auctioneers, and all the other graft. I refer to what has been used in what is considered a legitimate manner, for the upbuilding of our Army and Navy, for the strengthening of what is called the national defense, and for all so-called legitimate purposes.

I have listened to these figures, and I have noted the invisible power that is back of all this. Let me say that I have unbounded respect for the power that is railroading through all this legislation. I have sat here, and, with the majority of the gentlemen of this House, I have had my hands and feet tied and my mouth bandaged while we had rammed down our throats the so-called adjusted compensation bill.

Mr. YOUNG. Will the gentleman yield? One vote more than one-third would have given you a week. There were more than that on the opposite side. All you had to do was to vote, and one vote more than one-third would have given the gentleman a week or two weeks. The bill would have remained on the calendar.

Mr. KVALE. The gentleman knows how that vote would have been misinterpreted by the very gentleman who is now speaking to me.

Mr. YOUNG. The gentleman could have had a whole week to explain it and to pass a better bill if he could have found one.

Mr. KVALE. I think a better bill could have been passed, and I hope the Senate will enable us to pass a better bill.

Mr. WATKINS. Will the gentleman yield?

Mr. KVALE. Yes; I yield.

Mr. WATKINS. The gentleman from North Dakota might explain why they excepted from the bonus bill the female veterans of the World War and did not give them any rights, if it is such a perfect bill, he being a member of the Ways and Means Committee.

Mr. KVALE. I agree with what the gentleman says.

Mr. YOUNG. Why did you not vote against suspension? You had plenty of votes on that side to prevent it.

Mr. WATKINS. Why did you put that exception in the bill?

Mr. KVALE. If the gentlemen will pardon me, I have the floor, and all this is coming out of my time.

Mr. Chairman, during the World War I pleaded for justice and a square deal for the soldier. I saw no reason why the man who bared his breast to the enemy should not be paid at least as much as the one who remained at home. As is well known, Congress voted the service man a bare pittance while the man thousands of miles away from the trenches made good money in almost every conceivable occupation. Since the close of the war I have advocated adjusted compensation for the ex-service man as a matter of plain and simple justice.

I have voted for this paid-up insurance measure under protest. In the face of the promise, the carefully impressed assurance by administration leaders that full and ample consideration would be given the adjusted compensation bill and other bonus bills if only the Mellon tax plan were considered separately, I consider it nothing short of a willful insult to the ex-service man and a disgrace to the name of this body for you who had this bill in charge to ram it down the throats of the House Members.

You know, and everyone knows, that it is not a soldier's adjusted compensation. It is nothing but a political makeshift. Because you knew that if we voted against the "gag rule" for its consideration we would be represented in our districts as opposing its consideration at all, you knew you would be victorious. Because you knew, in addition, that if we voted against this insurance bill in the hope of later passing the original adjusted compensation bill, we would likewise be held up before our constituents as opponents of a bonus and as traitors to the cause of the ex-service man, you sat upon the floor of the House and laughed uproariously, raucously, insultingly, at the few Members who were able in the limited time to voice their resentment and their protests.

This one feature, the elimination of the cash-payment option, has changed this bill from a measure that does the ex-service man a just act to a measure that not only betrays his best interests, but allows Members complacently to return to their districts saying they have supported a bonus, and allows the financial interests and the money lenders to receive, through interest and discount and other charges, a large part of the bonus. Plans have been proposed including a cash-payment option that would not cost the Government any more than the insurance proposal embodied in the bill passed by the House, and in all likelihood not as much.

I wanted to see the cash-payment feature a part of the bill. The soldiers have waited five years. They have hoped that your promises to them would be kept. Hundreds of thousands of ex-service men throughout the country would prefer to see this bill fail of passage and enactment; then, perhaps, at the next session, with another party at the helm, another membership here, we could give the man who asks an adjustment of his war compensation the treatment at our hands that he asks, and that he so eminently deserves.

I sat here yesterday and watched a somewhat similar procedure. I voted for the bill to give \$10,000,000 for the relief of starving women and children in Germany, and I would gladly have voted for a larger amount. But it requires no great political acumen to recognize the fact, brought out by some of the speakers, that mercy and humanitarianism were not the only considerations in this case.

I listened to Members preaching sermons from this floor, and for a time I thought I was back in my old calling, only sitting in a pew instead of standing in the pulpit. Extracts from the twenty-fifth chapter of Matthew were read. I was glad to hear those excerpts from the New Testament. I have quoted that portion of it hundreds of times and most heartily subscribe to every word of it. But I could not help thinking that perhaps back of it all there was this invisible power, with other motives not quite so hallowed. I do not impugn the motives of any man, least of all the motives of the gentlemen instrumental in bringing this resolution before the House—

Mr. YOUNG. Will the gentleman yield?

Mr. KVALE. No; I shall have to decline to yield further. I believe their motives were the highest and noblest. I have no reason whatever for believing anything else. Nevertheless I have more than a suspicion that back of it all was that invisible power that put it through for political purposes. For that reason I appreciate the stand of gentlemen in this House who refused to vote for it. But, as stated, I voted for it, and I would be glad to vote for double and treble the amount. I believe that in such cases even a political purpose can achieve some ultimate good.

I do not believe that any Member who has familiarized himself with the abundance of complete and competent evidence of widespread and acute distress now prevailing in Germany failed to see the crying need for relief. If they opposed the resolution it was for some other reason, perhaps worthier.

The misery, starvation, disease, pestilence, want, suffering—all these—have been pictured to us again and again. When I think that 20,000,000 people are actually starving, that 50 per cent of the children in the larger areas are tubercular, that others are undernourished, crippled, and deformed from rickets; when I think of the lack of fuel and clothing and supplies, then I regret that the sum we voted to appropriate was not substantially larger.

These suffering, dying women and children are in every sense casualties of the Great War. We did not wage war upon them nor they on us. Many of them have been born since the war. While it is true that some of us represent sections of the Nation, such as mine—the Great Northwest, where there is acute financial distress, there is food in plenty everywhere; in fact, our trouble is that there is such an abundance of food at low prices that the farmer is unable to market it. For humanity's sake I rejoice at the passage of this resolution.

I am reminded, too, when I speak of the financial distress among our farmers, of the amendment offered by the gentleman from Texas [Mr. Jones] and adopted by the House. The fact that the resolution, thus amended, provides that in the purchase of the several foodstuffs and materials for this relief work preference should be given to the American farmers and cooperative farm-marketing organizations, thus eliminating middlemen and profiteers, constitutes another reason why I was glad to vote for this measure.

While I think I can appreciate the viewpoint of those who opposed the measure on constitutional grounds, I nevertheless feel sure that we are in this way clearly obeying the mandates of the Constitution in "promoting the general welfare" and securing "the blessings of liberty to ourselves and our posterity." Benefits and blessings in future years, in countless ways, will be our reward; but greater than all these will be the knowledge that we have followed the teachings of Jesus of Nazareth, that we have acted the part of the good Samaritan, and so in a very material way helped to heal the wounds left by the war and to promote peace on earth.

And now I expect to sit here for the next two or three days and listen to debate on these proposed appropriations for the Army, appropriations that are more than double the amount appropriated in the year before the war to end war. That will not tend to promote peace on earth.

The gentleman in charge of the bill on the Republican side, I believe, spoke about some surgical operations that have been performed on the Army bill. I do not know what the gentleman understands by operations, but it seems to me that he would call the removing of a growth on your little finger a serious surgical operation. That is the kind of operation that has been performed on the Army bill through these many years, and I doubt if the growth has been removed. We have more than doubled our appropriations for the Army, and that despite the fact, as I said, it was a war to end war. Where is this all going to end? We have millions and hundreds of millions to spend in this way, but when it comes to taking a little out of the Treasury for the toilers and producers of this land who are in dire need we have nothing to spare. Army and Navy, battleships and submarines, guns and powder and poison gas, and all pointing to war and more war.

Where are the gentlemen now who will read the Master's words in the New Testament in opposition to this large appropriation for the Army? Let them come now and read from the Sermon on the Mount. Let them come and read the Master's words, "Blessed are the peacemakers, for they shall be called the children of God." That was the truth when those words were uttered 1,900 years ago and it is the truth to-day. All these measures are but measures to bring on more and more war. You know that the larger the appropriations for the Army and the Navy the nearer we are to war. You can not get away from that.

I refuse to go along on these large appropriations, and if I thought there was the slightest hope of passing them I would offer an amendment after every section cutting the appropriations in half; but I suppose it would be futile to attempt it. We can not even have a record vote on these different appropriations here because of the rules governing the procedure in this House, and so it will be rammed down our throats again. And I half suspect that we never will see the day in the life of this Congress when the resolution offered yesterday by the gentleman from Iowa [Mr. RAMSEYER] will be considered here, providing for the profits to be taken out of war. Every Member of this House knows, and every intelligent human being knows, that when you take the profit out of war you have stopped war. [Applause.]

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. DICKINSON of Iowa. Mr. Chairman, I yield 10 minutes to the gentleman from Iowa [Mr. HULL].

Mr. HULL of Iowa. Mr. Chairman and gentlemen of the committee, I hope in what I say everyone will take it as a friendly criticism of the Army, something that might be made constructive. I quite agree with the gentlemen who have spoken about the enormous expense of our Army and Navy. We are spending too much money in national preparedness, but I want to remind gentlemen on the Democratic side of the House that those on the Republican side of the House are responsible for the greatest reduction in national preparedness that ever happened in this country.

Mr. RANKIN. In what respect?

Mr. HULL of Iowa. No; I can not yield, I have not the time. When we took charge of the Army it had been illegally enlisted to 240,000 men in the Regular Army, or some sixty to eighty thousand men beyond the appropriation bill, and the administration, your administration, was asking for universal military training. If we had consented to that, your bills would have run to-day over \$1,000,000,000 for the Army.

Mr. HARRISON. Will the gentleman allow me to call his attention to the fact that the chairman of the Committee on Military Affairs, Mr. KAHN, was the gentleman who introduced that bill?

Mr. HULL of Iowa. Oh, the gentleman from Virginia knows very well that it was the Secretary of War of the Democratic administration who sent the bill to the Committee on Military Affairs, with the request that it be introduced.

Mr. HARRISON. But he could not introduce it.

Mr. HULL of Iowa. And it was the Republicans who defeated it.

Mr. STEVENSON. Will the gentleman state who introduced the bill? It was Mr. KAHN, of California.

Mr. HULL of Iowa. I refuse to yield. I only wanted to remind gentlemen on both sides that if they want to take the profit out of war they can do it. There will be enough gentlemen on the Republican side to help you.

Mr. RANKIN. Will the gentleman introduce the proper resolution?

Mr. HULL of Iowa. Certainly, I will. I refuse to yield further. I have only 10 minutes, and the gentleman knows it. I simply want to say this, that you will never have in this country any honest-to-God preparedness until you take the profit out of war, and you will never take the profit out of war until you take it out of the peace-time preparedness, and you can do it.

Mr. RANKIN. The gentleman is a member of the Military Affairs Committee.

Mr. HULL of Iowa. I have not the time to yield.

Mr. RANKIN. We are willing to help you and will be glad to.

Mr. HULL of Iowa. I hope you are; but you know very well that the trouble is that rich contractors are getting contracts all the time from the Army and from the Navy and from the Shipping Board for work that could be easily done in the arsenals and the navy yards of the country, which are now practically standing idle. It is not so easy for Congress to stop that, for I realize that it would take some very drastic amendments, and there is the trouble. Congress is willing to stop it, but they will not do so. I am reminded right there of the way that the War Department acts when Congress legislates. We have been legislating for some eight or nine years trying to get a one-year enlistment in the Army. It was written into the law several years ago, and it reads as follows:

SEC. 27. Enlistments: Hereafter original enlistments in the Regular Army shall be for a period of one or three years, at the option of the soldier, and reenlistment shall be for a period of three years.

Have any of you ever heard recently of a man getting into the Army for one year? The General Staff laid down a policy

and ignores the will of Congress, and practically defies Congress by so doing. Some of you are lawyers. Can you find here a way by which they could avoid carrying that simple two-line statute out? I venture the assertion that there is not a lawyer who would risk his reputation on the fact that the War Department had any right to interpret the statute excepting that the soldier should choose whether he would enlist for one year or three years.

The War Department, however, sets up the right. Now, I think that would save the War Department a good deal of money. They do not think so, but that does not make any difference; it is in my opinion simply a question of law enforcement.

Mr. CRAMTON. Will the gentleman yield?

Mr. HULL of Iowa. I will.

Mr. CRAMTON. Does not the gentleman think that if the War Department would conform to the law it might be able to keep their enlistments more nearly up to the authorized strength?

Mr. HULL of Iowa. I do; but that is not the question. Why, the gentleman here talks about law enforcement more than anybody else, and this is nothing but a question of law enforcement.

Mr. CRAMTON. I am trying to help the gentleman enforce this law.

Mr. HULL of Iowa. I refuse to yield further at this time.

Mr. CRAMTON. If the gentleman objects to my trying to help him in the matter, I am sorry.

Mr. HULL of Iowa. I want to say just a word on coast fortifications before I finish. I am glad the committee has seen fit to reduce appropriations for coast fortifications, especially at the Panama Canal. So far as I am concerned, I think they could have stricken out all of it, not but what we ought to have coast fortifications but because the plans of the War Department for the fortifications of the Panama Canal are 20 years behind the time. They are obsolete before you begin them, and if they go to work and spend the millions of dollars that they have asked for before they finish the job they will be coming back here to Congress and asking us for millions to tear them down and put something more modern in their place.

Mr. BARBOUR. Will the gentleman yield?

Mr. HULL of Iowa. I will.

Mr. BARBOUR. Can the gentleman tell us what he would put in down there?

Mr. HULL of Iowa. I have an idea that we should not put cannon on top of a hill or mountain. A fixed fortification is obsolete to-day, and has been for 20 years. They should use protected concealed places and movable or railroad artillery. If they will do this, they will have modern protection, and that at one-half the expense.

Mr. BARBOUR. The gentleman understands the present plan does not contemplate putting cannon on top of a mountain.

Mr. HULL of Iowa. I think the gentleman had better examine the plans of the War Department.

Mr. BARBOUR. Does the gentleman refer to Taboga Island?

Mr. HULL of Iowa. I refer to the fortifications on the Atlantic side. And I think the cannon you are preparing to put in on the Pacific side is a fixed fortification, to be put on the highest hill they can find. Everyone knows where it is, and it makes a fine mark to aim at and hit.

The CHAIRMAN. The time of the gentleman has expired.

Mr. YOUNG. Mr. Chairman, many northwestern people have written to me to protest against the drawback provision of the Fordney-McCumber law and to declare that the wheat duty of 30 cents per bushel was thereby made valueless. There is no truth in this. No wheat has been imported under the drawback provision. Some of my correspondents to whom I have explained this have then expressed the opinion that it would be necessary to wait a few months to learn whether a drawback of duties would be claimed by flour millers. It is not necessary to wait a minute to know whether any drawbacks will hereafter be claimed covering importations of wheat already made. There are two requisites upon the part of wheat importers which must be met before a drawback of duties may be obtained.

It is necessary in the first place to make a formal application to the Treasury Department, giving information as to the character of the plant where the wheat is to be manufactured and how the wheat is to be handled, and a showing as to the responsibility of the concern. If this is satisfactory, the Treasury will give its approval.

No milling concern has received such approval since the passage of the Fordney-McCumber law. Prior to that time the following concerns had been approved:

Duluth-Superior Milling Co., Duluth, Minn.
 Washburn-Crosby Co., Minneapolis.
 S. W. Hershey Flour Mill Co., York, Pa.
 Superior Flour Co., San Francisco, Calif.
 David Stott Flour Mills, Detroit, Mich.
 Hecker-Jones & Jewell Milling Co., New York.
 Tacoma Grain Co., Tacoma, Wash.

In addition to approval by the department as just explained it is also a requisite that the importer of wheat shall at the time of importation serve notice on the customs collector that he intends later to ask for a drawback. I have just received telegrams from the collectors of the chief customs houses on the Canadian border, who state that no such notices have been given to them.

It is therefore established, beyond a doubt, that the so-called wheat drawback, as contained in the Fordney-McCumber law, has not yet been used.

There have been drawback provisions in every tariff bill for many years, whether enacted by Republicans or Democrats, but they have practically not been utilized. Occasionally some mill has ground a small consignment and then has abandoned it as unworkable.

The drawback provision in the Fordney-McCumber law is worded differently than such provisions in former laws, and many of us were afraid that it would permit large importations with the payment of practically no duty, so many of us in the West opposed it vigorously. It seems, however, that, like its predecessors, it is unworkable.

There have also been complaints about milling wheat in bond. There is no special provision in the Fordney-McCumber law for milling wheat in bond. There is a manufacturing-in-bond provision which applies to any article imported in bond, and under which wheat may be handled. But such a provision has been in tariff laws for many years, whether enacted by Republicans or Democrats. In justification it is asserted that if a foreign article does not enter American consumption it should not pay a duty, and by permitting the manufacture and exportation of such article it gives employment to American labor. For illustration, we have big exports of cocoa and chocolate products. The raw material for such products is brought into the United States in bond and manufactured in bond. It gives employment to a large number of people who spend their money in the United States.

An examination of the figures covering imports of wheat shows that the present portion of wheat imported in bond ground and exported without payment of duty is comparatively small as compared with the total imports of wheat free of duty under the Underwood law:

Data regarding wheat and flour imports and wheat manufactured in bond.

(Fiscal years (from July 1 to July 1) 1921, 1922, 1923, and 1924.)

Fiscal year 1921 (the last year under Underwood law):

Imports of wheat.....	51,004,024
Imports of flour (expressed in bushels).....	6,393,978

Total bushels.....	57,398,002
--------------------	------------

Fiscal year 1922:

Imports of wheat.....	14,465,509
Imports of flour (expressed in bushels).....	2,785,972

Total bushels.....	17,251,481
--------------------	------------

Fiscal year 1923:

Imports of wheat.....	18,012,540
Imports of flour (expressed in bushels).....	1,932,322

Total bushels.....	19,944,862
--------------------	------------

1924 (July 1, 1923, to February 1, 1924):

Imports of wheat.....	17,775,533
Imports of flour (expressed in bushels).....	560,479

Total bushels.....	18,336,012
--------------------	------------

Included in the above totals of imports there was manufactured in bond without payment of duty:

Fiscal year 1921: None, because wheat free under Underwood tariff law.

Fiscal year 1922.....	6,172,837
-----------------------	-----------

Fiscal year 1923.....	9,280,787
-----------------------	-----------

July 1, 1923, to February 1, 1924.....	8,192,362
--	-----------

The total of imports for the fiscal year ending July 1, 1924, will probably not be much more than those for the fiscal year ending July 1, 1923, because navigation on the Great Lakes will probably not open before May 10.

These figures show that, even with the manufacturing-in-bond provision in force, the imports of wheat have been greatly reduced under the Fordney-McCumber law as compared with imports under the Underwood law. As already explained, the manufacturing-in-bond provision has been in every tariff law, Republican or Democratic, for many years, and it is exceedingly doubtful whether either party would consider its repeal.

Mr. Chairman, the duty on wheat has been of decided advantage to American wheat growers. Those who have given

study to the subject know this is true. It is unfortunate that quite a number of people in the wheat areas, even in the Northwest, have said that the wheat duty is valueless. It is both reckless and unwise to make such statements, because the people of the East and South are not particularly enthusiastic about the wheat duties and sometime they might call the bluff.

The Bismarck (N. Dak.) Tribune in discussing the subject says that wheat farmers may be injuring themselves by constant misrepresentation of the operation of the tariff on wheat. I shall not stop to read this article but shall have it printed in the RECORD.

CONCERNING THE TARIFF.

Congressman GEORGE M. YOUNG points out forcibly to the people of North Dakota how they may be injuring themselves by constant misrepresentation of the workings of the Republican tariff law through either misunderstanding or ignorance of the facts. There has been much opposition in North Dakota to the "drawback" provision in the Fordney-McCumber tariff; the opposition has found expression in Nonpartisan League meetings and in the resolutions of the "Real Republican" convention alike. Granted that Mr. YOUNG's figures are true, the situation has been grossly misrepresented.

It is pointed out by him, first, the "drawback" provision of the law means nothing. He says: "Drawback provisions have been in every tariff law, both Republican and Democratic, in one form or another, but no wheat worth mentioning has ever come in under such provision, and absolutely not one bushel of wheat has been imported under that provision of the Fordney-McCumber law."

There is no "milling-in-bond" provision in the law, he points out, but there is a "manufacturing-in-bond" provision in the law. It is not true, however, if Mr. YOUNG's figures, which presumably are official, are correct, that this provision destroys the value of the tariff law. For example, under the Underwood (Democratic) tariff law 57,398,002 bushels of Canadian wheat were imported in 1921; under the Fordney-McCumber (Republican) tariff law but 19,944,863 bushels of wheat were imported in 1923. While there is not available any comparison of the importations of manufactured-in-bond wheat for 1921 because wheat was free under the Underwood law, the total amounted to but 9,280,787 bushels in 1923 under the Fordney-McCumber law.

As Mr. YOUNG aptly remarks: "If northwestern people continue to assert that a wheat tariff is valueless, Congressmen from the East and South, who as a rule are skeptical about the value of a wheat tariff, might in some future Congress take northwestern wheat growers at their word."

There is a case for argument on the manufactured-in-bond provision. It has been insisted upon by representatives from manufacturing communities not only with reference to wheat but with reference to other raw materials imported, on the ground that to bring foreign materials in the country to be manufactured and sold abroad brings employment to American workmen. There is not, however, valid ground for the declaration that the wheat tariff does not keep Canadian wheat out.

President Coolidge has taken a step in the interest of the northwestern farmers which ought to further reduce the amount of Canadian wheat imported, by increasing the duty from 30 to 42 cents a bushel under the flexible provisions of the Fordney-McCumber law. Tariff protection is essential to northwestern wheat growers; the people of the Northwest ought to admit it, uphold this Republican principle, and let the rest of the country know they will fight for it.

It is believed that there will be a great reduction in the quantity of wheat imported under the tariff rate of 42 cents per bushel recently proclaimed by President Coolidge upon the advice of the United States Tariff Commission.

When the Fordney-McCumber bill was under discussion it was said that placing a duty on wheat as high as 30 cents per bushel was an effort to deceive the wheat farmers by making it appear that much was being done for them, and that 10 cents a bushel would be sufficient to keep Canadian wheat out of the United States. Over 10,000,000 bushels of wheat actually paid the duty of 30 cents per bushel during the fiscal year 1923.

Mr. Julius H. Barnes, wheat director during the war and the best authority on grain prices in this country, in an article in the Nation's Business, said the wheat duty was worth about 23 cents per bushel on the higher grades. Other authorities have said it amounted to more than 23 cents per bushel.

I doubt if any law ever passed by Congress has been so persistently and viciously misrepresented as the Fordney-McCumber law. When the bill was before Congress it was repeatedly asserted that there would be little revenue collected under it because the rates of duty were said to be prohibitive. Instead more goods have been imported under it than under the Underwood law, and almost twice as much collected in duties. Indeed, no substantial reduction could now be made in income taxes were it not for the decided success of the Fordney law from the revenue standpoint.

A correspondent for a British newspaper says that the Fordney-McCumber tariff law discriminates against the American farmer in that it carries duties on virtually all articles purchased or consumed by the farmer. It is excusable for a foreigner to make so serious a mistake, but with less excuse quite a number of our own people, without stopping to read the law, have fallen into the habit of making the same observations.

A reading of the law discloses that if there has been discrimination it is for and not against the farmer. The free list gives the farmers decidedly the best of it.

Plows, tooth or disk harrows, headers, harvesters, reapers, agricultural drills and planters, mowers, horse-rakes, cultivators, threshing machines, cotton gins; machinery for the manufacture of sugar; wagons and carts; cream separators valued at not more than \$50 each, wholesale, and all other agricultural implements are free of duty.

All animals imported for breeding purposes are on the free list. Binding twine comes in free of duty.

Lumber, including that planed, tongued, and grooved; clap-boards, laths, shingles, logs, timber, poles are on the free list. Cement is free, also limestone rock, asphaltum, bitumen, and tar.

Fertilizers are free of duty, including guano, manures, bones used for fertilizers, potash used for fertilizers, muriate of potash, sodium nitrate, potassium nitrate, calcium nitrate, used for fertilizers are free.

Barbed wire, plain or galvanized, and fence posts are not dutiable.

Leather, harness, and saddles are on the free list, also pads for horses, also boots and shoes.

Gasoline, benzine, kerosene, and crude, fuel, or refined petroleum are on the free list.

Instead of virtually all articles being dutiable which farmers must buy in connection with their business, the bulk of them are on the free list.

I am not unmindful of the serious extremity in which farmers in the hard-wheat belt are placed; but their troubles have not been occasioned by the tariff. From the standpoint of a well-balanced tariff, they have been given fair rates of duty on farm products. They have not in all cases been prohibited, but they should remember that they are the ones who have always been most pronounced in their views that tariff rates must be reasonable and not so high as to prevent importations, and they should also remember that there have been heavy importations of many manufactured articles subject to duty.

True, living costs are high, but they are caused by things other than the tariff. A glance at the free list will recall to us that the costs of some of the articles in that list have advanced more in price than have some other articles now subject to duty. It was declared in the Democratic platform of 1912 that the high cost of living was caused by a high tariff, but under the Underwood bill, with reduced tariff rates, the costs of living steadily mounted.

Those who are complaining that rates of duty are now high will perhaps be surprised to learn that the average rate of duty collected on all imports the last year of the Underwood law was 14½ per cent, while under the Fordney-McCumber law it is 15½ per cent. Partly because of this slight average increase, but more on account of the readjustment and fixing of rates upon a scientific basis, business has been greatly quickened and unemployment has ceased.

Those who reflect that there were millions of men out of work at the time President Harding took the oath of office who are now well employed should think well before they declare for a change in tariff policy.

Mr. DICKINSON of Iowa. Mr. Chairman, if there is any more time, I yield the balance of the time to myself. [Applause.]

The CHAIRMAN. The gentleman has 16 minutes remaining. Mr. DICKINSON of Iowa. Mr. Chairman, I did not know from my experience on the subcommittee on the Army bill that the Republican patronage of Virginia was involved in the subject, but it seems it was involved. I am not surprised that Bascom Sleep has not been able to distribute that patronage satisfactorily to the gentleman from Virginia and his colleagues.

Now, with reference to the war-fraud returns and with reference to the half million dollars from the audited war contracts, it seems to me there is a decided distinction here in the audit of the War Department and the prosecution of these war-fraud cases by the Department of Justice. One is a business audit to determine the business status of the contract; the other is a legal audit, a legal transaction to try to recover on a claim that they find. I believe that there is a fair showing here.

The actual cash collections by the Finance Department in the War Department were \$2,760,000 plus, \$280,422 by the Air Service, \$578,507 by the Comptroller General, and \$4,218,000 by the Department of Justice. There has been referred to the Department of Justice for action \$13,824,000. There has been referred to the General Accounting Office \$6,947,000. There has been covered in other adjustments by claims board \$5,892,000. Amount pending investigation or adjustment, \$10,657,000. Now the report says that the Finance Department has recovered \$2,700,000, which was covered into the Treasury. The Air Service has covered in \$280,000, and that by the Comptroller General was \$578,000, and \$4,218,000 by the Department of Justice. Now, the item that the gentleman from Virginia referred to of \$5,892,000 was not a cash item, but was an offset to counterclaims covered in the Court of Claims to be taken into consideration by the court in the adjustment of claims. There was no intention of trying to cover that into the Treasury, and for that reason I believe we are entirely justified here in retaining this item in this bill. And they contend at the end of this year they will practically have completed the audit of these claims in this department.

The part of this bill I want to discuss with you at the present time is with reference to the river and harbor item. The item in the bill is for the amount carried in the Budget estimate. It is the contention of the War Department that carrying out their contracts which they have now entered into, that they will be able to proceed to the next time an appropriation will be available; that under this bill at the present rate of four and a half to five millions per month they can carry on the present program to its completion, and they have plenty of funds to carry it on until the next appropriation becomes available. It seems to me that there are several phases of this item that we want to consider. It was in the last Congress that we practically said in this country that we are going to stand by river and harbor improvements and make every effort to put navigation on our rivers and our harbors. I think one of the interesting facts which was developed in the hearings on this bill was the particular fact that where we have our harbors best improved there we get the best return for the least money in public expenditure. I have reference to the Great Lakes, and if you will turn to page 1514 of the hearings on the nonmilitary part of this bill you will find at the bottom of that page the return per ton per dollar is there estimated:

	Total commerce (tons).	Ton cost average.	
		Improvement.	Maintenance.
Principal seacoast harbors.....	267,386,342	\$0.015	\$0.022
Secondary harbors and coastwise channels.....	26,379,955	.104	.089
Lake harbors and channels.....	280,541,933	.002	.008
Principal rivers.....	33,015,071.66	.346	.058
Secondary rivers.....	6,637,116	.017	.158

So that where you find our harbors are best improved, it is in the section of the Great Lakes. There the Government expenditures are the least per ton of any place in all our waterway system. In that connection I want to suggest to the House that we are now spending about \$6,000,000 in the harbor of New York.

Mr. MORTON D. HULL. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON of Iowa. Yes.

Mr. MORTON D. HULL. What do you mean by return per ton?

Mr. DICKINSON of Iowa. The Government is paying out for improvements and dredging so much money, and in return there are so many tons of commerce carried on that particular river or in that particular harbor.

Mr. MORTON D. HULL. Is it the proportion of the appropriation to the business done in the harbor per ton of vessel capacity?

Mr. DICKINSON of Iowa. Absolutely.

Now there is one phase developed here that I think will be of interest to the gentlemen from New York. We find there is about \$6,000,000 in this bill for the improvement of New York Harbor and the subsidiaries of New York Harbor. In the general discussion there were many questions asked as to who controlled or who had any supervision or had the right to supervise or fix the ton rate in New York Harbor. We had investigations of this matter, and we had the report of the port authorities of New York. We have gone through that carefully, and we do not find that in the expansion of their plan any ar-

range ment has been made by the joint legislatures of New York and New Jersey wherein the Government or anyone else has the right to supervise the tonnage charges on freight carried from one place to another. It seems to me that is a phase of legislation that we ought to go into.

Mr. Chairman, I would like to insert in my remarks a letter received from Mr. Eastman under the date of February 18, 1924, involving this question. I will insert it in my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Following is the letter referred to:

INTERSTATE COMMERCE COMMISSION,
Washington, February 18, 1924.

Hon. L. J. DICKINSON,
House of Representatives.

MY DEAR CONGRESSMAN: At the hearing before the War Department section of the Committee on Appropriations on February 15 you brought to my attention certain matters in connection with transportation charges at New York Harbor. I told you that this commission had under way some investigation of the port situation at New York in connection with the Port of New York Authority, and that I would let you know the nature and status of this proceeding. I find that the facts are these:

Primarily at the suggestion of the Port of New York Authority, a corporate body, we entered an order under date of December 11, 1922, instituting on our own motion an investigation into the plans of such corporation with respect to the betterment of transportation facilities at the port of New York, and to determine what, if any, order in the premises may, or should, be entered by us. I inclose herewith a copy of the order instituting the investigation.

The Port of New York Authority was organized, as will be seen from the inclosed copy of a letter, under treaty entered into between the States of New Jersey and New York, and subsequently approved by the Congress. Broadly speaking, the purpose of the organization is to investigate the needs of the harbor of New York from a transportation standpoint, and to recommend, and effectuate so far as practicable, a plan and system for the improvement of transportation facilities at that port. The inclosed letter gives in detail the various steps taken in the organization of this corporation and sets forth in general terms its plans.

The general scope of the plan which the port authority has in mind, as I understand it, involves the following principles:

"1. That terminal operations within the port district, so far as economically possible, should be unified.

"2. That there should be consolidation of shipments at proper classification points so as to eliminate duplication of effort and inefficient loading of equipment and realize reduction in expenses.

"3. That there should be the most direct routing of commodities so as to avoid centers of congestion, conflicting currents of traffic, and long truck hauls.

"4. That terminal stations established under the comprehensive plan should be union stations, so far as practicable.

"5. That the process of coordinating facilities should, so far as practicable, adapt existing facilities as integral parts of the new system, so as to avoid needless destruction of existing capital investment and reduce, to far as may be possible, the requirements for new capital; and that endeavor should be made to obtain the consent of local municipalities within the port district for the coordination of their present and contemplated port and terminal facilities with the whole plan.

"6. That freight from all railroads should be brought to all parts of the port wherever practicable without breaking bulk, this necessitating tunnel connection between New Jersey and Long Island, and tunnel or bridge connections between other parts of the port.

"7. That there should be urged upon the Federal authorities improvement of channels so as to give access for that type of water-borne commerce adapted to the various forms of development which the respective shore fronts and adjacent lands of the port best lend themselves to.

"8. The highways for motor-truck traffic should be laid out so as to permit the most efficient interrelation between terminals, piers, and industrial establishments not equipped with railroad sidings and for the distribution of building materials and many other commodities which must be handled by truck, these highways to connect with existing or projected bridges, tunnels, and ferries.

"9. That definite methods for prompt relief should be devised which can be applied for the better coordination and operation of existing facilities while larger and more comprehensive plans for future development are being carried out."

(The foregoing was taken from a publication quoting from a statement of counsel for the port authority made at the hearing.)

The comprehensive plan, so called, of the port authority was submitted to the two State legislatures and received their approval. The port authority was empowered, to the extent that the States could empower it, to proceed with the effectuation of its plan. Since it involved matters over which the Federal Government had control, the plan was submitted to the Congress, and by joint resolution consent was given to the carrying out of such plan, subject to existing Federal laws and Federal agencies.

The legislative act authorizing the port authority to proceed toward the accomplishment of the plan emphasized the point that such progress should be made as might be found to be "economically practicable."

The port authority had determined that the step most practicable at the present time is the unification of Belt Line No. 18, so called, in its comprehensive plan, which at present consists of the rails of several carriers extending from about Edgewater, N. J., on the north to Bayonne and Constable Hook on the south. Hearings were held under the order of investigation jointly with the port authority and testimony was presented by engineers of the latter and by the railroads with a view to determinations (1) on the part of the port authority, whether the plan was "economically practicable," and (2) on the part of this commission, whether under the interstate commerce act any action is warranted or necessary on our part. The hearings were conducted by division 5 of the commission. At the conclusion of the second hearing the chairman of the division recommended that the carriers and port authority appoint a joint committee to see whether plans acceptable to all concerned can not be worked out. We are now, I believe, awaiting a report from this committee.

I do not understand that there is any special act of Congress giving us jurisdiction over the work of the port authority. Such jurisdiction as we have is embraced in the interstate commerce act, and it appears that there has already developed a difference of opinion among the parties to the proceeding as to whether or not we have any authority in the premises.

I am inclined to think that the proceeding which I have described above does not cover the matters which you had in mind. If you will let me know just what these are, I shall be glad to procure any further information that is available.

Very truly yours,

JOSEPH B. EASTMAN, Commissioner.

Mr. DICKINSON of Iowa. It seems to me that with the vast tonnage going through New York Harbor and the vast tonnage that they have there, plans should be worked out by which that tonnage may be advanced, and we have various plans in this report prepared by the authorities and we ought to have some means devised by legislation whereby the consumer and the shipper can be protected by having those charges supervised and to see that they are not excessive.

Another phase of this bill is the question of improvement of the barge system maintained both on the Mississippi River and on the Warrior River. Both of these systems have run at a loss, but I believe that the Government is warranted in continuing the experiment. Why? Because it exerts a certain influence on freight rates, in the first place, and in the second place it is gradually developing into a successful operation.

Mr. HILL of Maryland. Mr. Chairman, will the gentleman yield there for a question?

Mr. DICKINSON of Iowa. Yes.

Mr. HILL of Maryland. I would like to ask the gentleman a question about the Warrior River. Does he think the Warrior River project will ever develop into a real carrying project with benefit?

Mr. DICKINSON of Iowa. Yes; and I think the reason it is not successful at the present time is very apparent. The Warrior River has at the upper end the Birmingham mines, a great coal deposit up there. That coal is carried down the Warrior River and is distributed through the South. The fact that the barge system on the Warrior River is not successful at the present time is, in my judgment, due to the fact that they have not the proper kind of equipment in order to carry that traffic. Their equipment was the equipment left over as the result of war experiments. It is not adapted to that purpose. I do not know whether they will be able to dredge out the river so that they can carry this size of barges, but if they make a channel with the proper width and depth there is no reason why that traffic should not be carried.

Now, many say, "Why do they not run the barge system at a profit on the Mississippi River?" At the present time it is due primarily to the fact that they have a stretch of river near Memphis where they have had trouble all the season to maintain the channel on account of the accumulation of sand. They have at Cairo another section where they are asking for a little additional money this year in order to maintain that system. I believe that between St. Louis and St. Paul they are going to be able to maintain a shallow barge system that will success-

fully carry traffic up and down the Mississippi River. I know this has been a dream of many years. All the old packet boats have been driven off the Mississippi River. Why? We have passed through the era of railroad development. We must now seek a more economical means of transportation. We have got to go back to the old system provided by the Maker when He made this country, and we must take advantage of some of the waterways that we have here in order to economize in transportation. It seems to me this is important and that we should be able to develop that river so that it will carry traffic and carry it on schedule. With the establishment of the Henry Ford distributing point at Minneapolis and St. Paul they are going to put on a set of barges that will run in shallow water between St. Louis and St. Paul. However, we have been dealing with this barge traffic only a short time. Some of the barges seem to be too large to make the turns in the river, and for that reason there are a great many of these phases that have to be gradually worked out, and I believe they will be successfully worked out in the near future. I take it that the committee will approve the item for the improvement of river and harbors.

Now, there are increased items in this bill; they are liberal, too.

One of them to increase the fortifications of the Panama Canal and the Hawaiian Islands, and the other to increase the number of horses and mules in the Army.

We have had a good bit of discussion about these two items. Now, first, as to the big guns to protect the mouth of the Panama Canal on both the Pacific and Atlantic side. There were some on the committee who thought we ought to put in only two, one on each side, one on the Pacific side and one on the Atlantic side, while there were others who thought we ought to put in four. Those in favor of the four had the larger number of votes, and for that reason four are provided for in the bill.

I believe the Panama Canal is becoming immensely important to this country and, of course, it should be properly protected. I was one of those who thought that two guns would be sufficient, but we have the guns on hand and the matter of their installation is not of sufficient financial importance to prevent their installation, and for that reason I shall make no effort to try to reduce the amount which is carried for this additional equipment for the Panama Canal.

Mr. BARBOUR. Will the gentleman yield?

Mr. DICKINSON of Iowa. Yes.

Mr. BARBOUR. It was also brought out, as I recall, that the relative cost of installing the four guns would be relatively less than that of installing two guns; that is, the relative cost.

Mr. DICKINSON of Iowa. Yes; for the reason that it is necessary to build railroad tracks and make the necessary preparations to put in one gun and that you can use the same equipment for the second gun.

Mr. BARBOUR. That is the idea.

Mr. HULL of Iowa. Will the gentleman yield?

Mr. DICKINSON of Iowa. Yes.

Mr. HULL of Iowa. This is to be a fixed fortification, is it not?

Mr. DICKINSON of Iowa. Yes.

Mr. HULL of Iowa. And it is to be placed as high as we can place it and so it will be easily hit.

Mr. DICKINSON of Iowa. Oh, no; it is not to be placed in a high altitude, as I understand it.

Mr. HULL of Iowa. But it is to be placed on the highest place that can be found there, is it not? That is, the land on which it is to be placed is the highest to be found there?

Mr. DICKINSON of Iowa. That is not my understanding.

The CHAIRMAN. The time of the gentleman has expired and all time has expired. The Clerk will read the bill.

The Clerk read as follows:

CONTINGENCIES OF THE ARMY.

For all contingent expenses of the Army not otherwise provided for and embracing all branches of the military service, including the office of the Chief of Staff; for all emergencies and extraordinary expenses, including the employment of translators and exclusive of all other personal services in the War Department or any of its subordinate bureaus or offices in the District of Columbia, or in the Army at large, but impossible to be anticipated or classified; to be expended on the approval or authority of the Secretary of War, and for such purposes as he may deem proper, \$68,540: *Provided*, That not to exceed \$49,040 of the money herein appropriated shall be expended for the payment of salaries of civilian employees connected with the sale of war supplies and the adjustment of war contracts and claims: *Provided further*, That none of the funds appropriated in this act shall be used for the payment of expenses connected with the transfer of surplus property of the War Department to any other activity of the Government where the articles or lots of articles to be transferred are located at any place at which the

total surplus quantities of the same commodity are so small that their transfer would not, in the opinion of the Secretary of War, be economical: *Provided further*, That the amount expended or obligated for advertising sales of surplus War Department property during the fiscal year 1925 shall not exceed \$50,000.

Mr. JOHNSON of Kentucky rose.

The CHAIRMAN. For what purpose does the gentleman from Kentucky rise?

Mr. JOHNSON of Kentucky. I wish to make a motion to strike out the last word for the purpose of asking unanimous consent to insert an explanation in the Record.

The CHAIRMAN. The Chair will recognize the gentleman for that purpose.

Mr. JOHNSON of Kentucky. Mr. Chairman, the other day, in my remarks on this bill, I stated that there had been a very unnecessary duplication of work relative to the making of maps. Colonel Naylor came over to my office this morning to see me and said that there was a misunderstanding about the matter because of unexplained conflicting testimony between himself and General Smith, who is out in Kansas. I believe the explanation is satisfactory, as offered by Colonel Naylor, and I wish to insert his analysis of it in the Record for the purpose of clearing up whatever conflict of testimony there may be between them.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to extend his remarks in the Record in the manner indicated by him. Is there objection? [After a pause.] The Chair hears none.

The matter referred to follows:

The principal function of the map section of the Military Intelligence Division is the preparation and distribution of maps of foreign countries not produced by any other department of the Government. No map is produced that can be obtained from any other Government department. In the preparation of these maps the major part of the work consists in the accumulation of the data and the extending of it by experienced draftsmen on the tracings from which maps are subsequently run off. In nearly all cases it takes months of intensive work by these draftsmen in preparing these tracings. Due to the fact that there is no printing plant directly under the Military Intelligence Division call is made upon the engineering lithographing plant at Washington Barracks, and on occasion the Geological Survey, which also has a printing plant, to go through the mechanical process of running off the map on their presses when once the Military Intelligence Division has prepared the necessary tracings. These plants are reimbursed for the cost. If the Military Intelligence Division had a printing plant it could do this itself. No calls are made upon any other department of the Government for maps of this kind.

In order to prevent a duplication, when maps are called for of continental United States or the insular possessions, the request is referred to the appropriate department providing them.

The Military Intelligence Division also furnishes the necessary foreign maps for the course at the Army War College. The map section of the Military Intelligence Division has quite an extensive photographic plant so that it can make its own photographic copies and does not have to call upon other departments of the Government the same as in the case of printing of maps.

It has actually distributed maps of its own compilation or photographic copies of maps which could not be procured from any other source during the period of the fiscal year 1922-23, plus four months, approximately 30,000 copies, and foreign prepared maps for which it is the sole source, 9,763 copies.

Mr. REECE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. REECE: Page 5, line 1, strike out the figures "\$68,540" and insert "\$63,540: *Provided*, That the Secretary of War be, and he is hereby, directed and authorized to transfer to the Department of Agriculture for use in improvement of highways and roads the following war materials, equipment, and machinery out of the reserve stocks, to wit: Fifteen hundred 5-ton caterpillar tractors, with tools and spare parts; 5,000 motor trucks, 1 to 5-ton capacity, and 500 ordnance mobile machine-shop trucks, with tools and spare parts."

Mr. DICKINSON of Iowa. Mr. Chairman, I reserve a point of order against the amendment.

Mr. REECE. Mr. Chairman, I would prefer that the gentleman make his point of order.

Mr. DICKINSON of Iowa. I make the point of order on the ground that it is legislation and that legislation of this kind should go to the proper committee and not be put on an appropriation bill on the floor of the House.

Mr. REECE. Mr. Chairman, the Chair will notice that the amendment limits the appropriation, reducing it from \$48,540 to \$63,540, and in order to do that I have provided in the amendment that the War Department turn over certain surplus war material, which they are now holding in reserve as surplus, to the Department of Agriculture to be used for road-building purposes.

In order to store this material, which is being held as surplus, it is, of course, necessary that certain employees be paid by the department to take care of it; storage must be paid for and men must be kept on the pay roll in order to go out and turn over the motors in the trucks and tractors so as to keep them from jamming up with rust. By turning this material over to the Department of Agriculture and putting it into use we are thereby able to reduce the appropriation and, in my judgment, it seems to be a limitation.

Mr. TAYLOR of Tennessee. Will the gentleman yield?

Mr. REECE. Yes.

Mr. TAYLOR of Tennessee. Where is this surplus war material stored at this time?

Mr. REECE. It is stored at various Army camps throughout the country and in practically all sections of the country. A number of the trucks are stored at Camp Holabird, and I have here pictures of the trucks showing some of them sitting out in the weather. They are deteriorating very rapidly, in fact. The wooden parts of the trucks are practically all gone and only the metal parts remain; but still they are valuable to the Department of Agriculture for road-building purposes, because the wooden parts can be restored.

Mr. TAYLOR of Tennessee. Is there any objection on the part of the War Department to allowing these trucks to be transferred and used by the road bureau of the Agricultural Department?

Mr. REECE. I might say to my colleague that the War Department heretofore has been given authorization to turn over certain surplus war material; but they have done so with reluctance, it seems, and they insist on holding a large quantity of this machinery in storage. This amendment not only authorizes but directs the Secretary of War to turn it over.

Mr. McKENZIE. Will the gentleman yield?

Mr. REECE. Yes.

Mr. McKENZIE. Of course, we understand there is a law now providing that where the Army or the War Department declares certain of these articles surplus they are turned over to the Department of Agriculture. I think I understand my colleague's position, and there is some force in what he has said, that we have very large reserves, and the purpose of his amendment is to undertake to go into those reserves and require them to declare the reserves surplus, or a part of them, and then they would be allotted to the Department of Agriculture.

Mr. HILL of Maryland. Will the gentleman yield for a question?

Mr. REECE. Yes, sir.

Mr. HILL of Maryland. I would like to ask the gentleman from Tennessee if it is not a fact that the representative of the War Department who appeared recently at a hearing before the gentleman's committee, the Committee on Military Affairs, in reference to a bill of the same tenor as the amendment which the gentleman offers, did not state that none of the proposed material was surplus but all of it would be needed in case of a national emergency?

Mr. REECE. If I remember correctly, he stated that they had in reserve the quantity of material provided for in this amendment. He said, however, that these caterpillar tractors and machine-shop units were being held in reserve possibly to be distributed to certain reserve units provided for in the national defense act. But I might add that these tractors are rapidly becoming obsolete. Since these tractors were manufactured there have been several new designs that have come out, and if I am advised correctly the War Department has recently given an order for the purchase of 20 new 5-ton caterpillar tractors because of the fact that these others are obsolete.

Mr. DICKINSON of Iowa. Mr. Chairman, I would like to suggest that all this is with reference to the merits of the amendment and not to the point of order. My point of order is that it is not germane and that it is legislation. If it is germane, then we are willing to discuss the merits of the amendment.

The CHAIRMAN. The Chair understands it is claimed to be in order under the Holman rule, and the Chair understood it was being discussed along that line, as to whether it was a retrenchment.

Mr. REECE. That is correct, Mr. Chairman. I was attempting to bring out the point that by making certain dispositions

of this material we would be able to reduce the expenditures provided in the bill.

Mr. HILL of Maryland. Mr. Chairman, a parliamentary inquiry on the point of order.

The CHAIRMAN. The gentleman will state it.

Mr. HILL of Maryland. On what expenditure is the proposed amendment intended to be a limitation? I submit it is not a limitation but is entirely new legislation.

Mr. CARTER. The gentleman does not claim it is a limitation. The gentleman claims it is in order under the Holman rule.

Mr. REECE. If I may add, certain parts of the appropriation provided for in this section must of necessity go to the upkeep of this material.

Mr. DICKINSON of Iowa. No; Mr. Chairman, there is nothing on the face of this bill that shows that tractors are kept or that the officials employed under this item have to do with taking care of tractors, and that being the case I contend it does not come within the purview of the Holman rule at all.

Mr. CRISP. Has the Chair made up his mind on the proposition?

The CHAIRMAN. The Chair would like very much to hear the gentleman from Georgia. The Chair was looking up some of the decisions in connection with the argument on the point of order.

Mr. CRISP. Mr. Chairman, I knew nothing of this amendment until the gentleman from Tennessee offered it and it was read at the clerk's desk, but from the reading of it, I was convinced that the gentleman had offered it to come within the purview of the Holman rule. Under our rules no legislation is in order on an appropriation bill unless it comes within the Holman rule, which provides that legislation is in order provided it reduces the number of employees of the Government or if it reduces the number of salaries or if it retrenches expenditures.

Mr. DICKINSON of Iowa. Will the gentleman yield?

Mr. CRISP. Yes.

Mr. DICKINSON of Iowa. Can that be presumed or be a matter of conjecture, or must it show?

Mr. CRISP. It must be apparent, and as I caught the reading of this amendment it shows that on its face. This amendment as read reduces the appropriation covered in the bill from \$68,000 to \$63,000, which shows on its face a reduction of the money appropriated and covered by the bill of \$5,000, which clearly, so far as that reduction is concerned, comes within the Holman rule. The question now arises as to whether the legislation is necessary and germane and, as a direct result, following and connected up with the reduction.

The CHAIRMAN. The Chair would like to hear the gentleman on that very point.

Mr. CRISP. I was coming to that. I was stating the rule. I am not familiar with this bill, and to be perfectly frank, I do not know what item in the bill it is offered to, but I asked the gentleman from Tennessee [Mr. REECE] a moment ago if his amendment was offered to the item in the bill that covered the taking care of these tractors, automobiles, and so forth, that are dealt with in the amendment, proposed to be turned over to the State highways departments, and he said it was.

Mr. REECE. Will the gentleman yield?

Mr. CRISP. Yes.

Mr. REECE. I might call the gentleman's attention to another proviso, a little further down in this section, which provides "that none of the funds appropriated in this act shall be used for the payment of expenses connected with the transfer of surplus property of the War Department to any other activity of the Government," showing that it is contemplated in this measure that probably certain material may be transferred.

Mr. CRISP. I count myself happy in having a gentleman in the chair who is familiar with the military activities and familiar with the various appropriations and bureaus of the War Department, because for many years he was a very able and efficient member of the Military Affairs Committee.

If the amendment is offered to an appropriation in the bill that deals with the maintenance and care of this property that is provided to be turned over to the highway departments, tractors, trucks, and so forth, then, Mr. Speaker, the legislation is germane and necessarily connected up and follows with the reduction, because if you dispose of 1,500 tractors and a number of trucks naturally the expense of maintenance and caring for them is less than it would be if the Government retained them.

Therefore, you can consistently, legitimately, and logically reduce the amount of the appropriations provided for care and maintenance. If that is true—and I am frank to say I

am not familiar with the items in the bill—then it seems to me clearly the amendment is in order under the Holman rule, because it reduces expenses and the legislation proposed is directly connected up with the reduction.

The CHAIRMAN. Let the Chair get at the facts. This appropriation of \$68,540 is carried in the appropriation bill:

For all contingent expenses of the Army not otherwise provided for and embracing all branches of the military service, including the office of the Chief of Staff; for all emergencies and extraordinary expenses, including the employment of translators and exclusive of all other personal services in the War Department or any of its subordinate bureaus or offices in the District of Columbia, or in the Army at large, but impossible to be anticipated or classified; to be expended on the approval or authority of the Secretary of War, and for such purposes as he may deem proper.

That is rather general in its terms.

Mr. ANTHONY. None of the money appropriated goes to the upkeep and care of these articles that the gentleman from Tennessee is seeking to turn over from one department to another, and so it is apparent to me that it would not reduce this item by one cent.

Mr. REECE. Will the gentleman state what provision in the bill does provide for the upkeep of this material?

Mr. ANTHONY. I think one of the ordnance items a little further on.

Mr. REECE. I have examined the bill carefully and I do not see where an appropriation of this kind could be used. In the previous Army appropriation bill the question has arisen under this same section. You have a further proviso relating to surplus material—

Mr. ANTHONY. That is in regard to the transfer of material heretofore authorized, and was placed there so that the Secretary of War would not be called upon to use money for contingent purposes.

Mr. REECE. The money must be provided in the bill somewhere for this expense to which I refer. I have examined the bill carefully in its various sections and I can not find it.

Mr. ANTHONY. The only item I can think of is the item for the care of ordnance material.

Mr. REECE. Some of this is in the quartermaster department.

Mr. ANTHONY. Then the item with reference to transportation covers it.

Mr. REECE. But a part does not come under the item of transportation.

The CHAIRMAN. The Chair is ready to rule. The Chair has no hesitation as to the principle of parliamentary law applicable here, which has been so very clearly stated by the gentleman from Georgia [Mr. Criss]. The only difficulty is in the application of those principles and the rules to the facts in the case. This seems to be an appropriation for contingent expenses of the Army. The present occupant of the chair has some familiarity with appropriations for contingent expenses for the different departments of the Government, and especially with contingent expenses of the Army. Having that knowledge it seems to the Chair that it would be straining a point to assume that any of the expenses referred to would come out of this particular appropriation. Of course, if the appropriation does not relate to the same subject as the legislation proposed in the amendment, as the gentleman from Georgia has said, it would not be in order under the Holman rule.

Mr. REECE. Will the Chairman, or the chairman of the subcommittee state what section does provide for this upkeep?

The CHAIRMAN. It is not the province of the Chair to furnish this character of information but it seems that the gentleman from Kansas has indicated at least two places in the bill where the upkeep of the property referred to may be provided for. It seems to the Chair clear that the expense of the upkeep of this material is not paid from this particular appropriation. The proposed legislation apparently does not relate to the appropriation item in the bill to which it is offered as an amendment and therefore is not in order under the Holman rule. The Chair sustains the point of order.

Mr. WAINWRIGHT. Mr. Chairman, I move to strike out the last word. On Saturday last there was considerable criticism of auctioneers' fees in the sale of surplus material and the methods of advertising. It is generally recognized that the auction method is probably the wisest way in which to dispose of surplus property, and particularly during the last two and a half years that method has been as far as possible employed. That has resulted undoubtedly in better prices than could otherwise have been secured. I think that can be reasonably established. I think it will be agreed that if the Government is going into commercial business it must adopt some-

what commercial practices. The impression was given here that the auction sales of Government material involved merely the auctioneers standing upon an auction block and calling out in the familiar way, but that creates a false impression.

The auctioneering of these materials involves a very elaborate process. The auctioneer must have an elaborate organization. He must employ numerous persons, and it requires two or three weeks before the auction sales that they shall attend at the place where the sale is to be held for the purpose of classifying, sorting, and tagging the property.

Mr. DOWELL. Will the gentleman yield?

Mr. WAINWRIGHT. I will, but I have only five minutes.

Mr. DOWELL. Does the gentleman think the prices for auctioneering this material are reasonable?

Mr. WAINWRIGHT. I do; and I am coming to that if the gentleman will permit me to continue.

Mr. JOHNSON of Kentucky. Will the gentleman yield?

Mr. WAINWRIGHT. Yes.

Mr. JOHNSON of Kentucky. May I ask the gentleman whether or not any part of these sales came under his immediate attention or control at the time he was serving as Assistant Secretary of War?

Mr. WAINWRIGHT. Yes, they did, they came under my general jurisdiction. I can not profess to a very great familiarity with the details of the matter.

Mr. DOWELL. Mr. Chairman, may I ask the gentleman one other question. I shall try to have the gentleman get further time. I think this question ought to be gone into. The gentleman was assistant Secretary of War, and ought to be familiar with it, and the gentleman was there in the War Department when they were paying what I think are exorbitant prices for auctioneers.

Mr. WAINWRIGHT. Well, I have given way for a question and not for a statement.

Mr. DOWELL. I want to find out about that.

Mr. WAINWRIGHT. I think I can disabuse the gentleman's mind of that impression.

Mr. DOWELL. I do not think the gentleman can, so far as the price is concerned. Was any effort made aside from these organizations the gentleman has referred to, to sell this property at reasonable prices by persons who were in the business and who would do it for a reasonable compensation?

Mr. WAINWRIGHT. All the effort to sell this property by negotiated sale or even by offers on sealed bids were not satisfactory. They led to dissatisfaction upon the part of the buyers generally. It was finally determined that the only way, the proper way, to merchandise this property was to put it up on the auction block so that everybody in the world could have an opportunity to purchase it.

Mr. DOWELL. I would like to ask the gentleman one further question. By putting it on the auction block the gentleman does not mean that they would want to pay the man who auctions it off an unreasonable price simply because he was selling at auction.

Mr. WAINWRIGHT. By no means. That question answers itself. All I say is this, that if the Government goes into the commercial business, and certainly the disposal of these great blocks of material involve a great business transaction—

Mr. WURZBACH. Mr. Chairman, will the gentleman yield?

Mr. WAINWRIGHT. Yes.

Mr. WURZBACH. Is it not a fact that a great deal of the surplus property had been sold by private negotiations shortly after the present Secretary of War was appointed?

Mr. WAINWRIGHT. Before the present administration I think the method of sale by sealed bids or negotiations was very much more liberally followed than it has been under the present administration. There were some few sales by that method in the early part of this administration, but latterly wherever possible the auction method has been pursued.

Mr. WURZBACH. Is it not a fact that complaints were made in respect to the methods of sale by private negotiation?

Mr. WAINWRIGHT. I hope the committee will not tie me down to the five-minute limitation if all these questions are to be asked.

Mr. WURZBACH. I do not want to take the gentleman's time.

Mr. WAINWRIGHT. The total fees involved in the criticism amounted to \$1,188,760. These fees related to sales which produced gross receipts amounting to \$74,984,942.12. A little figuring will show that that represents an expense of 1.59 for the auctioneer. I have been reliably informed that many of these auctioneers have to pay in necessary expenses of sale that fall upon them up to 70 per cent of the amount of their fees. Assuming that it is 50 per cent, then the total net re-

turns of the auctioneers would be about three-quarters of 1 per cent. It is my understanding that the average rate paid to auctioneers for merchandising this class of property—and I am now referring to the merchandise sale particularly—range from 5 per cent to 10 per cent, depending on the locality, custom, or the law in force.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. CRISP. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for 10 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. ROGERS of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. WAINWRIGHT. Yes.

Mr. ROGERS of Massachusetts. I want to know whether this statement in the remarks of the gentleman from Kentucky on Saturday last is correct:

The testimony showed that the auctioneer did not pay for the advertising nor for any other expense incident to the sale. The compensation allowed the auctioneer in every instance was merely for saying, "How much am I offered for this piece of property?"

Mr. WAINWRIGHT. Oh, that gives an entirely wrong impression. It is quite incorrect.

Mr. JOHNSON of Kentucky. If the gentleman will pardon me right there, my declaration upon that subject is based on what the Director of Sales testified to before the committee.

Mr. WAINWRIGHT. Then I say to the gentleman that either the Director of Sales was in error or the gentleman from Kentucky misunderstood him, because the expense of printing these catalogues, some of them running up to \$15,000, which are sent all over the country, and the expenses I have described, preliminary to the sale, having people out through the crowd during the sale, the checkers, the recorders during the sale, the bookkeepers, amounted to a very considerable sum. I venture to say that at one large auction sale at the Brooklyn base the auctioneer would have a personnel of 75, whose compensation would have to come out of his fee.

Mr. JOHNSON of Kentucky. And how many million dollars would that help amount to?

Mr. WAINWRIGHT. Take it in this way: On the total of \$1,188,000, if the expense is 50 per cent, it would be 50 per cent of \$1,188,000.

Mr. HILL of Maryland. Mr. Chairman, will the gentleman yield?

Mr. WAINWRIGHT. Yes.

Mr. HILL of Maryland. I have just received a letter from Mr. Fox together with a statement. I know nothing about the matter. The gentleman does know about it. After the gentleman concludes, I shall ask permission to read this letter and this statement.

Mr. WAINWRIGHT. The committee will notice that I am attempting to proceed as rapidly as possible, and I trust that they will indulge me until I get through. On the low rate paid it is a fact that many of the auctioneers in the larger places declined to take this business because the fee is less than the customary fee which they receive. I have in mind at least two cases of that kind. I know one case where a well-known auctioneer in New York City, probably the best-known auctioneer of real estate, declined one of these auction sales upon the ground that the return was so much less than his customary fee.

Mr. JOHNSON of Kentucky. Does the gentleman know how much the sale will realize, that particular sale?

Mr. WAINWRIGHT. I could not say; I do not recall. It was somewhat within this scale, I think. I will say to the gentleman that the rate on real estate, as I recall—I have not the figures for that—was very little more than the rate on merchandise. Now, the scale on merchandise, in the disposition of this vast amount of Army material, was established about two years ago and was about this: 6½ per cent on the first \$25,000, 2 per cent on the next \$25,000, 1½ per cent on the next, and 1 per cent on the next \$50,000, a quarter per cent on the next \$75,000, and a quarter per cent on all over \$200,000. The average auction sale on merchandise would yield about \$250,000, and the maximum gross fee, \$3,500, was 1½ per cent upon the total, and on a million-dollar sale at this rate the total fee would be \$5,375, or a per cent of 0.5375.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. WAINWRIGHT. I will.

Mr. NEWTON of Minnesota. The figures the gentleman has given in reference to the fees paid these auctioneers, can the gentleman inform the committee just how this compares with what are paid in civil life to an auctioneer?

Mr. WAINWRIGHT. I thought I had stated that they are very much less.

Mr. NEWTON of Minnesota. I did not hear the gentleman.

Mr. WAINWRIGHT. The elements of cost involved in these auction sales are very much less than would occur in commercial practice.

Mr. BYRNS of Tennessee. Of course the gentleman takes into consideration that in this class of sales they are usually sold in bulk, so to speak.

Mr. WAINWRIGHT. No.

Mr. BYRNS of Tennessee. And not to be put on the same plane as auction sales held in stores and things of that sort?

Mr. WAINWRIGHT. I beg the gentleman's pardon, they send out a catalogue giving the sales, a pamphlet of some 50 or 60 pages, all classified in lots varying in size, and sometimes these sales take two or three days.

Mr. BYRNS of Tennessee. Is it not a fact that in these sales amounting to millions of dollars that the property was sold in bulk largely, sales amounting to thousands of dollars for each lot?

Mr. WAINWRIGHT. No; I do not think that would be a correct picture of it. That would occur, of course, in a case where the sale was of a large special lot of property offered at sale, but it would not apply at all to a sale by auction where the property is divided up into convenient lots.

Mr. CRISP. Will the gentleman yield for one question?

Mr. WAINWRIGHT. I will.

Mr. CRISP. Were there contracts made with these auctioneers by the Director of Sales?

Mr. WAINWRIGHT. They were made by the War Department—no; my impression and recollection would be that the actual contract was made by the surplus-property officer, or the officer in charge of the surplus-property sales of each of the seven bureaus. Now, to digress just a moment, the actual sale and the responsibility for the sale of surplus material is with each one of those bureaus. In the Quartermaster General's department it is the surplus-property officer, and he conducts the negotiations for the arrangement and makes the contract. The Director of Sales would probably approve of the contract.

Mr. CRISP. Here is what I was anxious to get from my friend, who is a distinguished ex-Assistant Secretary of War, and that is whether these contracts were made by the Director of Sales as a civilian employee or whether or not they were made by an Army officer?

Mr. WAINWRIGHT. That brings up an entirely different matter. There was until just before the commencement of this administration a civilian Director of Sales at a large salary and a civilian personnel involving a large salary list. That was all changed; so that since early in 1921 the whole of this selling function has been in the property officers of the Army in the various departments, and the Director of Sales since then has been an officer of the Regular Army.

Mr. STENGLE. Will the gentleman yield for just a question?

Mr. WAINWRIGHT. I will.

Mr. STENGLE. Will the gentleman explain why in advertising these sales the location was left out and the hour of the sale left out?

Mr. WAINWRIGHT. I recall that was referred to in the remarks. All I can say as to that is there certainly has been no complaint at the War Department that anybody had ever been deprived of the opportunity of purchasing by reason of any failure to give publicity in that regard.

Mr. STENGLE. How could a man go to a sale if he did not know where it was and when it was?

Mr. WAINWRIGHT. Well, the advertisement always plainly stated when catalogues would be furnished; and if anyone was interested in the sale, he could apply for the catalogue, which contained all the information as to time and place. Now, then, the gentleman who made this criticism divided these gross fees into 15 per cent for the last administration and 85 per cent for the present administration. I have had that looked into somewhat, and it works out about this way. The returns show, without any question, on these \$75,000,000 sales, which were not all the sales by any means, \$6,674,871.12 were in the last administration, the auctioneer fees amounting to \$170,193.85, or 2.55 per cent of the gross receipts; \$68,310,071 were in this administration, the commissions being \$1,018,576, or 1.48 per cent.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. HILL of Maryland. Mr. Chairman, I ask unanimous consent that the gentleman be given an additional five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. WAINWRIGHT. Now, with regard to the particular sales referred to by the gentleman from Kentucky [Mr. JOHNSON], I will insert in my remarks a detailed statement as to each.

May I say to the gentlemen of the House that if there is anyone who has any doubt in his mind or any question in regard to these matters, the answers and full information can easily be secured. The disposition of that bureau is to throw its doors wide open to anyone who wishes to inquire into its processes. I say without fear that any reasonable man could not establish it otherwise, that this function of the Government has been as clean as a bound's tooth, and that these processes have been conducted on an efficient plan and to the great advantage of the Government.

Mr. HILL of Maryland. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. WAINWRIGHT. I am not through yet.

Mr. HARRISON. Mr. Chairman, will the gentleman allow me to ask him a question?

Mr. WAINWRIGHT. Yes.

Mr. HARRISON. Is there any difficulty in the War Department about having somebody in the War Department itself conduct these sales?

Mr. WAINWRIGHT. It seems to me the answer is patent. It is not the business of the officers of the Army to do this.

Mr. HARRISON. I am not talking about officers. I mean the civilian employees. Why should we go around with these expensive auctioneers when some employees in the War Department could do the same thing?

Mr. WAINWRIGHT. The difficulty is that it is a highly specialized function. It requires experts, and in dealing with the subject the War Department has been justified in pursuing the course it has.

Mr. ROGERS of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. WAINWRIGHT. Yes.

Mr. ROGERS of Massachusetts. Is it not a fact that only since the beginning of the gentleman's régime in the War Department the auction system embracing the sales system has been restored?

Mr. WAINWRIGHT. No. I will say that the auction method has been the usual method of selling surplus property. It is a fair statement, I think, that formerly negotiated sales and sales upon sealed bids were more usually employed than the sale by public auction.

Mr. SNELL. Has the gentleman brought out in his remarks so far the percentage of cost of sales in the last administration as compared with the former?

Mr. WAINWRIGHT. Yes.

Mr. SNELL. You have that in your statement?

Mr. WAINWRIGHT. Yes.

Mr. STENGLE. Mr. Chairman, will the gentleman yield?

Mr. WAINWRIGHT. Yes.

Mr. STENGLE. Will you not insert in the Record, from the information you have, a list of the papers in which these advertisements appeared, together with their claimed circulation?

Mr. WAINWRIGHT. I will submit that if it is practicable. That, like any other information desired, can be furnished.

Mr. WEFALD. I understood also that these auctioneers paid for the advertising. How did it come to happen that they did not advertise the location of the sale?

Mr. WAINWRIGHT. I think that question has already been asked and answered.

Some question was raised here as to whether these auctioneers had to bear any part of the advertising cost. Most of the advertising is done by the Government, and a small part of the advertising the auctioneer carries. He carries the cost of the putting up of the posters and distribution of the handbills and other matter of that kind that might fairly be classed as advertising.

Now as to this question of advertising, the present arrangement has been in force since 1919, supplementing a previous unsatisfactory system, which was not considered to have afforded purchasers or those who might be interested in this property an opportunity to bid upon it.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. WAINWRIGHT. May I have five minutes more to finish this subject?

The CHAIRMAN. The gentleman asks unanimous consent for five additional minutes. Is there objection?

There was no objection.

Mr. WAINWRIGHT. Now there were three methods open to the Government to handle this advertising. One was to draw experts from the advertising field and place them on the pay roll as Government employees. The salaries required made this impracticable; and besides, had that been done, that expense, according to the practice of the newspapers, would not have been borne or assumed by them. Another plan was to employ an advertising agency, where the usual expense of 15 per cent upon the total advertisement would have been borne by the publication. The objection to that was really raised, as I understand, by the newspapers themselves. The other plan was to permit the newspapers themselves to put in the office of the Director of Sales, or in the sales department, a group of their own people who were skilled advertising people, and pay them themselves; people who could make up the copy and the layout and illustrations and everything that was required, and give the people in the department the benefit of their skill.

Now, that method was adopted and it led to the appointment of what was known as the "surplus property committee," which was appointed by organizations representing about 75 per cent of the newspapers and trade journals of the country. This was a committee that operated entirely without pay, as a sort of co-operative service bureau of the news and trade papers. They selected or appointed these people who had been in the sales office preparing the advertisements. The expenses and salaries of these people were borne by the newspapers through an assessment pro rata upon the newspapers carrying the advertisements, the figuring of the assessments and the collection from the newspapers being carried out by this committee.

Mr. STENGLE. Did that committee fix the space limits of the advertisement, or did the department?

Mr. WAINWRIGHT. Not at all. This committee had nothing to do with the selection of the publications nor with the actual placing of the advertisements and the amount of the space occupied. That has been retained in the control of the officers of the department itself, and I may say has been very jealously guarded.

Now, the result of this system has been a very much lower advertising cost.

It has cost the newspapers themselves less, and the Government has been spared the expense of preparing or writing the advertising copy.

Mr. JOHNSON of Kentucky. Does the gentleman say the Government has not been at any expense in paying for advertising?

Mr. WAINWRIGHT. Oh, not at all. I mean for the expense of this service.

Mr. JOHNSON of Kentucky. What service?

Mr. WAINWRIGHT. Of preparing the advertising matter. The expense of advertising has been, on the whole, about one-half of 1 per cent of the amount of the sales.

Mr. JOHNSON of Kentucky. But did not the arrangement permit a few men to go out and gather \$57,000 for themselves which could have been saved if the Government had placed these advertisements directly in the newspapers?

Mr. WAINWRIGHT. The Government does place them directly in the newspapers.

Mr. JOHNSON of Kentucky. But did not the newspapers pay approximately \$57,000 in order to get these advertisements, when they could have gotten them for nothing?

Mr. WAINWRIGHT. No; I do not think that is a correct statement of that.

Mr. JOHNSON of Kentucky. It is absolutely correct.

Mr. WAINWRIGHT. During the last year, as I recall, the amount was \$38,000. Of course, it has not been a payment by the Government. What the gentleman means is: Why did not the Government prepare these advertisements and assess them against the newspapers? The answer to that is that it is contrary to their practice.

Mr. JOHNSON of Kentucky. But it is a practice about which we are complaining, if the gentleman will permit the suggestion.

Mr. WAINWRIGHT. I will say that the department may be able to get along with the \$50,000 provided in this bill for next year's business, and I believe it can be done within that. This whole arrangement has been so advantageous to the Government, in my judgment, that I should rather hope it would not be changed.

Mr. STENGLE. Will the gentleman yield?

Mr. WAINWRIGHT. Yes.

Mr. STENGLE. Will the gentleman insert in the RECORD, while he is inserting other things, the rate per line per thousand circulation that is to be paid for this wonderful service?

Mr. WAINWRIGHT. I will say to the gentleman that I shall be glad to furnish that information, if it is practicable to do so.

Mr. STENGLE. The reason I ask that is this: Having had some experience in that line, the wonderful service the gentleman refers to as having been brought about by a board that was without the pale of the department has been included in that charge and the Government paid for it.

Mr. WAINWRIGHT. But I submit to any gentleman who has had business experience that an advertising rate of one-half of 1 per cent is a very, very low rate. I am told that the average rate for merchandise advertising runs from 3 per cent to 11 per cent.

Mr. STENGLE. Does the gentleman refer to one-half of 1 per cent per line or of the total sales?

Mr. WAINWRIGHT. I mean on the total sales.

Mr. STENGLE. The gentleman means on the results?

Mr. WAINWRIGHT. Yes.

Mr. STENGLE. But the average advertiser does not guarantee results.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. HILL of Maryland. Mr. Chairman, I rise in opposition to the pro forma amendment.

The CHAIRMAN. The gentleman from Maryland is recognized.

Mr. HILL of Maryland. Mr. Chairman and gentlemen of the committee, we are all entirely in favor of conducting the activities of the War Department at the least possible expense, and I am sure there is no one on this side who less desires to cast imputations of unfairness on any of those who have been working for the Government than the gentleman from Kentucky [Mr. JOHNSON].

I have listened with a great deal of interest to the remarks of the gentleman from New York [Mr. WAINWRIGHT], the former Assistant Secretary of War. I have absolutely no personal knowledge of the matter and I have no personal knowledge of the auctioneers, except that I have known them by reputation in Baltimore for a long time.

I received a few moments ago by mail, sent over from my office, a letter from the auctioneers calling attention to certain points, and I think it is only fair to the House that I take a moment and present those matters. Here is a letter from M. Fox & Sons Co., auctioneers and liquidators, 202 Hearst Tower Building, Baltimore, Md.

Before reading this letter I think it is only fair that the committee should know that the employment of M. Fox & Sons Co., auctioneers, is not a new thing and dating from only a recent administration in the War Department, but that if there is any just criticism of these auctioneers or the system under which they were employed, that criticism should begin back in 1918 and should be made equally in those days if it is proper to be made now.

Back in 1918, on October 14, at Camp Meade (Admiral), Md., these auctioneers had charge of a sale at the remount station, amounting to \$7,294.50, and of which sale Maj. P. F. Meade was in charge. On November 5, 1918, at Camp Dix, Wrightstown, N. J., there was a sale of remount horses, mules, harness, and wagons amounting to \$11,189.50, of which Capt. J. D. Turnham was in charge, and on December 28, 1918, at Camp Meade (Admiral), Md., there was a sale amounting to \$5,704, of which Maj. P. F. Meade was in charge.

I have here a list of the sales which these people have made for the Government, and I ask unanimous consent that I have permission at this point to insert this list of sales in the RECORD for the information of the House, also the letters from the War Department in relation to these sales.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland? [After a pause.] The Chair hears none.

The list referred to follows:

WAR DEPARTMENT,
OFFICE OF THE QUARTERMASTER GENERAL,
Washington, January 30, 1923.

Mr. ROBERT FOX,
213 Courtland Street, Baltimore, Md.

DEAR MR. FOX: I take pleasure in forwarding you this letter to bear testimony of your excellent work in the sale of over 40,000 surplus horses and mules for the United States Army. Your sales started in October, 1918, and have continued to practically the present date. I was personally present at most of the larger sales and can, therefore, state from first-hand knowledge that your work was efficient, thor-

ough, and highly satisfactory, as shown by the prices secured; and that you always had the interest of the Government at heart.

Your acquaintance and personal contact with all the large horse and mule dealers in the East, your extensive mailing list, and your correct system of advertising always insured a large attendance at sales, spirited bidding and, consequently, brought good prices.

Yours sincerely,

C. L. SCOTT,
Major, Quartermaster Corps.

Remount division—Sales for the remount division included horses, mules, harness, and wagons.

Date.	Place of sale.	Amount.	Officer in charge.
1918.			
Oct. 14	Camp Meade, Admiral, Md.	\$7,294.50	Maj. P. F. Meade.
Nov. 5	Camp Dix, Wrightstown, N. J.	11,189.50	Capt. J. D. Turnham.
Dec. 28	Camp Meade, Admiral, Md.	5,704.00	Maj. P. F. Meade.
1919.			
Jan. 3	Camp Dix, Wrightstown, N. J.	6,673.50	Capt. J. D. Turnham.
7	Camp Green, Charlotte, N. C.	339,493.00	Capt. B. R. Whitthorn.
7	Camp Meade, Admiral, Md.	59,359.00	Maj. P. F. Meade.
7	Camp Dix, Wrightstown, N. J.	61,667.50	Capt. J. D. Turnham.
9	Camp Jackson, Columbia, S. C.	13,878.66	Maj. J. R. Valentine.
14	Camp Upton, Yaphank, N. Y.	43,116.00	Capt. J. J. Byrne.
21	Camp Jackson, Columbia, S. C.	103,105.50	Maj. J. R. Valentine.
23	Camp Dix, Wrightstown, N. J.	74,806.50	Capt. J. D. Turnham.
28	Camp Meade, Admiral, Md.	120,190.00	Maj. P. F. Meade.
30	Camp Upton, Yaphank, N. Y.	95,093.50	Capt. J. J. Byrne.
Feb. 5	Camp Dix, Wrightstown, N. J.	81,600.50	Capt. J. D. Turnham.
7	Camp Wadsworth, Spartanburg, S. C.	164,512.00	Capt. P. J. Burdette.
10	Camp Jackson, Columbia, S. C.	152,448.00	Maj. J. R. Valentine.
12	Camp Lee, Petersburg, Va.	215,350.00	Maj. E. G. Cullen.
14	Camp Sevier, Greenville, S. C.	104,260.00	Capt. O. L. Overmeyer.
17	Camp Dix, Wrightstown, N. J.	59,237.00	Capt. J. D. Turnham.
17	Camp Wadsworth, Spartanburg, S. C.	122,000.00	Capt. P. J. Burdette.
19	Camp Green, Charlotte, N. C.	144,918.50	Capt. B. R. Whitthorn.
21	Camp Meade, Admiral, Md.	90,835.00	Maj. P. F. Meade.
28	Camp Wadsworth, Spartanburg, S. C.	67,195.00	Capt. P. J. Burdette.
Mar. 3	Camp Jackson, Columbia, S. C.	195,600.00	Maj. J. R. Valentine.
7	Camp Sevier, Greenville, S. C.	120,524.00	Capt. O. L. Overmeyer.
10	Camp Meade, Admiral, Md.	71,205.50	Maj. P. F. Meade.
10	Camp Jackson, Columbia, S. C.	125,180.50	Lieut. Col. A. E. Wilbourn.
28	Camp Meade, Admiral, Md.	49,880.50	Maj. P. F. Meade.
Apr. 23	Camp Lee, Petersburg, Va.	96,290.00	Maj. E. G. Cullen.
25	Camp Meade, Admiral, Md.	115,685.50	Maj. P. F. Meade.
28	Camp Upton, Yaphank, N. Y.	96,096.00	Capt. J. J. Byrne.
30	Camp Dix, Wrightstown, N. J.	51,625.50	Capt. J. D. Turnham.
May 2	Camp Dovens, Ayer, Mass.	104,868.50	Lieut. Col. C. W. Neal.
June 17	do	13,164.50	Capt. Howard Farmer.
19	Camp Dix, Wrightstown, N. J.	12,254.00	Capt. J. D. Turnham.
21	Camp Meade, Admiral, Md.	15,860.00	Lieut. E. Raschke.
Aug. 11	Camp Dix, Wrightstown, N. J.	95,306.50	Capt. J. D. Turnham.
14	Camp Meade, Admiral, Md.	26,554.50	Lieut. E. Raschke.
18	Camp Upton, Yaphank, N. Y.	133,190.00	Capt. J. J. Byrne.
Sept. 22	Camp Lee, Petersburg, Va.	134,318.60	Lieut. Col. Robert Sterrett.
Oct. 21	Camp Meade, Admiral, Md.	35,221.25	Lieut. H. E. Hagan.
27	Fort Meyer, Fort Meyer, Va.	3,129.50	Maj. W. A. Gray.
Dec. 3	Camp Dix, Wrightstown, N. J.	534.30	Capt. J. D. Turnham.
6	Front Royal, Front Royal, Va.	13,502.50	Maj. M. G. Richardson.
11	Camp Meade, Admiral, Md.	4,357.50	Lieut. H. E. Hagan.
1920.			
Jan. 5	Camp Lee, Petersburg, Va.	45,023.50	Lieut. Col. Robert Sterrett.
May 10	do	17,095.00	Do.
June 28	do	89,212.00	Do.
July 27	do	5,047.50	Do.
Aug. 19	Front Royal, Front Royal, Va.	7,360.50	Capt. L. A. Beard.
Sept. 27	Camp Bragg, Fayetteville, N. C.	4,395.00	Maj. A. M. Reeves.
Oct. 21	Camp Meade, Admiral, Md.	970.40	Lieut. J. T. McKay.
Nov. 23	Camp Dix, Wrightstown, N. J.	26,052.00	Capt. L. Martin.
1921.			
Mar. 22	Camp Meade, Admiral, Md.	7,227.00	Lieut. J. T. McKay.
Apr. 18	Camp Jackson, Columbia, S. C.	30,562.50	Capt. E. Raeder.
July 5	do	3,321.00	Capt. J. W. Timmons, Jr.

Remount division—Sales for the remount division included horses, mules, harness, and wagons—Continued.

Date.	Place of sale.	Amount.	Officer in charge.
1921.			
Aug. 2	Camp Lee, Petersburg, Va.	\$7,648.00	Capt. E. Berg
8	Camp Jackson, Columbia, S. C.	6,206.50	Lieut. Col. S. Coleman.
8	Baritan Arsenal, Meachem, N. J.	2,900.00	Lieut. J. J. Breen.
12	Camp Dix, Wrightstown, N. J.	11,677.00	Capt. J. F. Neu.
22	Camp Jackson, Columbia, S. C.	86,562.00	Lieut. Col. S. Coleman.
26	Camp Meade, Admiral, Md.	78,478.50	Lieut. J. T. McKay.
Sept. 18	Ordnance Reserve Depot, Fig Point, Va.	1,719.00	Capt. Stuart Cooper.
15	do.	1,674.50	(U. S. Navy.)
16	Camp Lee, Petersburg, Va.	2,636.00	Capt. E. Berg.
20	Camp Eustis, Lee Hall, Va.	1,661.00	Capt. J. L. Corbett.
27	Walter Reed Hospital, Washington, D. C.	2,227.50	Capt. J. Van Ness Ingram.
Oct. 18	Army supply base, Norfolk, Va.	2,576.50	Capt. J. L. Slade.
Nov. 17	Camp Meade, Admiral, Md.	9,671.50	Maj. Geo. Luberoff.
21	Camp Jackson, Columbia, S. C.	28,697.00	Maj. John Fawcett.
23	Camp Dix, Wrightstown, N. J.	28,637.50	Maj. Emil Engel.
1922.			
Mar. 6	Army supply base, Norfolk, Va.	2,781.50	Capt. W. M. Pierce.
27	Camp Meade, Admiral, Md.	14,818.00	Lieut. J. T. McKay.
Sept. 29	Army supply base, Norfolk, Va.	1,116.00	Capt. W. M. Pierce.

WAR DEPARTMENT,
OFFICE OF THE QUARTERMASTER GENERAL OF THE ARMY,
Washington, July 13, 1922.

M. Fox & Sons Co.,

213 Courtland Street, Baltimore, Md.

GENTLEMEN: After close observation and personal contact extending over a period of more than one and one-half years in connection with your services as auctioneers at sales of surplus Government property I have no hesitation in stating that your work in that behalf has been capably and efficiently performed.

The manner in which these sales have been conducted by you speak of a high degree of capacity and ability in this field, and the results attained, as evidenced by the prices realized at these auction sales, have been uniformly favorable.

Your dealings with the Government and the purchasing public have been honorable, fair, and impartial, and I unhesitatingly recommend you to anyone needing the services of a successful and high-class auctioneer.

Truly yours,

L. E. HANSON,
Lieutenant Colonel, Quartermaster Corps,
Chief, Surplus Property Division.

Surplus property division—Sales for the surplus property division included a wide range of commodities, such as clothing and equipage, textiles, subsistence, leather and harness, hardware, tools and machinery, electrical equipment and supplies, metals, paints, tobacco, household and office furniture, stationery and office supplies, water transportation material, general supplies, etc.

Date.	Place of sale.	Amount.	Officer in charge.
1920.			
June 11	Quartermaster depot, Baltimore, Md.	\$84,290.00	Maj. A. D. Hughes.
24	Army supply base, Norfolk, Va.	27,303.00	Lieut. Col. G. G. Bailey.
Dec. 2	Colgate Warehouses, Baltimore, Md.	15,246.70	Maj. W. E. Murray.
1921.			
Jan. 19	Army supply base, Brooklyn, N. Y.	169,977.14	Lieut. Col. J. R. Pouria.
Feb. 23	do.	264,892.00	Do.
Mar. 29	Colgate Warehouses, Baltimore, Md.	29,306.50	Maj. J. P. Keeler.
June 28	Army supply base, Norfolk, Va.	117,463.12	Capt. Ed. Berg.
July 1	Army supply base, Keaney, N. J.	83,396.77	Lieut. Col. J. W. Pouria.
28	Quartermaster depot, Philadelphia, Pa.	32,636.22	Maj. Chas. E. Jones.
Aug. 30	Army supply base, Brooklyn, N. Y.	1,266,000.88	Lieut. Col. J. R. Pouria.
Sept. 6	Colgate Warehouse, Baltimore, Md.	26,423.65	Capt. J. H. Dent.
13	Quartermaster depot, Washington, D. C.	15,717.27	Col. H. C. Bonnycastle.
20	General reserve depot, Schenectady, N. Y.	122,225.40	Capt. C. A. Kraus.
Oct. 6	General reserve depot, New Cumberland, Pa.	141,008.08	Col. G. G. Bailey.
11	Quartermaster depot, Pittsburgh, Pa.	65,283.30	Capt. T. R. Maul.
18	Army supply base, Norfolk, Va.	83,662.80	Capt. J. L. Slade.
31	Camp Lee, Petersburg, Va.	112,906.77	Capt. E. Berg.

Surplus property division—Continued.

Date.	Place of sale.	Amount.	Officer in charge.
1921.			
Dec. 15	Army supply base, Brooklyn, N. Y.	\$580,046.65	Lieut. Col. J. W. Pouria.
1922.			
Jan. 5	Colgate Warehouses, Baltimore, Md.	104,721.45	Capt. J. H. Dent.
9	General reserve depot, Schenectady, N. Y.	267,288.18	Capt. C. A. Kraus.
17	General reserve depot, New Cumberland, Pa.	44,067.95	Col. G. G. Bailey.
24	Quartermaster depot, Pittsburgh, Pa.	161,740.50	Capt. T. R. Maul.
Feb. 2	Army supply base, Norfolk, Va.	104,523.36	Capt. L. S. Woods.
8	Quartermaster depot, Washington, D. C.	50,090.13	Lieut. Col. C. O. Zollars.
24	Colgate Warehouse, Baltimore, Md.	20,897.98	Capt. J. H. Dent.
Apr. 10	Army supply base, Norfolk, Va.	89,069.30	Lieut. Col. J. R. Pouria.
25	General reserve depot, Schenectady, N. Y.	247,519.72	Capt. C. A. Kraus.
26	Army supply base, Boston, Mass.	353,927.00	Lieut. Col. Clifford Gama.
May 16	General reserve depot, New Cumberland, Pa.	63,608.54	Lieut. J. B. Joseph.
June 27	Army supply base, Norfolk, Va.	145,078.75	Capt. W. M. Pierce.
July 7	Quartermaster depot, Washington, D. C.	113,484.04	Maj. C. B. Eckels.
27	Camp Holmbird, Baltimore, Md.	4,664.42	Capt. J. L. Shanley.
Aug. 3	General reserve depot, Columbus, Ohio.	1,574.37	Lieut. E. R. Stevens.
9	Army supply base, Brooklyn, N. Y.	1,400,386.02	Col. F. W. Van Duzen.
15	Army supply base, Norfolk, Va.	31,685.81	Capt. W. M. Pierce.
18	Camp Meade, Admiral, Md.	7,530.25	Capt. H. H. Reeves.
Sept. 6	Army supply base, Port Newark, N. J.	46,516.66	Capt. W. E. Cashman.
15	Camp Meade, Admiral, Md.	188,871.08	Capt. H. H. Reeves.
19	Quartermaster depot, Jeffersonville, Ind.	200,474.43	Maj. Jas. D. McKeany.
29	Army supply base, Norfolk, Va.	543,745.85	Capt. L. S. Woods.
Oct. 11	Carlstrom Field, Arcadia, Fla.	21,552.34	Capt. W. R. Maynard.
24	Air intermediate depot, Montgomery, Ala.	7,153.21	Maj. R. S. Brown.
Nov. 2	Army supply base, Norfolk, Va.	83,060.50	Capt. L. S. Woods.
27	do.	8,174.00	Do.
Dec. 8	General reserve depot, New Cumberland, Pa.	140,564.27	Capt. T. J. Powell.
14	Camp Meade, Admiral, Md.	6,443.88	Capt. H. H. Reeves.
1922.			
Jan. 30	Army supply base, Norfolk, Va.	119,677.00	Capt. L. S. Woods.
Mar. 6	Army supply base, Brooklyn, N. Y.	713,463.04	Maj. W. A. McCain.
Apr. 5	Quartermaster depot, Washington, D. C.	32,460.25	Col. H. C. Bonnycastle.
10	General reserve depot, New Cumberland, Pa.	840,806.88	Capt. T. J. Powell.

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF AIR SERVICE,
Washington, December 29, 1922.

To whom it may concern:

"A laborer is worthy of his hire," and when his work is well done he ought to be commended for it. It is in the attitude of employer the material disposal and salvage section of the Army Air Service stands.

M. Fox & Sons, auctioneers, during the past summer conducted a total of seven auction sales of Air Service surplus property, and the section has every desire to express the highest appreciation and thanks for the way in which these sales were conducted by its corps of most efficient and obliging assistants, who gave the Government valuable and conscientious service.

It is, therefore, with much satisfaction the material disposal and salvage section of the Air Service recommend M. Fox & Sons, auctioneers, as being entirely reliable and efficient, and who will discharge with fidelity all sales intrusted to their care.

HARRY GRAHAM,
Lieutenant Colonel, Air Service,
Chief, Material Disposal and Salvage Section.

Air Service—Sales for the Air Service included airplanes, airplane engines, miscellaneous airplane spare parts, metals, veneer, aviators' clothing, tools and machinery, hardware, cloth, chemicals, etc.

Date.	Place of sale.	Amount.	Officer in charge.
1922.			
June 7	Air Service depot, Morriston, Va.	\$45,957.79	Lieut. U. G. Jones.
Aug. 24	Park Field, Millington, Tenn.	17,427.81	Capt. Paul J. Mathis.

Air Service, etc.—Continued.

Date.	Place of sale.	Amount.	Officer in charge.
1922.			
Aug. 29	Souther Field, Americus, Ga.	\$109,969.10	Maj. L. S. Churchill.
Oct. 11	Carlstrom Field, Arcadia, Fla.	17,510.55	Capt. W. R. Maynard.
24	Air Reserve depot, Montgomery, Ala.	25,105.02	Maj. H. S. Brown.
30	Air Reserve depot, Richmond, Va.	146,974.93	Lieut. A. W. Martinstein.
Nov 14	Air Reserve depot, Long Island City, N. Y.	122,199.78	Capt. S. J. Idzorek.
1923.			
Jan. 24	Wilbur Wright Field, Fairfield, Ohio.	44,013.77	Maj. A. W. Robins.
Feb. 6	Air Intermediate depot, Middletown, Pa.	65,041.59	Maj. R. M. Jones.
May 2	Kelly Field, San Antonio, Tex.	22,965.38	Maj. F. D. Lockland.
17	Rockwell Field, San Diego, Calif.	52,218.45	Maj. H. H. Arnold.
June 22	Air Intermediate depot, Middletown, Pa.	35,492.62	Capt. S. J. Idzorek.

WAR DEPARTMENT,
OFFICE OF THE SURGEON GENERAL,
Washington, February 15, 1923.

M. Fox & Sons Co.,

213 St. Paul Place, Baltimore, Md.

GENTLEMEN: Now that we are closing up the sales campaign on medical and hospital supplies, I take this occasion to express to you my appreciation for the excellent results you have obtained in disposing of surplus medical material.

Not only your own efforts but those of your very efficient organization have brought results which are completely satisfactory to all concerned in the disposal of these supplies.

Please accept my best wishes for your continued success, and permit me in closing to again express my deep appreciation for the successful manner in which you have conducted all sales for this office.

Sincerely yours,

S. S. CREIGHTON,

Major, Medical Corps, United States Army.

Medical Department—Sales for the Medical Department included drugs, medicines, chemicals, hospital and sick-room supplies and equipment, instruments and appliances, clothing, etc.

Date.	Place of sale.	Amount.	Officer in charge.
1921.			
June 28	Army supply base, Norfolk, Va.	\$2,202.50	Lieut. C. G. Manning.
July 28	Quartermaster depot, Philadelphia, Pa.	11,777.81	Lieut. W. W. Tobin.
Oct. 27	Army supply base, Brooklyn, N. Y.	68,317.94	Col. F. M. Hartack.
Dec. 9	Quartermaster depot, Philadelphia, Pa.	35,551.74	Lieut. W. W. Tobin.
1922.			
Aug. 15	Army supply base, Norfolk, Va.	2,700.00	Lieut. C. G. Manning.
Oct. 6	do	20,322.75	Do.
11	Carlstrom Field, Arcadia, Fla.	2,700.50	Capt. W. R. Maynard.
Oct. 27	Quartermaster depot, Washington, D. C.	140,396.61	Maj. S. S. Creighton.
Nov. 16	Quartermaster depot, Philadelphia, Pa.	41,547.27	Lieut. J. C. Schwager.
Dec. 8	Quartermaster depot, Washington, D. C.	54,077.65	Maj. S. S. Creighton.
7	General reserve depot, New Cumberland, Pa.	94,380.85	Capt. T. G. Williams.
1923.			
Feb. 1	Army supply base, Brooklyn, N. Y.	294,630.62	Lieut. Col. Carroll D. Buck.
June 28	Quartermaster depot, Washington, D. C.	10,587.51	Maj. S. S. Creighton.

WAR DEPARTMENT,
OFFICE OF CAMP UTILITIES OFFICER,
Camp Abraham Eustis, Va., April 7, 1920.

From: Maj. W. R. Richards, utilities officer, Camp Eustis, Va.

To: M. Fox & Sons Co., Baltimore, Md.

Attention Mr. Robert Fox.

Subject: Sales report.

MY DEAR MR. FOX: I take great pleasure in thanking you for the highly successful manner in which our sale was conducted at this camp yesterday. As this was the first sale of this kind in this locality, the amount realized was in excess of what we expected, the sales totaling \$84,926.50.

The value of the equipment sold yesterday, in my estimation, was in the neighborhood of \$70,000, so the difference realized on this sale was

owing entirely to your efforts and the very successful manner in which the sale was handled.

Any recommendation which I may make in your behalf could not extend to you my appreciation for your efforts in our behalf.

Allow me to again assure you of my highest appreciation to you and all your associates connected with you in the handling of this sale.

Wishing you all the success possible, and I will be very glad if the occasion arises to have you handle another sale for us, I remain,

Yours very truly,

W. R. RICHARDS,

Major, Quartermaster Corps, Utilities Officer.

Salvage division—Salvage material refers to articles worn out and not fit for repair or reconditioning. The scope of commodities under this heading embraced clothing and equipage, leather and harness, machinery, scrap metals, office furniture and equipment, etc.

Date.	Place of sale.	Amount.	Officer in charge.
1921.			
July 19	Camp Lee, Petersburg, Va.	\$4,718.25	Capt. E. Berg.
Sept. 16	do	17,478.80	Do.
20	Camp Meade, Admiral, Md.	52,598.25	Lieut. W. J. Goinsey.
Dec. 19	do	20,965.25	Lieut. J. T. McKay.
1922.			
Jan. 17	General reserve depot, New Cumberland, Pa.	11,897.19	Lieut. J. B. Joseph.
24	Quartermaster depot, Pittsburgh, Pa.	1,347.61	Capt. T. R. Maul.
Mar. 16	Army supply base, Norfolk, Va.	330,791.44	Capt. W. M. Pierce.
Apr. 29	Army supply base, Boston, Mass.	6,440.23	Lieut. Col. Clifford Game.
May 22	Army supply base, Norfolk, Va.	431,857.91	Capt. W. M. Pierce.
26	Camp Meade, Admiral, Md.	28,918.38	Capt. E. E. Bowman.
June 7	Air Service depot, Morrison, Va.	1,198.00	Lieut. U. G. Jones.
Aug. 1	Army supply base, Norfolk, Va.	67,810.25	Capt. H. E. Norton.
18	Camp Meade, Admiral, Md.	17,964.32	Lieut. J. T. McKay.
Sept. 6	Army supply base, Port Newark, N. J.	6,462.27	Capt. W. E. Cashman.
Oct. 6	Army supply base, Norfolk, Va.	112,967.00	Capt. L. S. Woods.
11	Carlstrom Field, Arcadia, Fla.	3,064.10	Capt. W. R. Maynard.
Nov. 11	Ordnance depot, South Amboy, N. J.	5,807.50	Capt. Jos. S. Crase.
2	Army supply base, Norfolk, Va.	0,890.50	Capt. L. S. Woods.
Dec. 14	Camp Meade, Admiral, Md.	17,784.42	Lieut. G. B. Kidwell.
15	Ordnance depot, South Amboy, N. J.	1,533.00	Capt. Jos. S. Crase.
1923.			
Jan. 30	Army supply base, Norfolk, Va.	8,944.50	Capt. L. S. Woods.
Feb. 20	Fort Myer, Va.	10,974.24	Lieut. Chas. E. Elde.
June 30	Army supply base, Norfolk, Va.	6,222.03	Capt. L. F. Page.

SALVAGE BOARD, WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ORDNANCE,
Washington, November 17, 1920.

M. Fox & Sons Co.,

20-26 South Pass Street, Baltimore, Md.

GENTLEMEN: It is the desire of the Ordnance Salvage Board to express its appreciation of the efficient and businesslike manner in which you handled the several auction sales which have been conducted for the disposition of surplus Ordnance property.

There have been innumerable difficulties attendant upon the sales which have been given to you, and the manner in which you have surmounted these difficulties and the efficient and courteous service which you have rendered the Ordnance Department should be a source of much satisfaction to you as it undoubtedly is to the Ordnance Department.

The reports of the results of the auction sales which you have conducted show that you have secured prices which in the majority of cases greatly exceeded the expectations of the Salvage Board representatives.

I wish also to thank you personally not only for the results which you have obtained but for the forbearance and courtesy which you have shown under trying conditions.

You are to be especially commended for the catalogue which you prepared covering the auction sale at Aberdeen Proving Ground on November 11, 1920. It was one of the best that I have ever seen.

It is the hope of the Ordnance Salvage Board that we will be able to continue to make use of your services in the further disposition of surplus property.

Yours very truly,

DWIGHT H. SHURTLEWORTH,

Major, Ordnance Department, United States Army,
Chairman Ordnance Salvage Board.

Ordnance Department—Sales for the Ordnance Department included tools and machinery, electrical supplies and equipment, plumbing fixtures and supplies, office furniture, hardware, metals, etc.

Date.	Place of sale.	Amount.	Officer in charge.
1920			
May 28	Park Plant, Baltimore, Md.	\$158,549.72	Lieut. R. C. Wilson.
Aug 6	Aberdeen Proving Grounds, Aberdeen, Md.	123,288.60	Col. H. W. Schull.
Nov. 11	do.	46,220.19	Do.
Dec. 17	do.	6,255.50	Do.
1922			
Sept. 25	do.	52,172.50	Col. W. H. Tschappat.

WAR DEPARTMENT,
OFFICE OF THE DEPT QUARTERMASTER,
QUARTERMASTER INTERMEDIATE DEPOT,
Jeffersonville, Ind., April 29, 1921.

From: Commanding officer.

To: M. Fox & Sons Co., 213 Courtland Street, Baltimore Md.

Attention Mr. Robert Fox.

Subject: Public sale of auto vehicles April 28, 1921.

1. The writer desires to express his appreciation of the manner in which you handled the public sale of motor vehicles at this depot on April 28, 1921. The results obtained were extremely satisfactory, and the methods and means used by you in conducting this sale meet with the full approval of the undersigned.

2. The way in which you conducted the preliminary arrangements of the sale, your activity, the actual selling, the closing thereof, the manner in which you cooperated with the officers of this depot, and the interest displayed by you in conserving the interests of the War Department call for most favorable comment.

3. The writer desires to congratulate you upon your ability as an auctioneer.

L. D. CABELL,
Commanding Officer.

Motor Transport Division—Motor transport sales involved touring cars, auto trucks, trailers, motor cycles, bicycles, and tires.

Date.	Place of sale.	Amount.	Officer in charge.
1919			
Sept. 8	Ordnance Depot, South Amboy, N. J.	\$30,755.00	Maj. Jos. S. Crane.
18	Camp Holabird, Baltimore, Md.	11,941.50	Maj. R. C. P. Evans.
25	do.	17,543.50	Do.
Oct. 2	do.	26,345.00	Do.
9	do.	45,245.00	Do.
16	do.	58,410.00	Do.
17	Camp Meade, Admiral, Md.	31,252.50	Lieut. E. A. Stoll.
23	Camp Holabird, Baltimore, Md.	121,415.00	Maj. R. C. P. Evans.
30	do.	64,037.50	Do.
31	Baritan Arsenal, Metuchen, N. J.	17,530.00	Capt. E. S. Miller.
Dec. 2	Camp Holabird, Baltimore, Md.	354,647.00	Maj. R. C. P. Evans.
5	Edgewood Arsenal, Edgewood, Md.	920.00	Lieut. Philip E. Iversen.
1920			
Feb. 27	Ordnance depot, South Amboy, N. J.	12,890.00	Maj. Jos. S. Crane.
Apr. 6	Camp Holabird, Baltimore, Md.	34,763.00	Maj. R. C. P. Evans.
16	Aberdeen Proving Grounds, Aberdeen, Md.	5,010.00	Lieut. Col. J. A. Brooks, jr.
May 7	Ordnance depot, South Amboy, N. J.	2,982.50	Maj. Jos. S. Crane.
Aug. 2	do.	5,225.00	Do.
Nov. 12	Baritan Arsenal, Metuchen, N. J.	5,631.00	Captain Zellers.
27	Ordnance depot, South Amboy, N. J.	4,713.50	Maj. Jos. S. Crane.
1921			
Jan. 18	General reserve depot, New Cumberland, Pa.	7,055.00	Capt. E. G. Coursen, jr.
Feb. 17	Camp Holabird, Baltimore, Md.	375,040.00	Lieut. Col. George E. Ball.
Apr. 7	Camp Jessup, Atlanta, Ga.	35,589.00	Lieut. Col. W. R. Kendrick.
14	Camp Normoyke, San Antonio, Tex.	33,837.00	Captain Ellis.
22	Camp Boyd, El Paso, Tex.	26,147.00	Maj. R. Butler.
28	Quartermaster depot, Jeffersonville, Ind.	71,578.00	Lieut. Col. L. D. Cabell.
May 5	General reserve depot, Schoenectady, N. Y.	20,004.00	Capt. C. A. Kraus.
12	Ordnance depot, South Amboy, N. J.	90,574.00	Maj. Jos. S. Crane.
June 15	Camp Lee, Petersburg, Va.	3,900.50	Capt. H. S. Evans.
24	General reserve depot, New Cumberland, Pa.	12,766.30	Lieut. J. B. Joseph.
July 7	Army supply base, Port Newark, N. J.	9,555.10	Capt. Wm. E. Cashman.

Motor Transport Division—Motor transport sales involved touring cars, auto trucks, trailers, motor cycles, bicycles, and tires—Continued.

Date.	Place of sale.	Amount.	Officer in charge.
1921			
July 8	Ordnance depot, South Amboy, N. J.	8,075.80	Maj. Jos. S. Crane.
12	Quartermaster depot, Jeffersonville, Ind.	76,789.00	Lieut. Col. L. D. Cabell.
19	Camp Lee, Petersburg, Va.	405.00	Capt. E. Berg.
29	General reserve depot, New Cumberland, Pa.	6,606.00	Lieut. J. B. Joseph.
Aug. 1	Army supply base, Norfolk, Va.	6,550.00	Capt. W. E. Durst.
23	Camp Sherman, Chillicothe, Ohio.	6,921.50	Capt. M. O. Boone.
Oct. 21	Camp Meade, Admiral, Md.	6,039.50	Capt. O. A. Schwartzwelder.
24	General reserve depot, New Cumberland, Pa.	60,000.00	Lieut. J. B. Joseph.
Nov. 3	General reserve depot, Columbus, Ohio.	60,503.50	Lieut. E. Hostetter.
8	Camp Jessup, Atlanta, Ga.	30,988.00	Lieut. Col. W. R. Kendrick.
Dec. 30	Camp Eustis, Lee Hall, Va.	914.00	Capt. J. L. Corbett.
1922			
Feb. 24	Camp Holabird, Baltimore, Md.	23,415.50	Lieut. Col. Geo. E. Ball.
Mar. 21	Air reserve depot, Buffalo, N. Y.	11,120.00	Maj. Robt. Coker.
June 7	Air service depot, Morrison, Va.	470.00	Capt. J. L. Corbett.
July 15	Camp Dix, Wrightstown, N. J.	4,183.50	Lieut. J. H. Holder.
27	Camp Holabird, Baltimore, Md.	37,193.60	Lieut. Col. Geo. E. Ball.
Aug. 1	Ordnance depot, South Amboy, N. J.	3,262.75	Capt. Jos. S. Crane.
3	General reserve depot, Columbus, Ohio.	28,505.00	Lieut. E. R. Stevens.
Sept. 19	Quartermaster depot, Jeffersonville, Ind.	182,126.00	Capt. H. H. Noyes.
21	Air reserve depot, Middletown, Pa.	9,220.50	Capt. H. R. Springer.
Nov. 10	Ordnance depot, South Amboy, N. J.	744.80	Capt. Jos. S. Crane.
1923			
Mar. 30	Columbus, Ohio.	17,137.50	Maj. H. M. Trippe.

2915 THIRTEENTH STREET NE.,
Washington, D. C., September 3, 1920.

MR. ROBERT FOX,

Care of M. Fox & Sons Co.,

20-26 South Paca Street, Baltimore, Md.

DEAR MR. FOX: It was my intention before leaving the Army to write you officially regarding the satisfactory manner in which your company handled the various auction sales of surplus construction material for the Construction Division.

In carrying out the agreement under which the sales were held, your company more than fulfilled the promises made to me in regard to assistance and cooperation prior to the sale itself and the actual holding of the auction.

I feel that it is due you to have a statement of this nature, and I would add that should I personally have any similar material to dispose of it will give me great pleasure to have you handle the work, for I know that it would be well and satisfactorily done.

Yours very truly,

J. H. KLINCK,

Formerly Major, Quartermaster Corps,

Officer in Charge Procurement Division,

Construction Division of the Army.

Construction Division—Sales for the construction Division comprised buildings, contractors and builders' equipment and supplies, pipe and pipe fittings, valves, tools and machinery, electrical supplies, plumbing fixtures and supplies, etc.

Date.	Place of sale.	Amount.	Officer in charge.
1920			
Apr. 6	Camp Eustis, Lee Hall, Va.	\$75,982.35	Maj. W. R. Richards.
8	Army supply base, Norfolk, Va.	61,734.00	Maj. L. G. Thom.
9	Camp Alexander, Newport News, Va.	6,549.00	Do.
June 30	Camp Dix, Wrightstown, N. J.	68,019.37	Capt. G. B. Burch.
1921			
Mar. 18	Fort McHenry, Baltimore, Md.	1,075.00	Major Gray.
May 24	East Potomac Park, Washington, D. C.	1,675.00	Lieut. Col. H. L. Evans.
24	Washington Barracks, Washington, D. C.	666.00	Capt. Nels J. Thorad.
Dec. 30	Camp Eustis, Lee Hall, Va.	500.00	Capt. J. L. Corbett.

Engineer Department—Sales for the Engineer Department embraced tools and machinery, engineering instruments, supplies and equipment, railroad supplies and equipment, iron and steel, etc.

Date.	Place of sale.	Amount.	Officer in charge.
1922.			
Mar. 16	Army supply base, Norfolk, Va.	\$6,863.71	Capt. H. C. Whitehurst.
Apr. 19	do.	4,282.91	Do.
1923.			
Jan. 19	Fert Humphreys, Va.	50,176.43	Capt. L. D. Clay.
Mar. 30	Columbus, Ohio.	84,841.53	Maj. H. M. Trippe.

Mr. HILL of Maryland. The letter to which I referred contains in it a statement which was made by Mr. Robert Fox, who is apparently the president of this corporation. The letter reads as follows:

In view of the statement made by Representative BEN JOHNSON, of Kentucky, on March 22, on the floor of the House, regarding commission paid us by the Government for conducting auction sales, we have taken the privilege of mailing you under separate cover a copy of our booklet, "Satisfied," giving a résumé of our Government work from 1918 to June, 1923.

The statement made by Representative JOHNSON "that we did not pay for any advertising or any other expenses incident to the sales," is absolutely incorrect and very misleading to the public. For your information we inclose herewith newspaper cutting of our Mr. Robert Fox's statement given to the press, which is correct.

Our books and records are open to inspection by any United States Government authorized authority and we would welcome any investigation.

Respectfully yours,

M. Fox & Sons Co.
By MORTON M. Fox.

Now, the newspaper statement which is a part of that is very brief. I want to say that in making this statement I have not the faintest implication or faintest idea that the statements made by the gentleman from Kentucky are intentionally incorrect or that he had the slightest intention of making incorrect statements. I do not know whether they are incorrect or not, but I am presenting this information for the consideration of the committee.

The statement referred to appeared in the Baltimore Sun on March 23, 1924, and is as follows:

FIGURES MISLEADING ASSESSMENTS ROBERT FOX.

Robert Fox, president of M. Fox & Sons Co., Maryland Casualty Building, yesterday declared that the statements of Representative JOHNSON were inaccurate and misleading. In a statement issued just before he left for Charleston, S. C., where he is to conduct a sale of surplus Government goods, Mr. Fox said:

"Our company has been for years one of the official auctioneers for various departments of the Government; in fact, it was the first auctioneer to represent the War Department. Since October, 1918, its activities were devoted almost exclusively in the service of the Government.

"Except in a few special instances, where a fixed amount is paid for our services on a per diem basis, we are not paid for so many working days, but receive a commission based on the amount realized by us for the merchandise sold.

CITES EXPENSES ENTAILLED.

"From these commissions which we have received we furnish and prepare at our own expense large quantities of advertising matter, such as catalogues and newspaper ads. In some instances it has been advisable to make announcements and give details of sale in as many as 50 publications throughout the country. In addition we furnish our own personnel for the preparation of each sale, which includes a careful classification and appraisal of values of the merchandise offered. Necessarily, we must employ a considerable and efficient force of high-class men to accomplish good results for the benefit of the Government. We defray our own expenses for hotel accommodations, travel, and incidentals in connection with the sales which we have conducted in all parts of the country, often necessitating the shifting of personnel from Atlantic to Pacific coast.

"As to making public the amount of money received by this company as its commissions for conducting these sales on behalf of the Government, I regret that I can not do so except with the consent of the Government, as I believe our relations with it are of a somewhat confidential nature.

"However, I can make this definite statement: 'In our largest business during any one year with the Government the total gross commissions for the entire year did not aggregate the amount referred to in the stated 113 working days.'"

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. HILL of Maryland. I ask unanimous consent to proceed for two minutes more, Mr. Chairman.

Mr. DOWELL. I ask that it be made five minutes, Mr. Chairman, because I want to ask a question.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. HILL of Maryland. Now, just one word, gentlemen, and then I shall be glad to yield for questions. I wish again to point out that this company has been serving the War Department since October, 1918; that their activities are listed in the list which I have filed, and that they have conducted one sale at Camp Holabird, with as many as 5,000 people present as possible bidders, and have conducted various other sales throughout the country. I now yield to the gentleman from Iowa.

Mr. DOWELL. Has the gentleman obtained from the War Department the amount paid to this firm for these services?

Mr. HILL of Maryland. I will say to my colleague—

Mr. DOWELL. I notice that he does not give that, and says it is a private affair. I would like to know if the gentleman has examined the War Department accounts to ascertain what this firm has drawn for its services during the time it has served as auctioneer?

Mr. HILL of Maryland. The gentleman is in error. I did not say this was a "private affair." I will repeat to the gentleman what I said a few minutes ago to the committee. I said that I have absolutely no knowledge of this matter at all except as contained in the information which I have just received from the auctioneers. I know nothing about it otherwise. I now yield to the gentleman from Massachusetts.

Mr. ROGERS of Massachusetts. I simply want to say in reference to the question of the gentleman from Iowa that this particular concern is one of those which the gentleman from Kentucky discussed on Saturday, and the statement is made in the Record that M. Fox & Sons, of Baltimore, were employed on 113 different days and received a total recompense of two hundred and thirty-odd thousand dollars.

Mr. DOWELL. I think the gentleman will concede that his constituent was receiving at least a fair compensation for the services that he rendered.

Mr. HILL of Maryland. I will say to the gentleman that I am not at all sure that any of these auctioneers are my constituents. They happen to come from Baltimore, but I do not know that they are my constituents, and I rather resent the gentleman's suggestion that I am interested in this merely because they are possible constituents of mine. They are not, but they are entitled to a fair hearing. I do not know anything about them except their general excellent reputation. I know this House wants the facts, and I know the gentleman from Kentucky (Mr. JOHNSON) wants the facts, and I am trying to help you get them. I yield to the gentleman from Massachusetts.

Mr. ROGERS of Massachusetts. Is it possible to ascertain by merely glancing at the figures whether the compensation was excessive or inadequate? Are there not so many other factors that enter into that ascertainment that it is perfectly hopeless and useless simply to set forth some figures without explanation?

Mr. HILL of Maryland. I will say to the gentleman from Massachusetts I entirely agree with his suggestion contained in his question. The Military Affairs Committee, in the early days of the Sixty-seventh Congress was greatly concerned about the prompt disposal of excess war material, and it is a very big task to properly dispose of such war material and to get proper returns. Here is a letter from the quartermaster at Camp Holabird on February 25, 1921, to the M. Fox & Sons Co., stating, "The fact that the sale realized almost \$150,000 more than we expected or hoped for is sufficient evidence of your ability as auctioneers. To you belongs the lion's share of praise for our success."

Mr. BLANTON. Will the gentleman yield?

Mr. HILL of Maryland. I yield to the gentleman from Texas.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. BLANTON. I ask that the gentleman have two minutes more, Mr. Chairman.

The CHAIRMAN. The gentleman from Texas asks that the time of the gentleman from Maryland be extended two additional minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BLANTON. Does the gentleman think that it is a sufficient answer to the facts that our colleague from Ken-

tucky put in the Record the other day for Secretary of War Weeks to merely state that some of the auctioneers received merely one-fourth of 1 per cent, when one-fourth of 1 per cent on enough property that could be sold under the hammer in a few hours could amount to several hundred thousand dollars. It is a question of what a man is earning per day in this auctioneering business that my colleague from Kentucky was discussing, and I am sure there is not a man in this House who will get up here and defend those auctioneers who have been profiteering on this Government.

Mr. HILL of Maryland. I am perfectly frank to say to the gentleman from Texas that if that is the only statement that the Secretary of War has made, it is not sufficient, but that it is not the only statement that has been made.

Mr. BLANTON. That is all that has appeared in the newspapers. I have watched them carefully and that is all I have seen from Secretary of War Weeks in the press.

Mr. HILL of Maryland. I want to say to the gentleman that I agree with him that one-fourth of 1 per cent commission on some of the huge amounts of money that have been expended from 1918 to date in the sale of various surplus war materials might be too much, but, in all fairness, and I know the gentleman from Texas and the gentleman from Kentucky are seeking a fair disposition and a nonpartisan consideration of the question, and I am approaching it from that standpoint—

Mr. BLANTON. Would the gentleman mind yielding for just one other question?

Mr. HILL of Maryland. In one moment. In all fairness, I desire to call attention to two facts: First, that the employment of these auctioneers started in 1918 under the Democratic Secretary of War and has continued ever since; that the employment of these auctioneers started under Secretary Baker and has continued since.

Mr. BLANTON. Will the gentleman yield for one further question?

Mr. HILL of Maryland. I yield to the gentleman from Texas.

Mr. BLANTON. The press stated—I do not know with what authority—that the War Department had selected our colleague, the distinguished gentleman from New York [Mr. WAINWRIGHT] to answer our friend from Kentucky. The gentleman has spoken, but he did not answer him to my satisfaction. I wonder if the gentleman is speaking for the War Department, officially?

Mr. HILL of Maryland. I regret that my colleague from Texas, who is always so alert, did not hear the preliminary remark I made to my statement. I said I had utterly and absolutely no personal knowledge of this matter in any possible way; but that as a supplement to the very clear and able statement made by the former Assistant Secretary of War, our colleague from New York [Mr. WAINWRIGHT], and knowing that the gentleman from Kentucky also wanted to have all the facts that were available, I took the liberty of furnishing to the committee a communication which I had this morning received from Mr. Fox, the auctioneer. These matters are furnished for the information of the committee.

Mr. DOWELL. Because a system started in 1918 appears to have been extravagant, is that any reason why it should be continued now?

Mr. HILL of Maryland. I do not think any system which is of itself improper, if it is improper, started under a Democratic administration should continue.

Mr. BLANTON. But it ought to stop.

The CHAIRMAN. The time of the gentleman from Maryland has again expired.

Mr. JOHNSON of Kentucky. Mr. Chairman, I had with me on last Saturday when I addressed the House a list of sales furnished me by the director of sales. I have just sent over to my office for the list and I now have it in my hand. It is here, and subject to the inspection of any gentleman in this House; and if anybody will come and examine the list and find that my statement does not agree with every figure that the director of sales has made on these sheets I will stand right here and eat and swallow all of this paper. [Laughter and applause.] This serious matter is all too true. Let me read you the part of the hearings which you will find on page 181 in the testimony of the director of sales:

The commissions will average about between 1 and 2 per cent for all auctions.

Mr. ANTHONY. What is the highest amount you ever paid an auctioneer at any sale that you have had?

Major HARTMAN. The maximum for commodity sales is \$8,183.91 for selling \$2,123,563.13 worth of material.

Mr. ANTHONY. For a day's work?

Major HARTMAN. \$8,183.91 altogether. It averages less than 1 per cent for a \$2,000,000 sale.

Mr. JOHNSON. A thousand dollars a day would pay him fairly well?

Major HARTMAN. Yes, sir; but out of that he must pay for at least five employees that we require him to have, print the catalogues, and do a certain amount of paid local advertising, arranging and tagging the samples, and listing the samples, and rendering the abstract of sale.

Mr. ANTHONY. Why would it not be better for you to print the catalogues and take charge of the sale, and just hire a man to cry it?

Major HARTMAN. In the first place, we have not the personnel to carry on that kind of work. *It is true, we take it out of the proceeds of sale when they come due, but we can not be sure that a sale is going to actually come off.*

That is the statement of the director of sales himself about hiring five employees to help do the work; and if catalogues are required to be printed, the cost is taken out of the amount of sales. The gentleman from New York [Mr. WAINWRIGHT] spoke of the auctioneer having 75 men to help him conduct a sale. But the director of sales himself knocks off 70 of these men and says there are only 5. Is the statement true that \$8,183.91 is the biggest one day's sale? At the metropolis of my own State, within 40 miles of where I live, according to the statements contained in the War Department's statement, nearly \$25,000 was paid for one day's sale.

Mr. HOWARD of Nebraska rose.

The CHAIRMAN. Will the gentleman from Kentucky yield to the gentleman from Nebraska?

Mr. HOWARD of Nebraska. I do not desire the gentleman to yield, Mr. Chairman. I want him to go on and tell the hideous story to the ears of the country. I rise to suggest that there are not as many here now as there ought to be—not enough to transact business. I do not want to raise the point of no quorum, if I can help it. I think the Chair ought to raise it himself. [Laughter.]

The CHAIRMAN. The gentleman from Kentucky will proceed.

Mr. JOHNSON of Kentucky. The concern to which I just referred at Louisville, Ky., was the Louisville Real Estate & Development Co. The director of sales gave it to me in writing that for that sale of one day they paid \$24,194.80. Therefore \$8,183.91 is not the largest fee paid for one day.

Mr. WAINWRIGHT. Will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. WAINWRIGHT. Has the gentleman the figures of the amount that was produced by that sale?

Mr. JOHNSON of Kentucky. I can find it if I be given the same time that other gentlemen have had.

Mr. WAINWRIGHT. May I say that I propose to explain each item the gentleman has referred to, and therefore I will not press my question.

Mr. JOHNSON of Kentucky. If I can get the time I will find what each sale amounted to.

Mr. BEGG. Will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. BEGG. I am curious to know whether the auctioneers paid for this kind of advertising. This is one of the advertisements or catalogues about which they have spoken. Did the auctioneer pay for it or the Government pay for it?

Mr. JOHNSON of Kentucky. I never saw an advertisement of the kind the gentleman has in his hand until he exhibited it here.

Mr. BEGG. This is the Simonton ordnance plant. If the auctioneer is compelled to furnish advertising like this and put it out, that is one thing.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. BEGG. Mr. Chairman, I ask unanimous consent that the gentleman from Kentucky be allowed to proceed for 10 minutes.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that the gentleman from Kentucky be allowed to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. JOHNSON of Kentucky. It seems that the gentleman from Ohio failed to hear what I just read from the hearing as coming from the director of sales in answer to a question put by the gentleman from Kansas [Mr. ANTHONY]. Mr. ANTHONY asked Major Hartman, the director of sales, "Why would it not be better for you to print the catalogues and take charge of the sale, and just hire a man to cry it?" Major Hartman replied, "In the first place, we have not the personnel to carry on that kind of work. *It is true we take it out of the proceeds*

of sale when they come due, but we can not be sure that a sale is actually to come off."

If they take it out of the proceeds of the sale, is it not being paid for by the Government of the United States?

Mr. BEGG. That is the question I am interested in, and I could not quite get it from the testimony that the gentleman read. Whether it comes out of the amount due the auctioneer or is paid by the Government is an important thing.

Mr. WAINWRIGHT. Mr. Chairman, will the gentleman yield to me in order that I may answer the gentleman?

Mr. JOHNSON of Kentucky. Yes.

Mr. WAINWRIGHT. All of these catalogues came out of the auctioneer.

Mr. BEGG. If the gentleman from New York is correct and this advertising comes out of the auctioneer, it is entirely possible that a fee of \$40,000 is not an unreasonable fee.

Mr. JOHNSON of Kentucky. But the director of sales says that it comes out of the proceeds of the sale, and the proceeds of the sale belong to the United States Government.

Mr. BEGG. And the ex-Assistant Secretary of War says flatly, without any qualification, that it comes out of the amount paid to the auctioneer.

Mr. JOHNSON of Kentucky. But the ex-Assistant Secretary of War, Mr. Wainwright, only a few minutes ago, frankly disclaimed any intimate knowledge with these affairs. The Director of Sales himself, who has that intimate information, says that the cost of advertising comes out of the proceeds of sale; and, to repeat, the proceeds of sale belong to the United States Government.

Mr. BEGG. I grant that coming out of the proceeds of sale is all right, but so does the amount paid to the auctioneer come out of the proceeds of sale.

Mr. JOHNSON of Kentucky. And consequently the United States pays both the auctioneer and the cost of printing.

Mr. BEGG. Do they lose the auctioneer's fee plus this catalogue, or only the auctioneer's fee, and the auctioneer gets this much less?

Mr. JOHNSON of Kentucky. It is made quite clear, I think, that the United States Government pays the auctioneer, and then reimburses the auctioneer, out of the proceeds of sale, for the cost of such advertising as the auctioneer may expend.

Mr. BEGG. If that is true, that is an entirely different understanding than I have.

Mr. STENGLE. Is it not a matter of record somewhere so that we can get the exact facts with regard to this?

Mr. ANTHONY. Yes. If the gentleman will yield, perhaps this will throw a little light on that. Major Hartman says in the hearings, in reply to a question from Mr. JOHNSON of Kentucky:

Yes, but out of that he must pay for at least five employees that we require him to have, the printing of the catalogues, and do a certain amount of paid local advertising, arranging and tagging the samples, listing the samples, and rendering an abstract of sale.

Mr. JOHNSON of Kentucky. And then, at that point I asked him if he made an abstract of title or an abstract of sale. He said that he made an abstract of sale. What is an abstract of sale? An abstract of title is a difficult thing to get, and it costs money; but an abstract of sale is just a plain, simple, written report of what things were sold and the price paid for them.

Mr. MURPHY. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. MURPHY. Has the gentleman any information with reference to what retail dealers or even wholesale dealers who find themselves clogged with merchandise pay to experts to clean that merchandise up—sales managers who come in and take charge of stock that is more or less dead and move it? Has the gentleman any figures as to what merchants pay for that sort of service?

Mr. JOHNSON of Kentucky. Of course, I have not.

Mr. MURPHY. May I enlighten the gentleman?

Mr. JOHNSON of Kentucky. Not in my time. The gentleman can get time for his own remarks.

Mr. MURPHY. Right here I would like to make the statement.

Mr. JOHNSON of Kentucky. Does the gentleman know that he is taking much of my time?

Mr. MURPHY. I shall try to get the gentleman five more minutes. I have some knowledge of those things and I say to the gentleman that the fees run anywhere from 5 to 15 per cent.

Mr. JOHNSON of Kentucky. On a \$2,500,000 sale, conducted on one day?

Mr. MURPHY. It is just this way: A man that is clogged up with unsalable merchandise is willing to pay anyone that is able to move it a fee that is reasonable at any time.

Mr. JOHNSON of Kentucky. But that man is broke while the United States is solvent.

Mr. MURPHY. The United States had millions and millions of dollars' worth of merchandise that it did not know how to get rid of. They did not have the sales experts.

Mr. JOHNSON of Kentucky. And they chose to give it away rather than sell it?

Mr. MURPHY. They did not give it away any more than this House, with four hundred and some odd Members, by a great big majority the other day gave away the rights of the people down there at Muscle Shoals.

Mr. JOHNSON of Kentucky. Oh, the gentleman is surely not going to make a Muscle Shoals speech in my time, is he?

Mr. MURPHY. Very well.

Mr. JOHNSON of Kentucky. Mr. Chairman, getting back to the statement made by the director of sales, that the biggest one day's sale was approximately \$8,000, I have just told you of one sale amounting to nearly \$25,000 a day. The same source of information, the director of sales, recites that Smith & Jaffe, of 68 West Forty-fifth Street, New York City, were paid \$28,122.28 for making a sale on the 16th day of August, 1921. That is more than three times \$8,000. Again, that auctioneer was paid \$45,467.52 for crying a one-day sale on December 7, 1922.

The gentleman from New York [Mr. WAINWRIGHT] has spoken of the per cent that was paid during the Democratic administration and the per cent that was paid during the Republican administration. I wish the gentleman to bear in mind that I have not injected politics into this discussion. It is a calamity to both Democrats and Republicans that so much money has been thrown away to the winds by being paid unnecessarily to auctioneers, but since the gentleman himself has injected politics, let me say this to him: That the sales made under a Democratic administration were small ones. As small a fee as \$2.50 was paid for a sale.

Several small auctioneers' fees ranging from \$5 to \$10 were paid under the Democratic administration, but the director of sales fails to give any of those under a Republican administration. Those made under the Democratic administration were in 1919 and not in 1918, as the gentleman from Maryland [Mr. HILL] says. There were only three sales made by the Democrats, each of which amounted to as much as a half million dollars. I am speaking now from memory, but I shall not make a big mistake even in the figures. Under the Republican administration there were, if I recollect correctly, 12 sales of more than a half million dollars. There were about 14 sales of more than a million and a half dollars and less than two millions, and there were sales, I think, of more than two and a half millions each.

Mr. WAINWRIGHT. If the gentleman will give way, did not the gentleman himself make that comparison between the two administrations in his remarks? I did not do it except in a very inoffensive way, simply following up the allusion which the gentleman himself had made.

Mr. JOHNSON of Kentucky. Yes; but I did it in a non-partisan way. I did not undertake to make a percentage on small sales and compare that with a rate on big sales for the purpose of making an invidious or partisan comparison.

Mr. WAINWRIGHT. If the gentleman will yield just a minute. All I said was that the figures of percentage of auctioneer fees on gross rates up to March 4, 1921, averaged 2.55, and since 1.48.

Mr. JOHNSON of Kentucky. Yes; but those fees, if correct, were on the sale of a truck now and then, or on an old automobile now and then, or on some piece of worn-out property that brought but little.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. BYRNS of Tennessee. I ask that the gentleman may have 10 additional minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. JOHNSON of Kentucky. It has been stated, and correctly so, that the larger the sale, the less became the rate of per cent payment. Why could not an arrangement have been made by which there should be a maximum daily compensation?

The prudent business man, to whom reference has been made, beyond question would have done that. For these sales a per-

centage has been paid when the man representing the Government sees in advance that a daily compensation of \$25,000, \$35,000, or \$40,000 a day would be paid. Except for a willingness to indulge in wasteful extravagance, such an arrangement would not have been made.

Now, another thing that appeared a moment ago through a question put by the gentleman from New York in referring to the papers in which the advertisements were put. I have not sought to inject politics into this matter at all. But in reply I will say that at Louisville, the metropolis of my State, there were at the time these sales were being advertised four daily papers—The Courier-Journal, The Evening Times, The Evening Post, and the Louisville Herald. The Post, the Times, and the Courier-Journal each one separately at that time had more circulation than did the Herald, then a Republican paper. Not one of the Democratic papers received a line or a penny for advertisement. Everything paid for in the way of advertising in Louisville was paid to the Louisville Herald, then a Republican paper.

Mr. WAINWRIGHT. If the gentleman will give way, may I state to the gentleman that neither I, as an Assistant Secretary of War, nor the Secretary of War had the slightest knowledge of where these advertisements were placed. They were placed by Army officers, who, I hope, know no politics and had no interest in the matter except to secure the best advertising medium.

Mr. JOHNSON of Kentucky. Gentlemen, that is the most deplorable statement I ever heard made on this floor—that those in authority know nothing about this subject.

Mr. WATKINS. Especially for advertising costing nearly half a million dollars.

Mr. JOHNSON of Kentucky. Those who placed the advertisement got approximately \$57,000. They received for doing that 8 per cent, 9 per cent, and 10 per cent, and the amount of advertisement, placed at a conservative figure, would be a half million dollars, and we are now told that nobody in authority in the Department of War knows one God's blessed thing about it.

Mr. OLIVER of New York. The gentleman from New York said he hoped these Army officers did not know anything about politics. He did not say they did not.

Mr. WAINWRIGHT. I say from my knowledge Army officers do not know anything about politics and do not practice politics.

Mr. JOHNSON of Kentucky. Will the gentleman please tell me whether the director of sales who appeared before the committee was an Army officer or not?

Mr. WAINWRIGHT. Maj. Charles D. Hartman graduated at West Point, is either an Engineer or a Coast Artillery officer, as I recall, and was assigned against his will to this job. It is one of the most thankless jobs that can be given to an Army officer.

Mr. JOHNSON of Kentucky. It was not a thankless job to the people who got the results of it. I really did not know, and I asked the gentleman in the utmost good faith whether this man was an Army officer or whether he was one who came in during or since the war. I have no knowledge whatever of him.

Mr. HILL of Maryland. Will the gentleman yield?

Mr. JOHNSON of Kentucky. I will.

Mr. HILL of Maryland. In fairness—I know the attitude in which the gentleman has approached this attitude, entirely nonpartisan, and so is mine—I want to ask the gentleman if his observations apply to the sales made through these various auctioneers in 1918 and 1919?

Mr. JOHNSON of Kentucky. There were none made in 1918.

Mr. HILL of Maryland. I will say to the gentleman there were a number of sales made at Camp Meade and numerous other places.

Mr. JOHNSON of Kentucky. If that be true then my information is incorrect, but the director of sales made no report of sales prior to 1919.

Mr. HILL of Maryland. In 1918 and 1919. I wanted to make it clear. I understand the gentleman's observations to apply equally to sales made in 1918 and 1919 and any subsequent sales.

Mr. JOHNSON of Kentucky. Before answering, may I ask the gentleman whether the same man who fixed these auctioneer fees in 1919 and 1920 is the man who now fixes them?

Mr. HILL of Maryland. I will say to the gentleman that I repeat my statement that I know absolutely nothing about the War Department end of fixing these arrangements; but I will say to the gentleman that I do know that, as reported in the statement which I made to the committee, the sales were made in apparently the same way in 1918 and in 1919; and I simply

wanted to give the gentleman the opportunity to repeat his statement, that he regarded the 1918 and 1919 sales no differently from the later ones.

Mr. JOHNSON of Kentucky. I can say this with the utmost frankness, that whoever—under whatever administration it may have happened I care not—employed auctioneers at thousands and thousands of dollars a day did a great wrong to the American people, and I do not care a continental whether he was a Democrat or a Republican. [Applause.]

Mr. DOWELL. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. DOWELL. And is it not also true that this has been going on ever since the sale of this surplus property began, and on down to the present?

Mr. JOHNSON of Kentucky. My information is that since 1919 it has come down to the present; and even since this statement was given me by the director of sales, I have ascertained that an additional sum of between \$3,000 and \$4,000 has been paid to the firm of Fox, of Baltimore.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. BLANTON. No matter when it began, this is the time to stop it. It is not a question of when it began. It is a question of when it will stop.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Kentucky. I yield to the gentleman from Wisconsin.

Mr. COOPER of Wisconsin. I have listened with interest and considerable shock to the statement made by the gentleman from Kentucky. I believe the gentleman's statement to be entirely true. It is in some respects the most despicable of all the robberies of the Treasury that have been perpetrated, and I think the gentleman from Kentucky has rendered a great public service by what he has done.

This is not a question of politics, as I look at it, at all. As the gentleman from Texas [Mr. BLANTON] said, it is utterly immaterial when it began. The question is, Who are the guilty persons; and are we going to stop it now? Those are the important questions. As I read in the speeches the other day, there was one auctioneer who, in a very short time, received as an auctioneer more than all the nine Justices of the Supreme Court of the United States had received in salaries in three years.

Mr. JOHNSON of Kentucky. Without referring to the Record, if my memory is correct, that statement is correct, and that man Fox over in Baltimore, in less than a third of a year, received more than the President receives in three years.

Mr. BOYLAN. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. BOYLAN. Does not the gentleman think that is a very good argument why we should compensate our officials better?

Mr. JOHNSON of Kentucky. Does the gentleman refer to the auctioneers or to the President? [Laughter.]

Mr. BOYLAN. To have a Justice of the Supreme Court of the United States and a Cabinet officer trying to get along in the city of Washington on \$12,000 a year. Does not the gentleman think that fact keeps men who are capable of holding office from serving?

Mr. JOHNSON of Kentucky. I think so.

Mr. BOYLAN. You can not hire an auctioneer at so much per day, as you would hire a bricklayer or a baker or a butcher or a candlestick maker.

Mr. JOHNSON of Kentucky. Upon what meat doth the auctioneer feed that is denied the bricklayer, the President, the Chief Justice of the Supreme Court, or the Cabinet officer?

Mr. BOYLAN. I would do justice to the auctioneer too, but the President of the United States and the Supreme Court Justices and Cabinet officers and all these distinguished gentlemen are denied adequate compensation.

Mr. BLANTON. I wonder if the gentleman from New York is trying to argue that if you paid a Congressman \$25,000 a year you would have better material from a certain district in New York? [Laughter.]

Mr. BOYLAN. I will say to the gentleman that New York has no apology to make for the material which it sends here. We have no apology to make, and if the gentleman wants to take that up we will be glad to take it up at any time at his convenience. We have no apology to make.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. BEGG. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. WATKINS rose.

The CHAIRMAN. The Chair will first recognize the gentleman from Ohio and then the gentleman from Oregon.

Mr. BEGG. Mr. Chairman and gentlemen of the committee, there is not anything in this question to get excited about from my viewpoint. It may be that these auctioneers have made a rather unreasonable figure for the services they have performed.

Let me present the question to you from the angle of any business man in the House or out and not from the angle of a lawyer. Let us suppose that the Government might have hired some auctioneer for \$100 a day. I am going to make the illustration simpler by saying we have an automobile to sell. The Government hires me for \$100 a day to go out and sell that automobile or other automobiles. There is not anything involved to my interest at all except to do the business and get back to my office. I will say that I sell that automobile for \$75, because I have no interest in it, and I collect my daily wage. But let us see. Supposing the Government had hired me on a fee basis, my earnings to be contingent on the amount of money I have received for the Government. Is it not quite likely that I am going to exercise every single bit of my ability as a salesman to get the last nickel I can get for the article sold, and that the Government thereby will make money instead of losing money? In other words, suppose I was to have \$5 for my day's work and went out and sold the article for \$75. Or I have another kind of contract, a 10 per cent contract, and by exercising all my ingenuity I get \$100 as the price of the automobile, and I have my \$10 as my compensation instead of \$5. You can probably hire men at \$5, but I am getting \$10, and I have made for the Government \$90. But does the Government make money by paying me on a commission basis? Certainly. I submit the question to any man in the House who desires to do business.

If you go out and hire a man to sell things for you, you would rather have the best salesman there is to be obtained in the country on a commission basis, because the more he makes the more he is making for you.

Mr. JOHNSON of Kentucky. Will the gentleman yield?

Mr. BEGG. Yes; I will yield briefly, because I do not want to ask for more time.

Mr. JOHNSON of Kentucky. I yielded to the gentleman quite liberally.

Mr. BEGG. And I secured the gentleman more time. But I do not want to ask for more time myself.

Mr. JOHNSON of Kentucky. I want to ask the gentleman this question: If at a sale where, for instance, 100,000 blankets are to be sold, 100,000 pairs of shoes are to be sold, 100,000 sheets are to be sold, 100,000 saddles are to be sold, and 100,000 sets of harness are to be sold, does the auctioneer know one-millionth as much about the value of those articles as does the big buyer who is there to buy them?

Mr. BEGG. My answer to the gentleman is simply an answer of practical business. I have had some experience in salesmanship all over the United States, and I will say to the gentleman that I would rather pay some man \$10,000 to go out and sell a proposition for me than to pay some other men their expenses, because the man who can not sell is expensive and dear if you do not pay him anything, while the man who can sell can not be paid too much, if he is getting value out of the product he is selling.

I think it is questionable whether the gentleman from Kentucky is performing a great service for the country in bringing this proposition forward. If the Government has been cheated, then the gentleman is performing something for the Government, but if the Government has received more through the employment of these auctioneers on a percentage basis than it would have received through any other avenue open to it, then the gentleman is not performing a service, but he is only serving to excite the people about something that does not exist.

Mr. BLANTON. Will the gentleman yield for a question?

Mr. BEGG. I can not yield until I have finished.

Mr. ALLGOOD. Would not the goods sell themselves?

Mr. BEGG. We tried the question of hiring a man on a flat salary in 1919. At that time we hired a civilian at \$25,000 a year. Now, then, the gentleman from Kentucky has some ground on which to stand if, by comparing the results of the sales under the private man at \$25,000 a year, it is found that the Government received more per pair of shoes and more per blanket and more for everything else than it received under the auction commission kind of contract. If that is found to be true, then the gentleman has a point on which to argue.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLANTON. Mr. Chairman, I ask that the gentleman's time be extended two minutes, as I would like to ask him a question.

Mr. STENGLE. Mr. Chairman, reserving the right to object, I would like to have two more minutes added, because I desire to ask the gentleman a question.

Mr. ALLGOOD. And, Mr. Chairman, I would ask to have it extended two minutes, because I want to ask him a question.

Mr. BEGG. Mr. Chairman, I will ask unanimous consent to proceed for five additional minutes, at the end of which I will quit, regardless of what happens.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to proceed for five additional minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BLANTON. Now, will the gentleman yield?

Mr. BEGG. Yes.

Mr. BLANTON. The gentleman from Ohio has had a lot of experience in the commission business and he ought to know about it. Do I understand him to argue on this floor that the good people of the thirteenth district of Ohio would get better service if they paid the distinguished gentleman on a commission basis instead of paying him a salary?

Mr. BEGG. If they were sending me down here to sell articles I know they would, because I was elected on the record I made in salesmanship, and I sold it to my district on a commission basis. Now I will yield to the gentleman from New York [Mr. OLIVER].

Mr. OLIVER of New York. Is it not a fact that the advertisements in these cases were so badly worded and so badly placed—

Mr. BEGG. I am glad the gentleman has brought that out. But go ahead and finish your question.

Mr. OLIVER of New York (continuing). That it was impossible for anyone to say that a salesman even had a bare chance, and that runs to the general criticism made by the gentleman from Kentucky?

Mr. BEGG. I do not think there is a man in this House who doubts that the auctioneers paid for the advertising; that is in the testimony, and I do not want to waste time on it. However, the difference between a good piece of advertising and a poor piece of advertising is just the difference between money well spent and money thrown away, and I submit that if the Government had undertaken to pay for the advertising and allowed the auctioneers to spend the money recklessly, or if any of the Government officials, without being experts in advertising and not knowing the advertising which would bring results, had undertaken to spend the money they would have wasted it. Now, any man with ordinary experience in a selling way knows that that kind of advertising [indicating] costs money, and I am not afraid that these men collected too much money for advertising of that kind.

Mr. SNYDER. Will the gentleman yield?

Mr. BEGG. Yes.

Mr. SNYDER. The gentleman says he was a salesman previous to coming to Congress, and most Members here know that I have had some little business experience. I will ask the gentleman whether he knows of anything that was ever sold at auction, or through any other method of selling, for less than 4.19 per cent?

Mr. BEGG. Why, God bless you, no.

Mr. SNYDER. And is it not the rule that the normal commission for selling goods is 5 per cent or more?

Mr. BEGG. Yes; and you have a low contract when you get a 5 per cent contract.

Mr. SNYDER. I know it is usually more than that.

Mr. BEGG. And the only reason the Government got a lower percentage than that was because they had volume.

Mr. SNYDER. And the reason these auctioneers got these large fees was because they at times sold large amounts of merchandise in a minute.

Mr. BEGG. Yes; and here is another angle to the proposition. If you got sick, whom would you send for—a horse doctor? If the Government had billions of dollars' worth of surplus blankets, where would they go to get some man to dispose of them? Would they go to New York or would they go out into Ohio and pick somebody that knew nothing at all about where to go to find customers? You in your particular line can go out in your particular line and find business, but I will say to you, seriously and with no egotism, that I can sign you up on a commission contract this afternoon to go and do work or I can put you on a flat salary to go out and do work, and in the next six months you can not earn enough to pay your carfare, and I can follow you, with the same territory, and I can get enough business to pay more than my congressional salary a whole year. Now, what is the difference? It is not because I am smarter than you, but because I have been trained in that special line and do not get excited when a man

makes a few thousand dollars if he is a specialist, particularly if he is earning more for you than you are able to earn for yourself.

Mr. ALLGOOD. As I understand it, then, you are defending these auctioneers?

Mr. BEGG. I most certainly am, if they earned their money.

Mr. WATKINS. Mr. Chairman—

Mr. DICKINSON of Iowa. Mr. Chairman, I would like to suggest that there is nothing before the House, and we would like to proceed to read the bill now for a few lines.

The CHAIRMAN. The gentleman from Oregon [Mr. WATKINS] was on his feet seeking recognition.

Mr. WATKINS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Oregon offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WATKINS: Page 5, line 12, after the word "economical," strike out the balance of the paragraph down to and including the figures "\$50,000" in line 15.

Mr. WATKINS. Mr. Chairman, I offer this amendment, and in connection with it I simply want to say that the surplus goods sold by these auctioneers amounted to more than \$446,000,000 and that the cash received was about \$54,000,000, or about 12 per cent of the value. If that is any indication of the service this Government is getting from these experts or from these salesmen, then deliver us from that kind of auctioneers and that type of salesmen, but I submit the amendment, Mr. Chairman, because economy is the watchword, and the present appropriation carries this work up to June 30, and after June 30 there will be nothing to sell, and consequently there will be no need of any appropriation for this purpose. The testimony before the House committee having this bill in charge discloses these facts; Major Hartman was on the stand, and Mr. ANTHONY said:

Mr. ANTHONY. I think you have stated that sufficiently. Last year the director of sales estimated that practically all of the surplus property in the War Department would be disposed of by the end of the fiscal year 1924, but it is evident, Major, that your office will be required for use for some time yet.

Major HARTMAN. Yes, sir; the Secretary of War has tentatively agreed or has tentatively expressed his intention of closing up the office of director of sales by June 30.

In view of that testimony, Mr. Chairman and gentlemen of the committee, I can see no need for this appropriation, and therefore I offer the amendment to strike out the sum of \$50,000.

Mr. ANTHONY. Mr. Chairman, in reference to the amendment offered by the gentleman from Oregon, I think he is entirely mistaken in referring to this proviso as having anything to do with auctioneers. The limit of expenditures to \$50,000 is confined to advertising only and has nothing to do with auctioneers.

Mr. WATKINS. I did not say it did.

Mr. ANTHONY. I understood the gentleman to say it did.

Mr. WATKINS. The gentleman misunderstood me. I simply said that if the service this Government was getting was indicated by the results shown from these sales, it was useless to expend anything, but that I wanted to direct my remarks to the fact that we did not need these salesmen after June 30, because we would have no goods to sell.

Mr. ANTHONY. The gentleman is entirely in error there. The evidence shows that approximately \$80,000,000 worth of goods in the War Department are on hand for sale now and have been declared surplus; that there will be \$20,000,000 to \$40,000,000 more declared surplus, and this proviso would permit them to expend not more than \$50,000 for advertising those goods, which is a very reasonable and a very moderate expenditure, and the Government should be allowed the benefit of such publicity.

Mr. WATKINS. Why spend anything if you can not get more than 12 per cent of their value. You can get that much without spending a cent for advertising.

Mr. ANTHONY. I will say to the gentleman that the goods on hand now are goods that are practically unsalable, and if the Government gets anything out of them, it is that much to the good. The War Department has been achieving marvelous results in selling a lot of property which has been considered dead property. The revenue this year is nearly \$100,000,000 which the War Department has received from the sale of surplus property.

Mr. WATKINS. Are not those goods sold "as is" and "where is"?

Mr. ANTHONY. I think so; yes.

Mr. WATKINS. Nobody inspects them and the goods are bought sight unseen.

Mr. ANTHONY. No; I think I can say to the gentleman that these sales are very carefully conducted and that we are getting good value.

Mr. BLANTON. Will the gentleman from Kansas yield?

Mr. WATKINS. The testimony discloses the fact that there will be practically no further need for the salesmen or for advertising the sales, because there will be nothing to sell.

Mr. ANTHONY. We have \$80,000,000 worth of property on hand that we want to sell.

Mr. WATKINS. Would not the appropriation which is available between now and June 30 take care of that?

Mr. ANTHONY. I think not. It will take more than a few months to sell all this property. It will probably take all of next year to sell it.

Mr. BLANTON. Will the gentleman from Kansas yield?

Mr. ANTHONY. I yield.

Mr. BLANTON. Then the argument made by the gentleman from Ohio [Mr. BEGG] falls to the ground, because he was upholding the amounts paid to the auctioneers on the ground that they had to do this advertising, and yet the gentleman from Kansas is providing the War Department with \$50,000 more to advertise.

Mr. ANTHONY. I want to make this point clear to the gentleman from Texas: That we put a limit on this advertising because the testimony shows that the War Department expended \$450,000 for newspaper and periodical advertising last year.

Mr. BLANTON. Then it was not the auctioneers who paid the cost of advertising.

Mr. ANTHONY. The auctioneers spent money for advertising, and so did the War Department, and we have limited the War Department to a reasonable amount.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. LAGUARDIA. If the War Department has \$80,000,000 surplus material, what is to prevent other departments going into the market and buying similar material at its market value?

Mr. ANTHONY. We have a joint board in which all the departments of the Government are represented, and they are keeping careful tab on all commodities desired for the Government use and to see whether it embraces any surplus property which the Government has and that it does not buy anything that is surplus. We are positive that that is now the business custom.

Mr. ROGERS of Massachusetts. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. ROGERS of Massachusetts. If the amendment of the gentleman from Oregon should prevail, would it not have the effect that the entire \$68,000 appropriated in the paragraph would be available instead of the \$50,000 in the proviso? In other words, does not the amendment defeat its own purpose?

Mr. ANTHONY. No; I hardly think it would have that effect, because, as I explained the other day, the law passed in the nineties gives the War Department authority to expend from receipts received from property sold for the cost of selling, advertising, and so forth.

Mr. BYRNS of Tennessee. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. BYRNS of Tennessee. I ask this for information. The statement has been made here that some one testified before the subcommittee that he expected to complete the sales by July 1 and that the office of director of sales would be dispensed with. Is that true?

Mr. ANTHONY. The testimony shows that the office of director of sales will be abolished on July 1 and that thereafter the sales will be conducted by the regular sales division of the War Department.

Mr. BYRNS of Tennessee. And you have \$80,000,000 of surplus material undisposed of.

Mr. ANTHONY. Approximately.

Mr. BYRNS of Tennessee. After having sold \$446,000,000 at this tremendous expense that has been detailed by the gentleman from Kentucky [Mr. JOHNSON], that is an admission on the part of the Department of War that the process of selling during the last two or three years through the director of sales, with all the attendant extravagant expenses, was entirely unnecessary.

Mr. ANTHONY. I think the House ought to know just what has been accomplished by the War Department in the sale of surplus property.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. BYRNS of Tennessee. Mr. Chairman, I ask that the gentleman's time be extended five minutes.

The CHAIRMAN. The gentleman from Tennessee asks that the time of the gentleman from Kansas be extended five minutes. Is there objection?

There was no objection.

Mr. ANTHONY. I think the House ought to know the result of the sales of this surplus property. The figures show that since 1919 the cost value of all material sold was \$2,679,000,000, and the War Department has received in cash \$1,268,396,000; so it shows that these transactions have not only reached tremendous figures but that the net returns have run into an enormous amount of money, which has found its way into the United States Treasury. Notwithstanding the expense at which the sales have been conducted, the net returns to the Government have been large and we have been able to dispose of much property that otherwise the Government would have received little return for.

Mr. BULWINKLE. Will the gentleman yield?

Mr. ANTHONY. I will.

Mr. BULWINKLE. How much in claims has the War Department paid back?

Mr. ANTHONY. There was no adjustment of claims in this matter. These sales were all for cash.

Mr. BULWINKLE. Are there not some claims pending in the War Department?

Mr. ANTHONY. The only knowledge I have of adjustments are those referred to by the gentleman from Virginia this morning in settlement of matters where cases are pending in the Court of Claims, and they have reached conclusions with these firms where certain offsets have been made in the settlements of claims by the Government against contractors.

Mr. BULWINKLE. Does the gentleman know how many bills there are introduced in this House at the present session for relief of these men whose property has been sold?

Mr. ANTHONY. I have no knowledge of that, and that would be a different matter from this, anyway.

Mr. WATKINS. Will the gentleman explain who does pay the cost of advertising where there is an expenditure of not over \$50,000? The testimony on page 181 of the hearings has been read in part. The argument here is made by some that the Government pays it, while others claim that the auctioneer pays. What is the situation?

Mr. ANTHONY. The facts are the advertising is carried along on parallel lines. The auctioneers made expenditures for advertising which was included in the percentage that the War Department paid them. The War Department was carrying on another extensive and expensive advertising campaign. We want to limit the amount of money that the War Department will be allowed to expend for advertising in the future.

Mr. WATKINS. Will not the gentleman admit that the Government does pay for the advertising?

Mr. ANTHONY. The Government does not pay for all of it, both parties have been paying for the advertising.

Mr. STENGLE. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. STENGLE. I understood the gentleman to say that the Government paid last year \$450,000 for advertising.

Mr. ANTHONY. They did.

Mr. STENGLE. Has the gentleman any way to inform the committee as to how much as an offset for that advertising was spent by the auctioneers, what percentage?

Mr. ANTHONY. We have no means of checking up the amount of money spent by the auctioneers.

Mr. SNYDER. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. SNYDER. I have before me here figures and percentages of the cost of advertising to the Government to sell that \$1,200,000,000 worth of property of which the gentleman has spoken, and the cost of advertising is given here as six-tenths of 1 per cent. The auctioneer's commission, plus the advertising that he did, was 1.59 per cent, and the personal and other expenses of handling this merchandise and the overhead was 2 per cent, or a total cost of 4.19 per cent on a sale of all the merchandise. Does not the gentleman think that was very cheaply done?

Mr. ANTHONY. Yes.

Mr. QUIN. Mr. Chairman, I have not consumed any time on this Navy legislation or this Army legislation, but the time has arrived when I feel that I must say something. I am surprised that the gentleman from Ohio [Mr. BEGG] has the gall to get up before the House of Representatives and not only condone but actually recommend this raid upon the United States Treasury through the War Department to pay these auctioneers these enormous sums of money. Every man in the House knows that when the Congress of the United States authorized these sales of the vast supplies that the Government

had on hand at the end of this war, at no time was there a Member on this floor, unless it was the gentleman from Ohio [Mr. BEGG], who thought that the Congress of the United States was authorizing anybody in the War Department to rob the taxpayers of this country. [Applause.] Yet, in recommending himself as a salesman, he actually had the temerity to tell this House that these men who received all the way up to as high as \$25,000 a day each, and that only a portion of a day, for selling goods that we had gone out through bond issues to get, raking almost blood money from the taxpayers of this country, were not paid too much. Nobody ever believed that the money of the taxpayers would be squandered in any such manner as that. The gentleman from Kentucky [Mr. JOHNSON] has related here what they have been doing. The gentleman from New York [Mr. WAINWRIGHT], although I do not know what he said, seems to think that it was all right, and not knowing who is responsible for it, it occurs to me that this House ought to have an investigating inquiry into the responsible heads who authorized any such outrageous conduct on the part of the Director of Sales or anybody else.

My judgment is that the taxpayers of the United States, not knowing what is going on here, who read the speech that the gentleman from Ohio [Mr. BEGG] made, would think that the Congress of the United States thinks it is all right and honorable to go out and rob the taxpayers of this Republic.

Mr. HILL of Maryland. I ask my colleague on the Committee on Military Affairs if he is not going a little bit strong in making this attack upon a system inaugurated by that splendid patriot, Secretary Baker.

Mr. QUIN. I do not have much regard for Secretary Baker's business ability, but I do not think that he ever engaged in any kind of thievery. Tell me that anybody in the War Department has authorized some flannel-mouthed auctioneer to get \$25,000 for six hours' work—

Mr. HILL of Maryland. Mr. Chairman, will the gentleman yield?

Mr. QUIN. I have not the time.

I contend that any officer of the Government who would go out and take the people's money at the rate of \$25,000 a day and give to it some auctioneer for selling what the taxpayers bought with hard labor is guilty of embezzlement of power and a betrayal of trust, and it is time for the Congress of the United States to recognize the fact that the people of this country who paid the money into the Treasury ought in some regard to have the respect of the lawmaking body.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. QUIN. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. QUIN. Is it possible that anyone would condone this kind of conduct that the gentleman from Ohio [Mr. BEGG] says is all right? What will the people who actually go out and toil say? Do you know that there are people in the United States who start early in the morning and work all day long for a dollar and a dollar and a quarter? Do you know, sir, that there are millions of people engaged in farming in this country, and that the statistics of this Government show that they each do not clear 75 cents a day? Yet the gentleman from Ohio [Mr. BEGG] wants that class of people, who are in large measure bearing the great burden of taxation in this country, to understand that it is perfectly honest and legitimate for some person down here in the War Department to rob them by giving some fellow standing up on a box selling goods \$25,000 a day for doing it. To give an auctioneer \$4,800 a day is cheap, so he thinks. Yet the gentleman from Ohio [Mr. BEGG] wants his constituents and the honest American people to think that it is all right to rob these people who work so hard to earn this money and with it pay some auctioneer in some city of this country these exorbitant sums. Does he think it is honest and right to rob this mass of the people who were called upon to buy Liberty bonds, who had speeches made at them from pulpits and schoolhouses, from every kind of platform, begging them to buy bonds in order that we might conduct this war against the ignoble Huns across the sea? Is it right for him now to say that it is patriotic to take that money so raised away from these people in such outrageous manner as that described here by the gentleman from Kentucky? [Applause.]

And on top of this these auctioneers, whom the gentleman from Ohio [Mr. BEGG] recommends so highly, who only secured out of every 100 cents' worth of property 12 cents, he holds up the advertisement as he did when he knows the hearings show that every dollar of that money came out of the Treasury

of the United States to pay for those advertisements, and the advertisements showed neither the place nor the hour of sale, so only a few could be there to bid. [Applause.]

The CHAIRMAN. The time of the gentleman has again expired. [Cries of "Vote!"]

Mr. WATKINS. Mr. Chairman, I would like to withdraw my amendment and substitute another amendment for it.

The CHAIRMAN. The gentleman from Oregon asks unanimous consent to withdraw the amendment that is pending and substitute one which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. WATKINS: Page 5, line 15, after the word "exceed," strike out "50,000" and insert "\$5,000."

Mr. WATKINS. Mr. Chairman, I desire to submit this observation, that in view of the fact that the auctioneers pay for most of this advertising and in view of the fact that they only get 12 per cent of the value of the goods, and, further, in view of the fact they have only \$82,000,000 to sell, I feel that \$45,000 will be saved to the Government.

Mr. ANTHONY. Mr. Chairman, if the purpose of the committee is absolutely to tie the hands of the War Department and to prevent the sale of this property, that will be a good amendment to adopt.

Mr. BLANTON. Mr. Chairman, I offer a substitute: Strike out "\$5,000" and make it "\$10,000."

The CHAIRMAN. Will the gentleman send up his amendment?

Mr. BLANTON. It is not necessary to send it up.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Texas.

The Clerk read as follows:

Amendment offered by Mr. BLANTON to the amendment offered by Mr. WATKINS: Strike out "\$5,000" and insert in lieu thereof "\$10,000."

Mr. BLANTON. Mr. Chairman, I will say to my friend from Kansas [Mr. ANTHONY] that I have helped him along to-day, as I have not taken up very much time. I merely want to say to my friend from Mississippi [Mr. QUIN] that he can not blame members of the same fraternity for defending each other. Commission men always defend commission men, and we must not blame our friend from Ohio [Mr. BEGG] at all. It is a question of loyalty to their fraternity.

Mr. BEGG. Will the gentleman yield for a question?

Mr. BLANTON. In a moment.

Mr. BEGG. I would like to ask that question right here.

Mr. BLANTON. In just a minute. I am going to tell you something about the surplus-property business that is almost as important as this unconscionable payment to auctioneers. There was something said in the press a year or so ago about there being an enormous number of Cadillac cars stored over here at Camp Holabird. I could not believe it, and I wanted to find out, so I got in my car, and, while I hate to go through Baltimore, I did have to go through there to get to Camp Holabird.

I went over there and found a splendid man in charge of Holabird; there is no doubt about that. He was just as nice as any man could be, so far as not letting you get in any of his warehouses was concerned, but he would tell you all you wanted to know in his office. He did not have the reported number of Cadillac cars, for he admitted he did not have them. He said that the newspapers had made a mistake; that they did have the reported number of motor vehicles, but they were not Cadillacs, as only a nominal amount of them were Cadillac cars, he advising me that most of such motor vehicles were motor cycles. Of course, I took his word for it, as he would not let me in the warehouses.

But there have been thousands of new cars all over the United States just after the war which should have been sold to the public, but which were held out in the weather and permitted to waste and not sold. I saw them down in the fields near San Antonio, Tex., out in the mud for two years right after the war, and among them there were new cars—Cadillacs, if you please—very fine cars, not a scratch on them and had never been used. When I asked why they did not sell them they said that the War Department would not authorize it. Do you know why? The War Department, as sure as you are sitting in these seats, made a contract with the automobile manufacturers that they would not sell them until they had to sell them as second-hand, damaged machines.

Mr. BEGG. A Democratic War Department?

Mr. BLANTON. The difference between the gentleman from Ohio [Mr. BEGG] and myself is this: That he searches only for a Democratic goat, but when I find something wrong going

on in the Government I do not stop to ask who is in charge—whether he is a Democrat or a Republican—but I go after it and try to clean it up, whether it is Democratic or Republican.

Mr. BEGG. This was a Democrat who made that contract? Mr. BLANTON. No; it was probably made by some Republican officer in the War Department.

Mr. BEGG. A Democrat?

Mr. BLANTON. It was under Democratic administration, yes.

Mr. BEGG. Yes; surely.

Mr. BLANTON. But high Army officers were in charge of the various bureaus there and it is continued here under a Republican administration. Many of these high Army officers in charge were Republicans.

Mr. BEGG. Will the gentleman yield?

Mr. BLANTON. I would gladly, but I want some of my five minutes myself. [Laughter.] Oh, this is the old, old song, "We are just carrying on what we found." We Democrats carried on what we found when we took charge of the existing administration. It seems, since you have been in charge, as if somebody did not have enough initiative of their own to stop these practices.

Mr. JOHNSON of Texas. Will the gentleman yield?

Mr. BLANTON. Yes; I must yield to my colleague.

Mr. JOHNSON of Texas. Does not my friend think former Secretary of the Interior Fall would have been better off financially and politically if he had been an auctioneer rather than a member of the Cabinet?

Mr. BLANTON. Well, it seems lately as though a good many have been getting what they wanted whether Secretary of the Interior or auctioneers.

Mr. HILL of Maryland. Or Secretary of the Treasury under a Democratic administration?

Mr. BLANTON. Not while he was a Democratic official. And I want to say this—and I am not afraid to say it—let not the gentleman imagine that Mr. McAdoo will be the nominee of the Democratic Party. [Applause.]

Mr. HILL of Maryland. I agree with the gentleman, and I hope he will not be.

Mr. BLANTON. Because he has not any show on earth, and I am not afraid to say it. The Democrats are not going to nominate him, or anyone else who is on the pay roll of men who bribe public officials. But he is honest. He has never taken a dollar that has been a dishonest dollar when he was a public official. It has been in business, private business, since he went out of office, and even then I do not approve of it.

The CHAIRMAN (Mr. LEHLBACH). The question is on agreeing to the amendment to the amendment.

The question was taken, and the amendment to the amendment was rejected.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Oregon [Mr. WATKINS].

The question was taken, and the Chairman announced that the yeas appeared to have it.

Mr. WATKINS. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 42, noes 48.

So the amendment was rejected.

Mr. WATKINS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Oregon offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WATKINS: At the end of line 15, page 5, insert the following: "Provided further, That no auctioneer shall be paid more than \$100 per day out of any money appropriated by this act for services rendered."

Mr. SNYDER. Mr. Chairman, I move an amendment to the amendment.

Mr. ROGERS of Massachusetts. I make a point of order on the amendment.

Mr. BLANTON. It is too late, because an amendment has been offered by the gentleman from New York.

The CHAIRMAN. The amendment has not been offered to the Chair and has not been read by the Clerk. What is the point of order of the gentleman from Massachusetts?

Mr. ROGERS of Massachusetts. The point of order is that the amendment is legislation and not germane to the paragraph.

Mr. BLANTON. Mr. Chairman, I make the point of order that the gentleman can not discuss the point of order, because the amendment has not been read yet.

Mr. ROGERS of Massachusetts. I thought the gentleman said it came too late.

Mr. WATKINS. Mr. Chairman, I desire to say, in addition to that, that the paragraph deals with the sale of property by

the War Department. The paragraph is labeled "Contingencies of the Army"—contingent expenses. This is simply a limitation on the compensation of the man who is engaged to conduct the sale. The proviso reads: "Provided further, That the amount expended or obligated for advertising sales of surplus War Department property during the fiscal year 1925 shall not exceed \$50,000." The mere reading of that proviso would indicate that the amendment is not only germane but in order as a limitation.

Mr. BYRNS of Tennessee. Mr. Chairman, in this paragraph an appropriation is made for the purpose of disposing of certain property of the War Department. That is the object of this appropriation. It is the object of the limitation with reference to advertising. Now, if Congress can make an appropriation of so much money for the purpose of disposing of property, certainly the House has at the same time the right to say that no more than a certain amount of the sum appropriated shall be expended for a particular purpose in the disposition of that property. It seems to me, under the circumstances, that it is clearly within the power of the House, in the process of making the appropriation, to provide that only so much shall be paid to an auctioneer or only so much shall be paid for advertisements.

The CHAIRMAN (Mr. LEHLBACH). The Chair is ready to rule. The language of the amendment is—

Provided further, That no auctioneer shall be paid more than \$100 per day out of any money appropriated by this act for services rendered.

This clearly is not a limitation on the appropriation, because it simply fixes the pay that the auctioneer shall receive at not more than \$100 a day. It does not limit the expenditure of the \$50,000 appropriated; but on the other hand, inasmuch as it limits the pay of the auctioneer, it comes under a section of the Holman rule, and is in order; and therefore the point of order is overruled.

Mr. ANTHONY. Mr. Chairman, I maintain that it is not germane to the paragraph, because none of this money appropriated in the paragraph is to be used for the purpose mentioned.

The CHAIRMAN. The money is appropriated by this paragraph to further sales of material, as is shown by the limitations contained in the proviso. It pertains to the salaries of civilian employees connected with the sale of war supplies, and also limits the sum to be obligated for advertising sales; so that it is germane, in the judgment of the Chair.

Mr. HILL of Maryland. Mr. Chairman, I offer an amendment to the amendment.

The CHAIRMAN. The gentleman from Maryland offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HILL of Maryland to the amendment offered by Mr. WATKINS: Strike out "\$100 per day" and insert "no more than was paid under the authority of the Secretary of War in the year 1918, 1919, or 1920."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Maryland.

Mr. BEGG. Mr. Chairman, I want to oppose the original amendment.

The CHAIRMAN. The gentleman is recognized for five minutes.

Mr. BEGG. Mr. Chairman, there has been a lot of "non-serious" conversation this afternoon, but to me this is serious. I do not believe that any of you gentlemen on this side believe that I want to waste Government money. Now, if the gentleman's amendment is adopted limiting the pay of the auctioneer to \$100 a day, do you know what you are doing? You are compelling the Government to sell this stock by some other method than by the use of an experienced auctioneer. There is no argument about that at all.

As I said a minute ago in my remarks—and I meant it—there was not any partisanship, because if I wanted to be partisan I could make some nasty remarks, but I believe this is business. The only way to tell whether we are paying too much is to compare what we received for the same articles under a civilian private salesman at \$25,000 a year, and I will submit to you that with some millions of dollars worth of sales under the private system of salesmanship we did not realize 8 cents on the dollar of the original cost. Now, I do not know whether we have realized too little or not, but I do know as a business man that the only kind of a contract I would sign if I owned the property would be a percentage contract, if I were going to sell on the auction block. I know that everybody else who would do business would do it that way. It is a question we can not control. I am sorry, and you are sorry, we have this

property, and we are all anxious to get the most out of it, but I do not believe the time has arrived in this country when every man connected with the Government is a crook, and I do not believe the time has arrived when every man in the public service needs to be watched and restricted for fear he will steal the Treasury. There are some honorable men in the War Department, and I believe they are just as anxious to salvage every dollar's worth of value out of this as we are. If they can sell these supplies in the most profitable way, let us not handicap them by saying, "You must hire a man by the day at \$100."

The CHAIRMAN. The time of the gentleman has expired. Mr. BYRNS of Tennessee. Mr. Chairman, the gentleman from Maryland has offered an amendment which, in effect, provides that no greater sum shall be paid to an auctioneer for his service than was paid during the years 1918, 1919, and 1920. Of course, it is evident to everyone as to what actuated the gentleman from Maryland in offering that amendment to the amendment.

I am a partisan Democrat. I admire a man who believes in the principles of the Republican Party and who stands up for them and defends them; likewise I admire a Democrat who believes in the Democratic principles. But, gentlemen, I have never been enough of a partisan to display it upon the floor of this House on a proposition which involves thousands and hundreds of thousands of dollars of the money of the American people. Nor can I understand the viewpoint of anyone, be he Democrat or Republican, who would seek to play with a serious proposition like this for partisan advantage.

The gentleman from Kentucky [Mr. JOHNSON] in his statement the other day, when he presented this matter and when he rendered such a great service to the American people by presenting it, said at the outset that he was not actuated by any purpose to gain a partisan or political advantage, and I submit that the gentleman from Kentucky in his position to-day has given no cause to those gentlemen who seek to make something political or partisan out of it. It is no excuse or defense for this administration in its misuse of public funds to say that it was following the precedent set by previous administrations, even if such be a fact. In the first place, no sale took place in 1918, if the Director of Sales is to be believed, and I have examined his statement, and it has been shown to the gentleman from Maryland. The armistice was not signed until November 11, 1918, and no sales were made in that year, according to the report of the Director of Sales.

Mr. HILL of Maryland. Will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. HILL of Maryland. I will say to the gentleman that the statement I made this morning was to the effect that the sales made in 1918 were immediately after the armistice, and I gave a list of the sales.

Mr. BYRNS of Tennessee. I have examined the statement submitted by the gentleman from Kentucky, which came from the Director of Sales, and I am positive there is not a sale shown upon that paper prior to August, 1919, save possibly two or three very small sales a month or so before. That statement was submitted by the Director of Sales, and yet the gentleman from Maryland, upon his responsibility as a Representative—and he has repeated it—has stated that sales took place in 1918.

Now, gentlemen, why did he make that statement? What purpose did the gentleman have in making the statement? This is not a partisan matter, and I hope Representatives here are willing to rise above partisanship and that Republicans and Democrats alike will attempt to protect the American people and their Treasury in this matter. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. BYRNS of Tennessee. Mr. Chairman, I ask unanimous consent to proceed for three minutes more.

Mr. LONGWORTH. Mr. Chairman, reserving the right to object—and I shall not object—I call the attention of the committee to the fact that it is now nearly half past 4 o'clock and we have read but three pages of this bill. I think every gentleman will agree with me that it is of the utmost importance that we should get rid of at least two appropriation bills this week in order that we may not give another body an opportunity to say it has not the time to act upon them in time to adjourn in the first week of June. I do not believe there is a gentleman present who does not want to adjourn early in June. The public business demands action, and I certainly hope we may proceed as quickly as possible in the consideration of this bill.

Mr. RANKIN. Mr. Chairman, further reserving the right to object, I am not one who wants to adjourn early in June.

I think it is more important to the American people that this legislation have due consideration as we go along rather than to hasten its consideration in order that we may get out of here in time to take part in political campaigns during the summer.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to proceed for three additional minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BEGG. Will the gentleman yield?

Mr. BYRNS of Tennessee. I will yield for a brief question.

Mr. BEGG. I agree with the gentleman's sentiment absolutely. The thought I have in mind is that we do not want to kill any of the Government's methods for getting the most out of these goods. If the auctioneers have been getting too much, instead of killing the legislation would it not be better to limit the percentage to be paid to the auctioneers? I would like to have the gentleman's opinion of that proposition.

Mr. BYRNS of Tennessee. I would be glad to see anything adopted which would prevent the payment of any such outrageous fees as have been paid to auctioneers during the past few years.

Mr. BEGG. I would probably agree with the gentleman.

Mr. BYRNS of Tennessee. Now, the gentleman from Maryland [Mr. HILL] has offered an amendment which proposes to make the legal rate for auctioneers that which was paid during the Democratic administration, and he states that that is the rate which prevails now. So I take it the gentleman from Maryland, representing the city from which one of these favored auctioneers comes, is prepared to indorse and approve the amounts paid to these auctioneers during the past few years. What are the facts? The facts are that under the Democratic administration there was something like \$6,000,000 received from the sale of surplus property, whereas under the present administration there has been something like \$68,000,000 received from such sales. The gentleman from Kentucky [Mr. JOHNSON] made the statement, and it has not been contradicted so far as I know, that under the Democratic administration the sales were in comparatively small amounts, while all the big sales, the sales in large bulk and large quantities, have taken place under the present administration. But, gentlemen, if the auctioneers were paid too much under the Democratic administration it was wrong, and we ought not to commend or condone it now. If they are paid too much under the present administration, and I think all but one or two gentlemen upon this floor will concede that, then we ought not to condone it, whether we be Republicans or Democrats. You gentlemen upon this side of the Chamber, I submit, can not justify the acts of the present administration by the claim that an excessive amount was paid under a previous administration, even if such be a fact. [Applause.]

Mr. MADDEN. Mr. Chairman, I move to strike out the last two words. I do not know, and I do not suppose anyone here knows, whether the policy pursued either by the present administration or the last administration is justified in the matter of sales, but there is one thing certain, we are not going to be able to find out whether it was justified or not by the adoption of the amendment that is pending. There is not a man here who can tell whether the amendment should be adopted or not. We can not regulate intelligently the question of charges without some investigation, and this bill is not the place to try that. This amendment only embarrasses the situation and does not clarify it. There is not a man here more bitterly opposed to any extravagance or any unjustifiable waste than I am, I do not care by whom it is committed, and I have no sort of defense to make, no matter what the administration is or who the man in the administration is, of any act that ought not to be performed, but let us show some sense and let us exercise some judgment.

Mr. RANKIN. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. RANKIN. Does not the gentleman think that \$50,000 is too much to pay for this service?

Mr. MADDEN. I do not know. I have not the slightest idea and neither has anybody else, but I will tell you how we ought to get at it. I have a suggestion to make. This matter ought to be legislated upon, if it is going to be regulated, and this bill is not the place for such legislation. We have a Military Affairs Committee that has jurisdiction over this subject. The whole matter ought to be referred to that committee. They ought to send for persons, for papers, and for everything connected with the case, and get at all the facts, whatever they may be, and then present a bill to this House that will remedy the evil, if there is one. Do not let us try to assume we are remedying any evil by the adoption of this

amendment. We are not, and the amendment ought not to be adopted.

Mr. HILL of Maryland. Mr. Chairman, in view of the remarks of the gentleman from Illinois [Mr. MADDOEN], with which I entirely agree, I ask unanimous consent to withdraw my substitute to the amendment, and I hope the amendment itself will be withdrawn by the gentleman on the other side of the House.

The CHAIRMAN. Without objection, the substitute offered by the gentleman from Maryland to the amendment is withdrawn.

There was no objection.

The CHAIRMAN. The question recurs on the amendment offered by the gentleman from Oregon.

The amendment was again reported.

The question was taken; and the Chair being in doubt, the committee divided and there were—ayes 59, noes 53.

Mr. ROGERS of Massachusetts. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed as tellers

Mr. ANTHONY and Mr. WATKINS.

The committee again divided; and the tellers reported—ayes 66, noes 54.

So the amendment was agreed to.

The Clerk read as follows:

GENERAL STAFF CORPS.

CONTINGENCIES, MILITARY INTELLIGENCE DIVISION.

For contingent expenses of the Military Intelligence Division, General Staff Corps, and of the military attachés at the United States embassies and legations abroad, including the purchase of law books, professional books of reference, and subscriptions to newspapers and periodicals; for cost of special instruction at home and abroad, and in maintenance of students and attachés; for the hire of interpreters, special agents, and guides, and for such other purposes as the Secretary of War may deem proper, including \$5,000 for the actual and necessary expenses of officers of the Army on duty abroad for the purpose of observing operations of armies of foreign states at war, to be paid upon certificates of the Secretary of War that the expenditures were necessary for obtaining military information, \$65,500, to be expended under the direction of the Secretary of War: *Provided*, That section 3648, Revised Statutes, shall apply neither to subscriptions for foreign and professional newspapers and periodicals nor to other payments made from this appropriation in compliance with the laws of foreign countries under which the military attachés are required to operate.

Mr. LAGUARDIA. Mr. Chairman, I offer an amendment.

The CHAIRMAN (Mr. TILSON). The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. LAGUARDIA offers the following amendment: Page 6, line 11, after the word "operate," insert: "*Provided*, That no funds herein appropriated shall be expended for the pay, allowance, or expense of any retired officer of the United States Army assigned to duty as a military attaché at any United States embassy or legation abroad."

Mr. MADDEN. Mr. Chairman, I reserve a point of order on the amendment.

Mr. LAGUARDIA. Mr. Chairman, I want to call the committee's attention to the fact that there are no duties in the Army in peace time more important than the duties of a military attaché assigned to a foreign country, and we should send keen, intelligent officers, the best that the Army can produce, to perform such duties. Recently it has been the custom for the War Department to send retired officers to perform these duties at some of the capitals. They go there for the social attraction offered by the European capitals and are of little, if any, military value.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. LAGUARDIA. Certainly.

Mr. MADDEN. The gentleman must know that the War Department does not send them. They are sent by the State Department.

Mr. LAGUARDIA. The military attachés?

Mr. MADDEN. Certainly.

Mr. LAGUARDIA. Oh, no; the gentleman is in error. They are sent by the War Department. They are simply attached to the embassies or legations to give them a diplomatic status in a foreign country, but they are selected by the War Department; they report to the War Department, and their duties are solely military or naval. Let me give you an instance. We have at Paris a gentleman who is a resident of Paris, a retired officer, an elderly man, who has not the keen interest a younger and more active man may have and is of no value to us as a

military attaché except for his social activities he promotes from time to time.

Mr. BACON. Will the gentleman yield?

Mr. LA GUARDIA. Yes.

Mr. BACON. Does the gentleman know that this man served on the staff of Marshal Foch during the war?

Mr. LA GUARDIA. How old was he then?

Mr. BACON. I have no means of knowing his age.

Mr. LA GUARDIA. How old is he now? He is a retired officer and ought to be kept on the retired list.

Mr. BACON. He did not retire because of age.

Mr. LA GUARDIA. What did he retire for?

Mr. BACON. Because he wanted to. He retired before the World War and was called back into active service when the war broke out.

Mr. LA GUARDIA. Oh, the gentleman is in error. The gentleman ought to understand the duties of a military attaché and know that he should be a staff officer or officer of the line and recently in active service with the prospect of returning to troops in order to be of real service as a military observer in a foreign country.

Mr. McKENZIE. Will the gentleman yield?

Mr. LA GUARDIA. I will.

Mr. McKENZIE. What is the grade of this particular officer that the gentleman refers to?

Mr. LA GUARDIA. He is a colonel.

Mr. McKENZIE. The gentleman is familiar with the fact that when we wrote what is known as the Army reorganization bill we abolished what is known as the Mex-colonel and prohibited the taking of a young officer and boosting him a grade so as to give him a position as a foreign attaché, and put it on the ground that if a colonel was necessary they should take a colonel and put him over there.

Mr. LA GUARDIA. The World War has taught us that if you have a colonel worth anything you can not have a superannuated old man, because he is no good. If you want simply an ornament for a 5-o'clock tea, that is another thing.

Mr. McKENZIE. The gentleman would not assume to say that a second lieutenant given a higher grade, given a boost and made a colonel, would be in any better position?

Mr. LA GUARDIA. No; but let us not go to extremes. I would not take a shave tail out of West Point, and I would not take an old retired officer.

Mr. MADDEN. Will the gentleman yield?

Mr. LA GUARDIA. Yes.

Mr. MADDEN. Does the gentleman want to dictate the kind of a man who should be selected?

Mr. LA GUARDIA. If a man is retired from the Army, he should remain retired.

Mr. ROGERS of Massachusetts. Will the gentleman from New York yield?

Mr. LA GUARDIA. I will yield to the gentleman.

Mr. ROGERS of Massachusetts. Assuming that an officer in the World War lost his arm in action, he would become incapacitated for active duty and be put on the retired list. Does the gentleman think that because of that casualty the officer would not be desirable as a military attaché?

Mr. LA GUARDIA. Oh, no; but we have not an officer in that position.

Mr. ROGERS of Massachusetts. But the gentleman is trying to legislate for all conditions.

Mr. LA GUARDIA. I am trying to legislate to prevent the conditions we have in France. I say we ought to have in France, Germany, Italy, and Japan officers who are alert, competent, young, and intelligent—able Army officers of this country.

Mr. MADDEN. Mr. Chairman, I make the point of order on the amendment on the ground that it is legislation on an appropriation bill and not germane to the subject matter.

The CHAIRMAN. No; the point of order was reserved. The Chair thinks this is a limitation on the qualifications of the person receiving the appointment and therefore the Chair overrules the point of order. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

ARMY WAR COLLEGE.

For expenses of the Army War College, being for the purchase of the necessary special stationery; textbooks, books of reference, scientific and professional papers and periodicals; maps; police utensils; employment of temporary, technical, or special services, and expenses of special lecturers; for the pay of employees; and for all other absolutely necessary expenses, \$60,540.

Mr. BLANTON. Mr. Chairman, I move a pro forma amendment to strike out the paragraph. I want to use this minute

to call the attention of Members to a provision here that possibly might escape attention. It is on line 11, page 7, "Expenses of special lecturers." Some of you may not know that some of the finest lecturers in the United States from the best universities come periodically to the War College and deliver lectures, and it is worth the time of any Member to go down there and hear them. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

ADJUTANT GENERAL'S OFFICE.

Salaries: For personal services in the District of Columbia in accordance with "The classification act of 1923," \$1,261,340; all employees provided for by this paragraph for The Adjutant General's office of the War Department shall be exclusively engaged on work of that office.

Mr. ANTHONY. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

Committee amendment offered by Mr. ANTHONY: Page 8, line 15, strike out the figures \$1,261,340, and insert in lieu thereof \$1,331,340.

Mr. ANTHONY. Mr. Chairman, when the bill was originally considered by the subcommittee we decided that the cut made in the force of The Adjutant General's office was too severe, and we agreed at that time that we would grant an increase, but the increase does not show in the bill, and so I have offered this amendment at this time.

Briefly, the Budget recommended about 100 clerks over what they have now. That is the one office in the War Department whose work ought to be right up to the minute, and the work is right up to the minute now. We believe that by permitting this increase, which is just half what The Adjutant General wants, the work will be kept up to date.

Mr. BEGG. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. BEGG. Is the work any heavier in The Adjutant General's department this year than it was last year?

Mr. ANTHONY. No. We are acting upon the theory that it will not be quite as heavy.

Mr. BEGG. Then what is the idea of increasing it about \$250,000? Last year we gave them \$1,145,330, and this year you are giving them under this amendment one million three hundred thousand and odd dollars.

Mr. ANTHONY. This year's appropriation, as the gentleman knows, carries an increase due to the reclassification law and the bonus as well, which accounts for the difference in the amount.

Mr. BARBOUR. If the adjusted compensation act goes into effect it will mean a whole lot more work for The Adjutant General's office.

Mr. ANTHONY. Oh, it will strain every energy they have to get away with it.

Mr. JOHNSON of Kentucky. Mr. Chairman, I want to add just a word in support of the amendment proposed by the chairman of the committee by saying that the figures which appear on the text of the bill are the result of a mistake. The committee was unanimous on the opinion that in order to keep approximately near the same number of clerks that The Adjutant General now has under the new classification established, it was necessary to increase the amount of money, and, therefore, I wish to add my word in support of the amendment offered by the gentleman from Kansas.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Kansas.

The amendment was agreed to.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. LEHRACH having taken the chair as Speaker pro tempore, a message from the Senate by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 5073) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1925, and for other purposes, and had further insisted upon its amendment to the amendment of the House and ordered that Mr. SMOOT, Mr. CURTIS, and Mr. HARRIS act as the conferees on the part of the Senate.

The message also announced that the Senate had passed the following resolution:

Senate Resolution 195.

Whereas one Clarence C. Chase is, and for more than a year last past has been, a civil officer of the United States, to wit, the collector of customs at the port of El Paso, Tex.; and

Whereas in the prosecution of an inquiry by the Committee on Public Lands and Surveys of the Senate under Senate Resolution 147 it became necessary to inquire into the source from which one A. B. Fall, late Secretary of the Interior, secured large sums of money at or about the time or shortly after he entered upon negotiations resulting in the execution of leases or contracts relating to the naval oil reserves; and

Whereas it appears from the testimony taken and proceedings had before the said committee that the said Clarence C. Chase entered into a conspiracy with the said A. B. Fall to mislead and deceive the said committee concerning the source of such moneys, and that pursuant to such conspiracy the said Clarence C. Chase on or about the 29th day of November, 1923, endeavored to induce one Price McKinney to represent to and testify before the said committee that he had loaned to the said Fall at or about the time hereinbefore mentioned the sum of \$100,000; and

Whereas the said Clarence C. Chase well knew that the said Price McKinney had made no such loan to the said Fall; and

Whereas the said Clarence C. Chase being, on the 24th day of March, 1924, called before the said committee and interrogated concerning the matters herein referred to by the said committee, declined and refused to answer any questions in relation to the same upon the ground that his answers might tend to incriminate him; Now therefore be it

Resolved, That a copy of the testimony adduced and the proceedings had before the said Committee on Public Lands and Surveys under Senate Resolution 147 be, with a copy of this resolution, transmitted to the House of Representatives for such proceedings against the said Clarence C. Chase as may be appropriate.

ARMY APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Pay of officers: For pay of officers of the line and staff, \$30,338,000: *Provided*, That no part of this sum shall be paid to Maj. Charles C. Cresson, United States Army.

Mr. JOHNSON of Kentucky. Mr. Chairman, I will state that there is a tentative agreement between myself and the chairman of the subcommittee, Mr. ANTHONY, that this item was to go over until we got to the next page, and that we would then treat this with another item like it together.

Mr. ANTHONY. I think it would save a great deal of time in debate if the two items in respect to Major Cresson and Colonel Hunt could be considered at one and the same time.

Mr. JOHNSON of Kentucky. But voted on separately.

Mr. ANTHONY. Voted on separately, but debated at the same time, and if I may be permitted to do so now, I ask unanimous consent that that be done.

Mr. WURZBACH. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. WURZBACH. I think it is fully understood that there are different issues involved in these two cases. I would prefer to take up the case of Major Cresson first. At the same time I do not want to delay or fail to help in the expedition of this bill by objecting.

Mr. JOHNSON of Kentucky. As I understand the suggestion of the gentleman from Kansas [Mr. ANTHONY], it would not prevent the Cresson case from coming up first.

Mr. ANTHONY. As suggested, we will vote first on the case of Major Cresson, because his name appears first in the bill.

The CHAIRMAN. As the Chair understand the suggestion of the gentleman from Kansas, it is that it all be read as one paragraph, down to line 12 on page 10?

Mr. REECE. I object to this being read as one paragraph.

Mr. BLANTON. Mr. Chairman, I do not think we ought to take this up this afternoon. We have done a good day's work. I make the point of order that there is no quorum present. It was understood by both gentlemen that this matter was going to come up to-morrow.

Mr. ANTHONY. Will the gentleman withhold his point until we can come to some agreement?

Mr. BLANTON. Certainly.

Mr. CONNALLY of Texas. Mr. Chairman, the gentleman from Texas now on the floor offered an amendment and was recognized by the Chair, as he understood.

The CHAIRMAN. No; the Chair did not recognize the gentleman until he found out whether the gentleman in charge of the bill or the ranking minority member wanted to be recognized.

Mr. CONNALLY of Texas. I do not want to lose my opportunity to offer an amendment.

The CHAIRMAN. The gentleman will lose none of his parliamentary rights.

Mr. CONNALLY of Texas. My amendment does not relate to this particular matter at all.

Mr. LAGUARDIA. Mr. Chairman, as I understand it, the first paragraph on page 9 has been read. I desire to make the point of order on the proviso of that paragraph.

Mr. BLANTON. I make the point of order that his point of order comes too late.

Mr. LAGUARDIA. Oh, no. There has been no argument on the paragraph.

Mr. BROWNE of New Jersey. Mr. Chairman, I have an amendment which I desire to offer.

The CHAIRMAN. That seems to be inconsequential, whether the point of order is made against it or not. It is evidently not subject to the point of order.

Mr. CONNALLY of Texas. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. CONNALLY of Texas. I have an amendment which the Clerk has at the desk.

The CHAIRMAN. There are other amendments. Did the gentleman from Kansas and the gentleman from Kentucky agree?

Mr. ANTHONY. Mr. Chairman, before proceeding with the consideration of the amendment I ask unanimous consent that when the items in reference to Major Cresson and Colonel Hunt are reached that they may be debated at the same time to-morrow.

The CHAIRMAN. One item has been reached and read.

Mr. ANTHONY. I ask unanimous consent that debate in reference to Major Cresson be postponed until we reach the item in reference to Colonel Hunt to-morrow, at which time the debate may be at such length as may be agreed upon at that time.

Mr. JOHNSON of Kentucky. And consideration.

Mr. ANTHONY. And consideration.

Mr. REECE. Mr. Chairman, reserving the right to object. I do not think it is fair to Major Cresson that this unanimous-consent request be permitted to go through. I do not want to be captious in any sense of the word about it, but it is a very serious proposition involved here, and one that may have a far-reaching effect. Major Cresson's honor and good name are at stake and I do not think any of the rights he may have should be overlooked here, and I must object.

The CHAIRMAN. Objection is heard.

Mr. ROGERS of Massachusetts. Will the gentleman permit an inquiry?

Mr. ANTHONY. I have not the floor.

Mr. ROGERS of Massachusetts. I understand there was an informal agreement reached that those two items should be taken together and half of the time should be controlled on one side and half on the other.

Mr. ANTHONY. It is my purpose to ask that there be two hours' debate, one hour to be controlled by the gentleman from Kentucky and one by myself.

Mr. ROGERS of Massachusetts. My question is, whether in view of the fact that objection has been interposed we can not divide in two the agreed period of two hours, and have one half devoted exclusively to the Cresson case and the other half to the Hunt case, and have the two issues voted upon separately.

Mr. ANTHONY. And within the hour the Cresson case be disposed of before taking up the other?

Mr. ROGERS of Massachusetts. I think it would be acceptable to Members of the House.

The CHAIRMAN. Is there objection?

Mr. REECE. That is all right. I do not wish to be understood as being in any wise prejudiced against the Hunt case.

The CHAIRMAN. Is there objection? [Cries of "Regular order"!] The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 9, line 4, after the figures insert, "*Provided*, That no part of the funds appropriated by this act shall be utilized for the recruiting or enlisting of boys under the age of 21 years without the written consent of the parent or guardian, if any, of such boys.

Mr. ANTHONY. I want to make the point of order on that amendment on the ground that it is new legislation which changes existing legislation.

Mr. CONNALLY of Texas. Does the gentleman want to move to rise?

Mr. ANTHONY. If the gentleman will let it go over until to-morrow I will move to rise.

Mr. CONNALLY of Texas. Unless the Chair wants to rule now.

The CHAIRMAN. Does the gentleman want to be heard on the question?

Mr. CONNALLY of Texas. Before the Chair rules.

The CHAIRMAN. Does the gentleman from Kansas wish to be heard?

Mr. ANTHONY. On the point of order, no, I do not, except to call the attention of the Chair to the fact that the ages of enlistment are fixed by existing legislation in reference to minors, and this changes existing law with reference to such enlistments.

Mr. BLANTON. There was such a provision carried in the present bill. This will set aside and change the substantive law.

Mr. ANTHONY. That is law for one year only.

Mr. BLANTON. It is the law now; it is the law until July 1.

Mr. CRAMTON. While it is the law until July 1 it is not one minute after July 1, and this bill has nothing to do with the present time. It has to do with the fiscal year beginning July 1.

Mr. BLANTON. The Chair last year held that was in order.

Mr. CONNALLY of Texas. Mr. Chairman, I would like to be heard on the point of order if the Chair proposes to rule on it to-night.

The CHAIRMAN. The Chair will rule to-night if the committee wishes the Chair so to rule.

Mr. ANTHONY. Mr. Chairman, if the Chair wishes to rule to-night I am perfectly willing to have him do so, or I would be satisfied to have the Chair rule to-morrow morning.

The CHAIRMAN. The Chair is willing to do that, with the assent of the gentleman from Texas.

Mr. ANTHONY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 7877) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1925, and for other purposes, had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. JOST, for 10 days, on account of important business.

To Mr. ACKERMAN, for three days, on account of important business.

To Mr. KINDRED, for two weeks, on account of illness in his family.

FIRST DEFICIENCY BILL, 1924.

Mr. MADDEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 7449, the first deficiency bill for 1924, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Illinois asks unanimous consent to take from the Speaker's table the bill H. R. 7449, the deficiency bill, disagree to the Senate amendments, and ask for a conference. Is there objection?

Mr. BLANTON. Reserving the right to object, Mr. Speaker, there is a piece of legislation in that bill providing altogether for \$200,000 for certain tracts of park land here in the District. That is a matter that is now pending before the Committee on the District of Columbia, and I have some data against that provision, to which, I believe, if understood by the Members of the House, they would never agree. I do not believe that the Senate should put such legislative matters on a deficiency bill.

Mr. MADDEN. If the gentleman will listen to me for a moment, I will say that if we could reach an agreement on that matter in conference it would not cost the Government any money. If we can not, we will bring it back.

Mr. BLANTON. Then I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Illinois [Mr. Madden]?

There was no objection; and the Speaker appointed as conferees on the part of the House Mr. MADDEN, Mr. ANTHONY, and Mr. BYRNS of Tennessee.

INTERIOR DEPARTMENT APPROPRIATION BILL.

Mr. CRAMTON. Mr. Speaker, I call up the conference report on the Interior Department appropriation bill, H. R. 5078, and ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the statement accompanying the conference

report on the Interior Department appropriation bill be read in lieu of the report. Is there objection?

There was no objection.

The SPEAKER. The Clerk will read the statement.

The statement accompanying the conference report was read. The conference report is as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 5078) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1925, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 17 and 19.

That the House recede from its disagreement to the amendments of the Senate numbered 15, 18, and 39, and agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the sum proposed, insert "\$150,000"; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following: "\$400,000 of which amount \$245,000 shall be used for drainage purposes, but only after execution by the Truckee-Carson irrigation district of an appropriate reimbursement contract satisfactory in form to the Secretary of the Interior, and after confirmation of such contract by decree of a court of competent jurisdiction and final decision on all appeals from such decree"; and the Senate agree to the same.

The committee of conference have been unable to agree on the amendment of the Senate numbered 47.

LOUIS C. CRAMTON,
FRANK MURPHY,
C. D. CARTER,

Managers on the part of the House.

REED SMOOT,
CHARLES CURTIS,
WM. J. HARRIS,

Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 5078) making appropriations for the Department of the Interior for the fiscal year 1925 submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

On Nos. 15 and 16, relating to irrigation systems on the Flat-head Indian Reservation, Mont.: Appropriates \$150,000, instead of \$300,000, as proposed by the Senate, and \$50,000, as proposed by the House, and makes the appropriation available for "continuing construction," as proposed by the Senate, instead of confining it to "maintenance and operation," as proposed by the House.

On No. 17: Appropriates \$15,000, as proposed by the House, instead of \$30,000, as proposed by the Senate, for maintenance and operation of irrigation systems on the Fort Peck Indian Reservation, Mont.

On Nos. 18 and 19, relating to irrigation systems on the Black-foot Indian Reservation, Mont.: Appropriates \$20,000, as proposed by the House, instead of \$60,000, as proposed by the Senate, and makes the appropriation available for "continuing construction," as proposed by the Senate, instead of confining it to "maintenance and operation," as proposed by the House.

On Nos. 38 and 39, relating to the Newlands irrigation project, Nevada: Appropriates \$400,000, as proposed by the Senate, instead of \$155,000, as proposed by the House, and inserts a substitute for the language proposed by the Senate requiring a contract with the water users binding them to reimburse the Federal Government for the cost of the drainage, which substitute provides that the money for drainage shall not be used until the irrigation district shall have executed a satisfactory reimbursement contract and the same shall have been confirmed by decree of a court of competent jurisdiction

and final decision on all appeals from such decree shall have been rendered.

The committee of conference have been unable to agree upon the amendment of the Senate No. 47, relating to the Bright Angel toll road and trail in the Grand Canyon National Park.

LOUIS C. CRAMTON,
FRANK MURPHY,
C. D. CARTER,

Managers on the part of the House.

Mr. CRAMTON. Mr. Speaker, this report disposes, first, of the amendments in dispute with reference to certain Indian irrigation projects in Montana, on the Fort Peck, Flathead, and Blackfeet Reservations. In connection with these three items I may say that the total House figures for the three were \$85,000, being restricted to operation and maintenance. The Senate figures were \$390,000, of which \$360,000 was for the Flathead Reservation.

On this matter, when it was pending in the House last, before we went into conference, the gentlemen from Montana [Mr. EVANS and Mr. LEAVITT] presented arguments in behalf of an increase of the appropriations for construction, particularly upon the Flathead Reservation. Their arguments were such that, although the conferees were opposed to an increase for that purpose, and I presented such arguments as I could, the House barely sustained us at that time by a vote of 33 to 31.

Mr. CARTER. And the motion of the gentlemen from Montana was to concur in the Senate amendment, which was \$300,000, twice as much as that to which we had agreed.

Mr. CRAMTON. Yes. In other words, we barely, by a vote of 33 to 31, escaped instruction to agree to \$300,000. In view of that and in view of insistence of the other body, the conferees have agreed to an amendment, \$150,000 for the Flathead as against \$50,000 in the House bill and \$300,000 as in the Senate action. The Fort Peck and Blackfeet items are continued at the House figure.

I express the hope that when the authorities of the Indian Service come before us a year from now they can give us a more thorough exposition of the facts in connection with that than it has been possible for us to secure this year. The House conferees, in view of the action of the House that I have referred to, have felt warranted in yielding to pressure in this instance.

As to the Nevada item relating to reclamation, the Newlands project, an appropriation of \$245,000 for drainage purposes has been acceded to by the House. That is a matter which was not submitted to the Congress by the Budget. It was originally proposed by the department to use that same amount of money for the beginning of the Spanish Springs Reservoir, which was, however, not defended by the Reclamation Service as feasible when they appeared before our committee, and hence was not recommended by us. Since then the question of additional drainage has come up. The presence of alkali has made drainage an especially grave problem on the Newlands project. It was somewhat discussed in our hearings, and a very forcible argument was presented for it in the House in the first instance by the gentleman from Nevada [Mr. RICHARDS], who has brought full information to the attention of the House conferees. Associated with Mr. RICHARDS has been one of his constituents, Mr. True Vencill, who has summarized the facts with reference to this item very forcibly, and I will ask consent to extend my remarks for the purpose of including that letter.

The SPEAKER. The gentleman from Michigan asks unanimous consent to extend his remarks in the Record as indicated. Is there objection? [After a pause.] The Chair hears none.

The letter referred to follows:

MARCH 7, 1924.

HON. LOUIS C. CRAMTON, M. C.

House of Representatives, Washington, D. C.

MY DEAR MR. CRAMTON: Referring to our conversation of yesterday, I write to confirm what was said and to furnish the information you requested as to the action of our irrigation board with respect to the manner in which its members contract with the Government in the premises.

I wish to impress upon you that seepage water is already on the surface of many of the homesteads and is within 12 inches of the surface on a number of others. This means destruction to these farms unless drained immediately. When the fertility of the soil is once destroyed by seepage it takes from one to three years of constant irrigation and cultivation to restore these lands to their original production. An analysis of this condition is that the farmer loses three years of time and is unable to grow any crops, therefore can not meet his water payments and living expenses and would be forced in some cases to abandon his homestead.

The ponderous and expensive machinery which was used in doing the drainage work covered by the \$700,000 contract with the Government, which was completed January 1, 1924, is now lying idle on the project. Farms are being destroyed by seepage day by day. The Government's investment, as well as the farms, is being destroyed. Does it not therefore seem wise to provide funds to complete this drainage without delay, simply as a matter of good business?

In answer to your question as to why we did not get the drainage movement started sooner, I find that in looking over our minutes of the directors' meeting held on November 5, 1923, the project manager and engineers were instructed to investigate the necessity for further drainage and estimate cost of construction, which report I have just learned this morning is now in the files of the reclamation service in Washington. The engineers did not have this data completed until the fore part of January, so that we could estimate the approximate amount that would be needed.

The following resolution was passed by the irrigation board at its meeting the fore part of February.

"The livelihood of approximately 125 actual settlers, as well as the investment of the United States Government, is seriously threatened unless more drainage is done. Seepage conditions on these 17,500 acres, unprotected, are getting worse instead of better, and undoubtedly many of the settlers will have to leave if relief is not afforded immediately. Estimates and plans of the work needed now being made indicate that an expenditure of about \$250,000 will be necessary for the work, to be covered by an appropriate contract for repayment provided by the district."

Concerning the amendment added by Senator ODON relative to drainage on the Newlands project, it is perfectly satisfactory to the Senator to substitute the amendment suggested by the chief counsel of the Reclamation Service, which is as follows:

"\$400,000, of which amount \$245,000 shall be used for drainage purposes, but only after execution by the Truckee-Carson irrigation district of an appropriate reimbursement contract satisfactory in form to the Secretary of the Interior, and after confirmation of such contract by decree of a court of competent jurisdiction and final decision on all appeals from such decree."

In reply to your question as to how this contract would be confirmed by the court I wish to say that it would be handled in the same manner as a will for probate. It would be submitted to the court by a petition from the district, in accordance with the State law.

In the event I have failed to cover fully what you desire I shall be very glad to furnish such further information as you may indicate.

Very sincerely yours,

TRUE VENCILL.

Mr. CRAMTON. That disposes of the matters which are cleaned up by the conference report.

There is a matter which I should have brought to the attention of the House for the purpose of properly making the Record in accordance with an agreement that the gentleman from Oklahoma [Mr. CARTER] and I entered into with reference to amendments 13 and 14, which were disposed of in the previous report concerning the Chickasaw, Choctaw, and Creek attorneys. Those who have been interested in this item have agreed to this: That the appropriation carried in the bill, as it has now been agreed to by the two Houses, for the attorneys of the Chickasaw and Choctaw Tribes is based on the theory that the McMurray case will be tried in the court of claims during this fiscal year and not appealed; if it is not tried this fiscal year or is appealed, any necessary additional expense by reason thereof will be regarded as an emergency and should be considered the proper basis for a deficiency to that extent.

The principal increase that has been created in the bill by the Senate is out of the reclamation fund. There is an increase of \$910,000 from the reclamation fund in the final action as compared with the House action. The final action of the bill, apart from the reclamation fund or the Indian reimbursable items or the tribal funds—that is, that which comes from what might be called the general fund of the Treasury—is a total of \$250,353,255.

Mr. HOWARD of Nebraska, Mr. Speaker—

Mr. CRAMTON. I yield, if the gentleman desires.

Mr. HOWARD of Nebraska. I just wanted to suggest that legislation covering a matter of \$250,000,000 or \$300,000,000 ought to be considered by more than a couple of dozen Members of the House.

Mr. CRAMTON. I will say to the gentleman from Nebraska that the House has already disposed of the bulk of this, and in view of the gentleman's suggestion, I will simply put this table in the Record.

Mr. BLANTON. Will the gentleman yield?

Mr. CRAMTON. I yield.

Mr. BLANTON. I want to say to the gentleman from Nebraska that the gentleman need not be uneasy at all. The gentleman from Michigan is looking after the people's interest on this bill. The gentleman has been able to hold his own with the powers that be elsewhere.

Mr. HOWARD of Nebraska. That encourages me very much.

Mr. CRAMTON. It is \$34,269,554 less than the appropriation for the current year.

Mr. CARTER. If the gentleman from Michigan will yield, with reference to what the gentleman from Nebraska [Mr. Howard] said, the situation is that all these matters have been disposed of except three or four irrigation items that we now have before us, which I assume the House will back the committee up in, and in those matters the House has cut considerable off of the only Senate amendments agreed to, with the exception of one, and has refused to agree to two others, and the gentleman has receded and has agreed to cutting down the amounts. The only things now in question are the four amendments, and one other amendment which is not to be considered this evening, as I understand.

Mr. HASTINGS. Will the gentleman from Michigan permit me to ask a question?

Mr. CRAMTON. Yes.

Mr. HASTINGS. Does the gentleman have the figures showing the amount authorized to be expended this coming year out of Indian tribal funds? I thought perhaps the gentleman had that in the statement and would incorporate it in the Record.

Mr. CRAMTON. It is \$2,173,800.

Mr. HASTINGS. Expended from Indian tribal funds?

Mr. CRAMTON. About \$300,000 less than the current year. I will ask unanimous consent to extend in the RECORD the following statement and analysis:

Interior Department appropriations for 1925.

	(1) Tribal (not included in total in col. 5).	(2) Indian reimburs- able.	(3) Reclama- tion fund.	(4) All others.	(5) Total, exclusive of tribal funds.
1924 or current year.	\$2,406,000	\$2,609,250	\$12,260,000	\$282,699,750	\$297,520,000
Budget for 1925.....	2,170,800	2,030,950	10,856,000	239,892,381	275,069,331
Reported to House.....	2,185,800	1,873,000	9,946,000	249,908,965	263,727,965
Passed House.....	2,178,800	1,853,000	9,946,000	249,948,565	263,747,465
Passed Senate.....	2,173,800	2,246,200	10,856,000	251,100,568	266,202,758
Conference action.....	2,178,800	2,041,200	10,856,000	260,853,268	265,250,455

The above table and the following analysis includes the \$100,000 for Bright Angel Trail in the Grand Canyon National Park, proposed by the House and still in disagreement as Senate amendment 47.

The total expenditure, authorized from tribal funds is \$2,173,800, which is \$232,200 less than the current year, \$3,000 above the Budget, and \$5,000 below the House bill.

The total Indian reimbursable is \$2,041,200, which is \$568,050 less than the current year, \$20,250 above the Budget, and \$188,200 above the House bill. The increase above the House figure, slightly modified by other amendments, results chiefly from addition of \$82,200 for steel bridges for the Pueblo Indians and the \$100,000 I have previously referred to for irrigation on the Flathead Reservation.

The total appropriations from the reclamation fund, a special revolving fund set aside solely for work under the reclamation act, are \$10,856,000. This is \$1,394,000 less than the current year, is exactly the Budget figure, and is \$910,000 above the House bill. The increases above the House bill are \$245,000 for drainage on the Newlands project, which I have above discussed, and \$665,000 for the continuation of construction of the American Falls Reservoir on the Minidoka project.

The total appropriations carried in this bill from what might be called the general fund of the Treasury, excluding those from the Indian tribal funds, those from the reclamation fund, and reimbursable Indian items are \$250,353,253, which is \$32,307,504 less than the current year, \$8,939,126 less than the Budget, and only \$404,690 more than the House bill, an increase over the House bill of approximately one-sixth of 1 per cent. If the large sum appropriated for payment of pensions is eliminated from consideration, the increase is only about 1 1/2 per cent of the balance.

The total appropriations carried in the bill from all Federal funds, reimbursable or otherwise, Indian tribal funds not being included, are \$263,250,455, which is, as I have already said, \$34,269,554 below the current year, and is \$9,818,876 below the Budget and \$1,502,900 above the House bill, an increase over the House bill of a little more than one-half of 1 per cent or,

excluding the fund for payment of pensions, the increase over the House bill is only about 3 1/2 per cent.

My purpose in giving this analysis is not only to give information which I think will be of interest, but also to emphasize how satisfactory the bill is from the House point of view.

The statement is not given for the purpose of claiming any undue credit for the House conferees. On the contrary it is to be said that those who have charge of the bill in another body have been vigilant in protecting the bill against undesirable amendments and against increases generally.

Mr. OLDFIELD. Will the gentleman from Michigan yield?

Mr. CRAMTON. I yield to the gentleman from Arkansas.

Mr. OLDFIELD. Is this the bill in which appears the amendment known as the Bright Angel Trail amendment?

Mr. CRAMTON. That is amendment No. 47, which is still in disagreement, and is not covered by this agreement. It will be the only item remaining in disagreement after this report is agreed upon.

Mr. OLDFIELD. Do you expect that to be agreed to?

Mr. CRAMTON. I expect that ultimately the House action will be concurred in by the Senate.

Mr. OLDFIELD. And the gentleman expects to insist—

Mr. CRAMTON. It is not my purpose to-night to take any action with reference to that amendment.

Mr. OLDFIELD. Just one further question. Does the gentleman expect to insist in the future?

Mr. CRAMTON. I will say to the gentleman from Arkansas that the House conferees feel very strongly with reference to that proposition—the need that there is for the United States to assert its control over one of its national parks and to put that park in shape so that the public may in safety visit it, and not run the risk of drinking typhoid water or encountering other dangers. We feel that the rights of the United States are paramount, and when clearly defined by the Supreme Court should be observed by all. We feel that no one individual, whatever his station in life or official position, should be allowed to stand in the way of the common good, based on well-defined public rights. We do not believe toll should be collected on any road or trail in a national park, and that it is especially undesirable that the Bright Angel Trail should remain in any ownership except that of the United States, which owns the park in which the trail is situated. Ownership of the trail other than by the United States adds to the opportunity for private interests to defy the United States. Those same private interests which are now most actively opposing the House action in this matter have in the very recent past sought to gain control of this trail, and are now violently and impudently interfering with proper administration of the park. The House action heretofore taken is in the public interest and I feel it must be maintained. I will not ask action further on amendment 47 at this time.

[Mr. CRAMTON was granted leave to revise and extend his remarks in the RECORD.]

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

JIM HOGG COUNTY, TEX.

Mr. GARNER of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table and consider at this time bill S. 2625, a similar House bill having been favorably reported on the calendar.

The SPEAKER. The gentleman from Texas asks unanimous consent to take from the Speaker's table the bill S. 2625 and consider the same, a similar bill being on the calendar. Is there objection to the present consideration of the bill?

Mr. HOWARD of Nebraska. Mr. Speaker, I would like to ask if the bill appropriates any money out of the Treasury.

Mr. GARNER of Texas. No; I never take any money out of the Treasury. [Laughter.]

The SPEAKER. Is there objection? The Chair hears none, and the Clerk will report the bill.

The Clerk read the bill, as follows:

A bill (S. 2625) to detach Jim Hogg County from the Corpus Christi division of the southern judicial district of the State of Texas and attach the same to the Laredo division of the southern judicial district of said State.

Be it enacted, etc., That Jim Hogg County of the Corpus Christi division of the southern district of the State of Texas be, and the same is hereby, detached from the said Corpus Christi division and attached to and made a part of the Laredo division of the southern district of said State.

The bill was ordered to be read a third time, was read the third time, and passed.

ADJOURNMENT.

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 23 minutes p. m.) the House adjourned until to-morrow, Wednesday, March 26, 1924, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

412. A letter from the Acting Secretary of Labor, transmitting a list of miscellaneous papers of the Bureaus of Labor Statistics, Immigration, and Naturalization which will be of no further use in the transaction of official business; to the Committee on Disposition of Useless Executive Papers.

413. A letter from the Acting Secretary of the Navy, transmitting a draft of proposed legislation "authorizing the Secretary of the Navy to accept certain lands in the vicinity of Pensacola, Fla., to assure a suitable water supply for the United States naval air station at Pensacola"; to the Committee on Naval Affairs.

414. A letter from the Acting Secretary of Commerce, transmitting a draft of proposed legislation "to authorize the Comptroller General to relieve Fred A. Gosnell, former disbursing clerk, Bureau of the Census, and the estate of Richard C. Lappin, former supervisor of the Fourteenth Decennial Census for the Territory of Hawaii, and special disbursing, in the settlement of certain accounts"; to the Committee on Claims.

415. A letter from the Acting Secretary of the Navy, transmitting a draft of proposed legislation "to extend the provisions of the national bank act to the Virgin Islands of the United States" (H. Doc. No. 229); to the Committees on Banking and Currency and Insular Affairs and ordered to be printed.

416. A message from the Senate of the United States, transmitting copy of Senate Resolution 195, relating to Clarence C. Chase, collector of customs at the port of El Paso, Tex., together with certain testimony adduced before the Senate Committee on Public Lands and Surveys; resolution ordered to be printed and, with the accompanying papers, referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. FISHER: Committee on Military Affairs. H. J. Res. 163. A joint resolution authorizing the Secretary of War to loan certain tents, cots, chairs, etc., to the executive committee of the United Confederate Veterans for use at the thirty-fourth annual reunion, to be held at Memphis, Tenn., in June, 1924; without amendment (Rept. No. 359). Referred to the House Calendar.

Mr. LEAVITT: Committee on the Public Lands. H. R. 3756. A bill granting to the county of Custer, State of Montana, certain land in said county for use as a fairground; without amendment (Rept. No. 360). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEAVITT: Committee on the Public Lands. H. R. 4319. A bill authorizing the conveyance of certain land to the city of Miles City, State of Montana, for park purposes; without amendment (Rept. No. 361). Referred to the Committee of the Whole House on the state of the Union.

Mr. WINSLOW: Committee on Interstate and Foreign Commerce. H. R. 7015. A bill to authorize the purchase in the open market of certain supplies for use on the Panama Canal or in the Canal Zone; with amendments (Rept. No. 363). Referred to the Committee of the Whole House on the state of the Union.

Mr. VAILE: Committee on the Public Lands. H. R. 3927. A bill granting public lands to the town of Silverton, Colo., for public park purposes; without amendment (Rept. No. 364). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM of Pennsylvania: Committee on the Judiciary. H. R. 3260. A bill to alter the practice and procedure in Federal courts, and for other purposes; with amendments (Rept. No. 365). Referred to the House Calendar.

Mr. GRAHAM of Pennsylvania: Committee on the Judiciary. H. R. 7271. A bill to amend section 284 of the Judicial Code of the United States; with an amendment (Rept. No. 366). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. McSWAIN: Committee on Military Affairs. H. R. 2319. A bill for the relief of John H. McAtee; without amendment (Rept. No. 362). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 754) to authorize the Treasury of the United States to turn into the treasury of the Territory of Alaska all moneys received from the sale of fur-seal and other furs as are the property of the United States of America from the Pribilof Islands; Committee on Ways and Means discharged, and referred to the Committee on the Merchant Marine and Fisheries.

A bill (H. R. 4104) to amend an act entitled "An act to prevent the extermination of fur-bearing animals in Alaska," etc.; Committee on Ways and Means discharged, and referred to the Committee on the Merchant Marine and Fisheries.

A bill (H. R. 7743) granting an increase of pension to William Weaver; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 7356) to repeal a part of section 5, chapter 127, Thirty-ninth United States Statutes at Large; Committee on the Judiciary discharged, and referred to the Committee on Interstate and Foreign Commerce.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SNYDER: A bill (H. R. 8201) to amend an act entitled "An act to establish a Veterans' Bureau and to improve the facilities and service of such bureau, and further to amend and modify the war risk insurance act," approved August 9, 1921, and to amend and modify the war risk insurance act and to amend the vocational rehabilitation act; to the Committee on World War Veterans' Legislation.

By Mr. LEHLBACH: A bill (H. R. 8202) to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts in amendment thereof; to the Committee on the Civil Service.

By Mr. KELLY: A bill (H. R. 8203) to provide for parcel fee for parcel-post mail matter in excess of 4 ounces in weight; to the Committee on the Post Office and Post Roads.

By Mr. GARBER: A bill (H. R. 8204) to provide for the reopening of the Otoe Indian Boarding School, Oklahoma, and to appropriate money for its maintenance; to the Committee on Indian Affairs.

By Mr. REED of Arkansas: A bill (H. R. 8205) to prevent the sale of cotton and grain in futures markets; to the Committee on Agriculture.

By Mr. GRAHAM of Pennsylvania: A bill (H. R. 8206) to amend the Judicial Code, and to further define the jurisdiction of the circuit courts of appeals and of the Supreme Court, and for other purposes; to the Committee on the Judiciary.

By Mr. MORROW: A bill (H. R. 8207) to extend the provisions of the homestead law so as to allow certain credit, in lieu of permanent improvements, for the period of enlistment to soldiers, nurses, and officers of the Army, and the seamen, marines, nurses, and officers of the Navy and the Marine Corps of the United States; to the Committee on the Public Lands.

By Mr. COLE of Ohio: A bill (H. R. 8208) amending the act of August 2, 1919, to increase the pay of certain employees of the Government Printing Office, and for other purposes; to the Committee on Printing.

By Mr. DENISON: A bill (H. R. 8209) to create the Inland Waterways Corporation for the purpose of carrying out the mandate and purpose of Congress as expressed in sections 201 and 500 of the transportation act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. GRAHAM of Pennsylvania: A bill (H. R. 8210) to fix the salaries of officers and employees of the Court of Appeals of the District of Columbia, the Supreme Court of the District of Columbia, the United States Court of Claims, and the United States Court of Customs Appeals; to the Committee on the Judiciary.

By Mr. CONNERY: Memorial of the Legislature of the State of Massachusetts favoring passage by Congress of legislation

increasing the compensation of postal employees; to the Committee on the Post Office and Post Roads.

Also, memorial of the Legislature of the State of Massachusetts requesting Congress to appropriate funds to carry out certain recommendations of the Chief of Staff of the United States Army made in furtherance of the national defense act of 1920; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLAND: A bill (H. R. 8211) to correct the military record of Abraham Hetrick; to the Committee on Military Affairs.

By Mr. DENISON: A bill (H. R. 8212) granting an increase of pension to Lizzie Wright; to the Committee on Invalid Pensions.

By Mr. DOWELL: A bill (H. R. 8213) granting an increase of pension to Jane E. Hart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8214) granting an increase of pension to Rachel Morris; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 8215) granting an increase of pension to Robert H. Seidel; to the Committee on Pensions.

By Mr. GLATFELTER: A bill (H. R. 8216) granting an increase of pension to Maria Heusser; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8217) granting an increase of pension to Laura J. Nonemaker; to the Committee on Invalid Pensions.

By Mr. GREEN of Iowa: A bill (H. R. 8218) granting a pension to Emma E. Blake; to the Committee on Invalid Pensions.

By Mr. JOHNSON of South Dakota: A bill (H. R. 8219) granting a pension to Emma L. Dugent; to the Committee on Invalid Pensions.

By Mr. MAPES: A bill (H. R. 8220) granting an increase of pension to Sylvester B. Brott; to the Committee on Invalid Pensions.

By Mr. RUBEY: A bill (H. R. 8221) granting a pension to Ellen Lessing; to the Committee on Invalid Pensions.

By Mr. SWING: A bill (H. R. 8222) for the relief of Robert C. Osborne; to the Committee on the Post Office and Post Roads.

By Mr. TABER: A bill (H. R. 8223) granting a pension to Harriet D. Rackham; to the Committee on Invalid Pensions.

By Mr. WEFALD: A bill (H. R. 8224) granting a pension to William Roof; to the Committee on Invalid Pensions.

By Mr. WOODRUFF: A bill (H. R. 8225) granting a pension to Fannie Teeple; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8226) granting a patent to the First State Savings Bank of Gladwin, Mich.; to the Committee on the Public Lands.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2012. By Mr. ARNOLD: Petition of city and district committee of the Workmen's Circle of Rhode Island, protesting against the passage of the Johnson Immigration bill; to the Committee on Immigration and Naturalization.

2013. Also, petition of sundry citizens of Keensburg, Ill., asking for the passage of legislation which would materially reduce immigration to this country, and further asking that the base of percentage be the 1890 census; to the Committee on Immigration and Naturalization.

2014. By Mr. GRAMTON: Petition of the Business Men's Association, Mount Clemens, Mich., urging favorable action on the bill proposing increase in salary for postal employees; to the Committee on the Post Office and Post Roads.

2015. Also, petition of the Parent-Teacher Association, Fairgrove, Mich., urging favorable action on the child-labor amendment; to the Committee on the Judiciary.

2016. Also, petition of C. H. King and the other rural carriers at Marlette, Mich., urging favorable action on the Paige bill (H. R. 7016); to the Committee on the Post Office and Post Roads.

2017. By Mr. FULLER: Petition of Sherres-Gillet Co., of Chicago, Ill., opposing House bill 762; to the Committee on Agriculture.

2018. By Mr. KING: Petition of the Dorothy Quincy (Ill.) Chapter of the Daughters of American Revolution, in favor of Towner-Sterling educational bill, fireproof archives building, and migratory bird bill; to the Committee on Education.

2019. Also, petition of Colonel Jonathan Latimer Chapter, D. A. R., for the adoption of the Star Spangled Banner as

the national anthem of the United States; to the Committee on the Library.

2020. Also, petition of Hon. John T. Doyle, secretary Civil Service Commission, in re House bill 7495.

2021. Also, petition of M. C. Foster and 90 other citizens of Table Grove, Ill., and vicinity, urging the repeal of tax on trucks, parts, etc.; to the Committee on Ways and Means.

2022. Also, petition of the Association of Drainage and Levee Districts of Illinois, at its meeting in Beardstown, held December 14, 1923; to the Committee on Rivers and Harbors.

2023. Also, petition of the Atkinson, Ill., Women's Club, favoring the Johnson Immigration bill and the Porter narcotic bill; to the Committee on Immigration and Naturalization.

2024. Also, petition of Subordinate Lodge No. 122, of the Croatian League of Illinois, protesting against the passage of a "selective immigration act"; to the Committee on Immigration and Naturalization.

2025. By Mr. LEAVITT: Petition of Terry, Mont., Post of the American Legion, indorsing the Johnson Immigration bill; to the Committee on Immigration and Naturalization.

2026. By Mr. MAGEE of New York: Petition of Secretary John Cappon and other members of the International Association of Machinists, Syracuse Lodge, No. 881, in favor of House bill 2702, requiring that all strictly military supplies be manufactured in Government-owned navy yards and arsenals, etc.; to the Committee on Naval Affairs.

2027. By Mr. O'CONNELL of Rhode Island: Petition of members of the city and district committee of the Workmen's Circle of Rhode Island, opposing the Johnson Immigration bill; to the Committee on Immigration and Naturalization.

2028. By Mr. PATTERSON: Petition of numerous citizens of Camden County, N. J., for modification of the Volstead Act; to the Committee on the Judiciary.

2029. By Mr. PERKINS: Petition of Rev. Gaetano Iorizzo and other foreign-born American citizens living in the vicinity of Hackensack, N. J., requesting the Congress to be considerate for Italy and other races of southern Europe in the immigration legislation (H. R. 7905) about to be considered by the House of Representatives; to the Committee on Immigration and Naturalization.

2030. Also, petition of Pasquale Clecone and others, representing The Sons of Italy, all naturalized citizens of the United States and living in the State of New Jersey, requesting the Congress to be fair with Italy and the races of southern Europe in determining the immigration legislation, so there will be no unjust discrimination; to the Committee on Immigration and Naturalization.

2031. By Mr. SMITH: Petition of Woman's Christian Temperance Union, Blackfoot, Idaho, protesting against legislation providing amendment to Volstead Act permitting 2.75 per cent beer; to the Committee on the Judiciary.

2032. By Mr. TEMPLE: Petition of Lodge August Rebel, No. 250, S. N. P. J., Meadowlands, Pa., protesting against certain proposals before the Congress of the United States regulating immigration; to the Committee on Immigration and Naturalization.

2033. By Mr. THOMPSON: Petition of Fulton County (Ohio) Board of Education, expressing disapproval of the proposal to establish a Federal department of education; to the Committee on Education.

SENATE.

WEDNESDAY, March 26, 1924.

(Legislative day of Monday, March 24, 1924.)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The principal clerk called the roll, and the following Senators answered to their names:

Adams	Caraway	Ferris	Hedin
Ashurst	Colt	Fess	Howell
Ball	Copeland	Fletcher	Johnson, Minn.
Bayard	Couzens	Fraser	Jones, N. Mex.
Borah	Cummins	George	Jones, Wash.
Brandegee	Curtis	Gerry	Kendrick
Brookhart	Dale	Glass	Keyes
Broussard	Dial	Gooding	King
Bruce	Dill	Hale	Ladd
Bursum	Edgo	Harrell	Lodge
Cameron	Edwards	Harris	McKellar
Capper	Elkins	Harrison	McKinley

McLean
McNary
Mayfield
Moses
Neely
Norris
Oddie
Overman

Pepper
Pittman
Ralston
Ransdell
Reed, Mo.
Reed, Pa.
Robinson
Sheppard

Shortridge
Simmons
Smith
Smoot
Stephens
Swanson
Trammell
Wadsworth

Walsh, Mass.
Walsh, Mont.
Warren
Weller
Willis

Mr. NORRIS. I desire to announce the unavoidable absence of the Senator from Minnesota [Mr. SHIPSTEAD] on account of illness.

The PRESIDENT pro tempore. Seventy-seven Senators having answered to their names, there is a quorum present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed without amendment the bill (S. 2625) to detach Jim Hogg County from the Corpus Christi division of the southern judicial district of the State of Texas, and attach the same to the Laredo division of the southern judicial district of said State.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 7449) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1924, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1924, and for other purposes; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MADDEN, Mr. ANTHONY, and Mr. BYRNS of Tennessee were appointed managers on the part of the House at the conference.

FIRST DEFICIENCY APPROPRIATIONS.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 7449) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1924, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1924, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WARREN. I move that the Senate insist upon its amendments, accept the invitation of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the President pro tempore appointed Mr. WARREN, Mr. CURTIS, and Mr. OVERMAN conferees on the part of the Senate.

PETITIONS AND MEMORIALS.

Mr. WARREN presented a resolution adopted by the Drustvo Bratje Miru Lodge, No. 254, S. N. P. J., of Diamonds ville, Wyo., protesting against the passage of immigration legislation discriminating against the Slovenes, which was referred to the Committee on Immigration.

Mr. SHEPPARD presented a petition of sundry citizens of Austin, Tex., praying an amendment to the Constitution granting equal rights to women, which was referred to the Committee on the Judiciary.

Mr. CAPPER presented a petition of sundry citizens of Paradise, Kans., praying for the passage of legislation entirely restricting immigration for a period of five years, which was referred to the Committee on Immigration.

Mr. WILLIS presented a petition signed by approximately 5,000 citizens in the State of Ohio, praying for the passage of legislation granting adjusted compensation to veterans of the World War, which was referred to the Committee on Finance.

REPORT OF COMMITTEES.

Mr. WILLIS, from the Committee on Territories and Insular Possessions, to which was referred the bill (S. 2573) to amend and reenact sections 20, 22, and 50 of the act of March 2, 1917, entitled "An act to provide a civil government for Porto Rico, and for other purposes," reported it with amendments and submitted a report (No. 304) thereon.

Mr. LADD, from the Committee on Commerce, to which was referred the bill (S. 2825) to extend the time for commencing and completing the construction of a bridge across Detroit River within or near the city limits of Detroit, Mich., reported it without amendment and submitted a report (No. 305) thereon.

He also, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 807) authorizing the Secretary of the Interior to determine and confirm by patent in the nature of a deed of quitclaim the title to lots in the city of Pensacola, Fla., reported it with amendments and submitted a report (No. 306) thereon.

ENROLLED BILLS PRESENTED.

Mr. WATSON, from the Committee on Enrolled Bills, reported that on yesterday they presented to the President of the United States enrolled bills of the following titles:

S. 75. An act for the relief of the Cleveland State Bank, of Cleveland, Miss.; and

S. 1982. An act granting the consent of Congress to the construction, maintenance, and operation by the Chicago, Milwaukee & St. Paul Railway Co., its successors and assigns, of a line of railroad across the northeasterly portion of the Fort Snelling Military Reservation in the State of Minnesota.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HARRELD (by request):

A bill (S. 2933) to amend the act of Congress of March 3, 1921, entitled "An act to amend section 3 of the act of Congress of June 28, 1906, entitled 'An act of Congress for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes'"; to the Committee on Indian Affairs.

By Mr. PITTMAN:

A bill (S. 2934) making an appropriation for additional water storage in Spanish Springs Valley, Newlands reclamation project, State of Nevada; to the Committee on Irrigation and Reclamation.

By Mr. CARAWAY:

A bill (S. 2936) to require registration of lobbyists, and for other purposes; to the Committee on the Judiciary.

By Mr. EDGE:

A bill (S. 2937) granting a pension to Elizabeth K. Brown; to the Committee on Pensions.

By Mr. MCKINLEY (for Mr. McCORMICK):

A bill (S. 2938) to amend the war risk insurance act; to the Committee on Finance.

By Mr. CAPPER:

A bill (S. 2939) for the relief of Bruusgaard Klosteruds Dampskibs Aktieselskab, a Norwegian corporation of Drammen, Norway; to the Committee on Claims.

By Mr. COPELAND:

A bill (S. 2940) prohibiting the importation of crude opium for the purpose of manufacturing heroin; to the Committee on Finance.

A bill (S. 2941) authorizing the President of the United States to appoint Philip T. Coffey to the position and rank of captain in the United States Army and immediately retire him with the rank and pay held by him at the time of his discharge (with an accompanying paper); to the Committee on Military Affairs.

By Mr. SMITH:

A bill (S. 2942) for the relief of James C. Baskin; to the Committee on Military Affairs.

By Mr. ELKINS:

A bill (S. 2943) granting an increase of pension to Elizabeth S. Reed; to the Committee on Pensions.

PUBLICATIONS OF OFFICIAL PAPERS OF THE TERRITORIES.

By Mr. RALSTON:

A bill (S. 2935) for the publication of official papers of the Territories of the United States now in the national archives. Mr. RALSTON. Mr. President, the State Historical Society of Indiana has been petitioning Congress for several years past to have printed the official papers relating to its Territorial government, which are now on file in the archives in Washington. There is a period from the organization of the Territory northwest of the River Ohio in 1787 to the admission of the State of Indiana in 1816 in which Washington was the real capital, to which official papers were sent. Comparatively few of them have been brought to light in recent years, and these by the efforts of private citizens. Every State west of the Allegheny Mountains is in the same situation. The people of 35 States of the Union are denied access to the sources of their own history because the United States holds these papers unpublished. The deprival of the opportunity for historical investigation is felt the more keenly because these States are now passing through the centennial period, when their history becomes a matter of general public interest.

The object of this bill is to put these official papers into print, and I give it my hearty support because I believe the best system of Americanization is through education in our own history, National, State, and local.

The Carnegie Institution has performed a valuable service by publishing a list of these documents, a quarto volume of nearly 500 pages, of which I have a copy here. In this the papers relating to each State are printed under the name of

the State to which they refer, and any Senator who desires to know the wealth of historical material which this publication would make accessible to his own constituents can readily see it here.

I move that the bill be referred to the Committee on Printing. The motion was agreed to.

REDUCTION OF INTERNAL REVENUE TAXES.

Mr. COPELAND submitted an amendment intended to be proposed by him to House bill 6715, the tax reduction bill, which was referred to the Committee on Finance and ordered to be printed.

AMENDMENTS TO THE CONSTITUTION.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 4) proposing an amendment to the Constitution of the United States relative to the adoption of amendments thereto.

The PRESIDENT pro tempore. The Chair thinks it ought to announce that the Senate is now operating under a unanimous-consent agreement which limits Senators to 10 minutes upon both the joint resolution and any amendments that may be offered thereto. If there be no further amendments to be offered as in Committee of the Whole, the joint resolution will be reported to the Senate.

The joint resolution was reported to the Senate as amended.

Mr. DIAL. Mr. President, I move to reconsider the vote whereby the so-called Jones amendment to the committee amendment was agreed to.

The PRESIDENT pro tempore. The committee amendment was amended and then agreed to as amended.

Mr. WALSH of Montana. As the Senator from South Carolina has signified a desire to move to reconsider the vote by which the Jones amendment was adopted, I move to reconsider the vote by which the amendment offered by the committee as amended by the Jones amendment was adopted.

Mr. CARAWAY. Mr. President, a parliamentary inquiry. Under the unanimous-consent agreement is the motion in order? Was not the agreement simply to consider amendments, and is it now in order to move to reconsider an amendment already agreed to?

The PRESIDENT pro tempore. The Chair is of the opinion that the unanimous-consent agreement is simply an agreement limiting the time during which any Senator may speak. The Chair is of the opinion that the motion to reconsider is in order.

Mr. OVERMAN. Mr. President, a parliamentary inquiry. The joint resolution, as I understand it, is like a bill, and is first considered as in Committee of the Whole. It then goes to the Senate. I think the Senate is entitled to another vote on the Jones amendment when the joint resolution reaches the Senate. Then the Senate will have another opportunity to vote on it, I understand.

Mr. McKELLAR. That would not interfere with the right of a Senator to move to reconsider the vote by which the amendment was agreed to.

Mr. OVERMAN. But there is no use to reconsider it if we have another opportunity to vote on it.

Mr. DIAL. If we are to have another vote on it, I do not care to press my motion to reconsider.

The PRESIDENT pro tempore. The Chair understands the Senator from North Carolina to ask if there will be an opportunity in the Senate to vote upon what is known as the Jones amendment?

Mr. OVERMAN. That is the question.

The PRESIDENT pro tempore. The Chair is of the opinion that there will be no such opportunity to vote directly upon the amendment, but the question can be raised by a motion to strike the Jones amendment from the joint resolution as reported to the Senate from the Committee of the Whole.

Mr. WALSH of Montana. In that case, I withdraw the motion.

The PRESIDENT pro tempore. The joint resolution is in the Senate and open to amendment.

Mr. DIAL. Now I move to strike out the Jones amendment to the committee amendment.

The PRESIDENT pro tempore. The Senator from South Carolina moves to strike from the joint resolution the amendment adopted on motion of the Senator from Washington [Mr. JONES], which will be stated by the Secretary.

The READING CLERK. On page 3, line 1, after the word "case," there was inserted the language, "shall be submitted to the legislatures of the several States"; and in line 6, after the words "several States," there were inserted the words

"after affirmative or negative action by the respective legislatures."

The PRESIDENT pro tempore. The question is upon agreeing to the motion of the Senator from South Carolina [Mr. DIAL], to strike out the words inserted as stated by the Secretary.

Mr. McKELLAR. I ask for the yeas and nays.

Mr. WALSH of Massachusetts. Mr. President, I should like to ask the Senator from New York [Mr. WADSWORTH] a question. As I understand, there are three schools of thought, or three opinions, in the Senate about this proposed constitutional amendment. There is a group of Senators who are opposed to changing the present methods of amending our Constitution; there is another group of Senators, led by, or at least in agreement with, the Senator from New York, who will vote for the Judiciary Committee proposal if the Jones amendment shall be added to it; and there is still another group of Senators who prefer the committee proposal without the Jones amendment. I should like to ask the Senator from New York if he and the other 12 or 15 Senators on his side of the Chamber who are in agreement with him will refuse to support the committee proposal if the Jones amendment shall be eliminated from the joint committee resolution?

Mr. WADSWORTH. Mr. President, I have no right to speak for any number of Senators here. I can not say how they might vote.

Mr. WALSH of Massachusetts. How about the Senator himself? What is his opinion?

Mr. WADSWORTH. I announced when I was discussing this matter in the first instance that I regarded the original joint resolution as much the more preferable, and that the committee substitute was, in my judgment, preferable to the present Constitution; but there are other Senators who do not agree with me in that opinion, and I can not speak for them.

Mr. WALSH of Massachusetts. I know some Senators on this side of the Chamber—

Mr. WADSWORTH. As a matter of fact, if I may make this observation, the Jones amendment as attached to the Walsh substitute, I think, was proposed in the nature of a compromise, to gather around the joint resolution itself the greatest number of affirmative votes in order that it might receive the two-thirds vote of the Senate which is necessary to its passage; and I very much hope that it will remain in that status.

Mr. WALSH of Massachusetts. It was upon that assumption that I voted for the Jones amendment as a compromise, thinking that if a proposed amendment to the Constitution could not be submitted directly to the people, an indirect way of getting the people's judgment was better than giving the people no voice at all. I wish to make a suggestion to Senators who are sincerely devoted to popular government and who believe in leaving the ratification of constitutional amendments to the people alone. If you had before you the question of amending our Constitution so as to elect Senators by a direct vote of the people and were faced with the alternative of adhering to the old provision of the Constitution, which left the election of Senators alone to the State legislatures, or of adopting an amendment leaving the question in the first instance to the legislatures without any power to make a final decision but allowing an appeal from them to the people, what would you do? Would you not accept an amendment providing only for preliminary discussion and vote by the State legislatures with final decision reserved to the people rather than keep the election of Senators with the legislatures? There can be but one answer—take the best you can get that will give the people authority to sanction changes in their Constitution. To get the final decision of the people who should hesitate about going even in an indirect way to the people rather than giving the power to amend the Constitution solely and alone to the State legislatures?

I repeat, I prefer to go directly to the people, but it is quite apparent, from what I have been able to learn, that we can not get a two-thirds vote in the Senate for that proposition. Now, under the Jones amendment we can go to the people by indirectness by first going to the legislature. What difference would it make in the election of a Senator if, while the legislature should vote to support a Republican Senator, there were subsequently the right to go to the people and the people themselves could choose a Democrat?

It seems to me, Mr. President, that, much as I personally should prefer the direct way, rather than destroy the possibility of popular action and so as to give the people the right of final decision, we ought to accept the proposal of the Senator from Washington [Mr. JONES].

Mr. JONES of New Mexico. Mr. President, will the Senator from Massachusetts permit me to make an inquiry?

Mr. WALSH of Massachusetts. I yield to the Senator from New Mexico.

Mr. JONES of New Mexico. Would it not be possible to take the final vote upon the joint resolution framed in the way which the Senator from Massachusetts suggests he desires it to be framed; and if the joint resolution in that form should not receive the two-thirds vote, then could we not take up the other proposition?

Mr. WALSH of Massachusetts. I should welcome that. I should have no hesitancy in voting for referring the question of the ratification of constitutional amendments directly to the people.

Mr. JONES of New Mexico. I have made the inquiry because I can see no special advantage in the substance of what is known here as the Jones amendment.

I do not see why two tribunals should undertake to pass upon an amendment to the Constitution. Under the Jones amendment the legislature first would pass upon it in a merely advisory way, and it would ultimately have to go to the people anyway. I can not see the reason for the delay which would be occasioned by that process.

Mr. WALSH of Massachusetts. Does not the Senator agree that a method of finally getting the question of ratification to the people, no matter how many legislatures may intervene, is better than never getting it to the people and leaving the question solely to the legislatures?

Mr. JONES of New Mexico. I quite agree to that; and if I were convinced by a vote taken in the Senate that we could not act on the subject in the other way, then, of course, I should be perfectly willing to accept the compromise.

Mr. WALSH of Massachusetts. I suggest to the Senator that he ask unanimous consent that such a vote may be taken.

Mr. JONES of New Mexico. If that is the best parliamentary way to reach it, I should be very glad to do that.

The PRESIDENT pro tempore. The Chair is not prepared to commit himself as to that parliamentary situation.

Mr. JONES of New Mexico. I suppose if we could get unanimous consent that it might be done.

Mr. WADSWORTH. What might be done?

Mr. JONES of New Mexico. We might take a vote upon the joint resolution with the Jones amendment eliminated and see whether it could pass this body or not.

Mr. WALSH of Montana. I think I can make a suggestion by which such vote can be arrived at. If the Jones amendment is stricken out, there will then be an opportunity to vote on the committee amendment by itself. If that should carry by a two-thirds vote, the desire of the Senator from New Mexico and the Senator from Massachusetts would be met. If it should be defeated, a motion could then be made to reconsider that vote, and then the Jones amendment could be taken up again and added to the committee amendment. So that could be arrived at, and, if that is what the Senators desire, the way to get it would be to strike out the Jones amendment in the first instance.

Mr. JONES of New Mexico. I think, in view of the procedure suggested, that those of us who are opposed to the Jones amendment might very well vote to strike it out, and then later, if we find that we have not a two-thirds vote to carry the joint resolution as a whole, to reconsider that vote and add the Jones amendment.

Mr. WALSH of Montana. Exactly.

Mr. JONES of New Mexico. So all those who evidently are of the same mind upon this subject as the Senator from Massachusetts and myself would be safe in voting to strike out the Jones amendment.

Mr. BRANDEGEE. Mr. President I should like to ask the Senator from Montana a question. I was in agreement with the Senator from Montana in reporting his substitute from the committee and I should like to have it adopted by the Senate if that could be done. The reason why I for one voted for the Jones amendment was that I did not think if it became a part of the joint resolution it would interfere with the submission of proposed amendments to the people; and I thought in that form the joint resolution was more apt to pass, as I realized there were some Senators in the Chamber who would not vote for the committee report as the Senator from Montana had drawn it. Now the Senator from Montana suggests that if we strike out the Jones amendment and have a vote directly on the amendment as reported by the committee, which is the amendment of the Senator from Montana, and if that shall be lost, then upon a motion to reconsider the Jones amendment might be reinstated. But have we any assurance that any

Senator who votes against the amendment of the Senator from Montana will move to reconsider?

Mr. WALSH of Montana. The answer to that is very easy, because it is a very common thing for a supporter of a motion to change his vote before the result is announced—

Mr. BRANDEGEE. I know it is.

Mr. WALSH of Montana. With a view to reconsidering.

Mr. BRANDEGEE. I am familiar with the device by which it is done, but all I want to know is, will it be done? I know it can be done if the spirit is willing. I merely mention that possibility.

Mr. WALSH of Montana. I suggest that the Senator make the experiment and vote with us to strike out the Jones amendment, and then, if he thinks it desirable, he can move to reconsider later.

Mr. BRANDEGEE. I do not want to make the experiment, because I want to save something if I can of this reform "of back to the people," and I am afraid that in the swapping of horses we will never get across the stream.

Mr. NEELY. Mr. President, there are forward-looking men on both sides of this Chamber—and in my opinion they constitute a majority of the Senate—who would like to vote for the submission of an amendment which, if adopted, would make it easier for the people to amend the Constitution. But no one can vote for the pending resolution as now encumbered by the Jones amendment without voting further to obstruct the existing method of ratification.

For example, many of us hope that a child-labor amendment to the Constitution may soon be favorably reported by the Committee on the Judiciary; that we may be able to submit it for ratification, and that ratification may be had without a moment's unnecessary delay. The ratification in its present form of the resolution now before the Senate, if effected prior to the ratification of the child-labor amendment, would afford the enemies of the latter measure additional means by which to delay it.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

The PRESIDENT pro tempore. Does the Senator from West Virginia yield to the Senator from Arkansas?

Mr. NEELY. I yield.

Mr. CARAWAY. Under the Jones amendment, as I understand it, the people will finally determine whether or not a proposed amendment shall be ratified?

Mr. NEELY. That is true.

Mr. CARAWAY. If that is true, then has the Senator any objection to letting the people pass upon the proposed amendments?

Mr. NEELY. On the contrary, I very earnestly desire that the people; and the people alone, may pass on all proposed amendments to the Constitution without having to wait for the State legislatures to consider them. In other words, I favor prompt and direct action by the voters, instead of indirect action, delayed by interminable antecedent parliamentary debate.

There is no justification for the delay provided by the Jones amendment.

Mr. CARAWAY. May I ask the Senator if he would be in favor of abolishing the State legislatures?

Mr. NEELY. No; not for the purpose of enacting legislation.

Mr. CARAWAY. I want to ask the Senator another question. He has no objection, I understand, to the legislatures having something to do with discussing a matter which is not legislation. He is for the referendum and recall, I take it for granted, and believes that the act of a legislature should be referred to the people whenever they want it referred.

Mr. NEELY. I have no objection to letting the people pass on any matter of public policy. I am not afraid to trust them.

Mr. CARAWAY. The only objection, then, the Senator has to the Jones amendment is that delay might be involved.

Mr. NEELY. That is correct.

Mr. CARAWAY. Well, is it not wise to give a chance to have a proposed amendment examined so that the people may have an opportunity to form an intelligent opinion on it, or would the Senator—

Mr. NEELY. Let me answer that question by saying that the people of this country do not need the assistance of any benevolent legislative guardian in order to reach a proper conclusion.

Mr. CARAWAY. Then, why not abolish the legislatures and have all legislation by the people?

Mr. NEELY. For many obvious and adequate reasons, of which I shall specify but one. It would be not only impracticable but utterly impossible for a majority of the people to convene, consider, and enact legislation. But it is neither impossible nor impracticable for them to consider proposed amendments to the Constitution in their homes, and cast their

votes for the ratification or rejection of such amendments at the polls.

Mr. CARAWAY. If the Senator wants a referendum, it will take time to have a question referred to them; but the thing I am after is this:

I have seen so much of propaganda, and the Senator, I am sure, has seen it. There is a fine example of it going on right now in this country. There ought to be some place where the propagandists could be exposed, and the people could ascertain the real merits of the controversy. Amending the Constitution is not like an act of the legislature. It is fundamental. It affects the rights of everybody who lives in America, and it is presumed to affect their rights for all the rest of the ages. Therefore there ought to be some chance for them to know what is actually beneath the proposed amendments. They ought not to be swept along by the propaganda of somebody with a sinister interest and with some money back of him who seeks to get something that he knows he could not get if the people had time to examine the matter.

Ordinarily the man who comes here with whip and spur and wants to ride over the legislature and get something done immediately has something that he knows will not stand examination. We saw that in the case of the Mellon plan. You were told to vote for the Mellon plan and put on your hat and go home; and had it been possible to coerce you and other Senators, the Mellon plan would have been adopted and everybody with large fortunes would have been smiling and everybody else would have been "broke."

Mr. NEELY. Yes; but as long as the able Senator from Arkansas and my good friend the distinguished Senator from Alabama [Mr. HEFLIN] and the patriotic Senator from Nebraska [Mr. NORRIS] and many others that I could readily name are here, there is no danger that the Senate will be swept away by plutocratic propaganda in favor of the Mellon plan or against adjusted compensation for the soldiers.

But, Mr. President, to proceed for a moment: I desire to make it clear that I shall vote for any resolution that will enable the people, without enforced delay, to vote for or against the ratification of amendments to their Constitution. I shall vote for this joint resolution now before the Senate, if we can strip it of the Jones amendment, which, at least in point of time, makes it even more difficult than it is at present to amend the Constitution. But if the motion to strike out the Jones amendment is lost, I shall be compelled to vote against the resolution.

Mr. CARAWAY. Mr. President, it seems to be conceded that the only objection to the Jones amendment is delay. I presume the greatest delay that could occur would be two years. Inasmuch as we have waited 140 years to propose this amendment, there does not seem to have been any great demand for immediate action.

I have wanted myself to see the people have the opportunity to pass directly upon proposed amendments to the Constitution.

This amendment is that where a proposal to amend the Constitution shall have been passed down to the States the legislatures shall discuss it; vote upon it. It then is referred to the people. The legislatures can delay it only a short time, and if the Senator from West Virginia is anxious to keep the legislatures from long delaying it he might offer an amendment to the joint resolution providing that the legislatures should receive the amendment in the morning and pass on it in the afternoon, and hasten it on down to the people.

I know that it can not work any harm to any real, meritorious amendment to the Constitution to have a forum where the proposal can be examined and where fallacies may be exposed and mistakes may be pointed out, if there are mistakes or fallacies. Amending the Constitution is such a serious matter that we ought to do it with care and ought to do it with wisdom; and any opportunity to examine into the question that does not impose an unreasonable delay ought not to be objected to by anyone who believes that the proposal ought to have intelligent examination, and who has some proposition to offer to the people the merits or demerits of which he is perfectly willing for the people to know. This affords just that one opportunity.

I am for the joint resolution and I shall vote for it, with or without the Jones amendment; but I am unable to see any valid reason, Mr. President, why the question should not be intelligently examined, why the people should not be given an opportunity to know exactly what it is that they are required to pass upon and determine whether it shall be or shall not be a part of the organic law. The legislatures can not defeat it. It can only give to the question the examination that it would give to any other important question; and if one is in favor of the initiative and referendum, I can see no reason why he should object to this.

Mr. McKELLAR. Mr. President, before the Senator sits down, will he yield to me?

Mr. CARAWAY. I yield.

Mr. McKELLAR. I just want to ask the Senator this question: He says that the legislature could not defeat the amendment. Suppose the legislature did not act within the eight years, what would be the effect of its nonaction? I am merely asking for information.

Mr. CARAWAY. I had not thought of it in that light. It might be well to offer an amendment to the joint resolution providing that the legislature shall act upon the amendment within a reasonable time.

Mr. McKELLAR. It has occurred to me, if the Senator will permit me to interrupt him again, that it would be very easy for people who were interested in effecting such a result to bring about such a condition in certain legislatures that the amendment would not be acted upon at all during the eight years, and in that way a very meritorious amendment might be defeated by the legislatures themselves before it ever got to the people.

Mr. CARAWAY. I can not conceive of a legislature being blocked so that it could not pass upon it one way or the other. I think that is highly improbable.

Mr. McKELLAR. I will change my question. Suppose that as a result of mere inaction of the legislatures 13 of them failed to act: Then would it not have the effect of defeating a very worthy amendment?

Mr. CARAWAY. The sinister interest would have to block the legislature and reblock it, because every State would have had at least two to four terms of its legislature in the eight years, and most of them would have had four different legislatures in that time; so I rather imagine that there would be no trouble of that kind. However, I should not object to an amendment to the Jones amendment that would suggest that the legislature shall act promptly.

Mr. COPELAND. Mr. President—

Mr. CARAWAY. I yield to the Senator.

Mr. COPELAND. I should like to ask the Senator this question: Suppose you have a situation, which is very common in my State, where one party controls one house, and the other party controls the other house. It very often happens that all legislative procedure is blocked by reason of the difference of opinion in those two houses. My judgment is, if I may suggest it before the Senator answers the question, that the Jones amendment should be removed entirely, and the matter should be submitted directly to the people in order that they may pass upon it.

Mr. CARAWAY. Of course, answering facetiously, if I were the Senator I would change my legislature so that I would have a Democratic majority in both houses.

Mr. COPELAND. I agree with the Senator as to that.

Mr. CARAWAY. And I rather think that the people will look after that matter at the coming election; but in the event I am mistaken about that, it would make no difference if the legislature were divided and each house passed upon it; it would have to go down to the people. They could not block it by that process. I am going to vote for either amendment; but I do not see, seriously, if a proposition is so meritorious that it can bear investigation, and it is so serious as to change the fundamental law of the land, why anyone should object to having all the information and all the candid, intelligent, and constructive criticism that might be offered by the various assemblies of the States.

I do not know anything about the method of reaching the people in any State except my own. I know that ordinarily, if there is not some great local interest at stake, the people are not inclined to examine abstract questions with care; but if you will discuss it and arouse their interest so that they may and will turn their attention to it, I have every confidence that they are going to decide it correctly. If, however, they are asked to pass upon a proposition without any opportunity to know its real merits, you who want to amend the Constitution are making a serious mistake; because if an amendment is proposed to the Constitution and handed down to the people about which they get no opportunity to get information, they are going to say: "We had better keep what we have than to go to something that we do not know," and therefore they will vote "no," and you will defeat the very object that you have in view by trying to keep the people from knowing the merits of the proposition you offer to them.

The PRESIDENT pro tempore. The time of the Senator from Arkansas has expired.

Mr. ADAMS. Mr. President, the Senator from Arkansas [Mr. CARAWAY] stated that the only objection to the Jones

amendment was the delay involved. The Senator from Massachusetts [Mr. WALSH] has indicated that he voted for the Jones amendment as a matter of securing results; and I want to say a word with reference to the two suggestions.

First, as to the suggestion of the Senator from Massachusetts, there is at least one Member of the Senate who is in favor of submitting questions of amendments to the Constitution to the voters of the respective States but who will not vote for the Jones amendment or for any amendment to which it is attached; so that some votes may be obtained in that way, but others will be lost.

There are other objections to this amendment. In my judgment it is decidedly preferable, for the reasons that were advanced by the Senator from New York [Mr. WADSWORTH], among others, that constitutional amendments should be submitted to the voters of the States rather than to the legislatures. However, up to the present time there has been, I think, no substantiation of the contention that the legislatures of the States have defied the will of the people. In my judgment, the ratification by the legislatures of the various amendments which have been recently adopted has been in conformity with the will of the people and has conformed to what the people would have done. I favor submitting amendments to the people generally, not so much because they differ with the legislature, but because they are the proper ultimate source of authority. I look upon the Jones amendment as an effort to compromise between two ideas as to ratification, and the result is a sort of a half-breed which has the vices of both its parents and the virtues of neither.

The Jones amendment involves delay so great that the sponsors of it have felt the necessity of providing an additional period of time up to eight years. In other words, they apprehend that under the Jones amendment it might take at least eight years to get an amendment through.

The length of time taken to ratify amendments may be illustrated by the table showing the time during which amendments have been before the people. The longest period of time any amendment was pending between submission and ratification was that involved in the ratification of the sixteenth amendment, which took three years and six months. The next longest was the time involved in the ratification of the eleventh, which took three years and four months. The first 10 amendments to the Constitution were ratified eight months after submission, the fifteenth amendment in one year and one month, the seventeenth in one year and sixteen days, the eighteenth in one year and one month, and the nineteenth in one year and two months. So the proponents of this amendment are anticipating that the delays which may occur under the Jones amendment on an average might be eight times as long as they have been in the past. Delay is a serious matter.

The other point upon which I base my objection is this: The legislatures of the States are the sovereign legislative bodies of the respective States. If this amendment were made a part of the Constitution, it would reduce the legislature of my State and the legislatures of other States to a position which would really result in a degradation of them. In other words, this amendment to the Constitution of the United States seeks to make of sovereign legislatures crossroads debating societies, saying to them: "We want you, for purposes of publicity, to hold a debate upon a matter over which you have absolutely no authority, and your decision will be entirely irrelevant to the ultimate decision of the question." I think that if Senators honestly wish the adoption of the amendment they should recognize that the amendment must be adopted by the legislatures, and if in the amendment each legislature is told, "We are asking you to degrade yourself to the position of a crossroads debating society for public information," the ratification of the amendment will be in grave danger of defeat.

As I see it, the submission of the Jones amendment will be an imputation upon the State legislatures made by an act of Congress, which they will resent, and the amendment will not be ratified. If Senators are interested in securing a change in the method of ratifying constitutional amendments, they will eliminate the Jones amendment. I doubt if it could pass Congress, and I am sure it could not pass the legislatures of three-fourths of the States.

The analogy sought to be drawn yesterday between the position the legislature would occupy under the Jones amendment and inferior courts, I think, would perhaps be a truer analogy if it should be said that the Jones amendment would reduce the legislature to the position of a justice of the peace court in a preliminary hearing in a criminal case, but even there humble courts would have more power than would the legislature under

the Jones amendment. I think the analogy suggested is false in other respects than that.

I think the argument based on publicity is altogether too specious. If the Congress of the United States desires to give publicity to any proposed amendment, it has before it an amendment to which it can attach proper machinery and means for securing publicity, and need not say to the State legislatures, "Will you please debate this matter and see that it gets publicity?" You will not get a debate in the legislatures of the States upon a matter over which they have no authority. The fact that they can render a futile and nugatory judgment is not going to interest the legislatures, nor will it interest the press when it comes to considering and reporting the proceedings of the legislature.

As I see the Jones amendment, it has one purpose and it will have one effect, and that is delay. There are amendments desired by the people of the United States. The adoption of the Jones amendment would probably mean the defeat of those desires, but in any event it would mean long postponement. There is an effort to put men in Congress, like myself, who believe in popular submission of these questions, in a position where we must either vote against apparent submission of these questions to the people or vote for an amendment which would mean that that submission should be at such a remote date that the desire for amendment may perhaps have passed away or the amendment come so late as to lose much of its effectiveness.

For instance, a child labor amendment to the Constitution, for which I hope to vote, might be delayed for 8 or 10 or 15 years or indefinitely. During that delay children in the mills and in the factories who might have the advantage of it would have gone into their graves or into the decay which follows upon such labor. So that I for one, believing in the submission of constitutional amendments to the people, shall vote against any joint resolution which contains the Jones amendment.

Mr. McKELLAR. Mr. President, before the Senator takes his seat I want to ask him a question. Suppose the Walsh amendment, or the committee amendment, together with the Jones amendment, were adopted. What would be the procedure in the legislature of the Senator's own State, for instance? What would they do? How would they bring it up at all? How would they go about acting on it, and what inducement would there be for any legislature to act on it at all, or take any steps whatsoever in connection with it?

Mr. ADAMS. I can not conceive of the legislature taking any active interest in it, because it would be a mere perfunctory performance, which they would undertake some day, at their leisure, when they had no matter which concerned them to consider. The Jones amendment suggests the old doggerel to me:

Mother, may I go out to swim?

Yes, my darling daughter;

Hang your clothes on a hickory limb,

But don't go near the water.

In other words, they are in favor of the principle of submitting all these measures to the people but wish either to avoid actual submission or to at least make it as difficult and as remote as possible.

Mr. HARRISON. Mr. President, I want to inquire of the Senator from New York [Mr. WADSWORTH] or the Senator from Connecticut [Mr. BRANDEGEE], who are members of the committee, touching this language. I am sure they have given it great thought. The language is:

The Congress . . . shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes as a part of this Constitution when ratified by a vote of the qualified electors in three-fourths of the several States.

Why was the question of a majority of the qualified electors omitted, and why was it just made to read "ratified by a vote of the qualified electors"?

Mr. BRANDEGEE. The question was not raised in the committee, although it occurred to me myself, and I considered it. The language is the language of the Senator from Montana [Mr. WALSH] as the Senator from Mississippi is aware. It is his draft. I assume that in this case a vote of the electors meant a majority. That is the conclusion at which I arrived.

Mr. HARRISON. It does not say a majority of the people, leaving it to the States. I thought the committee had probably given the matter consideration.

Mr. BRANDEGEE. Of course, on a vote for acceptance or rejection, there could be only two sides. It seemed to me that a plurality was equivalent to a majority, and vice versa. Where you can vote only "yes" or "no" on a question, one side necessarily has a majority, if he gets a plurality. It is not like an

election where there might be three candidates, and one candidate had to get a majority over the other two.

Mr. HARRISON. Of course, inasmuch as this leaves it to the rules and regulations of the States as to how an election should be held, the Senator thinks that a State legislature could say that when 5 per cent of the qualified electors of the State have voted for the proposition it could be ratified?

Mr. BRANDEGEE. I think if a majority of those voting voted in the affirmative, it would be ratified. But there is nothing in the proposed amendment as it stands, in my opinion, which requires that a State can not express itself unless it gets a majority of all the qualified electors.

Mr. GEORGE. Will the Senator from Mississippi read the language again?

Mr. HARRISON. The language embodied in the Walsh substitute is:

Which, in either case, shall be valid to all intents and purposes as a part of this Constitution when ratified by a vote of the qualified electors in three-fourths of the several States.

Mr. GEORGE. That undoubtedly means, Mr. President, a vote of the majority of the qualified electors, and precisely that question arose in my own State. We were never able to get a majority of the qualified electors to vote in a general election, because in a general election there was scarcely ever a majority cast on either side or both sides of any given issue, our primary so largely superseding our general elections.

Mr. HARRISON. Does that language meet the Senator's approval?

Mr. GEORGE. No, Senator; that is but one further evidence of the fact that this amendment if incorporated in the Constitution as now proposed would effectively foreclose the possibility of amending the Federal Constitution.

Mr. HARRISON. How would the Senator suggest that it be changed to carry out his idea?

Mr. GEORGE. If it is at all desirable to have the Constitution amended as proposed, the joint resolution should be changed so as to provide that any proposed amendment would be ratified when voted for by a majority of the qualified electors voting in the election. Precisely that provision we had to put into our own Constitution in order to obtain action on constitutional amendments.

Mr. HARRISON. The Senator has no doubt, however, that under the following language the State would have a right to say whether a majority of the electors voting in the election should carry the ratification; or would it have to be a majority of the electors of the whole State?

Mr. GEORGE. I would not hazard a statement on that, Mr. President; but I think that if that amendment went into the Constitution as now proposed, to that extent the States themselves would relinquish their rights to prescribe the manner of holding their elections. I think it would necessitate an affirmative vote of a majority of the qualified electors of the States, and precisely that can not be obtained in my State, and I am sure it can not be obtained in many other Southern States, because a majority of the qualified electors do not vote in general elections.

Mr. HARRISON. That is quite true, especially in the South. I want to ask the chairman of the committee further—

Mr. WALSH of Montana. Mr. President, I want to ascertain more fully the views of the Senator from Georgia on this important subject, if the Senator from Mississippi will allow me. Is the Senator discussing the question of the vote by qualified electors?

Mr. HARRISON. Yes. Did the Senator from Montana hear what the Senator from Georgia said?

Mr. WALSH of Montana. No; I came in while he was speaking.

Mr. HARRISON. The Senator from Georgia contends that this language would necessarily mean that before a State could ratify a majority of the qualified electors of that State would have to vote for any proposed amendment, and that in certain States in this country in a general election sometimes only one-tenth of the qualified electors vote, and consequently we would never secure the ratification of some States for a proposed amendment.

Mr. WALSH of Montana. I have very profound respect for the views of the Senator from Georgia, knowing his great ability as a lawyer. Were it not for the views which I understood him to express—and I heard only the concluding portion of his remarks—I should say that there was no question at all that the language referred to required ratification by simply a majority of the electors voting in the election, voting upon that particular question.

Mr. ROBINSON. That is the question. Would it require a majority of the qualified electors who vote in an election or a majority of those who vote on that particular question? The distinction is very important, because in some of the States experience has shown that when constitutional amendments have been submitted to be voted upon by the electors, a great many of those who participate in the election fail to express their will respecting the particular question involved in the constitutional amendment. It happens that in some of the States, in many cases where a majority of those who voted on the constitutional amendments favored its adoption, a majority of the electors participating in the election failed to do so and therefore the amendment was lost.

Mr. HARRISON. I have just a minute of my time left—

Mr. ROBINSON. I beg the Senator's pardon.

Mr. HARRISON. I merely want to ask one other question so that it may be discussed, because I shall not have the time to discuss it. I notice that it is provided in the Constitution that the House of Representatives shall be composed of Members chosen every second year "by the people" of the several States.

I am calling to the attention of the Senator that the word "people" is used. When the amendment was adopted as incorporated in the Constitution now giving the right to the people to elect their Senators, the language used is this:

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years.

The Senator will note that in both those instances the word "people" is used. In the pending amendment the words "qualified electors" are used. Why the distinction? My time has expired, but I wanted to ask the question to bring out some discussion about it.

Mr. WALSH of Montana. Mr. President, I shall be glad to answer the question in my own time. My judgment about the matter is that there is no difference, but I believe that it would be wise to adopt in this amendment the very language of the Constitution applicable to the election of Senators and Representatives. I think it would be wise to amend it in that respect.

I want to say with respect to that suggestion that the Constitution provides that Members of the House of Representatives shall be elected by the people of the States. It does not say by a majority of the people. That, of course, is implied. It has always been held that that means a majority of the people who vote on the question as to the person who shall be the representative. It does not mean a majority of all the qualified electors and it does not mean a majority of every man, woman, and child. It means a majority of the qualified electors voting for the particular office. I think the rule with very little variance is that on questions of amendments of State constitutions the matter is to be determined upon the question whether a majority vote in favor of the amendment as against those who vote against it.

Mr. ROBINSON. I think the Senator's construction is correct. Some of the State constitutions, however, expressly provide that an amendment before it shall be deemed ratified must have been voted for by a majority of the electors participating in the election.

Mr. WALSH of Montana. That removes all doubt.

Mr. ROBINSON. It is very different from the provision that is contained in the pending amendment. I think if the pending amendment passes as it is now written it will mean that in order to effect the ratification a majority of the qualified electors voting on the particular question must be in favor of the ratification.

Mr. WALSH of Montana. But it seems to me that if we substitute the word "people" for "qualified electors" we would then put it in exactly the same situation as the original Constitution, and the construction given to that, of course, would apply to this language. Both Houses have always held that a man is elected a Member of Congress who gets the most votes of the people voting for the particular office. We might have 10,000 voting for governor in a State and only 8,000 voting for two candidates for Congress, one getting 4,500 and the other 3,500. The man who got 4,500 would be elected, even though he had not a majority of all the electors voting in the election.

Mr. FESS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Ohio?

Mr. WALSH of Montana. I yield.

Mr. FESS. The provision prevails in Ohio that the amendment must receive a majority not of those voting on the amendment but of all those voting in the election.

Mr. WALSH of Montana. But I feel sure that must be by virtue of some particular provision in the State constitution differing from others.

Mr. FESS. Yes; in our own State constitution.

Mr. WALSH of Montana. But it seems to me if we have the same language that is used in other portions of the Federal Constitution the same construction must be given to it.

Mr. BRANDEGEE. If the Senator will allow me to interrupt him in his time, of course, when we say "by vote of the people" the result is the same. Nobody can vote except the qualified electors. It is really immaterial. I would not object to an amendment if anyone prefers it.

Mr. McKELLAR. Mr. President, will the Senator from Connecticut yield to me?

The PRESIDENT pro tempore. The Chair desires to remind the Senate that the Senator from Connecticut has already spoken once.

Mr. BRANDEGEE. I only spoke to a question of procedure, not on the amendment. I do not desire to take the floor now. I was only asking at that time if the Senator from Montana would yield. I want to say to the Chair that I have not spoken on any amendment or on the bill yet. I was speaking on a parliamentary question as to the effect of the motion to reconsider. I was not debating the joint resolution or any amendment thereto.

Mr. WALSH of Montana. I did not understand that the Senator from Connecticut was addressing a question to me.

Mr. BRANDEGEE. I was addressing a question to the Senator from Montana when I was speaking before, but not now.

Mr. McKELLAR. Mr. President, will the Senator from Montana yield to me to ask a question of the Senator from Connecticut?

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Tennessee?

Mr. WALSH of Montana. Certainly.

Mr. McKELLAR. I desire to ask the Senator from Connecticut this question: If it is the purpose beyond any question that a majority of the people voting in a particular election on the amendment shall ratify it—and I take it that is the purpose—why not express it?

Mr. ROBINSON. But it is not the purpose.

Mr. BRANDEGEE. No; it is not the purpose. We do not want to require a majority, because as the Senator from Georgia [Mr. GEORGE] has just said, in many of their elections only 5 per cent of the people come to the polls.

Mr. McKELLAR. As I understand, it was the purpose of the committee to require the majority of those voting on the amendment.

Mr. BRANDEGEE. Yes.

Mr. ROBINSON. But that is very different from the proposal to require a majority of those participating in the election.

Mr. McKELLAR. I so stated, but if it is the purpose simply to require a majority of the voters voting on the particular amendment, and that seems to be the purpose of everybody, why not express it in proper language to effect that purpose if we are seeking an improvement?

Mr. BRANDEGEE. I am perfectly willing that it should be so expressed. If the Senator will propose such an amendment I am willing to vote for it.

Mr. CARAWAY. May I ask the Senator a question?

Mr. BRANDEGEE. The language now is "by a vote of the qualified electors in three-fourths of the several States." If it were to read "by a vote of the qualified electors who voted on the question in three-fourths of the States," that would accomplish the purpose.

Mr. CARAWAY. Mr. President, will the Senator from Connecticut yield?

Mr. BRANDEGEE. I have not the floor.

Mr. CARAWAY. Will the Senator from Montana permit me to ask the Senator from Connecticut a question?

Mr. WALSH of Montana. I yield for that purpose.

Mr. CARAWAY. I thought we were trying to get away from the Federal Government supervising the election in the various States when we come to pass upon a constitutional amendment, and yet if we accept the amendment suggested by the Senator from Tennessee, the Federal Government would have to determine in each particular instance whether or not the State properly ratified it. Therefore would it not be very unfortunate to have anything in the amendment that undertook to say what would be a ratification by the people of the various States, because if we have it there then the Federal Government necessarily would supervise each election?

Mr. BRANDEGEE. But the Senator will remember the point raised by the Senator from Georgia [Mr. GEORGE] that the language as it stands in the joint resolution would require a majority of all the electors who are qualified in the States.

The PRESIDENT pro tempore. The time of the Senator from Montana has expired.

Mr. REED of Missouri. Mr. President, I move the following amendment: In line 5—

The PRESIDENT pro tempore. There is an amendment already pending.

Mr. REED of Missouri. I want to offer an amendment touching the present discussion.

Mr. BRANDEGEE. The Senator can indicate it without offering it.

Mr. REED of Missouri. In line 5 I would propose to strike out the words "qualified electors" and insert "a majority of the people voting on the amendment," so that the clause would read, "when ratified by a vote of a majority of the people voting on the amendment in three-fourths of the several States."

The PRESIDENT pro tempore. The amendment is not in order at the present time.

Mr. GEORGE. Mr. President, I would like to have the attention of the Senator from Connecticut [Mr. BRANDEGEE] to the words "qualified electors." It is proposed, as I understand it, to put in the Federal Constitution a declaration that an amendment is accepted or rejected according to the vote of the qualified electors of the State. I should be most anxious to see the word "qualified" taken out and something very similar to the language suggested by the Senator from Missouri [Mr. REED] inserted. I think it would be all sufficient if the words "qualified electors" were stricken out and the word "people" substituted in lieu thereof.

Mr. SIMMONS. Does the Senator mean that a man who is not a qualified voter in the State should be allowed to vote?

Mr. GEORGE. No; but I mean to say that the Federal Government ought not to say who is qualified in the State. That is precisely what I mean.

Mr. SIMMONS. The word "qualified," I think, would mean qualified under the laws of the State in which the election is held.

Mr. GEORGE. Perhaps so; but this is an amendment to the Federal Constitution in which we are proposing to use that language. Perhaps what the Senator says is true, but there ought not to be any doubt about it.

Mr. SIMMONS. The Senator would raise another question more serious than that if we used the words "people voting," because then some one might vote in a State under that language who was not a qualified elector in the State.

Mr. GEORGE. It would be under rules and regulations to be prescribed by the State. That language follows.

Mr. SIMMONS. The word "qualified" applies to the action of the State, and I think that clearly is the meaning. "Qualified under the laws of the State" is the meaning, and I think if we simply add the language, as suggested by the Senator from Georgia, "qualified electors voting in the election," it would be clarified.

Mr. ROBINSON. Or "voting for the amendment."

Mr. SIMMONS. That would be better.

Mr. GEORGE. That is true; but I would not say that the word "qualified" there would not have some significance when it was inserted into the Federal Constitution, even though it were followed by subsequent language that the election shall be held under such rules and regulations as each State shall prescribe. Those rules and regulations might not refer to the qualification of the voters themselves.

But waiving that question, and it may be more imaginary than real, it seems to me that the language could be made clear and definite and certain by simply providing that it shall be ratified by a vote of the qualified electors voting on the amendment, or the words "qualified electors" could be stricken out and the word "people" inserted.

Mr. WALSH of Montana. If the Senator will pardon me, I had intended to propose striking out the words "qualified electors" and inserting the words "by a vote of the people voting on the amendment in three-fourths of the States."

Mr. GEORGE. That would be quite satisfactory to me.

Mr. SWANSON. Would not that leave to the Supreme Court or the Federal court the question ultimately then, if the amendment were adopted, of determining who were the qualified voters both under the Federal law and under the thirteenth and fourteenth amendments?

Mr. GEORGE. Under the language suggested by the Senator from Montana?

Mr. SWANSON. Yes.

Mr. GEORGE. I do not think so. I think that would leave it clearly with the States, as it is now with reference to the election of Members of the House of Representatives and the Senate.

Mr. SWANSON. But the Senator must remember that the House and Senate are the judges of the qualifications of their own Members, and consequently that question rests absolutely with them. It seems to me the Supreme Court would pass on whether the amendment had been ratified under this provision. The question arises with the Supreme Court or with the Federal court, is this amendment the law? Has it been ratified in pursuance of this provision? They then pass on who are the qualified voters. Suppose some of the States do not allow people to vote under the fourteenth and fifteenth amendments. Could that question possibly arise in determining whether the people voted or not?

Mr. GEORGE. Mr. President, I had stated only a moment ago that if the words "qualified electors" remained in the amendment, and it should be submitted and finally ratified, some very embarrassing questions might arise.

Mr. SWANSON. How could that occur?

Mr. GEORGE. I suggested that very situation.

Mr. SWANSON. When an amendment has been ratified by the legislatures the courts have determined—and the same statement also applies to the election of Senators—that they can not go back and consider the question of the election of the members of the legislative body; that they themselves determine whether their members have been elected and are qualified as members of the legislature. Consequently in contests as to the election of Senators and contests as to the ratification of constitutional amendments the courts can not go behind the election of the members of the legislature which passed on these questions, because the legislatures themselves pass on the qualifications of their members.

The Senator from Georgia drew an analogy between the election of Members of the House of Representatives and of the Senate. We know that under the Constitution the House of Representatives and the Senate are the judges of the election and qualifications of their Members. Consequently a court can not determine that question. I desire to know before I vote whether or not the power is proposed to be put in the Supreme Court as to future amendments which are to be passed upon to decide the qualifications of the electors who voted in the election.

Mr. GEORGE. I should be unable to answer the Senator's question more directly than I have already answered it; that is to say, it seems to me that this identical language might give rise to difficult questions which can only be solved in the future.

Mr. SWANSON. How else could the questions be solved except by the Supreme Court ultimately deciding whether or not a constitutional amendment had been properly passed upon?

Mr. GEORGE. I do not know that it would be held that the States had relinquished the right to control the elections and to prescribe the qualifications of their electors; but under this amendment, it seems to me, that question might well arise, and that was the point which I made.

Mr. SIMMONS. May I ask the Senator from Georgia a question?

Mr. GEORGE. Yes.

Mr. SIMMONS. Has not the Supreme Court of the United States repeatedly decided that each State may prescribe the qualification of its electors?

Mr. GEORGE. Yes; unquestionably so.

Mr. SWANSON. Unless their action shall be contrary to the Federal Constitution.

Mr. GEORGE. But we are now proposing to put into the Federal Constitution language that might give rise to additional questions, which could only be settled by the court.

Mr. BRANDEGEE. Mr. President, let me ask the Senator from Georgia a question. This proposed amendment as drawn would make no change whatever in the process by which the authorities of the States certify to the Secretary of State that an amendment to the Constitution had been duly approved by that State?

Mr. GEORGE. Not at all.

Mr. BRANDEGEE. So that if anybody could go back of a certificate of ratification if this amendment were adopted, they could go back of it under the present Constitution just the same. The Senator will remember that when the certificate of Tennessee, I believe it was, that the woman suffrage amendment had been adopted by that State came in there was some protest, but the Secretary of State issued his proclamation that the amendment had been ratified, and the Supreme Court held, as I am advised, that it could not go back into the question of

whether the action of Tennessee was legal or not, the authorities of the State having certified that Tennessee had ratified the amendment.

Mr. GEORGE. The Supreme Court accepted that certification as final.

Mr. BRANDEGEE. I think the same situation would exist if this amendment were adopted.

Mr. GEORGE. Undoubtedly, after the certification had been made by the proper State authorities.

Mr. BRANDEGEE. Yes.

Mr. GEORGE. But the certification might be stopped if the movement were made in time. These questions might arise, though I do not suggest that they would necessarily arise.

Mr. BRANDEGEE. I do not think there is anything in this amendment which would allow such a question to be raised any more than under the existing Constitution.

Mr. GEORGE. Perhaps not, Mr. President, but when we write into the Federal Constitution the words "qualified electors"—

Mr. BRANDEGEE. But who has the right to say what the qualifications of the electors shall be?

Mr. GEORGE. Who does?

Mr. BRANDEGEE. The States.

Mr. GEORGE. The States do so far as the State elections are concerned.

Mr. BRANDEGEE. But amendments are to be submitted to the States under rules and regulations to be prescribed by the States.

Mr. GEORGE. I understand, but why not insert in the joint resolution in lieu of that the word "people," just as we have it now in other constitutional provisions?

Mr. BRANDEGEE. I have no objection to that, but it would not make any difference, because if we said "the people shall vote upon the ratification of amendments" nobody at the polls could vote unless he were a qualified elector.

The PRESIDING OFFICER (Mr. OVERMAN in the chair). The time of the Senator from Georgia has expired. The question is on the motion of the Senator from South Carolina [Mr. DIAL] to strike out the Jones amendment. Is the Senate ready for the question?

Mr. NORRIS. Mr. President, I think it is conceded that if the Jones amendment remains in the joint resolution delay will very likely follow any action under it. In fact, that was the consensus of opinion in the Senate when the Jones amendment was adopted, as was demonstrated by the action of the Senate by an almost unanimous vote in immediately approving the amendment of my colleague [Mr. HOWELL] fixing the limit for ratification at eight years instead of six years.

Mr. President, I am in favor of the amendment which has been reported by the committee which is known as the Walsh substitute, but I shall be opposed to it if the Jones amendment is retained. For one, I shall feel constrained to vote against the final adoption of the committee substitute unless the present motion prevails and the language of the Jones amendment is eliminated. I do not believe that the inclusion of the Jones amendment would mean that there would be any intelligent debate in the States on the question of the ratification of constitutional amendments. I can not myself conceive of a legislature devoting its time to the discussion of a moot question upon which its action would have no legal effect whatever.

I can see how, first, by the legislature not convening great delay might take place; and, second, that when the legislature shall convene those opposed to an amendment to the Constitution and who wanted to defeat its passage might unite in dilatory tactics and prevent debate or action, at least by the legislature; and until the legislature acted the people of the State, under the amendment now proposed by the joint resolution, would have no authority to act.

Those of us who believe that proposed constitutional amendments ought to be submitted to the people are put—I will not say intentionally—in somewhat of an embarrassing position by the addition of the Jones amendment, because it may be said, "You voted against a proposal you have always advocated; you voted against the submission of proposed amendments to the Constitution to the people themselves." Mr. President, I am willing to meet that criticism and cast my vote against the joint resolution rather than to vote for the joint resolution with the Jones amendment added to it, for that amendment will mean, in my judgment, two years' delay. If there is going to be any consideration given by the people to proposed amendments to the United States Constitution, it will not be added to by first causing a legal body, constituted for other purposes, to pass on it, with the provision that their judgment is a nullity when they get through. In my opinion, it will only be a means

which will be utilized by those who are opposed to a proposed amendment to prevent its adoption at all.

Mr. WALSH of Montana. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Montana?

Mr. NORRIS. Yes; I yield, but only for a question.

Mr. WALSH of Montana. I should like to ask the Senator this question: Let us assume that the legislature is opposed to a proposed amendment of the Constitution and does not act on the matter at all; it does not either approve or disapprove, and does not do anything; then what?

Mr. NORRIS. Then nothing can be done.

Mr. WALSH of Montana. There is no possibility of mandamus a legislature, is there?

Mr. NORRIS. None whatever. It would simply be left up in the air and could not be ratified by that State. Therefore it seems to me that the Jones amendment nullifies the real principle involved of submitting proposed amendments to the people direct.

Mr. RALSTON. Mr. President—

Mr. NORRIS. I yield to the Senator from Indiana.

Mr. RALSTON. It had not been my intention to participate in this debate; I have listened to it with great interest and considerable profit to myself; but I wish to ask the Senator from Nebraska, for whose judgment I have the highest respect, whether the same end could not be reached if the Jones amendment were stricken out and the State legislatures of their own motion were left to express their opinion as to what they think of a proposed amendment to the Constitution?

Mr. NORRIS. Yes.

Mr. RALSTON. Then why incorporate the Jones amendment in the joint resolution?

Mr. NORRIS. I do not know; I do not think there is any reason for adopting the Jones amendment except to defeat the real intention of the proposed constitutional amendment itself. There is nothing, as the Senator from Indiana says, if we strike out the Jones amendment, to prevent the legislature of a State, if it wants to resolve itself into a moot court, from discussing a proposed constitutional amendment. It may do so at its leisure, and it will have just as much effect in that case as though it were required to take action.

Mr. President, for fear my time may expire before I reach it if I discuss the pending question longer, I wish to say a word on another amendment which has been suggested by the Senator from Missouri [Mr. REED], and which I think ought to be adopted. The Senator from Montana has expressed himself, as I understand, to the same effect. The amendment which I have in mind provides that when a proposed constitutional amendment is submitted to the people the question of its ratification shall be decided by a majority of those voting on the amendment. There might be a question, in my opinion, under the language of the joint resolution as it now stands, in that a legislature might fix rules and regulations so that a majority of the people voting at a given election would be required to ratify a proposed amendment to the Constitution, which would again practically prevent the ratification of practically nine-tenths of all the amendments that would ever be submitted. The States which have in their constitutions a provision which requires amendments to the State constitution to be approved by a majority of all the people voting at the election have found for all practical purposes that it is an impossibility ever to amend their constitutions. We had such a situation for a great many years in my State, and no amendment could be ratified. So we ought to have it clearly understood that when a proposed amendment to the Constitution is submitted the question shall be decided by a majority of the people voting on the amendment itself.

Mr. President, I hope Senators will not include the Jones amendment in the joint resolution unless they propose to nullify the real object that is sought to be obtained by the proposed amendment to the Constitution. It is an offer to the people that they are going to have an opportunity to vote on such questions and at the same time, it seems to me, that it is holding back the essence of it all if the Congress is compelled, first, to submit a proposed amendment to a body of men who have no authority except to talk about it, who have no authority to take any action that shall be binding even upon themselves when they come to vote.

The only argument in favor of the proposition—at least the only argument that is offered—is that it will lead to more debate on the subject. With that in view we have adopted an amendment extending the time limit to eight years in which a proposed amendment to the Constitution may be adopted. If an amendment of merit to the Constitution of the United States

is submitted by the Congress, the people do not need eight years of debate to settle the question intelligently. No such length of time is needed in connection with any other line of procedure. The people will be able to pass just as intelligently, in my judgment, upon a proposed amendment submitted directly to them as though it were first submitted to a moot court in order to get some advice, which probably will not be forthcoming even if the proposed amendment is thus submitted. If there is pending to the Constitution a proposed amendment of merit, one that ought to be approved by the people, and the people are in favor of it, then the sooner they have an opportunity to express their wishes the better it will be, and the nearer we shall approach the fundamental idea of a government by the people. It is not a government for the people to say to them, "You may have a right to vote on a constitutional amendment, but before you do so it must be monkeyed with by a legislature which has no jurisdiction and to whom we will give the power to put it over from year to year."

The PRESIDING OFFICER. The time of the Senator from Nebraska has expired.

The question is upon agreeing to the motion of the Senator from South Carolina [Mr. DIAL].

Mr. ROBINSON. Let it be stated.

The PRESIDING OFFICER. The Secretary will state the motion.

The READING CLERK. The Senator from South Carolina moves to strike out, on page 3, line 1, the words "shall be submitted to the legislatures of the several States, and."

Mr. ROBINSON. Mr. President, a parliamentary inquiry. I suppose that would have to be reached by a motion to reconsider.

Mr. WADSWORTH. The bill is in the Senate now.

Mr. ROBINSON. Very well.

Mr. WALSH of Montana. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Adams	Edge	Jones, Wash.	Randell
Bayard	Edwards	Kendrick	Reed, Mo.
Borah	Ferris	Keyes	Reed, Pa.
Brandegee	Fess	King	Robinson
Brookhart	Frasier	Ladd	Sheppard
Broussard	Gerry	Lodge	Smith
Bruce	Glass	McKellar	Smoot
Burnum	Gooding	McKinley	Stephens
Cameron	Hale	McNary	Swanson
Capper	Harrell	Mayfield	Trammell
Copeland	Harris	Neely	Wadsworth
Couzens	Harrison	Norris	Walsh, Mass.
Curtis	Heflin	Oddie	Walsh, Mont.
Dale	Howell	Overman	Weller
Dial	Johnson, Minn.	Pittman	Willis
Dill	Jones, N. Mex.	Ralston	

The PRESIDING OFFICER. Sixty-three Senators have answered to their names. A quorum is present.

Mr. ROBINSON. Mr. President, it seems to me that the course of the debate has demonstrated the wisdom of eliminating from the amendment the provision inserted yesterday at the instance of the Senator from Washington [Mr. JONES].

There is a value to be derived from the discussion of amendments to the Federal Constitution by the legislatures; but the effect of the Jones amendment is to give the legislatures the right to say whether a proposal to amend the Federal Constitution shall be submitted to the people. The language is, in part, that "after affirmative or negative action by the respective legislatures" the people may ratify proposed amendments to the Federal Constitution; consequently, until the legislatures have either approved or disapproved of a proposed amendment to the Constitution it can not be submitted for ratification.

If a legislature should take the position that, having no substantial function to perform in connection with ratification, it would therefore neither approve nor reject a proposed amendment, the result of that, of course, would be to deny to the people of the State the opportunity and privilege of voting upon the constitutional amendment; and unless the legislature of a State within some time short of eight years saw fit either to reject or to approve a proposed constitutional amendment, it could never be voted on by the people of that State.

I do not believe it is sound public policy, if we are to change the process of ratifying amendments to the Federal Constitution, to insert such a provision. If it is wise to change the method under which we have so far proceeded, if it is necessary and essential to say that instead of authorizing the State legislatures to ratify amendments to the Federal Constitution it is better and sounder policy to require that the ratification

shall be by the vote of the people themselves, then why require that before they shall be permitted to vote upon an amendment the legislatures of their States must act either affirmatively or negatively respecting it? If there is advantage to be derived from changing the process of ratification, it will come more wholesomely by not imposing such a restriction as is contemplated by the Jones amendment.

There would be some justification, from the standpoint of Senators who think the Constitution ought to be more difficult to amend, for saying that ratification shall be both by the legislatures and by vote of the people; but that is not the proposal which the Senate is considering. The proposal is that before the people of a State shall vote on a constitutional amendment the legislature must either accept or reject that amendment, the object being, of course, to make the action of the legislature advisory. As pointed out by the Senator from Indiana [Mr. RALSTON], the legislature, like the Senate, can express its sense or conviction respecting an issue involved in a constitutional amendment or upon any other question of public policy; so that nothing whatever is accomplished by retaining the Jones amendment, except to give the legislatures the power to prevent the people of their States from voting upon an amendment to the Constitution.

Mr. NEELY. Mr. President—

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from West Virginia?

Mr. ROBINSON. I yield to the Senator.

Mr. NEELY. I wish to ask the able Senator from Arkansas if it would not also be possible, if the pending joint resolution were passed and the amendment which it proposes were later adopted, for one more than a fourth of the States by their inaction alone to make it utterly impossible to amend the Constitution at all?

Mr. ROBINSON. Yes. In States where a proposal is entirely repugnant to the legislatures the people of those States might be denied the opportunity of passing upon the amendment, and for that reason it might be made very difficult to amend the Constitution. If it is necessary to provide for the ratification of constitutional amendments by popular vote—and that is the real issue; do not deceive yourselves—let us frankly vote to do so. The purpose of the amendment is to enable the people directly to pass upon constitutional amendments, and it grows out of the belief here and in the country that legislatures have ratified constitutional amendments that could not have received ratification if it had been required to be accomplished through popular vote. That is where this proposal originates. Of course, there are other considerations attached to it and resulting from it; but the proposal is to change the method of ratification, and you are not accomplishing any wholesome result by giving the legislatures a perfunctory duty to perform.

The PRESIDING OFFICER. The question is upon the motion of the Senator from South Carolina [Mr. DIAL].

Mr. McKELLAR. On that motion I call for the yeas and nays.

The yeas and nays were ordered.

Mr. BROOKHART. Mr. President, I do not wish to take much of the time of the Senate, but I want to say one word in reference to this measure. I have already made it plain that I am in favor of a proposition to give a majority of the people of the United States the right to amend their Constitution. I am opposed to any system of machinery that will make it harder to amend the Constitution.

Some in the debate have claimed that this arrangement in reference to the legislatures would not make it harder, and others have claimed that it would. The very fact that that question is debatable here in the Senate makes it to me a proposition that should be opposed.

I do not care to submit to the legislatures of the States an amendment that may or may not make it easier to amend the Constitution of the United States. I want to know that it will make it easier. It is the gateway amendment to the rights of the people, and I do not want to take the time or trouble to submit anything to them upon that question that is debatable.

Therefore I say that if this Jones amendment is not stricken out I shall certainly vote against the whole proposition. I believe it is more important that we make a political issue of this question of giving the people the right to amend their Constitution, and take it before them to see if we can not get somebody elected to Congress who believes in the people and who will give them their rightful chance than to submit some amendment that may make amendment of the Constitution easier or may make it harder, and probably in the end will only complicate the machinery of amending the Constitution.

The PRESIDING OFFICER. The question is upon the motion made by the Senator from South Carolina [Mr. DIAL] to strike out what is known as the Jones amendment. The yeas and nays have been ordered, and the Secretary will call the roll. The principal clerk proceeded to call the roll.

Mr. NORRIS (when Mr. SHIPSTEAD's name was called). As announced before, the Senator from Minnesota [Mr. SHIPSTEAD] is detained from the Senate on account of illness. On this vote, if he were present, he would vote "yea." He is paired with the senior Senator from Pennsylvania [Mr. PEPPER].

Mr. McKELLAR (when Mr. SHIELDS's name was called). I am informed that my colleague [Mr. SHIELDS] is ill to-day. If he were present, he would vote "nay."

Mr. WALSH of Montana (when Mr. WHEELER's name was called). My colleague [Mr. WHEELER] is absent on account of illness. If he were present, he would vote "yea."

The roll call was concluded.

Mr. DIAL. I have a general pair with the senior Senator from Colorado [Mr. PHIPPS], and in his absence I withhold my vote.

Mr. REED of Pennsylvania. I wish to announce that if my colleague [Mr. PEPPER] were present, he would vote "nay." He is paired, on this question only, with the senior Senator from Minnesota [Mr. SHIPSTEAD], as has been announced.

Mr. JONES of New Mexico. I have a general pair with the senior Senator from Maine [Mr. FERNALD], which I transfer to the junior Senator from Montana [Mr. WHEELER] and vote "yea."

Mr. CURTIS. Mr. President, I desire to announce the following general pairs:

The senior Senator from Illinois [Mr. McCORMICK] with the senior Senator from Oklahoma [Mr. OWEN]; and

The junior Senator from Kentucky [Mr. ERNST] with the senior Senator from Kentucky [Mr. STANLEY].

Mr. SMITH. I have a general pair with the Senator from South Dakota [Mr. STERLING]. I transfer that pair to the Senator from Georgia [Mr. GEORGE] and vote "yea."

The result was announced—yeas 39, nays 35, as follows:

YEAS—39.

Adams	Edwards	Jones, N. Mex.	Reed, Mo.
Ashurst	Ferris	Kendrick	Robinson
Bayard	Fess	Ladd	Sheppard
Borah	Frasier	McKellar	Simmons
Brookhart	Gerry	Mayfield	Smith
Capper	Harris	Neely	Swanson
Copeland	Harrison	Norris	Trammell
Cousens	Hoflin	Pittman	Underwood
Cummins	Howell	Ralston	Walsh, Mont.
Dill	Johnson, Minn.	Ransdell	

NAYS—35.

Ball	Dale	Keyes	Reed, Pa.
Brandeggee	Edge	King	Smoot
Broussard	Elkins	Lodge	Stephens
Bruce	Fletcher	McKinley	Wadsworth
Burns	Glass	McLean	Walsh, Mass.
Cameron	Gooding	McNary	Watson
Caraway	Hale	Moses	Weller
Colt	Harrell	Oddie	Wills
Curtis	Jones, Wash.	Overman	

NOT VOTING—22.

Dial	La Follette	Phipps	Stanley
Ernst	Lenroot	Shields	Sterling
Fernald	McCormick	Shipstead	Warren
George	Norbeck	Shortridge	Wheeler
Greene	Owen	Spencer	
Johnson, Calif.	Pepper	Standfield	

So Mr. DIAL's motion was agreed to.

Mr. NORRIS. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. NORRIS. As the Secretary read the Jones amendment at one time during the debate it did not seem to me that he read all the language of the amendment, and I want to make inquiry as to whether there is not some other language in that amendment.

The PRESIDING OFFICER. The Secretary read a part of the amendment, but the whole amendment was before the Senate, and it has been stricken out on the motion of the Senator from South Carolina [Mr. DIAL].

Mr. REED of Missouri. Mr. President, in line 5, on page 3, I move to strike out the words "qualified electors" and to insert in lieu thereof the words "a majority of the people who vote on the amendment," so that the clause would read "when ratified by a vote of a majority of the people who vote on the amendment in three-fourths of the several States."

The amendment to the amendment was agreed to.

Mr. WALSH of Montana. Mr. President, some amendment should be inserted in line 6 on page 3. That clause reading "said election to be held under such rules and regulations as

each State shall prescribe" was inserted later in the consideration of the amendment, but the word "said" is quite improper there, because no election is referred to. I move that the word "said" in line 6 be stricken out, and that the words "at an" be inserted in lieu thereof, and that after the word "election" the words "in each" be inserted, so that it will read:

In three-fourths of the States, at an election in each to be held under such rules and regulations—

And so forth.

The amendment to the amendment was agreed to.

Mr. WADSWORTH. Mr. President, when the Jones amendment, so called, was added to the Walsh amendment, so called, a considerable number of Senators believed that that brought the Walsh amendment to such a condition as to satisfy them. A considerable number of those Senators had been intending otherwise to support the original resolution as introduced and referred to the Committee on the Judiciary, perfected, as it was, upon the floor during the first days of this debate.

It is, therefore, I think, fair to say that the original joint resolution has not had any test vote in the Senate as compared with the committee substitute now perfected by the amendment adopted just a moment ago, but minus the Jones amendment. I therefore desire to introduce as an amendment to the pending joint resolution the text of the original joint resolution as introduced, perfected as it was upon the floor at my request several days ago, and I ask the Secretary to read it and then I wish to impose upon the Senate for five minutes in explanation.

The PRESIDING OFFICER. The Secretary will read the proposed amendment.

The READING CLERK. As a substitute the Senator from New York offers the following:

The Congress, whenever two-thirds of each House shall deem it necessary, shall propose amendments to this Constitution or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which in either case shall be valid to all intents and purposes as part of this Constitution when ratified by three-fourths of the several States through their legislatures or conventions, as the one or the other mode of ratification may be proposed by the Congress or the convention: *Provided*, That the members of at least one house in each of the legislatures which may ratify shall be elected after such amendments shall have been proposed; that any State may provide for a popular vote to affirm or reverse the action of its legislature, such vote to stand in lieu of prior action of the legislature; and that until three-fourths of the States have ratified or more than one-fourth of the States have rejected or defeated a proposed amendment any State may change its vote: *And provided further*, That no State without its consent shall be deprived of its equal suffrage in the Senate.

The PRESIDING OFFICER. The Chair suggests to the Senator from New York that the original joint resolution was reported with an amendment proposed to it, upon which the Senate has been acting. If the Senate should now vote down the committee amendment that would raise the question of the Senator's original proposition.

Mr. BRANDEGEE. Mr. President, a parliamentary inquiry. Is it not the situation that the committee reported an amendment which was to strike out the Wadsworth proposition and insert the Walsh proposition?

The PRESIDING OFFICER. That is true.

Mr. BRANDEGEE. Now, can the Senator from New York move to strike out what has not yet been adopted and insert something against which the committee reported?

Mr. WALSH of Montana. Mr. President, may I make a suggestion? The question before the Senate now is, as I see it, upon concurring in the amendment made as in Committee of the Whole, as amended. If that amendment is rejected, then the original joint resolution is before the Senate.

The PRESIDING OFFICER. The Chair holds that that would be the question.

Mr. WADSWORTH. I was laboring under the impression that the amendment made as in Committee of the Whole had been concurred in this morning.

Mr. WALSH of Montana. No; we had just been perfecting the amendment adopted as in Committee of the Whole. Now we vote on the question whether the amendment adopted as in Committee of the Whole, as now perfected, shall be concurred in by the Senate. If it is concurred in by the Senate, it takes the place of the original joint resolution. If it is not concurred in, then the Senator has his original joint resolution before the Senate for consideration.

Mr. WADSWORTH. I was proceeding under a misunderstanding. I thought the amendment made as in Committee of

the Whole had been concurred in in the Senate and that the joint resolution was open to further amendment.

Mr. WALSH of Montana. I inquire of the Chair whether the question is, Shall the amendment made as in Committee of the Whole be concurred in?

The PRESIDING OFFICER. The question is, Shall the amendment made as in Committee of the Whole be concurred in by the Senate?

Mr. WADSWORTH. Necessarily, I must withdraw my amendment. I thought I had heard the President pro tempore, who preceded the Senator from North Carolina as Presiding Officer, announce that the amendment adopted as in Committee of the Whole was concurred in by the Senate, and that the joint resolution was open to further amendment. That was my impression, but I may have been mistaken.

The PRESIDING OFFICER. The question is upon concurring in the Senate in the amendment made as in Committee of the Whole.

Mr. WADSWORTH. There is just this difference between the two propositions: The Walsh amendment strikes out from article 5 of the Constitution, in effect, the second alternative which the Congress has possessed all these 130 years, of submitting amendments to the Constitution to conventions to be called within the several States. That is to be eliminated as one of the alternatives and but one method is to be followed, namely, submission direct to the people in the several States. It is true that we have never resorted to the alternative of submitting amendments to State conventions, for reasons that apparently have seemed good from time to time.

I for one regret the striking out of that alternative entirely. I believe that some day it may prove, if retained, exceedingly valuable, for it is entirely possible that some day in the years to come an amendment will be proposed to the States of such an involved character, contemplating two or three or four subjects interlocked one with the other and having to do with the form of our Government, that the only practical way of giving consideration to them and proper conclusions reached upon them is through conventions composed of delegates elected by the people, just as was the case when the original Constitution was ratified in the thirteen States.

As Marshall said, as I recollect it, in one of his opinions later on when he was Chief Justice of the Supreme Court, the people upon that instance used the only machinery that they could possibly use in order to get an intelligent conclusion. I think it is a mistake to take out that alternative. I do not think it is controlling, and I have said so before. I regret its elimination, for no Senator here can prophesy truly and accurately as to what may occur in the future. We may have a national convention called at the request of two-thirds of the States some day for a general revision of the Constitution, and that national convention may propose a number of things.

The national convention is still provided for in the Walsh amendment, but it certainly would be helpful if, following a rather comprehensive revision of our Constitution recommended by a national convention, it should be in turn referred to conventions held within the several States where the different interlocking elements and suggestions may be thrashed out by men elected solely for that purpose.

That is one difference between the original joint resolution and the Walsh amendment. It may not seem controlling to Senators here at this day and hour, but no man can tell whether it would not be an exceedingly valuable thing to retain. Certainly it is not in violation of the theory that the people shall rule in the matter of making changes in their fundamental law if the people may do it directly through conventions composed of delegates elected by them, and in some instances it is the only way they can do it effectively.

Now, as to the normal method of having the votes taken in the States on a normal amendment such as we have been discussing, the difference between the Walsh amendment and the original joint resolution is that the Walsh amendment is mandatory in that it provides that all amendments to the Constitution hereafter shall be ratified by direct vote. The original joint resolution on that score contains this language:

That any State may provide for a popular vote to affirm or reverse the action of its legislature, such vote to stand in lieu of prior action of the legislature.

I apprehend that the right given to the States under such language would be almost immediately taken advantage of. I do not believe there is a State in the Union whose people and legislature would neglect to take advantage of the right thus given to them. We have had the case of Ohio where the people attempted to take that right, the right of passing upon

Federal amendments, but the Supreme Court, I think, in a perfectly correct decision, said that under Article V as now existing they did not have the right to vote on Federal amendments. This provision would give them that right.

Senators have said a good deal about delay. Let me remind the Senate that under that permissive clause, which, in my judgment, would in the long run become in effect mandatory or, rather, universal in its application, a legislature can act immediately upon an amendment as soon as it is submitted if the legislature is in session, and any delay thereafter would be inflicted solely upon the demand of the people of the State. In other words, the Legislature of Ohio could ratify an amendment; and if its action was satisfactory in that regard to the people of that State, the ratification would stand so far as that State is concerned. But if it were not satisfactory, within a very short time thereafter a popular vote could be had upon the question. So I think, in so far as the saving of time is concerned—and many Senators seem to be concerned about it, although personally I am not, because I think the more slowly we proceed, generally speaking, in amending the Constitution the better, within reasonable limits, of course—I would suggest to those Senators who are worried about the length of time that it seems to me that would provide a quicker solution.

The PRESIDING OFFICER. The time of the Senator from New York has expired.

Mr. WILLIS. Mr. President, before a vote is taken on what is in effect the relative merits of the so-called Walsh amendment as amended and the original proposition made by the Senator from New York, I desire to call the attention of the Senate to a situation which exists in the committee amendment as amended with reference to the number of people that possibly may ratify an amendment to the Constitution.

I had hoped, and still hope, that the amendment might be in such shape as to enable me to support it, but the Senate has adopted an amendment to it which provides, in line 5, that ratification shall be had by a vote of the majority of the people who vote on the amendments. Now, there is no provision at all that the election shall be held at a regular election. That is within the control of each State. It is very readily conceivable that a State might provide that ratification should be had at some special election where this matter would be the only thing that would be at issue and where there would be a very small percentage of the electorate who would be at the polls.

Senators know how difficult it is, even in a hotly contested campaign, to get electors to take enough interest in public affairs to go to the polls. Some one has brought out the fact in this debate that Senators are elected here—distinguished and able Senators—by a vote of 10 per cent of the qualified electorate, or 15 per cent, or 18 or 20 per cent.

If the only question involved would be the ratification of some complicated amendment, it is very readily understandable that we would have only a small minority of the people voting at the election, and yet the amendment now provides that a majority of those, not a majority of the people or a majority of the electors, but a majority of those who vote on the particular amendment shall have the power of ratification. In other words, it does not make for majority rule, it seems to me, at all, but makes in that instance for rule by a very small minority. Yet that is the situation as it exists under the amendment in the form in which we must now vote upon it.

Mr. ADAMS. Mr. President, on yesterday the Jones amendment, so called, was adopted, and because of that the junior Senator from Nebraska [Mr. HOWELL] suggested an amendment, which was agreed to, changing the period within which amendments might be ratified from six years to eight years. It seems to me that, the Jones amendment having been eliminated, it would probably be wise to restore the original language of the amendment so as to have it in its original form.

The PRESIDING OFFICER. The Chair is reminded by the Secretary that the Senator from Colorado has already spoken once.

Mr. ADAMS. That is true. I was merely calling this point to the attention of the Senate.

Mr. McKELLAR. Mr. President, I am very much in favor of the joint resolution as it has been perfected simply referring constitutional amendments to the people of the several States. There can not be any danger in referring constitutional amendments to the people. The people are the last depositories of power, and there is no reason in the world why that should not be done. Surely it is better than submitting constitutional amendments in the haphazard way—

Mr. BORAH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Idaho?

Mr. McKELLAR. I shall do so in just one moment.

It is infinitely better than to submit a constitutional amendment in a haphazard way, first, to the legislature, which has no power to pass upon the amendment, and then to let that legislature, by inaction either submit it or not submit it to the people. My own judgment is that the amendment as it is now written is an amendment for which we may all vote. I do not see how anyone who believes in popular rule can vote against the amendment. Now I yield to the Senator from Idaho.

Mr. BORAH. Mr. President, I do believe in popular rule; but how would the Senator from Tennessee like to have an important constitutional amendment ratified in his State by 500 voters?

Mr. McKELLAR. I have known a constitutional amendment to be ratified by a majority of the 133 members of the Legislature of Tennessee.

Mr. BORAH. That is not popular government.

Mr. McKELLAR. No, sir; and I say that I should prefer that all voters in the State should vote on any constitutional amendment submitted to them for ratification; but under this amendment all of the people would have a right to vote on the question; if they should be interested enough in it to vote one way or the other they would have the right to do so.

Mr. CARAWAY. But the Senator was opposed to letting the legislature pass upon the question and then submitting it to the people.

Mr. McKELLAR. No; I was opposed to letting the legislature talk about the question and then submit it to the people. I thought it was a duplicate piece of machinery.

Mr. CARAWAY. I was just going to ask the Senator a question. Yesterday afternoon by a very large majority the Senate adopted the Jones amendment.

Mr. McKELLAR. It was adopted by a vote of 35 to 29.

Mr. CARAWAY. And this morning the Senate reversed that vote. So evidently in the Senate of the United States in 24 hours Senators change their minds.

Mr. McKELLAR. Everyone ought to have the right to change his mind when he knows he has made a mistake.

Mr. CARAWAY. Then I hope the Senator will have a chance to change his mind.

Mr. McKELLAR. It may be so; but I do not think I am mistaken about the proposition.

Mr. CARAWAY. But what I was intending to say was this: The Senator from Tennessee was opposed to the people having a chance to find out what the election was about, and yet the Senate fought all day yesterday and took action then, and then fought all this morning and took an entirely different action. Either Senators did not have any information on yesterday or they have not any to-day, because they have changed their minds. Is not that a very strong illustration that it would be well sometimes to consider things?

Mr. McKELLAR. There were quite a number more Senators who voted to-day than who voted on yesterday. The vote, as I recall, was then 35 to 29.

Mr. CARAWAY. Mr. President—

Mr. McKELLAR. Just one moment. The vote on yesterday was 35 to 29. To-day at least 10 more Senators came into the Chamber, and the advocates of the legislature plan got their 35 votes just as before, while the advocates of the other plan increased their vote by nine.

Mr. CARAWAY. But I saw Senators vote on yesterday one way and to-day another way.

Mr. McKELLAR. That may be so.

Mr. CARAWAY. And yet those Senators look upon themselves as the leaders of the Senate.

Mr. McKELLAR. The Senator from Arkansas can not charge me with that.

Mr. CARAWAY. I do not.

Mr. McKELLAR. I voted against the amendment on yesterday and I voted against it to-day.

Mr. CARAWAY. I did not charge that the Senator from Tennessee changed his vote.

Mr. McKELLAR. I, of course, understand that the Senator from Arkansas does not make that charge.

Mr. President, it seems to me that we should do one thing or the other; we should either leave the question of ratification to the legislatures, where it is now under the present Constitution, or we should refer proposed amendments to the people. My judgment is that the pending proposal, so far as it has been agreed to, should prevail, and I hope that it will prevail.

Mr. BORAH. Mr. President, I have never felt any great amount of enthusiasm for the pending proposed constitutional amendment at any time. I became interested in it because of my very great respect for the Senator who originally introduced it, but I have not been able at any time to become con-

vinced that it was a wise move. So many things have taken place during the debate that I am convinced that the Senate itself is not by any means well informed as to just what it desires to do with reference to the amendment.

As the Senator from Arkansas [Mr. CARAWAY] has suggested, we have a radically different proposal this morning from that which we approved yesterday evening.

Mr. CARAWAY. Mr. President, may I interrupt the Senator? Mr. BORAH. I yield.

Mr. CARAWAY. There are no two Senators who agree, apparently, about what this amendment means when it provides that in the future proposed constitutional amendments shall be referred to the people—whether it means all the people or a majority of those who vote upon the question at a given election or a majority of all of those who vote in such an election.

Mr. BORAH. Yes. Mr. President, I was very much in favor of the suggestion that proposed amendments to the Constitution should be carried directly to the people, and that as directly as possible the voice of the people should be recorded either for or against them, but I shall not vote for the proposed amendment now pending if it is left in the condition and contains such terms that a proposed constitutional amendment could be adopted in the United States as a practical proposition by voters representing possibly less than 5 per cent of the electorate of the different States of the Union. There ought to be deliberation; there ought to be the necessity of having the real voice of at least a majority of the people upon a question of this kind. We have now so amended the joint resolution that, while a proposed amendment of the Constitution will be submitted to the people, if only 500 people vote on the question in the State of New York and 300 of them vote in favor of it, the proposed amendment will be ratified by the State of New York. That is not popular government; that is not constitutional government; that is not representative government. It is dealing with a constitutional question in a way that we would not deal even with a statute.

Mr. DILL. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Washington?

Mr. BORAH. I yield.

Mr. DILL. How does the Senator think that the joint resolution could be amended so that a majority of all the voters of the States would vote on the question of ratification?

Mr. BORAH. The amendment we adopted a little while ago is the one which renders the amendment obnoxious to me.

Mr. DILL. What I am getting at is this: There is no way to determine, unless we take a special census for that purpose, how many voters there are in a State. All such provisions with which I am familiar in reference to the people voting on amendments to State constitutions require that a certain percentage or a certain majority of the people voting at the election shall control. That is the difference between the statement in the amendment and the ordinary statement in many State constitutions.

Mr. BORAH. Mr. President, some years ago there was submitted to the people of my State a proposed amendment to the State constitution, and that amendment was adopted, although only a very small portion of even a majority of the voters of the State voted for it, under a decision of the Supreme Court that a majority of those who voted upon the question was sufficient to carry it. I had occasion to go into the matter at that time, and my conviction in regard to it has remained with me—that that is a very serious mistake with reference to the adoption of constitutional amendments.

Mr. NORRIS. Mr. President, may I interrupt the Senator there?

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Nebraska?

Mr. BORAH. I do.

Mr. NORRIS. There was in the constitution of my State such a provision as, from what he has said, I judge the Senator advocates, providing that the constitution could not be amended except by a majority voting for it and constituting a majority of all the electors voting at the election. The result was the other extreme from what the Senator found, namely, that it was, for all practical purposes, an impossibility to amend the constitution.

Mr. BORAH. Mr. President, if a majority of the voters of a State are not in favor of amending this Constitution of ours, so far as that State is concerned—and, if it applies to all the States, so far as all the States are concerned—I am willing to leave the Constitution as the fathers drafted it and as it has existed for nearly 150 years, rather than to have, say, 2 per cent of the voters ratify a proposed amendment. I want to live under a Constitution which when it is finally written and finally

adopted represents the judgment of at least a majority of the people of my State or the people of the different States who have to pass upon it.

I think it is a serious proposition, Mr. President, to have an amendment to the Constitution of the United States—and in the case of a State constitution it is serious enough—adopted by just any vote that may see fit to go out. In these days of organization and propaganda those who may be interested in a proposed amendment, if they only get out the members of their organization, may carry an amendment of this kind under its terms. I feel this ought to go back to the committee.

The PRESIDING OFFICER. The question is on concurring in the amendment made as in Committee of the Whole as amended in the Senate.

Mr. WADSWORTH. Mr. President, a parliamentary inquiry. At what time, if ever, in this proceeding before the final disposition of the measure will it be in order to take up again for consideration by an appropriate motion the amendment of the Senator from Missouri [Mr. REED] which was adopted a little while ago?

Mr. FLETCHER. Mr. President, I take it that it will have to come under a motion to reconsider. The amendment of the Senator from Missouri was adopted by a viva voce vote. I voted against it, but I heard very few who did vote against it. There seemed to be a very strong vote in favor of it. The amendment was adopted, as I have said, by a viva voce vote, and I think the only way to reach it is by a motion to reconsider.

The PRESIDING OFFICER. It can be reached by a motion to reconsider. As the Senator from Florida has stated, the amendment was adopted by a viva voce vote.

Mr. WADSWORTH. I make the motion to reconsider because I think, in the haste of the moment, we made a very bad mistake.

The PRESIDING OFFICER. The question is on the motion of the Senator from New York to reconsider the vote by which the amendment of the Senator from Missouri [Mr. REED] was adopted.

Mr. EDGE. I ask that the amendment of the Senator from Missouri may be stated.

Mr. McKELLAR. I make the point of no quorum.

The PRESIDING OFFICER. The Senator from Tennessee suggests the absence of a quorum. The Secretary will call the roll.

The principal clerk called the roll, and the following Senators answered to their names:

Adams	Dial	Jones, Wash.	Reed, Mo.
Ashurst	Dill	Kendrick	Reed, Pa.
Bayard	Edge	Keyes	Robinson
Borah	Edwards	Ladd	Sheppard
Brandegee	Hikins	Lodge	Simmons
Brookhart	Perria	McKellar	Smith
Broussard	Penn	McKinley	Smoot
Bruce	Fletcher	McLean	Stephens
Bursum	Fraser	McNary	Swann
Cameron	Gerry	Mayfield	Tamm
Capper	Glass	Moses	Underwood
Caraway	Hale	Neely	Wadsworth
Coit	Harris	Norris	Walsh, Mass.
Copeland	Harrison	Oddie	Walsh, Mont.
Coussens	Heflin	Overman	Warren
Cummings	Howell	Pittman	Watson
Curtis	Johnson, Minn.	Ralston	Weller
Dale	Jones, N. Mex.	Randall	Willis

The PRESIDING OFFICER. Seventy-two Senators having answered to their names, a quorum is present. The question is upon the reconsideration of the vote by which the amendment of the Senator from Missouri [Mr. REED] was adopted.

Mr. REED of Missouri. Mr. President, if I can have the attention of the Senate for just a moment, as the text stood before the amendment was offered it was the consensus of opinion—

The PRESIDING OFFICER. The Senator can speak only by unanimous consent.

Mr. REED of Missouri. Why?

The PRESIDING OFFICER. The Senate is operating under a rule under which a Senator can occupy the floor but one time.

Mr. REED of Missouri. I have not occupied it at all.

The PRESIDING OFFICER. The Chair was told by the clerk that the Senator had.

Mr. REED of Missouri. The clerk is badly mistaken. I have done nothing here except to offer an amendment. I have not said a word in the discussion. I think perhaps the clerk was warranted in assuming that as I had been in the Chamber I probably had spoken, but he is mistaken in this instance.

It was the consensus of opinion that as the text stood it would be construed by the courts to mean that if an amendment received a majority of the votes of the people voting on

the amendment it would be thereby duly adopted, and that it would not be required that it should have a majority of all the votes cast on all or any propositions which might be voted for at the same election. I think that was the correct construction. I think it can be easily demonstrated that that must be the construction; but in order to save any question, and to remove the doubts of those who had some fears, I offered this amendment.

Mr. President, when we adopt an amendment to the Constitution to-day, by the present method, it is not required that it shall have the vote of the majority of all the members of the legislative bodies, but a majority of those voting. When we adopt any proposition by a popular vote, it is not required that the particular proposition shall have a majority of all the votes cast on all questions. If it were, then it would frequently happen that a man who receives a clear plurality of the votes as between himself and a particular antagonist would not be declared elected, because some other man might have received a greater number of votes, and he might not have a plurality if his plurality were estimated according to that vote.

It has been said, I understand—I have been absent from the Chamber a few moments—that the present proposition would allow a small minority of the people to adopt an amendment to the Constitution. I know of no way to compel the people to vote. All that we can do is to offer them the opportunity to vote. If we adopt a rule that an amendment must be adopted by a majority of all the people voting at an election, then if you have a constitutional amendment submitted when there is a general election for officers you will never succeed in adopting a single amendment to the Constitution of the United States, in my opinion.

Mr. WADSWORTH. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from New York?

Mr. REED of Missouri. Yes.

Mr. WADSWORTH. Would it not be wise, then, to leave that matter to the States? Why attempt here to lay down a rule under which the States shall carry on their elections?

Mr. REED of Missouri. No; I do not think that answers it. We have a right to lay down here a rule that there shall be a submission to a popular vote, and say what shall constitute the necessary vote to decide the question. If it be said that only a small number of men will vote, yet the opportunity has been afforded to them to vote; and if it be said that because a small number happen to vote the amendment should not be declared adopted, what about the present rule?

The last two amendments to the Constitution were adopted, one of them, I believe, by a vote of a little over 4,000 citizens of the United States, and the other, I think, by something over 3,000. I have the exact figures in my office. That which I am now saying is from recollection.

Mr. BORAH. Mr. President, the Senator is speaking of members of the legislatures?

Mr. REED of Missouri. Absolutely; members of the legislatures, not one of whom was elected upon the issue that he was to vote in a particular way upon the constitutional amendment, and in several instances the members of the legislatures voted directly opposite to votes that had been cast at general elections in their States at a very recent period prior to their votes. So that you have your choice here to give all of the people a chance to vote, and count the votes of those who embrace their opportunity, letting the majority decide it, thus giving all the people of the State an opportunity to vote, or to allow the law to stand as it is now, where a few men elected to the legislature can change the fundamental law of the land.

I think the amendment ought to stand; and if it does not stand, if we adopt some rule here that deprives the people of a chance to vote, or that requires the country before it can amend its Constitution to pass over obstacles greater than now exist, then we would better not amend the Constitution at all.

Mr. SWANSON. Mr. President, I have listened to this debate for the last week. It seems to me the best thing to do in connection with this joint resolution is to refer it back to the Judiciary Committee and see if that committee can not redraft it, get it in better shape, and inform the Senate better as to what its various provisions mean.

The amendment offered by the Senator from Montana [Mr. WALSH], providing for a direct vote of the people, has been objected to by a great many Senators, because it would not give time for discussion and consideration. Others think that it will let the Federal courts pass on the qualification of voters. There has been debate as to whether "rules and regulations" controls the qualifications of voters, or simply the method and place of voting. The matter is surrounded with so many doubts and with so much uncertainty, with such a lack of

definiteness, even on the part of those who favor it, that it seems to me before a constitutional amendment is submitted to the people there ought to be more concurrence in the body proposing that the State pass upon it as to what it means and what its clear intention is. It seems to me that we could get better results, we could have a better-drawn amendment, if we should refer it back to the committee, so that with the objections that have been urged here and the amendments that have been offered and voted on the committee can act with more light. Therefore I am going to make a motion to recommit the joint resolution to the Judiciary Committee.

Mr. EDGE. In other words, Mr. President, frankly admitting our inability to perfect an amendment satisfactorily on the floor of the Senate?

Mr. SWANSON. I do not admit that inability. I admit that we ought to start with a better-drawn measure than this before we proceed to amend it. We have doubt as to what the amendment of the Senator from New York means. We have a great deal of doubt as to various phases of it. I have a great deal of confidence in the Judiciary Committee. I think it is one of the ablest committees in the Senate, and when that committee draws a constitutional amendment it is very rarely amended very much here.

I should like to let the people vote directly.

Mr. EDGE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from New Jersey?

Mr. SWANSON. I have but 10 minutes. I will yield later.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. SWANSON. I feel that if the people are given an opportunity to vote directly, it ought to be on an amendment that will certainly guarantee the States, without doubt or question, that they shall control the qualifications and the election. As I listened to this debate, some question has arisen as to whether or not that is true.

Mr. REED of Missouri. Every one of you voted to take that away from them on the woman-suffrage question.

The PRESIDING OFFICER. The Senator from Virginia has the floor.

Mr. SWANSON. I have the floor. If the Senator from Missouri wants me to yield, I will give him an opportunity. I voted against the woman-suffrage amendment. The Senator's allusion does not apply to me.

Mr. REED of Missouri. The Senator was right then.

Mr. SWANSON. I am usually right. The Senator is wrong only when he differs with me, which is very often.

Mr. President, it does seem to me that a matter so important as this, so far-reaching as this, which will control for a long time the method of amending the Federal Constitution, should be more carefully considered; and I therefore move to refer the joint resolution back to the Judiciary Committee.

The PRESIDING OFFICER. The question is upon the motion of the Senator from Virginia to recommit the joint resolution to the Committee on the Judiciary.

Mr. ASHURST. Mr. President, on that motion I wish to be heard.

The able Senator from Virginia [Mr. SWANSON] says he would like to have the joint resolution referred back to the Judiciary Committee so that we may explain to the Senate what it means. Will the able Senator now point out those recondite and hidden phrases in this plain English that he does not understand?

Mr. SWANSON. I will.

Mr. ASHURST. I wish the Senator would do so; I yield for that purpose.

Mr. SWANSON. All right. Will the Senator tell me—

Mr. ASHURST. I will.

Mr. SWANSON. The Senator does not know yet what my question is going to be. Will the Senator tell me, when the question comes up, as to who passes on the qualification of voters and whether or not the amendment was ratified by the State? Does the Federal court pass on it, or not?

Mr. ASHURST. The judges of election in the various precincts through Virginia pass upon the qualifications of the voters as the voters present themselves. Under the law of Virginia there must first be a registration at which qualified voters must present themselves and register, and then the judges of election are the judges of the qualified voters.

Mr. SWANSON. But the question is whether or not Virginia has permitted her qualified voters to vote—

Mr. ASHURST. She has.

Mr. SWANSON. And whether, under the law, she has ratified this amendment. Who passes on that question, as to whether or not Virginia is one of the three-fourths of the States? Do the Federal courts pass on it.

Mr. ASHURST. All right; who passed upon the great and magnanimous and worthy act that Virginia performed when she sent CLAUDE A. SWANSON to the United States Senate?

Mr. SWANSON. The Senate passes on that, finally.

Mr. ASHURST. That is true.

Mr. SWANSON. It is the final judge of my election returns.

Mr. ASHURST. The Senator knows that the various judges of elections certify to the proper authorities of the county, and they to the proper authorities of the State—

Mr. SWANSON. Mr. President—

The PRESIDING OFFICER. Does the Senator yield?

Mr. ASHURST. No; I do not yield. I am answering the question, and when I have finished answering the question I will yield. Then the secretary of state certifies, by direction of the governor, and that is done precisely as it is done under the constitutional amendment. What other hidden phrase, obscure phrase—

Mr. SWANSON. Then the question would be raised as to whether Virginia had passed on the amendment properly under this amendment. As I understand, the judge of election down at Sycamore precinct would be the ultimate judge as to whether the constitutional amendment was properly adopted or not; or would the Supreme Court of the United States be the judge?

Mr. ASHURST. The judge of election at Sycamore precinct—

Mr. SWANSON. Everybody knows—

Mr. ASHURST. Will the Senator not let me answer?

The PRESIDING OFFICER. Does the Senator yield to the Senator from Virginia?

Mr. ASHURST. Who has the floor?

The PRESIDING OFFICER. The Senator from Arizona has the floor.

Mr. ASHURST. Then I will keep it long enough to answer the question. The judge of election at that precinct is the judge of the qualified electors who present themselves in that precinct. Is that a clear answer?

Mr. SWANSON. That is clear; but then the question comes, Has Virginia as a whole ratified? Sycamore precinct can not determine whether an amendment has been passed on by the entire State or not. Is the Supreme Court of the United States to decide it? I want to know whether the Federal courts would ultimately pass on the qualifications of the voters.

Mr. ASHURST. That is a political question, not a judicial question. [Laughter.] There is no occasion for an outburst of that sort. That is a political question. The question as to whether a government is a republican form of government or not is not a judicial, but a political question. That is a political question, not to be determined by judicial procedure. When the secretary of state of Virginia sends to the Secretary of State of the United States a certificate that that State has ratified a pending amendment, you can not go behind that certificate.

Mr. SWANSON. I would like to have that stated in the proposed amendment.

The PRESIDING OFFICER. Does the Senator further yield?

Mr. ASHURST. Certainly. I am handicapped. I appreciate the handicap under which I labor when I attempt to talk law with the Senator from Virginia, especially Virginia law. But it so happens that he has attacked me on my strongest point—

Mr. SWANSON. The reason why I asked the Senator the question was because I recognize that he is a great constitutional lawyer. That is the reason I interrogated him. I concede what the Senator says about his superior ability as a lawyer, and I was asking for information. As I understand the Senator, his position is that when the State of Virginia or the State of Mississippi certifies, through its secretary of state, that a majority of the qualified voters have ratified an amendment or refused to ratify it, that is final?

Mr. ASHURST. That is true.

Mr. SWANSON. Will the Senator please put that in his amendment so that there will be no doubt about it?

Mr. CARAWAY. May I ask a question of the Senator? There will be no way, then, for the court to go back and say that some people who were qualified to vote were denied the right to vote?

Mr. ASHURST. Let me just answer the Senator from Virginia. At the present time when the legislature of State "A" ratifies an amendment, the secretary of state, under the seal of the State, certifies that to the Secretary of State of the United States. That is a procedure of which all persons take judicial notice. I can call to mind instances where, had the returns been gone into, fraud and corruption would have been shown, but no one did go or could have gone beyond the returns in such a case. I appreciate, without any levity, that there might be some force in the Senator's suggestion, but no

more force than the suggestion that it ought to have been there all these years. In other words—

Mr. SWANSON. If the Senator will yield—

Mr. ASHURST. Just a moment. I other words, when the Secretary of State of the United States has received from the appropriate authorities of three-fourths of the States proper certificates that an amendment duly submitted has been ratified by those States, the Secretary of State of the United States is permitted—not required, but permitted—to issue his proclamation that the amendment has been ratified. In the cases of the early amendments no proclamations at all were issued. They went by judicial notice; and I can well see that a proclamation ought to be issued, because in the case of the amendment submitted in 1810 it was stated in the schoolbooks and a great many politicians and even Congress thought that the amendment had been ratified. Therefore in 1810 the custom was inaugurated of sending out notices and proclamations that amendments had been ratified.

Mr. SWANSON. Is the Senator satisfied that no injunction could be issued against the Secretary of State or the certifying officer in any State to prevent him saying that the amendment had not been ratified by a majority?

Mr. ASHURST. I think a temporary injunction could be issued, but as soon as a judge who knew any law could reach it, he would dissolve it.

Mr. SWANSON. Does the Senator think an injunction would lie to compel an officer to say a State had not ratified a proposed amendment by a vote of its qualified voters? If such an injunction could be issued against a certifying officer of a State, who would determine as to whether the amendment had been properly ratified or not?

Mr. ASHURST. If it is determinable at all, if it is of a juridical nature at all, the State would determine it.

Mr. SWANSON. Is not the question as to whether an amendment to the Constitution has been ratified a juridical question?

Mr. ASHURST. That is a political question.

Mr. SWANSON. Does not the Supreme Court pass on questions relating to the Constitution?

Mr. ASHURST. It construes the Constitution.

Mr. SWANSON. Suppose a question arises as to whether an amendment has been properly ratified.

Mr. ASHURST. I doubt very much whether that court would pass on such a question. I think that is a political question.

Mr. SWANSON. Under the present Constitution the legislature passes an act, and the secretary of the Commonwealth certifies it.

I have an idea that you could look at the record of the general assembly and see whether a majority had voted for the ratification of the amendment or not, and if it were found that a majority had not voted for ratification, then it could properly be said that it had not been ratified. But you can not go behind the election returns of members of the legislature of a State, because it has been decided repeatedly in connection with the election of Senators that each legislative body passes on the qualifications of its own members, questions of fraud, and so on. It seems to me that when you go to the people, a serious question arises as to the extent to which Federal courts can pass on the elections, as to whether a majority voted, and as to whether they were qualified. That is the only question that has not been answered in reference to this amendment.

Mr. ASHURST. I think that is a proper question, and if I have any time left—

The PRESIDING OFFICER. The Senator's time has expired. The question is on the motion made by the Senator from Virginia to recommit the joint resolution to the Committee on the Judiciary.

Mr. WALSH of Massachusetts. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SMITH. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. SMITH. Is this a direct vote now as to whether the joint resolution shall be recommitted?

The PRESIDING OFFICER. The question is on the motion to recommit. The yeas and nays have been ordered, and the Secretary will call the roll.

The reading clerk proceeded to call the roll.

Mr. DIAL (when his name was called). I have a general pair with the senior Senator from Colorado [Mr. PHIPPS], and in his absence I withhold my vote.

Mr. FLETCHER (when his name was called). I am paired with the senior Senator from Delaware [Mr. BALL]. In his absence I withhold my vote.

Mr. REED of Pennsylvania (when Mr. PEPPER's name was called). On this question my colleague [Mr. PEPPER] is paired with the senior Senator from Minnesota [Mr. SHIPSTEAD]. If present, my colleague would vote "yea" and the Senator from Minnesota would vote "nay."

Mr. SMITH (when his name was called). I have a general pair with the senior Senator from South Dakota [Mr. STERLING], and in his absence withhold my vote.

The roll call was concluded.

Mr. CURTIS. I desire to announce the following general pairs:

The senior Senator from Illinois [Mr. McCORMICK] with the senior Senator from Oklahoma [Mr. OWEN]; and
The junior Senator from Kentucky [Mr. ERNST] with the senior Senator from Kentucky [Mr. STANLEY].

Mr. JONES of New Mexico. I transfer my general pair with the senior Senator from Maine [Mr. FERNALD] to the junior Senator from Montana [Mr. WHEELER], and vote "yea."

Mr. SIMMONS (after having voted in the affirmative). I have a general pair with the junior Senator from Oklahoma [Mr. HARRELD]. I transfer that pair to the junior Senator from Georgia [Mr. GEORGE], and allow my vote to stand.

Mr. WALSH of Montana. As heretofore announced, my colleague [Mr. WHEELER] is absent on account of illness. If he were present, he would vote "yea."

The result was announced—yeas 41, nays 28, as follows:

YEAS—41.

Bayard	Elkins	Ladd	Simmons
Borah	Fess	Lodge	Smoot
Broussard	Glass	McKellar	Stephens
Brace	Hale	McKinley	Swanson
Bursum	Harris	McLean	Wadsworth
Cameron	Heflin	McNary	Walsh, Mont.
Caraway	Jones, N. Mex.	Moses	Watson
Colt	Jones, Wash.	Oddie	Wills
Couzens	Kendrick	Ralston	
Curtis	Keyes	Ransdell	
Dale	King	Reed, Pa.	

NAYS—28.

Adams	Dill	Howell	Reed, Mo.
Ashurst	Edge	Johnson, Minn.	Robinson
Brandegee	Edwards	Mayfield	Sheppard
Brookhart	Ferris	Neely	Trammell
Capper	Frazier	Norris	Underwood
Copeland	Gerry	Overman	Walsh, Mass.
Cummins	Harrison	Pittman	Weller

NOT VOTING—27.

Ball	Greene	Owen	Spencer
Dial	Harreld	Pepper	Stanfield
Ernst	Johnson, Calif.	Phipps	Stanley
Fernald	La Follette	Shields	Sterling
Fletcher	Lenroot	Shipstead	Warren
George	McCormick	Shortridge	Wheeler
Gooding	Norbeck	Smith	

So the joint resolution was recommitted to the Committee on the Judiciary.

PENSIONS AND INCREASE OF PENSIONS.

Mr. BURSUM. Mr. President, I move that the Senate now proceed to the consideration of Senate bill 5, the general pension bill.

The PRESIDENT pro tempore. The question is upon the motion of the Senator from New Mexico.

Mr. SMITH. What is the motion?

The PRESIDENT pro tempore. The motion of the Senator from New Mexico is that the Senate proceed to the consideration of Senate bill No. 5, the general pension bill.

CLARENCE C. CHASE.

Mr. WALSH of Montana. Mr. President, I am in receipt of the following communication from the Secretary of the Treasury:

THE SECRETARY OF THE TREASURY,
Washington, March 23, 1924.

Hon. THOMAS J. WALSH,

United States Senate, Washington, D. C.

MY DEAR SENATOR: Yesterday Mr. C. C. Chase, collector of customs for collection district No. 24, headquarters at El Paso, Tex., presented to me his resignation from the service, a copy of which I inclose. As a matter of course, this resignation would have been accepted, but I notice in the afternoon papers that some action has been taken in the Senate looking toward impeachment proceedings. I do not desire to take any action which might embarrass any proceeding desired to be taken by the Senate. It will be necessary, however, to find a successor for Mr. Chase to take charge of this district. In view of the foregoing, will you be kind enough to advise me whether it will be satisfactory formally to accept his resignation.

Very truly yours,

A. W. MELLON,
Secretary of the Treasury.

The inclosure is as follows:

THE NEW WILLARD,
Washington, March 24, 1924.

Hon. ANDREW W. MELLON,

Secretary of the Treasury, Washington, D. C.

MY DEAR MR. SECRETARY: I have to-day been called as a witness before the Senate Committee on Public Lands and Surveys, and upon being interrogated have invoked my constitutional privilege and declined to answer the questions propounded to me.

In all likelihood my action will produce unfriendly criticism, and as I am in the Government service as collector of customs for collection district No. 24, headquarters at El Paso, Tex., this criticism may react upon your department and my continued employment in the Government service therefore may be embarrassing to you.

I need not explain to you that in what I have done there is no justification for the insinuation or assertion that I have confessed to having committed any crime. I have not been guilty of any criminality or has any charge to that effect been made against me. I am, however, most anxious that my action shall not be the cause for any criticism of President Coolidge's administration or of your department, and accordingly I have the honor to tender to you my resignation of the office I now hold, this resignation to take effect at your pleasure.

I may say that my refusal to be examined by the Senate committee had nothing to do with the administration of my office as collector of customs.

As to my administration of that office, I court the strictest possible inquiry, feeling confident that such investigation will disclose that the office has been administered by me with the strictest fidelity and a high degree of efficiency.

Very much regretting the occasion for having to tender my resignation, and with deep appreciation of the courtesy that I have at all times received from you, I am, Mr. Secretary, with great respect,

Very truly yours,

C. C. CHASE.

I acknowledge the extreme courtesy of the Secretary of the Treasury in addressing this communication to me, and I am promptly replying to him that I see no reason whatever why Mr. Chase's resignation should not be promptly accepted, and that no proceedings which may be taken by either House of Congress will be in the slightest degree embarrassed by that action on his part.

What surprises me is that the President of the United States did not ignominiously dismiss Mr. Chase from the public service promptly upon the giving of the testimony by Mr. McKinney before the Committee on Public Lands and Surveys on the 11th day of March. He must have been advised of the fact, because the unofficial observer, Mr. Rush Holland, has been attending daily the sessions of the committee, and it was understood that he is there as the personal representative of the President. I think this an opportune time to tell the story in a connected way from the records.

I referred briefly the other day to the first suggestion of the likelihood of Mr. McKinney stating that Secretary Fall got the money from him. It came in what is known as the unsigned memorandum which, as I have advised the Senate, in some strange way got into the files of the secretary of the committee, no one knows from where. I can only speculate about it, and my speculation is that it was prepared as a memorandum of what Mr. Chase would tell the committee when he came before us. It is headed:

Memorandum in connection with Senator WALSH's investigation concerning purchase by Mr. Fall of ranch properties adjoining the Fall home ranch at Three Rivers, N. Mex.

It starts out this way:

It is understood that certain witnesses have been subpoenaed from New Mexico, presumably in connection with this ranch purchase, among such witnesses being one of the parties from whom the ranch was purchased, namely, Will Ed. Harris.

It is therefore apparent that the memorandum was prepared after the New Mexico witnesses were subpoenaed but before they testified. In that connection, a telegram was sent by Mr. Fall to the then chairman of the committee, the Senator from Utah [Mr. SMOOT], which I read from the record, as follows:

THREE RIVERS, N. MEX.,
November 20, 1923—11 p. m.

Hon. REED SMOOT,

Senate Office Building, Washington, D. C.:

Have just wired International News, Denver, as follows: "Thanks for your wire. Mr. McGee should be an authority on tax paying and finance; however, record evidence Otero County and sixth district court will disclose that dispute arising about my assessment I refused

to pay, and myself brought suit to adjust proper amount under State law, at same time disposing amount I claimed due, and that after several years decision was rendered my favor and all due taxes paid. Never threatened Mr. McGee at any time; and his complaint against me is, I presume, largely because, despite his abuse for years, I have declined publicly to mention his name. You are doubtless aware that a few months since McGee was indicted, tried by jury, and convicted of criminally libeling Chief Justice Parker, this State, and afterwards pardoned by the present governor. I am informed that he is also now under indictment for libel of ex-Chief Justice C. J. Roberts. A wire from you to Judge Meacham, presiding judge sixth district, or Hon. Mark B. Thompson, Las Cruces, N. Mex., special counsel for State tax commission, will corroborate foregoing as to tax matter." Clayton, one of WALSH witnesses, knows about tax suit, as does Stalcup Johnson, another witness there, can also testify, as well as other evidence possibly to be brought out. C. C. Chase now en route, arriving Monday. My son-in-law knows all about ranch deal and my business generally. Of course, if necessary, will go there personally after WALSH has concluded. I understood Doheny, Robison, and Bain were to testify before WALSH went any further. Think this very important.

A. B. FALL.

Then, Mr. President, followed the letter of Secretary Fall or Senator Fall of December 27, in which he again refers to this matter. In the memorandum to which I had adverted is found the following:

Knowing that the ranch property must be sold to settle the Harris estate, and desiring to acquire the same, Mr. Fall had upon more than one occasion for two or three years prior to the purchase discussed a possible purchase with Mr. Brownfield particularly. Not knowing when the purchase must be definitely made, in December, 1920, Mr. Fall made arrangements with a gentleman formerly associated with him, and as yet interested with him in business in a foreign country, for securing the money, upon immediate notice to this associate, with which to make the purchase indicated, as well as other moneys with which to complete a reorganization of his ranch business at and near Three Rivers. This gentleman referred to had and yet holds titles to properties costing a large sum of money and in which Mr. Fall has more than a 50 per cent interest. Aside from this, Mr. Fall had turned over other properties on a sale agreement to the gentleman referred to under the terms of which he was eventually to receive a minimum of \$75,000 and a maximum of \$125,000. This account, both in December, 1920, and in December, 1921, was still running under the same conditions. The understanding was that Mr. Fall could telegraph at any time for the money necessary for his purposes or that the same would be arranged at any time through Chicago.

Being in Washington, Mr. Fall got in touch with the gentleman named, who met him in Chicago and proceeded with him to El Paso, Tex., thence to California, returning by way of the Fall ranch some two weeks later; that is to say, about December 20. The gentleman was present in El Paso when the money was paid over to Harris and Brownfield on the original contract.

Mr. Price McKinney, of Cleveland, Ohio, actually made that trip with Secretary Fall from Chicago to El Paso and the city of Los Angeles.

In the letter of December 27 Secretary Fall repeated substantially the statement made in this unsigned memorandum concerning his ability to get the money from a gentleman with whom he had business dealings in a foreign country. It will be recalled that the telegram of date November 20, from Fall to Senator Smoot, recited that his son-in-law, C. C. Chase, was leaving for Washington, was entirely familiar with his business, and with the ranch deal in particular. That is confirmed by telegrams which I desire now to read, as follows:

NOVEMBER 28, 1923.

Hon. C. C. CHASE,
El Paso, Tex.:

Important I should see you immediately. Will want you to go to Washington. Can you come up in car at once or on night train prepared to go east from here? Can arrange by wire with department. Answer.

A. B. FALL.

Mr. Chase replied, under date of November 28, 3.39 p. m., as follows:

Hon. ALBERT B. FALL,
Three Rivers, N. Mex.:

Will be up train to-night prepared to go east.

C. C. CHASE.

Thereupon Mr. Fall wired to the Secretary of the Treasury as follows:

THREE RIVERS, November 29, 1923.

Hon. ANDREW W. MELLON,
The Secretary of the Treasury, Washington, D. C.:

Am requesting Mr. Chase, collector of customs, El Paso, to leave for Washington immediately on business important to me personally.

Kindly extend him formal leave of absence to make trip without expense to Government. He will call on you at Washington regarding matter. Mr. Chase leaving to-day.

ALBERT B. FALL.

Mr. Chase wired to Senator Fall from Chicago as follows:

CHICAGO, ILL., December 1, 1923.

Hon. A. B. FALL,

Three Rivers, N. Mex.:

Am going via Cleveland to see party there at his invitation. Advice is confined to home.

C. C. CHASE.

Thereupon Senator Fall wired to Mr. McKinney as follows:

DECEMBER 3, 1923.

Hon. PRICE MCKINNEY,

Cleveland, Ohio:

My friends on the committee ask me to come to Washington to refute statements of McGee, which you have doubtless seen. This is the same man who purchased yours and other interests in Albuquerque Journal. I am leaving here to-morrow, arriving in Washington Friday morning. Can you meet me there, bringing Lucy over for a day or two? Kindly answer, and do you know whereabouts of Chase?

A. B. FALL.

From Chicago, under date of 9.10 a. m., December 4, 1923, Mr. Chase wired to Mr. Fall as follows:

A. B. FALL,

Three Rivers, N. Mex.:

Leaving here Golden State 6.30 to-night for Kansas City. Will meet your train there and return Chicago if necessary. Blackstone Hotel here to-day.

CLARENCE.

Under the same date he wired Secretary Fall as follows—this is December 4, 1923:

A. B. FALL,

Three Rivers, N. Mex.:

Cleveland matter not satisfactory. Can possibly be worked out. Am meeting you following advice Washington friends.

CLARENCE.

Unfortunately, Mr. President, the testimony before the committee does not disclose who were those Washington friends who advised Mr. Chase immediately to get into communication with Mr. Fall.

Mr. CARAWAY. If I may interrupt the Senator, were not those Washington friends like "Principal," "Apples," "Peaches," and "Apricots," who are still undisclosed?

Mr. WALSH of Montana. Possibly so. Thereupon Mr. Fall wired Mr. Chase, under date of 10.45 a. m., December 4, 1923, as follows:

C. C. CHASE,

Blackstone Hotel, Chicago, Ill.:

Your wire from Washington and to-day from Chicago very indefinite. Can't you be a little more explicit? Wire immediately. Mrs. Fall and self leaving this afternoon train.

A. B. FALL.

Mr. President, these telegrams, affording such persuasive circumstantial evidence of this effort to mislead and to deceive the committee concerning the origin of these funds, were all submitted to the committee on the 11th day of March last, two weeks ago yesterday. A week later, on the 18th day of March, Mr. McKinney came forward, under the subpoena of the committee, and told us that Mr. Chase came to see him as is indicated in these telegrams, with a view to getting him to confirm the story which Senator Fall had put up to him in a letter which he had written him in which he asked Mr. McKinney to tell the committee to the effect that he, McKinney, while on the trip from Chicago to Los Angeles, stopping off at El Paso, had loaned this \$100,000 to Mr. Fall, and Mr. McKinney very promptly declined to do anything of the kind. He said he had not loaned Mr. Fall any such sum and was not going to say so.

Now bear in mind, Mr. President, it was on the 18th day of March, a week ago yesterday, that this whole affair became public property, and the President of the United States knows all about it if his unofficial observer sitting with the committee every day is discharging any duties or serving any public purpose whatever.

Mr. President, I should like to know from some one why is it that the President of the United States did not immediately demand the resignation of Mr. Chase, aye, sir, not even ask for his resignation but declare to him that he was ignominiously dismissed from the public service. I confess, Mr. President, that I am utterly unable to understand the attitude of the White House concerning this investigation.

FUEL OIL FOR THE NAVY.

Mr. COPELAND. Mr. President, in reply to what the Senator from Montana has suggested may I say it is quite apparent that the White House is interested just now in the matter of oil? The morning newspapers carry a very interesting record of a meeting which was held in the White House a day or two ago, attended by the Secretary of State, Mr. Hughes, and the new Secretary of the Navy, Judge Wilbur. As a result of this meeting and because of the anxiety the President feels regarding the alarming drain of the oil supplies of the country the President gave out a statement which I desire to read:

The President announced the appointment of a commission to study the fuel-oil needs of the Navy in the following statement:

"The purpose for which the naval oil lands were set aside was to provide reserves for the future. In order to do this in the best manner the oil should be, wherever possible, retained in the ground. Wherever this is not possible, however, it should be retained in tanks above ground. This oil is an important part of the national insurance.

"At the present rate of production there is estimated to be but 20 years of oil supply within the limits of the United States. When this is exhausted we will be dependent upon foreign sources for our supply. In time of war such supply will certainly be jeopardized and possibly cut off. Unless, therefore, the Navy has conserved in this country sufficient oil wherewith to fight a war, our national security is seriously endangered.

"The General Board of the Navy, which has made a careful study of the problem of national defense, has recommended a presidential commission to give more careful study to the fuel question, in view of present conditions. I have decided to appoint this commission now. This commission will have the same access to data and information contained within the governmental departments as was granted to the United States Coal Commission (H. R. 12377), Sixty-seventh Congress.

"This commission will have as its mission the general study of this problem, but specifically it will review the situation in each one of the Navy's reserves and endeavor to ascertain whether it will be possible by assignment of additional public land, transfers, trades, purchases, or otherwise to create larger or better protected reserves than those existing at present. This not only pertains to the United States proper but in addition to such oil lands as might exist in Alaska."

Then the President announced the appointment as members of the commission Dr. George Otis Smith, Director of the Geological Survey; Rear Admiral Hilary P. Jones, United States Navy, president of the General Board and ex-commander in chief of the United States Fleet; and Mr. R. D. Bush, of the bureau of mineralogy of the State of California.

I desire to call attention to the fact that this is a work of supererogation on the part of the President. It was unnecessary for him to create a new board and give it all the trouble incident to securing the information sought according to the terms of the President's statement. All the problems and all the questions suggested by the President are already matters of public record.

I wish to call the attention of Senators once more to a public document from which I have quoted heretofore on the floor of the Senate, namely, the report of the Naval Consulting Board of the United States, which is a Government document published at the Government Printing Office. It will be recalled, as I stated on a previous occasion, that Mr. Daniels, then Secretary of the Navy, when the war came on in 1915, but before we entered it, very wisely called into existence a body of great engineers. At the head of that consulting board was Thomas A. Edison, and 11 of the great engineering and chemical societies of this country were asked to furnish two members each. So there was organized a great board composed of 24 of the leading engineers of this country, and likewise the Navy itself appointed a fuel board, consisting of five officers of the Navy. This commission met in New York and called before them all the famous experts on fuel and fuel installation and the builders of tanks for containing fuel. There were numerous meetings, running through a number of months, and finally this board reached a unanimous conclusion regarding the matter of fuel oil.

I desire again to enter in the RECORD the conclusions of that board, in order that the new Secretary of the Navy, who will now begin to read the CONGRESSIONAL RECORD, may know what has happened in the Navy previous to his assuming the responsibilities of office.

The board reached the following conclusions:

First. The use of fuel oil enables the Navy Department to produce war vessels of a marked superiority in type. The projected battle

cruisers, for example, could not be reproduced if required to use coal, nor could they be remodeled for burning coal, even at comparatively prohibitive cost, without seriously curtailing their military value.

Second. It is the unanimous opinion, therefore, of your committee that the requirements of national defense demand that the Nation hold with unassailable title reserves of oil land within its own borders, located with reference to economical transportation, and containing sufficient oil to meet the requirements of our ever-enlarging Navy for a period of not less than 50 years.

Third. The best estimate at hand, that of the United States Geological Survey, respecting the probable remaining supply of petroleum underground within the United States is seven thousand six hundred and twenty-nine million barrels. The marketed production of petroleum within the United States in the year 1915 was 281,104,104 barrels. A simple calculation will show that should the consumption of oil remain fixed the estimated available supply will last only 28 years. While forecasts cut down can be reproduced in time, petroleum taken from the ground and consumed is forever gone.

Your committee is well aware of the fact that great quantities of fuel oil are to-day imported from Mexico for industrial uses and that the Mexican oil fields are probably the most extensive deposits of oil anywhere in the Western Hemisphere, if not in the world, but it believes that as a means of national defense such oil supply could not and should not be depended upon in the event of war. To-day Great Britain renews her supply of oil fuel from Mexico, and is assured thereof only so long as she maintains undisputed control of the seas.

For the use of our Navy it is now estimated that there will be an annual consumption in time of peace of quantities increasing from 842,000 barrels during the present fiscal year to 10,000,000 barrels annually in 1927. In time of war this consumption will be increased at least threefold. That is to say, we must face the possibility of a consumption in war time of not less than 30,000,000 barrels per annum. Nor does this take any account of oil fuel for aircraft or for industrial processes associated with national defense.

Your committee has given full consideration to the possibility of diverting from these industries sufficient oil to meet the demands of the Navy in time of war, but has reached the conclusion that this might of itself cripple industrial establishments upon which the Nation must depend for munitions of war.

Your committee, in view of the foregoing, believes that the representatives of our Nation in Congress now assembled have before them at present a question of supreme importance to the national defense in that certain legislation is pending which imperils the present oil reserves of the Navy, and therefore your committee has prepared the following resolutions, which it offers to the Naval Consulting Board with a recommendation for their adoption.

And these are the resolutions which were so adopted:

Whereas the Navy Department after years of study and consideration has definitely committed itself to the use of oil fuel on our naval vessels on account of its superior military advantages; and

Whereas the permanence and continuity of such fuel supply must be assured both for time of peace and of war; and

Whereas legislation is now pending in Congress which jeopardizes the integrity of naval petroleum reserves heretofore established for the above purpose; and

Whereas action by Congress adverse to the Navy Department's interests in these reserves will constitute a precedent for future actions and make any reserve whatever uncertain and liable to diversion: Therefore be it

Resolved, That the Naval Consulting Board, the officials, civilian advisory board of the Navy, composed of members of 11 national engineering and scientific societies, is convinced that any legislation which may divert from the Navy any portions of its reserves will seriously weaken the Navy and imperil the national defense. The Naval Consulting Board therefore urges upon the Nation and its representatives in Congress to permit no steps to be taken that will impair the integrity of the existing naval petroleum reserves.

The Naval Consulting Board commends the recent action of the Secretary of the Interior in recommending the creation of additional naval reserves in Colorado, Utah, and Wyoming on lands which have prospective value for oil production.

The Naval Consulting Board, however, does not believe that these recommended reserves can be considered as substitutes for existing reserves.

That was the unanimous action of these joint boards.

Mr. WARREN. Mr. President—

Mr. COPELAND. I yield to the Senator.

Mr. WARREN. I desire to ask what is the business before the Senate, because I have another matter that I want to bring up.

Mr. McKELLAR. We can not hear the Senator.

Mr. WARREN. Will the Senator permit me to take up a short bill that I want to have considered?

Mr. COPELAND. If the Senator can wait four minutes, I will yield the floor.

Mr. WARREN. I wanted to inquire, however, if there was any business before the Senate.

The PRESIDENT pro tempore. The business before the Senate is the motion of the Senator from New Mexico [Mr. BURSUM] to proceed to the consideration of the pension bill.

Mr. WARREN. I do not wish to interfere with that motion, but I have here a bill which I wish to take up.

Mr. COPELAND. Mr. President, I am glad the President of the United States took the action which he did on yesterday. I am glad because, in the first place, it will benefit the new Secretary of the Navy. It will bring to his knowledge the fact that Admiral Griffin, the Chief of the Bureau of Engineering, two days before Mr. Denby signed the lease by which the oil reserves were turned over to private interests begged Mr. Denby that the matter of leasing the reserves should be referred to the General Board of the Navy. Mr. Denby declined to take that action. Now that the administration has given away our oil reserves, now that it has given away all the oil it had, the President of the United States appoints a board to see if they can not find some more oil. It is to be hoped and expected that the conference at the White House and this action of the President will give the new Secretary of the Navy a good start and protect him against falling into the costly errors of his immediate predecessor.

I am glad, in the second place, that this action has been taken because it will reassure the President if a board of his own selection advises him to take a forward looking stand on a matter which so far the administration has disregarded. It is reassuring that the Chief Executive is aroused to the importance of the oil-reserve policy.

In the third place, I should like to say that this action may benefit the country. It certainly will if the Republican administration reaffirms the conclusions reached by the Democratic administration during war time, a policy which was adopted and recommended at that time, as I have shown the Senate, by all the great engineering societies of this country.

So, finally, it seems that the present action of the President—and I should like to say this to the Senator from Wyoming, in reply to what he has suggested—is a symptom which is indicative of a very much belated, it must be said, but nevertheless refreshing, determination on the part of the administration at last to guard the first line of defense, the American Navy.

Mr. HEFLIN. Mr. President, before the Senator from New York takes his seat I should like to ask him a question. What naval officer was it that the President appointed on this board?

Mr. COPELAND. Rear Admiral Hilary P. Jones.

Mr. HEFLIN. The Senator recalls that in the other instance, where the naval oil reserves were transferred by Mr. Denby to Mr. Fall, an admiral of the Navy was selected to act on that particular matter, Admiral Robison, and that he was the only one in the service who favored the transfer of this oil property and the granting of the leases. The Senator also recalls that Admiral Griffin opposed this transfer, and they relieved him of the duties that devolved on him and selected Admiral Robison to handle the matter, and that through Mr. Denby this property was transferred to Mr. Fall, and then the leases were granted to Mr. Doheny and to Mr. Sinclair. I believe the Senator touched on the fact that President Coolidge stated that he would not permit Mr. Denby to resign, and this was after Mr. Denby had transferred this oil property to Mr. Fall so that the Government would lose its entire oil reserves.

Mr. COPELAND. Yes, sir.

Mr. HEFLIN. I wonder if Admiral Jones agrees with Admiral Griffin's position or with that of Admiral Robison, who assisted in helping to get rid of all our oil reserves?

Mr. COPELAND. Of course I can not speak for this officer; but at least this action of the President indicates that at last he is aroused to the importance of this measure.

Mr. McKELLAR. After the oil is gone.

Mr. COPELAND. After the oil is gone.

A. W. MELLON, SECRETARY OF THE TREASURY.

Mr. McKELLAR. Mr. President, this morning there appeared in the Washington Post an article headed as follows:

Mellon, denying tax interfering, offers all data. Returns of companies he is interested in are open, he tells Senators. Asks prompt inquiry in fairness to all. Accountants ready to explain—COUZENS produces returns.

Mr. President, I ask unanimous consent that the entire article, containing Secretary Mellon's explanation, and showing

his interest in the corporations set out in his explanation, may be printed in the Record at this point as a part of my remarks.

The PRESIDENT pro tempore. Is there objection? The Chair hears none.

The matter referred to is as follows:

[From the Washington Post of Wednesday, March 26, 1924.]

MELLON, DENYING TAX INTERFERING, OFFERS ALL DATA—RETURNS OF COMPANIES HE IS INTERESTED IN ARE OPEN, HE TELLS SENATORS—ASKS PROMPT INQUIRY IN FAIRNESS TO ALL—ACCOUNTANTS READY TO EXPLAIN—COUZENS PRODUCES RETURNS.

Secretary Mellon denied he had "ever interfered with the Bureau of Internal Revenue in any way in any tax matter," in a statement yesterday laid before the Senate special committee investigating the bureau.

At the same time Mr. Mellon offered the committee full information on tax matters of companies in which he is personally interested, adding that in fairness to him and to the companies, the committee should make an immediate investigation.

"In the hearing before your committee yesterday," said the statement, "what purported to be a copy of a memorandum delivered by an exemployee to a member of your committee was introduced and has been made the basis for headlines in the newspapers which might lead the public to believe I had sought to influence the Bureau of Internal Revenue in its consideration of the tax liability of certain companies in which I am interested as stockholder.

WARMLY DENIES INTERFERING.

"As I have already stated, I have never interfered in any way with the Bureau of Internal Revenue in any tax matter. Last of all would I do so in cases in which it might be charged that I was personally concerned. I feel, however, that it is due to me, and to the companies involved, that your committee make an immediate investigation in order that you may thoroughly satisfy yourself and the public whether or not these companies have received any favors from the Government.

"Three companies which have been mentioned are the Gulf Refining Co. and its subsidiaries, the Standard Steel Car Co., and the Aluminum Co. of America. Each of these companies has advised the Commissioner of Internal Revenue that it waives its right to privacy under the statute, and the commissioner is authorized to produce to your committee, without restriction of any kind, all of the tax returns and accompanying papers for each tax year.

"Messrs. Ernst and Ernst, certified public accountants, are familiar with the tax adjustments of these companies, since they handled their presentation before the bureau. They can undoubtedly be of assistance to your committee in explaining the complicated questions involved, and I am informed are ready to respond to any call of your committee.

COUZENS PRODUCES RETURNS.

"Mr. A. C. Ernst will be in Washington on the 28th, and will be available then or thereafter. If question is later raised with respect to any other companies in which I may be interested, I shall be glad to do what I can to obtain similar publicity to their returns."

Solicitor Nelson Hartson, of the bureau, at the request of Senator Couzens (Republican), Michigan, who is conducting the inquiry, produced the Senator's own tax returns, involving a proposed additional tax in 1919 of \$2,147,000. The main question at issue was an allowance to be made as to "fair market value" of a "charitable gift" of property by Senator COUZENS, valued at the time of the gift at \$1,796,905. An opinion by Hartson in 1923 in another case laid down a principle resulting in a reduction of the Couzens assessment by about \$1,000,000.

Senator COUZENS said he had no knowledge of the details of the case until he heard them from Hartson. The Senator suggested that "the ruling that proposed the additional assessment against me was the fairest."

Mr. McKELLAR. Mr. President, on March 5 the Secretary of the Treasury, in writing to me, made an explanation of certain refunds, one of three million and some three hundred thousand dollars—the actual amount will appear in the letter—in the case of the Gulf Refining Co., in which the Secretary was interested. In reference to this, he said:

The actual payment of the amount refunded took place in April, 1921, shortly after I had become Secretary. I had no personal knowledge of these refunds at that time.

Then follows an explanation of the Atlantic, Gulf & West Indies compromise, in which it was assumed that the Secretary was also interested as part owner. I ask that that letter be inserted in the Record at this point as a part of my remarks.

The PRESIDENT pro tempore. Is there objection? The Chair hears none.

The matter referred to is as follows:

THE SECRETARY OF THE TREASURY,
Washington, March 5, 1924.

Hon. KENNETH MCKELLAR,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I have your letter of February 19, in which you make inquiry as to the basis for the settlement of the taxes due from the Gulf Refining Co. in 1921, and also the settlement of taxes due and owing from the Atlantic, Gulf & West Indies Steamship Co.

Section 3167 of the Revised Statutes provides as follows:

"SEC. 3167. It shall be unlawful for any collector, deputy collector, agent, clerk, or other officer or employee of the United States to divulge or to make known in any manner whatever not provided by law to any person the operations, style of work, or apparatus of any manufacturer or producer visited by him in the discharge of his official duties, or the amount or source of income, profits, losses, expenditures, or any particular thereof, set forth or disclosed in any income return, or to permit any income return or copy thereof or any book containing any abstract or particulars thereof to be seen or examined by any person except as provided by law; and it shall be unlawful for any person to print or publish in any manner whatever not provided by law any income return, or any part thereof, or source of income, profits, losses, or expenditures appearing in any income return; and any offense against the foregoing provision shall be a misdemeanor and be punished by a fine not exceeding \$1,000 or by imprisonment not exceeding one year, or both, at the discretion of the court; and if the offender be an officer or employee of the United States he shall be dismissed from office or discharged from employment."

From this section it is obvious that it would be unlawful for me to give to you complete information as to the settlement of these particular cases.

The refunds to the Gulf Co. and its subsidiaries were charged against three appropriations, depending upon the year in which the taxes refunded were originally collected. The payments were \$766,112.29 out of the appropriation for "Refund of taxes illegally collected, 1918, and prior years"; \$1,350,884.63 from a similar appropriation for 1919; and \$1,211,143.07 for 1921.

The quotation from the Washington Post inserted in a recent issue of the CONGRESSIONAL RECORD appears to be a copy of portions of reports to Congress of refunds which have been on file for some months, and consequently available to anyone's inspection.

The amount of the refunds and all details in connection with the settlement of the Gulf Co. cases were determined by the Bureau of Internal Revenue before my appointment as Secretary of the Treasury, although the actual payment of the amount refunded took place in April, 1921, shortly after I had become Secretary. I had no personal knowledge of these refunds at that time.

Referring to the Atlantic Gulf & West Indies compromise, from information received by the Bureau of Internal Revenue it was believed that large additional taxes and penalties were due from this company for past years. Before an assessment of these taxes had been made it became apparent to the department that the taxpayer was insolvent, and the sole question for determination was not the amount of the tax, but the amount that the taxpayer could pay. Since almost all of the assets of the taxpayer were subject to prior lien and the general credit of the taxpayer was not good, the levying of an assessment and its attempted collection would have served only to throw the taxpayer into bankruptcy and to destroy the Government's chance of collecting anything. The department made a thorough investigation into the financial condition of the taxpayer and its available cash resources with the sole idea of obtaining for the United States the largest possible payment. A compromise of the tax liability was then entered into under section 3229 of the Revised Statutes for \$1,280,000, and satisfaction of a judgment against the United States in the Court of Claims for \$1,351,381.81 and interest from November 19 to December 15, 1923. That the taxpayer was in fact in a perilous financial situation is disclosed by the subsequent receivership of the Ward Line, which was one of the most important and by far the best known of its subsidiaries.

Very truly yours,

A. W. MELLON,
Secretary of the Treasury.

Mr. MCKELLAR. Now, Mr. President, I call the attention of the Senate to section 243 of the Revised Statutes of the United States. It reads:

No person appointed to the office of Secretary of the Treasury, or first comptroller, or first auditor, or treasurer, or register shall, directly or indirectly, be concerned or interested in carrying on the business of trade or commerce, or be owner in whole or in part of any sea vessel, or purchase by himself, or another in trust for him, any public lands or other public property, or be concerned in the purchase or disposal of any public securities of any State or of the United

States, or take or apply to his own use any emolument or gain for negotiating or transacting any business in the Treasury Department other than what shall be allowed by law; and every person who offends against any of the prohibitions of this section shall be deemed guilty of a high misdemeanor and forfeit to the United States the penalty of \$3,000, and shall upon conviction be removed from office and forever thereafter be incapable of holding any office under the United States; and if any other person than the public prosecutor shall give information of any such offense upon which a prosecution and conviction shall be had, one-half the aforesaid penalty of \$3,000, when recovered, shall be for the use of the person giving such information.

Mr. President, I call attention first to the evidence submitted by the Secretary of the Treasury himself that he is a part owner of and interested in the properties that have been described in these communications. Then I call attention to the express prohibition of the statute that no person appointed to the office of Secretary of the Treasury shall, directly or indirectly, be concerned or interested in carrying on the business of trade or commerce.

I remember that when the Secretary of the Treasury was first appointed it was known that he was a man of large means, and it was reported in the papers, as I recall, that he had disposed of these properties, and that they would not make him ineligible for the position of Secretary of the Treasury. I read this at this time for the purpose of saying that, of course, if we are going to disregard the law, if the administration pays no attention to the statutes, the Secretary of the Treasury can continue in his office; but under the plain terms of this statute, which has been on the statute books since 1789, the present Secretary of the Treasury, upon his own admission, is ineligible to hold the office of Secretary of the Treasury. He may not have known it, it may be that he does not; and may be he never read it, and never knew of it; perhaps in the same way that Mr. Secretary Hughes did not know that it was against the law to witness prize-fight films where the pictures had been brought into the District of Columbia. But there can be no excuse hereafter for either of the present Cabinet ministers not knowing the law.

I have read the statute of 1789, as carried in the Revised Statutes of the United States as section 243, for the information of the Senate and of the country.

PENSIONS AND INCREASE OF PENSIONS.

Mr. DIAL. Mr. President, the pending question is the motion made by the Senator from New Mexico [Mr. BURSUM] to take up a general pension bill.

I trust the Senate will not even consider the bill. In 1920, the year after I took my seat in the Senate, a bill was passed giving magnificent increases in pensions to soldiers of the Civil War. Just two years before that the pensions of those soldiers had been increased from \$13 to \$30 and from \$30 to \$40, just in two years. In 1920 the pensions were increased from \$40 to \$50, and in cases where the veterans required the regular aid of attendants the amount was to be \$72 per month.

I opposed the bill in 1920, one of my first acts after coming to Congress. At that time we had just gone through the Great War in Europe, a war causing greater destruction than any war before that in history. I felt then that it was inopportune, out of place, and uncalled for to grant additional pensions to those pensioners. That bill was passed.

Last year Congress passed a bill increasing the pensions of these men, involving an expenditure of \$108,000,000 per annum. That went to the President of the United States for his approval, and he vetoed it. On the floor of the Senate I said that I had never expected to live to see the time when a Republican President would veto a Civil War pension bill, but that is what President Harding did, and I felt that he was entitled to the thanks and gratitude of the American people. That bill came back and was redrafted, carrying something like \$65,000,000, I think, but I am thankful to say that some others and I prevented its passage last year.

The same bill is here now, proposing to increase the amount \$55,000,000 per annum. A short time ago I noticed that President Coolidge had said he did not favor an increase of pensions at the present time. I am glad to see the Executive alive to the interests of the taxpayers of this country and disapproving propositions to increase pensions.

From a record which I have before me I see that already this Government has paid out in pensions to Civil War veterans the sum of \$5,772,000,000, and it is estimated that at the expiration of five years from now an additional amount of \$1,277,000,000 will have been paid out, making a grand total of \$7,049,000,000. That shows an average for 733,000 pensioners of over \$9,000 each already drawn and to be drawn.

The maximum allowance for total disability under the workmen's compensation laws of the different States is \$5,000. So these Civil War pensioners will each draw \$4,000 more than will be drawn by any individual who is entitled to such an allowance under the compensation law of any State.

We have before us now many claims, claims for adjusted compensation of those who participated in the last war, and other claims, and there are innumerable bills before Congress carrying great appropriations. The taxes of the people are increasing beyond their patience to bear them, and it does seem to me to be time when we should call a halt on expenditures and consider the taxpayers of this country.

Under the bill of 1920, which was most loosely and most liberally drawn, every pensioner who claims he needs an attendant can get \$22 a month additional. It has been brought to my attention that these additional pensions are granted without much consideration. I heard of one case only a few days ago where a man some 72 years old, an inmate of one of the soldiers' homes, where he was already drawing \$50 a month and getting compensation from another source, though not from the Government, concluded he wanted \$22 a month more. He wrapped up his left foot in some rags, got some crutches, and hopped over before the proper officer, who readily allowed him \$22 a month additional. He went back to his room, dispensed with the wrappings and his crutches, and soon thereafter walked five miles and stated he had gotten what he wanted.

We should guard the interests of this country more carefully than that. While we have been in session going on four months, we have legislated but little for the good of the people. I feel that the time has come to stop making these increases, and I trust that the Senate will refuse to pass this bill, particularly in the face of the admonition of the President. If we have not manhood enough in us to refuse to pass this bill, I hope the President will have manhood enough to veto it if we do pass it, and I trust it will not get through the Senate.

I think we should take up other matters instead of this and spend our time to better purpose. I hope the Senate will not take up the bill, because I am sure no good could come from it.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from New Mexico [Mr. BURNUM].

Mr. HEFLIN. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The principal clerk called the roll, and the following Senators answered to their names:

Adams	Edwards	Keyes	Reed, Mo.
Brandagee	Fess	Ladd	Reed, Pa.
Brookhart	Fletcher	Lodge	Robinson
Bruce	Fraser	McKellar	Sheppard
Burnum	George	McKinley	Shortridge
Cameron	Glass	McNary	Smith
Capper	Gooding	Moses	Swanson
Caraway	Harrell	Neely	Trammell
Copeland	Harris	Norris	Wadsworth
Cummins	Heflin	Oddie	Walsh, Mass.
Curtis	Johnson, Minn.	Overman	Weller
Dale	Jones, N. Mex.	Pittman	Willis
Dial	Jones, Wash.	Ralston	
Edge	Kendrick	Ransdell	

The PRESIDENT pro tempore. Fifty-four Senators have answered to their names. There is a quorum present. The question is on agreeing to the motion of the Senator from New Mexico [Mr. BURNUM].

Mr. DIAL. Mr. President, there are more Senators here now than were here a while ago, and I want to call their attention to the fact that last year, 1923, there was paid out in pensions \$263,012,500.18. That is the largest amount, I believe, since the Civil War, notwithstanding this great distance from the Civil War.

I stated a while ago that there had been paid out in pensions since the Civil War to Civil War veterans \$5,772,000,000. I am not certain, but my recollection is that the Civil War cost about \$4,000,000,000, so there has been paid out in pensions more than the whole cost of the Civil War. I call attention of the Senate again that a magnificent increase was granted these pensioners in 1918 and again in 1920, and yet now they are undertaking to increase the taxes of the people by \$55,000,000 per annum for the purpose of again increasing pensions.

The PRESIDENT pro tempore. The question is on the motion of the Senator from New Mexico that the Senate proceed to the consideration of Senate bill No. 5, a general pension bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 5) granting pensions and increase of pensions to certain soldiers and sailors of the Civil and Mexican Wars and to certain widows, former

widows, minor children, and helpless children of such soldiers and sailors, and to widows of the War of 1812, and to certain Indian war veterans and their widows, which had been reported from the Committee on Pensions with amendments.

Mr. WALSH of Massachusetts. Mr. President, several Senators have asked me, as a member of the Committee on Pensions, to explain the provisions of the bill S. 5, and I have prepared a very concise statement showing just what changes in the present law will be made by the passage of this bill. I know it is a subject that many Senators will have letters and inquiries about, and I think the statement which I have prepared may be helpful in making reply thereto. It will also serve the purpose of informing the beneficiaries of our pension legislation of the changes in the present law without the necessity of studying the details of this bill.

Senate bill 5, reported by the Pension Committee of the Senate, supersedes S. 3275, which passed the House and Senate during the last Congress and was vetoed by the President. It also supersedes S. 4305, a bill reported by the Pension Committee of the Senate meeting the President's objection to S. 3275, and which passed the Senate during the last session but failed in the House.

DIFFERENCES BETWEEN S. 5 AND THE VETOED BILL.

There are some slight differences between the bill now before the Senate—S. 5—and the bills which previously passed the Senate but failed of enactment.

As to the Civil War soldiers, there is no change, as both bills of the last session and the present bill provides a pension of \$72 per month.

As to the Civil War widows, there are several changes from the bill vetoed by the President: In that bill there was a provision that the date of marriage might be any time before the date of the passage of the act. Under the provisions contained in S. 5 the date of marriage making a widow eligible to receive the pension is the same as the existing law, namely, June 27, 1905.

President Harding vetoed the bill that was passed in the last session because it contained a provision that any woman could marry a soldier the day before his death, if it were before the passage of that act, and receive a pension, but under this bill no widow who married a soldier after June 27, 1905, can receive a widow's pension.

WIDOWS OF CIVIL WAR SOLDIERS.

The next important change is the rate of pension to be paid to widows. The bills of last session carried a flat rate of \$50. The pending bill carries a graduated rate, as follows: Widows under 60 years of age will receive \$30 per month; after attaining the age of 60 years, \$35; and after attaining the age of 74 years, \$45. The present law provides a pension of \$30 irrespective of age. The graduated rates named in the bill now under consideration removes the objectionable feature of the other bills of giving young widows the same pension as widows of advanced age.

I may add, however, in this connection, that statistics do not bear out the suggestion that has often been made that a large number of young widows are benefiting as a result of the Civil War pension law. An investigation made by the Pension Committee of the Senate, through the Pension Bureau, showed that the youngest widow was 42 years of age, and that out of the total number of 218,000 Civil War widows receiving pensions only 11,000 were under the age of 60 years.

Another provision in the pending bill which was not contained in either of the two bills which failed of enactment in the last session is the increase in the rate of pensions for Spanish war soldiers.

CHANGES PROPOSED BY S. 5 IN THE PRESENT LAW.

SPANISH WAR SOLDIERS.

The present law provides a graduated rate for Spanish war veterans in accordance with the degree of disability—\$12 for 25 per cent disability, \$18 for 50 per cent disability, \$24 for 75 per cent disability, and \$30 for total disability. The pending bill, Senate bill 5, increases the minimum rate to \$20 and the maximum rate to \$50 on the same basis of graduation. But if the soldier is 62 years of age, he gets the minimum rate of \$20 on the ground of age alone. Heretofore the age pension for Spanish war soldiers was \$12 (act of June 5, 1920). It will be noted that very few Spanish war soldiers have reached the age of 62. The average age now is about 46 years.

CIVIL WAR SOLDIERS.

The present law provides a flat rate of \$50 per month for Civil War soldiers, with a proviso that in case the services of an attendant are required the rate shall be \$72 per month. S. 5 removes the requirement of an attendant and provides a flat rate of \$72 per month. This provision has been recom-

mended on the basis of information received from the Pension Bureau. There have been applications for the attendant's allowance received at the rate of about 1,580 per month, and about 85 per cent of this number have been granted, and the total number pensioned at \$72 is 41,278 out of the total number of 158,851 Civil War soldiers receiving pensions. Therefore this bill will result in an increase of \$22 per month to approximately 117,000 veterans of the Civil War. The average age of these soldiers is 80.5 years.

MINOR CHILDREN.

Senate bill 5 changes the existing law in regard to pensions for minor children and permanently helpless, idiotic, and insane children whose affliction existed before they attained the age of 16 years. Under the existing law the children of a soldier of the Regular Establishment are paid \$2 per month each, the children of soldiers of the Spanish war \$4, and the children of soldiers of the Civil War \$6. The bill now before us provides an allowance of \$8 per month for all these minor and helpless children. This would eliminate the discrimination between the children of the soldiers of the different wars. The committee came to this conclusion in view of the fact that the war risk insurance laws provide for minor children as follows: Ten dollars for the first child, \$7.50 for the second child, and \$5 for the third child.

SOLDIERS OF THE MEXICAN WAR.

They are treated the same in the bill now under consideration as the soldiers of the Civil War. This has been the practice for some time. They are given an increase from \$50 to \$72 per month.

Mr. ROBINSON. Mr. President, will the Senator yield?

Mr. WALSH of Massachusetts. Certainly.

Mr. ROBINSON. What is the reason for the distinction in the allowances that are made now by law—first, with respect to children who are descendants of soldiers of the different wars; and, second, with respect to the distinction between the first, second, and third children, as the Senator has just mentioned in connection with the Bureau of War Risk Insurance?

Mr. WALSH of Massachusetts. I know of no satisfactory explanation that can be given. At least, the discrimination can not be justified. The bill which is being drafted by a subcommittee of the Committee on Finance to change the war risk insurance act will provide the same allowance for all children after the first child of soldiers of the late war, and that inconsistency in part will be corrected. Of course, there is no reason why we should provide \$10 for the first child, \$7.50 for the second child, and \$5 for the third child. The amendment which the Finance Committee bill will propose will provide the same sum for each child, no matter how many children there are. Why the children of veterans of the Spanish War, the Civil War, and the Indian wars should be given different sums I can not understand, but the present bill provides a uniform rate for all of them.

Mr. ROBINSON. The difference might have arisen because of the fact that the subjects were treated in different legislative measures.

Mr. WALSH of Massachusetts. Yes; and the fact that the pensions of soldiers of these wars differ, and the length of service varies in order to obtain a pension status.

Mr. ROBINSON. Probably that is the explanation for it. I would like to know the basis for the distinction between the first, second, and third child under the war risk insurance act.

Mr. WALSH of Massachusetts. There is no justification for it. It was merely a guess. However, it is to be corrected in the changes that are to be made through a bill which a subcommittee of the Finance Committee, of which the Senator from Pennsylvania [Mr. REED] is chairman, is preparing.

Mr. ROBINSON. The pending bill, if I understand the Senator correctly, does remove the apparent discrimination between children of veterans of the various wars?

Mr. WALSH of Massachusetts. Yes. It makes the amount more than for children of the World War. It does give all children of soldiers of other wars the same, \$8 a month.

Mr. DIAL. Mr. President—

Mr. WALSH of Massachusetts. I yield to the Senator from South Carolina.

Mr. DIAL. Why is it that we pay less to the Spanish War veteran than to the Civil War veteran?

Mr. WALSH of Massachusetts. The only reason is the age. The Civil War veterans are all very much older than the Spanish War veterans.

Mr. DIAL. It is graduated according to the age of the veterans themselves, but what of the widows?

Mr. WALSH of Massachusetts. So far as the Spanish War veterans are concerned the committee have retained the method

that has been employed in the past in all of the previous bills. The law at the present time provides a graduated rate in accordance with the degree of disability, \$12 for 25 per cent disability, \$18 for 50 per cent, \$24 for 75 per cent, and \$30 for total disability. The pending bill increases the minimum rate to \$20 and the maximum rate to \$50, retaining the graduated scale dependent upon disability.

Mr. DIAL. But there is no graduated scale as to the disability of veterans or pensioners of the Civil War?

Mr. WALSH of Massachusetts. No.

Mr. ROBINSON. How many survivors are there among the soldiers of the Mexican War?

Mr. WALSH of Massachusetts. They are very few.

Mr. DIAL. The number is 41.

Mr. WALSH of Massachusetts. I have had prepared a very interesting table. I requested the Pension Bureau to prepare it for me. It traces every pension law from the first one which was passed in 1864 up to the present time, showing just what has been paid in the way of pensions. It is the first time such a table has ever been compiled and I am going to ask permission later to have it inserted as a part of my remarks. It shows at a glance every pension act and the amounts that have been paid for pension purposes to widows and children since the beginning of our pension list in 1864.

WIDOWS OF THE MEXICAN WAR AND WAR OF 1812.

Referring to widows of the Mexican War and the War of 1812, there are only 39 of them. That shows that there can not be very many Mexican War pensioners. They now receive \$30 per month. This bill increases their pension to \$50 per month.

MILITIAMEN.

This bill extends the existing law to all militiamen who served 90 days during the Civil War and received an honorable discharge. While it appears on its face as granting new title to pension, as a matter of fact these militiamen were given a pensionable status by the act of Congress July 14, 1862, but if they did not prosecute their claim prior to July 4, 1874, they are barred by the terms of the act. The purpose of this bill is to remove the time limitation. It is thought by the committee that this provision may affect about 2,000 militiamen.

Mr. ROBINSON. How many are there in that category?

Mr. WALSH of Massachusetts. There are about 2,000.

Mr. BURSUM. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from New Mexico?

Mr. WALSH of Massachusetts. I yield.

Mr. BURSUM. I desire to say that I do not see how the number could possibly exceed 1,000 on the basis of percentage.

Mr. WALSH of Massachusetts. Possibly the Senator is correct, but the committee reports estimate 2,000.

Mr. BURSUM. There were only about 20,000 to start with who were qualified under the 90-day provision, and, taking as a basis the survivors who came out of the Civil War, there would not be to exceed a thousand now living.

Mr. DIAL. Mr. President, will the Senator from Massachusetts yield to me?

Mr. WALSH of Massachusetts. Certainly.

Mr. DIAL. The report states that a great many of these men served less than 20 days.

Mr. BURSUM. Those would not get a dime under this bill should it become a law.

Mr. WALSH of Massachusetts. Under this bill they must have served at least 90 days. Am I correct about that?

Mr. BURSUM. Yes, sir.

Mr. OVERMAN. Is the pending bill a House bill or a Senate bill?

Mr. WALSH of Massachusetts. The pending bill is a Senate bill.

Mr. OVERMAN. Did not the President veto a similar pension bill at the last session of Congress?

Mr. WALSH of Massachusetts. I have discussed that matter, but perhaps I did so when the Senator from North Carolina was absent.

Mr. OVERMAN. I am trying to ascertain the difference between the pending bill and the one which was vetoed.

Mr. WALSH of Massachusetts. I have shown that difference early in my remarks.

Mr. OVERMAN. I know that, for I heard the Senator; but I wish to know the reasons which actuated the President. Of course, I could examine his message; but no doubt the Senator can tell me what reasons the President gave for vetoing the former bill and how those reasons would apply to the pending measure.

Mr. WALSH of Massachusetts. The bill which the President vetoed provided that all widows of soldiers of the Civil War could receive a widow's pension even though they were married but a day before the passage of the act. The law previous to that time gave pensions only to widows who had been married prior to June 27, 1905. The President took the position that that would open the door to young widows who married soldiers in their old age receiving pensions to which they were not entitled by any service they had rendered to the soldiers. The bill before us now retains the old provision of the law, namely, the limitation that the widow must have married the soldier prior to June 27, 1905.

ARMY NURSES OF THE CIVIL WAR.

Under the present law they receive a pension of \$30 per month. This bill increases the rate to \$50. The number of persons affected by this provision, according to the committee report, is 73.

INDIAN WAR SOLDIERS.

The present rate of pension for Indian war veterans is \$20. This bill provides an increased minimum rate of \$30, and graduated as follows: Upon attaining the age of 72 years \$40, and upon attaining the age of 75 years \$50.

There are very few of them, less than 2,000.

WIDOWS OF INDIAN WAR SOLDIERS.

They now receive \$12 per month. This bill gives them an increase to \$20.

Mr. JONES of New Mexico. Mr. President—

Mr. WALSH of Massachusetts. I yield to the Senator from New Mexico.

Mr. JONES of New Mexico. I presume, of course, that the committee considered the advisability of retaining the distinction in the amount of pensions granted to soldiers of the Mexican War, those of the Indian wars, and of the Civil War, but I can not understand why as to a citizen of the United States who has been engaged in any war and it is thought wise to grant him a pension, he should not be granted the same pension as is granted to the soldier of any other war. There are only a few of the survivors of the Mexican War and of Indian wars.

Mr. WALSH of Massachusetts. The soldiers of the Mexican War under this bill have their pensions raised to \$72, the same as do soldiers of the Civil War.

Mr. JONES of New Mexico. Then why should not the same increase apply to those who served in Indian wars?

Mr. WALSH of Massachusetts. It would be a tremendous increase, because those soldiers have heretofore received only \$20 a month. Under this bill the soldiers of the Indian wars receive a larger percentage of increase than do those of any other class. It should be remembered that there is a difference in the length of service required of the soldiers of the different wars in order to give them a pension status under the various age and service acts. For instance, Mexican War soldiers are required to have served at least 60 days, Indian war soldiers 30 days, and Civil and Spanish War soldiers 90 days.

Mr. JONES of New Mexico. If the bounty of the Government is to be extended to soldiers at all because of service in war, I do not think the proposition to grant to some a less amount of pension than to others can be defended.

Mr. BURSUM. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from New Mexico?

Mr. WALSH of Massachusetts. I yield.

Mr. BURSUM. I desire to say that the Indian war veterans are given precisely the same rate of pension in this bill as is given to Spanish War veterans and, taking into consideration the age, the same as is given to Civil War veterans.

Mr. JONES of New Mexico. Then the reason for the distinction is in the age and not because of the war in which the soldier served?

Mr. BURSUM. Yes, sir; that is the distinction, age being considered an element of disability.

MAIMED SOLDIERS.

Mr. WALSH of Massachusetts. This bill increases the present rate of \$60 for the loss of one hand or one foot to \$85, and increases the rate for the loss of an arm at or above the elbow from \$65 to \$90. It further establishes a new rate of \$100 for the loss of one hand and one foot, and increases the rate for the loss of both arms or both legs or total blindness from \$100 to \$125.

Having increased the general scale of pensions, it is believed that the pensions for the maimed soldiers should be increased by approximately the same ratio; otherwise some Civil War veterans who are not maimed would receive greater benefits than some of the maimed soldiers. The laws heretofore have

treated all maimed soldiers alike, regardless of their war service, provided they were maimed in line of duty.

I have not pointed out all the changes proposed in the present law by the pending bill, but merely what I considered the important and material changes.

COST OF SENATE BILL 5.

The Pension Bureau estimates that this legislation will cost \$55,000,000 additional to the present cost of \$253,000,000 (1924). The peak of appropriations for pensions was in 1923, when we appropriated \$268,000,000. About \$15,000,000 of this, however, was unexpended and was returned to the Treasury. It is thought that the additional cost of this bill will be about \$2,000,000 more than the sum appropriated in the peak year of 1923. This sum will be gradually reduced as the number of pensioners decrease by death. If the present death rate continues (about 25,000 widows and about the same number of soldiers are estimated to die in a year), there will be a decrease of about \$35,000,000 in pensions next year.

As an appendix to the foregoing remarks I desire to insert the following table, showing the pension rates fixed by the various laws since July 4, 1862, to the present time, for soldiers, widows, and children of soldiers, and Army nurses. This table is concise and very comprehensive, and shows just what changes have been made from time to time. It is, I think, the first table of its kind that has been prepared and published.

The PRESIDENT pro tempore. Without objection, the table will be printed in the Record as requested.

[The table referred to will be found as an appendix to the remarks of Mr. WALSH of Massachusetts.]

Mr. SMITH. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from South Carolina?

Mr. WALSH of Massachusetts. I yield to the Senator.

Mr. SMITH. I was absent from the Senate for a while and did not hear all of the discussion of the features of the bill by the Senator from Massachusetts. I should like to ask him what provision is made in the bill for the Spanish-American War veterans. The reason I ask that question is that it is my opinion that the veterans of that war have received less consideration according to their merit than any body of men who have served America.

Mr. WALSH of Massachusetts. The Senator is quite right in what he says about the sum paid them. I will repeat my statement as to the provision made for Spanish-American War veterans. The present law provides a graduated rate to Spanish-American War veterans in accordance with the degree of disability—\$12 for 25 per cent disability, \$18 for 50 per cent disability, \$24 for 75 per cent disability, and \$30 for total disability. The rates in the first Spanish War service act of June 5, 1920, were based on the same as given the Civil War soldiers in their first service act of June 27, 1890.

Mr. SMITH. May I ask the Senator in this connection, how does that compare with the pensions paid for like degrees of disability in the case of veterans of other wars?

Mr. WALSH of Massachusetts. It is less than one-half of the pension given to Civil War veterans and less than one-third of what is given to the veterans of the World War.

Mr. SMITH. Mr. President, of course, I am not now going to make a speech on the question; it is too late to do so; but when this measure comes up for final disposition I wish to call attention to the injustice, in my opinion, which has been done to the Spanish-American War veterans. Nobody ever served under worse circumstances. There was not so much of spectacular glory connected with their service, but what, with "embalmed beef" and the ravages of disease, and considering the heroic manner in which they served their country, I consider the Spanish-American War veterans equal to any body of soldiers who ever served the country.

Mr. BURSUM. Mr. President—

Mr. WALSH of Massachusetts. I will yield to the Senator from New Mexico as soon as I say that I heartily agree with what the Senator from South Carolina has stated.

Mr. BURSUM. Mr. President, I, too, entirely agree with the Senator from South Carolina, but this bill undertakes to remove that unjust discrimination, which has existed for many years. Under the provisions of this bill the Spanish War veterans will receive, taking into consideration age, exactly the same pensions as Civil War veterans have been receiving. We have undertaken to equalize the rates in the case of veterans of the various wars.

Mr. WALSH of Massachusetts. I will say to the Senator the minimum rate has been increased from \$12 to \$20 in the case of 25 per cent disability, and the maximum has been increased from \$30 to \$50. It is still very small, I think.

Mr. SMITH. I should like to state that I have not had an opportunity to study the bill, nor have I had opportunity to study the tables comparing the relief given to Spanish-American War veterans with that given the veterans of other wars, but I shall take occasion to do so, and I shall take occasion also to insist that they be given equal treatment at least with others who have served their country.

Mr. WALSH of Massachusetts. I think the committee have tried to follow some of the precedents established by Civil War pension laws, and also the age of the veterans; but I do not think there is room for argument along the lines suggested by the Senator from South Carolina that further increases should be made. I for one would be willing to go a long way further in giving pensions to these veterans. However, the legislative committee of Spanish war soldiers suggested the rates that are named in the pending bill.

Mr. DIAL. Mr. President, will the Senator yield?

Mr. WALSH of Massachusetts. I yield.

Mr. DIAL. I wish to say now that I propose, so far as I am concerned, to insist upon putting the veterans of all wars on an equitable basis, including the veterans of the Spanish-American War. If we are going to pass a pension law at all, I shall insist that all be treated alike.

Mr. WALSH of Massachusetts. Mr. President, if there are no other questions, I yield the floor.

APPENDIX.

ACTS AND RATES BASED ON AGE AND SERVICE IN DIFFERENT WARS INDEPENDENT OF THE GENERAL PENSION LAW OF JULY 4, 1862, WITH ITS MANY AMENDMENTS.

SURVIVORS.		Per month.	
Indian wars:			
Acts July 27, 1892; June 27, 1902; and May 30, 1908		\$8	
Act Feb. 19, 1913		20	
Act Mar. 4, 1917		20	\$30
Mexican War:			
Act Jan. 29, 1877		8	
Acts Jan. 5, 1894, and Apr. 23, 1900, certain survivors		12	
Act Mar. 3, 1903, all survivors		12	
Act Feb. 6, 1907—			
At 62 years		12	
At 70 years		15	
At 75 years		20	
Act May 11, 1912		30	
Act May 1, 1920		50	72
Act May 1, 1920, if requiring regular aid and attendance		72	
Civil War:			
Act June 27, 1890, in its original form, and also as amended by the act May 9, 1900		6-12	
Act Feb. 6, 1907—			
At 62 years		12	
At 70 years		15	
At 75 years		20	
Act May 11, 1912		12-30	
Act June 10, 1918		30-40	
Act May 1, 1920		50	72
Act May 1, 1920, if requiring regular aid and attendance		72	
War with Spain, Philippine insurrection, Boxer rebellion: Survivors, act June 5, 1920			
		12-30	20-50
ARMY NURSES.			
Civil War:			
Act Aug. 5, 1892		12	
Act May 1, 1920		30	
War with Spain, Philippine insurrection, Boxer rebellion: Acts June 5, 1920, and Sept. 1, 1922			
		12-30	
WIDOWS AND MINORS.			
Revolutionary War:			
Act Mar. 9, 1879, widows only		8	
Act Mar. 19, 1880, widows only		12	
War of 1812:			
Act Mar. 9, 1878, widows only		8	
Act Mar. 19, 1880, widows only		12	
Act Sept. 8, 1916, widows only		20	
Act May 1, 1920, widows only		30	50
Indian wars:			
Acts July 27, 1892, June 27, 1902, and May 30, 1908, widows only		8	
Act Apr. 19, 1908, Mar. 4, 1917, sec. 1, widows only		12	20
Mexican War:			
Act Jan. 29, 1877, widows only		8	
Act Apr. 19, 1908, sec. 1, widows only		12	
Act Sept. 8, 1916, widows only		20	
Act May 1, 1920, widows only		30	50
Civil War:			
Act Mar. 19, 1880, widows and minors		12	
Act June 27, 1890, in its original form, and as amended by the act of May 9, 1900, widows and minors		8	
Act Apr. 19, 1908, widows and minors		12	
Act Sept. 8, 1916, widows and remarried widows		20	
Act Oct. 6, 1917, widows only		25	
Act May 1, 1920, widows, remarried widows, and minors		30	50
War with Spain, Philippine insurrection, and Boxer rebellion—			
Act July 14, 1918, widows and minors		12	
Act Sept. 1, 1922, widows, remarried widows, and minors		20	

Mr. CURTIS. Mr. President, I understand that the Senator does not care to go on with the measure to-night. I had intended to move an adjournment, but I understand that the Senator from Washington [Mr. JONES] has a matter which he wishes to bring up.

COAST GUARD INCREASE.

Mr. JONES of Washington. Mr. President, the other evening I asked unanimous consent for the consideration of House bill 6815. The Senator from Maryland [Mr. BRUCE] asked at that time that it might go over. He has since examined the bill, and told me on yesterday that it would be entirely satisfactory to him for the Senate to pass the bill.

I want to call attention just briefly to what it is. It is a bill that passed the House, and we put it on the deficiency appropriation bill. Of course, both the House and the Senate are much opposed to putting legislation on appropriation bills. If we pass the bill here, it will take it out of the conference.

Mr. ROBINSON. What is the calendar number of the bill?

Mr. JONES of Washington. It is Order of Business 307. It provides for the transfer of some vessels from the Navy to the Coast Guard for the purpose of enforcing the antismuggling law.

Mr. ROBINSON. May I ask if the bill passed the Senate in the form that is set forth in this bill?

Mr. JONES of Washington. It was put on the appropriation bill as an amendment as it was submitted by the Budget Bureau. In the House they made no material changes, but some technical ones that were necessary to make it serve the purpose desired.

Mr. ROBINSON. What I am asking is, was the language of the Senate amendment, which was first embraced in the appropriation bill, identical with the language of the bill which the Senator proposes to pass?

Mr. JONES of Washington. No; it was not identical, but it was substantially the same. As it was put on by the Senate, it was the amendment suggested in the language of the Budget Bureau; but this had been introduced as a separate bill in the House, and had been very carefully investigated by the Interstate Commerce Committee, and the language was rearranged, and about the only substantial difference is this: In the amendment which we put on the deficiency bill 13 commanders are provided for, while in the bill as it passed the House 10 are provided for.

The Appropriations Committee did not know of the passage of the bill through the House. They took the language as reported to both Houses by the Budget Bureau. The bill as it passed the House had the very careful consideration of the Interstate Commerce Committee, and the changes that are made are rather technical, and not substantial. I have examined it very carefully.

Mr. ROBINSON. This bill has not been considered by the Committee on Commerce, has it?

Mr. JONES of Washington. Yes; it has been reported from that committee, and it is on the calendar.

Mr. ROBINSON. Unanimously reported?

Mr. JONES of Washington. Unanimously reported.

Mr. ROBINSON. Very well. I have no objection to its consideration.

Mr. JONES of Washington. There is only one amendment which I desire to offer, and that is to insert the word "warrant" on page 4, in line 24.

The PRESIDENT pro tempore. Does the Senator from New Mexico desire to have the unfinished business temporarily laid aside?

Mr. BURSUM. I do.

The PRESIDENT pro tempore. Is there objection to that course? The Chair hears none, and the unfinished business is temporarily laid aside.

The Senator from Washington now asks unanimous consent that the Senate proceed to the consideration of House bill 6815. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6815) to authorize a temporary increase of the Coast Guard for law enforcement, which was read, as follows:

Be it enacted, etc., That the Secretary of the Navy is authorized to transfer to the Department of the Treasury, for the use of the Coast Guard, such vessels of the Navy, with their outfit and armaments, as can be spared by the Navy and as are adapted to the use of the Coast Guard.

Sec. 2. (a) The President is authorized to appoint, by and with the advice and consent of the Senate, the following temporary officers of the Coast Guard: Two captains, 10 commanders, 25 lieutenant

commanders, 48 lieutenants, and 42 lieutenants (junior grade) and ensigns, of the line; and 5 commanders, 11 lieutenant commanders, 19 lieutenants, and 40 lieutenants (junior grade) and ensigns, of the Engineer Corps.

(b) Such temporary officers while in service shall receive the same pay, allowances, and benefits as permanent commissioned officers of the Coast Guard of corresponding grade and length of service, except that no such officer shall be entitled to retirement because of his temporary commission.

(c) Temporary appointments shall continue until the President otherwise directs or Congress otherwise provides.

SEC. 3. Permanent commissioned officers of the Coast Guard may be given temporary promotion, in order of seniority and without examination, to fill any such temporary grades. Notwithstanding such temporary promotion, any such officer shall continue to hold his permanent commission and shall be advanced in lineal rank, promoted, and retired in the same manner as though this act had not become law.

SEC. 4. (a) All original temporary appointments under this act shall be made in grades not above that of lieutenant, in the line or the Engineer Corps, and shall be made only after the candidate has satisfactorily passed such examinations as the President may prescribe. No person shall be given an original temporary appointment who is more than 40 years of age.

(b) Any warrant officer or enlisted man of the permanent Coast Guard may be given an original temporary appointment under this act, under such regulations as the President may prescribe, and without reduction in pay or allowances. Notwithstanding such temporary appointment, any such warrant officer or enlisted man shall be entitled to retirement in the same manner as though he had continued to hold his permanent grade or rating, and upon the termination of such temporary appointment shall be entitled to revert to such grade or rating. Service under any such temporary appointment shall be included in determining length of service as a warrant officer or enlisted man.

(c) The names of all persons appointed under this section shall be placed upon a special list of temporary officers, as distinguished from the list of permanent officers, of the Coast Guard. The President is authorized, without regard to length of service or seniority, to promote to grades not above lieutenant, in the line or Engineer Corps, or to reduce officers on such special list, within the number specified for each grade, and he may, in his discretion, call for the resignation of, or dismiss, any such officer for unfitness or misconduct.

SEC. 5. (a) Under such regulations as he may prescribe, the President is authorized to appoint, by and with the advice and consent of the Senate, 25 temporary chief warrant officers of the Coast Guard from the permanent list of warrant officers of the Coast Guard.

(b) Such chief warrant officer shall receive the same pay, allowances, and benefits as commissioned warrant officers of the Navy, except that any such officer shall continue to hold his permanent grade, and shall be retired in the same manner as though this act had not become law.

SEC. 6. (a) Under such regulations as he may prescribe, the Secretary of the Treasury is authorized to appoint temporary warrant officers, and to make special temporary enlistments, in the Coast Guard. No person shall be entitled to retirement because of his temporary appointment or enlistment under this section.

(b) Any enlisted man in the permanent Coast Guard may be appointed as a temporary warrant officer. Notwithstanding such temporary appointment, any such enlisted man shall be entitled to retirement in the same manner as though he had continued to hold his permanent rating, and upon the termination of such temporary appointment shall be entitled to revert to such rating. Service under any such temporary appointment shall be included in determining length of service as an enlisted man.

SEC. 7. The temporary appointment of any member of the Naval Reserve Force to an enlisted or commissioned grade in the Coast Guard shall not prejudice his status in the Naval Reserve Force when his temporary service in the Coast Guard shall have terminated. While serving with the Coast Guard members of the Naval Reserve Force shall not be entitled to retainer pay or any other special privileges by reason of their former service in the Navy or Naval Reserve Force, except that service in the Coast Guard may be counted as service in the Naval Reserve Force.

SEC. 8. Nothing contained in this act shall operate to reduce the grade, rank, pay, allowances, or benefits that any person in the Coast Guard would have been entitled to if this act had not become law.

MR. JONES of Washington. Mr. President, I desire to offer an amendment. On page 4, line 24, after the word "enlisted," I move to insert the word "warrant." That word was left out inadvertently.

The PRESIDENT pro tempore. The amendment will be stated.

The READING CLERK. On page 4, line 24, after the word "enlisted," it is proposed to insert the word "warrant," so as to read:

SEC. 7. The temporary appointment of any member of the Naval Reserve Force to an enlisted, warrant, or commissioned grade in the Coast Guard shall not prejudice his status—

And so forth.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

DETAILS OF OFFICERS OF THE UNITED STATES (S. DOC. NO. 79).

The PRESIDENT pro tempore. The Chair desires to say to the Senate that he has just received from the President of the United States a communication addressed to the President of the Senate, which he now lays before the Senate. It will be read.

The reading clerk read the communication, as follows:

THE WHITE HOUSE,
Washington.

THE PRESIDENT PRO TEMPORE OF THE SENATE.

SIR: I herewith present for the consideration of the Congress the following measure designed to promote effectiveness in the Executive arm of the Government and recommend its enactment at the earliest practicable date of the present session:

A bill to authorize temporary Executive disposition, in the public interest, of the services of officers subject to Executive control.

Be it enacted, etc., That officers of the United States, civil and military, including retired officers consenting thereto, may at any time be specially assigned by the head of department concerned, for limited periods, to duty with or in any branch, agency, or political division of the Government of the United States, or with or in the American National Red Cross and other emergency relief organizations, whenever such assignment to temporary duty by the proper head of department shall be authorized by the President after determination that the same is required by the public interests. Any officer so assigned, without vacating his permanent commission, is hereby authorized to hold any public office the exercise or administering of which is involved in the execution of the assignment hereunder made. Sections 1222 and 1224, Revised Statutes, and the final sentence, beginning with the words "No person who holds" and ending with the words "consent of the Senate," of section 2 of the act of July 31, 1894, are hereby repealed.

In the opinion of the Attorney General rendered September 13, 1923, on the subject of the use of the naval forces in the enforcement of the national prohibition act, the constitutional provisions involved were thus expounded:

The clause of the Constitution authorizing Congress "to provide and maintain a navy" confers on it the power of determining when and for what purpose the naval forces of the United States may be used. It follows that the constitutional provision constituting the President the Commander in Chief of the Army, Navy, and Militia, would not give power to use the Navy in a manner other than as authorized by Congress.

Assuming the soundness of this view, and applying the language of the Attorney General to the Army clause of the Constitution corresponding to the Navy clause cited by him, there would result the doctrine that in time of peace the President may not, under any circumstances, put any part of the military or naval personnel to a use of even the briefest duration for which neither the Constitution nor act of Congress provides. However that may be, I find that the Comptroller General, adverting to such opinion and substantially invoking such a doctrine, has, in the absence of enabling legislation thereon, recently questioned, among others, the following special assignments of certain Army officers, and has taken the following action in their cases stated in his latest communication to the Secretary of War on the matter in this language:

This office can find no authority for the detail of aides to the civilian Governor General of the Philippines, assistants to the American Embassy in Cuba, as assistants in the Department of Justice, to the Bureau of the Budget, Treasury Department, or of other than a limited number of medical officers to the American National Red Cross. Payments to officers so acting or so detailed on the date of your letter, December 8, 1923, will be passed to the credit of the disbursing officers until the end of the current fiscal year to afford opportunity for presenting the matter to the Congress; unless statutory authority is secured on or before June 30, 1924, for the respective details, credit for all payments to Army officers while on such details after that date

must be denied in the accounts of disbursing officers. (Similar notice is therein given respecting officers assigned to the Inland and Coastwise Waterways Service.)

The Comptroller General's action raises a practical question in Government administration which I deem it advisable to present to Congress for disposition by enactment of suitable legislation. The very few officers now on such special assignments are rendering highly valuable public service by reason of the nature of the duties involved and their requisite equipment of knowledge and experience; and the Executive should not be disabled from so utilizing them, for limited periods, in the public weal. As it is neither possible always to foresee the necessities of administration demanding such assignments and the Government organizations affected thereby, nor practicable to obtain legislative action, as occasion therefor arises, in time to be of avail, general legislation in the premises of the character above set forth is urgently recommended.

Respectfully,

CALVIN COOLIDGE.

Mr. CURTIS. Mr. President, I ask that the communication be referred to the proper committee.

The PRESIDENT pro tempore. The Chair is unable to determine the proper committee.

Mr. CURTIS. Then I suggest that it lie on the table until disposition can be made of it to-morrow morning.

The PRESIDENT pro tempore. Unless the Senate otherwise designates, it will be printed and lie on the table.

Mr. SWANSON. Mr. President, to what committee was the communication from the President referred?

The PRESIDENT pro tempore. It was not referred to any committee. It lies on the table. The Chair was unable to determine to what committee the communication should be referred.

Mr. SWANSON. It seems to me the portion of it that refers to the Army should go to the Military Affairs Committee, and the portion of it that refers to the Navy should go to the Naval Affairs Committee.

The PRESIDENT pro tempore. Does the Senator from Virginia move that that be done?

Mr. CURTIS. I suggest that the matter be printed and lie on the table until to-morrow, and in the meantime we will determine what committee it shall go to.

The PRESIDENT pro tempore. That will be the order unless the Senate otherwise directs.

ADJOURNMENT.

Mr. CURTIS. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 41 minutes p. m.) the Senate adjourned until to-morrow, Thursday, March 27, 1924, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, March 26, 1924.

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, we are grateful for the awaking of mind, soul, and body to the new activities of a new day. We bless Thee for the gracious privilege of giving them expression. O Lord, hush all desires that direct downward and give impulse to every aspiration that points upward. Humble us in our pride and may we be not ashamed to do the sweet, simple, gentle ministries which means so much to human happiness. Give us the heart of courage that crowds out fear; strengthen the weak and give pity and mercy to the transgressor. God bless every institution and every person that helps men to love one another. Amen.

The Journal of the proceedings of yesterday was read and approved.

CONTESTED-ELECTION CASE—CLARK V. MOORE.

Mr. NELSON of Wisconsin, from the Committee on Elections No. 2, submitted a privileged report in the contested-election case of Don. H. Clark v. R. Lee Moore, first congressional district of Georgia, which was referred to the House Calendar.

EXTENSION OF REMARKS—ADJUSTED COMPENSATION.

Mr. HOWARD of Nebraska. Mr. Speaker, I ask unanimous consent that all ex-service men in the House be permitted to extend their remarks in the Record in respect to the adjusted compensation bill.

Mr. BLANTON. Oh, Mr. Begg is not here, and I do not think the gentleman ought to ask that when he is not present.

Mr. OLIVER of New York. But the gentleman from Ohio [Mr. Begg] was here yesterday when some one secured permission.

Mr. SNELL. Mr. Speaker, I object.

EXPRESSIONS OF SYMPATHY ON THE DEATH OF THE LATE WOODROW WILSON.

The SPEAKER. The Chair lays before the House the following communications which he has received in an official capacity: The Clerk read as follows:

PARIS, February 6, 1924.

The Chamber of Deputies, deeply moved by the news of the death of President Wilson, cherishing the grateful memory of that great citizen, under whose Presidency the United States brought to France and her Allies engaged in the most cruel war an invaluable assistance and whose every effort was bent on bringing about final peace through the organization of an international understanding, addresses to the House of Representatives of the United States the homage of its sentiments of profound sorrow.

PRAGUE.

To the CONGRESS OF THE UNITED STATES OF AMERICA,

Washington:

The presidents of the two chambers of the National Assembly of the Republic of Czechoslovakia regret deeply the death of President Wilson, all of whose efforts during the Great War were directed toward the deliverance of oppressed people. The Czechoslovakian people will preserve in grateful memory this grand apostle of liberty and justice.

BRUSSELS, February 7, 1924.

To the PRESIDENT OF THE HOUSE OF REPRESENTATIVES,

Washington:

The House of Representatives of Belgium sympathize deeply with the sorrow which has just come to the great American Republic. We salute with respect the glorious memory of the statesman who strove with indomitable courage for the triumph of right and who gave to Belgium, victim of an abominable attack, the support of his ardent sympathy. The Belgian house has the honor to assure you in this day of grief of the sympathies of close friendship and unalterable gratitude which unite Belgium and the United States.

EMILE BRUNET,

The President of the Chamber of Representatives of Belgium.

SANTIAGO, CHILE, February 6, 1924.

The PRESIDENT OF THE HOUSE OF REPRESENTATIVES,

Washington, D. C.:

I am honored in communicating to you a resolution of the house of the Chamber of Deputies in order to express to the body over which you preside its sincere regret for the death of the illustrious ex-President Woodrow Wilson.

PRESIDENT ERRAZURIZ.

TAX ON MOTOR VEHICLES.

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 655) to provide for a tax on motor-vehicle fuels sold in the District of Columbia, and for other purposes, with Senate amendments thereto, disagree to all of the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Maryland asks unanimous consent to take from the Speaker's table the bill H. R. 655, disagree to all of the Senate amendments thereto, and ask for a conference. Is there objection?

Mr. HOWARD of Nebraska. Mr. Speaker, I object.

Mr. UNDERHILL. Mr. Speaker, will the gentleman withhold his objection for a moment?

Mr. HOWARD of Nebraska. Yes; if I do not lose it.

Mr. UNDERHILL. I would say to the gentleman that this is a very important bill. It concerns the District of Columbia and the State of Maryland, and if the gentleman has no real reason for objecting, I hope that he will withdraw his objection.

Mr. HOWARD of Nebraska. My real reason is the constant objection lodged on the Republican side of the House against granting the ex-service men of this House opportunity to speak their sentiments to the country through the Record with reference to the adjusted compensation bill. I know of no other means by which I may resent the assault upon these ex-service men, and I am going to exercise it.

Mr. BLANTON. Mr. Speaker, reserving the right to object, this gas bill is an important matter, and we should have some understanding about it.

Mr. HOWARD of Nebraska. That is an important matter also, and my objection stands.

GERMAN RELIEF.

Mr. GRIFFIN. Mr. Speaker, I have sent an amendment to the desk proposing to increase the appropriation to \$25,000,000. In view of the fate of the amendment of the gentleman from Minnesota [Mr. WEFALD] it would be vain, however, at this late hour to insist on its consideration.

The committee report sets forth the fact that there are 2,500,000 children in Germany now facing starvation. That being true—and I have no reason to doubt it—there must be approximately 5,000,000 parents in the same predicament. How far will \$10,000,000 go toward purchasing food in this country for their relief, particularly at the prices which now prevail? It will amount to about \$1.33 for each person. That will surely not afford more than the most temporary form of relief. In this country it might perhaps feed one adult one day and provide bread and milk for three children.

Ten million dollars may seem to be a big sum to disburse in charity, but when you consider the number among whom it must be apportioned, its magnitude diminishes and our vaunted charity fades into a mere gesture. But it is a good and wholesome gesture, and I am for it, whatever the sum awarded to this most meritorious work of mercy.

One of the most gratifying features of this debate is the proof so abundantly evinced on this floor that the animosities of the war have practically disappeared.

Magnanimity and power go hand in hand. Only the weakling cherishes hate and holds a grudge.

That spirit of chivalry has been manifested here many times and the skeptic would only be smelling for meanness in human nature who would suggest that a single vote which might be recorded against this bill could be ascribed to bitterness or vindictiveness.

I respect the judgment, the learning, and the sincerity of the Members who have regretfully, I know, announced their opposition to this measure on the ground that the Constitution forbids the Congress to make gifts of this nature even for the most worthy purpose. I am a great admirer of the founders of our Constitution, and rather a strict constructionist, but I confess I am not impressed by such arguments; especially when I look back and find so many instances in our history where the statesmen and patriots, whom posterity delights to honor, confronted similar situations without fear or quibbling and unflinchingly resolved their doubts, if they had any, in favor of humanity.

Whether it was an earthquake or holocaust, a flood or famine, our Nation has invariably and promptly come to the rescue of the unfortunate, so that the words "American mercy" have become traditionally embedded as an anchor of hope in the hearts of all the peoples of the world.

We must not fall in this, nor endanger any impairment of the confidence which our past history has done so much to establish and encourage.

Though I speak with the tongues of men and of angels, and have not charity, I am become as sounding brass, or a tinkling cymbal.

Charity never faileth; but whether there be prophecies, they shall fail; whether there be tongues, they shall cease; whether there be knowledge, it shall vanish away. (Corinthians, xii, 1.)

Let the constitutional lawyers take notice:

Whether there be knowledge, it shall pass away.

Gentlemen talk about the interpretation of texts! Is the Constitution of the United States a mere aggregation of words? Has it not a soul? The whole history of our land cries out in protest against such a challenge. Let us, on this occasion, interpret and manifest the soul of America which has ever been known, as I hope it always will be, as "The Good Samaritan among nations."

COMMITTEE ON THE DISTRICT OF COLUMBIA—LEAVE TO SIT DURING THE SESSIONS OF THE HOUSE.

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent, by the direction of the Committee on the District of Columbia, that that committee may sit during the sessions of the House for this day only.

The SPEAKER. The gentleman from Maryland asks unanimous consent that the Committee on the District of Columbia may sit during the sessions of the House to-day. Is there objection?

There was no objection.

WAR DEPARTMENT APPROPRIATION BILL.

Mr. ANTHONY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 7877.

The SPEAKER. The gentleman from Kansas moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the Army appropriation bill.

Mr. WURZBACH. Mr. Speaker, I make the point of order that there is no quorum present. I withdraw the point of order, Mr. Speaker.

The SPEAKER. The question is on the motion of the gentleman from Kansas that the House resolve itself into the Committee of the Whole House on the state of the Union.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 7877, with Mr. TRISON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 7877, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 7877) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1925, and for other purposes.

The CHAIRMAN. The Clerk will read.

Mr. DICKINSON of Iowa. Mr. Speaker, I reserve a point of order on page 9, line 4, commencing with the word "Provided," in line 4, and ending with the word "Army," in line 5.

Mr. BLANTON. Mr. Chairman, I make the point of order that that comes too late, a lot of business having been transacted and numerous Members spoke after that paragraph was read. Even if a point of order could be lodged, it comes too late.

Mr. DICKINSON of Iowa. The point of order was made on yesterday.

Mr. LA GUARDIA. I made the point of order.

Mr. BLANTON. I want to submit the Record as to what happened. There was at least a half dozen gentlemen who spoke. I will read what the Record shows so there will not be any question about it.

The CHAIRMAN. The Chair will hear the gentleman from Texas.

Mr. LA GUARDIA. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. Does the gentleman from Texas yield for that purpose?

Mr. BLANTON. No; I do not yield. I direct the Chair's attention to page 4988; he will see where the Clerk read, as follows:

Pay of officers: For pay of officers of the line and staff, \$30,338,000; *Provided, That no part of this sum shall be paid to Maj. Charles C. Cresson, United States Army.*

Then follows, immediately, Mr. JOHNSON of Kentucky. "Mr. Chairman, I will state that there is a tentative agreement between myself," and so forth. Then Mr. ANTHONY broke in with remarks; and then again Mr. JOHNSON of Kentucky interpolated remarks; then Mr. ANTHONY did the same; then Mr. WURZBACH interjected remarks; then Mr. JOHNSON of Kentucky again did so; then Mr. ANTHONY again did so; then Mr. REECE made remarks; and then Mr. BLANTON made some; and then Mr. CONNELLEY of Texas; and finally, after all this, Mr. LA GUARDIA made his point of order, but after all this talk, and it was then too late for the gentleman from New York to get up and make a point of order. If that point of order does not come too late, I do not know the rules of the House.

The CHAIRMAN. The Chair can settle this controversy very easily. All that the gentleman from Texas says is true, but it is not decisive on this point. The only thing involved in the colloquy referred to by the gentleman was an attempt to settle a matter by debate. The thing that is fatal to the contention of the gentleman from Iowa is that there was an amendment offered and submitted to the committee, which in the opinion of the Chair settles the matter.

Mr. DICKINSON of Iowa. It is my impression that amendment was to an early part of the paragraph.

Mr. BLANTON. We are all interested in orderly procedure. Do I understand the Chair to say this colloquy did not shut out the point of order?

The CHAIRMAN. The colloquy was not directed to the consideration of the amendment, and so far as the colloquy was concerned the Chair would be inclined to rule that it was not a consideration of the matter at all. If the amendment was offered, however, that would seem to settle the matter.

Mr. BLANTON. They are directing the point of order to the paragraph of the bill, not to the amendment. The point of order is against the paragraph read at the bottom of the page.

The CHAIRMAN. The Chair understands that and was attempting to rule with the gentleman from Texas, if he will only permit.

Mr. BLANTON. Oh, well. [Applause.]

The CHAIRMAN. As the Record discloses the situation it is apparent that the point of order against the paragraph in the bill comes too late.

Mr. CONNALLY of Texas. Mr. Chairman, my amendment was pending with the point of order, as I recall it, when the committee rose.

The CHAIRMAN. Does the gentleman wish to be heard on the point of order?

Mr. CONNALLY of Texas. I do.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. CONNALLY of Texas. The point of order was made, if the Chair please, by the gentleman from Kansas [Mr. ANTHONY], and appears on page 4988. The gentleman from Kansas said:

I want to make the point of order on that amendment on the ground that it is new legislation which changes existing legislation.

Mr. BEGG. Mr. Chairman, I desire to reserve the point of order that it is not germane to the paragraph.

Mr. CONNALLY of Texas. Mr. Chairman, I make the point of order that that comes too late, because intervening matter has occurred.

The CHAIRMAN. The Chair overrules the point of order the gentleman now makes because there can be only one point of order considered at once. Other points of order may be made or remain pending, or they may be made later when the first point of order is disposed of.

Mr. CONNALLY of Texas. I would like to have them made if they are going to make them and consider them at one time.

Mr. BEGG. If the gentleman desires me to make the point of order, I make the point of order it is not germane to the paragraph.

The CHAIRMAN. It is the better practice to make all points of order at once, but a Member may not be precluded from exercising his right to make a point of order so long as another point of order is pending.

Mr. CONNALLY of Texas. Well, let them make them.

The CHAIRMAN. The gentleman from Ohio [Mr. BEGG] has made a point of order, which will be pending. The gentleman from Texas [Mr. CONNALLY] is recognized on the point of order. The point of order of the gentleman from Ohio is that it is not germane to the paragraph.

Mr. LAGUARDIA. Mr. Chairman, are we discussing the point of order now on the gentleman's amendment?

Mr. CONNALLY of Texas. We are beginning to have discussion of the form of procedure under the point of order.

The CHAIRMAN. The Chair will hear the gentleman from Texas.

Mr. CONNALLY of Texas. I presume the Chair has consulted the precedents and is to rule?

The CHAIRMAN. The Chairman has his view of it, but he is open to conviction upon proper argument.

Mr. CONNALLY of Texas. I submit to the Chair that my amendment does not change existing law, because it operates only on this present appropriation, and therefore it does not change existing law. The effect of it is to provide that the Army may not use any of the funds appropriated in this section for the purpose of recruiting boys from 18 to 21 years of age without their parents' consent. Now, the statute remains just as it is, and the limitation, as I understand it, is simply a narrowing of the appropriation within the uses to which it can usually be applied.

Now, as to the point that it is not germane, I am at a loss to find in the bill an item entitled "Recruiting." From such an examination as I have made I can not find it. There may be some item devoted to recruiting, but I do not find it. Now, my amendment provides that no money under the head of "Pay of the Army" shall be devoted to the recruiting of men under certain conditions. It necessarily follows that since this item covers the pay of all the men of our Army it also covers the pay of those men who would be assigned to recruiting. If that be true, it occurs to me that my amendment is germane, because it simply provides that the Army shall not devote any pay to officers who may be assigned to recruiting under certain conditions.

Now, this same point, or practically the same point, has been before the House on former occasions. On December 16, 1922, the gentleman from Ohio [Mr. LONGWORTH] being in the chair,

an amendment in slightly different form was presented, and a point of order was leveled against it. What transpired will be found in volume 64, part 1, Sixty-seventh Congress, page 585.

That amendment provided that "No part of the funds herein appropriated shall be available for the pay of any enlisted man or officer who may be assigned to recruiting men or boys under 21 years of age without the written consent of the parent or guardian of such minor or minors. On page 587, Mr. LONGWORTH in the chair, appears this ruling:

The Chair is quite clear that the amendment is a limitation, especially in view of recent rulings by several chairmen. I recall that the first time the question was discussed in my hearing an amendment was offered by the gentleman from Kentucky [Mr. FIELDS] on the Army appropriation bill, depriving certain officers of pay if they did certain acts in social relations with regard to privates and other officers, and the Speaker sustained the amendment. The point of order is overruled.

That amendment—I will be frank to say—was not identical with mine, but an amendment having the same purpose as this amendment, to limit the use of the appropriation.

When the Army appropriation bill was before the House on January 17, 1923, volume 64, part 2, page 1902, of the Record, the following amendment was offered:

Provided, That no part of this appropriation shall be expended to pay any officer who in peace time permits a man under 21 years of age to be enlisted without the parents' knowledge and consent.

Points of order were reserved to the amendment by the gentleman from Michigan and the gentleman from Kansas [Mr. ANTHONY]. The gentleman from Kansas [Mr. ANTHONY] addressed the Chair and said:

Mr. Chairman, it is my opinion that the amendment is a limitation—

And later withdrew the point of order.

Last week in this House, on March 20, 1924, when the naval appropriation bill was pending I offered an amendment, as follows:

Amendment offered by Mr. CONNALLY of Texas: At the end of the Byrnes amendment insert the following: "*Provided*, That no part of the funds appropriated by this act shall be utilized for the recruiting or enlistment of boys under 21 years without the written consent of the parents or guardians, if any, of such boys to their enlistment."

A point of order was made that it changed existing law, and so forth.

The gentleman from Illinois [Mr. GRAHAM] was in the chair, and reviewed the decision by the gentleman from Ohio [Mr. LONGWORTH], and, as appears on page 4606 of the Record, announced his decision, concluding the same with these words:

The Chair, both on principle and following precedent, overrules the point of order.

The point of order was then made that the amendment was not germane at that particular point in the bill, and the Chair held that it was not germane at that particular point because there was a heading in that bill for recruiting by name and that amendment should have been offered to that paragraph. He held that it ought to have been offered to that paragraph of the bill where recruiting was set out.

I have not found any section in this bill particularly set apart for recruiting activities; but, since the pay of the Army is one item of recruiting activities, my contention is that it is probably more germane there than it would be to any other portion of the bill, and I submit that this, since it is not permanent law, but simply a restriction of the uses to which this appropriation may be put, is a limitation, and that it is germane to this particular section of the bill.

Following the Chair's ruling, last referred to, that the amendment was not germane to the paragraph, on Friday, March 21, 1924, the gentleman from Texas, who is now addressing the Chair, offered the following amendment:

Amendment offered by Mr. CONNALLY of Texas: Page 27, at the end of the paragraph, insert the following: "*Provided*, That no part of the funds appropriated by this act shall be utilized for the pay of any officer or man who may recruit or enlist any boy under the age of 21 years without the written consent of the parent or guardian, if any, of such boy for such enlistment."

The gentleman from Ohio, as appears on page 4641 of the Record, made a point of order against the amendment.

The gentleman from Illinois [Mr. GRAHAM], Chairman of the Committee of the Whole, then made the following ruling:

The CHAIRMAN. The Chair takes it there is no doubt about one proposition. The pay of the officers or the men who would do this recruiting work is included within the paragraph which has just been

read. If the Chair is wrong about that, he will be glad to be corrected, but it is the judgment of the Chair that the pay of such officers and men was included in this paragraph. The amendment offered by the gentleman from Texas [Mr. CONNALLY] is almost exactly the same amendment offered in the Army bill, to which the Chair referred yesterday in his decision. That amendment, which was also offered by the gentleman from Texas [Mr. CONNALLY], reads as follows:

"Provided, That no part of the funds herein appropriated shall be available for the pay of any enlisted man or officer who may be assigned to recruiting men or boys under 21 years of age, without the written consent of the parent or guardian of such minor or minors."

The language is almost identical, with just a slight change.

As the Chair called attention yesterday, the Chairman of the Committee of the Whole, the gentleman from Ohio [Mr. LONGWORTH], on that occasion held that that was a proper amendment; that it was a limitation, and overruled the point of order which was made to it.

The CHAIRMAN. The suggestions made by the gentleman from Ohio [Mr. Bagg] are pertinent in an inquiry by the committee as to the merits of this proposition. They do not, however, go to the matter of parliamentary law involved. The Chair is not called upon, nor is the committee now, to decide just how this would be administered. The only question involved is, Is it such an amendment as the House ought to consider? The Chair thinks he should follow the precedent, the only one there is; however, if the Chair were deciding it upon the merits, as to whether it is a limitation or not, the Chair is entirely frank in saying he thinks it is a limitation and that the former ruling of Chairman LONGWORTH was correct. The Chair, in view of that opinion, feels that the point of order should be overruled.

The amendment was held in order and was adopted.

Mr. BEGG. Mr. Chairman, I think it will not be a difficult task to convince the Chair, and even the gentleman from Texas [Mr. BLANTON], that the amendment is not germane to the paragraph.

Now, what does the paragraph seek to do? It provides the pay for the officers. I submit, Mr. Chairman, that if I were to offer an amendment providing that no part of this appropriation shall be used for the payment of an officer that happens to buy blue Army blankets for use in the Army the gentleman from Texas would immediately hold that that would be out of order because it would not be germane. This provision does not have anything to do with the activities of the men themselves but has to do only with the payment of salaries, and the Congress is obligated to pay the salaries of the men, and the direction of their activities is under the Army officers; and the germaneness of the amendment providing for the withholding of payment, providing you were to buy blue blankets, would be just as germane as for the gentleman to offer an amendment providing that the pay shall be withheld if they enlist a boy under 21 years of age.

Mr. DYER. Will the gentleman yield?

Mr. BEGG. Yes.

Mr. DYER. Did I understand the gentleman to indicate where he thought this amendment should go?

Mr. BEGG. I did not; but I will say that because the gentleman from Texas [Mr. CONNALLY] can not find that place is no reason why it should be held germane to a place where it is not germane. The gentleman from Missouri [Mr. DYER] will surely admit, if I were to offer an amendment withholding this appropriation from an officer who bought blue blankets instead of gray or drab blankets, that such an amendment would be out of order.

The CHAIRMAN. The Chair is ready to rule. The paragraph in the bill last read by the Clerk was on page 9, beginning at line 3:

Pay of officers: For pay of officers of the line and staff, \$30,338,000.

With a proviso which is not important in this connection.

To this paragraph the gentleman from Texas [Mr. CONNALLY] offers this amendment:

Provided, That no part of the funds appropriated by this act shall be utilized for the recruiting or enlisting of boys under the age of 21 years without the written consent of the parent or guardian, if any, of such boys.

It will be noted that the amendment is made as a proviso to a certain paragraph in the bill, and it has been held through a long line of decisions that a limitation to a paragraph in the bill can not be made to relate to other provisions of the bill. This amendment, by its terms, specifically includes all provisions of the entire bill, and yet it is offered as an amendment to a particular paragraph.

It is claimed that a part of the expenses of recruiting is pay of the officers; it is also just as true that a considerable por-

tion of the expense of recruiting is not under "Pay of officers," but is carried in some other part of the bill.

In view of the precedents, that a limitation when offered as an amendment to a particular paragraph must not relate to the entire bill, the Chair sustains the point of order.

Mr. CONNALLY of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

Mr. WURZBACH. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WURZBACH. On yesterday afternoon two amendments were offered to this section, one by the gentleman from Texas [Mr. CONNALLY] and another by the gentleman from New Jersey [Mr. BROWNE]. The gentleman from New Jersey, as I understand, was recognized by the Chair and sent his amendment to the Clerk's desk. Now, the amendment offered yesterday by the gentleman from Texas [Mr. CONNALLY] having been ruled out on a point of order, is not the gentleman from New Jersey [Mr. BROWNE] entitled to recognition for the purpose of presenting the amendment which was offered by him yesterday afternoon?

The CHAIRMAN. The gentleman from New Jersey will, of course, be recognized in due time, but it does not necessarily follow that he has the right to be recognized next.

The Chair thought this entire matter brought forward by the gentleman from Texas should be cleared up at once, and therefore recognized him for the purpose of offering a modified amendment, if he so desired.

The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CONNALLY of Texas: Page 9, line 14, after the colon, insert: *"Provided, That no part of the funds appropriated herein shall be utilized for the pay of any officer who may recruit or enlist any boy under the age of 21 years without the written consent of the parent or guardian, if any, of such boy for such enlistment."*

Mr. ANTHONY. Mr. Chairman, I make the point of order that the Clerk has not read that paragraph, and I want to make the further point of order that it is new legislation.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

Mr. CONNALLY of Texas. Mr. Chairman, what is the point of order?

The CHAIRMAN. That the Clerk has not yet read the part of the bill to which the gentleman offers an amendment.

Mr. CONNALLY of Texas. The Clerk surely has read line 4.

The CHAIRMAN. But the gentleman's amendment refers to line 14.

Mr. CONNALLY of Texas. That is merely a clerical error and it should be line 4. I ask unanimous consent to make that change.

Mr. BEGG. Mr. Chairman, I make the point of order that it is not germane.

Mr. CONNALLY of Texas. It should be line 4, the same place to which the other amendment was offered.

The CHAIRMAN. The Clerk read the amendment correctly.

Mr. CONNALLY of Texas. But it is just a clerical error made by the stenographer. Line 4 is where it ought to be.

The CHAIRMAN. Without objection, the amendment will be modified as suggested.

Mr. ANTHONY. Mr. Chairman, I make the point of order that it is new legislation and a change of existing law.

Mr. BEGG. And, Mr. Chairman, I make the point of order that it is not germane.

Mr. LaGUARDIA. Mr. Chairman, I would like to be heard on the point of order.

Mr. CONNALLY of Texas. I do not care to argue the point. I think the ruling which the Chair has just made brings this clearly within the rule.

Mr. LaGUARDIA. Mr. Chairman, I would like to be heard.

The CHAIRMAN. The Chair does not think so, but the Chair will hear the gentleman from New York.

Mr. LaGUARDIA. Mr. Chairman, the Chair has just ruled that the amendment previously offered by the gentleman from Texas [Mr. CONNALLY] was not germane in that it sought to limit the entire appropriation in the bill. The gentleman from Texas has now changed his amendment so as to prevent any of the money appropriated in this paragraph to be used for the salaries of recruiting officers recruiting boys under 21 years of age. If an amendment were offered limiting the appropriation for salaries to Army officers detailed to do missionary work in China surely the Chair would be constrained to hold such an amendment germane.

The money appropriated in this bill for the pay of officers is for the payment of military duties assigned to such officers. Therefore, in the recruiting of the Army officers are assigned to such work, and it is quite proper, under the rulings of this House, to limit appropriations if recruiting is conducted along lines specifically prohibited or limited in the appropriation bill itself.

Mr. BEGG. Will the gentleman yield?

Mr. LAGUARDIA. Certainly.

Mr. BEGG. The only claim that can possibly be made that the amendment is in order is under the Holman rule, as a limitation, is it not?

Mr. LAGUARDIA. Exactly.

Mr. BEGG. This is a matter dealing with the officers, and the amendment of the gentleman from Texas in no wise limits the officers or the pay of the officers. In order to be in order, the subject of the amendment must be germane to the subject of the paragraph to which it is offered.

Mr. LAGUARDIA. Exactly.

Mr. BEGG. For instance, take my illustration of a moment ago about blankets; you would not hold that in order.

Mr. LAGUARDIA. Would you hold in order a limitation if officers were assigned to do missionary work in China?

Mr. BEGG. That is beside the point.

Mr. LAGUARDIA. No; it is not. That is exactly the point here. You are assigning officers to a specific duty, and we limit the appropriation, and we reduce the appropriation if such duty is performed contrary to the limitations provided in the amendment.

Mr. BEGG. With reference to the gentleman's suggestion about the assignment of officers to perform missionary work in China, his amendment, then, is dealing with the subject matter of the paragraph, namely, the officers.

Mr. LAGUARDIA. Exactly.

Mr. BEGG. The subject matter of the amendment of the gentleman from Texas deals with enlisted men and not with officers.

Mr. LAGUARDIA. Oh, no; that is just the point. It deals with the pay of officers and not enlisted men.

The CHAIRMAN. Upon a close examination of the amendment, the Chair thinks it can cut this discussion short by saying that, in the opinion of the Chair, the gentleman from Texas [Mr. CONNALLY] has not cured the defect in his amendment at all, as it now reads, "provided, that no part of the funds appropriated herein."

Mr. CONNALLY of Texas. "In this paragraph" is what I meant. I ask unanimous consent to change the amendment in that respect. That is certainly what was intended.

The CHAIRMAN. Without objection, the modification of the amendment will be made.

There was no objection.

Mr. ANTHONY. Mr. Chairman, I made a point of order on the amendment when it was offered, on the ground that it was new legislation, and I want to call the Chair's attention to the fact that it is not a limitation of the appropriation but it conveys a specific direction to executive officers of the Government and to Army officers as to what they shall do and what they shall not do, and is a change of existing law. I want to call the Chair's attention to the ruling which the present occupant of the chair made last year on almost the identical point, where he called the attention of the House to the fact that it was not a mere limitation on an appropriation but, in effect, was legislation. I also want to call the attention of the Chair to the ruling made by Mr. Hicks, of New York, on the District of Columbia appropriation bill last year, where Mr. Hicks made this observation:

Is the limitation accompanied or coupled with a phrase applying to official functions; and if so, does the phrase give affirmative directions in fact or in effect although not in form?

Is it accompanied by a phrase which might be construed to impose additional duties or permit an official to assume an intent to change existing law?

I submit that the language of the amendment offered by the gentleman from Texas does all that.

Mr. BEGG. Mr. Chairman, I want to make the point of order that the amendment can not be offered at all to the paragraph. There is a difference in all dictionaries between a paragraph and a section, and we have not yet read the whole section.

The CHAIRMAN. The Chair will have to overrule that point of order. An appropriation bill is always read by paragraphs.

Mr. BEGG. That is the point I am making, Mr. Chairman, and this amendment applies to a paragraph, and the gentleman is seeking to make it apply to a section.

Mr. CONNALLY of Texas. No; I am not doing any such thing, and I would like to submit some observations to the Chair in reply to the gentleman from Kansas.

The CHAIRMAN. The Chair will be glad to hear the gentleman on that point.

Mr. CONNALLY of Texas. The gentleman from Kansas [Mr. ANTHONY] must have learned something about parliamentary law since last year or else has changed his mind. When an amendment was offered last year providing "That no part of this appropriation shall be expended to pay any officer who in peace time permits any man under 21 years of age to be enlisted without the parents' knowledge or consent," what did the gentleman from Kansas do?

Mr. ANTHONY. Will the gentleman yield?

Mr. CONNALLY of Texas. No.

Mr. ANTHONY. I call the gentleman's attention to the fact that the decisions I referred to were made since the time to which he refers.

Mr. CONNALLY of Texas. They were matters then within the gentleman's knowledge of parliamentary law, and his knowledge of parliamentary law is not any better now than it was then.

Mr. ANTHONY. I do not claim any great knowledge of parliamentary law.

Mr. CONNALLY of Texas. Here is what the gentleman from Kansas said:

Mr. Chairman, it is my opinion that the amendment is a limitation.

I also want to call the attention of the Chair to the ruling of the Chairman, Mr. GRAHAM of Illinois, made last week. He held this identical amendment in order on the naval appropriation bill. He not only held it in order under the precedents but he said if it were an original proposition he would have to hold it was a limitation, and this amendment now is drawn so that it does not affect anything except the items in this particular paragraph, and it provides that these funds shall not be utilized for a certain purpose; and if that is not a limitation, I would like to know what a limitation is.

The CHAIRMAN. The Chair is ready to rule.

Mr. BLANTON. Mr. Chairman, I would like to be heard a moment.

The CHAIRMAN. The Chair will be glad to hear the gentleman.

Mr. BLANTON. Of course, if the Chair has made up his mind I do not wish to waste time.

The CHAIRMAN. The gentleman from Texas is oftentimes very persuasive and might cause the Chair to change his mind.

Mr. BLANTON. I hope the Chair is not being facetious about such an important matter.

The CHAIRMAN. Not at all; the Chair was entirely serious.

Mr. BLANTON. Mr. Chairman, a precedent was set in the last Army bill on just such an amendment, when it was held in order. The precedent was again set on the naval bill for this year.

This very amendment is in the present Army bill, in the act that is the law of this land until July 1. Every officer and the War Department are operating under that law now. Whenever you can show the War Department now, and until the present law is changed, that a young man has been enlisted against his parents' consent under the age of 21 they release him immediately.

This is not an interference with the discretion of an Army officer, and for this reason: The discretion of an Army officer is just what he can exercise under the authority of law that the Congress has made for his guide. That is the discretion he can exercise. If Congress says to an Army officer you shall not enlist a young man under 21 years of age without his parents' consent, that is not interfering with the discretion of an Army officer; that is giving him a law to guide him.

Mr. MADDEN. Will the gentleman yield?

Mr. BLANTON. Certainly.

Mr. MADDEN. The law does not say that now and this proposes to change existing law.

Mr. BLANTON. Does the gentleman from Illinois [Mr. MADDEN] mean to say that a legislative proposition in an appropriation bill for a fiscal year is not the law for that present fiscal year just as much as if it came from a legislative committee?

Mr. MADDEN. For this year.

Mr. BLANTON. Of course, and that is what is in the present law. It is a guide to the Army officer. He has no discretion except as the law gives it to him. I submit that this amendment ought to be held in order. I think the Chair did right in sustaining the point of order to the first amendment. I agree it was subject to a point of order, and that as to if the Chair was exactly right, but this second amendment is on all fours with

other amendments that have been held in order, both on the last Army bill and the latest Navy bill.

The CHAIRMAN. The Chair is ready to rule. As the membership of the House knows, the present occupant of the chair during his long service here has given some attention to parliamentary precedents. The Chair wishes to state in that connection that there has not been any one parliamentary question arising in this House to which the present occupant of the chair has given so much attention as to this particular matter of limitation. The Chair should add that it is the most difficult of all the questions with which we have to deal here, even more so than germaneness itself.

The Chair wishes first to state his attitude toward rider legislation in general, which is one of distinct opposition to that form of legislation, and to state at least three reasons:

First, such legislation, hampered by parliamentary restrictions under which it must be made, is apt to be faulty. It is not the place for legislation. Legislation ought to be considered by a legislative committee and considered in the House as legislation. Therefore any consideration given to a rider on an appropriation bill must of necessity be superficial and unsatisfactory on account of such restrictions.

In the next place, rider legislation when enacted is tucked away in large appropriation bills, mostly concerning something else, and the law becomes a maze through which it is difficult for one to find his way. That of itself is one good reason why every opportunity to prevent rider legislation should be taken advantage of.

Third, and a much more important reason, is that it is antagonistic to one of the fundamental principles of constitutional government, which is that supply bills should be separated so far as possible from legislation. When supply bills are filled with matters of legislation, differences between the two Houses are apt to arise, differences difficult of settlement, oftentimes prolonging the consideration and endangering the passage of such bills which are necessary for running the Government. Another reason more important than these is that when the bill has passed the two Houses and goes to the Executive, the Executive can not exercise his constitutional right of vetoing a matter of legislation to which he may seriously object without at the same time striking down a great appropriation bill necessary for the carrying on of the functions of the Government.

These are some of the reasons that cause the Chair to be one of those ready at all times to limit, as far as can be properly done under the parliamentary procedure of the House, legislation by way of riders on appropriation bills.

The Chair has stated that he has given consideration to this subject in times past. There are literally hundreds of decisions, and the present occupant of the chair has read every one of them so far as they have been collected in the volume of precedents, trying to decide what is the proper line of parliamentary procedure through this inconsistent mass of precedents.

The precedents being as they are decisions of former Chairmen become really of little consequence on account of their conflicting character. The Chair will not attempt to bolster the ruling that he will make by any preceding ruling as such, but will simply refer to the reasoning supporting a number of such rulings.

The Chair will first ask the attention of the House to a ruling made by Speaker Cannon, found in section 3935 of Hinds' Precedents, volume 4. The Chair will read only the reasons:

The merits of the proposition are not involved in the point of order. What is the object of the motion and of the instruction? If it does not change existing law then it is not necessary. If it does change existing law then it is subject to the point of order. Much has been said about limitation, and the doctrine of limitation is sustained upon the proposition under the rule that as Congress has the power to withhold every appropriation it may withhold the appropriation upon limitation. Now, that is correct. But there is another rule, another phase of that question. If the limitation, whether it be affirmative or negative, operates to change the law or to enact a new law in effect, then it is subject to the rule that prohibits legislation upon a general appropriation bill.

A second reference I would make is to a statement of principle by Mr. Asher Hinds in his work, volume 4, section 3974:

It has generally been held that provisions giving a new construction of law or limiting the discretion which has been exercised by officers charged with the duties of administration are changes of law within the meaning of the rule.

Another statement of the same principle by Mr. Asher Hinds reads as follows, being section 3976, volume 4:

The language of limitation prescribing the conditions under which the appropriation may be used may not be such as, when fairly construed, would change existing law.

Another reference to Hinds' Precedents, volume 4, section 3973, is a decision by Mr. James S. Sherman:

The Chair is perfectly clear on the subject.

Rulings upon the subject of limitation have not been consistent by any manner of means; they have gone through something of an evolution. The later decisions have tended toward the point indicated, that where the proposed limitation might be construed by the executive or administrative officer as a modification of statute, a change of existing law, it could not be held to be a limitation. The Chair's belief is that the rulings along that line are correct, and so the Chair is constrained to sustain the point of order.

Just one more citation, and that is a statement in a ruling made by our distinguished colleague the gentleman from Ohio [Mr. BURTON]. It is to be found in section 3983, volume 4, of Hinds' Precedents.

Mr. Chairman BURTON in his ruling used the following language:

The limitation ceases to be such when by its terms, whether expressed in affirmative or negative language, it necessarily changes existing law. When there is expressed in the amendment a prohibition, as here, and details as to the manner of the performance of the duties of the office, it clearly points out the intention of the provision to impose new duties upon the Government officials. It is evident that the provision would be purposeless unless the effect was to change existing law. Now, if it is the duty of the United States district attorney to act in the line directed by this amendment, the amendment is unnecessary. If it seeks to impose upon them other and further duties, it is contrary to existing law, and that is true whether it is expressed in affirmative or negative language. The Chair, therefore, sustains the point of order.

A reference was made by the gentleman from Texas [Mr. BLANTON] to what is the existing law. The law as carried in the current War Department appropriation act has no reference whatsoever to this point of order. The existing law with which we are dealing is as follows, and I quote from section 1560 of Barnes' Federal Code:

Who may enlist: Recruits enlisting in the Army must be effective and able-bodied men between the ages of 16 and 35 years at the time of their enlistment. This limitation as to age shall not apply to soldiers reenlisting. No person under the age of 18 years shall be enlisted or mustered into the military service of the United States without the written consent of his parents or guardians, provided that such minor has such parents or guardians entitled to his custody and control.

This is the existing law, so far as we are concerned, in dealing with this proposition. What does this amendment provide? It provides that—

No part of the funds appropriated in this paragraph shall be utilized for the pay of any officer who may recruit or enlist any boy under the age of 21 years without the written consent of the parent or guardian, if any, of such boy for such enlistment.

What is the effect of the provision? The effect is that whereas it is provided by law that the recruiting officer may recruit certain young men, and makes it his duty to enlist them, still he can not be paid under this appropriation bill with this alleged limitation if he enlists such boys or men as it is his duty to enlist. This is the effect of the proposed amendment. A recruiting officer has the right, and in fact it is his duty under the law, to recruit men over 18 years of age. This provision makes it so that he can not do it. What is the effect? The effect is to change the law so far as recruiting is concerned.

The Chair desires now to call attention to one precedent which has not been cited this morning but which is valuable here. The Chair refers to a reasoning by Mr. James R. Mann, who said that an appropriation might be restricted to red-headed men only or exclude such men only from receiving any part of an appropriation. Such a limitation relates only to the qualifications of the persons paid, and the gentleman from Illinois, Mr. Mann, was correct in so stating. The amendment now under consideration, however, does not go simply to the qualifications of the persons paid. It prohibits the recruiting officer from performing a service which is legal, which it is his duty to perform, if this amendment were not inserted. Therefore, it seems to the Chair—

Mr. BLANTON. Mr. Chairman, will the gentleman permit a parliamentary inquiry?

The CHAIRMAN. Certainly.

Mr. BLANTON. Does the Chair realize that in making this decision he is wiping off the books the decision made by the gentleman from Illinois [Mr. GRAHAM]?

The CHAIRMAN. The Chair is not wiping any decision off the books, as the Chair stated earlier.

Mr. BLANTON. That is the effect of his decision.

The CHAIRMAN. There are endless decisions, literally hundreds of decisions, and they are not all on one side by any means. According to the gentleman's contention either way the Chair decides he must wipe off the books a number of decisions. While the present occupant of the chair has very great regard for the decisions of the gentleman from Illinois, nevertheless, he has himself some convictions on the subject, having given the subject some considerable attention.

Mr. BLANTON. But the decision of the Chair is in direct conflict with that of the decision of the gentleman from Illinois.

The CHAIRMAN. Oh, yes; and with a number of others. The decisions are not at all consistent with each other. They are not uniform. Therefore, the Chair must be guided by the best reasoning he can find in all of these decisions, and he is entirely clear that the best and soundest reasoning is antagonistic to this amendment. The Chair sustains the point of order.

Mr. BLANTON. Mr. Chairman, I respectfully appeal from the decision of the Chair.

Mr. CONNALLY of Texas. Mr. Chairman, I respectfully appeal from the decision of the Chair.

The CHAIRMAN. Two gentlemen from Texas appeal from the decision of the Chair.

Mr. CONNALLY of Texas. I claim the right to make that appeal.

Mr. BLANTON. I yield the right to my colleague.

Mr. CONNALLY of Texas. Mr. Chairman, this is debatable under the five-minute rule, is it not?

The CHAIRMAN. It is.

Mr. CONNALLY of Texas. Mr. Chairman, I submit that according to the Chair's own words he admits that his ruling is contradictory to many precedents in this House. The present ruling overturns the ruling made by the gentleman from Illinois [Mr. GRAHAM] in this House on Thursday last.

The gentleman from Illinois [Mr. GRAHAM] in that decision reviewed the precedents and based his ruling not only on the precedents but on his own reasoning and held the amendment to be a limitation. I desire to submit a ruling by the present occupant of the chair, the gentleman from Connecticut [Mr. TILSON], which I do not think he quoted when he made his decision. This was on February 8, 1921, on an amendment by the gentleman from Kansas [Mr. ANTHONY], the gentleman who now says every limitation except his own is out of order. Here is the limitation which the gentleman from Kansas offered. (RECORD, p. 2523.) Now listen:

The CHAIRMAN. The Chair is ready to rule. The bill makes an appropriation for aviation increase, to officers of the Air Service, \$1,000,000.

If left without the proviso, this \$1,000,000 could be expended for increase of pay of all officers who under the present law are qualified to receive it—that is, those who are actual fliers. The proviso as now modified provides that this appropriation shall not be available for increased pay of any officer who is not attached to an airplane squadron regularly required to fly; but this proviso shall not apply to any officer temporarily detached from such squadron.

The appropriation is already limited by existing law to officers who actually fly. This proviso, in addition to that limitation, adds another to the effect that besides being a regular flier the officer must also be attached to an airplane squadron which is required to fly.

In the opinion of the Chair this is a limitation. It is not within the province of the Chair to pass upon the wisdom or lack of wisdom of the provision, but it is the opinion of the Chair that the proviso actually limits the class now authorized to receive this increased pay under the law. Such a limitation to an appropriation is in order under the rules. The Chair therefore overrules the point of order.

The gentleman from Connecticut in the chair made that ruling in 1921. He said that it was not within the province of the Chair to pass upon the wisdom or lack of wisdom of an amendment, and yet the Chair to-day opened up his argument with the proposition that the use of limitations was not the right way to legislate, and so forth. He overruled many of the precedents established in this House in recent years by his good, strong right arm, because, he says, it is not the right way to legislate. I appeal from the Chairman of the Committee of the Whole House on the state of the Union, the gentleman from Connecticut [Mr. TILSON], of 1924, who bases his ruling to-day on himself, to the TILSON of 1921, who based his decision upon the precedents of this House and the legislative power of

this House. [Applause.] I ask that the Chair's decision be overruled.

Mr. BEGG. Mr. Chairman and members of the committee, this amendment ought not to be taken into consideration in the vote of whether we sustain the Chair in his decision. Now, in order that the gentleman from Texas—and I would like to have the gentleman from Texas pay attention—may know where his amendment will stick, I am going to show him—

Mr. CONNALLY of Texas. The gentleman is mighty kind; will he help me place it in what he thinks is the proper place—

Mr. BEGG. Beginning line 12 and ending line 16, is a paragraph in the bill for the pay of enlisted men, and if the gentleman would offer the amendment to that paragraph providing that no part of this fund shall be applied to pay of soldiers enlisted under 21 years of age, it would be in order.

Mr. CONNALLY of Texas. We have not got to that.

Mr. BEGG. Because the substance of the amendment is germane to the substance of the paragraph, but in the paragraph to which this amendment is offered the substance of that paragraph has to do with the pay of officers and in no way relates to the pay of enlisted men, under 21 or over 21. And an added reason why we ought to keep the proceedings of the House orderly is this: What kind of a predicament would we be in if some officer the last half of the year, after having drawn his pay throughout, would by a mistake enlist a boy under 21 years of age and that information would not come to the Army officer, the paymaster, until after he had received the last installment of pay? Then according to the law, if this particular provision is held in order to this paragraph, that officer would not be entitled to any of his yearly salary. And in conclusion, men, I do not care whether you enlist them at 19 years old or 21 you ought to cast your ballot on this proposition at the right place and not make an incongruous condition in the law and hitch on it something in this way, and I maintain that the Chair has held according to all parliamentary procedure.

Mr. DYER. Will the gentleman yield?

Mr. BEGG. I will.

Mr. DYER. The gentleman from Kansas in charge of the bill upon the floor stated a minute ago that he would offer a point of order, at least he did offer it thinking the amendment was at the proper place, that it was new legislation.

Mr. BEGG. That is a different point of order.

Mr. DYER. Of course great parliamentarians differ.

Mr. BEGG. Now I want to say to the gentleman from Texas [Mr. CONNALLY], regarding the decision rendered by the gentleman from Kansas to which he refers in that amendment, if the gentleman will read it carefully, he will find that the substance of the amendment was identical with the substance of the paragraph to which it was offered, and, of course, it was in order as a limitation. But you can not limit the pay of the officers on an amount of money by limiting the duty of some other class of enlisted men.

Mr. LONGWORTH. Mr. Chairman, I merely wanted to make one observation before the committee votes on this question, and I sincerely hope the committee will not take into consideration the merits one way or other of the amendment of the gentleman from Texas [Mr. CONNALLY]. I realize very well the difficulties that surround the Chair in interpreting these limitations. I have been in the Chair myself a number of times when this particular bill, the Army bill, was before the committee. The line of demarcation is very close indeed in all these propositions, but it seems to me that now we ought to realize that it is wise on the part of the Chair to construe all these questions as strictly as possible. Most of these precedents applied before the creation of this new Committee on Appropriations, when the committees that had charge of the legislation for the Army and the Navy and various other departments also had the power of appropriating. But I think we all realize that now, when the Committee on Appropriations has taken over all of the appropriating functions of the various committees of the House, it is the part of wisdom to confine bills reported by it as closely as possible to appropriations and as little as possible to legislation.

Mr. DYER. Mr. Chairman, will the gentleman yield?

Mr. LONGWORTH. Yes.

Mr. DYER. What does the gentleman say about the second line there, wherein they provide that no part of this fund shall be paid to a certain officer of the United States Army? Is not that going beyond purely the subject of appropriating?

Mr. LONGWORTH. That is not involved in the discussion. I am merely suggesting that it is wise for the committee, before we undertake to overrule the decision of the Chair, to consider this main proposition, that notwithstanding how close these questions may be, as to whether they are legislation or not, whether or not in the guise of limitation it is wise to follow the general proposition laid down by the Chair in this case,

and that we ought to construe as strictly as possible legislative provisions in these bills.

Mr. BLANTON. May I ask how the gentleman voted the other day on the Graham decision when he held that legislation preventing the supervision of Government employees was in order under the rule?

Mr. LONGWORTH. Was that appealed from the decision of the Chair?

Mr. BLANTON. Yes; I appealed, and the vote was 77 to 1. I think the gentleman from Texas was the 1. My position was with the gentleman then, but we did not get the votes.

Mr. LONGWORTH. Well, the gentleman is sometimes mistaken.

Mr. GARRETT of Texas. Mr. Chairman, in view of the statement of the gentleman from Ohio that the line of demarcation is very close and very narrow in all of these amendments, and in view of the fact that the House by a decisive vote declared the policy that they did not believe that boys under the age of 21 should be enlisted either in the Army or the Navy, what better way could we settle that controversy than by voting against the decision of the Chair?

Mr. LONGWORTH. I will say to the gentleman that I personally disclaim any attempt to argue the merits or demerits of this question. It may be that at some other point in the bill the amendment of the gentleman from Texas [Mr. CONNALLY] would be clearly in order. Of course, I am slightly embarrassed when I find myself called upon to choose between the decision on the one hand of a very eminent parliamentarian, the gentleman from Illinois [Mr. GRAHAM], and on the other hand a decision that seems to be at variance therewith, that of the eminent parliamentarian now in the chair; but all that I am trying to do now is—

Mr. CONNALLY of Texas. And I may suggest another eminent parliamentarian, the gentleman from Ohio himself, who maintained that the amendment was in order.

Mr. LONGWORTH. The gentleman from Ohio was not called upon to decide upon this exact question. At any rate—and I repeat it—without consideration of the merits or demerits of this particular plan, or the question whether it may be in order at some other point in the bill, I hope gentlemen will take seriously the proposition to overrule the decision of the Chair in this case.

The CHAIRMAN. The Chair is prepared to make a statement, which will be very brief.

Mr. CRISP. Mr. Chairman, if the Chair will permit, I would like to make a statement before the Chair makes his statement.

The CHAIRMAN. The Chair will recognize the gentleman from Georgia.

Mr. CRISP. Gentlemen of the committee, in common with you all I have great respect for the ability and fairness of the present occupant of the chair. I know that he is sincere in his rulings. But it seems to me that under the rules of the House there can be no question but that the ruling of the Chair is erroneous, for this amendment is a pure limitation and as such undoubtedly it is in order as an amendment. As to whether or not the House desires to adopt it, that is a different thing. But as to whether it comes within the limitation rule, I do not see how it is open to controversy. My friend the distinguished leader [Mr. LONGWORTH] was presenting to the House, as the reason we should not adopt it, the fact that under the consolidation of appropriations in the Committee on Appropriations we should restrict the power of that committee. But the rules of the House placing all of the appropriations in the Committee on Appropriations affected only one rule of the House, and that rule was the Holman rule, and under that rule where the committee had jurisdiction of legislative matters as well as the authority to make appropriations the committee could report legislation in an appropriation bill if the legislation retrenched expenditures. The Committee on Appropriations never had that authority or power and the change of the rules in no wise affected the Committee on Appropriations so far as legislating on an appropriation bill. Now we all agree that the Committee on Appropriations is not a legislative committee. But this proposition is not suggested by the Committee on Appropriations. The Committee on Appropriations did not bring in the limitation proposed in this amendment. It is offered from the floor of the House.

But I go further, gentlemen. The Committee on Appropriations, under the decisions and precedents of the House, can bring in limitations, and the Committee on Appropriations today, in nearly every bill it reports, does contain some limitations. It has always been recognized that a committee can bring in limitations, and surely if the House committees can,

then this great committee, composed of every Member of the House, is clothed with the same authority.

I can not see how gentlemen can doubt that this is a limitation.

Mr. LONGWORTH. Will the gentleman yield?

Mr. CRISP. Yes.

Mr. LONGWORTH. I think the gentleman did not quite apprehend what I said. All I said was this, and I think the gentleman from Georgia will agree with me: That in construing what is a proper limitation the Chair should always err—if he errs at all—on the side of a strict construction rather than on the side of a loose construction.

Mr. CRISP. That is a question of opinion. When I had the pleasure of occupying the chair, if I ever had any doubt as to whether an amendment was in order, I always resolved that doubt in favor of the House and gave the House a chance to pass on it, overruling the point of order. [Applause.]

Mr. LONGWORTH. That would be true generally. But the gentleman agrees it is unwise to legislate on appropriation bills, does he not?

Mr. CRISP. Well, I think that is true, but I think—if my friend will permit me to say it—that is a question for the committee to determine, whether or not they will accept the amendment or adopt the legislation. That is a question as to the merits or demerits and as to whether or not you want to accept it.

I do not care to take up the time of the House any further, but I just want to read a decision—

Mr. BEGG. Before the gentleman reads that will he permit me to ask him one question?

Mr. CRISP. I yield to the gentleman.

Mr. BEGG. I have every respect in the world for the gentleman's judgment. I do not know whether the gentleman was present when I made some remarks a few moments ago, but suppose I were to offer an amendment providing that no part of this money should be paid to an officer or officers purchasing blue blankets—would the gentleman argue that that was a limitation?

Mr. CRISP. I would. I think that if there were a provision in this bill which provided for the purchase of black horses that the House, if it wanted to do a silly thing, could say that no part of the funds should be used for the purpose of purchasing bay horses or white horses. I think that is a limitation which would be in order under our rules.

Mr. BEGG. The gentleman is correct if the amendment were offered to a paragraph under Ordnance and Supplies.

Mr. CRISP. I will say to my friend that this amendment provides that no part of the funds in the paragraph to which it is offered shall be used for this purpose. Now, if the paragraph to which it is offered is not used to pay these salaries, then the amendment will be inoperative. As a parliamentary proposition this amendment is proposed as a limitation to a particular paragraph in the bill, saying that none of the money appropriated in that paragraph can be used for this purpose. Now, if that is not a limitation I can not conceive of one.

Mr. GRIFFIN. Will the gentleman yield?

Mr. CRISP. Yes.

Mr. GRIFFIN. I am in doubt about this question, and it seems to me the main point to be considered is whether or not the proposed amendment involves new legislation or a change of existing law. The existing law, as I understand it, is that recruiting is only permitted between the ages of 16 and 35, and this proposed amendment, which seems to me to change that law, prevents the recruiting of soldiers under the age of 21. I would be glad to have the gentleman's opinion as to that.

Mr. CRISP. This amendment, if adopted, indirectly, to a limited extent, does change existing law, but it does not permanently change existing law; in other words, this amendment can not create any affirmative permanent legislation; it can not apply to any other funds that the department may have available; it only applies to the funds appropriated in a certain paragraph of this bill; it does not create affirmative legislation, but it says that none of the money appropriated can be used in violation of the limitation. In my judgment, the amendment is in order and the decision of the Chair should be reversed.

The CHAIRMAN. Before submitting the matter to the vote of the House the Chair will make a very brief statement. In ruling that this is in effect legislation on an appropriation bill the Chair is far from having any idea of depriving the House of any of its rights. He is, in fact, simply suggesting the proper tribunal to which these matters should be sub-

mitted, which is the legislative committee having jurisdiction of the subject matter and not the Appropriations Committee.

The Chair thinks that in considering this subject we should look through the form and to the substance of the matter. As indicated by the gentleman from New York [Mr. GRIFFIN], who has just taken his seat, it has the effect of changing the law so far as the enlistment of recruits is concerned, and the Chair agrees with him that we should look through the form and consider the effect of the proposed amendment.

In so considering this matter the Chair has arrived at a conclusion which seems unescapable in the light of the reasoning in the premises regardless of what may have been decided by himself or others in the past. As the Chair has already stated, those decisions and all the precedents on this point are conflicting; but whatever they may be the Chair has arrived at the conclusion which he has stated, believing that this is not a limitation upon the appropriation but is, in effect, a limitation upon the discretion of the executive authority, and for this reason the Chair made his ruling.

The question is, Shall the decision of the Chair stand as the judgment of the committee? The Chair will ask the gentleman from New Jersey [Mr. LEHLBACH] to assume the chair and take the vote.

Mr. LEHLBACH took the chair.

The CHAIRMAN. The question is, Shall the decision of the Chair be the judgment of the committee?

The question was taken; and on a division (demanded by Mr. BEGG) there were—ayes 76, noes 128.

So the decision of the Chair was rejected as the judgment of the committee.

Mr. ANTHONY. Mr. Chairman, I desire to offer a substitute.

The CHAIRMAN. The gentleman from Kansas offers a substitute to the amendment of the gentleman from Texas, which the Clerk will report.

The Clerk read as follows:

Mr. ANTHONY offers the following amendment by way of a substitute for the amendment offered by the gentleman from Texas [Mr. CONNALLY]: "Provided, That the Secretary of War shall discharge from the Army with the form of discharge certificate and the travel and other allowances to which his service, after enlistment, shall entitle him, any enlisted man under the age of 21 on the application of either of his parents or legal guardian if such enlisted man was enlisted without the consent of one of his parents or his legal guardian."

Mr. CONNALLY of Texas. Mr. Chairman, I reserve a point of order.

Mr. ANTHONY. I ask the gentleman to make the point of order now, if he has one.

Mr. CONNALLY of Texas. I withdraw the point of order, Mr. Chairman.

The CHAIRMAN. The gentleman from Texas withdraws the point of order, and the gentleman from Kansas is recognized.

Mr. ANTHONY. Gentlemen of the House, I have offered this substitute for the amendment of the gentleman from Texas [Mr. CONNALLY] with the idea of relieving the War Department from the great embarrassment which it suffers in being compelled to literally obey the legislation which was placed upon the appropriation bill for the current year. There is also a tremendous expense that is involved under the language which compels the War Department before it can enlist a man anywhere near the age of 21 to require the recruiting officers to secure the affidavits and the direct evidence from the parents or from the guardian of the recruit presenting himself before the officer dares to enlist such a man, under penalty of having his pay forfeited. This means that the Army has been compelled to secure this evidence in the case of every man presenting himself for enlistment in the case of men ranging up to the ages of 30 years or more in order that the recruiting officer can be absolutely sure he has made no mistake and thus not subject himself to the penalty of having his pay withheld. The House ought to know just what this means. It has caused an increased cost in the expenditures required for recruiting the Army, in my judgment, of not less than \$400,000 or \$500,000 during the current year.

Mr. DOWELL. Will the gentleman yield?

Mr. ANTHONY. In just a second. The Adjutant General of the Army makes the statement in the hearings that he believed that the amendment placed upon the bill for the current year by the gentleman from Texas [Mr. CONNALLY] would cost \$1,000,000 more than it would if the amendment had not been placed thereon. In my judgment it has cost us, as I say, from \$400,000 to \$500,000. I do not believe that this House in the

present desire of the country for economy in Government administration means to do such a wasteful and extravagant thing as to compel the War Department to gather all of this evidence in the case of every man who presents himself for enlistment who is anywhere near the age of 21.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. ANTHONY. I yield to the gentleman from New York.

Mr. LAGUARDIA. Will the gentleman's amendment insure the discharge of a soldier wrongfully enlisted on presentation of proper proof?

Mr. ANTHONY. I think the amendment which I have offered will absolutely meet the desires of the House that men under the age of 21 shall not be enlisted without consent of parent or guardian; or, if enlisted without such consent, shall not be required to serve in the Army if their parents or their guardians desire them out.

Mr. CARTER. Will the gentleman yield?

Mr. ANTHONY. This will mean that in such instances they will be instantly discharged. I yield first to the gentleman from Iowa.

Mr. DOWELL. I know the War Department is against this amendment, and I am not so sure it is against it from the standpoint of the expenditure involved, but does the gentleman know that the plan he has suggested of permitting them to take all these men into the Army in various parts of the United States and then return them home, where they have been wrongfully enlisted, would be any cheaper than it would be for the officers to go to their parents and find out how old they are before they take them in?

Mr. ANTHONY. Yes. I want the House to know that there were over 16,000 instances during the current year where young men presented themselves for recruitment and were held under observation in order to secure the affidavits from their parents or guardians that they were of the age of 21, and on those 16,000 men it is a fair estimate that it cost the Government \$20 apiece to take care of them during that time, so that we lost over \$300,000 in trying to secure evidence about these 16,000 men alone, who subsequently left without waiting for the evidence. The purpose of my amendment is to relieve the War Department from that ridiculous and unnecessary work and expenditure.

Mr. CARTER. I take it that the purpose of the gentleman's amendment is to keep the War Department from enlisting men whom they would have to discharge.

Mr. ANTHONY. Of course.

Mr. CARTER. And I am going to assume they would not do that.

Mr. ANTHONY. If the War Department used any judgment at all, no recruiting officer would knowingly enlist a man under 21 if he had any idea he was to be discharged the next day.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. DYER. Mr. Chairman, I ask that the gentleman may have five minutes more.

The CHAIRMAN. The gentleman from Missouri asks that the time of the gentleman from Kansas be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. CARTER. Would the gentleman object to having placed in his amendment the word "written," so that the written consent of the parent or guardian would be required?

Mr. ANTHONY. I would not.

Mr. CARTER. I think that would accomplish the purpose.

Mr. JONES. That is the question I wanted to ask the gentleman.

Mr. ANTHONY. My purpose in offering the substitute for the amendment was to make it possible for the War Department to go along and recruit men obviously of the age of 21 and over without having to go to the trouble and annoyance involved in securing absolute evidence that the man is over 21.

Mr. DYER. Will the gentleman yield?

Mr. ANTHONY. Yes; I yield to the gentleman.

Mr. DYER. Could not this be straightened out without any difficulty if the recruiting officers would say to the man who applies for enlistment, "Go to your parents and bring them here or bring affidavits"?

Mr. ANTHONY. Oh, no; that would be absolutely ridiculous. It would be impossible for the parent to be brought there. The situation is just this: There were 16,000 of these boys or men—because they were not all boys, and most of them were over 21—who presented themselves for enlistment, and while they were waiting for the evidence that the department was compelled to secure many of these men went away.

Mr. SNYDER. How many of them dropped out on account of their parents or guardians not giving their consent?

Mr. ANTHONY. There were 1,400 of them, I think.

Mr. HASTINGS. Is the gentleman's amendment the same as existing law with reference to those under 18?

Mr. ANTHONY. No. The existing law, under the defense act, as I understand it, requires the written consent of the parent or guardian for those 18 years or under.

Mr. HASTINGS. This would make it apply up to 21.

Mr. ANTHONY. This would make it possible for every man enlisted under the age of 21 to immediately be discharged on the request of his parent or guardian.

Mr. Chairman, I ask unanimous consent to modify my amendment by adding the word "written."

The CHAIRMAN. The gentleman from Kansas asks unanimous consent to modify his amendment by inserting before the word "consent" the word "written." Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment as modified.

The Clerk read as follows:

The amendment of Mr. ANTHONY is modified by inserting before the word "consent" the word "written."

Mr. CONNALLY of Texas. Mr. Chairman, I offer an amendment to the substitute offered by the gentleman from Kansas.

The Clerk read as follows:

Amendment by Mr. CONNALLY of Texas to the substitute amendment offered by Mr. ANTHONY: In line 1, before the words "Secretary of War," insert the word "hereafter."

Mr. CONNALLY of Texas. Mr. Chairman, I have no objection to the amendment of the gentleman from Kansas. I do not think it is as good as mine, but since the gentleman from Kansas has changed his mind and announces that he is really in favor of the proposition at heart I am willing to compromise with the gentleman and accept his amendment. I will do that if in turn he will accept the amendment I offer to his amendment, and that is an amendment to add the word "hereafter," making this permanent law instead of a temporary law on an appropriation bill for one year and relieving us of the necessity of having to force every Committee on Appropriations each year and the Military Committee in this House to adopt it. If you will adopt my amendment to the Anthony amendment I shall be willing to agree to accept the amendment of the gentleman from Kansas, because I assume that since he has offered it he will see that it comes back from conference in the bill and will not strike it out in conference as the conferees undertook to do a year ago when the Committee on Appropriations agreed with the Senate conferees to take it out of the bill after the House had adopted it. What did the subcommittee do this year? After the House a year ago had put this amendment into the appropriation bill the subcommittee on the Army appropriation bill deliberately reported the bill to the House with that clause stricken out. Some gentlemen are not at heart in favor of this proposition. If the gentleman from Kansas will agree to my amendment by adding the word "hereafter" and make this permanent law I will agree to his amendment. The gentleman says the Army is not getting recruits. Why, here is a clipping from a newspaper quoting The Adjutant General of the Army as saying that recruiting in the Army under this very amendment is increasing, and that by the 1st of July the Army will have all the men that are authorized under the law to be recruited.

I want to read you a letter that I received from a woman about this very matter:

MARCH 22, 1924.

Representative CONNALLY,

Washington, D. C.

DEAR SIR: Our daily paper, the Muncie Star, gives a paragraph to your bill which bars boys under 21 from enlisting in the Navy. I wish, as a mother who has suffered from the present law, to heartily commend your action.

Our boy was pursued, apparently, by recruiting officers for several years before he was 18, and was induced, without our knowledge, to enlist on his eighteenth birthday. He has had a home way above the average and every advantage parents of moderate means give their children, but he resented our desire to give him an education which would fit him for real independence.

The advantages and possibilities of the Navy were, to say the least, misrepresented to him, as we knew when it was too late. After a year he realizes this and is bitterly and desperately repentant. We are trying to have him released that he may finish his high-school course and go to college. But "red tape" makes it a slow and discouraging process. As he has had quite a remarkable record for several years in

military leadership, he is the type they want for officers, so I question if he will be released. If not, I dare not think of what his future may be, knowing, as I do, how unhappy he is.

I am, I trust, a loyal citizen, but I can not understand the fairness which permits the Government in peace time to secretly take our boys, upon whom we parents have spent so much of care and time and money. If in manhood they make such choices, that is their own affair. But in the years when they are legally minors have we parents no rights?

Please pardon me if I have taken more of your time than seems reasonable.

Yours truly,

BOWENA N. HUFFER.

Mr. Chairman, the gentleman from Kansas [Mr. ANTHONY] puts his objections to my amendment on a purely money basis. I know that the Appropriation Committee becomes somewhat filled with ideas of money and figures. I know that dealing with money and appropriations so long their mental attitude looks out through the dollar, but in the name of all that is good, have we got to measure everything by the yardstick of the gold dollar? Are not the boys and their future worth anything? Are not the homes of the Nation worth anything? I submit that we ought to adopt the amendment by adding the word "hereafter" and make it permanent law. If you will do that I am willing to accept the amendment of the gentleman from Kansas. [Applause.]

Mr. GRIFFIN. Mr. Chairman, I rise to oppose the amendment. If I had my way I would turn the amendment the other way around, so as to prohibit the enlistment of men over 21 years of age and would encourage their enlistment under 21. [Applause.] What is needed most is a law to induce men over the age of 21 years to go out and produce. Grown-up men ought to be usefully employed in producing things necessary for the country and not be engaged in boys' play. War is a boys' game. Why, during the Civil War the bulk of the armies were composed of mere boys. In the Federal Army alone there were 2,159,798 soldiers under 21 years of age. The boys have done and always will do the fighting. They are at the age of romance; they are fired with enthusiasm; they have read the lives of Washington, Napoleon, Alexander, and other great heroes, and, being in the proper mental attitude, that is just the time for them to receive military training.

I have absolutely no sympathy with this whining about the service of boys in the Army. I have had hundreds of whining letters such as that which the gentleman from Texas read and almost shed tears over. Of course, they all think their boys are led astray by some other bad boys and the parents of the "bad" boys think their sons are the ones who have been misled.

But what I object most to is that they all think that the American Army and the American Navy are not good enough for their sons. In that case their boys ought to be spanked and kicked out of the service [applause] instead of amending the law in a way which practically concedes their unfounded aspersions to be true.

SOME BOYS WHO WERE NOT SPOILED.

Many of the ablest men who have distinguished themselves in our Army and Navy, you will find, joined the service when they were under 21 years of age. I could name a hundred famous men in history who went into the service under 21 years of age. Take the case of Washington, the Father of His Country, who, after three years of service as a public surveyor, was made adjutant general of the Colony of Virginia at the age of 19. At 21 he led a dangerous expedition to explore the source of the Ohio River and took part in an arduous military reconnaissance. At 22 he led the expedition which resulted in the capture of Fort Necessity.

Under the leave to extend accorded me, I will run through a merely casual list of great men in history who began their military careers at ages which, in the present effete and decadent period which we seem to be entering, would never have had the opportunity for great service and would probably have died in obscurity. If they were living to-day they would not be able to join the American Army or Navy. Their mammas would not let them!

Commodore Stephen B. Decatur entered the Navy in 1778 at the age of 18 years; served on the United States frigate *Constellation* and participated in the naval combats resulting in the capture of the French frigates, *l'Insurgente* and *La Vengeance*.

Capt. James Lawrence, who, mortally wounded, gave utterance to the Spartan exclamation, "Don't give up the ship," entered the Navy in 1798 at the age of 18.

Capt. Oliver Hazard Perry, who sent the imperishable and terse report of the victory over the British fleet on Lake Erie, "We have met the enemy and they are ours," went to sea at the age of 14 and entered the United States Navy at 17.

Commodore John Barry, the first commander of the United States Navy, went to sea at 14 and commanded his own ship at 20.

Capt. John Paul Jones, the hero of many naval battles in the Revolutionary War, who when his ship, badly battered, was sinking under him was asked by the captain of the *Scrapia* to surrender, returned the sturdy reply, "Not by a damned sight; I've only begun to fight"—well, this hero was apprenticed on board a merchantman at the age of 12. At 17 he was made second mate, at 18 first mate, and at 21 was in command of his own ship.

Admiral Horatio Nelson, the hero of the Battle of Trafalgar, entered the British Navy at 12, accompanied Captain Phipps on his Arctic expedition at 15, fought in battles in the West Indies at 17, became a lieutenant at 19, and a captain at 21.

Commodore Edward Preble embarked as a seaman on an American fighting privateer in 1777 at the age of 16. At 19 he was made a midshipman.

Capt. David Porter went to sea on a merchantman at 14; made a midshipman at 18; and was on the United States frigate *Constellation* in her battle with the French frigates *L'Insurgente* and *La Vengeance*. Was wounded in a battle with the pirates on the coast of Santo Domingo at the age of 20, and took part in the war with the Barbary pirates while only 21.

Gen. Richard Montgomery, who died in the assault on Quebec during our Revolutionary War, had received, like General Gates, his training in the English Army, which he entered at the age of 18.

Gen. Daniel Morgan, the hero of the Battle of Cowpens, one of the greatest victories of the Revolutionary War, in which he defeated the redoubtable British cavalry leader General Tarleton, joined General Braddock's unfortunate expedition as a wagoner when only 19.

Gen. Andrew Jackson (Old Hickory), seventh President of the United States, joined the Revolutionary Army in 1780 at the age of 13 and fought with General Gates at Camden.

Gen. William Henry Harrison (Old Tippecanoe), ninth President of the United States, entered the Army at the age of 18 and fought under Gen. Anthony Wayne against the Indians when only 19.

Admiral David Glasgow Farragut, the hero of the naval battle at New Orleans, who, in the battle at the entrance to Mobile Bay, when he lashed himself to the mast, damned the torpedoes, and sailed triumphantly through a hail of fire, joined the Navy as a mere stripling at 9 years of age. At 12 he was intrusted with the command of a captured ship. At 18 became acting lieutenant, and took part in the naval encounter with the pirates of the West Indies at only 19.

Gen. James Wolfe, who won Canada for Great Britain by his famous defeat of Montcalm at Quebec, entered the army at the age of 15. He participated in the battles of the War of the Austrian Succession, in the Scottish rebellion of 1745, and took a brave part in the famous Battle of Culloden in 1746, when he was only 20 years old. He commanded a regiment at the age of 23.

These are only a few combings from American and English history. To go back to the Middle Ages and to ancient times would net hundreds of examples of virile and intelligent youths who owed their manhood to their early training in defense of their respective native lands.

At 16 Alexander the Great was man enough to take command of his father's army and quell a rising of the hill tribes. At 20 he succeeded to the crown of Macedonia and began the career of conquest which made his name historic.

Can you imagine any of these heroes importuning their parents to get them out of the army? They had too much stamina and grit.

MILITARY TRAINING A DUTY.

Every citizen ought to be a soldier—that is, he owes it as a duty to his country to know how to defend it against attack. That duty is just as essential as serving on a jury or acting as a witness in court to tell the truth and uphold justice. The time to learn the military responsibilities of a good citizen is just before those duties are assumed; in other words, during minority. It is then that the service of the individual can best be spared from the obligations of productive activity. He rarely has marital obligations or marital thoughts before 21; his mind and body are in the creative, formative state, and he is amenable to training, both mental and physical. Military training cultivates the habits of order, precision, regularity, and promptness, and increases efficiency in every task and in every situation with which the citizen may be confronted in civil life.

This Nation will not be worth preserving the moment the insidious poison penetrates the public mind that our Army and Navy are not fit moral fields for the training of our youth. If

there is anything wrong with the system in either the Army or the Navy, the remedy is to ascertain and correct the faults. Not, as we are asked to do by this amendment, give encouragement to the slander and practically invite timid parents to draw their boys away from the service, thus choking their ambition and the longing for the sea or military glamor which have constituted the rightful heritage of every red-blooded boy from the beginning of history.

In all earnestness I say to you that if we do not stop this coddling and humoring of the youth of our country we are going to raise up a race of weaklings. We want men in this country, and we should not encourage sentiments that would take ambition and the fire of patriotism and loyalty out of boys who want to go into the Army or the Navy—aye, even against their parents' consent. That consent should not be asked. The country has the right to their service, just as it has the right to the service of their fathers for jury duty. It is a part of the responsibilities of nationhood. We have the right to protect ourselves from without as well as within our borders. We compel children to go to school up to a certain age. The Nation has the right to say when schooling should end and military training should begin; but in any event, however this may be viewed, the perfectly lawful ambition of our American boys to amount to something in the world should not be thwarted by too much solicitude or too much coddling. They ought to be encouraged to do something for their country even in the days of their youth. [Applause.]

Mr. BLANTON. Mr. Chairman, I move to strike out the last two words, merely to get the floor. The gentleman from New York [Mr. GRIFFIN] is awfully willing to vote somebody else's 18-year-old boy into the Army when he would not have his own boy 18 years of age enlist there in peace times for anything. Has the gentleman got any boys under 21?

Mr. OLIVER of New York. I will say to the gentleman—

Mr. BLANTON. Oh, I am not asking the gentleman from New York, Mr. OLIVER, but I am asking the other gentleman from New York, Mr. GRIFFIN, who spoke. Has he any boys under 21 years of age that in peace times he wants to put into the Army? No; he has not; but he wants to get up here and speak about forcing some other man's son under 21 years of age going into the Army. [Applause.] I ask any other gentleman on this floor: Get up here and show me how you look if you have a boy under 21 that you want to go into the Army now, in days of peace.

Mr. SPROUL of Illinois. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Has the gentleman from Illinois got any?

Mr. SPROUL of Illinois. I have seven grandsons, one of them 14 years of age, and if they want to go into the Army I will help them get there.

Mr. BLANTON. Oh, I am talking to fathers now relative to their own sons. I again submit the question: Is there any Congressman here who has a boy 18 years of age or under 21 that he recommends to go into the Army now, in time of peace?

Mr. ANTHONY. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. ANTHONY. Right here sitting by my side is my colleague the gentleman from Wisconsin [Mr. FREAR], who went into the Army as a boy, and it made a man out of him.

Mr. FREAR. And I am with the gentleman on the other side, Mr. CONNALLY, and am for his amendment, unless this amendment is agreed to.

Mr. BLANTON. Yes; he is.

Mr. FREAR. I know from experience.

Mr. BLANTON. The distinguished gentleman from Wisconsin knows from experience that in peace time the Army is no place for a young boy, and I want to clinch that nail right here. When I asked any Member to get up here and show himself, so that we might see how he looked, if he had a boy 18 years of age that he wanted to go into the Army in peace time, the gentleman from Kansas [Mr. ANTHONY], nearly 7 feet high, who himself did not have any young boys of his own whom he wanted to put in, picked out the distinguished gentleman from Wisconsin [Mr. FREAR] as an exhibit, and said that he was a living example because he went in as a boy; and what did the gentleman from Wisconsin say? Mr. FREAR gets up and says that he does not want any other young boys to go in the Army in peace times, because he had enough when he was in there, and that he is for the Connally amendment. Does not that clinch the proposition?

The law of every State in this Union says that the contract of a boy is not good until he is 21 years of age. The laws permit him to go into the courts and get such contracts aside when he makes a contract of that kind in respect to his civil or property rights when he is under 21 years. Every State in

this Union gives these boys to their parents until they become 21 years of age, and we ought not to take them away for service in the Army during peace time, and the amendment should be adopted.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. ANTHONY. Mr. Chairman, in response to the question of the gentleman from Texas [Mr. CONNALLY], for my part I am entirely willing to accept his amendment to my proposed amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas to the amendment offered by the gentleman from Kansas.

The amendment to the amendment was agreed to.

The CHAIRMAN. The question now recurs upon the substitute offered by the gentleman from Kansas, as amended.

Mr. DYER. Mr. Chairman, I ask unanimous consent that it may be again reported as amended.

The CHAIRMAN. Without objection, it will be so reported. There was no objection, and the Clerk read as follows:

Substitute offered by Mr. ANTHONY for the amendment offered by Mr. CONNALLY of Texas: "Provided, That hereafter the Secretary of War shall discharge from the Army with the formal discharge certificate and the travelling and other allowances to which his service after enlistment shall entitle him any enlisted man under the age of 21 years on the application of either of his parents or legal guardian, if such enlisted man was enlisted without the written consent of one of his parents or his legal guardian."

Mr. WEFALD. Mr. Chairman, I move to strike out the last word. This is one of the few days during the session of the Congress when the mothers of this Nation have a right to speak through us as their representatives, and I am in favor of this amendment. I am not going to detain you very long, but I have some letters here that I want to read into the Record because those letters will show clearer than anything that has been said why so many mothers in this country are in favor of legislation such as will be embodied in this amendment. For one, I am indeed surprised to find that the reactionaries who have been speaking to us here to-day, who want no limitation placed upon enlistments, are men who have not been men enough to raise boys of their own. It is irony to hear such men talk about enfeebling boys and spoiling them; those who have not raised boys of their own have never come in real contact with a boy's soul and can not know which are the critical years in that soul's development. A father knows but the mother knows much better.

I am not here to oppose enlistments. I have raised boys, and if my boy should want to enlist, as far as I am concerned, I shall make no objection, but I know how my wife would feel if he should run away from home before he is 18 or before he is 21 years of age. I have three letters here sent me from a constituent of mine and by the permission of the committee I should like to have the Clerk read them. They will show you why some mothers do not like to have their boys go into the Army and Navy.

The CHAIRMAN. Without objection, the Clerk will read the letters.

There was no objection.

The Clerk read as follows:

—, MINN., January 9, 1924.

To Congressman KNUD WEFALD,

Washington, D. C.

DEAR SIR: Am inclosing two letters from a young fellow who ran away from home and finally joined the United States Navy. This young person was always trying to chum with one of my boys, and after I had found these letters I am determined to have his way of living reported. He coaxed my boy away from home last summer, but they missed each other and my boy got work until school opened; the other one went to Great Lakes.

I am surprised that the sailors are allowed such wild times and I am sorry that such immoral men like him and others can hide inside a naval uniform. It is no wonder that boys who come from our good homes and are clean and good will desert the Navy when they are thrown into such companionship. I knew a young man of the finest moral character who voluntarily joined the Navy but who said he would rather be shot than stay, because of the vulgar element that existed. Our country can not afford to allow such things to go on and the sooner it is stopped the better.

Whether a man wears the Army or the Navy uniform he should honor it instead of disgracing it, and that can be stopped when they stop picking up all the trash around the country.

Very sincerely yours,

Mrs. ————

—, Minn.

Mr. WEFALD. The next letter written by a young man in the Navy to the lady's son speaks for itself and shows plainly why this lady is in fear that her son may get away from her and drift into surroundings that she would abhor to think that he was in.

[The Clerk read the letter. It will not appear in the Record.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. WEFALD. Mr. Chairman, I ask for two minutes more in order that the remainder of the second letter may be read.

Mr. ANTHONY. I shall not object to that, but I shall ask that all debate on the amendment and substitute therefor close at the end of that time. Mr. Chairman, I move that all debate close at the end of the time requested by the gentleman.

Mr. MADDEN. Mr. Chairman, I move to strike out the last letter from the Record. I do not think it should go in the Record.

The CHAIRMAN. The Chair thinks that must be done in the House.

Mr. MADDEN. The last letter ought not to go in the Record.

Mr. LAGUARDIA. Take it out.

Mr. MADDEN. I hope the gentleman will ask unanimous consent to take it out.

Mr. WEFALD. I shall be pleased to do so, and I ask leave to revise and extend my remarks.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to revise and extend his remarks and asks to expunge the last letter read. Is there objection?

Mr. MADDEN. I reserve the right to object to the extension until I ascertain whether the gentleman will take this letter out of the Record.

The CHAIRMAN. The Chair so stated. The Chair hears none.

Mr. MADDEN. But the gentleman did not state it. I have no objection if that is taken out.

Mr. WEFALD. The while I am a Member of this House I shall always try to conduct myself so that I never shall even violate the spirit of the rules of the House and always keep within the bounds of decency, so if this letter shocks the prudish notions of correctness of anyone here it had better not go into the records, although I am sure that in elite Washingtonian society—from what I have heard—it would cause no woman in decolette costume to blush in the least. In this letter the young man that has enlisted tells his chum at home something about the realization of the adventures that the posters advertising advantage and romance awaiting those who enlist in the Army and Navy so luridly set out.

The mother that sent me the letter has a boy that is yet in school. The Navy lad writes his friend at home, asking him how he likes school; "I hope you like it as well as I like the Navy; if you do, I am sure that you make a better success than I did in school." I am sure that even those gentlemen that are willing to let all the boys in the country, regardless of whether they are only 16 years of age and whether or not they have their parents' consent to enlist, do so, because they themselves have no boys to worry about will admit that a mother like the one that writes me shall at least feel secure that her boy may finish school before he leaves home. If we pass the amendment before us, she can feel sure that her wishes must be respected.

There certainly must be enough of adventuresome boys in this great country who can obtain their parents' consent to enlist, if the military life is such a great life to lead as many people think it is, that mothers who have scruples over their boys going into such surroundings should not be forced to make such a sacrifice in times of peace. I think that neither the Army or Navy should wish to rob the public schools of what justly belongs to them. The representatives of the people in Congress should not throw any halo around either Army or Navy that there is no just ground for. We do not maintain them for either pleasure or glory; they are maintained as fighting machines that you may have to use in time of need; but no mother can contemplate with joy or comfort the thought that her boy is taken away from school in the formative years for both soul and intellect and put into training that will train only the brutal animal fighting instinct, as is clearly shown from a paragraph of another letter from the same lad, where with boyish pride he says:

I am getting much taller and broader and I have to be able to handle me dukes much better than in civilian life; when you are in the Navy it seems as though you just want to fight all the time; some one is always fighting.

Yes; some one is always fighting. Yet I am sure that many much worthier fights in life can be fought by boys whose

mothers have dreamed of greater careers for them than drinking and rushing girls that are strangers to them, enticing as that is for red-blooded boys cut loose from childhood's moorings. I maintain that the State has no right to break a mother's heart.

We have some rules governing discharge on account of minority or dependent family, also a method of discharge by purchase, but when you come to try and help to get some one out of the Army or Navy you find there are so many exceptions to the rule that it is about impossible to effect a discharge. A poor man can not buy a discharge, it can not be obtained until after one year of service—by purchase—and then it will cost all the way from \$120 to \$170 after one year's service, according to where a person is stationed, running down to \$30 to \$90 after two years' service. There is hardly a farmer in the Northwest that could afford such an outlay to-day to get a young boy, that had got into the service wrongly, out again. I have got two or three such cases on my hands and it is a hopeless task, but this amendment, if passed, may help some.

We are not now engaged in war. We should now train our young boys for peace. There is no special call for youth now away from school and good home influence. There is no fighting to do now except to clean up corruption in high places and to gather together the remnants of democracy we fought for in the late war. Now is the time that youth should take part in this and not only in the development of the animal in themselves. Let us set no snares in the path of youth.

Mr. OLIVER of New York. Before the gentleman makes his motion may I ask unanimous consent to extend my remarks in the Record in favor of this amendment?

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the Record on this bill.

The gentleman from New York [Mr. GRIFFIN] also asks unanimous consent to extend his remarks, also the gentleman from Missouri [Mr. LOZIER]. Is there objection to these requests? [After a pause.] The Chair hears none. Does the gentleman from Kansas desire to make a motion?

Mr. ANTHONY. No.

The CHAIRMAN. The question recurs on the amendment of the gentleman from Kansas offered in the way of a substitute to the original amendment offered by the gentleman from Texas [Mr. CONNALLY].

The question was taken, and the substitute was agreed to.

The CHAIRMAN. The question is upon the original amendment as modified by the substitute.

The question was taken, and the amendment was agreed to.

Mr. BROWNE of New Jersey. Mr. Chairman, I have an amendment to this paragraph in this bill. Is it in order now?

The CHAIRMAN. Yes; the gentleman from New Jersey offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BROWNE of New Jersey: Page 9, line 4, after the figures "\$30,338,000," substitute a period for the colon and strike out the word, "Provided, That no part of this sum shall be paid to Maj. Charles C. Cresson, United States Army."

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. NELSON of Maine, having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. CROCKETT, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 7440) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1924, and prior years, to provide supplemental appropriations for the fiscal year ending June 30, 1924, and for other purposes, disagreed to by the House of Representatives, and had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. WARREN, Mr. CURTIS, and Mr. OVERMAN as the conferees on the part of the Senate.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested.

S. 225. An act to extend the benefits of the United States employees compensation act of September 7, 1916, to Edward N. McCarty.

ARMY APPROPRIATION BILL.

The committee resumed its session.

Mr. BROWNE of New Jersey. Mr. Chairman and members of the committee—

Mr. ANTHONY. Mr. Chairman, there will probably be time asked on this amendment, and I ask unanimous consent—

The CHAIRMAN. Does the gentleman from New Jersey yield; he has the floor?

Mr. BROWNE of New Jersey. I yield.

Mr. ANTHONY. I would like to ask if the gentleman from Kentucky [Mr. JOHNSON] is on the floor; if not, I ask unanimous consent that debate on this amendment offered by the gentleman who now has the floor be limited to one hour, half of that time to be controlled by the gentleman from Kentucky [Mr. JOHNSON] and half of that time by myself.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that debate on this amendment offered by the gentleman from New Jersey be limited to one hour, one-half of that time to be controlled by the gentleman from Kentucky [Mr. JOHNSON] and half by himself. Is there objection?

Mr. McKEOWN. Mr. Chairman, reserving the right to object, will gentlemen opposed to the proviso be granted time under that arrangement or will gentlemen both in favor of it control time.

Mr. ANTHONY. I will say that the gentleman from Kentucky is in favor of the language in the bill. If I control half of the time I shall grant time to gentlemen who are opposed to the provision in the bill.

Mr. McKEOWN. I just wanted to know if there was some one who would grant time to those who are opposed to this provision?

Mr. ANTHONY. That would be my purpose, to grant time to those opposed to it.

The CHAIRMAN. Is there objection?

Mr. LaGUARDIA. Mr. Chairman, reserving the right to object, I would like to ask if that includes time on the Hunt proviso?

Mr. ANTHONY. It does not.

Mr. LaGUARDIA. That will be taken up later.

Mr. ANTHONY. Yes.

Mr. JOHNSON of Kentucky. Mr. Chairman, reserving the right to object, I would like to ask the gentleman from Kansas to state his unanimous-consent request. Does it relate to the two propositions, Cresson and Hunt?

Mr. ANTHONY. It only refers to the case of Major Cresson. One hour's debate on the amendment which is now before the committee, half of that time to be controlled by the gentleman from Kentucky in favor of the language of the bill and half to be controlled by myself, opposed to it.

Mr. JOHNSON of Kentucky. Then what would be the limit of debate on the matter almost similar, that of Hunt, which comes later?

Mr. ANTHONY. I propose when we reach that to ask time for debate with a similar limit of one hour.

Mr. JOHNSON of Kentucky. Why not make the request now?

Mr. HASTINGS. Will the gentleman yield to me?

Mr. ANTHONY. I have not time—

Mr. HASTINGS. Reserving the right to object, Mr. Chairman, it seems to me this is too long a time. Here we have under consideration a great appropriation bill. A few days ago we had under consideration the adjusted compensation bill which affected some four million six hundred thousand or seven hundred thousand ex-service men. We were allowed 20 minutes on a side to discuss that adjusted compensation bill, yet we will be taking up the time of this House for two hours to discuss this question. It seems to me that people ought to be able to understand it without that much discussion.

A MEMBER. Regular order!

Mr. HASTINGS. Then I object. I was about through. If we can not have a little courtesy here, we will have the regular order all right.

The CHAIRMAN. The gentleman from New Jersey [Mr. BROWNE] is recognized.

Mr. BROWNE of New Jersey. Mr. Chairman, it seems to me that this provision in the appropriation bill is unusual, if not unique, in that it discriminates against an officer of the United States Army, against whom no charges have been preferred and who is not under indictment or upon trial for any cause.

I have known personally Maj. Charles C. Cresson for upward of 30 years; and during that time I have never heard his character assailed nor his integrity questioned. The purpose of this provision of the bill, which I ask removed, is not stated in the bill, but I am informed that it is to have this major's pay cut off on account of supposed laxity in the prosecution of a court-martial in which he was judge advocate. It would serve no purpose to discuss here the procedures in this particular court-martial; it is probable that no trial is ever conducted to the satisfaction of all parties concerned or of those who inject their interest later.

I am not sufficiently advised of the jurisdiction of the House of Representatives, but it seems to me to be a dangerous precedent for the Congress to "expropriate" the pay of a public

servant, whether in the Army or Navy or any other department, because certain persons are not satisfied with a specific performance of duty.

Mr. McKEOWN. Mr. Chairman, will the gentleman yield?

Mr. BROWNE of New Jersey. In a moment.

Major Cresson should either be in the Army with full pay or out of it with no pay. [Applause.] It seems to me to be a remarkable, if not an undignified, procedure for this House to acknowledge the right of this officer to remain in the Army and then attempt to render his position untenable by passing a bill specifically denying him his proper pay. [Applause.] For this reason I offer this amendment.

Mr. McKEOWN. Has any measure or any bill been introduced in the Congress to recommend some kind of a trial or to make some charge against this man?

Mr. BROWNE of New Jersey. I have not heard of any. I have not heard that Major Cresson is charged with anything at all.

Mr. McKEOWN. Does the gentleman know whether legislation is contemplated to take action of this kind?

Mr. BROWNE of New Jersey. No. I am sure there is not.

Mr. BOYLAN. Mr. Chairman, will the gentleman yield?

Mr. BROWNE of New Jersey. Yes.

Mr. BOYLAN. I will ask the gentleman from New Jersey if he is defending Major Cresson for any personal or political reasons?

Mr. BROWNE of New Jersey. I will say to the gentleman from New York—and I will apologize to the House in that I do not consider myself as partisan as is traditional or customary here—I do not know the political affiliations of Major Cresson, nor do I care. Of course, the matter was brought to my attention on account of my personal friendship for Major Cresson, but I am not defending him for that reason.

As a matter of fact, I am not defending him at all, because there is no charge made against him. What I am attempting to do is to prevent the House from assuming a ridiculous position in acknowledging that an officer is entitled to his commission but not to his pay.

I yield to the gentleman from New York [Mr. STENGLE] the remainder of my time.

The CHAIRMAN. The time is not in the gentleman's control. It is in the control of the gentleman from Kansas [Mr. ANTHONY] and the gentleman from Kentucky [Mr. JOHNSON].

Mr. DYER. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. DYER. Do I understand the Chair to state that there was an agreement as to the allotment of time? I understand some one objected.

The CHAIRMAN. The Chair stands corrected. The gentleman from New Jersey has one minute remaining.

Mr. McKENZIE. Mr. Chairman, will the gentleman yield?

Mr. BROWNE of New Jersey. Yes.

Mr. McKENZIE. We have heard a good deal this morning about legislation by limitation. Is not this an attempt to legislate by confiscation?

Mr. BROWNE of New Jersey. I think this is an attempt to condemn a gentleman who has not been heard, who has no accusation lodged against him, and who is not under trial.

Mr. NEWTON of Minnesota. Without a trial of any kind.

Mr. BROWNE of New Jersey. Yes. Mr. Chairman, I ask unanimous consent to revise and extend or curtail my remarks in the RECORD.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. STENGLE. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. STENGLE. Mr. Chairman and colleagues, the personality of Major Cresson has nothing whatever to do with what I am about to say, for I have no personal acquaintance with the gentleman and know nothing about his antecedents, and have nothing to say concerning the Army record or his connection with the Bergdoll case or any other case. But to my mind there is involved in this particular amendment and the paragraph to which it has been offered a principle that is more important than Major Cresson [applause]; a principle that is more important to this House and to the people of this country than the Bergdoll case; a principle which, if enacted into law, would open wide the door of opportunity to strike from the appropriations of this Congress any individual in any department, in any position under the Government, who happened per se not to meet with the favor of some particular committee of this House. It is for that reason largely, if not alone, that I have asked for a

few minutes of your time in which to ask you to discuss among yourselves and to decide a principle for yourselves, not the guilt or innocence of Major Cresson, who, if he be guilty of any charge whatever, is amenable to a court-martial in the War Department and not amenable to this House directly. The principle involved is that we may here and now by voice and vote strike from the pay roll of the Army or the Navy or the Supreme Court—yes, or this very House—any individual who happens not to meet with our approval because of something that happened that we do not like. It is for this reason that I have risen to ask you to join with me in support of this amendment, to strike out these things, and make our appropriation bills what they ought to be, and what the chairman this morning contended so strenuously they must be, and that is the appropriation of funds for specific purposes, and not the slaughter of a major in the Army for personal reasons. [Applause.]

Mr. Chairman, I ask permission to insert as a part of my remarks a letter which has been addressed to me by Mr. Hiram C. Todd, of New York City, who is a "buddy" of Major Cresson.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

Mr. JOHNSON of Kentucky. As it seems to be the deliberate purpose of this House not to punish a betrayal of the flag of the Nation, I object.

Mr. STENGLE. Mr. Chairman, if I have the time, I will read it into the RECORD.

The CHAIRMAN. The gentleman has one minute remaining.

Mr. STENGLE (reading)—

As a friend and comrade of Maj. Charles C. Cresson I address you. We served together in the Thirteenth Division during the World War, and I write this letter with the heart-deep desire to help right a grievous wrong that has been done to my "buddy." This is not a request for political aid but an appeal for fair treatment of a soldier who has served his country so well as to deserve the praise of Congress instead of its censure.

Cresson, who is still in the service as a major—judge advocate—has been treated outrageously by a provision in the Army appropriation bill stopping his pay. I am informed that this objectionable provision was placed in the bill by Congressman BEN JOHNSON, who was the author of a majority report by the Bergdoll investigating committee. This report charges Cresson with willfully failing, as trial judge advocate, to properly conduct the prosecution of Col. J. E. Hunt before an Army court-martial, Colonel Hunt having been charged with neglect of duty in failing to take proper precautions against the escape of Bergdoll, the notorious draft evader.

And, gentlemen, without taking further time to read, attached hereto is the copy of a letter from Major General Bullard, who—

Mr. JOHNSON of Kentucky. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. JOHNSON of Kentucky. My point of order is that the time of the gentleman has expired.

The CHAIRMAN. The point of order is overruled.

Mr. STENGLE. Attached to this letter is a copy of a letter from Maj. Gen. R. L. Bullard, of New York, which supports the statements contained in the letter of Hiram C. Todd. [Applause.]

The CHAIRMAN. The gentleman from Texas [Mr. WURZBACH] is recognized.

Mr. WURZBACH. Mr. Chairman, I ask unanimous consent to extend and revise my remarks in the RECORD.

Mr. JOHNSON of Kentucky. I object. If the other side of this question can not be heard, I must object to the presentation of only one side.

Mr. WURZBACH. I want to state that when I discussed this proviso last Saturday under general debate it was understood, and so stated on the floor of this House, that I would be given 20 minutes to discuss it under the 5-minute rule.

Mr. HASTINGS. Will the gentleman yield in order that I may explain the objection I urged. I objected a while ago because I was objected to over on the other side. I have no objection myself to any reasonable length of time, and I did not know what the matter was until a few minutes ago.

Mr. WURZBACH. I was in great hopes that I would be permitted to give Charlie Cresson—and I love to refer to him as "Charlie" rather than as Maj. Charles C. Cresson—the one opportunity which is presented to-day to give him a fair defense against the charges that were made in the report that was prepared by the gentleman from Kentucky [Mr. JOHNSON], and I think in all fairness this committee ought to permit a fair presentation of his case.

Charlie Cresson volunteered in the World War; he offered his services "to make the world safe for democracy," and the Appropriations Committee, and now this committee, proposes to take away from him—one of these volunteers, a soldier of this great Republic in the last war—the very privilege which our own democracy affords the humblest citizen in this land. You are proposing to take away from him, under this proviso, his right to the salary to which he is entitled under the law, you are proposing to put a stain upon his good name, and this without the pretense of ever having permitted him any sort of trial or hearing.

There has never been in the history of this country, from the beginning until now, so revolutionary a proposition presented as is presented in this proviso. Why, gentlemen on the Republican side, myself included, have criticized the investigations which are being held on the Senate side of the Capitol, claiming that matters are investigated that ought not to be investigated.

Mr. DYER. Will the gentleman yield?

Mr. WURZBACH. I can not. But we find that it is being now proposed to take away from a World War volunteer, now in the service of the United States, his right to be heard in his own defense. The investigation committees of the Senate do not go so far as to deny a man the right to appear and testify in his own behalf, but in this particular case Charles C. Cresson has had no chance to appear before the congressional committees of the House in 1921, and has had no opportunity to appear before the Appropriations Committee or any subcommittee thereof.

Mr. Chairman, I wanted to supplement to-day the remarks I made on last Saturday. Of course, I know it will be impossible for me to do that if an objection is made to the unanimous-consent request I am going to make. I could not possibly go into it in the short time available under the five-minute rule, but I hope, and I think I have the right to expect, that under the peculiar circumstances surrounding this case time will be granted me to present at least a partial defense of Maj. Charles C. Cresson.

I make the statement, and I will support it if I am given as much as 20 minutes to-day, that the report which was filed in this House by the congressional committee in 1921 is not supported by the court-martial proceedings.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WURZBACH. Mr. Chairman, I ask unanimous consent to proceed for 20 minutes.

Mr. HUDSPETH. Mr. Chairman, I ask unanimous consent that my colleague may proceed for 15 minutes.

Mr. JOHNSON of Kentucky. I object, Mr. Chairman.

Mr. TUCKER. Mr. Chairman—

Mr. WURZBACH. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for 10 minutes. Is there objection?

Mr. JOHNSON of Kentucky. I object.

Mr. GRIFFIN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GRIFFIN. I would like to ascertain the legislative situation which prevents the coupling of the request of the gentleman from Texas with a similar request of the gentleman from Kentucky. The gentleman from Kentucky charges he has been unable to present his side, and I suggest that as much time as each of them may require be granted to them by the committee.

Mr. WURZBACH. Will the gentleman yield to me?

Mr. GRIFFIN. Yea.

Mr. WURZBACH. The gentleman from Kentucky came over to my side of the floor a short while ago and suggested that each one of us have 20 minutes' time.

Mr. JOHNSON of Kentucky. The gentleman is mistaken about that, because the agreement had been all along that I was to have an hour.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WURZBACH. Mr. Chairman, I ask unanimous consent that I may be permitted to proceed for five minutes.

Mr. BANKHEAD. Mr. Chairman, I want to prefer a unanimous-consent request.

The CHAIRMAN. The gentleman from Texas [Mr. WURZBACH] was seeking to propound a unanimous-consent request.

Mr. BANKHEAD. I understood it had been objected to.

Mr. WURZBACH. I ask unanimous consent, Mr. Chairman, to proceed for five minutes.

Mr. JOHNSON of Kentucky. I object.

The CHAIRMAN. The gentleman from Virginia is recognized.

Mr. HILL of Maryland. Mr. Chairman, I ask recognition.

The CHAIRMAN. The gentleman from Virginia has been recognized.

Mr. TUCKER. Mr. Chairman and gentlemen, I know nothing in the world about this case or about this officer. I do not know his name, but this is certainly one of the most remarkable propositions, I think, that ever was presented to this House. The legislative power of this Congress, Mr. Chairman, is practically unlimited, and yet there is a limitation upon it, for the Constitution declares that no bill of attainder shall be passed.

Mr. BLANTON. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. DYER. Mr. Chairman, I make the point of order that the gentleman can not be taken off of the floor in that way.

Mr. BLANTON. I am going to make a proper point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. BLANTON. I make the point of order, Mr. Chairman, that under the rules of debate which govern this committee on every proposition those both for and against the proposition are entitled to recognition. This is the fourth gentleman who has been recognized successively by the Chair, the gentleman from New Jersey [Mr. BROWN], the gentleman from New York [Mr. STENGLE], the gentleman from Texas [Mr. WURZBACH], and the gentleman from Virginia [Mr. TUCKER].

The CHAIRMAN. That is not a proper point of order and the Chair will state that anyone seeking recognition who indicates that he wishes to speak in opposition to the preceding speaker will get the preference from the Chair.

Mr. BLANTON. There have been several of us—

The CHAIRMAN. No such person has arisen.

Mr. TUCKER. Mr. Chairman, I am perfectly willing to yield the floor until a later hour, because I am really anxious to know upon what ground this proposition can be maintained.

The Constitution declares specifically that no bill of attainder can be passed. What is a bill of attainder? It is a legislative act prescribing punishment without judicial trial. [Applause.] This man may be as guilty as Judas Iscariot, but he is entitled to a trial. Why, gentlemen, the hornbooks teach this doctrine so plainly and simply that I really was anxious to have this matter discussed on the other side before I appeared.

This is no new proposition. The two old cases of *Ex parte Garland* and *Cummings* against Missouri, both in fourth Wallace, United States Report, followed by innumerable cases, hold that you can not by a legislative act punish a man without a judicial trial.

Gentlemen sometimes wonder why we have a Constitution, and laugh at it. Thank God, we have written that principle in the Constitution of my country. [Applause.]

When the Civil War was over, and the passions of men ran high, Augustus H. Garland appeared before the Supreme Court to practice law, and they would not allow him because Congress in those days had passed a law that no man who would not or could not come forward and swear that he had sympathized with the Government and had taken no part in the rebellion, so called, could practice law. What did that great tribunal say? It is one of the things that gives me a great opinion of that court that in those days, when reason was dethroned by reason of passions that grew out of that war, they said, in effect, "Come along, Augustus, that is a bill of attainder; that is punishing you by taking away from you the right to make a living by practicing law. It can not be done without giving you a trial."

And a good old Baptist preacher out in Missouri named Cummings wanted to continue to convert those wicked people in Missouri, after the war, and they said he could not do it unless he could swear that he had not sympathized with the rebellion during the war. Just think of how far we had gone in those days. What did the court say? It said in effect, "When you take away from Brother Cummings the right to convert the wicked Missourians, you are punishing him, and you can not do it." [Laughter and prolonged applause.]

Mr. DYER. Mr. Chairman—

Mr. TUCKER. Yes; you are the very man he was after. I wish he had had a chance at you and we would not have had these Dyer bills up here. [Laughter and applause.]

Mr. Chairman, I did not rise to go into this discussion but merely to call attention to a primary, fundamental principle that every boy down in Virginia knows, and if such a provision were to go through this House as this is, it would be worthy of the Fiji Islands and not of free America. [Prolonged applause.]

Mr. FISHER. Mr. Chairman and gentlemen of the committee—

The CHAIRMAN. Does the gentleman from Kentucky desire recognition?

Mr. JOHNSON of Kentucky. Let him go ahead.

The CHAIRMAN. The gentleman from Tennessee is recognized.

Mr. FISHER. Mr. Chairman and gentlemen of the committee, I am opposed to the two provisions which the committee has presented to this committee and to the House to cut off the pay of two Army officers, one a man in active service to-day with an efficient record and with a superior officer ready to say that Maj. Charles C. Cresson is to-day and has been since he has been under him a very superior officer. I also wish to speak of Col. John E. Hunt, who had been for many years a prison officer of the Army. There came a time when there were charges lodged against him as to his handling of a slacker named Grover Bergdoll, and Major Cresson was the officer designated to be the prosecuting officer when the court-martial was ordered by the War Department. It was not a voluntary service by Major Cresson.

I do not know Major Cresson and have never seen him, nor have I ever seen or met Colonel Hunt, but I have made inquiries about both of those officers from the records of the War Department. The Appropriations Committee have given us nothing in the hearings as to the record of these two officers and the reason why they wrote such radical provisions. It is such an unusual procedure to have provisions cutting off the pay of these two officers, one in active service and the other on the retired list, that it is beyond comprehension. Congress passed the law where an officer has served a certain time, becomes disabled, or reaches a certain age he is retired, and Colonel Hunt was regularly retired and is drawing his pay under that law. I have not had an opportunity of giving a careful study to the entire record in the Colonel Hunt court-martial, but I take the word of General Bullard, who served with such great distinction in France as a lieutenant general of our Army, and he says that he has gone over the entire record in this case and that Major Cresson's record as a prosecutor officer was fine and that the case was properly presented and no fault was found.

I hold in my hand a letter from a friend of mine, an officer who has known Major Cresson for years, and he says that he has read every line of the court-martial record, studied it, and he is in the Judge Advocate's office, and he says that the prosecution by Major Cresson was conducted all right. He also states that Major Cresson is an efficient officer and a gentleman.

Why should these officers be punished in this way without receiving notice, by cutting off their pay which we have voted that they should receive, all without being given a hearing? It would be establishing a precedent for future Congresses which would be indefensible and deplorable. Why should you pick out two officers and disgrace them in a bill in this way, cutting off their pay without giving them an opportunity to be heard? I want to say that it is a dangerous precedent. If this procedure is accepted, other officers might be selected. I want the committee to-day to vote against and stop such a method of procedure. We have appropriated the pay for these two officers; and if they are unworthy, a court-martial can determine it. [Applause.]

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. JOHNSON of Kentucky. Mr. Chairman, it was understood in advance that about 200 Members of this House who knew nothing of this question should have an opportunity to be advised about it. That tentative agreement has been violated. There is now no chance for these 200 men, called upon to vote on this question, to know about what they are to vote on. It is impossible in five minutes to tell this House of one of the ugliest betrayals of the American flag that has ever been brought upon it.

Mr. WURZBACH. Will the gentleman yield?

Mr. JOHNSON of Kentucky. No; I will not. I heard the remarks of the gentleman from Texas, who wants to take part of my five minutes' time, and one of the letters which he has used as coming from General Bullard is a forgery. General Bullard himself is authority for the statement that he has issued but one letter. It is a statement gotten under the most peculiar circumstances, not by Major Cresson but by another whom I shall not discuss. One statement purporting to come from General Bullard is used to influence this House, and another statement pretending to come from General Bullard is used to influence the American Legion, and have them endorse this traitor to our country when he has imposed upon either the House or upon the Legion with a forgery. If men do not want to hear of one of the ugliest crimes ever committed, to say nothing of Benedict Arnold himself, then you

will vote without knowledge, and when you have done it you will have acted without knowledge; you will have acted without information on this case, and you will have served not only one traitor but two.

There is no place where these traitors can be discussed, where they can receive what they are entitled to receive, except here, and here the gag rule has been applied, and from this minute I shall see that nobody undertakes to defend these traitors beyond the five-minute rule.

Mr. ROGERS of Massachusetts. Mr. Chairman, I do not know to what particular letter of General Bullard the gentleman from Kentucky [Mr. JOHNSON], who has just concluded, refers. I should like to call to the attention of the House a letter from General Bullard on this very subject which has just been officially transmitted to me. The Bullard letter was written within the last 10 or 12 days. It accompanies a letter from the Secretary of War, dated March 24, in which the Secretary says:

Major Cresson was trial judge advocate of the general court-martial before which Colonel Hunt was brought to trial. As far as I have been able to ascertain, his conduct of the prosecution has never been officially criticized by any of his military superiors on the ground that he failed properly to perform his duties as trial judge advocate. On the contrary, Major General Bullard, who appointed the court and reviewed the proceedings; Maj. Allen W. Gullion, Judge Advocate General's Department, General Bullard's staff judge advocate; Lieut. Col. John L. Bond, Infantry, a spectator at Colonel Hunt's trial; and Maj. Thomas L. Heffernan, judge advocate, Officers' Reserve Corps, counsel for Colonel Hunt, are on record to the effect that Major Cresson did his full duty in the prosecution of Colonel Hunt. Copies of written statements, dated March 14, 1924, by Major Heffernan, Lieutenant Colonel Bond, Major Gullion, and General Bullard are inclosed herewith. It seems to me that before legislation of the nature of the above-mentioned provision relating to Major Cresson is enacted he should be afforded an opportunity to be heard in person before the committee charged with the duty of reporting upon the legislative project which contains that provision.

Next I want to read the inclosure from General Bullard, because it is the last word in point of time at least from the commanding general of the area in which this unfortunate occurrence took place:

HEADQUARTERS SECOND CORPS AREA,
Governors Island, N. Y., March 14, 1924.

To The ADJUTANT GENERAL,

War Department, Washington, D. C.:

1. The accompanying papers are forwarded to you for use in case the War Department desires to make before Congress any statement concerning Maj. Charles C. Cresson, Judge Advocate General's Department, whose pay has, I understand, been recommended to be held up in a bill reported from the House Military Committee to the House.

2. As commanding general of the Eastern Department at the time of the trial of Colonel Hunt, I remember Major Cresson's prosecution of the case. His duty was properly done. He was reported to me at the time as somewhat overanxious to secure a conviction.

R. L. BULLARD,
Major General, U. S. A.

Now, gentlemen, as the gentleman from Virginia [Mr. TUCKER] has so very eloquently and truly said, this question is a question of principle. The question of fact is subordinate and secondary. But the farther one goes into the question of fact—and I have gone into it with thoroughness—the more convinced one becomes that Major Cresson was an efficient fighter for the cause of justice and that, if possible, he had an undue hatred of Bergdoll and all the Bergdoll tribe and associates.

Mr. WURZBACH. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Massachusetts. Yes.

Mr. WURZBACH. There was only one letter from General Bullard inserted in the Record, which I inserted myself, and it is, in substance, the same as the letter which the gentleman from Massachusetts has just read. If that is a forgery, then the letter referred to by the gentleman from Massachusetts is also a forgery.

Mr. BLANTON. Mr. Chairman, if the Government had no more fairness in the trial of Hunt than has been exhibited here on the floor in this debate, I am not surprised that Hunt was acquitted, because 30 minutes have been used for the amendment, and up to this time only 5 minutes have been allowed against it; and with my 5 minutes it will make 10. Of course, neither this House nor the Congress can keep the pay from this officer ultimately. This provision is merely to force a court-martial trial. Everyone realizes that, and I would not vote to withhold his pay permanently, but I take it that this committee has used this provision just as an admonition to

the War Department that they ought to do something and the Congress is expecting them to do something relative to inaugurating a court-martial proceeding. Of course, if nothing is done and no action is taken against this man, ultimately his pay will have to be given to him. Everyone realizes that.

This man, Major Cresson, prosecuted Hunt, who let Bergdoll escape, and everybody knows it; and after Major Cresson allowed Hunt to escape justice my friend from Tennessee [Mr. FISHER] puts a crown on his head and calls him not Cresson but Major Cresson. That is the reward that he gives him. I think this record is unanswerable. Everybody knows that Bergdoll did escape. Everybody knows that the Army permitted him to leave the penitentiary, where he rightly belonged, and go out hunting gold buried down here near Washington—such monkey business as that—and that his escape was premeditated, and that he escaped and perverted justice and went to Germany, and has escaped the law ever since. Major Cresson apologized for prosecuting Hunt. If you will read the beginning of his speech, you will see that he apologizes at the very outset.

Mr. WURZBACH. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. I want to commend the distinguished chairman of this committee for letting this provision go into his bill.

Mr. ANTHONY. Oh, do not commend me at all. It was put in over my head.

Mr. BLANTON. Then I want to commend the gentleman for presiding over a subcommittee that had enough wisdom and enough courage to vote a matter over his head and put into the bill something that would call the attention of the War Department to a probable court-martial that ought to take place.

Mr. DICKINSON of Iowa. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLANTON. I wish it had not expired, because I would like to yield to the gentleman from Iowa.

Mr. DICKINSON of Iowa. The subcommittee voted it down.

Mr. BLANTON. But the Appropriations Committee of this House forced it to go into the bill.

Mr. BOYCE. Mr. Chairman, I want to say only a word. Assuming that all that the distinguished gentleman from Kentucky [Mr. JOHNSON] has said be true, the proviso in the bill under consideration is unthinkable. [Applause.] It strikes down a vital principle which I do not believe the members of the committee will stand for.

Mr. SIMMONS. Mr. Chairman, I have been listening to this debate with mingled emotions, first, because within the last few days the newspapers have carried the story that one Grover Cleveland Bergdoll, arch traitor to his country, had the effrontery to attempt to negotiate with the United States for his return to America. So far as he is concerned, let him come back unconditionally and submit himself to the punishment that is due him under American law as administered by American courts, or let him stay without our borders, a creature without honor, a being without sense of shame, a man without a country.

As to Major Cresson. On the 29th of September, 1921, he came before a convention of the American Legion in Nebraska, over which it was my privilege to preside, and told the service men of Nebraska the story of Bergdoll, of his trial, of his punishment, of his escape, of the trial of Colonel Hunt. You men can not go to Nebraska to those service men who know Major Cresson and tell them that he has betrayed the American flag or is a traitor to the uniform that he wears. [Applause.]

We know Major Cresson to be a brilliant lawyer. We know him to be a soldier of distinction, a citizen of America of quality, and as such he is entitled to go before a tribunal where he has the right guaranteed by the Constitution to every American citizen of a fair trial, a fair hearing, and a chance to be heard and confront his accusers. It is only right that those of us who were his comrades in the late war ask that he be granted this privilege, that he be given this right of an American citizen. There are those of us who have no fear as to the outcome, no misgivings as to what might be the result of a trial of that character, or as to Major Cresson's loyalty or patriotism in anything that has been said or anything that has been done.

Mr. WURZBACH. Mr. Chairman, will the gentleman yield?

Mr. SIMMONS. Yes.

Mr. WURZBACH. Is it not a fact that Maj. J. C. Cresson as an emergency officer prosecuted and convicted Grover C. Bergdoll, then prosecuted and convicted Irvin Bergdoll in a military court, that thereafter he followed the rest of the Bergdolls, Mrs. Emma Bergdoll Brown, and in fact all of the Bergdoll clan into the Federal courts of the United States at

his own time and at his own expense and helped to secure their conviction also.

Mr. SIMMONS. My understanding is that the conviction of the whole Bergdoll tribe and their accessories is largely due to the untiring efforts, the ability, the loyalty, the high standing and character of Major Cresson. [Applause.]

Mr. DICKINSON of Iowa. Mr. Chairman, I do not pose here as one knowing anything about the facts in this case, but it is my contention that this item is out of place in an appropriation bill and I am heartily in favor, as a member of the subcommittee, of the motion to strike it out of the bill. I think it is out of place here and that we should not attempt to do this sort of thing on an appropriation bill, as that is not our function.

Mr. RUBEY. Will the gentleman yield?

Mr. DICKINSON of Iowa. I will.

Mr. RUBEY. I notice this language in the bill to which an amendment has been made to strike out. Before language can get into a bill it must be placed there by the committee?

Mr. DICKINSON of Iowa. Yes, sir.

Mr. RUBEY. Was this indorsed by the committee?

Mr. DICKINSON of Iowa. The subcommittee did not indorse it, but the whole committee put this proviso in the bill.

Mr. RUBEY. And now the whole committee, except two or three, want to strike it out?

Mr. DICKINSON of Iowa. I could not tell the gentleman except as to myself. I am against the language being in the bill.

Mr. RANKIN. Mr. Chairman, I want to ask the gentleman from Kentucky [Mr. JOHNSON] a question or two in order that I may know how to vote on this proposition. As a matter of fact it looks now as though Bergdoll is preparing to return to the United States. I do not know what the inducement is, but it seems to me somebody has been flagrantly negligent. I understand that about two years ago some one broke into the office of the gentleman from Kentucky [Mr. JOHNSON] and stole evidence in this case.

Mr. JOHNSON of Kentucky. Much of it.

Mr. RANKIN. That is, a good deal of the evidence and possibly a sufficient amount to take care of the defense when Bergdoll returns to the United States, as he no doubt will do, according to the press reports. I desire to ask the gentleman from Kentucky if Major Cresson came before the Committee on Appropriations and offered to testify; and if so, what his testimony in reference to this matter was?

Mr. JOHNSON of Kentucky. Major Cresson did not come before the committee, and as I explained the other day I advocated his coming before the committee, and so did the majority of the committee, and I will say the chairman of the committee refused to execute orders of the committee in some respects, and several times he refused to put to a vote of the committee motions made by members of the committee. Now, I have in my hand an excerpt from a letter written only a few days ago by the chairman of the committee that shows where rests the responsibility for Major Cresson not appearing before the committee. Maj. John A. Peters, who was chairman of that subcommittee, wrote only a few days ago to this effect:

If I had dreamed that any action involving punishment to Major Cresson would follow the proceedings of our committee and as a result from any report from it I certainly never would have denied his repeated requests to me by telegraph to be permitted to be heard.

Who is responsible for his not coming? The very man and his followers undertaking to defend him. If he had appeared before that committee, he would have had to plead and admit his guilt.

Mr. REECE. Will the gentleman permit me to make this statement?

Mr. RANKIN. I will yield for a question if the gentleman wants to ask one, but I can not yield for a speech.

I have not taken much stock in this Bergdoll propaganda that some people have flooded the country with, but it seems to me that if Major Cresson had wanted to prove his innocence it would have been more in line with common reason to have come before this committee than before the officials of the American Legion.

Mr. WURZBACH. Will the gentleman yield? I just want to read one short sentence—

Mr. RANKIN. I must decline to yield.

Mr. WURZBACH. I merely want to put this in the form—

Mr. RANKIN. I do not care to hear matter read.

Mr. MONTAGUE. Will the gentleman yield? What tribunal would convict Major Cresson?

Mr. RANKIN. That is the very point.

Mr. MONTAGUE. Then, what power has this House to convict him?

Mr. RANKIN. This House has the same power over Major Cresson it had over Mr. Chase or any other employee of this Government who violates a trust reposed in him by the United States Government. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. Mr. Chairman, I have made a study of the evidence and two reports of the committee which investigated the Bergdoll escape. I am familiar with the evidence before that committee and its reports. There is one thing on which every member of that committee agreed, and that is the culpability of Maj. (now Col.) John E. Hunt; that he should have been convicted. The testimony warrants his conviction by the court-martial. It can not be reconciled with innocence. Now, in respect to the particular question of Colonel Cresson which is before us, from my examination of this record I believe that Major Cresson was thoroughly justified in everything he did and said before the court-martial. He was not as vigorous in the prosecution of Hunt as he had been in the prosecution of the Bergdolls. Why? Because General Bullard had issued an order criticizing him because of his unusual vigor and zeal in the other trials. Mr. Chairman and gentlemen, I have served as judge advocate and on court-martials and I have appeared for the defense, and I know something of the influence that a commanding officer exerts upon members of the court and officers who conduct trials.

I believe that General Bullard, in writing that letter, felt that he was justified because of the great zeal shown by Major Cresson in conducting the prosecution of the Bergdolls; but I do believe that Major Cresson, though he may have abated his ardor somewhat, conducted this trial of Hunt honestly for the purpose of securing his conviction, and of securing his conviction on the charge of which he was undoubtedly guilty, of gross and inexcusable negligence which permitted this man Bergdoll to escape. The offense was in disregarding the advice and warning of his superiors and in allowing these noncommissioned officers to go out with Bergdoll without a commissioned officer in charge of them and without proper instructions and by denying the handcuffs that were asked for by one of the sergeants to be put on Bergdoll. I do believe this House is justified in withholding an appropriation from every unworthy person. This House in exercising that undoubted power must act wisely and cautiously; and I can not agree that we ought in this instance to withhold the pay of Major Cresson, because I believe he was innocent. [Applause.]

Mr. FROTHINGHAM. Mr. Chairman, just a word from the other side. This is a letter from the chairman of the committee, ex-Congressman Peters, in which he says:

Major Cresson wired me repeatedly asking me to allow him to be heard before the committee; but the committee did not permit him to be heard, for the reason, as I stated, that it was no part of our duty to hear him.

Mr. FITZGERALD. That was the investigating committee, not the Committee on Appropriations?

Mr. FROTHINGHAM. Yes.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. WURZBACH. Mr. Chairman, I ask for a rising vote.

Mr. BLANTON. Mr. Chairman, I will ask for a rising vote.

The CHAIRMAN. That is unknown to the Chair.

Mr. BLANTON. I ask for a division. I think I am right.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 158, noes 10.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For aviation increase to commissioned and warrant officers of the Army, \$1,000,000.

Mr. LAGUARDIA. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York moves to strike out the last word.

Mr. LAGUARDIA. I want to ask the chairman of the committee a question. Is this provision on lines 8 and 9 flying pay for men and officers?

Mr. ANTHONY. It is for aviation increase for commissioned and warrant officers. The word "increase" shows that it is flying pay—an increase over their regular salary.

Mr. LAGUARDIA. Mr. Chairman, I desire to offer an amendment after the word "increase" by inserting the words

"for flying pay," so that there will be no mistake about it. That is on line 8.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Page 6, line 8, after the word "increase" insert the words "for flying pay."

Mr. ANTHONY. Mr. Chairman, I do not think that is necessary.

Mr. LAGUARDIA. I remember in the Sixty-fifth Congress and Sixty-sixth Congress I had the same trouble here. We appropriated money in an appropriation bill, and it did not go to the flying officers. When we increase the pay of flying officers we should see that it is fixed specifically in the law. I do not want it to go to the Artillery or Cavalry officers.

Mr. ANTHONY. This language has been carried for several years, and I do not think the slightest question has ever come up. The item is for flying pay.

Mr. LAGUARDIA. Then I have the gentleman's assurance that the intent is to increase the pay for flying officers?

Mr. ANTHONY. Yes.

Mr. LAGUARDIA. I withdraw the pro forma amendment.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For additional pay to officers for length of service, \$5,374,830.

Mr. BLACK of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLACK of Texas: Page 9, line 11, after the figures "\$5,374,830," strike out the period, insert a colon, and add the following language: "Provided, That nothing contained in section 11 of the act entitled 'An act to increase the efficiency of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service,' approved May 18, 1920, shall be construed as having repealed, amended, or modified the provision contained in the Army appropriation act approved August 24, 1912 (37 Stat. 594), reading as follows: 'That hereafter the service of a cadet who may hereafter be appointed to the United States Military Academy or to the Naval Academy shall not be counted in computing for any purpose the length of service of any officer of the Army.'"

Mr. ANTHONY. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from Kansas reserves a point of order.

Mr. LAGUARDIA. I make the point of order.

Mr. BLACK of Texas. What is the gentleman's point of order? I would like to know what it is.

Mr. LAGUARDIA. It is not germane, and it is legislation changing existing law.

Mr. BLACK of Texas. Mr. Chairman, it is legislation in the sense that it would prevent the repeal of a law enacted by Congress in 1912 by a recent decision of the Court of Claims, but it is legislation that is in order under clause 2 of Rule XXI, known as the Holman rule.

If the Chair will permit, the purpose of this amendment is to cure a situation which has arisen by reason of a decision made by the Court of Claims with reference to Army officers' longevity pay. It is in the nature of the amendment that we adopted to the naval appropriation bill a few days ago. I do not see, in the first place, why the gentleman makes the point of order. It would certainly be illogical for Congress to apply one yardstick to naval officers and refuse to apply it to Army officers.

Mr. LAGUARDIA. The point of order was not raised there?

Mr. BLACK of Texas. No; it was not raised on the naval appropriation bill. Of course it was not. The amendment is not subject to a point of order. But I will proceed to a discussion of the point of order, which the gentleman from New York insists upon. Now, what is the situation? In 1912 Congress, by a provision in the Army appropriation act of that year, provided that service in the Military Academy and the Naval Academy should not be counted as Army service for longevity pay. In 1920 Congress had what is known as the bonus bill, by which temporary salary increases were given to the Army, the Navy, the Marine Corps, the Coast Guard, and other branches of the service. There was a provision in that bill which the Court of Claims has construed as repealing the provision in the Army appropriation bill of 1912, and for two years—namely, 1920 and 1921—graduates of the Military Academy and graduates of the Naval Academy have had the right to include their four years' term of service in those academies as part of their military service. At least such is the construction of the Court of Claims.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. BLACK of Texas. Yes.

Mr. LAGUARDIA. And the gentleman's amendment would tend to take that right away from them?

Mr. BLACK of Texas. Absolutely, and thereby reduce expenditures and thus bring the amendment within the Holman rule. That is the contention I make.

Now, let us read clause 2 of Rule XXI:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order except such as being germane to the subject matter of the bill shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

Now, as to the germaneness of this amendment, the Chair will observe that this is a provision providing appropriations for additional pay for officers on account of length of service. The very purpose of the amendment I have offered is to prevent their term of service in the Military Academy and in the Naval Academy from counting on their longevity pay. That certainly would be germane.

What is the other purpose? The other purpose is to reduce the compensation of those particular officers by preventing the counting of this period of service in the Military Academy and the Naval Academy—prohibiting the counting of that as a part of their longevity service.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. BLACK of Texas. Yes.

Mr. LAGUARDIA. Does the gentleman contend that his amendment would reduce the salaries of officers under existing law?

Mr. BLACK of Texas. It would certainly reduce the compensation paid to this particular group of officers because it would prevent the counting as a part of their service their four years' service at these academies. I can not see how there could be any question in the world as to its being in order under the Holman rule.

The CHAIRMAN. Does the gentleman from Kansas desire to be heard on the point of order?

Mr. ANTHONY. No.

The CHAIRMAN. The Chair is ready to rule. By the act of August 24, 1912, cadets of the United States Military Academy and of the Naval Academy were not permitted to count, in computing for the purpose of longevity pay, the length of service of such officers in the respective academies. It is contended that by the act approved March 18, 1920, this provision of the act of August 24, 1912, was repealed. The purpose of the amendment is to reenact the provision as contained in the act of August 24, 1912.

It is new legislation, but it necessarily tends to reduce the compensation of persons paid out of the Treasury of the United States, namely, such officers as are entitled to longevity pay and who would be prohibited from adding to the service upon which the longevity pay is based their terms of service in the respective academies at West Point and Annapolis. Therefore the amendment comes clearly within the provision of the Holman rule and is in order. The point of order is overruled.

Mr. BLACK of Texas. Now, Mr. Chairman, I do not think there should be any question at all about the merits of this amendment. It simply applies the same rule to Army officers as we have applied to officers of the Navy. It has been the uniform policy of the House since 1912 to prohibit the counting of this period of service in the Military Academy and in the Naval Academy as a period of service in the Army and in the Navy for the purpose of longevity pay. When we had the naval appropriation bill before the House recently a similar provision was adopted. While the amendment which I have offered is not in the identical language of the amendment offered by the gentleman from South Carolina, because his amendment applied to the Navy and mine applied to the Army, yet in principle they are exactly the same. The reason for the adoption of his amendment was given by the gentleman from South Carolina [Mr. BYRNES] in such a brief and clear manner that I will ask the permission of the House to read his remarks made at the time his amendment was adopted. He said:

The result of the decision of the Court of Claims is that only those officers who were graduated between June 30, 1920, and June 30, 1922, would be affected. In 1922 we passed what is known as the service pay bill. Under that pay bill this provision was made:

"That officers appointed after July 1, 1923, should not count for purposes of pay any other than active commission service."

So that as to those officers graduating after July 1, 1922, this specific prohibition would prevent their benefiting by the decision of the

Court of Claims, but as to those who were graduated prior to that time and after the passage of the bonus bill in 1920, they would receive longevity for the time served at the academy at West Point, and in addition, by reason of the provisions of the pay bill, that group of officers would benefit by having that four years computed in ascertaining the pay period to which they belong. So that for the rest of their service they would receive compensation in excess of that which the Congress intended they should receive.

Without any further argument, Mr. Chairman, I submit the amendment to the House and hope it will be adopted.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas [Mr. BLACK].

The question was taken; and on a division (demanded by Mr. BLACK of Texas) there were—ayes 17, noes 21.

Mr. BLACK of Texas. Mr. Chairman, I demand tellers, and pending that I make the point of no quorum.

The CHAIRMAN. The gentleman from Texas makes the point of no quorum. The Chair will count. [After counting.] One hundred and ten gentlemen are present, a quorum.

Tellers were ordered; and the Chairman appointed as tellers Mr. ANTHONY and Mr. BLACK of Texas.

The committee again divided; and the tellers reported—ayes 54, noes 37.

So the amendment was agreed to.

The Clerk read as follows:

Pay of enlisted men: For pay of enlisted men of the line and staff, not including the Philippine Scouts, \$51,887,415: *Provided*, That the total authorized number of enlisted men, not including the Philippine Scouts, shall be 125,000.

Mr. HULL of Iowa. Mr. Chairman, I move to strike out the last word. Yesterday I said we had a one-year enlistment in the Army. At that time I stated the War Department would not accept a man for one year. This matter has been in controversy for some time. Late last night I was informed that the War Department had received a decision from the Department of Justice upholding in all points the contention I have made that they had no right to refuse to accept a man if he wanted to join the Army for one year. In my opinion this will be a great reform in Army enlistments. A boy can now join, or in a few days will be able to join, the Army if he wants to and take training for one year. At the end of one year if he wants to go out into civilian life again he can do so. If he wants to stay in the Army he can do so and enlist for three years. I rather anticipate that the Army will decry this reform and fill the newspapers with statements that it is going to destroy the Army.

Mr. SHERWOOD. I think the gentleman is right about it. I think he will get a better class of young men into the Army by enlisting them for one year.

Mr. HULL of Iowa. Thank you. It will not destroy the Army. It will help to make the Army. You will always have from 75,000 to 100,000 three-year men in the Army, and that will take care of your foreign service. They will say that you can not send these one-year men to foreign service. You can not, and they should not be sent there. But they can join the Army and get one year's training and then go out, and you will always have in this country an unorganized reserve, and I presume if they will try, by regulations, they can organize and hold these men in the reserve. But what I wanted to call your attention to was that you must not be fooled by statements that the War Department will put out that this will cost a great deal more money and destroy the American Army. It will not. The principle of a short-term enlistment is older than the American Army. It has been indorsed by the best military experts in the world. It is the ideal way of making up your Army—to let a boy go in and stay one year and then if he wants to make a soldier out of himself and reenlist for three years he may do so.

Last summer I was on a boat that had some 500 to 1,000 young men who had been picked up in New York and had not been in the Army two weeks, but they were taking them to the Philippine Islands for three years. In my opinion, that is a tremendous blunder.

I simply wanted to make this statement so that you will understand that in advocating a short-term enlistment I am not trying and have not been trying to hurt the Army. I am trying to have the Army adopt modern methods of enlistment.

Mr. TILLMAN. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, for 40 years, in fact during all of my adult life, I have been a total abstainer from the use of intoxicants. I was a prohibitionist when they hunted them with hounds. Now that prohibition is popular, it is amusing to note how

zealous recent converts are. Over 20 years ago, while circuit judge, I began the first systematic crusade against blind tigers and drink joints in my circuit. I began this crusade in my own town of Fayetteville against the big imposing drug stores—not against the weak little booze peddlers, the obscure joint keepers, elsewhere than in my home town—and poured the lifeblood of these bold and arrogant tigers into the dust of the street.

I made my campaign for Congress 10 years ago on a platform for nation-wide prohibition. I spoke for, voted for, and helped to pass the prohibition amendment, the Volstead Act, and the suffrage amendment.

A WARNING.

I want the American people to know that this fight has just begun, and has not just ended, as some assert. There is to-day, and has been for some time, a powerful organization backed with hundreds of millions to change the Volstead Act so as to allow the sale of wine and beer. Hundreds of bills are now pending in House and Senate for light wine and beer. This organization will have in the field in many districts a liquor man supplied with plenty of money, and will try to elect him by hook or crook. Are we in earnest about what we have been preaching and practicing for years, or will we allow crafty and insinuating wet agents to fool us?

THE WOMEN AWAKE AT LAST.

I am glad our women—God bless them—are waking up to the situation as well as others.

Below are extracts from letters of some of our worthy and watchful Woman's Christian Temperance Unions, who know what is going on secretly, cunningly, quietly. I quote brief extracts from these letters, only one sentence from the first one:

SULPHUR SPRINGS, ARK., March 20, 1924.

Congressman TILLMAN:

The women voters of Arkansas do not want light wine and beer.

Signed by—

CLARA E. SCOTT,

Local President Woman's Christian Temperance Union, and State Organizer.

Another follows:

SILCOAM SPRINGS, ARK., March 20, 1924.

DEAR MR. TILLMAN: We the members of the Woman's Christian Temperance Union of Silcoam Springs, Ark., are registering our protest against all license for light wines and beer. We are a union in one body and mind, fighting together to keep this curse from our young generation. For God's sake help us to wipe it off the face of the earth.

Sincerely yours,

Signed by—

MRS. ELLA BEASLEY,
Corresponding Secretary
(and 129 others).

These women know what is transpiring, covertly as well as in the open, and they have the courage to assert themselves and to fight as they have fought for years.

I have been doing this very thing asked, by precept and example, for many years and I certainly shall continue in the work.

Crafty, sly, and plausible individuals tell us that prohibition is a part of the Constitution; the Volstead Act is on the statute book; that the question is settled and not an issue; that they stand for law enforcement and such, but do they? Let us see whether it is settled.

All Members of the House and Senate received the letter which I print below in the last day or so, and this is one of literally hundreds like it:

[William P. Custard, president. A. L. Bixton, vice president.]

For members in every State—Help reach the 10,000,000 mark.

Dr. A. J. Sabouria, Chairman National Campaign Fund Committee.

Help Our \$5,000,000 Campaign Fund.

The National Liberty League.

[Copyright.]

Don E. DeBow, National Secretary and Treasurer.
National Headquarters, Omaha, Nebr.

Omaha, Nebr., March 22, 1924.

Hon. JOHN N. TILLMAN,

House Office Building, Washington, D. C.

DEAR MR. TILLMAN: You are, of course, well informed as to the change in sentiment regarding prohibition. The majority of the people believed that with the saloon eliminated the prohibition question would be settled and taken out of our State and national politics. It is our be-

lieve that the legislative and judicial branches of our State and Federal Governments have gone beyond what the people intended when they voted for prohibition.

Believing it is your desire to represent the will of the majority, the members of the National Liberty League will expect your wholehearted support and ask for your cooperation in fighting—

First. For repeal or modification of the Volstead Act, to permit the manufacture and sale of beer and light wine containing not more than 5 per cent and 20 per cent of alcohol by volume, respectively, with revenue derived therefrom to be applied to the reduction of taxes and our national debt.

Second. For the abolishment of the present restrictions placed on physicians in prescribing liquors for medicinal purposes.

Third. Against passing any more prohibition laws until the present are efficiently and impartially enforced.

Fourth. Against appropriations for unsuccessful prohibition bureaus.

Respectfully yours,

THE NATIONAL LIBERTY LEAGUE,
DON E. DEBOW, National Secretary.

This is only one of many such concerns. They want a \$5,000,000 campaign fund, they say on their letterhead.

The liquor contingent has marked me for slaughter many times and is doing so now.

During the campaign of 1920, the last time I had opposition, James Perkins, of Yellville, sent me the unsigned circular printed below, the original of which I have, and which was used by those opposing my election:

TILLMAN AND PROHIBITION!

Regardless of what Congressman TILLMAN has done or not done, the people will not forget his part in securing national prohibition.

It will be remembered that when he made his first race six years ago, he gave good people to understand that if they sent him to Congress the cause of prohibition would have a champion there.

And when the national prohibition fight was on in Congress TILLMAN went over the top with the captains who made prohibition a part of the Constitution.

And after prohibition was made a part of the Constitution, TILLMAN was one of the faithful who never slept on the job until he had helped to pass the Volstead Enforcement Act, which gave the country a prohibition law with teeth in it.

And now, woe unto him who is found making liquor, beer, or wine, or selling it or giving it away or has it about his person or his home.

This law is being enforced by United States agents who are given the right to search and seizure, and many people have been run down and sent to the penitentiary, while society is getting rid of the liquor element and their sympathizers.

William J. Bryan, whose "heart is in the grave" because the Democratic Party refused to indorse national prohibition, has published in his Commemorative roll of Congressmen who made the Nation bone dry. In Bryan's roll of honor is the name of TILLMAN of Arkansas.

I am glad that I have the confidence of the prohibition and temperance forces of the State and Nation, as evidenced by two letters which I copy below:

THE ANTI-SALOON LEAGUE OF AMERICA,

LEGAL DEPARTMENT,

Washington, D. C., January 2, 1924.

Hon. JOHN N. TILLMAN, M. C.,

House Office Building, Washington, D. C.

DEAR MR. TILLMAN: Congratulations on your assignment to the Judiciary Committee, where you have rendered conspicuous service in the past.

Inasmuch as this committee handles all liquor legislation, it is of great importance to the prohibition cause to have recognized friends, like yourself, who have always been active, sincere, and dependable, assigned to it. Your consistent record and loyal championship whenever any prohibition legislation was pending makes your appointment doubly gratifying to the friends of the eighteenth amendment and its enforcement.

With best wishes for a happy and successful New Year, I am,

Yours cordially,

W. B. WHEELER.

[Dr. A. C. Millar, president. Paul E. Kemper, superintendent.]

THE ANTI-SALOON LEAGUE OF AMERICA,

ARKANSAS DEPARTMENT,

Little Rock, Ark., March 13, 1924.

Hon. JOHN N. TILLMAN, M. C.,

House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN TILLMAN: I am writing you with reference to the Cramton bill (H. R. 6645), which is now in the hands of your Committee on the Judiciary of the House. We have quite a little anxiety concerning this particular bill.

Congressman TILLMAN, I, with the great dry constituency in your district, or the State as well, know where you stand, and fully expect that you will do nothing less than your very best in getting this bill from the committee before the House for passage. I am writing you, representing this great dry force, to let you know we are back of you in whatever you do in favor of this bill.

Accept in advance our great appreciation for your loyalty and support in all temperance measures. I am,

Most cordially yours,

PAUL E. KEMPER, Superintendent.

There are other issues pending. I introduced the following bill which I am pressing for passage and which I have reason to believe will pass.

"A bill to establish a fish hatchery" in the third district. The nearby hatcheries at Neosho and Mammoth Spring can not begin to supply fish for our streams. Northwest Arkansas is the garden spot of the Republic, a land of forest and field, orchard and mine, fertile valleys, and sun crowned hills, the Switzerland of America. Her bold springs and clear streams furnish ideal waters to breed and grow game fish. This "land of a thousand smiles" is attracting tourists from every part of the Nation. Help us to prepare for their recreation and entertainment.

I have had pending for some time bills to erect Government post-office buildings in county seats and important towns, and consider it both an economical proposition and a sane expenditure of public money.

Almost daily on this floor members with a large contingent of foreign-born constituents are speaking or voting for measures designed to help foreign nations. I have opposed by speech and vote every gift to foreign nations. I have voted against every measure to forgive or reduce debts due us from Europe. These are debts of honor and every penny, principal and interest, must be paid and now we are asked to vote for House Resolution 180, making a gift to Germany of \$10,000,000 of the money of the American taxpayers for the purposes of relieving alleged distress there. This measure will pass but not by my vote. It is unconstitutional and outrageous to thus vote away money which had better be either not collected or distributed to relieve distress and suffering in our own country.

We are by far too eager, it seems, to neglect America and aid foreigners. I shall vote for the Johnson bill limiting foreign immigration. Let us stop this criminal and indiscriminate admission to our country of the scum of Europe. Keep out the foreigner and let our children and their children alone inherit and enjoy our advantages, our wonderful resources, and our superior civilization. [Applause.]

Mr. JAMES. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. JAMES: Page 9, line 14, after the figures "\$51,887,415," insert: "Provided, That the Secretary of War is authorized in his discretion to make payment from this appropriation of the balance of \$12 due as pay to Clarence J. Vaughan, Marquette, Mich."

Mr. ANTHONY. Mr. Chairman, I reserve a point of order in order to give the gentleman from Michigan an opportunity to make a statement.

Mr. JAMES. Mr. Chairman, in December, 1918, Clarence J. Vaughan, of Marquette, Mich., was discharged from the Army. Mr. Vaughan had \$12 due him as pay. The paymaster, Major Durkee, sent him a registered letter inclosing the \$12 in currency. It was sent to him by registered mail, but in a franked Army envelope. At the same time, Major Durkee mailed 4,000 other envelopes, all registered. The young man received the registered envelope, but no money. Mr. Vaughan took the matter up with the War Department, and was told that if he would furnish a bond and two or three bondsmen he could get his money. Mr. Vaughan furnished the necessary bond, and he was then informed by the War Department that seeing that the money was in currency and not a draft they could not pay him this money, but would try to get it from the Post Office Department, in view of the fact that the letter was registered.

When Mr. Vaughan could not get his money, he wrote me, and I took the matter up with the War Department and was told they would investigate the matter. Finally I received a letter from them stating that the Post Office Department claimed that, seeing the letter was registered in a franked envelope, they were not liable and they would not pay it unless he could get the man who stole the money to admit he stole it,

and during all these five years the young man has been waiting for his money. The War Department wants to pay it, but say they have no authority, and the Post Office Department says they can not pay it.

Mr. REECE. Will the gentleman yield?

Mr. JAMES. I yield.

Mr. REECE. The department admits the liability and admits that they owe this man the money?

Mr. JAMES. They say the Post Office Department should pay it and, as I say, the Post Office Department will not pay it unless the man who stole it admits he stole it.

The following letter from the War Department, dated February 13, 1920, and the inclosed from the Army and Navy Register of May 8, 1920, will be of interest as showing to what extreme "red tape" can go:

FEBRUARY 13, 1920.

HON. W. FRANK JAMES,

House of Representatives.

MY DEAR SIR: Receipt is acknowledged of your memorandum of the 11th instant inclosing copies of letters from the Post Office Department in regard to the loss of money from a registered letter addressed to Mr. Clarence J. Vaughan.

I will have this matter investigated, and see if there is not some way in which the Post Office Department can be forced to acknowledge their full liability in such cases.

Very respectfully,

E. B. HARTLEY,
Major, Q. M. C.

[From the Army and Navy Register, May 8, 1920.]

IN CONGRESS.

LOST, STRAYED, OR STOLEN!

Representative W. FRANK JAMES, of Michigan, on April 16, during consideration of the Army appropriation bill in the House, had the following to say regarding disbursing officers:

"There should be some change in the system by which men who are discharged from the Army are paid. I know of a case where a young man was discharged from the Army on December 12, 1918. The disbursing officer sent him a remittance of \$12 by registered mail, but, as it was sent to the wrong address, it was returned to the sender, Major Durkee. Major Durkee then sent another registered letter to the soldier, Clarence J. Vaughan, at his home at Marquette, Mich. The second registered letter was duly received, but contained no money. Mr. Vaughan took the matter up with Major Durkee and the War Department and explained that the registered letter contained no money, but, receiving no satisfaction, sent all papers to me.

"After some correspondence I was given to understand that if Mr. Vaughan would furnish a bond, with two responsible bondsmen, he would be paid. I was also informed that 'he should also be cautioned that the instructions attached to the bond of indemnity must be followed absolutely, as the bond, when completed, must be approved by the Treasury Department prior to the payment of the duplicate check.'

"Instructions regarding bond were 'followed absolutely,' red tape and all, and bond was executed and forwarded to the War Department on March 1, 1919.

"On July 9, 1919, I was informed by the War Department that they had discovered that the disbursing officer, Major Durkee, had sent 'currency' to Mr. Vaughan instead of a check, and therefore they were not responsible, and stated that the matter would have to be taken up with the Post Office Department. After a good deal of correspondence and conversation with the Post Office Department I was informed that nothing could be done until Major Durkee could be located and interviewed by a post-office inspector. I was also informed that it would be necessary to get an affidavit signed and sworn to by Major Durkee that he had really sent the \$12 in currency.

"Very luckily Major Durkee had not been sent to Siberia to guard some railroad, or to Silesia to oversee some election, or Mr. Vaughan's grandchildren might be paid the money some day.

"Major Durkee was finally located in Texas, and stated that he had sent out thousands of letters and did not remember anything about the one sent to Mr. Vaughan. The Post Office Department said they 'were sorry, but nothing could be done until the affidavit was secured.'

"Under date of January 8, 1920, or about 18 months after Mr. Vaughan had been discharged, I was told, in part: 'I have to state that the case is still under investigation with a view to fixing responsibility for the rifling, if possible, in the event it can be definitely determined that the letter was rifled while in the custody of the Postal Service.'

"As this was as 'clear as mud,' I asked for further information, and I gathered the additional information that about the

only way that they—the Post Office Department—could or would pay was to have the man who stole the money admit that he had stolen it.

"I was also informed that: 'Inasmuch as the letter in question was mailed under cover of an official penalty envelope, without payment of postage, indemnity in this case is not applicable. However, if further investigation results in fixing responsibility for the rifling upon a postal employee, consideration will be given to the matter of attempting recovery of the amount involved from such employee in order that claimant may be reimbursed.'

"In other words, although the registry fee had been paid, the post office stated that they assumed no responsibility, because the envelope was a 'franked' one instead of carrying a 2-cent stamp.

"We then called the attention of the War Department to the matter, and was informed that they had sent out thousands of registered letters in franked envelopes, and it was their contention that the post office was responsible, and they would take the matter up with them at once and advise us.

"This was several months ago, and I presume that there is still a debate between the War Department and the Post Office Department as to whether or not money sent a soldier by registered letter and stolen should be paid to the soldier, and, if so, by what department.

"Mr. Vaughan is not so concerned about the amount as he is about the principle of the thing. I take it for granted that there are many others in the same fix.

"I sincerely hope that before the next war that the War Department will have worked out a system that will be fairer to the soldier, and one that means he will be reimbursed promptly in similar cases."

Mr. Vaughan has waited for over five years for his money. It is very evident that unless the amendment I have offered is agreed to he will never be paid, and I hope there will be no objection to it.

Mr. ANTHONY. Mr. Chairman, I will not make the point of order in view of the gentleman's explanation.

The CHAIRMAN (Mr. TILSON). The question is on the amendment of the gentleman from Michigan.

The question was taken, and the amendment was agreed to. The Clerk read as follows:

For aviation increase to enlisted men of the Army, \$250,000: *Provided*, That this appropriation shall not be available for increased pay on flying status to more than 700 enlisted men

Mr. LAGUARDIA. Mr. Chairman, I move to strike out the last word for the purpose of asking a question. What is the service doing now in the way of training enlisted men in flying and why is it necessary to limit the number to 700?

Mr. ANTHONY. The limitation carried heretofore has been 500, as I understand, and the committee has put on a limitation because it found a few years ago that the aviation service was giving extra flying pay to men in the balloon service, and men who simply went up in a fixed balloon, anchored to the ground, for observation purposes, were getting 25 per cent extra, and we thought that was a little strong; consequently this year we limited the number.

Mr. BEGG. Last year it was 600 and this year it is 700.

Mr. ANTHONY. The department said they wanted to move a number of men in machines, and we thought for actual flying they ought to receive this pay.

Mr. LAGUARDIA. I think more enlisted men should be given an opportunity to learn to fly. I think the time is past when it should be limited to officers. I think the men that go up in balloons ought to get flying pay too.

Mr. KVALE. Mr. Chairman, I ask unanimous consent to return to line 16, page 9, inasmuch as I have been trying all the time to get recognition.

Mr. ANTHONY. Reserving the right to object—

Mr. KVALE. I want to offer an amendment.

Mr. BEGG. Let us have the amendment reported.

The CHAIRMAN. Without objection, the amendment will be reported.

The Clerk read as follows:

Page 9, line 16, strike out one hundred and twenty-five thousand and insert sixty-two thousand five hundred.

Mr. ANTHONY. Mr. Chairman, I shall have to object.

Mr. OLIVER of New York. Mr. Chairman, let me say to the gentleman from Kansas that after the gentleman from Michigan [Mr. JAMES] rose and presented his amendment, the gentleman from Minnesota presented his amendment immediately and sent it to the Clerk's desk. The amendment of Mr. JAMES was disposed of and thereupon the amendment proposed by the committee was taken up so the gentleman's amendment was shut out.

Mr. ANTHONY. In view of that fact, Mr. Chairman, I will withdraw objection, with the understanding that there will be not more than five minutes occupied in discussing the amendment.

The CHAIRMAN. Is there objection to returning to line 16? There was no objection.

Mr. KVALE. Mr. Chairman and gentlemen of the committee, I have offered this amendment as the only effective way of entering a protest against our large Army and Navy. I spoke somewhat at length on this subject yesterday and will not repeat what I said then. I do not have much hope that there are enough Members here to-day to vote for this amendment. It would be interesting, however, to see how many would be willing to defy the machine and vote for it. But I know that two years from now—and if I am here I am going to offer a similar amendment—that then there will be more Members of this House who will vote for reducing the appropriations for a large Army, appropriations which now are two and a half times as large as they were the year before we started the war to end war.

Mr. VAILE. Will the gentleman yield?

Mr. KVALE. In a moment when I am through. I have only five minutes. I do not believe there are enough Members of this House in favor of it to pass the Ramseyer joint resolution to take the profits out of war and conscript wealth. But two years from now there will be more in favor of that resolution, and four years from now there will be more women Members of the House, some women who are mothers. And when you put it up to the mothers of the Nation to vote on war appropriations you will find out where the large Army and the Navy will be going to. Then, my friends and gentlemen of the committee, I say you will find us going back to the time when appropriations were not half of what they are now. The mothers who have boys, like the mother of my six sons, are willing to sacrifice every one on the altar of our country if it is in danger, in real danger; but these mothers feel and know that their boys are a little bit too good to have their bodies rot and their bones bleach on foreign soil to save J. Pierpont Morgan's coupons. [Applause.]

Mr. VAILE. Will the gentleman yield?

Mr. KVALE. Yes; I will yield to the gentleman.

Mr. VAILE. Does the gentleman think that 62,500 should be the maximum number, or would he be in favor of a further reduction?

Mr. KVALE. After a while I would, but I thought 62,500 was all I could hope for now.

Mr. VAILE. Will the gentleman state what he thinks the total number of men in the Army should be, or whether there should be any Army.

Mr. KVALE. Oh, I want an Army for police purposes. I would like to have an appropriation for about what we had before we had the war to end war, \$105,000,000, instead of \$254,000,000 as now proposed.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Minnesota.

The question was taken, and the amendment was rejected.

Mr. BLACK of Texas. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 9, line 14—

The CHAIRMAN. The Clerk informs the Chair that that paragraph has been passed.

Mr. BLACK of Texas. May I make this statement, Mr. Chairman, and then I will ask unanimous consent to return? I had this amendment prepared intending to offer it, and the gentleman from Minnesota was seeking prior recognition. I intended to offer my amendment after his had been voted upon. The committee proceeded to read. I do not wish to discuss it, but I ask unanimous consent that it may be offered and voted upon.

The CHAIRMAN. Without objection, the amendment will be read for information.

The Clerk read as follows:

Page 9, line 14, strike out the figures "\$51,887,415" and insert in lieu thereof "\$41,887,415"; and in line 16, after the word "hundred," strike out the words "and twenty-five."

Mr. BLACK of Texas. Mr. Chairman, I ask unanimous consent that the amendment may be submitted and voted on.

Mr. ANTHONY. Mr. Chairman, I have no objection.

The CHAIRMAN. No objection being heard, the question is on the amendment offered by the gentleman from Texas.

The amendment was rejected.

The Clerk read as follows:

Pay of persons with retired status: For pay of the officers on the retired list, \$7,032,337: *Provided*, That no part of this sum shall be paid to Col. John E. Hunt, United States Army, retired.

Mr. DICKINSON of Iowa. Mr. Chairman, I make the point of order to the words of the proviso beginning on line 2, page 10—

Provided, That no part of this sum shall be paid to Col. John E. Hunt, United States Army, retired.

I make the point of order upon the ground that the same is legislation on an appropriation bill, and is not germane.

Mr. JOHNSON of Kentucky. Mr. Chairman, it seems so plain that this is a limitation that it does not seem to me to be necessary to make any argument in respect to it.

The CHAIRMAN. It seems so to the Chair, but the Chair will be glad to hear the gentleman from Iowa.

Mr. DICKINSON of Iowa. Mr. Chairman, in the opinion of the Chair rendered this morning stress was laid upon the matter of the principle of limitation. It is my contention that a limitation can not in effect repeal existing law. Under the present existing law it is the duty of the proper officials of the Government to pay to Colonel Hunt the retired pay of a colonel under the pay bill of the Army. That is entirely an executive function. In effect, this proviso repeals that law in that it deprives Colonel Hunt of his pay in this appropriation bill. It interferes with an executive function. That being the case, it is my contention that this goes beyond the scope of a proper limitation. It does not involve a policy; it goes to an individual. For that reason it is not a proper limitation on an appropriation bill.

Mr. BEGG. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON of Iowa. Yes.

Mr. BEGG. Suppose the provision is carried into law, can not Colonel Hunt under the law to which the gentleman refers go into the Court of Claims and get judgment for his pay?

Mr. DICKINSON of Iowa. Absolutely. He could go to the Court of Claims and have a decision rendered and receive his pay. Therefore, what we are seeking to do is simply to make him a lot of trouble with respect to receiving his pay. It is an interference with an executive function, and I do not believe it is allowable under the rules of this House. I think it is not a proper limitation on an appropriation bill.

The CHAIRMAN. If the gentleman's argument were addressed to the merits of the question, what the gentleman from Iowa had said would be persuasive, but it has been pretty thoroughly established that Congress may refuse to appropriate for a perfectly legitimate purpose.

Mr. JOHNSON of Kentucky. This comes under the Holman rule.

The CHAIRMAN. In the mind of the Chair it is purely a limitation. It does not restrict the discretion of any executive officer. It simply declines to appropriate for a perfectly legal object. The Chair overrules the point of order.

Mr. LAGUARDIA. Mr. Chairman, I have an amendment, which I have sent to the desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. LAGUARDIA: Page 10, line 2, after the figures "\$7,032,337," strike out all of the balance of line 2 and all of lines 3 and 4, and, further, on line 2, insert a period in place of the colon.

Mr. LAGUARDIA. Mr. Chairman, a few moments ago Major Cresson had various gentlemen here who defended him. I now rise to strike out the proviso relating to Colonel Hunt. I happen to know Colonel Hunt. He was the senior officer and the commanding officer on the ship on which I crossed in August, 1917. While it would cause Colonel Hunt a great deal of hardship if we were to defeat my amendment, I say that you have hurt Colonel Hunt more to-day than if you had taken his pension away from him, because there is no greater insult which can be heaped upon the head of an American officer than to call him a traitor. Colonel Hunt is not a traitor to his country. [Applause.] Colonel Hunt may have exercised bad judgment. It was pointed out here that he permitted this prisoner to go without handcuffs; but all gentlemen know that if Colonel Hunt or any other Army officer would put handcuffs on a prisoner while on a train or traveling, there would be 20 or 30 gentlemen on the floor of this House protesting against the brutality of that officer. We are simply making it hard for an officer of the Army to perform his duty.

I had opportunity to observe Colonel Hunt in crossing. We embarked at New York and went to Halifax and from there we crossed over to Liverpool. We had about 2,500 troops aboard. He was in command of a battalion of the Ninth Infantry. He

performed his duties intelligently and well. He was raised in the American Army. His father was a graduate of West Point. He could not get his boy into West Point, but the boy enlisted and worked his way up and got his commission. After 30 years of service, I think it is not fair, it is unjust, to brand an officer as a traitor because he was guilty of using bad judgment, and in the actual desertion he had no personal contact with the prisoner at the time.

Mr. MCKENZIE. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. MCKENZIE. I am not here to defend Colonel Hunt at all, but I ask the gentleman from New York if Colonel Hunt was not simply a subordinate officer, carrying out the orders of his superior, so far as this prisoner was concerned?

Mr. LAGUARDIA. Certainly. We have so hamstrung Army officers with laws and rules and regulations that they have to look up the CONGRESSIONAL RECORD every time they order squads right or squads left. If we would stop running the Army and legislate for them and give these officers a decent salary instead of taking four measly years from their longevity pay, as we voted to do a few moments ago, perhaps we could get somewhere.

As a former Army officer, I protest against the insinuations of disloyalty with respect to Colonel Hunt. His record up to this unfortunate incident was a good military record of a brave soldier, and I hope that the gentlemen of the House will extend to him the same fair consideration that they extended to Major Cresson, and will vote out the proviso in this paragraph which we have no right to insert, which can not permanently take the pay away from Colonel Hunt, but is simply an insult to the colonel.

Mr. HILL of Maryland. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. HILL of Maryland. I want to say to the gentleman, and I agree with everything that he has said, that I do not know whether I know Colonel Hunt or not. Until I heard the gentleman's remarks I thought I did not know Colonel Hunt, but I am inclined to think that I served with him when he was in the Ninth Infantry on the Texas border.

But that makes no difference, nor does it make any difference what Colonel Hunt or anybody else was guilty of; this House ought not to pass laws of this kind.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JOHNSON of Kentucky. Mr. Chairman, the House has just been informed that it is all wrong and brutal to handcuff a man who betrayed his country and is under a sentence to the penitentiary. The further statement has been made that Colonel Hunt had a splendid war record. I have in my hand a report from the War Department which gives the court-martial trial to which reference has been made, and three other times Colonel Hunt was court-martialed. He was court-martialed for appearing upon the judicial stand while drunk and trying another man who was being court-martialed. For that offense he was found guilty, and the verdict was that he should be dismissed from the Army. Appeal was made to Mr. Taft, who was then President, and he pardoned him and reduced him 50 fives, but he pardoned him only on the promise that he would hereafter remain sober. But he violated that promise made to the good-natured President, and afterwards was court-martialed for being drunk. Five men on the committee which investigated the trial of Hunt—where beyond all sort of question he was whitewashed—the five on that committee reported him guilty. Five specifications were against him. He admitted three and the other two were proven. It is suggested that he was acting under superior orders in his dereliction. He was ordered by the War Department here at Washington to handcuff that man, Bergdoll, and when the guard started to leave the prison at Governors Island with him and asked for handcuffs Hunt refused them. Hunt was told by the War Department that Bergdoll should not be released to go on the gold-hunting journey without a commissioned officer accompanying the expedition. Hunt defied that, and Bergdoll went off without a commissioned officer. Hunt was furthermore directed from headquarters not to let that expedition start until at least one of the attorneys for Bergdoll accompanied him, because the Government had the promise of Bergdoll's attorneys that they would see that he was returned to his prison quarters.

The proof was made that this little guard of two corporals had Bergdoll in charge after he had been turned over to Bergdoll's attorney, and then to Bergdoll's foster father in Bergdoll's own residence in Philadelphia. Then they rode about the country in the afternoon in an automobile, then they went to the theater at night, and upon their return from the theater

the proof is beyond dispute that they stopped at a barroom, but the prosecutor, Cresson, stopped the witness and would not let him testify to that effect and said, "Jump over that until next day."

Mr. LAGUARDIA. Will the gentleman yield?

Mr. JOHNSON of Kentucky. I hope the gentleman will not take up my time.

Mr. LAGUARDIA. The gentleman can get more time—

Mr. JOHNSON of Kentucky. We are proceeding under the gag rule.

Mr. LAGUARDIA. But the negligence and inefficiency of the soldiers should not be placed against Colonel Hunt.

Mr. JOHNSON of Kentucky. They were selected by him because of their inefficiency and because of their lack of qualifications. The whole committee of five reported this fellow guilty and the majority think that the people ought not to be taxed to pay him \$10 a day for the rest of his life.

Mr. LAGUARDIA. But he is entitled to it as a matter of law.

Mr. JOHNSON of Kentucky. The minority report made by Mr. Peters and Mr. McArthur also reported him guilty. He was guilty from every standpoint. But it is apparent that whitewash is to be used once more and that this man will not receive punishment from the people whose flag he has betrayed.

The CHAIRMAN. The time of the gentleman has expired.

Mr. NEWTON of Minnesota. Mr. Chairman and gentlemen, I recall something of the testimony taken in the Bergdoll investigation, and the two reports which were made to the House—the majority report by the gentleman from Kentucky, as I recall it [Mr. JOHNSON], and the minority report. I also recall that from my reading of that report I did not form a very high regard for the way in which Colonel Hunt discharged the duties which were imposed upon him in reference to Bergdoll and his tour, if you care to call it that. That is one proposition, and for his conduct in reference to that Colonel Hunt was brought before the only kind of official tribunal before whom he could be brought, an Army court-martial, to ascertain if he was guilty in law of the charges preferred. That Army court-martial, after a hearing of the evidence in the case, acquitted Colonel Hunt, not of misjudgment, but of being guilty of the specifications that were charged against him. Now then, I am even willing to admit that the court-martial verdict was wrong in each and every instance where they failed to find him guilty, but I am not willing to say that because a certain court-martial or a certain tribunal made a mistake the House of Representatives ought to revolutionize its own history and violate every principle of Anglo-Saxon jurisprudence and pass what is in fact a bill of attainder, as was so well pointed out by the gentleman from Virginia [Mr. TUCKER]. So then, admitting for the purpose of argument everything that the gentleman from Kentucky has said, yet it seems to me that we here in this House can not countenance any such thing as to deprive an officer of his pay in this manner. I do not know Hunt. But I am not willing to commit an injustice. This man's pay is a matter of contract. We are asked to take action depriving him of it when the only tribunal which could lawfully do so has found him not guilty. The motion to strike out should be adopted.

Mr. ANTHONY. If the gentleman will yield just for a moment, I would like to prefer a unanimous-consent request, that debate on this amendment be limited to 25 minutes in addition to the time that has already been occupied.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that debate on this paragraph and all amendments thereto be limited to 25 minutes. Is there objection?

Mr. HOWARD of Nebraska. I object.

The CHAIRMAN. Objection is heard.

Mr. MAGEE of New York. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York moves to strike out the last word.

Mr. BANKHEAD. Mr. Chairman, under the rules is the debate exhausted on the pending amendment?

The CHAIRMAN. Yes.

Mr. BANKHEAD. I call for the regular order.

The CHAIRMAN. The regular order is called for. We are proceeding under unanimous consent. The gentleman from New York moved to strike out the last word.

Mr. MAGEE of New York. Mr. Chairman, I want to say a word in favor of the amendment. I do not know Colonel Hunt. I have talked with persons who do know him, and uniformly they have spoken of him in the highest terms. But it seems to me that we have involved in this provision of the bill a fundamental principle, and I want to put this question to the Members of the House: What has become of the fundamental

right of an American citizen charged with a crime to be presumed innocent until found guilty? [Applause.]

Are we to displace this right by the promulgation of a new doctrine, that a citizen charged with a crime shall be deemed guilty until found innocent? Or by a modification of that doctrine, as is attempted here, that an American citizen charged with a crime shall be deemed guilty even after a duly constituted tribunal has found him innocent?

It seems to me that there must be some limit here in accordance with the constitutional rights of an American citizen.

Mr. DYER. Mr. Chairman, will the gentleman yield there?

Mr. MAGEE of New York. No. I have only two minutes, and I respectfully decline to yield. I want to speak only a word, and I am speaking it because I think there is that fundamental principle involved that we can not overlook. [Applause.]

It has been suggested here that perhaps Colonel Hunt was guilty. I say that he was not guilty. Who can say that perhaps he was guilty when he was tried by a court-martial and acquitted? I do not know what evidence was presented, but I do know General Bullard. I know that no finer officer ever wore the uniform of Uncle Sam. [Applause.] He is a man of the highest ideals. No one would think of questioning his integrity. I understand that General Bullard approved the findings, and you can bet your bottom dollar that General Bullard would not have approved them unless the findings of that court-martial were in accordance with the evidence presented.

It seems to me that we owe something to ourselves here. If an American citizen has any constitutional rights to-day, let us stand up and defend them. [Applause.] I have reached the point, I want to say to the House and to the country, when I am heartily sick and tired of the assassination of character by insinuation, by rumor, and by suspicion. Let us maintain the dignity of the House; let us maintain the great traditions of the House of Representatives; and let us not do anything that will impair the constitutional rights of an American citizen. [Applause.]

Mr. BUCHANAN rose.

Mr. ANTHONY. Regular order, Mr. Chairman.

Mr. ROGERS of Massachusetts. Mr. Chairman, I rise in opposition to the pro forma amendment.

The CHAIRMAN. The gentleman from Massachusetts is recognized.

Mr. GARRETT of Texas. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GARRETT of Texas. The gentleman from Texas [Mr. BUCHANAN] is modest, and he has been quite a while trying to obtain the floor.

The CHAIRMAN. The Chair had not observed the gentleman from Texas on his feet.

Mr. ROGERS of Massachusetts. Mr. Chairman, when these two questions, which are alike in character, were pending, I wrote to the Secretary of War in an effort to ascertain his viewpoint as to the questions of facts and the principles involved. I have already read to the House one-half of his reply. I want now, in connection with the pending amendment, to read the other half of his letter. The Secretary of War says:

Colonel Hunt was tried in 1920 by a tribunal established by law—

Our law, gentlemen—

a general court-martial appointed by Maj. Gen. R. L. Bullard—on charges which in substance alleged carelessness and neglect of duty resulting in the escape from confinement of Grover Cleveland Bergdoll, a convicted deserter from the Army. The court acquitted Colonel Hunt, and the acquittal was approved by General Bullard (G. C. M. O. 476), Eastern Department, August 4, 1920.

After that acquittal further criminal proceedings against Colonel Hunt upon the charges passed upon by the court-martial before which he was tried became legally impossible. This finality is in accord with established administrative judicial rules (sec. 1, G. O. 83, War Department, 1919), with a military judicial rule prescribed by Congress (art. 40, ch. 2, act of June 4, 1920, 41 Stat. 795), and with the principles of the Constitution (Amendment V). Colonel Hunt was tried and acquitted by a competent tribunal establishment pursuant to law—

Our law—

for the trial of alleged military offenders. To disregard the findings of that tribunal and to proceed to punish Colonel Hunt for alleged offenses of which he has been legally acquitted would, it seems to me, be a departure from one of the fundamental principles upon which our administration of justice is based.

The act of June 4, 1920, by article 40, chapter 2, provides, in part—

No person shall, without his consent, be tried a second time for the same offense.

That was the viewpoint of Congress in passing that law of 1920. In effect, gentlemen, the language carried in the pending bill is, without trial, to convict this man of the same offense of which he has already been acquitted under the rules and regulations and procedure established by us. It is putting the man in jeopardy for his life and for his property a second time. The Congress of the United States, in my judgment, can not afford to take that position. I hope that the amendment of the gentleman will prevail. [Applause.]

The CHAIRMAN. The gentleman from Texas [Mr. BUCHANAN], a member of the committee, is recognized.

Mr. ANTHONY. Mr. Chairman, I ask unanimous consent that debate on this paragraph and all amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that debate on this paragraph and all amendments thereto close in five minutes. Is there objection?

Mr. HOWARD of Nebraska. I object.

The CHAIRMAN. Objection is heard.

Mr. ANTHONY. Mr. Chairman, I move that all debate on this paragraph and all amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from Kansas moves that the debate on this paragraph and all amendments thereto close in five minutes. The question is on agreeing to that motion.

The motion was agreed to.

The CHAIRMAN. The gentleman from Texas [Mr. BUCHANAN], a member of the committee, is recognized.

Mr. BUCHANAN. Mr. Chairman and gentlemen of the House, you have heard my friend from New York, a member of the Committee on Appropriations [Mr. MAGEE], talk about the constitutional rights and constitutional guarantees.

You have heard talk about a man being twice put in jeopardy, but talk about constitutional rights and about a man being twice put in jeopardy has absolutely no application to this case. We are not seeking to punish Colonel Hunt a second time, nor are we seeking to try him a second time for this offense. We are trying to say in a legislative way that this Government will not continue to pay him his retired annual salary when he has proved recreant to his every duty in this case.

You say he has twice been put in jeopardy. What does jeopardy mean? It means jeopardy of life and liberty and has no reference whatever to the salary a man might get in the future.

Let us look at a few of the facts. Colonel Hunt was court-martialed, and it is true he was cleared. He was cleared after acknowledging his guilt under three of the counts of the bill of particulars, and he was proven guilty under the other two.

The gentleman from New York [Mr. MAGEE] asks whether we did not have a tribunal try Colonel Hunt. Yes; the military authorities tried him by court-martial and cleared him. Then this House appointed a legally constituted tribunal to investigate him and report back to this House. That tribunal spent \$5,000 or \$6,000 in that investigation. That committee of five, composed of your associates—men in whom you and the Speaker, who appointed them, had confidence—sent for witnesses from all over this country. They heard the testimony; they went into it carefully, and they brought back a minority and majority report, but both reports in unmeasured terms condemned Colonel Hunt.

Has he been tried? Why did you appoint your committee if you were not going to act upon its report and if you were not going to consider it and accept it?

Let us see what some of the conditions were. Bergdoll was subject to the draft; he was 25 years old, a single man, a multimillionaire, and of robust physical stature and health. He evaded the draft and dodged the officers of our country for over a year and a half and until the war was over. After he was apprehended he was handcuffed and sent to Governor's Island and put in charge of Colonel Hunt. While he was in Colonel Hunt's charge Army officers and police authorities sent Colonel Hunt warning as to the desperate character of this man Bergdoll and stated to him that he was likely to attempt to escape. Let me read one of those warnings. This warning came from William Weigel, colonel, General Staff, and reads:

1. Attention is directed to letter from the department adjutant dated January 20, 1920, addressed to you and relating to Grover C. Bergdoll.

2. In addition to the precautions directed in the letter referred to above, the department commander directs that at all times when

Bergdoll leaves the walls of Castle William he be guarded by two armed sentinels. Whenever Bergdoll in his present status leaves the island, the commanding general directs that he be handcuffed to one sentinel and guarded by another sentinel. The dangerous character of this prisoner has been reported by the police authorities of Philadelphia, who are in a position to know the amount of force which is probably necessary for his restraint, and this direction is made because of the information gained from these experienced police officials.

That is the character of warning which Colonel Hunt had when he was in charge of Bergdoll. What was Colonel Hunt's reply to those warnings? What did he say to the committee and to the court-martial? He said that such warnings as that had about as much weight with him as a communication issued by the mayor of Timbuctoo. He refused to permit Bergdoll to be handcuffed on the gold-hunting expedition, and even refused to permit the guard to carry handcuffs with them, saying Bergdoll was a model prisoner and would not escape.

Talk about a model officer, an officer who has three times been tried for drunkenness, and on one occasion dismissed from the service.

Oh, that is not all. He appointed a guard. He was directed to appoint a suitable guard, a proper guard; but whom did he appoint? He appointed one O'Hara—

Mr. WAINWRIGHT. Will the gentleman yield?

Mr. BUCHANAN. I will yield for a question.

Mr. WAINWRIGHT. Will the gentleman permit to go in the Record, in his remarks, the record of gallantry of this officer at El Caney and in the Philippine insurrection?

Mr. BUCHANAN. What has the gallantry of this officer in the past to do with the present situation? Benedict Arnold was a gallant officer before he betrayed his country. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. All time has expired. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. JOHNSON of Kentucky) there were—ayes 47, noes 21.

So the amendment was agreed to.

Mr. LAGUARDIA. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the Record.

The CHAIRMAN. The gentleman from New York asks unanimous consent to revise and extend his remarks in the Record. Is there objection?

Mr. JOHNSON of Kentucky. I object.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FINANCE SERVICE.

For compensation of clerks and other employees of the Finance Department, \$1,454,000: *Provided*, That \$500,000 of this amount shall be available only for the compensation and traveling expenses of clerks and other employees engaged on work pertaining to the audit of World War contracts, and of this amount not to exceed \$25,000 shall be available for personal services in the office of the Chief of Finance, War Department.

Mr. TAYLOR of West Virginia. Mr. Chairman, I move to strike out the last word. I do this for the purpose of asking a question of the gentleman who is in charge of this bill. It is evident that this department needs more money or less money. Its clerical force may be so limited as to cause vexatious delays in the payment of Army bills, or it may be so large that there are needless delays caused by unnecessary duplication. I am led to these observations by the fact that a coal company in my country some time last November sold about 300 tons of coal to the War Department and so far has been unable to collect the money that is justly due it. It seems that this coal company is up against all the red tape that hedges the Finance Department of the Army. This company has written numerous letters to the department and has had me to intercede for it, but as yet we have been unable to get any report as to when this company may expect its money for the coal furnished.

Mr. ANTHONY. The money with which to pay for that coal would not be carried in this paragraph; I will say to the gentleman; but I know of no reason whatever why the company of which the gentleman speaks should not have received its money long before this, if there was no trouble about the contract, because the War Department is supposed to be almost current in the payment of its obligations. That was one of the purposes for the creation of the Finance Service, namely, so that the Government could pay promptly and take advantage of the discounts which prevail in commercial sales.

Mr. TAYLOR of West Virginia. I understand, of course, that the money appropriated by this paragraph would not be used

for the payment of coal bills, but it will be used to pay clerks and accountants whose duty it is to see that bills are promptly paid. I understand that quite recently one of the departments—I believe it was the Interior Department—advertised for bids on 400 tons of bituminous coal, and while there are hundreds of companies in my district that could have furnished this coal, less than 10 of them submitted bids because of the fact that they find it so difficult to collect their money, owing to red-tape requirements. In view of the fact that my district produces the finest bituminous coal in the world and sells it at a reasonable price, I think the War Department and every other governmental agency ought to pay its bills promptly so as to get bids submitted on coal of such excellent quality. If coal companies furnishing coal to the Government are compelled to wait weeks and months for the payment of their invoices, it naturally discourages such commerce and at the same time has a tendency to limit the field of legitimate bidders, and eventually compels the department to pay a higher price for coal. I submit that such dilatory payment is unfair and unjust to the coal companies that submit bids for the furnishing of coal, and in their defense I call attention to and resent such a dilatory way of doing business.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn.

The Clerk read as follows:

Army transportation: For transportation of the Army and its supplies, including retired enlisted men when ordered to active duty; of authorized baggage, including that of retired officers, warrant officers, and enlisted men when ordered to active duty and upon relief therefrom, and including packing and crating; of recruits and recruiting parties; of applicants for enlistment between recruiting stations and recruiting depots; of necessary agents and other employees, including per diem allowances in lieu of subsistence, not exceeding \$4 for those authorized to receive the per diem allowances; of dependents of officers and enlisted men as provided by law; of discharged prisoners, and persons discharged from St. Elizabeths Hospital after transfer thereto from the military service, to their homes (or elsewhere as they may elect); *Provided*, That the cost in each case shall not be greater than to the place of last enlistment; of horse equipment; and of funds for the Army; for the operation and repair of boats and other vessels; for wharfage tolls, and ferrisses; for drayage and cartage; for the purchase, hire, operation, maintenance, and repair of harness, wagons, carts, drays, other vehicles, and horse-drawn passenger-carrying vehicles, required for the transportation of troops and supplies and for official military and garrison purposes; for purchase and hire of draft and pack animals, including replacement of unserviceable animals; for travel allowances to officers and enlisted men on discharge; to officers of National Guard on discharge from Federal service as prescribed in the act of March 2, 1901; to enlisted men of National Guard on discharge from Federal service, as prescribed in amendatory act of September 22, 1922; and to members of the National Guard who have been mustered into Federal service and discharged on account of physical disability; in all, \$16,400,000: *Provided*, That hereafter payment shall be made at such rates as the Secretary of War shall deem just and reasonable and shall not exceed 50 per cent of the full amount of compensation, computed on the basis of the tariff or lower special rates for like transportation performed for the public at large, for the transportation of property or troops of the United States over any railroad which under land-grant acts was aided in its construction by a grant of land on condition that said railroad shall be and remain a public highway for the use of the United States, and for which adjustment of compensation is required in accordance with decisions of the Supreme Court construing such land-grant acts, or over any railroad which was aided in its construction by a grant of land on condition that such railroad should be a post route and military road, subject to such regulations as Congress may impose restricting the charge for such Government transportation, and such payment shall be accepted as in full for all demands for such service.

Mr. REECE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. REECE: Page 22, line 17, after the word "all," strike out the figures "\$16,400,000" and insert: "\$16,395,000: *Provided*, That the Secretary of War be, and he is hereby, directed and authorized to transfer to the Department of Agriculture for use in improvement of highways and roads the following war materials, equipment, and machinery out of the reserve stocks, to wit, 1,500 5-ton caterpillar tractors with tools and spare parts, 5,000 motor trucks of 1 to 5 ton capacity, and 500 ordnance mobile machine-shop trucks with tools and spare parts."

Mr. DICKINSON of Iowa. Mr. Chairman, I make a point of order on the amendment.

The CHAIRMAN. What is the gentleman's point of order? Mr. DICKINSON of Iowa. That the same is legislation on an appropriation bill and does not come within the Holman rule.

Mr. REECE. Mr. Chairman, after submitting the amendment to a different section of the bill on yesterday and, as I understood, it was ruled out of order because of the fact that it was held that none of the disbursements in the upkeep of this material was made under the item to which the amendment was offered on yesterday, I have since then talked with the Director of Finance or with his office, and I am informed that part of this expense is paid out of this item in the bill.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. REECE. Yes.

Mr. MADDEN. Is the gentleman talking now about the bill or the point of order?

Mr. REECE. I am talking about the point of order.

Mr. MADDEN. I just wanted to ask the gentleman whether the War Department had declared the items surplus that he is trying to transfer.

Mr. REECE. They are holding them now in surplus or reserve.

Mr. MADDEN. They are not surplus, are they?

Mr. REECE. According to my opinion.

Mr. MADDEN. We can not declare them surplus here.

Mr. REECE. Some of them are held in surplus.

Mr. MADDEN. The items the gentleman refers to have not been declared surplus and ought not to be considered here even if the amendment was in order.

The CHAIRMAN. Does the gentleman wish to be heard on the point of order?

Mr. DICKINSON of Iowa. Mr. Chairman, it was my understanding that in order to make a transfer of this kind you had to do it in accordance with existing legislation and under the existing law, unless an item has been declared surplus by the Army, you have to have special legislation in order to make the transfer. There is no showing here that there is any surplus of any of this equipment, so far as I know, and I was of the opinion that the testimony before the Military Affairs Committee confirmed the view that this is not surplus at the present time in the view of the Army. Unless it is surplus, if we should transfer it under this proviso of the bill, we would be transferring it in violation of the existing law, and for that reason I think a point of order would lie against the amendment. If the amendment said that the transfer should be made from surplus, then I think it might be admissible under the rule.

Mr. ANTHONY. Mr. Chairman, I gravely doubt whether the amendment would be in order under the Holman rule, because if you transfer these items from the reserve the probabilities are they would have to be replaced, and if you take a portion of these trucks or tractors from the number on hand and transfer them there is no certainty at all that that will reduce the amount of this appropriation, because the entire appropriation could be expended for some other purpose.

The CHAIRMAN. Will the gentleman direct his attention to this point? The amendment of the gentleman from Tennessee actually reduces the appropriation covered by the bill, which is the third provision of the Holman rule. It reduces the amount covered by the bill by \$5,000.

Mr. ANTHONY. Yes; it arbitrarily reduces it by that amount but practically does not reduce it.

The CHAIRMAN. Does the gentleman claim that the legislation proposed in the amendment which follows is not necessary or is not related to the reduction in the appropriation?

Mr. ANTHONY. I would hold that the language of the amendment would constitute new legislation.

The CHAIRMAN. It is new legislation, of course, and the only question is whether or not it comes under the third provision of the Holman rule by reducing the amount of money covered by the bill, which, as a matter of fact, it does.

Mr. ANTHONY. It may technically reduce the amount of money covered by the bill, but if it takes material out of the reserve the probabilities are it will have to be replaced by new material which would be paid for out of the appropriation.

Mr. REECE. Not at all.

The CHAIRMAN. The difficulty with the Chair is the disposition the gentleman's amendment seeks to make of the property. If it disposed of it entirely, so that the maintenance charge would surely and necessarily be reduced, then it would be clear, but whether or not the legislation proposed by the amendment does in effect so dispose of the property or whether or not there will be the same expense to maintain it when transferred to a different department—

Mr. REECE. I should think, Mr. Chairman, there should be no difficulty about that, because it leaves the jurisdiction of the War Department, and, of course, the expense of storage and of upkeep, which must now be necessarily incurred, is going to be done away with.

Mr. JOHNSON of Kentucky. Mr. Chairman, I was wondering, since this amendment would reduce auctioneer's fees, whether or not it would come under the Holman rule as a reduction of expenses.

The CHAIRMAN. Is the gentleman directing a serious parliamentary inquiry to the Chair?

Mr. JOHNSON of Kentucky. Certainly.

The CHAIRMAN. The Chair is not convinced that the gentleman's amendment really makes any retrenchment at all, and, of course, if the reduction in the amount covered by the bill is purely an arbitrary reduction, with no relation to the legislation carried, the Chair would not be able to hold it in order.

Mr. REECE. But, Mr. Chairman, if I may add, the trucks, for instance, referred to in this bill, some of them, are now over at Camp Holabird. Here are some photographs of them. In order to keep the motors in these trucks from jamming with rust, and becoming completely ruined, it is necessary that men be kept on the pay roll to go out and turn over the motors and take care of the trucks. They are being put to no use. When they are transferred to the Department of Agriculture and distributed to the various State highway commissions to be used in road building, then, of course, these employees can be done away with and the money that is paid for storage space for these trucks can be saved.

Mr. WINGO. Will the gentleman yield?

Mr. REECE. I will.

Mr. WINGO. Does the gentleman's amendment provide for the distribution? Does not it provide for the transfer from one department to another? Will it take any less oil to grease it under the Agricultural Department than under the War Department?

Mr. REECE. I think if the gentleman will read the amendment he will find that the material is to be turned over to be used for road building.

Mr. WINGO. But if they are still to be retained, is it not the presumption that if they are used they will take still more oil than it takes to keep them now?

Mr. REECE. No; they will be distributed to the States.

Mr. WINGO. Does the amendment provide for the distribution? Does your amendment compel the distribution, or just make them available for the Agricultural Department? They are now held by the War Department as a reserve, and the gentleman's amendment transfers them to the jurisdiction of the Agricultural Department, making them available for use and distribution or keeping them, as the Agricultural Department may decide.

Mr. ROACH. I think it goes further and directs the distribution to the several States.

Mr. WINGO. I have read the amendment and I did not notice that there was any provision compelling their distribution.

Mr. REECE. There is no question as to the purpose they will be put to.

Mr. WINGO. I think they should be distributed before the spring primaries. [Laughter.]

The CHAIRMAN. The amendment seems to do no more than to transfer the property from one department to another. Therefore it does not appear on the face of it that the legislation would have the effect of reducing or retrenching expenditures, although it does reduce the amount carried in the bill. To be in order it must be such an amendment as to retrench expenditure. There is where the gentleman fails to connect up the legislation.

Mr. REECE. Mr. Chairman, in that case I ask unanimous consent to revise the amendment by adding that they are to be distributed to the various States under the Federal law for assistance in building roads.

Mr. O'CONNOR of Louisiana rose.

The CHAIRMAN. If the gentleman from Tennessee will revise his amendment, he may do so. In the meantime the Chair will sustain the point of order. The paragraph will not be immediately passed, as the gentleman from Louisiana has asked for recognition.

Mr. O'CONNOR of Louisiana. Mr. Chairman, to use a trite expression, necessity is the mother of invention. Ordinarily I would move to extend and revise my remarks and then incorporate the page that I am going to try to read into the Record, but I know that that motion would be objected to, as similar requests have been refused, and therefore I will have to try another tack and ask at the conclusion of these preliminary

remarks that I be permitted to read it. It will be necessary to make a few remarks to introduce it if no objection is offered, hence the following observations. Of course, the financial size of the military bill and the naval bill demonstrates to the satisfaction of thousands of people that even in peace times war establishments are very costly and bear heavily upon the taxpayers of the country. But there are others who see life steadily and surely, and who understand that we must be prepared for the day when war's alarm will sound again throughout the world. The blast of the bugle followed by the cannon's roar may not be heard to-morrow or the next day, but Moloch will order war within the next quarter of a century at the furthest. So in all probability they that demand preparedness are right, and we should take the necessary steps to protect the country and not be found asleep when the dread summons comes again to "fall in and then fall out in the smoke of battle."

Yes, there are vast expenditures being made from a military and naval standpoint; and in all probability the best thing the naval and military authorities can do is to study new methods by which they can and should meet the propaganda that will be urged against them in the next few years, crying aloud persistently and sophistically, with a powerful appeal to big taxpayers, for a reduction of armaments and thereby reduce taxation and ease the burdens upon the people.

The professional propagandist for the reduction of taxation has come into existence. Perhaps he was born of necessity to check and curb what many believed to be a saturnalia of extravagance. But, having been born, he wants to live, and to do so he must justify his existence. Analogously to the man-eating tiger who once having tasted human blood constantly thereafter craves it, the professional propagandist, having been financially requited for his intellectual efforts, will demand more employment and will seek the means and basis to justify it. Look out, therefore, Army and Navy, for a tax-reduction attack which will require your best talent and genius to defeat.

Of course, I understand thoroughly as a desultory student of history that the days of war are not over. From the period beginning 1,500 years before the birth of Christ down to the present time there have been but 237 years of peace, and they were years devoted to the preparation of wars that followed. Historians do not go much further back than 1,500 years before Christ, because they know very well that the period that went back from thence to the sunrise of history was crimsoned with the blood of humanity that reddened the earth and the seas during the many generations that agonized during that long night of despair.

We are not going to escape wars for many centuries to come. The millenium is as far off as ever, and thoughtful men who want to see their country live after they die demand that we adopt measures that will protect our soldiers and the people that must in one way or the other participate in the wars from those things that are necessarily associated with every war and cause more deaths than the fatalities on the field of battle—disease in the lines and behind the lines—and disease can be met by medical science and be defeated by it.

Medicine and her great disciples and handmaidens, sanitation and hygiene, will decide the next great struggle, as all other things will in all probability be equal.

Now, the page that I hope you will permit me to read to you is prepared by a splendid gentleman who has lived long in New Orleans and has endeared himself to her people, Dr. George H. Tichenor by name. I am going to be very frank with you and say that his friends have asked me to put his remarkable paper, entitled "America at the Mercy of Other Nations in Case of War—Need of Standardized and Simplified Medicaments," in the Record. He is a big man from every standpoint, has worked long among our people, and has already won the reward of "Well done, thou good and faithful servant," and I hope you will indulge me and permit me to read into this preliminary address his paper. The language of it is simplicity itself and will appeal to Members. The title is appealing—"America at the Mercy of Other Nations in Case of War—Need of Standardized and Simplified Medicaments." It is an attractive alarm and calls Americans to attention.

Mr. MADDEN. Mr. Chairman, I will interrupt the gentleman long enough to ask if he is talking to the bill.

Mr. O'CONNOR of Louisiana. Oh, yes. This paragraph is with reference to wagons, horses, and every imaginable thing deemed necessary for the purpose of conducting war, and before the proviso is the concluding sentence—"and to members of the National Guard who have been mustered into Federal service and discharged on account of physical disability."

I think that medicaments are related even in a parliamentary way to "discharged on account of physical disability."

Mr. MADDEN. Does the gentleman mean medicine?

Mr. O'CONNOR of Louisiana. The word used here is "medicaments," and I have given the word the proper pronunciation. I looked in the dictionary upon the word, because I thought that somebody like the gentleman from Illinois might probably ask me, of course facetiously, if that were the correct pronunciation, as it is a word that is rarely used, I suppose, outside of medical works and conversation.

Mr. MADDEN. It seems to me that we ought to confine our debate to the bill.

Mr. O'CONNOR of Louisiana. And it seems to me that I am confining it pretty closely to the bill.

Mr. MADDEN. How long is the gentleman going to talk?

Mr. O'CONNOR of Louisiana. Just as long as the Chairman will permit me to do so. I hope the gentleman from Illinois will not make any objection to it. It is only one page, and I would like to get it into the Record.

Mr. MADDEN. I am going to object to anybody talking outside of the bill after this.

Mr. O'CONNOR of Louisiana. But that would indicate that the gentleman thinks that my remarks are irrelevant and I do not agree with him.

Mr. MADDEN. Oh, I know the gentleman never agrees with anybody when he has his mind set on a thing.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. O'CONNOR of Louisiana. Then I shall have to move to strike out something else.

Mr. JAMES. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record on the amendment which I offered some time ago.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to extend his remarks in the Record in the manner indicated. Is there objection?

Mr. O'CONNOR of Louisiana. And, Mr. Chairman, in order to avoid moving to strike out something else, I ask unanimous consent that I may be permitted to finish my remarks by incorporating this one page of matter.

The CHAIRMAN. The gentleman from Louisiana asks unanimous consent to extend his remarks in the Record. Is there objection?

Mr. MADDEN. I have no objection to that.

Mr. JOHNSON of Kentucky. Mr. Chairman, is a unanimous-consent request pending?

The CHAIRMAN. There is not.

Mr. BLANTON. Mr. Chairman, I desire to offer an amendment.

Mr. REECE. Mr. Chairman, I have an amendment pending which I desire to offer.

The CHAIRMAN. An amendment is offered by the gentleman from Tennessee, which the Clerk will report.

Mr. JOHNSON of Kentucky. Mr. Chairman, I thought I heard some one asking unanimous consent, and immediately I appealed to the Chair and he tells me that no such thing has been asked.

Mr. O'CONNOR of Louisiana. I did ask unanimous consent.

Mr. JOHNSON of Kentucky. I thought that two gentlemen asked unanimous consent.

The CHAIRMAN. That is correct, and the request was submitted to the committee, and the Chair heard no objection.

Mr. JOHNSON of Kentucky. Oh, I beg the Chair's pardon. I was on my feet clamoring for recognition in the confusion to ask if there was such a request for the purpose of objecting.

The CHAIRMAN. In the midst of the confusion the Chair did not observe the gentleman from Kentucky. If the gentleman was on his feet, the Chair will put the question again. Is there objection to the request, first, of the gentleman from Michigan to extend his remarks in the Record?

Mr. JOHNSON of Kentucky. I object, Mr. Chairman.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana to extend his remarks in the Record?

Mr. JOHNSON of Kentucky. I object.

Mr. JAMES. This was on an amendment that I offered some time ago, I would say to the gentleman from Kentucky.

Mr. REECE. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. REECE: Page 23, line 17, after the word "all," strike out the figures "\$16,400,000" and insert "\$16,395,000: Provided, That the Secretary of War be, and he is hereby, directed and authorized to transfer to the Department of Agriculture, under the provisions of section 7 of the act approved February 28, 1919, entitled 'An act making appropriations for the service of the Post Office Department for the fiscal year 1920, and for other purposes,' and acts amendatory thereto, for use in improvement of highways and roads, the following war materials, equipment, and machinery out of the reserve stocks,

to wit: One thousand five hundred 5-ton caterpillar tractors, with tools and spare parts; 5,000 motor trucks, 1 to 5 ton capacity; and 500 ordnance mobile machine shop trucks, with tools and spare parts."

Mr. ANTHONY. Mr. Chairman, I make the point of order that the amendment of the gentleman changes the existing law. Now, the Secretary of War alone has the power to declare articles surplus in the War Department, and the gentleman would take that power away from the Secretary of War to declare articles surplus.

The CHAIRMAN. The gentleman claims that it is done under the Holman rule, and it reduces expenditure. It does reduce the amount in the bill, but—

Mr. MADDEN. It does, but it does not with any logic.

The CHAIRMAN. It is a question of expenditure—

Mr. ANTHONY. As I said to the Chair before, if he offers an amendment which wipes out the Army supply of motor trucks available in reserve and we have to have more money to buy new ones, it is obviously not a retrenchment but an additional expense.

Mr. REECE. That is what it does not do.

Mr. MADDEN. It does reduce the appropriations, but it does not make the reduction apply to the activities and connect up the legislation with the activities.

Mr. REECE. I do not have the exact amount by which this proposed amendment will reduce expenditures of the War Department, but it will reduce them to a very considerable amount, but in order to be fair to the department, gentlemen of the committee, I made arbitrarily a small reduction. The reduction may be even much greater than that provided for in the bill.

Mr. MADDEN. The gentleman has not any figures upon which he bases his reason for it?

The CHAIRMAN. In order to make an amendment in order under the Holman rule the gentleman must comply with the requirements that it be germane to the subject matter of the bill and shall retrench expenditures in one of three ways, one of which is by a reduction of the amount of money carried in the bill. Now, the gentleman complies with the latter portion, but whether the retrenchment is an actual fact or not is a question.

Mr. GARRETT of Tennessee. Mr. Chairman, I always feel sorry for a Chairman who has to pass on a point of order made under the Holman rule. It is so involved as to make it extremely difficult, probably even more difficult than to pass on the question of germaneness, because germaneness is also involved along with the Holman rule, but I have this general idea about the matter, and that is that where the legislation that is contained in an amendment proposed is offered it must be so connected with the reduction as to be germane to that reduction; and, much as I am in sympathy with the desire of my colleague from Tennessee, I question very much whether the legislation he proposes is germane to the reduction proposed.

The CHAIRMAN. That is the very point that is puzzling the Chair and the Chair has been unable to connect up the two in such a way as to make the amendment in order.

Mr. LONGWORTH. And is it not also a practice, in case an amendment of this sort is offered that apparently reduces the amount in the bill and leaves a doubt whether it is an actual saving, that the burden of proof lies upon the proponent of the amendment to show conclusively that it does effect a reduction?

The CHAIRMAN. Yes; that is what the gentleman is called upon to do under the usual practice of the House.

Mr. REECE. Mr. Chairman, after the amendment was submitted on yesterday and the question was raised that the disbursement made for the upkeep of this surplus material was not made from under the item to which the amendment was offered, I conferred with the office of the Director of Finance and he informed me that disbursements were made from under this section for the upkeep of surplus material; and in conversation I inquired whether disbursements were made for the upkeep of these surplus trucks now over at Camp Holabird, to which I referred a moment ago, and he advised me that such disbursements were made from under this paragraph of the bill, and therefore it seems to me that the two propositions are connected.

The CHAIRMAN. The Chair has tried to follow closely everything the gentleman from Tennessee has said and is still unable to so connect the proposed legislation with the reduction of the appropriation as to bring the legislation under the Holman rule, and therefore sustains the point of order.

The Clerk read as follows:

MILITARY POSTS.

For the construction and enlargement at military posts of such buildings as in the judgment of the Secretary of War may be necessary, including all appurtenances thereto, \$428,332, including \$43,332 for

improving the heating system at Fort Sill, Okla., and \$385,000 toward the construction of a barrack building for one regiment of Infantry at Fort Benning, Ga.

Mr. WRIGHT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Georgia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WRIGHT: Page 25, line 19, after the word "Georgia," strike out the period and add the following: "and the Secretary of War is hereby authorized to enter into a contract or contracts or otherwise incur obligations of not to exceed \$1,115,000, exclusive of the amount appropriated herein, for the completion of the said barrack building for one regiment of Infantry at Fort Benning, Ga."

Mr. ANTHONY. Mr. Chairman, I reserve a point of order on that.

Mr. WRIGHT. Mr. Chairman and gentlemen of the committee, this amendment is offered in the interest of economy. It happens that this Infantry School of Arms is located in my district. I am very familiar with the situation at the school, and I know the need for this construction.

Now, you will find from the hearings that it is the purpose of the War Department, in its construction program, to build at this place a barrack building which they estimate will cost a million and a half dollars, and that with this \$385,000 which the bill carries it is proposed to construct one side, or simply one unit, of this building in the coming fiscal year, and from time to time they hope to secure appropriations with which the building can be completed. This matter was very thoroughly canvassed in the committee. I will read from the hearings on this subject:

Mr. ANTHONY. It really means that they intend first to embark on the construction of a regimental barrack and only build one-third or it?

Colonel CASEY. Yes; I will explain, sir. There is a well-defined study, which has been thoroughly made by the Secretary of War's office in conjunction with the Quartermaster General's office, and it is my impression that the Secretary intends to submit that as the housing program for the Army at large. This program will contain a progressive construction scheme, and in which each building to be built and each post to be improved will be provided for in this study.

The first item that the War Department desires to present and the one that is considered the most necessary is the barrack building at Fort Benning. This is to be a building, when finished, for one regiment of 2,110 men, and with the amount of money that we are allowed this year for new construction we propose to build as much of that barrack building as we can get for the money. It will provide for about 550 men. We may get a little bit more.

Further on Mr. ANTHONY says:

Mr. ANTHONY. Do you not think it would be economy to ask for bids for the entire construction rather than to ask for bids for one-third of it?

Colonel CASEY. Personally I think it would, sir; but we are only allotted \$385,000.

Mr. ANTHONY. If we are going ahead on the building project there and it is made for regimental construction, why not take that under consideration?

Colonel CASEY. It would be economy to put it all up at once, undoubtedly.

Mr. JOHNSON. So that is to be a permanent camp, is it?

Colonel CASEY. Yes; it is the Infantry School.

Mr. JOHNSON. Is it advisable to take so many bites in the cherry? Why not go ahead and build the thing?

Colonel CASEY. We would gladly do it, sir.

Mr. JOHNSON. Well, Congress can do it if it can get sufficient reasons to warrant its doing so.

General BELLINGER. The Budget officer does not think we should spend so much money per year.

Mr. JOHNSON. Congress might think otherwise.

General BELLINGER. That is it. We are perfectly willing.

Colonel CASEY. Of course, we can see that it is much more economical.

Mr. JOHNSON. How much more economical do you think it would be to build the whole thing at once instead of biting at it?

Colonel CASEY. I can insert the accurate figures in the record. It will save more than the money, sir. It will save the use of the buildings, and it will afford an opportunity for the training of the men.

Mr. JOHNSON. It is your opinion, then, that it is false economy to do that building on the installment plan?

Colonel CASEY. That is my opinion; yes, sir.

Then he was asked for some figures on the estimated cost that would be saved if the entire building were let out at contract at one time. Colonel Casey says further:

ESTIMATED SAVINGS IN CONSTRUCTING BUILDING AS A WHOLE.

Colonel CASEY. He asked me to give him some information on the probable saving to the Government to construct this building as a whole the first year, rather than by increments. I have asked the estimator to give me this data. Figuring on putting up this building all under one contract, it is estimated that the contractor's overhead and other things, considered as to the desirability of getting this large contract, we ought to save about from \$40,000 to \$50,000 on the contract price alone. In addition to that, there will be certain incidental savings by constructing this building at one time. The cost of tentage alone is a considerable item. The report of the officer of the Inspector General's Department for one year, from April, 1921, to April, 1922, was that \$200,000 was spent for tentage at this post.

Mr. ANTHONY. This tentage cost approximately \$56 per man per annum?

Colonel CASEY. Per man per year; yes, sir.

Mr. ANTHONY. How long does a tent last in that climate?

Colonel CASEY. About six months, when under permanent use. There are 3,100 men in tentage, or a little over that, but taking approximately 3,000 men, and, say, approximately \$60 a man per tent per year, that would make \$150,000 a year for tentage. That money is gone.

There are other incidental savings in the maintenance and in the costs of the utilities. We will save something on coal and light and deliveries and that sort of thing. That is all aside from the comfort and convenience. Suppose we take the 2,110 men for which this barrack is being provided and stretch this over four years; say, we take four increments to build it—and I have deducted from this the amount that we would build each year—the savings in tentage would be \$200,480. This and the estimated savings that we would get from the contractor of \$50,000 would make it about \$250,000, and I think a fair estimate of the savings on the utilities would be probably \$5 a man, or something like \$10,000; so a reasonable estimate of the savings would be \$260,000.

Mr. JOHNSON. There would be that much saving on an investment of what amount? What would be the total cost of the building?

Colonel CASEY. \$1,500,000, sir.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. ANTHONY. Mr. Chairman, I make the point of order on the ground that it carries new language and new legislation and ask authority to execute contracts.

The CHAIRMAN. The gentleman from Georgia, I suppose, will not contend that it is not legislation?

Mr. WRIGHT. No. But I contend that it will result in economy.

The CHAIRMAN. On its face that is not disclosed. The Chair will have to sustain the point of order.

Mr. HUDSPETH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HUDSPETH: Page 25, line 19, at the end of the line add the following: "Provided, That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$300,000 for the acquisition of 3,618 acres of land adjoining the Fort Bliss Military Reservation in Texas as an addition to said Fort Bliss Military Reservation for maneuvering and drill grounds and other military purposes."

Mr. ANTHONY. Mr. Chairman, I reserve a point of order on that amendment.

Mr. HUDSPETH. I would like to ask the gentleman from Kansas to make his point of order, because if my amendment is not germane to this section I would like to offer it to another section.

The CHAIRMAN. The Chair sustains the point of order.

Mr. HUDSPETH. I do not think it is subject to a point of order.

The CHAIRMAN. The Chair would be glad to be enlightened.

Mr. HUDSPETH. I will try to illuminate the Chair to a certain extent by stating a decision by a distinguished gentleman, Mr. Towner, on an amendment similar to this.

The section, Mr. Chairman, is for the enlargement of military posts. Now, this amendment provides for the purchase of additional land adjoining a military reservation—Fort Bliss, Tex.

I want to call the attention of the Chair to the fact that in the Sixty-sixth Congress an amendment was offered by the gentleman from Texas, Mr. Bee. I can give the Chair, if he desires, the volume in which he can find that amendment. It is volume 59, part 6, of the Record, page 5739.

Mr. Towner, of Iowa, was in the Chair. I remember distinctly that the gentleman from Texas, Mr. Bee, offered an

amendment for the purchase of land adjoining the Leon Springs Military Reservation. I think the gentleman from Illinois [Mr. MADDEN] made a point of order against the amendment, and after considering the question for one day the Chair held that, as it was for the purchase of land adjoining a reservation already established, it was in order, and so held.

That is what I am seeking to do. I am seeking by this amendment to provide for the purchase of additional land adjoining an established military post—Fort Bliss.

The CHAIRMAN. That is not all of the gentleman's amendment, however.

Mr. HUDSPETH. I submit it is clearly in order.

The CHAIRMAN. There is one other point the gentleman has not touched at all.

Mr. HUDSPETH. I will state to the Chair that the amendment offered by the gentleman from Texas, Mr. Bee, at the time Mr. Towner held it was in order was not to this exact section; it was offered to another section, but it did propose the purchase of additional land adjoining a military reservation.

Mr. ANTHONY. If the Chair will permit, I call attention to the fact that the amendment would not be germane to this paragraph, because the paragraph is "For the construction and enlargement at military posts of such buildings," and so forth. There is nothing in the paragraph in regard to the purchase of land.

Mr. HUDSPETH. I will state that this paragraph provides for the enlargement of military posts, and that is what I am seeking to do.

Mr. ANTHONY. But the language is "For the construction and enlargement at military posts of such buildings."

The CHAIRMAN. That is the point to which the Chair was going to direct the attention of the gentleman from Texas. It appears to the Chair that the gentleman's amendment embarks on an entirely different enterprise than that set out in the paragraph, and if that is all the illumination the gentleman from Texas can give the Chair, the Chair will be compelled to sustain the point of order.

Mr. HUDSPETH. Then I will offer the amendment at another place, and at that place I think it will be in order.

The CHAIRMAN. The Chair will cross that bridge when it is reached.

Mr. LAGUARDIA. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman a question. Fort Benning is an Artillery post, is it not?

Mr. ANTHONY. No; it is an Infantry post.

Mr. LAGUARDIA. Was it not originally an Artillery post?

Mr. ANTHONY. No; it has always been an Infantry post.

Mr. LAGUARDIA. Have they not sufficient barracks there at present?

Mr. JOHNSON of Kentucky. If I may be pardoned, they are living in tents.

Mr. ANTHONY. It was never contemplated at the start that Benning should be other than a camp, a field camp for Infantry maneuvers, but the tendency now is to convert it from a post of that character into a permanent post. For the most part, the buildings now there are of a temporary character.

The CHAIRMAN. The pro forma amendment is withdrawn and the Clerk will read.

The Clerk read as follows:

SHOOTING GALLERIES AND RANGES.

For shelter, grounds, observation towers, shooting galleries, ranges for small-arms target practice, machine-gun practice, field, mobile, and railway artillery practice, repairs and expenses incident thereto, including flour for paste for marking targets, hire of employees, such ranges and galleries to be open as far as practicable to the National Guard and organized rifle clubs under regulations to be prescribed by the Secretary of War, \$37,400.

Mr. HUDSPETH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HUDSPETH: Page 28, line 26, at the end of the line add the following: "Provided, That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$366,000 for the acquisition of 3,613 acres of land adjoining the Fort Bliss Military Reservation in Texas, as an addition to said Fort Bliss Military Reservation, for maneuvering and drill grounds, target practice, artillery practice, and other military purposes."

Mr. ANTHONY. Mr. Chairman, I reserve a point of order.

Mr. HUDSPETH. Mr. Chairman, I wish the gentleman would make it, because if it is subject to a point of order, of course, I do not want to take up the time of the committee in discussing it.

Mr. ANTHONY. Then I will make the point of order that it is not germane to the paragraph.

Mr. HUDSPETH. Now, Mr. Chairman, if the Chair will hear me, here is the volume of the Record and the page on which Mr. Bee, to this very paragraph, offered an amendment for the purchase of certain land, and I will read to the Chair the language of the amendment:

Amendment offered by Mr. Bee: Page 40, line 25, at the end of line 25, add the following: "Provided, That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$88,880 for the acquisition of land as an addition to the Leon Springs Military Reservation in Texas."

It was offered to the paragraph "For shelter, grounds, shooting galleries, ranges for small-arms target practice, machine-gun practice, field artillery practice, repairs, and expenses," and so forth, and Mr. Towner, who was then in the chair, in an opinion, well considered, in which he asked that the matter go over for one day in order that he could view the parliamentary situation and study it, held that the amendment was in order.

The CHAIRMAN. The reservation of which the gentleman speaks at El Paso is one that is authorized by law?

Mr. HUDSPETH. Yes, sir; an old established post, I will state to the Chairman.

The CHAIRMAN. The gentleman does not happen to have the fundamental law under which that post was established?

Mr. HUDSPETH. I have looked it up in times past, Mr. Chairman. It was established, I think, way back in 1859, before the Civil War. Certainly, it was established by authority of law.

The CHAIRMAN. Does the gentleman from Kansas wish to be heard?

Mr. ANTHONY. I call the attention of the Chair to the fact that there is no purchase of land contemplated by the language of the existing paragraph. The appropriation all goes for other purposes than to buy land. I do not think there is any authority in the language of the paragraph to purchase land.

Mr. HUDSPETH. I call the attention of the Chair to the fact that in the Sixty-eighth Congress when the bill was under consideration there was no provision in it at that time for the purchase of land, and yet this amendment by Mr. Bee was offered to this paragraph, the identical paragraph I am offering this amendment to, and Mr. Towner held that it was in order.

The CHAIRMAN. The gentleman claims this is an extension of a post already authorized.

Mr. HUDSPETH. Yes, sir; already authorized by law.

The CHAIRMAN. And that it is land necessary to the proper performance of the military function for which that post was established?

Mr. HUDSPETH. Yes, sir.

Mr. LONGWORTH. Mr. Chairman, is that under the theory that this would be a continuation of a public work?

The CHAIRMAN. As the Chair understands, that is the contention of the gentleman, that this is for an extension of a military reservation already authorized by law.

Mr. LONGWORTH. Oh, Mr. Chairman, I do not think it has ever been held that an addition of land to an existing military or any other sort of reservation is a continuation of a public work.

Mr. WINGO. That is just exactly what Mr. Towner held.

Mr. LONGWORTH. If that were true, it would then be in order to buy an unlimited amount of land anywhere, so long as it was contiguous to a military reservation. Surely that is not a continuation of a public work.

Mr. WINGO. I will say to the gentleman that that was the very ground upon which Mr. Towner overruled the point of order—that it was adjacent to the Leon Springs Reservation and was in order as a continuation of a public work. That was the ground on which Mr. Chairman Towner upheld the Leon Springs addition.

The CHAIRMAN. The gentleman from Arkansas correctly states what seems to the Chair, from such observation as the Chair has been able to give it, to have been the decision of Chairman Towner, but the Chair would like to look up some other decisions.

Mr. ANTHONY. Mr. Chairman, I still contend it is not germane to the paragraph because there is nothing in the paragraph that authorizes the purchase of land.

The CHAIRMAN. Of course, the gentleman can meet that by inserting a new paragraph.

Mr. ANTHONY. The purpose of the language of the paragraph is not to authorize an expenditure of money for the purchase of additional land.

Mr. WINGO. I will state to the Chair that the language of the paragraph at that time, to which the amendment providing for the Leon Springs addition was offered, is identical in everything, even punctuation, except the amount was \$50,000, whereas in the present bill the amount is \$37,400, and Mr. Chairman Towner says:

If the purchase proposes the addition of a separate and distinct tract of land not adjoining and appurtenant to the Leon Springs Reservation, the point of order should be sustained; if the addition is adjacent to the Leon Springs Reservation it is in order as a continuation of a public work. There is no method of enlarging any public work that is situated as it must be upon land except by amendment to existing law.

I think this is identically the same question, I will say to the Chair.

Mr. LONGWORTH. Will the gentleman yield?

Mr. WINGO. Certainly.

Mr. LONGWORTH. Would the gentleman hold that it would be in every case a continuation of an existing public work if any amount of land were bought so long as it was adjacent to that particular military reservation?

Mr. WINGO. I do not quite catch the gentleman's question.

Mr. LONGWORTH. I understood the gentleman to say that under the decision of Judge Towner the mere fact that the land was contiguous to a military reservation made it necessarily a continuation of a public work.

Mr. WINGO. Yes; because the words "continuation of a public work" does not mean necessarily a constructive work. The gentleman may recall that at one time I, as Chairman of the Committee of the Whole, had that question before me and rendered an opinion. This paragraph provides for shelter, ground, observation towers, shooting galleries, and so forth. Of course, the Chair will take judicial notice of the purpose for which the grounds are used, and that it is for the same purpose mentioned in the paragraph, and it does provide for shelter, grounds for shelter, and grounds for ranges, shooting galleries, and so forth. The proposition of the gentleman from Texas is to add to the reservation that is used for this purpose lands that are adjacent to it. In other words, that would be a continuation by enlargement of the plant that is already in existence under authority of law.

Mr. LONGWORTH. Does the gentleman contend that in any case a purchase of land, no matter how large or how unnecessary, provided only it is contiguous to a military reservation, would make it in order?

Mr. WINGO. I did not say that. I would not say that in any case, because it might be a case where the purchase of the land had absolutely nothing to do with the paragraph, and the question of germaneness would come in.

Mr. LONGWORTH. The gentleman did not quite understand me. Is the test of whether the amendment is in order that it provides for land contiguous to an existing military reservation?

Mr. WINGO. I think the question of adding adjacent lands to an existing Army post or plant of the Government is similar to the repairing of a building that belongs to the Government.

Mr. LONGWORTH. I want to call the Chair's attention to the fact that if all amendments were construed in the way suggested by the gentleman from Arkansas it would be in order to add at any time an indefinite amount of land to any Government post or reservation as long as it was contiguous to that particular piece of land, and the Chair, according to the gentleman, would take judicial notice of the fact that it was contiguous.

Mr. WINGO. No; the amendment provides that it is adjacent. The same distinction applies as it would if it was a separate new post-office building, which would be a different proposition, but it would be in order to provide for the repair of a building that was in course of construction.

Mr. LONGWORTH. Suppose we had a military reservation which was practically not used at all, or very little used, containing 1 square mile, would it be the contention of the gentleman that it would be in order to offer an amendment to acquire ground adjacent extending 100 square miles so long as it was adjacent?

Mr. WINGO. The gentleman means whether or not on the merits of the proposition it is wise or unwise enters into the point of order. I contend that it does not.

This amendment may be unwise, I do not know; but as long as it provides for making additions to an existing plan, it is a public work already in existence, and the words "public work" do not necessarily mean constructive work. The gentleman, I presume, is familiar with that distinction.

Mr. LONGWORTH. Decidedly.

Mr. WINGO. It does not have to be construction going on, but if it is repair or an addition to an existing plant it is a separate and distinct thing from the proposal to erect a separate and distinct building. As long as it is in the enlargement of an existing plan, whether that plant be a military reservation or a public building or a string of revetments on a river—and the question has come up on river work—then it is the continuation of a public work already in existence.

Mr. LONGWORTH. Mr. Chairman, I must say that I am not familiar with any decision, unless it is the particular decision noted, that holds that the purchase of land is necessarily a continuation of a public work, provided the land is adjacent to that particular public work. It seems to me that is extending the rule beyond all reason.

Mr. JOHNSON of Kentucky. Mr. Chairman, I wish to say that it has been held over and over again that where property is adjacent to other property—for instance, as a school property—and is in operation, the point of order does not lie. Points of order have been overruled many times where they seek to acquire property adjoining that already owned and operated. The property sought to be acquired here adjoins property that the Government already owns and is operating, and the precedents, while wrong in my judgment, thoroughly establish this right.

Mr. ANTHONY. Mr. Chairman, if the gentlemen are finished with their arguments on this, I move that the committee do now rise, and we may have a decision of the Chair in the morning.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee has had under consideration the bill H. R. 7877, the War Department appropriation bill, and had come to no resolution thereon.

INDEPENDENT OFFICES APPROPRIATION BILL.

Mr. MADDEN, by direction of the Committee on Appropriations, reported the bill H. R. 8233 (Rept. No. 380), making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1925, and for other purposes, which was read a first and second time and, together with the accompanying report, referred to the Committee of the Whole House on the state of the Union and ordered printed.

Mr. BLANTON. Mr. Speaker, I reserve all points of order on the bill.

Mr. HOWARD of Nebraska. Mr. Speaker, I rise to suggest that there is no quorum present.

The SPEAKER. Will the gentleman withhold that for a moment until the Chair presents a request for unanimous consent?

Mr. HOWARD of Nebraska. I shall do anything that the Chair wishes.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. DENISON, for three weeks, on account of important business.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 225. An act to extend the benefits of the United States employees' compensation act of September 7, 1916, to Edward N. McCarty; to the Committee on Claims.

HOUSE OF MEETING TO-MORROW.

The SPEAKER. The gentleman from Nebraska makes the point of order that there is no quorum present.

Mr. LONGWORTH. Mr. Speaker, will the gentleman withhold that for a moment until I present a request for unanimous consent that when the House adjourns to-day it adjourn to meet to-morrow morning at 11 o'clock, in order to facilitate the passage of this bill?

Mr. HOWARD of Nebraska. I shall, although I do not like to. Mr. LONGWORTH. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow.

The SPEAKER. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, if we meet at 11 o'clock to-morrow I hope the gentleman from Kansas will be liberal with us in our discussion of certain points of order that we desire to make.

Mr. ANTHONY. I always try to be liberal in that respect.

Mr. HUDDLESTON. Mr. Speaker, has the gentleman consulted the minority leader in that respect?

Mr. LONGWORTH. I have not; but I am very certain that it will be agreeable to him, because I have consulted various members of the Committee on Appropriations.

Mr. HUDDLESTON. Is it expected that we shall proceed with this bill?

Mr. LONGWORTH. Oh, yes; with this bill. There is nothing before the House this week except this bill and the appropriation bill to follow.

The SPEAKER. Is there objection?

There was no objection.

EXTENSION OF REMARKS.

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record which I made to-day.

The SPEAKER. Is there objection?

Mr. JOHNSON of Kentucky. I object.

Mr. THOMAS of Oklahoma. Mr. Speaker, I ask unanimous consent to print in the Record as a part of my remarks a letter from the governor of the Federal Reserve Board giving some figures about the expenses of the several Federal reserve banks.

The SPEAKER. Is there objection?

Mr. JOHNSON of Kentucky. Mr. Speaker, I am constrained to object.

RELIEF FOR DISTRESSED AND STARVING WOMEN AND CHILDREN OF GERMANY.

Mr. THATCHER. Mr. Speaker, I have favored the joint resolution authorizing the appropriation of a sum, not exceeding \$10,000,000, "or so much thereof as may be necessary," to be expended under the direction of the President "for the relief of the distressed and starving women and children of Germany." I shall state a few of the reasons why I am for the proposed relief.

First, From the best information obtainable it is clearly shown that dire distress and conditions of slow starvation among a very large number of the women and children of Germany actually exist. The testimony of conservative and well-informed witnesses is to this effect. I refer especially to the statements made by Mr. Hoover, Secretary of Commerce, and by my distinguished fellow Kentuckian, Gen. Henry T. Allen, recently in command of the American Army in the occupied German area. Surely no one can doubt the capacity of these splendid Americans to judge of the actual conditions and needs of the women and children of Germany.

Mr. Hoover's great work in administering American relief to starving Belgians and others of the war-stricken areas of Europe, eminently qualifies him as a witness; and because of the fact that General Allen is fresh from the German soil and has the advantage of several years of first-hand, intimate knowledge of the conditions in Germany, he, also, is a witness of the highest, most credible character. Both Secretary Hoover and General Allen have indicated their approval of the proposed relief.

From the testimony of Secretary Hoover given before the House Committee on Foreign Affairs when this measure of relief was being considered, the following quotations are made:

• • • There is large unemployment both in the Ruhr and in the urban areas and the cities in unoccupied Germany. The wild fluctuations in the cost of living and wages and the gradual increase of unemployment arising in the Ruhr from the passive resistance to the occupation and the shortening of raw materials to the rest of Germany have, of course, projected an enormous amount of unemployment and destitution in the working classes. That destitution has its worst results in shortening the purchasing power for those elements in the food supply that peculiarly affect children. One of the first effects of destitution is to reduce the ability to buy the more expensive foods, and thus the consumption of fats and milk of children. This reduction in foodstuffs of that character shows very plainly in German children of the poor in the manufacturing and urban areas and has become undoubtedly very acute. I think you have heard evidence of the men sent over to examine the situation on behalf of various charitable organizations that are at work upon it. But I would like to get clear that there are two quite essentially different questions. The first, the major question of imports, should solve itself in a normal fashion without calling on the American people for this large solution. That is the major problem. The secondary one is purely a question of human charity to individuals impoverished by circumstances beyond their own individual control or beyond the control of their local charities or government.

Mr. CONNALLY. Would solving the first problem solve the second?

Secretary HOOVER. Solving the first one would really in the long run solve it. In other words, if the reparations negotiations succeed, they must provide for the economic recuperation of Germany, the restoration of employment, and thereby automatically relief of destitution among unemployed. So in the long run it would settle the entire problem.

Given constructive settlement, the German Government should be able to borrow abroad; and I assume the first obligation of a government is to apply its resources to nourishment for its people, whether due to poverty or otherwise.

Mr. LANTHORN. Would it be asking too much for you to say how you feel in reference to this bill?

Secretary HOOVER. I can only feel one way about children. I have engaged a very large part of my time and energies for 10 years in remedy of famine and poverty among European children, as well as in major questions of food supply to some 23 different nations in Europe. I have felt that in the larger view the real hope of recovery in the world and rehabilitation of Europe lies in sustaining the children; that it is of primary importance that we should contribute where solution can not be found otherwise to maintain the health and welfare of their children. With a record of having engaged in the relief of somewhere upward of 20,000,000 children in these 23 different countries in Europe, I could not oppose but must support provision against the undernourishment of children anywhere. I can argue very heartily on the failures of adults and the misdoings and misdeeds of the governments that bring these situations about, but I can not apply those arguments against children. Our one hope is that the next generation will be better than this one, and there is no hope if they are to be stunted and degenerate from undernourishment. I recognize the many arguments that may be brought against charitable action either by private agencies or by our Government, but I refuse to apply these arguments to children.

I also quote the following from the testimony of General Allen, given before the same committee:

• • • My attitude toward kaiserism and the ruthlessness of those whose idea was militarism and military conquest is well known, as were my efforts to defeat such.

But, as a peace treaty has been made with Germany, there should be no desire to continue hostility toward the German people, especially the children and newly created constitutional government in that country. They are a virile people who have contributed greatly to the progress of civilization, and the world, it seems to me, needs them with their strength restored. Moreover, owing to the instability of international friendships, this gesture of humanity, such as the people of the United States are now showing, should prove a valuable asset for our Government in its future international relations. Through the opportunities which I have had and from incontrovertible direct information I am informed as to conditions now prevailing in Germany, and these conditions are of a most distressing character. Immediate relief of actual starvation is the problem to which the American Committee for Relief of German Children is devoting its energies.

It is important to realize that the present distress is not of the usual kind. It is the climax of years of development and consequently presents a much larger and more serious problem than would a temporary situation. The approach of the present crisis was indicated four years ago, when we were feeding under far less impelling conditions 11,000 undernourished children in our bridgehead and when the French were feeding German children at their soldier kitchens. Even now General De Goutie is feeding the German hungry at 122 soldier kitchens.

• • • As has been aptly said, it is always the children who are ground in the mills of international disputes. • • • We are, however, chiefly concerned about the German children. Reports pointed to so distressing a condition among them that an American committee, of which I am chairman, was formed to provide relief. That committee is cooperating with the American Friends (Quakers) Service Committee, which is charged with the purchase and distribution of all food.

• • • Among children of school age, the crisis is such that there is lack of breakfast and often of lunch for these children. There is also lack of shoes and stockings, underclothes, and winter coats, and undersized, pallid, listless, thin children seem but the natural result.

Also among these children there is a prevalence of tuberculosis not known to school physicians heretofore. Up to 20 per cent of children applying at 6 years for admission to schools have to be sent home as unfit to attend. School hours are from 8 to 1 o'clock with no afternoon session. Classes are commonly of 45 to 60 children instead of 35 to 40 as formerly. The temperature of classrooms can rarely be kept up to 60° F.

Meat once a week, no milk, bread with margarine or vegetable fat, potatoes, and turnips, meal soup, constitute the most liberal diet of an average school child.

From 1 to 24 per cent of school children in some districts are found to have open pulmonary tuberculosis. Crippling rickets, bone and joint and gland tuberculosis are common, and there is much skin infection among school children. Scurvy is less common but increasing. A form of ulceration of the eye easily leading to blindness unless quickly recognized, but speedily curable with fresh milk and suitable diet, is noticeable.

The weakness of children from hunger is a common cause of fainting, dizziness, headache, and inability to study and inability to pay attention simply because of hunger. The record of collapse cases in the schoolrooms was never before known to be so great as now.

The extent of undernourishment in the schoolroom is best expressed by the fact that practically everywhere there is a discrepancy of almost two years between the age, the height, and the weight of the children in contrast with the normal child. Photographs have shown that, and I noticed it myself before leaving Germany.

• • • During our first days on the Rhine, none of us drank cow's milk. We thought it was advisable to reserve it for the children. That was as long ago as 1919.

• • • Unemployment is intensifying the distress. The latest figures of the German ministry on labor indicate that in December there were about 3,500,000 totally unemployed persons and an equal number on part time. Several municipalities have reported that the number of destitutes is more than one-half of the population.

• • • The highest peak need will come at the end of March and early in April. Between that period and the next harvest it is predicted that over 20,000,000 people will be utterly dependent on outside charity. The most essential foodstuffs, and those which Germany herself is unable to provide, are fats, cereals, milk, and cod-liver oil, all of which are now reported almost unobtainable for children. What Germany is doing: Information obtained from various authoritative sources indicates that the German relief work is being conducted by the Federal Government, municipality governments, by banks, manufacturers, commercial organizations, by organized charity, and by private individuals. The German Government levied a special property tax, to all intents a simple capital levy, which is now being collected. The greater part has been set aside to cheapen the cost of bread and milk to the destitute, and 5,000,000 gold marks, or \$1,250,000, are being used exclusively for the feeding of children. This sum is sufficient to feed 500,000 children for five months on the diminished ration. Its administration is by American Quakers, along with the food sent from the United States. The German Government supplied 47 per cent of the \$12,000,000 worth of food distributed in Germany by the Quakers between the spring of 1919 and July, 1922.

• • • The Government is also caring for 1,722,000 war widows and orphans and 320,000 families of the middle and professional classes who have been reduced to poverty and 1,400,000 aged and invalid persons. Municipalities are cooperating with the Government in caring for unemployed and partial dependents and are supplying food to 100,000 or more undernourished children. Practically all German cities, in cooperation with private organizations, maintain soup kitchens for daily feeding of destitute people. They also pay for sending children to the country and contribute funds to hospitals and similar institutions. Native relief agencies are reported to be so severely handicapped by lack of funds and reduced purchasing power of money that they are able to meet only a small fraction of the need. Many hospitals and similar institutions have been forced to close their doors and others to curtail their operations because of lack of medical supplies.

As an example of assistance given by business concerns a recent cablegram received by our committee states that banks in Berlin contributed 700,000 gold marks and in Bremen 200,000 gold marks to relief work during the week of January 12. During the past summer between 300,000 and 400,000 city children were cared for in the homes of German farmers for an average of five months. Monthly shipments of 4,300 tons of foodstuffs, or enough to feed 1,250,000 people, were sent to large cities by farmers.

The situation, with respect to native relief in Germany, is that while large quantities of home commodities can be furnished, those elements vitally essential to restore undernourished German children, such as milk, fats, cereals, and cod-liver oil, are not obtainable in that country. What other countries are doing: Other countries, some of them Germany's most relentless enemies during the war, are going to the relief of the starving German children. The English people are working wholeheartedly to relieve suffering in Germany to-day. A manifesto has just been issued in England, signed by the present Prime Minister, J. Ramsay MacDonald; Mr. Asquith, Prime Minister when the war broke out and now leader of the liberal party; General Smuts, Premier of South Africa, and many other leading English citizens of all political faiths. This manifesto describes the hunger crisis among German children and urges the people of Great Britain to come to the rescue. The English Quakers have already done much in a substantial way toward relief.

Many thousands of German children have been taken to Holland and cared for in Dutch homes. The amount of this charity contributed by Holland since the armistice is estimated at \$12,000,000. Switzerland and the Scandinavian countries and even impoverished Austria have recognized the distressing situation of the German children and are extending liberal aid. This is given by taking children out of Germany to rebuild their health, as well as by sending money and material relief into Germany. The American Quakers are absolutely convinced that the situation is one which calls for foreign assistance, because supplies which Germany produced in pre-war days were then only 85 per cent of her minimum food requirements.

Mr. FISH. General, do you know whether the Austrians are taking German children to their own country now?

General ALLEN. Yes; we have a report to that effect. It seems inconceivable that such conditions as exist among German children will be allowed to persist when resources for relief are abundant in the countries which are at peace with Germany. The English people, who are working for this cause, declare in their manifesto that though these starving children were our enemies, we are bidden to feed them. Now that they are our stricken neighbors, the obligation is the greater. It has been shown by investigations of our committee that 2,000,000 German children are slowly starving and that an appalling increase in disease and death will result unless outside aid is provided. The American Committee for Relief of German Children has been making strenuous efforts to raise funds throughout the United States for this humanitarian work. Many prominent people in New York, Chicago, and other large cities are devoting largely of their time and money to the cause of the starving German children and the movement is national in scope.

• • • I feel that the movement is one in which all civilization is directly and deeply concerned. It is nonpolitical and non-racial. It is not a question of Slav or Latin, Teuton, or Arab. It is a question of humanity, of civilization, of peace, and for them we make our appeal. Again, I revert to the more sordid phase of the situation, to the value that a donation by our Government to these stricken children of our conquered foe, would have as an asset of friendship in coming years. To me, gentlemen, that is one of the greatest considerations, one of the most impelling, and I can not but feel that importance must be attached to it, even though that thought is without the realm of humanity and civilization.

The testimony of other citizens of undoubted Americanism who testified before the House Committee on Foreign Affairs is to the same effect. I take it, therefore, that there can be no reasonable question raised as to the real distress and conditions of slow starvation now existent among millions of German children. In lesser degree the same situation is shown to exist as to a very large proportion of the female population of Germany.

It must be borne in mind, also, that General Allen and other prominent Americans are engaged in raising funds from individual sources in the United States for the purpose of giving relief to the women and children of Germany. The \$10,000,000 proposed by the resolution under discussion will be, as must be manifest, in no wise adequate to relieve the situation, but it will prove a very substantial contribution to the relief. General Allen heads the committee so engaged.

Whatever the responsibility of the German Imperial Government or the German people themselves for these conditions may be, the fact remains that these conditions do now prevail. The question involved, therefore, seems to be one of humanity and not one of international hatred or vengeful memories. I believe that the same spirit that prompted Congress to vote \$20,000,000 for relief of the Russian people should prevail in the present instance.

Second. The joint resolution providing for the suggested relief clothes the President of the United States with power, under such agencies as he may designate—

to purchase in the United States and transport and distribute grain, fats, milk, and other foodstuffs for and adapted to the relief of the distressed and starving women and children of Germany—

and also authorizes the appropriation of such sum as may be necessary for the purpose, not to exceed \$10,000,000, to be expended under the direction of the President, with the proviso annexed that an itemized and detailed report of the expenditures and activities made and conducted through the agencies selected by the President under the joint resolution shall be submitted to Congress. Therefore the entire work proposed by the joint resolution is under the absolute control and authority of the President of the United States, and is in no sense controlled by the German Government. Manifestly the President will so direct and supervise the proposed activities as to serve the real purpose of the resolution, namely, the relief of the women and children of Germany who are in distress. As already indicated, the resolution provides in detail the kinds of food and foodstuffs and materials most needed to meet the situation. Hence there is every assurance that the money thus provided will be expended legitimately and for the purpose of relieving the graver conditions of distress involved.

Third. Much argument has been adduced in the discussion of this relief measure to show that it is unconstitutional. It appears that the constitutionality of such action by Congress has never been determined in the United States Supreme Court; but it is true that throughout all the years of our Nation's history Congress from time to time has assumed the right to enact such relief legislation, sometimes for our own people who have been stricken by flood, famine, or some other form of disaster, and sometimes for the people of foreign lands.

Thus, Congress, in the past, beginning with 1912, has voted relief funds for Venezuela, Ireland, India, Cuba, China, Martini-que, and, more recently, for Russia; and the action was not questioned. Congress certainly has some discretion under the "general welfare" clause of the Constitution to deal with such subjects; and it is fair to presume that should the case ever come to a test in our courts, they would uphold the action of Congress. I fully agree with the contention that only an extraordinary case of suffering and need can justify the voting of funds from the United States Treasury for foreign relief; but, in my judgment, the evidence before us clearly presents such a case. It can not be said, in any fairness, that the adoption of this resolution in any way condones or approves Germany's course in the great conflict; in adopting it we are doing no more than civilized nations, in one form or another, have done throughout the centuries. I do not believe that our great Nation, standing at the very apex of civilization and progress, can afford to do less.

Fourth, in recent years, and as a result of the World War, there has been maintained the most earnest advocacy for our entry into a league of nations, or a world court, or some other association or tribunal having for its purpose the promotion of international good will and peace. Conceding that there exists to-day in Germany grave and widespread suffering and distress among her women and children on account of the upheavals and tragic changes growing out of the war and its aftermath, I believe that a bona fide and most pressing claim for international charity here exists, and that our country, by extending the relief provided for in this joint resolution, will accomplish a great work in promoting such international good will. Its action in so doing would not only materially contribute to the relief of the stricken women and children of Germany, but would also serve to further emphasize the fact that our Nation, while ever willing to fight for the ideals of civilization, is always a generous foe, and knows when to assist as well as when to strike.

The amount proposed for relief in the joint resolution, compared with what was done for Russia, and with what has been done for other countries, under similar circumstances, and considered in the light of the conditions which obtain in Germany is, in my judgment, a reasonable contribution for the indicated relief. The enactment of the joint resolution into law will, I believe, fully uphold and confirm in the thought and conscience of the world at large the idea that the American people, though resolute foes in times of war, are dominated by the highest ideals of civilization and humanity in times of peace. I believe the passage of the resolution, and the expenditure of the money carried by it, will constitute an international application of the principle of the Parable of the Good Samaritan.

These are some of the reasons, Mr. Speaker, why I have favored the resolution.

ADJOURNMENT.

Mr. HOWARD of Nebraska. Mr. Speaker, I renew my point of order that there is no quorum present.

Mr. ANTHONY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 34 minutes p. m.), in accordance with the order heretofore made, the House adjourned until to-morrow, Thursday, March 27, 1924, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

417. Under clause 2 of Rule XXIV, a letter from the Secretary of War, transmitting report of the case of Dewitt & Shobe, Glasgow, Mo., under section 10 of act of March 2, 1919 (40 Stat. 1920), as to river and harbor contracts that became inequitable and unjust, was taken from the Speaker's table and referred to the Committee on Rivers and Harbors.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. NELSON of Wisconsin: Committee on Elections No. 2. A report on the contested election case of Don H. Clark v. R. Lee Moore (Rept. No. 367). Referred to the House Calendar.

Mr. PARKS of Arkansas: Committee on Interstate and Foreign Commerce. S. 2656. A bill granting the consent of Congress to the construction of a bridge across the Mississippi River near and above the city of New Orleans, La.; without amendment (Rept. No. 368). Referred to the House Calendar.

Mr. WINSLOW: Committee on Interstate and Foreign Commerce. H. R. 6425. A bill to prohibit the importation and the interstate shipment of certain articles contaminated with anthrax; without amendment (Rept. No. 369). Referred to the House Calendar.

Mr. GRAHAM of Illinois: Committee on Interstate and Foreign Commerce. H. R. 2665. A bill to authorize the city of Chicago to construct a temporary pontoon bridge across the Calumet River in the vicinity of One hundred and thirty-fourth Street, in the county of Cook, State of Illinois; with amendments (Rept. No. 370). Referred to the House Calendar.

Mr. GRAHAM of Illinois: Committee on Interstate and Foreign Commerce. H. R. 7063. A bill granting the consent of Congress to the State of Illinois and the State of Iowa, or either of them, to construct a bridge across the Mississippi River, connecting the county of Carroll, Ill., and the county of Jackson, Iowa; with an amendment (Rept. No. 371). Referred to the House Calendar.

Mr. GRAHAM of Illinois: Committee on Interstate and Foreign Commerce. H. R. 7104. A bill to authorize the construction of a bridge across the Fox River in St. Charles Township, Kane County, Ill.; with amendments (Rept. No. 372). Referred to the House Calendar.

Mr. ZIELMAN: Committee on the District of Columbia. S. 114. A bill to vacate certain streets and alleys within the area known as the Walter Reed General Hospital, District of Columbia, and to authorize the extension and widening of Fourteenth Street from Montague Street to its southern terminus south of Dahlla Street, Nicholson Street from Thirteenth Street to Sixteenth Street, Colorado Avenue from Montague Street to Thirteenth Street, Concord Avenue from Sixteenth Street to its western terminus west of Eighth Street west, Thirteenth Street from Nicholson Street to Piney Branch Road, and Piney Branch Road from Thirteenth Street to Butternut Street, and for other purposes; without amendment (Rept. No. 373). Referred to the Committee of the Whole House on the state of the Union.

Mr. BURTNESS: Committee on Interstate and Foreign Commerce. S. 2332. A bill granting the consent of Congress to the State of South Dakota for the construction of a bridge across the Missouri River between Hughes County and Stanley County, S. Dak.; without amendment (Rept. No. 374). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 8209. A bill to create the inland waterways corporation for the purpose of carrying out the mandate and purpose of Congress as expressed in sections 201 and 500 of the transportation act, and for other purposes; without amendment (Rept. No. 375). Referred to the Committee of the Whole House on the state of the Union.

Mr. MADDEN: Committee on Appropriations. H. R. 8233. A bill making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1925, and for other purposes; without amendment (Rept. No. 380). Referred to the Committee of the Whole House on the state of the Union.

Mr. YATES: Committee on the Judiciary. H. R. 714. A bill to amend section 101 of the Judicial Code; without amendment (Rept. No. 377). Referred to the House Calendar.

Mr. HUDDLESTON: Committee on Interstate and Foreign Commerce. H. R. 8180. A bill to revive and reenact the act entitled "An act authorizing the counties of Alken, S. C., and Richmond, Ga., to construct a bridge across the Savannah River at or near Augusta, Ga.," approved August 7, 1919; without amendment (Rept. No. 378). Referred to the House Calendar.

Mr. GRAHAM of Pennsylvania: Committee on the Judiciary. H. R. 7399. A bill to amend section 4 of the act entitled "An act to incorporate the National Society of the Sons of the American Revolution," approved June 9, 1906; without amendment (Rept. No. 379). Referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 3 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 6207) authorizing and directing the Secretary of War to transfer to the jurisdiction of the Department of Justice all that portion of the Fort Leavenworth Military Reservation which lies in the State of Missouri, and for other purposes; Committee on Military Affairs reported for reference (Rept. No. 376), and said bill was referred to the Committee on the Judiciary.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. WATKINS: A bill (H. R. 8227) to amend the act of August 9, 1921, establishing the United States Veterans' Bureau, and to establish offices of the bureau in the District of Columbia and each State of the Union to handle such business as is committed to the bureau; to the Committee on World War Veterans' Legislation.

By Mr. CRAMTON: A bill (H. R. 8228) to authorize the deferring of payments of reclamation charges; to the Committee on Irrigation and Reclamation.

By Mr. KELLER: A bill (H. R. 8229) granting the consent of Congress to the city of St. Paul, Minn., to construct a bridge across the Mississippi River; to the Committee on Interstate and Foreign Commerce.

By Mr. COOPER of Wisconsin: A bill (H. R. 8230) to provide for the purchase of a site and the erection of a public building thereon in the city of Kenosha, State of Wisconsin; to the Committee on Public Buildings and Grounds.

By Mr. ASWELL: A bill (H. R. 8231) to amend an act entitled "An act authorizing the Secretary of Agriculture to issue certain reports relating to cotton," and for other purposes; to the Committee on Agriculture.

By Mr. CRISP: A bill (H. R. 8232) to prohibit the collection of a surcharge for the transportation of persons or baggage in connection with the payment for parlor or sleeping car accommodations; to the Committee on Interstate and Foreign Commerce.

By Mr. MADDEN: A bill (H. R. 8233) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1925, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. GARNER of Texas: Joint resolution (H. J. Res. 228) amending public resolution No. 70, approved March 2, 1913, as amended July 26, 1919, authorizing the Secretary of War to loan tents for use at encampments held by certain organizations; to the Committee on Military Affairs.

Also, joint resolution (H. J. Res. 229) authorizing the Secretary of War to loan certain tents, cots, chairs, etc., to the president of the Alamo Council of the Boy Scouts of America for use at the annual camp of such organization; to the Committee on Military Affairs.

By Mr. BYRNES of South Carolina: Joint resolution (H. J. Res. 230) directing a census to be taken of bales of cotton now held at various places; to the Committee on the Census.

By Mr. GRAHAM of Pennsylvania: Resolution (H. Res. 235) for the consideration of House Joint Resolution 184, proposing an amendment to the Constitution of the United States; to the Committee on Rules.

By Mr. TINKHAM: Memorial of the Legislature of the State of Massachusetts, urging Congress to appropriate funds to carry out certain recommendations of the Chief of Staff of the United States Army made in furtherance of the national defense act of 1920; to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURTNESS: A bill (H. R. 8234) for the relief of Fayette L. Froemke; to the Committee on Naval Affairs.

By Mr. EDMONDS: A bill (H. R. 8235) for the relief of Aktieselskabet Marie di Giorgio, a Norwegian corporation of Christiania, Norway; to the Committee on Claims.

Also, a bill (H. R. 8236) for the relief of the Government of Canada; to the Committee on Claims.

Also, a bill (H. R. 8237) for the relief of Bruusgaard Klostervuds Dampskibs Aktieselskab, a Norwegian corporation, of Drammen, Norway; to the Committee on Claims.

By Mr. EVANS of Montana: A bill (H. R. 8238) for the relief of Minor Berry; to the Committee on Military Affairs.

By Mr. FISH: A bill (H. R. 8239) granting an increase of pension to Emma L. Jesser; to the Committee on Invalid Pensions.

By Mr. GERAN: A bill (H. R. 8240) granting a pension to John Mundy; to the Committee on Pensions.

By Mr. HAUGEN: A bill (H. R. 8241) for the relief of Mary A. Nicklaus; to the Committee on World War Veterans' Legislation.

By Mr. HILL of Maryland: A bill (H. R. 8242) for the relief of Samuel T. Griffith, formerly a first lieutenant, United States Army; to the Committee on Military Affairs.

By Mr. McKENZIE: A bill (H. R. 8243) granting a pension to Christofa Preston; to the Committee on Invalid Pensions.

By Mr. MAJOR of Missouri: A bill (H. R. 8244) granting a pension to Mollie F. Shockley; to the Committee on Pensions.

By Mr. MERRITT: A bill (H. R. 8245) granting an increase of pension to Josephine M. Downes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8246) granting an increase of pension to Catherine Lorient; to the Committee on Invalid Pensions.

By Mr. MILLS: A bill (H. R. 8247) for the relief of the estate of Carl Anderson; to the Committee on Claims.

By Mr. OLIVER of New York: A bill (H. R. 8248) for the relief of S. Silberstein & Son (Inc.); to the Committee on Claims.

Also, a bill (H. R. 8249) for the relief of S. Silberstein & Son (Inc.); to the Committee on Claims.

By Mr. PRALL: A bill (H. R. 8250) for the relief of Regine Porges Zimmerman; to the Committee on Claims.

By Mr. RAINEY: A bill (H. R. 8251), granting a pension to Newton Ernest McElvahn; to the Committee on Pensions.

By Mr. ROBSON of Kentucky: A bill (H. R. 8252) to correct the military record of James Brummett; to the Committee on Military Affairs.

Also, a bill (H. R. 8253) granting a pension to Leander Cook; to the Committee on Pensions.

Also, a bill (H. R. 8254) granting a pension to Litha I. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8255) granting an increase of pension to Mary E. Steeley; to the Committee on Invalid Pensions.

By Mr. SHREVE: A bill (H. R. 8256) granting a pension to George Robinson; to the Committee on Invalid Pensions.

By Mr. SNELL: A bill (H. R. 8257) granting an increase of pension to Grace F. Briggs; to the Committee on Invalid Pensions.

By Mr. TILSON: A bill (H. R. 8258) for the relief of Capt. Frank Geere; to the Committee on War Claims.

By Mr. WAINWRIGHT: A bill (H. R. 8259) to authorize the President to reconsider the case of Frederic K. Long and to reappoint him a captain in the Regular Army; to the Committee on Military Affairs.

By Mr. WATKINS: A bill (H. R. 8260) granting a pension to Carrie F. Pierce; to the Committee on Invalid Pensions.

By Mr. WEFALD: A bill (H. R. 8261) granting a pension to Eliza Prody; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2034. By the SPEAKER (by request): Petition of citizens of Boston, Mass., protesting against the imprisonment of Eamon de Valera; to the Committee on Foreign Affairs.

2035. By Mr. BARBOUR: Petition of Fresno Lodge, No. 723, I. O. B. B., of Fresno, Calif., protesting against the passage of the Johnson immigration bill; to the Committee on Immigration and Naturalization.

2036. By Mr. CAREW: Petition of the Kossuth Ferencz Hungarian, Sick and Benevolent Association, and other societies of New York City, N. Y., opposing the Johnson immigration bill; to the Committee on Immigration and Naturalization.

2037. By Mr. CRAMTON: Petition of Athena, the Woman's Club of Algonac, Mich., urging favorable action on the child labor amendment; to the Committee on the Judiciary.

2038. By Mr. LEAVITT: Petition of the Masonic Lodge at Stanford, Mont., Palestine Lodge, No. 88, urging the passage of the Johnson immigration bill without amendment by June 1, 1924; to the Committee on Immigration and Naturalization.

2039. By Mr. MacGREGOR: Petition of 20 Italian organizations in the city of Buffalo, N. Y., protesting against the passage of the Johnson immigration bill; to the Committee on Immigration and Naturalization.

2040. By Mr. RAINEY: Petition of Peoria and Tazewell County (Ill.) Wild Life Association, opposing discharge of Chicago sewage into Illinois River; to the Committee on Rivers and Harbors.

2041. By Mr. TINKHAM: Petition of members of Boston City Club favoring release of Eamon de Valera; to the Committee on Foreign Affairs.

2042. By Mr. VARE: Petition of Philadelphia Board of Trade, urging approval of increased appropriation to the Customs Service, included in the Treasury-Post Office appropriation bill; to the Committee on Appropriations.

SENATE.

THURSDAY, March 27, 1924.

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, we bless Thee for every evidence of Thy remembrance of our needs, for Thy care over us. So enable us to understand our dependence upon Thee that whatever we undertake we shall undertake for Thy glory as well as for the good of our loved country. Be very near to us in every deliberation. Guide our thoughts, influence our conduct, and so help us always to walk in paths of Thine own direction, to the glory of Thy great name. We ask in Jesus' name. Amen.

The reading clerk proceeded to read the Journal of the proceedings of the legislative day of Monday, March 24, 1924, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. HALL-UN, one of its clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 655) to provide for a tax on motor-vehicle fuels sold within the District of Columbia, and for other purposes; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. ZIEHLMAN, Mr. LAMPERT, and Mr. BLANTON were appointed managers on the part of the House at the conference.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 214) for the relief of The Old National Bank of Martinsburg, Martinsburg, W. Va., and it was thereupon signed by the President pro tempore.

CONDITION OF RAILROAD EQUIPMENT.

The PRESIDENT pro tempore laid before the Senate a communication from the Chairman of the Interstate Commerce Commission, transmitting, in compliance with the provisions of Senate Resolution 438, agreed to February 26, 1923, a report for the month of February, 1924, showing the condition of railroad equipment and related information, which was referred to the Committee on Interstate Commerce.

FRED A. GOSNELL AND ESTATE OF RICHARD C. LAPPIN.

The PRESIDENT pro tempore laid before the Senate a communication from the Assistant Secretary of Commerce, transmitting draft of a proposed bill for the relief of Fred A. Gosnell, former disbursing clerk, Bureau of the Census, and the estate of Richard C. Lappin, former supervisor of the fourteenth decennial census for the Territory of Hawaii, and special disbursing agent, in the settlement of certain accounts, which the department recommends be enacted into law, which, with the accompanying papers, was referred to the Committee on Claims.

DISPOSITION OF USELESS PAPERS.

The PRESIDENT pro tempore laid before the Senate a communication from the Acting Secretary of Labor, transmitting, pursuant to law, a schedule of miscellaneous papers of the Bureaus of Labor Statistics, Immigration, and Naturalization not needed in the conduct of business and having no permanent value or historic interest, and asking for action looking to their disposition, which was referred to a Joint Select Committee on the Disposition of Useless Papers in the Executive Departments. The President pro tempore appointed Mr. BORAH and Mr. JONES of New Mexico members of the committee on the part of the Senate, and ordered that the Secretary notify the House of Representatives thereof.

DEFICIENCY BILL—CONFERENCE REPORT.

Mr. WARREN. I submit a conference report on the first deficiency appropriation bill, H. R. 7449, and move that the Senate agree to the report.

The PRESIDENT pro tempore. The report will be read before the request for present consideration is submitted to the Senate.

The report was read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7449) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1924, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1924, and for other purposes,

having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 14, 15, 18, 23, 30, and 37.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 9, 10, 12, 13, 16, 17, 19, 20, 24, 25, 26, 27, 28, 30, 31, 32, 34, 35, 38, 39, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, and 52; and agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For payment of expenses incurred by the Sergeant at Arms on account of attendance of the committee of Senators at the funeral of the late President Warren G. Harding, \$5,000"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"PUBLIC BUILDINGS COMMISSION.

"For expenses of the Public Buildings Commission, \$10,000, to remain available until expended."

And the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: Strike out all of the matter inserted by said amendment after the sum "\$70,000"; and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Provided, That the headstones furnished hereunder shall be of such design and material as may be agreed upon by the Secretary of War and the American Battle Monuments Commission"; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 22, 29, and 33.

F. E. WARREN,
CHARLES CURTIS,
LEE S. OVERMAN,

Managers on the part of the Senate.

MARTIN B. MADDEN,
D. R. ANTHONY,
JOSEPH W. BYRNS,

Managers on the part of the House.

The PRESIDENT pro tempore. Is there objection to the present consideration of the conference report?

Mr. ROBINSON. I do not object to the present consideration of the report, but I suggest to the Senator in charge of it that the reading of the report by the clerk does not give the Senate any comprehension of what the agreement is. If a statement accompanies the report that statement should be read. If not, I think the Senator from Wyoming himself should explain the principal points of difference and the agreements that have been reached. Is it a complete agreement?

Mr. WARREN. It is a complete agreement as to all but two items that have to go back to the House. They are unimportant items, but they rather trench upon the House rules and therefore have to be acted on by the House. There is an agreement so far as the conferees are concerned, and that is why I ask to have the report agreed to, so that the papers may go back to the House for action there.

Mr. ROBINSON. I make no objection to the present consideration of the report.

Mr. WARREN. I will say to the Senator that there were very few items put in upon the Senate side which were not agreed to. It is a rather remarkable report in that respect, in that the House has agreed to nearly all of the Senate amendments. We were compelled to yield one matter of legislation which was of considerable size so far as words are concerned, but which I take it will be cared for otherwise in a bill which the Senator from Washington [Mr. JONES] has in charge.

Mr. ROBINSON. What was that matter?

Mr. WARREN. It related to the Coast Guard.

Mr. ROBINSON. That passed yesterday in a separate bill, did it not?

Mr. WARREN. Yes; and so it went out of the deficiency appropriation bill. If there are any items that any Senator is interested in I could immediately inform him about them, but there are numerous small items on the part of the Senate for current expenses, gratuities, and so forth, which the House always leaves out, expecting us to put them in the deficiency bill when it reaches the Senate.

Mr. ROBINSON. I have no further inquiry to submit.

The PRESIDENT pro tempore. Is there objection to the present consideration of the report? The Chair hears none. The question is on agreeing to the conference report.

The report was agreed to.

DISTRICT GASOLINE TAX.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 655) to provide for a tax on motor-vehicle fuels sold within the District of Columbia, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. JONES of Washington. I move that the Senate insist upon its amendments, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. BALL, Mr. JONES of Washington, and Mr. KING conferees on the part of the Senate.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore laid before the Senate resolutions of Richard J. Harden Camp, No. 2, United Spanish War Veterans, Department of the District of Columbia, favoring the passage of the so-called Bursum bill (S. 5) granting pensions and increase of pensions to certain soldiers and sailors of the Civil and Mexican Wars and to certain widows, former widows, minor children, and helpless children of said soldiers and sailors, and to widows of the War of 1812, and to certain Indian war veterans and widows, which were ordered to lie on the table.

He also laid before the Senate a statement in the nature of a memorial of sundry business and professional men of Boston, Mass., and vicinity, remonstrating against the administration of affairs in Ireland and praying for the immediate release of Eamon de Valera and other political prisoners under confinement, etc., which was referred to the Committee on Foreign Relations.

He also laid before the Senate a communication from George M. Napier, attorney general of Georgia and secretary of the conference of attorneys general, transmitting a statement of the executive committee of the conference of attorneys general on gasoline prices and other petroleum products, etc., which was referred to the Committee on Manufactures.

He also laid before the Senate a statement signed by Mary Hankeo Atcherley, president of the Kaakaukukui Improvement Club, of the Hawaiian village, Kaakaukukui Beach, Hawaii, relative to the occupancy of certain lands in the Territory and an amendment to the Hawaiian commission act of 1920, which, with the accompanying papers, was referred to the Committee on Territories and Insular Possessions.

Mr. KEYES presented a petition of sundry citizens of Belknap County, N. H., praying for the passage of legislation to repeal or reduce the so-called nuisance and war taxes, especially the tax on industrial alcohol, which was referred to the Committee on Finance.

Mr. CAPPER presented a telegram in the nature of a petition from a committee representing six parent-teacher associations, of Eldorado, Kans., praying for the passage of legislation creating a Federal department of education, which was referred to the Committee on Education and Labor.

He also presented memorials of sundry members of the Woman's Christian Temperance Union of Glaseo; of members and friends of the Christian Church of Bluff City; of the congregation of the Methodist Episcopal Church of Bluff City; of the Woman's Christian Temperance Union of Downs; and of sundry citizens of Great Bend, all in the State of Kansas, remonstrating against making any amendment to the Federal prohibition act so as to legalize 2.75 per cent beer, which were referred to the Committee on the Judiciary.

He also presented a paper and a telegram in the nature of petitions from sundry citizens of Stafford County and Lawrence, Kans., praying for the passage of legislation restricting immigration with quotas based on the census of 1890, which were referred to the Committee on Immigration.

Mr. CURTIS presented a resolution adopted by the Farmers' Equity Union and the directors of the Equity Union Grain Co., a nonpool farmers' cooperative marketing association, of Kan-

sas, protesting against the passage of the so-called McNary-Haugen bill, providing aid to agriculture, which was referred to the Committee on Agriculture and Forestry.

He also presented a resolution of the Hiawatha Chamber of Commerce, of Hiawatha, Kans., favoring the passage of legislation restricting immigration with quotas based on the census of 1890, which was referred to the Committee on Immigration.

He also presented petitions, numerous signed, of sundry citizens of Havensville and Somerset, in the State of Kansas, praying for the passage of legislation restricting immigration with quotas based on the census of 1890, which were referred to the Committee on Immigration.

He also presented a petition of sundry citizens of Washington, D. C., and vicinity, praying an amendment to the Constitution granting equal rights to women, which was referred to the Committee on the Judiciary.

INTEREST OF ARIZONA IN THE COLORADO RIVER.

Mr. CAMERON. Mr. President, I present a telegram from Governor Hunt, of Arizona, relative to the so-called Colorado River compact, which I ask may be printed in the Record.

There being no objection, the telegram was ordered to be printed in the Record, as follows:

[Western Union telegram.]

PHOENIX, ARIZ., March 20, 1924.

Senator RALPH H. CAMERON,

Washington, D. C.:

In hearings before the Committee on Arid Lands in the House of Representatives, California lobbyists and representatives as well as power-trust officials seem to consider Arizona's interests in the Colorado River as unworthy of consideration. Secretary of the Interior Hubert Work, of Colorado, in his report to Congress urging nationalization of the Colorado River utilizes his position to further the aims of Colorado. The people of Arizona are patient, long-suffering, and tolerant, but are becoming weary of the Imperialistic designs of some neighboring States. This State comprises 42 per cent of the drainage area of the Colorado River basin. Eighty per cent of all the power developed in the Colorado River below Lee Ferry must be wholly developed within Arizona and the balance between Arizona and Nevada. California contributes only 6,000 square miles to the drainage area of the Colorado River and undertakes to claim majority portion of its benefits. Sixty-one per cent of the total area of this State is held by the Federal Government either in forest reserves, Indian reservations, or national parks. Proposal of Secretary Work, of Colorado, and California officials to nationalize the river as proposed in the Swing-Johnson bill is insulting. Arizona will not ratify the Colorado River compact as it is a proposal wholly unfair and unjust to this State. The people of Arizona who hope to see the River developed and who are opposed to the compact have been opposing it in a manner to create as little bitterness as possible. We are just beginning to fight the compact and desire as little friction between the States as is possible when the compact is dead. Attitude of Colorado, Secretary of the Department of Interior, and California representatives will not be helpful to future negotiations.

GEO. W. P. HUNT, Governor.

REPORTS OF COMMITTEES.

Mr. HARRELD, from the Committee on Indian Affairs, to which was referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 368) for the relief of Nelly McCanna, residuary legatee and devisee under last will and testament of P. F. McCanna, deceased (Rep. No. 307);

A bill (H. R. 5799) conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Seminole Indians may have against the United States, and for other purposes (Rept. No. 309); and

A bill (H. R. 6483) amending an act entitled "An act for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes," approved June 28, 1906, and acts amendatory thereof and supplemental thereto (Rept. No. 310).

Mr. HARRELD also, from the Committee on Indian Affairs, to which was referred the bill (S. 1707) appropriating money to purchase lands for the Challam Tribe of Indians in the State of Washington, and for other purposes, reported it with an amendment and submitted a report (No. 308) thereon.

Mr. SMITH, from the Committee on Interstate Commerce, to which was referred the bill (S. 2930) reaffirming the use of the ether for radio communication or otherwise to be the inalienable possession of the people of the United States and their Government, and for other purposes, reported it without amendment and submitted a report (No. 311) thereon.

Mr. COLT. I report back favorably with amendments from the Committee on Immigration the bill (S. 2576) to limit the

immigration of aliens into the United States, and for other purposes.

The PRESIDENT pro tempore. The bill will be placed on the calendar.

Mr. COLT. I desire to give notice that at the earliest practicable time I shall ask for the consideration of the bill.

ENROLLED BILL PRESENTED.

Mr. WATSON, from the Committee on Enrolled Bills, reported that on yesterday there was presented to the President of the United States the enrolled bill (S. 2113) authorizing the Director of the Census to collect and publish statistics of cotton.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JOHNSON of Minnesota:

A bill (S. 2944) granting a pension to Isabel J. Rogers; and

A bill (S. 2945) granting an increase of pension to Mary Griffith; to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 2946) granting a pension to John W. Brown (with accompanying papers); and

A bill (S. 2947) granting a pension to Sallie Moseley (with accompanying papers); to the Committee on Pensions.

By Mr. HALE:

A bill (S. 2948) granting a pension to Carolyn P. Sherman (with accompanying papers); to the Committee on Pensions.

By Mr. WADSWORTH:

A bill (S. 2949) authorizing the Secretary of War to sell a portion of the Carlisle Barracks Reservation; and

A bill (S. 2950) to define and determine the character of the service represented by the honorable discharge issued to John McNickle of Company L, Seventh Regiment New York Volunteer Heavy Artillery, under date of September 27, 1865; to the Committee on Military Affairs.

By Mr. DILL:

A bill (S. 2951) to amend section 15a of the interstate commerce act, as amended; to the Committee on Interstate Commerce.

By Mr. LODGE:

A bill (S. 2952) for the relief of Fannie C. Marden; to the Committee on Claims.

By Mr. DILL:

A bill (S. 2953) to provide for handling and rate of pay for storage of closed-pouch mail on express and baggage cars; to the Committee on Interstate Commerce.

PROPOSED INTERNATIONAL CONFERENCE.

Mr. BORAH. I submit a resolution, which I ask to have read and lie on the table.

The resolution (S. Res. 196) was read and ordered to lie on the table, as follows:

Resolved, That the President is authorized and requested to invite such governments as he may deem necessary or expedient to send representatives to a conference, which shall be charged with the duty of considering the economic problems now obtaining throughout the world with a view of arriving at such adjustments or settlements as may seem essential to the restoration of trade and to the establishment of sound financial and business conditions, and also to consider the subject of further limitation of armaments with a view of reaching an understanding or agreement upon said matter, both by land and by sea, and particularly relative to limiting the construction of all types and sizes of subsurface and surface craft of 10,000 tons standard displacement, or less, and of aircraft.

ESTABLISHMENT OF RADIO IN CAPITOL BUILDING.

Mr. HOWELL. Mr. President, I submit a resolution and request unanimous consent for its immediate consideration. It merely asks for a report for information.

The resolution (S. Res. 197) was read, as follows:

Resolved, That the Secretary of War and the Secretary of the Navy be, and are hereby, directed to cooperate in the appointment of a joint commission of radio experts from the War and Navy Departments to investigate and report to the Senate upon the following problems, to wit:

1. The equipment of the Senate Chamber with electrical transmission and receiving apparatus such that, without defacing the Senate Chamber, each Senator at his desk may individually and clearly hear, without the use of a hand receiver, the proceedings of the Senate at all times in whatever tone of voice conducted.

2. The additional equipment necessary for the broadcasting by radio of the proceedings of the Senate and the House of Representatives throughout the country, utilizing the radio stations of the War and Navy Departments.

The report of said commission to include the estimated cost of installation, maintenance, and operation of the proposed systems suggested in paragraphs 1 and 2 hereof; be it further

Resolved, That such commission also be requested to recommend a limited area of the country that for experimental purposes be initially afforded such broadcasting of the proceedings of Congress to the end of determining the advisability of extending such service to cover the entire country; such report to include the cost of such experimental installation together with the expense of maintenance and operation thereof.

Mr. HARRISON. Mr. President, will not the Senator amend his resolution by providing that a radio outfit shall also be placed in the Attorney General's office as well as the White House, so that we can hear what is going on down there?

Mr. CURTIS. I think the resolution had better go over.

The PRESIDENT pro tempore. Objection is made, and the resolution will go over under the rule.

Mr. KING. Before it goes over, may I inquire of the Senator from Nebraska if it would not be a good idea to amend his resolution—and I suggest it in perfect good faith—to have the commission inquire into the statement which is constantly made that the Radio Corporation of America is a trust and a monopoly and is doing everything possible to destroy any competition in the great field of radio activity, which is so important? I make that suggestion. Of course the resolution goes over for a day, but if the Senator thinks the suggestion a pertinent one I should be glad if he would amend his resolution in that respect.

Mr. HOWELL. I think that the inquiry suggested is pertinent at this time. However, I would suggest that it be provided for in the form of a separate resolution. The purpose of the resolution which I have submitted is to give information that the Senate may be able to determine upon the cost and feasibility of broadcasting the proceedings of Congress. It is something that will be done in the very near future, and it is something that ought to be considered at as early a date as possible. Therefore it is my notion that a question so important in itself should be treated separately, and that the inquiry suggested by the Senator from Utah should be provided for in a separate resolution.

Mr. LODGE. Mr. President, I think this is a matter which concerns the Capitol Building itself. The establishment of radio equipment throughout this Chamber would involve alterations in the building. I believe the resolution ought to be referred to the Committee on Rules, which has charge and care of the building. I do not wish to prevent the resolution from lying on the table for the present, if the Senator so desires, but I enter a motion to refer it to the Committee on Rules.

Mr. DIAL. Mr. President, we sit here twice too long now. If we put in a radio equipment, I fear we never would stop talking, and we would probably be in continuous session.

Mr. HOWELL. Mr. President, this resolution merely asks for information. It does not commit the Senate to any particular course of action. Without any expense whatever, the information requested can be afforded the Senate. Then it will be for Congress to determine whether or not it wishes to take any steps in this direction. It seems to me that the greater amount of information we can have along these lines the greater the advantage will be, not merely to Congress but to the public. Therefore I suggest that the resolution should not be referred to a committee but should lie on the table and be taken up in due time.

Mr. HEFLIN. Mr. President, I do not know but that it would be a good plan to arrange so that the people of the country could hear what is going on here. I think it would cause a good many Senators who now do not stay here to remain in their seats in order to hear questions discussed. Just one speech over the radio, calling Senators by name and asking why they failed to attend the sessions of the Senate would bring them speedily into their places in this Chamber.

I am going to give consideration to this matter. It might be a very good plan. We do not have enough CONGRESSIONAL RECORDS to furnish sufficient information as to exactly what happens here. It is impossible for the newspapers to carry in full all that is said here each day.

If we had this proposed radio arrangement by which the people all over the country could "listen in," it would enable us to get action here. The people would hear discussions, would form their own conclusions, and sit down and write or wire their Members just how they had been impressed by the discussion here. As a means of inducing more Republicans to attend the sessions of the Senate, I think it would be a good thing to be able to let the people back home know day by day just what Senators are here attending to their duties.

SELINA E. MARYMAN.

Mr. LODGE submitted the following resolution (S. Res. 198), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay out of the contingent fund of the Senate to Selina E. Maryman, widow of Samuel A. Maryman, late a conductor of elevator in the Capitol, Senate wing, one year's compensation at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

ASSESSED VALUATION OF RAILROADS.

Mr. DILL. I submit a resolution, which I ask may be read and lie over.

The resolution (S. Res. 199) was read and ordered to lie over under the rule, as follows:

Resolved, That the Interstate Commerce Commission be, and hereby is, directed to ascertain from the proper authorities of each State of the United States the assessed valuation, on a 100 per cent basis of valuation, as used for taxation purposes, of all of the property of each of the railroads of the United States acting as common carriers, whether used for the purposes of common carriers or not, which are under the control of the Interstate Commerce Commission, and report the said valuations used for taxation purposes to the Senate of the United States: *Provided*, That said report shall show, first, the total valuations for taxation purposes on a 100 per cent basis of the property of each railroad company or system, separate and apart from other railroads, and, second, the total of such valuations of all railroad properties by States, and, third, the total of such valuations for the whole United States.

THE CALENDAR.

The PRESIDENT pro tempore. Morning business is closed. Mr. CURTIS. I ask unanimous consent that the Senate proceed to the consideration of the calendar under Rule VIII, only unobjected bills to be considered.

Mr. SMITH. May I ask the Senator from Kansas where he proposes that the consideration of the calendar shall begin?

Mr. CURTIS. I think we might as well begin at the beginning of the calendar. There were only about four or five bills which had been called at its last consideration.

Mr. SMITH. The reason I asked the question was there had been a bill reported from the Committee on Interstate Commerce looking toward providing for an amendment of the law in reference to the settlement of claims. The bill has been unanimously reported, and covers a matter which ought to be expedited, because a great many claimants have been debarred from establishing their claims or going through the necessary processes for establishing them.

Mr. CURTIS. I suggest that we go on with the calendar until about 5 or 10 minutes to 2 o'clock, and then the Senator may ask unanimous consent to call up his bill for consideration.

The PRESIDENT pro tempore. The consideration of the calendar is the regular order.

Mr. CURTIS. I have asked that only unobjected bills be considered.

The PRESIDENT pro tempore. The Senator from Kansas asks unanimous consent that the Senate proceed to the consideration of the calendar from the beginning and that unobjected cases only be considered. Is there objection? The Chair hears none.

ESTATE OF ELY N. SONNENSTRAHL.

The bill (S. 1330) for the relief of the estate of Ely N. Sonnenstrahl, deceased, was announced as first in order.

Mr. KING. Mr. President, I should like the Senator from New York [Mr. COPELAND], who, I see, introduced this bill, give an explanation of it.

Mr. COPELAND. Mr. President, this bill was passed through the Senate last year, but did not get through the other House. The Committee on Claims has examined it very carefully and has recommended its passage. I hope that the recommendation of the committee may be accepted and that the bill may be passed.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as follows:

Be it enacted, etc., That the claim of Nina L. Sonnenstrahl, as executrix of the estate of Ely N. Sonnenstrahl, deceased, late of Brooklyn, N. Y., for such further sum as the said estate may be entitled to recover as added to the amount the said Ely N. Sonnenstrahl has already received for certain beans commandeered by the Navy Department at San Francisco, Calif., on or about February, 1918, may be sued for and submitted to the United States District Court in and for

the Eastern District of New York, and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for such amount and costs, if any, as shall be found to be due against the United States in favor of said estate of Ely N. Sonnenstrahl, deceased, upon the same principles and measures of liability as in like cases under section 10 of the Lever Act, and with the same rights of appeal: *Provided*, That suit shall be brought and commenced within four months from the date of the passage of this act.

Mr. KING. Let the report on the bill be read, so that we may be advised as to it.

The PRESIDENT pro tempore. The Secretary will read the report.

A. W. MELLON, SECRETARY OF THE TREASURY.

Mr. McKELLAR. Mr. President, before the report is read, I have a short statement which I wish to make at this time.

Mr. McKELLAR proceeded to address the Senate and spoke for five minutes.

The PRESIDENT pro tempore. The time of the Senator from Tennessee has expired.

Mr. McKELLAR. I ask unanimous consent to be permitted to finish the statement which I wish to make. It is very short.

The PRESIDENT pro tempore. Is there objection?

Mr. WADSWORTH. I object.

Mr. McKELLAR. I will continue the statement on a subsequent bill.

[Mr. McKELLAR's speech appears entire on page 5058.]

ESTATE OF ELY N. SONNENSTRAHL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1330) for the relief of the estate of Ely N. Sonnenstrahl.

Mr. COPELAND. Mr. President, the explanation of the bill now before the Senate is that Sonnenstrahl owned some beans, which he offered to the Navy Department at cost during the war. The Navy Department refused to take them, but later commandeered the beans. When the check in payment was sent Sonnenstrahl refused to take the check and protested that the amount was not right. There was, however, a telegram sent to him by the commandant at Mare Island advising him to accept the check and then to submit his protest to the Paymaster General of the Navy. Sonnenstrahl did that. Then it developed that under the Lever Act he was not entitled to enter a protest, and so his claim was turned down, although at one time the Navy Department did offer him over \$400 in addition to the amount paid him. The purpose of the bill is to permit the estate of Sonnenstrahl to begin suit to determine whether or not it has a proper and just claim.

Mr. WARREN. Mr. President, I inquire what is the order of business under which we are proceeding?

Mr. COPELAND. We are proceeding with the consideration of the calendar.

Mr. WARREN. Is the Senator from New York speaking to the first bill on the calendar?

Mr. COPELAND. Yes, sir; I am speaking to the first bill on the calendar.

Mr. WARREN. Very well.

Mr. COPELAND. Mr. President, I ask that the bill may be passed, in order that the estate of Sonnenstrahl may institute suit to ascertain whether it has a just claim against the Government.

Mr. KING. Mr. President, I invite the attention of the Senator from New York—

The PRESIDENT pro tempore. Does the Senator from Utah desire to have the report read at the desk?

Mr. COPELAND. It is a long report, Mr. President, and I thought perhaps the brief explanation I have given might be sufficient.

Mr. KING. Mr. President, I call the attention of the Senator from New York to the fourth page of the report and to the language which is found in a letter from Mr. Roosevelt, Acting Secretary of the Navy, to the Senator from Missouri [Mr. SPENCER], chairman of the Committee on Claims:

The department is of opinion that Mr. Sonnenstrahl has received just compensation for the beans commandeered, and as he has accepted payment of 100 per cent of the amount allowed there is some doubt that he has any further remedy at law. Inasmuch as he made protest as to the price allowed before payment and in view of the facts set out in the supply officer's report above, it is recommended that the Court of Claims be authorized to hear and determine this claim as though only 75 per cent had been paid.

I call attention to the fact that Sonnenstrahl was paid what the Secretary of the Navy said was a fair compensation, accepted it, and gave a receipt in full. It would seem that ought to conclude him in morals as well as in law.

Mr. COPELAND. But the statement made by the Senator is not correct. If the Senator will observe page 2 of the report he will find there a telegram which was sent by the commandant at Mare Island, Calif., to Sonnenstrahl, saying:

In accordance with instructions from the Paymaster General, Navy Department, am settling for commandeered beans at cost price plus reasonable profit, but in no case paying more than 7½ cents per pound for Kintoki and 11½ cents per pound for Kotenashi. Advise you accept check. Submit your protest to the Paymaster General, Navy Department, Washington.

The officer should have directed Sonnenstrahl to return the check in order that he might do this, but he advised him to accept it, and therefore Sonnenstrahl in good faith did accept the check, with the understanding that he could make protest, which he did, and then later the Navy Department recognized the justice of his protest and offered him \$472.66, which Sonnenstrahl said was inadequate, claiming that the proper amount was about \$4,000. The purpose of the bill is a perfectly just one, being to permit the estate of Sonnenstrahl to institute suit to determine whether or not it has claim against the Government.

Mr. KING. Mr. President—

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Utah?

Mr. KING. I have the floor.

The PRESIDENT pro tempore. No; the Senator from New York has the floor.

Mr. COPELAND. I yield to the Senator.

Mr. KING. Mr. President, I have made no statement. I merely read what the Acting Secretary of the Navy said, and I read it again:

The department is of the opinion that Mr. Sonnenstrahl has received just compensation for the beans commandeered, and as he has accepted payment of 100 per cent of the amount allowed there is some doubt that he has any further remedy at law.

The PRESIDENT pro tempore. The time of the Senator from New York has expired.

Mr. KING. Mr. President—

The PRESIDENT pro tempore. The Chair now recognizes the Senator from Utah.

Mr. KING. I have no knowledge other than that which is contained in the report.

Mr. COPELAND. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from New York?

Mr. KING. I yield.

Mr. COPELAND. May I ask the Senator a question?

Mr. KING. Yes.

Mr. COPELAND. Why did not the Senator read the rest of the letter from the Acting Secretary of the Navy?

Mr. KING. I read it all.

Mr. COPELAND. In which he says that—

Inasmuch as he [Mr. Sonnenstrahl] made protest as to the price allowed before payment and in view of the facts set out in the supply officer's report above, it is recommended that the Court of Claims be authorized to hear and determine this claim as though only 75 per cent had been paid.

Mr. KING. I read that when I called attention to the letter, and the Senator has merely put into the Record a repetition of what I formerly read. The point I was emphasizing was, though, that the Acting Secretary of the Navy had stated that Mr. Sonnenstrahl had received just compensation and had accepted 100 per cent.

I shall not object to the consideration of the bill, but it does seem as though the statement from the Acting Secretary of the Navy would justify the Senate in refusing to pass the bill.

The PRESIDENT pro tempore. The bill is before the Senate as in Committee of the Whole and open to amendment.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

OFFICERS IN CHARGE OF PUBLIC BUILDINGS AND GROUNDS IN DISTRICT OF COLUMBIA.

The bill (S. 1918) relative to officers in charge of public buildings and grounds in the District of Columbia was considered as in Committee of the Whole.

Mr. McKELLAR obtained the floor.

Mr. WARREN. Mr. President—

Mr. McKELLAR. When I was interrupted by the end of the five minutes—

Mr. WARREN. Mr. President, I want to know what we are doing. Are we working on the calendar?

Mr. KING. We are; and the Senator's bill has been taken up.

Mr. WARREN. The bill that is before us—

Mr. McKELLAR. I have the floor, and I have not yielded to the Senator.

The PRESIDENT pro tempore. The bill is before the Senate, and the Senator from Tennessee has the floor.

Mr. WARREN. Very well.

A. W. MELLON, SECRETARY OF THE TREASURY.

Mr. McKELLAR resumed and concluded his speech, which is, entire, as follows:

Mr. President, on yesterday I submitted to the Senate section 243 of the Revised Statutes of the United States, which prohibits any man engaged in trade or commerce or in the shipping business from holding the office of Secretary of the Treasury, and pointed out that Mr. Mellon had admitted he was engaged in both trade and commerce and in the shipping business, and that the Treasury Department had had large dealings with several of these companies.

I have learned since that this is not the first time this statute has been called to Secretary Mellon's attention. It was done some two years ago on the floor of the Senate, and then disregarded by the Secretary.

I wish now to call the attention of the Senate to how differently President Grant and Alexander T. Stewart, of New York, acted in a similar case. Mr. Blaine, in his Twenty Years of Congress, volume 2, page 425, tells us that Alexander Stewart, the well-known merchant of New York, was named for Secretary of the Treasury in 1869. Says Mr. Blaine:

The President was very anxious to have Mr. Stewart in his Cabinet, and was therefore surprised and chagrined to find, after he had been nominated, that under the law he was not eligible to the office of Secretary of the Treasury. In the act establishing the Treasury Department, passed at the first session of the First Congress under the Federal Government, it was provided that no person could be appointed Secretary, Assistant Secretary, comptroller, auditor, treasurer, or register who was "directly or indirectly concerned or interested in carrying on the business of trade or commerce." It was further provided that any person violating this act should be deemed guilty of a high misdemeanor, and, upon conviction, fined \$3,000, removed from office, and forever thereafter rendered incapable of holding any office under the Government of the United States. General Grant frankly informed the Senate that he had ascertained Mr. Stewart's disability after the nomination, and suggested that "in view of these provisions of law, and the fact that Mr. Stewart had been unanimously confirmed by the Senate, he be exempted, by joint resolution of the two Houses of Congress, from the operation of the law."

As soon as the President's message was read, Mr. Sherman, of Ohio, asked "unanimous consent to introduce a bill repealing so much of the act of September 2, 1789, as prohibits the Secretary of the Treasury from being concerned in carrying on the business of trade or commerce, and providing instead that in no case shall he act on any matter, claim, or account in which he is personally interested." Mr. Sumner objected to the introduction of the bill, suggesting that it ought to be "most profoundly considered before it is acted upon by the Senate." These proceedings were on Saturday, March 6. On Monday Mr. Sherman did not call up the bill, it having been ascertained in private conferences that the Senate was unwilling to pass it. On Tuesday General Grant withdrew the request, Mr. Stewart resigned, and Hon. George S. Boutwell was nominated and confirmed as Secretary of the Treasury.

Mr. President, the very purpose of the act of 1789 was to prevent just such a situation as now exists in regard to the office of Secretary of the Treasury. The fathers of our Republic were very wise. They knew that it was better to avoid the appearance of evil, and the wisdom of this statute has never been questioned. When it came up in 1869, during Mr. Grant's administration, when he was one of the most popular men that ever lived in this country, even he, with all of his popularity, could not get the Senate of the United States to change that statute by a resolution which he suggested. It is almost incomprehensible that this Senate could have any different view about it, and it is just as incomprehensible how a Secretary of the Treasury would be willing to continue to serve in violation of this statute. It seems to me that the President of the United States should take action in reference to the situation as it now exists. He should follow the very wise and legal action of President Grant. The present Secretary should follow the very excellent example of Mr. Stewart.

When the matter was brought up before in the Senate, it was not known to what extent the personal business of the Secretary came in contact with the actions of the Treasury Department. Recent developments have shown that they come in very close and intimate contact with the Treasury Depart-

ment, and that the Treasury Department has paid large sums in refunds to a company in which the Secretary is a large stockholder, and has made a tremendous abatement to another company in which the Secretary is a stockholder, the last company being a shipping company, brought particularly under the ban of the statute. Under these circumstances it would seem that the Secretary of the Treasury should resign at once and not longer violate the plain terms of the statute.

Mr. President, in this connection I desire to quote another statute of the United States referring to the Secretary of the Treasury, among others.

Section 3168 of the Revised Statutes of the United States provides as follows:

Any internal-revenue officer—

And surely the Secretary is one of the internal-revenue officers—he is the principal internal-revenue officer—

who is or shall become interested, directly or indirectly, in the manufacture of tobacco, snuff, or cigars, or in the production, rectification, or redistillation of distilled spirits, shall be dismissed from office; and every officer who becomes so interested in any such manufacture or production, rectification, or redistillation, or in the production of fermented liquors, shall be fined not less than \$500 nor more than \$5,000.

It appears that Secretary Mellon is interested in a distillery known in the records as the Overholt Distilling Co. That this company has had dealings with the Treasury Department is undisputed. Under this statute, also, Mr. Mellon is ineligible to remain as Secretary of the Treasury.

Mr. President, I desire to call attention to other business concerns in which the Secretary of the Treasury is interested.

In the April, 1921, issue of Current Opinion there appeared an editorial written by Dr. Frank Crane, evidently inspired by the Secretary of the Treasury, Mr. Mellon, who had been confirmed by the Senate on the 4th of March. In the editorial, which carries a picture of Mr. Mellon, and with which article we may assume he is familiar, there is this statement:

The record of the personal activities of Secretary Mellon includes 4 banks, of 1 of which he recently resigned the presidency to enter the Cabinet, 4 insurance companies, 7 educational and philanthropic institutions, and 62 other corporations. Their products—oil, aluminum, railway cars, locomotives, steel, plate glass, radiators, carborundum, bolts and rivets, motor trucks, and 100 other things—go all over the world.

Mr. President, there is doubtless none of these business activities of the Secretary of the Treasury that does not come directly in contact with the Treasury Department, over which the Secretary presides. It is in direct contravention of section 243 of the Revised Statutes of the United States. It seems to me that the Secretary of the Treasury, having to deal officially with himself in his private capacity almost constantly in the transaction of the business of the various corporations in which he is interested, looking at it from his own standpoint, ought not to be in the position constantly while acting as Secretary of the Treasury to be trying to do that thing which the Savior of mankind said nearly 2,000 years ago could not be done—that no man could serve two masters. It can not be done. The Secretary of the Treasury can not do it, and no other mortal man can do it. He must serve his own interests or the public interest. The Secretary of the Treasury, in my judgment, is violating the plain and express provisions of these two plain statutes of the country and should resign.

The PRESIDENT pro tempore. The time of the Senator from Tennessee has expired.

COTTON STATISTICS.

Mr. DIAL. Mr. President, for several months past the public has been very much dissatisfied with the reports of the Secretary of Commerce, through the Census Department, as to the quantity of cotton on hand.

This matter was brought by the southern Senators to the attention of the Secretary of Commerce, and he appointed a short time ago a most excellent committee to look into this question and to correct the error, if error there was. This committee completed its work the other day, and I fear perhaps its members rushed through their task a little too rapidly and took a little too narrow a view of the subject matter. Anyway, we noticed the next day a great diversity of opinion as to what the committee found.

The item that they had particularly in mind was 579,000 bales of cotton to balance distribution. They undertook to see whether there was error in this amount; and if so, how much. They found that there were 355,000 bales that could not be

located and that they were non est. Therefore they reduced the amount in that item down to 224,000 bales. They said that in the last item was 125,000 bales, estimated, of what is known as "city crop," but which did not add at all to the pounds of cotton in the world, as the "city crop" was samples which had been taken out of the bales of cotton; so they did away with practically 500,000 bales of this cotton. A few other little items were found, and that made up the little difference. I notice in the paper to-day, however, and read in one paper of yesterday, three cotton letters—that is, letters from cotton factors—and in every one of those letters they say that the committee reduced the amount from 579,000 bales by 224,000 bales only, whereas the committee reduced it by 355,000 bales.

Mr. President, the item of 125,000 bales, known as the city crop, is very confusing to the trade. That is samples taken out of the cotton which has already been ginned. The only way to get the true figures is to take the ginning figures and the import figures of cotton, and let these other little matters alone. I never have been satisfied with the city crop. As I said before, it does not add a pound to the production, the actual quantity on hand. Not only that, but the number of bales, as estimated, is entirely too high. It is out of all reason. Taking 1 pound out of each bale of a 10,000,000-bale crop would make only 20,000 bales; so 125,000 bales would be something like 6 pounds out of each bale. Many of us know that a great deal of the cotton is sold without being sampled at all. The first part of the season it is all even-running grades, and often not sampled; but if a toll of 6 pounds is taken out of each bale to get the quality of the cotton, the producer must be robbed tremendously. That would be something like \$1.80 a bale, at 30 cents a pound, to get the character of the cotton. So I am very much surprised at the misinformation that has gone out about this report, and I trust that the Secretary of Commerce will have it corrected.

Mr. President, we hope to have account taken of all the cotton on hand at an early date, and we should like also to have it graded. That would help the trade very much, indeed. Unfortunately, the people who give out the figures of the quantity of cotton on hand will mix linters with actual cotton. Some time ago I took up the different reports and there were many bales of linters added.

The PRESIDENT pro tempore. The time of the Senator from South Carolina has expired.

OFFICERS IN CHARGE OF PUBLIC BUILDINGS AND GROUND IN THE DISTRICT OF COLUMBIA.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1918) relative to officers in charge of public buildings and grounds in the District of Columbia.

Mr. WADSWORTH. Mr. President, I am not sure that my appeal will avail anything at all, but I do appeal to the Senators who are here present to permit the Senate to proceed with this unanimous-consent calendar. If I may be pardoned the assertion, it is scarcely fair to the Senate as a body to discuss things which are not on the calendar at all. We have only until 2 o'clock. We have not had a calling of the calendar in a long time to accomplish anything; and I, for one, in my humble way, venture to express the hope that the Senate will proceed to do some of the business which it has agreed to do.

The PRESIDENT pro tempore. The bill is before the Senate as in Committee of the Whole, and open to amendment.

Mr. KING. Mr. President, I am not satisfied with the bill that is before us without some explanation, and I shall be glad to have the Senator from Wyoming explain it.

Mr. WARREN. Is the Senator alluding now to Senate bill 1918?

Mr. KING. I am referring to Senate bill 1918, which gives \$10,000 a year to an Army officer.

Mr. WARREN. It does not, as I will explain when I get an opportunity to explain it.

Mr. KING. I am speaking of the bill, and the bill does.

Mr. WARREN. I have been waiting for two days to get the bill up, and make an explanation of it before the Senate.

Mr. President, the bill under discussion was reported favorably by the chairman of the Committee on Public Buildings and Grounds. He has been detained since that time by illness, and I may say that the bill now before the Senate is to be so amended that it is almost an entirely different bill. When the bill as it will be amended is read, I think there will be no difficulty about securing its passage.

Mr. FLETCHER. Does the Senator now offer a substitute for the bill?

Mr. WARREN. No; we simply propose to strike out certain parts of the bill.

I wish to say that the bill would simply change the title and consolidate under one title duties performed by those in charge of various buildings. The duties have all been placed under one officer, and economies have been effected by that means. This is simply to legalize the placing of the work in the hands of one body.

Mr. FLETCHER. I understand the Senator proposes that we shall strike out sections 4 and 5 entirely.

Mr. WARREN. The proposal is to strike out sections 4 and 5 and a part of sections 2 and 3.

Mr. FLETCHER. That is, the provision in sections 2 and 3 about an officer of the United States Army, and so forth.

Mr. WARREN. Yes.

Mr. FLETCHER. It merely changes the title of various offices?

Mr. WARREN. It simply throws them all under the one title. I will say to my friend, the Senator from Utah [Mr. KING], that there is nothing in this regarding any salary. The salary of the officer in charge will remain the same as it is now. On behalf of the committee I move that the bill be amended, as follows:

The PRESIDENT pro tempore. The Secretary will state the amendments.

The READING CLERK. On page 2, line 2, it is proposed to strike out the comma and the words "and shall be an officer of the United States Corps of Engineers, assigned by the President"; on page 2, line 10, after the words "District of Columbia," to strike out the words "and shall be an officer of the United States Corps of Engineers, assigned by the President"; and on page 2 to strike out sections 4 and 5, in the following words:

SEC. 4. The officer of the United States Corps of Engineers holding the two offices of Director of Public Buildings and Director of Public Parks shall receive a compensation of \$10,000 per year in lieu of his Army pay: *Provided*, That the excess compensation thus authorized over his Army pay shall be paid from any appropriations that may be made for expenditure under his control as Director of Public Buildings and Director of Public Parks.

SEC. 5. The assignment by the President of such officers of the United States Corps of Engineers as may be considered necessary by him to act as assistants to the Director of Public Buildings and the Director of Public Parks is hereby authorized.

And on page 3 to renumber section 6 to be section 4, so as to make the bill read:

Be it enacted, etc., That the commission known as the commission in charge of the State, War, and Navy Department buildings shall hereafter be known as the commission in charge of public buildings in the District of Columbia.

SEC. 2. That the office of the Superintendent State, War, and Navy Department buildings shall hereafter be known as the office of public buildings in the District of Columbia, and the superintendent of the State, War, and Navy Department buildings shall hereafter be known as the director of public buildings in the District of Columbia.

SEC. 3. The office heretofore known as the office of public buildings and grounds shall hereafter be known as the director of public parks in the District of Columbia, and the officer in charge of public buildings and grounds shall hereafter be known as the director of public parks in the District of Columbia.

SEC. 4. Nothing in this act shall be held to modify existing law with respect to the assignment of space in the public buildings in the District of Columbia by the Public Buildings Commission.

The amendments were agreed to.

Mr. KING. Mr. President, for the life of me I can not understand the necessity for this legislation. I do not understand why it is necessary to have a commission known as the commission in charge of the State, War, and Navy Department buildings, and why there must be new legislation giving it the name of the commission in charge of public buildings in the District of Columbia. Of course, the State, War, and Navy Department buildings are important. Obviously there must be some one charged with the responsibility of caring for them. Why there should be a commission for that purpose I am not quite able to determine, particularly if that commission means a considerable number of Army officers or of civilians. Although the amendments have not been printed, and are rather ambiguous to me, as I understand the bill, we have the office of Superintendent of the State, War, and Navy Buildings, and that office shall hereafter be known as the office of public buildings in the District of Columbia. For fear that I have not been accurate in my last statement, not having the amended bill before me, I repeat, having been given a copy of the amendments, that section 2 provides that the office of the Superintendent of the State, War, and Navy Department buildings shall hereafter be known as the office of pub-

lic buildings in the District of Columbia, and the Superintendent of the State, War, and Navy Department buildings shall hereafter be known as the director of public buildings in the District of Columbia.

First we have a commission in charge of these buildings—

Mr. WARREN. No, Mr. President; the Senator is alluding to section 4. It is a matter of different officers serving as a group to allocate the space in the War, State, and Navy and other department buildings for the different rooms and offices for officials and employees of the several departments.

Mr. KING. That is, the first section provides for a commission to be known as the commission in charge of the State, War, and Navy Department buildings, as I understand the Senator, which commission is established for the purpose of allocating space in the various departments, or to employees of the various instrumentalities of the departments.

Mr. WARREN. No; it is to take care of what the superintendent of the building does; that is, to have the general superintendence, provide fuel, heat, light, and so forth, overlooking all those things.

Mr. KING. Then, as I understand it, there is first a commission, which will have charge of the three buildings.

Mr. WARREN. Those duties are performed by the officer now, and are not changed. The commission is not a paid commission or one that will draw upon the Treasury in any way.

Mr. KING. Then, in addition to the commission, if the Senator will pardon me, the office of superintendent of the same buildings, if it is not created, is renamed, so that it shall in the future be known as the office of public buildings in the District of Columbia.

Mr. WARREN. It is simply an accumulation of those duties which were formerly performed by a superintendent. From time to time we have covered the performance of the duties provided for in various bills under the management of one man, as superintendent, and so forth, but it is very awkward that way, and when the time comes for the reappointment of the officer there should be a name or title that would cover all.

Mr. WADSWORTH. May I interrupt the Senator at that point?

Mr. KING. I shall be glad to yield.

Mr. WADSWORTH. As the Senator from Wyoming has said, this is perfectly simple. There is nothing new created by the bill.

Mr. KING. The Senator refers to the bill as amended?

Mr. WADSWORTH. Yes; as amended. The office of the superintendent of the State, War, and Navy Department buildings is now an office under the Government, filled by Colonel Sherrill. There is also under the Government an office known as that of Public Buildings and Grounds, and that office is headed by Colonel Sherrill to-day. Those offices have been merged under one person, but the names have never been changed, in order to make them comply with the objects of the two offices themselves. The commission in charge of the State, War, and Navy Department buildings is the commission of which the senior Senator from Utah [Mr. SMOOT] is the chairman, and of which Colonel Sherrill is ex officio one member, whose province it is to allocate office space for all departments here in Washington. This bill simply gives it a more appropriate name, "commission in charge of public buildings in the District of Columbia," instead of "commission in charge of the State, War, and Navy Department buildings."

Mr. KING. May I ask the Senator why section 4 was originally proposed?

The PRESIDENT pro tempore. The time of the Senator has expired.

Mr. KING. May I ask the Senator from New York in his time why the provision of section 4 was projected, with a salary of \$10,000 a year?

Mr. WADSWORTH. I do not know why, as I am not a member of the Committee on Public Buildings and Grounds; but as soon as it appeared I objected to it, among others. It was never asked for by the department, so far as I know. It was the idea of the Committee on Public Buildings and Grounds that an officer who had jurisdiction over 6,000,000 square feet of office space, probably the largest job of its kind in the world, should have a salary of \$10,000. I think it is a mistake to give an Army officer a salary higher than that of his grade.

Mr. SMOOT. Mr. President, I want to be fair to Colonel Sherrill, and I desire to state that after this bill was introduced Colonel Sherrill came to my office and called my attention to the per diem allowance under the bill and said to me, "Senator Smoot, that is an increase in my compensation. I want you to know I have not asked for it." The Senator from

New York has stated the case exactly as the bill provides, with section 4 stricken out and with the other amendments which have been agreed to. There is nothing in the bill to change the existing conditions except as to the title of Colonel Sherrill or any other man who may hold that position.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 55) making an appropriation to pay the State of Massachusetts for expenses incurred and paid, at the request of the President, in protecting the harbors and fortifying the coast during the Civil War, in accordance with the findings of the Court of Claims and Senate Report No. 764, Sixty-sixth Congress, third session, was announced as next in order.

Mr. DIAL. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1181) naming the seat of Government of the United States was announced as next in order.

Mr. SMOOT. There is no report accompanying the bill. Let it go over.

The PRESIDENT pro tempore. The bill will be passed over.

STEAMBOAT INSPECTION SERVICE.

The bill (S. 1718) to amend section 4404 of the Revised Statutes of the United States as amended by the act approved July 2, 1918, placing the supervising inspectors of the Steamboat Inspection Service under the classified civil service, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That section 4404 of the Revised Statutes of the United States, as amended by the act of Congress approved July 2, 1918, be, and the same is hereby, amended so as to read as follows:

"Sec. 4404. The positions of supervising inspector in the Steamboat Inspection Service are hereby placed under and included in the classified civil service. There shall be 10 supervising inspectors, who shall be appointed by the Secretary of Commerce, in accordance with and under the provisions of the act of January 10, 1883, known as the civil service act. Each supervising inspector shall be entitled to a salary of \$3,450 a year and his actual necessary traveling expenses while traveling on official business assigned him by competent authority, together with his actual and reasonable expenses for transportation of instruments, which shall be certified and sworn to under such instructions as shall be given by the Secretary of Commerce."

Sec. 2. That this act shall be effective on and after the date of its approval.

Mr. JONES of Washington. Mr. President, this bill was read when it was reached on the calendar before and was considerably discussed. It went over at the request of the junior Senator from Pennsylvania [Mr. REED]. The Senator from Pennsylvania advised me yesterday that the bill was satisfactorily explained to him and that he has no objection to it; so I hope it may be passed without objection.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TAXATION IN THE DISTRICT OF COLUMBIA.

The bill (S. 1796) to amend sections 5, 6, and 7 of the act of Congress making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, approved July 1, 1902, and for other purposes, was announced as next in order.

Mr. KING. May I inquire of the Senator from Washington if he thinks this bill should be taken up under the five-minute rule?

Mr. JONES of Washington. It is largely an administrative proposition. It is rather a long bill, but the provisions really relate to administrative features of the government of the District of Columbia, and it is urged by the commissioners as making it easier to administer the law.

Mr. KING. If the Senator has examined the bill—

Mr. JONES of Washington. We did examine it quite carefully. There are several provisions in it which are really restatements of existing law and they are simply to enable the commissioners better to administer the law. One provision authorizes the commissioners to assess buildings which have been constructed, and there are one or two other items, one putting a tax on dancing instructors.

Mr. KING. Are there any increases of salary or increases in the number of employees provided for?

Mr. JONES of Washington. No. The number of assessors is increased by one, but we have been carrying the additional assessor in appropriation bills heretofore.

Mr. KING. The position is made permanent by this bill? Mr. JONES of Washington. Yes; we really make it permanent.

Mr. KING. If the Senator thinks the legislation is wise— Mr. JONES of Washington. The committee went into it pretty carefully, and we thought it was not only wise but urgent.

Mr. KING. Let the bill be read in full so that we may have time to look over it.

The PRESIDENT pro tempore. The Secretary will read the bill.

The bill was read.

Mr. McNARY. Mr. President, I understand we are working under a unanimous-consent agreement, which gives only five minutes for the discussion of a bill. Is that correct?

The PRESIDENT pro tempore. The unanimous-consent agreement modifies Rule VIII only in this respect, that a Senator is not permitted to move to take up a bill on the calendar upon objection being made to its consideration. Otherwise, Rule VIII is in full force.

Mr. McNARY. I understand the limitation of five minutes obtains, however, under Rule VIII.

The PRESIDENT pro tempore. There is a limitation of five minutes.

Mr. McNARY. In view of that fact, I think the bill is too comprehensive and covers too many important matters involving the welfare of the District to be considered under the five-minute rule. I shall therefore object to its consideration at this time.

The PRESIDENT pro tempore. Objection is made, and the bill will be passed over.

AMENDMENT OF INTERSTATE COMMERCE ACT.

Mr. SMITH. Mr. President, I do not care to interrupt the ordinary consideration of the calendar, but I want to ask unanimous consent to take up out of the regular order Calendar No. 302, the bill (S. 2704) to amend paragraph (3), section 16, of the interstate commerce act. I do not think it will lead to any discussion. I would not ask it if it were not so urgent, and we may not reach it in the regular routine call to-day. It is toward the end of the calendar.

The bill provides for the equalization of time between the claims of shippers and the claims of railroads. It has been recommended by the Interstate Commerce Commission and no objection has been offered by the railroad companies; in fact, the files show that the railroad companies have desired to pay the claims where they were worthy, but under the decision of the Supreme Court in the Wolf case they are debarred from paying them after the statute of limitations has run.

I ask unanimous consent that the bill may be considered, because it is a matter of such urgent importance. I do not think it will lead to any discussion.

The PRESIDENT pro tempore. The Senator from South Carolina asks unanimous consent that Senate bill 2704 be now taken up for consideration.

Mr. JONES of Washington. I think we had better proceed with the calendar in the regular order. After 2 o'clock I think the Senator will probably be able to have the bill considered.

Mr. SMITH. I think the time we have already consumed would have enabled us to pass the bill, because there was no objection from the shippers and no objection from the railroads and none from the Interstate Commerce Commission. I was afraid that other business might intervene. This is a matter of some importance, and it could be passed in a moment unless an explanation of it was desired.

Mr. JONES of Washington. There are several quite important measures on the calendar.

The PRESIDENT pro tempore. Is there objection?

Mr. JONES of Washington. I object. I do so because of the unanimous-consent agreement. It is not that I oppose the bill at all.

The PRESIDENT pro tempore. Objection is made. The next bill on the calendar will be reported.

VETERANS' BUREAU HOSPITAL AT CORPUS CHRISTI, TEX.

The bill (S. 2100) authorizing the sale of the United States Veterans' Bureau Hospital at Corpus Christi, Tex., was announced as next in order.

Mr. REED of Pennsylvania. Mr. President, there is no report on the bill. There has not been a report in each of the other five or six cases where such bills have been reached on the calendar. Each time the bill has been postponed for that reason. I am not a member of the Committee on Public Buildings and Grounds, but I have investigated the matter and I am told by representatives of the Veterans' Bureau that the hospital has never been built, that it is idle land,

and that it ought to be sold because there is no prospect of a hospital building being erected on that location. It ought to be sold and the money turned into the Treasury.

Mr. HARRIS. Let the bill go over.

The PRESIDENT pro tempore. The bill will go over.

BILLS PASSED OVER.

The bill (S. 799) for the relief of F. A. Maron was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 33) making eligible for retirement under certain conditions officers of the Army of the United States, other than officers of the Regular Army, who incurred physical disability in line of duty while in the service of the United States during the World War, was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 966) for the continuance of construction work on the San Carlos Federal irrigation project in Arizona, and for other purposes, was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

AMBROSE I. MORIARTY.

The bill (S. 2090) to provide for the advancement on the retired list of the Regular Army of Second Lieut. Ambrose I. Moriarty was announced as next in order, and the Senate, as in Committee of the Whole, resumed its consideration.

The PRESIDENT pro tempore. On a former occasion the bill was considered and the amendments of the committee were agreed to as in Committee of the Whole. If there be no further amendments as in Committee of the Whole, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BRANDEGEE. In connection with the bill just passed I should like to have printed in the Record the report of the committee.

The PRESIDENT pro tempore. Without objection it is so ordered.

The report submitted by Mr. BRUCE February 9, 1924, is as follows:

The Committee on Military Affairs, to which was referred the bill (S. 2090) to provide for the advancement on the retired list of the Regular Army of Second Lieut. Ambrose I. Moriarty, having considered the same, report thereon favorably with the recommendation that the bill do pass with the following amendments:

In line 4 strike out the word "Congress" and insert the word "Senate."

In line 5 strike out the name "Moriarty" and insert "Moriarty."

In line 7 after the word "Army" strike out the period and insert a comma and the following: "with retired pay from the date of said appointment, as now prescribed by law for a major of his length of service retired prior to July 1, 1922."

Amend the title to read as follows: "A bill to provide for the advancement on the retired list of the Regular Army of Second Lieut. Ambrose I. Moriarty."

The purpose of the first two amendments is obvious. The first provides that the Senate, instead of the Congress, shall confirm the appointment, which is in accord with the law, and the second and last amendments correct the spelling of Moriarty's name. The third amendment is to make clear the intent of the Congress as to the pay Moriarty is to receive under the provisions of the bill. It is estimated that under the provisions of this measure he would receive approximately \$240 per month.

A somewhat similar bill was passed by the Senate during the last Congress and reported favorably to the House. The facts in the case are contained in the report on that bill (S. 2750, 67th Cong.), which is inserted herein in part as follows:

[Senate Report No. 840, Sixty-seventh Congress.]

While it has for some time been the policy of the War Department to withhold approval from proposed legislation to advance officers on the retired list, this case is so unusual and so meritorious the Secretary of War has indicated his approval of the proposal, stating in a letter of December 1, 1921, to the chairman of the committee that, "While in general the War Department does not favor legislation singling out an individual for preferential treatment, in view of the special circumstances in this case favorable report by your committee and the enactment of the bill in reference are recommended."

The history of this officer is unique. He entered the Military Academy in July, 1883, graduated in June, 1887, and was commissioned, serving as a second lieutenant of Infantry until December 15, 1887, when he resigned. In December, 1889, he was reappointed, was commissioned in January, 1890, and served until June 6, 1894, when he was retired for disability. His circumstances are best described in a letter written by him to the chairman of your committee under date of May 17, 1922, which is as follows:

STATION HOSPITAL,
Fort Banks, Mass., May 17, 1922.

Hon. JAMES WADSWORTH,

Chairman Senate Committee on Military Affairs,
Washington, D. C.

DEAR SIR: Your committee has before it Senate bill No. 2750, which was introduced November 16, 1921, by Senator BRANDEGEE.

This bill, which gives me the rank of major on the retired list of the Army, has the approval of the Secretary of War. It was presented to Congress in order to help me financially.

I have been helpless and cared for by an attendant for the past 21 years, bearing all the expense incident to my condition myself, until my resources are about exhausted and my only income is my retired pay as a second lieutenant of Infantry. The disease which has brought me to this condition is called arthritis deformans, every joint being affected, even my jaws, and all of them being virtually fixed.

This condition was brought about by exposure while on active service in the West and Southwest.

I was with the troops that were sent to Highwood, near Chicago, in 1887, in order to be of assistance in case they were needed, at the hanging of the Haymarket rioters on November 11 of that year, and spent part of that bitter winter in camp on the shores of Lake Michigan. That was the starting point of my disability, and subsequent exposure in Arizona and New Mexico increased it until my retirement became necessary.

So great has become the expense of living and being properly cared for that my retired pay is no longer adequate and I have been compelled to give up my home and take refuge in the hospital at this post, where I am receiving no medical treatment, as my case is hopeless. I pay my nurse her wages, as I have done for the past 21 years, and I also pay her board and my own in the hospital.

Under the war risk insurance act a soldier who is in my condition would draw \$277.50 monthly as compensation and insurance. This is more than twice the amount which I receive as retired pay, and his annual income would be about \$400 more than this bill will give me when passed.

Patients are not expected to remain permanently in post hospitals, and I respectfully ask you if your committee will not report my bill favorably at this session, so that I may again be allowed to live comfortably outside the walls of a hospital.

You may obtain a slight idea of my condition from the photographs I am inclosing.

Very respectfully,

AMBROSE I. MORIARTY,
Second Lieutenant, United States Army, Retired.

Brig. Gen. Mark L. Hersey and Brig. Gen. Edgar Russel, both classmates at West Point of Lieutenant Moriarty, describe the case in letters, which are appended herewith as explanatory of it:

WAR DEPARTMENT,

Headquarters, Camp Devens, Mass., May 27, 1921.

Hon. FRANK B. BRANDEGEE,

United States Senate, Washington, D. C.

DEAR SENATOR BRANDEGEE: Recently I called on a classmate of mine in Putnam, Conn., Second Lieut. A. I. Moriarty. His case is one of the most pathetic that I have ever known and one most worthy of relief on the part of the United States.

Moriarty is a victim of arthritis deformans, contracted on the bleak shores of Lake Michigan in the winters of the late eighties preceding the hanging of those anarchists in Chicago. This camp was on the spot where Fort Sheridan now stands, was a canvas affair, and the exposure to which Moriarty was then subjected was the direct cause of all of his sufferings in later years. His joints have all grown together. He has hardly been able to move a muscle for 15 years. He can not even chew, and his speech is necessarily impaired as that of a man with set jaws.

He has borne his sufferings with heroism second to nothing I have ever seen on the battle fields of Spanish America, Europe, or Asia. I know of no man who has stood up to his burden so uncomplainingly for such a long period as Moriarty. His condition is such that he has had to have a trained nurse now for more than 15 years. This in itself has more than exhausted his stipend from the Government and he has now practically exhausted the modest patrimony left him by his father. His case is one absolutely without parallel in the United States Army so

far as helplessness and absolutely necessary expenditure is concerned. He should be properly cared for by the United States. It can not be done on his retired pay as second lieutenant. Here is the remedy that I am suggesting and with reasonable precedents therefor: That he be given the same grade on the retired list that others of his same length of active service are now receiving at this time. I think this would mean a majority for him, as he had five or six years' active service before he was placed on the retired list; that is, five or six years' active service with the colors, not counting his cadet service. Men from the academy in these days with his same length of service have, many have, reached their majority; all certainly their captaincy. The pay of a major or even a captain would, I think, see him through.

I am presenting for your consideration the case of this very wonderful officer whose noble bearing of his sufferings from disease contracted in line of duty has not been equaled, I believe, in all the history of the Army. A very able and gallant soldier in the days of his youth who forfeited his health in the service of his country. Owing to his absolute helplessness and necessity for a nurse all the time, his retired pay is not sufficient for his absolutely necessary expenses by something like \$1,100 a year. I know the details of his expenditures and say this with assurance. Just for a little personal item: He has not afforded himself any new outer garments in five years.

I bespeak your high power as United States Senator from Connecticut in the introduction of a bill to Congress recommissioning him on the retired list with the grade of officers of his length of active service now attain in the same period that he has to his credit.

Very sincerely yours,

MARE L. HERNEY,

Brigadier General, United States Army, Commanding.

WAR DEPARTMENT,
Washington, July 25, 1922.

HON. FRANK B. BRANDEGGER,
United States Senate, Washington, D. C.

MY DEAR SENATOR BRANDEGGER: Regarding the case of Second Lieut. Ambrose I. Moriarty, United States Army, retired, I regret that my Army duties will require my departure at once, and I shall not be able to accompany you to the hearing on his case, as you suggested in the interview July 26. I am glad, however, to present in writing to you and the committee some facts and observations regarding Lieutenant Moriarty.

He and I were classmates in the class of 1887, United States Military Academy, and I have known him intimately. His active career in the Army was cut short by his retirement for disability in 1894, due to exposure in camp, which resulted in rheumatic trouble that has gradually rendered him helpless. I understand that for over 20 years he has required the services of a special nurse. When I visited him about 10 days ago, I found him in an invalid's chair, with every joint rigid, unable to move even hand or foot, and requiring the constant attention of a special nurse. It need not be said that his retired pay (\$137.50 per month) is entirely inadequate to support him and pay for the unremitting and skillful nursing his case requires. He has been obliged to add to his pay some slender private resources, but these are now exhausted, and he faces a most serious situation.

He has asked that he be promoted on the retired list to major, which, it appears, would make his retired pay \$225 per month. If Lieutenant Moriarty had not been stricken with this disease as a direct result of his performance of duty, he would now be at least a colonel. His complete disability is as much the result of his devoted performance of his duties as that of the soldier receiving a disability would at the front, for which generous provision is now made.

Lieutenant Moriarty was noted as a cadet for his conscientious performance of his duty. As an officer he showed a zeal and patriotism which was marked. Lying helpless as he is now, his mind is bright, and his patience and unflinching cheerfulness are sources of inspiration to all who see him.

His case is decidedly exceptional and most deserving, and I deem it a privilege to do what I can to assist in its favorable consideration.

Sincerely yours,

EDGAR RUSSEL,

Brigadier General, United States Army.

BILLS PASSED OVER.

The joint resolution (S. J. Res. 46) for the relief of Capt. Ramon B. Harrison was announced as next in order.

Mr. KING. Let the joint resolution go over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

The bill (S. 1014) for the relief of F. J. Belcher, Jr., trustee for Ed Fletcher, was announced as next in order.

Mr. KING. Let it go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1032) to change the name of Thirty-seventh Street, between Chevy Chase Circle and Reno Road, was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The joint resolution (S. J. Res. 60) to stimulate crop production in the United States was announced as next in order.

Mr. KING. Let that go over. We can not consider it in the limited time now at our disposal.

The PRESIDENT pro tempore. The joint resolution will be passed over.

ALASKA STEAMSHIP CO.

The bill (S. 732) for the relief of the Alaska Steamship Co. was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 4, after the word "pay," to insert the words "out of any money in the Treasury not otherwise appropriated," and in line 7 to strike out "\$9,024.27" and insert "\$5,974.27," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any money in the Treasury not otherwise appropriated, to the Alaska Steamship Co., a corporation organized and existing under the laws of the State of Nevada, the sum of \$5,974.27, in payment of the balance due said company for services rendered at the request of the United States deputy collector of customs at Unalaska, Alaska, and in pursuance of an agreement with him for the transportation and care of 193 survivors of the wreck of the American ship *Columbia* near Scotch Cap Lighthouse, Alaska, in May, 1909.

The amendments were agreed to.

Mr. KING. Mr. President, I should like to ask the Senator from Washington [Mr. Jones] to explain the bill.

Mr. JONES of Washington. Briefly, the facts are these: There was a vessel wrecked at Arch Point, Alaska, in Alaskan waters. The deputy collector of customs had the boat *Dora*, owned by this company, go out to get the shipwrecked people. There were 193 of them. Under the law a collector or deputy collector has a right to contract for the transportation and care of seamen. He made a contract with the captain of this vessel to transport the 193 persons, whom he described as seamen, to Seward and for their subsistence there until a boat could be obtained to go on to Seattle.

The boat actually transported them, but it was found when they got to Seward that only 71 of them were seamen. The others were employees of another company, but they had actually been transported. Legally and from a technical legal standpoint they had no right to pay the owner of the boat for the transportation of the other persons. That is really the situation the bill is intended to relieve. In equity it was thought, as the steamship company had actually transported these people under contract with the deputy collector and had met them at Seward at an expense of \$240, that that sum should be paid; and that is the purpose of the bill.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

BILLS AND RESOLUTION PASSED OVER.

The bill (S. 1013) for the relief of Gordon G. MacDonald was announced as next in order.

Mr. KING. Let that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 703) making an adjustment of certain accounts between the United States and the District of Columbia was announced as next in order.

The reading clerk proceeded to read the bill.

Mr. OVERMAN. Mr. President, that is a pretty important bill, and I object to its consideration at this time.

The PRESIDENT pro tempore. The bill will be passed over.

The resolution (S. Res. 124) directing the Interstate Commerce Commission to secure information relative to amount of money expended for the purpose of creating public interest favorable to railroad sentiment was announced as next in order.

Mr. REED of Pennsylvania. Let that resolution go over.

The PRESIDENT pro tempore. The resolution will be passed over.

The bill (S. 1499) to promote the safety of passengers and employees upon railroads by prohibiting the use of wooden cars under certain circumstances was announced as next in order.

Mr. FLETCHER. I ask that that bill go over, the Senator from Maryland having requested that that action be taken.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 185) to promote agriculture by stabilizing the price of wheat was announced as next in order.

Mr. OVERMAN. Let that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

COMPENSATION OF WARRANT OFFICERS AND ENLISTED MEN, ETC.

The bill (S. 2401) providing for the compensation of retired warrant officers and enlisted men of the Army, Navy, and Marine Corps, or any other service or department created by or under the jurisdiction of the United States Government, and warrant officers and enlisted men of the Reserve Corps of the Army and Navy was announced as next in order.

Mr. KING. Let that bill go over.

Mr. EDGE. Mr. President, if the Senator from Utah will withdraw his objection for a moment, I desire to say a few words about the bill. I can not conceive that there can be any opposition to it. The bill was introduced by me for the purpose of straightening out misunderstanding on the Panama Canal Zone. The bill has been recommended by the Secretary of War and has been reported by the Committee on Military Affairs without the slightest objection.

Mr. KING. I will withhold my objection until I shall have heard the Senator's explanation of the bill.

Mr. EDGE. The purpose of the bill is to permit retired enlisted men and warrant officers in any branch of the service to retain their retired pay when working in other employment on the Panama Canal Zone. I understand it has been the custom down there, so far as possible, to employ retired enlisted men and warrant officers in various governmental activities. Those men have always heretofore drawn the pay to which they were entitled on account of their service in the Army and, in addition, whatever remuneration the Canal Zone government provided for them. The question, however, has arisen whether, under a strict interpretation of the Panama Canal Zone act as set forth in the report, this can legally be done. This bill simply straightens out that situation so that those men may receive the money which they have earned through their service and still be paid the salary allowed them by the Panama Canal Zone authorities. That is all the bill proposes to do.

Mr. KING. I still insist on my objection, Mr. President.

The PRESIDENT pro tempore. The bill will be passed over.

BILLS PASSED OVER.

The bill (S. 2168) for the relief of David C. Van Voorhis was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 746) providing for the development of hydroelectric energy at Great Falls was announced as next in order.

Mr. REED of Pennsylvania. Let that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

COMMERCIAL PACIFIC CABLE CO.

The bill (S. 709) for the relief of the Commercial Pacific Cable Co. was announced as next in order.

Mr. KING. Let that bill be passed over.

Mr. WADSWORTH. Mr. President, will the Senator from Utah withhold his objection for just a moment?

Mr. KING. Yes.

Mr. WADSWORTH. If there was ever a case where the Government owed a citizen or group of citizens money, this is one. Certain cables, as Senators know, center at the Island of Guam. A vessel of the United States Navy in attempting to do some salvage work dragged its anchor across the commercial cable, which is owned by the Commercial Pacific Cable Co., and destroyed it so far as its being able to render any service was concerned. The cable company had to bring a cable ship from a Chinese port to Guam in order to repair the cable. The incident was investigated by the Navy Department, and the Navy Department admitted that its own personnel, through this accident, had imposed this expense upon the cable company. The amounts have all been audited and carefully examined, and the Navy Department certifies that, in its judgment, the Government should pay the cable company the sum proposed to be appropriated.

Then the bill covers a second instance of the same character, there being two incidents covered by this bill. In restoring a buoy to position at Guam a group of naval personnel under the command of an officer dropped a very heavy buoy anchor, composed of a heavy block of cement, thinking they were doing so in a place where the cable would not be injured. Unfortunately, they dropped it directly on the cable, smashed the insulation, exposed the wires, and destroyed all means of communication between the United States and Guam. The cable company was compelled to bring a cable ship from Honolulu to Guam, something like 2,000 miles, to repair the cable. That item of expenditure was carefully audited and examined by the Navy Department, and the Navy Department admits that men under it did this damage and that the company should be reimbursed. That is the bill.

Mr. KING. Will the Senator permit an inquiry?

Mr. WADSWORTH. Yes.

Mr. KING. Does the Senator think that there ought to be a direct appropriation or that we ought to authorize the submission of the matter to the Court of Claims?

Mr. WADSWORTH. I think, when all the facts are admitted by everybody who has ever looked into the matter, that we might just as well pay our debts.

Mr. FLETCHER. Do I understand that the second provision of the bill is intended to take the place of another bill that covered that item?

Mr. WADSWORTH. Yes. The second provision of the bill was in a separate bill at one time and passed the Senate.

Mr. CARAWAY. Mr. President, the Senator from Utah assures me that he withdraws his objection.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with amendments on page 1, line 5, after the word "company," to insert "out of any money in the Treasury not otherwise appropriated"; and on line 10, after the date "March 21, 1923," to insert "The Secretary of the Treasury is also authorized and directed to pay to the Commercial Pacific Cable Co., out of any money in the Treasury not otherwise appropriated, the sum of \$30,490.38 to reimburse said company for the cost of repairing certain damages done by the United States naval authorities to one of said company's cables in the harbor of San Luis d'Apra, island of Guam, in September, 1907, as reported to Congress in Senate Document No. 88, Sixty-fourth Congress, first session," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Commercial Pacific Cable Co., out of any money in the Treasury not otherwise appropriated, the sum of \$16,109.94 to reimburse said company for the cost of repairing certain damages done by the United States naval authorities to one of said company's cables in the harbor of San Luis d'Apra, island of Guam, on March 21, 1923. The Secretary of the Treasury is also authorized and directed to pay to the Commercial Pacific Cable Co., out of any money in the Treasury not otherwise appropriated, the sum of \$30,490.38 to reimburse said company for the cost of repairing certain damages done by the United States naval authorities to one of said company's cables in the harbor of San Luis d'Apra, island of Guam, in September, 1907, as reported to Congress in Senate Document No. 88, Sixty-fourth Congress, first session.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM J. EWING.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 964) for the relief of William J. Ewing.

The bill had been reported from the Committee on Claims with an amendment on page 1, line 6, after the words "sum of," to strike out "\$2,000" and insert "\$1,560," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William J. Ewing, or his legal representatives, the sum of \$1,560, as full compensation for permanent injuries received by the said Ewing on the 18th day of December, 1901, at San Francisco, Calif., while in the performance of his duties as an employee of the United States Life Saving Service.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 2357) for the relief of the Pacific Commissary Co. was announced as next in order.

Mr. OVERMAN. I ask that that bill may go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2012) declaring an emergency in respect of certain agricultural commodities, to promote equality between agricultural commodities and other commodities, and for other purposes, was announced as next in order.

Mr. McNARY. I ask that that bill may go over.

The PRESIDENT pro tempore. The bill will be passed over.

THE MILITARY ESTABLISHMENT.

The bill (S. 1974) providing for sundry matters affecting the Military Establishment, was announced as next in order.

Mr. OVERMAN. Does the Senator from New York desire that bill to be passed during the consideration of the calendar under the five-minute rule?

Mr. WADSWORTH. It is just as the Senate desires.

Mr. OVERMAN. I apprehend the bill will involve discussion; it is a long bill.

Mr. WADSWORTH. It is quite a long bill, and contains a considerable number of unrelated subjects, each one of which by itself is of slight importance, but in the aggregate they are important.

Mr. McKELLAR. There is just one item in the bill about which I have received a letter, and I should like to look into it. I do not wish to delay it, but if the Senator will permit the bill to go over I think I shall have no objection to its consideration the next time it is called.

Mr. WADSWORTH. Very well, Mr. President, let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

REVENUE FROM PRIBILOF ISLANDS, ALASKA.

The bill (S. 2122) to create a Pribilof Islands fund and to provide for the disposition of surplus revenue from the Pribilof Islands, Alaska, and for other purposes, was considered as in Committee of the Whole.

The bill was read as follows:

Be it enacted, etc., That the proceeds received from the sale of fur-seal and fox skins, and other products from the Pribilof Islands, Alaska, be reserved and set aside as a special fund in the Treasury to be known as the "Pribilof Islands fund" to be appropriated from time to time by Congress for the expenses of the Department of Commerce in protecting and developing the fur-seal fisheries and the raising of foxes, including the furnishing of food, fuel, water, clothing, and other necessities of life to the natives of the Pribilof Islands of Alaska; transportation of supplies to and from the islands; expenses of travel of agents and other employees, and subsistence while on said islands; the purchase, hire, and maintenance of vessels; construction of buildings; construction and repair of roads; the expansion of by-products plants; construction and maintenance of cold-storage plants; the development, construction, and maintenance of adequate waterworks plant; and for all expenses necessary to carry out the provisions of the act entitled "An act to protect the seal fisheries of Alaska, and for other purposes," approved April 21, 1910; and any balance, or any part thereof, remaining in that fund not needed for above purposes, shall be covered annually into the Alaska fund created by the act approved January 27, 1905, as Congress may direct.

Sec. 2. That nothing in this act shall be construed to prevent the payments to Great Britain and Japan from the proceeds of sales of sealskins of any amounts due those Governments from sales of their respective shares of sealskins taken at the Pribilof Islands, or for payment from the proceeds of sales of fur-seal and for fox skins of expenses for taking, handling, curing, transporting, dressing, dyeing, and machining and selling of such skins.

Sec. 3. That this act shall take effect and be in force from and after July 1, 1924.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

OWNERS OF THE BARGE "ANODE."

The bill (S. 78) for the relief of the owners of the barge *Anode* was considered as in Committee of the Whole.

The bill was read as follows:

Be it enacted, etc., That the claim of the Raritan Copper Works, owner of the American barge *Anode*, against the United States for damages alleged to have been caused by collision between said barge and the U. S. transport *Buford*, on the 18th day of January, 1919, between Governors Island and Bedloe Island, in New York Harbor, N. Y., may be sued for by the owner of the said barge in the United

States District Court for the Southern District of New York, sitting as a court of admiralty and acting under the rules governing such court; and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages, including interest and costs, if any, as shall be found to be due against the United States in favor of the owner of the said American barge *Anode*, or against the owner of the said American barge *Anode* in favor of the United States upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

OWNERS OF STEAMSHIP "COMANCHE."

The bill (S. 82) for the relief of the owners of the steamship *Comanche* was considered as in Committee of the Whole.

The bill was read, as follows:

Be it enacted, etc., That the claim of the Clyde Steamship Co., owner of the American steamship *Comanche*, against the United States for damages alleged to have been caused by collision between said vessel and the United States battleship *Indiana* and the United States destroyer *McCall* on the 14th day of December, 1917, off Norton's Point, N. Y., may be sued for by the said Clyde Steamship Co. in the United States District Court for the Southern District of New York, sitting as a court of admiralty, and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages, including interest and costs, if any, as shall be found to be due against the United States in favor of the owners of the said American steamship *Comanche*, or against the owners of the said American steamship *Comanche* in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties, and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

STEAMSHIP "CEYLON MARU."

The bill (S. 84) for the relief of the owners of the steamship *Ceylon Maru* was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the claim of Nippon Yusen Kaisha, owner of the Japanese steamship *Ceylon Maru*, against the United States of America for damages alleged to have been caused by collision off Trompeloupe, France, on November 9, 1919, between the said vessel and the American steamship *Jeannette Skinner*, owned by the United States of America, and being then operated by the War Department in its transport service, may be sued for by the said Nippon Yusen Kaisha in the District Court of the United States for the Eastern District of New York, sitting as a court of admiralty and acting under the rules governing such court; and such court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damage, including interests and costs, if any, as shall be found to be due against the United States in favor of said Nippon Yusen Kaisha, or against the said Nippon Yusen Kaisha in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court; and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That in the suit authorized by this act any and all of the testimony taken in the suit of Nippon Yusen Kaisha against the steamship *Jeannette Skinner* begun by the filing of a libel in the District Court of the United States for the District of Maryland on March 1, 1919, may be offered by or in behalf of the Government or the owner of the *Ceylon Maru* and shall be admissible in evidence; *And provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 2691) to amend the Penal Code was announced as next in order.

Mr. OVERMAN. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2693) in reference to writs of error was announced as next in order.

The reading clerk read the bill.

Mr. REED of Pennsylvania. Mr. President, in the absence of a report or an explanation from the Senator who introduced the bill, I ask that it go over.

The PRESIDENT pro tempore. The bill will be passed over.

WILLIAM MORTESEN.

The bill (S. 148) for the relief of William Mortesen was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 6, after the words "sum of," to strike out "\$20,000" and insert "\$1,000," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William Mortesen, the sum of \$1,000 for assistance rendered to the United States Government in land cases in Oregon.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NEAR EAST RELIEF (INC.).

The bill (S. 87) for the relief of the Near East Relief (Inc.) was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cancel and abandon the claim in the sum of \$632,669, with interest, for United States property sold in 1919 to the Near East Relief (Inc.) for use in relieving and supplying the pressing needs of the peoples of the countries involved in the late war.

Mr. McKELLAR. Mr. President, will the Senator from New York [Mr. WADSWORTH], who introduced this bill, make an explanation of it?

Mr. WADSWORTH. Mr. President, Senators of course are familiar with the work of the Near East Relief. It saved the lives, no doubt, of thousands and thousands of women and children in Asia Minor in the troubles which overtook that region following the end of the World War. Much of its work was in Syria and Armenia and in those regions which formerly had been under the Turkish Empire, and which were in a highly demoralized condition.

The War Department had surplus supplies on hand and entered into a contract with the Near East Relief for the sale of a considerable quantity of supplies. Many of the supplies were near at hand—that is, they were in Europe—and they were sadly needed in this region. The War Department had no right to make a gift to the Near East Relief or to any other relief organization. The supplies were handed over to the Near East Relief. They were distributed to starving women and children. I imagine it was done in the understanding that the conditions were terrible, and the Near East Relief was willing to enter into any kind of an obligation in order to get the supplies and save the lives of these people. The fact of the matter is that the Near East Relief (Inc.) has no money at all. It expended all its funds, which were raised by private subscription, in saving the lives of these people, and it simply can not pay the War Department the six hundred and odd thousand dollars. The War Department has no right to release it.

Mr. McKELLAR. Mr. President, did the Near East Relief organization furnish a statement of account showing what it had done with these supplies?

Mr. WADSWORTH. Oh, yes.

Mr. McKELLAR. The Senator is satisfied that all of these supplies were used for a good purpose?

Mr. WADSWORTH. Oh, without a doubt. They were sent directly to the famine region.

Mr. McKELLAR. I have no objection. Of course we all recognize what an awful situation that was; and so far as I am concerned I have no objection to the passage of the bill.

Mr. CAPPER. Mr. President, there is not a chance in the world that the Government will ever get a dollar from the Near East Relief Association; and this simply straightens out an account on the books of the Government. It is a matter of bookkeeping.

The PRESIDENT pro tempore. The bill is before the Senate, as in Committee of the Whole, and open to amendment. If there be no amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER.

The bill (S. 349) for the relief of sufferers in New Mexico, from the flood due to the overflow of the Rio Grande and its tributaries, was announced as next in order.

Mr. McKELLAR. Mr. President, will the Senator from New Mexico make an explanation of this bill?

Mr. BURSUM. This is the same bill which was passed by the Senate at the last Congress. The bill is to take care of flood sufferers who suffered great damage by reason of the construction of a dam by the Reclamation Service, thereby causing a great flood of water on account of sudden, torrential rains, which destroyed practically the whole community. The Senate passed this bill at the last Congress, and this is a similar bill, introduced by my colleague [Mr. JONES].

Mr. McKELLAR. How much is appropriated?

Mr. BURSUM. Seventy-five thousand dollars.

Mr. OVERMAN. Let the bill go over.

Mr. McKELLAR. I think it had better go over.

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). Objection is made, and the bill will be passed over.

ERIE RAILROAD CO.

The bill (S. 935) for the relief of the Erie Railroad Co., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the claims of the Erie Railroad Co. against the United States for damages alleged to have been sustained to its car float, cars, and the contents thereof in New York Harbor on July 6, 1922, may be submitted to the United States Court for the Eastern District of New York, under and in compliance with the rules of said court sitting as a court of admiralty: *Provided*, That the said court shall have jurisdiction to hear and determine the whole controversy and to enter a judgment or decree for the amount of the legal damages sustained by reason of said collision, if any shall be found to be due, either for or against the United States, upon the same principle and measure of liability with costs as in like cases in admiralty between private parties, with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ALBERT ANDREWS.

The bill (S. 1307) for the relief of Albert Andrews for loss of personal effects while serving with the military forces of the United States was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Albert Andrews, formerly corporal, Band Company, One hundred and sixty-fourth Infantry, Forty-first Division, United States Army, the sum of \$288, such sum being in full satisfaction of all claims on account of personal effects of said Albert Andrews lost in transit from Hempstead, N. Y., to Mayville, N. Dak.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER.

The bill (S. 1568) for the relief of certain officers in the United States Army was announced as next in order.

Mr. McKELLAR. Mr. President, unless there is some explanation of this bill, I suggest that it go over.

The PRESIDING OFFICER. The bill will be passed over.

ANNIE H. MARTIN.

The bill (S. 1316) for the relief of Annie H. Martin was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Annie H. Martin, of Carson City, Nev., the sum of \$545.02 to enable her to make payment of a liability incurred by her as acting assayer in charge, United States Mint, Carson City, Nev., for losses in operating on bullion.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PRACTICE AND PROCEDURE IN FEDERAL COURTS.

The bill (S. 624) to amend the practice and procedure in Federal courts, and for other purposes, was announced as next in order.

Mr. McKELLAR. Mr. President, I should like to hear from the Senator who introduced the bill.

Mr. CARAWAY. Mr. President, this is a bill providing merely for the practice and procedure in Federal courts. It has a unanimous report from the Committee on the Judiciary. It passed the House of Representatives at one time without a dissenting vote. It is an effort to make the practice and procedure in the Federal courts conform to that in the State courts, and denies to a Federal judge the right to express an opinion as to the credibility of witnesses or the weight of the testimony.

Mr. McKELLAR. I indorse very heartily the bill, as far as it goes. I think it might go further, but I am not going to object to its passage at this time, hoping that hereafter we can add other restrictions upon the power of Federal judges to direct juries to bring in verdicts.

Mr. REED of Pennsylvania. I ask that the bill go over. It seems to me it ought to be discussed.

Mr. CARAWAY. I hope the Senator will not object to the consideration of the bill. To start in with, when I was in the House I introduced the bill, and Mr. GRAHAM, a Member of the House from Philadelphia, and I worked on it and agreed upon it, and it passed the House without a dissenting vote. The same measure was introduced here, and the amendments are simply a change of language. It received the unanimous report of the Committee on the Judiciary. The subcommittee that considered the bill was composed of the Presiding Officer of this body, the Senator from Iowa [Mr. CUMMINS], and the Senator from Kentucky [Mr. EANSER]. It received quite a thorough going over in the committee.

Every suggestion is embodied in it. The chairman of the committee, the Senator from Connecticut [Mr. BRANDEGER], the Senator from Montana [Mr. WALSH], and others took a great deal of interest in it. I sincerely hope the Senator will not object to its consideration.

Mr. REED of Pennsylvania. I am perfectly willing to have the bill considered on its merits. It seems to me that the power of a United States judge to express his opinion, based on his long experience on the bench, to a jury which is called in, perhaps made up of men who never before have served in a court, has been a wholesome one. I think it has made for greater justice and a better administration of justice in the Federal courts. I believe that it ought to be preserved. I do not agree with my lawyer friends who would make a trial judge a mere automaton, sitting up there and allowing verdicts to go on what he feels confident is perjured testimony, without power to comment to the jury on the inconsistencies of the statements of one witness or another. Why, Mr. President, I think justice is furthered by retaining that power in the trial judges of the Federal courts, and for that reason I object to it as a matter of principle.

Mr. CARAWAY. Mr. President, I presume the Senator will concede that all of us have some question of principle at stake in it. Others do not agree with him. Therefore, he ought not to insist that his individual opinion shall override the opinion of the Senate and give the Senate no chance to pass upon it.

Mr. REED of Pennsylvania. The Senator did not understand me. I mean to say that I oppose the bill because of what seems to me to be a matter of principle. I realize that the Senator is equally entitled to his opinion, and I do not want to object to the present consideration of the bill, but I do hope the Senate will see fit not to pass the bill.

Mr. CARAWAY. I beg the Senator's pardon; I misunderstood him.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with amendments.

Mr. REED of Pennsylvania. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Pennsylvania suggests the absence of a quorum. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Adams	Dial	Johnson, Minn.	Ralston
Ashurst	Dill	Jones, Wash.	Ransdell
Borah	Edge	Kendrick	Reed, Pa.
Brandegee	Edwards	Keyes	Sheppard
Brookhart	Elkins	Klug	Simmons
Broussard	Ferris	Ladd	Smith
Bruce	Fess	Lodge	Smoot
Bursum	Fletcher	McKellar	Spencer
Cameron	Frazier	McKinley	Stanfield
Capper	George	McLean	Swanson
Caraway	Glass	McNary	Trammell
Colt	Hale	Neely	Wadsworth
Copeland	Harrell	Norris	Walsh, Mass.
Couzens	Harris	Oddie	Walsh, Mont.
Curtis	Heflin	Overman	Weller
Dale	Howell	Pepper	Willis

Mr. McKELLAR. Mr. President, I desire to announce that my colleague [Mr. SHIELDS] is detained on account of illness. I ask that this announcement may stand for the day.

The PRESIDING OFFICER. Sixty-four Senators having answered to their names, a quorum is present.

Mr. REED of Pennsylvania. Mr. President, the bill on which the Senate is now asked to pass ought to be understood, I think, by the Senators before they vote on it. It will mean that in the trial of a jury case in a Federal court the United States judge, no matter what his experience, or what the inexperience of the jury may be, no matter what the lack of credibility of a witness may be, must sit on the bench and send the case to the jury without calling attention or indicating an opinion as to the value or lack of value of any witness's testimony. The judge may express no opinion, even though he is certain that a verdict one way or the other would be against the weight of the evidence, and even though a witness has contradicted himself hopelessly the judge can not call attention to that. He must treat that witness, in his references to the testimony, exactly the same as a witness whose testimony is corroborated by a hundred circumstances.

It reduces a judge to practical impotence. I think the present system has worked very well for 135 years, and there is no occasion for changing it. I hope the Senate will not pass this bill.

The PRESIDING OFFICER. The Secretary will state the first amendment.

The READING CLERK. On page 1, line 4—

Mr. PEPPER rose.

Mr. DALE. I want to ask the junior Senator from Pennsylvania his opinion as to the requirement of the bill that the judge shall deliver his charge in writing.

Mr. REED of Pennsylvania. That merely adds to the difficulty of the trial judge. In most courts the practice is for the judge to deliver his charge orally, and have it taken down by a stenographer. Then it is subject to a further consideration afterwards.

Mr. DALE. Is it not almost impossible for a judge to write out his opinion between the introduction of the evidence and the turning over of the case to the jury?

Mr. REED of Pennsylvania. I have never known a court in which that practice prevailed. It would seem to me that it would necessitate a considerable recess between the closing of the evidence and the summing up of the case, if that practice were adopted. I would like to have the Senator who introduced the bill tell us what seems to him to be the advantage of having the trial judge reduce his charge to writing before delivery, and the advantage of having the charge delivered before the arguments of counsel.

Mr. CARAWAY. That is the law in very nearly every State in the Union.

Mr. REED of Pennsylvania. I have tried cases in a good many States, and I have never seen that done.

Mr. CARAWAY. Unfortunately, I have not tried cases, then, in States where the Senator has tried them, because I have never seen the rule otherwise.

Mr. DILL. In my State that is always the rule in the trial of cases.

Mr. REED of Pennsylvania. That the charge is written out before it is delivered?

Mr. DILL. The judge delivers his charge in writing.

Mr. WALSH of Massachusetts. Before the arguments of counsel?

Mr. DILL. Before the arguments of counsel.

Mr. NORRIS. Mr. President, I just came into the Chamber, and consequently do not know the parliamentary situation. I

do not know what amendment is pending. Will the Chair advise me?

The PRESIDING OFFICER. The Secretary had just started to state the first amendment when the Senator from Pennsylvania [Mr. PEPPER] rose. The Secretary will state the first amendment.

The READING CLERK. On page 1, line 4, after the word "court," strike out the words "triable by jury, in which the jury has been impaneled to try the issue of facts," and insert in lieu thereof the words "tried by a jury."

The PRESIDING OFFICER. That is the pending amendment.

Mr. NORRIS. I want to discuss the proposition involved in some of the committee amendments. I believe the provision found in one of the amendments that the judge shall deliver his charge before the arguments of counsel ought to be eliminated. I do not believe that is good practice.

Mr. CARAWAY. May I interrupt the Senator right there?

Mr. NORRIS. Certainly.

Mr. CARAWAY. That provision came into the bill in this way: In most of the code States, in my State, among others, the judge is required to deliver his charge before the arguments of counsel. In other States that rule does not prevail. It was the belief of the committee that the practice ought to be uniform within a State, and therefore there is a provision on page 2 of the bill that in those States where the practice in the State courts is for the judge to charge the jury after the arguments, the same rule shall prevail in the Federal courts. The idea is to make the Federal judge sitting in the State conform to the procedure in the State courts.

Mr. NORRIS. I observe the language, which I had not before noticed. I think that it is proper to have the Federal practice conform to the State practice. I want to say just a few words about the bill.

Mr. FLETCHER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Florida?

Mr. NORRIS. I yield.

Mr. FLETCHER. Does not the Senator think that really the provision in section 2 as originally written is preferable to the amendment; that is, instead of striking out from line 1 to line 5, inclusive, on page 2, as reported by the committee, the original language is a better expression of the idea and a better provision than the provision that the judge shall charge in writing? Under the laws of Florida, for instance, the charge shall be in writing if requested by counsel.

Mr. NORRIS. Mr. President, my own idea is that we ought to make it mandatory by statute, compel the judge in a jury case to reduce his instructions to writing.

Mr. CARAWAY. May I make a suggestion to the Senator as to this particular amendment? I think all in the committee finally agreed that if the case were of such minor importance that the parties did not insist on the charge being in writing, they could waive that, although the law says it shall be in writing. The attorneys in the case may waive that if the case is of such minor importance that neither side desires to have the instructions of the court in writing.

As to the other idea, that it shall be in writing, some members of the committee were of the opinion that if it was only to be put in writing at the request of one of the parties it might raise in the judge a prejudice against some litigant or his attorney who insisted upon the charge being in writing, and therefore it is so worded that the charge must be in writing; but of course we understand that if the parties do not insist upon it it may be waived.

Mr. NORRIS. I suppose most Members of this body have had experience in the trial of jury cases, a good many of them as attorneys, many of them as judges, and their experience has extended over a great many years in most cases. An attorney who had been practicing exclusively in United States courts, where the judge delivered his charge orally, and was not familiar with the practice where the judge was required to reduce his charge to writing, would be perhaps impressed very much as was the Senator from Pennsylvania. He would think that such a practice would mean delay, and too many inconveniences and hardships on the trial judge. I want to assure the Senator from Pennsylvania, from an experience of a great many years, both as an attorney at the bar trying lawsuits in both criminal and civil cases and as a judge who has been required to reduce his instructions to writing, that no such condition arises on account of that kind of a law.

It very often occurs that when a trial is finished, if the attorneys waive argument, as they do sometimes, and submit the case, so that it is submitted to the jury, or if it is for any other reason submitted to the jury abruptly, and the judge

has not prepared his instructions, a stipulation may be entered into in open court that the judge shall charge orally and a stenographer take it down, and that each party can have his exceptions noted after it has been written out and after the jury returns a verdict. That can be done by agreement.

Mr. CARAWAY. Certainly, if the judge does not understand the law well enough to reduce his charge to writing, he should not be permitted to just talk about it, should he?

Mr. NORRIS. Certainly not. I have always felt that way. But, in my judgment, one of the faults I have to find with the United States courts is that the judges instruct the jury orally and express an opinion about this man and that man or this witness and that witness.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate bill 5, the general pension bill.

Mr. NORRIS. Is there objection to finishing consideration of the bill which we have been discussing?

Mr. BURSUM. Will it take long?

Mr. NORRIS. I am sure I do not know. I was almost in the middle of a sentence and I want to finish what I have to say, anyway. I can do that no matter whether the unfinished business is laid aside or not.

I feel deeply about this practice, Mr. President, because while my experience is not worth more than anybody else's, I have had most of my life until I came to Congress devoted to this very thing. The idea of permitting a judge sitting on the bench, with all the secret power and unexpressed ability that he has, to control a jury by the simple expression of an opinion is something that is liable to turn any lawsuit one way or the other. I am not complaining that the judge occupies such an exalted position. I want him to be respected in just that way by the jury, so it is in no sense a criticism of the court, but the trial ought to be free from that influence. It is the duty of the judge to tell the jury that the jury are the judges of the credibility of the witnesses and not the presiding judge, and he never ought to express an opinion one way or the other.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield for a question?

Mr. NORRIS. Certainly.

Mr. REED of Pennsylvania. Do we not get the same result exactly when we allow the judge to order a new trial if in his judgment the verdict is against the weight of the evidence? Is it not the common-sense thing to reach that result directly by letting him state what in his opinion is the weight of the evidence?

Mr. NORRIS. No; not by any means. I take it that no one will dispute the proposition of law that the credibility of a witness is an exclusive function for the jury and not the court. They have a right to judge by the appearance of a witness, by the reasonableness of his testimony and the story that he tells, by the fact that he is contradicted or corroborated by circumstances, or other evidence in the case, and the amount of weight to be given to the corroboration or denial, or any circumstances proved on the trial that tend to uphold or to overthrow a man's testimony. The weight that should be given to it is not for the judge, but for the jury.

I do not believe anybody will dispute the proposition of law that the judge ought to tell them so, and he ought to refrain from saying to the jury, "I think this man's story is rather doubtful," or "this man looks as though he was a good fellow and you ought to give his testimony a good deal of weight." That is outside of his duty, and he ought to be compelled to put in writing everything he says to the jury, and let either side except to the instructions, and the reviewing court then has the power and the jurisdiction to pass thereon.

Mr. PEPPER. Mr. President—

Mr. NORRIS. I yield to the Senator from Pennsylvania.

Mr. PEPPER. I apologize to the Senator for asking a question about a matter that he passed away from in his argument. He spoke first of the second section of the bill, which is the one that deals with the requirement that the charge shall be delivered before argument of counsel, except in States where the practice is otherwise. I wanted to ask the Senator how it worked in practice to follow the procedure there indicated of allowing counsel to have the last word, as it were, before the case goes to the jury, rather than that the jury should go out with the instructions of the court ringing in their ears.

Mr. NORRIS. My own idea is that the judge ought not to be required to deliver his instructions before the argument. He ought to give his instructions after the argument.

Mr. PEPPER. As I understand it, the bill provides otherwise.

Mr. NORRIS. The bill, unless there is a different practice prevailing in the State courts, makes it conform to that practice, whichever way it may be.

Mr. FLETCHER. The amendment provides "at the conclusion of the evidence and before argument."

Mr. NORRIS. It is provided that if the State practice is, otherwise he shall follow the State practice.

Mr. PEPPER. I happen not to be familiar with the practice in accordance with which the counsel make argument after the charge has been delivered to the jury. The traditional practice in my part of the country has been the other way. I wanted information from the Senator or from any Senator who could give it to me as to what the actual operation is.

Mr. NORRIS. The actual operation under the bill, as I understand it, in the Senator's State would be to follow the practice, whatever it may be, in his State.

Mr. PEPPER. I am not thinking of it exclusively with reference to my own State. I want to vote intelligently upon the measure, which will be nation-wide in its application. I want enlightenment on the question of the practical expediency of allowing counsel to comment upon the charge of the court already delivered, and to tell the jury what counsel think of the court rather than leaving it with the court to tell the jury what the court thinks of counsel. I have often been in a position, after hearing the charge of the court, of great anxiety to rise and ventilate my views about what the judge had said for the benefit of the jury, but it has always seemed to me a wholesome restraint upon me that I was not at liberty to do so. I want to know how it works when it is the other way around.

Mr. NORRIS. I suppose that if an attorney was arguing the case following the instruction of the court to the jury, and the instruction of the court to the jury was contrary to what the attorney was advocating and perhaps believed was the law in the case, it would make it embarrassing for him. It would be just as embarrassing, however, if the attorney had told the jury what he thought about it and the judge told the jury that the law was something else.

Mr. CURTIS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Kansas?

Mr. NORRIS. With pleasure.

Mr. CURTIS. I merely want to say a word in connection with what the Senator just said. That has been the experience of practitioners in Kansas, where we have, under the code, instruction by the judge before argument. In the United States courts in Kansas the judge does not instruct until after the argument of counsel. Of course, if counsel states the law one way and the judge states it another way, counsel may find himself embarrassed.

Mr. NORRIS. That would be true whether he said it before the judge charged the jury or afterwards. Of course, it is the duty of the jury, and the judge will tell them so if the question arises, to take their view of the law from the court and not from the attorneys.

Mr. CARAWAY. May I suggest that I do not presume there is a jurisdiction at all where the judge would not immediately stop an attorney if he would undertake to say that what the court said is the law is not the law.

Mr. NORRIS. I presume the court would stop him immediately.

Mr. CARAWAY. He must accept the law as given by the court. The only chance he has is to show, under the instructions of the court and the facts as testified to, that he is entitled to win. How much more intelligently he may adopt his argument to the facts when he knows what the court will declare the law to be than he could if first required to go ahead and say, "These are the facts and I think this is the law," and have the court then come along and say, "You are wrong about the law."

Mr. PEPPER. I would dislike to try a case under that practice against the Senator from Arkansas, because I know that without violating the rule he would manage to get across to the jury the idea that he and not the court knew the law.

Mr. CARAWAY. Of course, that is a left-handed compliment, in which the Senator undertakes to say, without quite saying it, that I am unfair.

Mr. NORRIS. The first people in the world to detect whether the attorney is unfair would be the jury.

Mr. CARAWAY. Or some other lawyer.

Mr. NORRIS. They are not numskulls and they know what is going on. They know lots of times better than the lawyer whether the lawyer is fair or whether he is trying to take advantage or trying to make a misrepresentation. But we can not cure those things. There is no attempt to cure them by this legislation.

The great evil in it is the danger that the United States judge from his exalted and dignified position will drop to the jury opinions as to the weight of the evidence, the credibility of the witnesses, and so forth, and thus control the decision of the jury in a line where he has not any business to control it. If he were compelled to submit his instructions in writing to the jury, then everything he says is a matter of record, and if it is reversible error the appellate court will reverse the case. In addition to that, the jury can take the instructions with them to the jury room. They are written. The jurors can look at them and reexamine them at their leisure if they should have a dispute as to what the law is on any point involved in the case.

I will say to my friend from Pennsylvania that it will not work out in practice like he has outlined; at least, I have not seen it work out that way in practice, and I have seen it operate for a great many years. It is very seldom if the court instructs a jury after the argument that there is ever a moment of debate. The judge will prepare his instructions during the trial of the case. Assuming it is a case that runs over several days, he will dictate the issues as they are outlined in the pleadings before half of the evidence is given, and his stenographer will write them out. During the argument to the jury he himself may write instructions. Something may arise during the argument that makes him think he ought to give another instruction on this point or that. So when the attorneys are through with the argument the judge starts in to give his instructions.

Mr. FLETCHER. Mr. President, I think a great deal of this measure. I have seen the judge of a Federal court in an actual case on trial before that court sit and hear the testimony all presented and hear the arguments of counsel, with his back generally turned to counsel, and when they finished address the jury and say, "Gentlemen of the jury, you shall bring in a verdict for the plaintiff in this case. You can retire and return with your verdict." That is all the charge he made and that was simply a direction upon the facts. I submit that ought to be changed.

Mr. NORRIS. I do not want to be considered as claiming that a judge should not give a direct instruction for a verdict either for the plaintiff or the defendant if the evidence and the law warrant it in his judgment. But in a disputed case, in a contested case, the judge ought to remain entirely within his realm, and all United States judges do not do that. It is quite a common thing for some judges—not all of them of course, not half of them, but there are United States judges who, by a little remark here and a little remark there, express an opinion that they have no business to express that will influence the jury and control their verdict.

Mr. PEPPER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Pennsylvania?

Mr. NORRIS. I yield.

Mr. PEPPER. I wish to inquire of the Senator whether under the bill as drafted the trial judge would be at liberty in his opinion to direct a compulsory nonsuit in a proper case.

Mr. NORRIS. I should think so.

Mr. PEPPER. The provision is that he may direct a verdict. There is a proviso which saves that right to direct a verdict, but it seems to me if it is necessary by proviso to save the right of the court to direct a verdict, the proviso ought to cover also the right to enter a compulsory nonsuit.

Mr. NORRIS. It may be that it should. I am not trying to debate the details of the bill but the general principle. The thing in which I am particularly interested and that which I think the bill in the main seeks to serve—I mean the main object of it—is to compel a United States judge to give his instructions in writing instead of giving them orally, unless counsel in the case agree that he should give them orally.

Mr. GEORGE. Mr. President—

Mr. NORRIS. I yield to the Senator from Georgia.

Mr. GEORGE. In reply to the suggestion or inquiry propounded by the Senator from Pennsylvania, it seems to me that the language of the bill preserves the right to direct or instruct a verdict, and it would necessarily follow that the court would have the right to sustain the motion, if there was in fact no issue presented by the evidence in the case.

Mr. NORRIS. I think so.

Mr. GEORGE. In one case he is dealing with a motion and in the other with the finding of the jury.

Mr. NORRIS. Yes; that is true.

Mr. GEORGE. Wherever the jury is to find, either at the instruction of the court or as a result of deliberation on the part of the jury, then there should be no expression of opinion except where there is no issuable defense. But where it is simply a question of a motion—a nonsuit case—I think it would

necessarily follow that that power would still remain in the court. That is a matter that always has been in the court uninfluenced by the jury.

Mr. PEPPER. Would the Senator from Nebraska be of the opinion that the language of the first section of the bill makes it unlawful for the court to comment upon the probative value of different kinds of evidence, as, for instance, to call attention to the fact that evidence less than the best evidence has been received, or to the different degrees of credibility of different kinds of documentary evidence? The provision is very sweeping, and I merely am desirous of eliciting the impression of the Senator respecting whether or not we are going a little too far in trying to accomplish a good purpose.

Mr. NORRIS. I do not see anything that might be so construed in the language, unless it would be the amendment which reads "or value of the evidence." The judge ought not to express an opinion as to the credibility of witnesses. He will instruct the jury about the credibility of witnesses, and those instructions will not be written for a particular trial, but he will have them in blank, because the instruction in regard to the credibility of witnesses would be the same in one case as in another. In criminal cases there will be always the questions as to reasonable doubt and the burden of proof; but instructions on such questions will be general. The judges always read them to the jury, and have probably prepared them in advance, in view of the pendency of the case. So the burden of preparing the instruction is not so great as it would seem.

I should like to say to the junior Senator from Pennsylvania [Mr. REED] before I go further into the question which has been asked by the senior Senator from Pennsylvania [Mr. PEPPER] that in a given State attorneys who practice in the United States courts and also in the State courts, usually prefer the practice in the State courts. In the United States court the judge is at perfect liberty to say anything he pleases and does not have to write his instructions down, but in a State court he is compelled to put in writing every word of instruction to the jury, and the State supreme court has always held that if a judge expressed an opinion to the jury as to the credibility of a witness, and so forth, it would be a reversible error. I repeat that attorneys practicing in both those courts, one day in one court and one day in the other, so far as I know in my whole experience without a single exception, prefer to practice in the State courts. There may be those who do not, but those of whom I have any recollection of ever having heard them express an opinion thought the practice in the State courts was much more preferable and much more satisfactory and resulted in a greater degree of justice in the administration of the law.

Mr. PEPPER. Mr. President, I was not venturing to differ from the Senator upon that point. I wished to direct attention to the language of the amendment as it appears in the eighth line with special reference to the words "or value of the evidence." That language gives me some concern.

Mr. NORRIS. It may be that there is some danger in that. I do not care to discuss it now, because the bill has gone over anyway. It may be that there ought to be some change in that language.

Mr. GEORGE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Georgia?

Mr. GEORGE. If the bill is going over, I merely wish to make a suggestion.

Mr. NORRIS. I yield the floor.

Mr. GEORGE. I wish to make a suggestion to the Senator from Pennsylvania. I do not think in any case the trial judge ought to express an opinion as to the weight of the evidence. I think he ought to give the rules by which the jury are to weigh the evidence and to let them weigh the evidence. We have in my State what we know as the "dumb" act. It prevents a judge from expressing an opinion on any disputed issue of fact or as to the credibility of any witness or as to the weight of any evidence; and yet the judge can give all of the rules by which evidence is weighed; but he must leave it to the jury to determine the weight of evidence and the credibility of the witnesses, under proper instructions.

Mr. REED of Pennsylvania. Mr. President, will the Senator from Georgia yield for a question?

Mr. GEORGE. Yes.

Mr. REED of Pennsylvania. In the Senator's State, is it within the power of the trial judge to order a new trial if he regards the verdict as against the weight of evidence?

Mr. GEORGE. Yes, sir.

Mr. REED of Pennsylvania. Does not the Senator think it is pretty hard on litigants to expose them to two or three trials when they might just as well obtain the result in the first trial?

Mr. GEORGE. No; I do not think so, Mr. President, because there exists quite a different situation. The jury ought to be at liberty to find its own verdict, uninfluenced by expression or intimation of opinion by the judge. If, after the jury has found its verdict, the judge is not satisfied with it, if he does not believe it is supported by the evidence or it is strongly against the weight of the evidence, then he has the additional power, as a safeguard to the litigant, to exercise his authority and to grant a retrial of the case.

Mr. REED of Pennsylvania. I agree with the Senator that the jury must find, and ought always to be, the judges of the credibility of the witnesses; but it seems to me that it is exposing the litigants to unnecessary delay and expense to force them to try their cases over and over again. I remember one case in which I was counsel where we had to try the case six times because the jury persisted in believing evidence that the court thought was unworthy of credence. We would have secured a much quicker result, at much less expense to the Government and to the litigant, if we had reached a result in the first place and then had an appeal.

Mr. GEORGE. It is quite true that does occasionally happen, of course; but the true rule, in my judgment, is—and I think this bill is worthy of our support—that the judge ought not to express or intimate an opinion on any disputed issue of fact, or on the weight of any of the evidence in the case, or on the credibility of any of the witnesses who testify in the case; but if there is a verdict which offends the conscience of the judge, after it has been rendered, he should exercise his authority and set the verdict aside.

However, I believe further that when the case comes on a review, as is provided in the laws of many of the States, the verdict should stand if it is supported by legal evidence, although the judge might think that the jury could well have found, or should have found, from his point of view the contrary verdict. In other words, a judge ought not to set his own finding of fact up against the finding of the jury, because the jury ought to determine the facts in the case.

Mr. McKELLAR. Mr. President—

Mr. REED of Pennsylvania. Mr. President, I should like to ask the Senator a question.

The PRESIDING OFFICER. Does the Senator from Georgia yield; and if so, to whom?

Mr. GEORGE. I yield first to the Senator from Tennessee.

Mr. McKELLAR. In further answer to the suggestion of the Senator from Pennsylvania, who says that the practice he suggests would save time and the expense of further litigation, let me say that, on the contrary, I recall a number of cases in my own practice where at the close of the testimony the trial judge would turn to the jury and say, "Gentlemen of the jury, the court instructs you to bring in a verdict for the defendant." That put it upon the plaintiff to appeal to the court of appeals; and I recall in one particular case, when the facts of the case were stated by the counsel for the plaintiff, the appellate court, sitting in Cincinnati, turned to the lawyer on the other side and asked, "Has the counsel for the plaintiff stated these facts correctly?" and the counsel said, "Yes, your honor"; and then, after a whispered conference the court said "Well, on that state of facts, we simply reverse the case right here and now." That put the plaintiff to a litigation that he ought never to have been put to, and that he would not have been put to but for the power or the exercise of that power—I do not think there is any authority in the Federal Constitution for it—but for the exercise of that power by the trial judge. I have known of other cases of like kind which put the plaintiff to the expense and the delay of appealing. While justice was finally done, it was after great expense and delay. So it makes both ways, as the Senator from Georgia so well said a few moments ago.

Mr. REED of Pennsylvania. In section 1 the power to direct a verdict is retained in the trial court; so that it would not affect such a case as that to which the Senator from Tennessee has referred.

Mr. GEORGE. That is right; the power to direct a verdict is retained. The power of the court to sustain a motion as to the legal sufficiency of the evidence, of course, is not affected by this bill, because that never has been a question for a jury, but it often works a hardship on litigants where the judge has erroneously sustained or erroneously overruled a motion for a nonsuit or has erroneously directed a verdict.

Mr. KING. Mr. President, will the Senator yield?

Mr. GEORGE. Certainly.

Mr. KING. Or erroneously submitted a case to the jury when he ought to have directed a verdict.

Mr. GEORGE. Yes; when he ought to have directed a verdict. Of course, the converse of that is also true; but the clear distinction, it seems to me, is that it is the province of the jury to determine the facts of the case, the disputed issues of fact, and it is not the province of the court, and the court ought never to set aside a verdict merely because, in his opinion, the jury could have found the other way. He should set aside a verdict only when it is so strongly against the weight of the evidence as to shock his moral conscience as a judge or when there is no legal evidence to sustain it. He ought not, however, to confuse the function of the judge with that of the jury, one being to find the facts and the other being to administer the law through the medium of both the judge himself and the jury.

Mr. REED of Pennsylvania. Mr. President—

Mr. GEORGE. I yield to the Senator from Pennsylvania.

Mr. REED of Pennsylvania. The Senator from Georgia has stated very well what seems to me to be the true principle, and with that I have no quarrel whatever. Now, will the Senator answer a further question? If the testimony, being so far on one side or the other that a verdict contrary to it would shock the discretion of the trial judge, does not the Senator think that, as a matter of common sense, the judge should state the fact to the jury at the time instead of keeping it a secret that he thinks the testimony is overwhelmingly on one side? Does not the Senator think that the ends of justice would be furthered by such procedure?

Mr. GEORGE. I do not, Mr. President; because it involves a confusion of the function of the judge with that of the jury. It never is, in causes properly for a jury, the province of the court to find the facts; and if the facts, as the jury has found the facts, offend the judge, then he has the power to grant a new trial and to send the case back to another jury; but he ought not to go outside of his province as a judge and go over into the province of the jury.

Mr. REED of Pennsylvania. I quite agree with the Senator as to that.

Mr. GEORGE. I see the Senator's point; it looks as though our courts ought to be purely business institutions and litigation ought to be handled purely as a business proposition and never as a matter of sentiment. Yet so long as we have the jury and so long as we have the judge, they should remain in their respective spheres and should not overlap one the other; but the judge has always the power to set aside a verdict, and will set it aside so long as he pleases under the usual practice and order a retrial of the case before another jury.

Mr. NORRIS. And it is not even a reversible error if he exercises that discretion.

Mr. GEORGE. It is not reversible error at all; it is discretionary with the court.

Mr. KING. Mr. President—

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Utah?

Mr. GEORGE. I yield.

Mr. KING. Does not the Senator state the proposition too broadly? Does not the Senator believe that it is the duty of the court, after the evidence is all in, if he believes a verdict ought not to be rendered for the plaintiff, if a verdict shall be granted for the plaintiff, to set it aside or direct a verdict or grant a voluntary nonsuit?

Mr. GEORGE. Mr. President, he could not grant an involuntary nonsuit if there was any legal evidence to sustain that verdict, whatever might be the opinion of the judge; and he ought not to direct a verdict even though he believed that a contrary verdict would be strongly against the weight of the evidence and would shock him, because it is not his duty to weigh the facts under either the English or the American system of jurisprudence.

The power of a Federal judge to express an opinion upon a disputed question of fact, or upon the credibility of a witness, is not nearly so broad as it is commonly supposed to be. As a matter of fact, a Federal judge has not any right to express an opinion upon the credibility of particular testimony; and when it comes to the final test he must say to the jury that the credibility of that witness is for the jury. He may give to the jury the benefit of his experience and of his observation and of his ability to apply rules of evidence to human testimony; but, after all, he can not invade the province of the jury.

Mr. McKELLAR. Mr. President—

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Tennessee?

Mr. GEORGE. I do.

Mr. McKELLAR. I indorse every statement that the distinguished Senator from Georgia has made on this subject; and now I want to ask him about the proviso:

Provided, That nothing herein contained shall prevent the court directing a verdict when the same may be required or permitted as a matter of law.

Before the Senator answers the question, may I call his attention to the provisions of the Federal Constitution under which Federal judges must act, and under which only they must act? The sixth amendment provides:

In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury—

Of course, that does not mean one where the judge sways the decision—

of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation—

And so forth.

The seventh amendment is as follows:

In suits at common law, where the value in controversy shall exceed \$20, the right of trial by jury shall be preserved; and no fact tried by a jury shall be otherwise reexamined in any court of the United States than according to the rules of the common law.

There are one or two questions that I want to ask the Senator about that.

Under the sixth amendment, does the Senator believe that a Federal judge has the right to direct a verdict in criminal prosecutions?

Mr. GEORGE. I do not—that is, not a verdict of "guilty." He may sustain what in effect at common law was a demurrer to the evidence.

Mr. McKELLAR. Of course; I understand that, but I am talking about directing a verdict. In the next place, his only authority is under this constitutional provision. There is no provision that he may comment upon the evidence; that he may weigh the evidence and direct the jury what verdict to find; so it seems to me that under the seventh amendment it was never intended that a judge should direct a verdict, and I should like to have the opinion of the Senator from Georgia on that subject.

Mr. GEORGE. Mr. President, I should not be able to agree that the judge never should direct a verdict; because if there is no legal evidence—that is, no evidence which is sufficient to sustain a verdict—then the judge should direct the verdict as a matter of right to the litigants and as a matter of relieving them of unnecessary expense of future trials.

Mr. McKELLAR. Mr. President, if the Senator will permit me to interrupt him again, that is to a great extent a matter of opinion. I have known cases where the judge had directed a verdict on the ground that there was no evidence, and the case went to the court of appeals, and the court of appeals reversed it and said that it did show evidence; it went to a jury again, and the jury found upon that very evidence in favor of the plaintiff, and the verdict was paid.

Mr. GEORGE. That is quite true. That is where the judge erroneously adjudged that there was not evidence which would have sustained a verdict contrary to the one directed by him.

Mr. SWANSON. Mr. President, if the Senator will permit me—

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Virginia?

Mr. GEORGE. Yes; I yield.

Mr. SWANSON. It seems to me this bill is clearly right. If a man wants to take the opinion of a judge on the law and evidence, he can demur to the evidence, and if there is nothing there to sustain a verdict the demurrer to the evidence is sustained, and the judge renders his verdict, or he can move for a new trial; but of all the outrageous things that I have frequently seen in Federal courts, one of the most outrageous is the judge delivering the law at the conclusion of the argument and then taking charge of the evidence, too. In such a case he is both judge and jury.

The Anglo-Saxon idea is to let the judge administer the law and let the jury administer the facts, and let the combination of the two apply the facts to the law as propounded by the judge. That is the Virginia system. If a man is satisfied that

there is no evidence to justify a verdict, he can demur to the evidence, and the court then has jurisdiction of both the evidence and the law; but a man ought not to be driven to the necessity of having a judge, without a demurrer, passing on both the law and the evidence.

Mr. GEORGE. I quite agree with the observations of the Senator from Virginia, and I have taken up quite too long on this measure. I merely rose to reply to some suggestion or inquiry made by the Senator from Pennsylvania. While I am on my feet, I may say that it often has been a debated question whether in any case a judge should direct a verdict, but it is entirely too senseless a procedure to prohibit the judge from directing a verdict when there is no legal evidence to sustain that verdict, and therefore I think he ought to have that power. I think that ought to be retained by him.

Mr. KING. Mr. President—

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Utah?

Mr. GEORGE. Just one minute. I think, also, that the judge should have, and he does have, even under the so-called "dumb" acts, which are much more drastic than this bill, the power to summarize the evidence. He has the power to give all the rules by which evidence is weighed. He has the power to suggest what is evidence of first importance and what is evidence of second importance. In other words, he has the full power to bring to the trial of the case those concomitants that have grown up around trial by jury in the English and in the American system.

I think this bill is altogether worthy of the support of the Senate, as I have already suggested, because I think it will remove the temptation to abuse the discretion and power which Federal judges have sometimes exercised. I would not myself require the judge to put his charge in writing, though I have seen instances which appeared to justify so drastic a provision as that. I think the better practice is, as stated in this bill as originally drawn, that on the demand or request of counsel the judge should reduce his charge to writing; but I appreciate the objection to that made by the author of the bill, the Senator from Arkansas.

Mr. REED of Pennsylvania. Mr. President, will the Senator permit a suggestion?

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Pennsylvania?

Mr. GEORGE. I yield; but I am perfectly willing to yield the floor, because I did not intend to occupy it so long.

Mr. REED of Pennsylvania. It occurs to me that the principal difficulty with the bill as it now stands is that it forces a peculiar practice on some of the States in which no court at present follows that practice. For example, in Pennsylvania we have in no court, so far as I know, the practice of reducing the charge to writing before it is delivered. I quite see the force of the suggestion that in States where that is the general custom it ought to be followed in the Federal courts; and as a practical suggestion may I suggest that the bill go over now, and that such slight amendment as it needs to protect the local practice and to make it uniform can be doubtless agreed to in a few brief moments, and then we will not take so much time in debate when the bill comes up the next time.

The PRESIDING OFFICER. The Chair will suggest to the Senator from Pennsylvania that the bill has gone over.

Mr. REED of Pennsylvania. I was going to suggest that the discussion go over, as well as the bill.

AMENDMENT OF INTERSTATE COMMERCE ACT.

Mr. SMITH. Mr. President, I ask unanimous consent that the unfinished business may be temporarily laid aside in order that we may consider Senate bill 2704, order of business 302. I do not think it will lead to any discussion. It is simply a bill for the adjustment of claims growing out of overcharges and undercharges arising from the reciprocal relation between the railroads and the shippers.

The PRESIDING OFFICER. The Senator from South Carolina asks unanimous consent that the unfinished business be temporarily laid aside, and that the Senate proceed to the consideration of Senate bill 2704. Is there objection?

Mr. BURSUM. Mr. President, with the understanding that the bill will not entail any discussion, I have no objection.

The PRESIDING OFFICER. The Chair hears no objection.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2704) to amend paragraph (3), section 16, of the interstate commerce act, which was read, as follows:

Be it enacted, etc., That paragraph (3) of section 16 of the interstate commerce act be, and the same is hereby, amended to read as follows:

"(3) (a) All actions at law by carriers subject to this act for recovery of their charges, or any part thereof, shall be begun within three years from the time the cause of action accrues and not after.

"(b) All complaints against carriers subject to this act for the recovery of damages not based on overcharges shall be filed with the commission within two years from the time the cause of action accrues and not after, subject to subdivision (d).

"(c) For recovery of overcharges action at law shall be begun or complaint filed with the commission against carriers subject to this act within three years from the time the cause of action accrues and not after, subject to subdivision (d), except that if claim for the overcharge has been presented in writing to the carrier within the three-year period of limitation said period shall be extended to include six months from the time notice in writing is given by the carrier to the claimant of disallowance of the claim, or any part or parts thereof, specified in the notice.

"(d) If on or before expiration of the two-year period of limitation in subdivision (b) or of the three-year period of limitation in subdivision (c) a carrier subject to this act begins action under subdivision (a) for recovery of charges in respect of the same transportation service, or, without beginning action, collects charges in respect of that service, said period of limitation shall be extended to include 90 days from the time such action is begun or such charges are collected by the carrier.

"(e) The cause of action in respect of a shipment of property shall, for the purposes of this section, be deemed to accrue upon delivery or tender of delivery thereof by the carrier and not after.

"(f) A petition for the enforcement of an order of the commission for the payment of money shall be filed in the district court or the State court within one year from the date of the order and not after.

"(g) The term 'overcharges' as used in this section shall be deemed to mean charges for transportation services in excess of those applicable thereto under the tariffs lawfully on file with the commission.

"(h) The provisions of this paragraph (3) shall extend to and embrace cases in which the cause of action has heretofore accrued, as well as cases in which the cause of action may hereafter accrue, except that actions at law begun or complaints filed with the commission against carriers subject to this act for the recovery of overcharges where the cause of action accrued on or after March 1, 1920, shall not be deemed to be barred under subdivision (c) if such actions shall have been begun or complaints filed prior to enactment of this paragraph or within six months thereafter."

Mr. KING. Mr. President, I should like to have some explanation of the bill.

Mr. SMITH. As I stated, it is simply a bill for the purpose of adjusting the statute of limitations in reference to both the shippers and the railroads.

Mr. McKELLAR. It is a bill that ought to be passed by all means, as I believe, and I hope there will be no objection to it.

Mr. KING. I thought the Senator from South Carolina was about to offer some explanation of the bill.

Mr. SMITH. Mr. President, if the Senate desires I will read the report on the bill, in order that Senators may get a clear idea of just what it means.

The Committee on Interstate Commerce, to which was referred the bill (S. 2704) to amend section 16, paragraph 3, to extend the time of filing claims for overcharge, having considered the same, report favorable thereon and recommend that the bill pass.

The proposed amendment extending the time for filing the claims of the shippers from two to three years is desirable, inasmuch as carriers are now allowed three years within which time to institute suits for the recovery of undercharges.

The Interstate Commerce Commission in a letter to the committee under date of February 25, 1924, in reference to the proposed legislation calls attention to the decision of the Supreme Court of the United States in *Kansas City Southern Railway Co. v. Wolfe et al.* (261 U. S. 133), which says:

"By its decision of February 19, 1923, in that case the court held that actions begun in the courts for the recovery of charges said to be in excess of the published rates when properly applied must be filed within the two-year period of limitations provided by section 16 of the interstate commerce act, that the lapse of time had destroyed any liability by the carrier to the shipper or his assignee for the alleged overcharge and that its demurrer, because the claim accrued more than two years prior to the institution of the action, should have been sustained. In so holding the court quoted with approval from what it said in *Phillips Co. v. Grand Trunk Western Railway Co.* (236 U. S. 662, 667), to the effect that the lapse of time not only bars the remedy but destroys the liability whether complaint is filed with us or suit is brought in a court of competent jurisdiction, and that the carrier was bound to claim the benefit of the statute and could do so by general demurrer.

"Prior to this decision carriers paid admitted overcharges if claims were presented to them within the periods of limitations provided by the State statutes, but under the doctrine of this case they are prohibited from paying, and the majority of the carriers now decline to pay, admitted overcharges unless action at law was begun in court or complaint filed with us within the statutory period provided by section 16. It is understood that a few of the carriers are not following the decision in the Wolf case. As a consequence of the decision in the Wolf case an increasingly large number of complaints for the recovery of overcharges are being filed with us by shippers, while others are resorting to court action."

In paragraph (c) of the proposed amendment provision is made for extending said period of limitation to include six months from the time notice in writing is given by the carrier to the claimant of disallowance of the claim in which the shipper may institute suit for the recovery of the overcharge.

I will state just here that that is really one of the most important items in this, a provision that in any case where the carrier disallows a claim the shipper has the right to file suit within six months thereafter.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SAVANNAH RIVER BRIDGE, SOUTH CAROLINA AND GEORGIA.

Mr. HARRIS. I understand the Senator from New Mexico will not object to my request, and I ask unanimous consent for the consideration of the bill (S. 2538) to extend the time for the completion of the construction of a bridge across the Savannah River between the counties of Aiken, S. C., and Richmond, Ga.

Mr. BURSUM. With the understanding that the consideration of the bill will not take up any considerable time in debate, I have no objection.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Georgia?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment, on page 1, line 3, after the word "the," to strike out the words "time for the completion of the construction of a bridge and approaches thereto across the Savannah River at a point suitable to the interests of navigation between the counties of Aiken, S. C., and Richmond, Ga., at or near Augusta, Ga., authorized by the act of Congress approved August 7, 1919, is hereby extended to August 7, 1925," and to insert in lieu thereof the words "act approved August 7, 1919, authorizing the counties of Aiken, S. C., and Richmond, Ga., to construct, maintain, and operate a bridge and approaches thereto across the Savannah River at a point suitable to the interests of navigation at or near Augusta, Ga., be, and the same is hereby, revived and reenacted: *Provided*, That this act shall be null and void unless the actual construction of the bridge herein authorized be completed by August 7, 1925," so as to make the bill read:

Be it enacted, etc., That the act approved August 7, 1919, authorizing the counties of Aiken, S. C., and Richmond, Ga., to construct, maintain, and operate a bridge and approaches thereto across the Savannah River at a point suitable to the interests of navigation at or near Augusta, Ga., be, and the same is hereby, revived and reenacted: *Provided*, That this act shall be null and void unless the actual construction of the bridge herein authorized be completed by August 7, 1925.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to revive and reenact the act entitled 'An act authorizing the counties of Aiken, S. C., and Richmond, Ga., to construct a bridge across the Savannah River at or near Augusta, Ga.,' approved August 7, 1919."

PENSIONS AND INCREASE OF PENSIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 5) granting pensions and increase of pensions to certain soldiers and sailors of the Civil and Mexican Wars and to certain widows, former widows, minor children, and helpless children of said soldiers and sailors, and to widows

of the War of 1812, and to certain Indian-war veterans and their widows, which had been reported from the Committee on Pensions with amendments.

The PRESIDING OFFICER. The bill has not been read. The Secretary will read the bill.

The bill was read.

Mr. DIAL. Mr. President, I desire to make my position understood with reference to the pending bill. I am opposed to paying a pension to any able-bodied soldier. Under a law enacted a few years ago all soldiers of the Civil War were made eligible for pensions, whether they were disabled or not. I think that was an error. That bill ought not to have been passed; but having passed, I feel that the pending bill is entirely out of place and is discriminatory against the soldiers of the Spanish-American War. I yield to no man in my respect for and admiration of a true soldier, irrespective of whatever war he fought in, but I feel that Congress is going to extremes in granting pensions. It seems that under any excuse or pretense great sums of money are to be paid out in pensions.

I am told that when President McKinley was a Member of the House many years ago and reported a bill increasing pensions he stated that would be the last increase that would ever be made in pensions for Civil War veterans. Instead of that being the case, in 1918 a large increase was granted, in 1920 another increase was granted, and now in 1924 a tremendous increase is asked for.

I do not know where we are drifting if we keep on extending this sentimentality. In fact, I hardly know how to characterize the practice of paying out pensions to people who are called soldiers, not necessarily who were wounded, not necessarily who were ever in a battle or anything of that sort.

I am heartily in favor, of course, of taking care of the wounded, the disabled, and their dependents, of any war, whether it was the Civil War or the war with Spain or the last war. But I do not believe the people of the country where these pensions go favor this method of partiality. It is partisan legislation, selective legislation, and it does seem to me that the Senate is stampeded. When a bill of this sort comes in it seems there is no effort to halt it or to prevent its passage. The Congress had the liberality or lack of decision last year to try to pass a bill here for people who dug post holes during the Civil War. I shall not be surprised if after a short while an effort is made to pension everybody who lived above the Mason and Dixon line, irrespective of what was done by them.

We were told many years ago that there would be no further increase in pensions, but in 1923 we paid out \$263,000,000, the largest amount that has ever been paid since the Civil War. It does seem to me that our good Committee on Pensions should stop to think about the people at home, the people who have to pay the taxes, the people who have to work, and that they should try to extend some justice and consideration to the people who pay the expenses of the Government. It is not only the soldiers and their dependents who need money with which to live, but the general population needs it. I feel that it is unwise to set up one class of our citizens who think they can live off the toil of the other classes.

Under the provisions of the pending bill the Civil War soldiers are to receive \$72 a month. Under the present law they get \$50 a month and in case they need an attendant, by going through a certain process \$22 a month more is granted to them. From what I have read and heard I understand that it is pretty much a mere form that they have to go through, and that the increase is nearly always granted upon request. In fact, I am afraid that Congress put that provision in the law in order to invite soldiers to ask for greater pensions.

Having been raised in the country as I was and knowing how hard it is to make money, I want to say that this amount of over a quarter of a billion dollars paid out in one year for this one purpose is an excessive sum. I can not see any justification for it. It seems to me to be a short-sighted policy upon the part of Congress and particularly the Committee on Pensions to bring in any such bill at this time. We are already taking good care of the soldiers and of their widows, notwithstanding some of the widows are quite young. I will not impugn their motives for marrying these old gentlemen. That has been commented on in the public press.

Furthermore, the bill enlarges the scope of those who are to be entitled to draw pensions. It takes in the home guard or militia, or by whatever name it may be known, composed of people who did not serve in the war at all, but merely were ready to serve. I think even some of those whose names were on the muster roll for only 90 days are to draw a pension.

Furthermore, I can not see the necessity of giving a pension to the soldiers of the Philippine insurrection or the Chinese Boxer rebellion, because my recollection is that those soldiers belonged to the Regular Army. They were volunteers, as were the soldiers in the war with Spain. They are taken care of under the general law and ought not to be included in the pending bill.

Another discrepancy found in the bill is that the Spanish-American War veteran can not draw a pension unless he is disabled, either totally or partially, and then the amount is much less than it is for the Civil War veteran. To my mind, the bill is gotten up simply as a bounty for the Civil War veteran.

After a while we will have a pension roll alone that will amount to more than it cost to operate the Government a few years ago. When we stop to think about the expenses of the people, the expenses of the Government, it is enough to require us to call a halt. It will be recalled that just a few years ago, before the last war, the national debt was only \$1,300,000,000. That increased to about \$26,000,000,000, but has been reduced to something like \$22,000,000,000. That shows, however, that it is time for the legislators of the country to be very guarded when we pass appropriation bills and increase taxes upon the taxpayers of the country. The people are already burdened beyond endurance. We just read in the paper yesterday where the ministry of France fell because of a pension bill, and that ought to be a warning to us. It is very easy for legislators to impose burdens upon the people, but when the burdens become unbearable and politics get too hot, the legislators can resign or retire, but they leave the burdens still hanging over the people. We ought to weigh all the facts very carefully before we vote away the people's money in that way.

Now, Mr. President, I want to move to amend the bill in various particulars.

Mr. BURSUM. Mr. President—

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from New Mexico.

Mr. DIAL. I yield.

Mr. BURSUM. I desire to ask that the committee amendments be considered first, and then if the Senator has some other amendments to propose they can be offered after the committee amendments are disposed of.

Mr. DIAL. That is all right. I do not ask for any vote on my amendments now. A good many Senators are absent this afternoon. I would just like to note in the Record what I expect to do at a later time. I shall not insist on offering them now. I shall just note them in the Record. I want to get them noted in the Record, so that if we do not vote on the bill to-day Senators can see in the Record what they are.

Mr. BURSUM. The Senator merely suggests the proposed amendments?

Mr. DIAL. Yes. I shall ask no vote at all to-day. I shall later move to strike out all of section 5, beginning with line 14, on page 6, and down to line 14, on page 7. Then I shall move to strike out, on page 8, in line 16, all after the word "Spain" down to the word "service" in line 18.

The PRESIDING OFFICER. The Chair understands that the Senator from South Carolina is merely giving notice of the amendments that he intends to offer at a later time?

Mr. DIAL. That is all. I do not see any necessity for including the soldiers of the Philippine insurrection or the Chinese Boxer rebellion, there mentioned, because I understand they were men in the Regular Army enlistment and are taken care of by the general law.

I shall also move to amend, on page 6, line 12, at the end of section 5, by adding the proviso:

Provided, That the provisions of this section shall apply to widows and dependents of those who served during the war with Spain.

Then, Mr. President, to-morrow, or when the bill shall be regularly before the Senate for consideration, I propose to move, on page 9, to change the compensation fixed for veterans of the Spanish-American War, so as to grant those veterans some increases.

As I said before, these soldiers are receiving most generous treatment and as large compensation, it seems to me, as they are entitled to or as the country can afford to pay them. A service of only 90 days is required, which is a very short time, indeed, for which to put such a burden upon the people, especially when those soldiers were not wounded or disabled in any manner.

As I said on yesterday, Mr. President, pension legislation has been a very expensive proposition for the United States. There have been paid out in Civil War pensions \$5,772,000,000, nearly

\$2,000,000,000 more than the cost of the Civil War. I do not recall how many slaves there were in the South, but no doubt the Government could have paid the South handsomely for those slaves and have saved a great deal of money besides.

I feel that the reason for this proposed increase of pensions is somewhat sectional. I regret to say so, but I very much fear that is one of the causes why the increase is asked for. I feel that we in the South are either in the Union or that we were out of it. All sections of the Union ought to be treated fairly and equitably. When the Government needed help in the war with Spain and called for soldiers, the whole country went to its rescue. When the Government needed soldiers in the World War, there was no slacking on the part of the good people of any section. Liberty bonds were bought, and all the fair-minded and patriotic people served the country to the best of their ability. It seems to me, after the great destruction which was wrought by the World War, when we consider the debt of nations and of individuals, amounting, I believe, to something like half of the value of the property in the world, the time has certainly arrived for us to call a halt. What we need is not to encourage people to look toward Washington for help, but we need to help the people to help themselves. Let them bear their burdens, each and every one his part.

Now, I should like to ask the Senator from New Mexico, if he will allow me, what do the inmates of the old soldiers' home draw per month?

Mr. BURSUM. They draw their pensions.

Mr. DIAL. And they get their support in addition to their pensions, do they not?

Mr. BURSUM. Yes; the soldiers in the homes are taken care of in different ways.

Mr. DIAL. But the inmates of the soldiers' homes draw the same pension as they would were they outside of those homes?

Mr. BURSUM. Yes.

Mr. DIAL. That is my understanding.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from South Carolina suggests the absence of a quorum. The Secretary will call the roll.

Mr. BURSUM. Mr. President—

Mr. DIAL. I withdraw the suggestion if the Senator from New Mexico desires that I shall do so.

The PRESIDING OFFICER. The Senator from South Carolina having made the suggestion of the absence of a quorum, it can not now be withheld. The Secretary will call the roll.

The principal clerk called the roll, and the following Senators answered to their names:

Adams	Ferris	Kendrick	Reed, Mo.
Brandegee	Fess	Keyes	Reed, Pa.
Brookhart	Fletcher	King	Robinson
Broussard	Frazier	Ladd	Sheppard
Bursum	George	McKellar	Smith
Cameron	Gerry	McKinley	Stephens
Capper	Gooding	McNary	Swanson
Caraway	Hale	Neely	Trammell
Couzens	Harris	Norris	Wadsworth
Cummins	Harrison	Oddie	Walsh, Mass.
Curtis	Heflin	Pepper	Walsh, Mont.
Dale	Howell	Pittman	Watson
Dial	Johnson, Minn.	Ralston	Weller
Edwards	Jones, Wash.	Ransdell	Willis

The PRESIDENT pro tempore. Fifty-six Senators having answered to their names, there is a quorum present.

WORLD COURT.

Mr. WILLIS. Mr. President, out of order I desire to submit a request for unanimous consent. I ask unanimous consent to present a petition from the Ohio League of Women Voters, containing some 12,000 signatures, in behalf of the World Court. I ask that the receipt of the petition may be noted; that the foreword may be printed in the Record, it being a short paragraph, and that the petition may be referred to the Committee on Foreign Relations.

The PRESIDENT pro tempore. Is there objection?

Mr. REED of Missouri and Mr. McKINLEY addressed the Chair.

The PRESIDENT pro tempore. The Senator from Missouri.

Mr. REED of Missouri. Mr. President, I think this is a highly appropriate time to offer a few observations on the so-called Court of International Justice.

The PRESIDENT pro tempore. The Chair does not know whether the Senator objects to the request of the Senator from Ohio.

Mr. REED of Missouri. I have not made any objection.

The PRESIDENT pro tempore. The Chair hears no objection to the request of the Senator from Ohio.

The petition was referred to the Committee on Foreign Relations and the foreword ordered to be printed in the RECORD, as follows:

FOREWORD.

Believing that the greatest need of the world to-day is international cooperation for peace and feeling convinced that the United States should become a member of the Permanent Court of International Justice, which is an immediate and practical step toward peace, the Ohio League of Women Voters, numbering 12,000 members, herewith submits a petition of 12,000 signatures from men and women of voting age in Ohio, with the earnest hope that the President and the Senate may act at once and favorably upon the proposal that the United States become a member of the Permanent Court of International Justice.

We, the undersigned, are glad to testify that these signatures are genuine and represent the deep conviction of the signers.

JULIETTE SESSIONS,

President Ohio League of Women Voters.

FRANCES HENDERSON

(Mrs. W. E. HENDERSON),

State Chairman of the Committee on International Cooperation to Prevent War.

Mr. McKINLEY. Mr. President, will the Senator yield for a moment?

Mr. REED of Missouri. Yes.

Mr. McKINLEY. I ask unanimous consent to present a petition of sundry members and friends of the Illinois League of Women Voters, signed by some 10,000 names, praying for the entrance of the United States into the Permanent Court of International Justice.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the petition will be received, out of order, and referred to the Committee on Foreign Relations.

Mr. REED of Missouri. Are there any more petitions?

Mr. BURSUM. Mr. President, would the Senator mind yielding for a few moments to perfect the committee amendments on this bill, so as to have the bill printed?

Mr. REED of Missouri. I shall not take the whole afternoon. I should prefer to go on with what I have to say. I want to accommodate the Senator, but I hope he will not insist on that request.

Mr. President, I am trying to find the names of the members of the Court of International Justice. There is no Member of the Senate who knows these names, and no one of the 12,000 petitioners probably knows the names of the men to whom they want to consign the vital interests of the United States. So I think, for the edification of the Senate, and possibly for the instruction of the good people who have filed these petitions, which somebody financed, that it would be well to put into the CONGRESSIONAL RECORD the names of the men who constitute this so-called court.

With the selection of these names the United States had nothing to do. It had neither part nor lot in the organization of this so-called judicial tribunal. It is composed exclusively of foreigners, except one man who was named by a foreign power. Yet we have the astonishing fact that petitions can be filed here containing the names of thousands of good folks who are willing to plunge the United States into a court with the personnel of which they are not acquainted, and with the rules and regulations and laws of which, if any there be, governing the court, we have no part in the making, and can have at the present time no part in changing or altering. The spectacle of people demanding that this Government shall assent to entering a tribunal of the kind I have described is, therefore, one which calls for astonishment and wonder.

Manifestly some of these people think that entering the World Court carries with it no responsibility, involves no danger, and is somewhat akin to accepting an invitation to dinner, where you are at liberty to eat and drink what you desire, and leave the rest of the victuals alone.

Who compose this World Court? I am giving the personnel as I last heard it. It may have been changed at any time by the tribunal which created it, and of which we are not a member. Unless there has been some recent change, the President is Bernard Loder, of Holland. Who among these petitioners knows anything as to Bernard Loder's views touching the international rights of the United States? Which one of these petitioners and which one of these distinguished Senators can tell us anything whatsoever with reference to the character of thought which dominates Bernard Loder? They may answer

to-morrow, but, if they answer to-morrow they will in the interim have been obliged to look up Bernard Loder in Who's Who in Europe. We know in a vague way that he is a man of some prominence in his own country, but I ask which one of you would be willing to submit a matter involving a private controversy of your clients to Bernard Loder without first finding out something more about him than you know at the present time? But with a generosity that is childlike these gentlemen come forward and propose that we shall submit what may mean the life or death of this Republic to a tribunal presided over by a man about whom they know substantially nothing.

The Vice President is Charles Andre Weiss, of France. Again I inquire, can either of these distinguished Senators rise in his place and tell us what are the views and opinions of Charles Andre Weiss touching international questions? Is he a man who wants the Ruhr invaded, who has sanctioned the presence of black troops in portions of Germany, who has been willing to violate the treaty of Versailles; or is he a man whose soul regards with abhorrence the spectacle of white women being practically dragged to brothels to become the victims of black savages imported from Africa?

Members: Viscount Robert Bannatyne Finlay, of Great Britain; Dionisio Anzilotti, of Italy; Rafael Altamira, of Spain. Now, just what does Rafael stand for? Which one of you is willing to submit your own controversy to this gentleman with the aristocratic name?

D. J. Nyholm, of Denmark; Max Huber, of Switzerland; Yorozu Oda, of Japan. Just how does this gentleman regard the policies of America? To what extent is he in sympathy with democratic and republican institutions? How far would he go in the rendition of ideal justice in a controversy between the white race and the brown race?

Ruy Barbosa, of Brazil; John Bassett Moore, of the United States, who was put in there by some other country, if I recall aright. I have forgotten what it was, but manifestly he is the decoy for the United States. He is the worm on the hook that is dropped in the spring waters to attract the hungry sucker; and it was undoubtedly the dangling of this American, who sees fit to represent another country and take a job to which he is appointed by a foreign power, that attracted the two Senators who present these petitions.

Then there is Antonio Sanchez de Bustamante, of Cuba. Now, of course, we know from that very name that anybody is safe in submitting any kind of a controversy, individual or international, to Bustamante. He represents a great country to our South that produces two things we need very much in this country according to the appetites but not according to the professions or votes of the statesmen of Washington. One is sugar, and the other is the thing that makes sugar palatable in a toddy; but his country stands to-day on its feet, because it is propped in its position by the United States. Here sits a man representing this little island to our South, and it is proposed that he shall sit upon a tribunal and decide the controversies between the United States and the great powers of the earth.

There are also four deputy judges: Michailo Yovanovitch, of the Serb-Croat-Slovene State; F. V. N. Belchmann, of Norway; Demetre Negulesco, of Rumania; and Chung-Hui Wang, of China.

Mr. President, some great genius might undertake to portray the farce of world politics; but if he were to succeed it would be only necessary for him to present a picture of these 11 men filing into a room and proposing to settle a controversy between the United States and Great Britain where there was really bad blood aroused.

Are they comparable with our own Supreme Court? Are they comparable in any way with the supreme courts of our several States? Yet we hesitate to submit personal controversies to these tribunals which we have created, and there are now on file in the Senate bills proposing to limit the power of our own Supreme Court.

I assert, and I shall prove, that the only thing about this Court of International Justice that bears the slightest resemblance to a court of justice, as we understand it, is to be found in the name "court," which it has adopted. You can not change facts by changing names. It was Abraham Lincoln who once said, "If I say that a dog's tail is a leg, how many legs will the dog have?" Instantly somebody said "Five." Lincoln said, "Oh, no; he will have four. Calling a tail a leg does not make it a leg." Calling a thing a court does not make it a court.

What is a court, as we understand it? First, there must be rules of law under which the tribunal is to act, and in this country—and I shall speak of American courts only—we have, first, provided for a scheme and plan of government which is ours, and which we alone may change and we alone may alter.

Second, we have provided for a Constitution of the United States which limits the power of every court of the land, and that Constitution we alone can change and we alone can alter.

Third, we have provided in the various States constitutions, adopted by the respective peoples thereof, and these in turn limit the powers of every court, and preserve and fortify the rights of every citizen, so that the courts may not go beyond the fixed limits of the constitution in imposing penalties or exacting judgments.

Fourth, we have a written code of law adapted by our own representatives in these respective States, and those laws are alterable at our will and pleasure, but not otherwise. The rights thereunder secured can not be changed or affected by any power whatsoever outside the boundaries of the United States. Let us compare this system of laws which restrict and limit the powers of American courts, with the rules and regulations, if any there be, which govern the so-called Court of International Justice.

There is no constitution to limit its powers; there is no legislative body to regulate its procedure; there are no precedents to govern its conduct. It proceeds, if there be anything connected with it that can by any stretch of words be called law, under what is sometimes termed "international law." But what, pray, is international law? It is not law at all in the sense in which we employ that term. It is at best certain rules, which the law writers have undertaken to evolve from the general customs and habits of nations and from treaty obligations which have been recognized by some nations and disregarded by others. So that it may be said that to all intents and purposes this body of men called a court must be a law unto themselves.

Mr. President, if it were proposed to set up in the United States a tribunal called a court which made its own law as it went along, that tribunal would be at once endowed with every quality that has cursed every tyranny of earth; for when you concentrate in one body of men the right to make its own rules and to regulate its own conduct, to write its own judgments, and to enforce its own decrees, you have created an absolute monarchy with every horrible feature attendant upon a one-man government, with all of the attributes that have made the tyrannies of earth hated by humanity and that have caused them to write their history in the blood and tears of suffering men and women. It is as bad to concentrate legislative and judicial and executive powers in the same body, whether you call it a court or whether you call it a king, in the one case as in the other.

It would be intolerable to say to our own great Supreme Court that it should decide questions as it might see fit, making its own rules and laws and regulating its own conduct. If we were to do that, it would become a judicial oligarchy. We would have erected upon the ruins of this Republic another oligarchy as bad as ever was set up by the monarchs of the past. Yet this is the inescapable position in which the advocates of this court find themselves.

If it should be said that some tribunal shall make the laws governing this court, I ask, What tribunal? Will it be the League of Nations, of which we are not a member? Or will it be the kings and the presidents and the rulers of foreign lands? By whomsoever the rules may be adopted, bear in mind that the United States will have one vote out of all the assembly, whether it represents a half dozen or represents all the nations of the earth. I say that the man or the woman who is willing to bind the United States to an unknown code of laws, to be adopted by foreign nations, and in which we have only a minority vote, is willing to take a most desperate chance on behalf of this Republic. Yet we are asked to enter the court; enter it, I presume, according to these petitions, without qualification; enter it just because the door is open and we are invited to enter; enter it without rules of law, without agreements, without treaties, without knowledge as to what jurisdiction it may attempt to exercise.

I repeat, sir, you would not think of conferring that power on the courts and judges of your own land. You would not dream of conferring that power upon the supreme courts of your own States, although the judges are selected from among your own people, although they owe allegiance to your flag, and although they are tied to you by citizenship, by the

brotherhood of your race, and by common tenets of a common religion. You would not dream of it.

I call attention again, now, to the further safeguards you have drawn around your own courts. To begin with, you have deprived the judges of these courts, in suits at law and in many instances in suits in equity, of the right to decide a question of fact at all. You have conferred that right upon juries; and why upon juries? Because lying at the very base of the citadel of human liberty is this great principle, that in the last analysis no American citizen shall be deprived of his life, his liberty, or his property, save on the judgment of his peers, his fellow citizens, selected from the vicinage. Why are they selected from the vicinage, and why must they be of his peers?

Because the fathers, who knew something of the philosophy of government, recognized that no great act of tyranny could ever be made consummate if before that consummation 12 men, who were the neighbors of the man accused or the man brought to the bar in a civil suit, had adjudged that his life, his liberty, or his property should stand forfeit. So if tyranny ever reared its ugly head, if it every swept the land with its bloody sword, if it ever sought to strike at the heart of our liberty, it would be arrested in the courts of justice by the iron will and the patriotic hearts of the 12 men who knew they would likewise suffer if they enforced an unjust decree or a wicked law.

Is there in this international court anything corresponding to the jury? Are the questions of fact to be decided by our peers, our fellow citizens? They are not. They are to be decided by foreigners who may hate us and who may be glad of an opportunity to injure us.

Again, having impaneled this jury to pass upon the question of fact, they are to be presided over by a judge, and who is the judge? He is, in most of the States of the Union, selected by a small body of the people from among themselves. He is known to them. His life is known to them. His environments are known to them. The character of his intellect and the quality of his soul have been exposed to them. They trust him but not without limit. They give him his term of office for only a limited period in nearly every State of the Union, and they not only thus limit him but as I have said, they have limited him by constitutional enactments and by statutory law.

Then do we trust him, this judge selected from the best of our bar? Do we trust him merely to declare the law to the jury, leaving the jury to settle the facts? We do not, sir. We provide in every case where the amount in dispute exceeds a few paltry dollars for an appeal to another judicial tribunal, and that tribunal is selected by a different constituency. It is likewise governed by rules of law.

It sits in the full calm of after life to review the decisions of the judge. It writes its decision in the solemn records that are to remain there forever. Again, the citizen can not be deprived of his life, his liberty, or his property until the majority of that tribunal have acquiesced in the decision of the 12 men comprising the jury and in the decision of the trial judge.

We do not stop there. In many States more than one appeal is permitted, and in all States, wherever the rights of the citizen under the Constitution of the United States have been invaded, or wherever he has been denied the process of law according to the law of the land, he can carry his case to the Supreme Court of the United States. Thus, before the citizen can be deprived of his life, his liberty, or of his property, there must be an acquiescence in the decision by 12 of his own fellow citizens, affirmed by a judge selected generally from his own community, reaffirmed by a supreme court in his State, and finally, in a large number of cases, reaffirmed by the Federal Supreme Court.

How does that compare, sir, with this so-called Court of International Justice? When it has written its decree, where does the appeal lie? To what tribunal does your writ of error go? There is none. Judgment is final. It may be as arbitrary as can be conceived by human brain, it may be as vicious as the spawn of perdition; it may be as deadly as the poison distilled from the crooked teeth of a serpent, but there is no appeal and there is no court of review. The decision may have been obtained corruptly. It may have been coerced. But the execution, if it has power at all, issues forthwith; and the outrage becomes consummate.

But, Mr. President, there is another distinction between this court and the judicial tribunals of America. If one of the judges of our courts shall fail to perform his duty, if he be not

retired by the expiration of the term of office, which is very frequent in most of the States of the Union, there is always the right of impeachment. There always hangs over every judge's head the impeachment sword, seldom used but always potential to arrest any judge who may be disposed to wickedly trample upon the rights of the litigants who appear before him. There is no such qualification, there is no such safeguard appertaining to this international tribunal.

Mr. President, there is another great distinction. The judges of our courts and the jurors of our courts must be disinterested. They must not be prejudiced and they must be without a financial interest or an interest arising from relationship or any kind of influence calculated to swerve them from the strict performance of their duties. Even the right to challenge the judge exists, and in the upper courts the judges promptly disqualify themselves. The right to disqualify the jury likewise exists. But there is no such disqualification appertaining to the so-called international court, none whatever. Even if the direct litigants stand aside there is no way to say to one of the judges, "Your country is subordinate to the country with which we are at suit and hence you should not sit. You have expressed an opinion in this case and hence you stand disqualified. You are an enemy of the United States and hence you likewise must vacate." No such right exists. In come your 11 men headed by Bustamante or headed by the Japanese gentleman. When they sit down in this tribunal they try the case and the right of challenge does not even exist.

But, sir, that is not all. I do not intend to take much more of the time of the Senate. Indeed I am taking very little time because this afternoon there are only four or five Senators in attendance. I am talking to the country if the newspaper men will carry my message. If they do not I shall have to organize an anti-Bok peace plan, I think, and get some good people's money in large amounts to send out the argument.

There is another reason. I affirm there is no international question, big enough in itself and of itself, to really disturb the people of the world, in which every representative on this court will not represent a nation having a direct interest in the controversy—not one; and the question can not be named to me by any of the Senators present.

Let me give an illustration. We had a controversy with Great Britain touching the right of the United States to send through the Panama Canal its coastwise ships free of charge and to charge tolls for the vessels of other nations. Great Britain challenged us upon that and insisted that if our coastwise ships went through free, the vessels of all other nations must go through free. Our President at that time took the view of the British. I never took it. The majority of the Senate would never have taken it if it had spoken its heart. We built that canal with American brawn and brain and money. We must fortify it, maintain it, and defend it. It is our property, and we should have the perfect right under the treaties which we have with Great Britain to send our vessels through on such terms as we see fit. That question is certain to become a live issue in the future.

Suppose, sir, that to-morrow we were again to reenact the statute which we repealed and were to provide that American coastwise vessels could go through our canal free, but that all other vessels should pay a toll. Suppose Great Britain were then to hale us, who had entered this international court at the request of these good people, before these 11 men, what would be the interest of the nations represented by these 11 men? Holland has her fleet upon the seas. Holland's interest would be identical with the interest of Great Britain. France has her fleet on the seas, and her interest would be identical with that of Great Britain. I assume that Great Britain as a litigant would stand aside, although, to my knowledge, we have no assurance of that.

Italy has her fleet upon the seas; her interest would be identical with that of Great Britain. Spain still has some vessels upon the seas, and her interest would be identical with that of Great Britain. Denmark has many a proud ship floating upon the waters of the ocean; Denmark's interest would be identical with that of Great Britain. Japan has her fleet upon the seas, and that pushing, determined, warlike nation has even more interest in one sense than has Great Britain in the internationalization or anything approaching the internationalization of the Panama Canal. Brazilian merchants have some ships, and their interest is akin to that of Great Britain. As to Cuba, there are Cuban merchants who, I presume, own ships, although there are very few; but in so far as she has an interest, her interest would be with Great Britain. John Bassett Moore, representing somebody, somewhere, somehow,

would he represent our interest or would he represents some other interest?

Thus, when this great controversy comes on for trial and the two able Senators who have presented these petitions appear to represent the United States—for I will assume them to be counsel—they go before a packed court, every member of which was appointed directly or indirectly by those respective governments, and every one of whose principals is directly interested against the United States just as is Great Britain.

Is there anybody who loves his flag and country who is willing that such a thing as that shall ever occur? If there is any considerable portion of the people in possession of the facts willing to accept such an awful chance, then I can see the day, sir, when the stars will fade from our flag, when its stripes will lose their luster, when it will become the pale flag of international surrender and float over the graves where our dead heroes lie, an insult to their valor and an offense to their memory.

I have given but one illustration. I can multiply it, taking up serially the various international problems that may come forward. In all the important ones I can show that there is an interest among the nations which would affect their judgment, which would disqualify them if it were an ordinary case at law, governed by the ordinary rules of procedure.

But somebody says, "Oh, this is going to be a court, and when these men sit down upon a court they will then do justice, regardless of interest." What a silly argument that is! We do not apply it to judges of our own courts, whom we know and love. We disqualify them because we know that God never yet made a man who could entirely dissociate his judgment from his own interest. He may try to do it, but we know that it is humanly impossible.

We have had examples. Who has forgotten the Hayes-Tilden controversy, where every judge voted according to the political party to which he belonged, if I recollect correctly? Who is it can forget that the controversies coming before an international court are invariably political? I am speaking of the great controversies. There might be petty controversies come, but we need no international court for petty controversies. Nay, which one of these judges can forget his country and his country's interest, for that pulls stronger at the heartstrings of men than does private interest or even private passion or revenge. For country men will sacrifice their estates; for country they will drain their veins of the last drop; for country they will yield even the children of their loins and the wives of their bosoms; for country they will lie behind prison walls until brown locks turn to gray and rot upon their temples; and yet, with deathless courage on their dying lips, will proclaim fidelity to flag, to race, and to country. Can these judges, whose names I have read, lay aside their love of country? Could an American placed upon this court forget his own country; forget the love he had for her soil; the devotion he bore to her flag; the worship of his heart for his Nation? If he could, then he would be unfit to decide the smallest controversy, for he would have lost every noble human attribute.

The Boks and all the other propagandists who may undertake to fasten the principle of America surrendering any part of her liberty to a permanent court of the character I am describing may proceed, but they will not succeed.

A question with more merit in it than this but involving, as the American people believed, an impairment of America's independence, was submitted less than four years ago, and a majority of 7,000,000 Americans said that America would stay at home and attend to her own business; that they adhered to the policy of George Washington. I say now that the political party that indorses a world court will go to its political death as certainly as the election day rolls round.

But it will be said the court has no power to impose its will. Then, if it has no power to impose its will, it is an impotent and foolish thing, which will be only obeyed when there is the will to obey, and where there is the will to obey there is no necessity for a tribunal to decide.

Mr. President, some day I may feel inclined really to make a speech about the World Court. I am not going to proceed further this afternoon.

I thank the Senate.

PENSIONS AND INCREASE OF PENSIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 5) granting pensions and increase of pensions to certain soldiers and sailors of the Civil and Mexican Wars and to certain widows, former widows, minor children, and helpless children of said soldiers and sailors,

and to widows of the War of 1812, and to certain Indian war veterans and widows.

Mr. BURSUM. Mr. President, I ask that the committee amendments be first read and considered and disposed of, so as to perfect the pending bill.

Mr. DIAL. Mr. President, I do not want to have the committee amendments voted on this afternoon. There are other Senators who want to be heard on the bill. I shall not oppose acting on them in the morning.

Mr. BURSUM. I suggest that this action will not interfere with any amendment.

Mr. DIAL. It will be passing on the committee amendments, will it not?

Mr. BURSUM. That will not interfere with any amendment that any Senator may desire to offer.

Mr. DIAL. But we want to resist the committee amendments.

Mr. BURSUM. It is merely perfecting the bill. The bill is not perfected until the committee amendments are acted upon.

Mr. DIAL. I know; but we are going to resist the committee amendments, and we want to resist them before the Senator has the bill reprinted.

Mr. BURSUM. But there is really no committee amendment for the Senator to resist.

Mr. CURTIS. Mr. President, if there is going to be a contest I hope the Senator will lay aside his measure to-night so that we may have an executive session. It is the unfinished business.

Mr. DIAL. We could not go on with it this afternoon. I will ask to have it go over until to-morrow. I have no desire to delay the bill unnecessarily, but there are a couple of Senators who are not here who want to speak on it.

Mr. BURSUM. Of course the Senator can delay the bill.

Mr. DIAL. No; I do not want to delay it.

Mr. BURSUM. He can obstruct action on the bill perfecting it by the adoption of the committee amendments. If that is his desire, of course, it is possible for him to do it.

Mr. DIAL. No.

Mr. BURSUM. But I submit that it is very unreasonable and very unjust to object to perfecting the bill, which will in no way prevent any amendments to the bill being submitted by any Senator.

Mr. DIAL. Mr. President, if I could delay the bill until the end of the session or after the end of the session I would do the same thing that I did in the last session; but I realize that that would be futile, and I am not going to inflict upon the Senate my oratory along that line. We want to resist the committee amendments, however, and I ask that the measure go over until to-morrow morning. So far as I am concerned, I am not going to try to filibuster against the bill. I would defeat it if I could, but I realize that that is impossible.

EXECUTIVE SESSION.

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened and (at 4 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Friday, March 28, 1924, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate March 27, 1924.

POSTMASTERS.

CALIFORNIA.

Anna McMichael to be postmaster at San Juan Bautista, Calif., in place of Anna McMichael. Incumbent's commission expired February 11, 1924.

Thomas J. Wylie to be postmaster at Cedarville, Calif., in place of N. J. Street. Incumbent's commission expired February 11, 1924.

Lola P. Neff to be postmaster at Biggs, Calif., in place of W. D. Parker. Incumbent's commission expired February 11, 1924.

Craigie S. Sharp to be postmaster at Crannell, Calif., in place of C. S. Sharp. Office became third class January 1, 1924.

FLORIDA.

Mary E. Pridgen to be postmaster at Inverness, Fla., in place of E. O. Hay, deceased.

IOWA.

Frederick W. Wodrich, jr., to be postmaster at Mount Vernon, Iowa, in place of F. W. Wodrich, jr. Incumbent's commission expired March 22, 1924.

Miller S. McFarland to be postmaster at Marshalltown, Iowa, in place of M. S. McFarland. Incumbent's commission expired March 22, 1924.

Gladdys Westrope to be postmaster at Elliott, Iowa, in place of Gladdys Westrope. Incumbent's commission expired March 22, 1924.

Alexander B. Clark to be postmaster at Clarinda, Iowa, in place of A. B. Robinson. Incumbent's commission expired March 22, 1924.

Herbert A. Harvey to be postmaster at Newell, Iowa, in place of N. A. Jensen, resigned.

Nannie Braden to be postmaster at Macedonia, Iowa, in place of Nannie Braden. Office became third class October 1, 1923.

KANSAS.

Josie B. Stewart to be postmaster at Sylvan Grove, Kans., in place of W. J. Dehler. Incumbent's commission expired January 23, 1924.

Myron Johnson to be postmaster at Oakley, Kans., in place of G. A. Millman. Incumbent's commission expired July 28, 1923.

KENTUCKY.

Ronald S. Tuttle to be postmaster at Bardstown, Ky., in place of Henry Whelan. Incumbent's commission expired February 4, 1924.

LOUISIANA.

Minnie M. Baldwin to be postmaster at Bernice, La., in place of T. W. Shields, resigned.

MASSACHUSETTS.

Wilhelm O. Johnson to be postmaster at Woronoco, Mass., in place of W. C. Ring, resigned.

MINNESOTA.

James M. Patterson to be postmaster at West Concord, Minn., in place of J. M. Patterson. Incumbent's commission expired February 18, 1924.

Albert A. Peterson to be postmaster at Blooming Prairie, Minn., in place of Frank Plotta. Incumbent's commission expired July 28, 1923.

MISSOURI.

Oley S. Cardwell to be postmaster at St. Clair, Mo., in place of R. C. Murphy. Incumbent's commission expired July 28, 1921.

Phillip M. Beesley to be postmaster at Robertsville, Mo., in place of P. M. Beesley. Office became third class January 1, 1924.

NEW YORK.

Earl G. Fisher to be postmaster at Massena, N. Y., in place of J. B. Andrews. Incumbent's commission expired February 14, 1924.

J. Arthur Haight to be postmaster at Peekskill, N. Y., in place of James Dimond, resigned.

NORTH DAKOTA.

Edith M. Ericson to be postmaster at Underwood, N. Dak., in place of E. M. Ericson. Incumbent's commission expired April 1, 1924.

OHIO.

Oliver C. Robart to be postmaster at Wellington, Ohio, in place of J. L. Vanarnam. Incumbent's commission expired February 24, 1924.

Asher O. Earley to be postmaster at Woodsfield, Ohio, in place of A. O. Earley. Incumbent's commission expired March 22, 1924.

Austin H. Bash to be postmaster at Strasburg, Ohio, in place of P. J. Dunn. Incumbent's commission expired March 2, 1924.

John F. Adams to be postmaster at Lisbon, Ohio, in place of W. S. Polta. Incumbent's commission expired September 23, 1923.

Rollo J. Hopkins to be postmaster at Edgerton, Ohio, in place of R. J. Hopkins. Incumbent's commission expired February 24, 1924.

Harry R. Hebblethwaite to be postmaster at Berlin Heights, Ohio, in place of D. L. Kilbride. Incumbent's commission expired February 24, 1924.

OKLAHOMA.

Ruth J. McLane to be postmaster at Lookaba, Okla., in place of M. L. D. Bruce. Incumbent's commission expired January 28, 1924.

PENNSYLVANIA.

Laura P. Keith to be postmaster at Cornapolis, Pa., in place of J. T. Butler. Incumbent's commission expired August 5, 1923.

TENNESSEE.

John M. Whiteside to be postmaster at Bellbuckle, Tenn., in place of J. T. Chary. Incumbent's commission expired March 9, 1924.

VERMONT.

David P. MacKenzie to be postmaster at Island Pond, Vt., in place of D. P. MacKenzie. Incumbent's commission expired August 5, 1923.

WASHINGTON.

Rudolph R. Staub to be postmaster at Bremerton, Wash., in place of R. R. Staub. Incumbent's commission expired February 11, 1924.

J. Kirk Carr to be postmaster at Sequim, Wash., in place of T. F. Laurensen, declined.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 27, 1924.

POSTMASTERS.

IDAHO.

Russ H. Merriman, St. Joe.

MAINE.

Charles C. McLaughlin, Harmony.
Emily E. Pynes, Sangerville.

NEW YORK.

Vida O. Heindol, Cold Brook.
Charles A. Sandburg, Jamestown.
John Jack, Lawrence.
Charles K. Williams, Phoenix.

OHIO.

Henry Kemper, Bellefontaine.
Francis E. Cook, Galion.
Gertrude E. Lawson, Irondale.
George F. Barto, State Soldiers' Home.
Allan R. Trumbull, Swanton.
Harry L. Liebhart, Wadsworth.

SOUTH CAROLINA.

James H. McCord, Hodges.
Nettie C. Moore, Honea Path.
Henry T. E. Neuburger, Spartanburg.

WEST VIRGINIA.

George B. McNeely, Mannington.
Francis E. Ross, Power.

HOUSE OF REPRESENTATIVES.

THURSDAY, March 27, 1924.

The House met at 11 o'clock a. m.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Father, the God of our refuge, who is the same yesterday, to-day, and forever, we would wait on the Lord. We are thus assured that nothing can separate us from Thy love and divine compassion. How we thank Thee for Thy wonderful condescension. Make us equal to all events. Ever inspire us with the conviction that our work is essential and our tasks altogether sacred. Give us the spirit that lifts us joyously and courageously to our labor. In the fullness of manly strength and character may Thy revelation of moral and spiritual power possess us. God in man is the greatest revelation of Himself. O thus bless and endow us. Amen.

THE JOURNAL.

Mr. JAMES. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise? Mr. JAMES. I ask unanimous consent to extend my remarks in the Record on the Army appropriation bill.

The SPEAKER. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, I do not object to the gentleman's request, but I think it ought to come after the reading of the Journal.

The SPEAKER. Will the gentleman withhold his request until the Journal is read? The Clerk will read the Journal of yesterday's proceedings.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF REMARKS.

Mr. JAMES. Mr. Speaker, I ask unanimous consent to extend my remarks on the Army appropriation bill.

The SPEAKER. The gentleman from Michigan asks unanimous consent to extend his remarks in the Record on the Army appropriation bill. Is there objection? [After a pause.] The Chair hears none.

Mr. HARRISON. Mr. Speaker, day before yesterday before opening my remarks on the Army bill I asked unanimous consent to revise my remarks. The Record does not show it, but my notes do.

The SPEAKER. Is there objection to the gentleman's request? [After a pause.] The Chair hears none.

ILLUSTRATIONS IN THE RECORD.

Mr. TREADWAY. Mr. Speaker, I would like to inquire with reference to the Record of this morning as to whether permission was secured of the Committee on Printing to put in illustrations filling seven columns of the Record of a speech made by Hon. EMANUEL CELLER, of New York. Under date of March 14 on the immigration bill he filled seven columns with illustrations. As I understand, permission to do so can only be secured through the Committee on Printing for this sort of extension of a gentleman's remarks in the Record.

The SPEAKER. Well, the Chair will investigate. The Chair hardly thinks that would be printed unless consent had been secured.

Mr. GARNER of Texas. The fault is probably not with the Member but with the Printing Office itself. I understand that illustrations are prohibited from being printed unless authorized.

Mr. TREADWAY. The fault seems to be with both, and it ought not to be allowed.

Mr. MADDEN. You can not put in illustrations without the consent of the Committee on Printing.

TAX ON MOTOR VEHICLES.

Mr. BLANTON. Mr. Speaker, on behalf of the gentleman from Maryland [Mr. ZIEGLER], who is not here now, acting chairman of the committee, I renew the request he made yesterday morning to take from the Speaker's table the bill (H. R. 655) to provide for a tax on motor-vehicle fuels sold in the District of Columbia, and for other purposes, to disagree to all the Senate amendments, and ask for a conference, with the understanding, however, that what was agreed upon in the House and Senate which is not now in the bill shall go into the bill.

The SPEAKER. The gentleman from Texas asks unanimous consent to take from the Speaker's table the bill indicated, disagree to the Senate amendments, and ask for a conference. Is there objection?

Mr. ORAMTON. Mr. Speaker, reserving the right to object, which I do not expect to do, in addition to the tax matter the gentleman speaks about there was an amendment put on the bill on the floor of the House, which was unanimously adopted, having been accepted by the committee in charge of the bill.

Mr. BLANTON. I will say to the gentleman from Michigan that as a member of the conference committee I shall contend for this amendment and shall insist that the Cramton amendment shall be put back into the bill. It is an amendment which ought to be passed, and I would insist on bringing that amendment back to the House for a vote of the House before that should be stricken out.

Mr. ORAMTON. I very much hope that will be the attitude of all the conferees. There are three very important reasons justifying that amendment. First, it is fair, because a large part of this tax will be paid by tourists and residents of other States. Second, it will provide a fund that will result in a very speedy improvement of the streets and their lighting; and, third, if the gentleman will permit, it will make the tax itself much more satisfactory to a man who drives an automobile and

knows that the money he pays for gasoline tax is going directly to street improvement.

Mr. BLANTON. The gentleman need not have any uneasiness about that.

Mr. CRAMTON. I am glad to hear it.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER announced the following conferees: Messrs. ZIHLMAN, LAMPERT, and BLANTON.

IMMIGRATION BILL.

Mr. SNELL. Mr. Speaker, I present a privileged report from the Committee on Rules for printing.

The SPEAKER. The Clerk will report it by title.

The Clerk read as follows:

Report from the Committee on Rules for the consideration of the bill H. R. 7995, a bill to limit immigration of aliens into the United States.

The SPEAKER. Referred to the House Calendar and ordered to be printed.

LETTER FROM SECRETARY OF THE TREASURY.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a letter received from the Secretary of the Treasury concerning a bill on the Private Calendar to which I objected the other night concerning the loss of coupons upon bonds. I think the facts stated by the department will be of interest to the Members of the House.

The SPEAKER. The gentleman from Michigan asks unanimous consent to extend his remarks in the RECORD for the purpose indicated. Is there objection? [After a pause.] The Chair hears none.

Mr. CRAMTON. Mr. Speaker, under the leave granted I insert the following letter to me from the Secretary of the Treasury with reference to payment for lost detached bond coupons. While this has particular reference to H. R. 3748 now pending on the Private Calendar of the House, the general policy to be followed is involved and the statement of facts and conditions presented by the department is worthy of consideration. The letter is as follows:

THE SECRETARY OF THE TREASURY,
Washington, March 25, 1924.

MY DEAR CONGRESSMAN: I have noted a discussion which occurred on the floor of the House on March 21, 1924, in regard to H. R. 3748, "A bill for the relief of the Lebanon National Bank," providing for the relief on account of the loss, theft, or destruction for coupons detached from bonds or notes. As you objected to the consideration of the bill, I deem it advisable to furnish you with certain information in regard to the matter in view of some of the statements that were made in the course of the discussion in the House.

The committee report states that "the Secretary of the Treasury interposes no objection to the bill * * *." This statement is obviously an error for in my letter to the chairman of the committee, dated January 19, 1924, which is printed in the same report, I set forth objections and stated that the Treasury is opposed to the passage of the bill.

It would be particularly unfortunate if this bill should become a law in view of the fact that the United States would not be able to protect itself against duplicate payment. And as pointed out in my report on the bill, it would be unsafe to grant relief against bonds of indemnity. It would also let loose a flood of similar legislation, as there are thousands of cases of lost, stolen, or destroyed coupons, and many cases of presumably destroyed coupons without positive proof of destruction. The United States would thus be placed in the position of paying a portion of its debt twice without any means of protection, and there is no equitable reason why it should bear the burden, in a large number of cases, of the loss occasioned by the neglect or carelessness of the owner of the securities.

It was stated on the floor of the House that it would be the easiest thing under the sun to put in a system whereby an efficient file clerk will be able to consult the file or canceled coupons in order to determine the facts and protect the United States against a double payment. Apparently the magnitude of the coupon business is not fully appreciated. There are at the present time something over 26,000,000 pieces of bearer public-debt securities outstanding. Coupons generally mature by six months' periods; accordingly, some 52,000,000 separate coupons will be presented for payment in the course of each year. While these coupons come from the 26,000,000 pieces outstanding, as a matter of fact such coupons may pertain to any one of the very much larger number of securities originally issued—some 150,000,000 pieces. Coupons are paid by the Treasurer of the United States and by the Federal reserve banks and branches. As a matter of usual procedure practically all such coupons are cashed at the holder's own

bank or post office, and thereafter are cleared through Federal reserve banks to the Treasurer of the United States. In their examination of paid coupons, Federal reserve banks and the Treasurer of the United States make no attempt to arrange them by serial numbers; they could not do so, as a practical matter. The paid coupons finally are forwarded by the Treasurer to the Register of the Treasury, where an audit is made to determine the correctness of the payments made. Thereafter the coupons are assorted to serial numbers and the fact of payment is recorded on numerical register. At this point presumably it might be possible to take account of a notation previously made. There is no certainty, however, that this could be done, for the volume of transactions is so great, the number of pieces is so enormous, the serial numbers run so high (eight digits), and so many hundred clerks are engaged on the work that errors will be made in the assortment and recordation. There are at the present time on file in the register's office approximately 550,000,000 interest coupons, and the work is not current.

The department has undertaken the assortment of coupons to serial number and recordation of the fact of payment because of the charges that have been made that the public debt has been largely duplicated. The temporary Liberty bonds, for the most part, have been retired, and the number of pieces of securities outstanding has been reduced to a more or less manageable basis. In submitting its estimates for the fiscal year 1925 the department contemplated continuing this particular coupon work. The House Appropriations Committee considered the assortment and recordation of paid coupons an unnecessary expenditure, and the Treasury Department estimates for the public-debt service were reduced in the amount of \$234,000, the estimated cost of the work next year. In his report on the Treasury Department bill made in the House on January 29, 1924, the chairman of the Appropriations Committee referred to the reduction of \$234,000, stating that by such elimination the committee indicates that a change should be made in the present methods of handling interest coupons. As the bill containing the reduced item has passed both Houses of Congress it will be necessary another year to discontinue these records, and, accordingly, after July 1 next a final check in the matter of separate coupons will not be possible.

It is not my intention in writing this to assert that these records should be maintained. I am merely calling the matter to your attention in order that you may know it will be absolutely impossible for the Treasury to be protected against payments if bills such as the one under consideration are enacted.

I might also add there seems to be some confusion as to the negotiability of a Government coupon. As I pointed out in my letter of January 19, 1924, United States bearer obligations pass by delivery without indorsement and without notice to the Treasury Department, so that under generally recognized principles of law an innocent purchaser for value, without notice before maturity, acquires good title thereto, even though reported lost, stolen, or destroyed. They pass from hand to hand almost like money, and contrary to the statement that was made on the floor, there is no requirement that a slip must be made out in the case of Government obligations of this character.

Very truly yours,

A. W. MELLON,
Secretary of the Treasury.

HON. LOUIS C. CRAMTON,
House of Representatives.

SALARIES OF OFFICIALS AND EMPLOYEES OF THE FEDERAL RESERVE BANKS.

Mr. THOMAS of Oklahoma. Mr. Speaker, I renew my request made last night to print in the RECORD a letter from the governor of the Federal Reserve Board—some remarks relative to the salaries and expenses of the several Federal reserve banks.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to extend his remarks in the RECORD for the purpose indicated. Is there objection? [After a pause.] The Chair hears none.

Mr. THOMAS of Oklahoma. Mr. Speaker, under leave granted to extend my remarks in the RECORD I insert the following:

FEDERAL RESERVE BOARD,
Washington, March 19, 1924.

HON. ELMER THOMAS,
House of Representatives, Washington, D. C.

MY DEAR MR. THOMAS: In response to that part of your letter of March 10 to Secretary Mellon relating to the number and salaries of officials and employees of the Federal reserve banks, I take pleasure in inclosing herewith a statement showing the number and salaries of officers and employees at each Federal reserve bank and at each Federal reserve branch as at close of business December 31, 1923.

Very truly yours,

D. R. CRISINGER, Governor.

Number and annual salaries of officers and employees of each Federal reserve bank and branch as of December 31, 1923.

Federal reserve bank or branch.	Officers.				Employees.					Total includes following reimbursable salaries, principally in fiscal agency department.
	Chairman and Federal reserve agent.	Governor.	Other officers.	Total officers.	Banking department.	Federal reserve agent's department.	Auditing department.	Fiscal agency department.	Total employees.	
All Federal reserve banks combined:										
Number.....	12	12	312	336	10,044.50	344	315	950.50	11,060	572.94
Salaries.....	\$229,000	\$309,000	\$2,019,570	\$2,557,570	\$13,068,362	\$743,574	\$608,876	\$1,588,486	\$16,543,298	\$880,122
Boston (total):										
Number.....	1	1	12	15	630	31	16	58	744	17
Salaries.....	\$18,000	\$25,000	\$99,040	\$142,040	\$838,110	\$65,440	\$32,220	\$92,834	\$1,028,594	\$25,690
Head office:										
Number.....	1	1	12	15	636	31	16	58	744	17
Salaries.....	\$18,000	\$25,000	\$99,040	\$142,040	\$831,250	\$65,440	\$32,220	\$92,834	\$1,021,734	\$25,690
Habana agency:										
Number.....					3				3	
Salaries.....					\$6,800				\$6,800	
New York (total):										
Number.....	1	1	38	40	2,374	69	72	198	2,693	64.6
Salaries.....	\$30,000	\$50,000	\$408,560	\$488,560	\$3,398,013	\$150,350	\$159,040	\$331,030	\$4,088,433	\$113,510
Head office:										
Number.....	1	1	34	36	2,344	69	72	193	2,567	63.5
Salaries.....	\$30,000	\$50,000	\$396,260	\$466,260	\$3,239,613	\$150,350	\$159,040	\$330,130	\$3,899,133	\$112,610
Buffalo branch:										
Number.....			4	4	180			1	181	
Salaries.....			\$23,300	\$23,300	\$158,400			\$900	\$180,900	\$900
Philadelphia:										
Number.....	1	1	12	14	683	64	33	53	822	17
Salaries.....	\$15,000	\$25,000	\$95,300	\$135,300	\$900,325	\$110,144	\$62,550	\$81,430	\$1,154,049	\$61,530
Cleveland (total):										
Number.....	1	1	25	27	925	28	30	123	1,106	100
Salaries.....	\$25,000	\$30,000	\$170,270	\$225,270	\$1,223,920	\$64,500	\$64,896	\$302,434	\$1,555,750	\$144,256
Head office:										
Number.....	1	1	13	15	540	28	26	84	677	68
Salaries.....	\$25,000	\$30,000	\$101,660	\$156,660	\$747,914	\$61,500	\$57,504	\$147,608	\$1,017,326	\$115,020
Cincinnati branch:										
Number.....			6	6	145		3	20	171	13
Salaries.....			\$31,070	\$31,070	\$171,895		\$3,532	\$28,410	\$203,770	\$19,266
Pittsburgh branch:										
Number.....			6	6	237		2	10	253	19
Salaries.....			\$37,000	\$37,000	\$304,198		\$3,840	\$26,616	\$334,654	\$19,361
Richmond (total):										
Number.....	1	1	23	25	631	14	18	50	713	41
Salaries.....	\$15,000	\$18,000	\$134,700	\$167,700	\$730,090	\$28,560	\$33,270	\$67,530	\$859,440	\$83,210
Head office:										
Number.....	1	1	16	18	441	14	14	49	518	49
Salaries.....	\$15,000	\$18,000	\$99,800	\$132,800	\$509,790	\$28,560	\$38,910	\$65,980	\$631,230	\$81,650
Baltimore branch:										
Number.....			7	7	190		4	1	195	1
Salaries.....			\$34,900	\$34,900	\$220,300		\$6,360	\$1,560	\$228,220	\$1,560
Atlanta (total):										
Number.....	1	1	31	33	369	9	17	44	430	25
Salaries.....	\$12,000	\$18,000	\$159,300	\$189,300	\$421,500	\$19,580	\$29,040	\$64,060	\$534,180	\$87,969
Head office:										
Number.....	1	1	14	16	219	9	14	35	277	20
Salaries.....	\$12,000	\$18,000	\$80,500	\$110,500	\$237,464	\$19,580	\$23,940	\$54,100	\$335,084	\$32,400
Birmingham branch:										
Number.....			3	3	26				29	
Salaries.....			\$12,900	\$12,900	\$30,580				\$30,580	
Jacksonville branch:										
Number.....			3	3	29				30	
Salaries.....			\$11,800	\$11,800	\$31,740				\$31,740	
Nashville branch:										
Number.....			3	3	26			3	29	3
Salaries.....			\$11,400	\$11,400	\$32,376			\$1,440	\$33,816	\$1,440
New Orleans branch:										
Number.....			5	5	64		2	6	73	2
Salaries.....			\$29,500	\$29,500	\$80,088		\$8,109	\$6,580	\$94,777	\$1,162
Habana agency:										
Number.....			1	1	4				4	
Salaries.....			\$6,900	\$6,900	\$7,060				\$7,060	
Savannah agency:										
Number.....			2	2	1				1	
Salaries.....			\$4,300	\$4,300	\$1,020				\$1,020	
Chicago (total):										
Number.....	1	1	41	43	1,479	61	38	106	1,683	63
Salaries.....	\$24,000	\$35,000	\$276,650	\$335,650	\$2,031,630	\$122,960	\$70,800	\$182,240	\$2,407,710	\$166,790
Head office:										
Number.....	1	1	33	35	1,320	59	34	100	1,513	65
Salaries.....	\$24,000	\$35,000	\$258,750	\$297,750	\$1,802,710	\$120,040	\$62,700	\$173,560	\$2,159,010	\$166,790
Detroit branch:										
Number.....			8	8	160		4	5	170	
Salaries.....			\$37,000	\$37,000	\$228,030	\$3,960	\$8,160	\$8,460	\$248,730	
St. Louis (total):										
Number.....	1	1	26	28	548	13	13	55	627	28
Salaries.....	\$18,000	\$25,000	\$138,540	\$176,540	\$708,956	\$29,700	\$17,940	\$69,360	\$846,846	\$34,730
Head office:										
Number.....	1	1	14	16	338	13	9	55	415	23
Salaries.....	\$18,000	\$25,000	\$81,000	\$124,000	\$439,500	\$29,700	\$12,480	\$69,360	\$576,000	\$34,730
Little Rock branch:										
Number.....			4	4	58		1		59	
Salaries.....			\$15,000	\$15,000	\$76,620		\$3,600		\$79,120	
Louisville branch:										
Number.....			4	4	81		1		82	
Salaries.....			\$13,450	\$13,450	\$100,910		\$1,620		\$102,530	
Memphis branch:										
Number.....			4	4	60		2		62	
Salaries.....			\$17,000	\$17,000	\$91,930		\$2,940		\$94,870	
Minneapolis (total):										
Number.....	1	1	17	19	357.5	12	12	87.5	469	71
Salaries.....	\$15,000	\$30,000	\$99,200	\$134,200	\$487,600	\$23,380	\$21,280	\$116,450	\$684,530	\$168,754
Head office:										
Number.....	1	1	13	15	309	12	10	83	414	66
Salaries.....	\$15,000	\$30,000	\$72,000	\$107,000	\$380,458	\$23,380	\$18,500	\$109,368	\$531,736	\$121,664

Number and annual salaries of officers and employees of each Federal reserve bank and branch as of December 31, 1923—Continued.

Federal reserve bank or branch.	Officers.				Employees.					Total includes following reimbursable salaries, principally in fiscal agency department.
	Chairman and Federal reserve agent.	Governor.	Other officers.	Total officers.	Banking department.	Federal reserve agent's department.	Auditing department.	Fiscal agency department.	Total employees.	
Minneapolis—Continued.										
Helena Branch—										
Number.....			4	4	48.5		2	4.5	55	5
Salaries.....			\$17,200	\$17,200	\$57,010		\$2,700	\$6,090	\$65,800	\$8,090
Kansas City (total):										
Number.....	1	1	26	28	626	18	18	73	732	107
Salaries.....	\$15,000	\$30,000	\$133,820	\$168,820	\$678,040	\$32,040	\$30,120	\$134,240	\$1,074,440	\$142,223
Head office—										
Number.....	1	1	13	15	362	15	13	61	451	68
Salaries.....	\$15,000	\$30,000	\$78,700	\$113,700	\$321,520	\$32,040	\$22,440	\$111,920	\$687,920	\$113,003
Denver branch—										
Number.....			4	4	77		1	4	82	3
Salaries.....			\$16,200	\$16,200	\$104,400		\$1,560	\$7,080	\$113,040	\$4,980
Oklahoma city branch—										
Number.....			4	4	94		1	4	99	3
Salaries.....			\$15,600	\$15,600	\$116,340		\$1,560	\$6,720	\$124,620	\$4,920
Omaha branch—										
Number.....			5	5	93		3	4	100	13
Salaries.....			\$23,320	\$23,320	\$135,780		\$4,560	\$8,520	\$148,860	\$19,320
Dallas (total):										
Number.....	1	1	21	23	454	15	21	43	533	18.98
Salaries.....	\$18,000	\$18,000	\$103,350	\$139,350	\$628,320	\$36,620	\$39,420	\$73,310	\$775,670	\$32,510
Head office—										
Number.....	1	1	13	15	329	14	16	40	390	13.23
Salaries.....	\$18,000	\$18,000	\$71,850	\$107,850	\$459,260	\$33,620	\$29,520	\$98,240	\$500,640	\$27,020
El Paso branch—										
Number.....			4	4	61		2	3	66	3.25
Salaries.....			\$16,500	\$16,500	\$82,120		\$4,140	\$5,070	\$91,330	\$3,490
Houston branch—										
Number.....			4	4	64	1	3		68	
Salaries.....			\$15,000	\$15,000	\$84,940	\$3,000	\$5,760		\$93,700	
San Francisco (total):										
Number.....	1	1	39	41	964	23	25	79	1,094	24.76
Salaries.....	\$24,000	\$25,000	\$214,900	\$263,900	\$1,408,460	\$60,280	\$49,320	\$134,640	\$1,652,700	\$44,979
Head office—										
Number.....	1	1	15	17	330	25	14	64	431	10.76
Salaries.....	\$24,000	\$25,000	\$121,800	\$170,800	\$498,320	\$60,280	\$25,080	\$107,820	\$691,500	\$30,319
Los Angeles branch—										
Number.....			5	5	267		4	2	273	8
Salaries.....			\$22,920	\$22,920	\$363,900		\$6,660	\$3,360	\$373,920	\$13,860
Portland branch—										
Number.....			4	4	79		1	5	85	
Salaries.....			\$16,680	\$16,680	\$110,400		\$1,200	\$9,000	\$120,600	
Salt Lake City branch—										
Number.....			5	5	155		5	2	162	2
Salaries.....			\$23,500	\$23,500	\$247,680		\$8,880	\$3,840	\$260,400	\$3,840
Seattle branch—										
Number.....			3	3	66		2	4	74	2
Salaries.....			\$12,540	\$12,540	\$63,360		\$3,120	\$6,780	\$103,260	\$3,120
Spokane branch—										
Number.....			4	4	65		2	2	69	2
Salaries.....			\$17,460	\$17,460	\$94,800		\$4,380	\$3,840	\$103,020	\$3,840

ENROLLED BILL SIGNED.

Mr. ROSENBLUM, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

S. 214. An act for the relief of the Old National Bank of Martinsburg, Martinsburg, W. Va.

WAR DEPARTMENT APPROPRIATION BILL.

Mr. ANTHONY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 7877.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 7877, with Mr. TILSON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 7877, the War Department appropriation bill, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 7877) making appropriations for the military and nonmilitary activities for the War Department for the fiscal year ending June 30, 1925, and for other purposes.

The CHAIRMAN. When the committee rose yesterday there was a point of order pending against an amendment offered by the gentleman from Texas [Mr. HUDSPETH].

Mr. SNELL. Mr. Chairman, I would like to take just a minute of the House's time.

The CHAIRMAN. The Chair will hear the gentleman briefly.

Mr. SNELL. Under section 2 of Rule XXI the rule says:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress.

Under section 821, defining what is meant by "projects already in progress," it specifically states:

The purchase of adjoining land for a work already established has been admitted under this principle.

The gentleman from Texas [Mr. HUDSPETH] states that this land is adjoining to the Fort Bliss Reservation. So far as the parliamentary situation is concerned, there is absolutely no question but that the amendment is in order. But personally I think it is wrong economically to allow such a proposition to come in. But so far as the amendment is concerned, it is absolutely in order.

Mr. LONGWORTH. Mr. Chairman, may I say just a word?

The CHAIRMAN. The Chair will be glad to hear the gentleman from Ohio.

Mr. LONGWORTH. I have looked up the precedents since I addressed the House last evening, and there is no question in the world but that the precedents all hold that where it is contemplated to purchase land which is in fact adjacent to any land owned by the Government it is deemed to be a continuation of a public work, and that has been the uniform line of precedents. It is noteworthy, however, that in these precedents, which appears in Hinds', fourth volume, section 3766, and following for several pages, the point of order was usually made by an eminent parliamentarian. Mr. Olmsted, of Pennsylvania, made the point of order on two or three different occasions, as did Mr. Cannon, of Illinois, and others.

What I want to suggest to the Chair is that there are times when it may be advisable to depart from the precedents, where

It is evident that the precedents are against the public interest. For instance, if the Chair should hold, following these precedents, in this particular case that it is in order to appropriate land or take land, as is contemplated by the amendment offered by the gentleman from Texas, merely because it is adjacent to an existing military reservation, we find this sort of a situation: If, for instance, the Government owned an acre of land which was a reservation of some sort, it would be in order to annex the township to that land—the township in which it lay. Thereupon it would be in order to annex the entire county, after which it would be in order to annex the State. The State having been annexed, it would be in order to annex the whole United States, and even, as the gentleman from Kentucky suggested to me a moment ago, the 3-mile limit.

Now, that seems to be a perfect absurdity. It seems that the original ruling was made without due regard to its final effect. The present occupant of the chair is an extremely broad-minded man. He attempts in his rulings, whenever possible, to have the public good first in mind. I suggest to the Chair that this would be a very fine opportunity to overrule this general line of precedents, in order that we may not be faced with such an absurdity as the one now before us.

Mr. GARNER of Texas. Mr. Chairman, will the gentleman yield for a question?

Mr. LONGWORTH. I will yield to the gentleman with pleasure.

Mr. GARNER of Texas. I have not been in close attendance upon the proceedings of the committee, but my recollection is that the Chair has already had one experience of that kind and the committee failed to sustain his viewpoint.

Let me ask of the Chairman and of the gentleman from Ohio, Who is to determine whether this is good public policy or not?

Who is to determine whether the precedents of 50 years past are good or bad precedents? Is the one man now sitting in the chair to revolutionize the precedents of the House of Representatives for the last 50 years because, forsooth, his judgment is not in accord with them? A very distinguished Speaker of this House has said, and very truly said, that this House is master of itself; and if we can establish the precedent here that one man can overrule the precedents of 50 years, then the House can establish another precedent and produce another revolution, as it did some years ago when it upset itself and produced what amounted to a revolution.

Mr. LONGWORTH. Let me suggest to the gentleman that the precedents do not go back 50 years. The first precedent quoted was in 1907, 16 years ago. After all, it was a very technical decision.

Of course I am not in favor of revolution, in what I said to the Chair, or suggesting that he would put himself again in a position where he would be in danger of being overruled. I would suggest, however, that the Chair submit this question to the House for its determination. I should be very glad to abide by the decision of the House.

Mr. BLANTON. Before the Chair rules on that subject, Mr. Chairman, I would like to be heard.

The CHAIRMAN. The Chair is ready to rule, but he will hear the gentleman.

Mr. BLANTON. For a moment, in view of what the gentleman from Ohio [Mr. LONGWORTH] has said. Whenever expediency enters into a decision of the Chair gentlemen are going to find themselves meeting their decisions face to face, coming back again.

I want to remind the gentleman from Ohio [Mr. LONGWORTH] of his position that was taken here on a District bill once, when the gentleman from Michigan [Mr. CRAMTON] was insisting on his provision in the bill to buy land adjoining a school building and erect a new school building on it in lieu of the old one. I remember very distinctly the ruling of the gentleman from Ohio [Mr. LONGWORTH] on that matter, to wit: That it was a continuing operation on the part of the Government; it was a continuing business, because, having the old building, the new one contemplated was in the nature of repair work, and so on, and it even went further than that. Another question came up about buying new playgrounds entirely across the street from the existing building.

Mr. MADDEN. Mr. Chairman, will the gentleman yield there?

Mr. BLANTON. Yes.

Mr. MADDEN. Of course, the gentleman's ruling at the time was based on a request by the Government for the purchase of the land, but there is no such request before us now.

Mr. BLANTON. I want to show how far it went. It even went to the extent of buying a new playground entirely across the street. There was a street there intervening. I stood on

the floor and argued against the precedent that would be thus established. But expediency intervened and controlled.

They wanted these playgrounds across the street and they wanted the new building, and the gentleman from Ohio [Mr. LONGWORTH] did not hesitate to set aside precedents then.

Mr. LONGWORTH. But, as I recall, that was not an amendment offered from the floor.

Mr. BLANTON. No; it was in the bill, but it was legislation.

Mr. LONGWORTH. It was legislation reported by the committee.

Mr. BLANTON. But it has been held for 50 years that an appropriations committee has no more right to put legislation in an appropriation bill than any Member has from the floor. A committee can not do a thing in an appropriation bill legislatively which any Member from the floor can not do, so far as new legislation is concerned.

Mr. LONGWORTH. The "gentleman from Ohio" will admit that sometimes he takes the easiest way when he is in the chair.

Mr. BLANTON. I know that; but then he always meets himself coming back, as in the present instance.

Mr. LONGWORTH. Nevertheless, I should think it would be very wise to change this line of precedents.

Mr. RANKIN. Mr. Chairman—

The CHAIRMAN. Does the gentleman from Mississippi desire to be heard on the point of order?

Mr. RANKIN. Yes.

The CHAIRMAN. The Chair will be glad to hear the gentleman.

Mr. RANKIN. In reply to the argument of the gentleman from Ohio [Mr. LONGWORTH] to the effect that these points of order were made by eminent parliamentarians, and should be given great weight, even if they were overruled, I would like to call the Chair's attention to the fact that in the case reported in Hinds' Precedents, section 3769, the amendment was offered by Mr. Joseph G. Cannon, himself one of the most eminent parliamentarians, perhaps, this House has had in many years. That is one of the cases carrying out the contention of the gentleman from Texas [Mr. HUDSPETH] in opposition to this point of order.

I wish to call the Chair's attention to the fact also that the case reported in Hinds' Precedents, section 3771, was decided by possibly the ablest parliamentarian who ever presided over this body, the Hon. James R. Mann, of Illinois. Then there is another case reported in Hinds' Precedents, section 3768, which carries out the contention of the gentleman from Texas. That case also was decided by a very eminent parliamentarian, Mr. Dalzell, of Pennsylvania.

So, if you are asked to sweep aside former decisions of the Chair and merely look to the eminence of the gentlemen who made the points of order, I submit the Chair might take into consideration also the eminent parliamentarians who offered these amendments, as well as those eminent parliamentarians who rendered these decisions, all of which, under these sections, carry out the contention of the gentleman from Texas in opposition to this point of order.

Mr. CANNON. Mr. Chairman, it may be suggested, in further corroboration of what the gentleman from Mississippi has said, that on more than one occasion, as in the present instance, the Chairman, in deciding such points of order, has reserved his decision until the succeeding day, so that these opinions have not been hastily rendered but are the studied results of long deliberation by some of the ablest men who have presided over the deliberations of the committee.

I regret to have to differ somewhat from the gentleman from Ohio as to the logical reason for these decisions. The gentleman from Ohio very well suggests that we might carry the application of this doctrine to the extreme and admit an amendment providing for the annexation of a county, a State, or even the entire United States. Of course, there is no argument which can not be carried to the absurd, *reductio ad absurdum*. These bills provide for the purchase of ammunition. We might by the same analogy provide for the purchase of millions of rounds of unnecessary ammunition, but of course the rule has never been invoked for that purpose, and no amendment of the extreme nature suggested by the gentleman from Ohio will ever be seriously proposed.

Mr. RANKIN. Will the gentleman yield?

Mr. CANNON. Yes.

Mr. RANKIN. The case decided by Mr. Dalzell in section 3768 of Hinds' Precedents—instead of 3769, as I suggested a while ago—was decided 24 years ago, May 4, 1900. That carries us back approximately a quarter of a century.

Mr. CANNON. That is true, and there were many similar decisions prior to that time. I might say, Mr. Chairman, that it is but logical to expect increases in the area of rifle ranges. Improvements are being constantly made in the manufacture of rifles and the range of all firearms constantly increases year to year. A range which was considered phenomenal a quarter of a century ago would to-day be considered very ordinary. It may be recalled that the English, when they took over Gibraltar, demanded in addition to the fortress itself a margin of 200 yards of land adjacent to the fort in order to put the boundary line beyond the range of hostile artillery.

No doubt the diplomats who negotiated that treaty would be much surprised to know that modern artillery has developed such a range that in the recent war Paris was bombarded from a point something like 50 miles away. In the development of gunnery it is just as essential to have an adequate range as it is to have ammunition, targets, or any other accessories required for rifle practice, and it is quite possible, if not certain, that land which was considered ample for that purpose a decade ago may today be wholly inadequate.

The theory admitting such amendments is not only supported by a long and unbroken line of precedents, but is in keeping with legislative requirements and sound reasoning.

Mr. LONGWORTH. Mr. Chairman, am I right in the idea that a point of order has been made, not only that this is not a continuation of a public work but that it is not germane to this particular paragraph?

The CHAIRMAN. The Chair thinks both points of order were made.

Mr. LONGWORTH. That is what I understood.

The CHAIRMAN. The Chair is ready to rule. After wandering for a long time through the intricate maze of conflicting decisions relating to limitations, germaneness, and the Holman rule, it is really a joy to come out into the open sunshine where there is but one line of decisions and be able to follow this line. In reading the bill the Clerk had reached the item "Shooting galleries and ranges." This paragraph, among other things, provides ranges for small-arms target practice, and so on. To this paragraph the gentleman from Texas [Mr. HUDSPETH] offers an amendment in effect providing for the acquisition of 3,600 acres of land adjoining the Fort Bliss Military Reservation in Texas as an addition to said Fort Bliss Military Reservation for maneuvering, drill ground, target practice, artillery practice, and other military purposes. It is conceded that this is a reservation established by law.

Mr. HUDSPETH. Yes; I will state to the Chair it was established March 1, 1900, by act of Congress.

The CHAIRMAN. The Chair has assumed that was so. While, technically, this might not be considered a proper amendment to this particular paragraph, the Chair does not now decide as to that point. If ruled out on such a point it could be immediately offered as a new paragraph, so that there would be nothing gained by overruling a technical point of order. The Chair prefers to decide the point of order upon its parliamentary merits.

The line of decisions is not a very long one, as the gentleman from Ohio [Mr. LONGWORTH] has stated, but this line has been uniform and is founded upon the principle, as the Chair believes, that a great public work having been begun it should not be possible for any one individual by making a point of order to prevent the expanding of that public work. In the case of schools additional ground might be needed for playgrounds. In the case of hospitals additional ground might be needed, and in the case of target ranges, undoubtedly, as indicated by the gentleman from Missouri [Mr. CANNON], year after year we have had to add to such reservations for the purpose of increasing the territory of our target ranges. The principle is that the Government having begun a work it should be able to proceed to enlarge it as the proper demands make necessary. From the parliamentary viewpoint it is immaterial whether the proposed additional land is a few feet or a million acres. It is the principle upon which the precedents are based, and the present occupant of the chair does not feel inclined to override such a principle.

Nothing would be gained, as the Chair sees it, by submitting the question to the decision of the membership of the House. There is nothing to prevent the committee from overruling the present decision of the Chair, with or without reason, as has been done in times past. Naturally, individual Members of the House oftentimes are influenced by the merits of the proposition. It is impossible to free themselves from such an influence, and no criticism is intended in referring to it here. If the membership of the House feel inclined to overrule the decision of the Chair in this particular case on account of the

merits of the proposition, the present occupant of the chair is not at all sensitive about such things, because he tries to rule according to what he believes to be right and best from the parliamentary standpoint, to maintain the orderly procedure of this House as it should be for the public good. Beyond this he is not at all concerned. The merits of the proposition in all cases should stand upon their own bottom. The Chair overrules the point of order.

Mr. HUDSPETH. Mr. Chairman, owing to the fact that I have a little data that is necessary to be read to the committee, I ask unanimous consent that I may speak on the amendment for 10 minutes.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. HUDSPETH. Mr. Chairman and gentlemen of the committee, it seemed to be in the mind of the gentleman from Ohio [Mr. LONGWORTH] that one reason why the amendment should be held out of order was that there was too much land sought to be purchased. I want to state to the House that, of course, if we had been silly enough, or if the commanding general at Fort Bliss had been silly enough, he could have asked for the purchase of all the territory in El Paso County adjoining this post, but I want to state to the gentleman from Ohio and to the members of the committee that every acre of this land that is sought to be purchased has been used by the Federal Government for 15 years, at a cost of \$1 per year to the Federal Government, up to the 24th day of January, when a portion of this land was leased, and the Government now pays an annual rental of \$6,000 for a portion of it.

The Federal Government, gentlemen, has used this land for 15 years, the chamber of commerce for a number of years leasing it from the owners, and the citizens of El Paso paying the lease. The Government has used it for maneuvering purposes, has cut up this land with its artillery and has tramped over it and tramped out the grass and the turf with its cavalry horses for 15 years. I want to ask this committee if they do not think, in all fairness to the citizenship and to the people who own this land, that the Federal Government ought to pay something for it.

Let me again call to your minds, gentlemen, the fact that the Fort Bliss military post is a division post, the second largest, I believe, in the South. The old post was established, as I stated yesterday, I think, before the Civil War, the new Fort Bliss in 1890. This is a great big military post that protects the border on the west to the line of California and to the east for 600 miles along the sinuosities of the Rio Grande, and yet the Federal Government has never paid one dollar for the land on which the post is situated.

When the old post was moved from the river where it was subject to overflow, the citizens of El Paso went down in their pockets and paid \$50,000 for one section of land, if my memory serves me accurately now—640 acres—and when I was a member of the State senate it was found that a part of this post had extended to a section of land owned by the State of Texas, where there were then erected many thousand dollars' worth of valuable property belonging to the Federal Government, and I introduced a bill in the State senate, which was passed by the legislature and approved by the governor, granting title in the Federal Government to this State land. So that of this 1,280 acres of land, the part comprising the present military reservation of Fort Bliss did not cost the Federal Government one dollar. They have been using the land of these citizens there for 15 years and every acre of it, so the commanding general says, is needed. The Secretary of War says it should be purchased. Secretary Baker submitted to the Congress, when he was Secretary of War, a request that this land be purchased, and yet we have been met for five years with the proposition that the Government should not purchase any additional land.

What does General Howze say? There is one tract of this land known as the Morehead tract, and I have here a map showing, in red, the land that is sought to be purchased. This is the military reservation and this is one of the hospitals [indicating].

The William Beaumont Hospital for ex-service men and for soldiers of the Regular Army is located there on the original site, and cost the Government about \$5,000,000. All of that land now owned by the Government is used and occupied in buildings and other military activities. I want to call your attention to this matter as a business proposition. General Howze has something to say in regard to it in the letter addressed to The Adjutant General—a copy I hold in my hand and a copy of which I placed in the record. I was struck by the statement of the gentleman from Kentucky [Mr. JOHNSON]

the other day in regard to the policy that has been pursued in the last five years in curtailing appropriations that has been found to be an unwise policy—"a penny-wise and pound-foolish policy"—and he showed it. General Howze says that the Cavalry has been using for many years this ground. That is the ground marked in green on this map, and they have been paying a dollar a year. He says:

The Cavalry regiments, machine-gun squadrons, special troops, and the division Air Service have for many years been using this ground that neither belongs to nor is leased by the Government. The owner has permitted the Government to use this tract. In consequence troops may be barred from this ground at any time. This tract is known as the Morehead tract. It contains 300 acres and lies immediately adjoining and east of the southern half of the reservation. It is the only tract that can now be acquired which meets the requirements of a drill and landing field. It adjoins the Cavalry and machine-gun barracks, is in continuation of the Air Service hangars and quarters, and is in constant use by the Air Service. It is the only available situation for a landing field in the vicinity of the city of El Paso. The loss of this tract would mean that the investment of the Government in the hangars and buildings housing the Air Service will be lost, that the Air Service will lose this available field as a training ground for reserve Air Service officers, and that the transcontinental airways will lose one of their best intermediate stations.

He says that the land may be taken away at any moment, and according to figures that I placed in the Record—he does not state the amount, but some one else does—that if the owners took the land which they can do at any time, because the Government does not have any lease—the Government has buildings on it to the amount of \$79,000—that would practically be an entire loss.

Mr. SNELL. Will the gentleman yield?

Mr. HUDSPETH. I will.

Mr. SNELL. Are there not other places where Army posts are using ground not belonging to the Government?

Mr. HUDSPETH. In that vicinity?

Mr. SNELL. No; at other places in the United States.

Mr. HUDSPETH. There may be; but does the gentleman think that the Government should continue to use this land, as it has for 15 years, when the owners can sell a great portion of the land for much more than is now being asked for it for residential property?

Mr. MADDEN. Will the gentleman yield?

Mr. HUDSPETH. Certainly.

Mr. MADDEN. Would the gentleman be willing to have the post moved?

Mr. HUDSPETH. There is not a citizen in that part of the country who thinks it ought to be moved.

Mr. MADDEN. The gentleman himself would not want it moved.

Mr. HUDSPETH. No; would the gentleman from Illinois want the hospital, established recently close to Chicago, moved? The gentleman from Illinois came here and asked for a big appropriation to establish that hospital and I voted for it.

Mr. MADDEN. The gentleman from Illinois did not do anything of the kind.

Mr. HUDSPETH. The gentleman did.

Mr. MADDEN. The hospital was under construction.

Mr. HUDSPETH. The gentleman got the appropriation to complete it, and I voted for it. This post is as much the property of the gentleman as it is mine. It is Government property, and the gentleman from Illinois is as much interested in it as I am, or should be. I am only asking that this post be completed.

Mr. MADDEN. I thought the gentleman was complaining that it was there.

Mr. HUDSPETH. The gentleman from Illinois did not think any such thing.

Mr. MADDEN. And wanted it moved.

Mr. HUDSPETH. The gentleman did not so understand. I am simply coming here and asking the Government and Congress to pay the citizens for land that has been used for 15 years. It has got as much out of the citizens of El Paso, and more than my citizens have been benefited by this post, I will state to the gentleman from Illinois. And yet every citizen there is proud of our great military post.

Mr. McKENZIE. Will the gentleman yield?

Mr. HUDSPETH. Yes; I yield to my friend from Illinois, Mr. McKENZIE.

Mr. McKENZIE. I wish to ask the gentleman whether he has a bill pending for this purpose before the Committee on Military Affairs.

Mr. HUDSPETH. I have not now. I have had for a number of years, but at the present time I have no bill pending

because we considered it an urgent need, and that the Appropriations Committee should take care of it at once, and the Secretary of War says it ought to be purchased. It is true that he said he had other matters he deemed greater need at this time. If my friend from Illinois will indicate that his committee will report out a bill I will have one before that committee in 24 hours.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. HUDSPETH. Mr. Chairman, I will ask for 10 minutes more.

The CHAIRMAN. The gentleman from Texas asks that his time be extended 10 minutes. Is there objection?

Mr. MADDEN. I do not think we ought to take so much time. I am willing to compromise, however.

The CHAIRMAN. Is there objection that the time be extended for five minutes?

There was no objection.

Mr. RANKIN. Will the gentleman yield?

Mr. HUDSPETH. I will.

Mr. RANKIN. The gentleman from Illinois [Mr. MADDEN] asked the gentleman from Texas if he would be willing to have the post moved. As a matter of fact the post was put there because it is on the Mexican border, and the gentleman knows that it is utterly impossible to move the Mexican border, and if this post was moved it would endanger the safety of the citizens along that border.

Mr. HUDSPETH. The gentleman from Illinois discounted my intelligence, or if serious in the question his should be discounted when he asked the question, because it is a post that has protected my home city from being sacked in the night, and citizens murdered in their sleep, in all probability if the post had not been adjacent thereto. Let me say this to the gentleman from Illinois because he does not seem to understand the situation down there. Pancho Villa took his army across the border line at Columbus, N. Mex., in the dead hours of night, 80 miles west of Fort Bliss, and if it had not been for American troops he would have shot down in cold blood and murdered all of the citizens and burned the town—he did murder quite a number of our citizens before the troops could drive him out.

This same Villa in 1919 invested the city of Juarez with his troops, and took the main portion of that town. That is just across the river from the city of El Paso, a city of 100,000 people. He made the boast at that time, because the Federal Government would not let him bring his troops across on this side from one point to another, and they had let Carranza do the same thing, that he was going to sack the city of El Paso after he had taken Juarez, and he had practically taken Juarez at that time. He had placed his guns on the hills where they could sweep the streets of the city of El Paso, and in 1911, when Madero took the town of Juarez, advancing with his army from the northwest, there were 18 citizens shot down on the streets of El Paso. In 1919 Villa said that he would go over and take the gringo town, meaning the American town, after he had taken Juarez, so I am informed, and sack it and loot the banks, but the commanding general at Fort Bliss did not wait for the gentleman to make good his boast. He took his khaki-clad boys across that bridge and he drove Villa out and chased him down the road toward the city of Chihuahua, and there was not a single dollar's worth of property destroyed in El Paso or a life lost. Those troops were taken from this post where we are asking that the land be purchased, and General Howze, in his statement, and the Secretary of War both say that it should be purchased, so that our military forces may have enough ground there for maneuvering purposes. If any gentleman thinks the amount asked is too large let him offer an amendment, but I think the amount asked is reasonable, and I placed in the Record a statement to that effect from three reputable citizens who know values. For 15 years, as I say, they have been using this valuable land. This is no real-estate scheme. When I offered a bill five years ago for the purchase of some of this land, which was asked then \$160 an acre, and the committee thought it unwise or the price too high they did not purchase it, and to-day they could not buy that land, General Howze states, and there are other statements to that effect in the record, for much more than that sum. There is only one way for El Paso to grow. The river is on the south and there is a chain of mountains on the north. It can grow only to the east. In 1900 El Paso was a struggling town of 15,000 people. In 1910 the decennial census shows 39,000 and in 1920 it shows 78,000. The telephone records now show a city of over 100,000 people. The residential portion is right up against this land on the south. They will not sell that land

that we offered five years ago for the price which the Government could afford to pay, because much of it has been withdrawn for city lots and is needed for residential property, but this land, the purchase of which this amendment contemplates, is valued at a reasonable price. We have a great pride in our post. Certainly we do not want it moved, nor does any citizen down there, because it has probably saved damage to my town and the sacking of many other towns along the border during the troublesome days during the various revolutions in Mexico, which have occurred frequently during the past 50 years. Now, it is contended that this price is too high by the gentlemen here, and the gentleman from Kansas [Mr. ANTHONY] has read into the record a letter offering, by another gentleman in El Paso, 1,200 acres to the Government for \$50 per acre. It may be worth it. But General Howze says you can buy 3,265 acres in this offer for \$50 per acre. Now, I read in the hearings, presided over by the gentleman from Kansas, that at Dayton, Ohio, for a flying field of 250 acres you have been paying \$60,000 per year for five or six years, as a lease. You are paying one-fourth as much lease for 250 acres per year as is asked for a title in fee to this 3,000 acres I am asking you to purchase.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. ANTHONY. Mr. Chairman, the Budget estimates this year contain no provision or recommendations for the purchase of additional land at Fort Bliss. When the Secretary of War was before our committee he was specifically asked in regard to the desirability of expending this \$366,000, for this land at Fort Bliss. He said that while, in his opinion, it would be desirable, yet there were a dozen projects that he had in mind for which he would rather have the money now than this proposition at El Paso. Your committee thinks that it is a question that should be very carefully looked into before we buy such a large tract of land as this for such a large price, and especially in view of the declining real estate values. There is no question but that land values around El Paso have been high. The town has had a rapid growth. The Government has expended millions of dollars there every year ever since 1916, when the border concentration of troops was made largely there, and the town has grown in population and real estate values have gone up, but the committee has a very significant letter from a real estate firm in El Paso, written by J. E. Bowen, secretary of the El Paso Pecos Realty Co., which also makes an offer of land to the Government and offers some 1,280 acres, which are located adjoining the military reservation, to the east and to the north of it, land which has also been used by the Government during the border concentration for the National Guard and other purposes, and for which owners had asked the Government, a year or two ago, \$100 an acre. Mr. Bowen concludes his letter with this very significant statement:

The Government at that time, or rather later, asked for a 10-year lease of land. We offered a 5-year lease, which for some reason was not accepted. They also asked for a price, which we made of \$100 an acre, for section 11, and \$75 an acre for section 10. However, at this time the stockholders of the company are prepared to make a real sacrifice, as they need the money, and we will sell the 1,280 acres for \$50 an acre.

Mr. HUDSPETH. Mr. Chairman, will the gentleman yield? Mr. ANTHONY. Yes.

Mr. HUDSPETH. There is a portion of this land, as the gentleman will see by the statement of General Howze, that is offered for \$51 per acre, that is down in the brakes. I have not a dollar's interest in any acre of this land, and it is immaterial to me whether the Government purchases the land. The reason I present this matter is because it is land selected by the commanding general as best adapted for military purposes in sham battles, artillery practice, target range, and a portion of it is as level as this floor, suitable for drill purposes. It is immaterial to me from whom the land is purchased.

Mr. ANTHONY. There is another reason why we ought to go slowly in regard to the purchase of a large amount of land like this. The situation on the Mexican border now is not the same as it was a year or two or three years ago. We have reached a state of amicable relations with the Mexican Government. We have resumed diplomatic relations. There is no immediate danger of another large concentration of troops on the border, and I gravely doubt whether we will need all of this land at the Fort Bliss Army post.

It is true the Government has had the use of large acreages of land near Fort Bliss during the last 8 or 10 years for military purposes, but these lands have been gladly tendered to the Government by the citizens of El Paso, because the Gov-

ernment, as I say, has been expending millions of dollars a year there. It has not been a one-sided or jug-handled contract, and I think the citizens of El Paso have been abundantly repaid for their generosity to the Government in the use of this land. I think that a committee of Congress should have an opportunity to carefully examine into so large a purchase of this kind before the House places its approval upon it.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word. The gentleman from Texas, very properly representing his constituency, offers an amendment to this bill for the purchase of a large acreage of land adjoining Fort Bliss at a large price per acre. Who fixed the price I do not know, how it was fixed I do not know, and neither does anyone else.

Mr. HUDSPETH. I will inform the gentleman if he will yield.

Mr. MADDEN. I will yield.

Mr. HUDSPETH. The price I understand was obtained by General Howze, the commanding general, from the men who owned the land.

Mr. MADDEN. But the commanding general may not be the same commanding general to-morrow who is there to-day, and the opinion of the present commanding general may not be the opinion of the next commanding general, and besides there is no commanding general under our practice who has the authority to buy land. They have no authority to make contracts that are binding on the Government, and we have had many instances to show that contracts made by commanding generals have been repudiated because of lack of authority in these commanding generals. It may well be that the commanding general there to-day thinks that this land is an essential need for the post, but there are higher authorities than commanding generals and those high authorities have not submitted any proposal to the Congress to buy the land. We are paying \$6,000 rent for this land now. The gentleman said we are using the land. We are, but we are paying for it out of the Treasury of the United States. The use of this land is not a free proposition at all, it is a business question, and there is a contract existing between the United States and the owner of the land, and I apprehend that \$6,000 a year is a very large rental to pay, and \$110 per acre a very large price per acre to pay if we buy the land. But there is no reason why the land should be purchased. The mere fact it is at El Paso and that that city is on the Mexican border and that the population of El Paso has increased until it is now 100,000 has nothing whatever to do with the case. Why, it is not long since that El Paso wanted the Government of the United States to drain El Paso as a great national problem, simply to take the water out of the cellars in El Paso that seeped through from the bed of the Rio Grande.

I made a full investigation of that situation at the time, and it is a fact that it was not a great national problem. There were several reasons. First, there was no navigation problem, because the Rio Grande River at that point is not navigable. There was not any international problem because in the proposal El Paso had nothing to do with Mexico and the United States combined. And, third, it was disclosed that the only thing included in the proposal specific to El Paso was that they have a 1,000-acre swamp in the center of El Paso that they wanted drained at the expense of the Federal Government, and I am opposed to the enactment of the amendment submitted by the gentleman from Texas for the purchase of this land which would cost \$366,000.

Mr. LONGWORTH. Will the gentleman yield for a question?

Mr. MADDEN. I will.

Mr. LONGWORTH. The practical effect of this would be to make the Government pay three times for the land what it is now paying in the way of interest. That is, if we are now paying \$6,000, 5 per cent on \$366,000 would be practically three times the amount in interest that we are now paying.

Mr. MADDEN. Surely, if we bought the land.

Mr. RANKIN. Mr. Chairman, I rise in opposition to the amendment.

Mr. HUDSPETH. Will the gentleman yield there for a moment?

Mr. RANKIN. I will.

Mr. HUDSPETH. I want to state to the gentleman from Illinois he misunderstands the proposition, misstated it by saying there was an immense amount of land on which they are paying rental. They are paying rental on a portion of this land at \$6,000, whereas on the whole amount they have had the use for years and years at \$1 a year.

Mr. MADDEN. The gentleman does not deny we are paying \$6,000?

Mr. HUDSPETH. But the Government is paying \$6,000 on only a portion of it.

Mr. RANKIN. The gentleman from Kansas [Mr. ANTHONY] said that some individuals had a very large tract of land somewhere along in this location which they offer for less money. Now, as a matter of fact, I want to ask the gentleman from Texas if it is not a fact that when this drill ground, target range, and so forth, was selected the commanding officer could have got any of this land he wanted.

Mr. HUDSPETH. No; the adjoining land mentioned by the gentleman from Kansas may not be adapted for military purposes. The land may be situated where General Howze or other military officer might not wish the Government to purchase it at any price. Relative to the statement of the gentleman from Illinois that El Paso wanted so much out of the Federal Government, I want to state this to the gentleman: We asked for a survey to be made there to protect the lower part of the city, where there were also Government buildings, customhouses, and so forth, that had been inundated by over flow. That is all we wanted. The citizenship of El Paso are now draining their overflow land and not asking the Federal Government for a cent. We did not ask that any cellars be drained, and I will state to you that some of the citizens would not permit their cellars to be drained of their contents. [Applause.] We do not ask this Federal Government to drain our cellars.

Mr. RANKIN. The gentleman from Illinois spoke about this land needing drainage. Possibly this land the gentleman from Kansas [Mr. ANTHONY] refers to is along the water edge and may not be adapted at all to military purposes.

Mr. HUDSPETH. It may be; but I am sure if it had been suited for all purposes and could be utilized for military purposes, and the price fixed at \$50 an acre, that General Howze would have selected the 1,200 acres. It is land there where the Government has buildings erected, residential property all around it that is of great value, and the owners are asking a higher price for it, and naturally it should command a higher price. It makes no difference to me, I will state to my friend from Mississippi, what tracts of land are purchased or who owns it; all I ask and urge is that the Government purchase sufficient lands for all military purposes at that great cost, which is of so much importance not only to the people of the border but to the whole of this great Republic.

There are 800 acres. They have \$79,000 worth of improvements there, as they state. Naturally that would go at a higher price, right there in the city.

The CHAIRMAN (Mr. BURTON.) The pro forma amendment offered by the gentleman from Illinois [Mr. MADDEN] is withdrawn. The question is on agreeing to the amendment offered by the gentleman from Texas [Mr. HUDSPETH.]

The question was taken; and the Chairman announced that the yeas seemed to have it.

Mr. HUDSPETH. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 32, yeas 25.

Mr. ANTHONY. Mr. Chairman, I ask for tellers.

The CHAIRMAN. Tellers are demanded.

Tellers were ordered, and the Chairman appointed Mr. ANTHONY and Mr. HUDSPETH to act as tellers.

The committee again divided; and the tellers reported—ayes 36, yeas 36.

The CHAIRMAN. The chair casts a vote in the negative, so the amendment was rejected.

The CHAIRMAN. The Clerk will read.

Mr. THOMAS of Oklahoma. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. THOMAS of Oklahoma: Page 28, line 26, after the figures "\$37,400," insert: "For the purchase of a parcel of land containing forty-three and six-tenths acres more or less, lying adjacent to the north of the Canadian River in section 36, township 13 north, range 8, west of the Indian meridian in Canadian County, Okla. Said tract located directly opposite the Fort Reno pumping plant, and to be more particularly described in the instrument of conveyance. Said tract when acquired to be added to the Fort Reno Military Reservation, and to be used in an effort to straighten the course of the said North Canadian River, not to exceed \$3,500."

Mr. ANTHONY. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Oklahoma [Mr. THOMAS] is recognized.

Mr. THOMAS of Oklahoma. Mr. Chairman, this amendment is in the nature of a new section following the section just read. The reason for offering this amendment is as follows: The Government has a reservation in Oklahoma known as the Fort Reno Military Reservation. It is bounded on the north by the Canadian River. At one point on the northern line there is a bend in the river that is eating into the reservation, and just opposite the bend is the pumping plant for the fort on the reservation. Unless the river is straightened it will eat into and destroy this pumping plant.

There is a bill pending before the committee relating to this matter, and in the hearings on page 1163 we find a recommendation for the purchase of this particular tract of land, the War Department making the following recommendation:

The acquisition of this land is manifestly desirable, but no estimate therefor has as yet been submitted to Congress.

Preceding that, in their report they state—

The erosion along the banks of the bend of the river near the pumping plant has been giving considerable trouble during past years, and quite a large amount of land has been lost from the reservation due to this continuous erosion. Temporary methods have been tried from time to time, such as tree and shrub planting, piling, etc., none of which have been successful.

Just previous to the recent excessive high water in that vicinity this office received information from Fort Reno that the river was flooding to a dangerous stage, and an officer with engineering experience was ordered to proceed to Fort Reno immediately to take charge of the situation. Coincident with his arrival the water had reached a height beyond any that it had ever gone before, and the whole valley was covered, and a great deal of erosion was taking place. Due to the flood quickly receding and to strenuous work on the part of the local authorities the existence of the pumping plant was saved, though the bank of the river was cut away to within 60 feet of the nearest well, and it is feared that one more flood of the same magnitude will completely ruin the pumping plant, and a very few floods of a lesser nature will eventually accomplish the same results. It is now desired to take steps to permanently protect the reservation boundary and the pumping plant.

The Government has a lease of this land, but the land is owned by a farmer, Mr. Joseph D. Stephens, who in making the lease understood that the money would be made immediately available for the purchase of this tract of land.

The CHAIRMAN. On the point of order, will the gentleman from Oklahoma state if this is for a military purpose? The amendment says, "in an effort to straighten the course of the Canadian River."

Mr. THOMAS of Oklahoma. It is in the nature of a repair. The military purpose, Mr. Chairman, as the matter now stands, is this: The river is destroying some valuable land between the channel and the pumping plant, and unless the river is straightened the water supply will be destroyed. This land is desired by the department to be used in an effort to divert the river away from the pumping plant and water supply for the post.

Mr. SNELL. Mr. Chairman, will the gentleman yield?

Mr. THOMAS of Oklahoma. Yes.

Mr. SNELL. Is this land across the river from the reservation?

Mr. THOMAS of Oklahoma. It joins the reservation.

Mr. SNELL. The river runs through the land, does it?

Mr. THOMAS of Oklahoma. Yes; but the river is not a large river; it is a small stream.

Mr. SNELL. But it runs between the land you want to buy and the reservation?

Mr. THOMAS of Oklahoma. Yes.

Mr. SNELL. That is what I wanted to find out.

Mr. THOMAS of Oklahoma. But when this ditch is dug the river will be diverted. At the present time the land wanted is on the opposite side of the river.

Mr. SNELL. But the reservation is on the other side.

Mr. THOMAS of Oklahoma. The fact is that the ditch is being dug, and when that is completed the course of the river will be changed.

Mr. SNELL. I know; but at the present time the river is between this piece of land and the present fort?

Mr. THOMAS of Oklahoma. Legally, the river would amount to no more than a public highway or a fence.

Mr. SNELL. If it is a public highway does it detach this patch of land?

Mr. LONGWORTH. Can the bed of the river be used as a road? [Laughter.]

Mr. THOMAS of Oklahoma. At times this river is dry, let me say to the gentleman, but when a flood comes great damage

to the land now owned by the Government is done. If we have another flood like that of last fall it is feared the pumping plant will be destroyed, and there is no other water supply for the remount station. The War Department recommends that this land be purchased. Their report appears on page 1163 of the hearings, and I am acting in accordance with the recommendation of the War Department in making this request.

The CHAIRMAN. The Chair feels constrained to sustain the point of order on the ground that the land proposed to be acquired is not contiguous to any land owned by the Government. The Clerk will read.

The Clerk read as follows:

CONSTRUCTION AND REPAIR OF HOSPITALS.

For construction and repair of hospitals at military posts already established and occupied, including all expenditures for construction and repairs required at the Army and Navy Hospital at Hot Springs, Ark., and for the construction and repair of general hospitals and expenses incident thereto, and for additions needed to meet the requirements of increased garrisons, and for temporary hospitals in standing camps and cantonments; for the alteration of permanent buildings at posts for use as hospitals, construction and repair of temporary hospital buildings at permanent posts, construction and repair of temporary general hospitals, rental or purchase of grounds, and rental and alteration of buildings for use for hospital purposes in the District of Columbia and elsewhere, including necessary temporary quarters for hospital personnel, outbuildings, heating and laundry apparatus, plumbing, water and sewers, and electric work, cooking apparatus, and roads and walks for the same, \$489,500: *Provided*, That no part of this appropriation shall be used for the construction of new hospitals.

Mr. HILL of Maryland. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN (Mr. TILSON). The gentleman from Maryland moves to strike out the last word.

Mr. HILL of Maryland. I desire to ask the chairman of the subcommittee a question. During the war certain enlisted men, privates and noncommissioned officers, were sent to officers' training camps. It was provided that those of them who were afterwards commissioned should receive \$100 a month, and I desire to ask the chairman of the subcommittee whether any provision is made in this bill for the payment of those claims.

Mr. ANTHONY. I presume the gentleman refers to the ruling of the Comptroller General that any of the men in training camps during the war, who were paid as enlisted men, are entitled to the \$100 a month as trainees.

Mr. BULWINKLE. The difference between the enlisted pay and the \$100 a month?

Mr. ANTHONY. I can say to the gentleman that this morning the conferees on the deficiency bill held a meeting, and I find there is included in that bill an item of eight hundred and some odd thousand dollars for pay of the Army, which I was informed covers items such as the gentleman has just described, because it refers to pay previous to 1921. So I am quite sure it covers the claims the gentleman refers to.

Mr. HILL of Maryland. Then the matter is very fully covered by legislation which the Appropriations Committee has initiated?

Mr. ANTHONY. That is the impression I got this morning.

Mr. HULL of Iowa. Will the gentleman yield?

Mr. HILL of Maryland. Yes.

Mr. HULL of Iowa. Will this take care of all those cases or does it take care of only a few?

Mr. ANTHONY. How many of them I do not know. All I know is that that sum of money is carried in the deficiency bill and it is to be used for that purpose.

Mr. HILL of Maryland. Mr. Chairman, I withdraw the pro forma amendment.

Mr. JOHNSON of Washington. Mr. Chairman, I move to strike out the last two words. I desire to ask the chairman of the subcommittee a question which I desired to ask in connection with the paragraph "Barracks and quarters," immediately preceding. What is the plan of the Army and of the Appropriation Committee as to the continuance and maintenance of Army posts? I have in mind, of course, Camp Lewis in the district which I have the honor to represent.

Mr. ANTHONY. I suppose the gentleman refers to some plan of permanent construction to replace the temporary buildings which are fast reaching a stage where they can not be used much longer?

Mr. JOHNSON of Washington. That, and the maintenance of conveniences generally at these posts.

Mr. ANTHONY. There are several items for new construction, but none for Camp Lewis. However, it is our understanding that the Secretary of War intends to come to Congress very

soon with a construction program which will embrace a policy of permanent construction at military posts in order to properly house the Army and replace the temporary structures which the Army is now compelled to use in many places, and which are fast deteriorating, and which should be replaced. That will be a large program and we ought to spend all the way from \$20,000,000 to \$30,000,000 in that work. It is my understanding that the Secretary of War intends to embrace the whole project in one program and ask its approval at some future time.

Mr. JOHNSON of Washington. Then I am justified in believing that items which were originally proposed providing for certain improvements at certain posts, and which do not appear in this bill, will appear in that program.

Mr. ANTHONY. The only projects specifically mentioned in the bill are those relating to entirely new construction, but the appropriation for barracks and quarters takes care of needed repairs.

Mr. JOHNSON of Washington. The War Department is authorized, then, under certain provisions in this bill to take care of the engagements they have entered into or are proposing to enter into in the nature of repairs and betterments?

Mr. ANTHONY. I think they will carry out any necessary contracts in connection with that work.

Mr. JOHNSON of Washington. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

OFFICE OF THE QUARTERMASTER GENERAL.

Salaries: For personal services in the District of Columbia in accordance with "the classification act of 1923," \$586,280.

Mr. BLANTON. Mr. Chairman, I offer a pro forma amendment to strike out the four words in line 18, "Salaries: For personal services."

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 30, line 18, strike out the words "Salaries: For personal services."

Mr. BLANTON. Mr. Chairman, I wish that in all these salary matters the spirit of Washington could prevail just a little here in the District of Columbia. On June 15, 1775, when the Continental Congress at Philadelphia chose Colonel Washington as Commander in Chief of the American forces, in his speech of acceptance General Washington said:

As to pay, sir, I beg leave to assure the Congress that, as no pecuniary consideration could have tempted me to accept this arduous employment at the expense of my domestic ease and happiness, I do not wish to make any profit from it. I will keep an exact account of my expenses. Those, I doubt not, Congress will discharge; and that is all I desire.

Of course, the employees of the Government, including the Army and the Navy, are not in a position to do altogether as General Washington did. They must have adequate pay, but they ought to have that same "Washington" spirit of service for the country.

I just want to take up this minute to call attention to the fact that we have at the head of one of the departments here in the District—which is partly paid for by the Government—an insurance commissioner, who has a bill reported favorably right now to increase his salary \$1,700 a year, which would give him more than any one of 28 governors are now receiving in 28 States.

I printed in the RECORD of March 24 some facts and figures and information I gathered concerning that insurance bill and that insurance department, and I am using this moment now to ask my colleagues to please turn to the RECORD of that date and read carefully those facts and figures in my report which I am there giving you. I am sure you will find them instructive. I am sure you will find them beneficial, and I predict that when you read them, there is not a man in this House who will vote for that bill which has already been favorably reported and is now on the calendar ready for passage. And I hope every Senator will take time to read this report.

Mr. LaGUARDIA. Will the gentleman yield?

Mr. BLANTON. Just one moment and then I am through because I do not want to take up the time of the committee. We must pass this Army bill, but I want to say that this "Washington" idea of service should prevail right in the incipency of the life of Army men at West Point and of Navy men at Annapolis. I received a letter a few days ago from a good woman down in one of the east coast States, who said that her boy at West Point was interested in a little bill here to

increase the pay of the cadets at West Point and she hoped I would not offer any objection to the matter because the boys at West Point were needing more money there. I wrote back to the good woman and told her that I was sorry the Government was not doing more for the cadets at West Point and Annapolis than it was doing, that it was treating the boys badly and was not considerate enough of the boys that it sent to Annapolis and West Point. I had to regret, of course, that all that the Government did for these boys was to pay their way from their homes to West Point; all it did was to furnish them their full equipment there except clothing; it gave them their complete education and training free; it gave them their food free; it gave them their lodging free; and it gave them everything they needed with the one exception of clothing, absolutely free. It just paid them also a little mensley sum of \$900 a year during their four years while there, and most of them had a little cash surplus saved up when they went out, and the stingy Government does not do anything for them afterwards except to commission them in the United States Army and Navy as commissioned officers for life. That is all this parsimonious Government does for these boys at West Point and Annapolis, and I was sorry the Government could not do more. These specially favored young men should remember the "Spirit of Washington's service," and also that there are millions of other American boys who get nothing.

The CHAIRMAN. Without objection the amendment is withdrawn.

The Clerk read as follows:

In addition to the foregoing employees appropriated for in the office of the Quartermaster General, the services of technical experts and such other services as the Secretary of War may deem necessary may be employed in the office of the Quartermaster General, to be paid from the appropriation for "Incidental expenses of the Army": *Provided*, That the entire expenditures for this purpose for the fiscal year 1925 shall not exceed \$16,300, and there shall be included in the Budget for each fiscal year a statement of the number of persons so employed, their duties, and the amount paid to each.

Mr. LAGUARDIA. Mr. Chairman, I move to strike out the last word simply for the purpose of correcting the record. The gentleman from Texas is in error when he says that the Government pays these boys at West Point and Annapolis \$900 in addition to their clothing and to their maintenance and their food. That is not the fact, and the gentleman from Texas should inform himself as to the situation and under what conditions the cadets at Annapolis and West Point are being paid before making any such statement.

Mr. MADDEN. They pay all of their expenses out of that fund.

Mr. LAGUARDIA. Absolutely. I just wanted to make the record clear in that respect.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn.

The Clerk read as follows:

SIGNAL CORPS.

SIGNAL SERVICE OF THE ARMY.

Telegraph and telephone systems: Purchase, equipment, operation, and repair of military telegraph, telephone, radio, cable, and signaling systems; signal equipment and stores, holographs, signal lanterns, flags, and other necessary instruments; wind vane, barometers, anemometers, thermometers, and other meteorological instruments; photographic and cinematographic work performed for the Army by the Signal Corps; motor cycles, motor-driven and other vehicles for technical and official purposes in connection with the construction, operation, and maintenance of communication or signaling systems, and supplies for their operation and maintenance; professional and scientific books of reference, pamphlets, periodicals, newspapers, and maps for use in the office of the Chief Signal Officer and the Signal Corps School, Camp Alfred Vail, N. J.; telephone apparatus, including rental and payment for commercial, exchange, message, trunk-line, long-distance, and leased-line telephone service at or connecting any post, camp, cantonment, depot, arsenal, headquarters, hospital, aviation station, or other office or station of the Army excepting local telephone service for the various bureaus of the War Department in the District of Columbia, and toll messages pertaining to the office of the Secretary of War; electric time service; the rental of commercial telegraph lines and equipment and their operation at or connecting any post, camp, cantonment, depot, arsenal, headquarters, hospital, aviation station, or other office or station of the Army, including payment for official individual telegraph messages transmitted over commercial lines; electrical installations and maintenance thereof at military posts, cantonments, camps, and stations of the Army, fire control and direction apparatus and material for Field Artillery; salaries of civilian employees, including those necessary as instructors

at vocational schools; supplies, general repairs, reserve supplies, and other expenses connected with the collecting and transmitting of information for the Army by telegraph or otherwise; experimental investigation, research, purchase and development or improvements in apparatus, and maintenance of signaling and accessories thereto, including patent rights and other rights thereto, including machines, instruments, and other equipment for laboratory and repair purposes; tuition, laboratory fees, etc., for Signal Corps officers detailed to civilian technical schools for the purpose of pursuing technical courses of instruction along Signal Corps lines; lease, alteration, and repair of such buildings required for storing or guarding Signal Corps supplies, equipment, and personnel when not otherwise provided for, including the land therefor, the introduction of water, electric light and power, sewerage, grading roads and walks, and other equipment required, \$1,845,970.

Mr. McKEOWN. Mr. Chairman, I move to strike out the last word.

This paragraph has to do with the Signal Service of the Army and there has arisen a serious question in reference to the Navy, the Army, and the Department of Commerce in the matter of radio service. It is the contention of the business world that the Army transgresses on the rights of the civilian in the use of their radio instruments and the same contention is made with reference to the Navy.

This matter of the control of the air by radio is one of the most vital questions before the American people to-day. It should be given attention. There is an effort being made on the part of some to absolutely take control of the air for communication purposes. Gentlemen, we have let our natural resources, in many instances, be taken away from us, and we should start now, in time, to save for the people of this country the use of the air for communication purposes. [Applause].

The War Department has developed and is developing many discoveries and so is the Navy. It is going to be necessary to do something to avoid any unnecessary interference on the part of the War Department or upon the part of the Navy Department, but there are times and there are periods when the Army ought to have a free hand, and so ought the Navy, in trying out the new inventions and discoveries, and there ought to be periods of time fixed when they may try out this system of communication without any interference from the Department of Commerce.

I hope this Congress at an early date will fix some rule by law, or give to some department by law, the power to regulate and control communications by radio. I do not want to trespass further on your time, but I wanted to call the attention of the House to this very important matter of radio communication. There are no limits to it. We have been told by these experts that it is only a matter of time until power itself will be communicated by use of the radio without any wires.

Mr. CLARKE of New York. Will the gentleman permit a question?

Mr. McKEOWN. Yes.

Mr. CLARKE of New York. Is there not now a law, either proposed or on the statute books, limiting the control of companies in the operation of radio to two years?

Mr. McKEOWN. There is an old law that was passed in 1912. There is a proposition now before one of the committees to regulate this matter and I hope that Congress will give attention to it when it comes up. I withdraw the pro forma amendment.

The Clerk read as follows:

SEACOAST DEFENSES, UNITED STATES.

For operation and maintenance of fire-control installations at seacoast defenses, \$140,000.

Mr. LAGUARDIA. Mr. Chairman, I move to strike out the last word.

Mr. Chairman and gentlemen of the committee, I want to call the attention of the committee to the proposed expenditures for coast-defense purposes. In a few pages from this point there will appear a very innocent looking appropriation which is simply the starter of an appropriation which eventually will amount to many millions. For some reason the Army seems to be stubborn in its insistence upon spending millions of dollars on antiquated, obsolete, useless coast defenses. The permanent coast-defense fort is absolutely useless in modern warfare, and why at this late date, in the light of experience during the last war, any attempt should be made to continue the old practice of dumping millions into forts along the coast, into guns which can not reach the range of an approaching enemy fleet, and are absolutely defenseless against an air attack, is beyond the understanding of any intelligent person.

Mr. BLANTON. Will the gentleman yield?

Mr. LAGUARDIA. Certainly.

Mr. BLANTON. I was busy, but my attention has just been called to the fact that the gentleman from New York stated that the boys at Annapolis and West Point received less than I indicated.

Mr. LAGUARDIA. But I am talking now about coast defense.

Mr. BLANTON. Yes, but I want to get the record straight.

Mr. LAGUARDIA. I understood the gentleman from Texas to say that the cadets at West Point and Annapolis received their annual pay in addition to the clothing and maintenance.

Mr. BLANTON. I never mentioned clothing. They do pay for their clothing, but everything else is paid for by the Government.

Mr. LAGUARDIA. Well, will the gentleman follow me in this matter of coast defense?

Mr. BARBOUR. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. BARBOUR. Has the gentleman from New York given the War Department the benefit of his opinion?

Mr. LAGUARDIA. When we come to the Panama items of coast defense, I am going to give the House some startling information. Many years ago we believed we had developed something remarkable when we had the so-called disappearing gun. The disappearing gun was never adopted by any other country in the world, and within a few years it was as useless as a popgun for coast defense purposes. If the War Department wants to keep abreast of the times, we should appropriate for a mobile coast defense system, so to have large guns mounted on trains that could be rapidly moved and brought into position where needed. How ridiculous it is to expect that an attacking fleet is going to come exactly where you have your fort, come within range of your guns, and then say "Now, please shoot at us, we are here."

For some reason the coast defense appropriations were taken from the Committee on Military Affairs many years ago and put into the Committee on Appropriations. Any cannon over 0.3 was not a matter for the Military Affairs Committee, but was sent to the Committee on Appropriations, with the result that we squandered hundreds of millions of dollars. A glaring example was the mistake you made at Corregidor, in the Philippines. You started out to appropriate money for Corregidor, believing that you were going to establish a Gibraltar in the Philippines. It was hardly finished when it was admitted and conceded by military authorities that it could not withstand a siege of six weeks. And yet you went on squandering money at Corregidor. Now you are going to make the same mistake at Panama. These items will be found on page 48 of the bill, and I hope that we will have a full and thorough discussion of it so that the mistakes and waste of the past will not be repeated in the future. Mr. Chairman, I yield back the balance of my time.

The pro forma amendment was withdrawn.

The Clerk read as follows:

SEACOAST DEFENSES, UNITED STATES.

For operation and maintenance of fire-control installations at sea-coast defenses, \$140,000.

SEACOAST DEFENSES, INSULAR POSSESSIONS.

For operation and maintenance of fire-control installations at sea-coast defenses, insular possessions, \$25,000.

SEACOAST DEFENSES, PANAMA CANAL.

For operation and maintenance of fire-control installations at sea-coast defenses, Panama Canal, \$10,000.

OFFICE OF THE CHIEF SIGNAL OFFICER.

Salaries: For personal services in the District of Columbia in accordance with "the classification act of 1923," \$57,540.

The services of skilled draftsmen and such other services as the Secretary of War may deem necessary may be employed only in the Signal Office to carry into effect the various appropriations for fortifications and other works of defense, and for the Signal Service of the Army, to be paid from such appropriations, in addition to the foregoing employees appropriated for in the Signal Office: *Provided*, That the entire expenditures for this purpose for the fiscal year 1925 shall not exceed \$40,000, and the Secretary of War shall each year in the Budget report to Congress the number of persons so employed, their duties, and the amount paid to each.

AIR SERVICE.

AIR SERVICE, ARMY.

For creating, maintaining, and operating at established flying schools and balloon schools courses of instruction for officers, students, and enlisted men, including cost of equipment and supplies necessary for instruction, purchase of tools, equipment, materials, machines, textbooks, books of reference, scientific and professional papers, instru-

ments and materials for theoretical and practical instruction; for maintenance, repair, storage, and operation of airships, war balloons, and other aerial machines, including instruments, materials, gas plants, hangars, and repair shops, and appliances of every sort and description necessary for the operation, construction, or equipment of all types of aircraft, and all necessary spare parts and equipment connected therewith and the establishment of landing and take-off runways; for purchase of supplies for securing, developing, printing, and reproducing photographs in connection with aerial photography; improvement, equipment, maintenance, and operation of plants for testing and experimental work, and procuring and introducing water, electric light and power, gas and sewerage, including maintenance, operation, and repair of such utilities at such plants; for the acquisition of land or interest in land by purchase, lease, or condemnation where necessary to explore for, procure, or reserve helium gas, and also for the purchase, manufacture, construction, maintenance, and operation of plants for the production thereof and experimentation therewith; salaries and wages of civilian employees as may be necessary, and payment of their traveling and other necessary expenses as authorized by existing law; transportation of materials in connection with consolidation of Air Service activities; experimental investigation and purchase and development of new types of aircraft, accessories thereto, and aviation engines, including licenses for patents and design rights thereto, and plans, drawings, and specifications thereof; for the purchase, manufacture, and construction of airships, balloons, and other aerial machines, including instruments, gas plants, hangars, and repair shops, and appliances of every sort and description necessary for the operation, construction, or equipment of all types of aircraft, and all necessary spare parts and equipment connected therewith; for the marking of military airways where the purchase of land is not involved; for the purchase, manufacture, and issue of special clothing, wearing apparel, and similar equipment for aviation purposes; for all necessary expenses connected with the sale or disposal of surplus or obsolete aeronautical equipment, and the rental of buildings, and other facilities for the handling or storage of such equipment; for the services of such consulting engineers at experimental stations of the Air Service as the Secretary of War may deem necessary, including necessary traveling expenses; purchase of special apparatus and appliances, repairs and replacements of same used in connection with special scientific medical research in the Air Service; for maintenance and operation of such Air Service printing plants outside of the District of Columbia as may be authorized in accordance with law; for publications, station libraries, special furniture, supplies and equipment for offices, shops, and laboratories; for special services, including the salvaging of wrecked aircraft, \$12,435,000: *Provided*, That not to exceed \$2,500,000 from this appropriation may be expended for pay any expenses of civilian employees other than those employed in experimental and research work; not exceeding \$500,000 may be expended for experimentation, conservation, and production of helium; not exceeding \$2,850,000 may be expended for experimental and research work with airplanes or lighter-than-air craft and their equipment, including the pay of necessary civilian employees; not exceeding \$500,000 may be expended for the production of lighter-than-air equipment; not exceeding \$300,000 may be expended for improvement of stations, hangars, and gas plants for the Regular Army and for such other markings and fuel supply stations and temporary shelter as may be necessary; not less than \$2,646,000 shall be expended for the production and purchase of new airplanes and their equipment, spare parts, and accessories; not more than \$4,000 may be expended for settlement of claims (not exceeding \$250 each) for damages to persons and private property resulting from the operation of aircraft at home and abroad when each claim is substantiated by a survey report of a board of officers appointed by the commanding officer of the nearest aviation post and approved by the Chief of Air Service and the Secretary of War; and not exceeding \$50,000 may be used for all contingent expenses in connection with an aerial flight around the world, for such purposes as may be approved or authorized by the Secretary of War, to be immediately available: *Provided further*, That section 3648, Revised Statutes, shall not apply to subscriptions for foreign and professional newspapers and periodicals to be paid for from this appropriation: *Provided further*, That none of the funds appropriated under this title shall be used for the purpose of giving exhibition flights to the public other than those under the control and direction of the War Department; and if such flights are given by Army personnel upon other than Government fields, a bond of indemnity, in such sum as the Secretary of War may require for damages to person or property, shall be furnished the Government by the parties desiring the exhibition.

The sum of \$1,399,001.65 of the unexpended balance of the appropriation for the Air Service for the fiscal year 1922 contained in the "act making appropriations for the support of the Army for the fiscal year ending June 30, 1922, and for other purposes," approved June 30, 1921, shall remain available until June 30, 1925, \$399,001.65 of this amount to be used for the payment of obligations incurred under

contracts executed prior to June 30, 1922, and the balance for the purchase of new airplanes and their equipment, spare parts, and accessories, in addition to the amount expended for the latter purpose from the above appropriation of \$12,435,000.

AVIATION, SEACOAST DEFENSES, PANAMA CANAL.

For the improvement of landing field, France Field, to remain available until expended, \$145,000.

OFFICE OF THE CHIEF OF AIR SERVICE.

Salaries: For personal services in the District of Columbia in accordance with "the classification act of 1923," \$218,576.

Mr. JOHNSON of Kentucky. Mr. Chairman, I happen to know that it is seriously contemplated to offer an amendment at this place. In fact, I know that one amendment, if not more, has been prepared. I wish to address the House before anybody else does, for the purpose of undertaking to show that the contemplated amendment should not be offered, because it would be ruinous in effect to the whole Air Service if it should be adopted. I have a copy of an amendment which it is proposed to be offered. It reads as follows:

Page 38, line 5, insert: "Provided no part of the money herein appropriated shall be paid to any person, firm, or corporation indebted to the United States until such claim shall have been settled."

Mr. Chairman, if that amendment should be adopted, every piece of work and part of construction or repair of an airplane would be stopped. A great many Members of this body know that a most industrious lobby is at work here for the introduction and passage of such an amendment. As I said, if that amendment should be adopted, the further construction of airplanes and the repair of airplanes would have to be stopped immediately. Nothing whatever could thereafter be done, for the reason that the Government is in dispute with every aircraft manufacturing concern from which necessary parts must be gotten. These disputes are in course of settlement. How long they are going to continue in dispute, or when they will be settled, no man knows. Therefore if this amendment should be adopted—and I am hoping that those who contemplate introducing it may be prevailed upon not to present it—an airplane part could not be gotten; consequently the airplanes could not be repaired and could not be built, for the reason that the parts with which to build them, if built by the Government, must be gotten from those concerns now in litigation with the United States Government.

I think that the House should understand that if such an amendment be adopted, instantly the flying service of the United States must be closed down.

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. LAGUARDIA. Would not the gentleman better save his ammunition until the amendment is offered? I do not believe any such amendment will be offered.

Mr. JOHNSON of Kentucky. Perhaps the gentleman knows more than I do about it. I am hoping to forestall it. If the gentleman objects to my making this statement—

Mr. LAGUARDIA. Oh, not at all.

Mr. JOHNSON of Kentucky. Apparently he does. I believe that no Member of this House with the knowledge of the facts that I have stated should offer the amendment. For the information of the gentleman from New York [Mr. LAGUARDIA], who just rose, I invite his attention to the fact that I read a copy of a proposed amendment to be introduced at this very point. Fortunately I do not see the gentleman upon the floor at this moment who contemplates offering it. If I had more time I would endeavor to throw some light on the active lobby just referred to. In any event, I shall do so later.

Mr. HULL of Iowa. Mr. Chairman, I move to strike out the last word. I do so for the purpose of asking the chairman of the committee if there is any money appropriated in this bill for the purchase or acquirement of lighter-than-air machines?

Mr. ANTHONY. There is a limitation on the amount which can be expended for lighter-than-air craft of \$500,000. Our information is that they contemplate the purchase of a very few of the lighter-than-air craft. They are used only for observation purposes, or for spotting artillery fire.

Mr. HULL of Iowa. How large are they to be?

Mr. ANTHONY. They are not to be large. They are going to buy two small ships of the semirigid type. I do not know the exact dimensions, but they are comparatively small ones, very much smaller than the *Shenandoah* or the type that we usually read about.

Mr. LAGUARDIA. They can not be very large if they have only \$500,000.

Mr. ANTHONY. They are very small.

Mr. HULL of Iowa. When did we appropriate the money by which the Navy bought the *Shenandoah*, or by which the Army has purchased the machine which they are to receive from Germany?

Mr. ANTHONY. I can not give the gentleman any information with regard to the naval purchase, but the ship that is to be received from Germany comes to us as a part of the reparations agreement, and it is a disputed question whether the ship will go to the Army or to the Navy. I sincerely hope it will not go to the Army, because I would regard it as an incubus, and it will be simply a useless expense and a drain upon our appropriations.

Mr. HULL of Iowa. If it is from the reparations, how did the Army ever get hold of it?

Mr. ANTHONY. It has not been assigned to either the Army or the Navy as yet.

Mr. HULL of Iowa. How did the Army or the Navy have any right at all to pay for it out of the reparations?

Mr. ANTHONY. There is no money from this appropriation that can be used for such a ship. If it was presented to the Army, the money in this item could be used to operate it, undoubtedly.

Mr. HULL of Iowa. I quite agree with the chairman of the committee that it is a waste of money to invest any money at all in these large blimps or lighter-than-air machines. I might say that I think that we are making a tremendous mistake in our entire airplane development. We are at present expending, I presume, some \$40,000,000 a year for airplanes, and when we have spent the money, at the end of the year we have practically nothing to show for it.

Mr. ANTHONY. Mr. Chairman, will the gentleman yield?

Mr. HULL of Iowa. Yes.

Mr. ANTHONY. I think the gentleman ought to know that the Army has been very conservative in regard to the money that we have appropriated for new construction of airplanes. In the last year or two we find that the Air Service of the Army has not expended all the money that we have appropriated for new construction because they are trying to develop more efficient types. They are going slow in regard to going into the manufacture of planes because they realize that we have not yet reached the point of development where we are safe in going into large production. In this bill we reappropriate \$1,300,000 that would lapse on July 1, because the Air Service has purposely refrained from spending it until they are sure they have a type that they could safely go into production on, and this year we authorize the reappropriation of that amount in addition to the sum carried in the bill.

Mr. HULL of Iowa. I am glad to hear that this is true.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. LAGUARDIA. Mr. Chairman, I rise in opposition to the pro forma amendment. I hope my colleagues will give me a few moments' attention on this subject. I recall that when the naval appropriation bill was before us in the first session of the Sixty-sixth Congress I opposed the appropriation for the purchase of the *R-34* from England. I was criticized at the time on the floor of the House, and the unfortunate result of that purchase is still vivid in our memories. I pointed out at the time that we were purchasing a type of rigid ship which had already become obsolete. As the gentleman from Iowa [Mr. HULL] pointed out, we appropriate about \$40,000,000 a year, in round figures, in the Army and the Navy for the Air Service, and yet the other day when we were trying to get an appropriation for \$1,500,000 for the Post Office the point of order was made and the item stricken from the bill. I sincerely hope that this will be the last time in an appropriation bill that we appropriate for the Air Service of the Army and the Navy separately. If you want to develop the United States air defense or air offense and create an industry in this country for the manufacture of airplanes and flying machines, you simply have to stop this wild waste and duplication of work that we are now carrying on with the Army and the Navy. You are trying to conduct a new industry, a new weapon of warfare, and you are using the same method that you used in appropriating for small military posts in the days of the Indian frontier. You can not do it and be successful. I do not know what the Special Committee of Investigation of the Air Industry is going to bring out; but I do hope that they will have the courage to withstand the pressure of the politicians of the Navy Department and the War Department and come here with a constructive program and unite all of the air activities of the Government in one department and let the United

States take its place among the nations of the world in an adequate, up-to-date Air Service.

Now, I do not see, gentlemen, why you are so willing to appropriate millions of dollars for the Army and for the Navy, duplicating on each other, and yet when we come here and ask you for an appropriation to carry on a really useful experiment you weigh the letters and figure the cost for a few planes that the Post Office Department are now operating. I defy the gentleman in charge of this bill or the gentleman in charge of the naval bill to define the line where the activities of the Army Air Service cease and the activities of the Navy Air Service commence. We had recently a spectacular, interesting, exciting demonstration of the *Shenandoah*, and I will tell you gentlemen that the experience of the *Shenandoah* was of no scientific use to air science. Why, we have already seen an airship cross the ocean and back; we have had the German Zeppelins many years ago, and here you come with the *Shenandoah* which made a short trip and you got all excited about it. Why, the only man who knows anything about the *Shenandoah* is the German commander who came over here to build it, and when he goes back home to Germany he is going to take everything he knows back home with him.

The CHAIRMAN. The time of the gentleman has expired. The Clerk read as follows:

AVIATION, SEACOAST DEFENSES, PANAMA CANAL

For the improvement of landing field, France Field, to remain available until expended, \$145,000.

Mr. HULL of Iowa. Mr. Chairman, I move to strike out the last word. I want to ask the chairman of the committee with regard to this year's expenditures. Will this complete the France Field, or only partially? As I understand, this is only a partial appropriation.

Mr. ANTHONY. The War Department asked for money sufficient to complete the filling in of the entire field. We appropriated enough to fill in area A. The gentleman will see on the map here, included within red lines, there are two areas. Area A requires 282,000 cubic yards of filling in order to make a suitable landing field. Area B requires 270,000 cubic yards of filling. We have appropriated sufficient money to fill in area A, which will probably take a year to accomplish, and we hope in the next bill to give them enough to fill in area B.

Mr. HULL of Iowa. Will it cost any more money by making the appropriation in two parts?

Mr. ANTHONY. No. It is work that will be done by Panama Canal dredges or by the Quartermaster Department of the Government. The Government itself will do the work.

Mr. HULL of Iowa. I am very glad to hear that. I want to say of all the money you are appropriating for seacoast defense at Panama the appropriation you make for the landing field for airplanes is the best appropriation that you are making. It is permanent and will last and is a real defense, whereas much that you are appropriating is a waste of money. The landing-field appropriation is justified. I withdraw the pro forma amendment.

Mr. LAGUARDIA. Mr. Chairman, for the purpose of asking the chairman a question I rise in opposition to the amendment. I want to ask the chairman if the General Staff objected to this item in the bill?

Mr. ANTHONY. With reference to France Field, no; they approved it. They asked for the entire appropriation.

Mr. LAGUARDIA. They realized that air defense is absolutely necessary at Panama?

Mr. ANTHONY. Oh, yes.

Mr. LAGUARDIA. They have admitted as much, have they?

Mr. ANTHONY. I think so.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn.

There was no objection.

The Clerk read as follows:

For the protection, preservation, repairs, and maintenance of historical fortifications at Fort Niagara, N. Y., Fort Marion, Fla., and San Juan, P. R., \$25,000.

Mr. SEARS of Florida. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

Amendment by Mr. SEARS of Florida: Page 40, line 22, after the figures "\$25,000" strike out the period, insert a semicolon, and add the following: "Provided, That the Secretary of War is authorized to detail not exceeding six noncommissioned officers or privates for duty at Fort Marion to act as custodians and guides, under such rules and regulations as the Secretary of War may make."

Mr. DICKINSON of Iowa. Mr. Chairman, I reserve a point of order on the amendment.

Mr. SEARS of Florida. Mr. Chairman, it is a question in my mind whether it is subject to the point of order or not as it does not add to the expense of the bill. But, to be absolutely frank with my colleague, perhaps it is subject to the point of order. Fort Marion, as my colleagues know, is the oldest fort in the country. From a historical viewpoint there is no place that is more interesting to the people who come to Florida than is Fort Marion. Sergeant Black for a number of years was there, and for a number of years they had a company detailed there which performed the purpose I hope the Secretary of War will adopt if my amendment is passed by the House. Under the present system civilian guides are located at Fort Marion. I hope my friend will not insist upon the point of order. It does not add to the cost of the bill. I believe the people from Ohio and from the other States coming down to St. Augustine and going to this old fort, as thousands and thousands of them do every year, that they should have either a noncommissioned officer or a private, if a non-commissioned officer can not be secured without additional expense, to show them through this historical place.

Mr. ANTHONY. Will the gentleman yield?

Mr. SEARS of Florida. Yes.

Mr. ANTHONY. I know the gentleman realizes that the amendment he proposes is really an act of administration?

Mr. SEARS of Florida. Yes.

Mr. ANTHONY. And also the gentleman understands the committee has set up an entirely new item in the bill in order to take care of the situation that was so ably presented to our committee by the gentleman. We realized that Fort Marion was a wonderful example of Spanish military architecture, erected several hundred years ago, and also that the gentleman from Florida desired a small appropriation, so that it could be preserved. We placed Fort Marion in the bill because we agreed with him. It was our understanding—at least the Secretary of War so informed us—that a local society there was furnishing guides looking after the old fort. Is that the case?

Mr. SEARS of Florida. That is the case, but the citizens of St. Augustine are objecting to that, because they believe that the Government should, as in the case of the Washington Monument, furnish these guides if it does not cost the Government any additional money.

Mr. ANTHONY. Of course the gentleman realizes that no military object is to be subserved by stationing troops there.

Mr. SEARS of Florida. I know; but every visitor to St. Augustine goes through this fort. The citizens there feel that the Government should take that work over if it does not cause additional expense. This would not interfere with the wonderful work the historical society has done there. I believe, though, the Government should maintain and preserve these valuable historical places.

Mr. ANTHONY. Would it not be a fine idea for the State of Florida to take over Fort Marion?

Mr. SEARS of Florida. It would; but let me suggest we might soon be in the position of the society that is interested in the acquisition of Monticello and whose members are asking people to subscribe in order that the place may be preserved. I thank the committee for the recognition they gave me as to Fort Marion.

Mr. ANTHONY. I understand that the society pays the Government \$500 for the administration of Fort Marion and also maintains the land surrounding, grounds and property.

Mr. SEARS of Florida. Does the gentleman think that the mere pittance of \$500 at Fort Marion should be charged to anybody? Does the gentleman believe that \$500 should be charged for the use and preservation of Fort Marion?

Mr. ANTHONY. No.

The CHAIRMAN. The Chair holds that this amendment offered by the gentleman from Florida would be legislation, and the point of order is sustained.

Mr. SEARS of Florida. I am sorry my friend from Iowa saw fit to make a point of order on the amendment. I know, however, that he would not have done so had he not thought it his duty to make the point of order. When the bill comes up again next year I trust he will find that this amendment is a good one and that, therefore, he will not make a point of order. That does not reflect on my colleague who made the point of order.

I want to ask the gentleman from Kansas a question. My attention this morning was called to the fact that the report which the committee had before it called for \$60,000 for Fort Niagara, N. Y. I notice that this appropriation carries only \$25,000; and if \$60,000 was necessary for Fort Niagara, I was

wondering where Fort Marion came in under a \$25,000 proposition.

Mr. ANTHONY. As I stated to the gentleman a moment ago, this is a new item, set up in the bill with the idea that the Government should exercise proper care in the administration of this post. Previous to 1922 the Government expended \$1,500 at Fort Marion for preservation. Under this appropriation they have spent that much or more.

Mr. SEARS of Florida. I am not complaining, but it does not show it. If the Chairman will recall my request, it was for not less than \$2,500, and possibly it would require \$5,000. That is a small amount. I hope the committee had that in view when they recognized Fort Marion now for the first time. It has never been in the bill before.

Mr. ANTHONY. The committee felt that the gentleman from Florida with his well-known powers of persuasion could probably influence the War Department.

Mr. SEARS of Florida. If I could be as successful with the War Department as I have been with the committee I would not have any doubt, but I have not been as successful with some of the departments as I have been with the committee, and I thank the gentleman for stating the committee did so out of regard for my statement.

Mr. ANTHONY. Yes. The committee was influenced by the gentleman from Florida to decide on putting Fort Marion in a reasonable state of repair.

Mr. SEARS of Florida. I shall not press the point. I wish to again thank the gentlemen for the consideration which they gave me when I presented the case to them.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

SEACOAST DEFENSES, PANAMA CANAL.

For preparation of plans for fortifications and other works of defense, including surveys for roads, Canal Zone, \$3,000.

Mr. LaGUARDIA. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York moves to strike out the last word.

Mr. LaGUARDIA. Mr. Chairman, here we have the first item on a new program for the fortification of the Panama Canal.

Now, gentlemen, I wanted to come before this committee prepared with actual information and with official data from the War Department. I stated to you a few moments ago, in reply to the inquiry made by the gentleman, that I would give him information that would be startling. If the gentleman will give me his attention, I want to tell him that this committee can not get information from the War Department. First, I asked the Chief of the Air Service to prepare for me a chart for use before this committee when we were considering this bill, showing the range of the new guns contemplated in the new fortifications, to show their effectiveness against an attack from the air, and to show the value of defense at Panama with sufficient air force if these fortifications were not constructed. The Chief of the Air Service sent an officer to my office asking me to make the request of the Secretary of War. I made the request to the Secretary of War, and got the usual stereotyped reply—that it was referred to the proper bureau. Then an official from the Air Service came to me and talked informally, but not officially, and I again demanded information from the Secretary of War. I have been unable to obtain it, and I will say right here on the floor of the House that the Air Service is not permitted to give this House the accurate information.

Now, why is it, gentlemen, when we are asked to commence an appropriation in this seemingly innocent and innocuous and inexpensive manner for plans at a cost of \$3,000 and construction of seacoast batteries of \$252,000, which is only the beginning of a large project there that is going to cost you millions—why is it that we can not get the technical information, so that we may know what we are doing?

Mr. BARBOUR. Will the gentleman yield?

Mr. LaGUARDIA. I will.

Mr. BARBOUR. Does the gentleman agree that we should have some seacoast defenses in the Panama Canal?

Mr. LaGUARDIA. Not unless it is mobile.

Mr. BARBOUR. Will the gentleman tell us what, in his opinion, we should have there?

Mr. LaGUARDIA. Does not the gentleman believe we ought to get that information from the War Department?

Mr. BARBOUR. But the gentleman says this is all wrong in the bill. Now, for the information of the House, will the gentleman tell us what he thinks ought to be there? It will, at least, be informing to us.

Mr. LaGUARDIA. I believe we ought to have there an air base.

Mr. BARBOUR. I agree with that.

Mr. LaGUARDIA. With sufficient planes, and that we ought to have mobile artillery of large caliber.

Mr. BARBOUR. What caliber?

Mr. LaGUARDIA. I am not an expert on artillery.

Mr. BARBOUR. But the gentleman says this plan is all wrong.

Mr. LaGUARDIA. I say it is. I say it is startling that the War Department will not permit the air branch of the service to give us information, and I want to say to the gentleman that the information which I obtained from the Navy Department was simply ridiculous.

Mr. ANTHONY. Will the gentleman yield?

Mr. LaGUARDIA. Yes.

Mr. ANTHONY. Just what information does the gentleman want? The committee felt the War Department was very free in giving information.

Mr. LaGUARDIA. All right. Then I will ask the gentleman—

The CHAIRMAN. The time of the gentleman has expired.

Mr. ANTHONY. I ask unanimous consent that the gentleman may proceed for five additional minutes.

The CHAIRMAN. The gentleman from Kansas asks that the gentleman from New York may proceed for five additional minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. LaGUARDIA. I want to get and I want my colleagues to get—and not from me but from the War Department—a comparative chart showing the range of the guns which the department intends putting at Panama, and then showing the carrying capacity of bombing planes and the range of those planes.

Mr. ANTHONY. We can tell the gentleman the range of the 16-inch guns that will be installed under the provisions of the bill. The maximum range is 50,000 yards, which is a far greater range than it is possible for any foreign battleship to maintain against them.

Mr. LaGUARDIA. If your foreign battleship fleet carries with it a carrier vessel with bombing planes then what are you going to do?

Mr. ANTHONY. We have naval and Army air bases in Panama with sufficient planes to repel any naval air attack which can be brought against them.

Mr. LaGUARDIA. If so, why expend \$100,000,000 in Panama?

Mr. ANTHONY. We are not.

Mr. LaGUARDIA. How much are you going to expend?

Mr. ANTHONY. The estimated expense of installing the four guns at the Pacific end is \$1,200,000, and the same amount will be expended to emplace four 16-inch guns at the Atlantic end. This \$200,000 is just for the emplacement and starting of the work. We have the guns on hand.

Mr. LaGUARDIA. Will this pay for all the emplacements?

Mr. ANTHONY. It will start the work.

Mr. LaGUARDIA. Exactly.

Mr. ANTHONY. We have to build a railroad and we have to excavate.

Mr. LaGUARDIA. What will that cost before you are through?

Mr. ANTHONY. This provides for the construction of the railroad and for the excavation, and the placing of the foundations.

Mr. LaGUARDIA. Then how much more will you have to spend?

Mr. ANTHONY. As I stated, the total cost of the battery is \$1,200,000.

Mr. LaGUARDIA. And that is the complete expense at Panama?

Mr. ANTHONY. At one end; that is the expense at each end.

Mr. LaGUARDIA. That is not the information I get from the War Department, and the gentleman will find himself greatly embarrassed in one or two years from now, when he comes for more money.

Mr. WINGO. Will the gentleman yield?

Mr. LaGUARDIA. Yes.

Mr. WINGO. The gentleman interests me. He said he thought the War Department ought to give us certain scientific and technical information.

Mr. LaGUARDIA. Yes.

Mr. WINGO. What is it?

Mr. LAGUARDIA. Why, I just explained it to the gentleman from Kansas. We ought to know—I know it, but it ought to come from the War Department—just how many planes we are to have there.

Mr. WINGO. I think you ought to tell me; I would like to know it.

Mr. LAGUARDIA. I will tell the gentleman now. If we put a proper air base there we can carry more explosives a greater distance than any artillery you can maintain at that point. And I will tell the gentleman that if we ever have the misfortune to be attacked at that point, we are not going to be attacked by a fleet in the water but by an air fleet.

Mr. WINGO. The gentleman complains because certain technical information is not furnished the Congress, but he says he has it. Now, there is no law to prohibit the gentleman from telling the House, if the gentleman has it.

Mr. LAGUARDIA. I say that I am now telling the gentleman, and I want the War Department to admit it.

Mr. WINGO. But that is not technical information which the gentleman has given us. That is his argument.

Mr. LAGUARDIA. Why can we not get the technical information from the War Department?

Mr. WINGO. The gentleman says he has it; why not tell the House?

Mr. LAGUARDIA. I am just telling you generally what the conditions are and what every man knows.

Mr. WINGO. If everybody knows it, why call on the War Department to tell us?

Mr. LAGUARDIA. In order to convince the gentleman from Arkansas and the other gentlemen who are going to vote for this appropriation.

Mr. WINGO. Well, how?

Mr. LAGUARDIA. I can not convince the gentleman, seemingly.

Mr. WINGO. How would you convince us? You have not given us any technical information and yet you say that everybody knows it.

Mr. LAGUARDIA. The gentleman knows I can not get that information and that is my complaint.

Mr. WINGO. But the gentleman said a while ago that he had it.

Mr. LAGUARDIA. I said I knew generally that we were spending money on this kind of coast defense, and anything that may be said upon the floor of this House is simply said because we have not the accurate information from the War Department.

Mr. BARBOUR. I will state to the gentleman that the War Department furnished the committee with all the information it sought on these matters.

Mr. LAGUARDIA. Why was it not furnished to other Members?

Mr. BARBOUR. The gentleman can get it from the hearings.

Mr. LAGUARDIA. For the purpose of the record I want to ask the gentleman a question, because it will not be long before the next appropriation bill is before the House. It will not cost over \$2,000,000 to complete the four guns on the Pacific end?

Mr. BARBOUR. It is estimated at \$1,200,000.

Mr. LAGUARDIA. And \$1,200,000 for the other side?

Mr. BARBOUR. Yes.

Mr. LAGUARDIA. That is \$2,400,000, and you are not going to ask for any more money for that purpose. Then we will have some fun on the next appropriation.

Mr. BARBOUR. That is the estimate.

Mr. LAGUARDIA. I will say it is an estimate.

Mr. WINGO. Mr. Chairman, I am not an expert but I believe I am as good an expert as the gentleman from New York [Mr. LAGUARDIA]. Let us see what he is raising all this fuss about. I was listening to him, and I thought we were running into something and that the War Department was trying to keep something from the public that it ought to give us. The gentleman complained for five minutes that he had asked for certain information and somebody from the department had come down to see him and had told him to ask for it from the Secretary of War, and the Secretary of War gave him a stereotyped answer and referred him to somebody else, and somebody else came down, and then I was on tiptoe because I thought I was going to get something, and then directly he said it was technical information. He said he had the technical information, and I asked him then, "Why do you not give it to us?"

Mr. LAGUARDIA. The gentleman is in error. I said I could not get it.

Mr. WINGO. The gentleman said he had it. Oh, if you do not correct your remarks the Record will show that you said,

"I have got it," and I said, "Why do you not tell us?" Everybody present knows that that is true.

Now, what is the matter with the gentleman? I like the gentleman, but do you know what I thought, and I say this in all kindness to the gentleman. I remarked to some of the gentlemen sitting back here when the gentleman was talking about this information that the gentleman reminded me of the story of the dog that was chasing the train and an old farmer said, "What the hell would he do with it if he caught it?" [Applause.] Now, what would the gentleman from New York do with the technical information, if he got it?

Mr. LAGUARDIA. May I state that perhaps I could convince the gentleman from Arkansas if I had the information?

Mr. WINGO. No; the gentleman could not convince me because with all due respect to the gentleman I know that however great his experience and knowledge may be, we have some gentlemen in the War Department and in the Navy Department, whatever may be their faults and however extravagant they may be, who are just as patriotic as the gentleman from New York or myself. If they are not, God save the country, because in the last analysis on these technical questions we have got to let them waste some money because that is the only way by which you can experiment in a new industry and find out what to do. [Applause.] Oh, as long as they are spending it honestly, although wastefully, in trying to solve the evolutionary problem of airplane defense and offense, why should you and I sit around and like fice dogs yow-yow-yow at them; and, bless you, they are hampered now with suspicion and charges of graft. I feel sorry for these good men down in the War Department and in the Navy Department. As long as they are spending the money honestly and not greasing somebody's itching palm, we should not complain. As long as they are going out and spending the money, although perhaps wastefully, groping in the dark, trying to keep this Nation abreast of the developments in the Air Service, oh, the least we can do, gentlemen, is not to insinuate they are trying to mislead the House and cover up something. God be with these men. May they be successful in maintaining the supremacy of the United States, and may Congress have the courage to vote them the necessary money to carry on the needed experiments to develop our Air Service so that we can be invincible in time of war. [Applause.]

Mr. LAGUARDIA. Will the gentleman yield?

Mr. WINGO. I yield to the gentleman because I know he is going to give me some information.

Mr. LAGUARDIA. The gentleman has missed the point entirely.

Mr. WINGO. I know I have, and I want you to give it to me.

Mr. LAGUARDIA. They are not experimenting with air defense and air offense. That is what I want them to do. They are sinking the money in old, antiquated, obsolete forts.

Mr. WINGO. Who knows that? With all respect to the gentleman, I do not think he knows a bit more about the Air Service than I do. Now, that may be a broad statement, but certainly I am not going to accept the gentleman's statement on his experience when it contradicts and challenges the united judgment of men in the War Department that he has not given any facts to show we should distrust either their intelligence, their integrity, or their patriotism.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WINGO. And I have got all the information I want.

Mr. DEMPSEY. Mr. Chairman, I move to strike out the last word. I want to say just a word about the appropriation which has just been made for the repair of historic buildings, including those at Fort Niagara, N. Y. Fort Niagara is at the foot of the Niagara River. It is one of the historic rivers, perhaps the most historic and in many respects the most important river in the United States. The fort at the foot of that river is one of the oldest buildings in the United States. It is an historic building. It was the center of many conflicts in the Revolution. It changed hands again and again, not once but repeatedly. It passed into the British hands and back into our hands and finally became a part of the territory of the United States as a result of conflicts and victories.

We send every year thousands and thousands of visitors abroad to look upon the monuments of past achievements in Europe. This is a new country and we have only a few historic buildings that have come down to us from the past, and these few we should cherish. Not only is this appropriation important from an historic standpoint but from a practical standpoint as well. This Government owns a valuable domain at the mouth of the Niagara River, where it empties into Lake Ontario.

The land itself is of enormous value. It is being swept by the storms into the lake. It is a question of preserving valuable property by rebuilding the sea wall. That is the purpose of this appropriation.

Years ago the map shows that there was an orchard existing north of what is now the end of the fort domain. That has been swept into Lake Ontario. The amount appropriated here is wholly inadequate; it will not rebuild the sea wall but it will start the work. The amount necessary is \$57,000. We only obtain \$7,500 through this appropriation, but, strange and absurd as it may seem, this seems to have been the first appropriation in this country for the purpose of preserving historic buildings. It is the first time that we have started to preserve in this way the glorious history of the Revolution. It is the first time we have made an effort in that direction, and the committee felt on that account that the appropriation, even of this amount, might be challenged, and so they brought in only a fraction, a small percentage, of what is needed. But the work will begin and there is no question that it will be continued and appropriations adequate in amount will be granted in the future.

The pro forma amendment was withdrawn.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. HAWLEY having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed with amendment the bill (H. R. 6815) to authorize a temporary increase of the Coast Guard for law enforcement, in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7449) making appropriations to supply deficiencies for the fiscal year ending June 30, 1924, and prior years, to provide supplemental appropriations for the fiscal year ending June 30, 1924, and for other purposes.

ARMY APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

For the construction of seacoast batteries on the Canal Zone for defense of the Panama Canal, \$272,460.

Mr. HULL of Iowa. Mr. Chairman, I move to strike out the paragraph.

The Clerk read as follows:

Amendment of Mr. HULL of Iowa: Page 48, lines 1 and 2, strike out the paragraph.

Mr. HULL of Iowa. Mr. Chairman, I do not do this with any idea of making carping criticism of the War Department. I believe in expert advice. I do believe, however, that it is the duty of a Congressman, no matter how hard it may seem, to call attention of the country by even placing his opinion against the opinion of experts and let the future judge. I have not hesitated to do this in the past and I shall not hesitate to do it in the future. This item is but the start of an expenditure of money that will run into many millions, and every bit of it is obsolete before you start on it.

Mr. BARBOUR. Will the gentleman yield?

Mr. HULL of Iowa. I will.

Mr. BARBOUR. Will the gentleman tell us what he would have done?

Mr. HULL of Iowa. I will before I get through.

Mr. BARBOUR. Why not now?

Mr. HULL of Iowa. I will now. I would construct mobile artillery. You are going to have a fort, and you would have it so you would not conceal the gun and place it on a fixed fortification where the enemy knows before the trouble comes where it is and where they can pound it to pieces.

Mr. DICKINSON of Iowa. Will the gentleman yield?

Mr. HULL of Iowa. Yes.

Mr. DICKINSON of Iowa. Why can not you use mobile artillery as supplemental to the other?

Mr. HULL of Iowa. A fixed fortification is absolutely useless if you use mobile artillery. There is no place in the world where mobile artillery could be worked so satisfactorily as at the Panama Canal. If you take one gun and place it properly you can use it on either side of the canal. You double the effectiveness. You place a piece of artillery in a fixed position, as you are proposing to do there out on Bruja Point, and every war department in the world knows it, knows where it is, and if they can get within 15 miles they will pound it to pieces. It was obsolete before the late war, which

demonstrated beyond all question that you must not have fixed fortifications. Take, as an illustration, the Germans when they went through Belgium, and that was on the land.

Mr. RANKIN. Will the gentleman yield?

Mr. HULL of Iowa. Yes.

Mr. RANKIN. What is the elevation above sea level at Panama where these guns will be placed?

Mr. HULL of Iowa. Bruja Point is not very high. The gun could be concealed, but they will have to build a railroad out there.

Mr. McKENZIE. Mr. Chairman, will the gentleman yield?

Mr. HULL of Iowa. Yes.

Mr. McKENZIE. I think the gentleman from Iowa is correct, and I agree with him with respect to railroad artillery, but let me put this question to him about the blowing up of fixed fortifications. Suppose they dropped a bomb on the railroad track, about midway between the two coasts of the Panama Canal, what would happen?

Mr. HULL of Iowa. Why the injury would not last 48 hours. They could repair the railroad track; but let them drop a bomb on your fixed fortifications, and they are all gone, and with them expenditures of millions of dollars.

Mr. HILL of Maryland. Mr. Chairman, will the gentleman yield?

Mr. HULL of Iowa. Yes.

Mr. HILL of Maryland. What does the gentleman think that the 16-inch gun would be doing while they were dropping a bomb upon it? Would it not be working, protecting itself?

Mr. HULL of Iowa. Why, you could not put a 16-inch gun on an airplane.

Mr. HILL of Maryland. I do not think anybody ever proposed to do that.

Mr. HULL of Iowa. From the gentleman's question I thought he did.

Mr. HILL of Maryland. They would be very serviceable on airplane carriers, would they not?

Mr. HULL of Iowa. I want to be fair with the gentleman. I am not objecting to 16-inch guns, but I would put the guns on railroad cars that can be concealed.

Mr. HILL of Maryland. Is the gentleman in favor of 275 guns?

Mr. BLANTON. We understand the gentleman from Iowa correctly, and I think he is making a good argument. He could not possibly put on an airplane the kind of 16-inch gun they send here from Baltimore.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. HULL of Iowa. Mr. Chairman, I ask unanimous consent to proceed for five minutes more?

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HULL of Iowa. I say that you are making a mistake in Panama and that it is a mistake to do as you propose to do. I call this to the attention of the chairman of the committee. He was down there at Panama last summer, and when we were there it was not the plan of the War Department to have these fixed fortifications at Bruja Point. They changed their plan.

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. HULL of Iowa. I want first to carry out one other point. I criticized their plans, and so did the gentleman from Kansas, at that time, and they have changed them, but they are still proposing to put a fixed battery without any fortification there. That is what I am protesting against.

In this day and age you ought not to spend the people's money for fixed batteries on the seacoast without any protection. They can protect them if they will. It is a makeshift, and it is proven absolutely to be the fact that they changed their plans after they wanted Taboga Island fortified, and the committee wisely struck that out. Then they said to give them some money for a fixed fortification on the mainland.

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. HULL of Iowa. Yes.

Mr. RANKIN. The gentleman says that this fixed fortification would be so fixed in the mind of an enemy that the enemy could destroy it from the air, and at the same time he recommends that we use railroad artillery. As a matter of fact, the railroad track would be just as fixed in the mind of the enemy as a fixed fortification, and the enemy could fly across the Isthmus right over this track and destroy it much more easily than he could a fixed fortification, could he not?

Mr. HULL of Iowa. No; because a railroad track can be repaired. Then I say another thing. I have not recommended this. I say that if you are going to fortify the Panama Canal with batteries, you want them to be mobile, you want them to

be protected, you want them so that you can conceal them. That is all I do say. It is perfectly apparent.

Mr. RANKIN. Did the gentleman ever see any 16-inch railway artillery or motor artillery that worked successfully?

Mr. HULL of Iowa. I admit that they have not designed as yet a 16-inch motor field artillery truck, but it is not impossible. They have a 14-inch gun on such a truck, and the reason they have not designed a 16-inch mobile truck is because the railroads can not be made to carry them. That fact can be answered at the Panama Canal, because you would not have to run them on the railroad except for a very short distance. You could use the canal as far as that goes.

Mr. MCKENZIE. Mr. Chairman, will the gentleman yield?

Mr. HULL of Iowa. Yes.

Mr. MCKENZIE. Is it not a fact that the experts on artillery testified before the Committee on Military Affairs that there is very great advantage with the guns placed on shore in a combat with warships at sea, and that the number of hits that can be made from a fixed fortification is far in excess of any hits that can be made from ships shooting at artillery on shore which is placed below the level of the land?

Mr. HULL of Iowa. Yes; but at the very same time they asked for money for mobile artillery, and to-day they are protecting the Atlantic seaboard with mobile artillery, and they should be. They are using mobile artillery in the field and they used it in France, and the only artillery that this country was able to use on the front in France was mobile artillery.

Mr. MCKENZIE. Is it not also a fact that the reason for that is that we can not afford to have fixed fortifications all along our extended coast, and therefore it is necessary to have mobile artillery?

Mr. HULL of Iowa. That is a very good reason, and that is one reason why I appeal to you to fix it down at Panama, because you can do it for 50 per cent and do it much better and more efficiently than you can if you try to place fixed fortifications there.

The CHAIRMAN. The time of the gentleman from Iowa has again expired.

Mr. HULL of Iowa. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HULL of Iowa. If you are going to place fixed fortifications there, then for Heaven's sake place them so that they are protected. That is what modern people are doing.

Mr. MCKENZIE. I am trying to make the point that we should not abolish all of our fixed fortifications simply because mobile artillery on railroad cars is a very good plan.

Mr. HULL of Iowa. I am not asking you to do that. I am only asking this committee to not appropriate a great sum of money to start on fixed fortifications at the Panama Canal on the west side.

Now, I am not attempting to abolish anything. I am trying to save the money. This will call attention of the War Department to the need of going down there and studying the question, and then if they will come with a constructive plan to Congress I will vote for it; but I want to tell you that I can not vote for a makeshift plan such as proposed in this bill, and I am not trying to say this in any way of criticism of the committee or criticism of the War Department; I am just trying to get a constructive program that will protect us in case we have to meet an enemy.

Mr. BARBOUR. Mr. Chairman and gentlemen of the committee, this question seems to be one of a difference of opinion between experts. On the one hand we have the experts of the War Department. They have been studying the question of national defense over a period of years and came before our committee and recommended, among other things necessary for our national security, a 4-gun battery of 16-inch guns at the Pacific entrance of the Panama Canal. On the other hand, we have a board of experts, composed of my friend from Iowa and the gentleman from New York, who disagree with the experts of the War Department, and, so far as I have been able to observe, have disagreed to practically every item in the bill.

Mr. HULL of Iowa. Will the gentleman yield?

Mr. BARBOUR. Gladly.

Mr. HULL of Iowa. You also have a number of experts, and there were several of them who proposed to fortify Taboga Island.

Mr. BARBOUR. As the gentleman from Iowa stated a few moments ago, that plan has been abandoned. It was realized there were certain disadvantages in fortifying Taboga Island. It is a comparatively small island that lifts up out of the sea 1,000 feet. It is almost solid rock. If they place a battery

there, the guns would have to be concentrated and placed close together. It would then be necessary to defend this battery by supplemental batteries stationed at various points. It would be necessary to build roads leading to the guns. There is not room for the necessary buildings to house the troops required to man the guns. Taboga Island can be seen for miles at sea, an object easy to hit, and it would be particularly disastrous if it should be hit, because the guns would have to be concentrated because of lack of space. Now, the War Department has adopted a plan of placing this 4-gun battery on the mainland. It is not necessary to have mobile guns stationed there. This battery is for the purpose of defending the entrance of the canal. It is not necessary to move up and down the coast. No naval attack would contemplate the dropping of bombs on the Republic of Panama. An attacking enemy is going to concentrate on the canal works and at the entrances.

Mr. HULL of Iowa. Will the entrance of the canal be protected by fortifications on Flamenco Island and these other islands?

Mr. BARBOUR. The fortifications on Flamenco Island consist of 14-inch guns. It was demonstrated at the maneuvers last spring that a modern battleship armed with 16-inch guns can stand outside the range of the 14-inch guns at Flamenco Island and absolutely destroy the Miraflores Locks and the defensive works at the entrance to the canal without coming within range of the present canal defenses.

Mr. RANKIN. Will the gentleman yield?

Mr. BARBOUR. I will.

Mr. RANKIN. As I understand, the object of these batteries is to defend the entrance to the canal from the bombardment of a vessel at sea.

Mr. BARBOUR. Entirely; yes, sir.

Mr. RANKIN. Now, the gentleman from Iowa [Mr. HULL] was discussing these land fortifications, and stated that these 16-inch gun batteries can be destroyed by airplanes. As a matter of fact, any bomb which is dropped from an airplane would put one of these land batteries out of business, and would if dropped in the canal be sufficient to put the canal itself out of commission.

Mr. BARBOUR. It is planned not to place these guns together. That is the idea of placing them on the mainland, so that they will be able to concentrate their fire on the enemy and yet be located far enough apart that the enemy can not concentrate on these guns. It is also necessary to have an air defense for the Panama Canal. It is the most effective defense from an attack by the air. The gentleman from New York is an authority on aviation, but we happen to have on this matter even a higher authority than the gentleman from New York, General Patrick, Chief of the Army Air Service, in discussing the defense of the Panama Canal against air attacks, testified before our committee that a sufficient number of airplanes would be necessary. Those are in addition to the 16-inch guns which would be used against naval attack. General Patrick stated that it is necessary to have both types of defense.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARBOUR. I ask for five minutes additional.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. BARBOUR. General Patrick said there are times along the Canal Zone when airplanes would not be effective on account of fog or other weather conditions, but these guns can be used on such occasions and be effective against an enemy at sea.

Mr. HULL of Iowa. Will the gentleman yield?

Mr. BARBOUR. I will.

Mr. HULL of Iowa. Now, the gentleman is saying we should depend absolutely on airplanes and also we ought to have the fortifications. You are going to have to build a railroad there all along the coast to Blucher Point; why not use a mobile fortification or mobile artillery which is easily concealed, which protects itself and which you can use on both sides of the canal as well as anywhere else?

Mr. BARBOUR. If it is necessary for the complete defense of the Panama Canal that we also have mobile guns then let us by all means have mobile guns, but to put this battery of four 16-inch guns at the Pacific entrance of the canal is the best plan according to the view of the experts of the War Department.

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. RANKIN. It would be impossible, as I understand it, to get railway artillery that would shoot as far as these land batteries?

Mr. BARBOUR. That is my understanding.

Mr. RANKIN. The object of the land batteries is to keep a foreign fleet out?

Mr. BARBOUR. That is true.

Mr. RANKIN. If these railway guns would not meet that want, they would be practically useless?

Mr. BARBOUR. Yes. I will say to the gentleman from Mississippi and the other members of the committee that with an effective 4-gun battery of 16-inch guns no battleship will dare to come within range. That was demonstrated in the World War.

Mr. HULL of Iowa. Mr. Chairman, will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. HULL of Iowa. It has not been demonstrated, however, and the gentleman knows it, that the 16-inch guns on the railroad fortifications shoot at a less distance or at a less range than on a fixed emplacement. It shoots just as far, and everybody knows it.

Mr. BARBOUR. The gentleman from Iowa himself stated a moment ago that an effective 16-inch railroad gun had not yet been perfected.

And the gentleman from Iowa also stated that permanently established batteries are obsolete and ineffective. Gentlemen, I have but to call your attention to the island of Heligoland, of which we heard so much during the World War.

Mr. HULL of Iowa. Mr. Chairman, will the gentleman yield for a moment?

Mr. BARBOUR. In a moment. No enemy vessel of the allied fleets dared to get within range of the guns on Heligoland. And that will be the same situation on the Panama Canal. If we have proper batteries defending the entrances there will not be an enemy vessel dare to get within range. Why speculate on this? We have the experts of the War Department on the one hand, and against their opinion we have the opinion of the two experts of the House of Representatives, the gentleman from Iowa and the gentleman from New York.

Mr. HULL of Iowa. The gentleman will admit this, that every gun placed by the Germans at Heligoland was protected, just the same as they are at Gibraltar. None of them are placed where they have no protection.

Mr. BARBOUR. Where the gentleman gets the idea that these guns are going to be exposed, and that there will be nothing to protect them, I do not know.

Mr. HULL of Iowa. All of them are exposed. They built at Flamenco, on Flamenco Island, and I called their attention to it. They have no protection to the guns. They have their ammunition protected. It is the most wonderful place in the world if they had properly placed it where nothing could destroy it; but they placed it just as high as they could, where everybody can shoot it and everybody can shoot at it. It is like a bird on a fence post, where every boy can hit it.

Mr. BLANTON. We need these "House experts." We have learned a lesson from these "House experts." We did so when the Navy experts told us about the necessity of raising the turrets of our naval guns, and then it was left for the gentleman from Illinois [Mr. MADDEN] to find out otherwise, and he prevented the expenditure of an appropriation of \$6,000,000.

Mr. BARBOUR. That was on the naval bill. I hope the committee will not strike this item out of the bill.

Mr. JOHNSON of Kentucky. Mr. Chairman, the Panama Canal is conceded by everybody to be the keystone of our national defense. Our experts of the Army and the Navy, with the lesson of the recent World War before them, have had under study for several years the best way to defend this Nation by protecting the Panama Canal from invasion or destruction. Experts who are real experts have advised as to what should be done there. It is folly, and nothing short of folly, for this House to undertake to do anything except that which we are told by them to do. If misfortune should happen to the Panama Canal, how welcome it would be to the experts of the Army and Navy to be able to say, "I told you so, and instead of following our advice you took that of somebody who did not know a confounded thing about it," any more than I do, and I do not know anything about it. [Laughter.]

Mr. HULL of Iowa. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Kentucky. No; I decline for the reason that I have only five minutes.

Mr. HULL of Iowa. I will get you five minutes more.

Mr. JOHNSON of Kentucky. The longer this thing is discussed by somebody who does not know any more about it than I do—and that is full in evidence here [laughter]—the more apparent it becomes that at last we are compelled to take the advice of those officers in the Army and Navy who, through long years, we have educated up to the point of giving us advice. There is nothing else to do now, in my humble judgment,

than to take it and appropriate more than we are now doing. Because they asked for more, let us not give less; but every time let us give enough to make the country safe from invasion. [Applause and cries of "Vote!"]

Mr. HULL of Iowa. Mr. Chairman, I ask for one minute.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. HULL of Iowa. The gentleman is in favor of taking the advice of experts. Did the gentleman object in the war when the War Department told us we had to take in boys under 21 to win the war? Did not the gentleman question that advice and come on the floor of Congress and vote to defeat the War Department? The gentleman from Kentucky voted that way.

Mr. JOHNSON of Kentucky. If a question had arisen as to the question of placing those boys either here, there, or yonder, I would have yielded to the expert testimony of the officers of our Army. [Applause.]

Mr. HULL of Iowa. But you did not yield at that time.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. FITZGERALD rose.

The CHAIRMAN. For what purpose does the gentleman from Ohio rise?

Mr. FITZGERALD. To discuss this portion of the bill.

The CHAIRMAN. Does the gentleman move to strike out the last word?

Mr. FITZGERALD. I move to strike out the last three words.

The CHAIRMAN. The gentleman is recognized for five minutes.

Mr. FITZGERALD. Mr. Chairman and gentlemen of the committee, I am intensely interested in the fortifications of the Panama Canal, not only because I have been there and inspected them and returned to make a complaint to the Secretary of War about the defenseless condition of the canal, but also because I have conversed with those Army and Navy officers who are equally cognizant of the lack of proper defense of that property in which we have invested \$500,000,000.

You realize that not only has this canal commercial advantages, but it enables us to maintain a single fleet. Today it is not necessary for us to have a Pacific Squadron and an Atlantic Squadron to our fleet, and in that way the canal is of great value. A ship may pass from ocean to ocean through the canal in eight hours.

Every time we have had strategic problems in mimic warfare by the Navy—last year and the year before—the hostile forces have captured and destroyed the Panama Canal because it is inadequately defended.

I know there are two schools of thought. I belong to the school of thought headed by Gen. William Mitchell, and I am convinced that the Panama Canal can not be adequately defended except through the air and with airplane bases in Hawaii and airplane bases in the West Indies.

I am in favor of the appropriation now under consideration—why? Because we can not get the aircraft appropriations sufficient to defend our island possessions and the canal at this time; we can not get the appropriations at this time to defend them in the way they ought to be defended; that is, in the most sure and economical way.

When I complained to the Secretary of War about the inadequate landing places—La France Field on the Atlantic side and the very imperfect field which faces up against the hills on the Pacific side—he called my attention, very properly, to the lack of appropriations from Congress with which to defend this great possession of ours, which is so valuable an asset commercially and to the national defense.

The only landing field we have on the Atlantic side is so restricted that modern planes loaded, as they must be loaded, with bombs can not safely rise into the air. On the Pacific side the field is so restricted and so located, facing Ancon Hill or Balboa Heights, that the large bombing planes can not take off safely.

I think the proposition made by my friend from Iowa is eminently sound. This late war showed a revolution in military affairs. There is not a fort in the world—think of Namur or any of the other great fortifications of the world—not even the Rock of Gibraltar, which can now be considered impregnable or of great practical value against modern artillery and aircraft. There is not a fixed fortification in existence now which can not be easily and readily demolished by the modern methods of warfare. The days of fixed fortifications are gone. The lessons of the late war taught the great value of mobile artillery; and I believe, with General Mitchell,

that every dollar we put into fixed batteries, shore batteries, and coast artillery is money wasted.

But I am for this appropriation because we can not substitute at this time, apparently, that protection which the United States needs, and this is a great deal better than nothing.

Mr. BARBOUR. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. BARBOUR. There is a difference of opinion as to the effectiveness of airplane defense, and there are two schools of thought on that subject.

Mr. FITZGERALD. I realize that.

Mr. BARBOUR. Now, why take any chances? Why not make the best use of that which we have?

Mr. FITZGERALD. I am in accord with the gentleman. I would not ask the House to follow me on this proposition, but I do advance the proposition—and I believe it is worthy of the study of every man who is loyal to his country—that the aircraft we now have can destroy any ship that can be built, whether it operates on the water or under the water, and that everything afloat is vulnerable from the air, not only from the terrific bombs which have exploded with 2,000 pounds of high-power explosive, T. N. T., and destroyed the German unsinkable ship, the *Ostfriesland*, but with the great bombing planes now being produced, such as the *Barling*, which can carry 10,000 pounds of bombs or a single 10,000 bomb.

Mr. CONNERY. Will the gentleman yield?

Mr. FITZGERALD. With pleasure.

Mr. CONNERY. Is there any provision in this bill which takes care of the protection of the Panama Canal by aircraft?

Mr. FITZGERALD. There is, but it is limited in extent. There has been a cut in the appropriation as asked by the War Department of \$85,000. I believe it is the intention of this committee to divide the expense of providing for aircraft defense of the canal over a period of two years, and I want to follow this committee because I have great respect for it.

Mr. CONNERY. Would the gentleman submit an amendment to raise that appropriation?

Mr. FITZGERALD. I would like to; but I can not because we have passed that part of the bill and can not return to it now, except by unanimous consent.

Now, General Mitchell is out of the country and he was not heard by this committee, but I hope that some day, as the result of the investigations which will be made by the committee which has just recently been authorized by the House, or by special committee on the national defense, and that such a committee will take up this most important question, hear all the experts, get the different schools of thought and come to some conclusion as to the most economical and efficient method of defending this country, which I assert will be chiefly by aircraft.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GREEN of Iowa. Mr. Chairman, I move to strike out the last four words.

The CHAIRMAN. The gentleman from Iowa is recognized.

Mr. GREEN of Iowa. Mr. Chairman, I just wish to add a word of observation to the observations made with reference to my own experience and also the lessons of history.

The gentleman who last spoke is undoubtedly aware that so far as experience in past wars is concerned, no navy ever successfully went up against even a second-class land fortification, and in the last great war they never ventured within reach of the guns of any of the modern fortifications. Floating battleships and floating fortifications can not compete with stationary ones.

Now, as to the destruction of battleships by means of bombs dropped from the air. I was present at the last experiments which were made when two of our old battleships were destroyed by airplanes. The gentleman from Illinois who sits in front of me [Mr. WILLIAM E. HULL] was there. Without having conversed with him on the subject I think I can safely say that neither he nor myself nor most of those who were there were satisfied that there was any very great danger to battleships that were moving under high speed from bombs being dropped upon them from airplanes. It took several hours to destroy a couple of battleships that were at anchor and were not attempting to fire on the airplanes. The airplanes moved without any impediment; they came as close to the battleships as they wished, and notwithstanding that I think it was about—

Mr. WILLIAM E. HULL. It took all day on one of them.

Mr. GREEN of Iowa. I believe it took all day on one of them before it was finally destroyed, and as a result we were not strongly impressed with the effectiveness of that experiment.

Mr. FITZGERALD. Will the gentleman yield just a moment?

Mr. GREEN of Iowa. Yes.

Mr. FITZGERALD. I wonder if the gentleman knows that it is the claim of General Mitchell and others that these experiments were purposely held back in order to preserve as long as possible the targets for these bombs, and I will venture the suggestion that if General Mitchell is offered the chance he will demonstrate to even the skeptical opinion of the gentleman from Iowa that there is not a ship, modern as it can be made now, that can not be sunk in 20 minutes by a bomb, and I will give you for that ship all the antiaircraft you can put on it.

Mr. GREEN of Iowa. The gentleman from Ohio is quite right in saying that if you drop one of these large bombs at just exactly the proper distance upon a battleship the battleship undoubtedly will be destroyed; but the impression I got, and others who were around there, from these experiments was that those who were in the airplanes were doing the best they could to get the bombs at the proper point on the battleship and failed.

Mr. HULL of Iowa. Will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. HULL of Iowa. Does the gentleman know that in moving to strike this out I do not object to a battery on the shore. I only object to the fact they are not protecting the battery when they could do so. They could use railroad artillery or they could do as the other nations do and conceal it. I do object to the placing of a fixed battery on top of the land, and that is all.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. ANTHONY. Mr. Chairman, I make the point of order that all debate has been exhausted on the paragraph.

The CHAIRMAN. The point of order is sustained. Debate is exhausted. The question is on the amendment offered by the gentleman from Iowa.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For contingent expenses incident to the construction of seacoast fortifications and their accessories, under the Engineer Department, \$20,000.

Mr. THATCHER. Mr. Chairman, I move to strike out the last word. I just want to say a few words in approval of these items of appropriation for the defense of the Panama Canal. I am sure it is the spirit and the purpose of the House to vote for these items in the bill. The fact that our Government has spent so large a sum of money in the construction of this great enterprise, and the further fact that the time is soon coming when the capacity of the canal must be doubled, or else a canal at some other point must be provided—and the logic of the situation seems to be that the doubling of the capacity of the present canal should be carried out—these facts, I would submit, make it the part of national wisdom and statesmanship to provide all reasonable appropriations for the purpose of protecting the canal. So far as the modes of protection may be concerned, there are different schools of thought. As a layman I am in favor of accepting the best composite thought of the military and naval experts who deal with this situation. If we fail to do our duty in making provisions in the making of appropriations for the defense of the canal when great international emergencies may arise we may be caught unawares and this great agency designed for the protection of our Government and for the advantage of the peace and commerce of the world may be proven vulnerable at a moment's notice and placed in the process of destruction.

I only wish to add—and I speak somewhat from first-hand knowledge of conditions which obtain there—that it is our duty as Members of Congress to take no chances whatsoever but to vote all reasonable appropriations for the proper protection of this great waterway. [Applause.]

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn.

The Clerk read as follows:

OFFICE OF CHIEF OF ENGINEERS.

Salaries: For personal services in the District of Columbia in accordance with "the classification act of 1923," \$120,593.

Mr. STENGLE. Mr. Chairman, I move to strike out the last word.

For about the thirty-fifth time since January 9 I have read in our appropriation bills the words "in accordance with the classification act of the year 1923." I think that possibly right

here and now it might be well for me to make a few observations and to express a fond hope. On January 9 of this year, under the leadership of that splendid chairman of the Appropriations Committee [Mr. MADDER of Illinois], we began to assemble and pass our annual appropriation bills. At that time, for one hour, the distinguished Representative from the State of Illinois described in detail and with considerable ability what was going to happen to the vast army of civilian employees throughout the United States. Naturally, I was interested because of my past experiences, and I began to make some inquiries and to make some observations, and on the following day attempted to make what at that time was my maiden speech in this House. I at that time argued, and have many times since argued, that the classification act of 1923, while it was fair and honest and intended to be just to the employees of the United States, was, at that time and is now, being improperly and illegally administered by the Personnel Classification Board. I tried my best, without any desire to seek partisan advantage, to secure the attention of this body, and through this body the attention of the proper authorities to the need of having a fair adjudication of the salaries of the employees of our Government in accordance with the law that had been enacted by Congress in the Sixty-seventh session. Finally, about the middle of February, some of my friends on the Republican side of this House introduced a bill to abolish the Personnel Classification Board and to put in its place the Civil Service Commission, the proper and the right board to adjudicate and allocate the salaries. Hearings were held and I attended these hearings, and paradoxical as it may seem, peculiar as it may appear to you, each and every member of the Personnel Classification Board, when sworn before that committee, admitted that their board ought to be abolished by Congress.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. STENGLE. I have only a couple of minutes.

Mr. BLANTON. I know that, but we are going to have to thresh this matter out a little later when both sides can be heard, so why take it up now in connection with this bill. There are some things I agree with the gentleman about and some other things I am going to be opposed to the gentleman about.

Mr. STENGLE. I can not yield any more. I do not care whether you agree with me or not. I want to get this statement into the Record.

Mr. BLANTON. Mr. Chairman, unless there is going to be some opportunity to answer this matter on the floor, I do not think it ought to come up now.

Mr. STENGLE. If the gentleman wants to object, let him object.

Mr. BLANTON. I am not going to object, but the gentleman may bring in some matters here concerning this board that I would like to answer him on.

Mr. STENGLE. I have no objection to the gentleman answering me all he wants to at the proper time.

Mr. OLIVER of New York. Did the gentleman from New York ever object to the extension of time for the gentleman from Texas?

Mr. BLANTON. I am not going to object.

Mr. STENGLE. Mr. Chairman, I ask five minutes more.

The CHAIRMAN. The gentleman from New York asks that his time be extended five minutes. Is there objection? There was no objection.

Mr. STENGLE. That Committee on Civil Service made a unanimous report and recommendation to this body signed by every member of that committee, Republicans and Democrats, recommending the abolishment of the board and the transfer of its functions to the Civil Service Commission. In addition to that the chairman of that board made a written application to our Committee on Rules asking for a special rule in order that this House might speedily dispose of the matter that is creating consternation not only in the District but throughout the entire Nation.

These are observations I wanted to make, and now I want to express the fond hope that the Committee on Rules will at an early hour report out a special rule to this House on the recommendation of that committee. I believe the people of this country desire that their employees should be dealt with honestly, squarely, and fairly, and I know of no better evidence of that fact than a letter I received to-day in reference to another section of employment, from the justices of the appellate division of the Supreme Court, second judicial district of the State of New York, in which, without regard to politics, without regard to partisanship, they ask, through me, of this House that we deal fairly with the postal employees of the Union. And so it is all down the line. I want to warn you gentlemen

now—and I say it without reflection upon any Member of this House—that unless there is some speedy action taken upon the report of the Committee on the Civil Service looking toward the abolition of the Personnel Classification Board and the transfer of its functions to the Civil Service Commission the entire field service of the United States will get not what they were promised, but will get practically nothing.

Mr. BLANTON. Mr. Chairman, I rise in opposition to the motion of the gentleman from New York.

Mr. DICKINSON of Iowa. Mr. Chairman, we ought to make some progress with this bill, and I hope gentlemen will confine their remarks to the bill. I think that I shall have to object to anyone else speaking outside of the bill, although I am not going to object to the gentleman from Texas.

Mr. BLANTON. I only want three minutes.

The CHAIRMAN. Is there objection to the gentleman from Texas speaking three minutes?

There was no objection.

Mr. BLANTON. Mr. Chairman, when we passed the reclassification bill and the present reclassification board was created we thought that was going to be the end of the matter legislatively. We were led at that time to believe that it was not going to cost much, but now we are told that it will cost several million dollars extra each year in increased salaries.

Who composes this reclassification board that the distinguished gentleman from New York [Mr. STENGLE] objects to so strenuously? One is a member of the Budget, another is a member of the Civil Service Commission, and another is the Chief of the Bureau of Efficiency. The member of the Budget is chairman of the board. Is not that a fair board? What fairer board can you have. I ask our good friend, the gentleman from New York. And yet, forsooth, because this board has not pleased everybody in fixing their salary under the reclassification act, there has been a continual fight upon it for the last two or three months. And now we are going to have another bill in a few days again opening up this question and be forced to fight the matter all over again, when this effort is made to try to abolish the board because there are some employees of the Government not satisfied with the increases they are to get.

I want to say to my friend from New York [Mr. STENGLE], who is a valuable man here, that when the time comes I hope there will be enough men on this floor to stand up and say to the gentleman, and to all others who are seeking to abolish this board, that we have done our duty, we have passed a reclassification bill, we have created a fair board, and now we are going to let them function and not let the disgruntled ones get behind them and try to destroy the good work.

Mr. STENGLE. Will the gentleman yield?

Mr. BLANTON. I will.

Mr. STENGLE. Would the gentleman oppose the abolishment of a board every member of which asked to be abolished?

Mr. BLANTON. If I worked for the Government in their capacity as members of a board, and if I had these fellows continually hounding me in newspapers and on the floor of Congress and I did not have to do that work, I might seek some other employment and be willing for the board to be abolished. But you can not get a more impartial board than to take one man from the Budget, one from the Civil Service Commission, and the Chief of the Bureau of Efficiency, and I am telling the gentleman from New York that I am one Member here who is going to back that board 100 per cent.

The pro forma amendment was withdrawn.

Mr. ANDREW. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record by inserting a page from the latest report from the Agricultural Bureau concerning crops, which shows that the German supplies are increasing and that the German millers are demanding a tariff to protect themselves against importation of food from the United States.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

The Clerk read as follows:

TANKS.

For purchase, manufacture, test, maintenance, and repair of tanks and other self-propelled armored vehicles, to remain available until June 30, 1926, \$176,000.

Mr. HULL of Iowa. Mr. Chairman, I ask unanimous consent to insert in the Record, as an extension of my remarks, a letter from The Adjutant General transmitting the decision of the Department of Justice in regard to the one-year enlistment. I think it will be very interesting.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to extend his remarks in the Record in the manner indicated. Is there objection?

Mr. STENGLE. Mr. Chairman, reserving the right to object, has this to do with this bill?

Mr. HULL of Iowa. Certainly; it has to do with the enlistment of men in the Regular Army.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HULL of Iowa. Mr. Speaker, under leave granted to extend my remarks I insert a letter from The Adjutant General respecting one-year enlistments.

The letter is as follows:

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE,
Washington, March 26, 1924.

Hon. HARRY E. HULL,
House of Representatives.

MY DEAR MR. HULL: With reference to your telephonic request, I inclose herewith a copy of the opinion of the Attorney General regarding the question of enlisting men for one and three year periods.

In view of the fact that the Attorney General holds that the War Department is without authority to restrict original enlistments to the three-year period, instructions are being issued to the recruiting service directing that applicants for original enlistment be given the option of the one or three year period.

Very respectfully,

ROBERT C. DAVIS,
The Adjutant General.

DEPARTMENT OF JUSTICE,
Washington, March 26, 1924.

SIR: I have your letter of March 5, 1924, requesting my opinion on the question "whether or not, under the wording of section 27 of the national defense act, the War Department is authorized to restrict original enlistments to a three-year period."

You state that the policy of restricting original enlistments in the Regular Army to three years, which has been effective since January, 1922, is based on an opinion by the Acting Judge Advocate General approved October 26, 1921; that a recent opinion of the Judge Advocate General reverses the former one; and that, while you acted in good faith in restricting enlistments to a period of three years, if your action in that regard is erroneous you desire to at once authorize enlistments for a period of one year.

The national defense act of June 2, 1916 (ch. 134, 39 Stat. 166), provides specifically for the composition, organization, enlistment, and general administration of the forces composing the Army of the United States. It is comprehensive and provides that all laws and parts of laws, in so far as they are inconsistent with the act, are repealed.

Section 27 of the act of 1916 relates to the enlistment of recruits in the Regular Army and reads, in part, as follows:

"SEC. 27. Enlistments in the Regular Army: On and after the 1st day of November, 1916, all enlistments in the Regular Army shall be for a term of seven years, the first three years to be in the active service with the organizations of which those enlisted form a part and, except as otherwise provided herein, the last four years in the Regular Army reserve, hereinafter provided for: *Provided*, That at the expiration of three years' continuous service with such organization, either under a first or any subsequent enlistments, any soldier may be reenlisted for another period of seven years, as above provided for, in which event he shall receive his final discharge from his prior enlistment: *Provided further*, That after the expiration of one year's honorable service any enlisted man serving within the continental limits of the United States whose company, troop, battery, or detachment commander shall report him as proficient and sufficiently trained may, in the discretion of the Secretary of War, be furloughed to the Regular Army reserve under such regulations as the Secretary of War may prescribe, but no man furloughed to the reserve shall be eligible to reenlist in the service until the expiration of his term of seven years: *Provided further*, That in all enlistments hereafter accomplished under the provisions of this act three years shall be counted as an enlistment period in computing continuous-service pay." * * *

As the foregoing provisions are specific and cover the entire subject of enlistments, all prior inconsistent laws are, by the express terms of the statute, repealed. We may, therefore, consider the provisions of section 27 of the act of 1916 as expressing the law relating to enlistments in the Regular Army on and after November 1, 1916.

The act provided that enlistments in the Regular Army must be for a period of seven years, three years of which shall be in active service and four years in the Regular Army Reserve, with a provision that a soldier could continue in active service by reenlistment at the end of his three-year period of active service. The act contained a further

provision that after one year of active service a soldier could, in the discretion of the Secretary of War, be transferred by furlough to the Regular Army Reserve. This act did not permit the soldier any option or discretion as to the period of his enlistment.

Section 27 of the act of 1916, *supra*, was amended by section 27 of the act of June 4, 1920 (c. 227, 41 Stat. 775), in so far as the period of enlistment is concerned, as follows:

"SEC. 27. That section 27 of said act be, and the same is hereby, amended by striking out all up to and including the third proviso, and also the proviso relating to the utilization of the service of postmasters, and inserting the following in lieu thereof:

"SEC. 27. Enlistments: Hereafter original enlistments in the Regular Army shall be for a period of one or three years at the option of the soldier, and reenlistments shall be for a period of three years * * *."

Section 27 of the act of 1920 plainly permits the soldier to choose between a one-year and a three-year period of enlistment. This right is to be exercised by him at the time of enlistment. There can, I think, be no doubt as to the intent of Congress in this respect.

In construing a statute the meaning of the legislature is first to be determined by the words used. *Brewer v. Blough* (14 Pet. 178, 198); *Aldridge v. Williams* (3 How. 9, 24); *Coffin v. Ogden* (18 Wall. 120, 124). As stated by the Supreme Court in *Lewis, Trustee, v. United States* (92 U. S. 618, 621): "Where the language of a statute is transparent and its meaning clear there is no room for the office of construction. There should be no construction where there is nothing to construe." And, again, in *Folsom v. United States* (160 U. S. 121, 127): "* * * where the intention is plain it is the duty of the court to expound the statute as it stands."

If there existed any doubt of the intent of Congress to permit the soldier to choose between a one-year and a three-year period at the time of his original enlistment that doubt would be immediately removed by reference to the reports of the committee having the bill in charge.

In the Report No. 680 of the Committee on Military Affairs, House of Representatives, Sixty-sixth Congress, second session, accompanying bill H. R. 12775, which afterwards became the act of June 4, 1920, *supra*, it is stated:

"SEC. 26. A shorter enlistment period for men not yet familiar with Army life will tend to stimulate enlistments. It is proposed to allow new recruits to choose between a one-year and a three-year period, reenlistments to be for three years only."

The bill was sent to conference, and in its final report the conferees made the following statement in regard to enlistments:

"The period of enlistment in the Regular Army was fixed at one or three years, at the option of the soldier, for original enlistment, while reenlistments are to be for three-year periods. Enlistments and reenlistments for three years are encouraged by offering an allowance equivalent to three months' pay of a private for any such enlistment. This is a slight extension of the privilege granted by existing law." (Rept. No. 1049, 66th Cong., 2d sess.)

In view of the evident intent of Congress to permit a soldier upon his original enlistment the option of enlistment for a period of one year instead of three years, it is my opinion that the Secretary of War is not authorized to restrict such enlistment to a period of three years.

Respectfully,

H. M. DAUGHERTY,
Attorney General.

The honorable the SECRETARY OF WAR.

The Clerk read as follows:

SEACOAST DEFENSES, INSULAR POSSESSIONS.

For purchase, manufacture, and test of ammunition for seacoast cannon, including the necessary experiments in connection therewith, and the machinery necessary for its manufacture, \$500,000.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. FITZGERALD: Page 54, line 5, strike out the figures "\$500,000," and insert the figures "\$676,375."

Mr. FITZGERALD. Mr. Chairman, I offer this amendment because of the responsibility which rests on this House. When I visited the Panama Canal and found it was defenseless, and it was agreed by authorities both military and naval to be defenseless, I wrote a letter of complaint about certain features of it to the Secretary of War. He replied that the lack of defense of the Panama Canal was due to the inadequate appropriations of Congress. When this appropriation bill was reported, the Secretary of War saw fit to address me a personal letter, and possibly rebuking me for my criticizing the War Department for maintaining this immensely valuable possession and item of our national defense in a defenseless condition when the fault was that of Congress. He showed that in this item this bill proposes a reduction of \$176,275 from the amount which the War Department asked. The necessity for this

amount of money is shown in the hearings and I can cite the pages where it is testified to by experts, and so far as I know there is no dispute about this amount of money, which I now have asked to be substituted in the bill, being necessary for this purpose. I believe it is the duty of those Members who have a chance to observe these matters which they believe and find to be wrong, and which all the experts agree are wrong, to call the attention of the House to them. This committee's duty is discharged when it weighs the evidence and decides between the Budget Bureau and the amount asked, or on its own initiation makes a reduction. It is always under the constant pressure of economy, often realizing that the Members of the House do not understand all of the details of the mass of matters on which they have to pass, and feeling that they must show their watchfulness and zeal by continually making cuts from the estimates prepared by those charged with the direct responsibility for the defense of the country. I would rather we would take a little chance on the expenditure of an extra hundred thousand dollars or two in the defense of the Panama Canal than follow out the course of paring down parsimoniously the few dollars that are asked for to make the defenses adequate, because, as has often been said on the floor of this House, it is just as well to be second in war as to hold the second best hand in poker.

Mr. ANTHONY. Mr. Chairman, I think the gentleman from Ohio [Mr. FITZGERALD] is mistaken in referring to this appropriation as being available for the Panama Canal. The ammunition that would be manufactured under it all goes to Hawaii and the Philippine Islands. None of it is to be used for the Panama Canal. The estimates called for the manufacture of 23,750 rounds of antiaircraft ammunition, to cost \$475,000, and for the manufacture of 10,600 rounds of 155-millimeter gun ammunition, to cost \$201,000, a total of \$676,000. The committee allowed \$500,000 for the manufacture of this ammunition upon the theory that we already had a large supply of antiaircraft gun ammunition in Hawaii and the Philippine Islands, and that there was no real necessity for the manufacture of the full amount.

Mr. FITZGERALD. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. FITZGERALD. The chairman of the committee is right as he usually is—I might say always is—I must acknowledge, but the committee did make a reduction of \$147,985 on the appropriation for the manufacture of the antiaircraft gun ammunition, or rather for the bombs for the insular possessions on the Panama Canal on page 50, and on page 54 I find this further cut. When the Panama Canal appropriation is cut to the tune of \$145,000 and then this request for the defense of the island possessions is cut by \$178,000, I felt that a protest ought to be made to the House so that the House might hear the matter discussed.

Mr. ANTHONY. There was a slight cut in both instances, due to the fact that the committee has doubt about the effectiveness of our defense by means of antiaircraft guns. We do not believe it is wise to pile up a tremendous amount of ammunition at those places for the use of these antiaircraft guns that may never be used or, if used, will not be effective. We would rather put the money into the construction of airplanes, which is the proper defense against similar craft.

Mr. FITZGERALD. But the committee does not do that.

Mr. ANTHONY. Oh, we did give the department all that it asked for for the construction of airplanes.

Mr. WAINWRIGHT. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. WAINWRIGHT. May I say that the defenses of the island of Oahu are just as important in the defense of the Panama Canal as the defenses of the Panama Canal itself, and I for one should hesitate to in any way cut down or lend my vote to in any way reduce any measure that the War Department deems necessary for the defense of that vital outpost of our possessions.

Mr. ANTHONY. The gentleman does not believe that we have a reasonably sufficient supply of ammunition in Oahu at the present time? Our information is that we have an abundant supply of it.

Mr. WAINWRIGHT. I think I would prefer to take the judgment of the War Department and the General Staff on that subject than the judgment of the committee.

Mr. ANTHONY. We prefer to exercise some judgment of our own, because the War Department is not always perfect in its estimates.

The CHAIRMAN. The time of the gentleman has expired. The question is on agreeing to the amendment offered by the gentleman from Ohio.

The question was taken, and the amendment was rejected. The Clerk read as follows:

SEACOAST DEFENSES, PANAMA CANAL.

For purchase, manufacture, and test of seacoast cannon for coast defense, including their carriages, sights, implements, equipments, and the machinery necessary for their manufacture, \$150,000.

Mr. FITZGERALD. Mr. Chairman, I offer an amendment. At the end of line 14, in place of the figures "\$150,000," which should be stricken out, insert the figures "\$300,000," because that amount is the reduction suggested by the committee over the request made by the War Department and the experts. I want this House and this committee to realize its responsibility if these amounts are cut down, which sums I believe to be necessary for the national defense. I offer this amendment, hoping that this or some of these amendments may be carried and that this committee here will be encouraged to be a little bit wiser possibly toward the necessities of defending the great material resources of this great Nation.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 54, line 14, strike out "\$150,000" and insert in lieu thereof "\$300,000."

Mr. ANTHONY. Mr. Chairman, under this item the War Department asks an appropriation of \$300,000 to begin the manufacture of thirty 3-inch antiaircraft guns which would cost, when completed, \$900,000. The committee went very carefully into the matter of the antiaircraft defense of the Panama Canal, and we found under previous appropriations 35 of these guns had been already installed and mounted and are in position now. We felt 15 additional guns would provide for other reasonable antiaircraft defense of the vulnerable points on the Panama Canal, and that it was not wise to go into this large expenditure of \$900,000 for that purpose. We do, however, embark on a program which will ultimately cost \$450,000 when the guns we commence under authorization here are completed, and we believe that \$450,000 is as much as we ought to expend for this purpose at this time.

Mr. CONNERY. Mr. Chairman, I agree with the gentleman from Ohio [Mr. FITZGERALD], that we can not be parsimonious in defending the Panama Canal. I think if the War Department wants \$300,000 for the defense of the Panama Canal the least we can do is to give them that amount. I believe when we undertake to economize at the expense of the defense of our country we are putting ourselves in a dangerous position.

Mr. ANTHONY. To show the gentleman the necessity of scrutinizing the estimates that come from the War Department very carefully I want to call attention to the fact that the original plan for the installation of the 16-inch guns by the War Department was that they wanted to place them on Taboga Island. If we had gone ahead on that program, it would have entailed a possible expenditure of \$10,000,000 to \$12,000,000 more for auxiliary fortifications and posts to protect the guns, and in time the War Department saw that situation and reversed its recommendation and placed the guns on the mainland, with which decision we concur heartily. So the War Department is not always right.

Mr. CONNERY. I agree with the gentleman that the War Department makes mistakes sometimes.

Mr. LA GUARDIA. Does the gentleman admit that?

Mr. CONNERY. But when they want \$150,000 for antiaircraft defense for the Panama Canal I think if we do not give it we—

Mr. ANTHONY. They have already 35 now in position.

Mr. CONNERY. That is not much of a defense.

Mr. ANTHONY. We are making an appropriation and by the time these guns are completed they may have some new development and—

Mr. CONNERY. In the Argonne when these Germans came flying over we had more than 35 antiaircraft guns, and it did not stop them.

Mr. ANTHONY. I agree with the gentleman they are ineffective against airplanes. Do not the records show there is one-half of 1 per cent hits from antiaircraft?

Mr. FITZGERALD. The records show an expenditure of 15,000 shells from antiaircraft to get one hit.

Mr. ANTHONY. One effective hit.

Mr. LA GUARDIA. While it is true the percentage of bringing down a plane is very small, it is very disconcerting to the fellow who is bombing when they keep it up.

Mr. CONNERY. And he went considerably higher in the air.

Mr. HILL of Maryland. If the gentleman will permit, I saw antiaircraft guns in action, and I do not believe there is any-

body who saw that that would not be in favor of a large expenditure of antiaircraft guns.

Mr. CONNERY. I agree with the gentleman.

Mr. HILL of Maryland. I saw three planes brought down by antiaircraft guns in six weeks.

Mr. ANTHONY. The gentleman from Ohio quoted General Mitchell as his authority. General Mitchell told our committee last year he would not take into consideration at all any defense against aircraft from the ground or a ship.

Mr. FITZGERALD. I would like to ask the gentleman from Maryland if these are not the facts, that we never had enough antiaircraft guns and we did just what this committee is seeking to do; that is, to render the appropriation for antiaircraft guns more or less worthless, because we must defend in numbers by antiaircraft guns or we might just as well have none at all.

Mr. HILL of Maryland. I will say to the gentleman that I agree with him as to the need of an ample supply of antiaircraft guns.

Mr. LAGUARDIA. The best antiaircraft protection you can have is airplanes.

Mr. CONNERY. Mr. Chairman, I am in favor of this amendment.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Ohio [Mr. FITZGERALD].

The question was taken, and the Chairman announced that the yeas appeared to have it.

Mr. FITZGERALD. Mr. Chairman, I ask for a division.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 7, yeas 26.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For purchase, manufacture, and test of ammunition for seacoast and land defense cannon, including the necessary experiments in connection therewith, and the machinery necessary for its manufacture, \$200,000.

Mr. FITZGERALD. Mr. Chairman, I offer an amendment, to strike out the figures "\$200,000" at the end of line 18 and substitute therefor the figures "\$398,625," in order to restore the figures requested by the War Department.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Ohio.

The Clerk read as follows:

Page 54, line 18, strike out the figures "\$200,000" and substitute therefor the figures "\$398,625."

Mr. FITZGERALD. Mr. Chairman, I do not want to take up further time of the committee. This is along the line of the reply of the Secretary of War to my criticism of lack of protection of the Panama Canal. I believe this to be necessary, and I offer the amendment for that purpose.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Ohio.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For procurement of forage, bedding, etc., for animals used by the National Guard, \$1,807,842.

Mr. HILL of Maryland. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Maryland moves to strike out the last word.

Mr. HILL of Maryland. I do so for the purpose of asking the chairman of the subcommittee a question. There was some question last year as to the allowance for horses for the Army and the National Guard. It is my understanding that there is no reduction in this bill but rather an increase in the allowance for these animals this year.

Mr. ANTHONY. Yes. I think this bill carries money to buy 600 mules for the Army and 5,000 horses.

Mr. HILL of Maryland. I want to congratulate the committee on their liberality and to withdraw the pro forma amendment.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

For compensation of help for care of material, animals, and equipment, \$2,250,000.

Mr. SPEAKS. Mr. Chairman, I would like to ask the chairman of the committee a question. I notice a cut of \$255,298 in the item, "Equipment, animals, and material." Will this reduc-

tion in appropriations necessitate the discharge of any of the caretakers now in the service of any of the States?

Mr. ANTHONY. I will say to the gentleman that it is an increase over the current appropriation for the current year of \$150,000. The National Guard has only grown 3,000 last year. It will undoubtedly require more caretakers than at present.

Mr. SPEAKS. Does the gentleman state that this item will be sufficient to pay the salaries and allowances for all the employees required to properly care for the 10,000 animals and the great quantity of material and stores now in possession of the caretakers of the National Guard throughout the entire country and for which the officers of the guard are responsible?

Mr. ANTHONY. Of course, I do not know whether that is sufficient or not. The number assigned to care for the property of a company is left with the authorities. You can not give any organization all the labor they want.

Mr. SPEAKS. Well, there usually is some standard established in matters of this nature. It is not dependent upon the mere whim of some unauthorized person, but is fixed by regulations. The Budget carries \$2,500,000 to meet this contingency, while the gentleman's committee fixes it at \$2,250,000, a very material reduction. Information coming to me from official National Guard sources is to the effect that this action will not be in the best interests of the guard and may become embarrassing to the organization. The figure contained in the bill is far less than the official estimate. I feel that it will be insufficient for actual necessities.

Mr. ANTHONY. The estimates are based on a larger amount than at present.

Mr. SPEAKS. This is the period of the year when the guard may be expected to increase in strength very rapidly. As the season for the annual encampments and other field activities approaches interest in the organization is always apparent and reflected in a largely increased enlisted personnel. The guard has more than doubled in size during the past four years, and there is every reason for anticipating a continual enlargement of the citizen army. While appropriations are far more liberal than formerly, every care should be exercised to avoid the discouragements caused by insufficient allowances. Now, Mr. Chairman, I have no desire to occupy more time than may be necessary to emphasize the situation, and I therefore move to strike out the figures "\$2,250,000," appearing in line 14, and substitute therefor the amount fixed by the Budget, viz., "\$2,505,298."

The CHAIRMAN. The Clerk will report the paragraph.

The Clerk read as follows:

For compensation, for help, for care of materials, animals, and equipment, \$2,250,000.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SPEAKS: Page 68, line 24, strike out "\$2,250,000" and insert "\$2,505,298."

Mr. MCKENZIE. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word.

Mr. MCKENZIE. I do so for the purpose of asking the chairman of the subcommittee a question. I desire to ask the gentleman from Kansas if, when the committee was considering this item, they were advised of the fact that there was pending before the Committee on Military Affairs an amendment to the national defense law, increasing or giving permission at least to increase the number of civilian employees for this particular work?

Mr. ANTHONY. I do not think the committee had any knowledge of that legislation pending.

Mr. MCKENZIE. I will state to the gentleman from Kansas that the hearings before the Committee on Military Affairs disclosed the fact that in certain cities where these particular organizations are located they found they were short of help and that perhaps the authority should be widened in order to give them a little more authority to employ civilian caretakers to take care of the animals.

Mr. ANTHONY. If the gentleman will permit, I think the present law permits the assignment of five civilian caretakers to each National Guard organization. That is the maximum, but there has always been considerably less than that number assigned on the average all over the country. It has been found that it is possible, in many cases, to get along with less than the maximum, so that it is optional with the Militia Bureau as to the number of caretakers it assigns to each organization. This appropriation as made up is an increase of \$150,000 over the current year, in spite of the fact that the

growth of the National Guard this year has been practically negligible and will not be anywhere near as large as the department figures would make it appear.

Mr. McKENZIE. Did the testimony before your subcommittee on this particular item convince you that the former appropriation was not large enough to take care of the present number of civilian employees, and therefore there should be an increase?

Mr. ANTHONY. I think it was large enough with an economical expenditure of the money. As I stated a moment ago, every organization wants all the civilian help it can get. There is no soldier, whether in the Regular Army or in the National Guard, who likes to work, and if he can get his duties performed by civilian help and have that help paid for out of the Treasury of the United States he will gladly wear the uniform and appear on drill nights, but it becomes a little irksome when he has to do a little work.

Mr. McKENZIE. May I ask the gentleman this question: Suppose he lived in the city of Philadelphia and a clerk in one of the banks, as a patriotic citizen, is willing to join—

The CHAIRMAN (Mr. SNYDER). The time of the gentleman from Illinois has expired.

Mr. ANTHONY. Mr. Chairman, I ask unanimous consent that the gentleman from Illinois have five minutes more.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that the gentleman from Illinois may proceed for five additional minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. McKENZIE. As I was saying, this bank clerk is patriotic enough to join the Pennsylvania National Guard, and becomes a member of Troop A, we will say, of the Cavalry, or of one of the Artillery units. Now, does the gentleman feel that it is quite in keeping with the service that is being rendered by the young men who go into these various units from a patriotic motive that they should be required to put on their old overalls or an old shirt and go down and curry the horses before breakfast, and then take care of them and bed them after supper, the same as though they were working on the farm for so much a month?

Mr. ANTHONY. In answer to the gentleman, I will say that a little of that would be fine exercise. [Laughter.] And a little bit would not hurt them.

Mr. SPEAKS. Suppose an organization has 100 animals that must be cared for and such organization now has five men employed for that particular purpose; does the gentleman mean to say that if this allowance would necessitate the discharge of four of those men and the entire duty were thrown upon one man that it would be all right?

Mr. ANTHONY. No organization has as many as 100 animals. In many cases—although the maximum authorized by law is five—it has been found that three men are ample to do the work.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Ohio [Mr. SPEAKS].

Mr. FITZGERALD. Mr. Chairman, I would like to have recognition. The amendment striking out the last word has not been withdrawn and I would like to speak in opposition to the amendment.

The CHAIRMAN. The gentleman from Ohio is recognized.

Mr. FITZGERALD. I want to say that this is really a matter of considerable concern. The preservation of the property of the National Government and the States intrusted to these National Guard units is a matter of importance. I know that the captains of these National Guard companies are charged with all this property; I know they have not sufficient help to properly look after it; I know that a great deal of it disappears and that the popular idea of the boys and their associates is that they can carry it off. I know that many of these captains have to make good these losses. I know of instances where thousands of dollars worth of the property has disappeared. I know that one of the good captains we had at Camp Sherman, at the opening of the war, lost his company and was sent to the brigade because as a National Guard officer he had been compelled to make good \$2,000 for property that had been lost without fault on his part at all, but under the regulations of the War Department he was absolutely responsible for it. It had been stolen or otherwise disappeared and he had to make it good. Over at Camp Sherman it was impossible for the captains in charge of these companies to sit around and watch thousands and thousands of dollars' worth of property and at the same time to attend to their duties in the training of their commands. This particular captain tried to keep up with his responsibility and was unable to properly perform his military duties, so that he was relieved of his command.

I say to this House that is a very poor proposition in economy to cut down the necessary personnel to take care of the property of the Government.

Mr. TINCHER. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman from Kansas rise?

Mr. TINCHER. I rise in opposition to the amendment.

The CHAIRMAN. The gentleman is recognized.

Mr. TINCHER. Mr. Chairman, I claim to be a friend of the National Guard and would not want to do anything in the world to injure that organization, but if we are going to appropriate an additional quarter of a million dollars just because some man says he is afraid this will not be enough money, I think we are getting a little reckless with the funds. I understand the committee has worked this out on a basis which will be adequate for the guard, and I think we should be careful about appropriating money for civilian employees around the armories. There has been, according to my understanding of the matter, some complaint in the past of the number of civilian employees who are required to take care of a soldier. [Laughter.] I would not want to impose upon these civilian employees at all; but four of them or five of them ought to be able, with the proper equipment, to properly feed 100 horses. I expect there are a good many men to-day in the United States who are feeding more horses than that, and I am told there is no place where they require five of them to feed and care for more than 100 horses.

Mr. ANTHONY. Not more than 34.

Mr. McKENZIE. Will the gentleman yield? The gentleman, however, will admit that there is a very wide distinction on this proposition between civilian employees in the Regular Army and civilian employees in the National Guard. In the Regular Army, I would be willing to go right along with the gentleman.

Mr. TINCHER. If some witness testified before this committee or made any showing at all that we ought to appropriate this quarter of a million dollars, I would be a good enough friend of the National Guard to advocate doing that, but if we are just going to get up on the floor of the House and say, "I think that the boys might want this and we had better appropriate it," then I do not think it is proper. It is not for them, it is for civilian employees, and I think it would be a reckless way to handle the money of the Government.

Mr. SPEAKS. Will the gentleman yield just a moment? Would the statement of the officer in command of the Militia Bureau of the War Department that this is absolutely necessary satisfy the gentleman?

Mr. TINCHER. Well, as I understand, the officer you are talking about—

Mr. SPEAKS. The Chief of the Bureau of Militia in the War Department.

Mr. TINCHER. They have had this question up with the subcommittee and they have arrived at an understanding that they could get along with this amount of money. It is well known that no civilian employees will ever be satisfied with the amount of a Federal appropriation. I do not doubt but what the gentleman can read some statement like that, but my understanding is that they have come to a practical agreement on this amount of money and think it will be sufficient. Does the gentleman think there ought to be more than five men to care for 40 or 50 horses?

Mr. SPEAKS. That question is not even involved and neither have the civilian employees had a word to say about this matter. This is the report of the officer appointed by the President, who has his office in the War Department, to determine these very questions, and this officer says the amount is insufficient. Of course, there might be better authorities but I scarcely know where you would find them. The Budget officer also has recommended it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. SPEAKS].

The question was taken, and the amendment was rejected. The Clerk read as follows:

For expenses, camps of instruction, \$10,200,000.

Mr. NEWTON of Minnesota. Mr. Chairman, if I may have the attention of the gentleman from Kansas [Mr. ANTHONY]. In general debate the other day, in discussing the appropriation for the National Guard and the Organized Reserve, the gentleman made what I think was a suggestion worthy of consideration. It was that in connection with the training of the National Guard men and the officers in the Organized Reserve. He suggested that the officers in the Organized Reserve might very well be trained with National Guard and Regular Army troops so that they would not only get the theoretical training which they now receive but the practical

experience of actually commanding troops in combat exercises and maneuvers. It seemed to me the suggestion was worthy of real consideration, especially as to training camps where regular troops are available. I am wondering whether the suggestion has been considered by Army officers.

Mr. ANTHONY. I will say to the gentleman that I have heard the matter discussed by officers of the Regular Army and the only objection to training reserve officers with the National Guard during the period of the National Guard training appears to come from officers of the guard itself, some of whom did not like the idea of taking on the training of reserves at that time; but the Army officers with whom I have talked say it is entirely a practical idea and that the reserve officer gets a far greater value from training with troops of his branch of the service than in any other way, but our Regular Army is so widely scattered and is so small that we have not enough troops of the regular branches to take on the training of a large number of reserve officers, but we have a large National Guard. There will be between 160,000 and 180,000 of them in camp this summer, and they state that it would be perfectly feasible to attach several thousand officers of the reserves to the guard for training purposes.

Mr. NEWTON of Minnesota. Of course, the suggestion of the gentleman was simply a suggestion, but it seems to me that it at least has the semblance of real value to it, and while it might not be possible this year to put it into full force and effect, it seems to me it could be put into experimental effect at some place where the whole problem could be worked out to see whether it would be satisfactory both to the guard and to the Organized Reserves. I certainly think it ought to be applied to our regular troops so that these officers could be trained with regular troops.

Mr. FITZGERALD. Will the gentleman yield?

Mr. NEWTON of Minnesota. I yield to the gentleman.

Mr. FITZGERALD. In regard to this very matter, I would like to ask the Member from Minnesota if he has in mind the conditions which now surround these camps where the reserves and the National Guard have to go? I am referring particularly to the head of our corps area, Ohio, Kentucky, West Virginia, and Indiana, and Camp Knox in Kentucky. There are not enough soldiers there to even skeletonize the Infantry companies or any of the other companies there, and I understand the condition of the Regular Army is such in regard to the duties which they must perform that it can not now assemble a whole company scarcely anywhere in the United States, and we find there that they have not enough officers or enough equipment, unless they assemble them from different points like Leavenworth and other places, to give the instructions necessary for those taking training there as reserve officers, National Guard officers, or members of the citizens' military training camp, or the school for the National Guard itself. I have attended there two years, once as a teacher in a citizens' military training camp and last year as an officer of the reserve, so I know something about conditions, and I was going to ask the Member if he knew of these conditions and had matched up what had been suggested here with the conditions which to-day surround these camps, to know whether we could feasibly do this.

Mr. NEWTON of Minnesota. I do not know the conditions that prevail throughout the country. I do know the conditions in my particular corps area. At Fort Snelling, for example, there is both Infantry and Artillery. Furthermore the Third Infantry there under Colonel Bjornstad developed into the finest Infantry outfit that the Regular Army has ever had.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. NEWTON of Minnesota. I ask for one minute more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. NEWTON of Minnesota. It occurred to me that it might be very well to adopt this suggestion in part and see just how it will work.

Mr. FITZGERALD. I am thoroughly in favor of it if it can be done, but I simply want to call the attention of the committee to the conditions.

Mr. NEWTON of Minnesota. There are some difficulties that may accompany it, and that was why I suggested that we test it for this year because it might be only an experiment, but really test out the worth of what I deem to be an excellent idea.

Mr. FITZGERALD. I think it would be most useful to bring in contact the different elements of the national defense—the Regular Army, the National Guard, and the Organized Reserve.

Mr. NEWTON of Minnesota. I think that is a valuable suggestion.

Mr. Chairman, while I am on my feet let me also refer to the Organized Reserves. We have now approximately 85,000 reserve officers. So far as possible these men who are willing to devote their time to this excellent service should be permitted to train every summer if they so desire. Certainly funds should be provided so that every officer can attend at least once every third year. The amount appropriated this year still falls short of that. It will figure out about every fifth or sixth year. I should like to see the amount increased so as to carry out the recommendations of the reserve officers and the Army, so as to enable training for every officer at least once during every three-year period. Furthermore, it is highly essential that adequate provision be made for divisional headquarters for the reserve divisions.

The pro forma amendment was withdrawn.

The Clerk read as follows:

For pay of National Guard (armory drills), \$10,200,000.

Mr. SPEAKS. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman whether he considers the money appropriated for armory drills sufficient.

Mr. ANTHONY. The amount recommended by the department and by the Budget was \$10,600,000. The amount appropriated is \$10,200,000. The amount was based on the National Guard strength of 190,000, but, as I said a while ago, the strength of the guard to-day is only 163,000. The committee does not believe that the guard will attain a strength of 27,000 additional between now and June. But grant that it will have 190,000 men, based on the last recorded cost for this training, which is \$54.05 per man which it cost in the year 1902, it will bring the total cost of this item to \$10,269,000. The Militia Bureau says it will cost \$56 a man, but they did not show any figures to sustain it, and so we took the last recorded figures.

Let me say this to the gentleman: It is only within the last year that the committee has been able to get any figures at all of what has been the cost or the pay of the guard. They have not had them tabulated in the War Department so that they can give the definite pay cost for any one year until this year, and we find now that we have been overappropriating for it right along.

Mr. SPEAKS. Unexpended appropriations revert to the Treasury; there is no money wasted.

Mr. ANTHONY. Yes; but the gentleman knows from experience that the guard never reports 100 per cent for drills, and so the maximum amount is never claimed. We think the amount is entirely sufficient. There is no purpose on the part of the committee to keep one dollar from the guard.

Mr. SPEAKS. It is true that 90 per cent of the guard in attendance at drills, encampments, and other activities is a very creditable showing.

Mr. ANTHONY. If the strength of the guard was 200,000, you deduct 10 per cent and you have 180,000.

Mr. SPEAKS. My object in bringing up the question was to impress Members with the fact that we are maintaining a very efficient and cheap military force in the National Guard. When you consider that at the present time we have approximately 165,000 men in the National Guard, maintained at a cost of about \$29,000,000, ready and available for any service, there should be no doubts concerning the practicability and effectiveness of this form of military preparedness. While disclaiming any intention of making invidious comparisons or in any manner reflecting on the Regular Establishment, it does seem proper, for the purpose of illustration, to call attention to the many times larger appropriations required for a Regular Army much smaller in strength than is the guard. As a further proof of the efficacy of the system under which our volunteer citizen army is created and maintained it is only necessary to recall that in the World War all the National Guard organizations were in France, and that almost half the American divisions reaching the firing line were National Guard units.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. SPEAKS. Mr. Chairman, I ask to proceed for five minutes.

The CHAIRMAN. Is there objection to the gentleman from Ohio?

There was no objection.

Mr. BULWINKLE. Will the gentleman yield?

Mr. SPEAKS. I yield to my friend from North Carolina.

Mr. BULWINKLE. I want to say to the gentleman that all of the National Guard divisions were in France—14 of them reaching the front lines.

Mr. SPEAKS. Yes. Now, in view of the fact that any appropriations remaining unexpended revert to the Treasury, I can see no objection at all to increasing this allowance. It would encourage officers and men to know that their efficiency and worth are being recognized and that there is no tendency on the part of Congress to cut necessary appropriations. I dislike to see a cut made on such an important item as this. I know from official military sources that they consider this amount insufficient. However, I desire to express the belief that the very earnest and efficient chairman of the subcommittee in charge of the bill has given the subject careful and conscientious consideration.

Mr. WAINWRIGHT. Mr. Chairman, will the gentleman yield?

Mr. SPEAKS. I yield to the gentleman from New York.

Mr. WAINWRIGHT. Is the gentleman aware that there were more men killed and wounded in the ranks of the National Guard than any other one element of the Army during the World War?

Mr. DYER. There were more of them.

Mr. SPEAKS. There were 11 National Guard divisions, 11 National Army divisions, and 7 Regular divisions.

Mr. HULL of Iowa. Mr. Chairman, I move to strike out the last word in order to ask the chairman of the committee whether he does not think if the rule were made more flexible in regard to the technical organizations in the National Guard the National Guard would grow a little faster?

Mr. ANTHONY. I think the gentleman's conclusion is correct. I think one reason for the failure of the guard to grow is that the War Department's regulations are too arbitrary—too drastic. There are many States that would expand their guard if they could expand it along the lines they desire; but if they are required, for instance, to maintain a wagon train, or a sanitary train, or a medical regiment in which men dislike to serve in time of peace, the State can not organize a unit of that kind, and the growth of the guard stops.

Mr. HULL of Iowa. Who promulgates these rules? Is it the Militia Bureau or is it the General Staff of the Regular Army?

Mr. ANTHONY. I think the General Staff of the Regular Army.

Mr. HULL of Iowa. I thought we had it fixed so that the National Guard was to be controlled by the Militia Bureau, and that we put at the head of the Militia Bureau a National Guardman, so that this very thing could be controlled by the National Guard itself. I am wondering if the present general who commands the Militia Bureau has become somewhat inoculated with the virus of the General Staff of the Regular Army.

Mr. McKENZIE. Mr. Chairman, will the gentleman permit an interruption right there?

Mr. HULL of Iowa. Yes.

Mr. McKENZIE. I think there is a good deal of force in what both the gentleman from Iowa and the gentleman from Kansas have said. However, it would not be perhaps wise to permit some man in the Militia Bureau to decide that in the National Guard the units should be all of one particular character. For instance, you might have some pigeon enthusiast who would want them all put into pigeon brigades, and another who would want them all in the Infantry, and another, all in the Cavalry.

Mr. HULL of Maryland. You might say that they all ought to be on mobile artillery and not on fixed defenses.

Mr. HULL of Iowa. I am earnest in what I say in regard to National Guard. I think it is the cheapest protection that we get for the money that we expend. I believe we ought to think very seriously in regard to the future expansion of the National Guard. We are now maintaining a force of something like 160,000 or 165,000 men in the National Guard for very much less than \$30,000,000, which is very much less again than it costs us for 125,000 men in the Regular Army, and they are properly distributed to preserve order throughout the country. I might say that this is a very good illustration of the fact that you can not rely on expert advice in the Army.

Mr. HULL of Maryland. Mr. Chairman, will the gentleman yield?

Mr. HULL of Iowa. I am reminded that for several years in our committee, and the gentleman from Kansas [Mr. ANTHONY] at that time was a member of that committee, we had to fight to preserve in any form even a relic of the National Guard, and there was not a Regular Army man or expert who pretended to know anything about the Army who did not tell us that we could not make an effective military organization out of the National Guard.

Mr. BULWINKLE. They changed their opinion.

Mr. HULL of Iowa. Oh, yes; they said "We did it." I yield to the gentleman from Maryland.

Mr. HILL of Maryland. Oh, the gentleman has answered the question that I had in mind.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

The Clerk read as follows:

ARMS, UNIFORMS, EQUIPMENT, ETC., FOR FIELD SERVICE, NATIONAL GUARD.

To procure by purchase or manufacture and issue from time to time to the National Guard, upon requisition of the governors of the several States and Territories or the commanding general National Guard of the District of Columbia, such military equipment and stores of all kinds and a reserve supply thereof as are necessary to arm, uniform, and equip for field service the National Guard of the several States, Territories, and the District of Columbia, and to repair such of the aforementioned articles of equipage and military stores as are or may become damaged when, under regulations prescribed by the Secretary of War, such repair may be determined to be an economical measure and as necessary for their proper preservation and use, \$2,700,000: *Provided*, That the Secretary of War is hereby directed to issue from surplus or reserve stores and material on hand and purchased for the United States Army such articles of clothing and equipment and Field Artillery, Engineer, and Signal matériel and ammunition as may be needed by the National Guard organized under the provisions of the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended by the act approved June 4, 1920. This issue shall be made without charge against militia appropriations except for actual expenses incident to such issue.

Mr. NEWTON of Minnesota. Mr. Chairman, I ask unanimous consent to extend in the RECORD my remarks already made this afternoon.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. TILLMAN. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SPEAKS. Mr. Chairman, I call the attention of the Committee on Appropriations to a reduction of \$400,000 in the item "Arms, uniforms, equipment, etc., for field service, National Guard." As I understand, the vast stores and stocks of military supplies, embracing equipment, matériel, and military stores of every character, remaining after the war are becoming exhausted in many particulars, and it will now be necessary to charge to the National Guard appropriations for supplies formerly taken from that source. I assume the gentleman has had that in mind and under consideration in fixing this item. It should be remembered that this situation applies to uniforms, shoes, ammunition, and articles most essential to the soldiers' complete equipment.

Mr. ANTHONY. That is true. This is one item that the Militia Bureau was unable to satisfactorily substantiate. Last year they did not make any argument to the committee whatever for the appropriation they asked for, and this year they gave very little more. For instance, to cite one particular item, they stated they wanted to use \$360,000 in this appropriation for tentage. We know that the Regular Army has a large supply of tentage on hand, and we thought it was unwise to buy tentage for the National Guard when they could borrow it or get it from the Regular Army. It was along those lines that we reduced the appropriation.

Mr. SPEAKS. I do not care to take the time of the committee, but my desire is to keep before the membership the necessity for making the most liberal appropriations for the National Guard consistent with good business judgment. It has required almost a half century of effort and sacrifice on the part of the patriotic citizens responsible for its continuance and improvement, and nothing should occur to dampen the ardor of its membership. It must and will be the great reliance upon which our Government will rest in time of stress and emergency in State or Nation.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

ORGANIZED RESERVES.

Officers' Reserve Corps: For pay and allowances of members of the Officers' Reserve Corps on active duty for not exceeding 15 days' training, \$1,533,600; for pay and allowances of members of the Officers' Reserve Corps on active duty for more than 15 days in accordance with law, \$400,406; for mileage, reimbursement of actual traveling expenses, or per diem allowances in lieu thereof as authorized

by law, \$335,594: *Provided*, That the mileage allowance to members of the Officers' Reserve Corps when called into active service for training for 15 days or less shall not exceed 4 cents per mile; in all, \$2,374,660.

Mr. HILL of Maryland. Mr. Chairman, I move to strike out the last word. Mr. Chairman, this paragraph deals with the training of the Organized Reserve Corps for a period of 15 days in the summer. This item was the occasion of considerable contest during the last session of Congress.

There has been very careful consideration given by the subcommittee to this item and I think there should be consideration by this committee as to certain matters in reference to it. The special item for your consideration is the appropriation for compensation and allowances for training of the officers of the Organized Reserve Corps for the 15-day period. Last year the appropriation was \$1,150,000. The Budget estimate this year was \$2,030,066, which amount was recommended by the subcommittee and is carried in this bill, being an increase of \$889,066 this year.

I invite the attention of the committee to page 754 of the hearings. Colonel Dickinson is a reserve officer, serving on the General Staff as a member of the operations and training section. He is in charge of the Organized Reserves. He represented the War Department as a reserve officer and in that capacity made a very full statement before the subcommittee. I think the gist of the statements on this question, which the committee should have in mind, are very well summed up in that portion of page 784 from the middle of the page to the top of the next page. I will read that portion for the information of the committee. In response to a question by the gentleman from Kentucky [Mr. JOHNSON] Colonel Dickinson said:

The War Department's original program provided for 14,151 officers and 1,500 enlisted men.

Mr. JOHNSON. So, then, everything looking toward preparation for the national defense was sacrificed at the probable expense of a few dollars?

Colonel DICKINSON. Sacrificed to the needs of economy, sir.

Mr. ANTHONY. And with some thought of the taxpayer?

Colonel DICKINSON. Yes.

Mr. JOHNSON. I did not know he was ever considered.

Mr. BARBOUR. You are not going to be able to train one-third of the officers each year for three years unless the appropriation is increased?

Colonel DICKINSON. No, sir.

Mr. BARBOUR. Is that contemplated by the War Department?

Colonel DICKINSON. The War Department would like to train a third; but, of course, under the present system of the operation of the Budget, the War Department is limited to the total prescribed under which they must bring all of the various activities and, therefore, it is divided up and distributed in this way.

Mr. BARBOUR. You will train about a fifth of the attached officers, as I understand it?

Colonel DICKINSON. Under the present estimate, 12,615 out of 80,000.

Mr. BARBOUR. Some of those are not attached, or it is not intended to train all of the 80,000?

Colonel DICKINSON. There is a question, of course, of priority in training; I mean, officers who belong to the combat arms, who have no facilities in their civil occupations to learn anything about their duties in time of war. Officers who are actually going to command men in battle should be trained as much as possible, because they have nothing in connection with their civil occupations to give them tactical training. They must be put on active duty frequently in order to supplement their theoretical work on an inactive status by practical training in the field. Other officers of the technical and administrative branches get a certain amount of training in their war-time duties in connection with their civil pursuits.

Now, out of a total of about 80,000 reserve officers 63,000 of those officers are assigned to various tactical units—regiments, divisions, and various separate nondivisional groups—making up the necessary organization of six field armies which would furnish 2,000,000 men in case of an emergency. I think one reason why there is such a smoothness in the consideration of this bill is the very obvious spirit on the part of the Subcommittee on Appropriations to give every possible consideration to the question of an adequate expansion of the reserves. Quite a number of Members of the House appeared before the subcommittee to make suggestions on behalf of a theory underlying the reserves which should prevail, that is the theory that of the 63,000 reserve officers attached to tactical units, such as regiments of Infantry or Cavalry or Field Artillery, of these 63,000 so attached, who will be necessary officers in time of emergency,

there should be accorded each year training to at least one-third of them. That would make an annual training of about 21,000 officers. Now, it appeared from the testimony of General Delafield, president of the Reserve Officers' Association, and also from the hearings of the subcommittee which appear very fully in this examination of Colonel Dickinson by the chairman of the subcommittee [Mr. ANTHONY] and other members of the subcommittee, that last year there were 20,000 reserve officers who desired training. Last year the appropriation was an appropriation which provided for the training of about 6,000 officers, a few more than 6,000 officers, in the 15-day summer period. This year, due to the increase recommended by the committee, there is provision made for the training of about 12,000. That is a very substantial and proper increase, and I think that the House should recollect that the Reserve Corps and the National Guard are very wise provisions establishing a plan of defense that has come out of our experience in the recent war. The reserve organizations provide throughout the Nation skeleton organizations. Now, I am glad to see in the bill this year the committee has appropriated an increase in the enlisted personnel in the Reserve Corps and enlisted corps.

The CHAIRMAN. The time of the gentleman has expired. Mr. HILL of Maryland. May I ask for two additional minutes?

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. WATKINS. In an extension of the gentleman's remarks will he put in the table on page 749 showing the number of officers trained at the various camps in 1923 in order that the people getting the Record may have that data?

Mr. HILL of Maryland. Mr. Chairman, I ask unanimous consent to revise and extend my remarks, and by including certain brief extracts from the hearings, including the one which the gentleman suggests.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent to extend his remarks in the Record in the manner indicated. Is there objection? [After a pause.] The Chair hears none.

Mr. HILL of Maryland. The extract is as follows:

Organized Reserve encampments, summer of 1923.

	Number of officers trained.
First Corps Area camps:	
Deyens	504
Mitchell Field	61
Fort Wright	55
Fort Constitution	6
Dix	391
Vail	14
Carlisle Barracks	56
Madison Barracks	67
Langley Field	5
Mitchell Field	82
Camp Hamilton	29
Fort Hancock	29
Porto Rico	29
Third Corps Area camps:	
Camp Meade	605
Fort Monroe	54
Langley Field	32
Fourth Corps Area camps:	
Camp McClellan	450
Fort Bragg	136
Maxwell Field	43
Fort Barrancas	51
Fifth Corps Area camps:	
Camp Knox	504
Wilbur Wright Field	81
Fort Monroe	27
Sixth Corps Area camps:	
Camp Custer	511
Selfridge Field	51
Chanute Field	37
Scott Field	43
Seventh Corps Area camps:	
Fort Snelling	213
Fort Des Moines	210
Fort Leavenworth	208
Richards Field	29
Eighth Corps Area camps:	
Fort Sam Houston	249
Fort Logan	127
Fort Sill	180
Fort Bliss	13
Brooks Field	23
Ninth Corps Area camps:	
Del Monte	137
Camp Lewis	182
Fort Douglas	113
Crissey Field	51
Fort W. Scott	25
Fort Worden	15

Total number trained..... 5,701

[NOTE.—The total number of officers trained to date is 5,910; 209 have received training, as follows: 98 administrative and technical officers at posts, arsenals, and depots in connection with industrial mobilization activities under the jurisdiction of the Assistant Secretary

of War; 111 by assignment to units of the Regular Army, including 48 in the Hawaiian Department. Approximately 700 officers will be trained, as above stated, during the remainder of the current fiscal year, with funds held in reserve for the purpose.]

Mr. JEFFERS. Will the gentleman yield?

Mr. HILL of Maryland. I will.

Mr. JEFFERS. I want to get this into the Record right here. The gentleman says the committee has provided in this bill that 12,000 be trained this year?

Mr. HILL of Maryland. Yes; that means—when I say this year, I mean the coming fiscal year—this summer.

Mr. JEFFERS. The coming summer. And there are about 63,000 reservists attached to tactical units?

Mr. HILL of Maryland. I will say to the gentleman there are 63,323 out of a total of 80,000.

Mr. JEFFERS. I do not mean those not attached to tactical units.

Mr. HILL of Maryland. There are in all about 86,000 reserve officers. Five thousand of them are also National Guard officers.

On Monday, January 21, 1924, Colonel Dickinson appeared before the subcommittee. I ask that you note what he said as to the War Department training plans, which was as follows:

Mr. ANTHONY. Colonel Dickinson, will you give your full name and status at the War Department for the record?

Colonel Dickinson. Lieut. Col. Howard C. Dickinson, General Staff, member of the training branch of the operations and training division in charge of Organized Reserves.

Mr. ANTHONY. Colonel Dickinson, we will be glad if you would give us a general statement of the work you have done during the last year in the way of training. Give us the present status of the officers of the Reserve Corps and what was done in the last year in the way of training.

TRAINING OF RESERVE OFFICERS.

Colonel Dickinson. The appropriation for the current fiscal year amounted to \$1,755,000, with which the War Department is now engaged in the training and instruction of reserve officers along the following lines: Active duty training at camps during the past summer provided training for approximately 5,910 reserve officers. These were trained in each corps area in a series of Organized Reserve camps during periods of 15 days. It is proposed to train an additional number of reserve officers, approximately 700, during the remainder of the current fiscal year.

Mr. ANTHONY. That is in the Northwest where you train them?

Colonel Dickinson. That will be in all the corps areas.

As to the training projects for the reserves, we are trying to develop a continuing program; that is to say, not confined to any one period of the year. The War Department's idea is a continuing program so that reserve officers will be trained during the entire year. There are certain times of the year, in certain corps areas, more favorable to training than other periods, and, furthermore, the convenience of the reserve officer does not always permit of his receiving training at a definite, stated time during the year. Some officers can train, for instance, more conveniently in the spring, others in the summer, and some in the autumn; so that, looking to the future, when we hope we will have more money to train more officers, we want to establish the policy of a continuing training cycle throughout the year.

NUMBER OF OFFICERS IN RESERVE CORPS.

The Adjutant General reports that on the 1st of January we had 84,500 reserve officers, of which approximately 4,900 are National Guard officers; so we might say that the reserves consist at present of approximately 80,000 officers of various grades from major general down to second lieutenant.

Mr. ANTHONY. Do those reserve officers who hold National Guard commissions undergo outside training periods during the summer?

Colonel Dickinson. No, sir; they train entirely with the National Guard. The reason that they take reserve commissions is for the purpose of giving them a war status solely.

Mr. ANTHONY. There is no duplication of training, then?

Colonel Dickinson. No, sir.

Mr. ANTHONY. You stated that 5,910 have been called out so far during the current year?

Colonel Dickinson. Yes, sir.

Last year 20,000 reserve officers applied for training. About 6,000 were able to get it. The situation this year appears from the following:

Mr. ANTHONY. Has any estimate been arrived at as to the number of officers who have expressed a willingness to attend training camps during the coming season?

Colonel Dickinson. No, sir; no definite or accurate figure. I have no estimate other than the general impression that prevails not only in the War Department but in the field, and the reports that we

get from the corps area commanders and the Regular Army officers on duty with the reserves, that the reserve officers are extremely anxious for opportunities to train.

Mr. ANTHONY. What percentage of those ordered on duty for training last year failed to show up or were released from orders to train?

Colonel Dickinson. The percentage was very small, indeed. There were a few who at the last moment were unable to attend, and a few were relieved on account of physical disability.

The appropriation for the needed Enlisted Reserve Corps is of equal importance as part of the gradually developing plan of national defense.

Note the following statements on this subject:

Mr. ANTHONY. The Enlisted Reserve Corps: "For pay, transportation, subsistence, clothing, other supplies and incidentals," \$50,000 is the Budget estimate for the next fiscal year. You had \$5,000 for the current year. Did you expend the \$5,000 for the current year?

Colonel Dickinson. Yes, sir.

Mr. ANTHONY. There was no appropriation asked for by the War Department or the Budget for the current year, but the committee appropriated \$5,000.

Colonel Dickinson. Yes, sir.

Mr. ANTHONY. That has been expended?

Colonel Dickinson. Yes, sir, with the exception of a small balance.

Mr. ANTHONY. What is the status of the Enlisted Reserve at this time?

Colonel Dickinson. There are at present 2,352 enlisted reservists, constituting an increase of about 1,500 over this time last year.

Mr. ANTHONY. How do you enlist those men; how do you grade them?

Colonel Dickinson. Under the War Department policy it is desired ultimately to provide the key noncommissioned officers and enlisted men in all reserve units. The idea would ultimately be to have 25 enlisted men, including noncommissioned officers and specialists for each company or corresponding unit of the reserve, in order to establish these training cadres ready to absorb the man power of the country as procured by the selective draft or such other measures as Congress may enact in time of a national emergency.

Mr. ANTHONY. How many of your 2,000 reservists are noncommissioned officers?

Colonel Dickinson. Practically all of them.

Mr. ANTHONY. Practically all of them?

Colonel Dickinson. They are either noncommissioned officers or have been enlisted with a view to their development as such. When the project of enlistment was first conceived, it was thought that we would enlist solely noncommissioned officers, but it seems advisable to enlist such good material as is available, with a view to development into noncommissioned officers, and subsequently into commissioned officers.

The gentleman from New York [Mr. MACE], the gentleman from Massachusetts [Mr. ROGERS], the gentleman from Alabama [Mr. JEFFERS], and the gentleman from Alabama [Mr. HILL] and many other Members appeared before the subcommittee urging adequate appropriations for the Reserve Corps. I also appeared on January 21, 1924, and what I said then applies equally to-day. Because of certain matters I then took up I will invite your attention to what I then said.

Mr. Chairman, I do not think there is any man in the country who is more deeply interested, earnestly and from a practical point of view, in the development and the proper development of the Reserve Corps than the chairman of this subcommittee, Mr. Anthony. I am here to-day to say only a word, and I come before the committee with a great deal of diffidence, because I feel the committee is working on this matter from a point of view that we are all interested in. I only come to present for the consideration of the committee the question of the amount of field training for the reserve organizations and officers, and I venture to do this because of some practical personal experience in reference to some of the reserve units and reserve problems.

There are at the present time 84,500 reserve officers. Of these officers 63,000 are either attached or assigned to various units, which units are component parts of the six field armies, providing for 2,000,000 men to be immediately trained in case of emergency.

Experience in the last war showed that if we had a training organization or a more or less definite regimental organization, or other unitary organization, it was a very simple matter to train the men in a comparatively short time.

During the past war, in one division, 5,000 drafted men were poured into this division two weeks before it sailed for France, and those men were in defensive trenches within three weeks after they reached France. Therefore it is extremely important that the reserve officers and the reserve organizations be kept in as efficient a condition as possible, ready at any moment of need to receive, train, conserve the health of, and command in action the troops that would be drafted. I venture to suggest to the committee that, there being 63,000 reserve

officers attached or assigned to existing necessary tactical and other units, they should be trained at least once in every three years.

Most reserve officers are officers of no large personal means. It is very difficult to get officers to consent to come into the Reserve Corps, when we consider the large number of officers who were in the World War. There are a great many men who can be counted on in an emergency, but who will not assume the obligations of the Reserve Corps in time of peace. The reserve officers and reserve units throughout the winter are given specific forms of instruction. I know of a reserve regiment which has two definite meetings a month, in which the problems of troop handling are taken up by each officer in order, under the supervision of the commanding officer of the regiment and of the Regular Army executive officer of the regiment. They also have the correspondence schools throughout the year.

These officers, if they knew sufficiently far in advance that they could go to summer camp, would make arrangements to go, but the uncertainty of their being able to go prevents them from doing so.

Therefore, as I said, with some diffidence but having great confidence in this subcommittee, I wish to suggest to you the advisability of arranging for the training each year of one-third of the 63,000 officers who are attached or assigned. That leaves 21,500 not attached or assigned. Some of those officers would probably be necessary for field training once in three years, or it would be advisable to let them have field training. A number of those nonunit officers, however, are officers who do not require field training. Take, for instance, the officers of the Judge Advocate General's Department. It is advisable that they should have knowledge or previous contact with troops, because the point of view of a military lawyer is totally different from the point of view of the civilian lawyer. There is a decidedly different element required. It would be advisable that they have training, but I respectfully submit that it is absolutely necessary that the officers who are expected to be company or battalion or regimental officers, or other independent unit officers, should know that once every three years they will be in the field for actual maneuvers and training.

Mr. Chairman, I am very much obliged to the committee for having had this opportunity to present this view to you, as a necessity for the national defense under the present defense act.

Without any pay or other monetary compensation, all through the winter the reserve officers of organized units are working for the national defense.

As an indication of the work of the reserve organizations you may be interested to see the following schedule of work for the month of February of a reserve Cavalry regiment.

HEADQUARTERS THREE HUNDRED AND SIXTH CAVALRY,
HOWARD STREET ARMOY,
Baltimore, Md., January 14, 1924.

Subject: References to be looked up for February meeting.

To: All officers assigned or attached, First Squadron and Headquarters Troop, Three hundred and sixth Cavalry.

The following is a list of references to be used in connection with the February meeting of the officers of the First Squadron, Three hundred and sixth Cavalry. This list was prepared by Capt. George F. Eppey, Three hundred and sixth Cavalry, who is to conduct the conference at the February meeting.

The reference marked with red pencil is the one to be looked up by you. It is expected that you will come to the meeting prepared to discuss the point or points covered in the reference checked to you.

Subject of reference.

Reference No.

General consideration of the troop, troop formations, and echelonings of platoons. (Para. 1, 2, and 3 of Training Regulations 425-445 and addenda.)	1
Position of troop headquarters and its individuals, and the formation of the troop. (Para. 4 and 5.)	2
General rules for movements executed by the troop. (Para. 6.)	3
Line formations. (Para. 7, 8, 9, 10.)	4
Column formations. (Para. 11, 12, 13.)	5
The oblique march, march to the rear, and route order. (Para. 14, 15, 16.)	6
Extended order and extended-order formations. (Para. 17, 18, 19, 20.)	7
Extended order formations, continued. (Para. 22, 23, 24, 25, 26.)	8
Mounted action. (Para. 27, 28, 29.)	9
To dismount to fight on foot and dismounted combat. (Para. 30, 31.)	10

All required information may be found in Training Regulations No. 425-445 and addenda thereto in the paragraphs as above numbered.

By order of Colonel H—

G. H. BARR, Executive Officer.

HEADQUARTERS THREE HUNDRED AND SIXTH CAVALRY,
HOWARD STREET ARMOY,
Baltimore, Md., January 15, 1924.

Subject: February meeting.

To: All officers assigned or attached, Second Squadron.

As announced in the report of the October meeting, the subject for the February meeting will be "The school of the troop." The

meeting will be conducted by Capt. William J. Yetton, Cavalry, Officers' Reserve Corps, who has announced the following list of references. It is expected that you will come to the February meeting of the Second Squadron prepared to discuss the point or points covered in the reference checked to you below:

Subject of reference (to be found in Training Regulations 425-445 and addenda).

Reference No.

To form the troop (close order—mounted).....	1
To form the troop (dismounted).....	2
Positions of officers and noncommissioned officers out of ranks.....	3
Movements executed by the troop (extended order).....	4
Mounted attack (the troop acting alone).....	5
Mounted action and dismounted action.....	6
Supports and reserves.....	7
Fire and fire direction.....	8
Reconnaissance before combat.....	9
Rally.....	10

By order of Colonel H—

G. H. BARR, Executive Officer.

NOTE: The report of the October meeting gave the schedule of monthly meetings and work for the winter.

All this study and work in the office should be supplemented by practical field work, certainly not less than once every three years.

In conclusion, let me quote part of the testimony before the subcommittee of Gen. John Ross Delafield, president of the Reserve Officers' Association:

Mr. ANTHONY. General Delafield, we will be glad to hear from you. General DELAFIELD. Mr. Chairman, I appreciate, and I know all of the officers here appreciate, the privilege of being able to address you. We are here from different parts of the country for the purpose of attending this hearing, and I would like at this time to introduce to you in a general way the officers who are here, just naming them. They are: Lieut. Col. James Barnes, New Jersey; Capt. Harry C. Lear, Michigan; Lieut. Col. M. E. Borden, Vermont; Lieut. Col. Jenks B. Jenkins, Maryland; Col. John S. Sawell, Alabama; Lieut. Col. Joseph C. DeVries, New York; Maj. Edward E. McKelghan, Missouri; Col. Wm. Donahue, Minnesota; Lieut. Col. A. J. Sichter, Ohio; Maj. J. Ed. C. Fisher, Nebraska; Col. John Stewart, District of Columbia; Maj. R. E. B. McKenney, Pennsylvania; Lieut. Col. G. G. Reiniger, North Carolina; Brig. Gen. Roy Hoffman, Oklahoma; Lieut. Col. Phelps Newberry, Michigan; Brig. Gen. John Ross Delafield, New York; Col. Robert H. Murray, New Hampshire; Lieut. Col. Henry J. Dickinson, Tennessee; Capt. J. Monroe Stick, Maryland; and Capt. Hart G. Foster, Kentucky.

Mr. Chairman, we have come here in order to do all we can to assist your committee. For this purpose, we have come from various parts of the country, and we will be very happy if you will permit us to sit in at the hearings and listen to Colonel Dickinson's testimony, and then may I conclude with perhaps a supplemental statement?

Mr. ANTHONY. All right, sir; we will be very glad to have you make that statement at that time.

General DELAFIELD. I introduced to you officers from a number of different States awhile ago and failed to add that a great many others had intended to be here, but were detained in one way or another. While I was sitting here, this telegram was just handed to me:

"Eight hundred Louisiana reserve officers wish you success in effort for strongest but least expensive component national defense system. Effectiveness demands strengthening divisional organizations and field training for 30,000 officers annually."

That is signed by Colonel Morrill.

The statement I want to make is really a statement from the reserve officer's point of view. I want to tell you the story as the citizen soldier, the reserve officer, sees this whole problem. If you will be good enough to allow me to read parts of correspondence incidental to it, I will take only a short time.

As we see it, what we are here for is to do what we can to secure adequate and ample defense for our country. That is our whole object and our whole purpose. We are volunteers in that plan, ready to sacrifice part of our time and our skill and our ability for that purpose. And that is all we are here for. We expect no reward other than the privilege to serve our country in that way. We know this, that adequate national defense requires that we shall be ready on time to meet the attack of any first-class power and to repel it, and we have to be there on time; we have to be ready on time. We know from the last war that modern war has to be fought by the citizen; that modern wars are on such an immense scale that no standing army, no regular army, could ever hope to cope successfully against the enemy. For instance, in our own case, we have approximately 120,000 officers and men in the Regular Army; approximately 160,000 officers and men of the National Guard. That makes approximately 280,000 officers and men. Now, they are a drop in the bucket that do not count (in numbers) alongside of the fighting organization of any first-class power. In the last war we had 4,000,000 officers and men, and we, together with our allies, had the inconceivable number of 42,000,000 officers and men.

Mr. ANTHONY. General, does it not all depend on whether we are going to go across the water looking for first-class power to fight, or whether we are going to wait for them to come over here and attack us? In other words, it is not possible for any first-class power to bring any considerable number of men to our shores, is it?

General DELAFIELD. That is a strategic question. If we could bring that number of men to France and, while we may not think it, it may be quite possible for a first-class power to bring that number of men to our shores.

Now, the national defense act, as we see it, was framed with that very object in view, namely, to fit the country to meet these conditions. To analyze it rapidly, we see it in this way: The Regular Army itself is a body of experts. It is their business to know and to teach us all the latest implements and the greatest skill in warfare. Incidentally, they have the job of policing the Philippines, the border, and other work of that sort. They are a great body of skilled technicians for the benefit of the Nation in this scheme, as we see it. The National Guard is a section of the volunteer citizens who can give more time than the rest of us and who are ready to go in the first line along with the main elements of the Regular Army, and would be supposed to hold the enemy until the large citizens' army can go in and fight and win the war. In other words, they are preparing themselves to hold the pass of Thermopylae. That is what it amounts to.

The Organized Reserves, of course, represent the great fighting strength and mass of the Nation. At the present time they are made up of a Reserve Corps of 80,000 officers and the Enlisted Reserve Corps of somewhere about 2,300 enlisted men, I believe. It is this great body that we belong to and that we are thinking of and that we are satisfied constitutes the real fighting strength of the Nation.

Now, the object is to get this body into a condition of readiness that will enable us to do this work effectively and rapidly. With regard to the organization of the reserves under this system of the national defense act, it is worked out for the purpose of efficiency and the rapidity in getting it into the conflict. In the first place, the officers are distributed in a territorial system; that is to say, the trained officers are distributed throughout the country and placed so as to receive these drafted and enlisted men, commence training them at once, even while they live at home, and go right into it and begin mobilization and so get ready for actual conflict. Others are trained to go with the Regular Army and National Guard and to complete their units; others are trained for supply work and procurement.

* * * The reserve officers themselves as a body have given this thing a great deal of thought, as well as the individual reserve officers. It has come up at various meetings, at various times, and they have made declarations. At their convention in October, at Detroit, they passed this resolution:

"Be it further resolved, That appropriations for the support of the Army should include sufficient sums to cover the following needs: An adequate amount to cover the pay and training of at least 33 1/3 per cent of the enrolled Officers' Reserve Corps each year and all of the Enlisted Reserve Corps enrolled for the coming year; to provide adequate transportation for use of the various headquarters of reserve divisions; to permit and facilitate the organization of such divisions."

That this demand of the reserve officers themselves is entirely reasonable is so obvious as not to need much comment. If you can not get training at least once in three years, you get very rusty and your efficiency soon goes and your enthusiasm goes and the United States loses the officer. "But," it may be said, "they get their correspondence courses; their Regular Army officers at headquarters give them a certain amount of theoretical instruction and they read books." But they know, as we all of us know, that theoretical training won't make a soldier, much less a skilled officer, and won't keep him skilled. The almost universal demand for this training, for the practical actual camp training, is evidenced by the fact that last year more than 20,000 reserve officers requested this training. Only 6,000 so far have had it; about 700 or 800 more will get it before the end of the fiscal year. But over 20,000 demanded it.

Finally, gentlemen, the national defense needs a well-trained and ready reserve. We do not want war. Nobody wants war less than the trained reserve officer, who is a citizen first of all and wants to remain one. [Applause.]

The CHAIRMAN. The time of the gentleman from Maryland has again expired.

Mr. JEFFERS. Mr. Chairman, I ask recognition on the gentleman's pro forma amendment.

The CHAIRMAN. The gentleman from Alabama.

Mr. JEFFERS. Mr. Chairman, I desire, if the gentleman from Maryland will give me his attention right here, to continue along that same line and get this into the record straight. If there are about 12,000 reserve officers to be trained out of about 63,000 reserve officers who are attached to tactical arms of the service, then that means only about 20 per cent, or less

than one out of five. That means that only once out of every five years a man who holds a reserve commission can attend a training camp for 15 days. That is the net result, is it not?

Mr. HILL of Maryland. Yes.

Mr. JEFFERS. Well, that illustrates the point that we should increase the number to be trained each year just as fast as the Committee on Appropriations or this Congress can possibly accomplish it—and I think that more of them should be trained during this coming summer—we should materially increase the number to be trained each year, because only two weeks of field training in five years is not sufficient training experience to keep up the interest of the men who hold these reserve commissions.

Mr. HILL of Maryland. Mr. Chairman, will the gentleman yield?

Mr. JEFFERS. Yes.

Mr. HILL of Maryland. The gentleman has had experience in the recent war, and I read with the greatest interest the gentleman's remarks when he appeared before the subcommittee, where the gentleman advocated an absolutely and essentially sound system underlying the Reserve Corps, and that is that of the 63,000 officers attached or assigned to the tactical units at least one-third of them should be trained every summer.

Mr. JEFFERS. Yes; so that each one could go to the training camp at least once every three years. We certainly should provide them at least that much opportunity to keep up.

Mr. VAILE. Mr. Chairman, will the gentleman yield?

Mr. JEFFERS. Yes.

Mr. VAILE. The reserve officer's commission only lasts five years, does it not?

Mr. HILL of Maryland. That is all.

Mr. VAILE. Then on this basis he would be trained only one summer during the period of his commission?

Mr. JEFFERS. Yes; and that is not sufficient to keep the interest up to the mark and thereby avail the Nation of this splendid material which was developed during the war. If this material can be kept available, and if we can give these reserve officers sufficient training to keep them interested and well posted in their work, it will be well worth while, and it will mean a great deal to this highly important branch of our present plan of national defense.

Mr. HOWARD of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. JEFFERS. Yes.

Mr. HOWARD of Nebraska. I am preparing an amendment which I think will result in that very thing which has been referred to by the gentleman from Maryland and the gentleman from Alabama.

Mr. JEFFERS. Mr. Chairman, in the moment I have remaining I wish to address myself to the members of the subcommittee who handled this bill, and I will appreciate the attention of the gentleman from Iowa [Mr. DICKINSON] while I ask him this question: What is the idea in limiting the allowance for members of the Officers' Reserve Corps when they are called into active service for training for the 15-day period to 4 cents per mile when other officers traveling to the same sort of duty get 8 cents per mile? And when this same reserve officer when called in for duty for more than 15 days would get 8 cents per mile but gets only 4 cents per mile when called in for active duty for the 15-day period of training. Why that discrimination?

Mr. VAILE. And the enlisted man gets 5 cents a mile.

Mr. DICKINSON of Iowa. The reason for that is that when the reserve officer goes to camp he has not the hotel expenses and incidental expenses of his trip that the other officer has. He is provided with a place for lodging and mess tent, and so forth.

Mr. JEFFERS. But the same reserve officer, if called to the same camp during the same summer to instruct troops, for example, for 30 days, gets the 8 cents per mile, as I understand it.

Mr. DICKINSON of Iowa. He is on an entirely different basis and is not allowed the rations and other allowances in the Army, and for that reason he must have that additional compensation.

Mr. JEFFERS. Now, Mr. Chairman, if the gentleman will allow me, just one further observation—

Mr. DICKINSON of Iowa. The 4 cents was put in by the Senate.

Mr. JEFFERS. A reserve officer goes to a summer camp for his 15-day training period. If he goes home at the end of the 15 days his traveling allowance is only 4 cents per mile; but if the same officer is kept in that camp after his 15-day training period to train other troops, he gets 8 cents per mile, and

It strikes me that they should all receive the same regular allowance of 8 cents per mile, and it should apply when one is called in for the 15-day training period just the same as when one is called in for duty for 30 days, for example. They should all be on the same basis as to this mileage allowance.

Mr. DICKINSON of Iowa. If there is any discrepancy here, it has not been called to the attention of the committee, and if it should be corrected I suggest to the gentleman that he take it before the Senate committee.

Mr. HOWARD of Nebraska. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Nebraska offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HOWARD of Nebraska: Page 70, line 22, after the word "training," strike out the figures "\$1,638,600" and insert in lieu thereof "\$2,638,600."

Mr. HOWARD of Nebraska. Mr. Chairman and gentlemen of the committee, here we have an opportunity to determine among ourselves whether this Congress is a militaristic body or whether it is a body—I was just on the point of using a bad word—a body of believers in the Republic. I do not believe in a large standing Army. I voted for the amendment presented by the gentleman from Minnesota to reduce by 50 per cent our own standing Army.

Mr. WATKINS. Mr. Chairman, will the gentleman yield?

Mr. HOWARD of Nebraska. Yes.

Mr. WATKINS. Is it not a fact that \$2,638,600 is the sum the War Department estimated?

Mr. HOWARD of Nebraska. Yes; I am adding a million dollars.

Mr. WATKINS. Is that the sum the War Department wanted for this purpose? Is it not?

Mr. HOWARD of Nebraska. I do not know. I am just increasing these figures in the bill by \$1,000,000.

Mr. ANTHONY. Did the gentleman inquire what the War Department asked for?

Mr. HOWARD of Nebraska. Yes. That is what I asked about.

Mr. ANTHONY. The estimate of the War Department was \$1,087,000, and the approved estimate of the Budget was \$1,638,600.

Mr. HOWARD of Nebraska. I have asked for \$2,638,600 because, as I said, I do not believe in large standing armies. But I do believe in citizen soldiery. We can not have a citizen soldiery that may be quickly trained and brought into soldiery shape without educated Army officers. Now, we can not have enough of them out of the Regular Army, which we are to reduce pretty soon, so I am in favor of manufacturing a great many new ones by the proposal that I have offered.

Who will constitute this Officers' Reserve Corps, Mr. Chairman and gentlemen? Why, it will be very largely made up of the young and magnificent fellows who served in an official capacity during the late World War.

I am offering the amendment only for the purpose of expressing my sentiments and for the purpose of giving you an opportunity to join me if you want to. I do not desire to harass the committee in its progress with the bill. I have several amendments in line with this, but I shall not ask time to further discuss them other than to say that I believe this is the best course for those of us to pursue who are opposed to the spirit of militarism in our Republic.

Mr. McKENZIE. Will the gentleman yield?

Mr. HOWARD of Nebraska. Yes.

Mr. McKENZIE. I think we all agree on the matter of a large standing Army, but I want to call this to the attention of the gentleman from Nebraska: I am a believer in the Officers' Reserve Corps, and I have always been a staunch friend of the National Guard, but I have always had this thought in mind, that whenever we reach a point that the burden of taxation becomes noticeable then I fear the men who have been opposing the Regular Army will turn against the National Guard and the Officers' Reserve Corps because it is such a burden to the people of the country. Therefore, is it not wise to move rather slowly?

Mr. HOWARD of Nebraska. Well, I am moving rather slowly. I am asking only for a couple of million dollars here, whereas we are appropriating great sums—\$8,000,000, \$10,000,000, and \$100,000,000. I noticed a little while ago that an item went through of \$150,000 for stud horses. I do not know what earthly use our Army has for anything of that kind.

Mr. McKENZIE. I would refer the gentleman to the gentleman from Virginia [Mr. HARRISON].

Mr. HOWARD of Nebraska. I would be glad to hear from him.

The CHAIRMAN. The time of the gentleman has expired. Mr. HOWARD of Nebraska. But these fellows took up all of my time.

Mr. VAILE. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Colorado is recognized.

Mr. VAILE. Mr. Chairman, I agree with the gentleman who has just spoken in regard to the necessity of an adequate Officers' Reserve Corps and in regard to the merits of the National Guard and amply adequate appropriations for both. These bodies, at least, are bodies of trained officers who will not be withdrawn from civilian life except in time of war, and, consequently, they can not furnish arguments to those who are fond of howling that any preparation for the national defense is militaristic. I am going to vote against the gentleman's amendment, however, because it seems to me the committee has done wisely to adhere to the Budget.

But I want to get out of my system a few remarks on this subject of militarism and the opposition to reasonable preparations for the national defense.

In 1920 we voted an army of 500,000. We have kept whittling that down and down, until it is now 125,000, and that is slightly more than 1 soldier to every 1,000 of population. It does not seem to me, with the thunder of cannon of the World War hardly gone from our ears, that that is an unreasonable standing Army—I soldier to 1,000 of population.

This country has been at war one year out of six throughout its entire national history. As trustees for the welfare of the Nation, we are not entitled to assume that we shall never have another war. If war should come, we shall require an army. Now, the gentleman from Minnesota [Mr. KVALK] rose yesterday and proposed to cut our Army in half. I asked him what minimum Army he would like. He said he proposed to cut it to 62,500 now and to make a further cut as soon as there were more ladies in the House, which, he thought, would be in about four years. I hope it will be sooner than that. His assumption seemed to be that when there are more ladies in the House we would ultimately abolish the Army altogether. I have not talked with the one lady Member of the House on the subject of abolishing the Army, but I think the inference to be drawn from his remarks is a very serious and unjustified reflection on the patriotism of the women of the United States.

I well remember when I enlisted at the outbreak of the Spanish War and wired my mother I had enlisted that she sent back a telegram, "Hope your organization will not be called, but I am with you." [Applause.] And speaking of women, my great-great-grandmother ran the family pewter spoons through a bullet mold in order to help her husband establish a country which would be good enough for the parents of the gentleman from Minnesota to live in, and I expect to be one of those who are going to hand down that same kind of a country to his children, in spite of his efforts and the efforts of others similarly disposed. In other words, I believe in maintaining an army not particularly for police purposes—the States should be able to take care of that—but for the national defense.

Mr. BLANTON. Will the gentleman yield?

Mr. VAILE. I will.

Mr. BLANTON. From the literature we have been getting lately with the gentleman's picture on it, I have been rather inclined to the belief that the gentleman is now influenced by some female sentiment in the country that would be against manning the Army. [Laughter.]

Mr. VAILE. I do not think there will be any difficulty in manning the Army when the time comes. But I want some trained men in it at that time. Since the gentleman has risen, I would like to answer a question which he has been propounding to Members with a great rhetorical flourish. It came up during the debate on the enlistment of young men under 21 years of age. The gentleman several times rose and said, "Would any of you want your sons to enlist in the Army under the age of 21?"

Mr. BLANTON. In peace time.

Mr. VAILE. In peace time. And because he does not get 435 men to jump up and say they would, he thinks he has scored a great triumph.

Mr. BLANTON. I do not get any of them to do it.

Mr. VAILE. Very well; you are going to get one right now.

Mr. HOWARD of Nebraska. Will the gentleman yield?

Mr. VAILE. No; I am going to answer this question in my own way. The question has been put here half a dozen times. In the first place, I want to say it is not a fair question. If the gentleman should say to the membership of the House, "Would any one of you want your son to be a hod carrier, and fall to get a response, and then say, 'That proves that the busi-

ness of a hod carrier is a dishonest business or an indecent business," it would be misleading. The reason, of course, is entirely different. It means that while the business of a hod carrier is a decent and an honorable business, the Members of this House hope that possibly their sons may follow some profession a trifle higher. It is not that that profession is not all right. Under ordinary circumstances I would not want my son to enlist in the Army in time of peace, but it is not because the Army is not a splendid training school. I believe it is. I have been in the Army myself.

The CHAIRMAN. The time of the gentleman has expired.

Mr. VAILE. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. The gentleman from Colorado asks unanimous consent to proceed for five additional minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. WATKINS. Mr. Chairman, I want to submit to the House an observation or two in support of the amendment of the gentleman from Nebraska, and in doing so submit the estimate submitted by the Budget.

The CHAIRMAN. The gentleman from Colorado has asked to proceed for five additional minutes.

Mr. WATKINS. Pardon me; I did not understand that.

Mr. VAILE. Now, I have not a son 18 years old. The gentleman from Texas [Mr. BLANTON] will claim that as a great triumph. If he does not find every man in the House here with a son of precisely that age, he immediately thinks he has scored a great triumph.

Mr. BLANTON. No; I did not expect the gentleman to have one.

Mr. VAILE. I have a son who will be 18 in 12 years.

Mr. HOWARD of Nebraska. Will the gentleman yield at this time?

Mr. VAILE. No; I will not yield at this time if the gentleman will excuse me. The gentleman will have plenty of opportunity to answer me later.

Now, I would rather that my son would not be in the Navy or in the Army at 18, but it is not because I do not regard the Army or the Navy as a splendid place. It is because I hope he can do something perhaps a little—well, I will say more lucrative. I do not believe I care to have him be a Member of Congress, because I want him to do something that will enable him to support his family. [Laughter.] If he could be a doctor or a lawyer or even an editor, it might be a little better for him than if he was in the Regular Army.

Mr. BLANTON. If the gentleman will permit, I might suggest being a plasterer, because they are now getting \$14 a day for six days and only working five days.

Mr. VAILE. That is an excellent suggestion. I think I will convey that to my boy when he gets that age. Probably plasterers' wages will then be still higher. [Laughter.]

Mr. O'CONNELL of New York. Will the gentleman yield? The gentleman from Texas has a couple of sons. I wonder if he would want to make plasterers of them. [Laughter.]

Mr. VAILE. Now, gentlemen, let me make this additional statement. I was in the Army as a private in time of war, but I never saw action and I never smelled enemy powder. So I suppose that my experience is fairly comparable with that of a man in an Army cantonment in time of peace.

I want to say that while the boys in my organization, my fellow privates and noncommissioned officers, were not saints, they were mighty decent young fellows. I was an officer in time of peace, but under mobilization conditions, on the Mexican border, and the men in my organization I would put up against any group of men of similar numbers and similar general social conditions anywhere in the United States. I have been commander of a post of Spanish-American War veterans, mainly composed of ex-Regulars, and I would put those men, for decency and sobriety and general goodness and merit, up against any group of equal numbers anywhere, and I would not except the church of the gentleman from Minnesota. [Applause.] I have helped those men find employment, and I know that employers are glad to have them, because the Regular Army teaches discipline and fidelity to duty and habits of promptness and accuracy and honor. I must say I thoroughly resent the spirit which seems to be growing in the discussions on this subject that the Army is an army of ruffians or blackguards or drunkards or libertines, and I am reminded of Kipling's—

We ain't no thin red heroes,
And we ain't no blackguards, too;
But single men in barracks,
Most remarkably like you.

Like all of you, gentlemen.

Mr. HOWARD of Nebraska. Will the gentleman yield now?

Mr. VAILE. Yes.

Mr. HOWARD of Nebraska. Did the gentleman know that the gentleman from Minnesota is now absent?

Mr. VAILE. Well, I have not attacked the gentleman from Minnesota very severely.

Mr. HOWARD of Nebraska. Have not attacked him? If you had attacked me in the way you did him, I apprehend our positions would not be the same as they are at this moment. [Laughter.]

Mr. VAILE. The gentleman will have an opportunity to reply.

Mr. HOWARD of Nebraska. You deliberately stated that the gentleman from Minnesota was practically trying to ruin this country of yours and mine.

Mr. VAILE. I stated that the gentleman from Minnesota was trying to cut our Army in half, and I insist that the effect of that would be to ruin this country of yours and mine.

Mr. HOWARD of Nebraska. Ah, but that is not the way you put it in reference to the matter. He is not here now and he is a mild-mannered man, and so am I.

Mr. VAILE. And so am I.

Mr. HOWARD of Nebraska. But before we go any further it does seem to me that while you are resenting the action with reference to men who are decrying the Army—I do not know who they are, I have not heard anybody here decrying the Army—I have heard a lot of my militaristic mad friends defending the Army from some fancied insults, and yet I have never heard the insults on the floor.

Mr. VAILE. I did not yield for a speech. If the gentleman had kept his ears open he would have heard it.

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. HOWARD of Nebraska. Mr. Chairman, I move to strike out something. [Applause.]

Mr. VAILE. Make it the Army. That will be in accordance with the gentleman's position.

Mr. HILL of Maryland. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Nebraska is recognized for five minutes.

Mr. HOWARD of Nebraska. Mr. Chairman and gentleman, I am forced to make a comparison between the mild-mannered brother from Minnesota who is not here to defend himself and the gentleman from Colorado.

I go at it with a good deal of trembling, and yet I apprehend if the gentleman from Minnesota was here this afternoon he would look over his record in a legislative way and then examine closely the legislative record of the brother who has denounced him, and he might say this: "My brother, I think there may be a striking difference between you and me in our legislative ideals, but after all," in the language of Jim Gibbons, the horse trader, he would say, "if there is a difference between us it is about the same." [Laughter.] And then he would say, "As I see the difference, I am the advocate of a reduction of the standing Army of my country, whereas the only reduction I have ever known the gentleman from Colorado to advocate was a reduction in the population generally." [Laughter.]

Mr. HILL of Maryland. Mr. Chairman, I offer a substitute for the amendment of the gentleman from Nebraska.

Mr. DICKINSON of Iowa. Mr. Chairman, I make the point of order that there is an amendment pending and a pro forma amendment to that amendment.

The CHAIRMAN. All debate is exhausted. Without objection, the pro forma amendment is withdrawn and the question is on the amendment offered by the gentleman from Nebraska.

Mr. HILL of Maryland. Mr. Chairman, I offer a substitute for the amendment of the gentleman from Nebraska.

The Clerk read as follows:

Amendment offered as a substitute for the amendment of Mr. HOWARD of Nebraska: Page 70, line 22, after the word "training," strike out the figures "\$1,638,600" and insert in lieu thereof the following: "\$1,537,956."

Mr. HILL of Maryland. Mr. Chairman, I entirely agree with the amendment offered by the gentleman from Nebraska [Mr. HOWARD], and it is a further move in the right direction. That amendment is intended to obtain a closer approximation of the training in the coming fiscal year for the 15-day period of a part of the 63,000 out of the 80,000 reserve officers attached to the technical unit. I only offer a substitute because I think we have a greater chance of having it adopted, since it is based on the War Department's estimate. The substitute I offer is based on the figures of the War Department in their original request for 14,151 officers to be trained during the coming summer instead of 12,615 officers as planned by the present

bill. I am for training 21,000, but I wish to call attention to the fact that this cut from 14,000 to 12,000 was not made by the Subcommittee of the Appropriations Committee. It was made by the Budget. I would be glad to yield to the gentleman from Nebraska.

Mr. HOWARD of Nebraska. I do not want to ask a question, but I will make a statement. I am entirely satisfied with the figures presented by the gentleman from Maryland. I simply introduced my amendment as an expression of my sentiment. If I can get it started upward, even for only a dollar, toward the training of these officers, I shall have accomplished something in the line of my principle which calls for the training of officers, where we have such a large standing army. If I had the privilege I would accept the amendment of the gentleman from Maryland.

The CHAIRMAN. The gentleman can withdraw his amendment by unanimous consent.

Mr. HOWARD of Nebraska. I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HILL of Maryland. I would like to see 21,000 officers trained, and, as I said before, I think it is necessary. I hope you will adopt the increase called for by the proposed amendment. Now, Mr. Chairman, I offer my amendment.

The Clerk again reported the amendment.

Mr. WATKINS. Mr. Chairman, in support of the amendment I want to submit this observation to the committee. I believe that it was during the World War wherein it was disclosed that 26 per cent of the young men of this country were defective physically and unfit for military service. That was largely due to lack of physical development. It seems to me that one of the best investments the Government can make is to train young men of this country physically so that they can make better citizens, and consequently, if war comes, better soldiers. The War Department asked for \$3,632,777.87 more than the committee has recommended. Not only that, but the appropriation bill for the fiscal year of 1924 carried \$16,224,267.87 more than this one. It seems to me, therefore, in view of the results that we have had from the Reserve Officers' Training Corps throughout the United States, that we can certainly insert here and now the sum that the War Department has recommended by adopting the amendment offered by the gentleman from Maryland [Mr. HILL]. I hope the committee will adopt the amendment.

Mr. CONNERY. Will the gentleman yield?

Mr. WATKINS. Yes.

Mr. CONNERY. Does the gentleman think that the amendment offered by the gentleman from Nebraska [Mr. HOWARD] was the better one if we could get it through?

Mr. WATKINS. I heartily approve of the Howard amendment, but I thought that the committee would vote it down for there are no estimates to support it; on the contrary, there are figures to support the amendment of the gentleman from Maryland [Mr. HILL]. I believe that the records of the late war furnish figures warranting the amendment of the gentleman from Nebraska [Mr. HOWARD] and I would prefer that; but as a practical man, when I can not get what I want, I take the next best thing.

Mr. CONNERY. I wish to state to the gentleman that I am heartily in favor of the amendment of the gentleman from Nebraska.

Mr. ANTHONY. Mr. Chairman, I fear that the gentleman from Oregon [Mr. WATKINS] in making the statement that this bill carries \$16,000,000 less than the current year, sought to convey the idea that there was \$16,000,000 less in it for military purposes.

Mr. WATKINS. No; I quoted the figures here—\$3,632,000. I think that is true, is it not?

Mr. ANTHONY. It is not true.

Mr. WATKINS. Is it not less than the War Department asked for?

Mr. ANTHONY. While the bill carried \$16,000,000 less in the total, it carries over \$3,000,000 more for military purposes, and practically all of the training items in which the gentleman is interested have been very largely increased over the amounts carried for the current year.

Mr. WATKINS. On page 19 of the report, last column, it states that the Budget recommended \$3,000,000 more, as I read it, than the committee has given. That is, there is a minus sign in front of the \$3,000,000. I think that this bill carries \$3,000,000 less than the Budget asked for. I may be wrong in my diagnosis of the figures, but that is the way I interpret them.

Mr. ANTHONY. The gentleman was discussing the figure for the current year.

Mr. WATKINS. Yes.

Mr. ANTHONY. But the situation is as I tell him, that for purely military purposes this bill carries \$3,000,000 more for the next fiscal year than was carried for the current year.

Mr. WATKINS. How much more or less does this bill carry for the Reserve Officers' Training Corps and that work than last year?

Mr. ANTHONY. It carries a little over \$1,000,000 more.

Mr. WATKINS. And how much more or less does it carry than the War Department wanted?

Mr. ANTHONY. Only \$50,000 less than the Budget estimate, which is the figure that the War Department wants. The gentleman must know that in making up appropriations there are all kinds of estimates that are originally made in reference to the appropriations. A committee of the General Staff may make up one estimate.

The officer in charge of the division will make up another. They are all boiled down before they finally come to the Bureau of the Budget, and it can safely be said that the figure which comes to the committee from the Bureau of the Budget represents the amount which is asked for by the War Department, because the Budget itself, which makes up these estimates, is composed entirely of military officers.

Mr. WATKINS. I understood that the War Department asked for \$1,837,000 for this work?

Mr. ANTHONY. That was their original figure; yes.

Mr. WATKINS. So that that would be nearly \$200,000 more instead of \$50,000. I understood the gentleman to say \$50,000 less?

Mr. ANTHONY. The gentleman is discussing one of the preliminary estimates of the War Department. Of course it is impossible to satisfy all of the interests that are concerned in appropriations of this kind. The Reserve Officers' Association, which made probably the first recommendation to the War Department, wanted \$6,000,000 for this purpose. The War Department itself defended the appropriations before the committee that are asked for by the Budget, and which we have given, except one which was shaved \$50,000.

Mr. WATKINS. Does not the gentleman think that it would be a good investment from the standpoint of citizenship and future soldiers for us to increase this sum?

Mr. ANTHONY. I feel sure that the gentleman wants the money that is appropriated for the training of these reserve officers profitably expended.

Mr. WATKINS. I do.

Mr. ANTHONY. I think there is a limit to which we can go in the number of reserve officers that we can profitably train. We could order up the full number if Congress saw fit to appropriate the money, but all that we could do with them would be to crowd them into camps and give them a series of lectures by Regular Army officers. It would be impossible to handle them in a way in which the training would do them any good, in my opinion. I think that we ought to approach this matter gradually. We are increasing the appropriation 100 per cent each year, and I think we ought to approach it gradually so that the training which we give these men may be efficient. If Congress overdoes it by appropriating too much money, it would simply mean that the Army would not be able to digest the men that we would have on hand.

Mr. WATKINS. The gentleman would say, then, that the War Department was wrong in asking for more than the committee has given?

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. WATKINS. Mr. Chairman, I ask unanimous consent that the time of the gentleman from Kansas be extended for one minute.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. ANTHONY. I would not say that the War Department was wrong, but, as I explained before, all of the original estimates that concern every item in this bill vary from the estimate that finally comes to us from the Budget.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. BLANTON. Does the gentleman's experience not convince him that these bureau chiefs have learned to ask of the committee much more than they really need on most all occasions?

Mr. ANTHONY. I think always that the bureau chief asks originally for more than he hopes to get.

Mr. HILL of Alabama. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. HILL of Alabama. What was the reason that actuated the committee in cutting down the Budget estimate \$50,000?

Mr. ANTHONY. That was the estimate for divisional and regimental headquarters. For the current year that expenditure was limited to \$60,000. This year it is limited to \$100,000, so that the bill carries an increase of \$40,000, practically 80 per cent of the appropriation.

The CHAIRMAN. The time of the gentleman from Kansas has again expired.

Mr. HARRISON. Mr. Chairman, as a member of the subcommittee I am very much in favor of the proposition to increase the appropriation for this purpose. [Applause.] I think that appropriations ought always to be sufficient to effectuate the purpose for which the appropriations are made. Making an appropriation that would simply give these reserve officers training 15 days in five years is so insufficient that it seems to me we had better save our money and not make any appropriation at all.

Mr. BOYCE. Will the gentleman yield for a question?

Mr. HARRISON. I will.

Mr. BOYCE. Will the gentleman please inform the members of the committee how we are to meet the overwhelming nation-wide demand for economy and go on continuing the appropriations beyond the Budget?

Mr. HARRISON. I would cut out appropriations for a great many of these overhead expenses.

Mr. WATKINS. If the gentleman will permit, if the gentleman from Delaware was here the other day he had a chance to have us do that by cutting out these exorbitant, outrageous prices paid to auctioneers—

Mr. BOYCE. I voted to assist in that.

Mr. WATKINS. In some instances it is penny wise and pound foolish.

Mr. ANTHONY. These fees do not come out of the Army appropriation, they do not figure in this appropriation at all.

Mr. HARRISON. As the gentleman from Delaware has said, we are all desirous of economy, but how is it economy to make an appropriation that does not accomplish the object of the appropriation. If the object is worthy, the appropriation should be adequate; if not, none should be made.

Mr. DICKINSON of Iowa. Would the gentleman contend it was economy if the Army officers tell us that they are not in a position to expend this money to aid in the training of officers?

Mr. HARRISON. I do not see why the officers can not aid in such training. The amendment is what the War Department asked.

Mr. DICKINSON of Iowa. They told the gentleman why; the hearings will tell the gentleman why.

Mr. HARRISON. I think officers of the Army can always find excuse for not doing what they do not want to do? [Applause.] Just one more word and I will close. It does seem to me that if we are going to economize on this proposition we ought to strike out the appropriation altogether, because I do not believe an appropriation to train men for 15 days in five years amounts to anything. It is keeping the word of promise to the ear but breaking it to the hope. If we are going to do something along this training business we ought to appropriate enough money to see that it amounts to something.

Mr. BLANTON. Will the gentleman yield?

Mr. HARRISON. I will.

Mr. BLANTON. Will the gentleman explain the \$150,000 item to which the gentleman from Nebraska called attention?

Mr. HARRISON. The gentleman means the remount station. I can simply say the remount station has been of the greatest benefit in the Army appropriation bill for the last 20 years.

Mr. MADDEN. Mr. Chairman, I am in favor of having an Army as efficient as it is possible to have it. I am also in favor of decent economy in Government expenditures. We are charged with a great responsibility here. Everybody is overloaded with taxes. Everybody all over the United States is demanding greater economy and a reduction of taxes, and yet everybody is demanding increased appropriations at the same time. Now you can not do all these things everybody wants. You can not please them, but what we ought to do is to see that no money is squandered. We have \$100,000 in this item. It was \$60,000 for the current year. Nobody has complained it was not adequate. Nobody can claim that \$100,000 is not enough. Now why should we increase that to \$200,000 or any other sum. I hope the House will help the committee do what obviously ought to be done, to give a decent appropriation commensurate with the finances of the country. That

is what we are trying to do; we are not trying to skimp where expenditure is needed. We are not trying to expend where expenditure is unnecessary. If there is any place in the category of expenditures where we can afford to economize this is the item and we ought to economize on this item.

Mr. JEFFERS. Will the gentleman yield?

Mr. MADDEN. I will.

Mr. JEFFERS. The gentleman mentioned the fact that last year for this purpose we had \$60,000.

Mr. MADDEN. This year.

Mr. JEFFERS. This year, and the bill provides for \$100,000, and we are trying to increase it to \$200,000.

Mr. MADDEN. That is what I understand.

Mr. JEFFERS. I believe the gentleman is talking about another item. We are not yet on that proposition.

Mr. ANTHONY. The gentleman, I think, is referring to the item of divisional and regimental headquarters, which I discussed with him.

Mr. MADDEN. This other item ought not to be increased. All the money that ought to be expended for the training of reserve officers is in the bill. I hope, whatever amendment may be pending, it will not prevail. [Laughter and applause.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Maryland [Mr. Hill].

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. DICKINSON of Iowa. Mr. Chairman, I ask for a division.

The CHAIRMAN. A division is demanded by the gentleman from Iowa.

The committee divided; and there were—ayes 31, noes 37.

Mr. JEFFERS. Mr. Chairman, I ask for tellers.

The CHAIRMAN. Tellers are demanded. Those who favor the taking of this vote by tellers will rise and stand until they are counted. [After counting.] Only 18 gentlemen have arisen—not a sufficient number. Tellers are denied.

So the amendment was rejected.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Nebraska [Mr. Howard].

The Clerk read as follows:

Amendment offered by Mr. Howard of Nebraska: Page 70, line 23, after the word "law," strike out the figures "\$400,866" and insert, in lieu thereof, the following: "\$300,466."

Mr. HOWARD of Nebraska. Mr. Chairman, the substitute of the gentleman from Maryland to that amendment of mine was lost, was it not?

The CHAIRMAN. It was.

Mr. HOWARD of Nebraska. I do not want to embarrass the committee. I withdraw all these amendments. I have put the principle before the House, and it has been rejected.

The CHAIRMAN. The amendment offered by the gentleman from Nebraska is withdrawn, and the Clerk will read.

The Clerk read as follows:

NATIONAL BOARD FOR PROMOTION OF RIFLE PRACTICE.

QUARTERMASTER SUPPLIES AND SERVICES FOR RIFLE RANGES FOR CIVILIAN INSTRUCTIONS.

To establish and maintain indoor and outdoor rifle ranges for the use of all able-bodied males capable of bearing arms, under reasonable regulations to be prescribed by the National Board for the Promotion of Rifle Practice and approved by the Secretary of War; for the employment of labor in connection with the establishment of outdoor and indoor rifle ranges, including labor in operating targets; for the employment of instructors; for clerical services; for badges and other insignia; for the transportation of employees, instructors, and civilians to engage in practice; for the purchase of materials, supplies, and services; and for expenses incidental to instruction of citizens of the United States in marksmanship and their participation in national and international matches, to be expended under the direction of the Secretary of War and to remain available until expended, \$89,900: *Provided*, That out of this appropriation there may be expended not to exceed \$80,000 for the payment of transportation, for supplying meals, or furnishing commutation of subsistence of civilian rifle teams authorized by the Secretary of War to participate in the national matches.

Mr. BLANTON. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. JOHNSON of Kentucky rose.

The CHAIRMAN. The gentleman from Kentucky is recognized.

Mr. BLANTON. The gentleman will excuse me.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make a point of order on the paragraph for the reason that it contains a number of items which are legislative in their character and are not authorized on an appropriation bill.

The CHAIRMAN. Does the gentleman from Kentucky wish to indicate to the Chair the point?

Mr. JOHNSON of Kentucky. Yes. I was going to do that, Mr. Chairman.

Mr. ANTHONY. When the gentleman has finished his points I would like to have a minute.

Mr. JOHNSON of Kentucky. Mr. Chairman, have you the national defense act before you?

The CHAIRMAN. Yes; I have the national defense act before me.

Mr. JOHNSON of Kentucky. I invite your attention to section 113.

Now, then, Mr. Chairman, I wish the Chair to read section 113 for the purpose of seeing what is authorized, and then read page 78 of the bill and see what is undertaken to be given under the bill.

In the first place the act provides for shooting galleries and other places for target practice which have been established or may hereafter be established with funds provided in whole or in part by Congress. The bill, on page 78, provides for shooting galleries and places of practice regardless of how they are established.

Under the bill funds may be expended for operating shooting galleries and places for rifle practice, no matter when or by whom established. The law limits the funds to be expended only to those that have been established in whole or in part under provisions heretofore provided by Congress. In addition to that, the bill authorizes rules and regulations to be prescribed by the National Board for Promotion of Rifle Practice. There is nothing of that kind authorized in the act.

The CHAIRMAN. What interpretation does the gentleman give to that phrase "under reasonable regulations to be prescribed by the controlling authority and approved by the Secretary of War"?

Mr. JOHNSON of Kentucky. The controlling authority is not to be determined by the draftsmen of this bill by writing the name of a particular organization in it. If that name can be written into the bill the name of any other organization may just as appropriately be written in. They must confine their language to that of the act. Again, the bill carries an appropriation of \$80,000 with which to do certain things; and, under that language, they can buy guns and ammunition, whereas the act itself provides that the Secretary of War shall be authorized to provide for the issue of a reasonable number of standard military rifles and such quantities of ammunition as may be available for use in conducting such practice.

Then, in addition to that, provision is made for the payment of the transportation of persons to international matches. In addition to that, it is provided that this money may remain available until expended. Then there is a proviso which says:

That out of this appropriation there may be expended not to exceed \$80,000 for the payment of transportation, for supplying meals, or furnishing commutation of subsistence of civilian rifle teams authorized by the Secretary of War to participate in the national matches.

That is a negative way of permitting an expense which the law does not authorize.

Those are several of the items to which I raise the point of order.

The CHAIRMAN. Does the gentleman from Kansas wish to be heard on the point of order?

Mr. ANTHONY. Yes. Mr. Chairman, I think the language of the national defense act, the section just quoted by the gentleman from Kentucky, gives the widest possible authority for the encouragement of national rifle practice, and the language there is:

Under reasonable regulations to be prescribed by the controlling authorities and approved by the Secretary of War.

Now, the controlling authorities are the National Board for the Promotion of Rifle Practice, and the Secretary of War approves their recommendations.

I also want to call the Chair's attention to the fact that the proviso in this paragraph authorizing the expenditure of—

Not to exceed \$80,000 for the payment of transportation, for supplying meals, or furnishing commutation of subsistence of civilian rifle teams authorized by the Secretary of War to participate in the national matches—

Has been held in order previously, and the ruling can be found on page 2615 of the CONGRESSIONAL RECORD, third session of the Sixty-sixth Congress.

The CHAIRMAN. The Chair is not so much bothered about the proviso as about certain other provisions.

Mr. BLANTON. Mr. Chairman, there is no question whatever but what the feature pertaining to international rifle matches is subject to the point of order. That is legislation. We have never authorized the War Department or any controlling authority to send rifle teams—wholly disconnected from the War Department in instances—across the water to European rifle matches. That is carrying the matter entirely too far. When we want to compete with them we will do it on the battle field and not at these friendly rifle matches.

Mr. JOHNSON of Kentucky. Mr. Chairman, I want to invite the Chair's attention to some other matters. This bill provides for the employment of clerical services. The Book of Estimates has been transmitted by the War Department to the Speaker of this House and is now officially before the House. That Book of Estimates shows that they intend to expend a part of this money for the purpose of employing 18 clerks, and the Chair must take official notice of unauthorized appropriations.

Then, Mr. Chairman, again, in this bill there is a provision for the purchase of badges and other insignia. That language is to be found at line 12.

This section is so full of unauthorized stuff that one can just keep on mentioning item after item; but there are several provisions which stand out glaringly.

There is the provision making the funds available until expended; there is the provision for buying badges and insignia and for employing clerks. Under it they can buy guns and ammunition, when the law provides, under section 113, that the Secretary of War shall be authorized to provide for "the issue of a reasonable number of standard military rifles and such quantities of ammunition as may be available for use in conducting such rifle practice." Such as is available. That is the only legal provision by which to get ammunition; and last year, acting under that authority, the Secretary of War issued to this shooting-match concern approximately a quarter of a million dollars' worth of ammunition.

The CHAIRMAN. The Chair calls the attention of the gentleman from Kentucky to the first part of section 113 of the national defense act:

The Secretary of War shall annually submit to Congress recommendations and estimates for the establishment and maintenance of indoor and outdoor rifle ranges, under such a comprehensive plan as will ultimately result in providing adequate facilities for rifle practice in all sections of the country.

Mr. JOHNSON of Kentucky. Now, read the next sentence.

The CHAIRMAN (reading)—

And that all ranges so established and all ranges which may have already been constructed, in whole or in part, with funds provided by Congress shall be open for use by those in any branch of the military or naval service of the United States and by all able-bodied males capable of bearing arms, under reasonable regulations to be prescribed by the controlling authorities and approved by the Secretary of War.

Mr. JOHNSON of Kentucky. Now then, Mr. Chairman, the next clause in this bill provides for the purchase of badges, and last year that was stricken out on a point of order; but this year they have not only placed that item in this section of the bill but they have placed it in the next one also. There are a half dozen things making it subject to the point of order.

The CHAIRMAN. Will the gentleman from Kansas give heed? Of the many points called to the attention of the Chair by the gentleman from Kentucky [Mr. JOHNSON], I do not know that the Chair can find anything in this section of the act that authorizes the item "for the employment of instructors." The Chair is not able to find at this moment authorization for the purchase of badges and other insignia or for participation in international rifle matches.

Mr. JOHNSON of Kentucky. If the Chair will pardon an interruption there, and I know the gentleman from Kansas will indulge me, in reference to instructors, provision is made for that without pay as the original act provides that "the President is authorized to detail capable officers and noncommissioned officers of the Regular Army and National Guard to such ranges as instructors," yet the bill proposes to pay for instructors.

The CHAIRMAN. Of course, if authorized to employ instructors outside, it does not matter that another provision provides for other instructors to be detailed from the Army itself.

Mr. JOHNSON of Kentucky. Yes; but I do not find any provision authorizing it.

The CHAIRMAN. That is what the Chair was asking for. Is the gentleman from Kansas [Mr. ANTHONY] able to supply the authorization for the three items mentioned by the Chair,

the instructors, badges, and other insignia, and for participation in international matches?

Mr. ANTHONY. If the Chair will permit, I think under the broad language, encouragement of rifle matches, there is authority in that paragraph for the widest range of activities in connection with such work. It is about as broad a paragraph conveying authority as I have ever seen in an act.

Mr. JOHNSON of Kentucky. And, under that mistaken belief, nearly everything imaginable has been written into the paragraph, most of it unauthorized.

Mr. GARNER of Texas. Mr. Chairman, may I suggest to the gentleman from Kansas and the gentleman from Kentucky that if we would rise now, the matter could be settled by the time we meet to-morrow morning?

The CHAIRMAN. The Chair would like to have some more information about the law.

Mr. GARNER of Texas. I saw the Chair was in great trouble and I thought I would suggest a remedy.

The CHAIRMAN. The Chair is endeavoring to find out what the law is and to find out what is authorized and what is not.

Mr. HOWARD of Nebraska. Mr. Chairman—

The CHAIRMAN. Will the gentleman withhold his request just a moment until the Chair straightens out this matter?

Mr. ANTHONY. Mr. Chairman, I think the suggestion of the gentleman from Texas [Mr. GARNER] is a good one, that the committee rise at this time and resume this matter in the morning. I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. MADDEN having taken the chair as Speaker pro tempore, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 7877, the War Department appropriation bill, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. WELLS, for five days, on account of important business.

WAR DEPARTMENT APPROPRIATION BILL.

Mr. TILLMAN. Mr. Speaker, at the request of many constituents I have introduced two bills of interest and importance, two separate bills for substantial appropriations out of the Federal Treasury to permanently recognize two parks, one at the battle field of Pea Ridge, the other at Prairie Grove, Ark. These were two of the most important battles west of the Mississippi, and while the Government has expended many millions on other battle fields and parks, it has done nothing for these places.

The battle of Prairie Grove was fought on December 7, 1862, between the Confederates under General Hindman and the Federals under Generals F. J. Herron and J. G. Blunt. Early on the day of battle Hindman with 11,000 men moved against Herron; the Confederate cavalry first had the advantage, gallantly driving the Union forces. Herron's entire force then came up, and Blunt hastened to Herron's aid. The Federals were superior in numbers and equipment. The battle lasted the greater part of the day. The Confederates fought bravely, as they always did, but finally retreated. The losses on both sides exceeded 2,400.

On March 6-8, 1862, the severe and bloody Battle of Pea Ridge or Elk Horn Tavern was fought, Gen. S. R. Curtis commanding the Union forces and Gen. Earl Van Dorn commanding the Confederates. The casualties on both sides were heavy. I had relatives on the side of the South in both battles, and personally knew many of the brave men and officers participating in these bloody encounters. They fought well and came home after the war and honored themselves and their country in peace as they had in war.

I believe this great Government should recognize the brave men who fought on either side in these great battles by building a suitable monument, say a statue of Peace, or some appropriate memorial, and should permanently improve, beautify, enlarge if desirable, acquire more acreage, and establish and help by annual appropriations to keep in repair and care for these parks as the Government is doing in many other places.

I have asked that the proposed park at Pea Ridge be named the Peel National Park, for Col. Samuel W. Peel, once a member of this House from the third district and chairman of the Committee on Indian Affairs. He is now spending the evening of his long and useful life at Bentonville, not far from this historic battle field, is over 92 years of age, and is deservedly the best-loved man in the district. He has traveled the long, long trail without discredit; he has played the great game of life with courage and fidelity.

His life has been gentle, and the elements
So mixed in him that Nature might stand up
And say to all the world: "This is a man."

Colonel Peel has always given his best for his family, for his friends, and the public good, and I desire in this way and by these poor words while he is yet living to pay this chivalrous and faithful son of my district the compliment proposed in the bill to establish and maintain this park in his honor.

CORRECTING THE RECORD.

Mr. JOHNSON of Kentucky. Mr. Speaker, several hours ago I brought to the attention of Mr. Speaker GILLET the fact that in the CONGRESSIONAL RECORD containing the debates of yesterday a part of the RECORD had been materially changed from the way in which it was actually spoken. I refer to the remarks of the gentleman from New York [Mr. LAGUARDIA]. An hour or two ago I told him that when the Committee of the Whole House on the state of the Union rose, and we had gotten into the House, I would invite the attention of the Chair to his remarks for the purpose of having them comply with the stenographer's notes; in other words, just as the gentleman had spoken them. I do not wish to quibble about small matters, grammatical errors, if any may have occurred, or the smoothing out of sentences. I propose to overlook those; but there are two or three matters, and one in particular, which materially changes the substance of what was said, and I invite the attention of the Chair to that, for the purpose of having it corrected. I have the remarks of the gentleman before me.

The SPEAKER pro tempore. I think, under the rules, if I may state to the gentleman from Kentucky—

Mr. TILSON. Mr. Speaker, would the gentleman be willing to let this go over until the gentleman from New York is present?

Mr. JOHNSON of Kentucky. I stated to the Chair a moment ago—

Mr. TILSON. The gentleman from New York is now here.

The SPEAKER pro tempore. I was going to say to the gentleman from Kentucky that under the rules motions to strike out and correct the RECORD usually come after the reading of the Journal in the morning.

Mr. LAGUARDIA. Let us dispose of it now, the matter is so trivial.

Mr. JOHNSON of Kentucky. Mr. Speaker, I have here the reporter's copy of the gentleman's remarks, and inasmuch as I have never participated in anything of this kind, I ask guidance of the Chair as to how it is to be done.

The SPEAKER pro tempore. The manual says:

A motion or resolution for the correction of the RECORD may be made properly after the reading and approval of the Journal, and is not in order pending the approval of the Journal but is privileged after that.

Mr. JOHNSON of Kentucky. There are many corrections in this report that are all right, but some which the gentleman has made are not. I made a request of him yesterday not to change the record in one particular matter, and I regret to say that he did not comply with that request, and I ask that the matter be corrected.

The SPEAKER pro tempore. What is the request of the gentleman from Kentucky?

Mr. JOHNSON of Kentucky. On page 426 of the Reporter's copy it reads as follows:

Colonel Hunt may have been guilty of bad judgment. It was pointed out here that he permitted this prisoner to go without handcuffs, but all gentlemen know that if Colonel Hunt or any other Army officer would put handcuffs on a prisoner, there would be 20 or 30 gentlemen on the floor of this House protesting against the brutality of that officer.

That has been changed to read:

Colonel Hunt may have exercised bad judgment. It was pointed out here that he permitted this prisoner to go without handcuffs, but all gentlemen know that if Colonel Hunt or any other Army officer would put handcuffs on a prisoner "while on a train or traveling," there would be 20 or 30 gentlemen on the floor of this House protesting against the brutality of that officer.

On page 427 of the reporter's notes the gentleman from New York is reported as having stated:

After 30 years of service I think it is not fair, it is unjust, to brand an officer as a traitor because he was guilty of using bad judgment in a case with which he had no personal contact.

That has been changed to read as follows:

After 30 years of service I think it is not fair, it is unjust, to brand an officer as a traitor because he was guilty of using bad judgment, and in the actual desertion he had no personal contact with the prisoner at the time.

Mr. Speaker, I care nothing whatever about the other interlineations; I think the gentleman was entirely pardonable in making them. But I do ask that a correction be made as to these items I have referred to. I make the motion.

The SPEAKER pro tempore. The gentleman from Kentucky moves to strike out the interlineations referred to in the reporter's copy which he has just read.

Mr. LONGWORTH. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. LONGWORTH. Has the gentleman from Kentucky a right to inspect the manuscript of another's remarks where those remarks have not cast any reflection on the gentleman himself in any way? The rule in the Manual, section 903, at the bottom of the page, says:

A Member is not entitled to inspect the reporter's notes of remarks which do not contain reflections on himself delivered by another Member and withheld for revision.

Mr. BYRNS of Tennessee. Mr. Speaker, this has been done many times.

Mr. JOHNSON of Kentucky. If the gentleman from Ohio [Mr. LONGWORTH] will pardon me, I say that these remarks were not held for revision, because the gentleman did not have leave to revise.

Mr. LA GUARDIA. But the remarks of Members are always revised.

Mr. GARNER of Texas. Mr. Speaker, this is a question of the integrity of the proceedings of the House. As I understand it, if a gentleman has a right to revise and extend his remarks, then another gentleman can not have that copy of the stenographer's notes, because then he has a right to take them all out and put in new entirely, but this is a question of where the revision has been made without the permission of the House or of the committee, according to my understanding.

Mr. TILSON. Does the gentleman understand that a Member has no right to revise his remarks where he does not change the substance and without adding new material, that he has no right to revise the remarks without the special permission of the House?

Mr. GARNER of Texas. I do not know what the rules provide; of course, the custom is to go ahead and revise your remarks where you do not change the substance of your statement. What the rules provide I do not know.

Mr. JOHNSON of Kentucky. But the substance is changed here.

Mr. GARNER of Texas. The gentleman from Kentucky [Mr. JOHNSON] says that the substance of what the gentleman from New York [Mr. LA GUARDIA] said has been changed entirely.

Mr. LA GUARDIA. Oh, that statement is absolutely untrue, and I will submit the stenographer's notes as to whether the substance has been changed.

Mr. GARNER of Texas. I would not have any quarrel with the gentleman as to whether a statement made by the gentleman from Kentucky is true or untrue, because the gentleman from Kentucky can take care of himself in that respect.

Mr. LONGWORTH. I think that would be true if the substance was changed in a way which would put another Member who would ask a question, perhaps, in a false light, but where it is merely a change of two or three words, perhaps, to add or detract from the force of the general statement, where it does not reflect in any way upon another Member, or change the purport of the debate, then the Member, as I understand it, has not overstepped the limits of revision.

Mr. JOHNSON of Kentucky. But the gentleman from Ohio [Mr. LONGWORTH] must remember that over my protest in conversation with the gentleman from New York before this change was made, and without his having leave to revise, he has qualified his statement for the purpose of making it as harmless as possible, when he had made a very broad statement.

Mr. LA GUARDIA. Mr. Speaker, may I be heard upon this? I think I am somewhat concerned in it. The gentleman from Kentucky just stated that I made a change in revision to soften the statement I made originally. I say that I have done nothing of the kind, and the gentleman knows that. I did not do anything of the kind. I added those three words there, and I told the gentleman this morning that I did it. I walked over to the desk and told him that I did it.

Mr. JOHNSON of Kentucky. Mr. Speaker, will the gentleman yield?

Mr. LA GUARDIA. Of course I yield.

Mr. JOHNSON of Kentucky. The gentleman says that he walked over and told me about it. At that time I had not seen this RECORD, and my suspicions were aroused by the gentleman's having said what he did. I then sent down and got the original manuscript, and after I saw that he had materially changed it, then I went to him and spoke to him about it and asked that he be here at this time for the reason that I was going to make this motion.

Mr. LA GUARDIA. Mr. Speaker, I leave it to my colleagues whether I have materially changed the Reporter's manuscript. As it read originally it is as follows:

It was pointed out here that he permitted this prisoner to go without handcuffs; but all gentlemen know that if Colonel Hunt or any other Army officer would put handcuffs on a prisoner—

And so forth.

Then I added the words:

While on a train or traveling.

Does that materially change it?

Mr. JOHNSON of Kentucky. Yes.

Mr. LA GUARDIA. Whether I said that at the time or not I do not know, but I stand by the stenographer's minutes. The other change is this, and it was absolutely necessary to qualify it. As it reads in the original copy it is as follows:

After 30 years of service, I think it is not fair, it is unjust, to brand an officer as a traitor because he was guilty of using bad judgment in a case with which he had no personal contact.

Now, that was all right in the argument, and I changed it this way. I struck out "in a case with which" and inserted the words "in the actual desertion he." So that it reads, "And in the actual desertion he had no personal contact with the prisoner at the time."

If that is a material change I am willing to submit to the judgment of my colleagues.

Mr. JOHNSON of Kentucky. That is a material change because the officer about whom we were discussing had had actual contact. This changes the gentleman's statement to that effect.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Kentucky to strike out the changes indicated.

The question was taken, and the Chair announced the yeas appeared to have it.

Mr. JOHNSON of Kentucky. I ask for a division.

The House again divided; and there were—yeas 18, noes 30.

Mr. JOHNSON of Kentucky. Mr. Speaker, I want to challenge the vote, and ask for the yeas and nays and make the point of order that there is no quorum present.

Mr. LONGWORTH. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. Will the gentleman from Ohio withhold his motion a moment?

Mr. JOHNSON of Kentucky. Mr. Speaker, the gentleman from Ohio has been recognized in the midst of a sentence coming from me.

Mr. LONGWORTH. I understood the gentleman from Kentucky to make the point of no quorum.

The SPEAKER pro tempore. The gentleman from Kentucky challenges the vote and makes the point of order that there is no quorum present.

Mr. LONGWORTH. Whereupon the gentleman from Ohio moved that the House do now adjourn.

The SPEAKER pro tempore. The Chair would ask the gentleman from Ohio to withhold his motion.

Mr. LONGWORTH. I would be glad to do so—

Mr. GARNER of Texas. The gentleman from Kentucky must withhold his point of no quorum, otherwise it will be impossible to transact any business.

CONFERENCE REPORT—DEFICIENCY APPROPRIATION BILL.

The SPEAKER pro tempore. The Speaker pro tempore, acting in the dual capacity of the chairman of the Committee on Appropriations and as Presiding Officer, desires to file a conference report. He would like very much to file it.

Mr. JOHNSON of Kentucky. I will withhold it.

Mr. HOWARD of Nebraska. The gentleman from Kentucky might lose some of his rights.

The SPEAKER pro tempore. The Clerk will report the title of the bill.

The Clerk read the title of the bill, as follows:

A bill (H. R. 7449) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1924, and prior fiscal years, and to provide supplementary appropriations.

The SPEAKER pro tempore. Ordered printed under the rule.
Mr. JOHNSON of Kentucky. Mr. Speaker, a parliamentary inquiry.

Mr. LONGWORTH. Would the gentleman mind withholding his point of no quorum in order that I might ask unanimous consent to meet at 11 o'clock to-morrow? I ask unanimous consent, Mr. Speaker, that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. RUBEY. Mr. Speaker—

Mr. HOWARD of Nebraska. Mr. Speaker, I object.

Mr. JOHNSON of Kentucky. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. JOHNSON of Kentucky. Mr. Speaker, I desire to ask what the status of this matter will be to-morrow morning?

The SPEAKER pro tempore. It will be the first business in order, as the Chair understands it, to-morrow morning, if the gentleman from Kentucky calls it up.

ADJOURNMENT.

Mr. LONGWORTH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 15 minutes p. m.) the House adjourned until to-morrow, Friday, March 28, 1924, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

418. Under clause 2 of Rule XXIV, a communication from the President of the United States, transmitting a draft of proposed legislation: "To authorize temporary executive disposition in the public interests of the services of officers subject to executive control," was taken from the Speaker's table and referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SABATH: Committee on Immigration and Naturalization. H. R. 7095. A bill to limit immigration of aliens into the United States, and for other purposes; minority views, part 2 (Rept. No. 350). Referred to the Committee of the Whole House on the state of the Union.

Mr. SNELL: Committee on Rules. H. Res. 236. A resolution providing for the consideration of H. R. 7095, to limit immigration; without amendment (Rept. No. 381). Referred to the House Calendar.

Mr. NEWTON of Minnesota: Committee on Interstate and Foreign Commerce. S. 2488. An act to authorize the city of Minneapolis, in the State of Minnesota, to construct a bridge across the Mississippi River in said city; without amendment (Rept. No. 382). Referred to the House Calendar.

Mr. HAUGEN: Committee on Agriculture. S. 2112. An act authorizing the Department of Agriculture to issue semi-monthly cotton-crop reports and providing for their publication simultaneously with the ginning reports of the Department of Commerce; without amendment (Rept. No. 384). Referred to the Committee of the Whole House on the state of the Union.

Mr. GARBER: Committee on Indian Affairs. H. R. 6298. A bill to permit the leasing of unallotted lands of Indians for oil and gas purposes for a stated term and as long thereafter as oil or gas is found in paying quantities, and for other purposes; with an amendment (Rept. No. 386). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM of Pennsylvania: Committee on the Judiciary. H. R. 4445. A bill to amend section 115 of the act of March 3, 1911, entitled "An act to codify, revise, and amend the laws relating to the judiciary"; with an amendment (Rept. No. 385). Referred to the House Calendar.

Mr. LEAVITT: Committee on Indian Affairs. H. R. 6490. A bill for the relief of dispossessed allotted Indians of the Nisqually Reservation, Wash.; without amendment (Rept. No. 387). Referred to the Committee of the Whole House on the state of the Union.

Mr. YATES: Committee on the Judiciary. H. R. 644. A bill providing for the holding of the United States district and circuit courts at Poteau, Okla.; with an amendment (Rept. No. 388). Referred to the House Calendar.

Mr. DYER: Committee on the Judiciary. H. R. 4168. A bill to amend an act entitled "An act to punish the unlawful breaking of seals of railroad cars containing interstate or foreign shipments, the unlawful entering of such cars, the stealing of

freight and express packages or baggage or articles in process of transportation in interstate shipment, and the felonious asportation of such freight or express packages or baggage or articles therefrom into another district of the United States, and the felonious possession or reception of the same," approved February 13, 1913 (37 Stat. L. p. 670); with amendments (Rept. No. 389). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. FREDERICKS: Committee on Claims. H. R. 6012. A bill to confer jurisdiction upon the Court of Claims to ascertain the cost to the Southern Pacific Co., a corporation, and the amounts expended by it from December 1, 1906, to November 30, 1907, in closing and controlling the break in the Colorado River, and to render judgment therefor, as herein provided; with amendments (Rept. No. 383). Referred to the Committee of the Whole House.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MADDEN: A bill (H. R. 8262) to fix the compensation of officers and employees of the legislative branch of the Government; to the Special Committee to Consider the Adjustment of Salaries of Officers and Employees of the Legislative Branch.

By Mr. BURNES: A bill (H. R. 8263) to authorize the accounting officers of the Treasury to pay to certain supply officers of the regular Navy and Naval Reserve Force the pay and allowances of their ranks for services performed prior to the approval of their bonds; to the Committee on Naval Affairs.

By Mr. PRALL: A bill (H. R. 8264) to authorize the cession to the city of New York of land on the northerly side of New Dorp Lane in exchange for permission to connect Miller Field with the said city's public sewer system; to the Committee on Military Affairs.

By Mr. TILLMAN: A bill (H. R. 8265) to establish the Peel National Park at the Pea Ridge battle field in Benton County, Ark.; to the Committee on the Public Lands.

By Mr. YATES: A bill (H. R. 8266) for the erection of a public building at Springfield, Ill., and appropriating money therefor; to the Committee on Public Buildings and Grounds.

By Mr. HUDSPETH: A bill (H. R. 8267) for the purchase of land adjoining Fort Bliss, Tex.; to the Committee on Military Affairs.

By Mr. KIESS: Resolution (H. Res. 237) authorizing the printing of the annual report of the Governor of Porto Rico; to the Committee on Printing.

Also, resolution (H. Res. 238) authorizing the printing of the report of the Governor General of the Philippine Islands; to the Committee on Printing.

By Mr. McFADDEN: Resolution (H. Res. 239) authorizing the select committee appointed under House Resolution 231 to employ stenographic and other assistance, and for other purposes; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALMON: A bill (H. R. 8268) granting a pension to Huston Tate; to the Committee on Pensions.

By Mr. DICKINSON of Iowa: A bill (H. R. 8269) for the relief of Howard A. Mount; to the Committee on Claims.

By Mr. FROTHINGHAM: A bill (H. R. 8270) for the relief of the owner of the schooner *Itasca* and her master and crew; to the Committee on Claims.

By Mr. HARDY: A bill (H. R. 8271) granting an increase of pension to Mary W. McGuire; to the Committee on Invalid Pensions.

By Mr. HUDSON: A bill (H. R. 8272) for the relief of John Hyatt; to the Committee on Claims.

By Mr. MORTON D. HULL (by request): A bill (H. R. 8273) for the relief of the estate of John C. Phillips, deceased; to the Committee on War Claims.

Also (by request), a bill (H. R. 8274) granting a pension to Annie Kerwin Doherty; to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 8275) granting an increase of pension to Rhoda Hart; to the Committee on Invalid Pensions.

By Mrs. NOLAN: A bill (H. R. 8276) granting a pension to Thomas B. Hanoum; to the Committee on Pensions.

By Mr. STRONG of Pennsylvania: A bill (H. R. 8277) granting a pension to George A. Hoover; to the Committee on Invalid Pensions.

By Mr. RAKER: A bill (H. R. 8278) for the relief of Margaret B. Stover; to the Committee on Claims.

By Mr. SANDERS of Indiana: A bill (H. R. 8279) granting a pension to Dr. Ernest Cooper; to the Committee on Pensions.

By Mr. SMITH: A bill (H. R. 8280) for the relief of Charles W. Mead; to the Committee on Claims.

By Mr. VESTAL: A bill (H. R. 8281) granting a pension to Orominah Bates; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2043. By the SPEAKER (by request): Petition of officers and members of Court Independence, No. 123, Foresters of America, urging Congress to give favorable consideration to the Edge-Kelly bill; to the Committee on the Post Office and Post Roads.

2044. Also (by request), petition of the executive committee of the conference of attorneys general, urging that sufficient money be appropriated by Congress to enable the Federal Trade Commission to prevent unfair trade practices in the production, manufacture, and distribution of gasoline; to the Committee on Interstate and Foreign Commerce.

2045. By Mr. DALLINGER: Petition of American citizens of Polish birth of Cambridge, Mass., in opposition to the Johnson immigration bill; to the Committee on Immigration and Naturalization.

2046. By Mr. HUDSPETH: Petition of El Paso Lodge, No. 500, I. O. B. B., in opposition to Johnson immigration bill; to the Committee on Immigration and Naturalization.

2047. By Mr. GALLIVAN: Petition of Boston League of Catholic Women, Mrs. Frances E. Slattery, president, opposing the equal rights amendment to the Federal Constitution proposed by the National Women's Party; to the Committee on the Judiciary.

2048. Also, petition of Lieut. H. L. McCorkle Camp, No. 2, the United Spanish War Veterans, Soldiers' Home, Tenn., recommending early and favorable consideration of House bill 5934; to the Committee on Pensions.

2049. By Mr. KELLER: Petition of Chapter No. 2, Disabled American Veterans of the World War, protesting against certain recommendations of the Senate committee which investigated the Veterans' Bureau; to the Committee on World War Veterans' Legislation.

2050. By Mr. KETCHAM: Petition of Harry Keilm and 23 citizens of Niles, Mich., urging that all strictly military supplies be manufactured in the Government-owned navy yards and arsenals; to the Committee on Naval Affairs.

2051. By Mr. KLESS: Petitions of citizens of Clinton County, Pa., favoring the passage of restrictive immigration bill; to the Committee on Immigration and Naturalization.

2052. By Mr. MICHAELSON: Petition of Elkhart Branch, Railway Mail Association, Chicago, Ill., favoring an increase of salaries for postal employees; to the Committee on the Post Office and Post Roads.

2053. By Mr. MILLER of Washington: Petition of the Seattle Chamber of Commerce, urging the United States Senate and House of Representatives to maintain the Navy at the full strength and effectiveness allowed under the treaty and the recommendations made by the naval commissions be enacted into law; to the Committee on Naval Affairs.

2054. By Mr. SCHALL: Petition of E. H. Sund, secretary of the Business and Professional Men's Association of Minneapolis, Minn., indorsing Philippine independence; to the Committee on Insular Affairs.

2055. Also, petition of George A. Thompson, secretary of the Conopus Club, of Minneapolis, Minn., indorsing Army appropriations bill for training of Organized Reserves and maintenance of the reserve headquarters; to the Committee on Military Affairs.

2056. Also, petition of R. E. Leonard, secretary of the Rotary Club of St. Paul, Minn., indorsing national defense act; to the Committee on Military Affairs.

2057. By Mr. SITES: Petition of citizens of the State of Pennsylvania, urging the enactment into law of legislation similar or identical with the Brookhart-Hull bill (S. 742 and H. R. 2702), requiring that all strictly military supplies be manufactured in the Government-owned navy yards and arsenals and providing for the stabilizing of production and employment in Government industrial establishments by the use of these plants for the manufacture of articles required by

other departments of the Government; to the Committee on Naval Affairs.

2058. By Mr. SMITH: Petition of ladies of Shakespearean Club of Coeur d'Alene, Idaho, against legislation legalizing 2.75 per cent beer; to the Committee on the Judiciary.

2059. By Mr. STRONG of Pennsylvania: Petition of State Lick Council, No. 337, Fraternal Patriotic Americans, in favor of further restricting immigration; to the Committee on Immigration and Naturalization.

2060. By Mr. TAGUE: Petition of Bay State Division, No. 413, Order of Railway Conductors of America, favoring enactment of Senate bill 1557 and House bill 3674, to determine military status of Russian Railway Service Corps during World War; to the Committee on Military Affairs.

2061. By Mr. YOUNG: Petition of Alex Neff and other citizens of Arena, N. Dak., and Godfrey Berg and other citizens of Alexander, N. Dak., urging the passage of the Norris-Sinclair bill; to the Committee on Agriculture.

2062. Also, petition of 32 citizens of Kensal, N. Dak., and O. J. Nygaard and other citizens of Woodworth, N. Dak., urging the passage of the McNary-Haugen bill; to the Committee on Agriculture.

SENATE.

FRIDAY, March 28, 1924.

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

O Lord, our Lord, Thou art indeed a good and gracious God in Thy dealings with us; Thou art so patient and loving and always ready to help us in times of need. Give us strength in our weakness, wisdom in our folly, direction in the right path of duty. Lead us ever onward in the straight and narrow way, under the guidance of Thy Spirit. Be very near to us to-day. Help us, we beseech of Thee, to understand Thy will and be glad to do it, so that when the shadows of evening gather about us we may be able to say we have walked with God in the line of duty this day. We ask in Jesus' name. Amen.

The reading clerk proceeded to read the Journal of yesterday's proceedings when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CALL OF THE ROLL.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The principal clerk called the roll, and the following Senators answered to their names:

Bayard	Fess	King	Robinson
Borah	Fletcher	Ladd	Sheppard
Brandegee	Frazier	Lodge	Shortridge
Bronson	George	McKellar	Smith
Bruce	Gerry	McKinley	Smoot
Bursum	Glass	McLean	Stanfield
Cameron	Gooding	McNary	Stephens
Capper	Hale	Mayfield	Swanson
Carrway	Harrell	Neely	Trammell
Colt	Harris	Norris	Wadsworth
Copeland	Harrison	Oddie	Walsh, Mass.
Cousens	Heflin	Overman	Walsh, Mont.
Cummings	Howell	Pepper	Warren
Curtis	Johnson, Minn.	Pittman	Watson
Dale	Jones, N. Mex.	Ralston	Weller
Dial	Jones, Wash.	Ransdell	Willis
Dill	Kendrick	Reed, Mo.	
Ferris	Keyes	Reed, Pa.	

Mr. CURTIS. I wish to announce that the Senator from Iowa [Mr. BROOKHART], the Senator from Arizona [Mr. ASHBURST], and the Senator from Montana [Mr. WHEELER] are attending hearings before a special investigating committee of the Senate.

I was also requested to announce the absence of the junior Senator from Wisconsin [Mr. LAMMOR] on account of illness.

Mr. McKELLAR. I desire to announce the absence of my colleague [Mr. SHIELDS] on account of illness. I ask that this announcement may stand for the day.

The PRESIDENT pro tempore. Seventy Senators have answered to their names. There is a quorum present.

"DANGER IN NATIONAL CONTROL OF EDUCATION."

Mr. RANSDELL. Mr. President, I ask to have printed in the Record a very interesting and able editorial in the Baltimore Manufacturers Record of the 20th instant entitled "Danger in national control of education."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

DANGER IN NATIONAL CONTROL OF EDUCATION.

President Butler, of Columbia University, in a recent address in Philadelphia took identically the same ground that the Manufacturers Record has repeatedly taken in opposing the creation of an executive department of education at Washington, which was advocated by President Coolidge in his first message.

We have pointed out from time to time how such a system would result in concentrating in bureau-controlled methods inaugurated in Washington the entire educational interests of the country, completely destroying all self-reliance and initiative and placing the entire scholastic activities of the country, at first in public schools but later in all institutions of learning, under the control of Washington.

It is bad enough to have the General Education Board with its \$50,000,000 doing its utmost to control the educational life of this country through colleges and universities, but it would be even worse if to this situation should be added a department of education with \$100,000,000 a year at its command to influence the Nation's educational work.

Commenting on this proposition—and unfortunately but few papers have seemed to realize its seriousness—Doctor Butler says that it "makes an obvious appeal to professional vanity and pride of educators," and it may be added that this professional vanity and pride of educators is one of the dangers of the country; and to this he adds:

"In particular it is vital, if the American school system is to survive, that the Federal Government keep its hands off the schools. Imagine our diverse and diversified population, living under widely varying conditions, all brought to heel in their schools as the people of Prussia once were by the authority and edicts of a central office at the National Capital. I should regard any such development as marking the beginning of the end of the America which our fathers knew and of that American school system in which our generation has been brought up."

Referring to the proposal of the National Government to appropriate \$100,000,000 annually to aid State school work, Doctor Butler said that he regarded this as "distinctly harmful from whatever point of view it be examined."

We already have the Government controlling too many lines of work and of thinking as it now does, but if to the domination of bureaucratic methods now prevailing there should be added a complete control of education—and this would eventually be the result of the plan commended by President Coolidge of the establishment of a department of education with \$100,000,000 annually at its command—no public-school teacher in the country would feel free to take any position contrary to that advocated by the department of education. From that department would be issued bulletins of every kind day after day, flooding every public school in the land with advice as to what to teach and how to teach it; and the result would be a complete destruction of all individualism in public-school education, and that would eventually lead to a similar destruction in colleges and universities.

Why so many of our people are captivated by schemes such as this for destroying the power of our educational work in order to secure financial help from the National Government, which comes out of the people themselves, we can not comprehend. More and more our people are being taught to look to Washington for guidance in everything. Some good things originate in Washington, but a great deal that is put out from that center is antagonistic to the final welfare of the country and the building up of thinking people.

Edison was recently quoted as saying that not more than 2 per cent of the American people really think. Most of them imagine that they are thinking, but they are simply swallowing, without fully digesting it, what official life in Washington furnishes as mental food, much of it of the most unwholesome character, leading to the destruction of the moral fiber of the country.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that on yesterday the President had approved and signed the following acts:

S. 2420. An act granting the consent of Congress to the State of South Dakota for the construction of a bridge across the Missouri River between Potter County and Dewey County, S. Dak.; and

S. 2446. An act granting the consent of Congress to the Clarks Ferry Bridge Co., and its successors, to construct a bridge across the Susquehanna River at or near the railroad station of Clarks Ferry, Pa.

WHITE RIVER DAM, ARKANSAS—DIXIE POWER CO.

Mr. ROBINSON. Mr. President, some days ago the Senate passed a bill introduced by my colleague (S. 2686) to authorize the Federal Power Commission to amend permit No. 1, project No. 1, issued to the Dixie Power Co. It is a measure extending for a period of 18 months a permit granted to the Dixie Power Co.

to construct certain works pertaining to the creation of power in the State of Arkansas. As the bill is now pending in the body at the other end of the Capitol, I desire to have printed in the RECORD a telegram addressed to me by the chairman of the Arkansas Railroad Commission, which shows the justification and necessity for the legislation.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

LITTLE ROCK, ARK., March 26, 1924.

Hon. JOSEPH T. ROBINSON,

United States Senate, Washington, D. C.

After full investigation of the dealings of Hugh L. Cooper with the Dixie Power Co., sitting as a board of arbitration, the Railroad Commission of Arkansas has this day found Cooper guilty of reprehensible and fraudulent conduct. Certified copy of finding and order of the commission to you by mail.

CLAY S. HENDERSON, Chairman.

PETITIONS AND MEMORIALS.

Mr. WALSH of Massachusetts. Mr. President, I present a petition addressed to Congress from the Automobile Club of Berkshire County, Pittsfield, Mass., requesting the repeal of the unfair war excise tax on automobiles. I ask that the body of the petition be printed in the RECORD and that the petition be referred to the Committee on Finance.

There being no objection, the petition was referred to the Committee on Finance, and the body of the petition was ordered to be printed in the RECORD, as follows:

To the President and the Congress of the United States:

We, the undersigned users of motor vehicles, respectfully petition for the repeal of all unfair war excise taxes, including those on the motor vehicle and the tax on misfortune which every car user must pay the Federal Government when accidents or other mishaps force him to buy repair parts.

Transportation is essential to everybody. It enters into every cost of living and distribution. It can not be provided at the lowest possible charge when restrictive taxes are levied against it, a fact recognized by Congress when it repealed the war excise taxes levied against railroad transportation. The cars which we use are a transportation necessity to the farmer and the urban dweller alike. Congress has accepted the principle that war excise taxes are unjust by its repeal of these taxes on musical instruments, sporting goods, chewing gum, thermos bottles, fur articles, picture frames, perfumes, toilet waters, hair dyes, and free admissions to entertainments.

We urge that all remaining taxes of this character, including motor taxes, now be erased from our statute books.

Mr. WARREN presented a petition of the Community Farm Bureau, of Cody, Wyo., praying for the passage of House bill 518, the so-called Muscle Shoals bill, which was referred to the Committee on Agriculture and Forestry.

Mr. JONES of Washington presented a petition of sundry citizens of Ellensburg, Wash., praying for the passage of legislation restricting immigration with quotas based on the census of 1890, which was referred to the Committee on Immigration.

He also presented a resolution adopted by the jubilee convention of the Eastern Washington and Northern Idaho Woman's Christian Temperance Union, favoring the more effective enforcement of the so-called Volstead Act by the employment of the military forces of the United States to patrol the highways near the Canadian border, etc., which was referred to the Committee on the Judiciary.

Mr. CAPPER presented a memorial of sundry members of the Woman's Christian Temperance Union of Clayton, Kans., remonstrating against making any amendment to the Federal prohibition act so as to legalize 2.75 per cent beer, which was referred to the Committee on the Judiciary.

He also presented a resolution adopted by the executive committee of the Silk Association of America, at New York, favoring the passage of Senate bill 2601, providing for the registration of designs, which was referred to the Committee on Patents.

He also presented a petition, numerously signed, of members of Wichita Lodge, No. 571, Brotherhood of Railway Clerks, of Wichita, Kans., praying for the passage of Senate bill 2646, to provide for the expeditious and prompt settlement, mediation, conciliation, and arbitration of disputes between carriers and their employees and subordinate officials, and for other purposes, which was referred to the Committee on Interstate Commerce.

He also presented petitions of sundry citizens of Topeka and Douglass, Kans., praying for the passage of legislation restricting immigration with quotas based on the census of 1890, which were referred to the Committee on Immigration.

Mr. FRAZIER presented a resolution of the Fortnightly Club, of Fargo, N. Dak., favoring the passage of legislation restricting the production of narcotics to the medical and scientific needs of the world, which was referred to the Committee on Foreign Relations.

He also presented the petitions of Guy L. Elken and 16 other citizens of Mayville, and of R. R. Wright and 35 other citizens of Homer, all in the State of North Dakota, praying for the passage of the so-called McNary-Haugen and Norris-Sinclair bills, providing aid to agriculture, which were referred to the Committee on Agriculture and Forestry.

He also presented a resolution adopted by a meeting in Ellenville Township, Williams County, N. Dak., favoring the passage of the so-called McNary-Haugen and Norris-Sinclair bills, providing aid to agriculture, which was referred to the Committee on Agriculture and Forestry.

He also presented the memorial of Mrs. Jessie Kraft and 22 other citizens of Turtle Lake, N. Dak., remonstrating against the passage of legislation reducing the tariff on eggs, which was referred to the Committee on Finance.

He also presented the petition of Charles Berg and 41 other citizens of Dunselth, N. Dak., praying for the passage of the so-called Norris-Sinclair bill, providing aid to agriculture, which was referred to the Committee on Agriculture and Forestry.

He also presented the petition of Erick M. Oman and 36 other citizens of Napoleon, N. Dak., praying for the passage of legislation to repeal or reduce the so-called nuisance and war taxes, especially the tax on industrial alcohol, which was referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. WILLIS, from the Committee on Foreign Relations, to which was referred the bill (S. 2839) for the relief of George Turner, reported it with an amendment, and submitted a report (No. 312) thereon.

Mr. SMITH, from the Committee on Interstate Commerce, to which was referred the joint resolution (S. J. Res. 107) declaring agriculture to be the basic industry of the country, and for other purposes, reported it with amendments, and submitted a report (No. 313) thereon.

Mr. WALSH, from the Committee on Public Lands and Surveys, to which were referred the following bills, reported them severally without amendment and submitted reports thereon, as indicated:

A bill (S. 303) authorizing the conveyance of certain land to the city of Miles City, State of Montana, for park purposes;

A bill (S. 306) granting to the county of Custer, State of Montana, certain land in said county for use as a fairground (Rept. No. 314);

A bill (S. 310) authorizing the Secretary of the Interior to acquire land and erect a monument on the site of the battle with the Sioux Indians in which the commands of Major Reno and Major Benteen were engaged (Rept. No. 315); and

A bill (S. 2690) to transfer jurisdiction over a portion of the Fort Keogh Military Reservation, Mont., from the Department of the Interior to the United States Department of Agriculture for experiments in stock raising and growing of forage crops in connection therewith (Rept. No. 316).

Mr. HALE, from the Committee on Naval Affairs, to which was referred the bill (S. 1809) for the relief of Emelus S. Tozier, reported it without amendment and submitted a report (No. 317) thereon.

Mr. CAPPER, from the Committee on Claims, to which was referred the bill (H. R. 1823) for the relief of the Long Island Railroad Co., reported it without amendment and submitted a report (No. 318) thereon.

Mr. WALSH, of Massachusetts, from the Committee on Military Affairs, to which was referred the bill (S. 1427) for the relief of Rosa L. Yarbrough, reported it without amendment and submitted a report (No. 319) thereon.

Mr. FLETCHER, from the Committee on Military Affairs, to which was referred the bill (S. 2634) authorizing the Secretary of War to convey to the State of Maine certain land in Kittery, Me., formerly a part of the abandoned military reservation of Fort McClary, reported it with amendments and submitted a report (No. 320) thereon.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WALSH of Montana:

A bill (S. 2954) granting a pension to Mary G. Sullivan; to the Committee on Pensions.

By Mr. DALE:

A bill (S. 2955) granting an increase of pension to Luella Parsons;

A bill (S. 2956) granting an increase of pension to Fannie L. Tower (with accompanying papers); and

A bill (S. 2957) granting an increase of pension to Mary J. Aldrich (with accompanying papers); to the Committee on Pensions.

By Mr. COPELAND:

A bill (S. 2958) to provide adjusted compensation for veterans of the World War, and for other purposes; to the Committee on Finance.

By Mr. WADSWORTH:

A bill (S. 2959) for the relief of David Myerle, as executor of the last will and testament of Phineas Burgess, deceased; to the Committee on Claims.

By Mr. BRANDEGEE:

A bill (S. 2960) for the adjudication and determination of the claims arising under the extension by the Commissioner of Patents of the patent granted to Frederick G. Ransford and Peter Low as assignees of Marcus P. Norton, No. 25036, August 9, 1859; to the Committee on Post Offices and Post Roads.

By Mr. HARRIS:

A bill (S. 2961) for the relief of the estate of Henry E. Lawrence; to the Committee on Claims.

By Mr. SPENCER:

A bill (S. 2962) granting a pension to Alfred N. Snuffer (with accompanying paper); to the Committee on Pensions.

By Mr. JONES of Washington:

A joint resolution (S. J. Res. 108) authorizing the Greene Memorial Association to erect and maintain a memorial to Gen. Henry A. Greene on the United States Military Reservation at Camp Lewis, Wash.; to the Committee on Military Affairs.

By Mr. WADSWORTH:

A joint resolution (S. J. Res. 109) proposing an amendment to the Constitution of the United States relative to the adoption of amendments thereto; to the Committee on the Judiciary.

RESTRICTION OF IMMIGRATION.

Mr. HARRIS. Mr. President, I submit an amendment intended to be proposed to Senate bill 2576, to limit the immigration of aliens into the United States, and for other purposes. I ask that the proposed amendment may lie on the table and be printed in the RECORD.

The amendment was ordered to lie on the table and to be printed in the RECORD, as follows:

Amendment intended to be proposed by Mr. HARRIS to the bill (S. 2576) to limit the immigration of aliens into the United States, and for other purposes:

On page 12, line 10, strike out "two" and insert "one";

On page 12, line 13, strike out "1910" and insert "1890";

On page 13, line 13, strike out "1910" and insert "1890";

On page 14, line 8, strike out "1910" and insert "1890"; and

On page 14, line 20, strike out "1910" and insert "1890."

Mr. HARRIS. I ask permission to have printed in the RECORD in connection with the amendment I have submitted a statement from the head of the American Legion and the head of the American Federation of Labor in regard to the immigration question.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The statement is as follows:

[From Labor, Washington, D. C., March 29, 1924.]

GOMPERS AND QUINN UNITE IN URGING BAN ON ALIEN FLOOD—LABOR AND LEGION AGREE THAT UNRESTRICTED IMMIGRATION ENDANGERS THE AMERICAN REPUBLIC—APPEAL MADE TO CONGRESS FOR PASSAGE OF JOHNSON BILL AT THIS SESSION.

Samuel Gompers, president of the American Federation of Labor, and John R. Quinn, national commander of the American Legion, have united in an attack on unrestricted immigration and to urge that Congress take action at this session to prevent a flood of aliens when the present 3 per cent quota law expires June 30, 1924.

Joint statements were given out at Washington this week in which the Federation and Legion agree upon the desirability of absolute stoppage of immigration for the present; but, in the absence of absolute stoppage, demand the strictest possible limitation, thus favoring the pending Johnson bill and opposing other measures which would open the gates wider.

TWO LEADING HOSTILE FORCES.

"America must not be overwhelmed"—

Says Samuel Gompers in his attack on the unrestricted immigration propaganda—

"Every effort to enact immigration legislation must expect to meet a number of hostile forces, and in particular, two hostile forces of considerable strength. One of these is composed of corporation employers who desire to employ physical strength ('bread backs') at the lowest possible wage and who prefer a rapidly revolving labor supply at low wages to a regular supply of American wage earners at fair wages. The other is composed of racial groups in the United States who oppose all restrictive legislation because they want the doors left open for an influx of their countrymen regardless of the menace to the people of their adopted country.

"It is no more possible to get alien groups to regard immigration as an American issue than it is to get a certain type of American employer to so regard it. Employers regard it as an unemployment issue, and they have no more regard for American standards, American institutions, or American principles in connection with the employment of alien wage earners than they have in connection with the purchase of raw materials. It must be said in fairness to employers, however, that there is less hostility to enactment of proper immigration legislation in this session of Congress than ever before.

RACIAL GROUPS ARE ACTIVE.

"A great many employers, formerly hostile to restrictive legislation see the error of their way and have changed their position entirely as a result of the war. Not so with the racial groups. They constitute the most important factor in opposition to restrictive legislation in the present session of Congress. Resolutions, memorials, and protests by the score have come to Members of Congress, and committees of Congress from racial groups clamoring against protective restrictive legislation.

"Clearly, these groups are acting, not as Americans but as aliens, loyal only to the country of their birth. They have found the goose that lays the golden egg, and they ardently hope the goose will live up to its reputation for foolishness—at least until all of their relatives, friends, and neighbors can get here to share in their good luck.

"Americans not only desire to maintain the standards which they have achieved, but they are determined to improve them. In addition to this, Americans generally are determined to maintain the general character which has been given to our institutions through the racial characteristics of those who have been the dominant force and the largest contributing factor from the very beginning."

COMMANDER QUINN'S STATEMENT.

Commander Quinn, of the American Legion, declares that the melting pot has become impotent, and that in order to keep America a true democracy we should suspend immigration for whatever period may be necessary "until we provide machinery to teach immigrants how to live up to American standards of living, to our ideals, and our traditions."

Reviewing the period since the armistice, Commander Quinn says:

"It did not take long for the Legion to discover that the new group of immigrants was to a large extent a menace to American institutions. Accustomed to the low European standard of living, these foreigners, in their anxiety to have work, accept wages below the wage needed by the American workman to sustain himself and family.

"American institutions are established upon the marginal wage that American labor requires to maintain itself as a self-respecting unit of American society. An influx of cheap labor was bound to undermine this standard of living. Of the 4,500,000 Americans who were in the military service a great majority of them were men who worked with their hands for a living. This tidal flow of unrestricted immigration threatened to prevent their successful reintroduction into civil life. This condition, along with others, caused the American Legion to devote considerable thought to the immigration problem, then, as now, one of the most important facing the Nation.

MELTING POT IS IMPOTENT.

"The American Legion has studied the problem from the viewpoint of the immigrant also, because it maintains that a man does not necessarily have to be born in this country to become a good American.

"Given the opportunities and advantages he should have, the immigrant could become a responsible American citizen. In the past 100 years 80,000,000 foreigners have emigrated to this country and are an integral part of our Nation.

"But the American Legion has found that the melting pot has become impotent, that so multitudinous was the influx of Europeans, driven by discontent, that the country could not assimilate them—was, in fact, suffering from indigestion of immigration.

"Ignorant of their rights and privileges under our existing laws, many immigrants were being exploited, not only by astute men from their own mother country, who had been here

longer, but by industry. Unable to act collectively, the immigrant took what wage he could get, and as a result he usually got little. The padrone system made industrial slaves of thousands.

"The bitterness engendered brings me to the consideration of another menace, the fertile bed for sowing radicalism among the embittered immigrants. When once the foreigners have learned their rights and privileges they immediately see what has been done to them, and in their dormant hatred are not content with liberty, but want license. This serious fact is more true now than it was in 1920, or even before the World War.

EUROPE SEETHES WITH REVOLUTION.

"Europe in the past three years bubbles and seethes with revolutionary doctrines. A republic erupts here; a dictatorship springs into being there. Never, perhaps, since the great migrations of the Goths, Cimbrians, and Huns has there been such general unrest and desire to seek new scenes. South Europe, if permitted unrestricted immigration, would flock to this country by millions instead of thousands. Venizelos, the Greek statesman, said that America could solve the problem of the Near East by permitting the 1,000,000 to 1,500,000 nationals there to emigrate to this country.

"Such a move might solve the Near East problem, but I shudder to think what it would do to this country by lowering our standard of living.

"We must close the immigration gates until we have assimilated those now within our borders. It is the sensible thing to do. If you have indigestion you do not continue to gulp down the food that caused it. Any physician would direct you to stop eating until the trouble had vanished. That is exactly what the American Legion advocates."

Mr. HARRISON. Mr. President, I desire to offer an amendment and ask that it may be printed and lie on the table. It is an amendment to the bill (S. 2576) to limit the immigration of aliens into the United States, and for other purposes, which was reported on yesterday. The bill, as reported, I understand, will be soon taken up and become the unfinished business. The bill purports to base the number of immigrants coming to the United States on the census of 1910, while my amendment seeks to put the quota of such immigrants at 2 per cent on the census of 1890.

The PRESIDENT pro tempore. The amendment submitted by the Senator from Mississippi will be printed and lie on the table.

REDUCTION OF TAXES.

Mr. McKINLEY submitted an amendment intended to be proposed by him to House bill 6715, the tax reduction bill, which was referred to the Committee on Finance and ordered to be printed.

EXCISE TAX ON WEAPONS.

Mr. COPELAND submitted an amendment in the nature of a substitute intended to be proposed by him to the bill (S. 1960) to prohibit the entry into the United States and to levy an excise tax on certain weapons, which was referred to the Committee on the Judiciary and ordered to be printed.

INVESTIGATION OF VENTILATING, HEATING, AND COOLING SYSTEMS IN THE CAPITOL.

Mr. COPELAND submitted the following concurrent resolution (S. Con. Res. 6), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved by the Senate (the House of Representatives concurring). That a joint committee to consist of three Senators, to be appointed by the President pro tempore of the Senate, and three Members of the House of Representatives, to be appointed by the Speaker of the House, is hereby authorized to investigate thoroughly the system, plans, and proposals of Carroll L. Riker for the improved ventilation, heating and cooling of the Senate Chamber and of the Hall of the House of Representatives, and such other systems, plans, or proposals for that purpose as the committee may determine. The committee shall make a report of its investigation with recommendation for the adoption (1) of the best and most approved system of ventilation, heating, and cooling of the Senate Chamber and the Hall of the House of Representatives and (2) of suitable regulations for the control and operation of such system.

The committee is authorized to sit during the sessions and recesses of the Sixty-eighth Congress, to call before it the foremost engineers and such other experts as will command the confidence of the Congress to testify under oath; to employ a stenographer to report its proceedings, the cost of such stenographic service not to exceed 25 cents per hundred words; and to incur such other expenses as it deems advisable in making its investigation and report. The expenses so incurred shall be paid one-half from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives.

ESTABLISHMENT OF RADIO IN CAPITOL BUILDING.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from the previous day, which will be read.

The resolution (S. Res. 197) submitted yesterday by Mr. HOWELL was read as follows:

Resolved, That the Secretary of War and the Secretary of the Navy be, and are hereby, directed to cooperate in the appointment of a joint commission of radio experts from the War and Navy Departments to investigate and report to the Senate upon the following problems, to wit:

First. The equipment of the Senate Chamber with electrical transmission and receiving apparatus such that without defacing the Senate Chamber each Senator at his desk may individually and clearly hear, without the use of a head receiver, the proceedings of the Senate at all times in whatever tone of voice conducted.

Second. The additional equipment necessary for the broadcasting by radio of the proceedings of the Senate and the House of Representatives throughout the country, utilizing the radio stations of the War and Navy Departments.

The report of said commission to include the estimated cost of installation, maintenance, and operation of the proposed systems suggested in paragraphs 1 and 2 hereof.

Resolved further, That such commission also be requested to recommend a limited area of the country that for experimental purposes be initially afforded such broadcasting of the proceedings of Congress to the end of determining the advisability of extending such service to cover the entire country; such report to include the cost of such experimental installation together with the expense of maintenance and operation thereof.

The PRESIDENT pro tempore. The Senator from Massachusetts [Mr. LODGE] has moved that the resolution be referred to the Committee on Rules, and the question is on the motion of reference.

Mr. HOWELL. Mr. President, this resolution merely asks for information.

Mr. WARREN. I think it also calls for an expenditure.

Mr. HOWELL. Mr. President, I repeat, the purpose of the resolution is merely to secure information. If agreed to, there will be no expense whatever attached to carrying out the terms of the resolution by the experts of the War and Navy Departments. The resolution does not propose to entail one dollar of expenditure. It merely asks that the Secretary of War and the Secretary of the Navy appoint a board of experts from those two departments, who shall consider the question and merely report to the Senate what such a proposal would cost; that is all. Not one dollar of expenditure is proposed to be entailed. It is merely information which is asked for, and the information can be obtained by the War and Navy Departments without any expense whatever to the Government.

The United States Navy has \$25,000,000 invested in radio appliances, and the Navy has some of the best radio experts in the United States. The Army probably has \$15,000,000 invested in radio apparatus, and the Army also has some of the best radio experts in the country. These experts, should the resolution be agreed to, would merely convene, consider the propositions therein submitted, prepare a report, and send it to the Senate. The only expense of that report would be the printing thereof.

Radio communication is a tremendous subject, one in which the entire United States is interested. Why should we not have the information called for by the resolution if it will cost nothing? The use of radio is growing by leaps and bounds. I have been called upon this morning by two representatives of the Radio Corporation of America, who have intimated that their corporation would be willing, at no expense, to broadcast the proceedings of Congress. Why? Because they stated that the proceedings of Congress would be of such tremendous interest to the people of the country that the Radio Corporation of America would like to be the instrument of furnishing such a service to the people.

If that is the situation, why should the resolution be referred to a committee to determine as to whether or not we shall ask for the information? Resolution after resolution is adopted by the Senate asking for information from the heads of the departments. I sincerely trust that the Senate will allow this resolution to become the act of this body, in order that we may have the information which it calls for at the earliest possible moment.

Mr. LODGE. Mr. President, on yesterday I moved that this resolution be referred to the Committee on Rules. The resolution involves the question of the equipment of the Senate Chamber with radio service, which directly concerns the construction of the Capitol Building, which is in charge of the

Committee on Rules. It seems to me a very important matter, and I think the Senate ought to have the benefit of committee action upon it. It is a common practice of the Senate to send resolutions of inquiry to committees before they are adopted by the Senate.

The scope of the resolution is very extensive. It begins by directing the appointment by the Secretary of War and the Secretary of the Navy of a commission. Then it takes up the question of the equipment of the Senate Chamber, which is a very important question, indeed, to the Senate. I do not at all know whether or not the Senate desires to have everything which is said here broadcasted. It would certainly extend the debates in the Senate very greatly, and I think the subject ought to have the benefit of the examination of a committee.

Mr. DILL. Mr. President, will the Senator from Massachusetts yield to me?

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Oregon?

Mr. LODGE. I do.

Mr. DILL. Does not the Senator think that some such information as that called for by the resolution would be very valuable to have presented to the Senate?

Mr. LODGE. Certainly; and it could be procured directly by a committee just as well.

Mr. DILL. The Senator's motion, as I understand, is to refer the resolution to the Committee on Rules for its consideration as to whether to report it back or not?

Mr. LODGE. Yes; the resolution involves an important matter which I think ought to go to the Committee on Rules.

Mr. DILL. I agree to that.

Mr. ROBINSON. Mr. President, I merely wish to suggest that I think the resolution should be referred to one of the standing committees of the Senate. As I understand, the Senator from Massachusetts has moved to refer the resolution to the Committee on Rules?

Mr. LODGE. Yes; I have suggested the reference of the resolution to the Committee on Rules because that committee has charge of the Capitol Building.

Mr. ROBINSON. I have no objection to the resolution being referred to the Committee on Rules; indeed, I shall be very glad to have it so referred. I think the resolution should certainly receive consideration by a standing committee of the Senate.

The PRESIDENT pro tempore. The question is on agreeing to the motion to refer the resolution to the Committee on Rules.

Mr. HOWELL. Mr. President, suppose this resolution is referred to the Committee on Rules, the very information which the resolution calls for the committee should have in order properly to consider the subject embraced in the resolution. The committee at the present time has no information respecting the matter. Why should not the Senate have the information that should be placed before the committee in order that it may pass upon the question? Nothing can be done with reference to installation and operation without further action by the Senate.

Mr. ROBINSON. Mr. President, will the Senator from Nebraska yield for a question?

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Arkansas?

Mr. HOWELL. Certainly.

Mr. ROBINSON. The Senator's resolution proposes to create a joint commission. It would therefore seem to commit the Senate to the policy of going forward with a proposal to equip the Senate Chamber with radio devices necessary for broadcasting the proceedings of the Senate. The committee, of course, can procure any information that it finds essential to a proper report on the resolution; but, in my judgment, the Senate should not create the commission called for by the Senator's resolution until a standing committee of the Senate has reached the conclusion that it is desirable to convert the United States Senate into a radio broadcasting station.

Mr. DILL. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Washington?

Mr. HOWELL. I yield.

Mr. DILL. I wish to say to the Senator from Nebraska that I am as anxious to see this information secured as is the Senator from Nebraska; but, owing to the fact that it is a new subject and embraces an entirely new proposition, I think there is a great deal to be said in behalf of the contention that it should be referred to some committee that would consider the matter and probably reword the resolution in some way or other which would insure that the information attempted to be secured would be even more advantageous. I merely want to

explain to the Senator that that is the reason why I believe the resolution should be referred to a committee.

Mr. HEFLIN. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Alabama?

Mr. HOWELL. I yield.

Mr. HEFLIN. Mr. President, so far as I am concerned, I am ready to vote on the resolution now, but I suggest to the Senator from Nebraska that if it shall be referred to the Committee on Rules and shall not be acted upon immediately, the Senator then may move to discharge the committee and bring the resolutions back to the Senate for consideration.

I have been thinking a good deal about this resolution which the Senator presented on yesterday, and I really think it would be a good thing.

Mr. ROBINSON. Mr. President, will my friend the Senator from Alabama yield to me for a moment?

Mr. HEFLIN. Yes, sir.

Mr. ROBINSON. I wish to say to the Senator that my suggestion that the resolution be referred to the committee is not a perfunctory one. If the resolution shall be referred there, I shall insist that the committee give the subject the consideration which its importance requires, and I shall not acquiesce in a motion to discharge the committee if it is not immediately reported. I want the Senator from Alabama to understand my viewpoint on the matter.

Mr. HEFLIN. I was not referring to the Senator's position at all; I was simply explaining my own.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. HEFLIN. Certainly.

Mr. CARAWAY. I certainly hope that when the resolution shall be reported back, if it takes that course, there will be no provision in it to install radio devices which will enable us to hear what the country says about us. [Laughter.]

Mr. HEFLIN. That is one reason I favor it, because I believe if we had in the Senate radio facilities some of the speeches which are now made would not then be made. I believe there would be more speeches made here in the interest of the rule of the people; I believe that there would not be any speeches made here in defense of crooked officials. I think that when a Senator arose to speak, he would know that the sovereign power of this Nation was listening to him, and he would be very careful about what side he took. I think there is a great deal in the position taken by the Senator from Nebraska, and I am in sympathy with his position.

Mr. PITTMAN. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Nevada?

Mr. HOWELL. I yield.

Mr. PITTMAN. I merely wish to suggest to the committee to which the resolution may be referred that, if they report back the resolution favoring the installation of broadcasting devices in the Senate, at the same time they consider and report a new rule which will divide up the opportunities for speaking in this body.

Mr. HOWELL. Mr. President, there is nothing in the resolution which commits the Senate to action respecting the broadcasting of the proceedings of Congress. The only thing that is in this resolution is a request for information, which can be readily furnished by the War and Navy Departments. I have merely connected the two together, because each is engaged in radio work, and together they have invested in radio in the neighborhood of \$40,000,000. Why should not these two departments merely give us some information, information which the committee should have before it passes upon this question at all. If the resolution committed the Senate to any course, that would be one thing, but it does not commit the Senate to any course; it merely asks for information, and it will not cost a dollar. Are we going to say that we will not have this information, that we will first refer the resolution to a committee to determine whether they will recommend that we shall have the information? Is there something in the information for which we are asking that the people of this country ought not to know? Is there something about it that the Senate should not know? I have never known since I have been here—although, of course, my service extends over only a few weeks—a resolution to be offered asking for information from a department which was not passed by unanimous consent. Now, we are asking for information respecting radio and the possibility of broadcasting the proceedings of the Senate. Why should we not have it? What is there in radio that suggests that information respecting it should not be furnished to us

by two governmental departments that are conducting such activities?

I sincerely trust that the motion to refer the resolution to a committee will not prevail.

Mr. COUZENS. Mr. President, will the Senator from Massachusetts tell me what the Committee on Rules could do with the resolution when it only calls for information?

Mr. LODGE. They could consider it, perhaps ask for further information, give it consideration—which it has not had—and report back to the Senate their views upon it. They are charged with the care of this part of the Capitol Building, and this is a question to be considered by them. They may wish to amend the resolution. Nobody will have an opportunity to consider it if the reference is not made.

Mr. COUZENS. Does the resolution propose that anything shall be done to the building?

Mr. LODGE. The second clause refers to the equipment of the building.

Mr. COUZENS. Yes; but it just refers to the cost of it. It does not propose that we shall proceed to do anything.

Mr. LODGE. The committee can get that information, and get it more quickly, I think, than it can be gotten by sending in a resolution of this kind. We may want to know some other things in regard to it. It is a very important change.

Mr. CURTIS. Mr. President, we may want the superintendent of the building to be around when the estimates are made. We may want to know what effect its installation might have on other connections. We may want to know what it will cost to make up the estimate.

Mr. COUZENS. That is included in the resolution—an estimate of what it will cost.

Mr. CURTIS. We may want to know what it will cost to get up the information. We may want to know how long a time it will take. We may want to know if representatives of the departments will be required to come to the building and into this Chamber. We may want them to consult with our engineers to see what effect it might have upon the wiring of the building and other things.

Mr. COUZENS. That can not be done under this resolution, as I understand the Senator. That is his understanding, is it?

Mr. CURTIS. The resolution does not provide for it. It is a new and important question that should be examined into by a committee before action is taken.

Mr. HEFLIN. Mr. President, I regret to see this opposition to this radio arrangement manifesting itself on the Republican side of the Senate. I see no objection to having this information sent here. The Senator from Nebraska [Mr. HOWELL] has made a very strong point, it seems to me, when he says that the other resolutions calling for information have been adopted without going to any committee. This is a big proposition. The President talks over the radio occasionally, and people all over the country can hear him. It is quite a discovery that has been made that people can talk over these instruments and be heard hundreds of miles away.

Mr. CARAWAY. Mr. President, may I interrupt the Senator just a minute?

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Arkansas?

Mr. HEFLIN. Certainly.

Mr. CARAWAY. The Senator spoke of the President radioing the country. I believe he did that and found a cat. Is that so?

Mr. HEFLIN. The papers carried some statement to the effect that the White House cat was lost, and they radioed for him, but when the cat came in he refused to answer any questions because they might incriminate him. [Laughter.]

Mr. President, speaking of the radio, if we could establish that system here all of these seats would be full every day. The Senators who stay here very little would be in their places, because somebody would ask: "Where is Senator So-and-so? Why is not he here? He is rarely ever here." You would not have to say that more than once. He would be sitting in his seat every day after that. It would do good in that respect, and it would do good in another respect. We have to educate the Republican Party, and if we could force these Republican Senators to stay here the work of education would go on more rapidly. If we could reach the country at the same time that we are educating them, the pressure coming from home would cause them to vote right here.

Mr. ODDIE. Mr. President—

Mr. HEFLIN. I yield to the Senator from Nevada.

Mr. ODDIE. I will ask the Senator how he reconciles his statement with the proposal that he heard in the committee the

other day, and which he was in favor of, that a committee of the Senate visit several cities in the country on certain investigations, spending a week in Kansas City, I think, a week in Chicago, and so on, for the balance of the term. How can Senators be in their places attending to public business if they are required to visit various cities of the country when they should be here?

Mr. HEFLIN. Mr. President, the Senator has gone off on the wrong trail. That is public business. There is not anything more important than the prevention of the use of the mails for fraudulent purposes. There is nothing more important than to go to the rescue of the citizen who has been deceived and defrauded by the use of a governmental instrumentality and has had the savings of a lifetime taken away from him. It is the duty of the Government to go and see to it that that citizen is protected in his rights and that crooks who thus use the governmental instrumentalities shall be punished. There is no higher service that the Senate can render, or any individual Senator can render, than going out into the country, if necessary, to apprehend these crooks and punish them.

We shall not be gone very long. We are going to take a good deal more testimony right here in Washington, and I take it that we shall not be away from here longer than 10 days in all; and if I should have to go away for 10 days there are several others on this side who will instruct you while I am gone.

So, Mr. President, I am going to vote with the Senator from Nebraska [Mr. HOWELL] that these governmental officials be requested to give this information to the Senate without having it go to a committee and be considered and then reported back, and then deciding whether or not we will ask for this information. I want this information. I know now that I want it. I do not know how long it is going to take the average Republican Senator to decide whether or not he wants it, but I know now that I want it, and I think the people will indorse the step we take to get it.

The PRESIDENT pro tempore. The question is upon the motion of the Senator from Massachusetts [Mr. LODGE] that the resolution be referred to the Committee on Rules.

On a division the motion was agreed to.

SENATOR BURTON K. WHEELER.

Mr. WALSH of Montana. Mr. President, some coarse vilification of my esteemed colleague [Mr. WHEELER] has been going the rounds of the press, emanating from the Republican National Committee. I send to the desk a telegram and ask that it be read by the Secretary.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the Secretary will read the telegram.

The reading clerk read as follows:

[Western Union telegram.]

BILLINGS, MONT., March 26, 1924.

HON. THOMAS J. WALSH,

United States Senate, Washington, D. C.:

The confidence of the people of Montana, as evidenced by one of the largest pluralities ever given any candidate in Montana, is unshaken in our junior Senator, B. K. WHEELER. People of this State can not be stampeded by stale charges of which he was thoroughly exonerated long ago. The propaganda against him in to-day's news is merely a rehash of old unfounded charges and shows the straits to which the opposition is put to undermine his efforts. The electorate of this county have every confidence in his integrity and honesty of purpose and resent this unwarranted attack.

LINDHEAL O. JOHNSON,

Chairman Democratic Central Committee, Yellowstone County.

IRA C. COVERT, Secretary.

ASSESSED VALUATION OF RAILROADS.

The PRESIDENT pro tempore. The Chair lays before the Senate a further resolution coming over from a previous day, which will be read.

The reading clerk read Senate Resolution 199, submitted by Mr. DILL on yesterday, as follows:

Resolved, That the Interstate Commerce Commission be, and hereby is, directed to ascertain from the proper authorities of each State of the United States the assessed valuation, on a 100 per cent basis of valuation, as used for taxation purposes, of all of the property of each of the railroads of the United States acting as common carriers, whether used for the purposes of common carriers or not, which are under the control of the Interstate Commerce Commission, and report the said valuations used for taxation purposes to the Senate of the United States: Provided, That said report shall show, first, the total valuations for taxation purposes on a 100 per cent basis of the property of each railroad company or system, separate and apart from other railroads,

and, second, the total of such valuations of all railroad properties by States, and, third, the total of such valuation for the whole United States.

Mr. DILL. Mr. President, in line 5 I omitted some words which I should like to offer as an amendment. After the words "taxation purposes" add the words "for the year 1923." I have no date set out in the resolution.

The PRESIDENT pro tempore. The Secretary will state the amendment.

The READING CLERK. On page 1, line 5, after the word "purposes," it is proposed to insert "for the year 1923."

The amendment was agreed to.

The PRESIDENT pro tempore. The question is upon agreeing to the resolution as amended.

Mr. CURTIS. Mr. President, I should like to ask the Senator a question. I could not hear the resolution read. Is it a resolution asking the Interstate Commerce Commission to furnish this information?

Mr. DILL. To secure from the various States the information, on a 100 per cent basis of valuation, as to the valuation of all railroad property.

Mr. CURTIS. For taxation purposes?

Mr. DILL. For taxation purposes. I had in mind having the information for use in the committee when we take up for consideration the valuation question.

Mr. KING. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Utah?

Mr. DILL. Certainly.

Mr. KING. For information, I desire to ask how this information would be obtained, if, as is the case in many States, the assessed valuation of property, particularly real estate, is less than 100 per cent? They would not have in the county records, in the assessor's office, nor perhaps in the board of equalization at the capital, the full valuation on a 100 per cent basis, in the language of the resolution, of the railroads within the State.

Mr. DILL. In each State they use a certain percentage of valuation. From that can be figured the valuation which would result from a 100 per cent basis. In my State, for instance, we use a 50 per cent valuation. Therefore we would double the 50 per cent valuation to get the 100 per cent basis. I think that method in each State would be only fair in the getting of the taxable value.

Mr. KING. May I inquire of the Senator whether the Interstate Commerce Commission has not that information now?

Mr. DILL. I understand not at this time. They would have to acquire it by mail, probably.

Mr. KING. Would this include also electric roads?

Mr. DILL. I think not. It simply refers to those railroads under the control of the Interstate Commerce Commission.

Mr. KING. I have no objection.

Mr. BAYARD. Mr. President, will the Senator yield to me?

Mr. DILL. Certainly.

Mr. BAYARD. I do not know whether or not other States have laws similar to the Delaware law in regard to railroad property. The amount is fixed by legislation, said sum to be paid in lieu of taxes, and from time to time—and frequently the time is long deferred—that statute is amended, increasing the amount to be paid. So, while it is true that we have not a very big State or a very big railroad system, we do have an interstate operation, and the commission is absolutely barred from getting any information along the line suggested from the State of Delaware.

Mr. DILL. The commission could so report as to that State. I think there are very few States of that kind, however, and I would not want to attempt to include language to cover that at this time. Perhaps at a later date I may.

The PRESIDENT pro tempore. The question is upon agreeing to the resolution as amended.

Mr. LODGE. Mr. President, I should like to ask the chairman of the Committee on Interstate Commerce what is being done, in a general way, and what has been done in regard to the valuation of railroads.

Mr. SMITH. Mr. President, up to the beginning of this year, according to the information furnished by the Interstate Commerce Commission, as I recollect now, about three-fourths of the roads have been valued—a sufficient amount, according to the report of the Interstate Commerce Commission, for them to take the percentage and estimate about what would be the total value, especially of the class A roads. About one-fourth of the roads are yet to be physically valued under the La Follette law. I suppose that is what the Senator has reference to.

Mr. LODGE. That is being done under a general law passed some time ago?

Mr. SMITH. Yes; it is about a little more than three-fourths completed. The figures I have in my committee room, but my recollection is that it is about three-fourths completed.

Mr. LODGE. Does the Senator recall about when the law was passed for the valuation of the roads?

Mr. SMITH. I think that law was passed in 1900 or 1910. Perhaps it has been in actual operation something like 11 or 12 years.

Mr. LODGE. The work has been carried on steadily during that time?

Mr. SMITH. Yes; the valuation has been carried on. The estimated value, as well as I recall now, is something in the neighborhood of \$19,000,000,000 plus.

Mr. LODGE. That is, the Senator means the value of the roads already covered?

Mr. SMITH. What the commission have already completed has given a basis of calculation so that the value of the other fourth can be estimated. Estimating the total value upon the basis of the known three-fourths, they estimate the value of all the roads at something like \$19,000,000,000 plus.

Mr. LODGE. Has the Senator any idea what amount of money has been spent already on the work of valuation?

Mr. SMITH. The figures are in my committee room, and I would not attempt to say accurately, but it is perhaps somewhere between \$10,000,000 and \$15,000,000.

Mr. LODGE. Ten or fifteen million already spent?

Mr. SMOOT. More than that; probably twenty million.

Mr. SMITH. I was just speaking from memory.

Mr. KING. About twenty-five million.

Mr. SMITH. I think perhaps \$15,000,000 may be nearer correct.

The PRESIDENT pro tempore. The question is on agreeing to the resolution as amended.

The resolution as amended was agreed to.

The PRESIDENT pro tempore. The morning business is closed.

OWNERSHIP OF STOCKS, BONDS, ETC., BY OFFICIALS.

Mr. CURTIS. I understand the calendar is in order.

Mr. FRAZIER. I would like to call from the table Senate Joint Resolution 74, and I ask that it be read by title.

The PRESIDENT pro tempore. The Secretary will read the title of the joint resolution.

A joint resolution (S. J. Res. 74) introduced by Mr. FRAZIER, relating to ownership of stocks and bonds of industrial, railroad, mining, banking, shipping, oil, and other corporations, firms, and partnerships by Members of the Senate and House of Representatives of the United States of America, and by employees of the Federal Government, and their relation to such corporations and firms.

Mr. CURTIS. I want to suggest to the Senator that we want to go on with the calendar until 2 o'clock, if we may, and during the morning hour debate is limited to five minutes. Would the Senator mind letting the matter go over until after the time allotted to the calendar, or does he want to go on now?

Mr. FRAZIER. It will take me only about five minutes to make the statement which I wish to make.

Mr. President, the people are more interested in government and governmental affairs than ever before. Public officials are being more closely watched than ever before, and, in my opinion, they should be. The rank and file of our people have been hoping for some real constructive legislation for a long time. They have been disappointed so many times that a general dissatisfaction and unrest exists.

In a great many cases this borders on resentment. The people feel that they have not been and are not getting a "square deal" at the hands of Congress and other Government officials. I am sorry to say this, but I feel that I am in a pretty good position to know what the rank and file of the people, especially of the Middle West, think about it, having come so recently from the farm myself.

I honestly believe the common, ordinary, everyday citizens have lost faith to a large extent in the Government. They feel that the Government is of, by, and for the financial interests, rather than of, by, and for the people, as Lincoln said it should be. Some of the outstanding legislation of recent years goes a long way toward bearing this out—the Federal reserve bank act, the Esch-Cummins railroad bill, the Fordney-McCumber tariff law, the proposed ship subsidy, and, coming down to the present session, the so-called Mellon tax plan. Furthermore, the recent developments brought out by the investigations now going on have not helped in this respect, but have only added proof to what the people have suspected for a long time.

In view of this situation, in view of the developments brought out by the investigations, in order to allay suspicion—publicity kills suspicion—for the protection of Members of Congress and Government officials, and to satisfy the just inquiry of the people, I believe this resolution should be adopted.

Mr. President, this resolution is not aimed at any particular individual; it is not aimed at any group or any party; it is not aimed at the Democrats or the Republicans. The aim of this resolution is to give each Member of Congress and Government official an opportunity to officially put himself on record as to what his interests are and what he represents, and to let the public know the facts they are entitled to know.

Mr. President, I ask unanimous consent for the immediate consideration of this joint resolution.

Mr. CURTIS. Mr. President, this is a joint resolution and should go to a committee.

The PRESIDENT pro tempore. The Senator from North Dakota asks that the Senate proceed to the consideration of Senate Joint Resolution 74.

Mr. CURTIS. It is a joint resolution and should go to one of the committees.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from North Dakota?

Mr. CURTIS. I object.

The PRESIDENT pro tempore. The Senator from Kansas objects.

Mr. FRAZIER. Then I ask that it be referred to the proper committee.

The PRESIDENT pro tempore. The joint resolution will be referred to the Committee on Finance.

THE CALENDAR.

The PRESIDENT pro tempore. The calendar is in order.

Mr. NORRIS. I ask unanimous consent that in taking up the calendar we commence where we left off, with Order of Business No. 252.

Mr. CURTIS. I wish the Senator would add to his request that only unobjected bills shall be considered this morning.

Mr. NORRIS. I would not like to add that, because I do not know how other Senators feel about it.

Mr. CURTIS. I withdraw the suggestion.

The PRESIDENT pro tempore. The Senator from Nebraska asks unanimous consent that in considering the calendar the Senate shall begin with Order of Business No. 252.

Mr. FESS. Mr. President, I have a bill on the calendar which has been twice objected to, which was passed in the last session. I would like to know when the stage will be reached when we can have a vote on that measure.

The PRESIDENT pro tempore. The Chair can not give the information asked for by the Senator.

Mr. FESS. The request of the Senator from Nebraska is that we shall begin where we left off yesterday. Why not begin with the beginning of the calendar, as we generally do?

Mr. NORRIS. The reason why I have made the request is that if we always begin, when we are considering the calendar, at the beginning of the calendar, there will be a number of bills which will never be reached on the call of the calendar. It seems to me when we start with calling the calendar we ought to go as far as we can, and the next time start where we left off. We get through a certain number of bills every time, and if we commence over again, the bills that are reached at the beginning of the calendar are taken up over and over and over again, while there are a lot of other bills further along which never are considered.

Mr. FESS. The Senator declined to ask that only unobjected bills be considered. If the request was that unobjected bills be considered only, I would not object to going on in that way, beginning where we left off, but if we are to consider objected bills as well I want to have my bill considered also.

Mr. NORRIS. I myself would not object to that kind of a request. Still, I do not like to make it, because under the regular rule of the Senate we call the calendar, and when a bill is objected to a Senator has a right to move that it be taken up, and the Senate decides whether to take it up or not.

Mr. FESS. That is all I am asking.

Mr. ROBINSON. What is the bill to which the Senator from Ohio refers?

Mr. FESS. The bill to which I am referring is the bill concerning the loss of war-savings stamps in the Bowling Green, Ohio, post office.

Mr. ROBINSON. What is the calendar number?

Mr. FESS. Calendar No. 192. It is a bill which was passed almost unanimously last session.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Nebraska?

Mr. WILLIS. Reserving the right to object, if that is necessary—and it is not—I ask the Senator from Nebraska if he will not withhold his request long enough to permit my colleague to request unanimous consent that Order of Business No. 192 be taken up. It is a bill which was passed in the last Congress and I think in the preceding one, was it not?

Mr. FESS. Yes; it was.

Mr. WILLIS. It has been twice passed by this body, and I think was objected to yesterday under a misapprehension. If the Senator from Nebraska would withhold his request, my colleague could then ask unanimous consent that his bill be taken up, and we could proceed with it.

Mr. NORRIS. If my request is granted, it will be in order for the Senate to take up the bill to which the Senator has reference.

Mr. WILLIS. I thought it might be open to argument as to whether that would be the case. If it is understood that my colleague can then make his request, I have no objection.

Mr. NORRIS. He may make his request then.

Mr. WILLIS. Very well.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Nebraska? The Chair hears none, and the calling of the calendar will begin with Order of Business No. 252.

DAVID C. VAN VOORHIS.

Mr. FESS. I ask unanimous consent to return to Order of Business No. 192.

The PRESIDENT pro tempore. The Senator from Ohio asks unanimous consent that the Senate proceed to the consideration of Order of Business 192, the bill (S. 2168) for the relief of David C. Van Voorhis. Is there objection?

Mr. FLETCHER. Why not proceed with the calendar in the regular way? Will we not be able to reach the Senator's bill?

Mr. FESS. The call of the calendar will begin with a number beyond that of the bill which I have called up.

Mr. ROBINSON. Was there objection on yesterday to the consideration of the bill?

Mr. FESS. There was what was equivalent to an objection; some one asking for the reading of the report, which was quite long.

Mr. ROBINSON. I suggest that the Senator make a brief statement respecting the bill, and it may be that it can be disposed of.

The PRESIDENT pro tempore. The Chair desires to state that if there is to be objection—

Mr. ROBINSON. Under the rule of procedure an objection can be made at any time, so that the Senate can proceed to the consideration of the bill and any Senator under the rule and the practice of the Senate is entitled to object. The Senate does not, by taking up the bill, preclude itself from an objection under the order under which we are proceeding. My suggestion is that we take it up, and I reserve the right to object.

The PRESIDENT pro tempore. The Chair wants to have it fully understood that if the Senate makes the agreement that is proposed by the Senator from Ohio we are not then proceeding under Rule VIII, but we are proceeding under the unanimous-consent agreement to take up and consider the bill.

Mr. ROBINSON. We are now proceeding with the calendar under Rule VIII. The Senator from Ohio asks unanimous consent to recur to a number on the calendar that has been passed over. He does not move to proceed to its consideration. Therefore the same practice would apply as would apply to bills that have not yet been reached on the calendar, unless the Chair himself insists upon raising the point of order against the proceeding. I suggest that the Senator make a brief statement regarding his bill.

The PRESIDENT pro tempore. The Senator may make the statement, but the Chair wants to understand the unanimous-consent agreement that has been made, which, as he now perceives it, is that the Senate shall proceed—

Mr. ROBINSON. No; it is not.

The PRESIDENT pro tempore. Will the Senator from Ohio state his request?

Mr. ROBINSON. The Senator from Ohio asks to recur to a number on the calendar that had been passed over.

The PRESIDENT pro tempore. The Senator from Ohio will state again his request for an agreement.

Mr. FESS. I request unanimous consent to return to No. 192 on the calendar.

The PRESIDENT pro tempore. Is there objection to the request now made by the Senator from Ohio?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2168) for the relief of David C. Van Voorhis, which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to David C. Van Voorhis, of Bowling Green, Ohio, out of any money in the Treasury not otherwise appropriated, the sum of \$1,931.17, being the amount of war-savings stamps lost by him while postmaster during the year 1918, without fault on his part, and which amount was thereafter by him paid to the Government out of his own funds.

Mr. FESS. Mr. President, in 1918, during the war, when the post office was in the business of the sale of war-savings stamps, there were lost in the post office at Bowling Green, Ohio, war-savings stamps that amounted to a little over \$1,900. The postmaster paid the Government the full amount. Afterwards the Post Office Department sent an investigator into Bowling Green to make an investigation of the situation. The investigation was exhaustive, and the report was to the effect that the post office was not very heavily manned at the time. The assistant postmaster, by the name of Brewer, was ill. He at one time had asked to be relieved by having some one substituted for him, but that was not done. It was during this time that the loss took place. The report was to the effect that there was no laches in any way on the part of the authorities in the office, that they held the postmaster not to blame, and reported in favor of the Government reimbursing him.

Mr. ROBINSON. The Third Assistant Postmaster General stated in a communication upon the subject that if the Post Office Department had the power it could grant relief to the postmaster in this instance, but that it would require legislation in order to accomplish it.

Mr. FESS. That is correct.

Mr. ROBINSON. I see no reason why the bill should not pass. It is similar to many bills that have already passed.

Mr. FESS. It has twice passed the Senate in previous Congresses, but never got through the House.

Mr. FLETCHER. Does it appear that there was any absence of a safe or other way of protecting the stamps?

Mr. FESS. I understand there was not.

Mr. FLETCHER. How did the loss occur?

Mr. FESS. It is claimed that in the press of the business of the office—the office being at the time insufficiently manned—it came about; they could not ascertain the source of it; but the loss occurred.

Mr. CARAWAY. Was this one of those central accounting offices that were built up under the plan that required one office to supply several others?

Mr. FESS. I think so. This was the county seat of Wood County.

Mr. CARAWAY. That always entailed upon the postmasters more burdens than they had force to meet. I have several instances like it.

Mr. FESS. I see no reason why the Congress should not give authority to reimburse the postmaster, when under the circumstances he did not seem to be responsible.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PRACTICE AND PROCEDURE IN FEDERAL COURTS.

The PRESIDENT pro tempore. The call of the calendar under Rule VIII will begin at Order of Business 252.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 624) to amend the practice and procedure in Federal courts, and for other purposes.

Mr. PEPPER. May I ask to have the pending amendment stated for the information of the Senate?

The PRESIDENT pro tempore. The Secretary will report the pending amendment.

The READING CLERK. In lines 4 and 5, strike out the words "triable by jury, in which the jury has been impeached to try the issue of facts," and insert in lieu thereof the words "tried by jury."

The amendment was agreed to.

The next amendment of the Committee on the Judiciary was, on page 1, line 6, to strike out the words "pending in said court."

The amendment was agreed to.

The next amendment of the committee was, in line 7, to strike out the word "personal."

The amendment was agreed to.

The next amendment of the committee was, in line 8, to strike out the words "of testimony involved in said issue" and to insert in lieu thereof the words "or value of the evidence."

Mr. PEPPER. I desire to move a substitute for the pending amendment, as follows: On page 1, in line 8, after the word "weight," strike out the words "of testimony involved

in said issue or value of the evidence" and insert in lieu thereof the words "of the evidence," so that the clause would read:

The credibility of witnesses or the weight of the evidence.

The PRESIDENT pro tempore. The Senator from Pennsylvania moves a substitute for the committee amendment, which the Secretary will report, reporting the language as it would be if amended by the substitute of the Senator from Pennsylvania.

The READING CLERK. Page 1, lines 8 and 9, strike out the words "of testimony involved in said issue," and also the words in italics, "or value of the evidence," and insert "of the evidence," so as to read, "opinion as to the credibility of witnesses or the weight of the evidence."

The amendment was agreed to.

The next amendment of the committee was, on page 2, to strike out lines 1, 2, 3, 4, and 5 and insert in lieu thereof:

At the conclusion of the evidence and before argument of counsel the judge shall deliver his charge to the jury in writing.

Mr. RALSTON. Let me inquire if that means to strike out the proviso on that page, that where States allow the judge to instruct jurors after argument that practice will be followed?

Mr. CARAWAY. No; it does not strike that out.

Mr. RALSTON. It leaves that in?

Mr. CARAWAY. Yes.

Mr. RALSTON. That is all right.

The PRESIDENT pro tempore. The question is on agreeing to the committee amendment.

The amendment was agreed to.

Mr. PEPPER. Mr. President, I desire to propose an additional amendment. On page 1 of the bill, in line 10, following the word "court," I move to insert the words "from entering a judgment of compulsory nonsuit or from," so that the proviso would read:

Provided, That nothing herein contained shall prevent the court from entering a judgment of compulsory nonsuit or from directing a verdict when the same may be required or permitted as a matter of law.

Mr. McKELLAR. Will the Senator explain just what he desires to accomplish by that amendment?

Mr. PEPPER. There is some difference of opinion among Senators as to whether the same necessity that makes it desirable to reserve by proviso the right of the court to direct the verdict does not also require the reservation of the right to direct a compulsory nonsuit. The thought is that every judgment of compulsory nonsuit involves some estimate by the court respecting the sufficiency of the testimony that has been adduced in support of the plaintiff's claim. It is to safeguard a practice which every one of us would desire to safeguard that the proviso has been amplified in the way suggested by the amendment.

Mr. McKELLAR. I shall not object to the amendment offered by the Senator from Pennsylvania. I think the entire proviso is outside of any authority conferred by the Constitution of the United States. I do not think the sixth or seventh amendments provide for that sort of restriction. Still I am so desirous of getting some legislation through the Congress on the subject that I shall not at this time object.

Mr. PEPPER. The Senator would be of opinion, would he not, that if any proviso were to be inserted it ought to be a comprehensive one?

Mr. McKELLAR. I have already so stated.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment proposed by the Senator from Pennsylvania.

The amendment was agreed to.

Mr. PEPPER. I beg leave to offer a final amendment. On page 2, in line 10, after the word "charge," I move to insert the words "orally and," so that the whole would read:

That in United States courts sitting in States in which the law permits the trial judge to deliver his charge orally and after argument of counsel, such procedure and practice may be followed by the trial judges in United States courts sitting in such States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CLINTON G. EDGAR.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1799) to refund to Clinton G. Edgar income tax erroneously and illegally collected. It directs the Secretary of the Treasury to refund and pay to Clinton G. Edgar \$3,253.79 for income taxes erroneously and illegally collected from him in 1917.

Mr. FLETCHER. Mr. President—

Mr. COUZENS. Mr. President, this bill was introduced by myself in the interest of securing a refund of an income tax which was illegally collected, the claim for refund having been barred by statute of limitations. The Secretary of the Treasury, I understand, recommends that the refunds be made. I hope there will be no objection to the refund, because refunds are being made and have been made in promiscuous sums for some years.

Mr. OVERMAN. What was the trouble about the beneficiary of this bill getting a refund from the Treasury without coming to Congress for relief?

Mr. COUZENS. It became necessary for him to come to Congress because, as I have stated, the claim before the department was barred by the statute of limitations.

Mr. OVERMAN. What number of years has elapsed since the tax for which a refund is now asked was paid?

Mr. COUZENS. I do not now recall, but it is stated in the report on the bill.

Mr. FLETCHER. The tax was collected in 1917. I did not see the Senator from Michigan present when I rose; but I was struck with the last sentence in the report of the Secretary of the Treasury on the bill, in which he states:

In accordance with the above, I am unable to approve the proposed bill authorizing refund of \$3,253.79 to Clinton G. Edgar.

That would seem to be an adverse report from the Treasury Department.

Mr. COUZENS. The Committee on Claims have reported the bill favorably. I do not know just exactly what consideration moved them, but the Senator from Texas [Mr. MAYFIELD] spoke to me about the matter, and he reported the bill. The report of the committee states:

Since the commissioner is without power now under the law to act, having failed to act as required by law at the time required by law, this is a case which in all justice calls for remedial legislation.

It is the purpose of the present bill to remedy this injustice, since the taxpayer has no recourse either in the departments or in the courts.

The PRESIDENT pro tempore. The bill is before the Senate as in Committee of the Whole and is open to amendment.

Mr. McKELLAR. Has the Senator from Michigan particularly examined the refund in question, and is he assured that it would be a proper refund but for the statute of limitations?

Mr. COUZENS. Yes; I am satisfied of that, I will say to the Senator from Tennessee.

Mr. CAPPER. Mr. President, if I may say a word, I desire to state that the Committee on Claims went into the matter very carefully, and there was no one who questioned that the Government had received these taxes and had received them wrongfully. The person named in the bill was clearly entitled to a refund of the taxes, but under the law they could not be refunded. The Secretary of the Treasury, I think, however, was of the opinion that there should be a general statute enacted covering such cases, but, of course, it would take a long time to get such action.

Mr. FLETCHER. It looks as if the report of the Secretary of the Treasury from which I have read was based on the idea that there is an already existing remedy; that there is no need of a special act to cover this case; but the committee reports that this tax money was actually paid in excess of what was due, and if the passage of the bill is the proper way to have it refunded I presume the bill should be allowed to pass.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HERMAN O. KRUSCHKE.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1790) for the relief of Herman O. Kruschke, which had been reported from the Committee on Military Affairs, with amendments, in line 9, after the word "no," to insert the word "pay"; and in line 10, after the word "pension," to insert "bounty, or other emoluments," so as to make the bill read:

Be it enacted, etc., That in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, John Kurs, alias Herman O. Kruschke, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of the Eleventh Regiment Indiana Volunteer Infantry: Provided, That no pay, pension, bounty, or other emolument shall accrue prior to the passage of this act.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TRANSFER OF SURPLUS BOOKS FROM NAVY DEPARTMENT TO INTERIOR DEPARTMENT.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 350) to authorize the transfer of surplus books from the Navy Department to the Interior Department.

The bill had been reported from the Committee on Naval Affairs with an amendment in line 3, after the word "authorized," to strike out the words "and directed," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Navy is hereby authorized to transfer such books as may not be required for the uses of the Navy Department to the Interior Department as the Secretary of the Interior may consider useful for educational purposes at the Indian school at Santa Fe, N. Mex., and other Indian schools throughout the United States.

The amendment was agreed to.

Mr. FLETCHER. Mr. President, will the Senator from New Mexico [Mr. JONES] explain the object of this bill? We have had a few more "transfers from the Navy to the Interior Department" than were desirable. I do not see what occasion there can be for a transfer in this instance, but perhaps this bill does not refer to oil reserves.

Mr. JONES of New Mexico. Mr. President, the Secretary of the Navy goes into the matter quite fully. The Interior Department wanted to secure the use of books for the Indian school at Santa Fe. That is the special occasion for this proposed legislation. The Navy Department had a large number of books which were no longer needed in the Navy Department, and so the bill merely proposes to transfer such books to the Interior Department as the authorities may think desirable.

Mr. FLETCHER. I have no objection to the passage of the bill, but asked the question because there was no report in reference to the bill on my calendar file.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FLOOD SUFFERERS IN NEW MEXICO.

Mr. JONES of New Mexico. Mr. President, I was not able to be present at the time when we were last considering the calendar, when order of business No. 223 was reached. That is just above the point where we commenced the consideration of the calendar to-day. It is a measure which passed the Senate at the last session of Congress. I ask unanimous consent that we may take that bill up for consideration at this time.

Mr. SMOOT. I ask that the bill may be read.

The PRESIDENT pro tempore. The Senator from New Mexico asks unanimous consent that the Senate recur to Calendar No. 223. Is there objection?

Mr. McNARY. Mr. President, I do not apprehend that I shall object, but I should like to have the bill read. It is back of the point at which we started this morning.

The PRESIDENT pro tempore. The Secretary will state the bill by title.

The READING CLERK. A bill (S. 349) for the relief of sufferers in New Mexico from the flood due to the overflow of the Rio Grande and its tributaries.

Mr. SMOOT. I ask that that bill go over. I should like to examine it further.

Mr. JONES of New Mexico. Very well, if the Senator from Utah so desires.

The PRESIDENT pro tempore. The bill will be passed over.

BILL PASSED OVER.

The bill (S. 112) providing for a comprehensive development of the park and playground system of the National Capitol was announced as next in order.

Mr. SMOOT. I do not know whether I have any objection to the bill or not. I have not had time to read it over carefully, nor to study the report. The chairman of the committee in charge of the bill is not present, he having reported the bill. It is a very important bill, and I think that it ought to go over to-day.

The PRESIDENT pro tempore. The bill will be passed over.

FLAG FOR THE DISTRICT OF COLUMBIA.

The bill (S. 2439) to create a commission to procure a design for a flag for the District of Columbia, and for other purposes, was considered as in Committee of the Whole.

The bill was read, as follows:

Be it enacted, etc., That the President of the United States, the Secretary of War, and the president of the Board of Commissioners of the

District of Columbia be, and they are hereby, created a commission to procure a design for a distinctive flag for the District of Columbia, the seat of the Capital of the Nation: *Provided*, That in the selection of such design the commission hereby created shall have the advice of the Commission of Fine Arts.

SEC. 2. That the sum of \$1,500 be, and the same is hereby, appropriated, out of any money in the Treasury of the United States not otherwise appropriated, to carry out the purposes of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, and to be read the third time.

Mr. FLETCHER. Mr. President, I have no objection to the bill, but I do not see why it should cost \$1,500 to perform the work which is proposed by the bill. I move to strike out "\$1,500" and insert "\$500," in line 1, on page 2.

The PRESIDENT pro tempore. The amendment will be stated.

The READING CLERK. On line 1, page 2, it is proposed to strike out "\$1,500" and insert "\$500."

Mr. McNARY. Mr. President, the chairman of the committee is absent from the city to-day, and I think it would be rather unfair to consider an amendment of that kind in his absence. Rather than have action by the Senate on a matter for which the Senator from Delaware perhaps has a good defense, I would rather see the bill go over.

The PRESIDENT pro tempore. The Chair desires to suggest that the bill has passed beyond the stage of amendment. Without objection, however, the order of the Senate passing the bill to a third reading is reconsidered. The Chair hears no objection, and the bill is in the Senate and open to amendment.

Mr. FLETCHER. I am inclined to think that if we adopt the amendment I have suggested and then pass the bill, it could be corrected in the House, if there is need of any more money than is provided in the amendment. It is a Senate bill, and I should like to make headway with it.

Mr. McNARY. In all fairness, in view of the situation, I shall ask that it go over.

The PRESIDENT pro tempore. The bill will be passed over in the parliamentary stage that it has now reached.

ADJUSTMENT BY SUGAR EQUALIZATION BOARD.

The joint resolution (S. J. Res. 49) authorizing the President to require the United States Sugar Equalization Board (Inc.) to adjust a transaction relating to 3,500 tons of sugar imported from the Argentine Republic, was announced as next in order.

Mr. JONES of New Mexico and Mr. FLETCHER asked that the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. McNARY. Mr. President, I was going to say that, in the absence of the Senator from New Jersey [Mr. Edge], who is the author of the joint resolution, I should like to make a brief statement if I could have any encouragement that the objection would be withheld.

Mr. FLETCHER. I withhold the objection in order that the Senator may make a statement, but I do not wish to have the bill acted on to-day.

Mr. McNARY. I have only this to say: A similar bill passed the Senate at the last session, and it is similar also to two other bills which passed the Senate and also the House at the last session of Congress. It merely authorizes the Sugar Equalization Board to examine the facts and determine whether or not there is a liability for a quantity of sugar which was shipped from the Argentine to this country following the war for the purpose of depressing the extortionate price then being charged to consumers of sugar. The bill has been favorably reported by the committee, and a favorable report has also been made by the Department of Justice. I do not care to go into a long discussion of the bill if the Senator insists upon the objection. I have merely given a brief outline of its purpose.

The PRESIDENT pro tempore. The Chair understands that there is objection to consideration of the bill.

Mr. FLETCHER. Yes; I think it should go over.

The PRESIDENT pro tempore. The bill will be passed over.

USE OF WOODEN CARS ON RAILROADS.

Mr. HARRIS. Mr. President, on yesterday, when we reached Order of Business 199, Senate bill 1499, the Senator from Maryland [Mr. BRUCE] objected to its coming up; but he is now agreeable to its passage, and will not object. I therefore ask unanimous consent for its consideration.

Mr. SMOOT. What bill is it?

Mr. HARRIS. It is Senate bill 1499.

Mr. WADSWORTH. May the bill be read for the information of the Senate first?

The PRESIDENT pro tempore. The Secretary will state the title of the bill.

The READING CLERK. A bill (S. 1409) to promote the safety of passengers and employees upon railroads by prohibiting the use of wooden cars under certain circumstances.

Mr. WADSWORTH. May the bill be read for information first?

The PRESIDENT pro tempore. Does the Senator from New York object to the request for unanimous consent?

Mr. WADSWORTH. I withhold objection until I know what the bill is.

The PRESIDENT pro tempore. The Secretary will read the bill for the information of the Senate.

The READING CLERK. The committee proposes to strike out all after the enacting clause and to insert:

That when used in this act the term "common carrier" means a common carrier subject to the interstate commerce act, as amended, engaged in the transportation of passengers.

SEC. 2. That on and after 30 days after the passage of this act it shall be unlawful for a common carrier to use a car other than a steel or steel underframe car, between steel cars or steel underframe cars, or in front of any steel car or steel underframe car, in any train used in whole or in part for the transportation of passengers.

SEC. 3. That any common carrier which violates the provisions of this act shall be liable to a penalty of not less than \$100 nor more than \$500 for each offense and \$100 for each day of the continuance of the offense. Such penalty shall accrue to the United States and may be recovered in a civil suit brought by the United States.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. KING. Mr. President, I should like some explanation about the bill. It seems to me it is a very important one. I should like to hear from some of the members of the Interstate Commerce Committee.

Mr. HARRIS. Mr. President, let me read to the Senator what the Interstate Commerce Commission says about the bill. They have recommended the passage of a measure like this a number of times in their annual reports, and I read an extract from a letter from the Interstate Commerce Commission dated February 20, 1922. They say:

We urge immediate action on legislation providing that no wooden passenger-train cars shall be located in a train between or ahead of steel or steel underframed cars. Such legislation would not entail an additional expenditure but would increase safety.

That is all there is to it. Let us say that in my State, for example, there is a Pullman steel car, and between that and the engine there are three or four frame cars. In the event of an accident the steel car would telescope those frame cars, and it would mean the death of probably 100 people. This bill is to remedy that. It will not cost the railroads one dollar. It is simply to protect life and to protect people from being injured by putting frame cars between steel cars and engines.

Mr. KING. Mr. President, has the bill been reported unanimously by the committee?

Mr. HARRIS. It is reported unanimously by the committee.

Mr. KING. Does it relate to cars operated by electricity—that is, interurban roads?

Mr. HARRIS. It does not mention them, but I should say that it would include them, and I think persons traveling in such cars ought to be protected just like others. It refers to all common carriers.

Mr. KING. Does it prevent the use of wooden cars absolutely upon trains?

Mr. HARRIS. Not at all. It does not prevent the use of wooden cars. It does not prevent anything except putting frame cars between steel cars.

Mr. KING. I have no objection, if the bill is unanimously reported from the committee.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Georgia?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Interstate Commerce with an amendment.

The PRESIDENT pro tempore. The question is upon agreeing to the committee amendment, which has been stated.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

STEAMSHIP "LEXINGTON."

The bill (S. 81) for the relief of the owners of the steamship *Lexington* was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the claim of Colonial Navigation Co., owner of the American steamship Lexington, against the United States for damages alleged to have been caused by collision between said vessel and the United States submarine O-7 on the 6th day of October, 1919, in the East River, N. Y., near Horns Hook, may be sued for by the owner of the said American steamship Lexington in the United States District Court for the Eastern District of New York, sitting as a court of admiralty and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such suit and to enter judgment or decree for the amount of such damages, including interest, and costs, if any, as shall be found to be due against the United States in favor of the owner of the said American steamship Lexington, or against the owner of the said American steamship Lexington in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal: Provided, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: Provided further, That said suit shall be brought and commenced within four months of the date of the passage of this act.

Mr. KING. Mr. President, I do not find this bill on my calendar. I should like to hear the report read.

Mr. WADSWORTH. Mr. President, perhaps I can explain it in a moment.

Mr. KING. I shall be glad to have the Senator do so.

Mr. WADSWORTH. All that this bill does is to authorize the Federal district court for the eastern district of New York, sitting as a court of admiralty, to hear this claim.

Mr. KING. I have no objection.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FRANK GRYGLA.

The bill (S. 362) for the relief of Frank Grygla was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the heirs of Frank Grygla, deceased, out of any money in the Treasury not otherwise appropriated, the sum of \$669.71, for salary as special agent of the General Land Office for the period October 15, 1901, to May 8, 1902, being at the rate of \$1,200 per annum, such salary having been withheld on account of his suspension from duty by an order of the department to investigate charges against him which were not sustained and from which he was entirely exonerated.

Mr. KING. Let the report be read.

The PRESIDENT pro tempore. The Secretary will read the report.

The reading clerk read the report (No. 249) submitted by Mr. CAPPEN on the 14th instant, as follows:

The Committee on Claims, to whom was referred the bill (S. 362) for the relief of Frank Grygla, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

The facts in the case are fully set forth in Senate Report No. 611, Sixty-seventh Congress, second session, which is appended hereto and made a part of this report:

[Senate report No. 611, Sixty-seventh Congress, second session.]

"The Committee on Claims, to whom was referred the bill (S. 910) for the relief of Frank Grygla, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

"The facts in the case are fully set forth in the following letter from the Secretary of the Interior, under date of May 15, 1920, which is appended hereto and made a part of this report."

DEPARTMENT OF THE INTERIOR,

Washington, May 15, 1920.

Hon. SELDEN P. SPENCER,

Chairman Committee on Claims, United States Senate.

MY DEAR SENATOR: In compliance with your request of April 24, 1920, for a report on Senate bill 2701, for the relief of Frank Grygla, I have the honor to advise you as follows:

By departmental order of October 4, 1901, Mr. Grygla, then a special agent of the General Land Office, and so appointed April 8, 1898, was suspended from duty pending investigation of charges against his official conduct. After a full investigation of these

charges the Commissioner of the General Land Office transmitted to the department a report by a special agent of the investigation. In his letter of transmittal the commissioner made the following statement:

"This report, which appears to be based upon a careful investigation, contains the well-sustained conclusion that Special Agent Grygla has devoted himself to his official duties and has accomplished as much as could be expected under the conditions prevailing in Alaska. I therefore respectfully recommend that Special Agent Frank Grygla be relieved from suspension."

By departmental order of April 26, 1902, Mr. Grygla was relieved from suspension, salary and allowance to begin when he should resume duty, since which time he served the Government, either as a special agent or clerk, most of the time until his death, which occurred November 20, 1918.

In March of 1918 Mr. Grygla filed in the General Land Office a claim for compensation for salary and per diem, amounting in the aggregate to \$1,460.36, claiming compensation at the rate of \$1,500 per annum, the salary allowed him when in Alaska, and \$3 per diem. This claim was disallowed as to the days of October 14 and May 6 for the reason that Mr. Grygla had been paid for those days, and was disallowed as to the remainder for the reason that he was not in Alaska when he received notice of suspension, and therefore was entitled in any event only to pay at the rate of \$1,200 per annum, his salary when not in Alaska, and for the further reason that the order of suspension made no provision for payment of salary and per diem for the period of suspension. (See 21 Compt. Dec. 478.)

In view of the fact that Mr. Grygla was fully exonerated after investigation of the charges, of the fact that the Interior Department can not under the law reimburse him for losses incurred by his suspension, and of the further fact that similar claims have been allowed by the Court of Claims (41 C. Cls. R. 514, case No. 27948), I think it proper that relief as proposed in Senate bill 2701 be granted.

Cordially yours,

JOHN BARTON PAYNE, *Secretary*.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HASTINGS BROS.

The bill (S. 763) for the relief of G. T. and W. B. Hastings, partners, trading as Hastings Bros., was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the claim of G. T. and W. B. Hastings, partners, trading as Hastings Bros. and doing business in the city of Norfolk, Va., owners of the steam water boat *Iola*, against the United States for damages alleged to have been caused by collision between the said steam water boat and the United States tug *Hercules* in Elizabeth River on the 3d day of April, 1910, may be sued for by the said Hastings Bros. in the District Court of the United States for the Eastern District of Virginia, sitting as a court of admiralty and acting under the rules governing such court, and said damages and costs, if any, as shall be found to be due against the United States in favor of said Hastings Bros., or against the said Hastings Bros. in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ORIN THORNTON.

The bill (S. 606) for the relief of Orin Thornton, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. KING subsequently said: Mr. President, a moment ago, when Senate bill 606 was reached on the calendar, I objected to its consideration. I was not familiar with its terms. I thought, upon reading it, that it was to correct the record of a man who had deserted. I have been advised that there was no desertion; that it was just a mistake upon the part of some of the officers at the time in Thornton's given name; and I ask unanimous consent that we recur to that bill.

The PRESIDING OFFICER (Mr. ODDIE in the chair). Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment, to add at the end of the bill the following proviso:

Provided, That no back pay, bounty, or other allowances shall be considered to have accrued by reason of the passage of this act.

So as to make the bill read:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Orin Thornton, late of Company A, Third Regiment Arkansas Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of said company and regiment: *Provided*, That no back pay, bounty, or other allowances shall be considered to have accrued by reason of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

VIOLATION OF NAVIGATION LAWS.

The bill (S. 2399) to provide and adjust penalties for violation of the navigation laws, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce, with amendments, on page 2, line 1, after the words "penalty of," to insert "not more than," and on line 2, after the word "liable," to strike out "and the owner of the vessel transporting such automobile also shall incur a like penalty," so as to make the bill read:

Be it enacted, etc., That there be added at the end of section 4472, Revised Statutes, as amended, the provision: "That the owner of any automobile in which all fire has not been extinguished and the motors stopped immediately after the automobile has taken its position on any vessel found on navigable waters of the United States and in which such fires do not remain extinguished and the motors remain idle until the vessel is made fast to the wharf or ferry bridge at which she lands shall incur a penalty of not more than \$500, for which the automobile shall be liable."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

VALIDATION OF PAYMENT OF COMMUTATION OF QUARTERS, ETC.

The bill (S. 2299) to validate the payment of commutation of quarters, heat, and light under the act of April 16, 1918, and of rental and subsistence allowances under the act of June 10, 1922, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment, on page 2, after line 6, to insert a new section, as follows:

SEC. 2. That all payments of armory drill pay made to enlisted men of the National Guard for fractional parts of months be, and the same are hereby, validated: *Provided*, That any amounts heretofore collected on account of payments so validated shall be refunded: *Provided further*, That where such armory drill pay has been withheld, payment of same is hereby authorized: *And provided further*, That the unobligated balances of the appropriations "Arming, equipping, and training the National Guard" for fiscal years 1922, 1923, and 1924, are hereby made available for settlement of any claims arising under this section.

So as to make the bill read:

Be it enacted, etc., That payment of commutation of quarters, heat, and light, under the act approved April 16, 1918 (40 Stats. p. 530), and of rental, and subsistence allowances under sections 4, 5, and 6 of the act of June 10, 1922 (42 Stats. p. 627), made in good faith by disbursing officers prior to June 22, 1923, on account of dependents, and without fraud on the part of the payee as determined by the Secretary of War, be, and the same are hereby, validated: *Provided*, That any amount heretofore collected on account of payments so validated shall be refunded.

SEC. 2. That all payments of armory drill pay made to enlisted men of the National Guard for fractional parts of months be, and the same are hereby, validated: *Provided*, That any amounts heretofore collected on account of payments so validated shall be refunded: *Provided further*, That where such armory drill pay has been withheld, payment of same is hereby authorized: *And provided further*, That the unobligated balances of the appropriations "Arming, equipping, and

training the National Guard" for fiscal years 1922, 1923, and 1924 are hereby made available for settlement of any claims arising under this section.

The amendment was agreed to.

Mr. KING. Mr. President, may I have an explanation from the Senator from New York about this bill, how far it reaches, and to what extent it applies to other States or to any particular case? What is the general purpose of the bill?

Mr. WADSWORTH. Mr. President, there are two distinct purposes in the bill. They are quite unrelated, one to the other.

The first provision of the bill is found necessary by what to my mind seems an extraordinary ruling of the comptroller. Perhaps it would be of interest to the Senator from Utah to let me advise him what has happened in the matter of the payment of commutation of quarters, heat, and light, and, subsequent to the abolition of that allowance to the Army, in the payment of subsistence and rental allowances.

On April 16, 1918, we passed an act providing for the payment of commutation of quarters, heat, and light for the wife and child or dependent parent of an officer. In accordance with this act an officer's certificate was prepared, approved by the Comptroller General and accepted by the General Accounting Office, and all vouchers claiming commutation were dependent upon that certificate. On April 6, 1922, four years later, the Comptroller General ruled, in effect, that the certificate was not sufficient, and demanded a certain form of affidavit that was instantly agreed to by the War Department, and the entire service informed of the form of affidavit which an officer would have to make before this allowance would be approved by the Comptroller General when it came before him in the form of a voucher.

Then, on June 10, 1922, we passed a pay readjustment act, affecting the Army and Navy and related services, and we abolished the allowance known as commutation of quarters, heat, and light, and substituted therefor subsistence and rental allowance. Twelve days later the Comptroller General issued an approved form of affidavit to be executed by officers making application for these allowances. That was distributed to the service, and the officers conformed with the approved form, and were paid that allowance. On January 20, 1923, the Comptroller General changed the approved form and sent out another one. The War Department instantly published that to the service, and officers thereafter conformed with the new approved form, and were paid in accordance with the terms of the statute. On June 22, 1923, the Comptroller General ruled that, based upon experience, the former approved form and all forms prior to that were insufficient and that it was necessary for him to have another new form of affidavit, and that was published to the service and complied with immediately. Those constantly changing requirements of the Comptroller General were, without delay, published to the service and every effort made fully to comply with the requirements.

Now, the Comptroller General states that all payments made to officers on the forms approved by him prior to the last form are subject to suspicion, and that action must be taken to collect from these officers payments made to them of commutation of heat, light, and quarters prior to the new pay readjustment act, all payments made to them for rental or subsistence long subsequent to the passage of the new pay readjustment act. The War Department finds itself under the necessity of going back through its pay records, going to hundreds and hundreds of officers who were paid by disbursing officers in perfectly good faith in accordance with the forms approved by the comptroller and in the General Accounting Office, and attempting to collect from officers sums as high as \$2,500 apiece, and varying from that maximum sum down to insignificant small sums.

Of course, no service of any department of the Government can be operated if the whim of the Comptroller General is to result in the changing of forms of affidavits and application blanks four or five or six times, and then, finally, when the Comptroller General issues the one which he says now suits his ideas, he shall hold that all prior forms are insufficient and payments made under them illegal. The purpose of this bill is to validate the payments made under the forms previously adopted and approved by the Comptroller General himself.

Mr. KING. I think the Senator should add an amendment providing that the Comptroller General should agree with himself for at least a year, so as to avoid these conflicts.

Mr. WADSWORTH. He does not seem able to do that. In the amendment to the bill again we have the Comptroller General involved, and I think perhaps technically in this case he is right. The law provides that an enlisted man of the National Guard shall be paid armory-drill pay, and it averages for a private \$1 a drill, with a limited number of drills per year—I

think about 48 or 50—but it is provided that he shall not be paid any drill pay unless he attends 60 per cent of the drills fixed for his organization in any one calendar month.

Suppose a man enlists on the 15th of the month for a three-year enlistment. He will miss the first two drills in that calendar month. He attends the next two drills. The Comptroller General says he can not be paid for those next two drills, because he has not attended 60 per cent of the drills for the month. He could not do so, for he was not in the service.

It does not end there. His three-year enlistment period expires on the 15th of the month three years from that time, and therefore he misses the last two drills of that month. Although he has attended the first two drills of that last month of his service, he can not be paid for them, because he could not attend 60 per cent of the drills for the last month. So he is deprived of pay for four drills under the ruling of the Comptroller General.

This amendment cures that situation very simply. It reads:

Provided, That all payments of armory-drill pay made to enlisted men of the National Guard for fractional parts of months be, and the same are hereby, validated.

These men have been paid this money, and the Comptroller General insists that they give the money back. They have served the Government, attended the drills, and conformed with all the regulations.

Mr. KING. May I ask the Senator whether there have been any payments made which come within the category of either of these provisions which should not be validated?

Mr. WADSWORTH. None at all.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to validate the payment of commutation of quarters, heat, and light under the act of April 16, 1918, and of rental and subsistence allowances under the act of June 10, 1922, and for other purposes."

RETIRED ENLISTED MEN OF THE ARMY.

The bill (S. 2450) to amend section 2 of the legislative, executive, and judicial appropriation act approved July 31, 1894, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That section 2 of the legislative, executive, and judicial appropriation act, approved July 31, 1894, is amended by adding at the end thereof a new sentence to read as follows: "Retired enlisted men of the Army, Navy, Marine Corps, or Coast Guard shall not be construed to hold an office within the meaning of this section."

Mr. KING. I should like an explanation of that measure.

Mr. WADSWORTH. This bill is here on account of another ruling of the Comptroller General, and I think one of the most extraordinary ones I ever heard of.

The law provides that a person holding office in or under the Government shall not hold another position under the Government which carries a salary in excess of \$2,500 per annum. That needs no explanation.

There are retired enlisted men of the Army and Navy and Marine Corps who have served 30 years in the service and are retired at three-fourths pay of the grade they occupied on the date of retirement. The Government, in other departments, has employed those men, some of them to the great advantage of the Government on account of their extraordinary training and experience. The Comptroller General comes along and says that a retired enlisted man holds an office as such, a most extraordinary conclusion. This bill states definitely that a retired enlisted man does not hold an office, and, of course, he does not hold an office. His relations to the Government are contractual in nature, that is all. If a retired enlisted man is held to hold an office under the Government, then an active-duty enlisted man must likewise be held to hold an office under the Government. As a matter of fact, we know that when an enlisted man enlists he takes a contract to serve the Government for a fixed period of years. How the Comptroller General or anybody else could say that an enlisted man in the Army or Navy holds an office under the Government passes my comprehension.

Mr. FLETCHER. Does the bill permit a retired enlisted man to draw his three-fourths pay and at the same time draw his salary?

Mr. WADSWORTH. Certainly, if he is serving the Government in another capacity. That ought to be the case.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FLORENCE PROUD.

The bill (S. 1017) for the relief of Florence Proud was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

PROTECTION OF WILD BIRDS AND ANIMALS.

The bill (S. 2146) to amend section 84 of the Penal Code of the United States was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That section 84 of the act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909 (34 Stat. p. 1088), be, and the same is hereby, amended so as to read as follows:

"SEC. 84. Whoever shall hunt, trap, capture, willfully disturb, or kill any bird or wild animal of any kind whatever, or take or destroy the eggs of any such bird on any lands of the United States which have been set apart or reserved as refuges or breeding grounds for such birds or animals by any law, proclamation, or Executive order, except under such rules and regulations as the Secretary of Agriculture may, from time to time, prescribe, or who shall willfully injure, molest, or destroy any property of the United States on any such lands shall be fined not more than \$500 or imprisoned not more than six months, or both."

Mr. KING. May I ask the Senator from Nebraska to give an explanation of this? First, let me say that I have rather a constitutional objection to conferring so much authority upon the Federal courts or Federal agencies to handle cases which ought to be within the cognizance of the States.

Mr. NORRIS. I share the Senator's ideas on that subject, in the main.

Mr. KING. I know the Senator does.

Mr. NORRIS. This bill, however, I think will meet with no objection when I state that it is a copy of the existing law, except that it prohibits the trapping and capturing of birds and wild animals on other reservations than bird reservations. Under the present law the prohibition applies only to bird reservations. This extends it to other animal reservations which are under the control of the Department of Agriculture. I can not see any reason why we should protect birds on one reservation and not on another.

Mr. FLETCHER. I think it is a very good measure.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLOW CREEK RANGER STATION, MONTANA.

The bill (S. 2147) to complete the construction of the Willow Creek ranger station, Montana, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of Agriculture is hereby authorized to expend, out of any moneys appropriated for general expenses of the Forest Service, not to exceed the sum of \$500 to complete the construction of the Willow Creek ranger station in the Lewis and Clark National Forest, Mont.

Mr. McKELLAR. Will the Senator from Nebraska explain that bill?

Mr. NORRIS. Mr. President, in this case the department started to build a ranger station at the Willow Creek station, Montana. The law fixed the limit at \$1,000. There was a sudden rise in the price of lumber about the time they started to build the station. The station is now partially completed, and on account of this increase in the price of lumber they are unable to finish it within the limit of \$1,000.

Mr. McKELLAR. It will take another \$500 to complete the station?

Mr. NORRIS. The department does not think it will take \$500 additional, but they thought we had better make it \$500, so as to be on the safe side.

Mr. McKELLAR. I have no objection to it.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADMINISTRATION OF OATHS.

The bill (S. 2148) to empower certain officers, agents, or employees of the Department of Agriculture to administer and take oaths, affirmations, and affidavits in certain cases, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That such officers, agents, or employees of the Department of Agriculture of the United States as are designated by the Secretary of Agriculture for the purpose are hereby authorized and empowered to administer to or take from any person an oath, affirma-

tion, or affidavit whenever such oath, affirmation, or affidavit is for use in any prosecution or proceeding under or in the enforcement of any law committed to or which may hereafter be committed to the Secretary of Agriculture or the Department of Agriculture or any bureau or subdivision thereof for administration. Any such oath, affirmation, or affidavit administered or taken by or before such officer, agent, or employee when certified under his hand and authenticated by the seal of the Department of Agriculture may be offered or used in any court of the United States and shall have like force and effect as if administered or taken before a clerk of such court without further proof of the identity or authority of such officer, agent, or employee.

SEC. 2. That no officer, agent, or employee of the Department of Agriculture shall demand or accept any fee or compensation whatsoever for administering or taking any oath, affirmation, or affidavit under the authority conferred by this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FOREST SERVICE AND REFORESTATION.

The bill (S. 2149) to facilitate and simplify the work of the Forest Service, United States Department of Agriculture, and to promote reforestation, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That all moneys received as contributions toward reforestation or for the administration or protection of lands within or near the national forests shall be covered into the Treasury and shall constitute a special fund, which is hereby appropriated and made available until expended, as the Secretary of Agriculture may direct, for the payment of the expenses of said reforestation, administration, or protection by the Forest Service and for refunds to the contributors of amounts heretofore or hereafter paid in by or for them in excess of their share of the cost.

SEC. 2. The Secretary of Agriculture, out of any moneys appropriated for the improvement or protection of the national forests, may construct, improve, or purchase buildings for national forest purposes at a cost of not to exceed \$2,500 each, but not more than 10 buildings constructed, improved, or purchased in any one year shall cost in excess of \$1,000 each.

SEC. 3. The act of June 6, 1906 (31 Stat. p. 651), is hereby amended to enable the Secretary of Agriculture, in his discretion, to sell, without advertisement, in quantities to suit applicants, at a fair appraisement, timber and cordwood not exceeding \$1,000 in stumpage.

SEC. 4. The Secretary of Agriculture is hereby authorized to furnish subsistence to employees of the Forest Service, to purchase personal equipment and supplies for them, and to make deductions therefor from moneys appropriated for salary payments or otherwise due such employees.

SEC. 5. Where no suitable Government land is available for national forest headquarters or ranger stations the Secretary of Agriculture is hereby authorized to purchase such lands out of any funds appropriated for building improvements on the national forests, but not more than \$5,000 shall be so expended in any one year, and to accept donations of land for any national forest purpose.

SEC. 6. The Secretary of Agriculture is hereby authorized, in his discretion, to provide, out of moneys appropriated for the general expenses of the Forest Service, medical attention for employees of the Forest Service located at isolated situations, including the moving of such employees to hospitals or other places where medical assistance is available, and in case of death to remove the bodies of deceased employees to the nearest place where they can be prepared for shipment or for burial.

Mr. McKELLAR. Will not the Senator from Nebraska make some explanation of the bill?

Mr. NORRIS. The desirability of this legislation is pretty well set forth in a letter directed to me, signed by the Secretary of Agriculture. The idea of it all is to simplify some of the difficulties under which the Agricultural Department in its Forest Service labors at the present time. For instance, here is one of them:

(c) Ordinarily rangers in charge of isolated back country districts are kept at their posts from the beginning to the end of the fire season. During this period it is necessary to supply them with food and personal equipment through purchases made on the outside and forwarded to them by Government pack trains. This section would substitute business methods for the present lax arrangement.

Section 5 would authorize the department to expend not more than \$5,000 in any one year from existing Forest Service appropriations for land for ranger station headquarters where no suitable Government land is available therefor. In past years several cases have arisen where all the land suitable for headquarters sites within a ranger district, where the needs of the Government require a forest ranger to be stationed upon the ground, had been acquired by private owners prior to the establishment of the national forest. In many instances suitable

sites have been donated to the Government. It is the view of the present solicitor of the department, however, that such donations are not authorized by statute.

I am just reminded that it is only 2 minutes of 2 o'clock. I would not be able to finish the explanation by that time. I think, and the committee thought, that there was nothing in the bill except a provision for the installation of more business methods in the handling of these remote stations.

Mr. McKELLAR. The principal objection I have to it is that it sets a very bad precedent in permitting the Secretary of Agriculture, or any Secretary, for that matter, to expend money out of income without any appropriation by Congress. I think that is a very bad practice.

Mr. NORRIS. I will ask the Senator not to make an objection.

Mr. McKELLAR. I do not make any objection.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate bill No. 5, the general pension bill.

Mr. FLETCHER. Mr. President, the bill just under consideration passed rather quickly, but I am not going to make any objection to it. I had a little experience this past summer—

Mr. McKELLAR. Mr. President, will the Senator yield just a moment to permit me to make a request?

Mr. FLETCHER. Certainly.

Mr. McKELLAR. I have somewhat the same view about it that the Senator from Florida has just expressed, and I have so stated to the Senator from Nebraska. I ask unanimous consent that the vote by which the bill was just passed be reconsidered, and let the bill go over until we may have an opportunity to examine into it more carefully.

Mr. NORRIS. I will join in the request. Of course, I have no desire to take any advantage of the situation. It will be understood, of course, that we will begin with that bill on the next call of the calendar. It is perfectly proper that Senators should have an opportunity to look into it if they so desire.

Mr. FLETCHER. I did not mean to raise any objection to the passage of the bill or to the bill itself. I thought there might be some little opportunity to make some inquiry regarding certain provisions for the erection of new buildings, and so forth, but I did not rise for the purpose of objecting to the passage of the bill.

Mr. NORRIS. It had passed, but the Senator from Tennessee wants to look into some features of it further and has asked unanimous consent that the vote by which it was passed may be reconsidered.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. FLETCHER. Of course I shall not object to that, but I want to correct the impression that seemed to prevail that I rose for the purpose of calling attention to the quick passage of the bill as if it was objectionable to me.

I want to make this further statement about it. I had some experience last summer as a member of the special committee on reforestation, and we came in contact with the national forests and national parks. The men connected with the Forest Service, I desire to say without any hesitation, in my judgment are the finest type of men, the highest class of men connected with the Government in any capacity whatever.

Mr. NORRIS. I want to confirm the statement of the Senator from Florida, because it agrees with my view. I have come in contact with them in an official capacity many times. I think we have in the Forest Service, so far as I know, without exception a fine set of men who are doing their full duty at a very meager pay.

Mr. FLETCHER. There is no doubt about that.

Mr. McKELLAR. I will say to the Senator that I have no doubt that all he states about the service is correct. It is not on that ground at all that I am objecting. It seems to me that it is a bad practice to have any officers of the Government to collect moneys and pay them out. I think all moneys ought to be paid out through appropriations from the Treasury.

Mr. NORRIS. I am not finding fault with the Senator at all. It is perfectly proper that he should have an opportunity to look into the bill.

Mr. McKELLAR. I shall do so by the next time it is called on the calendar. I suppose the Senator will be willing to accept some amendments along the line I have suggested.

PENSIONS AND INCREASE OF PENSIONS.

Mr. BURSUM. I ask that the Senate proceed with the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 5) granting pensions and increase of pensions to certain soldiers and sailors of the Civil and Mexican Wars and to certain widows, former widows, minor children, and helpless children of said soldiers and sailors, and to widows of the War of 1812, and to certain Indian war veterans and widows, which had been reported from the Committee on Pensions with amendments.

Mr. FLETCHER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Adams	Ernst	Keyes	Robinson
Bayard	Ferris	Lodge	Sheppard
Brandegee	Fess	McKellar	Simmons
Brookhart	Fletcher	McKinley	Smoot
Broussard	Frazier	McNary	Stephens
Bruce	George	Mayfield	Swanson
Bursum	Gooding	Neely	Trammell
Cameron	Hale	Norris	Wadsworth
Capper	Harrell	Oddie	Walsh, Mass.
Coffey	Harris	Overman	Warren
Cole	Harrison	Pepper	Weller
Copeland	Heflin	Pittman	Wills
Curtis	Johnson, Minn.	Ralston	
Dial	Jones, Wash.	Randsell	
Dill	Kendrick	Reed, Mo.	

Mr. CURTIS. I wish to announce the absence of the junior Senator from Wisconsin (Mr. LENROOF) on account of illness.

The PRESIDING OFFICER. Fifty-seven Senators having answered to their names, a quorum is present.

Mr. WARREN. Will the Senator from New Mexico yield to me until I present a conference report?

Mr. BURSUM. Certainly. I ask that the pension bill, the unfinished business, may be temporarily laid aside for that purpose.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPROPRIATIONS FOR TREASURY AND POST OFFICE DEPARTMENTS.

Mr. WARREN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6349) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1925, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 4, 5, 10, 15, 20, 21, 22, 23, 24, 25, 26, 34, 35, 36, 39, 45, and 47.

That the House recede from its disagreement to the amendments of the Senate numbered 6, 7, 8, 12, 13, 14, 16, 17, 18, 19, 27, 28, 29, 30, 31, 32, 33, 37, 38, 42, 46, 48, and 49, and agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$31,735,000"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Provided further, That no money herein appropriated for the enforcement of the national prohibition act, the customs laws, or internal revenue laws shall be used to pay for storage in any private warehouse of intoxicating liquors or other property in connection therewith seized pursuant to said acts and necessary to be stored, where there is available for that purpose space in a Government warehouse or other suitable Government property in the judicial district wherein such property was seized, or in an adjacent judicial district, and when such seized property is stored in an adjacent district the jurisdiction over such property in the district wherein it was seized shall not be affected thereby"; and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "\$14,416,600"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the sum proposed insert: "\$925,000"; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 1, 2, 43, and 44.

F. E. WARREN,
 REED SMOOT,
 LEE S. OVERMAN,
 CARTER GLASS,
Managers on the part of the Senate.
 MARTIN B. MADDEN,
 WM. S. VAEE,
 JOSEPH W. BYRNS,
Managers on the part of the House.

The report was agreed to.

PENSIONS AND INCREASE OF PENSIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 5) granting pensions and increase of pensions to certain soldiers and sailors of the Civil and Mexican Wars and to certain widows, former widows, minor children, and helpless children of said soldiers and sailors, and to widows of the War of 1812, and to certain Indian war veterans and widows.

Mr. BURSUM. I ask that action may now be had on the committee amendments.

The PRESIDING OFFICER. The Secretary will state the first amendment of the Committee on Pensions.

The first amendment of the Committee on Pensions was, in section 2, page 2, line 12, after the words "discharged for," to insert "or died in service of"; in line 15, to strike out the words "the passage of this act" and insert "June 27, 1905"; in line 16, before the word "years," to strike out "two"; in the same line, after the word "years," to strike out "who has been," or may hereafter be, placed on the pension roll under this or any other law, public or private"; and in line 19, before the words "a month," to strike out "\$50" and insert "\$35," so as to read:

That the widow of any officer or enlisted man who served in the Army, Navy, or Marine Corps of the United States for 90 days or more during the Civil War, between April 12, 1861, and August 20, 1866, inclusive, and was honorably discharged from such service, or regardless of length of service was discharged for, or died in service of, a disability incurred in service and line of duty, such widow having been married to such soldier, sailor, or marine prior to June 27, 1905, and having attained the age of 62 years, shall be paid a pension at the rate of \$85 a month.

The amendment was agreed to.

The next amendment was, in section 2, page 2, line 19, after the words "a month," to insert "having attained the age of 74 years, \$45 a month."

The amendment was agreed to.

The next amendment was, on page 2, line 20, to strike out the words "and an additional pension of \$6 a month for each child of the officer or enlisted man under the age of 16 years"; and in line 22, after the word "case," to insert "there be no widow or a widow not entitled to pension under any law granting additional pension to minor children or in the event"; on page 3, line 2, after the word "years," to insert "or helpless child or children"; and after the word "children" to strike out "such pension shall be paid"; and in line 3, after the word "years," to insert "or helpless child or children shall be paid a pension at the rate of \$30 a month," so as to read:

And in case there be no widow or a widow not entitled to pension under any law granting additional pension to minor children or in the event of the death or remarriage of the widow leaving a child or children of such officer or enlisted man under the age of 16 years, or helpless child or children, such child or children under the age of 16 years or helpless child or children shall be paid a pension at the rate of \$30 a month.

The amendment was agreed to.

The next amendment was, on page 3, line 9, before the word "shall," to strike out the word "proviso" and to insert "section," so as to read:

Provided, That in case a minor child is insane, idiotic, or otherwise mentally or physically helpless the pension shall continue during the life of such child, or during the period of such disability, and this section shall apply to all pensions heretofore granted or hereafter granted under this or any former statute, public or private.

The amendment was agreed to.

The next amendment was, in section 4, page 4, line 23, to strike out the words "having so served for less than 90 days," and to insert "regardless of length of service"; and in line 24, after the words "discharged for," to insert "or died in service of," so as to read:

That the former widow of any officer or enlisted man who served in the Army, Navy, or Marine Corps of the United States for 90 days or more during the Civil War between April 12, 1861, and August 20, 1866, inclusive, and was honorably discharged from such service, or who, regardless of length of service, was discharged for, or died in service of, a disability incurred in the service and line of duty, such widow having married the officer or enlisted man prior to June 27, 1905, and having remarried either once or more than once after the death of the soldier, sailor, or marine, if it be shown that such subsequent or successive marriage or marriages has or have been dissolved, either by the death of the husband or husbands or by divorce without proof of adultery on the part of the wife, shall be entitled to and be paid a pension at the rate of \$30 per month.

The amendment was agreed to.

The next amendment was, in section 4, page 5, line 9, after the word "Provided," to strike out "That in case of any widow whose name has been dropped from the pension roll because of her remarriage, if the pension has been granted to an insane, idiotic, or otherwise helpless child or to a child or children under the age of 16 years of age, she shall not be entitled to renewal of pension under this act until the pension to such child or children terminates, unless such child or children be a member or members of her family and cared for by her, and upon the renewal of pension to such widow, payment of pension to such child or children shall cease," and to insert:

That where a pension has been granted to an insane, idiotic, or otherwise helpless child, or to a child or children under the age of 16 years, a widow or former widow shall not be entitled to pension under this act until the pension to such child or children terminates, unless such child or children be a member or members of her family and cared for by her; and upon the granting of pension to such widow or former widow payment of pension to such child or children shall cease; and this proviso shall apply to all claims arising under this or any other law.

The amendment was agreed to.

The next amendment was, on page 6, after line 3, to insert an additional section in the following words:

Sec. 5. That any widow, remarried widow, minor child or children, or helpless child or children, who has been, or shall hereafter be, allowed a pension under this or any other law, public or private, shall be paid an additional allowance at the rate of \$8 a month on account of each of the minor children under 16 years of age and helpless children of the soldier, sailor, or marine: *Provided*, That the marriage of a child shall terminate the additional allowance and the child's right and title to pension.

The amendment was agreed to.

The next amendment was, in section (5) 6, page 6, line 13, to strike out the word "benefits" and to insert "provisions, limitations, and benefits"; in line 22, after the date June 28, 1906, to strike out "or the acts of January 29, 1887, March 3, 1891, and February 17, 1897"; in line 24, after the words "Civil War," to strike out the words "and the war with Mexico"; in line 25, after the word "children," to insert "under 16 years of age and helpless children," so as to read:

Sec. 5. That the provisions, limitations, and benefits of this act shall be extended to and shall comprehend and include each and severally the classes of persons enumerated in the first, second, third, fourth, and fifth paragraphs of section 4693, Revised Statutes of the United States, who served during the Civil War, and also any person who is now or may hereafter become entitled to pension under the acts of June 27, 1890, February 15, 1895, and the joint resolutions of July 1, 1902, and June 28, 1906, on account of service during the Civil War, and the widows and minor children under 16 years of age and helpless children of such persons.

The amendment was agreed to.

Mr. DIAL. Mr. President, we are now, as I understand, considering committee amendments. I wish to move to strike out section 6, but I understand I can do that later.

The PRESIDING OFFICER. The Senator can offer his amendment later.

Mr. DIAL. As I understand, we are now merely perfecting the committee amendments?

Mr. BURSUM. Yes.

Mr. DIAL. But at the proper time I wish to strike out all of section 6.

Mr. BURSUM. The Senator will have an opportunity to do so.

Mr. DIAL. Very well; I so understood.

The next amendment of the Committee on Pensions was, in sections (5) 6, page 7, line 1, after the words "Provided, That," to strike out "service under this section shall be proven in the manner and form specified in section 2, act of March 4, 1917, and the act of September 1, 1922," and to insert "the period of service performed by the soldier, sailor, or marine as enumerated in the provisions of this act shall be determined by reports from the records of the War Department or Navy Department, where there is such a record, and by the reports from the records of the General Accounting Office showing payment by the United States where there is no record of regular enlistment into the service of the United States, or showing reimbursement of the State by the United States on account of such service," so as to read:

Provided, That the period of service performed by the soldier, sailor, or marine as enumerated in the provisions of this act shall be determined by reports from the records of the War Department or Navy Department, where there is such a record, and by the reports from the records of the General Accounting Office showing payment by the United States where there is no record of regular enlistment into the service of the United States, or showing reimbursement of the State by the United States on account of such service.

The amendment was agreed to.

The next amendment was, in section (7) 8, page 7, line 22, to insert a semicolon and the words "and upon attaining the age of 72 years, \$40 per month; and upon attaining the age of 75 years, \$50 per month," so as to read:

Sec. 8. That from and after the passage of this act the rate of pension to the soldiers of the various Indian wars and campaigns who are now on the pension roll, or who may hereafter be placed thereon under the acts of July 27, 1892, June 27, 1902, May 30, 1908, or under the act of March 4, 1917, shall be \$30 per month; and upon attaining the age of 72 years, \$40 per month; and upon attaining the age of 75 years, \$50 per month, and that the rate of pension to the widows of soldiers of the various Indian wars and campaigns who are now on the pension roll or who may hereafter be placed thereon under said acts shall be \$20 per month.

The amendment was agreed to.

The next amendment was, in section (7) 8, page 8, line 3, to add the following proviso:

Provided, That the provisions, limitations, and benefits of the acts enumerated in this section be, and hereby are, extended to the widows of the surviving officers and enlisted men of the organization known as Tyler's Rangers, recruited at Black Hawk, Colo., 1864, for service against the Indians, and to the officers and enlisted men of the Texas Volunteers who served in the defense of the frontier of that State against Indian depredations from 1875 to 1880, inclusive, and to the widows of such officers and enlisted men who were married to the officers or enlisted men prior to March 4, 1917.

Mr. DIAL. Mr. President, I do not think that amendment ought to be adopted. It occurs to me that those soldiers were in the Regular Army, and the amendment proposes to make a selected class and to give them a pension. There were no doubt plenty of men in the West who fought Indians. It seems to be class legislation, and I hope the amendment will not be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The next amendment of the Committee on Pensions was, on page 8, after line 13, to insert the following additional section:

Sec. 9. That all persons who served 90 days or more in the military or naval service of the United States during the war with Spain, the Philippine insurrection, or Chinese Boxer rebellion between April 21, 1898, and July 4, 1902, inclusive, service to be computed from date of enlistment to date of discharge, and was honorably discharged from such service, or, regardless of length of service, was discharged from a disability incurred in the service and line of duty, and who are now or may hereafter be suffering from any mental or physical disability or disabilities of a permanent character not the result of their own vicious habits, which so incapacitates them from the performance of manual labor as to render them unable to earn a support, shall, upon making due proof of the fact, according to such rules and regulations as the Secretary of the Interior may provide, be placed upon the list of invalid pensioners of the United States and be entitled to receive a pension not exceeding \$50 per month and not less than \$20 per month, proportioned to the degree of inability to earn a support; and in determining such inability each and every infirmity shall be duly considered, and the aggregate of the disabilities shown be rated, and shall continue during the existence of the same: *Provided, That any such person who has reached the age of 62 years shall, upon making proof of such fact, be placed upon the pension roll and entitled to receive a*

pension of \$20 a month: in case such person has reached the age of 68 years, \$30 per month; in case such person has reached the age of 72 years, \$40 per month; and in case such person has reached the age of 75 years, \$50 per month: *Provided, That all leaves of absence and furloughs under General Orders, No. 130, August 20, 1898, War Department, shall be included in determining the period of pensionable service.*

That the provisions, limitations, and benefits of this section be, and hereby are, extended to and shall include any woman who served honorably as an Army nurse, chief nurse, or superintendent of the Nurse Corps under contract for 90 days or more between April 21, 1898, and February 2, 1901, inclusive, and to any such nurse, regardless of length of service, who was released from service before the expiration of 90 days because of disability contracted by her while in service and line of duty, so as to preserve their military and pensionable status as provided in section 2 of the act of September 1, 1922, and entitle them to the increased rates.

Mr. DIAL. Mr. President, in section 9, on page 8, lines 16 and 17, I wish to move to strike out the words "the Philippine insurrection, or Chinese Boxer rebellion."

Mr. President, I made a long speech on this matter yesterday and I do not care now to rehash it, but I wish to take care of the Spanish War veterans, particularly the wounded or disabled veterans. However, I can not see any reason for giving a special pension to soldiers of the Philippine insurrection or of the Boxer uprising. These soldiers were not volunteers, as were the Spanish-American War veterans, but they were Regular Army soldiers. I, therefore, do not see any reason to select them as a special class.

Mr. BURSUM. Mr. President—

Mr. DIAL. I yield to the Senator from New Mexico.

Mr. BURSUM. I desire to call the attention of the Senator from South Carolina to the fact that many volunteers served in the Philippine insurrection.

Mr. DIAL. Some of those who so served were volunteers.

Mr. BURSUM. Many of them did so; and many volunteers also served in the Boxer rebellion. The very same volunteers whom we sent to Cuba, but who failed to see service in Cuba, were sent to the Philippine Islands. The soldiers of the Regular Army constituted a very small proportion of the troops who were engaged during those years in the Philippine Islands.

Mr. DIAL. But the Boxer uprising was not much of a war, nor was the Philippine insurrection, and if we are going to have soldiers at all, what are they for except to fight?

Mr. BURSUM. The Filipino insurrection was a very serious affair. In the Boxer rebellion there were, however, very few engaged.

Mr. DIAL. I insist on the amendment which I have suggested in section 9, page 8, lines 16 and 17.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from South Carolina, which will be stated.

The READING CLERK. In section 9, page 8, after the name "Spain," it is proposed to strike out the words "the Philippine insurrection, or Chinese Boxer rebellion."

Mr. WALSH of Massachusetts. Mr. President, the phrase "the Philippine insurrection, or Chinese Boxer rebellion, between April 21, 1898, and July 4, 1902," appears in the act of July 16, 1913, and the act of September 21, 1922. It has been officially determined that the Spanish War began April 21, 1898, and merged into the Philippine insurrection without intermission, and that the Philippine insurrection terminated July 4, 1902. The Chinese Boxer rebellion occurred in 1900 and is comprised within the period between the dates mentioned. To strike the phrase out of the bill would operate to deny to the soldiers and their widows the pension which Congress has provided in the act of July 15, 1913, and of September 1, 1922.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from South Carolina [Mr. DIAL] to the committee amendment.

Mr. KING. Let the amendment be reported, Mr. President.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The READING CLERK. In section 9, on page 8, in lines 16 and 17, the Senator from South Carolina proposes to strike out the words "the Philippine insurrection, or Chinese Boxer rebellion."

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from South Carolina to the committee amendment.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question now is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The next amendment of the Committee on Pensions was, in section (12) 10, on page 10, line 24, after the word "same," to insert "or shall have lost the sight of both eyes," so as to make the section read:

SEC. 10. That from and after the passage of this act all persons now on the pension roll, and all persons hereafter granted a pension, who, while in the military or naval service of the United States, and in line of duty, shall have lost one hand or one foot, or have been totally disabled in the same, shall receive a pension at the rate of \$85 per month; that all persons who in like manner shall have lost an arm at or at any point above the elbow, or a leg at or at any point above the knee, or have been totally disabled in the same, shall receive a pension at the rate of \$90 per month; that all persons who in like manner shall have lost one hand and one foot, and in addition thereto shall have lost a portion of the other hand or foot, or shall have been totally disabled in the same, shall receive a pension at the rate of \$100 per month; and that all persons who in like manner shall have lost both arms or both legs, or have been totally disabled in the same, or shall have lost the sight of both eyes, shall receive a pension at the rate of \$125 per month.

The amendment was agreed to.

The reading clerk proceeded to state the next amendment of the Committee on Pensions, in section (8) 11, page 11, line 3.

Mr. DIAL. Mr. President, I think the Secretary is proceeding too rapidly. He has, I think, skipped page 9 altogether. We were just discussing an amendment on page 8, line 17.

The PRESIDING OFFICER. The Chair will state the Senator from South Carolina offered his amendment to come in on page 8.

Mr. DIAL. That is correct.

The PRESIDING OFFICER. And page 9 is a part of the same section.

Mr. BURSUM. Page 9 relates to section 9, which is the same section to which the Senator addressed himself a few moments ago.

The PRESIDING OFFICER. Page 9 is a part of section 9.

Mr. DIAL. I wish to move to amend some items on page 9, but I will reserve the right to do so.

LOWER RIO GRANDE VALLEY, TEX.

Mr. SHEPPARD. Mr. President, I desire to make a statement to the Senate in reference to the investigation by a Senate committee of certain individuals and certain land companies in the lower Rio Grande Valley of Texas.

Now that the investigation has begun and public attention has been centered upon it, I believe this an appropriate time to clear up any erroneous conceptions that may have developed. The investigation relates to charges of fraudulent use of the mails and of interference with proper Government procedure on the part of a few specified individuals and a few specified companies. No reflection is made or intended on the numerous other land companies in the valley, on the wonderful fertility of its soil, or on its more than 100,000 people—people representing the best and most enlightened and progressive elements of every part of this Union.

The Reclamation Service of the Federal Government after a detailed examination and survey of the valley has pronounced it capable of producing crops every month in the year and has declared practically all of its soils to be exceptionally fertile. Valley lands in the irrigated areas sell as a rule for \$300, \$400, \$600, and even \$1,000 an acre, and in some instances orchards of especial excellence have sold for \$5,000 an acre; and the justification of such figures is found in a productivity rarely equaled. The valley is in the front rank of the world's most fruitful and productive regions.

I take this opportunity to urge the investigation committee to visit the valley at the earliest possible date. The valley will welcome them with the hospitality for which it is so widely and justly famous. I feel that I speak the sentiment of its citizenship when I say that the valley wants the truth developed without fear or favor, but does not wish an investigation relating to a few concerns and a few individuals to put it in a false light before the country.

Mr. HEFLIN. Mr. President, the able senior Senator from Texas, who is always on the job when Texas's interests are involved, has stated the case correctly. There is no disposition on the part of the investigating committee to make a fight on the valley. We realize and we admit that there are fine farming lands in the valley, and some of the very best people in the world live in the valley. At the same time, it is admitted by the honest men and women who live in the valley that fraudulent practices have been carried on to a large extent by certain land companies, and the people down there are

anxious to have those frauds stopped and the crooks who perpetrated them apprehended and punished.

The sole purpose of the investigation is to punish those who have used the United States mails to rob people in the valley on land sales. "Robbing" is not too strong a term to use. People have been robbed down there and frauds have been practiced against citizens who have gone in there with the accumulations of a lifetime and have been left stranded in the valley.

It was represented to them that lands were under irrigation systems and that they would be ready as soon as prepared for cultivation to make crops. So after they had paid the last dollar they had and went there and prepared the soil for cultivation they found that there was not a drop of water to be had for irrigation purposes. Therefore, they were unable to make the first payment on the vendor's lien notes, and the crooks who sold the land took the land back, and the \$5,000 or \$10,000 which the purchasers had already paid in cash were lost outright, and those who had paid their money were, as I have said, left stranded in the valley.

Strong-arm methods have been resorted to in the valley to keep these people from making known to the Government the truth as to these fraudulent transactions.

Mr. President, I join with the Senator from Texas in praise of the fertile soil of the valley and of the good people of the valley in the main, and there is no intention on the part of the investigating committee to make a fight on the valley nor on the honest people of the valley. The fight is made against the crooks and criminals in the valley, and when we get through with the investigation it is going to be of great benefit to all the good people of the lower Rio Grande Valley.

Mr. GEORGE. Mr. President, as a member of the committee I desire merely to say that the very distinguished and very able senior Senator from Texas [Mr. SHEPPARD] has correctly stated the real purpose of the investigation, and the proper scope of the investigation, and the proper objects of inquiry involved in the investigation now before the committee. There is not, I am quite sure, any disposition at all to question the fertility of the land in the valley, or to question the integrity and high standing of the citizens resident in the valley. There is but one disposition, and that is to investigate the conduct of men, whether they be inside or outside of the valley, who may have exploited the splendid resources of the valley by resorting to questionable means and by the employment of the United States mails in carrying out certain schemes.

I should like to say also, Mr. President, that the Senator from Texas [Mr. SHEPPARD] has been most diligent and most urgent to have the exact position of the committee in this investigation clearly defined; and he is entitled to have this declaration made because it affects his State. He has not been wanting in diligence in any respect, but, on the contrary, has been most diligent in limiting this inquiry to its proper scope, and in furnishing a clear and definite statement of the real purposes and intentions of the committee in making the investigation, and of the Senate in ordering the investigation.

PENSIONS AND INCREASE OF PENSIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 5) granting pensions and increase of pensions to certain soldiers and sailors of the Civil and Mexican Wars and to certain widows, former widows, minor children, and helpless children of said soldiers and sailors, and to widows of the War of 1812, and to certain Indian war veterans and widows.

The PRESIDING OFFICER. The Chair will say to the Senator from South Carolina [Mr. DIAL] that if he desires to have reconsidered the amendment recently adopted to section 9, the Chair will entertain a motion to that effect.

Mr. DIAL. I make that motion.

The PRESIDING OFFICER. The Chair will entertain it after the committee amendments are completed.

Mr. DIAL. Very well.

The PRESIDING OFFICER. The Secretary will state the next amendment of the committee.

The READING CLERK. On page 11, line 3, after the word "increase," it is proposed to insert "in the rate," so as to read:

That the pension or increase in the rate of pension herein provided for—

And so forth.

WITHDRAWAL OF UNITED STATES FORCES FROM HAITI.

Mr. KING. Mr. President, my attention has just been called to a resolution which was introduced by the Senator from Illinois [Mr. McCORMICK] on the 7th of February of this year.

This resolution deserves some consideration and comment. It is as follows:

Whereas martial or military law was proclaimed in the territory of the Republic of Haiti by the commander of the American military forces landed there in 1915; and

Whereas such military law continues effective throughout the territory of a friendly Republic by the authority of the President of the United States; and

Whereas under such military law citizens of Haiti are liable to arrest by the armed forces of the United States and to trial before military tribunals of the United States, nine years after military law was first proclaimed, to the end that anarchy might be checked and civil order restored: Therefore be it

Resolved, That the continuance of such military or martial law, and the liability of Haitian citizens throughout the Republic to trial before military tribunals of the United States, is undemocratic, unrepugnant, and contrary to American ideals and the policies of Warren G. Harding, late President of the United States.

Mr. President, it is obvious that the latter part of the resolution is a criticism if not a condemnation of President Coolidge and in order to commend the late President Harding and contrast his treatment of the Haitians with that accorded them by the present administration. The resolution contains a recitation which, as I understand the facts, is not entirely accurate. I respectfully submit that there has been no change in the policy of the Harding administration by the present one in dealing with Haiti and her people. Both administrations have disregarded the wishes of the Haitian people, and imposed a distasteful military rule upon them. The policies of both Presidents have been, in the language of the Senator from Illinois, "contrary to American ideals, undemocratic, and unrepugnant."

The policy of President Harding was to continue the military occupation of Haiti, and to compel by force the Haitians to submit to alien control. It maintained martial law in a nation and over a people who did not invite us there, and who bitterly resented the invasion of their territory and the control of their affairs. The policy of the present administration is equally obnoxious to the Haitian people, and equally at variance with the ideals of this Republic. The present course of the United States toward Haiti and Santo Domingo can not be defended; it is imperialistic and has excited distrust among most Latin American Republics. This policy continues in authority an American clothed with autocratic power and who exercises his authority as a military ruler—not a civil governor.

During the last Congress I offered a resolution calling for the withdrawal of the United States from Haiti, and on the first day of the Congress I offered the following resolution:

Whereas the relations between the United States and the Republic of Haiti have assumed a condition which is unsatisfactory to the inhabitants of said country and otherwise disadvantageous to the United States, which condition is due in large measure to the presence of the naval forces of the United States in said country and the exercise by the United States of the control of the finances and revenues of said country; and

Whereas the purpose of the intervention by the United States in the political affairs of said country, the direction of their revenues and finances, and the police of the same by the United States naval forces has been accomplished and there is no further advantage either to the United States or said country from any continued intervention in its affairs: Now therefore be it

Resolved, That it is the sense of the Senate of the United States that the President should withdraw the naval forces of the United States now in Haiti and should arrange an abrogation of any treaty, protocol, or other agreement providing for the control of the revenues of Haiti by the United States, or providing for the intervention of the United States in the political affairs of said country, and that it is the sense of the Senate that Haiti should be free from any external interference with its domestic policies or internal administration.

Mr. President, a hearing was had some time ago by a committee of the Senate for the purpose of investigating conditions in Haiti and Santo Domingo, particularly with reference to the military occupation of those States by the United States. So much criticism was made against our Government that this inquiry was ordered with a view to ascertaining all the facts and the reasons why we were holding in subjection alien peoples.

Mr. WALSH of Massachusetts. Mr. President, was that the investigation made by a committee of which the Senator was a member?

Mr. KING. I will say, in reply to the Senator's question, that I was appointed a member of the committee to conduct the investigation, but owing to the demands made upon my time by service upon other committees, I was compelled to re-

sign before the committee had fairly gotten started, and another Senator was appointed in my stead.

Mr. WALSH of Massachusetts. Did the Senator visit Haiti? Mr. KING. I visited Haiti prior to the investigation by the committee.

Mr. WALSH of Massachusetts. Whatever became of that committee's report?

Mr. KING. I have before me a volume entitled "Inquiry into Occupation and Administration of Haiti and Santo Domingo," but it does not contain the report. My understanding is that a preliminary report only was submitted. I understood that the committee would submit a final report. The Senator from Nevada [Mr. ODDIE], who is a member of that committee, can advise the Senate as to when the final report will be made.

Mr. ODDIE. Mr. President, the chairman of the committee, the senior Senator from Illinois [Mr. McCOMACK], is absent, and I would have to discuss the matter of the final report with him before I could answer the Senator from Utah. I understand that he is out of the city.

Mr. KING. May I ask the Senator if a final report has been prepared by the committee?

Mr. ODDIE. I do not know of any report that has been submitted or prepared other than the one that was submitted to the Senate over a year ago. It was the unanimous report of the committee that visited Haiti and studied that situation with great care.

Mr. KING. But that was a preliminary report, was it not?

Mr. ODDIE. I can not say offhand whether that was a preliminary report or not.

Mr. KING. The Senator did not regard that as a final report?

Mr. ODDIE. No, Mr. President; I do not so regard it.

Mr. KING. The committee intended to submit a final report, did they not?

Mr. ODDIE. I can not tell what all the members of the committee intended, but it would be my judgment that they would submit a report later, before being discharged.

Mr. KING. Did the Senator from Illinois [Mr. McCOMACK], before he submitted, on February 7, 1924, the resolution which I have just read, call the committee together and ask the opinion of its members as to the propriety of submitting the resolution?

Mr. ODDIE. As a member of the committee, I can say positively that he did not mention that to me at any time, and my first intimation of it was in reading the resolution after it was submitted.

Mr. KING. Does the Senator know, then, when the committee will conclude its labors and submit for the consideration of the Senate a final report?

Mr. ODDIE. I can not say.

Mr. WALSH of Massachusetts. Mr. President, I am surprised that the Senator makes such an inquiry. Does he not know that the record of investigations of this body has consisted simply of finding facts and making recommendations, without any action?

Mr. KING. I am afraid I shall have to confess the accuracy of the deductions to be drawn from the question submitted by the Senator from Massachusetts; but I had hoped that the committee of which the Senator from Nevada is a member would reform the procedure heretofore followed and would submit a final report and ask the judgment of the Senate upon the same. The primary purpose of the inquiry was to find out why we were in Haiti and Santo Domingo; why we were spending millions of dollars annually maintaining thousands of marines and naval forces in the territory of friendly nations against their will; why this Republic should adopt an imperialistic course toward the people of small and weak States; and having ascertained the facts, it was supposed that upon report being submitted Congress would announce some policy and take some course, either approving military control over these States or ordering the Executive to withdraw the military forces of the United States therefrom.

Mr. ODDIE. Mr. President, as a member of the committee I have been in pretty close touch with conditions in Haiti since the report was filed, and I am somewhat familiar with those conditions; and I do not know of any line that could be drawn in point of time between the conditions that existed when the report was filed and the present time. I do feel confident in saying that the officials of our Navy and Marine Corps who have been conducting matters, as directed, in Haiti have been doing excellent work. They are splendid, able men, and I feel that they have given a good account of themselves.

Mr. KING. May I inquire of the Senator, in view of the statement he has just made, under whose authority have General Russell and naval and marine officers in Haiti been acting?

Mr. ODDIE. Commissioner Russell was appointed by President Harding and given the rank of an ambassador, with quite broad powers.

Mr. KING. That was done without the consent of the Senate, was it not?

Mr. ODDIE. It was done with the consent of the committee of the Senate.

Mr. KING. Of course the committee of the Senate could not exercise the constitutional powers of the Senate. It would seem, therefore, that General Russell was appointed as ambassador by the President by and with the consent of the committee of the Senate.

Mr. ODDIE. He was appointed high commissioner, but his powers were those of an ambassador.

Mr. KING. The Senator said he had the rank of an ambassador, as I understood him.

Mr. ODDIE. That is my understanding, or with the power of an ambassador.

Mr. KING. Does the Senator find any warrant in the Constitution for the President of the United States or the State Department to commission an officer of the Army or Navy as ambassador or to confer upon him the power of an ambassador without the consent of the Senate?

Mr. ODDIE. I can not say offhand that the consent of the Senate was not given.

Mr. KING. I can assure the Senator that the Senate's consent was not given.

Mr. ODDIE. I know the committee recommended to the President that General Russell be appointed commissioner, and if I could have a moment I could send for the report and see just what the wording of the description of his duties and powers is.

Mr. KING. I should be very glad to have the Senator do so. But may I say to the Senator, and I say it with all due respect to him and to the committee, that, in my judgment, if they recommended that the President should name an officer of the Army or the Navy to proceed to Haiti and then take over the government of the people and subject them to military control and institute martial law and exercise the powers of an ambassador they would not fully appreciate the constitutional limitations upon the Executive. Moreover, it is my opinion that the President has no right to keep military forces in Haiti and impose upon the people policies and measures, even though they may be advantageous materially and financially, against their will and without their consent. That is imperialism bald and repulsive.

Mr. ODDIE. Mr. President, I do not think the committee did anything which would be in conflict with the Constitution, and I know it had no such intention. I will say that the committee gave this matter very deep study. It spent many weeks in its investigations here and in traveling over Haiti.

The result of our occupation has been most beneficial to the inhabitants of Haiti, and has been a positive blessing to those people. Heretofore, for years and years, for generations, they have had nothing but revolution after revolution. Those poor people have been forced to flee to the mountains, the men of Haiti have scarcely dared to show themselves before the American occupation. They would have been drafted into the revolutionary armies. That has been done time and again. These revolutions were periodical. They would start in the northern part of the island and continue on down to the capital, and when the revolutionists would get within a few miles of the capital the president would have to flee. To give a little illustration of the peril of being president of that country, I will say that in 10 years they had something like eight presidents. Two or three of those presidents were murdered, two or three were poisoned, and one or two escaped barely with their lives.

Mr. KING. Of course, Mr. President, I concede, for the sake of the argument—and I think the Senator has stated the facts historically quite accurately—that there have been revolutions in Haiti. My recollection is that they had more than two score executives within a period of 80 years. I concede there have been revolutions in Haiti. There are revolutions in China, there have been many revolutions in South American Republics, and doubtless there will be many more revolutions throughout the world until the day comes when the lamb and the lion shall lie down together and men shall learn the arts of peace. But conceding that there have been revolutions in Haiti, and that the men, using the Senator's expression, have been compelled to flee to the mountains to avoid being drafted into the armies, conceding there have been confusion and chaos, does that justify the United States in becoming a policeman to settle the internal affairs of that country and to set up a military form of government which, in the language of the

colleague of the Senator, is "undemocratic, unrepugnant, and contrary to the policies of President Harding?"

Mr. CARAWAY. Mr. President—

The PRESIDING OFFICER (Mr. McKINLEY in the chair). Does the Senator from Utah yield to the Senator from Arkansas?

Mr. KING. I yield.

Mr. CARAWAY. Mr. President, I would like to ask the Senator a question. The Senator from Nevada has said the men all had to flee to the mountains. Was the army composed of the women of Haiti when the men had to hide out in the mountains to keep from being drafted into the army?

Mr. KING. I will let the Senator from Nevada answer that.

Mr. ODDIE. I will say to the Senator that the women have had to do most of the work.

Mr. CARAWAY. Who was drafting the men into the army if the men were all hidden in the mountains?

Mr. ODDIE. Not all, but a great majority of the men.

Mr. CARAWAY. I did not want that question to remain in doubt. I wanted to know who was drafting the men when the men were all hidden in the mountains.

Mr. ODDIE. The revolutions in Haiti in years gone by were, in a way, business affairs. They started in as business affairs, I might say, because I think dollars and cents in starting certain propaganda had a great deal to do with them. The Senator from Utah has used the word "policeman." I do not want that statement to go unchallenged. I would rather say that the strong arm of the American Government has been used, not as an arm of force but as the arm of a protector and a friend, and that is what the arm of America has been to the island of Haiti.

Mr. KING. How does the Senator interpret the words of his colleague, the chairman of the committee, in the resolution which he has offered within the last few weeks, wherein he says:

Whereas such military law continues effective throughout the territory of a friendly Republic by the authority of the President of the United States; and

Whereas under such military law citizens of Haiti are liable to arrest by the armed forces of the United States and to trial before military tribunals of the United States, nine years after military law was first proclaimed, to the end that anarchy might be checked and civil order restored: Therefore be it

Resolved, That the continuance of such military or martial law—

Which the Senator is defending, and pleading for a continuation of—

and the liability of Haitian citizens throughout the Republic to trial before military tribunals of the United States, is undemocratic, unrepugnant, and contrary to American ideals and the policies of Warren G. Harding, late President of the United States.

How does the Senator interpret the language of his colleague; and placing that language in juxtaposition to the statements of the Senator eulogizing the military rule of the United States, which brings about this autocracy and tyranny how does the Senator reconcile his position with the statements of his colleagues?

Mr. CARAWAY. Will the Senator permit me to interject a remark?

Mr. KING. I want to be fair to the Senator from Nevada.

Mr. CARAWAY. I take it for granted that the statement of the Senator a moment ago that the Army of the Americans in Haiti was the arm of a friend and a protector, construed in connection with his other statement that the men were all hidden in the mountains, means that it is thought to be a very great advantage now that they can be in jail instead of being in the mountains.

Mr. KING. I shall be glad if the Senator cares to reply to my question.

Mr. ODDIE. Mr. President, I certainly would not be a party to criticizing the wording of a resolution offered by my colleague. He may have information which I have not received touching the present condition there, but as to blaming President Coolidge, or saying that the occupation has been continued in opposition to the idea expressed by the late President Harding, I will state that our committee made a very careful study, as I have already told the Senator, and we found that the information which came to President Harding, on which he based his statement in his inaugural message, was inaccurate.

I am satisfied that President Coolidge is acting in good faith, because he has been acting on reports which have been sent to him. There may have been very radical changes in the immediate past with which I am not familiar, but I do know that our occupation has been enlightening and helping the people of

Haiti. Our marine officers have established a gendarmerie, a splendid body of natives, and have been training them with our own Marine Corps officers, training them splendidly, so that when the time comes—and I hope it will not be far in the future—when Haiti can be turned over to its own government, it will have a force of men who can maintain order. I may state, further, that the President of Haiti is a splendid and able man, a very highly cultured man, and an able lawyer. I do not think he has any unfriendly feeling toward our occupation. In fact, I feel satisfied that he sees many benefits as the result of our occupation.

Mr. KING. I think I can assure the Senator that President Borno approves the military rule of the United States, for the reason that the bayonets of the American marines keep him in office. He is a mere figurehead, a puppet. His authority is only such as the military forces of the United States confer upon him. If a free election were held in Haiti, he would not be President 24 hours. Of course, he will defend the use of military force by our Government so long as it is utilized to keep him in office.

Mr. ODDIE. Mr. President, unfortunately less than 5 per cent of the people of Haiti can read or write. They are people who need help and need support. I believe that the United States Government has been a good big brother to them, and I am in favor of doing what is necessary to continue that relationship and to help make Haiti a much more prosperous country than it is to-day.

I know that in years gone by, before our occupation, some of their officials were dishonest, and much of the money that was collected from the Haitians did not find its way into the public treasury; it found its way into the pockets of dishonest officials. To-day conditions have changed in this respect.

Mr. KING. Of course, if the Senator will pardon me, I would not want to draw any comparison between the acts of dishonest officials in Haiti and in the United States. It is said that there are no dishonest officials here; so far as we can judge from recent investigations, some might be disposed to challenge the claim.

Mr. ODDIE. Mr. President, the question of dishonest officials, I think, is a human question. The human equation enters into it. Men for all time have been judged by a certain standard. There is an average, and I want to believe that the average of officials is good and that they are honest. If officials go wrong, it is a misfortune. I want to believe that the large majority of officials are honest.

Mr. KING. Mr. President, I assent to that last statement by my friend, and I think the officials of the United States Government, by and large, and of the States and municipalities of the United States will compare favorably with the officials of any country in the world. Indeed, I believe that for morality and integrity they have no equals in any country. The delinquencies and transgressions that are brought to light are infrequent; they are exceptions which prove the rule which I contend obtains. There is no condition sufficient to justify the statement now too frequently made that the foundations of the Government are being destroyed. This Government is too strongly entrenched in the affections of patriotic people to be disturbed or seriously affected by the delinquencies or transgressions of a few of its officials.

Does the Senator want to make any other reply to the statement of his colleague?

Mr. ODDIE. Mr. President, I do not want to criticize my colleague or comment upon his action, because I assume he had certain information which I have not. Therefore it would ill become me to criticize him.

Mr. KING. Mr. President, the Senator from Illinois has stated that the United States has established and is maintaining martial law in a friendly state; that its citizens are liable to arrest by the armed forces of the United States, and to trial before military tribunals nine years after the establishment of military law, and the Senator's colleague declares that this course is being pursued by the present administration contrary to American ideals and the policies of Warren G. Harding, and that such course is undemocratic and unrepugnant.

I do not assent to the statement submitted by the Senator from Illinois [Mr. McCormick] to the effect that the present policy was not pursued during the Harding administration. Men were then arrested and tried by military tribunals and thrust into jail, and the military occupation was as oppressive, as tyrannous, as undemocratic, and as unrepugnant under Mr. Harding as it is under President Coolidge.

Mr. ODDIE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Nevada?

Mr. KING. I yield.

Mr. ODDIE. I have just found that the report referred to was printed on the 28th of June, 1922, during President Harding's administration. From that time to the day of the President's death I am not aware of any adverse comment on his part on the report of our committee, so I assume that he took our committee report as a fair and comprehensive statement of conditions, and that he approved it.

Mr. KING. Mr. President, the statements of the Senator from Illinois, embodied in the resolution which I have read, so far as I can learn, are accurate. Martial law, cruel and inhuman, as martial law usually is, if enforced; men are arrested without cause and imprisoned without trial. Freedom of speech and the press is denied, and a situation exists which calls for immediate rectification. Under the military rule of the United States the election which the constitution of Haiti provided for was prevented. Men who attempted to vote were arrested and thrust into jail. A faction of the Haitian people are used by the military forces of the United States, and are invested with paper titles to various offices; but the power is held by the United States and exercised through its representatives, who are upheld by strong military forces sent from the United States and paid for by the United States.

Let me refer to the suggestion of the Senator from Nevada [Mr. Oddie] that General Russell has ambassadorial powers. How did he attain these powers? Who made him ambassador? Where is the treaty providing for an ambassador to be sent from the United States to Haiti? How can he be ambassador and at the same time the military ruler of the State? Where did the United States get its authority to take over the government of the Haitian Republic and subject the people to a military rule? These questions call for replies. None has been given; even a Republican and the chairman of the investigating committee is dissatisfied with the course of the administration and the military occupancy of the Territory of Haiti.

Mr. President, I challenge the right of President Harding or President Coolidge or the Secretary of State to pursue the course which has been pursued and is still being pursued in Haiti. I deny that the President has the right to confer upon General Russell the dictatorial military power which the latter is exercising, or to invest him with the authority or the simulated authority of an ambassador from the United States to the Government of Haiti.

The Senator from Nevada [Mr. Oddie] does not seem to be familiar with conditions now prevailing in Haiti, though he is a member of the committee that should advise the Senate as to the course that should be pursued by the United States in dealing with Haiti.

It must not be forgotten that we forced ourselves upon the Haitian people. We took their Government away from them. We landed our soldiers upon their soil forcibly and have for years forcibly held control of their island. We have killed more than 3,500 of the Haitian people during the period we have controlled their territory. We are now thrusting men into jail because they demand the right of free speech and of free press, because they protest against an alien rule and the forcible occupation of their country.

CALL OF THE ROLL.

Mr. OVERMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The principal clerk called the roll, and the following Senators answered to their names:

Adams	Dale	Keyes	Ralston
Borah	Dial	King	Ransdell
Brandegee	Dill	Ladd	Sheppard
Brookhart	Ferris	Lodge	Shortridge
Bruce	Fess	McKellar	Smith
Bursum	Frazier	McKinley	Stanfield
Cameron	George	McNary	Stephens
Capper	Gerry	Neely	Trammell
Caraway	Harris	Norris	Wadsworth
Colt	Heflin	Oddie	Walsh, Mass.
Copeland	Howell	Overman	Warren
Cummins	Johnson, Minn.	Pepper	Weller
Curtis	Jones, Wash.	Pittman	Willis

Mr. CURTIS. I wish to announce that the Senator from Wisconsin [Mr. LENROOT] is absent on account of illness. I ask that this announcement may stand for the day.

The PRESIDING OFFICER. Fifty-two Senators having answered to their names, a quorum is present.

HARRY M. DAUGHERTY, LATE ATTORNEY GENERAL.

Mr. CARAWAY. Mr. President, I wish to ask unanimous consent to have printed in the Record at the conclusion of the

few remarks I shall make a letter of the President of the United States, Mr. Coolidge, requesting the resignation of the Attorney General, Mr. Daugherty, and the reply of the Attorney General, Mr. Daugherty, to the letter of the President.

Permit me to say that I have never had the honor to know the Attorney General. Something like two years ago I was engaged in a controversy with him with reference to his connection with the pardon of Charles W. Morse. At that time I was charged on the floor of the Senate and in the press with waging a scurrilous assault upon the Attorney General. It was charged by him and his friends, and here on the floor of the Senate repeatedly by the Senator from Indiana [Mr. WATSON], that the Attorney General had had nothing to do with the pardon of Morse. The Senator from Indiana assured me and the Senate that on several different occasions he had asked the Attorney General with reference to the matter and had been assured that the Attorney General had no interest in the Morse pardon and had received nothing in consideration for the pardon of Morse. Afterwards I had printed in the RECORD the contracts and the correspondence. The Attorney General was such a poor sportsman that he came back and said the Senator from Indiana had wholly misunderstood him, and he never had undertaken to say that he was not interested in the pardon of Morse.

I refer to that for this reason: More recently other charges have been made against the Attorney General. I have been told that Members of the Senate on the Republican side, including the majority leader, the senior Senator from Massachusetts [Mr. LODGE], and the leader of the independent element on the Republican side of the Senate, the Senator from Idaho [Mr. BOHAR], and the senior Senator from Pennsylvania [Mr. PENNELL], have frequently represented to the President that it would be politically wise and expedient to exchange the present Attorney General for some one else with more influence. I have never understood that they contended that he was not an admirable Attorney General, but that he was politically unpopular.

A resolution was introduced in the Senate asking for an investigation of the Attorney General. That resolution was offered by the junior Senator from Montana [Mr. WHEELER]. My friend the senior Senator from Ohio [Mr. WILLIS] attacked the junior Senator from Montana very viciously for trying to get on the committee to investigate the Attorney General. It was intimated in language so strong that it could not be called an intimation that Mr. WHEELER was seeking the advantage of a position on the committee in order to "frame up" the Attorney General. We were assured by the Senator from Ohio that the Attorney General was "as clean as a hound's tooth," and that if he had a fair committee and an opportunity to defend himself all the country would realize that they had unjustly and harshly prejudged the Attorney General.

The committee was finally selected and hearings were had. I know the country understood and the Senate understood that the Attorney General was to have a fair trial and that all judgments were to be suspended until the committee should have concluded its hearings. Now, when a few witnesses have been heard, the President, failing to observe what I presume everybody understood to have been at least a tentative agreement that the Attorney General should have a chance to vindicate himself before judgment should be passed upon him, summarily dismisses the Attorney General to-day.

I want to give the President the credit for having said in his letter, "There is not anything wrong with you, Mr. Daugherty; there is not any reason for any fair-minded man to criticize you at all; but inasmuch as the position is embarrassing we are going to rid ourselves of the embarrassment by prejudging you and putting you out of the Cabinet. Then, if you can rehabilitate yourself in the opinion of the country, we will not interpose any objection." That is the only thing the letter says. "It does not make any difference to us, Mr. Attorney General, whether you have been honest or dishonest; we are not putting you out because you have not been faithful to your trust; we are not complaining because of anything you have done or have not done; but the situation is growing embarrassing, and the time has come when somebody has to be thrown overboard for the safety of the rest of us who hope to be reelected; therefore, Mr. Attorney General, it is your time to walk the plank." [Laughter in the galleries.]

The Attorney General submitted his resignation with bad grace. He said to the President in language that certainly is as harsh as anything that anybody here upon the floor of the Senate has used, for which we have been denounced all over the country as being "scandal-mongers" and "assassins of character," and of imputing to people bad motives—he said to the President, "Mr. Coolidge, you demand that I shall sacrifice my reputation; that I shall go out into the world branded with infamy, simply because it is politically expedient so to do."

I take it that the Attorney General has as good an opportunity to know what the real motives of the President are as has anyone else; and that is in effect what he says. "You sacrifice me, Mr. President, in order that the rest of you may ride out this storm; I am to be destroyed politically and socially, I am to be an outcast, in order that the rest of you who participated in this administration may survive this storm of criticism by the American people which is sweeping over the country."

As I said a moment ago, I do not know the Attorney General; I refused to be a member of the committee that should investigate the Attorney General, because I had been critical of him. I had thought, as most people, I think, thought, that he never had the qualifications to entitle him to be Attorney General; that he was mentally and morally, and, by reason of his associates, unfitted for that place. I thought, and I believe everybody else believes, that his appointment was the payment of a political debt. I had protested against the hundred million of the American people being compelled to pay the political debts of the then President of the United States. I do want to say, however, Mr. President, that the Attorney General as an individual has risen very much in my estimation in recent weeks. At least he is no cur and no coward. He is a double-fisted man, who fights back, and, right or wrong, I believe the American people are going to say that he has some admirable qualities.

I know they appeal to me. I do not believe that he ought to have been sacrificed by the President in the manner in which he is now sacrificed. If the statements contained in the letter of the Attorney General be true—the Attorney General in his letter to the President, which I take it for granted is true, states that he twice offered to resign from the Cabinet since President Coolidge became President of the United States, and he could have done so without embarrassment, but that the President assured him that the magnificent service which he was rendering to the country and the highly efficient state of the department over which he presided made it desirable for him to continue as Attorney General—if those statements are true—and I take it for granted that they are, because I can not imagine that a member of the Cabinet can make a statement to the President that is not true—if it is true that the President believed and believes that the Attorney General was highly efficient, that his manner of presiding over the department with which he had been intrusted as a Cabinet member was so satisfactory that he could not be spared, I do not very much believe that the people are going to sympathize with the President when, just because South Dakota registers its verdict against the President, he sacrifices the Attorney General.

I realize that it is hardly incumbent upon me to defend one Republican against another [laughter], and I would not have done so, Mr. President, if that moral and mental mentor of the Republican Party, Mr. McLean, recently in his administration organ, the Washington Post, had not stated that the members of the Republican Party in the Senate have utterly failed their party; that they have become so fearful that they would not defend their party against any attack, and that the American people were going to reach a judgment soon that they were either "guilty" or "cowards." I do not want to misquote the statement in Mr. McLean's newspaper, but is not that the effect of the rather kindly lecture that he read the majority party in the Senate the other day?

Therefore, Mr. President, if no Republican will defend the Attorney General in this his hour of need, I am going to do it myself, because everybody will know I am not actuated by any partisan zeal. [Laughter.] My motives in this particular instance will not be misjudged, since I believe that a man who wanted an opportunity to present the evidence to the country, if otherwise he was entirely acceptable to this administration, ought not to have been sacrificed merely that the President might get a more favorable hearing in some other State than he got in South Dakota this week.

I wish, Mr. President, to present the two letters and have them printed in the RECORD, one following the other. I think they will be enlightening.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the letters will be printed in the RECORD at the request of the Senator from Arkansas.

The letters referred to are as follows:

THE WHITE HOUSE,
Washington, March 27, 1924.

MY DEAR MR. ATTORNEY GENERAL: Since my conference with you I have examined the proposed reply you suggest making to the demand that you furnish the committee investigating the Department of Justice with files from that department, relating to litigation and to the

Bureau of Investigation. You represent to me and to the committee in your letter that it would not be compatible with the public interest to comply with the demand, and wish to conclude your letter with a statement that I approve that position. Certainly I approve the well-established principle that departments should not give out information or documents, for such a course would be detrimental to the public interest, and this principle is always peculiarly applicable to your department, which has such an intimate relation to the administration of justice. But you will readily perceive that I am unable to form an independent judgment in this instance without a long and intricate investigation of voluminous papers, which I can not personally make, and so I should be compelled to follow the usual practice in such cases and rely upon your advice as Attorney General and head of the Department of Justice.

But you will see at once that the committee is investigating your personal conduct, and hence you have become an interested party, and the committee wants these papers because of a claim that they disclose your personal conduct of the department. Assuming that the request of the committee is appropriately limited to designated files, still the question will always be the same. In view of the fact that the inquiry relates to your personal conduct, you are not in a position to give to me or the committee what would be disinterested advice as to the public interest. You have a personal interest in this investigation which is being made of the conduct of yourself and your office, which may be in conflict with your official interest as the Attorney General. I am not questioning your fairness or integrity. I am merely reciting the fact that you are placed in two positions, one your personal interest, the other your office of Attorney General, which may be in conflict. How can I satisfy a request for action in matters of this nature on the ground that you as Attorney General advise against it, when you as the individual against whom the inquiry is directed necessarily have a personal interest in it? I do not see how you can be acting for yourself in your own defense in this matter and at the same time and on the same question acting as my adviser as Attorney General.

These two positions are incompatible and can not be reconciled. I am sure you will see that it is necessary for me to have the advice of a disinterested Attorney General in order that I may discharge the duties of my office in this and other matters. I feel certain that you will know how deeply I regret that this situation has arisen. It only illustrates the difficulties which are certain to recur with ever-increasing embarrassment and your inability to perform satisfactorily the duties of Attorney General under present conditions. You will readily understand that it is not now my intention to prejudge the issues which remain to be developed in this investigation. I recognize that you are entitled to a full and fair hearing. But as there is no way by which you can divest yourself of the interest you have personally in the investigation I can see no way but for you to retire as Attorney General, and I am therefore compelled to request your resignation.

Very truly yours,

CALVIN COOLIDGE.

HON. HARRY M. DAUGHERTY,
Attorney General, Washington, D. C.

MARCH 28, 1924.

MY DEAR MR. PRESIDENT: Under separate cover I have just handed you my formal resignation as Attorney General of the United States, to take effect forthwith. Now that I am no longer a member of your Cabinet I feel constrained, as a private citizen, in all kindness, to call certain matters to your attention.

Your request, Mr. President, for my resignation is based on grounds which seem to me untenable. As you will perhaps remember, I did not intend to seek your advice with regard to compliance with the demands of the Senate committee for the indiscriminate delivery of the confidential files of the Department of Justice, or parts thereof. As I explained to you, my duty was clear, for I had frequently been called upon to determine this question. My answer was ready, as I informed you, and furnished you a copy thereof.

My sole purpose in taking the matter up with you was to let you know the position I was compelled to take in the interest of the public business and for the protection of the Government, that you might be in position to advise other departments, if similar requests were made, what course they should pursue.

Your suggestion that I can not function as Attorney General and defend myself against these charges at the same time I believe is hardly warranted by the facts. You know that I have employed counsel at my own expense to take the responsibility of representing me at the hearings before the Senate committee in order that I could devote my time to the public business, which I have been doing continuously.

Those employed in the department have given no time belonging to the Government to this so-called investigation, except to furnish data required by the various congressional committees. The business of the department is at its peak in efficiency and accomplishment, and I am prepared to demonstrate this fact before any tribunal if opportunity is afforded.

Your suggestion that an attack upon a Cabinet officer disqualifies him for further official service is a dangerous doctrine. Mr. President, all the pretended charges against me are false. But whether true or false, if a member of the Cabinet is to be incapacitated or disqualified by the preferment of charges against him, no matter how malicious and groundless, and he is compelled to give up his responsible position and sacrifice his honor for the time being because of such attack, no man in any official position is safe, and the most honorable, upright, and efficient public servant could be swept from office and stable government destroyed by clamor.

I have often advised you that my elimination is part of the program now being carried out; the origin of the persistent and vindictive attempt to discredit me as Attorney General is well known. It principally proceeds from two sources: The powerful individuals and organizations who resent my successful action, in conformity with my sworn duty, to save this country from violence and anarchy during an industrial crisis far more serious than the general public has ever known; second, from those equally powerful individuals and organizations guilty of graft upon the Government during the World War, while the youth of our land was making the supreme sacrifice for the Nation. I have to the best of my ability discharged my sworn duty to prosecute all such individuals and organizations, but the task has been beset with peculiar difficulty by reason of the fact that the official record in most of these cases was made up by men supposedly representing the Government in these transactions who were either knowingly or stupidly parties to the crime. This partnership of the rioter and the war profiteer has ceaselessly sought to break down the faith of the American people in me and in the Department of Justice. In the high court of impeachment their attempt to fasten guilt upon me collapsed in disgrace to its originators, and they did not dare appeal again to the constitutional court. In the low court of scandal, gossip, rumor, and innuendo, to which appeal is now made, it will have no better success with the people of this country who read and think and believe in justice and the square deal, but coupled with threats of similar treatment of other public men it has impressed politicians, who think everything of personal and party expediency and nothing of the principle involved, with the necessity of offering me as a sacrifice to propitiate the vengeful interests which seek my destruction.

I can not escape the conviction, Mr. President, that your request for my resignation is also most untimely. It comes at a time when the truth is banishing falsehood from the public mind, even though I have not as yet had an opportunity to place upon the witness stand before the Senate committee a single witness in my defense or in explanation or rebuttal of the whispered and gossip charges against me. No better evidence of the failure to substantiate charges of wrongful action on my part could be offered than the character of the proceedings by the Senate committee engaged in conducting the present inquiry. If my accusers had believed me guilty, they would have been scrupulously careful to select as members of the tribunal men of judicial character, with open minds, in order that an unprejudiced verdict might be rendered. The choice as majority members of this committee of men, some of whom have openly, bitterly, and falsely assailed me under senatorial immunity and who had also assailed my administration of the Department of Justice; the designation of a member of this court as prosecutor who is the responsible author of the resolution against me; the refusal to apply to the proceedings any rule of evidence or to grant to me the customary immediate right of cross-examination and early opportunity for rebuttal; and, above all, the character of the witnesses, including blackmailers, bootleggers, confessed corruptionists, and discharged and discredited Government employees, not one of whom has given testimony that would be admitted as evidence in the most loosely conducted court of the land—all this proves to fair-minded men that in the absence of competent and credible testimony the elements in control of this committee seek to convict by immaterial and malicious gossip retailed by irresponsible witnesses. In such a tribunal, by such methods, and out of the mouths of such witnesses, an honest man could be convicted of any crime.

I am aware, Mr. President, that the suggestion has been made to you that my retirement from the Cabinet would serve the ends of party expediency. Had I believed this, I would have retired when this contention was first raised. Twice since you became President and when I could have done so without criticism I have offered to retire from your Cabinet, and you have in each instance requested me to remain, because as you were kind enough to say, of your entire satisfaction with the splendid accomplishments of the Department of Justice under my administration. After this recent attack, and while under fire, I stood my ground because I believe cowardice and surrender of principle are never expedient, and that every sacrifice of justice to clamor is followed by demands for still greater sacrifices. From the beginning this attack upon me has, in fact, been an attack upon the administration and the Republican Party, which my assailants are seeking to discredit for partisan purposes. Since the assault upon me began, the purpose to attack every administration official of prominence, including the President himself, has been publicly revealed.

The American people confront a crisis in national affairs equal in gravity to any we have faced in all our history. Is this to remain a Government of law and order, of constitutional procedure, with its guarantees of individual rights and its safeguards for equal justice to the highest and the humblest, or is it to become a Government by slander, by terrorism, and by fear? In the battle for my rights as an official and a citizen the rights of every citizen of this Republic are involved, for who of all our millions of people knows but that he may be the next to become the object of unjust accusation maintained by lawless inquisition?

In conclusion, Mr. President, please accept my thanks for your statement that you do not question my fairness or integrity, and believe me,

Yours very truly,

H. M. DAUGHERTY,
Attorney General.

Mr. PEPPER. Mr. President, if Mr. Daugherty, either as an individual or while he was Attorney General, has done things for which he deserves punishment, I am sure there was nothing to justify so cruel and unusual a punishment as to be defended by the Senator from Arkansas. [Laughter.]

Mr. CARAWAY. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Pennsylvania yield to the Senator from Arkansas?

Mr. PEPPER. I yield.

Mr. CARAWAY. I am sure, in view of the letter that the Attorney General wrote the Senator from Pennsylvania, that he will not feel much called upon to do so, and I thought one of us had to do it. [Laughter.]

Mr. PEPPER. Mr. President, I have no intention of defending the Attorney General or of criticizing him adversely. The Senator from Arkansas knows, or might know if he cared to, that I have been quite candid in the expression of my opinion that the choice of Mr. Daugherty to fill the exalted office of Attorney General was a mistake in the first instance, an error of judgment, and I have been one of those who have indulged the view that sooner or later that great office should be vacated by him.

Mr. CARAWAY. May I interrupt the Senator again?

Mr. PEPPER. Certainly.

Mr. CARAWAY. The Senator says he has been quite candid. The Attorney General was quite candid with the Senator, too, was he not?

Mr. PEPPER. Well, Mr. President, I do not know what the purpose of the question is. Perhaps the Senator will develop it a little further. I am not sure that I understand it.

Mr. CARAWAY. I do not know that there is anything obscure about it. I understood that the Senator said he had been quite candid. I also understood that the Attorney General wrote a letter in which he was quite candid with the Senator about the candid advice that the Senator from Pennsylvania had given the President concerning the Attorney General, was he not? He set forth his views.

Mr. PEPPER. I understand the Senator from Arkansas to question me as to what he understood?

Mr. CARAWAY. No; I read it in the newspapers, in an open letter from the Attorney General to the Senator from Pennsylvania.

Mr. PEPPER. I apprehend that if the Senator from Arkansas read something in the newspapers he is entirely competent to reach a conclusion as to whether what was said by the writer of the letter in the newspapers was candid or whether it was not. I can only interpret that form of interruption not as a request for information which the questioner does not possess but as a desire to obtrude into the course of another Senator's remarks suggestions which will break the thread of his observations. Mr. President, we have had a good deal of that sort of thing in the Senate, and it is extremely difficult to deal with.

It will be observed that in the course of the remarks just made by the Senator from Arkansas he undertook to state what the Senator from Massachusetts [Mr. LORCE] and I had said to the President on the occasion of a certain interview that we had with the Chief Executive in this connection. Of course, the Senator from Arkansas has no basis whatever for any understanding upon the subject, and any suggestion of his as to what happened on that occasion is wholly gratuitous and can not be made the basis of any statement that is entitled to credence or acceptance here.

The Senator from Arkansas also said, if I correctly understood him, that he had reason to believe that there was a tentative agreement between the President of the United States and the Attorney General, which has now been broken by the action of the Chief Executive. I venture to think that the basis for any such statement made by the Senator from Arkansas is as unsubstantial and without foundation as was his statement with respect to me.

Mr. President, we are dealing now with a great public situation. Here is a case in which the subject matter is the office of Attorney General, the head of the Department of Justice. Justice, Mr. President, is the greatest interest of man on earth; and the Department of Justice, in my humble judgment, should be presided over by some one who will stand as high among his peers at the bar as the thing which the department symbolizes should stand for among the interests of the American people. As I said before I was interrupted, I am one of those who have been quite candid in expressing the view that the incumbency of the office has fallen far below that high ideal. Therefore I do not rise to speak on behalf of anybody or against anybody; but I wish, Mr. President, to direct the attention of the Senate to the fact that the President of the United States, after having given to the Attorney General the longest chance that fairness could dictate to relieve him of embarrassment by resignation, has now acted in a way which I applaud, which I believe the country will applaud, and those who attribute it to a desire to make political capital out of the situation will be a small minority, as lacking in respectability as they are potent in vociferous denunciation.

Mr. CARAWAY rose.

Mr. PEPPER. I yield.

Mr. CARAWAY. No; I am not going to ask the Senator to yield. I will wait until the Senator yields the floor. He does not want his line of discourse broken.

Mr. PEPPER. On the contrary, Mr. President, I will yield to the Senator from Arkansas or any Senator who asks a question which I can recognize as a request for information. I am very happy to yield to any such inquiry.

Mr. CARAWAY. I thought the Senator was yielding the floor. I want the floor when the Senator is through; that is all.

Mr. PEPPER. I shall detain the Senate for a very few moments.

Mr. President, I wish to suggest that the office of the Attorney General is not a Republican office or a Democratic office, primarily. It is the office of the people; and the great interest of the people of the United States is that that office should be filled by some one who will be above suspicion. In my judgment, that which has been developed at the inquiry set on foot by some of my colleagues is in form and substance a volume of gossip containing a percentage of truth, but what the percentage is no man living is competent to decide.

But whatever may be the percentage of truth contained in that volume of back-stairs gossip which has been inflicted upon a long-suffering American public, this much is clear: That there has been an atmosphere down there at the Department of Justice which ought not to surround the place of high ideals for which that department ought to stand; and I rise in my place to express profound gratification that the President of the United States, after waiting with fairness and patience for the limit of the time of opportunity for voluntary withdrawal, has now indicated in no doubtful terms the course which in his judgment the Attorney General should take; and I think the Attorney General has done well to subordinate his self-interest to the public good.

I know the type of man who fights on and fights on when he believes himself to be under unjust accusation. I share with the Senator from Arkansas his admiration for the type; but I have always thought, Mr. President, that your fight is a more worthy one when only your own fortunes are at stake in the course of it. If you are fighting your fight at the expense of the welfare of your fellow citizens, then it seems to me that it is no mark of pusillanimity, it is no mark of cowardice, to subordinate your interests to theirs and to withdraw, even if it may be under fire.

So I applaud what the Attorney General has done. I wish he had done it voluntarily. I approve of what the President has done. I think he has acted none too soon. If anybody chooses to accuse me of being influenced in my view by regard for the political considerations that are involved, that is his right; but as I look into my own mind I think I can perceive it clear of any such taint. I think that my training and relationships to the law and the courts have been such as to give me the kind of exalted ideal that I hold respecting the Department of Justice and the man that should head it; and when a President, whether he be Democrat or Republican, corrects a mistake improvidently made in time past for which he is not accountable, I feel, sir, that he has done something which should receive expressions of approval by the people of the United States, and such expressions it seems to me that I can foresee in rich abundance.

Mr. CARAWAY. Mr. President, I ought to be duly crushed by this lecture read to me by the senior Senator from Penn-

sylvania in such a "kindly" spirit, in which he attributes to me lack of information as to what motives he possessed and what recommendations he made to the President of the United States.

I never said that the Senator from Pennsylvania did say that "for the good of the party they ought to get rid of the Attorney General." I do not know what the Senator said to the President of the United States, and, frankly, I am not at all interested. Because the President did not act upon it, evidently not thinking it worthy, therefore it does not concern me.

Mr. PEPPER. Mr. President, will the Senator yield for a question?

Mr. CARAWAY. I am very much pleased to do that.

Mr. PEPPER. Did I misunderstand what the Senator said? Because, if so, I should like to withdraw that portion of my remarks. I understood the Senator to say that he believed or supposed or understood that the senior Senator from Pennsylvania, accompanying the Senator from Massachusetts [Mr. Lodge] to the White House, had expressed to the President of the United States an opinion, not that the Attorney General was unfitted for the office he held, but that he should be exchanged for somebody exercising greater political influence.

Mr. CARAWAY. I do not recall just what I did say, Mr. President. The notes will show.

Mr. PEPPER. Mr. President, I should like to have the Senator a little more specific. Now that I have asked him the question, is not his recollection refreshed to the extent of admitting that substantially I quoted him accurately?

Mr. CARAWAY. No; here is what I think I said, but I shall be glad to have the notes read. I said it was understood that the Senator from Pennsylvania [Mr. Pepper] and the Senator from Massachusetts [Mr. Lodge] and the Senator from Idaho [Mr. Borah] had made representations to the President that he ought to get rid of the Attorney General. As I now recall—and that is a matter of the public prints, and we can easily verify it—the Attorney General came back in a very pointed letter, and, as I now recall, the thing that he took the Senator from Pennsylvania to task for, and I have inferred that it occurred, was that the Senator had said "It was not a question of justice." The question was that the Attorney General had lost the confidence of the people. The Attorney General in his letter to the Senator from Pennsylvania said he did not agree with the Senator from Pennsylvania that it "was not a question of justice." Now, is not that what occurred?

Mr. PEPPER. Mr. President, I will answer that question after the Senator has answered mine.

Mr. CARAWAY. I have answered the Senator.

Mr. PEPPER. No; I beg the Senator's pardon, Mr. President. The Senator has not yet answered the question that I put to him again, namely, whether he did not, in the course of his remarks, say in substance that he understood that the Senator from Pennsylvania and the Senator from Massachusetts had represented to the President that it would be well for him to exchange the Attorney General for some one having greater political influence and not on the ground that he was unfit for the office that he held?

Mr. CARAWAY. I will answer the Senator. In substance, that is what I said. Wait a minute. I hope the Senator will not be so much in a hurry to get away. I say that the Attorney General said to the Senator from Pennsylvania, if the public press can be believed, that it was a question of justice. Now, did not that occur?

Mr. PEPPER. Mr. President, I shall be very glad to make—

Mr. CARAWAY. No; the Senator insisted that I should answer. Now, then, let the Senator say "yes" or "no."

Mr. PEPPER. I shall be very glad to make a statement in answer to the Senator's question.

It is true that after calling upon the President at the time to which the Senator from Arkansas refers, when I came back to the Capitol I had the uncomfortable feeling of a man who has been speaking about an associate behind his back, to his disadvantage, to his superior officer; and it is a fact that I sat down and in yonder cloakroom with my own hand, and without keeping any copy of it, wrote a letter to the Attorney General telling him that I desired that he should hear from me before he heard from anyone else what in substance I had said to the President of the United States. That thing did happen. I did write such a letter. I did send it to the Attorney General; and the Attorney General saw fit to write in reply an open letter, which was published in the papers. No one has seen my letter, for I kept no copy, and its nature was such that it could not have been published either by its recipient or by me.

Mr. CARAWAY. Could not the Senator have mailed it? Was it in such language that it could not be put in the mails?

Mr. PEPPER. Now, Mr. President—

Mr. CARAWAY. The Senator said it could not be published.

Mr. PEPPER. Mr. President, the Senator from Arkansas will forgive me if I suggest that that kind of levity in the discussion of what is a very great public situation, something like—

Mr. CARAWAY. Oh, well, I do not yield to the Senator if he does not want to answer the question. I am not fixing to yield to another lecture. I have the floor. I beg the Senator's pardon; I am not yielding now to the continuance of that lecture. If he wants to answer the question, I am perfectly willing to yield for that, but I am not yielding to be lectured.

Mr. PEPPER. Mr. President, the Senator knows that I have no intention of lecturing him; but I think he will recall that his question to me was certainly not one of those to which he could have expected an answer.

Mr. CARAWAY. Then I will not wait for one.

Mr. PEPPER. Very good, sir.

Mr. CARAWAY. I should like to know, and the Senator can say in his own time, what he meant by saying that the kind of a letter he wrote could not be published.

Mr. PEPPER. I am very glad to answer that question, sir. I understand that when a Senator has called upon the President of the United States it is the unwritten rule of this body that he does not state to any third person what occurred at that interview; and if the thing concerns a third person, and he chooses to embody a statement of the interview in a communication to that third person whom it concerns, the writer of the letter is powerless to make the thing public. He is at the mercy of the recipient of it. That is what I mean.

Mr. CARAWAY. Let me ask the amiable Senator from Pennsylvania if the Senator said in his letter to the Attorney General that "it is not a question of justice"?

Mr. PEPPER. Mr. President, I did say that as part of a longer sentence.

Mr. CARAWAY. Let me ask the Senator if he was trying then to make the Attorney General resign, whether it was right or wrong, when he said it was not a question of justice but one of expediency?

Mr. PEPPER. Mr. President, I will not state to the Senator what I was trying to do. I will answer the Senator's question by saying that I did use the language attributed to me as part of a longer sentence, which I am not at liberty to quote and which I do not propose to quote.

Mr. CARAWAY. Let me ask the kind indulgence of the Senator. Of course, if the Senator can not answer it, very well. What was in the Senator's mind when he said to the Attorney General, "It is not a question of whether it is just or not, but that you must get out." What was in the Senator's mind, if I may be permitted to ask?

Mr. PEPPER. The Senator may be permitted to ask, Mr. President, I say to the Senator, but I also may be permitted to decline to answer, which I do.

Mr. CARAWAY. Then I hope the Senator will not be so unkind, when we infer from his use of that language in declining to answer, that it might be understood that he said to the President that it does not make any difference whether he is a good Attorney General or not; it is not a question of justice, it is a question of expediency. I think we might reasonably infer that.

Mr. PEPPER. Mr. President, I have no objection to the drawing of any inferences by the Senator he chooses to draw, but I reserve the right to point out that in many instances they are baseless, and in this case particularly so.

Mr. CARAWAY. Then, if the Senator will not tell me what he said, how am I ever to have the information? The Senator from Pennsylvania says I am wrong and then will not set me right.

Mr. PEPPER. Probably, Mr. President, the Senator from Arkansas may spend a very considerable time speculating on the contents of my letter to the Attorney General without arriving at any conclusion whatsoever, and I am not sure that the country would be the loser.

Mr. CARAWAY. I do not presume it will be, but the Attorney General seemed to understand that the Senator from Pennsylvania was wanting to get him out of office, right or wrong.

I am not so very much interested, Mr. President, in exactly what the Senator from Pennsylvania said to the President, because it was so obvious that the President took no real counsel of it, since he did not act upon it; and if the Senator could not influence the President, and all these other party

leaders could not, of course, therefore, I do not presume their arguments were very weighty, and I shall not trouble the Senator or trouble the country with a repetition of them.

I wanted to answer the Senator's statement of a moment ago, that the President gave the Attorney General every opportunity to retire, and, declining, then the Attorney General was properly asked to retire. I am not passing on questions of veracity between Republicans. But in his letter to the President the Attorney General said:

Mr. President, I have twice offered to quit your Cabinet when I could have done it without retiring under fire, and you requested that I do not do so.

If that be true—and I am going to indulge in the belief that it is—of course then the Senator from Pennsylvania will very likely say that the Attorney General is no more well informed than am I. I admit none of us ever hope to rise to that great height of learning to which the Senator modestly admits he has climbed by his devotion to the law and other things. But the Attorney General says:

I tried twice to resign from this Cabinet, and you would not let me do it.

The Attorney General, as I infer from his letter, had sought to get out of the Cabinet, if his remaining in the Cabinet was embarrassing to the President. Why then does the Senator from Pennsylvania say, Mr. President, that the Attorney General had been indulged long enough under the hope that he would get out? They can reconcile their statements among themselves. I undertook to be a peacemaker, and I got the usual result. Whenever you interfere in a family quarrel, everybody turns on you. But now the Senator from Pennsylvania says that the Attorney General had been given ample time to realize. That the previous President, Mr. Harding, had made a mistake in putting him in office, and he would not get out, and therefore President Coolidge was very much to be commended, and all fair people would thank God that he had waked up and put the Attorney General out.

The Attorney General says, on the other hand—and I am just quoting one Republican against the other; I do not have to commit myself to either one of these contending factions, the Lord be praised. I am perfectly willing to attend the funeral of either one of them or take a half day off and go to the funerals of both; but, Mr. President, when the Senator from Pennsylvania, in a more righteous attitude than anybody else has ever attained, shall undertake to set us all right, me in particular, both as to my sources of information and my desire to be fair and candid, I want him to read the letter of the Attorney General and then read his notes, in which he says that the President gave the Attorney General plenty of time to get out, and he would not do it, and then he kicked him out. The Attorney General's letter will be in the Record in a few moments. I believe I will ask for it back and read it while the Senator from Pennsylvania happens to be present. I want to show that the Attorney General said to the President twice that he was ready to get out, and the President said, "You make such a splendid officer, and the affairs of your department are in such splendid shape that the country can not spare you."

That is not the exact language, and I hope the Senator from Pennsylvania will not take me to task for putting a period where he put a comma, because he is more learned than I. I want to read the letter, and then I will trust to that great sense of fairness which the Senator from Pennsylvania has insisted everybody should have, and he alone possesses, to withdraw his remarks that the President waited on the Attorney General long enough for him to get out, and then put him out, because the Attorney General in his letter, which is open to scrutiny, while the letter of the Senator from Pennsylvania is denied the public, said this, and I apologize to the Senator from Pennsylvania for reading this, because it shows a little feeling upon the part of the Attorney General. I am reading now from page 5 of the Attorney General's letter, the last paragraph:

I am aware, Mr. President, that the suggestion has been made to you that my retirement from the Cabinet would serve the ends of party expediency.

Who made that suggestion to the President? The Senator from Pennsylvania said, "I talked to the President, but what I said to him I am not going to tell." The Attorney General says in his letter:

I am aware, Mr. President, that the suggestion has been made to you that my retirement from the Cabinet would serve the ends of party expediency.

The Senator from Pennsylvania says he is one of those who told the President something about the Attorney General, but he will not tell us what he said. The papers report that the

Senator from Massachusetts [Mr. LODGE] was another of those who had made representations to the President, and the Senator from Idaho [Mr. BORAH] was the third. The Attorney General is the only witness I have. The Senator from Pennsylvania a moment ago said there were a lot of scurrilous witnesses testifying about backstair rumors.

Mr. BORAH. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Arkansas yield to the Senator from Idaho?

Mr. CARAWAY. I yield.

Mr. BORAH. That was one of the grounds which the Senator from Idaho suggested, and he is very glad to state it publicly.

Mr. CARAWAY. I am delighted at the candor of the Senator from Idaho. He is always candid. The Senator from Pennsylvania said it does not make any difference whether it is right or wrong, Mr. Daugherty ought to go; or that is the inference I got from reading the letter of the Attorney General to the Senator from Pennsylvania, but which the Senator from Pennsylvania did say nobody dare publish. I do not know, I just want to make this sweeping apology to the country, that when I am quoting one Republican against another I am never certain when I am correct. But as nearly correct as I can read, I am reading the evidence. I read again that statement:

I am aware, Mr. President, that the suggestion has been made to you that my retirement from the Cabinet would serve the ends of party expediency.

Then he continues:

Had I believed this I would have retired when this contention was first raised.

Now, may I have the attention of the distinguished Senator from Pennsylvania? Here is what the Attorney General says. The Senator from Pennsylvania says that the Attorney General ought to have had the decency to get out. I am not quoting his exact language, but I am trying to interpret what the Senator said in more scholarly language. This is what the Attorney General said:

Twice since you became President, and when I could have done so without criticism, I have offered to retire from your Cabinet, and you have in each instance requested me to remain.

Why?

Because, as you were kind enough to say, of your entire satisfaction with the splendid accomplishments of the Department of Justice under my administration.

Well, I am going to leave the waiting country now to determine between the President, the Attorney General, and the senior Senator from Pennsylvania just what happened, and I beg everybody's pardon for intermeddling in a family row. I have been actuated by what I thought everyone would concede was an entirely disinterested motive. I intended to try to set forth the view that the Attorney General at least had the courage, which the Post intimated some of the Republicans did not have, to stand up and fight, and since none of them would come to his rescue, since now he is down and out, I wanted to speak this word of kindness at his obsequies.

Only a few short weeks ago the senior Senator from Ohio [Mr. WILLIS] rose in his place and said that if anybody wanted to go to the mat with the Attorney General, he would have a real fight. I am not quoting his exact language; I am hoping that I may be permitted to put a rather loose interpretation upon the scholarly enunciations of Republican Senators. He said that the Attorney General was as clean as a hound's tooth, and they were not going to let him be lynched. And when, believing he could rely upon their promises, he stood up to fight, they drew the mat from under his feet. [Laughter.]

Mr. PEPPER. Mr. President—

The PRESIDENT pro tempore. The Chair desires to admonish the galleries that another manifestation of either pleasure or displeasure will result in clearing the galleries, under a rule of the Senate which the Chair must enforce.

Mr. CARAWAY. Mr. President, they were not manifesting approval. They were just weeping over a corpse, and they ought to have been allowed to mourn.

Mr. WILLIS. Mr. President, I have no disposition to enter into the very interesting controversy between the senior Senator from Pennsylvania [Mr. PEPPER] and this new and powerful champion of the former Attorney General. Nor shall I at this time enter into any discussion of the respective merits of the position of the President of the United States and that of the former Attorney General. Those are great questions that will have to be judged and determined in the forum of public opinion, and, so far as any discussion or defense of the former Attorney General is concerned, that can be had when the committee now investigating this matter makes its report. All I

wanted to do, Mr. President, was to call attention to what I understood the Senator from Pennsylvania to say in one respect, not meaning to quote his exact language—

Mr. CARAWAY. I should like to suggest that the Senator had better be careful. [Laughter.]

Mr. WILLIS. I understood the Senator from Pennsylvania to express the idea that the Attorney General had been given a fair chance to present his case before the committee which is now investigating the case.

Mr. PEPPER. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Pennsylvania?

Mr. WILLIS. Certainly.

Mr. PEPPER. The Senator misunderstood me. I made no reference in that connection to proceedings before the committee. I spoke merely of the relations between the President and the Attorney General as Chief Executive and a member of the Cabinet, entirely without reference to anything that happened before the committee.

Mr. CARAWAY. Mr. President, will the Senator from Ohio yield just a second?

Mr. WILLIS. I yield.

Mr. CARAWAY. I hope the Senator will not get reckless and call on me if there is another family difference over there, because I want to get out of it.

Mr. WILLIS. I am glad to have the explanation or the statement—if it did not need explanation—made by the Senator from Pennsylvania. I think perhaps the statement he made might have been understood by the country in the way that I indicated before, but his disavowal of that meaning is sufficient.

At all events, without at this time criticizing or defending anybody, I simply want to call attention to the present situation. A committee was appointed to investigate the Department of Justice. That committee is now proceeding with its work. It has heard a number of witnesses. I do not at this time comment upon the hearsay testimony that has been reported in the papers nor upon the character of the witnesses. That would probably be improper at this time. All I want to call attention to now is the fact that up to the present moment there has been no opportunity, so far as I have observed, for the Attorney General, or those before the committee speaking for him, his counsel there, to call any witnesses in the Attorney General's behalf.

There has been but slight opportunity for the cross-examination of witnesses. In other words, it can not be truthfully said that the Attorney General has had any opportunity to present his case. The fact is that whatever case there is against him has been presented, but there has been no hearing thus far of the other side of the case.

I do not now criticize the committee because of the procedure it has adopted. No doubt full opportunity will be given for the summoning of witnesses and for the cross-examination of those who have already testified. All I want to call attention to is the fact that up to the present time the proceedings before the committee have been in the nature of a prosecution, and there has been no opportunity thus far for a defense. I make that statement so the situation may go before the country in its true light.

Mr. BROOKHART. Mr. President—

Mr. WILLIS. I yield to the Senator from Iowa.

Mr. BROOKHART. As I understand the Senator, he makes the claim that no opportunity has been given for cross-examination.

Mr. WILLIS. Only in very small part. I do not criticize the Senator or his committee for that. They simply have not proceeded that far.

Mr. BROOKHART. I call the Senator's attention to the fact that full opportunity has been given as to every witness except one, whose testimony, it seems, has not been completed. While much was said in the newspapers about cross-examining certain witnesses, when we reached the cross-examination there proved to be very little of it. It was not because we did not permit it.

Mr. WILLIS. I am not now criticizing the Senator, nor am I criticizing his committee. I am simply calling attention to the fact that in the proceedings thus far they have not perhaps come to the place where it was thought desirable to subpoena witnesses that the former Attorney General might desire to have called. In other words, the proceedings are by no means complete, so it can not be said strictly, until the committee has completed the hearings and made its report, that the former Attorney General has had opportunity to make defense.

I want to read one other paragraph from the letter which the Senator from Arkansas [Mr. CARAWAY] placed in the record. I think it is rather an important paragraph in what the former Attorney General said, on page 2 of his letter:

Your suggestion that an attack upon a Cabinet officer disqualifies him for further official service is a dangerous doctrine. Mr. President, all the pretended charges against me are false. But whether true or false, if a member of the Cabinet is to be incapacitated or disqualified by the proferment of charges against him, no matter how malicious and groundless, and he is compelled to give up his responsible position and sacrifice his honor for the time being because of such attack, no man in any official position is safe, and the most honorable, upright, and efficient public servant could be swept from office and stable government destroyed by clamor.

I think there is much wisdom in that paragraph upon which Senators and the country may well ponder.

A. W. MELLON, SECRETARY OF THE TREASURY.

Mr. McKELLAR. Mr. President, I ask unanimous consent out of order to submit a resolution, which I ask may be read.

Mr. BURSUM. Mr. President, it will take only a short time?

Mr. McKELLAR. It will take only a very short time.

The PRESIDENT pro tempore. The resolution will be read as requested.

The principal clerk read the resolution (S. Res. 200), as follows:

Whereas section 243 of the Revised Statutes of the United States provides as follows: "No person appointed to the office of Secretary of the Treasury, or first comptroller, or first auditor, or treasurer, or register shall, directly or indirectly, be concerned or interested in carrying on the business of trade or commerce, or be owner in whole or in part of any sea vessel, or purchase by himself, or another in trust for him, any public lands or other public property, or be concerned in the purchase or disposal of any public property, or be concerned in the purchase or disposal of any public securities of any State or of the United States; or take or apply to his own use any emolument or gain for negotiating or transacting any business in the Treasury Department other than what shall be allowed by law; and every person who offends against any of the prohibitions of this section shall be deemed guilty of a high misdemeanor and forfeit to the United States the penalty of \$3,000; and shall upon conviction be removed from office and forever thereafter be incapable of holding any office under the United States; and if any other person than the public prosecutor shall give information of any such offense upon which a prosecution and conviction shall be had, one-half the aforesaid penalty of \$3,000, when recovered, shall be for the use of the person giving such information."; and

Whereas section 3168 of the Revised Statutes of the United States provides as follows: "Any internal revenue officer who is or shall become interested, directly or indirectly, in the manufacture of tobacco, snuff, or cigars, or in the production, rectification, or redistillation of distilled spirits, shall be dismissed from office; and every officer who becomes so interested in any such manufacture, or production, rectification, or redistillation, or in the production of fermented liquors, shall be fined not less than \$500 nor more than \$5,000"; and

Whereas it appears from a letter from A. W. Mellon addressed to KENNETH McKELLAR, dated March 5, 1924: "The refunds to the Gulf Co. and its subsidiaries were charged against three appropriations depending upon the year in which the taxes refunded were originally collected. The payments were \$766,112.29 out of the appropriation for 'Refund of taxes illegally collected, 1918 and prior years'; \$1,350,884.63 from a similar appropriation for 1919; and \$1,211,143.07 for 1921"; and

Whereas it appears that in April, 1921, after A. W. Mellon had become Secretary of the Treasury in March, 1921, the Treasury refunded to the Gulf Refining Co. sums in amounts shown by excerpts from said letter; and

Whereas it is further shown in said letter that an abatement and settlement has since been made with the Atlantic, Gulf & West Indies Steamship Co., a company in which said A. W. Mellon is interested, in the sum of \$2,631,351; and

Whereas other settlements made with other companies in which the said A. W. Mellon is stockholder or otherwise interested; and

Whereas it appears that the said A. W. Mellon is interested in the Overholt Distilling Co.; Therefore be it

Resolved, That the Judiciary Committee of the Senate be and is hereby requested and instructed to hold hearings by itself or by a subcommittee and report with the least delay practicable: First, whether the said A. W. Mellon is directly or indirectly concerned in carrying on the business of trade or commerce. Second, whether he is the owner in whole or in part of any sea vessel. Third, whether he is holding the office of the Secretary of the Treasury of the United States in violation of section 243 of the Revised Statutes of the United

States, or any of the laws of the United States. Fourth, whether he is holding the office of the Secretary of the Treasury of the United States in violation of section 3168 of the Revised Statutes of the United States.

Mr. McKELLAR. Mr. President, I ask unanimous consent for the immediate consideration of the resolution.

Mr. BURSUM. I object.

The PRESIDENT pro tempore. The Senator from Tennessee asks unanimous consent for the immediate consideration of the resolution. Is there objection?

Mr. WADSWORTH. I object.

The PRESIDENT pro tempore. Objection is made.

Mr. HEFLIN obtained the floor.

Mr. McKELLAR. Will the Senator yield to me just a moment to submit a request?

Mr. HEFLIN. I yield for that purpose.

Mr. McKELLAR. I ask that the resolution may be printed and lie on the table, so that it can come up to-morrow. I shall call it up to-morrow.

The PRESIDENT pro tempore. The Senator from Tennessee asks that the resolution be printed and lie on the table.

Mr. HEFLIN. The resolution would go over until to-morrow, then.

The PRESIDENT pro tempore. What the Chair supposes the Senator from Tennessee desires is that the resolution shall go over under the rule.

Mr. McKELLAR. Yes; let it take that course.

The PRESIDENT pro tempore. That order will be made.

HARRY M. DAUGHERTY, LATE ATTORNEY GENERAL.

Mr. HEFLIN. Mr. President, I read from the Washington Post of to-day a report about the committee investigating Mr. Daugherty and the Department of Justice. After telling what was going on, the article says:

Meanwhile the Attorney General's continuance in the Cabinet again became the subject of speculation throughout official Washington.

Further proceedings of the inquiry committee brought out a qualified refusal from the Attorney General to allow the committee's agents access to his department's files for "a general fishing expedition," additional testimony concerning prosecutions of war-time frauds in aircraft with the possible passage of bribe money to "block" their continuance, the day was concluded with Chairman BROOKHART preparing to appeal to President Coolidge for the files the Attorney General was refusing.

Mr. President, for more than a month I have been calling on the President to remove Mr. Daugherty. I said that he was in possession of all these files and correspondence and that the committee could not get to the files in the Department of Justice. I did not know then that he would refuse outright to permit the Senate committee to go into the department to look into the Government files to see what they wanted to use in investigating crooked and corrupt practices against the Government. But the newspapers this morning tell us that on yesterday he flatly refused to permit the committee to have and examine certain files.

An Attorney General of the United States, at the head of the Department of Justice, refuses permission to a Senate committee, another part of the Government that he is supposed to serve, to come in and look into the files of the Government's Department of Justice. Why, Mr. President, it seems to me that any honest Attorney General would say, "Gentlemen, come in. Just help yourselves. Go through the files. I am innocent. Anything that you can find out about me and my conduct of this office I want you to find out. I will help you to find it out. Every agency in this department is at your service." But what do we find him doing, this man who talks about "stable government" perishing from the earth? We find him sitting tight and refusing to let the committee come in and investigate the testimony, and he calls it a "general fishing expedition."

When I read that, Mr. President, I thought of Mr. Gaston B. Means, on behalf of the Department of Justice, going through the private offices of Senators, reading their correspondence from their constituents. That was a "general fishing expedition," carried on in the nighttime. When the Senator was at home asleep his office was unlocked by somebody and an agent of the Department of Justice permitted to go in and examine his private papers and all the secret correspondence he might have from his constituents, perhaps regarding patents that they wanted to get, confiding to the Senator, as they frequently do, something of great value to them and to the country, a patent of an invention of some kind. The Attorney General permitted his detectives, or had them do it, to go through all of those private papers.

For what purpose? To get something against the Senator, in order, if he ever opened his mouth against him, that he might say, "Now, you be quiet; I have got something on you." So, instead of the Department of Justice being a department to enforce the law and to do justice between man and man, I find it using its instrumentalities to prevent justice from being done and to harass and embarrass and intimidate some Senator on whom they might find something. These detectives went through the office of the Senator from Arkansas [Mr. CARAWAY] and they read his correspondence; they went through the office of the Senator from Wisconsin [Mr. LA FOLLETTE]; and God only knows how many other offices they went through. That was a "general fishing expedition"; it was fishing in the night, when Senators were at home asleep; but the Department of Justice was awake, and its smooth and alert detectives were quietly going through the offices of United States Senators.

That mercy I to others show,

That mercy show to me.

It is coming home to roost in the case of Mr. Daugherty, who has used the instrumentalities of the secret service to intimidate men who have sworn to do their duty and who are seeking to safeguard the institutions of their country. He finds that, in spite of all the cloaking and covering up that he can do, we have created such a wave of public opinion in the country, as evidenced by the returns coming in from South Dakota, that altogether a marvelous effect has been produced upon the President in the last 24 hours. So Mr. Daugherty is out.

Mr. President, I trust that the Senator from Iowa [Mr. BROOKHART] will take his cause to the President and ask the President to give him an order to go into the Department of Justice and secure whatever files the committee thinks they need in this investigation.

I am glad that the Attorney General has gone, and that the American people can now have access to that testimony, and that the agents under him will be free and unfettered now and permitted to testify without the fear of being removed from office by Mr. Daugherty. It is the most outrageous thing that has come to my attention in a long time that the President has permitted him to stay in office in the face of all these ugly disclosures. A letter was read here in which the President told Mr. Daugherty that he was just doing things magnificently; but now the President says, "The time has come when the trigger has got to be set under you and you have got to be offered up."

The political leaders on the other side had already been up to see the President. The Senator from Massachusetts [Mr. LODGE], the Senator from Pennsylvania [Mr. PEPPER], and the able Senator from Idaho [Mr. BORAH] went to see the President. I once before related here that the Senator from Idaho was talking to the President, as the story goes, and the President said, "Tell me again the reason why you think Daugherty ought to be removed." The brave Senator from Idaho commenced, and the President asked, "Do you not think that Daugherty ought to be present?" The Senator from Idaho said, "I have no objection." So a button was touched, and Mr. Daugherty walked in from another room. He was already hard by.

When Mr. Daugherty came in, the Senator from Idaho proceeded to repeat to the President just what he had previously told him. But what was done? Nothing.

Then the Senator from Massachusetts [Mr. LODGE] and the Senator from Pennsylvania [Mr. PEPPER], we are told, went up and talked with the President. Then they had a talk with Mr. Daugherty, I believe, and they wanted Mr. Daugherty to resign, and, if I correctly remember the story which was printed, they were of the opinion that the presence of Mr. Daugherty in the Cabinet was hurting the Republican Party. There was a political reason, it seems. Yet the Senator from Pennsylvania talks this afternoon about somebody trying to make political capital out of this thing. Mr. President, it comes back to what I said a few days ago—and others have said the same thing—it is the duty of one political party, if that party is out of power and the other party is in, if the party in the minority finds the officials of the other party unfaithful and corrupt in office, they owe it to themselves and to their country and to their party to expose that crookedness and corruption and to demand that the guilty officials be put out. If that were not the case, there would be no disclosing of these facts to the country. We are here to look after the interest of the people of the United States. It is our duty to protect from pillage and plunder the rich resources of the Nation.

I heard Governor Pinchot this morning before the Committee on Agriculture and Forestry talking about our forest lands and our timber rapidly disappearing and suggesting how we should protect and conserve these great natural resources.

When these resources are gone they are gone forever. The coal lands that belong to the Government and the timberlands that belong to the Government are turned over to those in charge of the Government for safe-keeping, and ought to be honestly guarded. The coal lands ought not to be turned over to rich coal kings for campaign funds, and the timber kings ought not to be permitted to go into the forests and cut these resources away and make their millions in lumber.

There are some men in this country who care nothing for any political party except as that party will let them go in and gobble up the resources of the country. Mr. President, that kind of men have fastened themselves onto the ship of the Republican Party like so many barnacles. They are all over it. That old ship has got to be brought in; it has got to be worked on; it has got to be scraped; the barnacles have got to be removed before that old ship will ever sail smoothly again in the political waters of the United States. The Senator from Pennsylvania had just as well get that into his head.

I have here an editorial from the Wilkes-Barre Telegram, which is an independent paper, and which says:

The country is in a state of "hysteria"—admit it and applaud it as a healthy sign. But hardened indeed in the ways of corruption must a nation be which can contemplate, without a sense of outrage, the shameful disclosures of the last two months without the dismissal of a single culprit and without any indication of criminal proceedings.

That is how some of the people in the country are looking at these terrible disclosures; and yet there are Senators and those outside who would like to have these investigations stopped; who would like to pull the curtain down and say, "We have had enough of investigations." Have we had enough until we have uncovered every crooked act on the part of officials of the Government? Have we had enough until we have removed every corrupt man from Federal office? Certainly we have not. This editorial goes on:

The spectacle of Daugherty returning from Florida within the last 10 days, jauntily and cynically, to take his place in the council chamber of the President of the United States has not been lost upon the country. LODGE sees it now, and BONAH sees it, and PERRIN sees it, but the President does not see it yet.

Daugherty is a barnacle, and he sticks.

But he fell off to-day, Mr. President. I am glad that the President has at last taken some action.

It is a serious thing to have in office an Attorney General as to whom all the terrible disclosures have been revealed as they have in the case of Mr. Daugherty. It is a dreadful thing to retain a man like that in the Cabinet. It is a terrible thing to have a man like that sitting over the testimony that is expected to be used against him and refusing the constituted authorities of the Nation the right to go in, examine, and get that testimony.

On yesterday I understand that Mr. Daugherty's brother, a banker, declined to permit the committee to see the bank's books, in order to find out about the deposits of Jess Smith, Daugherty, and others that Roxie Stinson told about. The brother of the Attorney General said, "No; I will not permit these books to be examined." And on the very same day his brother, the Attorney General, said "No; you can not come into this department on a fishing expedition." I think it was high time that the President should act, and I am glad he has acted. He has waited too long about acting. When such facts come out as have come out in this case, disclosing crooked conduct, the American people want quick action so as to teach others not to follow the wicked footsteps of others.

Mr. President, before I sit down I wish to say that I want to see the President appoint a man to the office of Attorney General who has backbone and courage and unimpeachable integrity. The New York Times said in an editorial not long ago that Mr. Daugherty was not fit for the position of Attorney General either by training or by character. The Senator from Pennsylvania has practically said the same thing to-day. I want to appeal to the President on behalf of the whole people—and I believe the whole people feel that way—that he appoint an Attorney General with no strings tied to him by the big interests, one who will go into office standing with head erect, free, and unfettered to act, not in behalf of Doheny and Sinclair and other violators of law, but who will go in there to act on behalf of this Government, to see that the

laws are enforced and so conduct his office that no charge of scandal can be laid at the door of the United States Government's great Department of Justice.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Hattigan, one of its clerks, announced that the House had receded from its disagreement to the amendments of the Senate Nos. 29 and 33 to the bill (H. R. 7449) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1924, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1924, and for other purposes, and concurred therein; and that the House had receded from its disagreement to the amendment of the Senate No. 22, and concurred therein with an amendment, in which it requested the concurrence of the Senate.

FIRST DEFICIENCY APPROPRIATIONS.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives on certain amendments of the Senate to House bill 7449, which was read, as follows:

IN THE HOUSE OF REPRESENTATIVES,

March 28, 1924.

Resolved, That the House recede from its disagreement to the amendments of the Senate numbered 29 and 33 to the bill (H. R. 7449) entitled "An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1924, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1924, and for other purposes," and concur therein.

That the House recede from its disagreement to the amendment of the Senate numbered 22, and concur therein with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert: "Provided, That the amounts herein and heretofore appropriated for 'miscellaneous expenses, United States courts,' shall be available for expenses properly chargeable thereto when authorized or approved for payment by the Attorney General."

Mr. WARREN. Mr. President, I move that the Senate agree to the amendment of the House.

Mr. CURTIS. Mr. President, to save the status of the other bill, I suggest that we lay it aside temporarily by unanimous consent.

The PRESIDENT pro tempore. The Senator from Wyoming asks that the unfinished business be temporarily laid aside. Is there objection?

Mr. BURSUM. With the understanding that it is only a temporary laying aside of the bill, I have no objection.

The PRESIDENT pro tempore. The Chair hears no objection. The Senator from Wyoming moves that the Senate agree to the amendment of the House to the amendment of the Senate numbered 22.

Mr. WARREN. That will close up the matter entirely.

The motion was agreed to.

Mr. WARREN. I wish to say that that completes the deficiency appropriation bill. The items that were objected to by the House are now out of the way.

PENSIONS AND INCREASE OF PENSIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 5) granting pensions and increase of pensions to certain soldiers and sailors of the Civil and Mexican Wars and to certain widows, former widows, minor children, and helpless children of said soldiers and sailors, and to widows of the War of 1812, and to certain Indian war veterans and widows.

The PRESIDENT pro tempore. The Secretary will state the next amendment.

The next amendment of the Committee on Pensions was, in section (8) 11, on page 11, line 8, after the word "increase," to insert "in the rate"; in line 7, before the word "day," to strike out "first" and to insert "fourth"; and in line 13, after the name "Bureau of Pensions," to insert "after the approval of this act," so as to read:

SEC. 11. That the pension or increase in the rate of pension herein provided for, as to all persons whose names are now on the pension roll, or who are now in receipt of a pension under existing law, shall commence at the rates herein provided on the fourth day of the next month after the approval of this act; and as to persons whose names are not now on the pension roll, or who are not now in receipt of a pension under existing law, but who may be entitled to a pension under the provisions of this act, such pensions shall commence from

the date of filing application therefor in the Bureau of Pensions after the approval of this act in such form as may be prescribed by the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, in section (8) 11, on page 11, line 15, to add to the section the following:

and the issue of a check in payment of a pension for which the execution and submission of a voucher was not required shall constitute payment in the event of the death of the pensioner on or after the last day of the period covered by such check, and it shall not be canceled, but shall become an asset of the estate of the deceased pensioner.

The amendment was agreed to.

The next amendment was, on page 12, to strike out section 10, in the following words:

Sec. 10. That no claim agent or attorney or other person shall be recognized in the adjudication of claims under this act except in claims for original pension, and in such cases no more than the sum of \$10 shall be allowed for services in preparing, presenting, or prosecuting any such claim, which sum shall be payable only on the order of the Commissioner of Pensions; and any person who shall violate any of the provisions of this section, or shall wrongfully withhold from the pensioner or claimant the whole or any part of a pension allowed or due to such pensioner or claimant under this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall for each and every offense be fined not exceeding \$500 or be imprisoned not exceeding one year, or both, in the discretion of the court.

The amendment was agreed to.

The next amendment was, on page 12, after the section stricken out, to add an additional section as follows:

Sec. 18. That no claim agent, attorney, or other person shall contract for, demand, receive, or retain a fee for services in preparing, presenting, or prosecuting claims for the increase of pension provided for in this act; and no more than the sum of \$10 shall be allowed for such services in other claims thereunder, which sum shall be payable only on the order of the Commissioner of Pensions; and any person who shall directly or indirectly otherwise contract for, demand, receive, or retain a fee for services in preparing, presenting, or prosecuting any claim under this act, or shall wrongfully withhold from the pensioner or claimant the whole or any part of the pension allowed or due to such pensioner or claimant under this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall for each and every such offense be fined not exceeding \$500 or be imprisoned not exceeding one year, or both, in the discretion of the court.

The amendment was agreed to.

The next amendment was, in section (11) 14, on page 13, line 11, to strike out the word "repealed," and to insert: "modified and amended only so far and to the extent as herein specifically provided and stated" so as to make the section read:

Sec. 14. That all acts and parts of acts in conflict with or inconsistent with the provisions of this act are hereby modified and amended only so far and to the extent as herein specifically provided and stated.

The amendment was agreed to.

Mr. BURSUM. Mr. President, I desire to offer an amendment at the end of section 9, intended to give the nurses who served during the Spanish War the same hospitalization privileges which have been given in other pension bills.

The PRESIDENT pro tempore. The amendment will be stated.

The READING CLERK. It is proposed to add at the end of section 9, page 8, the following:

Provided further, That any and all laws, whether relating to pensions or any other subject, applicable to women who belonged to the Nurse Corps of the Army after February 2, 1901, shall apply equally to any woman who served honorably as nurse, chief nurse, or superintendent of the Nurse Corps between April 21, 1898, and February 2, 1902.

Mr. BURSUM. Mr. President, a provision similar to this was provided in the widows' pension bill at the last session of Congress. It is nothing new. It merely applies to hospitalization, giving them the same rights that members of the Nurse Corps have.

Mr. KING. Will the Senator explain just what this amendment is intended to cover, and what objects it has in view?

Mr. BURSUM. It covers a few contract nurses who served in Cuba, giving them the same status as is provided by law for members of the Nurse Corps in the matter of privileges and hospitalization. It is nothing new whatever. It is not new legislation.

Mr. KING. Let me understand the Senator. Do all persons who served as nurses in the various wars—the Spanish War and other wars—obtain pensions and hospitalization privileges?

Mr. BURSUM. Oh, no; this has no bearing on their pensions. They do receive pensions under certain conditions. They receive disability pensions under the bill which was passed at the last session of Congress; and by that legislation it was provided that contract nurses who served in Cuba should have the same privileges as those belonging to the Nurse Corps.

The PRESIDENT pro tempore. The Chair desires to suggest that there must be a reconsideration of the vote by which the amendment at the close of line 7, in section 9, was agreed to before the amendment now offered by the Senator from New Mexico will be in order.

Mr. DIAL. I made that motion, Mr. President. I renew the motion now.

The PRESIDENT pro tempore. Without objection, the vote by which the amendment to section 9 was agreed to will be reconsidered. The question now is upon the amendment proposed by the Senator from New Mexico to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. DIAL. Mr. President, before we went into the last war a great scandal had arisen in the United States in regard to pensions. Those who were in control of our Government at the time we went into the war tried to prepare for the future and thereby prevent the recurrence of more scandals in the United States in regard to pensions. They provided for insurance upon the lives of the soldiers, and thought they were thereby avoiding the payment of pensions in the future so far as soldiers in that war were concerned; and it was thought that at an early date pensions of other wars would cease.

Mr. President, with all due respect to my colleagues, I do not believe that they fully realize the viciousness and the injustice and the robbery of this bill. Some in the past have been bad, but they are not to be compared to this bill. I do not believe that many people in the States where these pensions are paid would sustain any such principle as is embodied in this bill. It seems to me that it is nothing short of legislative robbery; and, with all due respect to my colleagues, I can not understand the workings of their minds, after they have been elected by people, many of whom are burdened down with taxes, many of whom are deprived of the comforts of life, when they come in here and dish out, almost without any consideration, I might say, \$55,000,000 of the people's money annually, and perhaps a great deal more.

This bill is not in intelligible shape. It is necessary to look to the Revised Statutes of the United States to discover who are intended to be pensioned by it. It is loose and ragged and rough and disconnected legislation.

Mr. President, it is well to be charitable. That is a quality to be commended in the hearts of all people; but people ought to be charitable with their own means and not put upon other people burdens which they cannot bear.

It is a very easy matter to vote taxes, and those who vote the taxes can soon step from under; but when you once vote taxes and pensions, they remain upon the people and some one has to pay them or the Government will fail sooner or later and we will have to go into repudiation.

I have been an optimist all of my life. I have had as much energy, if you will excuse me for saying so, as a steam engine; but I must say that I believe this country has gone beyond the limit in the burdens imposed upon the people. This bill, without a semblance of justice in it, proposes to pick up people who served in a war or whose names were on the roll 60 or 90 days only, who perhaps were not within a thousand miles of a battle or a bullet, and just simply because their names were on the Federal roll it is sought now to make them a selected class and give them a great gratuity out of the Treasury of the United States.

I yield to no one in my respect for a true soldier, for a man who really fought; but here you go and look up all of the deserters, all of the camp followers, and all of the stragglers that followed the Union Army during the war and get them on the roll. You have been adding them on for years and years and years. You added 5,000 at one time a year or two ago. Last year, I am thankful to say, I defeated that crowd—about 1,360 of them, I believe.

We do not know what this bill means, Mr. President. I do not. I hope my colleagues do, but I question it.

For instance, on page 6, beginning at line 13, the bill says:

That the provisions, limitations, and benefits of this act shall be extended to and shall comprehend and include each and severally the classes of persons enumerated in the first, second, third, fourth, and fifth paragraphs of section 4693, Revised Statutes of the United States, who served during the Civil War; and also any person who is now or

may hereafter become entitled to pension under the acts of June 27, 1890, February 15, 1895, and the joint resolutions of July 1, 1902, and June 28, 1906—

And so on.

There is nothing here to show who those people are, how many there are, and how much pension will be paid them. The bill ought to be redrawn, and the beneficiaries ought to be enumerated or designated so that the bill itself would show who was entitled to the benefits under it. I call that loose legislation, careless legislation, and I am amazed at the little interest being taken in it.

It does not require that an applicant should have been wounded. It does not require that he shall be in straitened financial circumstances, or anything of that sort. As a matter of fact, I believe that since I have been a Member of this body it has been developed on this floor that a man drew a Federal pension at the same time he was drawing a salary as a United States Senator, and perhaps a salary as an ex-United States official, and when he died his estate was worth \$7,000,000. Yet the people of this country were taxed to pay him a pension.

I do not see the force, the strength, the honesty, the justice of such a bill as this. History tells us that there are only about three generations from shirt sleeve to shirt sleeve. Yet this is a bill to set people up with magnificent support, that is to be handed down to those comely women who married them late in life. That pension is to be handed on down to posterity, like the operation of the law of primogeniture in England. In 1923 we paid out \$253,000,000 in pensions, the largest amount that has been paid out in pensions since the Civil War.

Where are we going, Mr. President? When are we going to stop? I can not forget the people at home, who labor 12 and 14 hours a day on the farm, and who have a hard time making ends meet, and whose property now is being sold for taxes. Yet we come here and allow people to take money out of the Treasury simply because their names were on the roll 60 or 90 days during the time when they ought to have been doing their duty, if they did not.

If the people of the United States understood this bill, and how loosely we legislate here, I venture to say there would be almost an uprising in this country.

Mr. NEELY. Mr. President—

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from West Virginia?

Mr. DIAL. I yield with pleasure.

Mr. NEELY. Does the Senator think that the Congress would cause an uprising by expressing its gratitude to those who fought to save the country and defend the flag?

Mr. DIAL. Not for expressing it in a proper way.

Mr. NEELY. What better way is there to express it to those who are in need and tottering on the brink of the grave than to grant them such pensions as will enable them to live in comfort?

Mr. DIAL. If my friend had read the bill he would not have asked me the question. I raise no point as to those who were wounded or disabled. I say that it is the duty of the Government, as I said yesterday, to take care of the wounded and disabled, to support them, and support their dependents. But this bill does not refer to them alone. It refers also to people who did not have a scratch on them and not a diseased bone or muscle in their bodies.

Mr. NEELY. Will the Senator again yield?

Mr. DIAL. I yield.

Mr. NEELY. Then my good friend, the distinguished Senator, thinks that in order to entitle a soldier to compensation, regardless of his financial condition, he must have been seriously wounded? I wish to assure the Senator that I have not only read the bill but that as a member of the committee that prepared the bill I made the motion in the committee by virtue of which the able Senator from New Mexico [Mr. BURSUM] favorably reported it to the Senate. I hope it may be passed without further loss of time.

Every Member of this body knows that it will pass eventually, so why not pass it now? Every Member of this body knows that those who are opposing the bill are not voicing the sentiments of a majority of the Democratic Members of the Senate. They are speaking for themselves alone. I do not believe there are more than four on this side of the Chamber who are not heartily in favor of the passage of the bill. I find no fault with my distinguished friend from South Carolina or any other Member for conscientiously opposing the measure, but inasmuch as it is a foregone conclusion that this bill will become a law during the session why should we not vote on it immediately and grant the relief it contemplates without delay?

Mr. DIAL. Mr. President, it is not a question with me as to what the Democrats or what the Republicans think about a bill. I am not here to play cheap politics, to try to get votes by paying money out of the Treasury of the United States. That is not commendable any more than it would be commendable to try to buy a vote with money out of your own pocket. In fact, it is less commendable than trying to buy votes with money out of your own pocket. I believe I am talking in the interest of the people of this country. I care nothing about the effect it will have on politics one way or the other. Somebody has to sound a warning sooner or later. President Harding himself would not approve this bill. I said on the floor of the Senate when he vetoed it that I had never expected to live to see a Republican President veto a Civil War pension bill, but that President did it, and I wanted to extend to him the congratulations of the people of this country, to which he was entitled.

Mr. NEELY. Will the able Senator from South Carolina further yield?

Mr. DIAL. Certainly.

Mr. NEELY. The Senator states that President Harding vetoed this bill. I wish to inquire if the Senator thinks that President Harding's successor will also veto it?

Mr. DIAL. I have strong hopes. While I am not a spokesman of any Republican, I have confidence in President Coolidge, confidence in his honesty, confidence in his uprightness, and confidence in his manhood; and I will say to my friend from West Virginia that he said the other day—so I saw in the papers—that he did not believe in an increase of pensions at the present time, and if the Senator will allow me, while I am not in communication with the President, I interpreted that to mean he was against this bill.

Mr. NEELY. Is the Senator from South Carolina sufficiently strong in that conviction to let us submit the proposition to the President at once?

Mr. DIAL. Absolutely.

Mr. NEELY. And let the President determine the fate of the bill without further debate?

Mr. DIAL. No; it is one of my privileges to debate questions on this floor, and I take up about as little time as any man here. I do not talk just to hear myself talk, or to please the galleries. I try to have something to say, and when I get through saying it, I quit.

I am not like the man spoken of by the little boy down in the South. A gentleman was on the outside of a hall waiting to carry a speaker home, but he became very tired waiting. The speaker was long-winded, as some other speakers sometimes are. At last a little boy slipped out of the back door of the hall and went around to the front, and the gentleman in the automobile said, "Say, bud, is that man in there through speaking?" The boy answered, "Gee, mister, he's through, but he won't quit." [Laughter.] When I get through I usually quit, Mr. President. If it were within my power, I would speak to the end of this session to kill this bill, but I realize that is physically impossible, and I am not going to attempt it.

Mr. President, I do not want to be misunderstood. I have nothing to say against the Government taking care of the wounded and disabled soldiers of any war, but when they go around and rake over this country to hunt up and bring in people just simply to get them on the pension rolls to draw pensions, I am totally opposed to it. It is not a question of politics; it is simply a question of common honesty and of common decency and of common right.

I venture to say there is nothing in the world to be compared to it. So far as politics is concerned, I would not be afraid to make it an issue in any State in the Union, and leave it to a vote of the people as to whether they approve paying an enormous sum monthly to able-bodied men.

Mr. President, I have here a good many amendments that I want to offer.

Mr. BURSUM. Mr. President—

Mr. DIAL. I yield.

Mr. BURSUM. Is the amendment which I offered to section 9 disposed of?

The PRESIDENT pro tempore. The question is upon the committee amendment as amended by the amendment offered by the Senator from New Mexico.

Mr. BURSUM. May I ask the Senator from South Carolina if he will not let us complete the amendments to section 9?

Mr. DIAL. I thought they were all completed.

Mr. KING. May I inquire of the Senator if, after he has completed his amendments, he will have a reprint of the bill made so that when we meet on Monday it may be before us?

Mr. BURSUM. The bill is all printed except this one little amendment.

Mr. KING. I understood that there had been one reprint and a number of amendments had been submitted since.

Mr. BURSUM. No amendment except this one amendment, which is a minor affair. The other amendments were printed in the bill, and the language of the bill as originally drawn appears with lines through it where it has been stricken out, so that the bill as now printed represents the bill together with the amendments as agreed on in the committee. Will the Senator from South Carolina permit a vote on this one amendment?

Mr. DIAL. I understand I can offer mine later?

Mr. BURSUM. Certainly.

The PRESIDENT pro tempore. The Chair understands that the Senator from South Carolina desires to offer an amendment to section 9, the amendment to which has already been agreed to.

Mr. BURSUM. I did not so understand.

Mr. DIAL. Not to the last amendment, but to section 9.

The PRESIDENT pro tempore. Once the committee amendment as amended is agreed to, the matter will be closed until the bill reaches the Senate.

Mr. DIAL. I do not want that to be the case.

Mr. CURTIS. Does the Senator want to amend section 9, or some other section?

Mr. DIAL. Section 9. There are a lot of other sections that I want to amend, but I want to amend section 9 in several respects. I do not know about the amendment which the Senator from New Mexico has pending, but I do want to amend section 9.

Mr. BURSUM. I would like to have the amendment now pending disposed of.

Mr. DIAL. Then, before section 9 is passed I can move to amend it, as I understand.

Mr. BURSUM. Certainly.

The PRESIDENT pro tempore. The amendment to section 9 has been agreed to, and the question is on agreeing to the amendment of the committee as amended.

Mr. KING. I suggest that the Senator from New Mexico, having made disposition of his amendment, the Senator from South Carolina can tender his amendment and have it pending.

Mr. BURSUM. He can either do that or have a vote on it. I do not know that the Senator is much interested in section 9. It is a different section that he desires particularly to amend, I believe.

Mr. DIAL. Yes; I am interested in section 9.

The PRESIDENT pro tempore. Will the Senator from South Carolina send to the desk the amendment which he desires to offer to section 9?

Mr. DIAL. I have several amendments to offer to section 9, the committee amendment.

The PRESIDENT pro tempore. The Senator from South Carolina offers an amendment to section 9, the committee amendment, as amended, which will be stated by the Secretary.

The READING CLERK. On page 9, line 6, the Senator from South Carolina moves to amend by striking out "\$50" and inserting "\$40."

Mr. DIAL. I want to state that this has reference to Spanish-American War veterans.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from South Carolina to the amendment of the committee.

The amendment to the amendment was rejected.

Mr. DIAL. I now offer the next amendment to section 9, which I have sent to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The READING CLERK. On page 9, line 6, strike out "\$20" and insert "\$30."

The amendment to the amendment was rejected.

The PRESIDENT pro tempore. The Secretary will state the next amendment proposed by the Senator from South Carolina to the committee amendment.

The READING CLERK. On page 9, line 15, strike out "\$30" and insert "\$40."

The amendment to the amendment was rejected.

The READING CLERK. The next amendment offered by the Senator from South Carolina to the amendment of the committee is on page 9, line 16, to strike out "\$40" and insert "\$50."

The amendment to the amendment was rejected.

The READING CLERK. The next amendment offered by the Senator from South Carolina to the amendment of the committee is on page 9, line 18, to strike out "\$50" and insert "\$60."

The amendment to the amendment was rejected.

The READING CLERK. The Senator from South Carolina proposes to amend the committee amendment by striking out the proviso, beginning in line 18, in the following words:

Provided, That all leaves of absence and furloughs under General Orders, numbered 150, August 29, 1898, War Department, shall be included in determining the period of pensionable service.

Mr. DIAL. It is a very indefinite proposition that is contained in the proviso. There is no telling how many it includes. There is nothing to show the pertinency or relevancy of it. I hope that it will be stricken out.

Mr. BURSUM. I will say that it is in accordance with the present law. There is no change from the present law in that respect. I hope the amendment offered by the Senator from South Carolina to the amendment of the committee will be rejected.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from South Carolina to the amendment of the committee.

The amendment to the amendment was rejected.

The PRESIDENT pro tempore. The question is upon agreeing to the committee amendment as amended.

The amendment as amended was agreed to.

Mr. CURTIS. Mr. President, I ask unanimous consent to temporarily lay aside the unfinished business.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

ALFRED J. PEARSON, MINISTER TO POLAND.

Mr. CURTIS. I ask unanimous consent, as in open executive session, to have referred to the Committee on Foreign Relations the nomination which I send to the desk.

The PRESIDENT pro tempore. The nomination will be read.

The reading clerk read as follows:

To be envoy extraordinary and minister plenipotentiary to Poland, Alfred J. Pearson, of Iowa.

The PRESIDENT pro tempore. The nomination will be referred to the Committee on Foreign Relations.

ADJOURNMENT TO MONDAY.

Mr. CURTIS. I move that the Senate adjourn until Monday next at 12 o'clock.

The motion was agreed to; and the Senate (at 5 o'clock and 5 minutes p. m.) adjourned until Monday, March 31, 1924, at 12 o'clock meridian.

NOMINATION.

Executive nomination received by the Senate March 28, 1924.

ENVOY EXTRAORDINARY AND PLENIPOTENTIARY.

Alfred J. Pearson, of Iowa, to be envoy extraordinary and minister plenipotentiary of the United States of America to Poland.

HOUSE OF REPRESENTATIVES.

FRIDAY, March 28, 1924.

The House met at 12 o'clock noon, and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Blessed be the Lord God, our strength and our redeemer. Speak to us again through the presence of Thy Spirit, and do Thou truth and wisdom give. Oh love divine, man's strength and support in every time of need, be Thou our stay and comfort. Wherever duty leads, wherever responsibility directs, Oh let Thy guidance lead the way and direct our course. Come to all our homes with rich blessings of happiness, take care of all loved ones who may be far away, and bless all of us with great peace of mind and rest of heart. Through Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

TREASURY AND POST OFFICE DEPARTMENT'S APPROPRIATION BILL.

Mr. MADDEN, chairman of the Committee on Appropriations, presented for printing under the rule the conference report on the bill (H. R. 6349) making appropriations for the Treasury and Post Office Departments.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 1310. An act for the relief of Annie H. Martin;
S. 1307. An act for the relief of Albert Andrews for the loss of personal effects while serving with the military forces of the United States;

S. 935. An act for the relief of the Erie Railroad Co.;
S. 87. An act for the relief of the Near East Relief (Inc.);
S. 148. An act for the relief of William Mortesen;
S. 84. An act for the relief of the owners of the steamship *Ceylon Maru*;

S. 82. An act for the relief of the owners of the steamship *Comanche*;

S. 78. An act for the relief of the owners of the barge *Anode*;
S. 2122. An act to create a Pribilof Islands fund and to provide for the disposition of surplus revenue from the Pribilof Islands, Alaska, and for other purposes;

S. 904. An act for the relief of William J. Ewing;
S. 709. An act for the relief of the Commercial Pacific Cable Co.;

S. 732. An act for the relief of the Alaska Steamship Co.;

S. 1718. An act to amend section 4404 of the Revised Statutes of the United States as amended by the act approved July 2, 1918, placing the supervising inspectors of the Steamboat Inspection Service under the classified civil service;

S. 1918. An act relative to officers in charge of public buildings and grounds in the District of Columbia;

S. 1330. An act for the relief the estate of Ely N. Sonnenstrahl;

S. 2704. An act to amend paragraph (3), section 10, of the interstate commerce act;

S. 2538. An act to revive and reenact the act entitled "An act authorizing the counties of Aiken, S. C., and Richmond, Ga., to construct a bridge across the Savannah River at or near Augusta, Ga.," approved August 7, 1919; and

S. 2090. An act to provide for the advancement on the retired list of the Regular Army of Second Lieut. Ambrose I. Moriarty.

The message also announced that the President pro tempore had appointed Mr. BORAH and Mr. JONES of New Mexico members of the joint select committee on the part of the Senate, as provided for by the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for disposition of useless papers in the Department of Commerce.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 655) to provide for a tax on motor-vehicle fuels sold within the District of Columbia, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. BALL, Mr. JONES of Washington, and Mr. KING as the conferees on the part of the Senate.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 1310. An act for the relief of Annie H. Martin; to the Committee on Claims.

S. 1307. An act for the relief of Albert Andrews for the loss of personal effects while serving with the military forces of the United States; to the Committee on War Claims.

S. 935. An act for the relief of the Erie Railroad Co.; to the Committee on Claims.

S. 87. An act for the relief of the Near East Relief (Inc.); to the Committee on Claims.

S. 148. An act for the relief of William Mortesen; to the Committee on Claims.

S. 84. An act for the relief of the owners of the steamship *Ceylon Maru*; to the Committee on Claims.

S. 82. An act for the relief of the owners of the steamship *Comanche*; to the Committee on Claims.

S. 78. An act for the relief of the owners of the barge *Anode*; to the Committee on Claims.

S. 2122. An act to create a Pribilof Islands fund and to provide for the disposition of surplus revenue from the Pribilof Islands, Alaska, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

S. 904. An act for the relief of William J. Ewing; to the Committee on Claims.

S. 709. An act for the relief of Commercial Pacific Cable Co.; to the Committee on Claims.

S. 732. An act for the relief of the Alaska Steamship Co.; to the Committee on Claims.

S. 1718. An act to amend section 4404 of the Revised Statutes of the United States, as amended by the act approved July 2,

1918, placing the supervising inspectors of the Steamboat Inspection Service under the classified civil service; to the Committee on the Merchant Marine and Fisheries.

S. 1918. An act relative to officers in charge of public buildings and grounds in the District of Columbia; to the Committee on Public Buildings and Grounds.

S. 1330. An act for the relief of the estate of Ely W. Sonnenstrahl; to the Committee on War Claims.

S. 2704. An act to amend paragraph (3), section 10, of the interstate commerce act; to the Committee on Interstate and Foreign Commerce.

S. 2090. An act to provide for the advancement on the retired list of the Regular Army of Second Lieut. Ambrose I. Moriarty; to the Committee on Military Affairs.

FIRST DEFICIENCY BILL, 1924.

Mr. MADDEN. Mr. Speaker, I call up the conference report on the deficiency bill, H. R. 7449.

The SPEAKER. The gentleman from Illinois calls up the conference report on the deficiency bill, H. R. 7449. Does the gentleman desire the report to be read?

Mr. MADDEN. Yes; the report. I think the report is all right.

The conference report was read, as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7449) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1924, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1924, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 14, 15, 18, 23, 30, and 37.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 9, 10, 12, 13, 16, 17, 19, 20, 24, 25, 26, 27, 28, 30, 31, 32, 34, 35, 38, 39, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, and 52, and agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For payment of expenses incurred by the Sergeant at Arms on account of attendance of the committee of Senators at the funeral of the late President Warren G. Harding, \$5,000"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"PUBLIC BUILDINGS COMMISSION.

"For expenses of the Public Buildings Commission, \$10,000, to remain available until expended."

And the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: Strike out all of the matter inserted by said amendment after the sum "\$70,000"; and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Provided, That the headstones furnished hereunder shall be of such design and material as may be agreed upon by the Secretary of War and the American Battle Monuments Commission"; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 22, 29, and 33.

MARTIN B. MADDEN,

D. R. ANTHONY, Jr.,

JOSEPH W. BYRNS,

Managers on the part of the House.

F. H. WARREN,

CHARLES CURTIS,

LEE S. OVERMAN,

Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7449) making appropriations to

supply deficiencies in certain appropriations for the fiscal year ending June 30, 1924, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1924, and for other purposes, submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report; as to each of said amendments, namely:

On Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10: Appropriates for expenses of the Senate in the amounts proposed in the Senate amendments.

On No. 11: Appropriates \$10,000 for expenses of the Public Buildings Commission, as proposed by the Senate, modified so as to eliminate the allowance for an automobile.

On Nos. 12 and 13, relating to the Senate Office Building: Appropriates \$12,000 for the construction of an additional suite of rooms and \$12,500 for the purchase and repair of rugs, as proposed by the Senate.

On No. 14: Strikes out the authority, inserted by the Senate, for the construction of a temporary central power plant for the Navy and Munitions Buildings and the temporary office buildings in that vicinity.

On No. 15: Strikes out the appropriation of \$4,500, proposed by the Senate, for the employment of special legal services for the Public Utilities Commission, District of Columbia.

On No. 16: Appropriates \$1,600, as proposed by the Senate, for additional rent for the office of the recorder of deeds.

On No. 17: Appropriates \$3,000, as proposed by the Senate, for maintenance of public convenience stations.

On No. 18: Strikes out the appropriation of \$200,000, inserted by the Senate, for the purchase of land for the Klingie Valley Boulevard and Highway.

On Nos. 19, 20, and 21, relating to the Department of Agriculture: Appropriates, as proposed by the Senate, as follows: \$3,500 for repair of damages done by typhoon at the agricultural experiment station in Guam; \$11,000 for the protection of the so-called Oregon & California Railroad lands and the Coos Bay Wagon Road lands; and \$70,000 for preventing the spread of moths in the New England States, New York, and New Jersey.

On No. 23: Strikes out the appropriation of \$200, inserted by the Senate, for refund of immigration fines assessed and collected from the French Line, New York City.

On Nos. 24, 25, 26, 27, 28, 30, 31, and 32, relating to the Department of State: Appropriations, as proposed by the Senate, as follows: \$4,311.31 for the relief and protection of American seamen for the fiscal year 1922; \$1,675.74 for the fiscal year 1923 for transporting remains of diplomatic and consular officers, consular assistants, and clerks to their homes for internment; \$5,939.76 for expenses of the International Radiotelegraphic Convention for the calendar years 1922 and 1923; \$150,000 for the acquisition of embassy property at Paris; \$575 for the International Bureau of the Permanent Court of Arbitration; \$154.29 for the International Sanitary Bureau; and \$136 for the Cape Spartel Light, coast of Morocco.

On No. 34: Appropriates \$5,000, as proposed by the Senate, for traveling and contingent and miscellaneous expenses of the Federal Farm Loan Board.

On No. 35: Appropriates \$242,000, as proposed by the Senate, to enable the Internal Revenue Bureau to refund rejected offers in compromise.

On Nos. 36 and 37: Strikes out the legislation, inserted by the Senate, providing for the appointment of additional temporary warrant and commissioned officers in the Coast Guard.

On No. 38: Appropriates \$300, as proposed by the Senate, for incidental and contingent expenses of the Boise (Idaho) assay office.

On No. 39: Appropriates \$5,500, as proposed by the Senate, for additional water supply for the marine hospital at Key West, Fla.

On No. 40, relating to headstones in national cemeteries in Europe: Inserts a substitute for the language proposed by the Senate, which substitute provides that the markers shall be of such design and material as may be agreed upon by the Secretary of War and the American Battle Monuments Commission.

On Nos. 41 to 45, inclusive: Appropriates for the payment of judgments of United States courts certified to Congress after the bill has passed the House.

On Nos. 46 to 50, inclusive: Appropriates for the payment of judgments of the Court of Claims certified to Congress after the bill had passed the House.

On No. 51: Appropriates \$1,190,204.64, as proposed by the Senate, for the payment of claims allowed by the General Accounting Office and certified to Congress after the bill had passed the House.

On No. 52: Corrects a section number in the bill.

The committee of conference have not agreed upon the following amendments:

On No. 22: Relating to the payment of expenses chargeable to the appropriation "miscellaneous expenses, United States courts."

On No. 29: Relating to the appropriation of \$400 for the International Railway Congress.

On No. 33: Relating to the appropriation of \$15,045 for the International Institute of Agriculture at Rome, Italy.

MARTIN B. MADDEN,

D. R. ANTHONY, JR.,

JOSEPH W. BYRNS,

Managers on the part of the House.

Mr. MADDEN. The amount of the bill as it passed the Senate was \$156,876,285.50. The amount of the bill as it passed the House was \$154,679,317.00. The amount added by the Senate was \$2,178,968.44. The Senate recedes from the following items:

Klingie Valley Park, \$200,000; counsel for Public Utilities Commission, \$4,500; and refund of immigration fines, \$200; making in all \$204,700.

The House recedes on items covering the following:

Audited claims, \$1,190,204.64.

Judgments, Court of Claims, \$176,542.40.

Judgments, United States courts, \$12,624.30.

Refund of offers in compromise, \$242,000.

Paris Embassy, \$150,000.

Spread of moths, \$70,000.

Senate expenses, \$39,300.

Senate Office Building, \$24,500.

Public Buildings Commission, \$10,000.

Rent, recorder of deeds, \$1,600.

Convenience stations, \$3,000.

Guam experiment station, \$3,500.

Protecting Oregon and California railroad lands, \$11,000.

Relief and protection of American seamen, \$4,311.31.

Transporting remains, State department, \$1,675.74.

International Radiotelegraphic Convention, \$5,939.76.

International Bureau of Permanent Court of Arbitration, \$575.

International Sanitary Bureau, \$154.29.

Cape Spartel Light, \$136.

Farm Loan Board, \$5,000.

Boise assay office, \$300.

Key West marine hospital, \$5,500.

The audited claims, as will be observed, take up a large part of the amount, namely, \$1,190,204.64, added by the Senate. These claims, coming in from past years, are audited by the Comptroller General, and there was nothing to do but to appropriate for them.

The judgments of the Court of Claims, amounting to \$176,542.40, were filed after the House had completed its work on the bill.

The refund of offers in compromise amounts to \$242,000. That is where people had fines assessed against them by the Treasury Department for infractions of the law and sent their checks on offers of compromise. These checks go into the Treasury of the United States, and if the Treasury refuses to accept the amounts offered in compromise then it becomes necessary to make an appropriation of the amounts deposited to enable them to get their money back. This item embraces transactions of that kind.

The people in the District recorder's office are crowded one on top of the other. They have not space enough to do their work, and the work of the recorder of deeds is a year behind. It seems to me that not only this \$1,600, but a larger sum should be provided for the present fiscal year in order that the recorder of deeds may properly perform the duties of his office.

As to the relief and protection of American seamen, all these obligations are placed on the consuls of the United States located in various countries, and these consuls are required to furnish relief and transportation home for stranded American sailors. This item covers these obligations already incurred by them. The next item is transportation of remains of foreign officers, \$1,675.74. These are obligations that have already been incurred.

The item for the International Radiotelegraphic Convention, \$5,939.76, is for the calendar years 1922 and 1923.

EXTENSION OF REMARKS ON THE BONUS BILL.

Mr. HOWARD of Nebraska. Mr. Speaker, will the gentleman yield to me to ask a question of the whole House?

Mr. MADDEN. Yes, indeed, sir.

Mr. HOWARD of Nebraska. My question is that the whole House shall grant unanimous consent that the ex-service Members of this House may be permitted to extend in the Record their remarks in reference to the adjusted compensation bill. I am asking unanimous consent.

Mr. MADDEN. I have yielded to the gentleman to ask unanimous consent, Mr. Speaker.

The SPEAKER. The gentleman from Nebraska [Mr. HOWARD] asks unanimous consent that the ex-service Members of the House may extend their remarks on the adjusted compensation bill. Is there objection?

Mr. LONGWORTH. Reserving the right to object, Mr. Speaker, I do not feel that I would be justified in failing to object at this time on account of the absence of my colleague from Ohio [Mr. BRAGG], who feels strongly on this subject.

I will have a talk with the gentleman from Ohio [Mr. BRAGG] on Monday, when he returns, and then I think it can be settled once and for all. So, Mr. Speaker, for the time being I object.

Mr. RANKIN. Will the gentleman from Illinois yield?

Mr. MADDEN. I do not yield any further.

Mr. HOWARD of Nebraska. Mr. Speaker, objection having been lodged, I rise to a point of no quorum.

Mr. MADDEN. I hope the gentleman will not insist on his point of no quorum.

Mr. HOWARD of Nebraska. I can not yield. The gentlemen here are denying to the ex-service men—

The SPEAKER. The gentleman is out of order—

Mr. HOWARD of Nebraska. And to other Members the right to extend their remarks in the Record.

The SPEAKER. The gentleman must observe the rules of the House.

Mr. MADDEN. I yielded to the gentleman as a matter of courtesy.

The SPEAKER. The gentleman from Illinois is out of order.

Mr. MADDEN. The gentleman from Nebraska made a point of no quorum, and I want to ask him to withdraw it, if I may. I yielded to the gentleman as a matter of courtesy while I was proceeding with the consideration of this conference report, and I hope the gentleman will not take advantage of that, and that he will not make his point of no quorum until we finish the report.

Mr. HOWARD of Nebraska. If the gentleman thinks I am taking advantage of anybody personally, I would not have him think that. I am lodging no objection against any personal request.

Mr. MADDEN. And I hope the gentleman will not insist on his point of no quorum. I was courteous enough to yield to him when I did not have to while I was considering this report.

Mr. HOWARD of Nebraska. I believe the gentleman is right and I think I ought to withdraw it now but not for long.

Mr. MADDEN. At least until I get through with this conference report.

The SPEAKER. The gentleman from Nebraska withdraws his point of no quorum.

FIRST DEFICIENCY BILL, 1924.

Mr. MADDEN. Mr. Speaker, the items which the Senate added amount to \$1,058,823.44, to which the House conferees have agreed.

The items brought back for separate vote, the total House recessions, if these two items are concurred in, and the amount of the bill, if those items are incorporated are as follows:

Items brought back for separate vote:	
International Railway Congress	\$400.00
International Institute of Agriculture at Rome	15,045.00
	15,445.00

Total House recessions, if these two items are concurred in by the House	1,074,268.44
Amount of the bill if the two latter items are incorporated	150,671,535.50

I ask for a vote, Mr. Speaker, on the conference report.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Page 31 of the bill, amendment No. 22, line 12: After the word "years" insert "and amounts heretofore and hereafter appropriated under this title shall be available for expenses properly chargeable thereunder authorized or approved by the Attorney General."

Mr. MADDEN. Mr. Speaker, I move that the House recede and concur with an amendment, which I send to the desk.

The SPEAKER. The gentleman from Illinois moves that the House recede and concur with an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. MADDEN moves that the House recede from its disagreement to the amendment of the Senate No. 22 and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Provided, That the amounts herein and heretofore appropriated for 'Miscellaneous expenses, United States courts,' shall be available for expenses properly chargeable thereto when authorized or approved for payment by the Attorney General."

The SPEAKER. The question is on agreeing to the motion of the gentleman from Illinois that the House recede and concur with an amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 29, page 39, after line 12, insert:

"INTERNATIONAL RAILWAY CONGRESS.

"To pay the quota of the United States as an adhering member of the International Railway Congress, \$400."

Mr. BLANTON. Will the gentleman from Illinois yield?

Mr. MADDEN. Yes.

Mr. BLANTON. I think the gentleman from Illinois [Mr. MADDEN] and the gentleman from Tennessee [Mr. BYRNES] both deserve the commendation of every Member of this House for the manner in which they have handled this deficiency bill in conference. Nothing too large or too small has escaped their attention. [Applause.]

They have knocked out of this bill a legislative item carrying over \$200,000 for something which ought not to have been in it, and have knocked out another small item, even so small as \$4,500—

Mr. MADDEN. Four hundred dollars.

Mr. BLANTON. No; I refer to the \$4,500 to pay a man as special counsel who was not entitled to a cent of it. And I think the House ought to know about it and commend them. [Applause.]

Mr. MADDEN. I thank the gentleman. This \$400 is to pay the yearly quota of the United States as an adhering member of the International Railway Congress in The Hague. There is no law authorizing this, but America, through the State Department, accepted membership in the institute for five years. This is the fifth annual payment due, and I hope the House will concur.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Illinois that the House recede and concur.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 33, on page 40 of the bill, line 4, insert:

"INTERNATIONAL INSTITUTE OF AGRICULTURE AT ROME, ITALY.

"For expenses of delegates to the general assembly of the International Institute of Agriculture, to be held at Rome during the year 1924, \$10,045, to be expended under the direction and in the discretion of the Secretary of State, and for the payment of additional quotas of the United States incident to the admission of Hawaii, the Philippines, Porto Rico, and the Virgin Islands to membership in the International Institute of Agriculture at Rome, Italy, \$5,000, in all, \$15,045, to remain available until June 30, 1925: Provided, That no part of this appropriation shall be used for travel pay of any person unless said person travels on United States ships."

Mr. MADDEN. Mr. Speaker, I move to concur.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Illinois that the House recede and concur.

Mr. MADDEN. Mr. Speaker, before the vote is taken on that I would like to explain about the item. There are 64 nations as adhering members of the International Institute of Agriculture. The headquarters of this institute are at Rome, Italy. The United States has one permanent director on the board. England has 20 votes in the institute. The United States has 6. France has 19. It is customary for the nation having the largest number of votes to deal with problems in which they are most concerned, and frequently it has happened that the United States has not been able to get action on agricultural problems in which it has been most concerned.

Mr. BLANTON. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. BLANTON. I was wondering whether the gentleman from Illinois could give us the names of the nine men who are going as delegates.

Mr. MADDEN. Yes; I took particular pains to get that information and I will give the gentleman all the information I have about them because I was very skeptical about this. Let me first explain a little further.

The proposal here, Mr. Speaker and gentlemen, is to put Hawaii, the Philippine Islands, Porto Rico, and the Virgin Islands into membership of the International Institute of Agriculture and to have the United States pay the entrance membership fee, which amounts to \$5,000. This will give the United States 16 more votes and give it the largest vote of any nation in the institute.

The question then arose, how many delegates should be sent, and I was also skeptical about that. I thought one delegate was all we perhaps ought to have, but I have made a very thorough investigation of the situation and I find one delegate could not perform service on the various committees which are in the general assembly of the institute. All of these committees are in session concurrently, and so the Secretary of Agriculture and the Secretary of State believe that the interests of the United States would be best served by sending nine delegates, in order that we may be represented on each of the important committees. The reason they wanted these delegates was to avoid the necessity of waiting a year or two for the statistics after the transaction is complete and to have their information supplied by telegraph.

Mr. ASWELL. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. ASWELL. I have been over there twice, but not as a delegate. Is it not a fact that unless you send seven or nine delegates, the American Government would not know anything about what is going on in the various subcommittees?

Mr. MADDEN. Yes; that is what I understand. That was the result of my investigation and I think the gentleman is entirely correct.

Mr. COLE of Iowa. Will the gentleman yield further?

Mr. MADDEN. Yes. Let me make this statement first, and then I will be glad to yield to the gentleman.

Mr. COLE of Iowa. I simply wanted to make one observation in that particular connection. We will have nine delegates to represent the various sections of the country and the various departments of agriculture—for instance, cotton, dairying, wheat-growing, and so forth.

Mr. MADDEN. Yes. The main thing, however, about the number of delegates is that we can have a man on each one of the important committees over there. It is in the committees that the questions originate and are acted upon. The whole thing depends entirely upon how many votes you can cast and how many men you can have on the various committees, and I think it has been clear to everyone that the United States has been more or less discriminated against in all the actions of this institute up to now, and hence the importance of adopting the suggestion now made in this conference report.

But to get back now to the delegates, if the gentleman from Texas will give me his attention I will tell the gentleman who the delegates are to be.

Mr. BLANTON. I already know.

Mr. MADDEN. All right; then I will put their names in the RECORD.

Mr. BLANTON. Mr. Speaker, will the gentleman yield me five minutes?

Mr. MADDEN. Yes; in just a moment. Some gentlemen want me to read these names and give information about them, which I am very glad to do. In response to my inquiry as to who these delegates were to be and as to their qualifications, the following statement is submitted to me by the State Department and the Secretary of Agriculture:

Mr. O. E. Bradfute, president American Farm Bureau Federation, Chicago, Ill.

Prof. William M. Stevenson, vice director Iowa State College, Ames, Iowa.

Dr. A. W. Gilbert, commissioner of agriculture, Boston, Mass.

Mrs. Charlotte B. Ware, secretary American Committee on the International Institute, Boston, Mass.

Mr. E. L. Harrison, manager Farmers' Union Cooperatives, Lexington, Ky.

Mr. B. W. Kilgore, director cooperative extension work, Raleigh, N. C.

Mr. Chester Davis, commissioner of agriculture, Helena, Mont.

Mr. Charles Holman, secretary National Cooperative Milk Producers' Federation, Washington, D. C.

Mr. Tait Butler, Old Schmitz Building, Memphis, Tenn.

The qualifications of the delegates to the general assembly of the International Institute of Agriculture at Rome are—

1. Mr. O. E. Bradfute is president; represents the American Farm Bureau Federation interests.

2. Prof. William H. Stephenson. He is vice director of the Iowa Agricultural Experiment Station. Professor Stephenson was former permanent delegate of the United States at the institute, 1921 to 1922. Represents the central agricultural section.

3. Dr. A. W. Gilbert is secretary of the Association of Agricultural Commissioners of the United States; chairman of the American committee of 100 for the International Institute of Agriculture. He also represents the grange.

4. Mrs. Charlotte B. Ware is secretary of the American committee for the International Institute of Agriculture. She was American delegate to the general assembly of the institute in 1913. She was American delegate to the general assembly of the institute in 1922.

5. Mr. E. L. Harrison, Lexington, Ky., represents the cooperatives.

6. Mr. B. W. Kilgore, Raleigh, N. C., who is familiar with the extension work, will have general charge of this line of work at the assembly.

7. Mr. Chester Davis is agricultural commissioner of Montana and secretary of the Northwestern Farmer Group. He represents the wheat-growing districts of the Northwest.

8. Mr. Charles Holman, Washington, D. C., represents the dairy interests of this country.

9. Mr. Tate Butler, Memphis, Tenn., will have charge of cotton at the general assembly.

Mr. KING. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. KING. Which one of the delegates represents the dirt farmer, or is there a dirt farmer in the list?

Mr. MADDEN. I represent the dirt farmer.

Mr. KING. But the gentleman is not going to Rome. I wish he were.

Mr. MADDEN. No; but I think they are thoroughly represented.

Mr. KING. I know the gentleman from Illinois is some farmer.

Mr. MADDEN. I yield five minutes to the gentleman from Texas.

Mr. BLANTON. Mr. Speaker, when one of these agricultural doctor experts came to me the other day asking that I withdraw opposition to this appropriation that was expected to come up in a legislative bill in the House where it belongs, as a legislative matter—this was before it was put on this appropriation bill in the Senate as a rider—I told him this: I said "We are spending every year seventy-odd million dollars as an annual appropriation for the Agricultural Department for you doctor experts to dissipate, if you please." I said "We are spending more money to send you doctors over to this place, and that place, and elsewhere in the European world than we ought," but, I said, "If you will do one thing for the farmer, one practical thing, I would never interpose any objection against any appropriation you want." He said "What is that? We will do it." I said "If you will find some relief for the farmers that will kill the grasshoppers, the common old grasshopper that eats up their crops every year in certain places in the United States, if you will find something to exterminate the grasshoppers you will have earned your money. But until you find something that will give the farmer relief from the common, ordinary grasshopper, I am going to stop voting to send you to Europe."

Mr. KING. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. KING. I would like to ask the gentleman if he can explain what advantage there is in this to the farmers in my district who are out to-day plowing their ground for corn.

Mr. BLANTON. Not a bit on earth, and the gentleman from Kansas [Mr. STRONG], whose crops are being eaten up by grasshoppers, not a bit on earth. It is not of any benefit to the gentleman from New York [Mr. CLARKE], the whip of the House that was to be—it is no aid to his farmers, not a single bit, to send these doctor experts to Europe to spend there \$15,000 every year.

Mr. CLARKE of New York. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. CLARKE of New York. Does not the gentleman know that we are approaching the trout season, and does he not know the value of grasshoppers as a bait to catch trout? [Laughter.]

Mr. BLANTON. In my district in Texas and in the district of my distinguished colleague [Mr. HUBERT], the finest trout fishing and bass fishing on earth is found there. But they do not bite at grasshoppers. I would like to be there now. I know a place on the ranch of my distinguished colleague, Devils River, where you can pull bass out as fast as you can throw your hook in. As I say, I would like to be there, but I must stay here and work to keep the expert doctors in the Agricul-

tural Department from spending all of the money of the people out of the United States Treasury.

Mr. ASWELL. Will the gentleman yield?

Mr. BLANTON. Certainly.

Mr. ASWELL. The gentleman made the statement that the institute of agriculture would do no good whatever.

Mr. BLANTON. Oh, it furnishes amusement for these experts.

Mr. ASWELL. I want to ask the gentleman this question: Does it not do some good to the actual farmer to get definite, dependable, real information from the institution?

Mr. BLANTON. The farmers of my part of the State are more interested in getting a solution of this grasshopper problem, which in 50 years the doctor experts have not yet solved, than in the solution of foreign questions abroad. If the Agricultural Department will get down to work and find some practical way to exterminate this grasshopper pest that eats up the corn and the cotton every year, they will have benefited the Nation.

In to-day's mail I have just received the following letter from my constituent, Mr. W. J. Moore, cashier of the Moore State Bank, of Llano, Tex., inclosing me a letter he had received from Mr. Charles H. Gable, a specialist from the Bureau of Entomology, United States Department of Agriculture, which I quote:

MOORE STATE BANK,
LLANO, TEX., March 24, 1924.

Hon. THOMAS L. BLANTON,
Washington, D. C.

MY DEAR SIR: The grasshoppers wrought great damage to the crops of this section and that further north last year. I have been trying to get in touch with the right people to give us intelligent assistance in fighting them should they reappear this year, and I am handing you herein a copy of a letter from Mr. Charles H. Gable, of San Antonio, thinking you might be interested in that part of same in which he states there are no funds for traveling expenses for his department. We have already written him that if matters get threatening that we want him to come and that we will pay his traveling expenses. It seems to me that in a matter of such grave importance that he should be furnished with the funds on which to get to the seat of trouble. In many places in this, Mason, San Saba, Brown, Coleman, and other counties the grasshoppers simply made complete failures of the crops last year. They hatch out now over small areas in immense numbers, but seem to either be destroyed or go into hiding, only to break out anew in another place.

The matter might become very serious. I am getting our people who deal in poisons lined up to the end that we can get cheaper poison this year and in quantities sufficient to go round, and trying to get these scientific people lined up so that if the trouble comes we can fight effectively.

If you can help in the matter it will be appreciated by me as well as all our farmers.

With kindest regards, I am,
Very truly yours,

W. J. MOORE, Cashier.

[United States Department of Agriculture, Bureau of Entomology,
Washington, D. C.—Cereal and Forage Insect Investigations.]

SAN ANTONIO, TEX.,
March 21, 1924, Box No. 1077.

Mr. W. J. MOORE,

Moore State Bank, Llano, Tex.

DEAR SIR: I was very glad, indeed, to receive your letter of March 19, with the assurance of the hearty cooperation of your people in meeting the grasshopper outbreak this year.

Since writing Mr. Watkins we have been notified from Washington of the fact that the funds for our division are almost depleted, owing to the heavy expense of meeting the unusual severe outbreaks of insects in other parts of the country. It is certainly very unfortunate that our allotment for the balance of the fiscal year, July 1, is so small that we can not meet the expense of transportation and subsistence incident to field trips.

The situation is seriously unfortunate. If the entire burden is thrown on the extension division of the A. & M., it will probably be physically impossible for them to render necessary to know that something like 60 counties reported grasshoppers last year. Some of these were not injured seriously, and the outbreak may not occur in alarming intensity in every county this year. It is probable, however, that in many places there will be urgent demand for help. I am stating these facts so that you may appreciate the difficulties of the problem confronting us, since we are practically helpless through lack of funds, and the extension division probably unable to cope with the entire situation owing to lack of men and probably also limitation of funds.

Besides an earnest desire to give aid wherever such is needed, I have a very special interest in the people of Llano and Mason Counties, owing to the pleasant associations and helpful cooperation received from them last year. If there were some way of meeting the expense of transportation in the form of mileage—we have an auto but no money to run it—and subsistence, it would be possible to get in very close touch with you people, and, I believe, prevent any serious loss from the hoppers.

I am not sure but that the best way would be to get in personal touch with a large number of the individual farmers just as soon as the weather warms up a little—possibly in the next week or two—and show them just how this mixture is made and distributed. I do not believe it is necessary to wait until the hoppers actually appear in numbers before this instruction is given. Your people already realize the danger of the hoppers, and such a move would help to establish their confidence in planting and stimulate interest, so that they would be willing to provide themselves with the necessary material before it is actually needed and thus gain the advantage of quantity prices.

If there is any possible way for us to secure 7 cents a mile for the use of our machine and subsistence, which would probably be a comparatively small matter, since I might be able to sponge on some of my friends in that section, I would be only too glad to give you whatever assistance you may desire.

Yours very sincerely,

CHARLES H. GABLE,
Specialist in Charge.

Mr. BLANTON. Mr. Speaker, it occurs to me that before we send these expert doctor scientists to European meets across the water we ought first to provide our suffering constituents back home with relief from these destructive grasshoppers.

Mr. MADDEN. Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

POLLUTION OF NAVIGABLE STREAMS.

Mr. ROSENBLUM. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a statement I made before the Committee on Rivers and Harbors in regard to a bill to prohibit the pollution of navigable streams, and with that a statement of General Beach on the same subject.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia to extend his remarks in the RECORD in the manner indicated?

There was no objection.

Mr. ROSENBLUM. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following statements made before the Committee on Rivers and Harbors on the pollution of navigable streams:

STATEMENT OF HON. BENJAMIN L. ROSENBLUM, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WEST VIRGINIA.

Mr. ROSENBLUM. Mr. Chairman and gentlemen of the committee, you have heard a great deal more discussion with regard to oil pollution of ports and harbors than any other kind of water pollution.

The bill that I have introduced (H. R. 690) is intended to prevent the pollution of our navigable streams from the deposit of acid and acid wastes that are turned into the streams by various industries.

In beginning my remarks, I wish to state that there is no intention on my part, or on the part of those advocating this bill, and I am certain there is no intention on the part of Congress to embarrass or injure our industries in any way. That is as far from our thought as it is from the thought of those who are at this time objecting to this legislation. We are all very anxious of course to concur in the suggestions of our Secretary of Commerce, and we do not desire to enact legislation that will retard or impair the regular processes of business development.

At the same time we stand here as legislators, to safeguard the rights and privileges of the public, generally—more than persons whose specialized interests give them a sufficient incentive to send representatives here in person, or who send communications in opposition to the proposed legislation.

In other words, I regard this committee and the Members of the House as the paid lobbyists and representatives in Washington of the hundreds of thousands of people living in the districts we represent.

When a matter of this kind comes up for consideration, it seems that those opposing this remedial legislation appear in the greatest force and the greatest number. But that is not by reason of the greater right that they have to consideration, because they have specially centralized interests in the matter. On the contrary, we should never lose sight of the fact that—in my particular case, for example, I am here representing and speaking for all of the 218,000 people in my district, with the exception of those who have been heard from in opposition to this bill. And I believe the same situation is true as to every Member of Congress. The public, whose

rights are being violated, do not require these special representatives to plead their cause.

I am certain it is the view of the Members of Congress, that it is our purpose to represent all the people of our districts, whether in the industries or in their private capacity as citizens.

The conditions that this bill undertakes to remedy are not new. They have been in existence practically since the beginning of our commercial development of the country. But they have not become acute until within the last few years, largely because of the fact that the industries have developed so rapidly; so many factories have been built, and so many coal mines have been opened, that the refuse matter handled has increased to an enormous extent.

Another consideration is the fact that the streams that are being contaminated—and there has never been a denial from any of these industries objecting to the legislation that this pollution does not occur—are streams running through country that is populated practically from one end to the other. Navigable streams, of course, attract commerce, and are responsible for the building of cities, because of the streams, which furnish an immediate water supply.

At the hearings held by this committee in connection with this bill (or a similar bill) introduced at the last session of Congress, Secretary Hoover appeared and made the statement that his department was not in a position to recommend legislation at that time, because they had not given the matter sufficient consideration. But at that time, you will recall—those of you who were members of the committee then—that he did recommend legislation to prohibit the oil pollution of the coastal waters.

At that time I asked him if it was not a fact that the waters of the navigable streams should receive the first consideration of his department, prior to coastal waters. The pollution of the water of the harbors, while it affected the life of the fish in the harbors, and also, to some extent, the beaches and operation of the ships, was not of nearly so great importance to the people of this country as the protection of the inland navigable streams from pollution; because, in addition to their being used for the purpose of commerce, in a great many instances that stream is the only available water supply that the people have for domestic purposes and for home consumption. Therefore, I contend it is a much more important matter to engage the attention of the Department of Commerce than ocean water, which is not used for domestic purposes, and does not have direct and immediate effect on the health of the people and their well-being.

I was very much surprised when Secretary Hoover appeared at the hearings here a few days ago; and I asked him if they had given the matter of inland stream pollution any consideration, and he stated that they had not been able to do so, as they had no appropriation available therefor.

I had hoped to be able to refer to his remarks, but I find that the report of Secretary Hoover's statement before the committee has been sent to the printer.

Mr. NEWTON. Do the cities along the river use the water as it comes out of the river for domestic purposes?

Mr. ROSENBLUM. A great many of them do, except those that have filtration plants; and those that have filtration plants use the water after it has come through the filtration plant. I will refer to that later.

Now, Secretary Hoover in these hearings stated that he would recommend that legislation be enacted for the prevention of pollution of coastal waters by oil and oil wastes, although his department did not have an adequate remedy at hand to suggest. But he said he was of the opinion that legislation on this subject would so sharpen the wits and stir the minds of those who are causing this pollution as to produce some incentive for them to devise something that would adequately take care of the situation before the law was actually put to operation.

Now, in this bill that I have introduced, while there is no hard-and-fast rule that can be adopted to force these industries that bring about this condition that has been so much complained of, I can not see why, in view of the fact that this legislation undertakes to meet a condition that is resulting in a great deal of discomfort, injury, illness, and damage to the people living in these centers, the same logical reasons that Secretary Hoover has presented to the committee with regard to oil legislation would not apply with even greater force to this bill in connection with the pollution of inland waters. An indication from Congress that they recognize the dangers and the damage arising from the present conditions, to the extent that they are willing to give to the War Department and the United States engineers the authority and the power to promulgate certain rules and regulations governing the discharge of the deleterious matters into the waters of the navigable streams, should be equally effective in this case.

If you will examine this bill (H. R. 690), you will find it is not nearly as drastic as one would suppose from the protests that have been filed here. It undertakes, as it states in the bill, to give the Secretary of War the right to adopt such measures—the purpose is, of course, to amend section 13 of the present statute—

Mr. LINDBERGH (interposing). That is the law of 1899?

Mr. ROSENBLUM. Yes; the act of March 3, 1899. The provisions of my bill are practically the same as those contained in that section, with this exception: That it undertakes to provide a penalty; and without a penalty the law is useless. If we really want to safeguard the interests of the Government in its property along these navigable streams and to safeguard the health and lives of the people, there must be a penalty provided in order that the orders, when promulgated, may be carried into effect.

There has never been, as I have said before—and I will repeat that—a single statement filed with this committee or with any Member of Congress so far as I know from the industries who are the principal offenders denying the fact that the operation of their business creates a waste, which is turned into the waters, which is harmful to the health, property, and even endangers the lives of the people of that community.

And while there is no desire to hamper their business in any unnecessary way, there is a desire—on my part, at least—to undertake to safeguard the property and the rights and the lives of these people who are dependent for their water supply on the navigable streams.

There are, of course, two rights involved. The right of the business to proceed in its regular way, and the right of the great mass of the citizens. I do not see where those rights are in any wise antagonistic. It would be different if, in attempting to prevent the deposit of this waste matter into the streams, we took drastic action which would cause these industries to go out of existence, or even seriously injure them. But nothing is further from the truth. We can preserve both rights. We can have our industries in full operation, and we can have the safeguard thrown around the public that they are entitled to.

There can be no question but that this situation requires relief. There can be no question of the fact that it must come from Congress. It would be futile for the State of Ohio to pass laws, as they have done, in reference to this matter; and across the river from the State of Ohio is the State of West Virginia, with a different set of laws; and then there is the adjoining State of Kentucky; and they have a different law, and so on. It is absolutely necessary that Congress, being given control of these streams by the Constitution, should enact legislation.

Of course, in order to belittle this bill, the chief allegation made by the opponents of the bill as to the purpose of the legislation to prevent the harmful results of this pollution of the waters of our streams, is that it is done merely for the purpose of preserving the fish and to help the fishermen.

Nothing, of course, is further from the truth.

At the hearings held during the Sixty-seventh Congress, in a statement which I presented in the record in opening the hearings on the subject, I stated:

"The discharge or deposit of free acid, acid waste, or any material which will become acid after being in the water is responsible for the following injury and damage:

"It constitutes a constant menace and is a source of injury to the health of persons residing along the stream and using the water.

"It is damaging to the steel structural parts of Government dams, resulting in hindrance to navigation."

In that connection, I want to say that General Beach, who is the Chief of Engineers of the United States Army and who is in charge of the Government improvements on these streams, is present, and will tell you that, either Congress should prohibit this acid from going into the waters and destroying the metal parts of the dams, or the Government should stop spending its money in the erection of the dams; because it is a waste of money.

I also stated in my address before the committee during the last session that—

"Acid water corrodes and deteriorates plumbing in homes and buildings.

"It is destructive to boiler tubes in plants located along the river and as well in steamboats operating thereon.

"It annihilates all fish and kills all manner of vegetation.

"It jeopardizes the health of stock on the farms.

"The acid causes injury to clothing washed in the water.

"The chemicals make the water dangerous to bathe in.

"At some points along the Ohio River, which river has come under my personal observation, and in which I am particularly interested, the bathing beaches were deserted because of the odor from the decaying fish.

"It is therefore obvious, gentlemen, that the preservation of fish life is entirely incidental, viewed from the standpoint of public importance."

I might save the time of the committee, Mr. Chairman, if I could get permission to incorporate in this hearing my statement made during the last session of Congress. The argument has not been changed since that time, except that there has been more time for this destruction to develop. I would like to incorporate that in the record.

Mr. FREEMAN. All right; that statement may be inserted in the record.

The statement referred to is as follows:

REMARKS OF HON. BENJAMIN L. ROSENBLUM, OF WEST VIRGINIA, AT A HEARING BEFORE THE RIVERS AND HARBORS COMMITTEE, HOUSE OF REPRESENTATIVES, DECEMBER 7, 1921.

"Mr. ROSENBLUM. Mr. Chairman and gentlemen of the committee, I listened intently to the remarks of the Secretary of Commerce, who preceded me, and was impressed with his statement that legislation to correct conditions of pollution at ports and in harbors is imperative. Although Mr. Hoover described the present condition of the waters at ports and harbors as damaging to property and destructive to fisheries and the fishing industry, I regret greatly that his investigations were not of sufficient scope to observe the condition of navigable streams resultant from the deposit of noxious acids. In view of his recommendation that nothing in the way of legislation be attempted until after a thorough investigation has been made of navigable inland waterways, with your indulgence I will submit comprehensive reports and studies which have already been made, and which, I believe, will convince you, gentlemen of the committee, that something must be done to correct existing conditions.

"Apparently the only consideration which the Department of Commerce has given this question, according to the statement of Secretary Hoover, was from the viewpoint of the successful operation of fisheries and the preservation of fish life.

"While the preservation and propagation of fish is an incidental object that we hope will be accomplished by the enactment of the bill which I introduced, it is by no means the primary consideration. While it may be the fundamental object of the Department of Commerce to secure legislation which will afford required protection to the fishing industry at ports and harbors, I am actuated by many considerations in my effort to prohibit the contamination of inland waterways.

"The discharge or deposit of free acid, acid waste, or any material which will become acid after being in the water is responsible for the following injury and danger:

"It constitutes a constant menace and is a source of injury to the health of persons residing along the stream using the water.

"It is damaging to the steel structural parts of Government dams, resulting in hindrance to navigation.

"Acid water corrodes and deteriorates plumbing in homes and buildings.

"It is destructive to boiler tubes in plants located along the river and as well in steamboats operating thereon.

"It annihilates all fish and kills all manner of vegetation.

"It jeopardizes the health of stock on the farms.

"The acid causes injury to clothing washed in the water.

"The chemicals make the water dangerous to bathe in.

"At some points along the Ohio River, which river has come under my personal observation, and in which I am particularly interested, the bathing beaches were deserted because of the odor from the decaying fish.

"It is therefore obvious, gentlemen, that the preservation of fish life is entirely incidental, viewed from the standpoint of public importance.

"In my opinion, legislation tending to overcome the present condition of navigable inland waterways is of far greater importance than the legislation which the Secretary of Commerce recommends. The water of inland rivers in many places is the only source for human consumption, and is used everywhere for domestic purposes. Ocean water is not extensively used for these purposes.

"In my home city of Wheeling, W. Va., located on the banks of the Ohio River, we do not have any system of filtration, and the polluted water from the river is served to the public for every domestic use. This is true of other cities in this country. While it is true that people who can afford to have pure water delivered to them for drinking purposes do so, it is also true that many of the people in less fortunate circumstances must drink the water which is sufficiently contaminated by this acid pollution to exterminate fish life.

"The United States Government is annually spending millions of dollars in constructing locks and dams and in making other improvements of navigable waterways, and the acid which is deposited in the water is destroying this work, so that Congress should do one of two things, viz, either discontinue the appropriations for improvements or protect the improvements that have been made.

"The CHAIRMAN. Just a moment, Mr. ROSENBLUM. You take the lower Mississippi; they are having a very prosperous season there in shipping. I do not think there is any pollution interfering with navigation or with the water in that part of the stream. I do not think that is true, probably, of the Ohio.

"Mr. ROSENBLUM. I will say, frankly, that this pollution does exist in the Ohio, virtually all the way from Pittsburgh to Cairo. The water is so highly charged with acids from the factories and mines along the river that it is eating out all the metal work on the dams, and General Beach will tell you that it is only a question of time before all the metal superstructure will be eaten out and will have to be replaced.

"The CHAIRMAN. That is what I called attention to in the present act. I think the present act does apply in a broad way to navigation. It does not apply simply to the ability to run the boats?

"Mr. ROSENBLUM. The condition of the water is such that it interferes with navigation. On the navigable streams the life of the boilers on steamboats is so short that it is unprofitable to operate them. The public is interested in the development of steamboat transportation. The Government is interested in it to the extent of improving the waterways. Both the Government and operators of steamboats will be discouraged by the destruction of their equipment, due to this acid in the water.

"The CHAIRMAN. Do you not think that the enforcement of the present law would cover that?

"Mr. ROSENBLUM. No; for the reason that while it allows the War Department to have control of the streams, there is not sufficient authority vested in the War Department to carry its orders into effect.

"The principal reason for the introduction of this bill, which is always the reason for the introduction of bills in legislative assemblies, is the almost universal demand, not only from the constituents whom I have the honor to represent, but as well from people all along navigable streams everywhere. I have introduced this bill to rectify a condition which can not be remedied in any other way.

"The people who live in the Ohio Valley and who are taxpayers owning their own property do not understand why certain individuals should be permitted to dump acids into the river which corrode and deteriorate the plumbing in their homes, causing them annoyance, inconvenience, and expense. The farmer is indeed reticent to offer water to his stock that is sufficiently contaminated to cause the destruction of all animal life which would be present in pure water. Women complain that the acid in the water has a very destructive effect on the clothes which are washed in it, and they have no other water to use except that from the river.

"After a period of commercial inactivity, extending until the past summer, the Ohio River had again stocked itself with numerous fish. For the first time in many years men had an opportunity to secure an article of food of great value without cost. During the industrial depression when many families were financially crippled many men availed themselves of the opportunity of providing a meal for their families by fishing along the banks of the river. As I have previously stated, the mere preservation of fish is only an incidental consideration for the enactment of the bill which I have introduced, yet at a time such as I have mentioned the relief afforded by food provided as a result of catch of fish was indeed welcome to the family in dire circumstances.

"The item of fish preservation is not to be ignored. Fish do not require hay, oats, or corn on which to survive, nor do they require care or attention from anyone. It consumes nothing that could otherwise be utilized by mankind, but is always available as a source of food supply. The Government annually spends a great deal of money stocking streams with fish, mainly on considerations such as I have outlined. Again I say that Congress ought either to discontinue appropriations for this purpose or adopt legislation which will protect the streams after they are stocked with fish.

"Following the industrial depression some of the mills resumed operation, and after the first deposit of acid into the Ohio the surface of the water for many miles was covered with dead fish. The combination of the acid in the water and the dead fish made the water unfit for every purpose, and the odor from the decaying fish was so intense, particularly in the hot summer weather, that for a considerable period of time people living adjacent to the river were greatly annoyed.

"I contend that these people are entitled to relief from similar conditions, which will continue so long as the streams are defiled. I submit, further, that no individual or group of individuals has the right to create such a nuisance against the mass of the people.

"I am offering for your inspection letters and petitions of protest against these conditions. I have also received many resolutions of indorsement of the bill which I have introduced from the people who are affected. I call your attention to communications which I have from New Cumberland, Wellsburg, Wheeling, New Martinsville, Marietta, Parkersburg, and Louisville, all located along the Ohio River and all complaining of the conditions which I am endeavoring to portray and asking for relief.

"Mr. LATON. As a matter of fact, for public information, how much fish have you in the river?

"Mr. ROSENBLUM. I mentioned the fish not for the purpose of propagation but as showing the condition of the water.

"Mr. LAYTON. As affecting public health?

"Mr. ROSENBLUM. As affecting the public health. Even the manufacturers who are located along the river are compelled to treat the water chemically before they are willing to use it in their boilers.

"Mr. LAYTON. I should judge from your remarks that 75 per cent of the water was pure sulphuric acid.

"Mr. ROSENBLUM. I would not say that it was quite that high. I would say it is over 'one-half of 1 per cent.' [Laughter.] It is an unlawful content; I am sure of that.

"Speaking seriously, however, I regret that the only consideration which the Department of Commerce gave this subject was from the viewpoint of the protection of fisheries. I think I have made it clear that the problem which confronts us is of vastly superior consequence. While I realize that there may be some Members of Congress who are interested primarily and entirely in prohibiting the pollution of ports and harbors, there is not a Member in Congress who is not interested in the object of the bill which I have introduced—to keep the streams in this country uncontaminated, pure, and undefiled.

"The district which it is my privilege to represent is a busy hive of industry. Practically every foot of the shore line is occupied by a factory of some kind. It also has many coal mines. In justice to these manufacturers and to the operators of these coal mines it is only fair for me to state that I have not received an objection to the legislation which I proposed.

"The conditions of which I speak are unusually acute in streams where the Government erected dams. These dams naturally retard the normal movement of the water, retaining sufficient in the pools to insure a certain depth or stage. This aggravates the condition.

"Some of the gentlemen who have preceded me argue that water purifies itself. This was probably true at a time when the population residing along the streams and the industries located on the banks were not congregated so thickly as they are now. On the banks of the Ohio River industrial plants are so congested that the water does not have any chance to purify itself, and the flow being interfered with also adds to prevent natural purification.

"This is a matter that well deserves the attention of this committee, gentlemen, as the question can only be solved by the enactment of national legislation. Sixteen separate States have already passed laws undertaking to eliminate this condition. It is evident that it would be of no avail for manufacturers and coal operators in one State to endeavor to remedy the condition when similar industries in adjacent or contiguous States were not compelled to exercise the same precaution.

"Mr. LAYTON. Do I understand that in using the water of the river for commercial purposes they are estimating to do it by means of purifying the water?

"Mr. ROSENBLUM. Yes, sir; to put it in condition for use in the boilers.

"Mr. LAYTON. To get rid of the acids by reason of which they can not use it in the boilers or for other purposes?

"Mr. ROSENBLUM. That is correct.

"Mr. LAYTON. And your idea is that by having that process extended to this flow into the stream, polluting the stream, it would not cost very much more than the other?

"Mr. ROSENBLUM. It will not cost as much, as will be demonstrated here. From some of these other gentlemen you will hear the objections from the manufacturers and coal operators. If this legislation were to entail any great burden or seriously interfere with or embarrass industry in any way I would not advocate its enactment.

"Mr. LAYTON. Just another question. You do not believe that all of the refuse that goes from every kind of mill into the stream is necessarily a detriment to fish life or harmful to Government work?

"Mr. ROSENBLUM. No; that is a decision which, under the bill, will be left to the War Department.

"Mr. LAYTON. Do you not think that before any legislation is enacted there should be an absolute investigation of the chemicals to find out just exactly which are deleterious and which are simply neutral? That would be the most scientific way.

"Mr. ROSENBLUM. We must have the law passed before any offense has been committed. It has been demonstrated that certain acids and alkalis are harmful and deleterious. The mere discharge of harmless waste matter into the streams would not be an offense which can be punished. Under this bill the offender has the right to call in and consult with the Chief of Engineers of the United States Army, who is in charge of this stream. It gives him that power. While he may have the power under the present law, there is no way of compelling compliance with his advice, as there are no 'teeth' in the law. The act I propose, taken along with the

act regulating the harbors of this country, would undertake to place this matter in charge of those who would be able to enforce it.

"Before introducing this measure, I, of course, considered carefully the effect it would have on industry. I think I have previously stated that I would not conscientiously advocate any measure which would encumber the manufacturer or the coal operator. I expect to be able to show by General Beach and some other gentlemen who have made an intensive study of this problem that these conditions can be corrected at an inconsequential cost. I earnestly believe that suitable legislation is imperative, and can not see where anything can be gained by deferring or delaying the matter.

"We men, as I take it, are here representing those who are not of sufficient means and whose individual interests are not great enough to enable them to come here or to hire attorneys or experts or lobbyists to secure beneficial legislation. We are the paid lobbyists of the people back home, and in my district I probably have 100,000 or more of them, and none of them are here on either side of this question. If the interests represented here who object to this legislation will bear with the demonstration we have here and will listen to the statement of General Beach, they will be convinced that the question must be considered, and should be considered at once.

"Mr. CLOUSE. Will the gentleman permit an interruption?

"Mr. ROSENBLUM. Yes.

"Mr. CLOUSE. Under the act of March 3, 1899, which is the existing law, does not that act prohibit the discharge or deposit of any substance or material in any navigable stream or any of its tributaries that will impede or obstruct navigation? Is not that the substance and meaning of that act?

"Mr. ROSENBLUM. That is correct; yes, sir.

"Mr. CLOUSE. Then the act further provides that the Secretary of War or the Chief of Engineers of the War Department may permit a deposit into any of the navigable streams of the United States or their tributaries when, under certain conditions, he may deem that it is not an impediment or an obstruction to navigation. Now, if that be the existing law, why have we not the power, and why have not the people in your district and along the Ohio River and every other navigable stream the power to do the very things that you suggest by your bill?

"Mr. ROSENBLUM. For the simple reason that there is no penalty provided.

"Mr. CLOUSE. I would like to know whether or not an amendment of the existing law adding a penalty for the violation of the act would not reach the end you seek by your bill?

"Mr. ROSENBLUM. That is all this bill does. This bill simply adds a penalty, in the discretion of the Chief of Engineers, if his orders fail to be complied with."

Mr. NEWTON. Can the acid be filtered out of the water when the water is used for drinking purposes?

Mr. ROSENBLUM. No. That is something I wanted to speak about. My city is spending \$2,000,000 on a filtration plant.

Mr. LINDBERGER. What city is that?

Mr. ROSENBLUM. Wheeling, W. Va. That money spent on that filtration plant will be absolutely wasted if this condition continues. The cities of Cincinnati, Parkersburg, and Moundsville have been using this water, after sending it through their filtration plants; but it has deteriorated the plants to such an extent that they have practically gone out of operation; the acid in the water eats the metal parts of the plant away.

I have a resolution adopted by the Board of Trade of Parkersburg, and numerous other communications, from Cincinnati and elsewhere, and expect to have here Doctor Monger, head of the Health Department of the State of Ohio, who will tell the committee about the conditions along the Ohio River.

Now, I am going to close my remarks very shortly. But I feel that the committee should get this angle of this situation: That it is not the comparatively unimportant matter of preserving the fish that is alone involved. That is not the purpose of the author of the bill, or of those advocating its passage. We do not wish in any way to injure industry. No Representative in Congress, I believe, has as many industries, individual industries, in his district that would be affected by this act if it should be enacted as I have in my district; because this pollution practically all comes from steel mills and coal mines, and I suppose I have more of those in my district than there are in any other district, which, of course, makes the question more acute in my section.

Mr. LINDBERGER. Have you more than the Pittsburgh district?

Mr. ROSENBLUM. Yes, sir. You see, we do not have so many factories, but we do have a great many coal mines.

Mr. NEWTON. What could be done to prevent the pollution that would not interfere with the manufacturing industries?

Mr. ROSENBLUM. Well, this bill, as I stated, names no specific act the commission of which shall constitute an offense. It gives the

authority to the Secretary of War, in conjunction with the Chief of Engineers, to promulgate rules and regulations after investigation.

Now, the Chief of Engineers and the Secretary of War are not going to issue orders or regulations that can not be fulfilled.

For instance, my idea of the operation of this bill is that if they should find out that—so far as the purpose of protecting the Government property is concerned and so far as the health of the people is concerned—that if these plants should install, for instance, a seepage bed, fill it with lime once in six months, and allow the waste water to percolate through that, it would neutralize the chemical action of that waste material. The War Department would request that factory or that coal mine to treat their waste water in that manner. That would be a regulation that certainly would not destroy the industry. It might cost them a few hundred dollars a year; but unless there was a penalty prescribed, they would pay no attention to that order.

Mr. LINDBERGER. You propose to have them apply to the courts to enforce these penalties, do you not? They can not be applied administratively?

Mr. ROSENBLUM. No; of course, the orders would be administrative, but the violations of them, of course, would have to come up in the courts.

Mr. LINDBERGER. The courts would pass upon those?

Mr. ROSENBLUM. Yes; the courts would pass upon those.

Mr. SEGER. What do you do with the sewage of those cities?

Mr. ROSENBLUM. It is running right into the rivers; but the sewage does not present the menace that the acid does.

Mr. SEGER. Do you not think the action of the sewage is neutralized by the injection of chemicals?

Mr. ROSENBLUM. No; it may be to some extent. I am not a chemist; but I know that the actual results we have had out in our section are that sometimes the river smells so bad that you can not endure it, and if you attempted to drink it it would make you sick.

Mr. NEWTON. Does that apply to sewage also?

Mr. ROSENBLUM. Yes; in a way and to some extent it applies to sewage. But the sewage is not eating away the metal parts of the dams, or causing the other injuries of that kind. Conditions are so bad along the Ohio River that sometimes steamboats going up and down the river have to carry a barge along with them filled with chemicals, so as to neutralize the action of the acids.

Mr. LINDBERGER. In that connection, I think that sewers are referred to in section 13 of the act of 1899; and your bill is simply to supplement section 13, by adding to it a new section, 13a?

Mr. ROSENBLUM. Yes.

Mr. NEWTON. What act is that that you referred to?

Mr. LINDBERGER. The law as it now exists, section 13 of the act of March 3, 1899. I find in it these words, after referring to the various refuse matters which are prohibited by the law as now existing:

"Any refuse matter of any kind or description whatever other than that flowing from streets and sewers and passing therefrom in a liquid state."

I was mistaken; that is exempted under the present law?

Mr. ROSENBLUM. Yes, sir.

Mr. LINDBERGER. And it is not covered by your amendment?

Mr. ROSENBLUM. No; and I do not know about that. Of course, some of the public health officials may give you more light on that than I can. The conditions that bring about the request for this legislation are largely based on the commercial proposition, the sulphuric acid, and so on, that are dumped into the waters.

Mr. HULL. Where do those chemicals come from—the glass factories?

Mr. ROSENBLUM. No; largely from the galvanizing plants; they have a pickle that they put this steel in to galvanizing it; and they work that pickling tank as long as they can, and then dump it into the river. You can always tell when it has been dumped, because there are a few thousand fish floating on the water with their bellies up; and the moment the mills open up those acids are dumped.

Now, I would be the last person to ask for this legislation if it was going to bring about the result to the industries, both coal mines and steel mills, that has been indicated by the protests against the legislation. But the only result will be that it will cause them to spend a few hundred dollars. And they will not pay any attention to regulations—some of them, at least, unless there is a penalty.

But some of them have approved of this legislation. I know that two of them have approved of it—Hazel Atlas Glass Co., the Warwood Tool Co., and others. But a lot of them take the position that there is no use in their undertaking to take care of their waste as long as their neighbors on the stream do not take care of theirs, but continue to send the acid water down from the stream above.

And I make the statement absolutely that it would cost these industries less money a year if they should all be compelled to treat this waste matter in some way to remove the objectionable features than it does at the present time to operate their industries, because the water that they now use in their boilers and the operation of their plants they have to treat chemically before they can use it in their business. And I believe it would be cheaper for them to work it the other way around.

Mr. MORGAN. Are you familiar with the cost of equipment necessary for taking care of this waste matter in the plants?

Mr. ROSENBLUM. No; I am not. But I feel this way about it—and my viewpoint on this matter could not be better expressed than it has been expressed by Secretary Hoover at the opening of these hearings. Were you present at that time?

Mr. MORGAN. Yes. Well, is that an important matter now, so far as the industrial plants are concerned?

Mr. ROSENBLUM. Yes; but how are you going to find out how much it will cost, unless you compel them to investigate this matter and find out a remedy? They have made no effort to do so. Now, the public necessity requires that something be done so that this pollution will be prevented.

Mr. MORGAN. Might not the conditions imposed by the bill be difficult to meet?

Mr. ROSENBLUM. It does not impose conditions. It gives authority to the Secretary of War and the Chief of Engineers to impose conditions.

Mr. MORGAN. Well, that means the same thing?

Mr. ROSENBLUM. No; I do not think it does. Because we do not have any expert knowledge of the subject; whereas the Secretary of War and the Chief of Engineers have that knowledge. We undertake to provide a remedy; and our lack of knowledge is such that we might work a hardship upon the industries if we undertook to impose specific conditions.

Mr. MORGAN. Well, it is not highly important that we appraise ourselves of the effect that it would have upon the industrial plants?

Mr. ROSENBLUM. Well, it depends upon the viewpoint. I think we are aware of the actual effect it has upon the health and the lives of the people of our districts. We have absolute knowledge as to that.

Mr. NEWTON. Is there any information available, or has anybody considered the matter at all, as to the practicability of devising some method of doing this?

Mr. ROSENBLUM. I understand—of course, I can not state it positively—that one of the largest steel concerns in my district several years ago, anticipating that this might be done, engaged an engineer, an expert from New York by the name of Doctor Peacock, and that he has given them a method of overcoming this; but that they have not installed it, because there has been no occasion to install it; but they have it in their possession when the time comes to install it.

Mr. MORGAN. Well, does it not seem to you that the Lineberger bill, which provides for a study of these conditions, is a practicable procedure in order that we may have information to act intelligently on conditions that may be found? Is that not a practical procedure?

Mr. ROSENBLUM. Well, of course, that is always practicable; and that was suggested at the last session of the Sixty-seventh Congress. But the statement made by Secretary Hoover at the opening of these hearings, at which he advocated the enactment of legislation to prevent the oil pollution of the waters, although he had no remedy to suggest, but gave as a reason for recommending that legislation that the passage of the legislation would create an incentive on the part of the people who were offending in this way to find a solution—that statement should be borne in mind in connection with the legislation proposed in my bill. You gentlemen will doubtless remember his statement.

I thought the statement was not quite as strong a statement as should come from the department that had all the necessary equipment and assistants, I might say, to investigate these things. And it is not a new question. It has been before Congress for many years; and what is feared by those who favor action to prevent this evil is that, under the Lineberger bill, the matter will continue to be pending in Congress for many years to come.

If this bill that I have introduced undertook to set up certain rules and regulations, the violation of which would be an offense, of course that would be too drastic. If it undertook to say that the deposit of waste materials in these navigable streams should be a criminal offense, that would be too drastic and might seriously interfere with industry.

But this bill undertakes to do only this: It gives to the Secretary of War, after advising with the Chief of Engineers, the right to issue orders and regulations governing the disposition of these waste materials.

Now, I am satisfied that if we confer that authority upon the Secretary of War it will not be abused in the way that is feared by those who are now offending, and it may at the same time bring some relief to the people whose rights are being violated by these offenders. And I represent both the offenders and the people, and I think something ought to be done, and the longer it is delayed the worse the conditions will be.

Mr. MORGAN. Well, if you impose conditions now, might it not work such hardships upon certain industries that they would be unable to meet them?

Mr. ROSENBLUM. No. I have confidence enough in our Chief of Engineers and the Secretary of War to believe that they would not issue such regulations unnecessarily. I will say this, that where they are offending and the proper regulation is adopted, although it may possibly cost them more than they should spend to comply with it, I

would be in favor of enforcing it, because the general public has rights that offenders should be forced to respect. The sole right in this matter is not with the offenders in the industries.

Mr. KINDRED. I do not know whether you have studied the important phase of so-called "land pollution"—that is, how will your bill affect the hundreds of thousands of people who live in cities which up to date have no proper sewage disposal or prevention of pollution from sewage that is being deposited in the navigable waters?

Mr. ROSENBLUM. This bill in no way changes the present disposition of those matters. But the bill does give to the Chief of Engineers of the United States the authority, under the Secretary of War, to issue such orders and regulations as may be necessary.

Mr. KINDRED. Pardon me—to do what?

Mr. ROSENBLUM. To establish such rules and orders as shall be necessary. It does not make any specific provision as to disposition; but I am satisfied that those gentlemen who will be granted this power will not abuse it. The power should exist somewhere to deal with this matter.

Mr. NEWTON. Does not your bill impose on the War Department the duty of stopping this contamination?

Mr. ROSENBLUM. It does not impose it; it gives them authority to do that. And in order to have that power, which must exist somewhere, placed where it can be effective at all, it must be placed with the National or Federal Government, because the individual States can not regulate this matter. One State will adopt one law and the State across the river will adopt another law and destroy the effect of the first one.

Mr. NEWTON. If this bill is enacted, however—and thus far we have not any evidence as to the practicability of the methods to be adopted—and the Secretary of War does not stop the pollution, will he not be subject to a charge of dereliction of duty?

Mr. ROSENBLUM. Well, I can not agree with you as to that. If he can not find a suitable method of doing this, there is nothing in the act that would compel him to do it.

Mr. NEWTON. Well, do you not think you could bring before the committee some such proof as that of the doctor from New York, who you say was employed by one of those companies, to show the committee whether or not it is feasible to do it without destructive injury to the manufacturing plants?

Mr. ROSENBLUM. I still do not seem to have made myself clear. If I were to do that, and this method that this doctor has suggested to this steel company appeared to the committee to be a workable proposition, and economically practicable, it might prove to be so, as far as that industry was concerned; it might cost them very little to adopt that method because they were a large company. At the same time, it might be destructive to a smaller industry, if that should be the method which Congress should require for taking care of the situation.

Mr. NEWTON. Well, we would not have to adopt a particular method?

Mr. ROSENBLUM. No.

Mr. NEWTON. But can you not bring proof as to the practicability of such methods—generally?

Mr. ROSENBLUM. I would feel that it would safeguard industry to a greater extent to allow that to be decided by the Chief of Engineers and the Secretary of War, to make such regulations as they might see fit. I am satisfied that they are not going to go in and stop any industry because of the violation of those rules that they may adopt; and that unless it is a practicable, workable proposition for that industry, they will not adopt such a regulation.

Mr. NEWTON. But if we impose a duty on them to stop the contamination, will they not have to act?

Mr. ROSENBLUM. We do not impose a duty on them, in my opinion, so much as we give them authority.

Mr. NEWTON. But I understand your discussion of your bill, you impose the duty, and then you rely on the Secretary of War not to obey the law unless he finds a practicable method?

Mr. ROSENBLUM. I can not follow your logic as to that. I have not made any such suggestion.

Mr. LINEBERGER. Mr. ROSENBLUM, I would like to ask you a question. You have referred to the testimony of the Secretary of Commerce, and you have made an observation here that you can not see why the same logic which he uses regarding oil pollution should not be applied to your bill?

Mr. ROSENBLUM. To acid pollution.

Mr. LINEBERGER. Yes; to acid pollution. Have you taken into consideration that at the time the Secretary of Commerce made this statement, and as a part of his statement, he said that the major source of water pollution was oil, and that the major portion of all oil pollution was floating craft, and that one remedy would practically meet that entire situation? I do not know whether he said, but he certainly intimated, and the testimony which followed has developed, that the other sources of pollution present a much more intricate and involved problem. For instance, a remedy to meet a pollution by a certain kind of plant making acid pollution would not fit another

plant; and you have a variety and an intricacy in meeting the acid-pollution problem which does not exist in the oil-pollution problem; it is a question of relativity, if you get my point?

Mr. ROSENBLUM. I think I get it.

Mr. LINEBERGER. Have I made it clear?

Mr. ROSENBLUM. I think you have.

Mr. LINEBERGER. That is my thought. That you can with practically one remedy meet the major source of pollution at this time; that the other sources of pollution involve and embrace various kinds and degrees of industry, and therefore must embrace a varied and intricate method of dealing with them. Your logic would be perfectly tenable to me, if that fact did not exist. But I think that is a coordinate fact that must be considered in connection with the whole pollution problem.

Mr. ROSENBLUM. That is true, with the exception of this—I just want to make myself clear—that is true as to the consideration of all the various angles of this situation. But I still emphasize the view that Secretary Hoover gave—and he is supposed to be an authority on this matter—and that is that in reference to this oil pollution he was willing to have this law enacted to prohibit it, absolutely prohibit it, which goes much further than my bill proposes to go, without at the same time being able to suggest a remedy. That is the point I tried to make.

The chief objection, as I take it, to the enactment of this bill, which would cause the discontinuance of the acid pollution, is that we have no proper remedy at hand to apply.

Mr. LINEBERGER. Yet one remedy would meet the whole oil situation, whereas one remedy would not meet the whole acid situation.

Mr. ROSENBLUM. I can conceive that it might require 40.

Mr. LINEBERGER. That is just the point; whereas one remedy would meet the oil situation.

Mr. ROSENBLUM. Yes; but the logic that I undertook to interpret from Mr. Hoover's statement and to emphasize here is that, even without being able to offer a suggested remedy for the oil pollution, he deems it wise to legislate absolutely prohibiting the oil pollution without suggesting a remedy.

Now here, while we have no remedy to offer on this matter, my contention is that we do not prohibit the deposit of this waste material in these streams except in violation of the orders to be issued in the future by the Chief of Engineers in connection with the Secretary of War. We do not make the deposit of the waste acids or acid-creating materials an offense, whereas the bill with regard to oil pollution does make it an offense.

Mr. NEWTON. Do you not think that while we are following the policy provided in the Lineberger bill as to oil waste on the seashore we ought to apply the same principle to your bill as to the inland waters of the United States?

Mr. ROSENBLUM. Yes; I can not see that there is any difference.

Mr. LINEBERGER. You recognize the fact that acid pollution is a much more intricate problem and much more expensive?

Mr. ROSENBLUM. Yes; absolutely.

Mr. LINEBERGER. And that 40 remedies may be necessary for that evil, whereas one or two remedies will meet the evil as to the oil pollution?

Mr. ROSENBLUM. That is correct.

Mr. NEWTON. But I think Mr. ROSENBLUM's idea is that while we are proceeding to remedy the oil pollution and while only one remedy may be necessary as to that we should make an equal effort to meet the problem of the acid pollution on the inland waters?

Mr. ROSENBLUM. Exactly.

Mr. KINDRED. In that connection there is a different situation in regard to oil pollution from oil wells, etc., inland than that which exists with regard to meeting the conditions of oil pollution from craft within the 3-mile limit or beyond the 3-mile limit on the ocean?

Mr. ROSENBLUM. Yes, sir.

Mr. KINDRED. And does not that also bring up a question which is applicable to plants which will cause pollution by chemicals?

Mr. ROSENBLUM. Yes, sir.

Mr. KINDRED. And that brings up the question of the mechanism, or of adopting some means of disposal which will not be so costly as to amount to a confiscation of the plant?

Mr. ROSENBLUM. That is true.

Mr. KINDRED. Now, is it not a fact that up to date some plants have actually had to expend—those which have undertaken the big problem of disposal—as much as \$300,000?

Mr. ROSENBLUM. Probably \$1,000,000. Take the silk works, for example, up in the New England States.

Mr. KINDRED. And that would drive out of business a great many small factories, would it not?

Mr. ROSENBLUM. No; it would not.

Mr. KINDRED. And destroy the means of living of the people employed by them?

Mr. ROSENBLUM. Not at all.

Mr. KINDRED. It would, if you destroyed the plants?

Mr. ROSENBLUM. It would not do that.

Mr. KINDRED. Well, would it not if you required them to spend \$300,000?

Mr. ROSENBLUM. We are not trying to pass a bill undertaking to make them spend \$300,000. All we are undertaking to do in this bill is to authorize the War Department, which is charged with the protection of the Government properties on these streams, to issue orders for the protection of that property. Now, they are not going to issue an order that would compel a small factory to close up. They are going to issue an order to require them to take the water to a lime bed, to neutralize the acids that are in it, at a cost which these people can afford to pay without any hardship. Then, if they do not obey that order, in the interests of the thousands of people who are drinking that water, and using it every day for cooking and washing, a penalty is provided—that is, if they do not spend a couple of hundred dollars to make it safe to use that water.

Mr. NEWTON. The cost of the method adopted would be governed by the amount of the pollution; and that would depend upon the size of the plant, would it not?

Mr. ROSENBLUM. Yes; I think that would be true. But you take a very large plant. It might have very little waste matter that is harmful; and then, again, a small plant might have a large quantity of waste matter that is harmful.

Mr. MORGAN. That theory would hardly apply; because, is it not a fact that plants which use galvanizing material have great deposits of acids; and might not a small plant, that manufactures galvanized roofing, or galvanized products of any character, be driven out of business because of the expense of applying the method prescribed?

Mr. ROSENBLUM. No; there is no chance of putting them out of business; because we do not say that the doing of that will be an offense. We leave that to the engineers and to the War Department to issue their orders.

But I want to say this to the gentleman: That if a plant is operated, the operation of which is a menace to the life and the health of the people who are dependent upon their water supply, because of the by-products of that plant which go into the water, I think it is our duty to act in the interest of the people.

Mr. KINDRED. I agree with you as to that. If life and health are affected. But let me ask you this question: Suppose discretionary powers were given to the War Department such as you suggest, and they go forward and put the act into effect, would they not have to answer any criticisms that might come up—General Beach and the other representatives of the department, if they are given that discretion—and where there were two factories, one operating alongside of the other; and the War Department officials used the discretion given them to let one factory go on and pollute the water, because it could not stand the expense of disposal, and the other factory, because it was able to stand the expense, was ordered, in a mandatory way, to meet and obey the law—you would not be stopping pollution under these circumstances after all, would you?

Mr. ROSENBLUM. That is a matter that we will have to leave to those charged with the duty of carrying out the law. All we are asking is that they be given the authority to do what you fear may not be done.

Mr. BOYCE. Mr. ROSENBLUM, you say nothing about the question of State sovereignty over some of these subjects that are involved in this bill. Are you clear in your mind that Congress has the power to vest, or rather to delegate such powers as you propose to delegate, to any department of the Government, whether it is the War Department or the Department of Commerce—carrying with it the police powers that it necessarily carries?

Mr. ROSENBLUM. I have no doubt of that at all. That, in connection with the custody and the preservation of Government property, we can readily take steps—

Mr. BOYCE (Interposing). Probably I have not conveyed to you what I intended to convey.

Mr. ROSENBLUM. No; but I say that as to Government property—

Mr. BOYCE (Interposing). What I meant to convey was this: In your proposal, or in your bill, you do not undertake to declare the law itself, which Congress has a right to do; but, instead, you undertake to delegate the powers of Congress to this department. Are you clear in your mind as to that?

Mr. MANSFIELD. The power to legislate.

Mr. BOYCE. To delegate.

Mr. MANSFIELD. I say, to delegate the power to legislate.

Mr. BOYCE. Yes. In other words, I am trying to draw to your attention the question, not of our right to legislate, not of the right of Congress to legislate, but of the right of Congress, or the power of Congress, to delegate its right to the department in the manner which you have tried to do by this bill.

Mr. ROSENBLUM. I want to say that in the act of 1890—and it has never been questioned, so far as I know, as to the rights that have been conferred—it provides in the concluding paragraph as follows:

"That the Secretary of War, whenever in the judgment of the Chief of Engineers anchorage and navigation will not be injured thereby, may permit the deposit of any material above mentioned in navigable waters"—

Mr. LINDBERGH. What are you reading from?

Mr. ROSENBLUM. Section 13 of the river and harbor act of March 3, 1890.

Mr. LINDBERGH. That is the existing law?

Mr. ROSENBLUM. That is the existing law.

Mr. MORGAN. Will you read that again, please?

Mr. ROSENBLUM (reading):

"That the Secretary of War, whenever in the judgment of the Chief of Engineers anchorage and navigation will not be injured thereby, may permit the deposit of any material above mentioned in navigable waters, within limits to be defined and under conditions to be prescribed by him."

Mr. BOYCE. Before you proceed, let me call your attention to this: In the act of Congress approved March 3, 1890, Congress undertook to make certain things unlawful and then vested the War Department with certain discretion in relation to the law which Congress enacted. Now, you do not do that in your bill, as I understand?

Mr. ROSENBLUM. As I understand it, the bill does that very thing.

Mr. BOYCE. As I understand, you delegate the whole thing to the War Department?

Mr. NEWTON. As a matter of fact, as I understand your bill, you define the purpose to be accomplished and delegate to the War Department the power to make the regulations to carry out that purpose. Is that the effect of your bill?

Mr. ROSENBLUM. That is correct.

Mr. BOYCE. Well, I may be wrong.

Mr. NEWTON. Well, let us have that cleared up.

Mr. ROSENBLUM (reading):

"An act entitled 'An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.'"

Now, that is the title of the bill. It is to be a new section added to that act, which the title says is for the preservation of certain public works on rivers and harbors. And predicated on that, you see, I figured that Congress has the right to do this and to delegate this power for the preservation of the public property; and that that gives us the unquestioned right to legislate in regard to this matter as against any question that there might be as to the powers of the States—that is, as to Government property. Now, there might be a question in a stream that did not have any Government property on it; but so far as rivers that have the dams of the Government on them I do not think there is any question about it at all.

Mr. NEWTON. Your theory, as I understand it, is that Congress has the right to legislate over navigable streams which are under the control of Congress?

Mr. ROSENBLUM. Yes; and that it may delegate the power to deal with conditions that prevail there when there is Government property there.

Mr. BOYCE. Well, it may be that, not having repealed or not proposing to repeal the act of March 3, 1890—it may be that your contention is right.

Mr. ROSENBLUM. No; it is not proposed to repeal that; this is to be added as section 13a of that act.

Mr. KINDRED. It is a fact that Congress has a right to legislate with regard to pollutions, or anything else, where it involves or interferes with navigation and commerce. Under those broad powers of Congress, and considering also another fact, based on judicial opinion, that the fish and the game in a State belong to the State, is it clear in your mind that that is commerce—that is, as to the fish—as to which Congress would have power to legislate, if the fish, for instance, belong to the State?

Mr. ROSENBLUM. There is no question in my mind that it is an interference with commerce, as is specifically set out in the bill; this acid is eating away the metal work of the dams.

Mr. KINDRED. Well, I was speaking of the killing of fish and to the great loss arising from that.

Mr. ROSENBLUM. That is one of the incidental losses, of course.

Mr. KINDRED. Well, it is a very big one, according to the testimony which has been presented.

Mr. ROSENBLUM. Not so much in navigable streams.

Mr. KINDRED. Yes; there are many thousands of tons of fish destroyed.

Mr. ROSENBLUM. Yes; I would say millions of tons; but at the same time—

Mr. NEWTON (Interposing). But at the same time could Congress interfere to prevent the destruction of the fish that belong to the State?

Mr. ROSENBLUM. It does not interfere for that purpose, while that may be one of the resulting benefits. The real purpose is to protect public health and public property, as well as to prevent obstruction

of navigation by the injury to the boilers, etc., of steamboats, and also protect the health of the men who operate the boats.

Mr. NEWTON. Well, this bill is calculated to preserve the fish; there is no question about that.

Mr. ROSENBLUM. That is correct.

Mr. KINDRED. Well, I want to get your opinion on this; the constitutional question is involved here as to the right of the States in the fish, etc.

Mr. ROSENBLUM. I can not see where that is really involved.

Mr. KINDRED. Well, the constitutional question is involved, is it not?

Mr. ROSENBLUM. I think you are right in the proposition that the fish belong to the State. I can not concede the rest of it.

Mr. DEAL. In the case of streams in a State that are not navigable streams and hence are under the jurisdiction of the State, do you think that Congress has a right to legislate with respect to them?

Mr. ROSENBLUM. That would be a question that I think could probably be answered on this theory: That the waters of that stream empty into the navigable streams and bring in this deleterious matter, which injures the Government property. On that theory I think the Federal Government might be able to regulate that.

Mr. DEAL. The question is, Does it injure the Government property?

Mr. ROSENBLUM. I understand that, but it is said that those streams bring chemicals down into the navigable streams and cause damage to the Government dams in those streams, and therefore it might be held that we had that power.

Mr. NEWTON. Your theory is that if they put deleterious matter into a stream, knowing that it will injure the navigable streams, it could be dealt with by the Federal Government?

Mr. ROSENBLUM. An order might be issued to stop it, or suggest a remedy.

Mr. SWEET. What about the theory that running water purifies itself in a certain distance?

Mr. ROSENBLUM. I covered that subject in my statement last year, and in a navigable stream—

Mr. SWEET (Interposing). Very well; but I suggested that in regard to the point made by my colleague.

Mr. ROSENBLUM. These dams and other works are formed in order to make the river navigable. Take, for instance, the Ohio River; the natural flow of that river has been retarded. And the stuff comes down in the water, and the river does not have the same opportunity to clear itself that it had prior to making these streams navigable.

Mr. SWEET. But the point that my colleague made was that when such substances are deposited in a stream which is not navigable and finds its way into the stream that is navigable, what would you say as to the theory that running water clears itself in a certain distance?

Mr. ROSENBLUM. I imagine that the Chief of Engineers, who is present, would be familiar with that question, and he would issue no orders as to that particular stream in a case of that kind. You see, the mere dumping of harmful material into the river does not become an overt act under this bill, such as the dumping of oil waste would be under the bill as to oil suggested by Secretary Hoover; in that bill the act itself is the offense. In this bill that I have introduced the act is not the offense; the offense would be the failure to comply with the order of the War Department, in conjunction with the Chief of Engineers.

Now, that, in my opinion, has to be done in this matter on account of the delicate situation as to interfering with industry on the one hand and on the other hand protecting the people along the stream. So that the bill confers authority on somebody that is competent to look into it and to suggest the remedy.

Mr. NEWTON. As a matter of fact, what you are doing in your bill is giving the War Department power to make a regulation, and after the regulation is made it has the authority of law; and if a person violates that regulation after it is made, he is guilty of violating the law?

Mr. ROSENBLUM. In other words, it is addressed to the good judgment of the men who are in these positions of authority and trust, to be guided, like you or me or anybody else would be, by the conditions.

Mr. NEWTON. But, as a matter of fact, your bill confers on the Secretary of War authority to make regulations which will have the force of law?

Mr. ROSENBLUM. Yes; unless they are harmful. General Beach will explain that.

Mr. FREEMAN. We will now hear General Beach.

STATEMENT OF MAJ. GEN. LANSING H. BEACH, CHIEF OF ENGINEERS, UNITED STATES ARMY.

General BEACH. Mr. Chairmen and gentlemen, I would like to explain at the very beginning the question that has just been asked by Mr. NEWTON.

You spoke about a stream purifying itself within a certain distance, probably. That theory of a stream purifying itself arose before the in-

dustrial development of the country had reached the point where it now stands, and when the material deposited in the stream was domestic waste, so to speak. Now that is organic matter.

Now, organic matter thrown into a stream is dissolved, a good portion of it. It is thrown in contact with the oxygen in the water, and ordinary animal wastes and other organic matter coming from the households, or the factories, is oxidized and becomes purified within a certain distance, depending upon the amount of fresh water thrown in and the character of the material. It used to be said that any stream would purify itself within a distance of 150 miles.

That is entirely different, however, from the question of a mineral pollution of the water. You take acid, and you can not destroy that acid unless you bring it into direct contact with an alkali.

Now, a great many streams are what we term "hard," because they come from limestone sections and carry a certain amount of dissolved lime.

Now, those streams would purify themselves from that acid in a certain distance, depending upon the amount of lime and the amount of acid. But acid pollution is more difficult, as a rule, to get rid of than the organic-matter pollution.

Mr. NEWTON. As a matter of fact, the acid when once dumped into a stream will remain in it until it comes in contact with an alkali, will it not?

General BEACH. Absolutely.

Mr. SWEET. What about magnesia?

General BEACH. Magnesia is an alkali. If you are in a gypsum region you will find that the acid would be neutralized by the magnesia. But the acid remains acid until it comes into contact with a material which will neutralize it. Of course, all streams, as the water flows, have tributaries added to them. And if the tributaries are not polluted, they bring in a quantity of fresh water, which dilutes the pollution, at the same time that they might bring in alkalies which would neutralize the acid. So that, unless you get a continued supply of acid, the farther down the stream you go the less acid you would find in a given quantity of water.

Mr. NEWTON. You mean, the less percentage of acid there would be in a given quantity?

General BEACH. The less percentage of acid in a given quantity of water.

Mr. SWEET. Provided the evaporation of the stream is not equal to its influx?

General BEACH. I do not think you will find any streams in this country where the evaporation is in excess of the additional supply.

Mr. HULL. If a stream was 500 miles long and it was just the natural waters, without the qualities of neutralization, would the acid remain to the end of the stream?

General BEACH. Yes.

Mr. SWEET. In a more or less dilute form, however?

Mr. HULL. Am I to understand that it would be diluted?

General BEACH. If additional water has come in.

Mr. HULL. Of course, I am raising the question of whether, if the water should be the same at the end as at the beginning, the acid would be the same at the end as at the beginning?

General BEACH. Yes.

Mr. SWEET. That is, with no intermediate tributaries?

General BEACH. Yes.

Mr. MORGAN. Have you made an analysis of the principal navigable rivers?

General BEACH. Not personally. But I have had them made of nearly all the streams in the country.

Mr. MORGAN. What do they show?

General BEACH. They show vastly different results at different times, depending upon the stage of the river—I might say, the accidental circumstances of the river.

Mr. MORGAN. I was speaking of the average condition—as a general proposition?

General BEACH. I hesitate—I always do—to give averages; because averages are what is ordinarily understood as a mean point between extremes. Now, 51 is an average between 50 and 52; it is also an average between 1 and 101. So that when you speak of averages you ought to have the accompanying circumstances explained to understand what the average really represents.

Mr. MORGAN. What I am trying to get at is an indication of the pollution and its character.

General BEACH. Now, with regard to that, Mr. ROSENBLUM has explained to you a few minutes ago that on the upper Ohio you might have a really normal condition of stream until one of those manufacturing plants dumped its surplus of acid into the stream.

That is shown by a case that occurred, for instance, last spring. The plants had been shut down. The stream was well filled with fish. One of those plants cleaned out its vats and dumped the contents into the stream, with the result that a quantity of fish were killed; that polluted that stream for miles, and people from various towns around there complained to our office that the stench was so great, the dead fish were so numerous, that it was a public nuisance.

Now, I do not know how you would answer a question as to the average condition of that stream.

Mr. MORGAN. Well, to make it more general. Do you consider the principal source of pollution oil?

General BEACH. Let me explain about acids. Now, I can explain the average condition of the Youghiogheny River, which is a tributary of the Monongahela, near McKeesport, Pa., and state that the average condition of that stream is so acid that a vessel can not even charge its boilers once with the waters of that stream without doing damage. The average condition of the Monongahela below the Youghiogheny is such that our metal work in our dams is always in danger and we have to renew it at very frequent intervals.

Mr. LINEBERGER. Our waters normally, when there is no acid pollution, are base—they give a basic reaction, do they not?

General BEACH. The waters of our streams generally percolate rocky soils, lime, and magnesia; so that the natural state of the waters of our streams is alkali, and they do not become acid, except from the works of man.

Mr. LINEBERGER. And the degree of acidity depends upon the varying conditions to which you have alluded; in other words, at certain times of the year, if you put in a piece of litmus paper—I just use that for illustration—you would not get an acid reaction; but on the same stream later, you might get a discoloration?

General BEACH. Yes; decidedly an acid reaction.

Mr. LINEBERGER. It varies, and there really is no normal condition or average condition anywhere; it is a varying situation, is it not?

General BEACH. I would put it a little differently; I would say the acid condition is an abnormal condition.

Mr. LINEBERGER. Yes; caused by the works of man?

General BEACH. Caused by the works of man; and the degree of abnormality which would vary from time to time.

Mr. LINEBERGER. Yes; that is what I mean.

Mr. SWEET. General Beach, what would you term the water that is free from alkaline material but charged, by reason of its source and flow, with organic matter; what would that water be—soft water, free from lime?

General BEACH. It would be very soft water, and you find that in some localities, especially those localities where they have streams termed "black" rivers.

Mr. SWEET. Yes; that is what I mean.

General BEACH. Where they flow through forests or over pine needles, and they do take up a certain amount of tannin and other organic matter, the coloring matter ordinarily stays in those streams, although the organic matter is changed.

Mr. SWEET. Would that base condition necessarily be acid, if it is not alkaline?

General BEACH. I do not think it would be acid under those circumstances.

Mr. NEWTON. The streams of the country generally that are not corrupted were they originally alkaline?

General BEACH. More or less. I think you would be safe in saying that in ordinary cases the streams are alkaline, unless they have been changed by the work of man.

Mr. MORGAN. General Beach, have you made a study of the character and the extent of industrial pollution?

General BEACH. We have been studying that in a general way for some considerable time.

Mr. MORGAN. Well, in that connection, is it your judgment that the conditions are such that it would require a study of conditions in order to enact proper laws providing for the correction of the injurious conditions, and that it would be difficult now to enact a law covering industrial conditions without imposing hardship?

General BEACH. I do not see why legislation could not be enacted at the present time without further study; and it has been the result of our observations that legislation is badly needed at the present time.

Mr. NEWTON. You think you have gone far enough with your investigations to justify the War Department in recommending legislation from the facts that you have now?

General BEACH. Unquestionably.

Mr. LINEBERGER. General, do you approve of the Rosenbloom method of putting this legislation into force, to wit, by amending the present statute, section 13 of the rivers and harbors act of March 3, 1899? Do you think that is the proper way to meet this acid-pollution situation to which you refer and, as I assume, to which you are addressing your remarks in the testimony you are giving?

General BEACH. Well, I would like to say that it is not—I would not like to be put in the position of saying that I approve or disapprove of action to be taken by Congress.

Mr. LINEBERGER. Well, you think the step is along the right line?

General BEACH. Oh, I think that much good could be accomplished by the legislation which I understand Congressman ROSENBLUM to refer to this morning. Now, I would state that I understand that there are various bills before this committee under consideration and—

Mr. LINEBERGER (Interposing). Well, his bill is a little different from the rest of them. It seeks to meet the acid-pollution situation, as I

say; he is not attempting to cover the oil-pollution situation or the sewage pollution; he is attempting to meet a situation of which he has complained and which you say is a very serious one. He is meeting a specific thing in a specific manner here, and it covers acid pollution.

Mr. NEWTON. In other words, Mr. LINEBERGER, your bill deals with the pollutions on the seashore, and Mr. ROSENBLUM's bill covers pollutions on the navigable streams?

Mr. LINEBERGER. Yes; there is no conflict between the two bills.

General BEACH. The two subjects are entirely distinct and separate, and the measures which would have to be taken to prevent the pollution of our navigable waters by one cause are absolutely different from those which would have to be adopted to prevent the pollution of navigable waters by the other. And I do not think you will find that the different kinds of pollution are ordinarily presented in the same locality.

Mr. LINEBERGER. And the investigations and remedies required are different, are they not?

General BEACH. Certainly.

Mr. NEWTON. Well, are the pollutions generally acid?

General BEACH. The pollutions that create trouble in many of our navigable rivers are acid.

Mr. NEWTON. Has your department studied the practicability of methods to prevent this pollution, and do you know whether or not such methods are within the bounds of reasonable cost—within the reach of the institutions that pollute the rivers?

General BEACH. We have never made very extensive investigations, because we have never been vested with funds which could be applied for that purpose. We have made a number of investigations of the character and extent which we could incidentally, with the funds at our disposal.

Mr. NEWTON. In your judgment, are such remedial works within the bounds of reason as to cost to the institution or plant?

General BEACH. I think they are. I think in most cases that we could obtain a very material relief and bring the acidity of the stream down to an innocuous degree without imposing any very serious hardship upon the manufacturing plants.

Although, in that connection, I would like to give a little illustration: As far as I know, when I was Engineer Commissioner of the District of Columbia, I was the first one to initiate the plan of marking the exits of theaters with a red light, which was to be kept burning all the time that the auditorium was open for an audience.

I had a tremendous fight in regard to the enforcement of that regulation here in Washington. I was visited by influential men, both in Congress and out of Congress, because my order involved an expenditure of \$250 upon the theater.

Now, I give that illustration, because there was a case where my action was protested and fought, because it was claimed that I was unreasonably burdensome upon that theater in compelling it to go to an expense of \$250.

So that it is a little difficult to answer your question, because somebody may claim that our regulation is burdensome if it involves any expense to them at all.

Mr. NEWTON. I know; but do you think the expense would be so enormous as to destroy the industries?

General BEACH. I do not; and in regard to that I would say that if the Secretary of War and the Chief of Engineers were vested with the authority which I understand Mr. ROSENBLUM's bill contemplates the action of the department would be conservative and progressive. We would not start with a plan; we would go at the matter gradually; and one plant might require a different treatment than another, according to the composition of the acid wastes discharged. But I believe that as far as my experience, observation, and conversation with people interested in this subject goes the industrial plants would be the gainers in the end.

Mr. HULL. General Beach, may I ask you a question on the Illinois River, from Chicago to Lockport, with which you are somewhat familiar? Suppose this law was passed, what would be the effect of it on big plants like those of the Argo Sugar Works, at Argo, and the stockyards? What would be the expense in those cases? Would it be very large, or what would it be?

General BEACH. That is difficult to answer. But my opinion would be that they would save more than the cost, decidedly, because in those materials which are organic, they could use them for fertilizers; they could be used to advantage and to bring a return. I was talking on that subject just the other day with people in Chicago, and they said that the people at the stockyards and the people at the Argo plant were both convinced that they could save that material that they were now wasting and save it at a profit.

Mr. HULL. Is there any disposition on the part of those plants to do something of the kind, or do you know?

General BEACH. I understood that the Argo plant were considering it and were having their chemist work on that matter. The question with regard to the stockyards was not answered definitely.

Mr. HULL. One more question on that subject: In your opinion, the waters down as far as Lockport—I will just leave it there—are polluted to a degree that would impair the health of the people along the river to that point by this pollution; is that true or not?

General BEACH. I would not like to say that they are polluted to an extent that would hurt the people living on the banks, unless you tell me how they are going to use the water. As long as that material stays in the water and keeps on going I do not think that it is actually injurious to a man living on the bank.

Mr. HILL. I made a trip down the river and it would seem to me, from general observation, that in the summer time it might be injurious to the health of the people.

(Thereupon, at 12:05 o'clock p. m., a recess was taken until 12:30 o'clock p. m.)

AFTER RECESS.

Mr. FREEMAN. Go ahead, General Beach.

General BEACH. As I said awhile ago, I understand that there are various bills before the committee for consideration. And that, therefore, I would rather speak in general terms on the subject and not to be considered as speaking in regard to any particular bill, as I had read none of them, and I would say that with regard to the acid pollutions the situation has become quite acute, especially on the upper Ohio River. The acidity is interfering with navigation, that the water is so acid that it is destroying the bottoms of boats, and it is attacking the metal parts of the Government locks and dams.

Mr. FREEMAN. There are parts of those locks and dams that must be metal, are there not?

General BEACH. We can not get along with any other material. If we did not use steel, we would have to go to bronze or some metal less corrosive, but that would cost more than the steel. As an illustration of the rapidity with which that will act, I would say at Dam No. 8 on the Monongahela River a draw weight was placed in 1908, for the purpose of raising the water at the low-water station, and it was so corroded and eaten by the acid waters when I went out there in 1913 as division engineer that the dam could not be operated, and it has not been operated since. It has been propped up and it stayed in that condition a few years until the metal was so corroded that it could not be used in that condition and it was taken out and refinished with concrete. For seven years—I do not know how much less—the acids of the Monongahela had placed that dam out of commission and destroyed, or, as you might say, wasted all the money that the Government had expended in its installation.

We find that it is attacking the metal parts of our movable dams in the Ohio and we have had to replace several of the horses and props of dams in various localities on that account; and the acidity is increasing. I believe from the study I have made of the subject, or studies that have been made by others of the Engineer Department, that the work can be very largely controlled. I mean the acidity can be very largely controlled.

Mr. NEWTON. Suppose you built a vat for the fluid to go in—the surplus fluid—about how long would it take the contents to be treated?

General BEACH. Well, it would not take a very large vat, because the acid is in the vats to start with.

Mr. NEWTON. Could it be treated in the vats before the alkali is turned loose?

General BEACH. In some cases, yes. In others I understand that the acidity is a little different to counteract. But now I may say that with regard to the acid waste from many plants, because I think they can be very largely controlled. From the abandoned coal mines the acid wastes are more difficult to control.

I understand that is one of the most difficult acids to neutralize that you can encounter, for the reason that there is quite a little iron in it, and if you attempt to neutralize them with ordinary iron, it makes an insoluble compound over the surface of the mine and then your acidity is not affected by the water flowing over it. You have to have a lime solution to run over it.

Mr. LINDBERGER. Is ferric acid a sort of neutralizing agency? Does it precipitate?

General BEACH. Yes; it precipitates on the outside and coats and protects from the acid. The abandoned mines, especially among the Monongahela region, where in the hillsides, and they drift in and as far as possible—they ran their drift in such a way that the water would flow out.

Mr. NEWTON. You could not deal with the owners there. It would be a problem for the Government itself, would it not?

General BEACH. I do not see why you could not in a good many cases deal with the owners.

Mr. NEWTON. Would not the mines be blocked up in that way?

General BEACH. Oh, all you would have to do would be to block the mine.

Mr. MANSFIELD. What, in your judgment, is the principal source of the acid pollution in the Ohio? Is it from the mines or industrial plants?

General BEACH. On the Allegheny and Monongahela, and especially the Youghiogheny River, the source of acidity is the coal mines. On the Ohio, after you get below Pittsburgh, the accretion is entirely from the industrial plants.

Mr. MANSFIELD. If this bill should be enacted about how long, with the information you have upon the subject and with the facilities you

have for putting it into operation, in your estimate, would it be before you could promulgate the necessary rules and regulations and put the law into operation?

General BEACH. We could promulgate the rules and regulations immediately, but a certain amount of time or a reasonable amount of time should be allowed to the parties concerned to meet the conditions. You will find, or at least it has been my experience in similar cases at other places, that some property owners will be very helpful. They will do what they can at once, while some will have to be prodded up and pushed into it, and a few probably will not do anything until they are forced to do it.

When I was at New Orleans we had trouble in Bayou Teche. There was very little current in that stream, and the sugar-mill owners were turning the refuse of the sugar vats into the stream, and it changed its character and became acid in a very short while. I went to them and explained the whole situation, and I do not think that we had a single mill owner that refused to either treat refuse so that it would not become acid, or turn it back into the swamp so that it would not come into the water. Everybody on that stream cooperated. We went to them in a spirit of showing what the trouble was and asking them if they would not assist.

Mr. MANSFIELD. Then it is your opinion that you could put the law reasonably into operation almost immediately; that is, to a certain extent?

General BEACH. We could start the law.

Mr. LINDBERGER. General, under section 16 of the present law you have certain penalties defined there—under the act of March 30, 1899. Have you encountered any particular difficulty in enforcing the penalties defined under that law?

General BEACH. That is, with regard to what portion of it?

Mr. LINDBERGER. Well, in regard to the point that anyone violating the law shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than \$2,500 nor less than \$500. I believe that same provision is in the present bill.

Mr. McDUFFIE. You mean whether it is too drastic?

Mr. LINDBERGER. Yes; and whether or not there are any particular delays. You know in these last few years the courts have been crowded on account of trying to enforce a lot of legislation, and there has been delay, as is likely to be the case where a law is attempted to be enforced.

General BEACH. I do not recall any particular case of delay at the present time that is of any importance. There is one case in New York where parties built a wharf out beyond the harbor line without authority, and they are fighting the removal or cutting back the projecting portions, and we have had considerable difficulty in getting the Department of Justice to push that case, especially as some people seem to think they had political influence. But, as a rule, I attribute that to the fact that we do not take parties into court unless they are obdurate and we have a very definite court case against them.

Mr. DEAL. General, suppose you had promulgated a rule requiring all plants—if you promulgate a rule you must make it apply to all alike. I suppose you do that?

General BEACH. We have no favorites.

Mr. DEAL. After it is promulgated you find some plants are not inclined to comply with it. What do you do with them? Do you take them into court?

General BEACH. We take them into court after a reasonable time.

Mr. DEAL. Suppose that you find in some instances they are not able to do it—not able to put in these receptacles or vats, or whatever it is—what action do you take?

General BEACH. I can not appreciate any such conditions. I can not understand how any concern which is large enough to make enough acid to be of importance could not find a means to provide the urn.

Mr. DEAL. That is just the fault that I have and the objection that I entertain to delegating to any department of the Government the right to make rules and regulations. You can not appreciate it, and perhaps some others might not appreciate it, but there are numbers of business men who would appreciate it, and with whom it would be a very serious matter. Now, it may be that they are not producing it in such large quantities, but the question is, What is a large quantity? Where is the line going to be drawn as to what is a large quantity or a small quantity? I happen to know of a good many cases where the business men do not own the business they are operating. In other words, they are operating plants on borrowed capital, and if those men had plenty of money they would not go into this anyway.

Those businesses that have grown rich are the ones which have started with small beginnings and have accumulated as they grew. They have money enough to put it into operation immediately. But the person who is operating on borrowed capital and to whom you come along and put in a rule that requires him to put in a vat which may require \$40,000 or \$50,000, and he has not the money, will go down to the bank and try to get the money, and they will not let him have it. What are you going to do?

General BEACH. I can not imagine any producer coming to a situation like you mention.

Mr. DEAL. Well, I do not know. It applies to all plants, you say. I asked the question if it would apply to all plants and you said yes. I believe Mr. LINEBERGER asked the question as to how much space would be required to take care of this acid waste, and you thought a small space would be sufficient. I would like to call your attention to that pollution from the Du Ponts down at Hopewell, Va., where they turned loose such an enormous amount of acid waste that they polluted a creek tributary to the James River, and it killed all fish life, destroyed all vegetable life, and owners of property have brought suit, claiming it was preventing navigation. I suppose that there were 10 or 15 acres in there which was absolutely filled up with the stuff. It did not fill the stream with solid matter, but the acid that would destroy everything stayed there for 10 or 15 days, maybe more. Take a case like that, where it is a small plant, and if you put the rule on it and clamp it down, it would ruin the owner. I can conceive of conditions where you might not do it.

General BEACH. Well, in the first place, you do not consider the Du Ponts operating on borrowed capital?

Mr. DEAL. No; that is a case of a very large investment.

General BEACH. It is a very large plant, is it not?

Mr. DEAL. Yes.

General BEACH. They polluted the stream with a tremendous amount of acid, which amounts could not be produced by a small concern. We would not take the position that a man had no right to come out and throw a quart of acid into the stream, and my interpretation, or at least my policy, in acting on the matter if it were intrusted to me, would be to determine whether the amount discharged was sufficient to affect the acidity of the stream. If it did not affect it, as shown by tests taken at short distances from the outlet below the plant, I do not believe we would be justified in saying that the law applied to that situation.

Mr. DEAL. You say tests were made down there?

General BEACH. I do not know anything about the case you mentioned.

Mr. DEAL. But you do have means of making a test?

General BEACH. Yes. Certainly. We could take samples of the water.

Mr. NEWTON. As a matter of fact, if these manufacturing plants continued to develop, and there is no restraint put on them, it is merely a question of time when plant life, fish life, and community and city water supplies will be interfered with and they will have to take some action.

General BEACH. It is not a case of those that will be interfered with at this time. It is a question of a very short time before they will be forced to take action.

Mr. DEAL. Does the compulsion to act come by reason of the people who use the fish, or from the people who have boats that are affected?

General BEACH. I would say from the general clamor from all causes.

Mr. LINEBERGER. Are you familiar with the factory areas of the Rhine, in Germany, and its tributaries where it is very acute, like it is becoming acute in this section? Have you visited that section over there? I have been there and I thought maybe you knew more about it than I did.

General BEACH. I have visited that section there, and while I did not make any investigation—I was not allowed to—I did make a good many inquiries and I found later on that the Germans do not waste anything. They conserve every particle of the material and the acid is reclaimed and taken back and treated and used over again, but they do not pollute the streams.

Mr. LINEBERGER. Do they have any laws regulating pollution? They must have, because Germany, of all European countries, is supposed to have a system of laws covering everything.

General BEACH. They have a very good system of laws.

Mr. LINEBERGER. You do not know what they are?

General BEACH. No, sir.

Mr. ROSENBLUM. This bill that has been introduced here is the same as was introduced in the Sixty-seventh Congress. Would that meet with your approval or with the approval of your department?

General BEACH. Yes.

Mr. ROSENBLUM. That bill was drawn after conference with your department.

General BEACH. I would like to state with regard to the question of regulations that the War Department is now—the Secretary of War and the Chief of Engineers—are already authorized to promulgate regulations on various subjects and I do not think that you will find that that authority which has been given us has been abused in any respect.

Mr. DEAL. It is not a question, General, of having been abused. It is a question of whether Congress has a right to grant you that power to make laws. That is what it does.

Mr. LINEBERGER. They have granted that power in other cases.

Mr. DEAL. I know they have, but has it not been declared unconstitutional?

Mr. NEWTON. I know of cases where there were Federal prosecutions. I prosecuted men for violation of regulations made by authority of

Congress, and the courts upheld the right to prosecute for violating the regulations—for instance, the Land Department. The Land Department has been given the right to make regulations, and I think the court has held that if they had the authority under the law to regulate on a matter that they (Congress) had power to authorize the administrative departments to promulgate rules and regulations putting the law into effect.

Mr. DEAL. That is true in some cases, as where Congress has given power to the Internal Revenue Department to make rules and regulations; and the matter of taxation is the most sacred right of human beings. But where is the line to be drawn? The Constitution gives Congress the power to make laws, but where are you going to draw the line of taking away from Congress the right to make the law and giving somebody else that right?

Mr. McDUFFIE. General, I want to get your opinion, if you do not mind giving it, as to where this authority should be lodged—whether in the War Department or in the Department of Commerce? Under the Lineberger bill, as you know probably, the Secretary of Commerce enforces such provisions as the committee may recommend and as the Congress may pass with reference to pollution by oil. That, of course, was largely on the seashore and around the harbors.

Now comes the question of inland pollution by plants along navigable streams. It occurs to me the power to enforce that should be lodged in the War Department under the Chief of Engineers of the Army, because you necessarily have to supervise the navigable waterways of the country, and it also occurs to me that being on the water with your various district engineers and organizations, your department should have supervision over any department seeking to do away with pollution of navigable streams or inland waters. I was wondering if you would give us your opinion as to both methods of pollution—both acid and oil on the sea and in the inland waters, and where the authority should be and what would be the most effective departments to promulgate these regulations.

General BEACH. It seems to me it should be lodged in the War Department, and it can be lodged there much more economically than in any other department, for the reason we already have an organization which covers the entire country and every river is under constant supervision of our department. We are constantly supervising the harbors to see that no physical obstructions to navigation occur—no wreck, no sunken vessel, no deposit of materials that will interfere with navigation or anything else of that kind occurs.

Now, it would not add one cent, you might say, to the cost of supervising the harbors with regard to the deposition of oil or with regard to the introduction of acid into our streams, but the personnel that we already have can attend to that in addition to their other duties, so that I do not understand that any other department could take the matter up to the same extent that we could without having to organize a board especially for the purpose, which would involve considerably more expense, and those people would have work which would take only a small portion of their time, while we could do it as just an additional incident to what we are already doing.

Mr. LINEBERGER. You are speaking now with reference to the policy of pollution?

General BEACH. Yes, sir.

Mr. McDUFFIE. Yes. I was thinking about the fact that the committee might consider a law governing all sorts of pollution and its general enforcement.

Mr. NEWTON. What instrumentality has been created to carry out the enforcement of the law if it is placed in the hands of the Department of Commerce?

Mr. McDUFFIE. The Secretary of Commerce.

Mr. NEWTON. He can not be all over the country.

Mr. McDUFFIE. He may make rules and regulations.

Mr. NEWTON. He must have representatives to do it.

Mr. McDUFFIE. The collector of customs, I understand, is authorized under one of these provisions to collect all penalties.

Mr. NEWTON. I know, but who goes out to inspect and detect violations?

Mr. McDUFFIE. I do not know that that is set out clearly in the Lineberger bill.

Mr. FREEMAN. There has been an amendment offered to the Lineberger bill. It may not be before the committee now, but it provides that the Coast Guard Service will assist the Commerce Department.

Mr. NEWTON. The Coast Guard Service is under the Treasury Department, is it not?

Mr. FREEMAN. Yes.

Mr. LINEBERGER. General, do you know whether there is any diversity of opinion between yourself and the Secretary of War in regard to the enforcement of this law as to pollution of waters on navigable streams and harbors?

General BEACH. No; I have not heard him express his view.

Mr. LINEBERGER. I understand that he has certain views on it, and he has promised the committee to write a letter, which has not arrived.

General BEACH. Please know that we have constant supervision over every harbor in the country. We are constantly surveying and inspecting and looking after the general conditions of every harbor.

You can not find one that we are not already thoroughly and deeply interested in, and we have the whole organization that keeps us posted in regard to all the conditions at each one of the harbors, and I would say that the conditions referred to as oil pollution and acid pollution can be very easily determined. It would not require any increase of personnel, nor would it require any additional boats, in all probability, in addition to what we now have.

Mr. LINDBERGER. Do you think it would be better for Congress to place this authority directly in your command rather than to place it in the authority of the Secretary of Commerce, as provided in my bill—section 8, lines 14 and 15, under the head "Any other department may cooperate with the Secretary of Commerce in enforcing this act and rules and regulations prescribed thereunder"? The point that you make, as I understand it, is that it ought to be directly placed in the hands of the Secretary of War and the Chief of Engineers?

General BEACH. The division that has control of all those regulations now is now in the hands of the Chief of Engineers.

Mr. NEWTON. To what degree is your work already affected by the use of oil in the rivers and harbors? You have testified already it was affected by the acid.

General BEACH. The question of oil pollution varies very greatly at different harbors. It is one of the most important at the New York Harbor, where we are already vested by law with the right to make certain regulations concerning it as regards its effect upon navigation. You know the work in New York is so important that Congress created the office of supervisor of the port, who is by law a naval officer under the orders of the Chief of Engineers.

Mr. NEWTON. Is it not a fact that your department is directly affected by the deposits of oil that are accumulating in the harbor?

General BEACH. I do not quite understand.

Mr. NEWTON. Do you have to build your harbors differently than you did without oil—with reference to fire, etc.?

General BEACH. No.

Mr. NEWTON. The harbors are all built of concrete, I suppose, now, are they not?

General BEACH. The harbor work consists of dredging and construction of dikes, and the dredging, of course, would not be affected primarily by the oil, nor is the construction of concrete or the deposition of large stones.

Mr. MANFIELD. Probably you have in mind docks instead of dikes.

Mr. NEWTON. Yes; docks are built in large cities.

Mr. MANFIELD. If you had in mind dikes there would not be very much damage to those.

General BEACH. Some of the most disastrous fires that have occurred in our harbors have been the fires in oil on the water. That fire which destroyed a million or a million and a half dollars' worth of property at New Orleans awhile ago was directly due to oil on the water. It was started by an electric power wire breaking and falling into the water, and just the electric current that escaped as that wire fell through the oil film caused the oil to flame up and start that fire. One fire that cost two lives and I think nearly \$2,000,000—the New Jersey fire—was caused from a red hot bolt being dropped into the water and setting the oil on fire as it went down.

Mr. LINDBERGER. The steamboat inspection laws and those laws affecting navigation are enforced by the Department of Commerce, are they not?

General BEACH. Yes, sir; those are the laws affecting personnel.

Mr. LINDBERGER. Up until now only those things that affect steamboats, construction, and things of that kind are carried before the War Department?

General BEACH. Yes, sir.

Mr. LINDBERGER. Nothing that goes beyond construction goes before the War Department?

General BEACH. No, sir.

Mr. LINDBERGER. And as to the dividing line whether this thing is to be placed over on the other side as obstruction to navigation, or whether it is within the duties of the Department of Commerce in carrying out our navigation laws—in other words, whether it is primarily a navigation proposition or primarily a construction proposition—is a subject of serious debate.

General BEACH. It seems to me it is a matter of whether it affects the personnel of the vessels and relative movements among the vessels or the physical condition of the harbor and the control of the vessels in such way that they will not interfere with navigation. We already have the matter of determination and promulgation of anchorage areas. We have now all matters affecting the physical condition of the harbor excepting the one of oil pollution, and it is believed that the act of Congress of 1899 intended to place this feature under the charge of the War Department.

Mr. NEWTON. In other words, the condition of the river or condition of the harbor is subject to reparation by your department?

General BEACH. Yes, sir. This is a new matter that has arisen within the last few years, and it was not in consideration by the founders of the Government. In fact, it is about like the airplane travel and several other new inventions that are arising in this day of rapid development.

Mr. DEAL. Are there many dams on the upper Ohio River harmed by this acid?

General BEACH. Yes, sir. We find that the Ohio and Monongahela have been acted on pretty badly. In a number of cases we have had to do replacing. We recently had to replace quite a number of places just below Wheeling on account of damage by acid.

Mr. NEWTON. How far down the river have you noticed any bad effects? You have dams way down below Cincinnati, have you not?

General BEACH. I could not give any definite answer to that point, because the dams are ordinarily under the water and we can not tell the exact condition without making a special examination. But so far as we can tell they are being corroded, so we can not tell exactly their condition.

Mr. DEAL. Well, metal will corrode under water anyway, but its corrosion may be accelerated by acid?

General BEACH. Yes, sir.

Mr. MANFIELD. Does that acid affect concrete works?

General BEACH. I do not think we have any damage to concrete. We have had some cases where we had to replace concrete, but that I attributed more to careless manipulation when it was placed rather than to any acidity. Freezing and drying affect it, too.

Mr. NEWTON. As a matter of fact, does not the chemical penetrate the concrete and affect the reinforced material eventually?

General BEACH. No; we do not use reinforced concrete in the river. We use massive concrete. I am not a believer in reinforced concrete, and none has been placed under my direction, because we are not certain in a few years what the condition of reinforcement is, so I prefer to use the massive concrete where it is used.

THE GERMAN RELIEF BILL.

Mr. HERSEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the German relief bill.

The SPEAKER. The gentleman from Maine asks unanimous consent to extend his remarks in the RECORD on the German relief bill. Is there objection?

There was no objection.

Mr. HERSEY. Mr. Speaker, this is a resolution reported from the Rules Committee for immediate consideration, limiting the debate to 20 minutes on a side and giving no opportunity to make amendments. The resolution authorizes a gift to Germany of \$10,000,000 for German relief.

The evidence of distress or starvation in Germany is very indefinite. Some witnesses testified before the committee that they had recently traveled in Germany and found there much distress and suffering, such as would naturally come as a sequence of the Great War. Others had been recent travelers in Germany and testified that they found very little suffering and distress in Germany on account of food; that Germany was recovering from the effects of the war; that there was plenty of employment; that her industries were being restored; and they saw no evidence of starvation.

However this may be, the first question that comes before Congress, and ought to be the first one settled here, is whether or not Congress has the right under the Constitution to take the money of the taxpayers of the Nation and give it away in any amount it pleases to any and all foreign nations? Because if we have the right to make a present to Germany of \$10,000,000, we have the right to give equal sums or even more to a dozen or more nations in the Far East, where suffering is more intense and where the needs are greater than that of Germany to-day. And so we, as representatives of the people, turn at once to the Constitution, which defines the duties and limitations of Congress. The only authority for the Congress to act in the matter of relief and charities is found in section 8 of Article I of the Constitution, which reads:

The Congress shall have power to lay and collect taxes, duties, imposts, and excises to pay the debts and provide for the common defense and general welfare of the United States.

The only claim to give Germany this money is made under that part of the section I have quoted, which says Congress shall have the power to provide for the general welfare of the United States. Under the Constitution other nations can not have the benefits of our congressional charities.

We have in the past made many gifts to alleviate distress and suffering in the States which have been made unfortunate by droughts, ravages of insects with consequent destruction of crops, floods, and other disasters, and this comes under the clause providing for the general welfare of the United States, and this is the extent of our power and authority.

Every disinterested lawyer admits this. It is not claimed in this matter that we have any constitutional authority for this act, but the claim is made by the advocates of this resolution that we have in the past made here and there some gift or contribution from our Treasury to foreign nations, and that because we have violated the Constitution in the past in these

particulars we should again violate it when we now find a case of distress among other nations.

This should be a solemn warning to us in this case. Violations of the Constitution have to-day become precedents for greater violations. Our act to-day in making this gift will be used to-morrow to make greater gifts to other nations from our Treasury, until we stand before the world a pauper to be scorned at.

So far has this disregard of the supreme law of the land proceeded that the gentleman from New York [Mr. CELLER], in the course of this debate in his zeal to dispense national charity, exclaimed:

Constitution or no Constitution, I am for giving this money to Germany.

Another gentleman from New York [Mr. BOYLAN] in his argument exclaimed:

If we violate the provisions of the Constitution in passing this resolution, we will simply do exactly what has been done by many Congresses that have sat in this Hall before us.

And then he says that, in spite of this violation, he is for giving this ten millions for the hungry little children of Germany.

To show that the end justifies the means, and to attempt to satisfy the conscience of the House in violating the Constitution, many Members argue that while the adults of Germany do not lack food, the little children are suffering for milk. Babies and milk are used for an excuse for violating the law of the land and to spend the money of the people without warrant.

The gentleman from Indiana [Mr. WOOD] justifies his vote for this measure by saying that—

not one-fifteenth part of milk enough to feed babies can be found in the city of Berlin.

The gentleman from Minnesota [Mr. SCHALL] puts aside the Constitution and says:

This proposed measure is the only way that relief can get where we want it to go—to the babies, the innocent, suffering little ones.

And then the gentleman from New York [Mr. O'CONNOR] talks only of the babies and says:

It costs but 50 cents per month for a starving little baby to give it more milk than it gets to-day, and the testimony shows that in the hospitals they are receiving only a teaspoonful of milk.

This appeal to the sympathies of Members of Congress was not sufficient to pass this resolution, and so they must appeal on other grounds than babies and milk, for it must seem absurd to the majority of the people of this country that while the men and women of Germany have food the children can not get milk. I do not believe that the men and women of Germany are so hard-hearted and inhuman as to obtain food for themselves and neglect their own babies when all they need is milk. The gentleman from Wisconsin [Mr. NELSON] puts the argument for this charity upon another ground, to wit: That we are responsible for Germany's condition, and therefore we are under obligations to take care of her in her poverty. He says:

Uncle Sam is not without responsibility for conditions in Germany. Was it not he who came to the rescue of France and England, fighting with their backs against the wall, and who finally overthrew the German forces? Was it not he whose word was so potent in bringing about the ruthless armistice and whose pen dictated the harsh treaty of Versailles? Does not Uncle Sam now silently sanction the seizure of the Ruhr by France, well knowing that it is France's purpose to destroy the German people? He certainly has made but a very feeble protest.

Let him beware of self-righteousness and hypocrisy.

Not many proponents of this measure agree with the gentleman from Wisconsin [Mr. NELSON], so they resort to another argument. They say we do not intend to send over any canned milk to Germany. It is wheat we are going to send to them, and they make an amendment to this resolution to send wheat and to buy wheat from the wheat farmers of the West, so as to relieve their suffering and distress which is due to the low price of wheat. They say under this resolution as amended that they can spend \$10,000,000 buying wheat at a good price and profit to the farmers of the West and send the same to Germany and so help the farmers.

The gentleman from Ohio [Mr. BURTON] well showed the sympathy argument of the poor babies' want of milk when he said this:

Is it not for the general welfare of this country, for furnishing a market for our abounding surplus, that a nation with which we have such social and economic relations should not fall into decay.

The gentleman from Texas [Mr. JONES] follows him, and his thought is of wheat and not of milk. He says:

There is a surplus of wheat in this country. Somebody must ship that wheat away. The United States Government is going to do that if this resolution is passed.

And then the gentleman from Maryland [Mr. LINTHICUM] says:

We will at the same time be helping the farmers of our country by relieving them from their present financial straits through the purchase of these food products.

And then the gentleman from New York [Mr. KINDRED] says:

To adopt this resolution means to relieve, in a certain measure, our distressed farmers of the Northwest, the farmers who grow wheat and grain, who will be relieved and benefited to the extent of which this appropriation will go. Therefore I urge that we may, without quibbling over constitutional questions and without hair-splitting over the real desires of the taxpayers of this country, pass this measure.

In time of war, when the life of the country is threatened by foreign foes, we can take from our Treasury, as we did in 1917, billions of dollars and loan them to our allies under the war powers of the Constitution, but not under present conditions, in times of peace, nowhere can we find any warrant in the Constitution for the passage of such a resolution as this or the making of a gift to other nations by the votes of those who disregard the supreme law of the land and their duties in Congress. They can thereby take every dollar from our Treasury for charity, to which they contribute nothing but an increase of taxes upon the whole people. To-day we not only embark the ship of state upon an uncertain sea, but to-morrow, without the Constitution as a lighthouse, we are certain to drift upon the rocks that have wrecked the ancient republics.

FIRST DEFICIENCY APPROPRIATION BILL.

Mr. COLE of Iowa. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the amendment to the deficiency bill just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. COLE of Iowa. Mr. Speaker, in this deficiency appropriation bill there is included a little item that may have a great meaning in American agriculture. It is the appropriation of \$10,045 for the payment of nine delegates to the general assembly of the International Institute of Agriculture, to be held in Rome, Italy, in May, and of \$5,000 additional to pay the quotas for the Hawaiian Islands, the Philippines, Porto Rico, and the Virgin Islands in the institute.

Thus equipped the United States will take its full and proper place in the general assembly and in the institute itself. We will be able to cast 21 votes in the determination of the policies to be pursued by this organization. We will be on a par with Great Britain and France, which cast 20 and 19 votes, respectively.

We have laid too little stress on this institution and we have availed ourselves too little of its opportunities. The International Institute of Agriculture is an American idea, evolved by a distinguished citizen of California, David Lubin, who was a farmer and a merchant. Like many others with new ideas, he had to labor long to find acceptance for them. The then King of Italy was among the first to interest himself in the undertaking. He provided a home for it when it was finally established by an international treaty in 1905; but it was not until 1909 that it was put into working order. The United States now has a permanent representative in Rome. The present representative is Mr. Asher Hobson, who is accredited to the State Department.

It is fortunate, indeed, that at a time when we need international cooperation in agriculture we find this world-wide organization ready to serve us. It is not hard to see that through it we may solve some of our pressing problems.

It is not necessary to call attention to the fact that agricultural production has been carried on somewhat blindly. We have taken too little cognizance of the laws of supply and demand. We have produced without profit because we have had no coordination or cooperation among producers. We have piled up surplus supplies and then wondered why prices have fallen. To solve the problems we have invoked the powers of legislation, only to find that laws made by Congress can not be

permanently substituted for what we are still pleased to call the higher laws of supply and demand.

Take wheat as an illustration. We laid great stress on its culture during the war, when we feared famine. We converted grasslands into wheat fields the world over. We have continued in these processes. Last year we had not only the largest wheat acreage in the history of the world, but nature favored the whole world with good crops. The result is there is more wheat than the world can absorb under present buying powers. In America we have been seeking to solve the resulting problems. But our local and temporary laws may in the end do more harm than good.

I see more hope of solving these problems through this International Institute of Agriculture. Through the dissemination of information as to supplies and markets and plantings we may eventually, if not immediately, regulate production with respect to profits. We shall not make much headway in cooperation unless we extend such cooperation to production, and such cooperation in production must be world-wide in its scope. It is not enough for the farmers in the Dakotas and Kansas to cooperate in selling, but the farmers of the United States must cooperate with the farmers in Canada and in the Argentine in production.

I know it is going to be hard to regulate agricultural production the world over. But to the extent that we approach such regulation, to that extent will the agricultural world prosper. There can be no profits in selling in glutted markets.

This international institute collects and disseminates information that will enable us to have at least some intelligent idea of supplies and demands. I believe that such information will gradually and eventually influence the agricultural world in its plantings and production.

We are living to-day in a highly organized world. Everything in it except agriculture is well organized. Labor has its unions, which have become international not only in their sympathies but in their powers. Manufacturers have their combinations and agreements. So have financiers. In the face of such an organized world agriculture must find some way and some means toward coordination and cooperation, and these must necessarily be international.

The International Institute of Agriculture is the proper organization to promote these ends. It is an organization pregnant with possibilities.

It is already a well-organized institute. It embraces 62 nations, and in these nations we have 97 per cent of the world's agricultural production, animal and vegetable.

What does it do? It is, broadly speaking, undertaking to do everything that can be done to place agriculture on an intelligent basis. It is seeking to apply scientific methods, not only to production but to marketing of products.

It collects and distributes information as to acreage and as to the weather and its effect upon all growing crops and harvests. It prepares and distributes statistics as to the wages of farm labor, costs of production, and costs of marketing. It discovers and develops markets. It places the United States Department of Agriculture in telegraphic communication with 26 of the leading agricultural countries, and, through the wonderful radio, all essential information may be broadcasted to the farmers of the Nation.

The work of the institute is defined in article 9 of the treaty of 1905, on which this organization was founded. Here are some of the specific purposes:

- a. Collect, study, and publish as promptly as possible statistical and economic information concerning farming, plant and animal products, the trade in agricultural products, and the prices prevailing on the various markets.
- b. Communicate to parties interested also as promptly as possible the above information.
- c. Indicate the wages paid for farm work.
- d. Make known new diseases of plants which may appear in any part of the world, showing the territories infected, the progress of the disease, and, if possible, the remedies which are effective.
- e. Study questions concerning agricultural cooperation, insurance, and credit in all their aspects; collect and publish information useful in the various countries for the organization of works connected therewith.
- f. Submit to the approval of governments, there is need, measures for the protection of the common interests of farmers and for the improvement of their conditions.

The institute is supported by small contributions from the member governments, to which the King of Italy adds annually 300,000 lire as an expression of his interest and of his appreciation of the fact that it is situated in Rome. There is a permanent committee, on which the United States is represented by one member.

The management is intrusted to a general assembly, which meets every other year. It is in this assembly that the policies are determined. This assembly considers and disposes of the various proposals made by the member governments; it votes the credits and audits the accounts, and in all ways supervises the work of the institute.

In the general assembly which is to meet in May of this year the United States will be represented by nine delegates, representing what may be called a cross section of agricultural America. All sections and all interests will be represented by men fitted for such work. These delegates will cast 21 votes, to which the United States will be entitled by the admission of the four island possessions, for which provision is made in this appropriation.

We should not begrudge the small expenditures which we are called upon to make for such a great and useful purpose. Of all the moneys we are spending in governmental processes, I believe this is bound to yield the greatest results. The benefits are out of all proportion to the costs.

The International Institute of Agriculture at Rome is in the truest and broadest and best sense an international agricultural forum and clearing house.

It may well be a matter of pride for us that this institution had its origin in the mind of an American, an American farmer and merchant. The vision of it belonged to him. The benefits are beginning to accrue to us. The work is still in its beginnings. Its possibilities are still beyond comprehension. I believe it is destined to become one of the greatest of all the agencies working for the betterment of agricultural conditions and for the greater prosperity of the farmers of America.

ARMY APPROPRIATION BILL.

Mr. ANTHONY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 7877, the Army appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. TILSON in the chair.

The CHAIRMAN. When the committee rose a point of order made by the gentleman from Kentucky [Mr. JOHNSON] was pending. The Chair is ready to rule. Up to this time the Chair has not been furnished with the references to the law authorizing at least two or three of the provisions in the paragraph, and the Chair therefore sustains the point of order as to the paragraph.

Mr. ANTHONY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amendment offered by Mr. ANTHONY: Page 77, after line 23, add the following paragraph:

NATIONAL BOARD FOR PROMOTION OF RIFLE PRACTICE.

QUARTERMASTER SUPPLIES AND SERVICES FOR RIFLE RANGES FOR CIVILIAN INSTRUCTION.

To establish and maintain indoor and outdoor rifle ranges for the use of all able-bodied males capable of bearing arms, under reasonable regulations to be prescribed by the National Board for the Promotion of Rifle Practice and approved by the Secretary of War; for the employment of labor in connection with the establishment of outdoor and indoor rifle ranges, including labor in operating targets; for the transportation of civilians to engage in practice; for the purchase of materials, supplies, and services, and for expenses incidental to instruction of citizens of the United States in marksmanship, and their participation in national matches, to be expended under the direction of the Secretary of War, \$85,900: *Provided*, That out of this appropriation there may be expended not to exceed \$80,000 for the payment of transportation, for supplying meals, or furnishing commutation of subsistence of civilian rifle teams authorized by the Secretary of War to participate in the national matches.

Mr. BLANTON. Mr. Chairman, I reserve the point of order.

Mr. JOHNSON of Kentucky. Mr. Chairman, reserving the point of order, may I be indulged until I can read the amendment?

The CHAIRMAN. The point of order is reserved.

Mr. ANTHONY. Mr. Chairman, the amendment that I have offered is the paragraph to which the point of order was previously made. I have eliminated from the amendment those matters which were covered by the Chair's recent ruling.

Mr. BLANTON. Mr. Chairman, will the gentleman from Kansas yield?

Mr. ANTHONY. Yes.

Mr. BLANTON. The gentleman has put in language there that has been carried in the bill heretofore in respect to able-

bodied males capable of bearing arms, and so forth, but when it comes to these trainees in rifle practice they do not limit them to able-bodied males capable of bearing arms, but they take in men who are 50 or 55 or as old as 60 years.

Mr. ANTHONY. That has been done to some extent.

Mr. BLANTON. It has been done, and it ought to be stopped.

Mr. ANTHONY. Of course, that is a matter of administration.

Mr. BLANTON. Then the administration is wrong, and we can not rely upon them.

Mr. ANTHONY. I have dropped out of the paragraph under consideration all authority for the employment of instructors, for clerical services, for badges and other insignia, and the \$4,000 for the international matches.

Mr. JOHNSON of Kentucky. Mr. Chairman, there is nothing in the national defense act to authorize the naming, in an appropriation bill of any particular organization to promulgate rules. If the National Board for the Promotion of Rifle Practice can be named in an appropriation bill without authorization in a legislative act, then it may be changed from this to any other organization, regardless of what it might be.

Mr. ANTHONY. Mr. Chairman, I call the attention of the Chair to the fact that the National Board for the Promotion of Rifle Practice is the controlling authority mentioned in the basic act which has been set up by the Secretary of War for the purpose of administering this function.

Mr. JOHNSON of Kentucky. That is not correct, but if it were the gentleman loses sight of the fact that the bill now before the committee does not become law until the 1st of next July, and the Lord only knows what organization, if any, may have charge of it during the next year, without admitting that this organization has charge of it this year, and that proposition I deny.

Mr. ANTHONY. Does not the gentleman think that under the authority, the Secretary of War could set up some new body, one each year, if he chose to?

Mr. JOHNSON of Kentucky. I do not concede that he has that authority. Under the law I do not think that he has the right to do that at all.

Mr. ANTHONY. That is the way I construe it.

Mr. JOHNSON of Kentucky. The only broad authority given to the Secretary of War is that he may send up estimates, and that does not authorize his estimates. It merely permits him to send estimates in regard to this matter without authorizing them. There is no law that authorizes his estimates.

The CHAIRMAN. Will the gentleman say that there is no authority in this section 113 for the appropriation?

Mr. JOHNSON of Kentucky. Yes; I contend that, Mr. Chairman.

The CHAIRMAN. There is authorization for an appropriation for the purpose as stated in the act in the subhead of this paragraph, for the purpose of the encouragement of rifle practice.

Mr. JOHNSON of Kentucky. I contend that the Secretary of War may send recommendations to the Congress, but his recommendations thereby do not constitute an authorization. The subhead is no part of any act of Congress. That is written by the printer or the clerk.

The CHAIRMAN. In the opinion of the gentleman is there no authorization for the appropriation for the encouragement of rifle practice? If not, then what does this section 113 mean?

Mr. JOHNSON of Kentucky. It means that for the encouragement of rifle practice certain galleries and target shooting may be established and recognized, and that the Secretary of War may furnish guns and ammunition, if available, with which to practice. Beyond that there is no authorization for an expenditure of public money.

The CHAIRMAN. The Chair is ready to rule.

Mr. BLANTON. Mr. Chairman, I call the attention of the Chair to one phrase in the amendment as I caught it read from the desk that makes the whole amendment subject to the point of order under any condition, and that is a provision for international rifle matches.

The CHAIRMAN. There is nothing in the amendment relating to international rifle matches. Section 113 of the national defense act is a provision entitled "Encouragement of rifle practice," and under that heading the act, as it seems to the Chair, attempts to authorize the holding of matches, the establishment and maintenance of indoor and outdoor rifle ranges, and authorizes the Secretary of War to prepare comprehensive plans such as will ultimately result in providing adequate facilities for rifle practice in all sections of the country, and in general to secure, maintain, and carry on these

rifle ranges and indoor targets for the purpose of encouraging rifle practice.

The gentleman from Kentucky [Mr. JOHNSON] calls especial attention to the National Board for the Promotion of Rifle Practice. It seems to the Chair that an act of this kind ought to be liberally construed to carry out the evident intent of the law itself. If the Secretary of War decides to carry it out through the National Board for the Promotion of Rifle Practice, it would seem, without evidence to the contrary, that this would be a proper means for carrying out the provisions of this law. Believing that the provisions contained in the amendment do not go beyond the authorization of the law itself, if properly interpreted, the Chair is constrained to overrule the point of order.

Mr. JOHNSON of Kentucky. Mr. Chairman, before the Chair rules, may I ask him a question?

The CHAIRMAN. Certainly.

Mr. JOHNSON of Kentucky. How does the Chair know that the National Board for the Promotion of Rifle Practice is the thing mentioned in the general defense act?

The CHAIRMAN. In the view of the Chair it is because the Secretary of War selects it as a proper agency for executing the law, not because it is the National Board for the Promotion of Rifle Practice, but simply because the Secretary of War, under his discretion in carrying out the law, selects this as the proper means.

Mr. JOHNSON of Kentucky. May I inquire when that was done?

The CHAIRMAN. The Secretary of War would have the right to select this agency or any other.

Mr. JOHNSON of Kentucky. Yes; he would have the right; but he has not done it, and this is exceeding even his authority when it is proposed to do that over the head of the Secretary of War.

The CHAIRMAN. The Chair thinks that is a technical objection only, and therefore overrules the point of order.

Mr. JOHNSON of Kentucky. Oh, no; it is not technical.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken.

The CHAIRMAN. The ayes seem to have it—

Mr. JOHNSON of Kentucky. Mr. Chairman, I desire to oppose the adoption of the amendment. The Chair too hastily announced the result.

The CHAIRMAN. The Chair did not realize that the gentleman from Kentucky was seeking recognition. Otherwise the Chair would have recognized him.

Mr. JOHNSON of Kentucky. Yes; I wanted to address the committee relative to the amendment before the Chair announced the result, but he overlooked the fact that I was on my feet.

The CHAIRMAN. If the gentleman was on his feet, the Chair recognizes the gentleman.

Mr. JOHNSON of Kentucky. Mr. Chairman and gentlemen of the committee, in these days, when the utmost economy is necessary, and when many Members of the House are endeavoring to be economical, we have here before us a proposition that is wasteful in the extreme. When the war came on a gun club conceived the idea of getting Federal aid for the purpose, or at least the alleged purpose, of teaching men how to shoot. This bill carries an appropriation for the Army for rifle practice. The Coast Guard has a like provision; the Navy has a provision for the same purpose. Then there is added to that this provision, which is one of the results of the war which still hangs on, whereby public money is spent to teach all "able-bodied citizens" how to shoot. The testimony before the committee was that almost the only men taught by that organization how to shoot were officers in the Army. Those, at least, were the only ones who were particularly specified as having been taught how to shoot.

Mr. FROTHINGHAM. Will the gentleman yield? In my neighborhood—

Mr. JOHNSON of Kentucky. Will the gentleman use his own time?

Mr. FROTHINGHAM. I merely wanted to mention some evidence. In my own neighborhood there are several gun clubs. I do not know of any man in the service, but they are all young men there who belong and they get a great deal of education and benefit.

Mr. JOHNSON of Kentucky. As I was about to say, the only persons specified before the committee, or particularized rather, who have been taught how to shoot were officers in the Army. Every one of them had places for practice available. I asked the witness before the committee what use an Army officer had for a gun, and he was compelled to admit that

an Army officer does not carry a gun; consequently all this money was thrown away to teach a man how to shoot who never would be called on to shoot.

Mr. VAILE. Will the gentleman yield?

Mr. JOHNSON of Kentucky. I have only five minutes; I trust the gentleman will make his statement in his own time, because I am not going to ask additional time. This gun club has a secretary here who is paid by them \$7,200 a year. He remains here within reach of Congress, and he is the spokesman, if not the lobbyist, for this organization. In addition to that, they are now asking 18 clerks at public expense to keep the shooting score and averages for this private gun club. In addition to that, last year—

Mr. BLANTON. Mr. Chairman, I ask for order; the gentleman is making an important statement.

Mr. JOHNSON of Kentucky. I trust this delay will not be taken out of my time.

The CHAIRMAN. The gentleman has one minute more remaining. Does the gentleman ask for additional time?

Mr. JOHNSON of Kentucky. Mr. Chairman, I shall not ask for more time, but I request the Chairman not to take the delay out of my time until I have the attention of the committee. Order is not being preserved in the committee.

The CHAIRMAN. The Chair is endeavoring to preserve it. Mr. JOHNSON of Kentucky. The Chair can do that if he insists long enough.

Mr. OLDFIELD. Mr. Chairman, I ask unanimous consent that the gentleman have five minutes additional.

Mr. JOHNSON of Kentucky. I would rather not ask it.

The CHAIRMAN. The gentleman from Kentucky has one minute remaining.

Mr. JOHNSON of Kentucky. I think the clock has run a little fast on me. But in the one minute that is left I can only say that which I just this moment started to say, that the United States Government not only furnishes guns to this organization but it gave them \$250,000 worth of ammunition last year, and it gave them \$100,000 with which they bought guns specially made which they might take with them to Europe when traveling upon a transport to enter into contests over in France and Italy.

If I had time I would show the committee that out of all the men who have been sent across the water to participate in these rifle practices only two of them had the word "Mr." in front of their names. All the rest of them bore Army titles, and they got their experience at rifle practice out of the amount of money allowed for the Army and for the Coast Guard and for the Navy with which to practice, and old men like myself who are unfit to go to war have no business being taught at public expense how to shoot. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. ANTHONY. Mr. Chairman, the love of rifle shooting is inherent with every American boy. Ever since this country was born it has excelled in the art and skill of handling firearms. In recent years it has become increasingly difficult to give the civilians of America an opportunity to familiarize themselves with the use of high-power firearms, and in these days the range of the rifle used for military purposes is so long and their fire is so destructive that unless the use of these arms is confined to certain ranges, where they can be used with safety and under proper supervision, the average American boy and average civilian has no opportunity whatever to familiarize himself with the modern rifle.

Now, this gun club that the gentleman from Kentucky [Mr. JOHNSON] speaks about is composed of 1,300 different civilian organizations in this country, composed in the aggregate of from 40,000 to 50,000 Americans who are endeavoring to become expert and familiarize themselves in the use of the military rifle. Under the law the War Department is permitted to furnish each one of these 1,300 clubs with two military rifles and two smaller caliber rifles for practice, together with an unlimited amount of ammunition, of which they gave them this year about 5,000,000 rounds. We have a tremendous amount of service rifle ammunition in reserve, so that we might as well use it up in this work of familiarizing the civilians in the use of the military rifle. In my opinion it is a worthy purpose for which we can spend this \$80,000 of our money, and I would hesitate a long while before I would strike an item of this kind from the bill.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Kansas [Mr. ANTHONY.]

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. JOHNSON of Kentucky. Mr. Chairman, I ask for a division.

The CHAIRMAN. The gentleman from Kentucky asks for a division.

The committee divided; and there were—ayes 37, noes 38.

Mr. ANTHONY. Mr. Chairman, I ask for tellers.

The CHAIRMAN. The gentleman from Kansas demands tellers.

Tellers were ordered, and the Chairman appointed Mr. ANTHONY and Mr. JOHNSON of Kentucky to act as tellers.

The committee again divided; and the tellers reported—ayes 57, noes 72.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

NATIONAL TROPHY AND MEDALS FOR RIFLE CONTESTS.

For the purpose of furnishing a national trophy and medals and other prizes to be provided and contested for annually, under such regulations as may be prescribed by the Secretary of War, said contest to be open to the Army, Navy, Marine Corps, and the National Guard or Organized Militia of the several States, Territories, and of the District of Columbia, members of rifle clubs, and civilians, and for the cost of the trophy, prizes, and medals herein provided for, and for the promotion of rifle practice throughout the United States, including the reimbursement of necessary expenses of members of the National Board for the Promotion of Rifle Practice, to be expended for the purposes hereinbefore prescribed, under the direction of the Secretary of War, \$7,500.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make a point of order against the paragraph, for the reason that it is legislation and is not authorized by existing law.

Mr. ANTHONY. I understand that the point of order is made on the ground that it is not authorized by law.

Mr. JOHNSON of Kentucky. Certainly.

Mr. ANTHONY. I will call attention to the fact that Congress passed a law in 1903 authorizing this activity, and it was made a permanent annual appropriation. That act was subsequently repealed, with the idea of placing it in the appropriation bill, and ever since 1904 the item has been carried in the appropriation bill.

Mr. JOHNSON of Kentucky. Mr. Chairman, could I see the act, please?

The CHAIRMAN. It is incumbent upon the gentleman from Kansas to produce it.

Mr. JOHNSON of Kentucky. It is. Will he produce it?

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

ORDNANCE EQUIPMENT FOR RIFLE RANGES FOR CIVILIAN INSTRUCTION.

For arms, ammunition, targets, and other accessories for target practice for issue and sale in accordance with rules and regulations prescribed by the National Board for the Promotion of Rifle Practice and approved by the Secretary of War, in connection with the encouragement of rifle practice, in pursuance of the provisions of law, \$10,000.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make a point of order against the item for the reason that it is legislation upon an appropriation bill, and that it is not authorized by law.

The CHAIRMAN. Has the gentleman examined section 113 in connection with this item?

Mr. JOHNSON of Kentucky. Yes; and I will ask the Chair if he can find anything in section 113 which authorizes this gun club to purchase arms? Then I wish to ask the Chairman further if he can find any authority in that act for the words "and sale" in the second line in this bill? Then, when the Chair gets through with that, if he will hear me, I want to call attention to another thing. Take line 20 and the words following:

Except as expressly otherwise authorized herein, no part of the sums appropriated by this act for military purposes shall be expended in the purchase from private manufacturers of ordnance and ordnance supplies at a price in excess of the cost of manufacturing such material by the Government, or, where such material is not or has not been manufactured by the Government, at a price in excess of the estimated cost of manufacture by the Government.

I am not dealing just now with the question of whether this is a limitation.

Mr. ANTHONY. Mr. Chairman, we have not read the paragraph that the gentleman is discussing.

Mr. JOHNSON of Kentucky. I believe the gentleman is correct about that. I am inadvertently one item ahead of myself. The item I wished to direct attention to is this:

For the purpose of furnishing a national trophy and medals and other prizes to be purchased and contested for.

That is not authorized.

The CHAIRMAN. That has gone out on the gentleman's point of order.

The paragraph that has just been read begins on line 14 and ends on line 19.

Mr. JOHNSON of Kentucky. Well, I started off right and read too far, Mr. Chairman. Now, I contend there is no authorization in the national defense act, section 113, which authorizes the purchase of arms or ammunition. The only authorization in that act for arms and ammunition is that which may be provided by the Secretary when it is "available." That authorization appears in the very last part of section 113.

Without being able to get the meaning intended to be conveyed by the two words, "and sale," in the second line, I say I can not tell whether they mean this organization may sell certain stuff or whether it may buy. The gun club is given no authority anywhere either to sell or to buy.

The CHAIRMAN. The attention of the Chair is called to this provision of the law:

2608. The Secretary of War is hereby authorized to issue, under such rules and regulations as he may prescribe, for use in target practice, target-practice materials and other accessories to rifle clubs organized under the rules of the National Board for Promotion of Rifle Practice—

And so forth—

for the proper conduct of target practice.

Mr. JOHNSON of Kentucky. Now, Mr. Chairman, I concede that the Secretary of War has the right to issue them, provided they are available. That is the law in section 113, and the National Board for Promotion of Rifle Practice is not mentioned in the national defense act, section 113.

There is nothing whatever in the law which authorizes this gun club to "buy" arms and ammunition. Nor is there anything in it which authorizes them to either buy or sell.

The CHAIRMAN. Does the gentleman claim that this provision of the bill authorizes the purchase of arms and ammunition?

Mr. JOHNSON of Kentucky. Certainly it does. Ten thousand dollars is appropriated with which they may buy arms and ammunition.

Mr. ANTHONY. Mr. Chairman—

The CHAIRMAN. Does the gentleman from Kentucky yield to the gentleman from Kansas?

Mr. JOHNSON of Kentucky. Certainly.

Mr. ANTHONY. The language of the defense act authorizes the issue of these arms, and it must be perfectly obvious that before the Secretary of War can issue arms he has got to purchase them or manufacture them. They are the only two ways in which he can acquire them.

Mr. JOHNSON of Kentucky. Will the Chair read the last part of section 113 and note that it provides that if "available" the Secretary of War may issue them under that act? He can not go into the market and buy for this gun club.

The CHAIRMAN. If the arms are the property of the Government what is the difference between the use of the word "available" and the words "buying them"?

Mr. JOHNSON of Kentucky. The word "available" as used in the act means that if the Secretary of War has these arms and ammunition on hand, and they are not needed for other purposes, then they become available for this club. A thing is not "available" if it is not on hand.

Mr. ANTHONY. Mr. Chairman, it might be well for the Chair to take into consideration section 884 of the military laws of the United States:

Sale of ammunition and stores to rifle clubs: That the Secretary of War is hereby authorized in his discretion to sell to the several States and Territories, as prescribed in section 17 of the act approved January 21, 1903, for the use of said clubs, ammunition, ordnance stores, and equipments of the Government standard at the prices at which they are listed for the Army. The practice of the rifle clubs herein provided shall be carried on in conformity to regulations prescribed by the National Board for the Promotion of Rifle Practice, approved by the Secretary of War, and the results thereof shall be filed in the office of The Military Secretary of the Army.

Mr. JOHNSON of Kentucky. But, Mr. Chairman, the act which it is alleged legalizes this gun club gives no authority whatever for it to purchase with public money anything in the way of guns or ammunition. The Secretary may, under certain conditions, sell to those who have liberty to buy, but this particular rifle club is nowhere given authority to buy guns and

ammunition. Last year, as I said, the Secretary of War did give them more than a quarter of a million dollars' worth of ammunition.

The CHAIRMAN. It would seem from section 2608—citing from Barnes Federal Code—that—

The Secretary of War is hereby authorized to issue, under such rules and regulations as he may prescribe, for use in target practice, targets, target materials, and other necessary accessories.

Mr. JOHNSON of Kentucky. Let me call the Chair's attention to one distinction right there. That language may authorize the Secretary of War to buy, but the proposed language authorizes this gun club to buy. An authority given to the Secretary of War to buy is no authority to this gun club to buy with public money.

The CHAIRMAN. Will the gentleman from Kentucky point out to the Chair wherein the paragraph under consideration authorizes the Board for the Promotion of Rifle Practice to buy anything?

Mr. JOHNSON of Kentucky. The alleged authorizing language does not mention that organization. But the unauthorized language of this bill says, "For arms, ammunition," and so forth, "\$10,000." What do they want with \$10,000, or even with 10 cents, if they are not going to buy? If the Secretary of War is going to give them these things gratis, what do they want with \$10,000?

The CHAIRMAN. It is not given to the National Board for the Promotion of Rifle Practice.

Mr. JOHNSON of Kentucky. But virtually it is.

The CHAIRMAN. It is to be spent under rules and regulations prescribed by the National Board for the Promotion of Rifle Practice.

Mr. JOHNSON of Kentucky. As I have said before, this concern is recognized in this bill but not in the law. The Secretary of War to-day or to-morrow or before the 1st day of July comes, or afterwards, may designate another concern, even if heretofore he may have designated this particular gun club. This bill gives authority to a certain concern to make rules for the disposition of guns and ammunition belonging to the United States, when nowhere in the law can be found any such authority. If the provision in this bill passes as it now reads the Secretary of War is deprived for the year 1925 of the authority conferred on him by the national defense act. When and where has the Secretary of War designated this gun club as the agency named in said act? He has, as far as we know, done no such thing.

The CHAIRMAN. The point which bothers the Chair is that which the gentleman from Kentucky makes that the Secretary of War is authorized to issue property which is available, which probably means surplus.

Mr. JOHNSON of Kentucky. Do we not know that is what is meant? Last year did not the Secretary of War give them a quarter of a million dollars' worth of ammunition and the Lord knows how many guns?

The CHAIRMAN. The paragraph in the bill providing for the expenditure of \$10,000—

Mr. JOHNSON of Kentucky. I do not want to interrupt the Chair, but I will be obliged if the Chair will permit me to make this statement: That when there was no surplus ammunition—and the secretary of this gun club so testified—the manufacturers of ammunition in the United States gave them all the ammunition they wanted. At that time the Secretary of War had none that was "available" and they got it from the other source. So if the Secretary of War has none now "available," they can get it from the other source. But the Secretary of War can not give it to them unless he has it "available."

The CHAIRMAN. It seems clear to the Chair that the Secretary of War has the right to issue these arms and this ammunition.

Mr. JOHNSON of Kentucky. Only if they are "available."

The CHAIRMAN. If they are available, and that he has the right to sell under the law.

Mr. JOHNSON of Kentucky. But this concern has no right to buy with public money, and I challenge the Chair to state where it is given any right to buy with appropriated money.

The CHAIRMAN. Can the gentleman from Kansas supply any authorization for this?

Mr. ANTHONY. For the information of the Chair the word "sale" is used with reference to the sale of these arms into private ownership of members and has no reference to the National Board for the Promotion of Rifle Practice. It means that if any individual member of one of these organizations wants to buy an arm, the Secretary of War can sell it to him the same as he can sell to any other citizen of the country, to you, or to any of the rest of us.

Mr. JOHNSON of Kentucky. Yes; I have the right as an individual to take my own money and buy, but this concern has not been given any authority to take public money and buy.

Mr. ANTHONY. I think the gentleman from Kentucky probably misunderstands this item. The gentleman thinks the National Board for the Promotion of Rifle Practice is trying to buy these arms out of this appropriation.

Mr. JOHNSON of Kentucky. Of course they are.

Mr. ANTHONY. No; they are not.

Mr. JOHNSON of Kentucky. What do they want with the money except to buy?

Mr. ANTHONY. I contend they are not trying to do that.

The CHAIRMAN. It might help to clear up the situation on the point of order if the gentleman from Kansas will state what it is contemplated to spend this \$10,000 for. It might help the Chair to get at the facts, which seem to be more complicated than the parliamentary situation.

Mr. ANTHONY. The information the committee has is that almost the entire amount of the item will be spent for targets and supplies.

Mr. JOHNSON of Kentucky. Oh, Mr. Chairman, the gentleman left out the words from the text "and ordnance supplies." That is the language contained in the Book of Estimates sent to Congress. There is a clear case of it and the Book of Estimates is officially before the chairman of this committee.

The CHAIRMAN. It would seem, upon a critical reading of the paragraph of the bill under consideration, that it might be expended for the purchase of arms and ammunition, and so on.

Mr. ANTHONY. The information is that the money will be expended for target material, rifle parts, and some ammunition to be issued of the .22 caliber type.

Mr. JOHNSON of Kentucky. Now, Mr. Chairman, that is only the dicta of a witness testifying, but the clerk of the committee is now going to bring you the Book of Estimates, which shows the purpose for which this money is to be expended. You will find there "ordnance supplies." What are "ordnance supplies" except guns and ammunition? If they are not that, what are they?

The CHAIRMAN. Both guns and ammunition are supplied by the ordnance, undoubtedly.

Mr. JOHNSON of Kentucky. There is the Book of Estimates, which tells you for what purpose this \$10,000 is asked.

The CHAIRMAN. Unless the gentleman from Kansas is able to submit some authorization, the Chair will feel compelled to sustain the point of order on the insistence of the gentleman from Kentucky. If there is any authority of law for this, the Chair would like to have it; and if not, the Chair will sustain the point of order.

The Clerk read as follows:

Except as expressly otherwise authorized herein, no part of the sums appropriated by this act for military purposes shall be expended in the purchase from private manufacturers of ordnance and ordnance supplies at a price in excess of the cost of manufacturing such material by the Government, or, where such material is not or has not been manufactured by the Government, at a price in excess of the estimated cost of manufacture by the Government.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make a point of order against the item on the ground that the item in this appropriation bill contains legislation which is not authorized by law.

The CHAIRMAN. Can the gentleman from Kentucky submit any precedents on that point?

Mr. JOHNSON of Kentucky. No; I have not looked for precedents. The language is so plain, it does not need any. Listen, Mr. Chairman, to the first words of the paragraph:

• • • except as expressly otherwise authorized herein, no part of the sums appropriated by this act for military purposes shall be expended.

And so forth.

I wish to emphasize the words "except as expressly otherwise authorized herein." Does not that mean that the appropriation bill is undertaking to authorize something which is not authorized by the law? This item on an appropriation pretends to rise above the law. That language authorizes certain things to be done unless they are otherwise directed in this bill, even though they be otherwise directed by existing law.

The CHAIRMAN. Will the gentleman go further, as to whether this is a proper limitation, whether it is a limitation of the appropriation, or whether it is a limitation on the discretion of an executive officer?

Mr. JOHNSON of Kentucky. Mr. Chairman, I do not care to discuss whether it is a limitation or not, because the language, "except as expressly otherwise authorized herein," takes precedence over and repeals existing law.

The CHAIRMAN. The gentleman does not contend that this language authorizes anything. It is simply a reference to anything that may be authorized.

Mr. JOHNSON of Kentucky. It does not say "as otherwise authorized by law," but it makes the language in this appropriation bill supreme and above the law by saying "unless otherwise authorized by this bill."

The CHAIRMAN. The Chair is entirely unable to follow the gentleman from Kentucky that these words of themselves constitute legislation.

Mr. JOHNSON of Kentucky. Mr. Chairman, it provides that what follows may be done if it is authorized by this bill. It should be that what hereafter is proposed to be done shall be authorized by law. That is the proposition.

The CHAIRMAN. The gentleman is entirely correct in his reasoning, but this language does not legislate at all or propose to legislate.

Mr. JOHNSON of Kentucky. Why, Mr. Chairman, it does legislate, because it says that certain things may be done if they are authorized in this bill.

Mr. BLANTON. Mr. Chairman, if the gentleman will permit, I would like to be heard a moment.

The CHAIRMAN. The Chair will hear the gentleman from Texas.

Mr. BLANTON. Mr. Chairman, we had this question up before on this bill. This is the old fight that our friend from Iowa [Mr. HULL] has been making here for several years.

The CHAIRMAN. Will the gentleman first direct himself to the point that the gentleman from Kentucky is making?

Mr. BLANTON. This is the point that the "gentleman from Texas" is making. The gentleman is now making a point of order against the paragraph for the reason that it contains legislation. Under the present law our Secretary of War can buy Army ordnance any place he wants to and is absolutely unrestricted, but if you pass this paragraph the situation is entirely different. He will be restricted. The reason I am directing the attention of the Chair to this point of order is because, if the gentleman from Kentucky does not make the point, I am going to make it myself, for the reason you tie up the discretion of the Secretary of War by this paragraph and say to him that he can not buy ordnance anywhere in the world, no matter how much more desirable it may be.

The CHAIRMAN. The point of order does not seem to be pending now, unless the gentleman wishes to make it.

Mr. BLANTON. The point of order of the gentleman from Kentucky stands until he withdraws it, and if that point of order is withdrawn I am going to make the point of order that this is an infringement upon the discretion of the Secretary of War. You will remember that when we had this matter up before evidence was brought here that you could buy Army supplies elsewhere, and sometimes better supplies, that were far more desirable than we could manufacture them in our arsenals. It was an attempt on the part of my friend from Iowa [Mr. HULL] to restrict action to the arsenal output instead of the output of the world.

Mr. JOHNSON of Kentucky. Mr. Chairman, for the real meaning of this, turn to page 80, line 17:

Equipment or material purchased outside of the United States from funds appropriated in this act shall be admitted free of duty.

Does not that include guns and ammunition that may be purchased outside of the United States with money appropriated for this gun club?

The CHAIRMAN. The Chair may be a little obtuse, but will the gentleman from Kentucky state again his point of order. The Chair would like to have it clearly in mind.

Mr. JOHNSON of Kentucky. Line 20, page 79, we find this language: "except as expressly otherwise authorized herein no part of the sums appropriated by this act for military purposes shall be expended," and so forth. Now, as expressly authorized herein, certain things may or may not be done, and this becomes the controlling language regardless of all law. That language makes this the controlling and the highest law.

The CHAIRMAN. Makes what the controlling and the highest law?

Mr. JOHNSON of Kentucky. The things to be done that follow.

The CHAIRMAN. Then the gentleman does not confine his point of order to this paragraph alone.

Mr. JOHNSON of Kentucky. No; I am contending that lines 20 and 21 give to the provisions in this bill a higher authority than the law gives.

The CHAIRMAN. That is the point of order of the gentleman from Texas, and the Chair is ready to rule on it.

Mr. HULL of Iowa. Mr. Chairman, this is a provision that was put on the bill to save the Government money. As is well

known, the Government has many facilities for the manufacture of things they need for the Army. At that time we found that many contracts were being placed outside at a price above what they would cost the Government. This was a limitation on an appropriation bill. It was introduced in 1916, and Mr. Saunders of Virginia was in the chair. A point of order was made against the provision. It was submitted, and he overruled the point of order and said that it was evident from the language of the amendment that it would save money to the Government. It has been exercised a great deal and in all cases it does save the Government money. In fact, it is not utilized at all unless it does save the Government money. It is so apparent that I am surprised that a point of order should be raised against it. There is no question but what if you can make it cheaper than you can buy it, you save the Government money. You might say the point of order has been made several times since then on the provision, and it has always been overruled. It has been carried on most appropriation bills since 1916.

The CHAIRMAN. The Chair is ready to rule. This is merely a question of limitation. The same question has been ruled upon, and, like some of the other questions of limitation, in diametrically opposite directions. The Chair recalls that on one occasion he ruled that this very same paragraph was in order. Somewhat later one of our distinguished parliamentarians, the gentleman from Oregon [Mr. McARTHUR], after a carefully prepared decision, ruled it out of order, and this was the last ruling on the subject.

The present occupant of the chair is now inclined to believe that the gentleman from Oregon was right, and that the present occupant of the chair when he made the other ruling was wrong. Preferring to be right rather than consistent, the Chair sustains the point of order made by the gentleman from Kentucky.

Mr. HULL of Iowa. Mr. Chairman, I appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from Iowa appeals from the decision of the Chair, and the gentleman from Illinois [Mr. CHINDBLOM] will take the chair.

Mr. CHINDBLOM took the chair.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The question was taken; and on a division (demanded by Mr. HULL of Iowa) there were 59 ayes and 3 noes.

So the decision of the Chair was sustained as the judgment of the committee.

Mr. TILSON resumed the chair.

The Clerk read as follows:

No part of the appropriations made in this act shall be available for the salary or pay of any officer, manager, superintendent, foreman, or other person having charge of the work of any employee of the United States Government while making or causing to be made with a stop watch or other time-measuring device a time study of any job of any such employee between the starting and completion thereof, or of the movements of any such employee while engaged upon such work; nor shall any part of the appropriations made in this act be available to pay any premiums or bonus or cash reward to any employee in addition to his regular wages, except for suggestions resulting in improvements or economy in the operation of any Government plant.

Mr. BLANTON. Mr. Chairman, I make a point of order against the paragraph. I know it places the Chair in an embarrassing attitude.

The CHAIRMAN. In view of the disposition to be made of this point of order the Chair does not care to hear the gentleman from Texas or anyone else on the point of order.

Mr. BLANTON. I make the point of order that it is legislation on an appropriation bill unauthorized by law. I want to quote the distinguished Chairman in saying, "Nothing is ever settled until it is decided right."

The CHAIRMAN. The Chair only wishes that we knew what is right. I think that we would all decide that way.

Mr. HULL of Iowa. Mr. Chairman, may I read what the distinguished Chairman said once on this particular subject?

The CHAIRMAN. The gentleman need not read it. As the Chair stated a few moments ago, there is nothing else in such hopeless conflict in our rules as decisions upon the question of limitations. This particular paragraph has been the subject of conflicting rulings only quite recently. The Chair is not disposed to add further confusion than exists at the present time. The Chair believes that the decision which he made in the Army appropriation bill a year ago was correct and that it was founded upon good reasoning. Having that ruling in mind and also having in mind the more recent decision made by the distinguished gentleman from Illinois [Mr. GRAHAM], who is a recognized parliamentarian and who goes to the bottom of things when he considers them, the present occupant of the

chair, he repeats, is not disposed to complicate the situation further by making a ruling at this time upon this point of order. It is the hope of the present occupant of the chair that the Committee on Rules, or some one else interested in the orderly procedure of the House, will at some future time attempt to draft a rule on the subject, particularly in view of the fact that all of the appropriating power is now vested in one committee. A rule should be drafted which would fix the power of the Appropriations Committee in respect to limitations, defining it as clearly as is possible, and relegate the matter of legislation to where it belongs, viz, the legislative committees of the House.

The Chair declines to pass upon the question at this time as to whether the paragraph is in order or not, and will let the committee decide.

Mr. DALLINGER. Mr. Chairman, can we not have some discussion upon the matter?

The CHAIRMAN. If it is the will of the committee, certainly. As far as the Chair is concerned, he does not wish to hear any discussion.

Mr. DALLINGER. Mr. Chairman, I simply desire to call the attention of the committee to the fact that only the other day when the naval appropriation bill was under consideration in Committee of the Whole House on the state of the Union, this same point of order was raised and the then occupant of the chair, Mr. GRAHAM of Illinois, overruled the point of order. An appeal was taken from that decision, and the decision of the Chair was sustained by the committee by a practically unanimous vote, only one gentleman, the gentleman from Texas, Mr. BLANTON, voting against the decision of the Chair.

I also wish to call attention to the fact that with the exception of the present occupant of the chair, practically every other chairman of the Committee of the Whole has held this paragraph to be in order on an appropriation bill as a limitation. It has been held to be in order by the present leader of the minority party, the distinguished gentleman from Tennessee, Mr. GARRETT; by that well-known authority on the rules of the House, the late Mr. Saunders of Virginia; by the distinguished gentleman from Illinois for so many years the Republican leader, the late Mr. Mann; by the present majority leader, the gentleman from Ohio, Mr. LONGWORTH, and by a long line of distinguished parliamentarians.

Mr. BYRNS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. DALLINGER. Certainly.

Mr. BYRNS of Tennessee. Has any Committee of the Whole House or has the House at any time ever held this provision to be out of order?

Mr. BLANTON. Oh, yes.

Mr. BYRNS of Tennessee. When?

Mr. BLANTON. When the distinguished gentleman from Connecticut [Mr. TILSON], the present occupant of the chair, last ruled it out of order. That was on the Army appropriation bill when it was under consideration last year, and the Committee of the Whole House sustained the decision of the Chair by a 3 to 1 vote.

Mr. BYRNS of Tennessee. I am surprised to learn that. My impression was that on every occasion when the matter was submitted to the committee or to the House it had been held to be in order. That being the highest authority, it would seem to me that would be satisfying to the Chair.

Mr. DALLINGER. Mr. Chairman, with the exception of that one case last year to which the gentleman from Texas has just referred, when the present occupant of the chair overruled himself, as well as all the other previous occupants of the chair, this paragraph has been held to be in order, and I now appeal to the Committee of the Whole House for the sake of consistency to remember that the other day by a vote of 79 to 1 the committee sustained the ruling of the gentleman from Illinois [Mr. GRAHAM].

Mr. BLANTON. Mr. Chairman, I want to be heard for a moment.

The CHAIRMAN. The Chair hopes the gentleman will make the discussion brief.

Mr. BLANTON. Mr. Chairman, I want to address the committee for only five minutes. I realize that this is election year. I realize that all you colleagues of mine have to go back home to be reelected. I can not condemn you for seeking the path of least resistance, because I think a whole lot of you, and I want to see you all come back. I know from experience exactly what this vexed question means, because I have been through it. When I go down into my district I shall find some fellows from Washington hounding me all over my district because I have stood up and voted for what I believed to be right upon this question. I do not want you to have that experience. I am not going to force you to a roll call on the question, particularly at this time. When we get back next year I am going to do it,

because I am coming back. I could have put you on record the other day possibly, but I did not even ask for a roll call the other morning when we voted on the naval appropriation bill. But, as I say, I am going to put every one of you on record on this question after you get back from elections.

Do you know what you are doing by this amendment?

You are refusing to have sane supervision—business supervision—over civilian employees in the arsenals and the navy yards. Men are working there for wages, for salaries, and simply because they belong to unions affiliated with the American Federation of Labor, which does not want you to vote this out or hamper them with supervision, you prevent the Government from having supervision over them as employees. Is not that ridiculous? There is not a business in the United States that could survive for six months with such a policy. You must have business supervision over business affairs. Oh, I know what it all means. In to-day's paper there is a story about the plasterers here in town belonging to a certain union demanding of the contractors, with housing conditions bad, that they be paid \$14 a day—not just \$14 a day but \$14 a day for six days per week, when they propose to work only five days, having apparently Saturday and Sunday off. It is not that they want to work only for five days, either. In other words, they demand pay for six days and work five days for \$14 a day, and then on Saturdays and sometimes Sundays they work and demand double time for those days. They are threatening to tie up all the building construction of this great city if their demands are not met.

We can not let that go on and on forever. I want to see them get good pay. I want to see them lay up for a rainy day, when they get old. I want to see them take some of the luxuries of life to their families; but I do not want them to come into the halls of Congress and control the law-making body and put these union-labor provisions into the law of the land when they are not business provisions.

The CHAIRMAN. In view of the remarks of the gentleman from Massachusetts [Mr. DALLINGER], the Chair thinks that, in justice to himself, he should make a short statement before submitting the matter to vote. The gentleman from Illinois [Mr. GRAHAM], with his usual thoroughness, looked up all of the decisions in regard to this matter before he made his ruling the other day. The present occupant of the chair did the same thing when he made the decision he rendered a year ago. Both the gentleman from Illinois and the present occupant of the chair found that no decision had ever been rendered on this particular paragraph or amendment, as the case may be, that had had any consideration whatever as a parliamentary proposition so far as appears from the Record.

The question first rose when the gentleman from Tennessee [Mr. GARRETT] was in the chair, but before a ruling was made the gentleman who had made the point of order withdrew it so that the gentleman from Tennessee made no ruling on the question. In the next Congress, I think it was, the matter again came up. The same gentleman from Tennessee was in the chair, the point was again raised, and the gentleman from Tennessee, without any argument and without stating his reasoning, said that on the precedents already made he would overrule the point of order.

Another Chairman—I think it was the gentleman from Virginia, Mr. Saunders—simply said that the precedents seemed to be against it, and overruled the point of order. Then the gentleman from Ohio [Mr. LONGWORTH] and later the present occupant of the chair made the same kind of decision, and the question was never considered at any length, so far as the Record shows, until the present occupant of the chair, a year ago, went through the precedents, not only as to this particular paragraph but to others that might by analogous reasoning bear upon it, and ruled that the provision should be ruled out. The other day the gentleman from Illinois [Mr. GRAHAM], in a well-considered decision, ruled the other way. So the matter stands at present. The Chair is going to leave the question with the committee to decide whether this paragraph is in order or not.

The question was taken, and the Chair announced the Chair was in doubt.

The committee again divided; and there were—ayes 39, noes 14.

So the paragraph was held in order.

Mr. KVALE. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to revise and extend his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. KVALE. Mr. Chairman and gentlemen of the committee, yesterday I was necessarily absent from this House, I seldom am; but I had to go to the Treasury Department and also to see a friend who is ill, and who lately lost his wife; and while I was absent the gentleman from Colorado was given 10 minutes, in which time he made some attacks on me. I ask 10 minutes—

Mr. DICKINSON of Iowa. Mr. Chairman—

Mr. KVALE. In which to answer.

Mr. DICKINSON of Iowa. I make the point of order.

The CHAIRMAN. The gentleman will state it.

Mr. DICKINSON of Iowa. I make the point of order the gentleman is not talking to the bill. We have had several lectures here, both from the gentleman from Colorado and the gentleman from Minnesota, in reference to this subject. I think it ought not to be permitted—

Mr. VAILE. I hope the gentleman will not insist on his point of order, if the gentleman from Minnesota feels he ought to make a statement—

Mr. DICKINSON of Iowa. I insist on the point of order.

Mr. BLANTON. Mr. Chairman—

The CHAIRMAN. If the point of order is made, the gentleman must proceed in order.

Mr. BLANTON. Let me ask the gentleman one question.

The CHAIRMAN. Will the gentleman from Minnesota yield to the gentleman from Texas?

Mr. KVALE. I will.

Mr. BLANTON. I want to ask the gentleman one question. The gentleman really has a question of privilege and could have asked for a hearing this morning. I asked him not to do it, and told him I was sure the committee, having heard the gentleman from Colorado, would be glad to hear him for five minutes, and so I asked him not to raise the question of privilege; but there is a question of privilege in the Record.

Mr. VAILE. I could not admit it has a question of privilege; I do not believe, if the gentleman will read it, that there is. It is a question of a man's patriotism—

Mr. BLANTON. I would like a chance to discuss that, and I hope the Chair—

The CHAIRMAN. The Chair has no option in this matter. Objection is made; the gentleman must proceed in order.

Mr. KVALE. I ask unanimous consent to proceed for five minutes out of order.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to proceed for five minutes out of order. Is there objection?

Mr. DICKINSON of Iowa. I am going to state now that I am going to make objection to anybody else until we get through with this bill, but I am going to let the gentleman from Minnesota speak for five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. KVALE. Mr. Chairman, I can not cover in 5 minutes what the gentleman from Colorado covered in 10 minutes. I want to say the gentleman from Colorado in the first place slur the church I served, and I do not think—

Mr. VAILE. Oh, how did I slur the church which the gentleman served?

Mr. KVALE. He did. Read the Record where he refers to the church I served; and I want to say—

Mr. VAILE. Please refer to the words wherein I slurred the gentleman's church.

Mr. KVALE. The gentleman can read the words. Please do not interrupt; I have but five minutes. I will say to you that the members of that church, while they are not angels—if they were they would need no one to preach to them; I do not believe they have even started to sprout wings—but I say you can take the 600 souls of that church and place them against 600 people belonging to any organization to which the gentleman belongs, and I shall not worry about the comparison. I want to say in answer to the gentleman's inference in his remarks that I have never on the floor of this House uttered one syllable against the make-up of our Army and Navy. The gentleman is mistaken. Others may have done so, but I never have.

I have had my sons in the Army and Navy. They have come back and told me of the conditions obtaining there and they have given expression to the treatment that they received, and while they have described some of the regrettable conditions, the great share of their comment has been highly favorable. They have come out of the Army and Navy clean. I know they have, and I believe that any young man who goes into the Army and Navy, with the right kind of home influence back of him and the right stuff in him will come out of it clean, the same as he can out of any other condition in which he lives. [Applause.]

I do not believe the gentleman should have made the implication which he did, that I referred in any derogatory way to the Army or Navy, because I did not.

The gentleman has spoken about the women of this country, and inferentially he has insulted the mothers of this country by saying that they are less patriotic if they stand for a reduction of the Army. I say it is an insult to the women. I do not impugn the gentleman's motives and I have never questioned his patriotism. I believe in a reduction of the Army. The gentleman speaks of the effect of that as being ruinous to this country. My claim is that a large army breeds war and more war, and that is ruinous to the country.

I believe the way to build up this country is by peace and peaceful measures, and, therefore, I believe in a reduction of the Army. The gentleman says I believe in wiping out the Army. I never made that statement. I believe in an Army for police purposes. The gentleman had no right to make the inferences that he has made.

The gentleman speaks about his own war record, and I infer that it is meant to be put in juxtaposition to mine. Very well. I have no war record to place against that of the gentleman. I can not claim the honor, if such it be, of having shot any of my fellow human beings, in war or out of it. When the gentleman went to the Spanish-American War I was occupying a pulpit, and I had a wife and two sons. I was bringing up sons for future wars. I was in the pulpit, but I do not believe that any man who can preach or engage in any other vocation in this world should be exempted from service to his country. I believe that a man who preaches war either from the pulpit or the platform should be the first to put on the uniform and go in to the front-line trenches. [Applause.]

As for the World War, to which the gentleman refers, I was opposed to entering that war, and I would discuss for a whole hour with the gentleman at any place the question of our country going into that war. But when the country went into the war I dropped that matter. My sons went into that war. My oldest son was finishing his college course when we entered the war. He immediately telegraphed home for permission to enter the Army, and his mother and I, after conferring together for half an hour, sent him a message in which we said, "You have our permission, and we wish you Godspeed in whatever you decide to do." [Applause.] He tried in every way possible to get in, but was rejected time and again. He continued in college, was graduated that same spring, and finally succeeded in entering the Army. After a year on this side he went overseas; and, by the way, he was offered a commission, but the commission involved his going to the Philippines, and he decided he would go France as a sergeant rather than go to the Philippines as a commissioned officer. In France, offered the post of instructor in the machine-gun school of the Third Army Corps, he declined because of his eagerness to reach front-line service.

My second son was in a tubercular hospital for several years, but after being rejected by one board after another he finally got into the Army the day before the armistice. My third son was in high school. He wanted to enlist in the Navy. His mother and I pleaded with him to stay until he finished high school, and he stayed home and graduated. Then he tried to get into the Navy but was turned down. Finally a personal friend of his who happened to have the necessary authority said, "I will take you on." He served with the transport service and crossed and recrossed the Atlantic on board the ships that took our boys to the front and home again, with the ever-present danger from submarines and mines.

I have tried to do my part. I did my part in buying Liberty bonds and in the sale of them. I knew that a large number of people were getting a rake-off on the sale of those Liberty bonds and on the whole war game, but I tried to do my duty. [Applause.]

The gentleman makes this statement:

My great-great-grandmother ran the family pewter spoons through a bullet mold in order to help her husband establish a country which would be good enough for the parents of the gentleman from Minnesota to live in, and I expect to be one of those who are going to hand down that same kind of a country to his children, in spite of his efforts and the efforts of others similarly disposed.

A fine insinuation, indeed, for a gentleman to make. I do not know how many bullets my great-great-grandmother helped make; but, judging by her progeny, I am forced to the conclusion that she would have proved a worthy competitor of the gentleman's ancestry in anything and everything that tended to build and preserve a nation.

I do not know just how strong my ancestors were on bullets and shooting, but I know that my grandparents and all their

kin and practically all who came from the land which gave them birth have been among the producers of this Nation and not among its parasites, have been people who in the sweat of their brow have helped transform the wilderness of the West into a Garden of Eden, into a land flowing with milk and honey.

I protest that shooting your fellow human beings is not the only nor the true measure of patriotism. [Applause.]

Mr. VAILE rose.

Mr. TAYLOR of West Virginia. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from West Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. TAYLOR of West Virginia: Page 80, line 16, after the word "plant," insert "Provided, That no part of the money herein appropriated for military purposes shall be expended in the purchase from private manufacturers of ordnance and ordnance supplies at a price in excess of the cost of manufacturing such material by the Government, or where such material is not or has not been manufactured by the Government at a price in excess of the estimated cost of manufacture by the Government."

Mr. DICKINSON of Iowa. Mr. Chairman, I reserve a point of order on that.

Mr. TAYLOR of West Virginia. If the gentleman wants to make a point of order, I wish he would make it now.

Mr. DICKINSON of Iowa. I make the point of order, Mr. Chairman, on the ground that it is legislation on an appropriation bill and not germane to the paragraph.

Mr. TAYLOR of West Virginia. Mr. Chairman, I do not want to discuss the point of order, but I want to say that this is practically the same language that was written in the naval appropriation bill that we passed the other day. It seems, if we want to take the profit out of war, that is the way to do it. It was for that purpose that the amendment was offered.

The CHAIRMAN. The Chair is advised that this is substantially the same amendment that was offered a little while ago, when an objection was sustained.

Mr. TAYLOR of West Virginia. It is worded a little differently.

Mr. HULL of Iowa. The first two lines of the former amendment are out. This is a pure limitation. There is not any question about it.

The CHAIRMAN. The Chair would call attention to this language in the amendment:

Provided, That no part of the money herein appropriated for military purposes shall be expended in the purchase from private manufacturers of ordnance and ordnance supplies at a price in excess of the cost of manufacturing such material by the Government, or, where such material is not or has not been manufactured by the Government, at a price in excess of the estimated cost of manufacture by the Government.

The limitation is merely that no part of the appropriation shall be expended to purchase from private manufacturers at a price in excess of the cost of manufacturing such material by the Government. There is no saving in that. If the price is equal, of course there will be no saving.

Mr. HULL of Iowa. Yes; but there is a limitation on the purchase at a higher price, and the excess covers that.

There is no question about the language. If you pay \$100 more and this prevents you from paying it, you have saved \$100. It is a limitation, and the same amendment has been held in order right along. The adoption of the amendment must save money.

The CHAIRMAN (Mr. CHINDBLOM). In view of the present occupant of the chair it is a limitation as to executive discretion rather than as to expenditure or as to the use of the appropriation. Does the gentleman from Iowa wish to discuss the point of order?

Mr. HULL of Iowa. That very point was ruled on the other day when a point of order was overruled on the question of enlisting boys under 21 years of age. At that time that same point came up, that it was a limitation on executive authority. We have a right to some discretion on limitations that will save this Government some money in an appropriation bill. We have always had that right, and if you are going to sweep away the right of the House to limit Government officials in the expenditure of money, then you are going to hamstring the House when it wants to save money in the future, and in doing that you are striking at the very foundations of a limitation which saves money.

The CHAIRMAN. Does the gentleman from Iowa [Mr. DICKINSON] care to be heard?

Mr. DICKINSON of Iowa. I would like to call the attention of the Chair to the fact that all this amendment does is to say you can not spend money in excess of what you can buy this material at Government arsenals, and it does not say it is going to save any money. It simply provides that you shall not spend any money in excess of what you can manufacture this same material at the arsenals. It simply says you are going to have a balance sheet. I claim the amendment does not come within the rule which provides that there must be a showing of a saving of money for the Government.

Mr. HULL of Iowa. Here is the point: If one of the quartermasters were to buy something and had an offer at \$50 more than they could manufacture it, and they had this limitation staring them in the face, would they not save money?

Mr. DICKINSON of Iowa. It is purely discretionary.

Mr. HULL of Iowa. It would not be discretionary if the House considered this a limitation and placed it in the bill as such. The gentleman well knows that, and, in fact, he wrote the same thing in the bill himself.

Mr. JONES rose.

The CHAIRMAN. Does the gentleman from Texas desire to discuss the point of order?

Mr. JONES. Just for a moment.

I want to call the Chair's attention to the fact that the amendment which was ruled out a moment ago was ruled out because of the first line, which reads "except as otherwise expressly authorized herein." That was held by the Chair to be an indirect authorization as to other provisions in the bill, and the Chair suggested during the ruling that if that first line had not been in there it might have been construed as a limitation. I do not agree with the chairman who was presiding at that time as to the distinction he made. On the other hand, I believe that the paragraph that went out was a pure limitation, but the Chair made that distinction.

Now, the only effect which the amendment now offered could possibly have would be to limit expenditures and to save money. It could have no other effect, because it provides that in purchasing these supplies they shall not pay in excess of what it would cost the Government to manufacture them. It is also a limitation on the scope of purchasing. For this double reason it is in order.

Mr. DICKINSON of Iowa. Will the gentleman yield?

Mr. JONES. Yes.

Mr. DICKINSON of Iowa. Is it not true that in order to come within the holding it must actually show on the face of the amendment that it will save money?

Mr. JONES. Not necessarily. It may limit the purposes for which the money may be spent, but I assert it does show that on its very face, because it says, in express words, that no part of this money shall be expended for munitions, and so forth, where they are bought in excess of what it would cost the Government to manufacture them. If that does not mean it would save money if a private manufacturer wanted to make a profit above what the Government would furnish them for, what does it mean? If it means anything at all, it means there is a limitation on what the expenditure may be. It not only may serve to save money but it is a limitation on the character of expenditures which may be made. It is purely a limitation, and if the Holman rule means anything it means to cover a case of this kind, and if the rule with reference to limitations is ever to be applied, it is applicable in this case.

Mr. CONNALLY of Texas. Mr. Chairman, supplementing what my colleague says, this seems to me to be in order outside of the Holman rule, because it is in the nature of a limitation, because under existing law the Secretary of War might purchase these supplies in the open market at any price he might see fit. Now, the effect of this amendment is to limit his authority to do that to only those cases in which the purchases can be made at the Government cost of production, with 10 per cent in addition thereto.

I just say that supplementing the suggestions of my colleague from Texas. It is a limitation on the appropriation within certain specified limits, and in the case of a limitation it does not have to appear that money will be saved. That is the point I am suggesting to the Chair. If it is a limitation, it is immaterial whether it saves money or whether it does not, if it be a limitation on the appropriation within the scope of the law authorizing the expenditure.

The CHAIRMAN. The present occupant of the chair can see no substantial difference between the proposed amendment and the provision in the bill beginning on page 79, line 20, to which a point of order was sustained only a little while ago by the gentleman who then occupied the chair, the gentleman from Connecticut [Mr. TILSON].

It is true that the words "except as expressly otherwise authorized herein" occurred in the text which was then ruled upon by the Chairman of the committee, but aside from that the language appears to be identical and the Chair presumes it will be conceded it is identical.

In the opinion of the Chair this amendment is subject to the same reasoning and the same objection as was stated by the gentleman from Connecticut [Mr. TILSON] a few minutes ago; and the Chair sustains the point of order.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having taken the chair, a message from the Senate by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6349) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1925, and for other purposes.

WAR DEPARTMENT APPROPRIATION BILL.

The committee resumed its session.

Mr. HULL of Iowa. Mr. Chairman, I appeal from the decision of the Chair.

The CHAIRMAN. The Chair will ask the gentleman from Iowa [Mr. DOWELL] to take the chair during the appeal.

Mr. DOWELL took the chair.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The question was taken, and the Chair being in doubt, the committee divided; and there were—ayes 33, noes 22.

So the decision of the Chair was sustained as the judgment of the committee.

The Clerk read as follows:

For amount required to make monthly payments to John R. Kissinger, late of Company D, One hundred and fifty-seventh Indiana Volunteer Infantry, also late of the Hospital Corps, United States Army, \$1,200.

Mr. VAILE. Mr. Chairman, I move to strike out the last word.

I am asking for this little time, Mr. Chairman, so that the gentleman from Minnesota [Mr. KVALE] and myself can get away to lunch for a few minutes. It seems that after all there is not such a great difference between us, and it appears that both of us believe in national defense. I am sure we all know that he and his family believe in national defense after the statement he has made here regarding the conduct of his splendid sons. The only thing about which we seem to differ is that I believe there should be somebody trained for the national defense before the immediate need of it arises.

And when I said that I would compare the ex-Regulars of my Spanish War Veterans' camp with the members of the gentleman's church I certainly was casting no slur on his church. I think it was a compliment to his church, and also a compliment, a well deserved one, to the soldiers.

I am sorry the gentleman was not here when I made my remarks yesterday. I rose to speak on an amendment offered by our witty friend, the gentleman from Nebraska [Mr. HOWARD], and knowing the gentleman from Minnesota to be very assiduous in the performance of his duties and not knowing of the special emergency which took him away I thought he was here. I did not look around to count noses to see whether he was here or not. I just took it for granted he was here, and a discussion of his remarks came up incidentally to the other subject, the two amendments, generally speaking, referring to the same matter. The gentleman from Nebraska [Mr. HOWARD] poked fun at the idea of a considerable appropriation for training reserve officers. The gentleman from Minnesota had proposed on the day before to cut the standing Army of the United States in half, cutting it down from 125,000, or about 1 soldier to 1,000 of our population, to 62,500, or about 1 soldier to 2,000 of our population, and it seemed to me then, and seems to me now, that that was so absurdly small a number of trained men to serve in time of a national emergency which might arise, even before the gentleman's splendid boys could get into action again, that a man who held those views, no matter how noble his intentions were, held views detrimental to our peace and safety.

The gentleman may not be so sensitive after he has been here a little while. Many of us think that certain propositions are dangerous to the United States. Some of us thought the Garner tax plan would ruin the United States, and I think it would if it had been adopted. Some gentlemen here on the floor think the eighteenth amendment and the Volstead law ruined the United States. The gentleman from Minnesota and myself are both of the opinion that if it had not been passed

the United States would have been ruined, and so when I said that a total lack of a regular standing Army of trained men would ruin the United States—and a total lack is really what the gentleman in his heart is working toward—well, pardon me, I see the gentleman from Minnesota [Mr. KVALE] shakes his head—at any rate, the gentleman from Minnesota said he would cut it in half, and that he would hope for a further reduction later, and in doing that he at least reduces it to a vanishing minimum, then I think that such views if adopted would involve the ruin of our country as soon as the emergency of war should arise again. I am sure the gentleman in time of an emergency, as well as his family, would respond to such an emergency, but I want somebody able to respond immediately when the emergency arises, with special training for that job. If it is a duty to defend the country, it is a duty to be ready to defend it.

Mr. KVALE. Will the gentleman yield?

Mr. VAILE. I do.

Mr. KVALE. We have 4,000,000 men trained to spring to arms the moment there is danger.

Mr. VAILE. Whose arms?

Mr. KVALE. Ready to spring to arms—the gentleman understands that.

Mr. VAILE. Whose arms?

Mr. RANKIN. The same arms his sons sprang to when the last emergency arose.

Mr. VAILE. And where would they have been if we had not had our allies with a large number of men who had already been trained, a thin line of khaki holding the western front until these men could be trained? It was 14 months, I believe, before we got a single soldier to the front.

Mr. RANKIN. But the soldiers the gentleman from Minnesota is talking about, the 4,000,000 men, are ready to fly to the defense of the country when called on, and in addition to that we have the National Guard. [Applause.]

Mr. VAILE. But in 10 or 15 years many of those magnificent youths will be beyond the age of active service.

The CHAIRMAN (Mr. CHINDBLOM). The time of the gentleman from Colorado has expired.

Mr. DICKINSON of Iowa. Mr. Chairman, I think we are now sufficiently enlightened on the views about the Army, both of the gentleman from Minnesota and the gentleman from Colorado, and have had their personal history put on record, and I hope now we may proceed with the reading of the bill.

Mr. GARRETT of Tennessee. Mr. Chairman, I would like to ask the gentleman a question. Under what circumstances are these two items carried in the bill which have just been read, the first two paragraphs on page 81?

Mr. DICKINSON of Iowa. It is my understanding that this is for the men or the widows of the men who subjected themselves to experiments for a cure of yellow fever down South somewhere. It is my understanding that one of them died, and this pensions his widow. The other one was rendered an invalid and for a number of years has been an invalid by reason of subjecting himself to the experiments.

Mr. GARRETT of Tennessee. I thought that was the case, and what I am wondering about is why this is not carried in the pension bill. It is a pension appropriation.

Mr. DICKINSON of Iowa. The law directs that it shall be carried in this way—the law of October 2, 1911, as I understand. I think this is carried strictly in accordance with the provision of the original act as passed.

Mr. GARRETT of Tennessee. I had no doubt that was true. It really does amount to a pension, does it not?

Mr. DICKINSON of Iowa. Yes; indirectly, I would say, although I think it would lapse if we did not make an appropriation for it; and, of course, it would lapse if it was a pension if we did not make an appropriation for it.

The Clerk read as follows:

Disposition of remains of officers, soldiers, and civilian employees: For interment, cremation (only upon request from relatives of the deceased), or of preparation and transportation to their homes or to such national cemeteries as may be designated by proper authority, in the discretion of the Secretary of War, of the remains of officers, cadets, United States Military Academy, acting assistant surgeons, members of the Army Nurse Corps, and enlisted men in active service, and accepted applicants for enlistment; for interment or preparation and transportation to their homes of the remains of civilian employees of the Army in the employ of the War Department who die abroad, in Alaska, in the Canal Zone, or on Army transports, or who die while on duty in the field; for interment of military prisoners who die at military posts; for interment and shipment to their homes of remains of enlisted men who are discharged in hospitals in the United States

and continue as inmates of said hospitals to the date of their death; for interment of prisoners of war and interned alien enemies who die at prison camps in the United States; for removal of remains from abandoned posts to permanent military posts or national cemeteries, including the remains of Federal soldiers, sailors, or marines interred in fields or abandoned private and city cemeteries; and in any case where the expenses of burial or shipment of the remains of officers or enlisted men of the Army who die on the active list are borne by individuals, where such expenses would have been lawful claims against the Government, reimbursement to such individuals may be made of the amount allowed by the Government for such services out of this sum, but no reimbursement shall be made of such expenses incurred prior to July 1, 1910; for expenses of the segregation of bodies in permanent American cemeteries in Great Britain and France, \$93,654: *Provided*, That the above provisions shall be applicable in the cases of officers and enlisted men on the retired list of the Army who have died or may hereafter die while on active duty by proper assignment.

Mr. JONES. Mr. Chairman, I move to strike out the last word, and I ask unanimous consent to proceed out of order for five minutes.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed out of order for five minutes. Is there objection?

There was no objection.

Mr. JONES. Mr. Chairman, a few days ago, when I was discussing the iron-shod method by which General Wood was undertaking to train the Filipinos in the gentle art of self-government, some one asked me about the experience of General Wood in Cuba. I became interested, and went back to search the records as to whether or not there were any complaints of the military management of affairs by General Wood in Cuba. I found a great number of complaints. In fact, it appeared that everywhere General Wood has been sent as a governing officer he has been a storm center and a trouble maker. I want to refer to a speech made by Senator Mark Hanna, and reinserted in the Record, on the subject in 1912, in which he produced a number of witnesses to the effect that General Wood was interfering with the orderly processes of the court and exercising legislative, executive, and judicial powers in Cuba. Also, with reference to affairs just before General Wood took charge and while he was serving as a subordinate, General Brooke made a charge that General Wood was guilty of insubordination; that he interfered with the civil courts of Manzanillo, where General Brooke charged that he took a prisoner out of custody charged with murder, put him aboard a ship, and sent him out of the country.

There are a number of things I would like to read if I had the time, showing the characteristics of the man, which I contend bear out the proposition that no military man should be placed at the head of the Philippine Government or any other civil government. [Applause.] More especially is that true of General Wood.

General Harrison remained in charge of the affairs in the Philippines for several years and only found it necessary to veto some six or eight bills. Here is a clipping from a paper asserting that General Wood vetoed 30 bills during the last session, almost at one clip.

Now, I think the experience with General Wood in the Philippines and his record, wherever he has been sent as a civil governor, effectually bear out the statement repeatedly made by the Filipinos, that instead of encouraging them in the handling of their own affairs, he seizes every opportunity to take away their right to control their own affairs. In other words, he is setting back the matter of self-government in the Philippines rather than encouraging it, and it will take long years to get over the government that he is administering there.

Mr. BLANTON. Will the gentleman yield for a question?

Mr. JONES. I will.

Mr. BLANTON. Will my colleague tell us from what fund or source comes the cost of printing these 70,000 copies of the Wood-Forbes report that are now in the document room?

Mr. JONES. I do not know from what fund it comes; the Wood-Forbes report was made in accordance with the investigation that was authorized by the Congress, as I understand it.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. JONES. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. JONES. Yes.

Mr. GARRETT of Tennessee. In answer to the gentleman from Texas [Mr. BLANTON] I will say that that report was

printed as a public document under a resolution passed by the House.

Mr. BLANTON. One of those innocent little resolutions.

Mr. GARRETT of Tennessee. Attention was directed at the time to it, and I will say to the gentleman that it was stated that there ought to be objection to it, and that the report might just as well have been written before Wood and Forbes went to the Philippines as after.

Mr. JONES. I thank the gentleman from Tennessee for the information. I want to say, and I want to repeat, that I believe that it is just as unwise to place a man who all his life long has been engaged in a military way at the head of a civil government as it would be to place a civilian at the head of an army on the field of battle.

The nature of the work that a military man is called upon to do is wholly out of keeping with the principles of popular government, and yet that is the kind of a man over there that has been conducting this civil government.

It has even been said that Lieut. Osborn Wood, who has been charged with making a fortune by speculation, went into a cabaret and required the audience to stand and the band to play as he marched in in a spectacular way—some more evidence of military pomp and display.

Now, as bearing out the record of General Wood, I am going to submit to this Congress if you think this is wise when 25 years ago we made a sacred promise, in effect at least, that we were going to release the Filipinos in the course of a few years. Then to place a man of this type and character over them is like snapping our fingers in the face of our promises. I have before me a letter which President Wilson wrote in connection with the question of sending General Wood to France. I will read that part of it which refers to his characteristics:

THE WHITE HOUSE,
Washington, June 5, 1918.

To the EDITOR OF THE REPUBLICAN:

I hope you will not be surprised to know that I subscribed almost in its entirety to the inclosed editorial from the Republican.

I am keenly aware of and keenly sensitive to the implications which will be drawn out of the fact that I am not sending General Wood to the other side, and I want personal friends like yourself, upon whose approval I depend for my encouragement, to know why I am not sending him.

In the first place, I am not sending him because General Pershing has said that he does not want him, and, in the second place, General Pershing's disinclination to have General Wood sent over is only too well founded. Wherever General Wood goes there is controversy and conflict of judgment. On this side of the water we can take care of things of that sort, because the fighting is not being done here, but it would be fatal to let it go on at or anywhere near the front.

I have had a great deal of experience with General Wood. He is a man of unusual ability, but apparently absolutely unable to submit his judgment to those who are superior to him in command. I am sorry that his great ability can not be made use of in France, but at the same time I am glad to say that it is being made very much use of in the training of soldiers on this side of the water, a task for which he is eminently well fitted and which he is performing with diligence and success.

With sincere regard, faithfully yours,

WOODROW WILSON.

This report that I was reading from a while ago in the CONGRESSIONAL RECORD also bears out that contention—that while he was in charge at Santiago and supposed to be operating under General Brooke he put in a great station without even submitting the matter, ay, without even reporting the matter to General Brooke. In other words, wherever that man has been he has demanded that he alone control all of the affairs. Is that course of conduct in keeping with inculcating the spirit of autonomy and the principles of self-government in any people? To ask the question shows absurdity of any other than one answer. How can these people be expected to make any progress in the art of self-government so long as he is in control. Every tradition of this country calls for early recognition of our obligation; every proud sentiment of American institutions pleads for an opportunity for these people. In the face of these facts why continue a military man whose whole official history shows an unreasoning, domineering disposition to govern in the face of their expressed wish? [Applause.]

The CHAIRMAN (Mr. TILSON). The time of the gentleman from Texas has expired.

The Clerk read as follows:

SHILOH NATIONAL MILITARY PARK.

For continuing the establishment of the park; compensation of superintendent of the park; clerical and other services; labor; historical tablets; maps and surveys; roads; purchase and transportation of

supplies, implements, and materials; foundations for monuments; office and other necessary expenses, including maintenance, repair, and operation of one motor-propelled passenger-carrying vehicle, \$20,000.

Mr. RANKIN. Mr. Chairman, I move to strike out the last word. I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. RANKIN. I ask that time in order that I may present to the House what I consider to be a very great injustice.

Mr. BARBOUR. Mr. Chairman, will the gentleman yield?

Mr. RANKIN. Yes.

Mr. BARBOUR. The gentleman does not refer to the failure of the Committee on the Census to report out the apportionment bill?

Mr. RANKIN. Oh, no; that was no injustice.

I rise to call the attention of the House to an injustice that is being committed relative to the battle field of Shiloh. Some of you seem to have the idea that because this battle field is away down on the banks of the Tennessee River it is not just as close to your people as the battle field of Gettysburg, or any other battle field on American soil.

It has been said by those who have visited practically every battle field of note in the world that the most beautiful of them all is Shiloh. Situated on the banks of the Tennessee River, 20 miles out from the city of Corinth, it has not been disturbed as have those other fields by the building of railroads, cities, and other improvements. Mr. Thomas D. Duncan, of Corinth, Miss., has written a little book called "Recollections of Thomas D. Duncan, a Confederate Soldier," in which he has given the most vivid description of the opening of the Battle of Shiloh I have ever seen. I am going to ask the Clerk to read this marked paragraph in my time, and then I shall discuss the matter a little further.

The CHAIRMAN. Without objection, the Clerk will read. There was no objection, and the Clerk read as follows:

Soon after we had left the hill where the enemy had fired on us we met the Confederate line of battle going into action. This was the grandest, most solemn, and tragic scene I had ever witnessed. The sun was just coming up over the hilltop, its bright rays touching the half-green forest with a golden beauty that could not but charm the eye and thrill the heart even in the presence of death. It was one of those rare mornings that in a deep woods cast a charm of mingled silence and wild music. In this sunlit antechamber of carnage there were bird songs and the tongueless voices of whispering waters—timid, blended melodies of uncounted centuries that here had sounded their glad chorus to all the mornings of the springtime since trees first grew and rains first fell, since mosses first floored the virgin valleys, and primal grasses climbed the fresh slopes of the newborn hills.

Mr. Chairman, that gives a vivid description of the battle field of Shiloh as it was on the morning of April 6, 1862. Sixty-two years have passed away. That ground is still untouched except by the hands of those who have erected monuments and laid off walks and drives in commemoration of the great struggle that was once fought there by the best blood of the New World. This field is 20 miles from the railroad; that is, it is 20 miles from Corinth, where the national cemetery is located, where the Federal dead are buried. About 8 miles of that distance is within the State of Mississippi. We charge nothing for travelling over that road, which is a highly improved road, but, unfortunately, after you cross the State line the balance of this road from there to the battle field of Shiloh is a toll road and owned by a private concern.

Every time a Federal soldier, every time a Confederate soldier, every time the wife, daughter, son, or relative of one of those aged veterans visits that historic spot to look upon the most beautiful battle field in all the world he must pay a toll for the privilege of traveling over this highway. I am informed that 60,000 people travel over that road every year. I have tried since I have been in Congress to get the Government to take this road over, and I have an amendment which I am going to offer to that effect. You Members may as well adopt it now, because if I stay in Congress this Government is going to prepare some way to connect those two national parks and make it possible for these old men and women to go there, prompted as they are by patriotism, without paying toll to a private concern. I shall offer the amendment at this time.

Mr. CABLE. Mr. Chairman, will the gentleman yield?

Mr. RANKIN. Yes.

Mr. CABLE. Was the road constructed by this private corporation or by the State or county?

Mr. RANKIN. I am not informed as to that.

Mr. CABLE. Has the State done anything at all with reference to constructing or improving the road?

Mr. RANKIN. I do not live in Tennessee. The State of Mississippi has one of the most highly improved roads in the country up to the State line.

Mr. BROWNING. Mr. Chairman, will the gentleman yield?

Mr. RANKIN. Yes.

Mr. BROWNING. The road referred to is owned by a private corporation. The State has no rights in it. It is a turnpike of long standing.

Mr. RANKIN. Mr. Chairman, Shiloh was the greatest battle up to that time that had ever been fought on American soil.

Mr. HILL of Alabama. Is there any other national battle field in this country where you have to pay a toll to get to it?

Mr. RANKIN. I have never heard of one. I do not believe that Members of Congress knew that, and when I made the statement in the House a year ago men on both the Republican and Democratic sides came to me and expressed surprise that this thing had gone on this long. Now we have two national highways crossing at Corinth—the Mississippi Valley Highway, extending from the Lakes to the Gulf, and the Lee Highway, running from Washington to San Francisco, over which thousands of tourists pass. They stop and turn aside, as a rule, and go and look upon these monuments which Illinois, Indiana, Iowa, and other States, and also the Daughters of the Confederacy, have erected there to commemorate one of the greatest struggles that has ever taken place among Anglo-Saxon men; and yet everyone must pay tribute before he can get in and out of this great national reserve. I am going to ask the Clerk to read the amendment.

The CHAIRMAN. Is the amendment offered?

Mr. RANKIN. I am going to offer it.

The CHAIRMAN. The Clerk will read the amendment.

The Clerk read as follows:

"On page 87, line 18, strike out '\$20,000' and insert the following: 'and for the extension of a park through the acquisition, by purchase or otherwise, of a strip of land, contiguous to the park, 66 feet wide, to connect the Shiloh National Military Park and the Corinth (Miss.) National Cemetery; such land to be acquired along or near the present main road from the Shiloh National Military Park to the Corinth National Cemetery, located on the battle field of Corinth, the center of such strip to follow as nearly as practicable along the survey heretofore made by Park Engineer Thompson; and for the construction of a hard-surface road and necessary bridges along the center line of such strip from the park to the Corinth National Cemetery; and for the erection of historical markers along such strip to show the movements of troops and other matters of historical interest in connection with the Civil War Battles of Shiloh and Corinth; in all, \$70,000: Provided, That no part of this appropriation shall be expended within the incorporated limits of the city of Corinth.'"

Mr. ANTHONY. Mr. Chairman, I make the point of order on the amendment that it is new legislation, not authorized by law.

Mr. RANKIN. Mr. Chairman, I would like to be heard on the point of order.

The CHAIRMAN. The Chair will hear the gentleman from Mississippi.

Mr. RANKIN. Does the gentleman from Kansas want to be heard first?

The CHAIRMAN. The gentleman from Kansas has stated his point of order.

Mr. ANTHONY. No; I do not care to be heard.

Mr. RANKIN. Mr. Chairman, this is an extension of the boundaries of this park, and involves, in my opinion, the same question that we had up on yesterday. This is land that is adjacent to this park, and we merely ask that it be extended by this strip in this way. I think the question was thoroughly gone into on yesterday—

Mr. HUDSPETH. Will the gentleman yield right there?

Mr. RANKIN. Yes.

Mr. HUDSPETH. Do I understand under the decisions, and they are numerous, I believe, cited to the Chair by myself and others, that is only a continuation of a Government project?

Mr. RANKIN. Yes, sir.

Mr. HUDSPETH. And the various decisions recited held that an amendment which was a continuation of a Government project authorized by law was in order.

Mr. RANKIN. Yes, sir; especially where it was contiguous, where the land that was proposed to be purchased or taken over was adjacent to the tract already in operation. Now, on yesterday, or day before yesterday, on page 5189 of the Record this case was cited to the Chair by the gentleman from Texas [Mr. HUDSPETH].

Mr. CRAMTON. Will the gentleman yield for a question?

Mr. RANKIN. Yes.

Mr. CRAMTON. The gentleman's point is based entirely upon the theory that this land is to be contiguous to an existing park. Can the gentleman positively affirm that the land

that he proposes to acquire would be a continuation by an uninterrupted strip of land?

Mr. RANKIN. Oh, yes.

Mr. CRAMTON. Would there not be places where a public road would intersect, where land in public ownership would constitute the highway crossing this proposed road, and hence the Government would not need to acquire title?

Mr. RANKIN. Oh, I will say to the gentleman from Michigan that that case has also been taken up, but I think the case was in point where the land they proposed to take was on the other side of the road, and the Chair held that the road was an easement. But, I will say to the gentleman, it will be no trouble to get a continuous strip of land extending from the Shiloh National Battle Field to Corinth National Cemetery.

The significance of this strip of land is this. On the night before the Battle of Shiloh on the 5th of April, 1862, Albert Sydney Johnson, one of the greatest soldiers of all time, with his army was camped at Corinth. They moved out this road, engaged the Federals at Shiloh Springs, 5 miles from Pittsburgh Landing, and drove them back to the river. Johnson was killed that afternoon. The next day reinforcements came in and the Federal forces under General Grant drove the Confederates back along the same line, toward Corinth. So this strip of land is to be along the way these two armies went and came, where markers may be placed as a part of this park in order that future generations may know what took place in possibly the decisive battle of the Civil War.

Now, as I said, a case was cited yesterday in point. I will not read it—I do not care to read all these decisions—where they were attempting to take over a piece of land where a road intervened, and they held that the road was merely an easement. Why, if that could interfere and stop these projects we would be hedged in by a network of roads all the time.

Some one has suggested that the size of this strip of land might have something to do with it, but it does not. Let me read from Hinds' Precedents, volume 4, pages 511 and 512. I read:

On February 19, 1901, the sundry civil appropriation bill was under consideration in Committee of the Whole House on the state of the Union, and the Clerk read this paragraph relating to the Hospital for the Insane:

"For the purchase, at the discretion of the Secretary of the Interior, of not less than 145 acres of land immediately adjoining the present building site of the hospital on the south and extending from Nichols Avenue to the Anacostia River, to be acquired by condemnation or otherwise, a sum not to exceed \$145,000, to be immediately available."

Mr. Marlin E. Olmsted, of Pennsylvania, made the point of order that the expenditure was not authorized by law.

During the debate, Mr. David A. De Armond, of Missouri, called attention to the law of the preceding session, which appropriated for the extension of the hospital on "lands already owned by the Government or upon such suitable lands as may be donated to the Government within the District of Columbia for that purpose." As the hospital could not be extended on the land proposed to be purchased, he argued that the appropriation now proposed could not be in continuation of a public work.

The Chairman held:

"The law which the gentleman from Missouri calls to the attention of the Chair relates to the location of buildings used for hospital purposes, and declares that these buildings shall be erected upon land already owned by the Government, or that may be donated to the Government, in the District of Columbia. In the opinion of the Chair that does not militate against the power of the Committee on Appropriations to appropriate a specific sum to acquire additional territory for the asylum. Now, there is a large asylum there that is furnishing accommodations for several thousand soldiers; and it is apparent to all that the land, as well as the buildings, is necessary for this great public purpose, and the Chair thinks that the point of order is not well taken. It is for the committee to say whether the entire 145 acres shall be purchased, or by amendment that number of acres shall be enlarged or decreased; but that it is in continuation of this great public object the Chair has no doubt, and therefore overrules the point of order."

Now, there is a case absolutely covering the point raised by the gentleman from Michigan [Mr. CRAMTON]. Then, again, I read:

On February 22, 1907, the sundry civil appropriation bill was under consideration in Committee of the Whole House on the state of the Union, when the Clerk read as follows:

"To enable the Secretary of the Interior to purchase additional land in the District of Columbia for the use of the Government Hospital for the Insane, and for expenses incident to such purchase, \$25,000, or so much thereof as may be necessary, \$25,000."

Mr. James Hay, of Virginia, made the point of order that there was no legislation authorizing the appropriation, saying:

"On page 430 of the hearings the superintendent of the Hospital for the Insane, in respect to the location of the land, says:

"The land is just across the road from our property, at the southeast extremity."

"Well, land across the road is not land adjoining land upon which the hospital is built, and therefore as it is not adjoining this land it is subject, in my judgment, to the point of order."

Mr. James A. Tawney, of Minnesota, explained that the land was needed for extending the farm of the institution, and also that the road was a public highway.

The Chairman held:

"Assuming that the gentleman from Minnesota, Mr. Tawney, correctly states the facts in relation to the location of the land—and his statement is corroborated by what has been read from the hearings—and that he also correctly states the facts in relation to the highway being an easement upon the land and the abutters upon either side own to the center thereof, subject to the easement of the way, the Chair holds that the provision is not obnoxious to the rule, and therefore overrules the point of order."

There is a case entirely in point. The Chair properly held that the amount of land to be acquired had nothing to do with the point of order. If it was too much, it was within the discretion of the Committee of the Whole to reduce it; if it was too small, they could increase it.

Now, what have we here? We have the Shiloh battle field, owned by the Government of the United States. It is kept there as a park to commemorate that great battle. We have gone out and invited every State in the Union to place there monuments and markers where soldiers fought and fell. They have done so. Now it is shut off from ingress and egress. There is a road which will be famous for all time to come as the road upon which the two armies surged back and forth in the greatest battle ever fought on American soil up to that time.

They ask that this road be taken over and that markers may be placed there to show what happened, and that this road be provided to give the Government and the great American public ingress and egress, unhampered, that they may go there and look upon those monuments and catch an inspiration from the sacrifices made by those brave men 62 years ago. I contend, Mr. Chairman, that it is a continuation of this project, and that the amount of land in the strip that we ask for has nothing to do with it.

The CHAIRMAN. Will the gentleman allow the Chair to ask him some questions?

Mr. RANKIN. Yes; I will be glad to.

The CHAIRMAN. This park was established by law?

Mr. RANKIN. Yes.

The CHAIRMAN. And the land referred to is contiguous?

Mr. RANKIN. Yes.

The CHAIRMAN. It is a long strip, not very wide?

Mr. RANKIN. Sixty-six feet.

The CHAIRMAN. On both sides of the road?

Mr. RANKIN. Well, it is along the path on which the armies moved.

The CHAIRMAN. All the land proposed to be acquired is land over which fighting in that battle actually took place?

Mr. RANKIN. Yes; either where fighting took place or where the armies moved in going to and from the battle. I am not exactly informed as to just how far back the Federal forces pushed the Confederates on the second day of the Battle of Shiloh, but I think they forced them back to Corinth—or they possibly fell back there to get water and other refreshments [laughter], but, I think, at least they went back as far as Corinth. My recollection is that they fought all the way back over this same road.

Corinth is a battle field also, as perhaps the Chair knows, and there you have this great national cemetery. At Tupelo, where I live, 50 miles south of Corinth, another battle was fought. Another was fought at Bryces Cross Roads, in my county. You gentlemen may learn some day that one of the most brilliant achievements in American warfare was shown in that battle of Bryces Cross Roads. The Federals killed in these two battles are buried at Corinth.

This strip of land connects those two parks, this national cemetery and the Shiloh National Park.

Mr. CRAMTON. Mr. Chairman, will the gentleman yield?

Mr. RANKIN. Yes.

Mr. CRAMTON. Was the limit of cost fixed in the act establishing the national park?

Mr. RANKIN. I can not say. The park has been there for some time. I will say one thing, and that is if you leave this question to the sentiment of the American people there will hardly be a dissenting voice. If you leave this proposition to

the American people and let them understand it, it will carry by an overwhelming majority; I do not care what State you go to to try them out.

Mr. LONGWORTH. Mr. Chairman, I understand it is sought to make this in order by merely describing it as a strip adjacent to a work in progress. As I said the other day, it seems to me the present rule, as interpreted by the Chair and by a number of precedents, is a very loose rule; but if we are to amplify that by permitting the building of a road on the theory that this strip of land will eventually touch a work in progress it seems no limit can be had. You could run that road from Corinth to the North Pole under such a precedent.

Mr. RANKIN. Will the gentleman yield?

Mr. LONGWORTH. Yes.

Mr. RANKIN. The length of the road is a matter within the discretion of the members of the committee, and the gentleman does not think we could get a motion through here which would permit of this road being extended that far, although I admit you gentlemen provided for the building of a railroad nearly to the North Pole in Alaska. [Laughter.]

Mr. LONGWORTH. I do not believe the members of the committee would consider a motion of that kind, and I am not discussing the merits of the question or how far it would go. But to adopt a theory which seems to be upheld by the precedents, that we will acquire land merely because it is adjacent to a Government reservation, would result in there being no limit whatever to such propositions. If you are going to extend that theory to mean that you can build a road provided it eventually touches this reservation, it seems to me there would be no limit whatever.

Mr. CRAMTON. Will the gentleman yield?

Mr. LONGWORTH. Yes.

Mr. CRAMTON. My interest has been aroused by some of the gentleman's suggestions. In the Interior Department appropriation bill, in which I am interested, we have both national parks and Indian reservations. If the point made by the gentleman from Mississippi is upheld, then our committee has jurisdiction to bring in an item for a road, no matter how long it may be, as long as it finally hitches up with a national park or Indian reservation.

Mr. LONGWORTH. Unquestionably, the only qualification being that it touches it.

Mr. CRAMTON. Yes; it must eventually touch it.

Mr. RANKIN. The difference between that case and this case is that we are merely extending the Shiloh National Park in order to take in this strip of land, over which these armies fought. That is altogether different from merely going out and laying out roads.

Mr. CRAMTON. The gentleman's own theory would perhaps justify the extension of that road all the way to Michigan, because I suppose there were Michigan troops engaged in this battle.

Mr. RANKIN. Of course it would, unless the committee in its discretion shut it off. The Chair has held that the amount of land is not a question to be decided on the point of order, but is to be left to the discretion of the committee.

Mr. ALMON. I would like to make this suggestion. This national park was authorized by an act of Congress. It is incomplete. Did Congress ever intend that all that great expenditure at Shiloh on the part of the Government should be had and then the people of the Nation have no means of ingress to or egress from it? It is incomplete, and it is just as important that we have a way to get to it as it was to build it in the first place.

Now, my friend from Michigan [Mr. CRAMTON] said something about extending the road on up into Michigan. The amendment offered by my friend from Mississippi [Mr. RANKIN] only provides for a roadway into another road. The Shiloh battle field is on the river, and there is no way to get to it except over this private pike road. This amendment simply provides that the Government, which developed and authorized the Shiloh National Park, provide a way for the American people to get to it from the Corinth, Miss., road a few miles away.

At Corinth, where there is another national park, there is a great national highway extending through Corinth from New York to San Francisco, and as the traveling public going over this great highway, from the East to West and North to South arrives at Corinth, they are unable to go to this national park, a few miles away on the banks of the Tennessee River. All this amendment provides is that the Government will open up a way to get to this park, so that the American people can see it.

If there is any doubt about it in the mind of the Chair, I hope the Chair will give the benefit of the doubt in favor of the amendment, because I believe that will be in accord with the wishes of the American people.

Mr. BARBOUR. Will the gentleman yield?

Mr. ALMON. Yes.

Mr. BARBOUR. I want to suggest to the gentleman from Alabama that in California we have some national parks, referred to by the gentleman from Michigan some time ago, and in each case out there the State builds the road up to the national park boundary. Now, why does not—and I am asking this for information—the State of Mississippi or the State of Tennessee build this road?

Mr. RANKIN. I will answer that. The State of Mississippi has built its road up to the State line, and if this part of the road were on our side, we would continue it on to the park. But this is "a condition and not a theory which confronts us."

Mr. BARBOUR. Then why does not the State of Tennessee build the road?

Mr. RANKIN. Well, I am not in Tennessee.

Mr. BYRNS of Tennessee. There is this to be said about the road in Tennessee—although it is not in my district—that it is privately owned, owned by a turnpike corporation, and it would be necessary to go through the procedure of condemning the road and taking it over under those circumstances.

Mr. BARBOUR. That is a common procedure and not an unusual procedure.

Mr. ALMON. Mr. Chairman, just this one other thought: I believe that in legislating we ought to bear in mind the conditions surrounding matters pertaining to the subject as they exist to-day. This is an age in which the people of the Nation are traveling over highways more than ever in the history of this country. It is an age when the sightseers and when the home seekers have quit the Pullman trains and railroads and are traveling in automobiles. There are ten times as many people going into that section of the country to-day over the highways than ever before, and the importance of this road for that reason has been brought to the attention of the traveling public more than ever before, and the needs are greater than ever before. I believe we ought to take that into consideration as far as we can in a matter of this kind. [Applause.]

Mr. CHINDBLOM. Mr. Chairman, the gentleman from Alabama [Mr. ALMON] was not as guarded in his remarks as was the gentleman from Mississippi [Mr. RANKIN]. It is apparent now that the purpose of this appropriation is to complete the Shiloh Military Park. The gentleman complains that Congress did not originally make as extensive an establishment as should have been made. I submit to the Chair if that is so, and it is the purpose of this amendment to create a larger establishment, a more complete establishment, than Congress had in mind when the original plans were laid, then this amendment is clearly out of order. Contiguous territory might be acquired for the original purpose, but not for a new purpose. This is evidently a new purpose. I am in sympathy with the object. I think if there is not a road leading to this military park, there should be a road acquired by somebody, either by the National Government or by the State government, but certainly it can not be done under the guise of an amendment to an appropriation bill.

The CHAIRMAN. The Chair is ready to rule. It appears on the face of this amendment that it is simply an extension of the Shiloh National Park. Shiloh National Park is a park created by the Government to commemorate the great battle that took place on this ground. On the line of decisions, referred to in a similar case yesterday, the Government can expand this park. The question arises whether the land to be acquired is for the expansion of the park. Upon the statement of the gentleman from Mississippi [Mr. RANKIN] the land to be acquired is all land over which troops in this battle passed. If so, it can not be ruled out on the ground that it is not proper land to be added to this park for the original purpose for which it was established, much as the Chair is inclined to limit this principle to where the land to be acquired is a proper extension of the original purposes for which the Government work was originally established. It seems that the statement of the gentleman from Mississippi meets the requirement in this regard. Therefore, in accord with all the precedents that have been made, the Chair feels constrained to hold that the amendment is in order.

Mr. LONGWORTH. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LONGWORTH. Under this ruling of the Chair, would it be in order to build a road from Muscle Shoals to Washington?

The CHAIRMAN. This is a moot question, of course, but the Chair will answer it in this way. If under any Government work already authorized, it were decided to expand that work by acquiring contiguous territory reaching all the way from Muscle Shoals to Washington, then it would be in order, so far as the rules of the House are concerned, to construct a road over such Government property after it was acquired.

The amendment was again reported.

Mr. ANTHONY. Mr. Chairman, it appears to me from the reading of the amendment that it is simply a subterfuge to secure the construction of a road 20 miles in length under the guise of making an addition to Shiloh National Park. I do not think the House ought to legislate in that manner and I do not think the amendment ought to be adopted.

Mr. RANKIN. Mr. Chairman, I will say to the gentleman that he is sadly mistaken. If you could leave this proposition to those Federal veterans of his own State of Kansas, those men from the State of Illinois who have erected one of the most beautiful monuments there I have ever seen, or those men from the State of Iowa that have a magnificent monument there, or of New York or Indiana or the other States—leave it to those Federal veterans who have gone there to view this ground, and they would say that this is one of the most just propositions that has been before this House.

Mr. BARBOUR. Will the gentleman yield?

Mr. RANKIN. Yes.

Mr. BARBOUR. Assuming that what the gentleman says is true, that a road should be built there, why ask the United States Government to build it? I understood the gentleman to say a moment ago that the State of Mississippi had built the road to the State line and there it stopped, and, of course, the State of Mississippi would not go any farther.

Mr. RANKIN. I would vote for it if it were in California. So far as I am concerned the Civil War is over, and I believe in commemorating the deeds of those men who fought 60 years ago for what they believed to be right, regardless of which side they were on, and I believe the American people, if they understood this proposition, would be practically unanimous in favor of it.

Mr. BARBOUR. Will the gentleman answer another question?

Mr. RANKIN. I ask for a vote, Mr. Chairman.

Mr. ALMON. Mr. Chairman, I hope there will not be a single vote on either side of this aisle against this amendment. I just want to say one other word. My good friend from Mississippi took occasion to tell how far the Shiloh battle field was from Corinth, but I want to tell you that you will all be going down to Shiloh before long. There is another very beautiful and very attractive place just a few miles from the battle field of Shiloh, on the same river. Probably you have never heard of it, but it is a place called Muscle Shoals [laughter], and next year, after the appropriation carried in this bill is adopted, the great Wilson Dam will be completed. My friends from Ohio [Mr. LONGWORTH] and from Kansas [Mr. ANTHONY] are both, I feel sure, going to vote for this amendment, as I see that I have them to laughing. I say that when the great Wilson Dam at Muscle Shoals is completed, 1 mile in length and 100 feet in height, with the water flowing over it and an artificial lake of 22 square miles above it and a roadway running over it as a part of the Jackson Highway and the Lee Highway, when you go down to Corinth just a few miles below there, you will all want to go to this great battle field of Shiloh. Now, do not let a single vote be cast against this amendment.

Mr. DICKINSON of Iowa. Mr. Chairman, I want to say to the gentleman on the other side that my father was in the battles of Shiloh and Corinth and Iuka, and he was down there to help do what he thought was his duty, but I do not think that would be any reason for either him or me coming here and put through a piece of legislation, as you are trying to do now, on the theory that you are perpetuating the memory of that battle by any such procedure. If you want a road built down there, proceed in the orderly way and do not come in here and put it in an appropriation bill under the guise of making an expansion of a park by connecting it with a road that may lead clear to Muscle Shoals, according to the statement of the gentleman from Alabama. If you establish that precedent in this House, there is no reason why you could not build these roads not only 20 miles but 200 miles in length.

I do not know how far the prejudice of gentlemen on the other side is going to lead them in this matter, but I do believe that we ought to have some regard for the precedent you are going to establish with reference to procedure in the future. I sincerely hope that gentlemen will vote against the proposition, because it is not brought up in an orderly way, it is not the proper place for this legislation on an appropriation bill, and you have been fighting against that ever since the organization of this committee. We do not want to take up the question of building additional roads, but keep such legislation off the bill.

Mr. CRAMTON. Mr. Chairman, I feel that I can oppose this amendment without subjecting myself to any charge of sec-

tionalism, even though the expenditure proposed is in the South and my home is in the North. I voted recently for that great project at Muscle Shoals, something that had a real national importance, although its most immediate benefits are for the States of Alabama and Tennessee, and hence I do not think I can fairly be charged with sectionalism in my point of view, notwithstanding my opposition at this time.

I feel that while the proposed expenditure is of national interest, certainly of national interest as far as soldiers are concerned who fought there on both sides, the North and the South, but it is strange to me that after the Federal Government established a national military park in that section where the battle was fought, 30 years have passed since the establishment of the park and there is no evidence of any steps ever having been taken by the communities or by the States to provide a road to make that park accessible.

It is of national interest, and there is always a local interest as well, and it would seem that that would have led the State of Tennessee to construct a road to make this great national military park accessible. The gentleman's amendment looks harmless and has a patriotic appeal, while the gentleman's own personality gives it an added appeal; his amendment only calls for \$50,000. What is he going to do with \$50,000? Why, next year he will have a real parliamentary basis for his proposition, because next year there will be an honest-to-goodness work in progress. You can not buy 20 miles of road and build an improved highway there for \$50,000. That is just a beginning. Next year he can come here for half a million dollars, and it will be in order. He will not have to make any bluff about completing the park, for they will be building a road.

A while ago we heard a good deal about the Mellon plan and the necessity of passing it without any amendment or any change. There never would have been any Mellon plan or any Garner plan or any Longworth plan if we had not had a Budget in the first place that cut the appropriations. Last year the estimates came in \$125,000,000 below the appropriations for the then current year, and the estimates this year are \$150,000,000 below the appropriations for this current year. This surplus is the basis for possible tax reduction and is the result of the Budget and the support that has been given to its reduction of estimates by this House. Now, if every time some one has a patriotic outburst of spirits finds a park that has been lost for 30 years and wants to bring it up into the outposts of civilization by starting a half a million dollar road comes in, and out of sentiment we overrule the Budget, take out \$50,000 here and \$100,000 there for something else, in a short time the money you are counting upon for tax reduction, that you are counting upon as a basis for tax reduction, will have been frittered away.

Mr. LONGWORTH. Mr. Chairman, I move to strike out the last word simply to obtain some information as to the ultimate expenditure for this project.

Mr. RANKIN. I will say to the gentleman from Ohio, as I said before, that so far as this road is concerned in the State of Mississippi I do not believe it will cost the Government a nickel. I think we would be willing to turn over the strip of land and let the Government have it if it takes our road.

Mr. LONGWORTH. The gentleman means that it would cost nothing to acquire the right of way?

Mr. RANKIN. If they take the right of way where the road is located, in my opinion it would cost nothing. Of course, I can not speak for the State of Tennessee, but my honest opinion is that if they acquire this road the State of Tennessee would be willing to help keep the road up. It is a privately owned road now which they are using.

Mr. LONGWORTH. Is the road in such a condition that it would require no improvement?

Mr. RANKIN. I do not know whether this survey covers the road as it is now built or not.

I have understood that the people who own this privately controlled road have let it run down very much, and that 60,000 people go over it every year, old people as a rule, who fought in this battle, together with their families. They pay thousands of dollars a year in tolls. The gentleman from Michigan [Mr. Cramton] talks about our coming in here and asking for a large appropriation to carry on this project. I do not think it will cost any more to keep up this strip of land than it does any of the rest of the park. In fact, I think every man and woman in America ought to visit that battle field, or at least have an opportunity to do so, toll free.

Mr. LONGWORTH. Frankly, I do not quite understand the situation. How long is the road to be?

Mr. RANKIN. About 20 miles. Some one here says 18 miles.

Mr. LONGWORTH. How much of that is in the State of Mississippi?

Mr. RANKIN. Possibly 10 miles of it is in the State of Tennessee and 8 miles in Mississippi.

Mr. LONGWORTH. And the owners of this road are a private corporation?

Mr. RANKIN. Yes.

Mr. LONGWORTH. It is contemplated that the Government should pay them a certain sum?

Mr. RANKIN. Nothing of the kind is contemplated. If the Government wants to take over a strip of land these people will have nothing to do with it. The thing that we want is to give the American people a free road to Shiloh, where they have a right to go, and where we are spending money every year and have been for 30 years. The Government has already placed a few markers along this survey, of course on private property, to show where various events occurred.

Mr. LONGWORTH. Do I understand the gentleman thinks that this present appropriation will be all that will be eventually asked for?

Mr. RANKIN. I rather think so.

Mr. LONGWORTH. And the gentleman will not come in next year with a proposition for more money?

Mr. RANKIN. Oh, I would say to the gentleman that I would not want to say that. I might place myself in the position of others in this Government, where it might be necessary to explain later.

Mr. ANTHONY. Mr. Chairman, I think the House ought to know whether this private corporation which now owns 20 miles of turnpike is going to turn this over to the Government for nothing, or, if we can not get the turnpike, whether the individual farm owners are going to permit their farms to be cut up and turn them over to the Government for nothing. Personally, I think in order to do what the gentleman wants, the Government would have to condemn either the 20 miles of turnpike or the numerous farms and pay for the land through which the right of way would go.

Mr. RANKIN. I do not think so. I do not think the right of way would cost the Government a nickel. If they would not be willing to turn this road over to the Government, I believe the people along the way would turn the land over, and the chances are that the land which these armies went over is not all in the present roadway.

Mr. ANTHONY. I do not know what it costs to build an improved modern road in the gentleman's country, but in my country to build a modern improved highway, including the cost of bridges over the streams, it amounts to not less than \$50,000 a mile. That would make the cost of this project at least \$1,000,000. I refer now to a modern concrete road.

Mr. RANKIN. The chances are that they would not want a concrete road.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. BARBOUR. Mr. Chairman, I move to strike out the last two words. It may be that this is a very meritorious proposition. I am not contending that it is not, but it is very apparent from this discussion that we do not know. I am sure that I do not know, and I have heard all of the discussion and know perhaps as much about it as any other gentleman who is now on the floor. This matter should have been brought up in the regular way. It should have been brought before the Subcommittee on Appropriations for the War Department. When that committee was sitting the gentleman from North Carolina, I recall, came before the committee with a proposition to build a road to a military cemetery near the town in which he lives. The committee went into the matter thoroughly, took it up with the officials of the War Department, and inserted a provision in the bill for an appropriation to build the road. It may be proper for the Federal Government to build the road to which the gentleman from Mississippi refers and it may not. I think we ought to take time to go into the matter. As the gentleman from Michigan well suggested a few moments ago, if we are going to legislate under the present system, under the Budget system, let us stay with that system which has demonstrated its value. We should not legislate these appropriations on these bills here on the floor of the House with no opportunity to consider them. In another year the gentleman from Mississippi will have an opportunity to bring this matter before the committee in the regular way and the committee will have an opportunity to go into it. There is no hurry. Another year is not going to seriously affect the project. I think at this time the amendment should be defeated.

Mr. CRAMTON. Mr. Chairman, will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. CRAMTON. In view of the suggestion of the gentleman from California [Mr. Barbour] I am wondering if it would

be agreeable to the gentleman from Mississippi [Mr. RANKIN] to present a substitute directing the Secretary of War to investigate and ascertain the facts and report to Congress before the next session as to what would be necessary and what would be feasible.

Mr. RANKIN. Oh, no; I prefer to go ahead. Mr. Chairman, I move that debate upon this subject close in five minutes.

The CHAIRMAN. The time of the gentleman from California has not yet expired.

Mr. TINCHER. Mr. Chairman, will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. TINCHER. If this matter were taken up in the orderly way, I wonder if it would not be possible for the committee that considers it to ascertain the facts about what it would cost to buy this turnpike or to get a right of way through the farm lands and build the road, conceding that it is a meritorious proposition.

Mr. BARBOUR. I understood the gentleman from Mississippi to make the statement that this turnpike provides a revenue of \$10,000 a year.

Mr. RANKIN. I said I did not know how much, but there are 60,000 people who go there every year, so I am informed by the superintendent of the park.

Mr. BARBOUR. At 25 cents per capita that would be \$15,000. If we have to condemn this road, that would be one element of damage that would have to be taken into consideration, and it is a considerable element. A property producing a revenue of \$15,000 a year has very considerable value, and that expense will have to be incurred before we even start to build a road.

Mr. LONGWORTH. Five per cent on \$300,000.

Mr. BARBOUR. Exactly; and that gives an indication of the cost before we even start to construct the road.

Mr. BROWNING. I will state to the gentleman for his information that a seven-passenger car can go through this on 40 cents, so the revenue would not be anything like what was stated.

Mr. BARBOUR. I do not know what the revenue is. I was giving an estimate as to the possible value of the road.

Mr. TINCHER. Will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. TINCHER. Does not the gentleman think, regardless of the merits of building this road, that it would be a dangerous precedent to build this road simply on an amendment offered on the floor of the House without any committee attempting to ascertain anything about the facts of what it would cost? In most every State we have some kind of a Government reservation or cemetery, or something, where a Member thinks they would like to build a road.

Mr. RANKIN. I will say to the gentleman from Kansas that this Congress ought to know about these conditions. You have been appropriating money for this park for 30 years. You had a survey made for years. You ought to know the facts. Your people, just as the people in my State, are complaining about this situation, and I submit the facts are before you. There are maps for you to look at if you care to do so; and I submit that, having appropriated money for this park for 30 years and having kept up the cemetery at Corinth, with which this strip of land connects, for the same length of time—I submit that Congress ought to know something about the situation.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. TINCHER. Mr. Chairman, I rise in opposition to the amendment.

Mr. RANKIN. I move that all debate on this amendment close in five minutes.

The CHAIRMAN. The gentleman from Mississippi moves that all debate on this paragraph and all amendments thereto close in five minutes.

Mr. ANTHONY. Mr. Chairman, I submit the gentleman from Mississippi did not have the floor; the gentleman from Kansas has the floor.

The CHAIRMAN. The Chair had not recognized the gentleman from Kansas.

Mr. ANTHONY. The gentleman from California had the floor.

The CHAIRMAN. His time expired. The Chair intended to recognize the gentleman from Kansas, but in order to facilitate the Chair recognized a motion to close debate.

The question was taken, and the motion was agreed to.

Mr. TINCHER. Mr. Chairman, I do not want to be in the position of fighting the gentleman's road, but it seems to me we are embarking on a rather dangerous precedent. Now, as I understand it, it is the gentleman's amendment—

Mr. RANKIN. I offered it; yes.

Mr. TINCHER. And it was not submitted in any way to the subcommittee that has charge of the bill.

Mr. RANKIN. I will say to the gentleman from Kansas that when I came to Congress I introduced the bill. I was like most young Members of Congress; I did not know the rules very well. The bill was referred, I suppose, to the proper committee, but we got no action. Last year when this appropriation bill was up the gentleman will probably remember I made a little talk on this proposition, and a great many men on the gentleman's side of the House came afterwards and asked me why I did not offer the amendment, saying that they would have supported it.

Mr. TINCHER. I want to get some facts. The gentleman did not present it to the subcommittee, and he has not ascertained the cost of building the road from the War Department in any way or ascertained what the charges would be for this turnpike or the cost of obtaining right of way through privately owned land. I suggest this: If we adopt this amendment, we ought not to fight any Member's amendment who wants to build a road from or to a Government park or cemetery. I have the very kindest feelings for my friend, and I think last year when he argued this proposition it impressed me. I think the way would have been for him to introduce the bill and then follow it up to the committee, rather than offer an amendment on the floor, for Congress can not know as to what it is going to cost if we start on that policy. The gentleman spoke of the people being dissatisfied because they have not got the road. I suggest this would be embarking upon a line which would entail very much Government expense. The people of the country are dissatisfied with taxes. You are going to have Muscle Shoals, and that is going to cost some money and maybe do some good, but let us not build Government roads unless we find out something about what they are going to cost before we start. This is no partisan question or sectional question. There are as many miles in one section of the country as in another. There are Government reservations in all sections of the country. Members can offer amendments on the floor of the House and start a program and put the Government under obligation. If we start this road, to cost \$50,000 a mile and \$20,000 will only start it, it would be right for the gentleman to say the Government was obligated to finish the road.

Mr. HUDSPETH. Speaking about appropriations for a road, I want to call the attention of my friend from Kansas that one of his colleagues [Mr. STANLEY] recently offered an amendment on the floor—he never submitted it to the Committee or the Budget—to build a road in Kansas, 4 miles, at a cost, I think, of \$30,000 or \$40,000, and it was adopted.

Mr. TINCHER. I am not always on the floor. You start out with a 4-mile road, and then you bring in a proposition of a 20-mile road; and what will you do with a 200-mile road?

Mr. HUDSPETH. It never had been submitted to the Budget.

Mr. CRAMTON. Has the gentleman from Kansas information as to what it will cost?

Mr. TINCHER. I did not attempt to consume the time of the gentleman from Mississippi.

Mr. WATKINS. You remember the other day when we western fellows attempted to get money for the improvement of a national park and appealed to the boys of the South, and we got the votes? The one situation is as meritorious as the other.

Mr. TINCHER. Oh, if you are going to go on that policy of trading off the people's money in that way, it may be that we shall need the Mellon plan, and turn over the Treasury to the control of the Budget. If you are going to swap horses in that way, that may be found necessary.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi [Mr. RANKIN].

The question was taken; and the Chairman announced that the yeas seemed to have it.

Mr. RANKIN. A division, Mr. Chairman.

The CHAIRMAN. The gentleman from Mississippi demands a division.

The committee divided; and there were—ayes 52, yeas 60.

Mr. RANKIN. I will ask for tellers, Mr. Chairman.

The CHAIRMAN. The gentleman from Mississippi demands tellers.

Tellers were ordered, and the Chairman appointed Mr. RANKIN and Mr. ANTHONY to act as tellers.

The committee again divided; and there were—ayes 80, yeas 77.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

Mr. ANTHONY. What was that vote, Mr. Chairman? I did not catch it.

The CHAIRMAN. Eighty ayes and 77 yeas.

Mr. ANTHONY. My understanding was that the vote was 70.

Mr. RANKIN. It was 76 on the first report. Then 4 more came in.

Mr. ANTHONY. My recollection was that it was an even 70. The CHAIRMAN. The Clerk will read.
The Clerk read as follows:

Washington Monument: For pay of employees, \$6,000.

Mr. GARRETT of Tennessee. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Tennessee moves to strike out the last word.

Mr. GARRETT of Tennessee. I would like to have the attention of the gentleman from Kansas for a moment, if I may, on this Washington Monument item. I want to ask the gentleman about the pay of employees, \$6,000. Does that include the pay of anyone who sells a guidebook at the monument?

Mr. ANTHONY. No. There is no one employed for that specific purpose there, as I understand it.

Mr. GARRETT of Tennessee. Can the gentleman state just how the guidebook is sold—the one that is sold there now?

Mr. ANTHONY. I understand that the present guidebook is authorized by the Secretary of War to be sold by the Welfare Society. It is a cooperative society organized for the welfare of Government employees and the widows and children and orphans, and so forth. And the guidebook that is being sold is one that has been prepared by the Superintendent of Public Buildings and Grounds. It is sold for 15 cents a copy, and that goes to the purpose I have indicated.

Mr. GARRETT of Tennessee. How long has that plan been in operation?

Mr. ANTHONY. About a year, I think.

Mr. GARRETT of Tennessee. Prior to that time, I believe, there was a guidebook sold for which a lady had the concession, if I may term it that. I do not know under what arrangement it was sold.

Mr. ANTHONY. I presume the gentleman refers to the guidebook sold by Miss Emery?

Mr. GARRETT of Tennessee. Yes.

Mr. ANTHONY. The appropriation bill for 1909 contained a provision to the effect that no advertisement shall be displayed of articles of any kind, or any articles of any kind shall be sold in and around the monument, except by the authority of the Secretary of War.

This is a matter in which the committee felt it had no authority to take action either way, because the present law confers full authority on the Secretary of War, and any guidebook that is sold there is sold pursuant to his authority.

Mr. GARRETT of Tennessee. And the guidebook sold by Miss Emery was being sold under the authority of the Secretary of War?

Mr. ANTHONY. I understand so.

Mr. GARRETT of Tennessee. The Secretary of War withdrew that permission?

Mr. ANTHONY. That is my information.

Mr. GARRETT of Tennessee. Upon the recommendation of the Superintendent of Public Buildings and Grounds, as I understand it?

Mr. ANTHONY. Yes.

Mr. GARRETT of Tennessee. He himself is the author of the book now being sold?

Mr. ANTHONY. I think that is correct. Either Colonel Sherrill or one of his assistants got the book up; I do not know which.

Mr. GARRETT of Tennessee. I want to ask the gentleman this, whether there was any reason given as to why this privilege was withdrawn from Miss Emery and transferred to some one else?

Mr. ANTHONY. Colonel Sherrill stated to the committee that he made a recommendation to the Secretary of War to change the sale of the guidebooks from Miss Emery's book to the book to which the gentleman refers, for the reason that the price charged for the book previously on sale was too high, the new book being sold, I think, at about half the price; and for the further reason that the proceeds instead of going into private hands would go into the hands of this charitable organization that I have named.

Mr. GARRETT of Tennessee. Was there any hearing given to Miss Emery on this question by the committee?

Mr. ANTHONY. There was a hearing given Miss Emery. She came to individual members of the committee and was informed—I believe I told her—that it was a matter over which the committee had no jurisdiction whatever; but the committee did extend to Miss Emery the courtesy of a hearing, but intended that it should be an informal hearing, because it was understood that the committee had no authority to act.

Mr. GARRETT of Tennessee. I notice, however, that in the hearings Colonel Sherrill was heard upon the question.

Mr. ANTHONY. Oh, certainly. Colonel Sherrill is an official of the Government, and we desired official information.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. GARRETT of Tennessee. I ask for two minutes more.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to proceed for two minutes more. Is there objection?

There was no objection.

Mr. GARRETT of Tennessee. I understand, furthermore, that in the hearings, which the gentleman says were intended to be informal, certain statements were made by Miss Emery that possibly would have put this matter in a somewhat different light before the House. I was wondering why the committee did not have the hearing of Miss Emery published.

Mr. ANTHONY. I will state, for the information of the gentleman, that as far as the committee could see there was no information received from Miss Emery that would throw much additional light upon the question, but there was some personal recrimination in the statements which would not have been proper in the record in the opinion of the committee.

Mr. GARRETT of Tennessee. I understand, of course, that under the rules of the House the Appropriations Committee would not have jurisdiction to legislate upon this question.

Mr. ANTHONY. That is the reason the committee declined to go into it.

Mr. GARRETT of Tennessee. But it does seem to me, this lady having had this concession over a long period of years, that when it was taken away from her and a very meager explanation put in the record her side of the case should, at least, have been permitted to appear in the hearings held before the gentleman's committee.

Mr. BLANTON. Mr. Chairman, I rise in opposition to the pro forma amendment. I just want to supplement what has been said by calling the Chairman's attention to this fact: Colonel Sherrill contended that this Monument book which Miss Emery had prepared herself—she was the author of it and had had it printed—was the only thing of the kind that was sold there for profit. I want to ask the gentleman whether that is not incorrect? Are there not permitted to be sold there now ash trays to a value of \$2, are there not hairpin trays to a value of \$2, and other things of more than a nominal value? And was the colonel accurate in making that statement?

Mr. ANTHONY. The committee has no knowledge of the facts the gentleman enumerates, but if such things are sold there they are sold entirely under the authority of the Secretary of War.

Mr. BLANTON. But I am reliably informed that they are sold there for profit now.

Mr. ANTHONY. Well, they are not sold under any authority of Congress or of this committee.

Mr. BLANTON. But I am informed they are sold there under authority of the War Department. Now, I want to ask the gentleman something else. The gentleman said that the lady's statement was, in a way, an attack on Colonel Sherrill. Is not his statement, in a way, an attack upon Miss Emery?

Mr. ANTHONY. I hope nothing of the kind the gentleman refers to is in the record.

Mr. BLANTON. Let me call attention to what Colonel Sherrill said. He said there were a number of things under Miss Emery's contract "that were very unsatisfactory." Then he says they called on her to reduce the price of her book but "that she refused to lower the price." Did not this good woman deny that before your committee? Did she not say she would have been willing to reduce the price?

Mr. ANTHONY. But the gentleman has not pointed out anything in Colonel Sherrill's testimony of a personal nature.

Mr. BLANTON. If I had a contract with the gentleman and he would make a public statement in a public hearing before Congress that there were things about my contract that were very unsatisfactory I would deem that as a kind of reflection upon the contract I possessed and I would deem I was not fulfilling my contract.

Mr. ANTHONY. I want to assure the gentleman from Texas that the committee tried to be very considerate of and very courteous to Miss Emery.

Mr. BLANTON. I was very much surprised when I saw this statement in the hearings, because the gentleman from Kansas is usually very considerate of everybody's rights, and he is one of the most affable men in the House. But in view of the fact that it was a matter not before the House and was a matter with which your committee had nothing to do, why did the gentleman put in Colonel Sherrill's testimony and, so

far as the woman's testimony is concerned, insert this paragraph in parentheses:

(Miss Emery appeared before the committee. Her statement was transcribed and left in possession of the clerk, but is not printed, as the matter to which it relates is one beyond the jurisdiction of the committee.)

Usually the distinguished gentleman from Kansas would have been fair enough to say, "Colonel Sherrill, as we will not put in Miss Emery's statement, we will not put in your part."

Mr. ANTHONY. I will say that the reason the statement was eliminated was that a large part of it referred to questions of veracity between Miss Emery and Colonel Sherrill, in which the committee felt it had but little interest and no authority whatever.

Mr. BLANTON. That is usually the way. When the veracity of a colonel in the War Department comes in contact with that of an individual the colonel's side goes in and the individual's side stays out, even though she is a woman.

The CHAIRMAN. The time of the gentleman from Texas has expired.

The Clerk read as follows:

Birthplace of George Washington, Wakefield, Va.: For repairs to fences and cleaning up and maintaining grounds about the monument, and for watchmen for the care of the monument and dock at Wakefield, Va., the birthplace of Washington, \$400.

Mr. BLAND. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLAND: Page 90, line 21, strike out the figures "\$400" and insert in lieu thereof the figures "\$15,300."

Mr. BLAND. Gentlemen of the committee, there was considerable discussion—

Mr. ANTHONY. Mr. Chairman, I reserve a point of order against the amendment.

Mr. BLAND. Mr. Chairman, I suggest that the point of order comes too late. The debate had commenced, and I had spoken, I think, exactly four words.

The CHAIRMAN. The Chair thinks that the gentleman from Kansas was not quite as alert as he might have been. Noticing that the gentleman was not on his feet and that the gentleman from Virginia had started to address the committee, the Chair will overrule the point of order.

Mr. BLAND. There was considerable discussion a few moments ago about the construction of a road to a Government reservation. I am asking you now to consider the improvement and construction of a road on a Government reservation.

There was some discussion about the examination which had been made. I am asking you to consider an amendment upon the authority of an investigation that was made by the Chief of Engineers, an estimate of which appears in the report of the Chief of Engineers for the year 1923 on page 2031. There will be found there this language:

Birthplace of George Washington, Wakefield, Va.: For repairs to fences and cleaning up and maintaining grounds about the monument, \$15,000.

It is proposed to utilize the increase of \$14,900 in the construction of a road within the reservation so as to provide a means of access to the memorial. The State of Virginia has recently completed the construction of a first-class road which touches the boundary of the reservation and it is proposed to make the memorial accessible to this road.

Now, listen:

At the present time visitors to the memorial are required to walk a distance of one-half of a mile from the road to the memorial—

And that walk is on a Government reservation.

Mr. SHERWOOD. What is the length of that road?

Mr. BLAND. About one-half a mile, so stated here. There is no road there now. The report goes on, "for watchman for the care of the monument and dock at Wakefield, Va., the birthplace of Washington, \$390."

Permit me to say for the benefit of the committee that they have not had an opportunity to consider this item. I have not carried the matter before them. It did not come from the Director of the Budget. It did not reach the Director of the Budget because somewhere in the War Department it was kicked overboard. At the time and before the Budget was

reported, owing to illness, I was unable to take the matter up further, but subsequently took the matter up with the Secretary of War. The proposition is regarded as entirely meritorious and the only excuse that is given is that it will unbalance the Budget to include this item at this time.

Now, gentlemen, the situation as I see it is this, and the situation as it exists is this: The Government has appropriated for the construction of a monument which marks the birthplace of George Washington. It has acquired 10 acres of property. In order to furnish access to this memorial it constructed some time since a pier at a cost of \$15,000. The ice has swept it away. There is no pier there. There are only a few piles on the shore. It was never of any use. It was under the control of the Secretary of War. In order for a steamer to stop there a permit had to be obtained from the Secretary of War. When the passengers went ashore on the pier they were over 6,000 feet from the monument itself. Realizing that this condition was not satisfactory, the State of Virginia has acquired and built its road to the Government reservation. The Secretary and the Chief of Engineers have found that the sum of \$14,900 is required in order to furnish reasonable access to this memorial. All that I am asking is that you shall carry this into effect and provide that the people shall have this access, that they shall not be required to get out of their automobiles half a mile away and walk up to this monument which marks the birthplace of George Washington. Why, gentlemen, it reminds me very much of a man who buys the birthplace of some of his ancestors as a memorial, and allows it to grow up in weeds, or some one who has erected a monument to an ancestor and allows the grave to be unkempt and to grow up in grass. I hope it will be the will of the committee to adopt this amendment.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. BLAND. I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to proceed for two additional minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BLAND. I want to supplement my statement by saying that a patriotic organization of noble-minded women and also some of the patriotic citizens of the country have formed an association purposing to acquire about 70 acres of land immediately adjoining the Government reservation. They expect to erect on that land a duplicate of the house in which George Washington was born. Just a short distance from the Government property, less than the distance from this place to the Senate Chamber, is the graveyard in which lie the remains of the father and relatives of George Washington. They purpose to acquire that, and this campaign will soon be on. People will be coming down to this section. Gentlemen of the Congress, I wish you to realize that you are only 100 miles from Wakefield. I extend to you an invitation to visit that place, and when you do I want you to ride up to this monument in your automobiles and not be required to get out and walk this half mile in the hot sun. I hope this amendment will be adopted.

Mr. ANTHONY. Mr. Chairman, I presumed the purpose of the gentleman from Virginia was to build a road at the birthplace of George Washington, but from the wording of the amendment, they will not be able to build a road under it.

Mr. BLAND. Will the gentleman yield?

Mr. ANTHONY. In just a moment. Because the language of the paragraph is for repair to fences and cleaning up and maintaining grounds about the monument, and for watchmen, and so forth, so the mere increase in the item from \$400 to \$15,000 would not accomplish the purpose of the gentleman, and therefore I do not think the House should increase the amount.

Mr. BLAND. Will the gentleman yield now?

Mr. ANTHONY. I yield.

Mr. BLAND. The Chief of Engineers evidently thought it would accomplish the purpose in reporting it in this way, and while I do not claim to be a parliamentarian, I want to submit that this is for the construction of a road on Government property and a continuation of a public work. It evidently being intended that there should be access to this monument.

Mr. ANTHONY. The engineer would find himself in a hole if he attempted to build a road with this legislative authority.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Virginia.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

CALIFORNIA DÉBRIS COMMISSION.

For defraying the expenses of the commission in carrying on the work authorized by the act approved March 1, 1893, \$14,950.

Mr. BLACK of Texas. Mr. Chairman, I move to strike out the last word. This California Débris Commission seems to be a commission that was authorized more than 30 years ago, and I understand there is now no hydraulic mining at all. Does the gentleman have any idea how long this commission and its work will be continued?

Mr. ANTHONY. The committee's information is that there is hydraulic mining and that there is work in progress each year.

Mr. BLACK of Texas. From the hearings it seems that all hydraulic mining has been discontinued, except as to debris that is already in existence.

Mr. ANTHONY. That was the statement that General Taylor made to us. He said, "There is very little hydraulic mining at the present time anywhere, but the debris from former hydraulic mining is being worked over," and that is the necessity for a continuation of the work.

Mr. BLACK of Texas. Of course, I had no purpose of proposing an amendment, if there is a real need for the commission to continue. It looks as if there should be an end to this work some time. I am wondering if it is not one of these Government commissions which, once created, continue to run forever.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn.

The Clerk read as follows:

CONSTRUCTION AND MAINTENANCE OF ROADS, BRIDGES, AND TRAILS, ALASKA.

For the construction, repair, and maintenance of roads, tramways, ferries, bridges, and trails, Territory of Alaska, to be expended under the direction of the board of road commissioners described in section 2 of an act entitled "An act to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the District of Alaska, and for other purposes," approved January 27, 1905, as amended by the act approved May 14, 1906, and to be expended conformably to the provisions of said act as amended, \$650,000, to be immediately available: *Provided*, That if an appropriation for this purpose for the fiscal year ending June 30, 1926, shall not have been made prior to March 1, 1925, the Secretary of War may authorize the board of road commissioners to incur obligations for this purpose of not to exceed 75 per cent of the appropriation for this purpose for the fiscal year ending June 30, 1925, payment of these obligations to be made from the appropriation for the fiscal year ending June 30, 1926.

Mr. CRAMTON. Mr. Chairman, I would like to ask the chairman of the subcommittee if he would not accept an amendment striking out the proviso beginning in line 21. That proviso is a rather unusual item in an appropriation bill. I believe personally it is unnecessary at any time and that it is a very bad precedent to provide in an appropriation bill that if Congress fails to make a subsequent appropriation that the succeeding year they shall have 75 per cent of the appropriation provided in the bill.

There may be some unusual conditions in Alaska, but the fiscal year always runs to the 30th of June, and it is a rare occasion when this appropriation bill is not through well before the 30th day of June. And it does happen that for the next bill the next session of Congress is the short session ending on the 4th of March. There is every reason to believe that while the bill might not be a law by the 1st of March, it would be by the 4th of March.

Mr. ANTHONY. Will the gentleman yield?

Mr. CRAMTON. Certainly.

Mr. ANTHONY. The gentleman knows that in Alaska the working season is less than half of what it is in this latitude, and every other year it would be impossible to prosecute any work at all if they had to wait until Congress passed the appropriation bill, which might not be until June or July.

Mr. CRAMTON. I know there are some reasons for a different policy, but not this. The \$650,000 provided for the fiscal year of 1925 is immediately available, and I can see a good reason for that. We have done that in a number of appropriation bills because of the fact the gentleman refers to. It is probable that the larger part of the \$650,000 will be used in the coming construction season before the 1st of next January, but the proviso that the gentleman puts in this bill would not make a penny of the 1926 appropriation available before the 1st of July, 1925. That the 1926 construction period therefore would not be affected. They could not start their work on the

succeeding year because of this proviso. So the committee is not helping the situation.

On the other hand, this matter of road building in Alaska is one that involves an important matter of policy. I am firmly opposed to any automobile road building in Alaska or the building of any monumental roads, and the building of automobile roads especially to parallel the railroad. There is an important function of the road building, and that is to act as feeders for the railroad. In many cases roads that do not cost very much to construct—trails—will be very valuable as feeders for the railroad.

Mr. ANTHONY. Will the gentleman yield?

Mr. CRAMTON. Certainly.

Mr. ANTHONY. Practically all the appropriations will be expended for the purpose which the gentleman states.

Mr. CRAMTON. Yes; but the gentleman has no knowledge, no record, and the department has not committed itself, as to how the 1926 appropriation which is provided for in the proviso will be made. I understand—and I would be glad if the gentleman will inform me if I am not correct—I understand that Colonel Steece, who has been in charge of this work, has asked to be relieved from the Alaska assignment.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CRAMTON. I ask for three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CRAMTON. I understand that Colonel Steece has asked to be relieved, so we are to have a new management. There has been an increase in the appropriation. They formerly had not over \$250,000, last year they had \$400,000, and now \$600,000. Mr. Chairman, I move that the proviso beginning in line 21, page 91, and continuing through the balance of the paragraph be stricken out, and I hope the gentleman from Kansas will see fit to accept that amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 91, beginning with line 21, strike out the proviso.

Mr. CRAMTON. Mr. Chairman, I want again simply to suggest that the short session renders it very probable that the next appropriation bill for the Army will be a law before the 4th of March.

Mr. ANTHONY. Mr. Chairman, I think that the observations made by the gentleman from Michigan are correct, and perhaps there is no real necessity for that language this year, but next year when there will be a short session of Congress there will be a necessity for it and it was thought by the committee best to write the language into the bill. But if it is objected to it may just as well go out.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Michigan.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For the preservation and maintenance of existing river and harbor works, and for the prosecution of such projects heretofore authorized as may be most desirable in the interests of commerce and navigation; for survey of northern and northwestern lakes, Lake of the Woods, and other boundary and connecting waters between the said lake and Lake Superior, Lake Champlain, and the natural navigable waters embraced in the navigation system of the New York canals, including all necessary expenses for preparing, correcting, extending, printing, binding, and issuing charts and bulletins, and of investigating lake levels with a view to their regulation; and for the prevention of obstructive and injurious deposits within the harbor and adjacent waters of New York City, for pay of inspectors, deputy inspectors, crews, and office force, and for maintenance of patrol fleet and expenses of office, \$87,250,000.

Mr. WATSON. Mr. Chairman, I move to strike out the last word to make an inquiry. Is there not a large balance that has been appropriated for rivers and harbors unexpended?

Mr. ANTHONY. The figures show that on January 1 last there was approximately \$63,000,000 unexpended.

Mr. WATSON. In the event that the Rivers and Harbors Committee should, under the direction of the Secretary of War, authorize new projects, would it be necessary or would it be the policy of the gentleman's committee to make a new appropriation in a deficiency bill, or would there be sufficient in the Treasury to meet those expenses, provided they were within reason?

Mr. ANTHONY. I think it is intended that the current year's appropriation and the unexpended balance would apply to any authorized project.

Mr. WATSON. I have in view a project recently approved by the Secretary of War, that I understand the committee is

going to authorize, which will cost approximately two or three million dollars.

Mr. ANTHONY. I would call the attention of the gentleman to the fact that there is language in the paragraph which says "of such projects heretofore authorized," and if there was a new project authorized after the enactment of this bill, there would have to be new money appropriated.

Mr. WATSON. After the enactment of bill.

Mr. ANTHONY. The act could make this money available.

Mr. McDUFFIE. Mr. Chairman, I rise in opposition to the pro forma amendment in order that I may get a little information from the subcommittee and not with a view of delaying the progress of the bill, however. I notice a part of this paragraph carries an appropriation for the survey of northern, northwestern lakes, Lake of the Woods, and so forth, and then for the removal of the deposits in the harbor of the city of New York. Has that always been one of the activities of the engineering department?

Mr. DICKINSON of Iowa. Yes; but it used to be carried in a separate bill, and was not a part of the regular river and harbor appropriation bill.

Mr. McDUFFIE. The expenses incident to carrying on that work will, therefore, be taken out of the lump-sum appropriation of \$37,250,000.

Mr. DICKINSON of Iowa. Yes; but a very small sum it will be, however.

Mr. McDUFFIE. Is the committee satisfied that \$37,250,000 will be ample to carry on such improvements or new work as well as maintenance that may be necessary for the various projects throughout the country?

Mr. DICKINSON of Iowa. We are so advised by the Chief of Engineers, saying that the maximum expenditure per month has been \$4,500,000, and that with the unexpended balance on hand they expect to have at the end of the fiscal year, June 30, 1924, they can expend until the adjournment of Congress, on March 4, 1925, between \$4,500,000 and \$5,000,000 per month and still have money left; and it is on account of the short session of Congress, and that this covers only eight months' appropriation, that the amount can be reduced to where it is reduced.

Mr. McDUFFIE. That is the reason we are carrying so small an amount as \$37,250,000; we are appropriating for 8 months' work instead of 12. The next appropriation will be available at least by March 4, 1925.

Mr. DICKINSON of Iowa. Yes.

Mr. McDUFFIE. And the committee understands that next session, during which you gentlemen will doubtless compose the subcommittee handling this proposition, we will have to carry an amount largely in excess of the one carried now.

Mr. DICKINSON of Iowa. We were so advised by General Taylor, and agree with him that next year we will have to make a large appropriation if we carry this amount this year.

Mr. McDUFFIE. My reason for interrupting here is that I noticed the statement of the engineers, in addition to their annual statement, which the gentleman has inserted in the Record, based on an appropriation of \$45,000,000, and another statement based on an appropriation of \$40,000,000. Under the \$45,000,000 appropriation certain amounts were to be expended at various places throughout the country where both new work and maintenance are being carried on, and under the \$40,000,000 appropriation there are about 19 major projects omitted, in so far as improvement or new work is concerned.

Mr. DICKINSON of Iowa. I noted that.

Mr. McDUFFIE. And that would mean, as the gentleman will readily see, a slowing up of the work in so far as improvement is concerned. The gentleman will recall the testimony before the committee to the effect that some of these projects, proceeding at the rate we have proceeded during the last 10 years, will take many years for completion. One I recall it would take 100 years to complete, another 50 years, and another 30 years. It will take 10 years to complete all the projects as they have been outlined by the Congress and engineers if we continue to appropriate in an amount similar to the one we are carrying in this bill. If the engineers are satisfied and if this committee is satisfied that every project will be properly taken care of, and that the work will be done to the fullest capacity of the Government plants, nobody should raise any objection to the amount carried, and, as an enthusiast on river and harbor work, I do not feel, when it comes to the development of these projects, we should come before the Congress and ask for more money than can properly be expended.

Mr. DICKINSON of Iowa. I agree with the gentleman. I want to say that I am one of the river and harbor enthusiasts.

I believe in progress in this work as fast as we can, and I think there is some legislation now before the Committee on Rivers and Harbors of which I am heartily in favor.

It may not only require additional estimates next year, but will probably require additional funds to complete certain projects within a certain prescribed time by doing so much within a certain limit of time. I am heartily in favor of that legislation, and I am in favor of giving the necessary funds to complete—

The CHAIRMAN. The time of the gentleman has expired.

Mr. McDUFFIE. I ask for two additional minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. McDUFFIE. Just to ask one question. Can the gentleman inform the committee to what extent the engineers are letting contracts for new improvements on projects?

Mr. DICKINSON of Iowa. Does the gentleman mean under this item or the Mississippi River Commission?

Mr. McDUFFIE. I do not mean the Mississippi River Commission. I mean to what extent is the engineering department authorized to let contracts rather than do it with their own equipment?

Mr. DICKINSON of Iowa. I understand under this item it is approximately 50-50. They have some equipment that is available to do certain kinds of work, and when they have that kind of work the Government does it itself, and whenever they have not the necessary equipment they let it by contract under this item, and it was practically a 50-50 proposition last year.

Mr. McDUFFIE. I thank the gentleman for the information and the assurance that the next appropriation would be necessarily larger than this one. I have been assured by the engineers that they would endeavor to take care of improvement work wherever possible with the amount this bill carries. Of course, I favor speeding up work on all projects not yet completed. It is economy on the part of the Government to do so.

Mr. TREADWAY. Mr. Chairman, I move to strike out the last two words. I am quite disappointed about the line of inquiry and replies that have just been received in this recent colloquy. I was in hopes, Mr. Chairman, that the reduction made at the request of the engineers from \$44,000,000 to \$37,500,000 was indicative of a future saving on this river and harbor work. Instead of that, according to the gentleman from Iowa, a member of the subcommittee, it is only indicative of an increased appropriation in the near future. I believe in this lump-sum appropriation, doing away with the log-rolling that we had formerly in river and harbor items, and in the exercise of the judgment of the Chief of Engineers and his efficient staff in the selection of projects upon which to continue this river and harbor work. But I do call attention to one outstanding fact. In my experience on the River and Harbor Committee I always found that the judgment of the engineers was not placed upon the merits of a project. If Congress ever has adopted a project, that ends it so far as the engineers are concerned in the estimates to Congress.

Mr. DICKINSON of Iowa. Will the gentleman yield?

Mr. TREADWAY. Certainly.

Mr. DICKINSON of Iowa. I call attention to the fact that in our hearings there is a lot of testimony in reference to projects that are to be abandoned. The Chief of Engineers was asked to put in a list of the projects on which he thought no Government funds should be contributed in future years. That is put in there with the idea it would suggest to the Rivers and Harbors Committee that if they passed legislation those projects no longer require Government funds.

Mr. TREADWAY. Have they presented any showing that up to the present time that was simply a suggestion—a gesture?

Mr. McDUFFIE. For the gentleman's information I will say the last river and harbor bill discontinued several projects.

Mr. TREADWAY. That may be the case. I do not say they have always been continued, but I say almost always, and when General Taylor, whose testimony is so valuable now, was before the Rivers and Harbors Committee at the time I was a member it was very difficult for him ever to say that, upon the merits of a particular case that Congress had ever adopted, it should be abandoned. In other words, he put it up to Congress to continue if it had ever once gone into the law, and that is one great objection to river and harbor work. I am in hopes that the result of this new method of making lump-sum appropriations on some projects not meritorious, where commerce does not show the benefit to the Government it should and where money so invested is practically buried—absolutely buried—as I say, I was in hopes this new system meant a re-

duction in river and harbor work and a concentration where it was contemplated there was a material benefit from it. I am afraid that situation has not developed with the expectancy of saving the Government's money.

Mr. McDUFFIE. I will say to the gentleman, as a member of the Rivers and Harbors Committee, and having attended the hearings before the Subcommittee on Appropriations, I have not noticed any hesitancy about the engineers to tell the committee, both the Rivers and Harbors Committee and the Committee on Appropriations, whether the project was meritorious or not.

Mr. TREADWAY. I think undoubtedly they have learned from experience they ought to suggest abandonment of projects having no benefit to commerce.

Mr. McDUFFIE. I think the Chief of Engineers, in fact, the Engineer Department, composed of splendid intelligent men—

Mr. TREADWAY. I agree with the gentleman fully on that point.

Mr. McDUFFIE. I think they are perfectly sincere, and I think the committee is entitled to the benefit of any information they may have.

Mr. JOHNSON of Kentucky. Mr. Chairman, in reference to the statement that General Taylor not being sufficiently free in recommending the discontinuance of projects, I wish to cite two instances that have come under my observation where his judgment in that respect has proven to be right.

There are two small rivers in my district that have been locked and dammed. The people on one of those rivers a few years ago asked for the abandonment of the improvement on that river, and I took up the question here for the purpose of having at least one lock and dam discontinued. But when I undertook to get General Taylor's views about it he said, in substance, that if the question had been raised a few years before he might have recommended the abandonment, but now the tonnage through that lock had so increased that if it were not there now it should be built.

Then, on the Green River, which is locked and dammed, the people there asked for the discontinuance of one of its locks and dams. But General Taylor showed us that the commerce had grown so rapidly through that lock that we could not get along without it.

So, just as I said yesterday about the fortification of the Panama Canal, these people in the Army, who are trained for that special purpose, know more about these things than we do, and at last we are not only compelled but glad to take their advice on such propositions.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, the gentleman from Massachusetts [Mr. TREADWAY] has not stated the situation exactly as I understand it with respect to the action of the engineers in relation to heretofore approved but now unworthy projects.

I represent a harbor district on Lake Michigan. It has a number of harbors, very important ones, with a large amount of commerce; I mean harbors constructed and maintained by the Government. There are other harbors on the shore of the lake within the limits of my district that were constructed by the Government because their business at one time warranted their construction, and they were maintained for years, harbors which, without the direct action of Congress, have been abandoned, and on which the Corps of Engineers positively refuses to permit the expenditure of money.

I have talked with the Chief of Engineers and other gentlemen of the corps to see if it was not possible to revive their interest in one or two of those harbors on which they recently have not been spending money. They speak of the situation from the legal standpoint; that every project, before money can be expended on it, must be approved by Congress, and that a project having been approved remains on the approved list, and that the engineers may be justified, as far as the law is concerned, in spending money on it. But their policy is that if the business transacted at a harbor is, in their judgment, so little or the prospect of increase of business is so bad as not to justify further expenditure of money, they refuse to spend it.

I know of several instances—more than one, anyway—in my district where they have taken this course. Without anything having been done by Congress to revoke, as you might say, its former action and take those harbors off the approved list, the engineers have refused to continue the expenditure of money.

Mr. DICKINSON of Iowa. Mr. Chairman, will the gentleman yield?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. DICKINSON of Iowa. You will notice by the hearings that practically the whole information that has been developed here has been on the tonnage basis, showing that they had to

have tonnage on the river or harbor in order to have improvements.

Mr. McLAUGHLIN of Michigan. Yes, tonnage; tonnage or early prospect of substantial tonnage only is taken into consideration and determines whether or not a harbor shall be constructed, and also whether or not its maintenance shall be continued. I know of no more practical, skillful, and reliable men than are the officers in the Corps of Engineers. I say this after 17 years of experience with them. I know whereof I speak.

Now, the gentleman from Massachusetts said also that he has been hoping for a reduction of river and harbor appropriations. While I usually wish to see appropriations reduced, so much work remains to be done, so many worthy projects are yet to be taken care of, that I am not able to see where there is reasonable prospect of a reduction of appropriations, and, in my judgment, there ought to be no reduction. There is and always has been criticism of river and harbor appropriations. They are criticized in Congress and elsewhere. Newspapers carry big headlines and lengthy stories of criticism of the Congress for making these appropriations, and call them "pork barrels" and wasteful; worse than that. I can not remember all the words of criticism so often used to characterize the action of Congress in making river and harbor appropriations. The fact is, Mr. Chairman and gentlemen, no appropriations of money in our Government, for any purpose whatever, are safeguarded as are appropriations for construction and maintenance of river and harbor projects.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. McLAUGHLIN of Michigan. I ask for five additional minutes.

The CHAIRMAN. The gentleman from Michigan asks for five minutes. Is there objection?

There was no objection.

Mr. McLAUGHLIN of Michigan. Many years ago, before the creation of the Corps of Engineers, or before the duty of investigating, constructing, and maintaining harbors, as that duty is now performed, was imposed upon them, interested parties of a locality wishing an appropriation for harbor construction or maintenance would appear before the Committee on Rivers and Harbors and make representations, the facts in relation to which could not possibly be learned by the committee, and appropriations were made as the result of influence, and money was used at many places and in large sums on unworthy projects. Some 25 years ago the duty of recommending improvements, caring for them, and asking for suitable appropriations was laid upon the Corps of Engineers, since which time, as a result of their able, conscientious work, always free even of suspicion of improper influence, money from the Federal Treasury has been expended with remarkably favorable results.

The history of river and harbor improvements for 25 years last past justifies the statement I made a moment ago, that no other appropriations of the Congress are safeguarded as are river and harbor appropriations.

It is contrary to law for the engineers to look at a proposed project until Congress has passed a law expressly directing them to do so. When such a law has been passed one of the corps is sent to make a preliminary examination, practically to determine whether or not the matter is worth looking at, and if the report is unfavorable no further attention is given to the matter. If the result of the preliminary examination is favorable, a detailed and intensive investigation is made by one or more of the engineers, usually by a district engineer, whose report and recommendation pass to the division engineer, from him to the board of review here in Washington, composed of six men of long experience and training in river, harbor, and waterway work, in these different kinds of work, at different places throughout the country. The report and recommendation of the board go to the Chief of Engineers for his careful consideration, and, in answer to the law passed by Congress directing the investigation, he sends his report and recommendation to Congress. If the Chief of Engineers shall make an unfavorable report, that project is as dead as King Tut himself. I speak by the card, gentlemen; not one dollar of money has been spent during the last 20 years, more than 20 years, on any kind of river and harbor project anywhere in the United States contrary to the recommendation and without the entire approval of the Corps of Engineers.

Mr. TREADWAY. Will the gentleman yield?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. TREADWAY. I want to correct an impression which I think is in the mind of my friend from Michigan, namely,

that I was criticizing the skill and efficiency of the Corps of Engineers. On the contrary, my experience with them has been such that I can commend them most highly, and I would not want the gentleman to think that I, in any way, criticize their engineering work. Just the reverse of that is true.

Mr. McLAUGHLIN of Michigan. I did not take what the gentleman said as being in criticism of the engineers, because I know that anyone who has ever had anything to do with them must commend them for their ability and efficiency and for the character of their work.

When a proposition comes before a committee of the Congress involving an engineering project and the expenditure of any considerable amount of money, what would be the natural and proper thing for that committee to do? Why, they would demand that the proposition be examined by an engineer before anything by way of legislation be done concerning it. Now, that is exactly what is done respecting every river and harbor project in this country; it is in practice and effect referred to the Corps of Engineers.

I was speaking of the result in case the report or recommendation of the Chief of Engineers is unfavorable. I say it is dead, and I know whereof I speak, because some of the budding or lagging, waning projects in my district—so determined by the engineers—have died by that route. If the report and recommendation is favorable, it becomes the duty of the Committee on Rivers and Harbors to examine it, and if, after such examination, the committee shall agree with the Chief of Engineers, it prepares a section to become a part of a bill to be reported to and enacted into law by the Congress. That is, it must become law that this river, harbor, or waterway project, as the case may be, shall be constructed in accordance with the detailed report and recommendation of the Corps of Engineers, and until such a law approving and adopting the project is placed upon the statute books no engineer or other official of the Government is authorized or permitted to pay further attention to it, nor may money for construction or maintenance be appropriated.

I have no more time to speak of these matters. They are important and interesting. If I had more time, I could, I believe, give the House some real information.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McKEOWN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. McKEOWN: Page 92, line 24, strike out "\$37,250,000," and insert in lieu thereof "\$25,000,000."

Mr. McKEOWN. Gentlemen, I believe in river and harbor legislation, but why not conserve the Treasury a little bit as we go along. We have a lot of ships now lying in the harbors with no cargoes to carry. Do you want to go ahead and deepen the harbors so that they may have more room in which to rest until cargoes are available?

Mr. DICKINSON of Iowa. Will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. DICKINSON of Iowa. We want to deepen some of our harbors and make them passable so that we can give these ships more cargoes to carry.

Mr. McKEOWN. Well, the gentleman has the New York City Harbor, the waters adjacent to New York City—the northwestern lakes, and Lake of the Woods.

Now, here is a proposition where you are talking about helping out rivers and harbors in an Army appropriation bill. As I say, you have a lot of ships lying in the harbors with no cargoes to carry. You are talking about economy, and yet you are putting \$37,250,000 into this bill for river and harbor improvements at a time when the shipping interests of the country are here asking that \$25,000,000 be loaned to them. That being so, why do you not save \$12,500,000 of that amount so that you can lend it to these shipping people who need the money right now in order to survive?

Mr. ABERNETHY. Will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. ABERNETHY. Has the gentleman any rivers and harbors in his district?

Mr. McKEOWN. No; but notwithstanding the fact that I have no rivers and harbors in my district, I have always supported river and harbor legislation, because I believe that when you have the proper facilities for carrying on shipping internally you will save enormous amounts to the people who produce the great wealth of this country by reason of their having facilities to carry their products to the seaboard and to foreign countries, but there is no use wasting money.

Mr. ABERNETHY and Mr. McDUFFIE rose.

The CHAIRMAN. Does the gentleman from Oklahoma yield; and if so, to whom?

Mr. McKEOWN. I yield first to my good friend from North Carolina.

Mr. ABERNETHY. Does the gentleman know that the Chief of Engineers recommended something like \$41,000,000 and the committee cut down that recommendation to \$37,500,000? Does not the gentleman think that is saving money?

Mr. McKEOWN. I will say to the gentleman that I want to pay my respects to the proposition of appropriating money for the Army.

Mr. ABERNETHY. This is not for the Army. This is for the nonmilitary activities of the War Department.

Mr. McKEOWN. It is to be used by the engineers of the Army, and I will say this to the gentleman: That if the Congress of the United States were to organize a business men's committee to control the appropriations made to the Army and to the Navy, we would save millions of dollars in this country and get some results from it. I tried four years ago to pass an amendment to the Army bill requiring these men in the Army to be placed out in the great business institutions of this country, where they could learn some business sense. You can inspect their reports and it is an outrage the way they spend and squander the people's money, and yet we stand up here and turn it over to them and say it is all right. I say that half of them need guardians in handling the money of the people of this country.

Mr. McDUFFIE. Will the gentleman yield?

Mr. McKEOWN. I yield to the gentleman from Alabama.

Mr. McDUFFIE. I would like for the distinguished gentleman to tell the House how we can get the products of our fields and factories to the markets of the world without harbors.

Mr. McKEOWN. I will say to the gentleman that the harbors are not in the interior part of the country, and if you will get the rivers so you can haul the produce down to the harbors then you will have it at the harbors.

Mr. McDUFFIE. That is what we expect to do.

Mr. McKEOWN. And there will be plenty of time to do it.

Mr. McDUFFIE. You can not improve the rivers without money.

Mr. McKEOWN. Why does the gentleman want to deepen or improve the harbors when the harbors are now full of ships with nothing to carry? That is what I want to know.

Mr. BLANTON. Will the gentleman yield? We have got to carry these increased cigarette cargoes now.

Mr. McKEOWN. I hope the gentleman will not be facetious with me, because I am in earnest about this matter.

Mr. ABERNETHY. Will the gentleman yield?

Mr. McKEOWN. I can not yield further until I say this: The gentleman, who is the distinguished chairman of this subcommittee, knows—and every man on the Military Affairs Committee knows—that if the Army officers were detailed into great business concerns, where they could learn business methods, we would not have this talk about auctioneers, and we would not have this talk about the waste that is going on in these departments. This Government ought to detail these officers to some establishment where they can learn some business sense or else create a business committee to handle the appropriations turned over to them by the Congress. The officers of the Army are as fine men as there are in the country, but they have never had any business training.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. McKEOWN. Mr. Chairman, I ask for three additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma? [After a pause.] The Chair hears none.

Mr. McKEOWN. Mr. Chairman, I have not taken up any of the time of the committee and I did not want to take up this time, but this is the proposition: The money that is turned over to the Army and to the Navy is turned over to as good men as we have in the country, but they have just about as much sense about spending money as the Congress has about spending money, because we demonstrate every day here the fact that we are good fellows and it is a good cause, and we let various matters go through.

Now, gentlemen, I say that this is what you have got to do: I do not care how much of a budget you create, you are eventually bound to do this one thing—either train our officers in business or establish a business committee in Washington to control and approve the contracts entered into by the Army.

Mr. BARBOUR. Will the gentleman yield?

Mr. McKEOWN. I yield to the gentleman.

Mr. BARBOUR. Did the gentleman vote a few moments ago for this proposed road down in Tennessee?

Mr. McKEOWN. Yes, sir; I did [laughter], and I will tell you why I voted for it. I voted for it because I thought it was an outrage to have a monument or a park set aside by the Government when you could not get into it without paying for it.

Mr. BARBOUR. Does the gentleman think that the method in which that matter was handled measured up to his ideas of business?

Mr. McKEOWN. It does not measure up to my ideas of business at all. If I was going to do it as a business man, I would first have appropriated enough money to make a preliminary survey and would have ascertained what it was going to cost, and then would have come back to Congress and asked for the money to be appropriated.

Mr. CLEARY, Mr. LOZIER, and Mr. HULL of Iowa rose.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. CLEARY]. [Applause.]

Mr. CLEARY. Mr. Chairman and gentlemen, you know that I have not been much of a talker at this session, but I do like to talk on a subject that I have some knowledge of if I talk at all. I do think when these subjects come up gentlemen ought to confine themselves more to the subject before the House and less to other things that contribute to it.

Now, about rivers and harbors it has been my whole life work. From the time I was a boy until the present I have been engaged in that business. We now have 50 barges running all around New York, up the rivers and sounds, and I have had a lot of experience in it. I have spent several years on the Rivers and Harbors Committee. I know General Taylor well, and he is a fine gentleman. But the engineers can not always tell what is required. The engineer's business is to figure it out and locate it properly. The business man's idea is to get deep water and carry the freight low because he has deep water. I will give you an illustration. We have a lot of barges that carry from 1,000 to 2,000 tons. We go up Long Island Sound, go into Bridgeport, into New Haven, where they have deep water, and we carry freight for 50 cents a ton. But if we go up into Jersey, where there is only half that much water, where we can carry but half a cargo, we have to have twice that sum. And so it is in the gentleman's country up in Lake Michigan. If he can load a vessel full depth, 25 feet of water to Buffalo, he will carry his freight much cheaper. The cheapest transportation in the world is water transportation on the upper lakes. They carry iron ore from the upper lakes into Buffalo at a less rate of freight than any other place in the world, because of water transportation. Everybody who has thought of it knows that the thing that built up New York City was water transportation on the Erie Canal before rail transportation. So that with our experience wherever you give them plenty of water they will carry cargoes at a very low freight rate which will benefit commerce and all the people concerned.

Talk about reducing this amount from \$37,000,000 to \$25,000,000, there is nothing this country can do to develop itself better and with more benefit to the people, manufacturers as well as consumers, than to give them plenty of water in the ports and channels where the material is carried. [Applause.] There is nothing on earth so cheap as water transportation. When you go over the railroad you are wearing out the rails, you are wearing out the wheels; but when you go over the waterway you are wearing out nothing; you go along without any friction.

[The time of Mr. CLEARY having expired, by unanimous consent he was given two minutes more.]

I have carried some years ago, when things were a little cheaper, cement at 7½ cents a hundred—\$1.50 a ton—from New York City to Chicago. No railroad could do it for two or three times that amount. And so in every kind of water transportation we can carry the freight cheaply if you give us the water. In shoal water we can not do it. I converted General Taylor and got him to enlarge Jamaica Bay. He did not believe in it. So we business men can sometimes convert the engineers. Now, Mr. Chairman, I do not care for more time except to say, for God's sake, wherever you save money do not cut it off the river and harbor bill. [Applause.] Whether it is the Mississippi River or the Missouri River or the Lakes or the ocean ports, give them plenty of water and you will get cheap transportation. [Applause.]

Mr. LOZIER. Mr. Chairman, I offer the following amendment to the amendment of the gentleman from Oklahoma.

The Clerk read as follows:

Amendment by Mr. LOZIER to the amendment offered by Mr. McKEOWN: Strike out the sum of \$25,000,000 and insert \$40,000,000.

Mr. LOZIER. Mr. Chairman and gentlemen of the committee, the American people are losing an opportunity to promote the commercial and industrial supremacy of the Nation in the markets of the world. We are spending too much of the time in this House in discussing many little trivial matters while in our shortsightedness we are leaving unconsidered and unsolved great problems of national development upon which the commercial and industrial supremacy of our country depends. The gentleman from Massachusetts [Mr. THREADWAY], for whose great ability I have a profound respect, in substance says, "Let us not expend any more money upon our rivers and harbors until the commerce and tonnage thereon have been developed and increased to justify the expenditure of public funds." I ask the gentleman how he expects to develop the tonnage on our inland waterways or in our harbors until the facilities have been provided for carrying the traffic and transporting that tonnage? A few decades ago when the Pacific railroads were projected there were men in the Congress of the United States—men in the State which the gentleman so faithfully and ably represents—who claimed that it was foolish to build railroads across the western plains, mountains, and deserts where there were but few inhabitants and no commodities to be hauled, and that no profitable traffic could be built up, and that in 50 years the tonnage and income would not justify the expense necessarily involved in the construction and operation of these great arteries of commerce.

In Lafayette Park, South St. Louis, stands a monument erected in honor of Thomas Hart Benton, who for 30 years so ably represented Missouri in the United States Senate. The heroic figure of this outstanding, forward-looking statesman faces the west, and the index finger on his uplifted, outstretched arm points toward the setting sun. Below is the inscription, "There is the east; there is the road to India." With these words he began his memorable address in introducing and advocating the bill for the construction of the first Pacific railroad which would link the Atlantic and the Pacific and open up a vast region of inconceivable natural resources and productivity. Benton had vision; he had faith in the future; he could visualize the oncoming events. He saw the tremendous development of the West that was inevitable; he appreciated the boundless domain and inconceivably great potential wealth of the plains, mountains, and even the inhospitable deserts; he sensed the inexhaustible resources and foresaw the phenomenal development of that vast empire stretching from the Father of Waters to the Golden Gate; he realized the imperative necessity of developing the latent resources of those limitless regions in which a benign Providence had deposited wealth and treasure far exceeding the riches of India and Peru. In fancy, he saw the wilderness transformed into a region of surpassing beauty and usefulness. Where solitude then reigned supreme "Old Bullion" in fancy heard the hum of wheels, the clang of forges, the murmur of mills, the rattle of industry, and the roar of commerce. With the advent of the railroads he realized that the wonderful potentialities of this far-flung region would be rapidly developed until it became the center of great wealth and the seat of a mighty civilization.

He did not wait until commerce and traffic had grown to such magnitude as to justify the building of the railroads, but he insisted that the railroads be built in order to furnish an instrumentality by which the traffic could be handled. He insisted that the traffic could never assume worth-while proportions without the railroads were first built to handle the traffic, and if the railroads were constructed development, tonnage, and profitable traffic would follow as inevitably as night follows day.

He realized that transportation was the open sesame—the magic word that would unlock the inexhaustible resources and priceless treasures of the Golden West and transform that then inhospitable domain into a region of marvelous productivity. This great commoner was a dreamer whose dreams were well founded and based on eternal verities.

There was no commerce of such magnitude at that time as would justify the building of the Pacific railroads. They were projected across the continent, through regions which at that time offered practically no traffic or commerce. Benton and those who cooperated with him were looking into the future. They were building not for that particular year, decade, or generation but for all time. They sensed the tremendous and inevitable development of the romantic and slumbering empire stretching over plains, deserts, and mountains to the placid Pacific. They also realized that in the coming century the major part of the world's commerce would be on the Pacific and on its shores. Suppose Mr. Benton's appeal had gone unheeded; suppose the American people had at that time listened

to the argument that the railroad should not be built until the commerce and traffic had been sufficiently developed to afford a profitable return on investments from the beginning; what would have been the result of such a short-sighted policy?

It was General Frémont, "the pathfinder," the husband of Jessie Benton, who aggressively supported the empire-building, history-making, epoch-marking plans of Senator Benton for the building of the Pacific railroads. In discussing this project General Frémont in substance said: "Europe now lies between the United States and Asia, but if we build the Pacific railroad America will lie between Asia and Europe and be in the pathway over which the richest commerce of the world will flow in ever-increasing volume." Time and experience have demonstrated the wisdom of Benton and Frémont, and how grateful the American people should be that they did not wait until traffic and commerce developed before they advocated the building of the Pacific railroads.

Now, how do you expect tonnage to develop on our inland waterways until they are improved and made navigable so that boats and barges can operate on them? We must make them navigable before sensible business men will invest their money in boats and other equipment for river traffic. Some men argue that there is not sufficient traffic on our inland waterways to justify the expenditure of public funds in improving traffic conditions. Those who oppose channel control, bank protection, and the maintenance of a navigable channel say to us, "Build up your tonnage and traffic and then we will improve the rivers." I say, and all thoughtful, sensible men say in reply, "Make our inland waterways navigable and there will be an abundance of tonnage and traffic." Of course, the river traffic is comparatively small, because under present conditions it is impossible to safely or profitably navigate our great rivers. Those who insist upon the river traffic being developed before the rivers are made navigable are like the fond mother who insisted that her son should not go near the water until he had first learned to swim.

We must all recognize the unpleasant fact that the railroad systems of this country are gradually breaking down and every year becoming less able to satisfactorily transport our ever-increasing tonnage. I mean by this that their facilities to properly carry and expeditiously transport the traffic of this Nation are being overtaxed and strained almost to the breaking point. In other words, the traffic is rapidly outrunning the ability and facilities of the railroads to handle it. The traffic and tonnage is increasing much more rapidly than the equipment and facilities of the railroads. Our commerce is growing by leaps and bounds, while there is comparatively little increase in the carrying capacity of our railroads. It is inevitable that there will be an ever-increasing spread between our traffic and the facilities of the railroad companies to handle that traffic.

It is the height of folly for the American people not to avail themselves of their inland waterways, because these great arteries must inevitably furnish the instrumentalities by which the surplus tonnage of the Nation will be carried in after years. We are neglecting our great inland waterways, which are the greatest gift of a beneficent Providence to the American people. If improved, these rivers will supply the deficiencies of our railroad transportation systems. Properly developed, they will tremendously increase our inland transportation system and reduce freight charges on heavy commodities. Their development and intensive use can not be construed as hostility toward the railroad systems, because they supplement the railroad service and supply facilities the railroads can not possibly furnish.

There should be no hostility on the part of the railroads toward a comprehensive system of inland-waterways transportation. Nature has set no limitation on the carrying capacity of our inland waterways; and, on the other hand, there are many regions, cities, and communities not touched or accommodated by river traffic. So it follows that our inland system of waterways will relieve the pressure on the railroad transportation systems, particularly for heavy and slow freight. River traffic will release thousands of cars for tonnage that can not be profitably carried by water. So these two transportation systems can be operated harmoniously and profitably side by side without rivalry or profit-destroying competition.

I am opposed to the amendment of the gentleman from Oklahoma [Mr. McKeown]. I am tired of hearing talk about "pork-barrel legislation," when anyone who will study the transportation question in this country knows, or at least should know, that every year the tonnage and traffic in the United States are increasing by leaps and bounds, and every year the facilities of the railroad companies to expeditiously transport the tonnage are becoming less and less. It is only

a question of a little time until the railroad facilities of the Nation will be wholly inadequate to handle our ever-increasing traffic, and we should use the inland waterways and the great harbors of the Nation. We need to develop our rivers and harbors, not only to handle our internal commerce but as instrumentalities by which we may reach out and obtain a part of the commerce of outlying regions. Within 25 years the major part of the commerce of the world will be in the Pacific Ocean and on its shores, and we should make provision to get our part of that commerce, because there is where we are to obtain a very considerable part of our wealth in the future. In the history of every nation there comes a time when its people can no longer profitably trade exclusively among one another or depend primarily on internal development. Our people will soon realize the necessity of reaching out into the markets of the world not only to develop our own commerce but to get our proper portion of the wealth of the world.

Those who oppose the development of our internal waterways and harbors are, in my humble opinion, shortsighted, and may I say, lacking in an appreciation of the fundamental economic laws and the immutable processes by which commerce functions. [Applause.]

Mr. BLANTON. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BLANTON. Now that the House has been swept off its feet, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Texas makes the point of order that there is no quorum present. The Chair will count.

Mr. BLANTON (interrupting the count). Mr. Chairman, now that Members are coming in, I withdraw the point of order.

Mr. McKEOWN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. McKEOWN. Is it in order where an amendment reduces an amount in an appropriation bill by an amendment to that amendment to then increase the amount beyond the amount set out in the bill?

Mr. LOZIER. Mr. Chairman, I withdraw my pro forma amendment.

Mr. ANTHONY. Mr. Chairman, I ask unanimous consent that all debate upon the pending paragraph and all amendments thereto close in five minutes.

The CHAIRMAN. Is there objection?

Mr. McKEOWN. I object, unless I can have five minutes.

Mr. ANTHONY. Then I move that all debate upon the paragraph and all amendments thereto close in five minutes.

The motion was agreed to.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I spoke at some length some time ago, but I wish to give you some figures to show you gentlemen who have no conception of the facts—and I say that advisedly and kindly—the immense traffic carried on the Great Lakes. We have all heard of the Suez Canal, and it is a wonderful feat of engineering and a great waterway. Last year there passed through that canal 4,345 ships. Last year through the Panama Canal there passed 3,967 ships. Last year, during the 7½ months of navigation, through the St. Marys Canal, connecting Lake Superior with Lake Huron, there passed 22,000 ships. Last year there was carried on the Suez Canal 23,545,000 tons and on the Panama Canal 19,567,000 tons, or a total for the two canals of 43,112,000 tons, and they operated full 12 months of the year. Through the St. Marys Canal there was carried in 7½ months last year 91,379,000 tons, or two and a quarter times as much as was carried through both these great world-famed canals of which we hear so much. You may say the ships passing the Suez and Panama locks are of much larger capacity than ships passing the Soo locks in St. Marys River. Yes; larger, but not much larger, as appears by the fact that 8,312 ships at the Suez and at Panama carried 43,112,000 tons of freight, whereas 21,975 ships passing the Soo locks carried 91,379,000 tons.

And that waterway, the St. Marys River, and its wonderful locks is only one of the great waterways of the Great Lakes. Through the Detroit River there passed during 257 days of navigation last year 25,000 ships, more than six times as many as passed through the Panama Canal during the entire year, and nearly six times as many as at the Suez. Those were real ships, great ships, many of them carrying more than 12,000 tons of freight.

The CHAIRMAN. The gentleman has used two and one-half minutes.

Mr. McLAUGHLIN of Michigan. If those 25,000 ships had been equally distant from one another, one would have passed the city of Detroit every 15½ minutes of the entire 24 hours of each day of the season of navigation—257 days. Am I not right in saying that these two waterways—St. Marys River and

the Detroit River—are the greatest waterways in the world? They are maintained by the Corps of Engineers with a portion of the money appropriated by an intelligent and liberal Congress.

Mr. McKEOWN. Mr. Chairman, I have no doubt the figures given by the gentleman from Michigan [Mr. McLAUGHLIN] are correct, because he is very thorough; but if the figures are correct, it is proof in this case that you ought to reduce this appropriation, because they are hauling the tonnage up there now without this money, and if they are hauling it without this money, what are they going to do if they have this money?

Mr. CLEARY. I just want to suggest to the gentleman, to go in the Record, that the gentleman is talking about one spot in this great country. There are thousands of spots.

Mr. McKEOWN. I understand this, gentlemen, that President Coolidge said the other day—if he is correctly quoted in the newspapers—that we are appropriating too much money. If it is so, why not start here now—there is no better time—and cut out this \$12,500,000 right here? You will not hurt anybody or any of these projects. I will go as far as anybody in giving money honestly needed to be expended upon the development of the rivers and harbors of this country for commerce, and I say to you gentlemen now, with the country in the condition it is and with the Treasury in the condition it is now, we ought to cut out this \$12,500,000, and if they need it next year, give it to them. Why, gentlemen, we learned a lesson in the war when they came in here with the airplanes, appropriating millions of dollars before you could use one-tenth of it, and that led to extravagance, and when you appropriate money that is not needed it leads to extravagance, and I ask you in the name of economy, cut out this item and reduce it to \$25,000,000 and you will do some good by that action.

The CHAIRMAN. The time of the gentleman has expired; all time has expired. [Cries of "Vote!"] The question is on agreeing to the amendment offered by the gentleman from Oklahoma.

The question was taken, and the Chair announced that the yeas seemed to have it.

On a division (demanded by Mr. McKEOWN) there were—ayes 8, noes 75.

So the amendment was rejected.

The Clerk read as follows:

For examinations, surveys, and contingencies of rivers and harbors for which there may be no special appropriation, \$350,000: *Provided*, That no part of this sum shall be expended for any preliminary examination, survey, project, or estimate not authorized by law.

Mr. HUDSPETH. Mr. Chairman, I move to strike out the last word for the purpose of asking the gentleman from Iowa a question. I would like to ask the gentleman for what does he understand this \$350,000 can be used?

Mr. DICKINSON of Iowa. It means the surveys of new projects that are adopted by the Rivers and Harbors Committee in case additional legislation is passed by the Congress, and for any surveys that have not been made on projects that have heretofore been authorized by Congress, or a resurvey of projects.

Mr. HUDSPETH. Does the gentleman understand this is confined to navigable streams, or nonnavigable streams and navigable streams both?

Mr. DICKINSON of Iowa. On river and harbor improvement. Mr. HUDSPETH. Could it be applied upon nonnavigable streams? For instance, let me ask the gentleman this—

Mr. McLAUGHLIN of Michigan. I can answer the gentleman. Mr. HUDSPETH. I would like to get an answer.

Mr. McLAUGHLIN of Michigan. If I want river and harbor improvement in my district or a place there, I go before the Rivers and Harbors Committee and ask them to put in their bill a direction to the Chief of Engineers to make a survey, and they may go to the place and look it over and in doing so they use a few dollars, and that expense and similar expenses are paid out of the \$350,000.

Mr. HUDSPETH. That does not answer my question. The information I would like to get from the gentleman or some member of the committee is this: Suppose, as it does, the Rio Grande River changes its course, sometimes overnight. In some instances it cuts a banco, a considerable portion of land, in Mexico.

Now, I would like to ask the gentleman if a portion of this money could be used for making a survey of that stream or for dredging, you might say, in order to relieve the overflow and prevent further cutting. The Rio Grande goes through very alluvial soil, and in many instances it has changed its channel overnight.

Mr. MADDEN. No part of this money can be used for any purpose except where the survey has been specifically authorized by Congress.

Mr. HUDSPETH. This does not say so, I will say to the gentleman, and the Government, I will say to the gentleman—

Mr. MADDEN. It says "authorized by law."

Mr. HUDSPETH. I will state to the gentleman that there was a survey made a year or two ago on this stream. I do not know what fund it was taken out of, but it was made by the Secretary of War.

Mr. McLAUGHLIN of Michigan. It was out of a fund similar to this.

Mr. HUDSPETH. That was last year. Now, I take it that my colleague, Mr. GARNER, is as much interested as I am in the matter, because we represent the entire Rio Grande. I would like to know whether or not a portion of this fund could be used for making a survey where the Rio Grande has changed its course?

Mr. MADDEN. It could not be done unless a special bill was passed. There may have been a preliminary survey.

Mr. HUDSPETH. That replies to my question; either a preliminary or a final survey.

Mr. McDUFFIE. Was your survey made with a view to developing navigation?

Mr. HUDSPETH. No; it was made for the purpose of discovering where the land was, also as to advisability, as I understand, of preventing future overflows and as to exact location of land, whether in Mexico or in the United States.

Mr. McDUFFIE. Was it done in accordance with an act of Congress?

Mr. HUDSPETH. No act of Congress was specifically passed, as I recall. I think I did get an authorization for the War Department to make a survey on the rivers and harbors bill.

Mr. McDUFFIE. It could not have been made out of this fund, then.

Mr. CONNALLY of Texas. Was that made out of a river and harbor appropriation by the War Department?

Mr. HUDSPETH. It was made by the War Department. It could be taken out of this fund. My friend and colleague sponsored a bill recovering some Bancos, and I assisted in its passage. It is necessary to have some fund to which we could go.

Mr. ANTHONY. I think the War Department could send an officer out anywhere to make a preliminary survey, but he could not make a complete survey, such as those that are covered in this bill, without authority of law. As I say, the War Department could send an engineer to any place to make a preliminary examination, but he could not make a complete survey without authority of law. The gentleman would have to go to the Committee on Rivers and Harbors to get special legislative authority to expend any money on this river.

Mr. HUDSPETH. A preliminary survey is all that is needed to determine where the land is. But what I want is money available for a survey to determine what is necessary to protect the country on this side from overflow. The gentleman thinks a preliminary survey could be made out of this appropriation?

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

Subsistence: For pay of commissary sergeants, commissary clerks, porters, laborers, bakers, cooks, dishwashers, waiters, and others employed in the subsistence department; food supplies purchased for the subsistence of the members of the home and civilian employees regularly employed and residing at the branch, freight preparation, and serving; aprons, caps, and jackets for kitchen and dining-room employees; tobacco; dining-room and kitchen furniture and utensils, bakers' and butchers' tools and appliances, and their repair not done by the home, \$353,460.

Mr. FITZGERALD. Mr. Chairman, I move to amend the paragraph by striking out the final figures on line 22 of page 95, "\$353,460," and inserting in lieu thereof the figures "\$411,740."

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. FITZGERALD: Page 95, line 22, strike out the figures "\$353,460," and insert in lieu thereof the figures "\$411,740."

The CHAIRMAN. The gentleman from Ohio is recognized for five minutes.

Mr. FITZGERALD. Mr. Chairman and gentlemen of the committee, on last Saturday I detailed something of the condi-

tion at the National Soldiers' Home, and especially the Central Branch at Dayton, Ohio, which we now have under consideration. Under the present standard I showed that they had pared down the subsistence of the veterans there until they were feeding the ordinary members, the ordinary soldiers, not those in the hospital, on the basis of 26 cents a day.

This appropriation, as suggested by the committee and incorporated in the bill, cuts off 3 cents more a day from not only the subsistence of the ordinary members of the soldiers' home, but all along the line of those in the different hospitals.

I want to call your attention to the different classes of subsistence in these hospitals. We have three different classifications. On page 4763 of Saturday's *RECORD* you will find a comparative table which I submitted showing the lowest maintenance anywhere in the United States, so far as I can find, of inmates in any public institution compared with that of the Central Branch of the Soldiers' Home at Dayton, Ohio. The Veterans' Bureau is the lowest I know of. They there expend 64 cents a day for their general maintenance of those in the hospitals, while at the Central Branch of the Soldiers' Home we expend 34 cents a day for the men in the hospitals.

Now, because my time is so limited, I want to jump to the extreme cases. In the tuberculosis hospitals, where we have hope they may get well, we are now feeding the men on 55 cents a day, as compared with 88 cents a day in the hospitals of the Veterans' Bureau. I understand that the common jail at Milwaukee feeds its prisoners on 90 cents a day, and that the jail at Dayton, Ohio, allows 70 cents a day.

I want to call your attention to a letter which I incorporated in the *RECORD*. I want to call your attention to a report made upon the petition signed by 152 of these boys of the World War who are confined in this tuberculosis hospital. I want to call your attention to the letter, which was written after I had sent an inspector there from the Veterans' Bureau, who reported that the complaint was justified. I wish you would all read over the letter, or a portion of it, which was written to CLINT COLE on February 19 of this year, in which this is stated:

I try not to complain on that score. But when we come to this home because we must, certainly we can expect the Government to give proper treatment. No doubt they are paying for it, but we are sure as h— not getting it. If any tuberculous man or woman can live, let alone get well, on the food they serve, I would like to see him. All eggs are cold storage. Have very bad odor and taste, not to mention looks. No butter or crackers part of the time. Poor milk. Sauerkraut, bologna, corned beef, and the like. Boiled potatoes and beef every meal. Nothing seasoned. The dishes and pitchers are often dirty.

And that was after I had an inspection made and a promise that the standard would be changed and raised. But that can not be done under the appropriations which this House has been making.

Now, this committee is seeking to economize, and thinks that because this soldiers' home management has economized so well it can keep on doing better and better, and finally feed our veterans on sawdust and ashes. I spoke to the chairman of this subcommittee, and he said to me, "I am informed that the managers of the soldiers' home do not understand the conditions, and that there are going to be 40 per cent of the World War men withdrawn from the soldiers' home hospitals during the coming year." I went directly to see General Hines, and twice within the last two days he has told me there is no foundation whatever for that statement.

The CHAIRMAN (Mr. LEHLBACH). The time of the gentleman has expired.

Mr. ANTHONY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LEHLBACH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill (H. R. 7877) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1925, and for other purposes, had come to no resolution thereon.

SWEARING IN OF MEMBER.

Mr. MUDD appeared at the bar of the House and took the oath of office.

EXTENSION OF REMARKS.

Mr. BLANTON. Mr. Speaker, to my remarks made this morning on the grasshopper pest I ask leave to attach a letter from the department on that subject, which was sent to me by one of my constituents.

The SPEAKER. The gentleman from Texas asks unanimous consent to extend his remarks in the manner indicated. Is there objection? [After a pause.] The Chair hears none.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. McLAUGHLIN of Nebraska, for one day, on account of important business.

To Mr. SCHAFER, for one week, on account of death in his family.

To Mr. BRAND of Georgia, for 10 days, on account of important business.

To Mr. DRANE, for an indefinite period, on account of important business.

ENROLLED BILL SIGNED.

Mr. ROSENBLUM, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

S. 2625. An act to detach Jim Hogg County from the Corpus Christi division of the southern judicial district of the State of Texas, and attach the same to the Laredo division of the southern judicial district of said State.

WAR DEPARTMENT APPROPRIATION BILL.

Mr. LOZIER. Mr. Speaker, I have followed with considerable interest the debate on the pending bill appropriating funds for the military and nonmilitary activities of the War Department for the fiscal year beginning July 1, 1924. I have endeavored to consider every item in the appropriation bill on its merits, having in view the best interests of our Nation. I can not escape the conviction that the bill appropriates a much larger sum than is reasonably necessary for the efficient operation of the War Department, and in a number of particulars I shall vote for a reduction of the appropriations recommended by the committee. One thing is certain, we must devise ways and means by which the expenditures of our Army and Navy Departments may be reduced, because their present cost is exceedingly burdensome. I do not want to advocate any policies which will endanger our national safety, but on the other hand I am unalterably opposed to the maintenance of a large Army and Navy. I do not believe that there is any national emergency which requires excessive appropriations for this purpose.

I find myself in full accord with the amendment offered by the gentleman from Texas [Mr. CONNALLY], which provides that no part of the funds appropriated by this bill shall be utilized for the pay of any officers who may recruit or enlist any boy under the age of 21 years without the written consent of the parent or guardian. In other words, enlistment officers receive compensation for securing the enlistment of boys in the United States Army. It has become quite a practice with these enlistment officers to go over the country, get in touch with young and inexperienced boys, and by misrepresentations induce these boys to enlist in the Army, without giving the boys an opportunity to consult with their parents, and without securing the consent of the parents or guardians. Many of these boys do not realize what they are doing and are swept off of their feet by the glowing representations made by the enlistment officers, and often the parents have no knowledge of what the boy is doing until after he has been enlisted and inducted into the Army.

If adopted, this amendment will put an end to these officers going over the country persuading boys under 21 years of age to enlist in the United States Army without first having obtained the consent of the boys' parents. I for one do not believe that the United States Government, in times of peace, has any moral right to take into the Army any boys under 21 years of age unless the consent of the parents to such enlistment has first been obtained. There is no national emergency that justifies this practice. It is a well-recognized fact that many boys are induced to enlist in the Army by highly colored representations as to the nature of military service and while their minds are so immature as to prevent them from exercising sound judgment in a decision of so much importance to them and their parents.

Under the laws of every State in the Union minors are incapable of making a valid civil contract, and all such contracts may be repudiated by the parents at any time and disaffirmed by the minor when he reaches the age of 21 years. Moreover, the parents are entitled to the services, society, and companionship of their children until the children reach the age of their majority. The parents have a greater interest in their children than the Government or anyone else. The parents know the capacity, inclinations, disposition, and in-

intellectual and temperamental peculiarities of their boys. Parents are in a better position than anyone else to decide what is best for their boys and to determine the question as to the influence enlistment in the Army may have on the future of their sons.

The Government should not in any case enlist a boy until the consent of the parents has been obtained. The whole future of the boy may be injuriously affected by his enlistment.

The trouble comes largely from the viewpoint of the military men. They see the proposition only from one standpoint. They have an astigmatism that blinds them to the rights of the parents or the welfare of the boys. The average enlistment officer sees in the boys only units out of which a company or regiment may be formed. All Army officers look at every proposition through military spectacles. With them the supreme consideration is "the good of the Army." I do not challenge the loyalty and honesty of the Army officers, but I do say that there is something in the military atmosphere and environment that breeds an autocratic disposition, causes the professional soldier to lose sight of the rights of the individual and to magnify at all times the interests and welfare of the Army.

If this amendment is adopted it will put a stop to the officers going over the country and persuading inexperienced boys to enlist in the Army, because these officers will hereafter know that if they secure the enlistment of minors without the consent of the parents they will not receive any compensation for their services. I therefore earnestly urge that this amendment be adopted.

HOOR OF MEETING TO-MORROW.

Mr. LONGWORTH. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow.

The SPEAKER. Is there objection?

Mr. HOWARD of Nebraska. Mr. Speaker, I object.

The SPEAKER. Objection is made.

ADJOURNMENT.

Mr. ANTHONY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 33 minutes p. m.) the House adjourned until to-morrow, Saturday, March 29, 1924, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. YATES: Committee on the Judiciary. H. R. 162. A bill to amend the act establishing the eastern judicial district of Oklahoma; with an amendment (Rept. No. 392). Referred to the House Calendar.

Mr. FOSTER: Committee on the Judiciary. H. J. Res. 184. A resolution proposing an amendment to the Constitution of the United States; without amendment (Rept. No. 395). Referred to the House Calendar.

Mr. HULL of Iowa: Committee on Military Affairs. H. R. 5477. A bill authorizing the Secretary of War to sell surplus electric power generated by the power plant at Rock Island Arsenal, Rock Island, Ill.; without amendment (Rept. No. 393). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEHLBACH: Committee on the Civil Service. H. R. 8202. A bill to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts in amendment thereof; with amendments (Rept. No. 394). Referred to the Committee of the Whole House on the state of the Union.

Mr. BROWNE of Wisconsin: Committee on Foreign Affairs. S. J. Res. 76. A joint resolution authorizing the maintenance by the United States of membership in the International Statistical Bureau at The Hague; with amendments (Rept. No. 396). Referred to the Committee of the Whole House on the state of the Union.

Mr. WAINWRIGHT: Committee on Military Affairs. S. 2169. A bill to amend in certain particulars the national defense act of June 3, 1916, as amended, and for other purposes; with amendments (Rept. No. 397). Referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (S. 85) to carry into effect the finding of the Court of Claims in the claim of Elizabeth B. Eddy; Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 8071) granting an increase of pension to Catherine Murphy; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MOORE of Virginia: A bill (H. R. 8282) to authorize the removal of the Aqueduct Bridge crossing the Potomac River from Georgetown, D. C., to Rosslyn, Va.; to the Committee on Military Affairs.

By Mr. SHREVE: A bill (H. R. 8283) to provide longevity pay for officers and enlisted men, other than the Regular Army, serving under orders of the War Department; to the Committee on Military Affairs.

By Mr. JOHNSON of Washington: A bill (H. R. 8284) to provide for restoration of the Old Fort Vancouver Stockade; to the Committee on Military Affairs.

By Mr. NEWTON of Minnesota: A bill (H. R. 8285) to amend paragraph (3), section 16, of the interstate commerce act; to the Committee on Interstate and Foreign Commerce.

By Mr. BYRNES of South Carolina: Joint resolution (H. J. Res. 231) directing a census to be taken of bales of cotton now held at various places; to the Committee on the Census.

By Mr. ALLGOOD: Concurrent resolution (H. Con. Res. 18) providing for a joint committee on the improvement of the ventilation in the Senate Chamber and the Hall of Representatives, etc.; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEERS: A bill (H. R. 8286) for the relief of Mary C. Fisher; to the Committee on War Claims.

Also, a bill (H. R. 8287) granting a pension to Mary A. Egolf; to the Committee on Invalid Pensions.

By Mr. CHINDBLOM: A bill (H. R. 8288) granting a pension to Ida Hall; to the Committee on Invalid Pensions.

By Mr. ELLIOTT: A bill (H. R. 8289) granting an increase of pension to Sarah A. Thornburg; to the Committee on Invalid Pensions.

By Mr. FREEMAN: A bill (H. R. 8290) granting a pension to Clifford C. Fisk; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8291) granting a pension to Mary Gaffney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8292) granting a pension to Lena Pratt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8293) granting a pension to Henry J. Robinson; to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 8294) for the relief of Edward B. Sappington; to the Committee on Agriculture.

By Mr. GRAHAM of Illinois: A bill (H. R. 8295) for the relief of Ben D. Showalter; to the Committee on Claims.

Also, a bill (H. R. 8296) granting an increase of pension to Mary A. Enderle; to the Committee on Invalid Pensions.

By Mr. KELLER: A bill (H. R. 8297) for the relief of the Canadian Pacific Railway Co.; to the Committee on Claims.

By Mr. KIESS: A bill (H. R. 8298) for the relief of Byron S. Adams; to the Committee on War Claims.

By Mr. LINEBERGER: A bill (H. R. 8299) granting a pension to Rosa E. Stephens; to the Committee on Invalid Pensions.

By Mr. LOZIER: A bill (H. R. 8300) for the relief of Caroline Kuhlman and others who have suffered losses on account of the land being destroyed and washed away by the Missouri River at a point adjacent to Little Missouri Bend, Missouri River, State of Missouri; to the Committee on Claims.

By Mr. MAJOR of Missouri: A bill (H. R. 8301) granting an increase of pension to Byron W. Jacks; to the Committee on Invalid Pensions.

By Mr. SHALLENBERGER: A bill (H. R. 8302) granting an increase of pension to Malinda Suggs; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2063. By Mr. BLOOM: Petition of citizens of New York City, N. Y., urging the passage of the equal rights amendment to the Constitution of the United States; to the Committee on the Judiciary.

2064. By Mr. CRAMTON: Petition of Robert P. Worren and other residents of St. Clair County, Mich., urging favorable action on the game refuge bill (H. R. 745); to the Committee on Agriculture.

2065. Also, memorial of the Romeo Monday Club, urging stringent restrictions on immigration; to the Committee on Immigration and Naturalization.

2066. By Mr. LaGUARDIA: Petition of the D'Auria-Murphy Post, No. 143, American Legion, passed at its meeting on March 26, 1924, opposing the passage of the Johnson immigration bill; to the Committee on Immigration and Naturalization.

2067. By Mr. MEAD: Petition of Italian societies of Buffalo, N. Y., opposing that part of the Johnson immigration bill that discriminates against southern European immigration; to the Committee on Immigration and Naturalization.

2068. By Mr. NEWTON of Minnesota: Petition of the city council of Minneapolis, favoring the early enactment granting an increase in pay to employees of the Postal Service; to the Committee on the Post Office and Post Roads.

2069. By Mr. O'CONNELL of Rhode Island: Petition of members of the Henry Friedman Lodge, No. 899, Independent Order B'nai B'rith, of Pawtucket, R. I., opposing the Johnson immigration bill; to the Committee on Immigration and Naturalization.

2070. By Mr. OLIVER of New York: Petition of a mass meeting held under the auspices of the D'Auria-Murphy Post, No. 143, American Legion, on March 26, 1924, protesting against the enactment of the Johnson bill; to the Committee on Immigration and Naturalization.

2071. By Mr. RAINEY: Petition of Roy Davis and 19 other citizens of Versailles, Ill., favoring restricted immigration; to the Committee on Immigration and Naturalization.

HOUSE OF REPRESENTATIVES.

SATURDAY, March 29, 1924.

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Father in heaven, whose name is our hope, whose service is our joy, whose love is our support, whose redemption is our eternal life; all honor, glory, and praise be unto Thee both now and ever. Open the fountains of mercy and wisdom, and clothe us with righteous energy and Godly virtue. Everything that concerns the strength and progress of the Nation or the broad interests of mankind depends upon the moral and spiritual measure possessed by Thy children. In Thee O Lord do we put our trust that good fathers, pure mothers, obedient children, just masters, and honest servants may more and more enrich society and save the world. Hallowed be Thy name, O Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

CLAIM OF E. W. COLE FOR A SEAT IN THE HOUSE OF REPRESENTATIVES.

Mr. NELSON of Wisconsin, from the Committee on Elections, No. 2, submitted a report on the claim of E. W. Cole for a seat in the House of Representatives as Representative at Large from the State of Texas.

MESSAGE FROM THE SENATE.

A message from the Senate by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 2168. An act for the relief of David C. Van Voorhis;

S. 1929. An act to refund to Clinton G. Edgar income tax erroneously and illegally collected;

S. 1790. An act for the relief of Herman O. Kruschke;

S. 350. An act to authorize the transfer of surplus books from the Navy Department to the Interior Department;

S. 1499. An act to promote the safety of passengers and employees upon railroads by prohibiting the use of wooden cars under certain circumstances;

S. 81. An act for the relief of the owners of the steamship *Lexington*;

S. 362. An act for the relief of Frank Grygla;

S. 763. An act for the relief of G. T. and W. B. Hastings, partners, trading as Hastings Bros.;

S. 606. An act for the relief of Orin Thornton;

S. 2399. An act to provide and adjust penalties for violation of the navigation laws, and for other purposes;

S. 2299. An act to validate the payment of commutation of quarters, heat, and light under the act of April 16, 1918, and of rental and subsistence allowances under the act of June 10, 1922;

S. 2450. An act to amend section 2 of the legislative, executive, and judicial appropriation act approved July 31, 1894;

S. 2146. An act to amend section 84 of the Penal Code of the United States;

S. 2147. An act to complete the construction of the Willow Creek ranger station, Montana; and

S. 2148. An act to empower certain officers, agents, and employees of the Department of Agriculture to administer and take oaths, affirmations, and affidavits in certain cases.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 1316. An act for the relief of William R. Bradley, former acting collector of internal revenue for South Carolina; and

H. R. 6623. An act granting the consent of Congress to the Pittsburgh, Youngstown & Ashtabula Railway Co., its successors and assigns, to construct a bridge across the Mahoning River, in the State of Ohio.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the amendment of the Senate numbered 22 to the bill (H. R. 7449) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1924, and prior fiscal years to provide supplemental appropriations for the fiscal year ending June 30, 1924, and for other purposes.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 2168. An act for the relief of David C. Van Voorhis; to the Committee on Claims.

S. 1929. An act to refund to Clinton G. Edgar income tax erroneously and illegally collected; to the Committee on Claims.

S. 1790. An act for the relief of Herman O. Kruschke; to the Committee on Military Affairs.

S. 350. An act to authorize the transfer of surplus books from the Navy Department to the Interior Department; to the Committee on Naval Affairs.

S. 1499. An act to promote the safety of passengers and employees upon railroads by prohibiting the use of wooden cars under certain circumstances; to the Committee on Interstate and Foreign Commerce.

S. 81. An act for the relief of the owners of the steamship *Lexington*; to the Committee on Claims.

S. 362. An act for the relief of Frank Grygla; to the Committee on Claims.

S. 763. An act for the relief of G. T. and W. B. Hastings, partners, trading as Hastings Bros.; to the Committee on Claims.

S. 606. An act for the relief of Orin Thornton; to the Committee on Military Affairs.

S. 2399. An act to provide and adjust penalties for violation of the navigation laws, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

S. 2299. An act to validate the payment of commutation of quarters, heat, and light under the act of April 16, 1918, and of rental and subsistence allowances under the act of June 10, 1922; to the Committee on Military Affairs.

S. 2450. An act to amend section 2 of the legislative, executive, and judicial appropriation act approved July 31, 1894; to the Committee on Military Affairs.

S. 2147. An act to complete the construction of the Willow Creek Ranger Station, Mont.; to the Committee on Agriculture.

S. 2148. An act to empower certain officers, agents, or employees of the Department of Agriculture to administer and take oaths, affirmations, and affidavits in certain cases; to the Committee on Agriculture.

ADDRESS OF HON. T. W. PHILLIPS, JR.

Mr. TEMPLE. Mr. Speaker, under the leave to extend my remarks in the RECORD I include an address delivered before the Men's Bible Class of the English Lutheran Church and representatives of Bible classes of other communions of Butler, Pa., by Hon. T. W. PHILLIPS, JR., a Member of the United States House of Representatives, as follows:

PRINCIPLES.

The invitation to address the Men's Bible Class of the English Lutheran Church of Butler, Pa., and representatives from Bible classes of other communions is an honor which I greatly appreciate,

and I shall not transgress upon the proprieties of the occasion by introducing partisan politics. Furthermore, my devotion to the church and my loyalty to the state forbid me from attempting to compromise any church or any organization of any church through political activity or alliance. History teaches that the church can not as an organization enter politics without lessening its spiritual influence and without inviting disaster to the state. Nothing could be further from my thoughts and from my sense of the eternal fitness of things than to attempt by word or act to bring the church into politics or lean upon the church for preferment in politics, for standing in society, or for benefit in business. I am interested not in what I can get out of the church but rather in what I can put into the church.

I desire to assist the cause of religion by teaching faith, forbearance, and forgiveness, and by warning against fanaticism, which is conceived in superstition, nurtured on bigotry, and developed by intolerance. Since the dawn of history religious fanaticism has been the fruitful source of most horrible persecutions, enormities that have disgraced humanity. The pagans offered human sacrifices; the Mohammedans converted with the sword; the Jews crucified Jesus; Christians, so called, in turn tortured Jews, infidels, and each other. Even to-day religious discussion is inimical to friendship. While it is axiomatic that although two who differ may both be wrong, they can not both be right, yet so all powerful is the tyranny of training and tradition that many never attempt to reexamine with open minds the religious or political faith of their fathers. As a corollary to my attitude toward religion, I can truthfully say that I am not in politics with a desire to extract anything from it, but with the hope that I may contribute something to it. Otherwise I would be a slave to sentiment, and my position would be determined by pressure rather than by principle.

Religion is one of the greatest forces in human nature, but, unfortunately, it may be true or false; it may beautify or blemish; it may instill love or engender hate; it may inspire art or instigate atrocities; it may excite the loftiest emotions or obliterate every semblance of reason; it may lead high up on the mountain of clear vision or deep into the valley of superstition.

The "blood of the martyrs" may be the "seed of the church," but the martyrs obviously could not be the progenitors of succeeding generations; hence we are all handicapped by our heredity, for we have too much of the blood of the persecutors, the survivors, and too little of the blood of the persecuted, the exterminated. The first few years of our life was provincial in the extreme. We were surrounded by rigid family idiosyncrasies, by standardized social customs, and by religious prejudices, all of which created an environment, an atmosphere which we accepted as a matter of course and had no more thought of analyzing, of questioning, of criticizing it than the air we breathed. Our inborn intolerance and fanaticism therefore was augmented by our early life and education. Fanaticism and provincialism are enemies of diversity and individuality. Diversity and individuality produce progress; uniformity obtained by suppressing and discouraging individuality causes stagnation and decay.

That man has formidable handicaps is attested by the infinite toil and untold sacrifice connected with the slow rise of his several civilizations, also by their short duration and their rapid decline. That human government presents a real task is evidenced by the early history of the Israelites, the governing of whom seemed to tax the ingenuity of the Almighty. Morals, right living, and a spiritual concept of religion may be instilled through teaching and by example, but apparently can not be enforced and made permanent by legislation or edict, for otherwise a reign such as that of King Josiah, who destroyed the idols and slew all the priests of the high places, would have permanently regenerated the kingdom and secured for the people the undisputed and permanent control of their ancient heritage.

Under the beneficent administration of the judges there were no State taxes; the laws or rules of conduct were simple and therefore easily and equitably administered. "In those days there was no king in Israel, but every man did that which was right in his own eyes." The people demanded a king. The kingdom developed along the lines of Asiatic despotism, with governmental agents or spies, high taxes, and official extravagance. The kingdom fell, but the now servile people submitted to a multiplicity of rules, laws, and interpretations which, according to Peter, became a yoke "which neither our fathers nor we were able to bear."

Our Government is based upon a Constitution prepared with great deliberation by exceptionally able men, who benefited by the experience of Israel, Greece, Rome, France, and England. In the beginning our laws were prepared with precision and enacted only after careful consideration. The early legislators tried to follow Jefferson's maxim, "The best governed people are the least governed."

We, however, demand laws, more laws, and still more laws. A Pennsylvania colleague told me that a good lady in his district could not understand why there is so much lawbreaking and suggested that a law should be passed against it. The various States enact from 10,000 to 15,000 laws per year. We have sumptuary laws, class laws, and spite laws. We have Federal, State, and municipal judges by the thousands,

detectives and spies by the hundreds of thousands, and employees by the millions. We pay over \$7,000,000,000 per year in direct and indirect taxation, much of which is expended for the privilege of being governed, overgoverned, and misgoverned; all of which is not sufficient, for we insist upon having Senate investigating committees, House investigating committees, special investigating committees, beyond whose reach there is nothing, not even the private telegrams of the President. These investigating committees are little short of a "star chamber" or a "court of high commission" long since abolished in England. They are in effect courts of inquisition with power to summon anyone upon whom suspicion may rest or about whom an anonymous letter has been received. Witnesses are not protected by rules of evidence, and testimony irrelevant to the subject of inquiry may be introduced. Such a court is prosecutor, judge, and jury and is removed only one step from a mob which is prosecutor, judge, and jury and also executioner. Soon there will be nothing sacred, nothing confidential between priest and parishioner, doctor and patient, lawyer and client.

Under the leadership of Athens, when individuality was not suppressed by law or custom or education, intellectual development reached a plane never before equaled, never since excelled. Sparta enforced uniformity, for "he who did not reprove a fault that was committed in his presence and showed not his just resentment of it by a verbal correction was adjudged equally culpable with the guilty." Sparta left no literature and contributed nothing to future civilizations.

After the Asiatic spy system had been imported into the Roman Empire, Gibbon says:

"These official spies, who regularly corresponded with the palace, were encouraged by favor and reward anxiously to watch the progress of every treasonable design. Their careless or criminal violation of truth and justice was covered by the consecrated mask of zeal. The progress of the inquiry continually offered new subjects of criminal persecution."

In 1780 Edmund Burke said:

"A mercenary informer knows no distinction. Under such a system the obnoxious people are slaves. In this situation men not only shrink from the frowns of a stern magistrate but they are obliged to fly from their very species. The blood of wholesome kindred is infected. Their tables and beds are surrounded with snares. This species of universal subserviency, that makes the very servant who waits behind your chair the arbiter of your life and fortune, has a tendency to degrade and abase mankind, and to deprive them of that assured and liberal state of mind which alone can make us what we ought to be."

Due, no doubt, to her liberal leaders and her colonial experience England became less oppressive, and either as a cause or coincidence the British Isles are far more free from crime than Germany, based upon pre-war statistics, where autocratic powers were exercised and tyrannical methods in vogue, and contrasts with the United States, where we seem to have a hit-and-miss—usually miss—method of dealing with crime. For instance, in 1922 there were only 28 murders committed in London, having a population of 5,000,000; while in the District of Columbia, having a population of 500,000, there were 38 murders, indicating that our Capital is 2,000 per cent more murderous than the British capital. During some years the total number of murders committed in the United States approximates 10,000. We are having entirely too much crime, too much lawbreaking of all kinds. Evidently there is something wrong with our heredity, our environment, our education, and our Government, because it must take a combination of several unfavorable conditions to produce such results. Heredity can be improved, environment made more wholesome, education conducted on a higher plane, and government made more respectable and therefore better respected. Good government is important, is essential for proper development, for it has much to do with health and happiness. It can encourage thrift and discourage the spendthrift, or it can destroy capital and create chaos. It can make it easy to do good and difficult to do wrong, but it never was intended to take the place of the home, where character should be formed, where honesty should be taught, and where honor should be instilled.

While no one can define metes and bounds for laws and state positively where salutary laws cease and harmful legislation begins, yet we can point out principles that should be followed and policies that should be avoided. Laws should be few, fair, and enforced impartially. Penalties should fit the offense. By attempting to make a felony out of a misdemeanor we lose our sense of proportion. The lawbreaker or criminal is a human being usually capable of reason, able to make comparison, and arouse resentment in his family and among his friends. If, therefore, he is subjected to violence or to severe punishment, punishment unmerited by the nature of the offense, both he and his friends feel that society should, and if within their power will, be made to suffer and pay for what they consider outrageous injustice. If laws are to be respected, they must be respectable laws, enacted by sincere and respectable representatives, enforced by respectable officials in a firm but respectable manner.

Theoretically all laws should be enforced or repealed. However, neither common sense nor competition prevail in the management of

government, as is the case with business corporations, whose rules as soon as antiquated are discarded, and regulations that prove detrimental are changed immediately. We have and probably always will have laws that the people will obey only when and where it has been decided that they are conducive to the interests of society. Many laws are generally unknown; still more are unnoticed; some are kept to be revived and enforced in times of disturbance or upon other proper occasions; other laws may grow obsolete although never formally abrogated. No great harm can come from the resurrection of obsolete laws unless their enforcement is undertaken by an official possessed with a zeal akin to that of a crusader or in case a wave of religious hysteria sweeps over a community. Matters of this kind are regulated by popular sentiment. The official will not take the initiative in enforcement unless backed by public sentiment, and the private informer will be deterred by expense, technical objections, ridicule, and contempt. When public sentiment crystallizes around any law it will be enforced, and it is therefore not only unnecessary but may result seriously if officers, spies, or private informers are permitted to profit from the assessment or collection of fines. Such a system results in false charges and frame-ups, depraves the informer, and creates resentment.

If the doctrine that governments "derive their just powers from the consent of the governed" is correct, and this is the American political philosophy, then it follows:

First. That government should be administered so as to promote the good of all the governed.

Second. That government should be administered so that it will be possible and easy to discover the best interests of the governed.

Third. That adequate provision should be made for the free expression by the people of their wishes.

Fourth. That when their wishes are made known they will be heeded by those in power. In such an extensive country, embracing a cosmopolitan population, having diversified interests, general good can be promoted, information secured, wishes expressed, and assurances given best through the mediums of responsible political parties. The replacement of party government by bloc government involves the substitution of government by minority groups for government by the majority of all the people. Party government implies government by consent. Bloc government is incipient sovietism and will lead to minority coercion.

The action of the state or government in a civilized community shapes itself into the threefold functions of legislation, judicature, and administration, and the complete separation of these three functions marks a high point in social organization. In a simple state of society the same officers discharge all the duties which we divide between the legislator, the administrator, and the judge. The whole question as to the sphere of government may be stated in these two questions: What should the state do for its citizens, and how far should the state interfere with the action of its citizens? There is a general presumption against the interference of government which is only to be overcome by very strong evidence of interest. Therefore the province or range of action of government should be clearly divided between essential powers or those that are absolutely necessary and constituent or subordinate functions which are not absolutely necessary for the self-preservation of the state but are always exercised to greater or less degree in modern states.

Essential powers of any government are those which are necessary in order to maintain a state as a sovereign independent body politic. For a state to maintain its independence and sovereignty it is absolutely essential that it should obtain sufficient means and exercise sufficient authority to not only protect itself from foreign invasion but also to maintain law and order within its domains and to protect all its citizens in their legal, their constitutional, their inalienable rights. While it is true that the essential powers of government may be exercised wisely or willfully, economically or extravagantly, there should be no question as to their being exercised; in fact, those in authority are morally bound, legally bound, and oath bound to maintain the essential powers of government and have no right to exercise discretion, except in a limited way, in regard to their application. That there is or can be such a thing as essential powers is evidently not generally understood, for otherwise lawlessness, which is largely due to the failure of our legislative or executive representatives in the Nation, in the various States, and in the municipalities to uphold the essential powers of government, would not be so general and so rapidly on the increase. If our Nation is to remain a free and sovereign State, the essential powers of government must be maintained at all hazards, regardless of cost.

The constituent or subordinate functions of government, while non-essential to the existence of the state, are important factors in the economic, physical, and moral welfare of the people, and are therefore exercised extensively by all civilized states. Under constituent functions of the United States Government are bureaus, commissions, departments, and a multiplicity of statute laws. Much of the disrespect for laws and the waste of millions of the taxpayers' money is due to failure to exercise judgment, discretion, and economy in expanding the constituent or subordinate functions of government, and since there is

no limit in these fields of activity, and since the people are constantly being misled by those who promise much for little or something for nothing, activity along these lines must be curtailed or we will soon have a paternalistic or socialistic government, brought about, perhaps indirectly, by taxing the farmer out of his farm, the business man out of his business, and the workingman out of his job. Some classes of taxpayers are given no consideration by many of the lawmakers, because they look upon taxation as primarily social legislation.

Taxes under Asiatic despots amounted in some instances to as much as 90 per cent of the taxpayers' production, which, of course, reduced them to the position of serfs or slaves. Under our Government, Federal taxes for several years past have in many instances amounted to 50 per cent of the income left after paying State and local taxes. Taxation is a real issue, a menace in every section of our country and throughout the entire world.

In a letter recently received from a classmate commending my position on this question, he states:

"In this section of the country you hear little talk but taxation. In fact, it has gotten to the point where the people just can not stand the burden. A man living in this city—Savannah, Ga.—has \$1,000 in a savings bank drawing 4 per cent interest.

The income therefrom is.....	\$40.00
Savannah city taxes.....	\$16.67
Chatham County taxes.....	17.50
State of Georgia.....	5.00
United States income tax.....	1.60
Total.....	40.77

"Excess of taxes over income, \$0.77.

"On a 4 per cent investment we must either beg, borrow, earn, or steal 77 cents to pay taxes."

Traditions and early training not only play a prominent part in religious affiliations, but also in political associations; but prejudice should not prevent a Republican legislator from giving most serious consideration to the principles of government as promulgated by Jefferson, the great exponent of democracy; nor should partisan zeal prevent a Democratic legislator from failing to note that the Democratic Presidents, Cleveland and Wilson, in times of crises discarded the Jeffersonian ideals and adopted the ideas of Hamilton, the patron saint of republicanism, who taught that solidarity and security were dependent upon placing preponderant power in the Federal Government.

Two of the purposes of our Government, as stated in the preamble of the Constitution, are: (1) "To promote the general welfare," and (2) "to secure the blessings of liberty to ourselves and to posterity." That general welfare and blessings are not, can not, be found either now or in the future in an overpopulated and underfed world or country is self-evident. Since our Government was founded the population of the world has more than doubled. The present increase is as great as at any time during the past, being approximately 12,000,000 per year, or 0.7 of 1 per cent. At this ratio population doubles in 60 years, and, if maintained, our grandchildren would see 7,000,000,000. In the year 3000 A. D. the population would be 34,000,000,000. The land area of the earth, exclusive of the Arctic, includes 33,000,000,000 acres. In the most populous countries about 40 per cent of the land is cultivated. Just before the war Germany was tilling 1.15, France 1.05, Italy 0.98, and Belgium 0.57 acres per capita. None of these countries were self-supporting. Even Germany under the pressure of war could not live within herself. It requires about 2½ acres of cultivated land to support one person. Hence the world could support 5,200,000,000 people, and, at the present rate of increase, babies now alive will see 5,200,000,000 people living on a limited dietary.

At the present time much of Asia is crowded, Europe for the most part, except Russia, is overpopulated, and the fecundity of the Russian people is so great that with a few years of domestic tranquillity it would soon fill up. Canada is now gaining rapidly in population, and when it reaches 60,000,000 people it will cease to be a source of food supply for the United States and other countries. The tide of immigration is turning toward South America. It is not necessary to look into the remote future to see the day when the people in the United States will be compelled to rely upon their own food supply in lean years as well as in fat years. Between 1910 and 1920, 16 per cent was added to our country's population. At this rate the population would double in 44 years. In 1964 it would be 214,000,000, which is too many for health and happiness.

In the United States we have 1,903,000,000 acres of land, the ultimate disposition of which will be about as follows: Improved land, 800,000,000 acres; forest and wooded land, 360,000,000 acres; range land and unimproved pastures, 425,000,000 acres; desert, 238,000,000 acres; cities, roads, and railroads, 80,000,000 acres. In the above allotment less than 20 per cent is reserved for forest, although France retains about 25 per cent of her area in forest and still finds it necessary to import lumber. In Germany the proportion of wooded territory is even greater. Eight hundred million acres in a high state of cultiva-

tion, with no allowance for drought, might support 300,000,000 people, but the United States can better support, according to our standards, standards which we wish to maintain, 150,000,000 or 200,000,000 people.

If the population of the United States is allowed to increase to 200,000,000 or 300,000,000, meat diet (with the exception of fowls) will be one of the first luxuries to go. Food animals are a secondary product of agriculture, using up food not much more efficiently than human beings. It takes approximately eight times as much land to provide a man with a diet wholly of meat as it does to provide him with nourishment from vegetable sources.

We are trustees for our descendants, and if we do not treat our trusteeship seriously we have no moral right to leave descendants. If we hearken to those who demand 300,000,000 people in the United States, we are lost. Better have 150,000,000 people, or thereabouts, who can live comfortably and happily, if they will, than 300,000,000 chained permanently to poverty and distress. Our population should be limited to such a point where each person has not only a chance for pursuing happiness, but also the possibility of overtaking it. This problem should be solved by preventing it from ever becoming acute and implies not only restriction of immigration but rational birth control. The former is a governmental problem; the latter is a matter for education and advice devolving upon the medical and nursing professions as a primary duty. Safe and scientific contraceptive information should no longer be denied the millions of people who although diseased or defective become unwilling parents and whose descendants fill our institutions for the social inadequate. Children are the greatest assets of the Nation; in fact, in the last analysis they are the only assets that are really worth while. Everything that we have, all that was committed to our keeping by those who preceded us, must be entrusted to those who follow us for those who in turn follow them. It is therefore our supreme duty to endeavor to produce children of character, of courage, of capacity, and provide environment favorable for their development.

Early in his history man was condemned to work. "In the sweat of thy face shalt thou eat bread till thou return unto the ground." Man has ever endeavored and rightly to free himself from that curse by his ingenuity, by his inventions, by studying nature's laws and controlling nature's energy. Marvelous has been his progress, but still we toil and sweat. King David said:

"I have been young, and now I am old; yet have I not seen the righteous forsaken, nor his seed begging bread."

This no doubt is a substantially correct statement of David's observation, but his experience was limited as to territory and confined to a period of expansion for his people. Certainly it could not be true in an overpopulated country. Jesus said:

"The poor always ye have with you."

This statement has been true in the past, is true now, and will be true in the future. It is permissible to reduce the amount of sweat that must be exchanged for bread, and it is commendable to mitigate poverty. Apparently it will be impossible to entirely eliminate poverty. The total of individual incomes in the United States is approximately \$30,000,000,000, or less than \$600 per capita per year. If the total income were equally distributed, an individual would receive less than one one-hundredth million of the proceeds of his own labor. Under such a system there would be little incentive to work, hence production would decrease and poverty would become uniform and universal. What might result in case of voluntary slavery is of no consequence, because it would presuppose an impossible condition. If we attempt to eliminate poverty through pensions, we increase idleness and improvidence by rewarding indolence, and soon there would be such an increase in the shirkers with a corresponding decrease in the workers that the system would result in moral as well as financial ruin. If conditions remain as they are, the poor will always be with us unless or until we can make the incompetent competent and the indolent industrious, thus increasing our production so that luxuries will be general and necessities universal.

We now have over a million and a half people who are defective to the extent that they need institutional care, between five and six million who are mentally only slightly above those who can properly be committed to institutions, and probably 10,000,000 whose intelligence is subnormal to such an extent that they can not be appraised as an industrial asset, and we also have a criminal class of no small proportion which seems to be rapidly increasing, as is also the defective class. If we attempt to equalize living conditions by taxing the intelligent and industrious for the benefit of the ignorant and indolent, births, already too few among the former class, would be further restricted, while births, already too frequent among the latter class, would be increased.

Whether economic conditions are satisfactory or unsatisfactory from the viewpoint of any particular class or group is a potent factor in reproduction. Even State pensions for the aged remove one of the greatest incentives for thrift, economy, and self-reliance. If those who were improvident are to be provided for out of the savings of those who

tolled and sacrificed there is little incentive to save. Furthermore, an elaborate system of State aid would relieve blood relatives from the duty, the necessity of caring for, and in case of death providing for their dependents. People should be encouraged, or perhaps compelled, to provide so far as possible against the day of misfortune, so that doles and pensions will be unnecessary.

It has been found, in fact it is within the range of the most casual observation, that those whose inherited abilities make them in some measure the more desirable members of society are continuously outbred by their less well-endowed fellow citizens. Investigation has shown that the greater the economic failure in life the younger the age of marriage, the higher the marriage rate, and also the higher the birth rate. In the future if the decrease in the birth rate takes place with greater speed among those who are our poorest national assets, the Nation is on the up grade; otherwise decay will follow because it is on the down grade. Births of white mothers per 1,000 in New York State, exclusive of New York City, in 1916 was:

Native	17.2
English, Scotch, and Welsh	19.1
Russian	88.6
Austro-Hungarian	89.9
Italian	91.6

Not only would unrestricted immigration overpopulate the United States in a very few years, but immigrants when admitted in great quantities tend to become segregated into racial groups, whose children for many generations remain alien in loyalty, in culture, and in spirit. American institutions and the language of the country are in disfavor where large groups of foreigners predominate. This is notable with the French in Louisiana, the Mexicans of Spanish descent in New Mexico, and other aliens in whole districts of our great cities of the North as well as in extensive rural sections in the Northwest.

A speech, like a lady's dress, should be short enough to be interesting and long enough to cover the subject. Mine, I fear, has been too long to be interesting, but even though it is not long enough to cover the subject, I will not detain you longer than to make a few general observations. If, as it has been said, "History is past politics, and politics is present history," then it is possible to insure good history by wise politics. Politics can rise to lofty statesmanship only if we make it possible for statesmanship to be good politics.

Our form of government was an experiment at the time Lincoln said:

"We are engaged in a great Civil War, testing whether that nation or any other nation so conceived and so dedicated can long endure."

More than three score years have passed since that memorable address, and our Government, our theory of government, has still its severest tests before it. True, our material growth has been marvelous and so bewildering that it has beguiled us into the belief that all movement means advancement, and sometimes too much attention is directed toward movement with little attempt made to "prove all things and hold fast that which is good." The danger of loss is ever present. More than 19 centuries ago the Son of Man announced that He "came to seek and to save that which was lost." It is not the loss of gems and jewels, of silver and gold, that need give us the most serious concern, but rather the loss of faith, hope, and love, the lowering of our standards—patriotic standards, political standards, social standards, ethical standards, moral standards.

Things that are seen are temporal, things that are unseen are eternal. The seen, the temporal, belong largely to the domain of the State. Things that are unseen, the spiritual, the eternal, belong exclusively to the realm of the church. If, therefore, we render "unto Caesar the things that are Caesar's and unto God the things that are God's," conditions will be favorable for the spiritual growth of the church and for the peaceful development of the State.

PERMISSION TO EXTEND REMARKS.

Mr. LITTLE. Mr. Speaker, I ask unanimous consent to extend my remarks by printing an article on legislation in regard to Brazilian coffee planting, by E. H. O'Brien.

The SPEAKER. The gentleman from Kansas asks unanimous consent to extend his remarks in the Record in the manner indicated. Is there objection?

Mr. HOWARD of Nebraska. Mr. Speaker, reserving the right to object, I want to ask my colleague if that is incorporated in remarks of his own. If it is, I will not object.

Mr. LITTLE. No; this is the best article on Brazilian coffee planting I ever saw in the world, and I thought we ought to have the benefit of it. I can assure the gentleman it is very much up-to-date and very well worth while.

Mr. HOWARD of Nebraska. And the gentleman wants to incorporate it as a part of his own remarks?

Mr. LITTLE. Yes; in my extension.

Mr. HOWARD of Nebraska. It is so nearly personal, I will not object.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

CONFERENCE REPORT—TREASURY AND POST OFFICE DEPARTMENT
APPROPRIATIONS.

Mr. MADDEN. Mr. Speaker, I call up the conference report on H. R. 6349, making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1925, and for other purposes.

The SPEAKER. The gentleman from Illinois calls up the conference report on the Treasury and Post Office Departments appropriation bill (H. R. 6349). Does the gentleman desire the conference report to be read?

Mr. MADDEN. Yes, Mr. Speaker.

The conference report was read, as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6349) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1925, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 4, 5, 10, 15, 20, 21, 22, 23, 24, 25, 26, 34, 35, 36, 39, 45, and 47.

That the House recede from its disagreement to the amendments of the Senate numbered 6, 7, 8, 12, 13, 14, 16, 17, 18, 19, 27, 28, 29, 30, 31, 32, 33, 37, 38, 42, 46, 48, and 49, and agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$31,735,000"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Provided further, That no money herein appropriated for the enforcement of the national prohibition act, the customs laws, or internal revenue laws, shall be used to pay for storage in any private warehouse of intoxicating liquors or other property in connection therewith seized pursuant to said acts and necessary to be stored, where there is available for that purpose space in a Government warehouse or other suitable Government property in the judicial district wherein such property was seized, or in an adjacent judicial district, and when such seized property is stored in an adjacent district, the jurisdiction over such property in the district wherein it was seized shall not be affected thereby"; and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "\$14,416,000"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$925,000"; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 1, 2, 43, and 44.

MARTIN S. MADDEN,
WM. S. VANE,
JOSEPH W. BYRNE,
Managers on the part of the House.

F. M. WARREN,
REED SMOOT,
LEE S. OVERMAN,
CARTER GLASS,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6349) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1925, and for other purposes, submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report as to each of said amendments, namely:

TREASURY DEPARTMENT.

On No. 3: Strikes out the increase of \$2,500,000, proposed by the Senate, in the appropriation for the customs service.

On Nos. 4 and 5: Strikes out the changes, proposed by the Senate, in the punctuation of the appropriation for miscellaneous expenses of the Federal Farm Loan Bureau.

Nos. 6 and 7: Increases the appropriation for the office of Treasurer of the United States from \$1,090,000 to \$1,092,000, as proposed by the Senate.

On No. 8: Increases the appropriation for collectors of internal revenue, deputy collectors, gaugers, etc., from \$3,800,000 to \$3,900,000, as proposed by the Senate.

On No. 9: Appropriates \$31,735,000 instead of \$31,235,000, as proposed by the House, and \$32,235,000, as proposed by the Senate, for the collection of internal-revenue taxes.

On Nos. 10 and 11, relating to appropriations for enforcement of the national prohibition act: Strikes out the limitation, inserted by the Senate, upon the expenditure of funds in connection with certain violations of the act, and inserts a substitute for the language proposed by the Senate and the House relative to the storage in Government warehouses of liquor and other property seized in connection with violations.

On No. 12: Increases the appropriation for suppressing counterfeiting and other crimes from \$425,000 to \$433,800, as proposed by the Senate.

On Nos. 13 and 14, relating to the Public Health Service: Makes the appropriation for "prevention of epidemics" available for the purchase of newspapers and clippings containing information relating to the prevalence of disease; and appropriates \$149,000, as proposed by the Senate, instead of \$25,000, as proposed by the House, for the division of venereal diseases.

On No. 15: Strikes out the increase of \$1,280, proposed by the Senate, for wages of employees in the New Orleans Mint.

On Nos. 16, 17, 18, and 19, relating to public buildings: Appropriates \$150,000, as proposed by the Senate, instead of \$145,000, as proposed by the House, for the National Leprosarium; increases the amount authorized to be expended for a site at Fairmont, Minn., from \$10,000 to \$15,000, as proposed by the Senate; appropriates \$20,000, as proposed by the Senate, for an underground passage connecting the subtreasury and the assay office at New York; and increases, as proposed by the Senate, from \$350,000 to \$400,000, the amount for remodeling public buildings.

On Nos. 20 to 26, inclusive, relating to construction work at marine hospitals: Strikes out the appropriations, inserted by the Senate, for improvement of marine hospitals at the following places: Boston, Mass., \$31,000; Chicago, Ill., \$60,000; Fort Stanton, N. Mex., \$50,000; New Orleans, La., \$15,000; Portland, Me., \$6,000; San Francisco, Calif., \$12,000; and appropriates \$25,000, as proposed by the House, instead of \$31,000, as proposed by the Senate, for the marine hospital at Carville, La.

On Nos. 27 to 32, inclusive, relating to quarantine stations: Appropriates, as proposed by the Senate, for improvements at quarantine stations at the following places: Astoria, Oreg., \$4,000; Galveston, Tex., \$7,350; Gulf, Miss., \$8,250; Reedy Island, Del., \$3,500; San Francisco, Calif., \$5,000; and San Juan, P. R., \$3,500.

On No. 33: Appropriates \$85,000, as proposed by the Senate, instead of \$75,000, as proposed by the House, for vaults and safes at public buildings.

POST OFFICE DEPARTMENT.

On No. 34: Appropriates \$213,740, as proposed by the House, instead of \$219,740, as proposed by the Senate, for the office of the Postmaster General.

On No. 35: Appropriates \$387,500, as proposed by the House, instead of \$396,500, as proposed by the Senate, for the office of the First Assistant Postmaster General.

On No. 36: Restores the limitation, stricken out by the Senate, fixing the number of persons who may be employed in certain grades under the classification act.

On No. 37: Appropriates \$455,000, as proposed by the Senate, instead of \$445,000, as proposed by the House, for traveling expenses of inspectors.

On No. 38: Appropriates \$5,759,150, as proposed by the Senate, instead of \$5,600,000, as proposed by the House, for watchmen, messengers, and laborers in post offices.

On No. 39: Appropriates \$4,400,000, as proposed by the House, instead of \$4,500,000, as proposed by the Senate, for allowances to third-class post offices for clerical services.

On No. 40: Appropriates \$14,416,000, as proposed by the Senate, instead of \$14,000,000, as proposed by the House, for rent, light, and fuel for first, second, and third class post offices; and strikes out the authority, inserted by the Senate, for the monthly payment of rental for post-office premises.

On No. 41: Appropriates \$925,000, instead of \$900,000 as proposed by the House and \$935,000 as proposed by the Senate, for miscellaneous items at first and second class post offices.

On No. 42: Appropriates \$980,000, as proposed by the Senate, instead of \$950,000, as proposed by the House, for car fare and bicycle allowances.

On No. 45: Appropriates \$7,500,000, as proposed by the House, instead of \$7,800,000, as proposed by the Senate, for transportation of foreign mails.

On No. 46: Provides, as proposed by the Senate, that the certificate of approval of the Postmaster General to expenses of delegates to the Universal Postal Congress at Stockholm shall be conclusive on the accounting officers.

On No. 47: Strikes out the increase of \$100,000 proposed by the Senate for mechanical appliances; and strikes out the authority inserted by the Senate for services of engineering and technical personnel engaged in research activities.

On No. 48: Appropriates \$1,960,000, as proposed by the Senate, instead of \$1,750,000, as proposed by the House, for mail bags and mail containers.

On No. 49: Reduces from \$500,000 to \$300,000, as proposed by the Senate, the amount to be made immediately available from the appropriation for Rural Delivery Service.

The committee of conference have not agreed upon the following amendments of the Senate:

Nos. 1 and 2, relating to the Undersecretary of the Treasury.
Nos. 43 and 44, appropriating \$3,000,000 for the Air Mail Service.

MARTIN B. MADDEN,
WM. S. VARE,
JOSEPH W. BYRNS,

Managers on the part of the House.

Mr. MADDEN. Mr. Speaker, the amount of the bill as passed by the Senate was \$738,369,880.25. The amount of the bill as passed by the House was \$729,950,950.25. The amount added by the Senate was \$8,418,930.

The amount of the House recessions in conference are as follows:

TREASURY DEPARTMENT.	
Treasurer's office, salaries.....	\$12,000
Collectors of internal revenue, deputy collectors, gaugers, etc.....	100,000
Collecting internal revenue.....	500,000
Secret Service, Treasury.....	8,800
Venerneal diseases.....	124,000
National Leprosarium.....	5,000
New York subtreasury and assay office, connection.....	20,000
Remodeling buildings.....	50,000
Astoria quarantine station.....	4,000
Galveston quarantine station.....	7,350
Gulf, Miss., quarantine station.....	8,250
Reedy Island quarantine station.....	3,500
San Francisco quarantine station.....	3,000
San Juan, Porto Rico, quarantine station.....	5,500
Vaults and safe, public buildings.....	10,000
POST OFFICE DEPARTMENT.	
Travel of inspectors.....	10,000
Laborers at post offices.....	159,150
Rent, light, etc.....	416,600
Miscellaneous items.....	25,000
Car fare and bicycle allowance.....	30,000
Mail bags.....	210,000

The House recessions amount in the aggregate to \$1,710,150.

The Senate receded from the following items:

TREASURY DEPARTMENT.	
Customs Service.....	\$2,500,000.00
Collecting internal revenue.....	500,000.00
New Orleans Mint.....	1,280.00
Carville, La., marine hospital.....	0,000.00
Boston marine hospital.....	31,000.00
Chicago marine hospital.....	60,000.00
Fort Stanton, N. Mex., marine hospital.....	50,000.00
New Orleans marine hospital.....	15,000.00
Portland marine hospital.....	6,000.00
San Francisco marine hospital.....	12,000.00
POST OFFICE DEPARTMENT.	
Postmaster General's office, salaries.....	6,000.00
First Assistant's office, salaries.....	9,000.00
Allowances to third-class offices.....	100,000.00
Miscellaneous expenses.....	10,000.00
Transportation of foreign mail.....	300,000.00
Mechanical appliances, engineering research.....	100,000.00

Total Senate recessions..... 3,706,280.00

Items brought back for separate votes:	
Undersecretary of the Treasury.....	2,500.00
Air Mail Service.....	3,000,000.00
	3,002,500.00

Concurrence will be asked in the amount of \$2,500 for Undersecretary and \$2,750,000 for Air Mail Service. If these are adopted, the recessions will stand as follows:

House recessions.....	4,462,650.00
Senate recessions.....	3,956,280.00
The total for the bill will then stand.....	734,413,600.25
The bill as passed the Senate exceeded the Budget estimates.....	3,063,731.75
The bill as agreed upon will be less than the Budget estimates by.....	892,548.25

Mr. BLANTON. Will the gentleman yield for a question?

Mr. MADDEN. Yes.

Mr. BLANTON. If I understand the gentleman's report, the House recessions amount to \$4,462,650?

Mr. MADDEN. But that includes the \$2,750,000 for the air mail.

Mr. BLANTON. In other words, the Senate has forced the House to add \$4,450,000 to this bill?

Mr. MADDEN. Yes; and the Senate receded from \$3,956,280. Mr. BLANTON. Now, is not that what always happens in connection with all of these bills?

Mr. MADDEN. Yes; that is true.

Mr. BLANTON. They are added to in large sums?

Mr. MADDEN. Yes.

Mr. HILL of Maryland. If the gentleman will yield, I would like to ask him a question.

Mr. MADDEN. Yes.

Mr. HILL of Maryland. The net amount added to the bill is \$3,956,280, is it not?

Mr. MADDEN. No.

Mr. HILL of Maryland. That is the amount of the recessions?

Mr. MADDEN. That is what the Senate receded from.

Mr. HILL of Maryland. What is the net addition made by the Senate?

Mr. MADDEN. The House receded from \$4,462,650, and that is the amount that is added.

Mr. HILL of Maryland. The Senate made a very appreciable recession, did it not?

Mr. MADDEN. Yes. If it had not been for the air mail, we would have had most of the money off.

Mr. HILL of Maryland. There is one more question I would like to ask the gentleman. As I understand from the report, the Senate receded on amendment No. 10, on page 21?

Mr. MADDEN. Yes.

Mr. HILL of Maryland. I am sorry on principle they made that recession.

Mr. HASTINGS. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. HASTINGS. Mr. Chairman, I want to ask the chairman with reference to an appropriation of \$500,000 made immediately available for rural service.

Mr. MADDEN. That was changed to \$300,000. They said they could not use more than \$300,000 between now and the 1st of July for rural service.

Mr. HASTINGS. And the Post Office Department thought that was adequate?

Mr. MADDEN. Yes.

The conference report was agreed to.

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 1: Page 1, line 9, after \$12,000 insert "Fiscal Assistant Secretary of the Treasury, to be nominated by the President and appointed by him, by and with the advice and consent of the Senate, who shall hereafter receive compensation at the rate of \$10,000 per annum, and shall perform such duties in the office of the Secretary of the Treasury as may be prescribed by the Secretary or by law, and under the provisions of section 177, Revised Statutes, in case of the death, resignation, absence, or sickness of the Secretary of the Treasury, shall perform the duties of the Secretary until a successor is appointed or such absence or sickness shall cease, \$10,000."

Mr. MADDEN moves that the House recede from its disagreement to Senate amendment No. 1, and agree to the same with an amendment as follows:

In lines 1 and 2 of the matter inserted by said amendment strike out the words "Fiscal Assistant Secretary," and insert in lieu thereof the words "Undersecretary." And in line 5 of the matter inserted by said amendment after the words "and" insert the word "hereafter"; and in line 10 of the matter inserted by said amendment, after the word "Treasury," insert "hereafter."

The SPEAKER. The question is on agreeing to the motion of the gentleman from Illinois.

Mr. HOWARD of Nebraska. Will the gentleman yield?

Mr. MADDEN. Certainly.

Mr. HOWARD of Nebraska. I take it for granted that this may be properly designated an administration bill.

Mr. MADDEN. It is an appropriation bill.

Mr. HOWARD of Nebraska. An administration appropriation bill. It being an administration bill, does not the gentleman really think that he ought to have enough administration Members here to put it over?

Mr. MADDEN. This is for the support of the entire Government, we have but one vote to take, and it will only take five

minutes to settle this question. It has already been considered in the House.

Mr. HOWARD of Nebraska. I am not going to make the suggestion that the gentleman thinks I am. [Laughter.] I am only going to suggest to him the propriety of keeping enough Members here to enact legislation.

Mr. MADDEN. Mr. Speaker, I yield three minutes to the gentleman from Tennessee [Mr. BYRNS].

Mr. BYRNS of Tennessee. Mr. Speaker, I have always opposed an appropriation for this additional office in the Treasury Department. It has repeatedly come up in the House and always gone out on a point of order, but each time it has been put back in the Senate. There is one feature of this proposed amendment that I very much approve of, and that is if we are going to have such an office it ought to be established by permanent law. That is what the amendment of the Senate proposes to do. I am not prepared to say that they do not need such a fiscal officer in the Treasury Department, in view of the fact that one of the conferees of the Senate was a former Secretary of the Treasury, and he insists, as well as other Senators, that this fiscal officer is needed. Therefore I interpose no further objection, except to register my position as to the creation of this office, especially since the House has repeatedly approved the proposal by adopting the Senate amendment at previous sessions of Congress.

The SPEAKER. The question is on the motion of the gentleman from Illinois.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Senate amendment No. 2: Page 2, line 13, strike out the figures "\$163,780; in all, \$175,780" and insert the figures "\$156,280; in all, \$178,280."

Mr. MADDEN. Mr. Speaker, I move to recede and concur.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Senate amendment No. 43: Page 60, after line 3, insert "For the operation and maintenance of the airplane mail service between New York, N. Y., and San Francisco, Calif., via Chicago, Ill., and Omaha, Neb., including necessary incidental expenses and employment of necessary personnel, \$1,500,000."

Mr. MADDEN. Mr. Speaker, I move to recede and concur.

The motion was agreed to.

The SPEAKER. The Clerk will report the next Senate amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 44: Page 60, after line 8, insert: "For an additional amount for the installation, equipment, and operation of the airplane mail service by night flying, and to enable the department to make the additional charges for both night and day service on first-class mail matter, in accordance with existing law, \$1,500,000."

Mr. MADDEN moves that the House recede from its disagreement to Senate amendment No. 44 and agree to the same with an amendment as follows:

In lieu of the sum named in said amendment insert the sum \$1,250,000.

The SPEAKER. The question is on the motion of the gentleman from Illinois.

Mr. HOWARD of Nebraska. Mr. Speaker, I should like to enter a protest against this infamous proposal for night flying in the air. That is all I can do—is to register my vote.

The motion was agreed to.

WAR APPROPRIATION BILL.

Mr. ANTHONY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 7877) making appropriations for the military and non-military activities of the War Department for the fiscal year ending June 30, 1925, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the War Department appropriation bill, with Mr. TILSON in the chair.

The Clerk reported the title of the bill.

The CHAIRMAN. When the committee rose last evening an amendment was pending which had been offered by the gentleman from Ohio [Mr. FITZGERALD].

Mr. ANTHONY. Mr. Chairman, I desire recognition on that amendment, but I understand that first the gentleman

from Kentucky [Mr. JOHNSON] has a matter which he desires to present and I yield to him for that purpose.

Mr. FITZGERALD. Mr. Chairman, will the gentleman from Kentucky yield to me for a moment?

Mr. JOHNSON of Kentucky. Yes.

Mr. FITZGERALD. I desire recognition by unanimous consent to speak for five minutes on my amendment, because as soon as I had offered the amendment last evening and the argument had been made the committee rose.

The CHAIRMAN. Does the gentleman from Kansas [Mr. ANTHONY] yield to the gentleman from Kentucky [Mr. JOHNSON]?

Mr. ANTHONY. Yes.

Mr. JOHNSON of Kentucky. Mr. Chairman, yesterday in amending the bill now under consideration, because one paragraph of the bill is printed so closely to another paragraph that the two became confused, and unintentionally there was stricken from the bill an item which should have been left in. For that reason I ask unanimous consent to return to page 79, line 20, for the purpose of reincorporating in the bill line 20 and the succeeding lines down to and including line 2 on page 80.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

Mr. BLANTON. Mr. Chairman, reserving the right to object, I can not agree with the gentleman from Kentucky that the point of order was inadvertently made. Possibly that might apply to the one made by him, but it does not apply to the point of order that I made. If the gentleman from Kentucky had not made his point of order, mine would have been lodged, and the paragraph would have gone out just the same. Knowing that I would have made the point of order, I can not agree to returning to the paragraph at this time.

The CHAIRMAN. The gentleman from Texas objects.

Mr. JOHNSON of Kentucky. I trust the Senate will reinstate it.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent to proceed for five minutes with reference to the amendment which I offered last evening.

Mr. ANTHONY. Mr. Chairman, the committee has consumed no time on this amendment. I asked the gentleman whether it would be satisfactory if he should have this five minutes additional, and that then there should be 10 minutes more of debate, and that then debate on the paragraph and all amendments should close.

Mr. FITZGERALD. So far as I am concerned, that is satisfactory.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that all debate upon the paragraph and all amendments thereto close in 15 minutes. Is there objection?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio [Mr. FITZGERALD].

[By unanimous consent Mr. FITZGERALD was granted leave to extend his remarks in the Record.]

Mr. FITZGERALD. Mr. Chairman and gentlemen of the committee, we have under consideration the item for subsistence of the members of the central branch of the soldiers' home at Dayton, Ohio. The standard of subsistence is now so low that my mail is crowded with complaints and petitions about the vile treatment which the soldiers of the World War are getting in the tubercular hospitals and which the old soldiers are getting both in the hospitals and at the mess. The purpose of my amendment is not only to restore the present standard, which is intolerable, but to add 3 cents more a day to the mess of these soldiers of the Civil, Spanish, and the World Wars. Up to February of last year the soldiers of the Civil War were in the majority; now they constitute only 42 per cent of the 13,446 members of the 10 branches of the home. The amendment is to substitute \$411,740 for the amount suggested by the committee, \$353,460.

As I stated on Saturday last, an irresponsible attaché of the Budget Bureau deliberately lopped off more than \$600,000 from the estimates for the soldiers' homes which had been prepared. After an estimate has been made of what it would cost to feed these soldiers on a decent wholesome diet, they were compelled to submit other figures to the Budget, and then this officer lopped off \$600,000 after they had submitted the irreducible minimum. I would say for the committee that I think it went as far as it dared to go in putting back some \$200,000 in this bill for the soldiers' homes, and that without the consent of the House and the knowledge of the facts, I doubt if the committee would take the responsibility of putting back the standard to what it ought to be.

I have before me, and I shall extend it in full, a letter which I received from General Hines this morning, because in conferring with the chairman of the subcommittee he told me that he was under the impression that 40 per cent of the World War men were going to be withdrawn from the soldiers' home hospitals. General Hines puts it in writing after having told me twice that that was an error, and this morning in this letter which he sent down specially he says:

UNITED STATES VETERANS' BUREAU,
Washington, March 23, 1924.

Hon. ROY G. FITZGERALD,

House of Representatives, Washington, D. C.

MY DEAR MR. FITZGERALD: Concerning the statement alleged to have been made by Congressman ANTHONY, to the effect that 40 per cent of Veterans' Bureau patients were being removed from soldiers' homes, I desire to inform you that any such statement, if made, was in error, as there has been no order issued by this bureau for any such procedure. However, in the National Soldiers' Home, Leavenworth, Kans., there were a few patients suffering with tuberculosis. Some time ago the bureau allotted to the National Soldiers' Home \$20,000 to make certain alterations and necessary repairs which would fit that institution for the care of tuberculous patients. Up to the present time these alterations and repairs have not been completed, and, on the advice of General Wood, president Board of Managers National Soldiers' Home, and the district inspector, that it was inadvisable to hospitalize patients suffering with tuberculosis at that institution until these changes were made, those patients at that institution were transferred to other Government hospitals. As soon as the alterations referred to above have been completed and a staff secured for that hospital it will be utilized for the care of beneficiaries of this bureau suffering from tuberculosis.

We have at Tuskegee, Ala., a hospital for the care of colored beneficiaries of this bureau. This hospital is staffed almost entirely by colored physicians. It is desired to offer hospitalization to all colored beneficiaries in need of treatment for tuberculosis or neuropsychiatric diseases at that institution. With this in view, a canvass has been made of several hospitals, including National Soldiers' Home at Marion, Ind., having in mind the transfer of those claimants who will accept transfer to Tuskegee. It is possible that the statement referred to above had reference to the movement of these patients.

Very truly yours,

FRANK T. HINES, Director.

Mr. ANTHONY. Mr. Chairman, will the gentleman yield?
Mr. FITZGERALD. Yes.

Mr. ANTHONY. I think the gentleman is in error. I never made the statement with which I seem to be credited, to the effect that 40 per cent of the Veterans' Bureau patients were to be removed. I told the gentleman the estimate was based upon the probable showing by the Veterans' Bureau of an increase of 40,000 patient days, and that the information we have was that they probably would not use that amount.

Mr. FITZGERALD. The chairman understands that I am not blaming him at all in the matter. I think the chairman may have intended to say that, but I made a special note of it at the time. Possibly the gentleman under a misapprehension may have stated it wrongly, or perhaps my understanding was a little obtuse. I made a note of it at the time and presented it immediately to the Veterans' Bureau, to find out that neither one of these circumstances will be true. The subcommittee has been improperly informed. In this letter there is a circumstance which possibly gave rise to that in the possible transfer of some of the patients at Leavenworth, Kans. There is no basis for any reduction of the number of men who are going to be fed at the Central Branch of the National Military Home.

The general treasurer, Col. C. W. Wadsworth, has told me since the estimates were sent in that the hospital is filled up, and there is no possibility of any reduction so far as can be seen, and that the estimates we have made are inadequate in themselves and are known to be. This morning I have two protests from camps of Spanish War veterans, which I shall incorporate in the Record.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. I now read the letter of March 21 from Colonel Liscum Camp, No. 7, United Spanish War Veterans, as follows:

COLONEL LISCUM CAMP, No. 7,
DEPARTMENT OF OHIO, UNITED SPANISH WAR VETERANS,
Dayton, Ohio, March 21, 1924.

Hon. ROY G. FITZGERALD,

House of Representatives, Washington, D. C.

MY DEAR MR. FITZGERALD: At a meeting of Colonel Liscum Camp, No. 7, Department of Ohio, a committee which had been appointed to always keep in touch with the comrades who are quartered at the Central Branch of the National Military Home, Dayton, Ohio, reported

on the subject of the reduction in the appropriations, which has caused considerable discussion in all parts of the United States. Those of you who have kept in close touch with cost of the upkeep of a soldier per day no doubt think that General Wood, president of the national board, in his statement that it was a low estimate when he quoted 87 cents per ration per member, was mistaken. While he no doubt based this upon a general average more minute details can be given.

There are 1,200 old veterans—Civil War and Spanish war—who eat at the general mess at a minimum cost of 22½ cents each; at the Franklin mess, where there are 150 members who are invalid cripples, their maintenance was 25½ cents each; the Harris mess, where there are principally Civil War veterans—80 of whom are blind—the rate was 24½ cents, with a membership of about 160. The general hospital averages about 29½ cents each; annex No. 1, 53½ cents; annex No. 3, 30½ cents; and annex No. 4, where only tuberculosis patients are quartered, about 60½ cents.

So it can be plainly seen by these figures that it would cause an awful hardship to all the members, and especially the general mess, where the largest majority of the old Civil War veterans and Spanish war veterans subsist.

At the meeting it was resolved to forward this letter to you and ask you on behalf of the comrades of this camp and of thousands of sympathizers of the disabled soldiers who fought that the flag should float over this country of the free, that you put forth your best efforts in behalf of the comrades. Why should the poor veterans' staff of life be taken away from him? Have the Congressmen lost all their reasoning power that they must reduce Government expenses by taking bread from the soldiers' mouths? . . .

Trusting you will look into this matter in a true Christian light, and knowing full well that you are a champion of the veterans, and wishing you success, we are,

Very truly yours,

COLONEL LISCUM CAMP, No. 7,
GEORGE HESSEMAN, Commander,
FRANK KNOX, Adjutant.

The second letter is an equally indignant protest from Major William McKinley Camp, No. 91, of United Spanish War Veterans.

Mr. ANTHONY. Mr. Chairman and gentlemen of the committee, the matter of making up the appropriation for the soldier homes is one of exceeding difficulty this year, due to the requirements we inserted in this bill last year that beginning this year all money for the conduct of soldier homes, both for taking care of the regular members of those homes as well as the patients that are placed in the homes by the Veterans' Bureau, must be estimated for by the Budget and passed upon by the House and inserted in this bill. The conditions that have existed for the last three or four years have been that the House has been making partial appropriations for the maintenance of these homes, and these funds have been augmented by large lump sums turned over by the Veterans' Bureau to the soldiers' homes authorities, over which Congress has had no control or any knowledge whatever as to whether the amounts were necessary and were over or under the required amount. We are making an effort this year to put these appropriations, as I said, for the first time in several years on a business basis. The committee found in the investigation that the amount asked for by the Bureau of the Budget would not be sufficient, in our opinion, properly to subsidize or properly operate the homes this year. The Budget has contended very strongly that the amounts are sufficient, but we were inclined to give to Mr. FITZGERALD and other Members of the House, representing districts where these homes are located, the benefit of the doubt, so that we have increased the appropriations largely for subsistence, several hundred thousand dollars over the Budget, because first it is the desire of the committee, and knowing it to be also the desire of the House, that the men who are in these homes shall be subsidized not only well but liberally, and under the provisions in the bill that will be accomplished. The case presented to the House by the gentleman from Ohio is one that should have the attention of the proper authorities. I have gone very carefully into the petition that was read by the gentleman from Ohio the other day. What does it say? It is not an indictment of Congress for having made insufficient appropriations. It refers to conditions in regard to subsistence during the current year, and yet the soldiers' home there had all the money in the world it could use. There was no restraint of Congress upon the amount it could use for subsistence. They could put their hands in the United States Treasury clear up to the limit and get every dollar they needed. What are the complaints? The petition cites that the food was improperly cooked, was unfit for consumption, and that the eggs were rotten, and other things of that kind. In my opinion the officials of Mr. FITZGERALD's home, some of them, at least, are accom-

petent properly to administer the home and look after the expenditure of the money we appropriate, and the remedy is to go after the officers of his local home and see that they secure a competent commissary officer, and let him properly prepare the pure food which Congress provides.

Mr. DYER. Will the gentleman yield?

Mr. ANTHONY. In just a second. I have had a good deal of experience in matters of this kind, and I know the United States Government buys for the Army and Navy and soldiers' homes and all public institutions the very best food that it is possible to buy in the market. It is rigidly inspected, and if they have the proper commissary officer it is sure to be of the very best quality.

You can take two different institutions, or two company organizations in the Army, and give them exactly the same raw material, the same food, and one company may have a good cook that understands his business and the other company may have a bad cook, and the company with the bad cook will be constantly growling and have reasons for complaint, whereas you would not hear one word of complaint from the other company that has the good cook. So I am satisfied that the responsibility for these complaints rests with the local officers, and that the gentleman will find his remedy at home—

The CHAIRMAN. The time of the gentleman has expired.

Mr. ANTHONY. I would ask for five additional minutes.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent to proceed for five additional minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. DYER. Will the gentleman yield?

Mr. ANTHONY. I will.

Mr. DYER. Will the gentleman state who is directly responsible for the conditions to which the gentleman has referred at the Dayton Home?

Mr. ANTHONY. I would say that the officers at the Dayton Home are responsible.

Mr. DYER. Who are they?

Mr. ANTHONY. I do not know the names of the officers.

Mr. DYER. The gentleman ought to know; he is chairman of the committee.

Mr. ANTHONY. I do not know the names of all the local officers of these homes. The gentleman from Ohio undoubtedly knows, but I will say this: That if there was any officer at the Western Branch of the Soldiers' Home, located at my home town, responsible for the men getting bad food or rotten eggs I would raise the very devil until I had that fellow kicked out of the home and a proper man put in.

Mr. DYER. Does the gentleman know the commanding officer at the Dayton Home is General Wood?

Mr. ANTHONY. No; he is president of the Board of Managers. The local governor is the local officer in charge.

Mr. DYER. Who is the one in command?

Mr. ANTHONY. I do not know his name.

Mr. BROWNE of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. BROWNE of Wisconsin. May I ask the gentleman how much it costs for subsistence per capita at these homes?

Mr. ANTHONY. The average cost at Dayton, Ohio, including the general mess and the hospital, is 35 cents a day. The highest is for tubercular cases in the hospital—65 cents a day—and then we have 25 or 26 cents for the general mess. That is for the food alone.

Mr. BROWNE of Wisconsin. The gentleman says the cost for tubercular cases is about 65 cents a day?

Mr. ANTHONY. It is in this particular soldiers' home. The fact that the Veterans' Bureau waste their money and let these costs run up to 90 cents a day is no reason why we should follow this extravagance on the part of the Veterans' Bureau.

Mr. STEPHENS. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. STEPHENS. Would the proper procedure be for the House to have a committee to investigate the matter? We can not get at it in any other way.

Mr. ANTHONY. I think this is only a local trouble, and I think the publicity given to it here in the committee and by the gentleman from Ohio [Mr. FITZGERALD] will serve to correct the situation.

Mr. STEPHENS. I have received other complaints about the management of the home. I do not know how to get at it unless we have some committee to investigate.

Mr. ANTHONY. On the whole, I will say to the gentleman that while the head of the Board of Managers of the Soldiers' Home is General Wood, a prominent Ohio Democrat, I have every reason to believe that he is an efficient official of the

Government, and that he will be glad to remedy these situations if they are pointed out to him.

Mr. DYER. That same statement has been made for several years; but annually we have such complaints, and nothing is done.

Mr. ANTHONY. I will say to the gentleman that I found on one occasion that they did not feed the veteran soldiers at the soldiers' home butter but were feeding them oleomargarine instead. I called the attention of the House to the fact, and the situation was remedied. Whenever these complaints are made they are remedied.

Mr. DYER. General Wood has been there for many years, and he has been kept there through influence at the other end of the Capitol.

Mr. STENGLE. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. STENGLE. The gentleman has had considerable experience in handling these matters. I would like to have his opinion as to whether 25 or 26 cents a day under the present living costs is sufficient to feed a poor soldier.

Mr. ANTHONY. When we speak of the cost of the rations at all these places it means simply cost of the raw food. The cost of the labor and handling of it incident to its preparation is taken care of and paid out of another appropriation. In my judgment, in a public institution that is well and economically managed a very high standard of living can be maintained at a cost of 30 cents a day for the raw material where you find two or three thousand men under the same roof.

Mr. STENGLE. Well, in the State of Delaware, for example, in the workhouse, where they feed prisoners, they allow 60 cents a day.

Mr. ANTHONY. Yes; but you do not know how much of that goes for food and how much of it goes for other things. The committee has increased the amount asked for by the Budget Bureau to the exact figures that General Wood states he would spend this year for subsistence.

Now, what is the situation there? The number present for duty was 2,200, showing a decrease during the year of 224. The committee had evidence from the Veterans' Bureau and from the Budget Bureau to show that that number would not be increased during the coming year, but would be probably decreased, unless the contract hospital at Fort Thomas, Ky., was abandoned and some of the men might be removed from there.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. ANTHONY. Mr. Chairman, I ask for one minute more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. ANTHONY. It is the idea of the committee to provide all the money that is needed for subsistence. If this should not be enough money, the Board of Managers undoubtedly will ask for a deficiency to make up any shortage, and in the bill considered in the House yesterday there was an item for that very purpose, increasing the amount to subsist one of these homes.

Mr. FITZGERALD. General Wood has said that under the orders of the Budget Bureau he can not create a deficiency when all the facts are presented to this committee.

The CHAIRMAN. The time of the gentleman from Kansas has expired. The question is on agreeing to the amendment offered by the gentleman from Ohio [Mr. FITZGERALD].

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. ANTHONY. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 32, noes 44.

The CHAIRMAN. The noes have it; the amendment is rejected. The Clerk will read.

The Clerk read as follows:

Hospital: For pay of medical officers—

Mr. FITZGERALD. Mr. Chairman, I ask for tellers.

Mr. ANTHONY. The point comes too late.

Mr. DYER. Does the gentleman ask for tellers or not?

Mr. FITZGERALD. Yes; I asked for tellers immediately.

Mr. ANTHONY. It comes too late. The gentleman can not control the Clerk.

The CHAIRMAN. If the gentleman from Ohio will state that at the time the Clerk began to read he was on his feet demanding tellers, the Chair will recognize the gentleman for that purpose.

Mr. FITZGERALD. I rose immediately when the Chair announced the vote.

The CHAIRMAN. And the gentleman was on his feet when the Clerk began to read?

Mr. FITZGERALD. I rose as soon as I heard the announcement.

Mr. RANKIN. Mr. Chairman, there was no time elapsing between the announcement of the Chair and the time when the Clerk began to read. It was almost simultaneous.

The CHAIRMAN. The Chair does not wish to be arbitrary.

Mr. SPEAKS. Mr. Chairman, I was on my feet at the time waiting for the gentleman from Ohio [Mr. FITZGERALD] to do it.

The CHAIRMAN. The Chair will put the question. Those in favor of taking the vote by tellers will rise and stand until they are counted. [After counting.] A sufficient number have arisen.

Tellers were ordered, and the Chairman appointed Mr. ANTHONY and Mr. FITZGERALD to act as tellers.

The CHAIRMAN. Those who favor the amendment offered by the gentleman from Ohio [Mr. FITZGERALD] will pass between the tellers.

The committee again divided; and there were—ayes 53, noes 59.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Hospital: For pay of medical officers and assistant surgeons, matrons, druggists, hospital clerks and stewards, ward masters, nurses, cooks, waiters, readers, drivers, funeral escort, janitors, and for such other services as may be necessary for the care of the sick; burial of the dead, surgical instruments and appliances, medical books, medicine, liquors, fruits, and other necessities for the sick not purchased under subsistence; bedsteads, bedding, and all other special articles necessary for the wards; hospital furniture, including special articles and appliances for hospital kitchen and dining room; carriage, harness, stretchers, coffins; and for all repairs to hospital furniture and appliances not done by the home, \$260,528.

Mr. FITZGERALD. Mr. Chairman, I offer an amendment. On page 96, line 18, for the figures "\$260,528" substitute "\$274,228."

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. FITZGERALD: Page 96, line 18, strike out "\$260,528" and insert in lieu thereof "\$274,228."

Mr. FITZGERALD. Mr. Chairman, complaints have not only been made in regard to the subsistence and food but also as to the filthy and vile conditions in which these old veterans of the Civil War and the helpless men of the Spanish War are kept in these hospitals. I read on Saturday a letter from one of these men, supported by the statements of three eminent business men of my city to the effect that he was worthy of belief. I submitted the letter to the president of the Board of Managers, and he says this man's statement is entitled to belief; this soldier states that he had formerly made complaints and that an inspector from the War Department had come there as a result of one of his complaints and an entire ward of one of the hospitals was torn down.

He said he was forced to sleep in Company 7 between two old men who could not control their bowels or their water, and that they were forced to lie in filthy condition for 8 or 10 days at a time.

You can not tell me that is because the Democratic official at the head of the home wants such a condition to prevail, and I do not charge any Democrat or Republican with wanting any such condition as that to prevail or continue.

By reason of this vile and filthy condition this man's stomach was turned and he could not stay and eat there; although both of his legs are off he had to leave the soldiers' home on account of the revolting conditions.

They have one-third of the attendants at this hospital required by the standard of hospitals in the United States—just one-third, and that in face of the fact that most of these old men are in such a condition that they are hospital patients now and have little hope of ever being anything else.

This man had to sit across the table from a man whose face was almost eaten off with cancer; he complained to the surgeon and he was sent to the hospital, where he died, a Spanish War soldier by the name of Benson.

I say these hospital conditions are intolerable, and when they ask for just a sufficient amount to maintain the present loathsome conditions what I ask you to do is to increase the amount and keep it no viler than it is.

Mr. WOLFF. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. WOLFF. I wish to state to the gentleman that several months ago I introduced a resolution in this House touching that very condition. I asked for an investigation of these hospitals, but the chairman of the Rules Committee of this House informed me they did not want an investigation there. I know that the conditions which the gentleman from Ohio mentions exist there; that men with venereal diseases are handling the food and waiting on men who are sick in one of the hospitals; but they do not want those conditions investigated.

Mr. FITZGERALD. The conditions are revolting now under the present standard, and I say to you that the Speaker of this House has prevented my attempts to get the reports of the soldiers' homes published for the last three years. This Congress alone is responsible, because no department of the Government has any supervision or control or charge over this Board of Managers. They must come to Congress and ask for the necessary money and ask us to create the proper standard to care for these old men. [Applause.]

Mr. ANTHONY. Mr. Chairman, for the hospital at the Dayton Branch Home, to which the gentleman refers, there is appropriated \$260,528 for the next fiscal year. This is the exact amount of the Budget estimate, and it is \$15,000 more than was expended there the year before.

The number of beds in the hospital is 1,330, of which 286 are vacant at the present time. I find there is provision in this appropriation to employ 415 civilian attendants, which means nurses and attendants upon these sick men. That would mean that these attendants would have, on the average, two patients to look after, so it would seem to me the hospital is at least fully manned with that number of civilian attendants provided for.

If the conditions to which the gentleman from Ohio refers are true, they are deplorable and should be taken up for investigation by the proper authorities. It is obvious, of course, that it is a situation over which this committee has no authority.

But the committee would be glad to provide every facility in its power for a proper investigation of conditions. However, I am surprised that a gentleman who is as close as the gentleman from Ohio seems to be to General Wood, the president of the Board of Managers, would permit conditions like that to exist without bringing them to the attention of the proper committees of the House. I want to assure the House that if conditions such as the gentleman has explained to the House had been brought to the attention of this committee at any of its formal hearings, they certainly would have had full, thorough, and complete investigation.

Mr. McLAUGHLIN of Michigan. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. McLAUGHLIN of Michigan. Is it entirely true, as the gentleman from Ohio says, that the board of control is responsible to no official or department of the Government?

Mr. ANTHONY. Under the law which created the national homes it was intended to divorce them from the control of any Government department, from political control, you might say, and that control is vested in a board of managers which is named by Congress, and that board has absolute authority.

Mr. McLAUGHLIN of Michigan. To whom is that board responsible? To whom does it make its reports? Is there no one connected with the Government to whom it makes reports, and no one who has a right to overlook it and suggest changes?

Mr. ANTHONY. It makes a report to Congress each year. The homes are inspected by the War Department, by the Inspector General of the Army each year, and, as far as I know, there are no official reports showing any such conditions to prevail as the gentleman has set forth.

Mr. McLAUGHLIN of Michigan. I am prepared to believe that, but one would gather from what has been said that although there may be inspections and oversight, there is no authority resting anywhere to bring about any changes.

Mr. ANTHONY. In my judgment, if what the gentleman from Ohio has said is halfway true, then what is needed there is a complete cleaning out of the official force at the Dayton Home, but it is evident, of course, that this committee has no control over that.

Mr. FITZGERALD. Will the gentleman yield?

Mr. ANTHONY. I yield.

Mr. FITZGERALD. The Board of Managers are cognizant of these facts, as you know. I did appear before your committee and told you that I had these things. General Wood was there testifying, and nothing was known as to whether

the committee would give them the estimates they wanted or not. These conditions in the hospital are going to be worse instead of better during the next year, according to the testimony of General Wood, even if you gave him all he asked to maintain the present standard.

Mr. ANTHONY. Let me ask the gentleman a question. Does the gentleman think any amount of money we could appropriate would excuse the maltreatment of the veterans such as you describe?

Mr. FITZGERALD. Oh, yes; because I know they are short-handed—

Mr. ANTHONY. I can not believe that.

Mr. FITZGERALD. I know they are short-handed. I know they can not get the proper help. I know they pay men who are not competent to do these things—sick men themselves, who try to look after other sick men. I know because they are sick they are impatient and neglectful of their duties.

Mr. ANTHONY. What would be the judgment of the gentleman in the matter? This is a hospital with a thousand patients, and we provide for 415 civilian attendants and for \$15,000 more in money than they had the year before, with a hospital attendance that will probably grow less instead of greater. What would the gentleman suggest?

Mr. FITZGERALD. I would suggest you really do what you say you are doing and what I say to this House you are not doing. I say to you that you have been providing only one employee for every three or four patients, which means not only the nurses and the individual attendants for the sick but covers the hospital clerks, the stewards, and every janitor and employee about the institution.

The CHAIRMAN. The time of the gentleman from Kansas has expired. The question is on the amendment offered by the gentleman from Ohio.

The question was taken; and on a division (demanded by Mr. FITZGERALD) there were—ayes 31, noes 33.

Mr. FITZGERALD. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. FITZGERALD and Mr. ANTHONY.

The committee again divided; and the tellers reported—ayes 49, noes 56.

So the amendment was rejected.

The Clerk read as follows:

Farm: For pay of farmer, chief gardener, harness makers, farm hands, gardeners, horseshoers, stablemen, teamsters, dairymen, herders, and laborers; tools, appliances, and materials required for farm, garden, and dairy work; grain and grain products, hay, straw, fertilizers, seed, carriages, wagons, carts, and other conveyances; animals purchased for stock or work (including animals in the park); gasoline; materials, tools, and labor for flower garden, lawn, park, and cemetery; and construction of roads and walks, and repairs not done by the home, \$22,350.

Mr. HILL of Maryland. Mr. Chairman, this bill makes provision for the harbors of the Nation. It appropriates as follows:

To be immediately available and to be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers:

For the preservation and maintenance of existing river and harbor works, and for the prosecution of such projects heretofore authorized as may be most desirable in the interests of commerce and navigation; for survey of northern and northwestern lakes, Lake of the Woods, and other boundary and connecting waters between the said lake and Lake Superior, Lake Champlain, and the natural navigable waters embraced in the navigation system of the New York canals, including all necessary expenses for preparing, correcting, extending, printing, binding, and issuing charts and bulletins, and of investigating lake levels with a view to their regulation; and for the prevention of obstructive and injurious deposits within the harbor and adjacent waters of New York City, for pay of inspectors, deputy inspectors, crews, and office force, and for maintenance of patrol fleet and expenses of office, \$37,250,000.

This money is to be expended by the Chief of Engineers of the Army for projects already approved and mostly already more or less completed. I am interested in the provision made for harbor work in various ports of the Nation, since we need to do all we can to develop the maritime interests of the Nation. I am especially interested in the work about and in the Baltimore Harbor, because the municipality itself has started the expenditure of \$50,000,000 for the development of its splendid port.

The cost of maintenance of the Baltimore Channel is very small compared with other ports, as, for example, Philadelphia. Note the following statement of General Taylor, Assistant Chief of Engineers:

BALTIMORE HARBOR AND CHANNELS, Md.

IMPROVEMENT AND MAINTENANCE.

Mr. DICKINSON. The next project is Baltimore Harbor and Channels, Md., for which you are asking \$200,000 for improvement and \$300,000 for maintenance, with a tonnage of 13,000,000.

General TAYLOR. That project is the exact opposite of Philadelphia so far as ease of maintenance is concerned. There has been very little maintenance work in Baltimore Harbor for several years. During that time, however, there has been a considerable accumulation of shoaling in the channels, so it will now take a considerable sum to get that out. But the average cost of maintenance of that channel is very small compared with the cost of the Philadelphia project. The estimated cost, for example, is \$150,000 a year.

Mr. DICKINSON. Reference is made here to an extension of an additional area, including Mud Island. Is that going to involve additional expense?

General TAYLOR. No, sir. On the contrary, that was put in for the purpose of decreasing the cost. It was thought quite possible that in connection with the dredging in the channel it would be possible to fill certain areas of land by tide flats, and that the owners of those tide flats would provide bulkheads and do other work necessary to permit of economically filling that area, and that if they would do that, that work could be done in a way which would enable it to be done more cheaply than by carrying material out and dumping it in the usual place in deep water. The cost, so far, has been less for carrying material out to deep water. I believe, as in the case where we are dredging another portion of the harbor, it will later be found that a portion of the material can be dumped ashore at less cost than it can be carried out to sea.

Last year there was only one active harbor project in Baltimore. The amount expended for maintenance was \$218,000, and this year this will cost \$300,000, but the cost of maintenance of the Baltimore Channel is slight as compared with other ports. Again, the statement of General Taylor is of interest. I quote from what he said before the subcommittee, at page 1509 of the hearings, as follows:

General TAYLOR. The surveys for the project are ordinarily charged against the allotment for that particular work, and the cost would not appear in this project as it stands here. After the work is authorized by Congress, such an item as that would appear as overhead.

It so happens that in the Baltimore district this is the only project which was at all active last year. There may have been some small expenditures other than that, but you will find that practically the entire cost of the administration of the Baltimore district for that year was charged up to this one project. As I say, that is the only one upon which any active work was progressing; so that that represents the cost of the administration of the Baltimore office plus the cost of the overhead connected directly with this work.

Mr. DICKINSON. Last year you expended for maintenance \$218,000, and this year you are asking for \$300,000.

General TAYLOR. Yes, sir.

Mr. DICKINSON. Would not that indicate very expensive maintenance?

General TAYLOR. No, sir. Until last year there had been very little maintenance upon that project for, I think, seven years, so that all we are doing now is removing the accumulated shoaling. It is not an expensive project to maintain. The estimate is \$150,000 a year, and our experience indicates that it will be even less than that.

The amount of money the port of Baltimore gets annually out of the enormous river and harbor appropriation is not very great, but all we need to do is to convince the engineers of the War Department of our needs and we will get a bigger allowance.

I favor a deeper channel, and introduced a bill for that purpose. I hope the shipping interests of Baltimore, as well as the city government, will next session join me in a strong effort to show the War Department the great possibilities of our port and the need of greater Government assistance.

There is another matter, Mr. Chairman, I should like to speak of while we are discussing appropriations. This morning the gentleman from Illinois [Mr. MADDEN], the chairman of the Appropriations Committee, called up the conference report on House bill 6349, making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1925, and for other purposes. In the discussion of the report I asked Mr. MADDEN about the amount of the net additions made by the Senate to the \$729,950,950.25 contained in the bill as passed by the House:

Mr. HILL of Maryland. What is the net addition made by the Senate?

Mr. MADDEN. The House receded from \$4,462,650, and that is the amount that is added.

Mr. HILL of Maryland. The Senate made a very appreciable recession, did it not?

Mr. MADDEN. Yes. If it had not been for the air mail, we would have had most of the money off.

Mr. HILL of Maryland. There is one more question I would like to ask the gentleman. As I understand from the report, the Senate receded on amendment No. 10, on page 21?

Mr. MADDEN. Yes.

Mr. HILL of Maryland. I am sorry on principle they made that recession.

The Senate added \$5,418,930 to the House bill, but the House refused to agree, and the Senate dropped half of its addition. The Senate also added a very important amendment to that part of the House bill which I will read, as follows:

For expenses to enforce the provisions of the national prohibition act and the act . . . known as the narcotic drugs import and export act, including the employment of executive officers, agents, inspectors, chemists, assistant chemists, supervisors, clerks, and messengers in the field and in the Bureau of Internal Revenue in the District of Columbia, to be appointed as authorized by law; the securing of evidence of violations of the acts, and for the purchase of such supplies, equipment, mechanical devices, laboratory supplies, books, and such other expenditures as may be necessary in the District of Columbia and the several field offices, and for rental of necessary quarters, \$10,629,770: *Provided*, That not to exceed \$1,250,000 of the foregoing sum shall be expended for enforcement of the provisions of the said acts of December 17, 1914, and May 26, 1922: *Provided further*, That not to exceed \$50,000 of the total amount appropriated shall be available for advances to be made by special disbursing agents when authorized by the Commissioner of Internal Revenue and approved by the Secretary of the Treasury, the provisions of section 3648 of the Revised Statutes to the contrary notwithstanding.

The important amendment the Senate added to the above as it passed the House was amendment No. 10, offered by Senator BROUSSARD, which followed immediately after what I have just read and which reads thus:

Provided further, That none of the money here appropriated shall be expended in the commission of acts which are in violation of the national prohibition act, nor for inducing others to violate the provisions of said national prohibition act.

I originally offered this amendment in the House and discussed it fully during general debate on the bill. The House rejected it, but the Senate put it in. It is a limitation in the interest of constitutional government and was intended to help bring back respect for our Federal laws. The Senate, however, in conference receded from this amendment, and so it goes out of the bill. As I said this morning to the gentleman from Illinois [Mr. MADDEN], I am sorry on principle they made that recession. [Applause.]

The Clerk read as follows:

Northwestern Branch, Milwaukee, Wis.: Current expenses, \$57,500; subsistence, \$287,000; household, \$139,000; hospital, \$230,000; transportation, \$500; repairs, \$47,050; farm, \$13,790; in all, Northwestern Branch, \$774,840.

Mr. KVALE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. KVALE: Page 97, line 21, after the word "subsistence," strike out "\$287,000" and insert in lieu thereof "\$600,000."

Mr. ANTHONY. Mr. Chairman, I reserve a point of order. I would like to ask where the Clerk finished reading.

The CHAIRMAN. The amendment is offered to page 97, line 21, the figures \$287,000.

Mr. ANTHONY. Had the Clerk started to read the next paragraph?

Mr. KVALE. No, sir.

The CHAIRMAN. The gentleman from Minnesota [Mr. KVALE] is recognized for five minutes in support of the amendment.

Mr. KVALE. Mr. Chairman and gentlemen of the committee, I will not take up very much of your time. The gentleman from Wisconsin [Mr. SCHAFER] has spoken at length on this subject, and also the gentleman from Ohio [Mr. FITZGERALD]. The gentleman from Wisconsin had to go home on account of a death in the family and asked me to present this amendment for him, and I gladly do so. The gentleman from Wisconsin makes the statement that Milwaukee County feeds its prisoners on 90 cents a day; the home feeds its men on 27 cents, its general hospital patients on 85 cents, and its tuber-

cular patients on 52 cents per day. We ask an appropriation of \$600,000 instead of the \$287,000 allowed by the committee for subsistence.

I submit, gentlemen, that while what the gentleman from Kansas [Mr. ANTHONY] has said may be true, I still repeat that you can not feed tubercular patients and give them good, wholesome food on the amount that is allowed here. I think every Member of this House knows, and some of us know from bitter experience in our own homes, that the three things necessary to cure tubercular patients are rest, fresh air, and good, rich food, and the last named is not the least important of the three, and you also have to have it palatable in addition to being rich.

You can not give them eggs that smell and taste of cold storage and lime, and you can not give them milk from which the cream has been extracted and expect them to get well. If I voted for these small amounts I would feel that I had the blood of these disabled soldiers on my hands. When you can vote millions and millions for rivers and harbors and hundreds of millions for other things I think you can vote a few hundred thousand dollars to give disabled veterans, and especially the tubercular patients, rich, wholesome food to give them back their life and their health.

Mr. RANKIN. Will the gentleman yield?

Mr. KVALE. I will.

Mr. RANKIN. Does not the gentleman think this would be more in keeping with the spirit of the American people than to deny these men the necessities of life and appropriate \$10,000,000 for the German people, who are not under the American flag at all?

Mr. KVALE. Well, I voted for the German relief, and I would vote for more; but I do not see why that need hinder us from voting for the right amount for the disabled veterans. I agree with the gentleman that certainly the disabled veterans should come before the people of any foreign nation.

Mr. RANKIN. It simply looks to me like we were taking the bread away from American disabled veterans and giving it to aliens.

Mr. KVALE. There is bread enough both for the disabled veterans and the aliens if we would take some of the money that is squandered and apply it where it would do the most good.

Mr. FITZGERALD. Mr. Chairman, I move to strike out the last word. Gentlemen of the committee, it is quite significant that two members of this subcommittee are interested personally in certain homes. They are willing to face this House and take great responsibilities in regard to the homes not in their own districts. I notice the cut for the California home is comparatively insignificant. They are not going to have trouble there. I notice the cut is only about \$1,800 on the item for subsistence for the Kansas home.

Mr. ANTHONY. Will the gentleman yield?

Mr. FITZGERALD. In just a moment. I have the figures right in front of me and can quote them accurately.

Mr. ANTHONY. I will ask for additional time for the gentleman. I would like to make an observation right here. I hope the gentleman will be perfectly fair in regard to the gentleman from California.

Mr. FITZGERALD. I know that the soldiers' home is not in his home district.

Mr. ANTHONY. The California home to-day has a greater membership than any of the other homes. They are jammed full, and increasing beyond their capacity to take care of them. It is absolutely necessary to provide every dollar that is appropriated here.

Mr. FITZGERALD. I am not complaining about it.

Mr. ANTHONY. I thought the gentleman was.

Mr. FITZGERALD. And I am not criticizing this committee. I am merely calling the attention of the gentlemen of the committee and of this House to the fact that where the responsibility is greater and where they can see it under their own observation, they are not disposed to pare the items down as close as they do here; \$1,800 only is taken off the estimate of the Board of Managers for the Leavenworth (Kans.) branch, and \$29,000 is taken off the subsistence at the Central Branch of the Soldiers' Home at Dayton, Ohio. It is a deplorable condition at the time of this crisis of the soldiers' home that the political situation should be injected into it, because the Board of Managers and the control of the home is in the hands of General Wood, who happens to be a Democrat. The conditions are truly frightful at these homes, and, as I say, it is deplorable that \$29,000 should be deducted in one instance so as to subject him to more criticism and raise more confusion.

Mr. BARBOUR. Will the gentleman yield?

Mr. FITZGERALD. I will.

Mr. BARBOUR. So far as the Pacific Home is concerned I did not give it much consideration.

Mr. FITZGERALD. I am not criticizing the gentleman.

Mr. BARBOUR. I gather from the gentleman's remarks that he said that because I was on the committee this home was favored and more liberally treated. General Wood stated that he expected to leave for California, and he said that the home was filled up.

Mr. FITZGERALD. It makes no difference, because you are getting sufficient appropriations with that in view. I want to say that Mr. HOLADAY is not here, for he was called back to Illinois. Mr. REECE was called back to Tennessee. Captain FREDERICKS wanted to be heard and he was called home to California. Mr. SCHAFER, whose brother has just died, was called back to Wisconsin, and he knows the frightful conditions in this home. It is deplorable that these gentlemen could not be here to speak in behalf of the veterans.

Mr. ANTHONY. Mr. Chairman, if I understood the pending amendment, it proposes to increase the amount for subsistence in the Northwestern Home from \$287,000 to \$600,000. One thing to be commended in the amendment is its extreme modesty. Of course, if the gentleman should get \$600,000 for that home he would not know what to do with it. It shows to what extremes men can go in their enthusiasm. It is not fair to the House to offer such a ridiculous amendment.

The situation is that this has recently been turned into a tuberculosis hospital. There are only a thousand men there; the population will increase, but it is not large at this time. The committee took into consideration the fact that it would be some time before it was running to its maximum capacity. I want to assure the gentleman from Ohio that this committee desires to give these men all the money that is necessary to buy the best food that can be purchased, and we believe they are going to get it.

Mr. KVALE. I want to say that if I had been writing the amendment I would have made it for a smaller sum, but I have offered it for the gentleman from Wisconsin [Mr. SHAFER], and I really think that it should be adopted.

Mr. BLANTON. Will the gentleman yield? If they had moved the tubercular hospital down to Arizona or New Mexico, they could save these men. It is the most ridiculous thing in the world to have a hospital up there in this place.

Mr. ANTHONY. We now have a hospital at Prescott, Ariz., and New Mexico, the best places in the world for tuberculosis patients.

Mr. BLANTON. Why do you not send the soldiers there?

Mr. ANTHONY. Because you can not get the soldiers to go down there; there are not enough bright lights to amuse them.

Mr. BROWNE of Wisconsin. Mr. Chairman, I offer the following amendment as a substitute for the amendment offered by the gentleman from Minnesota.

The Clerk read as follows:

Page 97, line 21, after the word "subsistence," strike out the figures "\$287,000," and insert in lieu thereof "\$350,000."

Mr. BROWNE of Wisconsin. Mr. Chairman, I am informed that the Northwestern Home for Veterans, located at Milwaukee, Wis., has 1,400 inmates, 600 of whom are in the hospital. These veterans, a few of them, are soldiers of the Civil War, others are from the Spanish-American War and World War veterans. They allow for inmates in the general hospital, for food, 37 cents a day. The tuberculous patients are allowed 52 cents a day. The general inmate that is not in the hospital is allowed 27 cents a day. I do not think it takes a lengthy argument in these times to prove that this is a grossly inadequate amount. Right in the same city of Milwaukee, in the county jail, the sheriff is allowed 60 cents a day for boarding each inmate. The house of correction, which is very much like a State prison, is allowed 65 cents a day for the board of each inmate. Almost every Congressman from Wisconsin has received letters and complaints from the inmates of the hospital, showing that they were feeding patients storage eggs and oleomargarine, and that they were not receiving the wholesome food that they ought to have. Right in the jails of Wisconsin we feed the inmates butter, and oleomargarine is barred; we give our prisoners a wholesome diet. We think it is wise if we want to reform a man to feed him decent food. And yet these honored veterans, who have fought the battles of their country, we feed storage eggs and oleomargarine, and I do not believe, for one, that we are doing our duty, in this respect, to the veterans.

My substitute would give less than \$100,000 more than the amount provided in the bill, and not one cent of it would be wasted. There are more people coming in asking for admission to the Veterans' Home in Milwaukee than they can ac-

commodate. The help in these hospitals are getting only about \$24 a month. It is, of course, difficult to obtain efficient help for this amount. This amendment simply goes to the question of the food that you are going to give to these veterans, whether you are going to feed them good butter, whether you are going to feed them fresh eggs and good milk, or whether you will feed these veterans who are trying to recover from tuberculosis on 52 cents a day and those patients in the general hospitals at 35 cents a day. That is the question to be decided by this amendment.

Mr. McDUFFIE. Mr. Chairman, will the gentleman yield?

Mr. BROWNE of Wisconsin. Yes.

Mr. McDUFFIE. I am wondering if this institution has in connection with it, as the one here in the District has, a dairy herd and a little truck farming, the raising of those things on which they feed these people?

Mr. BROWNE of Wisconsin. I do not think they do. This veterans' home is not in my district. It is situated in Milwaukee, a city of 500,000 inhabitants.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. ANTHONY. Mr. Chairman, just for the information of the House, I want to give an idea of what the men in the tuberculosis hospitals have in the way of a daily bill of fare. We had one of these placed in the Record. Here is the menu for the tubercular men at the Central Branch Home for the week ending January 26, 1924: In the first place, they are served with sugar, sirup, bread, butter—not oleomargarine—seasoning sauces, coffee, and milk at all meals.

Mr. BROWNE of Wisconsin. But the one that we are now discussing is the Northwestern Home.

Mr. ANTHONY. My understanding is that butter is served at all of the homes. In addition to the things that I have already mentioned, let us take the meals for Sunday, January 20, 1924. For breakfast they had stewed prunes, oatmeal, Puffed Rice, corn flakes, fried eggs, and toast. For dinner they had barley soup, crackers, roast chicken with dressing, mashed potatoes, string beans, pickles. And for supper, hamburger with onions, hashed brown potatoes, fruit cake, and ice cream. Now, let us take the menu for Friday, January 25. For breakfast they had grapes, Cream of Wheat, Grape Nuts, Puffed Rice, broiled ham, eggs. For dinner they had cream of corn soup, roast beef, brown gravy, brown potatoes, peas, cottage pudding, lemon sauce. And for supper, creamed chipped beef, potato salad, pickled beets, preserved pineapple. We endeavor to provide sufficient raw materials necessary for this diversified menu. If it is not properly prepared and set before these people in edible manner that is not the fault of the Congress, but it is the fault of the officials who have charge of the institutions.

Mr. BROWNE of Wisconsin. Does the gentleman think we can furnish that menu in the city of Milwaukee at a cost of 52 cents a day?

Mr. ANTHONY. The gentleman labors under a misapprehension, I think, in giving these figures. He must understand that the 52 cents a day represents the bare cost of the raw materials. In addition to that there is probably 30 or 40 cents a day additional taken out of other appropriations to pay for the labor and other costs that enter into the preparation of this food. The cost of these meals is not merely 52 cents a day.

Mr. DICKINSON of Iowa. And everything is bought at wholesale.

Mr. BROWNE of Wisconsin. I understand, but the regular amount for the hospitals is 35 cents a day. I am informed that for the tuberculosis hospitals it is 52 cents.

Mr. ANTHONY. Of course, it varies in the different hospitals.

Mr. BROWNE of Wisconsin. It does not seem as if you could do that in Milwaukee, where the cost of living is as high as it is here.

Mr. ANTHONY. This may surprise the gentleman. Take the home out in California. That is the most popular of any of them. There is an enormous demand for beds and rooms there. More veterans want to get in there than they can accommodate. The per capita cost there is lower than at any other home in the country, and according to these figures that we have quoted here one would think that we were starving the men out there, but the answer is that food is much cheaper out there, and they are probably being better fed than at some of these other homes where costs are higher.

Mr. BROWNE of Wisconsin. In the per capita cost in California is not the question of heat taken into consideration?

Mr. ANTHONY. Oh, they have to heat the buildings out there. But they do not use nearly the amount of fuel that they would in the northern latitudes. The gentleman would be sur-

prised at the climate of Los Angeles. There are probably as many days there on which they need fuel as in Milwaukee.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. FITZGERALD. Mr. Chairman, I move to strike out the last word, for the purpose of calling the attention of the House to the fact that the boys write me that they are furnished with just such meals as the chairman has suggested once in a while, and they complain about the way the meals are usually served, their daily suppers and breakfasts; that they can not get proper food, nor in sufficient quantity. It is not cooked properly, seasoned, nor is it served in clean utensils. This is so because they can not get enough money from Congress to operate on.

The CHAIRMAN. The question is on the amendment by way of a substitute offered by the gentleman from Wisconsin [Mr. BROWNE] to the amendment of the gentleman from Minnesota [Mr. KVALE].

The question was taken; and on a division (demanded by Mr. BROWNE of Wisconsin) there were—ayes 33, noes 29.

Mr. ANTHONY. Mr. Chairman, I demand tellers on that.

Tellers were ordered, and Mr. BROWNE of Wisconsin and Mr. DICKINSON of Iowa were appointed to act as tellers.

The committee again divided; and the tellers reported—ayes 48, noes 53.

So the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Minnesota [Mr. KVALE].

Mr. KVALE. Mr. Chairman, I withdraw that.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

The Clerk read as follows:

Eastern Branch, Togus, Me.: Current expenses, \$45,000; subsistence, \$90,000; household, \$100,000; hospital, \$50,000; transportation, \$500; repairs, \$27,000; farm, \$19,772; in all, Eastern Branch, \$332,272.

Mr. NELSON of Maine. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 98, line 2, after the word "subsistence," strike out the figures "\$90,000" and insert in lieu thereof the figures "\$94,784"; and in line 3, after the word "hospital," strike out the figures "\$50,000" and insert in lieu thereof the figures "\$59,500."

Mr. NELSON of Maine. Mr. Chairman and gentlemen of the committee, the Eastern Branch of the National Home for Disabled Volunteer Soldiers is located at Togus, Me., within the district which I represent and within a few miles of my home. The governor of this institution and many of his coworkers are personal friends of mine. I have often visited the institution and know something of its work and its needs. For the service being rendered there I have only words of commendation and praise. No such abuses exist here as have been described as obtaining in other national homes.

This institution at Togus, Me., is not a reformatory, to be conducted at the lowest possible cost. It is not a Federal poor-house, toward which the self-respecting veteran, disabled by age or disease, must turn reluctant feet. On the contrary, it represents an honest and more or less successful effort on the part of a just and generous Government to provide for its former defenders a real home when age, sickness, and ill fortune shall have overtaken them. So far as an institution can take the place of a home to the aged, the sick, and the infirm this institution is doing it. The care there is kindly. The quarters are comfortable. The food furnished at the home, while simple and restricted in variety, is sufficient in amount and of good quality. These standards, however, have been maintained in the past only by the exercise of the strictest economy.

This home cares for veterans of the Civil War, the Spanish War, and the World War. It has perhaps a greater percentage of Civil War veterans than any other home. There are here between two and three hundred of these men, of an average age of from 80 to 82 years. Time has robbed them of about everything that makes life worth living and left them there with their infirmities and memories of the past. A few short years and the post bugler will sound "taps" over the last survivor. With them are 280 veterans of the Spanish War and 87 World War veterans.

Last Fourth of July I had the privilege of addressing these veterans at the home. Many of them are personally known to me. I told them then how great were their respective services to the Government in its times of national need, and, as a most humble representative of that Government, I assured them of

a national gratitude that would endure as long as the American ideals for which they fought should animate the hearts of our people. It is because I would keep faith with these men that I offer this amendment to-day and ask you to support it.

The estimated needs of this home for the coming year were based on 60 years' experience with a real budget, with a view simply of maintaining the present decent standards. Those estimates of absolute need have been reduced in this bill over \$23,000, but it is to two items only that this amendment applies, those of "subsistence" and "hospital."

Last year's appropriation for subsistence at this home was \$95,000, of which more than \$94,500 will be necessarily expended. The location of this home, high freight rates, and its low membership combine to raise the cost of ration and other supplies; yet the results of the economies practiced here have been surprising. The average daily cost of the ration per man, in round numbers, for both general and hospital messes, from 1921 to date, is as follows:

	1921	1922	1923	1924
General mess.....	\$0.32	\$0.27	\$0.30	\$0.32
Hospital mess.....	.36	.33	.37	.38

The daily ration cost of one of the great lumber companies of my State is said to be \$1.20. You have heard it stated on this floor that the Veterans' Bureau hospitals pay 64 cents per day for general patients and 88 cents for tubercular patients. Yet this home, handicapped by location and small membership, is feeding the general mess for 32 cents and the hospital mess for 38 cents.

The CHAIRMAN. The time of the gentleman has expired.

Mr. NELSON of Maine. I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. The gentleman from Maine asks unanimous consent to proceed for five additional minutes. Is there objection?

Mr. ANTHONY. Mr. Chairman, reserving the right to object, I will be glad to agree to that if the gentleman will agree that debate may close at the end of 10 minutes.

Mr. NELSON of Maine. It can close at any time the gentleman likes.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that all debate on this paragraph close at the end of 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. NELSON of Maine. The appropriation carried in this bill is \$90,000, \$4,600 less than the amount economically expended the present fiscal year to feed these veterans at 32 and 38 cents per day. I simply ask in this amendment that this deficiency be restored and the present standard maintained. With it we have no complaint, although we are using butterine at this home, and not butter as claimed by the gentleman from Kansas. Shall we say to the aged, sick, and crippled veterans of our great wars that this country of ours, rich beyond all others, in whose defense in days that are gone they offered their youths and their lives, is too poor longer to continue to pay for the food of its defenders, 32 cents for the well and 38 cents for the sick? I trust not.

Mr. WEFALD. Will the gentleman yield?

Mr. NELSON of Maine. I will.

Mr. WEFALD. Did I understand the gentleman to say that these old soldiers are not getting butter to eat?

Mr. NELSON of Maine. They get butterine.

Mr. WEFALD. I would like to state to the gentleman that in my State we passed a law a few years ago making it obligatory to feed a prisoner butter, and I think they ought to have butter.

Mr. NELSON of Maine. All I ask of you is to continue giving them an appropriation that will allow the present ration cost; but this appropriation cuts the allowance down \$5,000. Now, as to the matter of hospitalization. The appropriation for the present fiscal year was \$55,000. Of this amount practically \$50,000—the entire amount of the present appropriation—was required for the pay of the various classes of employees, leaving the balance of \$5,000 to be used for drugs, surgical supplies, and instruments and appliances for a hospital now caring for 162 patients. In the month of February last, of the 262 Civil War inmates of this home 106 were in the hospital. Daily the advanced age of these men is materially increasing this number.

Already each trained nurse in the hospital is charged with the care of approximately 35 patients. The appropriation carried in this bill covers the labor item alone and leaves nothing for hospital supplies and equipment. I do not want you to

confuse the situation at this home with that at any other. This amendment simply provides that the present standard of subsistence shall continue in this home, and that a small sum over and above the actual pay of the employees shall be allowed for the proper conduct of the hospital. We are not asking for a large sum of money. The total increase asked for is less than \$15,000. This Congress has already appropriated many millions of dollars more or less wisely. We shall appropriate many millions more. We have provided for service men in the strength of their young manhood, and have not been unmindful of the needs of strangers across the sea. If the time has come to economize, let it not be in taking from those to whom we owe so much the little so necessary for their care and comfort.

Mr. LARSEN of Georgia. Mr. Chairman, will the gentleman yield?

Mr. NELSON of Maine. Yes.

Mr. LARSEN of Georgia. Is there about the same number this year as there was last year?

Mr. NELSON of Maine. There are between six and eight hundred there. The total varies according to the number of inmates absent on leave. Prices, however, are a little higher than they were last year.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. NELSON of Maine. Yes.

Mr. McLAUGHLIN of Michigan. Is the gentleman offering an amendment providing that no money shall be spent up there for any purpose if they feed oleomargarine to the patients?

Mr. NELSON of Maine. No. But one of the first items on the menu for the week ended March 29 last was "butterine." We are not asking for more money than has been given us in the past, but simply that the former appropriations shall be continued, because we can not with less give these veterans proper service.

Mr. WEFALD. Has the gentleman offered an amendment to increase the amount?

Mr. NELSON of Maine. I have.

Mr. ANTHONY. Mr. Chairman, the Eastern Branch of the National Home for Disabled Volunteer Soldiers is the smallest branch maintained by the Government. The appropriation for subsistence and the hospital was granted proportionately, so that it is just \$4,000 less for the next fiscal year than the actual cost this year.

Mr. NELSON of Maine. Four thousand six hundred dollars.

Mr. ANTHONY. The reason for that is that the attendance at the Eastern Branch is constantly dwindling. It is running down at the rate of about 100 a year. Judged by the actual cost of maintaining it, it would appear that this branch ought to be wiped out of existence, because it is the costliest branch we have, and the managers have repeatedly recommended that it be discontinued.

There is a hospital up there with a capacity of 350, and yet with a capacity of 350 in that hospital and about 150 patients we are providing for 123 civilian attendants. The Veterans' Bureau makes an explicit statement in regard to the program for the next fiscal year. Captain Jones in the hearings said to us that in the current year the Veterans' Bureau had only 8 or 10 people at the Togus Branch. None are estimated for the year 1925. So what is the use in appropriating money that they probably will not use?

The CHAIRMAN. The time of the gentleman from Kansas has expired. The time has been fixed. Two minutes remain.

Mr. ANTHONY. Mr. Chairman, I yield to the gentleman from Maine [Mr. NELSON].

Mr. NELSON of Maine. Where do you get these figures from?

Mr. ANTHONY. From the Board of Managers.

Mr. NELSON of Maine. I have letters received within the last two or three days that do not corroborate those figures at all, and they come from the officials of the home.

Mr. ANTHONY. The testimony is that the attendance there is getting less and less each year.

Mr. FITZGERALD. Mr. Chairman, I want to say that it is true that we probably could abandon the Togus Branch of the soldiers' home economically. But this is not a question of bright lights to amuse the members. It is because the families of the patients live in the vicinity. I would not want to see a proposition adopted that would grind the men down still further, where they could not live in the vicinity of their families and relatives. I believe they ought to be maintained, if they desire, near their own homes and amid the familiar surroundings.

The CHAIRMAN. The time of the gentleman has expired. The question is on agreeing to the amendment offered by the gentleman from Maine [Mr. NELSON].

The question was taken, and the Chairman announced that the ayes appeared to have it.

Mr. ANTHONY. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 31, noes 29.

Mr. ANTHONY. Mr. Chairman, I ask for tellers.

The CHAIRMAN. The gentleman from Kansas asks for tellers.

Tellers were ordered, and the Chairman appointed Mr. NELSON of Maine and Mr. ANTHONY to act as tellers.

The committee again divided; and the tellers reported—ayes 39, noes 51.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Board of Managers: President, \$4,000; secretary, \$500; general treasurer, who shall not be a member of the Board of Managers, \$5,000; chief surgeon, \$4,500; assistant general treasurer, \$3,500; inspector general, \$3,500; assistant chief surgeon, \$3,500; clerical services for the offices of the president, general treasurer, chief surgeon, and inspector general, \$18,700; clerical services for managers, \$2,700; traveling expenses of the Board of Managers, their officers and employees, including officers of branch homes when detailed on inspection work, \$14,000; outside relief, \$100; legal services, medical examinations, stationery, telegrams, and other incidental expenses, \$1,700; in all, \$61,700.

Mr. VAILE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Colorado offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. VAILE: Page 100, after line 5, insert: "The following persons shall be entitled to the benefits of the National Home for Disabled Volunteer Soldiers and may be admitted thereto upon the order of a member of the Board of Managers, namely, honorably discharged officers, soldiers, sailors, or marines who served in the Regular, Volunteer, or other forces of the United States, or in the Organized Militia or National Guard when in the Federal service, and who are disabled by diseases or wounds and by reason of such disability are either temporarily or permanently incapacitated from earning a living."

Mr. ANTHONY. Mr. Chairman, I reserve a point of order on that.

The CHAIRMAN. The gentleman from Kansas reserves a point of order.

Mr. VAILE. Mr. Chairman, I think probably this amendment is subject to a point of order if any gentleman desires to raise it, but I hope it will not be raised. Its effect is simply to admit to the soldiers' homes members of the Regular Establishment, notwithstanding they may not have served in time of war.

As it stands at present, we only admit honorably discharged soldiers of the Regular or Volunteer forces who served in time of war, except at one institution, the National Soldiers' Home in Washington. There are, however, many old soldiers who have had two or three enlistments at a salary which does not permit a man to save much money. When they become old and decrepit they have no place to go or any place they can call their home. Ex-Regular soldiers are a self-reliant class of men. Generally they are not recipients of much in the way of public assistance, but some of them need such assistance through no fault of their own. There is only a small number of these men in the aggregate; and my amendment, of course, does not propose any specific addition to expense, although it is possible it would result in some small addition to expense.

But these old men, it seems to me, are deserving of our considerate treatment. We urge them to come into the Army; they are our reliance in time of need; we pay them a very small stipend for their services; we take the best years of their lives; and it seems to me only decent that when they are no longer able to serve they should have the comfort and care which the national soldiers' homes afford.

I might say that this amendment is approved by the president of the Board of Managers of the Soldiers' Home. I have a letter from General Wood to that effect, saying:

I am in receipt of your letter of March 11 and thoroughly agree with your sentiments on this subject. I have felt for some time that our eligibility clause did injustice to a large number of very deserving soldiers of the Regular Army who may have put in two or three enlistments; but as these enlistments took place during a period of peace we can not take care of them when they get old and decrepit and need our help.

That is all I have to say on the amendment.

Mr. DICKINSON of Iowa. Would not the gentleman's amendment very greatly increase the number of men who would be eligible for admission to the soldiers' homes?

Mr. VAILE. Well, I do not think it would result in a very great increase.

Mr. DICKINSON of Iowa. Has the gentleman any estimate?

Mr. VAILE. I confess I have no estimate, but during my experience in Congress I have had only two such cases brought to my attention.

Of course, most men come out of the Regular Army fitted to go into some other line of work, and many of them are at an age when they can be employed, and they have learned habits and acquired character which make them desirable to employers. But there are some cases where, through misfortune, a man is not able to take care of himself. Let me suggest further that my amendment really involves no change of policy. We admit ex-Regulars now to the national home here in Washington even though they may not have served in war. But it is impracticable for them all to come to Washington.

Now, we have a Regular Army of 125,000 men. If the amendments offered by some of my friends should carry and that number should be cut in half, the number of those who would be eligible for admission to these homes in the future would be still more greatly reduced.

Mr. ANTHONY. Will the gentleman yield?

Mr. VAILE. Yes.

Mr. ANTHONY. The effect of the gentleman's amendment would be, would it not, to throw these soldiers' homes open to any man who served in any arm of the National Guard in Federal service in any war or in the Regular Army in time of peace?

Mr. VAILE. That is the effect of it. Of course, the Volunteer Army and the National Guard have active Federal service only in time of war, but we have a small residuum of men whom we urge to come into the Army, and we rely on them; we urge them to go in, and it seems to me the decent thing would be to take care of those men.

Mr. ANTHONY. At the present time the only home those men could get into would be the Regular Army Home at Washington?

Mr. VAILE. That is the only home.

Mr. ANTHONY. Mr. Chairman, I do not intend to make a point of order.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Colorado.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

State and Territorial homes for disabled soldiers and sailors: For continuing aid to State or Territorial homes for the support of disabled volunteer soldiers, in conformity with the act approved August 27, 1888, as amended, including all classes of soldiers admissible to the National Home for Disabled Volunteer Soldiers, \$700,000: *Provided*, That for any sum or sums collected in any manner from inmates of such State or Territorial homes to be used for the support of said homes a like amount shall be deducted from the aid herein provided for, but this proviso shall not apply to any State or Territorial home into which the wives or widows of soldiers are admitted and maintained.

Mr. BROWNE of Wisconsin. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BROWNE of Wisconsin: Page 100, line 19, after the word "maintained," insert "oleomargarine or any other substitute for butter shall not be used in any national home for disabled soldiers in place of butter made from pure dairy cream."

Mr. DICKINSON of Iowa. Mr. Chairman, I make a point of order against that amendment on the ground that it is legislation and not germane.

The CHAIRMAN. Has the gentleman from Wisconsin anything to say in answer to that point of order?

Mr. BROWNE of Wisconsin. I think it is germane because in this appropriation bill we are providing for the food of the veterans in these national homes, and I think it is proper in the same act to say that they shall not use a substitute which I think is deleterious to health.

Mr. FITZGERALD. Mr. Chairman, I offer a substitute for that amendment.

The CHAIRMAN. A point of order has been made against the amendment offered by the gentleman from Wisconsin, and the Chair thinks it is clearly legislation and that that can be

the only purpose of it. Therefore the Chair is compelled to sustain the point of order.

Mr. FITZGERALD. Then, Mr. Chairman, I offer an amendment; at the same place, same line, and same page the following language to be inserted:

That no appropriations under this act shall be expended by the Board of Managers of the National Military Homes in the purchase of any oleomargarine, butterine, or other substitutes for butter.

Mr. DICKINSON of Iowa. Mr. Chairman, I make the same point of order.

The CHAIRMAN. The Clerk will report the amendment.

Mr. BANKHEAD. Mr. Chairman, I dislike to do this, but under the rules amendments ought to be submitted in writing.

The CHAIRMAN. The gentleman from Alabama is right. Has the gentleman his amendment in writing? The Clerk is unable to read from memory a long amendment like that, and it is not fair to ask him to do it.

Mr. ANTHONY. Mr. Chairman, I ask that the Clerk may read the bill while the gentleman is preparing his amendment.

Mr. ROACH. Regular order, Mr. Chairman.

Mr. ANTHONY. I ask for the regular order, Mr. Chairman. We can not halt the business of the House while the gentleman prepares his amendment.

The CHAIRMAN. The regular order is demanded, and the Clerk will read.

The Clerk read as follows:

For civil government of the Panama Canal and Canal Zone, including salaries of district judge, \$7,500; district attorney, \$5,000; marshal, \$5,000; and gratuities and necessary clothing for indigent discharged prisoners, \$912,000.

Mr. HUDSON. Mr. Chairman, I move to strike out the last word. It seems to me, Members of the House and Mr. Chairman, that it is well for us to call attention at this time to the fact that in this appropriation of \$326,000,000 probably one-third of it is for nonmilitary purposes.

The great cry throughout the country for reduction in the expenditures of Congress for the maintenance of a war machine ought to bring a response when we point out to the people of the country that one-third of this appropriation is really for the development of commerce, industry, and ways of peace.

Nearly \$56,000,000 of the total amount appropriated for the Corps of Engineers is for nonmilitary purposes—development of rivers and harbors, flood control along our great inland waterways, the maintenance of national homes and hospitals for the veterans of the Civil War. The upkeep, maintenance, and government for the Panama Canal and Zone calls for \$7,240,000. These, gentlemen, are, it is true, all a part of our national defense system, but more largely items of commerce and industry of a great Nation.

Mr. Chairman, in that connection it seems to me it is well to call attention this afternoon to the fact that in this bill we carry an appropriation of practically \$14,000,000 for the further development of the aircraft arm of military defense. I wonder whether we realize where the threatened war scare is to come from?

I understand that Great Britain is appropriating about \$12,000,000 this year and greatly increasing her number of airplanes; that France is running a race with her, and Italy is saying she must do likewise, and if war looms before us it comes from that quarter.

A little over a year ago England had something like 384 airplanes under control of her air ministry. France at that time had 1,152. Unwilling to allow France to outstrip her, England increased her number of planes. Then France increased hers. The present plans of the English call for double the number of a year ago. France will, of course, attempt to excel her, and Italy declares she must likewise be compelled to spend millions to meet the expenditures of the other two. Where is the end of this mad rivalry? Is it not the old navy construction rivalry transferred to another sector of war possibility, while the people bow under the burden of taxation? I am for an adequate national defense, but earnestly protest against any part by our Nation in any such a program of rivalry.

Is it not time for another arms conference, this time to limit air armament? Is not a defense against war in the air the act of getting an agreement limiting air armament?

It seems to me it is time for us to ask the President to again call the nations of the earth together for a further conference along the line of providing against war by the limitation of destructive aircraft.

Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the Record.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to revise and extend his remarks in the Record. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

In addition there is appropriated for the operation, maintenance, and extension of waterworks, sewers, and pavements in the cities of Panama and Colon, during the fiscal year 1925, the necessary portions of such sums as shall be paid as water rentals or directly by the Government of Panama for such expenses.

Mr. MOORE of Virginia. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. MOORE of Virginia. Amend by inserting a new clause as follows, at the end of the bill: "The President is requested to enter into negotiations with such other nations as he may think proper for the purpose of reaching an understanding or agreement relative to the reduction and limitation of land armaments, including aircraft, and the decrease of the expense incident to their maintenance and expansion."

Mr. ANTHONY. Mr. Chairman, I reserve a point of order.

Mr. MOORE of Virginia. Mr. Chairman, this amendment expressed the view that was stated a moment ago by the gentleman from Michigan [Mr. HUDSON]. The naval appropriation bill which passed the House the other day contains a provision similar to the one embodied in this amendment. The purpose of this amendment is identical with the purpose of the amendment attached to the naval bill, and that is to make a respectful request of the President that he shall go much further than the administration has already gone in the matter of trying to bring about an understanding or agreement among nations that may result in curtailing the burdens and dangers of militarism and making more certain international peace.

Mr. Chairman, I do not intend to discuss this matter at any length, but I would like to have read by the Clerk an extract from an editorial which appeared only a week or so ago in the Saturday Evening Post. I am going to trespass upon the courtesy of that great journal to the extent perhaps of infringing its copyright so that this may be done. The extract bears upon the very point mentioned a few moments ago relative to the rapid construction of aircraft by the European powers.

The CHAIRMAN. Without objection, the Clerk will read. The Clerk read as follows:

During 1922 France built 3,300 battleplanes, which brought her air strength up to 140 service squadrons for 1923. Inasmuch as Great Britain had built only 200 planes during the year and could muster the comparatively insignificant total of 35 service squadrons, the Government became alarmed. It was felt that national security would be threatened if a one-power standard were not attained. As a first step toward that end it was decided on June 27 of last year to expand the Royal Air Force to a strength of 82 squadrons. France made a sharp and instantaneous countermove. Two days after John Bull announced his intention of seeking equality in the air the French Chamber of Deputies voted to add 68 squadrons to the French Air Force, which would bring the total up to 208, and leave the British as hopelessly outclassed as before.

In the meantime Italy is also feeling the urge to build aerial dreadnoughts. Mussolini recently stated: "If others arm in the air Italy must arm in the air."

The irony of the situation is that so far the competition is between allies. Must we regard the present race as a mere curtain raiser to the competitive fury that will rage when the enemy countries are in a position to enter the annihilation handicap? If brothers in arms can thus pyramid their expenditures and wreck their chance of economic revival in a spirit of, presumably, friendly rivalry, what would happen if Germany struggled to her feet and the Russian giant broke free from his soviet shackles?

Mr. ANTHONY. Mr. Chairman, I make the point of order that the amendment is legislation.

The CHAIRMAN. I presume the gentleman from Virginia will not contend it is not legislation.

Mr. MOORE of Virginia. I am very sorry my friend has made the point of order, but, Mr. Chairman, I can not contest that the amendment is subject to a point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. BOYCE. Mr. Chairman, I simply rise with the consent of the gentleman to express the wish that the gentleman will withdraw his point of order. Let us give expression to the sense of this branch of the Congress toward peace.

The CHAIRMAN. If the committee will indulge the Chairman he would like to make a one-minute personal state-

ment. This has been a hotly contested bill. In my capacity as Chairman I have been called upon to make enough rulings during the consideration of this bill to probably displease almost every Member of the House in some particular or another. I shall be sorry, of course, if I have done this, but shall feel compensated in some measure if the membership of the House will believe that in making these rulings I have had but one object in view, and that is to establish and maintain the procedure of the House that it may best serve the public good. [Applause.]

Where I have found a line of precedents uniform and founded upon principle, I have been careful not to disturb them, but have followed them scrupulously. On the other hand, where I have found the precedents in hopeless conflict, I have endeavored to decide in the way that, in my judgment, seemed most nearly in accord with the best reasoning and calculated in the end to make for the best procedure in the House without regard to the merits of the subject matter involved. If my colleagues will entertain this opinion of me, I shall feel fully compensated for any momentary displeasure I may have caused by overruling or sustaining the various points of order raised by them. [Applause.]

Mr. BLANTON. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman from Texas rise?

Mr. BLANTON. Mr. Chairman, as one member of the committee may I say that with all the Chairman's faults, we love him still. [Applause.]

Mr. ANTHONY. Mr. Chairman, I move that the committee do now rise and report the bill to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 7877) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1925, and for other purposes, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. ANTHONY. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage. The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. ANTHONY. Mr. Speaker, I ask for a separate vote on the amendment offered by the gentleman from Mississippi [Mr. RANKIN], covering a million-dollar road in Mississippi.

The SPEAKER. Is a separate vote demanded on any other amendment?

Mr. ROGERS of Massachusetts. Mr. Speaker, I ask for a separate vote on the amendment on page 5, with relation to auctioneers.

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the Chair will put the other amendments in gross.

The question was taken, and the amendments were agreed to. The SPEAKER. The Clerk will report the first amendment on which a separate vote is demanded.

The Clerk read as follows:

Amendment by Mr. WATKINS: Page 5, line 15; at the end of line 15, on page 5, insert: "Provided further, That no auctioneer shall be paid more than \$100 per day out of any money appropriated by this act for services rendered."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment. The Clerk read as follows:

On page 87, line 18, strike out "\$20,000" and insert the following: "and for the extension of a park through the acquisition, by purchase or otherwise, of a strip of land, contiguous to the park, 60 feet wide, to connect the Shiloh National Military Park and the Corinth (Miss.) National Cemetery; such land to be acquired along or near the present main road from the Shiloh National Military Park to the Corinth National Cemetery, located on the battle field of Corinth, the center of such strip to follow as nearly as practicable along the survey heretofore made by Park Engineer Thompson; and for the construction of a hard-surface road and necessary bridges along the center line of such strip from the park to the Corinth National Cemetery; and for the erection of historical markers along such strip to show the movements of troops and other matters of historical interest in

connection with the Civil War Battles of Shiloh and Corinth; in all, \$70,000: *Provided*, That no part of this appropriation shall be expended within the incorporated limits of the city of Corinth."

Mr. GARRETT of Tennessee. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARRETT of Tennessee. I do not understand that this is the amendment which the gentleman from Kansas demanded a separate vote on. He said an amendment involving a million dollars.

Mr. ANTHONY. This is the amendment.

Mr. GARRETT of Tennessee. There is no million dollars in this amendment, but if it is the amendment the gentleman wishes to vote on I have no objection.

The SPEAKER. The question is on the amendment just reported.

Mr. ANTHONY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 140, nays 187, not voting 155, as follows:

YEAS—140.

Abernethy	Egan	Lowrey	Rube
Allen	Fawcett	Lozier	Salmon
Allgood	Fisher	Lyon	Sanders, Tex.
Almon	Fitzgerald	McDuffie	Sandlin
Arnold	Fulmer	McFeynolds	Sears, Fla.
Aswell	Gardner, Ind.	McSwain	Shallenberger
Bankhead	Garner, Tex.	McSweeney	Sherwood
Barkley	Garrett, Tenn.	Major, Ill.	Sites
Beil	Garrett, Tex.	Major, Mo.	Smithwick
Black, N. Y.	Gauche	Hausfield	Speaks
Bowling	Greenwood	Martin	Stegall
Boyce	Hastings	Michener	Stengle
Briggs	Hayden	Milligan	Stevenson
Browning	Hill, Ala.	Montague	Swank
Buckley	Howard, Nebr.	Mooney	Taylor, W. Va.
Bulwinkle	Huddleston	Moore, Ga.	Thomas, Ky.
Busby	Hudspeth	Moore, Va.	Thomas, Okla.
Byrnes, S. C.	Humphreys	Morehead	Thompson
Cable	Jacobstein	Morrow	Tillman
Casey	Jeffers	O'Sullivan	Underwood
Cleary	Johnson, Ky.	Oldfield	Upshaw
Collier	Johnson, Tex.	Oliver, Ala.	Vincent, Mich.
Collins	Jones	Park, Ga.	Vinson, Ga.
Connally, Tex.	Kent	Parks, Ark.	Ward, N. C.
Cook	Kerr	Pou	Watkins
Crisp	Kincheloe	Quin	Weaver
Croft	Kunz	Ragon	Wefald
Cummings	Kvale	Ramey	Williams, Tex.
Curry	Lanham	Raker	Wilson, Ind.
Davis, Tenn.	Lankford	Rankin	Wilson, La.
Dickinson, Mo.	Larsen, Ga.	Rayburn	Wilson, Miss.
Doughton	Laszlo	Reed, Ark.	Wingo
Drewry	Lea, Calif.	Richards	Wiss
Driver	Little	Rogers, N. H.	Woodrum
	Logan	Romjue	Wright

NAYS—187.

Ackerman	Faust	McLeod	Smith
Aldrich	Fenn	MacGregor	Snyder
Anthony	Fleetwood	MacLafferty	Sproul, Kans.
Ayres	Foster	Madden	Stalker
Barbour	Frazer	Magee, N. Y.	Stevens
Beck	Free	Manlove	Strong, Pa.
Beedy	Freeman	Mapes	Summers, Wash.
Black, Tex.	French	Merritt	Swing
Blund	Frothingham	Miller, Wash.	Taber
Blanton	Fulbright	Moore, Ill.	Temple
Boies	Fuller	Moore, Ohio	Thatcher
Box	Gibson	Moore, Ind.	Tilson
Brand, Ohio	Gifford	Morgan	Timberlake
Brown, Wis.	Greene, Mass.	Neison, Me.	Timber
Buchanan	Griffin	Neison, Wis.	Treadway
Burdick	Hadley	Newton, Minn.	Tucker
Burtess	Hardy	Nolan	Underhill
Burton	Harrison	O'Connell, R. I.	Valle
Butler	Hersey	Parker	Vestal
Campbell	Hickey	Patterson	Volgt
Chindblom	Hill, Md.	Perkins	Watson
Clarke, N. Y.	Hill, Wash.	Porter	White, Kans.
Colton	Hoch	Ramseyer	White, Me.
Connelly	Hudson	Reed, N. Y.	Williams, Mich.
Cooper, Ohio	Hull, Iowa	Reisch	Williamson
Cooper, Wis.	Hull, Morton D.	Robinson, Iowa	Winter
Dallinger	James	Robison, Ky.	Wood
Darrow	Kearns	Rogers, Mass.	Woodruff
Davis, Minn.	Ketchum	Sanders, Ind.	Wurzbach
Dempsey	Lampert	Schall	Wyant
Dickinson, Iowa	Leavitt	Scott	Yates
Dyer	Lehlbach	Sears, Nebr.	Young
Elliott	Longworth	Shreve	
Evans, Iowa	McKenzie	Simmons	
	McLaughlin, Mich.	Sinclair	

NOT VOTING—155.

Anderson	Britten	Clark, Fla.	Dickson
Andrew	Browne, N. J.	Cole, Iowa	Dickstein
Bacharach	Brumm	Cole, Ohio	Domick
Bacon	Canfield	Connolly, Pa.	Doyle
Beers	Cannon	Corning	Deane
Begg	Carter	Cramton	Edmonds
Berger	Celler	Crosser	Evans, Mont.
Bixler	Christopherson	Crowther	Fairchild
Bloom	Clague	Cullen	Fairfield
Boylan	Clancy	Davey	Fish
Brand, Ga.		Deal	Fredericks

Funk	Klein	Morris	Seger
Gallivan	Kindred	Mudd	Sinnott
Garber	King	Murphy	Snell
Geran	Knutson	Newton, Mo.	Sproul, Ill.
Gilbert	Kopp	O'Brien	Stedman
Glatfelter	Kurtz	O'Connell, N. Y.	Strong, Kans.
Goldsborough	LaGuardia	O'Connor, La.	Sullivan
Graham, Ill.	Langley	O'Connor, N. Y.	Summers, Tex.
Graham, Pa.	Larson, Minn.	Oliver, N. Y.	Sweet
Green, Iowa	Leatherwood	Palge	Swoope
Griest	Lee, Ga.	Peavey	Tague
Hammer	Lilly	Peery	Taylor, Colo.
Haugen	Lindsay	Periman	Taylor, Tenn.
Hawes	Linsberger	Phillips	Tinkham
Hawley	Linthicum	Prall	Tydings
Holaday	Luce	Purnell	Vare
Hooker	McClintic	Quayle	Vinson, Ky.
Howard, Okla.	McFadden	Ransley	Wainwright
Hull, William E.	McKeown	Rathbone	Ward, N. Y.
Hull, Tenn.	McLaughlin, Nebr.	Reece	Wason
Johnson, S. Dak.	McNulty	Reed, W. Va.	Watres
Johnson, Wash.	Magee, Pa.	Reid, Ill.	Weller
Johnson, W. Va.	Mead	Rosenbloom	Welsh
Joat	Michaelson	Rouse	Wertz
Kahn	Miller, Ill.	Sabath	Williams, Ill.
Keller	Mills	Sanders, N. Y.	Winslow
Kelly	Minahan	Schafer	Zihlman
Kendall	Morin	Schneider	

So the amendment was agreed to.

The following pair was announced:

Mr. Doniaick (for) with Mr. Grist (against).

General pairs:

Mr. Denison with Mr. Hawes.
 Mr. Sweet with Mr. Brand of Georgia.
 Mr. Britton with Mr. Lilly.
 Mr. Graham of Illinois with Mr. Joat.
 Mr. Newton of Missouri with Mr. Kindred.
 Mr. Rathbone with Mr. McClintic.
 Mr. Connolly of Pennsylvania with Mr. Tydings.
 Mr. McFadden with Mr. Stedman.
 Mr. Fredericks with Mr. Doyle.
 Mr. Graham of Pennsylvania with Mr. Peery.
 Mr. Michaelson with Mr. Hull of Tennessee.
 Mr. Bacharach with Mr. Lee of Georgia.
 Mr. Johnson of South Dakota with Mr. Weller.
 Mr. Edmonds with Mr. Davey.
 Mr. Mills with Mr. Clark of Florida.
 Mr. Riess with Mr. Hammer.
 Mr. Reid of Illinois with Mr. Vinson of Kentucky.
 Mr. Snell with Mr. Carey.
 Mr. Kendall with Mr. Tague.
 Mr. Miller of Illinois with Mr. Gallivan.
 Mr. Linsberger with Mr. McNulty.
 Mr. Fairchild with Mr. Carter.
 Mr. Begg with Mr. Sammers of Texas.
 Mr. Wainwright with Mr. Lindsay.
 Mr. Swoope with Mr. Deal.
 Mr. Perlman with Mr. Dickstein.
 Mr. Morin with Mr. Canfield.
 Mr. Palge with Mr. Sullivan.
 Mr. Parnell with Mr. Taylor of Colorado.
 Mr. Ransley with Mr. McKeown.
 Mr. Seger with Mr. Minahan.
 Mr. Winslow with Mr. Crosser.
 Mr. Vare with Mr. Johnson of West Virginia.
 Mr. Williams of Illinois with Mr. Cullen.
 Mr. Luce with Mr. Quayle.
 Mr. Wertz with Mr. Mead.
 Mr. Kahn with Mr. Browne of New Jersey.
 Mr. Bacon with Mr. Corning.
 Mr. Cramton with Mr. Drane.
 Mr. Fish with Mr. O'Connell of New York.
 Mr. Brumm with Mr. O'Brien.
 Mr. Beers with Mr. Clancy.
 Mr. Kurtz with Mr. Sabath.
 Mr. Bixler with Mr. Geran.
 Mr. Christopherson with Mr. Evans of Montana.
 Mr. Fairfield with Mr. Morris.
 Mr. Green of Iowa with Mr. Bloom.
 Mr. Hawley with Mr. Howard of Oklahoma.
 Mr. Johnson of Washington with Mr. Gilbert.
 Mr. Keller with Mr. Oliver of New York.
 Mr. King with Mr. Goldsborough.
 Mr. McLaughlin of Nebraska with Mr. Boylan.
 Mr. Mudd with Mr. Celler.
 Mr. Reed of West Virginia with Mr. Prall.
 Mr. Sinnott with Mr. Glatfelter.
 Mr. Sproul of Illinois with Mr. O'Connor of New York.
 Mr. Welsh with Mr. Linthicum.
 Mr. Taylor of Tennessee with Mr. Hooker.
 Mr. Watres with Mr. O'Connor of Louisiana.
 Mr. Wason with Mr. Cannon.
 Mr. Rosenbloom with Mr. Berger.

Mr. BACON. Mr. Speaker, I was not present during the roll call, but if I had been present and listening I would have voted "no."

Mr. COLE of Iowa. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman present and listening when his name should have been called?

Mr. COLE of Iowa. I was here a part of the time, but did not hear my name called.

The SPEAKER. The Chair has stated many times that the theory on which gentlemen are allowed to vote is that their name was not called by mistake of the Clerk. If the gentleman will state that he was present and listening and did not hear his name called he can vote.

Mr. COLE of Iowa. I can not state, Mr. Speaker, that I was present when my name was called, but I would like to vote "no."

The SPEAKER. The gentleman does not bring himself within the rule.

Mr. O'CONNOR of Louisiana. Mr. Speaker, I came in while the roll was being called, but after my name was called. If I had been present, I would have voted "aye."

The SPEAKER. The gentleman does not bring himself within the rule.

Mr. CARTER. Mr. Speaker, I did not hear the Clerk call my name, and perhaps I was not listening. If permitted to vote, I would have voted "aye."

The result of the vote was announced as above recorded.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. BLACK of Texas. Mr. Speaker, I offer the following motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. BLACK of Texas. I am.

The SPEAKER. The gentleman from Texas offers the motion to recommit, which the Clerk will report.

The Clerk read as follows:

Mr. BLACK of Texas moves to recommit the bill to the Committee on Appropriations with instructions to report the bill to the House forthwith with the following amendment:

"Page 9, line 14, strike out the figures '\$51,887,415' and insert in lieu thereof the figures '\$41,887,415'; and in line 16, page 9, strike out the language 'and twenty-five,' so that the paragraph as amended will read:

"Pay of enlisted men: For pay of enlisted men of the line and staff, not including the Philippine Scouts, \$41,887,415: *Provided*, That the total authorized number of enlisted men, not including the Philippine Scouts, shall be 100,000."

The SPEAKER. The question is on agreeing to the motion to recommit.

The question was taken; and on a division (demanded by Mr. BLACK of Texas) there were—ayes 33, noes 189.

Mr. BLACK of Texas. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from Texas demands the yeas and nays. Those in favor of ordering the yeas and nays will rise and stand until counted. [After counting.] Twenty-two Members, not a sufficient number, and the yeas and nays are refused.

So the motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. LONGWORTH) there were—ayes 216, noes 6.

So the bill was passed.

On motion of Mr. ANTHONY, a motion to reconsider the vote by which the bill was passed was laid on the table.

INDEPENDENT OFFICES APPROPRIATION BILL.

Mr. WOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 8233) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1925, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 8233, with Mr. LEHLBACH in the chair.

The Clerk reported the title of the bill.

Mr. WOOD. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WOOD. Mr. Chairman, I neglected to get an agreement in respect to the division of the time. I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LEHLBACH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 8233 and had come to no resolution thereon.

Mr. WOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 8233, and pending that I suggest to the gentleman from Louisiana, who has charge of the bill on the other side, that the time for general debate be divided equally between the two sides, the

gentleman from Louisiana [Mr. SANDLIN] to control one half and I to control the other half, and that as far as any limitation on the time for debate is concerned, that it be not made until we meet again on Tuesday morning.

Mr. SANDLIN. Mr. Speaker, that is satisfactory to me.

Mr. LONGWORTH. Would it not be possible to arrange that general debate shall close to-day?

Mr. SANDLIN. Oh, I do not think it would be possible to make that agreement.

The SPEAKER. Pending the motion to go into the Committee of the Whole on the state of the Union, the gentleman from Indiana asks unanimous consent that the time for general debate be equally divided, one half to be controlled by himself and the other half by the gentleman from Louisiana [Mr. SANDLIN]. Is there objection?

There was no objection.

The SPEAKER. The question now is on the motion of the gentleman from Indiana that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 8233.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 8233, with Mr. LEHLBACH in the chair.

Mr. WOOD. Mr. Chairman, I yield 25 minutes to the gentleman from Kansas [Mr. LITTLE].

Mr. LITTLE. Mr. Chairman, the Republic of Brazil has 3,276,358 square miles and 30,636,000 people. The United States of America has 3,026,789 square miles and 110,000,000 people. They raise one great crop—coffee. We raise two great crops—wheat and cotton. Cotton is perfectly able to take care of itself and needs no help.

At the beginning of this Government we adopted the principle of a protective tariff to protect our American laborers and manufacturers in the home market, and it has been a wonderful success. Brazil about 20 years ago adopted the policy of protecting its coffee farmers in the foreign markets, and that has been a great success. America must now adopt a similar policy, and proceed to protect the American wheat farmer in the European market and do for the wheat farmer what it has done for the New England, New York, and Pennsylvania manufacturers and laborers. About 25 per cent of our wheat must be sold abroad. Unless our Government protects that wheat where it is sold the American farmer must discontinue 25 per cent of its production. When our shoemakers could not meet the foreign competition our Government gave them the necessary protection; and unless we do this now for the wheat farmer he will be ruined, because it is not going to be practical to decrease the production so much. Every fair man now simply looks for the method by which it can be accomplished safely.

The Brazilians sell their coffee in sacks of 132 pounds. At the end of the last century it was selling for about \$15 a sack in Europe. At the beginning of this century they crowded the world market with coffee and it fell to \$10 a sack. They undertook a system of valorisation, by which the Government bought, stored, and exported Brazilian coffee and controlled the world market, which gradually developed into a system by which the farmer stored his coffee in the Government warehouses and received certain advances from the Government in cash. However, since June, 1923, the Government has practically neither bought nor advanced any cash to the growers on their coffee. The coffee is stored in the Government warehouses. The coffee growers borrow money from local banks and commissarios, on their coffee, either in the Government warehouses or in the fields, and the money is repaid at the seacoast when the Government permits the sale to the exporters. Brazil raises about the same size coffee crop as it did in 1899. The result is that March 1 coffee sold in London for \$22.70 a sack and in New York for \$20.40 a sack. At this end of March No. 4 Santos grade of coffee is selling in New York City for \$25 a sack. When they began to plan this work it was worth \$10 a sack, and the result is that they have now doubled its value. Coffee has been selling this year in Rio de Janeiro, Brazil, at \$14.52 a sack and our consul at Santos says that Brazilian coffee is bringing exceptionally high prices.

HISTORY OF BRAZILIAN COFFEE PLAN.

As early as 1855 they were planting coffee in Brazil. By 1870 the Federal Government was buying sacks of coffee and sending them to Europe to discharge its obligations instead of buying exchange. In 1885 a tremendous impetus was given coffee planting. There are in Brazil three great coffee States, São Paulo, Minas Geraes, and Rio de Janeiro, which bear a much more important relation to the trade than even our

Northwestern States do to the wheat trade of this country. At the beginning of this century, when a crop of 15,000,000 sacks was produced in Brazil and the world market was flooded and coffee fell to \$10 a sack, great distress fell upon those particular States and practically all that has been done in that direction has been done by those States, particularly Sao Paulo, with the aid and comfort of the Federal Government. By 1906 the world had in storage 11,000,000 sacks of coffee, about three-fourths of a world crop. The crop of 1906-7 rose to the tremendous amount of 23,000,000 sacks, which on top of the 11,000,000 in storage precipitated what was equivalent to a catastrophe.

VALORIZATION.

By agreement at Taubate these three States undertook the beginning of this scheme of valorization. They planned to buy, store, and export coffee, and presently to advance money on the coffee when stored, and to levy an export tax of from 3 francs per sack to 5 francs presently, which enabled the Government to effectually determine what price should be paid in Brazil for coffee. At an early date they attempted the restriction of planting coffee trees to some extent and discussed and attempted many plans and theories which confused the American acquaintance with the subject. By 1910 this plan had succeeded in giving them practical control of the world market for coffee and that year they achieved a maximum price which brought prosperity to the Brazilian coffee planters.

The European war precipitated many difficulties which were gradually overcome. In fact, practically every year they were compelled to reorganize in order to secure sufficient funds and continue, but progress was gradually made. In 1917 the Government of Brazil loaned money to Sao Paulo to buy coffee, which plan by 1920 had proven successful. In 1919 the record shows that "the venture had proved very successful," and on June 19, 1922, a Federal Government decree was issued establishing a bureau or department for the "permanent protection of coffee." The success, of course, varied from year to year. The Department of Commerce informs me that in 1921 the average price for coffee at Rio de Janeiro was \$3.24 a sack, in 1922 was \$11.87, and in 1923 was \$14.53, and has been \$14.52 a sack this season. Since 1921 the Government does not appear to have been in the market for coffee but has permitted it to be stored and advanced money on it.

In 1923 much of the coffee was gathered in the midst of torrential rains, which ruined much of the crop, and the Government and the people met considerable difficulty in offsetting those conditions. The Brazilian capital stepped in and loaned money to the coffee planters on their crops and their storage and made unnecessary foreign aid for handling this crop, and as the consul at Santos says, this year they are receiving exceptionally high prices. On March 1 coffee was selling at \$14.52 at Rio de Janeiro, at \$20.40 in New York, and at \$22.70 in London.

WHAT THEY DO.

The Federal Government of Brazil has erected 10 great coffee warehouses of superb equipment at Rio Preto, Rincão, Araraquara, São Carlos, Itirapina, Casa Branca, Campinas, Campo Limpo, and two at São Paulo. They have a storage capacity of 4½ million sacks, and handle 10 million sacks in the course of the year. In Rio Province, at Puerto, they are building a warehouse to contain 1,000,000 bags, and warehouses are to be added at Campinas which will contain 4,000,000 bags. Thus, a total capacity for holding nearly 10,000,000 sacks of coffee exists in Brazil. The Government has an arrangement with the railroads which transport that coffee from the fields to these warehouses and manage its storage there and its later shipment to the seaports of Santos and Rio de Janeiro. Every working day the Government permits the transport of 85,000 sacks to the port of Santos and 12,000 sacks to the port of Rio de Janeiro for export. The export is confined to the coffee so sent to the seacoast, and those warehouses have the capacity to thus handle and dispose of during the year about 20,000,000 sacks of coffee. When this coffee reaches Santos and Rio the exporters purchase it, though sometimes the Government still exports apparently. In other words, the coffee growers receive an advance when they deposit their coffee in the warehouses but only part ownership with their crop at Rio or Santos to the exporter, thus receiving what is paid at the seacoast, less the freight and handling charges up to that point.

The Department of Commerce has just informed me that the States place an export tax of 9 per cent ad valorem on the coffee exported from Santos and 8½ per cent ad valorem on the coffee exported from Rio, which taxes go to sustain the valorization plan.

Since I wrote the foregoing E. H. O'Brien, of San Francisco, has sent me the results of his recent visit to the Brazilian coffee markets which he made during the last six months. Twenty million sacks is a good world's crop, and three-fourths of that comes from Brazil. Twenty-five years ago Brazil's crop was about 15,000,000 sacks, as now. Mr. O'Brien says that owing considerably to the improvement in Brazilian finances, paper money, and exchange the export value of Brazil's one crop is about 300,000,000 gold dollars, which would be about \$20 a sack. This is a decided improvement upon the figures heretofore presented, and is in accord with reports from our Santos consul that prices are exceptionally high, and completely rounds out and fortifies my original declaration that Brazil's coffee plans have been a wonderful success. Indeed, Mr. O'Brien concludes as follows:

In our opinion, Brazil undoubtedly will be the theater of enormous commercial development within the next decade. They are proceeding and progressing most orderly, sanely, and still most rapidly. With regard to its coffee-crop movements their problems seem past ones. The almost astounding success of this last defense movement, accomplished without the assistance of outside management or capital, and with the modern and permanent interior warehouse system affording such complete control, every indication would point that any future problem is already anticipated and guaranteed by a perfected Gibraltar defense fort.

Mr. O'Brien, by the way, calls attention to the fact, entirely overlooked apparently by our officials, that Brazilian capital is caring for the Brazilian crop without foreign aid and without Government financial help. I shall ask leave to insert in the Record Mr. O'Brien's review of Brazilian conditions, and commend it to the Members of the House who are interested in Brazilian efforts to help the farmer. It is the best paper on that subject I have ever seen anywhere. The Tea and Coffee Trade Journal seems to recognize him as a good man and a good authority, and I hope you will read his statements. In what way can we utilize Brazilian experience to help our wheat farmers? In my judgment full information with regard to the Brazilian coffee plan is the greatest aid we can possibly have.

Mr. BURNNESS. Mr. Chairman, will the gentleman yield?

Mr. LITTLE. Yes.

Mr. BURNNESS. Can the gentleman tell us approximately how much of the world supply of coffee is raised in Brazil?

Mr. LITTLE. Three-fourths of it. Colombia is probably the principal rival. The Brazilian crop of 15,000,000 sacks per annum is just about what it was at the close of the last century. What legislation has done to it has enabled it to greatly increase its prices but has not resulted in any serious extension of its area. Encouragement of the coffee trade by law has not resulted in tremendous acreages, and there is no reason why careful handling should greatly increase the wheat fields.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. LITTLE. Yes.

Mr. BLANTON. I hesitate to make a suggestion to the gentleman, because he is well posted on this subject; but there is a great distinction between coffee and wheat.

Mr. LITTLE. I can not yield for a speech on that subject.

Mr. BLANTON. Not everyone uses coffee, but everyone uses wheat.

Mr. LITTLE. I have traveled in four continents and the islands of the sea and found people drinking coffee everywhere pretty much, but I have seen millions who scarcely ever eat wheat. The same principles apply to the handling of both crops, and they are entirely alike in their powers of preservation and storage.

Mr. BLACK of New York. Mr. Chairman, do I understand the gentleman to state that the Government of Brazil advances money to the coffee growers for coffee to be used for domestic purposes?

Mr. LITTLE. Coffee used in Brazil is, I understand, supplied by the commission houses at Santos and Rio, by the men who also export. There is so little information in Washington on the subject that I have had very great difficulty in presenting the facts that I have here, and I do not believe you will find anything available here with as many facts assembled on the subject as there are in this article. I have raked and scraped everything that I could find. Brazil's home consumption of coffee is comparatively very small. In the United States we will consume three-fourths of our wheat crop, and the Government will not be compelled to buy the home consumption wheat. They will only attempt to handle the exportable wheat.

The Government of the United States can utilize for storage all the great warehouses that we now possess and need build nothing. The Government ships of the United States are all ready to transport our wheat all over the world at a minimum of expense.

OUR LOCAL PRICES.

In order to assist the American farmer we must meet him at the harvest field with a price which will at least equal his cost of production. Unless this Government prepares to do that much the farmer must discontinue planting so much wheat. Unless you do that you can not protect him in any foreign market. I have estimated that the Government must prepare to pay him at least \$1.10 a bushel at his home town, and if such a bill should be enacted Congress could easily determine another price if it saw fit. If you can actually get him more without precipitating a cataclysm of wheat acreage next fall, let us do it. If the American farmer knows the Government is prepared to pay him \$1.10 at home, he will sell for no less, and if the American wheat buyer and miller realizes the Government is prepared to do that, they will pay \$1.10 at the farmer's home town, and that will be the price of wheat all over this country, as made by Government competition which they must meet. Thus you see that the Government need buy no wheat that is intended for home consumption. That wheat will take care of itself without any Government interference at all. You have thus disposed of some 600,000,000 bushels or three-fourths of our crop. The Government must then be prepared to purchase all our exportable wheat at \$1.10 or whatever price may be decided on. That wheat the Government must arrange to ship abroad into the foreign market.

Whenever the Secretary of Agriculture does that he will be able to dominate the price of wheat at Liverpool. He will be able to give the American farmer assurance that he will never again lose money on his wheat crop. This year the world's wheat crop is 500,000,000 bushels less than was its average for the six years before we went into the war, and there is always a market for all the world raises, and always will be.

The storage plan will apply to every article that is grown on the farm that is sound, preservable, and easily transportable. Some gentlemen suggest, what was the difference between coffee and wheat. A grain of wheat and a grain of coffee endure as well one as the other. We proceed in this bill on the theory that when we find wheat and the Government will pay \$1.10, you will not take any less. When the buyer finds the Government will buy, the Government will not have to buy any. The farmer will get the price, and that will mean \$1.10.

Mr. BURTNESS. Will the gentleman yield?

Mr. LITTLE. I will.

Mr. BURTNESS. I am very much interested in what the gentleman says and agree with him on most things, but what I want to ask the gentleman is this: I have heard the gentleman's argument that the Secretary of Agriculture might be able to control the price at Liverpool with this sort of a bill. I was wondering why the present grain exchanges that buy wheat and control the farmers' wheat now when they get it, why they are not in a position to control this?

Mr. LITTLE. Why do not they control it in Brazil for coffee? The same reason. You can not make a bunch of speculators assist the American farmer, and this must be taken care of by the Government, and you can not create a corporation to do it. That was illustrated in the Ship Building Corporation, and by the old Grain Corporation which beat the American farmers out of about 800 million dollars in one year.

Mr. BURTNESS. What is the gentleman's comment on this situation? The world has got to have absolutely the Brazilian coffee crop—

Mr. LITTLE. And the American wheat.

Mr. BURTNESS. Well, American wheat for export is only about 200,000,000 bushels—

Mr. LITTLE. And they need every bushel of it.

Mr. BURTNESS. On the whole, that is a small percentage of what is used by the world now—

Mr. LITTLE. They need every bit of wheat they can get. In the six years since the war we have shipped 1,500,000,000 bushels of wheat to Europe. By all plans but this from Brazil you will lose money on every bushel you ship to Europe, according to all claims advanced. The only possibility to beat the game is for some great disinterested party like this Government or that of Brazil to store and hold the wheat till they come to a suitable market price. If we had received 20 cents a bushel more in Europe we would be \$300,000,000 better off. In my judgment under my plan this Government could have done that. You know it could not be done any other way, so why quibble? I am going to discuss the proposition right now.

Mr. BURTNESS. I am glad the gentleman is.

Mr. LITTLE. If you examine House bill 8330, the bill I introduced regarding the wheat farmer, you will find that the principle stated might well include cotton, and if ever cotton should be involved in the difficulties that attack coffee and wheat the system could at once apply equally well. The attempt has been made to extend the principle of this system

of purchase to all farm products, including stock and stock products and grain products. If you will consider it a moment you will see that the same principle of purchase and storage will not apply to all these other things. The grain elevators dispense with any investment of that kind, while the care of stock and stock products and flour would require enormous investments, and such a proposition would mount up to a necessity for billions of capital continually invested. The complexities and complications of such a system would require a very advanced stage of socialistic government and many extravaganzas besides it seems to me. If we can dispose of the difficulties of the wheat farmer in one piece of legislation we will have accomplished for our people what Brazil has done for its people, and then we can take up one by one, not only all farm products but all other interests and difficulties which the Government can legislate to assist, but, gentlemen of the House, if we can not put through a bill to assist the wheat farmer, who is chin deep in all these difficulties, we can never hope on this floor ever to legislate for other people with the same friendship and good sense that we have extended to the beneficiaries of the protective tariff of this country.

We can then grasp the entire world market in the hands of the Department of Agriculture. The Liverpool market would cease to dominate anybody or any place or any price.

The development of the industries of this country under the protective tariff has given our workmen the highest wages on earth and has established great factories and great cities all over the Nation. This was done by simply protecting their interests in our home market. Brazil has demonstrated beyond question that the interests of their coffee planters can be protected by their Government in foreign markets. We have here in our wheat farmers people who have developed so extensively that we produce a third more wheat than we consume. They contest with the world's market just as the manufacturers in New England contest with the world's product of manufactured goods in this country. They are entitled to the same protection, and have reached that extremity where they must either have that protection or discontinue and devote themselves to something else. A million people during the last 12 months removed from the farms to the towns and cities. Their march to town was as wonderful as the march of the Israelites from Egypt to the valley of the Jordan. Gentlemen of the House, do you want a thunderbolt to strike the Capitol before you can take notice of what is going on in this country? This is almost equivalent to a revolution in this country already, and you will soon have a business revolution if you do not do your duty by the wheat farmers just as you did your duty by the manufacturers. Brazil has blazed the way. Now, gentlemen, gird on your armor and get down to business.

Under House bill 8330 the Government would be authorized to pay \$1.10 a bushel for wheat at the farmer's home town and to pay up to \$1.25 a bushel with the market as it rose to that point. The Brazilian coffee plan has demonstrated that when the States or the Government of Brazil apply an export tax, and restrict the amount of export as this Government could, they at once have a tremendous influence on the world's purchasing price of the Brazilian product. When the Government is prepared to pay \$1.10 at Jonesburg, the men with the great mills would meet the Government competition and pay the same price, so that the Government would never be forced to buy any wheat at all for home consumption. These men have millions of dollars invested in the great mills. They can not afford to remain idle for a day. They will simply meet Government competition at every place and utilize the wheat in their mills for home consumption, so that there will be no difficulty with regard to the home price for wheat in this country. The proposition is so simple that it is sometimes difficult for men to believe that it could be done; but if you will calmly trust to your reason, and avoid your prejudice, and remember the history of Brazil, you will see that its certainty is really based on its simplicity. There are no foolish and pedantic complications involving the department in a maze of contradictions and impossibilities and fairy dreams. The millers and home utilizers will pay what the Government offers for wheat, because they must have that much for home consumption. If they should not, the Government will simply purchase that wheat, put it in the elevators temporarily, and sell it at home, if the home buyers made it necessary, and abroad in the final analysis. In short, the Government would apply to the handling of wheat the same brains and the same courage manifested by Joseph Leiter, backed by the immense resources of this great Republic, which would mean the mastery of the world trade in grain and cotton.

I have sometimes stood in awe at what improvements might occur in the world if every person in it would live under the exact application of the rules of good, ordinary, common sense

for 30 days. Let us try it, gentlemen, on the wheat trade. If it works, perhaps it might be applied to some other products of the farm; but I earnestly hope that if I shall have convinced anybody of the utility of my suggestions as to wheat, he will not spring at one bound to the conclusion that all the ills of humanity can be cured and all the difficulties meeting all farmers can be disposed of at one sweep of the pen because this proposition is reasonable and easy of accomplishment. If you undertake, gentlemen, to make the simple plan I have suggested here, or the equally simple plan of Brazil, apply to all this stock and all the crops and all the business of 110,000,000 of people, you will not be making a law, you will be writing a comic opera.

Mr. MORGAN. Will the gentleman yield?

Mr. LITTLE. Yes.

Mr. MORGAN. The gentleman referred to Brazil and the manner in which they handle the coffee production. Do not they restrict in Brazil the production of coffee to somewhere near the normal demand?

Mr. LITTLE. Early in its history Sao Paulo restricted the planting of coffee trees temporarily.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LITTLE. Can I get five additional minutes?

Mr. WOOD. I yield the gentleman five additional minutes.

Mr. LITTLE. Early in the history of this plan they did, but I have explained about what they did. The people bring in the coffee to the Government warehouses in the interior, and they allow 35,000 sacks every workday to go to Santos for shipment and 12,000 to Rio, and that is all the restriction there is in it.

Mr. MORGAN. That is to prevent a decline from an overflow of the market?

Mr. LITTLE. Yes; and the wheat is sold to the exporters at the seaports; they do not have a law to prevent the growing of it. Now, the simple fact is that they raise in Brazil now only 15,000,000 sacks of coffee, which is what they raised 24 years ago. It has not increased the crop at all.

Mr. MORGAN. That is what I had in mind. They restrict production?

Mr. LITTLE. No; they restrict shipment to the seaports for export.

Mr. MORGAN. Now, in the case of wheat, what is going to be the situation of the surplus production of wheat all around 180,000,000 bushels annually?

Mr. LITTLE. If there is any more than we consume, they will export it. The Government will pay \$1.10 for it in your home town and export it. Every year in the world they use every bushel they raise. This year we are 500,000,000 bushels behind the average world's production. It is just a question of what cash we are going to get out of it. My figure is that when the American Secretary gets to Europe, with 25 per cent of the wheat sold there and maybe more, he will dictate the price of wheat in Liverpool as Joe Leiter did in Chicago and as Brazil does. Suppose he withholds one-fourth of the crop in a year and ships no wheat to Europe? Wheat would then go up to a great price. Suppose he withheld all American wheat for three months from Europe? Everybody here realizes that wheat would go up. Suppose he made a combination with Canada and said, "You come with the Secretary of Agriculture, with all American wheat, and we will pool our interests and fix the price in Europe and run Argentina or anybody else off the field whenever we want to"? The Secretary of Agriculture is just as good a gambler as Joe Leiter. He can dominate the corner. That is a matter that appeals to a man's common sense and good judgment. Joe Leiter is the only man who ever did make any money for the farmer.

As to handling the 180,000,000 bushels exported annually, that is what this bill is for. The Government will buy that exportable wheat and sell it abroad, just as Brazil disposes of its coffee crop. They simply withhold it from the world market until a propitious moment arrives, and never rush their crop upon a crowded market, which ruined Brazil 25 years ago as it would now if permitted. Mr. Leiter handled the Chicago market and the Secretary, in my judgment, will be able to handle the market at Liverpool. He certainly ought to be able to combine with the other exporters and land there on amicable terms. We are losing money now, and, if necessary, he can ship a few millions into Europe and lose some more money and convince them that it is worth their while to deal with him. I do not see any reason why the Secretary of Agriculture can not control the prices from Washington easier than the gamblers do from Liverpool. He certainly can not do worse than we are doing nor than would any proposition by which you concede in advance you would lose money on every bushel shipped. At least, gen-

tleman, let the farmer have a gambler's chance to win, which is denied him by all your other bills.

Once I heard Lord Rosebery speaking on Irish home rule in the English Parliament. He told how desperate was the situation and said he was ready to take a leap in the dark. The situation demands some new remedy for wheat. We may perhaps be compelled to take a leap in the dark; but, gentlemen, I would rather the Secretary of Agriculture would take the farmer by the hand and take him to Europe in the care of this Government, just as we protected the manufacturers at home from foreign foes. We can then protect his wheat crop at Liverpool and see that he gets the better of the market.

The difference between undertaking wheat and undertaking hogs and cattle and everything else is that with ordinary plain common sense wheat can be handled. But suppose on the same day the Government says, "I will buy all the hogs and steers and everything you produce." Over here at Jonesboro you would wire in and say, "How much money has the Government got to go into this thing?" You will buy the wheat when the Government shows you it has enough money on hand to buy it. But when the Government says, "I will buy everything," every buyer will find out why he should pay more than he did yesterday. You can not assemble enough money together, gentlemen, to handle more than one of these crops at a time. If you have a reserve of a few millions, you can handle all the wheat necessary to convince the wheat buyers you will go through; but, gentlemen, can not you realize how great a fund would be necessary to convince the hog and cattle people and the packers that you could handle all those products? Why, that would take billions, and you would be forced to have the money in the bank all the time. This proposition is reasonable and easy of accomplishment. [Applause.]

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. LITTLE. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. LITTLE. Mr. Chairman, in accord with the permission given me to extend my remarks, I present here the following statement from E. H. O'Brien, of C. E. Bickford & Co., of San Francisco, coffee brokers. He makes the best statement of conditions in Brazil in coffee planting and selling that I have seen anywhere and it was just written March 20, and is down to date better than anything I have seen in the Department of Commerce or in the American newspapers:

MARCH 20, 1924.

The writer has just returned from a second trip to Brazil made within the past six months.

In a report published December 20, 1923, we made every effort to portray what then appeared to be the inevitable happenings of the past three months, and it is with keen regret that we fear far too few of our buying friends accepted the facts in patterning their then future policies.

In our judgment, the immediate future is of infinitely more vital concern to United States buying interests than the statistical position which confronted them three months ago.

Through the courtesy of Mr. Luiz Suplicy, the recognized dean of Santos coffee brokers, who for more than 25 years past has enjoyed by far the largest volume of spot sales between commissario and exporting interests, and who is generally regarded as being the official Government representative in the distribution of their spot acquisitions, we were favored with the following highly interesting statistics:

Santos crop, 1923-24 (estimated).....	15,000,000	
Stock in Santos July 1, 1923.....	1,200,000	
Rio crop, 1923-24 (estimated).....	8,200,000	
Stock in Rio July 1, 1923.....	800,000	
Espirito Santo and north of Brazil.....	800,000	20,500,000
Exported from Santos July 1, 1923, to December 31, 1923.....	5,600,000	
Exported from Rio same period.....	2,600,000	
Espirito Santo and north of Brazil (which is all their present crop).....	800,000	
	9,000,000	
Amount of coffee which will probably be exported from January 1, 1924, to June 30, 1924:		
Santos.....	5,100,000	
Rio (remainder of present crop).....	1,200,000	15,300,000
Balance for the 1923-24 crop.....	5,500,000	
Estimated Santos crop, 1924-25.....	7,000,000	
Estimated Espirito Santo, Rio, and north of Brazil.....	8,000,000	
Balance brought forward from 1923-24 crop.....	5,500,000	15,500,000

If the world's consumption in 1924-25 is the same as this year we will probably start the 1925-26 crop without any stock in Brazil.

BRAZIL'S ABSOLUTE COFFEE CONTROL.

On our previous trip the only possible weak link in the absolute control of Brazil's domination and price dictate in supply was their possible pinch of money through steadily declining milreis values. On December 1, 1923, the milreis rate was 11½ to the dollar, against a par value of about 8 milreis to the dollar. To-day it is about 9 milreis to the dollar, or transposed, within 90 days Brazil's money has advanced from slightly less than 9 cents per milreis to fully 11 cents, or approximately 25 per cent, within these three months. This is highly indicative of Brazil's fiscal improvement.

Everyone believes the milreis will further advance within the next few months through Brazil's steady and increasing prosperity, and it would appear that the Brazilian Government itself is purposely keeping the milreis rate down to avert chaos or almost ruin of import merchants, by giving them an opportunity of disposing of their United States or other foreign purchases engaged at a time when they had to establish the dollar value on a 1½ milreis rate and resell in milreis on their present value.

For example, Brown & Jones, of Rio de Janeiro, purchased 10 Ford cars on December 15 last at a cost of \$300 each. It took 34,500 milreis to make the purchase. To-day the same 10 cars could be bought for approximately 27,000 milreis, and naturally potential buyers, alert to the greater buying strength of their milreis, would be prone to purchase only on a percentage profit over present established import costs.

The same table applies on almost every article imported, so that it well behooves the Brazilian Government to gradually adjust their milreis worth to relieve financial stress, particularly in a city like Rio de Janeiro, which is largely dependent on its merchandizing import resales.

But this table is again reversed in its application to coffee, which in most instances was purchased some months ago from growers or commissaries in milreis, then withheld in Government warehouses until its arrival in Santos, and automatically gold-price exactions are calculated on their milreis convertibility, or, possibly more clearly expressed, three months ago \$1 would buy 11½ milreis' worth of coffee; to-day but 9 milreis' worth, or a 25 per cent enhancement through exchange fluctuations.

This Federal administration is pledged and is rigidly adhering to a most economical and conservative budget policy. Dr. Artur Bernardes, President of Brazil, and his entire Federal cabinet are immensely popular, and during his less than two years of office exports have multiplied in volume and value, while imports have perceptibly decreased. It is reported that Brazil's paper currency issues are being steadily recalled, with present currency outstanding (paper) of only 2,400,000 contos de reis, or at the rate of 8 milreis to the dollar \$300,000,000 gold, or about the export value of one coffee crop, so that their financial problems appear extremely ably managed and well within ultraconservative bounds. To better substantiate their prosperity in Sao Paulo alone, the second largest city of Brazil, with a population of over 800,000, there is a new building being completed for every hour of every day for more than a year past. Property values in this city have multiplied three and four times in the last five years.

With these apparently temptingly high prices for coffee, which now appear as being assured for at least two years or more to come, the inference might be that an era of overproduction could be influenced and expected, but experienced and expert investigators on this score predict a far greater probability of underproduction, their beliefs being predicated on the development of other crops and their accompanying manufacturing industries in Brazil.

It is most surprising to find in research that coffee production in Brazil has not materially increased in the last 20 years. In fact, certain of the choicest quality producing districts now only produce a little more than half the quantity of coffee per thousand trees compared with the production of the same trees 5 or 10 years ago. Many fazendas still show the stunted effect of the frost of about five years ago, and in frequent instances coffee plantations in frost districts have been supplanted with sugar. The production of sugar has advanced in leaps and bounds. Last year one prominent coffee planter produced 80,000 bags of sugar with more profit, less merchandising and labor difficulty, from land which until the big frost was considered one of the best coffee fazendas in Brazil.

As recently as 10 years ago Brazil imported all their rice, which is consumed in a very large way by all their immigrant labor, as well as the native Brazilians; but in the past three years they not alone have grown enough for their own consumption but are seeking and in a position to export surplus quantities.

Of far greater importance than either rice or sugar is cotton, which has passed the experimental stage in Brazil, and unquestionably the next few years will see a development in cotton growing and cotton manufacture in Brazil which will put that country on a competitive cotton-growing basis with the balance of the cotton-producing world.

Great Britain is assisting and fostering this development on a very broad financial scale. This industry, too, has been started within the past 10 years.

Cotton, like sugar, can be raised on coffee land, and many believe that it is destined to ultimately exceed coffee in importance and become a more powerful trade factor.

Formerly Brazil imported hosiery and all other cotton goods. She is now exporting manufactured cotton goods in steadily growing quantities on both a favorable quality and price basis.

Good coffee land is good cotton land, and the latter requires far less care and labor; it matures before the frost season, eliminating grave coffee concern, and this fact in itself bids fair to give coffee growing a race for supremacy.

These diversified crop reports are only chronicled as food for thought regarding coffee overproduction.

BRAZIL'S OFFICIAL PURPOSE TO PROTECT FARMERS.

At present, the next Brazil coffee crop appears to be in size a most wieldy one for Government control and accompanying Federal, merchant, and farmer prosperity. Since all wealth originates in the soil or has a direct relation thereto, it seems Brazil's official purpose is to protect and serve their farmer element.

The cost of production of coffee in Brazil has increased at least 300 per cent in five years past. Their labor question is a most serious and vital one, since the pinch of high prices for maintenance through the declining buying power of the milreis, coupled with labor's realization that in the rapid development of agricultural and industrial Brazil the demand for labor greatly exceeded the supply, as well as the modern application in their demands, as experienced in the United States, for an improved standard of living, have furnished a cause and effect playing a very important factor in production costs.

Labor is hardly secondary to capital in Brazil's development needs. It is of record in our report of December 20, last, how Brazil is spending money and effort to attract immigration. Their willingness to defray transportation costs for families, with propagandists sent to Spain, Portugal, Italy, Japan, and elsewhere for this purpose. Some four or five years ago there was a large influx of Japanese, but as they did not thrive in health through primitive sanitation, yellow fever, typhus, and other tropical ailments, the Japanese as a class have almost wholly migrated. Decided headway is being made, however, to improve sanitation and in eliminating conditions which have thwarted agricultural and industrial development, and the Rockefeller Institute has recently done exceptional cooperative work with Brazilian medicos toward the extermination of the mosquito and other germ carriers, such as was done so successfully in Panama, Ecuador, Chile, and other tropical American countries.

COFFEE-DEFENSE PLAN POPULAR.

The coffee-defense plan, with its already proven, highly successful effect, is not only most popular with the farmer but with bankers, commissaries, as well as the Federal administration in its accompanying national prosperity. No one has suffered in Brazil except the bearish exporting speculators and the skeptical world's buying clientele, more pronouncedly so in the United States than in Europe, and who seemingly will not accept the facts and adjust their positions to cope therewith.

Up to March 1, 1924, there has been exported something over six and one-half million bags of coffee from Santos of the remaining quantity of this supposed 15,000,000-bag crop. The distribution is about as follows:

	Bags.
In Government warehouses in the interior.....	2,500,000
In railroad stations and in transit to Government warehouses.....	1,250,000
Stock in Santos.....	750,000
Stock in Sao Paulo.....	500,000
On growing fazendas, 2,500,000 to.....	3,500,000

A total of 7,500,000 to..... 8,500,000

The two and one-half to three and one-half million bags on plantations is almost all unusable black-beaned, rain-damaged truck, and a large percentage will, as has been the custom for many years, be thrown back in the soil to act as a fertilizer.

Much of the coffee in the Government warehouses has already been rebagged through its soggy condition and through the rain damage puffing the bags to a bursting point.

It is still the belief and consensus of opinion that all of this crop which fazendeiros care to ship and enter into Government warehouses must and will have precedence over the new-crop coffees, which will be harvested and start for the Government warehouses in June or July next; and while there is some agitation on the part of exporters to request the Government to allow a percentage of new-crop coffee in the daily entries at Santos, few think any heed will be given, as such a move would serve to shatter confidence, and particularly so since the present perfected plans and organization are proving so satisfactory and profitable.

A fortnight's grading during February of each day's 35,000-bag entries into Santos by one of the largest exporting interests resulted in the following classifications:

Bags grading 4's and above	10,500
Bags grading 5's to 7's	18,000
Bags grading 7's and below	6,500

Other thoroughly reliable exporting interests state that not even 20 per cent of 7,000 bags are "soft" 4's and above.

Several recent block purchases made in Santos by exporters necessitated the buying of at least 40 per cent low-grade rain-damaged coffee, and fully 30 per cent of mediocre hard-drinking undesirables to secure 30 per cent of real quality selections. Buying exporters frankly state and show cause not warranting purchases as just enumerated as even the present premium differentials for a real quality 4 of as much as 1½ to 2 cents over a hard, mediocre 4 does not offset the quantity or quality of almost unusable trash which is accumulating in Santos and which they apparently must take in to get coffee which will pass muster in import markets where past descriptions are taken as a test criterion.

The next Santos crop of 1924-25 is, of course, variously estimated. A consensus of opinion seems to be six to seven million bags, some insisting 6,500,000 to be a maximum, while the highest estimate heard was 8,000,000.

The next Rio crop can not be over 3,000,000, probably not over 2,500,000 bags.

In the face of the above it would appear that the present and immediate future independence of Brazil, so far as their coffee crops are concerned, is practically invulnerable, and as Europe is now looming up as an increasingly important buying factor—in fact, most surprisingly so from both a quantity and quality viewpoint, during our stay of about three weeks European buying was more than two bags to one of the United States—surely United States buyers have a most decidedly increased disturbing factor in any nearby or prolonged hopes for a material price relief.

In our opinion Brazil undoubtedly will be the theater of enormous commercial development within the next decade. They are proceeding and progressing most orderly, sanely, and still most rapidly. With regard to its coffee-crop movements their problems seem past ones. The almost astounding success of this last defense movement accomplished without the assistance of outside management or capital, and with the modern and permanent interior warehouse system, affording such complete control, every indication would point that any future problem is already anticipated and guaranteed by a perfected Gibraltared defense fort. All coffee grown on individually owned plantations must go into the most adjacent Government warehouses to await its turn of allotment and shipment to the seaport, Santos, from which it is exported, each of the interior Government warehouses being assigned a weekly proportion, according to stocks, to make up 35,000 bags daily to Santos. Farmers are advanced money on their Government warehouse stocks, or even before harvesting, by commissarios or bankers, usually about half the selling worth, until convertible into sales at Santos by export sales.

C. E. BICKFORD & Co.
By E. H. O'BRIEN.

Mr. WOOD. Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. SHREVE].

The CHAIRMAN. The gentleman from Pennsylvania is recognized.

Mr. SHREVE. Mr. Chairman and gentlemen of the House, I desire for a few moments to discuss the matter of law enforcement.

I am an old-fashioned American. I believe in the Government and Constitution established by the fathers. I believe in the Government upheld and adhered to by George Washington; I believe in the Government loved and defended by Andrew Jackson. I believe in the Government that had its very origin in the principles announced by Thomas Jefferson and the Declaration of Independence. I believe in the eighteenth amendment to the Constitution and believe it should be enforced.

A multitude of suggestions have recently been made for raising revenue, and it has been suggested that a tax be levied on malt liquors containing more than one-half of 1 per cent alcohol.

I think the lawyers of the House agree that this suggestion is untenable, unless Congress first change the provisions of the national prohibition act and the States change the provisions of their State codes. It would be entirely impracticable for Congress to lay a tax on beer of a higher voltage than one-half of 1 per cent as long as the national prohibition act prohibits such beer, or, if that act were repealed, if such beer were still prohibited in many States of the Union.

The question we have to decide here in Congress is not primarily whether or not a certain amount of alcohol in wine or beer will actually intoxicate those who drink, but our respon-

sibility is to determine what legislation is necessary to enforce the eighteenth amendment and make the necessary appropriations to carry out the intent of the act.

The second section of the eighteenth amendment says:

The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

The Supreme Court of the United States has clearly stated that the eighteenth amendment—

Binds all legislative bodies, * * * and of its own force invalidates every legislative act which authorizes or sanctions what the section prohibits.

It also says that the second section of the amendment—

Does not enable Congress or the several States to defeat or thwart the prohibition, but only to enforce it by appropriate means.

In other words, our responsibility is to determine what kind of legislation is required to make this amendment effective. I think the people in the States which ratified the eighteenth amendment through their legislatures expected us to take into consideration their experience in enforcing prohibition in the States. They knew what legislation was appropriate and necessary. Thirty-three of the States had adopted prohibition, 30 of them defining intoxicating liquor as that containing one-half of 1 per cent or more of alcohol. Only three States had a 1 per cent standard, and none of them a larger standard than 1 per cent.

It is interesting to note that in a number of these States, after they had adopted prohibition with a one-half of 1 per cent standard, they later on prohibited all alcoholic liquors when efforts were made to raise the amount of alcohol permitted in beverages under the law. Instead of increasing the amount of alcohol, they have with practical uniformity decreased it, and now 15 States have prohibited all liquors containing any alcohol.

There is one thing we have to face in determining this question, namely, that Congress can not legalize any liquor which the States prohibit. With two-thirds of the States, or more, prohibiting one-half of 1 per cent or more of alcohol, it would be inconsistent for Congress, under an amendment intended to bring about uniformity of prohibition enforcement, to repeal the law so that a very few States might allow liquors of a greater alcoholic content to be sold. This would not only destroy uniformity of operation, but would handicap the enforcement of the law in the adjoining States where liquor with this larger per cent of alcoholic content was not legalized, because this liquor would be transported into the States where the State law did not permit its manufacture.

The question involved in this controversy, then, is a question of supporting the Constitution and the laws pursuant thereto. This part of the Constitution was adopted by a larger majority than any other. The prohibition question has been before the public ever since 1777, when the Colonial Congress passed a bone-dry resolution, urging the Colonies to prohibit the sale of liquors. From that day to this it has been before the American people. Ninety-five per cent of the territory of the Nation was dry before the eighteenth amendment was adopted. Seventy per cent of the people lived in this dry territory. The eighteenth amendment to the Constitution was the resultant of a steady growth of sentiment against what the people considered a recognized evil. Now that it is written into the Constitution, it ought to be enforced and it ought to be obeyed by both friends and foes of prohibition.

The President of the United States said recently:

A government which does not enforce its laws is unworthy of the name of a government, and can not expect to hold either the support of its own citizens or the respect of the informed opinion of the world.

On another occasion President Coolidge said with reference to our Constitution:

The Constitution of the United States is the final refuge of every right that is enjoyed by any American citizen. So long as it is observed these rights will be secure. Whenever it falls into disrepute the end of the orderly organized Government, as we have known it for more than 125 years, will be at hand.

Chief Justice William Howard Taft, of the Supreme Court, expressed it in this way:

One who, in the matter of national prohibition, holds his personal opinion and his claim of personal liberty to be of higher sanction than the overwhelming constitutional expression of the people is a disciple of practical Bolshevism.

Mr. Taft also said in addressing the Washington Branch of the Yale Alumni Association:

The safety of society is in obedience to the law. If you like the law or not, as long as it is regularly adopted it is our business to obey it.

As I look at it, the question has now resolved itself into one of law enforcement, and upon this issue there ought to be no difference of opinion among loyal, patriotic citizens. As Members of Congress, we take an oath of office to support the Constitution without mental reservation or purpose of evasion. Every citizen of the United States is bound by the very terms of his citizenship to support the Constitution and the laws enacted pursuant thereto. We can not defy the prohibition law and expect others to obey other laws. We should make liberal appropriation for its enforcement. [Applause.]

Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

Mr. SANDLIN. Mr. Chairman, I yield 15 minutes to the gentleman from New York [Mr. STENGLE].

The CHAIRMAN. The gentleman from New York is recognized for 15 minutes.

Mr. STENGLE. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. STENGLE. Mr. Chairman, I have been fearful of late that I might be looked upon by my colleagues as somewhat of a nuisance because of my frequent appearance on the floor of this House, being only a first-term Member. But I believe, my friends, that when measures are brought before us for consideration with which we have close-up acquaintanceship, and of which we have direct knowledge, it is our duty one to the other to occupy at least a small part of the time allotted to the bill in order to give to our colleagues the benefit of our experience and the additional knowledge which we may possess. I did not know until a few minutes ago that I was to be on this list of speakers to-day, and therefore I shall be compelled to speak extemporaneously. But I shall extend my remarks so that when I have finished the subject that I want to discuss I shall at least have placed in our public Record sufficient reason why you should vote as I shall now ask you.

If you will turn to page 6 of this bill, beginning with line 1 and ending with line 10, you will find the title, "Bureau of Efficiency," and beneath that a description of the disposition of \$155,650, plus \$500 for printing, a total of \$156,150.

My friends, efficiency in public service is extremely desirable. No man in his right senses believes that any public servant, whether he holds elective office or appointive position, ought to be inefficient and remain in the public service; and I never have, since I have been here, attempted to create the impression that I was against the highest class of efficient service on the part of our public employees. What I do hesitate about, what I do stop seriously to think of, is the method and manner by which the ratings, and from such ratings promotions, are made among the 55,000 or 60,000 civil employees in this District and the more than 200,000 throughout the country.

In a former brief address to this body I pointed out to you that throughout the United States, in every civil-service commission of this country having any standing at all, the question of efficiency is a part and parcel of the employment and promotion arrived at in a civil-service commission; and in the Federal employment, up until the year 1916, it was then a part and parcel of the civil-service work of this District and of this Nation.

But during that year he who was its chief in a division of the Civil Service Commission had a falling out with the commissioners, and finding that he could not be the boss of the establishment, sought influence enough to tack onto an urgent deficiency appropriation bill that passed through this House a paragraph of legislation which has been decried here day after day in this session, and by a legislative enactment attached to a deficiency bill for appropriations he separated the Bureau of Efficiency and made it an independent establishment. From that day to this the records will show that the efficiency rating of Federal employees has been anything but fair and just.

It is not a personal fight with me. Lord bless you, if I never talked about it again I would live and be happy, but I hate to see good, valuable, honest, loyal, and faithful public servants, such as we have in this District and in the United States, so maligned, abused, and mistreated without a word of protest from any public man. [Applause.]

My office hours have been filled in the last few weeks and my mail has been heavily weighted with complaints of bad treatment, by this bureau, of very faithful public servants in this District. I only ask for fair play. I only seek justice at this time at your hands.

Oh, somebody will say, "You do not represent the District of Columbia. Why do you take so much interest?" I hold, gentlemen, that every one of the 435 Congressmen is a representative of the District of Columbia in addition to his own home district.

Mr. STEVENSON. Will the gentleman yield?

Mr. STENGLE. Yes; for a question.

Mr. STEVENSON. And is it not a fact also that the civil-service employees are supposed to be apportioned amongst all the districts in proportion to population and, therefore, all of us have our proportion of employees here whom we represent and who have been imposed upon by this gang?

Mr. STENGLE. Yes. And in addition thereto you have your proportion of responsibility for what is going on in this District.

Now, we have heard a lot about the equality of allocation recently. We have heard considerable discussion about how much increase we could afford to give to the various departments of our Nation. We have heard it said that "You are asking too much here and there." I want to put this statement in the Record, and I want you to hear it, because it is the gospel truth: The Bureau of Efficiency to-day has an average salary among its employees of \$2,910, and throughout the Nation the average is less than \$1,700. Is that fair? Is it just? "Oh," but says somebody, "these are experts that they have there"; but the experts about whom we hear so much were drafted from other departments and brought into this small circle to do the bidding of one who ought not to be obeyed.

Now, I rise at this time to invite the attention of the Members of this House to the fact that at the proper time I shall move to strike out that entire paragraph and transfer the Bureau of Efficiency to the Civil Service Commission, where it belongs. Where are the economists of this House? Where are those who are daily harping about saving the public funds? Here is \$156,000 that you can put back where it belongs and still conduct the public business, still have efficiency ratings, still have faithful public service, and have things done squarely and honestly.

I have introduced a bill for the abolishment of this bureau, and I have been unofficially informed that that bill will be favorably reported in a short while. But I want to anticipate the abolishment of that bureau by law by striking out the appropriation, so that if, because of the press of business, it becomes necessary to sidetrack the bill introduced in its proper channel we can sidetrack this bureau by taking this money away from it and transferring its duties where they legitimately belong.

There are departments under this Government that have not the same kind of service ratings as other departments have. We established here a Bureau of Efficiency and gave it authority to direct the service ratings of the Nation, and yet right here in this town is a large department that refused to be directed and was never forced to be directed. I refer to the Treasury Department under Secretary Mellon. And yet every man and woman who expects or ever hopes to be promoted from one grade to another or be transferred from one department to another is dependent upon an honest and fair rating for the service he or she performs.

Oh, it makes me sick as I think about it, and I have had fond hopes that maybe before this session adjourns I might arouse a sufficient interest among my colleagues to put a stop to this first-class farce that is being conducted under the guise of a Government bureau. I ask you now to consider well everything I have said prior to the five-minute rule on this bill.

Read up and investigate so as to determine whether I am speaking the truth or not. If I am, support that amendment when it comes up in its proper form, but if I am hot, arise on this floor, point to me and call me a faker, if you like, but I know that the records will speak for themselves and I ask nothing better than the cold-type records. [Applause.]

The efficiency rating plan was adopted in 1913, when it became a part of the legislative, executive, and judicial appropriation act, and directions were then plainly given that the Civil Service Commission should establish a system of service ratings based upon "records of facts" kept in each department of the Government, but after three years the then director of this work, who is now the Chief of the Bureau of Efficiency, found that he could not run the place to suit himself. He accordingly rushed to Capitol Hill, and

with the aid and assistance of "friends" had a rider attached to the urgent deficiency bill making the division of efficiency an independent bureau with himself in absolute control. Since then things have been going from bad to worse, and the appropriations for this work increased from about \$45,000 to \$156,150 per annum. I regret to say that owing to a rule of this House I am forbidden to tell you who the "moving spirit" behind all of this high-handed work really is, but if I were permitted to reveal some facts in my possession you would not be very proud of some men who attempt to legislate for the Nation.

It seems passing strange, also, that in his mad rush to "steal" the efficiency division from the Civil Service Commission this "master artist in service rating" forgot to have transferred the following law which would have been extremely helpful to friends of honest government at this time:

Any person knowingly violating the provisions of this section shall be summarily removed from office, and may also upon conviction thereof be punished by a fine of not more than \$1,000 or by imprisonment for not more than one year.

One has only to check up a little on the condition of things in the departments located here in the District of Columbia, as I have honestly done, to thoroughly convince himself that there surely is something "rotten in Denmark." Only this week three very competent employees of one of these departments called to see me and gave me tangible evidence of "foul play" in their bureau—evidence which would convince any fair-minded person that favoritism was running rampant and prejudice not far in the rear—and on the very next day one of these employees was transferred to another bureau for "the good of the service." In other words, it seems to be looked upon as a crime for any employee to visit a Congressman in the interest of justice.

I rejoice, gentlemen, that the day of reckoning seems near at hand. The House Committee on Civil Service has reported out, unanimously, a bill for the abolishment of the Personnel Classification Board, a twin sister in "crime" of the Bureau of Efficiency, and I am promised that my bill for the abolishment of the Bureau of Efficiency will likewise be reported favorably in a few days.

Mr. Chairman, I sincerely hope and pray that every Member of this House will rise above every consideration other than justice and fair play and look these two bills squarely in the face, for upon their enactment into law lies all hope for an honest disposition of the "mess" into which matters in our public service have been placed.

Let us go on record as the friends of loyal, faithful, and efficient civil servants, and the enemies of those who would use public office as a private snipe. Let us announce to the "swell-headed" bureau chief that favoritism will not go in American public service, that all decisions in service ratings must be based upon actual facts and not upon likes or dislikes of those working under their supervision. If we do this, colleagues, you and I will soon see a vast improvement in the public service. Otherwise, matters will go from bad to worse until soon we shall behold our army of Government servants thoroughly discouraged and disheartened, with those remaining in the service driven from pillar to post like slaves under the master's whip.

Mr. WOOD. Mr. Chairman, I yield 15 minutes to the gentleman from Wisconsin [Mr. FREAR].

The CHAIRMAN. The gentleman from Wisconsin is recognized for 15 minutes.

Mr. FREAR. Mr. Chairman, I was very much interested in what the gentleman from New York, who last spoke, said of public servants who are not appreciated, because I desire to speak of a public servant who, to my mind, has rendered a great service to his country and who, I feel, has not been appreciated, at least, if we take the tone of the press or judge from the newspapers and magazines of the country, which have failed to do him justice.

It is needless for me to say to the House that I do not always agree with the distinguished Republican leader, Mr. LONGWORTH. In fact, in legislative matters I have been trained in an entirely different school, that places no stamp of partisanship on ordinary legislation and refuses to obey the party lash whether wielded here or by the invisible government that would control congressional action. I have frequently disagreed with Mr. LONGWORTH in matters of political and legislative policy, notably on many features of recent tax legislation.

After several years' association on the same committee I can say, however, I know the majority leader, respect his squareness of dealings, admire his ability, and believe that few men

could have brought order out of threatened chaos as well as the majority leader. Few men could have retained the respect of all their colleagues on both sides of the aisle under similar circumstances, and few men could have secured equal constructive legislation if subjected to the same conditions.

I have waited for some one better able and more qualified to speak in reply to unwarranted attacks in the press and from short-sighted partisanship occurring in my own party directed against the majority leader, but after reasonable delay I believe a brief word is proper for me to say.

Mr. Chairman, Leader LONGWORTH's principal defense in the eyes of extreme critics seems to be that he has not led his party colleagues into a position where political suicide would be invited and that he would not obey the positive commands issued outside of Congress. Further than that, he has not followed the dictates of Mr. Mellon and Wall Street interests so conspicuously represented on this floor during discussion of the tax bill. I submit, however, it is true that he did secure a tax bill several hundred per cent better than the Treasury bill then placed before us for passage.

The so-called Mellon bill was drafted without any committee hearings to relieve a handful of multimillionaires from present surtaxes, drawn by no one knows who or when or where, and opposed to elementary principles of taxation. It would not have received a handful of votes upon this floor excepting for the most terrific and expensive propaganda in all recent history pressed by beneficiaries who largely own or control the newspapers and leading magazines of the country.

The passage of the Mellon plan, it has been stated by the press, was to be a condition precedent for making campaign contributions by contributors who confidently expected Congress to endorse the plan.

Leader LONGWORTH knew the folly of that policy and did what any statesmanlike leader would do. He refused to obey such orders, secured the best tax reduction bill ever passed by the House, and the character of his leadership is evidenced by a vote of 408 out of 416 votes, or a practically unanimous vote of the House. The bill passed was a fair compromise, and gives relief to over 95 per cent of the Federal taxpayers of the country compared with less than 5 per cent who would have received larger tax plums if the Mellon plan had passed.

If Leader LONGWORTH—and I note he is here and I am complimented by his presence—if he does nothing more in his legislative career toward passing needed constructive legislation, he is entitled to the thanks of the country this early in the session for his record of leadership on the tax bill and soldiers' bonus bill. [Applause.]

Mr. LONGWORTH's immediate predecessor, with 165 working majority last session, supported by personal letters from the President read on this floor, repeatedly failed to secure demanded legislation on the dye embargo, surtax reduction, retroactive repeal of the excess profits law, and other measures, whereas Leader LONGWORTH, with a bare majority under unrestricted liberal rules, refused to ditch legislation, as urged by hot-heads, or to sacrifice everything to placate a few disappointed critics. He helped pass constructive legislation by wise and conciliatory leadership supported by a majority of Members composed of all factions.

I do not care to discuss unfair criticisms from those who have little influence with Congress. From the apricot, apple, McLean Post, or the antibonus, sales tax, Mellon tax press that threatens no campaign funds unless Congress toes the mark, the propaganda and criticisms are generally found to be from the same mold.

Criticisms of Mr. LONGWORTH and of Congress will continue on the tax and bonus bills until the issue is made plain and conditional political contributions are placed before the country with real interests disclosed. Politics and partisanship has run mad when the country is deluged with propaganda to pass a tax bill in order to squeeze out of closed pocketbooks enough campaign funds to run one or both of the political parties. Leader LONGWORTH refused to be driven, and he is entitled to congratulations from every Member of this House and from the country for his decision not to permit the American Congress to become a pawnbroker or fairy godfather for campaign contributors.

Whatever the motive governing his action, Mr. LONGWORTH has not been driven, but on the contrary he has led the House to pass the most constructive and equitable tax reduction bill in all history. If that be party treason, then he may well say, Make the most of it.

Mr. Chairman, I have discussed the discarded, selfish Mellon tax-reduction plan so many times and it has received such emphatic repudiations here and is so certain of like treatment by the Senate that a post-mortem on the subject is unnecessary.

Tax reduction is now before another body, and through the press the country was recently informed by a distinguished gentleman from a western State that gave Mr. Taft half of his eight electoral votes, that the House tax bill we passed would cause a Treasury deficit of \$100,000,000. Secretary Mellon more recently testified before the Senate committee that any deficit from the bill we passed would reach only \$55,000,000, and this was followed by Treasury estimates of greater receipts than previously offered in the House. Next, the press advised the country that the same authority had announced that the bonus bill passed by the House would cost the Government nearly \$5,000,000,000, instead of \$2,100,000,000, as shown by the Legion actuary. In arriving at this figure numerous controverted items, with accumulated interest for 20 years, were added.

On the same basis a \$21,000,000,000 national debt is not a \$21,000,000,000 debt, because added interest will make the obligation \$40,000,000,000 or \$50,000,000,000 in years to come, depending on time of payment, just as the distinguished chairman of our committee [Mr. GREEN], who is present, has disclosed in the press in his answers to misstatements put forth in committee at the other end of the Capitol.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. FREAR. I shall be glad to yield.

Mr. GREEN of Iowa. My understanding is that the Treasury has practically abandoned the figures which were given on the bonus, conceding that they are very erroneous.

Mr. FREAR. And I say further the Treasury alone was not responsible for the incorrect and misleading figures which were given to the press, judging from the announcements made by one gentleman at the other end of the Capitol.

Testimony, estimates, and tax rates reached by proxy methods or such guesswork are willfully unfair and are offered for the purpose of misrepresenting to the country the real facts in issue.

It is said in the press that campaign contributors toward both parties are willing to have the tax reduction bill as passed by the House defeated or vetoed, provided the 25 per cent horizontal tax cut for 1923 and 1924, proposed by Chairman GREEN of our committee, can be separated from the bill.

And let me say in passing that the distinguished chairman of our committee [Mr. GREEN] is the one who proposed that tax-reduction plan reaching \$200,000,000 for 1923 and 1924, and caused it to be inserted in the bill. It never came from the President of the United States nor from Secretary Mellon nor anyone else originally, and Chairman GREEN deserves whatever credit there is for it. [Applause.]

Papers that insist we should pass the Coolidge or Mellon proposal do not know or care to know the facts.

If taken out of the bill, this plan would leave a generous share of \$200,000,000 refund from the Treasury that would find its way back to the pockets of the proposed campaign contributors during the next two years, but defeat the \$400,000,000 annual tax reduction as passed by the House. In other words, the so-called Mellon plan proponents and Wall Street interests, it is said, will permit no permanent tax reduction law this session unless the original indefensible Mellon plan is accepted by Congress. They will ask for a 25 per cent reduction for 1923 and 1924, which is concededly a political bid at Treasury expense that can be characterized by a far uglier word. With \$21,000,000,000 national indebtedness and a soldiers' bonus bill passed up to the President, why is the 25 per cent temporary reduction now urged by the same interests that once urged the Mellon plan, and why do they oppose the tax cut bill as passed by the House?

Mr. Chairman, if tax-free securities could be taxed by direct law, as I proposed when the tax bill was before the House, or if the abnormal excess profits could be taxed, or if undistributed profits that go to make up stock dividends could be taxed, or if higher inheritance-tax rates and gift taxes can be imposed, we will be able to stop large tax evasions, and under the inheritance and gift taxes reach tax-free securities that now escape.

Mr. Mellon and those who press his proposed tax relief bill are all opposed to this kind of a real tax on big business, even as they oppose relief for the smaller taxpayers. Every amendment proposed in the House was opposed by such interests.

But we did pass a compromise tax bill that gave over 50 per cent tax cut to 3,500,000 small taxpayers, and that is the bill that is now before the Senate for action.

I wish you would pay attention to this further fact, my friends, because I believe it is the vital part of the whole tax proposition now pending in the Senate. If the tax bill passed by the House should fail to pass the Senate or should pass the Senate and then be vetoed, and the 25 per cent Treasury grab

is passed in its stead, it will mean that the American public will not have any real tax-reduction measure for two years—and I am indebted for the reminder to a suggestion from our distinguished chairman of the committee, Mr. GREEN—and the \$400,000,000 annual tax reduction proposal passed by the House will be defeated, forsooth, because the Mellon rates were not placed in the bill and because an inheritance tax and gift tax have been inserted.

Mr. Chairman, a defeat or veto of the \$400,000,000 annual tax reduction bill will mean that all nuisance taxes will remain as in the present law undisturbed. The candy tax, the jewelry tax, the movie tax that earned a liberal reduction through Mellon-plan propaganda, the \$23,000,000 tax reduction for automobiles, all will remain a burden to the country. The 25 per cent reduction on earned incomes and the 50 per cent reduction in income-tax rates for 3,500,000 taxpayers will also be defeated because comparatively a handful of men are disappointed in their Mellon tax-propaganda investment. The inheritance tax, gift tax, and partial publicity of records will all go the same way.

Forgetting the repeal of the \$450,000,000 excess-profits tax and \$50,000,000 surtax reduction secured by them from Congress last session, these same interests now selfishly demand the major part of the next tax cut. Let responsibility rest where it may eventually belong if real tax reduction fails, but I pause a moment to congratulate the Republican leader of the House, who secured 408 votes, an unprecedented number, for the best and greatest tax reduction bill ever passed by the House, a bill that benefits primarily the man least able to pay but lifts tax burdens for all.

I congratulate any man who can hold together in a fairly good working organization 435 Republicans and Democrats of widely divergent views and who enjoys the respect and confidence of every man of the House because of his frankness and fair dealing. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. FREAR. May I have five minutes more?

Mr. WOOD. I yield the gentleman five additional minutes.

The CHAIRMAN. The gentleman from Wisconsin is recognized for five additional minutes.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. FREAR. Yes; certainly.

Mr. CONNALLY of Texas. That was an accomplishment which the leader could never have performed if he had not himself been so enthusiastic for those rates, was it not?

Mr. FREAR. I will say this to my friend from Texas, and I am very glad he suggested it, knowing, as I happen to know, the means by which we reached a compromise: That the Republican leader went more than halfway. And it required a strong effort, because he was pulled upon hard from all sides. I happen to know the situation, because others of us were much in the same position, but we finally reached a compromise supported in the House by 408 votes. I yield to the gentleman from Nebraska.

Mr. HOWARD of Nebraska. You are doing pretty well. I did not rise to interrupt you.

Mr. FREAR. I assumed the gentleman did; and let me say that the gentleman from Nebraska has spoken some strong words on the tax bill that have been of value.

I congratulate the House and the country that the Republican leader refused to permit Mr. Mellon or Wall Street or any other outside interest to dictate his course.

I believe I voice the good will and high respect of every Member of the House in giving this halting testimonial from one who has frequently differed from the Republican leader but who has never found him wanting in fairness or in the qualities that make for successful leadership. It is easy to criticize but hard to construct. The respect and confidence of the House means more to the leader and to the country than any approval that could come to him outside these walls, for without such possessions legislation must falter or fail, while with them all heights of leadership and accomplishment are possible. That is one secret of Leader LONGWORTH's success. We respect him for the enemies he has made and for the good work he has done.

I am reminded of a letter which was handed me as I arose a few moments ago by the chairman of the Ways and Means Committee, the distinguished gentleman from Iowa [Mr. GREEN], who is here, dated Chicago, March 20, 1924, wherein it is stated:

We suggest again that Republican contributors to party funds study the action of Mr. GREEN, chairman of the Ways and Means Committee, a Republican; Mr. LONGWORTH, leader of the Republicans in the House, a Republican; and Mr. FREAR, leader of the radicals, who was elected

as a Republican, and then decide how much money they want to waste on a party which has this brand of leadership. Let us be practical, gentlemen.

This remarkable advice is signed by a gentleman named William H. Barr, president of the National Founders' Association, who complains of you, my distinguished leader, of your attitude and of that of the chairman of my committee [Mr. QUINN], as well as of my humble self and of all you gentlemen who helped to prevent the adoption of the so-called Mellon plan, which would have enabled them to reap a rich harvest and then to make these generous contributions of which he speaks in this letter.

I thank you for your attention. [Applause.]

Mr. SANDLIN. Mr. Chairman, I yield 15 minutes to the gentleman from Kansas [Mr. AYRES].

Mr. AYRES. Mr. Chairman and gentlemen, I want to make a few remarks concerning the appropriation for the Federal Trade Commission. Notwithstanding the fact that I am a member of the Committee on Appropriations I do not agree to the appropriation that is carried in this bill for the Federal Trade Commission. When this bill is reached for amendment, I intend to offer on page 11, line 16, the following amendment: Strike out the figures "\$680,200," and insert in lieu thereof "\$885,200," which is really the appropriation that is carried for the current year.

I feel if there is one Government agency that earns all it gets in the way of an appropriation it is the Federal Trade Commission; and, for one, I am opposed to the cut in the appropriation, as proposed in this bill, of about \$200,000.

I am aware of the fact there are certain interests in this Nation that would be glad—yes, extremely happy—if Congress would entirely wipe out the appropriation and say to this commission, "Close shop." I do not infer the Appropriations Committee has any desire to do this, nor do I feel there is any disposition on the part of this committee, or any member of it, to cripple the commission. This cut in the appropriation asked for by the commission is a desire to economize, to curtail governmental expenses. I am just as anxious to do this as any member of the Appropriations Committee, but in doing so I want the cut to come from an appropriation of some agency not so essential to the public good and public welfare as the Federal Trade Commission.

If I had the time I could and would go into detail and show what was done by this commission during the war in aiding the various Government agencies to ascertain the cost of production. This was very essential when these agencies were endeavoring to curb the profiteer. They were helpless in many instances but for the faithful Federal Trade Commission. I have not the time on this occasion to go into that, but I may some day when Congress is asked to provide greater powers to this commission, which I hope will be before the adjournment of the present session.

Now, as to the question before us, the contention is made that because we have offered a provision that any resolution passed calling for an investigation should be passed by both Houses of Congress as a joint resolution, carrying with it an appropriation to meet the expenses of same, will very materially reduce the present expenses of the commission; therefore, the appropriation called for at this time should be reduced accordingly.

I am speaking of this provision as suggested in the pending bill:

Provided, That no part of this appropriation shall be used for investigations directed by the President or either House of Congress except those authorized by law.

This means that in case an investigation is called for by a resolution passed either by this House or the other body, no part of this fund shall be used unless it is a joint resolution.

Mr. SANDERS of Texas. Will the gentleman yield for a question there?

Mr. AYRES. Yes.

Mr. SANDERS of Texas. I notice that the provision you have just quoted is not contained in the law passed by the last Congress.

Mr. AYRES. No.

Mr. SANDERS of Texas. Why was it inserted here?

Mr. AYRES. For the reason it was intended to reduce the appropriation in the neighborhood of \$315,000; it is claimed that would be about the amount that these congressional investigations entailed in the way of expense, and that if a joint resolution should be passed, of course, under the proposed provision, it would carry with it an appropriation sufficient to meet the expense of the investigation called for by the joint resolution.

Mr. SANDERS of Texas. Would not that hamper the work of the Federal Trade Commission in making their investigations about violations of the antitrust laws, and so forth?

Mr. AYRES. The cases pending at the present time?

Mr. SANDERS of Texas. I mean with the appropriation provided for in the bill.

Mr. AYRES. It is my contention it would; yes. There is a further provision also suggested in this bill that this limitation shall not apply to investigations in progress on April 1, 1924; but, notwithstanding this provision, I can not agree with the members of the Appropriations Committee holding these views, for two good reasons: First, there is no assurance that the other branch of Congress will agree to this provision. As a matter of fact, I do not think it will; and should it agree that all resolutions passed by Congress calling for an investigation shall be joint resolutions carrying with them the necessary appropriation to defray the expenses of such investigation, it will not take care of all demands made on this commission, from an official standpoint. The President frequently calls on the Federal Trade Commission to make investigations. Some will say he can pay the expenses of such investigation out of his contingent fund. That may be true; but suppose he does not, and it may be he will not be so inclined. I do not know of any way of compelling him to do so, and therefore it will have to come out of the commission's funds. That is not all. The President and the Senate frequently call on this commission to furnish experts for various things to assist senatorial and presidential investigations not carried on by the Federal Trade Commission, but by the Senate or the President, as is being done at this time.

The commission is trying to get at the investigation of the increase of the price of gasoline in South Dakota upon the order of the President, at the request of the governor of that State, and also the Senate oil investigating committee is using, or has been using, several of the commission's best men on this investigation that has been going on for weeks. It can not be expected that when a demand is made on the commission by the President or a committee of either branch of Congress for some experts to look up some matter, that the commission will decline to comply with the demand. That is my first reason, or reasons. Second, even should this provision be passed compelling all joint resolutions to carry appropriations to defray the expenses, it certainly would do no good to pass such resolutions with appropriations as stated to make these investigations if the commission had no force to conduct an investigation. Suppose that this appropriation is decreased so that the commission is unable to carry a sufficient corps of efficient experts to conduct these investigations when ordered, it had just as well close its doors. Should there be two or three investigations ordered by joint resolutions, with appropriations sufficient to meet the expense, the commission can not go out and find efficient experts to put on the work, because it is a well-known fact that it is impossible for any governmental agency to go out and compete with the business world in securing expert accountants and other experts for the salary the Government pays. As a matter of fact, that is one of the troubles of this commission; it can not hold its good men at the salaries paid, because big business concerns pay three and four times as much salary for such services.

Therefore, it seems that anyone can readily see that for this commission to take care of the work that is coming to it daily from the business world it should be equipped not only to do this efficiently, but prepared also to take care, at all times, of any demand made by the President or Congress.

If this commission could devote all its time exclusively to the cases or applications it has on hand at the present time, and nothing else submitted to it, it would take 18 months to catch up. That condition, gentlemen, should not exist. This is the business man's commission. That is the legitimate business man's agency. Of course, the profiteers and combines would be happy to see this commission so far behind it could never get at them.

Mr. TINCHER. Will the gentleman yield there?

Mr. AYRES. Yes.

Mr. TINCHER. Did the Budget recommend this decrease?

Mr. AYRES. No. The Budget recommended a decrease of about \$60,000. This would be a decrease of over \$200,000.

Mr. TINCHER. And does your amendment put it back to the amount recommended by the Budget?

Mr. AYRES. It provides for the same appropriation as the current year, which is about \$60,000 more than the Budget recommended. The appropriation should be for more than carried for the present or current year, but my amendment is to put it back to the same amount, as I have said, as the current

year. And let me say the commission can make use of every dollar of the appropriation, and much more.

I will give one illustration which came out in the hearings before the committee. The jobbers in Los Angeles, Calif., had been holding up the retail grocers—at least the retailers thought so—and they organized 600 strong and began to buy direct from the manufacturers. Then these jobbers got together and served notice on the manufacturers that if they sold direct to this cooperative organization they could not do any business through them, the jobbers. The manufacturers, therefore, refused to sell to the retail organization. This case was taken to the courts and the commission won. An appeal was taken and the higher court sustained the lower court, but the commission got in so late that the jobbers wrecked the cooperative buying organization. That is one of many cases.

There is a case now which is, to my mind, more important to the farmer than most if not all of the proposed legislation in his behalf; that is the matter known as the "Eastern Farm Machinery Dealers case." On February 6, 1924, the Federal Trade Commission issued a formal complaint against the International Harvester Co., Emerson Brantingham Co., the Moline Plow Co., Deere & Co., the Oliver Chilled Plow Works, and 500 other corporations, firms, associations, and individuals engaged in the farm machinery business. This complaint charges that these institutions and individuals have combined and conspired to fix and maintain retail prices of farm machinery at high levels, and are boycotting local dealers who refuse or neglect to maintain those price levels; and, also, it is charged, this combine refuses to sell any cooperative farmers' organization or to sell even to any person or dealer who is willing to sell farmer organizations machinery or even parts.

This, without question, is the most extensive antitrust suit ever instituted by any agency of the United States Government. Here are over 500 wealthy institutions and individuals charged as conspirators, able and willing to employ the best legal talent to be had, and all they need. It will be a hard fought and long drawn out proceeding. It will be necessary to have the best experts in different lines to assemble the evidence against this combine. There will be hundreds, if not thousands, of witnesses called for the Government from different sections of the country, whose expenses and per diem will have to be met. In this case alone the Federal Trade Commission has matched its meager means against millions upon millions of wealth, also its experts against the shrewdest business men of the country.

Counsel for the commission are preparing to go to trial in this case at the earliest possible date. As I stated a few moments ago, I think this is one of the most important matters, so far as the farmers are concerned, of anything now under consideration, not excepting the various farm relief measures. While the price of the farmers' produce has gone down and down, the price of his machinery has gone up. We have passed laws allowing the farmer to form cooperative organizations, but here is a combine which is intended to destroy his cooperative organizations. If the appropriation asked for in this bill should enable the Federal Trade Commission to carry this investigation to a successful conclusion, and do nothing else, it would be a good investment on the part of the Government. I know the farmers who are hard pressed are watching the outcome of this fight on the part of the commission with a great deal of interest and anxiety, and should it be heralded to the country that because Congress had been niggardly in its appropriation for this purpose it will cripple the commission and thus make it doubtful of success in this case, it will be a great disappointment to the farmers and farm organizations all over the Nation.

I want to call attention to another case now pending which is of vital interest to grain producers of the West and the Northwest. It is the case filed against the Chamber of Commerce of Minneapolis and its board of directors and a publishing company, wherein it was charged that the chamber of commerce and the publishing company conspired to destroy the business of the Equity Cooperative Exchange, a competitor in the selling, buying, and distribution of grain, by the publication of false and misleading statements concerning the cooperative exchange, also its refusal to make available to the cooperative exchange and its members the telegraphic market quotation service, and boycotting the cooperative exchange by refusing to buy grain from it, and further suppressing competition among the members of the chamber of commerce, as well as nonmembers of it, by means of contracts binding country shippers to ship all or a greater portion of their grain to the Minneapolis Chamber of Commerce. An order was made commanding the chamber of commerce to cease and desist from these unfair methods and practices December 23 last, and an

appeal has been taken to the circuit court of appeals. This matter has not been concluded, but will have to be fought to a conclusion in order for the Federal Trade Commission to save what it has already accomplished. I want to state here and now that the grain growers are vitally concerned about such matters, and are constantly looking to this commission to see that they get justice.

Only a few days ago the Governor of South Dakota appealed to the President to prevent the sudden increase in the price of gasoline. The President, desiring to comply with the request, took the only course he could, and that was to refer the matter to the Federal Trade Commission with directions to give it their prompt attention, which the commission has done and is doing to the best of its ability, handicapped as it is at the present time with an inadequate force. The Governor of South Dakota charges that the supply of crude oil has been cornered by companies subsidiaries of or belonging to the Standard Oil Co. Naturally these oil companies deny the charge—it could not be expected they would admit it—therefore it is up to the commission to investigate and find out whether or not the governor's charge is well founded. It should be borne in mind that in such investigations as this one, and as, for that matter, most all investigations, the commission can not send out two or three men and investigate one or two local concerns in ascertaining the facts as to whether or not there is a combine, or a corner, or a boycott, or unfair business methods being practiced. If it should proceed in that manner, nothing would be accomplished. It should be able to place competent men all over the country wherever the institution being investigated operates its business and at a given time or order all proceed at once in their investigations. If a local branch of an institution sought to be investigated is called on by a representative of the Federal Trade Commission and is aware of what is being done, such information naturally is at once conveyed to the entire system, and unless the entire system is covered by the investigators of the Federal Trade Commission its efforts would be useless.

Another very important matter that has been referred to this commission is what is known as the bread investigation. I can not conceive of a more important matter than this. Somebody or some class of individuals or institutions are literally robbing poor, helpless people of the absolute necessity of life, and that is bread. When I say robbing, the price is being kept up so as to make it impossible for the poorer classes of people to provide themselves with a sufficient amount. Statistics can be had to show there are thousands of families in congested districts, I am told, that are undernourished because of the high costs of the absolute necessities of life, such as bread.

This condition is prevailing in the United States where there is plenty for all. Only a few days ago this Congress voted \$10,000,000 out of the Treasury of the United States to help provide food for starving women and children of Germany, and a similar condition exists there as we have here. That is to say, reliable statistics show there is an abundant food supply in Germany, and the trouble is it is not evenly distributed. They have there the unconscionable profiteer, and a class that is rolling in luxury while the poorer people are starving, and for that relief Congress very generously voted \$10,000,000 of the taxpayers' money, which will amount to only a drop in the bucket so far as relief is concerned. I understand there are in the Department of Commerce here in Washington reports showing there were 41,464,135 metric tons of breadstuffs and potatoes harvested in Germany last autumn. This means that for the entire year there is more than 3½ pounds of this kind of food daily for every man, woman, and child in Germany. This same authority shows the supply of fats is satisfactory. Even the city shops are fairly bursting with food, but notwithstanding all this about one-fourth of the population of Germany is undernourished. That condition to a remarkable degree exists here in the United States to-day, but instead of voting \$10,000,000 out of the Treasury we are endeavoring to get an appropriation of a few thousand dollars to prevent the profiteers or human hogs from robbing the people who must have it or be undernourished, as in Germany.

Since the expiration of the war-time control of wheat in June, 1920, it has declined in price from about \$2.95 per bushel in Chicago to about \$1.20 in December, 1923, or about 60 per cent, while during the same period bread in New York City, for instance, has declined from 11.1 cents per pound loaf in June, 1920, to 9 cents per pound loaf in December, 1923, or about 19 per cent. It is these conditions the Federal Trade Commission is called upon to investigate. Who will say the wheat producer does not want to know or has not a right to know why with such high bread prices he gets such low prices for his wheat, or will say that the consumer should not know

why with such low prices for wheat he is compelled to pay so much for bread? It seems to be an easy matter to get an appropriation of \$10,000,000 to relieve the suffering in Germany caused by profiteers, but when it comes to getting a few thousand dollars appropriated to enable a Government agency to investigate the same kind of profiteers in this country and prevent a like condition being brought about it is a different proposition.

At this time the Federal Trade Commission is investigating why the continued high cost of furniture for furnishing the home. Statistics show there have been extensive declines in the prices of many of the raw materials of furniture manufacturers; but notwithstanding that fact, the high price of furniture—war prices, if you please—still stay with us, and this is especially true of the most necessary articles of furniture. The inquiry on the part of the Federal Trade Commission has already resulted in a report on domestic furniture which clearly shows one highly objectionable influence operating to keep up prices, and that is throughout the country various trade organizations have been deliberately promoting conspiracies on the part of their members to put up the prices of the furniture they make or deal in. This much has been accomplished up to date, but it is only a beginning, and to make the investigation effective it will be necessary to continue the inquiry and extend it to all other important lines of the furniture business. This can not be done, however, without sufficient funds with which to carry on the investigation to completion.

One of the most important investigations now being carried on by the commission is the "radio industry." The partial investigation made by the Federal Trade Commission has shown that unless some steps are taken by the Government to stop a gigantic combination or trust from being perfected, if it has not already been done, the radio business will soon be absolutely controlled and exclusively manipulated by a few members of the combine. When this occurs that part of the business world not in the combine is at the mercy of the trust. This investigation was called for by this House in a resolution—No. 548—passed just at the close of the Sixty-seventh Congress at the suggestion of the Committee on the Merchant Marine and Fisheries.

There is a complaint before the commission at this time charging that the General Electric Co. and others had set up the Radio Corporation as a bogus independent, and by the use of tying contracts and price discrimination in the sale of its products was attempting to acquire a monopoly in the manufacture and sale of radio apparatus. The commission started on its investigation and on December 1, 1923, made its report, which consists of 346 pages, and some startling facts are set forth in that report.

It is shown there were contracts entered into between the General Electric Co., Westinghouse Electric & Manufacturing Co., Western Electric Co. (Inc.), American Telephone & Telegraph Co., Wireless Specialty Co., United Fruit Co., and the Radio Corporation of America as to the interchange of patents, licenses, and so forth. This much has been ascertained by the commission. If the Members of Congress have not read that report, I suggest that they do so, and without doubt you will have no trouble in reaching a conclusion that the commission should pursue the investigation further and be furnished the means to do so.

I could mention many other matters pending before the commission at this time, some of them just as important as the few I have mentioned, and I expect to do this some time in the near future, when I shall ask for the passage of a measure to give the commission some power and authority to make examinations, for I admit the opinion of the Supreme Court in the case of the Federal Trade Commission against the American Tobacco Co., handed down the 17th of this month, practically paralyzes the commission, if it does not destroy its usefulness; and for one I am in favor, at an early date, of passing a measure that will restore it not only to its former status but give it even greater powers than it ever possessed.

There has not been adequate provision made for this agency since the war. While it voluntarily reduced its force of employees from 640 to 367 soon after the signing of the armistice, there has been no let-up in the regular business that comes to it from the business world, to say nothing of the demands of Congress. With the appropriation made last year it was necessary to discontinue travel for the purpose of investigation in many very important matters. Being compelled to call these men in from the field of investigation has been a serious matter. Many inquiries have come in from business men which should have received immediate attention, but because of the lack of funds can not be investigated, and a further decrease in the appropriation will mean to stop practically all activity.

If Congress is satisfied for this commission to merely do nothing but draw salaries, then there is no need of this appropriation. While Congress might be satisfied for this to occur, there is one thing to a certainty—the people who are depending on the activities of this commission will not be satisfied.

I could produce a thousand resolutions in commendation of the Federal Trade Commission for its wonderful work, and these resolutions are from all classes of people, like the American Livestock Association, the National Board of Farm Organizations, creamery associations, dairy associations, the National Wholesale Grocers' Association, the typographical unions, the National League of Women Voters, all of the farm and labor organizations, and practically all of the leading newspapers of the country, showing the respect and feeling the people have for this commission.

An examination of the amount of unfinished work on hand at this time and more continually coming in from those who have a right to have their complaints heard and immediately investigated, to say nothing of the demands made by Congress and the President, would convince any fair-minded man that, to do justice to the people who are depending on the commission and as well do justice also to the commission itself, there should be a material increase in the personnel of the legal division, even to the extent of double what it is at the present, and also the same as to the economic staff. I am heartily in favor of making a decided increase in the personnel of all the departments of the Federal Trade Commission and to pass the necessary legislation at an early date to make it a useful and powerful governmental agency.

Mr. Chairman, I want to go on record at this time in saying that instead of decreasing the appropriation, as is proposed in this bill, I am in favor of increasing it and making the appropriation more than it is for the current year. [Applause.]

Mr. SANDLIN. Mr. Chairman, I yield five minutes to the gentleman from Oklahoma [Mr. HASTINGS].

[Mr. HASTINGS was granted leave to revise and extend his remarks in the RECORD.]

Mr. HASTINGS. Mr. Chairman, the ex-service men should understand the parliamentary trickery used in the consideration of the adjusted compensation bill.

The Ways and Means Committee had been considering the question of all kinds of options for more than 10 days. On Friday, March 14, before any bill was reported or made public, notice was given that it was to come up for action in the House on Tuesday, March 18, 1924. A confidential committee print was released and made public Saturday noon, March 15, 1924. It provided for payment, in cash, of adjusted service where the amount does not exceed \$50, and for paid-up insurance for all where the amount is in excess of that amount. There were no other options. The amount of \$1.25 per day is allowed for overseas service and \$1 per day for home service. I favored an adjusted compensation payable in cash, filed a statement with the committee to that effect on March 10, and made a speech in the House March 14 to that effect. The Ways and Means Committee by a vote of 13 Republicans to 12—11 Democrats and 1 Republican—voted to exclude the cash option on amounts of more than \$50. The bill was brought up on "suspension day," when a motion to suspend the rules of the House is in order. The precise motion made was to suspend the rules and to pass the bill as reported by the Ways and Means Committee. No amendment was in order and none could be offered. The bill contained 26 printed pages, affects 4,650,500 ex-service men—of this number 248,170 were either killed or wounded—and involves, it is estimated, an aggregate cost of \$2,091,007,938. Yet under political trickery no amendment was in order and a Member of the House had to vote directly for the bill as a whole or against it; either to suspend the rules and pass the bill, or against the suspension of the rules and defeat the bill.

Under the circumstances I voted for the bill for the following reasons:

First. A vote against the bill would have defeated its consideration at this session of Congress.

Second. The bill now goes to the Senate, where an opportunity can be had to debate and amend it, and where it is expected a cash option will be included, and when it is returned to the House a direct vote can be forced upon the Senate amendments. I am determined that the ex-service men of my district and State shall know the parliamentary and political trickery used in the consideration of this bill to keep it from being debated and to keep amendments favorable to the ex-service men and other options from being offered for adoption. [Applause.]

Mr. WOOD. Mr. Chairman, I yield 20 minutes to the gentleman from North Dakota [Mr. BURNETT].

[Mr. BURTNESS was granted leave to revise and extend his remarks in the Record.]

Mr. BURTNESS. Mr. Chairman and gentlemen of the House, before proceeding to discuss the agricultural situation and certain proposed agricultural relief measures I want to say that I was greatly impressed with the remarks made by the gentleman from Kansas [Mr. AYRES] a few minutes ago relating to the necessity for providing proper appropriations for the work of the Federal Trade Commission. Some of the work which is now being done by the Federal Trade Commission is of intense importance to this country, particularly such investigations as the bread investigation, the investigation into the production, distribution, and cost of gasoline, and the investigations involving the case which relates to alleged unfair practices on the grain exchanges.

Mr. Chairman, in spite of the fact that the Sixty-seventh Congress passed more remedial legislation intended for the direct benefit of agriculture than has ever been passed in the history of our country, we find agriculture in many sections in a deplorable condition.

It is not my purpose to review the record of the Sixty-seventh Congress on agricultural legislation but will simply mention the most important of such laws passed by Congress, most of them with the support of the Members of both parties and signed by President Harding. I recall at this time the emergency tariff act, the act reviving the War Finance Corporation and providing for agricultural loans, the act regulating the packers and stockyards industry, the law regulating trading in futures upon our grain exchanges, laws liberalizing the farm loan act with reference to maximum loans, as well as providing an additional \$25,000,000 by way of a revolving fund, the law providing for direct agricultural representation upon the Federal Reserve Board, the filled milk act, the intermediate credit act, and last, but not least, the law affirmatively legalizing cooperative marketing associations and exempting them from the provisions of the antitrust laws.

At the opening of this Congress President Coolidge devoted a substantial portion of his message to agricultural problems. I quote the following therefrom:

Aided by the sound principles adopted by the Government, the business of the country has had an extraordinary revival. Looked at as a whole, the Nation is in the enjoyment of remarkable prosperity. Industry and commerce are thriving. For the most part agriculture is successful, 11 staples having risen in value from about \$5,300,000,000 two years ago to about \$7,000,000,000 for the current year. But range cattle are still low in price, and some sections of the wheat area, notably Minnesota, North Dakota, and on west, have many cases of actual distress. With his products not selling on a parity with the products of industry, every sound remedy that can be devised should be applied for the relief of the farmer. He represents a character, a type of citizenship, and a public necessity that must be preserved and afforded every facility for regaining prosperity.

On January 23 President Coolidge transmitted a special message to Congress containing special recommendations for legislation for the relief of distress in the wheat areas of the Northwest. Permit me to quote therefrom as follows:

The economic situation in certain wheat-growing sections of the Northwest is reaching an acute stage, which requires organized cooperation on the part of the Federal Government and the local institutions of that territory for its solution. In my message of December 4, 1923, I stated:

"The distress is most acute among those wholly dependent upon one crop. Wheat acreage was greatly expanded and has not yet been sufficiently reduced. A large amount is raised for export, which has to meet the competition in the world market of large amounts raised on land much cheaper and much more productive. Diversification is necessary. Those farmers who raise their living on their land are not greatly in distress. Such loans as are widely needed to assist buying stock and other materials to start in this direction should be financed through a Government agency as a temporary and emergency expedient."

Great numbers of individual farmers are so involved in debt, both on mortgages and to merchants and banks, that they are unable to preserve the equity of their properties. They are unable to undertake the diversification of farming that is fundamentally necessary for sound agricultural reconstruction of the area. They are unable to meet their obligations, and thereby has been involved the entire mercantile and banking fabric of these regions. Not only have there been large numbers of foreclosures on actual farms but there are great numbers of farmers who are continuing in possession on sufferance from their creditors. There have been large and increasing bank failures. Bills have been introduced providing for the lending by the Federal Govern-

ment of moneys directly to the farmers for purposes of assisting them in conversion of their farms on the basis of diversified farming. I am heartily in favor of these bills, but they do not and will not compass the entire problem.

In this same message the President recommended that Congress extend the time until December 31, 1924, during which the War Finance Corporation may make loans for the benefit of agriculture. This particular recommendation was heeded by Congress and the necessary law was promptly passed.

In his message of January 23 the President also announced his intention of calling together the large business concerns interested in the country as a whole with a view of enlisting their help in a private movement to help out not only the banks which were failing fast but also to refund the past-due indebtedness of the farmer at lower rates of interest and on terms under which the farmer would have a reasonable opportunity to work out his salvation. Such a conference was later called. It was presided over by Secretary Hoover. Out of that conference resulted the Agricultural Credit Corporation, with a capital of \$1,000,000 fully subscribed by the business interests of the country. Through the War Finance Corporation this Agricultural Credit Corporation can command ten times its capital, or \$10,000,000, for the purposes intended. It has set to work and great hopes are entertained as to the good it may accomplish. It is too early to judge as to what the actual results may be. They now depend largely upon the skill, ability, understanding, and vision of the men in charge. The good faith of the President and his advisers in the matter can not be questioned. Already considerable has been done in the way of reestablishing confidence in our business institutions.

I regret, however, that Congress has failed to enact the specific bill recommended by the President and known as the Norbeck-Burtness bill. It has been defeated in the Senate by a vote of 41 to 32, 20 Republicans, 10 Democrats, and 2 Farmer-Laborites voting for it and 18 Republicans and 23 Democrats voting against it. Perhaps the bill was too sectional in its nature. It was not intended as general relief legislation, and was simply intended to accelerate diversification in the wheat areas by providing loans at a time when credit facilities are not otherwise obtainable.

In the wheat areas we claim that we are in all justice entitled to a little special consideration. Our case is stronger than that of any other section of the country. By the enactment of legislation in 1917 our Government reduced in value by the stroke of the pen every bushel of our wheat to the extent of almost \$1 per bushel. We constituted the one industry which remained in private hands which was not allowed war profits.

In fact, the bulk-line production of wheat was sold even during the war in the spring-wheat States at a set price less than the cost of production. But that was not all. We had come to realize shortly before the war that we could not continue to raise one crop year after year. The weed problem, the partial exhaustion of the fertility of our soil, the diseases to soil and grain had convinced most of us that we must diversify our crops. We had made a fair start toward the raising of corn, alfalfa, cattle, and hogs. The demand of the Nation and our allies was for bread bullets as well as for lead bullets. We were urged to sell our cattle and our sheep, to plow up our pastures, and plant every available acre to wheat. The person who did not comply was regarded as unpatriotic. The war campaign for more wheat set us back in our program of diversification, not 2 or 3 or 5 years but at least 10 or 12 years. Our soil became further depleted, more wheat sick and diseased, necessarily resulting in poor yields, and the wheat crop every year, with one exception, since 1915 sold at less than the cost of production. Is that all? Scarcely. There is no way of estimating with a fair degree of certainty the exact amount lost by the wheat farmers of the country due to governmental handling during the war. We do know, however, that the United States Grain Corporation made considerable profits in handling the wheat, and that our Government did not do as the Government of Canada did, prorate such profits back to the wheat growers. As I told you during the discussion of the resolution for the relief of the starving women and children of Germany, Congress, on March 30, 1920, provided for the sale of 5,000,000 barrels of flour to relieve populations in the countries of Europe suffering for lack of food, and the act gave permission to the corporation to take securities in exchange for such flour. Securities amounting to \$50,858,802.49 were accepted from the nondescript countries of central Europe, and not a dollar of those securities have been paid. That flour equitably belonged to the wheat farmers of the Nation.

Mr. WILLIAMSON. Will the gentleman yield?

Mr. BURTNESS. I will.

Mr. WILLIAMSON. The gentleman said a moment ago that it was difficult to estimate the amount that the farmers lost. Is it not a fact that an estimate was made that it was well beyond a billion dollars?

Mr. BURTNESS. Yes; that estimate is doubtless conservative. Other estimates have been made of two or three times that sum. I meant no one can tell to a certainty. Again, in December, 1921, Congress desired to be liberal to the starving peoples of Europe. In glancing about for some money to give away, Congress found that the United States Grain Corporation still had on hand approximately \$20,000,000 in profits realized upon the sale of wheat; and so we gave that money away to Russia. In spite of the fact that under these two acts alone contributions totaling practically \$77,000,000 out of funds equitably belonging to the wheat farmers have been made to Europe, Congress at this session has refused to loan \$50,000,000 to the stricken wheat areas upon fair security, even though the President earnestly recommended the enactment of such legislation.

As Representatives from the wheat area, therefore, we are not further looking for legislation for our special benefit, but we are intensely interested in any legislation that would be for the benefit of agriculture in general. We realize also that the only legislation which can be of permanent value is legislation the enactment of which would tend to give us better prices for farm products, prices fairly comparable to the cost of commodities we must buy. Incidentally, I might say that in spite of the refusal of Congress to come to our help in changing our farming methods, the spring-wheat areas are going to diversify. The process will be slow and tedious and beset with difficulties, but in 10 years from now I firmly believe that the Red River Valley of Minnesota and North Dakota, so long known as the "bread basket of the world," as well as the rest of North Dakota and portions of Montana, will become as famous for its alfalfa, its corn, its livestock, and its dairy products as it once was for its No. 1 hard wheat.

But how can agricultural prices be improved by legislation? Several bills with that general purpose in view are pending, but the one in which the country has become more interested than in any other during the past few months is the so-called McNary-Haugen bill. Every Member of Congress has received communications favoring as well as opposing it.

My speaking on the bill to-day is in the hope that, without being technical, I may fairly set out what the bill will do and on what principles it is founded. The average person is not interested in details as to the machinery provided, but is and should be interested in the results accomplished. It is early enough to discuss the detailed machinery when the bill reaches the floor of the House, as I hope it will soon.

The McNary-Haugen bill provides for machinery, including an agricultural export commission and an agricultural export corporation, which may deal in certain specific farm crops and the products therefrom whenever it is necessary to do so in order to maintain fair, legitimate prices thereon.

Its proponents have two principal purposes in view: First, that of providing a price for such farm products on a parity with the cost of commodities which enter into the farmer's cost of living and his cost of production; secondly, to provide means to give crops of which we have an exportable surplus the same protection from the tariff as is given to crops like flax and wool, or given generally to the products of eastern factories, where the difficulties of an exportable surplus are not encountered.

Everyone will, of course, agree that the important factor in prices for farm products is not the exact number of dollars and cents that a person gets for a load of wheat, or corn, or hogs, or cattle, but, rather, how much a farmer can with the proceeds thereof purchase in food, fuel, and clothing for his family, and in machinery, equipment, labor, and all other commodities or services which enter into the cost of producing his grain, livestock, or other farm products. There is no guesswork as to whether farm prices have recently been fair or not, for that question can be determined with mathematical certainty due to the fact that the Government Bureau of Labor Statistics has for several decades kept a very complete and satisfactory record indicating the general cost of living.

The proponents of the McNary-Haugen bill have taken a 10-year period, from 1905 to 1914, inclusive, as a period which represents fairly normal conditions throughout the United States. No one will claim that the farming industry in the country as a whole was unduly prosperous during such period. The general relationship of farming to other lines of business was probably as nearly normal as at any time in the history of our country. Some farmers made money, others went broke, but the average thrifty and competent farmer was able

to earn a living for himself and his family and secure a small return upon his invested capital. The market price of commodities selected by the Bureau of Labor Statistics, and properly weighted in accordance with their importance and use, during such period can therefore be accepted as a normal basis upon which to make a beginning. In other words, we can call that base 100. The question then arises as to what the market price for such commodities are now. The Bureau of Labor Statistics finds as a matter of mathematical certainty that the index of all such commodities for the year 1923 was 162.3. In other words, the general cost of commodities in 1923 was 62.3 per cent greater than in the 10-year period from 1905 to 1914. The important question, therefore, is whether in 1923 farm products maintained the same relative ratio. Unfortunately, most of them did not. To illustrate: The average grade of wheat should, during 1923, have sold for 46 cents more per bushel than it did in order to have maintained the proper ratio with the cost of other commodities. Corn should have sold for about 15 cents more per bushel than it did. Cattle should have sold for \$1.17 more per 100 pounds. Hogs should have sold for \$3.43 more per 100 pounds. Some farm products, like wool and cotton, sold at a price greater in exchange value than such commodities brought during the 10-year period. Everyone will concede the fairness, as well as the advisability, of maintaining such a fair ratio price for all staple farm products if reasonably possible to do so, and, as above indicated, that is the purpose of the McNary-Haugen measure.

On investigation it is found as a general proposition that crops which do not bring a fair relative price at this time are usually those of which the United States produces an exportable surplus. That is only natural, due to general conditions in Europe. The one outstanding exception to this rule is cotton, and the present high price of cotton is due almost wholly to the ravages of the boll weevil, which has so greatly reduced the available supply. Everyone concedes that it is difficult to get the full benefit of the tariff, or much appreciable benefit from the tariff, on crops or commodities of which we have an exportable surplus. The intent to give such products the same benefit of the tariff as other commodities get must also be conceded to be fair in principle. The interests of other lines of business or of consumers generally are not prejudiced thereby.

Now, then, how do the proponents of the McNary-Haugen bill expect to accomplish these two purposes? Let me put the matter very plainly by suggesting this question, and for convenience sake I will make the question apply to wheat: If one man—or one corporation or one cooperative association of producers—controlled the entire wheat crop of the country and realized that at least three-fourths thereof could be sold in the markets for local consumption and that about one-fourth would have to be sold abroad, what would he do? Would he sell the entire crop at the price of the world market? Would he not rather do what any well-regulated business does when it produces a surplus—sell such surplus at what it can get in the world's markets but so handle the matter as to receive the benefit of the import duty and thereby a reasonable price on the main portion? If the exportable surplus of wheat is segregated and sold in the world's markets, the balance could be sold locally for a price exceeding the world price by the amount of the tariff and the cost of transportation from foreign countries into our markets. The wheat industry, existing as it does over a large extent of territory, is not now organized, and can not be within a reasonable time, in such a way that the growers themselves can handle the matter as suggested.

Stripped of its seeming technicalities, the bill simply provides the machinery whereby the exportable surplus of such a crop as wheat can be segregated and sold in the world markets and the balance of the crop sold locally for a ratio price which is equal in exchange value to the price obtained for the crop during the 10-year period hereinbefore referred to. The export corporation must stand ready to buy the wheat offered at such ratio price, and that in itself will determine the minimum price within the United States. All of the producers of wheat will, however, pay their pro rata share of the loss upon the exportable surplus. That share is estimated in advance upon available information as to the amount of crop, the amount that must be sold abroad, and so forth, and a sufficient amount is in reality taxed against the producer when he sells such wheat by giving him the estimated tax or equalization fee in the form of "scrip." The export corporation gets the proceeds from the sale of the scrip by the Government in cash.

The opponents of the measure have attempted to prejudice the minds of the people against the bill because of the proposed use of such scrip, intimating that no one will know what the

value thereof will be, and that it may become a vehicle for improper speculation. Of course, if the equalization fee could be determined with exactness in advance such scrip would be valueless, for no greater equalization fee should be assessed than sufficient to take care of the loss on the exportable surplus and the cost of operation. To prevent loss, however, to the taxpayers—that is, to the United States Treasury—naturally, the body determining the amount to be paid for in scrip must be conservative and will probably place that amount at a little higher figure than what may be sufficient to take care of the loss on the surplus and the expenses of operation. At the end of the year, when such loss and expenses have been ascertained, the balance on hand may be distributed pro rata to the holders of the scrip. In all probability the amount of the scrip in the case of wheat would not exceed 15 cents per bushel.

In other words, the difference between the present market price of wheat and the ratio price, based on the pre-war 10-year average, is approximately 50 cents per bushel. Producers can, under the plan proposed by the McNary-Haugen bill, get such additional 50 cents per bushel, providing they pay, so to speak, an assessment of approximately 15 cents per bushel on their entire production. Therefore, the question is simply whether a farmer prefers to get about \$1 per bushel for his wheat as at the present time or whether he would prefer to receive \$1.35 per bushel in cash for such wheat and receive further scrip representing a 15-cent assessment, which scrip may or may not become of any value. In all likelihood its value would be rather nominal. Of course, there is no doubt as to the reply of the farmer if this feature is plainly explained to him.

Mr. TINCHER. Will the gentleman yield?

Mr. BURTNESS. I will.

Mr. TINCHER. If they are afraid of the scrip, why not try the principle for one year with the profit that the War Finance Corporation and the United States Grain Corporation made off the fund?

Mr. BURTNESS. That may be a good suggestion. One reason why I emphasize the amount of the profits of the Grain Corporation is to indicate the fairness of using such profits for a purpose such as this.

Mr. TINCHER. If that does hold the domestic consumption up to the ratio, the farmers would not kick on the scrip.

Mr. ROACH. Will the gentleman yield?

Mr. BURTNESS. I will.

Mr. ROACH. How are you going to build up an organization such as is provided for in the McNary-Haugen bill with the expectation that it would only function for one year? It is physically impossible for such an organization to be created for so short a time.

Mr. BURTNESS. I am not in favor of building it up for one year. I understand the House committee has agreed on five years, or at any rate that period has been suggested in the bill reported by the Senate Committee on Agriculture.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURTNESS. I understood the gentleman from Louisiana would yield me some time.

Mr. AYRES. The gentleman from Louisiana is out. I have charge of the time. I will yield the gentleman 10 minutes more.

Mr. BURTNESS. I notice that the distinguished gentleman from Illinois [Mr. RAINEY] in a letter to the Illinois Agricultural Association attacks the bill, at least by inference, because it proposes to provide for the cost of operation and the loss from the exportable surplus by the so-called scrip. He assumes that this scrip will operate to bring about a period of expansion in our currency. In other words, he presumes that it will in effect be money, for he talks about increasing the circulating medium without increasing our gold base, and so forth. Of course the answer to that contention is that the scrip is not a circulating medium in any sense of the term. The use of that word in designating the paper that will be given the farmer is perhaps unfortunate, for, as a matter of fact, the scrip amounts to nothing more or less than a receipt for the assessment that it is necessary to make upon the entire crop to take care of the cost and loss referred to. It is identical in principle to the interest retained by any person who pools his wool, his wheat, his tobacco, or his cotton with some cooperative association, receiving an advance covering perhaps the greater portion of the purchase price, but who must await the final sale of all of the pooled crop or produce, as well as the determination of the cost of operation, before he can receive the balance of the purchase price. It is not dissimilar in operation to the arrangement made by most beet-sugar factories with the growers of beets and who guarantee such growers a minimum amount for the beets, but provide for a further payment for such beets, the exact amount of which depends upon a number of contingencies,

including the wholesale price of sugar during the manufacturing season.

A very fair argument has been raised against the bill by the grain trade to the effect that the enactment of the measure will eliminate trading in futures on the grain exchanges, and will therefore make it impossible for a concern like a farmers' elevator to protect itself against a fall in the monthly ratio price by legitimate hedging. It is by no means certain that trading in futures will be eliminated, and it is quite possible, and probably likely, that such trading will continue on a basis above the ratio price. If that is so the farmers' elevators and like concerns will have the same protection in so far as hedging is concerned that they now have.

Assuming, however, that the argument of the grain trade is correct and that future trading would be stopped, then what is the result? I have strongly urged the proponents of the measure that they eliminate determining the ratio price upon the figures given for each month during the pre-war period and establish the ratio price simply upon the average weighted price which existed throughout the entire 10-year period without regard to what such price may have been in the arbitrary divisions of calendar months. I feel certain that the bill will be amended in that regard. What will that mean? The answer is plain. Practically a stable ratio price throughout the entire marketing season, thus eliminating any necessity for hedging and making it possible for farmers' elevators or other grain-buying concerns to buy their grain on a lower rather than a higher margin. In any event with such change the price could not vary from month to month unless the price of all commodities should vary, and past experience tells us that such variations are not likely to exceed more than 1 per cent. I think every person concedes that it is now impossible for an elevator company to so handle its hedging operations as to give perfect protection. No buyer knows during the business hours of the day during the marketing season whether outstanding storage tickets amounting to 500 or 5,000 bushels are likely to be surrendered and sold before night. Hedging must now of necessity be based in part upon estimates as to the business that may be conducted on any given day or before the market again changes, and we all know the large fluctuations that may occur. Hedging now can only be done in 1,000-bushel lots. Assuming therefore the adoption of the McNary-Haugen measure, with the amendment suggested, I am convinced that the need for any hedge would be eliminated unless trading should occur on the market above the ratio price level, in which event the same protection would be afforded as at the present time.

There is some merit to the objection by the organized grain trade that the plan will result in increasing the production of such a crop as wheat. When they make that criticism they admit that the price of wheat will be increased to the producer. The danger of overproduction, however, should not be great where all that is accomplished is to place the value of wheat on the same relative basis as it was from the years 1905 to 1914. Such prices must be generally maintained unless American agriculture is to perish. The additional difficulties in raising wheat now, as compared with that period, due to foul weeds, exhaustion of soil fertility, and so forth, must be recognized by every intelligent farmer, and ought not to tend to encourage production above what it was during normal times, but should on the other hand tend to keep the production at a lower figure. Another factor in that regard, however, is of great importance, and that is the fact that this bill can be applied to other farm products mentioned in it, and that the tendency will be to raise simultaneously such other farm products, maintaining all of them in the same relative position. In other words, there will be no specific inducement to change the relationship of acreage sown in so far as ratio prices are concerned.

But let us assume for the sake of the argument that the result would be an enormous increase in wheat acreage. Production in recent years in round figures has been about 800,000,000 bushels. Domestic consumption amounts to approximately 600,000,000 bushels. How much can such production be increased? During the war when every effort was made to increase wheat production throughout the United States, and when the farmers responded patriotically in most cases, and almost under the lash of the Government in others, the wheat crop of the country amounted to considerably less than 1,000,000,000 bushels. In 1917 the crop was, in round figures, 636,000,000 bushels; in 1918 it was 921,000,000 bushels; in 1919 it was 967,000,000 bushels; and in 1920 it fell to 833,000,000 bushels. It is inconceivable that our wheat acreage would again be raised to the point that it was during the war, but assuming that it should be, what would be the actual result in the operation of the proposed law? It would simply require

an increase in the equalization fee from the estimated 15 cents per bushel to approximately 20 cents per bushel, thus reducing the net return to the farmer from about \$1.35 per bushel to \$1.30. In other words, a 20-cent equalization fee on 950,000,000 bushels would amount to \$190,000,000, and would more than pay a 50-cent loss on an exportable surplus of 350,000,000 bushels.

Mr. TILSON. Will the gentleman yield?

Mr. BURTNESS. Certainly.

Mr. TILSON. The gentleman has addressed himself entirely to wheat. Does not the bill go much further and deal with other crops more perishable?

Mr. BURTNESS. I have used wheat in my argument for illustration purposes. It applies with equal force to other staple crops and would operate as well on most crops, although I concede that as to cattle and beef it would be more difficult, on account of the difficulty of establishing standard grades.

Mr. TILSON. Wheat and cotton are two commodities almost imperishable, or at least they keep for a long time, and the conditions that might apply to them would not apply to other crops which are perishable.

Mr. BURTNESS. Beef under present cold-storage facilities is not very perishable.

I also doubt whether there is any merit to the objections raised by some in the spring-wheat States that the passage of the act would tend to eliminate or reduce the premium paid for spring wheat above the prices paid for the winter wheats. Why is there a difference in the price at the present time? The answer is plain. The hard spring wheat is worth more to the millers. The passage of legislation can not change the relative inherent value of one wheat over another. If millers are compelled to pay the ratio price upon the winter wheats in order to get it, they will, of course, pay that much more in order to get the hard spring wheat, and the amount paid in addition will be determined by the actual desirability of the wheat. Furthermore, this objection is predicated upon the assumption that the ratio price would be established for all classes of wheat. That is not true. The ratio price would be established for the various varieties of wheat and be based upon the relative values of such various varieties as indicated by actual prices at terminal markets during the 10-year period taken as a basis. If the difference thus established in the ratio price itself is not sufficient to cover the actual difference in relative values between wheats under present milling conditions, there seems no good reason why such additional advantage, if any, will not be further reflected in the price. In other words, if a definite ratio price is established and maintained on the poorest quality of wheat, will not better qualities of necessity demand a premium commensurate with their additional values on the open market?

To those who argue that it would be better for the Government to simply fix a price and to buy all the wheat at such price and then let the United States Treasury stand whatever loss may be incurred on the sale of the exportable surplus I need simply state that there is not the least chance of that sort of legislation being enacted by Congress. Members representing districts not primarily engaged in raising wheat will not approve such a law. Responsible leaders of the administration will not subject the Treasury to such unlimited risks. The large majority of Congress properly hesitate and refuse to establish that sort of a precedent. The appeal which the McNary-Haugen bill should have to Members of Congress from districts not selling farm crops is the fact that no drain on the Treasury is demanded, except some working capital; that no loss on the exported surplus will be borne by the taxpayers but by those engaged in the business itself; and that no attempt is made to procure an unduly large price, but one simply sufficient to put us back on a relatively normal pre-war basis. Senator Gooding, who introduced a \$1.75 price guaranty bill for wheat, has abandoned such bill because he believes that the McNary-Haugen bill is much the better and sounder measure.

Critics may charge that the McNary-Haugen bill is paternalistic, communistic, socialistic, and what not; but, after all, in its final analysis it simply establishes the governmental agencies which make it possible for the agricultural producers under postwar conditions to market their crops in the same way that a well-organized corporation, like the International Harvester Co. of America, can do, and that is to prevent the price that has to be accepted from the war-ridden countries of Europe for surplus production to largely control the price charged within the United States.

Not only does the American Farm Bureau Federation, the National Grange, and the Farmers' Union heartily endorse this bill but it has also been endorsed by some of the best econo-

mists, some of the shrewdest business men, and some of the most capable bankers in the United States. True, it is quite generally opposed by the organized grain trade and the milling industry and by the Wall Street Journal. It seems significant, however, that an excellent business man like Mr. George N. Peek, president of the New Moline Plow Co., whose business is directly dependent upon the prosperity of the farmers, has spent so much time and money and effort in behalf of this measure. Surely no one is disposed to call Mr. Peek a communist or a Bolshevik. Can not the same be said about such men as John R. Mitchell, president of the Capital National Bank, of St. Paul; Mr. Noyes, of Noyes Bros. & Cutler; Louis Hill, president of the Great Northern Railroad; and others, who could be named as supporters? Even the well-known conservative banker Otto Kahn is favorable to the principles underlying the measure.

To be in a position to maintain the ratio price, authority is granted in the law to increase the tariff so as to prevent shipments from Canada or any other country. That plainly is a necessary power in order to make the legislation effective. Incidentally such power will also assure the saving of the American market to American producers alone.

Personally, I think the bill can be further perfected and amended. I should recommend simplification by eliminating the so-called export commission and giving its powers to the directors of the export corporation. I would be inclined not to allow the minimum ratio price when once established to be changed at all during a given marketing season, but to provide in the case of wheat for an increase in such ratio price by the addition of a small carrying charge from month to month not to exceed 1 cent per bushel. Such matters, however, are details which will be considered and carefully perfected before the bill can be finally enacted into law. The persons criticizing the measure are rendering excellent service, for they point out possible defects which should, and I believe can, be eliminated.

Mr. BLANTON. Will the gentleman yield?

Mr. BURTNESS. I will.

Mr. BLANTON. The purpose is to help the farmer, I presume.

Mr. BURTNESS. I would not be speaking here to-day unless I thought it would help the farmer.

Mr. BLANTON. Does the gentleman remember the speech of the gentleman from New York, Bourke Cockran, in which he said that he represented 5,000,000 consumers in New York and he was going to put us on notice that those 5,000,000 consumers wanted everything they ate and everything they wore just as cheap as they could get it? Now, you are going to have to contend with that side of it when you pass a bill of this kind.

Mr. BURTNESS. I realize that; but I am also pleased to find that the representatives of the American Federation of Labor have stated before the Agriculture Committee that they are willing that legislation with this purpose should be passed, and they are willing to pay fair prices for these farm products. Of course they know and realize, if they give the matter any thought, that they can not continue to be employed at high wages in the manufacture of shoes, clothing, farm machinery, lumber, woolen goods, automobiles, or anything else unless the purchasing power of the farmers of this country can be maintained.

The spring-wheat States of the Northwest have contributed to the plan embodied in the bill. The resolutions passed last summer at meetings in Fargo and Minot, N. Dak., in Wheaton, Minn., and elsewhere were based upon identical principles, but did not set out in detail the machinery for which provision is made in the bill. The committee appointed by the meeting of the bankers of the ninth Federal reserve district, held at Fargo, N. Dak., about September 1 last, and which came on to Washington and interviewed the President, the Secretary of Agriculture, and other administration leaders, carried the movement forward to a very considerable extent.

In conclusion let me say that the bill embodies a crystallization of the best thought of literally hundreds of people who have given the solution of the difficulties confronting us in the present agricultural emergency very thorough study. Let us as Members of Congress earnestly set to work to perfect it, if need be, and then pass it for the preservation of agriculture and for the best interests of commerce and all other industry as well. [Applause.]

Mr. WOOD. Mr. Chairman, I yield now to the gentleman from Missouri [Mr. Dyer].

Mr. DYER. Mr. Chairman, on March 18 I submitted to the House from the Committee on the Judiciary House bill 7190, to amend the China trade act, 1922, approved September 19, 1922, together with a report, No. 321. I trust that this legis-

lation will receive the early and favorable consideration of the House. It is badly needed to enable the China trade act of the Sixty-seventh Congress to properly function as contemplated by the House when it passed the House bill 4810 of that Congress. Amendments and changes made in this legislation in the Senate of the last Congress, and which make it unworkable as originally contemplated, necessitate the amendments to the law heretofore referred to. If the law is amended as recommended, it will have the effect of putting American interests doing business in China on an equality with other nations. It also will have the effect of inducing Chinese capital to participate with American capital in undertakings in China to encourage American trade there. It will also provide a uniform and practical manner for creating corporations under a Federal law to do business in China. I trust that the Members of the House will study the bill and the report referred to, so that all may see our responsibility and duty in the premises.

The great nations of the world are strongly contending for the trade of China. The world's commerce of the future is in the Pacific, with China as the principal goal. Many splendid Americans, representing American trade and business, are in China to develop American trade there. They have to contend against heavy odds, due to favored laws that other nationals enjoy. This legislation is an effort to give to Americans an "equal opportunity" for trade in China. We seek no advantage for our citizens, but simply an equal chance.

Some Americans in their efforts to establish trade in China and the Pacific have succeeded against the adverse conditions, but many have failed. The hazards have been too great. The United States needs now, and more for the future, an increase in foreign trade. The only field of consequence is in the Pacific. China is a vast country with immense resources and occupies a stretch of territory one-sixth larger than continental United States. Her population is four times as large as our population and her climatic conditions and natural resources are quite similar to ours. For years through the work of our missionaries and educators and the operation of our "open-door" policy we have been building up a great asset of good will toward America on the part of the Chinese people. They know that America has no designs on their territory and that the close commercial relations of the two Republics will do much to strengthen China and enable her to more successfully cope with aggressors who do have designs upon her territory. The recent revival of American trade with China may mislead some to think commercial relations with that country are of short standing. Such a supposition is not borne out by history. One hundred and thirty-six years ago an American ship visited Canton, China, with such good results that a regular trade followed. American clipper ships were an important factor in the commerce of China from the visit of that first vessel in 1778 to 1860, when our commerce was driven from the seas by the development of the British merchant marine. During the height of the period, along about 1825, American shipping and trade led in the Far East.

In 1805, 37 American ships carried nearly \$6,000,000 worth of American merchandise from American ports to China and returned laden with Chinese products for our markets. By 1852 more than 50 per cent of the foreign shipping entering the port of Shanghai was carried in American bottoms. You do not have to search very far back into the archives of Boston, Providence, New York, Baltimore, and Charleston to find interesting records of this old profitable trade between China and the young American Republic. And the trade was mutually satisfactory, of which fact there is ample evidence.

American firms occupied a leading position with their imposing office buildings and warehouses or "go-downs" in both Canton and Shanghai, and American shipping even had the lead on the China coast and on the Yangtze River. During this period of trade there were naturally many financial panics and we learn of many instances where the Chinese merchants in Canton extended credits to their American merchant friends and enabled them to pull through.

But this profitable trade with China and the Far East stopped at the beginning of our Civil War, which absorbed our entire interest and resources and enabled the development of the steamship in Europe to drive our sailing ships from the seas. In the long period from 1860 to the beginning of the European war, our commercial relations with China were small and never averaged much above \$50,000,000 a year for both imports and exports. Our chief concern was in the internal development of our own continent, and without a merchant marine there was little foreign commerce. Much of the commerce that we did have with China was handled for us by foreigners—the British and German, and later the Japanese. Who can see what

changes might have been wrought in the development of the Orient in this half century from 1860 to 1914 had we been able to maintain our commerce as it existed in the previous half century?

With the World War our trade with China and the Far East greatly increased, but we must remember that these were war times, when our European competitors were almost entirely out of the game. Germany, our chief competitor in machinery, was entirely out of the China market and we were able to absorb a good part of the trade that the German merchants formerly enjoyed. England, by an almost superhuman effort, was able to keep her trade alive in the essentials. We were handicapped at the beginning of the struggle by a scarcity of shipping. This was soon remedied. With the splendid ships that we now have upon the Pacific, and with the needed legislation, we have every reason to look to the future, so far as our trade with China and the Far East is concerned, with confidence.

In 1922 the United States enjoyed 16.11 per cent of China's total trade, as compared with 7.69 per cent in 1913. We sold China 17.33 per cent of her total imports from all countries in 1922, as against only 6.04 per cent in 1913. Our trade with China in 1922 was only exceeded by that of Japan and Hongkong. At least a quarter of the 25 per cent of China's trade attributed to Hongkong—which is merely a transshipment point—and of the 24 per cent of China's trade attributed to Japan was in reality American trade entering and leaving China by way of these places. It is estimated that at least 12 per cent more of China's trade than is shown by the direct trade is with the United States, so that the United States is really China's largest customer. China's principal imports, including machinery, iron and steel, cigarettes, kerosene, dyes and chemicals, wheat and flour, and leather goods are also the principal exports of the United States. In other words, the trade of the United States with China shows the following in figures:

	1921	1922	1923
Imports.....	\$112,658,000	\$151,975,000	\$211,818,000
Exports.....	132,331,000	126,998,000	134,881,000
Total.....	244,989,000	278,973,000	347,699,000
Per cent of total trade.....	.035	.04	.0437
Per cent of total imports.....	.045	.048	.068

On comparing our trade with some of the principal European countries with China, we find the following:

	1913	1922
Per cent of China's total trade with—		
Great Britain.....	10.29	10.39
United States.....	7.69	16.11
France.....	4.7	2.8
Germany.....	4.5	2
Per cent of China's imports with—		
United States.....	6.04	17.33
Great Britain.....	16.53	14.90
Germany.....	4.83	2.54

Hon. Herbert Hoover, the able Secretary of the Department of Commerce, has been doing much to improve our facilities and knowledge for increasing our trade with China. At the head of the Bureau of Foreign and Domestic Commerce is a very able man, Director Julius Klein. He has also given special attention to our trade with China. The American commercial attaché to China, as well as the registrar of the China trade act, trade commissioners, and so forth, all under Secretary Hoover and Director Klein, have been most helpful. I have never met a finer class of men in the foreign service. In addition to the Department of Commerce great assistance has been rendered by the Department of State through its diplomatic and consular officers. They are men able and painstaking, and are doing everything they can, not only to increase our trade with China but to maintain friendly and helpful relations with China. In the last appropriation bill we gave some increase to aid in this work in China under the Department of Commerce. In a recent hearing before the Appropriations Committee, in answer to a question by Chairman Shreve, Director Klein made, in part, the following statement touching the results accomplished:

"There was a very considerable stimulus to the trade directly as the result of that work. The investigation, for example, of construction material trade, or the possibilities for construction material and machinery. Immediately, as the result of that appropriation, we sent

over an engineering expert who had had experience in the equipment of factories and buildings over there, and he has already facilitated a number of important orders which have come through.

We also provided in that appropriation for a very careful inspection of the situation at Canton. You will remember we were discussing the possibilities of a Canton office. As the result of that additional fund the commercial attaché and the trade commissioner accompanied the American minister on a recent tour through that southern district, and the plans have now been definitely made for that office, which will be open probably within a few weeks.

That survey was one of the most exhaustive economic inspections of this whole territory of South China, and it has a large number of unusually favorable angles from the American point of view.

As I understand it, there are a larger portion of young Chinese of American university training in that area than in any other area over there; furthermore, the intensive drive by our competitors in that part of China, in Hongkong and along the coast, is becoming more and more aggressive, and it is quite evident that the committee was wise in authorizing the expansion of the service in that direction.

Director Klein, in further testimony before the Appropriations Committee, being questioned concerning the China trade act, 1922, testified as follows:

At the present moment the Judiciary Committee of the House of Representatives is considering some very necessary amendments. The act passed by Congress last year has developed some very obvious defects. A number of companies have been incorporated under it, with a total capital of nearly \$3,000,000; but there has now come a need for a further modification of it, and that matter is in the hands of Congressman DYER, who is much interested in it. If the modification is effected, it is quite certain that there will be a large number of firms going in. It will interest the committee to know that already 160 firms are considering actively the possibilities of the act.

To date there have been nine companies granted certificates of incorporation. Of these, four have been capitalized in gold dollars with an issue of stock of \$1,050,050 gold paid in full. There have been five of the companies capitalized in Shanghai taels totaling Shanghai taels \$1,490,900, which would make a capital value of about \$1,128,275 gold. The above would total \$2,184,925 gold.

The companies so far have been very conservatively capitalized and the initial balance sheets as of the date of starting business will probably show a total capital stock value of close to \$2,750,000 for the nine concerns.

It is difficult to estimate the amount of business done, as none of the concerns have been in business over eight months of the year 1923 as China trade act corporations. It would appear, however, from preliminary information that the annual turnover of these corporations would at least equal their capital or will be approximately \$3,000,000 gold for the nine concerns which have incorporated under the China trade act to date.

Mr. Chairman, our relations with China since our first contact have been almost continuously peaceful and friendly. In the preamble of a treaty that we made with China on June 18, 1858, there were the following words:

They shall not insult or oppress each other for any trifling cause so as to produce an estrangement between them, and if any other nation should act unjustly or oppressively the United States will exert their good offices on being informed of the case to bring about an amicable arrangement of the questions, thus showing their friendly feelings.

This serves to show that Chinese-American relations are not of recent origin, but have existed on a friendly basis to the mutual advantage of the two peoples during practically the entire national life of the United States.

It is impossible to place your finger upon any one single element that has been responsible for this general prestige and friendship that exists in China toward this country or the similar feeling that exists over here toward the Chinese people. It has stood the test of time, and as a Nation we have been a pretty good sport in our relations with China, a weaker power. We have never as a Government participated in the territorial aggressions which have been the established customs on the part of both Europe and Japan. We have never supported our citizens in obtaining monopolies or exclusive spheres of influence upon the continent of Asia. We have never participated with other powers in infringements upon Chinese administrative autonomy except to a limited extent necessary to prevent us from being thrown out of her markets entirely by our competitors, and in these cases our influence has always been exerted to the benefit of China rather than to ourselves.

The Chinese are a splendid people; they are industrious; they have a vast country, rich in its resources. As a nation and as a people they will become great and powerful in commerce and otherwise. They must be given time to work this out themselves with their own leaders, of whom they have

many splendid ones, able and honest. This class predominates and will soon have firmly the reins of government. Tsao Kun, the new President of China, according to those who know him, is straightforward. Tsao Kun was elected President last fall by parliament to succeed Li Yuan-hung.

Tsao Kun is 60 years of age. Thirty-five years ago he was a common soldier. An officer, attracted by his qualities of leadership, had him sent to a military school. After graduation he directed a training school for soldiers of the old Manchu court.

In 1911 he aided in suppressing the first revolution in Chihli Province. In 1915 he offered unsuccessful opposition to Gen. Tsao Ao, the restorer of the republic, who was fighting the imperialistic movement of Yuan Shih-kai.

Tsao Kun then was made military governor of Chihli. In 1917 he was commander of the troops of several Provinces in the war against the south.

So far as their internal and sovereign problems are concerned, no nation or people can do China any good in this regard by interfering. The world must recognize the "open door" for China proclaimed by John Hay in the fall of 1899, and endorsed and ratified by the American people many times. We want to see China become the great republic of the east as we are of the west.

The Chinese have had, and will continue to have for some years to come, great difficulties in making their people into a great unified nation. Their history of thousands of years need but be studied to understand their difficulties in the new situation that has come to them in changing their form of Government. I have studied the Chinese people, their country, opportunities for rendering them assistance in commerce, and in other ways during my visits there, and my judgment is that we should relieve China of its financial debts to other nations and assume them all ourselves and arrange a just plan for China to pay us. China could then go ahead more rapidly and get rid of her financial troubles. One of the wrongs done China was the exacting from her of an immense amount of money as indemnities for the so-called Boxer uprising. She has been paying off this debt year by year. It has been one of the causes of her poor financial situation. A great part of this debt was not actual damages done to foreigners, but was what is known as punitive damages. The United States, as well as all other countries that are yet unpaid a portion of these indemnities, should remit them. This country did remit a portion of its indemnity some years ago, and we should cancel the balance of it, as well as return to China that which we have collected over and above the actual damages and expenses sustained by our people. We should urge other nations to do the same. China has many splendid men working faithfully and honestly for the salvation of the country. They should have our hearty good will and active support. I recently received a letter from an American official who has been in China for a long time and who knows the Chinese people. He writes me as follows:

As I view China, the forces which are working beneath the surface in this country will have to be accorded sufficient time to make themselves a commanding factor in the situation. There is no mistaking the fact that the thinking people of China have changed during the past few decades from a mental attitude of self-sufficiency to one of receptivity to influences from without. Contact with the West, physical and mental, has been responsible for this. As a result their society to-day is undergoing probably the most important transition in its entire history of 4,000 years. In adjusting themselves to changing conceptions in the economic, social, and political phases of their society, they are confronted with problems the gravity of which is accentuated by the vast area of the country, the tremendous population involved, the decades and centuries of traditions differentiating them from any other people, and last but not least, bad internal communications. To develop from a *laissez faire* society, which characterized China for decades, into a modern organized state with representative government will require time. The forces working beneath the surface are of such a nature and of such proportions that I believe the Chinese people will succeed in this task.

There is no disputing the fact that during the past 20 years the Chinese have made tremendous strides toward the development of a national spirit. An educated public opinion is gradually becoming manifest. They have reformed and modernized their educational system. The country is undergoing a literary renaissance. There are also evidences of a spiritual reawakening on the part of the Chinese people.

The Chinese now appreciate the necessity of railways and modern means of communication. No country is in greater need of modern transportation than is China. Industry and business are being reorganized in China along modern lines. It is not strange that, under the conditions which have existed in this country, government, in the sense in which it is appreciated in the west, should be slow of develop-

ment. Personally, I am not at all pessimistic as to the future of China or the Chinese people. The developments which have taken their inception during the past few decades have progressed in such a way that one should, rightly speaking, be optimistic. The pessimists in China to-day are those who lack a sense of proportion or fail to comprehend the situation in its perspective.

It must be borne in mind that, fundamentally, conditions in this country are sound. The Peking Government may be bankrupt or nearly so, yet the fact remains the country has continued during all these decades and centuries on a specie basis, and the resources of China are such that if they are marshaled and organized they can be made to meet all the financial requirements in connection with the Government's obligations, and provide for an extensive program of development. The per capita debt of the nation is small, ridiculously so when compared with that of certain European countries to-day. Intellectually and physically the Chinese people possess the potentialities of any other people in the world.

We can help the Chinese most when we help them to help themselves. In my opinion we shall be doing more for China and the Chinese people when we devise ways and means of helping them to improve their economic conditions, for I believe that China's ills to-day are more economic than political. Thus we shall strike at the root of the needs of these people when we tackle its economic problems.

It has been stated, and probably in truth, that there are in China to-day upward of 1,000,000 men under arms. There are a number of military Tschuns, or feudal overlords, in power, each claiming independent supremacy in certain regions and holding this power through their military organizations. To disband the armies of these military Tschuns is China's present pressing problem. The great bulk of these soldiers are following this activity from necessity rather than choice. The bandits and brigands in China are the results of bad economic conditions. It will be practical to disband these troops when means of employment are devised which will make it possible for these hundreds of thousands of men to secure a living by following peaceful pursuits. If they are disbanded without according them means of employment, they may break up into small bands, and we shall have disorganized disorder rather than the present what may be called organized disorder. The Chinese are naturally a peaceful and industrious people, and it should not be difficult to impress the soldiers of to-day into constructive employment if a practical plan could be devised whereby avenues for honest labor were opened.

In an economic way China needs railways to the extent of tens of thousands of miles. Railways will open vast areas of unsettled, undeveloped lands to cultivation, thereby relieving the congestion of population in other sections. They will also connect the populated regions with new markets, thereby increasing the wealth of this region. Conservancy, good roads, reclamation work, etc., abound in potentialities in the employment of labor and the development of resources. If American finance would come to China to the aid of its economic conditions more could be done for the future of these peoples and at the same time assist our trade and commerce in this wonderful section of the world than probably could be accomplished in any other way. A constructive program of financial assistance, working in cooperation with the Chinese business men and bankers, is in my opinion possible of consummation. It may be advisable to do this work on an international basis, if the cooperation of other nations could be enlisted in a helpful sense. Constructive assistance of this character would also do much to effect a consolidation and union of the various contending factions.

Mr. Chairman, what I have read to the House is the judgment of an American of 20 years' residence in China. Now, let me present the views of a Chinese regarding his own people.

Among the splendid Chinese whom I have met and learned to know and admire immensely is the Chinese Minister to the United States, Sao-Ke Alfred Sze. In a recent speech touching the Chinese he said, in part:

We are a people who, of all living races, go farthest back into the past. We were a nation long before the Roman set foot in England. For more than 20 centuries we were living in the valleys of our great rivers before the English entered Thames Valley. And the whole of Europe was pagan when Confucianism was already, for more than 500 years, a living creed and a social code in our midst. The peoples and the races who were our contemporaries in those distant days have all disappeared into the night of the past. But we survive. And we survive, not as a dying race, but as a great coherent body of 400,000,000 people. And note this fact: Whilst we are the oldest living race on earth, our mind possesses a vitality and elasticity which has enabled us to adopt the most advanced forms of parliamentary government—namely, republicanism.

What is the reason for this survival—for this passage of the Chinese people, as a living nation, through the ages? It is, no doubt, difficult to explain a great historical fact like this in terms of a single cause. But I suggest that it is largely to be explained by Chinese adaptability—by the capacity of the Chinese to respond to

the demands of change and adapt and readjust themselves to any new environment in which they may find themselves.

This, perhaps, may sound strange to those who have always been told that China is changeless. But this is a saying that is not only untrue but full of mischief. It is mischievous because it causes people to think that the present state of China, with its unrest and disarray, is due entirely to the incapacity of her people to adapt themselves to the new conditions of life which foreign pressure and influence have set up around them. And from this belief you get that very sinister view which would see China, with her illimitable man power and vast natural resources, placed under the tutelage of some other state inspired with a greater will power.

It is, no doubt, true that there exists a certain degree of unrest and political disturbance in China to-day. But it is very important to realize that this is a state of things which occurs and has occurred in every country where a new system of government or some other fundamental change in the life of a people has taken place. You see this fact of unrest and disorder in nearly every country in Europe to-day. The Great War has released ideas and forces which go to the foundation of what is called the European system. And there are observers who hold that this period of unrest and disturbance will continue for at least a generation. It is argued that a new system of life is being introduced into Europe, and until you have bred and trained new men to work this new system the men trained under the old dispensation must go on with the task of government. And, it is added, as it is impossible to have the new system properly worked by these men, a period of disturbance must ensue and continue pending the appearance of the new workers.

Twenty-five hundred years ago Confucius defined this same problem of government. "Let there be the men," the sage said, "and government will flourish; but without the men government decays. With the right men the growth of government is rapid, just as vegetation is rapid in the earth. Therefore the administration of government lies in getting proper men."

Whether this Confucian view of the European situation is sound or not, there can be no doubt that we are faced in China with the same sort of problem which seems to confront Europe. And most Chinese who think over the matter believe its solution lies in the direction indicated by the master. Up to the date of the Chinese revolution in 1911-12 China was ruled by an autocracy. The revolution destroyed the autocratic system of government and replaced it by a democratic system. This point was emphasized some little time ago by a Chinese publicist in one of the daily papers in London. China, he said, is now passing through a period of transition and is adjusting a system of government created under autocracy into a democratic system.

Under autocracy the country was considered the property of the ruler, whereas now it is regarded as the common possession of the Nation. And he went on to point out that the present difficulties in China were largely due to the inevitable disorganization caused by this transition. To work the democratic principle you must have the necessary machinery in the form of parliamentary institutions; and this machine has hitherto been worked by men trained under the old system of government, because the country must be governed in one way or another, even if mistakes are made. And he insisted that in every instance where a nation had passed through a fundamental change there had always been a period of unrest and disturbance, which was but an expression of the nation's efforts to adjust its old life to the conditions and demands of a new environment.

This view of the situation in China implies that the present political and economic difficulties of the country are not the outcome of racial incapacity or faults of character, but the marks and signs of a period of transition. In other words, these difficulties are the surface effects of the great movement of life that is daily changing the whole face of China. They are signs of vitality, not of decay.

Mr. Chairman, China is the only great undeveloped country in the world. It is rich in resources and man power. Shall we take our proper part for the good of the United States and China?

We of this country who do not look to the opportunity that is ours in China to participate in its great commerce and trade development for the present and the future are unfaithful to the great destiny of the American people. With legislation that will remove our technical handicaps, most Americans familiar with present developments in the Orient believe that we may in a comparatively few years take a position of commanding influence for our own and China's good and benefit.

One of the best authorities on America's future as to commerce in the Pacific, and especially China, is Capt. Robert Dollar, the head of the Robert Dollar Co. In a recent statement upon this subject he said:

Few as yet recognize the great field for foreign trade afforded by China. Take the Province of Szechuen, for instance. Formerly only junk, hauled by 120 men, penetrated into it. Our passenger steamers now go as far as Chung King, 1,600 miles inland from the ocean, but

the Province, with its population of 70,000,000, is not yet open to foreign trade.

Formerly China bought all her cotton piece goods from Great Britain and the United States. Now she has a number of mills scattered all over the country and is manufacturing much of her own cotton goods. She wants to use her other raw materials. The Chinese people are very eager for trade, and particularly with the United States, whose friendship and good will they prize highly.

We have passed the period when jackknife swapping among ourselves was sufficient. We need all possible trade with other nations. We produce and manufacture more than we need, probably 33½ per cent more. Let that 33½ per cent of excess manufactures and products go out and bring back gold; if not gold, raw materials which we use for more manufactures, and that adds to the country's wealth.

To make foreign trade profitable in the shipping business we must have return cargoes. To-day there are large numbers of ships lying idle because they can not get such cargoes. When we take lumber out and can find no return cargo let us buy commodities to bring back.

I remember some years ago—12 or 13, I think—wading ashore to one of the islands of the Philippines to look into the lumber possibilities. We were over there without a return cargo and were desperately in need of one. I found copra. As that was the only possible cargo in sight I set about getting it. But as this was the first shipment of copra to the west coast I had to promise, on contract, to deliver 12,000 tons a year for three years to get it.

I took the chance, and the copra and coconut-oil business grew rapidly to an annual value of \$22,000,000.

What Capt. Robert Dollar and his splendid sons and associates have done to build trade for America in the Pacific, and especially in China, has been and can be done by many others. Give to Americans an equal opportunity with all other nationals in China and we will forge far ahead in trade and in commerce. This country is now producing much more than it needs for its own use. We must find foreign markets. China has more than 400,000,000 of people to purchase from us. We in this country can use much that China has and produces. We should build factories and mills in China with American and Chinese capital, to be operated under American and Chinese management for the joint benefit of the people of both countries. Our engineers, with American and Chinese money, should help to develop the resources of China and build its railroads, so as to bring its products and resources to the markets of China and the world. The problems of China are the problems of America. When we build the Panama Canal we brought China closer to the United States. President Roosevelt, when he made the proposal for the construction of that canal, said:

The Mediterranean era died with the discovery of America. The Atlantic era is now at the height of its development and must soon exhaust the resources at its command. The Pacific era, destined to be the greatest of all, is just at its dawn.

Some 60 years before this former Secretary of State Seward, when Alaska was added to the United States, said:

The Pacific Ocean, its islands, and its vast regions beyond will become the chief theater of events in the world's great hereafter.

The Pacific era is here; the Pacific Ocean is at our doors; China is our friend and our neighbor, and the Congress of the United States, its Government, and its people should take heed of these prophetic warnings and fast make ready to take our place and do our part in the development of China for American trade as well as render to its people every needed assistance that will redound to the good of China and our own people. [Applause.]

Mr. WOOD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LEHLBACH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 8233 and had come to no resolution thereon.

LEAVES OF ABSENCE.

By unanimous consent leave of absence was granted to—

Mr. HAWES, indefinitely, on account of illness.

Mr. GRAHAM of Illinois, for 10 days, on account of important business.

Mr. SINCLAIR, for 10 days, on account of death in family.

Mr. CROSSER, for to-day, on account of illness.

MINORITY VIEWS—TEACHERS' SALARY BILL.

Mr. BLANTON. Mr. Speaker, I ask unanimous consent that I may have until midnight to file minority views on the teachers' salary bill which comes up on Monday next.

The SPEAKER. Is there objection?

There was no objection.

REFERENCE.

The SPEAKER. The chairman of the Committee on Banking and Currency and the chairman of the Committee on the Territories have agreed to a rereference of the bill H. R. 7407 from the Committee on the Territories to the Committee on Banking and Currency.

Mr. GARRETT of Tennessee. May I inquire if the Chair agrees that the reference is proper?

The SPEAKER. The Chair assumed that when the two chairmen agreed to it that would be sufficient.

Mr. GARRETT of Tennessee. That would be very persuasive.

The SPEAKER. The bill is to extend the Federal farm loan act to Hawaii and Alaska and was originally referred to the Committee on the Territories. Without objection, it will be referred to the Committee on Banking and Currency.

There was no objection.

ADJOURNMENT.

Mr. WOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 10 minutes, p. m.) the House adjourned until Monday, March 31, 1924, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

419. A letter from the governor of the Federal Reserve Board, transmitting tenth annual report of the Federal Reserve Board covering operations for the year 1923; to the Committee on Banking and Currency.

420. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation "to authorize major alterations to certain naval vessels"; to the Committee on Naval Affairs.

421. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the legislative establishment of the United States, for maintenance Senate Office Building, for the fiscal year ending June 30, 1925, in the sum of \$24,405 (H. Doc. No. 231); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. GRAHAM of Pennsylvania: Committee on the Judiciary. H. J. Res. 184. A joint resolution proposing an amendment to the Constitution of the United States (minority views, part 2, of Rept. No. 395). Referred to the House Calendar.

Mr. NELSON of Wisconsin: Committee on Elections No. 2. Claim of E. W. Cole for a seat in the House of Representatives as a Representative at Large from the State of Texas (Rept. No. 398). Referred to the House Calendar.

Mr. HAUGEN: Committee on Agriculture. H. R. 7113. A bill to establish a dairy bureau in the Department of Agriculture, and for other purposes; without amendment (Rept. No. 399). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAUGEN: Committee on Agriculture. H. J. Res. 189. A joint resolution authorizing the President to extend invitations to foreign governments to participate in a World's Poultry Congress; without amendment (Rept. No. 400). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAUGEN: Committee on Agriculture. S. J. Res. 52. A joint resolution for the relief of the drought-stricken farm areas of New Mexico; with amendments (Rept. No. 401). Referred to the Committee of the Whole House on the state of the Union.

Mr. PORTER: Committee on Foreign Affairs. S. J. Res. 77. A joint resolution authorizing the appointment of delegates to represent the United States at the seventh Pan American Sanitary Conference, to be held at Habana, Cuba, in November, 1924; with amendments (Rept. No. 402). Referred to the Committee of the Whole House on the state of the Union.

Mr. FAIRCHILD: Committee on Foreign Affairs. S. J. Res. 79. A joint resolution to provide for the representation of the United States at the meeting of the Inter-American Committee on Electrical Communications to be held in Mexico City beginning March 27, 1924; with amendments (Rept. No. 403). Referred to the Committee of the Whole House on the state of the Union.

Mr. RANKIN: Committee on the Census. H. J. Res. 231. A joint resolution directing a census to be taken of bales of cotton now held at various places; without amendment (Rept. No. 406). Referred to the Committee of the Whole House on the state of the Union.

Mr. SUMNERS of Texas: Committee on the Judiciary. H. R. 8050. A bill to detach Reagan County, in the State of Texas, from the El Paso division of the western judicial district of Texas, and attach said county to the San Angelo division of the northern judicial district of said State; without amendment (Rept. No. 407). Referred to the House Calendar.

Mr. BLANTON: Committee on the District of Columbia. S. 113. A bill changing the name of Keokuk Street, in the county of Washington, D. C., to Military Road; without amendment (Rept. No. 408). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII.

Mr. MOORES of Indiana: Committee on Foreign Affairs. H. R. 6498. A bill for the relief of May Adelaide Sharp; with an amendment (Rept. No. 404). Referred to the Committee of the Whole House.

Mr. MOORE of Virginia: Committee on Foreign Affairs. H. J. Res. 222. A joint resolution granting permission to Hugh S. Cumming, Surgeon General of the United States Public Health Service, to accept certain decorations bestowed upon him by the Republics of France and Poland; without amendment (Rept. No. 405). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 7407) to amend an act entitled "An act to provide additional credit facilities for the agricultural and livestock industries of the United States; to amend the Federal farm loan act; to amend the Federal reserve act; and for other purposes," approved March 4, 1923: Committee on the Territories discharged, and referred to the Committee on Banking and Currency.

A bill (H. R. 4745) granting a pension to Dennis B. Lucey: Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 5655) granting a pension to William P. A. Fitzjohn: Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. GASQUE: A bill (H. R. 8303) authorizing the building of a bridge across the Pee Dee River at or near Allison's Ferry, S. C.; to the Committee on Interstate and Foreign Commerce.

By Mr. MORTON D. HULL: A bill (H. R. 8304) granting the consent of Congress to the city of Chicago to construct a bridge across the Calumet River at or near One Hundredth Street, in the city of Chicago, county of Cook, State of Illinois; to the Committee on Interstate and Foreign Commerce.

By Mr. McLEOD: A bill (H. R. 8305) to regulate the use by vehicles of the streets, alleys, and public places within the District of Columbia; to the Committee on the District of Columbia.

By Mr. MEAD: A bill (H. R. 8306) to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto," approved February 17, 1911, as amended March 4, 1915, and June 26, 1918; to the Committee on Interstate and Foreign Commerce.

By Mr. LEA of California: A bill (H. R. 8307) to provide for an investigation and study of fungus diseases in redwood forests; to the Committee on Agriculture.

Also, a bill (H. R. 8308) authorizing the Coast and Geodetic Survey to make seismological investigations, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MacGREGOR: Resolution (H. Res. 240) providing for the employment of a substitute telephone operator when required; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AYRES: A bill (H. R. 8309) granting an increase of pension to William A. Salmon; to the Committee on Pensions.

By Mr. BEERS: A bill (H. R. 8310) granting a pension to Edward Zechman; to the Committee on Invalid Pensions.

By Mr. BLACK of New York: A bill (H. R. 8311) for the relief of Margaret Sheehan; to the Committee on Claims.

By Mr. COLE of Ohio: A bill (H. R. 8312) granting an increase of pension to Olive Newhouse; to the Committee on Invalid Pensions.

By Mr. GARBER: A bill (H. R. 8313) granting a pension to Margary Dotter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8314) granting an increase of pension to Clementine N. Julian; to the Committee on Invalid Pensions.

By Mr. LITTLE: A bill (H. R. 8315) to extend the benefits of the United States employees' compensation act of September 7, 1916, to Richard F. Pellett; to the Committee on Claims.

By Mr. LOZIER: A bill (H. R. 8316) granting a pension to Judah Montgomery; to the Committee on Pensions.

By Mr. MANLOVE: A bill (H. R. 8317) granting a pension to Mary E. Applegate; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8318) for the relief of Peter Shell; to the Committee on Military Affairs.

By Mr. MILLIGAN: A bill (H. R. 8319) granting a pension to Elizabeth C. Duncan; to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 8320) granting a pension to Annie E. Fryer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8321) granting an increase of pension to Anne Jones; to the Committee on Invalid Pensions.

By Mr. MUDD: A bill (H. R. 8322) for the relief of John H. Gonderman; to the Committee on Claims.

By Mr. RAINEY: A bill (H. R. 8323) granting an increase of pension to Mary J. Lawson; to the Committee on Invalid Pensions.

By Mr. RAMSEYER: A bill (H. R. 8324) granting a pension to Delphina E. Blackwood; to the Committee on Invalid Pensions.

By Mr. ROESION of Kentucky: A bill (H. R. 8325) granting a pension to Benjamin F. White; to the Committee on Invalid Pensions.

By Mr. SINCLAIR: A bill (H. R. 8326) to confer jurisdiction upon the Court of Claims to hear and determine the claim of the lawful heirs of Matilda Picotte; to the Committee on War Claims.

By Mr. TAYLOR of Tennessee: A bill (H. R. 8327) granting a pension to Arminda Morgan; to the Committee on Invalid Pensions.

By Mr. UNDERHILL: A bill (H. R. 8328) for the relief of James Minon; to the Committee on Naval Affairs.

By Mr. WINGO: A bill (H. R. 8329) for the relief of Albert S. Matlock; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petition and papers were laid on the Clerk's desk and referred as follows:

2072. By Mr. ALDRICH: Petition of the Garibaldi Club of Providence, R. I., protesting against the passage of the Johnson immigration bill; to the Committee on Immigration and Naturalization.

2073. By Mr. CRAMTON: Petitions of the Woman's Reading and Social Club, of Almont, Mich., urging adoption of the resolution to send an American representative to the forthcoming international narcotic conference; to the Committee on Foreign Affairs.

2074. By Mr. GALLIVAN: Petition of Boston Central Labor Union, Boston, Mass., urging immediate modification of the Volstead enforcement law; to the Committee on the Judiciary.

2075. Also, petition of Eliot School Alumni Association, Boston, Mass., protesting against the Johnson immigration bill; to the Committee on Immigration and Naturalization.

2076. Also, petition of Michael Donohoe, national president Ancient Order of Hibernians in America, protesting against report of H. H. Laughlin, delegated by the Carnegie Foundation to seek information for a congressional committee on immigration; to the Committee on Immigration and Naturalization.

2077. By Mr. GARBER: Petition of citizens of Noble County, Okla., urging the passage of the educational bill; to the Committee on Education.

2078. Also, petition of citizens of Noble County, Okla., urging the passage of the immigration bill; to the Committee on Immigration and Naturalization.

2079. Also, petition of a number of wheat growers at Ceres (eighth congressional district), Okla., indorsing the McNary-Haugen bill and urging that farm relief provided for in this bill be furnished; to the Committee on Agriculture.

2080. Also, petition of a number of wheat growers of Billings, Okla., indorsing the McNary-Haugen bill and urging that farm relief provided for in this bill be furnished; to the Committee on Agriculture.

2081. By Mr. MORTON D. HULL (by request): Petition of citizens of Chicago, Ill., urging Congress to pass the equal rights amendment; to the Committee on the Judiciary.

2082. By Mr. JARRETT: Petition of the executive committee of the American Legion, Department of Hawaii, in session assembled on March 10, 1924, indorsing the joint resolution introduced by Congressman CELLER, proposing the adoption of the "Star-Spangled Banner" as the national anthem; to the Committee on the Library.

2083. By Mr. MACGREGOR: Petition of several residents of Erie County, N. Y., urging the adoption of the Anthony bill (H. R. 745) creating public shooting grounds; to the Committee on Agriculture.

2084. By Mr. NEWTON of Minnesota: Petition of Martha Francis and other citizens of Minneapolis, urging the defeat of any measure proposed to modify the Volstead Act; to the Committee on the Judiciary.

2085. By Mr. SITES: Petition of Central Democratic Club, 213 Walnut Street, Harrisburg, Pa., urging a more liberal interpretation of the Volstead Act; to the Committee on the Judiciary.

2086. Also, petition of Division No. 459, International Brotherhood of Locomotive Engineers, Harrisburg, Pa., urging the early enactment into law of the Howell-Barkley bill (S. 2646, H. R. 7358) to provide for the expeditious and prompt settlement, mediation, conciliation, and arbitration of disputes between carriers and their employees and subordinate officials; to the Committee on Interstate and Foreign Commerce.

2087. Also, petition of Division No. 414, International Brotherhood of Locomotive Engineers, Lebanon, Pa., urging the early enactment into law of the Howell-Barkley bill (S. 2646, H. R. 7358) to provide for the expeditious and prompt settlement, mediation, conciliation, and arbitration of disputes between carriers and their employees and subordinate officials; to the Committee on Interstate and Foreign Commerce.

2088. Also, petition of citizens of the nineteenth district of Pennsylvania, urging drastic restriction of immigration, and that the quota of 1890 be used as a basis for determining the number of aliens to be admitted from each country; to the Committee on Immigration and Naturalization.

2089. By Mr. STRONG of Pennsylvania: Petition of the Indiana County Medical Society, Indiana, Pa., opposed to legislation that will prohibit the manufacture or importation of heroin in the United States for use by reputable physicians; to the Committee on Ways and Means.

2090. By Mr. WELSH: Petition of the Philadelphia Board of Trade, against the passage of House bill 4, being an act to prevent interstate sale of fraudulent securities; to the Committee on Interstate and Foreign Commerce.

2091. By Mr. WILSON of Indiana: Petition of 10 citizens of Evansville, Ind., urging the restriction of immigration and favoring the passage of the Johnson immigration bill based on the census of 1890; to the Committee on Immigration and Naturalization.

SENATE.

MONDAY, March 31, 1924.

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, Thou who art the God of hope and who desires for us that we may be filled with joy and peace in believing, and abound in hope, we pray Thee that this morning we may look out upon a world bettered in many conditions, elevating our thoughts in the highest degree of glad expectation, believing that Thou wilt lead us even when darkness seems to gather about us. Help us, Father, to see Thy face, to believe in Thy promises, and to labor hopefully for gracious results. Through Jesus Christ our Lord. Amen.

The reading clerk proceeded to read the Journal of the proceedings of Friday last when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

REPORT OF THE FEDERAL RESERVE BOARD.

The PRESIDENT pro tempore laid before the Senate a communication from the governor of the Federal Reserve Board, transmitting, pursuant to law, the tenth annual report of the Federal Reserve Board, covering operations for the year 1923, which was referred to the Committee on Banking and Currency.

DETAIL OF OFFICERS OF THE UNITED STATES.

Mr. CURTIS. I desire to call the attention of the Chair to the communication from the President of the United States, relative to the temporary Executive detail, in the public interest, of officers of the United States subject to Executive control, which was received on the 26th instant and ordered to lie on the table and to be printed as Senate Document No. 79. It should be referred to the Committee on Military Affairs.

The PRESIDENT pro tempore. In the absence of objection, the communication will be referred to the Committee on Military Affairs.

PETITIONS AND MEMORIALS.

Mr. REED of Pennsylvania presented a memorial of the Philadelphia (Pa.) Board of Trade, remonstrating against the passage of House bill 4, to prevent the interstate sale of fraudulent securities, etc., which was referred to the Committee on Post Offices and Post Roads.

Mr. LADD presented the petition of Mrs. Edith Ford and 86 other members of the Farm Bureau Club, of Ashtabula, Barnes County, N. Dak., praying for the passage of legislation leasing the Muscle Shoals plant to Henry Ford, which was referred to the Committee on Agriculture and Forestry.

Mr. ROBINSON presented a telegram from J. D. Eldridge, secretary and general manager Arkansas Cotton Growers' Cooperative Association, of Little Rock, Ark., urging that a recount to date be made by the Government of cotton held in mills and warehouses and an estimate of the number of bales on farms, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Harmony Lodge, No. 114, Brotherhood Railway Carmen of America, of North Little Rock, Ark., praying for the passage of legislation repealing or amending the transportation act of 1920, especially the rate-making and labor provisions, which was referred to the Committee on Interstate Commerce.

He also presented a petition of McGehee Lodge, No. 104, Brotherhood Railway Carmen of America, of McGehee, Ark., praying for the passage of Senate bill 2646, to provide for the expeditious and prompt settlement, mediation, conciliation, and arbitration of disputes between carriers and their employees and subordinate officials, and for other purposes, which was referred to the Committee on Interstate Commerce.

Mr. WILLIS presented petitions, numerous signed, by over 1,200 citizens in the State of Ohio, praying for the passage of the so-called Johnson restrictive immigration bill, with quotas based on the census of 1890, which were referred to the Committee on Immigration.

He also presented a resolution of Dayton Post, No. 5, the American Legion, of Dayton, Ohio, favoring adequate appropriations for the national defense, which was referred to the Committee on Appropriations.

He also presented the petition of D. W. Smith and sundry other citizens of Columbus, Ohio, praying for the passage of legislation granting increased compensation to postal employees, which was referred to the Committee on Post Offices and Post Roads.

He also presented the petition of Emory Windle and sundry other citizens of Amlin, Ohio, praying for the passage of the so-called truth-in-fabric bill, which was referred to the Committee on Interstate Commerce.

He also presented a resolution of the Federation of Women's Clubs, of Lima, Ohio, favoring representation of the United States at the forthcoming international conference for the suppression of the narcotic traffic, which was referred to the Committee on Foreign Relations.

He also presented a resolution adopted by the Political Association of Train Service Organizations, and their auxiliaries of the sixteenth congressional district of Ohio, at Canton, Ohio, favoring the passage of legislation granting adjusted compensation to veterans of the World War, which was referred to the Committee on Finance.

He also presented the petition of John Shackelford and 39 other citizens of Leesburg, Ohio, praying for the participation of the United States in the Permanent Court of International Justice, which was referred to the Committee on Foreign Relations.

He also presented a resolution of the East Side Commercial Club, of Toledo, Ohio, praying for the passage of legislation granting increased compensation to postal employees, which was referred to the Committee on Post Offices and Post Roads.

He also presented a resolution of Rushcreek Grange, No. 2149, of Bremen, Fairfield County, Ohio, favoring the passage of legislation leasing the Muscle Shoals plant to Henry Ford,

which was referred to the Committee on Agriculture and Forestry.

He also presented a resolution of the East Side Commercial Club, of Toledo, Ohio, favoring the passage of legislation granting adjusted compensation to veterans of the World War, which was referred to the Committee on Finance.

He also presented a petition of the Woman's Club, of Oxford, Ohio, praying that adequate appropriation be made to enable the United States to participate in the forthcoming international conference for the suppression of the narcotic traffic, which was referred to the Committee on Foreign Relations.

Mr. CAPPER presented a petition of the Emporia High School Parent-Teacher Association, of Emporia, Kans., praying for the passage of legislation creating a Federal department of education, which was referred to the Committee on Education and Labor.

He also presented petitions, numerous signed, of sundry citizens of Natoma and Fontana, Kans., praying for the passage of legislation restricting immigration, with quotas based on the census of 1890, which were referred to the Committee on Immigration.

He also presented memorials of the West Side Woman's Christian Temperance Union, of Topeka, and of sundry citizens of Great Bend, all in the State of Kansas, remonstrating against making any amendment to the Federal prohibition act, so as to legalize 2.75 per cent beer, which were referred to the Committee on the Judiciary.

Mr. McLEAN presented a resolution of the Lions Club of Hartford, Conn., favoring the passage of the so-called Winslow bill, providing national regulation of commercial aviation, which was referred to the Committee on Commerce.

He also presented the petition of Charles L. Burdett Camp, No. 4, Department of Connecticut, United Spanish War Veterans, of Hartford, Conn., praying for the passage of legislation granting increased pensions to Spanish War veterans and their widows, which was referred to the Committee on Pensions.

He also presented a petition of the janitorial employees of the Meriden (Conn.) post office, praying for the passage of legislation providing a minimum wage of \$3 per day pending the passage of the reclassification bill, etc., which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of Branch 47, National Association Postal Supervisors, of Bridgeport, and the directors of the Greenwich Chamber of Commerce, in the State of Connecticut, praying for the passage of legislation granting increased compensation to postal employees, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the Woman's Baptist Mission Society of the New Haven Association, in the State of Connecticut, remonstrating against the ratification of the Lausanne treaty containing stipulations relative to rights in Turkey, which was referred to the Committee on Foreign Relations.

He also presented petitions of the Woman's Christian Temperance Union of Portland; the Girls' Friendly Society of Wallingford; and the Woman's Baptist Missionary Society of New Haven, all in the State of Connecticut, praying an amendment to the Constitution regulating child labor, which were referred to the Committee on the Judiciary.

He also presented a petition of Local Union No. 35, International Union of United Brewery, Flour, Cereal, and Soft Drink Workers of America, of Hartford, praying for the passage of Senate bill 1524, to amend the national prohibition act, as supplemented, in respect of the definition of intoxicating liquor, which was referred to the Committee on the Judiciary.

He also presented a resolution adopted by the Up-Town Social Club, of Meriden, Conn., favoring the passage of Senate bill 1524, to amend the national prohibition act, as supplemented, in respect of the definition of intoxicating liquor, which was referred to the Committee on the Judiciary.

He also presented a memorial of the committee on public policy, Consumers' League of Connecticut, of Hartford, Conn., remonstrating against an amendment to the Constitution granting equal rights to women, which was referred to the Committee on the Judiciary.

He also presented a petition of the Hearthstone Club of Hartford, Conn., praying for the passage of legislation to maintain an army and navy adequate to preserve the security and dignity of the Nation, which was referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of Shelton, Conn., praying for the passage of legislation for the relief of

the distressed and starving women and children of Germany, which was referred to the Committee on Foreign Relations.

He also presented a resolution of the Hearthstone Club of Hartford, Conn., favoring the participation of the United States in the forthcoming international convention for the suppression of the narcotic traffic, etc., which was referred to the Committee on Foreign Relations.

He also presented a resolution of the Hearthstone Club of Hartford, Conn., favoring the participation of the United States in the Permanent Court of International Justice, which was referred to the Committee on Foreign Relations.

Mr. CAMERON. Mr. President, I present a letter in the nature of a petition from the Maricopa County Medical Society at Phoenix, Ariz., relative to certain features of the Federal tax law applying especially to physicians, which I ask may be printed in the Record and referred to the Committee on Finance.

There being no objection, the letter was referred to the Committee on Finance and ordered to be printed in the Record, as follows:

MARICOPA COUNTY MEDICAL SOCIETY,
Phoenix, Ariz., March 22, 1924.

HON. RALPH H. CAMERON,
United States Senate, Washington, D. C.

MY DEAR SENATOR: On behalf of the Maricopa County Medical Society—which, by the way, is the largest county medical society in the State you represent—I ask your consideration of certain features of the Federal tax law which apply especially to physicians.

Under the amended Harrison Narcotic Act an annual tax of \$3 is exacted from every doctor prescribing narcotics. This tax was increased from \$1 a year, required to give the Federal Government jurisdiction, to \$3 as a war-revenue measure. We submit that so far as this particular tax is concerned it is time the Federal authorities took cognizance of the fact that the war is over.

Another matter is that physicians are not permitted, in computing their income tax, to deduct the necessary expenses of attending medical conferences and meetings of medical societies. This ruling is by the Commissioner of Internal Revenue, but it has the force of law. It needs no argument to show that a physician in order to do his best work must make contact with his fellow practitioners and keep in touch with the progress that is made in the complex and difficult work of his profession. A medical association is not a trade association. Its purpose is primarily to spread information among its members and to enable them to give better service. Whatever loss of revenue might occur through the exemption from income tax of that part of the doctors' income which they spend attending medical meetings is more than repaid by the better service they render to their public, often for little or no compensation.

I take it that a legislator is not much troubled by letters from physicians or from medical societies, nor does he have much opportunity to learn what the large and silent group of busy professional men, many of them with no party affiliation, are thinking about. What we want of the Federal Government is, briefly, less taxation, both direct and indirect; less diffuse and wasteful expenditure; less meddling on the part of Government bureaus and their agents with people who, if let alone, would be decent and useful citizens; in a word, better government and less of it.

Respectfully,

E. W. PHILLIPS, Secretary.

REPORTS OF COMMITTEES.

Mr. SHEPPARD, from the Committee on Military Affairs, to which was referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 2736) authorizing use of Government buildings at Fort Crockett, Tex., for occupancy during State convention of Texas Shriners (Rept. No. 321); and

A bill (H. R. 593) authorizing the issuance of service medals to officers and enlisted men of the two brigades of Texas cavalry organized under authority from the War Department under date of December 8, 1917, and authorizing an appropriation therefor; and further authorizing the wearing by such officers and enlisted men on occasions of ceremony of the uniform lawfully prescribed to be worn by them during their service (Rept. No. 322).

Mr. BALL, from the Committee on the District of Columbia, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 116) to amend section 196 of the Code of Law for the District of Columbia (Rept. No. 323);

A bill (S. 2265) to provide for a rearrangement of the public alley facilities in square 616 in the District of Columbia, and for other purposes (Rept. No. 324); and

A bill (S. 2848) to validate an agreement between the Secretary of War, acting on behalf of the United States, and the Washington Gas Light Co. (Rept. No. 825).

Mr. BALL also, from the Committee on the District of Columbia, to which was referred the bill (S. 1782) to provide for the widening of Nichols Avenue between Good Hope Road and S Street SE., reported it with amendments and submitted a report (No. 326) thereon.

Mr. LADD, from the Committee on Public Lands and Surveys, to which was referred the joint resolution (S. J. Res. 82) directing the Secretary of the Interior to withhold his approval of the adjustment of the Northern Pacific land grants, and for other purposes, reported it without amendment and submitted a report (No. 327) thereon.

Mr. COUZENS, from the Committee on Commerce, to which was referred the bill (S. 696) authorizing and directing the Treasurer of the United States to convey certain land in section 21, Huron County, Mich., to the Pointe Aux Barques Resort Association, reported it with an amendment and submitted a report (No. 328) thereon.

Mr. HARRELD, from the Committee on Indian Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 1704) for the relief of dispossessed allotted Indians of the Nisqually Reservation, Wash. (Rept. No. 329); and

A bill (S. 2902) authorizing the acquiring of Indian lands on the Fort Hall Indian Reservation, in Idaho, for reservoir purposes in connection with the Minidoka irrigation project (Rept. No. 330).

Mr. HARRELD also, from the Committee on Indian Affairs, to which was referred the bill (H. R. 3852) providing for the final disposition of the affairs of the Eastern Band of Cherokee Indians of North Carolina, reported it with amendments and submitted a report (No. 331) thereon.

Mr. BAYARD, from the Committee on Claims, to which was referred the bill (S. 2261) for the relief of Arthur A. Smith, reported it without amendment and submitted a report (No. 332) thereon.

Mr. WADSWORTH, from the Committee on Military Affairs, to which was referred the joint resolution (S. J. Res. 105) authorizing the President to detail an officer of the Corps of Engineers as Director of the Bureau of Engraving and Printing, and for other purposes, reported it without amendment.

Mr. TRAMMELL, from the Committee on Claims, to which was referred the bill (S. 1037) for the relief of W. R. Grace & Co., reported it without amendment and submitted a report (No. 333) thereon.

ENROLLED BILL PRESENTED.

Mr. WATSON, from the Committee on Enrolled Bills, reported that on the 28th instant they presented to the President of the United States the enrolled bill (S. 214) for the relief of the Old National Bank of Martinsburg, Martinsburg, W. Va.

RENTAL CONDITIONS IN THE DISTRICT OF COLUMBIA.

Mr. BALL. Mr. President, under the resolution (S. Res. 158) authorizing the Committee on the District of Columbia to make an investigation of rental conditions in Washington, the committee was to file report on the 31st day of March, which is today. I ask for an extension of one week in which to submit the report. The investigation itself is completed, but the report is not yet ready to be presented to the Senate.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

RIO GRANDE VALLEY OF TEXAS.

Mr. SHEPPARD. Mr. President, in further reference to the lower Rio Grande Valley and the investigation thereof now in progress under Senate Resolution 133, I desire to state that I have been furnished by Hon. A. B. Cole, mayor of Brownsville, Tex., who represents the various chambers of commerce in the valley, with a detailed statement as to soil conditions and irrigation facilities in that section. The statement is based on affidavits and statements by the engineers and managers of the 12 major irrigation projects in the valley and by more than 300 representative and responsible landowners located on these projects. As a matter of justice to all concerned, I ask that this statement be published in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Facts concerning the Lower Rio Grande Valley of Texas.

I. GEOGRAPHICAL SITUATION.

Although commonly called the Lower Rio Grande Valley, the irrigated district in the counties mentioned constitutes, in fact, the delta of the Rio Grande, and includes, roughly, the southeastern quarter of

Hidalgo County and the western half of Cameron County, extending along the Rio Grande for about 65 miles, from Mission eastward to an irregular line about 8 miles east of Brownsville, with a width varying from 12 miles at Mission to 25 miles or more near Brownsville. About 600,000 acres in this fertile belt are available for cultivation, but of this tract about 40,000 acres in Cameron County are as yet without irrigation facilities. Various tracts adjacent to the river, aggregating about 10,000 acres, are irrigated directly from the Rio Grande through small private irrigation systems; while the remaining 450,000 acres are irrigated by, or entitled to irrigation from, 12 independent irrigation systems, 6 in Hidalgo County and 6 in Cameron County. All of the Cameron County systems and 4 of those in Hidalgo County are owned and operated by water improvement districts, which are defined districts organized under the laws of Texas as public municipal corporations for the purpose of supplying water for irrigation to the lands within their boundaries. These districts possess the power of taxation to support bond issues for construction purposes and of assessing the lands benefited for operation and maintenance purposes. They are managed by a board of directors chosen by the qualified voters residing within the particular district. The two remaining Hidalgo County irrigation systems are owned and operated by solvent and responsible private corporations.

II. SOIL.

The soil in this irrigated district is composed entirely of the alluvial deposits of the Rio Grande, and experts are agreed that it is of unsurpassed fertility. It is in fact far more productive than equally fertile lands elsewhere, because seasonal and climatic conditions permit the growing of three crops in two years or, with care and good judgment in the selection and rotation of crops, two crops may be grown on the same land in a single year. During the year 1923 this irrigated district, having about 220,000 acres in actual cultivation, marketed cotton, cottonseed, and cottonseed products of the gross value to the growers of more than \$10,000,000, and since November 1, 1923, it has already marketed more than 6,000 carloads of winter vegetables of the minimum value to the grower of not less than \$500 per car, or exceeding \$3,000,000, besides several hundred cars of citrus fruits and vegetables moving in less than carload lots.

These shipments are continuing at the average rate of 150 cars per day, and will continue in similar volume through April, May, and early June, during which months new potatoes, tomatoes, string beans, green corn, cantaloupes, and early melons are marketed. Much of the land from which the vegetables are harvested will be at once planted in cotton, which will be harvested and marketed in August, leaving the land ready for another crop of winter vegetables. In July a considerable acreage of broomcorn will be harvested. Broomcorn is regarded as a minor crop, but during the five-year period 1919-1923, inclusive, this district has marketed 1,575 cars of broomcorn, at an average price to the grower for the five-year period of nearly \$200 per ton, the most important and profitable crops of broomcorn having been those of 1919, when this district moved 843 cars, at an average price of \$240 per ton, more than \$3,000,000 in all, and 1923, when 446 carloads were moved, at an average price to the grower of \$160 per ton, or \$1,100,000 in all. Corn is grown principally for home consumption, and only 7 cars were marketed by rail during 1923, but for several years prior to 1922 the Rio Grande Delta marketed an average of 800 cars of corn each season.

IV. IRRIGATION FACILITIES.

The law authorizing the creation of water improvement districts requires that the districts in each county shall be designated numerically in the order of their creation. For convenience, however, the 10 districts of this character in the Rio Grande Delta, along with the two important systems operated by private corporations, are individualized by identifying them with the localities to which they pertain rather than by their corporate appellations. The 12 large systems, located from west to east along the Rio Grande, are as follows:

LOCALITY AND CORPORATE NAME.

- Mission-Sharyland: United Irrigation Co.
- Edinburg: Hidalgo County Water Improvement District No. 4.
- McAllen: Hidalgo County Water Improvement District No. 3.
- Alamo-Pharr-San Juan: Hidalgo County Water Improvement District No. 2.
- Donna: Hidalgo County Water Improvement District No. 1.
- Mercedes-Westlaco: American-Rio Grande London Irrigation Co.
- Santa Maria: Cameron County Water Improvement District No. 4.
- La Feria: Cameron County Water Improvement District No. 3.
- Hartington: Cameron County Water Improvement District No. 1.
- San Benito-Rio Hondo: Cameron County Water Improvement District No. 2.
- Brownsville-Les Fresnos: Cameron County Water Improvement District No. 6.
- Brownsville-El Jardin: Cameron County Water Improvement District No. 5.

With the exception of the Edinburg system, now in the process of reconstruction, each of the above-mentioned irrigation systems has

1924.

CONGRESSIONAL RECORD—SENATE.

5237

ample pumping capacity and canal facilities to supply water for irrigation to the land which it is intended to serve, as follows:

Irrigation system.	Net acreage under canals.	Acreage in cultivation, 1924.
Mission-Sharyland.	30,000	25,000
Edinburg.	40,000	20,000
McAllen.	7,700	7,300
Alamo-Pharr-San Juan.	63,000	50,000
Donna.	34,000	25,000
Mercedes-Westlaco.	85,000	5,000
La Feria.	28,000	14,000
Harlingen.	43,000	22,000
Santa Maria.	5,000	3,000
San Benito-Rio Hondo.	68,000	26,000
Brownsville-Los Fresnos.	18,000	9,000
Brownsville-El Jardin.	21,000	11,500
Total.	441,800	272,800

V. PARTICULAR DISTRICTS.

1. MISSION SHARYLAND.

The mission irrigation system, privately owned, cost exceeding \$2,000,000. Besides ample pumping capacity, it has 20.56 miles of main canals, 22.57 miles of submain canals, and 129.8 miles of laterals. Upon learning of the Senate resolution, 50 farmers on this irrigation system signed voluntary affidavits stating facts as to land costs and crop yields, and that the company which supplies water to their lands has rendered satisfactory service.

2. EDINBURG.

Nine-tenths of the complaints which formed the basis for the charges contained in the Senate resolution resulted from the troubles of the private irrigation corporations chartered to irrigate the lands of the present Edinburg district. With the organization of the water improvement district, which now owns them, the existing canals and pumping plants have been put into condition to irrigate all the lands now under cultivation, and plans have been carefully prepared by a competent engineer, and adequately financed, to enable this district to supply the additional acreage it is intended to water. As a municipal corporation its financial troubles are ended, since the lands it serves are among the best and most fertile in the delta.

3. McALLEN.

The McAllen district is the smallest of the great Hidalgo County irrigation systems, but its physical and financial condition is sound and it is backed by a prosperous and contented farming community and by the thriving city of McAllen, an exceptionally handsome town of 6,500 people.

4. ALAMO, PHARR, AND SAN JUAN.

The largest water-improvement district in the delta surrounds the growing towns of Pharr, San Juan, and Alamo. The Pharr-San Juan territory was developed in 1911 by Louisiana interests incorporated as the Louisiana-Rio Grande Canal Co., and its lands have always received proper irrigation. The Alamo section of this district has been developed since 1917 by Alamo Land & Sugar Co. and is noted for the high grade of its citizenship. Hidalgo County water improvement district No. 2, which has acquired the former Louisiana-Rio Grande canal system, possesses facilities which are entirely adequate to pump and deliver all the water needed to irrigate the full 63,000 acres entitled to receive it, and for the past two years it has, in fact, irrigated approximately 50,000 acres in actual cultivation without receiving a single complaint as to the service rendered.

5. DONNA.

The district which centers at Donna, a growing city of 4,000 inhabitants, is the oldest of the water improvement districts in the valley, having been incorporated in 1914 to take over a small irrigating plant operated by a private corporation. Since 1915 the growth of this section and the improvement in its irrigation facilities have been steady and continuous. This water improvement district is now prepared to furnish water upon any land under its canals—34,000 acres in all—upon five days' notice or less, and for three years past has supplied efficient irrigation to all applicants without receiving a single complaint. Twenty-five thousand acres are in cultivation for 1924.

6. MERCEDES—WESTLACO.

The largest and most expensive irrigation system in the Rio Grande Delta is operated by American-Rio Grande Land & Irrigation Co. in the district which includes the important towns of Westlaco and Mercedes. Westlaco, the youngest town in the delta, is probably the busiest farming center in the United States, while Mercedes is a thriving city of more than 5,000 inhabitants. This system represents an outlay of more than \$2,000,000, and is not only prepared to irrigate adequately and efficiently all of the 85,000 acres or more now under its canal system but up to 100,000 acres of land in actual cultivation.

7. SANTA MARIA.

The smallest water improvement district in the delta is operated at Santa Maria for the irrigation of about 5,000 acres of especially fertile soil. The cost of irrigating this small and compact district is very low, and the distribution of its water is directly in the hands of the relatively few farmers who receive it.

8. LA FERIA.

The La Feria water improvement district absorbed a badly designed private irrigation system in 1918, since which date it has entirely replaced the former inadequate canals and pumping plants and is now in about the best physical and financial situation of any of the public districts. It has at present exceeding 28,000 acres of land under canal, with half that acreage in actual cultivation, and will take over the irrigation of several thousand additional acres whenever satisfactory financial arrangements shall have been made by the owners of the land. The La Feria lands are of unsurpassed fertility.

9. HARLINGEN.

The Harlingen irrigation system has supplied efficient irrigation to all lands entitled to receive it continuously since 1917, and the city of Harlingen and surrounding territory have during the past seven years experienced the most rapid and continuous growth of any community in the delta. A notary public commissioned to take depositions of witnesses at Stuart Place, west of Harlingen, in this district, on March 18, 1924, heard the sworn testimony of numerous farmers who have resided in that community for the past several years as to the market value of an average tract of 20 acres of land in that community, and none of them fixed its value at less than \$600 per acre.

10. SAN BENITO-RIO HONDO.

With the exception of brief interruptions, due to market conditions, the prosperity of the lands now irrigated by Cameron County Water Improvement District No. 2 has been continuous since 1911. This district surrounds San Benito, a progressive city of 6,000 inhabitants, and Rio Hondo, a growing town flanked by beautiful farms. It is served also by the San Benito Rio Grande Railroad, which has loading stations in many portions of the district. The water improvement district is in splendid physical condition to supply water for irrigation to all lands in the district. For many years San Benito has originated the largest tonnage of any railway station in the delta.

11. BROWNSVILLE-LOS FRESNOS.

Cameron County Water Improvement District No. 6 is an enlargement and continuation of the oldest cooperative irrigation systems in the delta. It was originally designed for rice irrigation, and portions of its lands have been under continuous cultivation under irrigation for the past 20 years. Practically all its farmers who have farmed continuously during the period are now wealthy, or at least independently well to do. The northern or Los Fresnos portion of this district has been in profitable cultivation since 1917. Most of the potatoes marketed from the delta are grown in this and in the adjacent Rio Hondo and El Jardin districts.

12. BROWNSVILLE-EL JARDIN.

Cameron County Water Improvement District No. 5 illustrates the absolute necessity for the vigorous development of irrigated districts in the delta by sales to actual farmers by the expensive and intensive methods of "colonization" by "land companies." The district east of Brownsville has long been known as one of the most fertile portions of the Rio Grande Delta, besides possessing certain climatic advantages even as compared with other Delta districts. Successful and profitable farming on lands there, so situated that they may be irrigated directly from the Rio Grande by individual enterprise, has been practiced for more than 40 years. Relying on these special advantages successive attempts were made in 1907 and 1915 to irrigate portions of this district on a cooperative basis. Both attempts failed because the land was not developed and placed in cultivation rapidly enough to support the overhead cost of cooperative irrigation, and the irrigation companies became bankrupt from lack of adequate financial support. Much of the land in this district was acquired by James-Dickinson Farm Mortgage Co. and allied interests in 1918; Cameron County Water Improvement District No. 5 was organized with adequate financial support, and in five years this district has been transformed from a wilderness into a garden, cultivated by numerous families of prosperous and contented people, scores of whom, since the introduction of the Hedlin resolution, have made voluntary affidavits that they have found their lands fertile and productive; irrigation prompt and abundant, and their relations satisfactory with the companies from which they bought their land.

VI. OVERFLOW CONDITIONS.

With regard to damage or possible damage from overflow, the Rio Grande Delta must be considered in three distinct sections: (a) Cameron County, which is a true delta, where possible damaging effects from overflow are relatively inconsequential; (b) the "second lift" lands in Hidalgo County which form a shelf or bench 25 miles long by 10 miles wide, extending from Mission to Westlaco, which are entirely above any

conceivable overflow; (c) the "first lift" lands in Hidalgo County, a portion of which are subject to overflow in case of extreme rises in the Rio Grande.

For a correct understanding of this condition, it is necessary to explain that the true Valley of the Rio Grande ends at the western extremity of the irrigated district near Mission; and the irrigated district commonly called the "valley" is in fact a semidelta from Mission to Mercedes and a true delta from Mercedes to Brownsville and Rio Hondo. The "second lift" lands, in Hidalgo County, slope gently to the north or northeast but are bounded on the south by an abrupt descent, or bluff, called the "sejo." At the foot of the "sejo" there is a chain of lakes and depressions called "resacas," which diverge from the Rio Grande near Mission and form a natural wasteway for the flood waters of the Rio Grande. These flood waters begin to break over into this series of resacas approximately at the point where the valley ends and the delta begins. As is usual in delta formations, the banks of the river below Mission are higher than the adjacent country, which slopes gently to the northeast to the foot of the "sejo," where the land rises abruptly before again sloping toward the northeast, requiring the use of "second lift" pumping plants for water for irrigation. The chain of lakes and depressions above mentioned is thus inclosed in a semivalley between the "sejo" on the north and the high river banks on the south.

West of Mercedes the "sejo" ends, thus permitting the bulk of the flood waters to escape to the north and northeast, following the slope of the country, and these waters eventually find their way through a series of natural depressions to Laguna Madre in Willacy County and the northern edge of Cameron County, 30 to 40 miles north of the mouth of the Rio Grande. In the true delta region below Mercedes, a series of natural drains, called "arroyos," and of ancient river beds, called "resacas," on both sides of the Rio Grande receive and distribute the surplus flood waters which follow the river channel below Mercedes, and such overflow conditions as are to be dealt with in Cameron County are caused by some artificial interference with one or more of these natural outlets or drains. These are generally unimportant, and opinions differ as to whether the net effect of these sporadic minor overflows is not more beneficial than otherwise to the relatively small tracts of land affected.

Since the immense canals necessary to carry water for the irrigation of the Hidalgo County "second-lift" lands necessarily cross the depressions which serve as spillways for the flood waters of the Rio Grande, thus acting as protection levees for some tracts of land which would otherwise overflow, while forcing water upon other tracts which are otherwise above the flood level, it is difficult to estimate the proportion of the Hidalgo "first-lift" lands which are in fact liable to overflow. Much of this territory, in the case of extreme rises in the Rio Grande, does, in fact, overflow to a depth varying from several feet in the beds of the natural spillways mentioned to a few inches in the case of lands nearer the Rio Grande. This fact undoubtedly affects to some extent the value of the land in question, but, except in the actual beds of the resacas and depressions which serve as wasteways, by no means renders the overflowed land unsuitable for profitable farming purposes; in fact, nearly 12,000 acres of this possible "overflow" land is in actual cultivation in the Alamo-Pharr-San Juan district alone, and similar acreages in the other districts, for the year 1924, and this land is cultivated by men who are familiar with flood conditions, know exactly what to expect from possible overflows, and have deliberately chosen to farm this overflow land. Such tracts as overflow to a depth of a few inches only are benefited rather than harmed since they receive a free irrigation and a rich deposit of soil from the silt-laden waters. Major floods in the Rio Grande occur between May and October and there is no known instance of winter crops being harmed by floods, while the chance for a cotton, corn, or broomcorn crop to be destroyed in any given season is too remote to influence the choice of such lands by farmers, especially those who prefer to farm on a large scale, in view of the surpassing fertility of the soil. For certain crops, especially canteloupes, true overflow lands are preferred by the growers.

VII. CITRUS FRUITS.

Experimental orchards of citrus fruits were planted a decade ago by numerous far-seeing delta residents but the majority of the farmers were content to await the results from these experimental orchards before investing heavily in citrus production. The older orchards have now yielded their owners an average of \$800 per acre per annum for the past five years, and 20,000 acres of delta land are now set in citrus fruits in the various districts. The major portion of this acreage is in grapefruit, Rio Grande grapefruit having already earned a nationwide reputation for superior quality, juiciness, and flavor.

CHILD LABOR CONSTITUTIONAL AMENDMENT.

Mr. BAYARD. Mr. President, in relation to the child-labor amendment to the Constitution pending before Congress, I have a very instructive article published in Barron's Weekly of

March 24, 1924, which I ask leave to have printed in the RECORD.

The PRESIDENT pro tempore. Without objection, the article will be printed in the RECORD as requested.

The article referred to is as follows:

CHILD-LABOR FACTS AND BUNCOMBE—EMOTIONAL PLEAS WITH LITTLE FACT BASIS FOR A DANGEROUS AMENDMENT TO FEDERAL CONSTITUTION.

(By Aaron Hardy Uim.)

"We have great fortunes piled up by exploiters of child labor that kill children in their mills, mines, and factories. More than one man with a big fortune might put up outside his front door the skull of a young child for every \$10,000 that he owns if he could get back from the graveyard what he has sent there."

This is typical of the arguments being advanced widely and emotionally for an amendment to the Constitution of the United States empowering Congress to prohibit or regulate the working of children. Some of the arguments are more specific.

One made by a publicist of note is based on a declaration that the hands of 2,000,000 little children working daily in mines and factories are raised in appeal to the Federal Government as the only agency which can save them.

In others woeful pictures are drawn of alleged hordes of child laborers in the cotton mills of the South.

Other sad pictures of little children working in canning factories, on truck farms, and in beet fields are put forth in tearfully worded form.

All who have been urging the proposed constitutional amendment lay emphasis on the census finding of 1920, to wit, that there are more than 1,000,000 children in the United States who are gainfully employed.

CATER TO SENSATIONALISM.

Several newspapers and magazines lately have carried on extended campaigns of "exposure" on behalf of this tremendously far-reaching proposed change of method in dealing by law with a subject of extremely delicate potentialities.

Is there any merit in these campaigns or any truth in the "exposures"? There is some basis of fact for both.

This fact basis, however, rarely has been put forth in true perspective by those advocating full congressional authority over the children of the country.

Those who have presented it in correct perspective state frankly that the arguments commonly made and the facts underlying those arguments comprise mostly buncombe.

"The attempt to sensationalize the present child-labor situation in terms of past conditions or the whole situation in terms of a part is decidedly unfortunate," says Raymond G. Fuller in his recently published volume, *Child Labor and the Constitution*. Mr. Fuller, for long an attaché of the National Child Labor Committee, has specialized in child-labor reform and is now an earnest advocate of the proposed child labor amendment to the Federal Constitution, but he declares candidly that much of the propaganda made on behalf of the amendment affronts the intelligence of the average citizen.

This propaganda rests chiefly on the assumption that the child-labor problem is one of industry—that is, mills, mines, and factories—or of exploitation by what generally is termed big business of the children of the country. It rests, too, upon another assumption that is more implied than stated, which is that work is per se harmful, especially to children.

Neither of these assumptions is well founded.

The business and industrial world has paid very little attention to the movement in its present form, for the reason that this world has very little interest in it aside from the false aspersions cast upon business and industry by emotional advocates careless as to facts.

BETTER TREATMENT OF THE CHILD.

The truth is that, as the intellectually honest advocates of the proposed reform admit, the child-labor problem, in so far as there is one, is "no longer a matter of cruel slavery of little children in mines and factories."

No doubt there is a child-labor problem, as there will be so long as there are children, no matter how many amendments are tacked onto the Federal Constitution or statutes passing by Congress and State legislatures.

But the essentials of this problem are now almost entirely different from what they were 30, 20, or even a dozen years ago. Probably in no other aspect of American life has there been such tremendous change during the last 20 years as in the working or rather the nonworking of children.

Though, no doubt, a million or more persons less than 16 years old are profitably employed at some time in the United States now, there is comparatively little of the kind of child labor over which many people far removed from the sentimental class used to weep. There no doubt still is some as there always will be, and as there

must be if anything like an equitable adjustment of the problem prevails. For it is as important that some persons under sixteen be employed as that others be not employed, and it is very probably impossible for fully correct selections to be made in either case, by law or otherwise.

STATE SUPERVISION SEEMS ADEQUATE.

In truth it seems apparent that in so far as the employment of children in industry goes—the kind of employment which leads many good people to advocate a Federal constitutional amendment covering the subject—laws have done almost if not quite so much as they can or should do.

Every State now has laws governing the employment of children in industry. Some probably are not quite so complete as they should be. In some cases the laws are not well enforced. These laws, however, are undergoing steady improvement, as is their enforcement; and in no case, in so far as the writer can find, are these laws being weakened or their enforcement relaxed. Only last year seven State legislatures added to existing child-labor statutes.

State laws on the subject are not uniform, which may be one good argument for the handling of this subject from Washington. But some of the lack of uniformity is more apparent than real. To get excited over the fact that three States still permit children under 14 years old to work in factories is a waste of emotion, when there are virtually no factories of the kind which employ children in any of those States. It is equally foolish to wax sensational over the fact that a State famous for its mining operations does not forbid the working of children in mines; for it happens that in that State no children ever had been employed in mines.

Moreover, the laws governing child labor in the so-called industrial States are becoming more and more uniform, thereby eliminating the once important competitive factor arising, for example, from the lack of such laws in cotton-manufacturing areas in the South and the prevalence of them in New England.

In 1912 the child-labor laws of 21 States were below the standards set up by the uniform child labor act drafted by the national labor committee at that time. Now the laws of only three States are below those standards in important particulars, and these are not industrial States. In seven States the standards written into laws are above those considered to be ideal in 1912.

LESS EXPLOITATION EVIDENT.

The proof of the pudding is in the eating. There are excellent figures showing how the child-labor problem of old has been ameliorated far beyond what most of us who worked on it 15 or more years ago ever hoped to see come about.

As late as 1910, the census disclosed practically 2,000,000 persons under 16 years of age as being gainfully employed in this country. These amounted to 18.4 per cent of all children, to practically 25 per cent of all boys.

But in 1920 only 1,000,858 persons under 16, or 8.5 per cent of all, were so recorded. As in former census years, the bulk of these were employed on farms, mainly home farms, that is as working units of households.

Only 413,549 were reported as gainfully employed in all kinds of urban occupations—carrying or selling newspapers, clerking in stores, serving apprenticeship to trades, or working regularly in mines, mills, or factories.

The above figures looked at without notice of other figures seem very big.

At the time they were recorded there were 12,500,000 persons under 16 years old in the country.

Moreover, when analyzed, the figures covering the working of children become much less formidable than when looked at in single groups.

More than two-thirds of the children were in their fifteenth or sixteenth years. For those employed in manufacturing and mechanical industries, all but 10,000 had passed their fourteenth birthday. Practically all who were doing any kind of work around mines were thus advanced in age.

MILLS HAVE BETTER RECORD.

The last census showed that the "tiny tot" who used to plod its weary way to work in dusty and gloomy mills, no longer is to be found, barring isolated individual instances. The small child has all but disappeared from southern cotton mills which for long were lending offenders in the matter of child labor.

The southern mills now make a slightly better showing in this respect than do the mills of New England. In 1919 only about 5 per cent of the persons employed in the cotton mills of either section were under 16 years old, and practically all of these were from 14 to 16. In the mills of only three southern or New England States did the proportion of persons under 16 comprise 6 per cent or more of all employees. One of these was Rhode Island, whose record was the same as that of North Carolina. South Carolina was 6.3 per cent.

Yet persons agitating for an amendment to the Constitution giving Congress power to exercise complete control over the children of the country often declare that cotton mills are being built with the view of capitalizing the labor of small children. In the face of patent facts, it frequently is stated that mills are being moved from New England to the South chiefly or solely because of a plentitude of available child labor for mill operation in the latter section.

And thousands of people believe this buncombe, because at one time there was something to such statements.

Sixty-one per cent of all gainfully employed children in 1920 were on farms. Only a few of these were reported as working out, that is, for other than their own homes. Even on the farms there was a 50 per cent reduction, in the number of children gainfully employed, between 1910 and 1920. This happened in spite of the fact that virtually no States attempt to regulate the employment of children on farms.

PART-TIME WORK.

It doesn't follow necessarily that those reported as gainfully employed on either farms or in cities work all the time or do work which keeps them from school or does them harm in any way. No doubt some do work all the time, and some don't go to school at all, and some work under conditions not altogether beneficial.

But the figures include thousands who work only during vacation or after school hours or on Saturdays or during the planting and harvesting periods. Many thousands of the children employed in manufacturing industries work in establishments that operate only for short periods, such as fruit packing and many canning establishments. Other thousands are apprentices who are getting some of their education in the workroom instead of depending on schools for it all—an educational process now becoming obsolete, but once considered equal or superior to the schools. Several thousand of the 185,000 persons under 16 recorded in 1920 as employed in mechanical or manufacturing lines were put down as apprentices. No doubt a great many others in these and other lines are, in fact, apprentices. Once upon a time the majority of telegraph operators were evolved from messenger boys. This and several other similar avenues of occupational training and even education in its best sense are now all but closed to the youth of the country on account of rigid child-labor statutes.

While improvement still is needed in many State laws, close students of the subject are of opinion that nearly all the real child-labor reform that can be accomplished by law has been achieved.

Experience indicates that it is virtually impossible to reach by law some of the worst but yet limited forms of child labor. One of these forms is home factory work, carried on extensively in some of the large cities. An effort has been made to regulate this in New York, but with poor results. For the laws fully to reach this and some other forms of oppressive child labor in homes, including farms, would call for putting virtually all the homes of the country under the surveillance of Government inspectors. It would mean regulations which would interfere with proper as well as improper working of children. And as nearly every person who came up, unpampered, before 1900 knows, a certain amount of work is all but necessary for the sound development of children—it is a vital part of their training for life.

SCHOOL VERSUS WORK.

"The best school in the world," says Dr. G. Stanley Hall, "is an eastern farm, where a variety of crops are produced and a variety of work goes on."

"The perpetual dismay of the urban home," says Prof. Charles J. Galpin, "is in finding that there is nothing for the urban child to do except go to school."

"There is a general feeling," says Dr. Arthur T. Hadley, of Yale, "that education is so good a thing and indoor work in shops so undesirable for growing boys and girls that we ought to try to keep everybody in school, as far as we can, till the ages of 16 and 17."

"If the student is going to evade doing his own part in his own education, then I say it is better for him to work nine hours in a shop than to shirk five hours, play two hours, and loaf two hours, which is about what he does if compelled to go to school where he does not pull his own weight in the boat. And it is not only better for him, it is infinitely better for the other pupils and for the teachers."

Any Federal law on the subject would have to apply uniformly to all the country, making no distinction on account of peculiar conditions in different sections, such as those inhering to the large negro population in the South.

FEDERAL VERSUS STATE LAWS.

It is clear that no Federal law is needed, if even desirable, in so far as city conditions go. Three-fourths majority of the States now have child labor laws substantially as strong as the congressional acts which the Supreme Court held to be unconstitutional. In several of the States the laws are even stronger. In some they are remiss in matters of detail; in several of these, however, there is no need for some of the regulations which Congress attempted to set up.

But the proposed amendment would give Congress power to legislate regarding farm as well as city children. In fact, it is the farm children who many of the advocates of the amendment especially want to be brought within Federal jurisdiction. The diversity of farm conditions throughout the country would make this a very dangerous venture.

In the case of urban employment of children, Federal supervision in great measure would only duplicate what is already now being done at considerable expense. For the amendment would not deprive the States of power to legislate, equally with and beyond Congress, on the subject. As was demonstrated when the acts passed by Congress were in effect, there would be all kinds of conflict between State and Federal authorities, with much costly bother to parents and employers.

The point this writer would emphasize here is that the amendment is being advocated and favored widely for reasons which no longer are tenable—that is the exploitation of children by large employers. Very few of the amendment's advocates are so candid as Raymond G. Fuller, who says:

"The bulk of child labor in this country does not correspond with the old conceptions and its elimination is not likely to be achieved by dependence on the traditional methods of child-labor reform."

But in expanding—via a far-reaching amendment to the Federal Constitution—the traditional methods, there is involved the risk of extending Federal Government bureaucracy into the most intimate and delicate realms of life, that of parent and child and that of the home.

The great progress made by the States and caused also by influences—such as the increasing use of machinery—having nought to do with the statutes—in curbing the improper working of children indicates very clearly that the subject can be left safely to local control.

POLICY OF WILSON ADMINISTRATION AS TO LEASING OIL LANDS.

Mr. HARRISON. I desire to offer for the RECORD an article which appeared in the New York Times—a very well written article—on the policy of the Wilson administration as to leasing oil lands.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE OIL SITUATION—POLICY OF WILSON ADMINISTRATION AS TO LEASING OIL LANDS.

The attempt to justify the secret leasing of all the naval reserves, the entire Teapot Dome and Elk Hills, to Sinclair and Doheny, by the specious and confusing statement that 150 leases were made by Secretary Payne outside the naval reserves, and that certain lands or wells were leased in a naval reserve during the Wilson administration, is like comparing the making of a back fire to prevent the spread of a prairie fire, with the deliberate starting of an incendiary fire such as caused the destruction of Smyrna. What the Wilson administration did was to follow the national policy established by Presidents Taft and Roosevelt, and by the Congress when it passed the leasing law, to protect and conserve the naval reserves, to keep the oil for the use of the Navy for some great emergency; while Secretaries Fall and Denby deliberately defied this national policy and secretly leased the reserves, thus destroying the reserves.

A simple statement of fact will make this plain.

Before the passage by Congress, February 25, 1920, of the leasing act authorizing the leasing of Government-owned oil lands on a royalty basis, the only law by which the public could take out oil was the old placer mining law which allowed a person to make a mining location on 20 acres or eight persons to club together and locate 160 acres, the same law which applied to gold or silver. If the claimant followed up his claim with diligence and brought in a producing well he became the owner and entitled to a patent and the Government received nothing.

The leasing act changed this policy, authorized the Secretary of the Interior to issue rules and regulations, to fix the royalty to be paid at not less than 12½ per cent of the oil taken out, and pursuant to such regulations to lease the public lands. Thus the Government received substantial royalty and retained ownership of the lands.

Before the passage of the leasing law two things had happened—

First. Many locations had been filed under the placer mining law by people who thus claimed title to the lands; to the extent that these claims were valid, the claimants had to be recognized; this was true even inside the naval reserves where locations were made in good faith before the reserves were created.

Second. The Government established the national policy of setting aside oil lands for the use of the Navy for a future emergency, it being well known that our supply of commercial oil would in a few years be exhausted, thus—

Naval reserve No. 1, in California: The Elk Hill, containing some 32,000 acres, was created by President Taft, September 2, 1912.

Naval reserve No. 2, also in California, was created by President Taft, December 13, 1912, containing roughly 30,000 acres, but more than 20,000 acres of this was at the time privately owned, and much of the remainder covered by mining locations.

Naval reserve No. 3, Teapot Dome, in Wyoming, was created by President Wilson, April 30, 1915; this contained 9,481 acres; was all Government land.

Some claims under the old placer law had been filed on lands in these naval reserves before the reserves were created.

WHEN PAYNE BECAME SECRETARY.

This was the situation when John Barton Payne was appointed Secretary of the Interior, February 28, 1920 (qualified March 15, 1920). The leasing law (in force February 25, 1920) made it the duty of the Secretary of the Interior to administer the law, i. e., to issue rules and regulations for prospecting the leasing, and to fix the royalty to be paid on lands outside the naval reserve, and to decide not only as to the validity of claims pending under the old law, but where two or more persons had conflicting claims, to decide between them. It was the policy of the Congress that lands outside the naval reserves should be leased—but that the naval reserves should not be leased, unless a claimant under the old law came strictly under the terms of the leasing law.

REPUBLICAN SMOKE SCREEN.

The Republicans try to defend Secretaries Fall and Denby and attempt to make a smoke screen of the fact that Secretary Payne leased certain oil lands. They do not state what every one should know, now fully brought out by the Senate committee, that Secretary Payne made no secret leases, that his door was wide open, everything was public, and the leasing law strictly followed and the policy of the Government upheld and maintained; that with the approval and support of President Wilson and Secretary of the Navy Daniels the naval reserves were fully protected, and, but for Secretaries Fall and Denby, would now be safe and intact.

A brief reference to the leasing law and the undisputed facts make this clear.

1. THE LAW AS TO LANDS NOT KNOWN TO CONTAIN OIL OUTSIDE NAVAL RESERVES.

Following the policy of Congress to develop and lease oil land the leasing act provided (sec. 13) that persons who desired to prospect for oil on lands not known to contain oil might obtain permits, as follows:

"That the Secretary of the Interior is hereby authorized, under such necessary and proper rules and regulations as he may prescribe, to grant to any applicant qualified under this act a prospecting permit, which shall give the exclusive right for a period not exceeding two years to prospect for oil or gas upon not to exceed 2,560 acres of land wherein such deposits belong to the United States and are not within any known geological structure of a producing oil or gas field, upon condition that the permittee shall begin drilling operations within six months."

If a prospector found oil or gas, section 14 provided in terms that he should be entitled to a lease, as follows:

"That upon establishing to the satisfaction of the Secretary of the Interior that valuable deposits of oil or gas have been discovered within the limits of the land embraced in any permit the permittee shall be entitled to a lease for one-fourth of the land embraced in the prospecting permit . . . for a term of 20 years upon a royalty of 5 per cent . . . and shall be entitled to a preference right to a lease for the remainder of the land in his prospecting permit at a royalty of not less than 12½ per cent . . . the amount of the royalty to be determined by competitive bidding or fixed by regulations prescribed by the Secretary."

And in section 16 it is provided:

"That no wells shall be drilled within 200 feet of any of the outer boundaries of the lands within the permit, unless adjoining lands belonging to private persons."

2. AS TO PUBLIC LANDS KNOWN TO CONTAIN OIL.

Section 17 of the leasing act provides:

"That all unappropriated deposits of oil or gas situated within the known geological structure of a producing oil or gas field and the unentered lands—lands not entered under the old law—containing the same, not subject to preferential lease, may be leased by the Secretary of the Interior to the highest responsible bidder by competitive bidding under general regulations to qualified applicants in areas not exceeding 640 acres . . . such leases to be conditioned upon the payment by the lessee of such bonus as may be accepted, and of such royalty as may be fixed in the lease, which shall not be less than 12½ per cent in amount or value of the production, and the payment of \$1 per acre per annum."

As to lands where locations had been made under the old placer law, and the claimant was willing to compromise by accepting a lease under the leasing act, section 18 provided:

"That upon relinquishment to the United States . . . of all right, title, and interest claimed and possessed prior to July 3, 1910, and continuously since . . . under the pre-existing placer mining law to any oil or gas bearing land upon which there has been drilled one or more oil or gas wells to discover embraced in the Executive order of withdrawal issued—by President Taft—September 27, 1900, and not within any naval petroleum reserve, and upon payment as royalty . . . If in possession of such land, undisputed by any other claimant prior to July 1, 1919, shall be entitled to a lease thereon from the United States for a period of 20 years at a royalty of not less than 12½ per cent."

[NOTE: From the foregoing sections it is clear that as to lands not known to contain oil Congress desired to encourage prospecting, and gave the successful prospector the absolute right to a lease; and as to lands known to contain oil, but outside the naval reserves, provided in terms for their leasing by the Secretary of the Interior by competitive bidding; and required that the rights of persons who in good faith had made locations under the old law should be protected, and gave them the right to come in and surrender their claims acquired under the old law and accept leases under the leasing act. For the Secretary of the Interior to have refused to carry out these provisions would have been an arbitrary violation of the law and would have made him subject to action by mandamus.]

B. AS TO LANDS WITHIN THE NAVAL RESERVES.

Section 18 provides also—

"That as to all like claims (under old placer law) situate within a naval petroleum reserve the producing wells thereon only shall be leased, together with an area of land sufficient for the operation thereof, upon the terms and payment of royalties for past and future production as herein provided for in the leasing of claims. No wells shall be drilled in the land subject to this provision within 660 feet of any such leased well without the consent of the lessee."

Then this provision as to the President:

"The authority of the President—must use his discretion."

The act continues:

"Provided, however, That the President may in his discretion lease the remainder of any part of any such claim upon which such wells have been drilled, and in the event of such leasing said claimant or his successor shall have a preference right to such lease: And provided further, That he may permit the drilling of additional wells by the claimant or his successor within the limited area of 660 feet theretofore provided for upon such terms and conditions as he may prescribe."

"No claimant guilty of fraud shall have a lease."

NOTE.—From the above it is clear that where a claimant under the old placer law had located on lands within the naval reserve before the reserve was created, and had brought in a producing well, he was entitled as of right to a lease on his producing well. The Secretary of the Interior had no authority to refuse such a lease and had no authority to grant a lease for anything beyond the producing well with land adjacent only sufficient for its operation. The President, however, in his discretion had the right to lease to the claimant the remainder of his claim, or to permit the drilling of additional wells by the claimant within the 660 feet; this authority was vested in the President and denied to the Secretary.

Under section 18a the President was also authorized to direct the compromise and settlement of any controversy as to lands withdrawn under the order of September 27, 1900, upon such terms and conditions as may be agreed upon, to be carried out by an exchange or division of land or division of the proceeds.

Section 19 of the leasing act provides for the protection of persons who had made a bona fide claim and expended money but not brought in a well. This, however, did not apply to lands within the naval reserves.

This sufficiently shows the provisions of the law and policy of the Government as embodied in the leasing act.

WHAT WAS DONE UNDER THE WILSON ADMINISTRATION.

The leasing act became effective on February 23, 1920. Prior to this time there had been filed and were pending an enormous volume of claims for locations under the old placer law on lands both within and without the naval reserves, and many suits were pending. Rules and regulations, with a fixed scale of royalties providing for the carrying out of the law, were promptly issued under section 13, and leases were issued under sections 14, 17, and 19. The legal rights of claimants were recognized, and such was the care under which the law was executed that not a single public criticism resulted, notwithstanding the tremendous volume of work imposed upon the Secretary.

NOW, AS TO THE NAVAL RESERVES.

As to naval reserve No. 1: Not a single claim was allowed nor a single lease made. It was left intact.

The contrast between the two administrations, aside from the general policy, is shown by the record as to section 36 in this reserve. The title to this 640 acres passed to the State of California with the distinct provision that it contained no minerals. When it was found to contain mineral—oil is mineral—and became a part of the naval reserve, the question was whether the title still belonged to the United States. Meantime, the Standard Oil Co. had acquired the right of the State of California to the major portion of the section and the Doheny interests the remainder, and were in possession. In February, 1921, Secretary Payne gave all parties in interest a public hearing, and decided that the title had not passed to the State of California, but remained in the United States; that the Standard Oil Co. and the Doheny interests acquired no title and were wrongly in possession; and Secretary Payne directed the Land Office to make entry accordingly, and made formal written request to the Department of Justice that proceedings be instituted in the courts, and to recover for the United States the land and oil taken out.

After Secretary Fall came in, he reversed this action, withdrew the request made by Secretary Payne to the Department of Justice to proceed against the oil companies, and permitted them to remain in possession.

Due to the Senate investigation, counsel has recently been appointed to sue the oil companies to recover this land, and to do now what Secretary Payne directed be done in February, 1921.

This naval reserve No. 1 was therefore left intact.

As to naval reserve No. 2: In this reserve it was found that claimants had brought in about 50 producing wells. These, under the mandatory provision of the leasing act, were leased to the claimants. With the concurrence of the Secretary of the Navy and the President, five offset wells were leased, i. e., where it was manifest that private wells had been drilled so near the line of the reserve as to drain the Government oil from the reserve, a well was drilled just within the reserve on a 25 per cent royalty basis, so that the Government would receive the royalty and not permit the private interest to take the oil out without payment of royalty. Another claimant for 540 acres in section 28 was compromised with and given lease on 120 acres.

With these exceptions, naval reserve No. 2 was left intact.

In this reserve the Honolulu Oil Co. claimed title to 17 quarter sections (some 2,000 acres), and applied for a patent. Secretary Payne, after a public hearing, decided the claim invalid and the company not entitled to a patent, and denied the same. The only criticism directed against the Wilson administration in the oil matter grew out of this Honolulu decision, and that, of course, came from the oil company and its friends.

As to naval reserve No. 3, the Teapot Dome, Wyoming: All of the claims on this reserve were rejected and no leases made. Among other claimants filed against this reserve was John C. Shaffer, who testified before the Senate committee. He said his claim was later recognized by Secretary Fall, and he was paid some \$92,000 by Sinclair.

The Wilson administration left reserve No. 3 intact.

ACTION OF REPUBLICAN ADMINISTRATION—STRIKING CONTRAST.

Within less than three months after the close of the Wilson administration, upon the recommendation of Secretaries Fall and Denby, President Harding issued an Executive order purporting to transfer all of the powers and discretion the law imposed upon the President under the leasing act, and the powers and discretion conferred upon the Secretary of the Navy by the act passed June 4, 1920, to Secretary Fall. How Secretary Fall used this power in disposing of the naval reserves is well known. Whether this Executive order has any validity will be decided by the courts.

As to naval reserve No. 1: Secretary Fall reversed the decision of Secretary Payne as to section 36 and secretly gave that to the Standard Oil Co. and to Doheny, and secretly leased all of the remainder of reserve No. 1 to Mr. Doheny's companies.

In naval reserve No. 2: Where Secretary Payne had leased only the producing wells, Secretary Fall leased claimants their entire claims, and then leased the remainder of the reserve; and as to the 17 quarter sections claimed by the Honolulu Oil Co., which Secretary Payne had held invalid, Secretary Fall reversed to the extent of making the company a lease for the entire 2,000 acres.

As to naval reserve No. 3, which the Wilson administration had left intact, Secretary Fall secretly leased the entire reserve to the Sinclair interests.

REPUBLICAN DEFENSE.

Secretaries Fall and Denby protest that their action was in the public interest. The fallacy of this claim is conclusively shown.

(a) The national policy established by the Taft and Wilson administrations and approved by the Congress was reversed secretly by them without opportunity for public discussion or consideration.

(b) While the negotiations for naval reserve No. 1 were pending with Mr. Doheny, he sent Mr. Fall \$100,000 in currency in a satchel delivered to Fall by Doheny's son. Sinclair sent to Mr. Fall \$25,000 in Government bonds. What other secret considerations passed have not yet been disclosed.

(c) By action of a unanimous Senate (except Senator ELKINS) the United States Government has recently employed Messrs. Pomerele, Roberts, and Knight special counsel to undo the work of Messrs. Fall and Denby. Suits by the United States against the oil companies in possession of reserves Nos. 1 and 3 have been brought in the courts of the United States charging fraud and unlawful acts, and preliminary injunctions restraining the operation of the wells have been granted, and receivers have been appointed.

More need not be said.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. COPELAND:

A bill (S. 2963) for the adjudication and determination of the claims arising under the extension by the Commissioner of Patents of the patent granted to Frederick G. Ransford and Peter Low as assignees of Marcus P. Norton, No. 25036, August 9, 1859; to the Committee on Post Offices and Post Roads.

By Mr. PITTMAN:

A bill (S. 2964) to amend paragraphs 3 and 4 of section 13 of the interstate commerce act; to the Committee on Interstate Commerce.

By Mr. BRUCE:

A bill (S. 2965) to amend the national prohibition act; to the Committee on the Judiciary.

By Mr. MOSES:

A bill (S. 2966) granting a pension to Myra K. Emmons (with accompanying papers); to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 2967) granting a pension to Amanda Shannon (with accompanying papers); to the Committee on Pensions.

By Mr. COUZENS:

A bill (S. 2968) for the purchase of land in Oakland Township, Oakland County, Mich., to be used for a rifle range; to the Committee on Military Affairs.

A bill (S. 2969) for the adjudication and determination of the claims arising under the extension by the Commissioner of Patents of the patent granted to Frederick G. Ransford and Peter Low as assignees of Marcus P. Norton, No. 25036, August 9, 1859; to the Committee on Claims.

By Mr. McNARY:

A bill (S. 2970) authorizing a preliminary examination and survey of Westport Slough, Oreg.; to the Committee on Military Affairs.

By Mr. HARRIS:

A bill (S. 2971) to establish a fish-cultural station in Georgia; to the Committee on Commerce.

By Mr. McKINLEY:

A bill (S. 2972) granting a pension to Newton Ernest McElvain; and

A bill (S. 2973) granting a pension to James Shaw; to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 2974) granting a pension to Augusta C. Harris; to the Committee on Pensions.

By Mr. LADD:

A bill (S. 2975) validating certain applications for, and entries of public lands, and for other purposes; to the Committee on Public Lands and Surveys.

REDUCTION OF TAXES.

Mr. McKINLEY (for Mr. McCORMICK) submitted an amendment intended to be proposed by Mr. McCORMICK to House bill 6715, the tax reduction bill, which was referred to the Committee on Finance and ordered to be printed.

AMENDMENTS TO NAVAL APPROPRIATION BILL.

Mr. COPELAND submitted three amendments intended to be proposed by him to House bill 6820, the naval appropriation bill, which were referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 14, line 1, after the word "Provided," to insert the word "further"; on the same page and at the end of the same line, after the colon, to insert the following proviso: "Provided, That members of the Volunteer Naval Reserve may, in the discretion of the Secretary of the Navy, be issued such articles of uniform as may be required for their drills and training, the value thereof not to exceed that authorized to be issued to other classes of the Naval Reserve Force, and to be charged against the clothing and small-stores fund."

And, on page 14, at the end of line 3, to insert after the colon and the proviso just above proposed to be inserted, the following additional proviso:

"Provided further, That until June 30, 1925, of the Organized Militia as provided by law, such part as may be duly prescribed in any State, Territory, or for the District of Columbia, shall constitute a Naval Militia; and until June 30, 1925, such of the Naval Militia as now is in existence and as now organized and prescribed by the Secretary of the Navy under authority of the act of Congress approved February 16, 1914, shall be a part of the Naval Reserve Force, and the Secretary of the Navy is authorized to maintain and provide for said Naval Militia as provided in said act: *Provided*, That upon their enrollment in the Naval Reserve Force, and not otherwise until June 30, 1925, the members of said Naval Militia shall have all the benefits, gratuities, privileges, and emoluments provided by law for other members of the Naval Reserve Force; and that, with the approval of the Secretary of the Navy, duty performed in the Naval Militia may be counted as active service for the maintenance of efficiency required by law for members of the Naval Reserve Force.

AMENDMENT TO AGRICULTURAL DEPARTMENT APPROPRIATION BILL.

Mr. HARRIS submitted an amendment proposing to appropriate \$173,000 to enable the Secretary of Agriculture to carry into effect the provisions of the United States warehouse act, including the payment of such rent outside of the District of Columbia and the employment of such persons and means as the Secretary of Agriculture may deem necessary, in the city of Washington and elsewhere, intended to be proposed by him to House bill 7220, the Agricultural Department appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Hattigan, one of its clerks, announced that the House had passed a bill (H. R. 7877) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1925, and for other purposes, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 6349) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1925, and for other purposes; also that the House had receded from its disagreement to the amendments of the Senate numbered 2 and 43 to the said bill H. R. 6349, and that the House had receded from its disagreement to the amendments of the Senate numbered 1 and 44 and had concurred therein, each with an amendment, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

S. 2625. An act to detach Jim Hogg County from the Corpus Christi division of the southern judicial district of the State of Texas and attach the same to the Laredo division of the southern judicial district of said State; and

H. R. 7449. An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1924, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1924, and for other purposes.

TREASURY AND POST OFFICE APPROPRIATION BILL.

Mr. WARREN. I ask the Chair to lay before the Senate the action of the House of Representatives on certain amendments to the Treasury and Post Office Departments appropriation bill.

The PRESIDENT pro tempore laid before the Senate the action of the House, which was read, as follows:

IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES,

March 29, 1924.

Resolved, That the House recede from its disagreement to the amendments of the Senate numbered 2 and 43 to the bill (H. R. 6349) entitled "An act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1925, and for other purposes," and concur therein.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and concur therein with amendments as follows:

In lines 1 and 2 of the matter inserted by said amendment strike out "Fiscal Assistant Secretary" and insert in lieu thereof the word "Undersecretary."

In line 5 of the matter inserted by said amendment, after the word "and," insert the word "hereafter."

In line 10 of the matter inserted by said amendment, after the word "Treasury," insert "hereafter."

That the House recede from its disagreement to the amendment of the Senate numbered 44, and concur therein with an amendment as follows: In lieu of the sum proposed in said amendment insert "\$1,250,000."

Mr. WARREN. I move that the Senate concur in the amendments of the House to the amendments of the Senate numbered 1 and 44. The adoption of this motion will close the disagreements on the bill.

Mr. ROBINSON. Will the Senator explain what the amendments are?

Mr. WARREN. The first applies only to the change of the name "Fiscal Assistant Secretary of the Treasury." The House insisted upon the title "Undersecretary." The other amendment refers to the appropriation for airplane mail service. The Senate appropriated \$1,500,000 and the House reduced the amount to \$1,250,000. Those are the only changes.

The PRESIDENT pro tempore. The question is on agreeing to the motion submitted by the Senator from Wyoming.

The motion was agreed to.

HOUSE BILL REFERRED.

The bill (H. R. 7877) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1925, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

A. W. MELLON, SECRETARY OF THE TREASURY.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, Senate Resolution 200.

The resolution (S. Res. 200) submitted by Mr. McKELLAR on the 28th instant is as follows:

Whereas section 243 of the Revised Statutes of the United States provided as follows: "No person appointed to the office of Secretary of the Treasury, or first comptroller, or first auditor, or treasurer, or register shall, directly or indirectly, be concerned or interested in carrying on the business of trade or commerce, or be owner in whole or in part of any sea vessel, or purchase by himself, or another in trust for him, any public lands or other public property, or be concerned in the purchase or disposal of any public property, or be concerned in the purchase or disposal of any public securities of any State or of the United States, or take or apply to his own use any emolument or gain for negotiating or transacting any business in the Treasury Department other than what shall be allowed by law; and every person who offends against any of the prohibitions of this section shall be deemed guilty of a high misdemeanor and forfeit to the United States the penalty of \$3,000, and shall upon conviction be removed from office and forever thereafter be incapable of holding any office under the United States; and if any other person than the public prosecutor shall give information of any such offense upon which a prosecution and conviction shall be had, one-half the aforesaid penalty of \$3,000, when recovered, shall be for the use of the person giving such information"; and

Whereas section 3168 of the Revised Statutes of the United States provides as follows: "Any internal-revenue officer who is or shall become interested, directly or indirectly, in the manufacture of tobacco, snuff, or cigars, or in the production, rectification, or redistillation of distilled spirits, shall be dismissed from office; and every officer who becomes so interested in any such manufacture, or production, rectification, or redistillation, or in the production of fermented liquors, shall be fined not less than \$500 nor more than \$5,000"; and

Whereas it appears from a letter from A. W. Mellon addressed to KENNETH MCKELLAR, dated March 5, 1924: "The refunds to the Gulf Co. and its subsidiaries were charged against three appropriations, depending upon the year in which the taxes refunded were originally collected. The payments were \$766,112.29 out of the appropriation for 'Refund of taxes illegally collected, 1918, and prior years'; \$1,350,884.63 from a similar appropriation for 1919; and \$1,211,143.07 for 1921"; and

Whereas it appears that in April, 1921, after A. W. Mellon had become Secretary of the Treasury in March, 1921, the Treasury refunded to the Gulf Refining Co. sums in amounts shown by excerpts from said letter; and

Whereas it is further shown in said letter that an abatement and settlement has since been made with the Atlantic, Gulf & West Indies Steamship Co., a company in which said A. W. Mellon is interested, in the sum of \$2,631,381; and

Whereas other settlements made with other companies in which the said A. W. Mellon is stockholder or otherwise interested; and

Whereas it appears that the said A. W. Mellon is interested in the Overholt Distilling Co.: Therefore be it

Resolved, That the Judiciary Committee of the Senate be and is hereby requested and instructed to hold hearings by itself or by a subcommittee and report with the least delay practicable: First, whether the said A. W. Mellon is directly or indirectly concerned in carrying on the business of trade or commerce. Second, whether he is the owner in whole or in part of any sea vessel. Third, whether he is holding the office of the Secretary of the Treasury of the United States in violation of section 243 of the Revised Statutes of the United States, or any of the laws of the United States. Fourth, whether he is holding the office of the Secretary of the Treasury of the United States in violation of section 3168 of the Revised Statutes of the United States.

Mr. REED of Pennsylvania. Mr. President, in passing upon the resolution which is now before the Senate it appears to me to be of the highest importance that the Senate should understand exactly what the facts are. In some previous actions that we have taken on other similar resolutions we have been guided, I think, by the charges made, without any reply having been made to those charges and without any statement of facts to guide us. Therefore, I want as briefly as I can to call attention to some misstatements in the recitals of Senate Resolution No. 200.

When Mr. Mellon was offered the post of Secretary of the Treasury by President Harding in the winter of 1920-21 he considered it for a time and finally told the President that he would accept it. One of his counsel for many years had been former Judge James H. Reed, of Pittsburgh. When Judge Reed learned that Mr. Mellon had agreed to accept the place he went to Mr. Mellon and called his attention to the provisions of section 243 of the Revised Statutes and to the provisions of the Federal reserve law, which, by the way, are not mentioned in the resolution, and to the provisions of one or two other statutes that might interfere with the investments which Mr. Mellon then had. He called to Mr. Mellon's attention the fact that he would not be permitted, if he accepted this position, to retain stocks in national banks; and he also called his attention to the fact that he could not continue to be in the active management of any business or continue to be a director or an officer of any active corporation.

Mr. NORRIS. Mr. President, may I interrupt the Senator from Pennsylvania?

The PRESIDENT pro tempore. Does the Senator from Pennsylvania yield to the Senator from Nebraska?

Mr. REED of Pennsylvania. I yield.

Mr. NORRIS. As the Senator is passing along and mentioning these various matters, I wish to inquire whether the provision of law prohibiting the Secretary of the Treasury from being a stockholder in national banks is one of the provisions of the Federal reserve act?

Mr. REED of Pennsylvania. Yes; Mr. President, but I shall come to that in a moment, and shall read the section when I refer to it.

Mr. Mellon had no particular enthusiasm for the proposed change in his life, and he thought he saw in this suggestion a reasonable excuse for telling President Harding that he did not feel free to become Secretary of the Treasury. He went first to former Senator Knox, of Pennsylvania, who had been consulting President Harding in regard to the make-up of his Cabinet, and who, I believe, with the late Senator Penrose, had been among the first to name Mr. Mellon to President Harding for the position of Secretary of the Treasury. Mr. Mellon came to Washington to call this matter to Senator Knox's attention, and to ask Senator Knox to go to Mr. Harding and explain that the existence of these statutes made it difficult for him to become Secretary of the Treasury. Mr. Knox replied at once, "Why, I am familiar with those statutes; I had occasion to refer to them while I was Attorney General, and while it is true that you will have to sell your bank stock, and while it is also true that you will have to resign from the various boards of directors on which you are serving, if you do that there will be no reason in the world why you should not go on, under the law, and become Secretary of the Treasury. However, to make sure of that," said Senator Knox, "I will ask Faust & Wilson, a firm of lawyers here in Washington in whom I have great confidence, to look up the case. It is my impression that there is a Supreme Court decision which makes it clear, but I will ask Faust & Wilson to look it up." And he did so.

Mr. Knox asked this firm of attorneys in Washington to look into the matter and to advise him whether those statutes would in any way operate to make illegal Mr. Mellon's acceptance and retention of the post of Secretary of the Treasury. On the 25th of January, 1921, that firm of lawyers submitted to Mr. Knox a long and well-considered opinion, in which they

reached the conclusion that there was nothing in the ownership by Mr. Mellon of stocks in various corporations to disqualify him from becoming Secretary of the Treasury, although clearly he could not conduct an active business and that he probably had better not remain on any board of directors.

Now, Mr. President, I ask unanimous consent to present that opinion of January 25, 1921, and I ask that it may be printed at the conclusion of my remarks.

Mr. OVERMAN. Will the Senator from Pennsylvania not have the opinion read, Mr. President?

Mr. REED of Pennsylvania. The opinion is very long. However, I think it is so material that it ought to be read, and I will ask that, without my yielding the floor, the opinion may now be read to the Senate.

The PRESIDENT pro tempore. The Secretary will read as requested.

The reading clerk read the opinion, which is printed at the conclusion of the remarks of Mr. REED of Pennsylvania as Appendix A.

Mr. REED of Pennsylvania. Mr. President, when that opinion had been rendered to Senator Knox, he sent it to Judge Reed in Pittsburgh, and told him orally that he, Senator Knox, agreed with the conclusions in the opinion. Judge Reed, who at that time was my senior partner, brought the matter to me and asked me to look into it as well. I made some study of it and came to the conclusion that that opinion was exactly right. But when I came upon section 10 of the Federal reserve law of 1913, which provides—

No member of the Federal Reserve Board—

Of course, that would include the Secretary of the Treasury—

shall be an officer or director of any bank, banking institution, trust company, or Federal reserve bank nor hold stock in any bank, banking institution, or trust company, and before entering upon his duties as a member of the Federal Reserve Board he shall certify under oath to the Secretary that he has complied with this requirement.

That was called to Mr. Mellon's attention and also to Senator Knox's attention, and Senator Knox again applied to Messrs. Faust & Wilson for a brief, or opinion, with that section in mind. They rendered an opinion on February 10, 1921, which I will now send to the desk to be read; but I will ask to have it incorporated, like the other one, at the end of what I have to say.

The PRESIDENT pro tempore. The Secretary will read as requested.

The reading clerk read the opinion, which is printed at the end of Mr. REED's remarks as Appendix B.

Mr. REED of Pennsylvania. Having taken the advice of former Senator Knox, of Judge Reed, of Mr. Faust, of Mr. Wilson, and of my poor self, finding all of us agreed that the effect of the law was, first, to make it impossible for him to continue as an officer of any corporation; next, to make it impossible for him to continue as a director in any business corporation; and, finally, to make it necessary for him to dispose of all stocks that he had in any national bank or State bank or trust company, Mr. Mellon after a considerable amount of urging agreed to surrender all those offices and to sell all those stocks and to accept the position of Secretary of the Treasury.

He was one of the largest holders of stock in the Union Trust Co., of Pittsburgh. He sold every share before he took the oath of office as Secretary of the Treasury. He was one of the largest stockholders of the Fidelity Title & Trust Co., of Pittsburgh. He sold every share before he took the oath of office. He was one of the large stockholders of the National Bank of Commerce in New York, and he sold every share before he took the oath of office. He was the president and a director of the Mellon National Bank, the largest national bank in Pittsburgh and one that was founded by his father more than half a century ago. He surrendered his presidency and his directorship and sold every share that he owned before he took the oath of office as Secretary of the Treasury. He was a director in many corporations in many lines of industry. He resigned from every directorate before he took the oath of office. He was an officer in several corporations, and he resigned from every office that he held before he took the oath of office as Secretary of the Treasury. He even came to us to ask whether, in our opinion, he could properly retain his membership on the board of trustees of the University of Pittsburgh and on the Carnegie Institute and on hospitals and charities of that kind in which he had been very active. Of course, we told him that he could properly stay on, because the law did not relate to charities in which no director had any possible pecuniary interest.

Mr. SHIPSTEAD. Mr. President, may I ask the Senator a question?

The PRESIDENT pro tempore. Does the Senator from Pennsylvania yield to the Senator from Minnesota?

Mr. REED of Pennsylvania. I yield.

Mr. SHIPSTEAD. May I ask if Secretary Mellon has resigned as a stockholder from the various corporations other than banks and trust companies?

Mr. REED of Pennsylvania. I am just coming to that. Of course, one does not resign as a stockholder. One sells his stock. Mr. Mellon did sell his stock in every variety of corporation—and he had stock in many of them—that is mentioned in the Federal reserve law and the Federal farm loan law and the foreign bank corporation act and all those other acts of Congress that relate to stock ownership, and—

Mr. McKELLAR. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Pennsylvania yield to the Senator from Tennessee?

Mr. REED of Pennsylvania. I yield.

Mr. McKELLAR. Did Secretary Mellon sell his stock in all the business corporations?

Mr. REED of Pennsylvania. If the Senator had waited until the sentence was finished, his question would have been answered. Mr. Mellon was also a stockholder in a number of business enterprises, foremost among them being the Aluminum Co. of America, the Gulf Oil Corporation, and the Standard Steel Car Co. In each of those he was and is a minority stockholder; and on the advice of the five lawyers whom I have named Mr. Mellon did not sell his minority interest in the stock of those corporations. He still owns it; and in our opinion then, and in our opinion now, his right to do so is unquestionable.

Furthermore, he is not at present actively concerned in trade or commerce of any description whatever. As I said, he is not a director and not an officer of any corporation engaged in trade or commerce of any kind—

Mr. McKELLAR. Mr. President—

Mr. REED of Pennsylvania. And he does not give his time or his attention to the active conduct of any incorporated business. I yield to the Senator from Tennessee.

Mr. McKELLAR. I just want to ask the Senator if Mr. Mellon is still a stockholder in what is known as the Atlantic, Gulf & West Indies Co.?

Mr. REED of Pennsylvania. I am coming to that.

Mr. McKELLAR. And is he also interested in the company known as the Overholt Distilling Co.?

Mr. REED of Pennsylvania. I am just as much interested as is the Senator from Tennessee in getting the truth of these things, and I promise him I shall not omit either of those subjects in what I have to say.

I want to correct an error in the first opinion of Faust & Wilson, which was read at the desk, and that is the statement that when Mr. Stewart resigned as Secretary of the Treasury in President Grant's Cabinet, Senator Sherman was appointed in his stead. I think that Messrs. Faust & Wilson were in error on the name and that it was Mr. Boutwell who was appointed to succeed Mr. Stewart in Grant's Cabinet. It is not important, but I thought, for the purpose of accuracy, it was well to make the correction.

Mr. FESE. Senator John Sherman was appointed in President Hayes's Cabinet.

Mr. REED of Pennsylvania. Yes. In Senate Resolution No. 200, now before us, occurs the statement that "it appears that the said A. W. Mellon is interested in the Overholt Distilling Co." The resolution does not say where it appears. I want to state what the facts are.

For many years past—probably more than 100 years—there has been a partnership known as A. Overholt & Co., which was in the business of distilling whisky in western Pennsylvania. For a great many years—I do not know how many, but I think over 40 years—Mr. A. W. Mellon was one of the partners in that partnership. On the 15th day of December, 1918, three years and one month before the prohibition amendment went into effect, that partnership absolutely ceased from the manufacture of whisky and from doing any of its manufacturing business. The statute which is mentioned in Senate Resolution No. 200 is section 3168 of the Revised Statutes and forbids any internal revenue officer from being interested in the manufacture, production, rectification, or redistillation of distilled spirits. The fact is that if the Secretary of the Treasury is a revenue officer within the meaning of that section—and I am willing to grant that he is for the purpose of the argument—Mr. Andrew W. Mellon has not at any time since December 15, 1918, engaged in the manufacture or production or rectification or redistillation of distilled spirits.

Before Mr. Mellon took office, after this corporation had been passive for more than four years, four years after it ceased from its manufacturing operations and before he took the oath of office, he transferred his whole interest in that enterprise to the Union Trust Co. of Pittsburgh as trustee to close up the business absolutely. He himself has retained no control or discretion or authority whatsoever in that matter. He will, when the business is finally liquidated, be entitled to his proportion of the net proceeds and no more.

But I am told, and I think I might as well say it parenthetically here, that, so far as Mr. Mellon is aware, not one single quart of the whisky that the partnership owned when the prohibition amendment went into effect has been sold by the trustee or has been stolen from its warehouse. They have employed extra guards at their own expense to make sure that nothing could be taken from that warehouse, and nothing has been taken. They have not sold one penny's worth of it.

Mr. McKELLAR. Mr. President, will the Senator yield at that point to permit me to ask him a question?

Mr. REED of Pennsylvania. I yield.

Mr. McKELLAR. I would like to have the Senator's statement a little more full as to the Secretary's present ownership of this property. He said that before the Secretary took office he created the Union Trust Co. of Pittsburgh a trustee. Of course, under those circumstances the Secretary of the Treasury owns the property. To what extent does he own the Overholt Co., and what is the extent of its business?

Mr. REED of Pennsylvania. I thought I had answered that.

Mr. McKELLAR. How much liquor do they own?

Mr. REED of Pennsylvania. Let me try it again. On January 31, 1921, Mr. Mellon's whole interest in that partnership was transferred to the Union Trust Co. of Pittsburgh as liquidating trustee to close out the business.

Mr. McKELLAR. That makes it an active trust, of course, in which Mr. Mellon is interested.

Mr. REED of Pennsylvania. Of course, it is an active trust. Of course, Mr. Mellon is interested to the extent of his share in the net proceeds after the business has been entirely wiped out; but the business itself is stopped. It has been stopped for over eight years. The property lies there in the warehouse, and when the trustee does finally dispose of it and parts with the whole of the physical property, then Mr. Mellon is entitled to his share in the net balance remaining after that liquidation. I hope that is very clear.

Mr. McKELLAR. The only thing that is not clear is the extent of Mr. Mellon's share in the trust estate.

Mr. REED of Pennsylvania. Mr. Mellon's share is less than a majority. He is not a majority partner. Further than that, I do not think it is any of our business or anyone else's business what his proportion is.

As to the quantity of spirits still in the warehouse I am not sufficiently advised to answer accurately except that I can say positively that every quart that was left there when the prohibition amendment went into effect is there now in so far as it was owned by them. There may have been some withdrawals on certificates that were then outstanding, but the partnership has not sold either a certificate or a drop of the stuff itself nor has the trustee.

Let me take up the next thing in the recitals of the resolution.

Mr. McKELLAR. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Pennsylvania yield again to the Senator from Tennessee?

Mr. REED of Pennsylvania. I yield.

Mr. McKELLAR. While the subject of the distillery is before us, what is the value of the liquors owned by the partnership that is now in the hands of the active trustee for sale?

Mr. REED of Pennsylvania. I do not know what the value of liquor is to-day. I do not buy it.

Mr. McKELLAR. I join the Senator in that thought, but the Senator could give some information. I have no doubt, as to what its value was or what the number of gallons is. If the Senator could tell us the number of barrels or gallons, of course we would not find anybody in the Senate who would know about the value of liquor, but we might find somebody on the outside.

Mr. REED of Pennsylvania. As I do not know the quantity and I do not know what it is worth per barrel or per quart or per drink, I am sorry that I can not enlighten the Senator at all.

Mr. KING. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Pennsylvania yield to the Senator from Utah?

Mr. REED of Pennsylvania. I yield.

Mr. KING. I did not quite understand the statement of the Senator, as I came into the Chamber late, as to the character of the title transferred by the partnership of which Mr. Mellon is a member to the Union Trust Co. Did they create in the trustee a full and unlimited authority to make disposition of the affairs of the partnership or was there any reserving of interest or right in the partners to direct the operation or control? In other words, was there a complete and indefeasible title passed to the trustee so that the partners have no right to control the operations of the trustee?

Mr. REED of Pennsylvania. I have not seen the agreement for three years, but my recollection of it is very distinct. I think I speak by the book when I say that the conveyance includes all of the property of the partnership; it gives the trustee unlimited discretion in liquidating, but gives the trustee no discretion to operate. I want to make that clear. The trustee's only function is to dispose of the real estate and the personal property of the partnership without control by the former members of the partnership. They have retained no control over what the trustee does.

Mr. KING. Then the instrument was irrevocable in the transmission of title?

Mr. REED of Pennsylvania. Absolutely.

Mr. KING. So that the trustee has absolute control?

Mr. REED of Pennsylvania. It has absolute control.

Mr. KING. And there could not be any reassertion of title by the former owners?

Mr. REED of Pennsylvania. There could be absolutely none. All that Mr. Mellon is interested in is the money that may result from the liquidation.

Mr. NORRIS and Mr. McKELLAR addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Pennsylvania yield; and if so, to whom?

Mr. REED of Pennsylvania. I yield first to the Senator from Nebraska.

Mr. NORRIS. I wish to ask the Senator from Pennsylvania two questions. First, I suppose that the conveyance to which he has referred, in which a trust was set up, must have been joined in by all of the members of the partnership?

Mr. REED of Pennsylvania. That is correct. It was so joined in.

Mr. NORRIS. Between 1916, when the firm ceased the manufacture of distilled spirits, up to 1921, when the transfer was made, what was the nature of the business of the partnership?

Mr. REED of Pennsylvania. It was absolutely passive; they were not manufacturing anything. The partnership owned the property, but it had absolutely gone out of the manufacturing business.

Mr. NORRIS. And the firm did not do any business during that time?

Mr. REED of Pennsylvania. They may have sold off some of the stock on hand before the era of prohibition.

Mr. NORRIS. What was the object in going out of business of the creation of this trusteeship? Why could not the partnership itself, or its proper officials, simply have sold whatever goods they had on hand and then have ended the business?

Mr. REED of Pennsylvania. There were two reasons, Mr. President. The first was that one of the partners, who owned an equal interest with Mr. Mellon, had recently died, and his executors were anxious to have the business wound up. The surviving partners, however, were not in a position to act as active liquidating partners. In the next place, Mr. Mellon was going to become Secretary of the Treasury, and he wanted to be rid of any interest in the business.

Mr. McKELLAR. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Pennsylvania yield to the Senator from Tennessee?

Mr. REED of Pennsylvania. I now yield to the Senator from Tennessee.

Mr. McKELLAR. Mr. President, can the Senator from Pennsylvania give us any information as to what extent the trust has been executed and in what manner the trustee is selling the liquors of the cestui que trust in the United States at this time?

Mr. REED of Pennsylvania. I shall be glad to give an answer, though I thought the Senator had caught what I said before on that point.

Not one single quart of liquor has been sold or stolen from that warehouse. I will go further than that and say that there was an offer made for the purchase of the whole contents of that warehouse, to be delivered in England; and while the Secretary of the Treasury had no right to forbid that—for

under the trust agreement he had parted with any control—he appealed to the trustee not to sell the liquor for fear it would be reimported and smuggled into the United States, and he did not want to be responsible, even unintentionally, for such a result. The liquor will have to be sold for medicine or be used in some way so that it can not be peddled by bootleggers.

Now I wish to come to the next clause in the recitals of the resolution. It is further recited in the resolution:

Whereas it appears that in April, 1921, after A. W. Mellon had become Secretary of the Treasury in March, 1921, the Treasury refunded to the Gulf Refining Co. sums in amounts shown by excerpts from said letter.

Which letter is referred to in the resolution.

The facts are, Mr. President, that in the years 1918, 1919, and 1921 the Gulf Refining Co. was forced by the Internal Revenue Bureau illegally to pay vast sums in taxes. Millions of dollars were exacted from it without warrant of law. It paid those sums into the United States Treasury. A claim for a refund was made and was under consideration for a long time while Secretary Houston was Secretary of the Treasury under President Wilson. Finally, after much argument and thorough consideration, the Democratic Commissioner of Internal Revenue, Mr. Williams, acting under a Democratic Secretary of the Treasury, Mr. Houston, on the 28th day of February, 1921, made a decision fixing the assessment of that corporation for those years, and thus fixing the amount of the refund. In the Treasury Department, according to the usual routine, an order was issued for the writing out of the check. That check was actually written on the instructions of the outgoing Democratic administration, although the warrant was mailed to the Gulf Co. after the change of the administration—that is, after Mr. Mellon had come into office—but so far was Mr. Mellon from prompting the sending of that check that he did not even know it had been sent until long after it was received and deposited by the company. What was sent and what was paid was the exact amount that was decided to be due on February 28, 1921, when Mr. Williams was Commissioner of Internal Revenue and Mr. Houston was Secretary of the Treasury.

Now, I want to come to the next allegation in the resolution, and this is the last one. The resolution states:

Where it is further shown in said letter that an abatement and settlement has since been made with the Atlantic, Gulf & West Indies Steamship Co., a company in which said A. W. Mellon is interested, in the sum of \$2,631,381.

It is true, Mr. President, that an abatement and settlement were made with that company, and I believe it was in the amount stated by the resolution; but the further truth is that Mr. Mellon does not own one single share of stock in that company, and he never has owned one single share of stock in that company. He is not an officer or a director of the company and he never has been an officer or director of the company. He does not own one bond or one promissory note or a security of any kind in that company and never has owned any bond or promissory note or security in that company. So the statement in the resolution that this is a company in which Mr. Mellon is interested is now and always has been absolutely without foundation.

Mr. McKELLAR. Mr. President—

The PRESIDING OFFICER (Mr. STERLING in the chair). Does the Senator from Pennsylvania yield to the Senator from Tennessee?

Mr. REED of Pennsylvania. I yield to the Senator.

Mr. McKELLAR. I understand that company is a holding company for a number of shipping companies. Is Mr. Mellon not interested in any shipping companies?

Mr. REED of Pennsylvania. Mr. Mellon is not interested in the Atlantic, Gulf & West Indies Steamship Co. or in any company which it controls or in any company which controls it. He has not any interest in it in the remotest degree, and he told me this morning that, so far as he is aware, he did not know a single person who was on the board or in office in that company and he never has known one. He has no more interest in that company or its subsidiaries than he has in the planet of Mars and he never has had.

Mr. President, I have taken the time of the Senate in the exposition of these facts, most of which I know of my own personal knowledge, and the balance of which are readily provable by documents, because I think it would be the height of injustice to have this resolution debated as if there was any possibility of truth in the recitals with which the resolution begins.

APPENDIX A.

[Faust & Wilson, attorneys and counselors at law, Woodward Building.]
WASHINGTON, D. C., January 25, 1921.

Hon. P. C. KNOX,
United States Senate, Washington.

MY DEAR SENATOR: We have made a careful search of the law bearing on the question of eligibility of Mr. A. W. Mellon to hold the office of Secretary of the Treasury, and beg to advise as follows:

The only statutory enactment bearing directly on the subject which we have found is section 243 of the Revised Statutes of the United States, which provides:

"No person appointed to the office of Secretary of the Treasury, or first comptroller, or first auditor, or Treasurer, or register shall, directly or indirectly, be concerned or interested in carrying on the business of trade or commerce, or be the owner in whole or in part of any sea vessel, or purchase by himself, or another in trust for him, any public lands or other public property, or be concerned in the purchase or disposal of any public securities of any State or of the United States, or take or apply to his own use or emolument or gain for negotiating or transacting any business in the Treasury Department other than what shall be allowed by law; and any person who offends against any of the prohibitions of this section shall be deemed guilty of a high misdemeanor and forfeit to the United States the penalty of \$3,000, and shall, upon conviction, be removed from office and forever thereafter be incapable of holding any office under the United States; and if any other person than the public prosecutor shall give information of any such offense, upon which a prosecution and conviction shall be had, one-half of the aforesaid penalty of \$3,000 when received shall be for the use of the person giving such information."

The original act from which the above section is taken was approved September 2, 1789 (1 U. S. Stats. 67), and while the records of the proceedings in Congress at the date of its enactment are not sufficiently complete to throw any light on the subject, it is a fair assumption that the restriction imposed was intended primarily to apply to the foreign trade and commerce of that early day coming under the supervision and control of the Secretary through the administration of the customs and navigation laws.

The language of the statute, however, is sweepingly comprehensive, and upon its face may be fairly said to now include all trade and commerce, foreign and domestic, of interstate character, including transportation of persons and property by common carriers.

So far as we can ascertain, no case involving the interpretation of this section has ever arisen in any Federal court. In *Ex parte Curtis* (106 U. S. 371), the Supreme Court of the United States in construing an act forbidding the soliciting and collecting of political campaign contributions between Federal employees declared, in the course of its opinion, that the act there under consideration was similar to section 243 of the Revised Statutes and was constitutional.

This is the only reference we have found to section 243 in the reported decisions of any Federal court.

An examination of the opinions of the Attorney General show but three instances in which the construction of section 243 was involved.

In 4 Op. 555, in considering the restriction of the act as applied to the accounting officers of the Treasury, Attorney General Clifford said:

"One of the principal objects of the restriction was to withdraw from the accounting officers of the Treasury every motive of private interest in the performance of their public duties, and to guard the Nation from the consequences frequently to be apprehended when the business affairs of public officers are suffered to lie commingled with the financial concerns of the country."

In a later opinion by Solicitor General Hoyt, and approved by you as Attorney General (25 Op. 99), holding that no legal objection existed under section 243 to the Treasurer of the United States receiving from the Philippine government the principal and interest of certain Philippine bonds and distributing the interest to the holders of such securities, it was said:

"The obvious purpose of that law, as shown throughout the section, is to prohibit personal interest in such bond issues and certain other affairs and business, and private emolument or gain in the transaction of any business in the Treasury Department."

The third instance in which the Attorney General (Williams) was required to consider section 243 is found in 14 Op. 352, wherein it is said:

"The provisions prohibiting the purchase by certain officers of 'public lands or other public property,' according to its terms, would seem to apply only to the purchase of such property as belongs to, or is in the ownership of, the United States; and, being highly penal, it should be taken strictly and not extended

by construction. The purchase of lands sold by the tax commissioners for taxes under the direct tax law is not within the prohibition of the section."

The case of A. T. Stewart is apparently the first and only instance in which the inhibition of the section has been directly invoked to debar an individual nominated to the office of the Secretary of the Treasury. Mr. Stewart while engaged in a mercantile business in New York which included the importation of merchandise was nominated by President Grant to be Secretary of the Treasury and was promptly confirmed by the Senate.

Several days later President Grant in a special message to the Senate called attention to the prohibition of the act of 1789 (now section 243, Revised Statutes) and asked, in view of its provisions and the fact that Mr. Stewart had been unanimously confirmed by the Senate, that he be exempted by joint resolution of the two Houses from the operation of the act.

Mr. Stewart in an effort to meet the inhibition of the statute offered to convey his entire business to trustees or to retire from it altogether, but this was not considered as meeting the prohibition imposed.

Thereafter President Grant in a special message requested permission of the Senate to withdraw his message asking the passage of the joint resolution. Mr. Stewart in the meantime retired, and Senator John Sherman became Secretary of the Treasury. (Messages and Papers of the Presidents, vol. 7, p. 89; National Encyclopedia of American Biography, vol. 7, p. 362.)

The inhibition of the statute as applied to the office of the Secretary is that no person appointed to the office of Secretary of the Treasury shall directly or indirectly be concerned or interested in carrying on (1) the business of trade or commerce, or (2) be the owner in whole or in part of any sea vessel, or (3) purchase by himself or another in trust for him any public lands or other public property, or (4) be concerned in the purchase or disposal of any public securities of any State or of the United States, or (5) take or apply to his own use any emolument or gain for negotiating or transacting any business in the Treasury Department other than what shall be allowed by law.

We think there can be little doubt that a director of a corporation actively participating in carrying on the business of trade or commerce, foreign or interstate, or a corporation engaged in the purchase or disposal of public securities, State or National, is within the inhibition of the statute and is debarred from holding the office of Secretary of the Treasury.

The question of whether a mere stockholder in such corporations is similarly debarred, solely by reason of a minority ownership of stock, is more difficult of solution and turns upon the inquiry as to whether ownership of stock alone makes the owner directly or indirectly concerned or interested in carrying on the business of the corporation within the meaning of the statute.

Inasmuch as practically all commercial and industrial corporations of the present day are engaged in trade or commerce, and practically all banking corporations in the purchase and sale of securities, State and National, it results, if the words of the statute are to be given a strict and literal interpretation, that all stockholders of practically every business and banking corporation in the United States are ineligible to hold the office of Secretary of the Treasury, unless and until they dispose of all holdings of shares of stock therein.

It is indeed unreasonable to suppose that Congress, by the enactment of this section, intended to restrict the President in his selection of the Secretary of the Treasury—and the restriction applies to the head of no other executive department—to such a limited circle of men owning no stocks in commercial, industrial, or financial corporations; or to make it a condition precedent to appointment that the man selected should forthwith completely divest himself of all such holdings at whatever sacrifice. Such a construction is repugnant to common sense and would tend to eliminate the men best qualified by training and experience to administer the intricate business of the Treasury.

The Supreme Court of the United States in the case of *Humphries v. McKissock* (140 U. S. 312) in reviewing the relation of stockholders to the rights and property of a banking corporation, quotes with approval a decision by the Supreme Court of Massachusetts in *Smith v. Hurd* (12 Met. 371, 385), and declares the same doctrine applies to the relations of stockholders in all business corporations, as follows:

"The individual members of a corporation, whether they should all join, or each act severally, have no right or power to intermeddle with the property or concerns of the bank, or call any officer, agent, or servant to account, or discharge them from any liability. Should all the stockholders join in a power of attorney to anyone, he could not take possession of any real or personal estate, any security, or chose in action; could not collect a debt, or discharge a claim, or release damages arising from any default; simply because they are not the legal owners of the

property, and damage done to such property is not an injury to them. Their rights and their powers are limited and well defined."

Thompson in his work on corporations (2d ed., vol. 4, sec. 446d), in dealing with the same question, says:

"Where there is no confidential relation involved the rule of law is well settled that a stockholder has the right to deal with the corporation in the same manner as a stranger has, and in doing so he acquires the same rights and incurs the same liabilities as a stranger would where the transaction is proper, fair, and in good faith. He is not a trustee of the corporation and rests under no obligation to serve the corporation. Among other things he may lend money to the corporation and take a mortgage or pledge to secure the same; he may guarantee the corporate obligations and take proper indemnity therefor; he may sell or lease to the corporation or purchase or take a lease from the corporation, and reserve a vendor's lien in case of sales; he may buy the bonds of his corporation; he may purchase the corporate property at public, tax, judicial, or sheriff's sales; he may become a surety on a bond given to dissolve an attachment of the corporate property. The stockholder may represent a third person in a business transaction with his corporation. There is no duty resting on a stockholder to acquaint the directors of the corporation with the fact that he is interested in another corporation with which the directors of the former are about to make a contract, and such a contract, if otherwise valid, is valid notwithstanding the failure of the stockholder to disclose the fact of his interest. A stockholder who has settled a corporate liability is entitled to recover the amount so paid."

The Supreme Court of New York in an action brought to set aside a contract made by a trustee to convey to a corporation with which he was connected, on the ground of fraud, said:

"A stockholder has no title or interest in the tangible property of the corporation. The holding or ownership of shares gives the owner a right to his proportion of the profit while a corporation is a going concern and entitles him to his distributive part in case of a distribution of the assets upon dissolution.

"The legal title of the property is in the corporation, not in the stockholder, and a stockholder is not an agent of the corporation.

"A stockholder has a right to deal with a corporation in the same manner as a stranger has, provided the transaction is free from fraud, and in so doing he acquires the same rights, he incurs the same liabilities as a stranger, where the transaction is proper, fair, and in good faith. He is not a trustee of the corporation and rests under no obligation to serve the corporation. He may lease or sell property to the corporation or purchase or take a lease from the corporation.

"When, therefore, Mr. Pierce, as trustee, was contracting to sell property which he held as such to the corporation, in which, even assuming his ownership of a minority interest, he was not dealing with himself directly or indirectly." (Van Heusen v. Van Heusen Charles Co. et al., 131 N. Y. Sup., pp. 401, 406.)

If this be the rule as to relations of individual stockholders to the business and property of corporations in civil proceedings, the same rule applies with far greater force to the relation of an individual stockholder to corporations under the strict construction required of penal statutes.

The rule is well expressed as to the relations of public officials in the discharge of their duty to the State in *re Duell*, 111 N. Y. Sup., p. 909. In that case the charter of Greater New York (Laws 1901, p. 605, ch. 466, sec. 1416) forbids a justice of the court of special sessions to "carry on any business," but requires him to devote his whole time and capacity, so far as public interests demand, to the duties of his office. The court held that to "carry on a business" implies such a relation to the business as identifies a person with it and imposes upon him some duty or responsibility in connection with its management, and the prohibition is not violated by one acting as vice president of a corporation where the incumbent of that office has no specific duties in relation to it, and is not actively engaged in the conduct of the business of the corporation and is not responsible either to the corporation or its stockholders for the conduct or management of the business and does not actively interfere in any way in relation to it.

The foregoing construction appears to be the reasonable and sensible interpretation of the restriction imposed by section 243, and, in our opinion, would be conclusive of the question here under consideration but for the language of section 243, which declares that no person shall directly or indirectly be concerned or interested in carrying on the business of trade and commerce.

Circuit Judge Taft, in *United States v. Scott* (74 Fed. 216), in construing the phrase "being concerned in" in a penal statute, said:

"The statute makes it a misdemeanor for any officer of the United States 'to be concerned in' soliciting or receiving a

political contribution. The offense described was a new one. 'Being concerned in' is not a legal term or conclusion which needs a specification of facts for completeness of description. It is a colloquial expression, equivalent to 'being engaged in' or 'taking part in,' and sufficiently informs the defendant of what the Government intends to prove."

Our difficulty in this case arises from the fact that while a stockholder may not be directly interested or actively concerned in the carrying on of the business of the corporation or participate in any manner whatsoever in its management, direction, or control, yet, nevertheless, his ownership of stock gives him a right to his proportion of the dividends and profits from the carrying on of the business when and as declared, and also to a pro rata share of the assets of the corporation upon dissolution, hence, to that extent, at least, may be said to be indirectly concerned and interested in the carrying on of the business of the corporation.

Fortunately this question has been considered and squarely decided by the Supreme Court of the United States in the case of *United States v. Delaware & Hudson Co.* (218 U. S. 366).

In that case the United States sought by mandamus and injunction to compel certain railway carriers to refrain from interstate transportation of coal under what is commonly known as the "commodities clause," of the Hepburn Act of June 29, 1906 (34 R. S. 584), whereby it is declared unlawful for railway carriers to transport in interstate commerce articles or commodities "manufactured, mined, or produced by it or under its authority or which it may own in whole or in part, or in which it may have any interest, direct or indirect."

The Government contended under this clause that the railroads were prohibited from transporting coal in interstate commerce mined or produced by a corporation in which the transporting railroad company was a stockholder, irrespective of the extent of such stock ownership, and that it was the duty of such railroads, in order to bring themselves within the law, to completely dispose of all their interest in coal-producing properties in whatever form enjoyed.

The court rejected this contention and held that the ownership by a railway carrier of stock in a bona fide corporation manufacturing, mining, producing, or owning the commodity carried was not the "interest, direct or indirect," in such commodity, forbidden to the carrier by the Hepburn Act, but such words should be taken as embracing only a legal or equitable interest in the commodities in which they refer.

In delivering the opinion of the court, Mr. Justice White, now Chief Justice, said:

"It remains to determine the nature and character of the interest embraced in the words 'in which it is interested, directly or indirectly.' The contention of a government that the clause forbids a railroad company to transport any commodity manufactured, mined, or produced, or owned in whole or in part, etc., by a bona fide corporation in which the transporting carrier holds a stock interest, however small, is based upon the assumption that such prohibition is embraced in the words we are considering. The opposing contention, however, is that interest, direct or indirect, includes only commodities in which a carrier has a legal interest, and therefore does not include the right to carry commodities which have been manufactured, mined, produced, or owned by a separate and distinct corporation, simply because the transporting carrier may be interested in the producing, etc., corporation as an owner of stock therein. If the words in question are to be taken as embracing only a legal or equitable interest in the commodities to which they refer, they can not be held to include commodities manufactured, mined, produced, or owned, etc., by a distinct corporation merely because of a stock ownership of the carrier. (*Pullman Palace Car Co. v. Missouri, P. R. Co.*, 115 U. S. 588, 29 L. ed. 499, 6 Sup. Ct. Rep. 194; *Conley v. Mathieson Alkali Works*, 190 U. S. 406, 47 L. ed. 1113, 23 Sup. Ct., Rep. 728.) And that this is well settled also in the law of Pennsylvania is not questioned.

"It is unnecessary to pursue the subject in more detail, since it is conceded in the argument for the Government that if the clause embraces only a legal interest in an article or commodity it can not be held to include a prohibition against carrying a commodity simply because it had been manufactured, mined, produced, or is owned by a corporation in which the carrier is a stockholder."

It is not without significance, as is pointed out in the opinion of Justice White, that "in the legislative progress of the clause in the Senate, where the clause originated, an amendment in specific terms, causing the clause to embrace stock ownership, was rejected, and immediately upon such rejection an amendment, expressly declaring that interest, direct or indirect, was intended, among other things, to embrace the prohibition of carrying a commodity manufactured, mined, produced, or owned by a corporation in which a railroad company was interested as a stockholder was also rejected." (40 Cong. Rec., pt. 7, pp. 7012-7014.)

In the case of *United States v. Reading Co.* (253 U. S. 26), decided at the last term, the Supreme Court had occasion to reaffirm its former ruling in the *Delaware & Hudson* case, but distinguished the two cases on the ground that the question presented in the *Reading* case was not the technical one of whether mere ownership of stock by a railroad in a coal company renders it unlawful for the former to carry the product of the latter, which was the question decided in the *Delaware & Hudson* case, but that the real question presented for decision was whether, combining in a single corporation the ownership of all the stock of a carrier and all the stock of a coal company, results in such community of interest or title in the product of the latter as to bring the case within the scope of the commodities clause of the act. In delivering the opinion of the court, Mr. Justice Clark said:

"It results that it may confidently be stated that the law upon the subject now is, that while the ownership by a railroad company, of shares of the capital stock of a mining company does not necessarily create an identity of corporate interest between the two such as to render it unlawful under the commodities clause for the railroad company to transport in interstate commerce the products of such mining company, yet where such ownership of stock is resorted to, not for the purpose of participating in the affairs of the corporation in which it is held in a manner normal and usual with stockholders, but for the purpose of making it a mere agent or instrumentality or department of another company, the courts will look through the forms to the realities of the relation between the companies as if the corporate agency did not exist and will deal with them as the justice of the case may require."

Applying the rule as thus announced in the *Delaware & Hudson* case and reaffirmed in the *Reading* case, to the language of section 243, which is highly penal and must, therefore, be rigidly construed, it necessarily follows, in our opinion, that mere ownership of stock in corporations carrying on the business of trade and commerce and in the purchase and sale of securities is not an interest or concern, direct or indirect, within the inhibition of that section, and hence that Mr. Mellon would not be required, to become eligible to hold the office of Secretary of the Treasury, to divest himself of ownership of stocks in such corporations.

While it is not strictly within the scope of your inquiry, we deem it advisable to direct your attention also to section 41 of the Criminal Code, which provides that—

"No officer or agent of any corporation, joint-stock company, or association, and no member or agent of any firm or person directly or indirectly interested in the pecuniary profits or contracts of such corporation, joint-stock company, association, or firm shall be employed or shall act as an officer or agent of the United States for the transaction of business with such corporation, joint-stock company, association, or firm. Whoever shall violate the provisions of this section shall be fined not more than \$2,000 and imprisoned not more than two years." (36 Stat. 1,1097.)

This section was drawn from section 1783 Revised Statutes (act of March 2, 1863), and was there restricted to "banking or other commercial corporations." These words have been omitted from the provision of section 41 of the Criminal Code and the language broadened so as to include any joint-stock company or association.

This law was construed by you while Attorney General in an opinion rendered the Postmaster General upon the question as to whether he was prohibited by law from awarding a contract for furnishing coal to his department to a firm, which was the lowest bidder, one of whose members was an officer of the Post Office Department (24 OP. 567). In your opinion, construing section 1783, you said:

"You do not state in your letter the exact nature of Mr. Machen's duties, except that he is general superintendent of the free-delivery system. I assume, for the purposes of this opinion, that he has no official relation with the purchase of coal for the use of the department, and if this be the fact section 1783 is inapplicable, for Mr. Machen as such superintendent does not 'act as an officer or agent of the United States' with reference to such purchase of coal."

This section, it will be observed, does not relate to the eligibility of the individual to hold the office of Secretary, but imposes a limitation upon the Secretary in the transaction of business as an officer or agent of the United States in the manner and to the extent therein specified.

We do not regard this question as important at this time, however, for in the event of Mr. Mellon becoming Secretary of the Treasury any business of the department with corporations in which he owns stock could readily and properly be transacted by an Assistant Secretary or some other officer of the department.

Yours very truly,

FAUST & WILSON,
By C. F. WILSON.

APPENDIX B.

[Frederick De C. Faust, Charles F. Wilson, and Robert E. McNamara:
Faust & Wilson, attorneys and counselors at law, Woodward
Building.]

WASHINGTON, D. C., February 19, 1924.

Hon. P. C. KNOX,

United States Senate, Washington, D. C.

MY DEAR SENATOR: In accordance with your suggestion, we have examined the Federal reserve act and the amendments thereto with reference to its effect, if any, on the question of Mr. A. W. Mellon's eligibility to hold the office of Secretary of the Treasury.

The original act of December 23, 1913 (38 U. S. Stats. 251), creates a Federal Reserve Board to consist of seven members, including the Secretary of the Treasury and the Comptroller of the Currency, who shall be members ex officio, and five members appointed by the President, at least two of whom shall be persons experienced in banking or finance.

Section 10 of the act provides further that:

"No member of the Federal Reserve Board shall be an officer or director of any bank, banking institution, trust company, or Federal reserve bank, nor hold stock in any bank, banking institution, or trust company, and before entering upon his duties as a member of the Federal Reserve Board he shall certify under oath to the Secretary that he has complied with this requirement."

The language of this provision is clear and explicit beyond dispute. It does not debar the appointment of officers, directors, or persons holding stocks in any bank, banking institution, or trust company as members of the board, for it expressly declares that of the five members appointed at least two shall be persons experienced in banking or finance, but merely requires such persons when appointed to surrender such offices and divest themselves of stock held in any bank, banking institution, or trust company, and certify to that fact under oath "before entering upon (their) his duties as a member of the Federal Reserve Board."

This construction of the act is fully confirmed by the report of the House Committee on Banking and Currency—then numbered section 11—which accompanied the original bill, as reported to the House by Chairman GLASS, wherein it was said:

"Finally, it has been thought wise to insert a provision that at least one of the four persons chosen by the President shall be an experienced banker. This, of course, does not mean that other members of the board would be inexperienced in or ignorant of banking. On the contrary, the assumption is that they would not be chosen unless at least tolerably informed in the banking field, and that in all probability they would be not only experienced in banking but men of broad business knowledge and culture. This, however, is a matter that must necessarily be left to the appointive power, which not only should but must, in order to give good results, be vested with discretionary authority sufficient to enable it to make careful choice from among all of the best material available for such a board. It might easily be that a man of high business caliber thoroughly desirable as a member of the board would not have had a technical banking experience, notwithstanding that he might be well equipped for the work. The Comptrollers of the Currency in times past have not always been bankers in the technical sense, and some of the most efficient among them have had least technical experience in banking at the time when they assumed office. It is therefore believed safe to vest this whole matter in the hands of the President with large authority, believing that he will be able to use the same care and discrimination that he employs in choosing the Supreme Court of the United States. For obvious reasons it is considered wise that every member of the Federal Reserve Board designated by the President shall surrender any banking connections he may have had at the time of his nomination."

This course was actually followed by Mr. Paul Warburg, who, as you will doubtless recall, was appointed by President Wilson in 1914 as one of the original members of the Reserve Board. Mr. Warburg at the time of his nomination was a member of the banking firm of Kuhn, Loeb & Co. His confirmation was opposed by certain Senators, chiefly on the ground of his banking connections, and he was asked to appear and submit to examination before the Senate committee. He declined to do so, and was subsequently confirmed, notwithstanding his request that his nomination be withdrawn. He thereafter qualified as a member of the board, having severed his connection with the banking house of Kuhn, Loeb & Co.

Mr. William P. G. Harding, the present governor of the board, was at the time of his selection the president of the First National Bank of Birmingham, Ala., but surrendered his connection with that bank before assuming the duties of his office.

This view of the act is further confirmed by the subsequent amendments and additional enactments upon the same subject.

For example, in the act approved December 24, 1919 (Pub. 106, 60th Cong., 2d sess.), which added a new section to the original act to cover banking corporations authorized to do foreign banking business, it is provided that:

"No member of the Federal Reserve Board shall be an officer or director of any corporation organized under the provisions of this section nor of any corporation engaged in similar business organized under the laws of any State nor hold stock in any such corporations, and before entering upon his duties as a member of the Federal Reserve Board he shall certify under oath to the Secretary of the Treasury that he has complied with this requirement."

Likewise, the Federal farm loan act of July 17, 1916 (39 Stat. 1360), created the Federal Farm Loan Board, of which the Secretary of the Treasury is a member and chairman ex officio, and provides that:

"No member of the Federal Farm Loan Board shall during his continuance in office be an officer or director of any other institution, association, or partnership engaged in banking, or in the business of making land mortgages, loans, or selling land mortgages."

A similar provision, but more sweeping in its language, is contained in the act of April 5, 1918 (40 Stat. 1506), known as the war finance act, which provides that the management of the corporation shall be vested in a board of directors consisting of the Secretary of the Treasury, who shall be chairman of the board, and four other persons, and further that:

"No director, officer, attorney, agent, or employee of the corporation shall in any manner, directly or indirectly, participate in the determination of any question affecting his personal interest, or the interest of any corporation, partnership, or association in which he is directly or indirectly interested."

In this connection we invite your attention to the further fact that by the Federal reserve act, as amended by the act of March 3, 1919 (40 Stat. 1315), the Secretary of the Treasury is ineligible to hold any office, position, or employment in any member bank for two years after he ceases to be Secretary.

From the foregoing we are clearly of the opinion that Mr. Mellon's present banking connections do not in and of themselves constitute an insuperable obstacle or render him ineligible for appointment as Secretary of the Treasury. In order to accept the appointment, however, it is equally clear that it will be necessary for him before entering upon his duties to surrender all his banking connections and divest himself of all stocks which he may hold in any bank, banking institution, or trust company.

Very sincerely yours,

FAUST & WILSON,
By C. F. WILSON.

Mr. McKELLAR. Mr. President, that part of section 243 of the Revised Statutes which has been referred to and which is pertinent to this resolution reads:

No person appointed to the office of Secretary of the Treasury shall, directly or indirectly, be concerned or interested in carrying on the business of trade or commerce.

I first take up the question of the ownership by Secretary Mellon of stock in the Gulf Refining Co. In a letter to the Senator from Arkansas [Mr. CANAWAY] dated March 4, 1924, and found on page 3684 of the Record, Mr. Mellon admits that he owns stock in the Gulf Refining Co. Now, the question arises if the owner of stock in a great business corporation is not "directly or indirectly concerned or interested" in the business conducted by that corporation.

Mr. President, I submit that upon the undisputed facts in this case, Mr. Mellon being a stockholder in the corporation, there can not be any doubt about his being "directly or indirectly concerned or interested" in that business within the inhibition of this statute.

The learned opinion of Faust & Wilson, which was read at the desk, does not seriously controvert that statement; at all events, it does not produce a single authority in support of the contention that a stockholder in a business is not interested or is not concerned in that business. No one could be really and actually more interested in a business than a stockholder in it. Mr. REED of Pennsylvania. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. REED of Pennsylvania. Did the Senator note the decision of the Supreme Court in the Delaware & Hudson case in Two hundred and thirteenth United States? That is exactly what they did hold in that case.

Mr. McKELLAR. That was on an entirely different question and an entirely different statute. It has not the remotest connection with this case except to muddy it. It can not be re-

garded as an authority. It does not support the contention that Mr. Mellon is eligible to this office. Here there is laid down by the lawmakers the proposition that no Secretary of the Treasury shall be an owner or shall be concerned in the ownership of any business.

Mr. REED of Pennsylvania. No; it does not say quite that.

Mr. McKELLAR. If a stockholder in a corporation is not directly or indirectly concerned or interested in carrying on that business, then I am utterly unable to know what language means.

The second opinion of Messrs. Faust & Wilson virtually admits that, when under a different statute they required Mr. Mellon not only to resign his official positions with these companies but they required him to sell his stock.

Mr. EDGE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from New Jersey?

Mr. McKELLAR. I yield.

Mr. EDGE. Mr. President, if all the Senator from Tennessee states is correct, is it not a matter absolutely for the courts to decide rather than for an investigating committee? Has it not assumed now the attitude of being a question of the interpretation of law?

Mr. McKELLAR. I do not agree to that proposition at all. The Senate has a perfect right to take action in reference to the matter.

Now, Mr. President, let us look at it just a little further and see whether it is the transaction of business. Here is the Gulf Refining Co., which, of course, has to do with the Treasury Department. Under our present system of income taxes it has to do business with the Treasury Department, and it has done business with the Treasury Department; in fact, \$3,300,000 have been paid to it by the present Secretary of the Treasury under the conditions that he mentioned.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield to me?

Mr. McKELLAR. Just one minute. It is no doubt true, just as the Secretary said, that the arrangements were made for its payment under a previous administration; but the transaction was closed under this administration—

Mr. REED of Pennsylvania. Will the Senator yield?

Mr. McKELLAR. In just one moment—and, in my judgment, in direct contravention of the statute, because the purpose of those who passed this statute was to divorce from the Secretary's official position any personal interest.

Let us take any man who is a stockholder in a corporation.

Mr. LODGE. Mr. President, will the Senator allow me one moment?

Mr. McKELLAR. I promised to yield to the Senator from Pennsylvania first. Then I will yield to the Senator from Massachusetts.

Mr. REED of Pennsylvania. I beg the Senator to yield first to the Senator from Massachusetts.

Mr. McKELLAR. Very well; then afterwards I will yield to the Senator from Pennsylvania.

Mr. LODGE. I understood the Senator to say that this transaction was closed under the Republican administration.

Mr. McKELLAR. Yes.

Mr. LODGE. It was closed under the other administration. The decision was rendered and the warrant was ordered. The warrant was sent out—if that is the closing, the mere mechanical process—under the Republican administration.

Mr. McKELLAR. Of course, the closing of a money transaction is the passing of the money. The money passed under Secretary Mellon's administration. No actual payment was made or warrant issued under a Democratic administration.

Mr. LODGE. The decision was rendered before.

Mr. McKELLAR. But I will say to the Senator—it is undisputed; there can not be any question about it, and I am not questioning it—

Mr. LODGE. I do not think there is the slightest question about it.

Mr. McKELLAR. I am taking Secretary Mellon's statement that the transactions and negotiations were carried on in a previous administration and substantially agreed to, and that it was closed in his administration by a transfer of the money from the Government to the Gulf Refining Co.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield to me?

Mr. McKELLAR. I yield.

Mr. REED of Pennsylvania. It was not substantially closed in a previous administration, Mr. President; it was absolutely closed in the Democratic administration, and the directions were given for the sending of the check. The actual, mechanical delivery of the check took place after the change in the administration.

Mr. McKELLAR. That is exactly what I have said—that the money was passed after Mr. Mellon became Secretary of the Treasury, more than a month after he became Secretary according to Mr. Mellon, and that is the thing that is forbidden in this act. There can not be any doubt about it. Mr. Mellon says so here in perfectly plain language. He says:

The refunds to the Gulf Co. and its subsidiaries were charged against three appropriations, depending upon the year in which the taxes refunded were originally collected. The payments were \$766,112.29 out of the appropriation for "Refund of taxes illegally collected, 1918, and prior years"; \$1,350,884.63 from a similar appropriation for 1919; and \$1,211,143.07 for 1921.

Mr. REED of Pennsylvania. Mr. President, if the Senator will have patience with me and yield once more—

Mr. McKELLAR. I yield, with pleasure.

Mr. REED of Pennsylvania. I want to correct another statement that I think the Senator made inadvertently. There has not been one cent in refunds to the Gulf Refining Co., so far as I can learn, since the refund made on February 28, 1921. Not one cent has been ordered refunded to that company by the administration of Mr. Mellon in the Treasury Department.

Mr. McKELLAR. I now read from a letter from Mr. Mellon:

The quotation from the Washington Post inserted in a recent issue of the CONGRESSIONAL RECORD appears to be a copy of portions of reports to Congress of refunds which have been on file for some months, and consequently available to anyone's inspection.

The amount of the refunds and all details in connection with the settlement of the Gulf Co. cases were determined by the Bureau of Internal Revenue before my appointment as Secretary of the Treasury, although the actual payment of the amount refunded took place in April, 1921, shortly after I had become Secretary. I had no personal knowledge of these refunds at that time.

The reference to the Atlantic, Gulf, and West Indies compromise I need not read in view of the Senator's statement.

I read further—

Mr. NORRIS. Mr. President—

Mr. McKELLAR. Let me read this, and then I will yield. I want to read Mr. Mellon's explanation now, so that there can not be any unfair or unjust statement made. Here is his explanation of it:

As I have already stated, I have never interfered in any way with the Bureau of Internal Revenue in any tax matter. Last of all would I do so in cases in which it might be charged that I was personally concerned. I feel, however, that it is due to me, and to the companies involved, that your committee make an immediate investigation in order that you may thoroughly satisfy yourself and the public whether or not these companies have received any favors from the Government.

Mr. President, I am not charging that these companies received favors from Secretary Mellon as Secretary of the Treasury. I am charging that Mr. Mellon was directly or indirectly concerned or interested in these companies, which were doing business in this country, and which were doing a tax refund business with the Treasury of the United States.

Now I quote a very distinguished authority on that subject. Here is a corporation, the Gulf Refining Co., in which Mr. Mellon is a stockholder, and I believe it is undisputed that his brother is president of it. It is a large institution. It had claims for millions of dollars against the Treasury. I am not passing upon the claims. I do not know anything about the claims. I do not know anything about the justice of them; but that company is doing business, and Mr. Mellon is interested in it; that is what appears from the undisputed facts. Now I quote from the President of the United States written in another matter.

In a recent letter that President Coolidge wrote Mr. Daugherty, he says this:

You have a personal interest in this investigation which is being made of the conduct of yourself and your office, which may be in conflict with your official interest as the Attorney General. I am not questioning your fairness or integrity. I am merely reciting the fact that you are placed in two positions, one your personal interest, the other your office of Attorney General, which may be in conflict. . . . These two positions are incompatible and can not be reconciled.

Here is a business corporation in which the Secretary of the Treasury is a large stockholder. Personally, he is interested in the affairs of that company. To my mind it is ridiculous to talk about a stockholder not being interested in the affairs of a company in which he owns stock. He is interested in it. He is also interested on the side as a public official. That is the thing that the statute prohibits. Whether those claims are fair, whether they are honest, whether they are transacted in part by him and in part by some other administration is

immaterial. The material thing is that there is a conflict of interest, as President Coolidge said. One is the personal interest; the other is the interest of the Government. So there is a prohibition in this statute against an officer of the Government acting in a dual capacity, as I quoted here not long ago.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield for a question?

Mr. McKELLAR. I should have yielded to the Senator from Nebraska [Mr. Norris], but I will yield to him immediately afterwards. I yield to the Senator from Pennsylvania.

Mr. REED of Pennsylvania. If the construction which the Senator suggests is right, and if the five lawyers who advised Mr. Mellon on the faith of the decision of the Supreme Court were wrong, then does it not necessarily result that the only place where the President can look to find a Secretary of the Treasury is either the poorhouse or heaven?

Mr. McKELLAR. Oh, no.

Mr. REED of Pennsylvania. Because every person in the United States who is not either insolvent or dead has to pay taxes, and consequently has these unfortunate relationships with the Treasury that the Senator has been talking about.

Mr. McKELLAR. Quite the contrary, I will say in reply to the Senator. The Senator has just pointed out and has had read from the desk a statute which prohibits members of the Federal Reserve Board from holding stock in any bank or being an officer or director in any bank. Here is a position that naturally calls for a man who is acquainted with the banking business, and yet the law, believing that a man ought to have but one interest to serve when he becomes a member of the Federal Reserve Board, requires that that man part with every dollar of his stock and resign every office in the bank before he can be a member of the Federal Reserve Board, whether as Secretary of the Treasury or otherwise. And I will say to the Senator there is no trouble about getting members of the Federal Reserve Board to serve, even if they do have to sell their stock in banks. In a similar way the fathers of this Republic provided exactly the same or exactly similar inhibitions for the Secretary of the Treasury. They wanted the Secretary of the Treasury divorced from any personal interest, and therefore, knowing that there would be an interest and a conflict in his rights and duty as between himself and the Government, the law specifically provides that he shall not be engaged in any business, directly or indirectly. As the lawyers who rendered this opinion well stated at the outset, it is a sweeping statute, and it includes everybody who comes within its ban, and then the opinion undertakes to except the Secretary of the Treasury.

Mr. REED of Pennsylvania. Mr. President, has the Senator noticed the decision quoted from the Supreme Court of New York in the Faust & Wilson opinion?

Mr. McKELLAR. I have not had time to go into it carefully.

Mr. REED of Pennsylvania. In that case it was noted that the law of New York forbids a justice of the supreme court of that State from carrying on any business, just like this section the Senator talks about; and the court of last resort of New York held that to own stock in a corporation was not within the meaning of that statute and was not carrying on business.

Mr. McKELLAR. Mr. President, as I say to the Senator, I have not examined that case or the statute on which it is based. I never heard of it until just a moment ago when it was read by the clerk, and I did not get it very well. I will do so; but I want to call the attention of the Senator to the fact that the Supreme Court of the United States never has construed this statute under consideration. It remains just where it began. It never has been interfered with, though efforts have been made to modify it; but it never has been done.

In 1869, before many of us were born, the matter came up in the Senate of the United States in this way:

President Grant, at the height of his popularity, became President of the United States on the 4th of March, 1869. He immediately appointed his Cabinet, as is usual and customary. The Secretary of the Treasury appointed by him was the merchant prince of New York, Alexander T. Stewart. His name was sent in, and the Senate confirmed him. That was on the 4th of March. On the 6th of March this message was sent by President Grant about that matter:

Mr. Horace Porter appeared before the bar and delivered a message in writing from the President of the United States:

The VICE PRESIDENT. The Chair is informed that in accordance with the usage of the Senate it is now his duty to lay before the Senate the resolutions offered yesterday and then laid over.

Then the message was read:

To the Senate of the United States:

Since the nomination and confirmation of Alexander T. Stewart to the office of Secretary of the Treasury I find that by the eighth section of the act of Congress approved September 2, 1789, it is provided as follows, to wit:

Then he quotes the statute which has been quoted. Then President Grant said:

In view of these provisions and the fact that Mr. Stewart has been unanimously confirmed by the Senate, I would ask that he be exempted by joint resolution of the two Houses of Congress from the operation of the same.

I stop here long enough to say that it is contended that there is a distinction between Mr. Stewart's case and Mr. Mellon's case. If there is a distinction, it is all in favor of Mr. Stewart. There was no income tax law then. The tariff law provided specifically for duties, and there was not near as much chance that there would be any trouble arising in regard to that situation in which Mr. Stewart would have his personal interest conflict with his official interest.

Not only that; Mr. Stewart at that time offered to sell every dollar of his property so that he could become eligible. But this is what occurred:

Mr. SHERMAN. I ask unanimous consent of the Senate to introduce a bill, which of course will have to go over if there is any objection to it.

The VICE PRESIDENT. The message of the President is before the Senate, and it must be disposed of before there can be any other action.

Mr. SUMNER. I move that the message be laid on the table and printed.

The motion was agreed to.

The VICE PRESIDENT. The Senator from Ohio [Mr. Sherman] asks unanimous consent to introduce a bill.

There being no objection, leave was granted to introduce the bill (S. No. 34) relating to the Secretary of the Treasury, which was read twice by its title.

The VICE PRESIDENT. Is there objection to the consideration of this bill at the present time?

Mr. SUMNER. I object. I think that it ought to be most profoundly considered before it is acted upon by the Senate.

And again, two or three days later:

Mr. TRUMBULL. The Committee on the Judiciary, to whom were referred a bill (S. No. 33) to repeal a part of the eighth section of the act to establish a Treasury Department, approved September 2, 1789, and a bill (S. No. 34) relating to the Secretary of the Treasury, have instructed me to report them back and recommend their indefinite postponement.

On that day A. T. Stewart resigned, and George S. Boutwell was appointed Secretary of the Treasury. In other words, President Grant obeyed the law of the land. Mr. A. T. Stewart, first offering to sell every dollar's worth of property that he had, so that he could conform to the statute, obeyed the law of the land, this very statute, and resigned his office.

It is said there is a distinction between the case of Mr. Stewart and that of the present Secretary. If there is a difference, it is all in Mr. Stewart's favor, and not in Secretary Mellon's favor.

Secretary Mellon, according to statements made, is interested in many business corporations. These corporations constantly come before the Treasury of the United States in the matter of abatements of taxes, in the matter of refunds of taxes, in the matter of settlements and adjustments and compromises of taxes, some of them in enormous sums, as the records show.

It is said that it does not apply to Mr. Mellon, because he is just a stockholder in the companies, that if he had retained his directorship in any of these companies, then he would be subject to the inhibition of the act, but the simple fact that he is a stockholder in a business corporation does not bring him in conflict with the statute, however much interest he may have; that it is immaterial what his interest may be, the inhibition of the statute does not apply to him.

Mr. President, what difference does it make whether these settlements are fair or unfair, whether they are made by Mr. Mellon directly, or whether some agent or employee of his in the department makes them? The statute prohibits it, and provides for cases where the Secretary is interested in certain companies directly or indirectly, or is concerned in them. Surely he is concerned in the Gulf Refining Co. Mr. President, the case of the distilling company is also important. Surely he is concerned

in the Overholt Distilling Co. Of course, he is just as much and just as vitally concerned in that company as a partner as he ever was. What is the purpose of the partnership? What is the purpose of the business? It is to make money out of the distilling business. When it is closed up, when the trusteeship is closed up, when this property is disposed of, what is to be the result? Of course, Mr. Mellon would not handle it personally.

His share of the proceeds and the profits will go to Mr. Mellon. He is not indirectly interested in this concern but, on the undisputed facts, he is directly interested in it. The mere fact that he creates an active trust to sell the property and turn back the proceeds to him shows he is still interested in it. The statement of the Senator from Pennsylvania that Secretary Mellon prevented the sale of the property of the company the other day shows exactly the situation. It shows beyond the peradventure of a doubt that the Secretary is really the owner of the property. He is engaged in that business, and not only this statute but another section of the law absolutely prohibit participation in such a business by one who is Secretary of the Treasury.

I am making no charges against the fairness of Secretary Mellon in these transactions. I am merely saying that he is transacting business in which he is interested, with which he is connected, with which he is concerned, in absolute violation of that statute. Mr. Mellon thought so, too, according to the Senator from Pennsylvania, when this matter was first broached to him. It is greatly to the credit of Mr. Mellon that when this statute was first discovered to him he promptly said that he was ineligible, that he should not take the office. Then he was induced by other people; he was induced by this very specious opinion. The truth about it is that he was induced by this very specious opinion, which has no authority back of it. The conclusion of the opinion in each case is in direct conflict with the premise with which it starts out. So it seems to me, Mr. President, upon the undisputed facts, upon the facts as admitted by Mr. Mellon, two parts of the resolution should be left in. Upon the statement made by the Senator from Pennsylvania, I ask unanimous consent to strike out the whereas at the top of page 3, reading:

Whereas it is further shown in said letter that an abatement and settlement has since been made with the Atlantic, Gulf & West Indies Steamship Co., a company in which said J. W. Mellon is interested, in the sum of \$2,631,381.

I ask to be allowed to perfect the resolution by striking that language from it.

The PRESIDING OFFICER (Mr. McNARY in the chair). Without objection, the resolution will be modified as requested by the Senator from Tennessee.

Mr. EDGE. Mr. President, in my judgment it requires a very severe stretch of the imagination to consider the Secretary of the Treasury unqualified under the statute, or from any other angle, to occupy that high and important post in the Government of the United States.

Apparently we have gone back to 1789—140 years ago—to find a statute—

Mr. McKELLAR. Mr. President—

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from Tennessee?

Mr. EDGE. I am glad to yield.

Mr. McKELLAR. Surely the Senator does not object to going back that far for our laws, does he?

Mr. EDGE. The Senator does not object in the slightest degree, but insists that he has a right to refer to the length of time that statute has been on the statute books.

Mr. McKELLAR. The Constitution of the United States is a little older than that. The Senator thinks that is still good, does he not?

Mr. EDGE. Yes; and if we would adhere to the Constitution or its intent a little more specifically we probably would be much better off.

In 1789, about 140 years ago, when this statute was passed, I think I am correct in the statement that it was not known what a corporation was. Obviously, the words employed in the statute at that time, "engaged in trade or commerce," referred to the business of the time, the direct engagement in trade and commerce.

Since that time we have had many Secretaries of the Treasury. I do not know how many we have had, and it makes little difference in the observations I am going to make, but with the one exception which has been discussed here, and the reasons in connection with that case were pretty well defined on both sides of the Chamber, I do not know of any Secretary of the Treasury whose eligibility was questioned be-

cause of the fact that he may have owned an interest in a business, or after the inauguration of corporations, stock in some corporations. I think it is very fortunate for the progressive advancement and development of the country that such a technical point has not been raised.

Perhaps, technically, the present Secretary of the Treasury is violating the act of 1789. I am sure I do not know. It is entirely a legal question, and when I asked the Senator during his remarks if it was not a legal question, as I recall his response, though he did not directly answer the question, he said that in no way made it impossible for the Senate to discuss the question.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. EDGE. I yield.

Mr. McKELLAR. In 1860, when a Republican President and a Republican Secretary of the Treasury took an exactly opposite course under this very statute, corporations were in common use everywhere at the time, and Mr. Stewart was the president of corporations.

Mr. EDGE. Mr. President, I have already referred to the fact that the case of Secretary of the Treasury Stewart had been discussed on both sides of the Chamber.

The Senator from Tennessee observes that there is no reason why the Senate should not discuss the question even though it is an entirely legal question. That is probably true; the Senate of the United States does not hesitate to discuss any question, some of the discussions being enlightening, and in my judgment some of them not particularly constructive. But we can not get anywhere if we do discuss this question, so far as actual, practical results are concerned. Five lawyers, including an honorable member and former member of this body, have been referred to as having, in their wisdom, and judgment, and knowledge of the law, given the Secretary of the Treasury their opinion that after having sold, I presume, hundreds of thousands of dollars' worth of securities, he had complied with the law, and was in every way qualified to accept and fill the office.

The PRESIDING OFFICER. The Senator will suspend a moment. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate bill No. 5. Senate Resolution 200 will now go to the calendar.

Mr. EDGE. Other lawyers have taken the position, or at least the Senator from Tennessee [Mr. McKELLAR], who is a lawyer of note and ability, that it is a violation of the statute. I can not decide that question and I would not propose to do so, of course. Neither, in my judgment, would an investigating committee, even the Judiciary Committee, decide it to the satisfaction of the country. If the technical features or intent of the act of 1789, 140 years old, are to be decided satisfactorily to the country, there is only one tribunal that can do it, and that is the Supreme Court of the United States. Decisions of the Supreme Court have been referred to in the debate. I followed the reading of the opinions as carefully as I could, but we have no apparent final decision as to the intent of the act.

Let us look at the practical side of the question, because I have no intent to discuss the legal side.

The Secretary of the Treasury, by virtue of the responsibilities of the office, if he is going to serve the people of the United States in a way which will give the people the benefit of real business and financial ability and knowledge, must in the very order of things obviously be a business man, or at least a man who has been connected with business enterprises and with financial enterprises, one and the same thing. There has been much debate on the floor of the Senate asserting it as unfortunate for members of the Cabinet to be prominently identified with active political interests. Now we have reached a situation where it is apparently also the viewpoint of some Members of this body that it is unfortunate to have members of the Cabinet who have shown distinct business ability. As the Senator from Pennsylvania [Mr. Rizo] observed, I wonder just what the formula of qualifications is going to be for future service to the country in the capacity of a Cabinet officer. The politician is disbarred and the successful business man is disbarred.

It does seem to me that in the office of the Secretary of the Treasury, at least, the people of the country want an outstanding business man, a man who through his experience is acquainted with financial operations and financial matters and is able to handle the great financial responsibilities of the country. I greatly mistake their viewpoint if it would not correspond in a general way to that thought and conviction. Secretary Mellon, so far as I have been able to observe his work as Secretary of the Treasury, notwithstanding a possible technical violation of the law of which he may be guilty, has so

conducted the office that he has met with the unqualified approval of the people of the country. Without going into detail, under his management, under his policy, we have reduced our war debt by figures running into the billions; we have prepared plans for proper sinking funds to meet every obligation; we have maintained a financial policy that has instilled throughout the country a confidence in the office. And now a law 140 years old is dug up, after perhaps 30 or 40 Secretaries of the Treasury have served, and I presume many of them owners of individual stock, as a reason for this investigation.

I have not discussed the matter at all with the Secretary of the Treasury, but I am quite certain, so far as the facts are concerned, and they have been splendidly outlined by the Senator from Pennsylvania this morning, that a letter to the Secretary of the Treasury, a telephone call, or a personal call, would bring out any additional facts desired by any Member of the Senate, so far as Mr. Mellon's interest in this or that company may be concerned.

The resolution in one paragraph says "other settlements with other companies," without defining or mentioning the names of those companies, referring to the matter of rebates through the Internal Revenue Department.

I know nothing about that; but if it is true, I am quite sure the Secretary will be glad, as his letter to the Senator from Tennessee indicated, to give all that information.

Therefore, what necessity is there for an investigation? Any Senator could obtain in 30 minutes from the Secretary of the Treasury everything that an investigating committee could obtain through months of investigation, if we have not already received it through the speech of the Senator from Pennsylvania.

The subcommittee of the Committee on the Judiciary, composed undoubtedly of well-qualified lawyers, would have the duty and the final responsibility to decide whether legally the Secretary of the Treasury was violating an act 140 years old, and whatever their report was to the Senate, it would still be a legal question; and necessarily and properly, if it is to the best interests of the country to have it decided, and probably now that it has been raised it should be decided, as stated, it must go to the Supreme Court of the United States. So what possible advantage through another investigation?

At one time, and not long ago, success in business life was not looked upon as an absolute bar to the opportunity of serving one's country. Success in business or industrial life was presented in the textbooks of the public schools of the land as an inspiration to the young boy and the young girl to aspire to some similar possible results; it was looked upon, under the opportunities in this liberty-loving country, to give promise of equal opportunity to the young boys and the young girls to reach the pinnacle of success. But now, if a citizen has been fairly successful, if he has some interest in some company which interest, indirectly perhaps, could be analyzed as violating the statute of 1789, instead of holding him up as an example to the boys and girls of the country as showing the opportunity they have, he is brought before the country as having violated the law and an investigating committee is to be appointed, and he is to be ignominiously turned out of office if he does not resign.

It is time that we recognize that there is a distinction between construction and destruction. This is not a criminal matter. I am glad to have heard the Senator from Tennessee, without qualification, say that he made no charges against the Secretary of the Treasury. I have not heard any charges made against the Secretary of the Treasury, and yet at the same time we are asking him to come before a committee of the Senate to define his investments, when he has shown every willingness to do so, without fear and without qualification.

Mr. President, in my judgment there is a happy medium, a place where good common sense and decency would inspire the Senate to begin and to end. All our investigating committees can do is to get the facts and turn them over to Congress or to the courts, the recognized tribunal to which any criminal facts that are discovered before an investigating committee should go.

To ask the Secretary of the Treasury to come before a committee to be asked if he has any ownership in some corporation other than those recited in the resolution and defined by the Senator from Pennsylvania, based on a purely technical, legal argument, is, in my judgment, the straw that breaks the camel's back. I trust that for the good name of the Senate we will hesitate when it comes to a proposition like this.

I am not standing in the way of any legitimate investigation. I want it to be clearly understood that I have voted for every resolution which could possibly mean the actual unearthing or discovery of malfeasance in office or crime, and I shall con-

tinue to do so. Perhaps the Secretary of the Treasury will ask for an investigation, because if he does not it will be assumed in some quarters that he is trying to hide something; but, so far as I am concerned, I do not care whether he asks for it or not, as long as I am called upon under the conditions that have been disclosed, with the situation and evidence that have been presented to the Senate, I shall never vote to have any investigation of his past activities. If it is desired to have the act of 1789 finally interpreted, if there is any way to send it to the Supreme Court, I will gladly vote to send it there and for once and all get that old blue law disposed of, a law that is similar to other blue laws which provide we can not deliver a package on Sunday or smoke on Sunday, and like many other blue laws no one pays any attention to and yet which many States have unrepealed to-day. I classify the act of 1789 in exactly the same category with those blue laws which are never used as a sane argument in a deliberative body.

Mr. FESS. Mr. President, I would like to make some comment upon the resolution which we have been discussing before we take up the unfinished business.

Mr. WALSH of Massachusetts. Mr. President—
The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Massachusetts?

Mr. FESS. I yield.

Mr. WALSH of Massachusetts. I would like to get some information from the Chair. Is it not a fact that to-morrow, at the close of the morning business, the resolution which has been under discussion will be laid before the Senate and open to debate?

The PRESIDING OFFICER. The Chair will state to the Senator from Massachusetts that the resolution will take its place on the calendar and come up in its proper order whenever that number is reached on a call of the calendar, or by unanimous consent it may be called up out of order.

Mr. FESS. There was a very well-defined reason for the statute that forbade the Secretary of the Treasury in 1789 being possessed of certain relationships to business. When the Government was inaugurated our chief source of revenue, outside of the sale of public lands, was the customs duties upon which the tax or tariff situation was based. To-day the customs duties would not accrue more than about \$540,000,000, while we have to raise something like \$3,500,000,000 to run the Government. So that the duties would not make up more than one-sixth of the sum total needed for running the Government. It is perfectly apparent, when all the revenue that was collected by the Government, or the major portion of it, came from this one source, that the Government would forbid the Secretary of the Treasury from being identified as an importer. That situation has changed. It had been changed in a degree in 1869, it is true, because Mr. Stewart at that time was the greatest importer in America, and upon the goods that he imported much of the revenue to run the Government was collected.

I am very much gratified to find that the present Secretary of the Treasury had made a complete investigation, through legal talent, to ascertain whether he was eligible to accept the position offered him by the President of the United States. I am sure every Senator will recognize that, while there might be some point of doubt, there was nothing left undone to ascertain all the facts, and so far as I can see there is no incapacity legally for the Secretary to hold the position.

But, Mr. President, I did not rise to speak upon that particular phase. I should like to direct the attention of the Senate to the remarkable achievements of the Secretary of the Treasury in the three years during which he has now held the position. Measured by results, I regard what he has accomplished as the most brilliant achievement in the history of finance in America unless it might be the achievement which is credited to Alexander Hamilton. Probably in the history of the science of finance the present Secretary of the Treasury would not rank with the most constructive genius which North America has yet produced in Mr. Hamilton, but when we measure him in contrast with Albert Gallatin, the distinguished Secretary of the Treasury under Jefferson, with Alexander J. Dallas, the distinguished Secretary of the Treasury under Madison and during the War of 1812, and with men like McCulloch, Chase, John Sherman, and others who have risen to very high rank in the science of finance, I doubt whether the present Secretary of the Treasury would suffer in comparison with the best America has yet produced. That is not sentiment; that is not party faith; but it is based upon facts, and I should like to have the attention of the Senate briefly while I recount them.

When the present Secretary of the Treasury took over the portfolio he found a public debt that had at the high point

reached twenty-six and one-half billion dollars. That amount had been reduced slightly, but the Nation was still burdened with an annual interest charge of over \$1,000,000,000. The public debt has been reduced by two and a quarter billion dollars since the present Secretary of the Treasury took charge. I have before me the official figures, according to which that part of the public debt which is known as the interest-bearing debt was on June 30, 1921, three months after Mr. Mellon took charge, \$23,737,352,000. The public debt on June 30, 1923, at the end of the last fiscal year was \$22,097,590,754. There has therefore been a reduction in those two years of \$1,730,000,000.

That is a reduction of \$865,000,000 a year, which represents an actual reduction of \$2,400,000 a day in the public debt of this Nation. The enormous reduction of \$2,400,000 a day during the time the present Secretary of the Treasury has had charge of the finances of the Government is equal to the daily outlay in the Civil War during the height of that greatest of conflicts up to the World War.

That is not all. Under the present Secretary of the Treasury we have not only lived within the Budget and have been able to balance our income and expenditures, but we have also lifted the credit of the Nation from the low point of 84.6, which was the low point to which our Liberty bonds had descended, to beyond par value. That is not a matter of sentiment, nor is it a matter of legislation, but it is a matter of sound finance under the leadership of a great financial director.

When Secretary Mellon took charge of the Treasury we had a public debt in the form of both Liberty bonds and a floating indebtedness, the floating debt amounting to between \$2,700,000,000 and \$3,000,000,000. That debt had never been funded. The reason why it had not been put into long-term bonds was because it was thought by the then administration that, through the sale of war equipment and other material that might be turned into money, we might possibly pay off that large overhang of nearly \$3,000,000,000 which had not been funded by the Treasury; but, unfortunately, that could not be done. So the present Secretary of the Treasury found an unfunded debt, a floating debt due to the banks, of nearly \$3,000,000,000.

The necessity on the part of the banks to carry those \$3,000,000,000 of Government obligations tied up almost all of the liquid assets of the banks, which otherwise would have furnished credit to the commercial world and to the industries of the country. The outcome of the policy of living from hand to mouth was inevitably the starving of industry for the want of capital. The result of it was that interest rates in the banks were high; the conduct of banking business was rendered difficult; money would not flow to industry; the credits of the country were frozen; industry was paralyzed; and labor so suffered for want of employment that we saw 5,000,000 idle people walking the streets looking for work. While it has been said that following the greatest convulsion the world ever saw the inevitable result was the starving of industry for a want of capital, yet that condition was vastly accentuated by the Government requiring the banks to absorb their liquid assets in caring for its obligations.

The very first object which the present Secretary of the Treasury sought to accomplish was to relieve the liquid assets of the banks and enable them to flow into industry, so that industry might be revived and employment given to idle labor. He conceived the plan of asking the public to absorb the Government obligations.

In order to do so he had to issue short-term certificates for periods of something like three years. The first offering of \$300,000,000, at a rate of interest of 5½ per cent and due in three years, was in the nature of an experiment; but, to the surprise of everyone, that offering was oversubscribed and the \$500,000,000 immediately cared for. In a very short time thereafter the Secretary of the Treasury made a second offering, to take care of another large portion of the \$3,000,000,000 floating indebtedness, and the second offering was taken as rapidly as the first. Within nine months, Mr. President, the rate of interest on the short-time certificates had been reduced from 5½ per cent to 4½ per cent, representing a saving of 1½ per cent interest upon those offerings.

Mr. President, it ought not to be overlooked that whenever the Government saves a rate of interest it saves that rate upon the entire amount of a given obligation bearing that rate. The reduction of the rate from 5½ per cent to 4½ per cent involved a saving of 1½ per cent, and a saving of even 1 per cent on the public debt of \$20,000,000,000 is equal to a saving of \$1,000,000,000 a year forever until the debt is paid.

I wish to call the attention of the Senate to the fact that there has not been in my memory, as a student of the history

of finance, such an achievement as has been worked in the financing of the floating debt. Within one year and six months' time \$3,000,000,000 of unfunded indebtedness that had tied up the commercial credits of the country and put labor out of employment was all funded by obligations running from one year to three years and having convenient periods of payment, so that when they came due they could be paid or at least refunded. By this act within less than three years' time the capital of the banks was released; interest rates came down; capital flowed into the channels of industry; industry revived; labor was employed; and our Liberty bonds ascended from 84.6, the low point, to par.

I state again that this is not a question of sentiment, but it is an example of the soundest finance that America has yet witnessed, and it has received such universally favorable comment that Senators ought not to overlook it. The statement I have just made relates to the conduct of the Secretary of the Treasury as to the floating debt, aside from operations affecting the Victory bonds.

Mr. SHIPSTEAD. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Minnesota?

Mr. FESS. I yield.

Mr. SHIPSTEAD. I should like to ask the Senator if he is aware of the fact that the Federal revenue law of 1921 exempts all Federal securities from taxation when they are owned by corporations, and if, in the opinion of the Senator, that did not have something to do with increasing the price of the Liberty bonds.

Mr. FESS. I think it had something to do with the increase in price. Anything that would make a Liberty bond more valuable in the hands of the owner would, of course, show itself in the current price of the bond.

Mr. SHIPSTEAD. I should like also to ask the Senator another question. When I came in the Senator made a statement about a reduction of the interest rates on the floating indebtedness last year.

Mr. FESS. Yes; I referred to the reduction in the rate on the floating indebtedness.

Mr. SHIPSTEAD. In the opinion of the Senator, how much was that interest rate reduced?

Mr. FESS. It was reduced from 5½ per cent to 4½ per cent.

Mr. SHIPSTEAD. Some of it was retired, though not all of it, was it not?

Mr. FESS. Only a portion of it was retired; most of it was refunded. Most of it was put into the form of short-term securities.

Mr. SHIPSTEAD. I believe there was \$668,000,000 of certificates issued bearing 4½ per cent.

Mr. FESS. Probably; and that rate represented 1 per cent less than the first issue, which was 5½ per cent.

Mr. SHIPSTEAD. I should like to ask the Senator if he is aware that the British Government sold its short-term securities last summer to yield about 3 per cent?

Mr. FESS. Very probably that is true; but there is a vast difference between the British Government and ours, in that the British Government's surtax is only one-half of ours, and its normal tax is considerably more than double ours; so that bonds in the form of Government indebtedness in Great Britain would be very much more valuable in contrast with industrials than they would be in this country.

Mr. COPELAND. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from New York?

Mr. FESS. I will yield to the Senator from New York after the Senator from Minnesota has finished asking his question.

Mr. SHIPSTEAD. I should also like to call the Senator's attention to the fact that the British Government makes short-term treasury bills taxable.

Mr. COPELAND. Mr. President, I rise to a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from New York will state his parliamentary inquiry.

Mr. COPELAND. I inquire what the conversation is about on the other side of the Chamber?

Mr. SHIPSTEAD. I asked the Senator the question whether, in view of the fact that short-term bills of the British treasury are subject to taxation and the securities of the Federal Government of the United States are tax exempt in any amount when held by corporations, the bonds and securities of the Federal Government of the United States should not really sell to yield a lower rate of interest, because they are tax exempt when held by corporations of any kind, while the treasury bills of the

British Government are not tax exempt, and still they are sold to yield a much lower rate of interest?

Mr. FESS. I will state to the Senator from Minnesota that you can not make a comparison between the tax on industrials in Great Britain and in our country and the tax on British Government bonds and ours, for the reason that there is such a vastly greater field for industry here than there, and the tax here is much less on industrials than over there. In addition to that, I will say to the Senator from Minnesota that I hope he sees the problem as I do, and will join in preventing any further issuance of tax-exempt securities. I do not think that ought to be permitted if we can avoid it, but under the present situation we can not avoid it. We can not pass a law here to forbid it.

Mr. SHIPSTEAD. I want to say to the Senator that I did not interrupt in a controversial spirit. I just wanted to bring out the fact.

Mr. FESS. Not at all. I appreciate the spirit in which the Senator asked the question.

Mr. President, I have dealt with the problem of financing the floating debt, which in my judgment was the most serious financial problem that the country had to face. In addition to that, in May, 1923, the country faced obligations in the Victory loan due to the amount of \$4,050,000,000. What was to be done with it? That was the problem of the Treasury. Everyone will recognize that those notes could not be paid by current taxation, because current taxation had already reached the exorbitant plane of more than \$4,000,000,000. We might be left to the issuance of long-time bonds, and thus refund the Victory notes by other bonds, like the Liberties. The other alternative would be to replace the Victory notes by short-term certificates, and there had been such remarkable success in the financing of the floating debt that the Secretary of the Treasury undertook that plan.

I took the time to look over the Secretary's report of this year, and I find these facts:

The investment public was again appealed to by the offering of small blocks of short-dated Treasury notes at reasonable rates of interest and due at quarterly periods, instead of six months, when income taxes are paid. I read this because I want to be accurate. In 1921 the Secretary of the Treasury offered two blocks, one dated June 15 and the other September 15, due in three years, the first at 5½ and the second at 5½ per cent. In 1922 he offered five blocks, ranging from 4½ to 4½ per cent. In 1923 he offered two more blocks. These offerings summed up to the total of \$4,050,000,000. That comprehends all of the Victory notes due May 1, 1923. These were made payable semiannually—in 1924, 1925, 1926, and 1927—which affords the best possible plan to meet them when due, either by retiring them or by refunding them. The obligations of the Government due last year until financed by the Treasury were nearly \$3,000,000,000 of floating debt, \$4,050,000,000 of Victory notes, and nearly \$700,000,000 of war-savings stamps. Fellow Senators, there is a sum of money that reaches beyond seven and a half billions, all due in 1923, and the Treasury was limited to the alternative of either offering long-time bonds to refund these obligations or else financing them by short-term certificates.

The Secretary chose the latter alternative wisely, for the offering of any large amount of long-term bonds would have glutted the market and would have depressed greatly the Liberties and again depress industry. That is precisely what was to be avoided. The outcome of this effort was that we have the floating debt of \$3,000,000,000 funded at convenient periods when the Government can meet it; we have the \$4,050,000,000 of Victory notes funded in a similar way; and we are caring for the war-savings stamps as rapidly as they are presented. Instead of \$7,500,000,000 of unfunded obligations due now, they are all refunded at convenient periods, in small amounts, in such a way that the Treasury can either meet them by paying them or can easily retire them by refunding them.

I say that accomplishment challenges the record of finance in the history of any country in the world; and I can not understand this hue and cry against the Secretary of the Treasury of the United States, with such a remarkable achievement as the product of his brain.

Furthermore, Senators, all of the work was done so easily that none except those who had been following the course of the matter knew that it was being done. Even business circles were not disturbed; and to-day what a picture we have in contrast with what we had when the present Secretary of the Treasury took his post! No longer have we the \$3,000,000,000 hand-to-mouth policy, drying up the capital of the country and starving the industries. No longer have we labor out on the streets without employment. On the other hand, these obligations have been transferred from the banks, which thus far had tied up seven billions of commercial credit, to the investing

public at good rates, so that it is profitable even to the public; capital is again free; industry is thriving; unemployment has fully disappeared; and labor is better employed, more permanently employed, and more advantageously employed than at any other period that I know anything about.

Mr. COPELAND. Mr. President—

Mr. FESS. I yield to the Senator from New York.

Mr. COPELAND. Does the Senator recognize that in the agricultural States of the West there is great depression; that banks are failing every day; that two or three hundred banks failed this winter, and that hardly a day passes without a failure? Is the Senator aware that the cotton mills of Lowell are running half time?

Mr. FESS. The Senator is aware that the agricultural industry liquidated quicker than anything else coming out of the war, and that without any basis of organization it was left almost wholly helpless. The Senator is aware that the Congress in the last session passed 14 separate, independent acts in relief of agriculture, all of which were strongly recommended by the agricultural interests of the country. The Senator is also aware that under the present organization, with the foreign market glutted as it is, wheat, for example, has been overproduced by more than 300,000,000 bushels. The Senator is aware that an economic evil can not be cured by legislative enactment, notwithstanding a great many people think that can be done. Yes; the Senator is aware that there are some industries that still suffer from the cataclysm of war, but it is difficult for anyone to cure an evil coming out of such a disaster by passing any legislation at this time.

Mr. President, I rose merely to say that in the short period of three years, under the present management of the Treasury as headed by Secretary Mellon, we have reduced the public debt over \$2,000,000 a day every day he has been in office; we have funded all the obligations and released capital; we have employed labor and started the country on a prosperous era which will make Mr. Mellon rank with the best officials that America has yet produced.

Mr. BROOKHART. Mr. President, before the Senator takes his seat I should like to ask him a question in reference to this liquidation of the farmer that he speaks of.

Mr. FESS. I yield to the Senator from Iowa.

Mr. BROOKHART. Was not the deflation policy of the Federal reserve system the principal cause of that liquidation, as the Senators call it?

Mr. FESS. There is a dispute in the minds of a great many persons about the effect of the policy of deflation. The Federal Reserve Board, members of which individually I know, and with some of whom I have served in the House of Representatives, recognized that Federal reserve notes were very largely overissued in contrast with the increase of the business of the country, and they set out upon a fairly well-defined policy of partial deflation. Whether or not it was wise, I can not say. If I should say it was unwise, immediately some one would say, "That is because it was a Democratic measure and a Democratic board. You are saying that it is unwise because it was headed by a Democrat." I do not know that it was an unwise policy.

Mr. BROOKHART. I will say to the Senator that on the day the meeting was held, on the 18th day of May, 1920, every member of the board was a Democrat; but, while that is true, the majority of the branch-bank members attending were Republicans, and since the present administration has gone in exactly the same policy has been pursued that the Democratic administration pursued.

Mr. FESS. I am not ready to say that the deflation policy of the Federal Reserve Board was the basis of any harm to agriculture. A great many persons think so.

Mr. BROOKHART. The Manufacturers' Record has said that it has deflated the farmer in the total sum of \$32,000,000,000.

Mr. FESS. The Manufacturers' Record is the most radical in its utterances against the Federal Reserve Board of any publication I ever saw. I read it regularly, but I do not allow it to influence my judgment.

Mr. BROOKHART. As far as my knowledge goes, I can fully corroborate the Record in the amount of the deflation that hit the farmer. I think there is no doubt of it.

Mr. JOHNSON of Minnesota. Mr. President, I should like to correct the Senator from Ohio. He stated that the overproduction of wheat for 1923 was 300,000,000 bushels.

Mr. FESS. That is the world overproduction.

Mr. JOHNSON of Minnesota. I do not think it is more than about 100,000,000 bushels in the United States.

Mr. FESS. Yes; I mean the overproduction all over the world.

Mr. JOHNSON of Minnesota. The Senator did not say so.

THEODORE ROOSEVELT, ASSISTANT SECRETARY OF THE NAVY.

Mr. DILL. Mr. President, I ask unanimous consent to submit a resolution, and to have it read, and lie over.

The PRESIDING OFFICER. The Secretary will read the resolution.

The resolution (S. Res. 201) was read, as follows:

Whereas Theodore Roosevelt, Assistant Secretary of the Navy, was a director of the Sinclair Oil Co. previous to his entrance into the Government service; and

Whereas as Assistant Secretary of the Navy he personally carried the Executive order to the White House for the President to sign, which order transferred the control of the naval oil reserves from the Secretary of the Navy to the Secretary of the Interior; and

Whereas on July 29, 1922, Mr. Roosevelt, then the Acting Secretary of the Navy in the absence of Secretary Denby, ordered the United States marines to remove all oil claimants from the naval reserve No. 3, and thereby made an outrageous use of the armed forces of the United States Government to perform acts which should have been performed only by civil officers on the order of a court after due hearing of all the facts in the case: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President should be, and he is hereby, requested to ask for the resignation of Mr. Theodore Roosevelt, Assistant Secretary of the Navy.

Mr. LODGE. Let the resolution go over, Mr. President.

The PRESIDING OFFICER. The Senator from Washington has requested that the resolution may lie on the table. That order will be made.

PRICE OF GASOLINE.

Mr. HARRIS. Mr. President, last October the attorney generals from a number of States met in Chicago to discuss the advanced prices of gasoline. The attorney generals appointed an executive committee composed of able attorney generals from different sections of the country, and they made certain recommendations to Congress. I ask that these be printed in the RECORD and referred to the Committee on Manufactures.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

STATEMENT OF THE EXECUTIVE COMMITTEE OF THE CONFERENCE OF ATTORNEYS GENERAL ON GASOLINE PRICES.

Appointment of the committee: The conference of attorneys general in session at Chicago, Ill., on October 17, 1923, appointed this executive committee for the purpose of carrying on the work of the conference.

Scope of this statement: This statement is not intended to cover the entire work of the executive committee and its session held in Chicago March 14-15, 1924. It is designed to cover only such matters as it is felt will be of interest and value to the several attorneys general and to the public.

Statement: Following the conference held in October, 1923, reductions were made in the prices of gasoline and other petroleum products throughout the United States, and such reduced prices continued for some time. Later, however, the price of gasoline was raised, and is now from 6 to 7 cents higher than the low point. Whether continued increases in the price of gasoline and other petroleum products are in prospect is unknown. Deeming the matter of sufficient importance, the chairman called this meeting. After giving the most careful consideration to the question we submit the following observations:

(1) The National Petroleum News states that the indicated domestic consumption of gasoline for 1923 was 6,605,035,200 gallons. It is conservatively estimated that the domestic consumption of gasoline in 1924 will exceed 7,500,000,000 gallons. This 6-cent addition to the price would for 1924 increase the gasoline cost to the American public by more than \$450,000,000. This is \$4 per capita for every man, woman, and child in the United States, and does not take into account the prices of other petroleum products.

(2) The resolutions adopted in October at the conference are in our judgment worthy of the most careful consideration by each of the several States and the Federal Government, and we at this time renew such resolutions in detail and instruct the secretary to forward a copy thereof and of this statement to the President of the United States, the Presiding Officer of both Houses of the Congress of the United States, to the Attorney General of the United States, and to the chairman of the Federal Trade Commission.

(3) We suggest that all in authority, either in the States or in the Federal Government, give consideration to this question of prices of gasoline and other petroleum products. Petroleum and its products have become necessities of life. They are essential to the welfare of our people. Nature has supplied an abundant store of petroleum which geologists inform us will provide for a long period of time. It is a natural resource. The people are entitled to its use at a reasonable price. Exorbitant and extortionate prices should not be tolerated.

(4) The industry seems to be under such control that the price may be raised overnight at every gasoline station in the Nation, whether in the cities or on the crossroads. The Federal Government has established the Federal Trade Commission and has vested this commission with certain powers and duties. We believe that this matter of prices of gasoline and other petroleum products merits immediate consideration by the commission, to the end that the following result may be accomplished:

(a) That the dissolution decree in the so-called Standard Oil case of 1911 be carried out immediately according to the true spirit thereof.

(b) That all unfair trade practices in the production, manufacture, and distribution of gasoline and other petroleum products be abolished without delay.

(c) That no agreement between distribution companies, refining companies, or producing companies, whether subsidiary one to the other or not, whereby the production, manufacture, and distribution of petroleum products is curtailed and the price thereof fixed, be permitted.

(d) That such other orders be made as will conserve to the people these basic products and will enable the people to secure the use thereof at reasonable prices.

(e) That the powers of the Federal Trade Commission be enlarged to the end that there may be no doubt as to its power to accomplish the results sought. In this connection we believe that certain rules of evidence should be established whereby the burden of proof may shift upon the establishment by the Government of certain well-defined facts, such as uniformity of price charged by all companies over large territories.

(f) That the governors and attorneys general of the several States be urged to ask their Senators and Representatives in Congress to provide a special and sufficient appropriation, in addition to other appropriations, to the Federal Trade Commission for the conduct and prosecution of this work.

(5) The attorneys general of several States have conducted investigations and proceedings relative to the present problems under various statutes relating to monopolies, pools, trusts, combinations, discriminations, and unfair trade practices. Other inquiries have been prosecuted and are being made by commissions or boards exercising within some States powers somewhat similar to those granted to the Federal Trade Commission. Only last week the Legislature of the Commonwealth of Massachusetts defined petroleum and its products as necessities of life, for the purpose of having this subject investigated by the "commission on the necessities of life." These inquiries and prosecutions are greatly hampered by technical statutory requirements relating to evidence often imposing impossible burdens on the State in the proof of facts which are peculiarly within the knowledge of the defendants. We recommend that such statutes be promptly amended as heretofore suggested with regard to the powers of the Federal Trade Commission, and that these State laws be revised generally to provide adequate and prompt remedies for any attempted imposition or extortion upon the public. We also suggest that in States which do not so provide some administrative authority be vested with powers similar to those of the Federal Trade Commission.

(6) For all these purposes we pledge full cooperation by this conference of attorneys general with the Federal Trade Commission and the Department of Justice of the United States.

O. S. SPILLMAN, Chairman, Nebraska.

GEO. M. NAPIER, Secretary, Georgia.

CLIFFORD L. HILTON, Minnesota.

HERMAN L. EKERN, Wisconsin.

BEN J. GIBSON, Iowa.

JAY R. BENTON, Massachusetts.

GEORGE F. SHORT, Oklahoma.

HARVEY H. CLUFF, Utah.

Executive Committee Conference Attorneys General

Dated: CHICAGO, ILL., March 15, 1924.

SECRET DIPLOMACY OF EUROPE.

Mr. OWEN. I submit for the RECORD certain letters and comments relative to remarks I made in the Senate on the subject of European diplomacy.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

5745 BLACKSTONE AVENUE,

Chicago, January 9, 1924.

Senator ROBERT L. OWEN,

Washington, D. C.

MY DEAR SENATOR: A friend who has just sent me the CONGRESSIONAL RECORD containing your speech of December 18th, has put me under heavy obligations to himself and ultimately to you. From the skimpy, and, in effect, misleading account given by the Chicago Tribune, I had no idea of the tremendous documentary artillery which you assembled to shatter the walls of ignorance and ill-will. I am fairly amazed at your command of the historical evidence, and at your skill in marshaling it in such a way as to enable the reader to draw his own conclusions without prejudice.

The note of presumption in this compliment will lose its edge when I explain that I am by profession a historian, and that during the last four years I have made it my business to examine the evidence bearing on the origin of the war. I am, therefore, in a position to appreciate the difficulties of such an enterprise as yours.

Besides representing a notable labor of scholarship your speech is an act of moral liberation. Too long have our people been led by the nose by an interested propaganda. The clearing of their minds of foolish prejudices is an essential step toward that pacification of the world which the treaties of 1919 woefully failed to achieve and which all men of good will must continue to recognize as the real goal of their efforts.

If we could only get a greater publicity for your revelations! However, every little helps, and when our people finally pass through the mists that envelop them into the sunshine of truth, your name as that of a leader out of mental bondage will shine with a particular radiance.

I am, with the greatest respect,

Yours sincerely,

FERDINAND SCHEVILL,

Professor of Modern European History, The University of Chicago.

[From the American Monthly.]

AN ENGLISH IMPRESSION OF SENATOR OWEN.

(E. D. Morel in London Foreign Affairs.)

Wherein lies the secret of the lack of courage, and of vision, too; for Europe can not know peace while she is content to live under the shadow of a crime? Senator OWEN, of Oklahoma, has done a service to humanity by indicating in the course of a recent speech in the American Senate. The secret lies in the concealment from the peoples of Europe of the evidence which proves beyond contestation the falseness of the legend attributing the Great War solely to the acts and to policy of the men and the influences ruling the German people before the war. That concealment has been deliberate and protracted. The governments, the principal public men, and the newspapers of the European countries victorious in the war have participated equally in this conspiracy against truth and justice. And this suppression of facts relating to the most terrible tragedy in the history of the world it is which has paralyzed, and continues to paralyze, the efforts of all those, whether in the enjoyment of executive responsibility or merely in a position to influence public opinion, who realize that the world can not attain peace until the persecution of the German people ceases.

For the first time since the war ended a member of one of the world's legislatures has broken through this conspiracy of silence within the walls of the legislature itself, and from that forum has communicated to his fellow countrymen the salient portions of this evidence. He has dared to assail the legend and he has dared to say that:

"Of the present population of Germany charged with the payment of reparations, about 20 per cent in 1914 were unborn babies; about 80 per cent of the German people living in 1914 were women and children without knowledge and without political power and absolutely ignorant of any wrongful purpose. There is no adequate moral basis upon which they can be charged with responsibility for the war."

If these facts could be driven home into the moral conscience of the world, we have sufficient faith in mankind to believe that the response would be immediate and surprising. It has always been a mystery to us how enlightened men who support the League of Nations can fail to perceive that to share in this conspiracy of silence and to condone the crime which is the outcome of it is to kill the soul of the league. Men were fighting. America went to the support of the weaker, bound and disarmed the stronger, then turned her back and left the weaker to wreak his savage will upon the stronger, whom he never could have faced at all alone. Nothing can justify this. It is a thing completely abhorrent to every just and manful feeling.

One nation in its time plays many parts indeed. That America should ever have played this part is a most sad tragedy. Let us hope that she will yet recognize her declension, will yet perceive what a frightful blunders she made. If she was deceived, then the present proceedings of the French should be sufficient to undeceive her. If she can look upon these with pleasure, then she is sunk indeed, sunk beneath contempt. And there are many responsible men in her of whom that is the truth. But they are only a small part of the Nation, and we may look for the day when it will wipe out this stain of a great and cousin people shamefully beguiled and treacherously delivered to its most vindictive foe. A foe that throughout the centuries has never failed to scandalously abuse its hour of triumph. German militarism was a bogey of the heated fancy. French militarism is a reality and sets its iron heel on Europe at this hour.

[From the London Times, Friday, January 18, 1924.]

MR. MACDONALD AND THE WAR.

TO THE EDITOR OF THE TIMES:

What MacDonald said August 7, 1914, on the origin of the war:

"When Sir Edward Grey failed to secure peace between Germany and Russia, he worked deliberately to involve us in the war, using Belgium as his chief excuse.

"The very worst form of alliance is the Entente.

"When reporting the negotiations to the House of Commons, he [Sir Edward Grey] found it impossible to tell the whole truth.

"Both, i. e., Sir Edward Grey and Mr. Asquith, withheld the whole truth from us.

"It was a pretty little game in hypocrisy.

"Why has this evil happened? The only answer we can give is because Sir Edward Grey has guided our foreign policy during the past eight years. His shortsightedness and his blunders have brought all this on us.

"The only reason from beginning to end is that our foreign office is anti-German and that the British Admiralty was anxious to seize any opportunity for using the Navy in battle practice."—(Leicester Pioneer, August 7, 1914.)

[From the American Monthly.]

TWO DAYS (JULY 30 AND 31, 1914).

(By Prof. Alfred Fevet, the eminent French publicist.)

In this study of the two fatal days athwart which had been cast the shadow of Russian mobilization Professor Fevet, the most Gallican of Frenchmen, does not spare the reputation of such men as Poincaré and Viviani.

Called to the front by the war, Fevet left his pupils and his papers and in the trenches meditated the great work he has since given to the world. That work is massively monumental—"Les Responsables de la Guerre." Its nature may be inferred from the extracts here given with very little compression.

The story shows Russia in the act of precipitating the tragedy. It was a tragedy staged at Paris. Its plot is simple. It reveals a feud in the Balkans transformed into a world crisis by the plotters who used the Quai d'Orsay as a cave of banditry.

Fevet fastens responsibility for the war so firmly upon the plotters behind Poincaré that a suspicious Frenchman once said to him, "Professor Fevet, are you not in love with a German woman?" He burst out laughing.

No; as George Demartial, a patriotic Frenchman, has said, in order to realize that the governments of the Entente befuddled mankind it is not necessary to have been in love with a German girl. It is enough to loathe hypocrisy.

To a brave and brilliant Frenchman the world is indebted for this revelation of the methods employed by Poincaré, Viviani, and the Quai d'Orsay to egg Russia on to the fatal mobilization order.

CHARACTERS IN THE TRAGEDY.

Herbert Henry Asquith, a convivial and romantic orator, dominating the House of Commons in London, acting as Prime Minister of England, and acting the part stably. He ushered in the crisis with the complot about preferring one hour of crowded life to an age without a name.

Count Benckendorff, ambassador of Russia in London, a veteran of waltzing and diplomacy who knew more about pictures, vases, and antique statues than he did about life. Charming in manner, he was bewildering in negotiation and had a genius for confusion.

Sir Francis Bertie, ambassador of Great Britain in Paris, whose plasticity in the hands of Poincaré makes the Frenchman look like a thief in the act of stealing a stick of candy from a baby. Sir Francis was frigid to the outside world, but he unbent delightfully at dinner. His knowledge of the masses of mankind was like that of a man on Mars.

Buchanan, Sir George, ambassador from England to Russia, one of the few Englishmen to realize the gravity of the crisis from the start and to make efforts in season to prevent the issue of the fatal mobilization order by the Czar.

Cambon, Jules, one of the two famous brothers in the diplomatic service of France, who spent their time, the one at Berlin and the other at London, in melodramatic gestures for "Revenge, revenge, revenge!" They were of the Gambetta school that whispered darkly with reference to Alsace and Lorraine: "Think of them ever; speak of them never!"

Cambon, Paul, brother to the preceding, whose specialty was an expression of lamb-like innocence.

William II, German Emperor and King of Prussia, a ruler of whom we are told by one set of controversialists that he was a cipher and a nullity and by another set that he was to blame for all that happened. The world needed a "scapegoat," and it took him.

Grey, Sir Edward, an old-school English liberal at the head of the British Foreign Office, who suffered greatly from defective eyesight and who had even the most important papers read to him. He was the easiest man in the world to befool and mislead.

Prince Lichnowsky, an elderly diplomat whose long experience and family traditions did not equip him for the difficulties of the post of German ambassador in London, where the Cambon brothers held all the wires and pulled all the strings between them.

Sir Arthur Nicholson, permanent official at the British Foreign Office, who knew every secret and who kept it to himself.

Nicholas II, a mystic with only a casual and accidental relation to the affairs of this world, which he did not understand and in which he was not interested.

Sazonoff, a tool of the grand ducal war party in charge of the Russian Foreign Office.

Paleologue, Maurice, French ambassador in Russia brought up in the "revenge" school of Parisian political melodrama, wedded to the idea that the World War would prove, when it came, the golden hour. His aim was to see that the Russian mobilization was staged in just the right way to promote the schemes of Monsieur Paul Cambon in London. Paleologue has the literary temperament.

Count Pourtales, German ambassador in Russia, a nobleman of the great world with the grand manner but hopelessly unnerved every time he heard the word "Revenge!" in French accents. A polite person in a rude and rough scrimmage.

Baron von Schoen, German ambassador in Paris, who turned out the merest babe in the hands of Poincaré.

Count Szapary, Austro-Hungarian ambassador in Russia, whose eyes were so firmly fixed upon the sky that he did not see a pit at his feet, the pit dug for him by the crew of conspirators in the French embassy at Petrograd.

René Viviani, a brilliant French divorce lawyer and phrase-making politician, who worked with Poincaré and was his tool in the post of Prime Minister at Paris. Viviani dominated the Chamber of Deputies with his eloquence and his knowledge of the seamy side of human nature.

Raymond Poincaré, the man who turned the world upside down.

Time: Four days after the Czar has been tricked into giving his order for a "preparatory period of war" and one day after decreeing "a state of war."

Place: Palace of the Czar. Then the Quai d'Orsay. Next the London foreign office. Changes of scene at intervals to the Ballplatz and the Wilhelmstrasse.

I.—GERMANY HOLDS AUSTRIA BACK.

JULY 30, 1914.

The drama was begun in the course of the day preceding this. Russia placed herself in a state of war against Austria.

If we are to be guided by all normal foresight, Austria will pass from a peace footing to that of war against Russia. She has herself announced it, but she would prefer to do so jointly with Germany, who, according to the Vienna interpretation of the Austro-German treaty, must meet in arms either an attack or "threatening military measures" of Russia against one of her allies.

But Germany does not seem disposed to sanction that interpretation. Rather, while southern Russia mobilizes officially against Austria, Berlin summons Vienna to effect a reconciliation with St. Petersburg.

The Ballplatz (Vienna Foreign Office), perplexed, confused by the gestures of Berlin, hesitates, defers, confines itself to-day to a concentration of her available military forces on a peace footing along the Galician frontier.

II.—4 O'CLOCK.

Sergius Dmitrievitch Sazonoff, Foreign Minister at St. Petersburg, has obtained from Nicholas II, the Czar, leave and order to attack Germany by placing his Muscovite Majesty between the responsibility of aggression and the responsibility of disconcerting allied France, her Government, her general staff—between the necessity of braving the temper of Monsieur Poincaré or that of the furies.

It seemed to the Imperial Russian manikin that the distance was shorter between Peterhof (his court) and the Elysee (where the French President lives) than the interval between the crime and the remorse of having even thought of it, of having let himself be led into it, of having consummated it.

Sergius Dmitrievitch Sazonoff to-day at 4 o'clock—and a minute or two—formally and definitely issued in the name of the Czar the order for the mobilization of the forces of all the Russias.

The Russian minister will explain this by confusing dates and facts, by actually representing his initiative as a reply to an Austro-Hungarian order of general mobilization, issued later by just 20 hours. . . .

The Elysee and the Quai d'Orsay were last night informed by Monsieur Izvolski of the latest doing of Monsieur Sazonoff. He placed on record the official assurance of the entire support of France. He begged that same France to accelerate her own process of procedure from a peace footing to a war footing in tune with that of Russia, and to urge England to act in harmony with her own true friends.

III.—MEPHISTOPHELES GRINS.

Having become the host of the palace of the Elysee, President of the French Republic, Monsieur Poincaré continues to determine the foreign policy of France.

He prolongs himself at the Quai d'Orsay (Foreign Office at Paris) through the medium of persons of his own choice.

At the opening of the crisis of 1914 the two presidencies—that of the Republic and that of the cabinet—are as completely unified with Monsieur Poincaré as he was in 1913 with himself.

The hour has sounded to make good.

The method has not changed.

It is necessary to trick the Austrian game bird.

That implies, as a preliminary, single, tactical movement, an attack on Austria from Russia.

Now, this very gesture was executed yesterday officially.

Monsieur Viviani (dummy for Poincaré as Prime Minister in Paris) awaited the announcement of this and received it without a word of regret, without a glance backward.

He accepted all the consequences.

"France is determined to fulfill all the obligations of the alliance."

That was an alliance transformed in 1899 and adapted to European conditions growing out of the Balkan conflicts and enlarged by a recent clause registered at St. Petersburg.

The die is cast!

In reply to the Russian mobilization, Austria will mobilize the second half of her army; that is, she will carry her partial mobilization to a state of complete mobilization.

Russia will instantly make her own mobilization general, a fact which will provoke the simultaneous or successive entry of Germany and France into the arena.

IV.—TOO LATE!

All at once Monsieur Sazonoff threatens to break the logical series of events, to interfere with the happy combination of circumstances that are to have as their first developments a partial mobilization of Russia against Austria and an Austro-Hungarian reaction against Russia.

Monsieur Sazonoff permits it to be foreseen—he even announces, in fact—a collective mobilization against Vienna and Berlin, a general attack against Austria and Germany.

Ah! If Monsieur Viviani had but known the reasons that decided his colleagues in Russia to hasten events and overpower the intelligence of the Czar! (The reader is advised to consult on this point the record of the Sukhomlinoff trial.)

Not knowing these, the Sazonoff formula calling for "acceleration of armaments" makes him uneasy.

A mobilization of Russia against Germany would inflict a blow upon the moral strategical face of the alliance.

What would the neutrals say if Paris, exclaiming against an aggression, pointed out Berlin with an accusing forefinger?

And this mobilization would not render war more certain.

It would be a work of supererogation, even from the point of view of the ultimate result.

It would be likewise a blunder, the most inopportune of blunders, committed at the very moment when St. Petersburg is begging Paris for the moon—collaboration of England.

The recommendation of the Quai d'Orsay to Monsieur Sazonoff is therefore of an elementary wisdom and Monsieur Viviani is authorized to express it forcibly.

But when the telegram embodying it gets to St. Petersburg the order for the Russian mobilization will for two hours past have been blocking the wires of the Czar's dominions. . . .

Too late!

V.—DAYS OF DOOM.

The final dispositions of a military kind, before the stage of general mobilization became universal, were made in this order:

At St. Petersburg (preparatory period of war) July 20;

At Vienna (alarm) July 26 (applicable to six army corps dating from the 27th);

At Vienna (alarm) 31st (in force from August 2 as regards corps not yet on the alert);

At London (warning telegrams) July 29 (afternoon);

At Paris (departure sealed) July 29-30; and

At Berlin July 31 (1.30 p. m.).

VI.—NIGHT AND THE CZAR.

EVENING OF JULY 31, 1914.

No government not one of all the members of the diplomatic corps accredited to St. Petersburg is ignorant this evening of why, when, and against whom Russia has established a state of war.

The gesture of Monsieur Sazonoff (Minister of Foreign Affairs to the Czar Nicholas II) is a flash of light that streaks a stormy sky. The heavens will burst in torrents of blood. This gesture—the powerful minister of the Czar perpetrated it in certainty of the approval of military Paris and of that (tacit) of Sir Edward Grey.

The order to let loose the storm of war was given this very afternoon. "The clock indicated precisely 4 o'clock," affirms M. Maurice Paleologue, the shadow at Petrograd of Monsieur Poincaré.

The mobilization was directed solely, exclusively against Germany, who has no personal quarrel with Russia. It is upon the German frontier that are precipitated now the excess quotas of the 18 corps mobilized against Austria, an excess representing two-thirds of the forces of the Muscovite Empire.

This act of aggression aims ostensibly at binding all France with the force of an accomplished fact, and its aim is also to make sure through France of the association of England—briefly, to unchain that European war concerning which Monsieur Sazonoff held forth before the Russian imperial council last February.

Now, these bits of evidence Petrograd disputes, Paris denies, London holds back, each being thus true to its own method of carrying out the imposture.

It is Berlin which began it, Monsieur Sazonoff dares to say. Some Russian travelers, stutters the representative of the Bridge of Singers (Russian Foreign Office), some Russian travelers observed, through the doors of trains rushing ahead at full speed, military manifestations of an unusual sort on the Russo-German frontier.

While Sir George Buchanan (British minister at Petrograd) imputes to Austria—"who decided not to rely on the intervention of the powers"—responsibility for the Russian general mobilization, Monsieur Paleologue authenticates the Sazonoff plausibilities by reversing rôles and terms:

"Because of the general mobilization by Austria and because of mobilization measures secretly taken but continued uninterruptedly by Germany for the last six days! . . .

"For imperative strategical reasons the Russian Government could no longer—knowing that Germany was arming—delay the conversion of its partial mobilization into a general mobilization."

The words "knowing that" become, through the pen of the British ambassador, "has also reason to believe." Hence "Russia, having also reason to believe in the active military preparations of Germany, can not afford to let her get a start."

The simple testimony of a neutral diplomat, representing a country without immediate ambitions, gives the measure of the duplicity of the sycophants and accomplices at the instigation of their respective governments, as well as the measure of the duplicity of the government of the Czar. The witness in question is the Baron de l'Escaille, Belgian chargé d'affaires, to whom Monsieur Paleologue, in conversation with Monsieur Sazonoff, referred on July 28—three days before—in these terms: "Only yesterday Pourtales (German ambassador to Russia) assured the minister from Holland and the Belgian chargé d'affaires that Russia would yield and that it would mean a triumph for the Triple Alliance (combination of Germany, Austria, and Italy)." Nevertheless, the Belgian diplomat reported yesterday (30th) to his Government:

"Germany—this is incontestable—has striven as much here (St. Petersburg) as at Vienna to find some means of avoiding a general conflict."

He proceeded:

"This morning an official communication to the press announced a call to arms of the reservists of a certain number of governments. Knowing the discretion of official communications, one may boldly affirm that there is mobilization everywhere. . . .

"To-day they are firmly persuaded at St. Petersburg—they have even the assurance—that England will support France. This support is an enormous weight and has contributed not a little to give the upper hand to the war party. . . .

"The Russian Government has given during these last few days free rein to all pro-Serbian manifestations and displays of hostility to Austria."

VII.—AN ADDLED AMBASSADOR.

Nobility obliging him, His Imperial Majesty, Nicholas II, breaks all the records of Monsieur Sazonoff for impudence.

The Kaiser (William II) telegraphed yesterday to the Czar:

"If—as is now the case according to your communication and that of your government—Russia mobilizes against Austria, the part of mediator, with which you have amicably charged me and which I accepted at your entreaty, will be difficult, if not impossible. All the burden for making the decision rests now upon your shoulders, which will have to support the responsibility of either peace or war."

This telegram is now under the very eyes of the Czar, who has actually read it, when Monsieur Sazonoff makes his appearance and implores his master to recall the order suspending the general mobilization.

Now, to-day, at 55 minutes past 2 o'clock (eastern time) when hundreds of trains are vomiting warriors upon the German frontier, Nicky replies thus to Willy (Berlin, 2.52 p. m.):

"I thank you with all my heart for your mediation, which begins to inspire hope that all may yet end peaceably."

"Technically it is impossible for us to suspend our military preparations which have been imposed upon us by the mobilization of Austria. We are far from desiring war. As long as the negotiations of Austria with Serbia last, my troops will be guilty of no act of provocation. I give you my word of honor for that. I place all my hope in the help of God, and hope that your mediation at Vienna will be crowned with success for the good of our two countries and for the peace of Europe."

Nicholas II refers in the dispatch signed with his own hand to negotiations not yet broken off with Austria. In effect, Count Szapary (Austro-Hungarian ambassador in Russia) went to-day (in obedience to instructions received yesterday and although he deemed those instructions annulled by the last Russian mobilization decision) to see Monsieur Sazonoff.

The Austrian ambassador is much embarrassed.

He has instructions, he says, but they are prior to the general Russian mobilization, the effects of which upon the designs of the Ballplatz (Austrian foreign office) he can not tell.

"Vienna was disposed, more particularly, to submit the text of the note to discussion to the extent it may be necessary to interpret the text."

A last vestige of shame keeps Monsieur Sazonoff from saying roundly to Count Szapary, as he said yesterday to the Czar, that "the work of diplomacy is finished"; that he personally gave the corps of diplomats their dismissal.

"I take note," he merely remarked, "of this mark of good will."

But, "for reasons easy to surmise," negotiations with St. Petersburg would be inopportune. It will be necessary to "initiate them on a neutral ground, in London."

"I beg your pardon," replies the dazed ambassador, "my instructions simply direct personal contact."

VIII.—INCREDIBLE IMPUDENCE.

Thus Monsieur Sazonoff breaks off at present negotiations decided upon by Czar Nicholas for the future.

He refers Vienna to Grey the very day—piquant irony—that minister at the British Foreign Office writes to Sir George Buchanan:

"I learn with great satisfaction that discussions are renewed with Austria and Russia. Convey this sentiment of mine to the minister of foreign affairs and say to him that I ardently hope he will favor these negotiations."

When dismissing the members of the diplomatic corps, M. Sazonoff thought he would erase his somewhat capricious formulas from their minds. In that very same way he had hoped to neutralize—through the medium of the suggestion conveyed to Count Pourtales—Grey's suggestion of the 29th (July). But Grey was afraid of the sudden attack of Sazonoff. He suggests a preliminary procedure:

"The Russian ambassador informs me"—

He telegraphs to Sir George Buchanan—

"of the conditions set down by M. Sazonoff and fears that they can not be modified. But if Austria were to come to a halt after the occupation of Belgrade I think that the formula of the minister could be modified; it might mention that the powers would examine how Serbia might fully satisfy Austria without alienating her sovereign rights and independence."

"If Austria, having occupied Belgrade and the neighboring Serbian territory, declares herself ready, in the interest of European peace, to halt her advance and to discuss how a complete arrangement might be reached, I hope Russia would likewise consent to discuss and to suspend all exterior military preparation provided the other powers do the same."

IX.—"ON TO BERLIN!"

"I accept the English proposition"—

Replies M. Sazonoff, addressing Count Benckendorff (Russian ambassador in London)—

"I transmit you the formula modified in consequence."

"If Austria consents to halt the advance of her armies into Serbian territory, and if, recognizing that the Austro-Serbian conflict has assumed the nature of a question of general European concern, she consents to let the great powers examine the satisfaction Serbia might accord the Austro-Hungarian Government without letting her own sovereign rights and her independence be compromised, Russia pledges herself to maintain a waiting attitude."

The "modifications in consequence," radical as they were, of the text of Grey, permit M. Sazonoff to give a new aspect to his ultimatum of yesterday.

The minister sets his vote upon an eventual occupation by Vienna of Belgrade, grants the Triple Entente (England, France, Russia) the privilege of announcing or of passing judgment upon the satisfaction Serbia "might" accord.

Meanwhile Russia would maintain an expectant attitude but would not undo the freshly accomplished fact—still only a project when Grey addressed his revision to St. Petersburg—she would not attack, but she would not demobilize. She would still empty her immense reservoirs upon her western frontier and would be at last mistress of the occasion.

X.—THAT "MOMENT" COMES.

At sight of the monster foisted upon him by M. Sazonoff, Sir Edward Grey does not falter.

He will even go the length to-morrow of presenting to Europe the caricature of his own suggestion of the 29th under the title of "formula amended in conformity with the English proposition."

The temperature of the Foreign Office, low this morning and in the course of the day, rises suddenly this evening.

Grey subordinated every engagement to "a fresh development of the situation." He postponed to the moment "when the attitude of Germany would be known" the instant of the clash with Germany. The "new development" contemplated has occurred. St. Petersburg has created the irreparable. Russia and Germany are already virtually in a state of war.

Sir Edward Grey weaves the web with which he has been equipped by the astute Mr. Asquith, a web silken enough to capture and strong enough to imprison the Germanic eagles and eaglets.

"Are you ready," he asks both Berlin and Paris, "to respect Belgian neutrality if no other power violates it?"

"Will you remain neutral," inquired Prince Lichnowsky, German ambassador in London, "if we engage to respect the neutrality of Belgium?"

"I can't say that," Grey will reply.

Having put the double question to which it knows with certainty that a double reply will be made, the foreign office addresses to Brussels its imperative invitation to "maintain with a maximum of her power a neutrality which it wishes and considers that the powers will proclaim and observe."

In addition to his misleading appreciations of the course of the jingo press and of the embarrassment of Grey, Count Benckendorff, Russian ambassador in London, who several times a day consulted the thermometer of London feeling, addressed to St. Petersburg these lines, exalting his own velled uneasiness:

"It is confirmed to-day that Parliament would be unable to define its policy for the time being. The Serbian crisis does not interest the public and all financial, commercial, and industrial circles in the north of England are opposed to war."

M. Sazonoff alone would be able to say if—assuming that no later information came to counteract the pessimism of this dispatch—he might not have given to the German invitation to demobilize, in the interval allowed him by this eleventh-hour intimation, another response than that of the artillery.

Some hours later the Russian minister, resuming his good spirits, was confident.

London has just received notice of the proclamation in Berlin of "a state of peril threatening war."

The "moment" foreseen by Grey was on the dawn of the horizon.

The Russian ambassador rushed to the telegraph wire.

"I ask urgent instructions," he apprises M. Sazonoff. "Events may evolve so quickly that all immature judgment regarding the attitude of England at this moment might prove prejudicial and might paralyze in a very special manner Grey himself, whose influence may be restored in a few hours."

XI—BEFUDDLED BERLIN.

To flourish against Russia in a state of war the wooden sword labeled "state of threatened war" was a dilatory Berlin method devised by a doubtful tactical and strategical opportunism.

At any rate, by having recourse to this expedient Berlin behaved in a manner calculated to forestall irrefutably all malign confusion of causes with their effects. Berlin established fully its own position as the party attacked, able to prevent Paris, London, or Rome from equivocating about such things as clauses known or unknown in treaties considered as defensive instruments. Berlin comments in this wise:

Russia, who drew the sword, does not sheath it again, her culpability will be proved to the hilt.

Paris, edified, must show her colors plainly.

London must satisfy itself with the dissection of formulas calling for peace as if it were demonstrable like a laboratory product.

Rome must admit the force of conventions that bind her by treaty.

Every effusion written at the Wilhelmstrasse from this day forward tends to make this quadruple argument.

XII—TRAPPING RUSSIA INTO IT.

The official papers of the Quai d'Orsay inform us regarding the action of M. Poincaré and M. Viviani, the latter was Prime Minister at Paris when the war broke out) on this dire day—July 31—exactly as the thunder, the flashes of lightning, and the burning bush informed Moses regarding the aspect of Jehovah.

Upon the very threshold of these papers is a massive mendacity, a double-mouthed lie, the first of which maintains silence on the subject of the general Russian mobilization, while the second denies it.

Years must elapse before this lie, the heights of which obscure the vision—block the horizon, indeed—will be displaced, thrown out of the picture.

In it may be found, when it is examined closely, a war expedient of which the affinities and the direct relation with the advice given yesterday by M. Messimy, official lackey of France, to the military attaché at the Russian Embassy, are now evident.

Foreseeing in November of 1912 an Austrian-Serb conflict, M. Poincaré said to Izvolski:

"Upon Russia devolves the duty of assuming the initiative in a question which concerns her chiefly. The function of France is to afford her most effective aid."

The conflict then outlined did not arise really until 1914, because Russia consented then only "to take the initiative," which was to have for its effect, among "other international shocks," that of forcing Germany to defend her position in Europe.

This incidental reaction was the only thing that in 1912 or in 1913 interested M. Poincaré, head of his government.

It is the only one which to-day (July 31, 1914) interests the successor (Viviani) found by M. Poincaré for himself (as Prime Minister).

Hence, from the very opening of the crisis, that aspect, that purely strategical movement imparted by the French Government to its political and diplomatic action.

This action, anticipating events, going ahead of them even, is already impregnated with the spirit of war, so informed with that spirit that it does away with all delicacies, deceptions, and the conventional candor and honesty of language in peace time, freeing itself from all ordinary scruples.

M. Poincaré does not burden his toasts at St. Petersburg (he was visiting the Czar when the great crisis broke) with any allusion to the human reason or to the morality of history, and he did not hesitate, to subserve his warlike purpose, to transform the Baron von Schoen (German ambassador at Paris) into a rascal.

M. Viviani deceived France then by representing her as fixed by her acts in favor of the equilibrium of Europe ("notably in the East") and he piled Pelion upon Ossa to evade the evidence of his frenzy for perversions of the truth.

XIII—BACKING AWAY FROM THE FRONTIER.

The maneuvers of the French Government have a triple object in view.

Abroad it must second the Muscovite mechanism for the release of a general war in Europe, assure the Franco-Russian group of the positive support of England, besides insuring—no empty effort—the neutrality of Rome.

At home it was necessary to inflate France with a hypnotic moral courage, with which the fluency of M. Poincaré had already equipped Nicholas II, the Grand Duchesses, the diplomats, the general of Czarist Russia.

The results attained to-day in Russia by the general staffs of the Allies will not prove vain.

Thanks to that method of deception which consists in increasing armaments while pretending to decrease them, and so falsify military oaths, the gain in time for Russia is enormous. The Russian Army is ready to attack, in accordance with the spirit of the military accord of 1911, immediately.

By means of this maneuver of attack—this will yet be sworn to in 1920 before the high court by the French negotiator of this very accord, General Dubail—Russia "allowed France to gain the Battle of the Marne."

On the English side also the strategy of the Quai d'Orsay, seconded by Grey, is bearing fruit now almost ripe, but Paris must still ascend higher to reach and pluck it.

The hopes of the French Government here have as their basis the letters exchanged in 1912.

Now, the spirit of those documents enjoins that Government to do nothing—in case it cites them for its advantage—like a parade of an aggressive mood.

Elysée and Quai d'Orsay, understanding or feigning to understand the admonition in these documents, displayed for the benefit of the British people the farce of an aggression toward and the similar farce of a regression from their own frontier.

For this M. Viviani will yet take credit in the Chamber of Deputies after the armistice (January 31, 1919) without blinking its meaning at all. He will actually yet talk about it—giving evidence against M. Caillaux—to the high court and to the universe in these terms of a most disarming inebility:

"As for myself, I formed the resolution to retire 10 kilometers [from the frontier] to show the English Government the pacific spirit of France. It was essential to give that Government a feeling that we were not jingoes?"

XIV—FOOLING THE FOREIGN OFFICE.

It was essential, both to manage England and to play a trick upon her, so as not to disoblige St. Petersburg—"compromising France with Russia."

Hence the Government for the time being adheres noisily to the suggestions of Grey, but only when it is convinced of their emptiness and vanity from the very beginning and of their hostility to Austria.

So the titular government, set up again (after the political crisis at Paris) makes Grey acquainted with its urgent advice to Sazonoff not to afford Germany pretexts for mobilization, the advice being given to Sazonoff when he is fully aware of the unreality of this counsel, to which, moreover, M. Sazonoff will have good reason to give an esoteric interpretation.

Accordingly, M. Viviani gives his patronage to the final undertakings of London to-day (July 31, 1914) just as if they were in harmony with his own plans—which they interfere with and conflict with.

The head of the Government therefore engages St. Petersburg with a communication made to him in the form of a note by Sir Francis Bertie (British ambassador in Paris). It deals with (1) Grey's suggestion of the 29th, (2) the formula of M. Sazonoff of the 30th, (3) the same formula revised by Grey.

M. Viviani recommends the latter to the consideration of M. Sazonoff, deeming it of a nature "to give satisfaction equally to Russia and to Austria and to contrive for Serbia an acceptable way out of the present difficulty."

XV.—WHAT!

But what now! It was on the 31st day of July that M. Viviani addressed to M. Sazonoff this new language, making mention of a passage in the English note revealing the intervention of Berlin at Vienna!

He did not then know of the first formula of Grey—that of the 29th. Grey, who has no secret from M. Paul Cambon (French ambassador) or from Sir Arthur Nicholson (undersecretary at the Foreign Office), in whose confidence the ambassador is—could Grey actually not have informed the French representative of his initiative, or, rather, of his qualified approbation of the initiative of Berlin? Not merely, then, did Grey not do this, but even the French representative, assuming that he had been so informed by Grey, did not transmit the communication to his Government.

What!

M. Viviani knew nothing before this day of the procedure undertaken by the Wilhelmstrasse at the Ballplatz, of which, none the less, the ambassador of France at Vienna talked with his English colleague, and to which M. Jules Cambon (French ambassador at Berlin) made certain allusions, though in disabliging terms.

What!

M. Viviani received yesterday the English note from the hands of Sir Francis Bertie, and he put off until to-day, "pledging instantly M. Sazonoff to give at once his adhesion to the proposition of Sir Edward Grey, of which on his side he had been fully informed.

What!

Again, has not M. Viviani "on his side" been informed of the last formula of M. Sazonoff intended to make weight yesterday at Paris against the effect of the first formula of Grey of the day before yesterday?

The Russian minister telegraphed its text to Izvolski (Russian ambassador at Paris).

And is M. Viviani unaware at the moment he addresses himself to-day to M. Sazonoff of the miserable caricature his colleague has already drawn of the text "of which he must have been informed on his side"?

XVI.—WAR HYSTERIA.

The dispatch of the *Quai d'Orsay* reveals, in the choice of the hour for sending it, a profound diplomatic duplicity and is in itself, for another reason conspicuously, an insulting comedy.

M. Viviani knows, when he decides to do it, that M. Sazonoff has driven the diplomats from the scene of the intrigue. All the "recommendations" possible are hypocritical or belated superfluities. The period of diplomacy is at an end.

Russia has established a state of war with Germany.

The measure of the duplicity of the French Government affirms itself moreover and gives itself away the moment M. Viviani—having taken the step advised by the Foreign Office and of which he apprises it—turns again to France and explains himself to her.

These explanations have military objects in view like those of the department of war. They tend, with other expedients of a psychological nature, to convert—thanks to that state of hallucination, collective and complacent, foreseen by Bismarck, Ribot, and Poincaré—every Balkan-Russian conflict, every Austro-Russian conflict, every Turco-Russian conflict into a quarrel of Germany with France.

Monsieur Viviani, who wishes, as he will say at the end of the war, that France refrain from "fighting for something in doubt," who wishes his "soldier citizens" to know why they are fighting, recites to-day a page of that eternal catechism with which the state, at the dawn of every war, assumes that it is exclusively in the right and places all the blame on the other side and proves to a people which has no reason to make war that it has every reason to slaughter and be slaughtered.

Luckier than the Russian mujiks of the Czar, the soldier citizens will know to-morrow why they go forth to die.

Hail, Viviani!—being about to die, they salute you!

XVII.—MOBILIZATION ORDERS.

Belgrade: July 25, 2 p. m.

Vienna—partial: July 25, 8.30 p. m.

St. Petersburg—partial: July 29, 8.30 p. m.

St. Petersburg—general: July 30, 5 p. m.

Vienna—called general, but really supplementary: July 31, 11.30 a. m.

Paris: August 1, 3.40 p. m.

Berlin: August 1, 4 p. m.

London (fleet): August 2, 1.25 a. m.

London (expeditionary corps): August 3, 11 a. m.

PENSIONS AND INCREASE OF PENSIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 5) granting pensions and increase of pensions to certain soldiers and sailors of the Civil and Mexican Wars and to certain widows, former widows, minor children, and helpless children of said soldiers and sailors, and to widows of the War of 1812, and to certain Indian war veterans and widows and to certain Spanish War soldiers, and certain maimed soldiers, and for other purposes.

Mr. DIAL. Mr. President, when we adjourned on Friday I was discussing some amendments to this bill. In fact, I had offered several amendments which were voted down. I was attempting to hold down the amounts of pensions to be paid able-bodied soldiers of the Civil War and to increase pensions to be paid to disabled soldiers of the Spanish-American War. It seems that that proposition did not receive any favor at the hands of the Senate.

I can not understand why this Government should discriminate between the veterans of different wars. There is nothing too good for a Government to do for its wounded or disabled of any war and their dependents; but to my mind it is a wrong policy to increase pensions to be paid to the able-bodied soldiers of the Civil War. The peak of those payments should have been reached before this.

There are various other inequalities in this proposed act. I want to renew some of my efforts to see if the Senate now cares to equalize these payments on a more equitable basis, and whether or not Senators have any sympathy whatever for the taxpayers of this country.

I was asked on Friday, just before we adjourned, if I thought the President of the United States would veto this bill if it were passed, and I replied to that question at that time. I want to reply further to it now by saying that if Congress would do its duty there would be no necessity for the President of the United States to veto a bill. I am one legislator who believes that each branch of the Government, and every individual of the Government, ought to assume its and his own responsibility, and not pass it on to some one else. I detest the practice of avoiding responsibility, of shirking responsibility, and letting some one else assume a responsibility and perform a duty which the people elected us to perform. As I said the other day, it was thought a long time ago that there would be no more requests along this line. Now I want to appeal to the fairness of the Senate, and to urge the Senate not now to put an additional burden of \$22 per month on the people in favor of able-bodied Union soldiers of the Civil War.

I desire to move to amend, on page 1, line 3, after the word "any," by inserting the words "indigent or incapacitated."

I hope the Senate will understand this amendment. At present these able-bodied soldiers of the Civil War are drawing pensions of \$50 a month. In the name of common honesty and fairness and right, is not that enough of a pension? Senators seem to think there is something about a Yankee pension that is sacred, or something about it that can not be spoken of above a whisper. How much more is it desired that they be paid? It is not a question of whether they are wounded and not a question of whether they are in straitened circumstances. They may be rolling in wealth for all we know, and no doubt many of them are. It is not necessary that they should have been in a battle, but simply for the name it is asked that we go ahead and increase what they are already drawing by \$22 a month. I trust Congress will not give that class of soldiers an increase. That has no reference to the injured or disabled. It applies merely to the able-bodied, sound soldiers.

Mr. BURSUM. Mr. President, it is evident that the amendment offered by the Senator from South Carolina is introduced in a spirit of levity and ridicule. The granting of pensions to the dependents of the country, to my mind, is a serious matter. The Senator has referred to the veterans as being possessed of no sacred cause. I say that the obligation of a government to its defenders, and to take care of them, is a sacred obligation, and the government that fails to take care of its defenders is not worthy of being defended. I hope this amendment will be defeated.

The Senator from South Carolina a day or two ago characterized this bill as a robbery. On Friday he proposed amendments to the bill which would have increased its cost by \$25,000,000.

Mr. DIAL. I did say, Mr. President, that this bill was legislative robbery so far as able-bodied Union soldiers are concerned, but the amendment I offered was not to pay the able-bodied soldiers but was to pay more to the Spanish-American War wounded and disabled soldiers who now draw much less than do the able-bodied soldiers of the Civil War.

Mr. BURSUM. The amendments offered by the Senator were precisely the same as the provisions contained in the bill. The elements of disability as to the Spanish War are identically the same with those of the Civil War. There is no difference. The service pension does not commence until the pensioner reaches the age of 68 years. The Spanish-American War soldier will receive just as much as the Civil War veteran receives when he arrives at the age of 68. There is no difference.

Mr. DIAL. I was speaking about the amounts they draw now.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from South Carolina. The amendment was rejected.

Mr. DIAL. On page 2, line 6, I move to strike out "\$72" and insert "\$51." That applies to the able-bodied Civil War soldiers.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Carolina.

The amendment was rejected.

Mr. DIAL. On page 2, line 16, before the word "years," I move to strike out the word "sixty" and to insert the word "sixty-six." The object of this amendment is to prevent an increase in the pensions of the widows of the Civil War veterans until they reach the age of 66 years. I have a schedule before me in the report on the bill, on page 14, of which is given some interesting information. It says:

Civil War widows now on the roll and the ages thereof.

There are 488 of the age of 42. It shows that those widows were not born until 17 years after the war.

Mr. BURSUM. Mr. President, of course the Senator understands that those widows are not affected by this bill. They are given no raise in the bill.

Mr. DIAL. If they are dependents, they get a raise under the bill.

Mr. BURSUM. No; they get no raise whatever.

Mr. DIAL. What age do they have to attain before they become entitled to a raise?

Mr. BURSUM. Sixty years; then they will get a raise of \$5.

Mr. FLETCHER. Do they get any pension under previous legislation?

Mr. BURSUM. This bill does not interfere with those who are on the roll.

Mr. FLETCHER. The Senator means they do not get any increase?

Mr. BURSUM. They get no increase whatever.

Mr. DIAL. I thought there was an increase for that class of widows.

The PRESIDING OFFICER. Does the Senator withdraw his amendment?

Mr. DIAL. I withdraw that amendment.

On page 6, section 5, line 10, after the word "marine," I desire to offer the amendment which I send to the desk.

The PRESIDING OFFICER. The Chair will state to the Senator from South Carolina that section 5 was an amendment, which was agreed to, and the vote by which it was agreed to will have to be reconsidered before this amendment can be offered.

Mr. DIAL. I gave notice the other day that I would move to reconsider the vote by which the amendment inserting section 5 was agreed to, and I now so move.

The PRESIDING OFFICER. Without objection the vote will be reconsidered.

Mr. DIAL. I now offer the amendment, the object of which is to put the widows of veterans of the Spanish-American War on an equality with widows of veterans of other wars.

The PRESIDING OFFICER. The Secretary will state the amendment to the amendment.

The READING CLERK. On page 6, line 10, in the amendment, after the word "marine," the Senator from South Carolina moves to insert the following proviso:

Provided, That the provision in this section shall apply to widows and dependents of those who served during the war with Spain and the Philippine insurrection, between April 1, 1898, and July 4, 1902.

Mr. BURSUM. I will say to the Senator that the section does apply to those. It not only applies to widows of the Spanish-American veterans, but it applies to widows of Civil

War veterans and those of veterans of the Regular Army. It makes uniform the allowance for children, allowing \$8 for each child, while under the present law there is a gross discrimination. The child of the veteran of the Regular Establishment receives \$2, the child of the Spanish War veteran receives \$4, the child of the Civil War veteran \$6, and the child of the World War veteran \$10. This would give the child of the veteran of any war \$8, so that the amendment proposed by the Senator from South Carolina would not be necessary.

Mr. DIAL. I do not so read the language, and I insist on my amendment.

The PRESIDING OFFICER. The question is upon the amendment offered by the Senator from South Carolina to the committee amendment.

The amendment to the amendment was rejected.

Mr. BURSUM. Before we leave section 5 there is one word in that section that I desire to have stricken out, the word "additional." Whether it might be construed as an additional allowance to the present allowance provided by law, I am not sure. I do not think that it would, but it might be better to cut out the word "additional." Therefore I move to strike out the word "additional" at the end of line 7 on page 6.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The READING CLERK. On page 6, line 7, before the word "allowance," strike out the word "additional," so as to read:

Shall be paid an allowance, etc.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The Chair inquires of the Senator from New Mexico if he desires to strike out the word "additional" in line 11?

Mr. BURSUM. I think so.

Mr. FESS. I am of the opinion that the word "additional" ought to come out in line 11.

Mr. BURSUM. Yes; to make it conform to line 7. I move that the word "additional" be stricken out in line 11.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. DIAL. I move to amend by striking out all of section 6 beginning in line 13, on page 6, down to line 12, on page 7.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. The Senator from South Carolina proposes to strike out lines 13 to 25, inclusive, on page 6, and lines 1 to 12, inclusive, on page 7, being the whole section 6.

Mr. DIAL. Mr. President, this section would bring in the militia of the different States. It occurs to me to be a very loose way to draw up a bill. There is nothing here to inform the Senate about how many people would be brought in under the provision of the bill. If we are to enact such legislation, we would have to go outside to find out how many would be covered, so far as the wording of the bill is concerned. It seems to me to be a very poor policy indeed to go back and bring in an entirely new class of pensioners. I do not see what possible claim a man has for a pension simply because he was on the list of a military company in his county or State, but rendered no service of consequence to the Government. We might just as well go out and pension everybody who was of military age and who lived in that zone. It seems to me that is the principle of pensions run mad, without any balance wheel at all, and without any view to the condition of the Treasury, and without any sympathy for the people who will have to pay the bill. It is entirely unnecessary, and unquestionably out of place.

The PRESIDING OFFICER. The question is upon the amendment offered by the Senator from South Carolina.

The amendment was rejected.

Mr. DIAL. On page 7, line 1, after the word "persons" I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. On page 7, line 1, after the word "persons" insert the following proviso:

Provided, That the provisions, limitations, and benefits of this act shall not apply to any officer or enlisted man who is an inmate of any national home for disabled volunteer soldiers.

Mr. DIAL. In all fairness I insist that the amendment ought to be agreed to. There is no ground of justice, no ground of humanity to justify coming here and claiming that soldiers who are confined in the homes supported by the Government, clothed, fed, and cared for in the most magnificent manner, soldiers who were not wounded at all, soldiers who are already drawing \$50 a month, men who are hale, hearty, and strong, should receive an increased pension of \$22 per month. If the amendment does not prevail I do not see that there is any use

to raise one's voice against any amount that is proposed to be appropriated for this or similar purposes. It seems to me Congress would just as well give them \$500 a month apiece or \$5,000 a month or just as much as his gall would permit any Senator to get up on the floor and propose to ask for them.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from South Carolina.

On a division the amendment was rejected.

Mr. DIAL. I move, on page 9, line 18, after the word "month," to strike out the balance of the section.

The PRESIDING OFFICER. Section 9 as an amendment, the present occupant of the chair is informed, has already been agreed to. It is necessary, therefore, to reconsider the vote by which the amendment was agreed to.

Mr. DIAL. I believe we voted on that Friday. I had overlooked that, and therefore withdraw my amendment. On page 10, section 10, line 9, after the word "roll," I move to strike out down to the word "who," on line 10, so as to read:

That from and after the passage of this act all persons now on the pension roll who, while in the military or naval service of the United States and in line of duty, shall have lost, etc.

Under this special bill, where we are increasing the amount of pensions, it is proposed to pass general legislation affecting wars hereafter. It occurs to me that the proposition was not well digested and carefully considered. Perhaps the words "and all persons hereafter granted a pension" ought not to be in this special act, or what is in the nature of a special act. I therefore move to strike out those words.

Mr. BURSUM. I call the attention of the Senator from South Carolina to the fact that no pension can be granted under section 10, to which the Senator has proposed an amendment, except on account of disability incurred in line of duty. It relates to maimed soldiers, those who have lost a foot or a leg or an arm.

Mr. DIAL. That is not the point I am making. I am making the point that this is legislating for future wars.

Mr. BURSUM. But suppose a veteran has made no application and is eligible and incurred the disability in line of duty, are we to debar him from making application at any time? That would be unjust.

Mr. DIAL. It would be anomalous if he had not already applied for a pension.

Mr. BURSUM. There may be many such cases.

Mr. DIAL. The war is over.

Mr. BURSUM. In no event can any pension be secured under section 7, except that the disability shall have been incurred in line of duty.

Mr. DIAL. It is legislation for future wars, and I do not think we ought to enact any such legislation.

Mr. BURSUM. It has nothing to do with future wars. It only applies to the wars of the past.

Mr. DIAL. I insist on the amendment.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from South Carolina.

The amendment was rejected.

Mr. DIAL. On page 11, line 8, after the word "act," I move to strike out down to and including the semicolon, on line 15, on line 15.

The PRESIDING OFFICER. The Secretary will report the amendment.

The READING CLERK. On page 11, line 8, after the word "act," strike out down to and including the semicolon, on line 15, in the following words:

and as to persons whose names are not now on the pension roll or who are not now in receipt of a pension under existing law, but who may be entitled to a pension under the provisions of this act, such pensions shall commence from the date of filing application therefor in the Bureau of Pensions after the approval of this act in such form as may be prescribed by the Secretary of the Interior.

The amendment was rejected.

Mr. KING. Mr. President, after the Senator from South Carolina [Mr. DIAL] has been in the Senate a few years longer he will discover that no matter what efforts he puts forth in the interest of economy or efficiency he will meet with defeat and his propositions will be treated apathetically if not derisively by many of his colleagues on both sides of the Chamber. He will meet with no encouragement in his patriotic efforts to reduce expenditure, diminish the number of bureaus and officeholders in the Federal Government. I can speak with some knowledge after my seven years' experience in this body. I confess that I have been disillusioned and do not look forward with any great confidence to the enactment of legislation that will effect these reforms in the public service or reduce the expenditures of the Federal Government. Candor

compels me to state that my own party is not as loyal to the principles of Democracy as it should be, and too often lends its support to ill-conceived measures promoted by Republicans and by persons and organizations hostile to a proper interpretation of the Constitution of the United States. There seems to be no landmarks to guide our course and no fixed and fundamental principles to which we give loyal and unyielding support.

Mr. President, Senators and Representatives have won their seats in the National Legislature by their eloquent defense of honest government, of economy in the administration of public affairs, and in unswerving devotion to the principles of Jefferson and Jackson. They have pledged their efforts to a rectification of the evils existing in the Government, but they have discovered, when victory has come to them and they have sought to apply their prelection pledges to the legislation and measures brought to their attention, that they were hopeless against the forces behind the same.

Mr. DIAL. Mr. President—

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from South Carolina?

Mr. DIAL. I desire to say to the Senator that I was not at all disappointed, for I remember the Biblical maxim that "He who expecteth nothing shall not be deceived."

Mr. KING. I am glad that the Senator from South Carolina is a student of the Bible and that he seeks to interpret many of its passages in a literal way. I can not quite vouch for the accuracy of his quotation, but I am sure the Senator appreciates the thought which the passage to which he refers seeks to elucidate. I am also sanguine that the longer the Senator serves in this body the more certain will be that if he expects through his efforts to secure legislative reform and economy and a reduction in the number of Federal bureaus and the personnel thereof, insuperable obstacles will defeat his purpose if they do not conquer his militant spirit.

But, Mr. President, speaking most seriously, I take this occasion to express my profound regret that both political parties are too indifferent to the burdens of taxation which have been placed upon the people and treat with too little concern measures which call for enormous appropriations, and regard too often with a superciliousness that might properly be denominated contempt the efforts of earnest and sincere persons who are fighting against the wave of extravagance which sweeps through Congress and inundates the land.

It is a rare thing for an appropriation bill to be reduced and an almost unprecedented thing for one to be defeated. Federal appropriations have increased several hundred per cent over those of 1916 and 1917, and there is nothing in the present situation or in the attitude of the Senate which augurs relief for the future or any progress in the direction of national economy or governmental efficiency. Unfortunately, Senators and Representatives or public officials who are working for a reduction in expenses of the General Government not only find no encouragement from the people but, generally speaking, they are the objects of criticism and oftentimes of cruel misrepresentation. When an appropriation measure is challenged those who are beneficiaries under its provisions arouse a hundred agencies and soon forces are unloosed which overwhelm all opposition to the measure.

There must be a change in public opinion before there will be a change in Congress. So long as the public are clamoring for enormous appropriations, oftentimes regardless of constitutional limitations, and so long as the success of public officials is measured by their ability to obtain money from the Federal Treasury, the evil of which I am speaking will continue and the appropriations of Congress will be augmented and the burden of taxation, of necessity, will be increased. When the people will fully realize that there must be taxation when there is appropriation, and when they feel the whip of the tax gatherer, there may be an awakening and a demand, a sincere and honest one, for economy in public affairs.

Mr. President, with the taxes of the people increasing in the States and political subdivisions of the States as well as in the Federal Government, with the most serious depression carrying the farmers to disaster, it would be supposed that the public conscience would be aroused against the abuse of the taxing power and the extravagant and indefensible appropriations made by the Federal and State Governments.

Unfortunately, there are too many who seem to believe that the cure for the financial and industrial ills from which the country suffers is to multiply the appropriations, increase the number of offices, multiply the number of office holders, and expand the functions and powers of both the Federal and the State Governments. It may be that some clear-thinking people, who appreciate the unwisdom of the present course of

both parties in the matter of taxation and appropriations and who comprehend the proper functions of government, will organize another party which will call the people back to safe and secure paths and to the adoption of policies which will protect individual rights, as well as the rights of the people to control their domestic affairs.

A government well conceived may become a Frankenstein and devour its supporters. Who shall say that it would not be of advantage to the people of the United States if a new party were organized, pledged to promote the interests of the people, to bring about economies and efficiency in the Federal and in the State Governments, and consecrated to the maintenance of the States and the protection of the people against the invasions of State and Federal Government—in other words, a constitutional party, a party that recognizes that the power is in the people, and that government may only exercise that authority which the people have conferred upon it?

I notice my good friend the Senator from Minnesota [Mr. JOHNSON] and understand that he is connected with a political party which contends that both of the great political parties of the United States have failed in their mission. If he and others will organize a party based upon secure foundation, upon a recognition of the rights of individuals, and pledged to a preservation of the rights of the States and the maintenance of our Government as designed by the fathers, then there will be many to wish him and his associates God-speed and success. The advent of a party so organized and with such a purpose would be acclaimed by many patriotic citizens of this Republic.

Mr. JOHNSON of Minnesota. Mr. President, will the Senator from Utah yield to me?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Minnesota?

Mr. KING. I yield.

Mr. JOHNSON of Minnesota. Will the Senator from Utah join such a new party if we shall organize one? [Laughter.]

Mr. KING. I must withhold any reply until I see a political party measuring up to the standards which I have indicated, but I can say with all frankness to the Senator that a political party organized upon rational and sane lines, devoted to the preservation of this Republic and to the preservation of the Constitution and to the maintenance of the States as indestructible sovereign entities and which recognizes the reserved rights of the people, and a party which demonstrates its competency to deal with the great political and economic problems of the hour, will, I am sure, receive accessions from both the Republican and Democratic Parties and will grow in power and influence. What its future might be no one can determine, but it is certain that many of the American people are dissatisfied with both political parties. There is a feeling in various parts of our country that existing political parties have deviated from the paths of safety and have failed to uphold the traditions and policies of the fathers of the Republic.

Mr. President, an examination of the appropriation bills, with their lavish expenditures, must produce a feeling of depression, a feeling that those charged with solemn responsibilities have not carefully guarded the interests of the people. It is but a few years ago that the expenses of the Federal Government were less than a billion dollars annually. For the next fiscal year they will, in my opinion, amount to between five and seven billions of dollars—that is to say, the direct appropriations—and the commitments which will be required to be met will approximate the figures I have stated. With the growing demands made upon the Federal Government, one is almost safe in predicting that we will never again see an annual Budget providing for less than \$5,000,000,000; and the spirit of depression, to which I have referred, will be strengthened if one examines the budgets of our States and their various political subdivisions. During the past five years their appropriations have increased from 167 to 300 per cent. The aggregate appropriations of the Federal and State Governments, including the appropriations made by counties, cities, and school districts, for the fiscal year 1924 will exceed, as I now recall the figures, \$10,000,000,000. This sum is so stupendous that the finite mind can scarcely grasp it. It would require the sale of all the property to be found within a number of States to discharge this huge tax burden, a burden which is imposed but for one year. And the spirit which now seems to animate legislative bodies as well as many of the people will compel an increase in these appropriations so that the burdens will annually become heavier upon the oppressed people of our country.

Senators have stated upon the floor of this body that agriculture is depressed, that farms are being sold for taxes, and that ruin and disaster threaten the greatest industry of our land. A few days ago, during the debate upon an agricultural bill, it

was stated that in one section of our country 40 per cent of the farms had been sold for taxes during the past year. Notwithstanding the evidences of depression, and notwithstanding the low wages received by the farmers and many classes of people in private employment, Congress aggravates the situation by the enormous appropriations which it almost daily makes, and by increasing the bureaus and Federal agencies which call for an increase personnel and millions of dollars to meet the annual charge for their maintenance.

Mr. DIAL. Mr. President—

Mr. KING. I yield to the Senator from South Carolina.

Mr. DIAL. The Senator does not mean to tell us that appropriations by Congress increase taxes on the people, does he?

Mr. KING. The philosophy of some able statesmen seems to be that the more we spend the less the taxes will be.

Mr. DIAL. I thought so.

Mr. KING. It is a beautiful faith to have, but unfortunately it runs counter to human experience and to the hard facts of life. Of course, we can appropriate as Russia and Germany did, and issue paper money until astronomical figures are reached. When in Moscow a few months ago I discovered that the ruble had so little value that it could be said that it was practically worthless. A pair of shoes, as I recall, cost several trillion rubles, and no one but a billionaire (measured by rubles) could afford to visit the barber. I recall that a distinguished Senator stated quite recently, when the inquiry was made "where was the money to come from to meet the colossal expenditures of the Government," that "we can set the printing presses to work." I suppose, Mr. President, we can be relieved of taxation by setting the printing presses to work. I commend this statement of the distinguished Senator to my Democratic brethren, as well as to my Republican friends, who give their support to what I believe to be unnecessary and extravagant appropriation bills that are brought before this body for consideration. Of course, such a policy would bring to our country the chaos and destruction that have overtaken the industrial and economic life of European nations who have refused to balance their budgets and have carried socialistic heresies and paternalistic policies into their legislative program.

Mr. President, we need to-day leaders who will compel the people to return to the ways of sanity and safety, who will expose the heresies and fantastic measures which receive so much support but which will eventuate, if continued, in national ruin. Mr. President, we have imported into our land and fastened upon the people a monarchical policy—that of bounties and pensions for an army constantly increasing, with appetites insatiable. In the kingly governments of the past the many toiled to furnish pensions and bounties and largesses for the great army of officeholders and courtiers that infested the land and devoured the substance of the people.

But it is not my intention, Mr. President, to pursue this subject further. I rose merely to present to the Senate a few figures which I hastily compiled this morning in view of the pension bill which is now before us.

Up to December 31 of last year we had disbursed in military pensions more than \$6,606,000,000. More than \$6,000,000,000 of this huge sum was disbursed to pensioners of the Civil War.

In 1866 the total appropriations for pensions were only \$15,000,000, but in 1923 they were \$265,000,000.

The maximum number of pensioners on the rolls was reached in 1902, when the number was 909,446—but 554 less than 1,000,000.

Senators will recall the words of Mr. Garfield when he stated that the aggregate amount called for by way of pensions for soldiers of the Civil War never would exceed \$27,000,000 per annum, and that when that sum was reached the tide would speedily recede. In the 20 years since that time—that is, since 1902—the number of Civil War pensioners has decreased nearly one-half, but the appropriations have nearly doubled in amount, so that upon a per capita basis the average disbursement to each pensioner at the present time is four times as great as obtained 20 years ago. The pending bill, upon the estimates furnished by the Secretary of the Interior, will cause the additional expenditure for 1925 of at least \$55,000,000. Mr. President, I insist that a careful analysis of the bill before us, and an accurate computation of the accretions to the pension appropriation as a result of it, will prove the total to be nearer \$75,000,000 than \$55,000,000. This amounts to more than \$100 per capita for the 539,756 pensioners carried on the pension rolls at the close of the year 1923.

Of the persons carried on the pension rolls at this time, 257,000 are widows of Civil War veterans. It has been practically 60 years since the close of the Civil War. We are told that the average age of Civil War veterans carried on the pension rolls

is 904 years. Of the 237,000 widows on the rolls, only 137,000 are over 75 years of age, which leaves 220,000 who are under 75 years of age; and 197,000 of these widows are 70 years of age and over, which leaves 60,000 of them who were not more than mere children at the close of the Civil War, and many thousands who were born since the Civil War.

The pension laws allow a pensionable status to a widow who married a soldier 50 years after the war, at a time when the soldier could not have been less than 70 years of age, and when, it is claimed by many who oppose pensions, the only purpose of marrying such a soldier on the part of the woman concerned would be to create for herself a pensionable status, and to fasten herself upon the pension rolls in order to receive a bounty from the Government.

In this connection I call attention to the veto of a bill passed by the Senate at the last session of Congress. Its provisions were, with one or two exceptions, substantially the bill now before us. The bill passed the House and Senate and was sent to President Harding, who returned it to the Senate. In his veto message he said:

I am returning herewith Senate 3275, an act granting pensions to certain soldiers, sailors, and marines of the Civil War, etc., without my approval.

If the act were limited to its provisions in behalf of the surviving participants in the Mexican and Civil Wars and widows of the War of 1812, it would still be without ample justification.

The Commissioner of Pensions estimates its additional cost to the Treasury to be about \$108,000,000 annually, and I venture the prediction that with such a precedent established the ultimate pension outlay in the half century before us will exceed \$50,000,000,000.

Mr. President, may I pause to call attention to a statement made by the Senator from Idaho [Mr. BORAH], at the last session of Congress, in discussing the question of the cost of the pension and bonus policy of the United States. As I recall his statement (and I am speaking only from memory), it was to this effect; that within the next 50 years we would be compelled to pay in pensions, bounties, and bonuses \$75,000,000,000. I have had a number of persons make computations, and have done some little figuring myself.

I have no doubt that the statement made by President Harding that there would be a pension outlay of more than \$50,000,000,000 during the next half century is within the limits of certainty. Indeed, I believe that if the Government pursues its present policy it will during the next 50 years appropriate \$75,000,000,000 as military or naval pensions and bonuses.

We will pass within a few days a so-called bonus bill that will impose upon the country a charge of between four and five billions of dollars, or perhaps more. It is impossible to determine the amount accurately. That will be only the beginning of the pensions and charges upon the Government that will result and will be met during the next 50 to 75 years.

Mr. COPELAND. Mr. President—

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from New York?

Mr. KING. I yield.

Mr. COPELAND. I trust that the figures which the Senator is giving for the pensions are more accurate than those he has just suggested for the bonus.

Mr. KING. Mr. President, I will not go to the Senator from New York for accuracy in regard to figures upon the bonus. He has exhibited such an optimism in his position upon this question, and without reason, that I should distrust any figures which he submitted in regard to the bonus. It might be wise if the Senator would diagnose this matter as he would diagnose the ailments of his patients; then he would be a little more accurate. Perhaps, not knowing his patients, I may not be speaking correctly there.

Mr. President, various figures have been submitted in regard to the bonus. I shall not pause to discuss them now, because that matter is not before us; but I have no doubt that during the next half century there will be charges upon the Treasury of the United States of more than the \$50,000,000,000, as indicated by President Harding. We talk about the expenses of the war being over. We have scarcely commenced to pay the burdens of the great World War.

I pause at this point to inquire how we can expect relief for the farmers and the American people if we persist in extravagant appropriations—five and six and seven billions of dollars a year for Federal expenditures and from five to ten billions of dollars a year to meet the expenditures of the States.

Mr. President, all of the savings of all of the people of the United States will scarcely meet the appropriations of the National and State Governments. If by taxation the savings of

the people are consumed, there will be no capital for investment, and without capital for investment we will have no railroads, no factories, none of those enterprises which are essential to the material welfare and prosperity of the country. How can the farmers of the United States, with their limited earnings—most of them earning less than \$800 per annum—expect any relief if we persist in these enormous appropriations which press as heavy burdens upon them and upon the country?

But I shall return to the figures which I was submitting.

There are Civil War widows on the rolls to-day who are only 42 years of age. Many have said there is no moral reason why the Government should keep or maintain or contribute to the maintenance of those who marry a soldier after he is 60 years of age. I make no comment upon that matter. Such widows, it has been said by many, have no claim on the Government—at least no more than the hundreds of thousands of widows in the civil population of the country. Thousands of special bills are introduced at every session of Congress to pension widows who are the relicts of men who were not soldiers, but who in their widowhood have married old soldiers upward of 70 years of age. Such individuals, some may think, have no valid claim upon the Government; but the burden of military pensions, great as it has been and increasing as it will, is only the beginning of the burdens which are being projected upon the Government for the maintenance of persons who render the Government no military service.

We have passed a civil-service retirement law, and within the three years the law has been in operation nearly 10,000 persons have been retired upon annuities. On December 31, 1923, there were 544,671 persons in the classified civil service, all of whom are potentially eligible for retirement on annuities. That is, if they continue in the service until 55 years of age they will be eligible for retirement. The propaganda for retirement of civil servants is increasing, and the ambitious plans of these propagandists comprehend the retirement of all civil employees, both of the State and the Federal Governments. The census of 1920 reported 770,460 persons in public service under the classifications of firemen, guards, watchmen, doorkeepers, garbage men, scavengers, laborers, marshals, sheriffs, constables, detectives, probationary officers, truant officers, inspectors, postmasters, policemen, soldiers, sailors, marines, life-savers, lighthouse keepers, and other public officials. This total only includes the number of persons coming within the aforesaid classifications. It does not include the vast number of clerical and professional employees in the public service. The number of teachers in the schools was reported by the census of 1920 as numbering 761,793. These are not included in the census figures for the public service given as 770,460. The sum of these two items is 1,532,223. These specifications are not all inclusive. The National Industrial Conference Board of New York in its research report No. 61, published in October, 1923, estimated that there was a grand total of approximately 2,700,000 public servants for the entire country, and that the combined pay roll of salaries for the employees of Federal, State, and local governments approximates \$3,500,000,000 annually.

In the same report it is estimated that the number of persons on public pension rolls and retirement rolls amounts to 670,600 and are the beneficiaries of an annual public outlay of \$323,000,000. On this basis it is estimated that the aggregate number of active and inactive persons on Government pay, pension, and retirement rolls numbers close to 3,400,000 carried at an annual cost to the Government of \$3,800,000,000. The potential pensions in this situation are so great as to be beyond ready comprehension. It is claimed that now 1 person in every 12, 16 years of age or over, is on some public pay, pension, or retirement roll. The number of persons who filed income-tax returns in 1921 was 6,662,170, but of these there were only 3,589,985 who reported net or taxable income and who were income taxpayers in the proper sense. The meaning of all this is that for every person who pays an income tax there is another person who is on some public pay, pension, or retirement roll. It may be said, therefore, Mr. President, that there is a tax eater for every taxpayer to the Federal Government.

An unparalleled example of Government waste and extravagance has been disclosed in the investigations which have been made of the Veterans' Bureau and its predecessor, the Bureau of War Risk Insurance. The lack of effectiveness in the relief measures which have been voted by Congress has been appalling. For every dollar the Government spends but relatively few cents reach the object for which the moneys are voted. Appropriations for the relief of the veterans of the late war, voted and supplied by Congress up to the end of the fiscal year 1923, amounted to the aggregate of \$2,294,531,900.55. Claims for compensation in the total number of 980,286 at the end of the fiscal year had been filed. The appropriations amount to

\$2,400 for every claim that has been filed. The number of claims that have been allowed is 446,115. The appropriations made by Congress amount to \$5,000 for each claim that has been allowed. The veterans who have received compensation and other benefits may know, each for himself, as to what part of the \$5,000 expended out of public funds for his benefit has been of real benefit to him.

How much was lost through the inefficiency and the waste and extravagance of the bureaus and departments of the Government charged with this important responsibility?

The expenditures of the Veterans' Bureau for the fiscal year 1923 were \$447,648,639. The active disability and death awards on June 30, 1923, were 238,424, and the expenditures for the fiscal year amount to \$1,900 per capita when referred to the active disability and death claims. The average disability payments per month are \$37.15 per capita; the average death payments per month are \$25.65 per capita; the average payment per month is \$31.40, and the average per year \$376.80. The disabled veterans and the dependents of those who are dead accordingly receive an average of \$376.80 per annum of money out of the \$1,900 per capita which is expended by the bureau. The employees of the Veterans' Bureau at the end of the last fiscal year numbered 27,690, which means that there is one employee of one description or another for every eight men who are drawing compensation or whose dependents are receiving relief from the Government.

The average payment for each beneficiary is \$376.80 per year. The average salary to employees is five times this sum. The picture is not overdrawn in this statement, and I have merely brought out the salient points which must be considered if we are to have a true visualization of the situation.

The appropriations made by Congress for the fiscal year 1923 were allocated as follows:

Insurance	\$13,235,000.00
Compensation	160,000,000.00
Rehabilitation	140,409,188.80
Soldiers and sailors' civil relief	25,000.00
	<hr/> 319,669,188.80
Salaries	88,984,454.65
Expenses	4,013,480.00
Medical services	66,331,680.00
Hospital construction	350,000.00
	<hr/> 105,680,134.65

I have already observed that the average award for disability being paid veterans of the World War is \$37.15 per month. Veterans of the Civil War are now the beneficiaries of the service pension law which grants \$50 per month, and every veteran of the Civil War who has any service claim upon the Government is on the pension rolls at \$50 per month. The promise was made when the service pension law was enacted that no further demands for pension legislation on behalf of the veterans of the Civil War would be made; but demands are being made. The pending bill proposes to raise the service pensions to \$72 per month.

There are many men on the farms of this country whose cash income does not come to \$600 per year, but who toil in the summer sun for a mere existence and do not turn to the Government to piece out or replenish their meager means of life and shelter. It is one of the vices of American life that too many of the people have come to look upon the Government as a bountiful guardian, rich beyond the possibility of exhaustion, to whom they may turn for advancements and bounties and support.

I have no doubt, if we are to pursue the policies which seem now to be guiding legislation and determining the conduct of public officials, the public conscience will be so vitiated in a few years that Congress will be importuned to pass pension bills reaching every individual in every part of the United States. They will say, "If the Nation is to be taxed to pay four or five million civil service and military pensioners and those who have been connected with the Government in various ways, why should not the Government pension the aged and the infirm, who have given the best of their lives in the development of their country?"

Mr. President, it is a manifestation of this spirit that perhaps 80 per cent of the bills introduced in Congress are designed to obtain money out of the Treasury for private individuals or for private purposes. Private pension bills by the thousand, private relief bills by the thousand, local bills, and other private measures crowd the calendars of the various committees of both Houses of Congress. It is difficult, in all this confusion, to find or consider the few measures which are conceived or proposed for the promotion of the public welfare.

We are so lost in the conflicting maze of private measures that the interests of the public are too often obscured and too often forgotten by the people.

A few moments ago I was calling attention to the veto message of President Harding. Let me say that the substantial provisions of the bill which is now before us were embodied in Senate bill 3275, which was passed at the last session of Congress and which was vetoed by Mr. Harding. I continue reading from the message which he sent to the Senate:

The act makes no pretense of new consideration for the needy or dependent, no new generosity for the veteran wards of the Nation; it is an outright bestowal upon the Government's pension roll, with a heedlessness for the Government's financial problems which is a discouragement to every effort to reduce expenditure and thereby relieve the Federal burdens of taxation.

I wonder what the views of men who thought as President Harding did with respect to this measure must be when they contemplate the present calendar and the legislation which is now projected, which would impose burdens upon the Government so much greater than those that were in contemplation when President Harding sent to the Senate the message from which I have just read.

Of course the bill will pass, as all pension and appropriation measures do. It is unwise to intrude one's self in opposition to pension bills or to appropriation bills. One thing is certain, that with public sentiment to-day, with the attitude of public officials, we are to increase taxes and we are going to increase expenditures. In my judgment the number of new bureaus that will be created during this session of Congress will be great, and the number of officials and employees of the Federal Government added to the pay roll of the Government will number thousands.

Mr. President, opposition to this bill will be futile. I feel sure that many Senators are not satisfied with it and deplore the policy which we are pursuing. The opponents of appropriation bills do not add to their popularity in the Senate and their motives are misunderstood by the people. It were well if the interests of all the people were the object of deep concern by legislators, not the interests of classes or sections. This session of Congress should be devoted to the passage of measures to reduce taxes, not to increase them, but the tide sweeping through Congress is freighted with demands for larger appropriations and we are caught within its all-embracing arms, apparently powerless to resist. Learned men, historians, and publicists of the highest repute see in nations only the seeds of dissolution. They are predicting that notwithstanding the discoveries of science and the advancement recorded in modern times the civilized nations of to-day have practically reached their zenith and will fade away as powerful nations of the past have perished. Certain it is that if this Nation is indifferent to the causes which have led to national decadence in the past, it can have no assurance of a different fate. I appeal to Senators to restrict the Federal Government to its proper functions, to effectuate reforms in all of its departments, to relieve the people of the burdens of taxation which promote industrial servitude, and to compel the utmost economy in every executive branch of the Government.

Mr. WILLIS. Mr. President, it would be interesting if time permitted and the occasion demanded to give some consideration to the rather lugubrious prophecies that have just been made by the able junior Senator from Utah [Mr. KING]. However, I do not rise for that purpose, but merely to call attention particularly to some matters that are of immediate concern in the consideration of the bill which is before the Senate in so far as the veto message of the late President Harding relates to the bill.

The Senator from Utah read a portion of that message. I do not blame him for not reading the rest of it, because it certainly would not have borne out the contention which he was making to the Senate. So I propose to read the rest of the message, or that portion of it at any rate that appertains to the matter in hand. Beginning where the Senator from Utah left off in the reading of the veto message of the late President Harding, I read. This is a veto message that related to a bill which has been denominated several times as the same bill as the one now before the Senate. Beginning at the point where the Senator from Utah ceased reading, I read as follows from the veto message of the late President Harding:

The more particular objection to this act, however, lies in its loose provision for pensioning widows. The existing law makes the widow of a Civil War veteran eligible to a pension if she married him prior to June 27, 1905. In other words, marriage within 40

years of the end of the Civil War gives a veterans' widow a good title to a pension. The act returned herewith extends the marriage period specifically to June 7, 1915, and provides that after that date any marriage or cohabitation for two years prior to a veteran's death shall make the widow the beneficiary of a pension at \$50 per month for the remainder of her life. In view of the fact that this same bill makes provision for pensions for widows of the veterans of the War of 1812, the possible burden of this sweeping provision seems worthy of serious consideration. Frankly, I do not recognize any public obligation to pension women who now, nearly 60 years after the Civil War, become the wives of that war.

The Government has so many defenders to whom generous treatment is due that Congress will find it necessary to consider all phases of our obligations when making provision for any one group.

The compensation paid to the widows of World War veterans, those who shared the shock and sorrows of the conflict, amounts to \$24 per month. It would be indefensible to insist on that limitation upon actual war widows, if we are to pay \$600 per year to widows who marry veterans 60 years after the Civil War.

Now, I have read that in the first place to keep the RECORD straight, and, in the second place, to point out the fact that the specific objections that were set forth by the late President Harding against the bill then before him for his signature do not at all apply to the pending bill. The first objection set forth was the one which was read by the Senator from Utah, where the President called attention to the fact that the bill then before him contemplated an additional expenditure of \$108,000,000. The pending bill contemplates an expenditure of about one-half of that amount and therefore the specific objection there made does not lie.

The second objection, as is well known, was the important one, and the one which the then President stressed in his message, to wit, the fact that the bill that had passed the House and the Senate contained the very unusual and, I think, indefensible provision that is referred to by him in that portion of the language reading as follows:

The act returned herewith extends the marriage period specifically to June 7, 1915, and provides that after that date any marriage or cohabitation for two years prior to a veteran's death shall make the widow the beneficiary of a pension at \$50 per month for the remainder of her life.

That was the thing the President stressed in his veto message, the fact that it was really against good morals and public policy to provide a pension for a woman who had been married to a soldier only two years prior to his death or who for two years prior to his death had cohabited with him; in other words, recognizing by granting pensionable status a mere common-law marriage. That was the thing the President said, and it is to be specifically noticed that that provision is not in the pending bill. So it will not do to urge the veto message of the late President Harding as against the bill, because the specific thing to which he most strongly objected is omitted from this measure.

He objected also to the fact that the former bill provided that the period of marriage should have been prior to June 7, 1915. The present bill does not so provide. It leaves that as it is in the pending law, June 27, 1905.

The third objection that he made was that the provision was unfair as between the widows of soldiers of the Civil War and the widows of Spanish War veterans. One specific purpose of the present bill is to eliminate that unfairness and to place those worthy veterans of the Civil War and the Spanish-American War, their widows and dependents, upon an equitable basis.

I thought we ought not to go to a vote upon the bill without having it pointed out definitely that the reasons that led President Harding to veto the bill before do not apply in this case, because the things to which objection was made by him have been omitted from the pending bill. I think it is a good measure and that it ought to be passed.

VALIDATION OF PAYMENT OF COMMUTATION OF QUARTERS, ETC.

Mr. KING. Mr. President, we passed on Friday a bill introduced by the Senator from New York [Mr. WADSWORTH], the bill (S. 2299) to validate the payment of commutation of quarters, heat, and light under the act of April 16, 1918, and of rental and subsistence allowances under the act of June 10, 1922, and for other purposes. I desire to enter a motion to reconsider the vote by which that bill was passed and at the same time move that the House be requested to return the bill to the Senate. I shall not take the time to explain the reasons. I have briefly spoken to the Senator from New York on the subject.

Mr. WADSWORTH. I have no objection to the purpose which the Senator from Utah has in mind. I am wondering just what is the parliamentary situation, and may I ask the Chair to enlighten us. Has the bill been messaged to the House?

Mr. KING. I understand that it has been.

The PRESIDING OFFICER. The present occupant of the chair is advised that the papers have been sent to the House.

Mr. WADSWORTH. Then upon their return a motion to reconsider will be in order.

Mr. KING. Yes; but I must enter the motion at this time under the rule. Rule 13 requires that I shall enter the motion, which I do.

The PRESIDING OFFICER. Without objection, the House will be requested to return the bill to the Senate, and the motion to reconsider will be entered.

PROHIBITION ENFORCEMENT.

Mr. EDGE. Mr. President, I desire unanimous consent to have inserted in the RECORD a letter addressed to me by Mr. Samuel Gompers, president of the American Federation of Labor, defining the position of the federation on the provisions of the Volstead law.

The PRESIDENT pro tempore. Without objection, the letter will be received and printed in the RECORD.

The matter referred to is here printed, as follows:

AMERICAN FEDERATION OF LABOR.

Washington, D. C., March 27, 1924.

SIR: The American Federation of Labor contends that the Volstead Act should be modified for the reason that it does not carry out the intent of the eighteenth amendment, which prohibits the manufacture, transportation, and sale of intoxicating beverages.

The 1919 convention of the American Federation of Labor adopted the following resolution:

"The American Federation of Labor, in convention assembled in Atlantic City, expresses its disapproval of war-time prohibition, and directs that a strong protest from the delegates at this convention be forwarded to the Government at Washington, setting forth, in a most emphatic manner, the opinion of the delegates to this convention, that the present mild beers of 23 per cent alcohol, by weight, should be exempted from the provisions of the eighteenth amendment to the Constitution, and also from the provision of the war prohibition measure."

The president and executive council of the American Federation of Labor were directed to convey these expressions to the President of the United States and to the Congress. The convention ordered an adjournment for Saturday, June 14 (Flag Day), to permit the delegates to accompany the president of the American Federation of Labor and executive council to Washington to present the resolutions to the Judiciary Committee of the House of Representatives.

In 1921 the convention of the American Federation of Labor declared:

"The American Federation of Labor is in favor of a modification of the Volstead Act to permit the manufacture and sale of a national beverage of wholesome beer."

Following this action the executive council on February 25, 1922, issued an address to the American people, after an exhaustive investigation of the effects of the Volstead Act. It was shown by this investigation that there had been:

A general disregard of the law among all classes of people, including those who made the law.

Creation of thousands of moonshiners among both country and city dwellers.

The creation of an army of bootleggers.

An amazing increase in the traffic in poisons and deadly concoctions and drugs.

An increased rate of insanity, blindness, and crime among the users of these concoctions and drugs.

Increase in taxes to city, State, and National Governments amounting to approximately \$1,000,000,000 per year.

The executive council also said:

"We seek no violation of the eighteenth amendment, but, on the contrary, we declare for a reasonable interpretation of that amendment in order that the law may be enforceable and enforced, and in order that the people of our country may not suffer from an unjust and fanatical interpretation of the Constitution."

The convention of the American Federation of Labor held in Portland, Oreg., October, 1923, approved the declarations of the executive council and also adopted the following:

"The American Federation of Labor has gone clearly on record as being in favor of such modification of the existing law as will permit the manufacture and vending of wholesome beer and light wines. That we may correct an impression which has sought to be created by the advocates of the Volstead Act, that

the action of the American Federation of Labor was not a fair statement of the attitude of the organized labor bodies affiliated with the American Federation of Labor, this convention votes its reaffirmation of the action of former conventions dealing with this subject, giving approval at the same time to the statements made in the circular sent out by the executive committee of the nonpartisan political campaign committee, in order that there may be no misunderstanding as to the position of the American Federation of Labor on this important and vital question.

"It is our belief that the efforts at enforcement of the Volstead Act have produced results that in themselves are so far from being what was promised or reasonably expected might follow the adoption of the eighteenth amendment that we feel warranted in saying that the reasonable modification now asked for and a rational enforcement of the eighteenth amendment will bring relief greatly sought by the people. The fact is that the open saloon has been supplanted by the 'speak-easy,' and that instead of licensed vendors of liquor, who carried on their business under strict surveillance and regulation by law, we now have an unnumbered multitude of bootleggers, who dispense their vile and poisonous liquors in secrecy, to the great detriment of the health and morality of the people. The presence of this nefarious traffic has brought with it a great host of so-called law-enforcement officers, many of whom have not hesitated to set aside or ignore all other laws in their zeal to enforce the one law in which they have interest.

"Between the lawless vender of forbidden liquor on the one side, and the lawless enforcement officer on the other, the public has suffered irreparable damage because of the consequent and inestimable diminution of regard for any law. We believe that this condition may be remedied by giving a more reasonable interpretation of the eighteenth amendment to the Constitution of the United States than is contained in the so-called Volstead Act, and the executive council through its legislative committee is directed to use all reasonable efforts to bring about such modification of this statute as will have the effect of giving to the people wholesome beverage in lieu of the flood of 'moonshine' that now poisons those who are foolish enough to consume it, and which encourages the illicit traffic and the irrational efforts to suppress that traffic, which has brought so much confusion into our national, political, and social life."

As there has been much misrepresentation of the attitude of the American Federation of Labor I hope you will be kind enough to place the above in the CONGRESSIONAL RECORD.

Very respectfully yours,

SAML. GOMPERS,
President American Federation of Labor.

HON. WALTER E. EDGE,
Senate Office Building, Washington, D. C.

THEODORE ROOSEVELT, ASSISTANT SECRETARY OF THE NAVY.

Mr. WADSWORTH. Mr. President, I notice that another sniper has raised his rifle above the political trenches to take a shot at a member of the administration. I refer to a resolution introduced to-day reciting some preambles and ending up with the provision and to the effect that the President should "be, and he is hereby, requested to ask for the resignation of Mr. Theodore Roosevelt as Assistant Secretary of the Navy."

There are one or two matters referred to in the preamble of the resolution that I want to mention very briefly. The first paragraph reads:

Whereas Theodore Roosevelt, Assistant Secretary of the Navy, was a director of the Sinclair Oil Co. previous to his entrance into the Government service.

The author of the resolution is exceedingly careful, apparently, to refrain from giving the details and the dates having to do with Mr. Roosevelt's former connection with the Sinclair Oil Co. The fact of the matter is that Mr. Roosevelt was one of a number of bankers or investment bankers who joined in the underwriting of the Sinclair Oil Co. some years before the World War, and when the company was formed he, along with others who had joined in the underwriting, accepted directorships in it. He resigned as a director of that company in 1917, before going into the service. The service he went into was the military service in the war against Germany, in which he took part in some of the most severe battles waged in France, was severely gassed and wounded, and made for himself a name, as I happen to know from conversations with officers in France immediately following the war, as one of the most distinguished combat battalion leaders in the entire American Expeditionary Force.

That is the nature of the service which he entered after separating himself from the Sinclair Oil Co. as a director.

The second paragraph of the preamble to the resolution relates that—

He personally carried the Executive order to the White House for the President to sign, which order transferred the control of the naval oil reserves from the Secretary of the Navy to the Secretary of the Interior.

Mr. President, I think the facts should be laid before the Senate at the first possible moment, and I take this occasion to do so, because I understand perfectly the motive of the introducer of this resolution. I think I can best lay the facts before the Senate by asking the Secretary to read a letter addressed by the Assistant Secretary of the Navy to a friend of his, the Hon. William W. Campbell, a member of the New York State Senate at Albany. The letter is dated February 15, 1924. It describes with great exactitude Mr. Roosevelt's connection with the order transferring the jurisdiction over the naval oil reserves from the Navy Department to the Interior Department.

I may also say that the letter states what I have already attempted to state, Mr. Roosevelt's former connection with the Sinclair Oil Co. I ask that the Secretary read the letter.

The PRESIDENT pro tempore. The Secretary will read as requested.

The reading clerk read as follows:

THE ASSISTANT SECRETARY OF THE NAVY,
Washington, D. C., February 15, 1924.

MY DEAR SENATOR: I have just received your letter of February 11. Thank you so much for it.

My connection with the oil leases is, briefly, as follows: Shortly after President Harding's induction into office Secretary Denby sent me a copy of a proposed Executive order transferring the naval oil reserves to the Department of the Interior, without recourse. He sent at the same time a copy to the Bureau of Engineering. After getting my copy of the order I asked Admiral Griffin, who was then chief of that bureau and who had the oil under his particular care, to talk it over with me. I knew very little of the matter, but Griffin felt very strongly that this transfer would be a mistake. After thinking the matter over I decided he was probably right. My grounds for coming to this conclusion were that the Interior Department has as its general mission the development of the resources of the United States; whereas the oil lands belonging to the Navy should not be developed except in a case of real necessity, and that therefore there would be a conflict of ideas. I went to the Secretary and urged that the lands be not transferred to the Interior Department. He informed me that my protest in the matter was made too late, because the transfer had already been agreed to by the President, Fall, and himself. After this I went back and discussed the entire situation with Griffin and certain other officers. It occurred to me that if we could get an amendment to the original order for transfer, making it necessary for the Interior Department to gain the consent of the Navy Department before any leasing or drilling was undertaken, we could guard the lands against improper exploitation. A number of amendments with this end in view were submitted to me. I took them to the Secretary and discussed them with him. After considerable discussion he agreed to a modified form of one of them. He told me to take it to Secretary Fall, and that if I could get him to agree to this amendment it would be all right with him. I took the amendment to Secretary Fall, who agreed to it. I then took it to the White House for signature. This amendment reads as follows:

"But no general policy as to drilling or reserving lands located in a naval reserve shall be changed or adopted except upon consultation and in cooperation with the Secretary or Acting Secretary of the Navy."

You can see that this reserves to the Navy supervision over the oil reserves. It was on account of this amendment that all of the leases under discussion by the Senate committee at this time were countersigned by Secretary Denby. They could not have been accomplished without the O. K. of this department.

At this point my active participation in the entire matter ceased. It so happened that I was not consulted on any of the oil leases. I did not know they were under contemplation until after they were signed. With reference to the Teapot Dome lease in particular, I did not know there was a plan on foot to lease Teapot Dome. I did not know Sinclair was interested in any of the leases. I heard of them only after they had been made known to the general public.

In so far as my connection with the Sinclair company goes, it is as follows: I was among the group of bankers who were interested in its original formation. I was a director of the company until the outbreak of the war in 1917, when I resigned. My last stock in the company was sold during the war, not later than 1918—I am inclined to think in 1917. My wife bought 1,000 shares of Sinclair stock, however, in 1920, but sold them at a loss some short time before the lease with the Navy Department was signed.

Merely parenthetically, I have engaged in no business of any kind since the war and my entrance into politics and have therefore made no money of any kind in business.

All of the above is in the hearings—perhaps not quite in such ample form as I have given it to you—and fairly well scattered over a couple of days.

You may show this letter to anyone you wish to show it to, but do not let it get into the press, because I don't want at this time to look as if I were trying to "run out" on Secretary Denby in his time of trouble.

Believe me,

Yours very truly,

THEODORE ROOSEVELT.

Hon. WILLIAM W. CAMPBELL,
Senate Chambers, Albany, N. Y.

Mr. WADSWORTH. Mr. President, in order that there may be no doubt in the mind of any reasonable person as to the accuracy of Mr. Roosevelt's statement of his connection with the order making the transfer from the Navy Department to the Interior Department, I ask the Secretary to read a copy of a letter addressed to Mr. Roosevelt by Rear Admiral R. S. Griffin, retired.

The PRESIDENT pro tempore. The Secretary will read as requested.

The reading clerk read as follows:

2003 KALORAMA ROAD,
Washington, D. C., February 29, 1924.

Hon. THEODORE ROOSEVELT,
Assistant Secretary of the Navy, Navy Department.

MY DEAR COLONEL ROOSEVELT: I beg to acknowledge the receipt of your letter of the 28th instant inclosing a copy of your letter of the 15th instant to Hon. William W. Campbell, Albany, N. Y., in reference to your connection with the oil leases now under investigation.

After carefully reading that portion of the letter which pertains to conferences that you and I held and to your views regarding retention of control of the oil lands in the Navy Department, I am pleased to say that your recollection of what transpired is in substantial agreement with mine.

With kind regards, I am,

Faithfully yours,

R. S. GRIFFIN,

Rear Admiral, United States Navy, Retired.

Mr. WADSWORTH. Mr. President, in bringing this matter before the Senate I do so not merely as a supporter of this administration but as a friend and intimate acquaintance of Mr. Roosevelt of many years' standing. I know perfectly well what the object of the resolution is. It is to besmirch his character, if it is possible to do such a thing. Otherwise, the first preamble would not be contained in the resolution, the preamble which refers to Mr. Roosevelt having been at one time a director of the Sinclair Co. The object of that preamble, when taken in connection with the remainder of the text of the resolution, is to create in the public mind a well-defined impression that Mr. Roosevelt was actuated by improper and possibly corrupt motives in connection with the transfer of the jurisdiction from the Navy Department to the Interior Department. Such an inference is absolutely false; there is not one word of testimony anywhere to bear it out; and there is not one act of Colonel Roosevelt's life which would cause anyone on earth to believe that he would be guilty of any such motives.

We may not all agree politically, Mr. President, and certainly we disagree from time to time as to governmental policies, but I think all decent men will agree among themselves, regardless of their political affiliations, that it is unfair, and worse than unfair, to attempt by false innuendo to blacken a public officer's character.

Mr. Roosevelt is a public-spirited man, born and bred in an atmosphere demanding patriotism and devotion to country. He has his ideals, and they are high ones, with respect to public service. He has served his country to the best of his ability—as a soldier with great distinction, as a legislator in the legislature of his native State, and as Assistant Secretary of the Navy here at Washington for approximately three years. No one has ever questioned his honesty. Most men who have come in contact with him freely admit his ability as an administrator. It is in resentment of this innuendo, this attempt, as I view it, to blacken his character, that I rise at this time and put into the Record the documents which distinctly disprove the inference or anything approaching it.

PENSIONS AND INCREASE OF PENSIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 5) granting pensions and increase of pensions to certain soldiers and sailors of the Civil and Mexican Wars and to certain widows, former widows, minor children, and helpless children of said soldiers and sailors,

and to widows of the War of 1812, and to certain Indian war veterans and widows and to certain Spanish War soldiers, and certain malmed soldiers, and for other purposes.

Mr. WALSH of Massachusetts. Mr. President, resuming the discussion upon the bill under consideration, I wish to present to the Senate, in addition to my remarks of Wednesday, March 26, some information and statistics which I have prepared showing what changes are now proposed by the pending bill to the pension awards for soldiers, widows, and children of the various wars:

Pension awards for soldiers of the several wars.

	Under existing laws.	Under S. 5.
Soldiers of Civil War.....	\$50	\$72
Soldiers of Mexican War.....	50	72
Soldiers of Indian wars.....	20	30 to 60
Soldiers of Spanish War (if 62 years of age).....	12 to 30	20 to 30
Soldiers of World War.....	(¹)	(¹)

¹ Nothing for age and service alone. If disability is due to service, then at rates of compensation upon a percentage basis of disability causing reduction in earning capacity. Compensation varies from \$10 to \$100.

Pension awards for widows and children of the several wars

	Under existing laws.	Under S. 5.
Widows of Civil War veterans.....	\$30	\$30
Widows of Indian war veterans.....	12	20
Widows of veterans of War of 1812 and of Mexican War.....	30	60
(All the above are pensioned under age and service act, which means the pensions are not paid on the claim that death of soldier was attributable to service.)		
Children of veterans of Regular Establishment.....	3	8
Children of veterans of Spanish War.....	4	8
Children of veterans of Civil War.....	6	8
(In the event of death of mother the widow's pension is paid to the children, in addition to their own pension.)		

¹ Irrespective of age.

² Under 60 years of age.

³ Under 74 years of age.

⁴ Over 74 years of age.

Widows of World War veterans, war risk insurance acts, receive nothing on account of age and service of soldier alone. They only receive compensation, or pension, as it is called in other laws, upon proof of soldier's death attributable to injury or death traceable to service, and also proof of dependency in case of father and mother claiming compensation. The rates when this proof is established are:

Widows of World War (without child).....	\$25
Widows of World War and one child (\$5 each for next two children).....	35
[Note.—Slight changes in the rates for children are contemplated in S. 2257, pending.]	
Children when there is no widow:	
One child.....	\$20
Two children.....	30
Three children.....	40
More than three children (for the three, and \$5 for each additional child).....	40
Dependent mother or father.....	20
Dependent mother and father.....	30

INCREASED COST TO PUBLIC OF S. 5.

S. 5 will call for an increased expenditure by the Government of \$55,000,000.

The additional cost of section 1 for the first year will be \$17,700,000. This section provides for the increase from \$50 to \$72 for Civil War veterans.

The additional cost for increased pensions to widows of Civil War veterans will be about \$31,000,000; for Mexican War widows and widows of War of 1812 will be \$200,000.

For minor and helpless children of all wars the additional cost will be \$450,000.

For militiamen, the bill provides for an expenditure of about \$1,200,000.

For Army nurses, the additional expenditure will be \$11,000.

For Indian war soldiers and widows, will be about \$500,000. Approximately \$8,000,000 will be the cost for Spanish War veterans.

For malmed soldiers the additional cost will be \$265,000.

APPROPRIATIONS MADE.

The appropriation for the fiscal year ending June 30, 1924, was \$253,000,000. For the year ending June 30, 1925, we have recently appropriated \$230,000,000.

At the end of the present fiscal year there will be a surplus from the current appropriation of \$23,000,000. This amount will be available to meet part of the \$55,000,000 called for in S. 5.

NUMBER AFFECTED BY INCREASES.

It is interesting to note that 264,580 widows of Civil War veterans will be affected by the bill, and 130,000 out of a total number of 168,000 soldiers will be affected. By July 1, 1924, the total number of Civil War veterans affected by this bill, it is estimated, will be reduced to 110,000.

DECREASE IN THE NUMBER OF PENSIONERS.

The rapidity with which the pensioners of the Civil War are decreasing may be appreciated by the study of the following figures:

The number of Civil War soldiers and widows who died during the fiscal year ending June 30, 1923, was 49,426.

For the first six months of the current fiscal year ending December 31, 1923, 9,708 Civil War soldiers died. In January and February of this year, however, about 9,000 widows and soldiers died. At this rate the number of deaths for the calendar year may approximate 60,000.

The total number of Civil War soldiers on July 1, 1923, was 166,941. The total number of Civil War widows was 258,566.

In the last two years and a half 123,000 soldiers died, and 23,947 widows of soldiers of the Civil War died last year.

I ask that there may be annexed and printed as part of my remarks a further statement prepared by me in explanation of the pension laws affecting widows and children. I have attempted to trace the development of these laws, and to show what changes have been made from time to time. I think this information will be valuable, in the fact that it makes comparisons between the pensions paid to the widows of soldiers of the different wars. I doubt if there is in the Record any such information in this concise form. In fact, I have tried to present as concisely as possible all the salient features and differences in our various pension laws.

The PRESIDENT pro tempore. Without objection, the request of the Senator from Massachusetts will be granted.

The matter referred to is as follows:

EXPLANATION OF PENSION LAWS AFFECTING WIDOWS AND CHILDREN.

Under the general law (act of July 4, 1862, now known as Rev. Stats. 4702, 4703) if a deceased soldier died from a disability contracted by him while in the service, the pension of his widow or minor children begins from the day after his death. Under the amended general law the rate is \$25 for widow and \$6 for each child until the child attains the age of 16 years. In case there is no widow the minor children get the same pension as the mother.

Under the age and service acts, beginning June 27, 1890, the rate was \$8 for widows and \$2 additional for each child. Several amendments up to May 1, 1920, make the pension for widows \$30 a month and an additional allowance of \$6 for each child under 16 years of age. The pension is allowed from the date of filing application.

The striking difference between the general law and the age and service acts is that under the general law the pension commences the day after the soldier's death, and under the age and service acts the pension commences from the date of filing the application.

It will be observed that a higher pension is paid to widows under the age and service acts than under the general pension law. The result is that practically all widows draw their pension now under the age and service acts instead of general law.

Most of the applications coming into the Pension Bureau under the general law are by widows in cases where the soldiers rendered less than 90 days' service.

It is interesting to note why the rate was raised from \$25 to \$30. Congress in passing the World War act pensioning widows and minor children in the event of a soldier's death by disability fixed the rate for widows at \$25 with an additional allowance of \$10 for the first child, \$7.50 for second child, and \$5 for the third child. The widows of the Civil War and Spanish War veterans at that time were only getting \$20, with an additional allowance of \$6 on account of each minor child. To correct this Congress in passing the act of October 7, 1917, included in it a provision raising the pension of Civil War and Spanish War widows to \$25 and kept the children the same, namely, \$6 per month for children of Civil War veterans and \$4 for Spanish War veterans in the event of death being traceable to service.

The next change for Civil War widows was in the act of May 1, 1920—age and service—which raised the rate to \$30 and \$6 for all minor children.

The next change in the rate for Spanish War widows was made in the act of September 1, 1922—age and service act—when the Spanish

War widows were given the rate of \$20 per month. The rate for Spanish War widows previously was \$12 per month, and for each child it was \$4 per month.

Mr. DIAL. Mr. President, I should like to ask the Senator a question.

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from South Carolina?

Mr. WALSH of Massachusetts. I do.

Mr. DIAL. Notwithstanding the great decrease of pensioners, as a matter of fact last year, I believe, a larger amount was paid to pensioners than at any time since the Civil War. Is that true or not?

Mr. WALSH of Massachusetts. The peak of disbursements for pensions, as the Senator has stated, was the last fiscal year, 1923, when \$263,000,000 was appropriated.

Mr. DIAL. That was my information. I am glad to have the Senator's figures put into the Record.

Mr. WALSH of Massachusetts. The Senator from South Carolina was interested the other day in inquiring whether there was a difference in the pensions paid to Indian War and Mexican War and Civil War veterans. The length of service required in order to obtain the status of a pensioner for age and service is different in each of the wars; that in the Civil War it is necessary to have had 90 days of service, in the Mexican War 60 days, and in the Indian wars 30 days; and that fact has been an element considered in determining the different amounts that should be paid as pensions to the veterans of these wars.

Mr. DIAL. No particular time is required for anyone who has been wounded, however, in any of the wars?

Mr. WALSH of Massachusetts. No. As the Senator knows, the general pension law providing for pensions in case of death resulting from injury, or injury that caused incapacitation, was passed July 4, 1862. From that time up to 1890 the requirements for obtaining a pension was proof of a disability incurred in service. In 1890 we made the departure of providing pensions for service of 90 days upon reaching a given age; and that precedent, established in 1890, has already been made applicable, as the Senator knows, to Spanish War veterans. Three years ago, in 1920, we passed the first law giving pensions to Spanish War veterans upon proof of reaching a certain age, to wit, 62, and of service of 90 days during the Spanish-American War. If these precedents are to hold in the future, we can look for an age and service pension for veterans of the World War about 20 years hence.

Mr. REED of Pennsylvania. Mr. President, I offer the following amendment and ask that it be read.

The PRESIDENT pro tempore. The Secretary will read the proposed amendment.

The READING CLERK. The Senator from Pennsylvania proposes to add a new section, to read as follows:

SEC. 15. That this act shall take effect on July 1, 1923.

Mr. REED of Pennsylvania. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Adams	Dale	Jones, Wash.	Reed, Pa.
Ball	Dial	Kendrick	Robinson
Bayard	Edge	King	Sheppard
Brandegee	Forris	Ladd	Smith
Brookhart	Fess	Lodge	Smoot
Bronson	Fletcher	McKellar	Stanfield
Bruce	Frazier	McKinley	Stephens
Bursum	George	McNary	Sterling
Capper	Gerry	Moses	Swanson
Caraway	Gooding	Neeley	Trammell
Cole	Hale	Oddie	Wadsworth
Copeland	Harrell	Overman	Walsh, Mass.
Couzens	Harris	Owen	Warren
Cummins	Heflin	Pepper	Weller
Curtis	Howell	Pittman	Willis
	Johnson, Minn.	Ralston	

The PRESIDENT pro tempore. Sixty-three Senators having answered to their names, a quorum is present.

The Secretary will again read the amendment proposed by the Senator from Pennsylvania.

RECESS.

Mr. LODGE. Mr. President, it is now nearly 5 o'clock, and as the Finance Committee has to meet this evening, I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to, and the Senate (at 4 o'clock and 55 minutes p. m.) took a recess until to-morrow, Tuesday, April 1, 1924, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, March 31, 1924.

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Lord, our God, who hast the words of eternal life and the hope of the world, let us be reassured of Thy guidance that we may carry truth and right to their best results; so do Thou inspire us with faith and zeal. Let daily discipline develop in us splendid qualities of manly character. May we invite every prospect that makes life worth living. By the remedy of superior law, practical righteousness, noble philanthropy, intellectual and spiritual education may we help make it difficult for evil to survive. O Lord, help us to seek first and always the kingdom of righteousness. Amen.

The Journal of the proceedings of Saturday was read and approved.

REFERENCE OF H. R. 7694.

Mr. SABATH. Mr. Speaker, I ask unanimous consent that the bill H. R. 7694 be referred to the Committee on Immigration and Naturalization. This is done with the consent of the chairman of the Interstate and Foreign Commerce Committee.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the bill referred to be referred. Is there objection? [After a pause.] The Chair hears none.

PERMISSION TO EXTEND REMARKS.

Mr. HOWARD of Nebraska. Mr. Speaker, I renew my request for unanimous consent that all ex-service Members of the House shall be permitted to have five legislative days in which to extend their remarks in the Record touching the adjusted compensation bill.

The SPEAKER. The gentleman from Nebraska asks unanimous consent that all ex-service Members have five legislative days to extend their remarks on the adjusted compensation bill. Is there objection?

Mr. SNELL. Mr. Speaker, on account of the absence of the gentleman from Ohio [Mr. Brea] I shall be obliged to object.

The SPEAKER. To-day is set apart for the consideration of business pertaining to the District of Columbia—

ELECTION CASE, ANSORGE V. WELLER.

Mr. DALLINGER. Mr. Speaker, I offer a privileged resolution from Committee on Elections No. 1.

The SPEAKER. For immediate consideration?

Mr. DALLINGER. Yes.

The SPEAKER. The gentleman from Massachusetts offers a resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 242.

IN THE HOUSE OF REPRESENTATIVES,

March, 1924.

Mr. COLE of Ohio submitted the following report from Committee on Elections No. 1:

The Committee on Elections No. 1, to which was referred the contested-election case of Martin C. Anson, contestant, v. Royal H. Weller, contestee, from the twenty-first district of the State of New York, respectfully reports to the House the following resolution, approved by said committee, for the approval and adoption by the House, with the recommendation that it do pass:

Resolved, That John Voorhis, Charles E. Heydt, James Kane, and Jacob Livingston, constituting the board of elections of the city of New York, State of New York, their deputies or representatives be, and they are hereby, ordered to appear by one of the members, the deputy or representative, before Elections Committee No. 1 of the House of Representatives forthwith, then and there to testify before said committee, or a subcommittee thereof, in the contested-election case of Martin C. Anson, contestant, v. Royal H. Weller, contestee, now pending before said committee for investigation and report; and that said board of elections bring with them all the disputed ballots, marked as exhibits, cast in every election district at the general election held in the twenty-first congressional district of the State of New York on November 7, 1922. That said ballots be brought to be examined and counted by and under the authority of said Committee on Elections in said case, and to that end that the proper subpoena be issued to the Sergeant at Arms of this House, commanding him to summon said board of elections, a member thereof, or its deputy or representative, to appear with such ballots as a witness in said case; and that the expense of said witness or witnesses, and all other expenses under this resolution, shall be paid

out of the contingent fund of the House; and that said committee be, and hereby is, empowered to send for all other persons or papers as it may find necessary for the proper determination of said controversy; and also be, and it is, empowered to select a subcommittee to take the evidence and count said ballots or votes and report same to Committee on Elections No. 1, under such regulations as shall be prescribed for that purpose; and that the aforesaid expense be paid on the requisition of the chairman of said committee after the auditing and allowances thereof by said Committee on Elections No. 1.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman from Massachusetts yield for a question on this resolution?

Mr. DALLINGER. Certainly.

Mr. GARRETT of Tennessee. I understand this resolution is reported from Committee on Elections No. 1, and it proposes to send for a certain number of ballots that the committee desires to examine in connection with the contest of Anson against Weller?

Mr. DALLINGER. Yes.

Mr. GARRETT of Tennessee. Does the resolution state the number of ballots?

Mr. DALLINGER. No; it says the disputed ballots, which are marked as exhibits in this case.

Mr. GARRETT of Tennessee. Well, it has come to me in some way there are substantially about 820 of these ballots?

Mr. DALLINGER. Yes; 820. For the information of the gentleman from Tennessee I wish to call his attention to the contestee's brief, at the top of page 55, where the contestee makes this statement:

The contestant makes no attempt to discuss these exhibits of ballots, although it is apparent that in this closely contested election the true result is to be found there.

Now, each party contends that if the 820 disputed ballots are counted according to the statutes and decisions of the State of New York he will be found to be entitled to the seat. Now, the committee felt that the short cut in this case is to send for these disputed ballots, because an examination of them might decide the whole question; and it certainly would not be necessary to send for any other ballots if the committee should find that Mr. Weller, the contestee, was entitled to the seat.

Mr. GARRETT of Tennessee. Well, Mr. Speaker, may I say to the gentleman I am not familiar with what has developed before the committee, but it has been suggested to me that possibly after an examination of these ballots the situation might be developed that would render necessary the sending for additional ballots. Now, I do not know about that, but I assume that if such a situation should arise upon the demand of either party that the committee will be favorable to sending for the remainder of the ballots?

Mr. DALLINGER. Certainly, if it should be found necessary.

Mr. GARRETT of Tennessee. Now, one other thing, if I may ask the gentleman. I have a wire from one of the contestee's counsel who is very much interested in the time when this subpoena shall be returnable. Of course, that is not a matter for the House to determine, but is a matter to be determined by the Committee on Elections No. 1 when they come to the issuance of the subpoena, but I would like to ask the gentleman if, in his opinion, it will be agreeable for the return date to be fixed not earlier than April 15?

Mr. DALLINGER. I understand that it is the hearing that they want not earlier than the 18th; I think the return date ought to be a little earlier than that.

Mr. GARRETT of Tennessee. No. The suggestion in this telegram is this—this is from Mr. Saxo, of counsel for the contestee:

No objection to Cole resolution as to form.

That is the resolution referred to. Then, further—

Subpoenas must bear some return date. If resolution should be amended to include a date—

Of course there is no necessity of trying to fix the date here, because the committee will fix it—

Please urge date not earlier than April 18. Board of elections will need that time to go with counsel to various police precincts and pick out over 800 ballots inclosed in 376 boxes and envelopes. Time also necessary for me to examine record and work sheets as to these exhibits.

Mr. DALLINGER. I agree to have the return date fixed as April 18 on the understanding that the hearings may be held on the same date.

I do not want to put off this case any longer than possible, because it may take a good deal of time yet.

Mr. GARRETT of Tennessee. I know of no disposition to delay it beyond that time.

Mr. DALLINGER. I am perfectly willing to agree to have the return date not earlier than April 18.

Mr. MACGREGOR. Mr. Speaker, will the gentleman yield?

Mr. DALLINGER. Yes.

Mr. MACGREGOR. Does this resolution provide for an unlimited expenditure from the contingent fund, or is it in the control of the Committee on Accounts?

Mr. DALLINGER. This is in the same form as other resolutions of this kind.

Mr. MACGREGOR. What is the expenditure?

Mr. DALLINGER. I do not know. It will not be very large.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

DISTRICT OF COLUMBIA DAY.

The SPEAKER. This is District day.

PREVENTION OF VENEREAL DISEASES.

Mr. ZIHLMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 491) for the prevention of venereal diseases in the District of Columbia, and for other purposes.

The SPEAKER. The gentleman from Maryland moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 491.

Mr. LONGWORTH. Mr. Speaker, will the gentleman from Maryland yield?

Mr. ZIHLMAN. I yield.

Mr. LONGWORTH. I have been informed—I do not know how correctly—that there is very strong opposition to this bill, and that if it is brought up now for consideration the rest of the day may be consumed in its consideration, thereby side-tracking several bills which I understand are of very great importance to the District. Would the gentleman think that possibly under those circumstances it might be wise to consider some other bill?

Mr. ZIHLMAN. I will say to the gentleman from Ohio that this bill is the unfinished business before the Committee of the Whole House on the state of the Union. We had this bill before the House at the last session, and we hoped to dispose of it.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. BLANTON. General debate has been completed on this bill, and the bill has been partially read under the five-minute rule, although most of the time expected to be consumed on it has been consumed already. I think this bill could be finished in 20 minutes. If the membership are not in favor of it, they will have a chance to kill it, or if they favor it they will have a chance to pass it. All the preliminaries are out of the way.

Mr. SANDERS of Indiana. The gentleman from Texas seems to overlook the fact that there are 21 sections in the bill, covering 8 pages, and that the bill has not been carefully gone over by the committee, and that we have not a single committee amendment. The bill in its present form, although it purports to relate to the District of Columbia, in fact covers the whole United States, and if changed so as to apply only to the District of Columbia numerous amendments will have to be made. I assume that the gentleman from Texas, being engaged in other matters for the District, has not used his usual care in scrutinizing the bill.

Mr. BLANTON. I will say to the gentleman that we have had this bill before us for three years, and it met with the unanimous approval of the committee.

Mr. SANDERS of Indiana. Did the gentleman intend that it should apply to the entire United States?

Mr. BLANTON. No.

Mr. SANDERS of Indiana. Well, it does.

Mr. BLANTON. If it does, the gentleman from Indiana could straighten it out in about two minutes if he uses his usual agility in straightening it out.

Mr. LONGWORTH. I think if this bill is going to take a long time and be seriously opposed, it would be wise to consider some other bill.

Mr. BLANTON. This legislation has been considered carefully for three years. It has been threshed out in committee.

Mr. SANDERS of Indiana. And it appears now without a single committee amendment.

Mr. BLANTON. It was the least drastic bill that has been pending before the committee on that subject.

Mr. ZIHLMAN. The committee recommended the reporting of the bill and we reintroduced it. I have no objection, however, to its going back, but I would not suggest anything of that kind.

Mr. GILBERT. Mr. Speaker, can the gentleman from Ohio intimate to us when he will have another District day?

Mr. LONGWORTH. A good deal depends upon what happens to the bills brought in by the committee.

Mr. BLANTON. Would the gentleman from Ohio allow us to have a night session to-night on this Gilbert bill?

Mr. LONGWORTH. I do not think we ought to have night sessions on bills of this kind. I am willing to have night sessions at any time the House desires it on private bills and bills of that nature, but it would be impossible to keep a quorum here at a night session to consider bills of this kind.

Mr. BANKHEAD. Mr. Speaker, is it possible to demand the regular order at this time?

The SPEAKER. Yes.

Mr. BANKHEAD. Then I demand the regular order.

Mr. LONGWORTH. I am afraid that this will result in a waste of time.

The SPEAKER. The regular order is demanded. The regular order is the motion of the gentleman from Maryland, that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 491. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The gentleman from Illinois [Mr. CHINDBLOM] will please take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 491) for the prevention of venereal diseases in the District of Columbia, and for other purposes, with Mr. CHINDBLOM in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 491, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 491) for the prevention of venereal diseases in the District of Columbia, and for other purposes.

Mr. ZIHLMAN. Mr. Chairman, as I understand it, when the committee rose on the last District day we were engaged in the consideration of this bill.

Mr. Chairman, a parliamentary inquiry. A part of the bill before the House having been read is it not in order to continue the reading of the bill?

Mr. SANDERS of Indiana. Will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. SANDERS of Indiana. Mr. Chairman, I suggest that at the time the committee rose we had just taken a vote to strike out the enacting clause and upon that vote a quorum did not vote and a quorum was not present. Therefore the immediate matter before the committee would be a vote on the motion to strike out the enacting clause.

Mr. ZIHLMAN. I differ from the gentleman.

Mr. BLANTON. I think the gentleman is wrong about that. We voted and there was no question as to a quorum being present then and we proceeded to do business after that.

Mr. SANDERS of Indiana. The gentleman from Texas is in error. I did not make the point of order, and I should not have made it. The motion was lost, and I was going to abide by it, but some gentleman on the other side made the point of no quorum.

Mr. ZIHLMAN. After the motion had been declared lost.

Mr. SANDERS of Indiana. Yes; that is correct.

Mr. BLANTON. I move that the Chairman look at the RECORD.

The CHAIRMAN. The Chair will state that the question was put on the motion of the gentleman from Indiana [Mr. SANDERS] to strike out the enacting clause; upon a division there were—ayes 10, noes 15. The gentleman from Georgia [Mr. LARSEN] thereupon made the point of order that there was no quorum present. While the Chair was counting the gentleman from Georgia withdrew his point of order that there was no quorum present and asked for tellers. Thereupon the gentleman from Indiana [Mr. SANDERS] moved that the committee should rise, but the motion was rejected. Thereupon the gentleman from Georgia [Mr. LARSEN] renewed the point of order that there was no quorum present. The Chair counted and found there was no quorum present. Thereupon the gentleman from Maryland [Mr. ZIHLMAN] moved that the

committee should rise, and the committee thereupon rose. It would appear to the Chair, therefore, that the vote upon the question to strike out the enacting clause was not completed.

Mr. ZIHLMAN. I call the Chair's attention to the fact that there was an intervening motion.

Mr. BLANTON. For tellers.

The CHAIRMAN. The Chair will state that a demand for a vote by tellers had been made, and immediately the point of order of no quorum was made; that during the subsequent proceedings the committee rose, and no further action was taken upon the motion to strike out the enacting clause or to complete the vote upon that motion.

In the opinion of the Chair, the motion to strike out the enacting clause is now pending before the committee.

Mr. BLANTON. Mr. Chairman, in view of the fact that the membership present now is not the membership that was present at the time the motion was originally made, and that under the rules five minutes are allowed to a side on a motion to strike out the enacting clause, I ask unanimous consent that there be 10 minutes of debate, 5 minutes to be controlled by the gentleman from Maryland [Mr. ZIHLMAN] and 5 minutes to be controlled by myself.

Mr. SANDERS of Indiana. Mr. Chairman, reserving the right to object, I think the unanimous-consent request is quite proper, but I doubt the advisability of giving all the time to the other side. The motion was mine.

Mr. BLANTON. Then, Mr. Chairman, I ask that five minutes be controlled by the gentleman from Indiana [Mr. SANDERS] and five minutes be controlled by the gentleman from Kentucky [Mr. GILBERT].

Mr. LARSEN of Georgia. Mr. Chairman, reserving the right to object, I believe I am the man who made the point of order that there was no quorum present. Therefore, I think I am entitled to ask the gentleman from Texas how he feels about the passage of the bill.

Mr. BLANTON. The gentleman from Indiana [Mr. SANDERS] is against it.

Mr. LARSEN of Georgia. How is the gentleman from Texas?

Mr. BLANTON. I am for the bill. It is a matter which the committee has considered for three years and there was not a vote in the committee offered against it. We have thrashed it out in the committee for three years.

Mr. LARSEN of Georgia. Under the division of time, then, I assume you will have three speeches in favor of the bill and one against it—is that correct?

The CHAIRMAN. The Chair will state the unanimous-consent request of the gentleman from Texas.

Mr. LARSEN of Georgia. I have no objection to 10 minutes of debate, 5 minutes in favor of the bill and 5 minutes against it.

The CHAIRMAN. The gentleman from Texas [Mr. BLANTON] asks unanimous consent that there be 10 minutes' debate upon the question to strike out the enacting clause, 5 minutes of that time to be controlled by the gentleman from Kentucky [Mr. GILBERT] and 5 minutes to be controlled by the gentleman from Indiana [Mr. SANDERS]. Is there objection?

Mr. WINGO. Reserving the right to object, I want to get some information. The debate on this proposition is now closed, is it not?

The CHAIRMAN. Debate has been exhausted.

Mr. WINGO. Well, frankly, I am interested in knowing whether or not you are going to get up the school-teachers' bill to-day or not, or are you going to piddle along on something else?

The CHAIRMAN. Of course the Chair can not advise the gentleman.

Mr. WINGO. I want to ask that of the gentlemen who are in charge and who are responsible. Are you going to keep this bill before the committee all day as a buffer, or are you going to really get up the teachers' bill? If you are not going to get up the school-teachers' bill to-day, why not say so?

Mr. ZIHLMAN. I will say to the gentleman from Arkansas that the ranking members of the committee met with the majority leader and submitted the program for the day, and it is proposed to take up this bill which is before the committee.

Then a bill closing certain streets and alleys through the Walter Reed Hospital reservation, a bill relating to capital punishment in the District of Columbia, and then the school-teachers' salary bill. That is the program that was agreed upon by the majority and minority members of the committee.

Mr. WINGO. Upon the basis of that statement, does not the gentleman feel like making the statement now to the House, based upon our experience for two years on this question of pay of school-teachers, that the gentleman does not expect the school-teachers' bill to come up to-day?

Mr. ZIHLMAN. I could not answer that question.

Mr. WINGO. Yes; the gentleman can answer whether he expects it to come up.

Mr. ZIHLMAN. I had hoped to get the school-teachers' bill before the House as the unfinished business and keep it before the House, I will say to the gentleman from Arkansas.

Mr. WINGO. This is the same situation we have had in reference to this bill for nearly two years.

Mr. BLANTON. I will state to the gentleman from Arkansas, as one member of the District Committee, I am in favor of getting up the teachers' bill now.

Mr. WINGO. Everybody seems to be in favor of getting it up, but I have not had a chance to vote on it for two years. I think this same explanation has been made to me four times in the last 12 months.

Mr. SANDERS of Indiana. Will the gentleman from Arkansas yield?

Mr. WINGO. I yield.

Mr. SANDERS of Indiana. I will say to the gentleman from Arkansas that my motion to strike out the enacting clause of this bill is pending and I want to say to the other members of the committee that if that motion shall carry, when it is reported back to the House, I shall offer a preferential motion to recommit the bill to the committee, for the reason that I am not opposed to legislation upon this subject, but if the gentleman from Arkansas will study this bill the gentleman will understand that this bill can not be written on the floor in a way to cure all the defects in it.

Mr. WINGO. I have not even read the bill and I have no interest in it, either personal, political, or professional. I am thinking about the school teachers' bill and I am interested in what I fear is a continuation of what we have seen during the last Congress and that you are going to dilly-dally along and the school teachers' bill will be shunted off, with everybody for it, and never passed.

Mr. BLANTON. Mr. Chairman, I ask for the regular order.

The CHAIRMAN. The regular order is the request of the gentleman from Texas that there be 10 minutes' further debate on the motion to strike out the enacting clause of the pending bill, 5 minutes to be controlled by the gentleman from Kentucky, a member of the committee, and 5 minutes by the gentleman from Indiana [Mr. SANDERS]. Is there objection?

Mr. WINGO. Being opposed to any further delay, I object.

The CHAIRMAN. The question is upon the motion of the gentleman from Indiana to strike out the enacting clause of the bill H. R. 491.

The question was taken; and on a division (demanded by Mr. SANDERS of Indiana) there were—ayes 40, noes 30.

Mr. BLANTON. Mr. Chairman, I ask for tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. SANDERS of Indiana and Mr. BLANTON.

The committee again divided; and the tellers reported—ayes 42, noes 70.

So the motion to strike out the enacting clause was rejected.

Mr. ZIHLMAN. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CHINBLOM, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 491 and had come to no resolution thereon.

SALARIES OF TEACHERS AND SCHOOL OFFICERS.

Mr. ZIHLMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 6721, a bill to amend the act entitled "An act to fix and regulate the salaries of teachers, school officers, and other employees of the Board of Education of the District of Columbia," approved June 20, 1906, as amended, and for other purposes, and pending that motion I want to see if we can not reach an agreement as to time. I ask that general debate on this bill be limited to two hours, one-half to be controlled by the gentleman from Texas [Mr. BLANTON] and the other by myself.

The SPEAKER. The gentleman from Maryland asks unanimous consent that general debate on this bill be limited to two hours, one-half to be controlled by himself and one-half by the gentleman from Texas [Mr. BLANTON]. Is there objection?

There was no objection.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole on the state of the Union for the consideration of H. R. 6721, with Mr. CHINBLOM in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of H. R. 6721, to fix and regulate the salaries of teachers, school officers, and other employees of the Board of Education of the District of Columbia, which the Clerk will report.

The Clerk read the title of the bill.

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent that the first reading of the bill be dispensed with.

Is there objection?

There was no objection.

Mr. ZIHLMAN. Mr. Chairman, I am pleased to have this opportunity of speaking in favor of the bill now before the House providing for an increase in the pay of school officials and teachers, and to provide for a reorganization of the school system for the District of Columbia.

Nothing we can do will more materially benefit the citizens of the District and their children than the passage of this legislation, which is a long-deserved recognition of the high profession of educators, and which will do much to elevate the standard and provide elementary education to the great mass of children of the District.

The development of the public-school system in this country is one of the most interesting phases of our national life. In the beginning we find there were three types of schools in America. First, what was known as the town teacher; and each municipality had its own instructor in the arts of reading and writing, for the first purpose of this law which was enacted in New England was to enable the people to learn to read the Scriptures. A teacher was appointed and the course of study directed by the Puritan Church. It was a form of town school, but under church direction.

The second type of school was the parochial school prevalent in Pennsylvania, Dutch New York and New Jersey, and Maryland. In each of these States each church established a school in each church parish. The teachers were usually the clergymen of the parish. In the larger towns private pay schools and what were known as "charity schools" were founded. The great State of Pennsylvania held to this form of education until 1834, and it was then only overcome after bitter opposition.

The third type of school was the so-called "pauper school" and the "non-State interfering school" of Virginia and the South. Out of these grew the pay schools and in the larger towns and cities in addition a more elaborate form of "charity school."

In 1801 in New York there was founded the first "free school for poor white children whose parents belong to no religious society, and who for some reason can not be admitted to other charity schools." Afterwards there was founded the famous Public School Society of New York, "for the children of poor parents and for orphans." In Baltimore there was founded in 1799, "The Benevolent Society of the City of Baltimore for the education of the female poor," and a year later the "Male Free Society of Baltimore."

The District of Columbia, too, had "public schools," which were schools "for the poor who must show that they can not pay for their learning." These schools were organized here in 1804 by gifts from public spirited citizens, including Thomas Jefferson, who gave \$200 to the cause and was the president of the first governing board. These institutions remained "pauper schools" until 1844.

The need for more general dissemination of knowledge awoke public opinion to the necessity of real development of citizens; the necessity of training for citizenship; the urgent need of the removal of the forms of class distinction and caste formation as was produced by such a system of education.

The awakening and arousing of public sentiment was taken up by the labor organizations and institutions, and public schools became established throughout New England, yet there were in New York, Pennsylvania, New Jersey, Delaware, Maryland, Rhode Island, and Virginia, and the South the so-called "charity schools." In 1833 it was estimated that 1,000,000 children between the ages of 5 and 15 were not attending school.

Not only were the facilities for free education not provided but parents who were capable of giving their children elementary training of an educational character were deprived of that opportunity by employers—threats were made that if the children were taken from the workshop the parents must leave the employment, and these threats were often put into execution.

Early in 1832 there was formed the New England Association of Farmers and Mechanics, and at its convention held in

this year they made the education of children in manufacturing districts the principal business of the gathering. From this beginning grew a mighty sentiment for "education of all people as prescribed by the convention of 1832."

During that early period every candidate of the workingmen's party was pledged to favor a general system of State education. The campaign for a public-school system was vigorously prosecuted and pulpit and press were urged to press the vital need of public education.

About this time there began the first agitation in America for a system of compulsory education, and it was urged at that time that an inheritance tax be levied along with a land tax in order to support a system of compulsory education. The workingmen of that day urged free education on the ground of equality, and many leaders of that day devoted themselves entirely to the adoption of a system of public education.

Next was taken up the campaign for free textbooks, now adopted as a part of the public-school system of most of the States of the Union. It has been shown that only one-third of the children in our public schools complete the grammar-school course and less than 10 per cent finish high school. In four large industrial towns, according to figures presented by the Bureau of Labor Statistics, more than 75 per cent of the children quit school before reaching the seventh grade.

It is therefore with pleasure that I present as acting chairman of the committee the present school teachers' salary bill. For two years I have worked with other members of the committee to secure the enactment of this legislation.

The bill as originally introduced was not satisfactory to the teachers, and feeling that a bill purporting to help the teachers should in reality do so, I framed some amendments to the bill last year and was successful in having them adopted by the entire District Committee.

These amendments, which give the teachers an increase in pay, an equitable place in the salary schedule, and just recognition for professional services already rendered, have been incorporated in this measure.

The bill as amended has met with the approval of the Board of Education, and is satisfactory to the school officials and school-teachers.

I have some pride in having helped to make this measure a general measure affecting and benefiting every grade and branch of the school system of the District of Columbia.

I am intensely interested in education, especially in the primary grades, for this is the only method by which we can hope to elevate the standards of citizenship in this country, and the most fundamental consideration in any democratic community is a well-organized and well-paid public school system.

I am a firm believer in "Education for democracy, democracy in education." It is for this reason that I have favored the various measures before us looking to the development of a constructive school system, and this bill is a vital part of such a program. It is universally admitted that the standard of a school system is determined by the quality of its teaching, and we can not expect to have highly trained men and women to be attracted to the work in which the entrance salary is too low. Nor can we expect them to remain—to decide to make this all-important profession a life's work if they are not after some years of successful teaching to receive a salary comparable with those paid in other lines of endeavor.

The men and women in this profession are rendering a service of the highest importance in this community, and they should receive a remuneration commensurate with their services.

The public is coming more and more to realize the need and the worth of paying them a decent wage.

This bill provides for the grade teacher, who before she receives her permanent appointment must have completed a four-year high-school course, a two-year normal-school course, and have taught one year on probation; it gives to her an entrance salary of \$1,400, and permits her, after eight years of successful teaching, to receive a salary of \$2,200.

To the high and normal school teacher, who before her permanent appointment must have completed a four-year high-school course, a four-year college course, and passed a difficult entrance examination, and have taught one year on probation—for them there is provided an entrance salary of \$1,800, and enables her after 10 years of successful teaching to receive the maximum salary of \$2,800.

This bill legalizes and establishes by permanent law certain features of the school system which at present are being conducted through authority of the annual appropriation as carried

in the District of Columbia appropriation bill. It legalizes and authorizes the Junior High School, which everyone recognizes as a great need for children between the lower grades and the high-school classes.

The school for teaching Americanization, which is doing such a splendid constructive work in Washington, is here given a real legal status.

In its entirety it is a constructive piece of legislation, designed to help the teacher and the entire community, and I strongly urge its adoption by the membership of the House.

Mr. Chairman, I yield 10 minutes to the gentleman from Wisconsin [Mr. LAMPERT].

Mr. LAMPERT. Mr. Chairman, the public schools of the District of Columbia are organized, controlled, and operated under the provisions of an act of Congress approved June 20, 1906. A few amendments carried in appropriations bills have been put into effect since 1906, but no comprehensive legislation affecting the salaries of teachers has been enacted since 1906. The increases in salaries that have been granted from time to time to the employees of the board of education by successive appropriation acts have been of a temporary and limited nature.

The Committee on the District of Columbia is convinced that there is urgent need that the salary schedule thus authorized in appropriations bills should be revised, extended, and made more permanent. This new legislation is needed not only to bring assurance to those teachers now in the service, but to attract teachers of high qualifications to the Capital City where there has been a shortage of teachers because of inadequate salaries.

There have been many developments and a considerable extension of activities in the school system since 1906 in so far as the limitations of the old law would permit such changes. In order to stabilize what has been accomplished, and in order to make possible additional improvements in the public schools, this bill carries legislative authorization as follows:

1. It legalizes and renders more permanent the salaries of employees.
2. It authorizes and provides salaries for activities and positions which have developed in the public schools since 1906, such as junior high schools, vacation schools, community centers, administrative principals and assistant principals in high schools.
3. It abolishes "session room pay" and provides a better method of paying principals of elementary schools.
4. It also abolishes the classification of the elementary teachers into five salary groups, and provides a uniform basic salary with annual \$100 increments for a limited number of years.
5. It authorizes the employment of temporary teachers and the appointment of annual substitute teachers.

The report of the subcommittee on schools and playgrounds of the House of Representatives and the Senate, submitted to the Senate by Senator CAPPER, indorses and recommends the passage of a teachers' salary bill. This salary legislation undoubtedly represents one of the most urgent needs of the public-school system of the District of Columbia. This salary legislation will in no way interfere with the enactment of any other legislation suggested, supported, or recommended by committees of Congress in Senator CAPPER's report. On the contrary, this legislation should be viewed as the first legislation looking toward reorganization and rehabilitation of the school system of Washington. This salary bill has been prepared with the expectation that subsequent legislation affecting the general organization of the school system will follow.

NECESSITY FOR PASSING THIS BILL AT ONCE.

The public-school teachers of the District of Columbia are in a precarious position with regard to their salaries if this bill is not enacted into law before next July 1. These teachers employed as they are in the Federal District have received the annual bonus of \$240 along with the Federal employees. The Federal employees have been provided for in the recent reclassification legislation, and there is not likely to be any legislation before Congress this session with respect to continuing the bonus. The teachers are facing an actual loss of salary if this bill does not pass at this session of Congress.

This bill provides for only the educational employees of the Board of Education. This act does not carry salary-adjustment provisions for the following groups of employees: Clerks and stenographers, medical inspectors, dental inspectors, school nurses, engineers, janitors and other custodial positions. All such employees have been provided for in the reclassification legislation. Teachers are correspondingly provided for in this salary bill.

The policemen and the firemen of the District of Columbia were confronted with the same situation that now confronts the teachers. They were threatened with an actual loss of salary through discontinuance of the bonus. The House has passed a salary bill which has covered in the bonus of \$240 which the police and firemen enjoyed annually and has granted them an increase that is not incompatible with the provisions of the reclassification act granting increases to Federal employees.

This bill provides similarly for the teachers. In it they are safeguarded against the loss of the bonus, they are given the longevity increase in pay they have earned under the provisions of the present law, and they are given a reasonable increase in salary corresponding to the increase granted to Federal employees.

COST OF TEACHERS' SALARY LEGISLATION.

In this time of financial economy the cost of enacting this legislation is a major consideration for Congress. It may be presumed that the enactment of this legislation for the extension and improvement of the public-school service will increase expenditures for public education in Washington.

Before taking up the detailed cost of this proposed legislation it will be appropriate to consider the present cost of education in the District of Columbia as compared with the cost of public education in other cities.

PER CAPITA COSTS IN CITY SCHOOLS.

Statistical circular, No. 1, issued by the Bureau of Education of the Department of the Interior, on January 1, 1923, contains an analysis of the current expenses per student in average daily attendance in 170 city school systems. This information is for the school year 1921-22, and cities are arranged in groups according to the population of the cities. While the statistics for Washington were not included in the original leaflet, they have been subsequently computed by the Bureau of Education.

CITIES WITH OVER 100,000 POPULATION.

These tables show that among the 31 cities with a population of 100,000 or over included in this tabulation, Washington stands twenty-second from the top in the amount of money expended per pupil in her public schools. There are 21 cities that expend more per pupil than Washington for public education and 9 cities only pay less. The per capita cost of current expenses in Washington is \$77.69. At the head of the list of cities with 100,000 population or more stands Yonkers, N. Y., with an expenditure of \$121.60 per pupil. Other of the larger cities are: Springfield, Mass., \$118.90; Buffalo, \$116.60; Newark, N. J., \$110.89; Oakland, Calif., \$104.15; Boston, \$103.89; Detroit, \$102.95; San Francisco, \$94.59; Chicago, \$89.40; St. Louis, \$87.85; Minneapolis, \$84.52.

The complete information for the 31 cities of 100,000 population or over is contained in the following table:

Total current expenses per pupil.

Yonkers, N. Y.	\$121.60
Springfield, Mass.	118.90
Buffalo, N. Y.	116.60
Newark, N. J.	110.89
Oakland, Calif.	104.15
Boston, Mass.	103.89
Grand Rapids, Mich.	103.76
Detroit, Mich.	102.95
Albany, N. Y.	98.85
Spokane, Wash.	96.50
San Francisco, Calif.	94.59
Milwaukee, Wis.	92.69
Paterson, N. J.	89.51
Chicago, Ill.	89.40
St. Louis, Mo.	87.85
Dayton, Ohio	86.76
Camden, N. J.	85.62
Minneapolis, Minn.	84.52
New Bedford, Mass.	82.53
Fall River, Mass.	80.32
Providence, R. I.	79.95
Washington, D. C.	77.69
Philadelphia, Pa.	75.51
New Haven, Conn.	71.50
Scranton, Pa.	71.31
Louisville, Ky.	69.09
Reading, Pa.	61.51
San Antonio, Tex.	55.83
Atlanta, Ga.	51.74
Birmingham, Ala.	45.54
Nashville, Tenn.	34.63

On the basis of the per capita cost of instruction in the cities comparable in size with Washington, it is apparent that not enough money is now being expended for public education in Washington if Congress expects the Nation's Capital to take her rightful place educationally among the cities of her population class.

CITIES OF 20,000 TO 100,000 POPULATION.

There are many cities in the country with a population of from 30,000 to 100,000 people that are paying more for public education than is paid in the Nation's Capital. If Washington be compared with the 40 cities reported in this document, issued by the United States Bureau of Education, that comparison will show that 26 of these cities are now paying more per pupil for public education than Washington is paying and 14 only are paying less. In this group of 40 cities, 9 cities are paying more than \$100 per pupil for public education as compared with \$77.69 expended in Washington. The following is a list of such cities with the per capita expended for current expenses in each city:

Total current expenses per pupil.

Muncie, Ind.	\$129.67
San Diego, Calif.	118.05
Hamtramck, Mich.	112.54
Duluth, Minn.	108.88
Niagara Falls, N. Y.	108.18
Stockton, Calif.	103.56
Topeka, Kans.	102.04
Terre Haute, Ind.	100.85
Fort Wayne, Ind.	100.39
Rockford, Ill.	99.97
San Jose, Calif.	96.11
Oshkosh, Wis.	94.24
Utica, N. Y.	94.00
Meriden, Conn.	92.44
Chester, Pa.	91.51
Wheeling, W. Va.	91.25
Auburn, N. Y.	90.88
Joliet, Ill.	90.87
Waterbury, Conn.	90.76
Lorain, Ohio.	89.32
Tacoma, Wash.	87.64
Passaic, N. J.	84.81
Moline, Ill.	80.29
Green Bay, Wis.	79.49
Pittsfield, Mass.	79.44
Manchester, N. H.	79.04
Washington, D. C.	77.69
West Hoboken, N. J.	76.74
Newburgh, N. Y.	73.37
Quincy, Mass.	72.69
Taunton, Mass.	71.95
Perth Amboy, N. J.	67.12
York, Pa.	63.02
Hazleton, Pa.	62.47
Covington, Ky.	58.24
Danville, Ill.	51.06
Austin, Tex.	49.75
Wilmington, N. C.	49.29
Tampa, Fla.	42.31
Columbus, Ga.	36.79
Montgomery, Ala.	31.82

CITIES OF 10,000 TO 20,000 POPULATION.

Fifty cities with a population of from 10,000 to 30,000 people are reported in this leaflet. If Washington be compared with these cities it will be found that 21 cities are paying more than Washington is paying and 29 of these smaller cities are paying less. The complete information for the 50 cities of from 10,000 to 30,000 population is contained in the following table:

Total current expenses per pupil.

Bloomfield, N. J.	\$109.06
Missoula, Mont.	105.55
Eureka, Calif.	100.84
Santa Cruz, Calif.	97.60
Plainfield, N. J.	96.02
Concord, N. H.	96.17
Grand Forks, N. Dak.	96.10
Huntington, Ind.	92.69
Astoria, Oreg.	90.96
Beloit, Wis.	90.94
Walla Walla, Wash.	89.58
Parkersburg, W. Va.	87.80
Janesville, Wis.	87.49
Dunkirk, N. Y.	86.59
Calumet, Mich.	83.85
Morgantown, W. Va.	83.85
Galesburg, Ill.	81.06
Sanford, Me.	80.57
Independence, Kans.	80.22
Aberdeen, Wash.	79.96
Keokuk, Iowa.	79.89
Washington, D. C.	77.69
Danbury, Conn.	76.40
Queens, N. Y.	76.40
Watertown, Mass.	76.43
Greenfield, Mass.	76.34
Nashua, N. H.	74.29
Clinton, Mass.	73.11
Urbana, Ill.	72.99
Johnstown, N. Y.	71.33
Norwich, Conn.	71.06
Leavenworth, Kans.	70.80
Ottumwa, Iowa.	70.62
Freeport, Ill.	74.39
Glendale, Calif.	69.48
Holland, Mich.	67.55
Enfield, Conn.	64.11
New Albany, Ind.	62.42
Columbia, Mo.	61.89
Lebanon, Pa.	61.77
Rutler, Pa.	61.08
Carthage, Mo.	60.03

Fort Smith, Ark.	\$59.83
Enid, Okla.	56.16
Jeffersonville, Ind.	53.89
Chicago Heights, Ill.	52.35
Owensboro, Ky.	48.24
Marshall, Tex.	43.94
Bessemer, Ala.	31.26
Rome, Ga.	31.13
Gadsden, Ala.	30.79

CITIES OF FROM 5,000 TO 10,000 POPULATION.

Of the 50 cities with a population of from 5,000 to 10,000 people, there are 9 cities expending more than \$100 per pupil for public education, as compared with the expenditure in Washington of \$77.69 per pupil. If Washington be compared with this group of cities, it will be found that 23 cities are paying more than Washington and 27 cities are paying less.

Total current expenses per pupil.

Williamson, W. Va.	\$117.60
Globe, Ariz.	117.53
South Amboy, N. J.	109.89
Marshfield, Wis.	109.77
Bozeman, Mont.	109.44
Monrovia, Calif.	109.05
Roselle Park, N. J.	107.39
Pendleton, Oreg.	107.20
Mount Clemens, Mich.	101.43
Sheridan, Wyo.	99.35
Santa Rosa, Calif.	98.00
Manistique, Mich.	94.50
Bennington, Vt.	93.99
Canandaigua, N. Y.	89.42
Oskaloosa, Iowa.	88.80
Stoughton, Wis.	85.39
Montpelier, Vt.	85.27
Lewiston, Idaho.	84.15
Dixon, Ill.	83.21
Sterling, Colo.	83.10
Alma, Mich.	82.91
Mechanicville, N. Y.	79.38
Latrobe, Pa.	79.29
Washington, D. C.	77.69
Glard, Ohio.	77.57
North Andover, Mass.	77.38
Rockville, Conn.	76.29
Norfolk, Nebr.	71.65
East Conemaugh, Pa.	67.56
Wabash, Ind.	66.64
Marshall, Mo.	66.31
Houlton, Me.	65.66
Shelton, Conn.	64.06
Charleston, Ill.	63.44
Raton, N. Mex.	63.06
St. Charles, Mo.	62.48
Brantford, Conn.	62.03
Vinita, Okla.	61.84
Vineand, N. J.	61.31
Maysville, Ky.	59.16
Chariton, Iowa.	59.11
Lorain, Ohio.	56.15
Milton, Pa.	55.40
Presque Isle, Me.	55.21
Suffolk, Va.	44.53
Frankfort, Ky.	43.94
Washington, N. C.	43.46
Ada, Okla.	33.88
Bicknell, Ind.	33.33
Albany, Ala.	31.13
Gainesville, Ga.	24.17

From the above facts it is clear that Congress is now appropriating comparatively less money for public education in Washington than most of the cities of corresponding size are providing, and that many of the smaller cities of the country are likewise paying more for public education than is being paid in Washington. On the basis of these facts, the reasonable increase in appropriations necessitated by this legislation is defensible.

PER CENT OF MUNICIPAL FUNDS DEVOTED TO SCHOOLS.

In addition to the per pupil cost of public education in Washington the question of increasing the appropriations for public education in the Nation's Capital may be answered by the consideration of another group of facts, namely, the proportion of municipal funds devoted to public education in the several cities.

According to City School Leaflet No. 4, published in December, 1922, by the Bureau of Education of the Department of the Interior, Washington is spending a lesser proportion of her total expenditures for municipal functions than is expended for public education in many other cities. This leaflet shows the per cent of all expenditures for current expenses of all municipal departments in 174 cities in 1920 or in 1921 which was devoted to the current expenses of public education.

CITIES WITH OVER 100,000 POPULATION.

According to this report, in cities of 100,000 population or more the per cent of total expenditures devoted to the schools ranges from 53.9 in Kansas City, Kans., to 23.8 per cent in Philadelphia. Washington expended in 1920-21, 30.5 per cent of her total appropriations for public education. On the basis of

these figures Washington stands thirty-ninth among 51 cities in the proportion of municipal funds devoted to public education. The information for the 51 cities is as follows:

Per cent of municipal funds.

Kansas City, Kans.	53.9
Des Moines, Iowa	53.5
Oakland, Calif.	51.9
Grand Rapids, Mich.	50.1
Salt Lake City, Utah	47.1
Columbus, Ohio	46.7
Omaha, Nebr.	46.5
Spokane, Wash.	46.0
Reading, Pa.	43.0
Camden, N. J.	42.8
Youngstown, Ohio	41.0
Springfield, Mass.	40.5
Scranton, Pa.	40.4
Los Angeles, Calif.	40.1
Trenton, N. J.	40.0
Yonkers, N. Y.	40.0
Birmingham, Ala.	38.8
Minneapolis, Minn.	38.8
Houston, Tex.	38.6
Rochester, N. Y.	37.7
Dallas, Tex.	37.3
Worcester, Mass.	36.9
Richmond, Va.	35.0
Cincinnati, Ohio	34.5
Fall River, Mass.	34.4
St. Paul, Minn.	33.1
Seattle, Wash.	32.4
Cambridge, Mass.	32.4
Buffalo, N. Y.	32.3
Bridgeport, Conn.	32.2
Denver, Colo.	32.1
Lowell, Mass.	31.8
Indianapolis, Ind.	31.8
New York, N. Y.	31.7
Providence, R. I.	31.4
Atlanta, Ga.	31.1
St. Louis, Mo.	30.8
Syracuse, N. Y.	30.5
Washington, D. C.	30.5
Louisville, Ky.	30.2
Chicago, Ill.	29.8
Pittsburgh, Pa.	29.8
Jersey City, N. J.	29.6
New Bedford, Mass.	29.5
Norfolk, Va.	29.4
Boston, Mass.	28.8
Nashville, Tenn.	27.9
New Orleans, La.	26.8
Memphis, Tenn.	26.4
San Francisco, Calif.	25.8
Philadelphia, Pa.	23.8

CITIES OF FROM 50,000 TO 100,000 POPULATION (1920-21).

If Washington be compared with cities of from 50,000 to 100,000 population, that comparison will show that Washington stands fifty-third among 57 cities; that is, 52 of the 57 cities in this group are expending a larger proportion of public funds for their schools than is being expended in the Nation's Capital and only 4 cities are expending comparatively less than Washington:

Per cent of municipal funds.

Huntington, W. Va.	62.2
Berkeley, Calif.	60.4
Lincoln, Nebr.	58.3
Sioux City, Iowa	56.7
Springfield, Ill.	54.4
Fresno, Calif.	54.3
Long Beach, Calif.	53.4
South Bend, Ind.	52.0
Allentown, Pa.	51.6
Chester, Pa.	51.6
Lancaster, Pa.	51.5
Rockford, Ill.	51.3
Johnstown, Pa.	50.2
Oklahoma City, Okla.	49.9
Racine, Wis.	48.5
Wichita, Kans.	48.4
Davenport, Iowa	47.6
Gary, Ind.	47.5
Bethlehem, Pa.	47.4
Canton, Ohio	47.2
Highland Park, Mich.	46.9
Erie, Pa.	46.3
Harrisburg, Pa.	46.1
Fort Wayne, Ind.	46.0
East St. Louis, Ill.	45.9
Wheeling, W. Va.	45.6
Niagara Falls, N. Y.	44.8
Passaic, N. J.	44.8
Utica, N. Y.	44.1
Rayonne, N. J.	43.7
East Orange, N. J.	42.0
Springfield, Okla.	41.9
Tacoma, Wash.	41.5
Pawtucket, R. I.	39.7
Somerville, Mass.	39.0
El Paso, Tex.	38.8
Peoria, Ill.	38.8
Binghamton, N. Y.	38.4
San Diego, Calif.	38.2
Hoboken, N. J.	37.9
Knoxville, Tenn.	36.5
Roanoke, Va.	36.1

¹ Data for the school year 1919-20.

Portsmouth, Va.	35.7
Brockton, Mass.	35.4
Elizabeth, N. J.	35.3
Holyoke, Mass.	34.8
Covington, Ky.	34.6
Lawrence, Mass.	34.6
Mobile, Ala.	33.2
Haverhill, Mass.	33.2
Atlantic City, N. J.	33.1
Lynn, Mass.	31.8
Washington, D. C.	31.3
Chattanooga, Tenn.	30.5
Augusta, Ga.	29.9
Macon, Ga.	27.0
Charleston, S. C.	23.4

CITIES OF 30,000 TO 50,000 POPULATION (1920-21).

If the percentage of municipal funds devoted to public education in Washington be compared with the proportion of municipal funds expended for public education in cities of from 30,000 to 50,000 population, that comparison will show that Washington stands fifty-ninth among 68 cities; that is, 9 cities are paying a smaller proportion of municipal funds for schools than does Washington and 59 cities are expending a larger proportion of municipal funds for public education.

Per cent of municipal funds.

Onk Park, Ill.	62.8
Council Bluffs, Iowa	61.8
Cedar Rapids, Iowa	60.8
Pontiac, Mich.	59.0
Harleton, Pa.	58.8
San Jose, Calif.	58.0
Waterloo, Iowa	56.8
Anderson, Ind.	56.4
Muncie, Ind.	56.3
Muskogee, Okla.	56.0
Portsmouth, Ohio	54.9
Hammond, Ind.	54.8
Evanston, Ill.	53.5
Pasadena, Calif.	53.4
Charleston, W. Va.	53.2
Kenosha, Wis.	52.0
Springfield, Mo.	51.7
Quincy, Ill.	51.5
Battle Creek, Mich.	50.9
Clevo, Ill.	50.8
Kokomo, Ind.	50.3
Joliet, Ill.	49.1
Lakewood, Ohio	49.1
Ogden, Utah	48.8
New Castle, Pa.	48.4
Bay City, Mich.	47.4
Moline, Ill.	47.1
New Brunswick, N. J.	46.7
Aurora, Ill.	46.1
Colorado Springs, Colo.	45.8
West Hoboken, N. J.	45.4
Oakbrook, Wis.	44.2
East Chicago, Ind.	44.1
Newburgh, N. Y.	43.4
Pueblo, Colo.	42.7
Pittsfield, Mass.	42.6
Everett, Mass.	41.6
Perth Amboy, N. J.	41.4
Dubuque, Iowa	41.2
Phoenix, Ariz.	40.1
Austin, Tex.	39.9
West New York, N. J.	39.0
Charlotte, N. C.	39.0
Chicope, Mass.	38.8
Auburn, N. Y.	38.3
Beaumont, Tex.	38.0
Medford, Mass.	37.7
Newton, Mass.	37.1
New Rochelle, N. Y.	36.7
Malden, Mass.	35.8
Chelsea, Mass.	34.6
Poughkeepsie, N. Y.	34.2
Taunton, Mass.	34.2
Lexington, Ky.	32.9
Waltham, Mass.	32.9
Newport, R. I.	32.0
Winston-Salem, N. C.	31.9
Wilmington, N. C.	31.5
Washington, D. C.	30.5
Newport News, Va.	30.4
Lynchburg, Va.	30.3
Fitchburg, Mass.	30.2
Woonsocket, R. I.	30.1
Montgomery, Ala.	28.0
Galveston, Tex.	26.8
Columbia, S. C.	26.5
Brookline, Mass.	26.2
Columbus, Ga.	24.8

From the above information it is clear that Washington is expending comparatively a smaller proportion of her municipal expenditures for public education than is being expended in a large proportion of the cities of the country.

The conclusion is inevitable, therefore, that both from the standpoint of per capita cost and from the standpoint of proportion of municipal funds expended for public education an increase in expenditure for public education in the Nation's Capital is warranted and indeed must be expected if Congress is to do justice by the schools of Washington.

² Data for the school year 1919-20.

IMMEDIATE COST OF THIS LEGISLATION.

This legislation affects 2,641 employees who were on probationary or permanent tenure on July 1, 1923. The computations of cost are based upon this number of employees and on the assumption that they continue in their present salary classes and advance regularly to the maximum salaries of those classes. These 2,641 employees are distributed as follows:

Title	Class	Number
Teachers of kindergartens and elementary schools.....	1	1,845
Teachers of junior high schools.....	2	62
Teachers in senior high and normal schools.....	3	531
School librarians.....	4	10
Teaching principals with from 4 to 7 rooms, elementary schools.....	5	18
Teaching principals with from 8 to 15 rooms.....	6	59
Administrative principals with 16 rooms or more.....	7	28
Principals of junior high schools.....	8	6
Principals of senior high and normal schools.....	9	9
Directors of special subjects and departments.....	10	17
Heads of departments and assistant principals.....	11	19
Supervising principals.....	12	14
Community center department:		
Director.....	1	1
General secretaries.....	2	2
Community secretaries.....	3	6
Department of school attendance and work permits:		
Director (new position).....	0	0
Chief attendance officers.....	2	2
Attendance officers.....	0	0
Census inspectors (new position).....	0	0
Board of examiners for white schools—chief examiner (new position).....	0	0
Assistant superintendents.....	2	2
First assistant superintendents (new position).....	0	0
Superintendent of schools.....	1	1
Total.....		2,641

The average increase in salary for the 2,641 employees affected by this bill for the first year of its operation is \$153.75. The teaching group, which includes a great majority of the persons affected, will receive average increases in salary during the school year beginning July 1, 1924, over the amount which they will receive under the present schedule during the same year as follows:

Average increase in salary in Keller bill.

Position:	
Teachers of kindergartens and elementary schools.....	\$132.98
Teachers of junior high schools.....	153.83
Teachers in senior high and normal schools.....	114.28
School librarians.....	124.00
Teaching principals with from 4 to 7 rooms.....	388.36
Teaching principals with from 8 to 15 rooms.....	370.68

The total cost of putting this legislation into operation during the first year beginning July 1, 1924, is estimated to be \$468,745. Under the present fiscal relations between the National Government and the District of Columbia 60 per cent of this cost will be met by taxation in the District, and 40 per cent will be paid out of the Treasury of the United States. The amount which the District of Columbia will pay from taxation is \$281,247, and the amount which will be paid out of the United States Treasury is \$187,498. In comparison with the cost to the Government of increasing the compensation of Federal employees, under the provisions of the reclassification legislation, this increased expenditure for teachers' salaries in the District of Columbia can not be considered exorbitant, but on the contrary must be viewed as moderate and reasonable.

ULTIMATE COST OF THIS LEGISLATION.

The difference between the minimum salary now paid some groups of teachers and the minimum salary proposed in the Keller bill is not great. This accounts, in part, for the comparatively low cost of putting this schedule into effect during the first year, because the placing of the teacher in the new schedule is based upon the present compensation of those same teachers.

The maximum salaries under the present salary schedule are exceedingly low. The Keller bill establishes maximum salaries considerably higher than the present maximum salaries. The maximum salaries proposed in the Keller bill establish rates of compensation for teachers and officials which are believed to be high enough to be sought by competently trained persons who want to come into the service, and also high enough to retain competent people in the service after appointment. It may be said that this is one of the strongest arguments in favor of the passage of the Keller bill. Naturally, it may be expected that the establishment of these higher rates of maximum compensation will, in the course of a number of years, considerably increase the amount of the appropriations necessary for teachers' salaries in the District of Columbia.

The average ultimate increase in compensation per person for the 2,641 employees is \$830.73. Teachers will reach this

maximum salary only gradually in steps of \$100 per year for several years.

The average per capita increase for teachers in the Keller bill over the present schedule of July 1, 1924, is as follows:

Average increase in salary in Keller bill.

Position:	
Teachers of kindergartens and elementary schools.....	\$928.23
Teachers of junior high schools.....	924.19
Teachers of senior high and normal schools.....	469.94
School librarians.....	700.00
Teaching principals with from 4 to 7 rooms.....	681.67
Teaching principals with from 8 to 15 rooms.....	670.68

The total increase in appropriations necessitated by the enactment of this legislation was shown in the report of the committee recommending the passage of this bill as follows:

	Cost.	Increase over previous year.
1924.....	\$4,712,053	
1925.....	5,180,800	\$468,745
1926.....	5,445,900	265,000
1927.....	5,710,800	265,000
1928.....	5,974,200	263,400
1929.....	6,218,700	244,500
1930.....	6,462,700	244,000
1931.....	6,710,800	248,100
1932.....	6,966,200	255,400
1933.....	7,075,300	109,100
1934.....	7,211,100	135,800
1935.....	7,260,900	69,800
1936.....	7,285,500	24,600
1937.....	7,304,500	19,000
1938.....	7,310,800	6,300
1939.....	7,317,000	6,200

It should be observed that the increase in cost is gradual and is distributed over a period of 12 or 15 years. This estimate is conservative and is not likely to be exceeded for these 2,641 employees, because the amount of money involved will be reduced whenever one of these persons retires from the school service and is succeeded by a person who is appointed to a salary at the beginning of the salary schedule or, as provided in the bill, to a place in the schedule not more than one-half of the distance up the schedule.

SUMMARY.

The American people believe in public education. As has been shown, cities of the country are expending from 30 per cent to over 50 per cent of their total revenues for public education. Justice to the school-teachers and officials of Washington requires that Congress increase the salaries for their services. Unless this legislation passes, the comparatively low compensation of teachers in Washington will be actually reduced through the loss of the bonus after June 3, 1924. Congress is not now appropriating as much money per pupil for public education in Washington as are many large and small cities of the country. Moreover, most of the cities of the country are expending a larger proportion of the revenues for municipal government for public education than is being expended for public education in Washington. The Keller bill, which is now before the House, was prepared by the Board of Education after most painstaking attention and extensive consideration. The testimony presented at the hearings on this bill before the Committee of the District of Columbia contains incontestable evidence in support of the salary schedule and legislation contained in the Keller bill. The increased expenditures for teachers' salaries in Washington necessitated by the enactment of this legislation will provide for a corresponding increase in the efficiency and service of the teachers and officials in the schools of the Nation's Capital.

I urge that this bill be passed without amendment. [Applause.]

Mr. LAZARO. Will the gentleman yield?

Mr. LAMPERT. I will.

Mr. LAZARO. The gentleman said that Washington is spending less on its teachers than many cities in this country. What about the cost of living in Washington; is it not true that the cost of living is higher in Washington than most other cities?

Mr. LAMPERT. I find it higher than any place I ever lived in.

Mr. LAZARO. Then it follows that we ought to pay the teachers more.

Mr. LAMPERT. Unquestionably.

Mr. BLANTON. Mr. Chairman, I yield myself 15 minutes, and I ask unanimous consent to extend my remarks in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BLANTON. Mr. Chairman and gentlemen, I regret exceedingly that I find myself in disagreement with my colleagues on the committee who favorably reported this Keller bill, H. R. 6721. I heartily agree with the raises it provides for the teachers, but I can not accept the enormous raises it gives to the executive officers. Let me give you the history of this proposed legislation.

Under the permission to extend, I insert the following:

On February 2, 1924, the Board of Commissioners of the District of Columbia sent their specially prepared teachers' salary bill, which they said met with the financial program of the President and had been approved by the Bureau of the Budget, to the chairman of our committee, requesting that such bill be introduced and passed, and I now quote their letter, as follows:

[Board of Commissioners: Cuno H. Rudolph, president; James F. Oyster; J. Franklin Bell, major, Corps of Engineers, United States Army; Daniel E. Garges, secretary.]

COMMISSIONERS OF THE DISTRICT OF COLUMBIA,

EXECUTIVE OFFICE,
Washington, February 2, 1924.

Hon. STUART F. REED,
Chairman Committee on the District of Columbia,
House of Representatives, Washington, D. C.

DEAR SIR: The Commissioners of the District of Columbia have the honor to transmit herewith a bill to amend the act entitled "An act to fix and regulate the salaries of teachers, school officers, and other employees of the Board of Education of the District of Columbia," approved June 20, 1906, and for other purposes, and to request that the bill be introduced by you in the House of Representatives.

It is proposed by this measure to establish a new schedule of salaries for officers, teachers, and other employees of the Board of Education, to be effective on and after July 1, 1924. These several employees are expressly excluded by the terms of the classification act of March 4, 1923, from the benefits thereunder. At the present time teachers and other public-school employees receive the annual bonus of \$240, and unless provision be made for an increase in present basic salaries all these employees would be paid less compensation in the fiscal year beginning July 1 than they now receive.

The commissioners are advised by the Director of the Bureau of the Budget that the proposed legislation is not in conflict with the financial program of the President.

Very respectfully,

BOARD OF COMMISSIONERS OF THE
DISTRICT OF COLUMBIA,

By CUNO H. RUDOLPH, President.

CHAIRMAN REED PROMPTLY INTRODUCED COMMISSIONERS' BILL.

Promptly after its receipt Chairman Reed, on the 2d day of February, 1924, introduced the bill sent him by the commissioners, same being H. R. 6576. Just as soon as the subject was taken up for consideration by the committee it was ascertained that this Reed bill, H. R. 6576, which the commissioners said had been agreed upon by the Bureau of the Budget, did not meet with the approval of certain school officials, who had a special bill of their own. The gentleman from Minnesota said immediately that he would introduce the bill these officials wanted, and he did introduce same in the House on February 7, 1924, same being H. R. 6721.

Whereupon the chairman of the committee on February 16, 1924, submitted a copy of this new Keller bill (H. R. 6721) to said commissioners for action by the following letter:

WASHINGTON, D. C., February 16, 1924.

DISTRICT COMMISSIONERS,

Washington, D. C.

MY DEAR SIRS: Inclosed is copy of H. R. 6721 for your consideration and report.

Very truly yours,

STUART F. REED,
Chairman of Committee.

KELLER BILL IN CONFLICT WITH FINANCIAL POLICY OF THE PRESIDENT.

On February 26, 1924, the Commissioners of the District of Columbia reported adversely on the Keller bill, stating that the Director of the Budget advised that it is in conflict with the financial policy of the President. I quote their letter, as follows:

FEBRUARY 26, 1924.

Hon. STUART F. REED,
Chairman Committee on the District of Columbia,
House of Representatives.

DEAR SIR: With further reference to your letter of February 16, 1924, transmitting therewith for consideration and report a copy of H. R. 6721, entitled "A bill to amend the act entitled 'An act

to fix and regulate the salaries of teachers, school officers, and other employees of the Board of Education of the District of Columbia,' approved June 20, 1906, as amended, and for other purposes," the Commissioners of the District of Columbia have the honor to inform you that this bill was submitted to the Bureau of the Budget, and the commissioners are informed by the Director of the Budget, under date of February 28, 1924, that the bill is in conflict with the financial policy of the President.

There is pending before your committee H. R. 6576, of caption identical with that of H. R. 6721, under the provisions of which certain salaries are fixed for teachers, officers, and other employees of the Board of Education, effective on July 1, 1924. The provisions of this bill represented a joint agreement between the Bureau of the Budget, the Board of Education, and the Commissioners of the District of Columbia, and was transmitted to you, and to the chairman of the Senate Committee on the District of Columbia, with the statement that its provisions were not in conflict with the financial policy of the President.

Very respectfully,

BOARD OF COMMISSIONERS OF THE DISTRICT
OF COLUMBIA,

By CUNO H. RUDOLPH, President.

REED BILL, H. R. 6576, JOINT AGREEMENT BETWEEN BUDGET BUREAU, BOARD OF EDUCATION, AND DISTRICT COMMISSIONERS.

You will note that in the letter from the commissioners they state that they submitted the Keller bill, H. R. 6721, to the Bureau of the Budget, and that the Director of the Budget advised that the Keller bill is in conflict with the financial policy of the President. You will also note that they further stated that the Reed bill, H. R. 6576, was the joint agreement between the Bureau of the Budget, the Board of Education, and the Commissioners of the District of Columbia.

And on March 1, 1924, the chairman of the committee notified Mr. KELLER of such action, sending him a copy of said report from the commissioners, the following being a copy of such notice:

WASHINGTON, D. C., March 1, 1924.

Hon. OSCAR E. KELLER,
House of Representatives.

MY DEAR COLLEAGUE: The District Commissioners have submitted a report on H. R. 6721, your bill to fix the salaries of teachers, etc., copy of which is inclosed.

Very truly yours,

STUART F. REED,
Chairman of the Committee.

REED BILL, H. R. 6576, COMPARED WITH KELLER BILL, H. R. 6721.

For the benefit of my colleagues I will now compare the salary raises in the Reed bill with the salary raises in the Keller bill:

Teachers in kindergartens and elementary schools.

	Basic salary per year.	Annual increase.	Maximum salary.
Group A:			
Reed bill.....	\$1,400	\$100 for 6 years.	\$2,000
Keller bill.....	1,400	100 for 8 years.	2,200
Group B:			
Reed bill.....	2,100	100 for 3 years.	2,400
Keller bill.....	2,300	100 for 3 years.	2,600

UNDER PRESENT LAW.

Under the present law kindergarten teachers are in class 1, and get a basic salary of \$1,200, with an additional \$25 for four years, making the maximum \$1,300, plus the \$240 bonus that is now paid all teachers up to July 1. Elementary school-teachers are in classes 2, 3, 4, and 5. Class 2 receive the same as kindergarten teachers. Class 3 receive a minimum of \$1,200, with a raise each year of \$25 for 10 years, making the maximum \$1,450, with, of course, the \$240 bonus added to all. Class 4 receive a minimum of \$1,200, with a raise each year of \$30 for 10 years, making the maximum \$1,500, with, of course, the \$240 bonus added to all. Class 5 receive a minimum of \$1,200, with a raise each year of \$40 for 10 years, making the maximum \$1,600, with, of course, the \$240 bonus added to all.

Teachers in junior high schools.

	Basic salary per year.	Annual increase.	Maximum salary.
Group A:			
Reed bill.....	\$1,600	\$100 for 5 years.	\$2,100
Keller bill.....	1,600	100 for 8 years.	2,400
Group B:			
Reed bill.....	2,200	\$100 for 3 years.	2,500
Keller bill.....	2,300	100 for 3 years.	2,600

Both the Reed bill and the Keller bill provide that these junior high school-teachers are to be selected from the elementary teachers having proper qualifications.

Both bills provide that teachers in the junior high school who possess the eligibility requirements of teachers in the senior high school and the normal schools shall be placed in Group C and in Group D, and that Group C shall receive the same salaries as teachers in Group A of the senior high and normal schools, and that Group D shall receive the same salaries as teachers in Group B of the senior high and normal schools.

Teachers in senior high schools and normal schools.

	Basic salary per year.	Annual increase.	Maximum salary.
Group A:			
Reed bill.....	\$1,800	\$100 for 8 years.	\$2,600
Keller bill.....	1,800	\$100 for 10 years.	2,800
Group B:			
Reed bill.....	2,700	\$100 for 3 years.	3,000
Keller bill.....	2,900	\$100 for 3 years.	3,200

PRESENT LAW.

Under the present law these teachers in Group A receive a minimum of \$1,440 with an increase of \$100 per year for 8 years, making a maximum of \$2,240, all of them, however, now receiving the \$240 bonus extra until July 1, 1924. Teachers in Group B receive a minimum of \$2,200 with an annual increase of \$100 for 3 years, making a maximum of \$2,500, all of them, of course, receiving the extra bonus of \$240 to July 1.

School librarians.

	Basic salary per year.	Annual increase.	Maximum salary.
Group A:			
Reed bill.....	\$1,400	\$100 for 6 years.	\$2,000
Keller bill.....	1,400	\$100 for 8 years.	2,200
Group B:			
Reed bill.....	2,100	\$100 for 2 years.	2,300
Keller bill.....	2,300	\$100 for 3 years.	2,600

Salaries now being paid to higher school officials.

Positions.	Minimum.	Increment.		Maximum.	With \$240 bonus.	
		Num-ber.	Amount.		Minimum.	Maximum.
High-school assistant principals.....	\$2,400	5	\$100	\$2,900		
Principals, senior high and normal.....	2,700	5	100	3,200		
Central High principal.....	3,500	5	100	4,000		
Assistant directors.....	1,800	5	50	2,050	\$2,000	\$2,250
Directors.....	2,000	5	100	2,500	2,240	2,740
Director primary instruction.....	2,400	5	100	2,900		
Supervising principals, director intermediate instruction, supervisor manual training.....	2,400	5	100	2,900		
Assistant superintendents.....	3,750			3,750		
Superintendent.....	6,000			6,000		

While the substantive law permits a salary of only \$5,000 per year to be paid to the superintendent of schools, an extra \$1,000 per year has been paid him through a provision placed in the appropriation bill each year for several years past. So that while under the law he has been authorized to receive only \$5,000, the Congress has nevertheless paid him \$6,000 per year for two or three years past.

BILL PROPOSES TO PAY SUPERINTENDENT \$10,000.

The bill proposes to pay Superintendent Ballou \$10,000, which is \$2,500 more than a Congressman receives, and \$2,500 more than a Senator of the United States receives. This should not be allowed. Each year for several years it has been threatened by those who insisted on paying the extra \$1,000 to Mr. Ballou that if we didn't raise his salary we would lose him, but he has continued on for several years, and we haven't lost him yet. Under no circumstances should this salary be fixed at a sum greater than \$7,500. If we should be so unfortunate as to lose Mr. Ballou, there will be plenty of excellent talent and material to select another superintendent within the salary limit. As my colleagues have fixed the salaries of all the administrative officers at much higher figures than they should be, I want to call attention to what our constituents at home think about this question of raising salaries. The people in the States fix the salary of their governor. Let me call your attention to 28 States whose 28 governors do not get more than \$5,000 per year:

States whose governors receive not over \$5,000.

State.	Salary of governor.	Name of governor.	Politics.	Expiration of term of office.
New Hampshire.....	\$3,000	Fred H. Brown.....	Democrat.....	January, 1925.
South Dakota.....	3,000	W. H. McMaster.....	Republican.....	Do.
Vermont.....	3,000	Redfield Proctor.....	do.....	Do.
Delaware.....	4,000	Wm. D. Denney.....	do.....	Do.
Tennessee.....	4,000	Austin Peay.....	Democrat.....	Do.
Texas.....	4,000	Pat M. Neff.....	do.....	Do.
Wyoming.....	4,000	Wm. B. Ross.....	do.....	Do.
Maryland.....	4,500	A. C. Ritchie.....	do.....	January, 1927.
Oklahoma.....	4,500	M. E. Trapp.....	do.....	Do.
Alabama.....	5,000	W. W. Brandon.....	do.....	Do.
Arkansas.....	5,000	T. C. McRae.....	do.....	January, 1925.
Colorado.....	5,000	Wm. E. Sweet.....	Progressive Democrat.....	Do.
Connecticut.....	5,000	O. A. Templeton.....	Republican.....	Do.
Georgia.....	5,000	C. Walker.....	Democrat.....	June, 1925.
Idaho.....	5,000	C. C. Moore.....	Republican.....	January, 1925.
Iowa.....	5,000	N. E. Kendall.....	do.....	Do.
Kansas.....	5,000	J. M. Davis.....	Democrat.....	Do.
Maine.....	5,000	P. D. Baxter.....	Republican.....	Do.
Michigan.....	5,000	A. J. Groesbeck.....	do.....	Do.
Mississippi.....	5,000	H. L. Whitfield.....	Democrat.....	January, 1928.
Missouri.....	5,000	A. M. Hyde.....	Republican.....	January, 1925.
New Mexico.....	5,000	Jas. Hinkle.....	Democrat.....	Do.
North Carolina.....	5,000	C. Morrison.....	do.....	Do.
North Dakota.....	5,000	R. A. Nestos.....	Republican.....	Do.
Oregon.....	5,000	W. M. Pierce.....	Democrat.....	January, 1927.
South Carolina.....	5,000	T. G. McLeod.....	do.....	January, 1925.
Virginia.....	5,000	E. L. Triplett.....	do.....	February, 1926.
Wisconsin.....	5,000	J. J. Blaine.....	Republican.....	January, 1925.

Now, of the remaining 20 States, let me show you the number of governors who do not receive over 7,200 per year:

State.	Salary of governor.	Name of governor.	Politics.	Expiration of term of office.
Florida.....	\$6,000	C. A. Hardee.....	Democrat.....	January, 1925.
Utah.....	6,000	C. A. Mabey.....	Republican.....	Do.
Washington.....	6,000	L. F. Hart.....	do.....	Do.
Arizona.....	6,500	G. W. P. Hunt.....	Democrat.....	Do.
Kentucky.....	6,500	W. J. Fields.....	do.....	December, 1927.
Minnesota.....	7,000	J. A. O. Preus.....	Republican.....	January, 1925.
Nevada.....	7,200	J. J. Scruggam.....	Democrat.....	January, 1927.

Hence you will see that the governors of 35 States of this Union now receive salaries ranging between \$3,000 and \$7,200, and yet my colleagues in this bill are proposing to raise the salary of this school superintendent from \$6,000 to \$10,000. I am against it, because I know that the people back home are against it in at least 35 out of the 48 States.

First assistant superintendents.

	Basic salary per year.	Annual increase.	Maximum salary.
Reed bill.....	\$5,000	\$200 for 5 years.	\$6,000
Keller bill.....	5,000	do.....	6,000
Amount that should be allowed.....	3,500	\$100 for 10 years.	4,000

Under no circumstances should the salary provided for in the committee bill be granted to assistant superintendents. It is out of all proportion to salaries paid to other important public officials. Circuit trial judges in most of the States do not receive over \$4,000, and they try men for their lives, and try civil cases involving millions of dollars in property rights.

Assistant superintendents.

	Basic salary per year.	Annual increase.	Maximum salary.
Reed bill.....	\$4,300	\$100 for 4 years.	\$4,700
Keller bill.....	4,200	\$100 for 5 years.	4,700
Amount that should be allowed.....	3,200	\$100 for 8 years.	4,000

Chief, board of examiners.

	Basic salary per year.	Annual increase.	Maximum salary.
Reed and Keller bills.....	\$4,000	\$100 for 5 years.	\$4,500

Thus under the Keller bill there will be paid to colored examiners \$4,500 per year, or \$500 per year more than the governors of seven States receive, and that much more than the circuit trial judges of most of the States now receive.

SUPERVISING PRINCIPALS.

Both the Reed and Keller bills pay the supervising principals a minimum basic salary of \$4,000 with an annual raise of \$100 for five years, or a maximum salary of \$4,500.

They now receive \$2,400 with an annual increase of \$100 for five years, or a maximum of \$2,900. Their salary should be fixed at not more than \$2,700, with an annual raise of \$100 for eight years, which gives them a maximum of \$3,500.

It will be remembered that most of these officers have already served the required number of years to start them in with the maximum at once, immediately following the passage of this law, to take effect July 1, 1924.

Heads of departments and assistant principals.

	Basic salary per year.	Annual increase.	Maximum salary.
Reed bill.....	\$3,200	\$100 for 3 years.	\$3,500
Keller bill.....	3,200	\$100 for 5 years.	3,700
Amount that should be allowed.....	2,700	\$100 for 5 years.	3,200

Under the present law they now receive \$2,400 with an annual increase of \$100 for five years, or a maximum of \$2,900. And those receiving less than \$2,500 also receive the bonus of \$240.

DIRECTORS OF SPECIAL SUBJECTS AND DEPARTMENTS.

Under both the Reed bill and the Keller bill it is proposed to pay the above a minimum of \$3,200 with an annual increase of \$100 for three years, making a maximum of \$3,500. This is entirely too much and should be cut down considerably.

PRINCIPALS OF SENIOR HIGH SCHOOLS AND NORMAL SCHOOLS.

Under both the Reed bill and the Keller bill it is proposed to pay the above \$4,000 basic salary, with an annual increase of \$100 per year for five years, making a maximum of \$4,500. They now receive a minimum of \$2,700, with increase of \$100 for five years, making a maximum of \$3,200, and it is proposed to give them a \$1,300 raise. It is entirely too much by at least \$500 to \$750, and should be cut down.

PRINCIPALS OF JUNIOR HIGH SCHOOLS.

Both the Reed bill and the Keller bill propose to pay the above a minimum basic salary of \$3,500, with an annual increase of \$100 for five years, making a maximum of \$4,000. It is entirely too much, and should be cut down.

Administrative principals with 16 rooms or more and principals of vocational and Americanization schools.

	Basic salary per year.	Annual increase.	Maximum salary.
Reed bill.....	\$2,700	\$100 for 3 years.	\$3,000
Keller bill.....	2,900	do.....	3,200

The above is entirely too much and should be cut down. And I shall offer amendments from the floor to reduce these unwarranted raises, and hope that my colleagues in the House will support same, and thus uphold the Bureau of the Budget.

FAVOR THE RAISES TO THE ACTUAL TEACHERS.

I am in favor of granting the raises to all the actual teachers who really perform the hard work in the schoolrooms, and the never-ending home work that all good teachers must do, if they are conscientious in performing their duties.

THE OLD 60-40 BASIS OF FISCAL RELATION.

Let me again ask why is it that the Government of the United States should be called upon to build and maintain the Washington schools? There are 70,000 school children in attendance. Many of them belong to families who have no connection whatever with the business affairs of this Government. There are about 2,500 children living in Virginia and Maryland who attend the Washington schools. Why should the Government be called upon to build the buildings, buy the playgrounds, furnish the free schoolbooks, and pay the salaries of the twenty-five hundred and odd teachers to teach them? Until 1921 the whole people of the United States paid 60 per cent of all this expense. And since 1921 the whole people of the United States have paid 40 per cent of such expense. Why should they pay any part of it? Why shouldn't Washington people pay the expense of sending Washington children to Washington schools?

PRESENT 60-40 FISCAL RELATION.

Under the present system now in force the people of Washington pay a total tax of only \$1.20 on the \$100, on both real and personal property, with a personal property exemption of \$1,000 free of all taxation, and with their property assessed at about half valuation, and the whole people of the United States then pay all the balance

of their expenses under this ridiculous 60-40 fiscal system, under which the Government makes numerous appropriations for the District of Columbia local civic matters, in numerous supply bills, where the appropriation is taken out of the United States Treasury 100 per cent.

AFFECTS ENTIRE PEOPLE OF THE UNITED STATES.

This is not a bill that affects merely the people living in the District of Columbia. It affects all of the people in the whole United States, for the whole people of the Nation pay 40 per cent of all the salaries of the officers and employees of this school department and of all of the other expenses of the District of Columbia. And the people of Washington pay a total tax rate of only \$1.20 on the \$100, assessed at about half valuation, while, counting the State, county, school, and other civic taxes, all of the other cities of the United States, both small and large, pay taxes running from \$2.75 to \$6 and \$7 per \$100.

THE OLD SLOGAN HAS WORN THREADBARE.

Whenever a Member of Congress seeks to change the unjust system of allowing the people of Washington to pay the ridiculous tax rate of only \$1.20 on the \$100, the newspapers and citizens' associations immediately resort to their old battle cry—

"That Washington is the Nation's Capital and must be made the most beautiful city in the world; that the Government should pay a big part of the local city expenses because it owns so much property here."

Washington is the Nation's Capital and should be made the most beautiful city in the world, and I will go just as far as any other man through all legitimate and proper means to make it the most beautiful city in the world. Before the Government built all of its fine institutions here Washington was a mere village. Property here was of little value. It is because of the fact that the United States has spent its millions here that has caused some lots to jump in value from \$100 to \$100,000. Every piece of property owned by the Government in Washington is daily enjoyed by the people of Washington.

The local pay roll of the Government is a bonanza to the merchants and business enterprises of Washington. The Government pays its nearly 100,000 employees in Washington their wages promptly every two weeks in new money that has never been spent before. Chicago, or any other big city in the United States, would gladly exempt the Government from paying all taxes on its property to get it to move its capital to such city.

Because we want to make it the most beautiful city in the world is no reason why the Government should pay for building million-dollar school buildings and employing 2,500 teachers and buying the schoolbooks for the 70,000 school children of the thousands of families living in Washington who have no connection whatever with the Government except to bleed it on all occasions and to grow rich on the Government pay rolls expended here.

Because we want to make Washington the most beautiful city in the world is no reason why the Government should pay for the army of garbage gatherers, the army of ash gatherers, the army of trash gatherers, the army of street cleaners and sprinklers, the army of tree pruners and sprayers, and the street-lighting system for the several hundred miles of private residences owned by rich tax dodgers who have no connection whatever with the Government; nor is it any reason why the Government should pay for their water system, their sewer system, their police protection, their fire protection, for playgrounds for their children, for parks for their enjoyment, for their municipal golf grounds, for their numerous public tennis courts, for their bathing beaches, for their skating ponds, for their cricket grounds, for their baseball and football grounds, for their horseback riding paths, for paving the streets in front of their residences and maintaining and keeping them in repair, for building their million-dollar bridges, furnishing million-and-a-half-dollar market houses, their municipal trial and appellate courts, their jails and houses of correction, their municipal hospitals, asylums for their insane, special asylum schools for their deaf and dumb, asylums for their orphans, a university for their 110,000 colored people, their municipal libraries, their municipal community-center facilities, salaries of all their municipal officers, employees, buildings, furnishings, equipments, sanitary and health departments, and the hundreds of other things that all other cities of the United States must furnish and pay for themselves, but a very substantial part of which the people of Washington have been getting out of the Federal Treasury for years.

The magnificent Capitol and its beautiful grounds are daily enjoyed by Washington people. The Congressional Library, which cost \$6,032,124, in addition to the sum of \$585,000 paid for its grounds, and for the upkeep of which Congress annually spends a large sum of money, is daily enjoyed by the people of Washington. The Government furnished and maintains the magnificent Botanic Garden here for the pleasure and enjoyment of Washington people. The Government furnished and maintains the wonderful Zoo Park, with all of its interesting animals, for the instruction and amusement of Washington children. The Government furnished and maintains the extensive and most beautiful Rock Creek Park, with its picturesque

picnic grounds, its miles of wonderful boulevards, its incomparable scenery, all for the pleasure of Washington people. Congress has spent millions of dollars reclaiming and purchasing the lands now embraced in the Potomac Parks and Speedway, daily used and enjoyed by Washington people. The Government has spent several million dollars building the various bridges spanning the Potomac River, and huge sums for the bridge spanning the Anacostia River, and spent \$1,000,000 building the beautiful "Million-Dollar Bridge" on Connecticut Avenue. The Government has spent millions of dollars on the Lincoln Memorial, grounds, and reflecting pools, the Washington Monument grounds, Lincoln Park, on East Capitol Street, and the numerous beautiful little parks scattered all over the city, all for the pleasure and benefit of Washington people.

During the recess of Congress I wrote to the mayor of every city of any size in the United States and asked them to advise us of their local tax rate, of the charges for water, sewer, paving, etc., and what rate, in their judgment, they thought Washington people should pay as a minimum. I want to insert just a few in this report. The consensus of opinion was that the rate here should be at least \$2.50 per \$100, and there was a large per cent who were in favor of it being much higher, and the rates for taxation ranged from \$2.75 to over \$6.50, and in all these cities the people were charged more for water, sewer, and paving.

Let me again quote a few excerpts from the letter sent me by the mayor of the city of Peoria, Ill.:

[City of Peoria, Ill. Mayor's office. Edward N. Woodruff, mayor.]

NOVEMBER 1, 1923.

HON. THOMAS L. BLANTON,
Representative, Washington, D. C.

DEAR SIR: Answering your questionnaire of October 15, concerning relative tax rates of the cities of Washington and Peoria:

The tax rates on each \$100 taxable valuation levied against the real and personal property of the citizens of Peoria for the year 1922 is itemized as follows:

City corporate tax, including library, tuberculosis, garbage, and police and fire pension fund.....	\$1.94
Street and bridge.....	.24
School district.....	2.70
Park district.....	.41
	\$5.29
State.....	0.45
County.....	.50
County highway.....	.26
	1.29
Total, all purposes.....	6.58

Unless there is a tremendous revenue derived from sources other than from taxes the rate of \$1.20 for Washington is ridiculous. While I have never had my attention called to this disparity, I am amazed that the light has not been let into financial affairs of the Capital City long before this time.

You should be supported by every colleague in your effort to compel the citizens of Washington to do theirs, even as every citizen outside the District is doing his.

Wishing you success, I am,
Very truly yours,

E. N. WOODRUFF, Mayor.

The foregoing statement from the mayor of Peoria, Ill., fairly indicates the sentiment of the people over the United States. It might be enlightening to quote from a few of the letters received the tax rates of some of the cities over the United States as certified to me by the mayors of such cities.

When I speak of the tax rate of these cities I, of course, mean their total tax—State, county, school, and municipal—which is the total tax citizens of those respective cities have to pay on their property, as compared with the \$1.20 on the \$100 rate Washington people have to pay in the District of Columbia.

The Tax rate paid by the people in Baltimore, Md., \$3.27 on the \$100; in New Orleans, La., \$3.16½ on the \$100; in Portland, Oreg., \$4.52 on the \$100; in my birthplace, Houston, Tex., \$4.29½ on the \$100; in Ogden, Utah, \$3.33 on the \$100; in Cheyenne, Wyo., \$3.75 on the \$100; in Fort Smith, Ark., \$3.32 on the \$100; in New Bedford, Mass., \$3.13; in Burlington, Vt., \$3.10 on the \$100; in Pittsburgh, Pa., \$3.22 on the \$100; in St. Louis, Mo., which is a distinct political subdivision of the State, the city tax is \$2.43 on the \$100; in Boston, Mass., \$2.47 on the \$100; in Rochester, N. Y., \$3.36 on the \$100; in Portland, Me., \$3.40 on the \$100; in Boise City, Idaho, \$4.29 on the \$100; in Mobile, Ala., \$3.40 on the \$100; in Detroit, Mich., \$2.75 per \$100; in Duluth, Minn., \$5.79 on the \$100; in Atlanta, Ga., \$3.15 on the \$100; in Kansas City, Mo., \$2.93 on the \$100; in Minneapolis, Minn., \$6.52 on the \$100; in Salt Lake City, Utah, \$3.18 on the \$100; in Oakland, Calif., \$4.02 on the \$100; in Austin, the capital of Texas, \$3.54 on the \$100; in Denver, Colo., \$2.76 on the \$100; in Trenton, N. J., \$3.22 on the \$100; in Racine, Wis., \$2.87 on the \$100; in Nashville, Tenn., \$2.80 on the \$100; in Charlottesville, Va., \$2.85. And let me illustrate as the tax rate runs generally over Texas: in Paris, Tex., \$4.10 on the \$100; in Port

Arthur, Tex., \$3.54 on the \$100; in Tyler, Tex., \$4.61 on the \$100; in Denison, Tex., \$3.32 on the \$100; in Waco, Tex., \$3.63 on the \$100; in Amarillo, Tex., \$3.55 on the \$100; in Temple, Tex., \$3.15; in Wichita Falls, Tex., \$5.05 on the \$100; in Beaumont, Tex., \$4.04.

Mr. Edward F. Bryant, tax collector for San Francisco, Calif., has sent me a statement certifying that the following is the tax rate paid by the citizens in the following cities: In Seattle, Wash., \$8.80 on the \$100; Chicago, Ill., \$8 on the \$100; in Reno, Nev., \$7.38 on the \$100; in New York, N. Y., \$5.48 on the \$100; in Philadelphia, Pa., \$6 on the \$100; in Detroit, Mich., \$4.48 on the \$100; in San Francisco, Calif., \$3.47 on the \$100; in Los Angeles, Calif., \$3.89 on the \$100.

What excuse have we to offer to our constituents back at home who are paying the above tax rates for permitting by our votes here the 437,000 people in Washington, D. C., to continue paying the measly little pittance of only \$1.20 on the \$100, based on a half to two-thirds valuation, when our constituents have to pay all the balance of the expenses of this great city?

THIS VERY UNFAIR, RIDICULOUS FISCAL SYSTEM MUST CEASE.

No Congressman or Senator here can give any good reason why our people at home should continue to pay 40 per cent of all the expenses of running the schools of Washington; of paying the salaries of 2,500 teachers; of furnishing free schoolbooks to 70,000 Washington children; of building million dollar school buildings; of buying numerous playgrounds. If our people at home all knew about it, and knew that they were paying 40 per cent of all of the other expenses of this great city, they would not keep any of us here much longer, if we voted to continue it.

I gave notice some time ago that I have drawn my sword against this pernicious system, and shall keep it unsheathed, and continue this fight until it is changed and until the people of Washington pay a fair rate of taxation, just the same as the people of every other city, large and small, in the United States have to pay; and I am going to raise this question in every bill that comes up which seeks to make the whole people pay the civic expenses of Washington people.

I realize that in this bill it will be impossible to change this pernicious tax system, as any amendment that I might offer for such purpose, would be out of order under the rules of the House, and the chairman in charge of the bill would make a point of order against such amendments, were I to offer them. Such a change will have to come in a separate measure, and I shall not rest until I get such a bill favorably reported to the House for passage.

But let me get back to a discussion of some of the high salaries of executive officers in this bill, which should be reduced. When the initial measure was first prepared for submission to the Board of Education, commissioners, and the Budget Bureau, the high executive officers from the superintendent of schools down, saw to it that their salaries were taken care of and raised to the highest notch possible. Hence these high raises were in the bill the commissioners sent to Chairman REED, which he introduced, and which is known as the Reed bill (H. R. 6576).

When our friend from Minnesota [Mr. KELLER] introduced his bill in lieu of the Reed bill and sought to raise the salaries of the teachers over and above those which had been granted by the commissioners bill, Mr. KELLER's bill was submitted to the Budget Bureau for consideration, and I have called your attention to the fact that the Budget Bureau has disapproved of the Keller bill. It says that it is not in accord with the financial policy of the President of the United States, and they disapprove of it. But I am going to show you how you can bring the Keller bill within the limit of the Budget Bureau and not hurt a single teaching teacher. I propose to leave the teachers' salaries just as Mr. KELLER has fixed them in his bill and chop off at the top enough of the big raises allowed executive officers to bring that bill within the Budget estimate.

Mr. KELLER. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. KELLER. The Reed bill, preferred by the Bureau of the Budget, fixes the salary of the superintendent at \$8,000.

Mr. BLANTON. No; at \$10,000.

Mr. KELLER. No, sir; \$8,000.

Mr. BLANTON. That is quibbling between tweedledum and tweedledee. I will show that it is \$10,000, and the gentleman should be fair with our colleagues. Whenever you fix a basic salary of the superintendent at \$8,000 and then grant him \$1,000 a year for two years' services, when he has already served the two years, you make it a \$10,000 salary, and my friend knows it as well as I do. That is what was done. The superintendent has already served the two years, and the very minute you pass this bill, instead of it being a basic salary of \$8,000, it becomes a salary of \$10,000, for he will draw \$10,000.

Mr. SNELL. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. SNELL. Is it not a fact that he started in at \$8,000?

Mr. BLANTON. No. The bill does specify that the basic salary shall be \$8,000, with an annual increase of \$1,000 for each year for two years' service; but as he has already served his two years he will get the maximum of \$10,000 to start with.

Mr. SNELL. I am told that the previous service does not apply to the superintendent.

Mr. BLANTON. Practically all of the salaries will start in not at the basic salary on July 1 but at the maximum salary, because most of these officers and teachers already have served the number of years provided for in the bill.

Mr. KELLER. That is not the fact.

Mr. BLANTON. I will show that that is the fact.

Mr. SNELL. I am definitely told that the superintendent does not start in at \$10,000; that his previous service does not apply in this bill.

Mr. BLANTON. Show me the provision in the bill where it specifies that it does not apply. I have studied the bill as carefully as any man on the committee.

Mr. SNELL. I am told that it does not apply to the present director.

Mr. BLANTON. It does apply, and the gentleman from New York will find it out.

Mr. LaGUARDIA. Will the gentleman yield?

Mr. BLANTON. I will.

Mr. LaGUARDIA. If the gentleman's interpretation of the bill is correct, it can easily be changed by an amendment.

Mr. BLANTON. Oh, yes.

Mr. SNELL. I am willing to have an amendment adopted to that effect.

Mr. BLANTON. I am not in favor of paying him \$10,000.

Mr. SNELL. The gentleman may make that statement, but he should not put it on something else.

Mr. BLANTON. I am talking about the bill as it is now written. If the gentleman can find a provision in it that shows that the years already served, constituting longevity allowance does not apply to the superintendent, let him show it to me. There are provisions in the bill which specifically provide that the years already served either in the Washington schools or in any other accredited schools shall be allowed to the teachers in computing their longevity placement. And there is not one word in the bill that prevents the executive officers and superintendent from enjoying the same privileges.

Mr. LaGUARDIA. The gentleman is referring to the superintendent?

Mr. BLANTON. I am referring to the teachers, officers, and the superintendent.

Mr. SHERWOOD. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. SHERWOOD. Does not the gentleman think that \$8,000 is a pretty fair salary, counting capacity and experience of the present superintendent, without any provision for an additional salary? That is \$500 more than the average Congressman is receiving. Is not that a sufficient salary?

Mr. BLANTON. Yes; more than sufficient. Seven thousand five hundred dollars is enough. I am willing to admit that the present superintendent is just as efficient as any other we could probably find. I have no attack whatever to make on him as an individual or as a superintendent. I think he is probably as good as we can get. I am willing to accept that assumption anyway. I have no fight to make against him. I am fighting the \$10,000 salary that he has arranged for himself to draw.

Mr. SHERWOOD. But I asked the gentleman a question. Does he not think that \$8,000 a year is sufficient salary?

Mr. BLANTON. I think it is more than sufficient. Seven thousand five hundred dollars is as large as we should make it.

Mr. BANKHEAD. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. BANKHEAD. A sharp controversy has arisen between the gentleman who is now speaking and the gentleman from Minnesota [Mr. KELLER] as to the proper interpretation of this matter of the basic salary. Was that question discussed in the committee?

Mr. BLANTON. Why, it has been so well understood all of the time that there was no room for discussion.

Mr. BANKHEAD. I presume, then, that the gentleman will have no objection if there is a question about it incorporating an amendment making it absolutely clear that the law shall not have retroactive effect.

Mr. BLANTON. If you even start to put such an amendment into this bill that prior service shall not count you will have all the teachers and officers in the gallery turning somersaults. Leave it to the occupants of the gallery, and they will tell you that it is their prior service that they want to count.

And they understand that it does count in this bill. And, as a matter of fact, it does count.

If we are going to hire a superintendent at \$10,000 a year, I am as willing to hire Mr. Ballou as anybody else, and if anybody is going to lobby, I am willing to have him lobby. He has lobbied as little as any man I ever saw connected with the schools. I have seen lobbyists who would not let you walk down the corridor without meeting them in the House Office Building, and he has not done that. I do not think I ever saw him more than three or four times in the House Office Building since I have been on the committee, but he has no business drawing this big salary out of the Treasury, and I will tell you why.

Let me again remind you of what your constituents think about big salaries. What do your constituents at home think about your governor's salary? They fix the governor's salary. Remember that down in Georgia, where the genial gentleman, Mr. UPSHAW, lives—and he now wants to raise the salary as high as the top-notchers—the people there fix the governor's salary at \$5,000 per year in Georgia, as shown by this latest Congressional Directory. The people of the States have had the question submitted to them time and time again to raise the salaries of the governors, but they refuse to do it. Let me show you what the people say about it. In New Hampshire they pay Gov. Fred. H. Brown a salary of \$3,000 a year.

Mr. UPSHAW. That is not enough.

Mr. BLANTON. Oh, yes it is, in New Hampshire. At least, the good people of New Hampshire say it is.

Mr. CONNERY. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. In just a moment. I do not think Mr. Ballou is worth \$7,000 a year more than the Governor of New Hampshire. In South Dakota those good Republicans out there pay Gov. W. H. McMaster \$3,000 a year.

Mr. SNELL. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. In a moment.

Mr. LEHLBACH. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Oh, I am going to get to New Jersey in a minute. In Vermont, up in the good old maple-sugar section, the Republicans there pay Gov. Redfield Proctor a salary of \$3,000 a year.

Mr. SNELL. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. In just a minute. I must remind my colleagues of what the people at home think about salary raising.

Mr. SNELL. Why not talk about school-teachers instead of governors?

Mr. BLANTON. I am talking about salaries and salary raising. The people fix the salaries drawn by our governors.

Mr. SNELL. Why not talk about the salaries of superintendents of schools?

Mr. BLANTON. I want to show the difference between what you pay a governor at home and what you expect to pay a superintendent of schools in Washington.

Mr. LARSEN of Georgia. And is it not a fact that the State superintendents of schools in these various States receive less money than the governors?

Mr. BLANTON. There is no doubt about that. Up in Delaware the good people pay Gov. William D. Denney a salary of \$4,000 a year. In Tennessee the people pay Gov. Austin Peay a salary of \$4,000 a year as governor. Down in my own State, we Texas people pay our governor, Hon. Pat M. Neff, a salary of \$4,000 a year. Out in Wyoming the people pay their governor, William B. Ross, the salary of \$4,000 a year.

Mr. LEHLBACH. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. I am now coming over into Maryland, the home of our friend Mr. ZIEGLER, and I want to show what his constituents and those of our distinguished rider of the great white charger from Baltimore pay their governor. In the State of Maryland they pay Gov. A. C. Ritchie a salary of \$4,500 a year, and do you know what you are undertaking to do in this Keller bill? You are undertaking to pay the members of the board of examiners here in the District of Columbia \$4,500 a year—as much as the Governor of Maryland receives.

Mr. LEHLBACH. Will the gentleman yield to me now for some information?

Mr. WOLFF. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. In a minute. Down in Oklahoma the good people of that State pay Gov. M. E. Trapp a salary of \$4,500 a year and in Alabama the people pay Gov. W. W. Brandon a salary of \$5,000 a year.

In Arkansas they pay their governor, Hon. T. C. McRae, \$5,000 a year. In Colorado they pay their governor, Hon. William E. Sweet, \$5,000 a year.

Mr. HILL of Alabama. Will the gentleman yield?

Mr. BLANTON. In Connecticut they pay their governor, Hon. C. A. Templeton, \$5,000 a year. In Georgia they pay \$5,000 a year to Governor Walker, and I will say to my friend, who says it is not enough, that he ought to go home and convert his constituents first, and he ought to convert those good people of Atlanta first and get them to pay their governor more money before he comes here and wants to pay the superintendent of schools \$10,000 a year, doubling what many governors get.

Mr. STEPHENS. Will the gentleman yield for a question?

Mr. BLANTON. I prefer the gentleman use the time of the gentleman from Maryland [Mr. ZIEHLER].

Mr. STEPHENS. Does the gentleman know how much they spend maintaining those governors?

The CHAIRMAN. The gentleman has used 15 minutes.

Mr. BLANTON. I will yield myself 10 additional minutes.

Mr. LEHLBACH. Will the gentleman yield for a question?

Mr. BLANTON. For the present I refuse to yield.

The CHAIRMAN. The gentleman declines to yield.

Mr. BLANTON. This message on salary raising comes from the people at home. It will bear repeating. In Idaho they pay Governor Moore \$5,000 a year. In Iowa, in that old rock-ribbed Republican State where the tall corn grows, they pay Governor Kendall \$5,000 a year.

Mr. DOWELL. Will the gentleman yield?

Mr. BLANTON. And in Kansas they pay Gov. J. M. Davis, \$5,000 a year. Up in the rock-ribbed Republican State of Maine they pay Governor Baxter \$5,000 a year. In Michigan they pay Governor Groesbeck \$5,000 a year. In Mississippi they pay Governor Whitfield \$5,000 a year—

Mr. RANKIN. Will the gentleman yield?

Mr. BLANTON. In Missouri they pay Governor Hyde, \$5,000 a year. In New Mexico they pay Governor Hinkle \$5,000 a year. In North Carolina they pay Governor Morrison \$5,000 a year, and in North Dakota they pay Governor Nestos, \$5,000. In Oregon they pay Governor Pierce \$5,000 a year. In South Carolina they pay Governor McLeod \$5,000 a year—

Mr. BYRNES of South Carolina. They pay him \$7,500 now.

Mr. BLANTON. It is a late raise, for I am reading from the latest Congressional Directory. And over in the big State of Virginia, just across the Potomac River, they are paying Governor Trinkle \$5,000 a year at this time. And you are seeking on this side of the river to raise the salary for the school superintendent up to \$10,000 a year.

Mr. CONNERY. Will the gentleman yield?

Mr. BLANTON. I will.

Mr. CONNERY. As the gentleman has been speaking about the governors of the various States, I will say for the information of the gentleman from Texas that in my home city of Lynn, Mass., with a population of 100,000, we pay the superintendent of schools \$9,000 a year.

Mr. BLANTON. I am not surprised a bit.

Mr. WOLFF. Will the gentleman yield right there?

Mr. LAMPERT. Will the gentleman yield?

Mr. WOLFF. I simply was going to ask the gentleman if he was not aware there is some difference between the governorship and the position of superintendent of schools, and if the gentleman does not take into consideration the trimmings which sometimes go with the governor's job?

Mr. BLANTON. Is the gentleman referring to the State of Indiana—

Mr. WOLFF. I am referring to Indiana, Missouri, and various States.

Mr. BLANTON. Trimmings! I never did like that word at all; it got the Governor of Indiana into trouble.

Mr. LEHLBACH. Will the gentleman yield?

Mr. BLANTON. I will.

Mr. LEHLBACH. Does not section 4 of the act provide:

That for the fiscal year ending June 30, 1925, they shall receive the salary provided in the foregoing schedule—

And so forth. And does not section D, which includes the superintendent's salary, provide that they shall receive the salaries provided in the foregoing schedule for their respective salary classes or positions, which are next above their present compensation, and manifestly the superintendent will start in at \$8,000 by the language of the bill.

Mr. BLANTON. That is not the understanding of the school board.

Mr. LEHLBACH. That is the language of this.

Mr. BLANTON. That is not the understanding of the committee, that is not the understanding of the commissioners, for the later provisions in the bill provide otherwise.

Mr. JONES. Will the gentleman yield?

Mr. BLANTON. I will.

Mr. JONES. I would like to suggest in that connection there is a proviso about the middle of page 10, which is—

Provided, That under the provisions of this section the present compensation of any teacher, school officer, or other employee shall be construed to include basic salaries, longevity allowance—

And so forth.

Mr. LEHLBACH. But he does not draw any longevity allowance at the present time. It says the present salary and then goes to the salary next above that.

Mr. JONES. And the next proviso says that teachers and other employees shall be entitled to longevity placement. What does that mean?

Mr. BLANTON. That is what I have been contending all the time.

Mr. SNELL. Is the gentleman sure about this beginning at \$8,000—

Mr. BLANTON. We will fix that—

Mr. SNELL. Then what is the use of talking about that?

Mr. BLANTON. I want to say this to you: The present salary is \$6,000 a year through the favor of our Committee on Appropriations, but the law grants only \$5,000 a year at present to the superintendent of schools. We are now paying him \$6,000, which is \$1,000 more than the law allows. This bill giving him \$10,000 will double his present legal salary.

Mr. LAMPERT. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes; I yield to the gentleman if he denies that.

Mr. LAMPERT. I just want to call the gentleman's attention to the salary paid in the city of Dallas, Tex., for the superintendent of schools. It is \$7,200.

Mr. BLANTON. Well, I am asking that the salary to be paid the superintendent here be cut down to \$7,500, which is \$300 more than they pay at Dallas.

Mr. LAMPERT. And the salary of the superintendent in Houston is \$6,000, and in San Antonio it is \$6,000.

Mr. SNELL. Mr. Chairman, will the gentleman yield there for a question?

Mr. BLANTON. The gentleman from Wisconsin can use those figures in his own time.

Mr. LARSEN of Georgia. Mr. Chairman, will the gentleman yield for just one question?

Mr. BLANTON. In a moment.

The law at present grants to Mr. Ballou \$5,000 a year. Under the law he is allowed only \$5,000 a year now; that is all the substantive law allows him. But there has been a provision put in the appropriation bill for the last few years granting him an extra gratuity of \$1,000. That makes it \$6,000. But if my proposition is correct as to this bill relative to the basic salary operating on past service, he would start in immediately on July 1 on a \$10,000 salary. That would be \$5,000 more than the present law authorizes and \$4,000 more than he is receiving now, even under the gratuity given by the Committee on Appropriations.

Now, if it were a matter that concerned the District of Columbia alone, I would not have a word to say; not a word. But it does not concern only the District of Columbia. It concerns also every taxpayer under the United States Government, as I have already pointed out, because they are paying 40 per cent of all the expenses of the schools in the District of Columbia.

Now I yield to the gentleman from Georgia.

Mr. LARSEN of Georgia. I want to know what the duties of the chief examiner and the other examiners are, and what the duties of the attendants are. That is very important, because we fix the salaries here.

Mr. BLANTON. The gentleman knows what a school examiner is without my taking the time to explain to him. This fiscal relation is something that you and I permit by our votes to exist here year after year, and I want to bring it to your attention and to the attention of the people of the country. Every school building in Washington, except the last two and one-half million dollar Eastern High School, was built on the plan of 50-50, which means that the Government paid half.

Fifty per cent of it was money that came out of the pockets of the whole people of the United States, and the whole people of the country are now paying 40 per cent of all new buildings and playgrounds, and schoolbooks for 70,000 children, and all the salaries of these 2,500 teachers and employees of the Washington schools, and of the entire expenses of the city.

Mr. KINCHELOE. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. KINCHELOE. I can understand why the Federal Government ought to pay a certain per cent on the dollar for the maintenance of this city, but is there any reason in the world

why our taxpayers and yours should pay 40 per cent on the education of the children here?

Mr. BLANTON. Not any reason whatever. I will get down to that in a moment.

The CHAIRMAN. The gentleman has consumed 15 minutes more.

Mr. BLANTON. The people in Washington here pay a \$1.20 tax rate on \$100 with the assessment at from one-half to two-thirds of the valuation, while in your homes and mine we pay all the way from \$2.75 up to about \$6 or \$7 or \$8 on the hundred. Until the people of Washington pay a fair rate of taxation this Government ought not to pay a cent. It has expended millions of dollars in this city and has made little \$100 lots go up in value until they are now worth \$100,000. I am in favor of making this city the finest city in the world, but that is no reason why we should vote to allow these millionaire tax dodgers to pay only \$1.20 on the hundred, based on an assessment of from one-half to two-thirds of the valuation, while you and I in our homes pay \$3, \$6, or \$7, or \$8 on the hundred.

Why, a prominent Senator told me not long ago that at home, where he has a residence that he has been trying to sell for \$7,000, on that residence he pays more taxes in his home State than he pays here for his \$25,000 residence in Washington. Suppose you own a 20-foot front that you want to build a residence on—and this will illustrate how the millionaire contractors in Washington are able to dodge their fair share of the taxes. Suppose you have a 20-foot front, the average front, and you propose to put in a sewer connection. They have to dig out as far, sometimes, as from here to that door. You pay \$1.50 a front foot, which is only \$30. The property owner pays that, and the city and Government pay the balance of all that excavating, and the people of the United States pay 40 per cent of that. The owner pays only \$30, and he gets his sewer connection, thereafter paying a dollar. If you want water you pay \$2 a foot for the excavation, while all the rest of that excavation is paid for by the Government and the people of the District at the rate of 60-40, and then the owner gets his water from that time on at about one-fourth of what your people down home pay, because the Government owns the main water conduit.

Mr. AYRES. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. AYRES. When a sewer is put down across a piece of vacant property, the property owner does not pay anything if it runs over 10 or 15 years before that open plat is finally utilized?

Mr. BLANTON. Yes; I understand that is true.

Mr. Chairman, I reserve the balance of my time.

Mr. ZIHLMAN. Mr. Chairman I yield five minutes to the gentleman from Michigan [Mr. McLeod].

The CHAIRMAN. The gentleman from Michigan is recognized for five minutes.

[Mr. McLeod was granted leave to revise and extend his remarks in the Record.]

Mr. McLEOD. Mr. Chairman and gentlemen, one of the most distinguished privileges which Providence has conferred upon mankind is learning. Upon the education of a nation rests the hope of all classes. Accordingly, the kind attention bestowed upon the education of the young determines chiefly the kind of nation that is to be perpetuated. In fact, the whole worth of a nation lies in its schools. Remove the schools and there will follow as a natural consequence a rough, rude, ignorant, and anarchical populace. Education, however manifold in its relations, takes account of all forms of progress and produces a sturdy, cultured, peace-abiding, and patriotic citizenry. The primary importance, then, of education lies in its ability to cultivate the faculties of impressionable youth, thus rescuing such powers from possible blight or decay.

In the body politic of a nation there are three indispensable classes: The laborers, who minister to the wants and comforts of all the citizens; the guardians of the peace, who protect with zealous devotion the honor of their flag; and the philosophers, who enunciate the principles and disperse the thoughts of the nation. Only when these three classes work in harmony can there be perfect concord. The unifying agency to bring them into a common relation with one another is education, maintained under the best influences. Thus the importance of education is revealed in its power to inspire all classes of a nation to expend every particle of strength in doing the work for which they are best fitted, to stand right up to their tasks, and to do their best.

Undoubtedly the supreme importance of education lies in its recognition of the fact that the soul, as well as the mind, is

endowed with faculties susceptible of cultivation and growth. Thus heart culture is one of the modern aims of education. There is widespread recognition of the aphorism that a man is what his heart is. Education, therefore, seeks to cultivate the heart. It realizes that in every man there is a native spiritual power which is subject to the general law of human development. By proper stimulation and exercise such power lives and grows strong. By neglect and disuse it becomes dwarfed and enfeebled until there is no consciousness of the possession of such power. Education, then, stimulates this spiritual power, thus making possible the highest culture, which embraces both the intellectual and the spiritual power.

Such is the importance of education. Happily, in this country, the true idea of education, of its real nature, and of its unquestionable importance is silently working and gaining ground. Overcrowded schoolhouses throughout the land are the unmistakable indications of a sagacious and industrious nation. There can be no retracing of steps. The command is, "Forward march!"

THE TEACHER AS A PROFESSIONAL EMPLOYEE.

The chief factor in education is the teacher. As the old adage goes, "Like teacher, like school." Under almost any circumstances good teachers make good schools and poor teachers make poor schools. Education, consequently, becomes a sham unless carried on by able and accomplished teachers. Expensive apparatus without an intellectual, gifted teacher becomes a questionable expenditure of funds, whereas such a teacher, without apparatus, may accomplish the happiest results. The greatness of any school lies not in its buildings, furnishings, or apparatus, but primarily in its faculty. It follows, then, that the most direct and effective way to improve public education is to secure the highest order of teaching talent.

Unfortunately, teaching has been regarded too long as merely a stepping-stone to some remunerative profession like law or medicine. The careers of some of the most serviceable men of the Nation date their beginning from the teacher's desk. The classroom has been losing steadily its grip upon the best talent of the Nation. At last, however, the dignity of the teaching profession is beginning to be understood. The idea is dawning that few callings are comparable in solemnity and importance to the training of the child—that skill in guiding the young into energy, truth, and virtue. The Nation is beginning to require the instructors of youth to take their place among other professional employees and receive a compensation commensurate with their talent. Pecuniary compensation, of course, does not necessarily create good teachers. These must be formed by individual impulse and a genuine interest in their calling, but good impulse must be accompanied by outward circumstances. The respect in which the profession of teaching is held in any community is reflected partly in the pecuniary rewards of the profession.

Like the lawyer and the doctor, the teacher is a professional employee. He must, therefore, have an extensive training in the arts and sciences of a liberal education and an intensive training in his profession. Such a training is continuous and expensive. No teacher, regardless of his enthusiasm, can long maintain the standards of his profession if he has to give much of his time to the thought of economic pressure. As a professional employee, a teacher must be sufficiently free of economic worries to give attention to his own professional growth. Moreover, he must be able to maintain a standard of living that will be inspiring to the young.

The one outstanding need, therefore, in the system of public education is that of better-paid teachers in order that they may become in reality professional employees rather than veritable mendicants begging for bread and receiving a stone. Only when the teacher is appreciated and rewarded as a professional employee will teaching take its place alongside of the other professions and compete with them for the most talented products of the Nation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ZIHLMAN. Mr. Chairman, I yield the gentleman two additional minutes.

The CHAIRMAN. The gentleman is recognized for two additional minutes.

Mr. McLEOD. I rise in support of this bill for the reason that I consider education the basis of good citizenship, and, while many of us consider that education comes as a matter of course, yet we must see to it that no serious trouble arises for lack of the proper facilities.

To-day the schools have taken over the burden of the training of the child. In this time, when both parents very often go out to work, not only the formal education of the child—reading, writing, and arithmetic—is turned over to the school

but the modeling of his manners and morals and the care of his physical being.

Deplorable as it may seem the burden of the home and home training of children is to-day in the hands of the school and the school-teacher. If we are to intrust the real modeling of the character of our children, the future citizens of this Republic, to the schools we certainly must be willing to provide for adequate facilities, including a just and equitable scale of salaries to be paid these teachers, and salaries that will attract men and women fit to carry on these tremendous tasks.

Washington has been rather slow in providing the proper facilities, both as to teachers' salaries and material equipment. Since no legislation has been passed since 1906, except in the yearly—temporary—legislation carried in the District appropriation bill, it is quite necessary that some remedial measures be taken to conform with the changing conditions and to stabilize a permanent wage scale. I venture to say that there is not one of the membership of this Congress who would knowingly retard education in the District of Columbia or any other place in the United States. As a member of the subcommittee considering this bill, I feel justified in saying that every perceivable angle has been thoroughly gone into, and if you will examine the hearings I believe you will agree that this is sound legislation.

The requirements for entrance and promotion in the teaching profession are as high in the District of Columbia as elsewhere, yet there is a lack of applicants because the salaries are not commensurate with duties and qualifications required. The salary increase for the teachers of the District which is provided for by the bill now before the House is not a large increase; it merely places them more nearly on a par with other cities of its size. The present salary given to a grade teacher is \$1,440—\$1,200 basic salary and \$240 bonus. The bill asks that they be given an entrance salary of \$1,400 and progress through eight years of service to \$2,200. The present salary given to a high-school teacher is \$1,680—\$1,440 basic salary and \$240 bonus. The bill asks for high-school teachers that they be given an entrance salary of \$1,800 and progress through 10 years of service to \$2,800. This you will note is not an exorbitant increase.

If we are attempting to make Washington—our Capitol City—a model, why then should not education be promoted to its fullest degree in order that it may rank among the first as an educational center.

Therefore, the passage of this bill is the first step toward bringing this about. [Applause.]

The CHAIRMAN (Mr. CHINDELOM). The time of the gentleman has again expired.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. LEHLBACH having taken the chair as Speaker pro tempore, a message from the Senate by Mr. Welch, one of its clerks, announced that the Senate had agreed to the amendments of the House of Representatives to the amendments of the Senate Nos. 1 and 44 to the bill H. R. 6349, entitled "An act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1925, and for other purposes."

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 624. An act to amend the practice and procedure in Federal courts, and for other purposes.

SALARIES OF TEACHERS, SCHOOL OFFICERS, AND OTHER EMPLOYEES OF THE DISTRICT OF COLUMBIA.

The committee resumed its session.

Mr. ZIEHLMAN. Mr. Chairman, I yield 10 minutes to the gentleman from South Carolina [Mr. GASQUE.]

The CHAIRMAN. The gentleman from South Carolina is recognized for 10 minutes. [Applause.]

Mr. GASQUE. Mr. Chairman and gentlemen, I have listened with a great deal of interest to my friend the gentleman from Texas [Mr. BLANTON], comparing the work of the teacher or school superintendent and other men and women connected with the schools to the work of politicians, men who run for public office and who serve their people in a different capacity. I have a great deal of respect for Mr. BLANTON and I have learned to love him to a great extent, but I have to differ with him sometimes when I see he is wrong.

It seems to me that the people throughout these United States, not only in the District of Columbia but in this body which we compose, have always overlooked the importance of the profession of teaching. The greatest asset of any nation is its chil-

dren. The wealth and prosperity of this Nation are dependent upon the way its children are trained and are taught to live in the future. We are dependent upon citizenship—the right kind of citizenship—on what is done in the schoolhouses of this Nation.

Our people have never until recently commenced to realize that this was an important profession, but I am glad to say that from one end of the Nation to the other the people are now beginning to realize that we need in the schoolroom the very best men and the very best women we have in this country.

It takes more than an ordinary man and an ordinary woman to teach school. Almost anybody who can go out and make a good speech, shake hands, and get into the good graces of the people can be elected to a political office, but in order to be a successful school man or school woman it takes different characteristics. We first, must have a man who is a moral man; we must have a man who is tactful; we must have one who is educated, and we must have, furthermore, a man who is more interested in the welfare of his country, its people, and its future, than he is in anything else. [Applause.]

Mr. AYRES. Will the gentleman yield?

Mr. GASQUE. Yes.

Mr. AYRES. Does the gentleman feel that a man can not be a politician and at the same time be a moral and honest man?

Mr. GASQUE. He can be, but he is not always that, or, at least, some politicians are not always that.

Mr. AYRES. Will the gentleman yield for another question?

Mr. GASQUE. I will, sir; but I can not yield very much, because I have not much time.

Mr. AYRES. Does the gentleman understand that the gentleman from Texas is in favor of a reduction in the teachers' salaries?

Mr. GASQUE. No; only in the superintendent's salary, but he is not in favor of a reduction in the teachers' salaries, and I commend him for that.

I want to come now to the point regarding the superintendent's salary and I just want to make a few general remarks as to the laxity of thoughtfulness on the part of our people regarding this work. My friend from Texas [Mr. BLANTON] and others would probably not say anything if they were voting for the salary of a member of the Shipping Board. The gentleman from Texas speaks about a Congressman's salary being \$7,500. Well, I want to say about the gentleman from Texas [Mr. BLANTON], as I have been in pretty close touch with him and observed him pretty closely, that he ought to get \$100,000 a year for the work he does, because I believe he is one of the hardest-working men I know of. But it is not a question of what these men get, it is a question as to whether you and I are going to let the conditions continue which now exist as to the salaries of teachers.

We must all realize that we have men and women in this country who are teaching school because they love the work, and that they are not in that work because of the salaries they get. That being so, should we sit down and see these men and women give the best part of their lives to this work and say that just because they are school-teachers they are not worth more money? I do not believe any of us is willing to take that position.

Now, I want to call your attention to the salaries of public officials, to which Mr. BLANTON referred a while ago. I want to say that we have five Members of the Federal Trade Commission, for whom I presume the gentleman from Texas voted. They get \$10,000.

Mr. BLANTON. No; I voted against that.

Mr. GASQUE. Well, this House did it anyway, if my friend from Texas did not. The Comptroller of the General Accounting Office is paid a salary of \$10,000 a year, and that being so why should we pay them any more than Congressmen? Members of the Interstate Commerce Commission, 11 of them, get \$12,000 a year, voted by this House. The nine members who compose the Railroad Labor Board get a salary of \$10,000 each, and seven members of the Shipping Board get a salary of \$12,000 each. Now, those are the salaries of some of the Government officials, and I do not think they are worth any more than some Members of this body, as far as that is concerned, if we are going to use that as an argument. Furthermore, if we go into private business we find men drawing salaries of from \$25,000 to \$150,000 a year. And I want to say right here that the biggest business in this Nation is the training of the youth of this land. [Applause.] If our people would realize that fact there would be no objection to voting increased salaries for those engaged in training our youth.

We come to Congress and ask for appropriations which are intended to increase the wealth of the country and to develop certain sections through irrigation, through agriculture, through banking, and through many other means, and we do not hesitate to vote millions of dollars for such purposes. And when we stop to think that the greatest wealth-producing factor or agency we have in this country are the children of this country we should not hesitate to pay proper salaries to those who are training the future citizens of the country, and we must realize that it is necessary to offer proper salaries to the men who have charge of our schools and the women and men who are doing the work in those schools and who are giving our children that proper training.

Mr. SNYDER. Will the gentleman yield?

Mr. GASQUE. Yes.

Mr. SNYDER. The gentleman and I agree very fully on this question of salaries for teachers, but would the gentleman be interested in comparisons between what Congressmen receive and what other officials receive?

Mr. GASQUE. I do not think that has anything to do with this question.

Mr. SNYDER. I wanted to see if the gentleman was willing to say he was not satisfied with the congressional salary and would like to see it raised.

Mr. GASQUE. I did not run for this office for the salary paid. If I had had that in mind, I would not have run for it.

Mr. SNYDER. And would the gentleman want these salaries fixed on the same basis?

Mr. GASQUE. I came here for a different purpose. In answer to your question about salaries, if you want to decide what the salary of a superintendent of schools in a city of this size should be, let us see what the other cities of the United States are doing, and I want to call your attention to this fact before I forget it. If you will go through all the statistics you want to wade through and study them until you are an old man, you will find this fact, which can not be contradicted.

The per capita wealth of the States of this Union is in direct proportion to the amount of money the State expends for schools and for the education of its children. We have in the United States 38 cities of 100,000 or more, as has already been called to your attention, that pay more salary to their superintendents than the city of Washington pays, 9 cities that pay the same, and 10 cities only that pay less. I just want to call your attention to a few of them, because I have not time to mention them all. Of course, New York and Chicago are much larger cities, but then we come to Cleveland, Ohio, which pays \$12,000; Detroit, Mich., \$12,000; Oakland, Calif., \$11,000; Jersey City, \$10,500; Boston, Mass., \$10,000; Buffalo, N. Y., \$10,000; Newark, N. J., \$10,000; Cincinnati, \$10,000; Youngstown, Ohio, \$10,000; St. Louis, Mo., \$10,000; Denver, Colo., \$10,000; Toledo, Ohio, \$9,750.

Gentlemen, I feel that the school system of the city of Washington should be the very best in the United States, and we should offer salaries here, both for a superintendent and for teachers, that will attract the very best men and women available in the profession, because here everybody comes. This is your city and my city. I agreed with my friend, the gentleman from Texas [Mr. BLANTON], very largely in the latter part of his speech as to the pro rata portion that the Nation pays to the support of this city, but I am surprised that he should stand up here and say that if the District of Columbia paid it all he would have no objection. Gentlemen, that is not the question before you and me. We are here, and under the Constitution this matter of legislation is left in our hands, and the citizens of this city can not get anything you and I do not give them. If that arrangement is wrong, then it is up to this Congress to change it and make the appropriations like they should be [applause], and if we do not want to pay any of it do not pay it, but do not let us use that as an argument against a teachers' pay bill. [Applause.]

But let us realize that these men and women who are engaged in the work of making citizens, making men and women of the youth of our country, are paid a fair salary, at least a salary partially commensurate with that paid men and women in other professions. Also, let us do our duty by this city and District, the Capital of the Nation, the Capital of the greatest Nation in the whole world. The people of this city are dependent on this body for its progress along all lines, educational as well as along all other lines, and the argument that the rest of the Nation pays too much toward the support of the District should not be taken into consideration in this matter. This body fixed that ratio and is the only agency that has the authority to change it if it feels that it is paying too much.

In my opinion the chiefest duty we of this generation, or any other generation, has to perform is to see that our children,

the future citizens of this great country, are properly trained, morally, physically, intellectually, and in the principles our forefathers had in mind when they wrote the Constitution of this great Republic. In so far as we as a people succeed in this, either as individuals or as a Nation, our lives have been a success, and in so far as we have failed in this our lives have been a failure. The citizens to whom you and I must turn over in a short while the management of this great country are dependent on you and me. This body of men, Congress, should show to the rest of the country the importance of this great work. We can not do it by paying niggardly salaries to the men and women engaged in this great work. This is our opportunity; let us not lose it.

[Mr. GASQUE was granted leave to revise and extend his remarks in the Record.]

Mr. ZIHLMAN. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. SNELL].

Mr. SNELL. Mr. Chairman, there seems to be some question about the position taken by the gentleman from Texas in regard to the basic salary at which the superintendent would start. On the first page of the bill the language is, "that on and after July 1, 1924, the salaries of teachers, school officers, and other employees of the Board of Education of the District of Columbia, shall be as follows." Now if you will turn to page 7 of the bill you will find the definite application to the superintendent of schools, with a basic salary of \$8,000 per year and an annual increase of \$1,000 for two years or until a maximum of \$10,000 per year is reached. To me this is definite, plain, absolute language and there can be no misunderstanding whatever, and he will start at \$8,000 per year.

The gentleman from Texas [Mr. BLANTON] consumed most of his time in talking about something else besides the superintendent of schools. We are not electing a governor or hiring one. I am working here for \$7,500 a year too, and I do not know whether I earn it or not, but I am paying men twice that salary to work for me at home, and there are a lot of other people doing exactly the same thing. The only question before us here is whether we are paying or proposing to pay the superintendent of schools too much or whether we are paying more than the average city of this size and character is paying. It seems to me that is the only question before us.

We want the best schools in Washington—better than they have in any city in the country—and the only way you can decide this question of salary is by comparing the price paid here in Washington with other cities of similar character and size. In the list of similar cities Washington is the thirtieth city on the list. There are 38 cities that pay more than Washington, 9 that pay the same, and only 10 cities that pay less.

The gentleman from Texas said we must consult the taxpayers. I suppose the taxpayers in the State of Texas elect their superintendents and decide the salary to be paid. San Antonio, Tex., with 161,000 inhabitants, about one-third that of the city of Washington, pays the same for a superintendent of schools that the city of Washington pays. Houston, Tex., with 138,000, or less than one-third, pays the same as the city of Washington, and Dallas, Tex., with 158,000, about one-third, pays \$1,200 more than the city of Washington, and there the taxpayers pay it all and fix the salaries themselves. So the taxpayers of your own cities are not averse to paying a reasonable salary to superintendents of schools.

Mr. SNYDER. The gentleman said there were only nine or ten cities that paid less than Washington—

Mr. SNELL. I meant cities of similar size and character.

The only question before us is whether we are paying a reasonable salary and the salary that could be expected for the services performed. I know and the people here know and the gentleman from Texas knows that we have a good man—a man who is capable of filling the position. If he is, let us pay him a reasonable wage and a proper wage in comparison with other men who are doing the same work in every part of the country.

Mr. RAKER. Will the gentleman yield there?

Mr. SNELL. I will yield; gladly.

Mr. RAKER. It is not a question of the special individual who occupies the position now.

Mr. SNELL. That has nothing whatever to do with it, really.

Mr. RAKER. It is a question whether the position justifies the amount of salary proposed.

Mr. SNELL. That is the real, basic question before us—whether the position, in comparison with similar positions in other cities of the same size throughout the country, should carry the same amount of salary.

Mr. RAKER. Will the gentleman tell us what is the largest salary paid a superintendent of schools?

Mr. SNELL. At the present time, according to this list, \$12,000 a year. I understand, however, they are going to pay in New York City \$20,000 after this year.

Mr. RAKER. And the gentleman is thoroughly convinced that with this amount of work and responsibility any superintendent who is capable and competent to handle the work would earn, and justly earn, this amount of salary?

Mr. SNELL. I honestly think so, because I think it is one of the hardest school systems to handle in the country, and such a man has more to contend with here than in any other city of its size in the country, and any man who can do it successfully is entitled to this amount of salary, and no one should oppose giving it to him.

Mr. RAKER. Is not there a further condition involved that this city ought to be a model of schools in Washington, and we ought to stand No. 1 in the United States?

Mr. SNELL. I have already made that statement. I feel that this should be an ideal system and that we should have the best teachers we can find to fill the positions.

Mr. BLANTON. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. BLACK].

Mr. BLACK of Texas. Mr. Chairman, I do not know that I will use all the 10 minutes which has been yielded me by my colleague [Mr. BLANTON] in the discussion of this bill, but I do want to make a few brief comments on the proposed legislation. Of course, we all know that legislation is so continually pressing upon the House for consideration that Members do not have an opportunity to study all the bills as much in detail as we would like, and it is that way with me on this particular bill. I have not had the opportunity to read and study the bill as I would like to have had, and I do not profess to be as well acquainted with its provisions as the members of the committee who reported it to the House. But I have studied it enough to convince me that it is my duty to vote against the bill unless it is amended in some substantial respects.

When I came back to attend this session of Congress I told the people of my district that I was going to stand for economy in public expenditure. I told those people whom I consider it an honor to represent that in my judgment the most important duty of this session of Congress did not lie in the realm of new legislation, but that the most important problem confronting the American Congress was to bring about a reduction in public expenditures so as to bring about a real, substantial reduction in taxation.

I have been trying to make that promise good on every bill that we have had before the House. Last Saturday I sought to recommit the Army bill with an amendment to reduce the standing Army from 125,000 men to 100,000 men. If that amendment had been adopted, it would have saved this Government during the next fiscal year \$25,000,000. And yet it was defeated by gentlemen who will go back to their districts and say that they are earnestly and sincerely in favor of Government economy. It is very clear to me that this Government has no need for a standing Army of more than 100,000 men.

This number of men, together with a well-maintained National Guard and a proper reserve force, will make ample provisions for the national security and defense.

On this pending bill I entertain no delusion as to what is going to be done. I never do entertain any delusions as to what is going to be done when a salary increase bill is before the House of Representatives. It is going to be passed by gentlemen who will go back home and say to their people, "I am earnestly and sincerely in favor of Government economy." My experience since I have been a Member of the House has been that our old acquaintance "economy" has more friends in general debate and less on roll call than any gentleman whose acquaintance I ever made.

Mr. WATKINS. Will the gentleman yield?

Mr. BLACK of Texas. I will yield to the gentleman.

Mr. WATKINS. Does not the gentleman think that paying the teachers an adequate salary and thus getting good teachers is bringing about economy?

Mr. BLACK of Texas. There is no dispute between the gentleman and myself on that proposition. Some of the salaries for the lower-paid teachers provided for in this bill are all right, but others are entirely too high. Also there is no justification for the proposal to increase the salary of the superintendent of schools in the city of Washington from \$8,000, as under present law, to \$10,000, as would be the case if this bill passes. I clipped, to-day, from the Dallas Morning News, that has just come to the reading room, an article giving some information about salaries of our teachers in Texas. I will ask the indulgence of the House while I read this clipping:

TEACHERS' PAY REPORTED HIGHEST IN THE STATE.

Dallas high-school teachers receive from \$1,400 to \$2,400 a year, with an automatic increase of \$75 a year until the maximum is reached, which is the highest rate of pay paid by any city in Texas, according to the publicity committee of the Dallas Council of Mothers and Parent-Teacher Associations, which is supporting the present board of education for reelection April 1.

Now, what does that say—best-paid teachers in Texas in the city of Dallas. High-school teachers receive from \$1,800 to \$2,400 a year.

Let us compare this Dallas schedule of salaries with those provided in the bill now before us. We have in this bill pay of teachers of the junior high school as follows:

Group A, a basic salary of \$1,600 per year, with an annual increase in salary of \$100 for eight years, or until a maximum salary of \$2,400 per year is reached.

Group B, a basic salary of \$2,500 per year, with an annual increase in salary of \$100 for three years, or until a maximum salary of \$2,800 per year is reached.

Group C, a basic salary of \$1,800 per year, with an annual increase in salary of \$100 for 10 years, or until a maximum salary of \$2,800 per year is reached.

Group D, a basic salary of \$2,900 per year, with an annual increase in salary of \$100 for three years, or until a maximum salary of \$3,200 per year is reached.

Those are for the junior high school. Now, let us see about the teachers in the senior high school and normal school. They get—

Group A, a basic salary of \$1,500 per year, with an annual increase in salary of \$100 for 10 years, or until a maximum salary of \$2,500 per year is reached.

Group B, a basic salary of \$2,900 per year, with an annual increase in salary of \$100 for three years, or until a maximum salary of \$3,200 per year is reached.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLANTON. I yield to the gentleman three minutes more.

Mr. BLACK of Texas. I want to finish the reading of this clipping which I took from the Dallas News with reference to Texas teachers' salaries:

The scale of pay in Fort Worth ranges from \$1,100 to \$1,800, and in San Antonio from \$1,300 to \$1,900.

The faith of the Dallas teachers in the present board of education, the committee pointed out, was shown the first part of the school year when they accepted the condition of possible salary reductions of 5 per cent for the current year in their contracts. The board has decided that through the practice of careful economy school funds will be adequate and no reduction of salary for the year will be necessary.

The present salary rate for teachers was adopted by the board of education four years ago and is being maintained for the avowed purpose of enabling Dallas schools to have the pick of teachers from the entire State.

Principals' salaries range from \$2,000 to \$3,000 a year. Grade teachers receive from \$1,200 to \$1,700 a year, with an automatic increase of \$70 a year until the maximum is reached.

The salary scales in Dallas are considerably lower than the salary scales provided in this bill. The difficulty that the city of Dallas is having, as evidenced by the clipping which I have just read, is to preserve the salary scale that it now has. The problem which the school board of that city has is to find out how it can maintain what they now have, which the article says is the best in the State of Texas. Why should I, as a representative in this body who professes to my people that I try to stand for reasonable economy in Government expenditures, vote for the teachers in the city of Washington a very much higher scale than prevails in the best-paid city in the State of Texas? I am perfectly willing that Washington teachers be well paid, but this bill goes too far in the matter of increasing salaries, especially those of supervisory officials.

Mr. LAZARO. Mr. Chairman, will the gentleman yield?

Mr. BLACK of Texas. Yes.

Mr. LAZARO. The gentleman wants to be fair. What about the cost of living in Dallas and in the city of Washington?

Mr. BLACK of Texas. The cost of living in the city of Dallas, I dare say, is about as much as it is in the city of Washington, and the gentleman will be convinced of that if he will examine the figures from the Bureau of Labor statistics. He will find that it costs just as much to live in the

city of Dallas as in the city of Washington. Rents are of course higher here in Washington, but other items which enter into the budget which make up the cost of living are about the same.

Mr. LAZARO. I have looked up the statistics, and I say that the cost of living is higher in the city of Washington than in any other city of the country.

Mr. BLACK of Texas. Oh, the gentleman is entirely in error. There are other cities in the United States which have a higher cost of living than Washington.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. BLANTON. Mr. Chairman, I yield three minutes to the gentleman from California [Mr. RAKER].

Mr. RAKER. Mr. Chairman, I am not only in favor of economy but I try to practice it. A statement about economy is one thing and its application is another. It is a question of whether or not you are going to get service, whether or not a dollar expended gets a dollar of service in return. That is what is to be applied here. There is no occupation in which the people are more interested than they are in the occupation of those who instruct the youth of our land. They want to get those who are competent, those with knowledge and experience, and in order to do so you must pay a salary commensurate to the job. There is no doubt in the world that it costs more to live in the city of Washington by from 5 to 15 per cent than it does in any other city in the country.

Mr. BLACK of Texas. Mr. Chairman, will the gentleman yield?

Mr. RAKER. I can not yield. There is no need of trying to deny that or of caviling about statistics. You are here and your money is taken from you, whether you want to have it taken from you or not. We ought to pay those who do the work fair salaries.

I have not had the opportunity to visit the schools here as I would like. While we are spending our money lavishly upon every other enterprise that brings in the dollar, we are too negligent and thoughtless in regard to spending our money to build up and make citizens, not only those in our own country but those who come here from other countries. I concede from what I have observed that a teacher in the District of Columbia has more difficulty in impressing the right ideas upon the American youth, boy and girl, than in practically any other city in the United States. What I say I do not mean as a censure to the teachers, but I am wondering whether or not these boys and girls who are leaving the high school do so with a sense of responsibility and are able to do anything to earn a living for themselves, or is the only thought in their minds to make a living by an easy method, without having to do any work or assuming any responsibility. Irrespective of the amount, if the teachers are really giving their time and attention to imparting not alone book learning but inculcating in these boys and girls the principle of Americanism, and are teaching them to earn their livings when they leave school, the salaries proposed are not too high. It is economy in the highest degree.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. BLANTON. Mr. Chairman, I now yield to the gentleman from South Carolina [Mr. BYRNES].

Mr. BYRNES of South Carolina. Mr. Chairman, I am in favor of the pending bill reclassifying the salaries of the teachers in the city of Washington. To-day these teachers are receiving the bonus of \$240, but this will not be paid after July 1, and unless Congress before that date provides for a reclassification of these salaries the compensation of the teachers will be greatly reduced.

Washington is the capital of the Nation. Its educational system should be a model for the municipalities of the Nation. It should set the standard in efficiency. It can not do this unless the teachers are paid salaries that will induce competent men and women to serve. The hearings disclose that the salaries now paid, including the bonus, are less than the salaries paid in other municipalities having a population of 100,000 or more. Washington's population is approximately 450,000. I shall vote to make the salary of the superintendent of schools \$7,500, with the increase provided in the bill for service, and I shall vote for the salaries of teachers as provided in the bill. In order to secure an appointment as teacher in the high schools of Washington it is necessary that a teacher shall be a college graduate. Under this bill the teacher in the elementary grades now receiving a basic salary of \$1,440 would receive \$1,000. Of course the salary of the high-school teacher is greater. Of the 2,640 employees of the educational department of the District, the average salary at pres-

ent is \$1,804, and under this bill the average salary will be \$1,957, an increase of \$153.

A few years ago the salaries of teachers were so absurdly inadequate that competent men and women deserted the profession and entered other fields of endeavor. They could not be blamed for their desertion. The missionary spirit is apt to desert one under such circumstances. The plasterer in the city of Washington was and is now being paid \$12 a day. Only a short time ago I was told by a contractor in this city that he had to pay good carpenters \$1 per hour and time and a half for overtime. Compare this compensation with the salary of the teacher who, in order to secure a position as teacher in a high school, must produce evidence of a college education.

And compare the work in which they are engaged. Into the hands of the teachers the people commit the dearest that they possess, and as they make them, so shall future years see them. Some persons complain of the growing cost of education. The National Educational Association is responsible for the statement that last year the total cost in the country was approximately \$1,000,000,000. A great sum of money, but small when compared with the amount spent last year for tobacco, which was slightly over \$2,000,000,000.

With the increasing number of women in industry the responsibility of training children devolves to a greater extent upon the teachers. We used to say, "Poor pay, poor preacher." It is equally true, "Poor pay, poor teacher." If men and women engaged in teaching are to regard it as their life's work instead of a mere stepping stone to some other work in life they must be paid such salaries as will cause them to put their hearts in their work. The teachers must work not only during the school sessions but during the vacation period; must travel and study in order to equip themselves to render efficient service. This costs money.

In the State of South Carolina great progress has been made in our educational system. But I know of young women, graduates of a splendid college, who desired to teach and preferred to remain in South Carolina, but have gone into other States because of the increased compensation to be secured. They can not be criticized for seeking the field of endeavor offering the greatest reward. And that is true of Washington. The hearings show the difficulty now experienced in securing competent teachers. This bill offers an opportunity to remedy conditions. We have had much eloquence as to the nobility of the profession of the teacher. Let us now give them a little less eloquence and a little more compensation.

Mr. ZIEHLMAN. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. LA GUARDIA].

Mr. LA GUARDIA. Mr. Chairman, the figures in this bill do not frighten me at all because I have lived through a teachers' salary increase. While a member of the city government of the city of New York, as president of the board of aldermen, we increased the teachers' salaries. The increase that we put through in 1920, which took effect in 1921, added over \$20,000,000 to the city budget. Personally, I believe that under our form of government a public-school teacher is worth more to the community than three generals or two preachers. The least we can do is to pay them accordingly. I want to give you some figures in respect to the city from which I come, where we have a real department of education, the greatest in the world. Our budget for the year 1924 for that purpose was \$75,805,000, and that does not include \$15,000,000 which is spent for new buildings. In addition to that we have a retirement system which costs \$3,500,000 a year, and then we have for the College of the City of New York a budget item of \$1,190,000, and for Hunter College, our normal school and college for girls, a budget item of \$856,391. None of the city's money is better spent.

Mr. BLANTON. What is the tax rate there?

Mr. LA GUARDIA. About 3 per cent; that I would say is about the average for the five boroughs.

Mr. BLANTON. That is exclusive of the State tax?

Mr. LA GUARDIA. Yes; that is the city tax on real property. In addition to this I would say that about \$10,000,000 comes back to us, which is our share of the State school fund. Our tax average is about 8 per cent on real estate in the five counties. We pay our superintendent in New York City \$12,000 a year, and it is a \$20,000 a year job. A comparison was made here between the salaries of governors and the salary proposed to be paid to the superintendent of schools. The case of a governor is not analogous. It is not a fair comparison. If a man has been a good governor of his State and he has been honored by the people of his State in that way, there are all sorts of chances for him when he leaves the job. If he has performed a good job. A superintendent of schools gives his whole life to the work and there is not the

music and the glamour and the glory about it that goes with the position of governor.

For instance we pay in New York City the superintendent of school supplies \$9,000, our superintendent of school buildings, the architect, \$25,000 a year, and his deputy \$8,500 a year. We have clerks, chief clerks, at \$6,500.

Why, gentlemen, the greatest American institution, the greatest monument to American progress, is our public school system, and the place to economize is not in the salary of the splendid teachers of the kindergarten, the grammar schools, or the high schools. [Applause.] I am proud of my city's schools and our department of education.

Mr. MOORE of Virginia. Will the gentleman yield for a question?

Mr. LAGUARDIA. I will.

Mr. MOORE of Virginia. Is it not a fact that nearly 32 per cent of your total expenditures of New York go to educational purposes and that a less percentage is devoted to educational purposes in the District of Columbia—that it exceeds the percentage in the District of Columbia?

Mr. LAGUARDIA. Our biggest item in the New York budget is the schools, then is followed by the police, fire, and health departments. We ought to have the model educational system of the whole world right here in the Nation's Capital. We ought to give adequate compensation to teachers—

Mr. HUDSPETH. Can the gentleman give the average pay for primary teachers—give us the average in New York?

Mr. LAGUARDIA. That is not itemized by the budget which I have before me—I have it in the office—but it is about 15 or 20 per cent larger than we propose to give right here. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAKER. Mr. Chairman, may I have the privilege of extending my remarks a little on this subject?

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. DYER. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. DYER. Mr. Speaker, under the leave granted to extend my remarks I insert the following:

To the Senators and Representatives in Congress:

The Anti-Saloon League broadcasts from coast to coast that it controls Congress and practically all State legislatures.

If that is true this important question arises:

Who controls the Anti-Saloon League, and why—and how?

If the Anti-Saloon League controls Congress and the State legislatures, as it asserts, then the power that controls the Anti-Saloon League is the power that controls the lawmaking bodies of the United States.

What is that power?

Wayne B. Wheeler, general counsel for the Anti-Saloon League and chairman of its political campaign committee, tells the American people in public addresses that \$35,000,000 was spent to put the eighteenth amendment into the Constitution.

The Christian Science Monitor, a champion of the Anti-Saloon League, asserts that the league is spending \$2,500,000 a year. The New York and Illinois State branches of the Anti-Saloon League spend approximately \$600,000 a year.

Where does the Anti-Saloon League get its money?

The power behind the Anti-Saloon League is money. The big contributors of the money constitute the real power behind the Anti-Saloon League.

SPENDS FOUR TIMES AS MUCH AS DEMOCRATS AND REPUBLICANS.

Four years after prohibition the Anti-Saloon League is spending every year a sum equivalent to the combined sums spent in four years by the Democratic and Republican National Committees to maintain their organizations and conduct presidential campaigns.

To maintain an invisible government, which the Anti-Saloon League asserts controls the visible government chosen by the people, this league is spending four times as much money as the Democratic and Republican national organizations combined.

For what purpose or purposes are such vast sums of money contributed to an organization which renders no public financial accounting, and which has been able to defeat every legislative effort to investigate the source and disbursement of its revenues?

If representative government is to be maintained in the United States, these questions must be answered.

Congress can answer by investigating the Anti-Saloon League to determine the source and distribution of its revenues and its boasted control of the lawmaking branches of government. Reasons will appear herein why Congress especially should investigate the power exercised over the prohibition enforcement unit.

PROHIBITION AS A "GOOD BUSINESS INVESTMENT."

The purpose of this message is to give Congress a starting point for an investigation of the Anti-Saloon League revenues, and to show the necessity of a complete and thorough investigation of the prohibition enforcement department under Anti-Saloon League domination.

Read the facsimile letter from S. S. Kresge, chairman of the manufacture and business committee of the Anti-Saloon League.

Observe that he states that this committee is comprised of 55 persons whose identity is not disclosed.

Observe that Mr. Kresge, who, according to financial reports, has an annual income of approximately \$10,000,000, solicits contributions to the Anti-Saloon League solely as a "good business investment."

He states that the 55 men on this committee are interested in prohibition as a "good business investment."

He has solicited money from manufacturers and business men all over the United States, to be used by the Anti-Saloon League, solely as a "good business investment."

MASQUERADING UNDER FALSE COLORS.

This letter reveals as clearly as language can reveal it that the Anti-Saloon League is masquerading before the country under false colors.

It pretends to be a political machine representing the Christian churches of America.

Kresge's letter shows it to be a political machine representing the big business interests in the United States.

It pretends to represent the churches to promote temperance and morality.

Kresge's letter reveals that it represents big business interests for selfish purposes only—to help them to make more money, as Kresge phrases it, "by keeping the liquor bloodsucker off decent trade."

It uses the church as a shield and the pulpit as the forum to promote the selfish interests of the men who are putting up the money to support it.

It boasts that it controls Congress and State legislatures, and whatever power of control it exercises is the power that it derives from the great sums of money contributed to it, primarily by selfish interests, as a "good business investment."

OIL LEASES "GOOD BUSINESS" UNTIL EXPOSED.

It was "good business" for oil corporations to stuff the pockets of a Cabinet official with money and walk away with leases of public domain—until the Senate investigated.

Then it was bad business. So bad the Nation was shocked. Official corruption, the purchase of official influence, and the silencing of newspapers that shared in the spoils, aroused country-wide indignation.

It may be "good business" for great interests to use the Anti-Saloon League to cloak their selfish schemes, but it will be bad business when the American people know all the facts—particularly those facts dealing with official corruption resulting from the adoption of a prohibition law to enrich the interests that financed it.

The amount of graft involved in the oil scandals is infinitesimal as compared with what would be exposed by a thorough investigation of prohibition enforcement. Where a few are involved in oil scandals, thousands would be involved in prohibition scandals.

CORRUPTION FUND OF \$4,000,000 IN 60 DAYS.

Here is a statement, for example, appearing in the September issue of the Annals of the American Academy of Political and Social Science, by Hon. T. Henry Walnut, former Assistant Attorney General of the United States at Philadelphia:

"... It is undoubted that enormous quantities of liquor were withdrawn from the distilleries upon fraudulent permits and that enormous sums of money were paid for them. The permits so issued by the Pennsylvania office (of the Federal prohibition commissioner) in a period of 60 days called for 700,000 gallons of whisky and alcohol. The corruption fund arising from these papers must have run close to \$4,000,000."

When such things as this are going on—and this is but one of thousands of scandals in the history of prohibition—is it any wonder that Governor Pinchot, of Pennsylvania, a sincere prohibitionist, in speaking before the Anti-Saloon League convention in Washington, said:

"Take it by and large, I know of no scandal in our national history to compare with it. A scandal of half the proportions in any other branch of the Government's work would lead at once to a congressional investigation. In the name of the citizens of the country who believe in its Constitution and law, and who propose to support and enforce them, I voice the general demand for such an investigation."

LEAGUE OPPOSES EXPOSURE OF CORRUPTION.

But the Anti-Saloon League, invisibly financed and pursuing invisible political methods, while publicly posing as the champion of all that is moral and virtuous in life and government, steadfastly opposes every suggestion of an investigation of prohibition scandals and even goes to the extent of blocking officials of the Government in their effort to expose them.

Listen to this from Collier's Weekly of January 26, 1924:

"When Haynes [the Federal Prohibition Commissioner] sat down to write his book, *Prohibition Inside Out*, he was bound and gagged, politically speaking. Had he been free of political impediments, he could have written a book the sensational disclosures of which would have staggered the Nation—a book which would have shamed men in high places, knocked halos from the heads of others, and gone down in history as one of the most astounding documents in the history of this Republic. . . . Haynes was tempted. While he wavered between duty to the American people, especially the prohibitionists, and loyalty to his political party, the master politician of them all—Wayne B. Wheeler—stepped in. Wheeler advised caution, Haynes listened, and the result was just a book.

"Haynes couldn't and didn't write the inside story of prohibition, because the story would have bared the corrupting influences of politics in prohibition enforcement and explained why the Federal Government has fallen down in the enforcement of the eighteenth amendment."

What are the sensational facts that would have staggered the Nation? Who are the men in high places who would have been shamed? Who are the men who would have had halos knocked from their heads?

IF LEAGUE SPEAKS FOR CHURCHES, WHY DOES IT STAND FOR THIS?

If Mr. Wheeler, in his official capacity as counsel for the Anti-Saloon League, is representing the Christian churches of America, why is he trying to protect the men in high places who would have been involved in prohibition scandals, and why is he stopping the baring of the corrupting influences that have resulted in the Government's failure to enforce the eighteenth amendment?

Publicly he proclaims that the Anti-Saloon League stands for honest enforcement. All the facts indicate that neither the Anti-Saloon League nor Mr. Wheeler have ever taken any step to purge the Government of the corrupting influences that are having such direful effect upon the country, and have prevented the enforcement of the prohibition law.

If Mr. Wheeler and the Anti-Saloon League are in fact representing the Christian churches of America, what do the Christian churches think about it when Mr. Wheeler and the Anti-Saloon League use their power to block every movement to expose the corrupting influences in prohibition enforcement?

The very next day after Governor Pinchot demanded a congressional investigation of the prohibition scandal, Mr. Wheeler rushed into the newspapers with an interview opposing it.

We are informed that the *Ladies Home Journal*, at great expenditure of money and effort, gathered facts revealing scandalous practices in the prohibition enforcement department, and that Mr. Wheeler advised the suppression of this article, and that it was suppressed.

For what reasons? Let Congress call the editors and Mr. Wheeler and find out.

PRICE THE COUNTRY PAYS TO MAINTAIN "GOOD BUSINESS."

What further price are the American people paying to maintain prohibition as a "good business investment" for the "John T. Kings" who are financing the Anti-Saloon League?

According to the late President Harding "a nation-wide scandal that is the most demoralizing factor in our national life."

According to Governor Pinchot, "no scandal in our national history to compare with it."

According to the Attorney General of the United States, "a sordid story of assassination, bribery, and corruption that found its way into the very sanctums where the inviolability of the law was presumed to be sacred."

According to thousands of thinkers and writers, an institution that has broken down respect for all law, spread crimes of violence from coast to coast, corrupted governmental functions as nothing else in our national life ever has done, and has proven an utter failure as a temperance measure.

In addition to all this, the money cost has been monumental—in losses of revenue and actual outlay for Federal, State, and local enforcement.

INVESTIGATE FINANCES OF ANTI-SALOON LEAGUE.

We respectfully submit that the time has arrived when Congress should investigate the Anti-Saloon League to disclose the source not only of the \$35,000,000 fund which Mr. Wheeler says was used to influence the adoption of the eighteenth amendment, but also the source of the \$2,500,000 a year contributed, in part at least, as a "good business investment," and which is now used to maintain a standing organization of approximately a thousand members.

The personnel of the men to whom these great funds are intrusted, without any public accounting being made, is also worthy of investigation.

ANDERSON OF NEW YORK—SHUPP OF MISSOURI.

You have before you the example of two outstanding leaders of the Anti-Saloon League—Anderson of New York and Shupp of Missouri.

Anderson has been sentenced to prison. You are familiar with the fantastic tales he told on the witness stand in his own defense—of how great sums of money came into his possession through mysterious "John T. Kings," and disappeared through equally mysterious "Henry Manns," none of whom left any records of their transactions.

The case of Shupp of Missouri is even more illuminating.

Standing as the champion of moral reform, he became the joint owner of a drug concern engaged in the unlawful sale of alcoholic liquors and narcotic drugs. He demanded and received fees for getting alcohol withdrawal and other permits from the prohibition enforcement department.

He demanded and received fees from brewers for getting the prohibition law enforced.

His pockets—and the pockets of his assistants—were filled with passes issued by a railroad corporation that for two decades controlled the political destinies of the State by the use of passes.

ANDERSON AND SHUPP INDORSED BY LEAGUE.

It should be borne in mind that in spite of the conviction of Anderson by a jury of his own selection, and of the exposure of Shupp, of Missouri, that since their exposure both have been fully indorsed by the boards of directors of their own State Anti-Saloon Leagues, and these indorsements never have been withdrawn.

The fact that State Anti-Saloon Leagues, through their boards of directors, publicly indorse such acts on the part of their leaders, should be a warning to the Congress of the United States.

Is it surprising when the two State Anti-Saloon Leagues give their uncompromising and unqualified indorsement to the Andersons and Shupps that the Anti-Saloon League management in Washington should exert every power and influence it possesses to prevent an uncovering of the scandals of prohibition enforcement?

BOOTLEGGING AT SEA AND THE LEAGUE.

One of the associations affiliated with this committee had the fact reported to Mr. Wheeler that the United States Shipping Board, controlled by the Government, had entered upon a great bootlegging enterprise on Government-owned and operated ships, but Mr. Wheeler made no move to stop it.

So long as this fact was concealed from the American public, Mr. Wheeler and the Anti-Saloon League gave themselves no concern about the violation of the prohibition law by the Government itself.

It was shown that Anderson in New York, one of the agents of the league that helped to maintain invisible Anti-Saloon League government, was paid \$15,000 a year in salary—exactly twice the salary paid to the Representatives in Congress of the visible government.

We make a demand for an investigation of the Anti-Saloon League with respect both to its financial control and its boasted control over chosen Representatives of the people.

We make a demand for an investigation of the Prohibition Enforcement Department, under Anti-Saloon League control, in order that an accounting may be made to the people of the administration of the prohibition law.

WHO RUNS CONGRESS, MEMBERS OR THE LEAGUE?

Call S. S. Kresge to the witness stand. Call the representatives of the great trusts that have contributed vast sums of money to the Anti-Saloon League. Call the "John T. Kings" who hide behind committees. Bare the facts and tell the people whether you, as the chosen Representatives of the Government, are running the legislative department of the Government, or whether the boast of the Anti-Saloon League is true that you are its pawns and move as the invisible influences behind the Anti-Saloon League direct you to move.

This committee pledges you its unreserved cooperation to bare the facts, and it will furnish you information, which, if followed up, will turn the light of day in dark places and destroy the sinister influences that are having such disastrous effect upon Government and undermining the confidence of the people in the Government they have established.

JAMES DUNCAN, *Chairman*,

THOMAS F. MAGUIRE, *Executive Secretary*,

Joint legislative committee for modifying the Volstead Act, representing the American Federation of Labor, Association Against the Prohibition Amendment, Constitutional Liberty League of Massachusetts, the Moderation League (Inc.) for Modifying the National Prohibition Act.

DETROIT, December 5, 1923.

MR. CHARLES L. KNOWER,

St. Louis, Mo.

DEAR MR. KNOWER: This message is sent because of your interest in "good business."

A committee of 55 persons, called the manufacture and business committee of the Anti-Saloon League of America, began eight years ago to help the National Anti-Saloon League win and hold prohibition. A good many have assisted us. League men say our aid has been an essential factor for success. Now we are in the hot fight to uphold flag and law and finish the job. More help is needed. We need you!

Besides the State organizations, the national division of the Anti-Saloon League, under separate budget, has 200 employees who keep the organization everywhere strong and by voice and print do tremendous educational service. In its legal, legislative, and law enforcement departments it stimulates and backs up enforcement of the law throughout the Nation. Additional contributions are urgently required for current expenses and for the special work for 1924 now begun, including the big convention at Washington in January, for publicity and public sentiment.

Even if you assist this work in your own State, it is increasingly and vitally necessary that those who have a business interest like the members of this committee and you shall strongly help the national organization also. Knowing from close touch the national efficiency and needs, besides helping in the Michigan league I have personally given during the past year \$10,000 to the national league as a "good business" investment.

Your assistance was never more needed than right now. Please give personal and special attention to this and send a check for \$1,000, \$500, \$250, or \$100, which will suitably indicate your desire to keep the liquor "bloodsucker" off decent trade. Read the inclosed copy of Roger Babson's letter to Mr. Russell, the secretary of this committee, and then mail your check payable to Foster Copeland, treasurer, or to S. S. Kresge, chairman, in the inclosed envelope. Our committee will appreciate your cooperation.

Yours for the protection of law,

S. S. KRESGE,

Chairman, Manufacture and Business Committee.

(This letter reveals that the Anti-Saloon League, while masquerading as the political representative of the Christian churches, is really the representative of big business interests that finance it for "good business" only. Kresge's income—approximately \$10,000,000 a year—contributes thousands to control public morals, but wife charged that he refused to accept any responsibility for education and training of his own children. Fifty-five "John T. Kings" hidden behind the manufacture and business committee of the Anti-Saloon League.)

Mr. BLANTON. Mr. Chairman, I yield two minutes to the gentleman from Kansas [Mr. STRONG].

Mr. STRONG of Kansas. Gentlemen, I am very glad to have an opportunity to vote for an increase of the teachers' pay in the District of Columbia. I believe that the teachers in our schools should be well paid everywhere. I have always been a friend of the teachers and a believer that they were entitled to better compensation than they receive, but I do not want to vote for this \$10,000 salary for the superintendent of schools. Every bill that comes to Congress now seems to carry a salary of \$10,000 or \$12,000. I feel that we are overdoing the matter in the way of big salaries in this country, and if I get an opportunity, and I will, I am going to vote to reduce the salary below \$10,000 for the superintendent of schools, because I think that is too large.

Mr. DOWELL. Will the gentleman vote for \$8,000?

Mr. STRONG of Kansas. Yes; and I will vote for \$7,500 if I get a chance.

Mr. ZIEHLMAN. Mr. Chairman, I yield five minutes to the gentleman from Virginia [Mr. WOODRUM].

Mr. WOODRUM. Mr. Chairman and gentlemen of the committee, I do not believe by comparison we can reach a proper criterion for the pay of public-school teachers in the District of Columbia. A number of gentlemen, including my friend from Texas, have compared the salaries as set out in this bill with the salaries paid for the governors in the different States. Well, I will say to my friends, when they stop and think a minute, they will see the fallacy of such comparisons. The Governor of the State of Virginia gets \$5,000 a year. Our superintendent of highways gets \$12,000. The city manager of Roanoke, Va., with a population of 60,000 people, gets \$6,000, and yet the Governor of the State gets only \$5,000 a year. I think the manager of the city of Norfolk gets \$15,000. So I submit, my friends, that is not a proper criterion. You know that many men can handshake themselves into a public office; we know that; but when you go to find the man with the mental, physical, and moral equipment that fits him to be the head of an educational organization such as you have here in the District of Columbia, you have got to have a man who, in my judgment, is worth a good salary. I am frank to say to you if the salary is going to remain at \$7,500 or \$8,000 for a while I think that is a good idea. It strikes me that \$10,000 is a pretty big jump, when he is now getting \$6,000. I deny that it is governmental economy to try to be stingy about the matter of educating the youth of this Nation. America is a great Nation, and why, not because of its gold, not because of its mines, not because of its territory, but because of the character of the men and women who blazed the trail of civilization through the forests of this country. [Applause.] That is the reason America is

a great Nation. It was the ringing of the school bell, the peal of the church organ that blazed the path of American progress. Let me say this to you, if America is to continue to be a great and a free people and is to take her place as the leader of Nations, then the children of to-day, who will be the men and women of to-morrow, are better equipped to discharge the duties of citizenship than you or I. We should do everything to make them better men and women. I give you this thought from Socrates of years ago. He said, "If I could climb to the highest peak in Athens I would proclaim aloud, 'Oh, my fellow citizens; why do you scrape the rocks for gold and neglect your children to whom you must ere long relinquish it all.'"

And so, my friends, a dollar well spent in educating a boy or girl—and I speak of education in its broader sense, educating not only the mind and intellect, but the spirit, and building the character of the child—is the best dollar you can spend of governmental money.

Mr. WATKINS. Mr. Chairman, will the gentleman yield?

Mr. WOODRUM. Yes.

Mr. WATKINS. These high prices and low prices paid to teachers elsewhere may not be a perfect criterion. I agree with the gentleman. But in this age of competition should not the Congress take into consideration the higher salaries paid elsewhere in fixing the salaries here, since the teachers might be lured away by offers of better-paid positions elsewhere?

Mr. WOODRUM. I think Congress should take into consideration the low salaries in other places. I do not know of a place—certainly in my own State and other States—where the school-teacher, the person who has the function largely of shaping the life and character of the boy or girl, and in many instances more instrumental for good than the parents—many times the school-teacher will see the child and have more influence in forming his character and shaping his future than the parents.

I do not think we pay enough. When you go out and hire a man or woman who is mentally and morally equipped to take up this greatest of all tasks, they ought to be adequately paid. We want better men and better women. We should want more honesty and morality in public men and in men who take public office.

How can we have such a condition? By raising up a generation of better men and women. [Applause.]

Now, Mr. Chairman, speaking of honesty, and citizenship, and public office, I desire to take this opportunity to make a few observations which I hope shall not be entirely out of place at this time. I use the term "observations" advisedly, as what I shall have to say will be not in a spirit of criticism or prompted by partisan feeling. Mr. Chairman, I shall digress just a little with the indulgence of the committee.

I said to my constituents before coming to Congress that while I was a Democrat, and believed in the tenets and principles of the great party; and that while I should always endeavor to hold up its standard, when that standard was hoisted in the cause of right, yet I said that I regretted the tendency of both parties in too often allowing their zeal as party champions to overshadow, and sway their better and saner judgment as Representatives of the people. In the heat of the fray we of both parties too often forget that after all what the great masses of American citizens are most interested in is a constructive legislative program that will meet the needs of the varied and complex social and business life of America.

The average American citizen loves to see a good, lively, spirited, political campaign, and especially when it is conducted on a high plane and involves great and fundamental issues. They love to participate in such scraps. They like at election time to pick a candidate and a cause, and with characteristic American enthusiasm espouse the cause of their choice with might and main. But there is a time for partisan politics and a time for legislative action.

And so it is that the two great parties represented in the political life of the Nation vie with each other from time to time, each claiming to be the party best fitted by material, and best suited by tradition to reflect in the affairs of statecraft the hopes, the ambitions, and the ideals of this great people. I believe in government by political parties. I can imagine no other way in which the fundamentals of our American form of Government might find expression, yet I say again that the first, the foremost, and greatest duty of every man who takes the oath of a representative in either branch of the American Congress is to see to it as best he can that the legislative needs of the Nation are not neglected and passed by in our party fights. Country first. Party next.

Mr. Chairman, we are living in a day of investigations. Everybody who is not investigating is being investigated. And

on we go. But let us not forget that our constituents are expecting, aye, demanding that certain great legislative needs shall have the consideration of their Representatives.

It can not be rightfully said that the present Congress has wholly failed to function. Its usefulness has been greatly handicapped. It is true, because of the impotence of the party in power. The Republican Party has a majority in both branches of the Congress. Both Houses are organized under Republican leadership. The legislative program of both bodies is wholly and entirely in the hands and under the control of the Republican Party. All legislation upon the floor of either body is engineered by a steering committee controlled by that party. Every committee of both branches has thereon a majority of Republicans and can report out a bill at its will. Their steering committee can bring that bill upon the floor for action at any time. And so if there has been a failure—and there has been to some extent—to function, is it not properly and justly chargeable to the party into whose hands the people of America in 1920 placed the power of Government?

Yet, notwithstanding this condition, substantial progress has been made in the passage of legislation in the House up to this time. A number of great appropriation bills have been passed. Absolutely no partisan effort on the part of the minority to delay the passage, or to embarrass the administration in the passage of these measures.

A revenue bill has been passed by the House. And although there is a wide difference of opinion about its merit, yet if it can become a law as passed by the House it will give to the people a substantial reduction in their Federal tax burden and a 25 per cent reduction on the 1923 Federal taxes, which to my mind is so desirable at this time.

Consideration was given a measure to submit to the States an amendment to the Federal Constitution to prohibit the further issuance of tax-exempt securities. This was a live question, ably debated, and defeated by a nonpartisan vote.

A so-called adjusted compensation measure was called up. The gag rule was applied by the party in power, all debate shut off, and the right to amend denied, and voted through by the advocates of adjusted compensation with a prayer upon their lips that the Senate would absolutely rewrite it.

The Muscle Shoals bill was debated and passed by an overwhelming nonpartisan vote—this measure that means so much to the farmers of the country.

And a number of other important pieces of legislation have been considered by the House, and now await action by the other branch of the Congress.

But all the time we are investigating and being investigated. What has come of it?

Well, some months ago this Nation was shaken from center to circumference by the revelations that the great oil reserves of the Nation, to which we must look for fuel for the Navy of the Nation in time of emergency, had been handed over to be exploited by private interests. A former Republican Secretary of the Interior had not been able to stand up against the temptings of private interests, and had, for a consideration, been false to his high duty as a Cabinet officer. A Republican Secretary of the Navy, either because of a fraudulent purpose, or abstract stupidity—and I believe the latter—who was the legal custodian of this public domain, had at least acquiesced in this great fraud against the rights of the American people. When confronted with his wrong, he said if he had the chance he would do it again. He will not have the chance.

A Republican Attorney General, long under suspicion before the bar of American public opinion; the veritable thorn in the flesh of the conscientious members of his party; a millstone around the neck of his party in power; the boon companion of crooks and bribers of all descriptions, and no longer trusted by his President, has gone down before the irresistible power that was gradually crushing him out of power, and that would have carried down all who tried to hold him up.

What is the net result of it all? What is the popular reaction to the investigations to date?

The investigations have shown a condition to exist in the high places of government never thought of in the wildest dreams of those who are ever too ready to suspect and question all public men. They have forced out of public life men who had not measured up to the high standard of honesty and integrity in public affairs, although picked from among "the best minds." Has this not been a service to the American people? Have we not written "that those who run may read"? I think we have.

Yet we are told that there are to be other investigations, and so on, and so on.

Now, Mr. Speaker, I, as a Democrat, make bold to venture the suggestion that it might be possible to go to the extreme in the matter of investigations, just as you can go to extremes in most other things, even though the end sought might be ever so worthy. Of course, if anyone has violated the law he ought to be indicted and prosecuted for it; and impeached if he is an officeholder, no matter to which party he may belong. But what are we going to accomplish if we keep it up?

Well, we are told we will drive out all the rest of the members of the Cabinet. Well, in the first place I doubt it. In the second place I believe we ought from now on give more time and thought to the legislative needs of the Nation. Let us apply our talent and our serious thought and our eloquence in meeting and attempting to solve some of the great problems pending before Congress and which the people want us to consider and pass on. We have demonstrated beyond any possible question that the people made a great mistake four years ago, and that there ought to be a housecleaning upstairs and downstairs; but let us not be selfish about the matter and put them all out. Let us wait until November and give the great electorate of America a chance to help in the cleaning.

There are some measures pending before Congress that certainly should have its consideration and action before adjournment. There are many of them, but there comes to my mind the great immigration bill, in the passage of which the people are so much interested. The educational bill; several constitutional amendments that many of our citizens are interested in and have a right to an expression from Congress one way or the other. And still others. Some affecting the agricultural interests; the bill affecting the salary raise for postal employees, and the bill liberalizing the retirement act. All these and still others. Let us get down to it and leave it to the intelligence of the voting public of America to finish the housecleaning in November, which I sincerely believe they will do unless we, blinded by partisan desire, shall convince them that they could expect little better from the Democratic Party, should they be given the power to govern.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. ZIEHLMAN. Mr. Chairman, how does the time stand?

The CHAIRMAN. The gentleman from Maryland has 17 minutes remaining. The gentleman from Texas has 12 minutes.

Mr. ZIEHLMAN. Mr. Chairman, I yield five minutes to the gentleman from Alabama [Mr. HILL].

The CHAIRMAN. The gentleman from Alabama is recognized for five minutes.

Mr. HILL of Alabama. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. HILL of Alabama. Mr. Chairman, in the very limited time allowed me I wish to urge the House to pass this bill which provides for an increase in the salaries of the teachers of the District of Columbia. In my judgment, no more important measure affecting the welfare of this great and beautiful city of Washington can be considered by this House. Nothing can be of more concern to this city than the education of her children. Into our hands is committed the trust of providing for the education of these children. We can not, we must not fail in this trust. Ours is the duty to see that every child in this city is afforded the opportunity to be trained and prepared and educated. Ours is the high privilege to give to the child, made in the divine likeness and holding that inestimable treasure which many of us have lost, that one priceless treasure, the future, a man's chance to win in the battle of life. [Applause.]

Education is a sham, a cheat unless carried on by able, accomplished teachers. The whole worth of a school lies in the teacher. As water can not rise higher than its source, so a class can not be better than its teacher. Adam Smith in his *Wealth of Nations* tells us that before the invention of the art of printing, a scholar and a beggar were terms very nearly synonymous. Before that time the governors of the different universities appear to have often granted licenses to their teachers to beg. As I have looked over the salaries that have been paid the teachers of the District of Columbia during the past years, I have not doubted but that these teachers have thought that we were about to return to those bad old days.

The evidence submitted to the committee reporting this bill shows that the salaries in Washington are much lower than they are in other cities of similar size—in fact, the compensation paid teachers in the District of Columbia is so much

lower than the salaries paid in other cities that Washington can not compete with other cities in securing and retaining efficient teachers. A laborer is worthy of his hire, and if you do not pay him, you can not get him. Reports to the National Education Association show the following:

TEACHERS OF GRADES I TO GRADES VIII.

Maximum salaries: With the present Washington salary and using the smallest amounts wherever maximum is not a single amount, 64 of the 66 cities reporting pay more than Washington and 1 pays less, as a maximum.

With the present Washington salary and using the largest amounts wherever maximum is not a single amount, 55 of the 66 cities reporting pay more than Washington, 1 city pays the same, and 9 cities pay less, as a maximum.

This is but an example of the discrepancy between the salaries paid the teachers of the District of Columbia and the salaries paid the teachers of the other large cities of the country. Compare the minimum salaries or the maximum salaries, compare the elementary-school salaries or the junior high school salaries or the high-school salaries or the principals' salaries or the superintendents' salaries and the discrepancy will be very largely the same. In his testimony before the committee Doctor Bailou, the superintendent of the Washington schools, told of the great difficulty experienced in securing teachers for Washington on account of the low and inadequate salaries. He called attention to the fact that in 1922 out of 22 persons who had taken the examination and qualified to teach in the District of Columbia only 6 answered the inquiries as to whether or not they would accept an appointment, and that only 1 of the 22 would accept an appointment. If we consider the relative position of the States and the District of Columbia and their ability to educate their children, we find that the District of Columbia ranks first in income per child and that it ranks forty-second in per cent of income expended for education.

Let me remind you, gentlemen, that since 1913 the increase in the cost of living has been 52 per cent and the increase in the salaries of teachers has been only from 10 to 20 per cent. There are those who charge that education is costing too much. Education is costing this country each year approximately \$1,036,000,000. This is only 2.13 per cent of the country's total income. The Nation spends vastly greater sums than this for other purposes; for example, according to the statistics of the National Education Association \$17,336,000,000 is annually expended by the people of this country for luxuries. Of this amount over \$2,000,000,000 is spent for tobacco alone. We spend nearly twice as much for tobacco as we do for all our public schools. Several years ago the United States Commissioner of Education estimated that 5 per cent interest on the money we expended to win the war would be a quarter of a billion dollars more than would be necessary to give to America a first-rate public-school system.

The salaries of the teachers in Washington are miserably low, but nowhere in this country are the salaries of teachers up to that standard that they should be. The teacher is like the soldier. You can not compensate the soldier for his service. You can not compensate the teacher for his service. The service is too great. You can merely give the teacher a salary that will permit him to serve, and I will never be satisfied until we pay the teachers of this country a salary that will enable them to live as their position in the community demands; that will enable them to carry on their work by study and by travel in the summer; and that will enable them to prepare financially for their old age. [Applause.]

The passage of this bill gives to us an opportunity to dignify the teaching profession in the Capital of the Nation to the end that a reasonable standard of pay for teachers may be established for the whole country. I wish to call your attention to the following resolutions, passed by the National Education Association and by the Department of Superintendence of the National Education Association:

[Excerpt from resolutions of the National Education Association, Oakland, Calif., July 6, 1923.]

"We should be able to find in the city of Washington, the Capital of the Nation, leadership in matters concerning school administration, supervision, teaching, business management, and for the promulgation of a far-seeing and adequate educational program for city schools.

"The schools of the Capital City belong to the Nation, and for this reason we urge Congress to create a board of education for the city of Washington which shall be absolutely free from party control, which shall have entire control of its financial budget, and which shall have an adequate financial income to maintain schools of which the Nation may be proud."

I hereby certify that the above and foregoing is a true and correct extract from the resolutions adopted by the National Education Association, July 6, 1923, at Oakland, Calif.

J. W. CHADWELL, Secretary.

[Excerpt from resolutions of the department of superintendence of the National Education Association, Cleveland, Ohio, March 1, 1923.]

"We note with satisfaction and heartily indorse the expressed intention of Congress to make the school system of Washington the model school system of the country. We pledge to Congress our hearty support of this proposed legislation and of such appropriation of funds as may be necessary to provide in the National Capital a system of public education which shall exemplify to the Nation the best in administration, supervision, business management, and teaching service. To this end we urge the immediate passage of the teachers' salary bill now pending before Congress."

I hereby certify that the above and foregoing is a true and correct extract from the resolutions adopted by the department of superintendence March 1, 1923, at Cleveland, Ohio.

S. D. SHANKLAND, Executive Secretary.

It was my privilege as the president of the board of education of the city of Montgomery, Ala., to attend the annual meeting of the department of superintendence held in Atlantic City in February, 1921. At that time there was scarcely a paper or a periodical in America that was not indicting the American people for the meager and unjust salaries that were being paid our teachers. And yet, although that meeting was a continual discussion of the educational problems of the day I heard not one word of complaint, not one word of protest, not one word of condemnation by any educator of the mere pittance that was being paid the teachers of this country for their service to the Nation. The predominant note sounded by those educators was their fine understanding of the service which is theirs and their high consecration to that service. The whole meeting was so free from the taint of private interest or personal preference. There were no selfish aims subverted, no partisanship furthered. The atmosphere of the meeting was surcharged with Americanism, an Americanism potential with sacrifice, an Americanism vibrant in its democracy, and 100 per cent in its adherence to the precepts of the Republic. All seemed shot through with the idea to give something to the country. I thrilled beneath the spell of the nobility of that gathering and as I sat there in that great convention hall with those six or seven thousand men and women, representing the half million and more teachers of this Nation, it filled my imagination as I thought of them busy every day and every night, busy with a great eagerness to show some little stranger the right road, busy with a forgetfulness of their own comforts, pleasures, and fortunes, giving of themselves to bring light to the minds and the hearts of our people—servants come from God. [Applause.]

These are the men and women into whose hands is intrusted the molding of the citizenship of the morrow. It is to these men and women that we must look for the future American. The public school is making ready those who in the years to come are to uphold the pillars of the Nation. From its crucible will be poured the warp and the woof of our national life. It is the bulwark of the Republic. It is the great enterprise of the Nation. There is nowhere in this land any home so humble that it may not send its children to enter beneath the portals of the public school and there stand the peer of all. The public school pays no tribute to aristocracy, subscribes to no creed or caste, renders fealty to no monarch or master of any name or kind. It is no snob, and holds in its warm embrace all of its little sons and daughters. It is of the very stuff of opportunity. It is triumphant in its embodiment of the principles of the Republic. The teachers are the torch-bearers of the Republic. Without them the school is a meaningless shell decaying unto dust; with them it is a mighty living, moving thing. What the soul is to the body of man the teacher is to the school. [Applause.]

Here in the Capital of the Nation, in this body representing a great and grateful people, let us be just to our teachers and let us set an example for the guidance of the Nation in the end that our schools may be great, strong, and true. More than this we are not asked; less than this we can not do. [Applause.]

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. BLANTON. Mr. Chairman, I yield five minutes to myself.

The CHAIRMAN. The gentleman from Texas is recognized for five minutes.

Mr. BLANTON. Gentlemen. I wish you would give me your attention for a moment. You want to understand this bill, and I want to call your attention to the fact that the longevity allowance is granted in this bill. I call your attention to page 10, line 12 and on down:

Provided, That under the provisions of this section the present compensation of any teacher, school officer, or other employee shall be constructed to include basic salary, longevity allowance, session-room allowance, and increase of compensation (bonus): Provided further, That teachers and other employees assigned to classes 1, 2, 3, and 4 in the foregoing schedule shall be entitled to longevity placement as provided in section 6.

Now, in section 6 it is provided—

SEC. 6. That teachers, school officers, and other employees in the service of the Board of Education on July 1, 1924, shall be placed in the salary classes and positions of the foregoing schedule as follows:

Now, let me read to you a little further.

Provided further, That all teachers, school officers, or other employees hereafter appointed, shall be placed in the salary classes and positions in the foregoing schedule by the said board, and all teachers and other employees assigned to classes 1, 2, 3, and 4 of the foregoing schedule in the service of the said board on July 1, 1924, or thereafter appointed shall receive their longevity increase according to their previous number of years of experience in teaching in like positions in accredited schools to those which they hold on July 1, 1924, or to which they may thereafter be appointed:

Then it provides that service in the Army and Navy shall be the same as actual school service in teaching in granting this longevity allowance. Now, there is no question about the teachers, and I would not have it otherwise. Each teacher is entitled to a basic salary of so much and \$100 each for 10 years. Suppose a teacher has taught for 10 years? She should be entitled to her longevity allowance. She ought to begin with the maximum salary; that is fair, and I would not have it any other way. I would contend for it if it were not already in the bill, but it is in the bill, and a teacher who has taught 10 years will begin with the maximum salary provided in this bill. There is no question about it.

Now, the point I made was this: There is nothing in the bill which keeps the officers from beginning with the maximum salary provided in the bill when they have already served the required number of years, and you can not find one word in this bill which will prevent every officer in the school force from beginning with the maximum salary. It is simply a question of construction and I would not have that otherwise. Say a school superintendent has been superintendent for five years or even three years, and you provide in the bill a basic salary of \$8,000, and \$1,000 for succeeding years of service. Why should he not begin with the \$10,000, if he has had the proper longevity experience in teaching or in acting as superintendent?

Now, I want to submit this to you: You think it is awfully easy for a teacher to get a position in Washington; you think that positions are being vacated, that teachers are quitting and going elsewhere to places where larger salaries are paid, but I want to give you a little experience I had.

A young lady came here and asked me to help her get a position in the schools. I helped her make application to the superintendent for a position. She was a bachelor of arts from the University of Texas and had taken her arts degree there; she was a Phi Beta Kappa and wore her key when she went to see the superintendent. She was a graduate of the State normal school for teachers; she had her certificate of graduation from that school. She had taught for three years in an approved high school. If you please, and yet it took several months for me to even get her located as a temporary teacher, without any permanent position but merely a temporary teacher with no regular position at all.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ZIHLMAN. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. BLACK]. [Applause.]

The CHAIRMAN. The gentleman from New York is recognized for five minutes.

Mr. BLACK of New York. Mr. Chairman, the people of the State of New York have insisted on their legislators giving them expert teachers through the medium of decent salaries and excellent training. I voted in the New York State Senate for the first equal pay bill and again for the increase in salary bill of 1920, about which the gentleman from New York [Mr. LA GUARDIA] has spoken. As a result of this New York State, according to the charts prepared by the National Education Association, stands first in the list of States in the matter of the pay of teachers.

I believe the people in my State want their Representatives to show the teachers of the District the same consideration which we showed to our own teachers, for, after all, the people of our State recognize that the people of the District, without a vote but with a tax, are entitled to decent and honest government from us, the same government which we accord to our own people.

According to city school leaflet No. 15, prepared by the Department of the Interior through the Bureau of Education, the salaries in the District of Columbia for the elementary grades run from \$1,200 to \$1,600 a year, while in Chicago they run from \$1,500 to \$2,600, and in New York from \$1,500 to \$2,875. Now, this disparity is great, and I do not think anybody will claim that New York City or Chicago are paying too much.

Then, the next question which confronts us is: Are the teachers of the District and the officials of this District entitled to the increases which are asked for in this bill? While Washington stands twenty-third among the cities of 100,000 or over in the matter of pay of salaries to teachers, Washington stands, according to the charts prepared by the National Education Association, first in the matter of information on public questions shown by its children, second in the matter of educational attainment shown by its children, and third in the matter of public-school efficiency. This is a marvelous comparison, and I submit that the teachers and supervisory officials who are responsible for this high rank in efficiency should get great consideration from this Congress.

I certainly believe that if the people of the city of Washington had the home rule to which they are entitled, and if they had presented to them the fact that although their teachers are paid a ridiculous salary they have managed to keep their schools in the very first ranks in the matter of efficiency, that the people of this city would vote for these increases.

Money given the public-school teachers is money given to the children of the schools. A cultured, contented teacher means cultured, contented children. [Applause.] Self-instruction, added culture, and added contentment come to the teacher with added income. As the report of the Carnegie Foundation for the advancement of teaching for 1923 points out, the schools, while primarily intellectual agencies, are inevitably, if they are sincere, agencies for the building of the character of the children; and a teacher in the right frame of mind will build up the character of the pupils, but the teacher dissatisfied and discontented will unconsciously debilitate the minds and morality of the children.

The children in the schools of Washington are, after all, the children of the various States, and they are going back at some time or other to the various States; and I believe it is the duty of the Federal Government, under these circumstances and under the peculiar relationship that exists between the District, the States, and the Federal Government, to see to it that the children in this District get the best possible education through the medium of the best possible salaries to the teachers. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLANTON. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Chairman and gentlemen of the committee, I suppose there is no investment which can be made by the public that yields as good returns as a proper investment for the education of our children, and I have always been of the opinion that those who are engaged in the work of teaching are doing as patriotic a service as the men who are fighting on the battle line. There is very little hope of reward for those who do the rank and file work in the educational field. Occasionally somebody gets to be a superintendent. Of course, there are few superintendents in comparison with the total number of teachers.

I am not sufficiently informed on the merits of this bill to give an intelligent opinion about its justice or whether the compensation sought to be paid is excessive or whether the compensation is not more than adequate. I have some doubt about the language of the bill. It looks to me as if it might be retroactive in some respects. If it is, it ought not to be passed in that form. It is proposed here to pay teachers a basic salary and to pay superintendents basic salaries and to pay principals basic salaries, with further increments to these salaries as time goes on. It does not say whether the number of years required of a teacher shall be 10 years after the bill is passed or whether it shall be 10 years counting the time before the bill is passed, before these additional amounts shall become effective.

Mr. DOWELL. Will the gentleman yield just there?

Mr. MADDEN. Yes.
 Mr. DOWELL. Will the gentleman listen to this language of the bill: That on and after July 1, 1924.
 Mr. MADDEN. Yes; I understand that.
 Mr. DOWELL. I think language could not be clearer.
 Mr. MADDEN. It says that after July 1 these salaries become effective.

Mr. DOWELL. And then its provisions provide for the increases as they progress.

Mr. MADDEN. I think, however, that is simply to make it conform to the fiscal year when the appropriations become available. I have some doubt whether that does not become retroactive as to the additional compensation. If it does, I am opposed to the retroactive feature of it.

Mr. OLIVER of Alabama. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. OLIVER of Alabama. I agree with the gentleman that the language of the bill is indefinite, especially when all of its provisions are considered, but what good reasons can be assigned why a teacher or a superintendent heretofore employed in the District schools should not have the benefit of increased pay by reason of such service?

Mr. MADDEN. Well, they have been getting longevity pay all the time.

Mr. OLIVER of Alabama. May I ask the gentleman this further question? When we came to write the classification bill for the Postal Service, my recollection is that service prior to the time of such classification was given credit for. The same was true when we came to write the pay bill for the Army and the Navy.

Mr. MADDEN. I think not in the Postal Service. I helped to write that bill. What we did do in the Postal Service was this: We increased the entrance pay; that is, the grade that was drawing a smaller rate drew a larger rate.

Mr. BLACK of Texas. If the gentleman will permit, the gentleman from Alabama [Mr. OLIVER] is correct. For example, if a man was in grade 5 of the Postal Service, when the new salary range was made he was transferred to grade 5 in the new range.

Mr. MADDEN. That is true, and that is just what I said. We increased the entrance pay.

Mr. BLACK of Texas. That amounted, of course, to giving him the benefit of his prior service.

Mr. MADDEN. We made the entrance pay larger.

Mr. OLIVER of Alabama. And unquestionably, when we passed the increase pay bill for the allied military services last year, we gave the benefit of all increases to those who had performed previous service.

Mr. MADDEN. And these people have been getting their longevity also.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. BLANTON. Mr. Chairman, I yield the gentleman from Illinois two more minutes.

Mr. MADDEN. I rose principally, however, to say this: I do not know anything much about the qualifications of the superintendent of the schools here, but that is due to my own lack of opportunity to study his qualifications. He may be the best man in the world, but I think \$10,000 a year is more than ought to be paid to a superintendent of schools in a city of this class. No superintendent of schools here ought to get more than \$7,500 a year. That is all the salary ought to be, not only now but at any time, while the population remains substantially what it is. Why should the superintendent of schools here get \$2,500 a year more than a Member of Congress. Is there any reason why he should?

Mr. DOWELL. Will the gentleman yield for a question?

Mr. MADDEN. Is he required to know any more?

Mr. DOWELL. The superintendent of schools in the city of Chicago gets—

Mr. MADDEN. Ten thousand dollars.

Mr. DOWELL. Twelve thousand dollars a year, as I understand it.

Mr. MADDEN. The last time I heard about the salary it was \$10,000, but it may have been increased. I do not know about that; but even if it has been increased to \$12,000, certainly there is no comparison between the superintendency of schools here and the superintendency of schools there.

Mr. BLANTON. It is five times as large.

Mr. MADDEN. It is more than five times; it is eight times as large, and the responsibilities are eight times as great.

Mr. GASQUE. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. GASQUE. Does the gentleman think that a member of the Railway Labor Board or a member of the Shipping Board should get more than the superintendent of schools here?

Mr. MADDEN. The members of the Shipping Board are only getting \$7,500 a year.

Mr. GASQUE. A bill has been proposed here increasing it to \$10,000.

Mr. MADDEN. They may propose all the bills they like, but that does not mean they are going to be passed. I am opposed to making this salary more than \$7,500, and I hope we will have enough votes here to stop it from going any higher than that.

Mr. ZIHLMAN. May I inquire whether the gentleman from Texas [Mr. BLANTON] has consumed all his time?

The CHAIRMAN. Yes.

Mr. BLANTON. Unfortunately, yes.

Mr. ZIHLMAN. I yield five minutes to the gentleman from Minnesota [Mr. LARSON].

Mr. LARSON of Minnesota. Mr. Chairman and gentlemen of the committee, I am not given to loquacity on the floor of this House. The CONGRESSIONAL RECORD will bear out the truth of that statement. The more I see of the workings of Congress the less confidence I have in the efficiency of "government by talk." I have come to the conclusion that it is one of the chief weaknesses of Congress—too much mere talk for home consumption and too little action for the Nation.

Mr. BLANTON. Then why does not the gentleman give less of it?

Mr. LARSON of Minnesota. You have given too much already, my friend. [Laughter.]

Reluctant as I am to talk, I can not remain silent when I hear objections pressed against so meritorious a measure as the one we are now considering. I am enthusiastically for it and every provision of it. This bill should pass without a dissenting voice.

We are considering a matter that has to do with the very foundation of our Government—public-school education—which the founders of this Nation, Washington particularly, urged us, to whom this country was given as a legacy, to encourage and foster. They understood the vital importance of an intelligent and educated citizenry to the welfare of our country and the perpetuity of our institutions.

In the great Ordinance of 1787 for the Northwest Territory, out of which a part of my own State of Minnesota was carved, the fathers said: "Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged."

We have tried to follow that sound advice of the founders, but we have not fully measured up to our responsibilities in the matter of furnishing an adequate system of public-school education to the youth of our land. The disclosures made by draft records shock our national pride. They have aroused, I hope, our conscience. They showed that in this land of promise we have an amazingly large number of illiterate, native as well as foreign born. They revealed the humiliating fact that our percentage of illiteracy is much higher than that of the small and poor countries of Europe. We must remove that disgrace from our national escutcheon.

Let us start right here in the Nation's Capital to make good our erstwhile boast that our free public-school system is the best and most efficient in the world.

The keystone of any school system is the teacher. Commodious, well-ventilated, well-lighted, sanitary school buildings are good, but, after all, the teacher is the school. I think it was Garfield who once said that Mark Hopkins at one end of a log and a pupil at the other end constituted a college. He was right.

But, Mr. Chairman, how can we secure and retain efficient, well-trained, mature, and devoted teachers unless we pay them adequate salaries? And by adequate salaries I mean such as "will provide a comfortable subsistence, afford some compensation for money invested in professional training, furnish means for continued professional improvement, and also a reasonable margin for saving, which is properly regarded as an obligation of citizenship."

We do not require the testimony of an economic expert to prove to us that the cost of living is such here in Washington that salaries less than those provided in this bill do not meet the requirements.

We can not afford to be penurious and stingy in furnishing our children an education. If we must scrimp, let us not do it at the sacrifice of our children's education by being miserly with those who are consecrating themselves to the patriotic

duty of developing them into honest, loyal, intelligent, law-abiding, and self-supporting American citizens.

As for the salary of the superintendent, my opinion is that if the man who occupies that exacting and important executive position is not worthy of \$10,000 a year the appointive power should find a man who is worthy. It is false economy to have a mediocre at the head of such a great school system as we should have in the Nation's Capital. In voting on this important measure let us bear in mind that "the safety of the Republic rests to a large degree with the teachers of the Nation." [Applause.]

Now, as to comparing the salary of the superintendent of schools with the salary of a Congressman, I want to say that the salary of \$7,500 for a Congressman is not enough. If I had my way I would place the salary of a Congressman at \$12,000 and reduce by one-half the membership of this House. [Applause.] In my judgment the country would then have better legislation.

The CHAIRMAN. The time of the gentleman from Minnesota has expired. All time has expired, and the Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That on and after July 1, 1924, the salaries of teachers, school officers, and other employees of the Board of Education of the District of Columbia shall be as follows:

ARTICLE I.—SALARIES OF TEACHERS AND SCHOOL LIBRARIANS.

CLASS 1. TEACHERS IN KINDERGARTENS AND ELEMENTARY SCHOOLS.

Group A. A basic salary of \$1,400 per year, with an annual increase in salary of \$100 for eight years, or until a maximum salary of \$2,200 per year is reached.

Group B. A basic salary of \$2,300 per year, with an annual increase in salary of \$100 for three years, or until a maximum salary of \$2,600 per year is reached.

CLASS 2. TEACHERS IN JUNIOR HIGH SCHOOLS.

A teacher in the junior high schools who possesses the eligibility requirements of teachers in the elementary schools and who in addition has met the higher eligibility requirements established by the Board of Education for teachers in junior high schools shall be paid in accordance with the following schedules:

Group A. A basic salary of \$1,600 per year, with an annual increase in salary of \$100 for eight years, or until a maximum salary of \$2,400 per year is reached.

Group B. A basic salary of \$2,500 per year, with an annual increase in salary of \$100 for three years, or until a maximum salary of \$2,800 per year is reached.

A teacher in the junior high school who possesses the eligibility requirements of teachers in the senior high and normal schools shall be paid in accordance with the following schedules:

Group C. A basic salary of \$1,800 per year, with an annual increase in salary of \$100 for ten years, or until a maximum salary of \$2,800 per year is reached.

Group D. A basic salary of \$2,900 per year, with an annual increase in salary of \$100 for three years, or until a maximum salary of \$3,200 per year is reached.

CLASS 3. TEACHERS IN SENIOR HIGH AND NORMAL SCHOOLS.

Group A. A basic salary of \$1,800 per year, with an annual increase in salary of \$100 for ten years, or until a maximum salary of \$2,800 per year is reached.

Group B. A basic salary of \$2,900 per year, with an annual increase in salary of \$100 for three years, or until a maximum salary of \$3,200 per year is reached.

CLASS 4. SCHOOL LIBRARIANS.

Group A. A basic salary of \$1,400 per year, with an annual increase in salary of \$100 for eight years, or until a maximum salary of \$2,200 per year is reached.

Group B. A basic salary of \$2,300 per year, with an annual increase in salary of \$100 for three years, or until a maximum salary of \$2,600 per year is reached.

ARTICLE II.—SALARIES OF ADMINISTRATIVE AND SUPERVISORY OFFICERS.

CLASS 5.—TEACHING PRINCIPALS WITH FROM FOUR TO SEVEN ROOMS—PRINCIPALS OF ELEMENTARY SCHOOLS.

A basic salary of \$2,300 per year, with an annual increase in salary of \$100 for three years, or until a maximum salary of \$2,600 per year is reached.

CLASS 6.—TEACHING PRINCIPALS WITH FROM 8 TO 13 ROOMS.

A basic salary of \$2,500 per year, with an annual increase in salary of \$100 for three years, or until a maximum salary of \$2,800 per year is reached.

CLASS 7.—ADMINISTRATIVE PRINCIPALS WITH 16 ROOMS OR MORE, AND PRINCIPALS OF VOCATIONAL AND AMERICANIZATION SCHOOLS.

A basic salary of \$2,900 per year, with an annual increase in salary of \$100 for three years, or until a maximum salary of \$3,200 per year is reached.

CLASS 8.—PRINCIPALS OF JUNIOR HIGH SCHOOLS.

A basic salary of \$3,500 per year, with an annual increase in salary of \$100 for five years, or until a maximum salary of \$4,000 per year is reached.

CLASS 9.—PRINCIPALS OF SENIOR HIGH AND NORMAL SCHOOLS.

A basic salary of \$4,000 per year, with an annual increase in salary of \$100 for five years, or until a maximum salary of \$4,500 per year is reached.

CLASS 10.—DIRECTORS OF SPECIAL SUBJECTS AND DEPARTMENTS.

A basic salary of \$3,200 per year, with an annual increase in salary of \$100 for three years, or until a maximum salary of \$3,500 per year is reached.

CLASS 11.—HEADS OF DEPARTMENTS AND ASSISTANT PRINCIPALS.

A basic salary of \$3,200 per year, with an annual increase in salary of \$100 for five years, or until a maximum salary of \$3,700 per year is reached.

CLASS 12.—SUPERVISING PRINCIPALS.

A basic salary of \$4,000 per year, with an annual increase in salary of \$100 for five years, or until a maximum salary of \$4,500 per year is reached.

COMMUNITY CENTER DEPARTMENT.

A. DIRECTOR.

A basic salary of \$3,200 per year, with an annual increase in salary of \$100 for three years, or until a maximum salary of \$3,500 per year is reached.

B. GENERAL SECRETARIES.

A basic salary of \$1,400 per year, with an annual increase in salary of \$100 for eight years, or until a maximum salary of \$2,200 per year is reached.

C. COMMUNITY SECRETARIES.

A basic salary of \$1,400 per year, with an annual increase in salary of \$100 for three years, or until a maximum salary of \$1,700 per year is reached.

DEPARTMENT OF SCHOOL ATTENDANCE AND WORK PERMITS.

A. DIRECTOR.

A basic salary of \$3,200 per year, with an annual increase in salary of \$100 for three years, or until a maximum salary of \$3,500 per year is reached.

B. CHIEF ATTENDANCE OFFICERS.

A basic salary of \$2,100 per year, with an annual increase in salary of \$100 for four years, or until a maximum salary of \$2,500 per year is reached.

C. ATTENDANCE OFFICERS.

A basic salary of \$1,400 per year, with an annual increase in salary of \$100 for six years, or until a maximum salary of \$2,000 per year is reached.

D. CENSUS INSPECTORS.

A basic salary of \$1,400 per year, with an annual increase in salary of \$100 for six years, or until a maximum salary of \$2,000 per year is reached.

BOARD OF EXAMINERS FOR WHITE SCHOOLS.

CHIEF EXAMINER.

A basic salary of \$4,000 per year, with an annual increase in salary of \$100 for five years, or until a maximum salary of \$4,500 per year is reached.

ASSISTANT SUPERINTENDENTS.

A basic salary of \$4,200 per year, with an annual increase in salary of \$100 for five years, or until a maximum salary of \$4,700 per year is reached.

FIRST ASSISTANT SUPERINTENDENTS.

A basic salary of \$4,500 per year, with an annual increase in salary of \$100 for five years, or until a maximum salary of \$5,000 per year is reached.

SUPERINTENDENT OF SCHOOLS.

A basic salary of \$8,000 per year, with an annual increase in salary of \$1,000 for two years, or until a maximum salary of \$10,000 per year is reached.

The Clerk read the following committee amendment:

Page 7, line 1, strike out the words "For white schools."

Mr. BLANTON. Mr. Chairman, I desire to be heard against the committee amendment. I would like to have my colleagues

understand this amendment. You are here providing, as proposed by the members of the committee, that a salary of \$4,500 a year shall be paid to the board of examiners of the District. Forty-five hundred dollars a year is a pretty big salary for them with what experience they have had in life, the number of years they have spent in preparing themselves to be examiners. I worked quite a number of years for \$3,000 a year as a trial judge, and I think I gave the best there was in me to that work. The circuit judges all over the United States in most of your States, the circuit trial judges in your home States, who try men for their lives, who try property rights involving millions of dollars, do not now get over \$4,000 a year. Most of them do not now get but \$3,000, and here you are proposing to pay these examiners, white and colored, by this amendment \$4,500.

Mr. MACLAFFERTY. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. MACLAFFERTY. Does the gentleman think the judges of whom he speaks get enough salary?

Mr. BLANTON. The people at home think so.

Mr. MACLAFFERTY. Does the gentleman think so?

Mr. BLANTON. I want to say this to my distinguished four-minute orator from the great West, that when you find salaries ranging from \$3,000 to \$5,000 they are fixed by the people; when you find big salaries ranging from \$10,000 to \$15,000, \$20,000, and \$25,000, they are fixed by legislators and not by the people.

Mr. MACLAFFERTY. Will the gentleman answer my question?

Mr. BLANTON. I want to answer it. What is it? [Laughter.]

Mr. MACLAFFERTY. Does the gentleman think that the judges of whom he speaks are adequately paid for their work?

Mr. BLANTON. I do not know. I know that at every election there are numerous lawyers trying to get their jobs away from them. I am against this amendment, and I think it ought to be voted down.

Mr. ZIHLMAN. Mr. Chairman, I want to say to the members of the committee that I am rather surprised at the statement of the gentleman from Texas [Mr. BLANTON], a member of the subcommittee that reported this bill, and who should be familiar with this section of the bill. If the members will examine this amendment they will see that it is not a part of the bill, but it is simply a heading for a section of the bill. Here is a board of examiners, and if you will turn to page 18 of the bill you will find what the board of examiners really is. Section 13 provides:

That boards of examiners for carrying out the provisions of the statutes with reference to examinations of teachers shall consist of the superintendent of schools and not less than four nor more than six members of the supervisory or teaching staff of the white schools for the white schools and of the superintendent of schools and not less than four nor more than six members of the supervisory or teaching staff of the colored schools for the colored schools. The designations of members of the supervisory or teaching staff for membership on these boards shall be made annually by the Board of Education on the recommendation of the superintendent of schools.

Then section 14 says:

That there shall be appointed by the Board of Education, on the recommendation of the superintendent of schools, a chief examiner for the board of examiners for white schools: *Provided*, That an assistant superintendent in the colored schools shall be designated by the superintendent of schools as chief examiner for the board of examiners for the colored schools: *Provided further*, That, except as herein otherwise provided, all members of the respective boards of examiners shall serve without additional compensation.

This bill does create an additional examiner, who will serve as secretary and aid to the examining board and superintendent of schools, but it is specifically provided in the bill that the colored examiner shall serve without additional compensation and shall be assistant superintendent of the colored schools. The amendment does not change the language of the bill one iota. It is simply in the heading or caption and is not in the body of the bill at all.

Mr. SEARS of Florida. How many examinations are there a year? In my State there are only two in a year.

Mr. ZIHLMAN. Oh, examinations are being held continually.

Mr. SEARS of Florida. I know that in Washington it is almost continuous, but there are very few vacancies. Can the gentleman give us some idea as to the amount of work these persons would have to perform? Taking other States with

which I am familiar, there are not to exceed two examinations in a year, each taking about three weeks, which would be a total of six weeks. Does the gentleman mean to say that we should pay \$4,000 to this man for six weeks' work?

Mr. ZIHLMAN. Oh, no; this chief examiner, which was advocated by the school board, will serve as a secretary and an assistant to the two boards.

Mr. SEARS of Florida. But the school boards up here are not elected as they are in Maryland, and they can advocate some things that the school boards of the gentleman's home and mine would not advocate.

Mr. ZIHLMAN. It was shown to the satisfaction of the members of the committee that this additional help was necessary. There is only one extra position created. I am opposed to the position that the gentleman from Texas [Mr. BLANTON] takes, who states that a colored examiner is created by this bill.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word. Of course, it is absurd that there ought to be no examiners for any but the white schools. That is what this proposes if the amendment is not adopted. The amendment ought to be adopted without any question. A board of examiners is all that ought to be provided for. It ought not to say a board of examiners for white schools, with no provision whatever for the colored schools. There ought not to be any discrimination in the matter. A board of examiners ought to be provided, and then the people who are to be the examiners are provided further in the bill. We ought not to say simply a board of examiners for white schools. We have both classes of schools here in the District and both should be provided with examiners. All you have to do to provide for that is to strike out these words.

Mr. SEARS of Florida. As I understand it, it leaves it just the same except that the board of examiners for the colored school works for nothing and for the white schools this man gets \$4,000 a year.

Mr. MADDEN. There ought not to be any discrimination here.

Mr. SEARS of Florida. In this bill that is discrimination.

Mr. MADDEN. I do not think there is any discrimination.

Mr. SEARS of Florida. I am taking the word of the chairman of the committee. He said that there was no salary for the other.

Mr. MADDEN. That can not be true.

Mr. SEARS of Florida. I will leave that as between the gentleman from Illinois and the chairman of the committee.

Mr. MADDEN. There is provision made for a board of examiners for the white schools and another for the colored schools. The autonomy of the white schools and the autonomy of the colored schools are continued intact. There is no additional salary except the salary of the chief examiner. There is no compensation added on account of these people being examiners.

Mr. ZIHLMAN. The paragraph at the top of page 7 creates a new position of chief examiner who shall serve as secretary to the board of examiners and as an aid to the superintendent in conducting these examinations. I might say that in Washington two-thirds of the teachers are white and one-third are colored. There is a much larger turnover among the white teachers than among the colored teachers. The colored teachers seem to be very proud of their positions and to hold on to them.

Mr. KETCHAM. Mr. Chairman, I move to strike out the section for the purpose of asking the chairman a question. Under the language that the committee proposes, may I ask whether or not the duties of the chief examiner, which is the new position created, would be limited to a supervision of examinations of the white teachers, or would he have general supervision over both?

Mr. ZIHLMAN. I understand that he would; yes. Under the provisions of the bill the superintendent of the schools is a member of both the white and the colored teachers' examining boards. This chief examiner is to act in a secretarial capacity, and I assume that in serving the superintendent, who is a member of both boards, he would serve both boards.

Mr. KETCHAM. If he does not, then the point made by the gentleman from Florida [Mr. SEARS] is well taken. There ought not to be any discrimination as would seem to be indicated here when a salary of \$4,500 is paid one and no additional salary is paid to the other. I withdraw the pro forma amendment.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 7, line 11, strike out "\$4,500" and insert "\$5,000."

The CHAIRMAN. The question is on agreeing to the committee amendment.

Mr. BLANTON. Mr. Chairman, this is just a question of whether you are going to pay these assistant superintendents \$5,000 instead of \$4,500.

Mr. HUDSPETH. What do they get now?

Mr. BLANTON. As I understand it, the assistant superintendent gets \$2,800 a year.

Mr. GASQUE. They get \$3,600.

Mr. BLANTON. The principal of the big Central High School gets a basic salary of \$3,500 with an increase of \$100 for five years, and he is the highest paid man there.

Mr. GASQUE. My information is from one of the members of the Board of Education of the District of Columbia. If it is wrong—

Mr. BLANTON. What do these assistant superintendents get now?

Mr. ZIHLMAN. I will have that information in a moment.

Mr. RAKER. While the gentleman is examining, how many are there of these assistant superintendents?

Mr. BLANTON. I think there are only three of these first assistants.

Mr. RAKER. That is indefinite, coming from the gentleman from Texas.

Mr. BLANTON. Now, I am on this salary part of it. I am waiting for the committee to give me some information.

Mr. SNELL. I would like to give the gentleman some information right there with regard to assistant superintendents. At Dallas it is \$6,000 a year, and they have got two of them. The people out there decide on how much they will pay their men, and Dallas is about one-third the size of Washington.

Mr. BLANTON. By referring to my minority report, I find that they get \$3,750; that is the assistant's salary. I find it in my minority report, and I do not now have to depend upon the committee. The gentleman from Minnesota first sought to give \$750 raise. In his bill as originally introduced he provided them pay of \$4,500. It is therefore a \$750 raise already, but he was not satisfied with that, and when the committee met they passed an amendment giving them not \$750 but \$1,250. This committee amendment, if you vote for it, will give these three assistant superintendents a \$1,250 raise, or a salary of \$6,000 per year.

Mr. HUDSPETH. Will the gentleman yield for a question?

Mr. BLANTON. I will yield.

Mr. HUDSPETH. How much on an average do they raise the teachers' salaries, the people who do the work here in these schools?

Mr. BLANTON. Well, the average raise is \$600 or \$700.

Mr. HUDSPETH. Not so much a raise as the assistant superintendent?

Mr. BLANTON. No; for this is a \$1,250 raise. It ought to be sufficient to give these superintendents the \$750 raise, but now they want to give them a \$1,250 raise instead of a \$750 raise, and I feel like I can not go with them. That is a matter for all of us to decide. We ought not to vote for this amendment, because even by voting it down it gives these assistant superintendents a \$750 raise.

The CHAIRMAN. The time of the gentleman has expired. The question is on the committee amendment.

Mr. COOPER of Wisconsin. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. There is no last word, only "\$5,000."

Mr. SEARS of Florida. The last word is "reached."

The CHAIRMAN. In the committee amendment it is to substitute "\$5,000" for "\$4,500."

Mr. COOPER of Wisconsin. Mr. Chairman, I listened to what the gentleman from Texas [Mr. BLANTON] said a moment ago. It was forcefully uttered, but did not impress me as being argumentative. He said that we had not raised anybody else's salary as it is now proposed to raise the salaries of these assistant school superintendents. Well, there is no other class of Government employees in Washington who have as great and vitally important a duty to perform as have the school-teachers in the District of Columbia. [Applause.] Not one. I have made that statement before on this floor, coupled with the statement that there are two supremely important professions in this Republic, one the profession of the school-teacher and the other that of the honest, able, high-minded, public-spirited, fearless editor.

Mr. KING. That species is extinct.

Mr. COOPER of Wisconsin. In support of my estimate of the business of the school-teacher, I will quote what a great American long ago said about it:

The dignity of the vocation of a teacher is beginning to be understood; the idea is dawning upon us that no office can compare in solemnity and importance with that of training the child; that skill to form the young to energy, truth, and virtue is worth more than the knowledge of all other arts and sciences; and that the encouragement of excellent teachers is the first duty which a community owes to itself. I say the truth is dawning and must make its way. * * * The whole worth of a school lies in the teacher. You may accumulate the most expensive apparatus for instruction, but without an intellectual, gifted teacher it is little better than rubbish; and such a teacher without apparatus may effect the happiest results. * * *

What we want is a race of teachers acquainted with the philosophy of the mind, gifted men and women, who shall respect human nature in the child and strive to touch and gently bring out its best powers and sympathies, and who shall devote themselves to this as the great end of life. This good, I trust, is to come, but it comes slowly. * * * This good requires that education shall be recognized by the community as its highest interest and duty.

It requires that the instructors of youth shall take precedence of the money-getting class, and that the woman of fashion shall fall behind the female teacher.

That was the noble and true conception of the vocation of a school-teacher held by one of the noblest, wisest men this Republic has ever known, William Ellery Channing. A teacher takes a little boy or a little girl at the habit-forming age; and, as was said generations ago, habit is a cable; we weave a strand a day and at last it becomes so strong that we can not break it. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I was very much impressed by what the gentleman from Wisconsin said; but, as he says of the speech of the gentleman from Texas, it has no relation whatever to the paragraph we are considering.

Mr. COOPER of Wisconsin. Will the gentleman permit an interruption?

Mr. McLAUGHLIN of Michigan. I will.

Mr. COOPER of Wisconsin. The whole section is under consideration, and this is an amendment to one paragraph of it, and I could not see a better opportunity to bring home this great truth, and I had it right there.

Mr. McLAUGHLIN of Michigan. And the gentleman did it very well, indeed. I am not concerned very much as to the salary the first assistant superintendent shall receive. Five thousand dollars may be right. It may not be too large a salary for him if he is competent to hold the position; but I have been attracted by a long, long list of officers, each with an imposing title, and each with a considerably larger salary than is paid to teachers who do the real work. I am also concerned with the fact that the increase of pay provided for each man or woman who holds an imposing title is larger than the increase provided for teachers.

Mr. SNELL. Mr. Chairman, will the gentleman yield?

Mr. McLAUGHLIN of Michigan. In a moment. The bill tells of superintendents, assistant superintendents—I do not know how many; first assistant superintendents, principals—I do not know how many; assistant principals, teaching principals, supervising principals, directors, general secretaries, community secretaries, chief attendance officers; officers and titles too numerous to mention, justifying the statements that have come to me—reliable, I believe—that our schools have system, system; more system and more intricate machinery than anything else. They are becoming top-heavy; they are breaking down. More attention is paid to those who hold high official positions and are drawing high salaries than is paid to teachers in the grades, the teachers whose work is more difficult and of even greater importance than are the duties performed or assumed by many of those who carry high-sounding titles.

Mr. SNELL. Mr. Chairman, will the gentleman yield?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. SNELL. I think the gentleman is not quite right in that statement. The last time these teachers' schedules were fixed by law was in 1906. There have been some increased allowances recommended by committees. In the increases in the schedules the gentleman will find—

Mr. McLAUGHLIN of Michigan. The gentleman is not asking a question; I yielded only for a question.

Mr. SNELL. The assistant superintendent is one of the smallest increases in the whole list.

Mr. McLAUGHLIN of Michigan. How many are there? Who appoints them? Are they made and created in the dis-

creation of the superintendent, or by whom? I have had no answer to that inquiry, yet I have made it of gentlemen who, I thought, had information on the subject.

I fully agree with the statement made by the gentleman from Wisconsin [Mr. COOPER] and with the statement he read, that there is no more important or honorable profession than that of teaching. I agree also that teachers never have been and are not now properly paid. I think perhaps we are giving proper attention to the salaries of those higher up, but I am convinced that we are careless and neglectful as to salaries of teachers of the grades. [Applause.]

The CHAIRMAN. The time of the gentleman from Michigan has expired. The time for debate on this amendment has expired.

Mr. KELLER. Mr. Chairman, I ask unanimous consent to proceed for one minute.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. KELLER. I just want to call the gentleman's attention to this, that teachers of kindergarten and elementary schools are 845 in number. The gentleman referred to principals. We have principals in the 15 rooms, 50, so that he can see the comparison that he is trying to bring out, that we have more teachers at high salaries than we ought to have, is not sustained. There is one superintendent, and we have two assistant superintendents and one for the colored schools, so that he can see there that we certainly must have superintendents to take care of the work that belongs to superintendents of such a large class of children as we have here, about 70,000.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The question was taken, and the Chairman announced that the ayes appeared to have it.

Mr. BLANTON. Mr. Chairman, I ask for a division.

The CHAIRMAN. A division is called for.

The committee divided; and there were—ayes 60, noes 34. So the amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 7, line 12, strike out "\$100" and insert "\$200."

Mr. SEARS of Florida rose.

Mr. BLANTON. Mr. Chairman, I desire to speak against the amendment. I do not want that right to be taken away from me.

The CHAIRMAN. The first speech should be one in favor of the committee amendment. The Chair will recognize the gentleman from Florida.

Mr. SEARS of Florida. Mr. Chairman, you put me in an embarrassing position, but I will do the best I can. I am opposed to the amendment. I hope this amendment will not carry.

I listened with interest to what the gentleman from Wisconsin [Mr. COOPER] said, and I am in hearty accord with every word he said.

For 10 years I worked with and tried to assist young men and young lady school teachers, and I want to say that then and now I bemoaned the fact that they were not paid the salary to which I felt they were entitled. I had hoped that when I came to Congress times might change and, as the gentleman from Wisconsin [Mr. COOPER] said, that the ones who did the real work might get the real pay. But I find that again the hopes of the school teachers are partly blasted, and I fear that they will go on to the end of time getting about the same salary they have always gotten. Of course we men higher up, those with the high-sounding titles, can get \$7,500 or \$10,000 or \$15,000 or \$20,000 a year. I believe the \$20,000 maximum was mentioned by my friend from New York [Mr. SNELL]. But when you come to teachers, as stated by my other colleague, the gentleman from Michigan [Mr. McLAUGHLIN], you can not succeed in making much of a raise.

Now, if I have read the report correctly—and I am reading from the report—the kindergarten teachers received last year the wonderful salary of \$1,200 a year. The House should do justice to these good women who are molding the lives and character of the children of this city. But instead we are going to give them the wonderful increase of \$200, making their compensation \$1,400, in order that they may live in luxury.

We are all appealing for the votes of the teachers if we demand for them what we believe they are entitled to; but turn-

ing to some official who works perhaps one month out of a year, we propose to pay him \$4,000 a year and call that statesmanship. We should expect consistency. I hope sometimes, Mr. Chairman, that Members of Congress and the people back home will eventually appreciate the great work the teachers are doing and give to the teachers the salaries they are entitled to, and not give the good salaries merely to the higher class men because they happen to have some exalted title.

This is no new question with me. Back home I made the fight for increase of wages for the school-teachers. Then I was working for \$125 a month as superintendent and refused a raise because the teachers' salaries could not be raised. The members of the school board were working for \$4 a month and their mileage. I thought they might raise the small salaries they were paying the teachers, and we did raise the teachers' salaries, but we did not raise the amount paid the members of the school board. As the gentleman from Texas [Mr. BLACK] said, the reason we did not was because the people voted for the members of the school board and the superintendent, and they did not dare cut the teachers' salaries and raise their own salaries. But when we come up here, after making our pledges and our promises, then we forget, perhaps, what we told the people back home.

Why, Mr. Chairman, you can go into the Department of Justice, you can go into the Veterans' Bureau, and you can go into any bureau in Washington and you will find that the young men and young women who are doing the real work—the chiefs of the bureaus, clerks, and so forth—are getting practically nothing. I am against that system, and I believe the time has come when the little man, the real man, should get some justice.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLANTON. Gentlemen, I want to appeal to you on this amendment. This paragraph involves three men only—two white assistant superintendents and one colored—three men. They are now getting \$3,750 a year each. You have just passed one amendment to increase their salary \$1,250, or, in other words, to pay them \$5,000. Is not that enough? Now you are called upon to pass another amendment which would give them another \$1,000 raise, or, in other words, raise them \$2,250, to \$6,000 per year. Are you going to do that? Because they have already served their longevity term; they have already served their five years; and the very moment you pass this second amendment you will add another \$1,000 to the salary of these men, and instead of getting \$3,750, as they are now getting, if you pass this second amendment they will get \$6,000 a year. That is more of an increase than I am willing to give them.

Now, if you gentlemen want to pay them that additional \$2,250, you can do it.

Mr. ZIHLMAN. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. ZIHLMAN. I will say to the gentleman that we propose to offer at the end of this session an amendment which will provide that all supervisory officials and administrative officials shall receive for the next year only their basic salaries.

Mr. BLANTON. Well, they are now getting \$3,750, and you are fixing in five years' time to pay them \$6,000. You have already given them a \$1,250 raise. Is not \$5,000 enough? Why do you want to add this extra \$1,000, especially when you have a letter from the commissioners stating that the Bureau of the Budget has turned this bill down?

Mr. KELLER. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. KELLER. Let me say to the gentleman that the Bureau of the Budget included this very increase in the bill which they indorsed.

Mr. BLANTON. But it did not include all the increases. I agree with my friend from Minnesota that increases ought to be given to these good teachers, but when you provide increases for them you do not provide as much as \$2,250 each per year.

Mr. KELLER. Is not the gentleman in favor of the Reed bill, which was indorsed by the Bureau of the Budget?

Mr. BLANTON. Well, I am in favor of giving increases to the teachers, but not \$2,250 increases to these officers. Of course, the officers went to the Bureau of the Budget and had theirs fixed first.

Mr. KELLER. No.

Mr. BLANTON. Yes, they did; and then you had to put the extra raises for the teachers in the bill afterwards.

Mr. KELLER. The school board and the superintendent of schools—

Mr. BLANTON. I do not want the gentleman to take all of my five minutes' time. If you gentlemen want to vote for an

increase of \$2,250 all right, and, of course, I can not keep you from doing it. But that is a matter between you and your conscience and your constituencies. If you do favor such a large increase and you can go home and face your people and square yourselves, I shall not complain of such action.

The other day a petition was presented to the House from 350,000 farmers against salary raises, and the gentleman from Pennsylvania [Mr. Darrow], a member of the Republican steering committee, put it in the Record, and you are paying no attention to it.

Mr. GILBERT. I would like to make this suggestion as to why this amendment should not pass, and that is because after providing a salary of \$5,000, if you raise that salary \$200 a year for five years it will make \$1,000 more, or \$6,000, and as there seems to be considerable sentiment for reducing the salary of the superintendent to \$6,000, you would then have the first assistant at the end of five years receiving as much as the superintendent.

Mr. BLANTON. That is true, of course.

Mr. BLACK of Texas. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. BLACK of Texas. I want to ask the gentleman about the petition which 350,000 farmers sent in, asking that there should be no salary increases. Does not the gentleman think that those who favor increasing salaries will see to it that it gets no further than being buried in the CONGRESSIONAL RECORD?

Mr. BLANTON. It looks like it. I have watched raise after raise, and Members are paying no attention to it, and I appeal to you in this instance to pay some attention to the petition of the farmers, because they are the backbone of the country.

The CHAIRMAN. The time of the gentleman has expired. The question is on agreeing to the committee amendment.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 65, noes 34.

So the committee amendment was agreed to.

The CHAIRMAN. The Clerk will read the next committee amendment.

The Clerk read as follows:

Page 7, line 13, strike out "\$5,000" and insert "\$6,000."

The CHAIRMAN. Does any Member desire to speak in favor of the amendment?

Mr. RAKER. I do.

Mr. Chairman and gentlemen of the committee, I shall not bear very heavily on the amendment. I am not going to criticize anyone. That is not my business or intention, but I wonder why we are all the time telling what the folks are going to do at home and what the folks at home would think of us, and whether we are going to do differently here from what we do in an ordinary business transaction.

It has been admitted and conceded that all of the teachers' salaries have been raised, under this bill, practically to their satisfaction. The entire committee has agreed upon the general salary raise of the great body of teachers. Then come the principals, the superintendents, and the assistant superintendents. Why should we not use the same ordinary horse sense, if I may use that appropriate expression, in legislating in regard to these matters that we do in every other business transaction? You know and I know that when you employ a superintendent or an assistant superintendent for any business on earth you select a man who has had experience, you select a man who has brains, you select a man who has nerve, you select a man who has courage, you select a man who has honesty, and the same thing would apply to the older teachers, so that you have picked out one who will make the entire enterprise a success, and that is how success comes—by having some one to engineer and control and keep the entire system working up to the very limit. In every private enterprise, in every bit of work you do, you provide men and women of that character and you pay them according to the responsibility cast upon them. You know and I know, while we are giving every credit to the school teacher in every grade of his or her work, that the superintendent, if he is doing his job properly, or the assistant superintendent, not only on holidays, not only after school, but every day and all the time is looking out so that when school opens and the whole system starts, it will keep working and functioning legitimately and up to the best standards, and we should pay these men and women for their work. [Applause.]

The CHAIRMAN. The question is on the committee amendment.

The question was taken, and the amendment was agreed to.

Mr. BLANTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 7, line 7, strike out lines 16, 17, and 18, and insert in lieu thereof the following: "The superintendent of schools shall receive a salary of \$7,500 per annum."

The CHAIRMAN. The Chair would like to ask the gentleman from Texas the purpose of the reference to line 7.

Mr. BLANTON. It refers to lines 16, 17, and 18, on page 7. I ask to change that by striking out "line 7."

The CHAIRMAN. Without objection the amendment will be corrected in accordance with the gentleman's suggestion.

There was no objection.

Mr. BLANTON. Mr. Chairman, if this amendment is adopted, the superintendent of schools will receive \$7,500 a year, the same as a Congressman, the same as a United States Senator, and more than all the bureau chiefs of the government now receive, including the expert scientists in our various bureaus. If you do not pass this amendment the superintendent will receive \$10,000 a year. It is just a question of whether you want to pay him \$7,500 or \$10,000. I want to pay him \$7,500. I am willing to admit that he may be just as valuable to the government as the chairman of the Appropriations Committee, and no more. I am willing to admit that he may be as valuable to the country as the majority leader—and he is valuable—but no more. I am not willing to admit that he is more valuable than all of the 96 United States Senators at the other end of the Capitol. He may be more valuable than some, but I am not willing to admit that he is more valuable than all of them. He may be more valuable than some of the Members of the House. He may be more valuable than the gentleman from Texas, but I am not willing to admit that he is more valuable to the country than every one of my colleagues here individually.

The law fixes his salary now at \$5,000. We have been paying him \$6,000. I am proposing now to raise it \$2,500 by law and give him \$1,500 more than he has ever received and make it \$7,500 per year. He goes out and lectures in some of the universities of the land. I am informed he gets paid for this. I do not object to that. He ought to get paid for it. I think the man is capable of delivering a lecture that is worth money, and when he gives such a lecture out in the country he ought to be paid for it. I do not object to that at all, but as superintendent of schools of Washington, I think \$7,500 is enough. Now, it is simply a question of what my colleagues want to do. I know I am going to vote not to give him any more than that amount. I will not fall out with you if you vote differently, because you have a right to vote as you please, but I do hope that you will not raise this salary higher than \$7,500. It is just a continual drain on the people's Treasury, and we ought to stop it.

Mr. ZIHLMAN, Mr. MacLAFFERTY, and Mr. MADDEN rose.

The CHAIRMAN. The gentleman from Maryland [Mr. ZIHLMAN], the chairman of the committee, is recognized.

Mr. ZIHLMAN. Mr. Chairman, I ask to have read in my time an amendment offered by my colleague on the committee, the gentleman from New York [Mr. STALKER].

The CHAIRMAN. Without objection, the amendment to be offered by the gentleman from New York [Mr. STALKER] will be read for the information of the committee.

The Clerk read as follows:

Amendment to be offered by Mr. STALKER: Page 7, line 18, after the word "reached," strike out the period, insert a semicolon, and add the following: "Provided, That all officers included in Article II of this act shall start at the basic salary without credit for service prior to the passage of this act."

Mr. ZIHLMAN. Gentlemen of the committee, I hope the amendment of the gentleman from Texas will not be adopted. If the amendment offered by the gentleman from New York [Mr. STALKER] is adopted, we will only pay our superintendent during the next year \$8,000, with an increase up to \$10,000 in the course of two years.

I want to read for the information of the committee the salaries paid in other cities that are comparable with Washington. New York, Chicago, Philadelphia, Cleveland, Ohio, Detroit, Mich., pay \$12,000 a year. Oakland, Calif., pays \$11,000 a year. Jersey City, N. J., Boston, Buffalo, N. Y., Newark, N. J., Cincinnati, Omaha, Nebr., Youngstown, Ohio, St. Louis, Mo., Denver, Colo., pay \$10,000. Toledo, Ohio, pays \$9,750. Milwaukee, Wis., Akron, Ohio, Baltimore, Los Angeles, New Orleans, Minneapolis, Rochester, N. Y., Kansas City, Mo., Dayton, Ohio, pay \$8,000. Seattle, Wash., Columbus, Ohio, Birmingham, Ala., Des Moines, Iowa, Portland, Oreg., Richmond, Va., pay \$7,500. Dallas, Tex., pays \$7,200. We feel that by modifying the bill in the manner prescribed in the amendment which is pending before the committee, and providing that the basic salary for the next year shall be

\$8,000, we are setting a fair rate of pay for the superintendent of the great school system in this city. Washington is entitled to the very best talent in the educational branch of government that you can possibly obtain. We can not get the highest type of men for a salary less than we are providing in this bill.

I am not going into the merits or demerits or qualifications of the present superintendent of schools, but I do contend that the people are entitled to the very best talent you can get, and for the very best we have got to pay a fair salary. The committee feels by this limitation that we are not paying any more than the position calls for, or more than the superintendent of schools is entitled to. I hope the amendment offered by the gentleman from Texas will be voted down. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in 15 minutes.

Mr. BLANTON. Oh, the gentleman ought not to do that; this section embraces all the salaries in the entire bill.

Mr. MADDEN. Mr. Chairman, the First Assistant Postmaster General of the United States, with 160,000 people under his jurisdiction, to-day gets only \$5,000 a year. When the classification act goes into effect he will get \$7,500 a year. That is true of many men in the Government employ with equally important responsibilities. Seven thousand five hundred dollars will be the maximum paid to any man at the head of any bureau in the Government of the United States under the classification law. There is no reason to assume that the board of education, the superintendent of schools, is more than a bureau in the Government. Surely not, and if we are going to set aside the law that we have only so recently passed by making exceptions to it every time some man's salary is at stake, we may as well set the law aside now for good and all. The time has come when there ought to be some consideration given to the problems that affect the Treasury. You must remember that these problems not only affect the Treasury but the pocketbook of every man, woman, and child in America. [Applause.] You can not make appropriations without levying taxes. We have just gone through the motion here of reducing taxes, and you keep on with this extravagant waste of the public funds and you will commence to increase the taxes before very long, and then what will your friends at home say? For after all, they are the ones you must account to.

I have no criticism of the ability of the gentleman who occupies the exalted position of superintendent of schools, but I do not believe in good conscience we can afford to pay for this place more than \$7,500 a year. We are charged with great responsibilities here and we must go to the people for election, we must, whether we will or not, pay more or less of what we get for campaign expenses, and yet we have no dearth of men who are willing to make the sacrifice. You come here from every section of the country, willing to give every pound of ability you possess in the interest of the Nation, and you are willing to do it because you want to be of service to your country. Now, let somebody be of service in other branches of the Government and let them make some sacrifice if sacrifice it be. I apprehend that no one will refuse to accept the superintendency of the schools of the District of Columbia at a salary of \$7,500 a year. The gentleman who occupies the position is now getting \$6,000, and he is only authorized by law to get \$5,000. We are proposing to give him \$7,500.

Mr. RAKER. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. RAKER. Is it not true that there are men who would take the position for \$4,000 or \$5,000 a year?

Mr. MADDEN. Oh, yes; that goes without saying, but we can get the best minds that can be had for \$7,500, and if the gentleman who occupies the exalted place refuses to take the job there will be 100 men to-morrow for the place. So let us vote down the committee proposal and place this salary, without further increase in the future, at \$7,500 a year.

Mr. ROACH. Mr. Chairman, it seems that the argument thus far advanced on this proposition—for and against the proposed amendment—has been by comparison of salaries. In my judgment the matter of this amendment and the bill itself should be settled upon its merits, rather than by a comparison of salaries. I want the superintendent of the schools of the District of Columbia, the Nation's Capital, to be, if possible, just a little bit better than the superintendent of any of the public schools in any city of the United States. [Applause.] As one Member of this House I feel that we can not expect the best quality of service in our schools by underpayment either of the superintendent or of the teachers of the public schools of the Nation's Capital. The way to make our schools better is not only to pay our teachers better salaries, but to pay the officers and officials of our public schools, such as principals and

superintendents, better salaries, and thereby offer an inducement for both them and our teachers to reach a higher state of qualification in education. Oh, yes; it is argued that a Member of Congress gets a salary of only \$7,500 a year, and that is advanced as a reason why we should not pay the superintendent of the public schools of the Nation's Capital more than \$7,500. I venture the assertion that a vast majority of the educators and teachers of this country belong to what we commonly term the poorer classes of people. Very few of them, indeed, have ever accumulated any great amount of wealth in the profession of teaching, I am sure. For that reason, if for no other, it is my judgment that we should place teachers of this country above financial worries. Where is the Member of Congress without independent means who would stand before me this afternoon and say it is not a constant problem in arithmetic to make the buckle and the thong meet in Washington on a Congressman's salary? Let us have it that the Nation's Capital points the way in education to the States of this Nation, and the only way we can do that is by paying adequate salaries, not only to the teachers but to the principals, the assistant principals, superintendent, and assistant superintendents. I earnestly hope that any amendment to reduce the salaries carried in this bill will be defeated.

Mr. CRAMTON. Mr. Chairman, will the gentleman yield?

Mr. ROACH. Yes.

Mr. CRAMTON. Do not the people who are paying the taxes find it a serious problem in arithmetic to make both ends meet?

Mr. ROACH. Yes; they do. I represent an agricultural district in the State of Missouri, but I venture the assertion that if there were any of the farmers there who signed the petition referred to by the gentleman from Texas, those farmers are progressive enough in their ideas to want to pay their teachers and the educators of our country, who have the youth and the future foundation of this Government at stake, an adequate compensation for that service, so as to attract them to the profession of teaching and keep them there. It is false economy to do otherwise. [Applause.]

The CHAIRMAN. The time of the gentleman from Missouri has expired. All time has expired and without objection the pro forma amendment is withdrawn.

Mr. UPSHAW. Mr. Chairman, I move to strike out the last two words.

Mr. ZIHLMAN. Mr. Chairman, will the gentleman from Georgia yield for me to submit a unanimous consent request?

Mr. UPSHAW. Yes.

Mr. ZIHLMAN. I ask unanimous consent that all debate upon this paragraph and all amendments thereto close in 10 minutes.

Mr. BLANTON. That will close all debate on all of these salaries.

Mr. WATKINS. I would like to have the gentleman increase that three minutes.

Mr. ASWELL. I desire to offer an amendment to increase the salary to \$10,000.

Mr. ZIHLMAN. I ask unanimous consent that all debate upon the paragraph and all amendments thereto close in 15 minutes.

Mr. BLANTON. Does the gentleman mean the section or the paragraph?

Mr. ZIHLMAN. The section.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent that all debate upon the section and all amendments thereto close in 15 minutes. Is there objection?

Mr. BLANTON. I object.

Mr. ZIHLMAN. Then, Mr. Chairman, I move that all debate upon the section and all amendments thereto close in 15 minutes.

Mr. BLANTON. I offer a substitute to that. I move as a substitute that all debate upon the paragraph close now.

The CHAIRMAN. The Chair is in doubt as to whether that is a substitute.

Mr. ZIHLMAN. I am willing to accept that, Mr. Chairman.

Mr. UPSHAW. But, Mr. Chairman, I have already been recognized.

The CHAIRMAN. The Chair will have to protect the gentleman from Georgia. He has been recognized, and he yielded.

Mr. BLANTON. Then I make it to close in five minutes.

Mr. ZIHLMAN. I accept that.

The CHAIRMAN. The question is on the motion of the gentleman from Texas that all debate upon the paragraph and all amendments thereto close in five minutes.

The motion was agreed to.

Mr. UPSHAW. Mr. Chairman and gentlemen, it has been the tragedy of America's educational life that the teaching pro-

profession has so long been made a stepping-stone to some position of higher financial value. Too long have we seen men and women accept teaching only until they could better their condition financially. It is a tremendous mistake, I think, to draw analogies, as has been done here this afternoon, between the salaries of governors and of superintendents and teachers. Most men who are elected to the office of governor, Representative, or Senator are men who have won prominence already either as lawyers or as business men, and, as has been brought out in this debate, most of them are well fixed financially with independent incomes, and therefore they can afford to work for the small salaries.

Mr. KING. Mr. Chairman, will the gentleman yield?

Mr. UPSHAW. Pardon me, but I do not think I have the time.

Mr. KING. Is the gentleman quite correct in that last statement?

Mr. UPSHAW. Not always, but quite often. I think it is a tragedy to read that any State of this Union pays only three to four thousand dollars to a capable man as governor. I want to correct one statement of the gentleman from Texas, concerning my own State.

My own State of Georgia does not pay \$5,000, but now pays \$7,500 a year; and that golden-hearted man who is now Governor of Georgia, though a man of means, is worth every dollar, in his splendid devotion to duty. But that is not the thing. I am not responsible for what Chicago has done, nor what Milwaukee has done, nor Cincinnati, nor any other city. I did not vote the salaries of those men; but I am responsible for what this Congress will do in the District of Columbia.

Mr. BLANTON. Will the gentleman yield for a question?

Mr. UPSHAW. I will yield.

Mr. BLANTON. Georgia has raised her governor's salary from \$5,000 to \$7,500, and I am proposing to raise this school superintendent's salary in the same amount, from \$5,000 to \$7,500, and the gentleman wants to make it \$10,000.

Mr. UPSHAW. I am looking beyond the superintendent of schools in Washington. I have spoken to something like 4,000,000 boys and girls of America since I got out of bed, where I stayed for seven years, trying to put fire in their hearts and iron in the blood of these boys and girls of our country who are the to-morrow of this Republic. I want to look to the future of the superintendent of schools in Washington, the superintendent of schools in my home city, in the other cities, and inspire other cities to follow the leadership of the Nation's Capital and raise the salary of those educators who must be statesmen as well as educators. It is a tragedy that any assistant superintendent or teacher in a school, man or woman, should have to make the teaching profession a stepping-stone until a real job is offered in things political or commercial or perhaps an opportunity to get married that may come to the ladies who are teaching. Bless their hearts, I want them all to marry. I want them to do so while there is opportunity, but I do not want them to be forced to get married and undertake to support a sorry sort of husband, because their salary would not take care of them as teachers. I want to see the Nation's Capital stand as an inspiration to all the other cities of America, and I want to see it so that in giving this inspiration we have had far vision and a great heart for the twin builders of our civilization, for the teachers along with the preachers have long been too much underpaid. I would like to crown them from now until the judgment day. [Applause.]

Mr. ZIHLMAN. Mr. Chairman, I offer a preferential motion over the motion of the gentleman from Texas, which was a motion to strike out.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. ZIHLMAN: On page 7, line 18, after the word "reached," strike out the period, insert a semicolon, and add the following: "Provided, That all officers included in article 3 of this act shall start at the basic salary, without credit for services prior to the passage of this act."

Mr. BLANTON. That is not a perfecting motion nor a substitute.

Mr. ZIHLMAN. It is a perfecting amendment. The motion of the gentleman was to strike out.

Mr. BLANTON. Oh, no—

The CHAIRMAN. The motion of the gentleman from Texas was to strike out the paragraph and insert certain words in lieu thereof. The motion of the gentleman from Maryland is to amend the text, and therefore perfects the text, and in the opinion of the Chair is preferential.

Mr. ASWELL. Can I offer a substitute for all of that?

The CHAIRMAN. That is a hypothetical question.

Mr. DYER. I ask for a vote on the amendment.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Louisiana.

The Clerk read as follows:

Amendment by Mr. ASWELL as a substitute for the amendment offered by the gentleman from Maryland [Mr. ZIHLMAN]: Page 7, line 18, after the word "of," strike out the figures "\$10,000" and insert in lieu thereof the figures "\$12,000."

The CHAIRMAN. In the opinion of the Chair that is a separate amendment and can not be offered as a substitute for the amendment offered by the gentleman from Maryland.

Mr. KETCHAM. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. All debate is exhausted.

Mr. KETCHAM. I understand debate is exhausted, but I am simply asking a question.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. KETCHAM. I am referring to the proposition advanced by the chairman of the committee, and I desire to call the attention of the Chair to page 10, line 9—

The CHAIRMAN. The Chair will state we have not reached that.

Mr. KETCHAM. To the three lines which have a direct bearing upon the proposition we are now to vote upon.

The CHAIRMAN. The Chair will state he does not see how it has any bearing, as it has not been read.

Mr. KETCHAM. I want to direct the attention of the Chair to this fact. This identical thought is incorporated in the suggestion offered by the chairman of the committee. I want to ask whether or not it is proper to strike out that when the same matter is offered further along in the bill?

The CHAIRMAN. That will be for the committee to decide.

Mr. STENGLE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. STENGLE. If the Chair submits the amendment offered by the gentleman from Maryland first, and that offered by the gentleman from Texas last, how can a Member support each?

The CHAIRMAN. Well, the Chairman presumes that gentlemen will have to use their best judgment in the matter of supporting an amendment on this proposition.

Mr. STENGLE. If the first of these amendments is adopted, will the second amendment then be in order?

The CHAIRMAN. The Chair will state that if the amendment that the gentleman from Maryland proposed is adopted there will then be a vote on any other amendment seeking to amend the text.

Mr. STENGLE. That is what I wanted to know.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Maryland.

The amendment was agreed to.

The CHAIRMAN. The question recurs on the motion of the gentleman from Texas [Mr. BLANTON].

Mr. DYER. Mr. Chairman, I desire to offer an amendment to the amendment offered by the gentleman from Texas, to strike out the figures "\$7,500" and insert "\$8,000."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Missouri.

The Clerk read as follows:

Amendment offered by Mr. Dyer to the amendment offered by Mr. BLANTON: In the last line of the amendment strike out the figures "\$7,500" and insert in lieu thereof "\$8,000."

Mr. ASWELL. Mr. Chairman, I offer a substitute for the last amendment.

Mr. DYER. Mr. Chairman, I make a point of order against that amendment.

The CHAIRMAN. It occurs to the Chair that that is an amendment to the third degree and is no substitute. It merely changes the figure.

Mr. ASWELL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ASWELL. Will I have the right to offer that amendment if this amendment is voted down?

The CHAIRMAN. The Chair would think not, because the motion of the gentleman from Texas is—

Mr. TILSON. Mr. Chairman, the amendment offered by the gentleman from Louisiana is a preferential amendment to perfect the text if he wishes to offer it. While I am not in favor of it, by any sort of means, he can perfect the text by striking out \$8,000 before it is stricken out.

The CHAIRMAN. Does the gentleman from Connecticut mean the text in the original bill?

Mr. BLANTON. Yes. I was telling the gentleman from Louisiana that he had the right to offer it as a preferential amendment to perfect the text.

Mr. ASWELL. Mr. Chairman, I so offer it.

The CHAIRMAN. The gentleman from Louisiana did not offer it so a moment ago, but he does so now.

Mr. ASWELL. I do.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Louisiana as a preferential amendment to perfect the text of the bill.

The Clerk read as follows:

Amendment offered by Mr. ASWELL: Page 7, in line 18, after the word "of," strike out the figures "\$10,000" and insert "\$12,000."

Mr. BLACK of Texas. I make the point of order that there are no figures of "\$10,000" in the bill.

Mr. ASWELL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ASWELL. I would like very much to ask unanimous consent to proceed for 10 minutes to explain this.

The CHAIRMAN. The Chair will state that that is not a parliamentary inquiry.

Mr. ASWELL. I make that request.

Mr. MADDEN. I must object to that.

The CHAIRMAN. Objection is heard. The debate is exhausted. The question is on the motion of the gentleman from Louisiana [Mr. ASWELL], which is a perfecting amendment to perfect the text. The Clerk will again report it.

The Clerk read as follows:

Amendment by Mr. ASWELL: Page 7, line 18, after the word "of," strike out the figures "\$10,000" and insert the figures "\$12,000."

The CHAIRMAN. The question is on the motion of the gentleman from Louisiana.

Mr. HILL of Maryland. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HILL of Maryland. How can that be a perfecting amendment? The amendment starts off at \$8,000 and raises it a thousand dollars in two years, which would not put it at the figure mentioned, which is \$10,000.

The CHAIRMAN. The question is on agreeing to the motion of the gentleman from Louisiana [Mr. ASWELL].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question now recurs on the amendment offered by the gentleman from Missouri [Mr. DYER] to the amendment offered by the gentleman from Texas [Mr. BLANTON].

The question was taken, and the amendment to the amendment was rejected.

The CHAIRMAN. The question now recurs on the amendment offered by the gentleman from Texas [Mr. BLANTON].

The question was taken, and the Chairman announced that the yeas appeared to have it.

Mr. BLANTON. Mr. Chairman, I ask for a division.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 74, noes 61.

Mr. ZIHLMAN. Mr. Chairman, I ask for tellers.

The CHAIRMAN. The gentleman from Maryland asks for tellers.

Tellers were ordered, and the Chairman appointed Mr. ZIHLMAN and Mr. BLANTON to act as tellers.

The committee again divided; and the tellers reported—ayes 94, noes 64.

So the amendment was agreed to.

Mr. ZIHLMAN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ZIHLMAN. What becomes of the limitations?

The CHAIRMAN. In the opinion of the Chair the limitations contained in the amendment of the gentleman do not appear in the bill.

Mr. BLANTON. Oh, yes, they do. That comes at the end of it.

Mr. SNELL. The language was perfected, so that it goes out of the bill.

Mr. ZIHLMAN. I ask unanimous consent to offer that amendment, which was adopted in the amendment offered by the gentleman from Texas.

Mr. STALKER. Mr. Chairman, I offer it as a new section.

The CHAIRMAN. The gentleman from New York offers an amendment consisting of a new section. The Clerk will report it.

The Clerk read as follows:

Amendment offered by Mr. STALKER: Page 7, after line 18, insert as a new paragraph as follows:

"The school officers, provided for in Article II of this act, shall receive compensation at the basic salary fixed herein, and shall not receive credit for services prior to this act."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The amendment was agreed to.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, all debate is closed only on the last paragraph. The section is still open to amendment, is it not?

The CHAIRMAN. The section is still open to amendment, except the last paragraph.

Mr. McLAUGHLIN of Michigan. I wish to offer an amendment. On page 2, line 6, strike out "\$100" and insert in lieu thereof "\$150," and in line 7, strike out "\$2,200" and in lieu thereof insert "\$2,600."

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. McLAUGHLIN of Michigan: On page 2, line 6, strike out the figures "\$100" and insert in lieu thereof the figures "\$150," and in line 7, strike out the figures "\$2,200" and insert in lieu thereof the figures "\$2,600."

Mr. McLAUGHLIN of Michigan. Mr. Chairman, this amendment will carry an increase of salary or service pay after this year for the teachers of Group A, the lower grade, and the teachers concerning whom so much eloquence has been—

Mr. ZIHLMAN. Mr. Chairman, I make the point of order that all debate on this section is now closed.

The CHAIRMAN. The Chair does not recall that debate was closed on the section.

Mr. McLAUGHLIN of Michigan (continuing). The class of teachers in whose behalf Members have indulged in so much eloquence to-day, saying, and very properly, I believe, that the salaries of the teachers in the lower grades are not high enough; that they have received too little attention from those who prepared the bill, whereas those receiving the higher salaries have been nicely taken care of. Here is an opportunity to do something for a class of teachers who deserve and need help.

Mr. BLANTON. Mr. Chairman, I rise in opposition to the amendment.

Mr. SNELL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SNELL. On what page is the amendment offered?

The CHAIRMAN. Page 2.

Mr. SNELL. How did we get back to page 2?

The CHAIRMAN. Because it is all a part of the section.

Mr. BLANTON. Mr. Chairman, I rise in opposition to the amendment.

Mr. ZIHLMAN. Will the gentleman yield while I submit a unanimous-consent request?

Mr. BLANTON. Yes; if it is not taken out of my time.

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto be closed in five minutes.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent that all debate on this section and all amendments thereto close in five minutes. Is there objection. [After a pause.] The Chair hears none.

Mr. BLANTON. Mr. Chairman, I just want to call attention to what our friend is proposing to do. The commissioners, the Board of Education, and the Bureau of the Budget approved a certain salary bill. It was a joint agreement between the three, between the Board of Education, the Commissioners of the District, and the Bureau of the Budget. That bill came here introduced by the chairman of this committee, the gentleman from West Virginia [Mr. REED], and was known as the Reed bill. But those of us who wanted to do a little more for the teachers approved of the Keller bill as a substitute for the Reed bill, and we gave these particular teachers a raise of \$200 more than had been agreed upon by the Board of Education, the commissioners, and the Bureau of the Budget, and that provision was put in the Keller bill. Now, the gentleman from Michigan [Mr. McLAUGHLIN] wants to give them another raise of \$200.

Mr. McLAUGHLIN of Michigan. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. McLAUGHLIN of Michigan. Evidently the gentleman thinks this has all been fixed up and he names the different bodies which passed upon it, but I want to say that the more concerned and the higher up they are the worse it is.

Mr. BLANTON. I know the gentleman does not pay any attention to the Bureau of the Budget; it represents his President, though, and it represents the financial program of his President. The commissioners agreed with them, the Board of Education agreed with them, and yet after all that we came in and gave them \$200 more in the committee, \$200 more than had been agreed on. After we did that the Keller bill was sent to the commissioners for their approval; they submitted it to the Bureau of the Budget, and the Bureau of the Budget sent it back and said it was too much; that it was against the President's financial program and he disapproved of it, but we put it in just the same. We gave them \$200 more than they had agreed to just the same, and now the gentleman from Michigan wants to give them \$200 more.

Mr. McLAUGHLIN of Michigan. I beg the gentleman's pardon. My amendment does not increase it at all; it only increases the amount to be added year by year as it goes along.

Mr. BLANTON. But the difficulty is they have already earned their longevity service; that is what they will get on July 1 under this bill, and that is the trouble.

Mr. McLAUGHLIN of Michigan. Not under the amendment offered by the gentleman from Maryland.

Mr. BLANTON. But that amendment does not apply to the teachers; only to the officers.

Mr. McLAUGHLIN of Michigan. It applies to all in this section.

Mr. BLANTON. No; it applies only to the officers; it does not apply to the teachers at all. All the teachers get their longevity allowance under this bill according to the years of service they have rendered, either in this school or in any other school, and they get it even if they have been in the service during the war. If they are men and served in France for three years, they are allowed three years of extra longevity under this bill.

Mr. McLAUGHLIN of Michigan. Will the gentleman yield further?

Mr. BLANTON. I will yield if the gentleman will not take up all of my time.

Mr. McLAUGHLIN of Michigan. Is it not true—

Mr. BLANTON. I regret that I can not yield any further.

Mr. McLAUGHLIN of Michigan (continuing). That if Congress votes in accordance with the sentiments so often expressed here and makes this little increase, that the matter can be very well taken care of by an amendment, just as the other matter was taken care of by the amendment offered by the gentleman from Maryland?

Mr. BLANTON. I am not in favor of cheating the teachers out of their longevity allowance. I am in a different position than is the gentleman because I am in favor of their longevity allowance. But the trouble is that the committee has studied this bill and given careful consideration to it, and the gentleman does not know a thing in the world about it and is coming in here and offering an amendment on the floor that is going to do something, and the gentleman does not know exactly what it is going to do.

Mr. SEARS of Florida. Will the gentleman yield? Was it not demonstrated just now that the committee did not know very much about the bill when the gentleman asked them a question and did not get any information?

Mr. BLANTON. They know a whole lot about it, but it is a little hard for them to tell it. The committee knows all about the bill and has studied it carefully.

Mr. ZIHLMAN. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. ZIHLMAN. Is it not a fact that this bill is 100 per cent satisfactory to the teachers in the various grades?

Mr. BLANTON. This bill suits the teachers exactly, and I hope the gentleman from Michigan will withdraw his amendment, because it does suit them.

Mr. McLAUGHLIN of Michigan. I do not know very much about it, but I know the gentleman is not speaking the sentiments of the teachers of Washington.

Mr. BLANTON. I know the committee is speaking their sentiments. My colleague from Minnesota [Mr. KELLER] has studied the matter and has worked for the teachers of the District, and so has the gentleman from Maryland [Mr. ZIHLMAN], and I do not think that is a fair aspersion upon them. They have worked for the teachers, and this bill pleases the teachers.

The CHAIRMAN. The time of the gentleman from Texas has expired. The question is on the amendment offered by the gentleman from Michigan [Mr. McLAUGHLIN].

The question was taken; and on a division (demanded by Mr. McLaughlin of Michigan) there were—ayes 29, noes 79.

So the amendment was rejected.

The Clerk read as follows:

ARTICLE IV.—METHOD OF ASSIGNMENT OF EMPLOYEES TO SALARIES.

SEC. 4. That for the fiscal year ending June 30, 1925, every teacher, school officer, or other employee in the service of the Board of Education on permanent tenure on June 30, 1924, shall receive the salary provided in the foregoing schedule for his class or position in accordance with the following rules:

(a) Teachers who are assigned to Group C of class 2 or Group A of class 3 and who on June 30, 1924, are receiving either the basic salary or the maximum salary of Group A of class 6 under the act of June 20, 1906, as amended, shall receive a salary in Group C of class 2 or Group A of class 3 which is next above their present compensations, and in addition shall receive one annual increase in salary of \$100 as provided in the foregoing schedule.

(b) Teachers who are assigned to Group C of class 2, or Group A of class 3, and who on June 30, 1924, are receiving salaries in Group A of class 6 under the act of June 20, 1906, as amended, which are between the basic salaries and the maximum salaries of said Group A of class 6, shall receive a salary in Group C of class 2 or Group A of class 3 which is next above their present compensations and in addition shall receive two annual increases of salary of \$100 each as provided in the foregoing schedule.

(c) All other teachers and school librarians assigned to Group A of the salary classes in the foregoing schedule shall receive the salary in the classes to which assigned which is next above their present compensations and in addition shall receive one annual increase of salary of \$100 as provided in the foregoing schedule.

(d) All other teachers, school officers, and employees shall receive the salaries provided in the foregoing schedule for their respective classes or positions which are next above their present compensations: *Provided*, That under the provisions of this section the present compensation of any teacher, school officer, or other employee shall be construed to include basic salary, longevity allowance, session-room allowance, and increase of compensation (bonus): *Provided further*, That teachers and other employees assigned to classes 1, 2, 3, and 4 in the foregoing schedule shall be entitled to longevity placement as provided in section 6: *Provided further*, That the salaries assigned to teachers, school officers, and other employees in accordance with this section shall be in lieu of the compensation to which said teachers, school officers, and other employees may be entitled during the fiscal year ending June 30, 1925, as provided by the act of June 20, 1906, as amended: *And provided further*, That no teacher, school officer, or other employee shall in any event receive less during the year ending June 30, 1925, than his total compensation as of June 30, 1924.

Mr. SEARS of Florida. Mr. Chairman, I move to strike out the last word. I want to get a little information, Mr. Chairman. I had intended offering an amendment, but the Clerk was reading so fast I could not understand him, and we got by the paragraph. On page 7, line 21, the second paragraph reads as follows:

That the Board of Education is hereby authorized, empowered, and directed, on recommendation of the superintendent of schools, to classify and assign all teachers."

Did the committee intend to make it mandatory on the Board of Education to classify the teachers, as recommended by the superintendent of schools, and follow no other course and make no personal investigation?

Mr. ZIHLMAN. The committee wished to make it mandatory that all teachers should be assigned and classified as provided in this salary schedule; yes.

Mr. SEARS of Florida. Under this section, if the Chairman will permit me, the school board can only classify as recommended by the superintendent of schools. I had intended to call your attention to that and offer an amendment cutting out "on recommendation of the superintendent of schools," and provide that this should be done under such rules and regulations as the Board of Education might provide. I call your attention to this matter for this particular purpose. From personal experience and observation, the superintendent of schools may get it in for a certain number of teachers or a certain class of teachers and the superintendent will recommend to the school board that they be demoted, or, if he likes them, that they be promoted, if he wants to play favorites. Under this section, as I read it—and some of my colleagues have agreed with me—the school board is helpless. If they should make a private investigation and should find out the facts were to the contrary, the board would still have to classify them as reported by the superintendent of schools, and I do not believe the committee intended any such arrangement.

The CHAIRMAN. The Chair would call attention to the fact that we have passed by the section which the gentleman is discussing.

Mr. SEARS of Florida. That is true, and I called the Chairman's attention to that fact. I am sorry it took the Chair several minutes to discover it.

The CHAIRMAN. Oh, no.

Mr. SEARS of Florida. I said I was endeavoring to offer an amendment but the clerk passed it so rapidly I did not do so, and I was returning to the section in order to ask a question.

Mr. ZIHLMAN. Mr. Chairman, I will say to the gentleman from Florida that the committee considered the matter of giving rather broad powers to the superintendent under this bill, and the gentleman's colleague, the gentleman from South Carolina [Mr. GASQUE], who is an experienced educator, stated he believed the best results would be obtained by lodging this power in the hands of the superintendent, and stated that where it was lodged in the Board of Education there was chaos and more discontent than if there was such broad power vested in the man who is responsible for the administration and the success of the school system.

Mr. SEARS of Florida. I am sorry I disagree with my friends, and I think they will find out that the other plan would work better.

Mr. CURRY. Mr. Chairman, I move to strike out the last two words for the purpose of asking the chairman of the committee a question. I would like to know what the legal definition of classes 1, 2, 3, and 4 is and where they are to be found in the law; and what the legal definition of Groups A, B, and C is and where they are to be found in the law, and what these classes 1, 2, 3, and 4 and Groups A, B, and C mean; how they are to be organized, who is to define them and what law there is in this bill or anywhere else to warrant any such designations.

Mr. ZIHLMAN. I will state to the gentleman from California that I was not present at the hearings, but it is my understanding that all grades of teachers are fixed in the act of 1906, which provides that teachers who teach a certain length of time shall be promoted from one grade to another, and it is my understanding that it is the school act of 1906 which is the basic law which this follows.

Mr. CURRY. There is no such thing as Groups A, B, and C nor classes 1, 2, 3, and 4 in the basic law.

Mr. KELLER. The groups are created in the new bill.

Mr. CURRY. What does it mean?

Mr. KELLER. It corresponds with the old grades.

Mr. CURRY. You permit the superintendent of schools of Washington, who is a pretty good politician and lobbyist but not an educator, under this bill to reward his friends and punish his enemies. Through his orders every Member of the House is card indexed in his office, and every school-teacher has been instructed to ascertain and report as to the prospective vote of every Member with whom he or she is acquainted, and will be held responsible for the accuracy of the report which has been card indexed in the office of the superintendent under the name of the Member and of the teacher. There is nothing in the bill that states that transfer and promotion shall be for length of service and successful teaching; it takes good care of the high-school teachers, the superintendent, and his assistants, but it does not of the common schools. Now, 80 per cent of all the children in the United States attend the common schools and do not enter the high schools. Only about 20 per cent enter high schools; about 5 per cent graduate from the high schools.

The committee ought to amend the bill and not leave the arbitrary power of promoting, demoting, and transferring teachers in the hands of the superintendent. The committee should define what Groups A, B, and C mean and what classes 1, 2, 3, and 4 mean. I believe in giving the teachers more salary than they have at the present time. I think we ought to do something for the schools in this city, but I do not think that we ought in this bill to make the superintendent of schools, who is not an educator, a czar and absolutely the controlling power over the teachers, without any appeal from his judgment, and give him an opportunity to exercise his likes and dislikes unchecked on the teachers.

Mr. ZIHLMAN. Mr. Chairman, I call attention to page 9 of the bill, where it refers to the Groups A, B, and C, and refers to the act of 1906.

Mr. CURRY. I know; but what does it mean?

Mr. COOPER of Wisconsin. Mr. Chairman, I move to strike out the last two words in order to ask the gentleman a question on the point raised by the gentleman from Florida [Mr. SEARS]. Page 7, line 22, it says "the Board of Education is hereby authorized, empowered, and directed, on recommendation of the superintendent of schools, to classify and assign all teachers," and so forth. That gives to the superintendent of schools the power to say how they shall be classified.

Mr. ZIHLMAN. It gives him the power to recommend to the board of education.

Mr. COOPER of Wisconsin. Ought not the language to be "in consultation with the superintendent of schools," and not say "on his recommendation"? They are authorized to classify on his recommendation. They could not do a thing except on his recommendation. "In consultation" would carry out the intent if that is the intent of the committee.

Mr. ZIHLMAN. I will say to the gentleman that we intended to lodge this power in the hands of the superintendent of schools.

Mr. COOPER of Wisconsin. Why, then, did you mention the Board of Education if you intended to give the superintendent of schools the power. This language turns over to this man the arbitrary power to do as he pleases.

Mr. ZIHLMAN. We assumed that he would work with the Board of Education.

Mr. COOPER of Wisconsin. The Board of Education is a mere figurehead. They can indicate where the teacher shall go, but the superintendent will say where they shall go. That is the only interpretation that can be put on this language. It should read "in consultation with" him. This language lodges in one man, without any supervisory power, the authority to do as he pleases with all the teachers, and in my judgment that is absolutely wrong.

The CHAIRMAN. The Clerk calls the Chair's attention to the fact that on page 7, line 26, the word "office" is misspelled, and in line 4, page 10, the word "foregoing" is spelled incorrectly. Without objection, the Clerk will make the corrections.

There was no objection.

Mr. COOPER of Wisconsin. Mr. Chairman, I ask unanimous consent to return to page 7, line 22, for the purpose of offering an amendment to strike out the words "on recommendation of" and insert in lieu thereof "in consultation with."

Mr. ZIHLMAN. I have no objection to that.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to return to page 7, line 22, for the purpose of offering an amendment, which the Clerk will report.

The Clerk read as follows:

Page 7, line 22, after the word "directed," strike out the words "on recommendation of" and insert in lieu thereof the words "in consultation with."

The CHAIRMAN. Is there objection to returning to this portion of the bill for the purpose of offering the amendment?

Mr. KELLER. I object.

Mr. BLANTON. If the gentleman will let this go he will save a motion to recommit. The gentleman does not want to make a czar of this man. I shall make the motion to recommit and put this language in.

The Clerk read as follows:

SEC. 6. That teachers, school officers, and other employees in the service of the Board of Education on July 1, 1924, shall be placed in the salary classes and positions of the foregoing schedule as follows:

(a) From kindergarten assistants, class 1; kindergarten principals, class 3; model teachers of kindergartens, class 4; teachers of first and second grades, class 2; teachers of third and fourth grades, class 3; teachers of fifth, sixth, and seventh grades, class 4; teachers of eighth grades, class 5; model teachers of first and second grades, class 4; teachers of manual training, drawing, physical culture, music, domestic science, and domestic art in the graded schools, classes 3 and 4; assistants to the directors of primary instruction, classes 4 and 5; vocational trade instructors, class 5; and teachers of Americanization work, class 5, under the act of June 20, 1906, as amended, to class 1, Group A, of the foregoing schedule.

(b) From head teachers and teachers of normal, high, and manual-training high schools, class 6, Group A; and teachers of manual training, drawing, physical culture, music, domestic science, and domestic art in the normal, high, and manual-training high schools, class 6, Group A, under the act of June 20, 1906, as amended, to class 3, Group A, of the foregoing schedule, except as herein otherwise provided.

(c) From teachers of normal, high, and manual-training high schools, promoted for superior work, class 6, Group B, under the act of June 20, 1906, as amended, to class 3, Group B, of the foregoing schedule.

(d) From teachers in junior high schools, possessing the eligibility requirements of teachers of elementary schools, classes 3, 4, and 5, under the act of June 20, 1906, as amended, to class 3, Group A, of the foregoing schedule.

(e) From teachers in junior high schools possessing the eligibility requirements of teachers of senior high schools, class 6, Group A, under the act of June 20, 1906, as amended, to class 2, Group C, of the foregoing schedule.

(f) From librarians, class 5, under the act of June 20, 1906, as amended, to class 4, Group A, of the foregoing schedule.

(g) From teaching principals with from four to seven rooms, classes 2, 3, 4, and 5, under the act of June 20, 1906, as amended, to class 5 of the foregoing schedule.

(h) From teaching principals with from 8 to 15 rooms, classes 2, 3, 4, and 5, under the act of June 20, 1906, as amended, to class 6 of the foregoing schedule.

(i) From administrative principals with 16 or more rooms, class 5; principals of grade manual-training schools, class 6, Group A; and principal of Americanization work under the act of June 20, 1906, as amended, to class 7 of the foregoing schedule.

(j) From principals of junior high schools under the act of June 20, 1906, as amended, to class 8 of the foregoing schedule.

(k) From principals of senior high and normal schools under the act of June 20, 1906, as amended, to class 9 of the foregoing schedule.

(l) From directors of drawing, physical culture, music, domestic science, domestic art, kindergartens, and primary instruction; assistant directors of drawing, physical culture, music, domestic science, domestic art, kindergartens, and primary instruction; and assistant supervisor of manual training under the act of June 20, 1906, as amended, to class 10 of the foregoing schedule.

(m) From director of intermediate instruction and supervisor of manual training under the act of June 20, 1906, as amended, to class 10 of the foregoing schedule, subject to the provisions of section 2 of this act.

(n) From director of penmanship and assistant director of penmanship under the act of June 20, 1906, as amended, to class 3, Group B, of the foregoing schedule, as provided in section 2 of this act.

(o) From heads of departments in high and manual-training high schools, class 6, Group B; assistant principals; and assistant principals (deans of girls) under the act of June 20, 1906, as amended, to class 11 of the foregoing schedule.

(p) From supervising principals under the act of June 20, 1906, as amended, to class 12 of the foregoing schedule.

(q) From teachers not otherwise provided for, classes 1, 2, 3, and 4 under the act of June 20, 1906, as amended, to class 1, Group A, class 2, Group A or Group C, or class 3, Group A, of the foregoing schedule in accordance with the eligibility qualifications possessed and the character of duties to be performed by such teachers: *Provided*, That all teachers, school officers, and other employees in the service of the Board of Education on July 1, 1924, not specifically mentioned in the provisions of this section shall be placed in the salary classes and positions in the foregoing schedule in accordance with the eligibility qualifications possessed and the character of duties to be performed by such teachers, school officers, and other employees: *Provided further*, That all teachers, school officers, or other employees hereafter appointed, shall be placed in the salary classes and positions in the foregoing schedule by the said board, and all teachers and other employees assigned to classes 1, 2, 3, and 4 of the foregoing schedule in the service of the said board on July 1, 1924, or thereafter appointed shall receive their longevity increase according to their previous number of years of experience in teaching in like positions in accredited schools to those which they hold on July 1, 1924, or to which they may thereafter be appointed: *Provided further*, That in crediting experience in teaching of any person who has been absent from his duties as a teacher because of military service the said board is hereby authorized to include naval, military, or other service with the armed forces of the United States Government or its allies as the equivalent of teaching experience: *And provided further*, That no teacher or other employee shall be placed in the salary schedule for more than the fourth year of experience in classes 1, 2, Group A, or 4, or more than the fifth year of experience in class 2, Group C, or class 3.

Mr. RAKER. Mr. Chairman, I move to strike out the last word. I take this opportunity to say a few words regarding the work done in the District of Columbia relative to the Americanization work and those in charge of it. I have had the opportunity of viewing the work and seeing the character of people in charge, as well as the result of the work being accomplished. There are classes of grown men and women who are being instructed in American history, American law, American institutions, and the work justifies the money expended and is a credit to the schools of the District of Columbia, especially to the principals and the teachers who are conducting the schools.

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Yes.

Mr. LAGUARDIA. The pupils take to it very willingly?

Mr. RAKER. They not only take to it willingly but they show a keen interest in the work. It is a demonstration of what can be done and what ought to be done to make those who are not familiar with our language and institutions familiar with them and give them an opportunity to understand our form of Government.

Mr. KING. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Yes.

Mr. KING. The gentleman speaks of their study of American history. Does he know what history is being used in the school, whether it is Muzzy's?

Mr. RAKER. The history that is used in the schools is taught from the Constitution of the United States and the decisions of the Supreme Court, the laws of Congress, the laws and constitutions of the various States, so that when these men leave the schools they are familiar to some extent with our form of government. I think that we could not expend the money to better purpose than to give these people who come here, many of them of age before they land, an opportunity to understand our institutions, so that the 1,400 foreign-language newspapers now printed in America, including the 37 daily foreign-language papers printed in New York City alone, may be eliminated and so that these men who come here to live will make this country their country, willing to give their all for it.

They ought to be able to understand the English language and American institutions and have an opportunity to receive the benefits of the country. The alien that is coming to this country is not having the proper opportunity and sympathy that he ought to have. Let us give those who are here an opportunity to get acquainted with our institutions and form of government and prevent any more coming until those who are now here are assimilated. He is being imposed upon by those who understand a little English and who understand his language. The work that this school is doing and the work that is being conducted in the schools of this District and elsewhere in Americanization is something that ought to be encouraged and extended. Every man in America ought to understand the English language and to understand our form and character of government, so that he can intelligently vote at all elections.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. ZIHLMAN. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 16, line 2, after the figure "3," strike out the period, insert a colon, and add the following: "*Provided*, That nothing in this or any other section of this bill will authorize service rendered prior to July 1, 1924, to be credited to any employees other than teachers, and all accredited service shall be confined to service rendered in and to the schools of the District of Columbia."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

SEC. 12. There shall be two first assistant superintendents of schools, one white first assistant superintendent for the white schools who, under the direction of the superintendent of schools, shall have general supervision over the white schools; and one colored first assistant superintendent for the colored schools who, under the direction of the superintendent of schools, shall have sole charge of all employees, classes, and schools in which colored children are taught. The first assistant superintendents shall perform such other duties as may be prescribed by the superintendent of schools.

Mr. BLANTON. Mr. Chairman, I move to strike out the last word. I do so to call attention to one important matter. The suggestion made by the gentleman from Wisconsin [Mr. COOPER] is a very important one, and it should be agreed to. I am surprised that the gentleman from Minnesota refuses to accept it, and refuses to permit him to return to the section, because he is going to force a motion to recommit, and possibly a roll call, when by permitting us to put this in it would save all of that trouble. I want to read the paragraph as it would read after being amended, for the benefit of the gentleman from Minnesota. It is on page 7, section 2, and it would read as follows:

That the Board of Education is hereby authorized and empowered, in consultation with the superintendent of schools—

And so forth.

If the gentleman would permit that, it would authorize the Board of Education to do this, in consultation with the superintendent of schools.

If you do not accept the amendment, you make a czar out of the superintendent of schools. He can do just as he pleases without any consultation whatever with the Board of Education. In other words, he makes the Board of Education do just what he tells them to do without giving them any discretion whatever. You force the Board of Education to take the recommendation of the superintendent of schools without giving them any say so whatever in the matter. I do not think you

ought to do that. We are going to ask for a vote on that if we have to do it under a motion to recommit.

Mr. DALLINGER. Is it not a fact that this language is in the law of almost every city school board in the country?

Mr. BLANTON. The distinguished authority on New York schools [Mr. LaGUARDIA] says it does not work out very well in New York. I do not care whether it is in other school laws or not. I do not think any man ought to be a czar. I think the Board of Education ought to pass upon the recommendation made by the superintendent. That is what the Board of Education is for. If you make his recommendation supreme, without giving the board the right to pass upon it, you fix it so that the Board of Education is absolutely helpless and the teachers are helpless. Mr. Chairman, I ask unanimous consent to return to the paragraph so as to offer this amendment.

Mr. KELLER. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard. The Chair desires to call attention to the word "principals," in line 2, page 17.

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent that the Clerk be authorized to make the correction.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent that the Clerk may be authorized to change so as to make the spelling accord with the text. Is there objection?

Mr. HOWARD of Nebraska. Mr. Chairman, reserving the right to object, I want to ask the chairman if he was responsible for the former objection?

Mr. ZIHLMAN. Oh, no; I will say it was agreeable to me.

Mr. HOWARD of Nebraska. Was objection lodged by a member of the gentleman's committee?

Mr. ZIHLMAN. Yes.

Mr. HOWARD of Nebraska. Then I object.

Mr. SANDERS of Indiana. I ask that the amendment be put.

The CHAIRMAN. The gentleman from Indiana—

Mr. STEVENSON. We have passed the paragraph.

Mr. HOWARD of Nebraska. I withdraw the objection.

The CHAIRMAN. The gentleman withdraws the objection. Without objection, the correction will be made as requested by the gentleman from Maryland.

There was no objection.

The Clerk read as follows:

SEC. 13. That boards of examiners for carrying out the provisions of the statutes with reference to examinations of teachers shall consist of the superintendent of schools and not less than four nor more than six members of the supervisory or teaching staff of the white schools for the white schools, and of the superintendent of schools and not less than four nor more than six members of the supervisory or teaching staff of the colored schools for the colored schools. The designations of members of the supervisory or teaching staff for membership on these boards shall be made annually by the Board of Education on the recommendation of the superintendent of schools.

Mr. WATKINS. Mr. Chairman, I ask, on page 18, line 21, that the words "on the recommendation of" be stricken out and the words "in consultation with" be inserted in lieu thereof.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. WATKINS: On page 18, line 21, strike out the words "on the recommendation of" and insert in lieu thereof the words "in consultation with."

The question was taken, and the Chair announced the yeas appeared to have it.

On a division (demanded by Mr. WATKINS) there were—ayes 30, yeas 50.

So the amendment was rejected.

The Clerk read as follows:

SEC. 17. That the Board of Education is hereby authorized to conduct as a part of the public school system a community center department, a department of school attendance and work permits, night schools, vacation schools, Americanization schools, and other activities, under and within appropriations made by Congress, and on the recommendation of the superintendent of schools to fix and prescribe the salaries, other than those herein specified, to be paid to the employees of the said activities.

Mr. COOPER of Wisconsin. Mr. Chairman, in line 16, page 20, I move to strike out the words "on the recommendation of" and insert in lieu thereof the words "in consultation with."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. COOPER of Wisconsin: Page 20, line 16, strike out the words "on the recommendation of" and insert in lieu thereof the words "in consultation with."

Mr. COOPER of Wisconsin. Mr. Chairman, only a word in this connection. The original amendment that I offered, in line 22, on page 7, was similar to the one I have now offered. The chairman of the committee [Mr. ZIHLMAN], the gentleman from Maryland, accepted it. It was objected to by another member of the committee, and it was objected to because the intent and the purpose as has been announced is to give authority to the superintendent to name these people, and over in this section, page 20, to fix and prescribe the salaries. The Board of Education is to do certain things—that is, by recommendation—not in consultation with him, but they can not do a thing until he recommends it. What can they do but what he recommends? It is admitted that that is the intention. I submit, and with all due respect to the committee, that that is too arbitrary a power to give to one man. What is the use of having a Board of Education since they are just to be amanuenses to write down what the superintendent says he wants to do? I do not think the superintendent ought to fix the salary.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. COOPER of Wisconsin. Yes.

Mr. RAKER. Take as an example section 15. That section provides—

That the Board of Education, on recommendation of the superintendent of schools, is hereby authorized—

To do a certain thing.

Mr. COOPER of Wisconsin. Yes.

Mr. RAKER. As the bill reads, he acts as an independent body and submits it to the Board of Education. The Board of Education can do as it pleases; but under your amendment you put the superintendent of schools in as a member of the board, and if he is a strong, hard-headed man, in consultation he will run the board and do exactly what you do not want him to do.

Mr. LaGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. COOPER of Wisconsin. Yes.

Mr. LaGUARDIA. In New York City we have a similar provision, and if a recommendation of the board of superintendents is not accepted by the board of education, all they can do is to send it back and the others must wait until the superintendents certify to something else.

Mr. COOPER of Wisconsin. The gentleman from California should listen to this very forceful statement made by the gentleman from New York. They have an analogous situation in New York, he says, by which they have a board of superintendents, and the board of superintendents makes the recommendation, and the council accepts or rejects what the board says, but it can do nothing itself. It has to come back to the board, so that it will be exactly what will happen here. This superintendent will make the recommendation, as they do in New York City, and it will go to the board, and if the board rejects it, then it will have to go back to the superintendent. Everything will be done by him. The board is a mere figurehead. That is the actual practice in New York City.

Mr. RAKER. The fifteenth section provides that—

The Board of Education, on the recommendation of the superintendent of schools, is hereby authorized to appoint annual substitute teachers.

Mr. COOPER of Wisconsin. The trouble with the gentleman is that he did not read half the language. It says "authorized and directed."

Mr. RAKER. It does not say anything of the kind here.

Mr. COOPER of Wisconsin. The copy I have says so.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 18. That the rates of salary herein designated shall become effective on the 1st day of July, 1924, and that the estimates of the expenditures for the operation of the public school system of the District of Columbia shall hereafter be prepared in conformity with the classification and compensation of educational employees herein provided: *Provided*, That the amounts specifically appropriated in the appropriation act for the fiscal year ending June 30, 1925, for salaries of teachers, school officers, and other employees whose salaries are fixed in the foregoing schedule, when not in conformity with the rates established by this act, are hereby reduced and increased to pay the said employees in accordance with the rates herein established during the fiscal year ending June 30, 1925, and for said purpose shall constitute one fund: *Provided further*, That during the fiscal year ending June 30, 1925, no teacher, school officer, or other employee of the

Board of Education whose salary is included in the foregoing schedule shall receive any increase in compensation other than as provided in this act.

Mr. ZIHLMAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Maryland offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ZIHLMAN: Page 21, strike out all after the first "Provided" in line 1 down to and including the word "further" in line 9.

Mr. ZIHLMAN. Mr. Chairman, I will state for the benefit of the committee that this amendment is offered at the suggestion of the chairman of the Committee on Appropriations, who states that the increases carried in this bill should be provided for in the deficiency bill and not in the manner provided for in this section.

Mr. MADDEN. If the language of the bill which is sought to be stricken out is allowed to remain, it will mix up the appropriation in such a way that chaos will result, whereas if it is stricken out, an estimate can be made of the excessive amount of money required to meet the new obligations, and it can be provided in addition to the regular salary without the new system being interjected.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk resumed and concluded the reading of the bill.

Mr. ZIHLMAN. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CHANDLER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill (H. R. 6721) to amend the act entitled "An act to fix and regulate the salaries of teachers, school officers, and other employees of the Board of Education of the District of Columbia," approved June 20, 1906, as amended, and for other purposes, had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. ZIHLMAN. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. BLANTON. Mr. Speaker, I demand a separate vote on the three committee amendments, involving lines 11, 12, and 13 on page 7, and I ask unanimous consent that they may be considered en bloc.

The SPEAKER. The Chair will take that up later. Is a separate vote demanded on any other amendment?

Mr. ZIHLMAN. Mr. Speaker, I ask a separate vote on the amendment to section 17 of the bill. I do not know the name of the gentleman who offered it.

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the Chair will put the other amendments en gross. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The gentleman from Texas [Mr. BLANTON] asks unanimous consent that the three amendments to which he refers be considered en bloc. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendments.

The Clerk read as follows:

Page 7, line 11, strike out "\$4,500" and insert "\$5,000"; line 12, strike out "\$100" and insert "\$200"; and in line 13, strike out "\$5,000" and insert "\$6,000."

The SPEAKER. The question is on agreeing to the amendments.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 86, noes 36.

So the amendments were agreed to.

The SPEAKER. The question is now on the amendment, on which a separate vote is demanded by the gentleman from Maryland, which the Clerk will report.

The Clerk read as follows:

Page 20, line 16, amendment offered by Mr. COOPER of Wisconsin: Strike out the words "on the recommendation of" and insert in lieu thereof the words "in consultation with."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. KELLER) there were—ayes 73, noes 39.

So the amendment was agreed to.

The SPEAKER. The question is now on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. BLANTON. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. BLANTON. I am a member of the committee, Mr. Speaker.

The SPEAKER. But is the gentleman opposed to the bill?

Mr. BLANTON. It all depends upon whether or not the amendment is adopted.

Mr. COOPER of Wisconsin rose.

The SPEAKER. Does the gentleman from Wisconsin rise to move to recommit?

Mr. COOPER of Wisconsin. Yes.

The SPEAKER. Is the gentleman from Wisconsin opposed to the bill?

Mr. COOPER of Wisconsin. No.

The SPEAKER. The Chair recognizes the gentleman from Texas, a member of the committee, and the Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. BLANTON moves to recommit the bill to the Committee on the District of Columbia, with instructions to report the same back to the House forthwith with the following amendment:

"On page 7, line 22, before the word 'authorized,' insert the word 'and' and strike out the balance of the line and add 'in consultation with the'; and in line 24, after the word 'assign,' insert 'in accordance with the provisions of this bill,' so that as amended the paragraph will read:

"Sec. 2. That the Board of Education is hereby authorized and empowered, in consultation with the superintendent of schools, to classify and assign, in accordance with the provisions of this bill, all teachers, school officers, and other employees to the salary classes and positions in the foregoing salary schedule."

Mr. SANDERS of Indiana. Mr. Speaker, I move the previous question.

Mr. BLANTON. Mr. Speaker, that is practically the same as the Cooper amendment.

Mr. TILSON. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from Connecticut rise?

Mr. TILSON. I suggest to the gentleman that he should change his amendment and insert the word "act" instead of "bill."

Mr. BANKHEAD. Regular order, Mr. Speaker.

Mr. BLANTON. Mr. Speaker, I ask unanimous consent to insert the word "act" instead of the word "bill."

The SPEAKER. Unless the gentleman from Indiana withdraws his motion for the previous question, the gentleman can not amend it.

Mr. SANDERS of Indiana. Mr. Speaker, I will withdraw it for that purpose, if it does not prejudice my rights.

The SPEAKER. Without objection, the motion of the gentleman from Texas is amended in the manner indicated.

There was no objection.

Mr. SANDERS of Indiana. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit. The question was taken; and on a division (demanded by

Mr. BLANTON) there were—ayes 66, noes 63.

So the motion to recommit was agreed to.

Mr. LONGWORTH. Mr. Speaker, I did not hear the announcement.

The SPEAKER. The ayes were 66, and the noes were 63, and therefore the motion to recommit is agreed to.

Mr. LEHLBACH. Mr. Speaker, I make the point of order there is not a quorum present, and I object to the vote on that ground.

The SPEAKER. The Chair will count. [After counting.] There is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms is directed to bring in absent Members, and the Clerk will call the roll.

The question was taken; and there were—ayes 101, noes 162, not voting 169, as follows:

YEAS—101.

Abernethy	Arnold	Black, Tex.	Bowling
Allen	Bankhead	Bland	Box
Allgood	Bell	Blanton	Briggs

Browne, Wis.
Browning
Brumm
Busby
Byrns, Tenn.
Cannon
Carter
Collins
Connally, Tex.
Connelly
Cook
Cooper, Wis.
Crisp
Curry
Davis, Tenn.
Dickinson, Mo.
Elliot
Evans, Iowa
Fisher
French
Gardner, Ind.
Garner, Tex.
Garrett, Tenn.

Gilbert
Griffith
Hastings
Hill, Md.
Hill, Wash.
Hooker
Howard, Nebr.
Huddleston
Hudspeth
Jeffers
Johnson, Tex.
Jones
Kerr
Kincheloe
King
Kvale
LaGuardia
Lanham
Lankford
Larsen, Ga.
Little
Lowrey
Lozier

Lyon
McKown
McLaughlin, Mich.
Major, Ill.
Major, Mo.
Mansfield
Milligan
Moore, Ga.
Morehead
O'Connell, R. I.
Oltfeld
Park, Ga.
Peery
Ragon
Raney
Rankin
Reed, Ark.
Richards
Rogers, N. H.
Rube
Salmon
Sanders, Tex.
Sears, Fla.

Sears, Nebr.
Shallenberger
Sherwood
Stegall
Stangle
Stevenson
Strong, Kans.
Summers, Tex.
Swank
Thomas, Ky.
Thomas, Okla.
Thompson
Tilman
Tucker
Underwood
Watkins
White, Kans.
Williams, Tex.
Wilson, Miss.
Wright

Mr. Begg with Mr. Garrett of Texas.
Mr. Lineberger with Mr. Celler.
Mr. Denison with Mr. Hammer.
Mr. Burton with Mr. Hawes.
Mr. Aldrich with Mr. Favrot.
Mr. Graham of Illinois with Mr. Jost.
Mr. Hansley with Mr. O'Connor of Louisiana.
Mr. Johnson of South Dakota with Mr. Buckley.
Mr. Michaelson with Mr. Cullen.
Mr. Britten with Mr. Lilly.
Mr. Beedy with Mr. Gallivan.
Mr. Cole of Ohio with Mr. Sullivan.
Mr. Sproul of Kansas with Mr. Clancy.
Mr. Morin with Mr. Brand of Georgia.
Mr. Bixler with Mr. O'Brien.
Mr. Seger with Mr. Johnson of West Virginia.
Mr. Sinclair with Mr. Cummings.
Mr. Wyant with Mr. Canfield.
Mr. Bacharach with Mr. Montague.
Mr. Graham of Pennsylvania with Mr. Deal.
Mr. Rathbone with Mr. Geran.
Mr. Perkins with Mr. McClintic.
Mr. McLaughlin of Nebraska with Mr. Prall.
Mr. Kutz with Mr. Croil.
Mr. Brand of Ohio with Mr. Fulbright.
Mr. Anthony with Mr. Browne of New Jersey.
Mr. Clarke of New York with Mr. Clark of Florida.
Mr. Edmonds with Mr. Barkley.
Mr. Fenn with Mr. Evans of Montana.
Mr. Mills with Mr. Tague.
Mr. Frear with Mr. Oliver of New York.
Mr. Merritt with Mr. Drane.
Mr. Kahn with Mr. Berger.
Mr. Periman with Mr. Rayburn.
Mr. Reed of New York with Mr. Ayres.
Mr. Porter with Mr. Martin.
Mr. Simmons with Mr. Carew.
Mr. Williams of Illinois with Mr. Pou.
Mr. Swoope with Mr. Weller.
Mr. Winslow with Mr. Steadman.
Mr. Werts with Mr. Buchanan.
Mr. Treadway with Mr. Wingo.
Mr. Timberlake with Mr. Boylan.
Mr. Welsh with Mr. Hayden.
Mr. Magee of Pennsylvania with Mr. Taylor of Colorado.
Mr. Smith with Mr. Vinson of Georgia.
Mr. Young with Mr. Smithwick.
Mr. Christopherson with Mr. Romjue.
Mr. Moore of Illinois with Mr. Doyle.
Mr. Sweet with Mr. Davey.
Mr. Peavey with Mr. O'Connell of New York.
Mr. Fish with Mr. Wefald.
Mr. Crowther with Mr. Drewry.
Mr. Hersey with Mr. Corning.
Mr. Dempsey with Mr. Bloom.
Mr. Freeman with Mr. Greenwood.
Mr. Paige with Mr. Morris.
Mr. Miller of Illinois with Mr. Eagan.
Mr. Fredericks with Mr. Goldsborough.
Mr. Hickey with Mr. O'Connor of New York.
Mr. Thatcher with Mr. Howard of Oklahoma.
Mr. Rosenbloom with Mr. Kindred.
Mr. Swing with Mr. Hull of Tennessee.
Mr. Yates with Mr. Lindsay.
Mr. Wurabach with Mr. McSweeney.
Mr. Wason with Mr. Lee of Georgia.
Mr. Tinscher with Mr. O'Sullivan.
Mr. Ward of New York with Mr. Ward of North Carolina.
Mr. Valle with Mr. Sites.

NAYS—162.

Ackerman
Almon
Aswell
Bacon
Barbour
Beck
Beers
Black, N. Y.
Boles
Boyce
Bulwinkle
Burdick
Burtess
Butler
Byrnes, S. C.
Cable
Campbell
Casey
Chindblom
Clague
Cleary
Collier
Colton
Connolly, Pa.
Cooper, Ohio
Cramton
Cresser
Dallinger
Darrow
Davis, Minn.
Dickinson, Iowa
Dickstein
Domink
Doughton
Dowell
Driver
Dyer
Fairechild
Faust
Fitzgerald
Fleetwood

Foster
Frothingham
Palmer
Gasque
Gibson
Gifford
Glattfelder
Green, Iowa
Greene, Mass.
Griest
Hadley
Hardy
Harrison
Hawley
Hill, Ala.
Hoch
Hull, Iowa
Hull, Morton D.
Humphreys
Jacobstein
James
Johnson, Ky.
Johnson, Wash.
Kearns
Keller
Kendall
Kent
Ketcham
Kless
Kopp
Kunz
Lampert
Larson, Minn.
Lazaro
Lea, Calif.
Leatherwood
Leavitt
Leibach
Linthicum
Logan

Longworth
Luce
McDuffie
McFadden
McLeod
McReynolds
McSwain
MacGregor
MacLafferty
Madden
Magee, N. Y.
Manlove
Mapes
Mearns
Michener
Miller, Wash.
Minahan
Mooney
Moore, Ohio
Moore, Va.
Moore, Ind.
Morgan
Morrow
Mudd
Murphy
Nelson, Me.
Nelson, Wis.
Newton, Minn.
Newton, Mo.
Nolan
Oliver, Ala.
Parks, Ark.
Patterson
Purnell
Quin
Raker
Ramseyer
Rekl, Ill.
Roach
Robinson, Iowa
Robison, Ky.

Rogers, Mass.
Sabath
Sanders, Ind.
Sandlin
Schall
Schneider
Shreve
Simnett
Snell
Snyder
Speaks
Sproul, Ill.
Stalker
Stephens
Strong, Pa.
Summers, Wash.
Taylor, Tenn.
Temple
Tilson
Tydings
Upshaw
Vare
Vestal
Vincent, Mich.
Vinson, Ky.
Volkt
Wainwright
Watres
Watson
Weaver
White, Me.
Williamson
Wilson, Ind.
Wilson, La.
Wolf
Wood
Woodruff
Woodrum
Zihman

NOT VOTING—163.

Aldrich
Anderson
Andrew
Anthony
Ayres
Bacharach
Barkley
Beedy
Begg
Berger
Bixler
Bloom
Boylan
Brand, Ga.
Brand, Ohio
Britton
Browne, N. J.
Buchanan
Buckley
Burton
Canfield
Carew
Carter
Christopherson
Clancy
Clark, Fla.
Clarke, N. Y.
Cole, Iowa
Cole, Ohio
Corning
Croll
Crowther
Cullen
Cummings
Davey
Deal
Dempsey
Denison
Doyle
Draue
Drewry
Eagan
Edmonds

Evans, Mont.
Fairfield
Favrot
Fenn
Fish
Frear
Fredericks
Freeman
Fulbright
Fuller
Funk
Gallivan
Garber
Garrett, Tex.
Geran
Goldsborough
Graham, Ill.
Graham, Pa.
Greenwood
Hammer
Haugen
Hawes
Hayden
Hersey
Hickey
Holaday
Howard, Okla.
Hudson
Hull, Tenn.
Hull, William E.
Johnson, S. Dak.
Johnson, W. Va.
Jost
Kahn
Kelly
Kindred
Knutson
Kurtz
Langley
Lee, Ga.
Lilly
Lindsay
Lineberger

McClintic
McKensie
McLaughlin, Nebr.
McNulty
McSweeney
Magee, Pa.
Martha
Merritt
Michaelson
Miller, Ill.
Mills
Montague
Moore, Ill.
Morin
Morris
O'Brien
O'Connell, N. Y.
O'Connor, La.
O'Connor, N. Y.
O'Sullivan
Oliver, N. Y.
Paige
Parker
Peavey
Perkins
Perlin
Phillips
Porter
Pou
Prall
Quayle
Ranley
Rathbone
Reeburn
Rees
Reed, N. Y.
Reed, W. Va.
Romjue
Rosenbloom
Rouse
Sanders, N. Y.
Schafer
Scott

Seger
Simmons
Sinclair
Sites
Smith
Smithwick
Sproul, Kans.
Steadman
Sullivan
Sweet
Swing
Swoope
Taber
Tague
Taylor, Colo.
Taylor, W. Va.
Thatcher
Timberlake
Tinscher
Tinkham
Treadway
Underhill
Valle
Vinson, Ga.
Ward, N. C.
Ward, N. Y.
Wason
Wefald
Weller
Welsh
Williams, Ill.
Williams, Mich.
Wingo
Winslow
Winter
Wurabach
Wyant
Yates
Young

The result of the vote was announced as above recorded.
The SPEAKER. The question is on the passage of the bill.
The question was taken, and the bill was passed.
On motion by Mr. ZIEGLER, a motion to reconsider the vote whereby the bill was passed was laid on the table.

EXTENSION OF REMARKS.

By unanimous consent, Mr. COOPER of Wisconsin, Mr. SEARS of Florida, Mr. McLAUGHLIN of Michigan, Mr. ZIEGLER, and Mr. KENT were given leave to revise and extend their remarks made to-day.

PROHIBITION.

Mr. WOLFF. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on a bill that I recently introduced.

The SPEAKER. Is there objection?

There was no objection.

Mr. WOLFF. Mr. Speaker, under the leave to extend my remarks in the Record I include the following:

A COMMUNICATION TO A NUMBER OF HIS CONSTITUENTS BY MR. WOLFF, OF MISSOURI, DEALING WITH THE PROHIBITION QUESTION

DEAR FRIEND: In answer to certain communications which I have received, I beg to state in the first place that I was glad to receive these candid expressions relative to the Volstead Act. I admire anyone who has the courage to express his honest opinion and who believes what he teaches and who lives in accordance with that which he preaches. I may differ from my friend on a given subject, but that is no proof that he is a scoundrel or that I am a rascal because we do not agree on everything. My father was a Presbyterian minister and an ardent prohibitionist. My dear old mother talked abstinence to me from the time I could understand until her death, a number of years since.

So the motion to recommit was rejected.
The following pairs were announced:

I desire to apologize for the length of this communication, but trust that you will be kind enough to read it carefully and thoughtfully.

The eighteenth amendment to the Constitution of the United States provides as follows:

"SECTION 1. After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited."

It does not state what amount of alcohol is necessary in a beverage to make it intoxicating. The Supreme Court of the United States has ruled that Congress has the right, therefore, to specify the legal alcoholic content of a beverage or how much alcohol it may contain before it becomes intoxicating. The Anti-Saloon League admits that Congress, under the Constitution and the decision of the Supreme Court, has authority to pass a law legalizing 2.75 per cent beer and that such a law would be constitutional. Congress heretofore, acting under such presumed authority, fixed one-half of 1 per cent alcoholic content of beverages as an experiment.

The eighteenth amendment is truly a part of our Constitution. Everyone knows this, and all good citizens should in every way defend and uphold the provisions of that great document. The Volstead Act is the enforcement act which tells us the amount of whisky which our physicians may prescribe, how much alcohol may be used in certain medicines, extracts, beverages, etc., and provides punishment for violation thereof. It is not a part of our Constitution, as many apparently believe. It is a very drastic law enacted by Congress which it was supposed, would, when enacted, immediately do away with strong alcoholic beverages and that our citizens, if not voluntarily, would in fear of its drastic penalties promptly comply with the provisions of the eighteenth amendment to our Constitution. But, my friends, have they done this? I agree with you that they should do so. But a day or so since I voted for an appropriation of an additional \$14,000,000 to our Coast Guard, making nearly \$25,000,000, to equip small boats with arms and men to further aid in attempting to prevent the smuggling of whisky into the United States. I shall help to enforce this law in every way possible, and I will say here that when I took my oath of office I made up my mind to abide by that Constitution and live in conformity with the oath I had taken. I do not advocate one thing and practice another. However, I am fully aware that anyone who wants whisky here in Washington and is willing to take the "chance" can get it at very reasonable prices—some real old-time stuff as well as other brands and grades.

Recently a member of the police department here informed me that the jail was overcrowded on all days and that they had three or four "drunks" in every cell on the previous Saturday night. It is not uncommon to see men drink more or less publicly and to see, as I have personally seen on a recent Sunday afternoon, several dozen "drunks" on Pennsylvania Avenue. The Washington Herald, March, 17, carried a headline as follows, "United States Capital 300 per cent more drunken than Paris, 2,000 per cent more more murderous than London," and gave the following statistics concerning other crimes:

"Since 1910 the population increase has been 32.17 per cent; murder has increased 291 per cent; manslaughter has increased 250 per cent; robbery has increased 103 per cent; grand larceny has increased 157 per cent; soliciting has increased 2,350 per cent; disorderly houses have increased 1,388 per cent."

These conditions exist in the Capital City of our Nation, but conditions are no worse here than in other large cities.

I am just informed by the Toledo Advertising Club, Toledo, Ohio, that within the month the Ohio State Board of Clemency has addressed a letter officially to every common pleas judge in the State requesting that the sentences of all first offenders be suspended, for the reason that there is no room left in the penal institutions of Ohio to accommodate them. It is stated that on two recent occasions the sheriff of Lucas County has been obliged to release prisoners convicted of violating the Volstead or Crabbe (Ohio) Act in order to make room for more dangerous characters. The association concludes by saying that it is believed that the adoption of the proposed change will solve many of the ills afflicting our people at the present time and encourage at least some measure of respect for the eighteenth amendment, now almost entirely lacking.

Space will not permit similar detailed recitals as to conditions in each State. However, in our own State you are, of course, familiar with the Shoup and Prather affairs.

The Washington Herald, March 28, contains the following article:

"In France alcoholism and drunkenness have been cut down 50 per cent in 10 years without prohibition. Eight wines and beer are not even considered alcoholic drinks there. But absinthe has been abolished entirely. Very heavy taxes are put on brandy and other alcoholic poisons and their prices are prohibitive. France is, by one-half, more temperate than in 1914."

What would have been the result if our Government had forbidden whisky, gin, etc., absolutely, or taxed these poisons \$10 per bottle while permitting unrestricted sale of 2.75 per cent beer? Too late to ask that question now.

All over the United States young boys, who previously were not permitted in saloons, are to-day patronizing bootleggers and drinking the rottenest kinds of moonshine poisons. Young girls who previously never tasted or came directly in contact with pure liquor even are to-day drinking by the thousands, and they are now confronted with the double hazard of the deadly poisonous hip-pocket flask in the lonely, unchaperoned, converted "automobile barroom." This is certainly a matter which should receive the thoughtful consideration of all fathers and mothers. A little mild beer in the home, where desired, would not constitute such an alarming menace as the above true-to-life picture, it occurs to me.

Thousands of our best citizens are making home-brews and wines, every one of them violating the present provisions of the eighteenth amendment and the Volstead Act, as these concoctions all contain from 4 to 16 per cent alcoholic content. High Government officials, including Cabinet officers, have violated the Volstead Act. Harry M. Daugherty, Attorney General, and Andrew W. Mellon, Secretary of the Treasury, have been implicated in this connection, and Mr. Daugherty has recently resigned his position because of these and other charges. Prohibition enforcement agents and political appointees have sold out and committed other crimes under the Volstead Act. Anti-saloon officials have violated the law, as well as betrayed the confidence of their people, as in the cases of Anderson, of New York; Shoup, of Missouri; and others. Maj. James F. Johnson, a high official in the central prohibition enforcement office, has just recently been exposed. God knows that as administered to date there is no such thing as actual prohibition as advocated. The periodical announcements of Commissioner Haynes as to the amount of illicit liquors and concoctions confiscated throughout the country and the number of arrests which have been made for violations of the Volstead Act throughout the United States—no State being materially better or worse than another in either respect—are conclusive as to the wholesale violations of this act.

Under date of December 21, 1923, Internal Revenue Commissioner Blair said:

"There were 187 bonded warehouses robbed from January 10, 1920, to June 30, 1923. In these robberies 134,485 gallons of spirits were stolen."

These figures evidently do not include inside robberies, such as that of the Jack Daniels Distillery, of St. Louis, from which 892 barrels of whisky were stolen last August. At the bootleg price of \$60 a gallon, the whisky extracted from the St. Louis warehouse was worth \$2,676,000, and that stolen from the Government warehouses \$8,063,100.

In Washington alone Mr. Haynes, according to his own statement, has seized approximately 15,000 gallons of whisky. He does not state how many gallons of other concoctions were confiscated, and there is no way to estimate accurately the amount of such liquors which escaped confiscation.

Recently before the Senate investigating committee witnesses testified that prohibition officials had sold stills to moonshiners and were protecting them. Witnesses before the Federal grand jury recently stated that Prohibition Agents Thomas Wheeler and George King have received for protection of whisky manufacturers over \$20,000 since last December. It is charged that men with whom Andrew W. Mellon is associated have made many thousands of dollars since the enactment of this law by illegally releasing and issuing whisky permits. It is also charged that Andrew W. Mellon and family own practically all the stock of the Overholt Distillery, one of the largest whisky manufacturers in the United States, and that they are also interested in several breweries.

Richard B. Enright, head of the New York police department, gave out a statement but a day or so since—and this man does not guess; he knows what he is talking about. He said:

"The discouraging feature of the prohibition law is that those that used intoxicating liquor moderately, or used only beer and light wine before prohibition, now drink large quantities of hard liquor of very bad quality. It is far from reassuring."

Some persons may still be more or less reluctant to accept these statements on account of the startling revelation and because they do not personally know of such specific local instances of crimes mentioned. I know that violations are not so general in my district under this law as in the large congested centers of population. That is also true with reference to other statutes. But certainly no one will urge these considerations as proof that such conditions do not exist elsewhere. The incontrovertible evidence on which a conviction is obtained in any court is always appalling, and more so when least expected. It has been charged that some of the persons who are receiving large salaries in connection with the organizations opposed to any kind of alcoholic beverages are unwilling to have all the actual facts made known to the public for fear that efforts will immediately be made to correct the situation and thereby kill the goose

that is laying the golden egg for them. I make no such charge as this, though it may be true in some few cases. Would you personally favor an investigation which would give to the public all the facts to date in connection with the attempted enforcement of this law?

Personally I am not a radical wet; neither am I a radical prohibitionist. Mr. Volstead testified before the committee during the hearings on his bill that 2.75 per cent beer was not intoxicating. Therefore an effort to legalize 2.75 per cent beer under the eighteenth amendment can not properly be construed as a thrust at the main structure. With thousands of our citizens beer is and was a beverage, as is coffee and tea with others. The Supreme Court in the case of *Ruppert v. Coffey* held that 2.75 per cent beer is not intoxicating. But, as many contend who have "ed it, one-half of 1 per cent beer is a tasteless product whereas 2.75 per cent beer contains enough alcohol to make it a palatable beverage and properly preserve it, and it is also nonintoxicating. Why, my friend, 20 per cent of the patent medicines on the market contain from 10 to 25 per cent alcohol as a preservative. Take down the bottles from the shelves of any drug store and examine them yourself; the alcoholic content is marked on the labels. Much of the home-brew manufactured in the homes of our best citizens has from 5 to 6 per cent alcoholic content and is therefore violative of the provisions of the Constitution and the Volstead Act.

Beer is beer whether it has one-half of 1 per cent alcoholic content as legally sold over the bars to-day or whether it has 2.75 per cent alcoholic content as advocated in the 83 bills introduced in Congress this session. These bills do not mention wine at all—beer alone. Your Representative has, with others, advocated a mild beer of 2.75 per cent alcoholic content to be sold in original packages for home use only, and these bills absolutely prohibit the sale of this beer in bar-rooms or saloons. I am advocating this change because I feel that it will do away with the sale of moonshine whisky, wines, and other poisons. It will remove from the minds of some adults the idea that we are trying to legislate morals into them and there will be no feeling of resentment on their part as is apparent at present. This change will from every viewpoint aid in the enforcement of the Volstead Act as no one will take a "chance" on the stronger poisonous concoctions if he can get wholesome beer of this kind.

I do not advocate this change as a revenue measure, the argument of the antiprohibitionists, but some revenue can be derived from this source which would tend to lower taxes. I do not advocate it for any personal reason or desire. If I wanted to use intoxicating liquor I could obtain all I want. All that is necessary is the price. As an American citizen who has carried a gun and faced an enemy of my country, whose father and grandfather before him had the same privilege, I feel it is my duty now as a legislator to protect and defend that Constitution just as much as then, but I do believe that we can best do so in this instance by regarding this particular problem as real rather than theoretical; get all the facts and then apply any remedy which may promise the desired relief. I shall not knowingly vote for any proposition that violates the provisions of the Constitution. I shall continue to stand for my people and shall endeavor to honestly represent them, still bearing in mind that there are 18 other amendments to the Constitution. I am for the enforcement of the law and shall vote for any measure that will help to accomplish this. To my mind, expressing my own humble opinion, what we need to-day is more broad minds, more of the real old-time honesty, and men in Government positions who have the courage of their convictions and who will abide by the commandments as written—

"Thou shalt not lie.

"Thou shalt not steal."

and men who will shape their actions to conform to that rule, which is as follows:

"Do unto others as you would have others do unto you."

I honestly and truly feel that my proposal, if adopted, would materially aid in making safe, sane, and effective the actual enforcement of real prohibition, and this has not been approached to date. If my proposal does not have this effect, then I would be willing later to consider with you other means as a possible remedy. Do you consider this a fair proposal?

I desire also to call your attention to the fact that Woodrow Wilson, to my mind the greatest of all Presidents, vetoed this same Volstead law, which I am in an honorable way attempting to amend. I hardly believe that any constituent of mine will question the statesmanship of that world character, or insinuate that he was un-American because of this fact.

This letter is being mailed to several thousand people in my district, substantially an equal number in each county. A long reply is not necessary—simply answer the following questions and sign your name. Your name will not be disclosed and your answers will be regarded as confidential by me.

1. Considering all the facts herein presented, if true, would you favor a change in the Volstead law?

2. Would you favor legalizing 2.75 per cent beer if it were possible to positively guarantee that such action would improve present conditions?

3. After having read this entire statement, if you are still opposed to consideration of my proposal as a possible remedy for present evils, please state what remedy you desire to urge?

4. (Answer this question if you care to do so.) Have you in the past two years made home-brew, homemade wine, or cider, or have you taken a drink of moonshine liquor, wine, home-brew of any kind, or hard cider? (a) If you have, do you realize that this constitutes a violation of the Volstead law as written at present?

5. Are you 21 years of age or over?

May I hear from you?

Respectfully yours,

SCOTT WOLFE.

P. S.: Every statement as to every material fact herein contained is based on records and can be so verified if desired by you.

FEDERAL TRADE COMMISSION.

Mr. GRIFFIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Federal Trade Commission.

The SPEAKER. Is there objection?

There was no objection.

Mr. GRIFFIN. Mr. Speaker, the independent offices appropriation bill (H. R. 8233), now before the House in Committee of the Whole, proposes to lop off the appropriation for the Federal Trade Commission about \$200,000. It is proposed to effect this by the following limitation:

Provided, That no part of this appropriation shall be used for investigations directed by the President or either House of Congress, except those authorized by law: *Provided further*, That this limitation shall not apply to investigations in progress on April 1, 1924.

Although called a "limitation" it is my opinion that this language is, in effect, a repeal of a substantial part of the law and is legislation of the most obnoxious character. It takes from the duly constituted committee of the House, having jurisdiction of the matter, its lawful and reasonable right to weigh and consider the significance of the proposed change and attempts to hurry the House into a substantial change of the law upon the pretext of economy.

The act creating the commission was passed September 26, 1914. Its five members (not more than three of whom may be of one political party) are appointed by the President and confirmed by the Senate. The act was amended by the Clayton Act of October 15, 1914; the trading with the enemy act of October 6, 1917, and the Webb-Pomerene law of April 10, 1918.

The law, as it stands, provides that investigations shall be made by the commission upon the direction of the President or either House of Congress and reports made on facts disclosed pertaining to any alleged violations of the antitrust laws.

The proposed change would strip the President, the Senate, and the House of the right to initiate such investigations, and in so far as it does that it practically repeals the law or laws under which the commission acts.

As to whether or not the commission has justified its existence, or, as to whether or not the right to initiate such investigations has been abused by the President, the Senate, or the House, I beg to submit the following summary of the commission's activities since its creation.

From the summary it will be noted:

- (a) The President initiated six investigations.
 - (b) The Senate initiated 23 investigations.
 - (c) The House initiated seven investigations.
- Total investigations, 36.

And no one can pretend that they were not of the greatest importance.

Here is the list in detail:

MEMORANDUM OF INQUIRIES MADE BY THE FEDERAL TRADE COMMISSION AT THE ORDER OF THE CONGRESS, THE PRESIDENT, AND THE ATTORNEY GENERAL, UP TO MARCH 28, 1924.

PETROLEUM.

(S. Res. 457, 68d Cong., 2d sess.)

Acting under this resolution, the commission published a report on gasoline prices in 1915, which discussed the high prices of petroleum products and showed how the various Standard Oil Companies had continued to maintain a division of marketing territory among themselves. The commission suggested several plans for restoring effective competition in the oil industry.

SISAL HEMP.

(S. Res. 170, 64th Cong., 1st sess.)

This resolution called on the commission to assist the Senate Committee on Agriculture and Forestry by advising how certain quantities of hemp, promised by the Mexican Sisal Trust, might be fairly distributed among American manufacturers of binder twine.

ANTHRACITE.

(S. Res. 217, 64th Cong., 1st sess.)

The rapid advance in the prices of anthracite at the mines, compared with costs, and the extortionate overcharging of anthracite jobbers and dealers were disclosed in this inquiry, and a system of current reports called for regarding selling prices which substantially checked further exploitation of the consumer.

BITUMINOUS COAL.

(H. Res. 352, 64th Cong., 1st sess.)

While this resolution aimed originally at the investigation of the alleged depressed condition of the bituminous coal industry, the inquiry had not been long underway before there was a great advance in prices, and the commission in its report suggested various measures for insuring a more adequate supply at reasonable prices.

NEWSPRINT PAPER.

(S. Res. 177, 64th Cong., 1st sess.)

The newsprint-paper inquiry resulted from an unexpected advance in prices. The report of the commission showed that these prices were very profitable, and that they had been partly the result of certain newsprint association activities which were in restraint of trade. The Department of Justice instituted proceedings in consequence of which the association was abolished.

BOOK PAPER.

(S. Res. 269, 64th Cong., 1st sess.)

The inquiry into book paper which was made shortly after the newsprint inquiry, had a similar origin and disclosed similar restraints of trade, resulting in proceedings by the commission against the manufacturers involved therein. The commission also recommended further legislative action to repress restraints of trade by such associations.

FLAGS.

(S. Res. 35, 65th Cong., 1st sess.)

A sudden increase in the prices of American flags led to this inquiry, which disclosed that while a trade association had been active to fix prices shortly before, the price advance had been so great on account of the war demand that further price fixing had been superfluous.

MEAT-PACKING PROFIT LIMITATIONS.

(S. Res. 177, 66th Cong., 1st sess.)

The inquiry into meat-packing profit limitations had as its object the study of the system of war-time control established by the Food Administration; certain changes were recommended by the commission, including more complete control of the business and lower maximum profits.

FARM IMPLEMENTS.

(S. Res. 223, 65th Cong., 2d sess.)

The high prices of farm implements led to this inquiry, which disclosed that there were numerous trade combinations to advance prices and that the consent decree for the dissolution of the International Harvester Co. was absurdly inadequate. The commission recommended a revision of the decree, and the Department of Justice is now proceeding against the company to that end.

MILK.

(S. Res. 431, 65th Cong., 3d sess.)

This inquiry into the fairness of milk prices to producers and of canned milk to consumers and whether they were affected by fraudulent or discriminatory practices resulted in a report showing marked concentration of control.

COTTON YARN.

(H. Res. 451, 66th Cong., 2d sess.)

The House called on the commission to investigate the very high prices of combed cotton yarn, and the inquiry disclosed that the profits in the industry had been extraordinary large for several years.

PACIFIC COAST PETROLEUM.

(S. Res. 128, 66th Cong., 1st sess.)

On the Pacific coast the great increase in the prices of gasoline, fuel oil, and other petroleum products led to this inquiry which disclosed that several of the companies were fixing prices.

PETROLEUM PRICES.

(H. Res. 501, 66th Cong., 2d sess.)

This was another inquiry into high prices for petroleum products. The report of the commission pointed out that the Standard companies

practically made the prices in their several marketing territories and avoided competition among themselves. Various constructive proposals to conserve the oil supply were made by the commission.

COMMERCIAL FEEDS.

(S. Res. 140, 66th Cong., 1st sess.)

The inquiry into commercial feeds which aimed to discover whether there were any combinations or restraints of trade in that business was diligently pursued, and though it disclosed some association activities in restraint of trade it found no important violation of the antitrust laws.

SUGAR SUPPLY.

(H. Res. 150, 66th Cong., 1st sess.)

The ordinary advance in the price of sugar in 1910 led to this inquiry, which was found to be due chiefly to speculation and hoarding in sugar, and certain recommendations were made for legislative action to cure these abuses.

SOUTHERN LIVESTOCK PRICES.

(S. Res. 133, 66th Cong., 1st sess.)

The low prices of Southern livestock which gave rise to the belief that discrimination was being practiced were investigated, but the alleged discrimination did not appear to exist.

SHOE COSTS AND PRICES.

(H. Res. 217, 66th Cong., 1st sess.)

The high prices of shoes after the war led to this inquiry, and the investigation of the commission attributed them chiefly to supply and demand conditions.

TOBACCO PRICES.

(H. Res. 533, 66th Cong., 2d sess.)

The House called upon the commission to make inquiry into the prices of leaf tobacco and the selling prices of tobacco products. The unfavorable relationship between them was reported to be due in part to the purchasing methods of the large tobacco companies, and as a result of this inquiry the commission recommended that the decree dissolving the old Tobacco Trust should be amended and alleged violations of the existing decree prosecuted. Better systems of grading tobacco were also recommended by the commission.

TOBACCO PRICES.

(S. Res. 129, 67th Cong., 1st sess.)

This inquiry was also directed to the low prices of leaf tobacco and the high prices of tobacco products. It disclosed that in the sale of tobacco several of the largest companies were engaged in numerous conspiracies with their customers—the jobbers—to enhance the selling prices of tobacco. Proceedings against these unlawful acts were instituted by the commission.

EXPORT GRAIN.

(S. Res. 183, 67th Cong., 2d sess.)

The low prices of export wheat gave rise to this inquiry, which developed extensive and harmful speculative manipulation of prices on the grain exchanges and conspiracies among country grain buyers to agree on maximum prices for grain purchased. Legislation for a stricter supervision of grain exchanges was recommended, together with certain changes in the rules. The commission also recommended governmental action looking to additional storage facilities for grain uncontrolled by grain dealers.

HOUSE FURNISHINGS.

(S. Res. 127, 67th Cong., 2d sess.)

The failure of house-furnishing goods to decline in price since 1920 as much as most other commodities, alleged to be due to restraints of trade, was inquired into by the commission, and one report has already been issued regarding household furniture, which shows that extensive conspiracies existed under the form of cost-accounting devices and meetings, to inflate the price of such furniture. The commission has announced that it is continuing this inquiry into certain other kinds of house furnishings.

FLOUR MILLING.

(S. Res. 212, 67th Cong., 2d sess.)

This inquiry into the flour-milling industry has not yet been reported on.

COTTON TRADE.

(S. Res. 262, 67th Cong., 2d sess.)

The investigation of the cotton trade has not been completed, but a preliminary report was issued which showed a marked degree of concentration in the cotton-merchandising business.

FERTILISER.

(S. Res. 307, 67th Cong., 2d sess.)

The fertilizer inquiry developed that active competition generally prevailed in the industry in this country, though in foreign countries combinations control some of the most important raw materials. The

commission recommended constructive legislation to improve agricultural credits and the advantages of more extended cooperative action in the purchase of fertilizer by farmers.

FOREIGN OWNERSHIP IN PETROLEUM INDUSTRY.

(S. Res. 311, Sixty-seventh Congress, second session.)

The acquisition of extensive oil interests in this country by the Dutch-Shell concern, an international trust, and discrimination practiced against Americans in foreign countries provoked this inquiry which developed the situation.

COTTON TRADE.

(S. Res. 429, Sixty-seventh Congress, fourth session.)

The inquiry in response to this second resolution on the cotton trade has not yet been completed.

NATIONAL WEALTH.

(S. Res. 451, Sixty-seventh Congress, fourth session.)

This subject has not yet been reported.

CALCIUM ARSENATE.

(S. Res. 417, Sixty-seventh Congress, fourth session.)

The high prices of calcium arsenate, a poison used to destroy the cotton boll weevil, led to this inquiry, from which it appeared that the cause was due to the sudden increase in demand rather than to any restraints of trade.

RADIO.

(H. Res. 548, 67th Cong., 4th sess.)

The patents in the radio industry, which the commission was called upon to investigate by this resolution, were found to be controlled by a combination of a few great companies, as also commercial communication by radio. The commission since issuing the report has instituted proceedings against these companies. These facts are of vital importance in considering what legislation shall be now provided for the regulation of the radio industry.

BREAD.

(S. Res. 163, 68th Cong., 1st sess.)

This bread inquiry has not yet been actively undertaken, according to an official report to the Senate, on account of insufficient funds.

FOOD INQUIRY.

(Direction of the President, February 7, 1917.)

The President's food inquiry, undertaken with a special appropriation of Congress, resulted in a very important series of reports on the meat-packing industry, which had as their immediate result the enactment of the packers and stockyards act for the control of this industry and the prosecution of the big packers for a conspiracy in restraint of trade by the Department of Justice. Another branch of the food inquiry developed important facts regarding the grain trade which was of assistance to Congress in regulating the grain exchanges and to the courts in interpreting the law.

(Direction of the President, July 25, 1917.)

The numerous cost investigations made by the Federal Trade Commission during the war into the coal, steel, lumber, petroleum, cotton textiles, locomotives, leather, canned foods, and copper industries not to mention scores of other important industries, on the basis of which prices were fixed by the food administration, the war industries board, and the purchasing departments, like the Army, Navy, Shipping Board and Railroad Administration, were all done under the President's special direction, and it is estimated that they helped to save the country many billions of dollars by checking unjustifiable price advances.

WHEAT PRICES.

(Direction of President, October 12, 1920.)

The extraordinary decline of wheat prices in the summer and autumn of 1920 led to a direction of the President to inquire into the reasons for the decline. The chief reasons for the decline were found in abnormal market conditions, including certain arbitrary methods pursued by the grain-purchasing departments of foreign governments.

GASOLINE.

(Direction of President, February 7, 1924.)

At the direction of the President, the commission recently undertook an inquiry into the recent sharp advance in gasoline prices. This inquiry is still in progress.

RAISIN COMBINATION.

(Request of the Attorney General, September 30, 1919.)

A combination of raisin growers in California was referred to the commission for examination by the Attorney General, pursuant to the Federal Trade Commission act, and the commission found that it was not only organized in restraint of trade but was being conducted in a manner that was threatening financial disaster to the growers. The commission recommended a change of organization to conform to the law, which was adopted by the raisin growers.

LUMBER INDUSTRY.

(Request of the Attorney General, September 4, 1919.)

At the request of the Attorney General the commission examined certain alleged trade combinations in the lumber industry. Violations of the antitrust acts were disclosed with respect to the Southern Pine Association, West Coast Lumbermen's Association, Western Pine Manufacturers' Association, Northern Hemlock & Hardwood Manufacturers' Association, Western Red Cedar Association, Lifetime Post Association, and Western Red Cedar Men's Information Bureau.

The Department of Justice has already initiated proceedings in consequence of the commission's recommendations with respect to the Southern Pine Association and the Western Pine Manufacturers' Association.

REGULATION OF CHILD LABOR.

Mr. McSWAIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the proposed constitutional amendment regarding child labor.

The SPEAKER. Is there objection?

There was no objection.

Mr. McSWAIN. Mr. Speaker, this proposition to adopt another amendment to the Constitution of the United States so as to confer upon the Congress the power to regulate child labor in every nook and corner of the United States and in every possible field of activity in which children may be gainfully employed raises a fundamental question and requires careful and cautious consideration before action.

GENERAL GOVERNMENT STRICTLY FEDERAL

Undoubtedly the framers of the Constitution of the United States, and I mean not only those who sat in the Constitutional Convention in Philadelphia in 1787 but more especially the members of the conventions in the several States called for the purpose of considering whether or not each State would ratify said proposed Constitution—all these framers, and more especially the people whom these conventions represented, considered this new Government of the United States being created, not only a Federal Government with limited powers but more especially a sort of international arrangement between the constituent States to render them more effective in the prosecution of war for their common defense. They realized that they had won independence solely by reason of cooperation, loose and imperfect as it was, between the several Colonies, now calling themselves "States," since their common Declaration of Independence, and they believed that so soon as the hereditary monarchies of Europe should find surcease from the destructions of the French Revolution and the subsequent Napoleonic wars that the European dynasties would probably combine to crush "this hotbed of Yankee democracy." They perceived that there was an essential and inevitable conflict between the principle of human freedom and the doctrine of divine right of kings. The States felt no need of cooperation for the promotion of their internal economic and social well-being. They were then conferring and protecting individual liberty and personal freedom as no government had ever done before. But they did realize that as the sole exponents of republican institutions and democratic ideals in the New World, and practically in the whole world, that their cause of freedom and their fight for the preservation of independence was a common cause and should be carried on by a common effort.

WHITHER ARE WE DRIFTING

With the economic changes that have followed the progress of civilization since that time, there has been a constant drift of governmental power concerning economic matters and human rights and duties and privileges, and no thoughtful student of the history of this constant tendency toward centralization can contemplate the present vast volume of power exercised by the executive bureaus of the Federal Government, and the vast volume of taxes necessary to keep these bureaus and their activities going, and the vast volume of personal liberties and individual rights that come under the regulations of the mighty bureaus, without dreading the ultimate consequences of this concentrating tendency.

PREVIOUS CHILD LABOR LAWS UNCONSTITUTIONAL

When matters come up like the antilynching bill, we can consider them first of all from their constitutionality, and it seems that the unconstitutionality of the bill mentioned can be demonstrated to a practical, mathematical certainty. Consequently, so long as Congress thought that it might by indirect, under the guise of regulating interstate commerce and next under the guise of the taxing power, legislate upon the subject of child labor, the question could then be debated upon constitutional grounds. However, the Supreme Court having declared the indirect legislation, based upon the interstate commerce and taxation powers, both futile and insidious assaults upon the reserve rights of the States, and therefore

idle and ineffectual efforts to augment Federal power, now two classes of persons have come forward with the proposition to change the Federal Constitution itself by adding a twentieth amendment to confer upon Congress the right, and therefore the duty to enact legislation regarding child labor.

WHENCE THIS AGITATION

What are these two classes? First, well-intentioned and unselfish people who are driven on by a benevolent zeal which has misguided them and led them to overlook the great fundamental American scheme of State and Federal Government and caused them to seek in this wrong way to do the right thing. I do not question their motive, but I do condemn their method. The next class consists of certain selfish interests which have found themselves in a losing game of competition with industries and activities in other parts of the country, and in the fight of self-defense they are seeking to level down by national legislation their competing industries. Thus, by seeking by legislation to deprive their competitors of the benefits of certain natural and economic advantages and to protect themselves against the otherwise inexorable laws of political economy.

WHEN AND WHERE SHALL WE DRAW THE LINE

But we are now face to face with the proposition upon its original merits. We must decide upon some line of demarcation between State power and Federal power. Shall we agree to continue this process of building higher and stronger the structure of Federal Government? Shall we permit the powers of the several States to be constantly and increasingly sapped and destroyed? Shall we subject the rights and interests and liberties and personal freedom of the individual citizens of all these 48 States and Territories, now numbering more than 100,000,000 and perhaps to number probably 200,000,000 in the next 100 years, to be subjected to, regulated by, and to derive their powers and privileges from a Federal bureau located in Washington, bound hand and foot by red tape, and slowly grinding out action according to the whim and fancy of each separate and changing bureau chief?

SYMPATHY FOR CHILDREN

My opposition to this proposed amendment to the Constitution of the United States does not arise from any lack of sympathy for the poor children, wherever they may be, who are compelled to labor long hours under harsh and insanitary conditions. In fact, my opposition is largely based on an intense and burning sympathy for such unfortunate children and for their unfortunate parents, and my hope and aim is to preserve to these very people the right to exert some influence through the legislatures of their respective States in formulating the laws that shall regulate them and the industries in which they labor. If this matter becomes a national proposition, then the laws of Congress will be uniform all over the whole country and will have to apply to the cane fields of Louisiana and the cornfields of Iowa. There will be the same laws for the fruit growers of California and the cotton growers of the Carolinas. There will be the same regulations for the truckers of New England and the ranchers of Texas. It is therefore manifest that what will suit the people of one State and of one section must be unsuited to the people of another State and of another section. The industries are different, the climate is different, and, in a certain sense, the people themselves are different, having different racial ancestry, different local traditions, and different provincial customs. Therefore, my great aim is to preserve to the industrial workers of South Carolina, who labor largely in the cotton mills and whose influence is powerful and well-nigh dominant within the State itself, and where they certainly hold the balance of political power, so that these industrial workers of my State may be able to have such legislation formulated by their representatives assembled in Columbia as will suit the people of South Carolina.

WHY DISTRUST STATE LEGISLATURES

Surely the people of each State are willing to trust their own State legislatures in these domestic matters. Surely the voice of an industrial class in a State of about 3,000,000 to 5,000,000 people will be more powerful in the State legislature in procuring favorable conditions and hours and wages for children and favorable regulations for school attendance by the children than will their voice be in the National Congress, representing 105,000,000 people. For one, I believe that the people of South Carolina are glad to submit all such matters to the Legislature of South Carolina. They remember—and when I say they I mean mothers and fathers and children themselves—some of the arbitrary and unreasonable requirements of the inspectors sent out from Washington during the period when they were seeking to enforce

Federal legislation in all the States. Many mothers told me that their sons had attended the school for the full period of the school, in most cases at least seven months for the year, and for the other five months these fine, strong sons over 14 and under 16 years of age were not permitted to labor to earn money to help support themselves and their mothers and younger brothers and sisters, to help buy their own clothes, but were roaming around the villages, wasting money, and wearing out their own clothes, learning evil practices and bad language, and yet their own mothers were standing at the spinning frame or watching the loom or counting in the cloth room to earn a livelihood for themselves and for these vigorous, able-bodied boys and for the younger brothers and sisters of these same boys.

WILL NECESSITATE MORE TAX EATERS

Then, if this amendment should be adopted by the States and Congress will pass these laws regulating child labor, and then to enforce these laws will put another army of clerks and bureau chiefs and field inspectors at work, I ask such industrial workers and their friends as may favor this bill: Who will be these inspectors? Will these inspectors be black or white? Will they be refined and cultivated people with a sense of decency, or will they be ruffians, practicing and pulling off military "rough stuff"?

TAX-CONSUMING PAY ROLLS

We must stop somewhere this centralizing process. Already the cost of maintaining the Federal Government is terrific. With over 550,000 civilian employees of the Government, with perhaps another 100,000 officials of high and low degree, with an Army of about 136,000 officers and men, with a Navy of near the same strength in numbers, with a war debt of about \$23,000,000,000, the people of this country are staggering under a burden of taxation for maintaining their various local governments and schools and their county and State governments, and when the Federal Government is piled up on top of that we pay \$70 per capita, which means about \$350 upon the average family of five. We thus see the danger of continuing to pile duties upon the Federal Government. Already the Federal Government has its hands full, and due to the huge bureaus with their thousands and tens of thousands and hundreds of thousands of employees, corruption and graft have crept in and are hard to eradicate. The recent exposures in well-nigh every branch of the Federal Government should warn the people against the dangers of continuing to concentrate Federal power. The State governments are relatively clean and far more economical. The reason is obvious. The State governments are close to the people, where they can keep an eye upon them and see that every dollar brings at least 95 per cent of value in service or commodities. But the Federal Government is far removed; its processes are dark and devious and its agents are multitudinous and its money seems vast, and so the individual citizen is swallowed up by the mighty mass of Federal activities and is unable to check up on Federal expenditures. But those who have been in the service of the Federal Government here for long years and have watched the tide rise and fall will advise you that of every dollar that is spent by the Federal Government it is not likely that the people receive more than 75 per cent, if that much, in service and commodities. Already the people of the United States are paying in taxes to support their Government \$1 out of every \$8 that they earn.

A large part of this expense is due to duplication of activities between the Federal Government and the State governments. Practically every State has its department of agriculture. Every State has a department of industry. There are State geologists and State foresters, State road commissioners, and commissioners of education. So on through the whole list every State within itself duplicates practically all the Federal offices. The net result is this enormous burden of taxation.

FEDERAL EFFICIENCY A MYTH

Those well-meaning persons who wish this constitutional amendment passed to confer power upon Congress to regulate child labor should not deceive themselves into thinking that the Federal Government can and will perform duties along this line more efficiently and economically than the States can. The efficiency of the Federal Government is a mere myth. All who have had dealings and transactions in any way with the Veterans' Bureau of the Federal Government can testify that this so-called efficiency is a farce. Those who have had transactions with the Bureau of Internal Revenue of the Federal Government can assure us that the so-called Federal efficiency is a fiction and fancy. Those who know about the Federal administration of the railroads, and the graft and corruption, the bribery and perjury that have been practiced by and upon

the agent and employees of the Federal Government seeking to enforce Federal prohibition, know that so-called Federal efficiency is an idle dream. I would not be mistaken. The people of this country have already spoken on the question of prohibition through their action in ratifying the eighteenth amendment and I am for its strict and rigid enforcement at any expense and sacrifice. But as to this present proposition to amend the Federal Constitution regarding child labor, we are now at the proper stage for debate. We can now consider the question on its merits. I am not only opposed to the amendment on its merits, but I am opposed to submitting it to the several State legislatures, or to conventions called in the States, for the purpose of considering it, because I believe that it will be dangerous to the liberties and interests of all the people of the Nation, and especially most dangerous to those very laboring people in the States whom certain selfish economic interests that are in a death grapple with economic competitors claim, as I believe hypocritically, that they are seeking to serve.

PERSONAL LIBERTY IN DANGER

This question of Federal centralization is vital, especially on the question of personal liberty and individual freedom. Americanism means individualism. America is another word for opportunity. America was the first and to-day is the foremost country in the world in affording a chance to the individual man or woman to make of himself and for himself all that his talents and industry and character can achieve. If we continue the process of building up a great bureaucratic, machine government in Washington that binds itself with bundles of red tape, these in turn will in time bind individual citizens with the bands of despotism, the unifying, soul-crushing, spirit-killing rules and regulations by bureaucratic despots. The State governments have their bureaus too, but they are relatively small, on an average being only a one forty-eighth part as large as the Federal bureaus. Therefore State officials can afford forty-eight times as much freedom for action and decision upon the merits and demerits of individual cases.

KILLING BY ADMINISTRATION THE WILL OF CONGRESS

Furthermore, Congress may make laws that seems just, but Federal bureaus by construction and regulation whittle down these laws or stiffen up these laws as they desire, so that their operation on the people is very different from what Congress intends. Witness the application of the reclassification act for harmonizing and equalizing the pay of the civil services of the United States. Within less than a year after its enactment the author of the bill, Mr. LEHLBACH himself, in most vigorous language upon the floor of this House, denounced the very board created by the bill as having acted contrary to the express authority and the direct mandates of the bill. Witness the various decisions and regulations of the Veterans' Bureau with regard to rehabilitation, and hospitalization, and compensation. Those well-intentioned people who want to impose additional powers and duties upon the Federal Government in regard to such matters as marriage and divorce, the qualifications, employment, and dismissal of teachers, the labor of women and children, the control and management of schools, and many other such fields of activity relating to the internal, intimate, domestic affairs and policies of the people themselves, relating to those subjects that come home close to the bosoms and breasts of men and women, those misguided people need to study the inside management of some of these bureaus in Washington to realize the mighty mistake that they are laboring under and leading others into.

A WARNING FROM HISTORY

There is another danger ahead that the wise person must heed. We must learn lessons from the history of our own country and of other countries. We have no way of judging the future except by the past. We realize that human nature is everywhere, all over the world, the same. If we continue this consolidating, concentrating, centralizing process of piling up power after power in the hands of the Federal Government, then finally some single man will snatch the reins of power, will overthrow parliamentary government, will set up a dictatorship, will establish a monarchy, will proclaim himself to be a king, and will fix upon posterity a royal dynasty to rule our children's children. This is no wild dream. It happened in France twice. First in the case of Napoleon Bonaparte, and next in the case of his nephew, Louis Napoleon. Let this centralizing tendency in the United States continue until the civil-service employees shall number 1,000,000 and the official appointees shall number 200,000 and the Army shall number one-half million and the Navy one-quarter of a million, and until all the financing of the Nation shall center in Washington, until all the industries shall center in Washington, until all the sociologi-

cal activities shall center in Washington; when the laws regulating parents and child, husband and wife, guardian and ward, teacher and student, master and servant, carrier and passenger, seller and buyer, landlord and tenant, pastor and flock, pulpit and pew, and every conceivable relation shall be centered in governmental bureaus in Washington, and then some individual with powerful personality will become President. He will serve the limit of two terms, set by George Washington's example; his ambition will not have been satisfied; he will gather into his hands the reins of official and political power, manipulate the convention of his party, have himself nominated for a third term, and then his appointees and those seeking appointment, all this vast horde of a million civil-service officials and all the influence of the Army and the Navy exerted by their personnel upon their families, relatives, and friends back home through systematic correspondence, all these avenues of appeal and approach to the public mind will be employed to insure the election of this vigorous, powerful person to be President for a third term. Then he will know the game. Then he will set in motion a sentiment to have himself proclaimed dictator.

He will spring up as another Mussolini. He would be a Lenin in American clothes. He would be a General Rivera of an American edition. He would be our modern Napoleon. He would make the people demand his continuance in office. He would compel the people to cry for his crowning. He might pretend thrice to deny the kingly crown but finally all personal scruples would be overcome and he would yield to a self-made sentiment for his enthronement and thus would end American liberty. Then would die personal freedom. In this grave would be buried the hopes of our fathers who fled to this unwelcome land 300 years ago. There would be embalmed the bright promises that found birth in the Declaration of Independence. Those who follow this centralizing tendency, who urge this augmentation of Federal power, are treading the pathway that other peoples have trod, that finally led them to despotism and to the destruction of liberty. I can not believe that the American people, when they are correctly informed and cautioned, will continue this movement to enlarge Federal power. I believe that in some respects the pendulum will swing backward. It is true that inventions and the progress of civilization have so changed matters that certain activities of the people had to be brought under Federal regulation, and in time certain other changes may produce like results. But no railroad, or steamboat, or telegraph, or telephone, or automobile has ever changed the status of a child toward its parents. These things have not changed the nature of the home. They have not modified the feelings of the mother's heart. They have not lessened the duties of fatherhood nor weakened the love of motherhood. These intimate personal matters must be left to the States, where the States are in close touch with the people and with the local sentiments and desires and needs of the people. Where climatic changes, and seasonable changes, and industrial changes, and commercial changes, and educational changes, and all the vicissitudes incident to progress may produce quick and accurate response and reflection upon the statute books of the several States.

MY OPPOSITION BASED ON PRINCIPLE, NOT EXPEDIENCY

So, Mr. Speaker, I stand upon this principle of local self-government. I stand for the liberties of the individual citizen. I stand for the integrity of the American home. I stand for the independence of the mothers and fathers in the several States and for the rights of the States, in close touch with these mothers and fathers, to regulate such matters as marriage and divorce, parent and child, guardian and ward, teacher and pupil, and the thousand other like things. I maintain that it is not only the right of the State inherently to do these things but it is the duty of the State to do it, and it is the duty of the people of the State to see that the State governments discharge this duty. There is nothing to hinder and everything to encourage the people of any industrial class or group in any village or community in South Carolina to select one of their fellow citizens, living among them, knowing their conditions, and in sympathy with their needs, and to offer this citizen, either man or woman, as a candidate for the State legislature or the State senate upon a platform for the regulation of child labor in such a way as will meet the needs and desires of these people. In fact, that is what has been done in scores of cases in South Carolina and is being done constantly and will happen all over South Carolina in 1924. The laws of South Carolina for the protection of the home are the best in the whole Nation. South Carolina stands alone among all her sister States in her determination to abide by the old faith that man and woman once wed shall continue such until death. We recognize no divorce. We grant no divorce. We stand for the integrity of

the home, and though in a few instances the personal convenience and feelings of the husband and wife may suffer a lifetime sacrifice, yet it is all for the public good and for the good of the children, and in the end society is promoted, virtue is sustained, and the chivalry of manhood and the glory of womanhood preserved and magnified. Coming from South Carolina, knowing the sentiments of her people, I am opposed to this constitutional amendment.

I know how the people who labor in the factories, who work up and down the alleys between the whirring, humming, roaring machinery, feel. I know how the farmer and his wife and children in the far-flung fields of the coastal plains and the Piedmont region feel. I know how the people in the country home and in the village and town and city feel. I know that they have confidence in their State legislature. I know that they realize that the best agency to preserve their liberty, to meet their local needs, to promote their peculiar welfare is their own State government, elected by themselves, paid for by themselves, and supported by their own cooperation in the enforcement of their own laws. I believe that this is the very essence of Americanism. I believe that America is great because the fathers wisely divided the powers of government between the Federal Government and State governments. They gave to the Federal Government those general powers relating to the common defense, relating to international relations and to interstate commerce. All other powers they reserved to the people of the States, and this meant that the people of Nevada could have divorce laws if they wanted them, but the people of South Carolina could prohibit divorces if they wanted to. It means that the people of Massachusetts could have colored and white children in the same schools if they wanted to, but not so the people of South Carolina. It means that the people of Illinois might have colored and white people riding side by side in the same train, in the same Pullman sleeping coach, or in the same street car, but not so in South Carolina. This is but an illustration of what I mean by local self-government. This is what I mean by conforming law to local conditions and local traditions and local sentiment. This is the very heart and substance of the things spoken of in the Declaration of Independence. This is the thing for which the continental heroes followed George Washington through seven long years of strife and bloodshed to establish. This is the principle that has inspired the American people from their first footing upon these shores until this good day. And if we allow a few misguided zealots, whose purpose and motives may be good, but whose plan and method are full of danger and peril, to rush us on into the concentration and consolidation of power in the hands of the Federal Government, upon these matters that relate to the intimate, close, personal affairs of the people, then Bunker Hill should be and will be forgotten.

Then Yorktown will no longer be one of the bright pages of world history. Then the Declaration of Independence will be as vain a declamation as were the wild words of Abbe Sleyes. When we turn our back on all history. Then we ignore the present-day lessons of the British Empire. Then we will be unworthy of those great judges that have sat upon the Supreme Court of this Republic and have proclaimed from the beginning that ours is a Government of limited powers, that we are a sovereign Nation, consisting of 48 sovereign States, that ours is an indestructible union of indestructible States; that the States in their integrity are as much an object of the Union's care as the Government itself created by the Union. When the States cease to exist as such, the Union ceases. That the States derive their power from the people of the States, and not from the Constitution of the United States. When we leave the plain and safe track of local self-government, which is but another word for "State rights," when we enter upon the untried field of consolidation, then we need not be surprised, and we must expect, if history continues to repeat itself, that we shall go the way of other nations, of first falling into despotic hands and, then following the deceitful ways of ambition, be crushed by some greater power or aggregation of powers.

AS NATIONAL POWER RISES STATE POWER FALLS

My opposition to the concentration of so much power in the administrative bureaus in Washington grows out of the fact that it spells a corresponding diminution of power in the States. The enlargement of one means the shrinking of the other. My views are not based upon tradition or sectional prejudice or historic schisms. My views are based upon grounds of public policy. They grow out of a conception of government, and are developed in the light of our historic experience. Those who framed our system of government were not inspired, but they were truly wise men. It was no accident that their work provoked that great encomium spoken by William E. Gladstone. They had had experience through the trying years of the Revo-

lution. They had helped to establish republican institutions in the thirteen original States, and had erected governments therein founded upon written constitutions. They had studied the science of government as taught by Locke and Montesquieu. They had studied the history of the great republics, ancient and modern, and they came together with the deliberate purpose of establishing a more perfect union, to insure domestic tranquillity, to provide for the common defense, and to secure the blessings of liberty to themselves and their posterity. How well they have accomplished those aims is manifested by the marvelous development of this country since that day in every direction. Our territory has been multiplied many times; our population has grown with our territory; and our institutions have expanded to the changing circumstances of science and civilization. Though it took more than half a century of debate and discussion and four years of civil war to settle forever in the minds of all the people the proper constitutional status of the States within the Union, yet that status is established and has solemnly been declared time and time again to be "an indestructible union of indestructible States."

THE STATES INSURE LOCAL SELF-GOVERNMENT

Now, the existence of 48 States, with the power reserved to them under the Federal Constitution to legislate upon the mass of domestic concerns, is the chief guaranty to the people of this Union of the right of local self-government. Local self-government is the inheritance of all Anglo-Saxon people; it is the nursery of Anglo-Saxon liberty; it is the school of Anglo-Saxon citizenship; it is the source of our American strength. There is danger in solidifying government. The minority, which might consist of more than 50,000,000 people, would be too large and too well organized to submit freely and easily to the domination of a majority. But when this minority of 50,000,000 people is broken up into 48 different fractions, and where the people in the 48 different States are divided perhaps upon 48 different questions, cooperation among these minorities will be practically impossible, and the general submission to the will of the majority is accomplished. Furthermore, with a consolidated Republic seeking to legislate upon myriads of matters relating to life, liberty, and property, it would be impossible to frame general legislation so as to take care of the diverse rights, the multifarious interests, and the varying feelings of the people in all parts of the country. We must remember that people are more concerned about laws and their administration as they relate to the intimate domestic relations and business concerns than they are about national affairs. Therefore the people might easily become aroused and angered and enraged beyond the point of control by nation-wide legislation affecting the status of marriage, or the relation of parent and child, or of master and servant, or of employer and employee. But where these matters are legislated upon in 48 different States this feeling is broken up into 48 different fractions, and the ship of State goes on without feeling the slightest tremor of excitement. Rome recognized the necessity of letting her colonial provinces and her subject peoples live under their traditional laws. Great Britain, with her far-flung Empire, recognizes the same principle. We see her to-day voluntarily voting autonomy for a part of the United Kingdom, and giving to the Irish people the chance to be governed by their own representatives. There is much diversity in this Nation between the cavalier of Virginia and the frontiersman of those great new empire States of the West. There is a great difference between the modern New England Puritan and the Latin peoples of Louisiana and other Southwestern States. There is a difference between the all-white population of the Northern and Northwestern States and the biracial population of the Southern States. There is a difference between the population of the East with the large percentage of foreigners and the native-born American population of the South. Nation-wide legislation can not properly regulate such a diverse people if it applies to the matters that come home to the breasts and bosoms of men, to the domestic and business affairs of the people.

THE STATES AS "INSULATED CHAMBERS" OF EXPERIMENT

The 48 States pursue their several ways in the development of government, constituting a great experiment station for each other. One State enacts novel and so-called radical legislation, and if the same is a failure the other 47 States are unhurt; but if the same proves wise and progressive, the other 47 States may profit by the example. In this connection I quote an extract from the dissenting opinion of Mr. Justice Oliver Wendell Holmes in the case of *Truax against Corrigan*, decided on December 19, 1921, as follows:

I must add one general consideration. There is nothing that I more deprecate than the use of the fourteenth amendment beyond the absolute compulsion of its words to prevent the making of social experi-

ments that an important part of the community desires, in the insulated chambers afforded by the several States, even though the experiments may seem futile or even noxious to me and to those whose judgment I most respect.

THE STATES AND NATION AS MUTUAL CHECKS

The checks and balances established by the Federal Constitution within the Federal Government itself have often been commended as the agencies for restraining the radical and revolutionary spirit that seems to rise periodically in the breasts of the people. But the establishment of the Federal system whereby the National Government is restrained within the sphere marked out by the Federal Constitution and all the rest of sovereign power confined to the several States is a masterpiece in the way of creating checks and balances. It is entirely within the bounds of our history to say that the Federal Government at times comes under the domination and control of ultraradical sentiment and at other times under ultrareactionary control and domination. For illustration: It usually happens that while the Federal Government is under control of some dominant passion about one-half of the State governments remain dominated by contrary ideas and governmental policy. Under such conditions assume there be no restraint and boundary to the powers that Congress may exercise and that the other branches of Government may exercise in the administration of congressional legislation, then you will find legislation of ultraradical and idealistic policies enacted by Congress, and through the breach now proposed to be made in the defenses of State rights such congressional legislation will be driven into the States themselves, and the States (which are still the citadels of conservatism) will by Federal power be forced into the line and ranks of the radicals.

HOW THE STATES AND THE NATIONS MUTUALLY ACT AND REACT

But, on the other hand, preserve to the States their constitutional power and even if the Federal Government does for a time fall into the hands of the ultraradical or the ultraconservative, still about one-half of the States will continue to be the strongholds of the contrary ideas, and from these strongholds may rally forth the champions of their cause and by reason thereof in a few years a majority of the people of the whole Nation may be convinced that a change of administration in the National Government is desirable. By reason of this condition we may fairly expect slow but continuous progress in our republican institutions. It was Aristotle who said that a monarchy is a swift sailboat that outruns all the other barks upon the seas, but if perchance it goes upon the breakers, it is a complete wreck. On the contrary, a democracy is a raft where all the people may ride safely, though slowly, and with their feet constantly in the water. Our forefathers wisely adopted the idea of a raft as the pattern for our ship of state. We will progress slowly but surely if we keep to the standards of our fathers. Let it be our aim, as it was the aim of "our old mother beyond the seas," from whom we brought the ideals and traditions of Anglo-Saxon liberty, to be "a land of settled government of just and old renown, where freedom broadens slowly down from precedent to precedent."

THE UNSINKABLE SHIP OF STATE

Recent development in ship construction has produced a vessel with a large number of entirely separate water-tight compartments. Any one or two or three of these compartments may be broken into by the explosion of a torpedo or by ramming by another ship or by going upon the rocks, and still the ship will continue afloat and the lives of her passengers and her cargo be saved. So it is in this Republic, with this distribution of governmental power between 48 States. One, two, or more States may for a time be flooded by a sentiment which, if dominating the whole Nation, would result in national disaster. But only local harm would be done, and local recovery would be quick and the national safety and existence remain unimpaired. Again, our separation of powers between the Federal Government and the 48 State governments is analogous to the piers or pillars constituting the foundations of a house. If the same amount of brick and mortar distributed among the 48 pillars and at the various corners and along the several sides of a house were all concentrated in one large pillar under the center of the house even slight winds and earthquakes would topple the house over; but by the distribution of the stress and strain amongst 48 piers the house stands the stoutest storm and the severest quakes. When the fathers reserved to the States the vast multitude of powers relating to internal and domestic affairs they veritably builded this national house upon a rock. If we continue the original plan of structure, the storms may beat and the rains may descend but this house will stand.

BRITISH EMPIRE IS DECENTRALIZING

In the work entitled "The New Constitutions of Europe," by McBain and Rodgers, the question is discussed of the policy now beginning to prevail in large countries and empires, of decentralizing legislative and administrative functions so as to obtain greater efficiency, more satisfactory service, and more responsive attitude toward the needs, desires, and interests of the people. I quote, beginning at page 78:

As applied, however, to the United Kingdom itself, the agitation for federalism under the designation of "devolution" is by no means a dead issue. And the agitation rests not so much upon a demand for self-government among the units of the Kingdom as upon the practical necessity of bringing some measure of relief to an overburdened Parliament and Cabinet. The Parliament of the United Kingdom acts in four more or less distinct capacities: First, as a local legislature for the separate interests of England and Wales, of Scotland, and formerly of Ireland; second, as a national legislature for the interests of the United Kingdom as a whole; third, as an imperial legislature that is peculiarly responsible for the protectorates; and fourth, as the "single, sole, and sovereign authority finally responsible for the control and protection of the interests of the British Empire as a whole and in all its parts." In these several capacities the Parliament of the United Kingdom is responsible directly or indirectly for the peace, order, and good government of a quarter of the total population of the earth. The burden upon it has of recent years become almost intolerable. Imperial interests have grown in number and complexity. The internal, legislative, and administrative problems of most people of the British Isles, like the similar problems of most other peoples, have likewise become more numerous and more complicated. Merely because of the ever-increasing concentration of business many persons have thought that some measure of decentralization was not only desirable but also indispensable. To this end, and wholly apart from the unique and difficult Irish problem, proposals have been made for a devolution of some part of that created for England, Scotland, and Wales.

In October, 1919, the Prime Minister appointed a conference on devolution, which was presided over by the speaker of the House of Commons. This action was taken in response to a resolution passed by the House of Commons by a large vote on June 4, 1919.

It was resolved that, with a view to enabling the Imperial Parliament to devote more attention to the general interests of the United Kingdom and, in collaboration with other governments of the Empire, to matters of common imperial concern, this house is of opinion that the time has come for the creation of subordinate legislatures within the United Kingdom, and that to this end the Government, without prejudice to any proposals it may have to make with regard to Ireland, should forthwith appoint a parliamentary body to consider and report—

- (1) Upon a measure of federal devolution applicable to England, Scotland, and Ireland, defined in its general outlines by existing differences in law and administration between the three countries;
- (2) Upon the extent to which these differences are applicable to Welsh conditions and requirements; and
- (3) Upon the financial aspects and requirements of the measure.

In respect to the "devolution" of powers, which of course amounted to a division of powers between the British Parliament and the local legislatures, the proposals were substantially identical. The division would be somewhat different from that of any other federal system; but apart from the fact that it would be subject to alteration at the will of the central government, it would be none the less intrinsically federal in character.

On the local legislatures it was proposed to devolve powers over the following matters:

- (1) Internal commercial undertakings, professions, and societies (advertisements, amusement places and theaters, auctioneers, building societies, and loan societies, licensing (liquor), markets, and fairs);
- (2) order and good government (cruelty to animals, betting and gaming, charities and charitable trust acts, inebriates, police other than metropolitan police, poor law and vagrancy, prisons, reformatories);
- (3) ecclesiastical matters (burial law and matters affecting religious denominations);
- (4) agriculture and land (commons and inclosures, game laws, grainage, improvements, settled land acts, distress, and tenure);
- (5) judiciary and minor legal matters, coroners, county courts, minor criminal offenses procedure, definition, and punishment, law of inheritance, intestates estates, conveyancing and registration of land, minor torts, trustees, guardians, and wards);
- (6) education—primary, secondary, and university (except Oxford, Cambridge, and London);
- (7) local government and municipal undertakings (county council and municipal bills, fire brigades, local legislation—private bills, gas, water, and electricity undertakings—municipal government, including local franchises);
- (8) public health (preventive measures, contagious diseases, hospitals, housing, national health insurance, lunacy, and mental deficiency).

I introduce the following copious extracts from a recent publication entitled "Federal Centralization" by Prof. Walter Thompson of the faculty of Political Science, University of

Wisconsin. It is very gratifying to observe how keenly he perceives and how clearly he expresses the hazards and dangers of continuing the concentration of Federal power:

OTHER NATIONS DECENTRALIZING

But judging from recent developments throughout the world, one must note that the movement is not entirely toward centralization but that there is also, in many quarters, an earnest protest against this tendency and a plea for decentralization of legislative and administrative functions on the ground that the legislative area of the central government has become too large, and that consequently the General Government is not sufficiently in sympathy with local needs and desires. (Thompson on "Federal centralization.")

LOCAL GOVERNMENT SERVES LOCAL NEEDS

That there are distinct local interests which may serve to handicap the exercise of Federal control, irrespective of the constitutional questions involved, is lucidly pointed out by an English observer of American conditions as follows: "Yet even an observer handicapped, as I am, by an alien tradition, can not help but realize that there is in America a certain fundamental disunity of circumstances. When I am in Kansas, I know that I am not in New York. The problems, even the thoughts and the desires, are different and affect people differently. Is it wise to make Washington a kind of Hegelian harmonization of these differences and say that Congress can transcend them in a Federal statute? In the result, as every statesman must know, what are called the 'interests of the Republic' in New York will probably be called 'discrimination against the Middle West' in Kansas. And that is intelligible, even if it is rarely praiseworthy. For while action in Kansas would have attempted to cope with the difficulties of the Middle West, action at Washington aims—since a balance of interests must be struck—at their general evasion. Surely this suggests the existence of a problem which has aroused less attention than it deserves. (Thompson on "Federal centralization.")

NATION-WIDE LAWS IGNORE LOCAL CONDITIONS

There are also distinct sectional problems which in local public opinion, because of their proximity and applicability, appear even more important than general national interests. It is not to be expected that Wisconsin, where there is hope of assimilating most of the population, will have the same problems as Georgia, where a large proportion of the population is colored. Nor will a regulation which is applicable to Kansas, which is primarily agricultural, necessarily be applicable to Pennsylvania, which is largely urban and industrial. It is difficult to imagine any large State where local interests are more clearly marked than they are in the United States, and one reason for there not being such a protest against centralization in the United States as there has been in England and France may be that, whereas in England and France the agencies of local control have been reduced to impotence, in the United States there have been opportunities for an effective expression of regional opinion. (Thompson on "Federal centralization.")

POWER OF PUBLIC OPINION

An alert public opinion is a dividend a democracy declares at the cost of efficiency. A more autocratic form of government where efficiency is the watchword is not adapted to the development of a vigilant public opinion. (Thompson on "Federal Centralization.")

The very alertness of public opinion in the United States may be a hindrance rather than a help to centralization of governmental functions. Most important questions vary in their application in different States. What is desirable in some is not acceptable in others. In national regulation there is always a danger of a relentless majority of the States imposing its will upon other States on a question that has not the same meaning in different localities. (Thompson on "Federal centralization.")

TYRANNY OF BOTH MAJORITY AND MINORITY

National control makes possible the tyranny of the majority, and if the control is established by constitutional amendment, it even makes possible the tyranny of the minority. It also imposes upon the national government the difficult task of enforcing the regulation in large areas which are not in sympathy with the legislation and where violation rather than enforcement is encouraged. (Thompson on "Federal centralization.")

STATE RIGHTS INSURES ADJUSTMENT TO GROWING NATION

The American people, especially in the West, are possessed of a pioneer spirit which manifests itself in attempts to try new things. The rapid growth of the country has demanded frequent readjustments. There has been a danger of the rapid economic transformation outstripping the formulation of such legislative policies as the exigencies demand. Consequently, in the last few years there has been much legislative experimentation, and by a process of trial and error the States are learning how to cope with new conditions. Such legislative experiments obviously would be inconvenient, if not frequently disastrous, if attempted on a national scale. But when conducted by the States the experience of one may be helpful to the others. (Thompson on "Federal centralization.")

GENERAL SAFETY AND PROGRESS INSURED

It is fortunate that the large number of Commonwealths in the American Union permits one State to experiment for the other 47. One State or another makes a new departure in the way of a minimum wage for women, abolition of private employment bureaus, "mothers' pensions," the "social evil," probation for adult first offenders, the juvenile court, municipal ownership, factory sanitation, the surgical sterilization of degenerates. Other States watch eagerly the results of the experiment and follow suit if the results are encouraging. (Thompson on "Federal centralization.")

THE UNSINKABLE SHIP

There is a great advantage in having different State governments trying different experiments in the enactment of laws and in governmental policies, so that a State less prone to accept novel and untried remedies may await their development by States more enterprising and more courageous. The end is that the diversity of opinion in State governments enforces a wise deliberation and creates a "locus penitentiae" which may constitute the salvation of the Republic. (Thompson on "Federal centralization.")

A SURE FOUNDATION FOR PROGRESS

Such an opportunity for experimentation makes it possible for the States to deal with contested and immature standards in legislation until a stabilized public opinion is formed. A State by experimenting may learn what to retain and what to eliminate. Other States can then accept the legislative policy and modify it to suit local conditions. This works for progress built on a sound foundation, and is one of the strongest and most practical vindications of our system of division of powers. (Thompson on "Federal centralization.")

CLAIMS OF HON. E. W. COLE TO A SEAT IN THE HOUSE OF REPRESENTATIVES.

Mr. BOX. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting an argument made by my constituent, E. W. Cole, claiming a seat in the House.

The SPEAKER. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD by inserting an argument from a constituent on the Cole contested-election case.

Mr. BLANTON. Reserving the right to object, is the gentleman in favor of seating him?

Mr. BOX. The gentleman is my constituent, and has prepared a brief argument which I wish to insert.

Mr. LONGWORTH. Is it a long argument?

Mr. BOX. No; two typewritten pages, possibly three.

The SPEAKER. Is there objection?

There was no objection.

Mr. BOX. Mr. Speaker, Hon. E. W. Cole, who claims a right to a seat in this House as Representative at large from the State of Texas, has furnished me a copy of his argument in support of his contention that Texas is entitled to 19 Representatives in this body and that he should be seated. Mr. Cole, while now sojourning at Austin, the capital of Texas, where he fills the office of director of the State bureau of markets, has his permanent residence at Alto, Cherokee County, Tex., and is therefore my constituent. He is a man of high character. Since Mr. Cole gives evidence of a sincere conviction that he is entitled to a seat in this House and presents this argument on his own responsibility, desiring that it be inserted in the RECORD for examination and consideration of Members, it is only fair that they should read and consider it:

REASONS WHY THE STATE OF TEXAS IS ENTITLED TO 19 MEMBERS IN THE HOUSE OF REPRESENTATIVES AND E. W. COLE SHOULD BE SEATED

Because—

The Constitution of the United States requires that Representatives shall be apportioned among the several States according to their respective numbers, agreeable to the census which shall be taken every 10 years. (See Constitution of the United States, Art. I, sec. 2; and Art. XIV, sec. 2.)

The Constitution of the United States is the supreme law of the land. (See Constitution of the United States, Art. VI, pt. 2.)

A State obtains its right to Representatives in the Congress from the Constitution of the United States, and not from any action or inaction of the Congress, the power of Congress, in this respect, being purely ministerial for the purpose of enforcing the provisions of the Constitution. (See Constitution of the United States, Art. I, sec. 2; Art. XIV, sec. 2; and Art. VI, pts. 2 and 3.)

Members of the Congress, under their oath of office, are sworn to support the Constitution of the United States. (See Constitution of the United States, Art. VI, pt. 2.)

During the 1910 census decade the representative population of the United States was 93,403,151 persons, and the numerical membership of the House of Representatives was 435 Representatives; and the representative population of the State of Texas was 3,896,542 persons, and the number of Representatives from Texas in Congress was 18 Members.

But during this, the 1920 census decade, the representative population of the United States is 105,271,598 persons, and the numerical membership of the House of Representatives is still 435 Representatives; and the representative population of the State of Texas is 4,663,228 persons, and the number of Representatives from Texas certified by the Congress at the present time is only 18 Members. (See United States census reports for 1910 and 1920 and the Congressional Directory.)

The number 105,271,598, the representative population of the United States, being divided by the number 435, the numerical membership of the House of Representatives, gives a quotient of 242,003, which is the correct basis for the apportionment of Representatives in the Sixty-eighth Congress, and the number 4,663,228, the representative population of the State of Texas, being divided by the number 242,003, the present basis for the apportionment of Representatives in the Congress, gives a quotient of 19 plus a fraction of the basis. Thus it is clear that Texas is entitled to 19 instead of only 18 Representatives in the Sixty-eighth Congress. (Make the calculation and see for yourself.)

The people of the State of Texas have duly elected E. W. Cole, of Austin, Tex., as a Representative at Large, to fill the nineteenth place in the Texas delegation of the House of Representatives, and the Governor of the State of Texas has issued a certificate of election to the said E. W. Cole, and the said certificate of election was duly filed with the Clerk of the House of Representatives of the Congress. (See official records at Austin, Tex., and Washington, D. C.)

The first apportionment of Representatives among the several States was made directly by the Constitution itself, which at the same time directed that all subsequent apportionments shall be made according to the census which shall be taken every 10 years, and no Congress, except the Sixty-seventh Congress, has, in the history of the Nation covering a period of 120 years, failed to make an apportionment of Representatives every 10 years according to each decennial census, effective the third year of each census decade. (See Constitution of the United States, Art. I, sec. 2; and U. S. Stat. L., from 1790 to 1910, inclusive.)

To deprive E. W. Cole, the duly elected Representative at Large from the State of Texas, of membership in the House of Representatives of the Sixty-eighth Congress would be to deny the State its constitutional right and to abrogate Article I, section 2; Article XIV, section 2; and Article VI, parts 2 and 3, of the Constitution of the United States. (Read them again.)

If Congress has power to deny Texas or any other State Representatives to which it is entitled under the Constitution for two years, then by the exercise of the same power it could deny Texas or any other State its constitutional portion of Representatives for 200 or any number of years. Therefore it seems logical to conclude that if the Constitution does not require that Representatives be apportioned among the several States every 10 years, effective every 10 years, then it is evident that the founders of this Republic were mistaken as to the intent and purposes of the Constitution, and that all former Congresses were, in making all former apportionments, acting without a constitutional mandate, and that they could have lawfully refused to make any reapportionment since the adoption of the Constitution. Whereby in that event only 13 of the 48 States would now have Representatives in Congress, and they, the thirteen original States, could each have exactly and only the number of Representatives assigned by the Constitution—that is to say, New Hampshire, 3; Massachusetts, 8; Rhode Island, 1; Connecticut, 5; New York, 6; New Jersey, 4; Pennsylvania, 8; Delaware, 1; Maryland, 6; Virginia, 10; North Carolina, 5; South Carolina, 5; and Georgia, 3; making a total of 65 Members—and that the 35 States admitted to the Union since the adoption of the Constitution would therefore be without membership in the House of Representatives. (Read this again.) (See Constitution of the United States, Art. I, sec. 2.)

At the present time, based on the Constitution of the United States, the 1920 census, and the present numerical membership of the House of Representatives, 8 States of the Union are entitled to additional membership in the House, namely, California 3; Connecticut 1; Michigan 2; New Jersey 1; North Carolina 1; Ohio 2; Texas 1; and Washington 1; total, 12. And 11 States are enjoying membership in the House of Representatives to which they are not entitled, namely, Indiana 1; Iowa 1; Kansas 1; Kentucky 1; Louisiana 1; Maine 1; Mississippi 1; Missouri 2; Nebraska 1; Rhode Island 1; and Vermont 1; total, 12. (See United States census of 1920.)

If the States obtain their right to Representatives in the Congress from the Constitution of the United States, and not from the Congress which is a child of the Constitution, then any State would evidently be within its right to demand of the Congress its constitutional portion of Members in the House of Representatives, as in the case of Texas at this time, and certainly there could be no power, so long as the Constitution remains as it is now written, to deprive a State of any part of its full constitutional quota of Members in the House of Representatives without the consent of such State, except as pro-

vided by the Constitution wherein if any State shall disfranchise its lawful voters Representatives may be lawfully denied, but in the proportion only which the number of disfranchised voters shall bear to the whole number of lawful voters in such State. However, if any State should prefer to waive its right to its constitutional portion of Representatives in the Sixty-eighth or any other Congress, as in the case of some of the States at this time, such State could probably exercise that privilege. Furthermore, if any State has at this time more Representatives in the Sixty-eighth Congress than to which it is entitled under the Constitution, as in the case of some of the States, such State is, to that extent, enjoying a special privilege through the graces of the Congress, and not exercising a lawful right under the Constitution.

In addition to the constitutional provisions herein cited, which specifically provide that Representatives shall be apportioned among the several States according to their respective numbers as shown by the census taken every 10 years, and precedents, in the form of regular apportionment acts of the Congress for the purpose of carrying out the expressed provisions of the Constitution, showing conclusively that heretofore all apportionments of Representatives have been made regularly every 10 years, the following precedents are cited wherein at different times, covering a period of 50 years, 13 Representatives have been added to the membership of 11 different States, namely, Alabama (twice), California, Florida, Indiana, Louisiana, Massachusetts, New Hampshire, New York, Pennsylvania, Tennessee (twice), and Vermont, by special act of Congress when it was shown that these States were justly entitled to additional Representatives under the Constitution. These 13 cases are at point and have a special bearing at this time on the case of the State of Texas. (See United States Statutes, June 2, 1862, and May 30, 1872.)

This case has been established purely upon questions of law and fact and is not a partisan question. Therefore, I hope that it may be decided solely on the basis of justice and not from the standpoint of individuals' political fortunes or partisan politics.

E. W. COLE,

Representative at Large Elect from the State of Texas.

ENROLLED BILLS SIGNED.

Mr. ROSENBLOOM, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following files, when the Speaker signed the same:

H. R. 7449. An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1924, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1924, and for other purposes;

H. R. 6623. An act granting the consent of Congress to the Pittsburgh, Youngstown & Ashtabula Railway Co., its successors and assigns, to construct a bridge across the Mahoning River in the State of Ohio; and

H. R. 1316. An act for the relief of William R. Bradley, former acting collector or internal revenue for South Carolina.

LEAVE OF ABSENCE.

By unanimous consent, the following leave of absence was granted:

To Mr. SPROUL of Kansas, for eight days, on account of important business.

To Mr. EVANS of Montana (at the request of Mr. LEAVITT), for three days, on account of sickness.

ADJOURNMENT.

Mr. ZIHLMAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 7 minutes p. m.) the House adjourned until to-morrow, Tuesday, April 1, 1924, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

422. Under clause 2 of Rule XXIV, a letter from the superintendent of the State, War, and Navy Department Buildings, transmitting a draft of proposed legislation for the relief of certain disbursing officers, office of the superintendent State, War, and Navy Department Buildings, was taken from the Speaker's table and referred to the Committee on Claims.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. FITZGERALD: Committee on the District of Columbia. H. R. 3236. A bill to regulate the practice of optometry in the District of Columbia; without amendment (Rept. No. 410). Referred to the Committee of the Whole House on the state of the Union.

Mr. KIESS: Committee on Printing. H. R. 7996. A bill to regulate and fix rates of wages for employees of the Government Printing Office; with an amendment (Rept. No. 412). Referred to the Committee of the Whole House on the state of the Union.

Mr. EDMONDS: Committee on Claims. H. R. 8236. A bill for the relief of the Government of Canada; with an amendment (Rept. No. 413). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII.

Mr. ROACH: Committee on War Claims. S. 946. A bill for the relief of the family of Lieut. Henry N. Fallon, retired; with amendments (Rept. No. 411). Referred to the Committee of the Whole House.

Mr. EDMONDS: Committee on Claims. H. R. 2656. A bill to permit the correction of the general account of Robert G. Hilton, former Assistant Treasurer of the United States; with an amendment (Rept. No. 414). Referred to the Committee of the Whole House.

Mr. SEARS of Nebraska: Committee on Claims. H. R. 6049. A bill for the relief of V. E. Schermerhorn, E. C. Caley, G. W. Campbell, and Philip Hudspeth; without amendment (Rept. No. 415). Referred to the Committee of the Whole House.

Mr. EDMONDS: Committee on Claims. S. 47. A bill to permit the correction of the general account of Charles B. Strecker, former Assistant Treasurer of the United States; without amendment (Rept. No. 416). Referred to the Committee of the Whole House.

Mr. THOMAS of Oklahoma: Committee on Claims. S. 210. A bill for the relief of Peter C. Keegan and others; without amendment (Rept. No. 417). Referred to the Committee of the Whole House.

Mr. BULWINKLE: Committee on Claims. S. 661. A bill for the relief of Charles Hurst; with amendments (Rept. No. 418). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Interstate and Foreign Commerce was discharged from the consideration of the bill (H. R. 7694) to facilitate commerce by prescribing overtime rates to be paid by transportation lines for inspection of arriving passengers and crews, and the same was referred to the Committee on Immigration and Naturalization.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. LITTLE: A bill (H. R. 8330) to authorize the Secretary of Agriculture to purchase, store, and sell wheat, and to secure and maintain to the producer a reasonable price for wheat and to the consumer a reasonable price for bread, and to stabilize wheat values; to the Committee on Agriculture.

By Mr. SUTHERLAND: A bill (H. R. 8331) to extend the provisions of certain laws to the Territory of Alaska; to the Committee on Interstate and Foreign Commerce.

By Mr. TILLMAN: A bill (H. R. 8332) to improve and assist in maintaining the park now established at the Prairie Grove battle field in Washington County, Ark.; to the Committee on the Public Lands.

By Mr. SINCLAIR: A bill (H. R. 8333) to restore homestead rights in certain cases; to the Committee on the Public Lands.

By Mr. RAYBURN: A bill (H. R. 8334) reaffirming the use of the ether for radio communication or otherwise to be the inalienable possession of the Nation, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

By Mr. EAGAN: A bill (H. R. 8335) to regulate interstate and foreign commerce in anthracite coal, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. McFADDEN: A bill (H. R. 8336) to amend section 25 (a) of the act approved December 23, 1913, known as the Federal reserve act; to the Committee on Banking and Currency.

By Mr. SUTHERLAND: A bill (H. R. 8337) to amend sections 1605 and 1606 of the Compiled Laws of Alaska, to permit corporations authorized by law to administer estates of deceased persons to be appointed executors or administrators thereof; to the Committee on Banking and Currency.

By Mr. SMITH: Joint resolution (H. J. Res. 232) to provide for designating the route of the Old Oregon Trail; to the Committee on Roads.

By Mr. DICKSTEIN: Joint resolution (H. J. Res. 233) to amend an act entitled "An act to limit the immigration of aliens into the United States," approved May 10, 1921; to the Committee on Immigration and Naturalization.

By Mr. WILLIAM E. HULL: Joint resolution (H. J. Res. 234) admitting Frederick Vester to the rights and privileges of a citizen of the United States; to the Committee on Immigration and Naturalization.

By Mr. DALLINGER: Resolution (H. Res. 241) for the consideration of H. R. 5478, for the promotion of vocational rehabilitation of persons disabled in industry or otherwise; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BECK: A bill (H. R. 8338) granting a pension to Luren M. Carter; to the Committee on Invalid Pensions.

By Mr. KIESS: A bill (H. R. 8339) for the relief of Mary Loy; to the Committee on Claims.

By Mr. LOZIER: A bill (H. R. 8340) granting a pension to Jane Hart; to the Committee on Pensions.

Also, a bill (H. R. 8341) granting an increase of pension to Cassandra Booher; to the Committee on Pensions.

By Mr. McLAUGHLIN of Michigan: A bill (H. R. 8342) granting an increase of pension to Mary C. Triplett; to the Committee on Invalid Pensions.

By Mr. McREYNOLDS: A bill (H. R. 8343) for the relief of Jim Hennessee; to the Committee on Claims.

By Mr. PATTERSON: A bill (H. R. 8344) granting an increase of pension to Clara Wirtz; to the Committee on Invalid Pensions.

By Mr. SHREVE: A bill (H. R. 8345) granting a pension to John McDonald; to the Committee on Pensions.

By Mr. SWOOPE: A bill (H. R. 8346) granting an increase of pension to Julia A. Kresge; to the Committee on Invalid Pensions.

By Mr. THOMPSON: A bill (H. R. 8347) granting an increase of pension to Minnie E. Crow; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8348) granting an increase of pension to George Sheffield; to the Committee on Pensions.

By Mr. UNDERWOOD: A bill (H. R. 8349) granting an increase of pension to Martha Hammond; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2002. By Mr. ALDRICH: Petition of Societa Italiana di Mutuo Soccorso, Duca Degli Abruzzi, of Lymanville, R. I., protesting against the passage of the Johnson Immigration bill; to the Committee on Immigration and Naturalization.

2003. By Mr. BOYCE: Petition of Hebrews of Wilmington, Del., opposing the Johnson Immigration bill; to the Committee on Immigration and Naturalization.

2004. By Mr. CONNERY: Petition of Boston & Maine Railroad Federated Shop Crafts, requesting that railroad strike be settled; to the Committee on Interstate and Foreign Commerce.

2005. By Mr. DEAL: Petition of Norfolk (Va.) Branch, National Woman's Party, urging Congress to pass equal-rights amendment; to the Committee on the Judiciary.

2006. By Mr. FULLER: Petitions of the Association of Drainage and Levee Districts of Illinois and sundry citizens, opposing bills to authorize a greater diversion of water from Lake Michigan for sanitary or water-power purposes; to the Committee on Rivers and Harbors.

2007. Also, petition of the rural letter carriers of Winnebago County, Ill., praying for an allowance for upkeep of a vehicle of 6 cents a mile per day be provided by law; to the Committee on the Post Office and Post Roads.

2008. Also, petition of sundry citizens of Genoa, Ill., opposing the Sterling-Towner educational bill; to the Committee on Education.

2009. Also, petition of the Boone County (Ill.) Farm Bureau, favoring the McNary-Haugen bill (H. R. 5563); to the Committee on Agriculture.

2100. Also, petition of the National Council, Sons and Daughters of Liberty, favoring the Johnson immigration bill (H. R. 6540); to the Committee on Immigration and Naturalization.

2101. By Mr. LEATHERWOOD: Petition of Service Star Legion, Utah Division, favoring participation of the United States in the Permanent Court of International Justice; to the Committee on Foreign Affairs.

2102. Also, petition of the Salt Lake City Federation of Women's Clubs, of Salt Lake City, Utah, urging that the United States send representatives to the forthcoming international conference on narcotics; to the Committee on Foreign Affairs.

2103. By Mr. MAGEE of New York: Petition of citizens of Syracuse, N. Y., and vicinity, for repeal of excise taxes on motor vehicles; to the Committee on Ways and Means.

2104. By Mr. MAGEE of Pennsylvania: Petitions of Carpenters' District Council; Raymond W. Milner Post, 415, V. F. W.; directors of South Hills Trust Co.; Bloomfield Trust Co.; Homewood Peoples Bank; and Vesle Post, 418, F. V. W., all of Pittsburgh, Pa., indorsing increased compensation for postal employees; to the Committee on the Post Office and Post Roads.

2105. Also, petitions of Fraternal Order of Eagles, No. 76; Mistleski Davodson Post, 204, V. F. W.; Oakland Board of Trade; Carrick Bank; All Nations Deposit Bank; Knoxville Lodge, 1196, B. P. O. E.; B. B. Brashear Lodge, 1024, I. O. O. F.; Amalgamated Clothing Workers' Local 86; Golden Rule Council, No. 93, F. P. A.; directors Congress of Women's Clubs; Klinkner Post, 331, V. F. W.; Ricketts Massloff Post, 747,

V. F. W.; Dicesco Parsons Post, 843, V. F. W.; Press Club; Lodge 46, L. O. O. M.; U. W. W. O., fifteenth ward; Rod and Gun Club; and Iron & Glass Dollar Savings Bank, all of Pittsburgh, Pa., indorsing increased compensation for postal employees; to the Committee on the Post Office and Post Roads.

2106. By Mr. NEWTON of Minnesota: Petition of Mrs. Myra Griswold, on behalf of the Minnesota Women's Christian Temperance Union, urging the defeat of any bill which would legalize the sale of beverages containing more than one-half of 1 per cent alcohol; to the Committee on the Judiciary.

2107. By Mr. O'CONNELL of Rhode Island: Petition of members of the Garibaldi Club, of Providence, R. I., opposing the Johnson immigration bill; to the Committee on Immigration and Naturalization.

2108. Also, petition of members of the Societa Italiana di Mutuo Soccorso, of Lymanville, R. I., opposing the Johnson immigration bill; to the Committee on Immigration and Naturalization.

2109. By Mr. SMITH: Petition of Women's Christian Temperance Union, of Emmett, Idaho, protesting against the legalization of 2.75 per cent beer; to the Committee on the Judiciary.

2110. Also, petition of South Boise Women's Christian Temperance Union, Boise, Idaho, protesting against the legalizing of 2.75 per cent beer; to the Committee on the Judiciary.

2111. Also, petition of Women's Christian Union and Loyal Temperance Legion, of Coeur d'Alene, Idaho, protesting against any amendment of the prohibition act; to the Committee on the Judiciary.

